

Item No.	Classification: Open	Date: 3 August 2021	Meeting Name: Cabinet Member for Transport, Parks and Sport
Report title:		Mermaid Court - Implementation of road closure to vehicular traffic	
Ward(s) or groups affected:		Chaucer	
From:		Head of Highways	

RECOMMENDATION(S)

1. It is recommended that the non-strategic traffic and highway improvement and complementary streetspace measures to implement a prohibition of motor vehicles in Mermaid Court are approved for implementation, subject to there being no unresolved objections following outcome of any necessary statutory consultation and procedures.
2. A further report will be brought should there be unresolved objections to the proposed improvement projects

BACKGROUND INFORMATION

3. 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
4. Under Part 3H, the relevant ward councillors shall:
 - be consulted on any non-strategic traffic and highways improvement
5. This report deals with a proposal to prohibit vehicular traffic access to Mermaid Court, supplemented by the relocation of obstructive parking bays.
6. The origins and reasons for the proposal are discussed within the key issues section of this report and relevant appendices.

KEY ISSUES FOR CONSIDERATION

7. Southwark Council liaised with Libertarian Ltd and the Art Academy to

improve the public realm at Mermaid Court and these proposals are supported by Better Bankside.

8. The Art Academy are keen to improve the main entrance and are looking to redevelop and expand their Mermaid Court campus with a view to seeking university status.
9. An average of 460 people were recorded entering and exiting the Art Academy on weekdays between 08:00 and 18:30, which was 29% of all Mermaid Court users, and 33% were pedestrians.
10. This proposal was included in the Southwark Streetspace Plan and was approved by the Cabinet on the 14 July 2020 but was not progressed at that time due to other proposals being deemed of higher importance
11. A swept path analysis was carried out for vehicles turning around on Mermaid Court in order to test the feasibility of a parked west-facing vehicle turning around to exit Mermaid Court via Tennis Street. The analysis in Appendix 2 shows that a small car would be required to make a multi-point turn in order to turn around and exit via Tennis Street. This manoeuvre is not recommended, it has been recommended to relocate the four on-street parking bays from Mermaid Court.
12. Informal online consultation was carried whereby an outline of the proposed restrictions was sent to 468 properties and businesses in the surrounding area.
13. The feedback was largely positive with 112 responses in favour of the scheme and 20 responses against the scheme. Of those 20 responses against the proposals, it should be noted that six of the respondents do not live in the area or use Mermaid Court as a cut-through when driving. See Appendix 3 for further details.

Policy implications

14. The proposals 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

15. The policies within the Movement Plan have been subject to an Equality Impact Assessment.
16. The proposals 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.
17. The introduction of yellow lines at junctions gives benefit to all road users through the improvement of inter-visibility and therefore road safety.
18. There is a risk that new restrictions may cause vehicular traffic to be displaced and, indirectly, have an adverse impact upon road users and neighbouring properties at the locations proposed. However, this cannot be predicted until the proposals are implemented and observed. The proposals have no disproportionate impact on any particular age, disability, faith or religion and ethnicity and sexual orientation.
19. 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.
20. The proposals 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

21. All costs arising from implementing the proposals will be fully contained within the existing business unit revenue Highways budgets.
22. The Mermaid Court scheme works costs will be funded by Better Bankside.
23. The estimated cost for the proposed prohibition of vehicular traffic and relocation of existing parking bays is £10,000.

Legal implications

24. Traffic Management Orders which will be made under the powers contained within the Road Traffic Regulation Act (RTRA) 1984 ("Regulations").

25. Should the proposals 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).
26. For permanent orders, the Regulation requires the Council to consider any representations received within 21 days from the publication of the draft order.
27. If any objections are received, the Council is required to consider them in light of administrative law principles, Human Rights law and relevant statutory powers.
28. By virtue of section 122, the Council must exercise its powers under the Regulations 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.
29. 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
30. A statutory consultation will be required to be undertaken for the associated permanent traffic orders.
31. Following statutory consultation, the proposal will then move forward with due consideration of any objections by the Cabinet Member.

Consultation

32. For the proposal 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 which include statutory consultation and the consideration of any arising objections.
33. Should the proposals be approved, the council must follow the procedures contained with Part II and III of the Regulations¹ 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)

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

- 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

34. Following publication of the proposal notice, any person wanting to object must make their objection in writing within 21 days of the publication of the proposal notice, state the grounds on which it is made and send to the address specified on the notice.
35. 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

36. Comments from the Director of Law and Governance must be sought, and included in the report, in respect of:
- Contracts
 - major regeneration projects
 - where any significant risks have been identified
37. Comments from the Director of Law and Governance must be sought, and included in the report, in respect of contracts where the value is above the EU threshold.
38. This list is not exhaustive and when the report author is working closely with a lawyer a comment should always be sought.
39. Report authors are recommended to send a copy of all reports to legal services. Lawyers will give legal advice and provide comments when required.
40. The Cabinet Members for Transport, Park 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 to implement a prohibition of motor vehicles in

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

Mermaid Court.

41. Paragraphs 24 to 31 of the report sets out the powers and statutory consultation procedure for traffic regulation orders. Implementation of the proposals will require one or more traffic management orders as explained in the sections of the report on Legal Implications and Consultation. Should there be any unresolved objections to the proposals following the statutory consultation then a further report will be submitted. The Cabinet Member has the authority, pursuant to part 3D of the Council's Constitution, to determine statutory objections to the proposals.
42. 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. The report notes that the policies within the Transport Plan, which support initiatives such as the proposals which are the subject of this report, have been subject to an Equality Impact Assessment.
43. The Human Rights Act 1998 imposed 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 planning and highways 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 a one way traffic system is not anticipated to breach the provisions of the Human Rights Act 1998.

Strategic Director of Finance and Governance (EL21/031)

44. This report requests approval from the Cabinet Member for Transport, Parks and Sport to implement non-strategic traffic and highway improvements and complementary street space measures to enable the prohibition of motor vehicles in Mermaid Court as recommended in paragraph 1 of this report.
45. The Strategic Director of Finance and Governance notes that the estimated costs of these improvements is £10k and there is sufficient funding from existing capital and revenue budgets to fund these proposals.
46. Staffing and other costs connected with this recommendation to be contained with existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Movement Plan 2019	Southwark Council Environment and Leisure Highways 160 Tooley Street London SE1 2QH Online: http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6809	Tobias Allen (020 7525 3197)

APPENDICES

No.	Title
Appendix 1	Proposed Mermaid Street closure
Appendix 2	Swept path analysis
Appendix 3	Informal consultation objection summary

AUDIT TRAIL

Lead Officer	Dale Foden	
Report Author	Tobias Allen	
Version	1.0 – Final	
Dated	7 th 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	No