

Cabinet 24 November 2021	 TOWER HAMLETS
Report of: Ann Sutcliffe – Corporate Director, Place	Classification: Unrestricted
Liveable Streets Brick Lane Review	

Lead Member	Cllr Kahar Chowdhury, Cabinet Member for Highways and Public Realm – (Job Share post as part of Social Inclusion and Public Realm portfolio)
Originating Officer(s)	Dan Jones, Divisional Director, Place Mohammed Chibou, Team Leader-Programme Commissioning and Monitoring
Wards affected	Banglatown and Spitalfields, and Weavers
Key Decision?	Yes
Forward Plan Notice Published	14 October 2021
Reason for Key Decision	Significant impact on communities living or working in two or more wards;
Strategic Plan Priority Outcome	Priority 2 – A borough that our residents are proud of and love to live in. Priority 3 – A dynamic, outcomes-based council using digital innovation and partnership working to respond to the changing needs of our borough.

Executive Summary

On Wednesday 30 October 2019 Cabinet approved the Liveable Streets programme, governance and delivery plan for 17 project areas.

The Liveable Streets programme seeks to make fundamental improvements to the infrastructure on the street and open spaces and change the travel behaviour of residents, businesses and visitors to Tower Hamlets.

In early August 2021, the council implemented one of the schemes under the Brick Lane Liveable Streets Programme which was five timed closures to motor vehicles (5.30pm-11pm Thursday and Friday and 11am-11pm Saturday and Sunday) along Brick Lane. These included along Brick Lane between:

- Brick Lane between Chicksand Street and Fashion Street
- Brick Lane between Fournier Street and Princelet Street
- Brick Lane between Princelet Street and Hanbury Street
- Brick Lane between Hanbury Street and Woodseer Street

- Brick Lane between Buxton Street and Taylor's Yard entrance

Since August, the council has reviewed the scheme through engagement surveys, onsite surveys, and engagement with local businesses. This report details the results of the review and seeks approval on the recommended amendments to the scheme.

The other elements of the Brick Lane scheme include two new school streets, public improvements to Brick Lane and a new public realm scheme on Buxton Street. These elements of the scheme are not under review are currently being progressed as schemes to be delivered this financial year.

Recommendations:

For the reasons set out in this report, and having regard to the Council's public sector equality duty The Cabinet is recommended to:

1. Approve the removal of the southern most closures which include the following:
 - Brick Lane between Chicksand Street and Fashion Street
 - Brick Lane between Fournier Street and Princelet Street
 - Brick Lane between Princelet Street and Hanbury Street
2. Approve the amendment of closure times for the remaining closures to 12pm-11pm Saturday and Sunday.
3. Approve the restoration of one way east bound operation to Fournier Street and the one way east bound operation of the western section of Princelet Street between Wilkes Street and Brick Lane.
4. Note the Equalities Impact Assessment and specific equalities considerations summarised in paragraph 4 of the report and the full Equalities impact Analysis (EqIA) detailed in Appendix B; and
5. Approve the use of an Experimental Traffic Order for the amended scheme design to allow any objections, comments or observations to be made before a review is undertaken within 18 months of its implementation.

1 REASONS FOR THE DECISIONS

- 1.1 An extensive engagement process has been undertaken through this review including paper, online and onsite surveys with residents, businesses and internal council services.
- 1.2 This proposal will address concerns relating to the impact of the closures on local businesses and local residents whilst retaining the benefits of reducing a

high volume of vehicles using Brick Lane during the weekend which is the busiest time for pedestrians.

- 1.3 The restoration of one way east bound operation to Fournier Street and the one way east bound operation of the western section of Princelet Street will address resident concerns of increased traffic particularly on Princelet Street.
- 1.4 The Brick Lane proposals will be affecting two wards

2 ALTERNATIVE OPTIONS

2.1 Throughout the consultation, we have received suggestions and alternative proposals which have been assessed by the project team for viability and alignment with the Liveable Streets objectives. These include:

- The complete removal of the scheme
- For the closures to be seasonal and only apply in the warmer months of the year to accommodate outdoor seating

2.2 The justifications for discounting both alternatives are summarised below:

2.3 A complete removal of the scheme

The closures have been successful in restricting through traffic along Brick Lane at the times they are in operation. The complete removal of these closures would undermine the objectives of the scheme by allowing traffic to go from Whitechapel High Street through to Bethnal Green Road. Furthermore, there is significant support for some form of traffic closures on Brick Lane particularly on the northern section of Brick Lane and on Saturdays and Sundays.

2.4 Seasonal closures

The changing of the one-way directions of Fournier Street and Princelet Street are required to ensure access for those residents' access either side of Brick Lane during closure times. Closures between Chicksand Street and Hanbury Street on some months of the year would be unworkable as the one ways on Fournier Street and Princelet Street would need to be changed every year. This would be unfeasible given the required traffic management changes, bays removals and signage changes.

3 DETAILS OF THE REPORT

Engagement and consultation

3.1 When the current closures were approved in cabinet, it was on the basis that the scheme is undertaken on an experimental basis to ensure a further review of the scheme can be carried out. This was to include the monitoring of the potential positive and negative impacts identified through the assessment and

where necessary provide a mechanism for alterations made to the scheme which will be undertaken following engagement with stakeholders.

3.2 Since implementation in August 2021, Tower Hamlets council has been undertaking a review of the scheme. This has included the following:

3.1.1 Discussions with residents and local businesses to establish the impacts of the scheme

3.1.2 A public online/paper survey was carried out from Monday 11th October to Wednesday 27th October 2021. Consultation packs were delivered to over 6,525 residential and business addresses within the consultation area.

Proposals

3.2 The proposals in this report are as follows:

- Removal of three existing closures between Chicksand Street and Hanbury street
- Retention of two existing closures between Hanbury Street and Taylor's Yard entrance
- The restoration of one way east bound operation to Fournier Street and the one way east bound operation of the western section of Princelet Street between Wilkes Street and Brick Lane

Consultation results

3.3 Over the consultation period, the responses in key categories are as follows:

- 782 total survey responses
- 176 residents that live within the scheme area
- 46 responses from businesses
- 89 responses from onsite surveys

3.4 A breakdown of each question is provided in Appendix A, Consultation Results.

Summary of consultation responses

3.5 Business responses were not supportive of the locations and timing of closures that were implemented in August 2021. A total of 79% opposed them and 74% said they have a negative impact on their business. When asked how the closures had affected their businesses, 74% said negatively citing difficulties with deliveries and loss in trade.

- 3.6 The key concerns for most of the business were around the 5:30pm closures on weekdays and how they impacted on customer trips using taxis to access their businesses. Most of the restaurants south of Hanbury Street were supportive of weekend closures in the warmer months but not all year round.
- 3.7 There is however support for weekend closures for businesses on the northern parts of Brick Lane which saw a Saturday closure as an extension of the historic Sunday market closure north of Buxton Street that has always existing in the area.
- 3.8 When considering all responses to the resident survey, 69% of residents from across the borough were supportive of the closures remaining as they are now. However, if we consider the responses from within the scheme area this reduced to 47% support compared to 44% opposition. Further postcode analysis shows a strong support for the existing closures north of Hanbury Street compared to strong opposition south of Hanbury Street. The spatial distribution of these responses is shown in Appendix A.
- 3.9 Onsite surveys were also conducted to ask users/visitors of brick lane whether they support oppose the closures. There was strong support from users of the space for all five closures ranging from 74% to 77%. These responses were predominantly from visitors
- 3.10 The majority of residents living in the scheme are opposed the new one-way directions on Fournier Street and Princelet Street. Representations have been made from several residents from Princelet Street with concerns relating to increased traffic. This is a result of the recent changes where Princelet Street which made it's a key through route for crossing Brick Lane where it was previously and feeder street to Brick Lane. Some additional representation was made from Chicksand Street residents who experienced additional traffic during closure times.

Finance

- 3.11 Approximately £70,000 of the original scheme was spent on ANPR cameras. These will now be re-located to other schemes within the liveable streets programme. The proposed changes in this report will cost £15,000 in new signage and road markings and traffic management orders costs.
- 3.12 The procurement of works and service will be carried out using existing frameworks or term contracts which have already received Council approval.
- 3.13 Detailed design will take place following Cabinet's decision, if so minded to grant the recommendations set out within the report, with works to start in December 2021.

4 EQUALITIES IMPLICATIONS

- 4.1 A full Equalities Impact Assessment (EqIA) has been carried out on the Brick Lane Liveable Streets scheme review. The EqIA can be seen in Appendix B and contains a full assessment for each protected characteristics.
- 4.2 The EqIA assessment has highlighted the potential for positive and negative impacts on groups sharing protected characteristics.
- 4.3 The positive impacts are more likely to impact on those that require a vehicle to access these areas. These are most likely be those who are elderly or have a disability. There are also positive impacts are for predominantly Bangladeshi businesses south of Hanbury Street that are impacted disproportionality by road closures due to how they generally receive or send deliveries and how some customers access their shops.
- 4.4 Negative impacts include the reintroduction of through traffic on Thursday and Friday evenings which increases the likelihood of conflict between traffic and pedestrians. This will be mitigated by public realm improvements to improve footways and reduce street clutter. Furthermore, the closures will continue to restrict though traffic from Whitechapel High Street to Bethnal Green which ultimately reduces traffic levels for the whole of Brick Lane and the times where pedestrian activity in busiest.
- 4.5 Further, it is recommended the scheme is undertaken on an experimental basis to ensure a further review of the scheme can be carried out. This will include the monitoring of the potential positive and negative impacts identified through the assessment and where necessary provide a mechanism for alterations made to the scheme which will be undertaken following engagement with stakeholders. As part of this review the EqIA will be further updated with results from any surveys and feedback provided from all road users and the local community.

5 OTHER STATUTORY IMPLICATIONS

- 5.1 Many of the proposals will require changes to the highway and therefore traffic regulation orders will need to be advertised and made. These will be advertised and consulted on in accordance with the Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996, or the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 in respect of temporary orders.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 The Public Realm Liveable Street project is part of the Council's 2020/21 and 2021/22 approved capital programme with a combined budget of £13.4m and the funding for the project is from S106 and CIL.
- 6.2 The proposals in this report will cost £15,000 in new signage, road markings and the cost of a new experimental traffic order

- 6.3 The procurement of works and service will be carried out using existing frameworks or term contracts which have already received council approval.

7 COMMENTS OF LEGAL SERVICES

- 7.1 The common law provides that a public body must adopt a fair procedure to decision-making to ensure that members of the public, affected by a potentially adverse decision, are given a fair and informed opportunity to make representations and provide their comments before the decision comes into effect. If a public body embarks on a consultation procedure, the outcome of which may be to deprive someone of a benefit that they previously enjoyed, then the common law imposes basic criteria that must be satisfied in order for that procedure to be considered lawful and fair.
- 7.2 The case of R. v Brent London Borough Council, ex. p. Gunning [1985] 84 LGR 168 established the following basic criteria (now known as the Sedley criteria), that all fair consultations must satisfy:
1. consultation must be undertaken at a time when proposals are still at a formative stage;
 2. sufficient reasons must be given for any proposal to allow an intelligent consideration of and response to the proposal;
 3. adequate time must be given for consideration and response; and
 4. responses must be conscientiously taken into account in finalising any proposal.
- 7.3 It is also worth noting that more recent case law has suggested that "consulting about a proposal does inevitably involve inviting and considering views about possible alternatives," and "sometimes... discarded alternative options."
- 7.4 The Council is required to adhere to the Public Sector Equality Duty in accordance with s149 of the Equality Act 2010 which must be given due regard in its decision making. Paragraph 4 advises that a full EqlA has been undertaken in respect of the proposals whilst taking into account the wider design of the Brick Lane scheme. The EqlA is attached at Appendix B of the report.
- 7.5 The Mayor in Cabinet will note that the EqlA identifies a number of positive and negative impacts upon individuals that share particular protected characteristics. Paragraphs 4.1 – 4.5 of the report set out the justification and mitigations proposed in respect of any adverse effects.
- 7.6 It is noted that the amended scheme be introduced on an experimental basis in order to ensure that a review of the scheme can be carried out. This will include the monitoring of the potential positive and negative impacts identified through the assessment and where necessary alterations made to the scheme. As part of this review the EqlA will be updated with results from any surveys and feedback provided from all road users and the local community.

- 7.7 The Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996, or the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 (in respect of temporary orders) sets out the legal process to be satisfied when making traffic orders. The legal procedure includes provision for calling a Public Inquiry where appropriate. The Road Traffic Regulation Act 1984 section 1, 6 and Schedule 1 sets out the purposes for which a Road Traffic Regulation Order may be made. Legal services will provide advice in relation to each such Order at the time that they are proposed to be made.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

Appendix A – Results of the consultation

Appendix B – updated EqIA

Background Documents – Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012

- NONE

Officer contact details for documents:

Mohammed Chibou-Team Leader Programme Commissioning and Monitoring