

Agenda item:

[No.]

Cabinet

On 21 December 2010

Report Title: Legal Agreements for Cycle Superhighways routes 1 and 12

Report of : Niall Bolger, Director of Urban Environment

Signed :  6th Dec. 2010

Contact Officer : Malcolm Smith, Team Leader, Transportation Planning

Wards(s) affected: Muswell Hill, Highgate, Northumberland Park, Bruce Grove, Tottenham Hale, Tottenham Green, Seven Sisters

Report for: Non-Key Decision

1. Purpose of the report

- 1.1. To seek approval to enter into legal agreements with Transport for London relating to the delivery of Cycle Superhighways routes 1 and 12. These agreements will enable TfL to implement these schemes on roads under the Borough's control and to provide funding to the Borough to maintain the cycle superhighways for a fixed period.

2.0 Introduction by Cabinet Member

- 2.1 The Council welcomes this initiative as it will ensure that there will be two continuous cycle route along key roads in the borough leading to central London. Such initiatives are vital to increase the proportion of journeys made by cyclists and improve the sustainability of the borough and London.

3.0 State link(s) with Council Plan Priorities and actions and /or other Strategies:

- 3.1 Mayors Transport Strategy
 3.2 North London sub regional transport plan
 3.3 Haringey's Core Strategy / Local Development Framework

- 3.4 Draft Local Implementation Plan
- 3.5 Greenest Borough Strategy
- 3.6 Haringey Air Quality Action Plan
- 3.7 Local Authority Carbon Management Plan

4.0 Recommendations

- 4.1 It is recommended that the Cabinet
 - (i) Notes the process for approving the draft Memorandum of Understanding.
 - (ii) Agrees to enter into legal agreements with Transport for London under section 159 GLA Act for funding the creation and maintenance of two Cycle Superhighway routes and section 101 Local Government Act for joint discharge

5.0 Reason for recommendation

- 5.1 The Mayor and Transport for London are developing and implementing 12 cycle superhighway routes in London. As for all relevant London boroughs, we are required to indicate our support for this project within our Local Implementation Plan [Haringey Transport Strategy].

6.0 Other options considered

- 6.1 Not applicable.

7.0 Summary (Background)

- 7.1 Transport for London [TfL] is planning 12 Cycle Superhighway routes in London. Two of the routes will use roads within Haringey. Route 12 will commence at Muswell Hill Broadway and then follow a route on Muswell Hill Road and Archway Road before crossing into LB Islington. Route 1 is planned for Tottenham High Road commencing in the Spurs football ground and entering LB Hackney via Stamford Hill.
- 7.2 Route 12 is planned to be implemented in 2012 with route 1 in 2013. Scheme designs include cycle lanes, cycle logos painted on the carriageway, road resurfacing, cycle parking and signage. Complementing the physical works a behavioural change programme and promotional and marketing initiatives are planned to maximise use of the routes.
- 7.3 Cabinet Member for Neighbourhoods approved on 17 September 2010 the draft Memorandum of Understanding with Transport for London and permitted the

Head of Sustainable Transport to negotiate minor amendments to the MoU and to sign the document. The MoU outlines the role of TfL and Haringey in developing and implementing the two routes. The draft MoU has not been signed yet as it requires prior approval of the Cabinet from this report to enter into legal agreements with Transport for London.

- 7.4 Section 159 GLA Act permits TfL to fund transport projects in the boroughs. For the cycle superhighways this would relate to refunding the Borough for the cost of maintaining the cycle superhighways over a fixed period of time as well as allowing TfL to fund travel planning measures to maximise the use of the superhighways. Section 101 of the Local Government Act 1972 allows TfL to make traffic regulation orders for Borough roads plus providing cycle stands and similar on our roads.

8.0 Chief Financial Officer Comments

- 8.1 The Legal Agreements supporting the Memorandum of Understanding will need to ensure that all the Council's costs associated with both creation and maintenance of the cycle superhighways are reimbursed by TfL over the full period of the agreement. It will also be essential that once the agreement has expired that the Council is free to remove the cycle facility from the highway in the event that TfL are no longer prepared to fund its ongoing maintenance.

9.0 Head of Legal Services Comments

- 9.1 The Memorandum of Understanding [MoU] is not intended to be a legally binding document. It has been reviewed by Corporate Legal Services to ensure, as far as possible, that the MoU does not give rise to any legal binding commitments. The MoU requires the Council to enter into separately legally binding documents to facilitate execution of the works for the scheme. Legal agreements are needed under section 8 of the Highways Act 1980 providing for an agreement between highway authorities to do works and under section 63 of the Road Traffic Regulation Act in relation to the provision of cycle parking. Under the constitution authority is delegated to the Head of Sustainable Transport to enter into those agreements. There is no delegated authority, however, in relation to agreements under S 159 of the GLA act nor under S 101 of the Local Government Act 1972. This report therefore seeks that authority be given to the Head of Sustainable Transport in conjunction with the Head of Legal Services to enter into those agreements.

10.0 Head of Procurement Comments – [Required for Procurement Committee]

- 10.1 N/a

11.0 Equalities & Community Cohesion Comments

- 11.1 There are no direct equal opportunities arising from this report. Consultation on proposals for the cycle superhighways will include a section offering translation into minority languages.
- 11.2 During statutory consultation, any interested party is permitted to make representation regardless of where they live or work

12.0 Consultation

- 12.1 No consultation will be undertaken in relation to legal agreements. Consultation would be required for the measures to be implemented for the cycle superhighways.

13.0 Service Financial Comments

- 13.1 There will be financial commitments arising from entering legal agreements under section 159 GLA act. A commuted sum covering payment for maintenance will be agreed with TfL which would be required to meet the Council's costs in maintaining the infrastructure on the Borough's roads over the period of the agreement.

14.0 Local Government (Access to Information) Act 1985

- 14.1 TfL Guidance on Developing the Second Local Implementation Plans, May 2010.