



Cabinet (Resources) Panel

21 October 2014

Report title	Civil Enforcement of Bus Lanes and Bus Gates	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor John Reynolds Cabinet Member for City Services	
Key decision	No	
In forward plan	Yes	
Wards affected	All	
Accountable director	Tim Johnson, Education and Enterprise	
Originating service	Transportation	
Accountable employee(s)	Bob Willis	UTC and Traffic Manager
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Report to be/has been considered by	Strategic Executive Board	28 August 2014

Recommendation(s) for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the proposals to implement civil enforcement of bus lanes and bus gates within Wolverhampton pursuant to the Transport Act 2000, Traffic Management Act 2004 and all other enabling powers. The aim of this scheme is to enhance public transport accessibility and reliability and encourage sustainable travel to reduce traffic congestion. This scheme also aims to improve the environment and road safety for local communities, cyclists and pedestrians.
2. Agree the use of approved devices (cameras) to enforce bus lanes and bus gate contraventions pursuant to the Transport Act 2000.

3. Grant dispensation from normal competition requirements under the procurement procedure rules and approve the appointment of Systems Engineering and Assessment Ltd to provide the bus lane and bus gate civil enforcement equipment and associated system requirements. This will deliver value for money due to essential compatibility with the parking enforcement system.
4. Agree the level of penalty charge proposed (£70) in relation to bus lane and bus gate contraventions. To incentivise prompt payment, an authority must incorporate into their penalty regime a 50% discount for penalty charge notices paid within 21 days of its service (£35). If the ticket served is not paid before the end of the relevant period (28 days) the local authority may serve a charge certificate and increase the charge by 50% (£105).
5. Approve the consultation recommendations and publicity proposals.
6. Appoint the Council's representative (Parking Services Manager) to become a member of the Bus Lane Adjudication Service Joint Committee.

1.0 Purpose

- 1.1 To seek approval to implement civil enforcement of the Traffic Regulation Orders (TROs) that relate to bus lanes and bus gates within Wolverhampton to enhance public transport accessibility and reliability and encourage sustainable travel.

2.0 Background

- 2.1 Encouraging bus use is an important aspect of the Council's policy for promoting more sustainable forms of transport to reduce the environmental impact of road traffic congestion. The proposals outlined within the report compliment the bus priority measures currently deployed within Wolverhampton to encourage sustainable travel and contribute towards improving bus reliability and journey times on key routes.
- 2.2 Wolverhampton City Council currently has 22 bus lanes/gates operating within Wolverhampton (Appendix A). The TROs associated with the bus lanes and bus gates are currently under review as detailed in 3.8 below and any proposed changes will be reported separately by means of an Individual Executive Decision Notice.
- 2.3 The enforcement of bus lanes and bus gates in Wolverhampton is currently carried out by West Midlands Police. Due to competing pressures and priorities the police have not provided the necessary levels of consistent enforcement. As violations persist unchallenged, motorists regard the TROs and traffic signs associated with the bus lanes and bus gates as advisory rather than compulsory.
- 2.4 Since 2004, a bus lane deterrent system involving an automatic number plate recognition (ANPR) camera and variable message signs in a few key locations has been operating in Wolverhampton to deter bus lane contraventions on A449 Stafford Street (inbound), A454 Willenhall Road (outbound) and A4124 Wednesfield Road (outbound). Whilst the system was initially successful in deterring drivers from using bus lanes and bus gates, motorists have become aware that fines are not issued. As a consequence the system's effectiveness has deteriorated resulting in an increase in contraventions.
- 2.5 The monitoring report by Centro identified more than 327 million public transport passenger journeys a year within the West Midlands (published March 2014). Bus travel forms an important component of the travel choices available to Wolverhampton and West Midlands' residents where car ownership is relatively low compared with the national average.
- 2.6 Bus lane enforcement schemes currently operate in cities such as Bath, Birmingham, Bradford, Bristol, Cambridge, Coventry, Derby, Edinburgh, Glasgow, Gloucester, Leicester, Nottingham, Oxford, Plymouth, Reading, Sheffield and Manchester. Locally, Walsall Council introduced bus lane enforcement to reduce public transport delays. It was reported that between September 2013 and July 2014, 18,407 penalty charge notices were issued (713 successful appeals) generating approximately £500,000 to cover the cost of the scheme and invest in the highway network.

- 2.7 A Transport for London study identified that routine enforcement of bus lanes can result in a 15% reduction in delays to buses and an 85% improvement in compliance with the TROs.

3.0 Proposals

- 3.1 It is proposed that the civil enforcement of bus lanes and bus gates will be introduced in a phased way. Initially, the scheme will cover the sites that currently operate under the bus lane deterrent system as per 2.4 above. As this system will be removed before the implementation of the bus lane enforcement scheme, it is considered that the first phase will cover the main arterial routes in/out of the City shown in the table below and the plans attached (A-E). Following an increase in compliance and reduction in violations, it is proposed that phase two will include Market Street, Ring Road St David's (Bilston Street/bus station entrance) and Victoria Square (Lichfield Street – Berry Street).

Phase One	Permitted vehicles*			
	Buses/ PSV	Hackney Carriage	Private Hire	Cyclists
24 hours:				
Cleveland Street (near Bell St)	✓	Under review	Under review	✓
Stafford Street - A449 (Five Ways / Cannock Rd - Outbound)	✓	✓	Under review	✓
Mon-Sat 7am-7pm				
Wednesfield Road - A4124 (Crossways / Inkerman St – Inbound)	✓	✓	Under review	✓
Wolverhampton Road - A4124 (Woden Rd / Crossways – Outbound)	✓	✓	Under review	✓
Willenhall Road - A454 (Mayfields / Old Heath Cres – Inbound)	✓	✓	Under review	✓
Willenhall Road - A454 (Merry Boys – Outbound)	✓	✓	Under review	✓

*It is proposed emergency service vehicles will be permitted in an emergency (indicated with a flashing signal).

- 3.2 In accordance with the Department for Transport (DfT) guidelines, the penalty charge notice (PCN) would involve a £70 charge for contraventions, which is reduced to £35 if paid within 21 days or increased to £105 if unpaid after 28 days.
- 3.3 Survey data has been collected to assess the number of violations in five bus lane sites within Wolverhampton, which showed 240 contraventions over a 12 hour period. It is anticipated that the revenue generated from the scheme will initially be required to offset the costs associated with the set up, operation and maintenance of the scheme as set out in more detail in the financial implications section of this report. In accordance with the DfT guidance and legislation, surplus revenue thereafter will be spent to cover any deficit of the scheme, provide or operate public transport services/facilities and support highway improvements within the City.

- 3.4 It is intended that the ANPR cameras and associated on street equipment required for the scheme will be connected to the Urban Traffic Control centre and to Parking Services by means of the wireless telecommunication 'MESH' network to enable system maintenance and viewing of evidence.
- 3.5 Administration associated with the PCN's will be managed by Parking Services. This is anticipated to be undertaken within existing budgets and resources initially, however, subject to the level of contraventions associated with the scheme, staffing levels and budget provision may need to be reviewed in due course.
- 3.6 As part of the procurement process for the CCTV parking enforcement vehicle, Systems Engineering Assessment Ltd (SEA) currently provides the enforcement equipment and back office system for parking enforcement. Due to the complexities of the system and integration required into the Parking Services back office software; it is considered that as SEA already has the necessary approvals and software integrated, the company is best placed to provide the equipment required, deliver seamless system integration and provide good value for money following investigation of other systems within the market. A waiver from the normal competition rules is therefore being sought.
- 3.7 The cost to supply and install six 'ROADflow Flexi' ANPR cameras on existing street lighting columns is estimated at £108,000. The cost includes the provision of the camera equipment, system implementation (software and hardware), back office integration, operator training, certification and commissioning. Annual maintenance is also provided at £10,800 per annum (p/a).
- 3.8 A £100 charge per camera per calendar month (pcm) for ten gigabyte (GB) data is also required. This equates to 1800 'evidence packs' per camera and is considered as a sufficient volume of data as outlined within the survey data. Additional out of bundle data is charged at £15 per GB per camera (180 'evidence packs').
- 3.9 It is also proposed as part of the system to purchase a dummy camera to be used in place of the enforcement cameras once compliance is achieved. This will act as a deterrent and be mobile to allow it to be moved from site to site as required.

Item	List price	Quantity	Total
ROADflow Flexi	£18,000	6	£108,000
ROADflow Flexi dummy	£3,500	1	£3,500
TROs review of lines and signage and modifications if applicable	£50,000 (estimated)	-	£50,000 (estimated)
Campaign publicity and advertising	£3,000 (estimated)	-	£3,000 (estimated)
Total installation cost (estimated)			£164,500

Item	List price	Quantity	Price (pcm)	Total (p/a)
Annual maintenance (p/a)	£10,800	1	-	£10,800
10 GB evidence pack data (based on lower charge as per 3.4)	£100 (pcm)	6	£600	£7,200
Annual associated costs p/a (estimated)				£18,000

- 3.10 The implementation of the scheme and initial set up costs will be funded initially from the efficiency reserve to introduce civil enforcement of bus lanes and bus gates as part of the budget approved in March 2014. As the scheme will be self-financing, annual maintenance and data requirements will be funded by the scheme.
- 3.11 To ensure a robust scheme in terms of road safety, traffic management and enforcement, a review of the lines, signs and TROs associated with the proposals will take place prior to enforcement commencing. The review and program of works required is estimated at approximately £50,000 funded initially from the efficiency reserve. The outcome of this review and any changes proposed will be considered through an Individual Executive Decision Notice in accordance with the Council's procedure for TROs.
- 3.12 Consultation and communication will be an important element of the successful implementation of this scheme and a communication plan is being developed to ensure appropriate consultation and communication with Councillors, members of the public, businesses and other key stakeholders. Media briefings and press releases to publicise and outline the objectives of the scheme will also be undertaken. There are also recommendations that the Council is required to engage with emergency services and the DVLA in order to assess support for the proposals. Appendix B provides an implementation schedule / programme for the project.
- 3.13 Where councils operate civil enforcement of Parking and Traffic Regulation Orders outside London (PATROL) and bus lane contraventions, they are requested to become members of the Bus Lane Adjudication Service Joint Committee (BLASJC). The collective name for this body of adjudicators and their administrative staff is the Traffic Penalty Tribunal. This service acts as an independent body for appeals concerning both parking and bus lane penalty charges and the provision of:
- I. A fair adjudication service for the parties to appeal.
 - II. Consistency in access to adjudication.
 - III. A cost effective and equitable adjudication service for all parking and bus lane authorities and appellants in England and Wales.
 - IV. Flexibility to deal with a wide range of local authorities with varying levels of demand for adjudication.
- 3.14 It is recommended that the Parking Services Manager, who is currently the City Council's appointed PATROL representative member, will continue this duty at the joint committee for bus lane enforcement matters as well as parking enforcement.

- 3.15 Subject to approvals and consultation outcomes, it is anticipated that the initial phase of the implementation of bus lane and bus gate civil enforcement will commence April 2015.
- 3.16 The roll out of further phases of the scheme to other bus lanes and bus gates within Wolverhampton will be implemented as part of a rolling programme to achieve compliance. The equipment recommended to be procured from SEA will provide a re-deployable ANPR camera system that is designed to enable rapid re-deployment with minimal operational disruption to deal with 'hotspot' sites where compliance of the TROs is poor.

4.0 Financial implications

- 4.1 The current medium term financial strategy assumes income from bus lane enforcement of £250,000 in 2015/16, reducing to an annual level of £150,000 from 2016/17. There will be one off costs of £164,500 to implement civil enforcement which will be incurred during 2014/15 and will be met from the efficiency reserve. The on-going maintenance of the equipment will be met from the annual income.
- 4.2 The administration associated with the issuing and processing of the PCN's will be managed by Parking Services. It is anticipated that initially the costs for this will be absorbed within existing budgets and resources, however, this assumption is subject to the level of contraventions associated with the scheme as outlined in 3.5 above and may need to be reviewed should there be a significantly higher number of contraventions than forecast. [MF/22082014/U]

5.0 Legal implications

- 5.1 The Bus Lane Contraventions (Approved Local Authorities) (England) (Amendment) (No. 8) Order 2006 (SI No.2006/3419) enables the Council to enforce bus lane contraventions and as such, the City of Wolverhampton is an approved local authority for the purposes of section 144 of the Transport Act 2000 (civil penalties for bus lane contraventions). The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Wolverhampton) Order 2006 (SI. No.3420) enables Wolverhampton City Council to enforce parking contraventions.
- 5.2 The proposed scheme supports the Council's statutory duty under the Traffic Management Act 2004, and the congestion reduction objectives outlined within the West Midlands Local Transport Plan.
- 5.3 The operation of CCTV systems must be undertaken with due regard to the following legislation and practices:

The Data Protection Act 1998
The Human Rights Act 1998
The Regulation of Investigatory Powers Act 2000
The Freedom of Information Act 2000

The Civil Enforcement of Parking Contraventions (Approved Devices (England) Order 2007

- 5.4 The BLAJC has been established to enable all councils having the power to undertake civil parking enforcement of bus lane contraventions to exercise their function under Regulation 11 of the Bus Lane Contraventions (Penalty Charge Adjudication and Enforcement) (England) Regulations 2005. These functions are exercised through the Joint Committee in accordance with Regulation 12 of The Bus Lane Contravention (Penalty Charge, Adjudication Enforcement) (England) Regulations 2005.
[RB/19082014/L]

6.0 Equalities implications

- 6.1 An equality analysis regarding the implementation of the proposals relating to the civil enforcement of bus lanes and bus gates has been conducted. To reduce any adverse impact relating to the implementation of the scheme, publicity and consultation will be a fundamental aspect.
- 6.2 There are no direct implications for the City Council's obligations under the Equalities Act, however, the scheme will promote road safety and sustainable travel measures and as such will particularly support bus users, pedestrians and cyclists.

7.0 Environmental implications

- 7.1 As the scheme aims to improve the reliability of bus services and deter unauthorised vehicles, the scheme aims to improve air quality, encourage the use of more sustainable transport modes, particularly bus patronage and cycling. This supports sustainability initiatives and regeneration priorities: 'to make Wolverhampton a better place to live, work and visit'.

8.0 Human resources implications

- 8.1 There are no direct human resources implications.

9.0 Schedule of background papers

- 9.1 'CCTV Vehicle – Parking Enforcement' (10.01.12) Cabinet (Resources) Panel

Appendix: A

Wolverhampton City Council - Bus Lane/Bus Gate Locations

	Permitted vehicles				Notes
	Buses/ PSV	Hackney Carriage	Private Hire	Cycles	
24 hours:					
Cleveland Street (near Bell St)	✓	-	-	✓	
Dudley Road (Frederick St – Ring Road)	✓	✓		✓	
Garrick Street	✓	✓	✓	✓	
Market Street	✓	-	-	✓	
Middle Cross / Horseley Fields	✓	✓	-	✓	
Peel Street	✓	-	-	✓	
Ring Road St David’s (Bilston St into bus station)	✓	-	-	-	Local buses Only
Ring Road St David’s (Contra flow Broad Street into bus station)	✓	-	-	-	Local buses Only
Ring Road St David’s (between the two carriageways)	✓	-	-	-	Local buses Only
Ring Road St David’s (Bus Station towards Broad Street [up to Railway Drive])	✓	-	-	✓	
Stafford Road (opp. West St – Five Ways)	✓	-	-	✓	
Stafford Street (Five Ways – Cannock Road) Inbound & Outbound	✓	✓	-	✓	
Stafford Street (The Maltings – Ring Road)	✓	✓	-	✓	
Stafford Street (Wulfruna St – Ring Road)	✓	✓	-	✓	
Victoria Square (Lichfield St – Berry St)	✓	✓	-	✓	HGV if Loading / Unloading
Wednesfield Road (Inkerman St – Sun St)	✓	-	-	-	
Wednesfield Road (near Culwell St)	✓	-	-	-	
Monday – Saturday 7am-7pm:					
Wednesfield Road (Crossways – Inkerman St) Inbound	✓	✓	-	✓	
Wolverhampton Road (Woden Rd – Crossways) Outbound	✓	✓	-	✓	
Willenhall Road (Mayfields – Old Heath Cres) Inbound	✓	✓	-	✓	
Willenhall Road (Merry Boys) Outbound	✓	✓	-	✓	

Appendix: B

Civil Enforcement of Bus Lanes and Bus Gates - Implementation Schedule

Action	Action	Timescales
Conduct onsite surveys to assess contraventions	Complete	Jan - June 2013
Submit report to the management team (EEMB)	Complete	Jan 2014
Liaise with procurement regarding approval to develop the current CCTV ANPR service provider for Parking Services (Road Flow)	Complete	April/May 2014
Assess system operation and administration of penalty charge notices	Complete	May 2014
Liaise with the DfT/Secretary of State regarding proposals and action for implementation	Complete / in progress	May 2014
Communication/publicity plan meeting	Complete	18/08/2014
Submit Strategic Executive Board report	Submit	26/08/2014
Strategic Executive Board	Scheduled	28/08/2014
Submit report to Executive Team	Submit	02/08/2014
Executive Team	Scheduled	10/09/2014
Submit Cabinet (Resources) Panel report into mailbox	Submit	07/10/14
Submit Cabinet (Resources) Panel report	Submit	10/10/14
Cabinet (Resources) Panel system update (public)	-	13/10/14
Press briefing	-	14/10/14
Cabinet (Resources) Panel	Scheduled	21/10/2014
Review associated traffic regulation orders (operation/vehicle access), bus lane signage, road markings and surface	Following approval	Oct 2014
Liaise with external emergency services and agencies (letters) <ul style="list-style-type: none"> West Midlands Police West Midlands Ambulance Service NHS Trust West Midlands Fire Service DVLA 	Distribution	Oct 2014
Develop a Code of Practice/protocol associated with the scheme	To progress	Nov 2014
Installation (hardware and software)	6-8 weeks	Mid Jan – March 2015
Campaign publicity	Scheduled	End Jan – Feb 2015
Variable message signs – promote enforcement scheme	-	Feb – April
Implement scheme	LIVE	April 2015
Monitor/evaluate – measure performance and bus journey times	-	Sept 2015
Maintenance health check due (6 month review)	-	Oct 2015
Annual maintenance due	-	April 2016
Submit end of year financial report to DfT (revenue, expenditure, surplus/deficit)	-	April 2016