

Item No.	Classification: Open	Date: 10 July 2019	Decision Maker: Cabinet Member for Environment, Transport and the Climate Emergency
Report title:		Peckham Rye Bus Journey Time Improvements	
Ward(s) or groups affected:		Dulwich Hill and Peckham Rye	
From:		Head of Highways	

RECOMMENDATION

1. That the Cabinet Member for Environment, Transport and the Climate Emergency approves the implementation of double yellow lines on both sides of the road along Peckham Rye between Harris Boys Academy and Forest Hill Road as shown in the report and Appendix 1 subject to the necessary statutory consultation and procedures.

BACKGROUND INFORMATION

2. Under Part 3D of the council's constitution, the Cabinet Member is responsible for:
 22. Transport Issues:
 - To decide to implement a traffic and highway improvement project, subject to statutory consultation
3. Under Part 3H, the relevant ward councilors shall:
 - be consulted on any non-strategic traffic and highways improvement project that has been referred to community council
4. The origins and reasons for the recommendations are discussed within the key issues section of this report.

KEY ISSUES FOR CONSIDERATION

5. In line with the council's constitution, the proposal in this report was circulated to ward Councilors on 22 May to allow them to refer the proposals to the relevant Community Council for consultation. No issues have been raised by Councilors.
6. As part of their Road Modernisation Plan, Transport for London (TfL) has identified several locations where improvements to the highway would reduce bus journey times, this location is included in that list. Southwark Council has been asked to investigate ways to improve bus journey times on borough roads.
7. This section of highway currently does not have any parking / waiting restrictions.

8. Southwark Council officers carried out site visits during the weekday peak and off peak period. It was observed that bus journeys would be improved by introduction of double yellow lines

POLICY IMPLICATIONS

9. The recommendations contained within this report are consistent with the missions of the Movement Plan 2019, particularly:
 - M2 Action 2 – Create simple and clear streets
 - M3 Action 4 – Deliver infrastructure to support active travel
 - M4 Action 8 – Use kerbside efficiently and promote less polluting vehicles
 - M4 Action 9 – Manage traffic to reduce the demand on our streets
 - M7 Action 16 – Zero people killed or injured on our streets by 2041.

COMMUNITY IMPACT STATEMENT

10. The policies within the Movement Plan have been subject to an Equality Impact Assessment
11. The recommendations are locally based and therefore will have greatest effect upon those people living working or travelling in the vicinity of the areas where the proposals are made.
12. The introduction of double yellow lines along the road gives benefit to all road users through the improvement of inter-visibility and therefore road safety and also improved journey times for buses.
13. 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 recommendation has been implemented and observed. The proposals have no disproportionate impact on any particular age, disability, faith or religion, ethnicity or sexual orientation.
14. With the exception of those benefits and risks identified above, the recommendations are not considered to have a disproportionate effect on any other community or group.
15. The recommendations support the council's equalities and human rights policies and promote social inclusion by:
 - Providing improved access for key services such as emergency and refuse vehicles.
 - Improving reliability of bus journey times thereby increasing bus patronage and providing an alternative to private car use.

RESOURCE IMPLICATIONS

16. All costs arising from implementing the recommendations will be fully contained within the funding provided by TfL as part of the Road Modernisation Plan.

LEGAL IMPLICATIONS

17. Traffic Management Orders would be made under powers contained within the Road Traffic Regulation Act (RTRA) 1984.
18. Should the recommendations be approved, the council will give notice of its intention to make a traffic order in accordance with the Local Authorities Traffic Order (Procedure) (England and Wales Regulations 1996).
19. These regulations also require the Council to consider any representations received as a result of publishing the draft order for a period of 21 days following publication of the draft order.
20. Should any objections be received they must be properly considered in light of administrative law principles, Human Rights law and relevant statutory powers.
21. By virtue of section 122, the Council must exercise its powers under the RTRA 1984 so as to secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians, and provision of suitable and adequate parking facilities on and off the highway.
22. These powers must be exercised so far as practicable having regard to the following matters
 - i. The desirability of securing and maintaining reasonable access to premises
 - ii. The effect on the amenities of any locality affected including the regulation and restriction of heavy commercial traffic so as to preserve or improve amenity
 - iii. The national air quality strategy
 - iv. Facilitating the passage of public service vehicles and securing the safety and convenience of their passengers
 - v. Any other matters appearing to the Council to be relevant.
23. The Constitution has been amended in relation to Traffic Management Orders and these changes are confirmed at paragraphs 2 and 3 of this report. Further, at paragraph 24, it is explained that a statutory consultation will now be required to be undertaken.
24. Following that statutory consultation, the proposal will then move forward with due consideration of any objections by the Cabinet Member

CONSULTATION

25. For the recommendations in paragraph 1, the implementation of changes to parking requires the making of a traffic order. The procedures for making a traffic order are defined by national Regulations¹ which include statutory consultation and the consideration of any arising objections.
26. Should the recommendations be approved, the Council must follow the procedures contained with Part II and III of the Regulations 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>

- i. publication of a proposal notice in a local newspaper (Southwark News)
 - ii. publication of a proposal notice in the London Gazette
 - iii. display of notices in roads affected by the orders
 - iv. consultation with statutory authorities
 - v. 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
 - vi. 21 day consultation period during which time any person may comment upon or object to the proposed order.
27. 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.
28. Should an objection be made that officers are unable to resolve so that it is withdrawn, it will be reported to the cabinet member for determination. The cabinet member will then consider whether to modify the proposal, accede to or reject the objection. The council will subsequently notify all objectors of the final decision.

PROGRAMME TIMELINE

29. If these items are approved by the Cabinet Member they will be progressed in line with the below, approximate timeline:
- Statutory consultation – Summer 2019
 - Implementation – Autumn 2019.

Strategic Director of Finance and Governance

30. This report requests approval from the Cabinet Member for Environment, Transport and the Climate Emergency for the implementation of double yellow lines on both sides of the road along Peckham Rye between Harris Boys Academy and Forest Hill Road as shown in the report and Appendix 1 subject to the necessary statutory consultation and procedures.
31. The strategic director of finance and governance notes that the cost of the project is to be met from funding provided by Transport for London as part of the Route Modernisation Plan Programme.
32. Staffing and any other costs connected with these recommendations to be contained within existing departmental revenue budgets

Director of Law and Democracy

33. The Cabinet Member for Environment, Transport and the Climate Emergency is asked to approve, subject to the outcome of statutory consultation, the introduction of double yellow lines on both sides of the road along Peckham Rye between Harris Boys Academy and Forest Hill Road as summarised in Appendix 1 of this report.

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

34. Paragraphs 17 to 24 of the report set out the powers under the Road Traffic Regulation Act 1984 with regard to traffic management orders and the procedure and statutory consultation required by the regulations. Any valid written objections received within the statutory consultation period in respect of the proposed traffic management orders to implement double yellow lines on both sides of the road along Peckham Rye between Harris Boys Academy and Forest Hill Road must be considered in accordance with legal principles, Human Rights law and the Road Traffic Regulation Act 1984. The report acknowledges that if any such objections received regarding the proposals are unable to be resolved, those objections will be reported to the Cabinet Member for Environment, Transport and the Climate Emergency for a decision regarding the proposals.
35. 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. Paragraph 12 of the report refers to the benefit to all road users from the introduction of double yellow lines along the road which will improve visibility and road safety. The implementation of the proposals is not anticipated to have any detrimental impacts on a particular protected group..
36. 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 highway and planning purposes are Article 8 (respect for homes); Article 6 (natural justice) and Article 1 of the First Protocol (peaceful enjoyment of property). The implementation of the proposals is not anticipated to breach the provisions of the Human Rights Act 1998.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Movement Plan 2019	Southwark Council Environment and Leisure Network development Highways 160 Tooley Street London SE1 2QH Online: http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6809	Lola Olanlokun (020 7525 4571)

APPENDICES

No.	Title
Appendix 1	Peckham Rye drawing

AUDIT TRAIL

Lead Officer	Dale Foden, Interim Head of Highways	
Report Author	Lola Olanlokun, Project Manager	
Version	Final	
Dated	4 July 2019	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	No
Date final report sent to Constitutional Team		4 July 2019