

Item No. N/a	Classification: Open	Date: 25 September 2019	Meeting Name: Cabinet Member for Environment, Transport and the Climate Emergency
Report title:		Disabled Bay Linden Grove – determination of statutory objections	
Ward(s) or groups affected:		Peckham Rye and Nunhead & Queens Road	
From:		Head of Highways	

RECOMMENDATIONS

1. It is recommended that the Cabinet Member for Environment, Transport and the Climate Emergency:
 - i. Consider the representations as summarised in paragraph 14 received during statutory consultation relating to the proposal to install a new destination bay outside 177 Linden Grove.
 - ii. Instruct officers to write to the people who made a representation to inform them of the council's decision.
 - iii. Instruct officers to make the necessary Traffic Management Order.
 - iv. Instruct officers to proceed with installation of the following proposals:
 - Install the destination disabled bay at the proposed location as this is the most convenient location available for the applicant, whilst there is no other feasible alternative option that could be pursued.

BACKGROUND INFORMATION

2. This report makes recommendations for the determination of one objection that relates to traffic orders concerning the proposed installation of a destination disabled bay outside 177 Linden Grove.
3. One representation was received via email during the statutory consultation period, this can be found in paragraph 15.
4. Part 3D, paragraph 23 of the Southwark Constitution sets out that determination of objections to traffic orders is reserved to the Cabinet Member for Environment, Transport and the Climate Emergency.
5. As delegated by the councils constitution the head of highways approved on 6 March 2019:

That a non-strategic traffic and highway improvement scheme be approved for implementation subject to there being no unresolved objections following

statutory consultation and procedures. The installation of destination bays at specific locations following successful applications from residents.

6. Ward members were consulted at the public consultation stage.
7. In accordance with legislation¹ the council advertised its intention to make traffic orders in respect of the introduction of traffic and highways improvements on 16 May 2019.
8. The consultation period ran for 21 days from 16 May 2019 until 6 July 2019.
9. Notice was given in the London Gazette², local press (Southwark News) and street notices were placed in the affected area.
10. Notice was given to the following statutory consultees: London Ambulance Service, London Fire Brigade, Metropolitan Police Service, TfL Buses, Freight Transport Association, and the Road Haulage Association.
11. Notice was also given to non-statutory consultees including: Transport for London, Southwark Disablement Association, Southwark Disability Forum, Southwark Cyclists, Living Streets, Lambeth Council and London Travel Watch.
12. Full details of the proposal were also made available for inspection on the council's website or in person by appointment at 160 Tooley Street.

KEY ISSUES FOR CONSIDERATION

13. One piece of correspondence was received as a result of the statutory consultation.
14. The objection stated the following: An objection was made by a member of the public regarding the proposed new disabled bay on Linden Grove as there is already an existing one in place at the location. The objector stated that the proposed bay would prevent them from parking close to their property (the objectors address and details have been provided to the cabinet member).
15. Officer's response is as follows: Unfortunately the existing bay is related to an existing disabled bay application. As the new application we received meets all of our criteria, they have been granted a bay. Through meeting the requirements of the application process, a clear need for a disabled bay has been identified and as a result we will need to install a new bay even though there is an existing one at the location.

I understand your situation, but unfortunately disabled bay applicants take priority over other road users. The fact that there are no parking restrictions in place on this section of Linden Grove, and that parking space is already at a premium do not come into consideration when reviewing disabled bay applications.

If you are not satisfied with my response then this objection can be escalated to the cabinet member for Environment, Transport and the Climate Emergency to make a decision on.

¹ The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996

² <https://www.thegazette.co.uk/notice/2750202>

16. This correspondence was responded to with the following; whilst I have no objection to a disabled bay it is simply the location of it. Does each disabled person get a parking bay of their own?
17. To this correspondence the officers response was as follows; Not each disabled person, but each person that successfully applies for a disabled bay is provided with a disabled bay in the most convenient location outside their property. The bay is not for their sole use, and can be used by anybody with a valid blue badge.

This correspondence was responded to with the following; I would like to further my objection to a second disabled parking bay. There is already one at this location, so feel it unnecessary to have another next to it.

I understand my neighbour has made an application as the bay she used is sometimes used by my neighbours family who visit and care for their disabled mother (who does not drive).

Conclusions

18. The Cabinet Member is being asked to consider and determine the objection received and instruct officers to continue with the proposals.

Policy implications

19. The recommendations contained within this report are consistent with the missions of the Movement Plan 2019, particularly:
 - M1 Equity Framework - Accessibility

Community impact statement

20. The implementation of any transport project creates a range of community impacts. All transport schemes aim to improve the safety and security of vulnerable groups and support economic development by improving the overall transport system and access to it.
21. The recommendations support the council's equalities and human rights policies and promote social inclusion by:
 - Improving road safety, in particular for vulnerable road users including pedestrians and cyclists, on the public highway.
 - Improving existing shared use facilities by improving road marking and signage.
 - Improving existing pedestrian and cycle facilities by improving road marking and signage.

Resource implications

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

23. The cost of the improvements is estimated to be around £500. This is expected to be recharged to parking services.

Consultation

24. Statutory consultation has been carried out as detailed in paragraphs 7 to 11 of this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Law and Democracy

25. The Cabinet Member for Transport and the Climate Emergency is being asked to consider and determine the single representation received during the statutory consultation period when the notice of intention to make the traffic order relating to the proposals was advertised. The two points made in the representation set out in paragraph 14 were responded to by the officer as set out in paragraph 15. Further correspondence was received set out in paragraph 16 and the officer's response is noted in paragraph 17.
26. The representation will be fully considered with regard to administrative law principles of fairness and reasonableness, all relevant considerations including the Human Rights Act, Equalities Act, relevant statutory powers, relevant policies, the officer's response and the outcome of the consultation. Following the consideration and determination of the representation the Cabinet Member is asked to agree that the traffic order be made for the proposals to be implemented.

Strategic Director of Finance and Governance (EL19/042)

30. This report is requesting the Cabinet Member for Environment, Transport and the Climate Emergency to consider 1 representation received during statutory consultation relating to the proposal to install a new destination bay outside 177 Linden Grove and to approve a number of parking control instructions as summarised in paragraph 1) ii. to iv.
31. The strategic director of finance and governance notes that there are no additional financial implications arising from this report at this stage.
32. Staffing and any other costs connected with these recommendations are to be contained within existing departmental revenue resources.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Movement Plan 2019	Southwark Council Environment and Leisure Highways Transport Projects 160 Tooley Street London SE1 2QH Online: https://www.southwark.gov.uk/transport-and-roads/transport-planning?chapter=2	George Mellish 020 7525 7903

APPENDICES

No.	Title
Appendix A	Linden Grove DPPP – Proposed Location Plan

AUDIT TRAIL

Lead Officer	Head of Highways (Acting), Dale Foden	
Report Author	Highways Engineer, George Mellish	
Version	Final	
Dated	24 September 2019	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Strategic Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Date final report sent to Constitutional Team		24 September 2019