

OFFICER'S DECISIONS

Subject **Implementation of School Streets through the use of** Traffic Regulation Orders (x4)

Decision by Lucy Taylor, Executive Director of Place (in the absence of a Director of Place Delivery)

Non-key decision

Portfolio Portfolio holder for climate action - Cllr Deirdre Costigan
Portfolio holder for healthy lives - Cllr Josh Blacker

Authority

Context

Cabinet decision: [16 June 2020 - Item 8](#)

Report title: Active travel and social distancing measures in response to Covid-19 and to aid economic and social recovery from the Covid-19 pandemic

Council constitution: Part 8 - [Officer delegated powers](#)

5.1 Delegations to the Director of Place Delivery, PART 4 – HIGHWAYS MANAGEMENT

PART 4 – HIGHWAYS MANAGEMENT

Highways Management

To exercise the Council's functions as Highway Authority and Traffic Authority and specifically but not exclusively to exercise the functions outlined below

- a. Traffic Management Orders

Purpose

To allow the delivery of 4 further School Streets, providing a low traffic area around schools, at school opening and closing times making it easier for pedestrians and cyclists to use the road space and enable social distancing whilst it is necessary and to authorise the making of the following Traffic Management Orders:

Christ the Saviour CofE Primary School (SS32)

Horsenden Primary School (SS33)

North Primary School (SS31)

St Joseph's Catholic Primary School (SS30)

Background

Ealing School Streets

School Streets is a scheme where the streets outside a school are closed to traffic only at school start and finish times (the exact times will vary by school). Closing the streets to school and through traffic helps to achieve a safer, more pleasant environment for everyone using the streets, whilst maintaining access for residents and businesses vehicles within the zone, and pedestrians and cyclists. School Streets can also help to reduce air pollution and improve road safety. The streets around school entrances become a pedestrian and cycle-only zone before and after school. Signs at the entrances to the scheme will inform drivers of the restrictions.

On 2nd April 2019, full Council resolved: *To implement the Ealing Labour manifesto and pilot School Streets with a view to implementing School Streets or No-Idling Zones around every suitable primary school in the borough by 2022,*

Ealing Council's first School Street was implemented in September 2020, for Perivale Primary and St John Fisher Catholic schools, by way of Experimental Traffic Orders (ETO). 11 further schemes were implemented in November 2020 making a total of 12 across the borough. See Appendix 1 for list of schemes. In July 2021, Cabinet agreed to make 10 of these 12 schemes permanent with Traffic Regulation Orders.

Grant funding from TfL London Streetspace Programme (LSP) and Local Implementation Plan (LIP) has been allocated for the School Streets schemes.

Subsequently all Borough schools were invited to submit an expression of interest to participate in the 2021 School Streets programme. Between February and April 2021 eight additional schools in the borough requested School Streets and agreed to manage their schemes. Four schools subsequently withdrew their request as a result of 1) concerns about displaced parking, 2) lack of time to manage school engagement, 3) lack of volunteers.

A Memorandum of Understanding (MOU) has been signed by the Headteacher and Chair of Governors at each of the four remaining schools, to demonstrate their commitment to delivery of the scheme and continued promotion of active travel. A list of the Tranche 2 schools is included as Appendix 1.

The four proposed schemes will initially be enforced by a physical barrier that is in place for the duration of the agreed times. Volunteers from the school or community will ask drivers of unauthorised vehicles not to enter the area during the times of operation. Access for emergency services vehicles will be permitted.

If funding is available, Automatic Number Plate Recognition (ANPR) enforcement will be considered for successful schemes.

Legal Implications

The TMO's will be made by way of an order pursuant to section 6 of the Road Traffic Regulation Act 1984 and the Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996 (the 1996 Regulations). The 1996 Regulations require the Council to give notice of the making of orders to be made pursuant to section 6 giving objectors a minimum of 21 days in which to make objections to the making of the order. Any objections received will be taken into account before any decision is made to proceed. Notice of the making of the orders was given on 8th September 2021 and responses have now been received and are attached at Appendix 2

Human Rights

Articles 1 and Article 8 of the Protocol to the European Convention of Human Rights (which are enshrined in the 1998 Act) confirm as follows

Article 1 "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and the general principles of international law. The preceding provisions shall not, however, in any way impair the right of the state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest...."

Article 8 "Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country. For the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others'.

To the extent that Articles 1 and/or 8 applies it is considered that the decision to introduce Traffic Orders to create School Streets is justified in the public interest given the anticipated positive outcomes outlined above.

Consultation

Full council passed a motion, on 2nd April 2019, that resolved: *To implement the Ealing Labour manifesto and pilot School Streets with a view to implementing School Streets or No-Idling Zones around every suitable primary school in the borough by 2022.*

Between 24th May and 14th June 2021 initial consultation was undertaken with the school and local community, through an online survey. All the individual schools (children, staff, parents/carers) and residents and businesses in and around the school street zone were invited to participate. An independent analysis was undertaken and there the overall conclusion is that just over half of parents/ carers were in favour of the scheme, around three-quarters of school staff and just under half of residents/ businesses. The full evaluation report can be found at Appendix 3.

Members were notified of the schools in their wards that had submitted an expression of interest.

The Portfolio Holders (Cllr Deirdre Costigan, Portfolio holder for climate action and Cllr Josh Blacker, Portfolio holder for healthy lives) have been consulted and support the making of the orders.

Emergency services have been consulted, as part of the statutory consultation, in the making of the TMOs.

Portfolio Holders (Cllr Deirdre Costigan, Portfolio holder for climate action and Cllr Josh Blacker, Portfolio holder for healthy lives). Notice of making each of the orders was made on 8th September 2021 and a summary and the 21 day period in which objections could be made expired on 29th September 2021. A summary of the responses received is at Appendix 2.

It can be seen from the summary that responses were received on only 2 of the 4 Tranche 2 schemes (Christ the Saviour and Horsenden). On the Christ the Saviour scheme responses were received from 1 resident (asking for information) and 4 businesses. The businesses expressed concerns namely the impaired access for staff, deliveries and taxis to their premises. On Horsenden a request was made to increase the scheme area. This will be considered in evaluation of the scheme.

It is acknowledged that there will be an impact to the business in terms of deliveries etc as a result of the scheme. However, the restrictions are for only short parts of each day during school term time and when the benefits of the scheme as summarised below are also taken into account it is considered that the benefits outweigh that impact.

It is considered that the schemes have the following benefits: support for the Council's recovery programme, climate emergency action plan and air quality priorities; encourage active travel measures to enable residents to walk and cycle around the Borough, assist social distancing whilst it is necessary, relieve public transport capacity and reduce the need for private car journeys; active travel is affordable, delivers significant health benefits, improves well-being, mitigates congestion, improves air quality and can help with individual resilience.

Equalities Analysis Assessment

An Equalities Analysis Assessment (EAA) was undertaken for the 2020 barrier enforced School Streets. An additional EAA was undertaken in 2021 for the ANPR enforced schemes. These EAA's have been reviewed, updated following the experiences of the trials and continue to apply to this proposal.

[EAA 2020](#)

[EAA 2021](#)

Decisions

To agree to the four School Streets listed above each be implemented under a Traffic Management Order and following an analysis of the responses to the statutory consultation and objections.

To authorise the installation of ANPR cameras to replace barrier enforcement as funding becomes available.

Reasons

The Executive Director of Place had regard to the officer report to Cabinet, the Cabinet resolutions, the consultation responses of the Portfolio Holders, the consultation responses of statutory consultees, other representations, human rights (including Article 8 and Article 1 of the First Protocol) and the Equality Analysis Assessments, as well as the officer report section dedicated to equalities, human rights and community cohesion. The Executive Director of Place appreciated that the public sector equality duty applies to the making of permanent traffic orders. The Executive Director of Place noted that the needs of those with protected characteristics, including in particular the needs of disabled people, are an integral part of the design and assessment process when making TMOs, that none of the TMOs made changes to any disabled parking bays and that the design assessment did not identify any specific additional accessibility issues for disabled persons over and above the restrictions on vehicular access which affect vehicle traffic generally.

The Executive Director of Place had in mind the duty in section 122(1) of the 1984 Act, the factors in section 122(2) and then balanced the various considerations. The Executive Director of Place also had regard to the 21 day statutory consultation period for TMOs and the proposed review of the TMOs during this period. The Executive Director of Place concluded that the TMOs have the following benefits: support for the Council's recovery programme, climate emergency action plan and air quality priorities; encourage active travel measures to enable residents to walk and cycle around the Borough, assist social distancing whilst it is necessary, relieve public transport capacity and reduce the need for private car journeys; active travel is affordable, delivers significant health benefits, improves well-being, mitigates congestion, improves air quality and can help with individual resilience.

Having regard to all the above, and having concluded that the making of the TMOs is consistent with the public sector equality duty, did not violate human rights and was appropriate having conducted the balancing exercise under section 122 of the 1984 Act, the Executive Director of Place decided that the TMOs for the School Streets measures should be made.

Background papers

Full Council decision, 2 April 2019 – [item 14](#)

To implement the Ealing Labour manifesto and pilot School Streets with a view to implementing School Streets or No-Idling Zones around every suitable primary school in the borough by 2022

Cabinet decision: [16 June 2020 - Item 8](#)

Report title: Active travel and social distancing measures in response to Covid-19 and to aid economic and social recovery from the Covid-19 pandemic

Cabinet decision: 20th April 2021 – [item 7](#)

Report title: Transport Programme 2021-22

Signature

A handwritten signature in black ink that reads "Lucy Taylor". The signature is written in a cursive style with a large, stylized 'L' and 'T'.

Lucy Taylor, Executive Director Place

Date of decision: 8/10/21

NB Scanned copy of signed decision to be sent to cabinetreports@ealing.gov.uk

Implementation of School Streets

APPENDIX 1

LIP funded scheme (2019-2020)

SCHOOL	Phase of education	STARS	Address	Area
Perivale Primary School	Primary	Gold	Federal Road	Perivale
St John Fisher Catholic Primary	Primary	Gold	Sarsfield Road	Perivale

Tranche 1 (2020)

SCHOOL	Phase of education	STARS	Address	Area
Berrymede Infant and Junior School	Primary	Gold	Osborne Road	Acton
Derwentwater Primary	Primary	not engaged	Shakespeare Road	Acton
Gifford Primary School	Primary	Bronze	Greenhill Gardens	Northolt
Holy Family Catholic Primary School	Primary	Gold	Vale Lane	West Acton
Mayfield Primary School	Primary	Gold	High Lane	Hanwell
North Ealing Primary		not engaged	Pitshanger Lane	Ealing
Oaklands	Primary	Silver	Oaklands Road	Hanwell
St John's	Primary	Bronze	Green Man Lane	West Ealing
St Mark's Primary School	Primary	Bronze	Lower Boston Road	Hanwell
Vicars Green			Lily Gardens	Perivale
Willow Tree Primary School	Primary	not engaged	Priors Farm Lane	Northolt

* Schools 'not engaged' are large primary schools and were invited to participate to assist with social distancing and management of high numbers of pedestrians and the school gate

Tranche 2 (2021)

SCHOOL	STARS	Address	Area	Postcode
Christ the Saviour CofE Primary	Bronze	The Grove	Ealing	W5 5DX
Horsenden Primary School	Engaged	Horsenden Lane North	Greenford	UB5 0PB
North Primary School	Bronze	Meadow Road	Southall	UB1 2JE
St Joseph's Catholic Primary	Bronze	York Avenue	Hanwell	W7 3HU

School Street Traffic Management Order objections – Tranche 2

Barrier enforced scheme, move to ANPR when funds are available.

Christ the Saviour

11 emails received from 5 people, 1 resident and 4 business owners.

The resident did not object but wanted further information about access for visitors, taxis and carers.

12 businesses operate from 42 The Grove. Offices and parking spaces are rented out by one of the owners. They raised objections relating to access for staff, deliveries and taxis. They feel the School Street will interfere and restrict operation of their businesses.

The independent evaluation report produced following the consultation carried out in summer 2021, showed that overall 64% of respondents supported the scheme and 21% opposed. Of these, 52% of residents/businesses supported the scheme and 38% opposed.

- Given these results and the fact this location is very close to the Ealing Broadway transport hub, we recommend that this scheme is made permanent.

Horsenden

1 email requesting extension of the closure

- A wider scheme was considered in the initial design stage but was rejected due to the requirement for increased volunteer support. The concerns raised will be monitored and the suggestion considered in the future.

Independent evaluation report is included as separate PDF

2021-07-09 Ealing School Street Evaluation – Pre Implementation_Final_ISSUE_v2