



Meeting: **Cabinet**

Date/Time: **Friday, 10 February 2017 at 11.00 am**

Location: **Sparkenhoe Committee Room, County Hall, Glenfield**

Contact: **Mrs. J. Twomey (Tel. 0116 305 6462)**

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Membership

Mr. N. J. Rushton CC (Chairman)

Mr. R. Blunt CC Mr. B. L. Pain CC
Mr. Dave Houseman MBE, CC Mrs. P. Posnett CC
Mr. J. T. Orson JP CC Mr. J. B. Rhodes CC
Mr. P. C. Osborne CC Mr. E. F. White CC
Mr. I. D. Ould CC

AGENDA SUPPLEMENT

The following additional report has now been published, agenda item 8 of the main agenda refers.

| <u>Item</u> | <u>Report by</u> | |
|---------------------------------|---------------------------------------|----------------|
| 8. Community Speed Enforcement. | Director of Environment and Transport | (Pages 3 - 10) |



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CABINET - 10 FEBRUARY 2017

REPORT BY THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

COMMUNITY SPEED ENFORCEMENT SUPPLEMENTARY REPORT

Purpose of the Report

1. The purpose of this supplementary report is to advise the Cabinet of a press statement issued by the Department for Transport (DfT) in response to the publication of the Cabinet report 'Community Speed Enforcement' (item 8 on the agenda for this meeting), and to set out a revised recommendation for the Cabinet's consideration.

Background

2. Following publication of the Cabinet agenda on 2 February and subsequent media interest, the DfT issued a press statement, detailed below, which suggests that the County Council may be able to adopt the approach detailed in the main report.

"It is not correct to say speed cameras can only be used in areas where there have been specific incidents, although our non-binding guidance says this is best practice.

It is up to the Highways Authority and the police to decide whether to use cameras and how they wish to operate them. Guidance was issued in 2007 entitled Use of speed and red-light camera for traffic enforcement: guidance on deployment, visibility and signing. This can be viewed here <https://www.gov.uk/government/publications/use-of-speed-and-red-light-cameras-for-traffic-enforcement-guidance-on-deployment-visibility-and-signing>

This guidance is not mandatory but in October 2015 the Department for Transport wrote to local authorities drawing it to their attention.

In 2011 the Government asked local authorities to publish on their websites details of specific camera sites. Almost all local authorities with camera sites have published some information and a recently updated list of these websites is at <https://www.gov.uk/government/publications/fixed-speed-camera-collision-casualty-and-speed-data>".

3. The DfT statement confirms that the guidance is non-binding and non-mandatory and therefore locally the Council has the flexibility to adopt the wider use of speed cameras. However, this statement only partly addresses the first suggested national policy change in the original Cabinet report regarding camera site criteria and is silent on the second regarding funding.
4. Whilst the statement is welcomed it remains unclear as to whether the Council's proposed approach is considered by the DfT to be in line with the nationally published guidance. The County Council would also wish to seek clarity on the implications of choosing not to follow national guidance locally, for example, with regard to potential challenges to the legality of enforcement.
5. In order to clarify the position it is proposed that the attached letter be sent to the DfT. This seeks to confirm where the Council's proposed approach fits within the context of the published national guidance and whether or not the Government would consider using the new fine revenue arising from the approach to reimburse local highway authorities for the installation costs of new speed cameras.
6. Should the approach proposed by the Council be considered to be in line with national guidance it is recommended that the Council continues to press for the retention of fine revenues from new camera sites to fund their installation costs, as detailed in the original report. However, if the DfT confirms that the proposed approach is not in line with national guidance, it is recommended that the Council also continue to lobby for a change in the guidance, to ensure it does not have to act outside this to meet the needs of its communities.
7. To prove the concept of the proposed community safety camera approach it is recommended that consideration is given to developing a trial scheme or schemes. These would help to understand the effect on speeding levels within the area and adjacent roads and to identify the likely pay back periods that may be required should the fine revenue be made available by the Government.
8. Should the Council be successful in its campaign it will be necessary for it and/or its local partners to provide initial funds for such a scheme which would be reimbursed from revenue created by the installation of the cameras. This includes the surpluses generated by the locally run driver education workshops (NDORS), which are currently retained locally, and the fine income which it is understood would currently be retained in full by the Government.
9. In the light of these latest developments the recommendations to the Cabinet have been amended as set out below

Revised Recommendations

10. It is recommended that:
 - a) The letter attached to this supplementary report be sent to the Department for Transport and copied to local MPs for information;

- b) Subject to the response received from the Department for Transport, the Council continues to campaign for change to the national policy guidance on safety cameras, notably for new siting criteria, and in any event for the retention of fine revenue by local authorities to fund the camera installation costs;
- c) Support for the Council's proposed approach be sought from partner organisations which comprise the Leicester, Leicestershire and Rutland Road Safety Partnership;
- d) The Director of Environment and Transport:
 - i. develop suitable trial schemes to prove the concept of the proposed community safety camera approach;
 - ii. develop local criteria for the wider use of safety cameras in Leicestershire; and
 - iii. submits a further report to the Cabinet detailing the response from the Department for Transport to the appended letter, the proposed trial sites, and the proposed local criteria.

Appendix

Appendix – Letter to the Department for Transport from the Director of Environment and Transport.

Officers to Contact

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DRAFT

Mr Philip Rutnam
 Permanent Secretary
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Date:
 My ref: PH/
 Your ref:
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 Email: phil.crossland@leics.gov.uk

Dear Mr Rutnam

Community Speed Enforcement

Leicestershire County Council published a Cabinet Report on Community Speed Enforcement on the 2 February and the report was considered by members on the 10th February. Members resolved that I should write to you to seek clarification on a number of points. The reports are available at:

<http://politics.leics.gov.uk/documents/s126328/FINAL%20-%20Community%20Speed%20Enforcement.pdf>

<http://politics.leics.gov.uk/documents/s126311/Appendix%20-%20Community%20Speed%20Enforcement%20Leaflet.pdf>

Following its publication, local media interest led to the Department of Transport issuing the following press statement:

Guidance

- *This is not the case. It is not correct to say speed cameras can only be used in areas where there have been specific incidents, although our non-binding guidance says this is best practice.*

Factual information

- *It is up to the Highways Authority and the police to decide whether to use cameras and how they wish to operate them. Guidance was issued in 2007 entitled Use of speed and red-light camera for traffic enforcement: guidance on deployment, visibility and signing. This can be viewed here <https://www.gov.uk/government/publications/use-of-speed-and-red-light-cameras-for-traffic-enforcement-guidance-on-deployment-visibility-and-signing>*
- *This guidance is not mandatory but in October 2015 the Department for Transport wrote to local authorities drawing it to their attention.*
- *In 2011 the Government asked local authorities to publish on their websites details of specific camera sites. Almost all local authorities with camera sites have published some information and a recently updated list of these websites is at <https://www.gov.uk/government/publications/fix-speed-camera-collision-casualty-and-speed-data>*

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 Leicestershire County Council, County Hall, Glenfield, Leicestershire. LE3 8RJ
 Telephone: 0116 305 7000

Director: Phil Crossland

www.leicestershire.gov.uk

It may be useful if I clarify what the County Council is proposing and seek formal clarification on a number of points.

The County Council has an excellent track record on road safety and works proactively with its partners in the Road Safety Partnership to seek to deliver ever safer roads. However, despite this, the issue of vehicles 'speeding' remains a concern for many communities across Leicestershire. In the past three years over 500 speed-related complaints were received by the County Council's Environment and Transport Department and the effect of speeding traffic on communities is one of the most frequent issues raised with its elected members by residents. The Leicestershire Police's quarterly 'Community Based Survey' also regularly receives comments regarding speeding motorists.

Even though these instances may not give rise to recordable injury accidents, vehicles travelling at inappropriately, excessive speeds can and does make people feel unsafe, particularly those who are walking and cycling. NICE (National Institute for Health and Care Excellence) guidance notes that slower vehicle speeds help to encourage walking and cycling, ultimately improving public health.

In the past traditional traffic calming measures such as speed cushions, road humps, chicanes and significant signing and lining were introduced to address speeding issues. Although extremely useful and effective, these types of measures could be considered an outdated solution for speed management in a digital 21st century. Moreover, they are often not in keeping with the local setting, particularly in rural areas where the council are often accused of unduly urbanising the environment.

The approach Leicestershire County Council would like to champion is one often put forward by concerned communities which are blighted by the effects of speeding motorists on a daily basis. This is one of installing modern technology in the form of average speed cameras to enforce speed limits irrespective of the casualty record. These would be installed at the locations where communities have a concern and there is a proven issue of speeding vehicles. The Council would like to see the costs of the new cameras being met by the offenders, through the surpluses generated by the locally run driver education workshops (NDORS), which is currently retained locally, and the fine income which I understand is currently retained in full by the Government.

For the avoidance of doubt, we are not suggesting that fine revenue from existing sites is retained locally; we appreciate that this income forms part of Government's spending projections. What we are proposing is that for any new sites the fine income would be retained locally to fund the installation of the cameras, and that the County Council would forward-fund the installation of those cameras. Once the costs have been recouped the remaining fine revenue would then revert to the Government.

Please could you clarify the following points so that the County Council can consider how to take forward this initiative for the benefit of its communities:

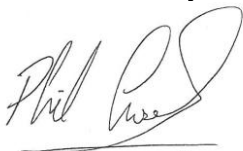
1. Could you confirm if the Department would consider the widespread deployment of safety cameras at locations purely where there is a community concern and a speeding issue but no reported injury collisions, would be in line with current nationally published guidance?
2. If not in line with nationally published guidance, could you confirm that locally the Road Safety Partnership is able to agree to implement speed cameras at locations that are a community concern, even when there are no reported injury accidents?
3. Could you confirm if such an approach could be taken by a single highway authority or whether it would need to be approved by all members of the local road safety partnership?
4. If such an approach to the deployment of cameras was adopted, and not considered to be in line with nationally published guidance, please could you confirm what the legal position may be in terms of potential challenges against any prosecutions brought using the evidence collected from the cameras installed under this approach?
5. Could you confirm whether the Government would consider using new fine revenue arising from the approach outlined above to reimburse local highway authorities for the installation costs of new speed cameras?

In order to prove the concept of such an approach the County Council is considering the implementation of a trial scheme or schemes to study both the effect on speeding levels both within the area and on adjacent roads and also to identify the likely payback periods that may be required should the new fine revenue be made available by the Government.

The County Council would be happy to work in partnership with the DfT to trial the concepts outlined above.

Thank you in advance for your attention to this matter. Please note that the Council's Cabinet has asked for this letter to be copied to all Leicestershire Members of Parliament, which I have done.

Yours sincerely



Phil Crossland
Director of Environment and Transport

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