

## **CABINET MEMBER DECISION**

**Date of decision – 4 SEPTEMBER 2020**

### **CIVIL ENFORCEMENT OF LOWESMOOR BUS LANE IN WORCESTER**

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#### **Relevant Cabinet Member**

Mr A Amos

#### **Relevant Chief Officer**

Strategic Director Economy & Environment

#### **Local Member**

Mr P Denham

#### **Recommendation**

**1. The Cabinet Member with Responsibility for Highways is recommended to:**

**(a) Approve the proposals to implement civil enforcement of the bus lanes at Lowesmoor, Worcester pursuant to the Transport Act 2000, Traffic Management Act 2004 and all other enabling powers**

**(b) Agree the level of penalty charge proposed in the report in relation to bus lane and bus gate contraventions**

**(c) Approve the publicity proposals**

**(d) Appoint the Council's representative to become a member of the PATROL (Parking and Traffic Regulation Outside London) Joint Service Committee in order for WCC to access independent adjudication through the Bus Lane Adjudication Joint Service.**

#### **Background**

2. This report seeks approval to implement civil enforcement of the Traffic Regulation Orders (TROs) that relate to the bus lanes at Lowesmoor, Worcester to enhance public transport accessibility and reliability and encourage sustainable travel.

3. 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 to encourage sustainable travel and contribute towards improving bus reliability and journey times on key routes.

4. Lowesmoor Bus Lane enforcement has been identified as a solution to easing the congestion that is significantly impacting the cross-city bus route serving Worcestershire Royal Hospital.
5. With the restrictions on public transport capacity together with the expected rise in traffic flow and congestion from September, the Council is aiming to begin bus lane enforcement on this key bus route through Lowesmoor to protect the commercial viability of this essential service to WRH.
6. There are two short sections of bus lane to be covered by traffic enforcement cameras:-
  - Lowesmoor to St Nicholas St bus gate enforceable 24 hours per day 7 days per week
  - Sansome St to Lowesmoor bus lane enforceable 15:30 – 18:30hrs each day
7. The only vehicles permitted to use these bus lanes are buses and cycles as set out in the Traffic Regulation Orders. All emergency services vehicles are exempt
8. Survey data has been collected to assess the number of violations of the bus lanes, which showed
  - 171 contraventions on a weekday and 244 on Saturday for the Lowesmoor to St Nicholas St bus gate
  - 750 contraventions on a weekday and 537 on Saturday for the Sansome St to Lowesmoor part time bus lane .
9. It is proposed that the level of penalty charge will be £60. To incentivise prompt payment and authority must incorporate into its penalty regime a 50% discount for penalty charge notices paid within 21 days of its service (£30). 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% (£90). The CMR is recommended to agree to adopt this as the County Council's penalty charge scheme.
10. 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.
11. WCC have commissioned Imperial Ltd as its contractor to provide equipment, systems and back office support to Worcestershire for the enforcement of the bus lanes at Lowesmoor.
12. Due to the complexities of the system and integration required for the enforcement back office software, it is considered that as Imperial Ltd 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 with no upfront costs to WCC. The ANPR cameras and associated on street equipment for the scheme has been approved for bus lane enforcement in Worcester by the Vehicle Certification Agency. The contract with Imperial Ltd for providing the service on behalf of Worcestershire County Council is based on a charge per PCN of £15).

13. Administration associated with the PCN's will be managed by Worcestershire County Council Highways Network Control Manager. 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.

14. The decision-making process for appeals is set out in the Lettersmarti Bus Lanes Configuration Reference Guide. There is a statutory requirement for the enforcing authority to manage appeals which includes access to an independent adjudication service.

15. PATROL (Parking and Traffic Regulations Outside London) Joint Committee provides resources to support independent adjudicators and their staff who together comprise the Traffic Penalty Tribunal. The Committee has over 300 member authorities.

16. 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 has been carried out and new lit signs installed.

17. Publicity and communication will be an important element of the successful implementation of this scheme and a communication plan is being developed to ensure appropriate communication with Councillors, members of the public, and taxi operators. Media briefings and press releases to publicise and outline the objectives of the scheme will also be undertaken.

18. In accordance with DfT guidance for the first 2 weeks of operation contraventions will be issued with a warning letter rather than PCN. There will then be a 2-week period without PCN issues and further publicity. Following this 4-week grace period the bus lane enforcement scheme will begin issuing PCN's to all contravening vehicles.

## **Legal, Financial and HR Implications**

### **Legal**

#### **National Legislation – The Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005**

19. Worcestershire County Council is an 'approved authority' under the Schedule to the 2005 Order for the areas of:

- Wychavon under The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Worcestershire) (District of Wychavon) Order 2004; and

- the City of Worcester under The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Worcestershire) (City of Worcester) Order 2002.

**Traffic Regulation Orders** –

Sansome St, Worcester (Bus Lane) Order 1996 and (Variation) Order 1998  
Lowesmoor/St Nicholas Street, Worcester (Bus Lane) Orders 2013

**Vehicle Certification Agency** – approved Videalert Rapidly Deployable Server (RDS) Enforcement system for fixed cameras for the operation of Bus Lane Enforcement in Worcestershire – email confirmation 26/3/20. Confirmation letter sent to WCC

**Representations and Appeals**

Enforcing Authority\_Worcestershire County Council  
Proper Officer – Sarah Gilmour, Highways Network Control Manager  
Deputy Proper Officer – Gary Williams, Principal Traffic Engineer  
Independent Adjudication – WCC to join PATROL Joint Committee

**Authority to recover unpaid PCN's**

WCC to register with The Traffic Enforcement Centre (TEC) giving authorisation to use the TEC facilities to prepare warrant for debt recovery.

**Financial**

20. 3-5000 PCNs annually or 60-90 PCNs weekly after a settling down period and warning notices are anticipated. Basing assumptions on the lower level of 3000 PCNs the Council should achieve a payment rate in excess of 75% at the various stages of the PCN process which could generate up to £90,000 revenue. With fixed costs of £15 per PCN, costs will be £45,000 for the same number of PCNs. The first 2 weeks of enforcement will be warning letters issued by Imperial with an estimated cost of £33,000.

21. A relatively small volume will pass to Court for debt registration (c.300) Using current payment rates for Worcester City of 35% at debt recovery (a large proportion at this stage simply will not be collectable for a variety of reasons).

22. Overall, the scheme is expected to cover its own costs although this may not be fully covered in this financial year 2020/21 due to the high initial warning letter cost. A provision has been made in the budget for 2020/21 for this potential pressure. Any surplus generated will be reinvested into providing or operating public transport services/facilities and supporting highway improvements within the City.

23. A bus lane enforcement payment centre has been set up with WCC financial services with all PCN payments paid into this account. Payments to Imperial, TEC and the Traffic Penalty Tribunal are then paid through this account as suppliers to WCC.

## **HR**

24. The level of staff resource required to manage the bus lane enforcement will be met through the existing Highways Network Manager post with the possible part time recruitment of administrative support. As the level of support is difficult to ascertain prior to the implementation of the project this will first be resourced by agency recruitment and funded through the income generated by the scheme.

## **Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments**

25. A full Data Protection and Sustainability Impact Assessment has been carried out in respect of the recommendations. (Appendix)

## **Supporting Information**

- Appendix GDPR and Sustainability Impact Assessment

## **Contact Points**

County Council Contact Points  
County Council: 01905 763763

Specific Contact Points for this report  
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## **Background Papers**

In the opinion of the proper officer (in this case the Strategic Director for Economy and Infrastructure) the following are the background papers relating to the subject matter of this report:

- Legislation and Certifications
- PATROL Introduction 2020/21
- Bus Lane Appeals Configuration Reference Guide