

Norman Baker MP
Parliamentary Under-Secretary of State for Transport
Great Minster House
76 Marsham Street
London
SW1P 4DR

Item 6 Annex D

8th September 2010

Implementation of part 6 of the Traffic Management Act 2004

Dear Minister

I have recently taken over from Cllr David Sparks as Chair of the Local Government Group's Economy and Transport Board and I am writing response to your letter inviting the LGA's views on implementing the provisions in the above Act relating to enforcement of moving traffic contraventions.

We understand that your officials are not able to share information provided by us to the previous government. We are, however, happy to share the information that the LGA sent to the department earlier on this year relating to this issue.

As you will be aware, this element of the Act has yet to be implemented in the six years that have passed since the Act received Royal Assent. This leaves councils without the ability to enforce restrictions on moving traffic, such as yellow box junctions and restrictions on heavy goods vehicles. Councillor David Sparks wrote to previous Ministers in January of this year and in September 2008 to encourage them to give councils the ability to use these powers at the earliest opportunity. The LGA also facilitated discussions between your officials and local government officers to discuss these issues and collate evidence from councils earlier this year. I would like to make it very clear that councils and the LGA would like to see the provisions enacted with immediate effect.

The ability to enforce road use contraventions relating to moving traffic is essential to councils' ability to effectively manage local road networks to ensure free-flowing and safe movement of traffic, and to manage air quality issues to the benefit of road users and local communities. Under current circumstances, such contraventions are not a priority for local police forces and are therefore not being effectively enforced, resulting in congestion, safety hazards and poor air quality.

Our understanding is that the main reason for the delay to implementation is that your predecessors were not convinced that there is a demand for the powers and that councils need to demonstrate why they need them and how they will use them for the traffic management and road safety purposes for which they are intended. I believe that councils have already convinced the department of the need for the powers which is why they were included in the Act to begin with. In the consultation exercise for the Traffic Management Act

2004 local authorities and the LGA responded that Part 6 was essential in meeting the aims and objectives of the Traffic Management Act. However, if further evidence is required there is a wealth of examples on how councils would use the powers, the beneficial impacts for their communities, and their ability to use them in a way that is transparent and fair. As an initial example, I attach case studies from Test Valley, Kent, Medway and Bath. We will encourage other councils to submit similar information to you.

I was also concerned to hear that, according to officials, even if the decision were taken to go ahead with implementing the powers, it would take between two and three years to put them in place. I would have thought that as arrangements for enforcement of parking offences and bus lane enforcement are already in place, and have been up and running for a number of years, and that London already exercises the powers in question, it would be a relatively simple matter to put the necessary regulations in place. The LGA would be very happy to facilitate a group of practitioners from councils to assist in providing further evidence, developing guidance and resolving practical issues.

I would ask that you give the implementation of these powers the priority needed to allow councils to effectively conduct their traffic management duties.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'David Sparks', written in a cursive style.

Cllr David Sparks
Chair, Regeneration and Transport Board