

Item No.	Classification: Open	Date: 12 June 2019	Decision Maker: Cabinet Member for Environment, Transport and Climate Emergency
Report title:		Route Modernisation Plans (RMP) for Coldharbour Lane	
Ward(s) or groups affected:		Camberwell Green	
From:		Head of Highways	

RECOMMENDATION

1. That the Cabinet Member for Environment, Transport and Climate Emergency approves the implementation of an extension to the hours of operation of the bus lane along Coldharbour Lane to 7am to 7pm Monday to Friday and conversion of existing single yellow lines to double yellow lines at the junction of Coldharbour Lane with Lowth Road, with Crawford Road, and outside No's 58-66 Coldharbour Lane as shown in the report and design (Appendices 1A and 1B) subject to the necessary statutory consultation and procedures.

BACKGROUND INFORMATION

2. Under Part 3D of the council's constitution, the Cabinet Member is responsible for:
 - 4.1 Transport Issues:
 - To decide to implement a traffic and highway improvement project, subject to statutory consultation
3. Under Part 3H, the relevant Community Council shall:
 - be consulted on any non-strategic traffic and highways improvement project that has been referred to community council
4. The origins and reasons for the recommendations are discussed within the key issues section of this report and relevant appendices.

KEY ISSUES FOR CONSIDERATION

5. In line with the council's constitution, the proposal in this report was circulated to ward Councillors on 7 May 2019 to allow them to refer the proposals to the relevant Community Council for consultation. No issues have been raised by Councillors.
6. The borough has formally consulted the London Borough of Lambeth (due to Coldharbour Lane forming the borough boundary with the two boroughs) and

has agreed the scheme in principle and issued correspondence supporting the scheme.

POLICY IMPLICATIONS

7. The recommendations contained within this report are consistent with the missions of the Movement Plan 2019, particularly:
 - M2 Action 2 – Create simple and clear streets
 - M3 Action 4 – Deliver infrastructure to support active travel
 - M4 Action 8 – Use kerbside efficiently and promote less polluting vehicles
 - M4 Action 9 – Manage traffic to reduce the demand on our streets
 - M7 Action 16 – Zero people killed or injured on our streets by 2041.

COMMUNITY IMPACT STATEMENT

8. The policies within the transport Plan have been subject to an Equality Impact Assessment
9. The recommendations are locally based and therefore will have greatest effect upon those people living working or travelling in the vicinity of the areas where the proposals are made.
10. The introduction of yellow lines at junctions gives benefit to all road users through the improvement of inter-visibility and therefore road safety.
11. There is a risk that new restrictions may cause parking to be displaced and, indirectly, have an adverse impact upon road users and neighbouring properties at that location. However this cannot be entirely predicted until the recommendation have been implemented and observed. The proposals have no disproportionate impact on any particular age, disability, faith or religion, ethnicity or sexual orientation.
12. With the exception of those benefits and risks identified above, the recommendations are not considered to have a disproportionate effect on any other community or group.
13. The recommendations support the council's equalities and human rights policies and promote social inclusion by:
 - Providing improved access for key services such as emergency and refuse vehicles.
 - Improving road safety, in particular for vulnerable road users, on the public highway.

RESOURCE IMPLICATIONS

14. All costs arising from implementing the recommendations will be fully contained within the funding provided by Transport for London as part of the Route Modernisation Plan Programme.

LEGAL IMPLICATIONS

15. Traffic Management Orders would be made under powers contained within the Road Traffic Regulation Act (RTRA) 1984.
16. Should the recommendations be approved the council will give notice of its intention to make a traffic order in accordance with the Local Authorities Traffic Order (Procedure) (England and Wales Regulations 1996).
17. These regulations also require the council to consider any representations received as a result of publishing the draft order for a period of 21 days following publication of the draft order.
18. Should any objections be received they must be properly considered in light of administrative law principles, Human Rights law and relevant statutory powers.
19. By virtue of section 122, the council must exercise its powers under the RTRA 1984 so as to secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians, and provision of suitable and adequate parking facilities on and off the highway.
20. 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 national air quality strategy
 - d) Facilitating the passage of public service vehicles and securing the safety and convenience of their passengers
 - e) Any other matters appearing to the council to be relevant.
21. The constitution has been amended in relation to Traffic Management Orders and these changes are confirmed at paragraphs 2 and 3 of this report. Further, at paragraph 24, it is explained that a statutory consultation will now be required to be undertaken.
22. Following that statutory consultation, the proposal will then move forward with due consideration of any objections by the Cabinet Member

CONSULTATION

23. For the recommendations in paragraph 1, the implementation of changes to parking requires the making of a traffic order. The procedures for making a traffic order are defined by national Regulations¹ which include statutory consultation and the consideration of any arising objections.
24. Should the recommendations be approved, the council must follow the procedures contained with Part II and III of the Regulation which are supplemented by the Council's own processes. This process is summarised as:
 - a) publication of a proposal notice in a local newspaper (Southwark News)

¹ <http://www.legislation.gov.uk/uksi/1996/2489/contents/made>

- b) publication of a proposal notice in the London Gazette
 - c) display of notices in roads affected by the orders
 - d) consultation with statutory authorities
 - e) making available for public inspection any associated documents (eg. plans, draft orders, statement of reasons) via the council's website² or by appointment at 160 Tooley Street, SE1
 - f) a 21 day consultation period during which time any person may comment upon or object to the proposed order
25. Following publication of the proposal notice, any person wanting to object must make their objection in writing, state the grounds on which it is made and send to the address specified on the notice.
26. Should an objection be made that officers are unable to resolve so that it is withdrawn, it will be reported to the cabinet member for determination. The cabinet member will then consider whether to modify the proposal, accede to or reject the objection. The council will subsequently notify all objectors of the final decision.

PROGRAMME TIMELINE

27. If these items are approved by the Cabinet Member they will be progressed in line with the below, approximate timeline:
- Statutory consultation – Summer 2019
 - Implementation – Summer 2019.

Strategic Director of Finance and Governance

28. This report requests approval from the Cabinet Member for Environment, Transport and Climate Emergency for non-strategic traffic and highway improvements, proposed paragraph 1 of this report.
29. The strategic director of finance and governance notes that funding for the project is to be met from funding provided by Transport for London as part of the Route Modernisation Plan Programme as part of the 2019/20 budget.
30. Staffing and any other costs connected with these recommendations to be contained within existing departmental revenue budgets

Director of Law and Democracy

31. The Cabinet Member for Environment, Transport and Climate Emergency is asked to approve, subject to the outcome of statutory consultation, the extension of the hours of operation of the bus lane along Coldharbour Lane and conversion of single yellow lines to double yellow lines at the junction of Coldharbour Lane with Lowth Road, with Crawford Road, and outside No's 58-66 Coldharbour Lane as summarised Appendix 1a and 1b of this report.
32. Paragraphs 15 to 22 of the report sets out the powers under the Road Traffic Regulation Act 1984 with regard to traffic management orders and the procedure and statutory consultation required by the associated regulations. Any valid

² <http://www.southwark.gov.uk/trafficorders>

written objections received following statutory consultation in respect of the proposed traffic management orders to implement double yellow lines in Coldharbour Lane and extend bus lane hours of operation must be considered in accordance with legal principles referred to in paragraph 18. The report acknowledges that if any such objections received regarding the proposals are unable to be resolved, those objections will be reported to the Cabinet Member for Environment, Transport and Climate Emergency for a decision regarding the proposals.

33. The Equality Act 2010 introduced the public sector equality duty, which merged existing race, sex and disability equality duties and extended them to include other protected characteristics; namely age, gender reassignment, pregnancy and maternity, religion and belief and sex and sexual orientation, including marriage and civil partnership. In summary those subject to the equality duty, which includes the Council, must in the exercise of their functions: (i) have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and (ii) foster good relations between people who share a protected characteristic and those who do not. Paragraph 10 of the report refers to the benefit to all road users from the introduction of double yellow lines at the junctions which will improve visibility and road safety. The implementation of the proposals is not anticipated to have any detrimental impacts on a particular protected group or to breach the provisions of the Human Rights Act 1998.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Movement Plan 2019	Southwark Council Environment and Leisure Network development Highways 160 Tooley Street London SE1 2QH Online: http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6809	Lola Olanlokun (020 7525 4571)

APPENDICES

No.	Title
Appendix 1A	Coldharbour Lane report
Appendix 1B	Coldharbour Lane drawing

AUDIT TRAIL

Lead Officer	Dale Foden, Interim Head of Highways	
Report Author	Lola Olanlokun, Project Manager	
Version	Final	
Dated	10 June 2019	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
	Officer Title	Comments Sought
	Director of Law and Democracy	Yes
	Strategic Director of Finance and Governance	Yes
	Cabinet Member	Yes
	Date final report sent to Constitutional Team	10 June 2019
		Comments Included
		Yes
		Yes
		No