

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Executive Lead Member for Economy, Transport and Environment
<b>Date:</b>	28 October 2021
<b>Title:</b>	Bus Priority Enforcement Policy and Practice
<b>Report From:</b>	Director of Economy, Transport and Environment

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### Purpose of this Report

1. The purpose of the report is to seek approval for the adoption of the Countywide Bus Priority Enforcement Policy document and commence with the introduction of civil enforcement of vehicle contraventions pertaining to bus priority measures.

### Recommendations

2. That the Executive Lead Member for Economy, Transport and Environment approves the adoption of the Countywide Bus Priority Enforcement Policy attached to this report in Appendix 1 to enable the commencement of the civil enforcement of vehicle contraventions pertaining to bus priority measures.
3. That the Executive Lead Member for Economy, Transport and Environment approves the appended draft Code of Practice referred to in the Countywide Bus Priority Enforcement Policy and delegates authority to the Director of Economy, Transport and Environment to make minor amendments and updates as necessary to both documents in consultation with the Executive Lead Member for Economy, Transport and Environment.

### Executive Summary

4. This paper seeks approval and adoption of the Countywide Bus Priority Enforcement Policy document for Hampshire County Council which provides the framework to commence with the introduction of civil enforcement of vehicle contraventions pertaining to bus priority measures. This will ensure that there is a clear and consistent policy position and approach to the enforcement of bus priority measures both for existing and future bus priority provision.
5. The Bus Priority Enforcement Policy sets out the context for bus priority enforcement, the outcomes and outputs expected, and how bus priority enforcement will be implemented, delivered, and operated. The governing principles for bus lane enforcement are:

- enforcement should take place where there is an established case or policy need for it, e.g., where there is frequent non-compliance with restrictions backed by legal traffic regulation orders that delay bus services, or in support of a development access strategy;
  - enforcement activity and practice (including fees and charging rates) shall comply with the relevant legislation, and all equipment used will meet the relevant Type Approval as specified by the Department for Transport;
  - enforcement should aim to at least cover the revenue costs of operation and maintenance, or where this is not the case new sites should identify long term sources of funding to allow for the operation and maintenance of associated enforcement infrastructure; and
  - in the event that income exceeds the overall cost of enforcement in any given year, such income shall be allocated in accordance with the relevant legislation to support transport services in Hampshire.
6. To support investment to date and the future commitments to bus priority measures proposed in Hampshire's Bus Service Improvement Plan (BSIP) and other government funded transport initiatives, including TCF, enforcement will help achieve local and national objectives of:
- reduced bus journey times;
  - less variability in journey times;
  - building confidence in public transport services and increased patronage;
  - widening the reach of bus services to traditional non-users;
  - supporting the safe and efficient operation of the transport network; and
  - improving highway safety with reduced bus priority contraventions.
7. Bus priority enforcement measures will be reviewed regularly. It is anticipated that contraventions will reduce over time and some sites may no longer be self-financing. For these sites, the County Council will need to consider the case for retention.

### **Contextual Information**

8. Currently, there are over 45 bus priority measures of various types in Hampshire to assist with the movement of buses. Infringements occur where bus priority measures are being used by vehicles not authorised to do so, which can be detrimental to bus services and other authorised vehicles for whom the facility was introduced. The infringement of such measures impacts on journey times and reliability, as well as compromising road safety.
9. The new National Bus Strategy 'Bus Back Better', sets out a vision for the future of bus services outside London. The Strategy calls on all Local Transport Authorities (LTAs) to publish Bus Service Improvement Plans (BSIPs) that support quicker and more reliable bus services. The strategy states that "Robust enforcement of traffic restrictions can bring benefits for buses through less congestion," which will increase passenger confidence in using buses and support sustainable travel. A single passenger journey on public transport has approximately half the carbon impact of a car journey.
10. The County Council's proposed BSIP approach to the delivery of the Government's National Bus Strategy includes a commitment to future plans for

provision of bus priority measures, and enforcement of such measures will ensure greater compliance to restrictions which will see improved bus journey times, service reliability, passenger growth, and satisfaction.

11. The County Council's Local Transport Plan (LTP3) and emerging LTP4 support improved bus journey times and are aligned to the National Bus Strategy. Engagement on two core design principles for the future LTP4 has revealed strong public and stakeholder support for measures which make bus journeys easier, more predictable, safer and an attractive alternative to the private car.
12. To complement the Bus Priority Enforcement Policy, a draft Code of Practice (Code of Practice for the Operation of Bus Lane and Traffic Enforcement Cameras) sets out the objectives and the rules by which the system will be operated. This will ensure appropriate handling of private data, with fairness, confidentiality, and integrity issues managed in accordance with relevant guidance and legislation produced by the Department for Transport (DfT), including the Transport Act 2000.

### **Legal**

13. The legal powers to introduce bus lane enforcement are included in the Transport Act 2000 and supported by a statutory instrument of November 2005 when the County Council was made an approved local authority for bus lane enforcement (for the purposes of Section 144 Transport Act 2000) by the Bus Lanes Contraventions (Approved Local Authorities) (England) Order 2005 (SI 2005/2755).
14. The County Council is an approved Bus Lane Enforcement Authority and has approval in principle to introduce bus priority enforcement following a decision by the Executive Member for Environment and Transport in 2017 as part of broader enforcement service provisions in the county.
15. In accordance with the Countywide Bus Priority Enforcement Policy document attached in Appendix 1, enforcement will utilise cameras for Automatic Number Plate Recognition (ANPR) and the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 (Statutory Instrument No. 2757) specifies the process by which the County Council can enforce restrictions.
16. Bus priority measures require Traffic Regulation Orders (TROs) to make them legally enforceable. TROs will be specific to the particular bus priority measure and will define all aspects, including permitted vehicles, hours of operation, access arrangements across the facility, and the extent of the restricted lengths of carriageway.

### **Finance**

17. The operational and maintenance costs of bus priority enforcement should not add to the County Council's revenue burden. All schemes should aim to cover their costs of operation, but exception to the cost recovery principle may be required on infrequent occasions. The County Council also currently makes significant revenue commitments to support public transport in the widest sense, which would be expected to be reduced as public transport becomes relatively more attractive with increased patronage, as effectively enforced bus priority measures improve journey time reliability and advantage.

18. For future planning applications considered after the issue date of this policy document, where there is a planning obligation to provide bus priority measures, the provision of such measures will be secured through the Section 106 agreement together with the necessary commuted sums to cover maintenance and operational costs in accordance with the County Council's commuted sums policy.

### **Performance**

19. It is anticipated that the level of contraventions will reduce over time. The reduction in contraventions will have a positive impact on bus journey times and service reliability which will be monitored through operational statistics that are readily available.

### **Consultation and Equalities**

20. In terms of equality impacts, there is a higher reliance on buses for commuting amongst particular sectors of the population: females, younger age groups (16–19-year-olds), part-time workers, those in manual occupations, and those on low incomes. 18.9% of households in Hampshire have no access to a car or van. In light of this, there is a need to support the most socially excluded residents who are disproportionately represented as bus passengers. Around one in three bus journeys in Hampshire are made by concessionary pass holders.
21. Improvements to public transport arising from bus lane enforcement will help enable public transport users to access essential services and lead independent lives for longer within their own communities and will therefore have a particularly positive outcome for younger and older people, women, and those from other protected groups who are more likely to be regular bus users.
22. The Bus Priority Enforcement Policy has been discussed with the bus operators, who are fully supportive of the proposed measures. The introduction of new Bus Priority measures will normally be subject to a Traffic Regulation Order, which has inbuilt consultation provisions within the process.

### **Climate Change Impact Assessments**

23. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

### **Climate Change Adaptation**

24. A climate change impact assessment will be carried out for each bus priority enforcement scheme as it is developed.

## **Carbon Mitigation**

25. A full Carbon Mitigation impact assessment will be carried out for each bus priority enforcement scheme as it is developed. By encouraging the use of bus services, the proposal to introduce bus priority enforcement will have a positive impact on carbon reduction because a single passenger journey on public transport has approximately half the carbon impact of a car journey.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	no
People in Hampshire enjoy being part of strong, inclusive communities:	yes

**Other Significant Links**

<b>Links to previous Member decisions:</b>	
Countywide Civil Parking Enforcement Services	<u>Date</u> 14 Nov 2017
<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u>	<u>Date</u>
Date Transport Act 2000 (legislation.gov.uk)	30/11/2000
Traffic Management Act 2004 (legislation.gov.uk)	22/7/2004
The Bus Lanes (Approved Devices) (England) Order 2005 (legislation.gov.uk)	28/9/2005

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

In terms of equality impacts, there is a higher reliance on buses for commuting amongst particular sectors of the population: females, younger age groups (16–19-year-olds), part-time workers, those in manual occupations, and those on low incomes. 18.9% of households in Hampshire have no access to a car or van. In light of this, there is a need to support the most socially excluded residents who are disproportionately represented as bus passengers. Around one in three bus journeys in Hampshire are made by concessionary pass holders.

Improvements to public transport arising from bus lane enforcement will help enable public transport users to access essential services and lead independent lives for longer within their own communities and will therefore have a particularly positive outcome for younger and older people, women, and those from other protected groups who are more likely to be regular bus users.