Single Member Cabinet Decision

Executive Forward Plan Reference	**E2666**

Dorchester Street – Suspension of Bus Gate

Decision maker/s	Cllr Paul Crossley, Leader of the Council
The Issue	The issue concerns the need for urgent consideration of the operation of the experimental Bus Priority Measures in Dorchester Street, Bath
Decision Date	12 May 2014
The decision	The Leader of the Council agrees: (1) To suspend the operation of the experimental Bus Priority Measures in Dorchester Street, Bath; (2) Not to pursue any contraventions and to reimburse all those who have been fined and cancel any outstanding fines.
Rationale for decision	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. 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. 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. 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.
Financial and budget implications	A total of 14,300 Penalty Charge Notices (PCNs) were issued amounting to a potential value of £430,000 (assuming payment within 14 days). Of this number approximately 6,400 PCN's have been paid. It is proposed that the income actually received from the 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. 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. 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.

Issues considered	Social Inclusion; Customer Focus; Sustainability; Equality (age, race, disability, religion/belief, gender, sexual orientation); Other Legal Considerations
Consultation undertaken	The decision was taken under Rule 16 – Special Urgency. In the absence of the Chair of the relevant PDS Panel, the Chairman of council, Cllr Martin Veal, agreed that the matter could be dealt with in this way. The advice of the Chief Executive and of the Council's statutory 151 Officer and Monitoring Officer were also considered.
Other options considered	**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. **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.

Signatures of Decision Makers	
Date of Signature	

This decision was taken under Special Urgency (Rule 16) and is not subject to Call-in. It will be implemented immediately