

Proposed introduction of bus gate orders on A1019 Velizy Avenue and Post Office Road, Harlow and amendment of 2016 Harlow Bus Lane Order to permit use of authorised vehicles

Forward Plan reference number: Not Applicable

Report title: Proposed introduction of bus gate orders on A1019 Velizy Avenue and Post Office Road, Harlow and amendment of 2016 Harlow Bus Lane Order to permit use of authorised vehicles	
Report to: Councillor Kevin Bentley, Deputy Leader and Cabinet Member for Infrastructure	
Report author: Andrew Cook, ECC Director for Highways and Transport	
Date: 9 January 2020	For: Decision
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County Divisions affected: Harlow West and Harlow North	

1. Purpose of Report

- 1.1 Essex County Council (the Council) intends to formally advertise its intention to introduce bus gate orders on A1019 Velizy Avenue and Post Office Road, Harlow (the Proposal) and amend “The Essex County Council (Various Roads, Harlow) (Bus Lane) Order 2016”. The Cabinet Member is now asked as to whether the Proposal may include an exemption for authorised vehicles.

2. Recommendations

- 2.1 To approve the advertisement of the Proposal and amendment to “The Essex County Council (Various Roads, Harlow) (Bus Lane) Order 2016”, including an exemption for authorised vehicles (as per the description in paragraph 5.1).

3. Summary of issue

- 3.1 The Council is committed to increasing public transport usage within the county, reducing congestion and the environmental impacts of single use cars. To achieve this there are a number of locations where the Council has installed bus gates to improve journey time reliability and reduce localised environmental impacts of other vehicles. While a number of these are self-regulating, a number of sites have been identified with suffering from a high level of contravention. Therefore to maintain the credibility of the bus gates, it has become necessary for the Council to have the ability to enforce these sites.
- 3.2 “The Essex County Council (Various Roads, Harlow) (Bus Lane) Order 2016” is the Traffic Regulation Order which includes details of the bus lanes within Harlow which can currently be enforced. In article 3 of this order, it specifies that the restriction does not apply if the vehicle is a bus, a taxi, an authorised vehicle, a pedal cycle or a motorcycle. In this order, an authorised vehicle is a private hire vehicle licensed by Harlow District Council. A copy of this order can be seen in Appendix 1.

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- 3.3 The junction of A1019 Velizy Avenue with Post Office Road, Harlow, has been identified as one of the sites requiring enforcement.
- 3.4 On site, A1019 Velizy Avenue on its southbound carriageway has a right-turn filter bus lane entering into Post Office Road. Post Office Road eastbound has a right-turn filter bus lane, supported by signage indicating “No Right Turn Except Buses”. Unfortunately, neither of these bus lanes are supported by a valid Traffic Regulation Order.
- 3.5 So that these features can be enforced, the Council intends to advertise bus gate orders on A1019 Velizy Avenue and Post Office Road. The Proposal can be seen in Appendix 2.
- 3.6 It is requested that the Proposal include similar exemptions to those detailed in Appendix 1, with the definition of authorised vehicles being amended to apply to any private hire vehicle licenced by a local authority (as per the definition in paragraph 5.1.1). This would achieve greater consistency and clarity for road users across Essex as to who can use the bus lanes and gates, and would provide more reliable enforcement. However, it should be noted that to include an exemption for authorised vehicles is contrary to the Essex County Council Traffic Management Strategy.
- 3.7 The Traffic Management Strategy states in paragraph 3.7.13 that “Taxis (Licenced Hackney Carriages) will also be allowed to use bus lanes... Their cabs must be easily identifiable to aid enforcement”. Permitting authorised vehicles to use these bus gates and lanes is not consistent with county guidance, and may make enforcement more complex than only permitting taxis to use them. However, permitting authorised vehicles to use bus lanes and bus gates is consistent with the majority of those which are enforceable across the county. It is therefore acknowledged that by excluding authorised vehicles from the Proposal could lead to objections from many authorised vehicle drivers across Essex, due to the inconsistencies it would cause.
- 3.8 As part of the Proposal, the 2016 Harlow Bus Lane Order as per Appendix 1, would be amended to update the definition of authorised vehicle to that which is specified in paragraph 5.1.1.
- 3.9 Following the formal advertisement of the Proposal, if any objections are received, the Cabinet Member will be asked to decide whether the scheme can be implemented.

4. Options

4.1 Option 1 – Advertise the Proposal including the exemption for authorised vehicles

This is the recommended option. This option is contrary to county guidance, however would ensure that the bus lane and gate restrictions within Harlow are consistent. Any objections received during this consultation will be reviewed by the Cabinet Member before changes implemented on the ground.

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4.2 Option 2 – Advertise the Proposal without an exemption for authorised vehicles

This option would be consistent with county guidance. However, this may lead to objections being received from drivers of authorised vehicles within Harlow. Furthermore, this option would cause inconsistency of when authorised vehicles in Harlow can use bus lanes and gates. Any objections received during this consultation will be reviewed by the Cabinet Member before changes implemented on the ground.

4.3 Option 3 – Abandon the Proposal

This option would not achieve any additional highway benefits and would maintain the current road layout. The bus lane on A1019 Velizy Avenue at its junction with Post Office Road, and the bus lane on Post Office Road, would not be enforceable restrictions.

5. Issues for consideration

5.1 Definitions

5.1.1 “Authorised vehicle” means a private hire vehicle licensed by a local authority.

5.1.2 “Private hire vehicles” has the same meaning as s48 of the Local Government (Miscellaneous Provisions) Act 1976.

5.2 Financial implications

5.2.1 This scheme is being funded by Essex County Council with an allocated budget of £60,000.

5.3 Legal implications

5.3.1 The Road Traffic Regulation Act 1984 gives the Council a statutory duty to exercise its traffic functions to secure the expeditious, convenient and safe movement of traffic of all kinds, including pedestrians and to provide suitable and adequate parking facilities. So far as practical the council is also required to have regard to:

(a) the desirability of securing and maintaining reasonable access to premises;

(b) the effect on the amenities of any locality affected so as to preserve or improve the amenities of the areas through which the roads run;

(c) the importance of facilitating the passage of buses and their passengers.

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6. Equality and Diversity implications

6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

6.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic. A copy of the equality impact assessment can be found in Appendix 3.

7. List of appendices

Appendix 1 - The Essex County Council (Various Roads, Harlow) (Bus Lane) Order 2016

Appendix 2 – Consultation Drawing E08-0045-003-00-001

Appendix 3 – Equality Impact Assessment

8. List of Background papers

The Essex County Council Traffic Management Strategy

I approve the above recommendations set out above for the reasons set out in the report.	Date
Councillor Kevin Bentley, Cabinet Member for Infrastructure	08.04.2020

In consultation with:

Role	Date
Director Highways and Transportation	
Andrew Cook	24.01.2020
S151 Officer	Consent not needed

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Nicole Wood	
Director, Legal and Assurance (Monitoring Officer)	Consent not needed
Paul Turner	
Traffic Manager	23.01.2020
Liz Burr	
Head of Design	15.01.2020
Vicky Presland	