

Item No.	Classification: Open	Date: 11 August 2020	Meeting Name: Cabinet Member for Environment, Transport and the Climate Emergency
Report title:		Borough-wide Experimental Orders Reviews	
Ward(s) or groups affected:		Borough and Bankside Camberwell Green Champion Hill Faraday Goose Green London Bridge & West Bermondsey Newington North Bermondsey North Walworth Nunhead & Queen's Road Peckham Rye Rye Lane South Bermondsey St George's Surrey Dock	
From:		Head of Highways	

RECOMMENDATION

1. It is recommended that the cabinet member approves the implementation of the permanent traffic orders detailed in the appendices, subject to the outcome of any necessary statutory consultation and procedures, in order to support the current traffic restrictions as shown as shown on street.

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 borough-wide experimental traffic orders between 1984 and 2018.
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. These restrictions were implemented under various experimental traffic orders between 1984 and 2018, and have been functioning since this time. No issues have been identified with the operation of these restrictions as they currently stand. The original experimental traffic orders have now expired. The council proposes to make a permanent traffic order to support the signs and lines that are installed on site.
7. These new orders will be subject to the normal statutory procedures associated with the making of a new traffic order under the Road Traffic Regulation Act (RTRA) 1984.

Policy implications

8. 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 9 – Manage traffic to reduce the demand on our street
 - M7 Action 16 – Zero people killed or injured on our streets by 2041

Community impact statement

9. The policies within the Movement Plan have been subject to an Equality Impact Assessment.
10. 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.
11. There is a very low risk that current restrictions cause a displacement of traffic on to the peripheral network and should have no adverse impact upon road users and neighbouring properties. The proposal has no disproportionate impact on any particular age, disability, faith or religion and ethnicity and sexual orientation.
12. Each individual restriction has been under a trial for the community impact, no issues have been identified during the trial period.
13. The reviews aim to reduce the numbers of expired experimental orders and minimize the risks of appeals against penalty charge notices (PCNs).
14. 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.
15. All individual proposed permanent TMO's have already been submitted to local ward councillors for comments. No adverse comments or requests for changes have been received and all councillors that have responded have been supportive of the proposals.

16. 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

17. There is no capital cost for the implementation of the proposals since this has already been carried out.
18. There is a revenue cost of £10,000 to cover staff time associated with making the orders and this will be contained within the parking revenue budget.

Legal implications

19. Traffic Management Orders would be made under powers contained within the Road Traffic Regulation Act (RTRA) 1984.
20. 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).
21. These regulations also require the Council to consider any representations received during a period of 21 days following publication of the draft order.
22. Should any objections be received they must be properly considered in light of administrative law principles, Human Rights law and relevant statutory powers.
23. 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.
24. 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
25. Following statutory consultation, the proposals will then move forward with due consideration of any objections by the Cabinet Member.

Consultation

26. 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 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 within 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 website² 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
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 – Summer 2020
 - Implementation – Summer 2020

Strategic Director of Finance and Governance

31. This report requests approval from the Cabinet Member for Environment, Transport and the Climate Emergency to implement permanent traffic orders to support the current traffic restrictions detailed in the appendices of this report.
32. The strategic director of finance and governance notes that there is sufficient funding from existing Highways capital and revenue budgets to fund these improvements.
33. Staffing and other costs connected with this recommendation to be contained within existing departmental revenue budgets.

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

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

Director of Law and Democracy

34. The Cabinet Member for Environment, Transport and the Climate Emergency is asked to approve, subject to the outcome of statutory consultation, to implement permanent traffic orders to support the current traffic management restrictions and bus lanes and car club introductions as shown in the Appendix to this report.
35. 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.
36. 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 common law principles of fairness and impartiality, 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.
37. 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 making of permanent traffic orders in respect of the traffic management restrictions for the reason given in the first sentence of paragraph 11 and in paragraph 12 of this report is not anticipated to engage or breach the provisions of the Human Rights Act 1998.
38. 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. Paragraph 11 of the report state that proposal has no disproportionate impact on persons who have protected characteristics under this Act and at paragraph 14 promotes social inclusion by improving road safety, in particular for vulnerable road users on the public highway. As such the implementation of permanent traffic orders is not anticipated to have any detrimental impacts on a particular protected group under the Act. The PSED duty must be exercised by the decision maker and the Member needs to form this conclusion.

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://modern.gov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6809	Coco Mak 020 7525 5231

APPENDICES

No.	Title
Appendix 1	Bus Lane Introductions
1.1	Southwark Bridge Road
1.2	Rotherhithe Old Road
1.3	Waterloo Road
1.4	Camberwell Road
1.5	Camberwell Green
1.6	Denmark Hill
1.7	Walworth Road
Appendix 2	Road Closure Restrictions
2.1	Oakhurst Grove
2.2	The Gardens(Southern Arms)
Appendix 3	Car Club Introduction
3.1	Avondale Rise
3.2	Bellwood Road
3.3	Chatham Street
3.4	Leathermarket Street
3.5	Machell Road
3.6	Maguire Street
3.7	Norway Gate
Appendix 4	Cycle Lanes Restrictions
4.1	Princess Street
4.2	Morley Street
Appendix 5	Loading Bays Restrictions
5.1	Bedale Street
5.2	Cathedral Street
Appendix 6	Prescribed Route Turning Control Restrictions
6.1	Wooler Street 'One way' Restrictions
6.2	Old Jamaica Road and Thurland Road
6.3	Charleston Street 'One Way' Restriction
6.4	Abbey Street Reinstate Turning Restriction
6.5	Ambergate Street

AUDIT TRAIL

Lead Officer	Dale Foden, Head of Highways	
Report Author	Coco Mak, Project Manager	
Version	Final	
Dated	10 August 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	Yes
Date final report sent to Constitutional Team		10 August 2020