

21 March 2013

Agenda Item:

REPORT OF SERVICE DIRECTOR, HIGHWAYS

BUS LANE ENFORCEMENT

Purpose of the Report

To set the level of penalty charge for bus lane contraventions in Nottinghamshire to enable enforcement of the Nuthall bus gate to start.

Information and Advice

1. The Nuthall bus gate provides an important priority for buses during the evening peak period, making local bus services viable and improving journey times, whilst also intending to remove through traffic from residential streets. Contravention of the bus gate is leading to significant delay to buses and nuisance to local residents.
2. Proposals for a Statutory Quality Bus Partnership (SQBP) approved by the Cabinet Member for Transport and Highways on 10 January 2012, included enforcement of bus priority measures.
3. The final SQBP deposited with the Traffic Commissioner identifies a small number of locations where enforcement will be implemented.
4. 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 gate at Nottingham Road, Nuthall and installation of an enforcement camera.
5. Regulations require that an authority shall not impose a penalty charge unless it has first set the level of charge to apply within its area. The Secretary of State must approve that level and details be advertised prior to imposing charges.
6. Choice of charge should be made on the basis of how best to deliver objectives of bus lane strategy and achieve a high degree of compliance, as well as producing a system that becomes self financing within a reasonable time.
7. The Department of Transport Guidance also notes that a wide range of charges between authorities would not be appropriate and, although The Secretary of State has approved three levels, all authorities outside London have adopted the same level of charge; at £60.

8. It should be noted that an incentive to encourage prompt payment must be provided in the form of a 50% discount for payment within 14 days, thereby making the effective charge £30.
9. Warning letters will be issued to contravening vehicles during the first two weeks of operation.
10. Any surplus income will be re-invested into the provision and operation of public transport services.
11. Authorities undertaking bus lane enforcement are also required to participate in joint arrangements for adjudication services. Outside of London this is provided by the Bus Lane Adjudication Service Joint Committee (BLASJC) which is hosted by Cheshire East Council. The administrative arrangements require that authorities enter into an established Agreement under Section 101 of the Local Government Act 1972. Due to the nature of this particular Agreement it will be necessary for Full Council to approve participation and a report will be prepared accordingly.
12. In due course it will also be necessary to nominate a Councillor to serve on the Joint Committee.

Other Options Considered

13. Modification of Nuthall bus gate has demonstrated that physical measures including changes to road geometry and signing are not sufficient to eradicate contravention.
14. Bus priority measures have been in place for many years but bus operators have consistently reported delays due to contravention by general traffic.

Reason/s for Recommendation/s

15. To ensure the effective operation of the Nuthall bus gate for the benefit of bus users and local residents.

Statutory and Policy Implications

16. 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.

RECOMMENDATION

It is RECOMMENDED that:

- 1) The penalty charge for bus lane contraventions in Nottinghamshire shall be £60.
- 2) The level of charge and associated details shall be advertised.
- 3) Bus lane enforcement shall start at Nuthall and, in due course, at other locations identified in the Statutory Quality Bus Partnership, subject to further Committee approval.
- 4) Authorisation to enter into a s101 agreement for the provision of adjudication services be sought from Full Council.

Andrew Warrington
Service Director (Highways)

For any enquiries about this report please contact:
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Constitutional Comments (SHB 25/02/13)

17. Committee has the authority to approve the Recommendation.

Financial Comments (TMR 25/02/13)

18. The costs of bus lane enforcement will be met from the income from charges.

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.

The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 – SI 2005 No. 2757

Provisional guidance on bus lane (including tramway) enforcement in England outside London – Department for Transport November 2005 (revised February 2008)

The Bus Lane Contraventions (Approved Local Authorities) (England) (Amendment) Order 2010 – SI 2010 No. 99

The Civil Enforcement of Parking Contraventions (County of Nottinghamshire) Designation Order 2008 – SI 2008 No. 1086

Electoral Division(s) and Member(s) Affected

All