1. Decision Title: Keeping Staffordshire Moving – Bus Lane Enforcement

2. Decision Date 22 August 2014

3. Decision Summary:

   a. Approve the adoption of bus lane enforcement in Staffordshire.

   b. Adopt the Bus Lane Adjudication Service Joint Committee adjudication service for disputed Penalty Charge Notices and authorise the Director of Democracy, Law & Transformation to enter into an agreement with other Councils for this purpose under Section 101 of the Local Government Act 1972.

   c. Set the penalty charge for bus lane contraventions at the maximum permitted level (currently £60 per Penalty Charge Notice (PCN) discounted to £30 for early settlement within 14 days) and authorise the Director for Place and Deputy Chief Executive to seek approval for the charges from the Secretary of State.

   d. Nominate the Cabinet Member for Economy and Infrastructure as Staffordshire County Council’s representative on the Bus Lane Adjudication Service Joint Committee with the Support Member for Transport and the Connected County as substitute representative.

   e. Authorise the Director for Place and Deputy Chief Executive in consultation with the Director of Democracy, Law & Transformation to enter into an agreement with Stoke-on-Trent City Council for the review and processing of bus lane penalty charge notices until 31st March 2015. This should also include arrangements beyond that date as part of the Civil Parking Enforcement review.

   f. Authorise the Director for Place and Deputy Chief Executive following consultation with the Cabinet Member for Economy and Infrastructure to make any other arrangements that are necessary to introduce bus lane enforcement at this and other existing or potential sites including approving the policy for the processing of penalty charge notices.

4. Member Delegated Function:
Select appropriate delegated function below;

General Delegation to Cabinet Member – Section 6 of the Constitution: X
5. Specific Delegation to Cabinet Member:

Not applicable

6. If decision is exempt, please tick the relevant paragraph number:

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7. Options Considered:

**Reasons for Recommendations:**

**Why is it coming here – what decisions are required**

1. Whilst there are a small number of bus lanes in Staffordshire, these are not currently enforced by camera systems but can be enforced by the police.

2. As part of the development of the i54 South Staffordshire site a bus lane is being introduced on Innovation Drive near the Wobaston Road junction. Its use will come into effect in late autumn when access arrangements change in line with planning conditions for the development.

3. Access from Wobaston Road will then be limited to buses, cycles, pedestrians and motorcycles with the majority of vehicles entering and exiting the site via the new motorway junction or linked slip roads.

4. A comprehensive communications plan is being delivered with existing companies on site and other users of the bus lane that will ensure staff, suppliers and visitors to i54 South Staffordshire are aware of the changes.

5. Approving the recommendations will permit commencement of bus lane enforcement in Staffordshire.

**Background**

6. Powers were granted for civil enforcement of traffic contraventions by approved local authorities in the Traffic Management Act 2004. Staffordshire County Council is an approved local authority for Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005 for the purposes of S.144 of the Transport Act 2000 (civil penalties for bus lane contraventions).

7. Cameras and recording systems have to be approved under The Bus Lanes (Approved Devices) (England) Order 2005.
Who can drive in a bus lane when it is in operation?

8. Only buses, coaches and pedal cyclists can use all bus lanes during their hours of operation. The definition of a bus contained in the Traffic Signs Regulations and General Directions 2002 is ‘motor vehicles constructed or adapted to carry more than eight passengers (exclusive of the driver)’.

9. Only emergency vehicles (on an emergency call or operational manoeuvre) are normally exempt from these restrictions.

10. The bus lane at i54 will also be used by motorcycles and authorisation has been gained from the Secretary of State for this change in permitted class of vehicle.

Adopting the Adjudication Service

11. The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 require that the enforcing authority creates or joins an adjudication service before enforcing bus lane contraventions.

12. Outside London, PATROL (Public Authorities Traffic Regulation Outside London) provides two services:
   a. National Parking Adjudication Service (NPAS) Joint Committee
   b. Bus Lane Adjudication Service (BLAS) Joint Committee

13. At its meetings on 25th April 2006 and 15th October 2008, Cabinet resolved to enter into a joint service agreement for parking penalties with the National Parking Advisory Service Joint Committee under Section 101 of the Local Government Act 1972. Joining the Bus Lane Adjudication Service Joint Committee in a similar Section 101 agreement to NPAS and appointing a member to sit on the Committee will satisfy the statutory requirements to permit bus lane enforcement.

14. It is recommended that the Cabinet Member for Economy and Infrastructure is nominated as representative on BLAS with the Support Member for Transport and the Connected County as substitute.

Setting the Penalty Charge

15. Among other requirements for membership, the Bus Lane Adjudication Service Joint Committee requires member authorities to provide a council resolution setting out the decision to enforce bus lane contraventions, impose penalty charges and, the level of penalty set.
16. ‘Being in a bus lane’ is the only contravention that a penalty can be issued for. The maximum penalty charge is set by the Secretary of State and is currently £60 with a 50 percent discount for payment within 14 days.

17. At its meetings on 25th April 2006 and 3rd December 2007, Cabinet approved the setting of the Penalty Charge Notice (PCN) for other parking contraventions at the maximum level. It is therefore recommended that the level of penalty charge for bus lanes is set at the maximum level. Setting the level of a PCN below the maximum risks the public seeing a bus lane contravention as a ‘lesser offence’ than a parking contravention and may have a negative impact on compliance.

**Developing a Policy for the Processing of Penalty Charge Notices**

18. The Joint Staffordshire Parking Board is currently responsible for policies associated with the operation of Civil Parking Enforcement in Staffordshire and has developed and approved a Policy for the Processing of Penalty Charges.

19. It is proposed that the same Policy is adopted for Bus Lane Enforcement with the key amendments identified in Annexe 1 and, that the Director for Place and Deputy Chief Executive following consultation with the Cabinet Member for Economy and Infrastructure is authorised to approve the final version of this document for use in bus lane enforcement.

**Is there a right of appeal?**

20. Appeals are referred to in these cases as ‘Representations’. The Bus Lane Contraventions (Penalty Charge Adjudication and Enforcement) (England) Regulations 2005 (SI No 2757) sets out six grounds on which representations can be made. These are:

- The alleged contravention did not occur;
- The penalty exceeded the relevant amount;
- The circumstances leading to the issue of the Penalty Charge Notice are subject to criminal proceedings or a Fixed Penalty Notice has been issued;
- I was not the owner/keeper of the vehicle at the time of the alleged contravention;
- I was not the hirer of the vehicle at the time of the alleged contravention;
- I was the registered owner/keeper of the vehicle on the date of the alleged contravention but the vehicle: was on hire to someone else, who had signed a statement taking liability; kept by a motor trader; or was being used without my consent at the time of the alleged incident.

21. Representations about paying the charge can be made within 28 days. If the council rejects the representation, there is a right of appeal to the
Processing of penalty charge notices

22. Penalty Charge Notices for parking contraventions are currently processed by Stoke-on-Trent City Council on behalf of the eight District Councils in Staffordshire. Stoke-on-Trent City Council also review and process Penalty Charge Notices for their own bus lanes and it is proposed that they provide the same service for bus lanes in Staffordshire.

23. The arrangements for Civil Parking Enforcement post April 2015 are currently under review but it is proposed that in the meantime arrangements are made under Section 101 of the Local Government Act 1972 for Stoke-on-Trent City Council to review and process penalty charge notices on behalf of the County Council until 31st March 2015.

Government response to consultation on local authority parking.

24. The Government launched a consultation paper on local authority parking enforcement on 6th December 2013. As part of the consultation views were sought on the proposals to ban CCTV cameras for parking enforcement.

25. The response was published in June 2014 and confirms that the government intends to take action to see a ban on the use of CCTV cameras to enforce parking contraventions in the vast majority of cases with some limited exceptions.

26. The Government has however indicated that camera’s will still be able to be used for the enforcement of bus lanes.

Implications:

Legal

27. Approving the recommendations will permit commencement of bus lane enforcement subject to the council also making the necessary traffic regulation orders, publishing a notice of circumstances in which a penalty charge may be imposed and the level of penalty charge, at least 15 days before charges are imposed.

Financial

What happens to all the money collected by the County Council from bus lane fines?

28. Investment for the bus lane and camera enforcement equipment at i54 has been secured through the development of the site and includes the maintenance and site operating costs for the camera equipment for the first two years. The total cost is estimated to be £102k.
29. The annual maintenance, operating costs and an allowance for future replacement costs of the equipment are expected to be £17.5k per annum.

30. Income from penalty charge notices will contribute towards the cost of enforcement. However, at this stage, the expected level of non-compliance is unknown but will be closely monitored from the first day of operation. The total annual cost of operating the site including the maintenance of camera equipment and review of and processing of Penalty Charge Notices will vary depending on the level of compliance.

31. By use of the required signs and road markings, the aim is to ensure that only permitted vehicles use the bus lane. With full compliance and therefore no review and processing of Penalty Charge Notices it is estimated that the site will cost £17.5k per year. If, for example the camera is triggered 2,500 times per year with 40 per cent of vehicles being non-permitted and issued with a Penalty Charge Notice it is anticipated that there will be a slight surplus of £8.2k per year.

32. The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 prescribe the financial requirements in relation to the accounting of the costs of operating the system and penalty charges received. After taking account of any charges to the general fund as a consequence of operating the scheme in the previous four years, any surplus is required to be spent on public passenger services or, for the purpose of highway improvement projects.

List of Background Documents:

Traffic Management Act 2004
The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005
Bus Lanes (Approved Devices) (England) Order 2005
Local Government Act 1972, S101
Department for Transport Letter 14th March 2014
Policy for the Processing of Penalty Charge Notices
I54 Planning Conditions

8. Consultation Process (mandatory for Cabinet Member Delegated Decisions):

Consultation carried out with HR, Legal, Finance and Communications

9. Electoral Divisions Affected:

All. The decision will enable Bus Lane Enforcement county wide. The first site being implemented at i54 South Staffordshire.
10. Name of Cabinet Member Making Decision:
Councillor Mark Winnington

11. Community Impact Assessment:

**Key Issues:**

<table>
<thead>
<tr>
<th>SCC’s Priority Outcomes &amp; Impact Areas</th>
<th>Impact: (positive / neutral / negative)</th>
<th>Provide brief detail of impact</th>
</tr>
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<tbody>
<tr>
<td>Prosperity, knowledge, skills, aspirations</td>
<td>+ve</td>
<td>The introduction of bus lane enforcement help to achieve easier and more consistent journey times in order that the county remains attractive to businesses and visitors alike, supporting the drive for inward investment.</td>
</tr>
<tr>
<td>Living safely</td>
<td>+ve</td>
<td>Attractive, well maintained highways help develop a sense of community, helping residents access services, reducing social isolation, crime, the fear of crime and anti-social behaviour.</td>
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<td>Supporting vulnerable people</td>
<td>Neutral</td>
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<tr>
<td>Supporting healthier living</td>
<td>+ve</td>
<td>Ensuring that a high quality, functional environment is available can increase transport choice, positively influencing health by connecting people to jobs and service encouraging walking and cycling.</td>
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<tr>
<td>Highways and transport networks</td>
<td>+ve</td>
<td>The highway network is fundamental to Staffordshire’s economy and to the wellbeing of its population, carrying large numbers of people by public and private transport and delivering goods and services every day of the year.</td>
</tr>
<tr>
<td>Learning, education and culture</td>
<td>+ve</td>
<td>Appropriate provision and management of the network can enhance the quality of life for people living in town centres, supporting the economy and cultural offer.</td>
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<tr>
<td>Children and young people</td>
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<tr>
<td>Citizens and decision making, improved community involvement</td>
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<tr>
<td>Physical environment</td>
<td>+ve</td>
<td>A reduction in the amount of travel</td>
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including climate change by private vehicles and, increased journey time reliability for public transport can reduce the level of CO2 emissions

Maximisation of use of community property portfolio Neutral N/A

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Resource and VFM Analysis: See paragraph 28 to 32 in 7. Options Considered

Risk Analysis: See paragraphs 1 to 5 in 7. Options Considered

Legal Analysis: See paragraph 27 in 7. Options Considered

12. Implementation:

Any implementation action required? Yes X No

To be implemented by:

<table>
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<th>Implementation status:</th>
<th>Work to commence on</th>
<th>Enforcement to commence at i54 South Staffordshire on opening of junction</th>
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<td>Work completed on date below</td>
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13. Report Author’s name and contact details

David Walters,
Regulation and Governance Manager
Highways & Built County,
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Email: david.walters@staffordshire.gov.uk
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