

<p>Individual Mayoral Decision</p> <p>26 May 2021</p>	
<p>Report of: Ann Sutcliffe – Corporate Director, Place</p>	<p>Classification: Unrestricted</p>
<p>Liveable Streets Brick Lane</p>	

Lead Member	Cllr Dan Tomlinson, Cabinet Member for Environment
Originating Officer(s)	Dan Jones, Divisional Director, Public Realm Chris Harrison, Programme Director
Wards affected	Banglatown and Spitalfields, and Weavers
Key Decision?	Yes
Forward Plan Notice Published	15 April 2021
Reason for Key Decision	Financial threshold
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 will 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.

Through an online engagement forum, community meetings, co-design workshops, and liaison with Ward Councillors, the Liveable Streets team created a series of proposals to carry out improvements in the Brick Lane area. These proposals were presented to the Brick Lane community for comment through a public consultation from Wednesday 17 March to Wednesday 14 April 2021.

This report details the results of the public consultation and seeks approval on the final design and next steps.

Recommendations:

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

1. Consider the results of the engagement to date and public consultation of the Brick Lane area as part of the Liveable Streets programme (Appendix D).
2. Approve the final scheme design for the Brick Lane area as shown in Appendix B which includes but not limited to:
 - Timed closures on Brick Lane on Thursday and Friday between 5:30pm to 11pm and Saturday and Sunday between 11am and 11pm.
 - A school street on Underwood Road, Buxton Street and Hunton Street
 - One-way southbound on Deal Street between Underwood Road and Woodser Street.
 - Implementation of at least ten cycle hangers.
3. Approve the use of existing frameworks or term contracts to award an order up to the value of £1.1 Million for completion of the works.
4. Consider 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 F; and
5. Approve the use of an Experimental Traffic Order for the works specified with the final scheme design shown in Appendix B to allow any objections, comments or observations to be made before a review is undertaken within 18 months of the order being made.

1 REASONS FOR THE DECISIONS

- 1.1 This project will make fundamental improvements to infrastructure on the street, public spaces and change the travel behaviour of residents, businesses and visitors to the Brick Lane area. These changes seek to address the following known issues in the area:
 - High volume of vehicles using Brick Lane during the evening and weekend which is the busiest time for pedestrians.
 - Lack of planting, cycle parking facilities, poor street lighting
 - High volume of vehicles using streets outside schools during pick up and drop off
- 1.2 An extensive engagement process has been undertaken over the past 18 months involving residents, businesses, key groups, emergency services and internal council services.
- 1.3 As part of the 30 October 2019 Cabinet approval, the decision making for the Liveable Streets programme is:

- Under £250k – decision to be made by Divisional Director, Public Realm.
- Over £250k-below £1 million – Decision to be made by Divisional Director, Public Realm in consultation with the Mayor and Lead Member.
- Over £1 million or significant impact on two or more wards – decision to cabinet for political decision.

1.4 The Brick Lane proposals will be affecting two wards and over £1 million, therefore is being taken to cabinet for political decision.

2 **ALTERNATIVE OPTIONS**

2.1 Throughout the public 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. A full list of the alternatives considered and justification for adopting or discounting can be found in Appendix E

2.2 A summary of the key alternatives that have been discounted and adopted and the justifications for both are set out below:

2.3 Alternative suggestions discounted:

- Leaving Princelet Street one-way eastbound to avoid an increase in motor vehicle usage.

Concern has been raised that if the western side of Princelet Street is changed to one-way westbound there will be an increase in vehicle movements and large vehicle will overrun the footway as they enter Wilkes Street.

Making Princelet Street one-way, westbound, is important to ensure access for residents' access either side of Brick Lane during the closure times. Traffic surveys during the 10-week TfL Streetspace scheme didn't show a significant increase in vehicles. Vehicle tracking demonstrates that the movement of large vehicles into Wilkes Street is possible. Therefore, the change has not been included into the scheme however additional measures, such as bollards, will be considered the junction of Wilkes Street and Princelet Street to reduce concerns and traffic levels will continue to be monitored.

2.4 Alternative suggestions adopted:

- Different timings for Brick Lane closures

Many respondents from businesses and residents close to Brick Lane suggested a further option of a timed closure on Brick Lane on Thursday and Friday between 5:30pm to 11pm and Saturday and Sunday between

11am and 11pm.

In consideration to the split in survey responses from businesses between the options provided, it is recognised that this would reduce concerns for some while providing the benefits of kerbside activity for others during the busiest times of the week. Therefore, this suggestion has been adopted as the recommended option and should be reviewed as part of the identified process for the scheme.

- A number of suggested locations for dropped kerbs were put forward to the team including:
 - Dray Walk to the west;
 - Corbet Place;
 - Junction of Calvin Street and Jerome Street;
 - Hanbury Street, west of the junction with Spital Street;
 - near the junction with Hanbury Street, northern footway; and
 - Grey Eagle street and Quaker Street junction.

These have been added to the scheme for implementation.

- Numerous suggestions for increased traffic calming in the area.

A number of requests were made to increase the level of traffic calming due to vehicle speeds especially during the peak times and evenings. The main request included Old Montague Road, Deal Street, Wentworth Street and Greatorex Street.

These have been added to the scheme for implementation.

3 DETAILS OF THE REPORT

Engagement and consultation

- 3.1 Starting in June 2019, Tower Hamlets council has been undertaking an extensive engagement process in the Brick Lane area. This has included the following:

- 3.1.1 Early engagement to obtain information about people's travel habits, key issues in the area and suggestions for improvement. This engagement was carried out using an online survey, interactive map, drop-in sessions and meetings with groups in the community. A walkabout was carried out with Ward Councillors. Leaflets were delivered to the area, and over 100 stakeholder emails were sent. In total, over 200 residents responded.
- 3.1.2 In January and February 2020, four community co-design workshops took place with 59 attendees. The attendees were presented with plans showing suggestions to improve the area and tackle issues based on feedback received from residents, businesses, schools and other stakeholders during early engagement. The workshops consisted of

two exercises, the first focussed on traffic management and cycling improvements, and the second exercise focussed on improving the pedestrian environment, accessibility to public transport and public spaces. Attendees were asked to feedback on the suggestions presented to further develop the designs to the desires and needs of the community. We also met with schools during this time to discuss potential School Streets proposals and get their feedback on the suggestions.

- 3.1.3 Throughout the engagement period, we met with Council departments and reached out to emergency services and Safer Neighbourhood Team contacts.
- 3.1.4 A public consultation exercise was carried out, from Wednesday 17 March to Wednesday 14 April 2021. Consultation packs were delivered to over 6,525 residential and business addresses within the consultation area, with extra copies available upon request. Emails were sent to residents, internal and external stakeholders on the Tower Hamlets mailing list during the consultation period.
- 3.1.5 In place of face-to-face drop in sessions, virtual 'chat with the team' sessions were organised over the phone and zoom which provided the opportunity for attendees to review the proposals with the project manager or programme team to discuss any changes which may be desired. Virtual meetings were offered to all schools in the area and community groups.
- 3.1.6 Materials were made available in Bengali and publicised in the area. Additional materials such as banners, posters and large-scale maps have also been put in key locations in the area.
- 3.1.7 Meetings with key groups were also arranged by the project team to obtain as many views from the community as possible.

Proposals

- 3.2 The design proposals can be seen on the map in Appendix A on pages 4 and 5. The objectives are to be achieved through a combination of footway improvements, road closures, improvement of shared public spaces, greening and safety improvements. The key elements of the final scheme are:
 - Restricting traffic movements and giving priority to pedestrians in sections of Brick Lane on Thursday and Friday evenings and the weekends (Brick Lane will be open to all traffic before 5.30pm on weekdays and before 11am on weekends) to support businesses to trade safely and make use of outside dining space.
 - Improving the accessibility of Brick Lane with dropped kerbs and new disabled parking spaces.

- Enhancing the neighbourhood with improved lighting, planting and traffic calming measures to create a better and safer environment for the local community and visitors to walk and cycle around Brick Lane.
- Installing new cycle hangars and cycle stands to encourage sustainable travel.
- Creating accessible and safer school travel routes to improve air quality and road safety for children.

Consultation results

3.3 Over the 4-week period we received a total of 1,115 respondents to the consultation of which 901 were received online and the remaining 214 were paper responses. Overall, there were 311 responses from within the consultation area. (residents could choose more than one option if it applies). The responses in key categories are as follows:

- 307 residents that live within the scheme area
- 77 business owners
- 307 visitors
- 160 working in the area

A breakdown of each question is provided in Appendix D, Consultation Results. The results show an overall support to all the proposals and overwhelming so favoured by residents, workers and visitors to the area.

Business responses were supportive of most measures with a split on the proposed times of the closures on Brick Lane with 36% opting for weekends only the highest supportive, followed by 23% opting for weekdays after 5:30pm and weekends.

The results for those responding with addresses on Brick Lane only were 63% supportive of the closures and 50% supportive of the weekday and weekend proposal.

Overall, those respondents that indicated they were disabled were in support of the scheme with 65% supportive.

Finance

3.4 The total cost of the scheme is estimated at £1.1million. Capital Investment in the Liveable Streets programme will be required for the financial year 2021/22.

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

3.6 Detailed design will take place following Cabinet's decision, if so minded to grant the Recommendations set out within the report, on all proposals with works to start in summer 2021.

4 EQUALITIES IMPLICATIONS

4.1 A full Equalities Impact Assessment (EqIA) has been carried out on the Brick Lane Liveable Streets scheme final proposals. The EqIA can be seen in Appendix F and contains a full assessment for each protected characteristic.

4.2 The initial EqIA assessment has highlighted the potential for positive and negative impacts on groups sharing protected characteristics. Additionally, evidence has been drawn upon through existing studies, data sets, as well as data and evidence collected as part of this programme through engagement stage, consultation, and surveys.

4.3 The identified negative impacts of the proposal are related to the requirement for those using a motor vehicle to use alternative routes to reach their destination in the area. Within the school streets the following will still be able to gain access with a motor vehicle if they fall within one of the below categories:

- Residents whose vehicles are registered or insured on a school street
- vehicles registered to or insured to a school street address
- Blue badge holders
- Parent or carer taking a child with special educational needs (SEN) to school
- School staff at the school
- Businesses based on school streets

4.4 However, those who do not meet the above criteria will have to use alternative routes during the 2 hours of operation during the weekdays and term time. The alternative route for motor vehicles during the hours of operation is approximately 1 mile and will take on average an additional 3-5 minutes.

4.5 Within Brick Lane, there are sections which will not allow motor vehicles during the hours of operation however the sections are limited to a maximum of 55 metres and motor vehicle access is within 30 meters at any given point.

4.6 Due to the limitations described above the negative impacts are more likely to impact on those that require a vehicle to access these areas. Data collected shows that this mostly likely be those who are elderly or have a disability. In order to mitigate these impacts the design has limited hours of operation, the east/west movements across Brick Lane remain accessible and additional blue badge parking has been proposed on roads adjacent to the closure points.

- 4.7 In line with data gathered we are reducing the potential pedestrian motor vehicle conflict during the busiest times of the day, making the place and environment safer. This also leads to better localised air quality for those using the local streets actively to reach their destinations. The recommended scheme will positively impact on those characteristics who are more likely to be involved in accidents and have underlying health issues exacerbated or triggered by increased pollution.
- 4.8 For example, the borough's Transport Strategy identifies Black and minority ethnic groups as more likely to be a casualty in a road collision, particularly as a pedestrian which this scheme would help improve by removing the conflict with motor vehicles and improvements to crossings and accessibility through the area. Those who are Black and minority ethnic and elderly are also more likely to have a respiratory condition, as outlined in the Transport Strategy and would benefit from reduced traffic levels. The elderly and young are also the most likely groups to be involved in a collision, as well as being impacted by the poor air quality, walking environment and outdoor space.
- 4.9 Further, it is recommended the scheme is undertaken on an experimental basis to ensure a review of the scheme is 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.
- 5.2 As part of the design we shall consider Section 17 of the crime and disorder act 1998, to ensure that we do all that it reasonably can to mitigate the impacts of crime and disorder, substance misuse and reoffending.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 In September 2020, Cabinet approved the funding sources for the delivery of Liveable Streets schemes at Bethnal Green (£2.7m), Wapping (£1.1m) and Barkantine (£1.0m) - totalling £4.8m. After accounting for the retrospective spend incurred on these schemes from prior years, the remaining budget totals £4.5m. In November 2020, Cabinet approved the funding sources for Liveable Streets schemes at Bow (£3.0m) and Brick Lane (£1.7m) – totalling £4.7m. Most recently, in January 2021, Cabinet approved the funding sources

for the next schemes in Liveable Streets projects, including Old Ford West (£1.0m), Shadwell (£1.0m), Whitechapel (£1.2m) and Mile End West (£1.0m) – Totalling £4.2m. Hence, The current total approved budget for Public Realm Liveable Streets projects as part of the Council's 2020/21 and 2021/22 approved capital programme is a combined budget of £13.4m, funded through a combination of S106 (£4.8m) and CIL (£8.6m) monies.

- 6.2 This report is requesting for a release of £1.1m which is the estimated total cost of the Brick Lane scheme and this can be accommodated within the budgets.
- 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 Paragraph 3.3 and Appendix D of the report sets out the extent of the consultation exercise undertaken and demonstrates a fair and legally robust process. Further, paragraph 2 of the report and Appendix E set out the assessment of the alternative options undertaken and that "intelligent consideration" was provided by the Council in its review and account of consultation responses. Full reasons are provided where particular options are not being pursued which demonstrates the fairness of the consultation process thereby satisfying the legal tests set out above.

- 7.5 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 F of the report.
- 7.6 The Cabinet will note that the EqlA identifies a number of positive and negative impacts upon individuals that share particular protected characteristics. Paragraphs 4.1-4.8 of the report set out the justification and mitigations proposed in respect of any adverse effects.
- 7.7 It is noted that paragraph 4.9 of the report advises that the scheme implementation has been recommended to be undertaken on an experimental basis to ensure a review of the scheme is 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.
- 7.8 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.
- 7.9 The Council is entitled to use a framework provided it is procured correctly in compliance with the statutory requirements of the Public Procurement Regulations 2015.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

Appendix A – Consultation Document
Appendix B – Final Scheme Map
Appendix C – Engagement and Consultation
Appendix D – Consultation Results
Appendix E – Alternatives Considered
Appendix F – Equalities Impact Assessment

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

- NONE

Officer contact details for documents:

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