

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 13 October 2020	<b>Meeting Name:</b> Cabinet Member for Leisure, Environment & Roads
<b>Report title:</b>		Non-strategic Traffic and Highway improvement projects (20/21 Batch 1)	
<b>Ward(s) or groups affected:</b>		Various (detailed in Table 1)	
<b>From:</b>		Head of Highways	

## RECOMMENDATION

1. It is recommended that the non-strategic traffic and highway improvements, detailed in the appendices to this report and summarized in Table 1, 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:
  - 22 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 a number of non-strategic traffic and highway improvement proposals.
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. In line with the council's constitution, all of the individual proposals in this report have been circulated to ward councillors to allow them to make comments on the proposals before they go for decision-making. No comments were received.
7. The rationale for each proposal is discussed in the associated appendix and contains a detailed design drawing.

Location	Ward(s)	Proposal	TMO	Funding	App.
Strakers Road	Peckham Rye	Install double yellow lines	Perm	MTS	1
Valentine Place	Borough & Bankside	Convert single yellow lines to double yellow lines, extend existing C2 PH bay by 19m and add 10m C2 PH bay opp Pontypool Place.	Perm	MTS	2
Balfour street	North Walworth	Convert single yellow lines to double yellow lines	Perm	MTS	3
King Stairs Close	Rotherhithe	Install double yellow lines	Perm	MTS	4
Commercial Way	Old Kent Road	Install double yellow lines to prevent obstructive parking	Perm	MTS	5
Surrey Quays Road	Rotherhithe	Implementation of a cycle hire station	Perm	MTS	6
Beatrice Road	South Bermondsey	Install double yellow lines and remove 5m of parking bay	Perm	CPZ	7
Crystal Palace Road	Goose green	Remove disabled bay and install new disabled bay	Perm	MTS	9
Nunhead Grove	Peckham	Install double yellow lines	Perm	MTS	10
Peckham Rye	Peckham Rye	Extend existing double yellow lines	Perm	MTS	11
The Gardens	East Dulwich	Install motorcycle bay	Perm	MTS	12
Crystal Palace Road	Goose Green	Install double yellow lines	Perm	MTS	13
Phillip Walk	Rye Lane	Convert single yellow lines to double yellow lines	Perm	MTS	14
Borough Road	St Georges	Convert existing Pay by Phone bays to shared use bays for six months	Perm	MTS	15
Marsden Road	Rye Lane	Install motorcycle bay	Perm	MTS	17
Royal Oak Place	Peckham Rye	Install double yellow lines and parking bays	Perm	MTS	18
King James Street/Rushworth Street	Borough & Bankside	Rushworth street - Convert all single yellow lines to double yellow lines. Add 24m parking bays from disabled bays to KJ St. King James Street – double yellow lines from Belvedere Buildings 70m both sides.	Perm	MTS	19

Jocelyn Street	Peckham	Extend existing double yellow lines	Perm	MTS	22
Plough Way	Rotherhithe	Install double yellow lines	Perm	MTS	24
Paradise street	North Bermondsey	Remove permit holder bay and replace with double yellow lines	Perm	MTS	25
Camberwell Station Road	Camberwell Green	Outside 365-366, split 13m loading bay to 7m loading and 6m m/c only bay	Perm	MTS	26
Stanworth Street	London Bridge & West Bermondsey	Double yellow lines already on site, to match the TMO	Perm	MTS	27
Kimberley avenue	Nunhead and Queens Road	Install blips on existing double yellow lines	Perm	MTS	28
St Marychurch Street	Rotherhithe	Remove 10m parking bay and replace with double yellow lines	Perm	MTS	30
Underhill road	Dulwich Hill	Install double yellow lines	Perm	MTS	31
Lagado Mews	Rotherhithe	Install double yellow lines	Perm	MTS	32
Swan Street	Borough, Bankside and Walworth	Relocation of motorcycle bay	Perm	MTS	33
Calton Avenue	Dulwich Village	Install double yellow lines	Perm	MTS	34
Dulwich Village	Dulwich Village	Install double yellow lines	Perm	MTS	35
Crawford Primary School	Camberwell Green	School Street Closure	Exp	SSS	36
Alleyns' Junior School	Goose Green	School Street Closure	Exp	SSS	37
The Charter	Goose	School Street Closure	Exp	SSS	38

School	Green				
Ivydale Primary School	Peckham Rye	School Street Closure	Exp	SSS	39
Phoenix Primary School	Old Kent Road	School Street Closure	Exp	SSS	40
Harris Academy Girls	Peckham Rye	School Street Closure	Exp	SSS	41
St James Primary School	South Bermondsey	School Street Closure	Exp	SSS	42

**Table 1 – list of schemes**

**Scheme key**

MTS – Minor Traffic Scheme

SSS – Southwark School Streets

CPZ – Controlled Parking Zone

Perm - Permanent

Exp - Experimental

**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
  - M3 Action 5 - Enable people to get active
  - 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 15 - Reduce exposure to air pollution
  - 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 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.
11. The introduction of yellow lines at junctions gives benefit to all road users through the improvement of inter-visibility and therefore road safety.

12. 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 at the locations proposed. However this cannot be entirely predicted until the recommendations have been implemented and observed. The proposals have no disproportionate impact on any particular age, disability, faith or religion and ethnicity and sexual orientation.
13. With the exception of those benefits and risks identified above, the recommendations are not considered to have a disproportionate effect on any other community or group.
14. The recommendations support 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**

15. All costs arising from implementing the recommendations will be fully contained within the existing business unit capital and revenue Highways budgets.
16. MTS and CPZ schemes will be contained within Parking Revenue. School Streets will be contained within the School Streets fund.
17. The estimated costs for the batch of schemes detailed in Table 1 are:
  - MTS schemes - £30,000
  - School Streets - £50,000
  - Controlled Parking Zone - £1,000

### **Legal implications (Permanent TMO)**

18. Traffic Management Orders would be made under powers contained within the Road Traffic Regulation Act (RTRA) 1984.
19. 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).
20. 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.
21. Should any objections be received they must be properly considered in light of administrative law principles, Human Rights law and relevant statutory powers.
22. 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.

23. 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
24. 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 26, it is explained that a statutory consultation will now be required to be undertaken.
25. Following statutory consultation, the proposals will then move forward with due consideration of any objections by the Cabinet Member.

### **Consultation (Permanent TMO)**

26. For the recommendations 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.
27. 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
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.

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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>

### **Legal implications (Experimental TMO)**

30. An Experimental Traffic Management Order would be made under powers contained within the Road Traffic Regulation Act (RTRA) 1984 as amended.
31. Section 22 of the Local Authorities Traffic Order (Procedure) (England and Wales) Regulations 1996 states the requirements in the case of an experimental order.
32. The proposals detailed in Table 1 as experimental are trials and the orders are to be experimental, as such consultation and feedback will be considered during the period of the order and a decision made on whether the order is to be made permanent, amended or rescinded after a period, normally six to twelve months. The maximum time an experimental order can be in place is eighteen months.
33. The Regulations require the publication of a Notice of Making of the Experimental Order which may not come into force before seven days of its publication date. There is no right of objection to an experimental order itself but the notice provides for any objections or representations to the Experimental Order being made permanent, to be made in writing stating the grounds of such objections, within six months of the Experimental Order coming into force. Should any such objections be received, they will be properly considered in light of administrative law principles of fairness and impartiality, the Human Rights Act 1998, the Equality Act 2010 and all relevant statutory powers. All objections on the individual experimental orders becoming permanent will be logged and considered as part of the process detailed in paragraph 25.

### **PROGRAMME TIMELINE**

34. If these items are approved by the Cabinet Member they will be progressed in line with the below, approximate timeline:

#### Permanent schemes

- Statutory consultation – Winter 2020
- Implementation – Spring/Summer 2021

#### Experimental schemes

- Advertising – October/November 2020
- Implementation – November 2020

### **Strategic Director of Finance and Governance (EL20/040)**

35. This report requests approval from the Cabinet Member for Leisure, Environment & Roads to implement a number of non-strategic traffic and highway improvement proposals as summarised in Table 1 of this report.
36. The strategic director of finance and governance notes that there is sufficient funding from existing Highways capital and revenue budgets to fund these improvements.
37. Staffing and other costs connected with this recommendation to be contained within existing departmental revenue budgets.

## **Director of Law and Democracy**

38. The Cabinet Member for Leisure, Environment and Roads is asked to approve, subject to the outcome of statutory consultation where applicable, the implementation of non-strategic traffic and highway improvements in the locations detailed in the respective appendices and summarised in Table 1.
39. Paragraphs 18 to 25 of the report set out the powers under the Road Traffic Regulation Act 1984 in respect of permanent traffic management orders which are required to implement those permanent schemes in Table 1. Paragraphs 26 to 29 set out the statutory consultation procedure as required by the regulations.
40. The powers and statutory procedure and consultation in respect of experimental traffic management orders required to implement those experimental schemes in Table 1 are set out in paragraph 30 to 33.
41. 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 of fairness, human rights law and statutory powers as referred to in paragraph 21. 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 Leisure, Environment and Roads to make a decision on the proposals.
42. 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.
43. 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 12 of the report informs that the proposals will have no disproportionate impact on any particular age, disability, faith or religion and ethnicity and sexual orientation. Paragraph 14 of the report confirms that the recommendations support the council's equalities and human rights policies and promote social inclusion the implementation of the proposals is not anticipated to have any detrimental impacts on a particular protected group. The 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 Highways 160 Tooley Street London SE1 2QH Online: <a href="http://modern.gov.southwark.gov.uk/eDecisionDetails.aspx?ID=6809">http://modern.gov.southwark.gov.uk/eDecisionDetails.aspx?ID=6809</a>	Tobias Allen 020 7525 3197

## APPENDICES

No.	Title
Appendices 1 to 7 Appendices 9 to 15 Appendices 17 to 19 Appendix 22 Appendices 24 to 28 Appendices 30 to 42	Evidence base for each proposal

**N.B. Appendices 8, 16, 20, 21, 23 & 29 withdrawn prior to decision making**

## AUDIT TRAIL

<b>Lead Officer</b>	Dale Foden, Head of Highways	
<b>Report Author</b>	Tobias Allen, Transport Projects Engineer	
<b>Version</b>	Final	
<b>Dated</b>	October 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	Yes
<b>Date final report sent to Constitutional Team</b>	12 October 2020	