

South Chichester County Local Committee

North Street, East Street and Crane Street (Chichester City Pedestrian Precinct) Proposed Traffic Regulation Order

12 June 2018

Report by the Director of Highways & Transport

Ref:
SC02(18/19)

Key Decision:
No

Part I

Electoral Divisions:
Chichester North and Chichester South

Summary

At its meeting of the 31 October 2017 the South Chichester County Local Committee was presented a report detailing a programme of Traffic Regulations Orders. The Committee selected a proposal to vary the existing Prohibition of Cycling Order in the precinct following an application from Chichester City Council to encompass Sundays within the Order. The City Council consider that the level of Sunday trading has increased considerably, as have the number of events within the pedestrian precinct throughout the year, since the original TRO was made in 1997.

During the formal consultation stage, 51 objections together with 17 individual letters of support were received.

Recommendation

That the South Chichester County Local Committee, having considered that the resulting benefits to the community outweigh the objections raised, authorise the Director of Law, Assurance and Strategy to make the Order as advertised.

Proposal

1. Background and Context

- 1.1 On the 31 October 2017, the South Chichester County Local Committee (CLC) was presented a report on Traffic Regulations Orders (TRO) prioritisation. The Committee selected a proposal to vary the Prohibition of Cycling TRO in the pedestrian precinct (North Street, East Street and Crane Street) and include it in its 2018/19 TRO works programme.
- 1.2 Chichester City Council resolved at its meeting of 31 October 2016 to make an application to the County Council to extend the scope of the existing TRO prohibiting cycling within the pedestrian precinct, between the hours of 9:30 to 17:30, Monday to Saturday, to include Sundays. The City Council considers that the level of Sunday trading has increased considerably, as have the number of events within the pedestrian precinct throughout the year, since the initial TRO was made in 1997. As such the potential for conflict between cyclists and pedestrians has increased significantly.

2. Proposal

- 2.1 The proposal will introduce a variation to the existing Prohibition of Cycling between the hours of 09:30 to 17:30, Monday to Saturday, Traffic Regulation Order, to encompass Sundays over the same time period.
- 2.2 The lengths of road which were the subject of the proposed Order is shown Appendix A to the report with the following drawing number:
 - TA_CHS2017_2
- 2.3 The new Order is proposed for pedestrian safety reasons and to improve the amenities of the City Centre.

3. Resources

- 3.1 The estimated works cost for the signing required is £700, which will be met from Infrastructure Plan TRO Budget and ordered through the County Council's term contract thus ensuring value for money.

Factors taken into account

4. Consultation

- 4.1 **Members** - At the design stage, the local members for Chichester North and Chichester South Divisions were consulted and supported the proposals as outlined and approved the wider consultation and public advertisement.
- 4.2 **External** - Sussex Police have been consulted and raised no objection.
- 4.3 **Public** -The three week formal consultation period for the traffic regulation orders to support the scheme ran between 22 March 2018 and 16 April 2018. This included the Police, Chichester District Council, Chichester City Council and motoring and cycling organisations. During this consultation period, notices were erected on site, a copy of plans and a statement of reasons were placed at the local library, and the advertisement placed in the local press and on the County Council's website.
- 4.4 During the consultation period 51 objections were received to the proposals which have been summarised in Appendix B to this report together with comments from the Director of Highways and Transport. There were also 17 individual letters of support.
- 4.5 The general points raised by the objectors were:
 - Not in accordance with DfT Guidance
 - Not in accordance with the County Council Walking and Cycling Strategy
 - Equality Issues
 - No Evidence of casualties
 - The change should align with shop opening hours on Sunday

4.6 The local County Councillors have confirmed their continued support for the proposals.

5. Risk Management Implications

5.1 Should the proposed TRO not be made as recommended, the risk to the County Council is that the safety concerns raised initially by the local community through its local members will not have been addressed.

5.2 Should the proposed TRO be made, the risk to the County Council is that with some consultees and objectors, the County Council might be seen as not effectively promoting sustainable transport policies.

6. Other Options Considered

6.1 There is no other means of prohibiting cycling other than by the introduction of a TRO.

6.2 The period of operation of the TRO is proposed to align with that which currently exists. Varying the times on Sunday, would of necessity result in more words making the signing more complicated comprehend whilst traveling at speed and possibly confusing to cyclists. It would result in an increase in the size of the sign adding to "sign clutter" and adding to the environmental impact in the historic City Centre

7. Equality Duty

7.1 Under the Equality Act, the Council has a public sector equality duty to have due regard to those with protected characteristics and show how it had due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not share it.

This duty applies to those with protected characteristics due to:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex

- 7.2 The County Council had not been made aware of any equality issues pertaining to the existing Prohibition of Cycling Order. It is within this context that the County Council considered the protected characteristics as defined in the Equality Act at design stage. It would have been impracticable to undertake a formal survey prior to public advertisement due to the personal nature of the information needed to ascertain any likely impact.
- 7.3 In order to ascertain the likely equality impact, the proposals have been publicly advertised and any objections received about the proposals, including those raising Equality Act issues, have been assessed in relation to the protected characteristics and summarised in Appendix C to this report.
- 7.4 In relation to the Equality Act the proposals as advertised apply equally to all people including those with protected characteristics specified within the Act. Consequently there is no specific unlawful discrimination, harassment and victimisation occurring as a result of these proposals.
- 7.5 Road safety within the precinct is of concern to the local community and the proposals will reduce potential conflict between cyclists and pedestrians including those with protected characteristics under the Equality Act.
- 7.6 The proposal does not advance equality of opportunity between people who share a protected characteristic and people who do not share it. For those cyclists with a disability and or significant age, it could be considered that the proposal would have a negative impact. The mitigating factors are:
- improved shopping environment and general use of the precinct for all pedestrian, including those with protected characteristics, on Sundays between 9:30 and 17:30.
 - there is special provision made for all cyclists to access the pedestrian precinct and cycle racks to secure cycles whilst shopping or using other City Centre facilities
 - there are reasonable alternative routes for all cyclists including those with protected characteristics to avoid the pedestrian precinct using comparatively low trafficked roads and within the 20mph Zone.
- 7.8 The proposal has the potential to foster good relations between persons who share a protected characteristic and those who do not, insofar as those with protected characteristics using the precinct as pedestrians will be less concerned about potential conflict with cyclists, many of which will not have protected characteristics under the Equality Act.
- 7.8 Having considered the proposal in relation to those with protected characteristics it is considered that benefits to the wider community outweigh the disbenefits to those with protected characteristics in introducing this TRO.

8. Social Value

- 8.1 The proposal aligns with the County Council's policy on Social Value insofar as it is community led, raised through the Committee, raised formally by the Chichester City Council and evident local support for the proposal with a view to improving the local road environment,

9. Crime and Disorder Act Implications

- 9.1 The County Council does not consider there to be any foreseeable Crime and Disorder Act implications associated with this proposal. The view of Sussex Police has been sought, who confirm they believe there are no issues in relation to the Crime and Disorder Act.

10. Human Rights Implications

- 10.1 It is unlawful for a public authority to act in a way that is incompatible with a convention right. The concerns of the officers set out in paragraph 2.3 and the policy objective to avoid danger to all road users and to improve the amenities of the City Centre reduce congestion should then be set against these rights. Taking these points into consideration it is believed that the introduction of this Traffic Regulation Order is still justified.

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Director of Highways & Transport

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Appendices

Appendix A – Plan of existing and advertised proposals

Appendix B – Consultation responses and highways response

Appendix C – Equality Impact Report

Background Papers

None