

STOCKTON-ON-TEES BOROUGH COUNCIL

CABINET RECOMMENDATIONS

PROFORMA

Cabinet Meeting27th September 2007

1. Title of Item/Report

Bus Lanes - Civil Enforcement

2. Record of the Decision

Cabinet considered a report relating to the enforcement of bus lanes as a civil contravention and the introduction of clamping and towing away powers.

Members noted that the Bus Lane Contravention (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 made provision for the enforcement of bus lane contravention by local authorities. In particular, they provided for penalty charges to be set by local authorities. It was suggested that the Council adopt powers under these regulations.

It was explained that this was one of a number of moving traffic contraventions that could be enforced as a civil matter. Others could include prohibited turns by, or directions of, moving vehicles and yellow box contraventions. It was suggested that future applications for powers to enforce other moving traffic offences be delegated to the Head of Technical Services in consultation with the Cabinet Member for Regeneration & Transport.

Members were provided with details of existing bus lane restrictions and noted that public perceived Police enforcement of the restrictions to be inadequate. Better enforcement would improve compliance and create a number of benefits.

- 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.
- To improve the environment by encouraging commuters to choose more sustainable forms of travel and thereby reduce CO2 emissions.
- To enhance highway safety by separating alighting bus passengers from other traffic.

In addition, section 16 of the Traffic Management Act 2004 imposed a duty on the Council, as a local traffic authority, to manage its road network with a view to achieving, so far as may be reasonably practicable having regard to its other obligations, policies and objectives to secure the expeditious movement of traffic on the authority's road network.

Cabinet was informed that enforcement by the Council would be via the use of camera evidence capture. Penalty charges could be set at £40, £50 or £60.

Should the Council take up civil bus lane enforcement powers then the National Parking Adjudication Service (NPAS) would deal with appeals against penalty charges. The Council would be required to join the Bus Lane Adjudication Service Joint Committee, that had appointed NPAS to provide adjudication, and appoint a representative and substitute.

Cabinet noted that when the Council decided to take up Decriminalised Parking Enforcement powers it did not at that time seek to include powers to clamp or tow away. It was now considered appropriate that the Council sought consent to remove or to immobilise vehicles and to advertise a scale of charges.

It was explained that removal by towing away or lifting of a vehicle in contravention of a traffic regulation order could not be undertaken lightly. In most cases it would not be proportional to the misdemeanour. In addition to the penalty charge notice the motorist would face fees for removal and storage of the vehicle. However, a vehicle contravening a bus lane order or an order in a high traffic volume street could have more serious implications than at other, less sensitive locations.

Members were provided with financial and legal implications associated with adoption and enforcement of the powers.

Members agreed the adoption of the regulations and requested that an article be placed in Stockton News explaining the new Council powers and providing guidance to motorists.

RESOLVED that

1. it be agreed that officers, in addition to actions by the police, take on enforcement of bus lanes as a civil contravention.
2. the charge for the penalty amount for keepers of vehicles recorded as contravening the regulations be set at £60

3. the Head of Legal Services be authorised to enter into an agreement with the Bus Lane Adjudication Service Joint Committee.
4. the Cabinet Member for Regeneration and Transport be appointed as the Council's representative to serve on the Bus Lane Adjudication Service Joint Committee, with the Cabinet Member for Corporate and Social Inclusion acting as substitute.
5. powers be obtained for contraventions of traffic orders to be dealt with by clamping or by removal of the vehicle when appropriate.
6. the Head of Technical Services, in consultation with the Cabinet Member for Regeneration and Transport, be authorised to seek powers to enforce other moving traffic offences, if deemed appropriate, in the future.

3. Reasons for the Decision

Bus Lanes were installed for the benefit of passenger travellers. They assisted buses in achieving more reliable journey times on congested roads and removing conflict with other vehicles in areas with heavily used bus stands. They were important in helping to promote buses as an alternative means of travel to the private car. Lack of enforcement of bus lanes had led to significant abuse of the restrictions by some motorists, which in turn, detracted from the original aims and objectives of these facilities. Legislation permitted civil enforcement using approved camera technology subject to certain agreements that required Cabinet approval.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

Not applicable

7. Date and Time by which Call In must be executed

Not later than midnight on Friday 5th October 2007

Proper Officer
01 February 2007