

Cabinet Member for City Services

20<sup>th</sup> January 2020

**Name of Cabinet Member:**

Cabinet Member for City Services – Councillor P Hetherton

**Director Approving Submission of the report:**

Deputy Chief Executive (Place)

**Ward(s) affected:**

St Michaels

**Title:**

Objections to Experimental Traffic Regulation Order – Whittle Arch

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**Is this a key decision?**

No

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**Executive Summary:**

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. Since 2005 there have been further changes which have resulted in the creation of the bus gate and additional vehicles being able to travel through the bus gate at certain times.

In 2018 further changes were proposed. The bus gate had been operating for several years and during this time alterations had been made to the road layout as part of the ongoing public realm works. In addition, issues had been raised by Adjudicators from the Traffic Penalty Tribunal (TPT) in regard to the clarity of the signage when hearing appeals.

The proposed changes simplified the operation of the bus gate, allowing buses, cycles and taxis to travel through the bus gate at all times and also simplified the associated signage. To monitor the impact of these changes the traffic regulation order (TRO) was implemented as an Experimental TRO. The ETRO came into operation on 10<sup>th</sup> September 2018. The closing date for objections was 10<sup>th</sup> March 2019. 2 objections were received.

In accordance with the City Council's procedure for dealing with objections to TROs, they are reported to the Cabinet Member for City Services for a decision as to how to proceed.

The costs relating to making permanent or amending the ETRO is funded from the Highways Maintenance and Investment Capital Programme budget through the Local Transport Plan

**Recommendations:**

Cabinet Member for City Services is recommended to:

1. Consider the objections to the City of Coventry (Whittle Arch) (Bus Gate) Experimental Order 2018;
2. Subject to recommendation 1, approve the current ETRO is not made permanent, and on its expiry an alternative ETRO comes in to operation, which allows buses, cycles, taxis and private hire vehicles to travel through the bus gate at all times.
- 3 Subject to recommendation 1 & 2, approve that monitoring is undertaken on the operation of the revised bus gate.

**List of Appendices included:**

Appendix A – Location Plan

Appendix B – Copies of objections

**Background Papers**

None

**Other useful documents:**

None

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

**Report title:** Objections to Experimental Traffic Regulation Order – Whittle Arch

**1. Context (or background)**

- 1.1 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.
- 1.2 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.
- 1.3 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 10.30pm and 5.00am (a time when use of the link road by buses was minimal and no disruption to bus flows would be experienced).
- 1.4 The police were responsible for the enforcement of the restrictions at Whittle Arch, but 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.
- 1.5 Changes were made to the bus gate, including the use of specially approved signage by the DfT, and on 14<sup>th</sup> September 2009 an Experimental TRO came in to operation at Whittle Arch. Monitoring was undertaken; traffic counts in May 2009 (before the bus gate, using the new signs, came into operation) showed that 1084 car and light vans passed under the Whittle Arch, after the changes to the bus gate (and with some police enforcement) there was a reduction to 555 cars and light vans – a reduction of 49%.
- 1.6 The ETRO became permanent on 27<sup>th</sup> September 2010. In June 2011 Civil Enforcement commenced.
- 1.7 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, in the hope that the extension would assist with access requirements and improve the evening economy.
- 1.8 In 2018 further changes were proposed. The bus gate had been operating for a number of 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.
- 1.9 Monitoring showed that between 6.00pm to 8.00am very few private hire vehicles travelled through Whittle Arch, but a high number of taxis (hackney carriages) did. Therefore, it was proposed to simplify the bus gate restriction allowing taxis to travel through the bus gate 24 hours a day, but no longer permit private hire vehicles. This was to improve access during the day, which would hopefully impact positively on the daytime economy, whilst removing the potential of motorists travelling through the bus gate following private hire vehicles (although the number of private hire vehicles was low). In combination with the change to let buses, cycles and taxis all use the bus gate 24 hour a day, 7 days a week, additional map style signage was also introduced.

1.10 To monitor the impact of this change the traffic regulation order (TRO) was implemented as an Experimental TRO. Traffic surveys were undertaken before and after the changes were made. The ETRO came into operation on 10<sup>th</sup> September 2018; the first 6 months of operation were an objection period. The closing date for objections was 10<sup>th</sup> March 2019. 2 objections were received. These are detailed in Appendix B.

## **2. Options considered and recommended proposal**

2.1 The proposed changes to the operation of the Whittle Arch Bus Gate were made using an ETRO to enable monitoring to be undertaken and any objections to be considered, before deciding whether to make the changes permanent.

2.2 The options considered are to:

- i. Make the ETRO permanent.
- ii. Not to make the ETRO permanent and on expiry return to the previous operation of the bus gate.
- iii. Not to make the ETRO permanent and on expiry look at further changes to how it operates, and implement changes using a further ETRO and monitor.

2.3 The issues raised in the objections include:

- As a motorist, they consider the bus gate a licence to print money,
- Taxis should not be allowed through the gate as they are 'just a form of privileged transport for those who can afford to pay' and it undermines the concept of more pedestrian only areas.
- The changes have 'absolutely nothing to do with "promoting the economy", but are simply trying to give black cabs an unfair commercial advantage they neither need nor deserve'.

Both objectors refer to Hales Street (west) and that changes should be made to assist cyclists, such as the re-instatement of the contra-flow cycle lane.

2.4 The results of the monitoring have shown that:

- In the 12 months following the change of operation no personal injury collisions have been recorded
- When private hire vehicles were permitted, very few travelled through the bus gate. However, now they are not permitted a greater number are travelling through the bus gate.
- The number of taxis travelling through the bus gate has increased.
- On a weekday the percentage of vehicles making illegal passage through the arch since the changes (Sept 2018) has reduced.
- There are a large number of motorcycles going through the arch illegally
- Prior to the changes to the bus gate there was a disproportionate number of illegal manoeuvres from drivers entering the bus gate from Hales Street (west).

2.5 The changes to the bus gate were made to improve access during the day, which would hopefully impact positively on the daytime economy, whilst removing the potential of motorists travelling through the bus gate following private hire vehicles (although the number of private hire vehicles was low). The results of monitoring show the changes have increased the usage by taxis, but in addition more private hire vehicles are now using the route, however the number of cars travelling through the bus gate has reduced. It was not intended to give taxis (the black cabs referred to in the objection) an unfair advantage. Taxis and private hire vehicles are part of the transport network and can assist to facilitate passengers with disabilities in terms of direct access from their home to places they want to visit. The experimental changes to the bus gate did not change the usage of

Hales Street (west), however further reviews will be undertaken regarding traffic management across the city centre

- 2.6 Taking into consideration 2.4 and 2.5 it is recommended that the current ETRO is not made permanent, but that further changes are made (using an ETRO) to enable private hire vehicles to also use the bus gate at all times. This situation will be monitored, and any objections considered.

### **3. Results of consultation undertaken**

- 3.1 The ETRO came into operation on 10<sup>th</sup> September 2018. The ETRO was advertised in the Coventry Telegraph on 30<sup>th</sup> August 2018; notices were also placed on street in the vicinity of the proposals and letters were also sent to other various consultees. The closing date for objections was 10<sup>th</sup> March 2019. 2 objections were received.

### **4. Timetable for implementing this decision**

- 4.1 Subject to approval, a new ETRO would come into operation on expiry of the current ETRO on 10<sup>th</sup> March 2020.

### **5 Comments from Director of Finance and Corporate Services**

#### **5.1 Financial implications**

The cost of introducing the revised ETRO, if approved, will be funded from the Highways Maintenance and Investment Capital Programme budget through the Local Transport Plan.

#### **5.2 Legal implications**

The Road Traffic Regulation Act 1984 allows the Council to make a Traffic Order, including an experimental order, on various grounds e.g. improving safety, improving traffic flow and preserving or improving the amenities of an area provided it has given due consideration to the effect of such an order.

In accordance with Section 122 of the Road Traffic Regulation Act 1984, when considering whether it would be expedient to make a traffic order the Council is under a duty to have regard to and balance various potentially conflicting factors e.g. the convenient and safe movement of traffic (including pedestrians), adequate parking, improving or preserving local amenity, air quality and/or public transport provision.

An experimental order takes effect 7 days after public notice is given and can remain in force for up to 18 months. Objections may be made during the first 6 months of operation and any objections must be considered before any decision to make the order permanent.

The 1984 Act provides that once a Traffic Order has been made it may only be challenged further via the High Court on a point of law (i.e. that the Order does not comply with the Act for some reason).

### **6 Other implications**

#### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

The proposed changes will contribute to the City Council's aims of working for better pavements, streets and roads.

## 6.2 How is risk being managed?

None

## 6.3 What is the impact on the organisation?

None

## 6.4 Equalities / EIA

The proposed introduction of the changes, to also allow private hire vehicles to use the bus gate, will provide an additional means of direct access to the city centre for all passengers.

## 6.5 Implications for (or impact on) Climate Change and the Environment

None

## 6.6 Implications for partner organisations?

None

### Report author(s)

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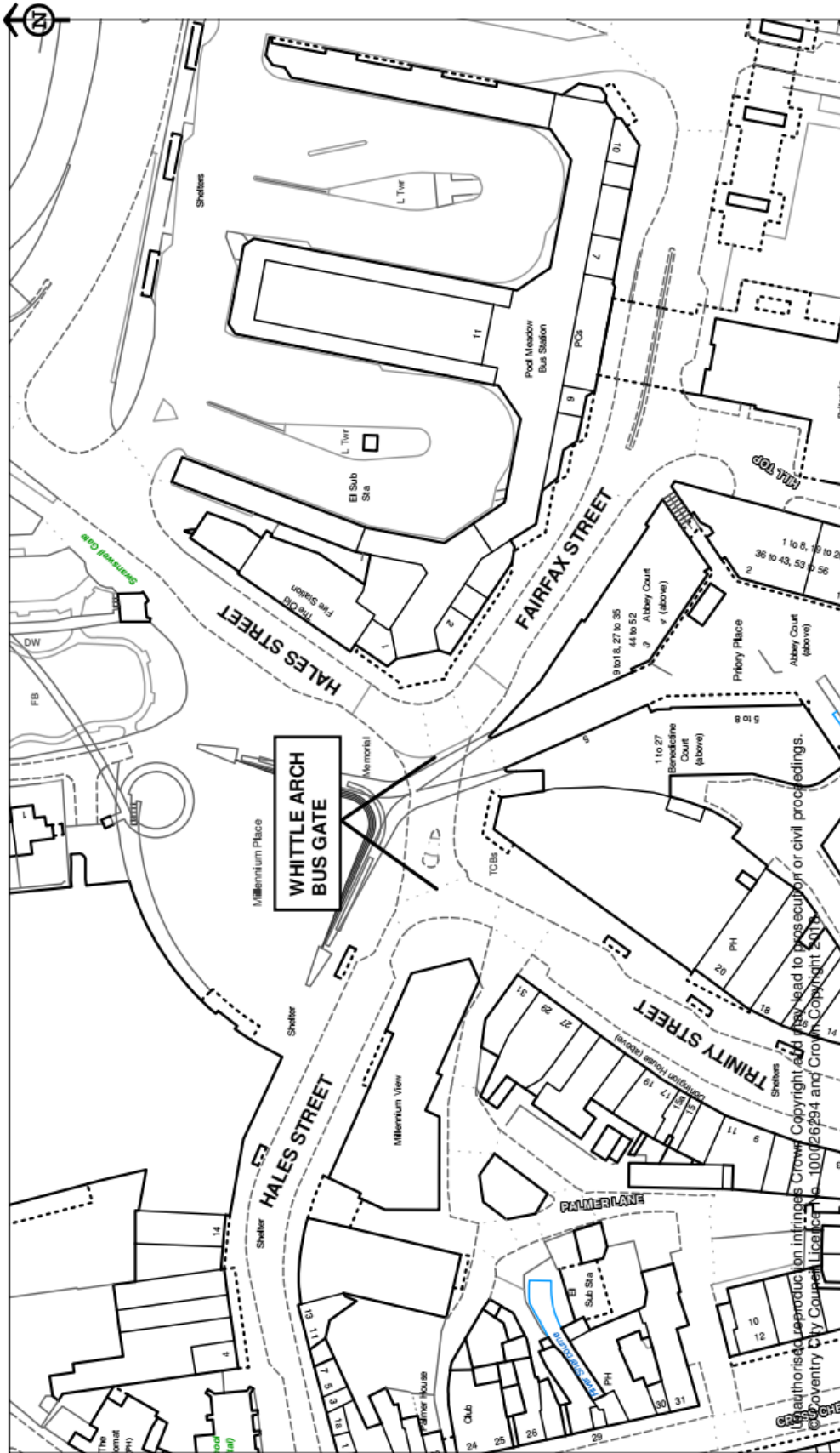
Enquiries should be directed to the above person.

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Appendix A – Location Plan

LOCATION PLAN - WHITTLE ARCH BUS GATE



## Appendix B – Copy of Objections

### Objection 1

I OBJECT to the following TRO:

Coventry City Council is proposing to make some changes to traffic orders within the City, as follows:

City of Coventry (Whittle Arch) (Bus Gate) Experimental Order 2018 - to permit buses, cycles and taxis to travel through the Whittle Arch bus gate at all times

As a motorist I see the extending the use of the these short length partially prohibited to all traffic sections of Coventry roads as a licence to print money. It is very easy on the spur of the moment to see buses (and if allowed taxis) pass through and miss relatively small signage that indicates passage is limited/prohibited, resulting in the “goose that lays golden eggs” fines on the unsuspecting motorist especially those visiting the city ferrying students to and fro. It seems the plan is to trick motorists to fill the financial void left by converting many open air car parks to student accommodation.

Taxis should not be allowed passage - they are just a form of privileged transport for those who can afford to pay bringing in more diesel exhausts than necessary inside the city ring road - and permitting it to be a thoroughfare for them undermines the the concept of more "pedestrian only" areas. The council already recognises that the junction is difficult by the retention of traffic lights enabling passage to pool meadow which is AGAINST the policy of removing all traffic lights within the ring road.

As a cyclist the whole length of road from pool meadow to Hales Grammar school is a shocking anti-promotion of cycling construction. We don't need standing taxis in the city centre - people can /should walk short distances / be able to hail etc without the need to use the Whittle arches section. The Whittle arches are confusing for cyclists as there is no designated section for use. The council says it supports cycling and tries to segregate cyclists from traffic. So why would you change that without good reason. There are no good reasons.

### Objection 2

I OBJECT to the following TRO:

Coventry City Council is proposing to make some changes to traffic orders within the City, as follows:

- **City of Coventry (Whittle Arch) (Bus Gate) Experimental Order 2018 - to permit buses, cycles and taxis to travel through the Whittle Arch bus gate at all times**

This has absolutely nothing to do with “promoting the economy”, but is simply trying to give black cabs an unfair commercial advantage they neither need nor deserve. Instead, this BUS GATE should be for buses and nothing more. Cycling should be permitted in separate cycle lanes, which need to be provided, because it is unsafe to share with buses (as Cllr Innes has previously stated).

There is no justification to give taxis of any kind any special privileges. They are NOT public transport, but instead are a very wasteful form of private transport. Taxis take up a huge amount of road space sitting idle throughout the city centre.

It is very clear that the council has a conflict of interest, given vested interests in taxi ownership amongst a number of local councillors. This must stop, and a full scrutiny review conducted to end all the privileges taxis currently enjoy.

This must also include the removal of all taxi rank space on Hales Street, and the re-instatement of the contra-flow cycle lane, which would carry far more people than empty taxis. This is also needed for pedestrian safety.