

Subject:	Gloucester Rd/ East St/ Avenue TRO Objection		
Date of Meeting:	11 October 2016		
Report of:	Executive Director – Economy, Environment & Culture		
Contact Officer:	Name:	Matthew Thompson	Tel: 29-0235
	Email:	Matthew.Thompson@brighton-hove.gov.uk	
Ward(s) affected:	St Peter's & North Laine; Regency		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 Brighton & Hove City Council has recently undertaken a cycle map renewal project funded by Department for Transport Transition Grant funding for sustainable transport projects in 2015/16.
- 1.2 The Traffic Regulation Order (TRO) amendments TRO-8a-2016 and TRO-8b-2016 deal with anomalies and desirable adjustments at four sites on the public highway brought to the attention of officers during the cycle map renewal project.

2. RECOMMENDATIONS:

- 2.1 That the committee agrees to adopt the amendments to TRO-8a-2016 and TRO-8b-2016 as proposed.
- 2.2 That the committee instructs officers to advertise a new TRO amendment to The Brighton (North Laine Traffic Management) Order 1986 allowing cycling on Gloucester Road between Kensington Place and Queens Gardens to ensure all local stakeholders have an opportunity to respond to the proposed change.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 TRO-8a-2016 and TRO-8b-2016 were advertised under the relevant sections of the Road Traffic Regulation Act 1984 proposing to introduce the following changes:
 - Permitting cycling on Gloucester Road between a point 11m west of Sydney St to a point 11m east of Tidy Street as current signage in situ indicates.
 - Permitting cycling on East St from a point 13 metres south of the junction with Steine Lane to the junction with Bartholomews as current signage in situ indicates.
 - Permitting left turns for cyclists from Bartholomews into East Street.
 - Creating a shared use space on Avenue between East Street and Steine Lane.

- 3.2.1 These changes address historical anomalies in traffic regulation orders and signage which were discovered during the process of updating the city cycle map.
- 3.2.2 Additional changes in East St and Avenue are intended assist with cycle permeability in the Old Town, where they will encourage cyclists to avoid the Aquarium roundabout.
- 3.2.3 No change was proposed to the current ban on the use of pedal cycles on Gloucester Road between the western kerb line of Kensington Place and the eastern kerb line of Queen's Gardens as set out in the Brighton (North Laine Traffic Management) Order 1986.
- 3.3.1 Bricycles (the Brighton & Hove Cycling Campaign group) have objected to this as a change to the TRO. The campaign group want to see cycling permitted on the additional section of Gloucester Road (referred to above at 3.2.3).
- 3.3.2 Bricycles have declined to withdraw the objection despite the fact that no change is being proposed at this location. Officers have been advised by our legal team that the objection must be considered by the committee because the group disagree with officers' interpretations of the amendments proposed.
- 3.3.3 All four proposed actual changes are blocked by this objection because they have been grouped together under two of the related Traffic Order amendments in order to reduce advertising costs.
- 3.4.1 The Local Authorities' Traffic Orders (Procedure) (England & Wales) Regulations only refer to an objection being irrelevant when it relates to an order prohibiting the loading or unloading of vehicles. Otherwise the Regulations simply refer to the right to make objections which the local traffic authority must consider.
- 3.4.2 Officers attended a site visit with Bricycles representatives in July to hear their concerns and to suggest alternative ways to bring this issue to the committee's attention. Copies of all relevant traffic orders have been supplied to the group and our lawyers have provided advice to confirm that the term "vehicle" includes pedal cycles for the purposes of the Brighton (North Laine Traffic Management) Order 1986, meaning cycling is currently banned on the section of Gloucester Road referred to at 3.2.3
- 3.4.3 The Council's legal team confirm that under Regulation 19 of the Local Authorities' Traffic Orders (Procedure) (England & Wales) Regulations 1996, the Committee can agree to a TRO amendment as recommended after complying with the requirements for consultation, publication of proposals and objections. The committee can also amend a proposed TRO to something less (for example, shortening a proposed length of double yellow lines). However, it cannot increase the provisions of a proposed TRO to include additions which have not been published, consulted on and which have not had any objections dealt with.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The change Bicycles seek will improve cycle permeability in the North Laine and is consistent with current policy in the area.
- 4.2 A separate TRO amendment proposing this change can be brought to the committee without further delays to other changes proposed.
- 4.3 In order to add the changes Bicycles seek to the current amendments, all amendments will have to be advertised again, thereby further delaying changes which are not opposed.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The new TRO amendment consultation period will give local stakeholders a formal chance to comment and object to the proposals so that these can be reported back to the committee if necessary.

The current amendments were advertised in the usual way with newspaper advertisements and public notices at the locations concerned. No other objections have been received to the TRO amendments currently proposed.

6. CONCLUSION

- 6.1 The objection has prevented four amendments from being implemented for over four months since the end of their advertising period in early May.
- 6.2 St Peters & North Laine residents and traders will have the opportunity to comment on the new Gloucester Road proposal but will not prevent the other changes from taking place for another two months.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs of advertising and other actions associated to implementing the recommended Traffic Regulation Order are estimated to be £0.001m. It is anticipated that costs will be funded from the Department for Transport (DfT) Sustainable Travel Transition Year grant funding in 2016-17.

Finance Officers Consulted: Steven Bedford

Date: 13/09/16

Legal Implications:

- 7.2.1 The Council's powers and duties under the Highways Act 1980 and the Road Traffic Regulation Act 1984 must be exercised to secure the expeditious, convenient and safe movement of all types of traffic including cyclists.
- 7.2.2 Before making Traffic Orders the Council must consider all duly made un-withdrawn objections. It is usually possible for proposed orders to be modified,

provided any amendments do not increase the effects of the advertised proposals.

Lawyer Consulted: Stephanie Stammers

Date: 12/09/16

Equalities Implications:

- 7.3 There are no equalities implications.

Sustainability Implications:

- 7.4 The amendments currently proposed support cyclist safety and improve cycle access to the central area of the City.

Crime & Disorder Implications:

- 7.5 The TRO amendments clarify the legal status of cyclists using these sections of the public highway.

Risk and Opportunity Management Implications:

- 7.6 Officers have discussed signage in East St and Avenue with local residents. Temporary 'Share the Space, Drop your Pace' signs will be installed to publicise the change and encourage considerate cycling. Permanent shared use signs will be erected to make the status of the area clear to all road users.

Public Health Implications:

- 7.7 The measure encourages a sustainable mode of transport which eliminate emissions and increases user fitness.

Corporate / Citywide Implications:

- 7.8 The new online cycle map facility will be updated to reflect the changes and a press campaign will draw the public's attention to this.

SUPPORTING DOCUMENTATION

1. TRO-8-2016 Statement of reasons
2. TRO-8-2016 Prohibition of Driving
3. TRO-8b-2016 One way Order
4. Text of Objection received.

Documents in Members' Rooms

1. The Brighton (North Laine Traffic Management) Order 1986