

Executive Report

Decision to be announced on: 21st April 2017

**Bus Stop and other clearway restrictions,
enforcement with cameras**

Decision to be taken by: City Mayor

Lead director: Andrew L Smith



City Mayor

Useful information

- Ward(s) affected: All
- Report author: Steve Warwick
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1. Summary:

- 1.1 This report is to seek approval to undertake enforcement of bus stop clearways and mandatory entrance clearways (school entrance markings and variants) in Leicester with an approved device (camera enforcement). The report also seeks approval to vary the existing Partnership Agreement with Nottingham City Council for bus lane enforcement to include camera enforcement of bus stop clearways and other mandatory clearways and to delegate such functions for processing of the Penalty Charge Notices as set out in the 'The Traffic Management Act 2004, The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 and the Civil Enforcement of Parking Contraventions (England) General (Amendment No. 2) Regulations 2015' to Nottingham City Council as shown in appendix A.

2. Recommendations

- 2.1 The City Mayor is requested to approve the implementation of camera enforcement of mandatory bus stop clearways to diagram 1025.1 and other entrance clearways to diagram 1027.1 with appropriate upright signing of the Traffic Signs Regulations and General Directions 2016 as approved under the Traffic Management Act 2004 and the Road Traffic Regulation Act 1984. (Subject to a further report being presented).
- 2.2 The City Mayor is requested to approve the delegation of functions for Nottingham City Council to allow them to provide the 'back office' function of processing and issuing PCN's for contravening vehicles captured with an approved device.

3. Supporting information including options considered:

- 3.1 The Traffic Management Act 2004 permits the enforcement of mandatory bus stop clearways by civil enforcement with an approved device. It is proposed for Leicester City Council to exercise this power for all mandatory bus stop clearways in the City as it sees fit. Civil enforcement with patrolling officers is not affected by this proposal.
- 3.2 The Council has acted following recent road safety concerns at Leicester Railway Station. Camera enforcement would enhance enforcement and would make 24 hour coverage possible.
- 3.3 The Traffic Management Act 2004 also permits the enforcement of other mandatory entrance clearways (such as school entrance markings) by civil

enforcement with an approved device. In order to enforce a stopping offence, it will be necessary for any mandatory clearway marking to be reinforced by a Traffic Regulation Order under the 1984 Act.

- 3.4 The council's 2016 Parking Improvement Plan highlighted the Council's intention to introduce camera enforcement of bus stop and other mandatory clearway markings.
- 3.5 Leicester City Council has enforced bus gates and lanes with approved devices at certain locations since 2012. To facilitate this activity, Leicester City Council entered into a Partnership Agreement with Nottingham City Council for them to provide the back office functions of PCN issuing. Footage of the offence is manually reviewed, and if an offence is deemed to have taken place, a PCN is issued and the evidence stored. In this arrangement, Leicester pays Nottingham a fee (currently £10.20) per capture to cover their expenses, the remainder of the penalty charge amount is retained by Leicester. Leicester City Council represents itself at adjudication hearings and retains its powers granted to it by the Secretary of State, and day to day decisions are made by Leicester City Council.
- 3.6 Under the partnership agreement's change order procedure, we propose to delegate further functions to Nottingham City Council for back office processing of PCN's issued for clearway contraventions captured by an approved device. Contraventions issued by a patrolling Civil Enforcement Officers will be processed by Leicester City Council along with PCN's issued for other parking offences.
- 3.9 Camera enforcement would be undertaken using a static enforcement camera or a camera car operating at times when the restrictions are applicable.

Project Programme

- 3.10 It is envisaged that camera enforcement of the bus stop clearways outside the railway station would be implemented in June 2017.
- 3.11 A programme for introducing camera enforcement mandatory clearway markings will be subject to a further report.

4. Details of Scrutiny

- 4.1 The Parking Improvement Plan was presented to Scrutiny in September 2016 and the results of consultation presented in December 2016.

5. Consultation

- 5.1 No formal consultation is required for the installation of a bus stop clearway marking or an enforcement camera. For other mandatory clearway markings, consultation on the required Traffic Regulation Orders would take place in

accordance with the legislation and Council procedures.

- 5.2** Consultation on Parking Improvement Plan took [place for 6 weeks in autumn 2016 and demonstrated strong support for more enforcement of illegal parking including outside of schools.

6. Financial, legal and other implications

6.0 Financial implications

- 6.1 There are no costs associated with delegating functions to Nottingham City Council. Under the existing partnership agreement for bus lane enforcement, Nottingham receive a proportion of the Penalty Charge income, currently £10.20. This arrangement would be expanded to include penalty charges issued for contravention of clearways.
- 6.2 The capital set up costs and potential income will be subject to a further report.

Paresh Radia, Principal Accountant 374082

7. Legal implications

The Traffic Management Act 2004 permits the imposition of a penalty charge on the basis of a record produced by an approved device.

Regulations 3 and 7 of The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 (made under section 19 of the Local Government Act 2000) permits the City Mayor to make arrangements for a function which is the responsibility of Leicester City Council's executive to be discharged by Nottingham City Council, or its executive. Those arrangements must be made with "the other local authority concerned," i.e. the delegation can be accepted by Nottingham City Council's full council, which then delegates in turn to its executive.

These powers are reflected in Article 11.04 of Leicester City Council's Constitution and Part 2 of Nottingham City council's Constitution.

The discharge of the bus lane enforcement functions is intended to be coordinated through a Partnering Agreement made between the City Council and Nottingham City Council. Schedule 1a, part 1a of the Partnering Agreement details which of the functions acquired by Leicester City Council will be delegated to Nottingham City Council, following such a delegation by the City Mayor and acceptance of that delegation by Nottingham City Council. A copy of Schedule 1a, part 1a is annexed to this Report to detail the terms of that delegation.

Nilesh Tanna, Qualified Lawyer (Contracts) 371434
John McIvor, Principal Lawyer, (Property and Planning) 371409

8.0 Climate Change and Carbon Reduction implications

8.1 Increased enforcement of bus stop restrictions should help to reduce carbon emissions from traffic in the city, by supporting reliable bus services which offer an attractive alternative to private car travel. Enforcement of parking restrictions, including those at school gates, should also have a positive impact, by creating a safer environment to encourage walking as an alternative to driving.

Duncan Bell, Environment Team. Ext. 37 2249

9.0 Equality Impact Assessment

9.1 None required

10.0 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

No other implications

11. Background information and other papers

None

12. Is this a confidential report?

No

13. Is this a “key decision”?

No