

ABERDEEN CITY COUNCIL

COMMITTEE	City Growth and Resources
DATE	10 November 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Bus Lane Enforcement Programme Refresh
REPORT NUMBER	COM/21/253
DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	Nicola Laird
TERMS OF REFERENCE	2.1.2

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to provide an update on the status of the current Bus Lane Enforcement (BLE) programme and to seek approval for the programme to be refreshed with a new application process that better meets current Council priorities.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 Note the progress on the projects funded from the Bus Lane Enforcement programme up to 2021/22, as detailed in Appendix 1;
- 2.2 Note that Council priorities have evolved since the Bus Lane Enforcement programme was last open to funding bids in 2018/19;
- 2.3 Instruct the Chief Officer – Strategic Place Planning to refresh the BLE programme for the 2022/23 financial year and beyond in terms of the Council's current priorities, as noted in 3.4 and 3.6, and report this to a future meeting of this Committee;
- 2.4 Agree that the current programme of legacy projects, as detailed in Appendix 2, should be completed before any new projects are progressed;
- 2.5 Agree to continue to fund the transport officer post as described in paragraph 3.8 to ensure continued management and compliance;
- 2.6 Agree to the use of the application form, as detailed in Appendix 3, for all new Bus Lane Enforcement projects; and
- 2.7 Note the Governance process for Bus Lane Enforcement projects, as detailed in Appendix 4.

3. BACKGROUND

- 3.1 The Bus Lane Enforcement Net Surplus Fund has been enabling the progress of projects which meet the aims of the Local Transport Strategy (LTS) since 2014. A summarised history of BLE and projects that have been progressed through the scheme is attached in Appendix 1.
- 3.2 The 2018/19 programme of expenditure of the net surplus generated from the Bus Lane Enforcement (BLE) cameras was approved by Strategic Commissioning Committee in May 2018 (Report Reference PLA/18/016). Though the majority of projects have been completed some are ongoing, with their financial allocations continuing into 2021/22. A list of legacy projects and their status is attached in Appendix 2. City Growth and Resources Committee agreed to close BLE to new applications in 2019 (Report Reference PLA/19/226) to allow the current programme of BLE to complete. It should be noted that officers have secured alternative external funding from Nestrans to help deliver the unreleased legacy projects that BLE has been unable to fund to this point in time.
- 3.3 It is considered appropriate to review the criteria for BLE applications due to the evolving priorities of the Council. It is also important to note the effect the Covid-19 pandemic has had on walking and cycling rates – significant increases have raised the profile of the need for more and well-maintained walking and cycling facilities. Whilst external capital funding can be sourced for new infrastructure or significant improvements, revenue funding for routine and/ or low-level maintenance cannot, and very limited revenue funds are available internally due to the significant demands on the revenue budget from council wide services.
- 3.4 It is proposed to amend the application process to follow a single scoring metric focusing on the key Council priorities:

Priority	
Walking, Wheeling and Cycling/ Net Zero (5)	
Public Transport (4)	
Shared Transport and Taxis (3)	
Freight (2)	
Other Vehicle (1)	

- 3.5 Applicants would pick one option that best fits the focus of their project. If more than one is applicable, then the highest rated one should be used. The revised application form is attached in Appendix 3.
- 3.6 The primary changes within the application process are an increase in focus on the social and environmental elements, and a streamlining of the modes benefited by the project. In addition to the above scoring, the following criteria

will also be identified to help provide weightings for projects where multiple submissions are classed as the highest priority:

- Their alignment to the Local Transport Strategy aims and objectives
- Their alignment to the stretch outcomes of the Local Outcome Improvement Plan
- Whether they complement or contribute to the City Centre Masterplan
- Whether they complement or contribute to Aberdeen's Net Zero vision
- Whether they complement the Regional Economic Strategy
- Whether they make use of or improve upon existing infrastructure

- 3.7 As part of the application process, the whole life cost of projects is identified. Although BLE projects could apply for future funding to cover maintenance of the interventions when required, this was never taken up. It is recommended that this option is made clearer within the new application process, and that the master programme for BLE includes a visualisation of the years where maintenance of approved schemes may be required and applied for. It is recommended that if a project is approved through BLE, future applications to cover maintenance should be prioritised in advance of new projects if they continue to meet the LTS objectives and Council priorities. This would allow maintenance of assets to be covered over their whole life on a project-by-project basis.
- 3.8 It is recommended that the Transport Officer post continues to receive funding from BLE at a cost of £60,000 per year. This is important to ensure that the BLE programme is able to be managed moving forward in full compliance of internal governance and the statutory legislation.
- 3.9 There is a need to define what contingency should be used for so that it can be made use of in appropriate circumstances. It is recommended that contingency should be kept aside in order to cover emergency response maintenance for assets created using BLE, such as flooding events. It is advised that the existing £10,000 would be appropriate but should be reviewed on an annual basis.
- 3.10 If there were funds available, up to £60,000 was to be made available for Offshore Europe on the years that it was in Aberdeen. Consideration needs to be given as to whether it is still appropriate to keep aside funding for this purpose in light of the current priorities of the Council. Consideration will be given to this should Members agree recommendation 2.3.
- 3.11 The Governance process for BLE following the powers delegated to officers in the Scheme of Governance, agreed March 2021, is attached in Appendix 4.

4. FINANCIAL IMPLICATIONS

- 4.1 The net surplus from BLE operations as of April 2021, which is generated from penalty charge notices from bus lane offences, was £278,000. This funding can only be used for projects identified as helping to meet the objectives of the LTS as per the requirements of the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011. This surplus is enough to cover the released projects detailed in Appendix 2.

4.2 It should be noted that at the former Communities Housing and Infrastructure Committee in May 2017, a quarterly approach to releasing the BLE funding was approved to ensure effective utilisation (Report Reference CH/17/062). With good project management and communication channels in place, this approach has been demonstrated to work well and minimises risk of any potential overspend of BLE funds. Net surplus for Quarter 1 will be added to the available funding for the programme once it has been confirmed.

4.3 Table 1 provides a financial summary of 2021/22 programme as of April 2021.

	BLE 2021
Surplus available as of April 2021	£ 278,000
Committed Spend	£ 255,634
Remaining Surplus	£ 22,366

5. LEGAL IMPLICATIONS

5.1 The Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011 require that any sums paid to a local authority by way of charges under these Regulations must only be used to facilitate the achievement of policies in that authority's Local Transport Strategy.

5.2 Monitoring of project progress and financial out-turns is undertaken on a monthly basis and reported to the Transportation Programme Board (TPB).

5.3 The penalty charge notice (PCN) for the Bus Lanes cannot be increased without Scottish Ministers approval.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	Delivery of measures approved through BLE supports a number of the Council's strategic priorities, particularly in terms of a sustainable economy, a sustainable transport system, the continued health and prosperity of our citizens, reductions in carbon emissions and a high quality	M	Work with other teams in ACC to maximise net surplus to deliver projects that meet the Council's priorities as they relate to the LTS.

	environment. Failure to deliver measures where there is evidence of their effectiveness could undermine the Council's ability to realise these aspirations.		
Compliance	BLE funding can only be used for projects identified as helping to meet the objectives of the LTS as per the requirements of the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011. Approval of projects deemed as not meeting the objectives of the LTS would be non-compliant with the legislation.	L	The application process is robust and scores projects against the objectives of the LTS. All approved projects will be subject to the Councils Scheme of Governance and PMO toolkit, managed through the TPB.
Operational	There may be risks around the resource available for projects and the procurement of measures proposed, but these will be detailed and addressed as each project progresses.	M	Compliance with the Scheme of Governance and PMO toolkit and monitoring/ updating of project risk registers, change requests.
Financial	There may be a risk of being unable to spend funding due to resource capacity, or for there to be not enough funding to cover projects approved.	M	Continue to monitor progress and raise issues early so appropriate action can be taken through the Transportation Programme Board.
Reputational	As the BLE income is managed by the Council and used to implement projects which contribute to	M	Continue to monitor progress and raise issues early so appropriate action can be taken through the

	achieving LTS objectives, failure to deliver undermines the Council's commitments to improving the lives of those who live, work and visit Aberdeen.		Transportation Programme Board.
Environment / Climate	ACC's net zero vision and strategic infrastructure plan – energy transition: transport emissions are a significant contributor so increasing sustainable travel will be necessary to achieving this sector's required reduction.	L	The BLE programme works towards improving sustainable and active travel and thereby contributing to improved air quality and environment.
Legal	Failure to properly apply funds collected via Bus Lane Enforcement to projects linked to the Local Transport Strategy would leave the Council open to challenge from Scottish Ministers	L	Ensure that funds received for Bus Lane Enforcement continued to be used for applications relating to the Local Transport Strategy.

7. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report
Aberdeen City Council Policy Statement	Facilitating and encouraging an increase in net zero transport, active travel and public transport usage through utilisation of BLE net surplus supports the delivery of Economy Policy Statement 4: Increase the city centre footfall through delivery of the City Centre Masterplan, including the redesigned Union Terrace Gardens, and Place Policy Statement 3: Refresh the Local Transport Strategy, ensuring it includes the results of the city centre parking review; promotes cycle and pedestrian routes; and considers support for public transport.
Aberdeen City Local Outcome Improvement Plan	

<p>Prosperous Economy Stretch Outcomes</p>	<p>The projects that will be funded by BLE support the delivery of the following Stretch Outcomes:</p> <ol style="list-style-type: none"> 1. No one will suffer due to poverty by 2026. 2. 400 unemployed Aberdeen City residents supported into Fair Work by 2026 3. 500 Aberdeen City residents upskilled/ reskilled to enable them to move into, within and between economic opportunities as they arise by 2026. <p>The development and delivery of active and sustainable travel infrastructure supports a range of economic policies and strategies that will benefit the economy and support access to key employment areas.</p>
<p>Prosperous People Stretch Outcomes</p>	<p>The projects that will be funded by BLE support the delivery of the following Stretch Outcomes:</p> <ol style="list-style-type: none"> 7. 95% of children living in our priority neighbourhoods will sustain a positive destination upon leaving school by 2026. 8. Child friendly city where all decisions which impact on children and young people are informed by them by 2026. 11. Healthy life expectancy (time lived in good health) is five years longer by 2026. <p>Active and sustainable travel are known to improve a number of health conditions, potentially increasing life expectancy. The projects funded by BLE will include measures to support, encourage and increase active and sustainable travel thereby also producing less greenhouse gas emissions and improving air quality.</p>
<p>Prosperous Place Stretch Outcomes</p>	<p>The projects that will be funded by BLE support the delivery of the following Stretch Outcomes:</p> <ol style="list-style-type: none"> 13. Addressing climate change by reducing Aberdeen's carbon emissions by at least 61% by 2026 and adapting to the impacts of our changing climate. 14. Increase sustainable travel: 38% of people walking and 5% of people cycling as main mode of travel by 2026. <p>The projects funded by BLE will aim to increase active and sustainable travel which will contribute to reductions in carbon emissions and improvements in air quality.</p>
<p>Regional and City Strategies</p>	<p>The projects funded by BLE will support the Regional Transport Strategy, Strategic Development Plan, the Regional Economic Strategy, and locally the Local Transport Strategy, Aberdeen Active Travel Action Plan, Sustainable Urban Mobility Plan, Aberdeen City Centre Masterplan, LOIP, Air Quality Action</p>

	Plan, Local Development Plan and Aberdeen Net Zero Vision.
UK and Scottish Legislative and Policy Programmes	<p>The projects funded by BLE will contribute towards the delivery of the Scottish Government's National Transport Strategy (NTS2) and Cleaner Air for Scotland 2.</p> <p>The use of the BLE net surplus will meet the requirements of the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011.</p>

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Full impact assessment not required as these will be undertaken as required for individual projects approved under the programme.
Data Protection Impact Assessment	Not required

9. BACKGROUND PAPERS

Previous Committee papers, which provide background to this report are included in Appendix 1.

[Aberdeen City Local Transport Strategy 2016-2021](#)

10. APPENDICES

Appendix 1 – History of BLE
Appendix 2 – Legacy Projects
Appendix 3 – Revised Application Form
Appendix 4 – Governance of BLE

11. REPORT AUTHOR CONTACT DETAILS

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