

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Cllr Paul Crossley, Leader of the Council	
DECISION DATE:	As soon as possible in May 2014	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2666
TITLE:	Dorchester Street – suspension of “Bus Gate”	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: None		

1 THE ISSUE

This report concerns the need for an urgent decision to suspend the operation of the experimental Bus Priority Measures in Dorchester Street, Bath.

The issue is being raised under the Special Urgency provisions (Rule 16) in the Council's Constitution.

2 RECOMMENDATIONS

To decide:

- 2.1 To suspend the operation of the experimental Bus Priority Measures in Dorchester Street, Bath;
- 2.2 Not to pursue any contraventions and reimburse all those who have been fined and cancel any outstanding fines.

3 RESOURCE IMPLICATIONS

- 3.1 A total of 14,300 PCN's have been issued amounting to a potential value of £430,000 (assuming payment is made within 14 days). Of this number approximately 6,400 PCN's have been paid,
- 3.2 It is proposed that the income actually received from the Penalty Charge Notices (PCNs) will be refunded and all remaining outstanding debts written off. This will

result in no income being derived from PCNs issued. No net income was anticipated from this source within the service budget.

- 3.3 Costs incurred in the trial period (including staff time and processing costs) are expected to be c.£140K. This includes scheme costs and camera purchase (without these elements the total cost is c.£54K). This will be met from the Council's Revenue Budget Contingency.
- 3.4 The implications of issuing a significant number of refunds for payments received is currently being worked through by officers and refunds will be made as soon as practicable although this is likely to take several weeks.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 This proposed decision is taken consistent with the authority to modify the Experimental Traffic Order under which the Bus Priority Measures were introduced.
- 4.2 In order for the decision to suspend the measures to take immediate effect and to safeguard public safety (by reducing the possibility of confusion to motorists and pedestrians who might otherwise be unsure whether the measures continue to be in force), this decision is taken under Special Urgency powers, the requirements of which are set out below.

RULE 16 – SPECIAL URGENCY

If by virtue of the date by which a decision must be taken, Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision

*(i) obtains the comments of the Chief Executive, the Monitoring Officer or where appropriate the Chief Financial Officer
and*

(ii) obtains the agreement of the Chair of the relevant Overview and Scrutiny body that the taking of the decision cannot reasonably be deferred.

The Chair of the Overview and Scrutiny body will consider the advice of the Chief Executive, the Monitoring Officer and/or, where relevant, the Chief Financial Officer before giving agreement.

The request for special urgency, and the agreement of the Chair of the relevant Overview and Scrutiny body, including the advice of the Chief Executive, the Monitoring Officer or the Chief Financial Officer, will be recorded and made public without disclosing exempt or confidential information.

A decision taken under this Rule may not be called in.

Reports on special urgency decisions: In any event the Cabinet will submit to Political Group Leaders, within 7 working days, details of any executive decisions taken in the circumstances set out in rule 16 (Special Urgency) .

5 THE REPORT

- 5.1 Cabinet decided on 10th April 2013 (Resolution E249) to introduce Bus Priority Measures in Dorchester Street Bath as a trial with the aim of reducing traffic levels in order to improve the local environment and improve the reliability and punctuality of public transport.

5.2 The details of that decision were:

1) To AGREE that an Experimental Traffic Regulation Order be implemented under the Road Traffic Regulation Act 1984 for a maximum period of 18 months to evaluate the impact of prohibiting the driving of vehicles except buses and taxis in an eastbound direction on Dorchester Street between 10am and 6pm and allowing right turn only out of Manvers St car park;

(2) To AGREE that the eastbound carriageway of Dorchester Street be designated as a bus lane for the purposes of civil enforcement using CCTV cameras under the Transport Act 2000; and

(3) To DELEGATE authority to the Divisional Director for Environmental Services to make changes to the Experimental Order in consultation with the Cabinet Member for Transport and also delegated authority to use the Council's bus lane enforcement powers.

5.3 The trial was implemented on 20th January 2014 following notification through the local press and other means. Warning letters were sent to vehicle owners whose vehicles contravened the restriction (i.e. where they were not permitted to use the road) from the end of February.

5.4 The signage required by the legislation was present throughout and was supplemented by additional information signs forewarning drivers of the restriction.

5.5 From 10th March 2014 warning letters were no longer sent and a Penalty Charge Notice (PCN) was issued for each contravention.

5.6 Further advance warning signs were added permanently on 25th April 2014 to replace the A Boards that were being moved.

5.7 On 30th April the Council issued a press release indicating its intention to suspend the bus priority measures in Dorchester Street, Bath, and the intention to refund all related PCN's including the cancellation of outstanding PCN's.

5.8 Subsequent to this announcement, consultation with the Council's Statutory Officer's (Chief Executive, Monitoring Officer and Section 151 Officer) have been undertaken to confirm the use of the Special Urgency provisions. The comments from these officers are reflected in this report.

6 RATIONALE

6.1 Significant public disquiet was voiced regarding the issuing of the PCNs as motorists claimed that they were falling foul of the restriction because the signage provided was inadequate.

6.2 After consideration of this disquiet and representations to remove the restriction and refund monies received through PCNs, it is considered prudent to suspend the restriction.

6.3 Careful consideration needs to be given as to how to deal with fines that have already been paid. The purpose of enforcement by way of Penalty Charge Notices is to modify and regulate the behaviour of motorists in the interest of the community and not to raise income as such. It would be inequitable to those who

had paid PCNs not to refund payment to them when other motorists who had contravened at the same time but not paid would be treated differently by not having the debt pursued.

6.4 Sufficient evidence has now been gathered to inform Members as to the efficacy of the restriction (i.e. what worked well and what needed improvement) so that a decision may be taken in the future regarding the measures.

7 OTHER OPTIONS CONSIDERED

7.1 To continue to operate the trial – this would have failed to address the level of public concern around the perceived shortcomings of the scheme and associated signage.

7.2 To further reinforce signage and warnings – the signage installed was legally compliant and was significantly supplemented in order to increase driver awareness. Given that the evidence is that this was not entirely effective in all cases, it is not possible to know at what point the concerns expressed would be adequately addressed. It was therefore considered preferable to suspend the trial and review this aspect of the scheme before considering to whether resume enforcement.

8 CONSULTATION

Consultation has been carried out as required in making a decision under Rule 16 (see paragraph 4.2)

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>Matthew Smith 01225 396888</i>
Background papers	Cabinet decision 10 th April 2013 (Resolution E2439) to introduce Bus Priority Measures
Please contact the report author if you need to access this report in an alternative format	