



# AGENDA

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## OVERVIEW AND SCRUTINY BUSINESS PANEL

**Date: TUESDAY, 30 MARCH 2021 at 7.05 pm**

**Remote: via Microsoft Office Teams**

**Enquiries to: Jasmine Kassim**  
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### MEMBERS

Councillor Bill Brown	Chair of Overview & Scrutiny Committee	L
Councillor Sophie Davis	Deputy Chair	L
Councillor Peter Bernards	Chair of Housing Select Committee	L
Councillor Juliet Campbell		L
Councillor Patrick Codd	Chair of Public Accounts Select Committee	L
Councillor Liam Curran	Chair of Sustainable Development Select Committee	Labour Co-op
Councillor Joan Millbank	Labour Group Representative	L
Councillor Kim Powell	Labour Group Representative	L
Councillor John Muldoon	Chair of Healthier Communities Select Committee	Labour Co-op
Councillor Luke Sorba	Chair Children and Young People Select Committee	L

**Members are summoned to attend this meeting**

**Kim Wright**  
**Chief Executive**  
**Lewisham Town Hall**  
**Catford**  
**London SE6 4RU**  
**Date: Monday, 22 March 2021**



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

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**Lewisham**



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## Overview and Scrutiny Business Panel

### Minutes

**Date:** 30 March 2021

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Chief Executive / Head of Business and Committee

### Outline and recommendations

Members are asked to consider minutes of that part of the meeting of the Overview and Scrutiny Business Panel of 16 March 2021 which were opened to the press and public

#### 1. Recommendation

It is recommended that the minutes of those parts of the meeting of the Overview and Scrutiny Business Panel which were open to the press and public held on 16 March 2021 be confirmed and signed.

**Kim Wright**  
**Chief Executive,**  
**Lewisham Town Hall,**  
**Catford SE6 4RU**

# MINUTES OF THE OVERVIEW AND SCRUTINY EDUCATION BUSINESS PANEL

Tuesday, 16 March 2021 at 7.12 pm

PRESENT: Councillors Bill Brown, Peter Bernards, Juliet Campbell, Patrick Codd, Joan Millbank, John Muldoon, Kim Powell and Luke Sorba.

Oluwafela Ajayi - PGR- Special Schools

Monsignor N Rotheron - Roman Catholic Archdiocese of Southwark Commission for Schools and Colleges

Clive Casely - PGR (Secondary Schools)

Apologies Councillor Curran.

IN ATTENDANCE Councillors Barnham, Bell, Kelleher, and Jacq Paschoud

ALSO PRESENT:

Patricia Barber - Chair of Governors for St Mary Magdalen's Catholic Primary School.

Daniel Coleman - representing the arch diocese of Southwark

Presenting Officers –Executive Director for Children and Young People and Director of Education.

The meeting commenced at 7.12pm and adjourned at 7.13pm in order to consider business of the Overview and Scrutiny Business Panel.

The meeting resumed at 7.14pm.

## 1 Minutes

RESOLVED that the minutes of the open meeting held on 16 February 2021 be confirmed as an accurate record.

## 2 Declarations of Interests

None was declared.

## 3 Decision Made by the Mayor on 10 March 2021 - open session

### Governing Body Proposal regarding the future of St Mary Magdalen's Catholic Primary School

- 3.1 The Chair informed Panel Members that Councillor Sorba, had asked for this report to be submitted to this Panel for consideration.

- 3.2 Councillor Sorba said that it was rare for members to receive a consultation report when the anticipated result was the closure of a school. It was because of the critical nature of the decision the Council would be facing at the end of the consultation, and the level of public interest, that he had requested that it be considered by this panel. He said that residents had asked him whether the Council could have done any more to prevent the crisis at the school and the history that had led to the current situation.
- 3.3 Councillor Campbell also expressed her concern at the possible closure of one of Lewisham's schools and said that any consultation must be very thorough to ensure that members receive all the information required. She asked who would be consulted and how this would be managed.
- 3.4 The Director of Education said that in April 2018, St Mary Magdalen's was judged by Ofsted to be good and categorised as a green school. The support from school improvement had, therefore, been minimal. There had been a good relationship between Lewisham and senior leadership and there were no concerns about the school.
- 3.5 In the summer of 2018, some of the statutory assessment results were dis-applied by the Department of Education and the Standard Testing Agency, following allegations that children were being over supported. There was an investigation into these allegations and the results were made null and void. A difficult period for the school then followed and parents' confidence in the school waned. The Council then worked closely with the diocese to support the school and resolve some of the issues. In 2019 the diocese acted swiftly to put in appropriate new leadership and management.
- 3.6 The Director of Education said that number of children attending faith schools had fallen across London. A local authority would not want to have to consider the closure of a school but the diocese had approached Lewisham for support.
- 3.7 Mr Coleman said that his involvement with the school went back to the dis-application of the sats results and he carried out the investigation on behalf of the diocese. Following the resignation of the Head Teacher and Chair of governors at the time, he attended the school in June/July 2018 and he considered there to be serious issues including:
- The building was damp and the floor was ruined
  - There was a gas leak in the kitchen
  - Serious financial irregularities
  - Accounts that Mr Coleman was not aware of
  - Issues regarding the payment of staff
  - Unusual negotiation of some of the contracts
  - There were issues regarding some of the arrangements with the regard to the amount of time the Head Teacher spent in the school.
- 3.8 Mr Coleman said that there were reduced numbers of children in schools across all sectors in London; Catholic schools had the added pressure that baptismal

roles had fallen over a number of years. There were 147 children on the role which was significant because it feeds into the budget deficit

- 3.9 Ms Barber said she was asked to support the school in 2019. The situation was so bad that a new leadership team had to be recruited. Staff also had to be recruited because previous staff members had resigned. The school was in total disarray in all areas and the school was in a financial deficit position.
- Accounts were found that no one knew anything about and were not registered anywhere.
  - Substantial amount of money in banks that were not known about.
  - Contracts signed for equipment not recorded in the accounts.
- 3.10 Open house meetings were arranged with parents because engagement was low. Ms Barber said that this was a positive move and since then, children had received a good education. However, numbers were still falling and less than 50% of children attending the school were baptised Catholics. Places in alternative schools would have to be found for these children, but as the reports showed, there were spaces in other schools in the borough including Catholic and other faith schools. Some children were already taking up these places
- 3.11 Ms Barber said that there would be a public consultation open for 6 weeks starting on 19 April. Responses would be analysed and reported back to Mayor and Cabinet. Members would then consider whether there was agreement with the move to the closure of the school. The consultation would be for anyone and would be advertised on the website for the diocese, school website, and local schools would also be invited.
- 3.12 Councillor Sorba said that he was surprised that the irregularities in the school had not been identified by anyone in the accountability system. Ms Barber said that she had asked the same question of the governing board and they assured her that what they were told was not based on fact, and they had not evidence based what they were told. She said that she understood that staff employed at the time were no longer in this authority but she said that it would appear that due diligence had not been done by those visiting the school on an annual basis.
- 3.13 Ms Barber said that when she first visited the school, the state of the kitchen was unbelievable. The main school hall was refurbished with the help of the diocese because it was in a disgusting state. She reassured members, that the children were now receiving a quality education but as a representative of the governing body, she could not reassure anyone that this was a viable option going forward. The school was in debt and this would increase if the school did not close.
- 3.14 Following members' questions, the Executive Director for Children and Young People said that the school was judged good by Ofsted. Local resources were very limited in terms of school improvement. His understanding was that at the time the school was not welcoming visits from the local authority. The school had received a good Ofsted rating which would have made it more difficult for the local authority to probe and to ask questions.

- 3.15 The Executive Director for Children and Young People said that with regard to lessons learned, there was now a different approach to school improvement in Lewisham and a much more robust process of bringing together a range of different evidence in schools including financial information, HR issues, staffing movements, as well as achievements and outcomes for children. Procedures had changed considerably over the last 3 years.
- 3.16 The Executive Director for Children and Young People clarified that there would be a public consultation as Ms Barber described, but would be managed by the school rather than the local authority because it was an aided school. There would be a further period of representation and after this second period, if it was the view to continue with the proposal to closure, a report would then be submitted to Mayor and Cabinet.
- 3.17 Mr Coleman clarified that the number of children attending the school did stabilise under new management but there were no signs that those numbers had turned around and improved, and an increase in numbers was the only way that the school would be able get out of the current financial deficit. He said that there were ample spaces in local schools for children attending St Mary Magdalen School. Parents could choose the education they want for their child, including Catholic schools and non-faith schools. He said that there were 22 children due to leave school at the end of year 6 in this academic year. There were only 12 potential pupils coming into reception in September 2021. Mr Coleman said that he did not want to have to consider the closure of a school but with the financial deficit position the school was in, and the drop in numbers of children attending the school, he did not believe that there could be another outcome.
- 3.18 In response to questions from Councillors Codd and Kelleher, Ms Barber wanted to reassure members that consideration was given to reducing the school from a group two size school to a size one, but unfortunately it was not feasible and would not have provided the level of education that she believes children in Lewisham should have.
- 3.19 Ms Barber acknowledged that the capacity figures in the council report did not match the report of the governing body. This was because the reports were written at different times. A definitive list agreed by the school and Lewisham, would be included in the consultation documents.
- 3.20 Ms Barber explained that the demographics in the area had changed over many years. Most of the local family homes had been divided into flats. In addition, the local area was an aging parish with very few children coming through requiring school places
- 3.21 Ms Barber said that the school building belongs to the diocese. When investment was made in the building, there had been no intention to close the school and it was considered that the children deserved a decent environment in which to learn. She considered that as a governing body, they would not be doing due diligence if they allowed finances to fall deeper into debt.
- 3.22 Following several questions from Mr Ajayi and Councillor Kelleher the Director for Children and Young People advised that:

- Lewisham have a different school improvement framework from 3 years ago. Although he could not guarantee that there were not similar issues of mismanagement in other Lewisham schools, there was no evidence to suggest that this was the case. There are much clearer mechanisms for keeping a check on schools.
- There were no concerns about the current leadership at St Mary Magdalen School, or the quality of teaching. None of the concerns associated with the school in the past exist currently and scrutiny of the school continues.
- Consideration was not just given to an Ofsted report. Financial information is also considered and other sources of data, and officers ensure that there is a good balance of support and challenge for each school.

3.23 The Chair clarified that although officers would not know about all issues within schools, the situation with regard to St Mary Magdalen School could not occur again in a Lewisham school because there were robust procedures in place that would prevent this level of mismanagement.

3.24 In a response to a comment from Councillor Millbank about the power of school governing bodies, Mr Coleman said that when he attended a meeting of the governing body, most members understood that the school had self-assessed itself as outstanding. When he told them that this was not true, they were surprised as they had taken the advice from the Chair of governors who told them the school was outstanding. This was how the school operated; the Chair would give the governing body information and it would be received as correct without any evidence.

3.25 In response to a question from Councillor Bernards with regard to the number of first choice places offered, Ms Barber said that for the academic year 2021/22 there were 7 first choice applications to the school, 30 places were available and the school was one form entry.

3.26 Councillor Sorba asked what would happen to staff if the school closes. Ms Barber said, at this stage it could not be assumed that the school would close. However, consideration to close was being considered. There would be support for staff and parents with an open process. Staff would not be directed to a position just as parents would not be directed to a school. However, if the school were advised by the diocese or local authority that a position was available, it would be drawn to the attention of staff members, otherwise a redundancy process would commence.

3.27 Mr Coleman said that there was a dedicated staff member who would be ready to take the lead on behalf of the diocese. Their offices and contacts would be made available for staff to help them find employment within other Catholic schools. This support could not be offered until a decision was made about the future of the school but the diocese would work hard to obtain the best result for a many staff as possible.

3.28 The Chair thanked Ms Barber and Mr Coleman for their contribution to the meeting. He said that members would wait until the conclusion of the consultation process but it had been made clear in the meeting that no one wanted to be in the position whereby the closure of a school was being considered. There were no referrals or comments for Mayor and Cabinet.

RESOLVED that the report be noted.

The meeting ended at 8.03pm.

**Chair**

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## MINUTES OF THE OVERVIEW AND SCRUTINY BUSINESS PANEL Tuesday 16 March 2021 at 7.14pm

PRESENT: Councillors Bill Brown, Juliet Campbell, Peter Bernards, Patrick Codd, Joan Millbank, John Muldoon, Kim Powell and Luke Sorba.

IN ATTENDANCE Councillors Barnham, Bell, Kelleher, and Jacq Paschoud.  
APOLOGIES FOR ABSENCE were received from Councillor Curran.

Presenting Officers:

Director of Public Services, Director of Public Health, Head of Business & Committees, Service Group Manager,

The meeting commenced at 7.14pm and adjourned at 7.14pm in order to consider business of the Overview and Scrutiny Education Business Panel.  
The meeting resumed at 8.04pm.

### 1. Minutes

RESOLVED that the Minutes of the last meeting held on 16 February 2021 be confirmed as an accurate record

### 2. Declarations of Interest

None was declared.

### 3. Scrutiny of the Council's COVID-19 Response Update report

- 3.1 The Chair thanked staff and volunteers for all the hard work undertaken with regard to the pandemic. This item was presented by the Director of Public Health and the Director of Public Services.
- 3.2 The Director of Public Services said that since the last meeting of this panel, infection rates had continued to fall as a result of the lock down. He said that the government had issued a four step road map which was outlined in the report. He said that the first step, return to school, had gone well. There had been a lot of testing for corona virus and this would continue to ensure that any outbreak was contained. Officers were developing a plan to work alongside that government road map to help the community and local economy to exit safely from lockdown. Some services, like testing, would increase. Shielding services will cease at the end of the month. Staffing levels for the changing services were being considered because if a variant of concern was identified in the borough, surge testing would be required and 50 members of staff would need to be recruited very quickly to deliver the service.
- 3.3 The Director of Public Services said that critical services and response services continue to be delivered. 129 staff had been deployed to the covid action team. A further 21 agency staff had been added to that team.

## **Shielding**

A further 12,000 people had been received onto the shielding list; the total of those shielding was 21,000 in the borough.

## **Community Testing**

There had been 16,000 tests in community centres. Positive rates were .89%. Last week, a successful exercise on testing was undertaken in case a variant of concern was identified in the borough. This would ensure that Lewisham would be able to respond quickly and contain an outbreak.

## **Enforcement Works**

13,000 checks on businesses had been undertaken and just over 1100 visits since starting a new approach this year. As we emerge out of lock down, this approach would have to change. Officers expected rules to change and Lewisham would need to help businesses to adapt to the new rules safely.

## **Infection rates**

The 7 day infection rate on 26 January 2021 was 538 per 100,000. 18<sup>th</sup> out of the 33 London boroughs. On 16 March 2021, the infection rate had dropped to 24.5 31<sup>st</sup> out of the 33 London boroughs. One of the lowest in London and a significant drop.

On 26 January 2021 the infection rates for those residents 60+ years was 644 per 100,000 and was one of the highest rates in London. It had reduced to 14.5 29<sup>th</sup> out of the 33 London boroughs.

- 3.4 In conclusion, the Director of Public Services said that lockdown had been successful in reducing infection rates, and the pressure on hospitals as a result. The number of covid related deaths continued to fall; last week there were three. He said that the safe exit from lockdown must be managed carefully and response services needed to be maintained or reduced as necessary.
- 3.5 The Chair asked how realistic the possibility of a 3<sup>rd</sup> wave and subsequent lockdown was and he asked for a response on the concerns surrounding the Oxford vaccine. The Director of Public Health said with there had not been any firm indication that there would be a third wave but Chris Whitty, the Chief Medical Officer, had advised that local authorities should be prepared in the event of a third wave. Lewisham was making sure that the take up of the vaccine was as high as possible, that testing reaches all parts of the community in Lewisham, and there was good support for shielding. This would ensure that Lewisham copes well should there be a third wave in Autumn/Winter 2021.

- 3.6 In regard to the AstraZeneca vaccine, there had been recent media coverage regarding its potential link to blood clot formations. The World Health Organisation (WHO) and the European Medicines Agency (EMA) agree that risks of the vaccine are far outweighed by the benefits and that vaccination should continue alongside other vaccines. The numbers of people with blood clots following vaccination seem comparable with numbers expected in the background rate of the population. There was no evidence that there is a causative link between the vaccine and blood clot formation. The situation would continue to be monitored. Local authorities would be notified if any issues were identified following further monitoring by the WHO and EMA.
- 3.7 Councillor Kelleher asked what information members could share with residents to dispel the myths that are spreading about the vaccine, to ensure that they are confident about being vaccinated. The Director for Public Health said that a lot of information had been produced. A series of webinars had been held with residents to answer questions, there was signposting to information on the web, and officers were working with covid 19 champions. She said that she would welcome any further suggestions about how to reach communities to dispel misinformation.
- 3.8 Councillor Millbank asked for more financial information about the cost to this Council in recent months, particularly as Lewisham exits from the second wave. The Director of Public Services said that Lewisham was claiming every entitlement from the government in terms of costs. It was a work in progress to ensure that there was a claim for everything possible and that nothing was returned if not used. This was audited and takes time to manage. Grants had also been received and were passed on to businesses in the local economy. £13.75m was given to 6,600 businesses in the borough. As applications were processed, more grants would be given to businesses. At the end of the pandemic, officers would ensure that all claims had been made and that this Council had been fully recompensed.
- 3.9 The Executive Director Corporate Services said that in recent months the government had started to recognise some cash flow pressures in local authorities and had made some funding announcements. In the last week there had been two further announcements. One was support for clinically extremely vulnerable; approximately £200.000. A further announcement had been made for the Contained Outbreak Management Fund; and more than £3m had already been allocation for that. However the government were not giving any long term certainty going into the new financial year apart from an indication of £10m to cover all covid related expenditure. She said that Lewisham had not been funded and recognised for the longer term and wider implications that covid would have on this Council's finances.
- 3.10 In response to questions from Councillor Codd, the Director of Public Services said that:
- All critical services throughout the first and second wave had been maintained. In the second wave the refuse collection service had been

disrupted when there was snow. It was a day or two before normal service resumed because there was a shortage of staff. There had been a focus on critical services and this had been successful. Although not a critical services, street sweeping had continued through the main thoroughfares. Some of staff members of street sweeping had supported the waste collection service.

- With regard to enforcement around businesses, the action taken was educate first. Very little action had been taken because once businesses understood the rules there had been general compliance. Where a visit had been made, advice had been given regarding grants that were available. Applying for grants was complicated, but officers would offer support if required.

3.11 The Director of Public Health said that from this week, Lewisham had started to take cases straight from NHS to follow up from day zero. Lewisham still rely on NHS for the test and trace contact follow up; those who had been in close contact with confirmed cases. This does not attract any additional funding. She said that the benefit of taking on cases at an early stage, was that there would be a local call handler, contacting a local resident, which meant that they would be much more likely to engage and provide the information required. Another benefit was that it was quicker to link people into support for self-isolation from the point of first contact. She said that local contact tracing was important to ensure that Lewisham were prepared for and successfully manage, a potential third wave.

RESOLVED that the report be noted.

#### **4. Key Decision Plan**

Councillor Codd asked why the report on the Thames Water rebate was not one of the agenda items for Mayor and Cabinet on 24 March. The Head of Business and Committee said that he understood there were still substantial financial and legal issues that needed to be addressed and had been advised that it was not scheduled to be considered by Mayor and Cabinet until June. Councillor Bell said that Thames Water ended their agreement with local authorities including Lewisham. A legal case was taken by a London borough on behalf of other London boroughs. He expected refunds to tenants as a first priority. However, because of legal and financial complications, a report would be submitted to Mayor and Cabinet in June.

RESOLVED that the report be noted.

#### **5. Decisions made by the Mayor on 10 March 2021**

**Statement of Community Involvement [ceasing temporary Covid changes to the scheme of delegation**

- 5.1 The Service Group Manager presented the report. He said that the limited temporary amendments to the current Statement of Community Involvement proposed for retention were with regard to practical arrangements for holding committee and local meetings and not the changes to the scheme of delegation which had been agreed previously by Mayor and Cabinet on a temporary basis.
- 5.2 Councillor Sorba thanked all the officers in the planning department for maintaining the planning service during the pandemic. He had asked for the item to be called in because he wanted to amend a sub paragraph in paragraph 2.1 of the recommendations:  
Make it explicit that people wishing to speak at planning committee meetings will need to register to speak in advance of the meeting and will need to submit written copies of their speeches in advance of the meeting
- 5.3 Councillor Sorba recommended that 'will need' should be replaced with 'are encouraged'. If the amendment was not made, he considered that it would raise the barrier against participation by the public in the Council's decision making. He said that one of the objectives in the Corporate Strategy was to increase the public's involvement in decision making. He considered that this recommendation, if agreed, would decrease public participation.
- 5.4 Councillor Sorba said that the recommendation would disadvantage some members of the community with lower levels of literacy, for those for whom English is not their first language, with physical difficulties, for those whose neurodivergence makes reading and writing more challenging than speaking and for those who lack digital resources.
- 5.5 Councillor Sorba said that the cumulative effect of these disadvantages would mean that participation would be predominantly from those on high income and from professional classes and not those harder to reach groups. He recommended that the current practice of allowing residents to present orally should continue and it should not be mandatory to have written participation.
- 5.6 There was then discussion on this issue and it was noted that the reason for a requesting written speeches in advance of a planning meeting, was so that it could be read out by the clerk in the event of a resident losing connection at the meeting. The Service Group Manager, said that requesting a written speech was not intended to be a barrier to participation. He said that planning officers would be willing to act as scribes for any resident who had difficulty in writing as described by Councillor Sorba. He did not expect to receive a request for this service very often and did not anticipate it would result in any significant increase in officer workload.
- 5.7 Councillor Bell said that Councillor Sorba's comments had been outlined at this meeting. He said that he would work with officers to ensure that it was made very clear that residents who had difficulties in written communication could ask officers to act as scribes for their presentations. With this undertaking, Councillor Sorba agreed that there was no need for a call in or a referral for this item.
- RESOLVED that the report be noted.

## **6. Decisions made by the Executive Director of Community Services**

RESOLVED that the report be noted.

**7. Decisions made by the Executive Director of Housing, Regeneration and Public Realm**

RESOLVED that the report be noted.

**8. Scrutiny Update**

Councillor Muldoon said that on 12 March 2021 the London Scrutiny Body discussed the NHS white paper which would have major implications for health provision if it became enacted.

Councillor Muldoon said that unless Lewisham received further guidance from the government by 7 May 2021, this Council would have to return to physical meetings.

RESOLVED that the report be noted.

**9. Exclusion of the Press and Public.**

The resolution was not moved as the meeting did not go into closed session.

**10. Decisions made by Mayor on 10 March 2021**

RESOLVED that the report be noted.

**11. Decisions by the Executive Director of Community Services - closed Session**

RESOLVED that the report be noted.

The meeting closed at 9.25pm.

Chair

# Agenda Item 2



## Overview and Scrutiny Business Panel

### Declarations of Interest

**Date:** 30 March 2021

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Chief Executive

### Outline and recommendations

Members are asked to declare any personal interest they have in any item on the agenda.

## 1. Summary

1.1. Members must declare any personal interest they have in any item on the agenda. There are three types of personal interest referred to in the Council's Member Code of Conduct:

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests.

1.2. Further information on these is provided in the body of this report.

## 2. Recommendation

2.1. Members are asked to declare any personal interest they have in any item on the agenda.

### 3. Disclosable pecuniary interests

3.1 These are defined by regulation as:

- (a) Employment, trade, profession or vocation of a relevant person\* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person\* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member’s knowledge, the Council is landlord and the tenant is a firm in which the relevant person\* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:
  - (a) that body to the member’s knowledge has a place of business or land in the borough; and
  - (b) either:
    - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
    - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person\* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

\*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

### 4. Other registerable interests

4.1 The Lewisham Member Code of Conduct requires members also to register the following interests:

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

## 5. Non registerable interests

- 5.1. Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

## 6. Declaration and impact of interest on members' participation

- 6.1. Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- 6.2. Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph 6.3 below applies.
- 6.3. Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- 6.4. If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- 6.5. Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

## 7. Sensitive information

- 7.1. There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

## 8. Exempt categories

- 8.1. There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-
- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
  - (b) School meals, school transport and travelling expenses; if you are a parent or

guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor

- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception).

# Agenda Item 3



## Overview and Scrutiny Business Panel

### Decisions made by Mayor and Cabinet

**Date:** 30 March 2021

**Key decision:** Yes

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Chief Executive / Head of Business and Committee

### Outline and recommendations

Members are asked to consider decisions taken at a meeting of the Mayor and Cabinet held on 24 March 2021 in open session

#### 1. Recommendation

To consider decisions taken by the Mayor and Cabinet on 24 March 2021, which will come in to force on 31 March 2021, unless called in by the Overview & Scrutiny Education Business Panel on 30 March 2021.

#### 2. Background

2.1 The Mayor and Cabinet considered the following decision on 24 March 2021:

- i. Lewisham Homes Annual Business Plan 2021/22
- ii. Approval for a Single Tender Action for New Hope Supported Housing Project
- iii. COVID related contract extensions - Community Services Directorate
- iv. Annual Complaints Report 2019-20

2.2 The notice of the decision in respect of this report is attached below.

2.3 Under the provisions of Standing Orders Part IV E 14, Members may call in an executive decision within 7 days. If this report is not called in, the decision will come into force on 31 March 2021.



## NOTICE OF DECISIONS MADE BY THE MAYOR & CABINET

The Mayor and Cabinet made the following decisions on March 24 2021. All recommendations shown were agreed by a 9-0 vote of voting members in attendance.

The decisions will become effective on March 31 2021 unless called in by the Overview & Scrutiny Business Panel on March 30 2021.

### **1. Lewisham Homes Annual Business Plan 2021/22**

Having considered an open officer report, and a presentation by the Cabinet Member for Housing & Planning, Councillor Paul Bell, the Mayor and Cabinet agreed that:

(1) the background and context for the Annual Business Plan 2021/22 be noted; and

(2) the Annual Business Plan 2021/22 be approved.

### **2. Approval for a Single Tender Action for New Hope Supported Housing Project**

Having considered an open and a confidential officer report, and a presentation by the Deputy Mayor, Councillor Chris Best, the Mayor and Cabinet agreed that officers award a contract with Penrose (Social Interest Group) for the delivery of the New Hope Mental Health Supported Housing Project for the period of 1 August 2020 to March 2022 at a value stated in the confidential report.

### **3. COVID related contract extensions - Community Services Directorate**

Having considered an open and a confidential officer report, and a presentation by the Deputy Mayor, Councillor Chris Best, the Mayor and Cabinet agreed that extensions to the following contracts be approved:

Sexual and Reproductive Health (SRH)

(a) SRH Clinic Services with Lewisham and Greenwich for an additional year from March 2022 to March 2023 at a cost of up to £2,644,903

(b) LSL Tripartite for Sexual Health Commissioning, for an additional 2 years from April 1st 2021 to 31st March 2023 at a total cost of £186,470

(c) Access to Sexual Health London (SHL) online sexual and reproductive health services via an access agreement with The City of London, for a further year from 1st April 2022 to March 2023 at an estimated cost £679,731.

(d) With Brook for the c-card condom distribution scheme for two years from 1 April 2021 to 31st March 2023 at a total cost of £72,000.

#### Homecare

(a) Contracts for provision of homecare with Eleanor Home Care (£6,266,960.76), Westminster Home Care (£5,387,142.07) and Care Outlook Ltd (£4,065,535.20) for a further 12 months until 31st March 2023, at an estimated total annual cost of £15,687,258

#### Learning Disability Framework

(a) Contracts for 29 (twenty nine) supported living services and 4 (four) registered residential care services between the Council and the organisation to the end dates as specified in Appendix 1. The total value of these contract extensions is £8,584,758.

#### Community Equipment

To remain a member of the London Community Equipment Consortium at an annual fee of £10,500 per annum and to approve a 2 year permissible extension to the existing Lewisham call off agreement with the Mediquip Assistive Technology Limited from April 2021 until March 2023. This is the final permissible extension totalling £1,858,573 for the year, of which 25% is paid by the Council (£464,143) and the balance of 75% (£1,392,429) is paid by Southeast London Clinical Commissioning Group (SEL CCG)

#### **4. Annual Complaints Report 2019-20**

Having considered an open officer report, and a presentation by the Cabinet Member for Democracy, Refugees and Accountability, Councillor Kevin Bonavia, the Mayor and Cabinet agreed that:

(1) the report including the improvement action plan and recommendation to reduce corporate targets from 100% to 90% be noted; and

(2) the improvement plan be approved and include:

- Improving performance by increasing management oversight, ownership and accountability;
- Preventing complaints by developing improvement plans with services for most common issues;
- Improving performance and resourcing within the Corporate Team.

**Kim Wright  
Chief Executive,  
Lewisham Town Hall,  
Catford SE6 4RU  
March 25 2021**

# Agenda Item 4



## Overview and Scrutiny Business Panel

### Decisions made by the Executive Director of Housing, Regeneration and Public Realm

**Date:** 30 March 2021

**Key decision:** Yes

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Chief Executive / Head of Business and Committee

### Outline and recommendations

Members are asked to consider key decisions taken by the Executive Director of Housing, Regeneration and Public Realm – open session

#### 1. Recommendation

To consider key decisions taken by the Executive Director of Housing, Regeneration and Public Real, which will come in to force on 31 March 2021, unless called in by the Overview and Scrutiny Business Panel on 30 March 2021.

#### 2. Background

2.1 The Executive Director of Housing, Regeneration, and Public Realm made the following key decisions:

- i. 2020/21 Electric Vehicle Charging Point Programme
- ii. Review of social distancing measures on high streets and near park entrances

2.3 Under the provisions of Standing Orders Part IV E 14, Members may call in an executive decision within 7 days. If the reports are not called in decisions to be made will come into force on 31 March 2021.



## Executive Director Housing, Regeneration & Public Realm

### Report title: 2020/21 Electric Vehicle Charging Point Programme

**Date:** 18 March 2021

**Key decision:** Yes.

**Class:** Part 1.

**Ward(s) affected:** All.

**Contributors:**

### Outline and recommendations

The purpose of this report is to gain approval to proceed with the implementation of a programme of electric vehicle charging points with dedicated bays across the borough, in line with the objectives of the Council's Low Emission Vehicle Charging strategy.

The Executive Director for Housing, Regeneration & Public Realm is recommended to:

- approve the implementation of the next phase of 34 residential electric vehicle charging points with dedicated bays
- Agree to officers using their existing delegated powers, to progress and implement these measures, as necessary, including:
  - Finalising designs
  - Undertaking the required public/stakeholder engagement on schemes
  - Making the necessary traffic orders,
  - Implementing the necessary measures including signing/lining, and installation of EV charging points.
- Delegate to Officers the powers to enter into any appropriate licences necessary for third parties to install EV charging points.

## Timeline of engagement and decision-making

The Council's Low Emission Vehicle Recharging Strategy was approved in July 2019

Residents have been invited to make requests for electric vehicle (EV) charging points via the details provided on the website page for the Council's Low Emission Vehicle Strategy. <https://lewisham.gov.uk/myservices/roads-and-transport/sustainable-transport/our-long-term-strategy-for-low-emission-vehicles>.

The Council has to date implemented 100 charging points across the borough with the appropriate engagement carried out on the detail.

Requests received until end of January 2021 were considered and reviewed by Officers when new sites were selected across the borough. By end of March 2021, letters will be sent to residents in selected streets notifying residents of the Council's proposal to install EV charging points on those streets. Responses to those letters will further been considered as part of the design process.

## 1. Summary

1. The purpose of this report is to gain approval to proceed with the implementation of a programme of electric vehicle charging points with dedicated bays across the borough, in line with the objectives of the Council's Low Emissions Vehicle Charging Strategy. The report seeks approval to proceed with these locations, as detailed in section 5 and 6 of this report.

## 2. Recommendations

- 2.1 The Executive Director for Housing, Regeneration & Environment is recommended to:
  - Approve the implementation of the next phase of 34 residential electric vehicle charging points with dedicated bays.
  - Agree to officers using their existing delegated powers, to progress and implement these measures, as necessary, including:
    - Finalising designs
    - Undertaking the required public/stakeholder engagement on schemes
    - Making the necessary traffic orders,
    - Implementing the necessary measures including signing/lining, and installation of EV charging points.
  - Delegate to Officers the powers to enter into any appropriate licences necessary for third parties to install EV charging points.

## 3. Policy Context

- 3.1 Lewisham Council has developed a 'Low Emissions Vehicle Charging strategy' (LEVCS) (Background Document 1) for the Borough in direct response to the growing appetite for electric and hybrid vehicles in both the private and commercial communities. It is also in response to the strategy objectives set out in the Mayors Transport Strategy, London Plan, Lewisham Corporate Strategy, Lewisham Transport Strategy & Local Implementation Plan and Lewisham Air Quality Action Plan

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(Background Documents 2-7).

3.2 The strategy sets out a clear vision and objectives:

Vision: “To ensure that all of Lewisham’s residents, businesses and visitors are within 500m of an electric charging point by 2021, with a range of options available, that remain fit for purpose and encourage further uptake of low emission vehicles”.

Strategy objectives:

1) To support the following types of charging through provision of appropriate infrastructure in the right locations:

- a) Charging points in residential areas
- b) Charging points in town centres, workplaces and other key destinations
- c) Charging points for car club vehicles
- d) Charging points for freight and servicing
- e) Charging points for taxis

2) To make use of funding opportunities in order to provide and maintain EVCPs

3) To ensure the charging network remains fit for purpose, can cater for expansion and is adaptable to emerging technologies

4) To encourage more sustainable travel, including electric vehicles for any essential car trips, through supporting policy, initiatives and public engagement exercises, drawing on best practice from around the UK and beyond.

3.4 The strategy was developed over 2018/19, with an initial lifespan covering the period to 2022. Regular revisions are expected to be needed in the coming years due to the fast paced nature in the development of the technology involved in this emerging industry.

3.5 A key development that has emerged following engagement with stakeholders, is the requirement for all types of charging points to be installed with dedicated bays to ensure that the space adjacent to EV bays are reserved for EV users alone. It was not previously envisaged that this would necessarily be the case with residential overnight chargers if sufficient density along a street could be provided, which is unlikely to be the case in the short term.

3.6 The LEVCS is Council policy, and it is consistent with other policy. It aligns and supports the priorities of the Borough’s Corporate Strategy 2018-2022 especially priorities 1, 4 and 6 below;

- **Open Lewisham**, Lewisham is a welcoming place of safety for all, where we celebrate the diversity that strengthens us.
- **Building an inclusive local economy**, everyone can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
- **Making Lewisham greener**, everyone enjoys our green spaces, and benefits from a healthy environment as we work to protect and improve our local environment.

3.7 There are further internal and external policy documents that influence or are influenced by the LEVCS. A detailed analysis of the policies can be found in chapter 1 of the LEVCS but below is an outline of the policies that the LEVCS aligns with or takes direction from.

- **The Climate Change Act 2008** – This Act saw the UK tasked with reducing

emissions by at least 80% by 2050, with London being set a target to reduce annual emissions of CO<sub>2</sub> by 60% in the same time frame. The responsibility was placed on all sectors; however, the Mayor's Climate Change Mitigation and Energy Strategy (CCMES) suggested the transport sector should contribute to the wider target by making a 48% reduction in transport CO<sub>2</sub> emissions.

- **The Government's Clean Air strategy** – This strategy was published in January 2019, setting out plans to meet ambitious legally binding international targets to reduce emissions of the 5 most damaging air pollutants by 2020 and 2030. This strategy outlines the government's ambitions relating to reducing air pollution, making air healthier to breathe, protecting nature and boosting the economy. The strategy sets out a clear direction for future air quality policies and goals. Emissions from road transport have been in the spotlight because of their impact on local air quality, but the government is committed to cutting air pollution from all forms of transport.
- **The London Plan** – states that all new developments must provide 20% active provision of parking spaces with electric vehicle chargers with passive provision for all remaining spaces, which have the cabling prepared so that chargers can be added when demand increases in the future. Installing passive ducts and cabling greatly reduces the time, cost and disruption of installing additional bays in the future.
- **Mayors Transport Strategy (MTS)** – The MTS introduces the concept of healthy streets and suggests that streets make up 80% of the city's public space. There are 10 components of the healthy streets agenda, two of which directly relate to electric vehicles; improving air quality and reducing traffic noise. Electric vehicles would contribute to achieving both of these goals within Lewisham and across the city.

A key action within the MTS was the implementation of the Ultra Low Emission Zone (ULEZ), which came into force in 2019 and covers London's current congestion zone area for vehicles failing to meet the Euro 6 emissions standard for diesel, and Euro 4 for petrol (Euro 3 for motorcycles). An expansion in the ULEZ area ('ULEX') is programmed for October 2021 and this new area will include all parts inside the north and south circular which covers approximately 50% of Lewisham.

- **Lewisham Air Quality Action Plan (AQAP) 2016 -2021** – This AQAP has been produced as part of the council's duty to London Local Air Quality Management. It outlines the action we will take to improve air quality in the London Borough of Lewisham between 2016–2021. It includes an action to increase the number of electric vehicle charging points across the borough.
- **Lewisham Transport Strategy & Local Implementation Plan 2019-2041 (LIP3)** – The LIP sets out how the borough is going to achieve the targets set out in the MTS. Several LIP objectives and programmes focus on reducing traffic and improving air quality. It recognises that whilst the overall aim is to encourage a shift to more sustainable modes of transport, there will always be a certain proportion of trips that need to be made by motorised vehicle. The borough has a role in facilitating the transition to electric vehicles for these trips, and the LIP includes a contribution towards the implementation of electric vehicle charging points.

## 4. Background

- 4.1 Improving local air quality by reducing emissions from road traffic is a priority for Lewisham. In February 2019, Lewisham Council became the second London borough to declare a climate emergency and began working towards prioritising the delivery of a carbon neutral borough by 2030.
- 4.2 Providing an accessible network of electric vehicle charging points will play a vital role in

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facilitating the uptake of electric vehicles, which is a necessity to deliver air quality improvements and achieve the Mayor of London's target for a zero-emission transport network by 2050.

- 4.3 Whilst electric vehicles are likely to play a significant role in improving air quality in the medium term; they should be considered as part of the mix when moving towards healthier and more sustainable modes of transport, rather than a wholesale solution. As supported by the Lewisham Transport Strategy and LIP 2019-2041 and Lewisham's Cycling Strategy 2017 documents, enabling more people to travel actively and reducing car-dependency would have a more lasting and holistic impact on health and air quality in Lewisham.
- 4.4 Electric vehicle ownership in Lewisham is forecast to rise rapidly in the next eight years with an estimated 1,398 plus electric vehicles registered to Lewisham residents and businesses by 2025 (TfL ULEV Delivery Plan). This represents a significant rise in ownership levels in the borough from just 280 electric vehicles registered at the start of 2018.
- 4.5 Figure 1 shows the coverage achieved by the initial 100 charging point locations that were put in place by February 2020. This consisted of a mix of types of charging points as set out in the LEVCS: 3kw (overnight residential charging), 7kw (a 3-4 hour fast charge) and 50kw (rapid 30min charging).

# London Borough Of Lewisham

## Electric Vehicle Charging Point Coverage



Figure 1- Coverage of Electric Vehicle Charging Points in Lewisham

## 5. Proposed 2020/21 Electric Vehicle Charging Point Locations

- 5.1 The map in Figure 2 shows the number of charging point locations (with multiple points per location) that are required by the end of 2021 to fulfil the strategy's 500m vision shown in section 3. There are 34 new locations required, identified by red circles, which will be filled using 3kw overnight chargers through the Go Ultra Low City Scheme (GULCS) in the short term. Future revisions to the strategy will consider how to increase the density of provision in line with demand, and the most appropriate type of charger to use. It is anticipated that the next phase of expansion will see an increase in 7kw provision.

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## London Borough Of Lewisham Electric Vehicle Charging Point Coverage

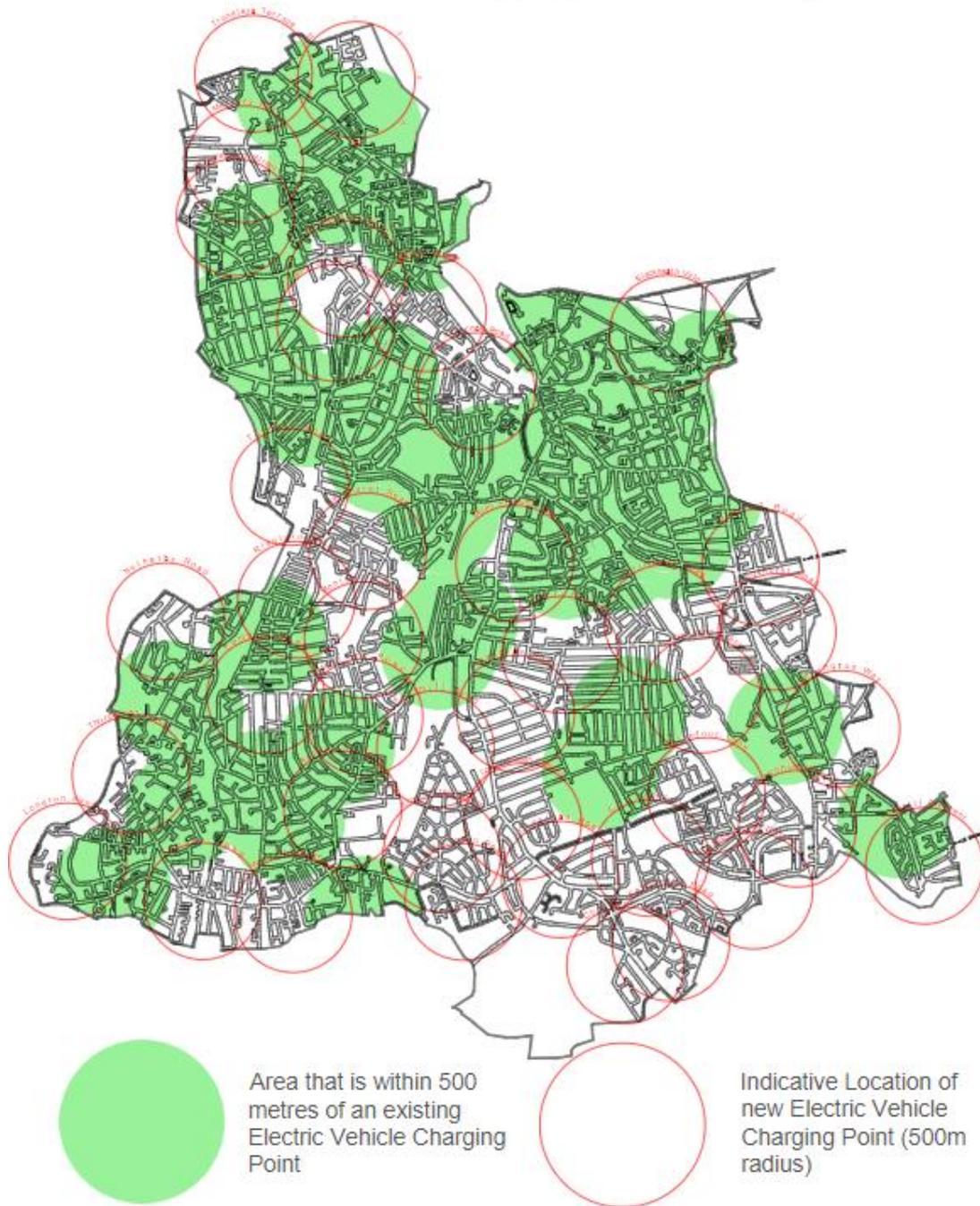


Figure 2 - Indicative locations of the next 34 residential charging points to be installed to meet the LEVCS 500m Vision by 2021

- 5.2 The proposed residential charging point locations are shown in Table 1. Numbers 1 to 34 are listed according to priority, while numbers 35 to 41 are listed as contingency locations should any issues arise with the other sites. The streets listed are each within one of the 500m radii shown on the plan in Figure 2.

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Priority Locations				Contingency Locations	
Site number	Street	Site number	Street	Site number	Street
1	Algernon Road	18	Netherby Road	35	Lushington Road
2	Admiral Street	19	Kingshurst Road	36	Watlington Grove
3	Salehurst Road	20	Bowditch	37	Selworthy Road
4	Riseldine Road	21	Upwood Road	38	Thorpewood Avenue
5	Montacute Road	22	Whitefoot Lane	39	Downham Way W
6	Kemble Road	23	Downham Way E	40	Jevington Way
7	Turnham Road	24	Fordmill Road	41	Clayhill Crescent
8	Mount Pleasant Road	25	Cumberland Place		
9	Elmer Road	26	Oldstead Road		
10	Marler Road	27	Coniston Road		
11	Blackheath Vale	28	Trundleys Terrace		
12	Shardeloes Road	29	Churchdown		
13	Wrigglesworth Street	30	King Alfred Avenue		
14	Springbank Road	31	Conisborough Crescent		
15	St Donats Road	32	Venner Road		
16	Mercury Way	33	Farmfield Road		
17	Penerley Road	34	Longton Avenue		

Table 1 – Indicative locations for new charging points. Locations relate to Figure 1 plan.

5.3 Sites were prioritised according to the process outlined in Section 6.

## 6. Process

6.1 Information regarding the Council's Low Emission Vehicle Strategy was made available on the Council website at <https://lewisham.gov.uk/myservices/roads-and-transport/sustainable-transport/our-long-term-strategy-for-low-emission-vehicles>.

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- 6.2 This included an email address ([electricalvehicles@lewisham.gov.uk](mailto:electricalvehicles@lewisham.gov.uk)) for making suggestions for locations where charge points could usefully be installed. Over 250 emailed suggestions were received between August 2020, following installation of the first phase of residential charge points (phase 1) and the end of January 2021 for individual households (i.e. more than one request for a household was considered as a single request).
- 6.3 Locations for new charge points were selected and prioritised according to a number of criteria including:
- Number of requests received (one recorded per household);
  - Proximity to existing EV charging points;
  - Location relative to the upcoming expansion of the TfL Ultra Low Emission Zone (ULEX), with locations wholly or partially within the ULEX area receiving higher priority than those outside of it.
- 6.4 Residents on the streets including the location of a proposed residential charging point will be informally consulted by a letter, alongside the TMO process mentioned below including a plan of the proposed site location.
- 6.5 It is further proposed that the electric vehicle charging points be supported by dedicated parking bays. These would consist of bay markings on the ground with the text 'Electric Vehicles Only' or similar text as permitted by the Traffic Signs Regulations and General Directions 2016 (TSRGD 2016) for this type of bay.
- 6.6 These parking bays would restrict parking only to electric vehicles that are plugged in and charging. They are installed using a Traffic Management Order (TMO) advertised and made under powers granted by the provisions of Section 6 the Road Traffic Regulation Act 1984 (RTRA) following procedures as set out in Section 8 of this report.
- 6.7 Charging points may be installed independently and parking bays installed at a later date, if necessary.
- 6.8 Formal sign-off of any appropriate licences necessary for third parties to install EV charging points will be required, including any existing charging points.
- 6.9 Future prioritisation for charging points should continue to follow this model in the short term (the next 1-2 years). In the longer term, this process should be reviewed as the number of EVs increases. The impact of wider adoption of EVs should also be considered as part of future CPZ programmes, including a decision how EV charging points function either as part of resident parking bays or if dedicated EV bays remain an option.

## 7. Financial implications

- 7.1 This report is seeking approval for the implementation of the next phase of 34 residential electric vehicle charging points with dedicated bays as part of the Council's Low Emissions Vehicle Charging strategy.
- 7.2 The project will cost up to £222k. Lewisham has successfully secured £120k GULCS funding for 2020/21 which requires at least 25% of match funding. Up to £102k match funding will be taken from the borough's 2020/21 LIP allocation. The funding must be used to fund residential charging infrastructure, such as the 3kw satellite bollard option identified in the strategy. No additional council resources are required to fund this project.

## 8. Legal implications

- 8.1 The London Local Authorities and Transport for London Act 2013 provides that the Council as a London authority may provide and operate charging apparatus for electrically powered motor vehicles, or may grant a person permission to provide and operate such apparatus, in any public off-street car park under their management or control or on any highway for which they are responsible as highway authority. If granting permission for someone else to provide the apparatus the Council can grant it upon such conditions as they think fit, including conditions requiring the payment to the authority of such reasonable charges as they may determine.
- 8.2 The Road Traffic Regulation Act 1984 (RTRA) sets out the legal framework for traffic management orders. These will be required to install dedicated parking bays for Electric Vehicle Charging Points as outlined in Section 6 of this report.
- 8.3 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'.
- 8.4 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.
- 8.5 The procedures for making permanent 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. These requirements included a requirement for a period of Statutory Consultation of no less than 21 days, during which objections to the proposals may be made by the public. These objections must be addressed and formally resolved or over-ruled before the TMO can be advertised as made and parking restrictions (such as dedicated Electric Vehicle bays) installed.
- 8.6 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
- 8.7 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.
- 8.8 The main principles advocated in the TMA statutory guidance are:
1. 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
  2. improving road safety
  3. improving the local environment
  4. improving the quality and accessibility of public transport
  5. 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
  6. managing and reconciling the competing demands for kerb space.
- 8.10 Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO") provides the Council with a permitted development right for *the erection or construction and the maintenance, improvement or other alteration of amongst other things electric vehicle charging points and any associated infrastructure. Where it is not the Council that is providing the charging point, the person providing the charging point will need to ensure that either the necessary planning permission is obtained or that complies with the conditions for providing charging points in off-street parking areas set out in Class D and E of Part 2 of Schedule 2 of the GPDO*
- 8.11 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.
- 8.12 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.
- 8.13 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.
- 8.14 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>.

- 8.15 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
- 8.16 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 The Council’s Comprehensive Equality Scheme for 2016-20 provides an overarching framework and focus for the Council’s work on equalities and helps ensure compliance with the Equality Act 2010.
- 9.2 An Equalities Analysis Assessment (Supporting document 5) has been developed alongside the LIP to ensure that any potential adverse impacts were fully considered and, where necessary, appropriate changes made. The overall findings of the assessment were that the proposals within the LIP on balance do not discriminate or have significant adverse impacts on any of the protected characteristics. This includes the provision of Electric Vehicle Charging Points.
- 9.3 Table 2 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

Protected Characteristic	Overall Assessed Impact of Proposals
Disability	Neutral
Gender reassignment	N/A
Marriage and civil partnership	N/A
Pregnancy and Maternity	Minor positive
Race	Minor positive
Religion or Belief	N/A
Sex	N/A
Sexual Orientation	N/A

*Table 2 – Overall assessment of proposals*

- 9.4 New Electric Vehicles remain relatively expensive to purchase, meaning that they may be less accessible to those on lower incomes. However, a number of grants are available to help reduce the cost of ownership and the Mayor of London has plans as part of the ULEZ supporting measures to make grants available to those on lower incomes. The second hand EV market has now matured with EVs becoming a viable option, this policy aims to support those adopting these vehicles in Lewisham.
- 9.5 The provision of charging points across the borough is expected to encourage take-up of EVs as they become more financially viable and widely available. This is expected to lead to improvements in air quality, with those groups listed as receiving a minor positive impact in Table 2 expected to benefit more from this intervention as they are more susceptible to the negative impacts of poor air quality.
- 9.6 The infrastructure to be provided for electric vehicle charging will be located to ensure that the charge points do not become an obstruction and that minimum footway widths will be maintained so that accessibility is maintained.

## **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. The delivery of further charging points will help enable residents, businesses and visitors to the borough to gradually transition to electric vehicle ownership/use. This should result in improvements to air quality.
- 10.2 The installation of further EV charging points will assist the borough to meet its carbon neutral target, develop the growth of quieter, less polluting neighbourhoods and help to improve air quality.

## 11. Crime and disorder implications

11.1 There are no specific crime and disorder implications resulting from these measures.

## 12. Health and wellbeing implications

12.1 The charging points, will not interfere with any Convention rights. Article 1 of Protocol 1, the right to peaceful enjoyment of one's property, might be triggered. However, this is not an absolute right and so may be balanced against the benefits brought about by the expansion of the EV charging point network. Officers are of the opinion that the benefits of the network would outweigh interference of this right.

## 13. Background papers

1. Low Emission Vehicle Charging Strategy 2019-2022  
<https://lewisham.gov.uk/myservices/roads-and-transport/sustainable-transport/our-long-term-strategy-for-low-emission-vehicles>
2. Mayors Transport Strategy (MTS)  
<https://www.london.gov.uk/what-we-do/transport/our-vision-transport/mayors-transport-strategy>
3. London Plan  
<https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/draft-new-london-plan/>
4. Transport Strategy and Local Implementation Plan 2019-2041 (LIP3)  
<https://lewisham.gov.uk/inmyarea/regeneration/transport-and-major-infrastructure/local-implementation-plan>
5. Lewisham Local Implementation Plan - Equalities Analysis Assessment  
<http://councilmeetings.lewisham.gov.uk/documents/s62495/Equalities%20Impact%20Assessment.pdf>
6. Corporate Strategy 2018-2022  
<http://councilmeetings.lewisham.gov.uk/documents/s61022/Draft%20Corporate%20Strategy%202018-2022.pdf>
7. Lewisham Air Quality Action Plan (2016-2021)  
<https://www.lewisham.gov.uk/myservices/environment/air-pollution/Documents/LewishamAirQualityActionPlanDec2016.pdf>
8. Traffic orders: advertising during coronavirus (COVID-19) (DfT April 2020)  
<https://www.gov.uk/government/publications/traffic-orders-advertising-during-coronavirus-covid-19>

## 14. 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

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Term	Definition
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.
EV	Electric Vehicle - a vehicle which can be wholly or partially propelled by electrical motive power derived from an electrical storage battery and can be charged from a mains electrical source external to the vehicle.
GULCS	Go Ultra Low City Scheme - a programme by the Office for Low Emission Vehicles within the Department for Transport. It aims to provide funding to local authorities in the UK that encourages thousands of people to consider switching to an electric car.
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
LEVCS	Low Emission Vehicle Charging Strategy 2019-2022 published by Lewisham Council in July 2019.
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
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

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Term	Definition
ULEX	An expansion in the ULEZ area programmed for October 2021 to include all roads in London inside the north and south circular, which covers approximately 50% of Lewisham
ULEZ	The TfL Ultra-Low Emission Zone within the same area of central London as the Congestion Charge, which operates 24 hours a day, 7 days a week, every day of the year, except Christmas Day (25 December). Most vehicles, including cars and vans, need to meet the ULEZ emissions standards or their drivers must pay a daily charge to drive within the zone
Zero carbon	Achieving net zero carbon dioxide emissions by balancing carbon emissions with carbon removal or simply eliminating carbon emissions altogether

## 15. Report author and contact

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## 16. I approve the recommendations in this report

Signed:



**Kevin Sheehan**

**Executive Director for Housing, Regeneration and Public Realm**

**19<sup>th</sup> March 2021**

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## Executive Director Housing, Regeneration & Public Realm

**Report title: Review of social distancing measures on high streets and near park entrances**

**Date:** 5 March 2021

**Key decision:** Yes.

**Class:** Part 1.

**Ward(s) affected:** Brockley, Blackheath, Forest Hill, Lee Green, Rushey Green.

**Contributors:** Head of Highways and Transport.

## Outline and recommendations

The purpose of this report is to seek approval for revisions to a package of temporary transport measures that were implemented to support pedestrians during the COVID 19 pandemic. This involved creating more space for pedestrians to socially distance in busy public places such as on high streets and near park entrances. The original schemes were installed as short term temporary measures and require regular site visits and maintenance to ensure that they are fit for purpose.

A review has been completed to ascertain whether the schemes are still effective, required at the location, encourage compliance, remain cost effective and have support on Commonplace. This report details the changes recommended as a result of this review and also recommend an additional scheme is progressed. These measures will help to support the recovery from the pandemic, whilst also being in alignment with the Council's longer term policy objectives.

The Executive Director for Housing, Regeneration & Public Realm is recommended to:

- a) Approve the revisions to a package of transport measures set out in this report at the following locations:
  - Sangley Road
  - Foxberry Road
  - Dartmouth Road
  - Staplehurst Road
  - Hither Green Lane
  - Wells Park Road
- b) Approve the provision of new transport measures set out in this report at Luxmore Street.
- c) Agree to officers using their existing delegated powers, to implement these measures, as necessary, and within the limits of the funding made available by TfL, DfT or other sources that are identified. This may include, but is not limited to:
  - Finalising designs
  - 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.

## Timeline of engagement and decision-making

The decision report relating to the borough's plans to implement temporary measures to support walking and cycling in response to the COVID 19 pandemic was agreed on 2 June 2020.

The proposals were presented to the Overview & Scrutiny Business Panel, for comment, on 26<sup>th</sup> May 2020, with updates provided in September and November 2020.

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).

All temporary measures were put on the Council's Commonplace page and comments invited, with a summary provided as part of this report. Officers have also sought views from Ward Members and this has helped inform the proposed revisions outlined in this report.

## 1. Summary

- 1.1 The purpose of this report is to seek approval for the revision and upgrade to an existing package of temporary transport measures to support pedestrians to socially distance in busy public places such as high streets and park entrances during the COVID 19 pandemic. The original schemes were installed as short term temporary measures and require regular site visits and maintenance to ensure that they are fit for purpose. As the measures have now been in place for a much longer timeframe than originally envisaged, due to the pandemic continuing, a review has been completed to ascertain whether the schemes are still effective, required at the location, encourage compliance, remain cost effective and have support on Commonplace. Each site has been visited and assessed on a number of occasions and the businesses impacted by the measures have been engaged to gauge their opinions. This review has informed the proposals for the Covid-19 scheme updates which will be required for the short term, until the social distancing requirements are lifted. One new scheme at Luxmore Street is also proposed.
- 1.2 The package of interventions will help support the recovery from the pandemic, whilst also being in alignment with a wider range of longer term policy objectives.

## 2. Recommendations

- 2.1 The Executive Director for Housing, Regeneration & Public Realm is recommended to:
  - a) Approve the revisions to a package of transport measures set out in this report at the following locations:
    - i. Sangley Road
    - ii. Foxberry Road
    - iii. Dartmouth Road
    - iv. Staplehurst Road
    - v. Hither Green Lane
    - vi. Wells Park Road
  - b) Approve the provision of new transport measures, as set out in this report, at Luxmore

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Street.

- c) Agree to officers using their existing delegated powers, to implement these measures, as necessary, and within the limits of the funding made available by TfL, DfT or other sources that are identified. This may include, but is not limited to:
- Finalising designs
  - 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.

### 3. Policy Context

- 3.1 In response to the COVID-19 pandemic, a number of local authorities across the UK and beyond put in place a package of measures to help people safely make the essential trips they need to on foot or by bicycle.
- 3.2 Schemes were progressed within the context of a range of pertinent issues, which are summarised below, and as detailed within the original decision 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 whilst 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, in turn supporting the local economy;
  - 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 The temporary schemes were delivered in accordance with statutory guidance under Section 18 of the Traffic Management Act 2004, which was issued by the Secretary of State for Transport on 9th May 2020 (see Background Document 3). The guidance also specified 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 In addition TfL published separate guidance for boroughs on 15<sup>th</sup> May 2020 setting out its expectations of boroughs (see Background Document 4). 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 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 Funding has also been made available by the European Union through the Reopening High Streets safety Fund, with the remit of supporting businesses to reopen safely and creating space for social distancing on high streets. The Fund provides councils with additional funding to support their business communities with measures that enable safe trading in public places. It focuses on high streets, as well as other public places that are at the heart of towns and cities gearing up to reopen as safe, welcoming spaces. The Fund directly supports this activity through one of its main strands: Temporary public realm changes to ensure that reopening of local economies can be managed successfully and safely. To ensure that public spaces that are next to businesses are as safe as possible, temporary changes will need to be made to the physical environment. Local authorities will already be undertaking these changes in line with HMG's Safer Public Places – Urban Centres and Green Spaces guidance. This funding can be used to enhance that existing offer to increase the level of safety measures, improve their attractiveness and ensure consistency of approach across individual and multiple public spaces including high streets.

3.6 The measures set out in this decision report are consistent with both the DfT and TfL guidance.

3.7 The primary objective of these measures is to protect public safety during the COVID-19 pandemic. Trip rates are rising again, whilst social distancing guidance currently remains in place, which means these measures remain relevant. This will also help to support the recovery from the pandemic whilst also being in alignment with a wider range of existing policy objectives. If the guidance referred to in paragraph 3.5 changes or the requirement for social distancing is removed, the next steps for these projects will be reviewed.

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 continue to 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 of this report.

3.9 The Council's over-arching policies can be found in the Corporate Strategy 2018-2022 (see Background Document 5). 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 lockdown restrictions are eased. As outlined in section 3.2, a number of factors are at play which have resulted in a need for intervention and have shaped the nature of the temporary measures. 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. 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.
- 4.5 A range of interventions are proposed that therefore seek to either create more protected space for pedestrians 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 TfL have indicated that some areas have seen an increase in average speeds of 50 per cent 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.
- 4.6.3 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 6) 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.
- 4.7.3 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 undertaken by the Bartlett School of Architecture, indicates that only 36% of footways in London are at least 3 metres wide, the minimum requirement to enable people to follow social distancing guidelines. 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).

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#### 4.10 **Factor 5: Encouragement to maintain good physical and mental health**

4.10.1 It has been demonstrated that those people who are older or have 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 detailed in the TfL guidance 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 A previous review of evidence from London Councils, Living Streets and Sustrans, undertaken as part of the 2019 update to the Council's Parking Policy led to the following conclusions:

- There are considerable benefits to retailers in parking management;
- Retailers have inaccurate perceptions around the modal share of shoppers, in that they tend to significantly overestimate the proportion of journeys made by car;
- Shoppers tend to be relatively local, meaning that there is scope for these journeys to be made by sustainable modes;
- There is a disparity between what retailers think shoppers want from their retail experience compared to what shoppers say they actually desire;
- Pedestrians and public transport users in particular are likely to spend more in retail areas over the course of a week or month than car drivers do. They also tend to visit more shops;
- There is evidence that investment in the public realm and in encouraging more sustainable travel to a retail area, results in increased footfall and retail spend.

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

## 5. **Review of measures**

5.1.1 At the start of the pandemic, officers 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 was considered necessary.

5.1.2 Measures appropriate to each location were installed, including the use of temporary barriers to create additional pedestrian space and/or road closures where necessary to

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facilitate pedestrian movement.

- 5.1.3 The update to the initial tranche of locations is listed below. This has been informed by a detailed review of the schemes and monitoring from the Council's highways team and discussions with Ward Members, who are supportive of the proposals outlined below. Details of the first nine locations are shown below. These will be implemented as soon as possible, within 6 weeks of approval of this report.

#### Costs for all sites

- The existing temporary barriers cost £2,400 per month to monitor with up to £3,600 per month maintenance (depending on circumstance – e.g. if barriers were moved or needed refilling with water). The proposed measures below will remove this requirement for all sites except Sangley Road, where a section of temporary barriers will be retained.
- Removal of water-filled barriers is costed at £1,500 for all sites as this will be done over a period of two days by contractors.
- These measures can be installed under a single Temporary Traffic Order (TTRO), as described in Section 8 of this report, expected to cost approximately £1,000.

#### a) Sangley Road

**Existing measure** – water filled barriers closing off the loading bay in front of the Co-op and the shop fronts to the west of this location. Water filled barriers have been ineffective at this site and there is now less of a requirement for them here. The Co-op is the largest store and has requested that the barriers outside the store be retained. The other businesses with barriers outside their premises have been non-compliant; removing parking notices and barriers from their location and parking in the space made available resulting in the need for repeated site visits and reinstatement of notices. Resolving the parking situation here is beyond the scope of this scheme and would require a separate study.

**Proposal** – Retain the barriers outside the Co-op, given the issues outlined above, removal of the water filled barriers outside the shop fronts to the west of the Co-op and reinstatement of the loading bays is considered appropriate

**Commonplace** – 22 comments in favour of making the scheme permanent, 9 comments against, 2 undecided. There are 60 votes supporting comments in favour of making the scheme permanent at this location.

**Cost** – The only cost here is removing the water-filled barriers, which is included in the overall cost of £1,500 for all sites mentioned above. Monitoring can be undertaken by Highway Inspectors for this single site, within an estimated £1,200 per month reserved for maintenance, depending on the level of maintenance required.

#### b) Foxberry Road

**Existing measure** – placement of water filled barriers, closing off the loading bay at the side of Sainsbury's to allow for queueing.

**Proposal** - Remove the water filled barriers and reinstate the loading bay with refreshed markings. The requirement for social distancing measures to allow queueing outside the Sainsbury's here has lessened due to the easing of the restriction on the numbers of customers and staff allowed on the premises at one time.

**Commonplace** – 2 comments in favour of making the scheme permanent, 7 comments against.

**Cost** – Reinstating existing road markings will cost approximately £50. Removing the water-filled barriers is included in the overall cost of £1500 for all sites specified above.

#### c) Dartmouth Road

**Existing measure** - water filled barriers closing off the loading bay in front of Fu House and the Woodland Express store on the other side of the street to allow for social distancing.

**Proposal** - Remove water filled barriers on both sides of Dartmouth Road. Reinstating the parking/loading bay outside of the Fu House as the footway width is sufficient under updated COVID-19 guidance. Remove the parking bay outside no. 15 Woodland Express and replace with double yellow lines as the footway is too narrow with parked vehicles to allow social distancing.

**Commonplace** – 4 comments in favour of making the scheme permanent, 3 comments against and 2 undecided.

**Cost** – Installation of new road markings and signs for these measures will cost approximately £300. Removing the water-filled barriers is included in the overall cost of £1500 for all sites specified above. The cost of the TTRO for implementation of the yellow lines is included in the cost of £1000 for all sites specified above.

#### d) Staplehurst Road - The Ark parklet and community space

**Existing measure** – The Ark was installed in Staplehurst road in October 2020 as a pilot business parklet and community space that allows businesses to continue trading safely and to provide space for social distancing. It has been working well up to the point of the existing lockdown.

**Proposal** – A road safety audit was carried out in November 2020 which recommended that several planters should be added to the side of the parklet facing the road to close off any gaps and another row of planters to separate it from the loading bay, also improved reflective materials should be applied to the carriageway face of the planters. This work can be carried out by the parklet manufacturer, with other minor recommended remedial work.

**Commonplace** – this scheme was not posted on Commonplace, but the previous scheme which was to remove parking bays through the use of water filled barriers to provide more pedestrian space had gained widespread approval, with the majority of people voting to make the feature permanent and businesses using the space to trade from, with 71 comments in favour of permanent measures, 10 comments against and 2 undecided. In the comments there were 623 votes for permanent measures and 11 against.

**Cost** – Install more planters along the external (roadside) edges of the Ark parklet and loading bay edge to improve safety, with other minor repairs £3,500

#### e) Hither Green Lane

**Existing measure** – placement of water filled barriers, closing the parking bays outside the Co-op, (no 200-206) and the bay outside no 222-226

**Proposal** - Remove the water filled barriers from the parking bay outside the Co-op, (no 200-206) and the bay outside no 222-226, and replace with double yellow lines to create more space in front of the shops and improve compliance and enable enforcement at these locations. Introduction of permanent parking restriction is a priority at this site, specifically outside the premises of Grows Kings as there has been no compliance with the temporary restrictions. Water filled barriers had been moved out of place and parked vans/cars had filled the space that should have been cordoned off to allow social distancing. This has narrowed the remaining available pedestrian routes to an unsafe level.

**Commonplace** – 73 votes in favour of making the scheme permanent, 3 votes against, 1 undecided.

**Cost** – Installation of new road markings and signs for these measures will cost approximately £250. Removing the water-filled barriers is included in the overall cost of £1,500 for all sites specified above.

#### f) Wells Park Road

**Existing measure** - Wells Park Road is one of the longest stretches of temporary parking restriction measures that have been implemented in the borough, and one of the 3 sites that has always required a viable intervention as there are always vehicles parked outside or by the entrance to the park. The width of footway is approximately 3m but that leaves pedestrians with as little as 1m of space to walk due to parked vehicles on the footway. Access to the park is limited, especially to disabled or young users.

**Proposal** - Water filled barriers have been effective temporarily, but for a cost effective solution this site requires enforceable permanent parking restrictions. Removal of the existing water filled barriers to stop footway parking and replace with double yellow lines to create more space in front of the park.

**Commonplace** – 11 comments in favour of making the scheme permanent, 7 comments against and 2 undecided.

**Cost** – Installation of new road markings and signs for these measures will cost approximately £2,000. Removing the water-filled barriers is included in the overall cost of £1,500 for all sites specified above. The cost of the TTRO for implementation of the yellow lines is included in the cost of £1,000 for all sites specified above.

- 5.1.4 A new scheme of measures is proposed for Luxmore Street, following extensive discussions with ward members and review of the site. These measures would be included in the TTRO described in section 5.1.3.

#### a) Luxmore Street

**Existing situation** - Parked cars on both already narrow footways on the approach to Luxmore Gardens are making physical distancing difficult for pedestrians. Anyone wanting to access the park is forced to use the narrow carriageway due to parked vehicles.

**Proposal** – prohibition of parking on both sides of Luxmore Street using double yellow lines and closing the road to vehicular traffic using planters and a central droppable bollard, depending on site conditions. This street currently has footway parking on both sides of the road, making it difficult to safely practice social distancing, given the increased usage of the Luxmore Gardens as a leisure facility in the pandemic. This is also expected to have the effect of discouraging fly-tipping activity which has also had an impact on space available for social distancing.

**Commonplace** - 65 votes in favour of making the scheme permanent, 7 votes against, 2 undecided. The majority of people voting and commenting are in favour of further intervention here.

**Cost** - The cost of implementing this scheme, including yellow lines, signs and installation of planters and droppable bollard from existing stock is £1,100. The cost of the TTRO for implementation of the yellow lines and road closure is included in the cost of £1,000 for all sites specified above.

## 6. Process

- 6.1 In order to introduce these new restrictions within the timescales needed during the

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current public health emergency, certain proposed measures require that a Temporary Traffic Regulation Order (TTRO) be advertised and made under the provisions of the Road Traffic Regulation Act 1984 (RTRA). A TTRO may be in place for as long as the current emergency applies, up to a maximum of 18 months. The process to implement a TTRO requires publication of a Notice of Intent (NoI) to publicise the measure, followed by a Notice of Making (NoM) three weeks later. Further detail on the procedures which need to be followed for TTROs is provided in section 8.

6.2 Trip patterns will continue to evolve as the government reviews the available health evidence and lockdown restrictions are eased. 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. Restrictions are gradually being eased, with non-essential retail to reopen from 12 April 2021. This is likely to result in a significant increase in the number of trips being undertaken, but at this point is not certain.

6.3 Measures proposed as part of this package that require a TTRO to be implemented include:

- a. Modal filters (or road closures);
- b. new yellow line parking restrictions.

#### 6.4 Public engagement and consultation

6.4.1 The public '[Commonplace](#)' website (click to link to website) will be updated to show the revisions to each scheme. It asks users for feedback on any issues. As the RHSS and LSP programmes draw to a close, going forward any requests for new schemes will now be considered under the Council's LIP programme. Users can also sign up for updates that alert them of any changes. For the benefit of those users who do not have access to the internet, any letter drops or street notices will include an invite to write into the Council for further information on the scheme and / or provide their comments. Residents will also be able to log any urgent queries with the Council switchboard, which will then be passed onto officers for consideration.

#### 6.5 Engagement with the Emergency Services

6.5.1 Throughout the development of these measures there has been engagement with the three emergency services. Copies of the plans for all projects are being sent to the three emergency services, to provide an opportunity for them to comment. More detailed discussions have taken place with the Police and London Ambulance Service. The emergency services will also be consulted as part of the TTRO process as outlined in section 6

#### 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 to the policy objectives set out in this report, or if the guidance referred to in section 3.5 of the report is changed or social distancing requirements are lifted.

6.6.2 Although these temporary measures are not intended to deliver permanent 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 the easing of social distancing measures and future funding guidance documents from TfL, it is currently anticipated that the public feedback gathered during the period of the TTRO could be considered in determining whether to explore the

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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. Once this has been understood, this would be given consideration in the context of the Council's Local Implementation programme.

- 6.6.4 Should longer term measures be considered appropriate, these would be introduced under either the permanent Traffic Management Order (TMO) process under section 6 of the RTRA or the Experimental Traffic Order (ETO) process under the provisions of section 9 of the RTRA.
- 6.6.5 Introducing parking restrictions following the section 6 permanent TMO process requires statutory consultation prior to enforcement (a minimum of 21 days). Once the order is made and in force (and appropriate road markings and signs are in place) it is in effect until replaced or revoked by another TMO.
- 6.6.6 ETOs made under section 9 of the RTRA may be in force for up to 18 months, 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 the period of the ETO to evaluate how the scheme has operated and if any of the measures should therefore be made permanent. A review would be undertaken after at least 6 months, which would determine if the restrictions would be retained on a permanent basis.

## **7. Financial implications**

- 7.1 This report is seeking approval for the revisions to a package of transport measures set out in section 5 above at an estimated cost of £10,900 plus ongoing monitoring/remedial costs for the Sangley Road barriers of £1100 per month.
- 7.2 Funding to cover these costs comes from the EU Reopening High Streets Safely Fund (RHSS) grant allocation to Highways and Transport of £100k (the spend deadline for which has been extended to June 2021), and £35k of 2020/21 Local Implementation Plan (LIP) funding from Transport for London, allocated in November 2020. It is anticipated that further LIP funding may be made available in next year's budget, subject to confirmation from TfL and DfT if required.
- 7.3 Costs for the schemes implemented to date, including design, installation and monitoring since July 2020 total approximately £56k and have been paid from the RHSS grant.
- 7.4 The projected spend for this project will utilise the complete funding allocation, and there is no requirement for Council's resources to be employed.

## **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 was last updated in February 2021.
- 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 Paragraph 3.4 of this report referred to Guidance published by TfL for boroughs on 15<sup>th</sup> May 2020 setting out its expectations of boroughs. On 20 January 2021 the High Court handed down a judgment in relation to the two conjoined claims for judicial review brought by two trade bodies representing the 'Black Cab' industry (the United Trade Action Group and the Licensed Taxi Drivers' Association) ("the claimants") which amongst other things challenged that Guidance. The High Court quashed the Guidance but this was stayed until the outcome of an appeal by TfL. Therefore whilst the Guidance remains in effect until the outcome of that appeal any weight being placed upon such guidance needs to be considered in the light of that judgment. It should be noted that the scheme that was included as part of the challenge by the 'Black Cab' industry related to measures that restricted taxi access including picking up/dropping off activity at the kerbside over a part of the street at specific times of the week and day.
- 8.4 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.
- 8.5 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 the measures set out in Paragraphs 5 and 6 of this report.
- 8.6 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'.
- 8.7 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.
- 8.8 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). These regulations have been amended by '[The Traffic Orders Procedure \(Coronavirus\) \(Amendment\) \(England\) Regulations 2020](#)', which also allows for TTROs made under Section 14 of the RTRA 1984 to be used for 'purposes related to the coronavirus'. This amendment also allows for alternative methods for publishing notices for TTROs where the traffic authority considers that it is not reasonably practicable to comply with the provisions of the 1996 procedure regulations for reasons connected to the effects of coronavirus. These alternative methods include publication in local newspapers, online publication (including websites, online

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newspapers, email and social media), leaflet distribution and letter delivery

8.9

8.10 Section 14(1) (b) of the RTRA states that temporary traffic regulation orders (TTROs) 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.

8.11 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.

8.12 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. These Regulations have also been amended by [The Traffic Orders Procedure \(Coronavirus\) \(Amendment\) \(England\) Regulations 2020](#) to provide for alternative publication and inspection requirements during the Coronavirus pandemic.

8.13

8.14 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

8.15 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.

8.16 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.
- 8.17 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.
- 8.18 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.
- 8.19 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.
- 8.20 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.
- 8.21 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.
- 8.22 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>.

8.23 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

8.24 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:-

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
- c) 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
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, this will have a positive impact on all groups, but particularly these more vulnerable groups. In addition, pregnant women are a 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 The schemes set out in this report seek to improve the physical street environment for pedestrians, which will help those who may otherwise feel vulnerable, to feel safer and more able to walk. The Council's aspiration is for everyone to feel that they can walk on Lewisham's streets if they wish to do so.
- 9.9 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.
- 9.10 Table 2 provides an assessment of the recommendation shown in section 4. Impacts have been assessed as minor, major, neutral, positive and negative and on whether the recommendation is temporary or permanent.

	Proposal	Impact	Extent	Period	Protected group
1	Urgent measures to tackle pressure points	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

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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 may be sustained beyond the current pandemic, leading to longer term public health benefits. This would increase resilience against current and future pandemics.

## 13. 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. Overview & Scrutiny Business Panel meeting of 26 May 2020 – Item 3.  
<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=121&MId=5983&Ver=4>
3. Overview & Scrutiny Business Panel meeting of 29 September 2020 – Item 3  
<https://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=121&MId=6375&Ver=4>
4. Overview & Scrutiny Business Panel meeting of 24 November 2020 – Item 3  
<https://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=121&MId=6060&Ver=4>
5. 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>

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6. London Streetspace Plan: interim guidance for boroughs (TfL May 2020)  
<http://content.tfl.gov.uk/lsp-interim-borough-guidance-main-doc.pdf>
7. Corporate Strategy 2018-2022  
<http://councilmeetings.lewisham.gov.uk/documents/s61022/Draft%20Corporate%20Strategy%202018-2022.pdf>
8. Lewisham Air Quality Action Plan (2016-2021)  
<https://www.lewisham.gov.uk/my services/environment/air-pollution/Documents/LewishamAirQualityActionPlanDec2016.pdf>
9. Letter from St Barts Hospital to Islington Council (May 2020)  
<https://twitter.com/WalkIslington/status/1262317851349864448?s=20>
10. 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>.
11. Traffic orders: advertising during coronavirus (COVID-19) (DfT April 2020)  
<https://www.gov.uk/government/publications/traffic-orders-advertising-during-coronavirus-covid-19>

## 14 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

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Term	Definition
	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
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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## 15 Report author and contact

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## 16. I approve the recommendations in this report

Signed:



**Kevin Sheehan**

**Executive Director for Housing, Regeneration and Public Realm**

**19<sup>th</sup> March 2021**

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## Overview and Scrutiny Business Panel

### Exclusion of the Press and Public

**Date:** 30 March 2021

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** Various

**Contributors:** Chief Executive / Head of Business and Committee

### Outline and recommendations

Members are asked to note items that will be considered in closed session

### Recommendation

It is recommended that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3, 4 and 5 of Part 1 of Schedule 12(A) of the Act, as amended by the Local Authorities (Executive Arrangements) (Access to Information) (Amendments) (England) Regulations 2006:-

1. Decisions made by the Mayor and Cabinet on 24 March 2021:
  - i. Approval for a Single Tender Action for New Hope Supported Housing Project – Part 2
  - ii. COVID related contract extensions - Community Services Directorate – Part 2

# Agenda Item 6

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted