



SURREY
COUNTY COUNCIL

CABINET

DATE: 30 OCTOBER 2018

REPORT OF: MR COLIN KEMP, CABINET LEAD MEMBER FOR PLACE

LEAD OFFICER: JASON RUSSELL, EXECUTIVE DIRECTOR FOR HIGHWAYS, TRANSPORT & ENVIRONMENT

SUBJECT: BUS LANE ENFORCEMENT

SUMMARY OF ISSUE:

In October 2017 Cabinet approved a pilot scheme for bus lane enforcement in Woking. This has been successful and the report considers expanding enforcement across Surrey.

It proposes enabling local or joint committees to decide if any bus lanes in their area would benefit from enforcement.

RECOMMENDATIONS:

It is recommended that Cabinet:

1. agree the Bus Lane Camera Enforcement Policy as attached in Annex A;
2. authorise local or joint committees to decide if enforcement should be introduced for any existing or proposed bus lanes in their area;
3. authorise the Head of Highways & Transport in consultation with the Cabinet Lead Member for Place to review and agree any future financial arrangements; and
4. authorise the Head of Highways & Transport in consultation with the Cabinet Lead Member for Place to enter into any new bus lane enforcement agency agreements, subject to support from the local or joint committee.

REASON FOR RECOMMENDATIONS:

To ensure the County Council can effectively, efficiently and consistently manage bus lane enforcement in Surrey managing congestion for the benefit of residents and businesses.

DETAILS:

Introduction and background

1. The Woking Joint Committee and Woking Borough Council as part of their town centre redevelopment wished to introduce bus lane enforcement for the High Street, Woking. The High Street is a minor road which runs parallel to the railway station. Legal advice was that as this was a new power, it would need approval from Cabinet. This was granted in October 2017 and enforcement commenced in March 2018.
2. This paper relates only to bus lane enforcement. At this time, other moving traffic violations (such yellow box junction, prohibited turning movements) cannot be enforced by local authorities outside of London and Wales. In Surrey, the power remains with the Police. The necessary legislation is on the statute book (Traffic Management Act 2004) but has not yet been enacted by ministers. The latest position from government is that they have no intention of enacting these powers in the foreseeable future.
3. There are 13 existing bus lanes in Surrey with another four actively under consideration. If a bus lane is located in an “urban clearway”, such as the new bus lane on Victoria Way in Woking, the Council does not yet have authority from Government to undertake enforcement. This is due to a legal technicality where “clearways” are removed from “Civil Parking Enforcement” powers. Officers are in contact with the Department for Transport to look for a solution to rectify this anomaly.
4. Most bus lanes are only operational for certain periods of the day. They may also permit certain groups to use the bus lane at prohibited times, such as hackney carriages, motorbikes and bikes. This is detailed in the Traffic Regulation Order the details of which are considered and agreed by the local or joint committee. As part of any feasibility to look at enforcing a specific bus lane, the details of the traffic regulation order will be considered.
5. Camera enforcement started in March 2018 on the High Street, Woking. Enforcement then temporarily stopped due to development works. Feedback from Woking Borough Council, who manage the camera has been very positive. The camera has been accepted by road users and has created a positive reduction in contravening traffic though the High street.

CONSULTATION:

6. Online public consultation asking for views on increasing bus lane enforcement took place between 10 August 2018 and 16 September 2018. In addition to general on-line promotion, letters or emails were sent to 237 taxi companies and 659 residents / business located near to bus lanes. Signs were erected at bus lanes across Surrey and a customer panel and County Councillors were made aware that the consultation was taking place.
7. There was a good response to the consultation with 489 replies. Overall 55% of those who replied agreed that some or many enforcement cameras should be introduced.
8. Feedback from local and joint committee chairmen was positive and Passenger Transport confirmed bus operators support enforcement. Journey

delays are a factor in the viability of commercially operated routes and measures which help contribute to minimising these are welcomed.

Bus Lane Camera Enforcement Policy

9. A policy has been developed by officers after considering the comments from the public consultation, feedback from local committee chairmen, Woking Borough Council (as the only current enforcement agent) and the Strategic Transport Group. A copy of the Policy is available in Annex A.

RISK MANAGEMENT AND IMPLICATIONS:

10. If the report is not approved enforcement for the High Street Woking will continue but there will be no new bus lane enforcement within Surrey.
11. Before any new cameras are introduced any costs will need to be determined and funding allocated. It is expected that cameras will be introduced only where they are at least cost neutral.

Financial and Value for Money Implications

12. Bus lane enforcement is not about generating income but about providing a service. If there is an operational surplus, this can be reinvested in the provision or operation of public transport or highway improvement works as prescribed by law.
13. The approximate cost of a camera is £20,000 and, depending on the site, a further £1,500 for signage. The annual maintenance costs and fees are about £3,000, plus staff costs. Staffing costs will depend on the number of contraventions.
14. The level of fine for a bus lane contravention outside of London is set at £60, reduced to £30 if paid within 14 days. This is set by Government and there is no local flexibility. Drivers do not receive penalty points. Procedures are in place enabling drivers to appeal fines in a similar manner to parking tickets.
15. The pilot in Woking has demonstrated that enforcement works, with the number of contraventions reducing from 120 to approximately 40 per day. If it is assumed that this further reduces to an average of 20 per day, and only 95% of tickets are paid all of which at the reduced rate of £30, this generates approximately £200k per annum, before costs. This demonstrates camera enforcement is financially sustainable.
16. At the end of the existing Woking High Street agency agreement and before any new bus lane agency agreements are entered into, a review will be undertaken determining how to allocate any operational surplus.

Section 151 Officer Commentary

17. The financial implications of bus lane enforcement are explained in the paragraphs above, including the expected costs and income, and the purposes for which any surplus can be used. The Section 151 Officer supports the recommendations, including the need to review the financial arrangements, which should be undertaken before the introduction of any additional enforcement.

Legal Implications – Monitoring Officer

18. Surrey County Council has the power to enforce bus lane contraventions under section 144(3)(b) of the Transport Act 2000 and Schedule 8 of the Traffic Management Act 2004 and to delegate, if it so chooses, to borough and district councils. The delegation to borough and district councils is under powers in the Local Government Act 2000, together with associated regulations.

Equalities and Diversity

19. The recommendations in this report have no material impact on existing equality policy and therefore a full equalities assessment was not deemed necessary
20. Before any changes are made on the highway relevant and proportionate consultation will be carried out with users and interest bodies.

WHAT HAPPENS NEXT:

- Enforcement will continue for the High Street, Woking.
- Officers will continue discussion with Department for Transport to explore how clearways can be benefit from bus lane enforcement.
- Subject to Local or Joint Committee support, Officers will undertake feasibility studies into further site specific bus lane enforcement agreements.
- The Bus Lane camera enforcement policy will be published on our website.

Contact Officer:

Richard Bolton, Group Manager - Local Highway Services, tel 020 8541 7140

Consulted:

Colin Kemp, Lead Cabinet Member for Place
Local Committee Chairmen

Jason Russell, Executive Director for Highways, Transport & Environment

Lucy Monie, Head of Highways & Transportation

Paul Millin, Group Manager – Strategic Transport

Karen Cranham, Senior Accountant

Nancy El-Shatory, Principal Lawyer

Annex

Annex A – Bus Lane Enforcement Policy

Sources/background papers:

Pilot for Camera enforcement of Bus Lane, Woking – Cabinet 31 October 2017
