

Transport – Fixed Penalty Notices and Buses Funding update

Purpose of report

For direction and information

Summary

At present, the only route for councils outside of London to deal with certain highways offences that cause obstruction or prevent the safe and smooth operation of local highways is through issuing warnings, and then prosecution. London Boroughs have the powers to issue Fixed Penalty Notices. The LGA has been approached for support by Thurrock Council on behalf of a consortium of Essex authorities to seek similar powers as London for places outside of the capital.

This report also includes an update on Bus Recovery Funding.

Is this report confidential? Yes No

Recommendation

That the EEHT Board:

1. That the Board agree that the LGA should support the call as raised by Thurrock and the consortium of Essex Councils.
2. Endorse LGA undertaking further work on this issue.
3. Note the information on the Bus Recovery Grant

Action

As directed by the Board

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Background

Fixed Penalty Notices for Highways offences

1. The LGA received a letter from Thurrock Council (see appendix A) on behalf of 12 Essex Councils calling for authorities outside London to be given the same powers as London Boroughs to deal with certain offences as set out in the Highways Act 1980. LGA officers have met with Thurrock officers, who are looking for LGA support in the call for more powers. The letter sets out in further detail the powers that are sought.
2. In summary, the councils are looking for the ability to issue Fixed Penalty Notices (FPNs) for such offences as unlicensed skips and wilful obstruction of the highways amongst a list of 21.
3. At present, the only route for councils outside of London to deal with such offences is through issuing warnings, and then prosecution. This is considered to be an unfair and inconsistent approach for non-London authorities and can be very time consuming and costly. The power to issue fixed penalties notices immediately/on the spot, when an enforcement officer witnesses a Highways Act offence, would accelerate enforcement action and deter future criminal behaviour. This frees up EO time to deal with other priority issues, such as fly-tipping.
4. It is proposed that the LGA support this call to align powers to London and work with councils and the DfT to bring about this change. It is likely that primary legislation will be needed and to help make the case further work will be needed, such as providing a firmer evidence base.
5. From the Government's perspective this would be a zero or negative cost intervention if it eases pressure on the courts. It also aligns with the Government's Levelling Up ambition and helps improve the quality of life for residents, improving safety on local highways outside of London.

Bus funding

6. Following extensive pressure from the LGA, councils and operators, the Government [announced an additional £150 million funding for bus and light rail operators until October 2022](#) to ensure services can continue to run. The Bus Recovery Grant was due to finish at the end of March 2022, but as passenger numbers have not yet recovered to original forecasts because of the Omicron variant and Plan B measures, there was a serious risk that substantial services and routes would be lost without further support. This campaign follows a letter from the Chairman of the EEHT Board to the Transport SoS and the Chancellor, to which Baroness Vere replied (Appendix B) on 21st February to indicate that the Government was listening and considering options.

7. The attached letter from Baroness Vere confirms the extension as well as stating that further information will be provided, including on conditions of the funding.
8. The LGA will continue to call on the Government to continue to show strong commitment to the National Bus Strategy, including providing an ambitious long-term funding settlement for local buses and Bus Service Improvement Plans in all areas.

Implications for Wales

9. The highways act offences would be a devolved matter for the Welsh Assembly

Financial Implications

10. On FPN powers, no financial implications are expected immediately for this work, and it is anticipated this would be self-financing if councils were to be given this power.

Next steps

11. That the Board agree that the LGA should support the call as raised by Thurrock and the consortium of Essex Councils.
12. Endorse LGA undertaking further work on this issue.
13. Note the information on the Bus Recovery Grant