

Agenda Item No: 11

Report To: Joint Transportation Board

Date: 11th March 2014

Report Title: **Bus Gate Camera Enforcement**

Report Author: Sheila Davison Health, Parking & Community Safety Manager



Summary:	Report setting out the latest position with regard to the introduction of camera enforcement in Ashford. The project seeks to introduce camera enforcement to replace the existing rising bollard in Beaver Road and improve compliance at the Godinton Road Bus Gate.
-----------------	--

Key Decision: YES

Affected Wards: Beaver and Godinton

Recommendations: **The Board is asked to consider the current position and be asked to:-**

- 1. Indicate continued support for the introduction of Bus Gate Camera Enforcement within the Borough of Ashford.**
- 2. Support relevant officers of Ashford Borough Council and KCC to continue working towards an appropriate solution.**

Policy Overview: Corporate Plan: Focus 2013-15

Financial Implications: Funding for the scheme has been identified and will come from a developer contribution. The capital budget available is £110,000 to design and install a scheme. It is not believed that the revenue costs will be fully funded by the scheme and this is a significant concern.

Risk Assessment There are both financial and legal risks associated with the project. These are highlighted within the report.

Equalities Impact Assessment To be undertaken as part of the schemes development.

Other Material Implications: None

Exemption Clauses: Not applicable

**Background
Papers:**

None

Contacts:

Sheila Davison sheila.davison@ashford.gov.uk – Tel:
(01233) 330 224

Jo Fox jo.fox@ashford.gov.uk - Tel: (01233) 330 641

Report Title: Bus Gate Camera Enforcement

Purpose of the Report

1. Previous reports submitted to the Joint Transportation Board (JTB) have outlined the tasks and indicative timetable for implementing Bus Gate Camera Enforcement. While many of the technical aspects relevant to this project are not in dispute, concerns have been raised in relation to the draft KCC agreement. This has to be signed in order for the scheme to be introduced.
2. The purpose of this report is to present to Members of the JTB the areas of concern.

Issue to be Decided

3. Members are asked to consider the issues addressed within this report and indicate continued support for the introduction of Bus Gate Camera Enforcement within the Borough of Ashford.
4. Members are asked to give their support to relevant officers of Ashford Borough Council and KCC to continue working towards an appropriate solution.

Background

5. This is a complex scheme involving numerous legal, financial and technical issues. The key steps towards successful implementation are as follows:
 - I. Sign the new agency agreement taking on responsibility for bus lane enforcement from KCC
 - II. Implement new Traffic Regulation Orders
 - III. Design and implement scheme details including signing and lining.
 - IV. Procurement of equipment which involves a tendering process by KCC
 - V. Communication campaign
 - VI. Scheme implementation
6. Step one is fundamental to the success of this scheme. Until the detailed legal and finance arrangements are clear no further work can be undertaken towards implementation.
7. At the December 2013 JTB meeting it was reported that the new agreement, as drafted by KCC, had been referred to Ashford's legal team for consideration.

Agreement & Financial Issues

8. The following issues have been raised in relation to the agreement:
 - I. The agreement is based on full cost recovery for the Borough Council. The fact that a high level of compliance is likely (and indeed an objective for introducing the scheme) means that it is totally unrealistic to achieve this position. As presently drafted the agreement only permits the Borough Council to retain 5% of the penalty fees over an above the administration costs. If the surplus income from penalty fees is zero, the Borough Council will get 5% of nothing.
 - II. The agreement is in effect open ended. While there are only two bus gates within Ashford at present, additional bus gates are planned. This could increase administration costs for the Borough Council and yet there is no mechanism to address any escalation in costs.
 - III. In taking on board bus gate enforcement the Borough Council also assumes liability for bus lane enforcement. This could be an additional enforcement burden for the Borough Council.
 - IV. There is no exit clause or strategy.
 - V. There are no performance indicators. Should for example KCC wish to leave the agreement at the end of the two year period, the Borough Council would have on-going costs e.g. software support and maintenance. There would also be staffing implications for those working in this area.
9. The following financial issues have also been raised:
 - I. While the initial capital costs are being covered by KCC, there are costs that will be borne by the Borough Council. These include purchasing additional back office software likely to be in the order of £14,000, on-going support and maintenance including upgrades (the cost of which has yet to be determined, tribunal fees (and tribunal potential costs if awarded where any decision isn't upheld) and most significantly the cost of staff involved in administering the various systems. It should be noted that the evidence captured by the camera has to be reviewed by a qualified civil enforcement officer. It is acknowledged that there is likely to be a high level of compliance, however, there will undoubtedly be fixed revenue (as yet undefined) costs associated with the on-going operation of the service.
 - II. As procurement of the system is being undertaken by KCC, the Borough Council is unclear at this point in time as to exactly what the costs are.
 - III. As previously stated, funding for the scheme has been identified and will come from a developer contribution linked to Godinton Road. The capital budget available is £110,000 to design and install a scheme. KCC are also responsible for funding the ongoing costs for the maintenance of all equipment. The problem is assumption that the revenue costs associated with the ongoing 'back office' system software and staffing costs to deal with the penalty notices will be funded by the Borough Council through the surplus generated. This we believe may not be possible.

- IV. The agreement indicates that both parties must have regard to the need to avoid a holding fund incurring any deficit in any one financial year. It is believed that a deficit will be incurred.

Risk Assessment

Financial

10. As indicated above, the financial risks are for the Borough Council as yet unquantified. They are also not future proofed in terms of development of the scheme as new bus gates are introduced.

Other risks

11. As part of this scheme, the Borough Council takes immediate responsibility for enforcement of the bus lane in Canterbury Road. This and future bus lanes will be unsuitable for static camera enforcement. They would require the presence of a civil enforcement officer and clearly this will deflect from other enforcement duties unless additional staff are employed.
12. In addition to the financial and legal risks there is a concern that the Government is reviewing the use of cameras for traffic offences. There is a possibility that camera use could become unlawful. The government initially raised the prospect of an outright ban in a consultation launched last December, after a report by the Transport Committee of MPs highlighted widespread abuse of the technology. While recent media articles suggest that the roads minister now conceded the camera enforcement can be a "useful tool" in some circumstances (such as outside schools) this remains an area of concern

Equalities Impact Assessment

13. To be undertaken as part of the schemes development.

Other Options Considered

14. Responsibility for maintaining and enforcing the current bus gates sits with KCC and Kent Police. The Borough Council does not have to enter into the agreement and the current arrangements can continue as now. The Borough Council has to question why it wants to take over the enforcement responsibility especially in the context of acquiring significant additional liabilities and costs.
15. The Godinton Road bus gate was originally installed with the intention that it would be enforced at a later date using camera enforcement operated by KCC. This remains an option.

Consultation

16. The subject of bus gate camera enforcement has received considerable media attention over recent years. Evidence from the Portfolio Holder suggests that this is a particular concern for local residents.

17. The project has required and will continue to require significant partnership working to deliver a successful scheme. There is agreement amongst officers that technically and operationally the proposals are sound. The agreement and costs are the sticking point.
18. As a result of the concerns outlined within this report, the Leader of Ashford Borough Council has written to the Leader of KCC advising that due to the legal and financial issues the agreement will not be signed.

Implications Assessment

19. The report addresses financial and legal issues. In addition to the civil enforcement officer evidence reviews, it is believed that an additional administrative support will be necessary within the Parking Team in order to provide this service.
20. It should be noted that the purpose of the bus gate is to ensure efficient running of the bus service and therefore this project has both social and environmental benefits. The fact that drivers attempt to tailgate authorised users of the bus gate also means that this project has public safety implications.

Handling

21. Future handling will depend upon the response from KCC.

Conclusion

22. While there is considerable support for actual scheme being proposed and a belief that technically it is a sensible decision, the significant risks identified, however, need to be resolved. It is hoped that this can happen while not underestimating the challenge involved.

Portfolio Holder's Views

23. I believe that bus gate camera enforcement in Ashford is essential and the only way forward. I'm extremely concerned about the problems that this proposal is encountering, in particular the ones identified in this report. There seems to be an element of intransience in the negotiations between ABC and KCC on this matter. I am of the view that if common sense prevails these problems could be overcome quite easily. The bus gates in Ashford have been abused for over a decade and it is imperative that they are enforced with cameras forthwith. **Cllr Bernard Heyes - Portfolio Holder for Transport, Highways and Engineering**

Contact: Sheila Davison, Jo Fox

Email: sheila.davison@ashford.gov.uk
jo.fox@ashford.gov.uk