

Croydon Council

REPORT TO:	Traffic Management Advisory Committee 16th December 2014
AGENDA ITEM:	17
SUBJECT:	Proposed Highway Restrictive Measures – Prevention of Incursions on Imperial Way and Lysander Road
LEAD OFFICER:	Executive Director, Development & Environment
CABINET MEMBER:	Councillor Kathy Bee, Cabinet Member for Transport & Environment
WARDS:	Waddon
CORPORATE PRIORITY/POLICY CONTEXT:	
Protecting resident priorities & Empowering communities, ensuring a sustainable place for local businesses to thrive.	
FINANCIAL IMPACT: The installation of the restrictive measures will cost approximately £16,000 with the proposal for affected businesses to share the cost with the Council. The cost of installation is likely to be saved several times over within the first couple of years of through reductions in the cost to manage and clean up unauthorised encampments at these locations.	
FORWARD PLAN KEY DECISION REFERENCE NO.:	
This is not a key executive decision.	
1. RECOMMENDATIONS	
The Traffic Management Advisory Committee recommend the Cabinet Member for Transport and Environment Services to agree:	
1.1	That the Enforcement and Infrastructure Manager, Highways and Parking Services proceed to make the necessary Traffic Management Order under the Road Traffic Regulation Act 1984 (as amended) to install a height barrier at the following locations:-
	<ul style="list-style-type: none"> • In Imperial Way by the entrance to the Swift Centre close to Costco; and • At the entrance to Lysander Road off Imperial Way.
1.2	Note that any material objections received on the giving of public notice will be reported to a future Traffic Management Advisory Committee for Members' consideration.

2. EXECUTIVE SUMMARY

2.1 This report seeks agreement to instigate the process for making a Traffic Management Order (TMO) to allow for installation of a height barrier in Imperial Way by the entrance in to the Swift Centre close to Costco and at the entrance to Lysander Road to prevent repeated incursions by individuals seeking to establish unauthorised encampments. See maps at Appendix 1 for precise locations.

2.1.1 The proposal also includes installation of bollards on the adjoining footpaths on Imperial Way which do not require a TMO.

2.1.2 The costs of the initial installation for the above measures will be met by the Council and the businesses who have been adversely affected by the incursions though on-going maintenance would be a responsibility of the Council's Highways Service.

3. BACKGROUND

3.1 In previous years unauthorised encampments had moved around a number of locations in the borough, both on private and public land, focussed along the A23 Purley Way corridor. This had lessened the frequency of encampments at any one spot. However, in the last two years many of the private land locations have either installed or erected restrictive measures to prevent encampments accessing their land. While the restrictive measures already installed at the other end of Imperial Way have been successful in deterring encampments from this location it has had the effect of some displacement to these two locations instead. Further, with the closing off of Imperial Way, which remains public highway, it has become known as a convenient and frequent location for unauthorised encampments with room for several caravans and vehicles. There were 18 encampments at these locations (8 at Lysander Road and 10 on Imperial Way) during 2013.

3.2 These have the effect of obstructing loading bays and car parking at the units and completely obstructing footways on both sides thus forcing pedestrians to walk in the road. These roads have many vehicles, including HGVs using them daily such that the presence of an unauthorised encampment compromises highway safety and poses a very real risk of an accident happening.

3.3 As a consequence the businesses affected by this have raised formal complaints to the Council, including requesting a review of their National Non-Domestic Rating (business rates) and complaints to the local MP, claiming they have been adversely affected.

3.4 The Council's enforcement team in partnership with the police have taken steps to prevent repeat encampments at this location including the serving of directions under s77 of the Criminal Justice and Public Order Act 1994 to leave the land with any vehicles and property. Such a direction remains in effect for

three months in relation to any persons previously directed to leave the land, who returns with their vehicles. Returns within the 3 month period are a criminal offence and are dealt with swiftly by the Council, but it is costly to hire bailiffs and this does not completely prevent another incursion within the three month period.

4. DETAILS

- 4.1 Council officers have proposed that restrictive measures, namely the installation of bollards and a height barrier on Imperial Way by the entrance in to the Swift Centre close to Costco and a height barrier at the entrance to Lysander Road be installed. On Imperial Way, the road at this location goes round an island to provide access in to the Swift Centre but does not divert the main highway route, therefore it is only used as an access point and additional parking for the businesses there. On Lysander Road it is proposed that a height barrier be installed at the entrance (see maps at Appendix 1 for precise locations).
- 4.2 The proposal to install these is considered to be a more effective means of preventing the unauthorised encampments which otherwise compromise highway safety. There is the potential for displacement of the problem, whereby the encampments may simply situate themselves elsewhere on Imperial Way. However, the other locations on Imperial Way are less attractive as they are on the main road with more traffic and less space for groups of caravans to congregate so it is expected that these restrictive measures will be successful in deterring future encampments from this location.
- 4.3 Costs of on-going maintenance of the height barriers will remain with the Council but are anticipated to be significantly cheaper than the eviction and clean up costs of an unauthorised encampment. If the example of other locations is a guide then damage to the barriers is unlikely and at most may consist of a broken lock, which would be covered by a one-off maintenance charge within the cost of the installation. The height barriers will have 'Gerda' locking systems which are more secure but still accessible by the Fire Brigade to make it harder to bolt-crop or simply open by key. Such measures do not guarantee prevention of access to the location but does make it more difficult and should prevent the highway safety concerns detailed above. Doing nothing is not an option if the Council is to ensure the safety of users of the highway and that access to premises is maintained to make the area a viable and attractive proposition for businesses both existing and new.

5. CONSULTATION

- 5.1 This proposal has arisen from regular discussions with affected businesses, which are in support of the proposal. The quotation will include costs of formal consultation on the Traffic Management Order that is required for legal installation of the height barriers.
- 5.2 The legal process requires that formal consultation takes place by way of Public Notices published in the London Gazette and a local paper (Croydon Guardian). Although it is not a legal requirement this Council also affixes street notices to lamp columns in the vicinity of the proposed schemes and writes to occupiers who are directly affected to inform as many people as possible of the proposals.
- 5.3 Official bodies such as the Fire Brigade, the Cycling Council for Great Britain, The Pedestrian Association, Age UK and bus operators are consulted under the terms of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Additional bodies, up to 27 in total, are consulted depending on the relevance of the proposals.
- 5.4 Once the notices have been published the public has 21 days to comment or object to the proposals. If no relevant objections are received, subject to agreement to the delegated authority sought by the recommendations, the Traffic Management Order is then made. Any relevant objections received will be reported back to this Advisory Committee to consider whether to recommend that the scheme be introduced as originally proposed, amended or abandoned. The objectors are then informed of the decision.

6. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

6.1 Revenue and Capital consequences of report recommendations

With the exception of ongoing maintenance all of the costs associated with this report are one off expenditure. The costs of the installation will be met by both the Council and the businesses though on-going maintenance would be a responsibility of the Council's Highways Service. The estimate of costs is as follows:

Traffic Management Order -	£2,500
Illuminated Warning Signage -	£ 6,800
Height Barriers & Bollards -	£9,880
Commutated sum	£500 (to cover maintenance)
Total	£19,680

The cost of these works will come from the New Administration Priorities Reserve.

The estimated cost of dealing with unauthorised encampments at these locations during 2013 was approximately £28,000.

6.2 The effect of the decision

Failure to approve this proposal may result in the roads continuing to be used in an inappropriate manner risking the safety of pedestrians and other road users alike.

6.3 Risks

The main risk is the safety of road users. This is a main cut through for local school children who are often forced into the road around illegally parked oversized vehicles and encampments.

6.4 Options

Do nothing. Allow the situation to continue, risk injury to road users.

Put in height barriers, restrict access to larger vehicles, reduce obstructive parking and stopping by larger vehicles and make the road safer for employees who work in the estate and other road users.

6.5 Future savings/efficiencies

The installation of restrictive measures at these two locations should prevent unauthorised encampments at these locations. It has been estimated that the average cost for each unauthorised encampment is £1,539. This includes costs of direct Croydon staff involved, legal instructions, bailiffs and the removal of manageable material from site. So based on the number of encampments last year (18) this totals £28,000.

Approved by: Graham Oliver, Finance Business Partner D&E, on behalf of Head of Finance

7. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

7.1 The Solicitor to the Council comments that Sections 6, 124 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (as amended) provide powers to introduce and implement Traffic Management Orders. In exercising this power, section 122 of the Act imposes a duty on the Council to have regard (so far as practicable) 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. The Council must also have regard to matters such as the effect on the amenities of any locality affected.

7.2 The Council must comply with the necessary requirements of the Local Authorities Traffic Order Procedure) (England and Wales) Regulations 1996 by giving the appropriate notices and receiving representations. Such representations must be considered before a final decision is made.

Approved by: Gabriel MacGregor, Head of Corporate Law on behalf of the Council Solicitor and Monitoring Officer.

8. HUMAN RESOURCES IMPACT

- 8.1 There are no HR implications.

Approved by: Adrian Prescod, HR Business Partner, on behalf of the director, Human Resources Organisational Effectiveness.

9. EQUALITIES IMPACT

- 9.1 An equalities impact assessment has been completed. It was not thought that a full assessment is required. The Council has an Unauthorised Encampment policy, which incorporates acknowledgement of the traveller community as a recognised ethnic group and the range of needs of all individuals involved. The policy also incorporates an expectation that any discriminatory attitudes at any stage of involvement are challenged and addressed. The policy also sets out that no-one is above the law. Camping on these sites is unlawful. The proposed highway restrictions do not therefore discriminate against the traveller community, instead, they ensure that lawful access is enabled and ensured.
- 9.2 Unauthorised encampments cause a great deal of inconvenience to local businesses as well as those who use them, whether this is to work, shop or as part of their leisure time. As well as health and safety concerns in respect of accessibility, the roads often become heavily clogged with larger vehicles which prevent the highway being used for access and egress.

10. HUMAN RIGHTS

- 10.1 When considering issues relating to unauthorised encampments which may include of Gypsy/Travellers, it is important that Public Authorities, including the council, consider its responsibilities detailed in the Human Rights Act 1998.
- 10.2 Insofar as A.8, the right to respect for private and family life, might be engaged in relation to the individuals occupying an unauthorised encampment any action taken must be lawful, necessary and proportionate. To achieve this, a balanced view must be taken which respects the rights of both Gypsy / Travellers and the 'settled' communities.

11. ENVIRONMENTAL IMPACT

- 11.1 The proposed highways changes would not impact on the environment in any particular way other than protecting the two locations from fly tipping, dog fouling and human excrement.

12. CRIME AND DISORDER REDUCTION IMPACT

If implemented the measures would reduce anti-social behaviour caused by repeated encampments at these locations. Previous examples include fly-tipping, dog fouling & human excrement being left behind, paving bricks being ripped up and paint being daubed over doorways.

CONTACT OFFICER: *Andy Opie, Head of Community Safety*
BACKGROUND DOCUMENTS: *none*

Appendix 1

Location of Lysander Road Restrictive Measures



Location of Imperial Way Restrictive Measures



