

## **Council – 9 July 2012**

### **Civil Enforcement of Bus Lane Contraventions**

**Service:** Neighbourhoods

**Wards:** All

#### **1. Summary**

- 1.1 This report seeks to reaffirm the existing Council commitment to undertake bus lane enforcement.
- 1.2 This report seeks approval to join the Bus Lane Adjudication Service Joint Committee (BLASJC) as required for the civil enforcement of bus lane contraventions.
- 1.3 This report details the reasons for, and benefits to be gained, from undertaking bus lane enforcement.

#### **2. Recommendations**

- 2.1 That Council authorise the application of bus lane enforcement through existing powers granted to the Council under the Traffic Management Act 2004 & the Transport Act 2000.
- 2.2 That, pursuant to Section 101 (5) of the Local Government Act 1972 the Council becomes a member of the Bus Lane Adjudication Service Joint Committee.
- 2.3 That Council authorise the Executive Director for Neighbourhood Services to agree and sign the terms and conditions admitting the Council to the Bus Lane Adjudication Service Joint Committee (BLASJC).

#### **3. Report detail**

- 3.1 Council will recall that in 2006, Cabinet authorised the Head of Engineering and Transportation in conjunction with the Portfolio Holder for Transport, to take all necessary steps to introduce civil parking enforcement by April 2008. As part of the process, the Department for Transport expected all local authorities requesting civil parking enforcement powers to also request civil bus lane enforcement powers.
- 3.2 Due to a processing backlog in the Department for Transport, civil parking enforcement powers were granted in April 2009. Bus lane enforcement powers were further delayed but finally granted through Statutory Instrument in March 2010.

- 3.3 A statutory requirement of the civil enforcement of bus lane contraventions is the need to join the bus lane adjudication service. The Adjudication Service acts, under certain conditions, as the independent adjudicating body for bus lane appeals where local appeals have been exhausted. A requirement of membership is the need to enter into a Bus Lane Adjudication Service Joint Committee (BLASJC); in pursuance of arrangements under Section 101(5) of the Local Government Act 1972.
- 3.3 The Bus Lane Adjudication Service Joint Committee comprises of representatives from all local authorities undertaking bus lane enforcement. The Council is required to enter into the Joint Committee arrangements through signatory to the Memorandum of Participation and Deed of Arrangements.
- 3.4 Council will recall that in preparation for the application of bus lane enforcement and the requirement to enter into Joint Committee arrangements, Council on 23 May 2012, elected Councillors Ansell and Illmann-Walker to act as lead representative and deputy on the Bus Lane Adjudication Service Joint Committee
- 3.6 The primary objectives of the Joint Committee are the provision of:
- a) Consistency in access to adjudication.
  - b) A cost effective and equitable adjudication service for all Bus Lane authorities in England and Wales.
  - c) Flexibility to deal with a wide range of local authorities with varying levels of demand for adjudication.
  - d) A fair adjudication service for Appellants including visible independence of adjudicators from the authorities in whose areas they are working.
- 3.7 Because the Joint Committee has no corporate status and cannot therefore contract, one of the constituent Councils has to be appointed as Lead Authority to enable goods and services to be provided on behalf of the Joint Committees. Currently Manchester City Council acts in this capacity. Funding of the joint committee and its provision of goods and services is provided for through a levy applied to each Bus Lane penalty charge issued by constituent Councils. Currently, the levy is set at £0.65 however this is periodically reviewed by the Joint committee and will be met from income generated through penalty charge notices.
- 3.8 Prior to the implementation of bus lane enforcement, the Council must first determine a suitable level of penalty charge to be applied for bus lane contraventions. Should Council approve the application of bus lane enforcement, Cabinet will be asked to approve the level of penalty charge to be applied to bus lane contraventions. However, that charge must be within the options approved by the Secretary of State.
- 3.9 Based on the experience of other Council's undertaking bus lane enforcement and the Council's own experience of undertaking civil parking enforcement, Cabinet will be asked to approve the £60 option. This charge is deemed necessary to ensure the required change in compliance levels. Should it be

necessary, this may be increased or reduced at a later date providing it remains within options approved by the Secretary of State.

- 3.10 Given the nature of bus lane contraventions, the use of appropriate technology is the only method available to undertake enforcement. A mobile enforcement vehicle is being procured and funded through the Local Transport Plan for use in Walsall as part of a pilot scheme for the wider West Midlands.
- 3.11 The application of the mobile enforcement vehicle pilot scheme was part of the justification to the Department for Transport that recently secured £5m investment for the region from the better bus area fund.
- 3.12 The Local Transport Plan contains a number of performance targets all reliant upon the application of bus lane enforcement to remove unnecessary delays created by unauthorised vehicles using bus lanes:
  - 3.12.1 80% of key bus services operating between “1 minute early and 5 minutes late” by 2015/16
  - 3.12.2 Increase bus patronage by 5% from 2010/11 baseline levels by 2015/16
  - 3.12.3 Reduce local CO<sub>2</sub> emissions from transport by 10% per person between 2010/11 and 2015/16
- 3.13 Part of the rationale for the Local Sustainable Transport bid was to support economic growth and jobs by delivering reliable and efficient transport networks that reduce car use at busy times. By enforcing bus lanes, journey time reliability for public transport will improve encouraging modal shift and a reduction in transport related CO<sub>2</sub> and other greenhouse gas emissions. This bid was supported by all of the major bus operators in the region.
- 3.14 A Transport for London study has shown that routine enforcement of bus lanes can result in a 15% reduction in delays to buses as a result of an 85% improvement in compliance levels.
- 3.15 Regular requests for enforcement of bus lanes are received from bus operators concerned at the impact unauthorised vehicles using a bus lane have on the ability of the bus to maintain its scheduled timetable. Currently only the Police have the ability to undertake bus lane enforcement and the application of this is restricted due to other competing demands for their service.
- 3.16 The ability for the Council to directly undertake bus lane enforcement will ensure that reductions in unnecessary delays to public transport are delivered. Journey time reliability will improve, reducing pollution levels and encouraging the use of public transport as a viable alternative to the private car.

#### **4. Council priorities**

##### 4.1 Communities and Neighbourhoods

4.1.1 Certain sections of the local community are reliant on scheduled bus services to travel in and around the neighbourhood. By ensuring that public transport is free from unnecessary delay caused by unauthorised vehicles using bus lanes, will assist with maintaining scheduled timetables that is important to residents.

##### 4.2 Health and well-being

4.2.1 The application of bus lane enforcement will ensure that unnecessary delays to public transport are reduced. The reduction in associated traffic congestion and air pollution will have a positive impact on the health and well being of local residents.

##### 4.3 Economy

4.3.1 The operation of reliable public transport is vital for the local economy. The enforcement of bus lanes will ensure the public transport road network continues to support the needs of the local economy whilst also creating a suitable environment to attract new investment and jobs in the borough.

#### **5. Risk management**

Failure to enter into Bus Lane Adjudication Service Joint Committee arrangements and determination of a penalty charge in accordance with 3.6 and 3.7 of this report will result in all penalty charges being unenforceable.

#### **6. Financial implications**

6.1 The initial set up of bus lane enforcement will be at no cost to the Council and will be met from existing Local Transport Plan Capital budget allocations.

6.2 Staffing requirements to operate the mobile enforcement vehicle will be met from the existing compliment of civil enforcement officers and therefore delivered at no additional revenue cost.

6.3 General operational costs associated with the mobile enforcement vehicle are anticipated to be less than £1000 per annum and will be met from existing revenue budgets.

6.4 Revenue raised from bus lane enforcement should be used to offset the cost of operating and maintaining the bus lane enforcement scheme. Any surplus revenue raised should be spent in accordance with regulation 36 of the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005.

6.5 Income anticipated to be raised from penalty charge notices has already been built into the 2012/13 budget.

6.6 In accordance with procedures required by Centro as part of this pilot for the West Midlands there will be regular reporting of performance and financial data and this information will be reported similarly to Corporate Scrutiny panel as required.

## **7. Legal implications**

7.1 The Council is required to enter into a joint committee set up in pursuance of arrangements under Section 101(5) of the Local Government Act 1972; with the Bus Lane Adjudication Service Joint Committee (BLASJC).

7.2 The Council is required to publish the level of penalty charge in at least one local newspaper circulating in the designated area at least 14 days before the charges come into force.

## **8. Property implications**

None directly associated with this report.

## **9. Staffing implications**

None directly associated with this report.

## **10. Equality implications**

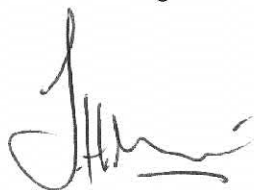
None directly associated with this report.

## **11. Consultation**

This report has been produced in consultation with Legal and Finance.

## **Background papers**

None arising from this report.



Jamie Morris  
Executive Director

29 June 2012