

Item No. 6.	Classification: Open	Date: 9 March 2020	Meeting Name: Licensing Committee
Report title:		Highway Licensing on Druid Street and Enid Street	
Ward(s) or groups affected:		London Bridge and West Bermondsey	
From:		Head of Regulatory Services	

RECOMMENDATIONS

1. That the licensing committee considers whether to support the installation of a footpath outside the railway arches on Druid Street between Abbey Street and Tanner Street subject to the council's standard decision making processes.
2. That the licensing committee considers the options relating to enforcement measures that may enable the issuing of highway licenses on Druid Street.
3. That the licensing committee agrees the measures relating to items of street furniture on Enid Street.

BACKGROUND INFORMATION

4. The Highways Act 1980 Section 115 enables local authorities to issue licenses for temporary items on the public highway. Section 115e relates to the issuing of street furniture licenses.
5. Street furniture licenses can be issued only on these types of public highway:
 - A highway in relation to which a pedestrian planning order is in force
 - A bridleway
 - A footpath
 - A footway
 - A subway
 - A footbridge
 - A highway of a description not mentioned in any of the preceding paragraphs of this definition whose use by vehicular traffic is prohibited by a traffic order but whose use by other traffic is not prohibited or restricted or regulated by such an order. The use of a highway by vehicular traffic is to be taken as prohibited where its use by such traffic is prohibited over the whole width of the highway even if the prohibition is contained in a traffic order which does not prohibit certain vehicles or certain classes of vehicle using the highway or part of it at certain times or on certain days or during certain periods.
6. The council has a Network Management Duty under the Traffic Management Act 2004 to manage the road network with a view to achieving the expeditious movement of traffic; this includes pedestrian and cycle traffic.
7. Druid Street is an A road in London Bridge and West Bermondsey ward. It is in a residential area with railway arches on one side of the street and the Arnold

Estate on the other. Druid Street extends from Abbey Street to Whites Grounds. The London Borough of Southwark is the Highway Authority between Abbey Street and Tanner Street, a length of approximately 318 metres. Transport for London is responsible for managing Druid Street between Tanner Street and the junction with Whites Grounds, crossing Tower Bridge Road, a length of approximately 340 metres. Maps of Druid Street are shown in Appendix 2.

8. Enid Street is located in a residential area, between Abbey Street and Spa Road. The road is approximately 316 metres long. One side of Enid Street is lined by arches, and the Neckinger Estate is located on the opposite side of the road.
9. Southwark Council has not issued any highway licenses for street furniture in the carriageway in any area of the borough, unless there is a valid traffic order in place.
10. The loading and parking bays on Druid Street are classed as carriageway.
11. Premises licenses have been issued under the Licensing Act 2004 with conditions including outside areas. These permit patrons to stand in a carriageway. A list of licensed premises on Druid Street and Enid Street are shown in Appendix 1 for reference.
12. The council does not issue highway licenses for items placed on private land.
13. The normal process for the placement of works in the carriageway requires a permit to be issued. The permit must reference and comply with The Safety at Street Works and Road Works – A Code of Practice. Placing street furniture in a carriageway would need to meet these guidelines and exceed them where people are standing in a road with live traffic.

KEY ISSUES FOR CONSIDERATION

14. The purpose of this report is to explain a range of options available to manage activities on the public highway that have arisen due to licenced premises using the highway in line with their granted premises licenses.
15. On Druid Street there are three potential options to consider:
 - a. Install a footway outside the arches, providing a safe area for a ‘normal’ highway licence to be issued
 - b. Remove all street furniture from the highway, including barriers, therefore removing any outside area
 - c. Issue a licence with conditions including road safety recommendations.
16. On Enid Street, all items of street furniture should be kept on the strip of private land directly in front of the arches, with barriers keeping patrons on the private land. Maps of Enid Street are shown in Appendix 2. Items and patrons should not be located on the public highway. This approach is in line with current premises licenses.
17. In order to fully consider the merits of placing barriers for an ‘outside’ area in the carriageway, advice was sought from the Metropolitan Police and their counter terrorism security advisors.
18. Feedback from Metropolitan Police Service counter terrorism security advisor: “A

tactic used regularly by terrorists in recent years is to attack crowded places using a vehicle as a weapon, aiming to knock down as many people as possible. Although there is no intelligence indicating that Druid Street is likely to be the target of an attack, given the straight nature of the road and limited escape routes, a Vehicle As Weapon (VAW) attack against patrons of licensed premises either seated or standing outside may be considered viable.” The full response is shown in Appendix 4.

19. Following these comments the council would not be able to licence items in the carriageway without further safety measures being put in place. The licensees of any premises are ultimately responsible for the safety of their patrons if items are placed outside for them to stand or sit.
20. Licence holders or applicants who wish use an area of public highway or other public space as part of their licensable area must take reasonable steps to ensure the safety of patrons using such public space. In relation to items or people in a carriageway Hostile Vehicle Mitigation (HVM) must be given consideration. The applicant must determine if HVM is:
 - Justifiable
 - Affordable
 - Sustainable
 - Proportionate
 - Effective
 - Reasonable.
21. Consideration must be given to the following advice notes for any items in a carriageway:
 - Centre for the Protection of National Infrastructure – Hostile Vehicle Mitigation. <https://www.cpni.gov.uk/hostile-vehicle-mitigation>
 - National Counter terrorism Security Office – Crowded Places Guidance – Page103
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/820082/170614_crowded-places-guidance_v1b.pdf
 - Safety at Street Works and Road Works – A Code of Practice.
<https://www.gov.uk/government/publications/safety-at-street-works-and-road-works>
22. In addition to counter-terrorism concerns, placing items and people in the road also requires assessment from a more general road safety point of view. To assess this, a road safety audit was commissioned and carried out in August 2019. A copy of the audit is shown in Appendix 3. It was undertaken at a busy time of year and during the late evening when the businesses are at their busiest.
23. The safety audit found that a safety zone would need to be implemented around any licenced area in the carriageway.
24. There is an unsegregated cycle lane between Tanner Street and Millstream Road going in the eastbound direction. This would not be affected by the

placement of items in the loading bays on the other side of the carriageway, in the same way they would not be affected by vehicles in the loading bays. If the new footway is implemented a cycle lane would be incorporated into the road redesign.

25. The Druid Street traders association will be consulted once a workable and safe solution is found.
26. The option of introducing additional signage has been considered to mitigate the impact of items or people in the carriageway. Signage on the street must meet the standard in the Traffic Signs Manual (DfT). The only sign available in this situation is ‘Pedestrians in road ahead’. “Where pedestrians frequently use a road without proper footways, (the sign) may be used to warn drivers of the likely presence of pedestrians in the carriageway. If a footway stops and resumes after some interval, a ‘no footway for distance indicated’ supplementary plate may be used, with the distance varied to show the length of the road which is without a footway.”



May be used with a distance, an arrow or both, or “No footway for” and a distance

Figure 8-2 Diagram 544.1 (S2-2-23)
Pedestrians in road ahead



May be used only in combination with diagram 544.1 or 545. The distance may be varied.

Figure 8-3 No footway for distance indicated (S2-2-23)

Druid Street has a usable footway on the northern side, therefore this sign is not appropriate and may normalise walking in the carriageway.

27. The option of installing removable bollards has been considered. The bollards would not have an advantage over a removable barrier of the kind seen in Figure 1 in paragraph 38 below. Removable bollards that are available to install relatively cheaply do not offer enough protection from vehicles to justify their installation and cost of maintenance. In addition, they would not restrict patrons from standing in the carriageway.



Druid Street Option A

28. Installation of a footway on the southern side of Druid Street. This footway would incorporate loading areas for businesses to use at certain times. Those loading areas would be time limited and switch to areas that can be used for patrons to stand at appropriate times.
29. In cases where TfL funding is used, there are restrictions placed on the design and we have to design to their standards, therefore Southwark would not have total control of the entire design.
30. Having a footway the full length of the road on the ‘correct’ side of the road should reduce the amount of people using the opposite footway next to the housing estate.
31. Feedback from the Highways Department: “We have assessed the costs and programme associated with implementing improvements on Druid Street. Please note that these costs are high level and include project management, design, and construction costs. Both the programme and final costs are subject to more detailed design and consultation with businesses and residents in the area. Funding is subject to final approval with TfL and availability of capital and any local S106.”

Phase 1

32. Location: Tanner St to Gedling Place
Implementation: Winter 2020 to Spring 2021
Cost: £700,000
Funding: TfL Cycleway Funding

Phase 2

33. Location: Gedling Place to Abbey St
Implementation: Summer 2021 to Winter 2021
Cost: £300,000
Funding: Southwark Capital funding and any available S106 in the area
34. The funding for Phase 1 is limited to Tanner Street to Gedling Place due to this being a suitable route to link up the cycle lanes on TfL routes on Jamaica Road/Tanner Street, connecting with routes toward a southbound direction.
35. The cycle route would not extend to Abbey Street due to the road layout being very complex for cyclists to negotiate. This would require very significant works to change the road layout at Druid Street/Abbey Street.
36. Both phases could be completed simultaneously as long as funding is in place at the same time.

Druid Street Option B

37. This would consist of an area surrounded with secure barriers to ensure people stay within the licenced area. It would then have a coned and signed area around it to warn traffic of an obstruction in the carriageway, see Figure 2 in paragraph 38 below. The signage and safety zone is the same as regular road works and would comply with the Safety at Street Works and Road Works Code of Practice. Items to be used for this purpose are shown below in Figure 1.

38. This arrangement could only be implemented after any recommended counter terrorism measures are introduced.

Figure 1 – Items used for traffic management



Figure 2 - Traffic Management Example – Druid Street



Druid Street – Option C

39. Remove all street furniture until such a time as a compliant footway is installed. If a footway is not installed the street furniture may not return. Section 17 of the London Local Authorities and TfL Act 2003 is used to facilitate the removal of obstructions from the highway. This is used regularly by the Highway Licensing team.
40. Removal of all items would comply with all highway legislation. This approach is likely to create severe objections from some businesses on the grounds that they have a premises licence that states they can use an outside space.
41. If all barriers are removed, and patrons continue to stand outside without permission they would be standing in a live carriageway without any form of protection. An example of this is shown in figure 3.

Figure 3 – Outside area without Traffic Management



Policy implications

42. If the council are made aware of patrons occupying the carriageway, the relevant business may be made aware that appropriate action to ensure patrons' safety must be taken. Businesses remain wholly responsible for the safety of their patrons. This is in line with the Licensing Policy objective of Ensuring Public Safety.

Community impact statement

43. Currently there is no footway on the south of Druid Street, this means there is no safe pedestrian or wheelchair route on that side of the road. The installation of a footway would have a positive impact on the wider community in terms of public safety.

Equality Analysis

44. Streets cater for vehicles, pedestrians, cyclists and other road users. We work to ensure safe journeys for all and prioritise non-car movement where appropriate. We do this by providing uncluttered routes that are adequately lit and accessible, and shared highway space.
45. The councils duty is to consider and protect everyone who uses the roads and pavements, including those with protected characteristics. We want to create streets where people of all abilities have access to all areas of the borough. All road users should be able to move along footways unhindered by street clutter, poor-quality materials and badly placed obstacles.
46. The Southwark Streetscape manual states that the minimum width of a footway must be 1.0 metre. <https://www.southwark.gov.uk/transport-and-roads/traffic-orders-licensing-strategies-and-regulation/southwark-streetscape-design-manual-ssdm>

Resource implications

47. The Highways Licensing and Enforcement team would work on any enforcement action required to administer highway licenses.

Financial implications

48. If approved, the funding for a footway installation would be partially met by TfL funding.
49. Enforcement operations carried out by the Highways licensing and Enforcement team would not require any extra funding.

Consultation

50. Any highway scheme would be consulted on with residents and businesses during the design phase.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

51. The council has a Network Management Duty under the Traffic Management Act 2004 to manage the road network with a view to achieving the expeditious movement of traffic; this includes pedestrian and cycle traffic.
52. Part 3d of the council's constitution details matters that are reserved for cabinet members decision. In discharging any functions that have been delegated, a cabinet member must act lawfully. This means that the cabinet member must act within the scope of the authority that is delegated to him or her in accordance with any limits within the delegation, this constitution, council policies, procedure rules and the members' code of conduct.
53. Paragraph 22 (part 3d) of the Southwark constitution provides that it is the role and function of the cabinet member to agree to implement a traffic and highway improvement project, subject to any statutory consultation significant policy issues in relation to their area of responsibility and to determine statutory objections to a traffic and highway improvement project

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.

54. In addition, 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).
55. The decision in this report is not considered to impact on equalities or human rights.

Strategic Director of Finance and Governance (EL19/102)

56. This report request that the licensing committee consider the options proposed in paragraphs 1 to 3 above.
57. The Strategic Director of Finance and Governance notes resource commitments will be dependent on which option is decided upon.
58. In addition the Strategic Director of Finance and Governance notes that the resource intensive option of a footpath would be partially financed by TfL and that the proposal would require funding from the council's capital programme and / or section 106 resources if chosen.

59. It is also noted that officers' time and any other costs connected with this recommendation will be contained within existing departmental revenue budgets.

Other officers - Parking Enforcement

60. Vehicles are known to park on double yellow lines on Druid Street. Parking enforcement comments:

- "Our civil enforcement officers (CEO's) make regular visits to Druid Street to enforce the restrictions. The CEO's have found that it is a 'Cat and Mouse' situation with the drivers. The council has reminded our parking contractor to ensure that increased visits continue to take place with the hope that this action changes motorist behaviour."

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix 1	Premises licenses on Druid Street and Enid Street
Appendix 2	Maps: Druid Street and Enid Street
Appendix 3	Druid Street Arches Road Safety Audit
Appendix 4	Feedback from Metropolitan Police Service

AUDIT TRAIL

Lead Officer	Craig Taylor, Highways Licensing and Enforcement Manager	
Report Author	David Littleton, Head of Regulatory Services	
Version	Final	
Dated	26 February 2020	
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	No	No
Date final report sent to Constitutional Team	26 February 2020	