

**Officer Delegated Decision Report - 16 February 2018**

**Report title:** Proposed Controlled Parking Zone- Streatham Hill Area

**Wards:** Streatham Hill, Thornton

**Report Authorised by:** Sue Foster, Strategic Director, Neighbourhoods and Growth

**Portfolio:** Councillor Jennifer Brathwaite: Cabinet Member for Housing & Environment

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**Report summary**

This report presents the results of the informal consultation carried out within the Streatham Hill area relating to the Council's outline proposals to introduce new a Controlled Parking Zone (CPZ).

It seeks approval to undertake a Statutory Consultation for the introduction of the following proposals:

- To introduce a new 'G' CPZ (Streatham Hill West) to be operational Monday to Friday between 10am and 12noon;
- To extend the existing Thornton 'R' CPZ, with bays operating Monday to Friday from 10am to Noon and single yellow lines operating Mondays to Fridays between 8.30am and 5.30pm;
- To introduce double yellow line (DYL) waiting restrictions in the Streatham Hill East and Tulse Hill West areas at key locations such as junctions, cul-de-sacs and locations where traffic flow would be impeded by parked vehicles.

An overview plan and a list of road names for permit entitlement for each respective zone is shown in Appendix D of this report.

Original proposals presented as part of the informal consultation are shown in Appendix B (Drawing No DES-CPZ-N-2002-001-01 and DES-CPZ-N-2002-001-02)

The recommendations are based on the views expressed by residents and businesses in all the roads within the consultation area who participated in the informal consultation. A visual representation and a detailed breakdown of consultation results are shown in Appendix C.

**Finance summary**

The delivery and consultation cost of £98,500 will be met by a combination S106 receipts and surplus within the capital revenue budget as detailed in section 3 of this report.

If there is a positive outcome from the statutory consultation a further estimated £120,000 will be requested from a combination S106 receipts and surplus within the parking revenue budget for the implementation of the proposals and will be the subject of a separate report.

The cost of implementing the proposed measures has been reduced from the original estimate of £180,000 to £120,000. This reduction of implementation cost is due to a large part of the original proposal not being recommended for inclusion. This cost includes road markings, signage and traffic management.

## **Recommendations**

1. To undertake a statutory consultation on the proposed Controlled Parking Zone proposals as shown in Appendix A (Drawing No DES-CPZ-2002-001-01 Rev A and DES-CPZ-2002-001-02 Rev A),
2. To implement the Controlled Parking Zone proposals as shown in Appendix A (Drawing No DES-CPZ-2002-001-01 Rev A and DES-CPZ-2002-001-02 Rev A), subject to no material objections resulting from the statutory consultation and to finance being agreed, to:
  - introduce a new 'G' CPZ (Streatham Hill West) to be operational Monday to Friday between 10am and 12noon;
  - extend the existing Thornton 'R' CPZ, with bays operating Monday to Friday from 10am to noon and single yellow lines operating Mondays to Fridays between 8.30am and 5.30pm;
  - Not proceed with the introduction of a CPZ east of Streatham Hill (A23)
  - to proceed with a statutory consultation to introduce double yellow line (DYL) waiting restrictions in the Streatham Hill East and Tulse Hill West areas at key locations such as junctions, cul de sacs and locations where traffic flow would be impeded by parked vehicles to include; Amesbury Avenue; Barcombe Avenue; Cricklade Avenue; Daysbrook Road; Downtown Avenue; Emsworth Street; Faygate Road; Hillside Road, Kinfauns Road; Kingsmead Road; Lanercost Road; Leigham Vale; Normanhurst Road; Northstead Road; Nuthurst Avenue; Palace Road; Probyn Road; Roupell Road; Wavertree Road; Wyatt Park Road.

In the event that material objections are received as part of the statutory consultation a further delegated report will be prepared that will explain how the scheme has been changed in response to the objection or recommend to overrule the specific objection.

### **1. Context**

- 1.1 In 2016 the Council carried out a parking feasibility study associated with the review of the council's CPZs and non CPZ areas. As part of this work it became apparent that there were acute issues with parking in two particular areas of the borough, these being the uncontrolled Vassall and Brixton Hill areas. This led to the introduction of 3 new CPZs and the extension of five existing CPZs in October 2017.
- 1.2 Prior to the introduction of these new zones the Council commissioned an independent parking survey to assess the parking pressures in the Streatham Hill area. The results of this survey showed that the Streatham Hill area was already experiencing high levels of parking stress, at 80% capacity prior to the introduction of the Vassall and Brixton Hill area zones.
- 1.3 In addition to the identified acute parking stress, the Streatham Hill area is also experiencing a further increase in parking stress due to displacement from these new zones. This has become apparent through heightened residents' request for controlled parking in Streatham Hill.
- 1.4 The majority of the issues are created by the demand for parking by commuter vehicles during the daytime period, creating conflict with those that have a local demand for such parking (residents / visitors / shoppers / businesses). The council receives regular correspondence from residents / businesses in these areas raising concerns about parking.

- 1.5 Free parking acts like a magnet to commuters and contributes to congestion and pollution.
- 1.6 Additionally the council has also received a petition (PT17-001) from Sternhold Avenue (located within the consultation area) requesting parking controls.
- 1.7 It was therefore decided to carry out an informal consultation in the uncontrolled Streatham Hill area in order to gauge the views of residents and businesses on the possible introduction of a CPZ as shown in Appendix B.

## **2. Proposal and Reasons**

- 2.1 The key objectives of parking management include:
- Tackling congestion by reducing the level and impact of traffic in town centres and residential areas.
  - Making the borough's streets safer and more secure, particularly for pedestrians and other vulnerable road users through traffic management measures.
  - Improving the attractiveness and amenity of the borough's streets, particularly in town centres and residential areas.
  - Encouraging the use of more sustainable modes of transport.
  - Improving Air Quality (see paragraph 9.1).
- 2.2 Controlled parking zones aim to provide safe parking arrangements, whilst giving residents and businesses priority access to available kerbside parking space. It is a way of controlling the parking whilst improving and maintaining access and safety for all road users.
- 2.3 The Council is in the process of switching over to using Pay By Phone, instead of pay and display ticket machines, as our preferred method of paid for parking. Without the need to introduce ticket machines the Council took the decision to propose shared use parking throughout these zones.
- 2.4 These zones have been offered with;
- Shared Use Resident permit holders/Pay By Phone: - For use by Pay By Phone customers and resident permit holders.
  - Shared use permit holder bays/Pay By Phone: - For use by Pay By Phone customers and resident/business permit holders.
  - Other bays are also provided where necessary such as Disabled, Motorcycle and car club bays.
- 2.5 Double yellow lines (no waiting 'At Any Time') restrictions are introduced at key locations such as at junctions, bends and along certain lengths of roads where parking impedes the flow of traffic or would create an unacceptable safety risk e.g. obstructive sightlines or unsafe areas where pedestrians cross.
- 2.6 Single yellow lines are introduced to protect vehicular crossovers (dropped kerb) and their hours of operation are shown on zone entry sign as users enter the zone. These generally operate the same times as the parking bays but can operate at different hours.
- 2.7 Within any proposed CPZ or review, the Council aims to reach a balance between the needs of the residents, businesses, visitors and all other users of the highway. It is normal practice to introduce appropriate CPZ measures if and when there is a sufficient majority of support and / or there is an overriding need to satisfy some of the key objectives associated with parking management.

### Informal Consultation

- 2.8 The informal consultation for the proposals to introduce parking controls in the Streatham Hill area commenced on 13 November 2017 and ended on 8 December 2017 (4 weeks). 7,222 premises were sent consultation documents containing a newsletter explaining the proposals, describing the reasons for the consultation, how a CPZ works and how to participate in the consultation. A Frequently Asked Questions (FAQ's) document was also provided to answer common CPZ-related questions and Lambeth's Permit Pricing Structure information showing the cost of the various parking permits at the time of the consultation. Copies of the documents provided are attached as Appendix F.
- 2.9 A webpage was also created which contained all the relevant information with detailed plans of the Council's proposals. On these webpages were links to a survey where properties could complete and submit their views including comments. This was the primary method of participation in the consultation.
- 2.10 For those properties who were unable to access the information on the website, or complete the online survey, a telephone request line was created where respondents could request maps and hardcopy questionnaires. The details of this telephone request line was in the newsletter sent out to all properties.
- 2.11 An exhibition was also held on Saturday 18 November 2017 at the Streatham Wells Primary School from 10am to 4pm allowing residents and businesses to discuss the proposed measures with officers. The exhibition was very well attended.

#### Consultation Results – Appendix C

- 2.12 Of the 7,222 properties consulted, we received a total of 1,023 responses, representing a response rate of 14.2%.
- 2.13 The detailed consultation results shown in Appendix C indicates a majority of 57.9% of all respondents felt that they have a parking problem in their road, as opposed to 35.8% who felt that they do not.
- 2.14 Of the 1,023 who responded, 52.4% support a CPZ in their road compared to 41.3% that oppose it.
- 2.15 Residents were also asked which days and hours of operation they would prefer should the CPZ be introduced in their road. Results showed a majority of 73.0% of respondents are in favour of Monday-Friday controls, compared to 9.0% who are in favour of Monday-Saturday and 11.8% who are in favour of Monday-Sunday controls.
- 2.16 Regarding the hours of operation a majority of 45.7% preferred the 2 hour controls, compared to 28.5% in favour of 8.30am-6.30pm and 19.9% opted for the 10am-4pm.

#### The Formation of Parking Zones in the Streatham Hill Area

- 2.17 To address potential issues with inter-zonal commuting within the large originally proposed Streatham Hill Area, it is proposed to break this area up into smaller zones. Officers identified four separate areas through logical geographic boundaries. The results were further broken down for these areas to ascertain the individual views of each area respectively.
- 2.18 The consultation results for these respective areas are shown in Appendix E.

#### Area 1 – Thornton R extension

- 2.19 This area from New Park Road westwards is logically more suited to form part of the existing Thornton 'R' CPZ.

- 2.20 Of the 732 properties consulted, we received a total of 56 responses, representing a response rate of 7.7%.
- 2.21 A majority of 82.1% of respondents felt that they have a parking problem in their road, as opposed to 16.1% who feel that they do not.
- 2.22 Of the 56 who responded, 74.5% support a CPZ in their road compared to 20.0% that oppose it.
- 2.23 Residents were also asked which days and hours of operation they would prefer should the CPZ be introduced in their road. Results showed a majority of 76.4% of respondents are in favour of Monday-Friday controls, compared to 10.9% who are in favour of Monday-Saturday and 10.9% who are in favour of Monday-Sunday controls.
- 2.24 Regarding the hours of operation a majority of 50.9% preferred the 2 hour controls, compared to 23.6% in favour of 8.30am-6.30pm and 23.6% opted for the 10am-4pm.

#### Recommendation

- 2.25 With a 74.5% majority of respondents in this area being in favour of controls it is recommended to proceed to Statutory Consultation to extend the existing Thornton 'R' CPZ to include this area.

#### Area 2 – Streatham Hill West

- 2.26 This is the area west of Streatham Hill (A23) up to the existing Thornton 'R' CPZ. Streatham Hill (road) is a logical/natural boundary.
- 2.27 Of the 2587 properties consulted, we received a total of 416 responses, representing a response rate of 16.1%.
- 2.28 A majority of 76.9% of respondents felt that they have a parking problem in their road, as opposed to 16.6% who feel that they do not.
- 2.29 Of the 416 who responded, 70.9% support a CPZ in their road compared to 23.1% that oppose it.
- 2.30 Residents were also asked which days and hours of operation they would prefer should the CPZ be introduced in their road. Results showed a majority of 74.9% of respondents are in favour of Monday-Friday controls, compared to 9.4% who are in favour of Monday-Saturday and 13.8% who are in favour of Monday-Sunday controls.
- 2.31 Regarding the hours of operation a majority of 41.3% preferred the 2 hour controls, compared to 34.3% in favour of 8.30am-6.30pm and 22.7% opted for the 10am-4pm.

#### Recommendation

- 2.32 With a 70.9% majority of respondents in this area being in favour of controls it is recommended to proceed to Statutory Consultation to introduce a new Streatham Hill West 'G' CPZ.

#### Area 3 – Streatham Hill East

- 2.33 This is the area east of Streatham Hill (A23) eastwards up to Hillside Road.

- 2.34 Of the 2,928 properties consulted, we received a total of 428 responses, representing a response rate of 14.6%.
- 2.35 A majority of 50.4% of respondents felt that they do not have a parking problem in their road, as opposed to 42.4% who feel that they do.
- 2.36 Of the 428 who responded, 54.7% are opposed to a CPZ in their road compared to 39.0% who are in favour.
- 2.37 Residents were also asked which days and hours of operation they would prefer should the CPZ be introduced in their road. Results showed a majority of 68.1% of respondents are in favour of Monday-Friday controls, compared to 9.6% who are in favour of Monday-Saturday and 12.0% who are in favour of Monday-Sunday controls.
- 2.38 Regarding the hours of operation a majority of 43.9% preferred the 2 hour controls, compared to 27.7% in favour of 8.30am-6.30pm and 18.8% opted for the 10am-4pm.

#### Recommendation

- 2.39 With a 54.7% majority of respondents in this area being opposed to parking controls it is recommended **not** to proceed with the introduction of a CPZ in this area.
- 2.40 A further recommendation is being made to proceed with a statutory consultation to introduce double yellow line (DYL) waiting restrictions at key locations such as junctions, cul de sacs and locations where traffic flow would be impeded by parked vehicles to include; Amesbury Avenue; Barcombe Avenue; Cricklade Avenue; Daysbrook Road; Downtown Avenue; Emsworth Street; Faygate Road; Hillside Road; Normanhurst Road; Nuthurst Avenue; Palace Road; Roupell Road; Wavertree Road; Wyatt Park Road.

#### Area 4 – Tulse Hill West

- 2.41 This is the area west of Norwood Road (A215) westwards up to Hillside Road.
- 2.42 Of the 975 properties consulted, we received a total of 141 responses, representing a response rate of 14.5%.
- 2.43 A majority of 59.6% of respondents felt that they do not have a parking problem in their road, as opposed to 33.3% who feel that they do.
- 2.44 Of the 141 who responded, 67.4% are opposed to a CPZ in their road compared to 25.5% who are in favour.
- 2.45 Residents were also asked which days and hours of operation they would prefer should the CPZ be introduced in their road. Results showed a majority of 80.0% of respondents are in favour of Monday-Friday controls, compared to 4.3% who are in favour of Monday-Saturday and 5% who are in favour of Monday-Sunday controls.
- 2.46 Regarding the hours of operation a majority of 62.9% preferred the 2 hour controls, compared to 14.3% in favour of 8.30am-6.30pm and 12.1% opted for the 10am-4pm.

#### Recommendation

- 2.47 With a 67.4% majority of respondents in this area being opposed to parking controls it is recommended **not** to proceed to Statutory Consultation to introduce a CPZ in this area.
- 2.48 A further recommendation is being made to proceed with a statutory consultation to introduce double yellow line (DYL) waiting restrictions at key locations such as junctions, cul-de-sacs and locations where traffic flow would be impeded by parked vehicles to include; Hillside Road; Kinfauns Road; Kingsmead Road; Lanercost Road; Leigham Vale; Northstead Road; Palace Road; Probyn Road.

#### Petitions against proposals

- 2.49 The Council received two separate petitions from Kingsmead Road (Appendix G), a road situated in Area 4 (Tulse Hill West). Both petitions were opposed to parking controls on Kingsmead Road and the Streatham Hill CPZ as a whole.
- 2.50 **Petition - Kingsmead Road, Music School**  
This petition included 18 signatories with the majority of these not residing in the proposed zone. Only the lead petitioner is a local resident.
- 2.51 **ePetition – Kingsmead Road, Residents**  
This petition included 25 signatories from residents of Kingsmead Road.

The consultation resulted in the exclusion of Kingsmead Road, which is in line with the request in the petitions.

#### Request for Re-consultation

- 2.52 From the informal consultation results it is clear that there is a small minority who are in favour of controls in the area east of Streatham Hill. It was highlighted in the consultation material that there may be displacement from the areas opting to have parking controls into the areas which are to remain uncontrolled.
- 2.53 If the Council does receive correspondence from these uncontrolled areas after the new zones are implemented it will require a substantial petition covering most of the roads in the area.
- 2.54 If the Council is satisfied that a large part of the local community want to be re-consulted this area would be added to the works programme. At the time of writing this report the works programme has been set until 2020.
- 2.55 Therefore it is currently unlikely re-consultation could commence before 2020, but this will be kept under close review so where feasible the programme is responsive to the future parking pressures of the Streatham Hill community.

#### Proposed Measures

- 2.56 The CPZ designs comprises mainly of shared use permit holder/pay by phone bays. The layout of the parking bays are arranged in a manner that provides the maximum number of suitable parking spaces without impacting road safety and the free movement of traffic.
- 2.57 Within the CPZ, waiting restrictions are proposed at key locations such as at junctions, bends and passing gaps. These restrictions will improve access for emergency services; refuse vehicles and the overall safety for all road users, especially those pedestrians with disabilities and parents with prams.

#### CPZ Design Amendments

- 2.58 Following the informal consultation, officers have made amendments to the original design following comments received from residents, businesses and ward councillors.
- 2.59 Solo motorcycle bays have now been included in the revised design at locations where residents and businesses provided feedback from the online questionnaire. These bays are located on Blaiderry Road, Criffel Avenue, Kirkstall Gardens, Lexton Gardens, New Park Road, Salford Road, Sternhold Avenue and Telford Avenue.
- 2.60 A parking bay in Lexton Gardens has been removed and double yellow lines have been added in Blaiderry Road due to requests received by residents.
- 2.61 A bus parking place will be proposed outside the Knights' Youth Centre on Teirney Road.

#### Permit Criteria

- 2.62 There a number of different parking permits available depending on personal circumstances. E.g. vehicle type; resident; business or blue badge holder. See Appendix F for Lambeth's permit pricing structure (subject to change).

#### Pay by Phone/PayPoint Tariff:

- 2.63 It is recommended that the charge for parking within the pay by phone shared use/permit holder bays reflect the standard charges applied to these types of bays in the borough, at the time of consultation. The cost will be £3 per hour, with a maximum stay of one hour for Zone 'G' and one hour for the zone 'R' extension (price subject to change).

#### Cashless Parking

- 2.64 Lambeth Parking Services are undertaking a programme of decommissioning, disconnect and completely removing parking Pay-and-Display (P&D) ticket machines throughout the borough over a two year period. It will ultimately support long term cost savings by reducing contract and maintenance costs, as well as staff hours required to process aspects of this function, i.e. general maintenance, refunds, reconciliation, contract management.

In parallel with this replacement programme, it is also proposed to introduce these new CPZ's without any P&D ticket Machines.

#### The alternatives to P&D Ticket Machines:

- 2.65 Pay by Phone (PbP), the council's cashless parking solution which allows citizens to park by completing a transaction over their mobile phone, via a mobile application or online using the web, currently accounts for 70% (around 65,000) of all short term parking transactions carried out in the borough.

- 2.66 PayPoint is a card / cash based payment system is an additional alternative to P&D ticket machines as it is accessible and widely available throughout the borough at participating shops.

#### **2.67 Benefits of using the Pay by Phone (PbP) solutions**

The proposed use of Pay by Phone directly demonstrates Lambeth's ambitions to deliver our residents priorities by being a greener, cleaner and safer borough through:

- Reduction of Carbon Dioxide (CO<sub>2</sub>), Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter emissions as large vans are used to collect cash from machines, as well as transport spare parts and engineers to machines and locations where maintenance and repairs are needed. There are currently also three Lambeth employed technicians who drive around the borough on a daily basis to clean and repair machines.



- De-cluttering of streetscapes by removing unsightly machines and any graffiti or vandalism that is generally associated with these machines.
- Removing opportunities for criminal activity as there are organised crime groups who commit theft from machines across many London boroughs, including Lambeth who use special equipment/machinery to break into the machines. There is also a substantial level of casual theft from machines that is committed by persons acting on their own – generally through tampering with the coin slots.
- Clearing away potential health and safety risks as some older machines have weathered and may have rusty pedestals or exposed wires due to being subjected to the elements for many years – some machines are around 15 years old.
- There is no impact on PbP service delivery should there be a decision to change the format of any currency, i.e. any coins that are currently in circulation. As transactions are electronic, there is no requirement to reconfigure the service.
- Ability for drivers to extend parking stay without returning to the vehicle, potentially reducing the risk of a PCN.
- No issues with overpayment due to not having the correct change.
- Pay-by-phone is a scheme that operates nationally and users only need to register once.

2.68 On the above evidence, it is recommended that a three week statutory consultation be carried out which includes the erection of Notices on lamp columns in the area; the publication of Council's intentions in the local paper and the London Gazette. In addition, all properties within the consultation area will be sent a newsletter summarising the informal consultation results and setting out the proposals and explaining how representations can be made. All representations along with Officers' comments and recommendations will be presented in a report to the Cabinet Member for Housing & Environment.

### 3. Finance

3.1 As stated in the Financial Summary section, the cost of implementing the Controlled Parking Zones is anticipated to be £120,000.

3.2 The following table sets out the funding sources assigned to the delivery of the consultation programme:

Funding Stream	FIS code	Amount
666/L/S106B - 12/02306/FUL	100156.800419	£2,133.28
596/L/S106B - 14/06765/VOC	100306.801007	£32,123.11
<b>SUB TOTAL s106</b>		<b>£34,256.39</b>
<b>Capital Reserve</b>		<b>£64,243.61</b>
<b>TOTAL</b>		<b>£98,500.00</b>

3.3 The following table sets out the cost of the consultation programme:

Description	Amount
Staff	£50,000.00
Publication and postage (three stages)	£30,000.00
TMO Drafting and publication	£18,500.00
<b>TOTAL</b>	<b>£98,500.00</b>

3.4 If there is a positive outcome of the Statutory Consultation a further estimated £120,000 will be requested from a combination S106 receipts and surplus within the parking revenue budget for the implementation of the proposals.

- 3.5 The cost of implementing the proposed measures has been reduced from the original estimate of £180,000 to £120,000. This reduction of implementation cost is due to a large part of the original proposal being recommended for exclusion. This cost includes road markings, signage and traffic management.
- 3.6 There will be additional costs associated with the administration and enforcement of the new zones, this will consist of 2 temporary back office staff who will be required for 3 months at the commencement of the scheme due to the expected influx of permit applications and enquiries. The existing team will manage the increased administration on ongoing basis. There will also be a need to increase the on-street enforcement presence when the scheme goes live to ensure the Warning Notice period is robust and does not jeopardise the existing enforcement operation. This increased CPZ area will require one extra full time equivalent CEO on street. The costs associated with the additional staff as detailed above are anticipated to be £45,000 in the first year and then £27,000 per annum thereafter. All costs will be met in full by permit / penalty charge notice (PCN) income generated by the new CPZ.
- 3.7 The revenue generation from Controlled Parking Zones varies significantly across the borough. For example, at the low end of the spectrum Tulse Hill 'H' generated £168,000 in 2015/16, with Brixton 'B' generating £1.8m.
- 3.8 At this stage it is estimated that the proposed zones could generate in the region of £100,000 per annum, excluding PCN income.

#### **4. Legal and Democracy**

- 4.1 Sections 6, 45, 46, 47, 49, 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (RTRA) provides the Council with the power to implement the changes proposed in this report. This legislation gives a local authority the power to make Traffic Management Orders (TMO) to control parking by designating on-street parking places, charging for their use and imposing waiting and loading restrictions on vehicles of all or certain classes at all times or otherwise.
- 4.2 In making such Orders, the Council must follow the procedures set out at Schedule 9, Part III of the Road Traffic Regulation Act 1984 and detailed in the Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996 (the 1996 Regulations). The said Regulations, prescribe inter alia, specific publication, consultation and notification requirements that must be strictly observed. It is incumbent on the Council to take account of any representations made during the consultation stage and any material objections received to the making of the Order, must be reported back to the decision maker before the Order is made.
- 4.3 By virtue of section 122 of the RTRA, the Council must exercise its powers under that Act 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:-
- 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.
  - 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.
  - any other matters appearing to the Council to be relevant.

- 4.4 A recent High Court judgment confirms that the Council must have proper regard to the matters set out at s 122(1) and (2) and specifically document its analysis of all relevant section 122 considerations when reaching any decision.
- 4.5 Once the abovementioned Order(s) is/(are) in place, the council is required to make the necessary amendments to the road markings and signage as soon as practicable to adequately provide information as to the Order that is in place in that area. The requisite sign or signs for these purposes is specified in the Traffic Signs Regulations and General Directions 2016 (TSRGD).
- 4.6 The history and outcome of non-statutory stakeholder consultation undertaken to date is detailed at paragraphs 2.8 to 2.11 and 5 of this report. The following principles of consultation were set out in a recent High Court case: First, a consultation had to be at a time when proposals were still at a formative stage. Second, the proposer had to give accurate and sufficient reasons for any proposal to permit of intelligent consideration and meaningful response. Third, adequate time had to be given for consideration and response, and finally, the product of consultation had to be considered with a receptive mind and conscientiously taken into account in finalising any statutory proposals. The process of consultation had to be effective and looked at as a whole it had to be fair. Fairness might require consultation not only upon the preferred option, but also upon discarded options. The proposals detailed in this report require the making of a TMO. The statutory procedure to be followed in this connection is detailed above and includes a statutory consultation stage. The Council is obliged to take account of any representations made at that stage and any material objections received will need to be reported back to the decision maker before an Order is made. All representations received must be properly considered in the light of administrative law principles, Human Rights law and the relevant statutory principles. The 1996 Regulations provides for the holding of a public inquiry in connection with a decision to approve, modify or abandon a TMO. The purpose of such an inquiry would be for the proposal to be examined and for the public to be given the opportunity to make their views known in a public forum. The Council is only obliged to hold a public inquiry if the proposal relates to the prohibition of loading and unloading of vehicles of any class in a road on any day of the week (i) at all times, (ii) before 0700, (iii) between 1000 and 1600 hours, or (iv) after 1900 hours and an objection has been made to the proposed order; or the order relates to the prohibition or restriction of passage of public service vehicles. In all other cases, the decision maker may determine at his discretion whether or not to hold a public inquiry before making an order.
- 4.7 Section 149 of the Equality Act 2010 sets out the new public sector equality duty replacing the previous duties in relation to race, sex and disability and extending the duty to all the protected characteristics i.e. race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment. The public sector equality duty requires public authorities to have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation
  - Advance equality of opportunity and
  - Foster good relations between those who share a protected characteristic and those who do not.
- 4.8 Part of the duty to have “due regard” where there is disproportionate impact will be to take steps to mitigate the impact and the Council must demonstrate that this has been done, and/or justify the decision, on the basis that it is a proportionate means of achieving a legitimate aim. Accordingly, there is an expectation that a decision maker will explore other means which have less of a disproportionate impact.
- 4.9 The Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.

- 4.10 In addition to the above, Section 175A of the Highways Act 1980 extends a specific duty upon local authorities to have regard to the needs of disabled and blind in the execution of certain street works (namely the placing of lamp-posts, bollards, traffic signs, apparatus or other permanent obstructions) which may impede such persons.
- 4.11 The Council's constitution delegates to Directors and Assistant Directors (Delivery) the authority to consider objections received from statutory consultation as part of the TMO making process, (subject to a formal report setting out the objections, with clear recommendations, being submitted for approval) and the power to make, amend or revoke traffic orders, following the consideration of such objections.
- 4.12 The Council's Constitution requires that all key decisions, decisions which involve resources between the sums of £100,000 and £500,000, and important or sensitive issues, must be published on the website for five clear days before the decision is approved by the Director or Cabinet Member concerned. Any representations received during this period must be considered by the decision-maker before the decision is taken.

## **5. Consultation and co-production**

- 5.1 Refer to section 2.8 to 2.11 of this report for details on the informal consultation, along with relevant appendices.
- 5.2 A statutory consultation will be carried out and include the erection of Notices on lamp columns in the area; the publication of Council's intentions in the local paper and the London Gazette. A copy of the proposed TMO, complete breakdown of the results, detailed plans of the proposals and the Council's Statement of Reasons can be inspected at the Brixton Library and Tate Streatham Library. The documents will also be available on the council website and a newsletter will also be distributed to all properties in the consultation area. The newsletter will detail the results of the informal consultation and the undertaking of the statutory consultation process on the proposed parking controls. An email address will be provided in order for residents and business to make their representation for or against the proposals. All representations along with Officers' comments and recommendations will be presented in a further report to the Cabinet Member for Housing & Environment.

## **6. Risk management**

- 6.1 The risk of not introducing the proposed parking arrangements is that the existing parking difficulties would continue and it would do nothing to address obstructive parking and the high levels of community vehicles driving through and parking in these parts of the borough.
- 6.2 There are potential risks relating to the public consultation demonstrating limited appetite for new parking controls within the affected areas. As with all public consultations, the council will need to carefully consider the nature of any objections in order to determine the most appropriate way forward.

## **7. Equalities impact assessment**

- 7.1 The Project Manager has screened the scheme's likely effect on people who have one or more of the protected characteristics (race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment). The screening looked at how the scheme might:
- Eliminate unlawful discrimination, harassment and victimisation
  - Advance equality of opportunity and

- Foster good relations between those who share a protected characteristic and those who do not.

- 7.2 Two of the protected characteristics, age and disability, have been identified as being disproportionately affected by the scheme. Part of the duty to have “due regard” where there is disproportionate impact will be to take steps to mitigate the impact and the Council must demonstrate that this has been done, and/or justify the decision, on the basis that it is a proportionate means of achieving a legitimate aim. Accordingly, there is an expectation that a decision maker will explore other means which have less of a disproportionate impact.
- 7.3 The proposals to not include ticket machines will result in a primary reliance on pay by phone, with an alternative option of using pay-point in certain local shops in the area. This could increase walking / travel distances for drivers who need to purchase a ticket that do not have access to Pay by Phone. The council has committed to review the approach taken to new ticket machines within one year of the scheme being implemented in order to further assess the equalities impact of the scheme.
- 7.4 Drivers who display a valid disabled badge will be permitted to park in all permit bays and shared bays in the new CPZ areas without charge.
- 7.5 Bodies representing motorists, including commuters, are included in the statutory consultation required for draft traffic management and similar order.
- 7.6 The implementation of waiting restrictions affects all sections of the community especially the young and the elderly and assists in improving safety for all road users as well as achieving the transport planning policies of the government, the Mayor of London and the borough.
- 7.7 Maintaining clear access points and visibility will thereby improve the safety at junctions; bends and along narrow sections of a road, subsequently reducing potential accidents.

## **8. Community safety**

- 8.1 All road space in a CPZ is managed by the introduction of parking controls. Parking is only permitted where safety, access and sight lines are not compromised. It is, therefore, normal practice to introduce double yellow lines at key locations such as at junctions, bends, turning heads and at specific locations along lengths of roads where parking would impede the passing of vehicles. It is also necessary to provide yellow line waiting restrictions (effective during the CPZ hours of operation or at any time) where the kerb is lowered, i.e. at crossovers for driveways. The key objective of managing parking is to reduce and control non-essential parking and assist the residents, short-term visitors and the local businesses.
- 8.2 Introducing CPZs also results in uniformed enforcement officers walking the streets in the area, thereby increase natural surveillance.

## **9. Organisational implications**

### **9.1 Environmental**

The proposals support our 2017-2022 Air Quality Action Plan; Action 43 to review parking in the borough; and Action 46 reprioritisation of road space.

There may be some minor measurable benefits over time associated with the proposals, particularly as the number of commuter vehicles travelling to these areas of the borough will reduce. A proportion

of these drivers are likely to consider alternative forms of sustainable transport for their journey to and from work

## 9.2 Staffing and accommodation

The new CPZ zones will generate increased administration and enforcement, a temporary increase will be required for the implementation period. The operation will require one extra full time employee (FTE) Civil Enforcement Officer on an ongoing basis.

A staffing review will take place after 12 months of implementation to assess the resource requirements for enforcement and back office processing.

## 9.3 Procurement

Project Management, design and consultation associated with the two new CPZ areas will be undertaken in-house using existing staff. There will be external costs associated with the distribution of the consultation material, but this will be a relatively low value (less than £20,000) and will be commissioned in accordance with Lambeth's procurement requirements.

The implementation stage of the CPZ project will be undertaken by the council's term contractor Colas (CVU) via the London Highways Alliance Contract (LoHAC).

## 10. **Timetable**

The statutory consultation will be carried out soon after a decision is made. The consultation will include the erection of Notices on lamp columns in the area and the publication of the Council's intentions in the local paper and the London Gazette. The documents will also be available at the Brixton Library and on the council website. A newsletter will also be distributed to all households informally consulted.

Description	Date
Delegated Decision	February 2018
Statutory Consultation	February / March 2018
Implementation	July / August 2018

## Audit trail

Name/Position	Lambeth directorate/department or partner	Date Sent	Date Received	Comments in para:
Sue Foster Strategic Director	Strategic Director: Neighbourhoods and Growth			
Councillor Jennifer Brathwaite	Cabinet Member for Housing & Environment	26/01/18	06/02/18	
Neil Wightman	Director: Housing Services	26/01/18		
Andrew Burton	Delivery Lead: Neighbourhood Capital Programmes	24/01/18	25/01/18	Summary & recs
Ian Speed	Accountant: Finance (Capital)	26/01/18	30/01/18	
Dave Goldring	Accountant: Finance (Revenue)	26/01/18	01/02/18	
Jean-Marc Moocarme	Legal	26/01/18	01/02/18	
Maria Burton	Democratic Services	26/01/18	30/01/18	4
Raj Mistry	Director, Environment	26/01/18		
Neil Fenton	Delivery Lead: Performance and Development	26/01/18		
Jonathan Pook	Business Development & Operations Manager	26/01/18	01/02/18	3.5, 9.2
Russell Trewartha	Capital Programmes	26/01/18		
Andrew Round	Sustainability Manager	26/01/18	01/02/18	9.1
Simon Phillips	Transport Manager	26/01/18		
Councillor Liz Atkins	Ward Councillor, Streatham Hill	26/01/18	29/01/18	
Councillor Rezina Chowdhury	Ward Councillor, Streatham Hill	26/01/18		
Councillor Iain Simpson	Ward Councillor, Streatham Hill	26/01/18	01/02/18	
Councillor Lib Peck	Ward Councillor, Thornton	26/01/18		
Councillor Diana Morris	Ward Councillor, Thornton	26/01/18	01/02/18	
Councillor Edward Davie	Ward Councillor, Thornton	26/01/18		

## Report history

<b>Original discussion with Cabinet Member</b>	August 2017
<b>Part II Exempt from Disclosure/confidential accompanying report?</b>	No
<b>Key decision report</b>	No
<b>Date first appeared on forward plan</b>	N/A
<b>Key decision reasons</b>	N/A
<b>Background information</b>	<p><u>SYSTRA – Lambeth Parking Surveys, Streatham Hill Area</u></p> <p>The report details findings of the parking stress survey undertaken by JMP consultants on behalf of Lambeth Council. The report can be found on the council webpage, <a href="http://www.lambeth.gov.uk/shcpz">www.lambeth.gov.uk/shcpz</a> Road Traffic Management Act 1984</p>
<b>Appendices</b>	<p>Appendix A: Revised Proposal Drawings</p> <p>Appendix B: Original Proposal Drawings</p> <p>Appendix C: Informal Consultation Results</p> <p>Appendix D: Formation of the Zones in the Streatham Hill Area</p> <p>Appendix E: Isolated Consultation Results – respective areas</p> <p>Appendix F: Informal Consultation Documents</p> <p>Appendix G : Petitions against CPZ – Kingsmead Rd</p>



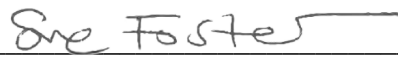
**APPROVAL BY OFFICER OR CABINET MEMBER IN ACCORDANCE WITH SCHEME OF DELEGATION**

**I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board and taken account of their advice and comments in completing the report for approval:**

**Signature:**  \_\_\_\_\_ **Date:** 16 February 2018

**Post:** Leonardo Morris, Senior Parking Engineer, Capital Programmes, Neighbourhoods & Growth

**I approve the above recommendations:**

**Signature:**  \_\_\_\_\_ **Date:** 16 February 2018

**Post:** Sue Foster, Strategic Director, Neighbourhoods & Growth

**Any declarations of interest (or exemptions granted):**

**Any conflicts of interest:**

**Any dispensations:**