
Decision Maker: **EXECUTIVE**

after pre-decision scrutiny by

**ENVIRONMENT AND COMMUNITY SERVICES POLICY
DEVELOPMENT AND SCRUTINY COMMITTEE**

Date: **Wednesday 9 September 2020**

Decision Type: Non-Urgent Executive Key

Title: **MOVING TRAFFIC CONTRAVENTIONS**

Contact Officer: Chloe Wenbourne, Head of Shared Parking Services
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Chief Officer: Colin Brand, Director of Environment and Public Protection

Ward: (All Wards);

1. Reason for report

This report concerns Bromley applying for the decriminalisation of the enforcement of Moving Traffic Contraventions (MTCs) in the Borough, such that the Council can take on this enforcement and thus provide improvements to traffic flow on Bromley's streets.

It is recommended that the London Borough of Bromley joins all other London boroughs in adopting the powers to enforce Moving Traffic Contraventions (MTCs).

2. RECOMMENDATION(S)

- 2.1 The Portfolio Holder for Environment and Community Services recommends that the Executive:
- (i) approves that Bromley apply to adopt powers to enforce Moving Traffic Contraventions from 1 April 2021;
 - (ii) agrees to adopt powers on the basis that Bromley enforces as set out in Option A in paragraph 4.17 (two-wheels enforcement).
 - (iii) agrees that cameras will initially be installed at the top 12 sites listed in Table One (4.12), unless unexpected constraints are discovered at any site, with cameras being rotated onward as compliance is achieved.
 - (iv) authorise officers to enter into any necessary agreements/arrangements with neighbouring boroughs (see 7c).

- 2.2 That, subject to agreement of 2.1, Executive agree to one-off expenditure of an estimated £266k to implement the policy through a suitable procurement route (to be determined), to be funded from the Council's 2020/21 Central Contingency Sum
- 2.3 Request officers to investigate what service providers offer the best value for money for the Council given the possible need to replace the Council's existing bus lane and school keep clear enforcement cameras within the next 18 months, and to produce a further report to Members including a decision on the recommended procurement route.

Impact on Vulnerable Adults and Children

1. Summary of Impact: A contravention issued to a driver who holds a disabled badge would not be exempted from a Penalty Charge Notice Issued to their vehicle.
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Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Quality Environment Safe Bromley Vibrant, Thriving Town Centres:
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Financial

1. Cost of proposal: £266,000
 2. Ongoing costs: £55,000 p/a plus additional income generated of up to £3.475m
 3. Budget head/performance centre: 640003
 4. Total current budget for this head: £ 50,000
 5. Source of funding: Central Contingency 2020/21 to meet any one-off costs incurred in FY 2020/21
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Personnel

1. Number of staff (current and additional): 1 FTE
 2. If from existing staff resources, number of staff hours: 36 hours
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Applicable:
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Procurement

1. Summary of Procurement Implications: n/a
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All drivers within town centres as delays will be reduced and streets made safer.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The purpose of this document is to outline options for the London Borough Bromley to enforce Moving Traffic Contraventions (MTCs) to provide improvements to the traffic flow within the Borough.
- 3.2 There are 20 different contraventions that can be enforced as MTCs and a full list can be seen in Appendix A, however some key examples are:
- Yellow box junctions
 - No left, right and U turns
 - No entry
 - One-way traffic
 - Keep left
 - Lorry weight limits
 - School Streets (part time closures)
- 3.3 The London Borough of Bromley is the only London borough where the Council is not enforcing MTCs.

The Current Situation

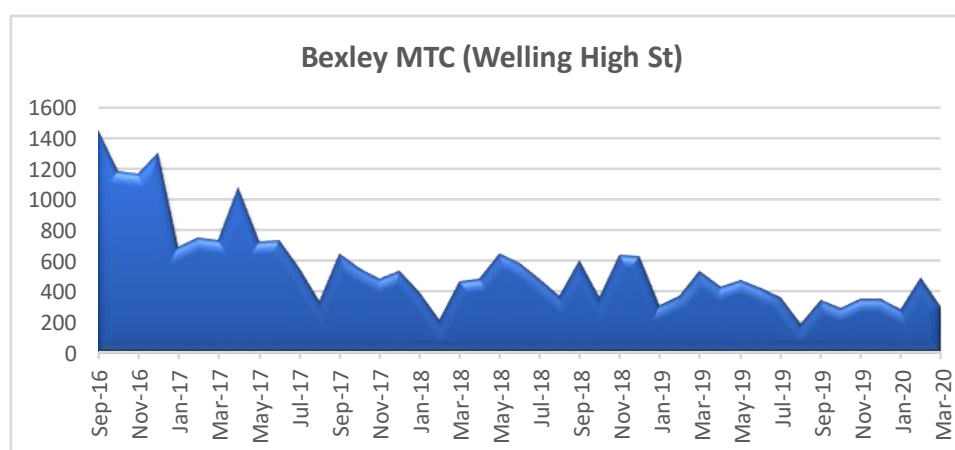
- 3.4 Currently the Metropolitan Police still have the powers to enforce MTCs in the London Borough of Bromley and will do until such time that the Council choose to transfer these powers from the Police to the Council.
- 3.5 Whilst the Metropolitan Police have the powers to enforce, they have instructed their officers that they should no longer take proactive action against motorists following “minor errors of judgment”. Police can still intervene if the motorist’s driving was so poor that it put other road users at risk and was therefore classified as dangerous or careless driving. In line with this instruction, in 2019/20 a total of just 3 MTC Fixed Penalty Notices (FPNs) were issued by the Police in the London Borough of Bromley, 2 for contravening a no entry sign and 1 for contravening a mandatory direction arrow. No MTCs have been issued in the last 5 years for a vehicle stopping in a box junction. For a comparison, in the London Borough of Bexley 14,185 MTCs were issued in 2019/20 by the Council directly.

The Reasons to change this service area

- 3.6 Officers believe that the absence of the enforcement against motorists who contravene the present MTCs within Bromley delays traffic and can make the roads unsafe. For example, blocked yellow box junctions in Bromley town centre can cause considerable congestion and frustration to visitors, and drivers ignoring banned right turns can be dangerous, particularly to pedestrians.
- 3.7 The police do not have the infrastructure or the inclination to enforce these contraventions; therefore, they are encouraging Local Authorities to take responsibility for MTCs in their own borough to allow the Police to prioritise their time to other areas of criminal activities.
- 3.8 The London Local Authorities and Transport for London Act 2003 (LLA & TfL Act 2003) provides the power to a local authority to take on the Civil Enforcement of 20 moving traffic contraventions by decriminalising these offences. This allows the transfer of the enforcement responsibility from the Police to the Traffic Authority (Bromley). These contraventions are designed to enhance traffic controls in helping reduce congestion and improve road safety.
- 3.9 In July 2005 the ALG (London Councils) agreed all London Authorities were permitted to apply to London Councils Transport and Environment Committee for approval to undertake these powers. Since then all London authorities apart from Bromley have undertaken the decriminalisation of MTCs.
- 3.10 By obtaining the power to enforce MTCs, the Authority would be able to provide a deterrent to motorists who disregard traffic regulations and who therefore pose a threat to the safety of pedestrians, cyclists

and all other road users. Illegal U-turns, banned left or right turns and driving in the wrong direction in a one-way street are all examples of dangerous and irresponsible driving.

- 3.11 The penalisation of motorists who commit these types of contraventions would highlight to the motorist that Bromley Council no longer accepts this type of driving within the Borough. Enforcement of the contraventions should lead to greater compliance; other London Boroughs, such as Bexley who are enforcing MTC's have found a significant improvement in levels of compliance. The graph below shows the number of PCNs issued in one location in Bexley since September 2016 when the camera was first installed.



- 3.12 Comparative data for Bexley and nine other London boroughs can be seen in Appendix D: London Local Authorities PCNs issued.
- 3.13 Enforcing other types of contraventions, such as those taking place in yellow box junctions (examples in Appendix C) have further benefits in improving the flow of traffic and reduction in congestion, which should also have the benefit of reducing pollution and improving air quality. This supports the Council's broader objectives of efficient road network management and reducing carbon emissions and works towards a greener Borough for residents and visitors to Bromley.

4. Background and supporting information

- 4.1 If this recommendation is approved, in line with guidance from London Councils, Officers and Members will refine the Council's enforcement priorities by identifying a variety of sites in the Borough that would be classified as high priority.
- 4.2 The basis of recommending initial sites for prioritising cameras was a survey undertaken in September 2018.
- 4.3 The sites could be enforced by the use of semi-fixed cameras that can be stationed at each restriction with the capability to move them throughout the Borough. Reviews of each site will be constant and when a high rate of compliance is achieved, the next priority site will be monitored
- 4.4 A full list of sites and their locations that are currently considered as high priority sites have been surveyed, results of which can be seen below. The surveys were undertaken in September 2018 for two separate days, a weekday and a Saturday. Officers selected 22 locations: 6 banned turns/one-way streets and 16 yellow box junctions.
- 4.5 Officers within the Parking Shared Service for Bromley and Bexley already have experience in enforcing MTCs in Bexley Borough. This experience was very helpful for setting the criteria of the surveys.

- 4.6 London local authorities have found that a large proportion of contraventions that they issue are committed within box junctions, the criteria for issuing a PCN is as follow:

Prohibition that a person must not cause a vehicle to enter the box junction so that the vehicle has to stop within the box junction due to the presence of stationary vehicles.

However, it does not apply to a vehicle to enter the box junction for the purpose of turning right; and stops the vehicle within the box junction for so long as the vehicle is prevented from completing the right turn by an oncoming vehicle or other vehicle which is stationary whilst waiting to complete a right turn.

- 4.7 Surveys for the box junctions had two different criteria for enforcement applied to them, Bexley and all other London boroughs use Option A (see below), either by instant to 5 seconds stopping times, which has seen a success in improving traffic flow in busy parts of Bexley. Option two has been considered by Bromley officers when preparing this report, as a possible light touch option. However, having considered the survey results and other camera evidence, officers now believe that option two would present difficulties when enforcing against long vehicles that would never receive enforcement due to them never being able to have all four wheels within a box junction. Officers also have concerns that some other enforcement would be difficult if all four wheels had to be seen to be on the yellow box.
- 4.8 The below picture is a good example of why officers recommend that Option A, maximum enforcement is approved. The vehicle below is an example from the London Borough of Bexley that demonstrates how a vehicle stopping with just 2 wheels in the box junction can block the whole road. In the example, the vehicle would stop any vehicle approaching from the side road turning right.



The Options are:

- **Option A – Two Wheel (Maximum) Enforcement:** The first count from the 2018 survey was for any vehicle that stopped in a box junction with a minimum of two wheels in the restriction and for a minimum period of three seconds (as used by other London boroughs).
- **Option B – Four Wheel (Light Touch) Enforcement:** The second count was any vehicle that stopped in a box junction with all four wheels in the restriction and for a minimum period of five seconds.

- 4.9 For banned turns and one-way systems only one criterion was set as it is a straight-forward restriction.
- 4.10 From Officers' historic knowledge of MTCs and information from other local authorities, it is expected that once the scheme has 'bedded' in, the number of vehicles contravening would reduce significantly and therefore on average an 85% compliance rate would be achieved. Experience elsewhere within London suggest that compliance is unlikely to increase beyond 85% but that if enforcement stops, compliance will then decrease again.
- 4.11 To determine if a contravention has occurred an Officer must review all recordings provided by the cameras. If confirmed that a contravention has taken place it will be progressed through the system to produce a Penalty Charge Notice (PCN), which will be sent through the post to the registered keeper (as set by legislation). Officers will ensure that Bromley only issue PCNs when they are fully satisfied that the motorist is in contravention and there were no mitigating circumstances that led to the vehicle contravening.
- 4.12 The below table shows the results of the survey of contraventions carried out in September 2018 on one weekday and one Saturday. This data gives officers enough information to demonstrate significant number of offences are currently being committed with no enforcement being undertaken. It is acknowledged that this survey was undertaken in 2018 and that traffic volumes are currently affected by Covid-19, but the ongoing impact is unknown.

Table One – Survey Results

Location	Area	Restriction	Survey Day - Thur 27th Sep Total for two wheel enforcement	Survey Day - Sat 29th Sep Total for two wheel enforcement	Total for four wheel enforcement from 27 Sep	Total for four wheel enforcement from 29 Sep
Croydon Rd 1	Elmers End	Boxed Area	370	324	182	158
Westmoreland Rd	Bromley	Boxed Area	354	159	108	44
Bromley Rd	Bromley/Shortlands	Boxed Area	365	367	66	98
High St Bromley South x 2	Bromley	Boxed Area 2 sites	309	484	84	188
Cray Avenue/Station	Orpington	Boxed Area	139	88	39	29
Beckenham Rd /High St/Kent Hse	Penge	Boxed Area	131	63	51	15
Beckenham Rd/Churchfields Rd	Beckenham	Boxed Area	189	113	51	18
Crofton Rd	Locksbottom	Boxed Area	474	186	107	21
Croydon Rd 2	Elmers End	Boxed Area	214	179	50	32
Cray Ave/Cray Valley Rd	Orpington	Boxed Area	144	159	22	33
Church Rd	Bromley	Left Turn Only	52	47	52	47
Crystal Palace Parade 1	Crystal Palace	Boxed Area	192	274	141	122
			2,933	2,443	953	805
Widmore Rd/St Blaise	Bromley	Boxed Area	222	219	42	52
Homesdale Rd/Waldo	Bromley	Boxed Area	60	29	8	10
High St Bromley South x 2	Bromley	Boxed Area	92	121	15	40
Crystal Palace Parade 2	Crystal Palace	Boxed Area	19	42	5	9
High St/London Rd	Bromley	Boxed Area 2 sites	6	17	23	23
Crossways Rd/Village Way, Beckenham	Beckenham	Elmers End Banned	13	9	13	9
			412	437	106	143
Ethelbert Rd	Bromley	One Way Street	1	16	1	16
Augustos Lane	Orpington	One Way Street	7	3	7	3
White Hart Rd	Orpington	One Way Street	2	4	2	4
Princess Parade	Locksbottom	No Entry	2	2	2	2
			12	25	12	25
TOTAL OVERALL			3,357	2,905	1,071	973

- 4.13 Officers have broken down the survey results into three categories: Green, Amber and Red.
- Green – Locations where more than 50 vehicles were observed in contravention over the two days (based on 4-wheels contraventions);
 - Amber – Locations where 20 – 50 vehicles were observed in contravention over the two days;
 - Red – Locations where 0 – 19 vehicles were observed in contraventions over the two days.
- 4.14 The survey results are those recorded purely by the survey companies' cameras and therefore is estimated that tickets would only be issued for approximately 50% of these results, this is due to the camera possibly only reading part of the vehicle registration or the full criteria of a contravention for stopping in the box junction was not met.
- 4.15 If approved, the 12 Green sites are the recommended locations to start enforcement, with the 6 Amber sites being sites to rotate cameras to if a high level of compliance is achieved at a Green site. These 12 sites are all locations where the survey shows regular infringements occurring, possibly creating congestion and potential danger to other road users. The Red locations are not recommended as an enforcement site currently. Other locations around the Borough where offences are noted will also be considered for enforcement utilising an existing camera, moved from another site.
- 4.16 Table Two below provides details concerning the potential income to the Borough if enforcement was to take place in both Green and Amber sites, utilising 18 new cameras. However, as stated above, the recommendation is to purchase an initial 12 cameras and to rotate them to the Amber sites at an appropriate time in the future. However, if it becomes evident that all Green sites need continued enforcement, the purchase of additional cameras could be considered.
- 4.17 The calculations below assume an 85% compliance by drivers after an initial period of enforcement, based on the experience in Bexley. The second section of this table shows the officers' calculations regarding how they arrived at this figure.

Table Two – Potential Income

	Option A Maximum Enforcement - 2 Wheels	Option B Minimum Enforcement - 4 Wheels
Green (Phase 1 - 12 cameras)	Year 1 onwards	Year 1 onwards
Estimated PCNs per annum	53,464	17,483
Estimated gross income per annum	£3,475,181	£1,136,415
Amber (Phase 2 - 6 cameras)	Year 1	Year 1
Estimated PCNs per annum	8,443	2,476
Estimated gross income per annum	£548,815	£160,960

Presumptions made:

Thursday recorded 2933 offences, Saturday recorded 2443, so average is 2688. If we assume 6 days per week of 2688 offences

	Days enforced	Avg day	Allow 50% unreadable	Avg 6 day	Avg Yr	Compliance 85%	15% write offs	@£65
Green (Phase 1 - 12 cameras)								
2 wheels	6	2,688	1344	8064	419328	62899	53464	£3,475,181
4 wheels	6	879	439.5	2637	137124	20569	17483	£1,136,415
Amber (Phase 2 - 6 cameras)								
2 wheels	6	424.50	212.25	1273.5	66222	9933	8443	£548,815
4 wheels	6	124.50	62.25	373.5	19422	2913	2476	£160,960

- **Option A, Maximum Enforcement (2 wheels enforcement):** The first count was any vehicle that stopped in a box junction with a minimum of two wheels in the restriction and for a minimum period of three seconds.
- **Option B, Light Touch Enforcement (4 wheels enforcement):** The second count was any vehicle that stopped in a box junction with all four wheels in the restriction and for a minimum period of five seconds. It should be noted that not all vehicles would be able to be enforced on the grounds that the vehicles wheelbase would be too long for all four wheels to be within the box junction. No other London borough enforces under these criteria.

- 4.18 The assumptions made above include assuming 50% of offenders registration numbers won't be successfully read, 85% compliance (it may be greater or less), enforcement on 6 days each week over 52 weeks (acknowledging some weeks will be busier than others, but this is accounted for by only counting 6 days), 15% write-offs (e.g. untraceable vehicle) based on experience in Bexley, and each PCN levied at £65.
- 4.19 As already detailed in this report, the Council could decide between two different enforcement criteria, one would be "maximum" enforcement where the vehicle would only be stopped for 3 seconds and 2 wheels are within the box junction or the "light touch" enforcement would be where the vehicle stops for 5 seconds and all 4 wheels will be within the box. In Bexley Borough and all other London boroughs (either an instant to 5 seconds stopping times, two wheel), maximum enforcement (Option A) has been used since MTC enforcement by the Council went live in 2013.
- 4.20 It is recommended that on approval of the MTC being processed in Bromley, warning notices would be issued for the first 14 days of the restrictions being enforced.

5. Service Options for the reduction in spending/change in way of workings

- 5.1 All enforcement will be undertaken in line with the Code of Practice for Operation of CCTV Enforcement Cameras as published by London Councils as detailed in Appendix B (soon to be amended). All staff undertaking enforcement using CCTV or the reviewing officers will be qualified as required by London Councils code of practice and will have been briefed on the areas being enforced in the Borough, including any location-specific special considerations.
- 5.2 All alerts provided by the cameras will be reviewed by an Officer to determine if a contravention has occurred. If confirmed that a contravention has taken place it will be progressed through the IT system to produce a Penalty Charge Notice (PCN), which will be sent through the post.
- 5.3 Subject to agreement, the procurement route for the purchase and maintenance of new cameras is to be determined and will be subject to a separate decision-making process in due course. An initial assessment of the options indicates that an estimated £266k of capital funding is required as a minimum. The options being considered are as follows:

Procurement Option 1

The present incumbent system, Videalert, for Bus Lane and School Keep Clear (SKC) enforcement could be utilised by connecting each new MTC camera to the Council's present system through a variation to the existing contract. The cost to purchase and install a new camera would be approx. £20k per camera and other one-off costs of £10k, giving a total cost of £250k for the 12 sites. There would be on-going costs of £55k per annum for the ICT licence and camera maintenance. There would also be other revenue costs relating to the APCOA contract, debit/credit card charges, debt collection/registration fees, appeal adjudication costs and a 0.5fte support appeal officer.

Procurement Option 2

The authority could tender for the 12 new locations, which could run independently from the present Videalert system which is used for the Bus Lane and SKC enforcement. The estimated cost of

purchasing and installing 12 locations separately is £400k. There would be on-going costs of £44k for the ICT licence and camera maintenance thereafter. There would also be other revenue costs relating to the APCOA contract, debit/credit card charges, debt collection/registration fees, appeal adjudication costs and a 0.5fte support appeal officer.

Procurement Option 3

The present Bus lane system was installed in 2015 and additional cameras were added in 2016. As the cameras and its system may well need to be upgraded or replaced in about 18 months' time, this could be considered as one tender process for both the Bus Lane / SKC system and the new MTC cameras. All these contraventions can then be processed through the same, new system. Total 38 cameras (26 replacements, 12 new MTCs) at an estimated cost of £1,080k, with second year ICT licence and maintenance costs of approx. £129k per annum. There would also be other revenue costs relating to the APCOA contract, debit/credit card charges, debt collection/registration fees, appeal adjudication costs and a 0.5fte support appeal officer.

- 5.4 The recommendations from this report are that the Executive grants permissions for officers to obtain the power to enforce MTCs and then to further investigate what service providers offer the best value for money for the Council with a decision on the recommended procurement route in due course.
- 5.5 The table below provides the details of the one-off investment costs, and ongoing revenue costs and income for each procurement option, using the Maximum enforcement (2 wheel) option:-

	Procurement Option 1		Option 2		Option 3	
One-Off Costs	£					
Total cost of camera and installation	250,000		400,000		1,080,000	
ICT MTC module added to existing system	5,000		5,000		5,000	
ICT set up costs	4,500		4,500		4,500	
DVLA set up costs for new contraventions	1,000		1,000		1,000	
Additional Signage, line replacement & updated Traffic Orders	5,500		5,500		5,500	
	266,000		416,000		1,096,000	
Estimated revenue costs and income	Year 1	Year 2	Year 1	Year 2	Year 1	Year 2
ICT licence costs for monitoring equipment	1,200	1,200	1,200	1,200	1,200	1,200
Maintenance costs from year 2 onwards (£2k per camera)	0	55,000	0	44,000		129,000
Apcoa contract costs: -						
Extra ftes to review film footage (1fte per 20k PCNs)	138,000	83,500	138,000	83,500	138,000	83,500
Postage of recovery documents	83,500	48,000	83,500	48,000	83,500	48,000
DVLA lookup for registered keepers	19,500	11,500	19,500	11,500	19,500	11,500
Printing of recovery documents	12,000	7,000	12,000	7,000	12,000	7,000
Debit/Credit card charges	115,000	66,000	115,000	66,000	115,000	66,000
Debt Collection/appeal adjudication (LC)	165,000	97,000	165,000	97,000	165,000	97,000
Additional 1.5fte BR6 LBB Support appeal officers	62,000	47,000	62,000	47,000	62,000	47,000
Total revenue costs	596,200	416,200	596,200	405,200	596,200	490,200

6. Recommendations and Summary

- 6.1 Officers recommend that the London Borough Bromley join the other 32 London boroughs that currently enforce MTCs by obtaining the necessary powers via London Councils and removing them from the Police. By sending Penalty Charge Notices to motorists who commit these types of contraventions it will highlight an awareness to all motorists that the Council are keen to do all that is possible so that the roads within the Borough flow as best they can, reducing unnecessary congestion and dangerous driving behaviours.
- 6.2 It is proposed that Members agree that Option A (two wheel enforcement) is approved; if Option 1 is agreed for procurement, there would be a minimum initial investment of about £266k. Annual income is estimated at £3.48m and, after allowing for additional running costs, would generate a net additional annual income from year 2 of £3.06m.

7. Next Steps

- a) A formal resolution would need to be taken by the Executive to legalise the transfer of powers. The necessary preliminary work would be required to be undertaken by officers, with a view to provide the application to London Council commencing to commence on an agreed date.
- b) In granting approval, the Transport and Environment Committee will need to be satisfied that the London Borough of Bromley has carried out all the required steps.
- c) It is intended that Bromley will carry out enforcement on boundary roads within neighbouring Boroughs. It will be necessary for neighbouring boroughs to formally resolve that the enforcement to the parts of the boundary roads, which fall within their areas, will be exercised by Bromley. They have the power to make such arrangements under the local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000. The Executive is accordingly asked to authorise officers to enter into the necessary agreements/arrangements with neighbouring boroughs.
- d) Once the transfer of powers have been signed over to the London Borough Bromley, dependent on what option was approved, officers would either start a tender process for a new CCTV system or look at purchasing the additional cameras.
- e) Relevant camera enforcement signs will be displayed in areas where the system operates advising that CCTV traffic enforcement is taking place.
- f) Officers will conduct a publicity campaign prior to the commencement of enforcement, including advertisements in local newspapers, liaison with residents and motorists. There will be clear information available on the Council's website on what constitutes a contravention, how to appeal and other areas deemed relevant.
- g) For the first two weeks of any new enforcement of a location, warning notices rather than payable penalty charges will be issued to allow motorists some time to understand these restrictions are now being enforced.
- h) Protocols will be in place to take into account any special circumstances around particular sites. Officers will also be proficient in understanding minor transgressions where no PCN would be issued (such as a small proportion of a wheel stopping on a yellow box junction).
- i) It is in the interest of fairness that PCNs would only be issued where a clear breach of the restriction has taken place and a definite contravention has occurred. If deemed as a borderline situation no issue of a notice will occur. Dealing with appeals for minor discretion is inappropriate to both the motorist and the Authority and therefore will not be progressed.
- j) The on-line appeal system will allow motorists to clearly, quickly and easily view their contraventions allowing them to determine if a breach of traffic regulations occurred. The individual recording of the contravention will be available via Bromley website.
- k) All motorists would have the right to appeal their PCN through the statutory process; this includes appealing to the appeals team within the Council and the option of the case being heard at the adjudicator's service.

7.1 It is recommended that the scheme should be monitored from the appointed start date and that a review is carried out following six and twelve months of operation. These reviews will then provide officers with detailed information about the levels of compliance achieved, possible relocation of cameras and the financial implications of the scheme.

- 7.2 Performance of the enforcement will also be closely monitored to determine the outputs compared with benchmark information received from the surveys and for adopting best practice. This will include a review of the level of the recovery of charges levied and the layout of the restriction.
- 7.3 It is recommended that a proportion of any surplus is reinvested into the scheme so that operations can be expanded to enforce further sites, therefore extending the expected benefits to other areas of the Borough. Future sites will be identified through possible further surveys to determine the levels of non-compliance and/or accident data, which will be prioritised through the preparation of site-specific business cases.

8. IMPACT ON VULNERABLE ADULTS AND CHILDREN

A contravention issued to a driver who holds a disabled badge would not be exempted from a Penalty Charge Notice Issued to their vehicle.

9. FINANCIAL IMPLICATIONS

- 9.1 Assuming that additional cameras are procured via Option 1, there will be an initial investment cost of £266k to fund. However, it is estimated that income from PCN's could generate in the region of £3.5m annually. If installation occurs in the same financial year as enforcement commences – e.g. installation commences on 1st April 2021, then those set-up costs can be met from the additional income generated in year. This is summarised in the table below and assumes enforcement begins on 1st October 2021.

Summary of Annual Costs and Income

	2021/22 £'000	2022/23 £'000	Full Year £'000
Initial non-recurring costs	266	-	-
Additional running costs	298	516	416
Estimated income	-1,737	-3,475	-3,475
Net additional income	-1,173	-2,969	-3,059

- 9.2 If installation commences in the current financial year and enforcement does not begin until October 2021, costs incurred in 2020/21 will need alternative funding which could be found from the Council's 2020/21 Central Contingency Sum.
- 9.3 In projecting income from enforcement, parking officers have used a set of assumptions, drawing on the experience of other London boroughs, including Bexley. As such, these estimates will be subject to refinement as the schemes progress; for example, levels of compliance may vary from that assumed. The projections take a prudent view that compliance will be 85% from day one, whereas there may be an initial period when actual compliance is lower and therefore income from PCN's higher. Equally, compliance over time may increase and future years' income lower than projected. To illustrate the impact that variation in compliance may have, a 90% level of compliance would result in a reduction in annual forecast income of £1.16m.

- 9.4 The current situation with Covid-19 affecting levels of economic activity within the Borough also affects traffic volumes and flows. As the survey data used for projecting future income is from September 2018, it remains to be seen whether traffic volumes and therefore potential moving traffic contraventions will return to those pre-pandemic levels. This could have a significant impact on estimated future income.

10. LEGAL IMPLICATIONS

- 10.1 The report seeks an application for the decimalisation of the enforcement of Moving Traffic Contraventions (MTCs) in the Bromley Borough, whereby the Council will take on this enforcement and hence provide improvements to traffic flow on Bromley's streets. By way of recommendation, the London Borough of Bromley can join all other London boroughs in adopting the powers to enforce Moving Traffic Contraventions (MTCs).
- 10.2 Presently, as there are no procurement implications as to the procurement route regarding the purchase and maintenance of new cameras (and other associated costs) yet to be determined and subject to the agreement of the recommended policy, in accordance with CPR 2.1.2, Officers must take all necessary professional advice whereby any suitable procurement advice will also need to be taken with the relevant Officers accordingly.
- 10.3 The Contract can be awarded in accordance with the Council's Contract Procedure Rules, the Public Procurement Regulations 2015 and Government Guidance (Procurement Guidance Note 20_01: Procurement Actions in Relation to Covid 19) in due course, once any subsequent procurement decision has been finalised.

11. PROCUREMENT IMPLICATIONS

- 11.1 At this time there are no procurement implications as the procurement route for the purchase and maintenance of new cameras (and other associated costs) is to be determined, subject to agreement of the recommended policy.
- 11.2 Any subsequent procurement decision will be made in line with the Council's Contract Procedure Rules and the Public Contract Regulations 2015. All suitable procurement advice will be taken with the relevant Officers.

Non-Applicable Sections:	PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	[Title of document and date]