

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 25 March 2020	<b>Meeting Name:</b> Cabinet Member for Environment, Transport and the Climate Emergency
<b>Report title:</b>		Non-strategic Traffic and Highway improvement project – Strakers Road	
<b>Ward(s) or groups affected:</b>		Peckham Rye ward	
<b>From:</b>		Head of Highways	

## RECOMMENDATION

1. It is recommended that the non-strategic traffic and highway improvements for Strakers Road as shown in the appendix to this report are approved for implementation subject to the outcome of any 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. Under Part 3H, the relevant ward councillors shall:
  - be consulted on any non-strategic traffic and highways improvement.
4. This report deals with the non-strategic traffic and highway improvement proposal for Strakers Road.
5. The origins and reasons for the recommendations are discussed within the key issues section of this report and relevant appendices.

## KEY ISSUES FOR CONSIDERATION

6. Strakers Road is the public highway access road from Peckham Rye (East) for the car parking area in Peckham Rye Park. Currently Strakers Road has no parking restrictions.
7. Following the introduction of parking charges in the car park, vehicles are now parking along the length of Strakers Road causing obstruction and restricting access.

8. The proposal is to introduce parking controls on the west side of Strakers Road that are the same as the controls in the car park. Parking on the east side of Strakers Road is to be prohibited by the introduction of double yellow line waiting restrictions.
9. A passing place on the west side of the road will be included within the parking area.
10. In line with the council's constitution, the proposals in this report have been circulated to ward councillors to allow them to make comments. Councillor Victoria Mills requested a review of the current waiting restrictions on Peckham Rye (East) to ensure the right coverage based on the proposals for Strakers Road. Such a review will be undertaken as part of the overall consultation for the potential Nunhead CPZ or earlier on an ad-hoc basis if there is a significant issue arising from the proposals.

### **Policy implications**

11. The recommendations contained within this report are consistent with the relevant policies 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**

12. The policies within the Movement Plan have been subject to an equality impact assessment.
13. The recommendation is locally based and therefore will have greatest effect upon those people living, working or travelling in the vicinity of the area where the proposal is made.
14. The introduction of yellow lines gives benefit to all road users through the improvement of inter-visibility and therefore road safety.
15. 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. However this cannot be entirely predicted until the recommendation has been implemented and observed. The proposal has no disproportionate impact on any particular age, disability, faith or religion and ethnicity and sexual orientation.
16. With the exception of those benefits and risks identified above, the recommendation is not considered to have a disproportionate effect on any other community or group.
17. The recommendation supports 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 road safety, in particular for vulnerable road users, on the public highway.

### **Resource implications**

18. All costs arising from implementing the recommendation will be fully contained within the existing business unit capital and revenue Highways budgets.
19. The estimated cost for the implementation of the proposal is £1,000.

### **Legal implications**

20. Traffic Management Orders would be made under powers contained within the Road Traffic Regulation Act (RTRA) 1984.
21. Should the recommendation 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).
22. 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.
23. Should any objections be received they must be properly considered in light of administrative law principles, human rights law and relevant statutory powers.
24. 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.
25. These powers must be exercised so far as practicable having regard to the following matters:
  - The desirability of securing and maintaining reasonable access to premises
  - 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
  - The national air quality strategy
  - Facilitating the passage of public service vehicles and securing the safety and convenience of their passengers
  - Any other matters appearing to the council to be relevant.
26. 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 21, it is explained that a statutory consultation will now be required to be undertaken.
27. Following statutory consultation, the proposals will then move forward with due consideration of any objections by the cabinet member.

### **Consultation**

28. For the recommendation 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 regulations<sup>1</sup> which include statutory consultation and the consideration of any arising objections.
29. Should the recommendations be approved, the council must follow the procedures contained with Part II and III of the regulation which are supplemented by the council's own processes. This process is summarised as:
  - a) publication of a proposal notice in a local newspaper (Southwark News)
  - b) publication of a proposal notice in the London Gazette
  - c) display of notices in roads affected by the orders
  - d) consultation with statutory authorities
  - e) 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
  - f) a 21-day consultation period during which time any person may comment upon or object to the proposed order.
30. 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.
31. 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**

32. If these items are approved by the cabinet member they will be progressed in line with the below, approximate timeline:
  - Statutory consultation – Spring 2020
  - Implementation – Spring/Summer 2020.

### **Strategic Director of Finance and Governance (EL19/106)**

33. This report requests approval from the cabinet member for environment, transport and the climate emergency to implement a non-strategic traffic and highway improvement proposal on Strakers Road.
34. The strategic director of finance and governance notes that there is sufficient funding from existing Highways capital and revenue budgets to fund these improvements.
35. Staffing and other costs connected with this recommendation to be contained with existing departmental revenue budgets.

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

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

## **Director of Law and Democracy**

36. The cabinet member for environment, transport and the climate emergency is asked to approve, subject to the outcome of statutory consultation, the implementation of a non-strategic traffic and highway improvement on Strakers Road as shown in the appendix to this report.
37. Paragraphs 20 to 27 of the report set out the powers under the Road Traffic Regulation Act 1984 with regard to traffic management orders which are required to implement this proposal. Paragraphs 28 to 30 set out the statutory consultation procedure as required by traffic order regulations.
38. Any valid written objections received following statutory consultation in respect of the proposed traffic management orders required to implement the traffic and highway improvements must be considered in accordance with administrative law principles, human rights law and the relevant statutory powers as referred to in paragraph 23. The report confirms that if any such objections received regarding the proposals are unable to be resolved and withdrawn, they will be reported to the cabinet member for environment, transport and the climate emergency to make a decision on the proposals.
39. The Human Rights Act 1998 imposes 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 the Human Rights Act 1998.
40. 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. The PSED duty must be exercised by the decision maker and the Member needs to form this conclusion. Paragraph 17 of the report provides that the proposed traffic and highway improvement promotes social inclusion by improving road safety, in particular for vulnerable road users on the public highway. As such the implementation of the proposal is not anticipated to have any detrimental impacts on a particular protected group under the Act.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Movement Plan 2019	Southwark Council Environment and Leisure Network development Highways 160 Tooley Street London SE1 2QH	Tobias Allen 020 7525 3197
<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
Appendices 1	Strakers Road proposed parking restrictions

## AUDIT TRAIL

<b>Lead Officer</b>	Dale Foden, Head of Highways	
<b>Report Author</b>	Tobias Allen, Technician	
<b>Version</b>	Final	
<b>Dated</b>	19 March 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>		25 March 2020