

REPORT TO: Council

DATE: 18 October 2017

REPORTING OFFICER: Operational Director – Legal & Democratic Services

PORTFOLIO: Transportation

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

1.0 EXECUTIVE SUMMARY

- 1.1 This report asks the Council to note the Operational Director - Legal & Democratic Services delegated decision to:
- 1.1.1 lift the suspension of The Mersey Gateway Bridge and A533 (Silver Jubilee Bridge) Roads User Charging Scheme Order 2016 (“**RUCSO**”) except in relation to its application to the Silver Jubilee Bridge;
 - 1.1.2 thereby bring the RUCSO back into effect in relation to the Mersey Gateway Bridge;
 - 1.1.3 impose the charging scheme from the date that the Mersey Gateway Bridge is operational and fully open to all traffic the "**Permission to Use Date**"; and
 - 1.1.4 in doing so, confirm the charges to be levied for use of the Mersey Gateway Bridge by different classes of vehicles.
- 1.2 Following an application made by the Council on 26 March 2015, the Secretary of State on 18 August 2016 made the River Mersey (Mersey Gateway Bridge) (Amendment) Order 2016 (“**Amendment Order**”), thereby modifying the River Mersey (Mersey Gateway Bridge) Order 2011 (“**2011 Order**”).
- 1.3 The Council resolved to make the RUCSO on 14 September 2016 in the form attached at Appendix A. The RUCSO was made subject to the application of certain measures (reflecting the delay between the making of the RUCSO and the Permission to Use Date) to be implemented by the Operational Director - Legal & Democratic Services pursuant to delegated authority granted by the Council.

1.4 The Operational Director - Legal & Democratic Services has exercised his delegated powers. This report now asks the Council to note those decisions and actions, which have brought the RUCSO fully into effect in respect of the Mersey Gateway Bridge to enable charges to be imposed for use of the Mersey Gateway Bridge from the Permission to Use Date.

2.0 RECOMMENDATION

The Council is recommended to note the Operational Director - Legal & Democratic Services delegated decision to:

- 1) lift the suspension of RUCSO except in relation to the Silver Jubilee Bridge;**
- 2) thereby bring the RUCSO back into effect in relation to the Mersey Gateway Bridge;**
- 3) impose the charging scheme from the Permission to Use Date; and**
- 4) in doing so confirm the charges to be levied for use of the Mersey Gateway Bridge by different classes of vehicles.**

3.0 BACKGROUND

3.1 The 2011 Order has been amended by the Amendment Order with effect from 14 September 2016.

3.2 The 2011 Order now allows:

3.2.1 a RUCSO to be made in relation to the Silver Jubilee Bridge and Mersey Gateway Bridge; and

3.2.2 the application of the Road User Charging Scheme (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 ("**Enforcement Regulations**") to charges collected by the Council under the RUCSO or, with some changes to the application of the Enforcement Regulations, tolls collected by the Council under the 2011 Order.

3.3 The RUCSO was made by the Council pursuant to the resolution of 14 September 2016 for the following reasons:

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

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

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

with the mechanism to achieve this being making the RUCSO in respect of the Bridges, to which the Enforcement Regulations could be applied.

3.4 The RUCSO was also made subject to the application of certain measures, reflecting the delay between the making of the RUCSO and the Permission to Use Date, to be implemented by the Operational Director - Legal & Democratic Services pursuant to delegated authority granted by the Council during the same meeting on 14 September 2016.

3.5 In particular, the Council resolved to make the RUCSO in the specified form and delegate authority to the Operational Director - Legal and Democratic Services to make non-material or consequential amendments to the RUCSO necessary to give it effect, as well as bring the charging scheme under the RUCSO into effect on 1 July 2017 provided it had been made.

3.6 The Council also resolved that the charging scheme should be suspended with effect from that date until the Permission to Use Date.

3.7 It delegated authority to the Operational Director - Legal & Democratic Services to take all necessary steps to:

3.6.1 bring the RUCSO into effect;

3.6.2 suspend the charging scheme until the Permission to Use Date; and

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

3.8 In August 2017 the Permission to Use Date was considered to be sufficiently imminent for the Operational Director - Legal & Democratic Services to exercise his delegated authority to lift the suspension, bring the RUCSO into effect, impose the charging scheme and confirm the levels of charge for classes of vehicles using the Mersey Gateway Bridge.

3.9 The relevant Notification Record of Officer Decisions recording the Operational Director - Legal & Democratic Services' exercise of his delegated authority can be found at Appendix B, along with a copy of a notice published in each of the Liverpool Echo and Official Gazette on Thursday, 31 August 2017.

3.10 The Operational Director - Legal & Democratic Services' actions confirm that the charges to be levied for users of the Mersey Gateway Bridge are as follows:

Class 1 vehicles - motorcycles	Class 2 vehicle - van and car	Class 3 vehicles - more than 3.5 tonnes but less than 12 tonnes	Class 4 vehicles - More than 12 tonnes
£0.00	£2.00	£6.00	£8.00

4.0 NEXT STEPS

4.1 The Council is asked to note and record the actions taken by the Operational Director - Legal & Democratic Services in accordance with the terms of the proposed resolution in paragraph 2.0.

4.2 For the avoidance of doubt, the Council is not being asked to take any steps in relation to the application of the RUCSO to the Silver Jubilee Bridge, in respect of which the application of the RUCSO remains suspended.

5.0 RESOURCE IMPLICATIONS

Not applicable. This report is for information only.

6.0 RISK

Not applicable. This report is for information only.

7.0 EQUALITY AND DIVERSITY

Not applicable. This report is for information only.

8.0 CONCLUSION

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

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

None under the meaning of the Act.