

NON-KEY EXECUTIVE OFFICER REPORT

LONDON BOROUGH OF CAMDEN	WARDS: Fitzjohn's & Frognal, Hampstead Town, Kentish Town and Gospel Oak
REPORT TITLE Temporary Footway Widening outside schools in response to COVID-19	
REPORT OF Strategic Lead Transport Planning	
FOR SUBMISSION TO Director for Environment and Sustainability	DATE 03 February 2021
SUMMARY OF REPORT <p>This report seeks approval from the Director for Environment and Sustainability to implement temporary footway widening outside school entrances/exits on Christchurch Hill, Kidderpore Avenue and Agincourt Road. This will create additional space for pedestrians, and parents/carers picking up and dropping off pupils outside the schools on those roads. This will allow them to maintain social distancing where possible, as well as improve road safety around the schools.</p> <p>This report follows the 'COVID-19 response: enabling safe travel in Camden (SC/2020/74) report, and subsequent decision taken by the Cabinet Member for a Sustainable Camden. The decision was to roll out a programme of measures to assist in making Camden streets safer during and after the COVID-19 pandemic, and associated impacts on travel in the Borough.</p> <p>Local Government Act 1972 – Access to Information The following document(s) has been used in the preparation of this report:</p> <p>COVID-19 response: enabling safe travel in Camden (SC/2020/74)</p> <p>Traffic Management Act 2004: network management in response to COVID-19</p> <p>Contact Officer: Michelle Jamieson, Senior Transport Planner 5th Floor, 5 Pancras Square, London, N1C 4AG 020 7974 5537 Michelle.Jamieson@Camden.gov.uk</p>	
RECOMMENDATIONS That the Director for Environment and Sustainability, having considered the rationale and criteria for the proposals in this report (specifically the urgent road safety need for these changes), the equalities impact assessment at Appendix A, and having due regard to the needs set out in section 149 of the Equality Act 2010, approves the implementation of the proposals set out in section 2 of this report, subject to detailed design and following due statutory processes.	



Signed:
Sam Margolis, Strategic Lead Transport Planning
Date: 28 January 2021

1. CONTEXT AND BACKGROUND

- 1.1 This report follows on from the Report of the Executive Director Supporting Communities, entitled “COVID-19 response, enabling safe travel in Camden (SC/2020/74)”, which was approved on 13/05/20 by the Cabinet Member for a Sustainable Camden; and is submitted to the Director for Environment and Sustainability for consideration, pursuant to Recommendation 6 and paragraph 1.20 (i) of that report in particular.
- 1.2 This report deals with specific measures to provide temporary footway widening to help pedestrians, parents and carers to maintain social distancing where possible, and improve road safety around school gates.
- 1.3 According to the UK Government COVID-19 Recovery Strategy, the need for social distancing is likely to extend until at least spring 2021 and both government and TfL advice is to avoid public transport and instead walk or cycle wherever possible.
- 1.4 Social distancing outside many Camden schools is not possible due to narrow footways and the prevalence of on-street (or on-pavement) parking. Temporarily suspending parking bays outside schools would provide the opportunity for safer social distancing in the areas.
- 1.5 The Department for Transport (DfT) issued statutory guidance on 23rd of May 2020 ‘Traffic Management Act 2004: network management in response to COVID-19’; which encourages local authorities to reallocate road space to walking and cycling, by – among other measures - providing safe spaces for passing at minimum distances of 2m, and in so doing enabling physical activity and improved public health. The DfT issued replacement Covid-19 guidance on the 13th of November 2020, providing new advice on techniques for managing roads to deal with COVID-19 response related issues.
- 1.6 Our Camden Transport Strategy (CTS) contains a road user hierarchy which has pedestrians at the top followed by cyclists, recognising their vital role in a safer, cleaner, healthier Camden. It is imperative that our streets are made as safe as possible for these vulnerable road users, both (i) currently during times of increased motor vehicle speeding, and (ii) as road traffic is rising in some areas. Specifically, in relation to the proposal of widening footways, the CTS notes that the Council will ‘engineer and change the road layout of our own highways network [including] footway widening’ which was noted as a response ‘to help reduce casualties across the street network’.
- 1.7 Camden has launched a “Commonplace” engagement platform, [“Making Travel Safer in Camden”](#), which allows for stakeholders to leave feedback on the numerous transport schemes that Camden has implemented in response to the COVID-19 pandemic, as well as suggest further measures. This platform has generated various comments relating to narrow pavements at specific streets/areas across the borough. In addition, requests for wider footways outside schools and residential streets have been requested via ward members, local groups, residents, and the schools themselves. Officers

are going through these with a view to bringing proposals forward in some of these streets in a phased approach in order to deliver these as speedily as possible, having regard to applicable statutory and guidance requirements, prioritising those with a most pressing need first.

- 1.8 This report proposes implementing temporary footway widening at three locations across the borough, in response to requests from the schools. These schemes are proposed outside of schools where there are currently narrow footways or parked cars, or both, as well as in some instances substantial traffic volumes. Data from October 2020 on Christchurch Hill for example shows Southbound traffic volumes of over 600 vehicles during the afternoon school run time. This makes social distancing at school pick up and drop off times difficult and causes safety issues for parents/carers and children.
- 1.9 The measures would be located outside the school entrances/exits of the following: (a) Kidderpore Avenue (St Luke's Church of England School); (b) Christchurch Hill (Christ Church Primary School); and (c) Agincourt Road (Fleet Primary School)
- 1.10 The measures can be removed when social distancing requirements or road safety concerns subside, or before the maximum permitted period elapses; see comments under the Legal section for more detail on this. Consideration will also be given to making permanent amendments at each location after social distancing needs are relaxed, if there is evidence of local support to do so.

2. PROPOSALS AND REASONS

- 2.1 Road safety measures were requested by all three schools listed in section 1.9 above, following road safety concerns that became apparent at the beginning of the academic year in September 2020. In response to the requests, the schemes were designed as quickly as possible. Barriers were requested by the schools to extend the footways, marking out more space for parents/carers to wait at school pick up/drop off times and enable safe social distancing.
- 2.2 Once the schemes were designed, road safety audits at each location were carried out in November 2020. These highlighted that the use of the originally proposed water filled barriers were not fit for purpose, and could create safety issues for people cycling due to the reduction of available carriageway width, meaning there would be less room to manoeuvre. Potential 'side swiping' of the barriers by motor vehicles was also highlighted as a safety issue.
- 2.3 The schemes were subsequently redesigned to temporarily widen the existing pavement through the use of asphalt, which would be laid between the existing kerb line and a new temporary kerb line, as explained below for each scheme. Once installed, this material can easily be removed if required at the end of the traffic order period (as below).

- 2.4 The temporary schemes would be implemented under Temporary Traffic Orders as explained in the legal section of this report. They would be reviewed after five months, when a decision will be taken as to whether to redesign them for more permanent measures, which would require full public consultation.
- 2.5 Each scheme is described in detail below, and drawings for each of the schemes are attached in appendices B, C and D.
- 2.6 **Scheme 1: St Luke's Church of England School** - The request for this scheme was made by a spokesperson from St Luke's Church of England School, who contacted the Council regarding the situation caused by the COVID-19 pandemic. It was noted that the School was experiencing difficulties with maintaining social distancing outside of the school around the entrance/exit to the school. Road safety issues caused by parked cars restricting visibility of pupils and parents/carers crossing Kidderpore Avenue were also highlighted.
- 2.7 Following this request, the proposal is to implement temporary footway widening measures directly outside the school on Kidderpore Avenue. This would aid social distancing, as well as improve road safety. Temporarily suspending four parking spaces directly outside the school would improve visibility for pupils and parents/carers crossing the road.
- 2.8 The scheme involves widening the northern footway of Kidderpore Avenue for a 20-metre section directly outside the main entrance to the School. The widening would be achieved through the temporary buildout of the existing footway, introducing new 150mm wide concrete kerbs offset between 1.3 to 2 metres from the existing kerb line, with the gap between the previous and new kerbs infilled with asphalt.
- 2.9 A new "school sign" would also be erected on an existing lighting column to increase driver awareness that they are approaching a school. This would remain in place permanently once installed.
- 2.10 To accommodate the scheme, the temporary suspension of 4 shared permit holder and pay-by-phone parking bays, located opposite St Luke's church, will be required. These will be implemented under Temporary Traffic Orders for a maximum of 6 months.
- 2.11 **Scheme 2: Christ Church Primary School (NW3)** - The proposal at Christ Church Primary School is to implement temporary footway widening measures on Christchurch Hill to aid with social distancing for pupils and parents/carers outside of the main entrance.
- 2.12 The request for this scheme was made by parents/carers of Christ Church Primary School who were concerned about social distancing outside of the main entrance to the school. This was subsequently requested by the spokesperson at the school in October 2020.

- 2.13 The proposed scheme involves the temporary suspension of 5 resident car parking bays directly outside the school. This will create additional space for social distancing outside of the school gates. These will be implemented under Temporary Traffic Orders for a maximum of 6 months.
- 2.14 The widening would be achieved through the buildout of the existing footway, introducing new 150mm wide concrete kerbs offset between 1.3 to 2 metres from the existing kerb line, with the gap between the previous and new kerbs infilled with asphalt.
- 2.15 **Scheme 3: Fleet Primary School** - The proposal at Fleet Primary School is to implement footway widening measures on Agincourt Road to aid with social distancing for pupils and parents/carers outside of the rear entrance to the school.
- 2.16 The request for this scheme was made by a spokesperson at Fleet Primary School, who contacted the Council regarding the situation caused by the COVID-19 pandemic. It was noted that the school was experiencing difficulties with maintaining social distancing outside the entrance on Agincourt Road due to the narrow width of the footway. A further issue was raised regarding road safety, and a footway extension was suggested.
- 2.17 The proposed scheme involves the widening 40.5 metres of the existing footway, situated between the school's car park entrance and the school gate on Agincourt Road. The widening would be achieved through the buildout of the existing footway, introducing new 150mm wide concrete kerbs offset between 1.3 to 2 metres from the existing kerb line, with the gap between the previous and new kerbs infilled with asphalt.
- 2.18 These footway buildouts would sit directly on top of the existing single yellow line markings outside of the School, which will require temporary suspension.

3. OPTIONS APPRAISAL

- 3.1 Officers consider that there are two options available:
- Option 1 - Approve the proposals outlined in Section 2
 - Option 2 - Do Nothing
- 3.2 Option 2 is not recommended. Maintaining the existing road layouts at these locations does not contribute towards delivering the Council's approved transport response to the COVID-19 pandemic. In addition, this option does not contribute towards meeting the objectives of Our Camden Plan, the Mayor's Transport Strategy, Camden's Transport Strategy and Climate Action Plan. It does not address or provide a response to prevalent road safety issues at these locations, caused by the COVID-19 pandemic.
- 3.3 Officers recommend that the Director of Environment and Sustainability approve Option 1. This would assist Camden to:

- deliver its agreed transport response to the COVID-19 pandemic
- assist social distancing and road safety around the schools listed in point 1.9
- contribute towards meeting the objectives of Our Camden Plan

4. WHAT ARE THE KEY IMPACTS/RISKS? HOW WILL THEY BE ADDRESSED?

- 4.1 As there are no physical barriers for the kerbing, it may not be obvious to drivers that the footway has been temporarily extended. Signage and bollards will be placed as necessary to highlight the change.
- 4.2 The schemes should have a positive impact on the ability to aid social distancing outside schools.
- 4.3 An assessment of the impact of the various proposals on protected characteristics as defined in the Equalities Act, 2010 was carried out for this scheme. This assessment has highlighted that there are positive benefits for protected groups associated with the proposed schemes. Please refer to appendix A for the full Equalities Impact Assessment.
- 4.4 A Stage 1 and 2 Road Safety Audit (RSA) has been carried out on the proposals, with amendments incorporated into the design as described in point 2.3. If the proposals are approved, a Stage 3 RSA would be carried out following implementation of the schemes.

5. LINKS TO THE CAMDEN PLAN

- 5.1 The proposal meets the objectives of Our Camden Plan by creating clean, vibrant and sustainable places and making it easier for people to travel more by foot or bike.

6. CONSULTATION/ENGAGEMENT

- 6.1 A public consultation was carried out from 01 January to 15 January 2021. Residents, Ward Councillors, the relevant schools, local and statutory groups (this includes the emergency services, Road Haulage Association and logistics UK) were informed of the consultation by letter/ email. They were invited to comment via the Safe Travel email inbox.
- 6.2 A total of ten responses were received. They are summarised below, along with officer's responses.
- 6.3 **Emergency Services** - The Counter Terrorism Protective Security Operations Team from the Metropolitan Police responded with advice regarding vehicles being used as a weapon. They stated that the current UK terrorism level is severe – an attack is highly likely. They suggested that removing street furniture such as guard railing could be counterproductive in this regard. They suggested that a Threat and Vulnerability Risk Assessment be carried out for each location to identify which locations may be of concern.

- 6.4 **Officers response** – None of the three proposals include removing guard railing. A desktop risk assessment was carried out by consultants Steer in December 2020. It notes the risk and suggests that if any of the primary schools are planning to have staff present in the widened footway areas, i.e. marshals to assist managing footfall during busy times, or school staff engaging with parents on arrival / pick up, then Action Counters Terrorism e-learning is recommended. This will help increase counter terrorism awareness and increase the likelihood of identifying potential threats. If the schemes go ahead, the schools will be notified of this suggestion, and will be asked to follow it up. In addition, bollards and signage will be placed around each location to highlight the changes, which may provide a barrier against a terrorist attack.
- 6.5 **Ward Councillor comments** - One Gospel Oak Ward Councillor questioned whether the schools had been informed of the Fleet School proposals. Officers confirmed that the schemes have been planned as a direct response for measures requested by the schools themselves. Another Gospel Oak Ward Councillor stated they agreed with the proposals for Fleet School. A Frognal and Fitzjohn's Ward Councillor stated concern that the St. Luke's School scheme could cause illegal parking in other areas of Kidderpore Avenue. They also commented that the footway width was adequate for the amount of footfall at the location. They enquired as to what the school themselves were doing to help the issues they were having with social distancing. The school's response in point 6.7 below explains this.
- 6.6 **Fleet School** – A representative of the school commented that they would be strongly in favour of the scheme. This is due to them needing to use the Agincourt Road entrance/exit of the school during the pandemic. They noted that many parents are required to walk along the pavement to access the entrance. Problems with the ability to socially distance had been observed and reported to the school when doing this. They stated that the pavement is very narrow, and at points it is impossible for people to pass each other while maintaining social distancing without stepping out into the road. This creates road safety issues. No other comments regarding the scheme for Fleet school were received.
- 6.7 **St Luke's School** – A representative of the school commented that they have had many face-to-face and email conversations with families over the past months and were of the opinion that this scheme would be welcomed by the school community. They recommend that these improvements go through as planned. The school sign will warn approaching drivers of the school so they can slow down as they approach. The space created for social distancing will stop cars from parking across the main entrance to the school, allowing children and their carers to cross safely.
- 6.8 Currently, children have to move between parked cars to cross Kidderpore Avenue, and the speed with which cars approach necessitates a member of staff to stand in the middle of the road to halt the traffic. When the school is fully open, staff will manage social distancing by using chalk marks and verbal reminders. They stated that if the scheme is implemented, it would make the

whole process much easier and stop the need for parents to stand in the middle of the road to maintain social distancing. They would support making the scheme permanent, so that their school community will feel the long-term benefits of the improvements.

- 6.9 **Christchurch School** – A representative of the school stated that the scheme would allow parents and children a safer space to wait at a distance from each other at the beginning and end of the day. They commented that it would also lessen the congestion when parents and children, as well as members of the public, want to pass by while the infant classes are coming in or out of the school gate.
- 6.10 **Residents/parents comments** – A total of five other responses were received to the consultations. Four were from residents in the vicinity of St Luke’s School on Kidderpore Avenue, all of which were objections to the scheme. They stated that they felt it was unnecessary (two stated that there was ample space of the footway, and near the entrance to the school for parents to stand), and the loss of parking would inconvenience residents. Three of the four comments also stated that it would not reduce traffic on Kidderpore Avenue. The other comment came from a parent and resident from Christchurch School who stated that such a scheme would unnecessarily inconvenience resident to suspend the parking bays and such a scheme was a waste of council resource at this time.
- 6.11 **Officers Comments: Policy** - As stated in section 1.6 of this report, footway widening schemes are in line with the Camden Transport Strategy (CTS) priorities. Policy 1c states: “The Council will change how road space is allocated, including reducing kerbside space for parking/loading provision, and reallocating carriageway space to active, sustainable travel modes to enable and encourage people to walk and cycle, to improve road safety and deliver enhancements to the public realm.” During the CTS consultation over 60% of Camden residents supported the principle set out in Policy 1c.
- 6.12 **Officers Comments: Road Safety** - The schools have specifically requested these schemes due to potential road safety issues that could occur at these locations. As it is looking likely that the need for social distancing outside the school gates will be required for some time, officers believe that implementing the schemes temporarily would be beneficial for the safety of pupils and parents/carers.
- 6.13 **Officers Comments: Parking** – If the schemes are approved we would be temporarily suspending a small amount of resident parking bays; four on Christchurch Hill and five on Kidderpore Avenue (shared with paid for parking bays). Parking data for Kidderpore Avenue indicates that the ratio of active permits to available permit holder parking spaces is 36% (28 active permits and space for 78 vehicles to be parked). The proposal at Kidderpore Avenue would result in the loss of 4 spaces available to permit holders. Parking data for Christchurch Hill indicates that the ratio of active permits to available permit holder parking spaces is 80% (44 active permits and space for 55 vehicles to be parked).The Agincourt Road proposals would not involve

suspending any parking bays. Therefore the overall impact on parking supply is not considered to be substantial.

7. LEGAL IMPLICATIONS

- 7.1 The recommendations in this report are being considered in the Council's capacity as the Local Highway/Traffic Authority for the Borough.

Highways and road traffic works and order-making powers

- 7.2 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 footway widening where that is the only element of a scheme, but a traffic order is required for each of the schemes proposed in this report, because they also involve elements other than footway widening.
- 7.3 Parts I and II of the Road Traffic Regulation Act 1984 ("RTRA") empower the Council to regulate or restrict traffic on roads within the Borough by Traffic Regulation Order for a range of purposes.
- 7.4 RTRA section 9 (experimental orders) and RTRA section 14 (temporary orders) are the main powers potentially available to the Council for its Covid-19 road traffic measures. An ETO under RTRA section 9 can authorise traffic filtering and footway widening; a temporary order or notice under RTRA section 14 can authorise traffic filtering, footway widening and restricting vehicle speeds.
- 7.5 Temporary Traffic Orders are recommended for the schemes proposed in this report, as these are presently intended to be temporary. A Temporary Traffic Order can be made for a maximum of 18 months.

Statutory duties and powers relating to road safety

- 7.6 Under RTRA section 122(1), the Council has a duty, so far as practicable having regard to the matters set out in section 122(2), to exercise its functions under the RTRA 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. Based on case law applicable to another RTRA power, it is considered that "safe" in section 122(1) means "not at risk of accident", rather than "free from ill-health".
- 7.7 Section 39 of the Road Traffic Act 1988 requires the Council to prepare and carry out a programme of measures designed to promote road safety, to carry out studies into accidents arising out of the use of vehicles on roads in its area, and – in the light of those studies - to take such measures as appear to the Council to be appropriate to prevent such accidents, including giving advice and practical training to road users, the construction, improvement,

maintenance or repair of roads for which they are responsible, and other measures taken in the exercise of its powers for controlling, protecting or assisting the movement of traffic on roads.

The network management duty and related Covid-19 statutory guidance

- 7.8 The Department for Transport (DfT) replacement Covid-19 guidance mentioned at paragraph 1.5 of this report was issued under section 18 of the Traffic Management Act 2004 (TMA). As the DfT notes in the guidance, “it applies to all highway authorities in England, who shall have regard to this guidance to deliver their network duty under the act. It is effective from the date of publication” – which was 13th November 2020.
- 7.9 TMA section 16 (the network management duty) provides as follows:
- “(1) It is the duty of a local traffic authority... (“the network management authority”) to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives–*
- (a) securing the expeditious movement of traffic on the authority's road network; and*
 - (b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.*
- (2) The action which the authority may take in performing that duty includes, in particular, any action which they consider will contribute to securing–*
- (a) the more efficient use of their road network; or*
 - (b) the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network or a road network for which another authority is the traffic authority; and may involve the exercise of any power to regulate or co-ordinate the uses made of any road (or part of a road) in the road network (whether or not the power was conferred on them in their capacity as a traffic authority).”*

Equality

- 7.10 The Council must, when carrying out the Council’s functions (which includes making decisions), have due regard to the needs set out in section 149 of the Equality Act 2010 (the Public Sector Equality Duty(‘PSED’)). This duty includes having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic (including people with a disability) and persons who do not share it. The Council must consider the duty, which is personal to decision makers. In order to assist the Council to comply with section 149, an Equality Impact Assessments (EIA) has been prepared combining the four schemes proposed and is attached as Appendix A. The relevant decision-maker must carefully consider this assessment as applicable to the schemes they are asked to approve.
- 7.11 In addition, with reference to disability, the Council has a duty under section 29 of the Equality Act (set out in the EIA) not to do anything that constitutes

discrimination (or victimisation or harassment) in the exercise of a public function, and a duty to make reasonable adjustments. The EIA is also important material in this regard.

- 7.12 The Council should also bear in mind relevant parts of the United Nations Convention on the Rights of Persons with Disabilities and the United Nations Convention on the Rights of the Child (these are referred to in more detail in the EIA). Some of those parts relate to (as regards persons with disabilities) the physical environment, transportation, personal mobility and sporting and leisure activities (UNCRPD), and (as regards children) self-reliance and active participation in the community of disabled children, standards of health, dangers and risks of environmental pollution, and recreational and leisure activities (UNCRC).
- 7.13 In summary, the PSED requires the Council, when exercising its functions, to have 'due regard' to the need to:
1. Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act (which includes conduct prohibited under section 29);
 2. Advance equality of opportunity between people who share a relevant protected characteristic and those who don't share it;
 3. Foster good relations between people who share a relevant protected characteristic and those who do not (which involves having due regard, in particular, to the need to tackle prejudice and promote understanding).
- 7.14 Under the duty the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion, sex, and sexual orientation. In respect of the first aim only i.e. reducing discrimination, etc the protected characteristic of marriage and civil partnership is also relevant.
- 7.15 Having due regard to the need to 'advance equality of opportunity' between those who share a protected characteristic and those who do not includes having due regard, in particular, to: the need to remove or minimize disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; the need to take steps to meet the needs of persons who share a protected characteristic where those needs are different from the needs of persons who do not share that characteristic, and encourage those who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 7.16 Further, section 149 provides that the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities. Compliance with the PSED may involve treating some persons more favourably than others, but that is not to be taken as permitting conduct

that would otherwise be prohibited under the Act (which includes breach of an equality clause or rule, or of a non-discrimination rule).

- 7.17 The Council should be aware that the PSED is not a duty to achieve the objectives or take the steps set out in section 149. Rather, the PSED requires the authority to take the specified needs into proper consideration when carrying out its public functions. There must be a proper appreciation of the potential impact of the decision on the equality objectives set out in section 149 and of the desirability of promoting them. “Due regard” means the regard that is appropriate in all the particular circumstances in which the authority is carrying out its functions. Provided due regard is had in this way, including considering mitigation measures as described below, it is for the Council to decide, taking into account all relevant factors (which may, depending on the circumstances, include the requirement upon the Council to operate within its budget) how much weight to give to the equality implications of the decision.
- 7.18 Paragraphs 4.1 and 4.4 of this report provide a summary of equality considerations in relation to the proposals. However, a careful consideration of the EIA itself is one of the key ways in which the relevant decision makers can show that they have carried out their duty to “have regard” to the relevant matters. The relevant decision-makers must therefore carefully consider the EIA in respect of the scheme(s) they are being asked to approve. In considering the EIA and all other material contained in and appended to this Report, the relevant decision-makers must bear in mind all of the parts of the public sector equality duty set out in the previous paragraph, and the duty not to discriminate and to make reasonable adjustments set out in section 29. Further, the relevant decision-makers should bear in mind the Convention provisions.
- 7.19 Where it is apparent from the analysis of the information that any of the proposed recommendations, should they be agreed, would have an adverse impact on those with protected characteristics, then any adjustments that would avoid or reduce that effect (mitigating steps) should be identified and careful consideration then given to whether and if so how they can be implemented.
- 7.20 In exercising its road traffic and highway powers, the Council is exercising a “public function”: Under section 29 of the Equality Act 2010, it must not, when exercising a public function, “do anything that constitutes discrimination, harassment or victimisation” (section 29(6)) and it must make reasonable adjustments (section 29(7)). The duty to make reasonable adjustments arises in relation to disabled persons and under section 20 of, and Schedule 2 to, the Equality Act 2010.

8. ENVIRONMENTAL IMPLICATIONS

- 8.1 The proposals would have a positive impact on the environment, encouraging people to undertake trips by foot rather than by car or taxi, which emit high levels of nitrogen dioxide (NO₂) and particulates pollution (PM₁₀). Walking would also help improve health and wellbeing and may be the only exercise that would be undertaken by some people.

9. RESOURCE IMPLICATIONS

The approximate total cost of the proposed schemes if approved would be **£41,200**. This will be funded by the council's Local Implementation Plan funding. The breakdown of approximate costs is as follows:

Scheme 1: St Luke's Church of England School – Materials, signage and drainage approximately £16,600

Scheme 2: Christ Church Primary School (NW3) – Materials only (unlikely that drainage or traffic orders are needed) approximately £4,600

Scheme 3: Fleet Primary School – Materials and traffic order approximately £20,000

The financial impact on the temporary loss of parking revenue would be approximately £8,700.

10. IMPLEMENTATION TIMEFRAME

- 10.1 Subject to approval, it is estimated that these schemes will be implemented during the first week of March, subject to contractor availability. This is on the basis that the majority of school pupils would be returning to the schools around this time, after the current lockdown. If implemented, the schemes will be reviewed after approximately five months, and a decision will then be taken as to whether publicly consult on them to assist in informing a decision by the Council as to whether or not they should be made permanent.

11. APPENDICES

Appendix A – Equality Impact Assessment

Appendix B – Drawing for St Luke's Church of England School, Kidderpore Avenue

Appendix C – Drawing for Christ Church Primary School, Christ Church Hill

Appendix D – Drawing for Fleet Primary School, Agincourt Road