

REQUEST FOR DIRECTOR DECISION – DD2403

Title: Local Implementation Plan approvals 2019 – London Borough of Merton

Executive Summary:

The Mayor's Transport Strategy (MTS) was published in March 2018. Each of the London boroughs and the City of London must prepare a Local Implementation Plan (LIP) as soon as reasonably practicable after publication of the MTS. Each LIP must set out proposals for implementing the MTS within the borough and are required to be submitted to the Mayor for approval. The power to approve LIPs is within the scope of the General Delegation to Senior Members of Staff and is to be exercised by the Executive Director of Development, Enterprise and Environment.

All the boroughs must consult with Transport for London (TfL) when preparing their LIPs. All boroughs submitted a consultation draft LIP and met this requirement. TfL assessed the draft LIPs and wrote to all boroughs outlining required amendments and improvements.

TfL set a deadline of 16 February 2019 for all boroughs to submit a final draft LIP. As not all boroughs were able to meet this deadline due to resourcing constraints and sign-off timescales, recommendations on final draft LIPs were brought forward in batches. The first batch of 17 LIPs was approved by the Executive Director of Development Enterprise and Environment on 8 April 2019 by DD2338. A second batch of 10 final draft LIPs was approved on 6 June 2019 by DD2363. A third batch of five final draft LIPs was approved on 22 July 2019 by DD2382. This decision form recommends approval of London Borough of Merton's final draft LIP, which is the last outstanding LIP for approval.

This decision form seeks a decision from the Executive Director of Development, Enterprise and Environment to approve London Borough of Merton's LIP, as detailed at Appendix A.

Decision:

That the Executive Director of Development, Enterprise and Environment approves:

In accordance with section 146 of the Greater London Authority Act 1999, the Local Implementation Plan submitted by the London Borough of Merton on the basis that it is consistent with the Mayor's Transport Strategy and adequate for the purposes of implementing the Mayor's Transport Strategy.

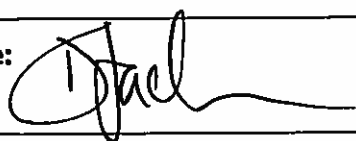
AUTHORISING DIRECTOR

I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities. It has my approval.

Name: Debbie Jackson

Position: Executive Director of Development, Enterprise and Environment

Signature:



Date:

10/09/19.

PART I - NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1. Introduction and background

- 1.1. Under Part IV of the Greater London Authority Act 1999 (the GLA Act), the Mayor is required to prepare and publish a transport strategy (the MTS) which contains:
 - His policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within Greater London;
 - His proposals for discharging his duty of exercising his powers under the GLA Act for securing the provision of those transport facilities and services; and
 - His proposals for providing accessible transport.
- 1.2. As soon as reasonably practicable after the publication of the MTS, each London borough and the City of London is required to prepare a Local Implementation Plan (LIP) which sets out their proposals for implementing the MTS in their area. The Mayor may also issue guidance as to the implementation of the MTS, known as the LIP Guidance.
- 1.3. On 15 March 2017 the Mayor directed Transport for London (TfL), by MD2081, to prepare a revised MTS and new LIP Guidance. Both were published by the Mayor on 21 June 2017 for consultation. Following publication of the final MTS in March 2018 the Mayor approved, by MD2258, the publication of the final LIP Guidance.
- 1.4. In April 2018, TfL commenced an extensive engagement programme to support borough officers in the production of their LIPs. This included running a programme of workshops and seminars, holding one-to-one meetings with officers at all boroughs and providing data, spatial analysis and sample document templates. TfL also engaged with borough officers through London Councils and sub-regional meetings.
- 1.5. All boroughs have a statutory duty to consult with TfL (and other statutory consultees) when preparing their LIPs. TfL set a deadline of 2 November 2018 and 29 of the 33 authorities submitted a consultation draft LIP by this deadline or soon after. Due to borough resourcing constraints and sign-off delays, some submitted later in 2018 or early in 2019. All boroughs have now met their statutory duty to consult with TfL.
- 1.6. Assessment of the consultation draft LIPs was carried out by TfL City Planning and Surface Transport and followed the format set out in the TfL Assessors' Guide with reference to the MTS and the LIPs Guidance. Calibration and benchmarking sessions were held to ensure that assessments had been undertaken fairly and consistently. TfL also assessed the boroughs' compliance with the Public Sector Equality Duty, as required by the LIP Guidance.
- 1.7. Following assessment, TfL's Director of City Planning wrote to all boroughs outlining any amendments that were required for the LIPs to be deemed, in TfL's opinion, consistent and adequate for the purposes of implementing the MTS. These letters also contained suggested improvements and amendments. One-to-one meetings with TfL to discuss feedback were offered to all boroughs and held as appropriate.
- 1.8. TfL set a deadline of 16 February 2019 for submitting final draft LIPs. As not all boroughs were able to meet this deadline due to resourcing constraints and sign-off timescales, recommendations on final draft LIPs are being brought forward in batches. The first batch of 17 final draft LIPs was approved by the Executive Director of Development, Enterprise and Environment on 8 April 2019 by DD2338. A second batch of 10 final draft LIPs was approved on 6 June by DD2363. A third batch of five final draft LIPs was approved on 22 July 2019 by DD2382.

- 1.9. This decision form includes a recommendation that the Director of Development, Enterprise and Environment approves London Borough of Merton's final draft LIP, which is the last outstanding LIP for approval.
- 1.10. A detailed summary of this LIP is at Appendix A. TfL followed the same assessment, calibration and benchmarking process used during the consultation assessment phase.

2. Objectives and expected outcomes

- 2.1. London's boroughs are the highway authorities for 95 per cent of London's streets. They are vital partners in achieving the aims, outcomes and targets of the MTS at a local level across London.
- 2.2. LIPs are the primary mechanism for implementing the overarching MTS aim of 80 per cent of all trips in London to be made by sustainable modes by 2041, for delivering Vision Zero and achieving the nine outcomes of the MTS at a local level.

3. Equality comments

- 3.1. The LIPs are statutory documents which set out the boroughs' proposals for implementing the MTS at a local level. In the preparation of the draft MTS, an Equalities Impact Assessment was undertaken and included in the Integrated Impact Assessment (IIA) and the IIA Post-Adoption Statement. These documents, contained as an appendix to MD2236 which approved the publication of the MTS, also set out how consultation responses which raised concerns relevant to passengers with disabilities have been addressed.
- 3.2. The Mayor and the Greater London Authority (GLA) are required to comply with the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. Section 149 requires the Mayor and the GLA (and anyone exercising powers on their behalf) to have due regard to the need to:
- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - Advance equality of opportunity between people who share a "protected characteristic" and people who do not share it by;
 - Removing or minimising disadvantages experienced by people because of their protected characteristics;
 - Meeting the needs of people with protected characteristics; and
 - Encouraging people with protected characteristics to participate in public life; and
 - Foster good relations between people who share a protected characteristic and people who do not.
- 3.3. In exercising the statutory power to approve a LIP, the decision-maker (here the Executive Director of Development, Enterprise and Environment) must have regard to the issues set out above. As noted above, the decision to approve is based on recommendations from TfL following a process of detailed assessment of the borough's proposals. Requirement 5 of the LIP Guidance is that boroughs need to address the Public Sector Equality Duty in their LIPs. Compliance with the Public Sector Equality Duty is therefore effectively a condition of the recommendation to approve. Through the consultation process, TfL pressed several boroughs to identify step-free station priorities and set more rigorous targets for improving bus stop accessibility. TfL considers that London Borough of Merton paid due regard to the matters covered by the Public Sector Equality Duty in formulating its LIP.

4. Other considerations

- 4.1. The LIP Guidance sets out statutory duties and processes which boroughs are required to consider in preparing their LIPs. This includes undertaking and submitting a Strategic Environmental Assessment. Each local authority is also required under the GLA Act to consult with a range of organisations when preparing their LIP. All LIPs have been assessed against these requirements.

5. Financial comments

- 5.1. There are no direct financial implications to the GLA arising from this decision.

6. Legal comments

- 6.1 Section 144 (1) GLA Act provides that a London borough council is to have regard to the MTS in exercising any function. Section 144(2) provides that the Mayor may issue guidance in writing about the implementation of the MTS to any council. In March 2018 the Mayor issued *Guidance for Borough Officers on Developing the Third Local Implementation Plan*. This is attached at Appendix B.
- 6.2 A LIP is a statutory document, prepared under section 145 GLA Act. It is required to set out how a London borough proposes to implement the MTS in its area. The Mayor's publication of his MTS in March 2018 triggered the requirement under the GLA Act for boroughs to prepare a LIP and submit it for the Mayor's approval.
- 6.3 Section 145(2) GLA Act provides that in preparing a LIP the borough shall consult the bodies or persons set out in subsections (2)(a) to (e).
- 6.4 Sections 145 (1) and (3) GLA Act provides that a LIP shall contain the following information:
- the borough's proposals for the implementation of the MTS in its area;
 - a timetable for implementing the proposals in the LIP; and
 - a date by which all of the proposals contained in the LIP will be implemented.
- 6.5 Section 146(3) states that the Mayor must not approve a LIP unless he considers that:
- the LIP is consistent with the MTS;
 - the proposals in the LIP are adequate for the purposes of the implementation of the MTS in the borough's area; and
 - the timetable for implementing the proposals and the date by which they are to be implemented are adequate for those purposes.
- 6.6 Section 146 (1) GLA Act requires each borough to submit its LIP to the Mayor for approval. In accordance with the scheme of delegation set out in *Mayoral Decision-Making in the Greater London Authority* (24 April 2017) the Mayor's power to approve London Borough of Merton's LIP is to be exercised by the Executive Director of Development, Enterprise and Environment, pursuant to the General Delegation to Senior Members of Staff. The section 146 power is not a Reserved Mayoral Matter and it is within the Executive Director's area of responsibility.
- 6.7 In taking the decision to approve London Borough of Merton's LIP, the Executive Director for Development, Enterprise and Environment is invited to have regard to the matters referred to in this decision form and the appendices to it. This includes the recommendations of TfL officers who have carried out detailed reviews of the LIP and have been involved in discussions with borough officers to ensure that they have followed the LIP Guidance and that the LIP meets the statutory criteria for approval.

- 6.8 In taking this decision, the Executive Director of Development, Enterprise and Environment is required to have regard to the matters set out in section 149 Equality Act 2010 and referred to in section 3 above. As noted above, the assessment of the final draft LIP by TfL officers included consideration of matters set out in section 149 in the context of the LIP, including the mitigation of any adverse impacts of the proposals on those with protected characteristics and the borough's compliance with the Public Sector Equality Duty.

7. Planned delivery approach and next steps

- 7.1. Following this decision and subject to it, the Deputy Mayor for Transport will write to the London Borough of Merton confirming approval of its LIP.

Appendices and supporting papers:

Appendix A – Detailed summary of London Borough of Merton's LIP

Appendix B – Guidance for Borough Officers on Developing the Third Local Implementation Plan – March 2018

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after it has been approved or on the defer date.

Part 1 - Deferral

Is the publication of Part 1 of this approval to be deferred? YES

If YES, for what reason:

Once this Decision is made, the Deputy Mayor for Transport will write to the Leader of the London Borough of Merton confirming approval of its LIP. Deferral will allow this letter to be drafted, sent and received before the Decision is published on the GLA website.

Until what date: No sooner than 5 working days after the Decision is signed.

Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Tim Aldham has drafted this report in accordance with GLA procedures and confirms the following:

✓

Assistant Director/Head of Service:

Tim Steer has reviewed the documentation and is satisfied for it to be referred to the Executive Director for Development, Enterprise and Environment for approval.

✓

Financial and Legal advice:

The Finance and Legal teams have commented on this proposal, and this decision reflects their comments.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 9 September 2019.

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

M. D. Alce

Date

9.9.19