

<b>DECISION-MAKER:</b>	CABINET		
<b>SUBJECT:</b>	ITCHEN BRIDGE TOLLS: OBJECTIONS TO PROPOSED EXEMPTION FOR MOTORCYCLISTS (TRO)		
<b>DATE OF DECISION:</b>	21 DECEMBER 2009		
<b>REPORT OF:</b>	HEAD OF HIGHWAYS AND PARKING SERVICES		
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## STATEMENT OF CONFIDENTIALITY

Not Applicable

## SUMMARY

Consultations have been carried out on a scheme to offer a 'toll-free' concession at the Itchen Bridge to motorcyclists who reside within the city. This report sets out the outstanding objections to this proposal for determination by Cabinet.

## RECOMMENDATIONS:

To consider and determine the outstanding objections.

## REASONS FOR REPORT RECOMMENDATIONS

1. To fulfil the Council's obligation to consult upon proposals and consider objections.
2. To enable the proposed concession to be introduced, if considered appropriate after consideration of the objections. This would encourage the use of motorcycles (i.e. powered two-wheelers of any description) as a means of reducing congestion and as a potentially environmentally-friendly form of transport.
3. It would also ensure that safety is not compromised at the toll booths and avoid inappropriate expenditure in the context of possible future changes to the toll collection facilities.

## CONSULTATION

4. The proposed Tolls Order was advertised for public comment in the Southern Daily Echo on 25th September 2009, with a 28 day period for objections. Comments were also sought from the Motorcycle Action Group and a range of other interested parties and representative bodies.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. A scheme for all motorcyclists (a vehicle class exemption rather than toll concession) with no special safety measures. This was rejected by Cabinet on health and safety advice in June 2008.

6. A scheme for all motorcyclists (a vehicle class exemption rather than toll concession) together with exit barriers added to the toll booths as a safety measure. This would cost about £75,000-£90,000, but would not represent good value if the barriers were superseded by future alterations to the toll plaza.
7. A scheme for all motorcyclists (a vehicle class exemption rather than toll concession) allowing them to use the bus-only link road at the eastern end of the bridge to avoid the toll booths. This would pose unacceptable risks to pedestrians and motorcyclists in the link road, which serves as a busy local bus terminus.

## **DETAIL**

8. Motorcyclists have been charged for using the Itchen Bridge since it was first opened in 1977, but the toll has remained unchanged at 20p since 1991. In September 2009 Cabinet approved a proposal to offer a ' toll-free ' concession at the Itchen Bridge to motorcyclists who reside within the city. Eligible riders would be given "key fob" permits and, for safety reasons, they would have to stop at the toll booths to have their permit checked. The permits would be prominently marked with unique serial numbers and would be easy to display, either as key fobs or in other acceptable ways. Motorcyclists without permits would also have to stop at the booths to pay the standard 20p toll.
9. Two objections were received when this proposal was advertised and these are summarised and answered in the officer's response shown in Appendix 1.
10. Only one of these objections is now outstanding. This is from Geoff Breeze, the local representative for the Motorcycle Action Group (MAG) whose original comments were as follows:-

"MAG formally objects [to] the proposal of tolls for motorcycles only being axed for city residents. Our view would be that we believe that the bridge should be free to all motorcyclists where ever they have come from. We know that there is an argument that the bridge was originally intended as a [local] service but to axe tolls for motorcyclists that live in the city only is to discriminate against people who may work in the city and people who use the bridge to travel into the city to shop, visit relatives that may live in the city, go to watch football, or any other reason. The motorcyclists who may travel into or out of the city using the Itchen Bridge may very well be people who support local businesses and enterprises that benefit the city of Southampton a great deal and therefore should enjoy the same right to cross the bridge toll free as a resident would ... we would like to see the Itchen Bridge toll free for all motorcyclists as quickly, safely, and cost effectively as possible."
11. The MAG have now indicated that they wish to sustain their objection and their Legal Officer Peter Stubbs has commented as follows:-

"We would like to take this matter to Cabinet level, this is based on discussions with our members. We obtained a copy of the Health and Safety report produced by Capita and to be honest with you we are disgusted with it, it seems to be based on personal opinion of the person or persons that produced the report and there is not a single piece of hard evidence to back up the findings or the conclusions of the report, and the final paragraph [which

refers to amending the Tolls Order so that motorcyclists who disregard the red signal can be traced through the DVLA] is an insult to the vast majority of motorcyclists. Our members wanted to organise a demonstration on the bridge to make our feelings about the report and the councils recommendations to go ahead with the token idea, it seems you have not taken on board any of our suggestions about this issue. We believe the token scheme is dangerous and unworkable, we would present our case for this opinion to the Cabinet.”

12. The Health and Safety report mentioned by the MAG is shown in Appendix 2. It does not relate to the current proposal but to an earlier one, which would have exempted all motorcyclists, not just those who live in the city. That earlier proposal is the one that the MAG would still like to see implemented, but the Health and Safety team's conclusion that it would not be safe without appropriate protective measures is fully supported by Highways officers. The need for appropriate safety measures is met by the scheme now proposed. A full response from the Corporate Health and Safety Service to the MAG's comments is shown in Appendix 3.

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

13. The proposal has no capital implications.

### **Revenue**

14. Based upon census data and other sources it is estimated that about 75% of motorcyclists crossing the bridge are likely to be city residents and, on this basis, the annual loss of income would be about £14,000. This can be met from within the approved revenue estimates.
15. The one-off costs of setting up a resident-only concession including the change to the Tolls Order and administration would be in the region of £5,000 and can be met from within the approved revenue estimates.

### **Property**

16. There are no direct property implications associated with this report.

### **Other**

17. None.

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

18. The proposed concession necessitates a revision of the Itchen Bridge Tolls Order, under the powers given by the Hampshire Act 1983. These powers include specific provisions to introduce concessions for local residents, in accordance with the original purpose of the bridge as a local facility, and in order to reduce congestion in and around the locality of the bridge.

**Other Legal Implications:**

- 19. The toll collectors are employees of Southampton City Council. The toll plaza building, the toll booths and the bridge are owned by the City Council. Under the Health and Safety at Work Act, Section 2, the employer must do all that is reasonably practicable for the safety of the employees.
- 20. The Management of Health and Safety at Work Regulations also apply, and this legislation requires risks to be assessed. A risk assessment must be reviewed in the light of any changes in circumstances.
- 21. The proposed concession is restricted to city residents for safety reasons, as explained in this report. If it were introduced without appropriate safety measures, and an accident were to occur as a consequence, the Council would be open to investigation by the Health and Safety Executive. This could result in either the issuing of a notice requiring the introduction of appropriate measures or prosecution for failure to comply with health and safety legislation (or both). Such a prosecution would be directed primarily against the Council as a corporate body but could also include action against senior decision makers as individuals.

**POLICY FRAMEWORK IMPLICATIONS**

- 22. Support for motorcycles as a form of transport accords with the policies set out in the Local Transport Plan 2006 – 2011.

**SUPPORTING DOCUMENTATION**

**Non-confidential appendices are in the Members’ Rooms and can be accessed on-line**

**Appendices**

1.	Officer's Response to Objections
2.	Health and Safety Report
3.	Corporate Health and Safety Service response to MAG’s Objections

**Documents In Members’ Rooms**

1.	None.
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**Background Documents**

Title of Background Paper(s)      Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None.	
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**Background documents available for inspection at:**

**FORWARD PLAN No:**            ET03679                            **KEY DECISION?**                            Yes

<b>WARDS/COMMUNITIES AFFECTED:</b>	All
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