

Officer delegated decision

Date of Committee: 27.11.2018

Report title: Proposed CPZ – Re-consultation of Streatham Hill East Area

Wards: Streatham Hill

Report Authorised by: Raj Mistry, Director of Environment

Portfolio: Cllr Claire Holland, Cabinet Member for Environment & Clean Air

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Report summary

This report seeks the authority to undertake the relevant public consultations regarding new controlled parking zones (CPZs) in the Streatham Hill East area, shown in Appendix A.

Finance summary

The cost of consultation is estimated at £85,000. This includes the publication of the Traffic Management Orders, consultation and staff costs. All costs will be covered from the capital reserve allocation for CPZ consultations.

The implementation funding will be sought through a further ODDR if and when required following the consultation phase. The implementation is estimated to be £120,000.

Recommendations

To authorise the CPZ consultation phase of the Streatham Hill East Area.

1. Context

- 1.1 This area was consulted in November 2017 as part of the larger Streatham Hill Area consultation. A majority of respondents in this Streatham Hill East area who took part in that consultation were opposed to controls. A decision was therefore taken to only proceed with the introduction of CPZ in the area west of Streatham Hill (A23) and to exclude the area east of Streatham Hill (A23).
- 1.2 During the Statutory Consultation to introduce CPZ in the area west of Streatham Hill (A23), the Council received three separate petitions from the area to the east requesting to be re-consulted. Petition reference;
PT18-CPZ001 (written) – 205 signatures
PT18-CPZ002 (written) – 15 signatures
PT18-CPZ003 (ePetition) – 129 signatures
- 1.3 The views raised in the petition is that their area would experience increased parking difficulty if only the area to the west was to have parking controls. This issue was specifically brought to residents' attention during the informal consultation and residents were asked to take this into account when making the decision.
- 1.4 The informal consultation asked a question specifically to take account of the possible displacement effect and the majority of the respondents in this area were opposed to controls even if their neighbouring roads were to have parking controls.
- 1.5 The petitions were analysed for authenticity and how they relate to the informal consultation results. The outcome of this analysis shows, if all those properties who participated in the petition had participated in the informal consultation this area would have had a majority in favour of controls. This provides some justification for re-consultation.
- 1.6 Prior to the previous consultation for CPZs in the Streatham Hill area the Council commissioned an independent body to undertake parking surveys in the Streatham Hill area. The survey indicated that this area was already experiencing high levels of parking stress, at approximately 80% capacity. Any further displacement into this area will increase the parking pressure.
- 1.7 In order to respond to the concerns of residents, other essential users and in anticipation of the increased parking demand in this area, the Council has prioritised this area for re-consultation.
- 1.8 The zone is fully designed and costed and we now propose to move forward to public consultation to seek the views of residents, local businesses and other interested parties relating to proposals to introduce control parking in this area, with a view to commencing this from November 2018.

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.

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 A CPZ generally comprises of yellow line waiting restrictions and various types of parking bays operational during the controlled times. These types of bays can include the following:

- Resident Permit holder bays: - For use by resident permit holders and those with visitor permits.
- Pay by Phone shared use/permit holder bays: - For use by pay by phone customers and resident and business permit holders.
- Shared use/permit holder bays: - For use by resident and business permit holders.
- Different combinations of parking bays can also be created e.g. Resident and pay by phone customers only or pay by phone only bays.
- Other bays can also be provided where necessary such as Disabled, Doctors, Police, Motorcycle, Loading, electric vehicle bays and car club bays.

2.4 A CPZ includes double yellow lines (no waiting 'At Any Time') restrictions 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.

2.5 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.

3. Finance

3.1 The cost of consulting the Streatham Hill Controlled Parking Zone is anticipated to be £85,000. Project Spend is planned as follows:

Project task	2018/19	2019/20
Project Management	£30,000	£30,000
Consultation	£12,500	£12,500
TOTAL	£42,500	£42,500

- 3.2 The cost of consultation includes the publication of the Traffic Management Orders, consultation and staff costs. All costs will be covered from the capital reserve allocation for CPZ consultations.
- 3.3 The implementation funding will be sought through a further ODDR if and when required following the consultation phase. The implementation is estimated to be £120,000 in 2019/20.

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 the use of such places 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 sections 122(1) and (2) and specifically document its analysis of all relevant section 122 considerations when reaching any decision.
- 4.5 The history and outcome of consultation undertaken to date is detailed at paragraphs 1.1 – 1.8 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. A public inquiry should be held where it would provide further information which would assist in reaching a decision.

- 4.6 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.
- 4.7 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it, including, in particular, steps to take account of disabled persons' disabilities;
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 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. 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.

- 4.9 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.
- 4.10 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.
- 4.11 The Council's Constitution requires that issues of an important or sensitive nature will be published on the Council's website for five clear days prior to the decision being taken (Constitution, Part 2, Section 3), where this is required by the Cabinet Member or Director concerned. It is suggested that this proposed decision is published on Officer Decisions in the interests of transparency. 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 As part of the informal consultation a newsletter will be delivered to residents and businesses within the proposed area, showing the council's proposed measures. A questionnaire will be set up online asking residents a number of questions such as their preferred hours/days of operation, whether they are in favour of parking controls in their road and allowing residents and businesses to comment on the proposed measures by providing a comments section. Approximately 4,000 properties within the area will be contacted regarding the consultation.
- 5.2 The formal/statutory consultation will also include a newsletter with a plan, the erection of street notices on lamp columns in the vicinity of the proposals and the publication of the Council's intentions in the Local newspaper and / or the London Gazette. Consultation documents will be available on the council's website.

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 this area.
- 6.2 There are potential risks relating to the public consultation demonstrating limited appetite for new parking controls within the affected area. 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.
- 6.3 Given the controversial nature of parking changes, there are also possible risks associated with key decisions being 'called-in' and objectors taking any decisions made by the council through the judicial review process.

7 Equalities impact assessment

- 7.1 The Council carries out careful consultation to ensure that all road users are given a fair opportunity to air their views and express their needs. The parking needs of the residents, businesses and visitors are given consideration but it is considered that maintaining safe access must take priority.
- 7.2 Bodies representing motorists, including commuters, are included in the statutory consultation required for draft traffic management and similar orders.
- 7.3 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.
- 7.4 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.

9 Organisational implications

9.1 Environmental

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. In addition, the CPZ designs account for new car club bays, electric vehicle charging points and cycle parking spaces, which will help encourage sustainable travel patterns. The introduction of new CPZs has a direct link to initiatives within the council's draft Air Quality Action Plan.

9.2 Staffing and accommodation

There will be a potential increase of up to 0.5 FTE within the Performance & Development team to process permit applications, parking challenges and bay suspensions.

The new CPZ zones will generate increased administrating and require enforcement, estimated to be the equivalent of 1 FTEs (0.5 with the enforcement contractor and 0.5 within the performance and development team) at this stage.

9.3 Procurement

Project Management, design and consultation associated with the new CPZ area will be undertaken in-house using existing staff. There will be external costs associated with the production and distribution of the consultation material, but this will be a relatively low value (less than £25,000) and will be commissioned in accordance with Lambeth's procurement requirements.

The implementation stage of the CPZ project if agreed, which is forecast to cost £120,000 will be undertaken by the council's term contractor FM Conway or Colas (CVU) via the London Highways Alliance Contract (LoHAC).

10 Timetable for implementation

ACTIVITY	PROPOSED DATE
Informal Consultation	November 2018
Statutory Consultation	March 2019
Implementation	July 2019
Zone Operational	Sep 2019

Audit trail


Consultation				
Name/Position	Lambeth directorate/department or partner	Date Sent	Date Received	Comments in para:
Raj Mistry, Director	Environment	16.08.18	23.11.18	-
Neil Wightman	Director of Housing	16.08.18	-	-
Andrew Burton	Highways, Enforcement & Capital Programmes	16.08.18	-	-
Hamant Bharadia Assistant Director of Finance	Corporate Resources/Finance	14.06.18	14.06.18	-
Jean-Marc Moocarme	Legal	01.06.18	08.06.18	4.1 - 4.10
Maria Burton	Democratic Services	16.08.18	17.08.18	4
Councillor Claire Holland	Cabinet Member for Environment & Clean Air	16.08.18	-	-
Johnathan Pook	Parking Services	16.08.18	-	-
Councillor Liz Atkins	Ward Councillor, Streatham Hill	16.08.18		
Councillor Rezina Chowdhury	Ward Councillor, Streatham Hill	16.08.18		
Councillor Iain Simpson	Ward Councillor, Streatham Hill	16.08.18		
Internal Officer Board				
Procurement Board				

Report history

Original discussion with Cabinet Member	5 th July 2018
Report deadline	N/A
Date final report sent	N/A
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	No
Date first appeared on forward plan	N/A
Key decision reasons	N/A
Background information	Road Traffic Management Act 1984
Appendices If (in rare circumstances) appendices are essential to the understanding of the report, list titles here. Ensure that appendices have proper titles.	Appendix A - Area Overview Plan

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:** 29 October 2018

Post: Leonardo Morris, Senior Parking Engineer

I approve the above recommendations:

Signature:  _____ **Date:** 27/Nov/2018

Post: Raj Mistry, Director of Environment

Any declarations of interest (or exemptions granted):

Any conflicts of interest:

Any dispensations: