

Traffic Management Act 2004 - New Powers Update

Meeting	22 March 2022
Report Author	Penny Button Director of Neighbourhoods
Portfolio Holder	Cllr David Saunders
Status	For Information
Classification:	Unrestricted
Key Decision	No
Ward:	All

Executive Summary:

The Government has committed to making moving traffic enforcement powers available to local authorities outside of London, in making these powers available the legislative opportunity has also been taken to consolidate under the Traffic Management Act 2004 the various civil enforcement regimes.

Kent County Council, as the Highway Authority, will be the enforcing authority for the moving traffic enforcement powers. Thanet District Councils powers for civil enforcement will remain the same just the legislation enabling those powers will change.

Recommendation(s):

There are no recommendations in this report.

Corporate Implications

Financial and Value for Money

Parking and waiting restrictions are funded, managed and enforced by the Thanet District Council using the decriminalisation budget. No additional staffing resources are proposed, as the majority of the controls should be self-enforcing and are covered within our existing patrols. As a result there are no financial implications arising directly from this report.

Legal

The current regulations regarding civil enforcement are being changed to condense legislation and to enact the entirety of the Traffic Management Act 2004. The Civil Enforcement of Parking Contraventions (England) General Regulation 2007, The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 and The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007 are being replaced with the The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.

The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 is replaced by The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022.

Corporate

Implementing these legislative changes will enable Thanet District Council to continue with the civil enforcement of parking regulations. This meets the core business objectives of Environment and Communities as it keeps roads clear of obstructive vehicles which enables residents and visitors to move unobstructed around the District.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- Environment
- Communities

1.0 Introduction and Background

1.1 The Government has committed to make the moving traffic enforcement powers under Part 6 of the Traffic Management Act 2004 available to local authorities outside London. The regulations giving effect to these powers were laid in Parliament on 27th January. In making these powers available, the legislative opportunity has also been taken to consolidate, under the 2004 Act the various civil enforcement regimes to create a cohesive civil enforcement regime. This new regime removes inconsistencies enabling more efficient administration.

2.0 Legislative Changes

- 2.1 The consolidation of powers and the adoption of the entire legislation across all Highway Authorities enhances the powers available to Kent County Council as the Highway Authority.
- 2.2 At present the enforcement of moving traffic offences and bus lane offences are limited to certain authorities. From 31st May 2022 enforcement of these offences will be extended to include all local authorities.
- 2.3 In Kent, the local authority, Thanet District Council, undertakes enforcement of parking offences on behalf of Kent County Council who are the Highway Authority. This will not be changing going forward and Thanet District Council will continue to enforce parking offences across the District.
- 2.4 Kent County Council will be looking to apply the moving traffic offences enforcement. This is important in managing expectations of the impact of enforcing moving traffic offences that not all signs and markings are going to be enforced. It is very clear that enforcement should be targeted to problem locations.
- 2.5 In summary Thanet District Council are ready for the 31st May we have made appropriate changes to penalty charge notices and back office systems to reflect the new legislation.

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Corporate Consultation

Finance: *None*

Legal: *None*