Brighton & Hove City Council

Leader of the Council

Subject: **Western Road Red Route Urgent Update**

Date of Decision: **6 November 2026**

Report of: **Leader of the Council**

Lead Officer: **Name: Charles Field**

Contact Officer: **Name: Charles Field**

Email: charles.field@brighton-hove.gov.uk

Ward(s) affected: Brunswick & Adelaide; Regency;

Key Decision: Yes

Reason(s) Key: Is significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions (wards).

For general release

Note: Reasons for urgency

Due to the special circumstances outlined below, and in accordance with Regulation 10 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, compliance with the requirement to provide 28 days' notice has not been possible.

The urgency of the matter has been agreed upon by the Chair of the relevant Overview and Scrutiny and it is deemed necessary to consider this item without delay, due to it not being practicable to defer consideration of this matter to a future Cabinet meeting because the Experimental Traffic Regulation Order (ETRO) for the Red Route on Western Road is due to come into force imminently and there is insufficient time to convene a Cabinet meeting before that date.

Following the Cabinet decision of 17 September 2026 and after the ETRO was made, the Council received correspondence challenging the lawfulness of that decision and alleging that the Cabinet had been materially misdirected regarding the effect of the ETRO on passenger pick up and drop off.

The ETRO is due to come into force on 9 November 2026. Officers consider it necessary that the issues raised by that correspondence are considered before implementation of the ETRO occurs and that the decision-maker is given the opportunity to determine afresh whether the ETRO should be implemented having regard to the clarification contained within this report.

The matter is urgent and cannot reasonably be delayed. Delaying the decision would be likely to seriously prejudice both the Council's interests and the public interest by creating uncertainty regarding the implementation and operation of a significant

traffic management scheme on one of the City's main transport corridors, including uncertainty for residents, businesses, public transport operators and other users.

Officers consider it necessary that the matters raised in correspondence received after Cabinet's decision of 17 September 2026 challenging the lawfulness of that decision are considered and clarified before the ETRO takes effect and that a fresh decision is taken on the implementation of the Order with the position expressly set out in this report.

Purpose of the report and policy context

1.1 On 17 September 2026 Cabinet agreed to the implementation of the Experimental Traffic Regulation Order (ETRO) for Western Road between Holland Road and Montpelier Road

1.2 Following the Cabinet decision, the Council received correspondence raising concerns about the information provided to Cabinet regarding the operation of pick-up and drop-off restrictions under the ETRO. For the avoidance of doubt the restrictions are changing in line with the advertised ETRO. This report therefore clarifies the position regarding pickup and drop off on the red lines which is that the ETRO is correctly drafted; general pick-up and drop-off is not permitted on the red route unless an exemption applies; and a motorist who stops in contravention of the Order may be subject to enforcement action.

1.3 The Chair of the relevant Overview and Scrutiny Committee has agreed the matter is urgent for the reasons outlined above and cannot reasonably be deferred.

2 Recommendations

2.1 The Leader of the Council notes the reasons for urgency and is satisfied that the requirements for the use of the urgent decision procedure under the Council's Constitution are met.

2.2 The Leader of the Council notes the clarification provided in this report about the pick-up and drop off of passengers on the red route scheme, which is in line with the published ETRO.

2.3 The Leader of the Council, having considered the clarification set out in this report and the information contained in the 17 September 2026 Cabinet report, agrees afresh to the implementation of the Experimental Traffic Regulation Order for Western Road between Holland Road and Montpelier Road

3. Context and background information

3.1 During the Cabinet debate, comments were made which could have been understood as suggesting that general pick-up and drop-off would continue to be permitted on the red route. Those comments were intended to explain practical considerations relating to enforcement and may well have been

understood in that way, but if they were taken as a direct description of the contents of the ETRO, they did not accurately describe its legal effect.

3.2 The ETRO itself is correctly drafted. It provides that vehicles must not stop on the red route unless a specific exemption or permitted activity applies such as for Blue Badge holders or taxis. It does not provide a general exemption allowing members of the public to stop, to pick-up or drop off passengers. A motorist who does so without an applicable exemption listed in the ETRO would therefore be in contravention of the Order and may be subject to enforcement action, including the issue of a Penalty Charge Notice. The fact that practical enforcement of this provision may not always be straightforward or possible, does not remove its force as an important part of the overall scheme provision. The form of restriction used in this ETRO is materially the same as that used in previous red route schemes implemented by the Council, and which have in practice been shown to be effective in this respect as in others.

3.3 To ensure that the decision is taken on a clear and accurate understanding of the effect of the ETRO, the Leader of the Council is therefore being asked to consider the matter afresh, taking account of the clarification set out above and the information contained in the 17 September 2026 report

4. Analysis and consideration of alternative options

4.1 The alternative options remain as set out in the 17 September 2026 Cabinet report. The clarification in this report does not change the assessment of those options. The Leader of the Council may nevertheless determine not to proceed with the ETRO having reconsidered the matter in light of the clarification now provided.

5. Community engagement and consultation

5.1 As per the 17 September Cabinet report on the Western Road Red Route

6. Financial implications

6.1 As per the 17 September Cabinet report on the Western Road Red Route

Name of finance officer consulted: David Wilder Date consulted 26/8/26

7. Legal implications

7.1 The purpose of this report is to ensure that the decision maker is aware of and considers the correct legal effect of the ETRO before determining whether implementation should proceed. The clarification contained within this report does not require amendment to the ETRO itself but is provided so that there is no doubt that any decision to proceed is taken on the basis of accurate information regarding the operation of the restrictions.

7.2 In accordance with the urgency procedure, and having considered the clarification set out in this report and the contents of the report considered by

Cabinet on 17 September 2026, the Leader may determine whether implementation of the ETRO should proceed.

Name of lawyer consulted: Katie Kam Date consulted (05 11 2026):

8. Risk implications

8.1 As per the 17 September Cabinet report on the Western Road Red Route

9. Equalities implications

9.1 As per the 17 September Cabinet report on the Western Road Red Route

10. Sustainability implications

10.1 As per the 17 September Cabinet report on the Western Road Red Route

11. Health and Wellbeing Implications:

11.1 As per the 17 September Cabinet report on the Western Road Red Route

12 Conclusion

12.1 The ETRO correctly gives effect to the proposed red route restrictions. However, comments made during the September Cabinet meeting could have been understood as suggesting that general pick-up and drop-off would remain permitted, which is not the effect of the Order. This report clarifies that position and provides the decision maker with the opportunity to reconsider the implementation of the ETRO on the basis of accurate information.

Supporting Documentation

1. Appendices

1. Western Road ETRO

2. Background documents

1. Cabinet Report: Red Routes, 17 September 2026 and accompanying background papers

2. Scutiny committee report

3 Minutes of Cabinet 17 September 2026

4. Minutes of Scrutiny committee

5. Correspondence referred to in report.