**Freedom of Information Act 2000/Environmental Information Regulations 2004**

**re: bus lane**

Your request for information has now been considered and the Council’s response to your questions is shown below.

**You asked:**

**I am asking what is the justification behind them? This is not requesting an opinion, it is requesting information about processes and decision making principles applied to something that affects residents and visitors in the city.**

**Hopefully my clarification goes some way to assist you. I will further clarify my request with the following questions:**

1. **What is the process the council uses to determine a 24h bus lane is appropriate when there isn't a single 24 hour bus service in the city? What is the decision making process, ultimately, behind the bus lanes to operate 24h a day instead of in line with when the bus schedules in the city begin and end?**
2. **What consultations are made with councillors or the public as to whether a 24h bus lane is appropriate?**

**I believe the council has a legal duty to apply a decision making process to justify all decisions that affect residents and visitors to the city; I am asking what processes were undertaken to justify the decision to operate a 24h bus lane where no 24h public bus service exists. I do not care about the opinions behind it as our councillors make their opinions very clear in how they behave, rather I care about the factual basis that exists to determine that a 24h bus lane is suitable and in the interest of the public as opposed to the council abusing these roads for the purposes of generating revenue and using us like your personal money boxes.**

Answer:

In respect of Qs1 and Q2, this letter acts as a refusal notice under section 17(1) of the FOIA and Regulation 14 of the EIR, because, in accordance with section 21 of

the FOIA and Regulation 6(1)(b) of the EIR, the information is made publicly accessible to the applicant by other means/ in another form or format.

The Council’s Policy on Bus Lanes is described in the documents which can be accessed via the links:

[Residents Parking Scheme Survey Results (leicester.gov.uk)](https://cabinet.leicester.gov.uk/documents/s74797/Bus%20Lanes%20-%20final%20draft%20report.pdf)

[Bus Lane Review Update Paper v1 20th December 2017.pdf (leicester.gov.uk)](https://cabinet.leicester.gov.uk/documents/s90456/Bus%20Lane%20Review%20Update%20Paper%20v1%2020th%20December%202017.pdf)

These documents record the Council’s Scrutiny Commission reviews of bus lanes. Our apologies that the first, labelled residents parking, is mislabelled.

A bus Lane is a Traffic Regulation Order made by the Council. The Council consults affected Councillors directly and the general public by Public Notice and takes into account any objections received in accordance with Road Traffic Regulation Act when making Traffic Orders. [Road Traffic Regulation Act 1984 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/1984/27/contents)

**Additionally:**

1. **how many motorists were fined for driving in a 24h bus lane in Leicester between the hours of 11:30pm and 5:30am on weekdays and Saturdays and between 9pm and 5:30am on Sundays over the last five years, broken down per yearly total?**

|  |  |
| --- | --- |
| Monday - Saturday 23:30PM - 05:30AM | PCNs issued |
| 2020 | 1323 |
| 2021 | 1270 |
| 2022 | 1734 |
| 2023 | 1694 |
| 2024 | 1311 |

|  |  |
| --- | --- |
| Sunday 21:00PM - 05:30AM | PCNs issued |
| 2020 | 701 |
| 2021 | 724 |
| 2022 | 1023 |
| 2023 | 953 |
| 2024 | 729 |

1. **how much revenue did these fines generate for the council?**

£321,344.67

1. **) how many of these fines were challenged?**

**5) how many of these fines were cancelled after being challenged either by the council or as a result of appeal?**

**There are no bus services in Leicester operating between the times stated above which is the basis of the questions asked, except the occasional, infrequent service from private coach hire firms.**

Regarding questions 5 above, this information is not held in a reportable format; the back-office management system does not allow us to gain this information.

To collate the requested information would require an officer to go through each case manually to see if any motorist has challenged the case and under what grounds.

It is calculated that at 5 minutes per PCN, for just 2024, it would take 170 hours of an officer’s time.

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for local government is set at £450. This represents the estimated cost of one person spending more than 18 hours in determining whether the department holds the information, along with locating, retrieving and extracting the information.

The Council has duly determined that to undertake such an exercise would exceed the limit specified above.

This is therefore a Refusal Notice under Section 17.1 of the Freedom of Information Act, because under the provisions of Section 12.1 of the Act, the Council estimates that to comply with your request in its current form will exceed the appropriate limit. You may wish to refine and resubmit your request so that it reduces the cost to within the 'appropriate limit'.

You may re-use the information under an [Open Government Licence](http://www.nationalarchives.gov.uk/doc/open-government-licence/version/2/).