

Title of meeting:	Cabinet Member for Traffic & Transportation Decision Meeting
Date of meeting:	23 rd September 2015
Subject:	Bus Lane Enforcement Guidelines and Penalty Charge Notice Rate
Report by:	Director of Transport, Environment & Business Support
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

To seek the Cabinet Member for Traffic & Transportation's agreement on the guidelines related to the enforcement of bus lanes, and the rate at which a Penalty Charge Notice is charged.

2. Recommendation

That the Cabinet Member for Traffic and Transportation approve the guidelines at appendix 1 and approve the setting of the Penalty Charge Notice for a bus lane contravention at £60.

3. Background

- 3.1. Maintaining a quick and consistent journey time is essential to the success of bus services in Portsmouth. Faster journeys will encourage modal shift from private vehicles to the more sustainable alternative. Bus lane enforcement is seen as a key in some areas to achieve that aim.
- 3.2. The law and or guidance issued by the DfT will take precedence over this local guidance. This guidance is currently fully compliant with the law and the DfT guidance.
- 3.3. The legislation allows for Local Authorities to set the charge for a Penalty Charge Notice within set levels. It is proposed that the charge be set at the maximum allowed outside London, ie £60, to ensure the charge acts as a deterrent to unauthorised use of the bus lanes. The charge of £60 will be reduced to £30 if paid within 14 days of the notice being served (it should be noted that the date of the notice of the penalty is not the same as the date of the offence/contravention). For information the other levels are £40 and £50.

Should the Cabinet Member agree to charge £60, formal approval by the Secretary of State will be sought.

4. Reasons for Recommendation

- 4.1. Although not required by law, local enforcement guidance is recommended by the DfT. This guidance document, which will be used by enforcement officers of the Council to carry out the enforcement of restrictions, will be publicly available. It is considered best practice that Members consider and agree policy/guidance on enforcement action.
- 4.2. A formal agreement by members is required for the setting of a Penalty Charge Notice rate, prior to approval by the Secretary of State.

5. Equality Impact Assessment (EIA)

- 5.1. An equality impact assessment is not required as the recommendation does not have a negative impact on any of the protected characteristics as described in the Equality Act 2010.

6. Legal Implications

- 6.1. The above comments are consistent with the entitlement of the Authority to regulate bus lane usage and are consistent with the appropriate regulations: Bus Lane Contravention (Penalty Charges Adjudication and Enforcement) (England) Regulations 2005.

7. Director of Finance Comments

- 7.1. There are no financial implications related to this report.
- 7.2. Financial implications in relation to the enforcement of bus lanes and bus gates were previously set out in the "Enforcement of Bus Lanes & Bus Gates (Stage 2)" report which formed part of the agenda of the Traffic & Transportation decision meeting on 12/03/14.

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Signed by:

Alan Cufley
Director of Transport, Environment & Business Support

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Provisional guidance on bus lane (including tramway) enforcement in England outside London - November 2005 (revised February 2008)	Civic Offices
Bus Lane Contravention (Penalty Charges Adjudication and Enforcement) (England) Regulations 2005.	Civic Offices

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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 Signed by:
Cllr Ellcome
Cabinet Member for Traffic & Transportation