

PART 1 - PUBLIC

Decision Maker: Environment Portfolio Holder

**For Pre-decision scrutiny by the Environment PDS
Committee on**

Date: 19th July 2011

Decision Type: Non-Urgent Executive Key

Title: LOCAL IMPLEMENTATION PLAN (LIP) -
FINAL LIP FOR SUBMISSION TO TFL

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Chief Officer: Nigel Davies, Director of Environmental Services

Ward: All

1. Reason for report

- 1.1 Preparation of a Local Implementation Plan or LIP is a statutory requirement on all boroughs under the Greater London Authority Act 1999. The LIP is intended to demonstrate how the Council will deliver the Mayor of London's Transport Strategy (MTS) at a local level, and it requires the formal assent of the Mayor. The current process was triggered by the publication of a new MTS in May 2010. A draft LIP was submitted to TfL on 20th December 2010.
 - 1.2 This report seeks Member approval for a Final LIP which reflects comments from TfL and from a number of consultees, and which also contains a number of factual updates.
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2. **RECOMMENDATIONS**

- 2.1 That the Final Local Implementation Plan attached as Appendix 1 to this report be approved.
- 2.2 That any further changes to the Final LIP necessary to ensure approval by the Mayor of London be delegated to the Director of Environmental Services in consultation with the Environment Portfolio Holder.

Corporate Policy

1. Policy Status: New policy.
 2. BBB Priority: Quality Environment.
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Financial

1. Cost of proposal: Estimated cost The current programme of TfL funded investment amounts to approximately £8.170m in 2011/12, £7.351m in 2012/13 and £6.598m in 2013/14.
 2. Ongoing costs: Non-recurring cost. None at present
 3. Budget head/performance centre: TfL funded capital
 4. Total current budget for this head: £8.17M for 2011/12
 5. Source of funding: TfL funding
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Staff

1. Number of staff (current and additional): 26fte
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents, businesses and visitors
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The Local Implementation Plan or LIP is a statutory document and a requirement on all boroughs under the Greater London Authority Act 1999. The purpose of a LIP is to demonstrate how the Council will deliver the Mayor of London's Transport Strategy (MTS) at a local level. The Final LIP requires the formal assent of the Mayor, and the Mayor has wide powers of intervention should a borough fail to prepare a LIP, or fail to submit a LIP which the Mayor can approve. Once a LIP is approved by the Mayor, s151 of the Greater London Authority Act 1999 says that a Council "shall implement" the proposals contained in it.
- 3.2 The LIP which is the subject of this report is the second LIP which the Council has prepared. Bromley's first LIP was approved by the previous Mayor during 2007, after a very lengthy preparation period.
- 3.3 The Mayor published a new Transport Strategy in May 2010. The Strategy covers the period up to 2031. At the same time as publishing the Strategy, the GLA issued formal Guidance on developing the second LIP. This included a requirement on boroughs to submit a Draft LIP to TfL by 20th December 2010. The Environment PDS Committee considered a Draft LIP at its meeting on 29th November 2010 (Report ES10173), and a slightly modified version was submitted to TfL on the required date.
- 3.4 The draft LIP was subject to a public consultation exercise (including stakeholders and statutory consultees) between 20th December 2010 and 11th February 2011. The outcome of the consultation is dealt with later in this report.
- 3.5 In structure and content, the proposed Final LIP remains very similar to the Draft LIP. The main changes relate to:
- a general update of facts and figures where available;
 - changes to funding programmes to reflect the latest position in relation to the level of TfL financial support;
 - changes to some of the monitoring targets in response to comments received; and
 - other changes arising from consultation, which are generally minor.

Changes to TfL funding

- 3.6 The draft LIP made reference to the fact that, following the Comprehensive Spending Review, the indicative funding settlement notified by TfL to boroughs for the three years 2011/12 to 2013/14 had been reduced. However, there had not been sufficient time to amend the Draft LIP to reflect the revised figures, and TfL accepted this position in the light of the required submission deadline of 20th December.
- 3.7 Subsequently, officers brought forward a report (ES11014) to the 1st March 2011 meeting of the PDS Committee, recommending a revised three-year programme of TfL-funded expenditure. Officers reported at the Committee meeting that this revised programme was in itself likely to be superseded, because it had become clear that the the Mayor of London had announced at the plenary meeting of the London Assembly on 10 February 2011 that he intended to keep Londonwide LIP funding at £147.8m for the three years 2011/12 to 2013/14.
- 3.8 In discussions with senior TfL officials, it is understood that the Mayor made clear that he was unwilling to restore the additional money to formula funding, but rather wanted it to be targeted on specific priority outputs. Following a consultation with boroughs, it was subsequently announced that the additional funding would be allocated as follows:

For **2011/12**, £146m was the previously announced Londonwide post-CSR figure. However, the £1.8m funding difference has been allocated to project -specific carry-over for Redbridge,

Havering, Kensington & Chelsea and Westminster. Other boroughs, including Bromley, will not benefit at all from the additional funding.

For 2012/13, £142m was previously announced, meaning there is an additional £5.8m to be allocated across London. Of this, £4.8M will be allocated to Principal Road Maintenance and £1.0M to Major Schemes (which is the programme that funded the TfL portion of Orpington High Street and will fund Bromley North Village). The impact of this on Bromley is that the allocation for Principal Road maintenance will increase by 36% from £645k to £880k.

For 2013/14, no decision will be taken until 2012 about how to allocate the additional sum of £15.8M. Officers have expressed the view to TfL officials that this is unsatisfactory and contrary to the spirit of the LIP process. The recommended Final LIP contains a paragraph in the introductory section of the Delivery Plan, as follows:

This lack of clarity on future LIP funding is a significant source of uncertainty for the Council. Indeed, it undermines the credibility of the LIP process for boroughs to be unable to set out how they will take forward the Mayor's strategy because the allocation of a substantial element of Year 3 funding remains unknown. To enable proper service planning, it is highly desirable that consultation and decision-making about the allocation of additional funds in 2013/14 take place by autumn 2011 rather than in 2012. This would also send the signal to boroughs that they are trusted to identify and deliver appropriate local solutions to local problems.

Timetable

- 3.9 The published LIP timetable suggested that the Mayor / TfL would respond to draft LIPs in February / March 2011. While there was no fixed deadline for Final LIPs, Guidance suggested that submission should take place between April and June 2011. The formal TfL response to Bromley's Draft LIP was received within timetable in February. However, the need to respond to the shifting levels of funding support has placed an additional burden on boroughs. Discussions with TfL officials have indicated that this is recognised, and the revised submission timetable implied by the timing of this present report will not cause any difficulties..

Scope and structure of the LIP

- 3.10 Much of the structure and content of the LIP is prescribed by Guidance. The required structure includes:

- an evidence-based and objective-led identification of **Borough Transport Objectives** covering the period 2011 to 2014 and beyond. The Environment PDS Committee approved a report on Borough Transport Objectives at its meeting on 28th September 2010, and these objectives remain unchanged in the Final LIP.
- a costed and funded **Delivery Plan** of interventions, including a programme of investment covering the period 2011/12 to 2013/14. This has had to change in response to the changes in TfL funding; and
- a **Performance Monitoring Plan**, identifying a set of locally specific targets which can be used to assess whether the LIP is delivering its objectives. Some of these have changed from the Draft LIP following consultation and the further development of the Environment Portfolio Plan.

- 3.11 The LIP is also required to address the five goals of the Mayor's strategy, together with their associated challenges and outcomes, and the Mayor's six "High Profile Outputs". The five MTS goals are:

- Supporting economic development and population growth
- Enhancing the quality of life for all Londoners

- Improving the safety and security of all Londoners
- Improving transport opportunities for all Londoners
- Reducing transport's contribution to climate change, and improving its resilience.

The six High Profile Outputs are:

- Cycle Superhighways
- Cycle parking
- Electric vehicle charging points
- Better Streets
- Cleaner local authority fleets
- Street trees.

3.12 The LIP is also required to reflect the contents of the South London Sub-Regional Transport Plan. This had not been published at the time of preparing the Draft LIP. However, the four "Challenges and Opportunities" for south London, listed below, have not changed from earlier drafts:

- Reduce public transport crowding
- Improve access and movement to, from and within key locations
- Improve connectivity to, from and within sub-region
- Manage highway congestion and make efficient use of the road network.

Response to consultation – TfL

3.13 The formal TfL response to the Draft LIP was received in February. The summary section of the response said:

It's clear a lot of work has gone into the production of the document and overall it's a very sound submission, with only minor revisions required.....

The response sought a small amount of additional factual information on timescales and prioritisation. This information has been included in the Final LIP. A summary of TfL's comments and the Council's response is attached as Appendix 2.

3.14 There was also some comment on the content and presentation of targets. The targets in the Final LIP have been reviewed in the light of TfL's comments and further discussions with TfL officials, and also in the light of the current Environment Portfolio Plan. They are discussed in more detail later in this report.

Response to consultation – statutory consultees, stakeholders and the public

3.15 The GLA Act 1999 places a duty on boroughs, when preparing a LIP, to consult:

- The relevant Commissioner or Commissioners of Police for the City of London and the Metropolis (in practice this means the borough Commander);
- TfL;
- Where appropriate, organisations representing disabled people;
- Other London boroughs whose area is, in the opinion of the council preparing the LIP, likely to be affected by the plan (this was the London Boroughs of Croydon, Bexley, Greenwich, Southwark and Lewisham, Kent and Surrey County Councils, and the councils for Tandridge, Sevenoaks and Dartford)
- Any other person required to be consulted by the direction of the Mayor (there has been no direction)

3.16 In parallel with TfL’s consideration of the Draft LIP, a consultation exercise took place between 20th December 2010 and 11th February 2011. The consultation appeared on the Council’s website, and was available for any member of the public to respond. In addition, a total of 207 bodies were directly consulted. There were 13 responses in addition to TfL’s response, as set out below:

	Consulted	Responded
Statutory	16	6
Non-statutory	191	8

3.17 A summary of the consultation comments and the Council’s response to the points made is attached as Appendix 3.

Targets

3.18 LIP Guidance requires the Council to set local targets and trajectories for meeting these targets for the period up to 2013. In addition, “Boroughs are encouraged to identify additional indicators and targets in their LIP wherever this is likely to help protect and secure additional local funding for transport.....Boroughs are required to provide evidence that the target is both ambitious and realistic, given indicative funding levels”.

3.19 The seven mandatory targets cover:

- mode share of walking and cycling trips (2 targets);
- bus service reliability (measured by TfL);
- asset condition of Principal Roads;
- road traffic casualties (2 targets); and
- CO2 omissions.

3.20 Additionally, the LIP contains four non-mandatory local targets, each of which is an existing Council target. These are:

- Reduce the proportion of car trips in Bromley Town Centre by 10% over 10 years (Area Action Plan target);
- Reduce traffic congestion caused by school traffic and roadworks (2 targets) (Environment Portfolio Plan targets); and
- Maintain public satisfaction with road and pavement maintenance (corporate excellence indicator, formerly measured through the Place survey).

3.21 The LIP also contains local targets and indicators for monitoring delivery of LIP outcomes. These indicators reflect those in the Environment Portfolio Plan, and are monitored on a regular basis. The indicators are:

- People killed or seriously injured in road accidents; (NI 47)
- Children killed or seriously injured in road accidents; (NI 48)
- Condition of Principal Roads (NI 168);
- Condition of non-Principal roads (NI 169);
- Condition of footway surface (local indicator)
- CO₂ reduction from Council operations (NI 185);
- CO₂ reduction per capita (NI 186); and
- Proportion of school children travelling by car (former NI 198).

3.22 The proposed targets and trajectories are set out in the Performance Monitoring Plan and Appendix of the LIP.

3.23 The main changes from the targets contained in the Draft LIP relate to:

- TfL requiring additional information, particularly in regard to the local targets;
- changes in central government’s approach to national indicators;
- a reduction in the target for cycling mode share: the original target was set in the belief that a Londonwide MTS target of a 5% cycling mode share by 2026 was also mandatory for individual boroughs;
- a realignment of road safety targets to a new baseline and target year, retaining Bromley’s approach in setting challenging local targets; and
- a minor realignment of targets for the condition of principal roads to reflect consistent data collection across London.

Investment programme

- 3.24 The GLA Act 1999 (s151) says that a borough council “*shall* implement all the proposals” contained in its LIP. The Mayor’s Transport Strategy correctly points out that it is up to individual boroughs to seek the financial resources to fund its LIP proposals to implement the MTS. There is no legal requirement on the Mayor or TfL to provide transport funding to boroughs, only an empowerment.
- 3.25 In these circumstances, it would be unrealistic for the Council to be compelled to find funding to implement the LIP programme, irrespective of the future level of funding provided through TfL. The Council sought an assurance to this effect through its responses to earlier consultations on the MTS, but no assurance has been given. The Delivery Plan section of the Draft LIP contains a statement to this effect.

What happens next

- 3.26 The Final LIP will be amended to take account of any comments made by the PDS Committee and submitted for endorsement by the Portfolio Holder. Once approved, it will be submitted to TfL.
- 3.27 It may be that TfL officials will seek further clarification or request amendments to enable them to recommend the LIP to the Mayor for approval. Any such comments are expected to be relatively minor, and the recommendations of this report provide a mechanism for any changes to be agreed by the Director of Environmental Services in consultation with the Portfolio Holder.

4. POLICY IMPLICATIONS

- 4.1 Once approved by the Portfolio Holder, statements of policy contained in the LIP will become formal Council policy. However, officers have sought to ensure that the LIP does not include any new policies or commitments beyond those explicitly required by the formal LIP Guidance issued by TfL

5. FINANCIAL IMPLICATIONS

- 5.1 This section should be read in conjunction with the sections above headed “changes to TfL funding” and “investment programme”.
- 5.2 The LIP is the means by which TfL and the Mayor validate the Council’s entitlement to receive annual funding support, which is provided to enable the Council to implement measures which support the Mayor’s Transport Strategy. As noted at the start of this report, if the Mayor does not approve a LIP, he has wide-ranging powers of direction to ensure that a compliant LIP is prepared and implemented at the Council’s expense. Not to have an approved LIP might put at risk the flow of TfL funds to implement the transport programmes already agreed by the Council.

5.3 A summary of the TfL funding available over the next three years is set out below. It should be noted that the figures for 2012/13 and 2013/14 are indicative, and that there is likely to be additional funding available in 2013/14, as explained in the section on “changes in TfL funding” above.

Funding stream	2011/12 £k	2012/13 £k	2013/14 £k
Corridors, Neighbourhoods and Supporting Measures (Formula Funding)	2,949	2,829	2,425
Borough Transport Priorities	100	100	100
Biking Boroughs	98	74	98
Bridge Strengthening	3,857	1,968	1,425
Principal Road Renewal	866	880	900
Major Schemes	300	1,500	1,650
All TfL Borough Funding	8,170	7,351	6,598

* Estimated

5.4 The LIP Delivery Plan also refers to potential funding of the implementation of the Bromley Town Centre Area Action Plan amounting to £51.75M over 15 years.

5.5 It should be noted that £885k of the £2.9m of TfL formula funding now available for 2011/12 will be used to fund 26 FTEs and £938k of the £2.8m expected for 2012/13 will be used to fund 28.2FTEs. These FTEs are used to deliver ongoing TfL-funded services, including design, consultation and monitoring of physical projects and the delivery of staff-intensive services such as cycle training and road safety education.

5.6 Due to the reduction in scale of typical schemes delivered using formula funding, we have been able to carry out more of the design in house, reducing costs and reliance on consultants. The level of officer time recharged to schemes is under review to ensure all reasonable costs are recovered.

Non-Applicable Sections:	Legal Implications, Personnel Implications
Background Documents: (Access via Contact Officer)	Guidance on Developing the Second Local Implementation Plans, TfL, May 2010 LB Bromley Draft LIP, December 2010