

ABERDEEN CITY COUNCIL

COMMITTEE	Net Zero, Environment and Transport
DATE	9 May 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Bus Lane Enforcement Programme Update & Future Planning 2023/24
REPORT NUMBER	COM/23/130
DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	Nicola Laird
TERMS OF REFERENCE	7, 8

1. PURPOSE OF REPORT

- 1.1. The purpose of this report is to provide an update on the status of the Bus Lane Enforcement (BLE) programme and to seek approval for a new programme of projects to be delivered from 2023/24, using the net surplus from the BLE system.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 Note the progress on the projects funded from the BLE programme up to 2022/23, as detailed in Appendix 1;
- 2.2. Approve the proposed expenditure in relation to the Proposed Bus Lane Enforcement Programme Projects 2023/24, as detailed in Appendix 2;
- 2.3. Agree that the projects identified in Appendix 2 meet the requirements of the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011 in that the sums paid by way of charges under these Regulations are being used to facilitate the achievement of policies in the Local Transport Strategy; and
- 2.4. Approve the implementation of the Proposed Bus Lane Enforcement Programme of Projects 2023/24 and to delegate authority to the Chief Officer for Strategic Place Planning to approve any procurement process, including direct awards, in accordance with procurement legislation and in collaboration with Commercial and Procurement Service (CPS) and CPS Legal.

3. CURRENT SITUATION

- 3.1. The Bus Lane Enforcement (BLE) fund is generated from the net surplus of penalty charge notices from bus lane offences after operational costs. This funding can only be used for projects identified as helping to meet the objectives

of the Local Transport Strategy, as per the requirements of the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011.

- 3.2. A summary of progress on delivering the current 2022/23 BLE programme is included as Appendix 1 to this report. This programme was approved by the City Growth and Resources Committee on 21 June 2022 (Report Ref: COM/22/094).

2023/24 Programme

- 3.3. As per the approved process, all relevant Council services were invited to submit project proposals to obtain funding from the 2023/24 BLE programme. A total of 23 submissions were received and subjected to assessment and prioritisation by officers in the Transport Strategy and Programme Team. In addition, there were five projects that did not achieve funding in 2022/23, which had their original application added to the scoring assessment for 2023/24 as per the approved process. Prioritisation followed the single scoring metric approved at the City Growth and Resources Committee meeting in November 2021 (Report Ref: COM/21/253). As a secondary round of prioritisation, the following criteria were used to provide weightings for projects that had the same primary score:

- Their alignment to the Local Transport Strategy aims and objectives.
- Their alignment to the stretch outcomes of the Local Outcome Improvement Plan.
- Whether they positively benefit an area of high deprivation as per the Scottish Index of Multiple Deprivation (SIMD).
- Whether they contribute to the operation or success of the Aberdeen Low Emission Zone (LEZ).
- Whether they complement or contribute to the City Centre Masterplan.
- Whether they complement or contribute to Aberdeen's Net Zero vision.
- Whether they complement or contribute to the realisation of the Regional Economic Strategy Action Plan.

- 3.4. Applicants initially scored their own applications, which were then checked and verified or adjusted by officers in the Transport Strategy and Programmes team, before being scrutinised by the Service Manager for Policy and Strategy and the Chief Officer for Strategic Place Planning. Following this, applications to the BLE fund were consulted upon around the relevant internal Council services, with the recommended programme of projects approved at Council's Transportation Programme Board on 21 March 2023 before consideration by this Committee. Of the 28 projects considered for the fund, 24 have been recommended to Members for consideration.

- 3.5. In addition to the new programme of proposed projects, there is one ongoing scheme which officers have already been instructed to commit BLE net surplus towards, as well as a commitment to an annual contingency allocation of £10,000. This is:

- Transportation Strategy Team Member. There was an instruction by City Growth and Resources Committee on 10 November 2021 to allocate £60,000pa. However, following a pay increase in autumn 2022, it is recommended that this is increased to £70,000pa to accommodate any future salary increases and other associated costs.
- 3.6. The list of projects recommended for approval as part of the 2023/24 fund programme is included as Appendix 2, which is scored and ranked in accordance with the legislative requirements of the Scottish Statutory Instrument 442 The Bus Lane Contraventions (Charges, Adjudication and Enforcement)(Scotland) Regulations 2011 Part VII Financial Provisions section paragraph 32. Should Committee approve the list presented, projects will be taken forward in the order presented once the net surplus is confirmed at the end of each quarter.
- 3.7. As with last year, it is recommended that any projects that are not released for funding by the end of the financial year 2023/24 are automatically re-scored and re-prioritised alongside new applications for 2024/25 if the project manager wishes for the project to remain in consideration. Project managers will also be given the opportunity to reapply with a new application if they believe that this may help improve their scoring within the scheme. This is to avoid the need for the programme to be closed to new applications that may be beneficial to be taken forward through BLE because of a need to work through the backlog of previously approved projects and take advantage of any new opportunities as may arise.
- 3.8. Projects agreed by Committee to be implemented from the BLE programme are subject to the Council's standard Project Management (PMO) process, with monthly monitoring through project status reports to ensure any potential issues are highlighted and addressed as soon as possible and as appropriate. Any project underspends will be returned to the funding pot for reassignment to other projects so as to maximise funding potential.
- 3.9. Officers will report progress on the BLE programme through monthly reports to the Transportation Programme Board. A review of BLE programme progress for 2023/24 and any future programme recommendations for 2024/25 will be reported to the first Net Zero, Environment and Transport Committee following the end of the 2023/24 financial year.

4. FINANCIAL IMPLICATIONS

- 4.1. The net surplus from BLE operations in 2022/23 was £1,393,163.50, plus £795,529.63 unallocated surplus brought forward from 2021/22. Of this sum £1,799,447.06 was required to fund the 2022/23 programme, leaving a surplus of £389,246.07 to be carried forward into 2023/24.
- 4.2. Any underspend remaining from previously approved years which is no longer required must be re-committed to future projects and workstreams that help the Council meet its Local Transport Strategy objectives. In the 2022/23 financial year, £209,077.60 of BLE funding has been spent.

- 4.3. The budget required for completion of the approved programme is £1,613,651.10. A further £135,941.12 is no longer required to complete the projects and so will be released to be used towards the 2023/24 programme.
- 4.4. Table 1 provides a financial summary of the programme for 2022/23.

Table 1: 2022/23 BLE Programme Summary

2022/23 Programme Summary	
Balance b/f 1 April 2022	£795,529.63
Add: Net Surplus Generated in 2022/23	£1,393,163.50
Total available funds for 2022/23:	£2,188,693.13
Less: Projects released in 2022/23	£1,799,447.06
Surplus at 31 March 2023 to be carried forward	£389,246.07
Add: Funds released from current programme underspends	£135,941.12
Balance Available to fund 2023/24 projects:	£525,187.19

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 Council's Transportation Programme Board (TPB).
- 5.3 The level of penalty charge notice (PCN) for the Bus Lanes cannot be increased without Scottish Minister's approval.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 As per the approved scoring metric, projects that can evidence that their priority is walking, wheeling, cycling and/or working towards net zero goals in line with the Local Transport Strategy are given top priority in the BLE funding programme. The prioritisation of projects is ranked from the most sustainable form of transport to the least sustainable in accordance with the Council's duty to act sustainably.
- 6.2 Transport emissions are a significant contributor to carbon emissions, and so increasing sustainable travel will be necessary to achieving this sector's required reduction and in order to achieve Aberdeen City Council's net zero vision. As the BLE programme works towards improving sustainable and active

travel, it thereby contributes to improved air quality and reduced greenhouse gas emissions.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	<p>Delivery of measures approved through the BLE fund 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 environment.</p> <p>Failure to deliver measures where there is evidence of their effectiveness could undermine the Council's ability to realise these aspirations.</p>	<p>Regular communication will be maintained with other teams across the Council to maximise the use of net surplus to deliver projects that meet the Council's priorities as they relate to the Local Transport Strategy.</p> <p>A non-compliance procedure for following the PMO process for projects reporting to the Transportation Programmes Board will be shared with all successful project managers. An outcome of this procedure as a last resort would remove funding from the project so that it can be utilised</p>	L	Yes

		elsewhere, subject to the funding not already being committed through contract.		
Compliance	The Council would not be complying with the requirements of the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011 if it failed to properly apply funds collected via Bus Lane Enforcement to projects linked to the Local Transport Strategy	<p>The application process is robust and scores projects against the objectives of the Local Transport Strategy. All approved projects will be subject to the Councils Scheme of Governance and PMO toolkit, managed through the Transportation Programmes Board.</p> <p>A non-compliance procedure for following the PMO process for projects reporting to the Transportation Programmes Board will be shared with all successful project managers.</p>	L	Yes
Operational	Resource may not be available to complete the projects within the planned timescales. This could be either internal or external resource.	Compliance with the Scheme of Governance and PMO toolkit, and monitoring/ updating of project risk registers, change requests. As the expenditure of BLE funding is	M	Yes

		not restricted to a single financial year, delays in project progress does not necessarily represent a significant risk if the PM remains compliant with the above.		
Financial	Unable to spend funding due to resource capacity, not enough funding to cover projects approved.	<p>Compliance with the Scheme of Governance and PMO toolkit, and monitoring/ updating of project risk registers, change requests.</p> <p>Projects will not be released for funding until the funds are available. Estimates for future quarters are based on historical income.</p>	M	Yes
Reputational	As the BLE income is managed by the Council and used to implement projects which contribute to achieving LTS objectives, failure to deliver undermines the Council's commitments to improving the lives of those who live, work and visit Aberdeen.	<p>Compliance with the Scheme of Governance and PMO toolkit, and monitoring/ updating of project risk registers, change requests.</p> <p>A non-compliance procedure for following the PMO process for projects reporting to the Transportation Programmes Board has been approved by the</p>	L	Yes

		TPB and will be shared with all successful project managers.		
Environment / Climate	The Council's net zero vision and strategic infrastructure plan – energy transition: transport emissions are a significant contributor to greenhouse gases, and so increasing sustainable travel will be necessary to achieving this sector's required reduction.	The BLE programme works towards improving sustainable and active travel and thereby contributing to improved air quality and reducing greenhouse gases.	L	Yes

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2022-2023</u>	
	Impact of Report
Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u>	<p>The proposals within this report support the delivery of the following commitments within the policy statement:</p> <ul style="list-style-type: none"> • <i>Work with partners to deliver a just transition to net zero and plan to make Aberdeen a net-zero city by no later than 2037, and earlier if that is possible; and</i> • <i>Improving cycle and active transport infrastructure, including by seeking to integrate safe, physically segregated cycle lanes in new road building projects and taking steps to ensure any proposal for resurfacing or other long-term investments consider options to improve cycle and active transport infrastructure.</i>
<u>Aberdeen City Local Outcome Improvement Plan 2016-26</u>	
Prosperous Economy Stretch Outcomes	<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> <p>7. 95% of children living in our priority neighbourhoods will sustain a positive destination upon leaving school by 2026.</p> <p>8. Child friendly city where all decisions which impact on children and young people are informed by them by 2026.</p> <p>11. Healthy life expectancy (time lived in good health) is five years longer by 2026.</p> <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> <p>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.</p> <p>14. Increase sustainable travel: 38% of people walking and 5% of people cycling as main mode of travel by 2026.</p> <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, and contribute to citizens physical and mental health and wellbeing.</p>
<p>Regional and City Strategies</p>	<p>The projects funded by BLE will support the Regional Transport Strategy, the Regional Economic Strategy, and locally the Local Transport Strategy, Aberdeen Active Travel Action Plan, Sustainable Urban Mobility Plan, Aberdeen City Centre and Beach Masterplan, LOIP, Air Quality Action Plan, Local Development Plan and Aberdeen Net Zero Vision.</p> <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. The projects funded by BLE will aim to increase active and sustainable travel which will also</p>

	contribute to reductions in carbon emissions, improvements in air quality and improve the physical and mental health and wellbeing of our people.
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9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Stage 1 assessment complete
Data Protection Impact Assessment	Not required.
Other	None.

10. BACKGROUND PAPERS

- 10.1 [Bus Lane Enforcement Programme Refresh, City Growth and Resources 10th November 2021](#)
- 10.2 [Aberdeen City Local Transport Strategy 2016-2021](#)

11. APPENDICES

Appendix 1 – Progress on Current Projects 2022/23
Appendix 2 – Proposed 2023/24 BLE Programme

12. REPORT AUTHOR CONTACT DETAILS

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