

Report to Councillor Roger Elkins, Cabinet Member for Highways and Infrastructure

December 2020

Bus Gate Enforcement

Report by Director of Highways, Transport and Planning

Electoral division(s): All

Summary

The use of physical infrastructure to protect bus gates/routes has traditionally been employed in West Sussex but this has proven costly and unreliable.

Automatic number plate recognition enforcement (ANPR) cameras are routinely used by many local authorities as a more cost effective and reliable method of control than Bus Gates. The County Council does not currently exercise bus lane enforcement powers.

This proposal is to allow bus gate contraventions to be enforced using ANPR cameras.

The installation of ANPR cameras will be externally funded by developers. The long-term maintenance and replacement of equipment will be funded by the enforcement of the regulations.

Recommendations

That the Cabinet Member for Highways and Infrastructure approves the introduction of the civil enforcement of bus gate contraventions in West Sussex using automatic number plate recognition cameras.

Proposal

1 Background and context

- 1.1 A Bus Gate is a signposted stretch of road, along which use is restricted to public transport and (where specified) taxis and other authorised vehicles.
- 1.2 Bus gates have been introduced nationally in areas where it would be inappropriate for a high volume of through traffic, such as residential areas, new developments and town centres.
- 1.3 The Road Traffic Regulation Act 1984, section 1 sub section 3a (as amended 27/06/17), allows for a local authority to apply for a Traffic Regulation Order (TRO) for relevant bus scheme facilities, or the taking of bus scheme measures.

- 1.4 The use of ANPR cameras for enforcement is a common, tried and tested approach to bus gate enforcement throughout the country.
- 1.5 Housing estate developers are encouraged to install bus gates in their developments to encourage the use of sustainable transport.
- 1.6 Existing physical methods of enforcing bus gates within West Sussex County Council (WSCC) such as rise and fall bollards are proving unreliable and costly to maintain.
- 1.7 This proposal supports the Prosperous Place objectives in the Corporate Plan.

2 Proposal details

- 2.1 It is proposed that WSCC introduces the use of ANPR cameras for the civil enforcement of bus lane contraventions in West Sussex.
- 2.2 That WSCC work in partnership with Sussex & Surrey Police with the implementation of ANPR bus gate enforcement in the county.
- 2.3 The partnership approach will ensure that WSCC sites comply with legislation and use the latest and most appropriate technology.

3 Other options considered (and reasons for not proposing)

- 3.1 An options appraisal has been completed. The other options considered were:
 - a. Do nothing
 - b. Continue to support the installation of physical control measures at bus gates in West Sussex
- 3.2 If no actions are taken developers will be unable to progress their scheme plans where bus gates are required to support their development plans.
- 3.3 The continued use of physical control measures for bus gates in West Sussex leaves the bus gate at risk of failure of intention where regular equipment failures occur.
- 3.4 The continued use of physical control measures for bus gates in West Sussex places unduly heavy maintenance liabilities on WSCC highways teams.

4 Consultation and engagement

- 4.1 WSCC Network Management staff have engaged highway agreements officers to evaluate and fully understand the needs of bus gates in development plans they are overseeing.
- 4.2 Sussex and Surrey Police Force ANPR representative has been engaged throughout the ANPR enforcement consideration process and has also supported WSCC at housing development meetings.

5 Finance

- 5.1 The installation of ANPR cameras will be externally funded by developers. The long-term maintenance and replacement of equipment will be funded by the enforcement of the regulations.

- 5.2 The level of penalty charges levied in respect of bus gate contraventions will be set through the usual governance channels.
- 5.3 ANPR camera installation costs will be included in business case appraisals for consideration in line with corporate governance arrangements.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
ANPR camera enforcement of bus gates does not meet maintenance costs of camera sites	If low levels of contravention of the bus gate are encountered the camera equipment can be turned off and monitoring stopped or it can be moved to a new location that requires enforcement. ANPR cameras can also be installed in temporary situations as required so it is possible to have limited numbers of mobile cameras that are moved around an area as needed dependant on the number of infringements occurring.

7 Policy alignment and other matters taken into account

7.1 Legal Implications

Bus gate enforcement is controlled using traffic regulation orders and infringements of those orders are currently a Police matter. Using legislation that is set out in the Traffic Management Act 2004 it is proposed to make infringements of bus gate orders a West Sussex County Council matter to enforce. This will be managed remotely through the use of automatic number plate recognition cameras in conjunction with Sussex and Surrey Police who will monitor West Sussex County Council's use of ANPR on the public highways in the county. Using the police network to monitor and store camera footage of the bus gates will ensure conformity with GDPR regulations. Enforcement of the bus gates will necessitate the offering of a fixed penalty notice (FPN) to those who illegally traverse the bus gate and follows the same legislation as used for enforcement of resident parking schemes in West Sussex. FPN's can be appealed and it is proposed to use existing contracts with our district parking enforcement teams to manage the offering of FPN's for bus gate enforcement and the appeals procedure.

7.2 Other

Bus gate enforcement does not impact equality or human rights legislation, climate change, crime and disorder, public health or social value.

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Appendices/Background papers - none