

6 June 2013**Agenda Item:****REPORT OF SERVICE DIRECTOR, HIGHWAYS****BUS LANE ENFORCEMENT – NUTHALL BUS GATE****Purpose of the Report**

1. The purpose of this report is to approve the commencement of bus lane enforcement at Nuthall Bus Gate without additional exemptions.

Information and Advice

2. Nuthall Bus Gate was introduced in 2003 to provide bus priority for westbound buses at the A610 Nuthall roundabout during weekday evening peak periods and to prevent peak period traffic “rat running” through the residential area.
3. The bus gate consists of a short section of road which provides direct access to the Nuthall roundabout from the junction of Nottingham Road and Roland Avenue at the edge of the Horsendale residential area. During the hours of 4pm to 6.30pm Monday to Friday use of this section in a westbound direction by vehicles other than buses and pedal cycles is prohibited.
4. It was recognised that, although the scheme would bring much benefit to the residential area, there could be some impact on residents in terms of additional journey times during the two and a half hours of operation. Therefore, to assist residents egressing the area in a westbound direction an additional traffic signal junction was introduced on the A610 next to Jungletastic / The Nuthall to enable vehicles to exit from Nottingham Road.
5. Bus operators welcomed the bus gate but for many years have reported significant delays due to other vehicles contravening the restriction. They have consistently requested that enforcement be undertaken to restore the effectiveness of the facility. Enforcement has been the responsibility of the police but this has been carried out infrequently and contraventions have continued. Bus operators therefore requested that the County Council make use of its powers to undertake enforcement using cameras.
6. On 8 February 2012 the Cabinet Member for Transport and Highways approved the Local Transport Plan programme for 2012/13 including modification of the bus plug at Nottingham Road, Nuthall and installation of an enforcement camera. In early 2013, in preparation for camera enforcement, the restriction was made more

conspicuous by the introduction of a mini-roundabout at the Nottingham Road / Roland Avenue junction and the renewal of all associated signs when an enforcement camera was installed.

7. On 21 March 2013 Transport and Highways Committee set the penalty charge for bus lane contraventions within Nottinghamshire and recommended that the Full Council approve participation in the joint arrangements for adjudication services. The committee approved the commencement of bus lane enforcement at Nuthall whilst requiring that enforcement at additional locations would be subject to supplementary approval.
8. On 25 April 2013 Full Council approved participation in the joint arrangements for adjudication services which is a legal requirement for authorities undertaking civil enforcement. In addition, The Council agreed a supplementary recommendation that “the existing Traffic Regulation Order be referred to the Transport & Highways Committee with a recommendation for residents of the Horsendale Estate to be an exempted class under the Order and to action this accordingly, subject to the necessary external approvals”.
9. A request for exemptions to be provided for residents of the Horsendale area has been raised by a number of residents and both the parish council and the local County Councillor have asked that this request be examined.
10. To provide such an exemption it would be necessary to create a new traffic regulation order by means of the statutory process. This would take 3 to 6 months due to advertising and consultation periods and the need to consider and report on any objections. This would involve an additional cost of the order of £5000.
11. In addition, the implementation of an exemption would require the renewal of bus lane signs at an additional estimated cost of £3000.
12. Prior to their installation it would be necessary to obtain authorisation for the signs from the Department of Transport since they would not be of the form already prescribed in the Traffic Signs Regulations. Standard bus lane/gate signs relate to the use by buses and pedal cycles only and permitted variations are limited to the addition of taxis and motor cycles. The addition of a selected group of residents' vehicles would require specific authorisation which may not be granted due to what is believed to be an unprecedented variation.
13. It is envisaged that such an exemption would need to be created by use of a permit system relating to either pre-registered vehicles or data matching of contravening vehicles with that held by DVLA. In effect, such a permit system would exempt a subset of vehicles from an otherwise prohibited class of vehicle. Based on the costs experienced from issuing parking permits and dealing with challenges it is estimated that the additional cost of managing the exemptions could be in excess of £5,000 per annum.
14. All options would add administrative complexity and cost to what is otherwise a straightforward enforcement operation. In addition, such arrangements are likely to create many opportunities for challenges against enforcement such as:

- a. Residents using courtesy vehicles, company vehicles or other vehicles not registered at their home address,
- b. Residents using vehicles not pre-registered such as newly acquired vehicles
- c. Residents visitors

Other Options Considered

15. Exemptions for residents were considered when the bus gate was introduced but this was discounted and an additional signal controlled junction was provided as part of the overall package of measures, to address residents' concerns.

Reason/s for Recommendation/s

16. Whilst it is recognised that there may be some inconvenience to residents this has to be offset against the overall benefits and in the context of mitigation measures that have already been provided.

17. Implementation of enforcement of bus priority measures is integral to and supports the objectives of the Statutory Quality Bus Partnership. Any vehicle irrespective of its origin can cause delay to buses.

18. Exemption for residents was considered as part of the original scheme development and although this was discounted the Horsendale residents were provided with an additional junction to minimise the inconvenience caused during the operational hours.

19. Introduction of an exemption would delay the commencement of enforcement to the detriment of public transport and the residential area and at additional cost.

20. An exemption of the nature requested would add to operational complexity and costs.

Statutory and Policy Implications

21. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for Service Users

The implementation of enforcement will enhance bus services using priority measures by improving bus journey time reliability and assist in the promotion of bus travel.

Financial Implications

The business case indicates that enforcement will be self-financing within the first year but does not consider the additional costs that would be necessary to implement an exemption.

RECOMMENDATION/S

1) Bus lane enforcement shall proceed at Nuthall without an exemption for residents.

Andrew Warrington
Service Director (Highways)

For any enquiries about this report please contact:
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Constitutional Comments (SHB 16/05/13)

22. Committee have power to decide the Recommendation.

Financial Comments (TMR 21/05/13)

23. The financial implications are set out in the report

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None.

Electoral Division(s) and Member(s) Affected

Nuthall – Cllr Philip Owen