

OFFICER DELEGATED DECISION – 12 APRIL

Report title: COVID-19 School Streets Implementation

Ward: Brixton Hill, Knight's Hill, Vassal, Clapham Common, Gipsy Hill, Coldharbour, Larkhall, Bishop's, Streatham Wells, Thornton, Streatham South, Stockwell, Prince's, Ferndale

Portfolio: Councillor Claire Holland, Deputy Leader of the Council (Sustainable Transport, Environment and Clean Air)

Report Authorised by: Neil Fenton, Assistant Director: Parking, Street Management and Commercial, Environment and Streetscene, NFenton@lambeth.gov.uk

Contact for enquiries: Joe Lindsay, Transport Education Campaigns Officer, Environment and Streetscene, JLindsay@lambeth.gov.uk

Report summary

This report provides justification for Lambeth Council to make an Experimental Traffic order under Section 9 of the Road Traffic Regulation Act 1944, to implement a "School Streets" scheme at 20 schools in the borough by introducing a part-time prohibition of motor vehicles on roads in the immediate vicinity of the schools shown in Appendix A. Residents living within the Pedestrian and Cycle Zones who require access and Blue Badge holders who require access, will be able to apply for an exemption permit for nominated vehicles to access the zone at all times without committing an offence. This report will also make an amendment to the current Traffic Order in place at Lowden Road School Street, to allow residents and Blue Badge holders that require access to apply for virtual exemption permits.

Finance summary

Funding has been received from TfL as part of its London Streetspace Plan for the Emergency Transport Response to COVID-19. In total £74,000 has been granted for the project. This has been spent on the implementation of the schemes and only TMO costs relevant to the transition to ETMO remain.

Recommendations

1. To issue approval for 20 "School Streets" schemes as listed in Appendix A to this report, to transition from two Temporary Traffic Orders, which were made operational on 2 September 2020 and 2 November 2020 respectively, to a new Experimental Traffic Order. The total estimated cost for this is £74,000 and the effect of which would be to prohibit motor vehicles from the affected streets at drop off and pick up Monday-Friday during term-time. To see full list of restriction times and locations see Appendix A.

2. To implement Recommendation 1 under an Experimental Traffic Management Order made under the provisions of Sections 9, 10, 124, Schedule 1 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (RTRA 1984) and that the notices of making for the Experimental Traffic Orders contain the statements specified in Schedule 5 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. This order will replace the Temporary Traffic Orders which came into operation on 2 September 2020 and 2 November 2020 under Section 14 of RTRA 1984 which applies to the Roads referred to in Appendix A.
3. That, after consultation with the Chief Officer of Police, any modifications to the Order which renders it less restrictive may be authorised by the Assistant Director for Parking Street Management and Commercial, acting in consultation with the Head Teacher of the relevant school without the requirement to re-advertise the Order under Section 10(2) of the said Act.
4. That residents living within the closed sections of the School Street zones who require access, as shown in Appendix A, will be able to apply for a virtual exemption permit for nominated vehicles to access the zone at all times without committing an offence. Resident vehicles need to be registered to an address within the School Street Zone. That vehicles nominated by resident Blue Badge holders and Blue Badge holders of the school (pupils, parents and staff) who require access will be exempt from the zone at all times without committing an offence.
5. To give approval to amend the Traffic Order for Lowden Road School Street, which came in to operation on 14/09/2020, to reflect that residents living on Lowden Road will be able to apply for an exemption permit for nominated vehicles to access the zone at all times without committing an offence.
6. To introduce an additional COVID-19 School Street at Reay Primary School and include this on the Experimental Traffic Order with the aforementioned 19 schemes, bringing the total number of schemes on this order to 20.
7. That any valid objections received during the statutory objection period are considered by way of a written report to Assistant Director of Parking, Street Management and Commercial before a decision is reached on whether or not any of the provisions of the experimental order will be made permanent.
8. To exercise discretion not to hold a public inquiry pursuant to Regulation 9 of the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996.

1. Context

- 1.1 In 2019, the council adopted 'School Streets' by piloting two schemes at Jessops and Immanuel St Andrews Primary School. School Streets help to protect children at the school gates from the ill health effects of air pollution. These are lengths of road in the immediate

vicinity of schools where motor vehicles are prohibited from entering at those times of day when most pupils arrive and leave. Most are prohibited by way of physical means (e.g. temporary barriers), but some use only traffic signs supported by Automatic Number Plate Recognition cameras (ANPR) which result in an errant driver being issued with a Penalty Charge Notice.

- 1.2 This proposal aligns with Lambeth Council Transport Strategy guiding principles to make borough transport networks safe, efficient, inclusive, sustainable and healthy. One of the guiding policies in that strategy detailed under the heading 'Active and Safe' is summarised, as the "Focus on people rather than traffic and enable people to travel safely and live healthier, more enjoyable lives". The implementation of "school road closures" ('School Streets' - the policy underpinning the proposal in this report), is recommended within the Strategy under the 'Active and Safe' heading as a means of enabling, "walking and cycling to school, particularly where car use is high, to reduce motor traffic, tackle health issues and improve air quality." Such measures can encourage a mode shift from motor vehicle travel to active travel (complementing other measures in this connection including cycling and walking bus initiatives) and reduce the negative impacts associated with motor vehicle travel such as road danger and air pollution. This measure may also reduce congestion making essential trips easier to make on the network. Since most Lambeth households do not own a car, measures to re-allocate space and priority within the surface transport system towards active travel are proportionally beneficial.
- 1.3 19 School Streets were implemented across two Temporary Traffic Orders, at 14 Primary schools in the borough on 2 September 2020 and a further 5 schools on a Temporary Traffic order on 2 November 2020. The Commonplace online engagement platform for these schemes has been active since September 2 2020 and shows overwhelming support from the community, receiving 1692 contributions, with 80% comments in favour of the schemes. Please see Appendix A for a list of these schools and specific closure locations.
- 1.4 Even in a borough with low car ownership such as Lambeth, roads around schools are often clogged with traffic at the beginning and end of the school day. Limited parking around most schools in the borough leads to some drivers parking inconsiderately or dangerously close to the school gates, putting their own and other children arriving at school at risk. This, and the heightened congestion, means that residents are often inconvenienced and annoyed by inconsiderate parking and poor standards of driving.
- 1.7 Through-traffic that uses streets with schools on them increases parents' safety fears and worsens the environment for residents and those walking, cycling, or scooting to school. This discourages some families from choosing active travel which, in turn, reduces children's activity levels.

2. Proposal and Reasons

- 2.1 Lambeth Council proposes to transition all 19 COVID-19 School Streets which were initially implemented across two Temporary Traffic Orders on 2 September and 2 November 2020 to an Experimental Traffic Order. Transitioning these schemes in this way will enable the council to effectively enforce the schemes, cease or modify elements that don't work quickly and to collect data needed to inform whether the scheme is made permanent, modified or withdrawn at the end of the trial period. It is proposed that the schools will operate each scheme for a trial period up to 18 months, from the date the Experimental Traffic Order is made.

Recommendations from public engagement will be made within 18 months and be presented 6 months after the initial operational date of the Experimental traffic Order.

- 2.2 An additional School Street at Reay Primary School will be included within this Experimental Traffic Order, bringing the total number of School Street schemes within the order to 20. This will allow us to initiate a second six month formal consultation period at Reay Primary School. This scheme proposal has had a duration of stage one consultation which showed overwhelming support for the scheme from the school and local residents and stakeholders. This consultation period took place between December 2019 and January 2020. It was hoped that this scheme could be included in the initial roll out of the COVID-19 School Streets schemes but was not included as the scheme needed further approval from TfL. This has now been approved.
- 2.3 The Experimental Traffic Order will prohibit motor vehicles from entering the School Street zone/s of each school at drop off and pick up between the times listed in Appendix A on weekdays during term time. School staff will deploy barriers and standing signage across the left-hand side of the road at each end of the restricted length School Street zone. Schemes will be supported by restricted vehicle access signage and advanced warning signs where appropriate, which will be erected at each closure point to inform drivers. It is anticipated that automatic number plate recognition cameras (ANPR) will be installed at a small number of priority scheme locations on an initial basis. School Streets supported by ANPR cameras for enforcement will not require barriers and standing signage. A list of these scheme locations will be confirmed with the Parking CCTV manager and team. Additional ANPR cameras will be implemented at School Street sites in due course when further funding becomes available.
- 2.4 The council is committed to making Lambeth's roads safer and more accessible for everyone living, working, or travelling through the borough. To achieve this, environments need to encourage safe active travel and there needs to be a reduction in the use of private vehicles to tackle worsening air pollution. The expected reduction in motor vehicles within the restricted area is expected to reduce road danger. Any increased risk on the main road network is expected to be mitigated but this effect will also be monitored.
- 2.5 The proposals are expected to result in an overall reduction in motor vehicular traffic. Air quality is expected to improve on the affected streets with significant reductions in motor vehicle traffic levels. Air quality in surrounding roads is not expected to change significantly, but these effects will be monitored and reported with potential further measures depending on the outcome of this. Feasibility criteria were used to select the participating schools, examining their most recent NO₂ levels, traffic volume and speed, collision history and modal split between car use and active travel.
- 2.6 Transport derived emissions are the primary source of people being exposed to poor air quality and it is anticipated that School Streets will introduce air quality benefits to children and the school community by restricting vehicle access to the school gates at drop off and pick up times.
- 2.7 The scheme aims to:
 - Help facilitate social distancing at the school gates during drop off and pick up times
 - Reduce road danger, congestion, and anti-social behaviour from inconsiderate parking and dangerous manoeuvres, creating a more pleasant environment in the immediate vicinity of the school. This will be evidenced in vehicle volume surveys which will measure the anticipated reduction in vehicle numbers at each location as well as through direct feedback from each school

- Reduce the levels of pollution around the school gates from idling vehicles. Due to the expedient nature in which COVID-19 School Streets were implemented, as well as the anomalies in traffic and pollution levels due to lockdowns, the council was unable to capture initial baseline data to show levels of pollution prior to implementation. Lambeth is working with the Greater London Authority (GLA) to measure pollution levels at 8 School Street locations and will work with the Air Quality team to ensure that data is captured going forward
- Discourage travelling to school by car in cases where alternative means of travel are available. This will be evidenced through Hands Up Surveys with the schools
- Encourage walking, scooting, and cycling to school, thereby achieving positive health outcomes for the school community. This will be evidenced through Hands Up Surveys with the schools

2.9 School Streets are Pedestrian and Cycle Zones, although it is proposed that vehicles already parked within the zone will be allowed to exit during restricted hours but will not be able to re-enter during the same period unless they have a virtual exemption permit. Entry points to the restrictions will be signed and additional signage will be placed on the approaches to the closure to encourage drivers to choose an alternative route in advance. The position of the road closures and traffic signs is illustrated in Appendix B.

2.10 It is proposed that schools continue to use the barriers which have been provided in order to operate their scheme. Each scheme has erected Pedestrian and Cycle zone signage, with expandable barriers and Road Closed for Social Distancing' standing signage (such as illustrated here) to ensure that drivers comply with the prohibition. These will be stored on the school site and wheeled into position to coincide with the hours of closure. 'Road ahead

closed for social distancing' signage will be updated to 'Road Ahead Closed' post COVID-19.



2.11 The Experimental Traffic Management Order and corresponding Pedestrian and Cycle Zone signs will prohibit motor vehicles access. Advanced warning signs and barriers will aid the operation of each scheme. Accordingly, the legal authority delegated to the school needs only to extend to deploying and removing the barriers on the highway. Unless a virtual exemption permit has been issued for that vehicle, a driver disobeying the signed restriction will be committing an offence and will be subject to enforcement action by the Council's civil enforcement officers or in some cases PCN's issued by ANPR cameras. A Memorandum of Understanding has been signed with each school setting out their agreement to manage the deployment and removal of the barriers and standing signage and placing blank covers over Pedestrian and Cycle Zone signage outside of school term time.

2.12 To minimise displacement of school-run traffic onto surrounding streets the school will be encouraged to further promote active travel to school.

2.14 There will be no impediment to emergency service vehicles as they are exempted in the order. While no adverse impacts are anticipated, other potential exemptions will be considered on a case by case basis where access is required and where this is not

considered to undermine the objectives of the scheme, (SEND travel for example). This data, and any unwithdrawn objections to the scheme that may be received during the trial period will inform the decision as to whether the closure should be made permanent.

- 2.15 The Experimental Traffic Order for Lowden road which was made operational on 14/9/2020 did not state that residents or blue badge holders are able to apply for an exemption permit for nominated vehicles. We are amending the Experimental Traffic Order to reflect that residents of Lowden Road who require access are now able to apply for virtual exemption permits for nominated vehicles registered to their address on Lowden Road. Nominated vehicles with a virtual permit will be able to enter the Lowden Road Pedestrian and Cycle zone for access without committing an offence.
- 2.16 High traffic levels outside of schools poses road safety risks to all road users, including pedestrians, creates congestion, compromises air quality and obstructs access for residents and the emergency services. Removing vehicular traffic at certain times of the day from roads in the vicinity of school entrances will facilitate safer journeys for children travelling to school and make active travel options (cycling and walking) viable and more appealing.
- 2.17 The Council considers the use of Experimental Traffic Orders to be appropriate as the implications of this measure upon the affected roads and road users (as well as the surrounding road network) are uncertain. As such, the impact of the experiment will be regularly reviewed, monitored and assessed whilst the order is in operation. By implementing this measure in this way, the Council will be able to react quickly if circumstances require the order to be modified or removed.
- 2.18 Further to the matters set out in this report and having regard to the considerations listed in 4.6 (a) to (e) below, officers consider that the proposed schemes will enable the Council to meet its duty under section 122 of the RTRA 1986 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.
- 2.19 It is considered that holding a public inquiry pursuant to Regulation 9 of the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 would not assist the Council in reaching a decision in this matter at this stage and for that reason it is recommended that the decision maker exercise his discretion not to hold such an inquiry.

3. Finance

- 3.1 The cost of implementation of the School Streets were met by £74,000 from the TfL London Streetspace Plan Emergency Transport Fund. The only remaining cost is the Traffic Order making cost to transition from a temporary Traffic Management Order to an Experimental one. The Capital Investment Programme Fund can be used as a contingency if necessary.

4 Legal and Democracy

- 4.1 The Council has a statutory duty under section 39 of the Road Traffic Act 1988 to carry out a programme of measures designed to promote road safety.

- 4.1 Restricting traffic from using part of the public highway requires the making of a traffic management order (TMO). The Council's powers to implement this are principally set out in the Road Traffic Regulation Act 1984 (RTRA).
- 4.2 The Council has powers to make Temporary Traffic Orders (TTOs) under Section 14 of the RTRA to restrict traffic for reasons that include there being a likelihood of danger to the public. Before the Council can make a TTRO, it must undertake a notification procedure which includes publication of notice of its intention in a local newspaper in accordance with the Road Traffic (Temporary Restrictions) Procedure Regulations 1992.
- 4.3 For the reasons set out in paragraph 2 of this report, the making of Experimental TMOs pursuant to Section 9 of the RTRA, is recommended.
- 4.4 The provisions of sections 9, 10, 124, Schedule 1 and Part IV of Schedule 9 of the RTRA provide the Council with the power to implement the measures proposed in this report. This legislation gives a local authority the power to make TMOs for the purpose of:
 - a) designating on-street parking places and to charge for the use of such places;
 - b) imposing waiting and loading restrictions on vehicles of all or certain classes, at all times or otherwise;
 - c) to prohibit, restrict and otherwise regulate the use of a road or any part of the width of a road by all classes of traffic, or by any class or classes of traffic, and
 - d) to vary or revoke an existing TMO for these purposes.
- 4.5 Paragraphs (a) to (g) of section 1(1) of the RTRA provides that the Council may make a TMO for any of the following purposes
 - a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
 - b) for preventing damage to the road or to any building on or near the road, or
 - c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
 - d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
 - e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
 - f) for preserving or improving the amenities of the area through which the road runs
 - g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).
- 4.6 By virtue of section 122 of the RTRA, the Council must exercise its functions under the RTRA so as to secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians, and the provision of suitable and adequate parking facilities on and off the highway. These powers must be exercised so far as practicable having regard to the following matters:-
 - a) the desirability of securing and maintaining reasonable access to premises.

- b) the effect on the amenities of any locality affected including the regulation and restriction of heavy commercial traffic so as to preserve or improve amenity.
- c) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy)
- 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.
- e) any other matters appearing to the Council to be relevant.

The Council must have proper regard to the matters set out in s 122(1) and (2) and specifically document its analysis of all relevant section 122 considerations when reaching any decision.

- 4.7 Section 144 of the Greater London Authority Act 1999 requires the Council when exercising any of its functions to have regard to the Mayor of London’s transport strategy and any written guidance given to it. The current strategy emphasises the importance of reducing emissions and improving air quality and at page 101, under the heading, “Improving air quality and the environment” includes the following commentary:

“Policy 6

The Mayor, through TfL and the boroughs, and working with stakeholders, will take action to reduce emissions – in particular diesel emissions – from vehicles on London’s streets, to improve air quality and support London reaching compliance with UK and EU legal limits as soon as possible. Measures may include retrofitting vehicles with equipment to reduce emissions, promoting electrification, road charging, the imposition of parking charges/levies, responsible procurement, the making of traffic restrictions/regulations and local actions.”

The same document goes on to set out the expectation (at page 105) that:

“TfL and the boroughs....take targeted action and fulfil their statutory duties, including using tools such as road charges, differential parking charges, street closures and vehicle restrictions, tackling engine idling, promoting efficient driving, implementing electric vehicle charging infrastructure, and supporting zero emission car clubs (where appropriate)”.

- 4.8 The making of experimental traffic orders is governed by the Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1996. Section 6 of these Regulations specifies that in addition to the Chief Officer of the Police, the Council is required to consult with the following before making an Experimental Traffic Order (ETO).

Case	Consultee
Where the order relates to, or appears to the order making authority to be likely to affect traffic on, a road for which another authority is the highway authority or the traffic authority	The other authority

Where the order relates to, or appears to the order making authority to be likely to affect traffic on a road included in the route of a London bus service	London Buses
Where it appears to the authority that the order is likely to affect the passage of an ambulance	the chief officer of the appropriate NHS trust
Where it appears to the authority that the order is likely to affect the passage on any road of a fire-fighting vehicle	the chief officer of the fire brigade of the fire authority
All cases	The Freight Transport Association The Road Haulage Association
Such other organisations (if any) representing persons likely to be affected by any provision in the order as the order making authority thinks it appropriate to consult. Any such organisations that have been consulted in respect of one or more schemes subject to this report's recommendations are detailed in section 2 of this report	

Paragraph 5 of the report details the Council's communication, consultation and monitoring strategy with respect to this proposal.

4.9 Section 22 of the Regulations provides that prior to the making of an *experimental* order there is no requirement to publish proposals for public consultation or to consider any objections arising therein. To enable this to happen efficiently, Section 23(3) of the 1996 Regulations makes provision for no further public consultation being necessary at that time if:

(a) the notice of making for the Experimental Traffic Order contains the statements specified in Schedule 5 of the Regulations, namely;

1. That the order making authority will be considering in due course whether the provisions of the experimental order should be continued in force indefinitely.
2. That within a period of six months—
 - (a) beginning with the day on which the experimental order came into force, or
 - (b) if that order is varied by another order or modified pursuant to section 10(2) of the 1984 Act, beginning with the day on which the variation or modification or the latest variation or modification came into force, any person may object to the making of an order for the purpose of such indefinite continuation.
3. That any such objection must—
 - (a) be in writing;
 - (b) state the grounds on which it is made; and
 - (c) be sent to an address specified for the purpose in the notice of making.

- (b) deposited documents (including the documents referred to below in subparagraphs (c) and (e)) were kept available for inspection in accordance with Schedule 2 throughout the whole of the period specified in regulation 22(4);
- (c) the deposited documents included a statement of the order making authority's reasons for making the experimental order;
- (d) no variation or modification of the experimental order was made more than 12 months after the order was made; and
- (e) where the experimental order has been modified in accordance with section 10(2) of the 1984 Act, a statement of the effect of each such modification has been included with the deposited documents.

4.10 The Council is also obliged to deposit at the same time various documents for inspection, including a statement setting out our reasons for making the experimental order. The ETO will take effect seven days after the day on which the said notice of making is published and may remain in force for up to a maximum of 18 months. Within this period, the Council will need to decide whether to make the scheme permanent. No consultation is required prior to the order coming into force.

4.11 Section 10 of the RTRA provides for an ETO to be suspended or modified while the order is in place. This power cannot be used to extend or make additions to the order. No variation to, nor modification of, the ETO can be made more than 12 months after it was made.

4.12 Once the experimental order is in place, the Council is required to make the necessary amendments to the road markings and traffic signs as soon as practicable to adequately provide information as to the Order that is in place. The requisite sign or signs for these purposes is specified in the Traffic Signs Regulations and General Directions 2016.

4.13 As detailed in paragraph 4.9, the Regulations specify a procedure which must be followed if the Council wishes an experimental order to be replaced by a permanent traffic order. This procedure requires that before deciding whether to make the provisions of the ETO or any of them permanent, the Council must take account of any representations made within six months of it coming into force or, if it is modified, within 6 months of that modification coming into force. All material objections received must be properly considered by the decision maker in light of administrative law principles, human rights law and the relevant statutory powers. The Council's constitution delegates to Directors and Assistant Directors (Delivery) the authority to consider objections received from statutory consultation as part of the order 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.

4.14 Section 149 of the Equality Act 2010 sets out the public sector equality duty 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.

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.

- 4.15 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.
- 4.16 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. Consideration of this duty and the Councils’ public sector equality duty are discussed in paragraph 7 below.
- 4.17 Section 16 of the Traffic Management Act 2004 imposes a duty on the Council to manage its road network with a view to achieving, so far as may be reasonably practicable having regard to its other obligations, policies and objectives, to:
- Securing the expeditious movement of traffic on the authority's road network; and
 - Facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.
- 4.18 Subject to the requirement set out in section 18 to have regard to statutory guidance on network management, under section 17 of the Traffic Management Act the Council 2004 as a network manager must have in place arrangements as it considers appropriate for carrying out its network management duty which must include provision for establishing processes for ensuring, so far as is reasonably practical, that the Council identifies occurrences, including future occurrences which are causing or may cause road congestion or disruption to the movement of traffic, and consider possible action that can be taken in response to those occurrences.
- 4.19 The Council, as a public body, is under a duty to consider whether the exercise of its powers interacts with rights protected by the European Convention, set out in the Human Rights Act 1998. **The Convention rights applicable are:**
- 4.20.1 Article 1, Part I - protects the right of everyone to the peaceful enjoyment of possessions. No one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. This does not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest etc.

- 4.20.2 Article 8 - protects the right of the individual to respect for their private and family life, their home and their correspondence. There should be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of amongst other matters, public safety, the economic well-being of the country, for the prevention of disorder or crime, for the protection of health, or for the protection of the rights and freedoms of others.
- 4.20.3 Any interference with a Convention right must be necessary and proportionate and in pursuing an ETO, the council has to consider carefully the balance to be struck between individual rights and the wider public interest.
- 4.20 Page 80 of the Council's Constitution delegates to the Business Unit Manager, authority to consider and approve, within their area of managerial responsibility, the detailed delivery of local traffic and highway schemes (including controlled parking zones) which have been included within the Council's overall programme.
- 4.21 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) 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 Monitoring

- 5.1 A six-month informal engagement period took place following the implementation of the two Temporary Traffic Orders on 2 September 2020 and 2 November 2020, running from 2 September 2020 to 2 March 2021. All residents within a 250 radius of each scheme were sent letters to inform them of the proposed changes and how to have their say. All schemes were discussed with the schools and with ward councillors and all are supportive of the proposed schemes and changes. During this six-month engagement period, 1692 contributions were made on the 'Have your say' Commonplace site. 80% of respondents commented positively in support of the schemes, 15% of comments were negative and 5% were neutral. This data, along with qualitative feedback from Commonplace and the school community, monitoring listed in 5.4, and upcoming feedback from the next phase of formal consultation, will be used in consideration when deciding whether to make each scheme permanent.

When the Experimental Traffic Order comes into effect with all 20 School Streets schemes, as listed in Appendix A, it will initiate a six-month formal consultation period. This will take place in addition to the informal engagement period described above. The recommendation of this report is that within 18 months, and after the six-month formal consultation period, the Assistant Director for Parking Streetworks and Commercial, Neil Fenton, will receive a written report setting out any valid objections received during the period, to inform whether the changes should be withdrawn, modified or made permanent. The inherent uncertainty in terms of how drivers will reroute or change their mode of travel, as well as the uncertainty

around staggered school start and end times due COVID-19, has informed the recommendation to proceed in this way with the use of an Experimental Traffic Order.

The six-month formal consultation period will be initiated when the new order comes into effect. Residents, parents and local stakeholders will be notified of this consultation period by way of resident letters, traffic notices displayed on lamp columns within the closure zone, a dedicated School Streets mailbox, local newsletters (e.g. by the Herne Hill Society), social media posts and displayed lamp post wraps and banners. Consultees will be encouraged to provide their views and any objections via the dedicated Commonplace website and directly to the School Streets mailbox. The feedback provided will be used, in conjunction with monitoring data (see 5.6) and data from the initial informal engagement period, when deciding whether to make each scheme permanent as well as to address and resolve arising issues.

5.2 Emergency Services were emailed regarding the proposal to introduce the temporary schemes in September and November 2020, in advance of the formal statutory consultation for the Temporary Traffic order. No objections were raised, nor were they during the section 14 statutory consultation.

5.3 Ensuring that the school is an advocate for the scheme is essential. The draft stakeholder management plan included the following communication and engagement which took place before the implementation of the temporary schemes.

School – Parents and Pupils	<ul style="list-style-type: none"> • Letter home (jointly from school and council) to make parents aware of the scheme engagement • Social media post from school accounts • Commonplace site promoted with school community • Banners and lamp post wraps displayed to promote scheme
Residents within affected area	<ul style="list-style-type: none"> • Wrote to residents two weeks before schemes implemented with overview and map of closure • FAQ provided giving overview of the scheme give contact details to arrange face to face meetings • Details of dedicated School Street mailbox provided • Details of Commonplace engagement page provided and feedback encouraged
Residents – Neighbouring Streets	<ul style="list-style-type: none"> • Wrote to residents two weeks before schemes implemented with overview and map of closure • FAQ provided giving overview of the scheme timings and exemption process • Details of dedicated School Street mailbox provided • Details of Commonplace engagement page provided and feedback encouraged
Wider	<ul style="list-style-type: none"> • Online consultation before and after the trial • Dedicated School Streets mailbox for queries • School Streets page on Lambeth website with FAQ • Commonplace engagement page promoted

5.4 Monitoring

To inform whether, at the end of the trial period, the schemes should be retained, modified, or withdrawn, the following monitoring will take place:

- Hands up surveys to be completed by all 20 participating schools to measure how children are travelling to school. Pre and Post HUS will be conducted to highlight the anticipated increase in active travel and decrease in number of car journeys
- A formal six-month consultation period will be initiated with the Experimental Traffic Order. During this time, feedback will be encouraged via Commonplace. Qualitative feedback will continue to be gathered from the school, residents and local community for each scheme proposed. Comments can be responded to directly on Commonplace and the dedicated School Street mailbox is linked to the page, to resolve further queries. At the end of consultation period for the Experimental Traffic Order, graphs will be utilised to display the number of respondents in favour of the schemes being made permanent, as well as categorising a breakdown of demographic data.
- Eight Air Quality monitors have been installed in conjunction with the GLA to measure Nitrogen Dioxide levels at participating schools. Four monitors have been installed at School Street locations and four at control study school locations. By comparing schools with and without the schemes in place, it is expected that this data will highlight lower levels of NO₂ at participating schemes, showing a positive impact on localised air quality
- Traffic speed and volume surveys will be conducted at School Street locations to highlight the volume and speed of vehicles during the times of scheme operation. Weekly data will be captured so to assess the anticipated decrease in the volume and speed of vehicles during the hours of operation. These numbers will be compared to the borough wide traffic volume survey data captured in 2018.

6 Risk management

Table – Risk Register

Item	Risk	Likelihood	Impact	Score	Control Measures
1	Displacement	3	2	6	Advanced warning signs installed and communication through each school.
2	Motorists ignoring restrictions	2	4	8	Camera enforcement, barriers, additional signage, advanced warning signs, APCOA and comms with

					each school and residents in local area.
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Key

Likelihood	Very Likely	4	Likely	3	Unlikely	2	Very Unlikely	1
Impact	Major	8	Serious	4	Significant	2	Minor	1

7. Equalities impact assessment

7.1 Section 149 of the Equality Act 2010 sets out the public sector equality 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.

An equalities impact assessment report has been prepared for this project as shown in Appendix D. Low adverse impact has been anticipated on people with protected characteristics as exemptions are provided to residents within the School Street zones that require access, and to Blue Badge holders that require access (including the school). Additional individual exemptions for access can be provided on a case by case basis, where appropriate.

8. Community safety

8.1 The Council has an obligation under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder whilst carrying out its various functions. The recommendations seek to improve safety for pedestrians and cyclists; we will work closely with the local Safer Neighbourhoods Team to ensure that any initial challenging behaviour from inconvenienced drivers is diffused.

9. Organisational implications

9.1 Environmental implications

9.1.1 It is not yet possible to forecast the impact on air quality but this will be monitored to see what impact the scheme has both on the street where the school is located and on surrounding roads.

9.1.2 Eight ‘Breathe London’ air quality monitors have been installed by the GLA and Air Quality Consultants as part of the “Emergency School Street Scheme”. Four monitors have been installed at schools with existing School Streets. Four monitors have been installed at ‘control study’ schools, to compare and measure the anticipated positive impact of air quality on roads with School Streets

9.1.3 These proposals complement the Mayor’s Transport and Environment Strategies by improving the public realm to encourage walking and cycling. Modal shift to more walking and cycling benefits local air quality and helps to reduce the borough’s carbon emissions. The schemes also contributes towards the Lambeth 2017-2022 Air Quality Action Plan (AQAP- Action Points 46 and 48) by reprioritising road space and will help to reduce idling in the borough, which is Action Point 40.

9.2 Staffing and accommodation implications: A School Streets project team has been put together that includes the Active Travel team in Parking and design engineers in the Capital Studio.

9.4 Health

Creating better environments for people travelling on foot or by bike so that more people choose to travel actively meets council objectives around health and transport, in particular objectives set out in the draft Lambeth Transport Strategy. A guiding principle of this strategy is health; focussing on people rather than traffic, and enabling people to live healthier, more enjoyable lives.

9 Timetable for implementation

Description	Date
Publish Traffic Order	May 2021 /June 2021
Commencement of Trial period	May 2021 / June 2021
End of trial period	December 2021
Decision on whether to retain, modify or abandon scheme	December 2021

Audit Trail				
Name/Position	Lambeth directorate/ division or partner	Date Sent	Date Received	Comments in paragraph:
Jean-Marc Moccarme, Legal Services	Legal and Governance	30/9/2020	1/3/2021	Section 4 and embedded throughout
Derek Roopnarine, Finance Manger	Corporate Resources	30/9/2020	8/10/2020	Embedded throughout
Nazyer Choudhury, Democratic services	Legal and Governance	30/9/2020	8/10/2020	Risk register
Shannon Consses, Parking &	Environment and Streetscene	25/09/2020	09/10/2020	Embedded throughout

Enforcement Service Development Manager				
Neil Fenton, Assistant Director: Parking, Streetworks and Commercial	Environment and Streetscene	29/1/2021	5/2/2021	Embedded throughout
Simon Phillips, Head of Transport Strategy	Development, Planning and Housing	29/1/2021	5/2/2021	Embedded throughout
Venetia Reid-Baptiste, Director	Environment and Streetscene	18/2/2021	18/2/2021	Approved at DMT
Bayo Dosunmu, Strategic Director	Resident Services	3/3/2021	3/3/2021	Approved at DMT

Report history	
Original discussion with Cabinet Member	ongoing since May 2020
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	No
Background information	Road Traffic Regulation Act 1984
Appendices	Appendix A – <u>List of all schools and affected roads</u> Appendix B – <u>Proposed layout drawings</u> Appendix C – <u>Signed MoU by schools</u> Appendix D – <u>EIA</u> Appendix E – <u>Lowden Road School Street ODDR</u> Appendix F – <u>Northanger Road School Street ODDR</u>

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

Joseph Lindsay, Transport Education and Campaigns Officer

I approve the above recommendations:

Signature _____ **Date** _____

Neil Fenton – Assistant Director of Parking, Streetworks and Commercial

Any declarations of interest (or exemptions granted): None

Any conflicts of interest: None

Any dispensations: None