

Decisions of Deputy Leader of the Council

11th May 2021

Present: Councillor Crompton (Deputy Leader);

Officers: Surjit Tour (Director of Law and Governance)

1/21 **Declarations of Interest**

There were no declarations of interest.

2/21 **Temporary Suspension of Parking Restrictions on the A457 Red Route**

Approval was sought to make a departure from Cabinet approved policy for a temporary suspension of parking restrictions on the A457 red route at the request of the Jamia Mosque for Eid. This was to facilitate the parking associated with Eid al Fitr celebrations at the mosque either on the morning of Thursday 13th May or Friday 14th May 2021.

Agreed that the Director – Regeneration and Growth be authorised to:-

- (1) assess and consider the suspension of parking restrictions on the A457 between 7am and 10am on either Thursday 13th May or Friday 14th May 2021, in consultation with the Cabinet Member for Sustainable Transport;
- (2) write to the Jamia mosque making it clear that this is an approval for this event only, confirming that for all future events the policy requirements and process must be followed and that the mosque will be invoiced for the cost of the temporary traffic management.

Reason for Decision

This report seeks to depart from Cabinet approved policy for a temporary suspension of parking restrictions on the A457 red route at the request of the Jamia Mosque for Eid. The timing of the requested suspension is to facilitate parking associated with Eid al Fitr celebration at the mosque either on the morning of Thursday 13th May or Friday 14th May 2021.



Alternative Options considered and discounted

Due to the urgency of the situation, chief officers are required to make an executive decision. As such, there are no alternative options.

Signature –

Date Decision – 11th May 2021

Executive Decision Taken under Cabinet Delegated Authority

Subject:	Temporary Suspension of Parking Restrictions on the A457 Red Route
Director:	Tammy Stokes - Interim Director of Regeneration and Growth Tammy_Stokes@sandwell.gov.uk
Date of Decision:	11 th May 2021
Delegation Reference:	2/21
Contact Officer:	Robin Weare – Highway Services Manager Robin_Weare@sandwell.gov.uk







1 Recommendations

- 1.1 That, the assessment of the suspension of parking restrictions on the A457 is considered and if the potential risks are acceptable to the Cabinet Member for Sustainable Transport the temporary suspension of the parking restrictions on the A457 between 7am and 10am on either Thursday 13th May or Friday 14th May 2021 is approved.
- 1.2 That the Director of Regeneration and Growth writes to the Jamia mosque making it clear that this is an approval for this event only, confirming that for all future events the policy requirements and process must be followed and that the mosque will be invoiced for the cost of the temporary traffic management.

2 Reasons for Recommendations

- 2.1 This report seeks to depart from Cabinet approved policy for a temporary suspension of parking restrictions on the A457 red route at the request of the Jamia Mosque for Eid. The timing of the requested suspension is to facilitate parking associated with Eid al Fitr celebration at the mosque either on the morning of Thursday 13th May or Friday 14th May 2021.

3 How does this deliver objectives of the Corporate Plan?

		Balancing community benefit with the business and travelling public need for efficient operation of the highway network.
		
		

4 Context and Key Issues

- 4.1 Sandwell as Local Traffic Authority has a duty to properly discharge its obligations under the Traffic Management Act 2004 and Statutory Guidance issued by the Secretary of State for Transport under Section 18 of the Act concerning the Network Management Duty. Sandwell as Local Traffic Authority and Local Highway Authority has a duty to secure the safe and expeditious movement of traffic on the highway network.
- 4.2 The A457 Red Route was implemented as part of a network of such routes across the whole of West Midlands and is one of 9 Red Routes in Sandwell. This was to ensure that all arterial roads are managed to allow seamless safe flow of traffic reducing congestion particularly at peak times.
- 4.3 The requested suspension of the A457 parking restrictions would only apply to the Eid al Fitr celebrations that are held across the morning peak period of 7am to 10am on either the 13th or 14th May. During these times all parking is restricted on this part of this Red Route to ensure the safe and expeditious movement of traffic during the morning peak period.

- 4.4 The Council is committed to an inclusive approach and consequently applies equitable policies and statutory duties consistently in response to all community requests. This is particularly important with regard to requests that can affect highway safety, businesses and a wide range of interests from all highway users. The cabinet approved requirements of the Parking and Traffic Enforcement Policy 2017 set out the process to be followed for parking suspensions on Red Routes and this is included below.
- 4.5 In 2018 the Director of Regeneration and Growth and the Cabinet Member for Highways and Environment wrote letters to the Jamia mosque confirming that for all future events the policy requirements and process must be followed (appended).
- 4.6 The suspension of parking restrictions on red routes may be considered where necessary to safely accommodate parking for events provided;
- An application is made 6 weeks in advance of the event
 - The event is held outside peak hours or
 - Evidence is provided to show that the event cannot be held outside peak hours
 - Evidence is provided to support the predicted parking demand
 - Insufficient unrestricted parking exists within 500 metres.
 - It can be demonstrated that the existing parking provision together with public transport and car sharing cannot accommodate the evidenced parking demand.
 - The full cost of temporary traffic management is paid 2 weeks prior to the event.
- 4.7 This information is sought in advance to ensure that there are evidenced reasons for a suspension in accordance with the Policy. The Policy was established because there are many other religious venues along the 9 Red Routes in Sandwell that rightly expect equitable treatment. The nearest religious venue to the Jamia Mosque on this Red Route is the Durga Bhawan Hindu Cultural Centre a short distance to the East that has made similar requests in the past.

- 4.8 The Jamia Mosque has confirmed that the Eid al-Fitr celebrations this year will be conducted with staggered prayer gatherings from 7.30 until 11am to facilitate social distancing. This should enable parking demand to be managed within the 50 space car park available to the Jamia mosque. It should be possible to avoid the need to use the limited parking capacity that would fit on the single red lines on the A457 Red Route during the peak time restrictions (around 16 spaces). Parking is available on the Red Route outside the peak time restriction and this can be used for slightly larger prayer gatherings if necessary. Parking is also available on nearby side streets within a 5 minute walk. No explanation or evidence has been provided to establish why parking on the red route is needed.
- 4.9 The suspension of parking could represent a reputational risk associated with challenges that the council decision may be in breach of approved parking policy and the Network Management Duty. A departure from Policy to suspend parking restrictions on this red route is also inconsistent with the outcome of statutory public consultation for the Traffic Regulation Orders on the Red Route, the cabinet approvals for the introduction of the Red Route and the regional objectives of strategic traffic management. Parking suspensions of this type have also previously generated challenges associated with unequal treatment due to refusal of similar requests for other events on the Sandwell Red Route network.
- 4.10 A number of factors support the request for dispensation from the policy and the temporary suspension of peak time parking restrictions as a matter of urgency. This is a religious celebration of importance to the congregation of the mosque and communities in this area of the Borough. The Eid celebrations are held twice a year and are regarded. It is understood that the timing of the event is linked to cycles of the moon and cannot be predicted exactly until the week of the event. The Eid al Fitr prayers would affect one morning peak period.
- 4.11 Temporary traffic management could be implemented to mitigate the safety risks associated with peak time parking on the red route. The cost of temporary traffic management is around £350 and there has been no commitment by the Mosque to pay this cost in accordance with Policy.

4.12 In summary there are mitigating reasons for the consideration of this request as a matter of urgency on this one occasion. The policy allows for consideration of such requests based on assessment of merits of the particular circumstances that apply. Safety risks can be mitigated with temporary traffic management but with the consequential impact on peak time congestion. There are reputational risks associated with a potential breach of the statutory Network Management Duty and there is also a potential for claims of unequal treatment by other religious venues. The Cabinet approved Policy is not explicit concerning the decision maker for the consideration of the policy requirements for the suspension of parking restrictions. However the suspension of parking restrictions is within the delegated powers of the Cabinet Member for Sustainable Transport and consequently it is implicit that this portfolio holder would also consider the policy requirements and associated processes in making a decision.

5 Alternative Options

5.1 Chief officers have been delegated to make executive decisions, which otherwise would be made by elected members. As such, there are no alternative options.

6 Implications

Resources:	The Jamia Mosque will be invoiced with the cost of £350 for temporary traffic management. The corporate risk management strategy has been complied with to identify and assess the risks associated with the recommendations and the potential risks are set out in the report.
Legal and Governance:	Compliance with the Road traffic Regulations Act 1984, the Traffic Management Act 2004 the Road traffic Act 1991, the Transport Act 2000, and associated statutory guidance on the Network Management Duty.
Risk:	There are no risks associated with this report
Equality:	There is no requirement for an equality impact assessment.

Health and Wellbeing:	There are no direct health and wellbeing implications from this report.
Social Value	There are no direct social value implications from this report.

7. Appendices

Previous letters to the Jamia Mosque in 2018.

8. Background Papers

No further details