

ABERDEEN CITY COUNCIL

COMMITTEE Finance and Resources

DATE 4 October 2012

DIRECTOR Gordon McIntosh

TITLE OF REPORT Setting of Charge Rate for Civil Enforcement of Bus Lanes

REPORT NUMBER: EPI/12/179

1. PURPOSE OF REPORT

1.1 To seek Committee's approval to set the rate of penalty charge for civil bus lane enforcement.

2. RECOMMENDATIONS

It is recommended that Committee;

- a) set the level of charge for civil bus lane enforcement at £60 and instruct Officers of Enterprise Planning & Infrastructure to write to the Scottish Ministers to seek approval for this; (paragraph 3.6)
- b) note the award of tender for the upgrade of existing bus lane camera system (paragraph 3.2)
- c) note that civil enforcement of bus lanes in Aberdeen will commence early in 2013;
- d) note that a four week public awareness campaign will be undertaken prior to commencement of civil bus lane enforcement (Appendix 2)

3. FINANCIAL IMPLICATIONS

3.1 Capital and Revenue costs for the upgrade and installation of the camera enforcement system have been approved from Nestrans Capital (£200k) and Revenue (£55k) budgets and Aberdeen City Council's Parking Revenue (£145k) budgets for financial year 2012/13. Further financial details are within Appendix 2.

3.2 A robust European Procurement tender process has been undertaken with regards to upgrading the existing bus lane camera system. The outcome of the tender process confirmed the scheme will be delivered within the approved budget and that Vysionics Intelligent Traffic Solutions Ltd was the successful tenderer. The timescale for implementing the scheme is from September 2012 to February 2013.

- 3.3 The employment of one full time equivalent member of staff will be required for the operation of the BLE system. This person will be responsible for the operation of the system, including enforcement cameras, reviewing offences and the issuing of offence tickets. It is proposed that this member of staff would be located within the City Wardens Team.
- 3.4 It has been estimated, through external benchmarking, that there will be a considerable amount of appeals over the initial three month period therefore there is also a requirement for two fixed term members of staff, one for a three month period and one for a nine month period, which will run in parallel, to deal with the appeals during the first year of operation. These members of the staff would be located within the post enforcement appeals staff within the Parking Appeals Team.
- 3.5 Costs of employing the one full time equivalent and two fixed term posts are tabulated below and have been incorporated within the agreed Revenue budgets. It should be noted that the staffing costs may increase or decrease depending on the volume of penalty notice appeals.

Permanent Staff Costs (1 x FTE)	£35,000
Fixed Term Staff Costs (1 x 3 months, 1 x 9 months)	£35,000

Table 3.1

Year 2 appeals and beyond will be absorbed by the bus lane enforcement officer and post enforcement appeals staff within the Parking Appeals Team, Enterprise Planning & Infrastructure.

3.6 SETTING THE RATE OF THE CHARGE NOTICE (CN)

- 3.7 It is a statutory requirement that the local authority sets the rate of charge for bus lane contraventions, which then requires approval from the Scottish Government. Legislation dictates that the amount payable will be reduced by 50% if paid within 14 days of service of the CN.
- 3.8 It is recommended that the rate of charge is set at £60 (reduced to £30 for payment within 14 days), which is consistent with the current rate of charge for parking Penalty Charge Notices. To set the rate any lower may engender public perception that a bus lane contravention is a lesser offence than a parking contravention and result in a lower level of compliance.
- 3.9 Advice has been received from the Scottish Government on the approach that local authorities should take when considering the rate of charge. The factors included
- The current rate of parking Penalty Charge Notices
 - The rate of Police Fixed Penalty Notices for bus lane offences (£30 with no discount option)

- The rate of charge proposed by the other Scottish local authorities that are undertaking civil bus lane enforcement (Glasgow and Edinburgh - £60) and
- The objectives of civil bus lane enforcement

3.10 There is a statutory requirement, as per Scottish Statutory Instrument (SSI) No.42 – Charges, Adjudication and Enforcement, that any surplus revenue is re-invested in facilitating the achievement of Local Transport Strategy policies.

4. OTHER IMPLICATIONS

4.1 The consequences of not enforcing the bus lanes are that the continuing abuse of bus lanes will negatively impact on the efficiency of bus services. Bus lane surveys carried out in 2011 indicate a considerable increase in the violations across the city, from approximately 300 violations per month (recorded by Grampian Police in 2007) to over 10,000 violations per month (factored up from 2011 bus lane surveys).

4.2 The health and safety considerations for construction, operation and maintenance of the bus lane enforcement system will be de-risked during the design of the system and included within the Construction Design Manual (CDM) Regulations for the project. Only competent, fully trained and qualified personnel will be permitted to work on any machinery associated with the scheme.

4.3 Inappropriate use of the bus lanes can constitute a safety risk to cyclists and other authorised bus lane users.

5. BACKGROUND

5.1 In July 2008 Aberdeen City Council, along with Glasgow and Edinburgh City Council's, submitted an initial application to the Scottish Government for civil enforcement of bus lane regulations in their respective cities.

5.2 The main objective of civil bus lane enforcement in Aberdeen is to improve compliance with the regulations, which will lead to improved bus journey times and assist with encouraging modal shift towards public transport. Higher public transport patronage should result in fewer emissions, which will improve air quality.

5.3 At Aberdeen City Council's Resources Management Committee on 30th September 2008 approval was granted to submit a detailed business case for the civil enforcement of bus lane regulations to the Scottish Government for the introduction of the necessary regulations to allow camera enforcement of bus lanes by Aberdeen City Council.

5.4 Since this time, officers from the respective Councils have been in discussions with the Scottish Government officials responsible for the

progression of the secondary legislation and other actions required enabling the civil enforcement of bus lanes. The timescale for completion was initially anticipated to be in the Spring of 2009 but was subsequently delayed by the Scottish Government.

- 5.5 The bus lane enforcement secondary legislation by Local Authorities came into force on Monday 6 February 2012.
- 5.6 Funding has been secured from Nestrans and Aberdeen City Councils Parking 2012/13 Capital and Revenue budgets for the introduction and upgrade of a bus lane camera enforcement system.
- 5.7 Eight existing bus lane camera sites and an additional three new locations (Appendix 1) will be upgraded / installed throughout the city as part of this project. Bus lane signage and road markings will be refreshed, where required, prior to commencement of enforcement.

6. IMPACT

- 6.1 Aberdeen City Council's Local Transport Strategy (LTS) sets out the objectives and policies for delivering an integrated transport solution to improve accessibility, social inclusion, safety, environmental and economic issues within the city. Central to these policies is the promotion of public transport to encourage modal shift away from the private car with the associated congestion, environmental and safety benefits.
- 6.2 Civil enforcement of bus lanes regulations is specifically referred to in the LTS to support the effective and efficient delivery of public transport within our City, thereby contributing to encouragement of this mode of sustainable transport, promotes mode choice and creates more reliable, better quality bus services.
- 6.3 The civil enforcement of bus lanes will support the delivery of a fully integrated transport network to support movement and economic growth which is in accordance with the Council's Business Plan 2011/12 – 2015/16 The Next Five Years.
- 6.4 The bus lane enforcement supports The Quality Partnership for Public Transport Agreement 2010 of which Aberdeen City Council is a partner, to achieve improvements to bus punctuality, reliability and journey times at peak and off-peak times. The use of local authority regulatory powers for Bus Lane enforcement has also been highlighted within the Nestrans Bus Action Plan for the North East of Scotland.

7. BACKGROUND PAPERS

Enterprise Planning & Infrastructure Committee September 2012 – Strategic & Local Transportation Project Report

Enterprise Planning & Infrastructure Committee May 2012 – Strategic & Local Transportation Project Report

<http://councilcommittees/mgConvert2PDF.aspx?ID=20279>

Enterprise Planning & Infrastructure Committee January 2012 – Strategic & Local Transportation Project Report

<http://councilcommittees/mgConvert2PDF.aspx?ID=18313>

Enterprise Planning & Infrastructure Committee September 2011 – Strategic & Local Transportation Project Report

<http://councilcommittees/mgConvert2PDF.aspx?ID=15586>

Resources Management Committee September 2008 – Business Case for Bus Lane Enforcement Report

[http://councilcommittees/Data/Resources%20Management%20Committee/20080930/Minutes/SubIndex\\$Minutes.pdf](http://councilcommittees/Data/Resources%20Management%20Committee/20080930/Minutes/SubIndex$Minutes.pdf)

Policy & Strategy Committee October 2007 – Bus Lane - Business Case for Civil Enforcement Report

[http://councilcommittees/Data/Policy%20and%20Strategy%20Committee/20071030/Minutes/SubIndex\\$Minutes.pdf](http://councilcommittees/Data/Policy%20and%20Strategy%20Committee/20071030/Minutes/SubIndex$Minutes.pdf)

8. REPORT AUTHOR DETAILS

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Appendix 1

BUS LANE ENFORCEMENT PROJECT EXISTING FIXED CAMERA LOCATIONS

- | | | | |
|------------|----------------------------|---|--|
| LO1 | King Street | - | 90m South of St Machar roundabout looking North |
| LO2 | King Street | - | 90m North of St Machar roundabout looking South |
| LO3 | King Street | - | 120m South of Beach Esplanade looking North |
| LO4 | Holburn Street | - | 90m East of Bridge of Dee roundabout looking West |
| LO5 | Holburn Street | - | 30m South of Howburn Place looking North |
| LO6 | Wellington Road | - | 30m North of Grampian Place looking North |
| LO7 | Auchmill Road | - | 150m West of Haudagain roundabout looking East |
| LO8 | Great Northern Road | - | 130m East of Haudagain Roundabout looking West |

BUS LANE ENFORCEMENT PROJECT NEW FIXED CAMERA LOCATIONS

- | | | | |
|-------------|------------------------------------|---|--|
| LO9 | North Donside Road | - | West of Broadfold Drive |
| LO10 | King Street / Castle Street | - | North of Castlegate |
| LO11 | Lang Stracht Busgate | - | Off Lang Stracht / Old Skene Road |

Appendix 2 – Further Information

THE ENFORCEMENT PROCESS

The enforcement system is based on Automatic Number Plate Recognition technology (ANPR). When a vehicle enters the enforcement zone within the bus lane, the camera reads the number plate and determines whether it is on the approved list of vehicles (white list). This list contains vehicle registration numbers (VRNs) of approved vehicles (buses, licensed taxis and licensed private hire cars).

If the VRN is not on the white list, the system will generate an evidence pack containing a video clip of the vehicle in the bus lane, which is encrypted and sent to the review server via the 3G (mobile phone) network.

Evidence packs will be reviewed by an Enforcement Officer, who will determine whether the contravention has occurred. If a contravention has occurred a Charge Notice (CN) will automatically be sent by the Council to the registered keeper of the vehicle seeking payment. The CN will include digital images of the contravention printed on them in order to improve compliance and minimize challenges.

There is a mechanism within the legislation for Appeals against Charge Notices to be heard by an Independent Bus Lane Adjudicator. This service will be provided by the Scottish Parking Appeals Service (SPAS).

PUBLICITY

A four week public awareness campaign will be undertaken in the run up to going live with enforcement in order to inform the public of the start date for civil enforcement and explain the objectives of the scheme. Various advertising media will be utilised to promote the scheme including local press, bus panels and various websites.

Warning letters will be issued to motorists caught using the bus lanes during the first two weeks of the publicity campaign, which is in line with best practice and Department for Transport guidance. This is common practice when introducing schemes of this nature and allows motorists the opportunity to change their habits prior to enforcement commencing.

Subject to the necessary Scottish Government approvals, it is anticipated that the detailed timescales in the table below will be followed:-

Milestone	Date
Finance & Resources Committee agree charge notice rate	4 October 2012
Scottish Government approves charge notice rate	November / December 2012
Publicity Campaign (4 weeks)	Jan / Feb 2013

COSTS OF SCHEME

The capital and revenue costs for upgrading and operating the bus lane enforcement (BLE) system are tabulated below. The following key factors have been included.

Bench marked, with Nottingham and Edinburgh City Councils', BLE system costs for 11 sites, using 4 cameras, new offence viewing processing system and web viewing appeals system

One full time staff member for operation and management of system – costing £35,000 per annum.

Two fixed term staff, one for three months, one for nine months running in tandem, to deal with BLE appeals

£20,000 BLE system maintenance costs per annum

Capital costs for the installation of BLE cameras at eleven locations and revenue costs for the backroom equipment and staffing costs are highlighted in tables 3.1 and 3.2 below;

Capital Costs	Costs per Item	Total Costs
Year 1		
4 x New Digital Enforcement Cameras	£25,000	£100,000
11 x Site Installation	£8,000	£88,000
Total Costs		£188,000

Revenue Costs	Costs per Item	Total Costs
Year 1		
Backroom Equipment Details		
Purchase and Install Ticketing System	£10,000	£10,000
Purchase and Install Offence Viewing and Processing System	£55,000	£55,000
Purchase and Install Web Viewing Appeals System	£20,000	£20,000
5 years Maintenance Costs for system	£20,000	£20,000
Total Costs for Backroom Equipment (including Maintenance Contract)		£105,000
Year 1 Staff Costs		
Permanent Staff Costs	£35,000	£35,000
Fixed Term Staff Costs	£35,000	£35,000
Total Staff Costs in Year 1		£70,000
Year 1 Revenue Costs Total		£175,000

- It is recommended that a 5 year maintenance contract is included when the equipment is initially purchased. This removes the necessity to carry out a re-tendering process annually which would have financial and time implications on existing resources.