

Report to:	Licensing and Regulatory Committee	Date of Meeting:	Monday 10 June 2024
Subject:	Hastings Road and Windy Harbour Road Southport, School Street Traffic Regulation Order		
Report of:	Assistant Director of Place (Highways and Public Protection)	Wards Affected:	Ainsdale; Birkdale; Dukes;
Portfolio:	Housing and Highways		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To report the receipt of objections against the proposal; and to make a legal order the effect of which would see the Southport School Street Pilot (Hastings Road and Windy Harbour Road) become permanent.

Recommendation(s):

- (1) The objections be noted.
- (2) The legal order Experimental Traffic Regulation Order (ETRO) for Hastings Road and Windy Harbour Road in Southport be made permanent to create a permanent School Street outside Greenbank High School and Birkdale High School.
- (3) The objectors be advised accordingly.

Reasons for the Recommendation(s):

The Council has the power to revoke a Traffic Regulation Order (Part IV of Schedule 9 to the Road Traffic Regulation Act 1984) as well as the power to make a new Traffic Regulation order (Section 1 of that Act) Authorisation to advertise new Traffic Regulation Orders falls under the remit of Cabinet Member Locality Services.

Alternative Options Considered and Rejected: (including any Risk Implications)
No

What will it cost and how will it be financed?

(A) Revenue Costs

The advertising of the Traffic Regulation Orders of a cost of £1,000 inclusive for the two legal orders. Costs to be met from the School Streets budget line within the Transportation Capital Programme.

(B) Capital Costs

The existing advance warning signs will remain in place so therefore there are no further capital costs for creating a permanent order.

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):

There are no resource implications directly related to the recommendations in this report. Support has been secured from Sustrans to continue to work with Greenbank High School and Birkdale High School to further embed the permanent scheme. The monitoring and evaluation report is due which will evaluate the scheme in more depth.

Legal Implications:

Legal Implications include making permanent the existing two Experimental Traffic Regulation Orders for Greenbank High School and Birkdale High School. This would in effect make permanent the two school streets on Hastings Road and Windy Harbour Road in Southport.

The Council has applied for the powers to dual enforce moving traffic offences to assist with compliance with the project. However, we are awaiting for the order to be laid before parliament.

Equality Implications:

This scheme has positive equality diversity and inclusion benefits. This scheme seeks to support / improve the travel offer for pupils at each school. Intersectionality occurs within this project where pupils could be disadvantaged for being young and be further disadvantaged due to their sex, sexual orientation, or disability for example. This project seeks to address equality, diversity and inclusion in the round. Please refer to the Equality Impact Assessment completed as a combined assessment for the Active Travel funding.

Impact on Children and Young People: Yes

This project is the first in the Council to gain Child Friendly Project Status. This project has been well thought through to ensure young people benefit as much as possible from the project from collaborate design, group work and discussions and seminars around travel and transport.

Climate Emergency Implications:

The recommendations within this report will

Have a positive impact	Yes
Have a neutral impact	No
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes

Contribution to the Council's Core Purpose:

Protect the most vulnerable:

The ability for our children and young people to enjoy a healthy, safe and enjoyable trip to school has been reduced year on year since the 1960's. Providing a safer, car free street for children and young people to enjoy as they reach their place of education can help protect the most vulnerable people in the community.

Facilitate confident and resilient communities:

Ability to travel independently and to take part in physical activity is a key part of developing and sustaining communities who are able to freely take part in society. Unlocking independent travel at a young age starts with school travel. By creating safer spaces around Birkdale High School and Greenbank High School this will provide enticing alternatives to being driven to school by car.

Commission, broker and provide core services:

Creating safer and more inviting roads and streets which connect people to the places they want/need to go to is a core service of the Council.

Place – leadership and influencer:

By creating school streets in this form, as a collective, the whole school community and the council are showing the art of the possible, and how our lives could change by taking action to reduce car dominance in places and spaces where our most vulnerable members of the community are.

Drivers of change and reform:

Showing the art of the possible via a pilot programme to provide young people with more space directly outside the front of their school at key arrival and departure times will provide a key demonstrator of wider transport planning interventions not just school streets.

Facilitate sustainable economic prosperity:

<p>By creating greater opportunity to walk and cycle at a young age on a regular journey i.e. travelling to school each day will create a lifelong habit which is more likely to be continued into adulthood. This could also be a catalyst for mode shift for parents, who as a result of the changes are freed of the burden of the school run and for staff who have greater varied options as an alternative to travelling by car.</p>
<p>Greater income for social investment:</p> <p>By creating places and spaces where our most vulnerable in our communities feel safe and secure especially around the pilot schools. Opening up for community engagement within the scheme and a sense of ownership by the whole school community.</p>
<p>Cleaner Greener</p> <p>This scheme embodies this corporate objective. Creating safer more inviting opportunities for our young people to travel to school independently, embedding healthy/green travel habits at a young age.</p>

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services has been consulted and notes the report indicates all costs associated with the introduction of the Traffic Regulation Order, amounting to £1,000 , will be funded from the Highway Capital Programme – School Streets budget line. (FD7659/24) and the Chief Legal and Democratic Officer (LD5759/24) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

The Experimental Traffic Regulation Order to create the School Streets have been advertised in the Metro Newspaper on 24th May 2023, with an operational date commencing 1st July 2023 and a 6 month objection period.

This co-production project has seen strong links being made with pupils, school staff and the local community who have worked with us to develop this project. During this project stakeholder engagement and co-production has been undertaken with the following;

- Local Residents
- Birkdale High School
- Greenbank High School
- Hillside Golf Club
- Merseyside Police
- Liverpool City Region Combined Authority

Implementation Date for the Decision

Immediately following the Committee / Council meeting.

Contact Officer:	Lee Davies
Telephone Number:	
Email Address:	lee.davies@sefton.gov.uk

Appendices:

- Appendix A - Legal Order
- Appendix B - Temporary TRO Extents Plan – Greenbank High School
- Appendix C - Temporary TRO Extents Plan – Birkdale High School

Background Papers:

Cabinet Member Report; Southport School Street and Neighbourhood Pilot Report
Publication Date of 21/02/2023.

<https://modgov.sefton.gov.uk/ieDecisionDetails.aspx?ID=11442>

Public Engagement and Consultation Report; Proposal to Undertake Public Engagement and Consultation Activity – School Street and School Neighbourhood Projects Across Sefton 10/09/2021;

<https://modgov.sefton.gov.uk/documents/s104971/Item%209%20Proposal%20Report%20-%20School%20Streets.pdf>

Public Engagement and Consultation Panel Report; Feedback and Evaluation Report – Southport School Street Pilot – Feedback Report 08/09/2023;

<https://modgov.sefton.gov.uk/documents/s119114/6.%20Feedback-report-template-2021-acc%20Southport%20School%20Street%20Pilot%20Feedback%20Report.pdf>

Equality Impact Assessment;

https://modgov.sefton.gov.uk/documents/s115183/Appendix_A_EQIA.pdf

1. Introduction/Background

- 1.1 In 2020 The Government published Gear Change – A bold Vision for cycling and walking. This plan set out the challenges we have to increase walking and cycling. School Streets are specifically mentioned in this plan as a measure to discourage parents from driving to school to drop off children through the temporary closure of streets during drop off and pick up times.
- 1.2 A key focus of this project is to encourage independent travel, to equip pupils with the skills and confidence to travel to and from school and for leisure activities independently. By embedding regular physical activity this also helps to address other associated key health issues such as obesity and the quality of local air.
- 1.3 We worked (and continue to work) with pupils at both schools to identify the problems and issues experienced on their journeys to school. From this a School Manifesto was created. This manifesto was subject to wider public consultation, the results of which were presented to Cabinet Member in February 2023. This Cabinet Member decision report not only reported on the results of the consultation but also approved the necessary legal activities to create the Experimental Traffic Regulation Order.
- 1.4 The legal order creating a School Street at Birkdale High School and Greenbank High School came into force on Saturday 1st July 2023. The extent of the Experimental Traffic Regulation Orders can be seen in Appendix A. The plans are shown in Appendix B & C.

2.0 Objection Period

- 2.1 During the objection period which commenced on the launch date (Monday 3rd July 2023) and ran for 6 months, a number of objections / negative responses were received mainly to the transport.planning email in box. For transparency all the comments identified as being negative have been detailed in this report. In total there were 7 negative comments / objections;
 - 6 negative comments / objections regarding Windy Harbour Road Experimental Traffic Regulation Order
 - 1 negative comment / objection regarding Hastings Road Experimental Traffic Regulation Order

3.0 Windy Harbour Road Objections / Negative Comments

- 3.1 Objection / Negative Comment 1 – “You have disregarded the congestion in local areas that will be caused by closing Windy Harbour Road. It will not increase cycling and walking rates from students. Congestion and collisions will only increase”.
- 3.2 Response to Objection / Negative Comment 1

- The scheme is being monitored by real time technology. This monitoring allows comparison of before and after to be undertaken. The monitors are on Liverpool Road and Waterloo Road.
- The initial pupil survey showed that many do want to walk and cycle to get to and from school, however there are issues that stop them from doing so. The challenge here is to work with the pupils and identify those issues (which we are doing) to help unlock healthy and active journeys to school.
- We have set out our monitoring and evaluation plan which will be formed into a report shortly.
- Early indications are the intervention has increased walking and cycling to Birkdale High School and that air quality has improved in the vicinity of the school. A full monitoring and evaluation report is currently being prepared.

3.3 Objection / Negative Comment 2 – “As I have explained to you previously on the decision I feel that it is totally on the side of Windy Harbour Road. The original survey included the addition of cycle and walking paths and the change of the traffic lights at the junction with Liverpool Rd. None of these appear to have been upheld. I don't believe there will be an increase in children cycling or walking to school”.

3.4 Response to Objection / Negative Comment 2 - The consultation results showed that respondents did not want to have cycle lanes in the local streets around Birkdale High School and Greenbank High School. The Council took the decision at that time not to progress the routes. However as we had already started work with the local High Schools it was decided this work would continue. For further information on this decision please read the decision report which can be found here; Cabinet Member Report; Southport Walking and Cycling Consultation and Active Travel Tranche 2; Date of issue 10th January 2022. <http://smbc-modgov-03/documents/s107193/Southport%20Walking%20and%20Cycling%20Consultation%20and%20Active%20Travel%20Tranche%202.pdf>

3.5 Our work with the schools has shown a keen interest in more walking and cycling friendly routes and spaces. Early indications are the intervention has increased walking and cycling to Birkdale High School and that air quality has improved in the vicinity of the school. A full monitoring and evaluation report is currently being prepared.

3.6 Objection / Negative Comment 3 – “You are implementing the closure without considering the fact that you are encouraging cyclists and an intensification of traffic in the same vicinity. There should be wardens/posts to prevent parking on the verges next to the junction at Liverpool Road.”

3.7 Response to Objection / Negative Comment 3

- The Windy Harbour Road / Liverpool Road / Waterloo Road junction has been highlighted as a hazard by pupils as the project has been co-produced. Sefton Council are committed to looking seriously at all the hazards identified by the

pupils and residents. The hazards will be fully investigated, and we will be planning in improvements to address the hazards in future years.

- Civil Enforcement Officers (Traffic Wardens) prioritise attendance at Primary School locations across the borough, unfortunately Sefton Council do not have the resources to allocation enforcement officers to senior schools as a matter of course.

- 3.8 Objection / Negative Comment 4 – “It has caused difficulty for traffic entering and exiting roads connecting to Waterloo Road. Parents are indiscriminately parking on footways. A waste of time and money. A better solution would be to offer a park and ride scheme.”
- 3.9 Response to Objection / Negative Comment 4 - We are working closely with Birkdale High School to change behaviours, we know many pupils would like to travel actively to school but there are things stopping them. We are in the process of identifying those issues and developing a plan to address them. We have expanded the cycle parking at Birkdale as part of Active Travel Schools. We will continue to work with the pupil leadership team on behaviour change activities.
- 3.10 The School Streets have been implemented at a cost of £1k for the advertising and creation of the legal orders and £5k for the associated required signs including advance warning signs.
- 3.11 Sefton Council do not have the resources or facilities to create, manage and maintain a park and ride service for high schools. There are a range of buses which students can use which include the publicly available buses. We have delivered a travel workshop with partners from Travel Safe, Merseytravel and VivaCity, and we will continue this work to further embed healthier and more active travel choices.
- 3.12 Objection / Negative Comment 5 – “The first week was great but now everyone ignores it. What a waste of tax payers money”.
- 3.13 Response to Objection / Negative Comment 5 - When the two school streets were introduced at Greenbank High and Birkdale High, only the Police could enforce the restrictions. However, Sefton Council was about submit to the Department for Transport (DfT) an application to gain the powers to undertake moving traffic enforcement (MTE) which would then have allowed the Council to enforce the school streets at the two schools itself by means of camera. The Order was to be laid before Parliament in early March 2024 and would have come into force in April. Unfortunately, on the day that the Order was due to be laid, the Council were notified by the DfT that the Order had been delayed and that . “This Order will now be laid alongside other plan for drivers measures – likely later this year or early next year.”
- 3.14 The School Streets have been implemented at a cost of £1k for the advertising and creation of the legal orders and £5k for the associated required signs including advance warning signs.

- 3.15 Objection / Negative Comment 6 – “We have raised numerous objections to the school street pilot but to no avail. We have never had cause to complain about the access of students to the school because it is a quiet street with no through traffic and low speeds.
For the most part of the day, Windy Harbour Road has no moving traffic, so if the cameras are enforced will they be in operation Monday-Friday for the specified times, term time only?
As residents, we feel that the restricted access of the road to our visiting friends and family at certain times of the day is an infringement to our rights and ask that residents are permitted to offer friends and family visitor passes should they have to arrive or leave during these restricted periods. If now, can we be compensated through a reduction of council tax?
Already looking at camera enforcement this soon after the pilot shows that the consultation with the residents was just a tick box exercise without there being any scope to look at possible alternatives!
Monitoring the pilot ourselves, for the few weeks that it has been up and running fails to show any favourable impact to the reduction of parents dropping their children off by car. The problem has just been diverted to Liverpool Road instead (this includes the problem of parents letting their engines run idle while waiting).
Some alternative solutions we have suggested are: staggered pupil arrival/departure time, separate pedestrian/cycles entrances to spread pupils out, invest in public transport/school bus passes, invest in safe cycle lanes.”
- 3.16 Response to Objection / Negative Comment 6 - Please refer to background report(s) setting out the justification for the scheme and how this scheme meets our corporate objectives. Council tax will not change as part of this or any future Active Travel School Project.
- 3.17 Staggered start times would be unworkable in a school setting for a number of reasons. Our main aim is to maximise learning time for the pupils and this means ensuring that all pupils access a school day that meets the statutory requirements. The school timetable is complex and introducing staggered start times would have a negative impact on the ability of the school to provide a timetable that meets the needs of the pupils. The start of the school day is also a vital period of time in the early identification of any safeguarding issues and consistency at this time allows us to promote excellent attendance and punctuality from all pupils.
Separate cycle and walking entrances to spread out pupils would not offer an advantage as lower and upper years both access via Windy Harbour Road and the cycle facilities are located in close proximity to the respective gates for that year group.
- 3.18 The Liverpool City Region Combined Authority are investing in public transport and a recent decision to adopt a bus franchising model is the next step to for a London Style transport system implemented here in the City Region. Further information on this can be found on the Liverpool City Region Combined Authority Website.
- 3.19 The Active Travel Schools project works closely with Merseytravel and has recently held a workshop to discuss travelling to school by bus, comments made will be fed into planning work around bus reform.

3.20 Sefton Council will be taking on board all the comments made regarding the lack of safe and separate cycling facilities in the area and bring forward plans to address this. This will be in plans called the Local Cycling and Walking Infrastructure Plan.

4.0 Hastings Road Objections / Negative Comments

4.1 Objection / Negative Comment; “It will be a miracle if we get the communication for our large golf days gets through to everyone. It will be a huge administration effort. Some of our elderly members have already misplaced their passes.”

4.2 Response to Objection / Negative Comment - We have and will continue to work with you to explore longer term systems that allow our young people to have a safer journey to school and your members to access their golf course and golfing shop. Presently we are reliant on enforcement by the police and so paper permits will remain in place. Our application to Government to gain the powers to undertake moving traffic enforcement (MTE) has not yet been laid before Parliament. So our plans to move forward with an easier electronic system can not be progressed as yet.

5.0 Summary and next steps

5.1 Each negative comment / objection detailed above has been subject to review and response. Each respondent will be sent a reply in line with the response detailed below and the Frequently Asked Question on the Active Travel Schools webpage will be updated to reflect this.

Appendix A - Legal Order

THE ROAD TRAFFIC REGULATION ACT, 1984

METROPOLITAN BOROUGH OF SEFTON

(WINDY HARBOUR ROAD & HASTINGS ROAD, BIRKDALE)
(PROHIBITION OF DRIVING) EXPERIMENTAL ORDER 2023

**MADE BY THE COUNCIL UNDER SECTIONS 9 AND 10 OF THE ROAD TRAFFIC
REGULATION ACT, 1984
ON THE xxth DAY OF xxxx, 2023.
17th May**

**Authorised Signatory
Legal Department**

METROPOLITAN BOROUGH OF SEFTON
(WINDY HARBOUR ROAD & HASTINGS ROAD, BIRKDALE)
(PROHIBITION OF DRIVING) EXPERIMENTAL ORDER 2023

The Metropolitan Borough of Sefton under Sections 9 and 10 of the Road Traffic Regulation Act 1984, and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act hereby make the following Order:-

1. No person shall cause any motorised vehicle to enter and proceed in either direction along Windy Harbour Road, Birkdale, except as provided in Articles 3, 4 and 5 below, during school term-time, Mon – Fri between 8:15am and 9:15am and 2:30pm and 3:30pm.
2. No person shall cause any motorised vehicle to enter and proceed in either direction along Hastings Road, Birkdale, except as provided in Articles 3, 4 and 5 below, during school term-time, Mon – Fri between 8am and 9:15am and 2:30pm and 4pm.
3. Nothing in Articles 1&2 of this Order shall render it unlawful for a duly authorised permit holder to whom a permit has been issued by the Council to enter or proceed in Windy Harbour Road or Hastings Road. The issue and withdrawal of such permits shall be a matter solely for the Council or its duly authorised partner organisations in accordance with arrangements approved by the Council.
4. Nothing in Articles 1&2 of this Order shall render it unlawful for a motorised vehicle to enter and proceed in either direction along Windy Harbour Road or Hastings Road, Birkdale if the vehicle is being used:-
 - (a) for police, ambulance or fire & rescue purposes;
 - (b) for refuse collection, Post Office or other public utilities' purposes;
 - (c) for the purposes of a doctor, nurse or other recognised health visitor on call.
 - (d) Public Service Vehicles (buses and coaches)
 - (e) Delivery & Services Vehicles
5. The provisions of Articles 1&2 shall not apply outside school term-time and on published staff training days / inset days nor when the school premises are required and used by the Council as duly authorised polling station for Local Authority and Parliamentary elections.
5. The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by a regulation made or having effect as if made by the Act of 1984 or by or under any other enactment.

6. The Interpretation Act, 1978, shall apply for the interpretation of this Order as it applies for the interpretation of any Act of Parliament.
7. This Order shall come into operation on the 1st day of July 2023, and may be cited as "The Metropolitan Borough of Sefton (Windy Harbour Road and Hastings Road, Birkdale) (Prohibition of Driving) Experimental Order 2023".

**THE COMMON SEAL OF THE
BOROUGH COUNCIL OF SEFTON
WAS HEREUNDER AFFIXED THIS**
~~xxth DAY OF xxxxxx, 2023~~ 17 day of May 2023
IN THE PRESENCE OF:-

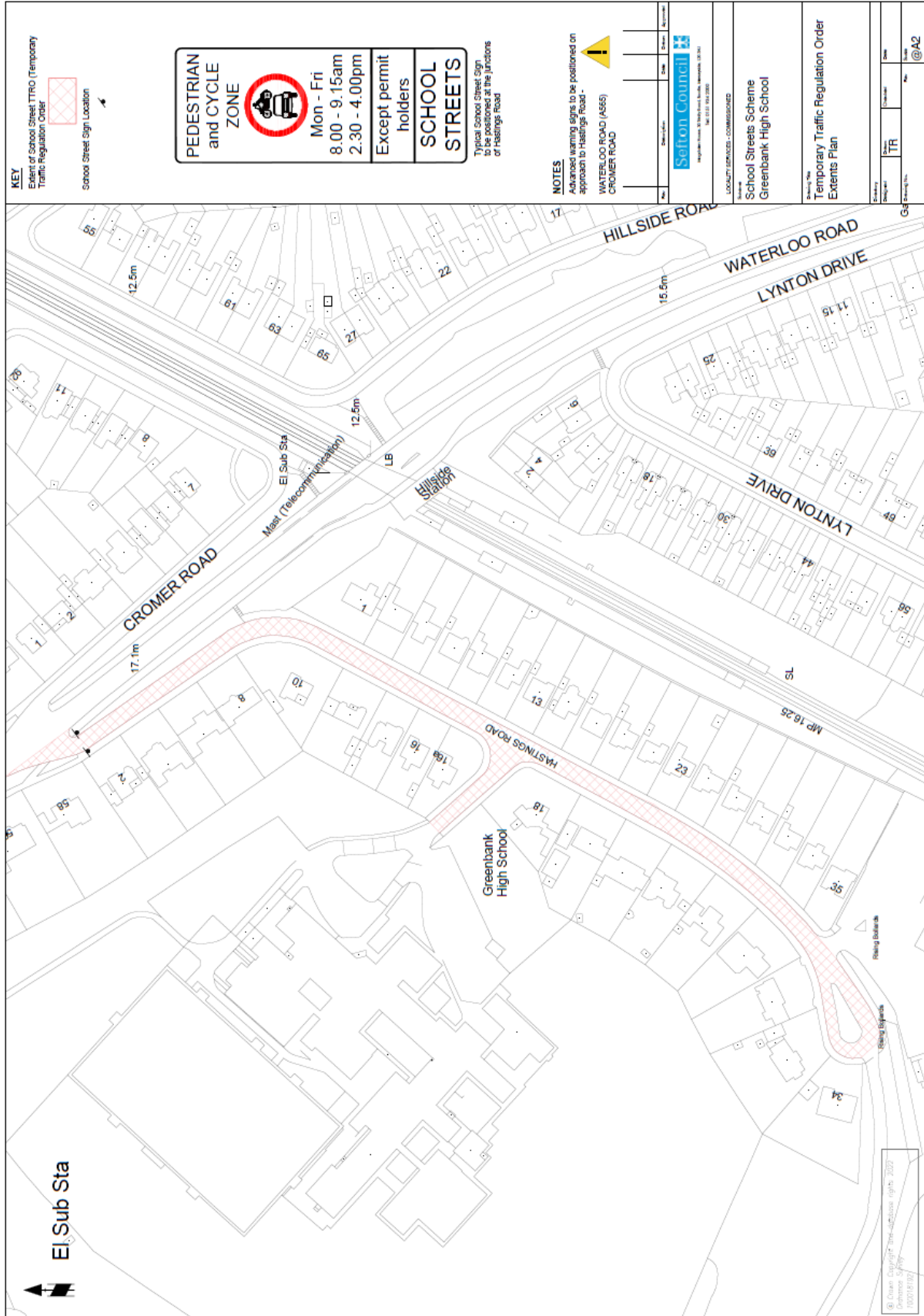


**Authorised Signatory
Legal Department**



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Appendix B - Temporary TRO Extents Plan – Greenbank High School



Appendix C - Temporary TRO Extents Plan – Birkdale School

