

Cabinet Report	
03 March 2021	
Report of: Ann Sutcliffe, Corporate Director, Place	Classification: Unrestricted
Bus gateway and timed closures exemption considerations	

Lead Member	Councillor Dan Tomlinson, Cabinet member for Environment and Public Realm
Originating Officer(s)	Dan Jones, Divisional Director, Public Realm Chris Harrison, Programme Director
Wards affected	Bow East and Bow West
Key Decision?	Yes
Reason for Key Decision	Significant impact on wards
Forward Plan Notice Published	18/12/2020
Strategic Plan Priority / Outcome	Priority 2 – A borough that our residents are proud of and love to live in. Priority 3 – A dynamic, outcomes-based council using digital innovation and partnership working to respond to the changing needs of our borough.

Special Circumstances Justifying Urgent Consideration

The report was not published five clear days in advance of the meeting. This is due to the additional time required to coordinate the recommended exemptions across multiple relevant council departments. If the outcome of the consultation is not considered at this meeting it will impact on the timely delivery of the scheme and risk potential funding loss from third party sources.

Executive Summary

The Bow Liveable Streets project began in April 2019 and has progressed through various stages of engagement, design and consultation to date.

The final proposals were presented, and recommendations approved by Cabinet on Wednesday 25 November 2020. This report is to satisfy recommendation 4 of that approval which states:

‘a further report be brought to Cabinet for approval setting out the options for the operation of the Roman Road and Coborn Road bus gate and timed closure including hours of operation and potential exemptions for local blue badge holders, carers and potentially other local groups.

The report will additionally explain how changes to exemptions might be made, in a way that is both transparent but responsive, to these or other timed closures.'

This report examines both the hours of operation and level of exemptions for the Roman Road bus gateway and Coborn Road timed closure which aim to improve safety and reduce noise and air pollution for residents who suffer from thousands of vehicles using their road as a shortcut through the area.

NB: In this report 'bus gateway' only refers to the Roman Road bus gateway and 'timed closure' only refers to the Coborn Road timed closure.

Recommendations:

The Cabinet is recommended to:

1. Note the content in this report and in particular the alternative options considered in section 2.
2. Agree the hours of operation for the Roman Road bus gateway to be 6.30am to 9.30am and 3.30pm to 7pm, Monday to Friday.
3. Agree the hours of operation for the Coborn Road timed closure to be 6.30am to 7pm, Monday to Friday.
4. Agree the following exemptions during the hours of operation for both the Roman Road bus gateway and Coborn Road timed closure: local buses, emergency services, blue badge holders, carers, Local GPs on-call, Taxicard users and Royal Mail vehicles while fulfilling their Universal Service Obligation as defined in 3.16 onwards within this report.
5. Agree to charge a £20 annual fee for exemptions to cover the cost of administration.
6. Agree that in line with the experimental traffic order procedures any necessary alterations are made within 6 months and the hours of operation and exemptions are reviewed between 6 and 18 months after implementation.
7. Note the Equalities Impacts as set out in section 4 of the report and the full Equalities impact Analysis (EqIA) in Appendix B.

1 REASONS FOR THE DECISIONS

- 1.1 The bus gateway and the timed closure in Bow are needed to help address the following known issues:

- High through-traffic which equates to 49% of all vehicle journeys in the area
 - Air pollution which in areas is at unhealthy levels, affecting children and adults' health and life expectancy
 - Road safety issues including high collisions on residential roads and anti-social driving, particularly a concern for the vulnerable road users (pedestrians and cyclists)
- 1.2 By addressing these issues and improving the environment and safety it will encourage more residents, visitors and workers in the area to use sustainable and/active modes of transport. This in turn will create a healthier and pleasant community.
- 1.3 Traffic figures, published by the Department for Transport, demonstrate a decrease in the average number of daily motor vehicles using the A11 (Bow Road) from 48,951 in 2010 to 28,618 in 2019. This equates to a reduction of 20,333 motor vehicles. In contrast, within the wider Bow area, there are on average 33,000 vehicle movements of which 16,000 are using residential roads to cut through the area as opposed to utilising main artery roads such as the A11 (Bow Road). These residential roads are not designed for such an increase in traffic and creates unhealthy levels of air pollution and reduces the safety of the road for all users. Decreasing the numbers of vehicle using residential streets will improve the environment and encourage further active local trips.
- 1.4 Further, the traffic origin and destination survey undertaken in June 2019 recorded just under 1,000 vehicles cutting through the area of Bow during the return from school period between 3pm and 4pm. This equates to over 16 cars a minute which could be on the main roads instead of cutting through the residential streets along school routes. Road traffic is the largest cause of noise pollution in London, with it also comes road danger and air pollution.

2 ALTERNATIVE OPTIONS

- 2.1 The bus gateway is intended to permit, during hours of operation only, scheduled local buses plus a number of exempted vehicles to travel through it without attracting a penalty notice. Three exemption options have been considered, as set out below, which increase in scale of exemption. These will also be reflected in the timed closure on Coborn Road. The options considered are:

Option 1 (recommended)

- Emergency services
- Local buses (where required on existing routes)
- School buses, dial a ride, local buses (all ability Bow services, community and passenger transport)

- Blue badge holders from within the scheme area - up to 2 nominated vehicles
- Carers (receiving care allowance, DLA, PIP) – up to 2 nominated vehicles
- Local GPs on call
- Taxicard users
- Royal Mail vehicle while fulfilling their Universal Service Obligation

Option 2 (including those in option 1)

- Residents of the Bow scheme area, being the area North of Bow/Mile End Road, West of A12 'motorway', South of Victoria Park, East of Grand Union Canal)
- Businesses with registered business vehicles in the area (area defined as above)

Option 3 (including those in option 1 and 2)

- Longer operational times to cover the daytime and weekends. Proposed to be 6:30am to 7pm Monday to Friday and 11am to 9pm Saturday and Sunday.

- 2.2 It should be noted that different options for the hours of operation were put forward as part of the public consultation survey. These were
- 24 hours a day 7 days a week,
 - 7am to 7 pm Monday to Friday
 - 7am to 10am and 2:30pm to 7pm Monday to Friday

Overall support was received for the longest possible hours of 24 hours a day and 7 days a week. The full result of the consultation can be found within the cabinet report on 25th November 2020. This option was considered as an alternative option; however in regard to the comments received during the consultation and assessment made with the EqIA it is felt that this would restrict the hours of operation beyond those that are necessary in order to significantly lower the through traffic within the area and meet the scheme objectives.

3 DETAILS OF THE REPORT

- 3.1 The Bow Liveable Streets project began in April 2019 and has progressed through the various stages of engagement, design and consultation to date.
- 3.2 A consultation on the proposals for the Bow area, including both the Roman Road bus gateway and Coborn Road timed closure, was held between the 29 June to 29 July 2020. This indicated that 67% of respondents within the consultation area were supportive and 26% unsupportive of proposed bus gateway at the Roman Road/St Stephen's Road. It also showed that 59%

respondents from within the immediate area were supportive and 24% unsupportive of a timed closure at Coborn Road.

- 3.3 The principles and final design for the Liveable Streets Bow project were approved on Wednesday 25 November 2020 by Cabinet. As part of the decision, it was agreed that officers would report back to Cabinet on:
- an exemption scheme in respect of vehicles belonging to designated blue badge holders.
 - the options for the operation of the Roman Road and Coborn Road bus gate and timed closure including hours of operation, and potential exemptions for local blue badge holders, carers and potentially other local groups.
- 3.4 A bus gateway is used when the closure is proposed on a bus route, where the bus cannot/is not recommended to be rerouted. A timed closure is used on non-bus routes.
- 3.5 The options for both exemptions and the hours of operation have been undertaken with consideration of the aims and objectives of the Liveable Streets programme, which are to:
- Improve the look and feel of public spaces in neighbourhoods across the borough,
 - Make it easier, safer, and more convenient to get around by foot, bike and public transport,
 - Reduce people making short-cuts through residential streets to eliminate through-traffic
 - Encourage more sustainable journeys to improve air quality and road safety.

Hours of operation

- 3.6 To understand the most suitable hours of operation we have considered the traffic volumes and flows alongside the most common times that vulnerable road users are travelling i.e. pedestrians and cyclists. Consideration is also given to the importance of providing a safe environment that will enable residents and visitors to use active travel which benefits both mental and physical health.
- 3.7 In June 2018, traffic counts and origin-destination surveys using Automatic Number Plate Recognition were taken. This has captured the busiest parts of the day, both for total vehicles and through-traffic. Both sets of data show that traffic volumes start to build from 6am and starts reducing at 7pm. The limits of the operational hours therefore reflect these times to provide the most protection for vulnerable road users. In addition, there is a small tidal flow where more vehicles are traveling westbound (into the city) in the morning and eastbound (out of the city) in the afternoon/evening. At 9.30am we start to

see the morning westbound vehicle numbers starting to drop and vehicle numbers heading east start to increase with a peak from 3pm to 7pm.

- 3.8 To give an indication of likely pedestrian movements we have reviewed the current patterns and key crossing locations. This shows that at Roman Road / St Stephen's Road there are over 9,000 pedestrian crossing movements over this junction. The majority of which takes place from 8am to 9am and 4pm and 5pm. At Coborn Road we can see over 4,000 pedestrians using these footways with the busiest times from 8am to 9am and 4pm to 6pm.
- 3.9 Details of the background traffic data can be seen in appendix A.
- 3.10 As mentioned in paragraph 3.2 different options were provided in the consultation pack and the outcome strongly favoured was a 24 hours a day and 7 days a week restriction. Details of the consultation results can be found in the linked report, taken to Cabinet on 25 November 2020.
- 3.11 The closure of Old Ford Road at Skew Bridge in response to Covid-19, highlighted the need for further junction improvements which are part of the Bow proposals approved at Cabinet in November 2020.
- 3.12 With consideration of traffic and pedestrian survey data, the consultation results and comments received by the public, the recommendations regarding timings are as follows:
- Roman Road bus gateway should operate from 6:30am to 9.30am and 3.30pm to 7pm, Monday to Friday.
 - Coborn Road timed closure should operate from 6:30am to 7pm, Monday to Friday.

Exemptions

- 3.13 A key objective of the project is to reduce short motor vehicle journeys that could be made by alternative active travel modes. Across the borough a third of trips are shorter than 1.2 miles. Many of these trips, covering short distances for the school run or to go to the local shops are considered to be switchable trips, and in conjunction with other complimentary measures such as cycle training and travel planning, are the key to creating lasting shifts in travel patterns in the borough. However, exemptions can provide essential access for those who really need it.
- 3.14 As part of the consultation we received requests and suggestions for various exemptions to the Roman Road bus gateway and Coborn Road timed closure.
- 3.15 In view of the request for exemptions, we have reviewed the key objectives for the bus gateway and timed closure with consideration of the impact for those residents living in the area that are inconvenienced by the measures. The key items considered include the distance and time taken to travel on the alternative route, popular or designated cycle or walking routes and the

characteristics of the area such as number of schools, parks, shops and residential properties that the exempt motor vehicles will be passing.

- 3.16 Following this review, in regard to the Roman Road bus gateway and Coborn Road timed closure the following core exemptions are recommended.

Core exemptions

- Buses – Transport for London services including Dial-a-ride, school buses, other recognised local council service buses. As per the 'local bus' meaning in as Schedule 1 to the Traffic Signs Regulations and General Directions 2016 (SI 2016/362)
- Emergency Services – whereby 'any vehicle being used for police, fire brigade and ambulance purposes'
- Land locked access – exemptions to vehicles where the bus gateway/ timed closure stops access to an entrance/exit within the closed section (often used in Schools Streets).

NB: There are no active frontages to be considered for the Roman Road bus gateway as it is a point closure. Therefore, access for vehicles is possible each side of the gateway. The Coborn Road timed closure may require exemptions under the land locked exemption in order to maintain the Network Rail Assets.

Supplementary exemptions

- 3.17 In addition to the core exemptions detailed above, the following supplementary exemptions should be recommended for both the Roman Road bus gateway and the Coborn Road timed closure:

- Blue badge holders' who reside in Bow
- Carers, providing care to persons who reside in Bow. It is proposed that the criteria to be applied to verify that an individual is in receipt of care will be consistent with that currently applied to the Carer Visitor Voucher Scheme set out at paragraph 3.27, with discretion to allow for exceptional cases where caring needs are clear but these criteria are not met.
- Local GPs on-call,
- Taxicard users who reside in Bow and
- Royal Mail vehicles while fulfilling their Universal Service Obligation within Bow.

- 3.18 Further, the area of Bow is defined for the purpose of the recommendation of this report as those living within the area bounded by the A12 to the east, Bow Road to the south, Grove Road to the west and Victoria Park to the north.

- 3.19 These supplementary exemptions require persons to apply for the exemption if they meet the criteria set out in paragraph 3.17. These exemptions will not be automatically granted.

Blue badge holders

- 3.20 The area of Bow is roughly 1.25 km across. This means that majority of journeys within the area itself is possible by active travel. However, this is not always possible and could unreasonably restrict access for disabled or

mobility impaired residents who rely on their vehicles to get around, and in some cases are physically unable to walk, cycle or use public transport. This was a common theme raised in the consultation that many of these responses cited it would cause local access issues for disabled or mobility impaired residents getting to the local shops, doctors' surgery or hospital.

- 3.21 There are 710 blue badge holders in the Bow area.
- 3.22 It should be noted that all areas are still accessible by motor vehicle however alternative routes may have to be taken.
- 3.23 It is recommended to allow those with blue badge holders that live within Bow to apply for an exemption to the bus gateway and timed closure. Applicants will be able to nominate two vehicles per blue badge holder. These vehicles may be registered in the name of the blue badge holder or in the name of a nominated person who need not reside within the Bow area but assists the blue badge holder to carry out their daily activities.
- 3.24 The success of this application will be dependent on the information provided and assessed individually and will follow the process already in place for the Wapping bus gateway.
- 3.25 Applicants will also be able to change the nominated vehicle, by providing the valid information mentioned above. It should be noted that the administrative process to change a nominated vehicle will take a minimum of 15 working days. This is subject to the existence of any exceptional circumstances evidence of which will need to be submitted as part of the change request application process. It should be noted that there is no guarantee to expedite this change and as all properties are still accessible by vehicles, access is not restricted.

Taxicard Users

- 3.26 The Taxicard scheme offers reduced fares in black cabs for people who have a long term or permanent illness or disability, which prevents them from using or significantly limits their use of public transport.
- 3.27 Following the blue badge exemption it is recommended that those travelling via the Taxicard scheme from within the Bow scheme be exempt from the restrictions.
- 3.28 The criteria for obtaining a Taxicard are the same as those for Blue Badge in the borough.

Carers

- 3.29 As discussed at Cabinet on 25 November 2020, this exemption consideration is based on a number of comments that the bus gateway and timed closure would restrict access for friends and family caring for people who have significant and regular caring needs.

- 3.30 To support those who are supporting others it is recommended to allow those that require carer assistance who reside in the Bow area (as stated in paragraph 3.17) to apply for an exemption to the bus gateway and timed closure. Applicants will be able to nominate two vehicles per household receiving care. These vehicles may be registered in the name of the nominated carer who need not reside within the Bow area.
- 3.31 The Council already has a means of providing additional support to carers of those with significant needs via the dispensation of free “Carer Visitor Vouchers”. The eligibility criteria for these vouchers requires that the person being cared for must be in receipt of either Attendance Allowance, Disability Living Care Allowance or Personal Independence Payment Daily Living Component. It is recommended to use the same criteria for bus gateway and timed closure exemptions, with discretion to allow for exceptional cases where caring needs are clear, but these criteria are not met.
- 3.32 The number of people with active visitor care vouchers in the Bow is, as of December 2020, 74.

Finance

- 3.33 In order to develop and run the scheme there will be additional costs. It is recommended that a charge is put in place in the form of an annual fee to cover the administration of the scheme, but no more. The cost for administration of the exemption applications and renewals for exemptions will be implemented under the Localism Act 2011.
- 3.34 It has been estimated that the cost for officers to undertake this work equates to £20 per exemption per bus gateway or timed closure. This cost does not exceed the cost of administering the permits, is applicable across the borough for all exemptions relating to bus gateways and timed closures, as it already does for blue badge holders in the Wapping area (E1W) who can now apply for an exemption to the Wapping bus gateway.
- 3.35 The system and process for applying for and renewing an exemption will be managed by the Council Parking Team. Contraventions and appeals in relation to bus gateways and timed closures will also be managed by the Parking Team.

Review

- 3.36 As part of the experimental traffic order process any necessary alterations can be made within 6 months and the hours of operation and exemptions will be reviewed between 6 and 18 months after implementation.
- 3.37 The review will include, but is not limited to, the following:
- road user volumes (motor vehicles, pedestrians and cyclists) on internal and external roads
 - economic impact on the area
 - impact on public transport
 - collision data

- levels of air and noise pollution
- travel patterns to schools, community centres
- feedback from businesses
- feedback from emergency services

3.38 Following the review, if changes are recommended to the hours of operation and exemptions this should be subject to a further engagement with local stakeholders, businesses and residents before changes are made.

4 EQUALITIES IMPLICATIONS

4.1 A full Equalities Impact Assessment (EqIA) has been carried out on the Bow Liveable Streets scheme. The proposed measures reflected in the report are comprised within this EqIA assessment which has been updated. The EqIA can be seen in appendix B and obtains the full assessment for each protected characteristic.

4.2 Evidence has been drawn upon through existing studies, data sets, as well as data and evidence collected as part of this scheme programme through each engagement stage, consultation, and surveys in order to make the assessment.

4.3 The EqIA assessment has highlighted the potential for positive impacts on groups sharing protected characteristics. The assessment concludes that whilst the proposal may produce some negative impacts the final Liveable Street proposals, as set out in the approved 25 November 2020 cabinet report, for the Bow area provide overall improvements for the environment. A key component of the measures are the full road closures, and part time closures such as the bus gateway (at peak hours) and timed closure (during the day) which help in reducing through-traffic during the day or at peak hours to offer improved safety and a better environments (improved air quality and noise reduction) for vulnerable road users, including those who walk and cycle and those within the protect groups identified within this assessment. These factors are considered to provide positive impacts to a number of protected groups.

4.4 For example, the borough's Transport Strategy indicated a disproportionately low take up of cycling amongst women, often in relation to fear of traffic/roads which this scheme would help to resolve by creating a safer network of cyclable roads. BAME groups are identified as more likely to be a casualty in a road collision, particularly as a pedestrian which this scheme would help improve by removing the conflict with motor vehicles and improvements to crossings and accessibility through the area. Those who are BAME and elderly are also more likely to have a respiratory condition, as outlined in the Transport Strategy and would benefit from reduced traffic levels. The elderly and young are also the most likely groups to be involved in a collision, as well as being impacted by the poor air quality, walking environment and outdoor space.

- 4.5 Overall, these measures provide greater accessibility for those who walk, cycle and use public transport across the area as well as improving the look, feel and safety of the area. Furthermore, this is likely to provide health benefits and mental wellbeing in relation to an increase in physical activity as recommended by NHS to help us continue to be independent and healthier for longer in our lives.
- 4.6 The identified negative impacts of the proposal are related to the requirement for those using a motor vehicle to use alternative routes to reach their destination in the area. The greatest increase has been estimated to be 9-12minutes. The negative impact is associated with the increased time, distance and cost for those using a motor vehicle to reach their destination. It should be noted that all properties remain accessible by motor vehicle and there are other travel methods which will be improved by the proposals such as access to public transport, the environment for those who walk and cycle.
- 4.7 The primary negative impact identified relates to individuals that are dependant upon the use motor vehicle to travel across the area to reach their destination. As part of this assessment, it is recognised this could impact upon the disabled, elderly, mobility impaired, and those that care for a relative or friend that need to use a motor vehicle to travel across Bow.
- 4.8 In order to mitigate the negative impacts that have been identified a number of key recommendations have been made. This includes the reduction of hours of operation for the bus gateway from the supported 24 hours a day, Monday to Sunday restriction to only 6.5 hours a day. The recommendation is the for peak times of the day, 6:30am to 9:30am and 3:30pm to 7pm, Monday to Friday. This reduction in hours of operation reduces the overall positive impacts outlined in this assessment but also reduces the impacts on those likely to be disproportionately impacted. Outside of these hours there is no restriction on using this point of the road.
- 4.9 In addition, to these mitigation measures a number of exemptions have been recommended. The chosen exemptions will enable those to travel through the area at all times and therefore limit or remove the negative impacts related to the requirement for those using a motor vehicle to use alternative routes to reach their destination in the area.
- 4.10 Further, it is recommended the scheme is undertaken on an experimental basis to ensure a review of the scheme is carried out. This will include the monitoring of the potential positive and negative impacts identified through the assessment and where necessary provide a mechanism for alterations made to the scheme which will be undertaken following engagement with stakeholders. As part of this review the EqlA will be further updated with results from any surveys and feedback provided from all road users and the local community.

5 OTHER STATUTORY IMPLICATIONS

- 5.1 Crime Reduction: As part of the design we shall consider Section 17 of the crime and disorder act 1998, to ensure that we do all that it reasonably can to mitigate the impacts of crime and disorder, substance misuse and reoffending.
- 5.2 Data Protection / Privacy Impact Assessment: A full consultation has been undertaken on the physical measures. All comments received or made directly to council officers or members were collected and included in the analysis of feedback received. Responses to the consultations are only be used to assess the community's view of the proposals and not for any other purpose. Tower Hamlets Council will handle information in accordance with the Freedom of Information Act 2000 and the Data Protection Act 2018 and is the data controller for the purposes of the Data Protection Act 2018.
- 5.3 The bus gateway and timed closure will require changes to the highway and therefore traffic regulation orders will need to be advertised and made. These will be advertised and consulted on in accordance with the Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996, or the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 in respect of temporary orders.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report follows on from an earlier report on the Bow Liveable Streets programme which was presented to Cabinet on 25 November 2020 and seeks approval for the options for operating the Roman Road and Coborn Road bus gateway, its hours of operation and the possibility of providing further exemptions for local blue badge holders and carers. These exemptions would be in addition to the core exemptions for buses, emergency services and land locked access agreed as part of the original report.
- 6.2 There will be a cost associated with the administration of the exemption applications and renewals for exemptions. This cost will be implemented under the Localism Act 2011 rather than through Traffic Management Orders. As a result, the Council is able to recover its costs for administering the exemptions but cannot make a surplus from the scheme. Costs of administering the exemptions have been estimated at £20 and it is recommended the charge is set at this amount. This cost is in line with other administrative charges for permits and the provision of exemptions for the Wapping bus gateway.
- 6.3 This charge was not included within the Fees and Charges report taken to Cabinet in January 2021.
- 6.4 All other costs associated with implementing the Bow Liveable Streets programme and the income recoverable from contraventions to the bus gateway formed part of the original report and are not relevant to the recommendations made in this report.

7 COMMENTS OF LEGAL SERVICES

- 7.1 The Recommendations contained in this report are related to a linked report brought before Cabinet on the 25 November 2020 and particularly seek to address Recommendation 4 of that approval requiring a further report to be brought to Cabinet for approval setting out: the options for the operation of the Roman Road and Coborn Road bus gateway and timed closure including hours of operation and potential exemptions for local blue badge holders, carers and potentially other local groups; and explanation as to how changes to exemptions might be made, in a way that is both transparent but responsive manner to subsequent changes or other timed closures.
- 7.2 Paragraphs 3.6 – 3.28 sets out the proposed hours of operation, potential exemptions and explanation of the administrative process by which applications for exemptions will be assessed by the Council.
- 7.3 Recommendation 6 of the Report seeks the Cabinet's agreement to the proposal being treated akin to the experimental traffic order procedures whereby any necessary alterations are made within 6 months and the hours of operation and exemptions are reviewed between 6 and 18 months after implementation . Paragraph 3.36 of the report advises upon the scope of the review which will include further engagement with stakeholders in circumstances where changes are proposed.
- 7.4 Cabinet will note that a full consultation process of the proposal, an Experimental Traffic Regulation Order, was undertaken during 2019 as set out in paragraph 3 of the report and detailed in Appendix B. Members will note that the bus gateway and timed closure will require changes to the highway requiring subsequent Traffic Regulation Orders in due course. These will be advertised and consulted on in accordance with the Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996, or the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 in respect of temporary orders.
- 7.5 Recommendation 5 of the report seeks authority from Cabinet to impose an annual administrative charge in order to fund the Council's administration of the exemptions application process.
- 7.6 The Council has the power to levy a charge for this process pursuant to its powers in ss.1-3 of the Localism Act 2011. There are no specific statutory powers for charging in the RTRA 1984 and there is no obligation on the Council to permit Blue Badge holders to have access through the bus gateway. This is distinct and distinguishable from the legal restrictions contained within the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 SI 2000 No 683 which do require exemptions to be made in relation to waiting and parking).

- 7.7 In this instance, the Council is exercising its discretion under ss.9-10 of the Road Traffic Regulation Act 1984 (RTRA). S.3 of the RTRA permits the Council to charge for services which are provided other than for a commercial purpose, so long as these are discretionary, the person has agreed to the provision of the service (e.g. by applying for a the exemption) and there is no other power to charge for the service under the RTRA.
- 7.8 Pursuant to s.3(3) the charges must not exceed the cost of administering the scheme, considering any two financial years together. Paragraph 3.30 of the report sets out the costing of the fee and confirms it does not exceed the cost of administration.
- 7.9 Cabinet is advised that paragraph 4 of the report states that A full Equalities Impact Assessment (EqIA) has been carried out Bow scheme of which these measures are part of the overall scheme (see Appendix B). The EqIA for the scheme has been updated to reflect the recommendations set out in this report.
- 7.10 The public sector equality duty under s.149 Equality Act 2010 applies to this decision and therefore the Council must have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.11 The PSED is a duty to have due regard to certain matters, not to achieve particular outcomes. It must be complied with in substance and with rigour, but the legislation does not dictate a particular form of compliance. In the present case, compliance with the PSED would require the Council to have assessed the possible impacts of its measure on different protected characteristics (by means of an EIA or otherwise). This has been undertaken and has identified some negative impacts which Cabinet will note are considered to be justified and outweighed by the positive benefits of the proposal for the reasons highlighted at paragraph 4 of the report.
- 7.12 Cabinet is advised that in relation to the Experimental Traffic Regulation Order ("ETRO"), the Council is required to considered any differential impact of the ETRO on disabled people as opposed to able-bodied people, i.e. if it will have a greater negative effect on certain disabled people because they rely on taxis to get to hospital appointments etc. The Council should ensure it is fully informed on these matters and has considered the potential impact of the ETRO on e.g. disabled people who rely on taxis.
- 7.13 However, Cabinet is advised that the PSED does not require the Council to achieve any particular outcome. It can legitimately come to the conclusion that other positive impacts such removing a significant number of vehicle from local roads, improving the walking and cycling facilities, improving road safety, air quality and bus journeys that are caught up in congestion in Bow outweigh

any negative impacts as set out in paragraph 4 and the EqIA at Appendix B of the report.

Linked Reports, Appendices and Background Documents

Linked Report

- Bow Liveable Streets Cabinet report, 25 November 2020 item 6.1

Appendices

- Appendix A – Background data summary
- Appendix B – EqIA

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- None

Officer contact details for documents:

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