

CABINET MEMBER DELEGATED DECISION 15 MAY 2020

Report title: Covid-19 Transport Strategy Programme

Wards: All

Portfolio: Deputy Leader of the Council (Sustainable Transport, Environment and Clean Air):
Councillor Claire Holland

Report Authorised by: Bayo Dosunmu: Strategic Director for Resident Services / Eleanor Purser and Sara Waller: Strategic Directors for Sustainable Growth and Opportunity

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Report summary

This report seeks approval for a programme of transport and public realm interventions to be implemented in response to the Covid-19 pandemic and for funding to be released for this purpose. The Council has already implemented a number of measures to protect public health during the 'lockdown' period and now needs to respond urgently to deliver improvements to sustainable transport modes in order to enable a safe and sustainable recovery as mobility restrictions are gradually lifted. The recommended measures are largely drawn from the Council's adopted Transport Strategy and the previous delivery plan is now being accelerated with a range of intervention to be implemented over the next 6 months. Funding from the Highways Improvement Programme has been identified for this purpose, although it is expected that Transport for London will release emergency funds to boroughs in order for costs to be recovered. Officers will submit a bit to Transport for London based on the contents of this report.

Finance summary

The estimated cost of the measures included in the 'Baseline' scenario (see Appendix 1) is £1,796,000. The full programme ('Max') is expected to cost in the region of £4,000,000. Funds from the Highway Improvement (maintenance) Programme will be re-purposed to cover the cost of the Baseline scenario if funding from Transport for London is not available. The majority of works are classified as capital, with a small element of supporting revenue measures. All works to be delivered within the next six months under an accelerated programme.

Recommendations

1. To approve the Council's Covid-19 transport programme (Appendix 1 of this report).
2. To approve expenditure of council funds up to £1,796,000 to implement the 'Baseline' scenario described in the report at Appendix 1.

3. To authorise officers to apply for funding to Transport for London for this expenditure to be reimbursed by Government and to bid to TfL for funding for the full programme outlined at Appendix 1.
4. To delegate authority to the Strategic Directors for Sustainable Growth and Opportunity to amend and develop the programme as necessary in consultation with the Strategic Director, Resident's Services and the Deputy Leader of the Council (Sustainable Transport, Environment and Clean Air).

1. CONTEXT

- 1.1 The Council has led the way with its transport response to Covid-19 by agreeing an immediate strategy designed to protect public health during the 'lockdown' period and to plan for the expected transition out of this. The first phase of the strategy has now been implemented with more space allocated to pedestrians at key locations and work is well underway to deliver further phases. The Council's overall approach to respond to Covid-19 has now been widely adopted by other London boroughs, regionally and now nationally with the publication of Department for Transport guidance and amendments to legislation.

2. PROPOSAL AND REASONS

- 2.1 As we enter the transition period from 'lockdown' it has become increasingly clear that the scale of the challenge we face requires a wide ranging and decisive response if increased mobility in Lambeth and London is to be managed in a safe, fair and sustainable way and one which supports economic recovery while protecting our environment over the long term. The content of our immediate strategy is still sound, but there is a need to set out more clearly how this will be scaled up and implemented over the coming months, as well as to agree funding for delivery.
- 2.2 The need to constrain capacity on public transport in order to facilitate social distancing has profound implications for the transport network as a whole. A large proportion of the increase in trip making we expect to see over the coming weeks and months will have to be made by private modes. In line with the Council's existing policies, to protect public health and in order to avoid a damaging increase in private car trips, it is imperative that barriers to more walking are removed and that cycling is enabled for many more people who until now have not found this a safe or attractive option. In order to make this happen we must remove road danger caused by motor vehicles and protect road users who are at risk from this threat. We will need to go further and move much faster than envisaged in the Transport Strategy Implementation Plan, but the measures this identifies will form the building blocks of our response.
- 2.3 Our response will need to focus on fairness and reducing the inequalities that Covid-19 has highlighted. Not everyone will be able to walk and cycle and some may still need to rely on private cars. We must ensure that essential deliveries can still be made in order to support those most at risk. Many people who currently rely on buses as the most affordable form of public transport will need our support. Our neighbourhoods and town centres will need to be made more accessible. We need to make cycling much more attractive to a wider demographic and our streets safer for everyone.
- 2.4 We have already said that a return to the status quo on our road network will not meet our long-term sustainability objectives and we therefore must not let this happen. The measures outlined in our response will be implemented as trials and temporary schemes and we will seek feedback from the community on how these can be shaped to benefit as many people as possible. Where there is support it must be our intention to make these benefits available permanently.
- 2.5 Building on our initial response, officers have now identified a programme of interventions considering different funding scenarios. The Baseline scenario covers interventions already planned and developed that will now be accelerated, Baseline+ adds further priority interventions assuming that grant funding is available and the Max scenario covers all interventions the Council considers can and should be delivered in the medium term (six months) to meet our objectives and for which further grant funding will be required. These scenarios are set out in more detail in Appendix 1 of this report.

Other options considered:

- 2.6 'Do nothing' has been considered, but is not considered appropriate as this is likely to result in:
- Inability of residents to comply with Government guidance on 'social distancing';
 - Increased road danger as a result of higher motor traffic levels, speeds, collisions and harmful emissions;
 - Severe congestion on the road network; and,
 - Increased inequalities as those that can work from home do so, or drive. National research shows these tend to be higher income earners.
- 2.7 The measures proposed are largely drawn from the adopted Transport Strategy and Implementation Plan. These are strategic, evidence based interventions designed to deliver the Council's policies to promote sustainable modes of travel, reduce road danger and create a healthier, more accessible environment for all. Implementation Plan projects have been re-prioritised to consider the impact of Covid-19.
- 2.8 Alternative approaches include reviewing the existing Implementation Plan against new criteria, but it is considered the measures already included meet the recommendations set out by Government in the revised Traffic Management Act as well as local priorities. Planning work for many of these interventions has already taken place, as well as a degree of public engagement and this enables delivery in a relatively short timeframe.

3. FINANCE

- 3.1 A budget of £78,500 has already been approved for the Council's initial response. This report seeks authorisation for expenditure of council funds up to £1,796,000, including the initial amount agreed, and to subsequently bid for these funds to be reimbursed by Government.
- 3.2 It has recently been announced that the Government will provide financial assistance to Transport for London and it is expected that TfL will now make funding available to boroughs for emergency response measures, but it is not known how these funds will be allocated. Nonetheless, it is expected that significant elements of the Council's identified programme can be funded in this way. In the interim and in order to allow work to begin immediately, it is proposed that programme costs are met through the Highways Improvement Programme (HIP) budget and then reimbursed when external funding become available. Only if the Council cannot secure grant funding will the HIP be required to fund the full amount. Sufficient uncommitted funds are available within the HIP budget for 2019/20 for this purpose, however this would result in a reduction in the scope and extent of planned highway improvement works (maintenance) that are achievable.
- 3.3 It will be necessary to suspend parking bays at some locations to deliver aspects of the programme and this may result in a loss of income as yet to be determined and will be assessed on a case by case basis. The suspension of parking bays will be minimised.

4. LEGAL AND DEMOCRACY

- 4.1 Section 16 of the Road Traffic Management Act 2004 imposes a duty on local traffic authorities to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives:
- (a) securing the expeditious movement of traffic on the authority's road network; and,
 - (b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.

- 4.2 The Council may take any action which it considers will contribute to securing the more efficient use of its road network; or for the avoidance, elimination or reduction of road congestion etc. which may involve the exercise of any power to regulate or co-ordinate the uses made of any road, or part of a road in the road network, whether or not that power was conferred on the Council, in its capacity as local traffic authority.
- 4.3 Section 14 of the Road Traffic Regulation Act 1984 empowers the Council where it is satisfied that traffic on a road should be restricted or prohibited because of the likelihood of danger to the public to restrict or prohibit temporarily the use of that road or any part of it, by vehicles, or vehicles of any class, or by pedestrians, to such an extent and subject to such conditions or exceptions as they may consider necessary, without delay.
- 4.4 Section 6 of the Road Traffic Regulation Act 1984 empowers the council to make road traffic orders for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising and facilitating the passage on the road or any other road of any class of traffic (including pedestrians) amongst other matters.
- 4.5 While it is considered that proposed intervention do not require additional legal provisions, it is recommended that a borough-wide traffic order is made in order to cover a range of interventions and remove the need to make traffic orders for each one. A similar order already exists covering the VNEB area. Such an order must be made on the basis of protecting the public from danger.
- 4.6 Section 75 of the Highways Act 1980 provides that where a highway maintainable at the public expense comprises both a footway or footways and a carriageway, the highway authority may vary the relative widths of the carriageway and of any footway. Urgent measures such as narrowing / reducing traffic lanes to increase footway space do not require a traffic order and can be implemented under the highway permitting process.
- 4.7 There is considered to be an increased risk of challenge when bringing forward changes to the highway with reduced levels of public engagement, but minimum requirements will be met as set out in the attached 'Transport response to Covid-19' Appendix 1 accompanying this report.
- 4.8 Section 149 of the Equality Act 2010 sets out the public sector equality duty replacing the previous duties in relation to race, sex and disability and extending the duty to all the protected characteristics i.e. race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment. The public sector equality duty requires public authorities to have due regard to the need to:
- a) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under that act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it; and,
 - c) Foster good relations between those who share a protected characteristic and those who do not share it, which involves having due regard, in particular, to the need to:
 - i. tackle prejudice; and,
 - ii. promote understanding.
- 4.9 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, including, in particular, steps to take account of disabled persons' disabilities; and,
- 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.

4.10 Compliance with the duties in section 149 of the Act may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the Act.

4.11 The Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken - that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.

4.12 The decision maker need to ensure that they act reasonably in making any decision. This would require them to take account of all relevant considerations, disregard irrelevant matters, observe procedural requirements, not act in bad faith, act for proper purposes and not make a decision that is so unreasonable that no reasonable local authority would make it. The decision makers' obligations in this respect would include complying with their fiduciary duty to its Council Tax-payers and other funders.

4.13 This proposed key decision has not been entered in the Forward Plan and so the necessary 28 clear days' notice has not been given. The Statement of Urgency notice has been published alongside this report and the Monitoring Officer and Chair of Overview and Scrutiny Committee have agreed both that the decision in question is reasonable in all the circumstances and to it being treated as a matter of urgency. This decision is therefore not subject to five clear days' pre-notification and is not subject to the call-in process.

5. CONSULTATION AND CO-PRODUCTION

5.1 The Lambeth Transport Strategy 2019 provides the rationale and justification for the programme identified. The Strategy achieved a high level of support from stakeholders following comprehensive engagement and consultation. The majority of measures included in the Baseline scenario have already been subject to local area engagement. Statutory consultation requirements will be met, including notice for affected residents and businesses, and emergency services will be actively engaged.

5.2 Accessible and inclusive engagement materials will be prepared, with all interventions signalled as part of our broad strategy and reinforcing Government guidance and legislation around community safety and public health. Both traditional print media and social media will be used as well as existing contact lists and local area partnerships. A single engagement and information website has been developed as a landing point for all enquiries and to raise awareness of the Council's strategy to protect the community.

6. RISK MANAGEMENT

6.1 Risks associated with this decision include resource, legal, equality, democratic and technical issues summarised as follows:

6.2 The main risks that impede on the successful delivery of this programme are:

Table 1 – Risk Register

Item	Risk	Likelihood	Impact	Score	Control Measures
1	The accelerated programme represents the best case scenario and a number of factors may affect the ability to deliver to the stated timescales, including officer resource availability, dealing with any objections as part of the statutory consultation process and the need for rapid contractor mobilisation at a time when resources may be slow to come on-stream.	3	2	6	Prepare a detailed programme, incorporating further discussion with Lambeth’s highways contractor and keep under review with learning from individual projects.
2	Changes to the public highway are subject to legislative requirements and procedures under the Highways Act and these must be followed in order to avert legal challenge.	2	4	8	Consult with Legal Services, Lambeth Highways and other relevant authorities, such as the emergency services, as necessary.
3	Changes to the public highway are subject to the Equalities Duty and may result in detrimental impacts if not properly considered.	2	4	8	All Traffic Orders will be subject to EQIA and key stakeholders will be engaged.
4	The accelerated delivery of Transport Strategy projects, without the full suite of public engagement measures, may be considered unreasonable by stakeholders and the wider public.	2	4	8	This Emergency Response to be communicated to stakeholders alongside appropriate justification. Any measures requiring Traffic Orders to be subject to informal engagement with key stakeholders in advance of implementation.
5	Accelerating the delivery process results in compressing the normal technical project stages and may lead to oversight of key factors.				Establish a working group of key officers to identify and advise on key requirements.

Key

Likelihood	Very Likely	4	Likely	3	Unlikely	2	Very Unlikely	1
Impact	Major	8	Serious	4	Significant	2	Minor	1

7. EQUALITIES IMPACT ASSESSMENT

- 7.1 Measures expected to be brought forward are principally intended to reduce inequality by protecting public health by enabling physical distancing, safe and sustainable journeys and reducing harmful impacts of motor traffic. The planned programme is comprehensive, covering much of the borough, including areas of significant deprivation. By improving conditions for low and no cost modes of travel, the recommended approach is expected to increase access to services and opportunity for groups that may otherwise be excluded.
- 7.2 Key stakeholders, including representatives of disability groups, will be included in discussions around scheme development and asked to advise on and review interventions. Temporary measures will be designed to be inclusive and accessible to all.
- 7.3 The Transport Strategy and Implementation Plan 2019 was subject to a full EIA as accessible in the background documents listed in the report history section, below, and any measures brought forward as part of the programme will either be a) already included in the agreed strategy and / or b) consistent with the Guiding Principles and Actions set out in the Strategy. All Traffic Orders required as part of the Response will be subject to EIA. It is acknowledged that the Covid-19 restrictions will make meaningful engagement with disabled and elderly people more challenging.

8. COMMUNITY SAFETY

- 8.1 The programme of measures proposed is designed first and foremost to ensure public safety and to protect public health. The programme responds to Government guidance recommending that local authorities implement measures to increase safe space for walking and cycling and to promote sustainable forms of transport in order to reduce pressure on public transport and deter a significant increase private car use. During the 'lockdown' period the police have recorded a steep increase in excessive and illegal motor vehicle speeds and the proposed measures will help to tackle this. Officers will work closely with the relevant authorities to ensure that all measures implemented are safe and secure. Officers from the Transport, Community Safety, Children's Services and other teams are working together in order to ensure a co-ordinated approach.

9. ORGANISATIONAL IMPLICATIONS

Environmental

- 9.1 The proposed measures are expected to deliver environmental improvements by ensuring that traffic levels in neighbourhood areas are not excessive and that more people are able to choose non-polluting modes of travel.
- 9.2 A full SEA was carried out for the Transport Strategy and Implementation Plan alongside the public consultation process. The SEA Environmental Report concluded that no significant adverse environmental effects will result from the implementation of the Strategy. As such, no specific recommendations for the mitigation of effects were required. All the effects identified were either considered to have no impact or to be positive.

Health

- 9.3 Protecting public health is at the heart of the programme. Promoting walking and cycling will reduce exposure to virus transmission and increase levels of physical activity among the general population, improving health outcomes. The programme also focusses on key public health concerns relating to the negative impacts of the transport network, for example harmful emissions from road traffic and how these can be reduced and mitigated. The programme identifies the need to target interventions at specific groups as well as the general population in line with Lambeth's

Joint Strategic Needs Assessment, for example promoting active travel for education trips among young people.

Corporate Parenting

9.4 Not applicable.

Staffing and accommodation

9.5 Not applicable.

Responsible Procurement

9.6 Not applicable.

Reduce Emissions: Lambeth Council has a commitment to being Zero Carbon by 2030

9.7 The proposed measures are expected to ensure that the current reduced level of vehicle emissions is maintained and to protect against a deterioration in air quality. The programme is also fully aligned with the council's climate change objectives in promoting sustainable and carbon neutral forms of transport.

10. TIMETABLE FOR IMPLEMENTATION

10.1 The table below details the stages and deadlines for implementing the recommendations:

Activity	Proposed Date
Date published on Forward Plan	N/A
Publication on Decisions online	15.05.20
Officer or Cabinet Member Decision	15.05.20

AUDIT TRAIL				
Consultation				
Name and Position/Title	Lambeth Directorate	Date Sent	Date Received	Comments in paragraph:
Councillor Jack Hopkins	Leader of the Council	15.05.20	15.05.20	
Councillor Claire Holland	Deputy Leader (Sustainable Transport, Environment and Clean Air)	10.05.20	11.05.20	3
Eleanor Purser / Sara Waller, Strategic Director	Sustainable Growth and Opportunity	10.05.20	13.05.20	
Bayo Dosunmu, Strategic Director	Resident Services	10.05.20	13.05.20	
Christina Thompson, Director: Finance and Property	Finance and Investment	12.05.20	13.05.20	3
Alison McKane, Director	Legal and Governance	12.05.20	13.05.20	4
David Rose, Democratic Services	Legal and Governance	10.05.20	13.05.20	

REPORT HISTORY	
Original discussion with Cabinet Member	02.05.20
Report deadline	N/A
Date final report sent	N/A
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	Yes
Date first appeared on forward plan	N/A
Key decision reasons	2. Expenditure, income or savings in excess of £500,000.
Background information	Department for Transport guidance Network Management Duty Highways Improvement Programme Road Traffic Management Act 2004 Road Traffic Regulation Act 1984 Highways Act 1980 Equality Act 2010 Lambeth Transport Strategy 2019 Transport Strategy and Implementation Plan 2019
Appendices	Appendix 1 – Covid-19 Transport Strategy Programme

APPROVAL BY CABINET MEMBER IN ACCORDANCE WITH SCHEME OF DELEGATION

I confirm I have consulted Finance, Legal and Democratic Services and taken account of their advice and comments in completing the report for approval:

Signature: _____ **Date:** _____

Post: Simon Phillips,
Transport and Public Realm Strategy Manager

I confirm I have consulted the relevant Cabinet Members, including the Leader of the Council (if required), and approve the above recommendations:

Signature: _____ **Date:** _____

Post: Councillor Claire Holland,
Deputy Leader of the Council (Sustainable Transport, Environment and Clean Air)

Any declarations of interest (or exemptions granted): None.

Any conflicts of interest: None

Any dispensations: None