

PLYMOUTH CITY COUNCIL

Subject: Appointment to the Bus Lane Adjudication Service Joint Committee (BLASJC)

Committee: Cabinet

Date: 12 June 2012

Cabinet Member: Councillor Coker

CMT Member: Anthony Payne (Director for Place)

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Ref: BLASJC

Key Decision: No

Part: I

Executive Summary:

This report seeks approval for Plymouth City Council to join the Bus Lane Adjudication Service Joint Committee (BLASJC) and to appoint the Cabinet Member for Transport (Councillor Coker) as Plymouth City Councils representative to the BLASJC.

Corporate Plan 2012-2015

These proposals support the delivery of the Council's Priorities, in particular "Delivering Growth" (Ensure land, property and transport infrastructure is in place to support growth and that jobs and wealth targets are met).

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

The BLASJC is funded by subscriptions from Local Authorities. The Executive Sub Committee annually agrees the charges that are necessary for it to provide an independent adjudication service. At present the charge is levied at £0.65 for each penalty charge notice issued by the Authority. The charge is funded from the income received by the Council from penalty charge notices.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management, Equalities Diversity and Community Cohesion.

No further implications.

Recommendations & Reasons for recommended action:

It is recommended that Cabinet

- 1) approve Plymouth City Council to join the BLASJC and sign the Memorandum of Participation
- 2) delegate responsibility to the Cabinet Member for Transport (Councillor Coker) to act on behalf of the Council as representative to the BLASJC

Alternative options considered and reasons for recommended action:

Failure to join the BLASJC will mean that Plymouth City Council will have no adjudication arrangements in place to enable anyone receiving a PCN for being in a bus lane, to appeal against the issue of the PCN. This would preclude the Authority from undertaking bus lane enforcement and issuing penalty charges

Background papers:

Briefing report

Sign off:

Fin	PC/PI aceF TC121 3 001.28 .05.12	Leg	JAR/I 4726	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member: Clive Perkin											

I. INTRODUCTION

- 1.1. This report seeks approval for Plymouth City Council to join the Bus Lane Adjudication Service Joint Committee (BLASJC) and to appoint a representative to the BLASJC to act on behalf of Plymouth City Council.

2. BACKGROUND

- 2.1. On 5 March 2012 Plymouth City Council launched a bus lane education and awareness campaign, in consultation and partnership with bus operators, Devon and Cornwall Police, Licenced Trade and AMEY LG, to encourage motorists keep out of bus lanes and bus gates.
- 2.2. The campaign has included over 40 branded buses, media release through local papers and radio and through posters in city council car parks advising that unauthorised vehicles using bus lanes may be subject to a Penalty Charge Notice (PCN). The campaign is scheduled to continue until 30th June 2012.
- 2.3. Plymouth City Council has introduced mobile CCTV cameras, which can be moved to various bus lane and bus gate locations within the city, to capture bus lane contraventions. From 1st July 2012 these cameras will be used to start issuing PCNs to any unauthorised vehicles that are recorded whilst driving in a bus lane and/or driving through a bus gate.

3. CURRENT POSITION

- 3.1. Plymouth City Council is required to join the BLASJC to ensure adjudication arrangements are in place to enable anyone receiving a PCN for a bus lane contravention to appeal against the issue of the PCN.
- 3.2. Not joining the BLASJC would preclude the Authority from undertaking bus lane enforcement. The enforcement of bus lane traffic orders is required to encourage compliance, enhance road safety and to support the objectives of the Bus Punctuality Improvement Plan (BPIP).
- 3.3. Motorists who are issued with a PCN have a right of appeal to an independent adjudication service whose main function is to decide the appeal based upon impartial and well considered decisions. Local Authorities who are undertaking bus lane enforcement are required to become a member of the BLASJC before they can access the adjudication service or start the enforcement of bus lanes.
- 3.4. The Bus Lane Adjudication Service is an independent tribunal where impartial lawyers consider appeals by motorists and vehicles owners whose vehicles have been issued with PCNs by Councils undertaking civil bus lane enforcement under The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations (SI No. 2757).
- 3.5. The BLASJC primary objectives are to ensure:
 - A fair adjudication service for Appellants including visible independence of the adjudicators from the authorities in whose area they are working.
 - Consistency in access to adjudication.
 - A cost effective and equitable adjudication service

3.6. The agreement that regulates the BLASJC allows for one representative or his / her deputy from each constituent Council.

4. PROPOSAL

4.1. It is proposed that the Director of Place is authorised to complete and return a Memorandum of Participation (MOP) at the earliest possible opportunity in order that the Council can join the BLASJC and commence bus lane enforcement.

4.2. The MOP must be signed and returned by 18th June 2012 in order to ensure that Plymouth City Council can have access to the adjudication service and commence bus lane enforcement with effect from 1st July 2012.

4.3. It is also proposal that Councillor Coker, Cabinet Member of Transport, be elected to act as Plymouth City Council's representative on the BLASJC.

5. FINANCIAL IMPLICATIONS

5.1. The BLASJC is funded by subscriptions from Local Authorities. The Executive Sub Committee annually agrees the charges that are necessary for it to provide an independent adjudication service. At present the charge is levied at £0.65 for each PCN issued by the Authority. The charge is funded from the income received by the Council from PCN's therefore there are no additional costs to the Authority.