

Bath & North East Somerset Council

DECISION MAKER:	Cllr Paul Crossley, Leader of the Council Cllr Roger Symonds, Cabinet Member for Transport		
DECISION DATE:	On or after 8 th February 2013	EXECUTIVE FORWARD PLAN REFERENCE:	
		E	2375
TITLE:	Experimental TRO – Change to Bus Lane & Bus Lane Signage at High St and New Bond St Bus Lane Access Points.		
WARD:	Abbey		
AN OPEN PUBLIC ITEM			
List of attachments to this report: Appendix A – Experimental TRO plan. Appendix B – Equality Impact Assessment. Appendix C – TRO Statement of Reasons.			

1 THE ISSUE

1.1 The Bath and North East Somerset Council (Various Road, Bath) (Bus Lanes) (Variation) Experimental TRO) came into operation on 2nd February 2012 for a maximum period of eighteen months. The Order was introduced to make the bus lane restrictions on High Street and New Bond Street clearer and to allow the Council to monitor the effectiveness of the revised signage. The Experimental TRO is shortly due to expire and a decision is required as to whether it should be made permanent.

2 RECOMMENDATION

The Cabinet members are asked to agree that:

2.1 The Experimental TRO be made permanent.

3 FINANCIAL IMPLICATIONS

- 3.1 When the new signs for the Experimental Order were introduced and the original bus lane signs and road markings removed, the cost (including making the Traffic Regulation Order) was £18,000.
- 3.2 Further recent alterations to the signing carried out in accordance with the Traffic Penalty Tribunal recommendations have cost a further £1626.52.
- 3.3 The cost of making the TRO permanent will be approximately £1,000 in staff time.
- 3.4 Funding for the completion of the scheme will be from the existing parking budget.

4 CORPORATE PRIORITIES

- Promoting independence and positive lives for everyone
- Creating neighbourhoods where people are proud to live
- Improving public transport and the public realm. Road signing is reduced and the effect of the Bus Gate restrictions is to reduce traffic in the centre of the city.

5 THE REPORT

- 5.1 Prior to the introduction of the Experimental TRO in February 2012, the Council had been in receipt of inconsistent appeal decisions from the Traffic Penalty Tribunal who adjudicate on appeals made by motorists against Penalty Charge Notices issued by the Council for bus lane contraventions. Adjudicators had been issuing opposing decisions on the adequacy and effectiveness of the bus lane signage in the centre of Bath. It therefore became necessary for the Council to review the signage on High Street and New Bond Street and as a result of this review, the Council made the Experimental TRO.
- 5.2 The Experimental TRO varies the Bath and North East Somerset Council (Various Roads, Bath) (Bus Lanes) Order 2006 as varied by the Bath and North East Somerset Council (Various Roads, Bath) (Bus Lanes) (Variation) Order 2008 and was made to preserve or improve the amenities of the area through which the road runs and for any of the purposes specified in paragraphs (a) to (c) of subsection (1) or section 87 of the Environment Act 1995 (air quality).
- 5.3 The introduction of this Experimental TRO has meant that the Council has now adopted consistent signing on all the city centre bus lanes and it has given the Council the opportunity of monitoring the effectiveness of the revised signage.
- 5.4 No objections to the Experimental TRO have been received since the Order has been implemented.
- 5.5 The Council undertook traffic counts in November 2012 to monitor what percentage of traffic approaching the bus lanes then went on to contravene them.

The counts indicated that less than 1% of traffic approaching any of the bus lane access points actually contravened the Experimental TRO. This illustrates the effectiveness of the revised signage.

5.6 On 7th November the Traffic Penalty Tribunal held a number of personal bus lane appeal hearings in Bath. The purpose of these was to give the Council and the appellants the opportunity of making representations to a full panel of three adjudicators and for those adjudicators to undertake site visits to each of the bus lanes in the centre of Bath to consider the effectiveness of the bus lane signage. A number of recommendations were made by the adjudicators and the Council is in the process of implementing these. The recommendations were as follows;

- a) Increase the size of the bus lane signs in certain locations to make them more visible to the motorist.
- b) Revise the position of the bus lane signs on High Street to make them more prominent and to prevent the potential for entrapment.
- c) Signs to have grey backing boards.

5.7 It was accepted by the adjudicators that the use of the particular bus lane signage is in accordance with the relevant legislation.

5.8 The Department for Transport has carried out in depth research to test the comprehension of the current signing system by road users. One of the signs used in the research was the 'no motor vehicles' sign which is used to sign the bus lanes. Within the Department for Transport document 'Signing the Way' the results of prohibition traffic signs are recorded and 88% of respondents demonstrated correct comprehension of this sign. This high level of comprehension supports the effectiveness of this type of sign and the importance of having nationally consistent traffic signs where road users are expected to obey regulatory signs.

6 RISK MANAGEMENT

6.1 The report author and Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

7.1 An EqlA has been completed. No adverse or other significant issues were found. See Appendix B.

8 RATIONALE

8.1 Following the hearing of the Traffic Penalty Tribunal the signing has been improved in accordance with their recommendations. The signing now makes the

restriction clearer to road users. There is less impact on the street scene and environment with this signing than the original 'blue and white' bus lane signing.

9 OTHER OPTIONS CONSIDERED

'No Entry' signs with plates under the signs stating '10 am to 6 pm' except buses and taxis' have been considered. However these signs are not authorised for use as bus lane signs and the Council would need to approach the Department for Transport to see if it would be willing to authorise the Council to pilot these signs for this particular purpose.

10 CONSULTATION

10.1 Ward Councillor; Cabinet members; Policy Development and Scrutiny Panel; Staff; Other B&NES Services; Service Users; Local Residents; Community Interest Groups;; Stakeholders/Partners; Other Public Sector Bodies;; Section 151 Finance Officer.

10.2 The above were consulted by letter and formal consultation.

10.3 The period from the implementation of the Experimental Order is the consultation period. Objections and comments can be received during this period.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 Social Inclusion; Customer Focus; Sustainability; Human Resources; Property; Corporate; Health & Safety; Impact on Staff; Other Legal Considerations.

12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Peter Bailey. 01225 394258
Background papers	Adjudicator's Decision of Traffic Penalty Tribunal.
Please contact the report author if you need to access this report in an alternative format	