



**REGENERATION**  
*Transport Service*  
*Highway Services Group*

**Objections to Proposed Traffic Regulation Order for  
Cotham North Residents' Parking Scheme (ref:  
CAE/NMT/P/851).**

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**To:** Peter Mann, Service Director Transport, Regeneration

**From:** Project Manager

**Date:** 29 November 2013

**Objectors:**

127 objections and 13 expressions of support were received following publication of the notice of proposals for a Traffic Regulation Order and associated orders for the introduction of a Residents' Parking Scheme area in Cotham North.

Four objectors attached a leaflet produced by the 'Keep Clifton Special' group. This leaflet does not relate to the proposals for Cotham North but has been considered as objection 140 in Appendix 3.

The period for objections to be submitted ran from 6<sup>th</sup> November to 28<sup>th</sup> November 2013. The objections and other representations are summarised at Appendix 3, together with officers' responses.

**Main objections:**

- Proposed double yellow lines to protect accesses are not required.
- People who travel to work by car will have nowhere to park.
- Adverse impacts on local shops and businesses.
- The scheme area should be expanded to include all of Redland.

**Legal implications:**

**Highways and Transport**

Reference is made in this report to the factors the Council needs to take into account when exercising its powers under the Road Traffic Regulation Act 1984 and its network management duty. The promotion of the proposed order has been carried out in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. These procedures involve advertisement of the proposals and invitation of objections. The Council is under a legal duty to consider any objections received in response to the statutory consultation process before the relevant decision-maker can make any decision on whether to confirm advertised proposals, modify or abandon them.

It is the duty of the City Council as traffic authority under section 122 of the Road Traffic Regulation Act 1984 to exercise its traffic management functions so as to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. This duty is to be discharged so far as is practicable having regard to: (a) the desirability of securing and maintaining reasonable access to premises; (b) the effect on the amenities of any locality affected and (without prejudice to matters generally) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run; (c) any national air quality strategy; (d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and (e) any other matters appearing to the Council to be relevant.

The Traffic Management Act 2004 placed a new 'network management duty' on the City Council as traffic authority to manage and secure the expeditious movement of traffic on its road network and to facilitate traffic movement on other traffic authorities' road networks.

### Equalities

The Council is also obliged to comply with section 149 of the Equality Act 2010, which requires that each decision-maker considers the need to promote equality for persons with the following "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

- i) eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
- ii) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to:
  - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic.
  - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled

people, this includes, in particular, steps to take account of disabled persons' disabilities);

- encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.

The duty must be kept in mind throughout the decision making process. Compliance with the duty cannot be secured post decision. In order to demonstrate compliance with the duty, the decision maker must have sufficient information about the effects of the proposed decision (if any) on people with protected characteristics. If such information indicates that there is an adverse impact on people with protected characteristics the decision maker should consider whether it is possible or reasonable to mitigate such effects or, alternatively whether the policy aims of the scheme justify its pursuit notwithstanding the adverse equality impact. The judgement on such matters is for the decision maker, providing that due regard has been given to these matters.

#### Crime and Disorder

Section 17 of the Crime and Disorder Act 1998 states: "Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area". Regard must be given to the impact of the proposals, if any, on reducing crime and disorder. The duty is a continuing one in relation to the exercise of the Council's functions and will therefore also extend to a consideration of how crime and disorder might reasonably be reduced or prevented in the design of individual schemes.

#### Officer comments:

Consideration has been given to the various matters referred to in connection with the Road Traffic Regulation Act 1984 in the development of the proposals.

With regards to section 149 of the Equality Act 2010, the impact of the proposals on each group of people with "protected characteristics" has been considered throughout the development of the proposals. An Equalities Impact Assessment is attached at Appendix 4 which should assist the decision maker in having due regard to the public sector duty. Due consideration to these proposals has also been given in terms of crime and disorder.

#### Conclusion:

The Traffic Orders Procedure Regulations allow authorities to modify an order, whether in consequence of any objections or otherwise, before it is made. Where modification appears to make a 'substantial change' to an order, the authority shall take appropriate steps to: (a) inform persons likely to be affected by the modifications; (b) give those persons an opportunity to make representations; and (c) ensure that due consideration is given to any such representations.

In deciding whether a 'substantial change' is being proposed, the test adopted by the Council is whether someone might have been minded to object to the proposed modification if it had been included in the order when originally advertised.

It will be noted that Appendix 1 sets out the background to this matter. Having considered the objections and other representations, which have been received, officers remain of the opinion that the proposed Residents' Parking Scheme is necessary to support the City Council's transport policy objectives, as set out in the Joint Local Transport Plan 2011–2026. However, it has also been recognised that there is scope to make minor modifications to the proposals, to mitigate the concerns of some of the objectors, without compromising the overall aims of the scheme. The suggested modifications are identified at Appendix 2. Officers consider it unlikely that anyone would wish to object to the suggested modification and, therefore, that further consultation is not necessary. Furthermore, in view of the public consultation that has already occurred, it is not considered that the holding of a public inquiry would be appropriate.

Accordingly, it is recommended that the proposals should proceed as advertised, subject to the minor modifications identified at Appendix 2.

### **Recommendation:**

That the Service Director Legal Services be authorised to seal:

**The City Council of Bristol (Cotham North Area, Cotham and Redland Wards, City of Bristol) (Residents' Parking Area) (On-Street Parking Places) (Prohibition of Waiting and Stopping) Order 20— subject the proposed modifications identified in Appendix 2;**

**The City Council of Bristol (Various Roads, A4018 Westbury Road and A4018 Whiteladies Road Area, Cabot, Clifton East, Cotham, Henleaze, Redland, Stoke Bishop and Westbury-on-Trym, City of Bristol) (Northern, North Western and West Central Zones) (General Traffic Regulation) (Variation No. 3) Order 20 --; and**

**The City Council of Bristol (Various Roads, Cotham, City of Bristol) (North Central Zone) (Prohibition and Restriction of Waiting) Order 20--.**

### **Background information:**

Provided at Appendix 1.

### **Local Members' Comments (Cotham and Redland Wards):**

The Members for the affected wards have been invited to submit their comments for inclusion in the report. Councillor Harrison has submitted some comments, which are attached as Appendix 5 of this report.

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### **Approvals:**

#### **Highways and Traffic Manager**

Signature:

Date:

#### **Service Director Transport**

Signature:

Date: