

Officer Delegated Decision Report - 04 March 2019

Report title: Proposed Extension of Vassall 'V' CPZ (Myatts Field North / Oval Quarter)

Wards: Vassall

Report Authorised by: Andrew Burton, Assistant Director of Highways, Capital Programmes and Sustainability

Portfolio: Councillor Claire Holland: Cabinet Member for Environment & Clean Air

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Report summary

In August/September 2018 the council undertook statutory consultation on proposals to introduce a controlled parking zone (CPZ) to Myatts Field North / Oval Quarter. Whilst we received no material objections to the proposals we did receive a petition, detailed in Appendix C, calling for fewer yellow-line restrictions and more permit parking bays. As a result, every road in the proposed CPZ has been re-analysed to stress-test how meeting petitioners' wishes would impact with the scheme's objectives. The proposed parking restrictions have been adjusted to reflect these findings.

Finance summary

The cost of implementing the proposed measures is estimated at £10,000 (capital). This will be met in full using section 106 receipts already allocated to the scheme as part of the 2017 Vassall CPZ project.

Recommendations

1. To authorise officers to make minor changes to the original statutory proposals by introducing six additional permit holder parking spaces in Offenham Road and six in Cromwell Road.
2. To implement the revised parking proposals shown in Appendix A, extending the Vassall 'V' CPZ to include Fitzpatrick Road, Henry Road, Lennox Road, Offenham Road, part of Cromwell Road, the remainder of Eythorne Road and Akerman Road with the hours of operation being Monday to Friday between 8.30am and 6.30pm.

1. Context

- 1.1 An informal consultation on proposals to introduce a controlled parking zone (CPZ) in the Vassall area, (including the privately maintained roads in Myatts Field North / Oval Quarter) was carried out in September/October 2016. All properties in the area were consulted with documents explaining the proposals, describing the reasons for the consultation, how a CPZ works and how to participate in the consultation. A frequently-asked-questions document was also provided to answer common CPZ-related questions as was Lambeth's Permit Pricing Structure. All roads within Vassall ward, whether publicly maintained, private or housing association were consulted, even though (because different legislative provision applies), it would not be possible to introduce controlling parking on private or housing roads until they were adopted or dedicated as public highway.

- 1.2 The draft proposal was amended to reflect feedback to the informal consultation. The revised CPZ design, including the roads in Myatts Field North / Oval Quarter that were maintained either privately or by a housing association, received outline scheme approval by way of a delegated decision by the Assistant Director of Environment in February 2017.
- 1.3 Statutory consultation on the amended proposal, was carried out in March/April 2017 but only for the publicly-maintained roads. The new CPZ, Vassall 'V' became operational on the publicly maintained roads in October 2017, operating Monday to Friday, 8.30am to 6.30pm. The roads in Myatts Field North / Oval Quarter that were maintained either privately or by a housing association remained free of parking controls.
- 1.4 In the expectation that roads in Myatts Field North / Oval Quarter would become publicly maintained highways in late 2018, a statutory consultation on the CPZ proposals was carried out between 17 August and 21 September 2018. The original statutory CPZ proposals are shown in Appendix B. The statutory consultation comprised the placing of notices on lamp columns in the area and the publication of the council's intentions in the local paper and in the London Gazette. In addition, all properties within the consultation area were sent a newsletter, shown in Appendix D, setting out the proposals and explaining how representations for or against the proposals could be made.
- 1.5 Whilst, in response to the consultation, the Council received no individual or specific objections, it did receive a petition with 48 signatories, detailed in Appendix C, calling for fewer yellow line restrictions and more permit-parking bays.
- 1.6 On 31 December 2018 the council dedicated as "highways maintained at public expense" the roads in Myatts Field North / Oval Quarter that had been either privately maintained or maintained by a housing association. Accordingly, it is now possible to introduce on-street parking controls on those roads.

2. Proposal and Reasons

- 2.1 Following receipt of the petition, every road in the proposed CPZ expansion has been re-analysed to stress-test how meeting petitioners' wishes would impact with the scheme's objectives. The outcome of this analysis evidences that providing additional permit parking can be accommodated in Cromwell Road and Offenham Road with a negligible increase in the risk of the highway being obstructed. It is proposed to introduce six additional spaces on Cromwell Road and six additional spaces on Offenham Road (these are illustrated in Appendix A).

3. Finance

- 3.1 The cost of implementing this report's recommendations is forecast to be £10,000, all of which will be capital and will be incurred in 2018/19. This will be met in full using two section 106 receipts already allocated to the scheme as part of 2017's Vassall CPZ project:

Funding Stream	FIS Code	Amount
387/L/S106-03/00200/FUL	100044.800082	£2,337.94
677/L/S106-10/03653/OUT	100139.800339	£20,402.91

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 The proposals in this report requires making a TMO. In making such Orders, the council must follow the statutory consultation procedures set out in the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 (the 1996 Regulations). These prescribe 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, will need to be reported back to the decision maker before the Order is made.
- 4.3 Section 122 (1) of the RTRA states that it shall be the duty of every Local Authority to exercise the functions conferred by that Act (so far as practicable having regard to the matters listed in subsection (2)) 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.
- 4.4 The matters referred to in Section 122(2) are:
- a) The desirability of securing and maintaining reasonable access to premises;
 - b) The effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
 - c) The National Air Quality strategy prepared under Section 80 of the Environment Act 1995;
 - 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; and
 - e) Any other matters that may be relevant
- 4.5 A recent High Court judgment confirms that the Council must have proper regard to the matters set out in s 122(1) and (2) and specifically document its analysis of s 122 considerations in reaching any decision.
- 4.6 The outcome of statutory and non-statutory consultation undertaken to date is summarised at paragraph 5 and detailed in the appendices to 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 sufficient reasons for any proposal to permit of intelligent consideration and response. Third, adequate time had to be given for consideration and response, and finally, the product of consultation had to be 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 proposal set out in this report has been the subject of statutory consultation. The Council is obliged to take account of any representations made and material objections received will need to be reported back to the decision maker before an Order is made. All objections received must be properly considered by the decision maker in the light of administrative law principles, Human Rights law and the relevant statutory powers. 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 The Council's constitution delegates to Directors and Assistant Directors (Delivery) the authority to consider any unwithdrawn objections, and (subject to a formal report setting out the objections, with clear recommendations, being submitted for approval) the power to make, amend or revoke traffic orders, following the consideration of such objections. This report satisfies that requirement.
- 4.8 The Regulations allow the council to modify the proposal, whether in consequence of any objections or otherwise, before it is made. Re-consultation is only required where changes to the proposed scheme would constitute a 'fundamental difference' between the proposal consulted on and those which the Council subsequently opts to adopt.
- 4.9 Any Order must be made within two years from having published the Notice of statutory consultation. If the decision is to implement this report's recommendations then within fourteen days of making that decision objectors must be told why and a Notice to this effect must be published in the local press, in the London Gazette and prominently displayed on the streets affected. A copy of the Order must be available for public inspection for a further six weeks.
- 4.10 Once the abovementioned Order(s) has/have been made, 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).
- 4.11 The Council's Constitution requires that only 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. This decision meets neither of those criteria.

5. Consultation and co-production

- 5.1 The consultation and co-production that has informed this report's recommendations are detailed in the body of this report.
- 5.2 The Members for Vassall ward were invited to comment on this report's recommendations on 21 February 2019. None have objected to this report's recommendations.

6. Risk management

- 6.1 The risk of not introducing the proposed parking arrangements is that the existing parking difficulties faced by residents would continue and it would do nothing to address obstructive parking or the commuter-parking in this part of the borough.

7. Equalities impact assessment

- 7.1 The borough's existing policy for establishing a new CPZ passed an Equalities Impact Assessment in 2016.

7.2 The recommendations of this report deviate from this policy in only one respect; namely the manner in which a non-permit-holder must pay to park. Rather than use pay-and-display, the proposal is to only offer such users pay-by-phone, PayPoint or pre-purchase visitor parking permits. This has the potential to impact disproportionately on older people because, according to a 2017 survey undertaken by Deloitte, only 77% of the 55-75 age group use a smartphone whereas the average for all age groups is 85%. However, because there is a PayPoint in the vicinity at Spar in Cromwell Road, there is a reasonably convenient alternative ability for park-and-pay nearby.

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 increasing natural surveillance.

9. Organisational implications

9.1 Environmental

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

Road transport is the main source of air pollution in Lambeth and also significantly increases the borough's carbon footprint; these proposals will help to improve air quality and to reduce emissions of carbon as they will discourage car-borne commuting (thereby encouraging modal shift to more sustainable transport) and encourage residents, when purchasing a car, to choose one that emits less CO₂ and NO₂.

9.2 Staffing and accommodation

None.

9.3 Procurement

None as a result of this report.

10. Timetable

Description	Date
Making of Traffic Order	March 2019
Installation of traffic signs and road markings	March 2019
Residents letter inviting them to purchase permits	March 2019
"soft" enforcement of parking controls (warning notices attached to windscreens)	April 2019
CEOs start issuing penalty charge notices	April 2019

Audit trail


Name/Position	Lambeth directorate/department or partner	Date Sent	Date Received	Comments in para:
Hamant Bharadia, Acting Director of Finance & Property	Finance	21.02.19	25.02.19	
Jean-Marc Moocarme, Legal Services	Legal and Governance	21.02.19	01.03.19	4.2 - 4.11
Wayne Chandai, Democratic Services	Legal and Governance	21.02.19	28.02.19	
Jonathan Pook, Parking & Enforcement Ops Manager	Environment	21.02.19		
Russell Trewartha, Programme Manager	Environment	19.02.19	21.02.19	
Andrew Round, Sustainability Manager	Environment	21.02.19	28.02.19	9.1
Councillor Jacqui Dyer	Ward Councillor, Vassall	21.02.19		
Councillor Paul Gadsby	Ward Councillor, Vassall	21.02.19	22.02.19	
Councillor Annie Gallop	Ward Councillor, Vassall	21.02.19		

Report history

Original discussion with Cabinet Member	Ongoing since 2013 petition
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	none
Appendices	<u>Appendix A</u> – Revised proposals Drawing DES-CPZ-N-2003-001 rev A <u>Appendix B</u> – Original proposals Drawing DES-CPZ-N-2003-001 <u>Appendix C</u> – Petition responding to statutory consultation <u>Appendix D</u> – Statutory Consultation Newsletter

APPROVAL BY OFFICER IN ACCORDANCE WITH SCHEME OF DELEGATION

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

Signature:  _____

Date: 04 March 2019

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

I approve the above recommendations:

Signature:  _____

Date: 06 March 2019

Post: Andrew Burton, Assistant Director, Highways, Capital Programmes and Sustainability

Any declarations of interest (or exemptions granted): none

Any conflicts of interest: none

Any dispensations: none