

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 8 January 2020	<b>Meeting Name:</b> Cabinet Member for Environment, Transport and the Climate Emergency
<b>Report title:</b>		Croxted Road bus lane	
<b>Ward(s) or groups affected:</b>		Dulwich Wood London Borough of Lambeth	
<b>From:</b>		Head of Highways	

## RECOMMENDATION

1. That the cabinet member for environment, transport and the climate emergency approve the implementation of a short length of northbound bus lane operating from 7am-7pm Monday to Saturday (between the junction of Lings Coppice and the bus stop south of the A205 South Circular Road - stop WS), and the implementation of no waiting and no loading restrictions on the eastern and western kerblines between the junction of Lings Coppice and bus stop WS during the bus lane hours of operation i.e 7am-7pm Monday to Saturday as shown in this 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 Dulwich Wood ward, as well as parts of LB Lambeth. 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 proposals are supported by London Buses (this is a Bus Priority scheme funded by Transport for London (TfL)).
5. The origins and reasons for the recommendations are discussed within the key issues section of this report.

## KEY ISSUES FOR CONSIDERATION

6. As part of their Road Modernisation Plan, TfL has identified several locations where improvements to the highway would reduce bus journey times and this

location is included in that list. Southwark Council has been asked to investigate ways to improve bus journey times on borough roads.

7. The proposals include implementation of a short length of northbound bus lane operating from 7am-7pm Monday to Saturday (between the junction of Lings Coppice and the bus stop south of the A205 South Circular Road - stop WS) with no waiting and no loading restrictions on the eastern and western kerblines introduced to match the operational hours of the bus lane.
8. A total of two short stay parking spaces and eight to ten unrestricted parking spaces will be lost as part of the proposal. Croxted Road is currently not part of a controlled parking zone.

## **SUMMARY OF CONSULTATION PROCESS AND FINDINGS**

9. In line with the council's constitution, ward members were consulted about the proposals in June 2019, prior to commencement of the consultation and have been informed of the results. Comments received will be considered and included in the further scheme design.
10. The borough has consulted with the London Borough of Lambeth (due to the site forming the borough boundary with the two boroughs) who have agreed the scheme in principle.
11. Consultation on these proposals took place from 24 September to 8 November 2019. All residents and businesses within the consultation area were asked whether they support, support with changes or do not support the proposed scheme. 54 responses were received, of which 31 were analysed as those who will be directly impacted by the proposals. Of the 31 responses analysed further, 69% were in support/support with changes and 31% did not support the changes. A summary report of the consultation exercise is included in Appendix 2.

## **Policy implications**

12. 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**

13. The policies within the Movement Plan have been subject to an equality impact assessment.
14. 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.

15. The introduction of a short length of northbound bus lane on Croxted Road provides improvements to bus journeys as the buses will be able to manoeuvre quickly and safely into the bus lane to serve the bus-stop.
16. The proposals have no disproportionate impact on any particular age, disability, faith or religion, ethnicity or sexual orientation.
17. With the exception of those benefits identified above, the recommendations are not considered to have a disproportionate effect on any other community or group.
18. 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**

19. The works are estimated to cost £17,000.
20. 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**

21. Traffic Management Orders would be made under powers contained within the Road Traffic Regulation Act (RTRA) 1984.
22. 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).
23. 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.
24. Should any objections be received they must be properly considered in light of administrative law principles, human rights law and relevant statutory powers.
25. 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.
26. 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.
27. The constitution has been amended in relation to Traffic Management Orders and these changes are confirmed at paragraph 2 of this report. Further, at paragraph 22, it is explained that a statutory consultation will now be required to be undertaken.
28. Following that statutory consultation, the proposal will then move forward with due consideration of any objections by the cabinet member.

### **Consultation**

29. For the recommendations in paragraph 1, the implementation of a northbound bus lane with waiting and loading restrictions requires the making of a traffic order. The procedures for making a traffic order are defined by national regulations<sup>1</sup> which include statutory consultation and the consideration of any arising objections.
30. 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 website<sup>2</sup> 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.
31. 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.
32. 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.

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

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

## **Programme timeline**

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

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic Director of Finance and Governance (EL19/024)**

34. This report requests approval from the cabinet member for environment, transport and the climate emergency for the introduction of a short length of northbound bus lane operating from 7am-7pm Monday to Saturday (between the junction of Lings Coppice and the bus stop south of the A205 South Circular Road - stop WS), and the implementation of no waiting and no loading restrictions on the eastern and western kerblines between the junction of Lings Coppice and bus stop WS during the bus lane hours of operation i.e 7am-7pm Monday to Saturday as shown in this report and Appendix 1, subject to the necessary statutory consultation and procedures.
35. The strategic director of finance and governance notes that the cost of the project is to be met from funding provided by TfL as part of the Route Modernisation Plan Programme.
36. Staffing and any other costs connected with these recommendations to be contained within existing departmental revenue budgets

### **Director of Law and Democracy**

37. The cabinet member for environment, transport and the climate emergency is asked to approve, subject to the outcome of statutory consultation, the introduction of a short length of northbound bus lane operating from 7am-7pm Monday to Saturday (between the junction of Lings Coppice and the bus stop south of the A205 South Circular Road - stop WS), and the implementation of no waiting and no loading restrictions on the eastern and western kerblines between the junction of Lings Coppice and bus stop WS during the bus lane hours of operation i.e 7am-7pm Monday to Saturday as shown in this report and Appendix 1.
38. Paragraphs 21 to 27 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 introduce a bus lane operating Mon-Sat 7am-7pm with waiting and loading restrictions to match the operational hours of the bus lane 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.

39. 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 18 of the report refers to the benefits from the introduction of the bus lane with waiting and loading restrictions which will improve bus journey times. The officer's view in paragraph 16 is that the implementation of the proposals is not anticipated to have any detrimental impacts on any particular protected group under the Act but it is the Member who needs to form this conclusion.
40. 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	Lola Olanlokun 020 7525 4571
<b>Link:</b> <a href="http://modern.gov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6809">http://modern.gov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6809</a>		

## APPENDICES

No.	Title
Appendix 1	Croxted Road bus lane outline design drawing
Appendix 2	Croxted Road bus lane Consultation Summary report

## AUDIT TRAIL

<b>Lead Officer</b>	Dale Foden, Head of Highways	
<b>Report Author</b>	Lola Olanlokun, Project Manager	
<b>Version</b>	Final	
<b>Dated</b>	8 January 2020	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	Yes	No
<b>Date final report sent to Constitutional Team</b>	7 January 2020	