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Petition Hearing -Cabinet Member for Planning and **Transportation**

Date:

WEDNESDAY, 27

JANUARY 2010

Time:

7.00 PM

Venue:

COMMITTEE ROOM 3A -CIVIC CENTRE, HIGH

STREET, UXBRIDGE UB8

1UW

Meeting **Details:**

Members of the Public and Press are welcome to attend

this meeting

Cabinet Member hearing the petitions:

Keith Burrows, Cabinet Member for Planning and Transportation

How the hearing works:

The petition organiser (or his/her nominee) can address the Cabinet Member for a short time and in turn the Cabinet Member may also ask questions.

Local ward councillors are invited to these hearings and may also be in attendance to support or listen to your views.

After hearing all the views expressed, the Cabinet Member will make a formal decision. This decision will be published and sent to the petition organisers shortly

after the meeting confirming the action to be taken I

Council.

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Lloyd White **Head of Democratic Services** London Borough of Hillingdon, 3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW www.hillingdon.gov.uk



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Agenda

PART 1 - MEMBERS, PUBLIC AND PRESS MAY ATTEND

- 1 To confirm that the business of the meeting will take place in public.
- 2 To consider the report of the officers on the following petitions received.

Start Time	Title of Report	Ward	Page
3 7.00pm	Lansbury Drive, Hayes – Petition Objecting To Footway Bollards Outside No. 46	Barnhill & Yeading	1
4 7.00pm	Bedford Road, Ruislip – Petition Requesting Parking Controls	South Ruislip	7
5 7.30pm	Violet Avenue And Lavender Road, Hillingdon – Petition Requesting A "Stop & Shop" Parking Scheme	Yiewsley	13
6 8.00pm	Fore Street, Eastcote – Petition Requesting a Pedestrian Crossing	Eastcote, Ruislip and Northwood Hills	TO FOLLOW
7 8.00pm	Queenswalk / Mount Pleasant, Ruislip – Petition Requesting a Pedestrian Crossing	Cavendish	25



Agenda Item 3

TITLE: LANSBURY DRIVE, HAYES – PETITION OBJECTING TO FOOTWAY BOLLARDS OUTSIDE NO. 46

Cabinet Portfolio	Planning and Transportation
Report Author	Steve Austin
Papers with report	Appendix A

HEADLINE INFORMATION			
Purpose of report	To advise the Cabinet Member the submission of a petition with over 100 signatures has been received from residents of Lansbury Drive objecting to the installation of bollards on the footway outside No. 46 Lansbury Drive.		
Contribution to our plans and strategies	The request will be considered in relation to the Council's strategy for road safety.		
Financial Cost	There are none associated with the recommendations to this report.		
Relevant Policy Overview Committee	Residents' and Environmental Services		
Ward(s) affected	Barnhill		

RECOMMENDATION

That the Cabinet Member

- 1. Listens and discusses the petitioner's concerns
- 2. Recommends the petition organiser contacts the Council's Highways Department to discuss the installation of an authorised footway crossover to No. 46 Lansbury Drive

INFORMATION

Reasons for recommendation

The owner of No. 46 Lansbury Drive wants to park vehicles on the frontage of the property and this will require a properly footway crossing constructed by the Council.

Alternative options considered

None as the petitioners are making a specific request to remove existing bollards from the footway outside No. 46 Lansbury Drive.

Comments of Policy Overview Committee(s)

None at this stage

Supporting Information

1. A petition with 111 signatures has been submitted to the Council under the following terms.

"We the undersigned residents of the London Borough of Hillingdon call upon the relevant Cabinet Member to remove the bollards outside No. 46 Lansbury Drive, Hayes, Middlesex UB4 0LZ as they unfairly infringe the right of the occupier of the aforementioned property to park their vehicles on their driveway. All other properties on Lansbury Drive enjoy the right to park vehicles in their respective drives and this right should be extended to the occupier of 46 Lansbury Drive, Hayes, Middlesex UB4 0LZ".

- 2. It has been signed by residents of Lansbury Drive and in a covering letter with the petition, the organiser, who is the owner of No. 46, points out he is objecting on the grounds that bollards placed directly in front of the "driveway" to the property is preventing its use. The owner contends the bollards have prevented him from the proper access and reasonable use of his driveway.
- 3. No. 46 Lansbury Drive is situated on the east side of Lansbury Drive almost opposite the junction with the northern arm of Woodstock Gardens. The location is indicated on Appendix A and at this location the Council installed a pedestrian refuge in order to assist pedestrians to cross the road. As is normal with the introduction of pedestrian refuges, the kerb is dropped either side to assist prams and wheelchairs together with tactile paving for the benefit of the partially sited. Consequently, these have formed part of the scheme at this location and bollards have been installed on the footway to both highlight the crossing point and prevent obstruction to the dropped kerb and tactile paving.
- 4. The owner of No. 46 contends the dropped kerb is there to access parking on the front of his property. Unfortunately, there seems to be some confusion as the dropped kerb has solely been installed for the benefit of pedestrians. Where residents want to park on the frontage of their property, the Council at the applicant's expense can install a properly constructed footway crossover built to the required standards provided the location meets the necessary criteria. These mainly relate to road safety aspects and there is adequate distance between the house frontage and the back of the footway to accommodate a vehicle. A crossover has not been installed at No. 46 Lansbury Drive. Consequently, it is illegal for vehicles to be driven over the footway to park on the property of No. 46.
- 5. Residents can apply to the Council to install a footway crossover and these are arranged by the Highways Maintenance Section. It is suggested the Cabinet Member discusses with petitioners the concerns and points out the Council's criteria with regard to the

passage of vehicles over footways and recommends the petition organiser contacts the Highways Department to discuss the installation of an authorised crossover.

Financial Implications

There are none associated with the recommendations to this report.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

To point out to the petition organiser the Council's policy with regard to the passage of vehicles across footways to access off-street parking and to explain to the petition organiser the procedures for the installation of crossovers.

Consultation Carried Out or Required

None has been required to consider this petition request.

CORPORATE IMPLICATIONS

Corporate Finance

N/A

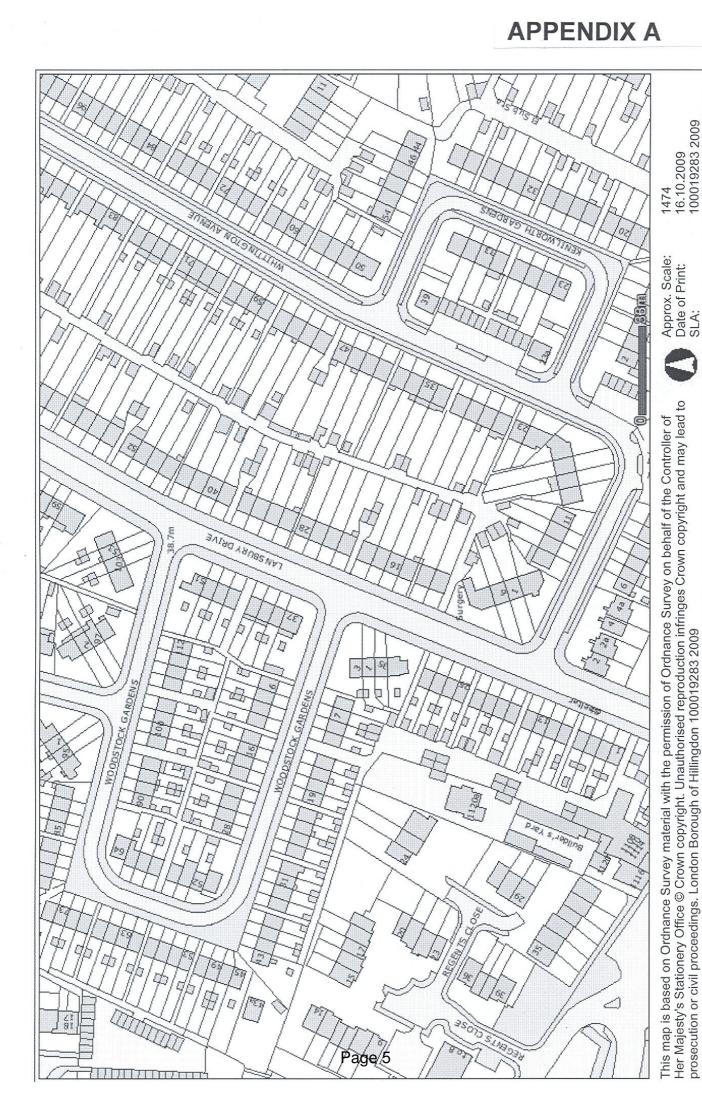
Legal

Legal Services confirm that only the Local Highway Authority is permitted to carry out works in the public highway.

BACKGROUND PAPERS

Petition received 12th August 2009

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Agenda Item 4

TITLE: BEDFORD ROAD, RUISLIP – PETITION REQUESTING PARKING CONTROLS

Cabinet Portfolio Planning and Transportation

Report Author Steve Austin

Papers with report Appendix A

HEADLINE INFORMATION

Purpose of report

To inform the Cabinet Member that a petition has been received asking for the introduction of parking controls in Bedford Road, Ruislip to address "All day" commuter parking.

Contribution to our plans and strategies

The request will be considered as part of the Council's strategy for on-street parking controls.

Financial CostThere are none associated with the recommendations to this report.

Relevant Policy
Overview Committee

Residents' and Environmental Services

Ward(s) affected South Ruislip

RECOMMENDATION

That the Cabinet Member discusses with the petitioners their concerns with parking to determine the most appropriate options to address their concerns.

INFORMATION

Reasons for recommendation

It is not clear what the petitioners are asking the Council to do and this can be clarified in discussion between the Cabinet Member and petitioners in accordance with their request.

Alternative options considered

These can be determined as a consequence of discussions with the petitioners.

Comments of Policy Overview Committee(s)

None at this stage

Supporting Information

- 1. A petition with 31 signatures has been submitted to the Council predominately from residents of Bedford Road but also includes residents living in Trevor Crescent and roads further away. It is not clear from the petition if residents are requesting a Permit Parking Scheme or waiting restrictions but it would appear their main concern is for measures to prohibit "All day" commuter parking. Bedford Road and Trevor Crescent are the roads closest to West End Road and Ruislip Gardens Underground Station.
- 2. The location of Bedford Road is indicated on Appendix A. It has a junction with West End Road and is the only access into a large residential area of Ruislip Gardens. It is close to the Ruislip Gardens Underground Station which has central line services to inner London. The area therefore is attractive to commuters who want to park as close as possible to the Underground Station and consequently, the eastern end of Bedford Road and possibly Clyfford Road together with Trevor Crescent experience the highest competition for on-street parking.
- 3. For the Cabinet Member's information, waiting restrictions have been introduced in the eastern end of Bedford Road, Clyfford Road and Trevor Crescent to overcome problems from obstructive parking and these were determined in liaison with a Ward Councillor. During consultations for these proposals, objections and concerns were raised by residents living in the most eastern section of Bedford Road and The Point. They were concerned that they would not be able to park close to their homes and consequently, the extent of waiting restrictions installed took their needs into account and may not be sufficiently extensive to deter commuter parking.
- 4. As the petitioners request is not clear, it is suggested the Cabinet Member discusses with them their concerns which could lead to potential options to address "All day" commuter parking and give priority for local residents to park on street. Clearly, whatever measures are introduced in this end of Bedford Road could have the affect of transferring commuter parking further west and cause issues for residents who currently do not experience such competition with "All day" non-residential parking.

Financial Implications

There are none associated with the recommendations to this report. However, if suitable options are identified to address the residents concerns, it would need to be investigated in detail and funding would require a bid to be made from the Parking Revenue Account surplus.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

To allow the Cabinet Member to establish the issues with on-street parking faced by residents in this area of the Borough and determine what measures would be accepted by the majority of those directly affected.

Consultation Carried Out or Required

If suitable measures can be identified to address residents concerns, consultation will be undertaken with residents living in the area.

CORPORATE IMPLICATIONS

Corporate Finance

N/A

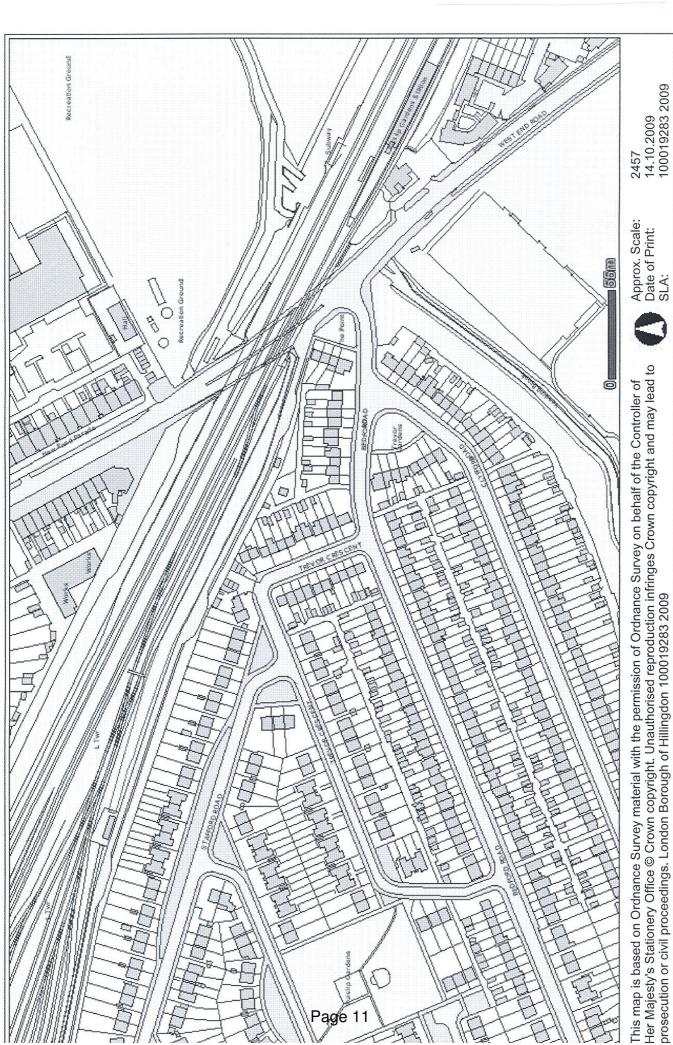
Legal

There no are no special legal implications for the proposal for an informal consultation.

BACKGROUND PAPERS

Petition received 6th October 2009

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Agenda Item 5

TITLE: VIOLET AVENUE AND LAVENDER ROAD, HILLINGDON – PETITION REQUESTING A "STOP & SHOP" PARKING SCHEME

Cabinet Portfolio	Planning and Transportation
Report Author	Steve Austin
Papers with report	Appendix A

•	11		
HEADLINE INFORMATION			
Purpose of report	To inform the Cabinet Member that a petition organised by a shopkeeper in the Violet Avenue shopping parade has been submitted requesting the Council to introduce parking controls which will help to retain viability of the shops with customer parking facilities.		
Contribution to our	The request can be considered in relation to the Council's strategy		
plans and strategies	for the control of on-street parking.		
Financial Cost	There are none associated with the recommendations to this report.		
Relevant Policy Overview Committee	Residents' and Environmental Services		

Overview Committe

Ward(s) affected

Yiewsley

RECOMMENDATION

That the Cabinet Member

- 1. Discusses with petitioners their concerns with parking on Violet Avenue
- 2. Subject to above, asks Officers to design a limited time waiting restriction scheme for the service road on Violet Avenue between Nos. 53 and 65 and consult the occupiers if they would like the restrictions or a "Stop & Shop" scheme or retain the existing arrangements.

INFORMATION

Reasons for recommendation

It would appear there is significant support for the introduction of parking controls outside the shopping parade in Violet Avenue and that in accordance with the Council's usual procedures to

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consult those most affected on options to introduce limited time waiting restrictions, a "Stop & Shop" scheme or no change to the existing arrangements.

Alternative options considered

These would form part of any further consultation with shopkeepers and residents of Violet Avenue.

Comments of Policy Overview Committee(s)

None at this stage

Supporting Information

1. A petition organised by a shopkeeper in Violet Avenue has been submitted to the Council under the following heading:

"People leave their cars and vans on the services road, we need short term "Pay & Display" scheme or if possible single yellow line (time limit) as we are losing more and more business everyday. Our customers can not find parking so they just go elsewhere shopping, so we need to do something about it".

- 2. The petition has been signed by 145 people, which includes 6 business occupiers of the shopping parade along the service road.
- 3. The shopping parade is located between Nos. 53 and 65 Violet Avenue and is indicated on Appendix A attached. Violet Avenue is south of and close to Hillingdon Hospital and recently an extension to the Residents Permit Parking Scheme has been introduced which now extends into Violet Avenue at the eastern end. It would appear these controls have caused a transfer of parking further west along Violet Avenue which is now affecting viability of the shopping parade. Along the frontage of the shopping parade is a service road which should be providing convenient parking for customers to the shops. It is noted the petition is asking for parking controls on Violet Avenue outside the shops and also in Lavender Road. The latter part of the request is considered to be the western arm which largely has no residential frontage. It would appear the petition organiser considers a scheme should comprise the service road and the western arm of Lavender Road.
- 4. The petitioners have requested either a limited time Waiting Restriction Scheme or a "Stop & Shop" parking scheme. These are options the Council puts to residents and business occupiers when consulting if they would like parking controls. Limited time waiting restrictions will prohibit long term parking but if in this area it is associated with Hillingdon Hospital, short time period restrictions may not necessarily deter parking as hospital visits are generally shorter than stays by commuters. A "Stop & Shop" scheme deals more successfully with the turnover of available parking spaces and it is available all day with a limit on the time motorists can park. It could be expected for users of the shops on Violet Avenue, parking stays would be short. The petitioners appreciate the benefit of allowing customers to park 'free' for the first half hour.

5. It is suggested to the Cabinet Member that he discusses with petitioners their issues with parking and confirm they would like to be consulted on the options for limited time waiting restrictions or a "Stop & Shop" scheme to address their concerns.

Financial Implications

There are none associated with the recommendations to this report as preliminary design and consultation can be undertaken with existing in house resources. However, if subsequently the Council were to consider the introduction of a "Stop & Shop" parking scheme, a bid would required to be made for an allocation from the Parking Revenue Account surplus for the necessary funding.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

To allow the Cabinet Member to discuss further with petitioners their concerns with parking and then to consider if consultation should be undertaken on a limited time waiting restriction scheme or a "Stop & Shop" scheme or both.

Consultation Carried Out or Required

An essential part of the Council's proposal for parking schemes is to undertake extensive consultation both prior to approval of a scheme and following statutory consultation.

CORPORATE IMPLICATIONS

Corporate Finance

Legal

There no are no special legal implications for the proposal for an informal consultation.

BACKGROUND PAPERS

Petition received 5th Oct 2009

Agenda Item 6

TITLE: FORE STREET, EASTCOTE – PETITION REQUESTING A PEDESTRIAN CROSSING

 Cabinet Portfolio
 Planning and Transportation

 Report Author
 Steve Austin

 Papers with report
 Appendix A

HEADLINE INFORMATION

Purpose of report

To inform the Cabinet Member that two petitions have been received requesting the introduction of a zebra crossing on Fore Street outside Coteford Infant School.

Contribution to our plans and strategies

The requests can be considered as part of the Council's Road Safety programme to provide a safer environment.

Financial Cost

There are no direct costs associated with the consideration of the petition. The costs of investigating the feasibility of installation of a pedestrian crossing would be contained with in the existing staffing budgets of the group.

Relevant Policy Overview Committee Residents' and Environmental Services

Ward(s) affected

Eastcote, Ruislip and Northwood Hills

RECOMMENDATION

That the Cabinet Member

- 1. Considers the petition requests.
- 2. Asks Officers to investigate the feasibility to install a pedestrian crossing on the existing raised crossing point on Fore Street including the estimated cost and report back.

INFORMATION

Reasons for recommendation

The petition requests are acknowledged and before deciding on whether a pedestrian crossing can be provided, the Cabinet Member will need to be advised on both feasibility and estimated cost.

Alternative options considered

None as the petitioners have made a specific request for a pedestrian crossing on Fore Street.

Comments of Policy Overview Committee(s)

None at this stage

Supporting Information

- 1. Two petitions have been submitted to the Council, both requesting a 'zebra' pedestrian crossing on Fore Street outside Coteford Infant School. As the petitions are asking for the same crossing facility, it is suggested to the Cabinet Member they can be considered together in the same report.
- 2. One petition with 40 signatures, mostly signed by residents from Grooms Drive, Eastcote has been submitted to the Council under the following heading:

"We the under signed residents carers and friends of Grooms Drive, Eastcote request the Council to remove the raised hump outside Coteford Infant School in Fore Street and install a correctly mark Zebra type crossing in its place. The residents of Grooms Drive are mostly disabled and a number of us are wheelchair users crossing Fore Street is a constant battle with speeding and inconsiderate motorists and a properly marked crossing will allow us and parents with young children to cross the road safely".

The petition was signed by all but two of the households in Grooms Drive.

- 3. Grooms Drive is a small cul-de-sac with access from Fore Street and situated on the northern boundary of Coteford Infant School. A plan is attached as Appendix A indicating the Close and the surrounding road network. It would appear, the households of Grooms Drive are largely sheltered accommodation and consequently, as the petition heading mentions, there is a high proportion of elderly and disabled residents.
- 4. The other petition was presented on behalf of Coteford Infant School's Governing Body under the following heading:

"We the undersigned on behalf of Coteford Infant School's Governing Body, request the installation of a zebra crossing features black and white zebra posts beside the road, topped with amber globes and black and white markings on the road. This is to improve the safety of the children attending Coteford Infant School, as well as families visiting the playgroup and baby clinic held at the school, the neighbouring 4 Street Nursery, the residents of Fore Street and our neighbours at Grooms Drive".

This petition would appear to have been predominantly signed by parents and guardians of pupils to the school, playgroup, baby clinic and neighbouring nursery.

5. The "raised hump" outside Coteford Infant School was installed as part of the School's Travel Plan. The raised platform is provided for more convenient crossing of Fore Street so that pedestrians may walk or travel in a wheelchair at the same level as the adjoining

footways, and it will also suppress motorists speeds. The intention of this facility is to assist pupils to cross Fore Street in greater safety and reduce the amount of cars outside the school gates.

- 6. The petitioners clearly prefer a formal pedestrian crossing and subsequently have asked for a zebra crossing with the petition from Grooms Drive also asking for the raised platform to be removed. The Cabinet Member however will be aware that in certain locations, pedestrian crossings have been installed on raised platforms in order to provide greater safety and convenience to pedestrians. It is suggested that the possibility of installing a zebra crossing as requested should be investigated on the existing raised table and this is recommended as a preferred course of action.
- 7. It is suggested the Cabinet Member asks Officers to investigate the feasibility to install a pedestrian crossing on the raised platform including the estimated cost and report back.

Financial Implications

The cost of a feasibility study can be undertaken with existing in-house resources. However, if subsequently the Cabinet Member approves the installation of a pedestrian crossing, a funding source would have to be identified.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

To provide the Cabinet Member with further information regarding the petitioner's request so that a subsequent decision can be made on whether the Council can provide a pedestrian crossing as requested.

Consultation Carried Out or Required

If the Cabinet Member subsequently approves the introduction of a pedestrian crossing, formal Public Notice will be given for the public to comment or make objections.

CORPORATE IMPLICATIONS

Corporate Finance

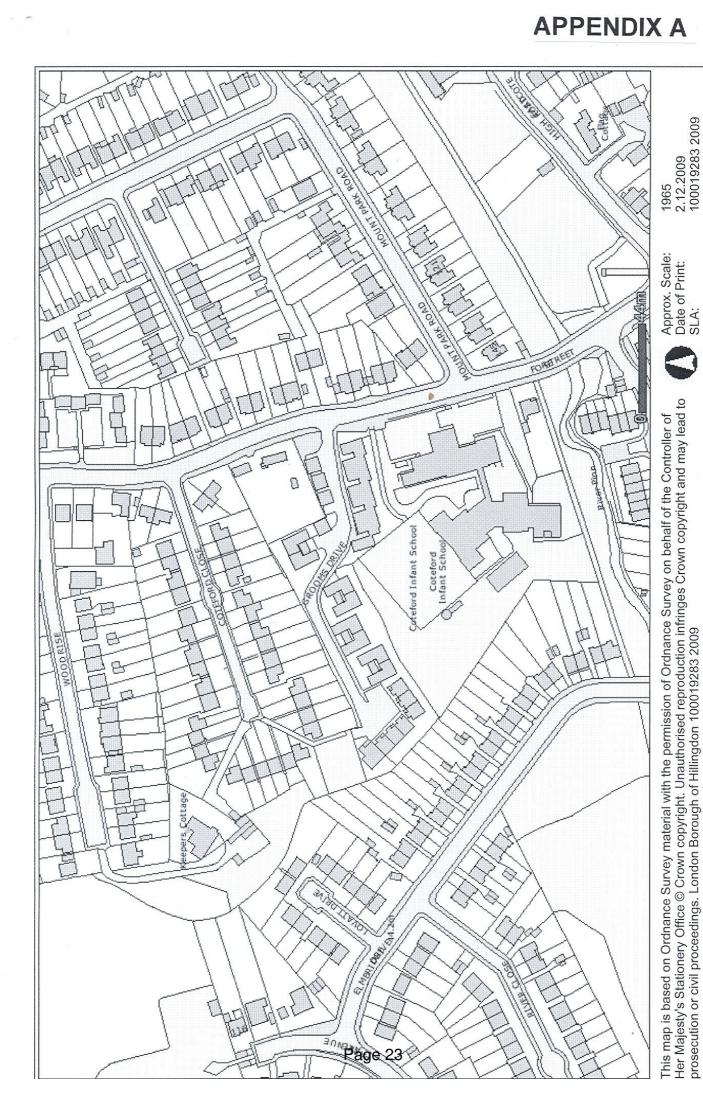
N/A

Legal

A meeting with the petitioners is perfectly legitimate as part of a listening exercise, especially where consideration of the policy, factual and engineering issues are still at a formative stage. Fairness and natural justice requires that there must be no predetermination of a decision in advance of any wider non-statutory consultation.

BACKGROUND PAPERS

Petition received 26th October 2009 Petition received 26th October 2009



Agenda Item 7

TITLE: QUEENS WALK / MOUNT PLEASANT, RUISLIP – PETITION REQUESTING A PEDESTRIAN CROSSING.

 Cabinet Member
 Councillor Keith Burrows

 Cabinet Portfolio
 Cabinet Member of Planning and Transportation

 Officer Contact
 Minaxshree Rana

 Papers with report
 Appendix A

HEADLINE INFORMATION

Purpose of report	To inform the Cabinet Member that a petition of 36 signatures has
	been received from local residents requesting the installation of a pedestrian crossing on Queens Walk, near the junction with
	Mount Pleasant.

Contribution to our plans and strategiesThe request can be considered in relation to the Council's Road Safety Programme.

Financial CostThere are none associated with the recommendations in this report.

Relevant Policy
Overview Committee

Residents' and Environmental Services

Ward(s) affected Cavendish

RECOMMENDATION

That the Cabinet Member:

- I. Acknowledges the petition request and meets with petitioners to discuss their concerns in greater detail.
- II. Asks Officers to investigate suitable source of funding to install the cycle / pedestrian path and pedestrian crossing which forms part of Field End school's Travel Plan.

INFORMATION

Reasons for recommendation

To pursue a funding source for the provision of Cycle / Pedestrian facilities which form part of Field End school's Travel Plan.

Alternative options considered

The petitioners have made a specific request

Comments of Policy Overview Committee(s)

None at this stage

Supporting Information

- 1. A petition has been submitted to the Council with 36 signatures requesting for the installation of a pedestrian crossing on the junction of Queens Walk and Mount Pleasant, Ruislip. The petitioner's reasons for a pedestrian crossing are not stated in the petition, however this can be discussed with the Cabinet Member at the hearing. As the Queens Walk / Mount Pleasant junction has four arms, the petitioner organiser was informally consulted on which arm of the junction is of most concern. The location for a crossing suggested by the petition organiser is on the northern arm of Queens Walk.
- 2. Queens Walk is a residential road aligned north south extending between Whitby Road and Victoria Road. Deanesfield Primary School and Queensmead School are located at its southern end. The junction with Mount Pleasant is at its northern end, which also connects with Torcross Road. Just north of the junction is Yeading Brook, which runs east –west behind the houses in Torcross Road and Mount Pleasant. The road layout is shown on Appendix A.
- 3. The Cabinet Member will recall hearing a petition in March 2007 when pupils of Field End School requested a Cycle path leading to their School entrance. The reasons were that it would decrease the amount of congestion outside the school entrance and by reducing the number of cars taking pupils to and from the school, it would lead to cleaner air and provide a healthier lifestyle for pupils. Following the petition hearing, a feasibility study was conducted as part of the School's Travel Plan.
- 4. A scheme has been developed with the support of the school along with Councillors and other key stakeholders. The key element of the proposal is a shared cycle / pedestrian path which will link Field End Road and Bessingby Playing fields along the same alignment as Yeading Brook. This is also shown on Appendix A. As part of the scheme, a pedestrian crossing is proposed which will allow pedestrians and cyclists to cross Queens Walk in greater safety. This location is close to the Queens Road / Mount Pleasant junction and could provide a safe crossing for both users of the cycle / pedestrian path and pedestrians on Queens Walk. Cyclists would be required to dismount to use a zebra crossing.

5. Accident Analysis

The accident data for the junction of Queens Walk / Mount Pleasant / Torcross Road (based on a 50 metre radius and for a period 3 years ending May 2009) shows that there has been one accident which occurred at the junction of Queens Walk and Torcross Road. The accident Cabinet Member Petition Hearing 27 January 2010
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occurred in wet conditions when a vehicle that was travelling southwards on Queens Walk collided with a vehicle, which was turning right to go southwards out of Torcross Road. The accident data, which was analysed, as previously stated, only covers a period of 3 years ending May 2009. However the Cabinet Member will recall another petition he heard on 30 November 2005 in response to an unfortunate and tragic road accident on Queens Walk involving fatal injuries, which occurred on 21 October. The petitioners were calling for speed reducing measures and improved street lighting on Queens Walk particularly in the section between Torcross Road and Whitby Road. As the police would subsequently report following an investigation of the accident, the Cabinet Member requested Officers liaise with the police to formulate proposals that would be acceptable to local residents. The proposed location of the pedestrian crossing would greatly contribute to the residents' request for speed reduction and improved road safety.

Financial Implications

There are none directly arising from the recommendations of the report. However if it is decided to go ahead with the proposal, as there is not currently a potential funding source, the second recommendation involves making a bid to TfL.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

Increased safety for pedestrians and cyclists crossing Queens Walk.

Consultation Carried Out or Required

At this stage no consultations have been carried out. If an approval is given to the installation of this crossing, Public Notice will be given for members of the public to comment. The major stakeholders including the Metropolitan Police, London Fire Service and local bus companies will be consulted as part of this process.

CORPORATE IMPLICATIONS

Corporate Finance

N/A

Corporate Procurement

Legal

Consultation must be undertaken when proposals are still at a formative stage, must give sufficient reasons to permit the consultee to make a meaningful response, must allow adequate time for consideration and response, and the results of the consultation must be conscientiously taken into account in finalising any proposals. Fairness and natural justice requires that there must be no predetermination of a decision other than a legitimate predisposition to a certain conclusion: see R (Wainwright) v Richmond upon Thames London Borough Council [2001] EWCA Civ 2062, [2001] All ER (D) 422, and Bovis Homes Ltd v New Forest District Council [2002] EWHC 483 (Admin).

Legal Powers

In relation to a zebra crossing the Council has powers contained in the following:

- The zebra crossing will be introduced using its powers contained in The Road Traffic Regulation Act 1984 ("the Act");
- The crossing shall be indicated in the manner prescribed in The Zebra, Pelican and Puffin Pedestrian Crossing Regulations and General Directions 1997("the Regulations").

Section 23(2) of the Road Traffic Regulation Act 1984 provides that before establishing a crossing the local traffic authority shall: -

- I. Consult with the chief officer of police about their proposal to do so;
- II. Shall give public notice of that proposal to do so; and
- III. Shall inform the Secretary of State in writing.

When exercising their function conferred by or under the Act, the Council are under a duty imposed by section 122 of the Act to secure the expeditious, convenient and safe movement of vehicular and other traffic and the provision of suitable and adequate parking facilities on and off the highway. The Council must, so far as practicable, have regard to a number of matters set out in Section 122 (2), which are as follows: -

- I. The desirability of securing and maintaining reasonable access to premises.
- II. The effect on the amenities of any locality affected, including the importance of regulating and restricting the use of roads by heavy commercial vehicles so as to preserve or to improve the amenities of the areas through which the roads run.
- III. The National Air Quality strategy prepared under Section 80 of the Environmental Act 1995.
- IV. The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or wishing to use such vehicles.
- V. Any other matter appearing to the Local Authority to be relevant.

As stated above before establishing a crossing the Council must, inter alia, give public notice of the proposal. That duty encompasses a duty to consider representations received in response to such a notice.

The Council's powers to carry out these and other works are comprised in the Highways Act 1980 and the Road Traffic Regulation Act 1984. The crux is that exercising these powers with the object of improving highway safety is lawful, other relevant considerations such as the expeditious movement of traffic, amenity,. If specific advice is required in relation to the exercise of individual powers, Legal Services should be instructed. For example, depending on the precise option decided upon and (if appropriate) implemented, then consideration ought to be given to whether the procedures under 90GA of the Highways Act 1980 should be followed. The procedures relate to certain traffic calming works in London such as overrun areas and pinch points.

The Road Traffic Regulation Act 1984 and the Traffic Signs Regulations and General Directions 2002 govern road traffic orders, traffic signs and road markings and there are no special circumstances drawn to our attention that would prevent the scheme proceeding provided that the appropriate statutory procedures are followed.

BACKGROUND PAPERS

Appendix A ACCSMap – Accident Analysis System Cabinet Member report 30/11/05

