

**Coventry City Council**  
**Minutes of the Meeting of Cabinet Member for City Services held at 11.30 am on**  
**Wednesday, 18 August 2021**

Present:

Members: Councillor P Hetherton (Cabinet Member)  
Councillor G Lloyd (Deputy Cabinet Member)  
Councillor M Heaven (Shadow Cabinet Member)

Other Member: Councillor M Ali (Deputy Chair of Scrutiny Co-ordination Committee)

Employees:

C Archer, Traffic Management  
L Knight, Law and Governance  
R Parkes, Law and Governance  
M Salmon, Law and Governance

Apology: Councillor L Bigham, Chair of Communities and Neighbourhoods Scrutiny Board (4) - Invited

## **Public Business**

### **10. Declarations of Interests**

There were no declarations of interest.

### **11. Minutes**

The minutes of the meeting held on 5<sup>th</sup> July 2021 were agreed as a true record. There were no matters arising.

### **12. Objection to Experimental Traffic Regulation Order - Whittle Arch**

The Cabinet Member considered a report of the Director of Transportation and Highways concerning one objection that had been received to an Experimental Traffic Regulation Order advertised on 27<sup>th</sup> February 2020. The order became operational on 9<sup>th</sup> March 2020 and allowed private hire vehicles to travel through the bus gate at the Whittle Arch. A location plan and a copy of the objection were set out at appendices to the report. The objector had been invited to attend the meeting but was unavailable. He submitted additional comments in response to the report for the Cabinet Member's consideration and these were reported at the meeting.

Councillor M Ali, Deputy Chair of Scrutiny Co-ordination Committee and the nominee of the Chair, Councillor N Akhtar, attended the meeting for this item and agreed the need for urgency such that call-in arrangements would not apply. The reason for urgency was that there was an urgent need for a formal decision on the

Experimental Traffic Regulation Order before it expired on 8th September 2021, so that the legal requirements and any required signage changes could be in place, based on the decision made, by this date. Additional costs would be incurred if it was not completed and interim measures were required.

The report indicated that in 2002, as part of the Phoenix Initiative Regeneration Project, the junction of Trinity Street and Fairfax Street was closed off to all traffic and pedestrianised. Following the closure, bus usage of the Pool Meadow Bus Station was significantly reduced making the bus station facility unsustainable in the long-term. To address these concerns, in 2005, the City Council 'opened up' the Trinity Street/Fairfax Street junction (Whittle Arch) to buses and cycles to enable improved bus access to the bus station. A Traffic Regulation Order (TRO) was subsequently introduced to prohibit left and right turning movements except for buses and cycles onto this section of Millennium Place, thus creating a bus only link between Trinity Street and Fairfax Street.

Following the introduction of the TRO, representations were received on behalf of the taxi and private hire trades within the City requesting that taxis and private hire vehicles also be allowed to use the link road. After careful consideration, in 2006 the City Council amended the TRO to include access by taxis and private hire vehicles between the hours of 10.30 pm and 5.00 am. The police were responsible for the enforcement of the restrictions at Whittle Arch. However, due to limited Police resources, enforcement of the restrictions was not effective. To address this issue the City Council commenced works to enable the introduction of civil enforcement; in June 2011 Civil Enforcement commenced. On 25<sup>th</sup> November 2011 changes were made to the operation of the Whittle Arch bus gate, this was an extension of the times taxis and private hire vehicles could travel through the bus gate. The time period being extended to 6.00pm to 8.00am for these vehicle types.

In 2018, further changes were made. The bus gate had been operating for several years and during this time changes had been made to the road layout, as part of the ongoing public realm works. In addition, issues had also been raised by Adjudicators from the Traffic Penalty Tribunal (TPT) after hearing appeals, in regard to the clarity of the signage. The changes simplified the restriction allowing, in addition to buses and cycles, taxis to travel through the bus gate 24 hours a day, but no longer permitting private hire vehicles. At the Cabinet Member for City Services meeting in January 2020, an additional change was approved, to also let private hire vehicles travel through the bus gate. This change was also introduced as an Experimental Traffic Regulation Order, to enable monitoring, and came into operation on 9th March 2020.

The Cabinet Member was informed that shortly after the implementation of the Order, revised measures were put in place in response to the Coronavirus pandemic, including 'lockdowns'. The changes to daily lives dramatically affected traffic flows and therefore impacted on monitoring.

The objection to the Experimental Traffic Regulation Order was received on 3<sup>rd</sup> March, 2020, prior to the new bus gate restrictions becoming operational. The issues raised included:

- Only buses should be allowed to use the bus gate

- There should be a cycle path under Whittle Arch
- There were substantial concerns for pedestrian safety at this location
- A full assessment was needed of the risks imposed by allowing more traffic through the gate and consideration of the needs of pedestrians with protected characteristics.
- The council had repeatedly ignored its duty to make considerations in terms of this Act (Equality Act 2010). This breach is consistent, and quite deliberate in its manifestations. This repeated failure might also be considered to be a hate crime, especially in respect of vulnerable road users with physical and mental disabilities.

The report highlighted that a review of the personal recorded injury collision history of both the current Experimental Traffic Regulation Order and the previous Experimental Order (which came into operation on 10th September 2018) showed that no personal injury collisions had been recorded. The report also clarified that the Council had not committed any criminal offences motivated by protected characteristics or otherwise. Cyclists were not a group of people with a particular protected characteristic in terms of the Equality Act 2010. They had a range of protected characteristics as did the users of buses, taxis and private hire vehicles.

The change to allow taxis and private hire vehicles to use the bus gate, at all times, meant that a part of the transport network could assist to facilitate passengers in terms of direct access from their home to places they wanted to visit. Many people due to youth, age, disability, infirmity and pregnancy relied on taxis and private hire vehicles when buses did not supply the service they required. In addition, the change to allow taxis and private hire vehicles to use the bus gate at all times, rather than only during the previous permitted time of 6pm to 8am, assisted to simplify the signage for the bus gate, which addressed issues raised by Adjudicators from the Traffic Penalty Tribunal in regard to the clarity of the signage.

The additional comments raised by the objector were read out at the meeting and responses were provided. The main concerns related to LTN1/20, which had been published after the start of the Experimental Traffic Regulation Order, coming into effect in July 2020. The objector felt this should be considered by the Cabinet Member. He stated that LTN 1/20 was quite explicit in terms of the design standards which were expected on major cycling routes, including the route in question, since it formed part of the network of routes proposed by the council, as per previously circulated route map proposals. He indicated that this was a key cycling route, since it formed such a key connection between different parts of the city centre, and to other destinations further afield. Specific issues were highlighted. Having heard all the concerns raised by the objector, Councillor Hetherington, Cabinet Member suggested that it would be appropriate to offer the objector the opportunity to be informed about all the Council's plans for the whole of the city, including plans to benefit cyclists.

**RESOLVED that, having considered the objection to the City of Coventry (Whittle Arch) (Bus Gate) Experimental Order 2020 being made permanent, including the additional comments reported at the meeting:**

- 1. Approval be given to the current Experimental Traffic Regulation being made permanent.**

**2. Officers be requested to liaise with the objector offering the opportunity for a meeting to hear all about the Council's ongoing plans for changes across the whole of the city.**

**13. Petitions Determined by Letter and Petitions Deferred Pending Further Investigations**

The Cabinet Member considered a report of the Director of Transportation and Highways that provided a summary of the recent petitions received that were being responded to by way of determination letter. Details of the individual petitions were set out in an appendix attached to the report and included details of the actions being taken in response to the petitions. The report was submitted for monitoring and transparency purposes.

The report indicated that each petition had been dealt with on an individual basis, with the Cabinet Member considering advice from officers on appropriate action to respond to the petitioners' request. When it had been decided to respond to the petition without formal consideration at a Cabinet Member meeting, both the relevant Councillor sponsoring the petition (if any) and/or the petition organiser/spokesperson could still request that their petition be the subject of a Cabinet Member report.

Members noted that where holding letters were being sent, this was because further investigation work was required. Once matters had been investigated either a follow up letter would be sent, or a report submitted to a future Cabinet Member meeting.

**RESOLVED that the actions being taken by officers as detailed in the appendix to the report, in response to the petitions received, be endorsed.**

**14. Outstanding Issues**

There were no outstanding issues.

**15. Any other items of Public Business**

There were no other items of public business.

(Meeting closed at 12.00 pm)