

REPORT TO:	TRAFFIC MANAGEMENT ADVISORY COMMITTEE 15 February 2021
SUBJECT:	The Crystal Palace and South Norwood Low Traffic Neighbourhood: Addendum Report
LEAD OFFICER:	Shifa Mustafa, Executive Director, Place Steve Iles, Director, Public Realm
CABINET MEMBER:	Councillor Muhammad Ali, Cabinet Member for Sustainable Croydon
WARDS:	South Norwood, Crystal Palace and Upper Norwood

SUMMARY OF REPORT:

On 27th January 2021, the Cabinet Member for Sustainable Croydon took the following decision (as summarised):

In relation to the existing Crystal Palace and South Norwood Temporary Low Traffic Neighbourhood, to remove the measures implementing the existing Temporary Low Traffic Neighbourhood as soon as practicable;

In relation to the proposed Crystal Palace and South Norwood Experimental Low Traffic Neighbourhood:

- *In relation to the report to the Traffic Management Advisory Committee held on 12 January 2021 (“the January 2021 Report”) – To request officers to prepare an addendum to the January 2021 Report addressing the judgment of Mrs Justice Lang in the case of (R (UTAG & LTDA) v Mayor of London and TfL [2021] EWHC 72 and the impact, if any, on the recommendations in respect of the proposed experimental order which were made to the Traffic Management Advisory Committee in the January 2021 Report; and*

Refer the addendum back to the Traffic Management Advisory Committee for consideration, with a decision to be taken by the Cabinet Member thereafter.

This report comprises the addendum to the January 2021 Report requested by the Cabinet Member. It advises on the continuing soundness of the recommendations made to TMAC in the January 2021 Report in the light of the judgment in *R (UTAG & LTDA) v Mayor of London and TfL [2021]*.

It includes the question asked of TMAC by the Cabinet Member when taking the decision:

Following the preparation of the addendum to the January 2021 report, does the Traffic Management Advisory Committee endorse the recommendations 1.1 and 1.3 – 1.7 of the January 2021 report, or such other recommendation in the addendum, in respect of the proposed experimental order?

In particular, this addendum considers:

- The Equality Analysis produced in the January 2021 Report and the subsequent revision to it, bearing in mind the judgment and the publication of the ‘Pave the Way’

report by Transport for All into the experiences of disabled people arising from LTNs recently implemented in London.

- The access of taxis and buses to the South Norwood and Crystal Palace LTN, bearing in mind the importance of such public transport for people with disability and schools within the area.

This Addendum recommends increasing the categories of vehicle to which Automatic Number Plate Recognition (ANPR) camera technology (Recommendation 1.3.1 in the January 2021 Report), shall not apply, to include, taxis and buses, including Dial-a-Ride vehicles. It also states that the eligibility for permits providing exemption to the recommended Experimental LTN restrictions in the January 2021 Report, should be extended from vehicles belonging to residents within the area of the LTN to:

- Vehicles of staff employed at Cypress School and Harris Academy Crystal Palace;
- Vehicles used by care givers of sick and/or disabled residents within the area of the LTN;
- Vehicles registered by Blue Badge holders;

In addition, the opportunity has been taken to consider a GLA and TfL commissioned study into the air quality improvement effects of implementing the Mayor's air quality related policies, published on 22 January 2021.

POLICY CONTEXT:

See the January 2021 Report.

FINANCIAL IMPACT:

A revision of the Equality Analysis has resulted in an addition to the scope of the proposed Experimental LTN, estimated to result in a project cost increase of £25,000. Meeting this additional cost is to be included within the Council's ask to Transport for London, when seeking release of LIP Funding for 2021/22.

KEY DECISION REFERENCE NO.: 6520SC

RECOMMENDATIONS:

The recommendations made to the Traffic Management Advisory Committee in the January 2021 Report are maintained subject to the following changes:

1. Having considered the revised Equality Analysis, the Traffic Management Advisory Committee recommend to the Cabinet Member for Sustainable Croydon that:
 - 1.1 The categories of vehicle to which Automatic Number Plate Recognition (ANPR) camera technology (Recommendation 1.3.1 in the January 2021 Report), shall not apply is extended to include:
 - (a) a vehicle being used for fire brigade, ambulance or police purposes;
 - (b) anything done with the permission of a police constable in uniform or a civil enforcement officer;
 - (c) a vehicle being used for the purposes of a statutory undertaker in an emergency, such as the loss of supplies of gas, electricity or

water to premises in the area, which necessitates the bringing of vehicles into a section of road to which the order applies;

- (d) buses;
- (e) licensed taxis
- (f) Dial-a-Ride vehicles;
- (g) vehicles to which a valid exemption permit has been provided.

for the reasons set out in this report and summarised at paragraph 3.12 and 15.3 of the January 2021 Report.

1.2 The Cabinet Member consider the revised Equality Analysis when making their decision in relation to recommendations 1.1 and 1.3 -1.7 in the January 2021 Report.

1. INFORMATION WITHIN AND EFFECT OF THE ADDENDUM REPORT

Reasons for the Addendum

1.1 At its meeting of 12th January 2021, the Traffic Management Advisory Committee (TMAC) considered the report 'The Crystal Palace and South Norwood Low Traffic Neighbourhood' ('the January 2021 Report'¹) and the recommendations within it. Between the meeting of TMAC and the Cabinet Member for Sustainable Croydon taking the Key Decision, a High Court Judgement was issued in respect of:

- Transport for London's and the Mayor of London's 'Streetspace Plan for London';
- the associated 'Interim Guidance to Boroughs'; and
- the 'A10 GLA Roads (Norton Folgate, Bishopsgate and Gracechurch Street, City of London (Temporary Banned Turns and Prohibition of Traffic and Stopping) Order 2020' made by Transport for London (TfL).

In relation to the recommendations in the Report, and following the High Court Judgement, the Cabinet Member took the decision²:

'Having carefully read and considered the Part A report, in the signed decision notice attached and the requirements of the Council's public sector equality duty in relation to the issues detailed in the body of the reports, the Cabinet Member for Sustainable Croydon

¹ <https://democracy.croydon.gov.uk/mgAi.aspx?ID=10368#mgDocuments>

² <https://democracy.croydon.gov.uk/ieDecisionDetails.aspx?ID=598>

Resolved:

1.1 To consider:

- a) *the responses received to the informal consultation on the options for the future of the Crystal Place and South Norwood Temporary Low Traffic Neighbourhood and other feedback.*
- b) *the Mayor of London's Transport Strategy and the Council's plan to implement it within the Borough (the Croydon Local Implementation Plan).*
- c) *the Council's statutory duties, including its duties under the Road Traffic Regulation Act 1984, in particular its duties under s.9, s.121B and s.122, its duties under the Traffic Management Act 2004, in particular its duty under s.16, its duties under the Equality Act 2010, in particular under s.1 and s.149 (the public sector equality duty).*
- d) *the statutory guidance 'Traffic Management Act 2004: network management in response to COVID-19' as updated on 13 November 2020.*
- e) *the other matters within and referred to within this report.*

1.2 To agree to the removal of the measures implementing the Temporary Low Traffic Neighbourhood as soon as practicable and in any event prior to the implementation of the recommended Experimental TRO.

1.3 To request the following additional information to enable consideration of the recommendations 1.1 and 1.3 – 1.7 of the January 2021 report

- a) *An addendum to the January 2021 report addressing the judgement of Mrs Justice Lang in the case of (R (UTAG & LTDA) v Mayor of London and TfL [2021] and the impact, if any, on the recommendations in respect of the proposed experimental order which were made to the Traffic Management Advisory Committee in the January 2021 report.*

1.4 To request the following question be put to the Traffic Management Advisory Committee/officers/persons who made representations to the Committee/in response to the consultation to facilitate further consideration of the recommendations in paragraph 1.1 and 1.3 – 1.7 of the January 2021 report

- a) *Following the preparation of the addendum to the January 2021 report, does the Traffic Management Advisory Committee endorse the recommendations 1.1 and 1.3 – 1.7 of the January 2021 report, or such other recommendation in the addendum, in respect of the proposed experimental order.*

1.5 To request the additional information and questions be put to the Traffic Management Advisory Committee/officers/persons who made representations to the Committee/in response to the consultation to enable further consideration of the recommendations at 1.1 and 1.3 – 1.7 of the January 2021 report.

a) Response from local school and how we will work with them to resolve their concerns

The two local schools have both expressed concern with regards access to their establishments by teachers and other staff. The team are to investigate how these concerns can be addressed to best effect for all concerned

b) Access for care workers

The needs of our residents who require home care, be that via professionals or family members, must be considered so that they and their care givers are not disadvantaged by this scheme. Clarity needs to be given as to how the Council will deal with the essential needs of those affected.

c) Access for car clubs

Car clubs do mean that there are less cars on our roads at any one time as households can rely on the use of such clubs almost entirely. Residents living within the zone that do not have access to their own car or rely from time to time on the use of car club alternatives should not be penalised for trying to reduce their reliance upon the ownership of a car or similar. The team is to investigate how car clubs can be incorporated into the operation of the zone in a similar way to Care Givers.

d) Period of experimental order

It is acknowledged that the Committee did not want the Experimental TRO to last beyond 12 months, with a review at that stage.

e) Engagement with the London Borough of Bromley

Officers to report to TMAC on a regular basis to allow for the updating of the committee as we work together with Bromley to progress the scheme.

Notwithstanding the above, since the meeting of TMAC I have been made aware of the judgment of Mrs Justice Lang in the case of (R (UTAG & LTDA) v Mayor of London and TfL [2021] EWHC 72 which has quashed the London Streetspace Plan and Transport for London's "Interim Guidance to Boroughs". Whilst I understand that the quashing order is stayed pending appeal by TfL, I consider it necessary to fully understand the impact of the judgment, if any, on the recommendations to the Traffic Management Advisory

Committee, to take a decision in relation to the proposed Experimental Orders which will comprise the Low Traffic Neighbourhood.'

as detailed in the Public Notice of Key Decision No: 6520SC, 27th January 2021 taken by the Cabinet Member for Sustainable Croydon and published by the Council Solicitor and Monitoring Officer on 27th January 2021.

- 1.2 This addendum report addresses the judgment of Mrs Justice Lang, and matters raised at the TMAC meeting on 12th January 2021, namely:
- Responses from local schools and how we will work with them to resolve their concerns
 - Access for care workers
 - Access for car clubs
 - Length of the experiment period before review
 - Working with Bromley Council
- 1.3 Since the meeting of TMAC on 12th January, Transport for All published its report 'Pave the Way' on LTNs (implemented in London following the start of the Covid19 Pandemic) reporting the experience and views of 84 people with disabilities recruited into the study. The publication of 'Pave the Way' has informed further development of the Equality Analysis relating to the proposed Experimental LTN, which in turn has informed amended recommendations.

The High Court Judgement

- 1.4 On 20 January 2021 the High Court handed down judgment in R (UTAG & LTDA) v Transport for London & Mayor of London [2021] EWHC 72(Admin)³, which involved the consideration of two consolidated claims for judicial review ("the Judgment"). The claims for Judicial Review were brought by representatives of the 'Black Cab' industry to challenge:
- 1) The Mayor of London's Streetspace Plan;
 - 2) The Streetspace Interim Guidance produced for London Boroughs; and
 - 3) A Traffic Management Order made under Section 14 RTRA 1984 restricting the use of the A10 at Bishopsgate to Buses and cycles only ("the A10 Order") against TfL was brought by the United Trade Action Group Limited and the Licensed Taxi Drivers Association Limited representing taxis/black cab drivers. There were five grounds for judicial review, four of which were upheld, the Judge ruling:
- 1.5 The Judge considered five grounds of challenge, of which the following succeeded:
- Ground 1:** in making the Streetspace Plan and Interim Guidance, the Mayor and TfL failed to distinguish taxis from "general traffic" failing to have regard to relevant material considerations, namely:

³ <https://www.bailii.org/ew/cases/EWHC/Admin/2021/72.html>

- the distinct status of taxis as a form of public transport, reflected both in law and policy;
- the role played by taxis in facilitating accessible public transport for those with mobility impairments.

This ground succeeded in relation to the Streetspace Plan and Interim Guidance, and the judge made particular note that (a) taxis were not mentioned in either the Streetspace Plan or Interim Guidance; (b) the importance of taxis for the purposes of access for people with disability and (c) that the Streetspace Plan and Interim Guidance were made without regard to the Bus Lane Policy and Policy Guidance. It is noted however, Ground 1 did not succeed in respect of the A10 Temporary Order.

Ground 2: In making the Streetspace Plan and Interim Guidance and the A10 Order, TfL and the Mayor failed to have proper regard to the public sector equality duty, pursuant to section 149 of the Equalities Act 2010.

This Ground also succeeded. For the purposes of the Streetspace Plan and the Interim Guidance, the judge considered that the Duty applied and that there was no evidence that the Defendant did in fact comply, having not undertaken an Equality Impact Assessment. In relation to the A10 Order, it was considered that the Equality Impact Assessment that was undertaken “did not meet the required standard of a “rigorous” and “conscientious” assessment, conducted with an open mind”.

Ground 4: The Streetspace Plan and Guidance and the A10 Temporary Order breached the Claimants’ legitimate expectation to pass and repass on London’s roads, and to use lanes reserved for buses. The Claimant succeeded in asserting that taxis have a legitimate expectation to use bus lanes.

Ground 5: The treatment of taxis in the Streetspace Plan and Interim Guidance and the A10 Order was irrational.

The judge considered that the flaws in decision making were sufficient to deem the Streetspace Plan, Interim Guidance and A10 Order as irrational. Issues were pointed out in respect of a lack of consultation, lack of evidence base and failure to consider alternative options.

As a result, the Judge quashed the Streetspace Plan, the Interim Guidance and the A10 Order however the quashing order was stayed pending appeal by TfL. Should the appeal be unsuccessful, TfL may apply for further time (if required) to finalise a revised Streetspace Plan, Interim Guidance and Temporary Order before the quashing orders take effect. As such the Streetspace Plan for London and the Interim Guidance to Boroughs still stand pending the outcome of the appeal process. It is understood from TfL that they intend to lodge an appeal, and have until 10th February to do so. A verbal update will be provided to TMAC on 15th February.

The recommendations in the January 2021 Report included an exemption to the Auckland Road bus gate restrictions for licensed taxis, recognising the status of taxis as a form of public transport.

1.6 Recommendation 1.1 in the January 2021 Report was to consider a number of specific matters. The Streetspace Plan and Interim Guidance were not amongst the matters specified. However, the final part of recommendation 1.1 was to consider the other matters within and referred to within the Report. Section 3 of the Report set out the background to the recommended Experimental LTN:

- beginning with the Local Implementation Plan (LIP) proposal to pursue a Healthy Schools Neighbourhood at Upper Norwood and the early work initiated just prior to the Covid19 Pandemic
- reporting the Secretary of State for Transport's call to local authorities in May to take swift action to create space for social distancing, walking and cycling
- reporting TfL's announcement that there would be no funding (at least for the first half of 2020/21) to support delivery of LIPs, instead this was being replaced by funding to deliver the Streetspace Plan for London
- explaining that in order to produce a more strategic response to the Streetspace Plan for London within Croydon, officers had employed research including TfL's 'Temporary Strategic Cycling Analysis' and 'Strategic Neighbourhood Analysis' (both of which are appendices to the Interim Guidance).

1.7. Para 3.15 of the report summarises the reasons for the recommendation:

- beginning with the continuing Covid19 Pandemic and the Secretary of State reiterating his call to local authorities to take action; and
- explaining that LTNs are a key means of implementing the Mayor of London's Streetspace Plan and his Transport Strategy, (in particular the Healthy Streets approach and objective within the Strategy), before outlining the further reasons for the recommendation.

1.8 The reasons for the recommendations / proposed decision are set out at Section 15 of the January 2021 Report. Again these include:

- the continuing Covid19 Pandemic (and the Secretary of State's call to local authorities to take action); and
- the recommended LTN being (when combined with others) a major means of delivering objectives in the Mayor of London's Transport Strategy including the Healthy Streets objective and the 'Top Priority' cycle corridor identified by TfL from Crystal Palace to the Town Centre. Whilst the priority cycle corridors were identified in TfL's 'Analysis for Temporary Strategic Cycle Network', which is an appendix to the Interim Guidance, TfL's methodology and conclusions are considered sound, reflecting findings in TfL's 2017 'Strategic Cycling Analysis: Identifying future cycling demand in London'.

1.9 As stated in 1.1 above, the quashing of the Streetspace Plan and Interim Guidance was stayed by the Judge. Consequently (for the time being) the Streetspace Plan and Interim Guidance remain important matters when considering the recommendations within the January 2021 Report. That said,

were there hypothetically to be no Streetspace Plan for London, the remaining matters of importance set out in the January 2021 Report, are so wide and strong that it is considered that the recommendations in the Report would still stand and are justified.

Transport for All's 'Pave the Way' Report

- 1.10 As suggested by the terms 'Experimental LTN' and 'Experimental Traffic Order', the intention was that this be an experiment that could be trialled, refined and adjusted. The recommendations in the January 2021 Report include the ability to vary the provisions of the Experimental Traffic Order including the exemptions to the restrictions. The intention was to look to lessen the restrictions / widen the exemptions prior to the start of the experiment and /or as part of the experiment, whilst being compatible with the objectives of the Experimental LTN. The Equality Analysis included the recommendation (referenced at para 6.9 of the January 2021 Report) that there should be a dialogue with Dial-A-Ride, Community Transport and SEN Transport operators and users, to help refine the operation of the trial scheme.
- 1.11 Since the 12th of January, Transport for All published a report 'Pave the Way' into the experiences of disabled people arising from LTNs recently implemented in London. The opportunity has been taken to revise the Equality Analysis relating to the recommended Experimental LTN. This has resulted in a slight amendment of the recommendations, namely to exempt buses and taxis from the camera enforced 'No Motor Vehicle' restrictions and signs from the outset of the Experimental LTN. This to provide for free movement of Dial-A-Ride vehicles, taxis, buses used by the SEN Transport Service and Community Transport Minibuses.

Response from Local School and How We Will Work With Them to Resolve Their Concerns

- 1.12 A response was received from the joint Executive Headteacher Pegasus Academy Trust (Trust includes Cypress School) via the online residents' survey questionnaire regarding the future for the Temporary LTN. The comment boxes summarised concerns (later expressed in a witness statement⁴ and an email following TMAC). The address given was a residential address, and the significance of the questionnaire entry /comments was not fully picked up (and separately addressed) from amongst the 5,293 entries received, and 4,315 responses analysed. Six further questionnaire responses mentioned either 'Pegasus' or 'Cypress'. These gave personal experiences and views, again giving residential addresses. Following the meeting of TMAC the Joint Executive Head Teacher emailed TMAC members and others, setting out her concerns including:
- There are a number of schools within the trust (Cypress Primary School, Whitehorse Manor Infant School, Whitehorse Manor Junior School, Ecclesbourne Primary School and Beulah Infant School) and The personal and professional lives of a significant number of staff working

⁴ Statement dated 9/1/20 but presumed to be 09/01/2021 (as it references an event on 08/12/2020) emailed to officers, the Leader of the Council and the Cabinet Member for Sustainable Croydon by 'Open our Roads' following the meeting of TMAC on 12th January (see Background Documents).

within The Pegasus Academy Trust have been greatly impacted by the closure of roads which are crucial for our work with over 2000 pupils in South Norwood and Thornton Heath.

- Some staff are now seeking work elsewhere as they cannot manage the extended journey to and from work and when needing to travel between schools which they often need to do.
- The impact on staff wellbeing is enormous. The added journey times as well as the difficulties faced travelling between schools is causing stress and impacting on the quality of education
- ANPR will not improve the situation, the main problem is inaccessibility to roads and large queues of stationary traffic.

The council's Head of Transport spoke with the Joint Executive Headteacher as this report was being finalised. The Joint Executive Headteacher has provided wording at appendix 1, which represents her personal views and those of the staff affected.

1.13 Officers are not aware of correspondence from the Harris City Academy Crystal Palace being received directly. An email was sent by Ms Eliska Finlay on the 14th of January to TMAC members and others, attaching a screenshot of messaging with/from the Head of the Academy on the 14th (appendix 2). The points made by the Head include:

- Increased travel time due to the LTN restrictions and the bottleneck it has caused at Crystal Palace
- ANPR with exemption/access for staff would lessen concerns and stress but many would not want to apply for a pass to work to educate the nation's next generation.

1.14 Following the meeting of TMAC, an official complaint was received from a person with connections to a number of schools (none directly within the area of the Temporary LTN) expressing concerns including:

- Process, both in terms of management of the consultation and at the meeting of TMAC re' failure to engage with schools effectively and report the views of schools
- Harris South Norwood and All Saints Primary Schools are located on the boundary roads of the LTN with both schools' playgrounds located on distributor roads receiving displaced traffic from the LTN.
- Schools have a duty to provide school meals, required to include fresh food. Catering services need regular and timely deliveries of fresh produce. What steps have council officers taken to ensure that these essential food deliveries are not adversely affected by the road closures?

1.15 Prior to the start of the recommended Experimental LTN, the list of vehicles (provided by Cypress School) to have exemption from the Cypress Road School Pedestrian Zone restrictions, will be used to provide a wider exemption from the Crystal Palace and South Norwood Experimental LTN restrictions, for vehicles used by staff to access Cypress School. A request will be made to Harris Academy Crystal Palace for a list of staff vehicles to have exemption from the Experimental LTN restrictions.

- 1.16 The communications and engagement plan for the period prior to the operation of the Experimental LTN and during it, has yet to be finalised. Schools will be an important element within that plan. It is hoped that a positive relationship can be re-established with Cypress School and established with Harris Academy Crystal Palace. The hope is to draw in, consider and respond to the views of school staff, and children and young people attending the schools.
- 1.17 Having considered the views regarding schools, it is not considered necessary to further amend the recommendations. However, it is important that officers engage with schools in the area of the recommended Experimental LTN, and where proposing or reviewing other LTNs. This with a view to ensuring, as far as possible (whilst still achieving the Healthy Streets and Low Traffic Neighbourhood objectives) ease of access for school staff to schools, and operational access between schools.

Access for Care Workers

- 1.18 The needs of residents who require home care, given by professionals or family members, have to be considered so that they and their care givers are not disadvantaged by the recommended Experimental LTN scheme. Residents within the area of the LTN will be able nominate carers' vehicles to be provided with an exemption permit relating to the experimental LTN restrictions.

Access for Car Clubs

- 1.19 Under the historic model of car club operation (whereby car club vehicles are driven from, and returned to, designated parking bays) providing exemption permits for car club vehicles 'based' within an LTN, would hopefully be straightforward. However, car clubs have moved to a model of 'floating' vehicles. Car club vehicles can be left wherever they can be legally parked, and car club users locate the parked vehicles using mobile apps. Officers will work with car club operators to devise a solution. Ideally, this will be a London-wide solution as the issue will be common to LTNs across the Capital.

Period of Experiment

- 1.20 An Experimental Traffic Order can last for up to 18 months. However, if implemented, the Experimental LTN will be reviewed after 12 months and recommendation as to its future brought to TMAC. It is also intended to incorporate any adjustments to the Experimental LTN, (arising as a consequence of issues identified by the public and reported, or via professional assessment) within the first six months of operation. If any adjustment is deemed essential beyond that time, then the adjustment is to be discussed at TMAC.

Engagement with the London Borough of Bromley

- 1.21 Officers will report to TMAC on a regular basis, updating the Committee on the work with Bromley and other neighbouring Highway and Traffic Authorities (including TfL) to progress the Experimental LTN.

Blue Badge Parking Permit Holders

- 1.22 Following the revision of the Equality Analysis, it is proposed to widen the exemption eligibility to holders of Blue Badge parking permits, enabling holders to register up to two vehicles (akin to the Congestion Charge scheme). This is to provide ready and direct vehicle access to premises within the Experimental LTN, including the Auckland Surgery, for blue Badge holders living beyond the LTN.

2. CONSULTATION

- 2.1 See the January 2021 Report.
- 2.2 Letters were received from Steve Reed MP, Ellie Reeves MP and Bromley Council just prior to the 12th January meeting of TMAC. Verbal outline summaries were given to TMAC by the Head of Transport at the end of his introduction presentation to the meeting. Having considered the letters prior to the meeting, and balancing the content with the matters within the Report, the recommendation to implement an Experimental LTN was left unchanged. The letters were passed to the Cabinet Member for Sustainable Croydon for his consideration. Officers are considering the suggestion of a 'citizen's assembly' perhaps using the 'infrastructure' of the Croydon Climate Crisis Commission.

3. REASONS FOR RECOMMENDATIONS / PROPOSED DECISION

- 3.1 The recommendation to increase the categories of vehicle to which Automatic Number Plate Recognition (ANPR) camera technology, shall not apply, to include, taxis and buses, including Dial-a-Ride vehicles, flows from the revision to the Equality Analysis.

4 OPTIONS CONSIDERED AND REJECTED

- 4.1 Not reporting to TMAC on the implications (if any) of the High Court Judgement issued in respect of: TfL's and the Mayor of London's Streetspace Plan, Interim Guidance and TfL's A10 Order, was considered and rejected.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1 Revenue and Capital consequences of report recommendations

	Current Year	Medium Term Financial Strategy – 3 year forecast		
	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000
Revenue Budget Available				
Expenditure Income				
Effect of decision from report*	n/a	n/a	n/a	n/a
Expenditure Income				
Remaining Budget				
Capital Budget available		25 Additional (to be part of the 21/22 LIP request to TfL)		
Expenditure Income		25 Additional Expenditure		
Effect of decision from report		25 Additional Expenditure		
Expenditure Income				
Remaining Budget				

*There are no revenue implications apart from that stated in the Report to TMAC 12/1/21

5.2 The effect of the decision

See the Report to TMAC 12th January 2021

The Report to TMAC on 12th January confirmed that the effect of agreeing and implementing the recommendation would be to incur a cost of £157,000, all of which would be met from ring-fenced grant funding. The revision of the Equality Analysis (see section 8 of this addendum report) has resulted in a slight change to the proposed Experimental LTN, namely installing temporary 'parklets' in Auckland Road incorporating seating, and monitoring their use. This is predicted to increase the project cost by approximately £25,000. Meeting this additional cost is to be included within the Council's ask to TfL when seeking release of LIP Funding for 2021/22. This additional cost (and only this additional cost) is shown in the table at 5.5 above. For full understanding of the revenue and capital consequences of the recommendations, please see the Report to TMAC 12th January.

5.3 Risks

See the January 2021 Report.

5.4 Options

See the January 2021 Report.

5.5 Future savings/efficiencies

See the January 2021 Report.

(Approved by: Geetha Blood, Interim Head of Finance, Place and Resources)

6. LEGAL CONSIDERATIONS

- 6.1 Subject to compliance with statutory processes and broader public law principles, Croydon Council is able to make an Experimental Traffic Regulation Order ('TRO') under Section 9 of the Road Traffic Regulation Act 1984 ('1984 Act'), by virtue of the Experimental Order being for the purpose of 'prescribing streets which are not to be used for traffic by vehicles, or by vehicles of any specified class or classes, either generally or at specified times' under Paragraph 2 of Schedule 1 and Section 6 of the 1984 Act. The Experimental TRO must extend for no longer than 18 months.

- 6.2 The Order may be made subject to compliance with the procedure set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ('1996 Regulations'). Whilst statutory consultees are listed at Regulation 6 of the 1996 Regulations, there is no statutory requirement for public consultation. For the purposes of an experimental order, the Council is

not required to publish a notice of intention or consider objections prior to making the TRO. Croydon Council will be obliged to consider any such objections at the point of a determination as to whether the Experimental LTN becomes permanent.

6.3 Croydon Council must publish a notice on making in relation to the Experimental TRO not less than seven days prior to it coming into force. The notice must include the following statements at Schedule 5 of the 1996 Regulations:

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

6.4 In addition to the statutory requirements, broader administrative law and duties ought to be considered, including the impact of case law on decision making. These have been substantively addressed within the January 2021 Report and this Addendum.

6.5 Under S121B of the 1984 Act, Croydon Council may not implement a TRO if it will, or is likely to affect a GLA Road, Strategic Road or a road in another borough unless it has notified TfL and the London Borough (as relevant) and the proposal has either (a) been approved; (b) received no objection within one month; (c) any objection has been withdrawn; or (d) GLA has given its consent after consideration of the objection.

Approved by Sandra Herbert, Head of Corporate Law and Litigation on behalf of the Director of Law and Governance & Deputy Monitoring Officer.

7. HUMAN RESOURCES IMPACT

7.1 See the January 2021 Report.

8. EQUALITIES IMPACT

8.1 The recommendations for an Experimental Traffic Order have been the subject of a detailed equality analysis. This analysis will continue to be updated and developed as new information emerges including from the monitoring of the recommended Experimental LTN (if implemented). In January, Transport for All published the report 'Pave the Way'. This reports the results of a study into the experiences of people with disabilities relating to Low Traffic Neighbourhoods implemented in London following the start of the Covid19 Pandemic. The opportunity has been taken, following publication of 'Pave the Way', to further develop the Equality Analysis which now incorporates recommendations to:

- undertake a street access audit to identify potential improvements such as footway repairs, installing dropped kerbs and reducing street clutter. The audit should be undertaken with members of the Mobility Forum when/as the lessening of the Pandemic allows.
- provide resting spaces by placing temporary 'Parklets' incorporating seating at locations in Auckland Road, and their use monitored.
- Develop the engagement strategy and monitoring strategy for the Experimental LTN with the involvement of Transport for All and members of the Croydon Mobility Forum.
- Allow taxis and buses to pass through the proposed camera enforced 'No Motor Vehicle' restrictions to facilitate access by Dial-a-Ride, taxis, SEN Transport buses and Community Transport minibuses.
- Widen exemption eligibility to holders of Blue Badge permits, enabling them to register up to two vehicles akin to the Congestion Charge scheme.

8.2 No ready solution has been identified to provide ease of access for disabled people using minicabs/private hire vehicles rather than taxis. Transport for All proposes a scheme that would grant dispensation for disabled people requiring access to their home, by any vehicle they choose. However, such a scheme is probably best developed across London with TfL, possibly facilitated by London Council's.

8.3 This Equalities Impact section should be read in conjunction with that in the January 2021 Report, when considering the recommendations.

Approved by: Yvonne Okiyo Equalities Manager

9. ENVIRONMENTAL IMPACT

9.1 Concerns about the potential effect of the Temporary LTN on air quality have been expressed by a number of people. When comments received in response to the online residents' consultation survey on the future for the Temporary LTN were categorised and collated, around 13% responding and leaving comments expressed concern about potentially increasing traffic related air pollution.

9.2 Since the meeting of TMAC on the 12th January, a report⁵ commissioned by the GLA and TfL into the air quality effects of implementing Mayoral policies, has been published. The Mayoral air quality policies considered in the study included the:

- imminent tightening of emissions standards for heavier vehicles in the London wide Low Emission Zone
- Ultra Low Emission Zones (brought forward in central London in 2019 and expansion to the inner area within the north and south circular roads in 2021); and
- London Environmental Strategy.

9.3 Chapter 3 ('New Approaches') of the London Environmental Strategy emphasises the importance of the Mayor's Healthy Streets objective and approach. Chapter 4 ('Air Quality') sets out 'Roles and Legal Duties', those for local authorities including '*improving the public realm for walking and cycling*'. The Chapter explains that actions set out within it are supported by the wider policy framework in the Mayor's Transport Strategy, which 'promotes further mode shift, tackles congestion, and encourages freight consolidation' explaining the chapter should be read alongside the Mayor's Transport Strategy.

9.4 The key findings of the GLA/TfL commissioned report include:

- In 2019, in Greater London, the equivalent of between 3,600 to 4,100 deaths (61,800 to 70,200 life years lost) were estimated to be attributable to human-made PM2.5 and NO₂, on the basis that health effects exist even at very low levels. This calculation is for deaths from all causes including respiratory, lung cancer and cardiovascular deaths.
- With the adoption of the Mayor's air quality policies and taking into account general air pollution trends, the average life expectancy of a child born in London in 2013 would improve by around 5 to 6 months.
- Without the Mayor's air quality policies and other general air pollution trends, a child born in 2013 would lose 7 to 11 months life expectancy due to air pollution.
- The mortality burden in 2019 was affected by a number of factors (population size, pollution, deprivation, age of population (as baseline mortality increases with age)):
- The greatest burden, as a proportion of the population, falls in Outer London boroughs (the top three being Bromley, Barnet and Croydon), even though pollution levels there are relatively lower, mainly due to the higher proportion of the elderly in these areas.
- Conversely, Inner London boroughs had a lower burden of air pollution related mortality due to their younger age profile. However, for other air quality related health outcomes such as asthma admissions in children, boroughs with younger populations will be more affected.
- London's population would gain around 6.1 million life years if air pollution concentrations improved, per the Mayor's air quality policies scenario, from

2013 to 2050, following up the population exposed for a lifetime up to 105 years after 2050.

- The gain in life expectancy from the projected future air pollution changes is less influenced by population size than the gain in life years. The life expectancy gains were larger in Inner London, including some more deprived boroughs, probably due to the greater concentration reductions in Inner London and to variations in baseline mortality rates.

10. CRIME AND DISORDER REDUCTION IMPACT

10.1 No additional impact arising from the amended recommendations. See the January 2021 Report.

11. HEALTH IMPACT

11.1 No additional impact arising from the amended recommendations. See the January 2021 Report.

12. HUMAN RIGHTS IMPACT

12.1 No additional impact arising from the amended recommendations. See the January 2021 Report.

13 CRIME AND DISORDER REDUCTION IMPACT

13.1 See the January 2021 Report.

14 DATA PROTECTION IMPLICATIONS

14.1 See the January 2021 Report.

CONTACT OFFICER:

Ian Plowright, Head of Transport

APPENDICES TO THIS REPORT:

1. Statement provided by the Joint Executive Headteacher Pegasus Academy Trust representing her personal views and those of the staff affected.
2. Email 'HARRIS CRYSTAL PALACE Against the LTN' from Eliska Finlay, and an attached message from the Head of the School
3. Revised Equality Analysis

BACKGROUND DOCUMENTS – LOCAL GOVERNMENT ACT 1972

Email 'Cypress Primary School Statement' 12 January from Open our Roads and attached witness statement of the Joint Executive Headteacher Pegasus Academy Trust.

Email 'concerns following on-line meeting re: Cypress Scholls' 14 January 2021 from the Executive Headteacher Pegasus Academy Trust.

Formal complaint regarding the conduct of Mr Ian Plowright and his management of the Upper Norwood and Crystal Palace consultation process and the subsequent presentation to the Transport Management Advisory Committee (TMAC) on 12th January 2021 in relation to schools.

Letter from Steve Reed MP

Letter from Ellie Reeves MP

Letter from Bromley Council Chief Executive