

# Brighton & Hove City Council

## Transport & Sustainability Committee

## Agenda Item 35

**Subject:** Gardner Street Traffic Regulation Order (TRO)

**Date of meeting:** 3<sup>rd</sup> October 2023

**Report of:** Executive Director Economy, Environment & Culture

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**Ward(s) affected:** West Hill & North Laine

### For general release

#### 1. Purpose of the report and policy context

1.1 The report seeks committee approval for the making of two Traffic Regulation Orders (TRO's) the effect of which will be the closure of Gardner Street to all vehicles at set times between Fri - Sun & bank holidays, the introduction of a time limited disabled parking bay and to change the restriction on the loading bays so they can be used when the road is open to all vehicles, subject to amendment set out in paragraph 2.1 below.

#### 2. Recommendations

2.1 That Committee, having taken account of all duly made representations and comments, agrees that the TRO for Gardner Steet detailed below (and as amended by paragraph 6.1) is approved and proceeds to implementation stage.

- Brighton & Hove (Prohibition of Vehicles) (Gardner Street) Order 202\* (TRO-35a-2023)
- Brighton & Hove Various Controlled Parking Zones Consolidation Order 2018 Amendment Order No.\* 202\* (TRO-35b-2023)

2.2 It is also recommended that any requests for minor design amendments deemed appropriate by officers are added to the proposed scheme during implementation and advertised as an amendment Traffic Regulation Order on the basis that such minor design amendments do not constitute a substantial change to the orders as approved.

#### 3. Context and background information

3.1 In July 2020 as part of the Council response to Covid 19, Gardner Street was closed to all traffic (except cycles) 7 days a week using an Experimental

Traffic Regulation Order (ETRO). Previously the street had been closed at the weekend to all vehicles for over 10 years. During the ETRO changes it was highlighted that blue badge holder access was required and the ETRO was amended to allow blue badge holder only access.

- 3.2 In September 2021 the ETRO expired, and it became clear the road wasn't working well with the mixture of use from all road users. Delivery drivers were regularly entering the road during the restricted hours, blue badge holders were unclear if they could access the street and the disabled bays were obstructed with tables and chairs making the disabled bays inaccessible. The road reverted back to be closed during weekends and bank holidays only between 11am – 5pm.
- 3.3 In February 2022, following extensive stakeholder engagement with disability groups, businesses, residents, and active travel groups during October 2021, Council Officers met local businesses with Lead and Ward Councillors to discuss how the street could be closed to all vehicles (except cycles) to enable tables and chairs to be set out during the road closure. A new TRO was advertised to close the road to traffic for the hours of 11am – 5pm every day and to include relocation and creation of 9 additional disabled bays to nearby Regent Street to allow blue badge holders to access the local amenities. This was agreed at ETS Committee in November 2022, and came into force in January 2023.
- 3.4 During the consultation for the TRO, Officers and Councillors were made aware that closing the road could detrimentally impact disabled residents. These concerns were included in the report presented to the November 2022 ETS Committee (with specific details contained within a 'part 2 report'). Since the TRO has come into effect further issues relating to accessibility have been highlighted. These issues include not being able to access the relocated disabled parking bays in Regent Street and the restrictions having a profound impact on day to day life.
- 3.5 At the Transport & Sustainability Committee held on 6<sup>th</sup> July 23, the Gardner Street traders submitted a petition requesting a change to the current restrictions in place (11am – 5pm, everyday) and to allow more space for seating in the carriageway to support their businesses, as they can currently only utilise the footpath for table and chairs to ensure the carriageway is kept clear of obstructions, making it accessible for pedestrians, wheelchair users and cyclists (The council require a minimum 3m passing place for these road users).
- 3.6 The Council was therefore aware that the TRO as implemented required review. In late July 23 the Council undertook further engagement to look at possible solutions and find a mutually agreed adjustment for all interested parties.
- 3.7 The advertised proposed TRO has a statutory consultation process which enabled members of the public and stakeholders to comment on these proposals before any scheme is implemented.

- 3.8 Detailed plans and the proposed TROs were available to view online (Appendix A & B) and copies of these were sent to residents and business in Gardner Street to highlight the proposed changes.
- 3.9 The proposed TRO changes were supported by 61.9% of respondents. The changes also include the reintroduction of a time limited disabled parking bay in Gardner Street for blue badge holders to utilise outside the general hours of restriction, to enable relevant users to carry out their required day to day activities.
- 3.10 The closure of Gardner Street to all vehicles will create a pedestrianised shopping and leisure area in Gardner Street for pedestrians during the hours of operation (Fri – Sun and bank holidays) This will allow the businesses to expand tables and chairs into the carriageway to allow use of the outside space for covers, subject to licensing permissions.

### **Consideration of Issues Raised**

- 3.11 The Council received 549 items of correspondence to the proposals from residents, businesses, and stakeholders. This included support and objections to the proposals.
- 3.12 Of the 549 comments, 402 comments were received via a petition set up and advertised on the street. Objections were generated via a QR code scanned by the public which automatically generated an email to [parking.consultation@brighton-hove.gov.uk](mailto:parking.consultation@brighton-hove.gov.uk). The email comments received all stated the same thing:

*“I object to the reintroduction of driving and traffic on Gardner Street Monday to Sunday 11am to 5pm for the following reasons:*

- 1. Reduced safety for pedestrian access (visitors to the city assume that this is also a pedestrianised street like Kensington Gardens and Sydney Street).*
- 2. Reduced wheelchair and pushchair access to the pavements.*
- 3. Increased air and noise pollution to the detriment of residents, visitors and traders.*
- 4. Reduced pedestrian traffic to the detriment of the North Laine area and the city as a whole.*
- 5. Reduced cafe/bar and restaurant trading space to the detriment of tourism in the area.”*

- 3.13 These comments have been noted and are highlighted to the committee, but the information provided to the public is considered to be incorrect. The objections state that the TRO proposes to reopen the street 11am - 5pm everyday to all vehicles which was not part of the proposals. The advertised QR code did not provide a link to the Council's TRO consultation page or advise on the correct content of the TRO. Those responding to the comments were therefore not given all the information required to make an informed decision. The proposed changes will support the businesses with their busiest periods (Fri-Sun and bank holidays) when the road will be

closed to vehicles, whilst supporting access requirements for residents during the week.

- 3.14 Detailed analysis of the additional individual 147 comments received has outlined that the proposals are generally supported, 91 comments in support, 54 comments object to the proposals, and 2 general comments received.
- 3.15 The main concerns raised were:
1. Businesses not being supported to install tables and chairs on street.
  2. Access for blue badge holders was being restricted.
  3. The current agreement wasn't supported by all businesses and residents.
  4. Blue badge holders are unable to access local amenities due to lack of disabled bay provision in the street.
  5. Loss of the community spirits due to recent TRO changes.

The main supportive comments were:

1. Enjoyed the car free street,
  2. The street felt safer, more accessible and had less pollution.
  3. Proposed changes are more supportive to all who use the street
- 3.16 Of the comments received, 22 highlighted concerns around the proposed 9pm closure. In response to these concerns, it is proposed to reduce the hours of restriction on the advertised TRO proposals from 11am – 9pm to 11am - 7pm. The comments highlight concerns around access to the road for its users and residents at a reasonable time in the evening, when many of the business close around 6pm. The 7pm amendment will allow time for the business who close earlier to ensure all apparatus are removed from the carriageway and ensure the road is ready to be reopened to vehicles at 7pm, this should support the requirements for both businesses and residents.
- 3.17 The comments and objections are listed in Appendix C to this report.

#### **4. Analysis and consideration of alternative options**

- 4.1 The main alternative would be not to approve the TRO for Gardner Street and leave the road with its current restrictions 11am – 5pm everyday. It is considered that this would not be commensurate with the consultation feedback, which is generally supportive of the proposals in the report.
- 4.2 Consideration has been given to keeping the current restrictions and allowing blue badge holder only access, however with the high demand for licensed tables and chairs to be installed in the carriageway, as well as documented issues with shared use from the previously implemented ETRO, this would not be a suitable solution for road users. In addition to this it would pose a high risk to pedestrian safety allowing a motor vehicle entry to a pedestrianised street where the general public are not expecting a vehicle to be entering the road during the closure.

## **5. Community engagement and consultation**

- 5.1 Meetings and discussions were held with lead Councilors, local businesses and residents to see what TRO changes were required and to take into account the complex needs and wishes of all parties.
- 5.2 Comments received to the TRO highlight a complex mixture of conflicting needs from both the businesses, blue badge holders and residents wanting to use and access the street for different reasons at the same time.

## **6. Conclusion**

- 6.1 After reviewing the comments and having taken into account the issues raised, it is recommended to proceed with the closure of Gardner Street to all vehicles; with an amendment of the proposed hours to 11am – 7pm, Fri – Sat & Bank holidays (except Christmas Day and Boxing Day), this will allow residents to access the street at a reasonable time in the evening and allow blue badge holders to park in the time limited bays to access the local venues such as the Komedia.
- 6.2 An additional time limited disabled bay at the southern end will also be introduced following comments received.
- 6.3 It is also recommended that any requests for minor design amendments deemed appropriate by officers are added to the proposed scheme during implementation and advertised as an amendment Traffic Regulation Order.
- 6.4 Due to staff holidays on Christmas and Boxing day the gate will not be closed and the road will remain open.

## **7. Financial implications**

- 7.1 The recommendation to approve the Traffic Regulation Orders would result in minor signage and road lining costs. The costs of these changes estimated at less than £0.005m would be funded by existing maintenance Budgets. Officer time associated with the TROs will be contained within existing budgets. Any significant variations to budget will be reported as part of the council's monthly budget monitoring process.

Name of finance officer consulted: John Lack    Date consulted 18/09/23

## **8. Legal implications**

- 8.1 The Council regulates traffic by means of orders made under the Road Traffic Regulation Act 1984. The procedure for making such orders is contained in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 which require public notice of proposed orders to be given and for the relevant documents to be placed on deposit for public inspection. Any person may object to the making of an order.

Amendments to a TRO from that advertised are permitted when the amendments are not 'substantial'. Consideration has been given to the impacts of the proposed change of 2 hours to the time of restriction, and the conclusion is that such impacts will not be substantial.

- 8.2 The Council's Constitution provides that decisions on TROs are made by this Committee where there are either six or more unresolved objections or the matter has been called in.

Name of lawyer consulted: Katie Kam      Date consulted: 20/09/2023

## **9. Equalities implications**

- 9.1 An Equality Impact Assessment was carried out for the TRO in this report and is attached in Appendix D. As part of the process feedback from businesses and residents was considered along with advice and guidance from the council's equality, diversity and inclusion team. The new TRO under consideration by committee is in response to the experiences of disabled residents and aims to ameliorate the negative impacts of the original TRO. Base on city-wide data no disproportionate impacts were identified for some cohorts of the population. A comprehensive set of actions has been identified in the assessment that will become part of the service continual improvement of embedding equality, diversity and inclusion in its operating practice.

## **10. Sustainability implications**

- 10.1 There are no sustainability implications

## **11. Other Implications**

### **Social Value and procurement implications**

- 11.1 There are no social value and procurement implications.

### **Crime & disorder implications:**

- 11.2 There are no crime and disorder implications.

### **Public health implications:**

- 11.3 There are no public health implications

## **Supporting Documentation**

### **1. Appendices**

1. Appendix A – TRO Notice
2. Appendix B – TRO Plan
3. Appendix C – TRO comments received.
4. Appendix D – Equalities Impact Assessment