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|------------------------------------|--------------------------------|--|---|
| Item No. | Classification: Open | Date: 25 October 2018 | Meeting Name: Leader of the Council |
| Report title: | | Credon Road disabled bay – determination of statutory objections | |
| Ward(s) or groups affected: | | Old Kent Road | |
| From: | | Head of Highways | |

RECOMMENDATIONS

1. That the objections received against proposed traffic management order summarised in figure 1 be considered and rejected as detailed in the appendix to this report.
2. That the proposals shall now be implemented.
3. That officers write to all objectors to detail the outcome of the process.

BACKGROUND INFORMATION

4. In line with Part 3D of the council's constitution, the cabinet member for environment, transport management and air quality shall:
 - determine statutory objections to a traffic and highway improvement project.
5. Due to work undertaken in his capacity as a ward councillor and a potential conflict of interest arising, the cabinet member for environment, transport management and air quality has considered it appropriate on this occasion to refer this matter on to the leader of the council for decision.
6. This report deals with statutory objections to a traffic and highway improvement projects.

KEY ISSUES FOR CONSIDERATION

7. Statutory consultation has recently been carried out on previously approved proposals for provision of a disabled bay in Credon Road. During the statutory consultation, objections to the proposals were received and officers have been unable to resolve the issues informally.
8. The objections are summarised in figure 1 and full details are contained in the relevant appendix.

| Location | Ward(s) | Proposal | | Representations received |
|-------------|---------------|--|------------|--------------------------|
| Credon Road | Old Kent Road | To install a disabled bay outside 42 Credon Road | Appendix 1 | 3 object 0 support |

Figure 1

Policy implications

9. The recommendations contained within this report are consistent with the relevant policies of the Transport Plan 2011:
- Policy 5.1 – Improve safety on our roads and to help make all modes of transport safer.
 - Policy 5.6 - Create conditions where our roads are safe.
 - Policy 7.1 - Maintain and improve the existing road network making the best use of it through careful management and considered improvements.

Community impact statement

10. The policies within the Transport Plan have been subject to an equality impact assessment.
11. The recommendations will directly benefit a disabled resident. Disability is a protected characteristic under the Equality Act 2010.
12. There is a risk that new restrictions may cause parking to be displaced and, indirectly, have an adverse impact upon road users and neighbouring properties at that location. However this cannot be entirely predicted until the recommendations have been implemented and observed.
13. With the exception of the benefits and risks identified above, the recommendations are not considered to have a disproportionate effect on any other community or group.

Resource implications

14. All costs arising from implementing the recommendations will be fully contained within the existing highways budgets.

Legal implications

15. The Leader is being asked to consider the objections referred to in this report and to permit the schemes to be implemented.
16. The Leader is permitted to determine objections pursuant to Part 3D of the council's constitution.
17. The Equality Act 2010 introduced the public sector equality duty, which merged existing race, sex and disability equality duties and extended them to include other protected characteristics; namely age, gender reassignment, pregnancy and maternity, religion and belief and sex and sexual orientation, including marriage and civil partnership. In summary those subject to the equality duty, which includes the council, must in the exercise of their functions: (i) have due

regard to the need to eliminate unlawful discrimination, harassment and victimisation; and (ii) foster good relations between people who share a protected characteristic and those who do not.

18. The Human Rights Act 1998 imposed a duty on the council as a public authority to apply the European Convention on Human Rights; as a result the council must not act in a way which is incompatible with these rights. The most important rights for planning purposes are Article 8 (respect for homes); Article 6 (natural justice) and Article 1 of the First Protocol (peaceful enjoyment of property).
19. The Leader must have regard to both the Equality Act 2010 and the Human Rights Act 1998 when considering the objections and approving the schemes. this when considering the objections.
20. Traffic Management Order are made pursuant to powers contained within the Road Traffic Regulation Act 1984. By virtue of section 122, the council must exercise its powers under the Road Traffic Regulation Act 1984 (so far as practicable having regard to the matters specified below) 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.
21. The matters referred to above as being specified 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 strategy prepared under section 80 of the Environment Act 1995 (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 local authority to be relevant.

Consultation

22. The procedures for making a traffic order are defined by national Regulations¹ which include statutory consultation and the consideration of any arising objections.
23. The council must follow the procedures contained with Part II and III of the Regulation which are supplemented by the council's own processes. This process is summarised as:

¹ <http://www.legislation.gov.uk/ukxi/1996/2489/contents/made>

- a) publication of a proposal notice in a local newspaper (Southwark News)
- b) publication of a proposal notice in the London Gazette
- c) display of notices in roads affected by the orders
- d) consultation with statutory authorities
- e) making available for public inspection any associated documents (eg. plans, draft orders, statement of reasons) via the council's website² or by appointment at 160 Tooley Street, SE1
- f) a 21 day consultation period during which time any person may comment upon or object to the proposed order

24. Following publication of the proposal notice, any person wanting to object must make their objection in writing, state the grounds on which it is made and send to the address specified on the notice.

25. This report deals with a number of statutory objections which officers have not been able to informally resolve and as a result they must be formally considered and determined.

Programme timeline

26. If these items are approved by the Leader they will be progressed in line with the below, approximate timeline:

- Traffic orders (make only) – Autumn 2018
- Implementation – Autumn 2018

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance (EL18/010)

27. This report is requesting the Leader to consider and determine the various objections to highways schemes as detailed in the report and attached appendices.

28. The strategic director of finance and governance notes that the all related costs will be contained within existing departmental budgets.

29. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

² <http://www.southwark.gov.uk/trafficorders>

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|---|---|---------------------------------|
| Transport Plan 2011 | Southwark Council Environment and Leisure Network development Highways 160 Tooley Street London SE1 2QH | George Mellish 020 7525 7903 |
| Link: https://www.southwark.gov.uk/transport-and-roads/transport-planning?chapter=2 | | |

APPENDICES

| No. | Title |
|------------|------------------|
| Appendix 1 | Obj1_Credon Road |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Lead Officer | Matthew Hill, Head of Highways | |
| Report Author | George Mellish, Transport Projects Engineer | |
| Version | Final | |
| Dated | 25 October 2018 | |
| Key Decision? | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments Included |
| Director of Law and Democracy | No | No |
| Strategic Director of Finance and Governance | Yes | Yes |
| Leader | No | No |
| Date final report sent to Constitutional Team | | 25 October 2018 |