

**Report to the Cabinet Member for Highways and Transport**  
**Report submitted by: Head of Service Public and Integrated Transport**  
**Date: 3 December 2015**

**Part I - Item No.**

Electoral Division affected:  
Accrington North and  
Rishton & Clayton-le-Moors

**Pennine Reach: Bus Lane Enforcement**  
(Appendices 'A', 'B' and 'C' refer)

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**Executive Summary**

This report proposes the introduction of Bus Lane Enforcement on the two bus lanes within Clayton-Le-Moors that are proposed under the Pennine Reach scheme. Subject to the bus lanes being approved following public consultation.

This is a Key Decision and the provisions of Standing Order 25 have been complied with.

**Recommendation**

The Cabinet Member for Highways and Transport is requested to;

1. Approve the procurement and establishment of a comprehensive enforcement system with which to carry out bus lane enforcement should the proposed bus lanes be approved.
2. Agree that the letter shown at Appendix 'A' be sent to the Secretary of State for Transport requesting permission to undertake Bus Lane Enforcement at the Penalty Charge Notice levels set out both in this report and in the letter should the bus lanes be approved.
3. Approve, subject to successful procurement and approval from the Secretary of State for Transport as detailed above, the enforcement of both moving and stationary violations within the two bus lanes which are proposed to be introduced as part of the Pennine Reach Scheme, should they be approved.

**Background and Advice**

Pennine Reach is a joint scheme with Blackburn with Darwen Council to establish a rapid transit bus route along the Accrington – Blackburn - Darwen corridors. The scheme is designed to improve connectivity within the Hyndburn and Blackburn with

Darwen areas, assisting with regeneration and economic growth. It also involves the provision of new bus stations in Accrington and Blackburn.

One of the major elements of the Pennine Reach scheme within Hyndburn is the proposal to introduce two bus lanes in the Clayton-Le-Moors area. The proposed bus lanes are crucial to helping buses travel along Whalley Road and improve their reliability. Both of these bus lanes are subject to a public consultation period and subsequent consideration at a later date by either the Cabinet Member for Highways and Transport or by officers under the scheme of delegation dependent on whether any objections are received.

The two proposed bus lanes are as follows:

Bus Lane 1 – Whalley Road, Clayton-Le-Moors, between Clayton Hall Drive and Warwick Avenue, travelling in a Southerly direction for an approximate length of 341 metres. A plan showing this bus lane is attached at Appendix 'B'.

Bus Lane 2 – Whalley Road, Clayton-Le-Moors, between Brisbane Street and Blackburn Road, travelling in a North-Westerly direction for an approximate length of 325 metres. A plan showing this bus lane is attached at Appendix 'C'.

The consultation for Bus Lane 1 started on Friday 2<sup>nd</sup> October and ended on Friday 30<sup>th</sup> October. The consultation for Bus lane 2 will commence in the New Year, exact date yet to be determined. Should the bus lanes not be approved for implementation, an enforcement system would not be required.

#### Procurement of full enforcement system

As part of the Pennine Reach scheme, provision was included for Lancashire County Council to implement a trial bus lane enforcement system. This covered the purchase and installation of 3 cameras and the supply of back office software for one review computer. A trial system would not have allowed the Council to process any Penalty Charge Notices and would have required further costs to convert to a comprehensive system at a later date.

It is now proposed that a comprehensive system is introduced from the outset in order to avoid the additional costs and allow the county council to process penalty charge notices.

If the recommendations within this report are approved, and subject to approval of the bus lanes following public consultation, officers will proceed with the procurement of a comprehensive system.

#### Permission to undertake enforcement

Prior to undertaking any bus lane enforcement, the county council would be required to write to the Secretary of State for Transport seeking approval to do so and also approval for the charging levels of penalty charge notices (PCN's). This is based on advice received from the Department for Transport (DfT) during investigations into carrying out enforcement of bus lane contraventions. The DfT has confirmed that LCC is an approved authority which can undertake the civil enforcement of bus lane

contraventions but should seek approval from the Secretary of State prior to undertaking any enforcement and issuing any PCN's.

The draft letter attached at Appendix A is the letter proposed to be sent to the Secretary of State for Transport by the Cabinet Member for Highways and Transport and be sent should a decision to undertake enforcement be made.

Based on other enforcement schemes of a similar scale to the proposed bus lanes could be expected to generate approximately 3,600 Penalty Charge Notices (PCN's) in the first year. This estimate is based upon enforcement activity in other areas of the country and it is anticipated that compliance with bus lane regulations will increase over time with the benefit of camera enforcement.

PCN's are recommended to be charged at three differing levels dependent on when payment is made, as outlined below:

Standard charge - £60

If payment is made within 14 days of PCN being served - £30

If payment is made after service of charge certificate - £90

From the county council's parking services team's experience of dealing with parking contraventions it is apparent that 80% of penalty charge notices are paid at the discounted rate.

Any income from the undertaking of enforcement will be used to cover costs incurred by the activity. Where there is a surplus it will be used in line with Paragraph 36.6 of The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005. Any surplus will be used to contribute towards the costs of road safety schemes in Lancashire.

The enforcement of the proposed bus lanes would be undertaken through the use of the three already purchased cameras and would not require any physical 'manned' enforcement on site. All enforcement would be carried out through the review of camera recordings and be processed in a back office system within the county council's parking services team.

## **Consultations**

N/A

## **Implications:**

This item has the following implications, as indicated:

## **Risk management**

If the recommendations in this report are not approved and the bus lanes are then approved and constructed as proposed, there is the potential for the possible benefits of the bus lanes not to be realised. A lack of enforcement of the bus lanes could lead to the misuse of these and subsequently have an adverse effect on public transport. The benefits of the Pennine Reach scheme include improving journey

times, which the bus lanes are key to achieving this. A lack of enforcement may see the regulations of the bus lane not adhered to and may hinder the movement of buses along the Pennine Reach route thus removing any benefits that the bus lanes could produce.

### Financial

Whilst the introduction of a trial system would ultimately allow for enforcement, without the commitment of a fully-fledged enforcement system, many of the costs required to set up a trial system would still need to be incurred and these costs would be the same for setting up a full system. It is therefore recommended, in terms of being financially prudent, that a full system is implemented to avoid any future costs of upgrading from a trial to a full enforcement system. It is anticipated that the initial cost of implementing a comprehensive enforcement system would be covered by the Pennine Reach Technology Budget, within the DfT funded capital scheme.

There would however need to be an ongoing revenue budget for the annual costs associated with the enforcement system as outlined in the report. This would be met from an existing revenue budget however these costs would be offset by any income from enforcement activity.

### **List of Background Papers**

Paper	Date	Contact/Tel
Pennine Reach Bus Rapid Transit Scheme - Approval for the Submission to Government of an Application for Final Approval	11 April 2013	Sharon Montgomerie/Office of the Chief Executive/01772 530544

Reason for inclusion in Part II, if appropriate

N/A