



11th September 2014

Agenda Item: 5

**REPORT OF THE SERVICE DIRECTOR, TRANSPORT, PROPERTY &
ENVIRONMENT**

**PROPOSED CHANGE TO THE PROCESS OF MANAGING OBJECTIONS TO
BUS STOP CLEARWAYS**

Purpose of the Report

1. To explain the current arrangements for considering objections to bus stop clearways and to propose an amendment to the process.

Information and Advice

2. The Policy for the Provision of Bus Stops and Shelters in Nottinghamshire 2009 outlines the minimum standards for roadside bus infrastructure.
3. Nottinghamshire County Council has 5715 bus stops and since 2009 has upgraded approximately 3,000 bus stops, installing new poles, new shelters, raised kerbs and bus stop clearways where required.
4. During 2013/14 the County Council installed 48 sets of raised kerbs and 67 bus stop clearways. The introduction of bus stop clearways generally proves to be the most contentious with local residents and last year 10% of sites received objections to the proposed installation.
5. The main benefits of bus stop clearways are to:
 - Help the bus align with the kerb to enable level access for disabled passengers and pushchair users.
 - Ease congestion as a correctly aligned bus will not block the road for other road users.
 - Ensure that bus drivers discharge their duty to drop passengers off on the kerb and not on the public highway.
 - Ensure that the investment in raised kerbs, required under the Disability Discrimination Act, is not negated by indiscriminate parking at bus stops.
 - Ensure that bus services operate on time and are not delayed.

6. Bus stop clearways do not require a Traffic Regulation Order (TRO) but are enforceable and operating hours can be adjusted to reflect bus services hours of operation. The bus stop clearways are enforced through the civil parking regulations using Enforcement Officers.
7. In accordance with the Policy S.6.1 of the Policy, a notification process with Local Members and other key stakeholders is undertaken prior to the introduction of a bus stop clearway.
8. If objections are received, the responsible officer will try to resolve the issues raised. However, as set out in S7 of the Policy, where an objection is not upheld the objector is advised they have the right of address through the County Council's Corporate Complaints procedure.

Proposal for changing the process to deal with Bus Stop Clearway objections

9. To streamline and improve the process, it is proposed that in the first instance an objection to a Bus Stop Clearway is managed using the same procedure as handling objections to permanent TROs, as approved by Committee in July 2012 (**Appendix A**). This will ensure a consistent approach for Highways related improvements.
10. It is considered that decisions on installing bus stop clearways fall within day to day decisions. However, if adopted, by using the approach set-out for permanent TROs then the Service Director for Highways will be authorised to consider objections and proceed with the implementation of bus stop clearways, providing there is support from the local County Councillor(s).
11. However, it is proposed that the following exceptions will be referred to the Committee for consideration:
 - where significant objections have been received from those notified – more than two objections from separate properties that cannot be resolved by amendments to the scheme;
 - those which have received objections from the local County Councillor/s or notified formal decisions of other Local Authorities;
 - where objections have been received from Public Transport Operators or Associations, Road Haulage Association, Freight Transport Association, Highways Agency, Traffic Commissioner or emergency services;
 - where objections have been received by petition;
 - those which have been the subject of a public inquiry;
12. This will not affect the consultation process with the local County Councillors and local residents. Objections reported to and considered by the Service Director for Highways will be reported back to the Transport & Highways Committee quarterly.

Other Options Considered

13. To continue handling all objections to bus stop clearways through the responsible officer and the Corporate Complaints Procedure.

Reason/s for Recommendation/s

14. To ensure that the process for dealing with objections to bus stop clearways is aligned with the TRO procedures thus ensuring a consistent approach to dealing with Highway related objections.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), 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.

Implications for Sustainability and the Environment

16. The proposed amendments will help to provide a more effective approach to decision making and thereby promote alternative ways of travel, resulting in an overall reduction in mileage and travel and reduced CO² emissions.

Financial Implications

17. There are no direct financial implications from this proposed change.

Implications for Service Users

18. The provision of bus stop clearways ensures that bus services can operate efficiently and users can board safely and with ease.

RECOMMENDATION/S

It is recommended that;

19. The process to manage Bus Stop Clearways objections is amended to reflect proposals in paragraphs 9-11 of the report.
20. A report is submitted to Committee every quarter detailing decisions regarding bus stop clearways where objections are received.

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**For any enquiries about this report please contact:
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Constitutional Comments (SLB 20.08.2014)

Transport and Highways Committee is the appropriate body to consider the content of this report.

Financial Comments (DJK 27.08.14)

There are no financial implications contained within this report.

Background Papers

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.

Policy for the Provision of Bus Stop and Shelters in Nottinghamshire (4 March 2009)

Appendices

Appendix A – Proposed Change to the Process for Reporting Objections to Permanent Traffic Regulation Orders, Transport and Highways Committee Report (12 July 2012)

Electoral Members and Affected

All