

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 13 September 2011	<b>Decision Taker:</b> Cabinet Member for Transport, Environment and Recycling
<b>Report title:</b>		Lucas Gardens (LG) and Southampton Way (SW) 1 <sup>st</sup> and 2 <sup>nd</sup> Stage Controlled Parking Zone Report (CPZ)	
<b>Ward(s) or groups affected:</b>		Brunswick Park Ward, Camberwell Green Ward and Faraday Ward	
<b>From:</b>		Strategic Director of Environment and Leisure	

### RECOMMENDATIONS

1. Approval for implementation of a new CPZ in the Lucas Gardens area subject to statutory consultation.
2. Approval for the implementation of a new CPZ in the Southampton Way area subject to statutory consultation.

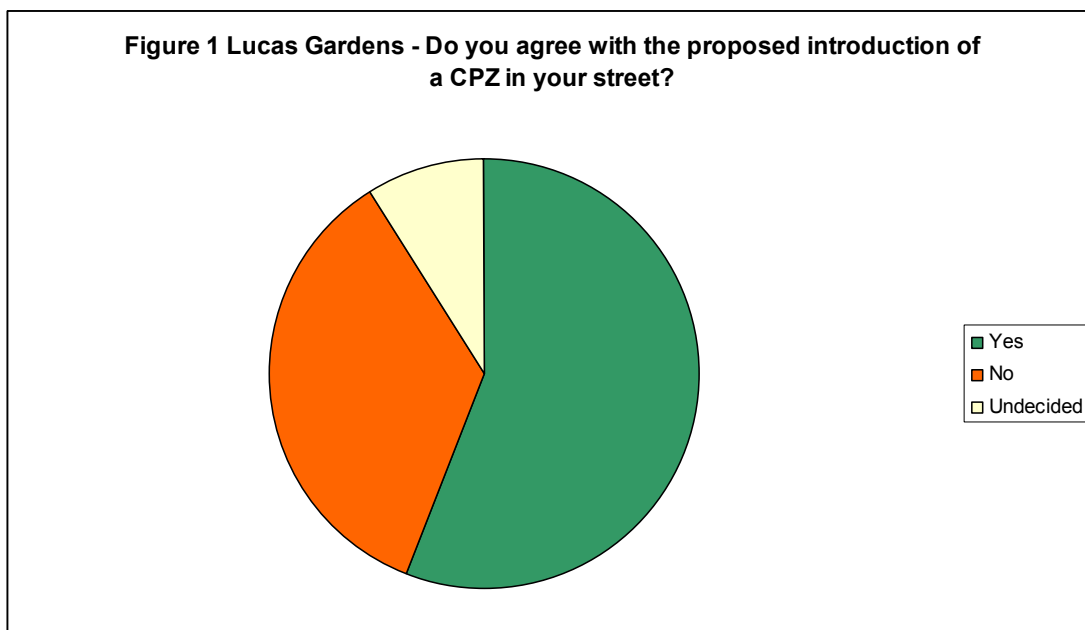
### BACKGROUND INFORMATION

3. This report draws upon the detailed analysis of the Consultation Report (Appendix A), government legislation, parking enforcement experience, good parking practice, financial considerations and upholds the Council's overall parking policies as contained within the Parking and Enforcement Plan (PEP).
4. The PEP sets out the council's policy in the management of parking on its public highway. The PEP acknowledges that *"car parking issues provoke the strongest reactions"* but that parking restrictions, in many areas of the borough, provide a critical tool in prioritising space in favour of certain groups (e.g. blue badge holders, residents or loading) as well as assisting in keeping the traffic flowing and improving road safety.
5. The Local Implementation Plan (LIP) notes that congestion can be tackled through a combination of strategies – one of which is managing demand for travel through parking regulation. Parking is the end result of a trip. The availability of parking at a destination has a clear effect on whether the trip is made by car or not. Existing parking controls all across Southwark already assist in improving traffic and congestion levels. The controls provide another significant tool that can be used to help control the use of the private car. This, in turn, provides benefits in terms of vehicular emissions, traffic congestion, social inclusion and maintenance costs.
6. In accordance with Part 3H of the council's constitution, Camberwell Community Council approved the methods and boundary for the study on September 22 2010 and Faraday ward members were notified by email on October 1 2010.
7. During December 2010 and January 2011, residents and businesses were consulted on parking in Lucas Gardens and Southampton Way areas, primarily if they supported the introduction of a CPZ.
8. An information pack about CPZs with a Freepost questionnaire was hand delivered to every property within the consultation area and also posted, with a covering letter, to key stakeholders. The total distribution of the document was 1,224.

9. Consultation commenced on December 3 2010. The last date for responses was detailed as January 14 2011. Officers accepted and inputted late responses up to January 31 2011.
10. Consultation methods followed corporate communications guidance. Full detail of the strategy can be found in the Consultation Report.
11. A detailed parking survey to quantify parking occupancy, duration and type of parking activity was carried out for all public highways within the study area.

### KEY ISSUES FOR CONSIDERATION – LUCAS GARDENS

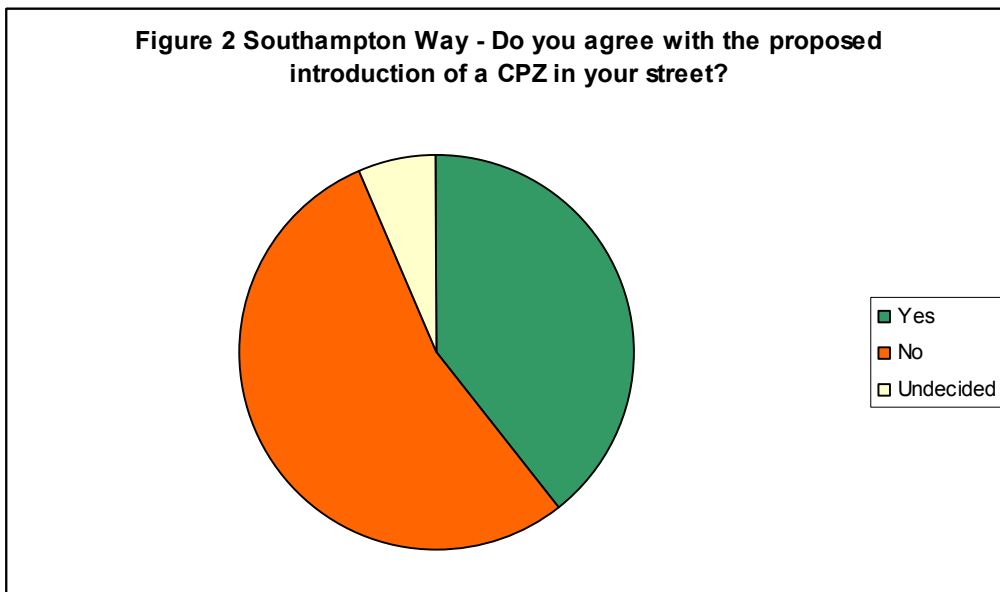
12. A total of 145 questionnaires from Lucas Gardens were returned representing a 24.1% response rate. This is a good response rate for this type of consultation when compared to similar consultations in Southwark and other London authorities.
13. The council gives significant weighting to the CPZ consultation returns when the response rate exceeds a threshold of 20%.



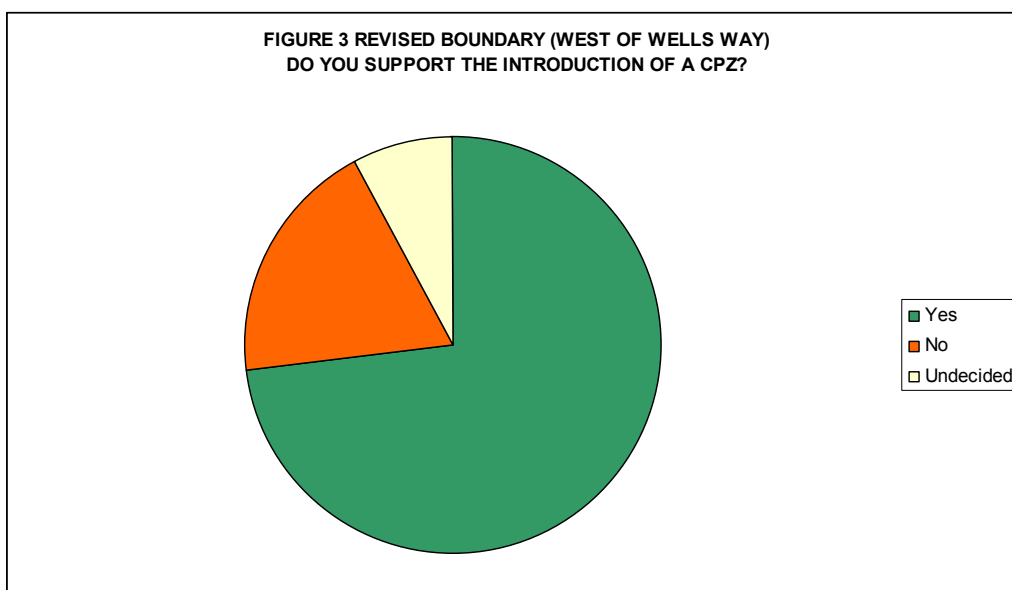
14. Figure 1 shows that 56.2% of Lucas Gardens respondents answered yes to the question "do you agree with the introduction of a controlled parking zone in your street" compared to 34.9% who responded by saying no, leaving 8.9% of respondents undecided.
15. It is recommended that Lucas Gardens (LG) CPZ is introduced on a permanent basis as there is broad support across the consultation area. The recommended detailed design is shown in Appendix B.

## KEY ISSUES FOR CONSIDERATION – SOUTHAMPTON WAY

16. A total of 94 questionnaires from the Southampton Way area were returned representing a 15.1% response rate. This is a disappointing response rate, as it falls below the council's threshold for consultation recognition.
17. The council gives significant weighting to the CPZ consultation returns when the response rate exceeds a threshold of 20%. Where that threshold is not achieved the views of the community council will be given extra weight.
18. Figure 2 shows that 39.4% of Southampton Way area respondents answered yes to the question "do you agree with the introduction of a controlled parking zone in your street" compared to 54.3% who responded by saying no, leaving 6.4% of respondents undecided.



19. It is, however, noted that there was support for controls in the northern section of Southampton Way (Wells Way to New Church Street and including Chiswell Street), Cottage Green, Wells Way and Parkhouse Street. This area shows a clear "cluster" of support (Figure 3) and provides for a possible CPZ boundary.



20. In view of these mixed results one option (Option 1) could be to introduce a CPZ only in those streets that showed support, detailed in paragraph 19.
21. The alternative option (Option 2) is to introduce the CPZ across the whole area on the basis that the consultation result was low and, for the reasons given in paragraph 17, that additional weight is given to the views of the Community Council, discussed below.
22. At the 22 June 2011 meeting of Camberwell Community Council, a draft of this report was presented which included recommendation to proceed with Option 1, above.
23. Members and the public considered this report but, generally, expressed a clear view (Appendix D) that Option 2 should be progressed. The view given was that:
  - parking pressure would continue to increase (or be further exasperated by proceeding with Option 1) within the uncontrolled streets in this area;
  - opportunity should be taken now to deal with the parking problems (that otherwise would increase complaints by residents that they and their genuine visitors, eg. doctors and carers, could not park in the area);
  - experience elsewhere in Camberwell (referring to the original consultation of LG CPZ in 2006/7 and 2007/8) had resulted the eventual introduction of a CPZ but not without additional expense of consultation and a prolonged period of time without suitable parking restrictions to favour residents; and
  - final opportunity for comment be given during the statutory consultation period in the advertising and making of the traffic orders.
24. In view of the above, this final report has been amended to recommend that a new Southampton Way CPZ is introduced across the full area that was consulted. The recommended detailed design is shown in Appendix C.
25. A minor point is made that the experimental procedures for traffic orders, referred to by Camberwell Community Council, do not require any statutory consultation prior to them coming into effect – the consultation period is the first six months of operation. Officers consider that the spirit of Camberwell Community Council's amendment was such that the public would have final opportunity to comment *prior* to the CPZs operation. Therefore a permanent traffic order is recommended (with a 21 day statutory consultation period) and that the zone is monitored and reviewed after a period of 12-18 months in a similar manner had it been introduced under experimental procedures.

## **POLICY IMPLICATIONS**

26. The recommendations contained within this report are consistent with the policies of the PEP and the council's overall transport strategy, the Local Implementation Plan (LIP) and emerging Transport Plan 2011.

## **COMMUNITY IMPACT STATEMENT**

27. The implementation and operation of the CPZ contributes to an improved environment through the elimination of on-street commuter parking and the associated reduction of local and borough-wide traffic levels.
28. The consultation leaflet met communication guidance with a languages page with advice of how to access the council's translation services. Large format leaflets were available for those with visual impairment.

29. The policies within the Parking and Enforcement Plan are upheld within this report have been subject to an Equality Impact Assessment (EqIA).

## **RESOURCE IMPLICATIONS**

30. The total cost of implementation and staff fees for both areas will be approximately £100,000 and will be funded through capital provisions already established for this purpose.
31. Cost code for CPZ Reviews is L-5110-0042. Out of the budget of £255,941 allocated in 2011, £229,671 is still available to spend.

## **CONSULTATION**

32. The public consultation undertaken to date on the proposal to introduce a CPZ in the Lucas Gardens and Southampton Way areas is summarised in paragraphs 7 to 10 of this report.
33. A draft of this report was presented to Camberwell Community Council on June 22 2011 who considered and requested amendment to the final recommendations (Appendix D)
34. A draft of this report was presented to Walworth Community Council on July 2 2011 (Appendix E). No recommendations to the draft report were received from that meeting.
35. The Cabinet Member will note that the proposed CPZs will be subject to statutory consultation required in the making of the Traffic Management Order. Should statutory objections be received these are delegated to the cabinet member for determination.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic Director of Communities, Law & Governance (NS0811)**

36. The Traffic Management Orders would be made under Section 6 and Section 45 of the Road Traffic Regulation Act 1984 (as amended). The Council is required by the Local Authorities Traffic Order (Procedure) (England and Wales) Regulations 1996 to give notice of its intention to make a Traffic Order by publishing a draft traffic order in accordance with regulation 7. 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.
37. The Council has discretion as to whether or not to hold a public inquiry before deciding whether or not to make a traffic management Order or to modify the published draft Order should there be any formal objections under regulation 9. It is generally considered that a public inquiry should be held where it would provide further information, which would assist the Council in reaching a decision.
38. The Council must carry out careful consultation to ensure that all road users are given a fair opportunity to air their views and express their needs. The design of the scheme includes special consideration for the needs of people with blue badges, local residents, businesses as well as charitable and religious facilities. The needs of commuters are also to be given consideration but generally carry less weight than those of residents and local businesses.

39. Before reaching a decision to make the necessary Traffic Management Order to implement a CPZ scheme, the Council must follow the statutory consultation procedures pursuant to the Road Traffic Regulation Act ("RTRA") 1984 and the Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996. All objections received must be properly considered in the light of administrative law principles, Human Rights law and the relevant statutory powers.
40. The Council's powers to make Traffic Management Orders arise mainly under sections 6, 45, 122 and schedules 1 and 9 of the RTRA 1984. When determining what paying parking places are to be designated on the highway, section 45(3) requires the Council to consider both the interests of traffic and those of the owners and occupiers of adjoining properties. In particular, the Council must have regard to:
- (a) the need for maintaining the free movement of traffic,
  - (b) the need for maintaining reasonable access to premises, and
  - (c) the extent to which off-street parking is available in the neighbourhood or if the provision of such parking is likely to be encouraged by designating paying parking places on the highway.
41. 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 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:-
- (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) facilitating the passage of public service vehicles and securing the safety and convenience of their passengers
  - (e) any other matters appearing to the Council to be relevant.
42. This decision falls under Part 3D, paragraph 14 of the constitution which sets out that the Individual Member has authority to agree broad consultation arrangements in relation to his area of responsibility.

**Finance Director (SE0811)**

43. This report recommends the approval of the implementation of two new CPZ zones subject to statutory consultation. Paragraphs 30 and 31 confirm the capital budget which will fund these works.

## APPENDICES

No.	Title
A	1 <sup>st</sup> and 2 <sup>nd</sup> stage consultation report on the introduction of a proposed Controlled Parking Zone (CPZ) in the Lucas Gardens area and the Southampton Way area
B	Final detailed design (Lucas Gardens area)
C	Final detailed design (Southampton Way area)
D	Draft minutes of the Camberwell Community Council meeting held 22 June 2011
E	Draft minutes of the Walworth Community Council meeting held on 2 July 2011

## BACKGROUND PAPERS

Background Papers	Held At	Contact
Parking and Enforcement Plan	Southwark Council Environment Public Realm Network Development 160 Tooley Street London SE1 2QH	Tim Walker (020 7525 2021)

## AUDIT TRAIL

<b>Lead Officer</b>	Gill Davies, Strategic Director Environment & Leisure		
<b>Report Author</b>	Des Waters, Head of Public Realm		
<b>Version</b>	Final		
<b>Dated</b>	13 September 2011		
<b>Key Decision?</b>	Yes	<b>If yes, date appeared on forward plan</b>	January 2011
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>			
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>	
Strategic Director of Communities, Law & Governance	Yes	Yes	
Finance Director	Yes	Yes	
Cabinet Member	Yes	Yes	
<b>Date final report sent to Constitutional Officer</b>			13 September 2011