

**Cabinet – 25 July 2012****Civil Enforcement of Bus Lane Contraventions**

<b>Portfolio:</b>	Councillor Ansell - Transport & Environment
<b>Service:</b>	Engineering & Transportation
<b>Wards:</b>	All
<b>Key decision:</b>	Yes
<b>Forward plan:</b>	Yes

**1. Summary**

- 1.1 This report notes the Council decision to implement bus lane enforcement within Walsall and to become a member of the Bus Lane Adjudication Service Joint Committee.
- 1.2 The report seeks approval to the proposed level of penalty charge to be applied for bus lane contraventions.

**2. Recommendation**

- 2.1 That Cabinet approve the standard level of penalty charge to be applied for bus lane contraventions be set at £60 in accordance with the framework approved by the Secretary of State for Transport.

**3. Report detail**

- 3.1 Cabinet will recall that Council 9 July 2012 approved the application of bus lane enforcement within Walsall.
- 3.2 Prior to the implementation of bus lane enforcement, Cabinet must first determine a suitable level of penalty charge to be applied for bus lane contraventions. An authority must choose the level of penalty charge to be levied from the options approved by the Secretary of State as detailed below.

	Level of Penalty	Paid Within 14 Days	Paid After Service of Charge Certificate
	£40	£20	£60
	£50	£25	£75
3.3	T £60	£30	£90

The actual amount of the penalty charge is ultimately determined by the point at which it is paid. Legislation dictates that a 50% discount be applied if paid within 14 days of the penalty charge being issued. Based on national experience, the majority of motorists will pay the penalty at this point, paying the 50% discounted rate. After 14 days the charge will revert to the standard level of penalty charge where it will remain for at least 56 days. Legislation further dictates a 50% increase will be applied to the standard level of penalty charge if the penalty remains unpaid after 56 days and a charge certificate is issued.

- 3.4 Based on the experience of other Councils undertaking bus lane enforcement and this Council's own experience of undertaking civil parking enforcement, the £60 option is initially required to ensure the necessary change in compliance levels. Should it be necessary, this may be varied at a later date providing it remains within options approved by the Secretary of State.
- 3.5 Cabinet will note that should they approve the recommendation and set the penalty charge for bus lane contraventions to be £60, this will still be less than the £70 applied for higher level parking contraventions such as parking on double yellow lines.
- 3.6 Based on national experience, the majority of motorists that pay the penalty, will pay during the first 14 days. Making payment during this period will allow the motorist to discharge the penalty at the 50% discount rate of £30 should the standard level of penalty be set at £60.
- 3.7 Subject to approval by this Cabinet it is anticipated that implementation of bus lane enforcement, utilising a mobile enforcement camera, will commence in October 2012. All existing bus lanes, together with the associated signage, have been assessed for compliance with regulations and rectification works have been programmed for the summer period, where necessary. Prior to implementation there will be a communication plan and press releases. It is also intended that for the first month of introduction of the mobile enforcement camera only warnings will be given to those contravening regulations. However, the police will continue to enforce as at present and this takes precedence over Council enforcement.

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

##### *Communities and Neighbourhoods*

- 4.1 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.

##### *Health and well-being*

- 4.2 The application of bus lane enforcement with an appropriate level of penalty charge 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 wellbeing of local residents.

## *Economy*

- 4.3 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.

## 4.4 *Related Portfolios*

This report does not relate to any other Portfolios.

## **5. Risk management**

- 5.1 Failure to determine a penalty charge in accordance with paragraph 3.2 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 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.
- 6.3 Income anticipated to be raised from penalty charge notices has already been built into the 2012/13 budget.

## **7. Legal implications**

- 7.1 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.
- 7.2 The Council is required by the Secretary of State for Transport to publish an annual report detailing a range of information relating to the number of bus lane penalty charge notices issued. This report will be presented to Cabinet in conjunction with the annual civil parking report.

## **8. Property implications**

- 8.1 None directly associated with this report.

## **9. Staffing implications**

9.1 None directly associated with this report.

## **10. Equality implications**

10.1 None directly associated with this report.

## **11. Consultation**

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

## **Background papers**

None arising from this report.

## **Author**

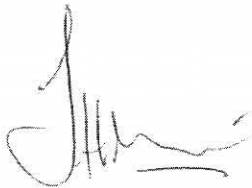
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13 July 2012

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Portfolio Holder



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