

**5 March 2020****Agenda Item:9**

## **REPORT OF CORPORATE DIRECTOR, PLACE**

### **BUS LANE ENFORCEMENT – NUTHALL BUS GATE**

#### **Purpose of the Report**

1. To update Committee on the consultation undertaken in response to a request to modify the existing permanent Traffic Regulation Order relating to the Bus Gate on Nottingham Road in Nuthall.

#### **Information**

2. The proposed changes to the Bus Gate on Nottingham Road in Nuthall were detailed in a paper to Communities Place on 19th September 2019, as a result of which Committee authorised officers to undertake consultation on a proposal to modify the existing permanent Traffic Regulation Order to i) allow exemption for vehicles registered to residents of the Horsendale estate via a chargeable permit system and ii) change operational times from 5pm – 6pm Monday to Friday to At All Time.

#### **Consultation**

3. Following Committee approval, during November / December 2019 a questionnaire was sent to all residential and non-residential addresses with the Horsendale estate and along Nottingham Road that would have been eligible to apply for a permit if the proposals were implemented. The purpose of the questionnaire was to ascertain the level of local support and to obtain comments on the proposed changes.
4. Whilst no specific policy exists for bus gate permits, the same consultation process was as for the implementation of a Resident Permit Scheme (RPS), namely, sending questionnaires to residents eligible for a permit. For a scheme to proceed, the criteria used by the County Council require a 35% response rate with 65% of respondents in support. A period of 21 days is usually given for the return of the questionnaires.
5. In total 974 questionnaires were sent out and 566 returned, this is a 58% response rate and exceeds the threshold of 35% that is used for a RPS. However, only 21% (103) supported the scheme as proposed.
6. In addition, whilst the questionnaire excluded parents and staff at the local primary school on the estate, representations were received objecting to the proposals on the grounds that it would make dropping off and picking up children untenable as the school has a large catchment beyond the immediate estate.

## **Other Options Considered**

7. Previous reports have considered alternative options to modify the scheme, including the introduction of permits to provide exemptions on the current operational times. This was discounted as unworkable following obtaining legal advice. Exemptions for residents were also considered when the bus gate and camera enforcement was introduced in 2014 and an additional signal-controlled junction was determined as more suitable and was provided instead as part of the overall package of measures to address residents' concerns.

## **Comments from Local Members**

8. The outcome of the consultation questionnaire have been discussed with the local member, Councillor Owen, and, given the low levels of support, Councillor Owen supports the recommendation that no further statutory consultation is undertaken and that the existing restriction remain unchanged.

## **Reasons for Recommendations**

9. It is imperative that arrangements are highly robust and that enforcement is not only done successfully, but is also subject to public support and high visibility, rather than ambiguity, in order to ensure that the bus gate is able to fulfil its objectives. The current bus gate fulfils its objective in the evening peak and there is insufficient local support to make any further changes.

## **Statutory and Policy Implications**

10. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the public-sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Crime and Disorder Implications**

11. Nottinghamshire Police have not been formally consulted on the previous recommendation for permit exemption of some 1,500 vehicles for a revised 24/7 operation bus gate. Previously they were not supportive of permit exemptions for the evening peak restriction and Nottinghamshire Police would have been formally consulted as part of the statutory consultation process, if progression of the bus gate permit scheme proposal had been approved.

## **Financial Implications**

12. The costs for implementing the Order and changes to the lining and signage was estimated to be £10,000. As it is recommended not to proceed with statutory consultation there are no further costs to be incurred and the Scheme should be removed from the 2020/21 highway programme.

## **Human Rights Implications**

13. The implementation of the proposals within this report might be considered to have a minimal impact on human rights (such as the right to respect for private and family life and the right to peaceful enjoyment of property, for example). However, the Authority is entitled to affect these rights where it is in accordance with the law and is both necessary and proportionate to do so, in the interests of public safety, to prevent disorder and crime, to protect health, and to protect the rights and freedoms of others. The proposals within this report are considered to be within the scope of such legitimate aims.

## **Public Sector Equality Duty implications**

14. As part of the process of making decisions and changing policy, the Council has a duty 'to advance equality of opportunity between people who share a protected characteristic and those who do not' by thinking about the need to:
- Eliminate unlawful discrimination, harassment and victimisation;
  - Advance equality of opportunity between people who share protected characteristics (as defined by equalities legislation) and those who don't;
  - Foster good relations between people who share protected characteristics and those who don't.
15. Disability is a protected characteristic and the Council therefore has a duty to make reasonable adjustments to proposals to ensure that disabled people are not treated unfairly.

## **Implications for Sustainability and the Environment**

16. The proposed changes are considered to have a positive benefit for bus services using this route that will help may encourage modal shift to sustainable modes of transport. The changes would also reduce through traffic on the unclassified Nottingham Road that would improve the environment for vulnerable highway users, such as pedestrians and cyclists,

## **RECOMMENDATION/S**

It is **recommended** that:

- 1) Committee resolves not to proceed with the proposal to modify the existing permanent Traffic Regulation Order relating to the Bus Gate on Nottingham Road in Nuthall and that the current restriction remain unchanged.

**Adrian Smith**  
**Corporate Director, Place**

**For any enquiries about this report please contact:**

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## **Constitutional Comments (SJE 29/01/2020)**

17. This decision falls within the Terms of Reference of the Communities & Place Committee to whom responsibility for the exercise of the Authority's functions relating to traffic management has been delegated.

## **Financial Comments (SES 24/01/2020)**

18. There are no specific financial implications arising directly from this report as the proposed consultation regarding the Bus Gate are not to be progressed.

## **Background Papers**

All relevant documents for the proposed scheme are contained within the scheme file which can be found in the Major Projects and Improvements section at Trent Bridge House, Fox Road, West Bridgford, Nottingham.

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Specific reports include:

- Bus Lane Enforcement – Nuthall Bus Gate. Consideration of Revision of Hours of Operation and Introduction of Permits.  
Communities and Place Committee dated 5<sup>th</sup> September 2019

## **Electoral Division(s) and Member(s) Affected**

Nuthall and Kimberley ED

Councillor Philip Owen