

# Report to Cabinet

**13 March 2024**

<b>Subject:</b>	Camera Enforcement of Endorsable Traffic Offences - West Midlands Regional Working Agreement
<b>Cabinet Member:</b>	Cabinet Member for Environment and Highways Councillor Danny Millard
<b>Director:</b>	Director of Borough Economy Alice Davey
<b>Key Decision:</b>	Yes [Affects all wards]
<b>Contact Officer:</b>	Highway Network Development & Road Safety Manager Simon Chadwick <a href="mailto:simon_chadwick@sandwell.gov.uk">simon_chadwick@sandwell.gov.uk</a>

## 1 Recommendations

- 1.1 That approval be given for Sandwell Council to enter into a new Regional West Midlands Working Agreement with West Midlands Police in relation to the operation and management of Camera Enforcement of Endorsable Traffic Offences across the whole of Sandwell Council adopted road network.
- 1.2 The authorisation be given for the delegation of all approvals on operational decisions and details of the final agreement to the Director of Borough Economy / Executive Director Place in consultation with the relevant Cabinet Member for Environment and Highways including;
  - The development and management of operational policy regarding enforcement, site selection and operation.
  - Approval of all terms and conditions in any new regional agreement in consultation with the Director of Legal and Governance.



- 1.3 That approval be given for the Director of Law and Governance / Executive Director of Finance and Transformation to execute any documentation necessary to give effect to recommendation in 1.1.
- 1.4 That approval be given for Sandwell Council to continue operating within the current terms and conditions of the existing Black Country Average Speed Enforcement Working Agreement for an additional interim year 2024/25 or until such time as the Regional Working Agreement is finalised and adopted.

## 2 Reasons for Recommendations






- 2.1 Speed has been identified as a key risk factor in road traffic injuries, influencing both the risk of road traffic crashes and the severity of the injuries that result from them.
- 2.2 West Midlands Police (WMP) is the only authority within the region that has the power to undertake speed enforcement whilst local highway authorities have the ability to install and maintain detection equipment on or near the highway. This therefore enables a collaborative approach between West Midlands Police (WMP) and local authorities to collectively deliver a data led programme of speed enforcement.
- 2.3 Currently there are three 3 sub-regional Average Speed Enforcement Working Agreements between West Midlands Police and the Black Country authorities, Birmingham & Solihull and Coventry, which were developed separately between 2016 and 2021. These three separate agreements result in duplication and inefficiencies in the back office which hinder the performance of WMP.
- 2.4 The current agreements all expire in March 2024 and therefore it is felt the time is right to develop a single West Midlands Regional Working Agreement to help rationalise and drive efficiency of West Midlands Police speed enforcement across the region. This will have the benefits of increasing the number of camera enforcement sites available for the borough moving forward and increasing the level of prosecutions the Police can undertake in each area.
- 2.5 The intention is also to expand the scope of the new Regional Agreement to include the camera enforcement of all relevant endorsable traffic offences. This will allow the use of emerging technology for the introduction of red-light cameras for enforcing red light running at traffic



signals and single site spot speed cameras in residential streets, in addition to expanding the existing average speed camera network, should the criteria for their use be met.

- 2.6 However, it is expected that any new Regional Agreement will require considerable discussion and negotiation between all parties before commencing in April 2025. Consequently, an interim arrangement is required for the existing three separate working agreements to continue in place from April 2024 to March 2025, with some minor changes through way of addendum, to ensure there is no break in average speed enforcement arrangements across the region.
- 2.7 It is felt that the development of a new Camera Enforcement of Endorsable Traffic Offences - West Midlands Regional Working Agreement will ultimately lead to a significant reduction in the number of killed and seriously injured (KSI) road casualties in Sandwell. This will help achieve the challenging road safety targets recently approved in the new Sandwell Strategic Road Safety Plan 2024-2030 and the West Midlands Refreshed Road Safety Strategy 2030.

### 3 How does this deliver objectives of the Corporate Plan?

	Improving speed compliance through targeted and data led enforcement will increase safety on the borough's roads, encourage active travel, and contribute to improving residents' quality of life and air quality.
	Facilitating an increase in speed enforcement in the borough will contribute to improved air quality, improved safety, and encouragement of active travel.
	Successful communities need access to jobs, services and facilities to enable them to remain healthy and vibrant. A safe highway network is an important enabler of this, particularly the efficient operation of our transport networks.
	Both new and existing residential developments rely on good quality and safe access and links to shops, services and leisure facilities in order for them to be successful. The ability to be able to help facilitate greater speed enforcement by the police will help facilitate this.
	Helping facilitate greater speed compliance through police enforcement will contribute to reduced congestion and improve journey times and journey time reliability (including for public transport) on key strategic routes.





Our highways are the arteries of our communities. They connect our residents to employment, education, local services and indeed the wider world. They enable economic growth, social mobility and are vital in ensuring good health outcomes. Therefore a safe and reliable road network is essential.

## 4 Context and Key Issues

- 4.1 As the Local Traffic Authority, Sandwell Metropolitan Borough Council (SMBC) has a statutory duty to ensure (as far as is reasonably practicable with regard to policy objectives and obligations) the expeditious movement of traffic on the Authority's road network and to introduce initiatives to help reduce identified road casualties.
- 4.2 In the UK, exceeding the speed limit is an offence under Section 89 of the Road Traffic Regulation Act 1984. West Midlands Police (WMP) is the only authority within the region that has the power to undertake speed enforcement. In addition, Section 95a of the Highways Act 1980 gives highway authorities the power to install and maintain equipment on or near the highway to facilitate the detection of traffic offences.
- 4.3 This legislation enables a collaborative approach to be undertaken between WMP and local authorities to collectively make data led decisions on where to deliver endorsable traffic camera enforcement schemes.
- 4.4 In the period 2016 to 2021, the seven constituent West Midlands local authorities agreed 3 separate Average Speed Enforcement (ASE) Working Agreements with WMP and the Police and Crime Commissioner. This were exclusively aimed at initiating digital ASE camera systems in the region, aimed specifically at reducing the number of people killed and seriously injured due to high speed violations.
- 4.5 Birmingham and Solihull commenced a joint pilot scheme in 2016 whilst Coventry then set up its own separate working agreement around 2020. Finally, the 4 Black Country councils worked in partnership to develop a collaborative Black Country ASE Working Agreement in 2021 with the two identified sites becoming operational in Sandwell in January 2022.
- 4.6 As part of these working agreements Local authorities agreed to procure, install and maintain speed enforcement technology equipment



(known as the asset). WMP agreed to take on the role of enforcing speed violations and be responsible for the back-office equipment for processing of any speed violations captured by the cameras.

4.7 The aims of the current ASE schemes are to:

- Positively influence driver behaviour.
- Ensure that motorists comply with the posted speed limits on roads, resulting in a safe environment for all road users.
- Promote safety for all road users in the West Midlands Metropolitan Area and support the delivery of the West Midlands targets for the reduction in the number and severity of road traffic casualties.
- Work collaboratively both with road safety partners and with other road safety interventions, including engineering, educations and behaviour change campaigns;
- Ensure that the schemes are self-financing but not profit driven, with a targeted approach whereby the most dangerous of drivers ultimately help finance the safety benefit for all road users through attending speed awareness courses.

4.8 The three separate ASE working agreements currently expire on 31<sup>st</sup> March 2024 and a review undertaken collectively by WMP and the seven councils has identified a number of limitations with the current position;

- WMP has to spend valuable resource in administering and managing the enforcement operations for three separate agreements which resulted in only 13% of all potential speed limit violations being acted upon.
- This resulted in only 10,875 offenders during 2022 being eligible or accepted to attend a speed awareness course, minimising the road safety benefits offered through a driver offenders rehabilitation scheme.
- The current schemes are not performing well enough to ensure the greatest road safety benefit and consequently are not self-financing, which places a financial burden on WMP and the local authorities.

4.9 Therefore it is felt the time is right to develop a single West Midlands Regional Working Agreement to help rationalise and drive efficiency of West Midlands Police back office operations. This will have the benefit of improving speed enforcement in Sandwell and the wider West Midlands





by being able to significantly increase the number of camera enforcement sites and increasing the level of prosecutions the Police can undertake in each area. This will also ensure the longevity of the scheme by making it self-financing.

- 4.10 WMP new Chief Constable and WM Mayor have both may a strong commitment to improve road safety in the West Midlands through improved enforcement and greater partnership working and see the expansion of digital enforcement technology as key to ensuring a significant reduction in the number of people killed and seriously injured on the roads of the West Midlands.
- 4.11 Therefore the intention is to expand the scope of the new West Midlands Regional Agreement to include the enforcement by camera of all relevant endorsable traffic offences. Moving forward this will allow the potential use of digital red-light cameras for enforcing red light running at junctions and crossings, and single site spot speed cameras in residential streets, in addition to expanding the existing average speed camera network. Any new infrastructure will only be considered in line with a strict justification criterion approved as part of the new regional agreement.
- 4.11 It is expected that any new Regional Agreement will take a great deal of discussion and negotiation between all parties before commencing in April 2025. Consequently, an interim arrangement is required whereby the existing ASE working agreements continue in place from April 2024 to March 2025, with some minor changes through way of addendum, to ensure there is no break in Average Speed Enforcement across the region.
- 4.13 Cabinet is therefore requested to approve Sandwell to continue operating within the current terms and conditions of the existing Black Country Average Speed Enforcement Working Agreement for an additional interim year April 2024 to March 2025, until such time as the Regional Working Agreement can be finalised and signed up to.
- 4.14 Sandwell currently has 2 Average Speed Enforcement sites;



- A4123 Wolverhampton Road between Hagley Road and Pound Road
- A34 Birmingham Road between Scott Arms and Borough boundary with Walsall

The benefits of ASE have been exceptional with results between 2018 and 2022 showing a 50% reduction in all road casualties, no fatal injuries (there were 3 in the three years previous), and a 40% reduction in serious injuries.

On the A4123 speed compliance for the 40mph limit improved from 56% prior to the cameras to 95% after the introduction of ASE.

- 4.14 The development of a new Camera Enforcement of Endorsable Traffic Offences - West Midlands Regional Working Agreement will ultimately lead to a significant reduction in the number of Killed and Seriously injured (KSI) road casualties in Sandwell as well as the wider region, by targeting enforcement of the highest speed roads in the borough. This will help achieve the challenging road safety targets recently approved in the new Sandwell Strategic Road Safety Plan 2024-2030 and the West Midlands Refreshed Road Safety Strategy 2030.
- 4.15 New WMP efficiencies and an increase in back office staff will allow an expansion of the digital camera enforcement network for endorsable traffic offences in the borough, further enhancing safety for all Sandwell's road users.
- 4.16 Due to the complexities of agreeing the roles, responsibilities, terms and conditions of any new regional agreement and the need for continual two-way communications between legal teams Cabinet are requested to agree in principle for Sandwell Council to enter the Camera Enforcement of Endorsable Traffic Offences - West Midlands Regional Working Agreement but delegate all approvals on operational decisions and details of the final agreement to the Director of Borough Economy or the Executive Director, Place in consultation with the relevant Cabinet Member for Environment and Highways and the Director of Law and Governance or the Executive Director Finance and Transformation.



## 5 Alternative Options

- 5.1 Do Nothing is not recommended as WMP will not continue to operate under three separate ASE working agreements after March 2025. Hence Average Speed Enforcement would cease in Sandwell, with WMP relying solely on speed camera vans to undertake limited speed enforcement in the borough which would have a significant detrimental impact on the ability to reduce the most serious road casualty rates.

## 6 Implications

<b>Resources:</b>	Any future requirement for capital expenditure for the ongoing purchase of additional enforcement cameras will be identified through the Local Network Improvement Plan (LNIP) road safety capital allocations budgets. Moving forward the maintenance operation will be cost neutral balancing contravention income with revenue resource requirements. Any surplus will be used to implement complimentary road safety and traffic management improvements to the network or improve the enforcement infrastructure stock.
<b>Legal and Governance:</b>	There will be a requirement for Legal Service to consider the terms and conditions of any new regional agreement before signature and sealing.
<b>Risk:</b>	Without entering into a new agreement, WMP will not continue to operate under three separate ASE working agreements after March 2025. Hence Average Speed Enforcement would cease in Sandwell. This will significantly affect the council's ability to reduce KSI casualties in the borough
<b>Equality:</b>	From initial inspection it is not believed that this decision discriminates against the protected characteristics. The requirements of the Equality Act 2010 are included in Policy to draw attention to the detail of, and the need to comply with, the Act.
<b>Health and Wellbeing:</b>	The principal benefits associated with enforcing speed related contraventions are the mitigation of unsafe, illegal, and inconsiderate driving, reducing traffic congestion, improving safety and improving equality.





	These will have a positive effect on Sandwell as a good place for local communities and visitors.
<b>Social Value</b>	There are no implications for social value directly arising from this report.
<b>Climate Change:</b>	By having the ability to reduce traffic speeds will have a positive effect and help reduce the effects of emissions on the air quality and climate of Sandwell.
<b>Corporate Parenting</b>	The work to reduce road casualties across the road network supports the Council in the broad role as a corporate parent.

