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REGENERATION, CULTURE AND ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

18 OCTOBER 2023

CALL-IN: SAFER HEALTHIER STREETS PROGRAMME – RED ROUTES AND MOVING TRAFFIC ENFORCEMENT

Report from: Adam Bryan, Director of Place

Author: Ruth Du-Lieu – Deputy Director of Place
Alex Constantinides – Strategic Lead, Frontline Services

Summary

This report advises the Committee of a notice of call-in received from nine Members of the Council regarding the Cabinet decisions made on 5 September 2023 relating to the Safer Healthier Streets Programme – Rainham, Red Routes and Moving Traffic Enforcement proposal.

1. Recommendations

- 1.1. The Committee is asked to consider the called-in Cabinet decision (decision no. 144/2023) and decide either to:
 - 1.1.1. accept the Cabinet decision and therefore take no further action **or**;
 - 1.1.2. refer the decision back to Cabinet for reconsideration, setting out the reasons for the referral back **or**;
 - 1.1.3. refer the decision to full Council for consideration.

2. Budget and policy framework

- 2.1. In accordance with Chapter 4, part 5, paragraph 15.3 of the Constitution with regard to decisions, Cabinet decision 144/2023 has been called-in to this Committee by nine Members (from the Conservative Group) of the Council.

3. Background

- 3.1. The Cabinet considered a report (attached at Annexe A) at its meeting held on 5 September 2023 regarding the Red Routes initiative and an update on the Moving Traffic Enforcement initiative and outlined the proposed enforcement plan.

- 3.2. The discussion and decision from the Cabinet meeting are set out below.
- 3.3. The Cabinet considered the report which provided details of the Red Routes initiative, including results of recent informal public consultation (detailed at Appendix A to the report) and sought approval to progress to formal consultation and subsequently implement Red Routes where appropriate. It also provided an update on the Moving Traffic Enforcement initiative and sought approval of the proposed enforcement plan.
- 3.4. The report stated that the proposals supported key priorities within the Medway Council Strategy, the Local Transport Plan and the Medway Air Quality Action Plan. A Diversity Impact Assessment had been undertaken and was attached at Appendix C to the report (the report is attached at Appendix A).
- 3.5. The Cabinet decision, in relation to red routes, was as follows:

Decision number:

Decision:

144/2023

The Cabinet noted the results of the consultation as set out in the report and Appendix A.

The Cabinet agreed to progressing the following red routes locations, with additional design changes as outlined below and in paragraph 4.7 of the report, to statutory consultation, and subject to the statutory process agreed to delegate authority to the Director of Place, in consultation with the Portfolio Holder for Climate Change and Strategic Regeneration, to proceed with necessary infrastructure work and implementation:

- Corporation Street between The Esplanade continuing onto Star Hill with additional loading bay at the rear of 147-149 Corporation Street;
- Star Hill between Corporation Street and New Road/City Way with outside additional loading bay outside 33-39 Star Hill;
- Best Street between Union Street and Railway Street;
- The Brook between The Brook Theatre, Whiffens Avenue, and the junction of New Road (including Union Street);
- A2 Rainham High Street between Maidstone Road and High Dewar Road with additional loading bays Outside Nationwide Building Society, Outside the Lukehurst furniture shop and between 46-47 High Street.

Reasons for decision:

3.6. The Red Route initiative, within the Safer Healthier Programme, meets several key strategic policies and action plans set out by the Council. The implementation of the recommendations enables effective enforcement of indiscriminate parking which will help to reduce congestion and delays on essential bus routes and improve road safety and air quality.

3.7. Decision no. 144/2023 was subsequently called in by nine Members of the Council from the Conservative Group. The reasons for the call in are as follows:

“the A2 Rainham High Street proposal had very little local support and needs to be reconsidered”

4. Director of Place’s response to the call-in

4.1. A public consultation commenced on Wednesday 5 July 2023 and ended on Sunday 30 July 2023. As stated on the council website, a key objective of the programme was to obtain feedback to understand community concerns and consider changes to improve the scheme for local residents and businesses.

4.2. To facilitate this and allow local residents and business to influence the design, the survey was structured to include free text questions, which allowed participants to comment directly on the proposal.

4.3. In addition, on 19 July 2023 Council representatives visited businesses located along Rainham High Street to understand loading and access requirements and discuss possible concerns. A total of 41 businesses were visited in-person. Closed businesses, or those without time to discuss the scheme, were called or emailed in the days following.

4.4. The engagement process was successful in reaching and encouraging a high response rate with over 4,000 comments received across the five Red Route proposals with Rainham High Street receiving the most responses.

4.5. Following analysis, the majority of responses from the Rainham proposed scheme in the consultation was not supported however, the key item that was of concern raised in consultation feedback for A2 Rainham High Street was maintaining loading, particularly for businesses and 4.6 below addresses this.

4.6. Consideration has been given to this feedback and the designs have been improved to include three additional loading bays in the following locations:

- Outside Nationwide Building Society – 79/81 High Street
- Outside the Lukehurst furniture store – 82-84 High Street
- Between number 46-47 High Street

4.7. This has been achieved by removing the central hatching in places and widening the effective carriageway and resurfacing the carriageway. The

reconsidered design represents an increase in loading opportunities along Rainham High Street for local businesses.

4.8. Additional feedback commonly received across all five sites included:

- Requests for clear and consistent signage.
- Concerns about Blue Badge holders picking-up and dropping-off near origin and destination.
- Concerns from residents who may need to hire a removal van outside their property.

4.9. In direct response to feedback and in addition to site specific design amendments, programme-wide mitigations were identified and applied, including:

- Signage will be clear and consistent across all sites, aligning with statutory guidance. Where relevant, signage decluttering could take place along these routes, with any old or redundant signage removed to reduce confusion.
- Blue Badge holders will continue to be able to drop-off and pick-up passengers on Red Routes. Provided their badge is displayed clearly and they move off promptly.
- Potential site-specific exemptions have been identified and these will be finalised following further engagement with the relevant organisations.

4.10. Mitigations are included in the amended designs for Rainham High Street at Appendix B.

5. Monitoring Officer and Chief Operating Officer's response to the call-in

5.1. The report to Cabinet provides details of the scheme and the rationale for the decision.

5.2. The Council's policy framework is defined in paragraph 4.1a of Article 4 of the constitution. The proposals are not contrary to the policy framework and is in accordance with the budget agreed by Council.

6. Options

6.1. The options open to this Committee in dealing with this call-in are to:

- a) to consider the matter and accept the Cabinet decision, or;
- b) ask Cabinet to reconsider its decision if Members have concerns about it (setting out in writing the nature of any concerns), or;
- c) refer the matter to full Council for consideration.

- 6.2. In accordance with rule 15.8 of the Constitution, to avoid the possibility of very many emergency Council meetings, Overview and Scrutiny Committees should normally only use the power to refer a matter to the full Council if it considers either:
- a) that the decision is contrary to the policy framework (i.e. those policies and plans listed in Article 4.1 of Chapter 2 of the Constitution) or contrary or not wholly in accordance with the budget;
 - b) where a request for call-in is signed by six or more members representing at least two political groups.
- 6.3. If the Committee considers the Cabinet decision is, or would be, contrary to the policy framework or not wholly in accordance with the Council's budget, then it must first carefully consider the advice from the Monitoring Officer and/or Chief Operating Officer. If the officer advice is that the decision taken by Cabinet is within the policy framework or budget, and this is accepted by the Committee, then a referral to full Council, on these grounds, would not be possible. As referred to in section 5 above, the Monitoring Officer and the Chief Operating Officer have confirmed that the decision taken by Cabinet set out in paragraph 3 above are not contrary to the Council's budget or policy framework.
- 6.4. In the event of a referral to full Council for reasons relating to the budget or policy framework, Cabinet will then meet to consider the views of the Monitoring Officer and/or Chief Operating Officer, together with the views of the Overview and Scrutiny Committee. Having considered these views, Cabinet will decide what action to take and prepare a report for Council.
- 6.5. When the full Council meets following such a referral, it can decide:
- a) that the Cabinet decision falls within the existing budget and policy framework, in which case no further action is required, or;
 - b) to amend the Council's budget or relevant policy framework document to encompass the decision, in which case the Cabinet decision takes effect immediately and no further action is required, or;
 - c) to accept that the decision is outside the policy framework or budget, in which case Cabinet must reconsider the matter taking into account the views of Full Council and take a decision which is in accordance with the advice of the Monitoring Officer/Chief Operating Officer and which complies with the budget and policy framework.
- 6.6. When the full Council meets following a referral on other grounds then it can decide:
- a) to accept the Cabinet decisions and therefore take no further action (in which case the decision will become effective on the date of the full Council meeting) or;

- b) refer the decisions back to Cabinet for reconsideration, setting out the reasons for the referral back.

7. Risk management

- 7.1. Risk management is addressed in section 7 of the Cabinet report attached at Appendix A.

8. Climate change implications

- 8.1. The climate change implications in relation to the Cabinet decision are set out at section 9 of the Cabinet report attached at Appendix A.

9. Financial implications

- 9.1. The financial implications in relation to the Cabinet decision are set out at section 10 of the Cabinet report attached at Appendix A

10. Legal implications

- 10.1. The legal implications in relation to the Cabinet decision are set out at section 11 of the Cabinet report attached at Appendix A.
- 10.2. In accordance with Chapter 4, part 5, paragraph 15.3 of the Constitution, six members of the Council may call in a decision for scrutiny by the relevant Overview and Scrutiny Committee. Call-ins must be dealt with in accordance with Rule 15 of the Overview and Scrutiny Rules and Rule 7 of the Budget and Policy Framework Rules, set out in the Constitution.

Lead officer contact

Alex Constantinides - Strategic Lead Front Line Services (FLS)
Highways, Transport, Parking & Bereavement Services
E-mail: alex.constantinides@medway.gov.uk

Appendices

Appendix A Cabinet report 5 September 2023 and Appendices A-D

Appendix B A2 Rainham High Street – amended designs

Background papers

None