

REPORT TO: Council

DATE: 7 March 2018

REPORTING OFFICER: Operational Director – Legal & Democratic Services

PORTFOLIO: Transportation

SUBJECT: Mersey Gateway

1.0 EXECUTIVE SUMMARY

- 1.1 Mersey Gateway Bridge opened to traffic on the 14th October, 2017. As at the 20th February 7.8m vehicles have used the bridge. Traffic movements are in line with projections in the business case.
- 1.2 Mersey Gateway Bridge is a tolled crossing and will remain a tolled crossing until the bridge and associated highway network are paid for.
- 1.3 Since Mersey Gateway opened, the Council has received a number of comments and observations from elected members, MPs, users, the general public and others including DfT, Treasury and the Traffic Penalty Tribunal, in respect of the operation of Mersey Gateway, the Tolling Orders and the tolling regime.
- 1.4 This report seeks to consider and respond to the issues raised.
- 1.5 This report asks the Council –
 - 1.5.1 To make a Road User Charging Order Scheme (RUCSO).
 - 1.5.1.1 Revoking the current RUCSO and replacing it with an updated order.
 - 1.5.1.2 Restating the charges that are levied in the updated RUCSO (“tolls”) in relation to Mersey Gateway Bridge and Silver Jubilee Bridge (together, the “Bridges”).
 - 1.5.2 To amend the Halton Local User Discount (LUDS) Economic Hardship Scheme (to be known henceforward as the Halton Local User Discount Support Scheme - HLUSS).
 - 1.5.3 To note and confirm the signage arrangements in place.
 - 1.5.4 To invite Government to fund the journeys over the Bridges of eligible Halton residents who live in Council Tax Band G and H properties and who are currently excluded from the LUDS.
 - 1.5.5 To consider a number of other associated matters.

2.0 RECOMMENDATIONS: That the Council should

- 1) consult on making an updated RUCSO in the form (or substantially the same form) as that in Appendix 1 on the basis prescribed in this report;**
- 2) after giving full and proper consideration to any comments received, make the updated RUCSO in the form (or substantially the same form) as that in Appendix 1 and delegate to the Operational Director (Legal & Democratic Services) the authority to make any non-material or consequential amendments as are necessary to give it effect;**
- 3) authorise the Operational Director (Legal & Democratic Services) to take all necessary steps to bring the RUCSO into effect, provided that any material amendments or considerations shall be considered by the Council before the RUCSO is brought into effect;**
- 4) leave toll charges unchanged - as specified in the draft updated RUCSO;**
- 5) amend the LUDS Hardship Scheme as proposed in paragraph 4.5 of the report so as to become the HLUDDS and address the anomaly in respect of disabled Halton residents as proposed in paragraph 4.6;**
- 6) invite Government to meet the cost of the journeys over the Bridges undertaken by eligible Halton residents living in Council Tax Bands G and H who are currently excluded from the LUDS;**
- 7) leave administration Fees in respect of registering with Mersey Gateway/ Merseyflow unchanged; and**
- 8) invite Merseylink to review the charges and current arrangements in respect of breakdowns.**

3.0 BACKGROUND

3.1 At a special meeting of the Council on 18th 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 an 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 11th 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.

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.

This Order was The Mersey Gateway Bridge – River Mersey (Mersey Gateway Bridge) Order 2011 as modified by the River Mersey (Mersey Gateway Bridge) (Amendment) Order 2016.

- 3.4 At a meeting of Council on the 14th September 2016 the Council unanimously made the Mersey Gateway Bridge and A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2017 (the “2017 Order”) and delegated to the Operational Director (Legal and Democratic Services) the authority to make any non-material or consequential amendments to the Order as were necessary to give it effect and to take all necessary actions to bring it into effect.

The Order was dated on the 9th March 2017.

- 3.5 The Operational Director exercised his delegations.

- 3.6 It is this 2017 Order that currently regulates the tolling and enforcement arrangements that have applied to Mersey Gateway since it opened on the 14th October 2017.

4.0 MATTERS FOR CONSIDERATION

4.1 Further Exemptions

4.1.1 Since coming into operation the Council and the Mersey Gateway Crossings Board have received a number of representations suggesting anomalies in the tolling regime or improvements to that regime. In response to these it is proposed to add further exceptions to the list of vehicles exempt from tolls.

4.1.2 Proposed additional groups to be capable of registration for exemption from tolls –

- Further vehicles registered by the emergency services when being

used for the purpose of delivering these services, whether or not marked and not already covered by exemptions.

- Further ambulance vehicles whether carrying patients or not and registered by the ambulance service.
- Agricultural tractors.

4.1.3 It is proposed that Motor Homes be designated as vehicles in Class 2, the same classification as applies to private cars.

4.2 **Toll Charges**

4.2.1 **It is not proposed to increase the actual tolls charged.**

4.2.2 To clarify any uncertainty that may be considered to exist, the actual toll charges will be specified in the RUCSO and also published in the press and on the Merseyflow and other appropriate websites.

4.2.3 From now on, any change in the toll level will require a revision of the RUCSO. Whilst this may entail a consultation each time that it is required, it will provide enhanced certainty and transparency as to the amount of toll payable from time to time.

4.2.4 The Council is not in a position to reduce tolls, because of the arrangements contained in the funding letter from the Department for Transport relating to the Mersey Gateway Bridge project.

4.3 **RUCSO**

4.3.1 The proposed amendments to the 2017 Order will be achieved by the revocation of the 2017 Order and by making of an updated RUCSO to replace that order.

4.3.2 The following process will be applied when considering, making and bringing into effect the RUCSO.

4.3.2.1 Following this meeting a consultation will be commenced, which will be advertised in the local newspapers and on the Council's website. The consultation will run for three weeks in March 2018.

4.3.2.2 After the close of consultation, the output will be reported to the Council at a meeting to be scheduled, but expected to take place in early April.

4.3.2.3 If the Council is satisfied, it will resolve to make the updated RUCSO, taking the product of the consultation into account, which will then be sealed.

4.3.2.4 Once the updated RUCSO has been made, it is intended that it will

have immediate effect, since it does not change the tolls payable, and it will be advertised.

4.4 **Signage**

- 4.4.1 The signage in respect of Mersey Gateway is comprehensive and has been designed in accordance with relevant guidance and standards, and (where appropriate) has been subject to specific approval on behalf of the Secretary of State for Transport.
- 4.4.2 The signage used on the Mersey Gateway has been developed in accordance with applicable standards and, where it deviates from the standards, this is subject to approval by the relevant authorities at the Department of Transport (“DfT”) under ss64 and 65 Road Traffic Regulation Act 1984. The regime operated by the DfT accepts that there will be certain circumstances where ‘the designs and conditions of use for traffic signs to be lawfully placed on or near roads in England, Scotland and Wales’ may require adaptation in order to accommodate and respond to those circumstances. This is particularly in respect of any unusual or scheme-specific information, which needs to be conveyed to the road user.
- 4.4.3 The formal approval procedure confirms acceptability of the size, colour, nature of content and location of any signage which is outside the scope of the standard signs, but operates for the purpose of ensuring its intelligibility to the road user. The DfT approval ensures consistency across highways in the presentation of signs, and minimising the prospect of signs being illegible or difficult to understand. Therefore, it is to be assumed that signs approved by the DfT for Mersey Gateway will be legible and easy to understand.
- 4.4.4 The Council has received feedback that websites or telephone numbers should be included in signage. However, to do so would not be appropriate since regulations do not permit the inclusion of such information since it could be distracting to motorists, and including such information would not secure approval by the DfT.
- 4.4.5 It is considered the signage deployed on the Bridges is appropriate, although the Council continues to review its effectiveness and the feedback that it receives in relation to the signage.
- 4.4.6 A map showing the extent and nature of the Signage is provided at (Appendix 2).

4.5 **LUDS Economic Hardship Scheme**

- 4.5.1 To assist Halton residents who are not eligible for the LUDS because they have homes in Council Tax Bands G and H the Council has developed an Economic Hardship Scheme.

4.5.2 It is proposed to amend this scheme as follows:

4.5.2.1 The Scheme to be renamed the “Halton Local User Discount Support Scheme” (HLUDSS).

4.5.2.2 To introduce the special circumstance of any person undertaking an apprenticeship scheme, recognised by the Apprenticeship Service, who is otherwise ineligible for LUDS solely by virtue of living in a Council Tax band G or H property, so that they shall be eligible for LUDS if they meet the LUDS criteria.

4.5.2.3 To introduce the special circumstance of any person undertaking full time education¹ who is otherwise ineligible for LUDS by virtue solely of living in a Council Tax band G or H property shall be eligible for LUDS if they meet the LUDS criteria.

4.6 **Disability**

4.6.1 The majority of Halton residents with a disability who have a Blue Badge can benefit from the free usage of Mersey Gateway if they register for an exemption and pay a small registration fee. However, some Halton residents with a disability may not be eligible for a Blue Badge and their disability prevents them from driving. This is a relatively small number of Halton residents, but also a potentially vulnerable group.

4.6.2 It is proposed to address this anomaly as follows:

4.6.2.1 To introduce the special circumstance of any disabled person who is a resident of Halton and in receipt of one of the following:

4.6.2.1.1 The higher rate mobility component of Disability Living Allowance;

4.6.2.1.2 Attendance Allowance;

4.6.2.1.3 Enhanced rate of the mobility component of the Personal Independence Allowance; and/or

4.6.2.1.4 The War Pensioners Mobility Supplement.

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- ¹ Enrolled for the purpose of attending a university or college course which lasts for at least one academic year, normally requires attendance of at least 24 weeks a year and involves on average at least 21 hours of study, tuition or work experience per week during term time; or
 - Under the age of 20 and studying for at least 12 hours per week on a course which lasts for more than three months for any qualification up to A level, ONC or OND standard (correspondence courses, evening classes or courses taken in connection with a person's job, such as on day release, are not included).

- 4.6.3.1 To enable these Halton residents to register a vehicle;
and
- 4.6.3.2 That the registered vehicle benefit from exemption from
tolls when they are travelling in the vehicle.

4.7 Council Tax **Band G and H**

- 4.7.1 The legal framework that applies to LUDS excludes Halton residents living in Council Tax Band G and H properties.
- 4.7.2 It is not proposed to seek to amend the LUDS to provide exemptions for these groups, as it already provides unlimited travel to over 99% of eligible residents for an annual £10 administration fee.
- 4.7.3 However, it does not meet the Council's aspiration that **all** Halton residents can have unlimited travel over Mersey Gateway.
- 4.7.4 It is estimated the annual cost to fund the journeys over the Bridges of Halton residents living in Council Tax Bands G and H is within a range currently estimated to be between £250,000 and £500,000 per annum. This is not a cost the Council can meet from within its budget, which has been significantly reduced by austerity measures.
- 4.7.5 It is proposed the Council support the lobbying currently under way through Derek Twigg MP and Mike Amesbury MP to invite the Government to meet the annual cost of funding journeys over the Bridges for Halton residents living in Council Tax Bands G and H who are currently excluded from LUDS.

4.8 **Administrative Fees**

- 4.8.1 Currently, Administration Fees are charged when registering with Merseyflow.
- 4.8.2 It is proposed the Administration Fee remain unchanged.

4.9 **Towing Fees and Arrangements**

- 4.9.1 Concern has been expressed about the cost of towing broken down vehicles off Mersey Gateway and associated arrangements.
- 4.9.2 The current arrangements and fees are regulated by The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008, which set out the current charges in relation to vehicle removal. These arrangements are authorised, by virtue of the Road Traffic Regulation Act 1984 and applied by the Mersey Gateway Bridge Byelaws 2016.
- 4.9.3 It is proposed to invite Merseylink to review the charges and current

arrangements in respect of breakdowns.

5.0 RESOURCE IMPLICATIONS

The resource implications associated with these proposals will be met from the MG Project Account and not from general Council funds.

6.0 RISK

The cost of proposed amendments to the 2017 Order and the Hardship Scheme can be met from the MG Project Account and not from general Council funds.

The Council cannot fund unlimited travel for journeys over the Bridges by Halton residents living in Council Tax Bands G and H properties from its current budgets and is seeking support from Government to fund this case as identified in the report.

The Orders regulate the tolling regime and enforcement arrangements.

If there is a shortfall in revenues this would need to be rectified through a higher toll/charge. This is not currently envisaged as traffic flows are in line with the business case.

7.0 EQUALITY AND DIVERSITY

Other than the matters identified in the report there are no implications for equality and diversity.

8.0 CONCLUSION

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

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

All existing Orders and LUDS referred to in this report are public documents, hence there are no Background Papers as described in the Act.