

CABINET MEMBER DELEGATED DECISION 05 AUGUST 2022

Report title: The consolidation of static traffic orders and consultation

Wards: All

Portfolio: Councillor Rezina Chowdhury Member for Sustainable Transport, Environment and Clean Air

Report Authorised by: Venetia Reid-Baptiste Strategic Director for Resident Services

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REPORT SUMMARY

This report details the proposal to consolidate and digitise traffic management orders. A new software system (AppyWay Mapper) has been procured to transfer the current paper-based traffic management order (TMO) records into a digital platform with a mapping interface. As part of this process a survey was conducted of the entire borough to map all parking bays, yellow lines, and other parking restrictions so that the TMOs can be consolidated and reflect the true position on-street, so it is fully up to date when transferred into the new system. This data will become available in a Geographic Information System (GIS) format on a digital map system called Mapper. Mapper will provide the Council with the capability to digitally map new and amended TMOs for all permanent restrictions in the borough. Mapper will also enable citizens to view parking restrictions and contraventions online by clicking on a user-friendly map. Currently Citizens must make a request to the authority to obtain information on restrictions within the borough etc.

The system will initially include all parking related TMOs as a first phase of the project. It would be possible to add other traffic related TMOs in a later phase.

To setup and use the Mapper system efficiently it is necessary to consolidate our existing TMOs and this will require a statutory consultation to be undertaken.

FINANCE SUMMARY

The consolidation process is estimated to cost £18,870 with a time frame of 16 weeks to deliver including consultation and will be funded within the parking digital improvements programme.

RECOMMENDATIONS

1. To approve and authorise statutory consultation to be undertaken on the consolidation of all permanent parking related traffic management orders in the borough (parking places, waiting, stopping, and loading restrictions) as shown in Appendix A.
2. To have regard to the Equality Impact Assessment prepared for the purposes of this report (Appendix C)
3. That, subject to the above approval, to agree to the implementation of the proposals under Sections 6, 45, 46, 49, 63 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, of the Road Traffic Regulation Act 1984, subject to no material objections resulting from the statutory consultation process, but that any objections received are considered by the Assistant Director of Parking, Street Management and Commercial by way of a written report before a decision is reached. Once made the above orders would supersede and replace the extant static traffic order detailed in Appendix B.

1. CONTEXT

- 1.1. Currently the details of parking restrictions and controls on the Lambeth Road network are held in a set of electronic CAD drawing files that include key assets such as signs, bays, and lines etc. The problem with these drawings is that they do not hold data in a format that can be easily interrogated and thus cannot be easily analyzed, queried, or used to support or underpin any application or request that requires information about the road network. CAD drawings have to be viewed individually to find the relevant data which is not efficient and is resource intensive.
- 1.2. A digital GIS mapping solution AppyWay Mapper has been procured to record all of the parking restrictions information boroughwide in a GIS format so it can be easily viewed by officers and citizens on the platform. It will also allow the making of TMOs by officers to be undertaken using the system and provide map-based information about proposed restrictions to be created which will be more user-friendly during consultations about schemes and proposals. To create accurate and reliable data for the system a road network survey was procured, undertaken and completed in December 2021. This data collected will be used to consolidate all the existing TMOs and ensure they are accurate and reflect the restrictions on-street in order to remove any potential inaccuracies or discrepancies. It is therefore necessary to consolidate all the permanent TMOs for parking controls into two new TMOs containing all the relevant articles relating to existing on street parking restrictions. One will be for waiting, loading and stopping restrictions and the other for parking places. This will require a statutory consultation to be undertaken.

2. PROPOSAL AND REASONS

- 2.1 We propose to undertake a consolidation exercise to transfer all existing permanent parking related TMOs into two new TMOs to facilitate a new way of working using GIS mapping and to enable the full capability of the Mapper system procured from Appyway.
- 2.2 The reason for recommending this decision is that this way of working will be more effective and efficient way of producing, recording and interrogating information about TMOs. this initiative accords with the Department of Transport's (DfT) initiative to digitise TMOs as set out in Appendix B.
- 2.3 It is important to note that the consolidation process will not make any changes to parking restrictions and is a mainly administrative exercise to reformat, update and transfer the information into the Mapper system.
- 2.4 The digitisation of the paper-based traffic orders into maps available online will greatly assist understanding of parking restrictions amongst Members, residents, and businesses, and will be a reliable source of information for officers in developing future parking schemes and enforcement initiatives. It also offers a streamlined approach to TMO production in the future, and this helps the council achieve some of its objectives for being a 21st Century Council including the move towards self-service.

3. FINANCE

- 3.1 It is estimated that the cost of consolidating all permanent parking TMOs will be £18,870 which will be met from the parking digital improvements programme. This is made up the drafting of traffic order articles and schedules for map based permanent restrictions including undertaking statutory consultation.

4. LEGAL AND DEMOCRACY

- 4.1 By virtue of section 122 of the Road Traffic Regulation Act 1984 (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.
- 4.2 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.
- 4.3 The proposals detailed in this report will require the making of a Traffic Management Order (TMO). The statutory procedure to be followed in this connection includes a statutory consultation stage. This requires the Council to follow the procedures set out at Schedule 9, Part III of the RTRA and detailed in the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996. The latter prescribe, inter alia, specific publication, consultation and notification requirements that must be strictly observed. The Council will be obliged to take account any representations made at that stage and any material objections received will need to be formally considered by the decision maker in light of administrative law principles, Human Rights law and the relevant statutory principles before an Order is made. 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.
- 4.4 Sections 6, 45, 46, 49, 63 and 124 of and Part IV of Schedule 9 to the 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) for the purpose of 1.1 This legislation gives a local authority the power to make TMOs for the purpose of:
- designating on-street parking places and to charge for the use of such places;
 - imposing waiting and loading restrictions on vehicles of all or certain classes, at all times or otherwise;
 - 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
 - to vary or revoke an existing TMO for these purposes.

- 4.5 Section 6 of the RTRA provides that the Council may make a TMO for any of the following purposes (mentioned at paragraphs (a) to (g) of section 1(1) of that Act) namely: 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 the 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 especially 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 6 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 When determining what paying parking places are to be designated on the highway, section 45(3) of the RTRA requires the Council to consider both the interests of traffic and those of the owners and occupiers of adjoining properties. In particular, the Council must have regard to: (a) the need for maintaining the free movement of traffic, (b) the need for maintaining reasonable access to premises, and (c) the extent to which off-street parking is available in the neighbourhood or if the provision of such parking is likely to be encouraged by designating paying parking places on the highway.
- 4.7 The relevant signage requirements are set out at Regulation 6 of the said Regulations and the required sign or signs specified in the Traffic Signs Regulations and General Directions 2016 (TSRGD).
- 4.8 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.
- 4.9 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.
- 4.10 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.

- 4.11 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.
- 4.12 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 8 cause road congestion or disruption to the movement of traffic, and consider possible action that can be taken in response to those occurrences.
- 4.13 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:
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.
- 4.14 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.
- 4.15 Any interference with a Convention right must be necessary and proportionate and in exercising the relevant powers, the council has to consider carefully the balance to be struck between individual rights and the wider public interest.
- 4.16 This proposed key decision was entered in the Forward Plan on 7 March 2022 and the necessary 28 clear days' notice has been given. In addition, the Council's Constitution requires the report to be published on the website for five clear days before the proposed decision is approved by the Cabinet Member. Any representations received during this period must be considered by the decision-maker before the decision is taken. A further period of five clear days - the call-in period – must then elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

5. CONSULTATION AND CO-PRODUCTION

- 5.1 Statutory consultation is required as part of the consolidation of existing traffic orders into two traffic order schedules. As part of our communications plan, we will suitably communicate with residents. This engagement will be achieved by notification of consultation being published in local newspapers and on the authority's website.

- 6 Due to the nature of what is proposed (the consolidation of existing restrictions and orders) it is considered unlikely that holding a public inquiry pursuant to Regulation 9 of the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 would provide any further meaningful information which would assist the decision maker in reaching a decision. This will be reviewed after the public consultation has been conducted.

6. RISK MANAGEMENT

Table 1 – Risk Register

Item	Risk	Likelihood	Impact	Score	Control Measures
1	Delayed sign off by Cabinet Member	2	2	4	Clear details of benefits outlined in report and regular engagement with cabinet member

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 This is attached in Appendix C.

8. COMMUNITY SAFETY

- 8.1 There is no impact to community safety.

9. ORGANISATIONAL IMPLICATIONS

9.1 Environmental

Where possible Lambeth is encouraging a move away from vehicle use and ownership and promotes the use of public transport. Promoting the use of cycling and walking as sustainable and greener alternatives.

9.2 Health

Not applicable

9.3 Corporate Parenting

Not applicable

9.4 Staffing and accommodation

Not applicable

9.5 Responsible Procurement

Because of the values of the contract, a three-quote procurement process will be used to choose a supplier.

10. TIMETABLE FOR IMPLEMENTATION

10.1 The table below details the stages and deadlines for implementing the recommendations

Activity	Proposed Date
Date published on Forward Plan	7 March 2022
Publication on Decisions online	28 July 2022
Cabinet Member Decision	05 August 2022
Commence statutory consultation of this report's recommendations	TBC
Deadline for receipt of objections to statutory consultation	TBC

AUDIT TRAIL

Name and Position/Title	Lambeth Directorate	Date Sent	Date Received	Comments in paragraph:
Cllr Rezina Chowdhury	Cabinet Member for Sustainable Transport, Environment and Clean Air	5.7.22	5.7.22	
Venetia Reid – Baptiste, Strategic Director	Resident Services	28.04.22	28.04.22	
Derek Roopnarine	Finance and Property	21.03.22	21.03.22	
Simon Philips	Transport Strategy	21.03.22	21.03.22	
Jean-Marc Moccarme, Legal Services	Legal and Governance	03.02.22	21.02.22	

Julia Skinner, Democratic Service	Legal and Governance	29.03.22	30.03.22	
Marianna Ritchie, Democratic Services	Legal and Governance	29.03.22	05.04.22	

REPORT HISTORY

Original discussion with Cabinet Member	
Report deadline	
Date final report sent	
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	Yes
Date first appeared on forward plan	7 March 2022
Key decision reasons	Significant community impact
Background information	<p><u>Traffic Management Act 2004</u> <u>(legislation.gov.uk)</u> <u>Road Traffic Regulation Act 1984</u> <u>(legislation.gov.uk)</u></p>
Appendices	<p>Appendix A – <i>DFT digitisation of TROs paper</i> Appendix B – <i>Traffic orders to be consolidated</i> Appendix C – <i>Equality impact assessment</i></p>

APPROVAL BY CABINET MEMBER OR OFFICER IN ACCORDANCE WITH SCHEME OF DELEGATION

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

Signature: _____ **Date:** _____

Post: Marc Theophilus,
Service Development officer

I approve the above recommendations:

Signature: _____ **Date:** _____

Post: Councillor Razina Chowdhury,
Cabinet Member for Sustainable Transport, the Environment and Clean Air

Any declarations of interest (or exemptions granted): None

Any conflicts of interest: None

Any dispensations: None