

Item No. N/a	Classification: Open	Date: 8 February 2021	Meeting Name: Cabinet Member for Leisure, Environment & Roads
Report title:		Carlton Grove Zebra Crossing	
Ward(s) or groups affected:		Nunhead and Queen's Road	
From:		Head of Highways	

RECOMMENDATION

1. It is recommended that the proposed zebra crossing, detailed in the Appendix to this report and summarised in paragraphs 7-15, is approved for implementation subject to the completion of statutory 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 traffic and highways improvement
4. The origins and reasons for the recommendation, are discussed within the key issues section of this report and the relevant appendix.

KEY ISSUES FOR CONSIDERATION

5. The council is seeking to encourage physical activity for the health and wellbeing of its residents. Encouraging people to change their travel patterns and choose to walk instead of drive has a "double-positive" for peoples' wellbeing. Regular exercise is key to people staying healthy and there is a wealth of medical evidence to support this. Secondly encouraging journeys to be made by walking or cycling will help to reduce the number of vehicles on Southwark's roads and so can help to tackle the poor air quality that results, having a further benefit for the health of all local residents.

6. To encourage more journeys to be made by walking the council must tackle barriers to walking. One effective way to achieve this is to provide safe and convenient crossing facilities where pedestrians can take priority over motorists. This aim can be achieved by introducing zebra crossings at locations where there is likely to be a need.
7. The proposed scheme has been requested by the council's Regeneration department and is associated with improvements they are carrying out to the adjacent multi-use games area (MUGA). The proposal was studied by the highways department and progressed accordingly.
8. The council aims to promote and encourage not only active ways of travel but also encourage active play for children by providing access to safe places where this can happen.
9. This proposal will introduce a formal crossing onto Carlton Grove, specifically close to the Meeting House Lane junction. The intervention will improve current conditions, upgrade existing surface materials; all based on council design standards, policies and guidelines.
10. In line with the council's constitution, the proposal in this report was circulated to ward councillors on 7th January 2021 to allow them to make comments on the proposal before it goes for decision-making. Currently ward councillors have raised no concerns regarding the proposal.
11. There are no parking or waiting restrictions in place along the sections of the road; other than the double yellow line restrictions present at the junctions for road safety reasons.
12. There are no formal crossing facilities around this junction to assist the considerably high number of pedestrians who travel along this road section. A considerable number of local attractors (local shops, MUGA, etc.) reinforce the need for a safer crossing.
13. Existing junction design encourages speeding and does not comply with current policies or council standards. Henceforth, the proposal will introduce footway buildouts to create a new layout that discourages speeding behaviours, improves visibility and at the same time creates a wider area for pedestrians while flowing through this junction.
14. The proposal will introduce a zebra crossing as close as possible to the Meeting House Lane junction to better serve the current pedestrian desire lines. Additional modifications will be included such as minor geometry changes of the intersection (footway buildouts), an extension of the double yellow line restrictions at the corners and additional signage and markings.
15. This proposal is subject to a Traffic Management Order (TMO) and statutory consultation for the changes to parking restrictions. A TMO is a

legal mechanism the council as traffic authority uses to control aspects of the way that the highway is used. They provide the legal backing to signs and road markings used on the highway and allow them to be enforceable. The crossing itself will require a traffic notice, but will not be subject to statutory consultation.

Policy implications

16. 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
 - M7 Action 15 - Reduce exposure to air pollution
 - M7 Action 16 – Zero people killed or injured on our streets by 2041.

Community impact statement

17. The policies within the Movement Plan have been subject to an Equality Impact Assessment.
18. 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.
19. The introduction of yellow lines at junctions gives benefit to all road users through the improvement of inter-visibility and therefore road safety.
20. The introduction of crossing facilities has a benefit for all pedestrians, but in particular those who are less mobile or visually impaired, who require more time to cross roads.
21. The recommendations are not considered to have a disproportionate negative effect on any community or group.
22. The recommendations support the council's equalities and human rights policies and promote social inclusion by:
 - Providing improved access to key services such as shops and healthcare.
 - Improving road safety, in particular for vulnerable road users, on the public highway.

Resource implications

23. Costs arising from implementing the recommendations will be contained within the existing business unit capital and revenue Highways budgets, as detailed below.
24. The estimated cost for the scheme is expected to be £142,000 and this will be accommodated by the budget allocated to Highways by the council's Regeneration team.

Consultation

25. 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.
26. 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 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.
27. 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.
28. 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.

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

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

Legal implications

29. Traffic Management Orders would be made under powers contained within the Road Traffic Regulation Act (RTRA) 1984.
30. 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).
31. 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.
32. Should any objections be received they must be properly considered in light of administrative law principles, Human Rights law and relevant statutory powers.
33. 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.
34. 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.
35. 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.
36. Following statutory consultation, the proposals will then move forward with due consideration of any objections by the Cabinet Member.

Programme Timeline

37. Should this item be approved by the Cabinet Member, it will be progressed in line with the below, approximate timeline:

- Notice of making – Spring 2021
- Implementation – Summer 2021
- This scheme will be implemented as soon as possible following final approval of this report, subject to availability of contractor's resources.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance (EL20/074)

38. This report requests approval from the Cabinet Member for Leisure, Environment & Roads to implement a zebra crossing on Carlton Grove. This is to provide a facility to promote pedestrian safety.
39. The strategic director of finance and governance notes that funding for this recommendation is to be met from S.106 funding via Regeneration and that there are sufficient resources available to fund this implementation.
40. Staffing and other costs connected with this recommendation to be contained with existing departmental budgets.

Director of Law and Governance

41. The Cabinet Member for Leisure, Environment & Roads is asked to approve, subject to the outcome of statutory consultation, the implementation of the zebra crossing as detailed in paragraphs 9-15 and set out in Appendix 1.
42. Paragraph 15 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 these improvements. Paragraphs 25 to 28 set out the statutory consultation procedure as required by the regulations.
43. 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 law, 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 & Roads to make a decision on the proposals.
44. 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.

45. 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 Network development Highways 160 Tooley Street London SE1 2QH Online: http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6809	Igor Gonzalez (07592118441)

APPENDICES

No.	Title
Appendix 1	Design drawings

AUDIT TRAIL

Lead Officer	Dale Foden, Head of Highways	
Report Author	Igor Gonzalez, Transport Engineer	
Version	Final	
Dated	8 February 2021	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	No
Date final report sent to Constitutional Team	8 February 2021	