

MDA No.: 1451

Title: Further Response to Consultation on Revision to the Mayor's Transport Strategy

1. Executive Summary

- 1.1 Public consultation on proposals to revise the Mayor's Transport Strategy, expand the Ultra Low Emission Zone (ULEZ) and consider the future of road user charging, took place between 20 May 2022 and 29 July 2022. The Transport Committee held a meeting on the proposals for the ULEZ expansion on 12 July 2022, and submitted a letter in response to the consultation to the Mayor and Transport for London. The Mayor laid before the Assembly the final proposed revision to the Transport Strategy on the 31 October 2022 for its formal consideration.
- 1.2 Following consultation with party Group Lead Members, the Chair of the Transport Committee agreed a further response to the consultation on the revision to the Mayor's Transport Strategy in a letter to the Mayor of London, as attached at **Appendix 1**.

2. Decision

- 2.1 **That the Chair, in consultation with party Group Lead Members, agrees a further response to the consultation on revision to the Mayor's Transport Strategy in a letter to the Mayor of London.**

Assembly Member

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Printed Name: Siân Berry AM

Date: 16 November 2022

3. Decision by an Assembly Member under Delegated Authority

Background and proposed next steps:

- 3.1 Public consultation on proposals to revise the Mayor's Transport Strategy, expand the Ultra Low Emission Zone (ULEZ) and consider the future of road user charging, took place between 20 May 2022 and 29 July 2022. The Transport Committee held a meeting on the proposals for the ULEZ expansion on 12 July 2022, and submitted [a letter in response to the consultation](#)¹ to the Mayor and Transport for London.
- 3.2 The Mayor laid before the Assembly the final proposed revision to the Transport Strategy on the 31 October 2022 for formal consideration. At its meeting on 17 November 2022, the Assembly will receive an opening statement from the Chair, Transport for London, and a statement from the Chair of the London Assembly Transport Committee in relation to the Committee's response to the proposed revision to the Mayor's Transport Strategy. This further response to the consultation informs that statement from the Chair of the London Assembly Transport Committee.
- 3.3 At the Annual meeting on 1 May 2013 the Assembly resolved that:
- That authority be delegated to Chairs of all ordinary committees and sub-committees to respond on the relevant committee or sub-committee's behalf, following consultation with the lead Members of the party Groups on the committee or sub-committee, where it is consulted on issues by organisations and there is insufficient time to consider the consultation at a committee meeting.*
- 3.4 The exercise of delegated authority approving the letter, outlining the further consultation response, will be formally noted at the Transport Committee's next appropriate meeting.

Confirmation that appropriate delegated authority exists for this decision:

Signature (Committee Services): F.Bywaters

Printed Name: Fiona Bywaters

Date: 16 November 2022

Telephone Number: 07825 028 318

Financial Implications: NOT REQUIRED

Note: Finance comments and signature are required only where there are financial implications arising or the potential for financial implications.

Signature (Finance):

Printed Name:


Date:

Telephone Number:

¹ MDA 1424, https://www.london.gov.uk/sites/default/files/1424_-transport_committee_-_response_to_ulez_consultation.pdf

Legal Implications:

The Chair of the Transport Committee has the power to make the decision set out in this report.

Signature (Legal): 

Printed Name: Emma Strain, Monitoring Officer

Date: 16 November 2022

Telephone Number: 020 7983 6550

Supporting Detail / List of Consultees:

- Caroline Pidgeon MBE (Deputy Chair)
- Nick Rogers AM
- Elly Baker AM

4. Public Access to Information

- 4.1 Information in this form (Part 1) is subject to the FoIA, or the EIR and will be made available on the GLA Website, usually within one working day of approval.
- 4.2 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.
- 4.3 **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? NO

If yes, until what date:

Part 2 – Sensitive Information:

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

Is there a part 2 form? NO

Lead Officer / Author

Signature: Z. Oliver-Watts

Printed Name: Zoe Oliver-Watts

Job Title: Assistant Director, Scrutiny and Investigations

Date: 16 November 2022

Telephone Number: 07840 857 293

Countersigned by Executive Director:

Signature:



Printed Name: Helen Ewen

Date: 16 November 2022

Telephone Number: 07729 108 986

LONDON ASSEMBLY

City Hall

Kamal Chunchie Way

London

E16 1ZE

Tel: 020 7983 4000

www.london.gov.uk



Sian Berry AM

Chair of the Transport Committee

Sadiq Khan
Mayor of London

(Sent by email)

16 November 2022

Dear Mayor,

I am writing on behalf of a majority of the Transport Committee to respond further to the publication of your proposed revision to the Mayor's Transport Strategy (MTS). You formally laid the proposed revision before the Assembly on 31 October 2022, and the Assembly has decided to consider it at a Plenary meeting on 17 November. This letter is intended to inform that Assembly consideration, and to complete the Transport Committee's response to the proposed MTS revision.

The proposed MTS revision

The proposed revision to the Mayor's Transport strategy proposals is as follows:

Proposal 24.1: The Mayor, through TfL and the boroughs, will seek to address the triple challenges of toxic air pollution, the climate emergency and traffic congestion through road user charging schemes including by expanding the Ultra Low Emission Zone London-wide.

This would replace the following provision in the approved 2018 MTS:

Proposal 24: The Mayor, through TfL, will seek to introduce the central London Ultra Low Emission Zone (ULEZ) standards and charges in 2019, tighter emissions standards London-wide for heavy vehicles in 2020, and an expanded ULEZ covering inner London in 2021.¹

Your proposal documents state that, having achieved the goals of the original Proposal 24 through the ULEZ extension in October 2021: “We would need to replace this proposal and update the text in the Mayor’s Transport Strategy to enable the ULEZ to be expanded London-wide. We would also need to update the text to ensure the triple challenges of the climate emergency, air quality and traffic congestion are addressed.”² This was confirmed by Christina Calderato (Director of Transport Strategy and Policy, Transport for London) in her appearance before the Committee in July this year, in which she explained the need for the revision as follows:

“When we are introducing road user charging schemes - and this is probably slightly uncharted territory - the parameters of those schemes tend to be contained within the MTS and the policy certainly has to be referenced with the MTS and needs to be in conformity with the MTS. This is not in there currently. It does not mean that the MTS is out of date. It means that we have been proceeding with implementing the policies that were in there. The world has moved on. We have new WHO guidelines. We can see that there is an urgent air quality crisis that is beyond central and inner London and needs to be tackled in outer London. We need to revise the MTS to account for this policy. Essentially, we need to look at the policies that are in there about introducing the central London ULEZ and expanding it to inner London and just make sure that it now accounts for a further expansion to outer London. It is a fairly contained revision.”

Further, your Chief of Staff, writing to the Assembly on your behalf, has since confirmed the legal basis for the amendment:

“The MTS is key to defining the parameters of a road user charging (RUC) scheme. Schedule 23 to the GLA Act provides that a scheme may only be made if it appears desirable or expedient for the purpose of directly or indirectly facilitating the achievement of any policy or proposal set out in the MTS. A scheme must also be in conformity with the MTS, with schemes usually referred to and described in the MTS given their significance to the Mayor’s discharge of his transport duty.”³

It is therefore understood that in order to go ahead with an expansion to the ULEZ or other road charging scheme, an amendment to the MTS is necessary.

As you know, the Assembly has the power to reject revisions to the MTS by a two-thirds majority of Members present and voting, within 21 days of the laying of the revisions.

¹ [Mayor's Transport Strategy \(london.gov.uk\)](https://www.london.gov.uk/transport/mayors-transport-strategy)

² TfL: ‘Have your say: Our proposals to help improve air quality, tackle the climate emergency and reduce congestion. May 2022’ [1ce053ad1e17ea40a38ccf6169dc68e7 Have your say expanding ULEZ London-wide and future road user charging.pdf \(amazonaws.com\)](https://www.amazonaws.com/1ce053ad1e17ea40a38ccf6169dc68e7/Have_your_say_expanding_ULEZ_London-wide_and_future_road_user_charging.pdf)

³ Correspondence between David Bellamy and Helen Ewan, 9 November 2022

Public consultation on the proposed changes to the ULEZ and the MTS:

Prior to submitting the proposed MTS amendment, earlier this year TfL ran a public consultation on "[Improving air quality and Londoners' health, tackling climate change and reducing congestion](#)". The consultation included:

- Part 1 - Expanding the Ultra Low Emission Zone London-wide from 29 August 2023 and making changes to Auto Pay and Penalty Charge Notice levels
- Part 2 - Changes to the Mayor's Transport Strategy (MTS)
- Help shape the future of road user charging

The Consultation survey contained a question specifically about the draft MTS amendment, asking participants to: "give us any comments about the proposed revision to the Mayor's Transport Strategy."⁴

Committee consideration and response to the consultation proposals

The Transport Committee considered the proposed ULEZ expansion and the draft MTS amendment at the time, holding a meeting with GLA and TfL officials in July 2022. We sent you a letter on 4 August 2022 in response to the TfL consultation. The letter expressed some concerns about the impact on disabled people and made recommendations about other mitigations including discounts and scrappage schemes. It included the following paragraphs and recommendations on the MTS revision:

The Mayor's Transport Strategy

The Committee agrees that the changes proposed to the MTS provide clarity on how TfL plans to develop future potential smarter, fairer road user charging schemes, as well as the proposed ULEZ expansion.

The Committee questioned TfL officers on the impact of the ULEZ scheme on overall traffic levels. TfL officers told the Committee that they predict the proposals would result in 146,000 fewer car trips a day. The Committee asked for a breakdown of the type of journeys that will be reduced, including the people affected, the types of journey affected, the other options available to them, and the overall transport impact. TfL officers told the Committee that they do not have a breakdown in terms of journey purpose and that a very small percentage of journeys would see a mode shift. **The Committee asks TfL to look more carefully at data that show the purposes of the journeys that are most affected by new charges as part of a further impact assessment before any decision is made on the proposals.**

Committee members also asked guests whether the issue of road danger is sufficiently captured by the new wording in the MTS that describes the multiple challenges faced by London that road charging schemes might tackle, but omits the issue of road danger. Christina Calderato gave assurance that other policies within the MTS give sufficient ability for TfL to use road danger as a criteria for any future schemes. **The Committee**

⁴ [Paper consultation survey \(amazonaws.com\)](#)

nevertheless recommends, for additional clarity, that the issue of road danger also be included in specific new wording for Proposal 24.1.”

In your response of 27 September, you did not make reference to our recommendations on the draft MTS amendment. We note that since then, the language of the new proposal in the MTS amendment that has now been formally proposed has not changed from the original draft.

Consultation report

In your letter to us, you also set out your plans for taking forward the MTS amendment and, subsequently, the ULEZ expansion which depends upon it. Your letter suggested that you would review the consultation responses before making a decision on whether to proceed:

“TfL is now collating and analysing all responses to the consultation. It will then prepare a report identifying key issues and themes and any recommended modifications to the proposals in light of responses received and included as part of the consultation. I will decide on whether to proceed with my proposals, with or without modifications, after considering this report.

You will be aware that, should I decide to proceed with the proposed amendments to the MTS, the final proposed text will be laid before the London Assembly for review in advance of their publication. If the Assembly does not reject them and following the publication of the revised MTS, TfL will proceed to make the ULEZ Variation Order and submit it to me for confirmation. I will decide whether or not to confirm the Order after taking into account consultation responses and other relevant matters. A post-adoption statement related to the strategic environmental assessment of the MTS revisions will also be published.”⁵

The report of the full TfL consultation has not been published. Nor has a report of the responses on the MTS amendment in particular.

In responding to questions from the Assembly, your Chief of Staff, writing on your behalf, confirmed that:

“the Mayor is being asked to make two separate decisions arising out of the consultation:

- Decision 1: Whether to publish the proposed MTS revision;*
- Decision 2: Whether to amend the scheme rules to provide for ULEZ expansion London-wide.*

Decision 1 must be made and the proposed MTS revision must be published before the Mayor can go on to make Decision 2.

The Mayor’s decision to publish the MTS revision (subject to the London Assembly fulfilling its role in s 42B of the GLA Act) was made primarily on the basis of TfL’s report on the consultation responses received in respect of the proposed MTS revision. A separate consultation report is being finalised by TfL in respect of the responses received on the ULEZ

⁵ Letter from Sadiq Khan to Sian Berry, 27 September 2022.

*expansion proposals and will be submitted to the Mayor when he is asked to make Decision 2 (amending the ULEZ scheme rules to provide for ULEZ expansion London-wide). Nonetheless, the overlap in consultation responses about these two separate decisions makes it very difficult for TfL to completely separate them in the reports. It is not appropriate for new information about the proposed London-wide ULEZ scheme to be in the public domain in advance of the Mayor's decision and supporting documents, which will provide more fulsome information than was appropriate for inclusion in TfL's report on the consultation responses about the MTS revision, being published. To avoid confusion and misinformation, the publication of TfL's report on the consultation responses received in respect of the proposed MTS revision has been deferred until the full suite of documents can be published on completion of all the stages of the process, including London Assembly scrutiny, publication of the MTS revision and the Mayor's decision on whether or not to proceed with London-wide ULEZ."*⁶

Conclusions:

We set out the facts in this letter for the benefit of the Assembly's consideration. We are disappointed that the Committee's recommendations on the MTS amendment were not incorporated or addressed, and we request a response explaining why these were rejected.

We are also disappointed by the lack of formal notice of the timeline for the proposed amendment, and again request that the Mayor consider publishing a Forward Plan giving advance notice of his policies and programmes.

We are not persuaded by the argument put forward by your office as to why information about the outcome of the public consultation has not been shared with the Assembly in advance of its consideration of the MTS proposal. As you will be aware, under Section 42b of the GLA Act 1999 (as amended), the Assembly has statutory powers to reject revisions to Mayoral strategies. Transparency in decision making is always important, but in this instance the Assembly is not only conducting scrutiny but is exercising decision-making powers. It is reasonable that it would expect to have the best available information on the consultation responses in order to fulfil these responsibilities.

Ultimately, in considering these proposals for the MTS, the Assembly needs to take into account that it is likely there was some significant opposition expressed by those who responded to the consultation; and it also needs to consider the wider context of the long-term public health impact of road traffic and air pollution and the impact new policies could have. We look forward to discussing all these issues with you in our Plenary meeting.

Yours,



⁶ Correspondence between David Bellamy and Helen Ewan, 9 November 2022

Sian Berry AM
Chair of the Transport Committee