

THE COUNTY COUNCIL OF SOMERSET
(MOUNTWAY ROAD, TAUNTON)
(PROHIBITION OF DRIVING)(BUS GATE) ORDER 2012

THE COUNTY COUNCIL OF SOMERSET in exercise of its powers under Sections 1 (1) 2 (1) to (2)4 (1) of and part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (which said Act of 1984 is hereinafter referred to as 'the Act of 1984') and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984 HEREBY MAKES THE FOLLOWING ORDER: -

Definitions

1. In this Order, except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:

"Emergency Service Vehicle" means any vehicle in the service of or employed by the Fire, Police or Ambulance Services

"Public Service Vehicle" has the same meaning as in the Public Passenger Vehicles Act 1981

"Local Services" has the same meaning as in the Transport Act 1985

"trailer" has the same meaning as in section 136(1) of the Act of 1984

Interpretation

2. Except where otherwise stated any reference in this Order to a numbered article or schedule is a reference to the article or schedule bearing that number in this Order
3. Any reference in this Order to an enactment shall be construed as a reference to that enactment as amended by any subsequent enactment
4. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by the Act of 1984 or by or under any other enactment
5. In this Order where the context so requires the singular includes the plural and vice versa
6. In this Order headings are included for ease of reference only and shall not affect the construction or interpretation of this Order

Prohibition of Motor Vehicles

7. Save as provided in Articles 8, 9 and 10 of this Order no person shall cause or permit any motor vehicle to be in, enter or proceed in either direction along those lengths of road specified in the Schedule to this Order. The enforcement of the bus gate on this length of road will be by number plate recognition cameras.

8. Nothing in Article 7 of this Order shall apply so as to prevent any person from causing any motor vehicle from travelling along those lengths of road specified in the Schedule to this Order on the direction or with the permission of a Police Constable or a PCSO in uniform, or a member of the Ambulance or Fire Services provided the vehicle is being used for Police, Fire, Ambulance or Civil Defence purposes;
9. Nothing in Article 7 of this Order shall apply so as to prevent Public Service Vehicles providing Local Services and Emergency Service Vehicles travelling along those lengths of road specified in the Schedule to this Order.
10. Nothing in Article 7 of this Order shall apply so as to prevent any person from causing any motor vehicle or trailer from using those lengths of road specified in the Schedule to this Order if it is necessary to enable any of the following operations to take place, namely: -
 - (i) building or demolition operations:
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said sides of road or lengths of road: or
 - (iv) the laying, erection, alteration or repair in, or on land adjacent to, the said sides of the road or lengths of the road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined on the Telecommunications Act 1984.
 - (v) the use of a vehicle by a local authority or a water authority in pursuance of statutory powers or duties.

Revocation

11. This Order will revoke the following Orders in their entirety only insofar as they relate to the length of road specified in the Schedule to this Order:

The County Council of Somerset (Mountway Road (Part) Bishops Hull) (Prohibition of Driving) Order 2005

The County Council of Somerset (Mountway Road (part) Bishops Hull)(Prohibition of driving)(Amendment) Order 2006

Commencement

12. This Order shall come into operation on the Monday 11th June 2012 and may be cited as 'The County Council of Somerset (Mountway Road) Taunton (Prohibition of Driving) (Bus Gate) Order 2012

Dated 4th May 2012

THE COMMON SEAL of the)
SOMERSET COUNTY COUNCIL)
was hereunto affixed in)
the presence of.)



Nina Hurr
Authorised Officer

Number in Register *23137*

SCHEDULE
PROHIBITION OF DRIVING EXCEPT BUSES

Mountway Road Taunton – From the junction of Gipsy Lane westward for a distance of 10 metres.

DATED 4th MAY 2012

ROAD TRAFFIC REGULATION ACT 1984

THE COUNTY COUNCIL OF SOMERSET
MOUNTWAY ROAD, TAUNTON
(PROHIBITION OF DRIVING)
(BUS GATE) ORDER 2012

Somerset County Council

Traffic Regulation Order Sub-Committee
Determination Report
 – 19th March 2012

Paper ?
Item No. ?

Mountway Road – Prohibition of Driving, Bus gates Order 2012

Cabinet Member: Cllr Harvey Siggs

Division and Local Member: Taunton West - Cllr Alan Paul

Lead Officer: Brian Cull

Author: Bev Norman

Contact Details: 01823 358089

Please complete sign off boxes below prior to submission to Community Governance

Report Sign off	Seen by:	Name	Date
	Legal	Richard Hogg	
	Corporate Finance	Steve Alison	
	Human Resources	Sari Brice	
	Senior Manager	Richard Grove	
Forward Plan Reference:	FP/		
Recommendations:	That the County of Somerset (Mountway Road, Taunton)(Prohibition of driving)(Bus gates) Order 2012 be approved and the necessary steps taken to make and bring the Order into effect.		
Reasons for Recommendations:	This Traffic Regulation Order (TRO) simply updates existing TRO to facilitate Automatic Number Plate Recognition (ANPR) being used to enforce the bus gate.		
Links to Priorities and Impact on Service Plans:	The introduction of ANPR cameras is part of the Traffic Management Service plan to enforce bus gates and links to the following priorities in the County Plan: Invest in and improve our infrastructure; Keeping costs down. This is also detailed in paragraphs 3.24 and 3.25 of the Transport Policy.		
Financial Implications:	Any revenue generated from penalty notices covers the enforcement and maintenance costs and should there be any surplus it will be reinvested in transport improvements. Any net cost will be funded from existing budgets.		
Equalities Implications:	No evidence of any negative equalities impact or relevance to any of the protected characteristics so no Equalities Impact Assessment will be completed. (See ENV 11.06 h Traffic Management Camera enforcement of bus gates)		
Risk Assessment:	The key risk identified is that if the TRO is not approved there will be no enforcement of the existing bus gate in Mountway Road on behalf of the County Council. No enforcement of the bus gate would increase the number of vehicles illegally using the bus gate which is likely to have an adverse effect on highway safety.		

1. Summary

- 1.1. The function of the Traffic Regulation Order Sub-Committee is to consider significant objections to Traffic Regulation Orders made by the County Council. The Sub-Committee has delegated powers to determine whether to confirm the Order, make minor modifications or to refer it back to Officers for reconsideration of the scheme proposals.
- 1.2. Mountway Road is situated in Bishops Hull between Gypsy Lane and Silk Mills Road. (Appendices 1 and 2) Prior to the bus gate being introduced it was used as a rat run and numerous complaints were received.
- 1.3. When Silk Mills bridge and the Park and Ride were constructed in 2005, the bus gate was introduced to give advantage to the buses to encourage the use of the new park and ride facility, to provide a safer route for cyclists and to prevent the rat running for all vehicles including HGV's that were a problem at the time.
- 1.4. The bus gate prohibited driving except for buses, cyclists and emergency vehicles and enforcement was through rising bollards activated by transponders fitted to the buses and emergency vehicles.
- 1.5. These rising bollards have been a maintenance liability since their introduction and have been damaged on several occasions by vehicles illegally attempting to use the bus gate. There have been long periods when the bollards have been inoperable and the equipment is no longer repairable and a suitable enforcement solution needed to be found.
- 1.6. Legislation has now been introduced to allow enforcement by Automatic number plate recognition (ANPR) cameras and is nationally considered the most effective and cost efficient means of enforcement. This transfers the enforcement of the bus gate from the Police to the Local Authority under the Traffic Management Act 2004
- 1.7. Although the Traffic Regulation Order (TRO) prohibiting driving through the bus gate remains unchanged there was a reference in the old TRO to the rising bollards as the means of enforcement, it was therefore decided for transparency and consistency to promote a new order with the new enforcement method. If the new order is made it will have the effect of revoking the previous orders.

2. Background

- 2.1. When the bus gate was introduced in Mountway Road in 2005 it was only ever envisaged to operate as a full time restriction. Since its introduction we have received very few requests to make this a part time restriction.
- 2.2. The park and ride service is operating well, Mountway Road is now a quiet residential street as opposed to a rat run. It is also now a safer route for cyclists accessing the town centre from the Bishops Hull area.
- 2.3. The rising bollards have been damaged to the extent that they are no longer serviceable and a new way of enforcement had to be found.
- 2.4. ANPR cameras have proved to be successful in other towns and cities with the advantage that any revenue generated from penalty notices covers the

enforcement and maintenance costs and should there be any surplus revenue generated it would come directly back into the authority for use in transport improvements.

3. Legislative Powers

3.1. The Council has power under section 1 of the Road Traffic Regulation Act 1984 (the 1984 Act) to make a traffic regulation order (TRO) where it appears that it is expedient to do so:

- (a) for avoiding danger to persons or other traffic using the road or any other road or from preventing the likelihood of any such danger arising; or
- (b) for preventing damage to the road or to any building on or near the road; or
- (c) for facilitating the passage on the road or any other road of any class of traffic; or
- (d) for preventing the use of the road by vehicle traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property; or
- (e) for preserving or improving the amenities of the area through which the road runs.

3.2. Section 2 of the 1984 Act provides that a TRO may prohibit, restrict or regulate the use of a road or any part of the width of a road by any vehicles or vehicles of any specified class, either generally or subject to specified exceptions either at all times or at specified times or on specified days. A TRO may include provisions requiring traffic to proceed in a specified direction or prohibiting its so proceeding, or prohibiting the use of roads by through traffic.

3.3. By virtue of section 122 of the 1984 Act, the Council in exercising any of their powers under the Act, including the making of a TRO, must, so far as practicable having regard to the matters specified in sub-section (2) of that section, seek 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. The matters specified in sub-section (2) are:

- (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 the generality of this paragraph) 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;
- (bb) the national air quality strategy;

- (c) 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
- (d) any other matters appearing to the Council to be relevant.

4. Consultations Undertaken

- 4.1. The TRO was advertised in the Somerset County Gazette on 10th November 2011 with notices posted on site at the bus gate location.
- 4.2. Consultation letters were sent to Avon and Somerset Police, Devon and Somerset Fire & Rescue, South Western Ambulance, SCC Transporting Somerset, Councillor Alan Paul, Bishops Hull Parish Council, DCllrs Ian Morrell and Nigel Stuart-Thorn.
- 4.3. The opposition spokesperson and Chair of Scrutiny Committee have been consulted on this report.

5. Objections and comments

- 5.1. Objections were received from County Cllr Alan Paul, District Cllr Nigel Stuart-Thorn and 8 other residents of Mountway Road. These objections mainly relate to consideration for a part time restriction of the bus gate. We received 1 letter of support. (Appendix 3)
- 5.2. Most of the objections were from residents of Mountway Road requesting a part time restriction and/or exemptions within the order for residents vehicles.
- 5.3. The management of a part time ANPR system would increase traffic volumes along Mountway Road that could potentially exacerbate safety hazards for road users. In addition, residents would most likely experience an increase in the environmental intrusion created through increased volumes.
- 5.4. Any such system would be very difficult to sign and manage to ensure the public know exactly what is required of them and would require approval from the Department for Transport.
- 5.5. There has also been an independent safety assessment which has identified that significant highway improvements would be required to remove the traffic island and widen the carriageway and reposition the illuminated signs to allow two way traffic movements at the bus gate. This is likely to cost in the region of £30,000.
- 5.6. The practicalities of operating an exemption to local residents would be very resource intensive and costly. Every time a resident changed or used another vehicle the camera database would need to be updated.

6. Appendices

- 6.1. Appendix 1 – Map of Area
Appendix 2 – Photographs of the site
Appendix 3- Schedule of objectors

Appendix 4 – Draft Traffic Regulation Order

7. Background papers

7.1. Objection letters Public Notice