

Title of meeting:	Cabinet Member for Transport Decision Meeting
Date of meeting:	29 February 2024
Subject:	ETRO 63/2023 - Experimental Bus Gate and Loading restrictions, Commercial Road and Lake Road
Report by:	Felicity Tidbury, Assistant Director for Economy, Planning and Transport
Report Author:	Matt Crowder, Parking Operations Team Leader
Wards affected:	Charles Dickens
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1. To consider the objections to making permanent the experimental Bus Lane, prohibition of right turn and waiting & loading restrictions in Lake Road and Commercial Road.

2. Recommendations

It is recommended that the Cabinet Member for Transport:

- 2.1 **Considers the objections to the making permanent of the experimental Bus Lane, prohibition of right turn and waiting & loading restrictions in Lake Road and Commercial Road;**
- 2.2 **Approves that the provisions of the Portsmouth City Council (Lake Road and Commercial Road) (Bus Lane, Waiting and Loading Restrictions) (No 63) (Experimental) Order 2022 be made permanent.**

3. Background

- 3.1. Historically, under the previous "prohibition of motor vehicles (except buses, taxis and for loading)" restrictions in Lake Road, a high volume of vehicles were entering the location to access loading facilities, this included a number of vehicles entering the location in contravention of the restrictions. The Council does not have the powers to enforce "prohibition of motor vehicles" restrictions but is able to enforce Bus Lanes and Bus Gates by means of CCTV cameras.



- 3.2. The large number of vehicles exceeded any loading provisions in place, both those permitted to be there and those not, and caused significant issues, particularly for buses and taxis, to access the location safely. This was predominantly due to vehicles waiting to collect food deliveries around the area and blocking bus stops.
- 3.3. Enforcement of the loading restriction was undertaken by Civil Enforcement Officers; however this was limited based on access allowances i.e. exemptions and the limitations on frequency of visits. The level of enforcement, whilst regular, was insufficient to deter motorists from contravening the loading restrictions.
- 3.4. A scheme was therefore proposed to amend the restrictions to remove loading facilities on Commercial Road between the north end of the precinct and Market Way roundabout and to create a Bus Gate. A bus gate prohibits all motor vehicles except buses and taxis. Enforcement of the Bus Gate would be undertaken by the Council via an enforcement camera. Prior to the scheme coming into effect, officers engaged with the local businesses to understand the issues and officers worked to develop the intended solutions for the area.
- 3.5. The changes to restrictions were undertaken on an experimental basis to assess the suitability of these restrictions and ensure that they matched the required outcomes of supporting public transport, particularly buses, in this location. The Experimental Traffic Regulation Order (ETRO) came into force on 3rd June 2023. The first six months after implementation of an ETRO serves as the formal consultation period.
- 3.6. Following the formal ETRO consultation period which came to an end on the 2nd December 2023, two objections have been received.
- 3.7. The first objection is in relation to private hire vehicles being excluded from the bus gate, which prevents these vehicles from picking up clients from the northern end of the Commercial Road precinct.
- 3.8. The second objection is in relation to motorcycles being excluded from the bus gate and prevents delivery riders (e.g. Deliveroo/Grab) from collecting orders from takeaway food premises on Commercial Road.
- 3.9. In relation to the first objection, prior to the introduction of the ETRO there had been no access permitted for Private Hire Vehicles (PHVs) within the restrictions which were only enforceable by the Police. This had not been a suitable location at the northern end of Commercial Road precinct for PHVs to pick up or drop off passengers. It is recommended that PHVs continue to use the area to the west of The Cascades shopping centre for this purpose. There are limited trial locations allowing for the use of bus lanes by PHVs, but this location is not included in this trial.



- 3.10. In relation to the second objection, the allowances around loading and unloading resulted in high numbers of vehicles including motorcycles using the location and causing obstruction to buses and taxis. Alternatives for loading are available throughout the area behind most of the takeaway premises, with this being relayed in response. The additional item raising access for motorcycles, there are currently no bus lanes or bus gates within the city which allow access for motorcycles, this ETRO has been created in line with all other bus lanes in the city.

4. Experimental Traffic Regulation Order (ETRO) 63/2022

- 4.1. The Portsmouth City Council (Lake Road and Commercial Road) (Bus Lane, Waiting and Loading Restrictions) (No 63) Experimental Traffic Regulation Order 2022 came into effect on the 3rd June 2023.

- 4.2. The effects of the Order were:

- a. Introduce a Bus Gate (buses, cycles & taxis only at any time) south-westbound on Lake Road from Spicer Street to Commercial Road;
- b. Prohibit the right turn from Commercial Road into Lake Road; and
- c. Introduce "no waiting and no loading at any time" restrictions on Lake Road southwest side (in place of a Bus Stop clearway) and on Commercial Road west side (in place of a loading bay).

A plan of the location under this ETRO is shown in Appendix A.

- 4.3. Following the implementation of the ETRO, compliance around access to the location has been monitored through bus lane enforcement cameras. On review of figures this has shown significant improved compliance since installation. These have since reached a roughly static level where further measures will be considered moving forwards. Details can be found in Appendix B.
- 4.4. There has been some displacement around vehicles previously accessing the location, with an expectation of loading being undertaken around the rear of businesses. However, an increase has been seen in the number of vehicles using the slip road from Marketway roundabout south into Commercial Road, in contravention of the "prohibition of motor vehicles except for taxis" currently on this road. Measures are being considered in this location to support the needs of both the taxi trade and any requirements for loading; these are outside the scope of this report.

5. Consultation

- 5.1. Prior to undertaking the progression of the ETRO notice, in July 2021 business were engaged with to advise of the issues and the proposed changes to the location to remedy these issues. Guidance was given of alternative loading areas.



- 5.2. Engagement was additionally undertaken with the Hackney taxi trade, First Bus and Stagecoach representatives, within a meeting where plans were presented and discussed.
- 5.3. ETRO notices were displayed on-street on both roads notifying road users of the new restrictions. This notice stated that if the provisions of the Order continue in operation for a period of at least six months, the Council will consider in due course whether the provisions of the experimental order should be continued in force indefinitely by means of a permanent order. Any person desiring to object to the making of an order for the purpose of such indefinite continuation may, within six months of the experimental order coming into operation, may lodge such objections with the Council.
- 5.4. The ETRO consultation received two public response objecting to the provisions of the experimental order, refer to Appendix C for further information.

6. Reasons for recommendations

- 6.1. Following the statutory consultation period of the experimental order, the limited number of objections received by the council indicate that the majority of road users are content with this order.
- 6.2. The aim of the ETRO has been to provide better access for buses and reduce obstruction of these services, which has been achieved by significant reductions in the unauthorised vehicle use of the location and this trial has been a success. It is recommended that provisions of the experimental order be made permanent through the making of a TRO.

7. Integrated impact assessment

- 7.1. An integrated impact assessment has been completed for this proposed scheme and is included in appendix D of this report.

8. Legal implications

- 8.1. It is the duty of the local authority to manage its road network with a view to achieving, so far as is reasonably practicable having regard to its other obligations, policies and objectives, the following objectives:
- (a) securing expeditious movement of traffic on the authority's road network;
and
 - (b) facilitating the expeditious movement of traffic on the road networks for which another authority is the traffic authority.



- 8.2. Local authorities have a duty to take account of the needs of all road users, take action to minimise, prevent or deal with congestion problems, and consider the implications of decisions for both their network and those of others.
- 8.3. The procedural provisions for giving permanent effect to an experimental order is set out in regulations 23 and schedule 5 of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (LATOPR 1996).
- 8.4. Regulation 23 provides that an experimental order can be made permanent providing the following requirements are adhered to:
- 8.4.1. The following statements were included in the notice of making the experimental order:
- that the order making authority will be considering in due course whether the provisions of the experimental order should be continued in force indefinitely
 - A person may object to the experimental order continuing for an indefinite period within 6 months of the order beginning on the date the order came into force (or within 6 months beginning on date the order is varied or modified)
 - That any objections must be in writing, state the grounds on which it is made and be sent to an address specified in the notice
- 8.4.2. The following documents were deposited and kept available for inspection beginning from the date on which the advertisement of the experimental order is first published and ending on the date the order ceases to have effect:
- a. a copy of the relevant notice of proposals and, if the order has been made, of the relevant notice of making;
 - b. a copy of the order as proposed to be made or as made (as the case may be);
 - c. a map which clearly shows the location and effect of the order as proposed to be made or as made (as the case may be) and, where appropriate, alternative routes for diverted traffic;
 - d. a statement setting out the reasons why the authority proposed to make the order including, in the case of an experimental order, the reasons for proceeding by way of experiment and a statement as to whether the authority intends to consider making an order having the same effect which is not an experimental order;
 - e. if the order varies, revokes, applies or suspends another order, a copy of that other order;
 - f. if the order has been made after the holding of a public inquiry, a copy of the report and recommendations (if any) of the inspector; and
 - g. where the experimental order has been modified in accordance with section 10(2) RTRA a statement of the effect of each such modification .



8.5. Where the above has been satisfied regulations 6 (consultation), 7 (notice of proposals) and 8 (objections) do not apply.

9. Director of Finance's comments

9.1 Costs associated with making this ETRO permanent are covered within the Council's On-Street Parking budget.

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Signed by:

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: