

For General Release

REPORT TO:	Traffic Management Advisory Committee 21 March 2022
SUBJECT:	School Streets – Proposed New Experimental Traffic Management Orders at 10 locations
LEAD OFFICER:	<i>Sarah Hayward</i> – Acting Corporate Director Sustainable Communities, Regeneration & Economic Recovery <i>Steve Iles</i> - Director, Sustainable Communities
CABINET MEMBER:	Councillor Muhammad Ali Cabinet Member for Sustainable Croydon
WARDS:	Bensham Manor, Broad Green, Crystal Palace & Upper Norwood, Norbury Park, Old Coulsdon, Purley Oaks & Riddlesdown, Sanderstead, South Croydon, Woodside

COUNCIL PRIORITIES 2020-2024

- ***We will live within our means, balance the books and provide value for money for our residents.***

The implementation of the recommended proposals is supported by council's capital programme and the required funds are available from the Parking capital budget.

We will focus on tackling ingrained inequality and poverty in the borough. We will follow the evidence to tackle the underlying causes of inequality and hardship, like structural racism, environmental injustice and economic injustice.

The proposals in this report are intended to speed delivery of the Mayor of London's Healthy Streets and Vision Zero objectives. They seek to help all to travel actively and sustainably, to walk and cycle, bringing benefits in terms of healthy weight, improved air quality, free/low cost travel, and meeting climate emergency objectives. These benefits are expected to accrue more strongly to the most deprived communities in the borough. They seek to make the streets available to children again, returning children's independent mobility.

- ***We will focus on providing the best quality core service we can afford:***

The project is part of a wider programme focussed on providing safer street space in which people can choose to become more active, and in turn healthy, ultimately accruing savings to the NHS and Council care services.

FINANCIAL IMPACT

- The introduction of the proposed new Experimental Traffic Management Orders (ETMOs) including officer time and on-street signage changes is estimated to be £40,000
- In addition, the cost of collecting monitoring data (both traffic and air quality data) is estimated to be £108,000
- Budget to meet these costs is available from the operational capital budget for Parking

KEY DECISION REFERENCE NO.: 0722SC

The notice of the decision will specify that the decision may not be implemented until after 13.00 hours on the 6th working day following the day on which the decision was taken unless referred to the Scrutiny and Overview Committee.

1. RECOMMENDATIONS

That the Traffic Management Advisory Committee recommend to the Cabinet Member for Sustainable Croydon that they:

- 1.1 Note that the School Streets Experimental Traffic Management Order (ETMO) (order reference 2020/30) in respect of the 10 school street areas identified at 1.4 below, effective from 1 September 2020 expired on 28 February 2022 (the 'Expired ETMO').
- 1.2 Note that 123 representations were received during the first six months of the Expired ETMO being in force (detailed in Appendix A) and that a petition was received from residents of Court Avenue / Tudor Close at full Council on 5 July 2021, the content of which is discussed, in section 4.3.10.
- 1.3 Note that the six month period for objection:
 - 1.3.1. coincided with school closures for the period from 13 December 2020 to 8 March 2021;
 - 1.3.2. did not coincide with a period of 'business as usual' traffic due to the ongoing Coronavirus pandemic and resulting periods of lockdown;
 - 1.3.3. contained inconsistent enforcement; and
 - 1.3.4. was not extended to enable objections to be received for six months from the point of amendment of the Expired ETMO on 30 October 2022;the result of which is that the objection period was insufficient for the Council to take a decision on progressing the expired ETMO to a permanent traffic regulation order.
- 1.4 That the Traffic Management Advisory Committee recommend to the Cabinet Member for Sustainable Croydon to introduce 10 School Streets at the following sites:
 - (i) Christ Church CofE Primary School (Purley Oaks & Riddlesdown)
 - (ii) Downsview Primary School (Norbury Park)
 - (iii) Ecclesbourne Primary School (Bensham Manor)
 - (iv) Harris Primary Academy Haling Park (South Croydon)
 - (v) Keston Primary School (Old Coulsdon)
 - (vi) Harris Primary Academy Croydon (Broad Green)
 - (vii) Oasis Academy Reylands (Woodside)
 - (viii) Ridgeway Primary School (Sanderstead)
 - (ix) St Thomas Becket Catholic Primary (Woodside)
 - (x) St Joseph's Catholic Junior School (Crystal Palace & Upper Norwood)By the making of 10 ETMOs to operate for up to 18 months as detailed at paragraph 4.2.1 of this report.
- 1.5 Authorise officers to inform the relevant stakeholders of the decision
- 1.6 To delegate to the Road Space Manager, Sustainable Communities Division to vary the ETMOs once made as part of the experiment.

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| 1.7 | Authorise officers to install the relevant equipment that allows the collection of traffic and air quality data for the 10 School Street sites. |
| 1.8 | Authorise officers to install the identified additional advanced warning signs at 4 School Street sites. |

2. EXECUTIVE SUMMARY

- 2.1 This report makes recommendations on the future of 10 School Street schemes, which were implemented between September and November of 2020 under an Experimental Traffic Management Order (ETMO) that came into force on 1 September 2020.
- 2.2 The original ETMO expired on 28 February 2022 and the schemes were removed from 1 March 2022.
- 2.3 During the first six months of the Expired ETMO coming into force, individuals were able to submit comments and objections to the Expired ETMO through the Council website (the 'Objection Period'). The comments received during the Objection Period are included as Appendix A to this report. Notwithstanding the public engagement received, during the Objection Period, COVID-19 pandemic restrictions introduced a lockdown in early December 2020, including the closure of schools. As a result, the council took the decision to suspend enforcement of all 10 experimental School Street schemes from 17 December 2020 to 8 March 2021.
- 2.4 In addition, the infrastructure including signage and ANPR enforcement cameras in respect of some of the schemes was not in place prior to the Expired ETMO coming into force on 1 September 2020. The signs and cameras were not all installed across all 10 School Streets until 7 December 2020.
- 2.5 The result of infrastructure delays, school closures and the suspension of enforcement meant that the schemes were not fully operational for a large part of the Objection Period. As a result, road users will not have experienced the true impact of the Expired ETMO as it would be in 'business as usual' conditions. Whilst the public did engage in providing comments in relation to the Expired Scheme, the Council does not consider it has been able to make a fair assessment on how the scheme performed for the full 18 months.
- 2.6 Additionally, the Expired ETMO was modified with a further order that came into force on 30 October 2020. However, due to an administrative error, the Objection Period was not extended as it should have been when the ETMO was modified under Section 10(2) of the Road Traffic Regulation Act 1984. As a result, less than the statutorily required 6 month Objection Period was provided.
- 2.6.1. The report explains the position in relation to the Expired ETMO in detail and that the recommendation to introduce 10 new individual ETMOs for the same School Street schemes will enable the gathering of robust evidence on which to base the decision on the long term future of each of the School Streets.

3. DETAIL

3.1 Background

- 3.1.1. On 8 July 2020, an officer report titled 'School Streets' (the 'July 2020 Report') (as attached in Appendix D) was put forward to TMAC to consider the informal consultation results for ten proposed school street schemes in Croydon. The report set out detailed consideration of issues such as existing road safety concerns, pollution around the school gates and the general need for sustainable travel needs to and from schools. It explained how school streets fitted in with national and local policy objectives. Save for where detailed in this report, the position in relation to these issues remains consistent with the July 2020 Report
- 3.1.2. First published in May 2020, the Secretary of State for Transport's statutory guidance 'Traffic Management Act 2004: Network Management to Support Recovery from COVID-19' called on local authorities to reallocate road space to people walking and cycling, both to encourage active travel and to enable social distancing. The Guidance highlighted the urgent need to change travel habits and suggested "measures should be taken as swiftly as possible, and in any event within weeks".
- 3.1.3. The Guidance has been updated over the intervening period. The most recent iteration published 30 July 2021 reminds local authorities that (following the publication of 'Gear Change' the government's Cycling and Walking plan for England), central government continues to expect local authorities to take measures to reallocate road space to people walking and cycling explaining that: *'The focus should now be on devising further schemes and assessing COVID-19 schemes with a view to making them permanent. The assumption should be that they will be retained unless there is substantial evidence to the contrary'*
- 3.1.4. Whilst this was new guidance in response to the Pandemic, Croydon for a number of years has had an active programme of works which promoted healthy travel such as implementation of school streets.
- 3.1.5. The council already has several existing School Street schemes in place, with the first being implemented in 2017 and the most recent set of 10 School Streets implemented under an ETMO in September 2020. A further 10 - 12 School Streets schemes are programmed to be implemented next financial year (2022/23) subject to funding and public consultation.
- 3.1.6. This report reports on what has been done since the decision emanating from the 8 July 2020 TMAC report (agenda item 8).

The Recommended Experimental School Streets

- 3.2 The 10 Experimental School Street schemes are listed in the table below, with details of what street(s) are restricted for each school and where the regulatory signs (compliant with the Traffic Signs and General Directions Regulations 2016) to enforce the restriction are located. All 10 School Streets prohibit access and egress by motor vehicles restrict motor vehicle entry between Monday to Friday during the hours of 8-9:30am and 2-4pm.

School Name	Streets affected	Position of regulatory signs
Christ Church CofE Primary School	Montpelier Road, between Brighton Road and the common boundary of Nos. 84 and 86 Montpelier Road	<ol style="list-style-type: none"> 1) On Montpelier Road at its junction with Brighton Road. 2) On Montpelier Road at its junction between the one-way section and 2-way section of Montpelier Road.
Downsview Primary School	Marston Way	<ol style="list-style-type: none"> 1) On Marston Way at its junction with Biggin Hill.
Ecclesbourne Primary School	Atlee Close	<ol style="list-style-type: none"> 1) On Atlee Close at its junction with Kimberley Road.
Harris Primary Academy Haling Park	Haling Road between the north to south arm of Haling Road and Selsdon Road	<ol style="list-style-type: none"> 1) On Haling Road at its junction between the one-way section and 2-way section of Haling Road.
Keston Primary School	Keston Avenue between its junctions with Coulsdon Road and Court Avenue	<ol style="list-style-type: none"> 1) On Keston Avenue at its junction with Court Avenue. 2) On Keston Avenue at its junction with Coulsdon Road
Harris Primary Academy Croydon	<ol style="list-style-type: none"> 1) Chapman Road, between its junctions with Kingsley Road and Fairmead Road. 2) Thomson Crescent, between its junctions with Kingsley Road and Euston Road 	<ol style="list-style-type: none"> 1) On Chapman Rd at the Allen Road junction with the roundabout. 2) On Chapman Rd at its junction with Kingsley Road. 3) On Thomson Crescent at the Euston Road junction the roundabout. 4) On Thomson Crescent at its junction with Kingsley Road.
Oasis Academy Reylands	<ol style="list-style-type: none"> 1) Oakley Road 2) Sandown Road 	<ol style="list-style-type: none"> 1) On Sandown Road at its junction with Portland Road. 2) On Oakley Road at its junction with Albert Road.
Ridgeway Primary School	Southcote Road between its junctions with The Ridgeway and the westernmost junction with Ellenbridge Way	<ol style="list-style-type: none"> 1) On Southcote road at its junction with The Ridgeway. 2) On Southcote road at its junction with Ellenbridge Way.
St Thomas Becket Catholic Primary	Dickenson's Lane	<ol style="list-style-type: none"> 1) On Dickenson's Road at its junction with Woodside Green. 2) On Dickenson's Road at its junction with Dickensons Place.
St Joseph's Catholic Junior School	Woodend	<ol style="list-style-type: none"> 1) On Woodend at its junction with Bradley Road.

4. Representations upon the Experimental School Streets

4.1 General

- 4.1.1. Following the previous cabinet member decision resulting from the 8 July 2020 TMAC, the council implemented 10 school street schemes using an Experimental Traffic Regulation Order (ETMO) which was made to be effective from 1 September 2020. ETMOs can remain in force for a maximum period of 18 months, which in this case expired on 28 February 2022.
- 4.1.2. Schemes introduced under an ETMO invite and must allow for objections to be made for a period of 6 months from the point they come into force. The comments received during this objection period must be considered by the Council in determining whether any changes should be made to the experiment whilst it is in force and in considering whether to proceed to a permanent TMO following the experiment.
- 4.1.3. In August 2020, letters were sent out to residents and the affected schools explaining that the Objection Period for the schemes will run between 1 September 2020 and 1 March 2021. Public notices were put up outside the schools and the council used platforms such as Twitter to publicise the upcoming Objection Period.
- 4.1.4. In order to make the process of submitting a representation as convenient as possible, the council along with the traditional method of being able to write in, also enabled receipt of objections and comments through its 'Get Involved' web platform. The online platform was well used with 121 of the 123 representations being made this way. This was set up so that representations would start being accepted from 1 September 2020 and automatically close on 1 March 2021. Details of all 123 representations are included in Appendix A.
- 4.1.5. On 26 October 2020, the original ETMO was modified with a further order that came into force on 30 October 2020. However, due to an administrative error, the objection period was not extended to ensure 6 months for objection from the point of modification as was required under paragraph 2 of Schedule 5 to the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

4.2 Recommendation – Introduce 10 new ETMOs and ensure that a minimum six month consultation period is provided

- 4.2.1. The ETMO introduced on 1 September 2020 expired on 28 February 2022, and the schemes have now been removed, with all regulatory signs covered over and enforcement stopped with traffic returning to as it was before the experimental schemes were introduced in September 2020. For the reasons set out in Section 2 of this report, 10 new ETMOs are now recommended to be introduced and made effective from 31 March 2022. If approved, it is at this point that all signs will be uncovered and the school street restrictions re-introduced. A new 6 month objection period will commence from 31 March 2022.
- 4.2.2. Should there be any modification to the schemes the objection period must be extended to ensure a full 6 months for objection from the point of modification and the public informed at the time accordingly.

4.2.3. The new schemes are not to be materially different to the expired schemes and officers can take forward some of the previous issues raised through the representations with a view to resolving them within the first 6 months.

4.3 Key issues – identified from representations received between 1 Sep 2020 – 1 March 2021.

4.3.1. In taking forward the new ETMOs, officers will consider the key concerns raised during the Expired ETMO Objection Period. These are presented below with a recommendation on how each can be addressed (where warranted) as part of the new ETMOs.

4.3.2. Inadequate publicity

4.3.3. There are 2 elements raised in relation to the issue of inadequate publicity:

- a) The council had informally consulted in January/February 2020 (not statutory consultation) and indicated to the public that the council would be providing a further round of consultation before the proposed schemes were to go live. The council subsequently changed its approach and decided to go down the ETMO route, which does not require a statutory objection period prior to the schemes being made live. This gave reason for the public to believe that council's communication had been inadequate/poor.
- b) Prior to implementation, the council had only written to residents within the school street extents and up to a distance of 250 metres beyond the scheme. This was for practical reasons and the fact that objections are not limited by distance. However, the decision to proceed with the ETMO was widely publicised through various news articles, press releases, social media platforms etc.

4.3.4. Officer Response - If it is agreed as per this report to proceed with new ETMOs, the same standard mechanisms for publicising the decision will be adhered to. As explained, by making new ETMOs, a further Objection Period is established providing anyone the opportunity to advance their views upon these measures before the Council decides whether or not make the measures permanent.

4.3.5. Inadequate scheme signage / driver entrapment

4.3.6. Members of the public have indicated that they felt that there was inadequate scheme signage in relation to the school streets. This was generally found to be for Haling Road, Keston Avenue, Southcote Road and Montpelier Road school street schemes. For these schemes the inadequate signage related to the fact that advanced warning signs had only been placed for those approaching from one direction and not the other. Many representations against the Haling Road school street also maintained that the enforcement signs at the restriction point were lacking sufficient visibility.

4.3.7. Officer Response - An officer visit to Haling Road School Street to establish visibility issues as given in the representations does not agree that visibility is an issue for the main restriction signs. It should be noted that signage for all the 10 school streets continues to comply with Traffic Signs General Directions 2016 (TSRGD 2016). However, in light of the high number of complaints regarding

the lack of advanced warning signs, the council will install additional warning signs for the 4 schemes.

4.3.8. Displacement of traffic/parking to neighbouring roads

4.3.9. This was reported as fears of likely to occur or that it had occurred following scheme implementation. Some representations went further to say that the previous traffic problems had shifted from the school streets to their own roads creating an unsafe environment for reasons such as speeding, congestion, more pollution, longer journey times etc.

4.3.10. Officer Response - Whilst officers cannot rule out that some displacement of traffic will naturally have occurred, it is noted the effects will be likely small and spread over a larger area, thereby removing a concentration of these problems from outside the school gates. However this has not yet been fully assessed due to lockdowns, enforcement suspension and the unusual travel patterns of the public during the pandemic.

4.3.11. As part of the new ETMO's the council will collect data to measure the effects of the experiments, both in terms of traffic impact and air quality. Monitoring equipment will be installed to assess traffic conditions and displacement, and also to monitor air quality in the School Streets themselves.

Petition from Court Avenue and Tudor Close – Keston Avenue School Zone

4.3.12. A petition containing 107 signatories of residents of Court Avenue / Tudor Close was received at Full Council on 5 July 2021. The petition related to the reports from residents regarding traffic issues being experienced following implementation of the experimental school street in Keston Avenue. The petition stated:

'We the undersigned residents of Court Avenue and Tudor Close Old Coulsdon, call on Croydon Council to act in OUR interests to reduce the speeding and extra traffic our road has suffered since the introduction of the School Streets scheme on Keston Avenue before there is a major accident. Parked vehicles have already suffered damage.'

4.3.13. The petition was reporting the same issues as already reported by individuals through representations sent to the council during the statutory Objection Period for the Keston Avenue School Street.

4.3.14. Officer Response - Whilst officers cannot rule out that some displacement of traffic will naturally have occurred, it is noted the effects will be likely small and spread over a larger area, thereby removing a concentration of these problems from outside the school gates. However this has not yet been fully assessed due to lockdowns, enforcement suspension and the unusual travel patterns of the public during the pandemic.

4.3.15. As part of the new ETMO's the council will collect data to measure the effects of the experiments, both in terms of traffic impact and air quality. Monitoring equipment will be installed to assess traffic conditions and displacement, and also to monitor air quality in the School Streets themselves.

4.4 Benefits realisation

4.4.1. The School Street schemes were proposed in response to calls by the local schools and residents to address concerns around poor air quality, traffic congestion and road safety on the named roads during school pick up and drop off times.

4.4.2. The council is leading on addressing the impacts of climate change, road safety and congestion outside schools by the introduction of a series of school streets, with the first launched in 2017 and more recently the 10 experimental schemes discussed in this report.

4.4.3. The council acknowledges that during the first few months of the school streets becoming operational there is likely to be some local disruption to normal travel patterns and behaviour, however studies show that as the scheme has an opportunity to bed in, often the early disruption dissipates and a focus turns into the benefits of such schemes.

4.4.4. In a recent request for feedback from the schools a question was asked on what impact the removal of the school street may have on them. Of the 10 schools, 8 schools responded and the responses are given in summary below:

4.4.5. *Marston Way* - I think removal of the school zone would result in going back to chaos on both roads and endangering our pupils and other pedestrians in the locality.

Oakley Road/ Sandown Road – No response provided

Thomson Crescent/ Chapman Road – No response provided

4.4.6. *Southcote Road* - removing the school zone will result in a negative impact - first and foremost, safety would be negatively impacted, but also there would be increased noise and air pollution. Increased parental aggression seen closer to the school as parents 'navigate' the limited parking on our road or park over driveways.

4.4.7. *Haling Road* - The school street has improved safety outside the school gates but has pushed the safety problem to the end of the road. Due to unclear parking restrictions and lack of parking enforcement, the end of the road can often become blocked due to selfish and unsafe parking. Since February 2021, parking enforcement support has been requested by the school on numerous occasions. The impact has been limited as enforcement officers have not been willing to enforce the rules. In fact, very often parking enforcement presence has made the situation worse as parents have seen that no action is being taken by the council.

4.4.8. *Atlee Close* - If the school street were to be removed then we would return to the previous situation which saw fewer children taking healthy and sustainable

options for travelling to school. We would see an increase in unsafe parking and increased risk to children outside of school. We would inevitably see an increase in arguments and confrontations between parents and/ or residents outside of the school.

4.4.9. *Keston Avenue* –

- The introduction of the School Street along Keston Avenue has made a significant difference to our children
- The road is obviously quiet now
- Before the introduction of the school street, Keston Avenue was busy, chaotic and could be dangerous to children at dropping off and pick up times
- I had complaints about parking, parking across drives, parking on the zigzag lines and also children being dropped off in the middle of the road.
- I had complaints from both residents of Keston Avenue and also my own parents due to their concern for the safety of the children
- Keston Avenue is now a much safer road for Keston children
- We sent reminders about parking out in our newsletters

4.4.10. *Montpelier Road* - Before the scheme was implemented pick up and drop off times was complete chaos, most parents would enter Montpelier road and park illegally over drive ways, on the markings outside the school or on pavements making the process very dangerous for children to enter the school. Some would just stop directly outside the school and let their children jump out of the car. The road would also get blocked for deliveries and emergency services. All these issues have now gone and the process of children entering or leaving the school is much safer, there are very few vehicles about so less likely to have accidents.

4.4.11. *Dickenson's Lane* - The School Zone has been very useful - the almost daily incidents of cars reversing dangerously and arguments with residents about cars blocking their drives has ceased completely. It has massively increased safety around Dickenson's Lane but it has also pushed a lot of the car drivers round to the school's front entrance at Birchanger Road - this road does need to be considered in terms of the volume of traffic at drop off and pick up. Further measures may need to be considered here, especially as we now have no road crossing person (lollypop person). More children's scooters have arrived in school from the Dickenson's lane entrance which might indicate a reduction in vehicles being used in school run. Complaints from Dickenson Lane neighbours have stopped since school street scheme was put in place. The original issues as mentioned above would instantly return.

4.4.12. *Woodend* - Removing the School Zone will impact in quite a negative way. We would see a return to parents blocking driveways and paths on Woodend, stopping outside the school gates on the yellow lines. It would be a disaster.

4.5 Officer Conclusion

- 4.5.1. For the reasons set out in Section 2, 4.2 & 4.3, officers recommend that ten new School Streets are implemented, consistent with the Expired ETMO but with minor upgrades to signage at four sites under new ETMOs.
- 4.5.2. The ETMOs will be implemented through regulatory signage compliant with the Traffic Signs and General Directions 2016 (TSRGD) at the entry and exit points of the School Streets. Contraventions of the School Streets will be recorded via approved Automatic Number Plate Recognition camera technology and enforced through the London Local Authorities and Transport for London Act 2003, with a Penalty Charge Notice issued under this legislation. The changes to signage address many of the concerns and criticisms levelled at the Expired ETMO.
- 4.5.3. The new ETMOs are proposed to be made effective from 31 March 2022 and a new 6 month objection period will commence. As soon as possible following the conclusion of the objection period, a report will be produced to TMAC on the impact of the schemes with recommendations for their future. This report shall take into account both the responses to the Expired ETMO and responses to be received in relation to the new ETMOs.
- 4.5.4. The schemes meet and support several of Croydon's transport objectives and priorities along with those within the Mayor of London's Transport Strategy. These are the reasons why Officers recommend their continuation so that their effectiveness can be fully assessed under normal traffic conditions outside of lockdowns.
- 4.5.5. The comments received from schools signify the importance of these schemes. The benefits far outweigh some of the impacts which the public has reported in their submissions however it would be fair to say that the full impact was not determinable.
- 4.5.6. If the officer recommendations are not agreed, the permanent removal of the school streets will follow. This will impact school children the most, and will likely see a return of the road safety concerns outside the school gates to the council before their introduction.

5. **FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

1. Revenue and Capital consequences of report recommendations

The introduction of the proposed new Experimental Traffic Management Orders (ETMOs) including officer time and on-street signage changes is estimated to be £40,000. In addition, the cost of collecting monitoring data (both traffic and air quality data) is estimated to be £108,000.

2. The effect of the decision

The making of the ETMOs and the implementation of the additional signage and monitoring equipment to support them will incur expenditure as set out above, with budget available from the existing operational capital budgets for Parking.

3. Risks

Revenue from parking charges (including ANPR enforcement) is a key source of income for the council. If the outcome of the new ETMOs was to remove the ANPR enforcement cameras across these 10 School Streets, this would result in a reduction of the projected income from 2022/23 onwards. Also, it is recognised that School Street compliance will change over time, and revenue is continually reducing. However, the schemes remain self-financing and bring important value through their road safety and air quality objectives.

4. Options

Substituting these 10 School Street schemes with an elevated physical enforcement presence by Civil Enforcement Officers and using the CCTV smart car to enforce the school zigzag would be more resource demanding and less effective – i.e. is financially less efficient.

(Approved by: Gerry Glover, Interim Head of Finance Sustainable Communities)

6. **LEGAL CONSIDERATIONS**

6.1 The Council's external legal advisors comment on behalf of the Director of Law and Governance & Deputy Monitoring Officer that on 23 May 2020, the Department for Transport (DfT) made and brought into force the Traffic Orders Procedure (Coronavirus) (Amendment) (England) Regulations 2020 (SI 2020/536) (TOPCR 2020). The TOPCR 2020 makes temporary amendments to the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (SI 1996/2489) (LATOPR 1996). This includes the insertion of "Temporary Provisions Applicable During the Coronavirus Pandemic". This establishes alternative publication requirements, which a local authority can adopt where it is required to publish a notice in a newspaper and the authority considers that it would not be reasonably practicable to do so because of the effects of coronavirus, including the restrictions on movement.

6.2 The LATOPR 1996 establish the procedures for making a traffic regulation order, (including an Experimental Traffic Regulation Order). The procedural provisions for Experimental Traffic Regulation Orders are set out in regulations 22 and 23 and Schedule 5 to the LATOPR 1996. It identifies the requirements of "the giving of appropriate notices" and the receiving of representations. Such representations must be considered by the members before a final decision upon whether or not to make a permanent Order is made.

6.3 If the proposals progress to decision upon these ETMOs, by virtue of section 122 of the RTRA, the Council must exercise its powers under that Act so as to secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians, and the provision of suitable and adequate parking facilities on and off the highway having regard to:

6.4

- The desirability of securing and maintaining reasonable access to premises;

- The effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
- 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; and
- Any other matters appearing to the local authority to be relevant.

6.5 High Court authority confirms that the Council must have proper regard to the matters set out at s122(1) and (2) and specifically document its analysis of all relevant section 122 considerations when reaching any decision.

Section 16 of the Traffic Management Act 2004

6.6 Section 16 of the Traffic Management Act 2004 imposes 'The Network Management Duty', namely it is the duty of a local traffic authority to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives:

- 1.1 securing the expeditious movement of traffic on the authority's road network; and
- (b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.

The action which the authority may take in performing that duty includes, in particular, any action which they consider will contribute to securing:

- (a) the more efficient use of their road network; or
- 1.2 the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network or a road network for which another authority is the traffic authority.

Section 31 of the Traffic Management Act defines 'traffic' as including pedestrians. The Traffic Management Act 2004, Network Management Duty Guidance explains that the Network Management Duty requires the local traffic authority to consider the movement of all road users: pedestrians and cyclists, as well as motorised vehicles. It also explains that the overall aim of the "expeditious movement of traffic" implies a network that is working efficiently without unnecessary delay to those travelling on it. But the duty is also qualified in terms of practicability and other responsibilities of the authority. This means that the Duty is placed alongside all the other things that an authority has to consider, and it does not take precedence.

Section 149 of the Equality Act 2010 sets out the public sector equality duty replacing the previous duties in relation to race, sex and disability and extending the duty to all the protected characteristics i.e. race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment. The public sector equality duty requires public authorities to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations between those who share a protected characteristic and those who do not.

Part of the duty to have "due regard" where there is disproportionate impact will be to seriously consider taking 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.

Where ANPR is used, the Council must ensure it adheres to the Surveillance Commissioner Guidance and Information Commissioner Guidance, where appropriate. The council's Parking Enforcement Team has carried out separate Data Protection Impact Assessments (DPIAs) for each camera and site.

The Greater London Authority Act 1999

- 6.7 The Greater London Authority Act 1999 places a duty on each London local authority to have regard to the Mayor of London's Transport Strategy when exercising any function. This therefore includes the exercise of its Traffic Management Duty and when deciding whether to make a traffic order.

The Health and Social Care Act 2012 and National Health Service Act 2006

- 6.8 The Health and Social Care Act 2012 sets a duty for improvement of public health by amending the National Health Service Act 2006 so as to require each local authority to take such steps as it considers appropriate for improving the health of the people in its area.

The Education Act 1996

- 6.9 The Education Act 1996 (as amended) places various duties on local authorities including the promotion of sustainable travel and transport modes for the journey to, from, and between schools and other institutions, explaining that “Sustainable modes of travel” are modes of travel which the authority consider may improve either or both of the following:
- (a) the physical well-being of those who use them;
 - (b) the environmental well-being of the whole or a part of their area.

- 6.10 The ‘Home to School Travel and Transport Guidance: Statutory guidance for local authorities’ explains that the sustainable school travel duty should have a broad impact, including providing health benefits for children, and their families, through active journeys, such as walking and cycling. It can also bring significant environmental improvements, through reduced levels of congestion and improvements in air quality to which children are particularly vulnerable.

The Crime and Disorder Act 1998

- 6.11 The Crime and Disorder Act 1998 places a duty on the local authority to consider crime and disorder implications of exercising its various functions. It is the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment).

Human Rights Act 1998

- 6.12 Regard should be had to the provisions of the Human Rights Act. In particular, the provisions of Article 1, of the First Protocol protection of property and Article 8, right to respect for private and family life. Access for those choosing to walk or cycle or use the bus has been aided by the school streets. In addition residents of the individual School Streets will be granted exemption to use motor vehicles in the street during the operational hours. Further, the right under Article 1 is qualified rather than absolute, as it permits the deprivation of an individual’s possessions or rights where it is in the public interest. The public interest benefits of the recommended experimental scheme are outlined within this report.

- 6.13 In relation to Article 8, the right to respect for private and family life has a broad interpretation and extends to being in a public place if there is a reasonable expectation of privacy there. This right can be interfered with where lawful, necessary and proportionate to protect a number of other concerns including public safety and health. It is not considered that the implementation of the school streets experiment impeded on the right to individuals' right to respect for private and family life, either in public or on private land, nor would the making of the recommended further experimental traffic order. Traditionally 'family life' extended out into the street where siblings would play and children walk together to school. The school streets proposals seek to allow this to happen again.

(Approved by: Olawale Adebambo, Interim Corporate Solicitor, on behalf of the interim Director of Legal Services & Interim Deputy Monitoring Officer)

7. HUMAN RESOURCES IMPACT

- 7.1 There are no immediate HR impact issues in this report for LBC employees and staff. If any should arise these will be managed under the Council's Policies and Procedures.

Approved by Gillian Bevan, Head of HR, Resources and Assistant Chief Executives, for and on behalf of Dean Shoesmith, Chief People Officer.

8. EQUALITIES IMPACT

- 8.1 The Equality Act 2010 introduced the Public Sector Equality Duty. This requires all public bodies, including local authorities, to have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 8.2 An Equalities Impact Assessment (EqIA) has been completed for the introduction of the new ETMOs for the School Streets, and is included in Appendix C.
- 8.3 The School Streets operational concept is unchanged since they were first introduced 2017. This project is intended to restrict access for motor traffic except resident permit holders, cyclists, emergency services and certain other groups such as carers and those with disabilities. The impact will benefit the more vulnerable – such as pregnant mothers, children, those with debilitating respiratory illnesses with secondary health benefits for the wider communities.

8.4 Feedback from the representations received as part of the statutory consultation on the original ETMO introduced dating back to 1 September 2020 has not raised any new or emerging equalities issues. The implementing team has considerable practical experience of operating School Streets since 2017, and will bring forward during this experimental phase lessons learned in its operation. The intent being to inform any final decision on continuity.

There is some negative impact in regards to Age, Disability & Pregnancy & Maternity however, the team has in place mitigation to address these including making provision for schools to request temporary access if ne

8.5 Should the proposed experiment prove **successful a full and extensive** EqIA review will be carried out based around the project plan as part of any long term changes to the operational methods or in response to any feedback or concern.

Approved by Gavin Handford on behalf of Denise McCausland, Equality Programme Manager

9. ENVIRONMENTAL IMPACT

9.1 The School Street schemes are expected to reduce car use, which in turn will contribute to reducing congestion and air pollution in a wider area.

9.2 The signs are designed to meet the Department for Transport specification and will naturally fit the street scheme. The addition of signs and cameras within the public realm is compensated for by reducing the visual impact of congested traffic and parking.

9.3 Central government's 'Decarbonising Transport A Better, Greener Britain' commitments to 'Increasing cycling and walking' has the aim that half of all journeys in towns and cities will be cycled or walked by 2030. It explains that implementing the Plan will deliver significant benefits in other areas as well as cutting CO2 emissions, including:

- improved air quality;
- better places to live in;
- reduced congestion and noise; and
- increased reliability and affordability of transport/access – '*delivering better transport for everyone*'.

10. CRIME AND DISORDER REDUCTION IMPACT

10.1 Hostile behaviours are presently daily occurrences experienced by driving parents, other road users, school staff, residents and parking enforcement officers. The disorderly behaviours can be intimidating and set a bad example to children. The School Street schemes can significantly reduce and disperse such disorder away from the school entrance where a concentration of children exists.

10.2 Rude or threatening behaviour towards others is not acceptable and should be reported to the Metropolitan Police for investigation and appropriate action. This can be reported anonymously by victims although it is appreciated that on occasion in order for it to be dealt with effectively the Police could need witness

statements or for anonymity to be waived. These are matters for the Police and the individual to consider.

11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

11.1 For the reasons set out in the report, officers have made the recommendation for the ten experimental; school streets to be re-introduced under new ETMOs.

12. OPTIONS CONSIDERED AND REJECTED

12.1 The option to not re-introduce the schemes has been considered and rejected for the reasons set out within this report and:

- The School Street schemes were implemented in response to calls by the local schools and residents to address concerns around poor air quality, traffic congestion and road safety on the named roads during school pick up drop off times. London Borough of Croydon, has the highest level of childhood (0 to 9 years) asthma related hospital admissions and the 3rd highest death rate attributed to air pollution in London.
- School Street schemes aim to address some of those concerns by encouraging the use of more sustainable active forms of travel to and from school. Studies have shown that children who chose to walk or cycle to school arrive more alert, happier and are ready to study. School Streets thereby contribute to both better learning opportunities and health outcomes for the children.
- The London Mayor's Transport Strategy (MTS) published in 2018 has a transport objective to make 80% of all trips in London to be made on foot, by cycle or public transport by 2041. This will be achieved by reducing Londoners' dependency on motor vehicles in favour of active and sustainable modes of travel.

13. DATA PROTECTION IMPLICATIONS

13.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

YES – for the purposes of receiving statutory objections and representations and using the data collected during the Objection Period to make an informed decision on the future of the schemes. The council will also use Automatic Number Plate Recognition Cameras (ANPR) to enforce the schemes, these cameras were already in place when the original ETMO was in force.

The camera focuses strictly on Vehicle Registration Marks (VRM) only as motor traffic enters a school street. The ANPR camera can't be turned on or used for any other purpose, such as for recording anti-social behaviour or general viewing.

Recordings are triggered solely on the detection and for the duration of a driving contravention.

ANPR is widely used in Croydon and beyond and are proven to feasibly operate within the Surveillance Commissioner's Codes of Practice. Every individual ANPR camera will require a Data Protection Impact Assessment (DPIA) to ensure its compliance. The DPIA for ANPR cameras are conducted and stored by colleagues in the council's Parking Enforcement Team.

HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

YES

(please see attached copy in Appendix B of this report)

Approved by: Acting Corporate Director – Sustainable Communities, Regeneration and Economic Recovery)

CONTACT OFFICERS: Jayne Rusbatch, Head of Highways & Parking Service –
Tabrez Hussain, Principal Engineer

APPENDICES TO THIS REPORT:

Appendix A – Representations received during original ETMO statutory consultation period

Appendix B – Data Protection Impact Assessment

Appendix C – Equalities Impact Assessment (EqIA)

Appendix D – Traffic Management Advisory Committee report dated 8 July 2020 (also available on the council's website [here](#))