

LONDON BOROUGH OF CAMDEN	WARDS: Frognal
REPORT TITLE Call-in St Margaret's School and St Luke's Church of England School Healthy School Street scheme (SC/2025/34)	
REPORT OF Director of Environment and Sustainability	
FOR SUBMISSION TO Culture and Environment Scrutiny Committee	DATE 14 July 2025
SUMMARY OF REPORT <p>On 30 May 2025 the Cabinet Member for Planning and a Sustainable Camden considered a report (SC/2025/34) proposing to implement a trial Healthy School Street (HSS) timed motor vehicle restriction on Kidderpore Avenue, Kidderpore Gardens, Ferncroft Avenue and Hollycroft Avenue, under an 18 months Experimental Traffic Order (ETO), around St Luke's and St Margaret's schools together with publishing a notice of other permanent Safe and Healthy Streets measures.</p> <p>The Cabinet Member approved the following decisions:</p> <ul style="list-style-type: none"> (i) To implement the trial timed Healthy School Street outside St Margaret's School and St Luke's Church of England School; (ii) To publish a notice of proposals in respect of the permanent Safe & Healthy Streets measures in the locality; (iii) Delegated authority to the Chief Engineer to take any further decisions relating to the detailed design and implementation elements of the scheme; (iv) Delegated authority to the Director of Environment and Sustainability, following consultation with the Cabinet Member for Planning and a Sustainable Camden, to take any further decisions required to deliver the trial scheme and on whether to retain, amend or remove the trial Healthy School Street scheme at the end of its trial period; and (v) Delegated authority to the Director of Environment and Sustainability, following consultation with the Cabinet Member for Planning and a Sustainable Camden, to take any further decisions required to implement the permanent Safe & Healthy Streets measures in the locality having considered any objections received. <p>On 5 June 2025 Councillors Steve Adams, Andrew Parkinson, Stephen Stark and Shiva Tiwari 'called in' the decision to implement the trial Healthy School Street timed motor vehicle restriction for Kidderpore Avenue, Kidderpore Gardens, Ferncroft Avenue and Hollycroft Avenue and the proposed permanent measures. The decision has not been implemented to allow consideration of the call-in.</p>	

A copy of the call-in notice is attached as Appendix 1. This report sets out the grounds for the call-in and officers' advice to the Committee.

Local Government Act 1972 – Access to Information

No documents that require listing were used in the preparation of this report.

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RECOMMENDATIONS

That the Culture and Environment Scrutiny Committee approve the original decision by the Cabinet Member for Planning and a Sustainable Camden relating to the trial Healthy School Street timed motor vehicle restrictions around St Margaret's School and St Luke's CE School on Kidderpore Avenue, Kidderpore Gardens, Ferncroft Avenue and Hollycroft Avenue, together with the proposed permanent Safe and Healthy Streets measures as set out in the 30 May 2025 report, and enable implementation of the measures stated in the report accordingly.



Signed:

Richard Bradbury, Director of Environment and Sustainability

Date: 2 July 2025

1. Purpose of Report (and Reason for Urgency)

- 1.1. This report has been produced in response to a 'Call in' of a Decision made by the Cabinet Member for Planning and a Sustainable Camden on 30 May 2025, ([SC/2025/34](#)) proposing to implement trial Healthy School Street timed motor vehicle restrictions on Kidderpore Avenue, Kidderpore Gardens, Ferncroft Avenue and Hollycroft Avenue in the vicinity of St Luke's and St Margaret's school together with publishing a notice of permanent Safe & Healthy Streets measures. The Decision Report ([SC/2025/34](#)) sets out in detail the background to the proposals on which a decision is sought, the programme in which the project/proposal sits, the policy context of the proposals, the reasons for the decision, and the options available to the Decision Maker.
- 1.2. In relation to the trial Healthy School Street timed motor vehicles restrictions and road safety improvements, which is the subject of this call-in, the Cabinet Member for Planning and a Sustainable Camden resolved that, having considered the feedback from the public consultation (Appendix A to the report), the amended proposals in response to the feedback to the public consultation as set out in Section 2 of the Decision Report and illustrated in Appendix C to the report, and the results of the Equalities Impact Assessments (Appendix D to the report), and having due regard to the needs set out in Section 149 of the Equality Act 2010, the following should be approved:
 - (i) the recommendation to implement the trial timed Healthy School Street (HSS) outside St Margaret's School and St Luke's Church of England School to introducing trial (for up to 18 months) HSS timed motor vehicle restrictions, Monday to Friday, during school term only, for the two HSS zones:
 - For St Luke's Church of England (CofE) School on Kidderpore Avenue: between Penrose Gardens and Platt's Lane only, from 8:15am to 9:15am and from 3:15pm to 4pm, Monday to Friday school term time only
 - For St Margaret's School on Ferncroft Avenue: the whole street on Ferncroft Avenue, between Heath Drive and Platt's Lane, the whole street on Kidderpore Gardens, between Kidderpore Avenue and Ferncroft Avenue, and on Hollycroft Avenue, between Ferncroft Avenue and Rosecroft Avenue, from 8am to 8:45am and 3pm to 4.15pm, Monday to Friday school term time only.
 - (ii) The recommendation to publish a notice of proposals in respect of the permanent Safe & Healthy Streets measures in the locality in respect of permanently widening the pavement on Ferncroft Avenue, at the junction with Kidderpore Gardens, and extending the existing raised section of the carriageway, to facilitate a safer crossing for pedestrians and slowing down vehicle speeds. To do this, it is proposed to remove 2 resident parking bays and reduce a further resident's parking bay by 1 metre. It is also proposed to plant two trees and adding cycle stands on the existing widened pavement on Kidderpore Avenue outside St Luke's CE school

- (iii) authority to be delegated to the Chief Engineer to take any further decisions relating to the detailed design and implementation elements of the scheme;
 - (iv) authority to be delegated to the Director of Environment and Sustainability, following consultation with the Cabinet Member for Planning and a Sustainable Camden, to take any further decisions required to deliver the trial scheme and on whether to retain, amend or remove the trial HSS scheme at the end of its trial period; and
 - (v) authority to be delegated to the Director of Environment and Sustainability, following consultation with the Cabinet Member for Planning and a Sustainable Camden, to take any further decisions required to implement the permanent Safe & Healthy Streets measures in the locality having considered any objections received
- 1.3. On 5 June 2025 Councillors Steve Adams, Andrew Parkinson, Stephen Stark and Shiva Tiwari 'called in' the decision to implement the trial Healthy School Street timed motor vehicle restriction for Kidderpore Avenue, Kidderpore Gardens, Ferncroft Avenue and Hollycroft Avenue and publish notice of the proposed permanent measures. The decision has not been implemented to allow consideration by the Culture and Environment Scrutiny Committee of the call-in.
- 1.4. The decision is on hold while the call in is considered and, therefore, it needs to be considered by the Committee as soon as possible to enable a decision, following consideration of the call-in reasons, to be made on whether or not to progress the scheme at this time or whether further work is required as per options in section 2.1 below.

2. The actions available to Culture and Environment Scrutiny Committee

- 2.1. The actions available to the Committee are as follows:
- a) to approve the original decision of the Cabinet Member for Planning and a Sustainable Camden, in which case the decision shall take effect on the date of the meeting;
 - b) to recommend to the Cabinet Member a different decision, which does not accord with the original decision of the Cabinet Member;
 - c) to refer the decision to the Council for debate; or
 - d) to decide to look at the decision in more depth.
- 2.2. Any of the above decisions will be decided by a simple majority of those Members present and voting, if a vote is called for. Where a Scrutiny Committee decides to look at the decision in more depth, the Committee must complete this exercise within a period to be set by the Committee when it takes that decision. The period shall be no longer than 10 working days, unless a longer period is agreed with the Chair of the Committee and the Cabinet

Member for Planning and a Sustainable Camden. If the Scrutiny Committee does not meet by the set date or meets but does not look at the decision and decide what to do, the called-in decision shall come into effect on that date. When the Scrutiny Committee does meet, it may decide to do one of a) to c) above, but not d).

- 2.3. Where the Scrutiny Committee refers the decision to Council, the decision shall be considered at the next available meeting of the Council, with the consent of the Cabinet Member and the Chair of the Committee. Where the decision has become urgent and cannot wait until the next available Council meeting, then an extraordinary meeting of the Council shall be called within 10 working days of the decision of the Scrutiny Committee meeting.

3. The Call in Notice

- 3.1 The call in notice is attached in Appendix 1. The notice outlines a reason for the call-in and a proposed alternative course of action.

Reasons for Call In

In the light of huge local opposition to the proposal. The decision has been made on a scheme that was amended following consultation and does not respect the outcome of the flawed public engagement

Proposed Alternative Course of Action

Re-consult properly on the actual proposed scheme and respect the views of the residents of Frognal in making any decision

4. Officers' response to the call-in notice

Background to Healthy School Streets

- 4.1. Healthy School Streets (HSS) are timed motor vehicle restrictions, which are part of the Council's wider commitment to create Healthy Streets – streets where more people walk, cycle (and scoot) and use public transport, as set out in the Cabinet approved [Camden Transport Strategy](#).
- 4.2. The Council's HSS programme has been in operation in Camden since 2016 and 32 schemes have been delivered to date covering 36 schools. Details of HSS schemes in Camden can be found here: [Locations of Healthy School Streets - Camden Council](#). The aim of the programme is to address problems with road safety, parking, traffic congestion and air quality and to encourage journeys to and from school to be made on foot, by bike or scooting (sustainable, active, healthy travel) by restricting motor vehicles during school opening and closing times.

Background to the proposal

- 4.3. The decision that is subject to 'Call in' is a decision to implement a trial HSS timed motor vehicle restriction around St Luke's CE school on Kidderpore Avenue and St Margaret's school on Ferncroft Avenue in Frognal Ward. The proposals include timed motor vehicle restrictions on the section of Kidderpore Avenue between Platt's Lane and Penrose Gardens, on the whole of Kidderpore Gardens and Ferncroft Avenue, and on the section of Hollycroft Avenue between the junctions with Ferncroft Avenue and Rosecroft Avenue. The decision also approves publishing a notice in respect of permanently widening the footway on Ferncroft Avenue and permanently extending a raised traffic table on Ferncroft Avenue at the junction Kidderpore Gardens.
- 4.4. The proposals contained in the report have been amended by officers, from those consulted upon, following careful consideration of the responses received from respondents during the public consultation.

The overall aims of the proposals are to reduce traffic volumes and improve road safety and air quality in the vicinity of the schools, as well as encourage pupils and parents/carers to walk, cycle or scoot to school (sustainable, active, healthy travel) and to improve pedestrian accessibility and climate resilience.

Consultation

- 4.5. In line with the Council's Cabinet-approved [approach to consultation](#), a public consultation on the proposals took place for three weeks, between 26th February 2024 and 18th March 2024. Consultation pages were set up on the Council's [We Are Camden Citizen's Space](#) with information about the scheme and a questionnaire. 2,167 flyers notifying people of the consultation and how they could respond were delivered to premises in the consultation area. In addition, copy of flyers were emailed directly to local residents groups listed on the Council's CINDEX database and 25 notices were put up on lamp columns on the streets within the consultation area; the Council also posted a tweet to encourage people to participate.
- 4.6. The consultation approach, the feedback received to the consultation and officers' responses are set out in Section 5 of the Decision Report as appended, and in more detail in Appendix A to the report (Consultation Report). The proposals as consulted on can be viewed on the [Consultation webpage](#) and in Appendix F (consultation materials).

The on-line consultation received 515 valid responses; officers also received 47 email submissions and a petition of 1,673 signatures. Following publication of the Decision Report a further 12 representations were received in opposition to the proposed scheme, from local residents, a property management company, and other local organisations and these were taken into account when making the Decision.

- 4.7. While the overall response to the consultation did not support the proposed measures, Officers have carefully considered their content and people's views while also ensuring that we align with the Council's policies to create Healthy Streets as set out in the Camden Transport Strategy and Walking and Accessibility Action Plan, and our commitment to deliver HSS to all schools

where feasible by 2026 as set out in the approved [2025-2028 Delivery Plan](#). The HSS programme also helps to deliver wider multiple Camden strategies and plans including our [Clean Air Action Plan](#), [Climate Action Plan](#) and [We Make Camden](#).

- 4.8. Despite the overall response to the consultation not supporting the proposals, for more details see section 4.13 below, officers note that some respondents also voiced their concerns about road safety and the volumes of traffic in the area. Some respondents to the public consultation commented on the high traffic volumes on Ferncroft Avenue and Kidderpore Avenue and responses to the consultation from both St Luke's and St Margaret's schools acknowledge road danger to children walking to school and crossing the road. Traffic surveys also show that traffic levels increase on both these streets during school drop-off and pick-up times.
- 4.9. Therefore, after careful consideration of the comments and feedback received during the consultation process, officers recommend amending the proposals as consulted on to address several of the key concerns raised. This includes:
- Splitting the HSS scheme into two separate HSS zones, one for each school; this would enable each zone to operate independently, and to reduce the times of the restrictions, and to align with each school's drop off and pick up periods;
 - Amending the extent of the HSS zone on Kidderpore Avenue to operate between Platt's Lane and Penrose Gardens only, to facilitate vehicle access to Hampstead School of Art at all times;
 - Reducing the HSS restriction times for St Luke's CE school on Kidderpore Avenue to mitigate the concerns raised by the school regarding the longer HSS hours, to operate between 8.15am and 9.15am;
 - Reducing the HSS morning restriction times to 8:00am -8:45am to reflect the pick-up and drop-off times of St Margaret's school on Ferncroft Avenue.
 - Extending the restriction to cover the lower section of Hollycroft Avenue to mitigate traffic displacement and potential drop off/pick up there, close to St Margaret's school
- 4.10. A detailed analysis of all comments received together with officers' responses are included in Appendix A to the report (Consultation Report). The amended proposals are illustrated in Appendix C (Post Consultation Drawings). The amended proposals would be implemented as a trial and monitored during the trial period to understand its impacts on streets in the area.

As outlined in the decision report a number of options were provided to the decision maker. These include:

- Option 1: Approve the recommended revised HSS proposals, as set out in Section 2 of the report,
- Option 2: Reject all the proposals and implement no changes to the area around St Margaret's School and St Luke's CE School and do nothing at this time.

- Option 3: Approve the implementation of the trial HSS scheme for both schools and reject the permanent Safe and Healthy Streets measures.
- Option 4: Approve the permanent Safe and Healthy Streets measures and reject the trial HSS scheme.
- Option 5: Approve the trial scheme and permanent measures as consulted on without the proposed changes.

4.11. Option 1 was recommended to the decision maker as it would contribute to delivering Council policies and the Healthy School Streets programme in the following ways:

- It contributes to Policies 1, 2 and 3 in the Mayor's Transport Strategy
- It meets Objectives 1, 2 and 4 of the Camden Transport Strategy (CTS) and delivering Healthy Streets – streets where more people walk, cycle and use public transport – and the associated targets
- It helps to improve road safety for all people, and encourage more people to walk, wheel, cycle and scoot in the area (active, sustainable travel)
- It helps to deliver the CTS Delivery Plan 2025-28 and the Council's commitment to continue to implement HSS schemes for all feasible schools by 2026.
- It helps to improve pedestrian accessibility in the area, in line with the Council's Walking and Accessibility Action Plan
- It helps to reduce transport emissions outside the school, and deliver the Council's Clean Air Action and Climate Action Plan

It also contributes towards meeting the objectives of We Make Camden which states ambitions that Camden should be a green, clean, vibrant, accessible, and sustainable place with everyone empowered to contribute to tackling the climate emergency.

The process for delivering the proposed HSS measures as a trial follows a tried and tested approach by the Council to deliver HSSs in Camden, with such schemes currently covering 36 schools in the borough.

The HSS scheme would, if approved, be implemented as a trial, under an Experimental Traffic Order (ETO), for up to 18 months. The trial would provide the Council an opportunity to monitor the impact of the trial scheme and a period of engagement for residents and stakeholders to provide feedback (including any formal objections to the ETO in the statutory 6 month consultation period). All this information would then be considered as part of the decision on whether or not to make the schemes permanent or amend or remove them at the end of the trial period.

Equality Impact Assessment

4.12. Officers undertook an Equality Impact Assessment on the proposals (Appendix D to the report) to assess the impacts of the proposals on people with protected characteristics. With regard to disabled people, the Council's exemption policy

for HSS enables residents to apply for an exemption where there is essential need for a vehicle journey during the restriction times. All disabled people living on the restricted streets would be eligible for an exemption to the restriction. Blue badge holders living outside the restricted streets but who need to drive on a restricted street to take children to either of the schools, or disabled pupils going to either school who need to be driven are also eligible for an exemption. Residents relying on carer visits or taking taxis to make essential journeys to e.g., hospital or GP appointments are also eligible for an exemption. The Council also offers a range of transport options for disabled people including taxi card for people who have serious mobility impairments or have difficulty in using public transport. Taxi cards provide subsidised transport in licensed London taxis and private hire vehicles and opportunities to exempt these vehicles can be discussed with officers. The Council also provides a door-to-door Plus Bus transport service for people who cannot use public transport which is also exempt. Officers can also consider exemptions for other residents and journeys on a case-by-case basis.

As set out in the Equalities Impact Assessment, the proposals would also benefit protected groups: TfL data shows that the majority of journeys made by all protected groups in Camden, are made on foot and by public transport, including disabled people who make 86% of their journeys by these modes (with 58% made on foot). The proposals for an HSS could have a positive impact on disabled people by creating a safer and accessible environment for walking while also improving air quality.

4.13. The officers' response to the call-in.

Reason: In the light of huge local opposition to the proposal. The decision has been made on a scheme that was amended following consultation and does not respect the outcome of the flawed public engagement.

Officers' Response to this reason is as follows.

- (i) Consultations are important and valuable in both gauging levels of support or opposition for transport scheme proposals, as well as providing detailed feedback on those proposals that can be incorporated into final scheme designs to be considered for approval. The outcome of a consultation must be conscientiously taken into account in finalising any proposals, although there is no duty to adopt the views of the consultees.
- (ii) As outlined above and in the decision report the approach to consultation on these proposals is in line with the Council's Cabinet approved [approach to consultation](#).

In the public consultation, the proposal for a trial HSS timed motor vehicle restriction received a low level of support from respondents within and outside the consultation area, as outlined in section 5 of the decision report. Overall, out of a total 515 respondents, 406 (78.8%) disagree or strongly disagree (36 and 370 respectively) with the proposals compared to 97 (18.8%) who either strongly agree or agree (78 and 19 respectively);

12 respondents remain neutral/ unsure/not answered (2.4%). In addition to the questions seeking their level of support for the proposals, the consultation questionnaire also asked respondents for comments and feedback. The details of level of support and key issues raised by respondents to the on-line consultation as well as those received by email are discussed in detail in Appendix A of the Decision Report. While the overall response to the proposals outlined in the consultation did not support the proposed measures, Officers have carefully considered the content and people's views while also ensuring that we align with the Council's policies to create Healthy Streets as set out in the Camden Transport Strategy. Therefore, as outlined in section 4.9 above, Officers carefully considered the comments and feedback received and recommended an amended proposal to the Decision Maker, which took account of the concerns people had raised during the consultation and also provides, via the trial process, further opportunities for engagement.

- (iii) As noted above, consultation and feedback is a highly valuable part of the above process and information received from consultation responses was used to help inform and improve the final designs set out in the decision report for this scheme. A summary of these changes, with particular reference to the reasons for amendments, is provided below in Table 1.
- (iv) The issue of possible re-consultation is considered further at paragraph 4.14 below.

Table 1 Recommended changes to proposals based on the consultation feedback.

Location	Proposals as consulted on	Amended Proposals post consultation	Reasons for amendments
Kidderpore Avenue – St Luke's CE School	A trial HSS scheme between 7:45am – 9am and 3pm – 4:15pm , Monday to Friday during school term times only, on the full length of Kidderpore Avenue between Platt's	A trial HSS scheme between 8:15 am – 9:15am and 3:15 pm – 4 pm , Monday to Friday during school term times only, on Kidderpore Avenue between Platt's Lane and Penrose	<p>After careful consideration of all the consultation responses, officers recommend reducing the geographic extent (the size) of the HSS restrictions and also reduce the timings of the HSS restrictions on Kidderpore Avenue. The proposed change in size means that there would now be two separate HSS restriction areas covering the two schools rather than one larger HSS restriction area.</p> <p>As discussed in Sections 2.4-2.6 in the Decision Report, reducing the extent of the restrictions on Kidderpore Avenue would, if approved, ensure that the Hampstead School of Art remains accessible by motor vehicles at all</p>

Location	Proposals as consulted on	Amended Proposals post consultation	Reasons for amendments
	Lane and Heath Drive.	Gardens, only.	<p>times, which was a key issue raised by respondents to the consultation.</p> <p>In response to the concerns raised by St Luke's CE school regarding the long HSS restriction times, Officers recommend reducing the HSS times to operate between 8:15am to 9:15am, and 3:15pm to 4pm, to reflect the pick-up and drop off times of St Luke's CE school on Kidderpore Avenue only.</p> <p>To enable the proposed amended extent of the trial HSS, three shared use paid-for/resident parking bays around the junction with Penrose Gardens are proposed to be removed under an ETO to facilitate turning for vehicles at the start of the restriction at the junction. This is also proposed in response to the Road Safety Audit carried out for the revised proposals.</p> <p>It is also proposed to remove one resident parking bay opposite the junction with Kidderpore Gardens to keep that junction clear. This is to facilitate vehicles turning at that junction for drivers facing the proposed HSS restriction on Kidderpore Garden, and to exit Kidderpore Avenue.</p> <p>Detailed consultation comments and responses can be found in Appendix A to the Decision Report and the amended proposals can be viewed in Appendix C (Post-Consultation Scheme Drawings) to the Decision Report.</p>

Location	Proposals as consulted on	Amended Proposals post consultation	Reasons for amendments
Kidderpore Gardens and Ferncroft Avenue, Hollycroft Avenue – St Margaret’s School	A trial HSS scheme between 7:45 am – 9 am and 3 pm – 4:15 pm , Monday to Friday during school term times only, on the full lengths of Kidderpore Gardens and Ferncroft Avenue.	A trial HSS scheme between 8 am - 8:45 am and 3 pm – 4:15 pm , Monday to Friday, during school term times only, on Kidderpore Gardens (whole street), Ferncroft Avenue (whole street) and Hollycroft Avenue (between Ferncroft Avenue and Rosecroft Avenue).	<p>After careful consideration of all the consultation responses, officers recommend amending the extent of the trial HSS for St Margret’s School to include Hollycroft Avenue within the HSS restriction zone. This change is proposed in response to concerns raised by some respondents to the consultation about displacement of traffic onto that street and school drop-off and vehicles turning on Hollycroft Avenue at the junction with Ferncroft Avenue.</p> <p>Officers also propose amending (reducing) the morning restriction times to 8:00am -8:45am to reflect the pick-up and drop off times of St Margaret’s school on Ferncroft Avenue only. A detailed response to the related consultation comments is outlined in Appendix A to the Decision Report.</p>
Ferncroft Avenue at the junction of Kidderpore Gardens	Permanently widening the pavement and extending the existing raised section of carriageway. To do this, we propose to remove 2 resident parking bays and reduce a further residents’ parking bay by 1 metre.	No proposed change. Officers recommend proceeding with this proposal as consulted on, as outlined in Appendix A.	
Kidderpore Avenue outside St	Plant two trees and add cycle stands on the	No proposed change. Officers	

Location	Proposals as consulted on	Amended Proposals post consultation	Reasons for amendments
Luke's CE school.	previously widened pavement.	recommend proceeding with the proposal as consulted on, outlined in Appendix A.	

4.14. Officer Responses to the call-in notice Proposed Alternative Course of Action is set out below

The call-in notice outlined the following proposed alternative course of action

Re-consult properly on the actual proposed scheme and respect the views of the residents of Frognal in making any decision

As set out in section 4.9 and 4.13 above, the final proposals carefully took into consideration the comments and feedback received during the consultation and also provide, via the trial process, further opportunities for engagement. Officers response to the above proposed alternative course of action is as follows:

- (i) Officers note that the approach to consultation on the trial scheme is in line with our Cabinet-approved Healthy Streets consultation and decision-making approach.
- (ii) If the proposals contained in the decision report are approved by the decision maker post Scrutiny Committee officers note that the HSS elements of the scheme would be introduced as a trial under an Experimental Traffic Order (ETO) for a period of up to 18 months.
- (iii) This tried and tested trial approach, adopted for all (32) Healthy School Streets scheme to date, enables the proposals to be delivered on a trial basis and for further engagement with the community to be undertaken during the trial period.
- (iv) If the scheme is approved and implemented under an ETO, further feedback would be sought from residents and stakeholders during the trial period (and consideration of any statutory objections during the first 6 months of that trial). During the trial a dedicated online engagement webpage would be set up where further feedback can be provided by residents and information, such as scheme data, would be updated through the trial period by the Council. The first 6 months of the trial scheme also allows for formal objections to the ETO to be made.
- (v) As noted above and in the decision report officers have made amendments to the proposals consulted upon in response to comments made during the consultation and proceeding with a trial of the amended proposals will

enable additional concerns, such as the impact on traffic displacement and air quality, to be monitored during the trial period.

- (vi) The amended proposals arise from responses to the consultation and do not represent a fundamental change from those consulted on. Viewed overall, they represent a scaling back of the original proposals, although they do involve extending the area of the restrictions along a relatively short section of Hollycroft Avenue. Proceeding with the amended proposals without re-consultation would not result in unfairness.
- (vii) This monitoring data would be made publicly available during the trial period on a dedicated project engagement webpage.
- (viii) As outlined in the decision report officers would also undertake engagement with pupils, parents and teachers at both schools (subject to agreement from the schools) to obtain their feedback on the trial.
- (ix) All of the monitoring data and feedback collected during the trial period would inform, alongside relevant policies, officer observations and any other relevant information, a decision about whether the scheme should be made permanent, kept with changes, or removed at the end of the trial. A further full public consultation would be held if significant amendments to the trial scheme were proposed as part of any permanent measures.
- (x) If approved, the permanent proposals would be implemented under a Traffic Management Order (TMO), including a further statutory TMO consultation to which any feedback/objections would be carefully considered.
- (xi) Officers do not recommend the proposed alternative course of action for the reasons made in the decision report and also in response to specific points noted above.

5. Finance Comments of the Executive Director Corporate Services

5.1. The financial implications are as in the Decision Report for St Margaret's School and St Luke's Church of England School Healthy School Street Scheme (SC/2025/34), which is appended at the end of this report.

5.2. The total estimated cost is £190,000 including contingency. This would be funded from TfL LIP funding and Camden Council Capital, as follows:

Funding Source	Amount
TfL Local Implementation Plan (LIP) Funding 2025-2026	£45,000
Council Capital	£145,000
Total	£190,000

6. Legal Comments of the Borough Solicitor

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

Highways Act Powers

- 6.2 Part V (Improvement of Highways) of the Highways Act 1980 contains a general power of improvement, which – subject to certain limitations – permits a highway authority to carry out improvement works not covered by specific improvement works within Part V.

Road Traffic Powers

- 6.3 Parts I and II of the Road Traffic Regulation Act 1984 ("RTRA") empower the Council to regulate or restrict traffic on roads, and Part IV to designate or provide parking places, including providing stands or racks for devices for securing bicycles, within the Borough by Traffic Regulation Order for a range of purposes.
- 6.4 Under section 6(1) of the RTRA 1984 (orders similar to traffic regulation orders), as a traffic authority within Greater London the Council may make an order for controlling or regulating vehicular and other traffic (including pedestrians) on roads within the Borough for which it has responsibility. Such an order may be for any of the purposes or with respect to any of the matters mentioned in Schedule 1 to the RTRA and for any of the purposes mentioned in paragraphs (a) to (g) of section 1(1) (traffic regulation orders outside Greater London) of that Act. Such an order may be made only where it appears to the authority that is expedient to make the order for the purpose(s) in question.
- 6.5 Under section 9(1)(b) of the RTRA 1984 (experimental traffic orders) as a traffic authority within Greater London the Council may make an experimental traffic order making any such provision as may be made by an order under section 6. An experimental traffic order must be genuinely experimental: it must be an operation designed to glean information about the workings of the scheme in practice.
- 6.6 Section 122(1) of the RTRA confers a duty on the Council to exercise its functions under that Act (so far as practicable having regard to the matters specified in section 122(2)) 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. The matters specified by section 122(2) are:

- "(a) the desirability of securing and maintaining reasonable access to premises;*
- (b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial*

- vehicles, so as to preserve or improve the amenities of the areas through which the roads run;*
- (c) *the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);*
 - (d) *the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and*
 - (e) *any other matters appearing to ... the local authority ... to be relevant."*

Road Traffic Act 1988

6.7 Section 39 of the RTA 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

6.8 Under section 16 of the Traffic Management Act 2004 (the network management duty), the duty of a traffic authority is 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. Under section 17(5) of the Traffic Management Act 2004 the network management duty includes obligations on traffic authorities to monitor the effectiveness of the implementation of their decisions and assess their performance in managing their network.

6.9 The Council, as highway authority, must have regard to statutory guidance issued by the Secretary of State under section 18 of the Traffic Management Act 2004 when delivering their network management duty under the RTA 1984.

6.10 The Network Management Duty Guidance was published in November 2004. In terms of public consultation (at paragraph 64) it states that the local traffic authority should seek the views of residents, local businesses and the different road users both when deciding which policies on network management to adopt and when monitoring whether these policies are delivering the required outcomes. Such consultation should preferably be part of the authority's overall public consultation programme.

6.11 In March 2024, the Secretary of State published draft guidance *Implementing low traffic neighbourhoods*. This guidance remains in draft and is not statutory guidance to which the Council must have regard. However, it is noted that the draft guidance emphasises the importance of adequate engagement and

communication with residents and affected groups and that decisions about low traffic neighbourhoods should be taken with reference to wider local policy objectives such as those set out in a local transport plan.

The Mayor of London's Transport Strategy

- 6.12 The Mayor's Transport Strategy 2018 was issued under Part V of the Greater London Authority Act 1999 (Transport), specifically section 144(1) which empowers the Mayor to issue guidance to London borough councils, among other bodies and persons. Under section 144(1) London borough councils are to have regard to the guidance in exercising any function.

Public Consultation

- 6.13 In *R (on the application of Moseley) v London Borough of Haringey* [2014] UKSC 56, the Supreme Court approved a list of four legal requirements relating to public consultation, which had previously been approved by the Court of Appeal in *R v Brent London Borough Council ex parte Gunning* (1985) 84 LGR 168—and therefore often referred to as the 'Gunning' or 'Sedley' requirements. These are that:

1. consultation must be at a time when the authority's proposals are still at a formative stage;
2. the proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response;
3. adequate time must be given for consideration and response; and
4. the product of consultation must be conscientiously taken into account in finalising any proposals.

- 6.14 In terms of the fourth point, the decision maker must consider consultation responses with 'a receptive mind' and be prepared to change course if persuaded. But there is no duty to adopt the views of consultees. This last point is sometimes expressed by saying that a consultation is not a referendum.

- 6.15 The guiding principle in relation to consultation is fairness. Where the final proposals differ from those consulted on, there will be an obligation to re-consult if the final proposals represent a fundamental change from those consulted on.

Equality

- 6.16 The Council must, when carrying out the Council's functions (which includes making decisions), have due regard to 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 comply with the duty, which requires rigorous consideration and an open mind, and is personal to decision makers. In order to assist the Council to comply with section 149, an Equality Impact Assessment (EQIA) is attached as Appendix C to this report. The relevant

decision-maker must carefully consider the EQIA as applicable to the scheme they are asked to approve.

6.17 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).

6.18 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. In discharging the Duty the Council has also given a public commitment to give due weight to evidence in relation to the Key Local Characteristics relating to the groups of people referred to page 9 of the attached Equalities Impact Assessment (EIA) (given the strong probability that many people within those groups will have protected characteristics). The relevant groups are Foster carers, Looked after children/care leavers, Low-income households, Refugees and asylum seekers, Parents (of any gender, with children aged under 18), People who are homeless, Private rental tenants in deprived areas, Single parent households and Social housing tenants.

6.19 In addition, with reference to disability, the Council has a duty under section 29 of the Equality Act 2010 (set out in the EQIA) 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 EQIA is also important material in this regard.

6.20 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. 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).

6.21 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).

- 6.22 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. It is for the Council to decide, taking into account all relevant factors how much weight to give to the equality implications of the decision.
- 6.23 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.

7. Environmental Implications

- 7.1. The trial HSS and permanent Safe and Healthy Streets proposals outlined in section 2 of the Decision Report could have a positive impact on the environment, by discouraging motor vehicle traffic movements and supporting sustainable modes of transport, such as walking, cycling, and scooting. This could help to improve air quality and reduce greenhouse gas emissions. The proposals strongly align with the objectives of our Clean Air Action Plan 2023-2026 and Climate Action Plan as set out in section 2 above. The proposals address one of the objectives of the Clean Air Action Plan which states, “we will work towards a modal shift away from private vehicles towards walking, cycling and public transport”.
- 7.2. The proposals could also potentially reduce carbon dioxide emissions. The Council’s Climate Action Plan “encourages a shift away from combustion engine vehicles and heating systems, both of which are significant contributors to air pollution in the Borough. The Climate Action Plan also seeks to encourage healthier travel options such as walking and cycling, which also bring public health benefits” and includes a specific action to deliver Healthy School Streets to deliver the Plan.

8. Appendices

Appendix 1 Request for Call-In

Appendix 2 Single Member Decision Report – St Margaret's School and St Luke's Church of England School Healthy School Street scheme

REPORT ENDS