

Item No.	Classification: Open	Date: 19 March 2020	Meeting Name: Cabinet Member for Environment, Transport and the Climate Emergency
Report title:		RMP Cheltenham Road	
Ward(s) or groups affected:		Peckham Rye	
From:		Head of Highways	

RECOMMENDATION

1. That the Cabinet Member for Environment, Transport and the Climate Emergency approve the implementation of an improvement scheme along Cheltenham Road and its junction with Kelvington Road including widening of the footway, relocation of bus shelters, provision of off-street loading bay, provision of buildout at the junction with Kelvington, extension of waiting restrictions and introduction of loading restrictions, 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 Peckham Rye. 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 partly 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 an improvement scheme along Cheltenham Road and its junction with Kelvington Road including widening of the footway, relocation of bus shelters, provision of off-street loading bay, provision of buildout at the junction with Kelvington, extension of waiting restrictions and introduction of loading restrictions.
8. One unrestricted parking space will be lost as part of the proposal. Cheltenham 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 December 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, which include retention of the bus stop location on the south-side outside No 114.
10. Consultation on these proposals took place from 6 January to 2 February 2020. All residents and businesses within the consultation area were asked whether they support, support with changes or do not support the proposed scheme. 36 responses were received, of which 33 were analysed as those who will be directly impacted by the proposals. Of the 33 responses analysed, 73% were in support/support with changes and 27% did not support the changes. A summary report of the consultation exercise is included in Appendix 2.

Policy implications

11. 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

12. The policies within the Movement Plan have been subject to an equality impact assessment.
13. 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.
14. The widening of the footway along Cheltenham Road, provision of a build out at its junction with Kelvington Road and provision of an off-street loading bay provides improvements to pedestrian journeys and bus journeys as conditions for crossing Kelvington Road will be improved and buses will be able to manoeuvre quickly and safely into the bus lane to serve the bus-stop.

15. The proposals have no disproportionate impact on any particular age, disability, faith or religion, ethnicity or sexual orientation.
16. With the exception of those benefits identified above, the recommendations are not considered to have a disproportionate effect on any other community or group.
17. 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

18. The works are estimated to cost £115,000.
19. All costs arising from implementing the recommendations will be fully contained within the funding provided by TfL as part of the Road Modernisation Plan and the Council's own Non Principal roads capital renewals budget.

Legal implications

20. Traffic Management Orders would be made under powers contained within the Road Traffic Regulation Act (RTRA) 1984.
21. 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).
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
 - 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.

26. Following that statutory consultation, the proposal will then move forward with due consideration of any objections by the cabinet member.

Consultation

27. For the recommendations in paragraph 1, the provision of a loading bay and introduction of waiting and loading restrictions 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.
28. 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.
29. 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.
30. 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

31. If these items are approved by the Cabinet Member they will be progressed in line with the below, approximate timeline:
- Statutory consultation – April/May 2020
 - Implementation – June/July 2020.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance (EL19/024)

32. This report requests approval from the Cabinet Member for Environment, Transport and the Climate Emergency for the implementation of an improvement

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

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

scheme along Cheltenham Road and its junction with Kelvington Road including widening of the footway, relocation of bus shelters, provision of a loading bay, provision of buildout at the junction with Kelvington, extension of waiting restrictions and introduction of loading restrictions as shown in the report and Appendix 1 subject to the necessary statutory consultation and procedures.

33. 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 and the Non-Principal Roads budget.
34. Staffing and any other costs connected with these recommendations to be contained within existing departmental revenue budgets

Director of Law and Democracy

35. The Cabinet Member for Environment, Transport and the Climate Emergency is asked to approve, subject to the outcome of statutory consultation, the implementation of an improvement scheme along Cheltenham Road and its junction with Kelvington Road including widening of the footway, relocation of bus shelters, provision of a loading bay, provision of buildout at the junction with Kelvington, extension of waiting restrictions and introduction of loading restrictions as shown in the report and Appendix 1.
36. Paragraphs 21 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 introduce a loading bay, waiting and loading restrictions 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.
37. 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 17 of the report refers to the benefits from the widening of the footways and provision of an off-street loading bay which will encourage active travel and improve bus reliability. The officer's view in paragraph 16 is that the implementation of the proposals is not anticipated to have any disproportionate effect on the wider community or group. It is unlikely that the proposals will affect any particular protected group under the Act but it is the Member who needs to form this conclusion.
38. 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
Link: http://modern.gov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6809		

APPENDICES

No.	Title
Appendix 1	Cheltenham Road Improvements proposed design drawing
Appendix 2	Cheltenham Road Consultation Summary report

AUDIT TRAIL

Lead Officer	Dale Foden, Head of Highways	
Report Author	Lola Olanlokun, Project Manager	
Version	Final	
Dated	19 March 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	Yes	No
Date final report sent to Constitutional Team		25 March 2020