Name of meeting: CABINET
Date: 6 June 2014
Title of report: Civil Parking Enforcement of Bus Lane Contraventions

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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<tbody>
<tr>
<td>Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</td>
<td>Yes</td>
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<td>Is it in the Council’s Forward Plan?</td>
<td>Yes</td>
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<td>Is it eligible for “call in” by Scrutiny?</td>
<td>Yes</td>
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<tr>
<td>Date signed off by Director &amp; name</td>
<td>Jacqui Gedman – 10/4/14</td>
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<td>Is it signed off by the Director of Resources?</td>
<td>David Smith – 10/4/14</td>
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<tr>
<td>Is it signed off by the Assistant Director – Legal, Governance &amp; Monitoring?</td>
<td>Julie Muscroft - 7/5/14</td>
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<tr>
<td>Cabinet member portfolio</td>
<td>Investment and Regeneration</td>
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</tbody>
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Electoral wards affected: All
Ward councillors consulted: No
Public or private: Public

1. **Purpose of report**

1.1 To request cabinet approval to:

1.1.1 Undertake civil parking enforcement of bus lane contraventions using Automatic Number Plate Recognition Technology (ANPR);

1.1.2 Set a Penalty Charge Notice charge of £60 (discounted to £30 if paid within 14 days);

1.1.3 Authorise the Assistant Director for Legal, Governance & Monitoring to sign and return a Memorandum of Participation (MOP) admitting Kirklees Council to the Bus Lane Adjudication Service Joint Committee (BLASJC);

1.1.4 Authorise the appointment of a Councillor Representative and substitute, to serve on the Bus Lane Adjudication Service Joint Committee;
1.1.5 Authorise the establishment of a separate bus lane account. (Note: Each local authority operating bus lane enforcement will need to ensure that the operations are not only effective, in that they deliver transport objectives, but are carried out efficiently and economically. To help monitor this, the authority must set up a separate bus lane account in which they record expenditure on and income from bus lane enforcement.)

Note: This report needs to be read in conjunction with the Cabinet Report - CAB-13-061 Huddersfield Town Centre Access and Connectivity Improvements.

2. Key points

2.1 Kirklees Council has the power to undertake civil enforcement of bus lane contraventions under the Traffic Management Act 2004 (part 6), Transport Act 2000 and Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) Regulations 2005. Automatic Number Plate Recognition Technology (ANPR) is a nationally approved tool for combating such violations.

2.2 The associated principles and processes are similar to those of civil parking enforcement, namely:-

- Offenders will be issued a Penalty Charge Notice through the post with photographic evidence of the offence;
- Early payment will receive a discount and late payment a surcharge;
- There is a right of appeal to those in receipt of a penalty charge notice. Motorists can appeal to the Councils Appeals Officers. (An appeals process and system already exists which will enable a motorist who has received a PCN to make representations to the local authority that issued it, and then appeal to the National Parking Adjudication Service if s/he considers that the PCN has been wrongly issued.)

2.3 ANPR cameras are used to capture the photographic evidence. The ANPR equipment, which it is proposed be used by the Council, will be able to identify the vehicle number plate, but not the driver or passengers.

2.4 It is proposed to utilise a mixture of fixed, movable and mobile enforcement cameras to enforce bus lanes.

2.5 The Council currently operates APNR technology to enforce parking violations where the vehicle has stopped and committed a contravention, eg school zig-zags, loading bans, cycle lanes, bus lanes and bus stops.
3. **Implications for the Council**

3.1 Local authorities intending to carry out bus lane enforcement must become members of the Bus Lane Adjudication Service Joint Committee (BLASJC), to provide an adjudication service to deal with appeals against PCNs. BLASJC has appointed the Traffic Penalty Tribunal to provide the adjudication service. To join the BLASJC, the Council would be obligated to enter an Agreement under Section 101 of the Local Government Act 1972, established by the existing authorities who make up the BLAS Joint Committee.

3.2 It would also be necessary for the Council to nominate a Member to serve on the Joint Committee. Due to the size of the Joint Committee the representative need not be an active, executive member of that committee. (Items 3.1 and 3.2 will be covered by a separate cabinet report in due course and before the proposed date of implementation, which is January 2015.)

3.3 The Council would also be required to advertise the proposed PCN value of £60 in local newspapers in advance of the scheme starting, and to review the relevant Traffic Regulation Orders.

3.4 A bus lane is an area of carriageway reserved, using a Traffic Regulation Order, primarily for use by buses during the advertised hours of operation. Unless the bus lane has a 24 hour restriction, outside of these hours, all traffic is permitted to use bus lanes.

3.5 Bus priority measures are designed and introduced to help achieve easier and more consistent journey times through congested areas, particularly in towns and cities.

3.6 **Financial Implications**

3.6.1 The Penalty Charge Notice is set at £60, discounted to £30 if payment is made within 14 days. This is a fixed amount set by the Department of Transport for Local Authorities operating under the Traffic Management Act 2004, outside London.

3.6.2 Subscription to the Bus Lane Adjudication Service - Traffic Penalty Tribunal is 55p per penalty charge notice issued and will be funded out of the overall operation.

3.6.3 Council’s performing bus lane civil enforcement must set up a separate bus lane account to record all expenditure and income. Any surplus revenue raised from bus lane enforcement should initially be used to recover the costs of setting up, operating and maintaining the bus lane enforcement scheme.

3.6.4 Any surplus revenue raised should be returned to the general fund to cover any deficit in the bus lane enforcement account or to meet the costs incurred to provide or operate public transport and highway improvements in the authority’s area.
3.7 Legal Implications

3.7.1 Bus lane enforcement is governed by legislation and by Department for Transport guidance that needs to be closely adhered to.

3.7.2 The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) Service is an independent tribunal where impartial lawyers consider appeals by motorists and vehicle owners whose vehicles have been issued with Penalty Charge Notices by Councils undertaking civil bus lane enforcement under The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations (SI No. 2757).

3.7.3 Failure to join the BLAJSC would be in breach of legislation and would preclude Kirklees Council from undertaking bus lane enforcement.

3.7.4 The Council would also be required to advertise the proposed PCN value in local newspapers in advance of enforcement starting as part of a Traffic Regulation Orders

3.8 HR Implications

3.8.1 The Council currently carries out Civil Parking Enforcement, including APNR enforcement of static parking contraventions using a mobile unit.

3.8.2 It is intended to build on the existing operation, without the need to increase costs significantly; however, an additional reviewing officer may be required to oversee the moving traffic review suite, depending on the scale of contraventions (to be reviewed).

4. Consultees and their opinions

4.1 Legal and IT colleagues have been consulted on the proposals.

5. Next steps

5.1 Subject to approval:

5.1.1 Request the Assistant Director for Legal, Governance & Monitoring to sign The Memorandum of Participation to ensure that Kirklees Council can have access to the adjudication service and commence bus lane enforcement with effect from Monday 26th January 2015.

5.1.2 Amend traffic regulation orders and signage where required (this will be covered as part of the Huddersfield town centre access and connectivity improvement project).

5.1.3 Advertise the introduction of a new charge – the setting of a penalty charge notice charge of £60 (discounted to £30 if paid within 14 days).

5.1.4 Test systems for 2 weeks prior to commencement and carry out press and web notifications/awareness.
6. Officer recommendations and reasons

6.1 That Cabinet approve that Kirklees Council:

6.1.1 Undertake civil enforcement of bus lane contraventions using Automatic Number Plate Recognition Technology (ANPR);

6.1.2 Set a Penalty Charge Notice charge of £60 (discounted to £30 if paid within 14 days);

6.1.3 Authorise the AD Legal, Governance & Monitoring to sign and return a Memorandum of Participation (MOP) admitting Kirklees Council to the Bus Lane Adjudication Service Joint Committee (BLASJC);

6.1.4 Authorise the appointment of a Councillor Representative and substitute, to serve on the Bus Lane Adjudication Service Joint Committee;

6.1.5 Authorise the establishment of a separate bus lane account.

7. Cabinet Portfolio Holder’s recommendations

7.1 I fully support the officer’s recommendations, as better enforcement is essential to improve compliance of the Traffic Regulation Orders made to:

- Improve punctuality of bus services, allowing easier and more consistent journey times;
- Encourage patronage of public transport by reducing duration of travel particularly during peak traffic periods;
- Improve the environment by encouraging commuters to choose more sustainable forms of travel and thereby reduce CO₂ emissions;
- Enhance highway safety by separating alighting bus passengers from other traffic.

7.2 The enforcement of bus lanes will contribute to the expeditious movement of public transport on the road network, thereby increasing the reliability and punctuality of bus services and reducing the reliance on private vehicles, which in turn will have a positive impact on the environment.

8. Contact officer and relevant papers

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9. Assistant Director Responsible

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