

ABERDEEN CITY COUNCIL

COMMITTEE	City Growth and Resources
DATE	21 June 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Bus Lane Enforcement Programme Update & Future Planning 2022/23
REPORT NUMBER	COM/22/094
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 legacy Bus Lane Enforcement (BLE) programme and to seek approval for a new programme of projects to be delivered from 2022/23, 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 2021/22, as detailed in Appendix 1;
- 2.2. Approve the proposed expenditure in relation to the Proposed Bus Lane Enforcement Programme Projects 2022/23, 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;
- 2.4. Approve the implementation of the Proposed Bus Lane Enforcement Programme of Projects 2022/23, including the instruction of procurement procedures as appropriate and as funding becomes available, delegate authority to the Chief Officer for Strategic Place Planning to carry out those procurements; and
- 2.5. Agree that from the 2022/23 financial year onwards, any projects not funded by BLE by the end of the financial year will be removed from the provisional programme and be automatically re-scored and re-prioritised alongside new applications for the next financial year.

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. The City Growth and Resources Committee on 10 November 2021 instructed the Chief Officer – Strategic Place Planning to refresh the BLE fund programme for the 2022/23 financial year and beyond in terms of the Council's current priorities, and report this to a future meeting of this Committee (Report Ref COM/21/253).
- 3.3. The legacy programme of expenditure from the net surplus generated from BLE cameras has now largely been completed. A summary of progress on delivering the legacy programme is included as Appendix 1 to this report.
- 3.4. As per the approved process, all relevant Council services were invited to submit project proposals to obtain funding from the 2022/23 BLE programme. A total of 24 submissions were received and subjected to assessment and prioritisation by officers in the Transport Strategy and Programme Team. Prioritisation followed the single scoring metric approved at the City Growth and Resources Committee meeting in November 2021. 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.
- 3.5. As per the governance process approved by this Committee in November 2021, applications to the BLE fund were fully consulted, with the recommended programme of projects approved at Transportation Programme Board on 25 May 2022 before consideration by this Committee. Of the 24 projects submitted to the fund, 18 have been recommended to Members for consideration.
- 3.6. In addition to the new programme of proposed projects, there are two ongoing schemes 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. These are:

- LEZ revenue support - £360,000 (as instructed by Full Council on 07 March 2022); and,
 - Transportation Strategy Team Member - £60,000 (as instructed by City Growth and Resources Committee on 10 November 2021).
- 3.7. The list of projects recommended for approval as part of the 2022/23 fund programme is included as Appendix 2, which is scored and ranked in accordance with the legislative requirements of the Scottish Statutory Instrument. 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.
- 3.8. It is recommended that any projects that are not released for funding by the end of the financial year 2022/23 are automatically re-scored and re-prioritised alongside new applications for 2023/24. 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.
- 3.9. 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.
- 3.10. Officers will report progress on the BLE programme through monthly reports to the Transportation Programme Board. A review of BLE programme progress for 2022/23 and any future programme recommendations for 2023/24 will be reported to the first City Growth and Resources Committee following the end of the 2022/23 financial year.

4. FINANCIAL IMPLICATIONS

- 4.1. The net surplus from BLE operations in 2021/22 was £1,151,330.58. Of this sum £422,233.91 was required to fund the legacy programme, leaving a surplus of £729,096.67 to be carried forward into 2022/23.
- 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 2021/22 financial year, £213,674.13 of BLE funding has been spent.
- 4.3. The budget required for completion of the approved legacy programme is £160,670. The remaining £66,432.96 is no longer required to complete the legacy projects and so will be released to be used towards the 2022/23 programme.

- 4.4. Core Path 61 Hazlehead Path requires an additional £1,447.06 to fully complete the project. If not approved through BLE then the service would be required to pay this through another budget.
- 4.5. There are no other projects remaining in the legacy programme where funding is required.
- 4.6. Table 1 provides a financial summary of the legacy programme for 2021/22 and Table 2 the 2022/23 Proposed Programme Summary.

Table 1: 2021/22 BLE Legacy Programme Summary

2021/22 Programme Summary	
Balance b/f 1 April 2021	£278,000
Add: Net Surplus Generated in 2021/22	£873,330.58
Total available funds for 2021/22:	£1,151,330.58
Less: Expenditure in 2021/22	£422,233.91
Surplus at 31 March 2022 to be carried forward	£729,096.67
Less: Funds required to complete unreleased projects	£0
Balance Available to fund 2022/23 projects:	£729,096.67

Table 2 2022/23 BLE Programme Summary

2022/23 Proposed Programme Summary	
2022/23 surplus not required to fund the legacy programme	£729,096.67
Funds released from legacy programme underspends	£66,432.96
Total currently available:	£795,529.63

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 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 their priority is walking, wheeling, cycling and/or working towards net zero 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)	Does Target Risk Level Match Appetite Set?
Strategic Risk	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. Failure to deliver measures	<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 has been approved by the TPB and will be shared with all successful project managers. An outcome of this procedure as a last</p>	L	Yes

	where there is evidence of their effectiveness could undermine the Council's ability to realise these aspirations.	resort would remove funding from the project so that it can be utilised elsewhere, subject to the funding not already being committed through contract.		
Compliance	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	<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 has been approved by the TPB and 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. Covid may present future challenges to resource, procurement and other	Compliance with the Scheme of Governance and PMO toolkit, and monitoring/ updating of project risk registers, change requests.	M	Yes

	activities as required by individual projects.			
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 TPB and will be shared with all successful project managers.</p>	L	Yes
Environment / Climate	The Council's net zero vision and strategic infrastructure plan – energy transition: transport emissions are a significant contributor to	The BLE programme works towards improving sustainable and active travel and thereby contributing to improved air quality and reducing greenhouse gases.	L	Yes

	greenhouse gases, and so increasing sustainable travel will be necessary to achieving this sector's required reduction.			
--	---	--	--	--

8. 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 the 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.
<u>Aberdeen City Local Outcome Improvement Plan</u>	
Prosperous Economy Stretch Outcomes	The projects that will be funded by BLE support the delivery of the following Stretch Outcomes: 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. 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.
Prosperous People Stretch Outcomes	The projects that will be funded by BLE support the delivery of the following Stretch Outcomes: 7. 95% of children living in our priority neighbourhoods will sustain a positive destination upon leaving school by 2026.

	<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>
Prosperous Place Stretch Outcomes	<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>
Regional and City Strategies	<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 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 contribute to reductions in carbon emissions, improvements in air quality and improve the physical and mental health and wellbeing of our people.</p>

9. IMPACT ASSESSMENTS

Assessment	Outcome
------------	---------

Integrated Impact Assessment	Not required as these will be undertaken as required for individual projects approved under the programme.
Data Protection Impact Assessment	Not required
Other	Not applicable

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

11.1 Appendix 1 - Progress on Legacy Projects

11.2 Appendix 2 – Proposed 2022/23 BLE Programme

12. REPORT AUTHOR CONTACT DETAILS

Name	Nicola Laird
Title	Senior Project Officer, Transport Strategy and Programmes
Email Address	NLaird@aberdeencity.gov.uk
Tel	N/A