



Sustainable Transport Strategy 2006 – 2016

Islington's Local Implementation Plan

Appendix M: Local Implementation Plan Legal Framework

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Local Implementation Plan legal framework

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1.0 Introduction

1.1 *The purpose of this appendix is to outline the legal framework within which Islington's LIP has been developed. The text in italics below has been quoted word-for-word from Transport for London's LIP Guidance, and explains the legal requirements of the London boroughs in developing their LIPs.*

2.0 LIP Legal Framework

Introduction

2.1 The following is a brief summary of the legal framework in relation to Local Implementation Plans and the setting of Targets. All references are to the Greater London Authority Act 1999, unless stated.

Local Implementation Plans

2.2 The Mayor's Transport Strategy provides the policy framework for a number of bodies, including the London Borough Councils and the Common Council (called collectively the London Authorities).

2.3 The Greater London Authority Act 1999 provides that the London Authorities must implement the Strategy in two ways.

2.4 First, in exercising any function the London Authority must 'have regard to the transport strategy' (section 144). The Mayor may also issue guidance about the implementation of the Strategy to London Authorities (section 144(2)) which they must have regard to in exercising any function (section 144(3)). It is pursuant to this power that the current Guidance has been prepared.

2.5 Secondly, 'as soon as reasonably practicable' after the Mayor has published the Transport Strategy, each London Authority is required to prepare a Local Implementation Plan (LIP) (section 145).

2.6 The LIP sets out its proposals for the implementation of the Transport Strategy in the London Authority's area. In particular, it must contain:

- a timetable for implementing the different proposals in the plan; and
- the date by which all the proposals in the plan are implemented (section 145(3)).

2.7 In preparing a LIP each London Authority must consult:

- the relevant Police Commissioner or Commissioners;
- Transport for London;
- such organisations representative of disabled persons as the council considers appropriate;
- each other London Borough council whose area is, in the opinion of the council preparing the local implementation plan, likely to be affected by the plan; and
- any other person required to be consulted by the direction of the Mayor.

2.8 Each London Borough Council must submit the LIP for the Mayor's approval (section 146(1)).

- 2.9 The Mayor cannot approve a LIP unless he or she considers that:
- it is consistent with the Strategy;
 - that the proposals contained in the LIP are adequate for the purposes of the implementation of the Strategy; and
 - that the timetable for implementing the proposals and the end date by which the proposals are implemented are adequate (section 146(3)).
- 2.10 The Mayor may also issue directions to the London Authorities under section 153. The London Authorities 'shall comply with any direction'. A direction may cover any matter relating to how a London Authority exercises its LIP functions.
- 2.11 Directions can be general or specific and may cover such matters as:
- the timetable for completing or revising a LIP;
 - the bodies or persons that must be consulted in preparation of a LIP;
 - timetables and dates within the LIP;
 - actions to be taken to implement the proposals in the LIP; and
 - steps to be taken to remove the effects of an action which is incompatible with the proposals in the LIP (section 153(2)).
- 2.12 The Mayor has extensive powers to prepare the LIP if an Authority fails to prepare one that is in his or her opinion adequate (section 147). The Mayor can recover the cost of doing so from the London Authority as a civil debt (section 147). Also, where the Mayor considers that the London Authority has failed 'or is likely to fail' to implement any proposal within the LIP he can exercise on behalf of the London Authority its powers and recover the costs of doing so (section 152).
- 2.13 The Act states that a London Authority may revise its LIP at any time and must consider the need to do so when the Transport Strategy is revised (section 148).

Targets

- 2.14 Section 41(9) of the Act provides that the Mayor shall from time to time set such targets with the respect of the implementation of any strategy...as he may consider appropriate, having regard to:
- (a) any related targets or objectives set nationally;
 - (b) any performance indicators set by the Secretary of State, whether nationally or locally;
- and in setting any such targets the Mayor shall seek to ensure that they are no less demanding than any related targets or objectives set nationally.
- 2.15 In addition, when implementing any Strategy, the Mayor must have regard to:
- (c) the need to ensure that the strategy is consistent with national policies and with such international obligations as are notified by the Secretary of State;
 - (d) the need to ensure the Strategy is consistent with other Mayoral Strategies;
 - (e) the resources available for the implementation of the Strategy;
 - (f) the desirability of promoting and encouraging the use of the River Thames safely, in particular for the provision of passenger transport services for the transportation of freight. (section 41(5)).

2.16 There is no statutory requirement to consult on targets.