

<b>Item No.</b> N/a	<b>Classification:</b> Open	<b>Date:</b> 6 March 2024	<b>Decision Taker:</b> Cabinet Member for Climate Emergency, Clean Air & Streets
<b>Report title:</b>		Installation of controlled pedestrian crossings.	
<b>Ward(s) or groups affected:</b>		North Bermondsey, Nunhead & Queens Road Peckham and St Giles.	
<b>From:</b>		Head of Highways	

## RECOMMENDATIONS

That the Cabinet Member for Climate Emergency, Clean Air & Streets:

1. Approves the non-strategic traffic and highway improvements and complementary streetspace measures detailed in the appendices to this report and summarised in Table 1 implemented by way of powers under the Highways Act 1980 (“1980 Act”), the Road Traffic Regulation Act (“1984 Act”), and orders made under 1984 Act subject to the outcome of any necessary statutory consultation and procedures.
2. Instructs officers to make the necessary Traffic Management Orders (“TMO”) in accordance with sections 6 and 124 of the 1984 Act subject to statutory consultation carried out pursuant to the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 (“1996 Regulations”).
3. Notes that in the event objections are received following statutory consultation, a further report will be presented to the Cabinet Member in order for him to determine whether to proceed with the making of the TMOs.
4. To authorise officers to exercise discretion as to whether or not to hold a public inquiry in the event objections are received related to any of the proposed TMOs following statutory consultation pursuant to Regulation 9(1) of the 1996 Regulations.
5. To authorise officers to carry out the necessary statutory notification in accordance with sections 90A to 90F of the 1980 Act and the Highways (Road Humps) Regulations 1999 (“1999 Regulations”).
6. To authorise officers to exercise discretion as to whether or not to hold a public inquiry in the event objections are received in respect of the proposed traffic calming measures (“road humps”) in accordance with section 90C(4) of the 1980 Act.

## BACKGROUND INFORMATION

7. Under paragraph 22 of Part 3D of the council's constitution, the Cabinet Member is responsible for decisions to implement a traffic and highway improvement project, subject to statutory consultation. Under Part 3H of the council's constitution, the relevant multi-ward forum shall be consulted on any non-strategic traffic and highways improvement.
8. This report deals with a number of non-strategic traffic and highway improvement proposals.
9. The origins and reasons for the recommendations are discussed within the key issues section of this report and relevant appendices.

## KEY ISSUES FOR CONSIDERATION

10. In line with Part 3H of the council's constitution, all of the individual proposals in this report have been circulated to the relevant ward councillors within the relevant multi-ward forum to allow them to make comments on the proposals before they go for decision making. No comments were received.
11. The rationale for each proposal is discussed in the associated appendix and contains a detailed design drawing.

**Table 1**

Location	Ward	Proposal	TMO	Funding	Reason for proposal
Evelina Road at the junction with Kimberley Avenue	Nunhead & Queens Road	Install a zebra crossing, raised table at the junction and a loading bay on Kimberley Avenue.	Perm	LIP	To improve accessibility for pedestrians and reduce the speed of traffic.
Southampton Way by the junction with Charles Coveney Road	Peckham/St Giles	Install a zebra crossing, extend the raised table at the junction and introduce give way markings at a junction.	Perm	LIP	To improve accessibility for pedestrians and reduce the speed of traffic.
Southwark Park Road by Moreton House	North Bermondsey	Install a raised zebra crossing, remove permit holder and shared use parking bays	Perm	CIL	To improve accessibility for pedestrians and reduce the speed of traffic.

**Table 1 – list of schemes**

### **Scheme key**

Perm – Permanent

DHB – Devolved Highway Budget

CIL – Community Infrastructure Levy

LIP – Local Implementation Plan

### **Policy implications**

12. The recommendations contained in this report are consistent with the pledges and objectives of the Streets for People Strategy (“SfP”) 2023 which outlines the council’s ongoing commitment to, and ambition for, healthier neighbourhoods, cleaner air, thriving town centres and safer roads. (approved by Cabinet in July 2023 detailed in the background documents) particularly:
  - Objective 1. Reduce the need to own or use a car
  - Objective 2. Create good quality space that is accessible for all people
  - Objective 4. Improve safety and security for everyone using our streets
  - Objective 5 – Make walking, cycling and wheeling easier
  - Objective 6 – Make walking, cycling and wheeling easier for children and young people.
13. The proposed schemes set out in Table 1 fully support and align with the council’s SfP strategy by reducing the dominance of motor vehicles, improving accessibility for pedestrians and cyclists reducing the speed of traffic, thereby improving the pedestrian and cyclist environment and encouraging active travel.

### **Community, equalities (including socio-economic) and health impacts**

#### **Community impact statement**

14. The majority of the proposals set out Table 1 above were requested by residents and ward councillors and they benefit the community by slowing vehicular traffic and creating safer crossings for pedestrians.
15. 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.
16. The recommendations support the council’s equalities and human rights policies and promote social inclusion by improving road safety, in particular for vulnerable road users, on the public highway by installing traffic calming measures and pedestrian crossings.

## **Equalities (including socio-economic) impact statement**

17. The Public Sector Equality Duty (“PSED”) is set out in section 149 of the Equality Act 2010 which requires the council, in the exercise of its functions, to have due regard to the need to:
  - eliminate discrimination, harassment and victimisation;
  - advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and those who do not share it.
18. Officers have carried out an equalities impact and needs analysis in light of the council’s PSED to assess the impact of proposals on groups with protected characteristics. The protected characteristics that will be most affected by the proposals are age, disability, pregnancy and maternity.
19. Officers consider the new pedestrian crossings have a positive impact on persons with these characteristics and will promote equality of opportunity because the proposals will provide a safer point to cross the road where pedestrians have priority over motor vehicles.
20. The removal of parking bays on Southwark Park Road is not anticipated to have an adverse effect on these persons with protected characteristics because of the lack of parking stress in this area. The loading bay on Kimberley Avenue is also not anticipated to have an adverse effect on these persons with protected characteristics.

## **Health impact statement**

21. The proposals are not considered to have any adverse effect on health equalities. The proposals support the council’s mission to have zero people killed or injured on our streets by 2041 by improving road safety.

## **Climate change implications**

22. By introducing the proposals set out in Table 1 it means the environment has been made safer for pedestrians and cyclists, promoting travel and air pollution and carbon emissions are reduced.
23. The council will mitigate against the potential negative impact of construction works on the climate by ensuring our contractor uses electric vehicles where possible and a carbon calculator for material specifications.
24. A just and inclusive transition is at the heart of the council’s emerging climate policy. These proposals prioritise the movement of people first and foremost, while retaining vehicle access for those who require it. In delivering a safer and more equitable highway network, the measures are

in accordance with the council's approach to addressing the climate emergency.

### **Resource implications**

25. All costs arising from implementing the recommendations will be fully contained within the existing business unit capital and revenue budgets.
26. MTS schemes will be contained within parking revenue budgets.
27. The estimated costs for the batch of schemes detailed in Table 1 are:
  - CIL/Permanent schemes - £40,000
  - DHB/Permanent Schemes - £75,000
  - LIP/Permanent schemes - £307,000

### **Timescales**

28. If these items are approved by the Cabinet Member they will be progressed in line with the below, approximate timeline:
  - Statutory consultation – April 2024
  - Reporting back to Cabinet Member with determination of objections (if necessary) – June 2024
  - Implementation – July 2024 (if no objections are received)

### **Legal implications**

#### Statutory Framework

29. In summary, if the recommendations are approved by the Cabinet Member, the traffic and highway improvements set out in Table 1 will be carried out by the council under powers within the 1980 Act, the 1984 Act and any restrictions will be introduced by TMOs made under the 1984 Act.

#### Traffic Calming Measures - Road Humps

30. For the purposes of this section the introduction of the traffic calming measures/raised tables will be referred to as "road humps."
31. In accordance with section 90A of the 1980 Act, the council may construct road humps on a highway which is subject to a motor vehicle speed limit of 30mph or less, and may maintain or remove any road humps it has previously constructed.<sup>1</sup> Road humps are proposed at Evelina Road at the junction with Kimberley Avenue, Southampton Way by the junction with Charles Coveney Road, and Southwark Park Road by Moreton House.

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<sup>1</sup> "Road humps" are defined within section 90F as "an artificial hump in or on the surface of the highway which is designed to control the speed of vehicles, and references to a road hump include references to any other works (including signs for lighting) required in connection with such a hump."

## Procedure for implementing road humps

32. Section 90C requires the council, when proposing to construct a road hump under section 90A to consult with the chief officer of police and regulation 3 of the 1999 Regulations requires consultation with the chief officers of the local fire brigade and ambulance services, and any organisations appearing to the council to represent persons who use the highway to which the proposal relates, or to represent persons who are otherwise likely to be affected by the road hump. Officers consider that organisations such as bus operators, waste collection services, and maintenance services will also be consulted.
33. The council shall also, as required sections 90C(2) and (3), publish in one or more local newspapers (e.g. the London Gazette) and place at appropriate points on the highway a notice of the proposal stating the nature, dimensions and location of the proposed road humps and the address to which, and a period of not less than 21 days (beginning with the date on which the notice is first published) within which, any objections to the proposal may be sent.
34. In accordance with section 90C(4) the council will consider any objections sent in response to the notice and consider if such objections cause a local inquiry to be held and where it does not "wholly accede" to an objection, they will provide reasons for this to any person that has objected.
35. Section 90CA sets out a special procedure for road humps in London whereby the council must notify the Secretary of State for Transport before starting to construct the road hump. The notice shall include the nature, dimensions and location of the proposed road hump, the type and description of signs in connection with the proposed hump and a period of not less than one month within which, and the address to which, the Secretary of State may send any comments on the proposal to the council. This is so the council may have regard to the comments of the Secretary of State in deciding whether to proceed with the construction of the road hump.
36. The council must ensure the humps are constructed to the standards prescribed in the 1999 Regulations.

## Pedestrian Crossings

37. New pedestrian crossings are proposed at all three locations. The council may establish pedestrian crossings on its highway and may alter or remove any such crossings in accordance with section 23 of the 1984 Act. Before establishing, altering, or removing a pedestrian crossing the council shall consult the chief officer of police and notify the public about the proposal. The council shall carry out any necessary works (such as the erection of traffic signs, road markings) in connection with establishing, altering, or removing a pedestrian crossing.

## TMOs under the 1984 Act

38. Section 6 of the 1984 Act enables the council to make TMOs to control or regulate vehicular and other traffic (including pedestrians) for:
- any of the purposes or with respect to any of the matters, mentioned in Schedule 1 of the 1984 Act; or
  - any other purpose which is a purpose mentioned in any of paragraphs (a) to (g) of section 1(1) of the 1984 Act These purposes are:
    - (a) avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising,
    - (b) for preventing damage to the road or to any building on or near the road,
    - (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians),
    - (d) preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property,
    - (e) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot,
    - (f) preserving or improving the amenities of the area through which the road runs;
    - (g) any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).
39. Section 124 and Part IV of Schedule 9 of the 1984 Act provides that certain provisions apply for the making of orders under section 6, such as consulting with the chief officer of police.
40. The proposed TMOs will:
- a) introduce at Kimberley Avenue a loading bay authorised by paragraphs 7 and 8 of schedule 1 (prescribing loading and unloading conditions and conditions for the delivery and collection of goods ).
  - b) remove 11 parking bays on Southwark Park Road as authorised by sections 45, 46 and 49 of the 1984 Act.
41. By virtue of section 122(1) of the 1984 Act, the council has a duty in the exercise of its function as highway and traffic authority so as to secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians, and the provision of suitable and adequate parking facilities on and off the highway. These powers must be exercised so far as practicable having regard to the following matters listed at section 122(2):
- (a) the desirability of securing and maintaining reasonable access to premises.

- (b) 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.
  - (c) the national air quality strategy.
  - (d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles.
  - (e) any other matters appearing to the council to be relevant.
42. The council in satisfying this duty must have proper regard to its s122(1) duty and balancing this duty with the matters set out at s122(2) when making any decision to implement TMOs.
43. In light of the issues discussed in this report and having regard to the matters listed in section 122(2), officers consider that the proposals set out in Table 1 will enable the council to meet its duty under section 122 of the 1984 Act. Officers refer to the relevant reasons for proposals in Table 1. The matters which have pointed in favour of implementing the proposals are that the introduction of the loading bay on Kimberley Avenue will secure and maintain reasonable access to adjacent premises. Regarding the 11 parking bays which will need to be removed in order to facilitate the zebra crossing on Southwark Park Road, the officers believes this is a justified necessity in order to create a safe crossing point for pedestrians. As part of an online consultation regarding the proposed measures at Southwark Park Road, there were no representations received which objected to the proposed loss of parking.
44. Section 16(1) of the Traffic Management Act 2004 sets out the traffic management duty. The Council as traffic authority has a duty to manage its road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives:
- a) securing the expeditious movement of traffic on the authority's road network; and
  - b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.
45. Officers consider that by implementing the proposals set out in Table 1 the Council's network management duty is satisfied for the reasons discussed at paragraph 43.

#### Statutory consultation and objections

46. Any objections the council receives must be properly considered in light of administrative law principles, Human Rights law and relevant statutory powers. The Cabinet Member has authority to determine statutory objections pursuant to paragraph 23, Part 3D of the council's constitution and a further report will be prepared should there be any objections received through the statutory consultation process for TMO.



47. Should the Cabinet Member approve the recommendations, the council will need to make TMOs under sections 6 and 124 of the 1984 Act and in accordance with the procedure set out in the 1996 Regulations.
48. The council must first consult statutory consultees (such as the police). The council will publish a notice of the proposed TMO in a local newspaper (Southwark News), and the London Gazette, and make all relevant documents available for public inspection at its Tooley Street offices during normal office hours. The council may publish the notice in other places it considers appropriate to ensure adequate publicity such as posting notices on the road in question; or by writing to those premises which may be affected by the TMO.
49. Any person who wishes to object to the making of the TMO must do so in writing within 21 days of the notice, or, if later, within 21 days of the council's compliance with the publicity and deposit rules, in accordance with regulation 8 of the 1996 Regulations.
50. Should any objections be received they must be properly considered in light of administrative law principles, Human Rights law and the relevant statutory powers and section 122 of the 1984 Act. The council must consider all objections before making the TMO and where it does not "wholly accede" to an objection, they must provide reasons for this in its notification of the making of an order to any person that has objected.
51. None of the proposals require the council to hold a public inquiry, but the council may decide that one is necessary in light of the objections to the proposed TMO (regulation 9 of the 1996 Regulations). Officers have asked the Cabinet Member to allow them the discretion whether to hold an inquiry or not.

### **Making of the TMOs**

52. Following statutory consultation, any objections will be reported to the Cabinet Member for him to determine whether to proceed with the making of TMOs. Officers may consider that the proposed TMO requires modification before it is made. Again, this will be reported to the Cabinet Member. Any substantial modifications may require a fresh consultation process (regulation 14).
53. In the event there are no objections to the proposed TMOs or if objections are received and the Cabinet Member decides to proceed with the making of the TMO, the council may make the TMOs any time between the end of the period set for receipt of objections and a date two years after publication of first notice (regulation 16).
54. The council will make a copy of the TMO as made available for inspection at its Tooley Street offices and, within 14 days of making the TMOs and publish in the London Gazette and a local newspaper (Southwark News), a

notice of making of the TMO. The council must also individually notify all those persons who made an objection to the TMO and did not withdraw.

55. The TMO will only come into force once the council has published the notice of making, referred to in paragraph 54 above confirming the order has been made.
56. Before the TMO comes into force the council must ensure proper and necessary signage is implemented on or near the affected road to secure that adequate information as to the effect of the TMO is available to persons using the road in accordance with regulation 18 of the 1996 Regulations.

### **Financial implications**

57. The estimated costs for the permanent schemes is £500k there is sufficient funding from existing highways capital and revenue budgets.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Assistant Chief Executive – Governance and Assurance (AGG 23/02/23)**

58. The Cabinet Member is asked to approve the non-strategic traffic and highway improvements and complementary streetspace measures summarised in Table 1, as set out in the recommendations section of the report. These recommendations fall within the powers of the individual Cabinet Member for determination in accordance with paragraph 22, Part 3D of the council's constitution.
59. The background to, and the reasons for the measures are detailed in the body of the report. Implementation of some of the measures will require TMOs made in accordance with the powers prescribed by the 1984 Act and the process under the 1996 Regulations as set out in the Legal Implications section above.
60. The Council's duty under section 122 of the 1984 Act to secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians, and the provision of suitable and adequate parking facilities on and off the highway has been considered at paragraphs 41 to 43. Officers have carried out the exercise of balancing this duty with the various matters listed under section 122(2) and have recommended that the relevant measures be introduced by TMOs.
61. Officers have considered the council's PSED under section 149 of the 2010 Act at paragraphs 17 to 20 of this report and have concluded that the measures are not considered to have any adverse impacts on persons with protected characteristics, and will advance equality of opportunity.
62. 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

relevant rights for highway and traffic purposes are Article 8 (respect for homes); and Article 1 of the First Protocol (peaceful enjoyment of property). The implementation of the measures is not anticipated to engage or breach the provisions of the Human Rights Act 1998.

63. Council Assembly on 14 July 2021 approved a change to the council's Constitution to confirm that all decisions made by the council will consider the climate and equality (including socio-economic disadvantage and health inequality) consequences of taking that decision. This has been considered at paragraphs 22 to 24 above.

**Strategic Director of Finance (ENG23/161)**

64. This report requests approval from the Cabinet Member for Climate Emergency, Clean Air & Streets to implement a number of non-strategic traffic and highway improvements and complementary street space measures as summarised in Table 1 of this report.
65. The strategic director of finance and governance notes that the estimated costs for these batch of improvements is £500k and there is sufficient resources within the budgets specified in paragraph 26 of this report to fund these proposals.
66. Staffing and other costs connected with this recommendation to be contained with existing departmental revenue budgets.

**BACKGROUND DOCUMENTS**

Background Papers	Held At	Contact
Streets for People Strategy 2023	Southwark Council Environment, Neighbourhoods and Growth Department Highways 160 Tooley Street London SE1 2QH	George Mellish – George.Mellish@southwark.gov.uk
<a href="#">Streets for People - Southwark Council</a>		
Climate Change Strategy	Southwark Council Environment, Neighbourhoods and Growth Department 160 Tooley Street Second Floor London SE1 2QH	Chris Page (Chris.Page@southwark.gov.uk)

Background Papers	Held At	Contact
<a href="https://www.southwark.gov.uk/environment/climate-emergency?chapter=3">https://www.southwark.gov.uk/environment/climate-emergency?chapter=3</a>		

## APPENDICES

No.	Title
Appendix 1	Evelina Road design drawing
Appendix 1a	Evelina Road appendix
Appendix 3	Southampton Way design drawing
Appendix 3a	Southampton Way appendix
Appendix 4	Southwark Park Road design drawing
Appendix 4a	Southwark Park Road appendix

## AUDIT TRAIL

<b>Lead Officer</b>	Dale Foden, Head of Highways	
<b>Report Author</b>	George Mellish, Transport Projects Principal Engineer	
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<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Assistant Chief Executive – Governance and Assurance	Yes	Yes
Strategic Director of Finance	Yes	Yes
Climate Change Strategy	Yes	Yes
<b>Cabinet Member</b>	Yes	No
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