

**Officer delegated decision 30 September 2019**

**Report title:** Proposed Controlled Parking Zone in Hailsham Avenue Area

**Ward:** Streatham Hill

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

**Portfolio:** Cllr Claire Holland, Deputy Leader of the Council (Environment and Clean Air)

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**Report summary**

This report presents the results of the Stage 1 Consultation on proposals to introduce parking controls into the Hailsham Avenue Area as an extension to the proposed Streatham Hill East (Zone M) controlled parking zone) CPZ.

**Finance summary**

The cost of the recommended statutory consultation can be contained within the £70,000 budget approved and allocated for the statutory consultation for the proposed Streatham Hill East (Zone M) CPZ and will be financed from a combination of S106 receipts and funding from the Parking Reserve. If, after statutory consultation, the scheme progresses to implementation in the form currently proposed, there will be an additional £140,000 cost. This would also be financed from the Parking Reserve.

**Recommendations**

1. To undertake statutory consultation on the following proposed traffic orders, as illustrated as Appendix A to this report, to include Hailsham Avenue Area (Faygate Road (between Amesbury Avenue and Hailsham Avenue), Hailsham Avenue and Lydhurst Road, excluding Keymer Road, as an extension of the proposed “Streatham Hill East (Zone M)” with controlled hours 1000-1200 Monday-Friday.
2. That, subject to no material objections arising from the above statutory consultation, the scheme be implemented. Should material objections be received, they will be considered by way of a separate officer delegated decision report by the Assistant Director of Highways, Capital Programmes and Sustainability, in consultation with the Deputy Leader of the Council (Environment and Clean Air) before any decision is made whether to implement, amend or withdraw the proposal.

**1. Context**

- 1.1 In 2016 the Council undertook a borough-wide parking feasibility study to review the Council’s existing controlled parking zones (CPZ) and assess the need for new parking controls in the non-CPZ areas. As part of this, the Council carried out parking stress surveys in roads that lay outside a CPZ.

- 1.2 These surveys revealed that many roads were under acute parking stress. Roads in Streatham Hill ward north of the Tulse-Hill-to-Balham railway line were prioritised for CPZ expansion and a Stage 1 public consultation on this was carried out in 2017. In the event, responses to this consultation resulted in only the roads west of the A23 (“Streatham Hill West”), proceeding to statutory consultation (in 2018).
- 1.3 During that statutory consultation, the council received three petitions requesting that residents of roads to the east of Streatham Hill be re-consulted on the introduction of parking controls. This request was acceded to and a second (“Streatham Hill East”) stage 1 consultation took place in January 2019.
- 1.4 In the intervening period, in February 2018 an attitudinal survey on parking stress had been delivered to all premises south of the Tulse-Hill-to-Balham railway line. The roads surveyed were in the wards of St. Leonard’s, Streatham South, Streatham Wells and the four remaining roads in Streatham East which had not been included in the stage 1 CPZ consultation referred to above. These roads, Faygate Road (between Hailsham Avenue and Amesbury Avenue), Hailsham Avenue, Keymer Road and Lyndhurst Avenue are referred to in this report as the Hailsham Avenue Area.
- 1.5 Whilst the majority of respondents from the Hailsham Avenue Area did not support inclusion in the CPZ expansion programme, this opinion changed to one of majority in support were controlled parking to be introduced in adjoining roads. With the petitions described in para 1.3 making controlled parking in the adjoining roads to the Hailsham Avenue Area a strong possibility, the councillors for Streatham Hill ward have requested that residents of these four roads be consulted on their roads being added to the proposed “Streatham Hill East” CPZ.
- 1.6 A total of 281 properties in the Hailsham Avenue Area were sent the following documents in early August 2019:
  - a) a newsletter explaining the proposals, the reasons for the Stage 1 consultation and how to participate
  - b) a frequently-asked-questions document answering common CPZ-related questions
  - c) Lambeth’s permit pricing structure at the time of the consultation.
  - d) directions on how to complete the survey online
  - e) a telephone number to request paper copies of the online documentation (for those residents unable to access the information on the website, or complete the online survey)
- 1.7 A webpage was also created which contained all the relevant information. On this webpage was a link to a survey where residents could complete and submit their views including a section for comments. This was the primary method of participation in the consultation provided through the newsletter.
- 1.8 In light of the consultation being undertaken during the Summer Holiday period, to enable residents sufficient time to participate, the period for the return of completed questionnaires was extended from the usual 3 week period for a further one week, running from 2 August 2019 to 30 August 2019 inclusive.

## 2. Proposal and Reason

- 2.1 A detailed breakdown of the consultation results is presented in Appendix B with visual representations presented in Appendix C.
- 2.2 Of the 281 properties 54 responses were received, a response rate of 19%. No responses were received from Faygate Road. Of these 54 respondents, 29 (54%) felt that they do not have a parking problem in their road as opposed to 22 (41%) who felt that they do. Three (6%) were undecided.
- 2.3 In response to the question as to whether they would like to see the introduction of a CPZ in their road operational as an extension of the proposed Streatham Hill East CPZ (Zone M), opinion was split 50:50 with 26 (48%) saying yes and 26 (48%) saying no with 2 (4%), undecided.
- 2.4 When asked if they would reconsider and support the introduction of a CPZ in their road if adjacent streets were included in a CPZ, 30 (56%) said that they would opposed to 22 (41%) who would not. One respondent was undecided and one did not answer the question.
- 2.5 On a road by road basis, only **Hailsham Avenue** respondents were of the opinion that they had a parking problem, would support the introduction of a CPZ and also reconsider if a CPZ was introduced into adjacent streets.
- 2.6 The majority of residents from **Keymer Road**, **Lydhurst Avenue** and **Mount Nod Road** did not consider that they had a parking problem. Both **Keymer Road** and **Mount Nod Road** also indicated that they would not support the introduction of a CPZ in their road and would not reconsider if a CPZ were to be introduced into adjacent streets. Respondents from **Lydhurst Road** were split 50:50 in support of a CPZ with a majority 6 (50%) opposed to 5 (42%) saying that they would reconsider if a CPZ were to be introduced into adjacent streets.
- 2.7 The most consensual response to the stage 1 consultation results would be to exclude **Faygate Road** and **Keymer Road** from any CPZ proposals and only extend the proposed Streatham Hill East Zone M CPZ into **Hailsham Avenue**, where the majority support a CPZ, but this would not accurately represent or address the views of residents of **Lydhurst Avenue** (n.b. residents of **Mount Nod Road** were consulted as part of this consultation for the purpose of enabling due consideration to be given as to whether or not these properties should be offered the option to purchase permits if a CPZ were to be introduced as it is not proposed to install on-street parking restrictions in the road as part of these proposals).
- 2.8 Introduction of parking controls into Hailsham Avenue, from its junction with Amesbury Avenue to Mount Nod Road, could be achieved as a 'seamless' continuation of the proposed Streatham Hill East Zone M CPZ. However, given the road layout within the Area, exclusion of both Faygate Road and Keymer Road but inclusion of Lydhurst Road would, in effect geographically, result in an isolated one-street CPZ.
- 2.9 Although traffic signs would be erected to advise as to which streets were controlled and which were not, it is possible that this arrangement could be confusing, particularly for visiting motorists. The benefits of being able to park in an adjacent street within the same CPZ with your permit if all spaces in your street were occupied would still exist

albeit somewhat diminished in that permit holders would be required to walk further from home to find suitable alternative street parking.

2.10 In addition it should also be noted that in July 2019 approval was obtained for a five year investment programme focusing on the introduction of potential controlled parking in roads to the south of the borough. The first phase of this programme, Stage 1 consultation with all properties in St Leonards ward and part of Streatham South ward (Streatham Vale West) is already underway. Consequently, there will be no opportunity to return and further consider parking controls in the Hailsham Avenue Area until much later in the expansion programme, which runs until 2023.

2.11 As a result, to address the above issues, protect against displacement parking and increased parking stress and respond to the views of residents as expressed in this consultation, particularly those set out in paragraph 2.7 of this report, it is recommended that the proposed Streatham Hill East (Zone M) CPZ should be introduced into:

- **Faygate Road (between Amesbury Avenue and Hailsham Avenue)**  
(northern section of Faygate Road (between Downton Avenue and Amesbury Avenue) already within proposed Streatham Hill East (Zone M) CPZ)
- **Hailsham Avenue** (majority support for introduction of CPZ)
- **Lydhurst Road** (50:50 support for introduction of a CPZ).

**Keymer Road and Mount Nod Road**, where the majority opposed introduction of a CPZ be excluded from the proposed Streatham Hill East (Zone M) CPZ and not be offered the option to purchase permits for the CPZ.

### 3. Finance

3.1 The forecast cost of the statutory consultation for the Streatham Hill East (Zone M) CPZ is £70,000 with additional costs of £140,000 should the scheme progress in its proposed current form to implementation. These costs are to be financed from a combination of S106 receipts arising from covenants attached to nearby planning permissions and the Parking Reserve (see tables below).

3.2 Statutory consultation costs for the inclusion of the Hailsham Avenue Area as an extension to the proposed Streatham Hill East (Zone M) CPZ and subsequent implementation if approved, are likely to be minimal and should easily be absorbed within the projected figures referred to the previous paragraph.

<b>Project task</b>	<b>2019/20 (£)</b>
Staff time (project management, design, analysis and consideration of objections)	40,000
Statutory consultation	15,000
Implementation and/or Outcome Newsletter	15,000
<b><i>subject to a separate delegated decision report to proceed:</i></b>	
Legal costs (writing and advertising traffic orders, etc)	15,000
Implementation cost	125,000
<b>TOTAL</b>	<b>210,000</b>

<b>Funding Stream</b>	<b>Amount (£)</b>
S106	37,996.64
Parking Reserves	172,003.36
<b>TOTAL</b>	<b>210,000.00</b>

#### **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 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 considerations when reaching any decision. As required by this legislation, the consultation undertaken to date has been at a time when proposals are still at a formative stage. The council has given accurate and sufficient reasons for its proposals to permit intelligent consideration and meaningful response. Adequate time has been given for consideration and response and the product of consultation has been considered with a receptive mind and conscientiously taken into account in finalising these statutory proposals.
- 4.5 The proposals detailed in this report require the making of a TMO The statutory procedure to be followed in this connection includes a statutory consultation stage. The

Council is obliged to take account any representations made at that stage and any material objections received will need to be formally considered by 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 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. This proposed decision will be 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 The Stage 1 consultation that has informed this report's recommendations is described in sections 1 and 2 of this report.
- 5.2 This report's recommendation is to carry out statutory consultation with those who live or have a business in a road where parking controls are proposed. This engagement will be achieved by delivering a newsletter with a map showing proposals to each address and placing notices on lamp columns in the vicinity of the proposals. Notification of the consultation will be published in a local newspaper and on the council's website.
- 5.3 Whilst the results of the stage 1 consultation evidence that more people are likely to support the revised proposals than will object to them, the statutory consultation will result in the council receiving objections. Section 4 of this report explains that the council will need to carefully consider the nature of these objections. Upon receipt of such objections, the legal process that must be followed when carrying out statutory consultation on a traffic order restricts the council to one of two actions. Either:
- a) the proposed restriction is reduced in whole or in part to mitigate against the respondent's grounds for objection (the reduction can relate to geographical area, hours of control, permit conditions, etc), or
  - b) the objection is over-ruled
- 5.4 Importantly, the proposed restriction cannot be made more restrictive following statutory consultation. This means, for instance, that no additional restrictions can be implemented on another road or over different controlled hours.
- 5.5 The three councillors for Streatham Hill ward support this report's recommendations.

## **6 Risk management**

- 6.1 If controlled parking is not introduced, the council will be unable to mitigate against the existing parking difficulties that some residents experience and will not gain the ability to further deter car-borne commuting in this area.
- 6.2 Because some drivers will still seek free on-street parking following the introduction of parking controls, increased competition for on-street unrestricted parking in adjacent unrestricted roads sometimes occurs.
- 6.3 In light of the support for a CPZ in Zone M (Streatham Hill East) and from residents of Hailsham Avenue itself, officers have assessed this risk on the remaining roads within

the Hailsham Avenue Area. Despite diminished support for the introduction of parking controls from these remaining roads the risk of increased parking pressure still remains.

- 6.4 Section 5 of this report explains that following statutory consultation the proposed restrictions cannot be made more restrictive than those which were advertised. This means, for instance, that were the council only to proceed with part introduction of controlled parking in the Hailsham Avenue Area, it would not be possible to accede to subsequent requests for inclusion in a CPZ without carrying out a further Stage 1 public consultation. Because of commitments to consult on CPZ expansion elsewhere in the borough, no resources to undertake such a consultation will be available until 2022.

## **7 Equalities impact assessment**

- 7.1 The recommended changes to waiting restrictions have been screened for their effect on people with one or more of the Protected Characteristics. Subject to the potential impact of risks described in section 6 of this report, none would be disproportionately disadvantaged by this report's recommendations.

## **8 Community safety**

- 8.1 All road space in a CPZ is managed by the introduction of parking controls. Because parking is only permitted where safety, access and sight lines are not compromised, implementation of this report's recommendations would contribute towards a safer environment for all road users.

## **9 Organisational implications**

### **9.1 Environmental**

By deterring car-borne commuting, CPZs align with the council's 2017-2022 Air Quality Action Plan to reduce air pollution and its ambition for Lambeth to be carbon neutral by 2030. The emissions-based tariff for residents' parking permits will encourage owners to drive vehicles that are less polluting.

### **9.2 Staffing and accommodation**

None as a result of this report. However, if the CPZ were to be implemented, there will be a potential increase of up to 0.5 FTE within the Parking Service's team to process permit applications, parking challenges and bay suspensions. The new CPZ zone 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).

### **9.3 Procurement**

None as a result of this report; existing supply chains will be used.

## 10 Timetable for implementation

ACTIVITY	DATE
Commence statutory consultation of this report's recommendations	October 2019
Deadline for receipt of objections to statutory consultation	November 2019
Delegated Decision Report to consider objections to statutory consultation	January 2020
<b><u>Subject to the above November delegated decision report:</u></b>	
Installation of traffic signs and road markings	March 2020
Zone Operational	April 2020

Audit trail

<b>Consultation</b>				
<b>Name/Position</b>	<b>Lambeth directorate/ department or partner</b>	<b>Date Sent</b>	<b>Date Received</b>	<b>Comments in para:</b>
Russell Trewartha, Programme Manager	Environment and Street Scene	30/09/19	30/09/19	
Andrew Ramsden Asst Director of Finance	Finance and Property	13/09/19	24/09/19	
Jean-Marc Mookarme, Solicitor	Legal and Governance	13/9/19	20/9/19	
Maria Burton, Senior Dem. Services Officer	Legal and Governance	13/9/19	18/9/19	4
Johnathan Pook, Parking & Enforcement Operations Manager	Environment and Street Scene	13/9/19	30/09/19	
Councillor Liz Atkins	Ward Councillor, Streatham Hill	17/9/19	17/9/19	
Councillor Rezina Chowdhury	Ward Councillor, Streatham Hill	17/9/19	17/9/19	
Councillor Iain Simpson	Ward Councillor, Streatham Hill	17/9/19	17/9/19	

**Report history**

<b>Original discussion with Cabinet Member</b>	ongoing since February 2018
<b>Part II Exempt from Disclosure/ confidential accompanying report?</b>	No
<b>Key decision report</b>	No
<b>Background information</b>	26/6/19 – Streatham Survey Results Report 08/07/19 - Proposed Streatham Hill East Area CPZ Report
<b>Appendices</b>	Appendix A – Detailed Statutory Consultation Proposals Appendix B – Stage 1 Consultation Results Appendix C – Stage 1 Consultation Results Visual Representations

**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: 30 September 2019**

**Post:** Caroline Stanyon, Senior Parking Engineer

**I approve the above recommendations:**



**Signature:**

**Date: 30 September 2019**

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

**Any declarations of interest (or exemptions granted):** none

**Any conflicts of interest:** none

**Any dispensations:** none