

Cabinet

16 January 2019

Camera Enforcement of Bus Lane Contraventions Ordinary Decision



Report of Corporate Management Team

Ian Thompson, Corporate Director of Regeneration and Local Services

Councillor Carl Marshall, Cabinet Portfolio Holder for Economic Regeneration

Electoral division(s) affected:

Countywide

Purpose of the Report

1. The Council and the police receive regular complaints in relation to the abuse of bus lanes. This report seeks approval to undertake civil enforcement of bus lanes using a column mounted camera. Enforcing bus lanes by camera will encourage greater compliance to the restriction which in turn will improve bus journey times, increasing service reliability and encourage sustainable transport.

Executive summary

2. Enforcement of bus lane restrictions is currently the responsibility of Durham Constabulary however, other priorities mean that providing a regular Police enforcement presence is not possible. In 2013 the Council received approval to enforce bus lane contraventions and this report seeks approval to commence this activity using Automatic Number Plate Recognition (ANPR) technology.

Recommendations

3. Cabinet is recommended to endorse the following proposals:-
 - (a) The Council take over the responsibility for enforcement of bus lane restrictions from Durham Constabulary;
 - (b) A bus lane camera enforcement system is procured to ensure effective enforcement.

Background

4. Traditionally the Police and Courts have had the responsibility of enforcing and processing fines associated with vehicles being driven in Bus Lanes in contravention of the associated Traffic Regulation Order and the Council as Highway Authority has had the responsibility of enacting regulations and providing the necessary infrastructure to allow the Police to carry out enforcement actions.
5. It was recognised some time ago that the local authorities role was wider in relation to encouraging people to leave their cars at home and use other sustainable modes of transport e.g. Public Transport facilities, in an effort to reduce congestion/ pollution and in consequence this resulted in the introduction of a series of bus lanes in Durham.
6. While the enforcement of bus lanes was seen as important by the Police to support the Council's strategies in relation to Public Transport, it was identified pre-2006 that the increased introduction of bus lanes would be unsustainable long term in relation to providing a daily Police presence to enforce them.
7. The development of the Transport Act 2000 and Traffic Management Act 2004 enabled Local Highway Authorities to consider applying for powers to enforce certain moving traffic offences including bus lanes.
8. In consequence in 2006 a Policy decision was made by Durham Constabulary to support Durham County Council as Highway Authority in taking over the enforcement of Bus Lanes from the Police across the County and the Policy agreed by the Force Executive was:

“The Chief Constable will support the submission of a Local Highway Authorities application to the Secretary of State for Transport, to take on board enforcement powers for Bus Lanes under the Transport Act 2000 and Traffic Management Act 2004 provided their application is to apply for such powers on a District wide basis.”
9. Alongside the application for countywide civil parking enforcement, the Council also became an approved authority for the enforcement of bus lane contraventions in 2013 (Statutory Instrument 2013 No. 992 - The Bus Lane Contraventions (Approved Local Authorities) (England) (Amendment) and Civil Enforcement of Parking Contraventions Designation Order 2013). However, these powers have not yet been taken forward and enforcement activity currently remains with the Police.
10. In November 2015 Statutory Instrument 2757 (The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005) came into force which allowed for camera enforcement of bus lane contraventions, by approved local authorities for the purposes of section 144 of the Transport Act 2000.

Enforcement

11. We receive regular complaints about contraventions and lack of enforcement of bus lanes and specifically the North Road bus lane, from various stakeholders including Local Members, residents, bus companies, Durham Licenced Taxi Association and individual taxi drivers.
12. An exercise carried out using CCTV coverage of North Road between 9 and 12 July indicated that 66 contraventions were observed in a 9 hour period.
13. Durham Constabulary Roads Policing Unit has targeted North Road, Durham periodically for enforcement of the “restricted access” restrictions during the period 30/07/18 to 16/08/18. During the visits made 9 drivers were issued with a Fixed Penalty Ticket for contravention.
14. Durham Constabulary also receive regular complaints regarding the contravention of bus lanes and in other locations where No Entry Except Buses exist. Recently the changes to North Road have come to the fore as needing more long term attention in relation to the restricted period when Buses and Taxis only should pass through the lower end of the road beyond Neville Street junction.
15. These offences cannot be enforced by PCSOs as they are moving traffic offences and therefore there is a reliance on warranted officers for enforcement. In consequence, given the many demands on warranted officers, this reduces the availability of their resources to deal effectively with this type of offence.
16. The use of camera technology for enforcement of bus lanes by Durham County Council is viewed as a possible way forward to reduce contraventions and help improve confidence, not least for public transport users. This will perhaps allow for the main areas of contravention associated with public transport to be targeted on a more regular rotational basis thus achieving greater longer term restriction compliance overall.
17. Durham Business Improvement District (BID) welcome any measures which help to improve the retail environment and support both operators and users of public transport such as buses and taxis.
18. Attached at Appendix 3 is a list of neighbouring authorities with details of how they currently enforce bus lane restrictions within their area.

Process

19. Prior to initial deployment of the camera each site will be audited to ensure that signage is not only in accordance with legislation but also, if necessary, enhanced to ensure drivers are informed of the presence of the restriction. This will ensure drivers are able to avoid entering the restriction if they wish to do so.

20. It is intended to purchase an Automatic Number Plate Recognition (ANPR) camera which will be mounted on an appropriately located lighting column. The camera will detect the number plate of all vehicles entering the area and compare that plate to a database of authorised vehicles. Details of any vehicle that is flagged as being unauthorised will be reviewed by an officer and if appropriate a Penalty Charge Notice (PCN) will be issued.
21. It is envisaged that the camera will initially be deployed in North Road, Durham City until compliance improves. The camera will then be redeployed periodically at other locations that are subject to regular abuse and complaints (see Appendix 2).
22. Prior to live enforcement being undertaken a publicity campaign will be undertaken consisting of a press release and warning signs to advise motorists of when bus lane camera enforcement will begin. In addition to this publicity it is proposed that we have a soft launch of enforcement activity in North Road, whereby in the first month anyone contravening the restriction will receive a warning notice, rather than a PCN, for their first contravention.
23. When a Penalty Charge Notice is issued these will be sent by first class post to the registered keeper of the vehicle. The notice will include details of the alleged contravention, together with information on how to appeal against the PCN or how to pay the charge.
24. It is proposed to set the penalty charge at £60, and this should be paid within 28 days. However, in line with Government guidance, the rate will be discounted to £30 for motorists who pay a postal PCN within 14 days of the date of issue.

Operation

25. The sample survey undertaken in July 2012²⁸ would indicate that the initial deployment in North Road will detect a high number of contraventions. However, the use of warning letters for the first month of operation, together with targeted publicity, will help to educate motorists and encourage greater compliance.
26. The capital cost of purchasing the camera and associated software will be met from the council's Local Transport Plan budget. It is then expected that the ongoing operational costs of maintenance, together with officer time for reviewing and processing PCNs and responding to any representations will be self-financing from the income received from penalty charges.

Conclusion

27. Overall it is envisaged that the introduction of a re-deployable bus lane enforcement camera will assist in responding to public concerns and will assist in delivering the following benefits:-
 - i. Improved public transport timetable reliability, particularly at peak times;
 - ii. Reduced bus journey times;

- iii. Encourage more use of sustainable transport methods;
 - iv. Reduce potential vehicle/pedestrian conflict and improve the general feel of the main pedestrian route from the bus station to the Market Place;
 - v. Assist in addressing longer term community concerns in relation to access contravention;
 - vi. Demonstrate a commitment to deal with the minority of motorists who consistently flout restrictions;
 - vii. Free up a Police resource for core policing duties.
28. It is expected that the proposed soft launch together with extensive publicity will help to educate motorists and encourage compliance.

Background papers

29. Office files

Other useful documents

30. Transport Act 2000, Traffic Management Act 2004, Statutory Instrument 2013 No. 992 - The Bus Lane Contraventions (Approved Local Authorities) (England) (Amendment), Civil Enforcement of Parking Contraventions Designation Order 2013)

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Appendix 1: Implications

Legal Implications

The Council has the power to establish bus lanes and enforce the restrictions imposed under the Transport Act 2000 and the Traffic Management Act 2004. Any necessary changes to the Constitution to cover the exercise of those powers will be recommended to Council after consideration by the Constitution Working Group.

Finance

Capital costs of £50000 for static camera, software and hardware to be funded from Local Transport Plan 3. Ongoing revenue costs of £12000 per annum to be met from revenue from PCN issue.

Consultation

To increase public understanding and gain acceptance, every opportunity will be taken to explain the context and purpose of camera enforcement with local stakeholders prior to the commencement of enforcement in an area. In addition, the system will be well publicised using roadside signage advising motorists that cameras are being used to detect contraventions.

Equality and Diversity / Public Sector Equality Duty

None.

Human Rights

Data protection information.

Personal data will be collected in order to serve the Penalty Charge Notice and enforce the Bus Lane terms and conditions. As a contravention has occurred, personal data may be collected, processed, shared and retained in order to carry out the performance of a public task and fulfil our legal obligations in the following ways:

- To request details of the registered keeper of the vehicle from the DVLA in order to pursue a Penalty Charge Notice.
- Shared with third parties for appeals and enforcement.
- Shared with the police or security organisations to prevent or detect crime.

Crime and Disorder

The ANPR camera system will allow the authority to discourage and detect the contravention of road traffic restrictions at locations where enforcement by an officer is difficult, sensitive or impractical.

Staffing

Processing of notices issued by camera will be undertaken by the parking enforcement contractor (currently NSL Services). Consideration of appeals to be undertaken by existing Representation Officers within the DCC Parking and Transport Infrastructure team.

Accommodation

No impact.

Risk

Reputational risk due to potential negative publicity surrounding income generated as a result of continued contravention of restrictions.

Procurement

The ANPR Camera system will be procured in line with corporate procurement rules.

Appendix 2: Bus Lane Locations

Location	Permitted Vehicles	In Force
A167 Foster Terrace, Croxdale North-west bound carriageway nearside lane.	Bus, Cycle, Motorcycle and Taxis.	7am – 7pm
Road A167 Sniperly Roundabout (southbound carriageway nearside lane).	Bus, Cycle, Motorcycle and Taxis.	7am – 7pm
A167 Pity Me Roundabout southbound carriageway.	Bus, Cycle, Motorcycle and Taxis.	7am – 7pm
A181 Gilesgate,	Bus, Cycle, Motorcycle and Taxis.	7am – 7pm
A690 Towards Gilesgate Roundabout south westbound carriageway nearside lane.	Bus, Cycle, Motorcycle and Taxis.	7am – 7pm
A690 Stonebridge	Bus, Cycle, Motorcycle and Taxis.	7am – 7pm
Unclassified Millburngate, Durham City (northbound carriageway).	Bus, Cycle, Motorcycle and Taxis.	7am – 7pm
A690/C13 Interchange (south westbound carriageway, nearside lane).	Bus, Cycle, Motorcycle and Taxis.	7am – 7pm
B6532 County Hall southbound carriageway nearside lane.	Bus, Cycle, Motorcycle and Taxis.	7am – 7pm
C12 High Carr Road	Bus, Cycle, Motorcycle and Taxis.	7am – 7pm
Road C184 Newcastle Road (3 metre width of north bound carriageway)	Bus, Cycle, Motorcycle and Taxis.	7am – 7pm
B6288, Croxdale	Bus, Cycle, Motorcycle and Taxis.	7am – 7pm
North Road, Durham	Bus, Cycle, and Taxis	10am – Midnight, Midnight – 6am
Front Street, Framwellgate Moor	Bus, Cycle, and Taxis	24/7
Junction of C96 and A177, Coxhoe	Bus, Cycle, and Taxis	24/7

Appendix 3: Neighbouring Authorities

Authority	Bus Lane
Newcastle	Static Camera
North Tyneside	Static Camera
South Tyneside	Re-deployable Camera
Redcar and Cleveland	
Hartlepool	
Middlesbrough	Static Camera
Sunderland	
Stockton	Manual Camera
South Tyneside	Static Camera
Darlington	
Northumberland	Static Camera Planned