

Individual Decision



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The attached report will be taken as Individual Portfolio Member Decision on:

Monday 17th July, 2023

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Newbury Town Centre Pedestrianisation Extension Trial

Committee considering report:	Individual Executive Member Decisions
Date of Committee:	17 July 2023
Portfolio Member:	Councillor Denise Gaines
Date Head of Service agreed report: <i>(for Corporate Board)</i>	22 June 2023
Date Portfolio Member agreed report:	
Report Author:	Jon Winstanley
Forward Plan Ref:	ID4416

1 Purpose of the Report

- 1.1 To approve a trial extension of the pedestrianisation timing in Newbury Town Centre from 10am to 5pm, to 10am to 12 midnight.

2 Recommendations

- 2.1 That an experimental order be made under section 9 of the Road Traffic Regulation Act 1984 extending the Newbury Town Centre pedestrianisation timing from 10am to 5pm, to 10am to 12 midnight. This recommendation is subject to any formal approval required from the Department for Transport.
- 2.2 That the opening hours of the Kennet Centre car park be extended from 11pm to 12 midnight.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>Delivery of the scheme (temporary and permanent signage along with advertising the order and any comms) will cost approximately £5,000 and can be funded from the approved Town Centres Programmes capital budget.</p> <p>There will be a revenue cost of £2,000 during the trial due to the need to keep the Kennet Centre Car Park open until midnight, for the reasons detailed in 5.17 and 5.18 of the report.</p>

Human Resource:	<p>This project can be delivered from existing staff resources, however, given the high priority ascribed to this project, other projects in the Highway Network Management team’s programme will be subject to delay. There will also be an unknown revenue cost due to a reduction in enforcement between 12.45 and 13.45 as the late shift will be moved back one hour to cover the new Kennet Centre closing time.</p>			
Legal:	<p>This proposal is subject to statutory process for advertising and making a traffic regulation order.</p> <p>Making an experimental order permanent with an exception under 3(2)(a) of the Road Traffic Regulation Act 1984 will need approval from the Department for Transport. On the advice of the excellent Legal Services the DfT has been contacted to understand when the Council would need to formally consult with them. It is unclear if we need to consult with them now (before making the ETRO) or if we need to consult with them before making the ETRO permanent. Response is awaited from the DfT, therefore the recommendation is subject to any DfT approval needed.</p>			
Risk Management:	<p>The project will be managed in line with the Council’s risk management processes.</p>			
Property:	<p>None as a result of this report.</p>			
Policy:	<p>Local Policy – Newbury Town Centre Masterplan</p>			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
<p>A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?</p>		x		<p>Stage 1 EqIA at Appendix A below can be seen in Appendix A.</p>

Newbury Town Centre Pedestrianisation Extension Trial

B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		Stage 1 EqIA at Appendix A below can be seen in Appendix A.
Environmental Impact:	x			<p>Whilst this will improve air quality within the town centre, there will inevitably be a knock on effect on the routes where vehicles are displaced to.</p> <p>However the creation of traffic free areas in the town centre in the evening could encourage more active travel, which would have a net improvement environmentally.</p>
Health Impact:	x			The proposal will encourage active travel by removing traffic from busy town centre roads. This could have resulting health benefits.
ICT Impact:		x		N/A
Digital Services Impact:		x		Assistance from the Digital Services team may be required for the consultation process.
Council Strategy Priorities:		x		Business as usual.
Core Business:	x			The proposal is in line with the endorsed Newbury Town Centre Masterplan and will encourage active travel through the town centre.
Data Impact:		x		N/A

Consultation and Engagement:	<p>Newbury BID has been informally approached regarding the proposal and are supportive.</p> <p>Business and other town centre stakeholders will be informed of the proposed trial prior to implementation and a full consultation and engagement process will be carried out during the period of the initial 6 month trial. Feedback from this consultation will form the basis of a decision on whether the trial should become permanent.</p>
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4 Executive Summary

4.1 The Administration have made a clear commitment to carry out a trial extension to the pedestrianisation timings in Newbury Town Centre. This aligns with a key aim of the Newbury Town Centre Master Plan, adopted in February 2023, which states:

‘Extending the hours during which traffic is removed from this core area. Creating more space for pedestrians, areas for seating and planting, ‘spill-out’ space for cafés and restaurants and flexibility for larger events’.

4.2 The Council is keen to accelerate implementation of this important initiative by trialling an extension to the pedestrianised timings. The proposal would have the effect of extending the time that traffic is restricted from entering the town centre from 10am to 5pm, to 10am to 12 midnight.

4.3 This would be carried out using an Experimental Traffic Regulation Order under section 9 of the Road Traffic Regulation Act 1984, which will allow the restriction to be trialled for a minimum period of 6 months, during which stakeholders will be consulted. Following the 6 month period a decision will be made on whether to continue with the restriction.

4.4 This will have a number of benefits for the Town Centre:

- Improved conditions for walking and cycling through the town centre in the evenings, thus creating a safer environment and encouraging more sustainable transport;
- Removing the traffic in the evenings will have significant benefits for the hospitality trade, improving the ambiance for alfresco style dining and encouraging cafes and restaurants to ‘spill-out’ onto the public highway;
- This in turn will have the potential to draw in additional custom and increase evening trade;
- Will provide more flexibility for evening events in the town centre (subject to appropriate licences and permissions).

4.5 In order to accommodate the extended hours it will be necessary to extend the opening hours of the Kennet Centre car park. The car park currently closes at 11pm and this will need to be extended to 12 midnight to allow vehicles that mistakenly approach the bollards on Bart Street North to ‘escape’ through the car park onto Market Street without needing to reverse onto the Bart St/Market St traffic signal junction.

- 4.6 It is therefore recommended that an experimental order be made under section 9 of the Road Traffic Regulation Act 1984 extending the Newbury Town Centre pedestrianisation timing from 10am to 5pm, to 10am to 12 midnight. Also that the opening hours of the Kennet Centre car park be extended from 11pm to midnight.

5 Introduction/Background

Introduction

- 5.2 One of the key aims of the Newbury Town Centre Master Plan is:

‘Extending the hours during which traffic is removed from this core area. Creating more space for pedestrians, areas for seating and planting, ‘spill-out’ space for cafés and restaurants and flexibility for larger events’.

- 5.3 The Council is keen to accelerate implementation of this important initiative by trialling an extension to the pedestrianised timings. The proposal would have the effect of extending the time that traffic is restricted from entering the town centre from 10am to 5pm, to 10am to 12 midnight.

Background

- 5.4 Northbrook Street, Bridge Street, Bartholomew Street (north), Mansion House Street, Wharf Street and Market Place are roads within Newbury town centre that are subject to a time-limited restriction that prohibits access to motor vehicles between the hours of 10am and 5pm daily. The purpose of the restriction is to create a pleasant environment for visitors to the town centre during the daytime for shopping or other recreational purposes. Pedestrians and cyclists are able to travel within or through the town centre without coming into conflict with motor vehicles. Exemptions to the restriction are in place for critical access, such as emergency services, postal vehicles or cash deliveries to banks. The restriction is enforced by rising bollards which are activated at the appropriate times of day and by in-vehicle electronic tags.
- 5.5 Currently between 5pm and 10am through traffic is permitted to use these roads, which add capacity to the wider network at peak times. Non-critical access, ie deliveries to shops and businesses, also takes place while the roads are open to traffic. This is necessary because many of the premises within the restricted area do not have access to the rear and can only be accessed from the road.
- 5.6 Prior to 2011, these roads were closed to the majority of through traffic between the hours of 10am and 6pm. Cycles, buses and critical delivery vehicles (eg postal vehicles and deliveries of cash to banks) were exempt and given electronic tags to lower the rising bollards on the perimeter of the restricted area. Outside these hours through traffic was permitted. Non-critical delivery vehicles had to access the restricted area outside the restricted times.
- 5.7 When the Parkway development opened in 2011 and Park Way canal bridge closed to general motor traffic, buses were removed from the restricted area and diverted to Park Way instead. This removed the bus/pedestrian and bus/cycle conflict from the area and enabled the opening of several bus stops on Park Way. Critical deliveries remained exempt. To compensate for the loss of Park Way as a through route for general traffic

and to add peak hour capacity to the network, the pedestrianised hours in the restricted area were reduced to between 10am and 5pm.

Proposals

- 5.8 The proposal involves a trial of an extension to the pedestrianised timings from the current 10am to 5pm, to 10am to 12 midnight. The trial would be for a minimum of 6 months, during which time stakeholders would be consulted to gauge their views on the changes.
- 5.9 It is proposed that the changes are made to the existing pedestrianised timings using an Experimental Traffic Regulation Order (ETRO). An ETRO can be brought into effect for up to a maximum of 18 months. ETROs differ from traditional Traffic Regulation Orders (TROs) in that the restriction is brought into force first and consultation takes place while it is in force, with objections being considered as part of a review of its effectiveness. In this instance it is proposed that consultation takes place during the first 6 months of the ETRO with a decision taken on whether to continue with the restriction once the the initial period is complete.
- 5.10 It is proposed that the extended hours of pedestrianisation until midnight be under the same access restrictions as those between 10am and 5pm, i.e. that no access be allowed (except for the exemptions mentioned in 5.3 above), which would be enforced by use of a physical barrier (the rising bollards). This would have the effect of restricting access in the town centre for 14hrs daily between the hours of 10am and midnight.
- 5.11 It should be noted that under section 3(1)(b) of the Road Traffic Act 1984 a TRO or ETRO shall not be made with respect to any road that would have the effect of preventing vehicular access to premises for more than 8 hours in any 24 hour period.
- 5.12 There are exceptions to this under section 3(2)(a) of the Act, if it is considered that the order is being made to avoid danger to persons to which the order relates. Given that the proposal will significantly reduce conflicts between motorists and vulnerable road users, therefore help avoid danger to persons or other traffic using the road, it is considered a valid exception to the 8 hour rule under the Act.
- 5.13 Extending the pedestrianised timings will have a number of benefits for the Town Centre:
- Improved conditions for walking and cycling through the town centre in the evenings, thus creating a safer environment and encouraging more sustainable transport;
 - Removing the traffic in the evenings will have significant benefits for the hospitality trade, improving the ambiance for alfresco style dining and encouraging cafes and restaurants to 'spill-out' onto the public highway;
 - This in turn will have the potential to draw in additional custom and increase evening trade;
 - Will provide more flexibility for evening events in the town centre (subject to appropriate licences and permissions).
- 5.14 It should also be noted that the proposed trial can be implemented with virtually no physical changes to the current town centre road layout. The only physical work

required being a minor amendment to the existing access regulatory signage at minimal cost.

- 5.15 Extending the pedestrian timing will inevitably have an impact on the surrounding road network, albeit this would be limited due to the existing pedestrianised hours. The main impact will be in the evening peak after 5pm, where there will be an increase in traffic at the A339/Robinhood Roundabouts, along the A339 and at the A339 Bear Lane junction. The trial period of the extension will afford an excellent opportunity to monitor the impact which can inform the decision making going forward.
- 5.16 The trial will also offer the opportunity to monitor how the evening restriction impacts on those that would normally have unrestricted access and to consider how this could be mitigated. For example, deliveries to businesses would need to adjust their timings to deliver after midnight or in the mornings prior to 10am. It will also be necessary to engage with blue badge holders who are currently able to park in the town centre in the evenings when visiting shops and restaurants.
- 5.17 A potential safety issue that may result as a consequence of extending the pedestrianised hours is that during the current pedestrianised hours vehicles mistakenly approaching the bollards in Bartholomew Street north can 'escape' through the Kennet Centre car park and re-join Market Street without having to reverse along Bart Street onto the Market St/Bart St signal controlled junction. The Kennet Centre car park currently closes at 11pm, therefore vehicles would not be able to 'escape' through the car park between the hours of 11pm and midnight. It is therefore recommended that the opening hours of the Kennet Centre car park be extended to midnight to coincide with the trial.
- 5.18 In order to staff the car park until midnight, it will be necessary to push back the Civil Enforcement Officer's late shift by one hour. The impact would be an additional unsociable hours payment of £2,000 for the 6 month trial period. It will have the effect of reducing the number of CEO's on the network between the hours of 12.45 and 13.45 which will inevitably have an impact on the enforcement activity and an associated unknown revenue pressure.

6 Options for consideration

- 6.1 Another option considered is to trial an extension to the pedestrianised timings, but allow access for residents and businesses only between the hours of 6pm and midnight. It would be impossible to establish who would need access to the area (due to unknown details of delivery drivers and visitors to residential properties), it would therefore not be possible to use the bollard system to control access. For this reason the restriction would be signed only between 6pm and midnight which would be open to abuse. Officers consider this would increase the road safety risk as pedestrians would not be expecting vehicles within the area and would not recommend this as a way forward.
- 6.2 The Newbury Masterplan proposed the creation of a one way system through the town centre and a trial of this system was also considered. However, this would require significant physical measures to be designed and implemented and to undertake a trial could be expensive and involve abortive costs to implement and revert if unsuccessful. The proposed trial can be implemented using the existing layout and will require no physical works, other than minor adjustments to the signage.

7 Proposals

7.1 It is proposed that the existing pedestrianised timings in Newbury Town Centre be changed from the current timing of 10am to 5pm daily and extended to 10am to 12 midnight. That an ETRO be made under section 9(1) of the Road Traffic Act 1984 to allow the revised timings and that this be trialled for a minimum of 6 months, during which consultation and engagement with stakeholders is undertaken. A decision will be taken on whether to continue with the restriction following the initial 6 month period.

8 Conclusion

8.1 Newbury Town Centre Masterplan identified a clear need to reduce the amount of traffic using the town centre roads in order to create an attractive environment for alfresco dining. The proposed trial will have a number of benefits for the town centre including improved conditions for sustainable travel and will help the night-time economy.

8.2 It will provide an opportunity to monitor the impact of an extension to the pedestrianised hours whilst gauging the views of stakeholders and visitors to the town centre.

8.3 Appendix A – Equalities Impact Assessment

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees or Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: Newbury Central

Officer details:

Name: Jon Winstanley
Job Title: Service Director Environment
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Appendix A

Equality Impact Assessment (EqIA) - Stage One

What is the proposed decision that you are asking the Executive to make:	The extension of the current pedestrianisation timing in Newbury Town Centre from 10am to 5pm, to 10am to 12 midnight.
Summary of relevant legislation:	Road Traffic Regulation Act 1984
Does the proposed decision conflict with any of the Council's priorities for improvement? <ul style="list-style-type: none"> • Ensure our vulnerable children and adults achieve better outcomes • Support everyone to reach their full potential • Support businesses to start develop and thrive in West Berkshire • Develop local infrastructure including housing to support and grow the local economy Maintain a green district • Ensure sustainable services through innovation and partnerships 	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please indicate which priority and provide an explanation
Name of Budget Holder:	Neil Stacey
Name of Service/Directorate:	Jon Winstanley
Name of assessor:	Jon Winstanley
Date of assessment:	20/06/2023
Version and release date (if applicable):	1

Is this a ?		Is this policy, strategy, function or service ... ?	
Policy	Yes <input type="checkbox"/> No <input type="checkbox"/>	New or proposed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Strategy	Yes <input type="checkbox"/> No <input type="checkbox"/>	Already exists and is being reviewed	Yes <input type="checkbox"/> No <input type="checkbox"/>
Function	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is changing	Yes <input type="checkbox"/> No <input type="checkbox"/>
Service	Yes <input type="checkbox"/> No <input type="checkbox"/>		

(1) What are the main aims, objectives and intended outcomes of the proposed

decision and who is likely to benefit from it?	
Aims:	To remove traffic from Newbury Town Centre in the evenings.
Objectives:	Encourage Active Travel. Create an improved environment for alfresco dining.
Outcomes:	Increased town centre footfall. Increased patronage at restaurants and cafes in the town centre.
Benefits:	Improved economic activity. Health benefits of promoting active travel.

(2) Which groups might be affected and how? Is it positively or negatively and what sources of information have been used to determine this?

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation)

Group Affected	What might be the effect?	Information to support this
Age	None	
Disability	Restricted access for parking in Newbury Town Centre pedestrianised area between the hours of 5pm and midnight.	There has been no survey undertaken to understand how many could be affected. The proposed trial will give an opportunity to consult and engage with anyone who may be affected in order to mitigate and find alternatives.
Gender Reassignment	None	
Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Sex	None	
Sexual Orientation	None	
Further Comments:		

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(3) Result

Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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Please provide an explanation for your answer:

The proposed trial would restrict access in the evenings to those with disabilities who currently are able to be dropped off or park within the pedestrianised area. There is no evidence that this is a common occurrence and the trial will offer the opportunity to assess the impact and consider appropriate mitigation on an individual basis.

It should be noted that the proposal will improve road safety for those with restricted mobility by removing vehicles from the town centre in the evening.

Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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Please provide an explanation for your answer:

The proposed trial would restrict access in the evenings to those with disabilities who currently are able to be dropped off or park within the pedestrianised area. There is no evidence that this is a common occurrence and the trial will offer the opportunity to assess the impact and consider appropriate mitigation on an individual basis.

It should be noted that the proposal will improve road safety for those with restricted mobility by removing vehicles from the town centre in the evening.

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a EqlA 2.

If an EqlA 2 is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the EqlA guidance and template – <http://intranet/index.aspx?articleid=32255>.

(4) Identify next steps as appropriate:

EqlA Stage 2 required	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Owner of EqlA Stage Two:	
Timescale for EqlA Stage Two:	

Name: Jon Winstanley

Date: 20/06/23

Please now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website.

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