

Report to: Lead Member for Transport and Environment

Date of meeting: 21 May 2018

By: Director of Communities, Economy and Transport

Title: Enforcement and issuing of Regulation 10 Penalty Charge Notices (PCN) for the enforcement of driving along bus lanes contraventions

Purpose: To consider the option of issuing Regulation 10 PCNs for driving contraventions in bus lanes using Department for Transport approved CCTV devices.

RECOMMENDATION: The Lead Member is recommended to authorise an application to the Department for Transport for the enforcement of bus lane contraventions and the issue of Regulation 10 Penalty Charge Notices under the Traffic Management Act 2004 from May 2019.

1 Background Information

1.1 Section 73 Part 2 of the Traffic Management Act 2004 (Appendix 1) provides the necessary powers to issue Penalty Charge Notices (PCNs) for bus lane contraventions. Traffic management schemes that have been developed and are being developed have highlighted the need for an effective public transport system. Bus lanes have been introduced into areas to reduce congestion and supply an alternative to private cars.

1.2 In order to facilitate a viable bus service areas are often identified where traffic will need to be regulated. It is recommended to use Department for Transport (DfT) approved CCTV cameras to enforce restrictions. Compliance with regulations will only be gained if they are consistently and fairly enforced.

1.3 Due to competing pressures and priorities the police are not able to provide the necessary level of consistent enforcement. Non-authorised vehicles using bus lanes cause delays to buses and can cause frustration and resentment among those who comply with the regulations. The police will retain the power to enforce bus lane contraventions and will be consulted as part of the application process.

1.4 If Lead Member approval is given, and after a contractor has been procured, an application will be made to the Secretary of State to seek approval to enforce against unauthorised driving in bus lanes across the County.

2 Supporting Information

2.1 If authorised, DfT approved CCTV cameras will monitor entire lengths of restrictions. They will capture all Vehicle Registration Marks (VRMs) in contravention and produce an evidence pack. This will then be imported into our back office system which will be reviewed by a Notice Processing Officer before a PCN is issued at £60. We would then follow the process for issuing a Regulation 10 PCN. The PCN will be sent to the postal address of the registered keeper supplied by the DVLA.

2.2 Drivers who receive PCNs will have the opportunity to challenge the PCN through the ESCC website or through the post; details will be included on the PCN. If their challenge is rejected they will have the right to appeal to the independent Bus Lane Tribunal.

2.3 All Notice Processing Officers using the system will be trained on all security and General Data Protection Regulation (GDPR) requirements including the associated CCTV code of practice.

2.4 It is proposed that CCTV enforcement will be introduced as part of the Eastbourne Town Centre Improvement Scheme. The scheme will be introducing bus lanes in Cornfield Road, Terminus Road and Gildredge Road (Map Appendix 2). The modernisation of Eastbourne town centre started in 2017. Enforcement is due to begin on the completion of the scheme in May 2019.

2.5 Any system procured will have the ability to add additional cameras at multiple locations. As each location requires approval from DfT the Council would look to start the process for the bus lanes in Lewes District and Hasting Borough following on from the introduction in Eastbourne.

2.6 The cost of cameras and infrastructure associated with CCTV enforcement will be funded from the existing Parking Surplus. Income received from issuing PCNs will firstly fund the cost of the introduction and enforcement of the scheme, with any surplus being managed alongside the Parking Surplus.

3 Conclusion and Reasons for Recommendations

3.1 To enable the effective enforcement of bus lanes in the County the Lead Member is recommended to authorise an application to the Department for Transport for the enforcement of bus lanes across the County and the issuing of Regulation 10 PCNs.

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LOCAL MEMBERS

All

BACKGROUND DOCUMENTS

None

Appendix 1

SCHEDULE 7 Section 73

ROAD TRAFFIC CONTRAVENTIONS SUBJECT TO CIVIL ENFORCEMENT

PART 2

BUS LANE CONTRAVENTIONS

Bus lane contraventions

6 (1) A bus lane contravention is a contravention of any provision of a traffic order relating to the use of an area of road that is or forms part of a bus lane.

(2) An area of road is or forms part of a bus lane if the order provides that it may be used—

(a) only by buses (or a particular description of bus), or

(b) only by buses (or a particular description of bus) and some other class or classes of vehicular traffic.

(3) In this paragraph—

“bus” includes a tramcar (within the meaning of section 141A of the Road Traffic Regulation Act 1984 (c. 27)) and a trolley vehicle (within the meaning of that section); and

“traffic order” means an order under section 1, 6, 9 or 14 of that Act.

http://www.legislation.gov.uk/ukpga/2004/18/pdfs/ukpga_20040018_en.pdf

Appendix 2



