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www.nottinghamcity.gov.uk/buslanes

Nottingham City Council

Understanding your Penalty Charge Notice (Please Note: This document is for advice only and does not form part of the Penalty Charge Notice).

Penalty Charge Notices – You have received a Penalty Charge Notice (PCN) for an alleged bus lane contravention which has been detected by CCTV. **As the owner/hirer, the Authority believe that you are liable for the penalty charge of £60 which must be paid by no later than 28 days beginning with the date of service of the notice. This amount is reduced by 50% to £30 if you are paying within 14 days of the date of service (which is printed on the front of the PCN).** If you believe that you are not liable for the penalty charge you may make representations against paying it on specified grounds – the process and grounds are described on the reverse side of the PCN.

PCNs are issued by local authorities authorised to carry out civil enforcement of traffic contraventions such as alleged bus lane and parking contraventions. Nottingham City Council has the powers to issue PCNs to vehicles which have been observed and recorded by an Authorised Officer using an Approved Device on the CCTV network or in a CCTV vehicle, connected to a digital recording system, or by unmanned ANPR cameras. "Approved Device" means that the Secretary of State has approved all of the above equipment for the purposes of Civil Enforcement of traffic contraventions.

What is an "Alleged Contravention" of a bus lane? - Bus lanes in Nottingham are created using Traffic Regulation Orders (TRO) and are for the use of buses, pedal cyclists and wheelchair accessible taxis. (A small number of other types of vehicle are also able to use the bus lane such as emergency vehicles attending an emergency). A bus lane contravention is a contravention of any provision of a traffic order relating to use of an area of road that is or forms part of a bus lane. Bus lanes are clearly marked according to the regulations in Traffic Signs Regulations and General Directions 2002 (TSRGD). There are some variations to standard bus lane signing - these have been authorised by the Department for Transport and allow wheelchair accessible taxis to use the bus lanes.

The legal definition of a bus contained in the TSRGD is 'motor vehicles constructed or adapted to carry more than eight passengers (exclusive of the driver)'. Therefore, a bus must have a minimum of 10 seats including the driver.

When observing, capturing and processing bus lane contraventions, the Authorised Officer will have noted issues such as the following before considering the issue of a PCN:

- The bus lane is clearly marked and operational and the incident occurred more than 5 minutes after the restrictions started and more than 5 minutes before they ended
- There is no evidence that the vehicle has stopped to pick up or set down a passenger. If setting down a passenger the vehicle must have made every effort to move out of the bus lane as soon as it was safe to do so
- There is no evidence of action by a Police Officer or an On-Street Civil Enforcement Officer
- The vehicle's actions in the bus lane were not merely clipping the start or end of the bus lane but if the vehicle entered the bus lane it proceeds for more than 20 metres (approx 4 continuous car lengths) after so entering
- At least a significant part of the vehicle infringed the bus lane restriction i.e. more than 50% of the vehicle's width
- If the vehicle used the bus lane to gain advantage over traffic using the correct lane.

Normally, bus lane contraventions begin when a vehicle breaks and crosses the solid white boundary line between the bus lane and the remainder of the carriageway without good reason during the bus lane's time of operation.

Bus Gate - A bus gate is a method of discouraging through traffic in towns and city centres. In Nottingham, they are short sections of road blocked off to all traffic except buses and cycles and wheelchair accessible taxis (except where temporary TROs are in operation and will be signed on site accordingly). Signing of bus gates is different to that of a bus lane (a bus lane has a thick white line on the carriageway) but still adheres to the regulations in the TSRGD.

Tram Gate - Similar to a bus gate, a tram gate is a part of the highway where use is restricted by TRO to trams only and is clearly signed. Under the TRO, contraventions of both bus gates and tram gates are treated as if they are a bus lane contravention; the contravention is a point restriction; therefore the contravention begins when the bus or tram gate is entered.

Photographic Evidence - The Authority will have a continuous digital video film of the alleged contravention, as the complete evidence. **You can view the recording online by logging onto Authority's website and following the link www.nottinghamcity.gov.uk/buslanes . Here, you can view the recording and pay or make a representation against paying the penalty charge.** You may also view the recording by making an appointment by writing to the Authority. Currently there is only one office with the necessary secure and appropriate viewing facilities. This viewing will be free of charge and at a time in normal office hours. The Authority has provided you, free of charge, with 3 still photographs taken from the moving video on the PCN, which in the Authority's opinion establish the alleged contravention.

Representations - As the PCN is issued for £60, any representation is against the full £60 penalty. The discounted rate is available for the full 14 days even if you make an unsuccessful representation which has been replied to by the Authority within the 14 day period. If you pay the penalty charge and then make a representation or if you make a representation and then pay later before receiving a reply, the process will be stopped as liability will be deemed to have been accepted and the case will be closed. Please note that the discount period will not be put on hold during consideration of your representations.
Payment - The penalty charge can be paid using a credit card either online at www.nottinghamcity.gov.uk/buslanes or over the telephone by calling 08456 580590; If there is a barcode on the front of the PCN, cash, cheques or debit cards can be used to pay at any Post Office branch; Cash payments are also accepted at PayPoint outlets; Cheques and postal orders can be sent by post to the address on the PCN.

Date of Service -For the purposes of the Regulations, it shall be presumed that service of the notice by post is calculated as being the 2nd working day after the day on which it was posted / issued as sent by 1st class post, unless you can prove otherwise. This excludes weekends and Bank Holidays. The Authority has calculated this for you and it is printed on the front of the PCN.

Further information – Copies of the bus lane orders, DfT authorisations etc. and other information can be found on the Council's website by visiting initially **http://www.nottinghamcity.gov.uk/article/23131/CCTV-bus-lane-and-camera-enforcement**. For general queries about your PCN and for further information on the appeal system please see the Council's website above, or phone the City Council's Processing & Enforcement team on 0115 8761499 or email parkingappeals@nottinghamcity.gov.uk. Alternatively you can visit the website of the Traffic Penalty Tribunal at www.trafficpenaltytribunal.gov.uk. **Please note that as the PCN has been issued from CCTV evidence, there is no informal appeal process, as the PCN acts like a 'Notice to Owner'.**

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