

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	CABINET
Report of:	STRATEGIC DIRECTOR FOR ECONOMY
Date of Decision:	24th January 2017
SUBJECT:	BUS LANE ENFORCEMENT (TRANCHE 1) - FULL BUSINESS CASE
Key Decision: Yes	Relevant Forward Plan Ref: 002675/2017
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Relevant Cabinet Member(s) or Relevant Executive Member for Local Services:	Councillor Stewart Stacey - Transport and Roads Councillor Majid Mahmood - Value for Money and Efficiency
Relevant O&S Chairman:	Councillor Zafar Iqbal – Economy, Skills and Transport Councillor Mohammed Aikhlaq - Chair of Corporate Resources and Governance Scrutiny Committee
Wards affected:	Aston, Bordesley Green, Nechells, South Yardley, Stechford and Yardley North, Stockland Green, Tyburn

1. Purpose of report:
<p>1.1 To approve the Full Business Case (FBC) for the Bus Lane Enforcement (Tranche 1) attached as Appendix A, to enforce the bus lanes on Lichfield Road, Tyburn Road and Bordesley Green East, through the use of enforcement cameras.</p> <p>1.2 To support the previous investment in bus priority and to assist the bus operators to improve or retain the current level of reliability of their services and improve journey times for passengers. This report identifies the measures to be implemented, what resources are required and how the scheme would be funded.</p>

2. Decision(s) recommended:
<p>That the Cabinet:-</p> <p>2.1 Approves the Full Business Case (FBC) for Bus Lane Enforcement Tranche 1 as outlined in Appendix A, at a total capital cost of £459,335 (including development, detailed design and implementation fees), with estimated ongoing revenue costs of £3.339m, over the period of the project, funded by income generated from Penalty Charge Notices (PCNs).</p> <p>2.2 Approves City Council prudential borrowing of £355,670 for the first tranche of Bus Lane Enforcement, as outlined in the Full Business Case (Appendix A).</p> <p>2.3 Authorises the Assistant Director of Transportation and Connectivity to:</p> <ul style="list-style-type: none"> Place orders with third party suppliers up to a value of £248,670 (including fees and contingency) for the procurement of the Enforcement Cameras and associated equipment, via Service Birmingham under the existing Joint Venture Arrangement; Place orders with third party suppliers up to a value of £443,500 for the provision of ongoing support in respect of system maintenance, camera relocation, technical support, licences and storage over the 5 year life of the project period, via Service Birmingham under the existing Joint Venture Arrangement

- 2.4 Approves expenditure of £82,000 to cover City Council Project Management fees, contingency and undertaking the information activity to implement the proposal as described in Appendix A and to cover additional development fees incurred in completing the report.
- 2.5 Approves the ring fencing of the sums generated from the infringement of the bus lanes identified within this report to fund £3.339m of project and operational costs of the scheme over the period of the project, as detailed within Appendix A, Section 2 and in line with the strategy described in the “Updated Transportation and Highways Capital Funding Strategy 2015/16 to 2020/21 Programme Definition Report” approved by Cabinet on the 16 February 2016.
- 2.6 Approves any sums generated that are not required to fund expenditure defined in paragraph 2.5 above, being made available to support Local Growth Fund funded schemes in accordance with Regulation 36 of the Bus Lanes Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005. This is in line with the strategy described in the Updated Transportation and Highways Capital Funding Strategy 2015/16 to 2020/21 Programme Definition Report, approved by Cabinet on the 16 February 2016.
- 2.7 Authorises the Acting City Solicitor to negotiate, execute, seal and complete all necessary documents to give effect to the above recommendations.

Lead Contact Officer(s):	Varinder Raulia – Head of Infrastructure Projects
Telephone No: E-mail address:	0121 303 7363 varinder.raulia@birmingham.gov.uk

<p>3. Consultation</p> <p>3.1 <u>Internal</u></p> <p>3.1.1 Officers within Highways and Transportation Services including the Director, Highways and Infrastructure, have been consulted and support the proposal.</p> <p>3.1.2 Officers from City Finance, Procurement and Legal and Democratic Services have been involved with the preparation of this report.</p> <p>3.2 <u>External</u></p> <p>3.2.1 All the bus operators have been informed of the proposals and support the introduction of bus lane enforcement. The hope is that the proposed scheme will have a similar impact to previous lane enforcements to help them to improve reliability by reducing one of the causes of delay.</p> <p>3.2.2 Transport for West Midlands (TfWM) has been kept informed of the project along with the bus operators. A letter of support can be found in Appendix G on behalf of the WMCA</p> <p>3.3.3 The Bus Operators and TfWM have all helped to identify the key location where they feel enforcement is required. Again they are in support of the proposal to reduce the level of infringements in the bus lanes to reduce delays to buses and therefore improve reliability.</p> <p>3.2.4 National Express support the roll-out of bus lane enforcement as they feel that the variability in service delivery in the city centre is now largely a result of delays and problems away from the city centre. Enforcement on the routes away from the city centre will maximise the benefit of these bus lanes and deliver real benefits to the city's residents and bus passengers. The journey time savings achieved will allow reallocation of resources to invest in service improvements rather than simply utilise more resources in ever slower journey times. The impact on the ground will be real and significant for bus passengers of all companies and encourage modal shift from private to public transport. There is an opportunity to create a virtuous circle of service improvements, passenger growth and further service improvements. This in turn will help deliver Birmingham's vision for a connected city.</p>	<p>4. Compliance Issues:</p> <p>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>4.1.1 The proposals will support the City Council's policy objectives outlined in the Council Business Plan and Budget 2016+, the Leader's Policy Statement 2016, and 'Birmingham 2026 – Our Vision for the Future' in particular for '<i>Prosperity</i>' and '<i>Fairness</i>'. The measures support the recommendations of the Transport, Connectivity & Sustainability Overview and Scrutiny Committee (TCS O&S) report, 'Changing Gear, Transforming Urban Movement Through Walking & Cycling in Birmingham'. They will also support the aspirations of the emerging Birmingham Development Plan and Birmingham Connected.</p> <p>4.1.2 Birmingham Business Charter for Social Responsibility.</p> <p>The value of the each of the two contracts for the purchase of the CCTV cameras and the works for the supporting measures is below the threshold for the Charter. However, the recommended suppliers for both areas are certified signatories to the Charter.</p>
---	--

4.2 Financial Implications

4.2.1 The estimated capital expenditure required to deliver camera enforcement of bus lanes for the first tranche of corridors is £459.4k (including development, fees and contingency). Details of the breakdown of this cost can be found in the financial tables in the Full Business Case (Appendix A). These capital costs are to be funded through £103.7k Integrated Transportation Block funding and £355.7k prudential borrowing. Prudential borrowing will be repayable over the 5 year life of the project and funded from revenue generated from issue of Penalty Charge Notices (PCNs) resulting from infringements, as detailed in 4.2.2 below.

4.2.3 In addition to the Capital Cost of the scheme the scheme will also require a source of revenue to cover the costs of the following :

- prudential borrowing costs of £383k (including interest), repayable over five years.
- on-going running costs for the cameras both maintenance servicing and operation and licences of £261k over five years.
- processing and administration of the PCNs of £2.34m over five years
- twice yearly relocation of the cameras of £182.5k over 5 years
- replacing of the cameras and associated equipment in future years at a cost £125k over five years.
- cost of decommissioning the cameras at a one-off cost of £12.5k
- an annual information activity to enable updated information for motorists supported by monitoring activities to measure any changes in compliance at a cost of £20k over five years.
- additional maintenance cost for the additional signs and lines to support the introduction of the enforcement cameras of £0.3k per year and energy costs of £0.4k per year.

4.2.4 It is expected that these costs will be covered from the sums generated by the PCNs issued as part of the enforcement regime. This is in line with the strategy for utilising the sums generated from bus lane enforcement as outlined in the Cabinet Report, Updated Transportation and Highways Capital Funding Strategy 2015/16 to 2020/21 Programme Definition Report approved on 16 February 2016. Further detailed information regarding the financial implications of this scheme is contained in the FBC which is attached as Appendix A to this report. To ensure that the outputs from the enforcement regime matches the level of processing administration costs required, the number of PCNs will be closely monitored closely and resources adjusted accordingly..

4.2.5 In the unlikely event that the level of infringement falls to a level of compliance, whereby insufficient PCN revenue is generated the Prudential Borrowing will need to be funded through the Transportation and Highways Capital programme in future years.

4.3 Legal Implications

4.3.1 The City Council carries out transportation and infrastructure related works under the relevant primary legislation, including the Town and Country Planning Act 1990, Traffic Management Act 2004, Transport Act 2000, Local Government (Miscellaneous Provisions) Act 1976, Road Traffic Regulation Act 1984 and other related regulations, instructions, directives and general guidance.

- 4.3.2 Enforcement of the bus lane is undertaken under the Bus Lanes Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005.
- 4.3.3 The locations covered by this report are within areas of Highway Maintainable at Public Expense and Planning or other Consents are not required. Traffic Regulation Orders and Notices will be advertised where required.
- 4.4 Public Sector Equality Duty (see separate guidance note)
- 4.4.1 The Equality Analysis (ID EA000416) concluded that there is no detriment to any protected group and a Full Equality Analysis is not required. The Equality Analysis is included in Appendix B.
- 4.5 Procurement
- 4.5.1 As part of the Service Birmingham partnership and joint venture arrangements, the Council has appointed Service Birmingham to be its exclusive provider of ICT. If the Council has a requirement for a new element of ICT, in all instances Service Birmingham must be provided the opportunity to cost the work. In addition, if the new ICT service requires connection to the Council's ICT infrastructure, Service Birmingham is responsible for providing the work to undertake such activities and apply the appropriate costs for doing so.
- It should be noted that this is not a stand-alone system but requires integration with other, existing ICT applications managed by SB and therefore also part of the exclusivity arrangements in the existing contract.
- The ICT requirements relating to the BLE reports are in line with ICT services already provided by Service Birmingham, so as such the Council are contractually obliged to procure via Service Birmingham. Further detail can be found in the Procurement Strategy in Appendix A
- 4.5.2 The works for the supporting measures will be procured by a competition exercise using the City Council's Highways and Infrastructure Works Framework Agreement 2014-18, which was approved by Cabinet on 21 August 2014. The procurement process will follow the protocols of the framework agreement and orders will be placed under Chief Officer delegation.

5. Relevant background/chronology of key events:

- 5.1 The Birmingham Connected transport strategy sets out the Council's vision to create a step change in public transport and support the more efficient movement of people to, from and around the city. The city's resident population is set to grow by around 150,000 over the next 15 years and this will be accompanied by an increase of some 50,000 jobs - creating extra demands and pressure on the city's already congested transport network. Within this context the city also needs to address issues of road safety, carbon emissions and air quality. Bus Lanes provide priority and reliability for existing bus services, offering an attractive alternative to private car trips for many journeys.
- 5.2 The City Council together with its partners Transport for the West Midlands (TfWM) and the bus operators have made major investments in public transport infrastructure over the past few years with the aim of improving the whole journey experience for the bus passenger. This investment has led to improvements to journey times and reliability

principally through the introduction of bus lanes across the City. As part of the Bus Alliance programme, the City Council and TfWM will continue to deliver measures which support bus services and provide bus priority to help meet wider policy objectives. The enforcement of bus lanes is a key area for action.

- 5.3 The journey time and reliability continue to be the top two measures of satisfaction for users of bus services, with the third being value for money. The figures from the 2015 Transport Focus passenger satisfaction survey for the West Midlands shows that the satisfaction with the level of punctuality has improved since 2013 and has stayed at 76% for the last two years. It is felt that some of this is due to bus operators providing additional resources such as extra vehicles to maintain punctuality. These additional resources only maintain the status quo; not improvements to the service. In contrast Satisfaction with On-Bus Journey time has gone down by 5% since 2013 and it is believed that this is due to the increase in journey time due to congestion including driving in the bus lanes.
- 5.4 Bus Lane Enforcement (BLE) in Birmingham has previously relied on powers contained within the Road Traffic Regulation Act 1984; these powers could only be enforced by the Police. This activity is not a policing priority and the Police are unable to commit resources regularly to this activity. Consequently, drivers have become aware that they are unlikely to be prosecuted for bus lane contraventions and a culture of disregard for bus lanes/gates by some motorists is apparent. In order for bus lanes to maintain their effectiveness in providing improved journey times and reliability for existing and potential bus users, enforcement is required.
- 5.5 In March 2013 Cabinet approved the adoption of a civil enforcement regime for bus lanes/gates citywide using powers within Bus Lanes Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005. The aim of the scheme was to ensure the effectiveness of bus lanes in providing improved journey times and reliability for bus users was maintained and not eroded by contraventions. This is achieved by providing BLE cameras and associated information, communication and technology infrastructure. Following the introduction of BLE in the City Centre, this report is concerned with the rollout of the first tranche of BLE proposed to be taken forward along two of the ten bus corridors outside the City Centre.
- 5.6 The Project Execution Plan of August 2014 set out the brief to undertake the rollout of Bus Lane Enforcement across the whole bus lane network. In addition, a highlight report in August 2016 approved additional funding to enable the FBC to be prepared for the first tranche. To date £105,665 has been spend on the development of the scheme to enable bus lane enforcement to be rolled out. This development work involved:
- Audits across the whole bus lane network to confirm that the lines and signs matched the relevant Traffic Regulation Orders.
 - Identifying any additional lines and signs to ensure sites are 'fair and reasonable' for motorists in line with previous adjudications from the city centre scheme
 - Where necessary maintenance has been carried out within the PFI, to ensure that lines and signs met the quality specification as required by the PFI Contract.
 - Development work was undertaken to identify the appropriate location of the camera sites, working with and in consultation with the bus operators and Travel For West Midlands across the whole network.
 - Undertaking surveys and comparison with other Authorities to ensure that the final model is robust for preparing the FBC.

- 5.7 The development work above has enabled the first tranche of bus lane camera enforcement to be presented for approval, to be followed by further schemes later.
- 5.8 This Full Business Case (FBC) presented for approval in respect of implementing works to support BLE, includes the installation of enforcement cameras, additional signing and lining together with an information activity for the first two corridors:
- B4128 Bordesley Green,
 - A5127/A38 Lichfield Road/ Tyburn Road.
- 5.9 It is felt that these corridors have the potential to produce the most benefit in respect of improved journey times/ reliability for buses. In identifying these routes consideration was given to the number of bus routes, patronage and simplicity to deliver. The road layouts are straightforward and the Traffic Orders and lines and signs are compatible; therefore minimal changes will be required to enable camera enforcement to be implemented without the need to advertise changes to the Traffic Regulation Orders
- 5.10 The remaining corridors and associated measures will be the subject of separate FBCs in future years, subject to funding availability. Ultimately it is intended that all corridors in the City that include bus lanes or other bus priority measures will be covered by fixed bus lane camera enforcement where appropriate. The Mobile Camera vehicle (approved by Cabinet on 4th March 2013) will be used to support and supplement the enforcement carried out on the existing bus lanes by the fixed cameras.
- 5.11 The mobile camera vehicle will also be used to enforce the bus lane restrictions on those routes not covered by fixed cameras until such time as the cameras are in place.
- 5.12 On the back of the lessons learnt from the implementation of BLE in the City Centre and to ensure the City Council remains fair and reasonable to everybody who may be affected, it is considered necessary to inform motorists that the bus lanes are to be enforced and, therefore, appropriate prescribed signs will be erected along the lengths of bus lanes, identifying where enforcement will take place.
- 5.13 In addition a broad range of information activities, delivered by in-house resources, will be implemented on the run up to the start of enforcement as well as during the initial stage of enforcement. This will ensure that stakeholders, including residents and motorists are aware of the new enforcement regime. It is also suggested that a small information campaign should also be carried out in subsequent years to act as a reminder of the bus lane enforcement. This would be in addition to any other campaign carried out at the commencement of other routes as and when camera enforcement is rolled out. For example it will inform residents that it is permitted to enter the bus lane to access a private drive or access, but reminds them that it should be for the shortest possible distance. Driving along the bus lane to get to the access could result in a PCN
- 5.14 The Frequently Asked Questions (FAQ) page relating to Bus Lanes and their enforcement on the Council Website will be updated to provide the additional information on matters such as legitimate reasons for entering the bus lane as defined by Rule 141 of the Highway Code. The FAQ page will also include some examples of some of the unacceptable excuses. (See Appendix H)
- 5.15 The suggested information campaign is identified in Appendix F.

5.16 Highway Maintenance Issues

5.16.1 As part of the City Council's obligations under the Highway Maintenance and Management Private Finance Initiative (HMMPI) contract, the Street Services Division has been formally notified of the proposed changes to the highway inventory arising from this project.

5.16.2 The appointed contractors will be required to minimise disruption to current users of the route during the implementation stage, current users will be directed as appropriate around the construction area.

5.17 Monitoring

5.17.1 The following outputs will be used to monitor the effectiveness of the enforcement regime of the bus lanes:

- Changes in the level of contravention by numbers of PCNs issues and traffic surveys
- Changes in bus reliability and journey time.
- Bus operators qualitative experiences of the scheme.

5.17.2 This data will also be used to identify where additional interventions such as supplementary signs or lines may be required for instance where there are no changes to the level of contraventions.

5.17.3 In addition the data collected will enable better predictions of improvements to the bus service either journey time or reliability supporting the roll out of further camera enforcement schemes and decisions around the continuance of this scheme at the end of the five year term.

6. **Evaluation of alternative option(s):**

6.1 The 'Do Nothing' option would mean that the City Council would not be fulfilling its commitment to enforce bus lanes across the City, meaning that the benefits of bus lanes in minimising journey times and maximising journey reliability for passengers would not be protected. In addition it would not support the significant investment made in those bus lanes and related improvements to the bus services.

6.2 Full Appraisals of the corridors has been considered; whereby the bus lanes and associated Traffic Regulation Orders are reviewed and where appropriate amended. In addition all camera sites that have been identified would be equipped with a camera. Due to resources and time required to deliver this option it has been rejected.

7. **Reasons for Decision(s):**

7.1 The approval of the Full Business Case will allow the necessary infrastructure to be put in place to support the enforcement of the initial tranche of bus lanes, thereby minimising journey times and maximising journey reliability for passengers. In addition the scheme supports the significant investment already made in the existing bus priority measures and related improvements to the bus services by the City Council and other partner organisations.

Signatures	Date
Councillor Stewart Stacey Cabinet Member for Transport and Roads	
.....
Councillor Majid Mahmood Cabinet Member for Value for Money and Efficiency	
.....
Waheed Nazir Strategic Director for Economy	
.....

List of Background Documents used to compile this Report:
<ul style="list-style-type: none"> ▪ Report to Cabinet Member for Transport, Environment and Regeneration: City Centre Quality Partnership Scheme: February 2012 ▪ Cabinet Report, Bus Lane Enforcement – Full Business Case 4 March 2013 ▪ PEP - Bus Lane Review: August 2014 ▪ Cabinet Report, Updated Transportation and Highways Capital Funding Strategy 2015/16 to 2020/21 Programme Definition Report 16 February 2016 ▪ Highlight Report - Bus Lane Enforcement Review July 2016

List of Appendices accompanying this Report (if any):
Appendix A - Full Business Case Appendix B – Equality Analysis Appendix C – Risk Management Schedule. Appendix D – Implementation Programme Appendix E – Scheme Plans <ul style="list-style-type: none"> ▪ CA-02552-S4-001 ▪ CA-02552-S6-001 ▪ CA-02552-S6-002 ▪ CA-02552-S6-006 Appendix F – Information Activities Appendix G – Letter of Support from WMCA Appendix H – Advice on the use of Bus Lanes

PROTOCOL PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty – see page 9 (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) tackle prejudice, and (b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"> (a) Marriage & civil partnership (b) Age (c) Disability (d) Gender reassignment (e) Pregnancy and maternity (f) Race (g) Religion or belief (h) Sex (i) Sexual orientation