

Item No.	Classification: Open	Date: November 2019	Meeting Name: Cabinet Member for Environment, Transport and the Climate Emergency
Report title:		Dog Kennel Hill bus lane widening	
Ward(s) or groups affected:		Champion Hill	
From:		Head of Highways	

RECOMMENDATION

That the Cabinet Member for Environment, Transport and the Climate Emergency:

1. Approve the implementation of widening of the bus lane on the northbound arm of Dog Kennel Hill between its junction with Edgar Kail Way and Champion Hill and extension of the bus lane hours of operation to 24 hours a day, 7 days a week 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:
 - 4.1 Transport Issues:
 - To decide to implement a traffic and highway improvement project, subject to statutory consultation
3. The proposals cover an area of the borough in Champion Hill ward. Consultation was limited to residents and business in the immediate vicinity of the proposed works that may be directly impacted by the implementation of the works.
4. The origins and reasons for the recommendations are discussed within the key issues section of this report.

KEY ISSUES FOR CONSIDERATION

5. As part of their Route 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.
6. The proposals include widening of the northbound bus lane between its junction with Edgar Kail Way and Champion Hill by narrowing of the central reservation in this section. It is also proposed to extend the hours of operation of the bus lane to 24 hours a day, 7 days a week.

SUMMARY OF CONSULTATION PROCESS AND FINDINGS

7. In line with the council's constitution, ward members were consulted about the proposal in July 2019, prior to commencement of the consultation and have been informed of the results. No comments were received regarding the scheme.
8. Consultation on these proposals took place from August 23 to September 29 2019. All residents and businesses within the consultation area were asked whether they support, support with changes or do not support the proposed scheme. Of the 29 responses received, 86% were in support/ support with changes and 14% did not support the changes. A summary report of the consultation exercise is included in Appendix 2.

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 widening of the northbound bus lane along a section of Denmark Hill provides improvements to bus journeys as the buses will be able to safely pass cyclists using the lane.
13. 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 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 conditions to encourage active travel within the Borough.
 - Improving reliability of bus journey times thereby increasing bus patronage and providing an alternative to private car use.

RESOURCE IMPLICATIONS

16. The works are estimated to cost £55,000
17. All costs arising from implementing the recommendations will be fully contained within the funding provided by TfL as part of the route modernisation Plan.

LEGAL IMPLICATIONS

18. Traffic Management Orders would be made under powers contained within the Road Traffic Regulation Act (RTRA) 1984.
19. 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).
20. 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.
21. Should any objections be received they must be properly considered in light of administrative law principles, Human Rights law and relevant statutory powers.
22. 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.
23. 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.
24. 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 26, it is explained that a statutory consultation will now be required to be undertaken.
25. Following that statutory consultation, the proposal will then move forward with due consideration of any objections by the cabinet member.

CONSULTATION

26. For the recommendations in paragraph 1, the implementation of changes to bus lane hours of operation 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.
27. 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:
 - 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.
28. 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.
29. 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

30. If these items are approved by the Cabinet Member they will be progressed in line with the below, approximate timeline:
 - Statutory consultation – January 2020
 - Implementation – March 2020

Strategic Director of Finance and Governance (EL19/024)

31. This report requests approval from the Cabinet Member for Environment, Transport and the Climate Emergency for the widening of the northbound bus lane on Dog Kennel Hill and extension of the bus lane hours of operation to 24 hours a day, 7 days a week as shown in the report and Appendix 1 subject to the necessary statutory consultation and procedures.
32. 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.

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

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

33. Staffing and any other costs connected with these recommendations to be contained within existing departmental revenue budgets

Director of Legal Services

34. The Cabinet Member for Environment, Transport and the Climate Emergency is asked to approve, subject to the outcome of statutory consultation, the widening of the northbound bus lane on Dog Kennel Hill and extension of the bus lane hours of operation to 24 hours a day, 7 days a week as summarised in Appendix 1 of this report.
35. Paragraphs 19 to 26 of the report set out the powers under the Road Traffic Regulation Act 1984 with regard to traffic management orders, 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 order to extend the bus lane hours of operation to 24 hours a day, 7 days a week must be considered in accordance with legal principles, Human Rights Law, Equality Act 2010 and the Road Traffic Regulation Act 1984. The report acknowledges that if any such objections received to the proposal during the statutory consultation period are unable to be resolved, those objections will be reported to the Cabinet Member for Environment, Transport and the Climate Emergency for consideration.
36. The Equality Act 2010 introduced the public sector equality duty (PSED), 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. The PSED is a duty which the decision maker has to exercise. Paragraph 13 of the report refers to the benefits from the widening of the bus lane and extension of the bus lane hours of operation which will improve bus journey times and provide a safer environment for cyclists. The officer's view in paragraph 14 is that the implementation of the proposals is not anticipated to have any detrimental impacts on a particular protected group but it is the member who needs to form this conclusion.
37. 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 engage or breach the provisions of these articles 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	Dog Kennel Hill outline design drawing
Appendix 2	Dog Kennel Hill Consultation Summary report

AUDIT TRAIL

Lead Officer	Dale Foden, Head of Service Highways (acting)	
Report Author	Lola Olanlokun, Project Manager	
Version	Final	
Dated	October 2019	
Key Decision?	No	
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		8 November 2019