



City Hall Greens

**Sian Berry AM
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Mayor of London
City Hall
Kamal Chunchie Way
London E16 1ZE

Cc:
Seb Dance, Deputy Mayor for Transport
Will Norman, London Walking and Cycling Commissioner

12 October 2023

Dear Sadiq,

Using your powers to stand up for Healthy Streets

Following up on our conversation today in MQT, I am writing to formally request that you exercise your powers under Part IV of the Greater London Authority Act 1999 ('the 1999 Act') to prevent the London Borough of Tower Hamlets carrying out its decision of 20 September 2023 to remove Low Traffic Neighbourhoods (LTNs), contrary to the binding commitments made in its Local Implementation Plan, agreed between it and yourself in 2019.¹

If you are not minded to exercise these powers, I request that you provide adequate reasons for your decision, pursuant to the duty set out in *Dover District Council v CPRE Kent* [2017] UKSC 79. This would need to explain how you have carefully considered the exercise of these powers. In particular, it should set out the impact of the removal of these schemes both on targets and ambitions in the Mayor's Transport Strategy, as well as national targets, including the 2030 Climate Target and the 2028 Particulate Exposure Reduction Target, both of which the UK is set currently to miss very significantly. Given the risk of the borough taking rapid action unilaterally, I request and require an initial response to this letter within two weeks of today's date.

According to your 2021 Vision Zero Action plan update, 70 per cent of road deaths and serious injuries occur on borough roads. While you have an objective to reduce road deaths and serious injuries by 65 per cent by 2022 and 70 per cent by 2030, progress has stalled since 2013, once the temporary effects of the pandemic are disregarded. In addition, due to the significant deprivation in Tower Hamlets, removal of its LTNs would raise particular

¹ [Liveable Streets Bethnal Green consultation outcome and measures](#), decision by Tower Hamlets council, 20 Sep 2023

equalities issues. Besides these compelling environmental and social reasons for intervention, there are vital economic ones too.

The Transport for London (TfL) funding settlement runs out in March 2024, and if you allow this borough to waste funding by ripping out high quality active travel schemes (also increasing the burden on the NHS) this increases the risk for the whole of London of unfavourable future settlements.²

The legal position, set out in more detail in the appendix to this letter, is very clear. The 1999 Act entrusted you with the duty to develop and implement safe, integrated and efficient transport. Some elements of this are delegated to borough councils, but these are subject to your supervision and coordination. The statutory scheme is crystal clear that it is your ultimate responsibility to ensure borough commitments are carried out, and not acting carries a real risk that other local authorities will follow.

I have already met with your Walking and Cycling Commissioner, and have raised my concerns about Tower Hamlets' likely removal of these schemes since September 2022, prior to its decision. In addition, I have explained to him on more than one occasion the powers that I think could be used.

Frankly, it is hard to imagine a clearer case where issuing directions or directly taking over borough powers would be more justified. As an Assembly Member, I have trusted that your commitment to leadership on healthier streets was genuine, so I hope you will follow up on this commitment and act now when it will make a real difference.

I look forward to hearing from you at your earliest convenience and in any event within two weeks of the date of this letter.

Yours sincerely,



Sian Berry
Green Party Member of the London Assembly

² [Transport for London – Long-term Funding Settlement](#), Department for Transport, 30 August 2022

Appendix - the legal position and factual background

Part IV of the Greater London Authority Act 1999 ('the 1999 Act') entrusts the Mayor of London with the primary duty to develop and implement safe, integrated and efficient transport (the general transport duty, s. 141), specifically through the Mayor's Transport Strategy (MTS), which is required (s. 142) to contain policies and proposals for discharging this duty. A borough council is required to produce local implementation plans (LIPs) "containing its proposals for the implementation of the transport strategy in its area" (s. 145). Boroughs are required to submit their LIPs to the Mayor for approval but the mayor is precluded from approving a LIP unless its proposals and timetable are adequate to deliver the MTS (s. 146). Boroughs are then under a legal duty to implement the policies and proposals in their LIP, according to the timetable set out in it (s. 151).

Tower Hamlets Cabinet approved its LIP on 27 February 2019, with the accompanying report (paragraph 1.1) noting the borough's "statutory requirement...to deliver the Mayor for London's Transport Strategy at the local level". TfL had earlier criticised the borough's draft LIP, stating that in order to be adequate on road safety, it required "a step change in approach and more detail is required in the draft LIP as to how it will be delivered". In particular, the LIP's delivery plan required "more detail...regarding what specific schemes will entail and how they will support the MTS, including time-scales". Only following amendments and the addition of LTNs, was TfL able, on behalf of the Mayor, to approve the borough's final LIP. Indeed TfL welcomed "the strong commitment to reduce traffic in the borough through encouraging walking and cycling and commend the focus on Liveable Neighbourhoods" (aka LTNs) in the final LIP. In the circumstances, it is clear beyond doubt that the LTNs formed a core, if not the most important, fundamental element, of the borough's implementation of the MTS.

In September 2023 Tower Hamlets decided to remove almost all of these schemes, thereby wasting significant amounts of expenditure. Although a borough "may at any time prepare such revisions as it considers appropriate" to its LIP (s. 148), it is required to consult the Mayor and neighbouring boroughs (ss. 149 and s. 145) and any such revision would need to be approved by the Mayor (s. 146). Contrary to these clear and unambiguous legal duties, Tower Hamlets appears to plan to act unlawfully by removing core LIP schemes without amending its LIP, including without carrying out the necessary consultation, nor securing the required consent from the Mayor. Moreover, it has failed to set out what it would deliver instead, beyond the vaguest of references to "new schemes that bring more people together".

The 1999 Act provides the Mayor with significant powers to intervene in such instances. S. 153 provides a very broad power for the Mayor to issue both general and specific duties about the exercise of transport planning and implementation. In particular s. 153(2)(f) empowers the Mayor to issue directions to boroughs "as to the steps required to be taken to remove the effects of action which is incompatible with [LIP] proposals". The Mayor even has powers to take over transport functions of boroughs (s. 152) to deliver agreed LIP proposals and to recover costs as a civil debt. Given the statutory scheme placing the general transport duty on the Mayor, these powers are extremely broad and difficult to challenge legally.

Despite these powers existing in law for nearly quarter of a century, the Mayor and TfL appear to have made no attempt to use them or even explore considering their use. Instead they have sought not to fund Tower Hamlets or use minor powers relating to red route side roads. As shown by the borough's continued refusal to comply with its legal obligations, these efforts have been clearly inadequate and risk undermining long established legal principles regarding on the relationship between boroughs and TfL, not to mention MTS targets, climate commitments and the wellbeing of Londoners.