



To: Communities and Neighbourhoods Scrutiny Board (4)

Date: 11 July 2016

Subject: Bus Gates

1 Purpose of the Note

- 1.1 To provide the Communities and Neighbourhoods Scrutiny Board (4) with information in relation to bus gates and an outline of the new procedures and checklists for implementation.

2 Recommendations

- 2.1 The Communities and Neighbourhoods Scrutiny Board recommended to:
- 1) Consider the progress being made and the measures that will be implemented to avoid issues arising in future.

3 Information/Background

- 3.1 There are eight bus gates in Coventry, these are located at:

- White Street
- Pool Meadow
- Whittle Arch
- Gosford Street
- Park Road
- Warwick Road
- Station Square (temporary)
- Stoney Road

- 3.2 Five of the eight bus gates have enforcement cameras operating at them, these are:

- Whittle Arch
- Gosford Street
- Park Road
- Warwick Road
- Stoney Road

4 Park Road, Gosford Street and Warwick Road Bus Gates

- 4.1 All of the three sets of signs had full DfT approval until 10th December 2015. Following an issue raised by a member of the public regarding the Park Road bus gate signage, the DfT were asked to revisit their approvals. As a result of this, the DfT re-issued the approvals. However, in this second set of approvals there was a technical mistake made by the DfT and not picked up by ourselves (the diagram number that the DfT quoted was not the same on the paperwork and the map).
- 4.2 From 22nd April 2016 the DfT added the “Coventry” signage to their list of standard use signs. This automatically made our bus gates and all of their signage compliant. However between 10th December 2015 and 22nd April 2016 there were issues with the bus gate signage at Park Rd.

- 4.3 All complaints, challenges and appeals in relation to tickets (penalty charge notices) received for bus lane and bus gate contraventions, including Park Road, follow well established formal and/or statutory procedures. For example, complaints are dealt with through the Council's formal complaints procedure and appeals are heard by the independent Traffic Penalty Tribunal (TPT). A successful appeal at the TPT only applies to the circumstances of that individual case and does not necessarily mean that the signs are not legally compliant.
- 4.4 When the Park Road bus gate was introduced in 2014 the sign plate "and authorised vehicles" was not a standard sign automatically permitted under the then traffic sign rules laid down by the DfT in 2002. Instead special authorisation was requested and subsequently granted by the DfT which covered the bus gates on Park Road, Warwick Road and Gosford Street. This approval remained in force until it was replaced by a new authorisation issued by the DfT on 10th December 2015. In April 2016 the Council became aware that there were some administrative errors in the second authorisation, namely the drawing numbers on the approval and accompanying plan did not correspond.
- 4.5 On discovering this error the Council notified the DfT straight away in order to resolve the matter. Around the same time (22nd April 2016) the DfT updated the traffic sign rules which now include the "and authorised vehicles" plate as a standard sign so special authorisation was no longer required for it to be used. Because of this the DfT took the view that they were not able to re-issue a corrected retrospective authorisation to replace the one issued on 10th December 2015. It was clear though from the DfT that they had every intention to authorise the sign plate on the 10th December 2015 and only because of an avoidable and basic error in the wording of the authorisation was it made invalid.
- 4.6 Consequently all tickets issued during the period 10th December 2015 to 21st April 2016 were done so in good faith on the understanding that the authorisation was valid. On being made aware of the DfT's decision not to issue a corrected authorisation, the Council took the decision to offer refunds to all motorists who received a ticket between 10th December 2015 and 21st April 2016 for the three bus gates affected.
- 4.7 Currently the remaining orders are being checked by both the traffic team and legal to ensure there are no other bus gates subject to the same situation as Park Rd. In addition to Park Road, the error by the DfT affected the authorisation of two other bus gates namely on Warwick Road and Gosford Street. The offer of a refund applies to all three affected bus gates. During the period in question 13,282 PCN's were issued for the 3 bus gates of which 9,099 were on Warwick Road, 2,403 on Gosford Street and 1,780 on Park Road. As at 11th July 2016 there have been 58 refunds already made and a further 23 in the system to be refunded. The total amount refunded as at yesterday amounts to £2,430. A further 398 requests for refunds have been rejected as they are not eligible (not within the defined dates or at the locations where the issue relates to). There are a further 443 refund requests that are waiting review, some of these will be eligible for a refund whilst others will not.
- 4.8 An urgent meeting is arranged with the DfT this month to discuss this situation further.

5 How this can be avoided in the future?

- 5.1 There is work ongoing jointly where legal and the traffic team are mapping out their current processes which will include a fully transparent checking regime. Once drafted internal audit are to review the draft processes to ensure there are no gaps are in place. Thereby mitigating this re-occurring. In future a new process will be put in place to check the accuracy of DfT approvals so that any errors can be highlighted to them and rectified at the earliest opportunity.
- 5.2 The DfT have fully accepted responsibility for the error and as such the relationship between the City Council and the DfT remains positive. A face to face meeting is arranged with the DfT this month to discuss the matter further with a view to amicably resolving any outstanding issues and continuing to build a constructive relationship.