

Item No.	Classification: Open	Date: 21 July 2021	Meeting Name: Cabinet Member for Transport, Parks and Sport
Report title:		Reopening of Rye Lane	
Ward(s) or groups affected:		Rye Lane	
From:		Director of Environment	

RECOMMENDATIONS

1. That the Cabinet Member for Transport, Parks and Sport:
 - a) Approves the implementation of an Experimental Traffic Management Order (ETMO) to open Rye Lane to buses and timed deliveries only.
 - b) Notes the guidance from Public Health England with regard to the current status of Covid-19 in the context of the timing of the opening of Rye Lane.
 - c) Notes the consultation undertaken to date with businesses on Rye Lane and ward councilors.

BACKGROUND INFORMATION

2. The closure of Rye Lane to traffic on the 6 July 2020 was implemented in response to the Covid-19 pandemic. Large numbers of residents and visitors to Rye Lane were unable to safely social distance themselves despite the early action that was taken to increase road space for pedestrians.
3. We continue to have a responsibility to support social distancing where it is possible to do so, and this mitigation is supported in mayoral guidance, and in our own Streetspace Plan approved by Cabinet.
4. Rye Lane was closed as part of the Streetspace Plan, which was agreed by Cabinet on 14 July 2020. However, the decision to close Rye Lane was taken at officer level rather than a formal Cabinet decision.
5. Shortly after the closure was implemented, timed deliveries were permitted 7-10am Mon-Sat. This is controlled by marshalls.
6. Communication to the traders and ward councillors has been clear regarding the timing of the re-opening in that the timing would be aligned to the government's Covid-19 recovery roadmap and based on guidance

from the Public Health team in that there would be no changes implemented prior to the 19 July.

KEY ISSUES FOR CONSIDERATION

Public Health Guidance

7. Guidance has been sought from Public Health regarding the timing of the opening of Rye Lane. Public Health advised that Rye Lane should not be opened until 19 July at the earliest.

Consultation

8. Officers from Highways, Network Management and Regeneration met with representatives for traders on Rye Lane on the 31 March 2021 to discuss the concerns of the businesses affected by the Covid-19 restrictions and how the council can help with the reopening of the street and supporting local businesses and the community. The representatives wrote to the council on the 26 April outlining their concerns and expectations which in summary were requesting that Rye Lane be opened as soon as possible as they reported the closure was significantly affecting their business.
9. The London Ambulance Service has not commented specifically on the reopening of Rye Lane. However, their general view for all closures is that these should be camera controlled to ensure unrestricted access.
10. The London Fire Brigade have not commented specifically on the Rye Lane closure.
11. The London Metropolitan Police have not commented specifically on the Rye Lane closure.
12. Communication with Transport for London (TfL) concerning bus access to Rye Lane has been ongoing. Ideally, TfL would wish full access to buses but recognise the need to maintain the closure until it is safe to remove.

Experimental Traffic Management Order (ETMO)

13. This report is recommending that Rye Lane be opened to buses and timed deliveries only and that this be managed through the implementation of an ETMO.
14. The side roads adjoining Rye Lane will also be closed as part of the ETMO, either managed through the use of fixed barriers in the short term and possibly cameras in the medium to long term.
15. An ETMO would be made under powers contained within the Road Traffic Regulation Act (RTRA) 1984 as amended. Section 22 of the Local Authorities Traffic Order (Procedure) (England and Wales) Regulations 1996 states the requirements in the case of an experimental order. An ETMO can stay in force for a period of up to 18 months.

16. The order is experimental and as such, consultation with the local community and traders will be considered during the period of the order and a decision made on whether the order is to be made permanent. For most trials, this would be after a period of twelve to eighteen months. However, for Rye Lane this could be considerably shorter.
17. It is proposed to start consultation on the ETMO in January 2022 which will allow the time to embed the new scheme and to also enable the collection of key data which can be considered as part of the consultation.
18. ETMOs carry an initial six month statutory objection process where any objections that can't be withdrawn are reported to the Cabinet Member as part of the decision making process.
19. There is no power of objection to the trial, which can commence following the statutory seven day advertising period.
20. During the course of the trial, consultation will be carried out with all interested parties. This will normally be accompanied by a set of monitoring results demonstrating the effect of the measures.
21. The consultation results will form the basis of a report to the Cabinet Member on which a decision will be taken on the future of the trial.
22. The ETMO will state which vehicles are exempt from the restrictions. This will include:
 - Public transport
 - Delivery/collection vehicles 7-10am Mon-Fri
 - Waste collection vehicles
 - Emergency service vehicles
 - Highway maintenance vehicles
 - taxis
23. We will be consulting with a view to granting exemptions to blue badge holders.

Policy implications

24. The opening of Rye Lane to buses and timed deliveries only supports MP Mission 6, Action 12: Movement to, within and from town centres is easy, safe and accessible for all and MP Mission 6, Action 14: Reduce the impact of freight on our streets. With this bus services are accessible throughout the town centre and delivery and servicing conflict managed through reducing network impact and wider kerbside management.
25. The loss of dedicated cycle infrastructure is noted, however the Southwark Spine is located nearby to the west of Rye Lane and is readily accessible and has been subject to recent investment. We will continue to work to improve cycle routes and infrastructure through and in a parallel

to Rye Lane.

Community impact statement

26. The policies within the Movement Plan have been subject to an Equality Impact Assessment.
27. 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.
28. Any interventions that could pose a risk to cyclists, pedestrians and motorists will be identified and adjusted as part of the road safety review and community feedback.
29. With the exception of those benefits and risks identified above, the recommendations are not considered to have a disproportionate effect on any particular community group.
30. The recommendations support the council's equalities and human rights policies and promote social inclusion by:
 - Providing highway improvements that reduce air pollution within each location and enable vulnerable communities to become more active.
 - Improving road safety, in particular for vulnerable road users, on the public highway.

Resource implications

31. The estimated cost of implementing the opening of Rye Lane is £200,000 which is the cost to resurface Rye Lane and install traffic management cameras, road markings and signage.
32. The estimated costs will be funded from the parking services revenue account.

Legal Implications

33. See advice from the Director of Law and Governance below.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

34. As noted at paragraph 18 above, Experimental Traffic Orders can be made under s. 9 of the Road Traffic Regulation Act 1984, but must not be in force for any longer than 18 months.
35. Under s.149 of the Equality Act 2010, Southwark Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment, victimization and any other conduct prohibited

by or under the Act; the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

36. There is a possibility that partially re-opening Rye Lane will have a disproportionate impact on elderly people and disabled people, who may well feel the road is safer while pedestrianized. Elderly people and disabled people may feel partially re-opening the road amounts to indirect discrimination against them.
37. However, partially re-opening the road is a proportionate means of achieving a legitimate aim, with that aim being the gradual return to levels of pre-pandemic activity on the road. In our view then, it does not amount to indirect discrimination against elderly or disabled people.
38. Consultation on this recommendation has been carried out as detailed above.

Strategic Director of Finance and Governance (EL21/027)

39. The strategic director of finance and governance notes the recommendation to the Cabinet Member for Transport, Parks and Sport to approve the implementation of an Experimental Traffic Management Order (ETMO) to open Rye Lane to buses and timed deliveries only.
40. The strategic director of finance and governance notes the estimated costs of the recommendations and that these will be contained within the Parking Service revenue budget.
41. Staffing and any other costs connected with these recommendations are to be contained within pre-allocated and existing departmental revenue resources.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Movement Plan	Southwark Council Environment and Leisure Highways Network Development 160 Tooley Street London SE1 2QH http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6809	Dale Foden 0207 525 2045

APPENDICES

No.	Title
Appendix	N/A

AUDIT TRAIL

Lead Officer	Matt Clubb, Director of Environment	
Report Author	John Wade, Head of Traded Services	
Version	Final	
Dated	21 July 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	Yes
Date final report sent to Constitutional Team		21 July 2021