

## **CITY COUNCIL – 14 MAY 2012**

### **REPORT OF THE PORTFOLIO HOLDER FOR AREA WORKING, CLEANSING AND COMMUNITY SAFETY**

### **ACCEPTANCE OF DELEGATION FROM LEICESTER CITY COUNCIL IN RESPECT OF BUS LANE ENFORCEMENT FUNCTIONS**

#### **1 SUMMARY**

- 1.1 Nottingham City Council's bus lane enforcement system is considered to be a model of excellence.
- 1.2 Leicester City Council, in the delivery of effective sustainable transport solutions, intend to implement camera enforcement of their bus lanes and it is proposed that Nottingham City Council will work with Leicester City Council under a partnering agreement that is subject to the delegation of bus lane enforcement functions to Nottingham City Council.
- 1.3 Acceptance of such a delegation must be made by Nottingham City Council.
- 1.4 The appendices to this report have been circulated separately and are exempt from publication under paragraph 3 of Schedule 12A to the Local Government Act 1972 because they contain information relating to the partnership agreement, and, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. This is because the appendices contain commercially sensitive information on pricing.

#### **2 RECOMMENDATIONS**

- 2.1 That Nottingham City Council formally accepts the delegation given by Leicester City Council by its City Mayor on 22 March 2012 and as detailed in appendix 1.
- 2.2 That the Portfolio Holder's Delegated Decision (reference 0067), detailed in appendix 2, in respect of the partnering agreement to be entered into between the two authorities, be noted.

### **3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)**

- 3.1 The acceptance of a delegation made in accordance with the Local Authorities (Arrangement for the Discharge of Functions)(England) Regulations 2000 must be taken by the local authority.
- 3.2 The bus lane enforcement function is an executive function and therefore any decision regarding the discharge of that function is either to be made by the Leader or by a Committee or persons to whom he delegates the function. This function is currently delegated to the Portfolio Holder for Area Working, Cleansing and Community Safety.

### **4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 4.1 Not to accept the delegation from Leicester City Council but this has been rejected because this would not allow Nottingham City Council to carry out work for other authorities and achieve economies of scale within the authority.

### **5 BACKGROUND**

- 5.1 Discussions are currently taking place between Nottingham and Leicester City Councils regarding Leicester's city centre bus improvement project in respect of camera enforcement of bus lanes. This forms part of Leicester's plan to deliver effective transport solutions in the city centre.
- 5.2 A partnering agreement is being developed between the parties in respect of the how the proposed delegated functions will be carried out by Nottingham City Council including the financial arrangement between the two authorities.
- 5.3 Leicester City Council through its City Mayor has approved the decision to delegate those bus lane enforcement functions (which do not include decision making in respect of appeals and representations as this remains a non-delegable function of Leicester as the enforcement authority) to Nottingham City Council from 1 May 2012. The delegation will be in place until rescinded but it is expected that the arrangement will be in place for an initial 3 year period which may then be extended.

5.4 Any commencement date for the implementation of the delegated functions will be finalised following the acceptance of the delegation and completion of the partnering agreement.

5.5 Acceptance of the delegation must be by Nottingham's full Council.

## **6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)**

6.1 The finance implications of entering into a partnership agreement with Leicester City Council to discharge the bus lane enforcement functions, back office ticket processing and appeals starting from 1<sup>st</sup> May 2012, for a minimum period of three years is that the contract will finance all its variable costs and will make a positive contribution to fixed overheads based on the issuing of 35,000 Penalty Charge Notices (PCNs) per annum.

## **7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS)**

7.1 The discharge of the functions will be reflected in a partnering agreement between the two authorities which will provide for clear provisions in respect of any liabilities and termination arrangements.

## **8 EQUALITY IMPACT ASSESSMENT (EIA)**

8.1 An EIA is not required as the report does not contain proposals or financial decisions.

## **9 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

9.1 None.

## **10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

10.1 Local Authorities (arrangement for the Discharge of Functions)(England) Regulations 2000

10.2 Traffic Management Act 2004

10.3 Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) ( England) Regulations 2005

**COUNCILLOR ALEX NORRIS**

**PORTFOLIO HOLDER FOR AREA WORKING, CLEANSING AND  
COMMUNITY SAFETY**