

Report of the Acting Director of City and Environmental Services

Portfolio of the Executive Member for Transport and Planning

Coppergate Traffic Restrictions

Summary

1. The purpose of this Report is to review whether and/or how to restrict traffic on Coppergate. It explains the background to traffic management of Coppergate to date. Your Officers' recommendation is to restrict traffic using the present 2013 Traffic Regulation Order (TRO), but to carry out a comprehensive consultation process (to include the Department for Transport and appropriate legal advice) in respect of ensuring adequate signage before commencing civil enforcement of the bus lane by camera.
2. Alternative options, which include revoking the Order, or varying the Order (which will require a statutory consultation process) are set out in the Report, and Members are asked to consider whether they wish an alternative option to be pursued before any further work is undertaken by Officers.

Recommendation

3. It is recommended that the Executive agree:
 - (i) that the York (Coppergate)(Local Bus Priority) Traffic Order 2013 be retained as indicated in Option 1, but that civil enforcement be suspended until a review of the signage has been undertaken and revised signage has been agreed by Members; and
 - (ii) that Officers undertake a review of the signage to convey the meaning of the Order and this shall include appropriate consultation; and
 - (iii) that the final revised signage scheme be brought back to the Executive for approval prior to commencement of any civil enforcement by camera.

Reasons: To provide more certainty for effective civil enforcement by camera of the 2013 TRO in order to reduce the impact of traffic on a key public transport and busy pedestrian area in the City Centre.

Background to Traffic Restrictions on Coppergate

Historical Enforcement

4. There has been an access restriction of one sort or another along Coppergate for many years. These have been varied over the years depending on the prevailing council policy / objectives, changes to legislation, etc. but broadly the aim has long been to provide priority to public transport, restrict the volume of general cross city centre traffic movements and keep vehicles on roads more suitable to carry traffic.
5. One of the major drawbacks of all access only type restrictions is that they are not a well respected restriction by drivers and consequently there is often considerable abuse. Coppergate has been no exception and there has over the years been regular criticism of the city council for not enforcing the restrictions more frequently. It is important to bear in mind however, that the enforcement of access only restrictions can only be carried out by the Police. Because the enforcement of traffic restrictions is not a high police priority when compared with their main role in crime reduction, taking action against drivers tends to be limited. Although the city is able to assist in funding enforcement action by the police this then becomes an ongoing cost burden for the city and the action is only intermittent and compliance with the restrictions remains low.

Legislative Changes and Reasons for 2013 Traffic Restriction Order

6. Changes in national legislation have allowed local authorities to carry out some limited enforcement of moving traffic offences using cameras. One of the traffic restrictions that certain Local Authorities can now use civil enforcement by camera for is bus lane abuse. The City Council is authorised to undertake this enforcement, and to take advantage of this change in legislation, the Council made the York (Coppergate) (Local Bus Priority) Traffic Order 2013 to create a bus lane at Coppergate. In addition to enabling the change in enforcement method, the 2013 TRO set different restriction times from those set by the previous TRO. These changes included:
 - Restriction to 7 days to better reflect the changes to Sunday trading. (the previous TRO only restricted Mon-Sat).
 - Hours of operation 7am to 7pm. (the previous TRO restricted 8am-6pm). The reasons for this change were to give a longer public transport only period at the start and end of the day (with a public

transport and loading only period being in the 10am to 4pm part of the day) and reduce cross town traffic in the early evening.

7. In summary the revised restriction was aimed at:
 - reducing traffic levels in the city centre,
 - reducing the impact general traffic had on key cross town public transport routes,
 - reduce the traffic impact on the pedestrian zone and the link between the Coppergate centre and the rest of the city centre
 - contribute to improved air quality in the city centre
8. No objections were received on the revised TRO therefore following receipt of the necessary approvals for the equipment, enforcement by camera commenced in August 2013.

Impact of Traffic Penalty Tribunal Decision on Enforcement of the 2013 TRO

9. Following the introduction of camera enforcement of the 2103 TRO the initial levels of non-compliance were relatively high with the number of Penalty Charge Notices (PCN) issued much higher than was anticipated at the schemes inception. A number of drivers who had received PCNs appealed to the Traffic Penalty Tribunal (TPT). The TPT consolidated a number of appeals and produced a composite Decision Letter, which held that it was not possible to enforce the 2013 TRO by civil enforcement and camera as Coppergate was not considered to be a bus lane. Also, that the signs were not authorised, and that the signs were inadequate as they did not convey the meaning of the Order as required by the Regulations.
10. The Council did not agree with this decision, and challenged it by applying to the TPT for an Internal Review. The TPT took over a year to report on the Review and held that the 2013 TRO was valid, and that Coppergate could be enforced as a bus lane. However, the TPT considered the signage was not adequate and failed to convey the meaning of the 2013 Order. In respect of the signs the TPT particularly noted that:
 - The omission of the private hire and other vehicle exemptions from the signs could lead to confusion (sign 1 Annex A)
 - The order of the times and exemptions on the supplementary plate below the main sign (and general design of the signs) could lead to confusion (sign 1 Annex A).

Decision to suspend enforcement and provide the Coppergate Refund Request Scheme

11. In April 2014, pending the Review of the TPT decision, the Council suspended enforcement of the 2013 TRO. Following the TPT conclusions on inadequate signage in April 2015, the Council resolved to set up a settlement process, so that should anyone dispute their penalty charge notice, even if they had not appealed at the time to the TPT, the Council would settle a claim to the amount of the penalty charge incurred in full and final settlement.

Options to be considered by the Executive

Option 1 – Retention of existing 2013 TRO – Undertake a review of the signage

12. The review by the TPT has confirmed that the 2013 TRO is legally enforceable but that in the Chief Adjudicator's view the current signage is inadequate and fails to convey the meaning of the 2013 TRO. To commence enforcement of the Order without reviewing signage would be very high risk, in that any appeals to the TPT are likely to be successful having regard to the Review Decision. Therefore progressing without a review of the signage is not considered to be a viable option.
13. Officers therefore recommend that a review of signage is undertaken, to include consultation on signage options, and that the results of this, and a proposed signage scheme are brought back to the Executive for approval prior to commencing civil enforcement by camera of the 2013 Order.
14. Other options that Members could consider are set out below, but it should be noted that these options would require formal amendments to the 2013 TRO which would need to follow statutory processes including public consultation. Formal consideration of any objections in determining whether to make a varied TRO would be required by the Council. (If any option is pursued that requires amendment to the TRO, it should be determined whether any objections would be considered by the Executive or delegated to the Executive Member for Planning and Transport).

Option 2 – Revocation of the 2013 TRO – Is there a need for restrictions on Coppergate at all

15. Coppergate is a key Public Transport route through the heart of the city which can be significantly affected by traffic at peak times. The road also splits the key pedestrianised areas of Parliament Street/High Ousegate and the Coppergate centre. Traffic restrictions could be removed from the road by revoking the TRO but this would compromise public transport

reliability, encourage unsuitably high volumes of traffic through the city centre increasing pedestrian severance between the Coppergate centre / Piccadilly area and potentially have an adverse impact on air quality. It is therefore recommended that a restriction to control traffic on Coppergate continues to be in place.

Option 3 – Amend the vehicular exemptions in the TRO to allow Buses and Taxis only

16. The exemptions within the current TRO address the Council's policy requirements and have been assessed to be compliant with the necessary legislation by the TPT. It is therefore possible to allow private hire vehicles as well as hackney carriages (taxis), to use the bus lane. However, the TPT are concerned that without specifying "Private Hire Vehicles" as well as "buses and taxis" on the signs, the Council has failed to adequately convey the meaning of the Order. Instead of including the additional words on the signs, (which would require an application for special authorisation from the Department for Transport), a much tighter restriction that only allows Buses and taxis (not Private Hire Vehicles) to use the route in the peak hours could be put in place by varying the Order. This would remove the concern raised by the TPT that the other exempted vehicles (such as Private Hire Vehicles) are not mentioned on the signs. This option is however not recommended as it does not sit well with current policy in York of treating Private Hire Vehicles as part of public transport provision and is a significant change to the current restriction. It is therefore recommended that the exemptions within the TRO are not changed but the signage is reviewed to convey the meaning of the TRO more accurately.

Option 4 – Not Undertaking Civil Enforcement of the Traffic Regulation Order

17. The 2013 TRO on Coppergate could be enforced by the police. However, the enforcement of traffic restrictions is not a high police priority when compared with their principal roles in crime reduction and community safety. Although the city is able to assist in funding enforcement action by the police this then becomes an ongoing cost burden for the city and the action is only intermittent and compliance with the restrictions remains low. Civil Camera enforcement ensures a much higher level of compliance. It is therefore recommended that camera enforcement is brought back into place at this location subject to the provision of a suitable signing regime. In any event, the signage would still need to be reviewed to enable police enforcement.

Option 5 Amending the Time of the Restrictions

18. The options below set out suggested alternative time periods that could be considered. Achieving these would require formal amendment to the 2013 TRO through the statutory process.
19. **Option 5a – return to the previous 8am to 6pm Monday to Saturday time of operation**

There have been major changes to the way the city centre operates over recent years. The most significant change is the increased number of people who visit the city on a Sunday, partly as a consequence of the changes to the Sunday trading laws. Pedestrian flows in Parliament Street in 2013 were higher on Sundays than Tuesdays or Wednesdays. It is therefore considered that a Monday to Saturday restriction is somewhat obsolete and the use of the city centre by general traffic would detract from the visitor/shopper experience on a Sunday. In addition, Monday to Saturday would have to be included on the sign above both of the time restrictions (bus lane restriction and loading) adding to the information a driver would have to digest before proceeding. Hence option 5a is not recommended.

20. **Option 5b – retain the 7 day operation but return to the 8am to 6pm time period**

This deals with the Sunday trading issue and accords with the timing of other nearby traffic restrictions in the City. To progress this option would require this element of the TRO to be amended through the formal statutory process, and whilst it is anticipated that there would likely be some support for this there may also be objections that would need to be considered. This option can be supported by Officers if Members wish to pursue this amendment to the TRO in addition to reviewing the signs. If Members resolve to take this Option, consideration should be given to authorising Officers to carry out the necessary statutory procedures, and whether any objections should be considered by the Executive, or delegated to the Executive Member for Planning and Transport.

Delegation to the Executive Member for Planning and Transport

21. In the event that Members wish to amend the times of the restriction in the TRO, it is requested that delegated authority be given to officers to carry out the statutory advertisement procedures in addition to the review of signage.

Consultation

22. Any changes to the existing TRO will be subject to the formal statutory consultation process of advertising the proposed changes for a 3 week period in the local press, a notice to statutory consultees and, in line with council practise, a letter drop to the properties adjacent to the restriction. It is suggested in this instance to also formally contact those groups (like taxis and Private hire firms) who would be most directly affected by any changes to the current situation.
23. If during the formal consultation process objections are made these would need to be formally considered by the Council, and this could be done either by the Executive, or by providing delegated authority to the Executive Member for Planning and Transport.
24. It is proposed that a consultation process on the revised signage will be carried out once the scheme has been designed and that the outcomes of this consultation will be reported to the Executive together with a final scheme for approval before any enforcement is commenced.

Future longer term possibilities

25. The above proposals seek to enable the short term resolution of the current difficulties relating to enforcement. To more comprehensively address the wider issues of the levels of traffic in the City and conflicts with pedestrians and public transport it is proposed to investigate further traffic management measures in Coppergate and the Piccadilly / Pavement area. These measures could include: revised access arrangements at the Stonebow and Piccadilly junctions, enhanced public transport facilities, changes to the Parliament Street / Piccadilly signalling arrangements and prohibited/compulsory vehicle movements. Regardless of what measures are brought forward for longer term future consideration, it is considered that the specific issue of the continuation or otherwise of the enforcement of the Coppergate TRO needs to be resolved more imminently.
26. When the wider possibilities have been investigated it is proposed that the results will be brought forward as a report for the Executive Member for Planning and Transport to consider and progress through to consultation and delivery.

Council Plan

27. The above proposal contributes to the City Council's draft Council Plan of thriving local businesses and efficient and affordable transport links.

Implications

28. This report has the following implications:

Financial – Design and legal advice required to enable the revised restrictions to be implemented will be funded from existing transport service budgets.

Human Resources – None

Equalities – Prior to consultation on any changes to the Traffic Regulation Order or signage a Community Impact Assessment will be undertaken. This will provide Elected Members with an assessment on how any revised proposals could affect different groups within the community compared to the impact of the current restrictions.

Legal – The 2013 TRO is legally enforceable by way of civil enforcement by camera by the City Council. However, to continue enforcement of the existing 2013 TRO with current signage would be very high risk in light of the TPT Review Decision that concludes the signage to be inadequate. A Review of signage prior to any commencement of civil enforcement is advised. The review should include consultation with key stakeholders, (including the Department for Transport to confirm whether Special Authorisation is required), and the consultation process and review of signage should be approved by Members. It is advised that the final approval of the signage scheme should be considered by the Executive prior to any commencement of civil enforcement by camera.

If any changes to hours of restrictions are sought, this would require the amendment of the 2013 TRO and the statutory process to be carried out in order to give effect to any amendment.

Further legal and technical advice will be taken throughout the signage review process to ensure the signage is authorised and adequately conveys the meaning of the Order so that the civil enforcement is therefore as robust as possible.

Crime and Disorder – None

Information Technology - None

Land – None

Other – None

Risk Management

None identified at this stage in the process.

Contact Details

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Date: 18/9/2015

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Wards Affected: Guildhall

All

For further information please contact the author of the report.

Background Papers

None

Annexes

Annex A Existing Signs