

Item No.	Classification: Open	Date: 15 July 2021	Meeting Name: Cabinet Member for Transport, Parks and Sport
Report title:		Non-strategic Traffic and Highway improvement projects (21/22 Batch 2)	
Ward(s) or groups affected:		Various (detailed in Table 1)	
From:		Head of Highways	

RECOMMENDATION(S)

1. That the non-strategic traffic and highway improvements and complementary streetspace measures, detailed in the appendices to this report and summarized in Table 1, be 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 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 councilors to allow them to make comments on the proposals before they go for decision making. Some comments were received about an individual appendix and has now been removed from this current batch (Scheme 12).

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.
Stevenson Crescent	South Bermondsey	Proposed double yellow lines for junction protection/obstruction	Perm	MTS	1
Holbeck Row/Friary Road	Peckham	Proposed double yellow lines for junction protection/obstruction	Perm	MTS	2
Bowen Drive	Dulwich Wood	Proposed blips on existing double yellow lines	Perm	MTS	3
Holly Grove	Rye Lane	Relocate existing motorcycle bay	Perm	MTS	4
Ontario Street	St Georges	Relocate existing motorcycle bay	Perm	MTS	5
Dock Hill Avenue	Rotherhithe	Proposed double yellow lines for junction protection	Perm	MTS	6
Spa Road	South Bermondsey	Proposed double yellow lines for obstruction	Perm	MTS	7
Merrow Street	Faraday	Relocate existing cycle hangar and install double yellow lines	Perm	MTS	8
Pages Walk	London Bridge & West Bermondsey	Remove existing Shared Use bay for a crossover	Perm	MTS	9
Leroy Street	London Bridge & West Bermondsey	Remove shared Use bays and replace with double yellow lines. Relocate MC Bay.	Perm	MTS	10
Blue Anchor Lane/Bombay Street	South Bermondsey	Relocate existing motorcycle bay. Convert Shared use bay to motorcycle bay and motorcycle bay to shared use bay	Perm	MTS	11
Camberwell Grove	St Giles	Remove 6m permit holder only bay and replace with	Perm	MTS/DHB	13

		Motorcycle bay, install double yellow lines for obstruction and a drop kerb.			
Hitherwood Drive	Dulwich Wood	Install double yellow lines for obstruction	Perm	MTS	14
The Cut	Borough & Bankside	Proposal for an experimental traffic order on The Cut to replace the existing temporary traffic order.	Exp	LTN	15
Gilkes Place	Dulwich Village	Permeable Closure	Exp	LTN	16
Fenham Road	Peckham	Remove 5 free parking spaces on proposed raised table and install double yellow lines	Perm	LTN	17
Commercial Way	Old Kent Road	Install double yellow lines	Perm	MTS	18
Evelina Road	Nunhead & Queens Road	Install a loading only bay	Perm	MTS	19

Table 1 – list of schemes

Scheme key

MTS – Minor Traffic Scheme

LTN - Low Traffic Neighbourhood

DHB – Devolved Highway

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 schemes will be contained within Parking Revenue.
17. The estimated costs for the batch of schemes detailed in Table 1 are:
 - MTS schemes - £15,000
 - LTN Schemes - £74,000
 - DHB Schemes - £13,000

LEGAL IMPLICATIONS (PERMANENT TMO & EXPERIMENTAL 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 permanent TMOs for a period of 21 days following publication of the draft order. There is a statutory 6 month objection period to ETMOs following implementation of the measures. Any objections to ETMOs must be considered as part of the decision making process on the future of the scheme before the end of the 18 month trial period.
21. 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. At paragraph 31, 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.
26. An Experimental Traffic Management Order would be made under powers contained within the Road Traffic Regulation Act (RTRA) 1984 as amended.
27. Section 22 of the Local Authorities Traffic Order (Procedure) (England and Wales) Regulations 1996 states the requirements in the case of an experimental order.
28. 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 after a period of twelve to eighteen months.

29. Should any objections be received they must be properly considered in light of administrative law principles, Human Rights law and relevant statutory powers.
30. Following the experimental period, the proposal will then move forward in accordance with paragraph 38 of this report with due consideration of the objections prior to final decision by the Cabinet Member (see paragraph 20).

CONSULTATION (PERMANENT TMO & EXPERIMENTAL TMO)

31. 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 Regulations¹ which include statutory consultation and the consideration of any arising objections.
32. 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 for the making of Permanent TMOs 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
33. 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.
34. 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.
35. For the schemes shown as being implemented as experimental in table 1, traffic orders will be made under experimental traffic order powers contained in section 9 of the Road Traffic Regulation Act 1984 (as amended). The procedures for making an experimental traffic order are defined by national Regulations³ which includes the consideration of any arising objections.

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

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

³ <http://www.legislation.gov.uk/ukxi/1996/2489/contents/made>

36. 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 notice of making in a local newspaper (Southwark News)
 - b) publication of a notice of making 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 website⁴ or by appointment at 160 Tooley Street, SE1
 - f) representations can be made at any point during the trial period
37. Following publication of the notice of making, 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.
38. 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 at the end of the experimental period. 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

39. If these items are approved by the Cabinet Member they will be progressed in line with the below, approximate timeline:
- Statutory consultation – July 2021
 - Implementation – September 2021

Strategic Director of Finance and Governance (EL21/022)

40. This report requests approval from the Cabinet Member for Transport, Parks and Sport to implement a number of non-strategic traffic and highway improvements and complementary street space measures as summarised in Table 1 of this report.
41. The strategic director of finance and governance notes that the estimated costs for these batch of improvements is £102k and there is sufficient funding from existing Highways capital and revenue budgets to fund these proposals.
42. Staffing and other costs connected with this recommendation to be contained with existing departmental revenue budgets.

⁴ <http://www.southwark.gov.uk/trafficorders>

Director of Law and Governance

43. The Cabinet Member for Transport, Parks and Sport is asked to approve, subject to the outcome of statutory consultation, the implementation of non-strategic traffic and highway improvements, and Streetspace complementary measures in the locations detailed in the respective appendices and summarised in Table 1.
44. Paragraphs 31 to 38 of the report set out the powers and statutory consultation procedure for permanent and experimental traffic schemes under the Road Traffic Regulation Act 1984 with regard to traffic management orders which are required to implement these improvements.
45. 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 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 Transport, Parks and Sport to make a decision on the proposals.
46. 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.
47. 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 under the Equality Act. The decision maker must exercise the duty and the Member needs to form this conclusion. The implication of the proposals are not anticipated to have any detrimental impacts on a particular protected group under the Equality Act 2010. The decision maker must exercise the duty and the members will need 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: http://modern.gov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6809	Katie Houselander (020 7525 2461)

APPENDICES

No.	Title
Appendices 1 to 19 (Appendix 12 has been removed)	Evidence base for each proposal

AUDIT TRAIL

Lead Officer	Dale Foden		
Report Author	Katie Houselander		
Version	Final		
Dated	14 July 2021		
Key Decision?	Yes		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments Sought	Comments Included
Law and Governance		Yes	Yes
Strategic Director of Finance and Governance		Yes	Yes
Cabinet Member		Yes	No
Date final report sent to Constitutional Team			14 July 2021