

## OVERVIEW AND SCRUTINY COMMITTEE 12 OCTOBER 2021

**Report title:** Low Traffic Neighbourhoods Commission: Draft Report

**Wards:** All

**Portfolio:** Cabinet Member for Sustainable Transport, Environment and Clean Air (job-share):  
Councillor Danny Adilypour and Councillor Mahamed Hashi

**Report Authorised by:** Eleanor Purser and Sara Waller: Strategic Directors for Sustainable Growth and Opportunity

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### REPORT SUMMARY

This report presents the draft report of the Low Traffic Neighbourhoods (LTN) Scrutiny Commission and seeks formal sign-off from the Committee prior to its presentation to Cabinet, currently scheduled for 22 November 2021.

### FINANCE SUMMARY

There are no capital or revenue implications arising as a direct result of this report.

### RECOMMENDATION

1. To approve the Low Traffic Neighbourhoods Scrutiny Commission report, attached at **Appendix 1**, for presentation to Cabinet, subject to any comments from Members.

## **1. CONTEXT**

### **Low Traffic Neighbourhoods Scrutiny Commission**

- 1.1 The Low Traffic Neighbourhoods Scrutiny Commission was established in late 2020 following a submission of a proposal by Councillor Mary Atkins, who chaired the commission. This was approved by the Overview and Scrutiny Committee at its meeting on 9 December 2020, whereupon five more Members – Councillors Paul Gadsby, Nicole Griffiths, Marianna Masters, Irfan Mohammed and Jane Pickard – were appointed.
- 1.2 The commission's key aims were to examine the implementation and evaluation of the emergency LTNs introduced in Spring 2020 and identify lessons that could be used in future implementation of policies related to the climate emergency.
- 1.3 The commission held eight meetings over a six-month period, including discussions on the scope, a meeting with the then Deputy Leader of the Council (Sustainable Transport, Environment and Clean Air) and officers, and meetings with witnesses. Full details on the meetings held can be found in Appendix 1.
- 1.4 Throughout the process Members aimed to provide scrutiny and challenge while also influencing the direction of policy development by working collaboratively with officers. The commission wishes to put on record its gratitude to the officers involved, as well as the Cabinet Member, whose time, expertise and constructive engagement were crucial to the outputs described in the commission report.
- 1.5 In response to the evidence gathered, the commission has formulated a set of recommendations, detailed in Appendix 1.

### **Low Traffic Neighbourhoods as a response to Covid-19**

- 1.6 The Covid-19 pandemic resulted in local and central government re-engineering the public realm, in order to accommodate the need for physical distancing, and the growth in people walking and cycling as public transport usage decreased.
- 1.7 In April 2020, the Council approved its Emergency Transport Strategy, and in May 2020 the Department for Transport issues statutory guidance with a direct bearing on local authority obligations in respect of the Network Management Duty (Traffic Management Act 2004). The guidance was clear and specific in its aims, and directed local authorities to introduce traffic reduction measures such as low traffic neighbourhoods in response to the pandemic within weeks. The imperative to act quickly necessarily limited the opportunity for extensive pre-engagement on emergency schemes. In response to this response to this Government direction, Transport for London then published the London Streetscape Plan, which provided further guidance to London boroughs on the implementation of an accelerated programme of emergency interventions to support safe, active travel, including the implementation of LTNs.
- 1.8 Guidance to local authorities from central and regional Government was complemented by a dedicated funding stream to support the directed activity. The Government's Emergency Active Travel Fund (EATF), introduced in May 2020, provided support for local authorities to implement active travel schemes to respond to the challenges of the pandemic by facilitating a rapid increase in walking and cycling while discouraging car use.
- 1.9 As a result of this, plans were brought forward to introduce selected Low Traffic Neighbourhoods using temporary traffic orders as mandated by the Secretary of State. Temporary traffic orders do not require consultation and are generally used where an urgent change to the highway is necessary. Under the circumstances, officers were only able to commence publicity for the scheme

two weeks in advance of implementation, however engagement activity has been conducted since then. Between autumn and late winter, officers then moved to experimental traffic orders, formalising the experimental process and putting in place a statutory process for objection, while informal engagement has continued. This preceded a non-statutory consultation beginning in autumn 2021 to give people a chance to contribute to the decision on whether the schemes are made permanent.

- 1.10 Despite this direction from Government and the Council's published strategy, the introduction of LTNs, and the reasons for them, caused some confusion, and LTNs have been perceived as polarising opinion. However, recent government research suggests that the majority of people do not have strong opinions either way, with only a vocal minority either strongly for or against. There is no doubt however that LTNs are controversial in some areas and officers and members have received a significant amount of correspondence since the schemes were introduced. It should be noted that those people active on social media and those corresponding with the council, are only likely to represent strong views held by vocal minorities on either side of the debate, with general opinion likely to be more nuanced.
- 1.11 One of the key aims of the Commission was to use the example of LTNs to explore how changes in response to the climate crisis could be made in the future, particularly with regard to consultation, implementation and monitoring.

## **2. PROPOSAL AND REASONS**

- 2.1 It is proposed that the Committee approves the commission's report for presentation to Cabinet, currently scheduled for 22 November 2021, subject to any comments from Members.
- 2.2 Officers are in the process of preparing an action plan to accompany the commission report, responding to the recommendations therein. Cabinet will be asked to approve the action plan at the same meeting.
- 2.3 Following agreement of the action plan at Cabinet, two further updates will be programmed into the Overview and Scrutiny Committee work programme to enable the Committee to assess progress against the recommendations.

## **3. FINANCE**

- 3.1 The cost of the commission was funded within existing Scrutiny budgets.
- 3.2 The final report of the commission, when reported to Cabinet, will have an action plan attached providing the departmental response to the recommendations made. Where there are financial implications to the recommendations such as the installation of additional signage, the cost of the recommendations will need to be made clear before Cabinet can be asked to agree them.

## **4. LEGAL AND DEMOCRACY**

- 4.1 Section 149 of the Equality Act 2010 requires the Council in the exercise of its functions to have due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and other form of conduct prohibited under the act; and,

- (b) to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic (age, disability, gender re-assignment, pregnancy and maternity, race, religion and belief, sex, and sexual orientation) and persons who do not share it.
- 4.2 Having regard to the need to advance equality of opportunity between persons who share relevant protected characteristics 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 the persons who share that characteristic that are different from the needs of persons who do not share it; and,
  - (c) encourage persons of the relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 4.3 Compliance with the above public sector equality duties 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.
- 4.4 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. An Equality Impact Assessment has been made reviewed as discussed in paragraph 7 below.
- 4.5 In *HHRC Ltd v Hackney LBC* [2021] EWHC 2440 (Admin) Dove J held in ruling on a challenge to Hackney LBC LTNs based in part on that Council’s satisfaction of their Equality Duty:

*“The ETP’s EqIA itself acknowledges the need for further detailed evaluation of each specific proposal, which itself provides a safeguard in relation to evaluation of impacts upon those with protected characteristics by the making of detailed adjustments in the context of a detailed specific design, or indeed perhaps not progressing a proposed scheme, bearing in mind the ongoing evaluation of the impact of any particular scheme upon those protected characteristics. I share the view of Kerr J set out in his judgment in the case of Sheakh that it is possible in some circumstances for a form of iterative, or progressive, assessment of equalities impacts to properly discharge the PSED, and whether that is the case is, of course, sensitive to the facts of individual cases”*

- 4.6 There are no other immediate legal implications arising from this report. Separate legal clearance will be sought in relation to the commission’s final report to Cabinet.
- 4.7 The final report of the commission is scheduled to be reported to Cabinet on 22 November 2021. The proposed key decision will be entered onto the forward plan and the necessary 28 clear days’ notice will be given before being reported to Cabinet. The final report will be published for five clear days before the decision is considered by Cabinet. Should it be approved and following the publication of the Cabinet minutes, a further period of five clear days, the call-in period, must then elapse before the decision becomes effective. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

## **5. CONSULTATION AND CO-PRODUCTION**

- 5.1 As stated in paragraph 1.3 and Appendix 1, a number of meetings were held with officers, Councillors and witnesses, and these contributed to the findings and recommendations of the Commission.

## **6. RISK MANAGEMENT**

- 6.1 There are no risks specific to this report. The final commission report to Cabinet will include risk management relating to the action plan.

## **7. EQUALITIES IMPACT ASSESSMENT**

- 7.1 A formal Equalities Impact Assessment (EIA) was not completed for this report, but equalities impacts on the introduction of LTNs were considered throughout the Commission, and are referred to in Appendix 1.
- 7.2 EIAs were completed for the emergency LTN schemes and were considered by the Council's corporate EIA Panel, in accordance with usual practice. No significant negative impacts were identified for protected groups.
- 7.3 It is expected that an EIA will be produced to accompany the Cabinet report.

## **8. COMMUNITY SAFETY**

- 8.1 Not applicable.

## **9. ORGANISATIONAL IMPLICATIONS**

### **Environmental**

- 9.1 If enacted, the Commission's recommendations would have an impact on the environment, particularly in areas such as response to the climate emergency, transport and air pollution.

### **Health**

- 9.2 The Commission's recommendations on air quality monitoring, if enacted, could positively affect health, particularly respiratory conditions.

### **Corporate Parenting**

- 9.3 Not applicable.

### **Staffing and accommodation**

- 9.4 Not applicable.

### **Responsible Procurement**

- 9.5 Not applicable.

### *Good Quality Jobs with Fair Pay and Decent Working Conditions*

- 9.6 Not applicable.

### *Quality Apprenticeships, targeted Employment for Lambeth residents and Lambeth Priority Group*

- 9.7 Not applicable.

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

9.8 Not applicable.

*Single Use Plastics*

9.9 Not applicable.

*Positive Health and Wellbeing*

9.10 Not applicable.

*Other Offers (Innovation)*

9.11 Not applicable.

## 10. TIMETABLE FOR IMPLEMENTATION

10.1 The expected timetable is set out below:

<b>Activity</b>	<b>Proposed Date</b>
Draft Commission report presented to OSC	12.10.21
Date published on Forward Plan	TBC
Commission report and recommendations to be presented to Cabinet for consideration and response	22.11.21
First update report to OSC on progress against recommendations	Late 2022
Second update report to OSC on progress against recommendations	Late 2023

## AUDIT TRAIL

Name and Position/Title	Lambeth Directorate	Date Sent	Date Received	Comments in paragraph:
Councillor Mary Atkins	Commission Chair	30.09.21	30.09.21	
Councillor Liz Atkins	Chair, Overview and Scrutiny Committee	30.09.21	30.09.21	
Councillors Mahamed Hashi and Danial Adilypour	Cabinet Member for Sustainable Transport, Environment and Clean Air (job-share)	30.09.21	For Info	
Eleanor Purser/Sara Waller, Strategic Director	Sustainable Growth and Opportunity	29.09.21	29.09.21	
Hannah Jameson, Assistant Director	Sustainable Growth and Opportunity	29.09.21	29.09.21	Appendix 1
Matthew Gaynor, Finance	Finance and Property	24.09.21	29.09.21	3.2
Greg Carson, Legal Services	Legal and Governance	24.09.21	27.09.21	4.1 - 4.6
Christian Scade, Democratic Services	Legal and Governance	24.09.21	30.09.21	

## REPORT HISTORY

<b>Original discussion with Cabinet Member</b>	XX.XX.20
<b>Report deadline</b>	29.09.21
<b>Date final report sent</b>	
<b>Part II Exempt from Disclosure/confidential accompanying report?</b>	No
<b>Key decision report</b>	No
<b>Date first appeared on forward plan</b>	N/A – will be published on the forward plan before Cabinet
<b>Key decision reasons</b>	4. Not applicable.
<b>Background information</b>	See Commission report (Appendix 1) for full list of background documents <a href="#">Traffic Management Act 2004: network management to support recovery from COVID-19</a> <a href="#">Gear Change: one year on</a>
<b>Appendices</b>	Appendix 1 – Low Traffic Neighbourhoods Commission Draft Report