



# Supplementary AGENDA

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## OVERVIEW AND SCRUTINY BUSINESS PANEL

**Date: TUESDAY, 26 MAY 2020 at 7.00 pm**

### ORDER OF BUSINESS – PART 1 AGENDA

Item No		Page No.s
3.	<p>Scrutiny of the Council's Covid-19 Response:</p> <p>This report has not been available for five clear working days before the meeting because of the pressures of managing the Council's ongoing response to the COVID-19 pandemic. The report cannot wait until the next meeting because the Committee requires an update each month to assure itself of the current position of the Council in managing the response to the pandemic.</p>	1 - 19

**Members are summoned to attend this meeting**

**Kim Wright  
Chief Executive  
Lewisham Town Hall  
Catford  
London SE6 4RU  
Date: Monday 18 May 2020**



INVESTOR IN PEOPLE

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## Overview and Scrutiny Business Panel

### Scrutiny of the Council's COVID-19 Response

**Date:** 26 May 2020

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Chief Executive

### Outline and recommendations

The purpose of this report is to provide an update and assurance to the Overview and Scrutiny Business Panel about the Council's response to COVID-19. The report provides a summary of the overall local response to COVID-19, with a focus on critical services.

The Overview & Scrutiny Business Panel is recommended to:

- Note this update on the Council's response to COVID-19.

### Timeline of engagement and decision-making

- **30 April 2020:** Council Urgency Committee agreed a programme of Council meetings in light of the Council's focus on responding to the immediate challenges of COVID-19.
- **5 May 2020:** Overview and Scrutiny Business Panel (OSBP) agrees an approach to receive a monthly COVID-19 update item that provides a high-level strategic overview of the Council's response to COVID-19
- **6 May – 1 May 2020:** As OSBP members, Select Committee chairs hold informal discussions with their committees to gather their wider feedback and questions to inform their questions in advance, and response to, this item.

**This report has not been available for five clear working days before the meeting and the Chair is asked to accept it as an urgent item. This inaugural report was not available for dispatch on Friday 15 May because of the pressures of managing the Council's ongoing response to the COVID-19 pandemic. The report cannot wait until the next meeting because the Committee requires an update each month to assure itself of the current position of the Council in managing the response to the pandemic.**

## **1. Summary**

- 1.1. The purpose of this report is to provide an update and assurance for the Overview and Scrutiny Business Panel about the Council's response to COVID-19. The report provides a summary of the overall local response to COVID-19, with a focus on critical services. The report also responds to member requests for additional specific information as provided to the Overview and Scrutiny Manager.
- 1.2. The Council's critical services in the context of COVID-19 are:
  - [Adult Social Care](#)
  - [Children's Services](#)
  - [Bereavement](#)
  - [Environmental Services](#)
  - [Housing](#)
  - [Finance](#)
  - [Corporate and other essential support services](#) - Public Health, Emergency Planning and Response, Call Centre, Communications, ICT, Health & Safety, payroll and emergency recruitment.
- 1.3. All Business Panel members were given an opportunity to put forward points of particular strategic interest in relation to this item which have been considered and addressed in writing this report.

## **2. Recommendations**

- 2.1. The Overview & Scrutiny Business Panel is recommended to:
  - Note this update on the Council's response to COVID-19

## **3. Policy Context**

- 3.1. The content of this report is consistent with all the Council's corporate priorities (as outlined in the Corporate Strategy 2018-22) as the need to protect the health and wellbeing of all our residents (particularly the most vulnerable) at the current time underpins the delivery of every commitment within the strategy. However, the recommendations are particularly relevant under the priority of:
  - *Delivering and defending: health, social care and support* – ensuring everyone receives the health, mental health, social care and support services they need
- 3.2. The Coronavirus Act (2020) sets out the temporary emergency measures that enable public bodies, such as local authorities, the NHS and police to respond to the COVID-19 outbreak. These measures are wide-ranging and involve the establishment of new powers and duties as well as changes to existing powers and duties.

## 4. Background

4.1. On 5 May, OSBP agreed that all formal scrutiny activity be channelled through the Overview and Scrutiny Business Panel, which will receive a standing item at each meeting to provide members and the public with a high-level strategic overview and assurance about the Council's response to COVID-19. The committee's approach to this item was agreed as being focused on:

- How can our intervention have a tangible, positive outcome
- How can we provide immediate support to the Council's operational response
- How can we illuminate and improve decision making.

## 5. Lewisham Council's response to COVID-19

5.1. On 11 March, the Council activated emergency measures to respond to COVID-19. Council Gold and a borough-wide COVID Committee Groups were established, both working to a shared strategy and objectives:

### Strategy:

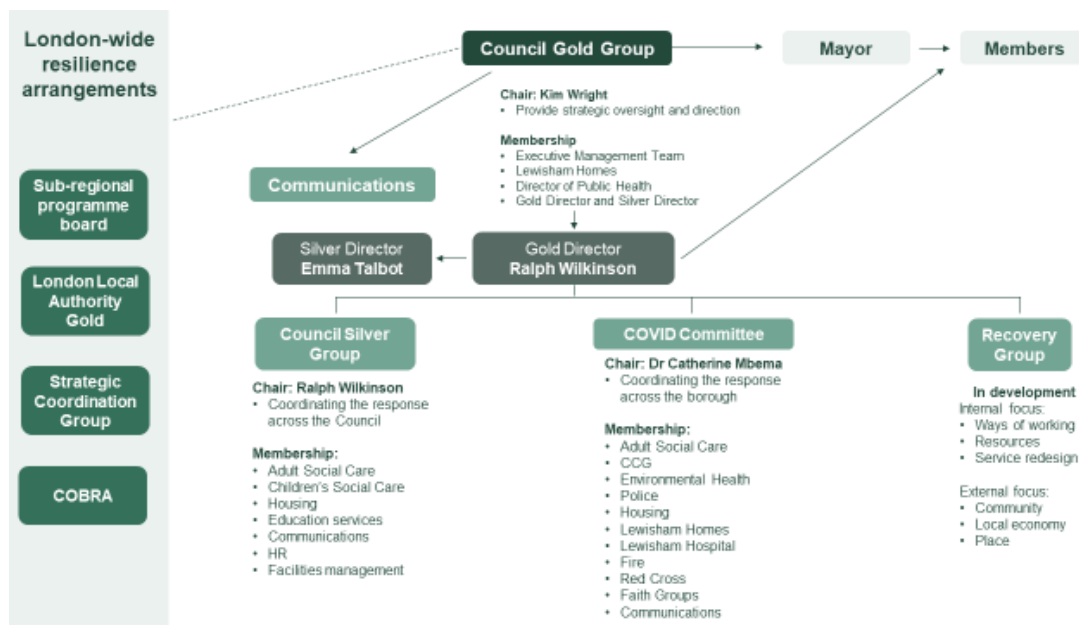
**We will work together with our partner agencies to respond to and recover from COVID-19 for our communities, businesses and staff.**

### Objectives:

- **To provide support to the vulnerable**
- **To manage resourcing to meet the needs of emergency and maintain essential public services**
- **To provide support to our responding partner agencies who are protecting and preserving life**
- **To provide support to Lewisham businesses and communities**
- **To inform and reassure through communication and engagement**
- **To provide community leadership/reassurance**
- **To minimize disruption to infrastructure and business**
- **To facilitate recovery and the return to normality**

5.2. In order to ensure a coordinated, strategic Council-wide response to COVID-19, the Council's Director of Public Services, Ralph Wilkinson, was designated Gold Director to act as a single point of contact in managing the Council's emergency response to COVID-19. The Gold Director acts as a liaison point between the strategic Council Gold Group, which takes decisions on the overall strategic direction of the Council's response, and the operational Council Silver Group which reviews the current position of the delivery of critical services, ensuring they continue to provide for Lewisham's residents. Supporting the Gold Director is an Incident Response Team, which includes, emergency planning, project support and secretariat support.

5.3. The Gold Director also sits on the COVID Committee, chaired by Lewisham's Director of Public Health, which ensures a coordinated borough-wide response with key partners across Lewisham including Lewisham Clinical Commissioning Group, Metropolitan Police, Lewisham Homes and Lewisham Hospital among others.



- 5.4. To ensure a consistent and coordinated Local Authority response, and in line with longstanding agreements across the capital, the Chief Executive is also part of London wide arrangements to respond to emergencies which is coordinated by London Resilience. A Strategic Coordinating Group (SCG) was set up very quickly and is chaired by John Barradell, Chief Executive and Town Clerk City of London and deputy chair by Eleanor Kelly, Chief Executive of Southwark. It was given “directive” status by the Government, to reflect the gravity of the situation. It has not, thus far, had to use those directive powers. Lewisham’s Chief Executive was asked to lead and chair the South East London Strategic Resilience Board, consisting, for the majority of the time of Lewisham, Bromley, Croydon, Greenwich and Bexley. The six sub regional Chairs reported into the London Local Authorities Gold Coordinating Chair (Martin Esom, Waltham Forest) who sat on the SCG. Other roles have been taken up by Chief Executives across London to support the response such as Adult Social Care, shielding, testing, personal protective equipment (PPE) and finance.
- 5.5. Lewisham has taken a “One Council” approach in responding to challenges posed by COVID-19. The entire Senior Leadership Team, that is Executive Directors and Directors, has been involved with the coordination and delivery of our response which has been essential to the effectiveness and continued smooth running of our critical services. All services across the Council, critical or non-critical, have been instrumental in the Council’s COVID-19 response, taking on new responsibilities and volunteering in critical areas of the business.
- 5.6. A Recovery Group is in development to coordinate the recovery of the Council and the Borough to a ‘new normal’. The recovery approach will focus on: the Council’s internal recovery with a focus on ways of working, resources and service redesign, and on the borough, focusing on local economic recovery, place-shaping and community resilience. Our recovery will be underpinned by the following principles:
- Tackling widening social, economic and health inequalities
  - Protecting and empowering our most vulnerable residents
  - Ensuring the Council's continued resilience, stability and sustainability
  - Enabling residents to make the most of Lewisham the place
- 5.7. The immediate focus of recovery is managing a coordinated easing of lockdown to ensure Council services remain safe for residents and for staff. This phase will focus on staggering the appropriate re-opening of non-critical services, managing expected

increased demand for services in some areas, preparing for further waves of COVID-19 and planning for the Council and the borough's long-term recovery. There is much work to be done here and it will be the case that this will be harder than the actual lockdown itself.

- 5.8. Recovery will move in due course to a phase of review, consultation and assessment of the effect of COVID-19 on the borough. The Council intends to lead an extensive borough-wide impact assessment with residents, members, business partners in order to build an evidence base to inform policy and decision making. This phase will focus on equalities, analysing the various impacts of COVID-19 on those with protected characteristics to ensure that Council services and local partnerships are fit to tackle inequalities in a post-COVID Lewisham.

## Council staff redeployment

- 5.9. Dozens of back-office staff were redeployed in the first few days of the pandemic to support the Incident Response Team and to operate the Council's newly established COVID-19 help line and email address. The COVID-19 helpline was established on 23 March 2020 designed to respond to residents' concerns and questions, provide reassurance and up to date information about the status of Council services and help alleviate pressure of enquiries on services. The helpline team have become adept at supporting residents with accessing the support they need, dealing with general enquiries and signposting to other avenues of support as required.
- 5.10. In eight weeks to Friday 15 May, 1302 email enquiries have been responded to and resolved, and 2586 calls have been answered by the remote team of volunteers managing calls and emails. Call rates have fluctuated in line with uncertainty, with an average of 71 calls per day. Member enquiries have been channelled through the Mayor's Office to support the Council focus resources on protecting critical services. Between 14 March and 11 May there have been 272 Councillor and MP questions. 84% questions (230) received an Officer response within 7 days. 9% questions (25) received an Officer response after 7 days.
- 5.11. On 31 March, the Council launched an internal volunteering scheme for staff in anticipation of a surge in demand in critical services. Staff were asked to volunteer to work in or to support the Council's critical services. A range of generic roles were created - project manager, admin support, delivery support, telephone support, transport support (driving license necessary) and social care support. As the programme developed, more specific roles were created to provide flexible support to critical areas as needed. Over 200 staff volunteered to take part in the programme across the Council. As at 18 May, there are currently over 100 staff volunteers reassigned to services including approximately:
- 10 staff volunteers working on the Lewisham Local community sector response to deliver food and essential items to local shielded residents
  - 50 staff volunteers calling shielded people to make sure they are getting the support and food parcels they need
  - 15 staff volunteers forming a new Outreach Engagement Team knocking on doors of shielded people we are unable to get in touch with to make sure their needs are met
  - 10 staff volunteers making contact with small businesses in the borough to make sure they have applied for the business rates relief they are entitled to
  - 10 staff volunteers supporting the frontline work of various of our housing teams, including supporting rough sleepers, emergency housing assessments and housing allocations

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- 15 staff volunteers training to be available to provide social care in the event of a spike in demand
- 30 staff volunteers working in back office support roles including IT, project support, customer service and administrative roles.

## Community Response

- 5.12. Lewisham residents have displayed enormous goodwill and generosity, with thousands of people signing up to volunteer as part of the borough's community response to the crisis. Community volunteering efforts are led by Lewisham Local, working with organisations across the borough to ensure residents' needs have been met during the pandemic.
- 5.13. At 15 May, 2085 people have signed up to volunteer with Lewisham Local. Volunteers who are DBS checked have been initially prioritised and assigned volunteering roles in the first instance. Nearly 400 volunteers have been assigned roles as befrienders, drivers and food packers with some volunteers carrying out multiple roles. Lewisham Local has received around 8000 referrals and has delivered over 5700 food packages.

## Shielding

- 5.14. There are around 1.5million Clinically Extremely Vulnerable people in the UK who are required to shield themselves. This is a new area of responsibility for the Council and hasn't been without its problems and issues especially with the data we were provided with by the Government and NHS. The government has categorised vulnerable people into three groups:
- Vulnerable People (Non-Clinical) - people who can be classified as vulnerable due to non-clinical factors (e.g. children at risk of violence or with special educational needs, victims of domestic abuse and rough sleepers);
  - Clinically Vulnerable People - people considered to be at higher risk of severe illness from COVID-19;
  - Clinically Extremely Vulnerable People (Shielding cohort) - people defined on medical grounds as clinically extremely vulnerable, meaning they are at the greatest risk of severe illness.
- 5.15. Clinically Extremely Vulnerable people have been advised to stay at home at all times and avoid any face-to-face contact. The government is currently advising people to shield until the end of June and is providing support to this group such as a free standardised weekly parcel of food and household essentials or priority delivery slots with supermarkets), medicines (arrangements to have medicines delivered to people's homes by local community pharmacies or their dispensing doctor), social contact and basic needs (emotional or social support, such as people to talk to on the phone or via a computer). The Council has also set up a Shielding team, consisting initially of 50 staff volunteers, to coordinate the support to Lewisham's Shielding residents. The Council is working with Lewisham Local to ensure that any shielding residents who are in this position are supported.
- 5.16. Clinically Extremely Vulnerable people receive a letter from the NHS or their GP encouraging them to register their needs on a government website. A full list of all those who are currently shielding is updated with the Council on a daily basis. At 18 May, there are 9389 people in Lewisham on the Government's shielding list. The Council has a team of redeployed staff from non-critical service areas that is contacting all those on the list, which is updated daily, within 24 hours to check their needs are being met. If residents request support, they are referred to Lewisham Local who are coordinating and delivering support to those residents who are shielding, and other

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residents who request support.

- 5.17. At 18 May we have attempted contact with everyone on the shielding list and have made successful contact with 8709 people on this list. Where there are shielding residents who we haven't been able to contact on the phone, the Council has established an Outreach Engagement Team of twenty redeployed staff from the Council and from Lewisham Homes to make physical welfare checks on vulnerable people who are shielding, adhering to social distancing guidance at all times. The shielding team conduct follow-up phone calls to all residents on the shielding list to ensure their needs are still being met and adjusting their support package accordingly.

## Working with our partners

- 5.18. Our close joint-working arrangements with partners have been essential in the Council's ongoing response to COVID-19. We have worked in partnership with local health partners, emergency services and our voluntary and community sector to ensure a consistent and coordinated approach across the borough. The Council's COVID Committee brings together key partners to share information, align policy and decision-making and identify pressures and capacity issues across the borough. The COVID Committee has also managed key borough-wide issues such as personal protective equipment (PPE) and testing.
- 5.19. The Council's Gold Director has regular liaison meetings with the police to share information and identify areas of partnership working. The Met Police have been implementing the change in legislation announced by the Government, which gives officers additional powers by making it an offence for non-essential premises to remain open, or for people to gather in groups of two or more in public, outside of their household. Police officers are out on regular patrols across South East London to keep communities safe and prevent crime.
- 5.20. The Police have worked very closely with a number of critical and non-critical service areas, namely the Council's Parks and Enforcement services. Enforcement of compliance with social distancing regulations has primarily been led by the Police, with Council services supporting this through regular patrols, directions and advice. Council Parks officers continue to regularly patrol Lewisham's parks and open spaces, with increased patrols over each weekend. We redeployed some of our Parking Enforcement Officers to these roles too, in order to assist at busy times such as over Easter and Bank Holiday Weekends.
- 5.21. The Council continues to work closely with our health partners, including Lewisham and Greenwich Trust and Lewisham Clinical Commissioning Group (CCG), to ensure the continued delivery health and social care services across the borough. The CCG has opened two temporary community treatment centres ('hot hubs') to provide care for patients who are very unwell, suspected of having COVID-19 and require medical attention. One hub is based at Marvels Lane Surgery in the south of the borough and the other is based at the Waldron Centre in the north of the borough. Patients cannot self-refer to these 'hot hubs', they must be referred by their GP or NHS 111.

## 6. Critical services

- 6.1. Early on, the Council, and as part of a pan-London agreed position, identified a set of critical services that were to be the focus of maintaining delivery above all other services throughout the COVID-19 pandemic. The Council has been monitoring these services on a daily basis to ensure they continue and are sufficiently resourced to support our most vulnerable residents. The Council was reporting daily situation reports and data sets to the SCG in order to provide reassurance and part of Lewisham's Chief Executive's role was to report daily on the position in the South East London sub region. Daily reporting to the SCG for the Council and the sub region

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started on 18 March and was replaced by weekly reporting on 12 May.

- 6.2. This paper outlines the delivery status of the Council's critical services in order to provide strategic oversight and assurance for members.

## Adult Social Care

- 6.3. Critical Adult Social Care services are: safeguarding, emergency duty team, emergency homecare response, placements and discharges from hospitals, care home placements. The Adult Social Care and Joint Commissioning services in Lewisham have been working closely with health and care partners across the system to support residents to stay safe and reducing pressure on the NHS.
- 6.4. As part of the government's response to the coronavirus pandemic, some temporary changes have been made to the Care Act 2014. The option of easements to the Care Act came into effect at the end of March make it possible for the Council to temporarily reduce its usual duties. While we are currently applying flexibility to processes in order to focus on rapidly giving residents the care they need outside of hospital, and therefore take pressure off the NHS to date, the Council has not needed to operate under the Care Act easements.
- 6.5. Safeguarding remains a priority for the Council and the Adult Safeguarding provision has remained performing as normal throughout the period of lockdown, delivering a service as equivalent to pre-COVID-19 operation.
- 6.6. There has been a slight reduction in demand regarding referrals from the community through the Social Care Advice and Information Team (SCAIT), however those referrals that we have received have been for increasingly complex cases. The service has also seen a number of additional referrals from those residents who are shielding. The Council's team of redeployed members of staff are referring residents on the shielding list, previously unknown to social care, where social care needs have been identified. Demand flows from the hospital have decreased and the Council has been working very closely with the hospital seven days a week to free up capacity in order to respond to ongoing COVID-19 pressures.
- 6.7. Social workers continue to undertake assessments where required, but are responding flexibly and using alternative communication methods to continue to support residents remotely. Since March 2020, staffing levels have remained at around 75% - 80%, with a number of staff needed to self-isolate.
- 6.8. The Council continues to be in close contact with all our care providers, including care homes. Care homes stopped visits from relatives and others very early in the COVID-19 awareness stage. Nevertheless, there were some early outbreaks in a small number of care homes. In care homes in Lewisham, official ONS data tells us there have been 14 deaths as at 1 May 2020.
- 6.9. Early on, care homes identified issues with the availability of personal protective equipment (PPE). The Council worked in partnership with One Health Lewisham on an interim basis to source and purchase PPE quickly until the London Resilience Forum established a system for the local distribution of PPE. The Council has redeployed a number of staff to work in a small team to manage this emergency PPE supply to those providers who are unable to access PPE through their usual PPE supply chain. Therefore, locally, providers have always had access to PPE either through their usual supply chain or the Council's emergency route. We have also established a team who are working on the redeployment of staff from non-critical service areas to work with or in our care homes to provide extra support and capacity if needed.
- 6.10. Lewisham's care market, including domiciliary care, supported living units and care homes have all responded very flexibly to meet need, ensuring that we have been able to continue to deliver care and support to the most vulnerable. There has been a

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reduction in contact between social workers and residents in care homes due to social distancing measures. Social workers have continued to provide appropriate support to those residents in care homes using remote methods. Council officers have also offered a range of support and advice to care home providers including specific advice from Public Health colleagues to help reduce risk to staff and service users. It remains a Council priority to manage capacity in care providers, thus supporting the NHS.

- 6.11. Testing in care homes has until recently been managed through Public Health England (PHE) and the Care Quality Commission with mixed results. Now, responsibility rests with PHE and Lewisham's Public Health Team. The Council, working with the Clinical Commissioning Group (CCG) and Lewisham and Greenwich Trust (LGT), have developed a new local pathway for testing for providers. This local route supplements the PHE testing route which focuses specifically on new outbreaks of the virus. The local route aims to build local resilience and ensure care homes can be supported quickly. On 13 May the government announced £600m infection control funding for care homes. Officers are currently developing how Lewisham's allocation of this funding will be distributed to care homes.

## Children's Services

- 6.12. Critical services in Children's Services are: safeguarding, children with complex needs, children in care and placements, education services such as childcare support network and advice to parents/carers. The key areas of focus for Children's Services during the COVID-19 pandemic have been to work with our schools to ensure they are open for vulnerable children and children of key workers, and supporting children and young people most at risk.
- 6.13. Children's Social Care has had to operate very differently throughout the lockdown period. Children's Social Care have undertaken a risk exercise for children with a social worker to identify those children most at risk. Children's social workers are only visiting these children considered to be most at risk of harm, and are following social distancing guidance and using personal protective equipment (PPE) where appropriate. All other children and families are being contacted virtually. Some families are being re-directed to the recently established Family Information and Support Service (FISS) for advice and help.
- 6.14. Referrals to Children's Social Care began to fall in March and have continued to reduce throughout the lockdown period. In line with other London authorities, there have been fewer contacts into the Multi-Agency Safeguarding Hub (MASH) during lockdown and tight thresholds are being applied for referral thereafter into social care. With 60-70% of staff working from home full time, social care teams have adapted how they work with young people to minimise face-to-face contact. Social workers have found different ways to engage and communicate with adolescents using various media and communications channels.
- 6.15. Fostering placements remain stable and we have taken measures to support foster carers to ensure continued stability of placements. Children continue to be placed with both in-house carers and independent fostering agencies. The number of requests to move children and young people are decreasing as social workers are only making requests in urgent or emergency circumstances.
- 6.16. The Council is working closely with schools across the borough to provide support and guidance for following government guidance about providing continued learning programmes for children and young people remotely, and is supporting schools as they consider plans for the phased return of pupils. Schools have continued to open to provide for vulnerable children (including those who have a social worker and/or an Education, Health & Care Plan). The government's COVID-19 Recovery Strategy stated that local authorities and schools should continue to encourage vulnerable

children to attend school in person.

- 6.17. All schools have provided pupils not attending school with work to do, either by email or on their website or hard copy delivered to their homes. The Department for Education (DfE) has also brought together an initial list of free online educational resources to help children of all ages learn at home. The list includes subject-specific resources for English, maths, science, PE, wellbeing and special educational needs & disabilities (SEND).
- 6.18. The Outreach Inclusion Service has also been offering support to disadvantaged children (e.g. those with challenging behaviour and/or a poor attendance record, but who are not defined as 'vulnerable' by the government). Within the service, there are qualified counsellors and therapists who can offer sessions with children and parents/carers, aiming to help them cope better whilst at home.
- 6.19. It is likely that those children who have not engaged in learning will need extra support when they return to school. At this stage we do not know when children will return to school but it is clear that secondary pupils in Y7 - 9 will not return before September. Lewisham Learning and officers in Education Services will be working with schools as they assess the progress of individual pupils and the additional support programmes which may be needed. Summer programmes will be provided in some form and the scope of those are being considered.
- 6.20. Lewisham Youth Offending Service has maintained business essential provision delivered remotely, with contact managed by telephone, video conferencing and in some cases face-to-face contact maintaining social distancing. The priority of the service is to manage public safety, court services and resettlement. During the COVID-19 outbreak, the number of children and young people being arrested with Lewisham addresses has reduced by nearly 50%. Overall levels of crime in London have reduced by approximately 40%, with serious youth violence down by 76% across London.

## Bereavement Services

- 6.21. The Council's critical bereavement services are registrations of births and deaths, public mortuary body storage, Council Crematoria and Burial Grounds. Bereavement Services have seen increased pressure as a result of COVID-19. The service continues to follow guidance issued by central government, Public Health England and the London Resilience Forum and is working hard to support residents during a very difficult time while observing social distancing guidance.
- 6.22. Local authorities in London are working together to ensure a consistent approach to bereavement services and to coordinate mortality management and planning across the capital. Lewisham Mortality Planning Group meets on a weekly basis looking at the local death management process and putting in any contingencies that are needed to deal with the demands from each stage of the process. Lewisham is represented at the Inner South London Coronial Group which consists of representatives from Lambeth, Greenwich, Southwark and Lewisham and ensures a standard approach across the sub-region. The South London Coronial Group feeds into the London Mortality Planning Group which has oversight of London wide contingencies and resources.
- 6.23. Sadly, COVID-19 has led to an increase in the number of deaths registered in the borough. Lewisham's Registrars, normally responsible for the registrations of deaths, marriages, births and ceremonies, are currently only registering deaths via telephone appointments. ONS statistics confirm that 239 deaths have been registered in Lewisham at 1 May 2020. There has been more demand for bereavement registrations than normal but the service is coping well with demand and managing capacity well.
- 6.24. Everything possible is being done to honour the wishes of the deceased as well as their family and friends. Funerals, cremations and burials continue to operate during

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the week with a maximum of 10 mourners attending a funeral. Mourners are advised to remain two metres apart from anyone not in their household at all times, and those at risk are urged to stay at home. Lewisham's cemeteries are open every weekend for those visiting graves or memorials. Social distancing measures are in place in all of our cemeteries to ensure the safety of our staff and mourners.

## Environmental Services

- 6.25. The Council's critical environmental services are highways management, refuse collection, refuse disposal, CCTV, emergency lighting, emergency licensing and enforcement and pest control, all of which are operating at either a reduced or normal service at this time. Where possible, staff are working remotely but this is not possible for a number of environmental services, such as refuse collection. Staffing levels across environmental services remain stable, with frontline teams operating on rotation to ensure resilience in the service.
- 6.26. Refuse and recycling collections are currently taking place as normal, as are garden waste collections. Across London this has generally been the case and there is much to be proud of with the response from this workforce across the capital. We are asking residents to help ease pressure on the refuse and recycling service by trying to minimise the amount of rubbish, recycling and food waste they produce, avoiding big clear-outs while at home, which will create more rubbish and recycling for council crews to collect, continuing to wash their hands regularly, maintaining good hygiene when handling rubbish and recycling, and keeping their distance when the workers are doing their collections where they live. Throughout April 2020, the total number of fly-tipping reports received has decreased compared to April 2019. In April 2020, 2367 fly-tipping reports were received compared to 7702 in April 2019. We reopened our waste and recycling centre, albeit on an appointment only basis, on 11 May 2020, along with most of London.
- 6.27. Contractors are continuing work on highway works where possible, ensuring that social distancing measures are in place. Contractors have been advised not to begin large maintenance or improvement works however essential maintenance works may still be required to keep the network open and ensure a safe passage for road users.
- 6.28. Council Enforcement officers have been working closely with local Police to ensure that businesses across the borough that are required to close, have done so and those that are allowed to operate are following the guidance on social distancing policies. While many business have complied with government directives, there have been a small number of businesses initially failing to adhere to these closure regulations. We have also encountered confusion from a number of businesses as to what type of business can legitimately open under lockdown but we continue to advise businesses on the guidance. In light of the latest government update on lockdown restrictions, officers are contacting and, where appropriate, visiting businesses to reiterate the closure requirements.

## Housing

- 6.29. Critical housing services are emergency repairs, critical housing safety and emergency housing provision. Housing services have adapted effectively to COVID-19, swiftly adopting new and innovative ways of working with people remotely to continue effective service delivery while ensuring the safety of service users and staff.
- 6.30. As part of the Council's response to COVID-19, housing services have been working extensively to support rough sleepers who are at particular risk during this public health crisis. This work has taken place in a coordinate way across London, and with the Greater London Assembly, and focusses on the following strands of work:

- Supporting homeless people who are on the streets or in emergency accommodation where it is difficult to self-isolate, such as in shelters and assessment centres.
  - Making sure that there is access to facilities that enable individuals to follow public health guidance, such as en-suite facilities and no shared sleeping facilities.
  - Providing support to those accommodated to keep them protected from COVID-19.
  - Looking at resettlement and support options through needs assessments to enable more permanent offers of support.
- 6.31. Since late March 2020 there has been an increase in single homeless households seeking support, whilst there has been a decline in the number of families approaching the Council for assistance, likely as a result of the measures the government have put in place to halt evictions.
- 6.32. 100 rough sleepers have been accommodated as part of the 'everyone in' approach, 82 of which have been housed by Lewisham and 18 housed by the GLA. 17 of these rough sleepers have already been resettled by the Lewisham Rough Sleeping team. The Rough Sleeper Teams are working to undertake needs assessments to plan for resettlement and support going forward. There is also pan London work going on to ensure a coordinated approach across the capital.
- 6.33. In relation to the Private Rented Sector, new eviction claims made after 25 March will only be lawful if there is a three month notice period and all ongoing housing possession claims are suspended for 90 days. This guarantees safety from eviction for most renters for the short term. Despite this, there remains threats of eviction to residents; the service continues to work with these households, including offering mediation between landlords and tenants, and support tenants to remain in their current tenancy through discussion with the landlord. Officers have prevented 44 illegal evictions since the 30 March, and in this period there has been a focus on preventing and relieving homelessness following evictions.
- 6.34. The Council's Licensing teams continue to ensure that our residents live in homes that are safe and secure and we work with landlords to ensure that all residents living in the private rented sector have support from us and also to ensure landlords are undertaking emergency repairs.
- 6.35. Since 30 March 2020 choice based lettings of Social Housing has temporarily been suspended. Available social housing has been directly matched to emergency and urgent lets, along recommended Government guidelines. 90 matches to permanent homes have been made, and 32 homeless households with health conditions that place them at risk of COVID-19 have been moved into self-contained accommodation.
- 6.36. Lewisham Homes continues to carry out essential compliance and safety services such as fire risk and gas safety assessments. They are carrying out Fire Risks Assessments and the actions coming out of them however Gas and Electric checks have been harder to complete on individual properties due to the challenges of tenants self-isolating, but checks in communal areas continue. They have been carrying out weekly welfare checks on Sheltered Housing tenants and have called over 4,000 vulnerable residents to check on their welfare during the crisis and signpost or assist where necessary. All housing partners have been carrying out welfare checks on vulnerable and elderly residents.
- 6.37. Caretaking services have continued throughout the lockdown with reduced working hours, but with increased cleaning in high traffic areas. Lewisham Homes have only been conducting home visits for emergencies or for Anti-Social Behaviour. Evictions

and arrears actions were suspended in advance of the government directive. Lewisham Homes have seen a significant increase in Universal Credit claims and an also in rent arrears and continue to provide support to tenants along with advice on rents.

- 6.38. The Council continues to provide critical support for our most vulnerable clients, with the housing assistance team supporting partners to install aids and adaptations to facilitate discharges from hospital or to prevent homelessness. This service has continued during lockdown to install level access showers, stair lifts and ramps in properties.

## Finance

- 6.39. Critical finance services are Revenues and Benefits and Business support. The Council has taken measures to support both businesses and residents who are facing financial hardship as a result of COVID-19.

### Support for residents

- 6.40. Revenues and Benefits have been working to administer a range of measures to support residents facing financial difficulties. The government issued a £3.2m hardship grant to local authorities in response to COVID-19. The Council made these funds available to individual Council Tax payers through two routes:
- 1) Grants aligned to the Council Tax Reduction Scheme
  - 2) Emergency support for residents.
- 6.41. The first is an additional grant of £150 per working age claimant of the Council's Council Tax Reduction Scheme (CTRS). Claimants have been written to directly, and all communication channels, such as the website and resident helpline, have been updated accordingly. The Council, as agreed by [Mayor & Cabinet on 13 May](#), is preparing to deliver this support via the Council Tax system and may supplement the amount available for hardship cases if necessary in response to demand. Residents are invited to apply for CTRS where the Revenues and Benefits team are notified of a resident claiming universal credit (administered by Department for Work and Pensions).
- 6.42. The Council also runs a local support scheme designed to ensure that, in a crisis or an emergency, those residents who are most at risk and least financially able to help themselves receive access to the support they need. To supplement the local support scheme, an emergency hardship scheme has been set up by the Council to provide a one-off payment (covering the costs of essential food and fuel) for people who are facing immediate financial hardship due to COVID-19 and have no other assistance available. The payment is a grant and it does not need to be paid back. As at 18 May, 131 applications have been received in the first week of operation, of which 73 payments have been distributed and 58 applications have been unsuccessful.

### Businesses

- 6.43. The impact of coronavirus on businesses has been significant. The Government has responded with a range of measures aimed at supported local businesses, many of which are administered by local authorities. Central government has turned to local authorities to deliver and support a number of new support schemes.
- 6.44. For businesses, support measures include extended business rates relief for 2020/21, grants to small businesses and those in the retail, hospitality, and leisure sectors, and a grant to support Small and Medium Enterprises (SMEs) – those with less than 50 employees – not covered by the initial grant arrangements.

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- 6.45. The Council has received £47m to distribute in grants of £10k or £25k to small business within certain rateable values and/or in the retail, hospitality, and leisure sectors. At 15 May the Council had assessed all those who have applied and disbursed over 2,700 grants from the 3,650 expected and over £34m (73% of the £47m received) with another 147 cases pending assessment. Work continues to actively reach out to those 818 businesses who may be eligible but have yet to apply. Unfortunately, we were not as swift at getting on top of this work as would have been preferred and we are still working hard to reach as many businesses as possible. The Department of Business, Energy and Industrial Strategy (BEIS) publishes regular performance data on this and as at 11th May Lewisham was 266th out of 314 Councils.

### **The known and anticipated financial impact on the Council**

- 6.46. The government has provided some financial support to councils to undertake additional activities in recognition of the unplanned costs they are incurring in responding to COVID-19. The Council is experiencing additional unplanned work and costs to sustain critical services. These include supporting the social care market, distributing personal protective equipment (PPE), and providing shielding support to the most vulnerable as critical services. As well as the extra work to run and support services including housing, waste, benefits, and bereavement services with higher levels of activity while also maintaining social distancing and safe working practices.
- 6.47. Lewisham has identified a potential £22.9m increase in expenditure and £26.8m loss of income. A total estimated impact for the COVID-19 response of £49.7m. Towards which, the Council has received £18.0m (or a third) in funding from the government. The Mayor has written to the prime minister urging more funding to councils in order to continue running vital services, support local people and save lives. We plan to write to the Government again to make the case on the basis of our financial position as it stands currently.
- 6.48. A more detailed paper on the financial implications of COVID-19 will be provided to Mayor and Cabinet on the 10 June 2020.

### **Corporate, HR and other support services critical to the COVID-19 response**

- 6.49. Other services that are critical to the Council's COVID-19 response are emergency planning and response teams, customer service centre, communications, health & safety, payroll and emergency recruitment, ICT and critical public health services all of which are focused on supporting and enabling the Council's COVID-19 response and its critical services.
- 6.50. COVID-19 has required Council staff across the organisation to work very differently. Corporate support teams have been instrumental in enabling staff to adapt to new ways of working, ensuring they have the right equipment, guidance and support to fulfil their roles and support residents. Staff have been required to work in a much more flexible way, responding to need and working with agility. Many staff have volunteered to work in a new area of the Council, honing and developing new skills and learning about different service areas. There have been many positives from this new way of working and the Council's internal recovery will be focused on harnessing and embedding the benefits that have been seen throughout this period.
- 6.51. The Council's IT division has responded will to a surge in demand for IT support, adopting a new flexible working model of support to staff and rapidly deploying laptops to priority services. New technology has been effectively rolled out across the organisation to support remote working. Likewise, HR policy and guidance has been rapidly reviewed and updated to support new ways of working, guiding managers on the best way to communicate and support teams remotely.

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## 7. Financial implications

- 7.1. The most up to date assessment of the impact of COVID-19 on the Council's finances is the monitoring return to the Ministry for Housing, Communities and Local Government (MHCLG) submitted on 15 May. This identifies the potential financial impact at £82.7m to the 20/21 budget - from additional costs of £22.9m and lost income of £59.8m - before applying government funding received. After applying government funding received of £33m for business rate reliefs, £18m for Council services, and assuming (although still to be confirmed by government) the remaining estimated Collection Fund lost income of £11.5m is met by government once the full impact becomes clear, the outstanding financial gap for the Council is currently estimated at £20.2m. This represents all of the unallocated reserves the Council holds of £20m.
- 7.2. This is the current position with the recovery and longer term impacts to the budget still to be assessed and funded. The Council continues to make the case and claim support for these financial impacts from the government as the cost of responding to COVID-19.
- 7.3. However, if further government support is not made available any unfunded costs or lost income will fall to the Council's reserves. This is because, while the actions consistent with the services agreed in the budget, the scale of their impact is over and above the budgets set for the year. At the present time, noting the estimated cost to the Council and the government's financial support to date as set out above, the s151 officer confirms the Council has sufficient reserves to support the recommendations in this report. Any significant extension of the duration or scale of impact of the Covid response could change this assessment. Updates will therefore need to be brought back as part of further financial updates for Members' decisions. This is discussed further in the Mayor and Cabinet report for 10 June.

## 8. Legal implications

- 8.1. The Coronavirus Act 2020 received Royal Assent on 25th March this year. It gives the Government emergency powers to combat the COVID 19 pandemic. The provisions of the Act are time-limited for two years, though this period may be shortened by ministerial direction. In addition the Act is subject to Parliamentary review every 6 months.
- 8.2. The Act enables the Government to restrict or prohibit public gatherings, control or suspend public transport, order businesses such as shops and restaurants to close, temporarily detain people suspected of COVID-19 infection, suspend the operation of ports and airports, enrol medical students and retired healthcare workers in the health services, relax regulations to ease the burden on healthcare services, and assume control of death management in particular local areas.
- 8.3. Many of its provisions are specific to local government. For example the Act temporarily suspends local authorities' legal duty to meet the care needs of all people who are eligible under the Care Act 2014. Instead, councils will have a duty to provide care only if necessary to avoid breaching a person's rights under the Convention of Human Rights (ECHR). However as set out in the report, the Council has not sought to rely on any of the easements to the Care Act allowed in the Coronavirus Act.
- 8.4. The Act also makes provisions for elections and annual general meetings to be deferred and for council meetings to be held remotely.
- 8.5. A number of directions have been made to legislative provisions using the Coronavirus provisions. For example, the Secretary of State issued a direction on 31 March 2020 to Ofqual about the calculation of students' GCSE, AS and A level results and on 9 April in respect of technical qualifications though many of the government's intentions for



local government have been expressed through non statutory guidance. Whilst having no statutory force, the Council would be well advised to have regard to this guidance, and only departing from it with good reason, particularly bearing in mind that the Secretary of State retains the power to issue directions if necessary.

- 8.6. Under Section 17 Crime and disorder Act 1998 the Council has a duty in the exercise of its functions to consider the impact of all their functions and decisions on crime and disorder in their local area.
- 8.7. Section 12 of the Health and Social Care Act inserted a new section 2B into the NHS Act 2006 to give a local authority a new duty to take such steps as it considers appropriate to improve the health of the people in its area. The steps in this report are consistent with that duty.
- 8.8. Under S3 Local Government Act, 1999 the Council must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. This duty remains even in these exceptional circumstances.

## **9. Equalities implications**

- 9.1. There is emerging evidence that suggests a disproportionate impact of COVID-19 on groups with protected characteristics. National research shows there are significant health inequalities affecting Black African and Caribbean communities, which are perpetuated by inequalities in the wider determinants of health such as housing, employment and education. These have been exacerbated by COVID-19 and may underpin some of the excess deaths in these populations.
- 9.2. Lewisham Council and Birmingham City Council are partnering to conduct a review gather insights on health inequalities within Black African and Caribbean communities in Birmingham and Lewisham asking ‘how do we break the cycle of inequality?’. The Council has also submitted evidence to the Women and Equalities Committee about the different and disproportionate impact that the Coronavirus – and measures to tackle it – is having on people with the protected characteristics under the Equality Act. The Council plans to supplement this work with an extensive impact assessment of COVID-19 on the borough, with a focus on those with protected characteristics.
- 9.3. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.4. In summary, the Council must, in the exercise of its functions, 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
- 9.5. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed in the paragraph above.
- 9.6. The weight to be attached to the duty will be dependent on the nature of the decision

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and the circumstances in which it is made. This is a matter for members, bearing in mind the issues of relevance and proportionality. They must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

9.7. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

9.8. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty: A guide for public authorities
- Objectives and the equality duty. A guide for public authorities
- Equality Information and the Equality Duty: A Guide for Public Authorities

9.9. The essential guide provides an overview of the equality duty requirements

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

9.10. The essential guide provides an overview of the equality duty requirement including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

- <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

## **10. Climate change and environmental implications**

10.1. There are no direct climate change and environmental implications arising from this report.

## 11. Crime and disorder implications

11.1. There are no direct crime and disorder implications arising from this report.

## 12. Health and wellbeing implications

12.1. There are no direct health and wellbeing implications arising from this report, however it should be acknowledged that COVID-19 presents a serious threat to the health and wellbeing of Lewisham's residents, as it does across the world. The Council's response and recovery objectives are rooted in promoting good public health and safety for Lewisham's residents.

## 13. Background papers

13.1. [Overview and Scrutiny Committee 5 May 2020 - Scrutiny of the Council's COVID-19 Response](#)

## 14. Glossary

Term	Definition
Council Gold	A gold/silver/bronze command structure is a hierarchy used by the emergency services and other public sector organisations (including local authorities) to manage the response to major incidents. Gold command is responsible for formulating a strategy for dealing with the incident and has overall control of resources.
COVID-19	Coronavirus disease (COVID-19) is an infectious disease caused by a newly discovered coronavirus. The two main symptoms of COVID-19 are a high temperature and a new, persistent cough, but people
Overview and Scrutiny Business Panel	<p>Lewisham has two Business Panels (sub-committees of the Overview and Scrutiny Committee).</p> <p>Overview &amp; Scrutiny Business Panel is made up of the chair and vice-chair of the Overview and Scrutiny Committee, the chair of each of the Select Committees, and two other non-Executive councillors.</p> <p>The main functions of Business Panel are reviewing key decisions once they have been taken (potentially "calling in" key decisions that have been made but not yet implemented); coordinating and approving the overall scrutiny work programme; and allocating scrutiny work in the event that it crosses the remit of more than one scrutiny body.</p> <p>Three parent governors and two diocesan representatives sit on the Education Business Panel, alongside the councillors that make up the regular Business Panel. The Education Business Panel reviews.</p>

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Term	Definition
Personal Protective Equipment (PPE)	PPE is equipment that will protect the user against health or safety risks at work. It can include items such as safety helmets, gloves, eye protection, high-visibility clothing, safety footwear and safety harnesses. It also includes respiratory protective equipment (RPE).
Multi-agency Safeguarding Hub (MASH)	The MASH provides a single point of access to advice, information and support services for professionals working with vulnerable and at-risk children and young people.

## 15. Report author and contact

- 15.1. If there are any queries about this report, please contact Charlotte Parish, Principal Officer – Policy, Service Design and Analysis, by phone (020 8314 6101) or by email [charlotte.parish@lewisham.gov.uk](mailto:charlotte.parish@lewisham.gov.uk).



## Overview & Scrutiny Business Panel

### Report title: Implementation of temporary measures to support safer walking and cycling in response to the COVID 19 pandemic.

**Date:** 14 May 2020

**Key decision:** Yes.

**Class:** Part 1.

**Ward(s) affected:** All

**Contributors:** Kevin Sheehan, Executive Director Housing, Regeneration & Environment

### Outline and recommendations

This report provides the detail and background for implementation of a package of temporary transport measures in response to the COVID-19 pandemic. The primary aim is to facilitate those walking and cycling to do so safely, whilst also maintaining social distancing. As daily trips increase, these measures are becoming more urgent, and will help to support the recovery from this crisis, whilst also being in alignment with the Council's longer term policy objectives.

The Overview & Scrutiny Business Panel is asked to receive and comment as necessary, on a series of recommendations that will then form part of a separate decision report. This subsequent report will recommend that the Director of Regeneration and Place:

- Approves the package of transport measures set out in this report including:
  - I. Creating more pedestrian space in busy public places
  - II. Creating quieter residential streets for walking and cycling
  - III. Creating safer space for pedestrians/cyclists along key corridors
  - IV. Creating safer space for pedestrians/cyclists outside schools as pupil numbers increase
- Agrees to officers using their existing delegated powers, to implement these measures, as necessary, including:
  - Creating the necessary traffic orders,
  - Putting temporary parking suspensions in place,
  - Implementing signing/lining, placement of temporary barriers, demountable bollards/gates, planters and other temporary infrastructure.
  - Enforcing the traffic orders by use of camera technology
- Agrees that given the urgency of the programme, authority be delegated to the Head of Highways and Transport to make further changes/additions to the above work streams as necessary. This will be carried out in consultation with the Cabinet Member for Environment and Transport, based on evolving pressures and feedback from the community, within the limits of the funding made available by TfL or other sources that are identified.

## Timeline of engagement and decision-making

There have not been any previous decisions relating to the borough's plans to implement temporary measures to support walking and cycling in response to the COVID 19 pandemic. However, all measures outlined in this report are consistent with the longer term objectives of the borough's Transport Strategy and Local Implementation Plan 2019-2041, which was agreed by Mayor & Cabinet in January 2019 (see Background Paper 1).

### 1. Summary

1. The purpose of this report is to provide an overview of the recommendations that will form part of a separate decision report, to be approved by the Director for Regeneration and Place. This will be for approval of the implementation of a package of temporary transport measures to support pedestrians and cyclists during the COVID 19 pandemic. The primary aim is to facilitate those walking and cycling, to do so safely whilst maintaining social distancing. As daily trips gradually increase, these measures are becoming more urgent. The package of interventions will help support the recovery from this crisis, whilst also being in alignment with a wider range of longer term policy objectives.

### 2. Recommendations

- 2.1 The Overview & Scrutiny Business Panel is asked to receive and comment as necessary, on a series of recommendations that will then form part of a separate decision report. This subsequent report will recommend that the Director for Regeneration and Place:
  - Approves the package of temporary transport measures set out in this report including:
    - I. Creating more pedestrian space in busy public places
    - II. Creating quieter residential streets for walking and cycling
    - III. Creating safer space for pedestrians/cyclists along key corridors
    - IV. Creating safer space for pedestrians/cyclists outside schools as pupil numbers increase
  - Agrees to officers using their existing delegated powers, to implement these measures, as necessary, including:
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  - Agrees that given the urgency of the programme, authority be delegated to the Head of Highways and Transport to make further changes/additions to the above work streams as necessary. This will be carried out in consultation with the Cabinet Member for Environment and Transport, based on evolving pressures and feedback from the community, within the limits of the funding made available by TfL

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or other sources that are identified.

### 3. Policy Context

- 3.1 In response to the COVID-19 pandemic, a growing number of local authorities across the UK and beyond are considering which measures to put in place to help people safely make the essential trips they need to on foot or by bicycle.
- 3.2 This is within the context of a range of pertinent issues, which are summarised below, with further detail provided in section 4 of the report:
- the government indicating a likely need to retain social distancing guidelines for some time;
  - an observed increase in speeding/dangerous driving on the road network;
  - limitations on public transport capacity if social distancing is still required;
  - potential public concern over the use of public transport;
  - a likelihood of increased car trips as restrictions are lifted;
  - an encouragement from central and local government that journeys are kept local, and that these are made on foot or by bicycle where possible;
  - A high proportion of footways that are not wide enough to safely accommodate social distancing practices
  - the potential to combine trip purposes where possible to minimise exposures (e.g. physical exercise such as walking/cycling with a trip to the shops);
  - a need for people to maintain good physical and mental health, increasing resilience against COVID-19 symptoms
  - and a need for residents who may have been impacted financially to feel that they have viable low cost transport options available to them.
- 3.3 On 9th May 2020, the Secretary of State for Transport issued additional statutory guidance under Section 18 of the Traffic Management Act 2004, providing additional advice on techniques for managing roads to respond to the issues outlined above (see Background Document 2). The document sets out high-level principles to help local authorities to manage their roads and the appropriate actions they should take. The guidance also specifies that Authorities should monitor and evaluate any temporary measures that are installed, with a view to making them permanent, and embedding a long-term shift to active travel as the country moves through the recovery phase and into a newly shaped 'business as usual'.
- 3.4 Following the publication of this guidance, the Department for Transport (DfT) agreed a financial settlement with TfL that allows it to work with London boroughs to roll out measures contained within this guidance. TfL subsequently published separate guidance for boroughs on 15<sup>th</sup> May 2020 setting out its expectations of boroughs (see Background Document 3). This takes into account the London context and unique pressures and issues that are being experienced. The guidance sets out the pressing need to safely accommodate more walking and cycling trips as travel restrictions are relaxed, but whilst social distancing guidance remains. It explains the types of measures that will help to achieve this, which is broadly consistent with the DfT guidance. It seeks to transform London's streets by:

- Providing temporary cycle routes to extend the strategic cycle network, with London's main roads repurposed for temporary cycle lanes and wider footways so that people can safely socially distance.
  - Providing additional space for people walking and cycling in town centres and at transport hubs, including widening of footways on local high streets to enable people to queue safely for shops which will help facilitate local economic recovery
  - Accelerating delivery of low traffic neighbourhoods and school streets by working with boroughs to reduce through traffic on residential streets, to further enable more people to walk and cycle safely as part of their daily routine
- 3.5 The measures set out in this Overview & Scrutiny report are consistent with both the DfT and TfL guidance.
- 3.6 It should be noted that TfL has withdrawn the majority of transport funding previously allocated to boroughs, with the exception of any 'sunk' costs already incurred. All remaining funding is being reallocated to boroughs who are in a position to rapidly implement temporary transport interventions in response to the issues outlined above. Further information on this is provided in the financial implications section of this report.
- 3.7 The primary objective of these measures is to protect public safety during the COVID-19 pandemic. People have already started to undertake more trips, which makes these measures increasingly urgent. This will help to support the recovery from this crisis whilst also being in alignment with a wider range of existing policy objectives.
- 3.8 The engagement undertaken to date on the Council's COVID-19 response, has demonstrated an appetite amongst communities for some of the measures that are being developed in response to the emergency to be retained on a more permanent, non-emergency basis. This would also be in line with achieving the Council's longer term policy objectives, which are set out below. As such, an evaluation of the temporary measures will be undertaken at the appropriate point in the future to help inform the development of a medium to longer term strategy. The process for this is outlined further in section 6.
- 3.9 The Council's over-arching policies can be found in the Corporate Strategy 2018-2022 (see Background Document 4). The Council's transport policy objectives can be found in the Lewisham Transport Strategy & Local Implementation Plan 2019-2041 (LIP3) and are summarised below (see Background Document 1).
- Travel by sustainable modes will be the most pleasant, reliable and attractive option for those travelling to, from and within Lewisham
  - Lewisham's streets will be safe, secure and accessible to all
  - Lewisham's streets will be healthy, clean and green with less motor traffic
  - Lewisham's transport network will support new development whilst providing for existing demand.

## 4. Background

- 4.1 As a result of the COVID-19 emergency, the resulting lockdown and social distancing requirements, trip patterns have changed substantially. These will continue to evolve as the government reviews the available evidence and decisions are taken on how and when to ease lockdown restrictions. As outlined in section 3.2, a number of factors are at play which have combined resulting in a need for intervention and in shaping the



nature of the temporary mitigation package. This section of the report elaborates on these factors and provides local evidence of their importance.

- 4.2 Crucially, whilst the need for social distancing remains, any external factors that result in an increase in walking and cycling trips (which is something to be encouraged), at the same time as there being an increase in vehicular traffic or speeding (which is undesirable), is a cause for concern on safety grounds.
- 4.3 This is because people currently need more space than usual in order to maintain social distancing whilst walking/cycling. This becomes more difficult to achieve when the available space is constrained by a combination of narrow footways, shop queuing systems, parking, and high traffic volumes and/or speeds on the carriageway. Put simply, if people need to frequently step into the carriageway to maintain a 2m clearance when passing others, this puts them at increased risk without mitigation measures in place, particularly in the locations with the highest footfalls and traffic volumes/speeds.
- 4.4 Cyclists are also vulnerable, again, particularly where traffic volumes or speeds are high. This is especially relevant for newer cyclists who may not have received any formal cycle training, to give them confidence riding in busy traffic, due to the restrictions currently in place. Cyclists are also likely to need to negotiate pedestrians who will be stepping into the carriageway, and lower traffic volumes would give them greater flexibility to react quickly in this respect, without putting themselves in danger.
- 4.5 A range of interventions are proposed that therefore seek to either create more protected space for pedestrian and / or cyclists, or that aim to lower traffic volumes and speeds so there is greater scope for road users to safely share spaces.

#### **4.6 Factor 1: Increasing traffic volumes and speeding**

- 4.6.1 A predominantly car based recovery is not a viable option as the road network would not be able to accommodate the required number of trips. Nor is it desirable from a road safety, air quality, public health or economic perspective.
- 4.6.2 Evidence from TfL has shown that up to 50% higher speeds are currently being observed on many routes across London as a result of lower traffic volumes/congestion, leading to a higher risk or perception of road danger. Evidence from the Met Police has shown that although the volume of collisions has reduced, those that are taking place are likely to be more severe due to the speeds involved. More locally within Lewisham, the police have been undertaking enforcement action to help tackle speeding. The police have witnessed some occurrences of people travelling at twice the speed limit in certain areas and are issuing fines accordingly.

TfL has highlighted that reducing exposure to air pollution is important as this is thought to be associated with increased deaths from COVID-19. As set out in the Council's Air Quality Action Plan (see Background Document 5) Road transport is the biggest contributor to NOx and PM10 emissions in the borough, contributing 64% and 55% of total emissions respectively.

#### **4.7 Factor 2: Limitations on public transport capacity and concern over its use**

- 4.7.1 There are currently fewer buses and trains in service, with operators currently working to increase capacity, so that people can more easily socially distance when they do need to travel. However, TfL has indicated that it will only be able to carry around 13-15 per cent of the normal number of passengers on the Tube and bus networks even when 100% of services are operating, due to the social distancing requirements. Once more people start to return to work, social distancing at bus stops and train stations will become harder. The Council is in regular contact with TfL and the train operating companies to raise key concerns and discuss how best to enable people to socially distance, particularly as they wait for services. However, even this will not be sufficient

to accommodate the volumes of passengers that used to travel pre-COVID-19.

- 4.7.2 Interchanges and town centres are also often on busy strategic roads. Service disruption or ‘bunching’ on the bus network can lead to high volumes of waiting passengers on the pavement at busy interchanges and longer dwell times may cause traffic disruption.
- 4.7.2 A recent YouGov poll found around 40 per cent of Londoners say they will use public transport less once lockdown measures are relaxed, with 50 per cent of those saying they will walk instead, 17 per cent saying they will cycle instead. However, 41 per cent say they plan to drive instead. TfL has indicated that if all car owning households switched their usual public transport journeys to car, some boroughs would see a near doubling in the number of private transport journeys, causing considerable congestion issues.

#### 4.8 **Factor 3: Constrained footways**

- 4.8.1 Footways need to be at least 3 metres wide in order to maintain social distancing for two pedestrians passing one another. This works on the assumption that one person typically comfortably occupies around half a metre of space, with a 2 metre gap in between. However, recent research included within TfL’s guidance, indicates that only 36% of footways in London are at least 3 metres wide. This means that people will need to either step into the carriageway or cross the road to safely pass another person, introducing an element of road safety risk, particularly if traffic volumes are high.

#### 4.9 **Factor 4: Promotion of walking / cycling trips**

- 4.9.1 It has been recognised in the guidance issued by government and TfL that the increased level of walking and cycling is a positive trend, which should be supported and encouraged. Indeed we are already seeing evidence of increased levels within London, as people have taken advantage of the lower traffic volumes observed at the peak of the crisis, and are seeking to maintain this. Evidence from TfL shows that 85% of people report wanting to see some of the personal and social changes they have experienced during lockdown to continue.
- 4.9.2 As a result of the constraints on public transport, TfL in particular, is encouraging as many essential trips as possible to be safely made on foot or by bicycle instead, whilst socially distancing.
- 4.9.3 Looking at pre-COVID travel patterns, there is significant potential for modal shift within Lewisham. Although it is recognised that some of these trips will no longer take place, for instance due to increased home working or online shopping. 47% of Lewisham households do not own a car and so are reliant on walking, cycling or public transport to get around. Up until the COVID pandemic only 2% of all trips made by Lewisham residents were made by cycling, but with at least 13% of residents cycling at least once per week, and 18% at least once a month. 30% of all trips were undertaken on foot, 34% by public transport and the remainder by car, motorcycle or taxi. Only 7% of the 264,200 trips in Lewisham that could be made by bicycle, were actually being made by bicycle. More than half of these potentially cyclable trips were less than 3km (about a 10 minute cycle ride).
- 4.10 **Factor 5: Encouragement to maintain good physical and mental health**
- 4.10.1 It has been demonstrated that those with underlying health conditions are more susceptible to severe COVID-19 symptoms. The government has highlighted the benefits of walking and cycling in improving health, and many people have been taking positive steps towards this, taking advantage of their daily exercise allowance. There is also scope to combine trip purposes – for instance walking or cycling to work or the

shops.

4.10.2 Achieving 20 minutes of walking or cycling each day is recommended for good health and well-being, which reduces risks of diabetes and heart disease, both of which are risk factors for severe COVID-19 disease. In the 3 years to 2017/18, on average only 35% of Lewisham residents were walking or cycling for at least 10 minutes twice a day (or a single block of at least 20 minutes). Over half of the adult Lewisham population, and 37% of 10-11 year olds and 21% of 4-5 year olds are overweight or obese.

#### 4.11 **Factor 6: A need to support the economic recovery**

4.11.1 TfL has acknowledged that encouraging people to use local shops and services, rather than travelling further afield, will be important in supporting the local economy as well as minimising congestion on the road network. Evidence shows that those who walk to a high street spend 40% more than those who drive, and that high street walking, cycling and public realm improvements can increase retail sales by up to 30%.

4.11.2 Walking and cycling are also relatively low cost options for those who may have been impacted financially by the pandemic.

## 5. Emergency transport measures in response to COVID-19

### 5.1 Project 1: Creating more pedestrian space in busy public places, at pressure points

5.1.1 Officers have identified a number of locations on high streets and at park entrances where the existing conditions mean that it is difficult for pedestrians to comply with social distancing due to limited footway widths and/or shop queuing systems, and intervention is considered necessary.

5.1.2 Measures appropriate to each location are proposed, including the use of temporary barriers to create additional pedestrian space and/or road closures where necessary to facilitate pedestrian movement.

5.1.3 The initial tranche of locations being progressed is listed below. This has been informed by information from the Council's highways team and from a list of locations submitted by a pedestrian stakeholder group known as 'Lewisham Pedestrians'. Details of the first nine locations are shown below. These will be implemented as soon as possible.

- a) **Deptford High Street** – illegal parking on the eastern side of the street is making it difficult to socially distance due to the narrow width of the remaining footway, alongside pedestrians queuing to access shops. There are also road safety issues due to pedestrians being forced to use the carriageway whilst mixing with vehicular traffic. The scheme prevents parking/loading on one side of the street, to allow more space for pedestrians to pass one another safely on this busiest stretch of the shopping parade, whilst still enabling essential vehicular access and deliveries. Planned utility works in mid-May will also close the southern end of the high street to traffic, thereby reducing traffic volumes.
- b) **Luxmore Gardens** – suspension of parking on one side of Luxmore Street, which currently has footway parking on both sides of the street, making it difficult to safely practice social distancing, given increased use of the park amongst parking and construction activity.
- c) **Coulgate Street** – Suspend parking bays to create more space for pedestrians in front of the shops
- d) **Sangley Road** – Suspend inset parking bays to create more space in front of the shops

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- e) **Foxberry Road** – Suspend loading bay to create more space in front of the shops
- f) **Dartmouth Road** – Suspend inset parking bays to create more space in front of the shops
- g) **Staplehurst Road** – Suspend a number of perpendicular parking bays to create more space in front of the shops
- h) **Hither Green Lane** – Suspend footway parking bays to create more space in front of the shops
- i) **Wells Park Road** – Remove all footway parking to create more space in front of the park

5.1.4 Any further requests will be prioritised against a set of criteria that will help assess the extent of the issue that has been raised. This includes existing footway widths, current/projected pedestrian and traffic flows, the level of queuing that needs to be accommodated to access any essential services, evidence from key stakeholders such as the police/TfL/transport service providers, and level of feedback from the Commonplace website (see paragraph 6.5.1 for further details about the Commonplace website). Consideration will then be given to how to best tackle the identified problem on a case by case basis, along with any interdependencies with other projects.

5.1.5 In addition to these measures, the Council will be erecting signage in areas of high pedestrian footfall, aimed at encouraging motorists to slow down. However, the focus is predominantly on making temporary physical improvements to the street environment.

## 5.2 Project 2: Creating quieter and safer residential streets for walking and cycling by introducing modal filters

5.2.1 A ‘modal filter’ is a road closure that stops motor vehicles, but which still allows pedestrians, cyclists (including electric cargo cycles) and powered two wheelers through. These are used to create safe routes for pedestrian and cycle use through the removal of the majority of through traffic. It should be noted that the initial tranche of ‘filters’ are not intended to stop every rat-run, but focus on some of the key routes. All locations will have exemptions for emergency service vehicles, and public transport services where applicable.

5.2.2 As outlined in section 4 of the report, a range of factors mean that there are increasing volumes of pedestrians, cyclists and motor vehicles on the roads. However, whilst social distancing guidelines remain in place it is difficult to safely accommodate these movements within the available space, particularly where footways are below 3 metres, and traffic volumes are higher than might be expected for a residential street that is not intended to take through traffic.

5.2.3 A rebalancing of provision therefore needs to take place in order to safely accommodate the increase in pedestrian and cycling trips, by reducing the volume of traffic. This issue becomes more pressing the greater the number of trips that take place. Without these changes, these vulnerable road users will be at risk.

5.2.4 Officers have identified an initial tranche of locations where rat running has historically been identified as an issue, and where it is feared higher volumes of traffic are likely to re-emerge. This is based on traffic data, resident complaints, and/or officer observations. The footways in these locations are also below 3m.

5.2.5 The first phase of locations will be initially introduced using planters and temporary barriers or demountable bollards, and will avoid emergency service or bus routes. A second and third tranche of locations are planned on bus or emergency service routes, for which the appropriate exemptions will need to apply for these services. These locations will not have a physical restriction in place, but will be enforced using cameras as soon as possible. There will be advanced warning signage at each

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location. Discussions with the emergency services and Council refuse teams are being held at present to understand their views on the plans and these will be given consideration as part of the decision making process.

- 5.2.6 It is recognised that emergency service response times will be of concern to residents at present. Whilst road closures may increase journey times for general traffic, it should be noted that the London Borough of Waltham Forest, who had already introduced modal filter systems in recent years, have seen a decrease in emergency service response times since their introduction. This is most likely because modal filtering tends to lead to an overall reduction in traffic volumes as more people switch to alternative modes. Blue light services also benefit from priority over other motorists.
- 5.2.7 It is also worth noting that the London Borough of Islington has received a letter of support from its local hospital requesting that a range of temporary measures, including modal filters, be implemented to help key workers get to work safely on foot or by bicycle and also in the interests of broader health and safety (see background document 6). Discussions regarding these measures will be held with Lewisham Hospital and their views given consideration as part of the decision report.
- 5.2.8 The modal filters can be relocated/removed if necessary to achieve objectives outlined in this report. Any additional requests will be prioritised against a set of criteria including (but not limited to) the volume of traffic that they have historically taken, footway widths, if they are on the strategic cycle network/desire lines, if they are near key educational/leisure or retail facilities and the level of resident support for the closure.

### 5.3 Project 3: Creating more space for pedestrians and cyclists along key corridors

- 5.3.1 This measure primarily seeks to increase space for cyclists, but also seeks to provide extended footway space for pedestrians. This will be achieved through the use of lining, cones or temporary barriers as seen in other cities across the world. This reallocation of space, even if not fully segregated, would give a greater sense of protection for vulnerable road users from speeding vehicles.
- 5.3.2 Many essential trips will involve at least the partial use of main roads. As outlined in section 4, evidence from TfL has shown that up to 50% higher speeds are currently being observed on many routes as a result of lower traffic volumes/congestion, leading to a higher risk or perception of road danger. Evidence from the Met Police has shown that although the volume of collisions has reduced, those that are taking place are likely to be more severe due to the speeds involved.
- 5.3.3 It should also be noted that any residents who have chosen to take up cycling during the lockdown period would not have received any recent formal training. Reducing road danger will help ease the burden on the NHS from road collisions at this critical time.
- 5.3.4 The corridors being investigated are listed below. These have been included as having being on key desire lines for cyclists, whilst also having sufficient space to accommodate pop up cycle lanes. In some instances, this may involve the suspension of parking. Consideration will also be given to changing the hours of operation of bus lanes so that they operate 24 hours a day, 7 days a week in order to give greater protection to cyclists from general traffic whilst also seeking to protect bus journey times. There is one corridor (the A21) on the Transport for London Route Network (TLRN) for which TfL are also developing a temporary scheme. Officers are working together to co-ordinate the plans.
- A21/A2209/A2210 corridor (including Deptford Church Street, Brookmill Road, Lewisham High Street, Bromley Road)
  - Lewisham Road corridor

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- Belmont Hill, Lee Terrace corridor
- Brockley Rise, Brockley Road, Shardeloes Road corridor
- Perry Hill corridor
- Southend Lane, Downham Way corridor
- Lee Road, Burnt Ash Hill, Baring Road corridor
- Ladywell Road corridor

5.3.5 In addition to the measures outlined we will be actively pursuing an increase in police enforcement in response to reports of increased speeding in the borough.

#### 5.4 Project 4: School streets to allow social distancing outside schools when they reopen

5.4.1 School streets are streets or parts of streets that are closed to vehicular traffic for part of the day at school pick up and drop off, while schools are open. This will provide a safe area for children entering or leaving the school during these periods, facilitating the ability to socially distance at the school gates, where feasible. Without this measure parents and children risk having to use the carriageway in order to maintain social distancing whilst waiting, whilst avoiding with vehicular movements associated with school traffic, as well as general traffic.

5.4.2 There has been much speculation on when schools will start to expand provision, and how this will be executed. The latest government advice suggests that this could commence from early June 2020, and that is likely to involve a limited number of primary school year groups. However, this decision is being taken on a case by case basis by schools based on risk assessments and advice from trade unions. There is no detail yet available on whether pick up/drop off times will be amended to help manage this activity.

5.4.3 It is important that we are as prepared for this as possible given that schools act as a focal point for a proportion of the community at pick up and drop off times. However, it is difficult to do so without further detail from schools on timings, as this will influence both phasing and the nature of the measures.

5.4.4 In many cases we will need the support of schools to activate/terminate the temporary school street closures at pick up/drop off times. The use of DBS checked volunteers is also being explored. In other cases, the introduction of modal filters may be more appropriate, to help reduce traffic volumes outside schools. Schools have been contacted by the Council to share guidance from TfL, including an invite to express their interest in having a school street.

5.4.5 Schools will be prioritised based on a range of criteria, with highest priority given to those with footway widths below 3m, higher traffic volumes, higher pupil numbers, and school support for the programme.

5.4.6 Assessments will be made on the most appropriate way of introducing school streets on a case by case basis, and consideration given to interdependencies with the other projects set out in this report. Some schools, such as those on distributor routes will not be suitable for a school street, but may instead benefit from the measures outlined under Project 1 of this report.

## 6. Process

6.1 In order to introduce these new restrictions within the timescales needed during the current public health emergency, certain proposed measures require that a Temporary

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Traffic Regulation Notice (TTRN) be used to initially install these measures. This can be in place for up to 21 days and if needed, followed by either an extension to the TTRN or advertisement of a Temporary Traffic Order (TTO) which may be in place for as long as the current emergency applies, up to a maximum of 18 months. Both of these are made under the provisions of the Road Traffic Regulation Act 1984 (RTRA). Further detail on the procedures which need to be followed for TTRNs/TTOs is provided in section 7.

- 6.2 Trip patterns will continue to evolve as the government reviews the available health evidence and decisions are subsequently taken on how and when to ease lockdown restrictions. Although the government has set out a broad road map of how it intends to do this, this is subject to change which introduces an element of unpredictability to the situation which makes it difficult for Councils to plan for. Based on the currently envisaged plan there could be a relaxation of a number of restrictions from 1 June 2020, notably more pupils returning to school and shops reopening. This is likely to result in a significant increase in the number of trips being undertaken, but at this point is not certain. The Council therefore needs the flexibility to either introduce measures at short notice, or to introduce measures in advance of when they are likely to become increasingly necessary to avoid safety issues for the public as set out in this report. This makes TTRNs the preferred route for the majority of the measures listed in section 6.3 below.
- 6.3 Measures proposed as part of this package that require a TTRN/TTO to be implemented include:
- Modal filters (or road closures);
  - new yellow line parking restrictions; and
  - the introduction of new one way restrictions.
- 6.4 Some of the proposed measures do not require a TTRN/TTO, although they do still require approval by a senior Council officer and a record of the reasons for their introduction. Examples of these measures include:
- the use of cones or barriers on part of the road to create additional pedestrian space;
  - temporary suspension of existing parking bays.
- 6.5 Public engagement and consultation
- 6.5.1 In parallel, a public '[Commonplace](#)' website (click to link to website) has been launched showing each package of measures and the locations of each scheme. It asks users for initial feedback on any issues, as well as inviting suggestions for further schemes. New requests will be considered against a range of criteria which will differ slightly between each programme line, as specified in section 5 of this report. It will be regularly updated with details of any new schemes that are brought forward for implementation. Users can also sign up for updates that alert them of any changes.
- 6.6 Monitoring
- 6.6.1 The measures will be kept under review and will be lifted or amended if they are not considered to be contributing at all to the policy objectives set out in this report. Traffic data, including bus journey times, will be monitored to understand how travel patterns are evolving, and when it might become necessary to review any of the locations.
- 6.6.2 Although these temporary measures are not intended to deliver permanent Healthy Neighbourhood schemes, it is recognised that there may be an appetite amongst communities for some of the measures that are being put in place on an emergency basis to be retained on a more permanent, non-emergency basis. This would be in line

with the Council's longer term policy objectives, as noted in section 3 of this report.

- 6.6.3 Subject to future funding guidance documents from TfL, it is currently anticipated that the traffic data and public feedback gathered during the period of the TTRN/TTO could be considered in determining whether to use the Experimental Traffic Order (ETO) process under the provisions of section 9 of the RTRA to explore the viability of the long-term or permanent introduction of these and other measures. This decision would be taken under delegated authority by the Executive Director. The ETOs may be in force for up to 18 months whilst new traffic conditions are being established after the lifting of the government restrictions, forming a statutory consultation period, and during which time changes can be made to the scheme. Further data collection and consultation with residents would take place during this period to evaluate how the scheme has operated and if any of the measures should therefore be made permanent. A review would be undertaken after 6 months.
- 6.6.4 Once this has been understood, this would be given consideration in the context of the Council's Healthy Neighbourhoods programme, which could be reframed accordingly and in line with any revised TfL guidance on the use of Local Implementation Plan funding. A formal decision would be taken on this by Mayor & Cabinet. If supported, efforts would be taken to give priority to those areas that were originally identified as being in the first tranche of Healthy Neighbourhoods programme. However, other factors would also need to be considered such as the extent to which the measures have been successful in achieving the intended objectives in each area, and any revisions to TfL funding guidance.

## 7. Financial implications

- 7.1 The Department for Transport (DfT) has agreed a financial settlement of £45 million for TfL covering a six month period. This now allows TfL to work with London boroughs to roll out measures contained within the DfT and TfL guidance referred to in section 2 of this report.
- 7.2 TfL has withdrawn the majority of transport funding previously allocated to boroughs, with the exception of any 'sunk' costs already incurred. All remaining funding is being reallocated to boroughs who are in a position to rapidly implement temporary transport interventions in response to the issues outlined above.
- 7.3 It is challenging to provide detailed costs at this stage as there remain a number of unknown factors, for example how many school streets will be required and the feasibility of the cycling measures on key corridors. Initial cost estimates have been developed for those measures which it is possible and this has focused on the measures to create more pedestrian space in busy public places and the initial tranches of modal filters that are not on emergency routes. It should be noted that some assumptions have been made in relation to these costs, such as the duration of time that the measures will be in place, therefore they could be subject to change. The estimated cost of these measures, which includes design and implementation costs are c. £460k.
- 7.4 Officers will be submitting a funding bids to TfL that provides an overview of their proposals. TfL will be aiming to turn these applications around within a week of submission. Initial meetings with TfL have been held and the measures outlined within this report are considered to be consistent with the guidance that was issued. The extent of the measures can be easily tailored to the amount of funding that is likely to be available. The Council may be incurring expenditure prior to funding being confirmed with TfL, and so this is a risk that the Council will have to manage as these projects progress. Any expenditure that will not be funded by TfL will be a cost to the Council's General Fund that could impact on the affordability of other General Fund services.



## 8. Legal implications

- 8.1 On the 9th May 2020, the Secretary of State for Transport issued additional statutory guidance under Section 18 of the Traffic Management Act 2004 (“the act”). This does not replace the original Network Management Duty Guidance published in November 2004, but provides additional advice on techniques for managing roads to deal with COVID-19 response related issues. It applies to all highway authorities in England, who shall have regard to this guidance to deliver their network management duty under the act. It is effective from the date of publication and will be reviewed three months after publication.
- 8.2 This guidance sets out high-level principles to help local authorities to manage their roads and what actions they should take. The four projects included in this decision report are specified in the guidance as being appropriate actions for local authorities to take. It also specifies that Authorities should monitor and evaluate any temporary measures they install, with a view to making them permanent, and embedding a long-term shift to active travel as we move to recovery.
- 8.3 Section 75 of the Highways Act 1980 authorises a highway authority to vary the relative widths of the carriageway and of any footway in a public highway. This includes the power to widen a footway within the existing boundary of the road. No procedure and in particular no consultation is prescribed for the use of section 75. This power will authorise any proposed amendments to footway widths under Projects 1 and 3.
- 8.4 The Road Traffic Regulation Act 1984 (RTRA) sets out the legal framework for traffic management orders. These will be required for some of the schemes undertaken as part of Projects 1-4 of this report.
- 8.5 Section 122 of the Act imposes a duty on the Council to exercise the functions conferred on them by the RTRA as (so far as practicable having regard to the matters specified in S122 (2)) 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’.
- 8.6 The matters set out in S122(2) are:-
- a) the desirability of securing and maintaining reasonable access to premises;
  - b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) 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;
  - c) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
  - d) 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
  - e) any other matters appearing to the local authority to be relevant.
- 8.7 The procedures for making temporary traffic orders and the form that they should take are set out within the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 (the Procedure Regulations). This includes a statutory duty to consult.
- 8.8 Section 14(1) (b) of the RTRA states that temporary traffic orders (TTOs) may be made where the traffic authority are satisfied that traffic on the road should be restricted or prohibited for reasons including the “likelihood of danger to the public”. Under this

section, the Procedure Regulations require that an authority publish a notice of intent not less than seven days before making an order in a local newspaper and in the vicinity of the affected area and inform the police. No more than 14 days after making the order, the authority must similarly publish a notice stating that the order has been made. The maximum time limit for a temporary order is 18 months.

- 8.9 Under section 14(2) of the RTRA, the traffic authority for a road may at any time by notice (temporary traffic regulation notice or TTRN) restrict or prohibit temporarily the use of the road for reasons including the “likelihood of danger to the public” where that restriction or prohibition should come into force without delay. An order made under section 14(2) has a maximum time limit of 21 days, but may be continued under the provisions section 14(1) of the RTRA (for up to 18 months) without a need to publish a new notice of intent, although the publication of a notice stating that the order has been made is still required.
- 8.10 The procedures for making permanent and experimental traffic management orders and the form that they should take are set out within the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 8.11 The Department for Transport published advice on 21st April 2020 at: <https://www.gov.uk/government/publications/traffic-orders-advertising-during-coronavirus-covid-19>. This advice suggests ways in which authorities can continue to make traffic orders, whilst complying with the intention of the legislation for making those orders. Certain requirements are difficult for local authorities to implement due to current restrictions under the circumstances of the Covid-19 emergency. Specifically, these are:
- the publishing of order adverts in local newspapers - newspapers may have moved to online publication only or closed
  - the posting of site notices on streets and concerns about the risks to staff
  - making traffic orders available for public inspection at an authority’s offices which may be closed
- 8.12 The Traffic Management Act 2004 (TMA) is the primary legislation for the management of parking in England. It reinforces the legal duty under the RTRA to ensure the expeditious movement of traffic. Part 6 of the TMA affects parking and is accompanied by statutory and operational guidance documents. Councils are legally obliged to ‘have regard to’ the former, while the latter sets out the principles underlying good parking management and recommends how this can be achieved.
- 8.13 The main principles advocated in the TMA statutory guidance are:
- managing the traffic network to ensure expeditious movement of traffic, (including pedestrians and cyclists), as required under the Traffic Management Act 2004 Network Management Duty
  - improving road safety
  - improving the local environment
  - improving the quality and accessibility of public transport
  - meeting the needs of people with disabilities, some of whom will be unable to use public transport and depend entirely on the use of a car
  - managing and reconciling the competing demands for kerb space.
- 8.14 In April 2020, London Councils published guidance to assist local authorities to consider appropriate temporary measures in the unprecedented and very challenging circumstances around Covid-19. This guidance included advice that enforcement activity should focus on incidents of obstructive or dangerous parking that could have a more significant impact on safety and access for emergency and essential services.

Continuation of enforcement for moving traffic contraventions, such as no entries, banned turns and yellow boxes, will also be important in order to ensure compliance. Authorities are advised to consider whether to continue the enforcement of non-safety critical controls. This guidance is available on the London Councils website: <https://www.londoncouncils.gov.uk/services/parking-services/operational-advice-during-covid-19>. It is considered that the Council's intention to enforce modal filters by camera in order to allow emergency services through these points, whilst reducing general traffic levels is in keeping with this guidance.

- 8.15 The Council enforces parking and moving traffic contraventions under the provisions of the London Local Authorities and Transport for London Act 2003. Enforcement against contraventions of signs placed prohibiting entry by vehicles to roads which are bus routes or emergency services routes may be taken under the provisions section 4(5)(b) of this act, which to section 36 of the Road Traffic Act 1988 which makes it an offence to fail to comply with the indication of a traffic sign which has lawfully been placed on or near a road. A sign is so lawfully placed if the indication is of a statutory prohibition, restriction or requirement. Signs can lawfully be placed in order to give effect to a TTO under section 68 of the RTRA 1984. Such signs must conform with the Traffic Signs Regulations and General Directions 2016.
- 8.16 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.17 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - b) advance equality of opportunity between people who share a protected characteristic and those who do not;
  - c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 8.18 The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 8.19 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>.
- 8.20 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty

2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

8.21 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>.

## 9. Equalities implications

- 9.1 All staff are trained to meet their responsibilities as outlined in the Equality Act 2010.
- 9.2 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
  - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.3 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.4 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 9.5 A full Equalities Analysis Assessment (EAA) was undertaken as part of the Council’s Transport Strategy and Local Implementation Plan 2019-2041 (LIP3). The proposals set out in this report align with the objectives set out in LIP3, and indeed the LIP3 contained proposals for footway widening, modal filtering, school streets and improvements to cycleways, albeit on a more permanent basis.
- 9.6 Table 1 provides an overall assessment of the current proposals as a whole. The analysis that follows then considers in more detail the protected characteristics where it is considered that there is an impact, and the reasons for this.

Protected Characteristic	Overall Assessed Impact of Proposals
Age	Minor positive
Disability	Neutral
Gender reassignment	N/A
Marriage and civil partnership	N/A
Pregnancy and Maternity	Minor positive
Race	Minor positive

Protected Characteristic	Overall Assessed Impact of Proposals
Religion or Belief	N/A
Sex	Minor positive
Sexual Orientation	N/A

*Table 1 – Overall assessment of proposals*

- 9.7 It has been evidenced that Coronavirus disproportionately impacts certain groups including the elderly, and those in BAME groups. By allowing people to socially distance, and encourage more walking and cycling, this will have a positive impact on all groups, but particularly these more vulnerable groups. In addition, pregnant women are considered to be a vulnerable group in relation to COVID19 and therefore creating more pedestrian space will benefit them by making it easier for them to stringently follow social distancing guidelines as advised.
- 9.8 TfL's Cycling Action Plan explains that the reasons why people choose not to cycle in London stem principally from the physical and social environments around them. These environments influence different people in different ways, and we know that they create particular barriers to cycling for women, BAME people, older people and disabled people. The schemes set out in this report seek to improve the physical street environment for pedestrians and cyclists, which will help those who may otherwise feel vulnerable, to feel safer and more able to walk and cycle. The Council's aspiration is for everyone to feel that they can cycle on Lewisham's streets if they wish to do so.
- 9.9 Looking at the London wide picture, TfL has estimated that more than half of 'switchable' journeys (i.e. those that could be cycled) are made by women, and 38 per cent are made by BAME people. This highlights that the opportunity to cycle is not limited to any particular group in society. Eighty-one per cent of Londoners are able to ride a bicycle, including 76 per cent of disabled people. Wheels for Wellbeing, a charity whose mission is "to enhance disabled people's lives by ensuring that anyone can access the physical, emotional, practical and social benefits of cycling", state that many disabled people find it easier to cycle than to walk. Fifteen per cent of people in London with a disability do cycle, which is not that much less than the 18% of the general population. Adapted cycles, e-bikes and cargo bikes can allow an even wider range of people to cycle. Most Londoners therefore have the potential to cycle for their daily journeys, but for many it is not a genuine opportunity. By breaking down the barriers to cycling in conjunction with TfL, we aim to enable more people to cycle, and through this see an increase in the diversity and range of Londoners enjoying the benefits of cycling.
- 9.10 However, it is also recognised that for those who have no option but to drive, the reallocation of space away from motorised transport may have an impact on their journey times. For instance the introduction of modal filters and school streets may make a journey longer in distance. On the other hand, if there is an overall reduction in traffic, from those who have chosen to switch modes, then the reduction in congestion may offset any increase in journey time resulting from the longer distance travelled. As highlighted above, there is small difference in the proportion of the general population that are able to ride a bike compared those that are disabled.
- 9.11 If parking bays are suspended, then it is recognised that a potential negative impact is that people may have to walk further between a parking space and their destination. The impact on disabled people is mitigated in part through the provision of the blue badge parking scheme, which entitles holders to certain parking privileges that others do not have. Where dedicated and general disabled parking bays are affected by the measures opportunities to re-provide that parking as close as possible to the original locations and / or key destinations will be given consideration and implemented if practical and reasonable to do so.

9.12 Table 2 provides an assessment of each of the recommendations shown in section 4. Impacts have been assessed as minor, major, neutral, positive and negative and on whether the recommendations are temporary or permanent.

	<b>Proposal</b>	<b>Impact</b>	<b>Extent</b>	<b>Period</b>	<b>Protected group</b>
1	Urgent measures to tackle pressure points	Positive	N/A	Temporary	All
2	Introducing 'modal filters' on residential streets	Positive	N/A	Temporary	All
3	Creating more space for pedestrians and cyclists along key corridors	Positive	N/A	Temporary	All
4	School streets to allow social distancing outside schools when they reopen	Positive	N/A	Temporary	All

Table 2 - Assessment of each recommendation

## 10. Climate change and environmental implications

10.1 There is a legal requirement on the local authority to work towards air quality objectives under Part IV of the Environment Act 1995 and relevant regulations made under that part. Encouraging more journeys to be made by walking and cycling rather than private transport will help to protect against a car based recovery from the COVID-19 pandemic, and the negative impacts associated with vehicular traffic. Keeping traffic and congestion to a minimum will help maintain the improved air quality that has been experienced under lockdown conditions. This will, in turn, help in achieving the objectives set out in the Council's Air Quality Action Plan and Climate Action Plan.

## 11. Crime and disorder implications

11.1 There are no specific crime and disorder implications resulting from these measures. The Council is working closely with the police counter terrorism advisor to ensure that any concerns in relation to crowding are mitigated where possible by the measures that are being introduced.

## 12. Health and wellbeing implications

12.1 Many residents have had reason to adapt their daily routines as a result of the COVID-19 pandemic. Looking back at the 3 years to 2017/18, on average only 35% of residents were walking or cycling for at least 10 minutes twice a day (or a single block of at least 20 minutes). Over half of the adult Lewisham population, and 37% of 10-11 year old and 21% of 4-5 year olds are overweight or obese. Road Transport is also the biggest contributor to NOx and PM10 emissions, contributing 64% and 55% of total emissions respectively. As a result of the COVID-19 pandemic we understand that there is evidence of an increase in walking and cycling for essential trips, particularly given the current fears over public transport use and limited capacity. The currently lower traffic volumes are also giving people greater confidence to cycle, that they may not otherwise have.

12.2 In order to protect public safety it is important that people are able to walk/cycle whilst maintaining social distancing recommendations. The Council must take steps to

minimise road danger, where possible.

- 12.3 It is recognised within the government and TfL guidance that the introduction of the temporary measures to support walking and cycling may help to change travel habits, which maybe sustained beyond the current pandemic, leading to longer term public health benefits. This would increase resilience against current and future pandemics.

### **13. Social Value implications**

- 13.1 The delivery of schemes that create a street environment that encourages walking and cycling will play a significant role in enhancing people's quality of life, their health and in facilitating social inclusion. This is central to the 'Healthy Streets' approach which has been adopted by the Council as part of its Transport Strategy and Local Implementation Plan.
- 13.2 The council is an officially accredited London Living Wage (LLW) Employer and is committed to ensuring that, where possible, contractors and subcontractors engaged by the council provide works or services within Lewisham pay their staff at a minimum rate equivalent to the LLW rate. New contractors will be expected to meet LLW requirements where possible and contract conditions requiring the payment of LLW will be included in the service specification and contract documents. This will significantly help the Council to deliver on its strategic corporate and Mayoral priorities and deliver added value for the borough as a whole.

### **14. Background papers**

1. Transport Strategy and Local Implementation Plan 2019-2041 (LIP3)  
<https://lewisham.gov.uk/inmyarea/regeneration/transport-and-major-infrastructure/local-implementation-plan>
2. Reallocating road space in response to COVID-19: statutory guidance for local authorities (DfT May 2020) <https://www.gov.uk/government/publications/reallocating-road-space-in-response-to-covid-19-statutory-guidance-for-local-authorities>
3. London Streetspace Plan: interim guidance for boroughs (TfL May 2020)  
<http://content.tfl.gov.uk/lsp-interim-borough-guidance-main-doc.pdf>
4. Corporate Strategy 2018-2022  
<http://councilmeetings.lewisham.gov.uk/documents/s61022/Draft%20Corporate%20Strategy%202018-2022.pdf>
5. Lewisham Air Quality Action Plan (2016-2021)  
<https://www.lewisham.gov.uk/my-services/environment/air-pollution/Documents/LewishamAirQualityActionPlanDec2016.pdf>
6. Letter from St Barts Hospital to Islington Council (May 2020)  
<https://twitter.com/WalkIslington/status/1262317851349864448?s=20>
7. Local Authority Parking and Traffic Management Operational Advice during Covid-19 (London Councils April 2020)  
<https://www.londoncouncils.gov.uk/services/parking-services/operational-advice-during-covid-19>.
8. Traffic orders: advertising during coronavirus (COVID-19) (DfT April 2020)  
<https://www.gov.uk/government/publications/traffic-orders-advertising-during-coronavirus-covid-19>

## 15. Glossary

The table below includes a glossary of terms, abbreviations and acronyms used in this report

Term	Definition
COVID-19	Coronavirus disease (COVID-19) is an infectious disease caused by a newly discovered coronavirus
DfT	Department for Transport
EHRC	Equality and Human Rights Commission
EAA	An Equalities Analysis Assessment (EAA) is undertaken when making changes to the way a service is being delivered to ensure that the Council is meeting its obligations in relation to the Equality Act 2010 and the Council's equality objectives
Equality Act 2010	The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.
ETO	An Experimental Traffic Management Order is a legal order made by a Local Authority which manages the behaviour of all road user where consultation is carried out after the order becomes live, with the restrictions already in place. This type of order may be in place for up to 18 months.
Highways Act 1980	An Act of the Parliament of the United Kingdom dealing with the management and operation of the road network in England and Wales
LLW	London Living Wage
Modal filter	a road closure that stops motor vehicles, but which still allows pedestrians and cyclists (including electric cargo cycles) and powered two wheelers through
Modal shift	The change from one mode of transport to another, such as from car to bicycle or public transport.
NHS	National Health Service
RTRA 1984	The Road Traffic Regulation Act 1984 is an Act of Parliament in the United Kingdom, which provides powers to regulate or restrict traffic on UK roads, in the interest of safety
School street	Streets or parts of streets that are closed to vehicular traffic for part of the day at school pick up and drop off, while schools

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Term	Definition
	are open
TfL	Transport for London
TLRN	Transport for London Road Network – a network of roads for which Transport for London is the Highway Authority
TMA	The Traffic Management Act 2004 (TMA) is an act of parliament <b>that</b> was introduced to tackle congestion and disruption on the road network. The TMA places a duty on local authorities to make sure <b>traffic</b> moves freely and quickly on their roads and the roads of nearby authorities
TMO	A Traffic Management Order (TMO) is a legal order made by a Local Authority which manages the behaviour of all road users and which is consulted on prior to restriction being made live
TTO	A Temporary Traffic Order (TTO) is an order made by a Local Authority to restrict or prohibit traffic on the road for road works, where there is a likelihood of danger to the public or to allow litter and cleaning duties to be carried out. Normally requires a notice of intent for at least 7 days before
TTRN	A Temporary Traffic Regulation Notice (TTN) is a notice which may be use to immediately put into effect a TTO where it appears to a Local Authority that the restriction or prohibition should come into force without delay
Zero carbon	Achieving net zero carbon dioxide emissions by balancing carbon emissions with carbon removal or simply eliminating carbon emissions altogether

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