

HALTON BOROUGH COUNCIL



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

10 April 2018

**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 April 2018 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'.

Chief Executive

-AGENDA-

Item No.		Page No.
1.	COUNCIL MINUTES	1 - 14
2.	APOLOGIES FOR ABSENCE	
3.	DECLARATIONS OF INTEREST	
4.	MATTERS REQUIRING A DECISION OF THE COUNCIL	
	a) Mersey Gateway	15 - 90
	b) Pay Policy Statement 2018/2019	91 - 98

COUNCIL

At a meeting of the Council on Wednesday, 7 March 2018 in the Council Chamber, Runcorn Town Hall

Present: Councillors A. Lowe, Abbott, S. Baker, M. Bradshaw, J. Bradshaw, D. Cargill, E. Cargill, Carlin, Cassidy, Dennett, Edge, Fry, C. Gerrard, Gilligan, Harris, P. Hignett, R. Hignett, S. Hill, V. Hill, Horabin, Howard, Jones, M. Lloyd Jones, P. Lloyd Jones, C. Loftus, K. Loftus, Logan, J. Lowe, MacManus, McDermott, A. McInerney, T. McInerney, Morley, Nelson, Nolan, Parker, Philbin, Polhill, C. Plumpton Walsh, N. Plumpton Walsh, June Roberts, Rowe, Sinnott, G. Stockton, J. Stockton, Thompson, Wall, Wallace, Wharton, Woolfall, Wright and Zygadlo

Apologies for Absence: Councillors J. Gerrard, Osborne, Joe Roberts and Wainwright

Absence declared on Council business: None

Officers present: D. Parr, I. Leivesley, M. Vasic, M. Reaney, A. Scott and E. Dawson

Also in attendance: Two members of the press and public

Action

COU59 COUNCIL MINUTES

The minutes of the meetings of Council held on 6 December 2017, having been circulated, were taken as read and signed as a correct record.

COU60 THE MAYOR'S ANNOUNCEMENTS

The Mayor made the following announcements:

- He had attended a preview of the “China’s First Emperor and the Terracotta Warriors” Exhibition at the World Museum, Liverpool. He purchased a small statue to remember the occasion which will be donated and displayed in the Town Hall.

COU61 LEADER'S REPORT

The Leader made the following announcements:

- He made a statement regarding the Liverpool

City Region Devolution Deal and the future arrangements for Police and Fire Services. The Leader, on behalf of the Council, re-stated Halton's position that it was a "red line" and that Halton would not support leaving Cheshire Police or Cheshire Fire and Rescue Service. This position would be made clear in any meetings attended by either the Leader or the Chief Executive;

- A seminar/briefing would be held for Members on the proposals for Halton Hospital and Wellbeing Campus.

COU62 MINUTES OF THE EXECUTIVE BOARD

The Council considered the minutes of the Executive Board meetings on 14 December 2017, 18 January 2018 and 22 February 2018.

RESOLVED: That the minutes be received.

COU63 MINUTES OF THE HEALTH AND WELLBEING BOARD

The Council considered the minutes of the Health and Wellbeing Board meeting on 17 January 2018.

RESOLVED: That the minutes be received.

COU64 QUESTIONS ASKED UNDER STANDING ORDER 8

It was noted that no questions had been submitted under Standing Order No. 8.

COU65 BUDGET 2018/19 - KEY DECISION (MINUTE EXB 111 REFERS)

The Executive Board had considered a report setting out a recommendation to Council in respect of the Budget, Capital Programme and Council Tax for 2018/19. Since then, the Cheshire Fire Authority and the Cheshire Police and Crime Commissioner had set their budgets and council tax precepts and these had been included in the report to full Council.

The Executive Board had recommended that Council adopt the resolution set out in Appendix A of the report, which included setting the budget at £109.227m, the Council Tax requirement of £47.447m (before Parish, Police and Fire precepts) and the Band D Council Tax for Halton of

£1,377.88m.

Councillor Wharton, Resources Portfolio holder, thanked all the Officers involved for their support in producing this budget and wished to record his thanks to the Members of the Executive Board, the Budget Working Group and the Chairs of the Policy and Performance Boards for their contribution. In addition, he thanked the Leader for his help and support in delivering this budget.

In accordance with Standing Order 16 (3), a recorded vote was taken.

The following Members voted FOR the motion:

Councillors Abbott, S. Baker, M. Bradshaw, J. Bradshaw, D. Cargill, E. Cargill, Carlin, Cassidy, Dennett, Edge, Fry, C. Gerrard, Gilligan, Harris, P. Hignett, R. Hignett, S. Hill, V. Hill, Horabin, Howard, Jones, M. Lloyd Jones, P. Lloyd Jones, C. Loftus, K. Loftus, Logan, A. Lowe, J. Lowe, MacManus, McDermott, A. McInerney, T. McInerney, Morley, Nelson, Nolan, Parker, Philbin, Polhill, C. Plumpton Walsh, N. Plumpton Walsh, June Roberts, Rowe, Sinnott, G. Stockton, J. Stockton, Thompson, Wall, Wallace, Wharton, Woolfall, Wright and Zygadlo.

There were no votes against the motion.

There were no abstentions.

RESOLVED: That Council adopt the following resolution:-

Operational
Director - Finance

- 1) The policies outlined in this paper be adopted, including the budget and council tax for 2018/19, the savings set out in Appendix B and the Capital Programme set out in Appendix F.
- 2) That it be noted that at the meeting on 6 December 2017 the Council agreed the following:
 - (a) The Council Tax Base 2018/19 for the whole Council area is 34,435 (item T in the formula in Section 31B(3) of the Local Government Finance Act 1992, as amended (the Act) and

- (b) For dwellings in those parts of its area to which a Parish precept relates, be set out as follows:

Parish	Tax Base
Hale	665
Daresbury	172
Moore	328
Preston Brook	338
Halebank	529
Sandymoor	1,112

being the amounts calculated by the Council, in accordance with Regulation 6 of the Regulations, as the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which special items relate.

- 3) Calculate that the Council Tax requirement for the Council's own purposes for 2018/19 (excluding Parish precepts) is £47,447,298.
- 4) In accordance with the relevant provisions of the Local Government Finance Act 1992 (Sections 31 to 36), the following amounts be now calculated by the Council for the year 2018/19 and agreed as follows:
 - (a) £379,669,949 – being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the said Act, taking into account all precepts issued to it by Parish Councils.
 - (b) £332,112,647– being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - (c) £47,557,302 – being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year (item R in the formula in Section 31A(4) of the Act).
 - (d) £1,381.08– being the amount at 3(c) above (item R), all divided by item T (2 above), calculated by the Council, in accordance

with Section 31B(1) of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).

- (e) £110,004– being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act, each individual Parish precept being:

	£
Hale	43,225
Daresbury	4,700
Moore	4,526
Preston Brook	11,330
Halebank	17,108
Sandymoor	29,115

- (f) £1,377.88 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by item T (2(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.

- (g) Part of the Council's Area

	£
Hale	65.00
Daresbury	27.33
Moore	13.80
Preston Brook	33.52
Halebank	32.34
Sandymoor	26.18

being the amounts given by adding to the amounts at 3(e) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 2(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings of its area to which one or more special items relate.

(h) Part of the Council's Area

Band	Hale	Daresbury	Moore	Preston Brook	Hale bank	Sandy moor	All other Parts of the Council's Area
	£	£	£	£	£	£	£
A	961.92	936.81	927.79	940.94	940.15	936.04	918.59
B	1,122.24	1,092.94	1,082.41	1,097.75	1,096.83	1,092.04	1,071.68
C	1,282.56	1,249.07	1,237.05	1,254.58	1,253.53	1,248.05	1,224.78
D	1,442.88	1,405.21	1,391.68	1,411.40	1,410.22	1,404.07	1,377.88
E	1,763.52	1,717.48	1,700.95	1,725.05	1,723.61	1,716.08	1,684.08
F	2,084.16	2,029.75	2,010.21	2,038.69	2,036.98	2,028.09	1,990.27
G	2,404.80	2,342.02	2,319.47	2,352.34	2,350.37	2,340.10	2,296.47
H	2,885.76	2,810.42	2,783.36	2,822.80	2,820.44	2,808.12	2,755.76

being the amounts given by multiplying the amounts at 3(f) and 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular band divided by the number which in that proportion is applicable to dwellings listed in Valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

5) It is further noted that for the year 2018/19 the Cheshire Police and Crime Commissioner has stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992 for each of the categories of dwellings shown below:

	£
A	117.63
B	137.23
C	156.84
D	176.44
E	215.65
F	254.86
G	294.07
H	352.88

- 6) It is further noted that for the year 2018/19 the Fire Authority have stated the following amounts in precepts issued to the Council, in accordance with the Local Government Act 2003 for each of the categories of dwellings shown below:

	£
A	50.32
B	58.71
C	67.09
D	75.48
E	92.25
F	109.03
G	125.80
H	150.96

- 7) That, having calculated the aggregate in each case of the amounts at 4h, 5 and 6 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2018/19 for each of the categories of dwellings shown below:

Band	Hale	Daresbury	Moore	Preston Brook	Hale bank	Sandy moor	All other Parts of the Council's Area
	£	£	£	£	£	£	£
A	1,129.87	1,104.76	1,095.74	1,108.89	1,108.10	1,103.99	1,086.54
B	1,318.18	1,288.88	1,278.35	1,293.69	1,292.77	1,287.98	1,267.62
C	1,506.49	1,473.00	1,460.98	1,478.51	1,477.46	1,471.98	1,448.71

D	1,694. 80	1,657.13	1,643.60	1,663. 32	1,662. 14	1,655. 98	1,629. 80
E	2,071. 42	2,025.38	2,008.85	2,032. 95	2,031. 51	2,023. 98	1,991. 98
F	2,448. 05	2,393.64	2,374.09	2,402. 58	2,400. 87	2,391. 98	2,354. 16
G	2,824. 67	2,761.89	2,739.34	2,772. 21	2,770. 24	2,759. 97	2,716. 34
H	3,389. 60	3,314.26	3,287.20	3,326. 64	3,324. 28	3,311. 96	3,259. 60

being satisfied that:

- (a) The total amount yielded by its Council Taxes for the said financial year will be sufficient, so far as is practicable, to provide for items mentioned at 4(a) to (c) above; and, to the extent that they are not, to be provided for by any other means.
- (b) Those amounts which relate to a part only of its area will secure, so far as is practicable, that the precept or portion of a precept relating to such part will be provided for only by the amount yielded by such of its Council Taxes as relate to that part.
- 8) The Operational Director, Finance be authorised at any time during the financial year 2018/19 to borrow on behalf of the Council by way of gross bank overdraft such sums as he shall deem necessary for the purposes of this paragraph, but not such that in any event the said overdraft at any time exceeds £10m (£0.5m net) as the Council may temporarily require.

**COU66 TREASURY MANAGEMENT STRATEGY STATEMENT
2018/19 (MINUTE EXB 112 REFERS)**

The Council considered a report of the Operational Director, Finance, on the Treasury Management Strategy Statement, which incorporated the Annual Investment Strategy and the Minimum Revenue Provision Strategy for 2018/19.

RESOLVED: That Council adopt the policies, strategies, statements, prudential and treasury indicators, outlined in the report.

Operational
Director - Finance

COU67 2017/18 REVISED CAPITAL PROGRAMME (MINUTE EXB 113 REFERS)

The Council considered a report of the Operational Director, Finance, which sought approval to a number of revisions to the Council's 2017/18 Capital Programme.

RESOLVED: That the revisions to the Council's 2017/18 Capital Programme, as set out in Appendix 3 attached to the report, be approved.

Operational Director - Finance

COU68 RUNCORN DE-LINKING OF THE SILVER JUBILEE BRIDGE - KEY DECISION (EXB 84 REFERS)

The Council considered a report of the Strategic Director, Enterprise, Community and Resources, on options for delivering the de-linking of the Silver Jubilee Bridge in Runcorn.

RESOLVED: That a variation to the Capital Programme to cover the costs as outlined in Section 5.3 of the report, be approved.

Strategic Director - Enterprise, Community and Resources

COU69 WIDNES LOOPS TO WEST BANK LINK ROAD (MINUTE EXB 110 REFERS)

Council considered a report of the Strategic Director, Enterprise, Community and Resources, which presented design options for a new link road between the Mersey Gateway Bridge and West Bank.

RESOLVED: That the variation to the Capital Programme to cover the costs, as outlined in section 5.1 of the report, be approved.

Strategic Director - Enterprise, Community and Resources

COU70 CAPITAL PROGRAMME 2018-19 - KEY DECISION (MINUTE EXB 89 REFERS)

The Council considered a report of the Strategic Director, Enterprise, Community and Resources, which provided a summary of the Capital Programmes for 2018/19 for the People Directorate.

RESOLVED: That the Capital Allocations, included in the Budget report, be approved.

Strategic Director - Enterprise, Community and Resources

COU71 CALENDAR OF MEETINGS FOR 2018/19 (EXB 114 REFERS)

Council considered a report of the Strategic Director,

Enterprise, Community and Resources, on a calendar of meetings for the 2018/19 Municipal Year.

RESOLVED: That the calendar of meetings for the 2018/19 Municipal year, as appended to the report, be approved.

(N.B. Councillors Polhill and Wharton declared a Disclosable Other Interest in the following item of business, as they were both Non-Executive Directors of the Mersey Gateway Crossings Board)

COU72 MERSEY GATEWAY

The Council considered a report of the Operational Director, Legal and Democratic Services, on Mersey Gateway, which asked Members to consider and respond to issues raised.

UNANIMOUSLY RESOLVED: That Council

- 1) Agree to 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

Strategic Director
- Enterprise,
Community and
Resources

Operational
Director, Legal
and Democratic
Services

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.

COU73 RECOMMENDATION FROM MAYORAL COMMITTEE (MYR 2 REFERS)

The Mayoral Committee had considered a Part II item which made recommendations for the appointment of Mayor and Deputy Mayor for the 2018/19 Municipal Year. Formal confirmation would be sought at the Annual Meeting of Council.

RESOLVED: That Council note that

- 1) Councillor John Bradshaw be appointed as Mayor; and
- 2) Councillor Margaret Horabin be appointed as Deputy Mayor.

COU74 MINUTES OF THE POLICY AND PERFORMANCE BOARDS AND THE BUSINESS EFFICIENCY BOARD

The Council considered the reports of the following Boards in the period since the meeting of Council on 6 December 2017:-

- Children, Young People and Families;
- Employment, Learning and Skills and Community;
- Health;
- Corporate Services; and
- Business Efficiency Board.

In moving the minutes of the Corporate PPB, the Chair, Councillor Gilligan, drew Members' attention to the success of the Welfare Benefits Team.

COU75 COMMITTEE MINUTES

The Council considered the reports of the following Committees in the period since the meeting of Council on 6 December 2017:-

- Development Control;
- Regulatory; and
- Standards

COU76 NOTICE OF MOTION - TYRED CAMPAIGN

Council considered a Notice of Motion submitted in accordance with Standing Order Number 6.

The following motion was proposed by Councillor Bill Woolfall and seconded by Councillor Geoff Zygadlo:-

TYRED CAMPAIGN

‘On Monday 12 September 2012 a coach bound for Liverpool carrying 53 people from the Bestival music festival on the Isle of Wight, left the road and crashed into a tree instantly killing Michael Molloy (18), Kerry Ogden (23) and the coach driver, Colin Daulby (63), and left others with life changing injuries. The inquest into the crash found that the front nearside tyre which was actually older than the coach itself, at 19 years, was responsible for the crash. In 2014, Liverpool City Council unanimously agreed a motion in support of Michael’s mother Frances calling for a change in the law requiring a ban on tyres older than six years on commercial vehicles. Despite the wide spread public and political support for this campaign, no change in the law has been made, shamefully leaving others at risk from faulty and dangerous tyres.

Council notes that Frances Molloy has launched “Tyred” – the official campaign to pressure Government – to change the law to ban the use of tyres older than ten years on commercial vehicles.

Council wholeheartedly supports “Tyred” and instructs the Leader of the Council to write to the Prime Minister and Leader of the Opposition to call together cross-party support for a change in the law.

Council further resolves to support the “Tyred” campaign until such a change in the law is achieved and to draw the attention of the Local Government Association, especially its Environment and Transport Board, to this Council’s view that the concerns should be fully addressed.

Finally, Council asks the Chief Executive to write to all schools in the Borough asking them to require coach and bus operators they use for school trips etc, to adhere to the provisions set out in the Tyred Campaign. Council should also ask Officers to look at our own procurement procedures with a view to inserting an appropriate clause in any contracts with commercial operators and to also ensure that this standard applies to our own vehicle fleet’.

RESOLVED: That the Motion be agreed.

Chief Executive

Meeting ended at 7.15 p.m.

This page is intentionally left blank

REPORT TO: Council

DATE: 18 April, 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 14 October, 2017. As at the 29 March 2018 nearly 10 million 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, bridge 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 On 7 March 2018, Council received a report that considered and responded to the issues raised. These issues were addressed in an updated draft Road User Charging Scheme Order ("RUCSO") that was appended to that report and Council resolved to conduct a consultation on the proposed revised RUCSO.
- 1.5 The consultation duly ran from 8 to 29 March 2018 (inclusive). The Mersey Gateway Crossings Board has prepared a report on the consultation responses.
- 1.6 This report asks the Council to make the RUCSO in the form at Appendix 1.

2.0 RECOMMENDATIONS: That the Council should

- 2.1 confirm that no further consultation is required in respect of the updated RUCSO;
- 2.2 confirm that no public inquiry is required to be held into the making of the updated RUCSO;
- 2.3 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 enable the updated RUCSO to be made.

- 2.4 leave toll charges unchanged - as specified in the updated RUCSO.
- 2.5 amend the Halton Local User Discount Scheme (LUDS) Hardship Scheme as proposed in paragraph 5.1 of the report so as to become the HLUDDS and address the anomaly in respect of disabled Halton residents as proposed in paragraph 5.4
- 2.6 leave administration Fees in respect of registering with Mersey Gateway/ Merseyflow unchanged.

3.0 Background

- 3.1 At the Council meeting on 7 March 2018, its Members agreed that a consultation be held into a proposed updated RUCSO which addressed a number of operational issues identified during the first few months of operation of the Mersey Gateway Bridge.
- 3.2 Specifically, the Council resolved –
 - 3.2.1 To consult on the making of an updated Road User Charging Order Scheme in substantially the same form as that appended to that report which would:-
 - (i) Revoke the current RUCSO and replace it with an updated RUCSO
 - (ii) Restate the charges that are currently levied, in the updated RUCSO (“tolls”)in relation to Mersey Gateway Bridge and Silver Jubilee Bridge (together, the “Bridges”).
 - 3.2.2 To consult on amending the LUDS Economic Hardship Scheme (to be known henceforward as the Halton Local User Discount Support Scheme - HLUDDS).

4.0 Updated RUCSO

- 4.1 The reasons for making the updated RUCSO remain unchanged since the resolution made by the Council at the 7 March 2018 Meeting.
- 4.2 These reasons are that 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.

- 4.3 The Council undertook public consultation on an updated RUCSO from 8 to 29 March 2018 (inclusive). The Council also consulted a wide range of consultees it had identified as appropriate pursuant to section 170(1A) of the Transport Act 2000.
- 4.4 Since the consultation in March 2018, nothing material has changed in respect of the draft RUCSO and no new material considerations or issues have arisen concerning it. The draft updated RUCSO at Appendix 1 contains one amendment from the version included in the Council's consultation document, which addresses the response to Proposal 5:
- 4.4.1 Paragraph 3(g) of Part 2 of Schedule 2 has been amended to reflect a compromise position in relation to the proposal to give exemptions to toll charges for tractors. The compromise would allow exemption from tolling for tractors only when using the Silver Jubilee Bridge.
- 4.5 Accordingly, it is considered that as nothing has materially altered from the consultation no new or additional consultation is required and sufficient consultation has already been undertaken by the Council in respect of the updated RUCSO.
- 4.6 In considering the responses to the consultation (which can be found in Appendix 2 to this Report), it is clear that the responses:
- 4.6.1 from the public identified a number of themes both in agreement and in disagreement to the proposals together with a significant number that did not address the subject matter of the consultation; and
- 4.6.2 from the specific consultees made practical suggestions for how the Council should implement the updated RUCSO.
- 4.7 Those responses that did criticise the updated RUCSO were considered in the Consultation Report (provided at Appendix 2 to this Report) and the Council concluded that it did not need to make any substantive amendment to the RUCSO.
- 4.8 Accordingly, it is not considered that an inquiry needs to be held into the making of the updated RUCSO because all issues have been addressed and no new issues have been raised.

5.0 Local Used Discount Scheme(LUDS)

- 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 proposed the "Halton Local User Discount Support Scheme" (HLUDSS) which would extend the current Economic Hardship Scheme to apprentices and those in full time

higher education¹ regardless of the Council Tax banding of their residence.

5.2 The response to this proposal, together with the conclusions drawn, is set out in the Consultation Report (see para 4.1.7 in Appendix 2).

5.3 It is recommended that the HLUDDS be accepted and implemented as soon as practicable.

5.4 To address the situation where Halton residents with a disability may not be eligible for a Blue Badge but their disability prevents them from driving, the Council proposed to introduce a further provision to the LUDS. This was the special circumstance of any disabled person who is a resident of Halton and in receipt of one of the following:

- The higher rate mobility component of Disability Living Allowance;
- Attendance Allowance;
- Enhanced rate of the mobility component of the Personal Independence Allowance; and/or
- The War Pensioners Mobility Supplement.

is then able to register a vehicle and that the registered vehicle benefit from exemption from tolls when they are travelling in the vehicle.

5.5 The response to this proposal, together with the conclusions drawn, is set out in the Consultation Report (see para 4.1.8 in Appendix 2).

5.6 It is recommended that the special circumstance set out above be accepted and implemented as soon as practicable

6.0 Resource Implications

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

7.0 Risk

The cost of proposed update to the 2017 Road User Charging Order and the

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).

Hardship Scheme can be met from the MG Project Account and not from general Council funds.

The Order regulates 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.

8.0 Equality and Diversity

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

9.0 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.

List of Appendices

- APPENDIX 1 - RUCSO
- APPENDIX 2 - Consultation Report

This page is intentionally left blank

TRANSPORT ACT 2000**The A 533 Mersey Gateway Bridge and the A557 (Silver Jubilee Bridge) Roads User Charging Scheme Order 2018**

Made - - - - [April 2018]

Coming into force - - [April 2018]

CONTENTS*Preliminary*

1.	Citation and commencement	2
	<i>Scheme for imposing charges in respect of the use of The Mersey Gateway Bridge and The Silver Jubilee Bridge</i>	
2.	Interpretation	2
3.	Revocation	3
4.	Duration of the Order	3
	<i>Designation of scheme roads, vehicles and charges</i>	
5.	The scheme roads	3
6.	Imposition of charges	3
7.	Payment of charges	4
8.	Classification of vehicles	5
9.	Vehicles exempt from charges	5
10.	10 year plan for net proceeds	5
11.	Detailed programme for net proceeds	5
	<i>Penalty charges</i>	
12.	Penalty charges	6
13.	Additional penalty charges where powers exercised in respect of vehicles	6
	<i>Powers in respect of motor vehicles</i>	
14.	Powers in respect of motor vehicles	6
15.	Examination of vehicles	6
16.	Entering vehicles	6
17.	Seizure	7
18.	Immobilisation of vehicles	7
19.	Removal, storage and disposal of vehicles	7

SCHEDULES

SCHEDULE 1	— Classification of Vehicles for the Purposes of Charges	8
SCHEDULE 2		8
PART 1	— Register of Vehicles Exempt from Charges	8
PART 2	— The Register of Vehicles Exempt from Charges	9
SCHEDULE 3	— Halton Borough Council's General Plan for Applying the Net Proceeds of this Scheme During the Opening 10 Year Period	10

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) and (1C) of the Transport Act 2000.

Preliminary

Citation and commencement

1.—(1) This Order may be cited as The A533 Mersey Gateway Bridge and the A557 (Silver Jubilee Bridge) Roads User Charging Scheme Order 2018.

(2) The scheme set out in the Schedules to this Order shall have effect.

(3) The Council shall publish notice of the making of this Order 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 date of this Order;

"authorised person" means the Council or any person so authorised by the Council under article 14(1) to exercise any one or more of the powers in articles 15 to 19;

“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;

(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.

“new crossing” means the bridge and other roads and structures 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 Mersey Gateway Bridge and the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2017 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.

(2) The charge imposed is determined by reference to column 2 of the table below.

<i>Column 1</i>	<i>Column 2</i>
<i>Class of vehicle</i>	<i>Charge for each vehicle each time it is used or kept on the scheme roads</i>
Class 1 vehicles	Free
Class 2 vehicles	£2.00
Class 3 vehicles	£6.00
Class 4 vehicles	£8.00

(3) The classification of vehicles or classes of vehicles in respect of which charges may be levied under this Order shall be those set out in Schedule 1.

(4) 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.

(a) S.I. 2011/41.
 (b) www.merseygateway.co.uk

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 6 paragraph (2) (imposition of charges), shall be paid by a means and by such method as may be specified by the Council on the website or in a document available on application from 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.

10 year plan for net proceeds

10. Schedule 3 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

11. Schedule 4 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

12.—(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

13.—(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 18;
- (b) removal of a motor vehicle in accordance with article 19(1);
- (c) storage and release from storage of a vehicle so removed; and
- (d) disposal of a vehicle in accordance with article 19(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

14.—(1) The Council may authorise in writing a person to exercise any one or more of the powers in articles 15 to 19.

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

Examination of vehicles

15. 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

16. 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

17. 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

18. 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

19.—(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 April 2018 in the presence of



Authorised Signatory

SCHEDULES

SCHEDULE 1

Article 6

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 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 ₁ (a) and M ₁ (b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N ₁ (a) and N ₁ (b).
“class 3 vehicle”	means motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M ₂ (a) and M ₂ (b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N ₂ (a) and N ₂ (b).
“class 4 vehicle”	means motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M ₃ (a) and M ₃ (b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N ₃ (a) and N ₃ (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

(a) S.I. 2001/2793.

- (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) 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 Serious Organised Crime Agency or notified to the Council by reference to its registration mark;
- (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) or a vehicle falling within paragraph 7 of that Schedule and shall also include vehicles used for the transport of blood, plasma or human organs;
- (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); or
- (g) an agricultural tractor as defined by paragraph 20B of Schedule 2 to the Vehicle Excise Registration Act 1994 crossing the Silver Jubilee Bridge.

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

- (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

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

11. Road user charging under this scheme is due to start in 2018. 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 ten year period following the start of the charging scheme 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 4

Article 11

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

13. Road user charging on the Mersey Gateway Bridge began 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 Mersey Gateway Bridge and the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2017.

This Order revokes the 2017 Order. It imposes charges for use of either the Mersey Gateway Bridge or the Silver Jubilee Bridge, and contains 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 2017 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. It also contains the charges imposed upon using or keeping a vehicle 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.

Articles 10 and 11 explain to what purposes the charges recovered may be applied.

Article 12 deals with the civil enforcement of unpaid charges through the imposition of penalty charges. Paragraph 12(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 12(3)(a) explains that the penalty charge is payable in addition to the charge imposed. Paragraphs 12(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 13 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 14 to 19 contain powers that can be exercised in respect of motor vehicles. These powers are to examine vehicles (article 15), enter vehicles (article 16), seize items (article 17), immobilise vehicles (article 18) and remove, store and dispose of vehicles (article 19). 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.



**The proposed
A533 (Mersey Gateway Bridge) and A557 (Silver Jubilee Bridge)
Road User Charging Scheme Order 2018
(the 2018 RUCSO)**

Public Consultation Report

Prepared by the Mersey Gateway Crossing Board (the Board)

5 April 2018

1.0 Executive Summary

- 1.1 In accordance with the resolution made by the Council at its meeting on 7 March 2018, the Mersey Gateway Project ("Project") held a public consultation between 8th March 2018 and 29th March 2018 (inclusive) into the proposed updated RUCSO considered by Halton Borough Council ("Council"), which will become the 2018 RUCSO.
- 1.2 This Report sets out the consultation process that was undertaken, provides details of the responses received during the consultation period and how it is proposed that these responses should be taken into account by the Council and an overall conclusion.
- 1.4 Having regard to consultees' responses, it is considered that the Council may conclude that it is appropriate to make the updated RUCSO largely in the form proposed in the consultation document.

2.0 Background

- 2.1 In 2008, the Council made the A533 (Silver Jubilee Bridge) Road User Charging Order 2008 ("2008 RUCO") for the Silver Jubilee Bridge. This 2008 RUCO envisaged that charges would be applied for the use of the Silver Jubilee Bridge at the time that the proposed Mersey Gateway Bridge became operational. When the 2008 RUCO was made, it was expected that the charges would be applied by way of a barrier system that would only allow users to pass across the Silver Jubilee Bridge once the charge had been paid.
- 2.2 In 2009, a Public Inquiry was held into the content of the then proposed Transport & Works Act Order for the Mersey Gateway Bridge (which would become the 2011 Order). The proposed Order provided for the imposition of tolls on the Mersey Gateway Bridge which, like the Silver Jubilee Bridge, would be collected at a barrier system before users crossed the Mersey Gateway Bridge. The Secretary of State confirmed the 2011 Order in 2011 and the 2008 RUCO, following which the procurement process for the Design, Build, Finance and Operate concession company began.
- 2.3 On 19th October 2011, it was decided by the Council that a 'free flow' tolling system should be adopted for both Bridges ("Scheme"). This change had the benefit of saving significant construction costs and, more importantly, would help to minimise the toll/charge, improve the user experience in crossing the Bridges and aid journey time reliability. This, however, introduced the need to collect the tolls/charges from users, which requires sufficient enforcement powers to be available to the toll/charge operator.
- 2.4 These required enforcement powers are provided for in the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 ("Regulations"), However, the Regulations were enacted too late for the enforcement powers contained within them to be afforded to the operator before the Mersey Gateway Bridge procurement process closed.
- 2.5 It was made a requirement of the relevant contract for operating the toll/charge regime that powers of enforcement were procured by the Council that could be applied against users of both of the Bridges. This requires that a further road user charging scheme order (i.e. the 2017 RUCSO) be made to apply to both Bridges. Further, to permit this in relation to the Mersey Gateway Bridge, it was necessary to modify the 2011 Order through the Application.
- 2.6 The application to amend the 2011 Order was made on 26 March 2015 following a resolution made by the Council at its special meeting on 18 March 2015. The Secretary of State for Transport confirmed the modified Order on 18 August 2016. With the modified Order in place the Council conducted a consultation in February /March 2016 into a proposed RUCSO. The outcome of the consultation was reported to the Council on 14 September 2016 and the Council resolved that the RUCSO should be made



and gave the necessary delegated powers to the Operation Director – Legal & Democratic Services to bring the RUCSO into effect. The Mersey Gateway Bridge and A533 Silver Jubilee Bridge RUCSO - the 2017 RUCSO - was dated 9 March 2017 but was suspended whilst construction of the Mersey Gateway Bridge was pending. For the Mersey Gateway Bridge only, the RUCSO became operative on 14 September 2017 and has regulated the tolling and enforcement arrangements since 14 October 2017 when the Mersey Gateway Bridge was available for use by traffic.

- 2.7 Following the experience of the operation of the open road tolling on the Mersey Gateway Bridge a number of issues had been brought to the attention of the Board and the Council. These issues were considered by the Council at its meeting in March 2018. The Council further considered a draft of the 2018 RUCSO that would incorporate a number of modifications to address these issues. In addition, the Council considered some modifications to the Halton Local Users Discount Scheme. The Council resolved to conduct a consultation on these proposed modifications. This report sets out the consultation process and the responses received by the end of the consultation period on 29 March 2018.



3.0 The Consultation Process

- 3.1 The consultation took place over the period 8th March 2018 to 29th March 2018 (inclusive).
- 3.2 The consultation document (see Appendix A) was made available on the Project website – www.merseygateway.co.uk – on the Council web-site – www.halton.gov.uk – and on the Merseyflow web-site – www.merseyflow.co.uk - over this period. The consultees listed in Appendix B to the consultation document were contacted directly by the Mersey Gateway Crossings Board on 8th March 2018 to alert them to the consultation and to request that they prepare a response. A reminder was also sent out on 27th March 2018. The consultation document was made available in a number of formats in line with current practice for public documents. In addition, Merseyflow issued e-mails to all the registered account holders – approx. 160,000 – to alert them to the consultation and included links to the consultation document itself.
- 3.3 By the closing date of 29th March 2018, the Council had received six thousand three hundred and fifty five (6355) responses. The responses to the consultation were collated and analysed by the Mersey Gateway Crossings Board and these are considered below at Paragraph 4. An analysis of all of the responses is provided at Appendix C to this Report. All the responses are held by the MGCB and can be viewed by application to the Board.
- 3.4 During the consultation period there were 39963 page views of the consultation document on the Project website and one request for the audio CD of the consultation document.

4.0 Results of the Consultation

4.1 Responses to the Questions

4.1.1 The responses to each question are set out below. There were 6355 responses to the consultation questionnaire of which 6128 were from individuals, 177 from businesses/organisations and 46 that did not identify as either. The full dataset of responses is available from the Mersey Gateway Crossings Board.

For each question, this report identifies the question, the number of responses, the proportions agreeing or disagreeing with the proposition, specific comments and themes including those in agreement and disagreement. Finally, a proposed response is given to take account of the responses.

4.1.2 **Question 1 – Do you agree or disagree with the proposal to amend the classification of Motor Home Vehicles to Class 2, the same classification as applies to private cars?**

4.1.2.1 There were 6265 responses to this question of which 80% agreed and 20% disagreed .

4.1.2.2 Specific Respondent Comments:

The Camping and Caravanning Club response to this question was that they were in agreement because it will bring it in line with other tolled crossings and 'not excessively penalise those that use a Motor Caravan for leisure'. The Caravan and Motorhome Club stated that they welcomed the proposal as it aligns motorhomes (M1 special Purpose) with other M1 category vehicles (i.e. cars) and recognises that the use of motorhomes more closely relates to car usage rather than commercial vehicle operation.

4.1.2.3 Agree themes expressed by individuals:

1. Most are under 7.5 tonnes
2. Brings it into line with other tolled crossings
3. As signs cannot address motorhomes it is fair for owners of motorhomes to assume they are Class 2
4. Some of these vehicles are used for commute to work(only form of travel available)
5. Only agree if these vehicles are pulling a trailer they pay more (i.e. Class 3)
6. Only if this does not increase tolls for all.
7. Only for the lighter weight vehicles – above a weight threshold they should be a Class 3.
8. It may encourage holiday makers to visit Runcorn and Widnes

4.1.2.4 Disagree themes expressed by individuals:

1. Bigger than cars so should pay more
2. Expensive vehicles so owners have means to pay more
3. Being heavier than cars they damage the bridge more than cars so should pay more.
4. No justification given for the proposal

4.1.2.5 Other themes expressed by individuals:

1. All vehicles should pay the same toll
2. No tolls should be levied
3. Larger discounts should be offered for more frequent users
4. Tolls should be based on height and length of vehicles
5. Minibuses should be treated the same as Motorhomes

4.1.2.6 Response

Given the specific support of the 'named' consultee and the 80%/20% support for the proposal from the public, the proposal should be accepted for inclusion in the updated RUCSO.

4.1.3 **Question 2 – Do you agree or disagree with the proposal to allow class 2 vehicles to remain as Class 2 when pulling a trailer?**

4.1.3.1 There were 6179 responses to this question of which 86% agreed and 14% disagreed.

4.1.3.2 Specific Respondent Comments:

The Camping and Caravanning Club agreed and commented that this proposal makes sense as the combination of car and trailer are likely to still be within the M1 vehicle class. The Caravan and Motorhome Club welcomed the proposal as it provides clarification compared to the existing charge advice.

4.1.3.3 Agree themes expressed by individuals:

1. As signs cannot address vehicles pulling trailers it is fair for drivers of Class 2 vehicles to assume they remain as Class 2 if pulling a trailer
2. Depends on the size of the trailer – larger trailers should be Class 3
3. Fair – as they do not cause more wear and tear
4. In line with other tolled crossings
5. Makes the toll arrangements simpler – less scope for confusion, frustration and bureaucracy
6. Only if it does not increase tolls

4.1.3.4 Disagree themes expressed by individuals:

1. Cause more damage than cars so should be Class 3
2. Will encourage poorly loaded vehicles onto the road
3. Vehicle speed restricted to 50mph while pulling a trailer so will impede other traffic so should be discouraged by being Class 3
4. Not clear why the proposal has been suggested
5. Not in line with other crossings

4.1.3.5 Other themes expressed by individuals:

1. No tolls should be levied
2. There should be higher discounts for more frequent users

4.1.3.6 Response

Given the specific support of the 'named' consultee and the 86%/14% support for the proposal from the public, the proposal should be accepted for inclusion in the updated RUCSO.

4.1.4 **Question 3 – Do you agree or disagree with the proposal to allow 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 to be entered onto the exemptions register?**

4.1.4.1 There were 6304 responses to this question of which 96% agreed and 4% disagreed .

4.1.4.2 Specific Respondent Comments:

NHS Blood and Transport agreed with the proposal and requested a meeting to discuss the vehicles in their fleet to which this could apply.

4.1.4.3 Agree themes expressed by individuals:

1. Should apply to all who work in the NHS too
2. Should apply to all who work in the emergency units travelling to/from work too
3. Only to apply when the vehicles are attending an emergency situation
4. Should also be extended to all vehicles engaged in delivering public services
5. Only if it does not lead to an increase in tolls
6. Vehicles used in the voluntary sector should be included too

7. Most simply agreed with the proposal

4.1.4.4 Disagree themes expressed by individuals:

1. It will be un-auditable
2. It will provide a 'loop-hole' to allow people who travel to/from work (in the emergency services) to travel toll free
3. There are no toll booths to impede the emergency/other service vehicles so no need for exemptions
4. Current arrangement is sufficient.

4.1.4.5 Other themes expressed by individuals:

1. No vehicles should have to pay tolls

4.1.4.6 Response

Given the specific support of the 'named' consultee and the 96%/4% support for the proposal from the public, the proposal should be accepted for inclusion in the updated RUCSO.

4.1.5 Question 4 – Do you agree or disagree with the proposal to allow further ambulance vehicles whether carrying patients or not registered by the ambulance service to be entered onto the exemptions register?

- 4.1.5.1 There were 6264 responses to this question of which 97% agreed and 3% disagreed

4.1.5.2 Specific Respondent Comments:

None received.

4.1.5.3 Agree themes expressed by individuals:

1. No vehicles employed in the emergency services should pay a toll
2. Should also apply to all who work in the NHS
3. Because of the impact on NHS budgets
4. Only if applied to NHS vehicles(i.e. funded by the NHS)
5. Most simply agreed with the proposal

4.1.5.4 Disagree themes expressed by individuals:

1. Must be actively engaged in transporting patients or attending to an emergency
2. Public sector workers should not travel for free when others have to pay
3. Should apply to charity vehicles too
4. Because central government benefits and local services will suffer(through reduced revenues from the use of the bridge)
5. Open to abuse

4.1.5.5 Other themes expressed by individuals:

1. No tolls should be levied
2. Exemptions register is too bureaucratic – use DVLA

4.1.5.6 Response

Given the specific support of the ‘named’ consultee and the 97%/3% support for the proposal from the public, the proposal should be accepted for inclusion in the updated RUCSO.

4.1.6 Question 5 – Do you agree or disagree with the proposal to allow agricultural tractors to be able to be entered onto the exemptions register?

4.1.6.1 There were 6270 responses to this question of which 49% agreed and 51% disagreed

4.1.6.2 Specific Respondent Comments::

The North West National Farmers Union (NWNFU) strongly agreed with the proposal. They state that ‘Tractors are exempt from road tax so think they should be exempt from the (bridge) toll’. The Union further noted that in a meeting they had attended with Merseyflow it became apparent that the toll system is not set up to deal with a vehicle and trailer having a different registration which is legal for tractors. This results in significant operational difficulties for Merseyflow’.

Merseyflow confirm that tractors do pose a significant operational difficulty for the tolling system.

Merseylink noted that tractors are slow vehicles relative to most vehicles that use the MGB and, because of the performance regime under which they operate the bridge, would prefer tractors to use the SJB.

In a follow up contact with the NWNFU the possibility of a compromise involving exemption for tractors on the SJB only was discussed. The suggestion was considered by the NWNFU to be workable to their members but would prefer the tractors to be exempt from tolls on both bridges.

4.1.6.3 Agree themes expressed by individuals:

1. But only to apply to local businesses/farmers
2. Because they are special vehicles – no MOT or Road Tax
3. But only if applied outside peak periods
4. Only if tractors restricted to the ‘slow lane’
5. Because there are very few that use the bridge
6. Because of financial stress faced by farmers
7. Only for ‘small’ tractors and not when pulling a trailer
8. Should only apply to the SJB

4.1.6.4 Disagree themes expressed by individuals:

1. Other commercial vehicles have to pay – so should tractors
2. Because of the wear and tear they will inflict on the bridge
3. Slow vehicles so cause congestion – tolls will help to keep them off the bridge
4. They already get concessions – no MOT or Road Tax
5. Unless the farmer has fields either side of the Mersey
6. Because farmers can well afford the tolls
7. Open to abuse

4.1.6.5 Other themes expressed by individuals:

1. No tolls should be levied
2. All agricultural vehicles should be included

4.1.6.6 Response

Given the specific support of the ‘named’ consultee, the operational issues expressed by Merseyflow and Merseylink together with the close 49%/51% split in support/opposition for the proposal from the public, it is proposed that a compromise be adopted. This would involve allowing tractors to be exempt from tolls on the Silver Jubilee Bridge only when that is opened to traffic, and that this provision is written into the updated RUCSO. In the interim, tractors will be exempt from tolls when using the Mersey Gateway Bridge.

4.1.7 Question 6 – Do you agree or disagree with the proposal to introduce special circumstances allowing Halton residents who are apprentices or in full time education living in properties that are in Council Tax Bands G&H who otherwise are ineligible for the Local User Discount Scheme to apply under the newly named Halton Local User Discount Support Scheme?

4.1.7.1 There were 6292 responses to this question of which 82% agreed and 18% disagreed.

4.1.7.2 Specific Respondent Comments:

None received

4.1.7.3 Agree themes expressed by individuals:

1. But extend to all apprentices and students
2. But extend to all living in properties in Council Tax Bands G & H in Halton
3. Value of property of residence doesn't reflect a person's financial status
4. Because students and apprentices have little income
5. Many simply agreed

4.1.7.4 Disagree themes expressed by individuals:

1. If these people can afford to run a vehicle they can afford to pay the toll or their parents can
2. Should be funded by the colleges
3. Open to abuse and costly to administer/enforce
4. People who live in these properties can afford the toll
5. Unless restricted to term time for students

4.1.7.5 Other themes expressed by individuals:

1. All vehicles should be toll free
2. Discount schemes such as LUDS should be available in other areas not just Halton

4.1.7.6 Response

Given the 82%/18% support for the proposal from the public, the proposal should be accepted.

4.1.8 Question 7 – Do you agree or disagree with the proposal to introduce a special circumstance for any disabled person who is a Halton resident who does not hold a Blue Badge but who is in receipt of the allowances set out in para 3.2 to be able to register a vehicle which will benefit from exemption from toll charges when they are travelling in the vehicle?

4.1.8.1 There were 6253 responses to this question of which 71% agreed and 29% disagreed

4.1.8.2 Specific Respondent Comments:

None received.

4.1.8.3 Agree themes expressed by individuals:

1. But only if it does not increase tolls
2. Many who agreed also pointed out the potential for abuse
3. Because many have to travel due to medical needs
4. Should be extended to carers too or be transferable to carers
5. Because Blue Badge rules are changing
6. Should apply also for people who have a temporary disability
7. Should be extended to more than vehicle registered into the system
8. Should be extended to people with learning/mental disabilities
9. Many simply agreed

4.1.8.4 Disagree themes expressed by individuals:

1. Should apply to all people with a disability
2. Should be linked to Blue Badge qualification
3. Open to abuse and difficult to administer
4. People with disability can afford toll because of benefits and/or income
5. Should be no exemption for disabled people at all

4.1.8.5 Other themes expressed by individuals:

1. No tolls should be levied
2. Blue Badge holders should be allowed to register more than 1 vehicle
3. Provide clear guidance if the proposal is passed

4.1.8.6 Response

Given the 71/29 support for the proposal from the public, the proposal is accepted.

5.0 Conclusion

- 5.1 The consultation undertaken has conformed with the legislative framework and guidance set out within the Government's "Consultation Principles" document, October 2013.
- 5.2 The consultation has been undertaken in a comprehensive and balanced manner, comprising the following:
- 5.2.1 consultation being undertaken whilst the proposals remained at a formative stage;
 - 5.2.2 all consultees were provided with information that was accurate and sufficient to enable them to make a meaningful response when requested;
 - 5.2.3 all consultees were afforded adequate time within which to respond to the proposals;
 - 5.2.4 consultation with all those listed in Appendix B to this Report; and
 - 5.2.5 taking into account the consultation responses in formulating the proposed RUCSO, while also taking account of consultation responses that addressed matters which were not the subject of the consultation. The Council's final position on each issue raised in the consultation is set out in section 4, having taken into account those responses and for the reasons set out.
- 5.3 The Council will continue to keep stakeholders and the public informed of the progress of the 2018 RUCSO.

LIST OF APPENDICES

APPENDIX A - CONSULTATION DOCUMENT

APPENDIX B - LIST OF ORGANISATIONS CONTACTED BY THE BOARD

APPENDIX C - ANALYSIS OF RESPONSES

This page is intentionally left blank



Consultation: Proposed Changes to Road User Charging Scheme Order



Mersey Gateway Crossings Board Ltd working on behalf of



Contents

EXECUTIVE SUMMARY	5
What is this consultation about?	5
What is your role in this consultation?	5
What matters fall outside the scope of this consultation?	5
Duration of this consultation	6
How to respond to this consultation	6
Freedom of information	6
1. INTRODUCTION	8
1.1 Background and location	8
1.2 Operation of the Bridges, imposition of toll charges and enforcement	8
1.3 The need for and purpose of proposed RUCSO	8
2. CONTEXT	10
2.1 Level of toll charges	10
2.2 Vehicle classification	10
2.3 Duration	10
2.4 Halton Local User Discount Scheme – Properties in Council Tax Bands G&H	10
2.5 Disability	10
3. THE PROPOSAL	12
3.1 The Council’s proposal	12
3.2 The proposed RUCSO	12

3.3 Restate the charges levied for each classification of vehicle	12
3.4 Updates to the Local User Discount (LUDS) Economic Hardship Scheme	12
3.5 Other matters	13
4. CONSULTATION QUESTIONS	14
4.1 Questions	14
4.2 What will happen next?	18
APPENDIX	19
Appendix A – Proposed RUCSO	19

EXECUTIVE SUMMARY

What is this consultation about?

This consultation is about Halton Borough Council's (the Council) proposals to update The Mersey Gateway Bridge and the A533 (Silver Jubilee Bridge) Roads User Charging Scheme Order 2017 (the 2017 RUCSO)¹ by revoking it and replacing it with a new order. This is so the Council can address observations received since the Mersey Gateway Bridge opened to traffic on 14 October 2017 and to clarify matters surrounding the toll charging regime that some feel are not clear.

The new order will be called the A533 (Mersey Gateway Bridge) and the A557 (Silver Jubilee Bridge) Road User Charging Scheme Order (the proposed RUCSO).

This consultation document explains why the Council is:

- Seeking to revoke and replace The Mersey Gateway Bridge and the A533 (Silver Jubilee Bridge) Roads User Charging Scheme Order 2017;
- proposing additional groups to be capable of registering for exemption from toll charges for use of the Mersey Gateway and Silver Jubilee Bridges (the Bridges);
- proposing changes to the current Halton Local User Discount (LUDS) Economic Hardship Scheme;
- proposing a toll classification change for Motor Homes vehicles.

What is your role in this consultation?

¹ The Mersey Gateway Bridge and the A533 (Silver Jubilee Bridge) Roads User Charging Scheme Order 2017 (the 2017 RUCSO) <http://www.merseygateway.co.uk/wp-content/uploads/2017/03/Roads-User-Charging-Scheme-Order-2017.pdf>

This consultation is seeking views from the general public in the locality and further afield, and bridge users, as well as other public bodies and representatives, organisations and businesses.

This consultation is carried out in line with relevant statutory provisions including Section 170(1A) of the Transport Act 2000².

The Council is seeking your views on:

- the changes that will be made to the 2017 RUCSO (please see Appendix A - which contains an explanatory memorandum);
- the inclusion of additional groups to be capable of registration for exemption from toll charges;
- the amendments to the Halton Local User Discount (LUDS) Economic Hardship Scheme (to be known henceforward as the Halton Local User Discount Support Scheme - HLUDDS);
- the inclusion of a special circumstance for Halton residents who have a disability but do not have or do not qualify for a Blue Badge to register a vehicle for exemption from tolls when they are travelling in the vehicle.

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 case for tolling/charging of the Bridges was established following a public inquiry held for the Mersey Gateway Project in 2009.

In addition, certain issues contained within the proposed RUCSO are unchanged from the 2017 RUCSO, which it will replace. These include the:

² Transport Act 2000: <http://www.legislation.gov.uk/ukpga/2000/38/contents>.

- levels of toll/charges which are actually applied to each class of vehicle set out in the proposed RUCSO-

<i>Column 1</i>	<i>Column 2</i>
<i>Class of vehicle</i>	<i>Charge for each vehicle each time it is used or kept on the scheme roads</i>
Class 1 vehicles	Free
Class 2 vehicles	£2.00
Class 3 vehicles	£6.00
Class 4 vehicles	£8.00

- administration fee levels for toll charge discount options;
- the non-inclusion of Council Tax Band G & H properties within the Halton Local User Discount Scheme.

Duration of this consultation

The consultation period will run for a period of 3 weeks from 8 March 2018 to 29 March 2018 inclusive.

How to respond to this consultation

This document contains a questionnaire. The electronic version of this document can be found at www.merseygateway.co.uk/consultation2018.

You are invited to complete the questionnaire section of this document and return via email to consultation@merseygateway.co.uk.

Alternatively, hard copy responses should be returned to:

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

Cheshire
WA8 7QF

If you require alternative formats i.e. braille, audio CD then please contact Mersey Gateway Crossings Board on 0151 511 6157.

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)³ or the Environmental Information Regulations 2004⁴.

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.

³ Freedom of Information Act 2000: <http://www.legislation.gov.uk/ukpga/2000/36/contents>.

⁴ 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 1998⁵ and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

⁵ Data Protection Act 1998: <http://www.legislation.gov.uk/ukpga/1998/29/contents>

1. INTRODUCTION

1.1 Background and location

The Mersey Gateway Bridge opened to the public for use on 14th October 2017 and over 8 million vehicles have used the crossing. It consists of a new six-lane tolled 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 and has been used by traffic since 1961.

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

The Silver Jubilee Bridge is currently closed temporarily for essential major maintenance works. Its road deck will be reconfigured to two traffic lanes. Work is also underway to modify the approach roads to the Silver Jubilee Bridge in Widnes. The reconfiguration will allow better provision to be made for 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 an 80% reduction in traffic using the Silver Jubilee Bridge in comparison with the period prior to its closure for the major maintenance works.

1.2 Operation of the Bridges, imposition of toll charges and enforcement

The use of the Mersey Gateway Bridge is subject to toll charges, as the reconfigured Silver Jubilee Bridge will be once it is reopened to traffic – expected to be April 2019. The Council has appointed a company called Emovis (the Operator) to operate the free flow toll charging systems on the Bridges. The Operator is responsible for collecting toll charges on behalf of the Council under the Merseyflow brand.

The standard toll/charge to cross either Bridge is £2 for a one-way trip in a car or a small van. A number of different ways of reducing the amount that a motorist pays for using the Bridges are available, including monthly peak and off-peak passes and discounts for registering a vehicle⁶.

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 a free flow 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.

The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013⁷ contain a range of powers that the Operator can use to ensure any tolls/charges imposed that remain unpaid can be recovered.

⁶ You can find out more at www.merseyflow.co.uk

⁷ The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 <https://www.legislation.gov.uk/uksi/2013/1783/contents/made>

1.3 The need for and purpose of the proposed RUCSO

The Council is considering making the proposed RUCSO to implement a number of modifications to the 2017 RUCSO which are intended to address observations received since the Mersey Gateway Bridge opened to traffic and to clarify matters surrounding the tolling regime that some feel are not clear.

It is only on these limited amendments to the 2017 RUCSO that 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 or the current level of the toll charges.

2. CONTEXT

2.1 Level of toll charges

The Council has already consulted on its proposed toll charges for using the Bridges. The Council made the 2017 RUCSO and published the toll charges to be applied in local newspapers circulating in Runcorn and Widnes in August 2017.

Therefore, the Council is not consulting again on the toll charge levels and the proposed RUCSO will only seek to clarify the current toll charge levels by stating them in the order.

It is not proposed to change the actual tolls charged.

2.2 Vehicle classifications

The only changes proposed in relation to vehicle classification will be:

- in relation to motor homes, it is proposed this vehicle type will fall under Class 2, the same classification as applies to private cars; and
- in relation to certain class 2 vehicles pulling trailers in Class 3, it is proposed that these will fall under Class 2.

2.3 Duration

The 2017 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 will revoke the 2017 RUCSO and state that it is to remain in force indefinitely.

2.4 Halton Local User Discount Scheme – Properties in Council Tax Bands G&H

The legal framework that applies to LUDS excludes Halton residents living in Council Tax Band G and H properties.

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.

However, it does not meet the Council's aspiration that all Halton residents can have unlimited travel over the Bridges.

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.

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.

2.5 Disability

The majority of Halton residents with a disability who have a Blue Badge can benefit from unlimited usage of the Bridges 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. Consequently, these Halton residents are not in a

position to benefit from the LUDS. This is a relatively small number of Halton residents, but also a potentially vulnerable group.

It is proposed to address this anomaly.

3. THE PROPOSAL

3.1 The Council's proposal

The Council propose to promote a new Road User Charging Scheme Order (known throughout this document as the "proposed RUCSO") which would revoke and replace the 2017 RUCSO. A copy of the proposed RUCSO can be found at Appendix A.

3.2 The proposed RUCSO

The proposed RUCSO would respond to the number of comments and observations from elected members, MPs, users, the general public and others, in respect of the operation of Mersey Gateway Bridge and its tolling regime since the bridge opened in October 2017.

The proposed RUCSO will give clarity to some matters surrounding the tolling regime that some feel are not clear.

The proposed RUCSO will include provisions that enable:

- motor home vehicles to fall under Classification 2, the same classification as applies to private cars;
- 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 to be entered onto the exemptions register;
- further ambulance vehicles whether carrying patients or not registered by the ambulance service to be entered onto the exemptions register;

- agricultural tractors to be entered onto the exemptions register.

3.3 Restate the charges levied for each classification of vehicle

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

From now on, any change in the toll level will require a revision of the RUCSO in force at the time. 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.

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.

3.4 Updates to the LUDS Economic Hardship Scheme

Similarly, it is proposed to update the LUDS, as follows:

- a rename of the Halton Local User Discount Economic Hardship Scheme to Halton Local User Discount Support Scheme (HLUDSS);
- introduction of special circumstances for apprentices and those in full time education living in Council Tax Bands G&H properties otherwise ineligible for the LUDS to apply and;

- an introduction of special circumstances for any disabled person who is a resident of Halton and in receipt of one of the following:
 - the higher rate mobility component of Disability Living Allowance;
 - Attendance Allowance;
 - Enhanced rate of the mobility component of the Personal Independence Allowance, and/or;
 - the War Pensioners Mobility Supplement.

to register a vehicle and that the registered vehicle benefit from exemption from tolls when they are travelling in the vehicle.

3.5 Other matters

Currently, Administration Fees are charged when registering with Merseyflow.

It is proposed the Administration Fee remain unchanged.

4. CONSULTATION QUESTIONS

4.1 Questions

I am 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.

1. Do you agree or disagree with the proposal to amend the classification of motor home vehicles to Class 2, the same classification as applies to private cars?

Agree

Disagree

If you have any other comment about this proposal, please tell us below...

2. Do you agree or disagree with the proposal to allow Class 2 vehicles to remain as Class 2 when pulling a trailer?

Agree Disagree

If you have any other comment about this proposal, please tell us below...

3. Do you agree or disagree with the proposal to allow 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 to be entered onto the exemptions register?

Agree Disagree

If you have any other comment about this proposal, please tell us below...

4. Do you agree or disagree with the proposal to allow further ambulance vehicles whether carrying patients or not registered by the ambulance service to be entered onto the exemptions register?

Agree Disagree

If you have any other comment about this proposal, please tell us below...

5. Do you agree or disagree with the proposal to allow agricultural tractors to be able to be entered onto the exemptions register?

Agree Disagree

If you have any other comment about this proposal, please tell us below...

6. Do you agree or disagree with the proposal to introduce special circumstances allowing Halton residents who are apprentices or in full time education living in properties that are in Council Tax Bands G&H who otherwise are ineligible for the Local User Discount Scheme to apply under the newly named Halton Local User Discount Support Scheme?

Agree Disagree

If you have any other comment about this proposal, please tell us below...

7. Do you agree or disagree with the proposal to introduce a special circumstance for any disabled person who is a Halton resident who does not hold a Blue Badge but who is in receipt of the allowances set out in para 3.4 to be able to register a vehicle which will benefit from exemption from toll charges when they are travelling in the vehicle?

Agree Disagree

If you have any other comment about this proposal, please tell us below...

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

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

4.2 What will happen next?

- 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 April 2018.
- If the Council is satisfied, it will resolve to make the proposed RUCSO, taking the product of the consultation into account, which will then be sealed.
- Once the proposed RUCSO has been made (whether in its published form or amended), it is intended that it will have immediate effect, since it does not change the toll charges payable, and it will be advertised. The 2017 RUCSO will be revoked by the proposed RUCSO.

Appendix A

Proposed RUCSO

TRANSPORT ACT 2000

The A 533 (Mersey Gateway Bridge) and the A557 (Silver Jubilee Bridge) Road User Charging Scheme Order 2018

Made - - - - [April 2018]
Coming into force - - [April 2018]

CONTENTS

Preliminary	
1.....	Citation and commencement 22
Scheme for imposing charges in respect of the use of The Mersey Gateway Bridge and The Silver Jubilee Bridge	
2.....	Interpretation 22
3.....	Revocation 23
4.....	Duration of the Order 23
Designation of scheme roads, vehicles and charges	
5.....	The scheme roads 23
6.....	Imposition of charges 23
7.....	Payment of charges 24
8.....	Classification of vehicles 26

9.....	Vehicles exempt from charges	26
10.....	10 year plan for net proceeds	26
11.....	Detailed programme for net proceeds	26
	Penalty charges	
12.....	Penalty charges	6
13.....	Additional penalty charges where powers exercised in respect of vehicles	6
	Powers in respect of motor vehicles	
14.....	Powers in respect of motor vehicles	6
15.....	Examination of vehicles	6
16.....	Entering vehicles	6
17.....	Seizure	7
18.....	Immobilisation of vehicles	7
19.....	Removal, storage and disposal of vehicles	7

SCHEDULES

SCHEDULE 1 —	Classification of Vehicles for the Purposes of Charges	29
SCHEDULE 2		30
PART 1 —	Register of Vehicles Exempt from Charges	30
PART 2 —	The Register of Vehicles Exempt from Charges	31
SCHEDULE 3 —	Halton Borough Council's General Plan for Applying the Net Proceeds of this Scheme During the Opening 10 Year Period	32
SCHEDULE 4 —	Halton Borough Council's Detailed Programme for Applying the Net Proceeds of this Scheme	33

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⁽⁸⁾ 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⁽⁹⁾.

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

Preliminary

Citation and commencement

- 1.—(1) This Order may be cited as The A533 (Mersey Gateway Bridge) and the A557 (Silver Jubilee Bridge) Road User Charging Scheme Order 2018.
- (2) The scheme set out in the Schedules to this Order shall have effect.
- (3) The Council shall publish notice of the making of this Order 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 date of this Order;

“authorised person” means the Council or any person so authorised by the Council under article 14(1) to exercise any one or more of the powers in articles 15 to 19;

“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;

⁽⁸⁾ 2000 c.38. There are amendments to section 167, 168, 171 and 172 which are not relevant to this Order.

⁽⁹⁾ S.I. 2013/1783.

- “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 pursuant to the River Mersey (Mersey Gateway Bridge) Order 2011⁽¹⁰⁾;
- “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⁽¹¹⁾.

Revocation

3. The Mersey Gateway Bridge and the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2017 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.

⁽¹⁰⁾ S.I. 2011/41.

⁽¹¹⁾ www.merseygateway.co.uk

(2) The charge imposed is determined by reference to column 2 of the table below.

<i>Column 1</i>	<i>Column 2</i>
<i>Class of vehicle</i>	<i>Charge for each vehicle each time it is used or kept on the scheme roads</i>
Class 1 vehicles	Free
Class 2 vehicles	£2.00
Class 3 vehicles	£6.00
Class 4 vehicles	£8.00

(3) The classification of vehicles or classes of vehicles in respect of which charges may be levied under this Order shall be those set out in Schedule 1.

(4) 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.

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 6 paragraph (2) (imposition of charges), shall be paid by a means and by such method as may be specified by the Council on the website or in a document available on application from 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.

10 year plan for net proceeds

10. Schedule 3 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

11. Schedule 4 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

12.—(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

13.—(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 18;
- (b) removal of a motor vehicle in accordance with article 19(1);
- (c) storage and release from storage of a vehicle so removed; and
- (d) disposal of a vehicle in accordance with article 19(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

14.—(1) The Council may authorise in writing a person to exercise any one or more of the powers in articles 15 to 19.

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

Examination of vehicles

15. 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

16. 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

17. 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

18. 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

19.—(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 April 2018 in the
presence of

Authorised Signatory

SCHEDULES

SCHEDULE 1

Article 6

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

vehicles with at least four wheels used for the carriage of goods falling within classifications N₂(a) and N₂(b).

“class 4 vehicle” means motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M₃(a) and M₃(b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N₃(a) and N₃(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⁽¹²⁾.

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 subparagraphs 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

⁽¹²⁾ S.I. 2001/2793.

- (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) 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 Serious Organised Crime Agency or notified to the Council by reference to its registration mark;
- (b) a fire engine as defined by paragraph 4(2) of Schedule 2 to the Vehicle Excise and Registration Act 1994⁽¹³⁾;
- (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) or a vehicle falling within paragraph 7 of that Schedule and shall also include vehicles used for the transport of blood, plasma or human organs;
- (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⁽¹⁴⁾, or
 - (ii) section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978⁽¹⁵⁾; 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⁽¹⁶⁾; or
- (g) an agricultural tractor as defined by paragraph 20B of Schedule 2 to the Vehicle Excise Registration Act 1994.

⁽¹³⁾ 1994 c.22.

⁽¹⁴⁾ 1970 c.44.

⁽¹⁵⁾ 1978 c.53.

⁽¹⁶⁾ 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

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 2018. 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 ten year period following opening 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 4

Article 11

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

13. Road user charging on the Mersey Gateway Bridge was begun 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 Mersey Gateway Bridge and the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2017.

This Order revokes the 2017 Order. It imposes charges for use of either the Mersey Gateway Bridge or the Silver Jubilee Bridge, and contains 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 2017 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. It also contains the charges imposed upon using or keeping a vehicle 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.

Articles 10 and 11 explain to what purposes the charges recovered may be applied.

Article 12 deals with the civil enforcement of unpaid charges through the imposition of penalty charges. Paragraph 12(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 12(3)(a) explains that the penalty charge is payable in addition to the charge imposed. Paragraphs 12(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 13 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 14 to 19 contain powers that can be exercised in respect of motor vehicles. These powers are to examine vehicles (article 15), enter vehicles (article 16), seize items (article 17), immobilise vehicles (article 18) and remove, store and dispose of vehicles (article 19). 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.

BLANK PAGE

BLANK PAGE

BLANK PAGE

BLANK PAGE

BLANK PAGE

List of Organisations Contacted

AA (Automobile Association)
Cheshire and Warrington LEP
Cheshire Constabulary
Cheshire Fire and Rescue Service
Cheshire West and Chester Council
Department for Transport
Halton Borough Council (Cllrs)
Knowsley Metropolitan Borough Council
Liverpool City Council
Liverpool City Region Combined Authority
Mersey Fire and Rescue Service
Merseyside Police Service
Mersey Regional Ambulance Service
National Alliance Against Tolls
North West Ambulance Service
North West Transport Roundtable
North West MPs
Caravan and Motorhome Club
The Camping and Caravanning Club
North West National Farmer's Union
RAC (Royal Automobile Club)
Sefton Metropolitan Borough Council
St Helen's Metropolitan Council
Warrington Borough Council
Wirral Metropolitan Borough Council
Road Haulage Association
Freight Transport Association
Disability Equality North West
Traffic Penalty Tribunal
PATROL

This page is intentionally left blank

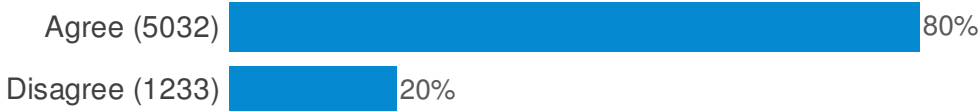
This report was generated on 04/04/18. To date 6355 respondents have completed this questionnaire.

I am responding on behalf of a...? Please X one box only



Proposal 1: Motor Home Classification

Do you agree or disagree with the proposal to amend the classification of Motor Home Vehicles to Class 2, the same classification as applies to private cars? Please X one box only



Proposal 2: Class 2 Vehicles pulling Trailer

Do you agree or disagree with the proposal to allow Class 2 vehicles to remain as Class 2 when pulling a trailer? Please X one box only



Proposal 3: Marked and Unmarked Emergency Service Vehicles

Do you agree or disagree with the proposal to allow 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 to be entered onto the exemptions register? Please X one box only



Proposal 4: Ambulance Vehicles whether carrying patients or not

Do you agree or disagree with the proposal to allow further ambulance vehicles, whether carrying patients or not, registered by the ambulance service to be entered onto the exemptions register? Please X one box only



Proposal 5: Agricultural Tractors

Do you agree or disagree with the proposal to allow agricultural tractors to be able to be entered onto the exemptions register? Please X one box only



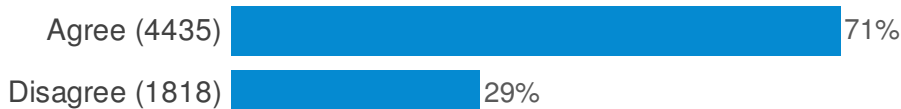
Proposal 6: Apprentice / Full time education in Bands G&H

Do you agree or disagree with the proposal to introduce special circumstances allowing Halton residents who are apprentices or in full time education living in properties that are in Council Tax Bands G&H who otherwise are ineligible for the Local User Discount Scheme to apply under the newly named Halton Local User Discount Support Scheme? Please X one box only



Proposal 7: Disabled Person in receipt of specific allowances but does hold a blue badge

Do you agree or disagree with the proposal to introduce a special circumstance for any disabled person who is a Halton resident, who does not hold a Blue Badge but who is in receipt of the allowances set out in para 3.4 to be able to register a vehicle, which will benefit from exemption from toll charges when they are travelling in the vehicle? Please X one box only



REPORT TO:	Council
DATE:	18 April 2018
REPORTING OFFICER:	Strategic Director Enterprise, Community & Resources
PORTFOLIO:	Resources
SUBJECT:	Pay Policy Statement 2018 – 2019
WARD(S):	Borough-wide

1.0 PURPOSE OF THE REPORT

- 1.1 The Localism Act 2011 requires every local authority to prepare a pay policy statement each year which details the Council's approach to a range of issues relating to the pay of its workforce, particularly its senior staff (Chief Officers) and its lowest paid employees.
- 1.2 This report details the Council's recommended Pay Policy Statement for 2018/19. The statement will be subject to annual review and approval by Full Council. In exceptional circumstances, the statement may be reviewed/amended in-year by the Full Council.
- 1.3 On approval the statement will be published on the Council's website following each annual review.

2.0 RECOMMENDATION: That Council adopts this Pay Policy Statement for the Financial Year 2018/19.

3.0 SUPPORTING INFORMATION

- 3.1 The Council is committed to transparency and fairness in the pay and remuneration of all its employees. In determining the pay and remuneration of all of its employees, the Council will comply with all relevant legislation and has had regard to the Guidance issued by the Department for Communities and Local Government in February 2012.
- 3.2 The Localism Act requires the Council to produce a policy statement that covers a number of matters concerning the pay of the Councils staff; principally its Chief Officers and the Authority's lowest paid employees. This pay policy statement meets the requirements of the Localism Act 2011 and takes account of the guidance issued by the Secretary for Communities and Local Government "Openness and Accountability in Local Pay: Guidance under Section 40 of the Localism Act".
- 3.3 The statement complies with the Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, The Agency

Worker Regulations 2010, and where relevant, the Transfer of Undertakings (Protection of Employment) Regulations 2014.

- 3.4 With regard to the equal pay requirements contained within the Equality Act, the Council ensures that there is no pay discrimination in its pay and grading structures and that all pay differentials are objectively justified through the use of job evaluation mechanisms, which directly establish the relative levels of grades according to the requirements, demands and responsibilities of the job role.
- 3.5 With effect from April 2018, employers with more than 250 employees are required to report on Gender Pay Gap to the Government Equalities Office. The calculation is prescribed statutorily and is based on a snapshot date of 31st March of the previous year. For 2018 reporting the Council's Gender Pay Gap at 31st March 2017 has been reported as follows;
- Median pay gap: 0.48% lower for female employees.
The median gender pay gap for the whole UK economy is 18.4% and for the public sector, it is 13.1% (October 2017 ONS figures).
 - Mean pay gap: 10.09% lower for female employees.
The mean gender pay gap for the whole UK economy is 17.4% (October 2017 ONS figures).

Further detailed information is published on the Council website at:

<https://www3.halton.gov.uk/Pages/councildemocracy/pdfs/EandD/genderpaygap.pdf>

- 3.6 This pay policy statement does not apply to schools maintained by the Council and there is not a requirement for it to do so.

4.0 THE PAY POLICY STATEMENT

- 4.1 Under Section 112 of the Local Government Act 1972, the Council has the power "to appoint officers on such reasonable terms and conditions as the authority sees fit." The purpose of the Statement is to provide transparency with regard to the Council's approach to setting the pay of its employees by identifying:

- The methods by which salaries of all employees are determined;
- The detail and level of remuneration of its most senior staff, i.e., chief officers, as defined by relevant legislation;
- The Committee responsible for ensuring the provisions set out in this Statement are applied consistently throughout the Council and recommending any amendments to the Full Council.

5.0 BACKGROUND – PAY STRUCTURE

- 5.1 The Council uses the National Joint Council (NJC) nationally negotiated pay spine (i.e. a defined list of salary points) as the basis for its local pay structure, based on the application of the job evaluation process to determine the salaries of the majority of its staff.

- 5.2 The Council adopts the national pay bargaining arrangements in respect of the national pay spine and any agreed annual pay increases negotiated with the joint trade unions.
- 5.3 For staff on Joint Negotiating Committee (JNC) terms and conditions (Chief Officers), the Council operates a locally determined pay structure, in accordance with JNC guidance, and any agreed annual pay increases negotiated with the joint trade unions.
- 5.4 In April 2016 employees of the Council were consulted and agreed to vary their contracts of employment by taking four days unpaid leave for a period of three years as a budget saving measure. This agreement followed two similar successive agreements, which ended in 2014/15. This has the effect of a 1% annual pay cut but contributes to enabling the Council to present a balanced budget. The current variation of contract covers the three financial years to 2018/19, ending on 31st March 2019.
- 5.5 All other pay related allowances are the subject of either national or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery and/or as determined locally.
- 5.6 Starting salaries for new appointments will normally be made at the minimum spinal column point for the grade, although this can be varied where necessary to secure the best candidate for the job. From time to time it may be necessary to take account of the external pay market in order to attract and retain the best employees with particular experience, skills and abilities. Where necessary, the Council will ensure that the requirement for such payments is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the public sector and where such retention payments are necessary, they will be considered with the framework provided by the NJC, and be subject to local negotiations.
- 5.7 There is a formal job evaluation process for new positions created or for proposed changes to existing job descriptions. For positions which are subject to the National Joint Council (NJC) for Local Government Services ('Green Book'), the grading review is undertaken with representation from the Human Resources Service, the Trade Unions and the Manager, using the Local Government Single Status Job Evaluation Scheme (the NJC scheme) which is used to evaluate posts up to grade HBC11.
- 5.8 The following employee groups are not presently paid in accordance with an evaluated grade/role determined by the Council and instead nationally or locally determined rates apply:
- Employees whose pay and conditions are determined by the Soulbury Committee
 - Employees within the Council whose pay is determined by the annual review of the School Teachers Pay and Conditions document (STPCD)
 - Employees who have transferred from the NHS to the Council on NHS terms and conditions

- Employees who have retained terms and conditions following a TUPE transfer to the Council

5.9 Any temporary supplement to the salary scale for any grade is approved in accordance with the 'Green Book' criteria on such matters and can only be approved by the Chief Executive in consultation with the Divisional Manager – Policy, People, Performance & Efficiency (PPPE).

6.0 SENIOR MANAGEMENT REMUNERATION

6.1 For the purposes of this Statement, senior management means 'chief officers' as defined within the Localism Act. The posts falling within the statutory definition are set out below:

- Chief Executive
- Strategic Directors
- Operational Directors
- Director of Public Health

6.2 The basis of salary levels for Chief Officers was established following a review exercise in April 2005 carried out by Tribal Resources, using the Hay system to evaluate grades and salary points.

6.3 The salary details of the Council's Chief Officers can be found on the Council website and are published as part of the Council's Annual Statement of Accounts.

6.4 The arrangements and factors considered in determining progression through the relevant grade is incremental progression awarded on an annual basis until the top of the grade is reached.

6.5 The terms and conditions applicable to officers on director grade and above are determined by the JNC for Chief Executives, the JNC for Chief Officers of Local Authorities or NHS as amended, supplemented or superseded by the Council from time to time.

7.0 RECRUITMENT OF CHIEF OFFICERS

7.1 The Council's policy and procedures with regard to the recruitment of Chief Officers is as contained in the Council's Constitution which is reviewed annually by Full Council.

7.2 When recruiting to all posts the Council will take full and proper account of all provisions of relevant employment law, its recruitment guidance and equal opportunities policies.

7.3 The remuneration of any newly appointed chief officer will be in accordance with the pay structure and relevant policies in place at the time of recruitment.

8.0 ADDITIONS TO SALARY OF CHIEF OFFICERS

- 8.1 Incremental progression through the grade is time related i.e. employees are entitled to receive an increment (the next salary point on the pay spine, unless at top of grade) on an annual basis. This cannot be withheld or varied from the agreed pay spine under the employment contract, unless formal proceedings on capability have been implemented.
- 8.2 To meet specific operational requirements it may be necessary for an individual to temporarily take on additional duties to their identified role. The Council's arrangements for authorising any additional remuneration (e.g. honoraria, acting up) are dependant upon the provision and approval of a business case to the Chief Executive and relevant Strategic Director in consultation with the Divisional Manager PPPE.
- 8.3 Officers required to use a vehicle for Council business are currently entitled to an essential car user allowance, currently £1,000pa (from April 2013). The Chief Executive, Strategic Directors and Operational Directors are also entitled to this payment.
- 8.4 The Chief Executive also receives reimbursement for the duties undertaken as a Returning Officer.
- 8.5 Additions to pay are negotiated for all employees, including those covered by the NJC ('Green Book') and JNC terms and conditions.

9.0 PENSION CONTRIBUTIONS

- 9.1 Where employees have exercised their right to become members of the Local Government Pension Scheme, the Council is required to make a contribution to the Scheme representing a percentage of the pensionable remuneration due under the contract of employment of that employee. The rate of contribution is set by Actuaries advising the Pension Fund and reviewed on a triennial basis in order to ensure the Scheme is appropriately funded. The current employer's rate, set at April 2017, is 18.6%.
- 9.2 The employee contribution rates, which are defined by statute, are currently based on their annual full time equivalent rate of pay at the following rates:

Rate of Contribution	Annual Rate of Pay (01 April 2018 to 31 March 2019)
5.5%	Up to £14,100
5.8%	£14,101 - £22,000
6.5%	£22,001 - £35,700
6.8%	£35,701 - £45,200
8.5%	£45,201 - £63,100
9.9%	£63,101 - £89,400
10.5%	£89,401 - £105,200
11.4%	£105,201 - £157,800
12.5%	More than £157,801

10.0 PAYMENTS ON TERMINATION

- 10.1 The Council's approach to (statutory) and discretionary payments on termination of employment of Chief Officers, prior to reaching normal retirement age is set out within its Pensions Discretions Policy and in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 (and if adopted) Regulation 12 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007.
- 10.2 The Council's Policy on Voluntary Early Retirement and Voluntary Redundancy are contained in its Staffing Protocol which was approved by the Appointments Committee on 21st September 2009 with revised terms to reflect the changes to the Local government Pensions Scheme in April 2014 being agreed by the Committee on 4th February 2015. These arrangements apply to all employees at all levels.
- 10.3 The Council will have regard to the 'The Public Sector Exit Payment Regulations, 2016' and the 'Repayment of Public Sector Exit Payments Regulations 2016', upon Parliamentary approval and implementation which is currently awaited.

11.0 PUBLICATION

- 11.1 Upon approval by full Council, this Statement will be published on the Council's website.
- 11.2 For posts where the full time remuneration is £50,000 or above, the Council's Annual Statement of Accounts will include a note setting out the total amount of:
- Salary, fees or allowances paid to or receivable by the person in the current and previous years;
 - Any bonuses so paid by way of expenses allowance that are chargeable to UK Income Tax;
 - Any compensation for loss of employment and any other payments connected with termination;
 - Any benefits received that do not fall within the above.

12.0 LOWEST PAID EMPLOYEES

- 12.1 Employees not on Chief Officer, Soulbury, or STPCD terms and conditions are paid in accordance with the National Joint Council (NJC) for Local Government Services ('Green Book'). The basic pay for each 'Green Book' employee consists of a salary scale containing a number of spinal column points on the NJC pay spine.
- 12.2 An increment is awarded on an annual basis up to the maximum of the salary grade. The normal increment date is 01 April. Pay awards are generally awarded with effect from 01 April, although the date can be influenced by the negotiation process. The current pay award is subject to negotiation at the time of writing.

- 12.3 Annual pay awards have removed the lowest spinal column points on the NJC pay scale, the latest being SCP 5, with effect from 1 October 2015. The pay spine now starts at SCP 6 which equates to a full time equivalent salary of £15,107 per annum (uplifted 1 April 2018 to meet National Living Wage rate – NJC pay award pending).
- 12.4 The relationship between the rate of pay for the highest paid employee and the mean average earnings across the Council is recommended as the best way of illustrating the relationship between the two. This is called the pay multiple and for this Authority, the pay multiple is 1:7.31.
- 12.5 The Hutton Review asked for a pay multiple between the highest and the lowest paid median average salary not to exceed 1:20. On this basis, the Council has a pay multiple of 1:8.56, well within the recommended range.
- 12.6 The Council has regard to the National Minimum Wage (Amendment) Regulations 2016, which implemented the National Living Wage for employees aged over 25, with effect from 1st April 2016.
- 12.7 The Council ensures that all employees, including those aged under 25, are paid the National Living Wage.

13.0 ACCOUNTABILITY AND DECISION MAKING

- 13.1 In accordance with the Constitution of the Council, the Appointments Committee is responsible for decision making in relation to the recruitment, pay, terms and conditions and severance arrangements relating to employees of the Council.

14.0 POLICY IMPLICATIONS

- 14.1 The requirements under the Localism Act to produce and publish the Pay Policy Statement supplements existing duties and responsibilities that the Authority, as an employer has, particularly its responsibilities under the Equality Act 2010 to avoid discrimination and provide equal pay.

15.0 FINANCIAL IMPLICATIONS

- 15.1 The Pay Policy Statement must be prepared for the financial year 2017/18 and each subsequent financial year. Once in place, it will provide the public with a clear rationale to explain the Authority's approach to pay.
- 15.2 The Council employs 2492 staff in 2576 posts and is responsible for spending annually over £300 million of public money.

16.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

- 16.1 Employees are a key element of the delivery of services that contribute to all of the Council's priorities. As such, appropriate and relevant payment to employees enables the delivery of those priorities.

17.0 RISK ANALYSIS

17.1 The adoption of this Pay Policy Statement, and use of the frameworks and mechanisms described within, provides assurance that the Council is mitigating any legislative and ethical risk linked to the remuneration of its employees.

18.0 EQUALITY AND DIVERSITY ISSUES

18.1 The Pay Policy Statement will assist the Council to monitor remuneration across the Council and provide a fair system which avoids discrimination.

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

19.1 There are no background papers under the meaning of the Act.