

**SHEFFIELD CITY COUNCIL****Individual Cabinet Member
Report**

Report of: Executive Director, Place

Date: 16th January 2014

Subject: Investing camera enforcement income: bus and tram lanes and gates

Author of Report: David Whitley Tel: 0114 205 7473

Summary: The purpose of this report is to confirm that the Council will use income from Penalty Charge Notices issued at bus and tram lanes and gates in accordance with the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005. Although not a comprehensive list, the report includes examples of appropriate uses of this income.

Reasons for Recommendations:

Although the Council are already following the legislation in terms of using PCN income, recent high profile cases underlines the need to have the decisions and actions taken by the Council formally recorded as having political endorsement.

Recommendations:

- Formerly endorse the contents of the report, in particular that the Council will use income from Penalty Charge Notices issued at bus and tram lanes and gates in accordance with the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005.
- Approve the use of this income on the types of scheme highlighted in section 4.8.

Background Papers: NONE

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
Yes Cleared by Catherine Rodgers, 8 th January 2014
Legal Implications
Yes Cleared by Deborah Eaton, 8 th January 2014
Equality of Opportunity Implications
NO
Tackling Health Inequalities Implications
NO
Human rights Implications
NO
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Area(s) affected
All
Relevant Cabinet Portfolio Leader
Leigh Bramall
Relevant Scrutiny Committee if decision called in
Culture, Economy and Sustainability
Is the item a matter which is reserved for approval by the City Council?
NO
Press release
NO

INVESTING CAMERA ENFORCEMENT INCOME: BUS AND TRAM LANES AND GATES

1.0 SUMMARY

- 1.1 The ability for Local Authorities to enforce certain moving traffic offences was made possible through the Transport Act in 2000. Camera enforcement of bus/tram lane and bus/tram gate restrictions (herein called bus lanes and bus gates) was started in Sheffield in 2007. Since then, there has been an ongoing programme of enforcing bus lanes and gates, with sites being prioritised with input from bus operators and South Yorkshire Passenger Transport Executive (SYPTTE). Any unauthorised drivers observed travelling through a bus gate or along a bus lane can be issued with a Penalty Charge Notice (PCN). The current value of a PCN for these offences is £60, reduced to £30 if paid within 14 days.
- 1.2 Income from PCNs is restricted in what it can be used for. The purpose of this report is to confirm that the Council will use income from PCNs in line with the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005, which were made under the powers in the Transport Act 2000. Although not a comprehensive list, the report will include examples of appropriate spend.

2.0 OUTCOME AND SUSTAINABILITY

- 2.1 Camera enforcement of bus lanes and bus gates is used to aid bus journey time and bus journey time reliability. Improved public transport services is a key part of the Local Transport Plan (LTP), a statutory document that sets out how transport will help support the development of the Sheffield City Region (SCR) over the next 15 years.
- 2.2 Camera enforcement income also enables the Council to help deliver its “Vision for Excellent Transport in Sheffield”, by investing in facilities to enable people to make informed choices about the way they travel and helping transport contribute to the social, economic and environmental improvements we want to happen in the City.

3.0 WHAT DOES THIS MEAN FOR THE PEOPLE OF SHEFFIELD

- 3.1 The priority in spending camera enforcement income is to make it easier and safer for people to move around when travelling by public transport, particularly when travelling to work. However, the funding can be used to invest in the construction of certain types of walking and cycling schemes too.

4.0 BACKGROUND

- 4.1 There are around 90 different lengths of bus lanes and/or bus gates in Sheffield, many operating at different times on different days of the week, depending on their local situation. The details of each restriction are always signed locally. Bus lanes and bus gates are primarily used to

improve bus journey times and bus journey time reliability and are an important part of the Council's policy of making it easier and safer for people to move around when travelling by public transport, particularly when travelling to work.

- 4.2 However, some sites are also implemented for traffic management purposes, mainly to ensure general traffic uses more appropriate routes in the area. Bridge Street is an example of a bus gate that aids a limited number of bus and coach services as well as taxis, private hire vehicles and cyclists, whilst at the same time it directs general traffic to use the Northern Inner Relief Road. The bus gate on London Road near Asline Road limits the amount of traffic through the already busy London Road/Wolseley Road/Queens Road junction. Enforcement sites tend to be determined in partnership with South Yorkshire Passenger Transport Executive and local bus operators.
- 4.3 The ability for Local Authorities to enforce certain moving traffic offences was made feasible through the Transport Act in 2000, with specific approval in Sheffield coming in 2005. Following Central Government approval of our enforcement equipment, camera enforcement of bus lane and bus gate restrictions was started in 2007 at Hillsborough. Since then, there has been an ongoing programme of enforcement at new sites.
- 4.4 Enforcement is started following a 'warning notice' period – where temporary signs informing of new enforcement are used – which in turn are part of an awareness raising campaign in the area which usually includes radio adverts as well as other forms of advertising. After the warning notice period, any drivers observed travelling through a bus gate or along a bus lane can be issued with a Penalty Charge Notice (PCN). The current value of a PCN for these offences in Sheffield is £60, reduced to £30 if paid within 14 days.
- 4.5 The use of income from PCNs from enforcement of bus lanes and bus gates is covered by Regulation 36 of the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005.
- 4.6 The majority of income from PCNs must be used to pay for the costs of setting up, operating and maintaining the camera enforcement system. If the system costs more to operate than it generates in income, the Council is required to make up the difference from general funds at the end of each financial year. This is not the case in Sheffield, where a surplus is generated. The following table shows camera enforcement income and expenditure (all figures in £000's) over the last three full financial years.

Year	2010/11	2011/12	2012/13	Notes
Income	619	805	688	Full year effect of three new sites in 2011/12
Operational expenditure	536	659	533	
Surplus	73	146	155	Funded new public transport measures

- 4.7 Any surplus revenue can be used to meet costs – whether by Sheffield or some other person – in the provision (or operation of) facilities for passenger transport services. An alternative use of funding provided for by the regulations is in providing other highway improvements, with ‘improvements’ specifically defined as in the 1980 Highways Act tending to be ‘capital’ schemes. In order to meet these requirements (but not an exhaustive list) this means that surplus revenue in Sheffield will be used to fund:
- The operation, management and maintenance of the camera enforcement system – including the costs of issuing PCNs
 - The operational and planned maintenance of public transport facilities (including signing and lining associated with bus lanes, bus gates and bus stops) or providing new public transport measures
 - The provision of safety features within the highway, specifically including footways, refuges and guardrails
 - Metalling (surfacing) and draining of public highways – which could lead to an improved surface on sections of the Rights of Way network

Relevant Implications

- 4.8 A full Equality Impact Assessment has previously been undertaken for the wider transport Capital Programme – which includes same types of schemes included above - in December 2012. The overall transport programme makes a clear commitment to the development of an inclusive transport system that takes into account the needs of everybody. Of particular importance is making public transport easier to access and use and the promotion of more sustainable and cheaper modes of travel. The Programme aims to provide real travel choices and alternatives, in particularly for the more disadvantaged groups in society. Everyone is affected by transport issues.
- 4.9 Legal Implications: The power to issue PCNs for contravention of bus lanes and bus gates is contained in the Transport Act 2000. The use of income from PCNs from enforcement of bus lanes and bus gates is prescribed by Regulation 36 of the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005. These regulations also stipulate that the Council must keep accounts showing the income generated through the issue of the PCNs and also the expenditure on enforcement by the Council. Examples of the types of expenditure of surplus income have been described in paragraphs 4.8 in this report and as long as the council continues to apply any surplus generated for the purposes prescribed within the regulations then it is acting lawfully and within its powers.

5.0 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Alternative options do not exist as the use of income from PCNs from enforcement of bus lanes and bus gates is covered by legislation.

6.0 REASONS FOR RECOMMENDATIONS

- 6.1 Although the Council are already following the legislation in terms of using PCN income, recent high profile cases nationally underline the need to have the decisions and actions taken by the Council formally recorded as having political support.

7.0 RECOMMENDATIONS

- 7.1 Formerly endorse the contents of the report, in particular that the Council will use income from Penalty Charge Notices issued at bus and tram lanes and gates in accordance with the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005.
- 7.2 Approve the use of this income on the types of scheme highlighted in section 4.7.

Simon Green
Executive Director, Place

16th January 2014