

**Report to:** Lead Member for Transport and Environment

**Date of meeting:** 22 January 2018

**By:** Director of Communities, Economy and Transport

**Title:** Notice of Motion - Keeping HGVs off unsuitable roads

**Purpose:** To consider a Notice of Motion from Councillor Osborne seeking written support to local MPs and the Secretary of State for Transport, for:

- The necessary powers to enable enforcement action to be taken against Heavy Goods Vehicles using unsuitable roads in England, and
- Legislation for all HGVs and large vehicles to install suitable Satellite Navigation (Sat-Nav) systems.

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**RECOMMENDATIONS:** The Lead Member is recommended to recommend that the County Council:

- (1) Does not support the three elements of the Notice of Motion, as set out in paragraph 1.1 under '*This Council calls for*'; and
  - (2) Agree the Lead Member in consultation with the Director of CET, writes on behalf of the County Council, to the Secretary for State for Transport, to highlight the issues and impacts that local authorities and local communities in our rural areas are facing as a result of the damage caused by HGVs to our minor road network.
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## **1 Background Information**

1.1. The following Notice of Motion has been submitted by Councillor Osborne:

"This *Council notes*:

- *The damage done to many smaller roads, especially villages and rural areas, by HGV lorries using roads that are too small for them and the work done by the Local Government Association to highlight this problem.*
- *Lorry sat-navs are like normal car sat-navs, but they include bridge heights, narrow roads, and roads unsuitable for trucks. In addition, they allow the driver to enter the lorry's dimensions - height, width, weight and load – so they are only guided along suitable roads.*
- *That Councils outside London and Wales are currently prevented from taking enforcement action for the minority of lorry drivers who flout weight and width restrictions, as the Government have failed to bring Part 6 of the Traffic Management Act 2004 into force for Councils in the rest of England.*

*This Council calls for:*

- *The Government to bring Part 6 of the Traffic Management Act 2004 into force for English councils with immediate effect so enforcement action can be taken against lorries who use unsuitable roads*
- *The Government to legislate so all HGVs and large vehicles install suitable sat-navs designed for lorries*
- *The Chief Executive to write to our local MP[s] and the Secretary of State for Transport to bring Part 6 of the Traffic Management Act into force and to support mandatory use of suitable sat-navs for HGVs and other large vehicles."*

1.2. In line with County Council practice, the matter has been referred by the Chairman to the Lead Member for Transport and Environment for consideration to provide information and inform debate on the Motion. The Lead Member's recommendation on this Notice of Motion will be reported to the Council at its meeting on 6 February 2018.

## 2 Supporting Information

### Current County Council policy relating to the control of HGVs

2.1. The County Council policy relating to the control of HGVs is at Appendix 1 to the report. In summary, it seeks to regulate the use of HGVs and, in recognition of the inadequate strategic road network in the county, it outlines that it is accepted that national “A” and “B” roads should be available for heavy lorries and, therefore, will disperse across the network rather than be concentrated on selected roads.

2.2. It is recognised that HGVs will still need to use our minor (“C” class and unclassified) road network for access purposes to households and businesses in our rural areas. The presence of HGVs on our minor road network is influenced by:

- Planning issues – many rural farms/premises are now used for commercial and leisure purposes as part of the diversification of the local economy, particularly in East Sussex where a significant proportion of businesses are small and medium sized enterprises, which results in HGV movements to and from these sites;
- Centralised deliveries by many businesses, resulting in one large HGV making many deliveries across a wide area instead of smaller commercial vehicles delivering from local depots;
- The use of Satellite Navigation systems misdirecting HGV drivers down unsuitable routes;
- Increasing level of internet deliveries; and,
- Overseas drivers not familiar with the local road network.

2.3. Unless there is a specific structure along a route, we are only able to implement prohibitions by way of a Traffic Regulation Order to restrict HGVs using a route as a cut through. In considering a potential prohibition, the following issues are taken into account:

- Is a more suitable alternative route available?
- Can this route be adequately signed?
- What level of enforcement is available by the Police who currently have to follow the offending vehicle through the entry and terminal point of the restriction?
- What is the real extent of the problem – where is the evidence to support the claims of increased HGV use?
- How many of these HGVs would be impacted by a prohibition (origin/destination or number plate surveys would be required for each road under consideration)?
- What are the economic impacts – how would any prohibition affect local businesses which form part of our rural economy?
- What is the environmental impact of additional signage, the cost of implementing the necessary Traffic Regulation Order (TRO), and the whole life cost of maintaining the signs both at the restriction as well as the alternative route signing?

### Part 6 of the Traffic Management Act

2.4. The Traffic Management Act (TMA) was introduced in 2004 to tackle congestion and disruption on the road network. The Act places a duty on local transport authorities to ensure the expeditious movement of traffic on their road network, and those networks of surrounding authorities. Part 6 of the Act specifically relates to the civil enforcement of traffic contraventions, and gives Government the power to introduce a new framework for the enforcement of parking, bus lanes and certain moving traffic matters.

2.5. Part 6 of the TMA (2004) also enabled the introduction of the London Lorry Control Scheme (LLCS), which is often mistakenly referred to as the lorry ban. It is administered by London Councils, and controls the movement of heavy goods vehicles over 18 tonnes maximum gross weight. It operates at night and at weekends on specific roads in London, helping to manage the environmental impact of HGV vehicles and minimise noise pollution. Enforcement is carried out in residential areas during unsociable hours through restricted use of these roads.

2.6. Not all roads in London are controlled by the scheme. There is a core network of routes, usually trunk roads and similar, along which HGVs can travel at any time without needing permission to do so. These roads are known as the Excluded Route Network (ERN). The roads on which the scheme applies are known as Restricted Roads.

2.7. During the controlled hours of the scheme, goods vehicles with permission must travel along the ERN to the closest point of their destination. The journey must be completed by using the shortest distance along restricted roads. If hauliers need to gain access via a restricted road, each vehicle will

require a permission to carry out deliveries/collections within the hours of control. All journeys can be undertaken by using a compliant route in line with the Traffic Order, which is designed to ensure that goods vehicles over 18 tonnes maximum gross weight obtain a permission to use the restricted roads during the prescribed hours of the scheme. The decriminalisation of the scheme means that the operator and the driver using the restricted roads without permission will be at risk of receiving a Penalty Charge Notice (PCN).

2.8. There is nothing in the current legislation which, as the Notice of Motion called for, would enable the introduction of a similar regime to London being implemented across the rest of England. If such a regime were to be introduced, there would be a number of issues at a local level that would need to be addressed:

- For offences to be detected, they would need to be witnessed by a Civil Enforcement Officer or CCTV cameras, both of which would require significant set up costs that would need to include back office functions to identify vehicle owner, issue notices and handle any disputes.
- The potential level of offences that could reasonably be expected to be detected, particularly on the rural parts of our road network, and the level of additional enforcement resource that would be needed to make its introduction financially viable and represent good value for money.
- How additional enforcement resources would be funded as there will be no revenue stream, such as those provided by the current parking enforcement 'pay and display', to supplement the revenue generated by enforcement action.
- A significant upgrade of existing signage, including alternative route signing which is not presently provided for many of our restrictions, to ensure that any potential dispute would stand a realistic chance of being defended at adjudication. It would require significant capital funding to deliver this.
- The introduction of such a regime could potentially lead to the devaluation of some offences within Part 6 of the TMA, including moving traffic contraventions relating to one way streets, no entry, left/right turn prohibitions etc.

#### Satellite navigation systems in lorries

2.9. Over the last 10 years, there has been an increasing number of incidences where Satellite Navigation systems (Sat-Navs) are cited as directing HGVs along inappropriate routes, both within the county and elsewhere in the UK.

2.10. Whilst freight specific systems have been developed for use by the logistics industry, some HGV and van drivers use Sat-Nav systems that have been designed specifically for the car market. As a result, these systems take no account of the weight, height, length or environmental restrictions that HGVs have to adhere to.

2.11. We have consulted with the Freight Transport Association (FTA) on this issue who have advised that they do not believe that the Government should legislate for all HGVs and large vehicles to install suitable Sat-Nav systems, and that operators should not be forced into using Sat-Navs but, those that do, should use appropriate models which are designed for HGVs and large vehicles.

2.12. The FTA have also highlighted that Sat-Navs are a navigation aide and not a replacement for the driver's responsibility, so it is the driver that should be responsible for not taking inappropriate routes. Many operators also insist that there should not be any additional technology in the cabs of their vehicles, (i.e. no Sat-Navs) as they could be a distraction.

### **3 Conclusion and Reasons for Recommendations**

3.1. Firstly, the Notice of Motion requests the Government bring Part 6 of the Traffic Management Act 2004 into force for English councils with immediate effect so enforcement action can be taken against lorries who use unsuitable roads. Without a change in the legislation to the Traffic Management Act 2004, there is no mechanism to introduce a similar enforcement regime to that in London to control the movement of HGVs in East Sussex on certain routes, and then with specific permission to use restricted roads. Even if the legislation was in place, there are a number of issues, as highlighted in paragraph 2.8, which would need to be addressed. Additionally, the deliverability and affordability of introducing such a regime are unknown, and a clear business case would have to be made to demonstrate it represented value for money. As a consequence, it is recommended that this element of the Notice of Motion is not supported.

3.2. Secondly, the Notice of Motion requests Government to legislate so all HGVs and large vehicles install suitable Sat-Navs designed for lorries. As highlighted in paragraph 2.10, the FTA – a key stakeholder in the freight industry - would not be supportive of the introduction of such a request, and it is unlikely that Government would seek to pass the necessary legislation to enable this. Therefore, it is recommended that this part of the Notice of Motion is not supported.

3.3. Finally, the Notice of Motion also requests that the Chief Executive write to our local MP[s] and the Secretary of State for Transport to bring Part 6 of the Traffic Management Act (TMA) into force, and to support mandatory use of suitable Sat-Navs for HGVs and other large vehicles. As highlighted in paragraph 3.2, Part 6 of the TMA 2004 does not enable local authorities outside London to control the movement of HGVs and, as highlighted in paragraph 3.2, it is unlikely without the FTA's support that Government will legislate the mandatory use of Sat-Navs in HGVs. Therefore, it is recommended that this part of the Notice of Motion is not supported.

3.4 However, it is recommended that the Lead Member recommends to the County Council that he writes to the Secretary for State for Transport to highlight the issues and impacts that local authorities and local communities in our rural areas are facing as a result of the damage caused by HGVs to our minor road network.

**RUPERT CLUBB**

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**LOCAL MEMBERS**

All

**BACKGROUND DOCUMENTS**

None