

HALTON BOROUGH COUNCIL



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

17 April 2018

SUPPLEMENTARY AGENDA

**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', is positioned in the center of the page.

Chief Executive

-AGENDA-

Item No.

4a) Mersey Gateway

Page No.

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SUPPLEMENTAL

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 This report advises the Council of the responses to the consultation from the Traffic Penalty Tribunal on the proposed updated Road User Charging Scheme Order 2018 (the 2018 RUCSO). As a result of these responses the 2018 RUCSO has been amended from that appended to the published report (the revised 2018 RUCSO).
- 1.2 This report asks the Council to make the revised 2018 RUCSO in the form at Appendix 2 to this supplemental report.

2.0 RECOMMENDATION: That the Council should make the updated RUCSO in the form (or substantially the same form) as that in Appendix 2 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 revised 2018 RUCSO to be made.

3.0 Background

- 3.1 At the time that the report to Council on the MGB 2018 RUCSO was published, the response to the consultation from the Traffic Penalty Tribunal was not available. Their response was received on 10 April 2018 has been given due and careful consideration.

4.0 Revised 2018 RUCSO

- 4.1 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 including the Traffic Penalty Tribunal(TPT).
- 4.2 TPT's comments on the updated RUCSO were not received until 10 April 2018. These comments are considered in the Supplementary to the Consultation Report, which can be found at Appendix 1 to this report. In

response to the comments from TPT a small number of amendments to the updated RUCSO are suggested as set out in that report. These have been incorporated into the revised 2018 RUCSO to be found at Appendix 2.

- 4.3 It is not considered that any further consultation is required or that an inquiry needs to be held into the making of the updated RUCSO, because all issues raised by TPT have been addressed.

5.0 Resource Implications

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

6.0 Risk

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

7.0 Equality and Diversity

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

8.0 Conclusion

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

List of Appendices

- APPENDIX 1 - Supplementary to the Consultation Report
APPENDIX 2 - revised 2018 RUCSO

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

Supplementary to the Public Consultation Report

Prepared by the Mersey Gateway Crossing Board (the Board)

16 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 response received from the Traffic Penalty Tribunal following the preparation of the Public Consultation Report and how it is proposed that these responses should be taken into account by the Council.

2.0 Background

- 2.1 Appendix B to the Public Consultation Report indicates those organisations who were contacted for their comments on the 2018 RUCSO. The consultation ran from the 8 March 2018 to 29 March 2018 following the Council's approval to conduct the consultation on the 7 March 2018.
- 2.2 It will be noted that the Traffic Penalty Tribunal (TPT) and PATROL were listed as consultees. TPT are the adjudicators who, as a body, consider all appeals from those who receive Penalty Charge Notices (PCNs) which have not been resolved between the bridge user (to whom the PCN has been issued) and Merseyflow (the Council's 'tolling' operator). Because of TPT's key role in the enforcement process, TPT were considered an important consultee. It should be noted that PATROL are the organisation that provides the administrative support to the adjudicators at TPT and are an important communication conduit in the adjudication processes.
- 2.3 By the closing date on 29 March 2018, TPT had not responded to the consultation. PATROL was contacted during the W/B 2 April 2018 with a view to obtaining the TPT comments in time to incorporate them in the Public Consultation Report. PATROL indicated that TPT did have comments and would request of them that these be issued to meet the time frame communicated to PATROL by the Board for the preparation of the necessary reports for publication and for presentation to the Council. Despite this the comments from TPT were only received on 10 April 2018. These comments have been given careful consideration and are addressed in para 3 below.

3.0 Comments received from TPT

3.1 TPT have confined their comments to the drafting of the 2018 RUCSO and have not offered an opinion on the specific questions in the consultation. This is as expected and appropriate.

3.2 The responses from TPT were set out in accordance with the Article and Schedule numbers set out in the 2018 RUCSO. TPT's comments are paraphrased together with the Responses in Appendix (i) and the 2018 RUCSO has been modified accordingly (see accompanying officer's report) which attaches a revision to the 2018 RUCSO (the revised 2018 RUCSO).

LIST OF APPENDICES

APPENDIX (i) - ANALYSIS OF RESPONSES FROM TPT

APPENDIX (i)

RESPONSE TO TPT CONSULTATION COMMENTS

2017 RUCSO ARTICLE	TPT COMMENT	RESPONSE
1(2) - Citation and Commencement	The Scheme is set out in the body of the Order, not the Schedules	Updated in revised 2018 RUCSO
2 - "Concession Agreement" and "Concessionaire"	The terms are no longer used in the Order	They appear in Schedules 3 and 4 and are relevant to the application 9 funds. No change to 2018 RUCSO
5 - Scheme Roads	Circumlocution to define the roads by reference to the defined term in Art. 2. Should describe the scheme roads in Art. 5.	The expression is used more than once and is therefore a defined term within Art. 2. The approach in Art. 5 adopts the correct drafting convention. No change to 2018 RUCSO
6 - Imposition of Charges	Incompatibility with Art. 21 of the 2016 Byelaws.	The byelaws may require to be adjusted - not the RUCSO. However, the present wording of Art. 21 of the Byelaws is compatible with when liability arises under the RUCSO. No change to 2018 RUCSO
7 - Payment of Charges	<p>1. Article does not state time by which toll to be paid.</p> <p>2. The Article is long winded and incomprehensible.</p> <p>3. Provides for payment at tollbooths. (Art. 7(6)).</p>	<p>1. This is implicit in Art. 12 but can be made explicit in Art. 7. Updated in revised 2018 RUCSO</p> <p>2. This is a stylistic comment and the drafting is not incomprehensible. However, the opportunity has been taken to revisit the drafting of this article. Updated drafting in revised 2018 RUCSO</p> <p>3. The current drafting allows for fixed point or free flow tolling however we can update to remove fixed point tolling in line with Dartford. Updated in 2018 RUCSO</p>

	<p>4. Art. 7(8) application to appeals and allocation of payments to crossings - potential problems.</p>	<p>4. Payment allocation is not a matter for the 2018 RUCSO and it is unclear what issues PATROL envisage but the drafting has been reviewed and amendments made. Updated in 2018 RUCSO</p>
<p>9 - Exempt Vehicles (Schedules 2)</p>	<p>1. Dartford Order exempts classes of vehicles, without need for entry onto a register.</p> <p>2. The register is not defined.</p> <p>3. Requirement to display blue badge not relevant to free flow tolling.</p>	<p>1. Procedure aligns with Mersey Tunnels operational processes. It is also not clear how the MGB ANPR system would recognise "police" or "fire" vehicles unless the vehicle is registered. Dartford use registration though there is no legal requirement to maintain a register. No change to 2018 RUCSO</p> <p>2. Definition clarified. Updated in 2018 RUCSO</p> <p>3. The requirement originates from toll booth arrangements but has a purpose with open road arrangements. The ANPR cameras can pick up the badges and in future full detail may be discernible. The requirement deters abuse of the exemption and an authorised officer under the Byelaws can stop vehicle and inspect the badge. No change to 2018 RUCSO</p>
<p>12 - Penalty Charges</p>	<p>1. State the penalty charges on the face of the Order.</p> <p>2. Conflict between civil and criminal offences in RUCSO and Byelaws.</p>	<p>1. Will be addressed. Updated in 2018 RUCSO</p> <p>2. This is not a conflict. Rather, a criminal offence is created for breach of a Byelaw (e.g. non-payment) and a civil offence under the RUCSO which is the regime that would be pursued under. The duality of offences and civil matters is a legal common place - for example battery is a criminal offence but the same action can give rise to a civil claim for trespass to the person. No change to 2018 RUCSO</p>

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APPENDIX 2 (SUPPLEMENTARY)

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]

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

Appropriate persons have been consulted in accordance with section 170(1A) 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 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 class 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 description 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.merseyflow.co.uk

Payment of charges

7.—(1) Subject to paragraph **Error! Reference source not found.** a charge imposed by this scheme, the amount of which is specified in article 6 paragraph (2) (imposition of charges), shall be paid no later than 23:59 hours on the day immediately following the day after the charge has been incurred 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 contract for the payment of charges in respect of the use of the scheme roads by them, by other persons or by any vehicles on such terms as may be provided by the agreement.

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

(5) Any composition agreement entered into prior to the appointed day and whether or not in respect of this Order shall have effect from that day and from the appointed day this scheme shall apply to that composition agreement 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 (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.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) 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.

(12) 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.

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) of the 2000 Act, 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 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>Penalty Charge rate applicable</i>
Class 1 vehicles	Free
Class 2 vehicles	£40
Class 3 vehicles	£40
Class 4 vehicles	£40

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

PART 2

The Register of Vehicles Exempt from Charges

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

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

(a) S.I. 2001/2793.

- (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 in respect of 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 in respect of crossing the Silver Jubilee Bridge.

4. Registration of a vehicle upon the 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 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 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 register within twenty working days of receiving such an application.

7. The Council shall remove particulars of a vehicle from the 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 register, the keeper shall notify the Council of the fact and the Council shall remove the particulars of the vehicle from the 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 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 register; and
- (b) notify the registered keeper.

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

10. Nothing in this paragraph shall prevent the making of a fresh application under Schedule 2 for particulars of a vehicle to be entered in the 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) provides 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 displaying a permit may be required. Paragraph (11) 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.

Council
18 April 2018

Mersey Gateway Road User Charging Scheme Order ("RUCSO") 2018

Council Recommendation

That the Council

confirm that no further consultation is required in respect of the updated RUCSO;

confirm that no public inquiry is required to be held into the making of the updated RUCSO;

make the updated RUCSO in the form (or substantially the same form) as that in Appendix 2 (attached) to the Supplemental Report to Council 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 revised 2018 RUCSO to be made.

leave toll charges unchanged - as specified in the updated RUCSO.

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

leave administration Fees in respect of registering with Mersey Gateway/ Merseyflow unchanged.

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