



**The County Council of the
City and County of Cardiff**

**Application for Powers
for the Civil Enforcement of
Bus Lanes and
Moving Traffic Contraventions**

February 2014



Llywodraeth Cymru
Welsh Government

Application for Moving Traffic Contraventions/ and/or Bus Lane Enforcement

The County Council of the City and County of Cardiff

21st February 2014

Introduction

State here the powers being applied for and confirm whether the Council intends to use these powers from the outset of them coming into effect.

This document represents the formal application for:

1. An order designating the whole or part of the authority's area as a civil enforcement area (CEA) **for bus lane contraventions** under section 74 and Part 2 of Schedule 8 to the Traffic Management Act 2004. The Council intends to use these powers from the outset of them coming into effect.
2. An order designating the whole or part of the authority's area as a civil enforcement area (CEA) **for moving traffic contraventions** under section 74 and Part 2 of Schedule 8 to the Traffic Management Act 2004. The Council intends to use these powers from the outset of them coming into effect.

Please state the date the following designations were made:

Civil Enforcement Area: 5th July 2010
Special Enforcement Area: 5th July 2010

Proposed Commencement Date

State proposed commencement date(s). [You should first seek agreement from the Welsh Government about the proposed COMING INTO FORCE date – see below].

The proposed date should be realistic, bearing in mind that it takes on average 5 months from the date of the formal application until the order comes into force.

00:01 hours, Monday 4th August 2014
Subject to Welsh Government confirmation

Excluded roads

Please include (if there any) full and clear definitions of any excluded roads within your existing CEA/SEA and any new exclusions in wishing to acquire these powers. If part of a road is to be excluded, the Welsh Government will require clear definitions of that part including the name or road numbers intersecting it. These definitions MUST have been agreed with the appropriate Chief Officer of Police.

NB. You cannot use these powers in respect of roads that have already been excluded from your CEA/SEA designation.

The Civil Enforcement Area (CEA)/Special Enforcement Area (SEA)

1. This New Application.

The area covered by this CEA / SEA application includes all highways within the city and county of Cardiff with the exception of -

- a) **The M4 Motorway** and its slip roads and the gyratory carriageway (A4054) around Junction 32;
- b) **The A470**, including its slip roads, from the boundary with the County Borough of Rhondda Cynon Taff at a point approximately 240 metres north of the B4262 Ynys Bridge roundabout to its junction with Pantmawr Road;
- c) **The A48(M)** from the boundary with the City of Newport administrative area to the slip road merge and diverge at the St Mellons junction.
- d) **The A4232** from junction 33 of the M4, including its circulatory carriageway, to its junction with the A48 via the on and off slip roads to the north of the A48 gyratory carriageway.

The Council confirms that there are no military roads within the CEA/SEA.

2. Amendment requested to the 2010 Designation Order

The Civil Enforcement of Parking Contraventions (City and County of Cardiff) Designation Order 2010 (SI no. 1461, W.131) includes some exempted roads which are to be included in the above application because they contain some bus lanes which may be subject to Council enforcement. Therefore, this application requests an amendment to the 2010 Designation Order by deleting the previous list of excluded roads and substituting the following:

- a) **The M4 Motorway** and its slip roads and the gyratory carriageway (A4054) around Junction 32;
- b) **The A470**, including its slip roads, from the boundary with the County Borough of Rhondda Cynon Taff at a point approximately 240 metres north of the B4262 Ynys Bridge roundabout to its junction with Pantmawr Road;
- c) **The A48(M)** from the boundary with the City of Newport administrative area to the slip road merge and diverge at the St Mellons junction.
- d) **The A4232** from junction 33 of the M4, including its circulatory carriageway, to its junction with the A48 via the on and off slip roads to the north of the A48 gyratory carriageway.

Map

A detailed map of the existing CEA/SEA and all of the excluded roads is included at Appendix A.

Review of TRO/Signs/Road Markings relating to Bus Lane and Moving Traffic Contraventions

Formal confirmation of the state of the TROs, signs, lines and road markings MUST be confirmed by a senior Council official AT LEAST six weeks prior to the commencement date. A formal letter to the Welsh Government should be drafted along the following lines:

This section MUST be completed in full and signed by a senior council official. Welsh Ministers will not approve the designation order unless a satisfactory confirmation has been received at least six weeks before the proposed commencement date.

- 1) A complete review of the Traffic Regulation Orders (TROs), traffic signs and road markings relating to Bus Lane and Moving Contraventions has taken place in order to highlight any deficiencies.
- 2) Any deficiencies highlighted as part of this review have been rectified.
- 3) As a result of this work, all TROs, traffic signs and road markings conform to the legislation and are consistent with one another.
- 4) This requirement extends to all TROs, traffic signs and road markings with no exceptions and therefore includes existing, new and replacement TROs, traffic signs and road markings.

Signed: _____

Printed: _____

Position: _____

Traffic Management Strategies and Policies

Provide a summary of how these powers comply with the Council's traffic management strategy as set out in the Council's LTP.

Cardiff Council has previously acquired the powers to enforce parking contraventions and there is evidence that:

- Illegal parking on yellow lines is reducing
- Illegal parking in residential parking bays is reducing
- Illegal overstays in short stay shopper parking in district shopping centres is reducing
- Bus journey times on some measured routes is improving.

In order to continue this positive trend and to further support the Council's policy of encouraging the modal shift towards public transport and cycling, enforcement of bus lanes must come under the control of the Council. In addition, it is found that a growing number of motorists are not aware of the rules for yellow box junctions and are queuing across junctions illegally. This is interfering with the movement of cross-traffic and causes unnecessary delay to all traffic and public transport particularly. Again, this needs to be enforced by the Council in order to free up traffic flow during times of traffic congestion.

Moving Traffic Contraventions and/or Bus Lane Enforcement Review

Outline the scope of the Moving Traffic Contraventions and/or Bus Lane Enforcement review that has taken place as a result of current traffic enforcement problems and the impending introduction of these powers.

The Council has carried out sample surveys at a number of locations it intends to enforce and this has shown there to be significant levels of contraventions taking place. The sample data has been used as the foundation for the financial model attached to this application. In addition, information has been provided by Cardiff Bus indicating the bus lane locations which are of concern to its operation and this data also indicates a level of contravention which needs to be subject to enforcement.

Overall Enforcement Picture after the Acquisition of these Powers

Outline how these powers will help to improve moving traffic management within the Council's administrative area.

Certainly, enforcement of bus lanes will assist buses to reach the front of the bus lanes where, currently, illegal users will be queuing such that the advantage to buses of using the bus lane is eroded. Increased enforcement will therefore benefit public transport users by increasing access to traffic signal green time.

Enforcement of yellow box junctions is becoming ever more important because illegal queuing across the boxes, particularly during peak traffic flow times, can prevent other vehicle movements from taking place, thus causing unnecessary congestion and delay to all affected motorists, both car borne and bus borne. There seems to be a growing impatience amongst drivers and a lack of understanding about the rule for entering yellow box junctions, and this problem appears to be getting worse such that enforcement and publicity are becoming ever more necessary.

In terms of safety, enforcement of turning bans will prevent potential conflict with pedestrians who might be crossing the road on a green man signal, for example.

Enforcement of weight restrictions, particularly at weak bridges, will also improve safety for obvious reasons. Some "environmental" weight restrictions have been provided at locations where heavy lorry traffic is unsuitable due to the nature of the roads and the environment it passes through.

Cardiff does not have many mandatory cycle lanes at present but this is likely to increase as the cycle network is expanded and enforcement will assist cyclists to use these facilities with greater protection from motor vehicles.

Exemptions and dispensation notices

What type of vehicles or group of individuals will be eligible for exemptions?

Include descriptions here of how the system of exemptions/ dispensation notices will work in practice for each vehicle type/group of individuals.

Exempted vehicles in bus lanes will be:

- Licensed hackney carriages, possibly expanding in future to include private hire cars and motor cycles,
- Emergency service vehicles on blue light calls,
- Refuse collection vehicles, street sweeper vehicles, gulley cleansing vehicles and similar highway maintenance vehicles needing to travel along the bus lanes to carry out their duties. Also vehicles delivering or collecting postal packets.

The enforcement camera system will refer to a "white list" of exempt vehicle registration numbers and if such vehicles are detected in bus lanes the system will not record the contraventions. For exempt vehicles which are not on the white list, an operator will review the evidence file and if appropriate delete the file before it enters the case management system. Note that all camera evidence files will be reviewed by an operator before authorizing the creation of a penalty charge and transferring the file into the case management software.

For mandatory cycle lanes the exemptions will be as follows:

- Emergency service vehicles on blue light calls,
- Refuse collection vehicles, street sweeper vehicles, gulley cleansing vehicles and similar highway maintenance vehicles needing to travel along the cycle lanes to carry out their duties.

Any vehicles not on white lists but needing dispensation in the above cases will need prior approval and the camera system operators will be

alerted in order to delete the respective contravention file prior to the issue of penalty charge notices.

The above dispensation approval could be extended to the other types of regulatory signs to be enforced but the likelihood of this being necessary in the other categories is small.

Financial Assessment

Provide confirmation that the Council has considered the financial implication of acquiring these powers and how these fit in with existing CPE powers. Append as Annex B if necessary.

Please see appendix B for the financial summary detail. The financial model indicates that this enforcement will be self-financing from penalty charges recovered from contraventions. The notice processing and appeals system will blend seamlessly with the system currently being used for parking contraventions, but extra staff will be recruited to cope with the additional workload.

Documentation and Notice Processing

Please confirm existing or new arrangements

Notice Processing will be added to the existing parking enforcement software. In effect enforcement of the moving traffic contraventions will be similar to vehicle drive-aways under the parking system whereby penalty charge notices are served by post (Regulation 10 notices). The templates will be amended to refer to bus lane and moving traffic contraventions rather than parking contraventions and will conform to the wording and layouts recommended by the Traffic Penalty Tribunal (PATROL-UK Joint Committee).

Civil Enforcement Officers

Confirm whether you intend operating within existing CEO levels or intend appointing additional CEOs or other staff.

The Council intends to appoint additional CEOs to operate the camera file review suite and to decide whether potential contraventions should be deleted or progressed to penalty charge notice.

Equipment

Describe the equipment to be used in connection with these enforcement powers and confirm this will comply with the Home Office Surveillance Camera Code of Practice dated 4 June 2013.

The Council has already purchased bus lane enforcement cameras and operating software and these are already type approved for use in England. The additional next generation cameras and systems proposed for use in moving traffic contravention enforcement are already type approved for use in England. Prior to active use in Cardiff, the technical specifications for all will be submitted for approval for use in Wales.

PCNs

Penalty Charge Levels. Include a description of the Penalty Charge levels that will be used from the outset of the Council's scheme. This should include the penalty charge level that is applicable at all of the stages after the PCN is first issued, and whether any variable charge levels will apply. You should include confirmation that the proposed level of charges is in line with those specified by Welsh Ministers and how these will be advertised.

The Civil Enforcement of Road Traffic Contraventions (Guidelines on Levels of Charges)(Wales) Order 2013 specifies that bus lane and moving traffic contraventions will all be subject to the higher penalty charge level. In accordance with that document, Cardiff Council applies for the following charges to apply as set out in band 2, namely:

Higher level penalty charge = £70
Higher level penalty charge paid early = £35
Higher level penalty charge paid after service of charge certificate = £105

This corresponds with the band currently in use in Cardiff for the higher level parking contraventions.

Publicity

Describe in bullet form the different elements that will be included within the publicity programme for the implementation of Moving Traffic Contraventions and/or Bus Lane Enforcement.

In the run up to the commencement of parking enforcement in 2010, the Council's media team undertook a widespread publicity campaign involving: leaflets, radio broadcasts, Capital Times and newspaper articles, Council Member briefings, bill-boards plus other publicity. The same team will be engaged to provide publicity for bus lane and moving traffic contravention enforcement and a strategy will be developed and implemented in the run up to the "go-live" date.

Consultation

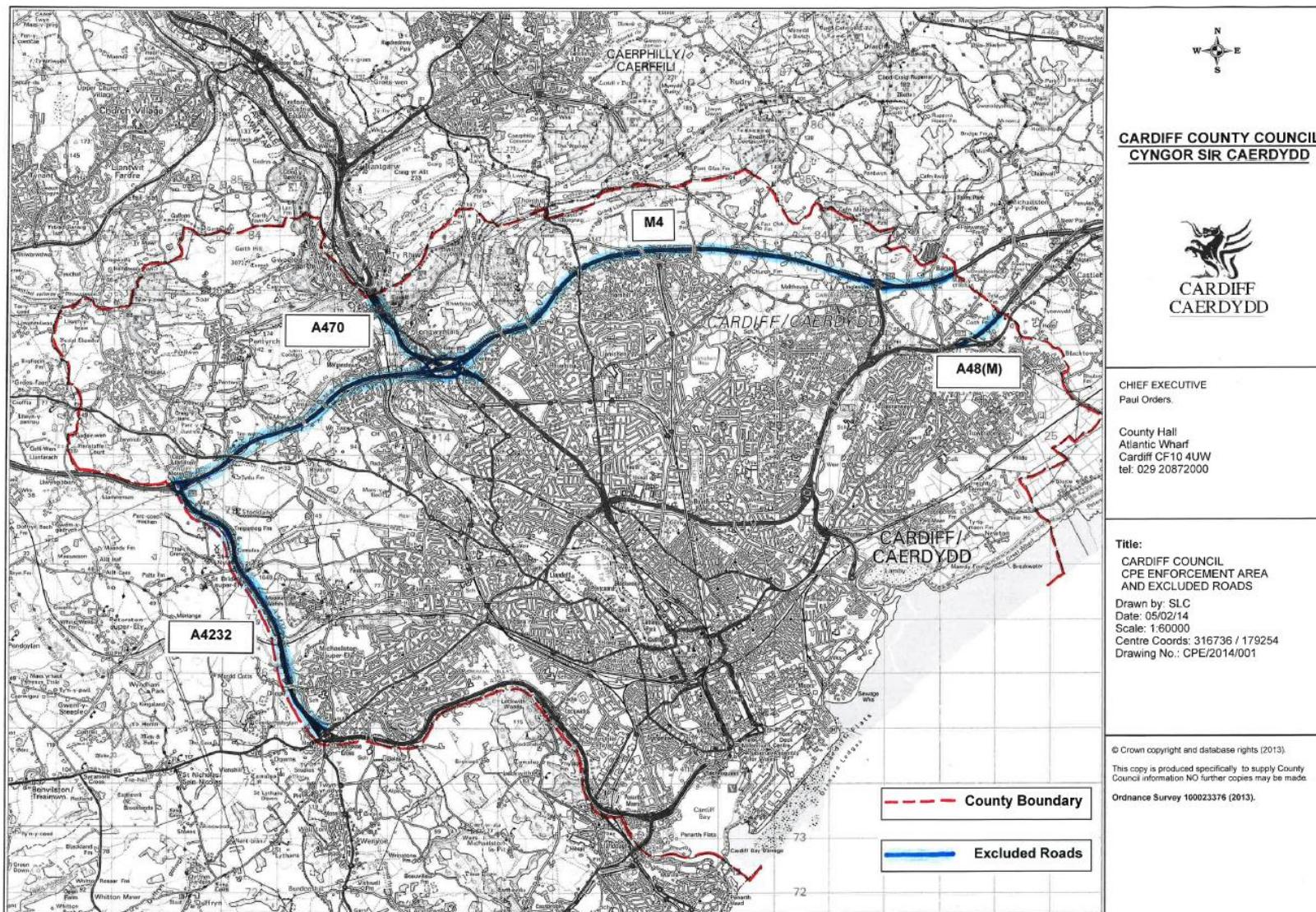
List all the consultees with regard to the introduction of Moving Traffic Contraventions and/or Bus Lane Enforcement. The following MUST be consulted:

- **Neighbouring local authorities**
- **Chief Officer of Police**
- **Ambulance Service**
- **Fire Service**
- **DVLA and TEC**
- **Welsh Government**
- **Traffic Penalty Tribunal (TPT)**
- **Representatives of road users i.e. AA, RAC, Sustrans etc**

Organisations Consulted		
The AA	Federation of Small Businesses	Torfaen County Borough Council
Blaenau Gwent County Borough Council	Ferris Coaches	Traffic Enforcement Centre (TEC)
Bridgend County Borough Council	First Cymru	Traffic Penalty Tribunal (TPT)
Bus Users Cymru	Freight Transport Association	Traveline Cymru
Caerphilly County Borough Council	Living Streets	University of South Wales
Capital Region Tourism	Mainline Coaches Ltd	Vale of Glamorgan Council
Cardiff City Retail Partnership	Merthyr Tydfil County Borough Council	Welsh Ambulance Services NHS Trust
Cardiff City Transport Service Ltd. (Cardiff Bus)	Millennium Stadium	Welsh Government
Cardiff & Vale NHS Trust	Monmouthshire County Council	
Cardiff Cycle Campaign	Motorpoint Arena	Internal Depts
Cardiff Harbour Authority	National Express	Area Strategies & Renewal
Cardiff Hoteliers Association	Newport City Council	City Centre Management & Events
Cardiff Licensees Forum	Newport Transport Ltd.	City Centre Management
Cardiff Metropolitan University	RAC	Culture, Tourism & Events
Cardiff University Communications	Rhondda Cynon Taff County Borough Council	Economy & Major Projects
City Sightseeing Ltd	Road Haulage Association (Mids & SW)	Transport Strategy
Coach Travel Wales	SEWTA	Network Management, Public Transport
Confederation of Passenger Transport Wales	SEWTA c/o Bridgend CBC	New Theatre
Creigiau Travel	Stadium Events Liaison Group	Partnership & Citizen Focus
Cyclists' Touring Club (CTC)	Stagecoach South Wales	Planning Service
Cytun - Cardiff Churches	Sustrans	St David's Hall
Diverse Cymru	Sixty Sixty Coaches	Tourist Information
DVLA Swansea	South Wales Fire & Rescue Service	Transport Planning
Easyway Minicoach Ltd	South Wales Police	Transport Policy & Development
Edwards Coaches	St David's Centre	

Appendix A – Map

Attach a detailed map of the entire area covered by the CEA/SEA here, including a list of all the excluded roads.



Appendix B – Financial assessment

Attach a copy of the Council's financial assessment here.

BUS LANE AND MOVING TRAFFIC CONTRAVICTIONS (full year operation)

	annual costs			
	no.	rate	£	£
ENFORCEMENT TECHNOLOGY				
camera car			2,000	
camera car hardware	1		5,000	fuel and servicing
in car software	1		1,600	
web-view office software	1		6,000	
Mk 2 Lanewatch cameras	2	4,000	8,000	licences
Cloud hosting service			6,500	
10 bus lane cameras support			38,500	
			<u>67,600</u>	
Moving cameras between sites	12	500	6,000	
Total technology costs			<u>6,000</u>	<u>73,600</u>
STAFF COSTS (eventual top of scale, including on costs)				
Enforcement officers - grade 5	2	22,443	66,992	
Case officers (Appeals) - grade 5	4	22,443	117,088	
Support Officers (Processing) - grade 4	4	19,317	100,296	
Administrator (Mail, printing and scanning) - grade 2	1	14,880	19,115	
Finance admin (Income handling) - grade 3	1	16,604	21,430	
			<u>324,921</u>	
Team Leader (CEO staff) - grade 8	1	33,998	44,789	
Total Staff costs			<u>44,789</u>	<u>369,710</u>
OTHER OPERATING COSTS				
no of PCNs per year = 40,000				
TPT registration per PCN issued	40,000	0.65	26,000	
TEC warrant registrations 17%	40,000	7.00	47,600	(40% recouped via bailiffs)
Royal Mail at 115%	40,000	0.45	20,700	
printing and stationary			20,000	
Annual maintenance of lines and signs			20,000	
Total other costs			<u>134,300</u>	<u>134,300</u>
repaymemnt of capital loan over first 5 years				<u>80,000</u>
Grand Total Annual Costs				657,610

SET-UP COSTS	Capital	Revenue
camera car	6,000	
camera car hardware	50,000	
in car software	4,000	
web-view office software	10,000	
Mk 2 Lanewatch cameras	40,000	2 off
Cloud hosting service	6,500	
10 bus lane cameras support	38,500	
Conversion orders of TROs	50,000	
Publicity campaign		30,000
temp set-up staff - site works		20,000
PDD survey and contract	50,000	
Refurbishment of lines and signs	135,000	
total	390,000	50,000

PROJECTED ANNUAL INCOME	from £	to £	Average	less costs	Nett surplus
Year 2 steady state and beyond	869,000	1,739,000	1,304,000	657,610	646,390

Appendix C – Consultation

Attach copies of consultation documents here. All consultation responses should indicate that the party consulted is content with the Council's application and that any contentious issues have been fully resolved.

Consultation responses from the DVLA, TPT and the TEC should all include details of the arrangements that have been made/need to be made between the Council and the relevant body prior to the introduction of these additional powers.

Note:

DVLA and TPT have responded positively and communication channels with both are already in place. Whilst TEC has not replied, we currently have existing arrangements in place with TEC and these will be extended to cover this project. Further dialogue might be required.

Replies to the Council's consultation are included in the following pages.

CONSULTATION LETTER

My Ref: SPHTTM/PC/SLC/CPE
Date: 25th November 2013

«CEX»,
«Organisation»,
«Address_1_»,
«Address_2»,
«Address_3»,
«Address_4».
«Postcode»

Dear «Greeting»,

Cardiff Transport Strategy Implementation – Proposed Civil Enforcement of Bus Lanes and Moving Traffic Contraventions

You will no doubt be aware that, since summer 2010, Cardiff Council has been undertaking enforcement of parking contraventions in accordance with the provisions of the Traffic Management Act 2004.

By having direct control over deployment of the enforcement officers, the Council has been able to use them to support a range of transportation policies which the Council is promoting. For example, better enforcement is leading to improvements to bus journey times, environmental conditions and road safety by reducing hazardous and obstructive parking on the roads in Cardiff.

Earlier this year, the next part of this legislation was made available to local authorities in Wales and this concerns the enforcement of bus lanes and certain other moving traffic contraventions, including yellow box junctions. The range of road signs which could be enforced is shown below. While the need to enforce bus lanes is self-explanatory, we are observing that obstruction of yellow box junctions is increasing and offending vehicles are preventing the cross flow of other traffic, leading to unnecessary congestion and driver frustration. Cardiff Council intends to apply for these legal powers of enforcement in order to complement its parking enforcement powers and it is anticipated that this could be achieved by summer 2014.

We are consulting a range of stakeholders prior to making our application and therefore I would be grateful to receive any comments you wish to make on our proposal to adopt enforcement powers on the range of road signs below. Alternatively, you might wish to comment on moving traffic issues in Cardiff in general. If you wish to comment please see reply dates below for post or e-mail. Your reply will be included in our application to the Welsh Government.

Yours sincerely,



Paul Carter
Head of Transport Services

PLEASE REPLY:

By Royal Mail to:

Steve Carrel, Principal Engineer Team Leader (Civil Enforcement)
Cardiff County Council, 47 Charles Street, Cardiff CF10 2GD – by 10th January 2014

Tel (029) 2087 3270

By email to:

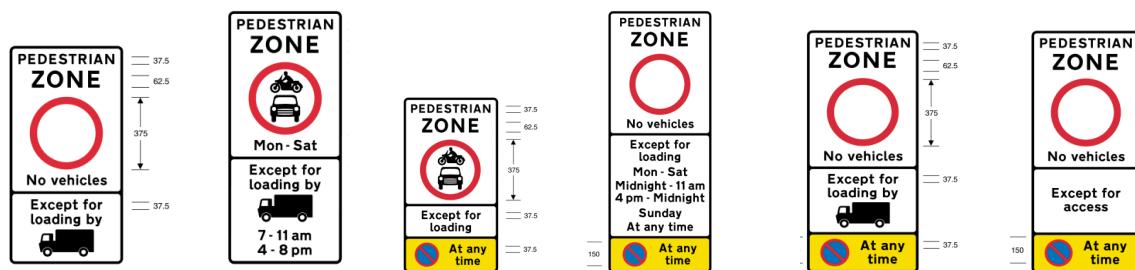
tcottnam@cardiff.gov.uk - by 20th December 2013

Range of enforceable signs

a) Directed and Prohibited movements.



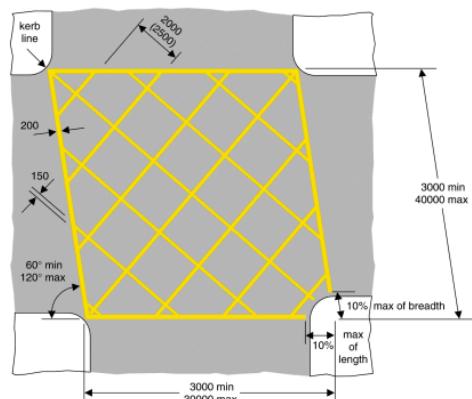
b) Pedestrian precincts



c) Bus and Cycle provisions.



d) Yellow Box Junctions



Organisations Consulted – replies received shown with cell fill and (reference number in brackets)			
The AA (1)	Federation of Small Businesses	Torfaen County Borough Council (58)	
Blaenau Gwent County Borough Council	Ferris Coaches	Traffic Enforcement Centre (TEC)	
Bridgend County Borough Council	First Cymru	Traffic Penalty Tribunal (TPT) (60)	
Bus Users Cymru	Freight Transport Association	Traveline Cymru	
Caerphilly County Borough Council	Living Streets	University of South Wales	
Capital Region Tourism	Mainline Coaches Ltd	Vale of Glamorgan Council	
Cardiff City Retail Partnership	Merthyr Tydfil County Borough Council	Welsh Ambulance Services NHS Trust	
Cardiff City Transport Service Ltd. (Cardiff Bus) (11)	Millennium Stadium (38)	Welsh Government	
Cardiff & Vale NHS Trust (14)	Monmouthshire County Council		
Cardiff Cycle Campaign	Motorpoint Arena (41)	Internal Depts	
Cardiff Harbour Authority (16)	National Express	Area Strategies & Renewal	
Cardiff Hoteliers Association	Newport City Council	City Centre Management & Events	
Cardiff Licensees Forum	Newport Transport Ltd.	City Centre Management	
Cardiff Metropolitan University (19)	RAC	Culture, Tourism & Events	
Cardiff University Communications -	Rhondda Cynon Taff County Borough Council	Economy & Major Projects	
City Sightseeing Ltd	Road Haulage Association (Mids & SW)	Transport Strategy	
Coach Travel Wales	SEWTA	Network Management, Public Transport	
Confederation of Passenger Transport Wales	SEWTA c/o Bridgend CBC	New Theatre	
Creigiau Travel	South Wales Fire & Rescue Service (52)	Partnership & Citizen Focus	
Cyclists' Touring Club (CTC) (25)	South Wales Police (53)	Planning Service	
Cytun - Cardiff Churches	St David's Centre (54)	St David's Hall	
Diverse Cymru	Stadium Events Liaison Group	Tourist Information	
DVLA Swansea (28)	Stagecoach South Wales (56)	Transport Planning	
Easyway Minicoach Ltd	Sustrans (57)	Transport Policy & Development	
Edwards Coaches	Sixty Sixty Coaches		

PDF of responses to be added here.

End..