

Subject:	Citywide bus lane enforcement		
Date of Meeting:	8 October 2013		
Report of:	Executive Director of Environment, Development & Housing		
Contact Officer:	Name:	Paul Nicholls	Tel: 29-3287
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 In March 2006 Environment Committee adopted powers under section 144 of the Transport Act 2000 and approved CCTV enforcement of the bus lane operating along the North Street / Western Road corridor. Enforcement has successfully improved compliance, improving journey times for bus and taxi passengers. With funding secured to expand the bus lane network this report proposes to extend CCTV enforcement to all legally enforceable bus lanes in the city.
- 1.2 In November 2011 at Environment Transport and Sustainability Cabinet Meeting approval was given for the enforcement by CCTV of some parking contraventions in the Western Road/ North Street corridor, London Road and Lewes Road. The addition of the enforcement by CCTV of the parking contraventions of double parking and being parked in a loading place is proposed to improve traffic flow and road safety.

2. RECOMMENDATIONS:

- 2.1 That the Environment Transport and Sustainability Committee approve the extension of CCTV enforcement to all of the city's legally enforceable bus lanes
- 2.2 That the Environment Transport and Sustainability Committee approve the enforcement by CCTV of the parking contraventions of 'being parked in a loading place' and 'double parking', in areas already designated for CCTV enforcement

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Before the council adopted powers to enforce the bus lane along the North Street / Western Road corridor approximately 80 non authorised vehicles per hour were observed driving in the bus lane. Whilst Sussex Police have powers to enforce bus lanes and carried out a number of action days to improve compliance resources available for this type of operation were and remain limited.

- 3.2 In November 2005 new legislation was introduced by the Secretary of State which allowed Local Authorities outside London to enforce bus lanes. Enforcement was introduced in March 2006 by monitoring CCTV and issuing a £60 Penalty Charge Notice to drivers not authorised to be in the bus lane, compliance improved significantly. Currently only about 25 non authorised vehicles per day enter the busy North Street/Western Road corridor.
- 3.3 The council is about to complete the £1.9m development of the Lewes Road corridor including new bus lanes. The provision of a bus lane in Edward Street has also been agreed as part of funding secured from bids to the Department of Transport Better Bus Area Project “Better Buses for a Growing City”
- 3.4 The council shares a network of 24 fixed CCTV cameras along bus lanes in the city with Sussex Police. If the proposals are accepted the council would request permission from the Department for Transport for these cameras to become ‘approved devices’ for bus lane enforcement.
- 3.5 Any driver who receives a Penalty Charge Notice for being in a bus lane can appeal to the city council by post or through the online appeals system. Should the council decide not to accept the appeal and cancel the Penalty Charge Notice the driver has the right to appeal to a Bus Lane Adjudicator independent of the council, a service provided by the Traffic Penalty Tribunal whose decision is final.
- 3.6 It has become clear through the monitoring of CCTV that some inconsiderate drivers are misusing the loading bays particularly along the Lewes Road and parking their vehicles in these bays without loading. This in turn has led to vehicles double parking on the cycle lane and/ or main traffic lane with road traffic safety and traffic congestion implications for other road users as traffic is forced into the bus lane around the double parked vehicles..
- 3.7 Enforcement by Civil Enforcement Officers on foot is difficult as it can take some time for them to arrive on scene when notified of a problem. CCTV enforcement has proved to be an effective tool to improve compliance. Following the introduction of CCTV parking enforcement along the city’s key transport routes compliance has improved significantly with half the number of contraventions being recorded now compared to July 2012.
- 3.8 The city has a ‘Code of Practice’ for CCTV enforcement to ensure compliance with its obligations under the Data Protection Act and all bus lane monitoring officers have obtained the BTEC qualification in CCTV enforcement.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Sussex Police have been consulted and have no objections to these proposals. Brighton and Hove Buses have been consulted and are fully supportive of the proposals. The taxi forum has been consulted by email and no objections have been received to date

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The cost of additional cameras and infrastructure improvements associated with the extension of CCTV enforcement will be funded from existing revenue budgets and additional income from issuing of Penalty Charge Notices. Income received from Penalty Charge Notices will firstly fund the costs of scheme introduction and enforcement, with any surplus income being used to defray qualifying expenditure.

Finance Officer Consulted: Steven Bedford

Date: 03/09/13

Legal Implications:

- 5.2 The Council's powers of civil enforcement of bus lane contraventions derive from section 144 of the Transport Act 2000 and regulations made under that provision. The civil enforcement of bus-lane contraventions is regulated by the use of cameras. A penalty is only payable to a council in respect of a bus-lane contravention if the council has a visual record of the contravention generated and recorded by an approved device.

Lawyer Consulted: Carl Hearsum

Date: 03/09/13

Equalities Implications:

- 5.3 Any surplus income from Penalty Charge Notices must by law be reinvested in transport related projects such as providing free bus passes for the elderly and disabled which in turn helps reduce congestion.

Sustainability Implications:

- 5.4 The proposals in this report will assist in meeting One Planet Living objectives by promoting and encouraging greater use of public transport as an alternative to private car use.

Crime & Disorder Implications:

- 5.5 The City Council operates the CCTV cameras in partnership with Sussex Police and crime and disorder issues take priority over bus lane enforcement.

Risk and Opportunity Management Implications:

- 5.6 If approval is not given to these proposals there is a risk that without enforcement some 'opportunistic' drivers may decide to use the bus lanes on key transport routes in sufficient numbers to affect public transport journey times. This in turn could reduce the expected benefits from investment in the bus lane network.
- 5.7 Compliance with the bus lane regulations will be closely monitored and reported back to Committee through a summary of bus lane enforcement published in the Parking Annual Report

Public Health Implications:

- 5.8 Encouraging greater use of sustainable transport through ensuring that bus lanes are only used by authorised vehicles should lead to an improvement in air quality with benefits for public health

Corporate / Citywide Implications:

- 5.9 The proposed enforcement will assist the council in meeting strategic objectives set out in the Corporate Plan, the Sustainable Community Strategy and the Local Transport Plan

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Consideration has been given to not enforcing new bus lanes as they become operational but it is felt that the new bus lane schemes on key transport corridors could be compromised by the non compliance of a small number of drivers.
- 6.2 Consideration has also been given to providing a list of bus lanes to be enforced for approval by Environment Transport and Sustainability Committee but it is felt that this could encourage non compliance in bus lanes not listed for enforcement. Providing for the enforcement of all bus lanes would give the council the flexibility to direct enforcement to areas where it is most needed to improve compliance

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To authorise the enforcement of legally enforceable bus lanes in the city to improve compliance with traffic regulations.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

1. Parking Annual Reports (for information on bus lane enforcement)

Background Documents

1. Code of Practice for CCTV enforcement
2. BHCC Better Bus Areas Bid