

## **MANCHESTER CITY COUNCIL**

### **REPORT FOR RESOLUTION**

**Committee:** Executive Committee  
Physical and Environment Overview Scrutiny Committee

**Date:** 31 May 2006  
23 May 2006

**Subject:** Bus Lane Enforcement

**Report of:** Head of Environmental Services

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#### **Purpose of Report**

1. To seek the Executive's approval to setting the level of Penalty Charges in respect of bus lane contraventions.
2. To provide the Executive with further details on the implementation of bus lane enforcement.

#### **Recommendations**

1. That the Executive gives its approval to setting Penalty Charges for the civil enforcement of bus lanes at £60.
2. That the Executive notes the proposals for the physical aspects of the civil enforcement of bus lanes.

#### **Financial Consequences for the Revenue and Capital Budget**

1. The anticipated costs of the scheme to the revenue budget is £11500 in 06/07 and £5975 in 07/08. These costs can be met from the existing revenue budget.
2. There is a risk that the volume of Penalty Charges and hence income does not meet expectations resulting in a higher net cost. However a conservative view has been taken on the potential Penalty Charges issued as it is expected that the number will fall from 150 to 20 penalty charges per site per week after six months of operation.

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**Wards Affected**

Citywide

**Implications for**

Anti Poverty

Equal Opportunities

Environment

Finance

No

No

Yes

Yes

## **1. Background**

- 1.1 At the Executive meeting on 21 December 2005, it was resolved to use powers to undertake civil enforcement of bus lanes in Manchester. At Executive, it was also agreed that a paper would be presented in Spring 2006 that would further set out the details of the proposed civil enforcement of bus lanes.
- 1.2 Planning for commencement of bus lane enforcement is now well underway and we are scheduled to commence enforcement in September of this year.

## **2. Setting the Level of the Penalty Charge**

- 2.1 The guidance on bus lane enforcement (including tramway) in England sets out the options open to Local Authorities in relation to setting the level of the Penalty Charge Notice (PCN). The levels of PCNs open to Local Authorities are £40, £50 or £60, and the amount payable is reduced by 50% if paid within 14 days of service of the PCN. This report proposes that Manchester City Council sets the level of PCN at £60. This recommendation has been made for the following reasons:

- The objective of bus lane enforcement in Manchester is to improve compliance, and the city's bus services, and therefore to provide the maximum deterrent to drivers, it is recommended that the higher level be set.
- Manchester's PCNs in relation to parking contraventions are currently set at £60. Setting the same level for bus lane PCNs would provide consistency in enforcement. To set the level of the PCN at a lower rate one may engender public perception that a bus lane contravention is a 'lesser offence' than a parking contravention, therefore having a negative impact on compliance.

## **3. Consultation**

- 3.1 Consultation has been conducted to date with all Greater Manchester Authorities, Greater Manchester Police, Greater Manchester Fire Service, Greater Manchester Ambulance Service, Greater Manchester Passenger and Transport Executive, First Manchester and Stagecoach. A presentation has also been made at a meeting of the Greater Manchester Association of District Engineers. Responses have also been received from Bolton, Bury and Greater Manchester Police.
  - The response from Bolton said that the approach indicated seems very sensible and that they would be pleased to learn from Manchester's experiences.
  - The response from Bury said that they had no adverse comments on the proposals and the Authority would be interested to see the effect of the new enforcement regime.

- Greater Manchester Police raised some useful queries around signage for bus lanes, which are being addressed. We are working with the Police on an enforcement protocol.

#### **4. Publicity**

- 4.1 A publicity campaign is being commissioned to start at the end of June. Advertising will feature on the back of buses, hoardings and via other media. It has been agreed via the Bus lane Enforcement Steering Group that as this publicity will have benefit for other Greater Manchester Authorities, that such a campaign can be considered for funding from those resources allocated to the quality bus corridor initiative.

#### **5. The Physical Aspects of Enforcement**

- 5.1 The enforcement process will be two staged. Overall we aim to ensure that the quality of enforcement is of the highest order and that Manchester's reasonable and proportionate approach to parking enforcement is also continued through bus lane enforcement.
- 5.2 The process to determine contraventions will firstly involve a camera operator viewing the contravention. They will make a CCTV recording of the contravention, ensuring that a clear shot of the number plate is made, and that a contextual shot of the road is also made. A second operator will then review the recording to ensure that a contravention has taken place. The second operator will ensure that there are no mitigating factors apparent before the contravention is passed to the notice processing system for PCN issue.
- 5.3 Each case will be assessed on its own merits, however the guiding principles for enforcement will be that the vehicle:
- a) has sought benefit over other road users in being in the bus lane, or
  - b) is causing a congestion problem, or causing a bus to divert out of the bus lane to get round it.
- 5.4 There are scenarios in which enforcement would not normally be considered for instance if a vehicle travelled in a bus lane for a short stretch in order to go round another vehicle turning right then this would be considered as a mitigating factor. The same would apply if a vehicle were to cross a bus lane to reach a loading bay, or to make a left turn (providing the vehicle did not travel in the bus lane for an unreasonable time period in order to do so, thereby compromising free flow of bus lane traffic).

- 5.5 All Penalty Charge Notices (PCNs) sent will have a photo of the contravention printed on them in order to improve compliance, and minimise challenges. In addition to this, the Council will always offer any person issued with a PCN for a bus lane contravention the opportunity to view the moving images captured.
- 5.6 A Code of Practice for bus lane enforcement is in development, and is being led by a group of 5 local authorities of which Manchester is one. It is anticipated that this Code of Practice will be completed by the end of June and will be the standard for enforcement at a national level. Before enforcement commences, this Code of Practice will be published so as to ensure transparency in the operation of bus lane enforcement.
- 5.7 The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement)(England) Regulations 2005 state that a penalty charge notice shall be sent out to the registered owner/ keeper of the vehicle within 28 days from the contravention date (unless owner / keeper details are not supplied by the DVLA). It is intended that Manchester will aim to send out PCNs within 14 days of the contravention date in order to reinforce the association between the notice received and the offence committed in the mind of the recipient.
- 5.8 Following the commencement of enforcement, regular checking of the signs and lines on bus lanes will be carried out, in order to ensure that they remain clear, and are not damaged.

## **6. Enforcement Hotspots**

- 6.1 Consultation with Stagecoach, First Manchester, the Passenger Transport Executive and our own experiences has indicated that there are several hotspot locations that would benefit from enforcement. Below are examples of areas at which we may wish to enforce.
- A6 Stockport Road,
  - A6010 Oxford / Wilmslow Road Corridor
  - A57 Hyde Road
  - A665 Cheetham Hill Road
  - Portland Street
  - Aytoun Street
  - A62 Oldham Road
  - A635 Ashton Old Road
  - A5415 Parrswood Lane
  - Barlow Moor Road
- 6.2 Indicative surveys of suggested hotspot areas suggest that between 30 and 70% of all vehicles travelling in bus lanes are doing so illegally. Further detailed traffic surveys are being completed so that enforcement can be targeted in congested areas. Further surveys will

also be carried out after enforcement commences in order to evaluate the success of the operation.

- 6.3 We have CCTV coverage in several of these areas, mainly in the centre and south of the city. Where there is no coverage we will need to consider mobile enforcement.
- 6.4 Coverage on Cheetham Hill Road is currently operated through Comsec, and enforcement in this area will therefore fall into the citywide CCTV strategy.

## **7. Traffic Works**

- 7.1 Full on street surveys of all the bus lanes in the city have now been completed and these have been checked against the corresponding Traffic Regulation Orders (TROs) to ensure that the on street restrictions match the local legislation.
- 7.2 It was identified that there were some discrepancies in what was on street and what was laid down in the TRO. Discrepancies have also been found in the operational hours of bus lanes along a corridor that could prove confusing for motorists. It is proposed therefore to standardise bus lane operation times where possible, and where local conditions allow it. This approach has been discussed at a Greater Manchester level where it has been agreed that the standardisation of bus lane operation times should be in principle a countywide initiative.
- 7.3 It is proposed that the Council erects bus lane enforcement camera signs on all bus lanes, in order that maximum deterrent is achieved, and that enforcement can be flexible if traffic congestion hotspots change.

## **8. Bus Lane Adjudication Service Joint Committee**

- 8.1 On 21 December 2005, the Executive agreed that Manchester should act as lead authority for the Bus Lane Adjudication Service Joint Committee (BLASJC).
- 8.2 At this point, it is anticipated that the authorities joining Manchester in signing the joint committee agreement will be Bath and North East Somerset, Brighton and Hove, Hampshire, Nottingham, Reading and Sheffield.
- 8.3 The inaugural meeting of the BLASJC is planned for 30 June and consent of the Lord Chancellor to the appointment of the bus lane adjudicators will be sought immediately after this.
- 8.4 This Joint Committee will exercise the Council's functions and those of other councils taking on bus lane enforcement in relation to appointment of adjudicators dealing with appeals in relation to PCNs.

## 9. Indicative Costs

- 9.1 There are no authorities outside London that are currently undertaking bus lane enforcement. A study of enforcement rates during the first year of operation in London demonstrates that compliance increases significantly over the first 6 months of enforcement then remains at a high but constant level thereafter. Indicative surveys also demonstrate that only around 50% of observed contraventions are issued with a PCN. In Manchester we aim to achieve good levels of compliance so our income projections are based on the London model but with a reduced level of PCNs issued.
- 9.2 A costing exercise has been undertaken that demonstrates that bus lane enforcement is anticipated to be almost cost neutral to the authority. The following costs are indicative at this stage and may change.

<b>Bus Lane Enforcement - Indicative Costs '06 -'07 &amp; '07 -'08</b>		
	Sept. 06 - March '07	April '07- March '08
<b>Traffic and Street Works</b>		
Traffic Project Management Fees	£28,000	
Legal Fees	£12,000	
Bus Lane Enforcement Signs	£15,000	£1,500
Preparatory Survey work	£5,500	£900
<b>Equipment</b>		
2 additional recording stations & Recording Device	£40,000	
Camera Lens Upgrades	£5,000	
Lease of CCTV Smart Car for mobile enforcement	£10,100	£17,400
<b>Staffing</b>		
4 CCTV Mobile & Operator Costs	£44,300	£76,000
2 back office processing staff @Sc4 + on costs	£25,000	£43,000
<b>Other</b>		
NPAS Charges	£4,500	£2,900
Staff Training	£2,000	
Stationary and Supplies	£2,500	£5,000
Publicity and advertising	£30,000	£2,000
Contingency @ 7% of project costs	£15,000	
Costs Sub Total	£238,900	£148,700
<b>Predicted income from PCN generation</b>	£227,400	£142,725
Differential	<b>-£11,500</b>	<b>-£5,975</b>

- 9.3 There is a statutory requirement that any surplus funds can only be spent in one of three ways:-
- Covering costs incurred through the operation of bus lane enforcement
  - Meeting costs incurred in the provision or operation of passenger transport services
  - Highway improvement projects
- 9.4 If there is any deficit at the end of the financial year, there is a statutory requirement that this shall be made good from the Council's General Fund.
- 9.5 Risk management in relation to bus lane enforcement has been fully considered. In order to mitigate any potential risk to the authority, the project makes use wherever possible of existing infrastructure, and employs staff through the council's on street parking contract with NCP. Such staff can be easily absorbed elsewhere in the parking service should there be a reduced need for enforcement.
- 9.6 Research suggests that sustained, intensive enforcement that is well explained and publicised has a long lasting effect on driver behaviour. Evidence also suggests that this improvement in driver behaviour is not sustained should the motivational effect of enforcement be removed, and that levels of compliance drop significantly when enforcement drops. Given this, it is considered unlikely that there will be no enforcement need in the future.

## **10. Environmental Implications**

- 10.1 By improving bus services, bus lane enforcement aims to assist in a shift from private to public transport supporting the Sustainable Transport Strategy, a modal shift will also help to improve air quality in accordance with the Greater Manchester Air Quality Action Plan.

## **11. Financial Implications**

- 11.1 This is dealt with in the section headed Financial Consequences for the Revenue and Capital budget on page 1.