

**HALTON BOROUGH COUNCIL**



*Municipal Building,  
Kingsway,  
Widnes.  
WA8 7QF*

*6 September 2016*

**TO: MEMBERS OF THE HALTON  
BOROUGH COUNCIL**

*You are hereby summoned to attend an Extra Ordinary Meeting of the Halton Borough Council to be held in the Council Chamber, Runcorn Town Hall on Wednesday, 14 September 2016 commencing at 6.30 p.m. for the purpose of considering and passing such resolution(s) as may be deemed necessary or desirable in respect of the matters mentioned in the Agenda.*

A handwritten signature in black ink, appearing to read 'David W. R.', is positioned above the title 'Chief Executive'.

*Chief Executive*

**-AGENDA-**

<b>Item No.</b>		<b>Page No.</b>
1.	<b>APOLOGIES FOR ABSENCE</b>	
2.	<b>DECLARATIONS OF INTEREST</b>	
	<b>MATTERS REQUIRING A DECISION OF THE COUNCIL</b>	
3.	<b>MERSEY GATEWAY BRIDGE</b>	<b>1 - 132</b>
4.	<b>LICENSING MATTERS</b>	
	a) Part II of Local Government (Miscellaneous Provisions) Act 1976 (Minute COU 76 refers)	<b>133 - 134</b>
	b) Local Government (Miscellaneous Provisions) Act 1982 Section 3 and Schedule 4 - Street Trading (Minute COU77 refers)	<b>135 - 138</b>
5.	<b>PART II</b> In this case Council has a discretion to exclude the press and public and, in view of the nature of the business to be transacted, it is <b>RECOMMENDED</b> that under Section 100A(4) of the Local Government Act 1972, having been satisfied that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.  <b><u>Please note that if this resolution is passed, members of the press and public will be asked to leave the room prior to the consideration of the following business.</u></b>	
6.	<b>PROPOSED DEVELOPMENT AT VENTURE FIELDS, DENNIS ROAD, WIDNES (MINUTE EXB 26 REFERS)</b>	<b>139 - 142</b>

**REPORT TO:** COUNCIL

**DATE:** 14 September 2016

**REPORTING OFFICER:** Operational Director – Legal & Democratic Services

**PORTFOLIO:** Transportation

**SUBJECT:** Mersey Gateway Bridge – River Mersey (Mersey Gateway Bridge) Order 2011 as modified by the River Mersey (Mersey Gateway Bridge) (Amendment) Order 2016 and Proposed Mersey Gateway Bridge and A533 (Silver Jubilee Bridge) Road User Charging Scheme Order

## **1.0 Executive Summary**

- 1.1 This report asks the Council to make a Road User Charging Scheme Order (“RUCSO”):
- 1.1.1 containing the charges to be levied from a future date; and
  - 1.1.2 in relation to the Mersey Gateway Bridge and Silver Jubilee Bridge (together, the “Bridges”).
- 1.2 Following an application made by the Council on 26 March 2015, the Secretary of State on 18 August 2016 made the River Mersey (Mersey Gateway Bridge) (Amendment) Order 2016 (“Amendment Order”), thereby modifying the River Mersey (Mersey Gateway Bridge) Order 2011 (“2011 Order”).
- 1.3 The Council delegated authority to the Operational Director to address certain matters now covered in this Report. The Operational Director hereby refers such matters to the Council for its consideration.

## **2.0 RECOMMENDATIONS: That**

**Subject to para. 3.5 the Council is recommended to:**

- 2.1 **confirm that no further consultation is required in respect of the RUCSO;**
- 2.2 **confirm that no public inquiry is required to be held into the making of the RUCSO;**
- 2.3 **make the RUCSO in the form (or substantially the same form) as that in Appendix A to this report and to delegate to the Operational**

**Director (Legal and Democratic Services) the authority to make any non-material or consequential amendments to the RUCSO as are necessary to give it effect;**

**2.4 resolve that the charging scheme under the RUCSO come into effect on 1 July 2017 , subject to the RUCSO being made by the Council (the appointed day);**

**2.5 resolve that the charging scheme be suspended in full from the appointed day until the date that the Mersey Gateway Bridge is operational and fully open to all traffic (the "Permission to Use Date"); and**

**2.6 authorise the Operational Director (Legal & Democratic Services) to take all necessary steps to:**

**2.6.1 bring the RUCSO into effect;**

**2.6.2 to suspend the charging scheme until the Permission to Use Date; and**

**2.6.3 to lift the suspension and impose the charging scheme from the Permission to Use Date.**

### **3.0 Background**

**3.1 At a special meeting of the Council on 18<sup>th</sup> March 2015 ("Special Meeting"), its Members (by a unanimous decision of those present, who comprised a majority of all its Members), agreed that an application should be made to the Secretary of State for Transport for the Amendment Order which would have the effect of amending the 2011 Order so as to allow:**

**3.1.1 a RUCSO to be made in relation to the Bridges; and**

**3.1.2 the application of the Road User Charging Scheme (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 ("Enforcement Regulations") to tolls collected by the Council under the 2011 Order.**

**3.2 Before making that decision, Members at the meeting received and duly considered a detailed report and a further, supplemental report explaining the reasons for making the Application and the process for doing so. The Application was made to the Secretary of State on 26 March 2015, including all necessary supporting documentation.**

**3.3 On 11 June 2015 the Secretary of State informed the Council that it had decided that it was not necessary to hold an inquiry or hearing in respect of the Application. Instead, the Secretary of State decided that none of the**

objectors had a statutory right to be heard and that the issues raised by, and the objections to, the Application could be adequately presented and examined by him through the written representations procedure.

3.4 The Secretary of State made the Amendment Order on 18 August 2016. The form of the Amendment Order submitted with the Application was modified by the Secretary of State in making the Amendment Order. The Amendment Order as made by the Secretary of State is provided at Appendix B to this Report.

3.5 The Secretary of State's decision to confirm the Amendment Order is subject to a period for statutory challenge which will expire on 6 October 2016. The content of para 4 below and the recommendations are therefore subject to the outcome of any challenge.

#### **4.0 Next Steps**

4.1 The reasons for making the RUCSO remain unchanged since:

4.1.2 the resolution made by the Council at the Special Meeting; and

4.1.3 the Amendment Order was made by the Secretary of State, and remain valid.

4.2 These reasons are:

4.2.1 the Mersey Gateway Bridge will operate under a "free flow" environment, rather than with the use of barrier toll payment stations;

4.2.2 tolls will be paid following a user crossing the Mersey Gateway Bridge;

4.2.3 the toll/charge operator requires powers to enforce payment after the use of the Mersey Gateway Bridge, since barriers will not be present to prevent those crossing the Bridge unless they have paid; and

4.2.4 the mechanism to achieve this is to make the RUCSO in respect of the Bridges, to which the Enforcement Regulations could be applied.

4.3 The Council undertook consultation on both the Amendment Order and the proposed RUCSO in February 2015. The Council consulted a wide range of consultees it had identified as appropriate pursuant to section 170(1A) of the Transport Act 2000, the Department for Transport's *Guide to TWA Procedures* and the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006. A copy of the February 2015 Consultation Document is provided at Appendix C to this Report:

4.3.1 the draft RUCSO is clearly identified in the Consultation Document as a separate Order to the Amendment Order;

- 4.3.2 the consultation is stated to be on both the Amendment Order and draft RUCSO; and
- 4.3.3 consultees were asked/provided the opportunity to make specific comments in relation to the draft RUCSO (see Question 11 on page 22 of the Consultation Document).
- 4.4 Since the consultation in February 2015, nothing material has changed in respect of the draft RUCSO and no new material considerations or issues have arisen concerning it. The RUCSO contains two amendments from the version included in the Council's consultation document, which address drafting errors only:
- 4.4.1 Paragraph 3(e) of Part 2 of Schedule 2 has been amended to make it clear that only vehicles carrying passengers (whether as driver or passenger and regardless of vehicle ownership) holding a current disabled person's badge are entitled to be entered onto the register of exempt vehicles;
- 4.4.2 Paragraph 3(f) of Part 2 of Schedule 2 has been amended to conform with the Council's consultation document insofar as the exemption from tolling will only apply to local bus services using the Silver Jubilee Bridge.
- 4.5 Accordingly, it is considered that nothing has materially altered since the original consultation took place such that new or additional consultation is required and sufficient consultation has already been undertaken by the Council in respect of the RUCSO.
- 4.6 It is relevant that the Secretary of State did not consider it necessary to hold an inquiry into the making of the Amendment Order.
- 4.7 In considering the responses to the consultation (which can be found in Appendix C to this Report), it is clear that many of the responses:
- 4.7.1 misinterpreted the effect of the RUCSO;
- 4.7.2 made practical suggestions for how the Council should implement the Charging Scheme; or
- 4.7.3 simply ticked the box stating that they disagreed with the Council's position but did not provide any comment (this was in relation to the levels of penalty charge being lower than the maximum allowed under the Enforcement Regulations).
- 4.8 Those responses that did criticise the RUCSO were addressed in the Consultation Report (provided at Appendix D to this Report) and the Council concluded that it did not need to make any substantive amendment to the RUCSO. For instance, this was the case when respondents:

- requested specific exemptions for breakdown recovery vehicles; and
- stated that the original road user toll/charge should not be payable in addition to the penalty charge.

4.9 Accordingly, it is not considered that an inquiry needs to be held into the making of the RUCSO because all issues have been addressed and no new issues have been raised.

4.10 The Mersey Gateway Bridge is currently expected to be commissioned in the autumn of 2017.

4.11 The Council needs to ensure that the charging scheme contained in the RUCSO is effective from the Permission To Use Date of the Mersey Gateway Bridge. Given that the commissioning date would change if construction of the Mersey Gateway Bridge is completed ahead of schedule, it is considered that the charging scheme contained in the RUCSO should be effective from 1 July 2017. However, the charging scheme should be suspended in full unless and until the Mersey Gateway Bridge becomes operational. A communications strategy will be put in place to notify the public of the Permission to Use Date and the date on which the charging scheme will be enforced. The appointed day (1 July 2017) will be advertised in accordance with the requirements of the Order.

## **5.0 Resource Implications**

The Mersey Gateway Crossings Board will meet the resource implications associated with these statutory procedures.

## **6.0 Risk**

Without the enforcement powers, the Council will be in breach of its Demand Management Participation Agreement with Sanef [SA] dated 28<sup>th</sup> March 2014. It will not be possible for the Council to ensure that it receives all the toll/charge due to it from the users through the terms of that Agreement. The consequence of this is likely to be a shortfall in revenues which may need to be rectified through a higher toll/charge than would be the case with the enforcement powers in place.

## **7.0 Equality and Diversity**

There are no implications for equality and diversity relating to the powers of enforcement as they will apply to all who are to use the Mersey Gateway Bridge and the Silver Jubilee Bridge.

## **8.0 Conclusion**

In light of the information contained in this report, the Council is asked to make the confirmation and resolutions detailed at paragraph 2.0 of this Report.



**APPENDIX A**

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 STATUTORY INSTRUMENTS
 

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201X No.

**HIGHWAYS, ENGLAND**
**The Mersey Gateway Bridge and the A533 (Silver Jubilee  
Bridge) Roads User Charging Scheme Order 201[X]**

*Made* - - - - [ 201X]  
*Coming into force* - - \*\*\*

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Halton Borough Council (the “Council”) makes the following Order, which contains a road user charging scheme, in exercise of the powers conferred by sections 163(3)(a), 164, 168(1) and (2), 170, 171(1) and 172(2) of the Transport Act 2000<sup>(a)</sup> and by regulations 4, 5, 22, 23, 24, 25 and 27 of the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013<sup>(b)</sup>.

Appropriate persons have been consulted in accordance with section 170(1A) of the Transport Act 2000.

*Preliminary*

**Citation and commencement**

1.—(1) This Order may be cited as The Mersey Gateway Bridge and the A533 (Silver Jubilee Bridge) Roads User Charging Scheme Order 201[X].

(2) Subject to paragraph (3) below the scheme set out in the Schedules to this Order shall have effect from a day to be appointed by resolution of the Council.

(3) No later than three months before the appointed day the Council shall publish notice of the resolution under paragraph (1) in the London Gazette and in at least one newspaper circulating in the Borough of Halton.

*Scheme for imposing charges in respect of the use of The Mersey Gateway Bridge and The Silver Jubilee Bridge*

**Interpretation**

2.—(1) In this Order—

“the 2000 Act” means the Transport Act 2000;

“appointed day” means the day specified in article 1(2) of this Order;

“authorised person” means the Council or any person so authorised by the Council under article 17(1) to exercise any one or more of the powers in articles 18 to 22;

“concession agreement” means a legally binding arrangement which may be comprised within one or more documents that makes provision for the design, construction, financing, refinancing, operation and maintenance of either the Silver Jubilee Bridge and the scheme roads or a new road crossing over the River Mersey or any of them;

“concessionaire” means any person with whom the Council enters into a concession agreement from time to time together with the successors and assigns of any such person;

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(a) 2000 c.38. There are amendments to section 167, 168, 171 and 172 which are not relevant to this Order.

(b) S.I. 2013/1783.

“Council” means the Council of the Borough of Halton;

“custodian” means a person authorised in writing by the Council to perform the functions of a custodian described in Part 6 of the Enforcement Regulations;

“deposited plans” means the plans numbered 61034234/RUCO/01, 61034234/RUCO/02, 61034234/RUCO/03, 61034234/RUCO/04 and 61034234/RUCO/05 deposited at the offices of the Council at Municipal Building, Kingsway, Widnes WA8 7QF signed by the Chief Executive of the Council;

“Enforcement Regulations” means the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England Regulations) 2013;

“new crossing” means the bridge and other roads and structures built or proposed to be built pursuant to the River Mersey (Mersey Gateway Bridge) Order 2011(a);

“register” means the register of vehicles being exempt from charges pursuant to the scheme maintained by the Council under article 9;

“scheme” means the scheme for imposing charges for the use or keeping of a vehicle on the scheme roads pursuant to this Order;

“scheme roads” means that part of (i) the road that approaches and crosses the new crossing and (ii) the A533 road that approaches and crosses the Silver Jubilee Bridge as are shown on the deposited plans.

“website” means the website maintained by the Mersey Gateway Crossings Board Ltd containing information about the operation of the scheme(b).

### **Revocation**

3. The A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008 is hereby revoked.

### **Duration of the Order**

4. This Order shall remain in force indefinitely.

*Designation of scheme roads, vehicles and charges*

### **The scheme roads**

5. The roads in respect of which this Order applies are the scheme roads.

### **Imposition of charges**

- 6.—(1) A charge is to be imposed in respect of a vehicle where—
  - (a) the vehicle has been used or kept on the scheme roads; and
  - (b) the vehicle falls within a class of vehicles in respect of which a charge is imposed by this Order.

### **Payment of charges**

7.—(1) Subject to paragraphs (7) and (15) a charge imposed by this scheme, the amount of which is specified in article 10 (level of charges), shall be paid by a means and by such method as may be specified by the Council or such other means or method as the Council may in the particular circumstances of the case accept.

(2) Subject to such regulations as the Secretary of State may make pursuant to section 172(1) of the 2000 Act, the Council may waive charges (or any part of such charges) and may suspend the charging of charges in whole or in part.

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(a) S.I. 2011/41.

(b) [www.merseygateway.co.uk](http://www.merseygateway.co.uk)

(3) The Council or its agent may enter into an agreement (“composition agreement”) under which persons compound, on such terms as may be provided by the agreement, for the payment of charges in respect of the use of the scheme roads by them, by other persons or by any vehicles.

(4) A composition agreement may relate to use on such number of occasions or during such period as may be provided by the agreement.

(5) Any composition agreement entered into prior to the appointed day shall have effect for the purposes of bringing charges into effect from that day and nothing in this scheme shall render a composition agreement entered into other than during the currency of this scheme invalid.

(6) Without prejudice to the generality of paragraph (1) above, save where the Council elects in accordance with paragraph (7) below charges may be payable:

- (a) when demanded by a person authorised by the Council or its agent at a place designated by the Council for the collection of charges; or
- (b) by inserting the appropriate payment for a charge at an appropriate collection point.

(7) Where the condition applies the Council may elect that instead of any other means or method of payment charges shall be payable by means of entering into a composition agreement in which case the Council may require that method to apply exclusively.

(8) Where the Council has elected pursuant to paragraph (7) that the exclusive method of paying charges shall be by means of entering a composition agreement, such a composition agreement may be entered into—

- (a) on the day concerned, the first day concerned, or (when it relates to a single journey) the day of the journey concerned;
- (b) on a day falling within the period of 64 days immediately preceding the day concerned, the first day concerned, or (when it relates to a single journey) the day of the journey concerned; or
- (c) on the day after the day concerned, the first day concerned, or (where it relates to a single journey) the day of the journey concerned.

(9) Without prejudice to the generality of paragraph (3), a composition agreement may be entered into for such of the following periods as the Council may agree:

- (a) the duration of a single journey;
- (b) a number of single journeys specified in the composition agreement;
- (c) a single day or any number of single days;
- (d) a period of 5 or 7 consecutive days;
- (e) a period of a single month; or
- (f) a period of one year.

(10) The following provisions shall apply to composition agreements—

- (a) a composition agreement shall be specific to a particular vehicle;
- (b) that vehicle shall be identified by its registration mark; and
- (c) a person entering into a composition agreement with the Council shall specify to the Council or its agent the registration mark of the vehicle to which the composition agreement relates.

(11) Where a composition agreement is entered into or purported to be entered into, and payment is to be made to the Council otherwise than in cash, and payment is not received by the Council or its agent (whether because a cheque is dishonoured or otherwise), the charge or charges to which the composition agreement relates shall be treated as not paid and the composition agreement may be voided by the Council.

(12) The Council may require a vehicle that is subject to a composition agreement to display a document in that vehicle or to carry in or fix equipment to that vehicle.

(13) Where a composition agreement provides for a discount or waiver of any charge or part of any charge and is calculated solely by reference to the use of the scheme roads—

- (a) for a number of journeys; or
- (b) for any period

a user or prospective user of the scheme roads shall not be prevented from entering into such a composition agreement by reason of their place of residence or business.

(14) Where any scheme of discount or waiver is proposed in respect of charges payable or prospectively payable under this scheme the Council shall have regard to the most appropriate means of providing the benefit of such a scheme to those socio-economic groups within the Borough of Halton least able to afford the full price of charges in deciding to apply any such scheme.

(15) The Council may impose such reasonable conditions upon the making of a composition agreement as it considers appropriate including in relation to the transfer of the benefit of composition agreements or the refund of payments.

(16) The condition referred to in paragraph (7) is fulfilled when the method of payment for use of the scheme roads is not secured by the use of barriers preventing vehicles from proceeding until a charge is paid.

### **Classification of vehicles**

8. Schedule 1 to this Order, which sets out the classification of vehicles in respect of which a charge is imposed by this scheme, shall have effect.

### **Vehicles exempt from charges**

9.—(1) Subject to and to the extent not inconsistent with, such regulations as the Secretary of State may make pursuant to section 172(1), Part 1 of Schedule 2 to this Order which sets out the vehicles exempt from charges, shall have effect.

(2) The exemptions from the charges set out in this scheme shall have effect subject to the particulars of the vehicle in respect of which an exemption is claimed being entered upon the register.

(3) The Council may require a vehicle exempt from charges to display a document in that vehicle or to carry in or fix equipment to that vehicle.

(4) The provisions of Part 2 of Schedule 2 shall apply.

### **Level of charges**

10.—(1) On and from the appointed day the charges for the use of the scheme roads shall be at such level within the charge range specified in paragraph (4) for the class of vehicle specified as the Council may determine and shall remain at such level unless revised in accordance with paragraph (5) or (6) below.

(2) The classification of vehicles or classes of vehicles in respect of which charges may be levied from the appointed day shall be those set out in Schedule 1.

(3) Where any vehicle would fall within the definition of more than one classification of vehicles or class of vehicles it shall be deemed to fall in the class of vehicles bearing the highest number in Schedule 1.

(4) In this paragraph-

“charge range” means the level of charge contained in the table below increased by the same percentage for each whole year between April 2008 and the appointed day as referred to in article 11 (percentage increase of charge ranges) subject to article 12 (general provisions as to charge ranges).

<i>Class of vehicle</i>	<i>Charge range</i>
Class 1 vehicles	£0.00 to £2.50
Class 2 vehicles	£1.00 to £2.50

Class 3 vehicles	£2.00 to £5.00
Class 4 vehicles	£4.00 to 10.00

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(5) The charge range applicable in respect of any vehicle or class of vehicles as provided for in this scheme shall be revised by the Council in accordance with article 11 (percentage increase of charge ranges) each year.

(6) The charge payable in respect of any vehicle or class of vehicle may be varied within the charge range in effect from time to time.

(7) Whenever the Council proposes to revise the charge that applies to any vehicle or class of vehicles pursuant to paragraph (6) the Council shall publish in at least one newspaper circulating in the Borough of Halton a notice substantially in the form set out in Schedule 3.

(8) The charges set out in a notice given under paragraph (7) shall have effect from the date 4 weeks after the date on which the notice referred to in paragraph (7) is published.

### **Percentage increase of charge ranges**

11.—(1) The charge ranges referred to in article 10(4) (level of charges) shall be recalculated annually on 1 April each year by multiplying the upper and lower limits applying to each charge range by the indexation factor except where a reduction in those limits will result.

(2) The indexation factor shall be derived by dividing the value of the retail prices index for the month of February in the relevant year by the retail prices index for the month of February in the preceding year to produce a percentage and then adding one per cent.

(3) Subject to paragraph (4), the references in this article to the retail prices index means the monthly United Kingdom Index of Retail Prices (for all items) published by the Office of National Statistics.

(4) If the index referred to in paragraph (3) is not published for any month the references in this article shall be references to any substituted index or index figures published by the Office of National Statistics for that month.

(5) It shall not be necessary to vary any charge by reason of a revision to a charge range resulting in a charge subsisting that is lower than the lower limit of a charge range.

### **General provisions as to charge ranges**

12. Any level of charge ranges to be set pursuant to the provisions of this Order—

- (a) if it is neither a multiple of ten pence nor an amount which on division by ten produces a remainder of five pence shall be rounded to the nearest ten pence; and
- (b) if it is an amount which on division by ten produces a remainder of five pence shall be increased by five pence.

### **10 year plan for net proceeds**

13. Schedule 4 to this Order constitutes the general plan of the Council under paragraph 10(1)(a) of Schedule 12 to the 2000 Act for applying the net proceeds of this scheme during the period which begins with the date on which this Order comes into force and ends with the tenth financial year that commences on or after that date.

### **Detailed programme for net proceeds**

14. Schedule 5 to this Order constitutes the detailed programme of the Council under paragraph 10(1)(b) of Schedule 12 to the 2000 Act for applying the net proceeds of this scheme during the period which begins with the date on which this Order comes into force and ends at the time by which the Council's local transport plan is next required to be replaced.



*Penalty charges*

**Penalty charges**

**15.**—(1) A penalty charge is payable in respect of a vehicle upon which a charge has been imposed under this Order and where such charge has not been paid in full at or before 23:59 hours on the day immediately following the day on which the charge was incurred.

(2) Where a penalty charge has become payable in respect of a vehicle under paragraph (1), the penalty charge rate applicable shall be the rate corresponding to the class of vehicle into which the vehicle falls, in accordance with the table of penalty charge rates displayed on the website.

(3) A penalty charge payable under paragraph (1) is—

- (a) payable in addition to the charge imposed under article 6;
- (b) to be paid in full within the period of 28 days beginning with the date on which a penalty charge notice relating to the charge that has not been paid in full is served;
- (c) reduced by one half provided it is paid in full prior to the end of the fourteenth day of the period referred to in sub-paragraph (3)(b);
- (d) increased by one half if not paid in full before a charge certificate to which it relates is served by or on behalf of the Council (as the charging authority) in accordance with regulation 17 of the Enforcement Regulations.

**Additional penalty charges where powers exercised in respect of vehicles**

**16.**—(1) An additional penalty charge in accordance with the table of penalty charge rates displayed on the website will be payable under the charging scheme for the—

- (a) release of a motor vehicle immobilised in accordance with article 21;
- (b) removal of a motor vehicle in accordance with article 22(1);
- (c) storage and release from storage of a vehicle so removed; and
- (d) disposal of a vehicle in accordance with article 22(2).

(2) Any penalty charge payable under paragraph (1) is payable in addition to the charge imposed under article 6.

*Powers in respect of motor vehicles*

**Powers in respect of motor vehicles**

**17.**—(1) The Council may authorise in writing a person to exercise any one or more of the powers in articles 18 to 22.

(2) An authorised person under this Order is an authorised person within the meaning of regulation 21 of the Enforcement Regulations.

**Examination of vehicles**

**18.** An authorised person may examine a motor vehicle whilst it is on a road to ascertain if any of the circumstances described in regulation 22 of the Enforcement Regulations exists.

**Entering vehicles**

**19.** An authorised person may enter a vehicle whilst it is on a road where the authorised person has reasonable grounds for suspecting that any of the circumstances described in regulation 23(1) of the Enforcement Regulations exists provided that the condition referred to in regulation 23(2) of those Regulations is met.

**Seizure**

20. An authorised person may seize anything (if necessary by detaching it from a vehicle) as provided for in regulation 24 of the Enforcement Regulations provided that the condition referred to in regulation 24(2) of those Regulations is met.

**Immobilisation of vehicles**

21. Provided—

- (a) none of the circumstances in paragraph (2) of regulation 25 of the Enforcement Regulations apply; and
- (b) the conditions in paragraph (3) of that regulation do apply,

an authorised person may immobilise a vehicle in accordance with paragraphs (4) and (5) of that regulation.

**Removal, storage and disposal of vehicles**

22.—(1) Provided regulation 27(1)(a) or (b) of the Enforcement Regulations is satisfied, an authorised person may remove a vehicle and deliver it to a custodian for storage.

(2) The custodian may dispose of the vehicle and its contents in the circumstances described in regulation 28 of the Enforcement Regulations.

**THE COMMON SEAL** of the **COUNCIL OF THE BOROUGH OF HALTON** was hereunto affixed the [\*\*] day of [\*\*\*] 201[X] in the



Authorised Signatory

**SCHEDULES**

**SCHEDULE 1**

Article 8

**Classification of Vehicles for the Purposes of Charges**

<i>Class of Vehicle</i>	<i>Classification</i>
“class 1 vehicle”	means a moped falling within classifications A(a) and A(b); motorcycles falling within classifications B(a) and B(b); motor tricycles falling within classifications C(a) and C(b); and quadricycles falling within classifications D(a), D(b), E(a) and E(b).
“class 2 vehicle”	means motor vehicles with at least four wheels, used for the carriage of passengers falling within classifications M <sub>1</sub> (a) and M <sub>1</sub> (b); and motor

vehicles with at least four wheels used for the carriage of goods falling within classification N<sub>1</sub>(a).

“class 3 vehicle” means motor caravans falling within classifications L(a) and L(b); motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M<sub>2</sub>(a) and M<sub>2</sub>(b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N<sub>1</sub>(b), N<sub>2</sub>(a) and N<sub>2</sub>(b).

“class 4 vehicle” means motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M<sub>3</sub>(a) and M<sub>3</sub>(b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N<sub>3</sub>(a) and N<sub>3</sub>(b).

---

Reference to “classifications” in this Schedule 1 are references to the classes of motor vehicles contained or referred to in Part II of the Schedule to the Road User Charging and Work Place Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001(a).

## SCHEDULE 2

Article 9

### PART 1

#### Vehicles Exempt from Charges

1. Charges may not be levied in respect of—
  - (a) a vehicle whose details have been recorded on the exemptions register in accordance with Part 2 of this Schedule and, in the case of those listed in sub-paragraphs 3(a) to (d) of Part 2 of this Schedule, being used in the execution of duty; or
  - (b) a vehicle being used in connection with—
    - (i) the collection of charges; or
    - (ii) the maintenance, improvement or renewal of, or other dealings with, the Silver Jubilee Bridge or the new crossing or any structure, works or apparatus in, on, under or over any part of the new crossing or Silver Jubilee Bridge; or
  - (c) a vehicle which, having broken down on the Silver Jubilee Bridge or the new crossing while travelling in one direction, is travelling in the opposite direction otherwise than under its own power; or
  - (d) a military vehicle, that is, a vehicle used for army, naval or air force purposes, while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown.

### PART 2

#### The Register of Vehicles Exempt from Charges

2. The Council shall maintain the register in respect of exempt vehicles for the purposes of the provisions of this Schedule which requires particulars of a vehicle to be entered in the register.

3. Vehicles falling within the following descriptions of motor vehicles shall be eligible to be entered upon the exemptions register—

---

(a) S.I. 2001/2793.

- (a) a police vehicle, identifiable as such by writing or markings on it or otherwise by its appearance, or being the property of the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;
- (b) a fire engine as defined by paragraph 4(2) of Schedule 2 to the Vehicle Excise and Registration Act 1994(a);
- (c) a vehicle which is kept by a fire authority as defined by paragraph 5 of that Schedule;
- (d) an ambulance as defined by paragraph 6(2) of that Schedule; or
- (e) a vehicle being used for the transport of a person who has a disabled person's badge and which displays a current disabled person's badge issued under—
  - (i) section 21 of the Chronically Sick and Disabled Persons Act 1970(b), or
  - (ii) section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(c); or
- (f) an omnibus being used for a local service as defined by section 2 of the Transport Act 1985 crossing the Silver Jubilee Bridge(d).

4. Registration of a vehicle upon the exemptions register, and the use to which that vehicle must be put to qualify as exempt from charges, shall be subject to the imposition of such further conditions as the Council may reasonably impose.

5. The Council may require that an application to enter particulars of a vehicle on the exemptions register or to renew the registration of a vehicle—

- (a) shall include all such information as the Council may reasonably require; and
- (b) shall be made by such means as the Council may accept.

6. Where the Council receives an application that complies with paragraph 4 to enter particulars of a vehicle on the exemptions register, or to renew the registration of a vehicle and the vehicle falls within the descriptions set out in paragraph 2 of this Part it shall enter the particulars of that vehicle upon the exemptions register within twenty working days of receiving such an application.

7. The Council shall remove particulars of a vehicle from the exemptions register—

- (a) in the case of a vehicle registered in relation to the holder of a disabled person's badge, when that person ceases to be an eligible person for the purposes of sub-paragraph 3(e) of this Part;
- (b) in the case of any vehicle at the end of the period of 7 consecutive days beginning with the day on which a change in the keeper of the vehicle occurred, unless the Council renews the registration for a further period on application to it by or on behalf of the new keeper.

8. Where the registered keeper of a vehicle is aware that the vehicle has ceased or will cease to be a vehicle eligible to be entered on the exemptions register, the keeper shall notify the Council of the fact and the Council shall remove the particulars of the vehicle from the exemptions register as soon as reasonably practicable or from the date notified to the Council as the date on which it will cease to be a vehicle eligible to be entered on the exemptions register.

9. If the Council is no longer satisfied that a vehicle is an exempt vehicle it shall—

- (a) remove the particulars of a vehicle from the exemptions register; and
- (b) notify the registered keeper.

---

(a) 1994 c.22.  
(b) 1970 c.44.  
(c) 1978 c.53.  
(d) 1985 c.67.

**10.** Nothing in this paragraph shall prevent the making of a fresh application under Schedule 2 for particulars of a vehicle to be entered in the exemptions register after they have been removed from it in accordance with any provision of this Part of this Schedule 2.

**SCHEDULE 3**

Article 10

**Form of Notice**

**THE A533 (SILVER JUBILEE BRIDGE) ROAD USER CHARGING SCHEME  
ORDER 201[X]**

**NOTICE OF REVISION OF CHARGES**

The charges applicable to use of the Silver Jubilee Bridge by vehicles shall be:

<b>Class of vehicle</b>	<b>Charge</b>
Class 1 vehicles	
Class 2 vehicles	
Class 3 vehicles	
Class 4 vehicles	

The revisions set out above shall take effect upon [effective date being a date not less than 28 days after the date of this notice.]

Signed .....

\*On behalf of.....

Date .....

Name and status of Signatory

\* Delete or amend as appropriate.

**SCHEDULE 4**

Article 13

**Halton Borough Council’s General Plan for Applying the Net Proceeds of  
this Scheme During the Opening 10 Year Period**

**11.** The road user charging scheme is due to start in 201[X] to coincide with or follow the date that the proposed Mersey Gateway Bridge is opened for use by the public. Paragraph 10(1)(a) of Schedule 12 to the Transport Act 2000 applies to the period that is covered partly by the current Local Transport Plan that fully supports the implementation of the scheme.

**12.** The net proceeds of the road user charging scheme in the opening ten year period will be applied, in such proportions to be decided, towards:

- (a) paying the costs and expenses incurred in designing, constructing, managing, operating and maintaining the new crossing and in managing, operating and maintaining the Silver Jubilee Bridge and the scheme roads or any costs associated with financing any or both;
- (b) providing such funds as are or are likely to be necessary to discharge the obligations of the Council or a concessionaire pursuant to a concession agreement;
- (c) paying the interest on, and repaying the principal of, monies borrowed in respect of the new crossing;
- (d) making payment into any maintenance or reserve fund provided in respect of the Silver Jubilee Bridge and the scheme roads or the new crossing;

- (e) making payments to the Council's general fund for the purpose of directly or indirectly facilitating the achievement of policies relating to public transport in its local transport plan; and
- (f) providing funds for, meeting expenses incurred in, or the cost of securing any necessary authority or consent for, constructing or securing the construction, maintenance and operation of the new crossing or securing the maintenance and operation of the Silver Jubilee Bridge and the scheme roads.

## SCHEDULE 5

Article 14

### Halton Borough Council's Detailed Programme for Applying the Net Proceeds of this Scheme

**13.** The road user charging scheme is due to start in 2017 to coincide with the opening of the Mersey Gateway Bridge for use by the public. The existing third Local Transport Plan (LTP3) runs from 2011/12 to 2025/26. Therefore, paragraph 10(1)(b) of Schedule 12 to the Transport Act 2000 relates to the second LTP3. The Mersey Gateway Bridge is a key element of the LTP3 as it addresses—

- (a) the worst congestion in Halton - on the approaches to the Silver Jubilee Bridge and on the Weston Point Expressway approach to M56 Junction 12;
- (b) demand management to establish and maintain free flow traffic conditions on the Mersey Gateway Bridge and the Silver Jubilee Bridge; and
- (c) transport resilience to enhance cross-Mersey linkages.

**14.** The expenditure plans for receipts from the scheme will complement the current LTP3 programme and contribute towards achieving the following LTP3 objectives—

- (a) tackling congestion;
- (b) delivering accessibility;
- (c) securing safer roads; and
- (d) achieving better air quality.

**15.** Priorities for the scheme revenue expenditure are—

- (a) paying the costs and expenses incurred in designing, constructing, managing, operating and maintaining the Mersey Gateway Bridge and the new crossing and in managing, operating and maintaining the Silver Jubilee Bridge and the scheme roads or any costs associated with financing any or both of them;
- (b) providing such funds as are or are likely to be necessary to discharge the obligations of the Council or a concessionaire pursuant to a concession agreement;
- (c) paying the interest on, and repaying the principal of, monies borrowed in respect of the new crossing;
- (d) making payment into any maintenance or reserve fund provided in respect of the Silver Jubilee Bridge and the scheme roads or the Mersey Gateway Bridge and the new crossing;
- (e) making payments to the Council's general fund for the purpose of directly or indirectly facilitating the achievement of policies relating to public transport in LTP3; and
- (f) providing funds for, meeting expenses incurred in, or the cost of securing any necessary authority or consent for, the constructing or securing the construction, maintenance and operation of the Mersey Gateway Bridge and the new crossing or securing the maintenance and operation of the Silver Jubilee Bridge and the scheme roads.

## **EXPLANATORY NOTE**

*(This note is not part of the Order.)*

Sections 163(3)(a) and 164 of the Transport Act 2000 authorise the Council of the Borough of Halton to make a charging scheme in respect of roads for which it is the traffic authority. The scheme roads described in paragraph (1) of Schedule 1 comprises the Mersey Gateway Bridge and the Silver Jubilee Bridge. Charges are currently levied in respect of the latter under the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008.

This Order revokes the 2008 Order. It imposes charges for use of either the Mersey Gateway Bridge or the Silver Jubilee Bridge, and brings into effect new enforcement provisions.

Article 1 (citation and commencement) deals with preliminary matters.

Article 2 (interpretation) contains interpretation provisions including definitions of the “scheme roads”. It also refers to the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (SI 2013/1783) (the “Enforcement Regulations”) which make provision for or in connection with the imposition and payment of charging scheme penalty charges.

Article 3 (revocation) revokes the 2008 Order.

Article 4 (duration of the Order) provides that the Order remains in force indefinitely.

Article 5 (the scheme roads) contains that the scheme roads are the roads to which charges, penalty charges and enforcement provisions apply.

Article 6 (imposition of charges) describes the event by reference to the happening of which a charge is imposed, namely, a vehicle being used or kept on the scheme roads.

Article 7 (payment of charges) provides that the Council may specify how a charge should be paid. It also provides that payments may be under an agreement relating to a number of journeys or a number of days. It also provides that payment under such an agreement may be mandatory if “open road” tolling is used and that displaying a permit may be required. Paragraph (14) of article 7 continues the existing arrangement relating to scheme discounts.

Article 8 (classification of vehicles) specifies classes of vehicles to which the scheme applies, set out in Schedule 1 of this Order.

Article 9 (vehicles exempt from charges) provides for the exemption of certain vehicles from paying the charge provided conditions are met, set out in Schedule 2.

Article 10 (level of charges) specifies the level of charges for use of the scheme roads, depending on the class of vehicle. Levels must be set within the range authorised under article 10 and are subject to an annual recalculation under article 11 and subject to article 12.

Articles 13 and 14 explain to what purposes the charges recovered may be applied.

Article 15 deals with the civil enforcement of unpaid charges through the imposition of penalty charges. Paragraph 15(1) imposes a penalty charge where the charge for using the crossing is not paid in full by midnight on the day after it is imposed. The penalty charge rates are displayed on the project website. Paragraph 15(3)(a) explains that the penalty charge is payable in addition to the charge imposed. Paragraphs 15(3)(b) to (d) explain that the penalty charge is payable within 28 days of the penalty charge notice relating to it being served, that the amount of the charge is reduced by half if paid within 14 days or is increased by half if not paid before a charge certificate is served in accordance with regulation 17 of the Enforcement Regulations.

Article 16 imposes additional penalty charges of the amounts set out on the project website where the powers in respect of vehicles described in paragraphs 18 and 19 are exercised.

Articles 17 to 22 contain powers that can be exercised in respect of motor vehicles. These powers are to examine vehicles (article 18), enter vehicles (article 19), seize items (article 20), immobilise vehicles (article 21) and remove, store and dispose of vehicles (article 22). The exercise of those



powers must be in accordance with the Enforcement Regulations. In particular the power to immobilise a vehicle or remove a vehicle that has not been immobilised can only be exercised where none of the circumstances in regulation 25(2) of the Enforcement Regulations apply and the conditions in paragraph 25(3) of those regulations do apply.

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**APPENDIX B**

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## STATUTORY INSTRUMENTS

2016 No. 851

## TRANSPORT AND WORKS, ENGLAND

## TRANSPORT, ENGLAND

The River Mersey (Mersey Gateway Bridge) (Amendment)  
Order 2016

*Made* - - - - 24th August 2016

*Coming into force* - - 14th September 2016

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006<sup>(a)</sup> for an Order under sections 3 and 5 of the Transport and Works Act 1992<sup>(b)</sup> (“the 1992 Act”).

The Secretary of State, having considered the objections made and not withdrawn, has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change in the proposals.

The Secretary of State is of the opinion that the primary object of this Order cannot be achieved by means of an Order under the Harbours Act 1964<sup>(c)</sup>.

Notice of the Secretary of State’s determination was published in the London Gazette on 23rd August 2016.

The Secretary of State in exercise of the powers conferred by sections 3 and 5 of, and paragraph 12 of Schedule 1 to, the 1992 Act and article 2 of the Transport and Works (Description of Works Interfering with Navigation) Order 1992<sup>(d)</sup>, makes the following Order—

**Citation, commencement and interpretation**

**1.** This Order may be cited as the River Mersey (Mersey Gateway Bridge) (Amendment) Order 2016 and comes into force on 14th September 2016.

**2.** In this Order, any reference to an article is a reference to an article in the River Mersey (Mersey Gateway Bridge) Order 2011<sup>(e)</sup>.

(a) S.I. 2006/1466.

(b) 1992 c. 42. Section 3 was amended by paragraphs 51 and 53 of Schedule 2 to the Planning Act 2008 (c. 29), section 5 was amended by S.I. 2012/1659.

(c) 1964 c. 40.

(d) S.I. 1992/3230, as amended by S.I. 1997/2906.

(e) S.I. 2011/41.

**Amendments to the River Mersey (Mersey Gateway Bridge) Order 2011**

3.—(1) The River Mersey (Mersey Gateway Bridge) Order 2011 is amended as follows.

(2) In article 2(1) insert the following definitions in the appropriate alphabetical place—

“the 2013 Regulations” means the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013(a);”;

“charging scheme” means a charging scheme made by order under Part 3 of the 2000 Act;” and

“Silver Jubilee Bridge roads” means the A533 road between its junctions with the A557 Weston Point Expressway and the A533 Daresbury Expressway in Runcorn and Ditton Junction in Widnes carried in part upon the Silver Jubilee Bridge;”.

(3) After article 42, insert—

**“Power to make road user charging schemes**

**42A.**—(1) The undertaker may make charging schemes in respect of the bridge roads or Silver Jubilee Bridge roads, or a single charging scheme for both.

(2) Section 164(3) (local charging schemes) of the 2000 Act does not apply to such a charging scheme.

(3) A charging scheme to which this article relates may make provision, in addition to anything provided for under the 2000 Act, for—

- (a) charges to be levied for any services or facilities provided in connection with the new crossing and the Silver Jubilee Bridge; and
- (b) any other matter that is provided for in articles 41 (power to charge tolls) and 42 (payment of tolls).

(4) Where a charging scheme is in force on 14th September 2016 in respect of the bridge roads or Silver Jubilee Bridge roads, or both, and does not make express provision for such matters, the following is to apply in addition to that charging scheme—

- (a) the undertaker may levy charges for any other services or facilities provided in connection with the new crossing or the Silver Jubilee Bridge;
- (b) where any charge, including a penalty charge under a charging scheme or a charge levied under sub-paragraph (a), remains unpaid after it has become due for payment the person to whom it is payable may recover from the person liable to pay it the amount of the charge together with all other reasonable costs and expenses including administrative expenses, enforcement expenses and interest arising out of such failure to pay;
- (c) the undertaker may appoint any person to act as its agent to collect charges and other sums as provided for within sub-paragraph (b); and
- (d) regardless of paragraph 8 of Schedule 12 (road user charging and workplace parking levy: financial provisions) to the 2000 Act, any charge may be applied by the undertaker to the purposes specified in article 41(10) but the undertaker may not apply any charges for the purposes mentioned in sub-paragraphs (e) or (f) of that article—

---

(a) S.I. 2013/1783.

- (i) in a manner that would contravene Directive 1999/62/EC of the European Parliament and of the Council of 17th June 1999<sup>(a)</sup> on the charging of heavy goods vehicles for the use of certain infrastructure as amended by Directive 2006/38/EC of the European Parliament and of the Council of 17th May 2006<sup>(b)</sup> and Council Directive 2006/103/EC of 20th November 2006<sup>(c)</sup>; or
- (ii) unless it is satisfied that it has applied for the purposes of sub-paragraphs (a) to (d) of article 41(10) sufficient funds to ensure the safe, efficient and economic management, operation and maintenance of the new crossing in accordance with all applicable statutory requirements.

(5) Subject to the provisions of this article, when a charging scheme is in force in respect of the bridge roads (whether for the bridge roads alone or with the Silver Jubilee Bridge roads) the charging scheme has effect in substitution for articles 41, 42 and 46 (enforcement), but when there is no charging scheme in force in respect of the bridge roads the imposition, payment and enforcement of payment of tolls and charges imposed under this Order is to be under the powers conferred by articles 41, 42 and 46.

(6) The powers conferred by this article may not be transferred under article 43(1) (power to enter into concession agreements and lease or transfer the undertaking, etc.) to any person who is not a traffic authority under section 121A (traffic authorities) of the Road Traffic Regulation Act 1984<sup>(d)</sup>.”

(4) In paragraph (9) of article 42, for “shall be void” substitute “may be voided by the undertaker”.

(5) For article 46 substitute—

#### **“Enforcement**

**46.**—(1) The provisions of this article apply in respect of tolls and charges imposed under the powers conferred by article 41.

(2) The undertaker, or any person authorised by the undertaker in writing, is an authorised person for the purposes of this article, and any authorised person who is about to exercise, is in the course of exercising or has exercised any power conferred by this article must, if so requested, produce written evidence of their authority to do so.

(3) Any authorised person may examine a motor vehicle whilst it is on a road to ascertain if any of the circumstances described in regulation 22(1)(a) to (c) (power to examine motor vehicles) of the 2013 Regulations exists and any reference in that regulation to “a charging scheme” or “the charging scheme” is a reference to this Order, or any byelaws made under it, any reference to “a designated road” is a reference to the new crossing, and the reference to “a road user charge” is a reference to a toll or charge payable under article 41 (power to charge tolls).

(4) Any authorised person may enter a motor vehicle whilst it is on a road where the authorised person has reasonable grounds for suspecting that any of the circumstances described in regulation 23(1)(a) and (b) (power to enter motor vehicles) of the 2013 Regulations exists and any reference in that regulation to “a charging scheme” is a reference to this Order, or any byelaws made under it, the reference to “a road designated by the charging scheme and in respect of which road user charges have been imposed” is a reference to the new crossing, and any reference to “a road user charge” is a reference to a toll or charge payable under article 41.

---

(a) OJL 187, 20. 7. 1999, p 42.

(b) OJL 157, 9. 6. 2006, p 8.

(c) OJL 363, 20. 12. 2006, p 344.

(d) 1984 c. 27. Section 121A was inserted by paragraph 70 of Part 2 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22), and amended by section 271 of the Greater London Authority Act 1999 (c. 20), paragraphs 70 and 95 of Part 2 of Schedule 1 to the Infrastructure Act 2015 (c. 7), S.I. 1999/1820 and S.I. 2001/1400.

(5) Any authorised person may seize anything (if necessary by detaching it from a motor vehicle) and detain it as evidence that a person has committed an offence under article 40(7)(b) (contravention of byelaws about the evasion of payment of tolls).

(6) The powers conferred by paragraphs (4) and (5) must not be exercised by an authorised person who is not a constable except in the presence of a constable.

(7) The powers conferred by paragraphs (2) to (5) may only be exercised in respect of motor vehicles on roads in England.”

Signed by Authority of the Secretary of State

24th August 2016

*Martin Woods*  
Head of the Transport and Works Act Orders Unit  
Department for Transport

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the River Mersey (Mersey Gateway Bridge) Order 2011 (“2011 Order”). This Order allows Halton Borough Council to make a road user charging scheme under the Transport Act 2000 in place of the tolling provisions in respect of the Mersey Gateway Bridge and Silver Jubilee Bridge to enable an open road charging scheme to be introduced. It also modifies the provisions in the 2011 Order that relate to the enforcement of the payment of tolls and charges if no road user charging scheme is in force.

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**APPENDIX C**

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## Introducing enforcement measures for use of the Mersey Gateway Bridge and Silver Jubilee Bridge on a 'free-flow' tolling basis



### Consultation: Proposed Modification Order and Proposed Road User Charging Scheme Order

Please note: This consultation document contains public sector information licensed under the Open Government Licence v3.0:  
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## **EXECUTIVE SUMMARY**

### **What is this consultation about?**

This consultation is about the Council's proposals to modify the existing River Mersey (Mersey Gateway Bridge) Order 2011 and make a new Road User Charging Scheme Order relating to use of the Mersey Gateway Bridge and the Silver Jubilee Bridge (the "Bridges"). This is so the Council can enforce collection of tolls/charges incurred by users of the Bridges.

This consultation document explains why the Council is:

- seeking a modification to the River Mersey (Mersey Gateway Bridge) Order 2011<sup>1</sup> by making an application for an Order under the Transport and Works Act 1992<sup>2</sup> (the "proposed Order" modifying the "2011 Order"); and
- proposing a new Road User Charging Scheme Order for the Mersey Gateway Bridge and Silver Jubilee Bridge (the "proposed RUCSO").

### **What is your role in this consultation?**

This consultation is seeking views from statutory consultees, as well as other public bodies, organisations or businesses, and members of the public. This consultation is carried out in line with:

- The Department for Transport's *Guide to TWA Procedures* (2006) and the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006<sup>3</sup>; and
- Section 170(1A) of the Transport Act 2000<sup>4</sup>.

A list of parties whom the Council considers to be statutory consultees under that Guidance or legislation is attached in Appendix C - list of statutory consultees.

The Council is seeking your views on:

- the content of the proposed Order (please see Appendix A - the proposed Order, which contains an explanatory memorandum); and
- the content of the proposed RUCSO (please see Appendix B - proposed RUCSO which contains an explanatory note).

In relation to the RUCSO, the Council is particularly interested in receiving your comments on the following matters:

- the introduction of a post-pay period which allows time for road users to comply with the requirements of the RUCSO before enforcement action is taken; and
- the introduction of enforcement measures for the unpaid tolls/charges incurred by users of the Bridges.

<sup>1</sup> River Mersey (Mersey Gateway Bridge) Order 2011: <http://www.legislation.gov.uk/uksi/2011/41/contents/made>.

<sup>2</sup> Transport and Works Act 1992: <http://www.legislation.gov.uk/ukpga/1992/42/contents>.

<sup>3</sup> Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006: <http://www.legislation.gov.uk/uksi/2006/1466/contents/made>.

<sup>4</sup> Transport Act 2000: <http://www.legislation.gov.uk/ukpga/2000/38/contents>.

## Why are the proposed Order and proposed RUCSO required?

These proposals will grant the Council the necessary powers to enforce the collection of unpaid tolls/charges incurred by users of the Bridges in accordance with the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013<sup>5</sup> (the "Enforcement Regulations"). The Council has appointed an operator, Sanef, to collect and enforce the payment of the tolls/charges on behalf of the Council.

The proposed Order will amend the 2011 Order and the proposed RUCSO will replace the existing A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008<sup>6</sup> (the "2008 RUCSO").

Under the proposed Order and the proposed RUCSO, the Council is also intending to make three further changes unrelated to enforcement:

- To extend the classes of vehicles that are exempt from paying the tolls/charges to include local bus services using the Silver Jubilee Bridge;
- To use its discretion to void a vehicle's valid season ticket agreement<sup>7</sup> if the penalty tolls/charges are not paid; and
- enable the Council to make a road user charging order without considering whether it is desirable for the purpose of achieving

<sup>5</sup> Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013: <http://www.legislation.gov.uk/ukxi/2013/1783/made>.

<sup>6</sup> A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008: [http://www.merseygateway.co.uk/wp-content/uploads/2011/Documents/Road\\_user\\_charging/MGRUCODec10.pdf](http://www.merseygateway.co.uk/wp-content/uploads/2011/Documents/Road_user_charging/MGRUCODec10.pdf) .

<sup>7</sup> In this document, the term 'season ticket agreement' is a general term used to describe the advance payment arrangements for use of the Bridges that can be entered into by users and the Council. These agreements may be entered into for a single journey or a number of journeys; or a period of time - for one day, five or seven days, a month or a year. They are formally known in the 2011 Order and the proposed RUCSO as 'composition agreements'.

local transport policies of the Liverpool City Region Combined Authority ("**Combined Authority**").

## What matters fall outside the scope of this consultation?

Please note that this consultation does not seek opinions on the principle of tolling/charging for use of the Bridges. The tolling/charging of the Bridges was settled at the public inquiry held for the Mersey Gateway Project in 2009 and has been incorporated into the 2011 Order.

In addition, certain issues contained within the proposed RUCSO are unchanged from the 2008 RUCSO, which it will replace. These are the:

- vehicle classifications; and
- levels of toll/charges which apply to each class of vehicle.

## Duration of this consultation

The consultation period will run for a period of 4 weeks from 9 February 2015 to 11 March 2015 inclusive.

## How to respond to this consultation

You are invited to complete the questionnaire section of this document and return via email to [consultation@merseygateway.co.uk](mailto:consultation@merseygateway.co.uk)

The electronic version of this document can be found at <http://www.merseygateway.co.uk/consultation-2015/> and any hard copy responses returned to:

Halton Borough Council,  
Municipal Building,  
Kingsway,  
Widnes,  
Cheshire  
WA8 7QF  
c/o Mersey Gateway Crossings Board/Consultation.

If you require alternative formats i.e. braille, audio CD then please contact Mersey Gateway Crossings Board on 0151 511 7849.

When responding please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

### **Freedom of information**

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 ("FOIA")<sup>8</sup> or the Environmental Information Regulations 2004<sup>9</sup>.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain why you regard the information as confidential. If we receive a request for disclosure of information, we will take full account of your explanation, but we cannot give an assurance that confidentiality will be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself or on its own, be regarded as binding on the Council.

<sup>8</sup> Freedom of Information Act 2000: <http://www.legislation.gov.uk/ukpga/2000/36/contents>.

<sup>9</sup> Environmental Information Regulations 2004:  
<http://www.legislation.gov.uk/uksi/2004/3391/contents/made>.

The Council will process your personal data in accordance with the Data Protection Act 1998<sup>10</sup> ("DPA") and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

<sup>10</sup> Data Protection Act 1998: <http://www.legislation.gov.uk/ukpga/1998/29/contents>.



## **1. INTRODUCTION**

### **1.1 Background and location**

The Mersey Gateway Bridge has been under construction since May 2014 and will be opening to the public for use in Autumn 2017. It will consist of a new six-lane bridge, carrying traffic between the towns of Runcorn and Widnes.

The Silver Jubilee Bridge is a key part of the existing transport network, connecting the same towns, running approximately 1.5km to the west of the Mersey Gateway Bridge.

The Mersey Gateway Bridge's construction was authorised by the 2011 Order. In contrast, the Silver Jubilee Bridge has been used by traffic since 1961.

The Mersey Gateway Bridge will form the centrepiece of a new and improved high standard link road (9.5km in length) that will connect the national motorway network in north Cheshire with Merseyside. It will form a major new strategic transport route linking Liverpool-city region and the north-west more generally with the rest of the country.

Once the Mersey Gateway Bridge is open, the Silver Jubilee Bridge will be closed temporarily so that it can be reconfigured to two traffic lanes. The reconfiguration will encourage pedestrians and cyclists to cross the Mersey using the Silver Jubilee Bridge. The reconfiguration and changes to the road network are expected to result in 80% less traffic using the Silver Jubilee Bridge.

### **1.2 Operation of the Bridges, imposition of tolls/charges and enforcement**

Both the new Mersey Gateway Bridge and the reconfigured Silver Jubilee Bridge will be tolled/charged crossings once open to traffic. The Council has appointed a company called Sanef (the "Operator") to operate the open road tolling system that will be installed on both Bridges. The Operator will be responsible for collecting tolls/charges on behalf of the Council.

The standard toll/charge to cross either Bridge in 2017 has been set at £2 for a one-way trip in a car or a small van. There will be a number of different ways of reducing the cost of using the Bridges, including monthly peak and off-peak passes and discounts for registering a vehicle<sup>11</sup>.

In order to deliver an enhanced user experience through reduced journey times and to optimise the operational efficiency of the Bridges, the Council has decided that there will be no toll booths, removing the need for users to stop at a toll booth to pay. Both Bridges will use an 'open road tolling/charging system' where smart technology is used to keep traffic free-flowing along the route, capture vehicle details and ensure that users of the Bridges pay.

To ensure that the Council has sufficient revenues to pay for the new Mersey Gateway Bridge, every toll/charge due needs to be collected. With an open road tolling arrangement it is essential that the Operator can apply enforcement powers to achieve this because without toll booths and barriers there is no physical obstacle to stop a vehicle using the Bridges without pre-payment of the charge/tolls.

<sup>11</sup> You can find out more at [www.merseygateway.co.uk/tolls](http://www.merseygateway.co.uk/tolls).

The Enforcement Regulations that came into force in September 2013 contain a range of powers that the Operator can use to ensure any tolls/charges imposed that remain unpaid can be recovered. (More details about the methods available to the Operator are contained in section 3.)

The Enforcement Regulations specify that certain steps must be taken by the Council in order that it, through the Operator, can rely on those powers. In particular, the Enforcement Regulations require that penalty charge values must either be specified in a road user charging scheme order or that the road user charging scheme order itself must specify the way in which the penalty charge values must be communicated to road users. This is the principal reason why the Council is required to promote the proposed Order and the proposed RUCSO.

### **1.3 The need for and purpose of the proposed Order and proposed RUCSO**

Accordingly the Council needs to seek modifications to the 2011 Order and to make the proposed RUCSO. The proposed Order and the proposed RUCSO are intended to ensure that the Council and the Operator can rely on the powers contained in the Enforcement Regulations. Section 2 of this consultation document provides useful context to the need for the proposed Order and the proposed RUCSO, whilst section 3 sets out the proposals in detail.

The limited purpose of the proposed Order and the proposed RUCSO mean that it is only these issues on which the Council is seeking consultees' views. As mentioned in the Executive Summary, consultees are not being asked for their views on the principle of tolling/charging for use of the Bridges.



Existing Silver Jubilee Bridge



Artists impression of Mersey Gateway Bridge due to open in autumn 2017

## **2. CONTEXT**

### **2.1 Level of tolls/charges**

The Council has already consulted on its proposed tolls/charges for using the Bridges. It did this in preparing its application for the 2011 Order. Prior to the 2011 Order being made, the Council's approach to tolling/charging - and in particular the appropriate level of tolling/charging - was examined in detail at a public inquiry held into the making of the 2011 Order. Thereafter, the 2011 Order was made, authorising not only the construction of the Mersey Gateway Bridge but also the levying of tolls/charges for use of that Bridge and the Silver Jubilee Bridge.

Therefore the Council is not consulting again on permitted range of toll/charge levels which have already been set by the earlier process.

### **2.2 Vehicle classifications**

There are no proposals to amend the current vehicle classifications which were also approved in the 2011 Order.

### **2.3 Date from which tolls/charges may be levied for use of the Mersey Gateway Bridge**

Under the 2011 Order, tolls/charges may be levied for use of the Mersey Gateway Bridge from the date it first opens to the public. The Council is not seeking to change this.

### **2.4 Duration**

The 2008 RUCSO was stated to remain in force indefinitely (meaning that it would remain in force unless and until it was revoked or replaced by a new road user charging order). The

Council is not intending to change its approach on this point in relation to the proposed RUCSO, which would also state that it is to remain in force indefinitely.

### **2.5 Post-payment periods**

Evidence and experience from other 'free-flow' charging schemes demonstrate that a high proportion of scheme users pay after they have incurred the toll/charge. This approach is more flexible than requiring pre-payment and provides further opportunity for road users to comply with the requirements of the charging scheme before they become subject to enforcement.

A post-pay period, combined with a variety of payment methods, helps deliver compliance through maximising the opportunities to pay using the method and time most convenient to the road user. The Council, through the Operator, intends to encourage compliance with the scheme through offering a range of simple and convenient payment channels, including: payment by telephone, website, smartphone app, post, at a customer service centre located in Halton or payment by account.

Requiring pre-payment only could result in enforcement against those who are unintentionally non-compliant (i.e. those who are unaware of the requirement in advance of using the Bridges or simply forget to pre-pay before using the Bridges).

### **2.6 The need for enforcement measures on a 'free-flow' charging scheme**

One of the challenges of using a 'free-flow' charging arrangement is gaining a high level of payment compliance as without toll booths and barriers there is nothing physically to stop a vehicle using the Bridges without payment of the road user toll/charge.

Without provision to enforce through penalty tolls/charges there would be little to ensure that road users comply with the requirements of the charging scheme. Road users would become aware that there is no enforcement for non-payment of the tolls/charges and compliance rates would reduce. The direct result of this would be a loss of toll/charging revenue and the 'free-flow' charging arrangement would fall into disrepute.

The loss of toll/charging revenue could have a very significant effect since it is required to pay for the new crossing. If large numbers of users did not pay tolls/charges, the lost revenue would need to be made up through higher tolls/charges.

Enforcement provisions encourage users to be compliant and enforcement against non-payers acts as a mechanism for increasing awareness of the requirements of the scheme.



Open Road 'free-flow' tolling gantry – a move away from tolling booths

### 3. THE PROPOSAL

#### 3.1 The Council's proposal involves its promotion of:

- an Order under the Transport and Works Act 1992 which, if made, would modify the 2011 Order (known throughout this document as the "proposed Order"); and
- a new Road User Charging Scheme Order (known throughout this document as the "proposed RUCSO") which would replace the existing A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008.

#### 3.2 The proposed Order

The proposed Order is required to amend the 2011 Order. The 2011 Order became law on 1 February 2011 and contained powers that authorised the construction, operation and maintenance of the Mersey Gateway Bridge, as well as the imposition of tolls/charges for its use.

A number of powers in the 2011 Order (contained in articles 41 and 42) enabled the Council, defined as the undertaker for the purposes of the 2011 Order, amongst other things, to:

1. toll/charge for the use of the Mersey Gateway Bridge or for any other services or facilities provided in connection with it;
2. permit the recovery of costs from a person who has failed to pay a toll/charge and against whom action has been taken to recover that toll/charge;
3. appoint any person to collect tolls or charges as its agent;

4. apply the tolls or charges charged by the Council to paying the costs and expenses incurred in designing, constructing, managing, operating and maintaining the Mersey Gateway Bridge and in managing, operating and maintaining the Silver Jubilee Bridge or any costs associated with financing those purposes; and
5. enter into a season ticket agreement which provides for the compounding of payment of tolls/charges on terms contained in the agreement. It should be noted that if payments due are not made under this agreement then article 42(9) currently provides that the agreement shall be void.

The need to modify the 2011 Order has been created by the Enforcement Regulations becoming law in September 2013 as the Enforcement Regulations specify certain matters that must be contained in a road user charging scheme order (including penalty tolls/charges, see section 1.2 for more information).

With this in mind, the key modifications required to the 2011 Order by the Council would:

- acknowledge that a single road user charging scheme order may be made to impose tolls/charges for use of both the Mersey Gateway Bridge and the Silver Jubilee Bridge. Such an order is made under the Transport Act 2000 and, if confirmed by the Council, ensures that the enforcement avenues available in the Enforcement Regulations can be relied upon by the Council, through the Operator, provided that the road user charging scheme order meets the requirements set out in the Enforcement Regulations;

- ensure that a road user charging scheme order made in relation to the Mersey Gateway Bridge can:
  - permit tolls/charges to be levied for any services and facilities provided in connection with the Mersey Gateway Bridge and Silver Jubilee Bridge; and
  - contain any other matter that is provided for in articles 41 and 42 of the 2011 Order.

This allows the Council to adopt a uniform approach in charging for use of the Mersey Gateway Bridge and Silver Jubilee Bridge as the Council had these powers in relation to the Silver Jubilee Bridge under the 2008 Order and will continue to do so under the proposed RUCSO. These powers would remain subject to any limitations or constraints contained in those articles of the 2011 Order;

- ensure that if a road user charging scheme order is in force then its provisions apply instead of any powers that would otherwise have been available to the Council in the 2011 Order;
- permit the Council to exercise certain powers (including those specified in section 3.2 points 1 - 4) in relation to tolls/charges levied through a road user charging scheme order that is *already in force* at the date the amended provision comes into force; and
- ensure that if no road user charging scheme is in force in relation to the Mersey Gateway Bridge, then collection, payment and enforcement of tolls and tolls/charges imposed under the 2011 Order shall be through articles 41, 42 and 46 of the 2011 Order. This power is supplemented through the substitution of article 46 of

the 2011 Order. The new form of article 46 would enable the Council, through the Operator, to rely on those enforcement measures in the Enforcement Regulations that do not need to be contained in a road user charging scheme order.

In addition, the Council is seeking two further amendments to the 2011 Order which are unrelated to enforcement issues.

It is seeking an ability to use its discretion whether to void a season ticket agreement if payments are not made. This would amend the provision set out in section 3.2 point 5 so that it did not automatically terminate.

It is also seeking to remove the requirement imposed under section 164(3) of the Transport Act 2000. Currently this provision means that the Council may only make a road user charging order if it appears desirable for the purposes of directly or indirectly facilitating the achievement of the Combined Authority's local transport policies. However, the Council does not consider that this test should need to be met for road user charging orders made in relation to the Bridges. This is because powers relating to the levying of tolls over the Bridges lie with the Council, and not the Combined Authority. The Combined Authority was created subject to those powers remaining with the Council<sup>12</sup>. The proposed removal of the requirement in section 164(3) is therefore consistent with that intention.

Appendix A contains a draft of the proposed Order and the draft Explanatory Memorandum that gives a more detailed explanation of the changes.

<sup>12</sup> Article 8(4) of the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014: <http://www.legislation.gov.uk/uksi/2014/865/article/8/made>.

The Council would not be able to rely on any of the new powers unless and until the proposed Order is made.

### 3.3 The proposed RUCSO

The proposed RUCSO would introduce new provisions to ensure that the Operator can enforce payment of tolls/charges levied for use of the Bridges having regard to the proposed use of the 'free-flow' charging arrangement.

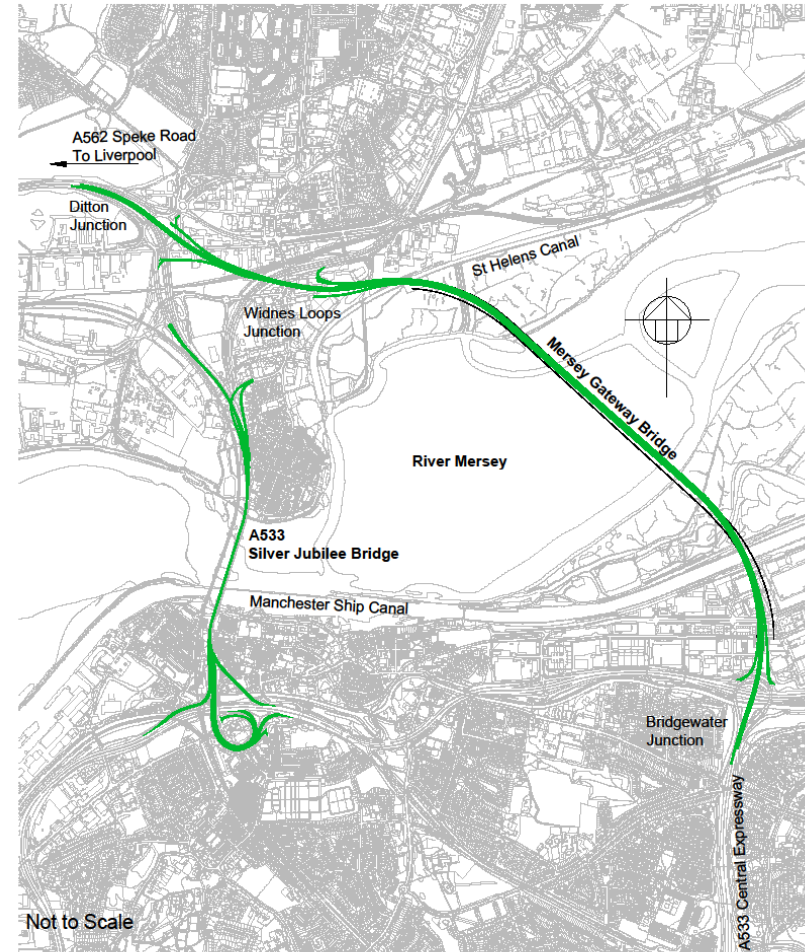
Except as provided below, the content of the proposed RUCSO is in all material respects the same as the content of the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008 which the proposed RUCSO would replace. However, the format of the RUCSO differs from that of its 2008 predecessor as it has been updated in accordance with more recent practice.

The Council intends that the proposed RUCSO will be made in relation to both Bridges to allow the Council to adopt a uniform approach in charging for both Bridges.

The proposed toll/charge area where users will have to pay a toll/charge is shown in the plan opposite.

The proposed toll/charge area has been defined to enable road users who do not wish to use the Bridges because a toll/charge is payable to exit or turn around and use an alternative route.

## Toll/Charge Area



Not to Scale

Key  
Proposed RUCSO Scheme Roads

The proposed RUCSO would include provisions that enable:

- introduction of a discretionary post-pay period;
- enforcement of the road user toll/charge in cases of non-compliance with the new payment terms; and
- requirements on how penalty charge values are to be communicated to road users.

### **3.4 Introduction of a discretionary post-pay period**

In order to maximise compliance and align with other successful 'free-flow' charging schemes, it is proposed that a period for post-payment is introduced. Post-payment provides further opportunities for compliance before road users become subject to enforcement measures. Road users who are unintentionally non-compliant would have the opportunity to pay the road user toll/charge after use of the Bridges in order to avoid having a penalty charge imposed.

Accordingly the Council, through the Operator, proposes to require tolls/charges to be paid no later than midnight on the day after the day on which the relevant crossing took place. This means that users who had not pre-paid the toll/charge would have a minimum of 24 hours to pay the outstanding tolls/charges. This proposal would apply to any crossing of either the Mersey Gateway Bridge or the Silver Jubilee Bridge.

Failure to comply with this requirement would entitle the Operator to impose penalty tolls/charges.

### **3.5 Enforcement measures and proposed penalty charge levels**

The enforcement measures that are proposed for use at the Bridges would draw on the Enforcement Regulations.

Enforcement at the Bridges would be by means of penalty charges leading to debt registration or immobilisation, removal, storage and disposal of 'persistent' non-compliant vehicles. It is proposed that the penalty charge levels at the Bridges will be below the maximum rate specified in the Enforcement Regulations of £120 and align instead to those of other civil traffic offences (such as parking contraventions) that apply in the north-west of England.

The initial penalty charge values proposed for non-compliance with the road user toll/charge for using either Bridge are:

- £20 when the penalty charge is paid in full within 14 days of the date on which the penalty charge notice was served.
- £40 when the penalty charge is paid in full after the expiry of such 14 day period but before a charge certificate has been served. A charge certificate may be served 29 days after the date on which the penalty charge notice was first served; and
- £60 when the penalty charge is paid in full after a charge certificate has been served.

The date when a penalty charge notice is served is defined in regulation 3(4) of the Enforcement Regulations and, in the UK, is on the second working day after the day on which it is posted.



It is proposed that the same penalty charge rate would apply to all classes of vehicles using the Bridges.

It is proposed that the original road user toll/charge would be payable in addition to the penalty charges set out in the bullet points above.

The penalty charge values proposed are lower than the maximum penalty charge values that would be permissible under the Enforcement Regulations. The values proposed for the Bridges are considered to be both fair and proportionate when compared to the penalty charge values used for the enforcement of other civil traffic offences (parking contraventions) in Liverpool and the north-west.

### **3.6 How proposed penalty charge levels will be communicated**

The Enforcement Regulations require that penalty charge values must either be specified in a road user charging scheme order or that the road user charging scheme order specify the way in which the penalty charge values must be communicated to road users. This is the principal reason why the Council is required to promote the proposed Order and the proposed RUCSO.

The proposed RUCSO would not specify the proposed penalty charge values for use of the Bridges, but would specify the way in which the penalty charge values must be communicated to road users.

It is proposed that this would be by way of publication on the Project website, which would be the statutory requirement.

The information may be made available by additional means.

### **3.7 Other matters**

There are two further matters that the Council has decided it is appropriate to address in the RUCSO. The Council intends that:

- it should be able to exercise discretion when deciding whether to void season ticket agreements due to a failure to pay a toll/charge; and
- a provision be included that would permit buses providing local bus services to be exempt from payment of any toll/charge for use of the Silver Jubilee Bridge provided it is entered on the exemptions register.

Appendix B contains a draft of the proposed RUCSO which includes an explanatory note that gives a more detailed explanation of the changes.

### **3.8 Development of the proposals outlined**

In developing these proposals, a number of factors have been taken into account:

- the Enforcement Regulations are now in force but require the Council to take the steps outlined in section 3.1 for the reasons given in section 1.2 to ensure that the Council and the Operator can rely on the enforcement options available;
- the Enforcement Regulations specify the maximum penalty charge values permissible in a charging scheme which have been considered by the Council in setting the values that are set out in section 3.5;

- the Enforcement Regulations allow enforcement actions such as the examination of vehicles and equipment, and immobilisation, removal and storage and disposal of vehicles. The Enforcement Regulations also include arrangements for recovery of costs in specified circumstances, adjudication of appeals and for pursuing debt. The proposed RUCSO would draw on all these provisions;
- a road user toll/charge is necessary to ensure that the Mersey Gateway Bridge can be funded;
- a 'free-flow' charging scheme (in both directions) would be implemented for use of the Mersey Gateway Bridge and the Silver Jubilee Bridge; and
- new technology such as automatic number plate recognition (ANPR) and new infrastructure would be used to support a 'free-flow' charging arrangement.



Artists impression of driver view on Mersey Gateway Bridge



Artists impression of driver view on improved Silver Jubilee Bridge optimised for pedestrians and cyclists

## 4. CONSULTATION QUESTIONS

### Responding on behalf of:

Individual

Company

**If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.**

### Question 1

**Do you agree with the proposal to introduce a post-pay period that would allow road users to pay a toll/charge following use of either of the Bridges and prior to being subject to enforcement?**

**Question 2**

**Do you agree with the proposal to introduce provisions to enforce payment of the road user toll/charge for use of either Bridge?**

**Question 3**

**Do you agree that the levels of penalty charge should be at the levels specified, which are lower than the maximum allowed under the Enforcement Regulations?**

**Question 4**

**Do you agree with the proposal to set the same penalty charge rate for all vehicles?**

**Question 5**

**Do you agree with the proposal that the original road user toll/charge (at each level) would be payable in addition to the penalty charge?**

**Question 6**

**Do you agree with the proposal to include a statutory requirement to publish the penalty charge rates on the Project website?**

**Question 7**

**Do you agree the Council should have an ability to use its discretion whether to void a season ticket agreement if payments due under such an agreement are not made?**

**Question 8**

**Do you agree that local bus services should be exempt from paying the toll/charge for using the Silver Jubilee Bridge?**

**Question 9**

**Do you agree that road user charging orders relating to the Bridges should not have to facilitate the achievement of the Combined Authority's local transport policies?**

**Question 10**

**Do you have any other comments on the proposed Order?**

**Question 11**

**Do you have any other comments on the proposed RUCSO?**



Please provide as much supporting evidence as possible with each of your responses to the above questions before emailing to [consultation@merseygateway.co.uk](mailto:consultation@merseygateway.co.uk)

However, if you are responding using a hard copy then please return the completed questionnaire to Halton Borough Council, Municipal Building, Kingsway, Widnes, Cheshire WA8 7QF c/o Mersey Gateway Crossings Board/Consultation.

#### **4.2 What will happen next?**

- A summary of responses, including the next steps, will be published on the Council's website.
- Having taken account of the responses the Council will consider whether and in what form to promote the proposed Order and the proposed RUCSO. After doing so, it may decide to promote one or both such Orders

# Appendix A

## Proposed Order

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STATUTORY INSTRUMENTS

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2015 No.

**TRANSPORT AND WORKS, ENGLAND**

**TRANSPORT, ENGLAND**

The River Mersey (Mersey Gateway Bridge) (Modification) Order 201[ ]

<i>Made</i>	-	-	-	-	***
<i>Coming into force</i>	-	-	-	-	***

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(a) for an Order under sections 3, 4 and 5 of the Transport and Works Act 1992(b) (“the 1992 Act”).

The Secretary of State, [having considered the objections made and not withdrawn], has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change in the proposals.

- (a) S.I. 2006/1466.
- (b) 1992 c.42. Part 1 of this Act is amended by S.I. 1995/1541, S.I. 1998/2226, S.I. 2000/3199 and S.I. 2006/958.

[The Secretary of State is of the opinion that the primary object of this Order cannot be achieved by means of an Order under the Harbours Act 1964(c).]

Notice of the Secretary of State’s determination was published in the London Gazette on [ ] 201[ ]

The Secretary of State in exercise of the powers conferred by sections 3, 4 and 5 of, and paragraph 12 of Schedule 1 to, the 1992 Act and article 2 of the Transport and Works (Description of Works Interfering with Navigation) Order 1992(d), makes the following Order:

**Citation and commencement**

1. This Order may be cited as The River Mersey (Mersey Gateway Bridge) (Modification) Order 201[ ] and comes into force on [ ].

**Interpretation**

2.—(1) In this Order—  
“the 2000 Act” means the Transport Act 2000(e);  
“The 2013 Regulations” mean the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013(f) or such other equivalent regulations made under section 173 of the 2000 Act as may be in force from time to time.

**Modifications to the River Mersey (Mersey Gateway Bridge) Order 2011**

3.—(1) The River Mersey (Mersey Gateway Bridge) Order 2011(g) is modified as follows—  
(2) In article 2(1) insert the following definitions in alphabetical order—

- (c) 1964 c.40.
- (d) S.I. 1992/3230.
- (e) 2000 c.38.
- (f) S.I. 2013/1783.
- (g) S.I. 2011/41.

““the 2013 Regulations” means the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013;” and

““charging scheme” means a charging scheme made by order under Part 3 of the 2000 Act;”.

(3) After article 42, insert new article 42A—

**“Power to make road user charging schemes**

**42A.**—(1) The undertaker may make charging schemes and charging orders in respect of either or both of the bridge roads and the Silver Jubilee Bridge.

(2) The charges imposed under any charging scheme to which paragraph (1) applies are to have effect as tolls for the purposes of this Order.

(3) A charging scheme to which this provision relates may make provision for—

- (a) charges to be levied for any services or facilities provided in connection with the new crossing and the Silver Jubilee Bridge; and
- (b) any other matter that is provided for in articles 41 and 42.

(4) Without prejudice to paragraph 3(b) when there is a charging scheme in force in respect of the bridge roads the powers in the charging scheme are to have effect in substitution for the provisions of articles 41 and 42.

(5) Where a charging scheme is already in force prior to the date upon which this article comes into force or where a charging scheme does not make express provision for such matters, the following is to apply in addition to the charging scheme—

- (a) the undertaker may levy charges for any other services or facilities provided in connection with the new crossing or the Silver Jubilee Bridge;
- (b) where any charge including a penalty charge under a charging scheme or to which sub-paragraph (a) applies remains unpaid after it has become due for payment the person to whom it is

payable may recover from the person liable to pay it the amount of the toll or charge together with all other reasonable costs and expenses including administrative expenses, enforcement expenses and interest arising out of such failure to pay;

- (c) the undertaker may appoint any person to collect charges and other sums as provided for within sub-paragraph (b) as its agent; and
- (d) any charge may be applied by the undertaker to the purposes specified in article 41(10) but the undertaker may not apply any charges for the purposes mentioned in sub-paragraphs (e) or (f) of that article:

- (i) in a manner that would contravene Directive 1999/62/EC of the European Parliament and of the Council of 17th June 1999(a) on the charging of heavy goods vehicles for the use of certain infrastructure as amended by Directive 2006/38/EC of the European Parliament and of the Council of 17th May 2006(b) and Council Directive 2006/103/EC of 20th November 2006(c); or

- (ii) unless it is satisfied that it has applied for the purposes of sub-paragraphs (a) to (d) of article 41(10) sufficient funds to ensure the safe, efficient and economic management, operation and maintenance of the new crossing in accordance with all applicable statutory requirements.

(6) When there is no charging scheme in force in respect of the bridge roads the imposition, payment and enforcement of payment of tolls and charges imposed under this Order is to be under the powers under articles 41, 42 and 46.

(7) Section 164(3) of the 2000 Act shall not apply to a charging scheme made under this Order.”

(4) In paragraph (9) of article 42 substitute the words “shall be void” in the last line with the words “may be voided by the undertaker”.

- (a) OJL 187, 20. 7. 1999, p 42.
- (b) OJL 157, 9. 6. 2006, p8.
- (c) OJL 363, 20. 12. 2006, p344.

(5) Substitute article 46 as follows—

**“Enforcement**

**46.**—(1) The undertaker may authorise in writing a person to exercise any one or more of the powers in paragraphs (3) to (5).

(2) The undertaker or any person authorised by it in accordance with paragraph (1) is an authorised person within the meaning of regulation 21 of the 2013 Regulations.

(3) The undertaker or a person authorised by it may examine a motor vehicle whilst it is on a road to ascertain if any of the circumstances described in regulation 22 of the 2013 Regulations exists.

(4) The undertaker or a person authorised by it may enter a motor vehicle whilst it is on a road where the undertaker or person authorised by it has reasonable grounds for suspecting that any of the circumstances described in regulation 23(1) of the 2013 Regulations exists.

(5) The undertaker or a person authorised by it may seize anything (if necessary by detaching it from a motor vehicle) as provided for in regulation 24 of the 2013 Regulations.”

the Silver Jubilee Bridge and Mersey Gateway Bridge through a charging scheme made by order under Part 3 of the Transport Act 2000 (i.e. by making a "road user charging order") and extends the powers available to Halton Borough Council in making a road user charging order to include powers available under the 2011 Order. If no road user charging order is in effect, the Order permits Halton Borough Council to impose tolls and charges for use of the Mersey Gateway Bridge under the 2011 Order relying on powers in the Enforcement Regulations.

Signed by authority of the Secretary of State

Martin Woods  
Head of the Transport and Works Act Orders Unit  
Department for Transport

Date

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order modifies the River Mersey (Mersey Gateway Bridge) Order 2011. This Order applies the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 ("Enforcement Regulations") to tolls collected by Halton Borough Council under the 2011 Order using an 'open road' (not barrier) charging system. This Order also permits tolls and charges to be imposed by Halton Borough Council for use of

**Appendix B**  
**Proposed RUCSO**

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S T A T U T O R Y   I N S T R U M E N T S

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**201X No.**

**HIGHWAYS, ENGLAND**

**The Mersey Gateway Bridge and the A533 (Silver Jubilee Bridge) Roads User Charging Scheme Order 201[X]**

*Made*   -   -   -   -   [ 201X]  
*Coming into force*   -   -   -   -   \*\*\*

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Halton Borough Council (the “Council”) makes the following Order, which contains a road user charging scheme, in exercise of the powers conferred by sections 163(3)(a), 164, 168(1) and (2), 170, 171(1) and 172(2) of the Transport Act 2000(a) and by regulations 4, 5, 22, 23, 24, 25 and 27 of the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013(b).

Appropriate persons have been consulted in accordance with section 170(1A) of the Transport Act 2000.

*Preliminary*

**Citation and commencement**

1.—(1) This Order may be cited as The Mersey Gateway Bridge and the A533 (Silver Jubilee Bridge) Roads User Charging Scheme Order 201[X].

(2) Subject to paragraph (3) below the scheme set out in the Schedules to this Order shall have effect from a day to be appointed by resolution of the Council.

- (a) 2000 c.38. There are amendments to section 167, 168, 171 and 172 which are not relevant to this Order.
- (b) S.I. 2013/1783.

(3) No later than three months before the appointed day the Council shall publish notice of the resolution under paragraph (1) in the London Gazette and in at least one newspaper circulating in the Borough of Halton.

*Scheme for imposing charges in respect of the use of The Mersey Gateway Bridge  
and The Silver Jubilee Bridge*

**Interpretation**

2.—(1) In this Order—

“the 2000 Act” means the Transport Act 2000;

“appointed day” means the day specified in article 1(2) of this Order;

“authorised person” means the Council or any person so authorised by the Council under article 17(1) to exercise any one or more of the powers in articles 18 to 22;

“concession agreement” means a legally binding arrangement which may be comprised within one or more documents that makes provision for the design, construction, financing, refinancing, operation and maintenance of either the Silver Jubilee Bridge and the scheme roads or a new road crossing over the River Mersey or any of them;

“concessionaire” means any person with whom the Council enters into a concession agreement from time to time together with the successors and assigns of any such person;

“Council” means the Council of the Borough of Halton;

“custodian” means a person authorised in writing by the Council to perform the functions of a custodian described in Part 6 of the Enforcement Regulations;

“deposited plans” means the plans numbered 61034234/RUCO/01, 61034234/RUCO/02, 61034234/RUCO/03, 61034234/RUCO/04 and 61034234/RUCO/05 deposited at the offices of the Council at Municipal Building, Kingsway, Widnes WA8 7QF signed by the Chief Executive of the Council;

“Enforcement Regulations” means the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England Regulations) 2013;

“new crossing” means the bridge and other roads and structures built or proposed to be built pursuant to the River Mersey (Mersey Gateway Bridge) Order 2011(a);

“register” means the register of vehicles being exempt from charges pursuant to the scheme maintained by the Council under article 9;

“scheme” means the scheme for imposing charges for the use or keeping of a vehicle on the scheme roads pursuant to this Order;

“scheme roads” means that part of (i) the road that approaches and crosses the new crossing and (ii) the A533 road that approaches and crosses the Silver Jubilee Bridge as are shown on the deposited plans.

“website” means the website maintained by the Mersey Gateway Crossings Board Ltd containing information about the operation of the scheme(b).

### Revocation

3. The A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008 is hereby revoked.

### Duration of the Order

4. This Order shall remain in force indefinitely.

*Designation of scheme roads, vehicles and charges*

### The scheme roads

5. The roads in respect of which this Order applies are the scheme roads.

(a) S.I. 2011/41.

(b) [www.merseygateway.co.uk](http://www.merseygateway.co.uk)

### Imposition of charges

6.—(1) A charge is to be imposed in respect of a vehicle where—

- (a) the vehicle has been used or kept on the scheme roads; and
- (b) the vehicle falls within a class of vehicles in respect of which a charge is imposed by this Order.

### Payment of charges

7.—(1) Subject to paragraphs (7) and (15) a charge imposed by this scheme, the amount of which is specified in article 10 (level of charges), shall be paid by a means and by such method as may be specified by the Council or such other means or method as the Council may in the particular circumstances of the case accept.

(2) Subject to such regulations as the Secretary of State may make pursuant to section 172(1) of the 2000 Act, the Council may waive charges (or any part of such charges) and may suspend the charging of charges in whole or in part.

(3) The Council or its agent may enter into an agreement (“composition agreement”) under which persons compound, on such terms as may be provided by the agreement, for the payment of charges in respect of the use of the scheme roads by them, by other persons or by any vehicles.

(4) A composition agreement may relate to use on such number of occasions or during such period as may be provided by the agreement.

(5) Any composition agreement entered into prior to the appointed day shall have effect for the purposes of bringing charges into effect from that day and nothing in this scheme shall render a composition agreement entered into other than during the currency of this scheme invalid.

(6) Without prejudice to the generality of paragraph (1) above, save where the Council elects in accordance with paragraph (7) below charges may be payable:

- (a) when demanded by a person authorised by the Council or its agent at a place designated by the Council for the collection of charges; or
- (b) by inserting the appropriate payment for a charge at an appropriate collection point.

(7) Where the condition applies the Council may elect that instead of any other means or method of payment charges shall be payable by means of entering into a composition agreement in which case the Council may require that method to apply exclusively.

(8) Where the Council has elected pursuant to paragraph (7) that the exclusive method of paying charges shall be by means of entering a composition agreement, such a composition agreement may be entered into—

- (a) on the day concerned, the first day concerned, or (when it relates to a single journey) the day of the journey concerned;
- (b) on a day falling within the period of 64 days immediately preceding the day concerned, the first day concerned, or (when it relates to a single journey) the day of the journey concerned; or
- (c) on the day after the day concerned, the first day concerned, or (where it relates to a single journey) the day of the journey concerned.

(9) Without prejudice to the generality of paragraph (3), a composition agreement may be entered into for such of the following periods as the Council may agree:

- (a) the duration of a single journey;
- (b) a number of single journeys specified in the composition agreement;
- (c) a single day or any number of single days;
- (d) a period of 5 or 7 consecutive days;
- (e) a period of a single month; or
- (f) a period of one year.

(10) The following provisions shall apply to composition agreements—

- (a) a composition agreement shall be specific to a particular vehicle;
- (b) that vehicle shall be identified by its registration mark; and
- (c) a person entering into a composition agreement with the Council shall specify to the Council or its agent the registration mark of the vehicle to which the composition agreement relates.

(11) Where a composition agreement is entered into or purported to be entered into, and payment is to be made to the Council otherwise than in cash, and payment is not received by the Council or its agent (whether because a

cheque is dishonoured or otherwise), the charge or charges to which the composition agreement relates shall be treated as not paid and the composition agreement may be voided by the Council.

(12) The Council may require a vehicle that is subject to a composition agreement to display a document in that vehicle or to carry in or fix equipment to that vehicle.

(13) Where a composition agreement provides for a discount or waiver of any charge or part of any charge and is calculated solely by reference to the use of the scheme roads—

- (a) for a number of journeys; or
- (b) for any period

a user or prospective user of the scheme roads shall not be prevented from entering into such a composition agreement by reason of their place of residence or business.

(14) Where any scheme of discount or waiver is proposed in respect of charges payable or prospectively payable under this scheme the Council shall have regard to the most appropriate means of providing the benefit of such a scheme to those socio-economic groups within the Borough of Halton least able to afford the full price of charges in deciding to apply any such scheme.

(15) The Council may impose such reasonable conditions upon the making of a composition agreement as it considers appropriate including in relation to the transfer of the benefit of composition agreements or the refund of payments.

(16) The condition referred to in paragraph (7) is fulfilled when the method of payment for use of the scheme roads is not secured by the use of barriers preventing vehicles from proceeding until a charge is paid.

### **Classification of vehicles**

8. Schedule 1 to this Order, which sets out the classification of vehicles in respect of which a charge is imposed by this scheme, shall have effect.



### Vehicles exempt from charges

9.—(1) Subject to and to the extent not inconsistent with, such regulations as the Secretary of State may make pursuant to section 172(1), Part 1 of Schedule 2 to this Order which sets out the vehicles exempt from charges, shall have effect.

(2) The exemptions from the charges set out in this scheme shall have effect subject to the particulars of the vehicle in respect of which an exemption is claimed being entered upon the register.

(3) The Council may require a vehicle exempt from charges to display a document in that vehicle or to carry in or fix equipment to that vehicle.

(4) The provisions of Part 2 of Schedule 2 shall apply.

### Level of charges

10.—(1) On and from the appointed day the charges for the use of the scheme roads shall be at such level within the charge range specified in paragraph (4) for the class of vehicle specified as the Council may determine and shall remain at such level unless revised in accordance with paragraph (5) or (6) below.

(2) The classification of vehicles or classes of vehicles in respect of which charges may be levied from the appointed day shall be those set out in Schedule 1.

(3) Where any vehicle would fall within the definition of more than one classification of vehicles or class of vehicles it shall be deemed to fall in the class of vehicles bearing the highest number in Schedule 1.

(4) In this paragraph-

“charge range” means the level of charge contained in the table below increased by the same percentage for each whole year between April 2008 and the appointed day as referred to in article 11 (percentage increase of charge ranges) subject to article 12 (general provisions as to charge ranges).

<i>Class of vehicle</i>	<i>Charge range</i>
Class 1 vehicles	£0.00 to £2.50
Class 2 vehicles	£1.00 to £2.50
Class 3 vehicles	£2.00 to £5.00
Class 4 vehicles	£4.00 to 10.00

(5) The charge range applicable in respect of any vehicle or class of vehicles as provided for in this scheme shall be revised by the Council in accordance with article 11 (percentage increase of charge ranges) each year.

(6) The charge payable in respect of any vehicle or class of vehicle may be varied within the charge range in effect from time to time.

(7) Whenever the Council proposes to revise the charge that applies to any vehicle or class of vehicles pursuant to paragraph (6) the Council shall publish in at least one newspaper circulating in the Borough of Halton a notice substantially in the form set out in Schedule 3.

(8) The charges set out in a notice given under paragraph (7) shall have effect from the date 4 weeks after the date on which the notice referred to in paragraph (7) is published.

### Percentage increase of charge ranges

11.—(1) The charge ranges referred to in article 10(4) (level of charges) shall be recalculated annually on 1 April each year by multiplying the upper and lower limits applying to each charge range by the indexation factor except where a reduction in those limits will result.

(2) The indexation factor shall be derived by dividing the value of the retail prices index for the month of February in the relevant year by the retail prices index for the month of February in the preceding year to produce a percentage and then adding one per cent.

(3) Subject to paragraph (4), the references in this article to the retail prices index means the monthly United Kingdom Index of Retail Prices (for all items) published by the Office of National Statistics.

(4) If the index referred to in paragraph (3) is not published for any month the references in this article shall be references to any substituted index or index figures published by the Office of National Statistics for that month.

(5) It shall not be necessary to vary any charge by reason of a revision to a charge range resulting in a charge subsisting that is lower than the lower limit of a charge range.

### **General provisions as to charge ranges**

**12.** Any level of charge ranges to be set pursuant to the provisions of this Order—

- (a) if it is neither a multiple of ten pence nor an amount which on division by ten produces a remainder of five pence shall be rounded to the nearest ten pence; and
- (b) if it is an amount which on division by ten produces a remainder of five pence shall be increased by five pence.

### **10 year plan for net proceeds**

**13.** Schedule 4 to this Order constitutes the general plan of the Council under paragraph 10(1)(a) of Schedule 12 to the 2000 Act for applying the net proceeds of this scheme during the period which begins with the date on which this Order comes into force and ends with the tenth financial year that commences on or after that date.

### **Detailed programme for net proceeds**

**14.** Schedule 5 to this Order constitutes the detailed programme of the Council under paragraph 10(1)(b) of Schedule 12 to the 2000 Act for applying the net proceeds of this scheme during the period which begins with the date on which this Order comes into force and ends at the time by which the Council's local transport plan is next required to be replaced.

## *Penalty charges*

### **Penalty charges**

**15.—(1)** A penalty charge is payable in respect of a vehicle upon which a charge has been imposed under this Order and where such charge has not been paid in full at or before 23:59 hours on the day immediately following the day on which the charge was incurred.

(2) Where a penalty charge has become payable in respect of a vehicle under paragraph (1), the penalty charge rate applicable shall be the rate corresponding to the class of vehicle into which the vehicle falls, in accordance with the table of penalty charge rates displayed on the website.

(3) A penalty charge payable under paragraph (1) is—

- (a) payable in addition to the charge imposed under article 6;
- (b) to be paid in full within the period of 28 days beginning with the date on which a penalty charge notice relating to the charge that has not been paid in full is served;
- (c) reduced by one half provided it is paid in full prior to the end of the fourteenth day of the period referred to in sub-paragraph (3)(b);
- (d) increased by one half if not paid in full before a charge certificate to which it relates is served by or on behalf of the Council (as the charging authority) in accordance with regulation 17 of the Enforcement Regulations.

### **Additional penalty charges where powers exercised in respect of vehicles**

**16.—(1)** An additional penalty charge in accordance with the table of penalty charge rates displayed on the website will be payable under the charging scheme for the—

- (a) release of a motor vehicle immobilised in accordance with article 21;
- (b) removal of a motor vehicle in accordance with article 22(1);
- (c) storage and release from storage of a vehicle so removed; and
- (d) disposal of a vehicle in accordance with article 22(2).

(2) Any penalty charge payable under paragraph (1) is payable in addition to the charge imposed under article 6.

*Powers in respect of motor vehicles*

**Powers in respect of motor vehicles**

17.—(1) The Council may authorise in writing a person to exercise any one or more of the powers in articles 18 to 22.

(2) An authorised person under this Order is an authorised person within the meaning of regulation 21 of the Enforcement Regulations.

**Examination of vehicles**

18. An authorised person may examine a motor vehicle whilst it is on a road to ascertain if any of the circumstances described in regulation 22 of the Enforcement Regulations exists.

**Entering vehicles**

19. An authorised person may enter a vehicle whilst it is on a road where the authorised person has reasonable grounds for suspecting that any of the circumstances described in regulation 23(1) of the Enforcement Regulations exists provided that the condition referred to in regulation 23(2) of those Regulations is met.

**Seizure**

20. An authorised person may seize anything (if necessary by detaching it from a vehicle) as provided for in regulation 24 of the Enforcement Regulations provided that the condition referred to in regulation 24(2) of those Regulations is met.

**Immobilisation of vehicles**

21. Provided—

(a) none of the circumstances in paragraph (2) of regulation 25 of the Enforcement Regulations apply; and

(b) the conditions in paragraph (3) of that regulation do apply,

an authorised person may immobilise a vehicle in accordance with paragraphs (4) and (5) of that regulation.

**Removal, storage and disposal of vehicles**

22.—(1) Provided regulation 27(1)(a) or (b) of the Enforcement Regulations is satisfied, an authorised person may remove a vehicle and deliver it to a custodian for storage.

(2) The custodian may dispose of the vehicle and its contents in the circumstances described in regulation 28 of the Enforcement Regulations.

**THE COMMON SEAL** of the  
**COUNCIL OF**

**THE BOROUGH OF HALTON**  
was hereunto

affixed the [\*\*] day of [\*\*\*]  
201[X] in the



Authorised Signatory

## SCHEDULES

### SCHEDULE 1 Article 8

#### Classification of Vehicles for the Purposes of Charges

<i>Class of Vehicle</i>	<i>Classification</i>
“class 1 vehicle”	means a moped falling within classifications A(a) and A(b); motorcycles falling within classifications B(a) and B(b); motor tricycles falling within classifications C(a) and C(b); and quadricycles falling within classifications D(a), D(b), E(a) and E(b).
“class 2 vehicle”	means motor vehicles with at least four wheels, used for the carriage of passengers falling within classifications M <sub>1</sub> (a) and M <sub>1</sub> (b); and motor vehicles with at least four wheels used for the carriage of goods falling within classification N <sub>1</sub> (a).
“class 3 vehicle”	means motor caravans falling within classifications L(a) and L(b); motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M <sub>2</sub> (a) and M <sub>2</sub> (b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N <sub>1</sub> (b), N <sub>2</sub> (a) and N <sub>2</sub> (b).
“class 4 vehicle”	means motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M <sub>3</sub> (a) and M <sub>3</sub> (b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N <sub>3</sub> (a) and N <sub>3</sub> (b).

Reference to “classifications” in this Schedule 1 are references to the classes of motor vehicles contained or referred to in Part II of the Schedule to the Road User Charging and Work Place Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001(a).

### SCHEDULE 2 Article 9

#### PART 1

#### Vehicles Exempt from Charges

##### 1. Charges may not be levied in respect of—

- (a) a vehicle whose details have been recorded on the exemptions register in accordance with Part 2 of this Schedule and, in the case of those listed in sub-paragraphs 3(a) to (d) of Part 2 of this Schedule, being used in the execution of duty; or
- (b) a vehicle being used in connection with—
  - (i) the collection of charges; or
  - (ii) the maintenance, improvement or renewal of, or other dealings with, the Silver Jubilee Bridge or the new crossing or any structure, works or apparatus in, on, under or over any part of the new crossing or Silver Jubilee Bridge; or
- (c) a vehicle which, having broken down on the Silver Jubilee Bridge or the new crossing while travelling in one direction, is travelling in the opposite direction otherwise than under its own power; or
- (d) a military vehicle, that is, a vehicle used for army, naval or air force purposes, while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown.

(a) S.I. 2001/2793.

## PART 2

### The Register of Vehicles Exempt from Charges

2. The Council shall maintain the register in respect of exempt vehicles for the purposes of the provisions of this Schedule which requires particulars of a vehicle to be entered in the register.

3. Vehicles falling within the following descriptions of motor vehicles shall be eligible to be entered upon the exemptions register—

- (a) a police vehicle, identifiable as such by writing or markings on it or otherwise by its appearance, or being the property of the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;
- (b) a fire engine as defined by paragraph 4(2) of Schedule 2 to the Vehicle Excise and Registration Act 1994(a);
- (c) a vehicle which is kept by a fire authority as defined by paragraph 5 of that Schedule;
- (d) an ambulance as defined by paragraph 6(2) of that Schedule; or
- (e) a vehicle owned by or being used for the transport of a person who has a disabled person's badge and which displays a current disabled person's badge issued under—
  - (i) section 21 of the Chronically Sick and Disabled Persons Act 1970(b), or
  - (ii) section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(c); or
- (f) an omnibus being used for a local service as defined by section 2 of the Transport Act 1985(d).

- (a) 1994 c.22.
- (b) 1970 c.44.
- (c) 1978 c.53.
- (d) 1985 c.67.

4. Registration of a vehicle upon the exemptions register, and the use to which that vehicle must be put to qualify as exempt from charges, shall be subject to the imposition of such further conditions as the Council may reasonably impose.

5. The Council may require that an application to enter particulars of a vehicle on the exemptions register or to renew the registration of a vehicle—

- (a) shall include all such information as the Council may reasonably require; and
- (b) shall be made by such means as the Council may accept.

6. Where the Council receives an application that complies with paragraph 4 to enter particulars of a vehicle on the exemptions register, or to renew the registration of a vehicle and the vehicle falls within the descriptions set out in paragraph 2 of this Part it shall enter the particulars of that vehicle upon the exemptions register within twenty working days of receiving such an application.

7. The Council shall remove particulars of a vehicle from the exemptions register—

- (a) in the case of a vehicle registered in relation to the holder of a disabled person's badge, when that person ceases to be an eligible person for the purposes of sub-paragraph 3(e) of this Part;
- (b) in the case of any vehicle at the end of the period of 7 consecutive days beginning with the day on which a change in the keeper of the vehicle occurred, unless the Council renews the registration for a further period on application to it by or on behalf of the new keeper.

8. Where the registered keeper of a vehicle is aware that the vehicle has ceased or will cease to be a vehicle eligible to be entered on the exemptions register, the keeper shall notify the Council of the fact and the Council shall remove the particulars of the vehicle from the exemptions register as soon as reasonably practicable or from the date notified to the Council as the date on which it will cease to be a vehicle eligible to be entered on the exemptions register.

9. If the Council is no longer satisfied that a vehicle is an exempt vehicle it shall—

- (a) remove the particulars of a vehicle from the exemptions register; and
- (b) notify the registered keeper.

10. Nothing in this paragraph shall prevent the making of a fresh application under Schedule 2 for particulars of a vehicle to be entered in the exemptions register after they have been removed from it in accordance with any provision of this Part of this Schedule 2.

SCHEDULE 3      Article 10

Form of Notice

**THE A533 (SILVER JUBILEE BRIDGE) ROAD USER CHARGING  
SCHEME  
ORDER 201[X]**

**NOTICE OF REVISION OF CHARGES**

The charges applicable to use of the Silver Jubilee Bridge by vehicles shall be:

Class of vehicle	Charge
Class 1 vehicles	
Class 2 vehicles	
Class 3 vehicles	
Class 4 vehicles	

The revisions set out above shall take effect upon [effective date being a date not less than 28 days after the date of this notice.]

Signed .....

\*On behalf of.....

Date .....

Name and status of Signatory

\* Delete or amend as appropriate.

SCHEDULE 4 Article 13

Halton Borough Council's General Plan for Applying the Net Proceeds of this Scheme During the Opening 10 Year Period

**11.** The road user charging scheme is due to start in 201[X] to coincide with or follow the date that the proposed Mersey Gateway Bridge is opened for use by the public. Paragraph 10(1)(a) of Schedule 12 to the Transport Act 2000 applies to the period that is covered partly by the current Local Transport Plan that fully supports the implementation of the scheme.

**12.** The net proceeds of the road user charging scheme in the opening ten year period will be applied, in such proportions to be decided, towards:

- (a) paying the costs and expenses incurred in designing, constructing, managing, operating and maintaining the new crossing and in managing, operating and maintaining the Silver Jubilee Bridge and the scheme roads or any costs associated with financing any or both;
- (b) providing such funds as are or are likely to be necessary to discharge the obligations of the Council or a concessionaire pursuant to a concession agreement;
- (c) paying the interest on, and repaying the principal of, monies borrowed in respect of the new crossing;
- (d) making payment into any maintenance or reserve fund provided in respect of the Silver Jubilee Bridge and the scheme roads or the new crossing;
- (e) making payments to the Council's general fund for the purpose of directly or indirectly facilitating the achievement of policies relating to public transport in its local transport plan; and
- (f) providing funds for, meeting expenses incurred in, or the cost of securing any necessary authority or consent for, constructing or securing the construction, maintenance and operation of the new crossing or securing the maintenance and operation of the Silver Jubilee Bridge and the scheme roads.

SCHEDULE 5 Article 14

Halton Borough Council's Detailed Programme for Applying the Net Proceeds of this Scheme

**13.** The road user charging scheme is due to start in 201[X] to coincide with the opening of the proposed Mersey Gateway Bridge for use by the public. The existing second Local Transport Plan (LTP) runs from 2006/07 to 2010/11. Therefore, paragraph 10(1)(b) of Schedule 12 to the Transport Act 2000 relates to the second LTP ("LTP2") in part because the scheme is being brought forward as part of proposals to facilitate the achievement of proposals in LTP2 and its construction will be commenced. However, the scheme will not be in operation until 201[X] at the earliest. Accordingly, the relevant LTP will be the third LTP - assuming the process is retained beyond 2011. It is anticipated that LTP3 will have to be submitted to the Secretary of State for Transport for approval in due course. However, as the scheme is a central element of the Council's strategy to reduce congestion and is a component measure to support the implementation of the Council's proposals to construct a new road crossing over the River Mersey - the Mersey Gateway Project - it is expected that the objectives in LTP3 will remain broadly in line with those in LTP2 that relate to the Silver Jubilee Bridge and the Mersey Gateway Project.

**14.** The expenditure plans for receipts from the scheme will complement the current LTP2 programme and contribute towards achieving the following LTP objectives:

- (a) tackling congestion;
- (b) delivering accessibility;
- (c) securing safer roads; and
- (d) achieving better air quality.

**15.** Priorities for the scheme revenue expenditure are—

- (a) paying the costs and expenses incurred in designing, constructing, managing, operating and maintaining the Mersey Gateway Bridge and the new crossing and in managing, operating and maintaining the

- Silver Jubilee Bridge and the scheme roads or any costs associated with financing any or both of them;
- (b) providing such funds as are or are likely to be necessary to discharge the obligations of the Council or a concessionaire pursuant to a concession agreement;
  - (c) paying the interest on, and repaying the principal of, monies borrowed in respect of the new crossing;
  - (d) making payment into any maintenance or reserve fund provided in respect of the Silver Jubilee Bridge and the scheme roads or the Mersey Gateway Bridge and the new crossing;
  - (e) making payments to the Council's general fund for the purpose of directly or indirectly facilitating the achievement of policies relating to public transport in LTP2 and LTP3; and
  - (f) providing funds for, meeting expenses incurred in, or the cost of securing any necessary authority or consent for, the constructing or securing the construction, maintenance and operation of the Mersey Gateway Bridge and the new crossing or securing the maintenance and operation of the Silver Jubilee Bridge and the scheme roads.

#### **EXPLANATORY NOTE**

*(This note is not part of the Order.)*

Sections 163(3)(a) and 164 of the Transport Act 2000 authorise the Council of the Borough of Halton to make a charging scheme in respect of roads for which it is the traffic authority. The scheme roads described in paragraph (1) of Schedule 1 comprises the Mersey Gateway Bridge and the Silver Jubilee Bridge. Charges are currently levied in respect of the latter under the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008.

This Order revokes the 2008 Order. It imposes charges for use of either the Mersey Gateway Bridge or the Silver Jubilee Bridge, and brings into effect new enforcement provisions.

Article 1 (citation and commencement) deals with preliminary matters.

Article 2 (interpretation) contains interpretation provisions including definitions of the "scheme roads". It also refers to the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (SI 2013/1783) (the "Enforcement Regulations") which make provision for or in connection with the imposition and payment of charging scheme penalty charges.

Article 3 (revocation) revokes the 2008 Order.

Article 4 (duration of the Order) provides that the Order remains in force indefinitely.

Article 5 (the scheme roads) contains that the scheme roads are the roads to which charges, penalty charges and enforcement provisions apply.

Article 6 (imposition of charges) describes the event by reference to the happening of which a charge is imposed, namely, a vehicle being used or kept on the scheme roads.

Article 7 (payment of charges) provides that the Council may specify how a charge should be paid. It also provides that payments may be under an agreement relating to a number of journeys or a number of days. It also provides that payment under such an agreement may be mandatory if "open road" tolling is used and that displaying a permit may be required. Paragraph (14) of article 7 continues the existing arrangement relating to scheme discounts.

Article 8 (classification of vehicles) specifies classes of vehicles to which the scheme applies, set out in Schedule 1 of this Order.

Article 9 (vehicles exempt from charges) provides for the exemption of certain vehicles from paying the charge provided conditions are met, set out in Schedule 2.

Article 10 (level of charges) specifies the level of charges for use of the scheme roads, depending on the class of vehicle. Levels must be set within the range authorised under article 10 and are subject to an annual recalculation under article 11 and subject to article 12.

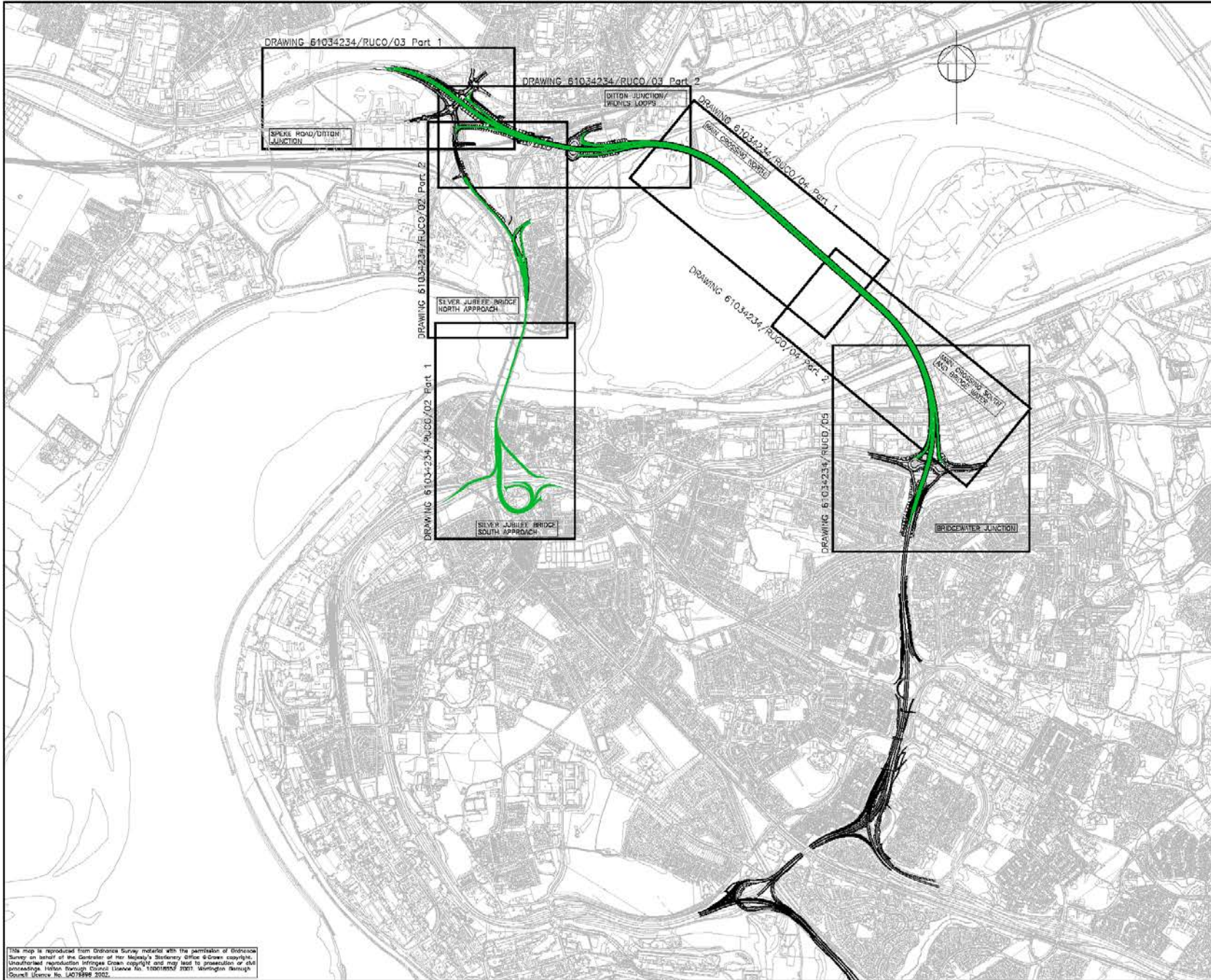


Articles 13 and 14 explain to what purposes the charges recovered may be applied.

Article 15 deals with the civil enforcement of unpaid charges through the imposition of penalty charges. Paragraph 15(1) imposes a penalty charge where the charge for using the crossing is not paid in full by midnight on the day after it is imposed. The penalty charge rates are displayed on the project website. Paragraph 15(3)(a) explains that the penalty charge is payable in addition to the charge imposed. Paragraphs 15(3)(b) to (d) explain that the penalty charge is payable within 28 days of the penalty charge notice relating to it being served, that the amount of the charge is reduced by half if paid within 14 days or is increased by half if not paid before a charge certificate is served in accordance with regulation 17 of the Enforcement Regulations.

Article 16 imposes additional penalty charges of the amounts set out on the project website where the powers in respect of vehicles described in paragraphs 18 and 19 are exercised.

Articles 17 to 22 contain powers that can be exercised in respect of motor vehicles. These powers are to examine vehicles (article 18), enter vehicles (article 19), seize items (article 20), immobilise vehicles (article 21) and remove, store and dispose of vehicles (article 22). The exercise of those powers must be in accordance with the Enforcement Regulations. In particular the power to immobilise a vehicle or remove a vehicle that has not been immobilised can only be exercised where none of the circumstances in regulation 25(2) of the Enforcement Regulations apply and the conditions in paragraph 25(3) of those regulations do apply.



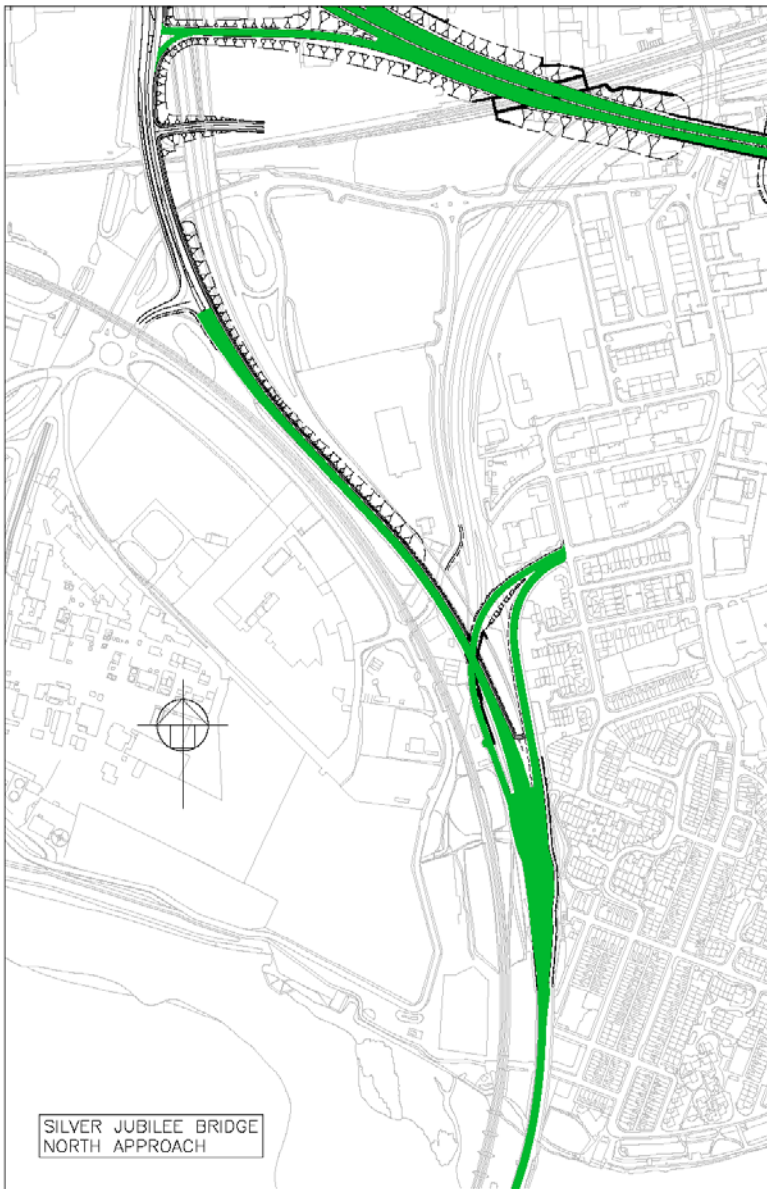
NOTES

NO NOTES

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<p><b>SCHEME ROADS LOCATION PLAN</b></p>				Drawing Title																
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Dwg. No.	61034234/RUCO/01			Rev.	-															



PART 1



PART 2

NOTES



Site Plan

KEY

█ RUCO Scheme Road

FOR INFORMATION	
No.	Description
1	10/10/15
2	10/10/15
3	10/10/15
4	10/10/15
5	10/10/15

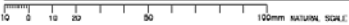


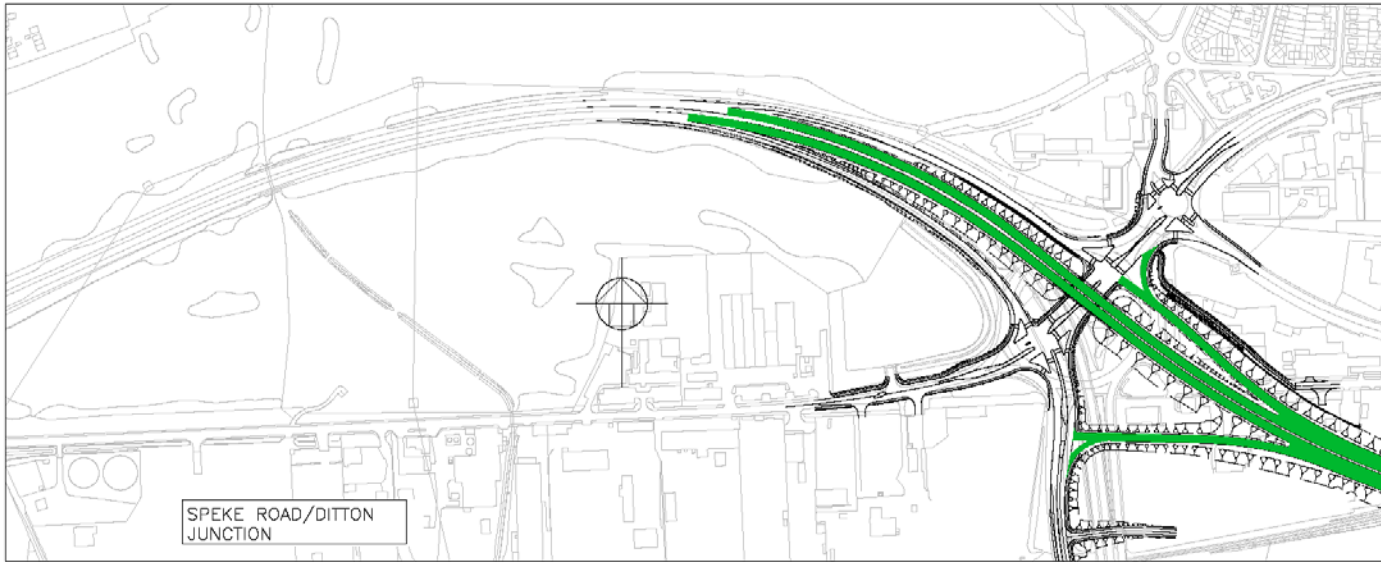
Project  
**PROPOSED  
ROAD USER CHARGING  
SCHEME ORDER  
(RUCSO)**

Drawing Title  
**SCHEME ROADS  
SHEET 2 of 5**

Scale	Date	Drawn	Rev.
1:2500	Jan 2015	DJ	-
Dwg. no.			
61034234/RUCO/02			

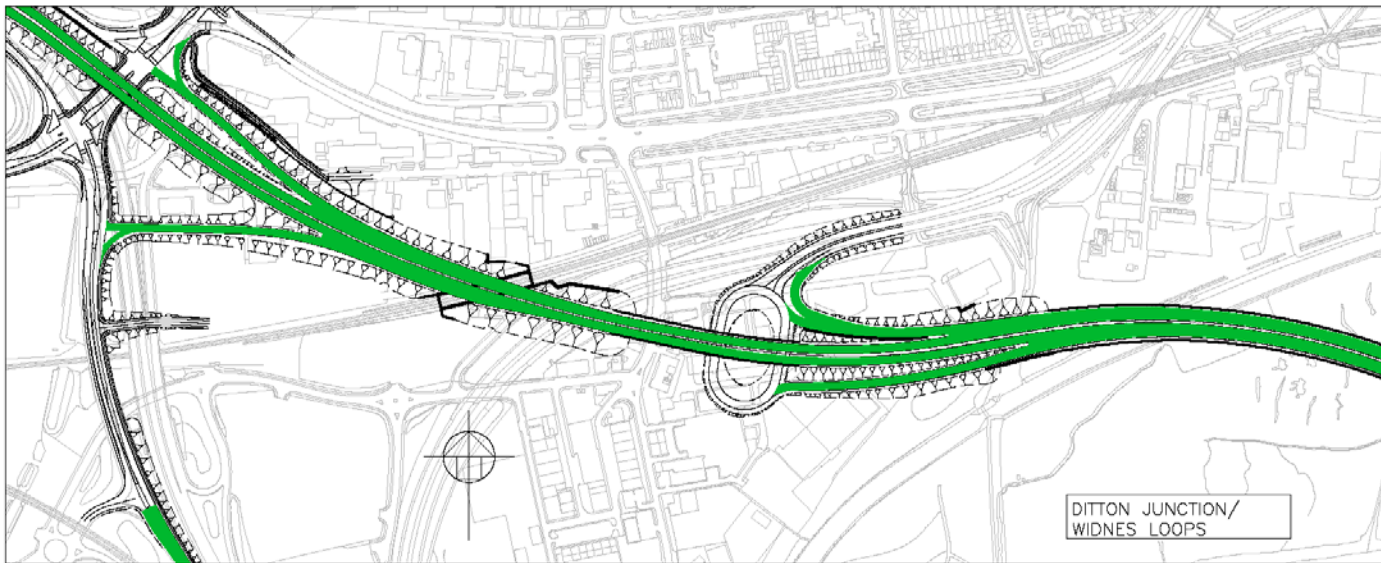
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SPEKE ROAD/DITTON JUNCTION

PART 1



DITTON JUNCTION/  
WIDNES LOOPS

PART 2



Site Plan  
KEY  
RUCO Scheme Road

FDR INFORMATION	
No.	Description
1	01/01/15
2	04/01/15
3	04/01/15
4	04/01/15
5	04/01/15

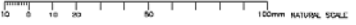


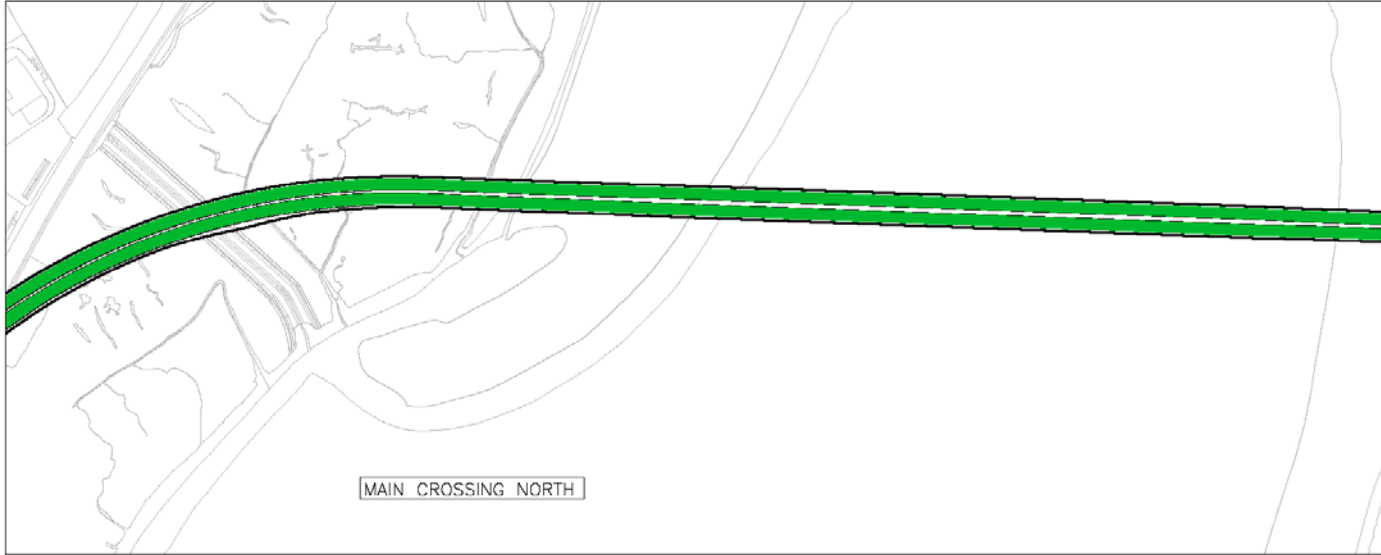
Project  
**PROPOSED ROAD USER CHARGING SCHEME ORDER (RUCSO)**

Drawing Title  
**SCHEME ROADS SHEET 3 of 5**

Scale	Date	Drawn
1:2500	Jun 2015	DJ
Doc no.	Rev.	
61034234/RUCO/03	-	

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PART 1



PART 2



Site Plan

KEY

█ RUCO Scheme Road

Rev.	Drawn	Check	Issue	By	Date	Description
1	DJ	DJ	1	DJ	01/02/15	FDR INFORMATION



Project

**PROPOSED  
ROAD USER CHARGING  
SCHEME ORDER  
(RUCSO)**

Drawing Title

**SCHEME ROADS  
SHEET 4 of 5**

Scale	Date	Drawn
1:2500	Jun 2015	DJ
Fig. no.	Rev.	
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Site Plan

KEY

RUCO Scheme Road

FOR INFORMATION	
Rev.	Description
1	Issue for Information



Project

**PROPOSED ROAD USER CHARGING SCHEME ORDER (RUCSO)**

Drawing Title

**SCHEME ROADS SHEET 5 of 5**

Scale	Date	Drawn
1:2500	Jun 2015	DJ
Dwg. no.	Rev.	
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## Appendix C

### List of statutory consultees

AA (Automobile Association)	Liverpool Chamber of Commerce
Arriva North West & Wales	Liverpool City Council
Cheshire and Warrington LEP	Liverpool City Region Combined Authority
Cheshire Constabulary	Liverpool City Region LEP
Cheshire East Local Access Forum	Liverpool John Lennon Airport
Cheshire Fire and Rescue Service	Mersey Fire and Rescue Service
Cheshire West and Chester Council	Merseyside Police Service
Department for Transport	Mersey Regional Ambulance Service
Driver and Vehicle Licensing Agency	Merseytravel
Freight Transport Association	Mersey Tunnels
Halton Borough Council	National Alliance Against Tolls
Halton Borough Council ward Councillors	North West Ambulance Service
Halton Chamber of Commerce	North West Transport Roundtable
Highways Agency	North West MPs
Knowsley Metropolitan Borough Council	Peel PortsParish Councillors

RAC

Royal Mail

Road Haulage Association

Sefton Metropolitan Borough Council

St Helens Metropolitan Borough Council

Taxi associations

Warrington Borough Council

Wirral Metropolitan Borough Council



**APPENDIX D**

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HALTON BOROUGH COUNCIL



*Municipal Building,  
Kingsway,  
Widnes.  
WA8 7QF*

*16 March 2015*

**\*\*\*SUPPLEMENTARY INFORMATION\*\*\***

**TO: MEMBERS OF THE HALTON  
BOROUGH COUNCIL**

*You are hereby summoned to attend an Extra Ordinary Meeting of the Halton Borough Council to be held in the Council Chamber, Runcorn Town Hall on Wednesday, 18 March 2015 commencing at 6.00 p.m.. for the purpose of considering and passing such resolution(s) as may be deemed necessary or desirable in respect of the matters mentioned in the Agenda.*

A handwritten signature in black ink, appearing to read 'David W R'.

*Chief Executive*

**-AGENDA-**

3b) Consultation Response

**REPORT TO:** COUNCIL

**DATE:** 18 March 2015

**REPORTING OFFICER:** Operational Director – Legal & Democratic Services

**PORTFOLIO:** Transportation

**SUBJECT:** Mersey Gateway Bridge –  
Proposed River Mersey (Mersey Gateway Bridge) (Modification) Order and Proposed Mersey Gateway Bridge and the A533 (silver Jubilee Bridge) Road User Charging Scheme Order  
Supplemental – Outcome of Pre-Application Consultation

## **1.0 Summary**

- 1.1 This paper describes the response to the Pre-Application Consultation undertaken on the Council's behalf by the Mersey Gateway Crossings Board between 9<sup>th</sup> February and 11 March 2015. This paper is supplementary to Agenda Item 3a (see para 7.9).

## **2.0 Response to the Consultation**

- 2.1 By mid-night on the 11<sup>th</sup> March 2015 when the consultation period closed the Council had received eleven (11) responses. Copies of the responses can be found at Appendix S1 to this report. The web-site page hosting the consultation documentation received 389 page views over this period. All parties listed in Appendix B to the report at Agenda Item 3a were contacted by the Mersey Gateway Crossings Board on 9 February 2015 to advise them of the consultation and to supply them with the consultation documentation. A reminder was also sent out on 6 March 2015.

- 2.2 The responses received were as follows:-

Q1 Do you agree with the proposal to introduce a post-pay period that would allow road users to pay a toll/charge following the use of either of the Bridges and prior to being subject to enforcement?:

9 agreed; 0 disagreed; 2 no answer

Q2 Do you agree with the proposal to introduce provisions to enforce payment of the road user toll/charge for use of either Bridge?;

7 agreed; 0 disagreed; 4 no answer

Q3 Do you agree that the levels of penalty charge should be at the levels specified, which are lower than the maximum allowed under the Enforcement Regulations?;

7 agreed; 1 disagreed; 3 no answer

Q4 Do you agree with the proposal to set the same penalty charge rate for all vehicles?;

7 agreed; 1 disagreed; 3 no answer

Q5 Do you agree with the proposal that the original road user toll/charge (at each level) would be payable in addition to the penalty charge?;

5 agreed; 2 disagreed; 4 no answer

Q6 Do you agree with the proposal to include a statutory requirement to publish the penalty charge rates on the Project website?

8 agreed; 1 disagreed; 2 no answer

Q7 Do you agree the Council should have an ability to use its discretion whether to void a season ticket agreement if payments due under such an agreement are not made?;

7 agreed; 0 disagreed; 4 no answer

Q8 Do you agree that local bus services should be exempt from paying the toll/charge for using the Silver Jubilee Bridge?

7 agreed; 0 disagreed; 4 no answer

Q9 Do you agree that road user charging orders relating to the Bridges should not have to facilitate the achievement of the Combined Authority's local transport policies?;

3 agreed; 3 disagreed; 4 no answer; 1 unsure

Question 10 asked for any other comments on the proposed Order and Question 11 asked for any other comments on the proposed RUCSO.

2.3 Comments and observations contained in the responses may be grouped as follows:

2.3.1 *The period of time for the toll/charge to be paid was queried in terms of whether a minimum of 24 hours was sufficient. It was recognised by one respondent that the proposal is the same as at Dartford and therefore consistent.*

This point was raised by four (4) of the respondents in responding to Q1. It should be noted that the proposal would actually mean that users would have 24 hours minimum to pay the toll/charge in the post pay period but that it could be significantly longer (depending on when the user used the Bridges on the first day).

2.3.2 *A standard penalty charge is disproportionately onerous for lower vehicle classes and consideration should be given to a graduated type penalty.*

This point was raised by two (2) of the respondents in responding to Q5, who both agreed with the Council's proposal but would have preferred a graduated type approach. The respondents' proposal does not recognise that it is the offence of not paying the toll/charge that is being penalised.

2.3.3 *Communication of the need to pay toll/charge must be clear and extensive. Also there needs to be diverse and easy/convenient methods of payment.*  
These points were raised by four (4) of the respondents in responding to Q1 and Q2. Both points are noted and will be addressed with the tolling operator. One (1) also suggested that a facility for a cash payment at the bridges should be considered and another raised a query about toll/charge collection for non-UK registered vehicles. The former cannot now be accommodated and the latter is a matter for the operator.

2.3.4 *Section 164(3) of the Transport Act 2000 should not be allowed because it would allow the Council to independently influence travel patterns and modal shift in the Mersey basin area by being able to independently change the charging levels.*  
The point was raised by two (2) of the respondents in responding to Q9. The reasoning is incorrect as s164(3) requires the Council to have regard of the transport policies of the Liverpool City Region Combined Authority in making a RUCSO. The powers to levy the tolls/charges are reserved to the Council under the legislation that established the Combined Authority. The disapplication of section 164(3) has the effect of protecting the Council's position in relation to the MGB contracts and financial constraints as it is not now the author of the local transport policies in its area.

2.3.5 *Powers to seize vehicles are draconian in relation to the offence of non-payment of the toll/charge of £2-00 for a car.*  
This was raised by one (1) respondent in responding to Q11. This provision is available to the Council as provided in the 2013 Enforcement Regulations on the terms set out within them.

2.3.6 *A 6 month 'grace' period for the new toll system and user awareness to 'bed-in' suggested.*  
This was raised by one (1) respondent in responding to Q1. There will be a communication plan put in place prior to the introduction of the toll/charges.

### **3.0 Conclusion**

3.1 The Council is asked to take into account the information contained in this paper when considering the recommendations in the report at Agenda Item 3a.

3.2 Officers of the Council and the Mersey Gateway Crossings Board advise that nothing in the responses to the consultation require any modification to the recommendations presented in Agenda Item 3a.

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## 4. CONSULTATION QUESTIONS

Responding on behalf of:

- Individual  
 Company

If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

### Question 1

Do you agree with the proposal to introduce a post-pay period that would allow road users to pay a toll/charge following use of either of the Bridges and prior to being subject to enforcement?

YES.

BUT IT IS NOT LONG ENOUGH.

PLEASE CONSIDER THE RESIDENTS OF CHESHIRE WEST AND CHESTER WHO ARE NOT INTERNET SAVVY AND MAY NOT KNOW WHAT YOU WILL NOT CREDIT CASH ON ENTRY TO THE BRIDGE

~~SOME~~ SOME PEOPLE MAY TAKE AN ANNUAL HOLIDAY ON THE ISLE OF MAN DEPARTING BY CAR FERRY FROM LIVERPOOL.

IF THEY HAVE NOT BEEN INFORMED OF HOW TO PAY THEY MAY RETURN FROM HOLIDAY AND FACE A CONSIDERABLE FINANCIAL SIBUCK. YOURS HAVE MADE NO PROVISION FOR INFORMING ALL MY CONSTITUENTS OF THE PAYMENT PERIOD

Question 2

Do you agree with the proposal to introduce provisions to enforce payment of the road user toll/charge for use of either Bridge?

Yes.

PROVIDING YOU ENSURE THAT THE RESIDENTS OF ALL LOCAL BRIDGES ARE AWARE THAT THERE IS NO ON THE SPOT COLLECTION AND THAT METHODS FOR PAYMENT/PAYMENT ARE EASY TO MAKE VIA A SIMPLE PHONE CALL.

Question 3

Do you agree that the levels of penalty charge should be at the levels specified, which are lower than the maximum allowed under the Enforcement Regulations?

Yes.

**Question 4**

**Do you agree with the proposal to set the same penalty charge rate for all vehicles?**

YES

**Question 5**

**Do you agree with the proposal that the original road user toll/charge (at each level) would be payable in addition to the penalty charge?**

No.  
THE PENALTY CHARGE SHOULD BE SUFFICIENT

**Question 6**

**Do you agree with the proposal to include a statutory requirement to publish the penalty charge rates on the Project website?**

Yes  
THAT IS THE VERY HISTORY, BUT YOU  
SHOULD ALSO ENSURE THAT ALL  
LOCAL COUNCIL WITH SIZES CARRY  
THE DECISIONS OR METHODS OR PAYMENTS  
AND PENALTIES AS WELL.

**Question 7**

**Do you agree the Council should have an ability to use its discretion whether to void a season ticket agreement if payments due under such an agreement are not made?**

Yes.

**Question 8**

**Do you agree that local bus services should be exempt from paying the toll/charge for using the Silver Jubilee Bridge?**

Yes.

**Question 9**

**Do you agree that road user charging orders relating to the Bridges should not have to facilitate the achievement of the Combined Authority's local transport policies?**

Yes.

Question 10

Do you have any other comments on the proposed Order?

No

Question 11

Do you have any other comments on the proposed RUCSO?

You seem to be authorising a private company to seize cars in circumstances unspecified and forcing payment for said vehicles returns!

No explanation is given as to the circumstances where clause 16 comes into effect.

Returns is made in clause 22 of regulations regarding enforcement. But as there is only a reference to a clause in the enforcement regulation (1203) I am not sure the wise.

This all looks very draconian and disproportionate in order to collect a £2-00 charge.



**RAC Response to Consultation on Introducing enforcement measures for use of the Mersey Gateway Bridge and Silver Jubilee Bridge on a 'free-flow' tolling basis**

**Consultation: Proposed Modification Order and Proposed Road User Charging Scheme Order**

**ABOUT THE RAC**

This submission is made on behalf of RAC Motoring Services (The RAC) which is the UK's oldest motoring organisation. The RAC has some eight million members and is separate from the RAC Foundation which is a transport policy and research organisation which explores the economic, mobility, safety and environmental issues relating to roads and their users.

With more than eight million members, the RAC is one of the UK's most progressive motoring organisations, providing services for both private and business motorists. As such, it is committed to making driving easier, safer, more affordable and more enjoyable for all road users.

The RAC, which employs more than 1,500 patrols, provides roadside assistance across the entire UK road network and as a result has significant insight into how the country's road networks are managed and maintained.

More information on the RAC is available at [www.rac.co.uk](http://www.rac.co.uk)

**RESPONSE TO CONSULTATION**

- 1. Do you agree with the proposal to introduce a post-pay period that would allow road users to pay a toll/charge following use of either of the Bridges and prior to being subject to enforcement?**

The RAC supports the approach outlined within the Order. As noted within the document, the evidence from other schemes across the country, such as the Dartford Crossing, shows that motorists will pay following usage. The RAC supports a flexible approach here. For example, provisions should be made for frequent and daily users of the Bridge to be able to pre-pay where they are able to plan to do so because of work patterns, for example.

The RAC also supports a 'Residents Scheme' which will allow discounts to residents who live close to the Bridge. Such a scheme is currently in use at the Dartford Crossing where local residents need a pre-pay account to access the local residents' discount scheme. The RAC believes this will benefit local road users and the local economy, whilst also reducing the possibility that local roads will see large increases in traffic as road users look to alternative routes to avoid paying the full charging rates. The Dartford Crossing, for example, operates a local resident scheme which charges £10 a year for 50 crossings and 20p per extra crossing, or £20 a year for unlimited crossings.



- 2. Do you agree with the proposal to introduce provisions to enforce payment of the road user toll/charge for use of either Bridge?**

Yes, the RAC agrees with these provisions as they are similar to those in operation in other parts of the country.

- 3. Do you agree that the levels of penalty charge should be at the levels specified, which are lower than the maximum allowed under the Enforcement Regulations?**

The RAC believes the penalty charge rate is fair, however that exemptions should apply and authorities should use a common sense approach where road users may have experienced exceptional circumstances in being unable to pay the charge within the fixed period.

- 4. Do you agree with the proposal to set the same penalty charge rate for all vehicles?**

Our preference is for penalty charges based upon the size and impact of the road vehicle on the infrastructure of the road. However, we recognise that the Dartford Crossing applies the same penalty charge for all types of vehicle and in the interests of a uniform approach we will not object to the same penalty charge for all types of vehicle.

Within the list of exemptions in Schedule 2, Part 1, The RAC also believes that breakdown recovery vehicles and service vehicles that assist motorists who may breakdown should also be exempt from any charge. These vehicles play an import role in minimising the risk to those who have broken down or been involved in a road traffic accident. The risk to the road is directly related to the time to attend of the breakdown recovery or service vehicle. The requirement for breakdown and recovery vehicles to pay for use of the Mersey Gateway Bridge and Silver Jubilee Bridge may influence deployment decisions to the detriment of vulnerable road users. This consideration has been recognised by Transport for London, who grant a 100% discount to the London Congestion Charge for certified breakdown recovery and service vehicles.

- 5. Do you agree with the proposal that the original road user toll/charge (at each level) would be payable in addition to the penalty charge?**

Yes, again, this is consistent with other schemes in operation across the country.

- 6. Do you agree with the proposal to include a statutory requirement to publish the penalty charge rates on the Project website?**

Yes, the RAC believes this proposal will increase transparency for the motorist.

- 7. Do you agree the Council should have an ability to use its discretion whether to void a season ticket agreement if payments due under such an agreement are not made?**

Yes, The RAC believes that this is fair.

- 8. Do you agree that local bus services should be exempt from paying the toll/charge for using the Silver Jubilee Bridge?**





The RAC has no comment to make on bus services, however any decision such as this should be made upon its impact on congestion for other road users. The RAC also believes scopes for exemptions should be widened (for example, to recovery vehicles).

**9. Do you agree that road user charging orders relating to the Bridges should not have to facilitate the achievement of the Combined Authority's local transport policies?**

The RAC has no comment or preference.

**10. Do you have any other comments on the proposed Order?**

The RAC again emphasises that rescue and breakdown recovery vehicles should be exempt from the charging system. The RAC believes that these vehicles play an integral part in assisting motorists and authorities in maintaining the safety and reliability of the strategic road network.

**11. Do you have any other comments on the proposed RUCSO?**

No further comments.

**CONTACT INFORMATION:**

[Redacted contact information]

## 4. CONSULTATION QUESTIONS

Responding on behalf of:

Individual

Company

**If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.**

Response on behalf of St.Helens Council. Response agreed at Officer level under delegated powers and signed off by electronic Admin Decision.

### Question 1

**Do you agree with the proposal to introduce a post-pay period that would allow road users to pay a toll/charge following use of either of the Bridges and prior to being subject to enforcement?**

The Council supports the proposal to introduce a post-pay period allowing road users to pay following the use of either bridge prior to being subject to enforcement. This principal supports the free flowing of traffic using the bridge which is vital for Liverpool City Region economy.

**Question 2**

**Do you agree with the proposal to introduce provisions to enforce payment of the road user toll/charge for use of either Bridge?**

The Council supports the introduction of the provision of enforcement for the payment of the road user toll/charge for either bridge. Effective enforcement is required to ensure all users are treated fairly and with ensuring good traffic management of the new asset.

**Question 3**

**Do you agree that the levels of penalty charge should be at the levels specified, which are lower than the maximum allowed under the Enforcement Regulations?**

The Council supports the enforcement charge levels set and in particular the use of lower rates for quicker payment.

**Question 4**

**Do you agree with the proposal to set the same penalty charge rate for all vehicles?**

The Council supports that the penalty set should be the same charge rate for all vehicles. The Council would though ask this be monitored in the future to ensure this enforcement policy is fit for purpose.

**Question 5**

**Do you agree with the proposal that the original road user toll/charge (at each level) would be payable in addition to the penalty charge?**

The Council support that the original user toll/charge would be payable as well as the penalty. This further ensure users pay the toll/charge within the allotted time period.

**Question 6**

**Do you agree with the proposal to include a statutory requirement to publish the penalty charge rates on the Project website?**

The Council support publishing the penalty charge rates on the projects website in order to fully transparent with future users as to what the penalty for non payment of the toll/charge would be.

**Question 7**

**Do you agree the Council should have an ability to use its discretion whether to void a season ticket agreement if payments due under such an agreement are not made?**

The Council agrees that Halton Council should have the ability under its discretion to void season tickets agreements if payments are due are not made when all reasonable attempts to secure payment by Halton Council have failed.

**Question 8**

**Do you agree that local bus services should be exempt from paying the toll/charge for using the Silver Jubilee Bridge?**

The Council fully supports that local bus services should be exempt from paying the toll/charge for using the Silver Jubilee Bridge to support the use of public transport. The definition of local bus services should cover services operating within the Liverpool City Region using the bridge not just services operating solely within Halton.

**Question 9**

**Do you agree that road user charging orders relating to the Bridges should not have to facilitate the achievement of the Combined Authority's local transport policies?**

The Council does not at present support any further road user charging above and beyond that proposed for the Halton Mersey Crossings within the Liverpool City Region.

**Question 10**

**Do you have any other comments on the proposed Order?**

The order when implemented should be monitored to ensure it remains fit for purpose.

**Question 11**

**Do you have any other comments on the proposed RUCSO?**

No



**CONSULTATION QUESTIONS**

**Question 1**

**Do you agree with the proposal to introduce a post-pay period that would allow road users to pay a toll/charge following use of either of the Bridges and prior to being subject to enforcement?**

We agree.

**Question 2**

**Do you agree with the proposal to introduce provisions to enforce payment of the road user toll/charge for use of either Bridge?**

We agree, but want to know what will be done to collect unpaid tolls from foreign non-payers.

**Question 3**

**Do you agree that the levels of penalty charge should be at the levels specified, which are lower than the maximum allowed under the Enforcement Regulations?**

Yes we agree with the suggested penalty charges.

**Question 4**

**Do you agree with the proposal to set the same penalty charge rate for all vehicles?**

Yes.

**Question 5**

**Do you agree with the proposal that the original road user toll/charge (at each level) would be payable in addition to the penalty charge?**

Yes.





**Question 6**

**Do you agree with the proposal to include a statutory requirement to publish the penalty charge rates on the Project website?**

Yes.

**Question 7**

**Do you agree the Council should have an ability to use its discretion whether to void a season ticket agreement if payments due under such an agreement are not made?**

Yes.

**Question 8**

**Do you agree that local bus services should be exempt from paying the toll/charge for using the Silver Jubilee Bridge?**

No comment.

**Question 9**

**Do you agree that road user charging orders relating to the Bridges should not have to facilitate the achievement of the Combined Authority's local transport policies?**

No comment.

**Question 10**

**Do you have any other comments on the proposed Order?**

No comment.

**Question 11**

**Do you have any other comments on the proposed RUCSO?**

Please see the views set out at the start of this letter.

**Consultation: Proposed Modification Order and Proposed Road User Charging Scheme Order – Response from Cheshire West and Chester Council**

In response to the above consultation the Cheshire and Warrington LTB considered this at its recent meeting of the 4<sup>th</sup> March 2015. Further consideration has now been made by Cheshire West and Chester Council and we wish to make the following comments.

There is concern about the impact of the 'open road tolling/charging system' for certain drivers particularly infrequent users. It is felt this type of tolling regime may act as a deterrent for traffic to use the bridges for drivers whose IT/social media skills are less developed or those with concerns about pre registering vehicles / payment details. In addition, experience from other tolled estuary crossings show that users can incur penalty charge notices due to lack of awareness of tolling collection arrangements. Consequently, we would like to ensure that pre-payment of tolls is made as easy as possible for all potential users. We would ask specifically that the provision of a limited number of traditional toll booths / cash payment provision in the vicinity of the crossings are considered.

In relation to Question 9 we do not agree with the proposal to remove the requirement imposed under section 164(3) of the Transport Act 2000, which means that the Halton Borough Council may only make a road user charging order if it appears desirable for the purposes of directly or indirectly facilitating the achievement of the Combined Authority's (Liverpool City Region) local transport policies. It is believed that to allow this provision to be removed would provide Halton Borough Council with the power to independently influence travel patterns and modal shift across the Mersey basin area, by being able unilaterally to change charging levels. We believe that such decision should be taken in consultation not only with other providers of tolled crossings, as in the case of the Liverpool Combined Authority but other Transport Authorities and key stakeholders. This would suggest that as well as the Combined Authority, adjacent Highway Authorities, including Cheshire West and Chester Council, Cheshire and Warrington LEP and indeed the Highways Agency (Highways England) and Network Rail should have a stake in this important decision making process.

WARRINGTON  
Borough Council



Halton Borough Council  
Municipal Building  
Kingsway  
Widnes  
Cheshire  
WA8 7QF

[Redacted]

11 March 2015

Dear Sir / Madam,

**Consultation: Proposed Modification Order and Proposed Road User Charging Scheme Order**

Thank you for the opportunity for Warrington Borough Council to participate in the above consultation. We would make the following comments.

We have concerns about the impact of the 'open road tolling/charging system' for certain drivers particularly infrequent users. We consider this type of tolling regime may act as a deterrent for traffic to use the bridges for drivers whose IT/social media skills are less developed or those with concerns about pre registering vehicles / payment details. Consequently we would like to ensure that pre-payment of tolls is made as easy as possible for all potential users. We would ask specifically that the provision of a limited number of traditional toll booths / cash payment provision in the vicinity of the crossings are considered.

Warrington Borough Council does not agree with the proposal to remove the requirement imposed under section 164(3) of the Transport Act 2000, which means that the Halton Borough Council may only make a road user charging order if it appears desirable for the purposes of directly or indirectly facilitating the achievement of the Combined Authority's (Liverpool City Region) local transport policies. It is believed that to allow this provision to be removed would provide Halton BC with the power to independently influence travel patterns and modal shift across the Mersey basin area, by being able unilaterally to change charging levels.



We believe that such decision should be taken in consultation not only with other providers of tolled crossings, as in the case of the Liverpool Combined Authority but other Transport Authorities and Agencies who manage un-tolled crossings of the River Mersey. This would suggest that as well as the Combined Authority, Warrington Borough Council, Cheshire and Warrington LEP and indeed the Highways Authority and Network Rail should have a stake in this important decision making process.

Yours faithfully,

[Redacted signature]

[Redacted name and address]

#### 4. CONSULTATION QUESTIONS

Responding on behalf of:

- Individual
- Company

If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

I am responding on behalf of Hale Parish Council which is neither an individual nor a company.

The views expressed were assembled at the February meeting of the Parish Council by members of the council and members of the public attending the meeting.

There was 100% agreement on the fact that Halton Residents should be named in the document as being exempt from toll charges. Whilst we have assurances from our Borough Councillor that this is most definitely Halton Borough Council's intent, we feel it should be written down too.

The following responses are based on the premise that Halton Borough residents are exempt from tolls

Question 1

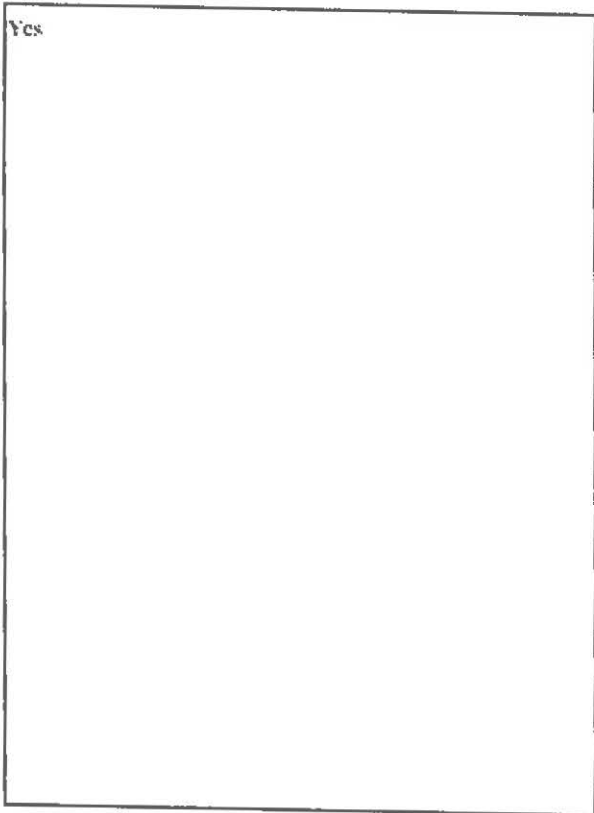
Do you agree with the proposal to introduce a post-pay period that would allow road users to pay a toll/charge following use of either of the Bridges and prior to being subject to enforcement?

Yes, subject to a longer period for post - pay. For example should someone be crossing the bridge to access either Liverpool or Manchester airports and be on holiday for 2 or more weeks.

**Question 2**

**Do you agree with the proposal to introduce provisions to enforce payment of the road user toll/charge for use of either Bridge?**

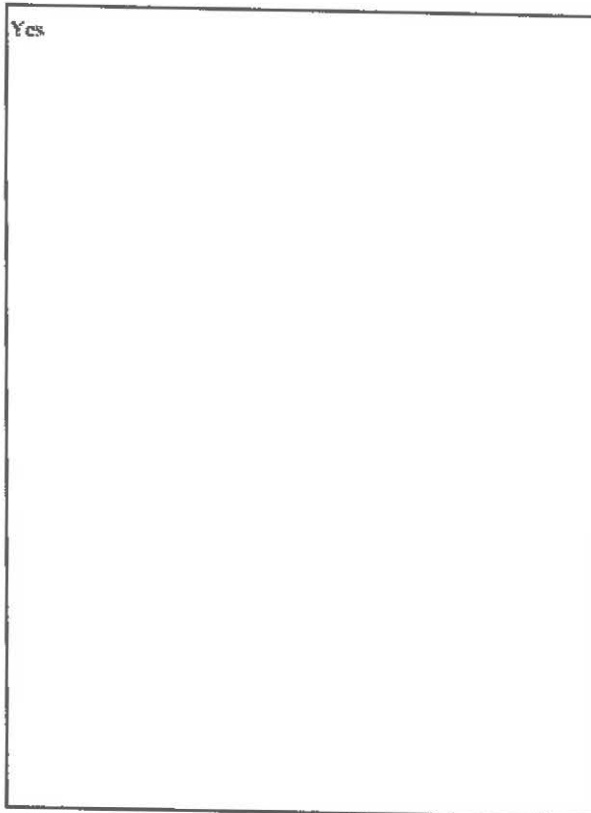
Yes



**Question 3**

**Do you agree that the levels of penalty charge should be at the levels specified, which are lower than the maximum allowed under the Enforcement Regulations?**

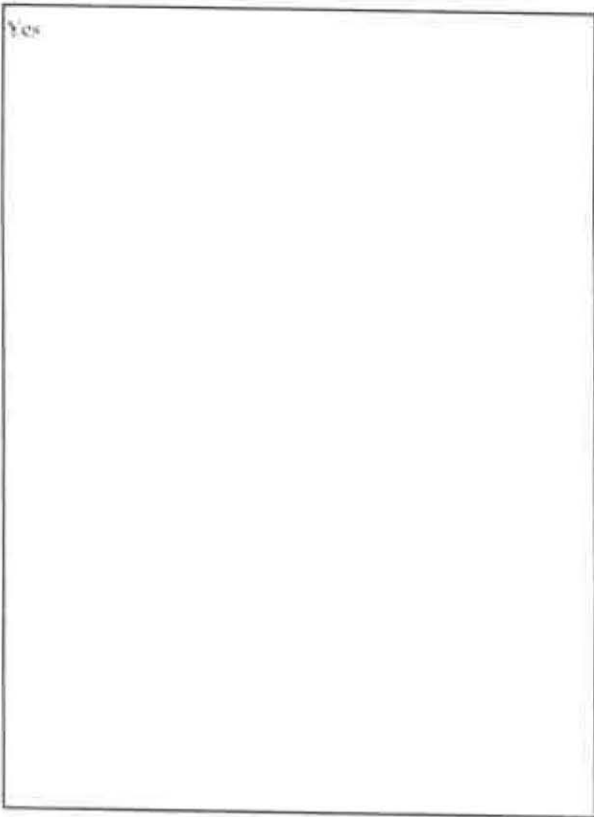
Yes



Question 4

Do you agree with the proposal to set the same penalty charge rate for all vehicles?

Yes



Question 5

Do you agree with the proposal that the original road user toll/charge (at each level) would be payable in addition to the penalty charge?

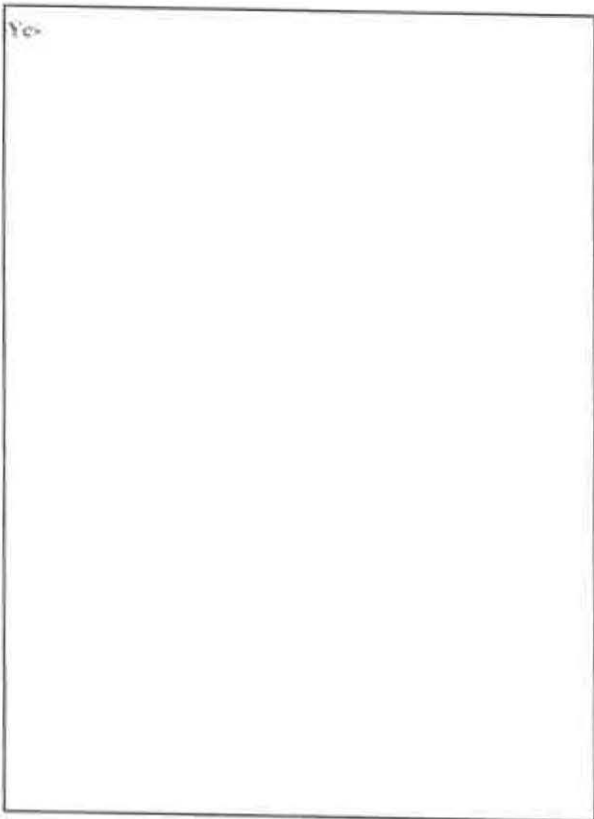
Yes



**Question 6**

Do you agree with the proposal to include a statutory requirement to publish the penalty charge rates on the Project website?

Yes



**Question 7**

Do you agree the Council should have an ability to use its discretion whether to void a season ticket agreement if payments due under such an agreement are not made?

Yes

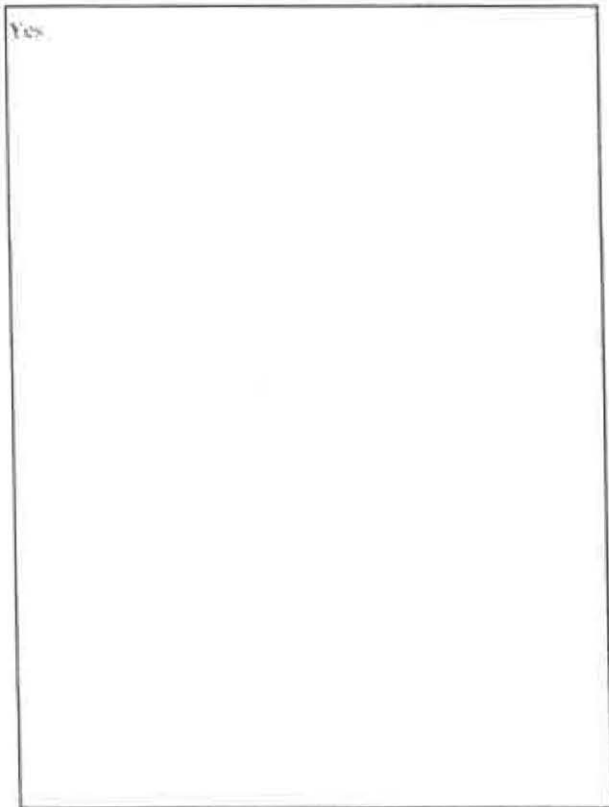




**Question 8**

**Do you agree that local bus services should be exempt from paying the toll/charge for using the Silver Jubilee Bridge?**

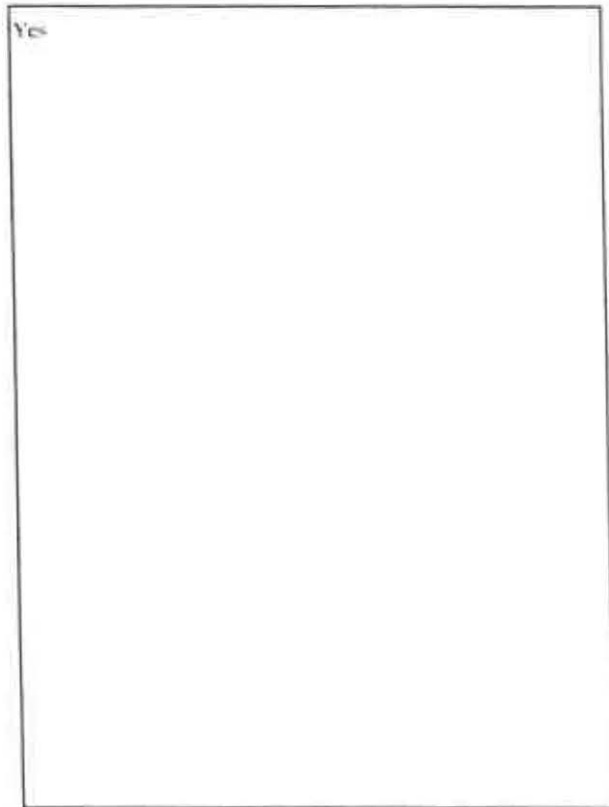
Yes



**Question 9**

**Do you agree that road user charging orders relating to the Bridges should not have to facilitate the achievement of the Combined Authority's local transport policies?**

Yes



**Question 10**

**Do you have any other comments on the proposed Order?**

Halon residents be named as exempt from tolls.

**Question 11**

**Do you have any other comments on the proposed RUCSO?**

There should be some provision for cash payment of tolls, preferably near to one end of the bridge.

[REDACTED]

[REDACTED]

# FTA response to modification order on Mersey Gateway Bridge



March 2015

The Freight Transport Association is one of the UK's largest trade associations and represents over 14,000 members relying on or providing the transport of freight both domestically and internationally, to or from the UK. Our members include hauliers, freight forwarders, rail and air freight operators, through to customers – producers, manufacturers, wholesalers and retailers. They cover all modes of transport – road, rail, air and sea. FTA members operate over 200,000 commercial goods vehicles on the roads in the UK; which is approximately half of the UK fleet of goods vehicles. FTA members also consign around 90 per cent of goods moved by rail and around 70 per cent of goods moved by air and sea.

## Background

The Freight Transport Association is concerned on the short time allotted for this consultation. It is recognised that this is on a proposed Modification Order to the charging scheme but there are some basic principles within this sounding that we believe warrant full consultation before that process proceeds such as adding the Silver Jubilee Bridge into the scheme and changing the agreed governance from the Combined Authority to Halton Council. Therefore we have prepared this response with major reservations as we have not been able to consult with our members fully on some of the issues raised in the consultation and we have added additional notes and information where those concerns arise.

### Question 1

**Do you agree with the proposal to introduce a post-pay period that would allow road users to pay a toll/charge following use of either of the Bridges and prior to being subject to enforcement?**

The Association believes that enforcement of this sort should reflect the provisions that already exist in other charging regimes and it is appropriate for post pay periods to be available on the day and the following day. FTA would resist the proliferation of schemes which differ in their approach to enforcement and other characteristics.

### Question 2

**Do you agree with the proposal to introduce provisions to enforce payment of the road user toll/charge for use of either Bridge?**

It should be noted that this Association is opposed in principle to the collection of charges as the payment of road infrastructure should be covered by road taxes levied on all road users. We recognise that a toll system method of collection can be problematic and an open road option using the revenue raised through road taxes should be applied at crossings to reduce the congestion.

### Question 3

**Do you agree that the levels of penalty charge should be at the levels specified, which are lower than the maximum allowed under the Enforcement Regulations?**

The Association believes that in general the penalty charge should be set at a level within the maximum allowed by regulation, and which would allow the charging authority to adjust the penalty charging levels to ensure compliance within the local area.

**Question 4**

**Do you agree with the proposal to set the same penalty charge rate for all vehicles?**

The proposal in the consultation to set the same penalty charge for all vehicles is supported as it is fair to set a penalty against the offence of non-payment of charges, not a penalty set against vehicles.

**Question 5**

**Do you agree with the proposal that the original road user toll/charge (at each level) would be payable in addition to the penalty charge?**

FTA believes that the option used should be in line with other penalty charges system for simplicity and ease of understanding. That would also allow for the application of interoperability with other tolling systems should that become possible in the future.

**Question 6**

**Do you agree with the proposal to include a statutory requirement to publish the penalty charge rates on the Project website?**

The Association believes that a public body would normally be expected to publicise its penalty charge levels but can see that going forward there may be a situation created where the penalty charges are administered by private sector bodies and therefore agree that it is appropriate to have a statutory requirement to publicise on a public website as this is now an accepted means of communicating information.

The Association is keen to see as many methods of publication as possible and looks to other requirements such as signage. It is recognised that publication by road signage may create confusion with the display of too much information for the motorists, but some signage at sites such as motorway service areas, and on ferries with that information linked to the public website will go some way to spread the information to those who do not understand where the information is available, or indeed that there is a requirement to pay charge or incur penalties. Organisations such as FTA will also have a role to play in communicating the information to its members and others as recognised motoring organisations.

**Question 7**

**Do you agree the Council should have an ability to use its discretion whether to void a season ticket agreement if payments due under such an agreement are not made?**

In the short time available for this consultation it has not been possible to determine what effect this proposal will have.

**Question 8**

**Do you agree that local bus services should be exempt from paying the toll/charge for using the Silver Jubilee Bridge?**

The Association can see that there is merit in allowing bus service operations to be exempt from paying the charge. However we also believe that there is equal merit in looking at some local businesses who have based their operations around the crossing who will face significant increase cost which they are not like to be able to pass on to their customer.

The Council has made much about the concessions for local residents but has failed to recognise the need for local companies who are drivers of the local economy.

We therefore believe that local companies should have a form of concession to keep their cost at a reasonable level preserving jobs and improving the prosperity of the local economy.

**Question 9**

**Do you agree that road user charging orders relating to the Bridges should not have to facilitate the achievement of the Combined Authority's local transport policies?**

In the short time available for this consultation it has not been possible to determine what effect this proposal will have. The Association can see that there would be a recognition of fairness across the City Region if the Combined Authority's transport policies were taken into account. The move to toll the crossing will inevitably lead to motorists choosing to look for alternatives and this will have an effect elsewhere and even outside of the Merseyside area such as Warrington.

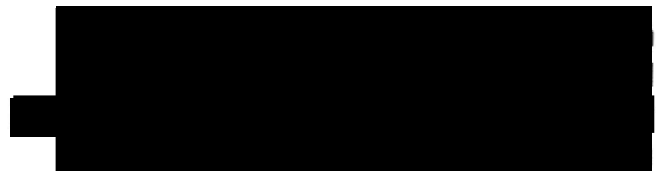
**Question 10**

**Do you have any other comments on the proposed Order?**

**Question 11**

**Do you have any other comments on the proposed RUCSO?**

With the potential for greater use of toll and charging systems the Association consulted widely on the overall issue which resulted in the establishment of a Road Tolling Charter. The charter lays down the principle that would be acceptable to freight operators where tolling is used and we have added this information as an attachment to our response to inform the consultation.



# COMMERCIAL VEHICLE OPERATORS ROAD TOLLING CHARTER



FTA members are open to ideas about how new road infrastructure should be charged for in the future. However, there are a series of conditions that would need to be met to secure support. FTA has summarised these expectations in the Commercial Vehicle Operators' Road Toll Charter

- 1. Visibility of charging elements**  
What is the basis of the charge; how is it calculated and what are the costs that it seeks to recover? There must be no discriminatory pricing against commercial vehicles
- 2. Compensatory reduction in fuel duty**  
Road users already pay over £40 billion in taxes and commercial vehicle operators about £25 billion in fuel duty alone. Any new tolls or charges must be offset by an equivalent reduction in fuel duty and other taxes. There can be no Double Taxation!
- 3. Availability of alternative non-tolled route**  
The Government cannot grant a monopoly to a road operator on routes where no suitable alternative exists to the tolled route (for example the M6 alternative to the M6 Toll)
- 4. Minimum service levels**  
Any contract to manage and charge for a new road must be accompanied by minimum standards of service, including route availability in severe weather, breakdown recovery and assistance times, minimum transit times and parking and rest facilities. Operators will expect value for money and compensation when service falls short of promised standards.
- 5. Lower rates for less polluting and less road-wearing vehicles**  
Vehicles meeting the latest low emission standards should be offered discounts to incentivise their use and recognise the contribution they make to improved environmental standards. As with VED, charges should be lower for vehicles with fewer axles or lower weights that cause less impact to the road surface.
- 6. Harmonise charging/tolling nationally / interchangeability**  
There should be a common national basis for the charge and the payment technology should allow the interchangeability of charging technologies and avoid the current requirement to have different Tag for different bridges and tunnels.
- 7. Toll revenue to be invested in the roads to which they apply**  
Tolls and charges should be first invested in the route to which they apply so as to guarantee a high standard of road condition and provision of services
- 8. Declaration of new building programme**  
The Government should publish a long term plan for investment in the roads network and identify proposed new routes on which tolling would be expected to be applied.

## 4. CONSULTATION QUESTIONS

Responding on behalf of:

- Individual  
 Company

If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

On behalf of Liverpool and Sefton Chambers of Commerce and its members, please accept this response to the consultation on the introduction of enforcement measures for use of the Mersey Gateway Bridge and Silver Jubilee Bridge on a 'free-flow' tolling basis. We have focused our response on those areas of most relevance to our members.

Liverpool and Sefton Chambers of Commerce represent more than 2,000 businesses in the Liverpool city Region and more than 50,000 employees. The City Region itself is an area that provides essential goods and services to, and supports employment for, the fast growing regional economy that extends beyond the LCR to include West Cheshire, and North East Wales, thus serving a population of 2.5m and generating an annual GVA of £43bn.

### Question 1

Do you agree with the proposal to introduce a post-pay period that would allow road users to pay a toll/charge following use of either of the Bridges and prior to being subject to enforcement?

We fully support the need to ensure that motorists using the Mersey Gateway and Silver Jubilee Bridges are given adequate opportunity to pay for their crossing. At present, payment methods are geared towards registered users and monthly pass holders, and there seems to be little or no provision for "pay as you go" style casual/occasional use. Since Open Road Tolling is a relatively new concept in the UK, we consider a post-pay period is essential.

We are, however, concerned that the 24 hour period proposed in this draft order is far too short. Whilst we understand the need to set a timescale, it is not clear at present how payment will be collected from motorists who have neither registered or prepaid, and may be unaware of how to pay for their crossing. This is quite separate from motorists who may have intentionally not paid (which is covered under Q2).

We envisage that many of our members will choose to use the Bridges, but until they are familiar with the charging mechanism, it would seem disingenuous that they are issued with a PCN when the Mersey Gateway have not been clear about how and when payment can be made. It may be appropriate to introduce a "grace" period of up to 6 months following the introduction of

the charges, allowing users up to, say, a week to pay the charge, before the post-pay period is capped at 24 hours. It is important that the procedure for payment is adequately publicised during this time, perhaps with a marketing campaign targeted at local businesses. Since residents are more likely to pre-register, we feel that many of our members, who are spread across the City Region, will benefit from this approach.

**Question 2**

**Do you agree with the proposal to introduce provisions to enforce payment of the road user toll/charge for use of either Bridge?**

We understand, and support, the need to enforce payment of the road user toll/charge. Since barriers (toll booths) minimise the need for enforcement, and are an established approach to tolled river crossings (such as the Mersey Tunnels), then as indicated in Q1, we would suggest a “bedding in” period may be appropriate whilst motorists and road users become familiar with open road tolling. After this period, then provision to enforce payment, should toll evasion become apparent, would be the logical next step.

**Question 3**

**Do you agree that the levels of penalty charge should be at the levels specified, which are lower than the maximum allowed under the Enforcement Regulations?**

We agree with the proposals



**Question 4**

**Do you agree with the proposal to set the same penalty charge rate for all vehicles?**

We are unclear of the rationale for this, and as such cannot give an opinion on the equity of the policy.

**Question 5**

**Do you agree with the proposal that the original road user toll/charge (at each level) would be payable in addition to the penalty charge?**

It is presumed that this is designed to introduce a degree of variability in the penalty charges, since the penalty charge itself is proposed as a flat rate. Again, without supporting justification, it is difficult to comment on this proposal.

**Question 6**

**Do you agree with the proposal to include a statutory requirement to publish the penalty charge rates on the Project website?**

We do

**Question 7**

**Do you agree the Council should have an ability to use its discretion whether to void a season ticket agreement if payments due under such an agreement are not made?**

It is obviously appropriate that a protocol be devised for the management of this policy, to ensure it is managed consistently.

**Question 8**

**Do you agree that local bus services should be exempt from paying the toll/charge for using the Silver Jubilee Bridge?**

We do

**Question 9**

**Do you agree that road user charging orders relating to the Bridges should not have to facilitate the achievement of the Combined Authority's local transport policies?**

Whilst we understand the reasoning for this, we do not consider that the road user charging orders can be completely detached from Combined Authority policy. Since the LTPs for both Merseyside and Halton are concerned with the effective movement of people and goods, we cannot see how the Bridges can be considered independently of the policy agenda of the CA.

**Question 10**

**Do you have any other comments on the proposed Order?**

We do not.

**Question 11**

**Do you have any other comments on the proposed RUCSO?**

We are not clear as to why Section 5 of the RUSCO cannot be updated to reflect the goals and aims of the third LTPs for both Merseyside and Halton, since the 2nd LTPs expired in 2011. The Merseyside and Halton LTPs are long term, running to 2024 and 2026 respectively and remain in place as the Liverpool City Region's statutory transport strategies.



## TWAO Toll Enforcement Powers Consultation Response by Merseytravel

### Introduction

This is a formal response following the publication of the formal consultation document by the Mersey Gateway Crossings Board regarding the above matter.

This response is submitted by Merseytravel in its capacity as transport executive to the Combined Authority, and specifically as the operator of two Mersey Tunnels on the Combined Authority's behalf. It is thus an operational, rather than a strategic-level response.

**Q1 - Do you agree with the proposal to introduce a post-pay period that would allow road users to pay a toll/charge following use of either of the Bridges and prior to being subject to enforcement?**

### **Response**

Throughout the development of the Mersey Gateway crossing and the consultation to date, Merseytravel has assumed such enforcement powers would be in place and has no objections to such. The only potential issue to consider is whether the 24 hour period proposed in this draft Order is a sufficient timescale to allow for every circumstance. Instances may occur when a customer travels through the crossing and is unaware how to make payment until the enforcement notice arrives at their home address. Merseytravel assumes this issue will be considered and addressed by the operator.

**Q2 Do you agree with the proposal to introduce provisions to enforce payment of the road user toll/charge for use of either Bridge?**

### **Response**

Merseytravel has no experience of open road tolling operations that would require enforcement. Existing toll barrier operations minimise the need for enforcement, but if toll evasion is obvious then the Mersey Tunnels byelaws can be enforced to prevent or enforce such.

**Q3 Do you agree that the levels of penalty charge should be at the levels specified, which are lower than the maximum allowed under the Enforcement Regulations?**

### **Response**

Merseytravel has no specific comment in respect of the proposed penalty charges to be levied.

**Q4 Do you agree with the proposal to set the same penalty charge rate for all vehicles?**

**Response**

Whilst Merseytravel can see the benefit of such an approach for consistency and publication, this in effect means that the lower vehicle classes (i.e. the smaller the vehicle) will have a disproportionate amount of penalty fare to pay when compared with the toll level than the larger vehicles.

**Q5 Do you agree with the proposal that the original road user toll/charge (at each level) would be payable in addition to the penalty charge?**

**Response**

Merseytravel has no comment to make in response to this point.

**Q6 Do you agree with the proposal to include a statutory requirement to publish the penalty charge rates on the Project website?**

**Response**

Transparency of the potential penalty fares will be key to maximising compliance with payment, whether via pre-registration or post payment within the required period. Merseytravel would suggest as wide a publication of potential penalty fares to prevent this. The website is considered just one potential outlet for publication.

**Q7 Do you agree the Council should have an ability to use its discretion whether to void a season ticket agreement if payments due under such an agreement are not made?**

**Response**

Without detailed information of how a season ticket will operate, it is difficult for Merseytravel to comment in any great detail. The principle of such an approach seems to be fair.

**Q8 Do you agree that local bus services should be exempt from paying the toll/charge for using the Silver Jubilee Bridge?**

**Response**

Merseytravel currently adopts a policy that all Mersey Tunnel users pay regardless of the circumstances, apart from emergency vehicles displaying blue lights and eligible concession holders. It is believed that such an approach ensures fair and equitable treatment of users and avoids challenge from other users.

However, Halton's aims of reprioritising the Silver Jubilee crossing and encouraging public transport usage on this crossing are noted and supported.

**Q9 Do you agree that road user charging orders relating to the Bridges should not have to facilitate the achievement of the Combined Authority's local transport policies?**

**Response**

It is noted that the Combined Authority has no jurisdiction or influence over the management of the Mersey Crossings and this proposed provision is consistent with this approach.

**Q10 Do you have any other comments on the proposed Order?**

**Response**

It is stressed that the responses above relate to the operational experience of Merseytravel rather than as a strategic transport advisor to the Combined Authority.

**Q11 Do you have any other comments on the proposed RUCSO?**

**Response**

Merseytravel has no additional comments on the proposed RUCSO, other than to suggest that operating models may be assisted by reference to the London congestion charging arrangements, e.g. penalty levels and non-enforcement periods, as what may be reasonable to members of the public.



#### 4. CONSULTATION QUESTIONS

Responding on behalf of:

- Individual
- Company

If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

TALL Security Print Limited based in Manor Park, Runcorn

[Redacted]

[Redacted]

[Redacted]

[Redacted]

#### Question 1

Do you agree with the proposal to introduce a post-pay period that would allow road users to pay a toll/charge following use of either of the Bridges and prior to being subject to enforcement?

Yes



**Question 2**

Do you agree with the proposal to introduce provisions to enforce payment of the road user toll/charge for use of either Bridge?

Normal debt collection

**Question 3**

Do you agree that the levels of penalty charge should be at the levels specified, which are lower than the maximum allowed under the Enforcement Regulations?

No

**Question 4**

**Do you agree with the proposal to set the same penalty charge rate for all vehicles?**

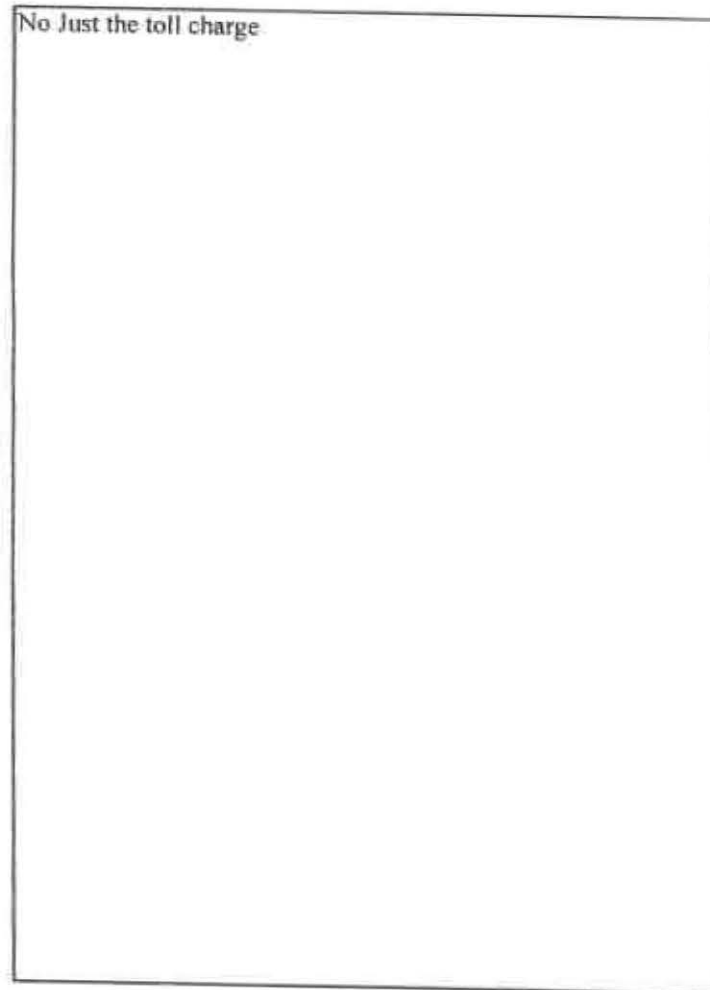
No



**Question 5**

**Do you agree with the proposal that the original road user toll/charge (at each level) would be payable in addition to the penalty charge?**

No Just the toll charge



**Question 6**

**Do you agree with the proposal to include a statutory requirement to publish the penalty charge rates on the Project website?**

No

**Question 7**

*Do you agree the Council should have an ability to use its discretion whether to void a season ticket agreement if payments due under such an agreement are not made?*

Not sure why a season ticket would be issued without payment in advance

**Question 8**

Do you agree that local bus services should be exempt from paying the toll/charge for using the Silver Jubilee Bridge?

Yes

**Question 9**

Do you agree that road user charging orders relating to the Bridges should not have to facilitate the achievement of the Combined Authority's local transport policies?

Unsure

**Question 10**

**Do you have any other comments on the proposed Order?**

**Post Payment periods**

It would be helpful if a wide range of payment facilities were available.

This would include payment via the Post Office within Halton.

Payment methods should include cheque and cash to make payment easier for users.

Might be useful if the operator provided a paying-in book to users so that payment could be made at their local branch.

A post payment period of 3 weeks would be preferable.

This would give time for holiday makers to make payment on their return from abroad.

**Question 11**

**Do you have any other comments on the proposed RUCSO?**

If there are no toll booths, how will an employee or company obtain a receipt ?

Is the toll charge inclusive of VAT ?

For those travelling through to the airport, could a counter be set up at Liverpool Airport to pay the toll charges?

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<b>REPORT:</b>	<b>Council</b>
<b>DATE:</b>	<b>14 September 2016</b>
<b>REPORTING OFFICER:</b>	<b>Strategic Director, Enterprise, Community &amp; Resources</b>
<b>PORTFOLIO:</b>	<b>Resources</b>
<b>SUBJECT:</b>	<b>Part II of Local Government (Miscellaneous Provisions) Act 1976</b>
<b>WARD:</b>	<b>Boroughwide</b>

### **1. PURPOSE OF REPORT**

To adopt to the extent it is not already in force Part II of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act).

### **2. RECOMMENDATION:**

**The Council be recommended to pass the adoption resolution in the following terms:**

**“ (1) To the extent that they are not already in force the provisions of Part II of Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act) (other than section 45), are to apply to the whole area of the Council on and after the appointed day;**

**(2) The appointed day for the purposes of this resolution shall be 24<sup>th</sup> October 2016 (being not before the expiration of the period of one month beginning with the day on which the resolution is passed).**

**(3) All powers, duties and provisions in the Council’s Constitution relating to Part II of the Local Government (Miscellaneous Provisions) Act 1976 and all existing policies, practices and conditions relating thereto shall continue to apply on and after the appointed day”.**

### **3. GENERAL**

- 3.1 On 2<sup>nd</sup> March 2016 the Council resolved that it intended to pass a resolution at a future meeting ( the “adoption resolution”) to adopt Part II of the 1976 Act which deals with regulation of private hire and hackney carriage matters. At that meeting it was reported that the 1976 Act was an adoptive provision which had previously been adopted by the Council

but that a number of records relating to the adoption could not be traced. A resolution to adopt this legislation (to the extent that it was not already in place) was therefore appropriate. Certain procedural requirements had to be met before such a resolution could be made.

- 3.2 The Operational Director Legal and Democratic Services was directed to publish and serve notice as required by Section 45 of the 1976 Act.
- 3.3 Advertisements were place in two consecutive weeks in the Runcorn and Widnes Weekly News (on 12<sup>th</sup> May 2016 and on 19<sup>th</sup> May 2016) giving notice of intention to pass the adoption resolution in accordance with the 1976 Act.
- 3.4 On 5<sup>th</sup> May 2016 notices of intention to pass the adoption resolution were served on the parish councils within the Borough in accordance with the 1976 Act.
- 3.5 No responses were received in respect of the notices.
- 3.6 It is therefore appropriate to proceed to the adoption process. This involves the passing of the adoption resolution.
- 3.7 Following the adoption resolution there are no further procedural requirements - such as the placing of advertisements in local newspapers.

#### **4 POLICY IMPLICATIONS**

There are no policy or finance implications arising out of this agenda

#### **5 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Background File	Legal Services	John Tully/Kay Cleary



**REPORT:** Council

**DATE:** 14 September 2016

**REPORTING OFFICER:** Strategic Director, Enterprise Community & Resources

**PORTFOLIO:** Community & Resources

**SUBJECT:** Local Government (Miscellaneous Provisions) Act 1982 Section 3 and Schedule 4 – Street Trading

**WARD:** Boroughwide

## **1. PURPOSE OF REPORT**

To the extent they are not already so designated under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ( the “1982 Act”) (relating to street trading) to designate streets as prohibited streets and consent streets.

## **2. RECOMMENDATION : That**

- 1) To pass the Designation Resolution as set out at paragraph 4 to this report; and**
- 2) The Operational Director, Legal and Democratic Services be directed to publish the (Schedule 4) notices required by Schedule 4 Paragraph 2 (9) of the 1982 Act.**

## **3. GENERAL**

- 3.1** On 2 March 2016 the Council resolved that it intended to pass a designation resolution at a future meeting ( the “Designation Resolution”) to the extent they are not already so designated under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (relating to street trading) to designate streets as prohibited streets and consent streets.
- 3.2** The Operational Director Legal and Democratic Services was authorised to prepare and publish notice as required by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.3** An Advertisement was placed in the Runcorn and Widnes Weekly News on 12 May 2016 giving notice of intention to pass the Designation Resolution in accordance with the 1982 Act.

- 3.4 On 5 May 2016 notices of intention to pass the Designation Resolution were served on the chief officer of police and the highway authority in accordance with the 1982 Act.
- 3.5 No responses were received in respect of the notices.
- 3.6 No additional consents were required because Schedule 4 paragraph 2(4) of the 1982 Act does not apply.
- 3.7 It is therefore appropriate to proceed with the designation process:
  - 3.7.1 This involves passing the Designation Resolution which the Council resolved that it intended to pass on 2 March; and
  - 3.7.2 Publishing notice of the passing of the Designation Resolution in two consecutive weeks in a local newspaper circulating in the area - the first publication of which shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.
  - 3.7.3 It is intended that such advertisements shall be placed in the Runcorn and Widnes Weekly News on 29 September 2016 and 6 October 2016.

#### 4 RECOMMENDATION:

The Council be recommended to pass the designation resolution in the following terms -

“ **RESOLVED:** (1) To the extent that they are not already so designated for the purposes of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 the streets listed in the Schedule to this resolution shall be designated on and after the designation day as prohibited streets or consent streets as indicated in the Schedule;

(2) The designation day for the purposes of this resolution shall be 24<sup>th</sup> October 2016 (being not before the expiration of the period of one month beginning with the day on which this resolution is passed).

(3) All powers, duties and provisions in the Council's Constitution relating to the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and all policies, practices and conditions relating thereto shall continue to apply on and after the designation day.

## Schedule

## Part 1 – Prohibited Streets

The following is a list of prohibited streets within the Borough of Halton

<p><b>Halton Borough Council</b> – <b>Street Trading List of Prohibited Streets</b> <b>Widnes</b></p> <p>Albert Road Barrows Green Lane Bechers Birchfield Road Bradley Way Chorleys Lane Cronton Lane Dans Road Deacon Road Derby Road Ditchfield Road Ditton Road Dundalk Road Everite Road Fiddlers Ferry Road</p>	<p>Greenoaks Way Hale Park Hale Road Halebank Road Halegate Road Halton View Road Heath Road Highfield Road Hough Green Road Kingsway Leigh Avenue Liverpool Road Lowerhouse Lane Lowerhouse Lane East Lugsdale Road Lunts Heath Road Marshgate Milton Road Moor Lane</p>	<p>Moor Lane South Moorfield Road Norlands Lane Peelhouse Lane Prescot Road Queensway St Mary's Road St Michael's Road Speke Road Terrace Road Town Lane Victoria Avenue Victoria Road Warrington Road Waterloo Road Widnes Road Watkinson Way Wilmere Lane Windfield Way</p>
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<p><b>Halton Borough Council</b> – <b>Street Trading List of Prohibited Streets</b> <b>Runcorn</b></p> <p>Alcock Street Ascot Avenue Astmoor Road Astmoor Spine Road Balfour Street Banks Lane Barkers Hollow Road Barnfield Avenue Boston Avenue Bridge Street Bridgewater Street Brookvale Avenue North Bus Station</p>	<p>Granville Street Greenhouse Farm Road Greenway Road Hallwood Link Road Halton Brook Avenue Halton Brow *Halton Lea Shopping Centre *East Lane *Eastway *Northway *Southway *West Lane *West Way * Second Avenue * Third Avenue * Fourth Avenue Halton Lodge Avenue Halton Station Road</p>	<p>Newton Lane Northwich Road Norton Lane Norton View Old Quay Street Palacefields Avenue Park Road Picow Farm Road Princess Street Pump Lane Regent Street Richard Close Runcorn Road Russell Road Sandy Lane Sandy Lane, Preston Brook South Parade Southgate Approach Rd</p>
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Calvers	Heath Road	Southwood Avenue
Camelot Way	Heath Road South	Spur Road
Castlefields Avenue East	High Street	Stockham Lane
Castlefields Avenue North	Higher Lane	Stockham Lane Approach
Castlefields Avenue South	Highlands Road	Road
Cavendish Farm Road	Hilltop Road	Stockham Lane Car Park
Chester Road	Irwell Lane	Stonelea
Church Street	Keckwick Lane	Summer Lane
Clifton Lane	King Street	The Croft
Clifton Road	King Arthur's Walk	Vicar Street
Coppice Close	Lamsickle Lane	Victoria Road
Coronation Rd, Preston	Latham Avenue	Warrington Road
Brook	Leaside	Westfield Road
Cross Road	Loch Street	Weston Road
Daresbury By-Pass	Lowlands Road	Windmill Hill Avenue North
Delph Lane	Lydiate Lane	Windmill Hill Avenue
Devonshire Square	Main Street	South
Expressway	Meadway	Windmill Hill Avenue East
Festival Way	Mersey Road	Windmill Hill Avenue West
Gorse Well Lane	Motorway M56	Windmill Lane
Grangemoor	Moughland Lane	Wood Lane
Grangeway	Murdishaw Avenue	

## Part 2 - Consent Streets

All streets within the Borough of Halton which are not designated as prohibited streets are designated as consent streets except streets owned or maintained by relevant corporations .

### 5 POLICY IMPLICATIONS

There are no policy or finance implications arising out of this agenda

### 6 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Background File	Legal Services	John Tully/Kay Cleary

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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