

**Officer Delegated Decision**

**Decision Due:** 7 February 2019

**Report title:** School Street Pilot Scheme – Jessop Primary School

**Ward:** Herne Hill

**Portfolio:** Councillor Claire Holland, Cabinet Member for Environment and Clean Air

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

**Contact for enquiries:** Eric Duval, Road Danger Reduction Manager, Sustainability and Road Safety Team, Neighbourhoods and Growth, 020 7926 4693

**Report summary**

This report provides justification to pilot a “School Street” scheme in Herne Hill by introducing a part-time prohibition of motor vehicles on roads in the immediate vicinity of Jessop Primary School.

**Finance summary**

The estimated total cost of this pilot scheme is £10,000. This will be entirely met from the Transport for London Local Implementation Plan 2018/19 and 2019/20 funding allocation.

**Recommendations**

1. To issue scheme approval for the implementation of a pilot “School Street” scheme in the vicinity of Jessop Primary School in Herne Hill as illustrated in Appendix A to this report at an estimated cost of £10,000, subject to the outcome of the monitoring described at paragraph 2.9, and any unwithdrawn objections that may be received, be reported as a future Delegated Decision.
2. That the trial road closures prohibit motor vehicles between 8.00am and 9.00am and between 3.00pm and 4.00pm Monday-Friday during term-time but that this can be varied within the terms of any experimental traffic management order by the Head Teacher, subject to the agreement of the council’s Road Danger Reduction Manager.
3. That the council makes an Experimental Traffic Management Order under Section 9 of the Road Traffic Regulation Act 1984 and in accordance with the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996 to effect the above recommendations.

## **1. Context**

- 1.1 Proposal 8 of the Mayor of London's Transport Strategy (MTS) states that, "The Mayor, through TfL and the boroughs, will work with local communities and cultural organisations to promote one-off, regular and trial closures of streets to some or all motorised traffic so that Londoners can see their streets differently". The MTS also aims to reduce traffic by discouraging unnecessary journeys by car, reducing road danger, creating street environments that encourage walking and cycling, and better enabling Londoners to do at least the 20 minutes of active travel recommended by Public Health England in their policy document, "Working Together to Promote Active Travel".
- 1.2 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 local residents are often inconvenienced and annoyed by inconsiderate parking and poor standards of driving.
- 1.3 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.
- 1.4 To address these issues, some councils (e.g. the London boroughs of Croydon, Hackney, Greenwich, Islington, Southwark and Camden) have introduced what have been termed "school streets". 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 which result in an errant driver being issued with a Fixed Penalty Notice.
- 1.5 In Edinburgh where the measure was trialled with nine schools, the trial resulted in lower vehicle speeds on school and peripheral streets (1.2mph average drop), a reduction in net vehicle volumes, and on average walking to school increased by 3% and driving to school decreased by 6%. In Camden's single-school trial, a 3.8% reduction in NO<sub>2</sub> levels was recorded outside the school gate on school days, active travel to school had increased and car travel to school had reduced.

## **2. Proposal and Reasons**

- 2.1 It is proposed that a "School Street" scheme be trialled in the vicinity of Jessop Primary School in Herne Hill as illustrated in Appendix A to this report. The scheme proposes to prohibit motor vehicles from entering Lowden Road from Milkwood Road and Heron Road between the hours of 8.00am and 9.00am and 3.00pm and 4.00pm on weekdays during term time. Blue badge holders requiring access to premises within the closure would be

exempt. The gates will be manned at all times during the proposed closure times to facilitate residents wanting to leave or Blue badge holders to enter the area.

2.2 It is proposed to introduce the restrictions on 29 April 2019 and for the school to operate the scheme until the end of the Summer Term 2019.

2.3 The scheme aims to:

- create a more pleasant environment that feels safer in the immediate vicinity of the school
- discourage travelling to school by car in cases where alternative means of travel are available
- encourage walking, scooting and cycling to school, thereby achieving positive health outcomes for the school community.

2.4 Jessop Primary School has been chosen as a pilot school because concerns around road danger around the school have been raised by the local MP, ward councillors and parents, and the school has raised concerns about parent parking on Lowden Road; the police have had to join parking enforcement officers outside the school to remind parents of safe behaviours. Jessop Primary School is also engaged with the TfL STARS programme and is Silver accredited.

2.5 It is proposed that, initially at least, the prohibition on motor vehicles applies to drivers entering Lowden Road during school term time, Monday to Friday between 8:00-9:00am and 3:00-4:00pm. This will ensure that the road in the immediate vicinity of the school gates is free of motor vehicles being driven when most children are arriving and leaving school. Vehicles already parked within the closed section of road will be allowed to exit during restricted hours, however they will not be able to re-enter during the same period. Pedal cycles will be exempt from the prohibition. 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 A. Given the uncertainty about how motor traffic will be dispersed and the impact this will have on parking pressure in the surrounding streets, it is recommended to introduce the scheme by way of an Experimental Order. This will enable the council to cease or modify the scheme quickly and to collect data needed to inform whether the scheme is made permanent, modified or withdrawn at the end of the trial period.

2.6 It is proposed to follow Southwark Council's approach and provide the school with expandable construction gates (such as 'turtle gates' 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. As well as being flexible in terms of where and when the closures are deployed, they also give residents and parents the reassurance that the scheme is genuinely experimental.



- 2.7 It will be the Traffic Management Order and corresponding traffic signs that will close the road to motor vehicles; the barriers will simply aid self-enforcement. Accordingly, the legal authority delegated to the school needs only to extend to placing the barriers on the highway. Drivers disobeying the signed restriction, even if the barriers are not in place, will be committing an offence and so be subject to enforcement action by the Council's civil enforcement officers. A Memorandum of Understanding will be signed with the school setting out their agreement to manage the siting of the gates, cover the signs closing the road outside of term time and promote and support active travel to their school.
- 2.8 To minimise displacement of school-run traffic onto surrounding streets the school will be encouraged to further promote active travel to school before the closure is implemented.
- 2.9 To inform whether, at the end of the trial period, the scheme should be retained, modified or withdrawn, the following monitoring will take place:
- Traffic counts on the road where the school is situated and on surrounding roads before the scheme is implemented, and then during and after the trial.
  - NO<sub>2</sub> levels in the vicinity of the school
  - Numbers of children travelling to school by car and by other modes
  - Qualitative surveys with families at the school and with local residents to gauge perceptions of safety around the school

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.

### 3. Finance

3.1 The pilot scheme outlined in this report is projected to cost approximately £10,000 to implement and monitor. The funding for this will be met in full from the Safer Streets 2018/19 LIP allocation. The Safer Streets allocation for 2018/19 is £225,000; to date £208,000 has been spent against the total allocation leaving a remaining balance of £17,000 the remaining balance is sufficient to support the cost of this project.

3.2 The allocation to specific projects and programmes is left to the discretion of the Road Danger Reduction Manager, working to the Sustainability and Road Safety Manager, but is focussed on projects across road danger reduction campaigns, education and analysis and on work with schools to reduce car use and encourage active travel.

#### Cost Breakdown:

Cost	Amount (£)
Traffic Order	2,500
Signage and Installation	2,000
Communication, Consultation and Engagement	2,000
School Staff Costs	2,500

Technical Preparation	1,000
<b>Total Project Cost</b>	<b>10,000</b>

#### 4 Legal and Democracy

- 4.1 The proposal detailed in this report requires the making of an Experimental Traffic Management Order (ETMO) as provided by Section 9 of the Road Traffic Regulation Act 1984 (the RTRA). The statutory process for making an ETMO is detailed at Regulation 22 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (the Regulations) and, if the Order is to be made permanent, Regulation 23 thereof. The provisions set out at Regulations 7 (publication of proposals) and 8 (objections) of the Regulations, do not apply to an experimental Order.
- 4.2 Upon making an ETMO, the council is obliged to publish a document called a 'notice of making'. That document must contain the statements specified at Schedule 5 of the Regulations. 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 ETMO 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 (subject to approval by the Secretary of State). 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. Anyone can object to the ETMO and make representations against it being made permanent however those representations must be made within six months of it coming in to force or, if it is modified, within 6 months of that modification coming into force.
- 4.3 Section 10 of the RTRA provides for an ETMO 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 ETMO can be made more than 12 months after it was made.
- 4.4 By virtue of section 122 of the RTRA, the Council must exercise its functions 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 strategy prepared under section 80 of the Environment Act 1995 (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.

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 Once the experimental order is in place, the council is required to make the necessary amendments to the road markings and signage as soon as practicable to adequately provide information as to the Order that is in place in the area.
- 4.6 Paragraph 5 of the report details the Council's communication and consultation strategy with respect to this proposal. 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 Regulations specify a statutory consultation procedure which must be followed if it is decided to make the proposed scheme permanent. 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 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. Paragraph 7 of the report deals with the Council's equality duty under Equality Act 2010. It is incumbent on the Council to comply with that duty at the time that a particular policy is under consideration and/or before a decision is taken. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.
- 4.7 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. It is incumbent upon the Council to take account of any representations made during the consultation stage before deciding whether to make an experimental order permanent
- 4.8 The Council's Constitution requires that all key decisions, decisions which involve resources between the sums of £100,000 and £500,000, and important or sensitive issues must be published on the website for five clear days before the decision is approved by the Director. This report does not fall into any of these categories and will therefore not be published on Officer Decisions.

## **5. Consultation and Co-Production**

- 5.1 The scheme has been discussed informally with the school and with ward councillors; all are supportive of the trial.
- 5.2 Contact has been made with emergency services regarding the scheme. The police have advised that they are supportive of the trial.

5.3 Whilst no formal public consultation has yet taken place, the proposal has been informed by concerns raised by some local residents and parts of the school community. Because the scheme is being implemented under an experimental traffic order, the trial period will provide an opportunity for anyone to comment on the scheme. This will be encouraged by way of notices displayed on lamp columns in the vicinity and by newsletters that are distributed in the neighbourhood (e.g. by the Herne Hill Society)

5.4 Ensuring that the school is an advocate for the scheme is essential. The draft stakeholder management plan includes the following communication and engagement:

School – Parents and Pupils	<ul style="list-style-type: none"> <li>• Letter home (jointly from school and council) linked with parent consultation (March)</li> <li>• Student consultation (March)</li> <li>• Coffee Mornings x 2 (March)</li> <li>• Evening Meeting (March)</li> </ul>	<ul style="list-style-type: none"> <li>• Letter from school and council</li> <li>• Parent consultation</li> <li>• Student consultation</li> <li>• Diagrams of scheme area and positioning of barriers</li> </ul>
Residents within affected area	<ul style="list-style-type: none"> <li>• Write to residents (March) including plans, FAQs, give contact details to arrange face to face meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Letter to residents</li> <li>• FAQs</li> <li>• Diagrams of scheme area and positioning of barriers</li> </ul>
Residents – Neighbouring Streets	<ul style="list-style-type: none"> <li>• Leaflet to residents on surrounding streets with details providing link to on-line consultation (March)</li> </ul>	<ul style="list-style-type: none"> <li>• Leaflet text</li> <li>• On-line consultation ready to go</li> </ul>
Wider	<ul style="list-style-type: none"> <li>• Online consultation before and after the trial</li> <li>• School Streets page on website</li> </ul>	<ul style="list-style-type: none"> <li>• On-line consultation ready to go</li> <li>• Page on website ready to go</li> </ul>

5.5 Interim findings that arise from the monitoring described in para 2.9 will be shared and used to inform opinion. Success will be judged by comparing resident and parent feedback from before and after the trial.

5.6 The scheme will not be made permanent without a further delegated decision report.

## 6 Risk management

6.1 The key risk is continuing concerns about pedestrian safety if the measures were not implemented. In addition there is a risk that the closure is very unpopular with residents and parents or displaces traffic on to other roads around the school. It is hoped that extensive engagement with parents and residents ahead of the trial will help to alleviate their concerns and monitoring on surrounding roads will be undertaken. The trial has been designed in such a way as to make it straightforward to immediately stop if problems arise.

## 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. Subject to exemption from the prohibition for vehicles displaying a blue badge, low adverse impact has been anticipated on people with protected characteristics.

## 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 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 roadspace and will help to reduce idling in the borough, which is Action Point 40.

- 9.2 Staffing and accommodation implications: none as a result of this report

- 9.3 Procurement: none as a result of this report

### 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	March 2019
Commencement of Trial period	April 2019
End of trial period	end July 2019



<b>Audit Trail</b>				
<b>Name/Position</b>	<b>Lambeth directorate/ division or partner</b>	<b>Date Sent</b>	<b>Date Received</b>	<b>Comments in paragraph:</b>
Jean-Marc Mocarne, Legal Services	Corporate Resources	07.02.19	08.02.19	4
Natalie Woodcock, Finance	Corporate Resources	07.02.19	20.02.19	3
Calvin McLean	Public Protection & Regulatory Services	07.02.19	08.02.19	8
Andrew Round, Sustainability Manager	Highways, Capital Programmes & Sustainability			
Andrew Burton, Assistant Director of Highways, Capital Programmes & Sustainability	Highways, Capital Programmes & Sustainability			
Maria Burton	Democratic Services	07.02.19	12.02.19	4

<b>Report history</b>	
<b>Original discussion with Cabinet Member</b>	ongoing since October 2018
<b>Part II Exempt from Disclosure/ confidential accompanying report?</b>	No
<b>Key decision report</b>	No
<b>Background information</b>	Road Traffic Regulation Act 1984
<b>Appendices</b>	Appendix A - Proposed layout drawings

**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** \_\_\_\_\_

Eric Duval, Road Danger Reduction Manager, Neighbourhoods and Growth

**I approve the above recommendations:**

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

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