



Notice of Non-key Executive Decision

Subject Heading:	Local Implementation Plan (LIP3) – Approval of modifications to LIP3 following public consultation
Cabinet Member:	Councillor Damian White – Leader of the Council
SLT Lead:	Caroline Bruce – Interim Director of Neighbourhoods
Report Author and contact details:	Daniel Douglas – Transport Planning Team Leader Development and Transport Planning Group Tel: 01708 433220 daniel.douglas@haverling.gov.uk
Policy context:	Mayor's Transport Strategy (2018) Havering Corporate Plan (2019) Draft Havering Local Implementation Plan (2018) Local Plan Submission (2018)
Financial summary:	Approval of the LIP3 modifications will allow Havering to submit the final LIP3 to TfL. Subject to its approval by the Mayor, Havering will receive its 2019/20 LIP Funding allocation from TfL and access to other funded programmes.
Relevant OSC:	Environment
Is this decision exempt from being called-in?	Yes, because it is a decision by an Officer.

The subject matter of this report deals with the following Council Objectives

Communities making Havering	[x]
Places making Havering	[x]
Opportunities making Havering	[x]
Connections making Havering	[x]

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Approve as the Final Local Implementation Plan (LIP3,) Appendix 1 subject to minor amendments following the on-going consultation (a full copy of the LIP3 with recommended 'tracked' changes) ; and

Approve that the Assistant -Director of Planning submit the Final Local Implementation Plan to the Mayor of London.

Note the ongoing preparation of the EqHIA and SEA reports which will accompany the LIP3 document

AUTHORITY UNDER WHICH DECISION IS MADE

The authority for taking this decision comes from the Local Implementation Plan Submission to Transport for London Cabinet Report dated 13th November 2018.

To delegate to the Assistant Director of Planning approval to make amendments to the Havering Local Implementation Plan that arise as a result of the submission to Transport for London and public consultation.

STATEMENT OF THE REASONS FOR THE DECISION

Background to the LIP3 document

- 1) A Local Implementation Plan (LIP) is a statutory document prepared under Section 145 of the Greater London Authority (GLA) Act. The purpose of the LIP is to set out to TfL how the London Borough of Havering intends to deliver the Mayor of London's Transport Strategy (MTS) in its area. As such, it represents a borough's own transport strategy, reviewed on an annual basis.
- 2) The document is the third LIP (LIP3) prepared by Havering and is considered by officers to align with the MTS published in March 2018 for the period up to

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2041. The LIP3 document outlines how the Council will work with TfL to deliver the overarching aim, outcomes, policies and proposals of the MTS at a local level whilst also taking into account Havering's own priorities as set out in its Corporate Plan and Local Plan.

3) A LIP must include:

- Borough transport objectives to contribute to achieving the Mayor's mode share aim and nine specified outcomes; and
- A Delivery Plan to set out how Havering will deliver these transport objectives over the short and longer terms (through funded programmes and long term interventions, respectively) together with targets to support delivery of the Mayor's outcome indicators through the lifetime of the LIP.

4) Cabinet delegated final approval with regards to any amendments proposed in Havering's Final LIP3 document to the Assistant Director of Planning (Cabinet meeting 13th November) ,that arose from the public consultation. This Executive Decision has been drafted to approve these amendments to the Final LIP3 document.

How Havering's LIP3 was developed

- 5) The development of the Havering LIP3 document reflects Cross Council input including Planning Policy, Economic Development, Highways, Environment Public Protection and Public Health.
- 6) Officers worked closely with TfL during the preparation of the Havering LIP3, to ensure Havering's inputs were aligned with the overarching aim and outcomes expected from TfL as well as supporting the Council's aspirations as set out in its Vision and more recently published Corporate Plan.
- 7) This approach accounted for both Council and Mayoral strategies to be addressed in the process, with particular interest to the strategic objectives of the Havering Local Plan (as set out in Chapter 3 and Policy 23: Connections), other Council strategic documents (including the Havering Prevention of Obesity Strategy and Air Quality Action Plan), as well as the transport elements of the draft London Plan and other relevant Mayoral strategies.
- 8) The financial support received from TfL through the LIP3 process has been used as the basis to identify and prioritise proposed future schemes, and will allow the borough to implement schemes to improve the transport networks in line with MTS objectives.
- 9) Cabinet Members were briefed as the LIP3 was developed and it was subject to formal Cabinet approval in November 2018 prior to being submitted to TfL

and other stakeholders as part of the formal statutory consultation process in late 2018.

Statutory consultation process for the Havering LIP3

- 10) Section 145 of the GLA Act 1999 places a duty on boroughs to consult with a number of different bodies and organisations as part of the LIP3 process. As well as the statutory consultees, other organisations and key stakeholders were also consulted as part of local engagement work, to seek the views of the public, local businesses and other interested parties.
- 11) Public consultation on Havering's LIP3 took place from November 2018 to January 2019, following the draft LIP3 submission to TfL. The consultation material was published on Havering's website and distributed to a number of publicly accessible Council premises, such as Havering libraries. A copy of the Strategic Environment Assessment (SEA) Report was also provided on the Local Implementation Plan consultation page of the Havering website. This is a statutory requirement when submitting a LIP to outline what environmental impacts the schemes and policies in LIP3 may have. As part of the SEA process, pending approval of the LIP3 by the Mayor, an Adoption Statement for the SEA will be produced.
- 12) As part of the statutory consultation process, the following organisations were consulted:
- The relevant Commissioner or Commissioners of Police for the City of London and the Metropolis
 - TfL
 - Such organisations representing disabled people as the boroughs consider appropriate
 - Other London boroughs whose area is, in the opinion of the council preparing the LIP, likely to be affected by the plan
 - Any other body or person required to be consulted by the direction of the Mayor
 - Other stakeholders deemed appropriate by the Council

LIP3 modifications

13) 14 individual responses were received within the consultation period, which have been reviewed. Out of these, 7 were received from Members of the public, whilst 7 were received from organisations.

14) Transport for London provided a detailed response to the consultation and

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there has been significant engagement with TfL officers to prepare the Final LIP3. TfL raised a number of matters which would need to be addressed in the final LIP3 before a recommendation could be made by TfL to the Mayor to approve Havering's LIP3. A summary of the key comments raised by TfL can be found below:

- Borough officers have produced a document of good quality with analysis and evidence provided across all of the MTS outcomes.
- The lack of support and commitment in the draft LIP to deliver proposals adequate and consistent for implementing the MTS is a serious concern for TfL.
- The pledges to not implement 20mph zones and traffic calming measures to reduce vehicle speed, such as speed cushions, are not consistent with delivering the policies and proposals in the MTS.
- There is no specific commitment to reduce travel by private car.
- "Concerning" to read that Havering is also committed to not implement bus lanes, cycle lanes or filtered permeability schemes.
- The proposals set out in the programme of delivery are not considered adequate for the purposes of delivering the MTS outcomes.
- Highlights that if a LIP does not meet any or all of these requirements, then the borough must prepare a new LIP or the Mayor can exercise his powers to prepare a LIP on behalf of the borough which the borough must implement (powers the Mayor has under the 1999 GLA Act).
- A number of significant changes are required to the LIP to meet the level TfL believe is required for the Mayor to deem it adequate enough to be approved.

15) A number of other comments were raised by other consultees. Following informal consultation with the Leader, modifications have been made to the LIP3 where it has been considered appropriate to do so. A copy of the LIP3 document including the modifications in track changes can be found in Appendix 1. A summary of the responses received can also be found within the modified LIP3 document.

16) The consultation comments received have also been taken into account when preparing a full Equalities Impact Assessment (EQIA) as agreed with the Corporate Diversity Advisor. This is carried out to ensure the activities of the Council are 'fit for purpose' and meet the needs of Havering's increasingly diverse communities and employees.

Next Steps

17) Subject to approval from the Assistant Director of Planning, Havering must submit its Final LIP3 document to TfL and the Mayor by the end of March 2019.

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18) Transport for London will review Havering's final LIP3 before making a recommendation to the Mayor to consider whether or not to approve Havering's LIP3. It is anticipated that the Mayor will take this decision in April. Should Havering's LIP3 receive approval, it will be formally adopted by the Lead Member for Strategic Planning Matters.

OTHER OPTIONS CONSIDERED AND REJECTED

19) Not submitting a final LIP3 was not considered as an option as the 1999 GLA Act places a statutory responsibility on each London Borough to prepare a Local Implementation Plan.

PRE-DECISION CONSULTATION

20) This decision was taken in consultation with the Leader of the Council following engagement with him on March 20 2019 and providing a copy of the LIP3 document for him to review and comment upon. The Leader had no further comments following the meeting on March 20 2019.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Daniel Douglas

Designation: Transport Planning Team Leader

Signature: 

Date: 29/03/2019.

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

- 21) It is a statutory requirement for London local authorities to ensure the implementation of a transport strategy that is in alignment with the Mayor of London's Transport Strategy (MTS). Section 145 of the Greater London Authority Act (1999) requires all London borough councils to develop Local Implementation Plans setting out how they intend to implement the Mayor of London's Transport Strategy. Councils are then required to implement such transport strategy proposals that are included within their Local Implementation Plan. The funding proposal included within the report is aligned to the Havering Local Implementation Plan and accordingly includes projects such as streetscape, accessibility requirements and public realm. It is intended the allocation of funding from TfL goes towards assisting the Council to meet this legal obligation.
- 22) Under sections 147 and 153 of the Greater London Authority Act 1999 the Mayor of London has the power to issue directions to any London Borough Council as to the manner in which it is to implement the Local Implementation Plan (transport strategy). If the Mayor of London considers that a Council has failed or is likely to fail to implement the proposals, the Mayor of London may exercise on behalf of the Council the powers that the Council has in connection with implementing the proposals, and recover from the Council as a civil debt any reasonable expenses which he has incurred by exercising these powers.
- 23) The modifications set out in this report need to be submitted to TfL in order for TfL to consider the LIP3 adequate for Mayoral approval. Should the modifications not be submitted there is a risk that the Mayor will not approve Havering's LIP3 and the Mayor could use his powers under the 1999 GLA Act to impose one on the borough.
- 24) The Traffic Management Act 2004 was introduced by central government to tackle congestion and disruption to the road network. The Act places a duty on local authorities to ensure traffic moves freely and quickly on their roads. It is intended the allocation of funding from TfL goes towards assisting the Council to meet this legal obligation.
- 25) Further legal resources will need to be committed to bring into effect the measures for which funding is eventually sought.

FINANCIAL IMPLICATIONS AND RISKS

- 26) There are no financial implications arising from the approval of the modifications of the final Local Implementation Plan which sets out the Council's vision for Transport links within the borough. Implementation of the plan will have significant financial implications for TfL (c£1.9m per annum over a three period). These implications will become clearer as detailed projects are developed and will be fully assessed as part of the decision making process for individual projects.

27) The funding that the Council obtains from TfL through the LIP process is the main source of capital funding for transportation projects and initiatives in the borough.

28) The need to minimise as far as practicable ongoing maintenance costs will be taken into account in all schemes that are awarded funding. New schemes have the potential to reduce or increase maintenance requirements; the net effect of these maintenance requirements will need to be contained within existing budgets.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

29) It is anticipated that the programmes and projects in the LIP will be delivered mainly by Council officers, with occasional input and support from the Council's term contractors Project Centre and/or consultants engaged specifically to manage projects (such as Major Schemes in the priority regeneration areas).

30) Once schemes are selected, a subsequent review will take place to consider the impact on existing resources and/or any subsequent or associated cost. Where any direct effect on staff resources is identified following this review, Council management will ensure that all necessary actions to be taken in such situations are carried out in accordance with the Council's relevant policies, procedures and agreed processes.

31) There are possible IR35 implications when recruiting extra resources and/or consultants to manage specific projects.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

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32) The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

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33) The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants. An EqHIA is currently being developed in consultation with the Corporate Diversity Advisor and Senior Public Health Specialist.

BACKGROUND PAPERS

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Delete as applicable

~~Proposal NOT agreed because~~

Details of decision maker

Signed



Name: Helen Oakerbee – Assistant Director of Planning

CMT Member title: Caroline Bruce – Interim Director of Neighbourhoods

Head of Service title- Helen Oakerbee - Assistant Director of Planning

Other manager title: Martyn Thomas – Development and Transport Planning Group Manager

Date: 29 MARCH 2019

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on 29/3/2019

Signed



