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**Executive**

**30 June 2016**

Report of the Director of City and Environmental Services

Portfolio of the Executive Member for Transport and Planning

## **Coppergate Traffic Regulation Order (TRO)**

### **Summary**

1. To report progress and gain approval for a revised proposal for the reintroduction of a camera enforced traffic restriction on Coppergate following a more detailed investigation and receipt of legal advice.
2. A re-drafted Traffic Regulation Order (TRO) is proposed to simplify the wording of the Order and enable the restriction to be more effectively signed. The principles of the restriction are in accordance with the previous decision taken by the Executive in October 2015.

### **Recommendation**

3. It is recommended that the Executive approve for advertising a revised Traffic Regulation Order (Option 2). The revised TRO seeks to:
  - change the exemption to the Coppergate (Local Bus Priority) TRO from “except taxis and Private Hire vehicles” to “except permit holders”, and to define taxi and private hire vehicle operators as “permit holders”
  - change the hours of operation to 8am to 6pm (as approved previously)
  - to tidy drafting to resolve previous criticisms from the Traffic Penalty Tribunal.

Reason: To enable the introduction of the scheme in a manner that is compliant with the traffic signing regulations and accurately conveys the meaning of the TRO.

4. It is also recommended that the Executive approves an extended consultation process as outlined in the section on consultation.

Reason: To facilitate greater participation in the consultation process for this scheme in response to the previous significant interest and provide for wider understanding of the proposal for key stakeholders.

## **Background**

5. The Executive resolved in October 2015 to proceed with making an amended TRO for Coppergate, to change the hours of operation, and to allow camera enforcement of the revised Order to commence. Officers were also asked to reconsider signage. Since then the Highway Regulation team have been examining options with the Department for Transport (DfT) and legal counsel to ensure the most appropriate TRO and signing is provided to meet the requirements of the Executive. The recommended option is considered to achieve the same outcome as that already resolved by the Executive but in order to carry out the statutory order making process robustly, a further Executive resolution is sought confirming that an alternative draft order can be advertised through a more extensive consultation process.
6. To enable the TRO to be enforced it has to be signed using standard or specially authorised traffic signs and correctly convey the meaning of the TRO. One of the previous criticisms of the signs from the Traffic Penalty Tribunal (TPT) was that the signs did not include the Private Hire Vehicle exemption. This issue has been investigated and whilst in theory an application for special approval could be submitted to the DfT for a sign including Private Hire Vehicles there would be no guarantee of a successful approval and it would take a significant time to progress. In addition the resulting sign would be at risk of failing to adequately convey the meaning of the TRO by being considered overly complex for a driver to comprehend. This may then result in drivers making errors followed up by appeals against the issue of a penalty charge notice. Annex A summarises the various signing options that have been considered by your Officers as ways of conveying the meaning of the TRO and gives brief pros and cons for each one.
7. With the above in mind the revised proposal is to amend the TRO so that taxis and private hire vehicles will be "Permit Holders". Thus a standard traffic sign can be used without special authorisation and the sign appearance simplified aiding clarity to drivers. To sum up, this proposal achieves the same traffic management aim already approved by the Executive but uses a different legal / signing mechanism.
8. The existing TRO was thoroughly scrutinised by the TPT and although there were criticisms of it, it was considered to be lawful and enforceable by the Traffic Penalty Tribunal. If approval is granted to make the permit holders change to the TRO the opportunity will also be taken to make

other changes to the wording of the TRO to respond to the criticisms of the TRO wording / content.

The issues above have been examined by Leading Counsel to ensure a robust TRO with signing to convey its meaning. Leading Counsel has confirmed that “It is apparent that officers have given careful thought to this matter and I agree with and endorse the approach taken. Further, the Order with its proposed permit scheme, should, taking into account the required consultation, prove robust. It appears to be the best way forward.”

9. The Department for Transport has been contacted and confirms the “except permit holders” variant as a permitted variant for the “All motor vehicles prohibited” regulatory sign. Compliance has also been checked against the new 2016 Traffic Signs Regulations and General Directions that came into force in April 2016.

### **Options for Consideration**

10. Option 1 – proceed with the already approved decision from last October. This is not the recommended option because there is uncertainty as to the ability to adequately sign the TRO to convey the meaning of the TRO taking into account the previous criticism from the TPT.
11. Option 2 – approve the advertising of a revised TRO as outlined above (i.e. permit holders and rewording of the TRO content). This is the recommended option because it provides a firm foundation on which to take the scheme forward for consultation.

### **Consultation**

12. Because this matter has previously generated much interest it is suggested to carry out consultation beyond the legal requirement and the usual extended consultation that the City normally carries out. The proposed additional consultation measures are: double the period to make objections to 6 weeks and extend the number of organisations directly mailed with the proposals (see Annex B).
13. Any objections received during the consultation period will be reported back to an Executive meeting so that they can be considered when making a decision as to how to proceed. More detail on the implementation phase would also be provided should Members be minded to make the Order at this stage.

### **Council Plan**

14. The above proposal contributes to the City Council’s draft Council Plan of:

- A prosperous city for all,
- A council that listens to residents

## **Implications**

15. This report has the following implications:

**Financial** – None. Financial information will be provided in future reports prior to the reintroduction of the camera enforcement.

**Human Resources** – None

**Equalities** – None.

**Legal** – Advice from Leading Counsel has been received and confirms that the proposed Order making procedures followed are lawful and robust, that the proposed draft Order meets statutory requirements, and that the signage proposed would adequately convey the meaning of the Order, so as to achieve the objectives sought by the Executive at the last meeting. The making of a Traffic Regulation Order must follow the statutory process. Any objections to the Order received during the consultation process must be considered by Members before reaching a final decision about whether to make the Order, and therefore following consultation the matter will be brought back to a future meeting of the Executive for consideration. This will enable effective consultation which is a key part of clear decision making in this statutory process.

**Crime and Disorder** – None

**Information Technology** - None

**Land** – None

**Other** – None

## **Risk Management**

16. In compliance with the Council's risk management strategy, the following risks associated with the recommendations in this report have been identified and described in the following points, and set out in the table below:

17. Authority reputation – this risk is in connection with public perception of the Council if the TRO is not effectively delivered. This risk has been given a score of 19. Appropriate resources, legal advice and project management controls are in place to mitigate this risk.

Risk Category	Impact	Likelihood	Score
Organisation/ Reputation	Major	Possible	19

### Contact Details

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Director of City and Environmental Services

**Date:** 14/6/2016

### Specialist Implications Officer(s)

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**Wards Affected: Guildhall**

**All**

**For further information please contact the author of the report.**

**Background Papers:** None.

### Annexes:

Annex A Regulatory Signing – Supplementary Plate Options

Annex B Extended Consultation List

Glossary of abbreviations used in the report:

DfT - Department for Transport

TPT - Traffic Penalty Tribunal

TRO - Traffic Regulation Order