

Statutory Criteria for Making Decisions on Pedestrian Crossings

1. Section 23 of the Road Traffic Regulation Act 1984 enables the Council to establish, alter or remove pedestrian crossings on roads.
2. Section 23 requires the Council to consult the Police and give public notice of before establishing, altering or removing a crossing and it is implicit that it must give proper consideration to any responses and keep an open mind.
3. Before making a decision, the Council is also required to have regard to the matters set out in section 122 of the 1984 Act.
4. Section 122(1) requires the Council to exercise the functions conferred on it by the 1984 Act as (so far as practicable, having regard to the matters specified in Section 122(2)) to secure the:
 - (a) the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians); and
 - (b) the provision of suitable and adequate parking facilities on and off the highway.
5. The matters in section 122(2) to which the Council must have regard are:
 - (i) the desirability of securing and maintaining reasonable access to premises;
 - (ii) the effect on the amenities of any locality affected, and 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;
 - (iii) the national air quality strategy prepared under Section 80 of the Environmental Protection Act 1995;
 - (iv) 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;
 - (v) any other matters appearing to the Council to be relevant.
7. Therefore, the structure of section 122 is that there are primary objectives in section 122(1) (movement and parking) tempered by the limitations of what is practicable if due regard is given to the matters in section 122(2).
8. The matters in section 122(2) include any other matters appearing to the Council to be relevant. Certain general duties towards people with disabilities can have particular relevance when making decisions on crossings.
9. Section 175A of the Highways Act 1980 provides that:

In executing works in a street which may impede the mobility of disabled persons or blind persons highway authorities, local authorities and any other

person exercising a statutory power to execute works on a highway shall have regard to the needs of such persons.

10. Section 149 of the Equality Act 2010 provides that:

- (1) *A public authority must, in the exercise of its functions, have due regard to the need to—*
...
- (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
...
- (3) *Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—*
 - (a) *remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*
 - (b) *take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;*
 - (c) *encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.*
- (4) *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.*
...
- (7) *The relevant protected characteristics are—*
 - age;*
 - disability;*
 - gender reassignment;*
 - pregnancy and maternity;*
 - race;*
 - religion or belief;*
 - sex;*
 - sexual orientation.*