

	<p>Council</p> <p>4th April 2017</p>
<p>Title</p>	<p>Report of the Environment Committee - Adoption of Section 16 of London Local Authorities and Transport for London Act 2003</p>
<p>Report of</p>	<p>Head of Governance</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Urgent</p>	<p>No</p>
<p>Key</p>	<p>No</p>
<p>Enclosures</p>	<p>Appendix 1 – Report to Environment Committee 15th March 2017</p>
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<p>Summary</p>
<p>The Environment Committee on the 15th March 2017 considered a report on the Adoption of Section 16 of the London Local Authorities and Transport for London Act 2003 (“the Act”) so as to give effect to highway enforcement powers concerning unauthorised vehicle crossings over footway and verges for the benefit of public safety. As outlined in the Environment Committee Report, the Full Council reserves the power to adopt this new statutory provision.</p>

<p>Recommendations</p>
<p>That Council:</p> <ol style="list-style-type: none"> 1. Adopt Section 16 of the London Local Authorities and Transport for London Act 2003 (“the Act”) so as to give effect to highway enforcement

powers concerning unauthorised vehicle crossings over footway and verges for the benefit of public safety;

- 2. Fix a day on which Section 16 of the London Local Authorities and Transport for London Act 2003 will come into operation. The Appointed Day for implementation of the adopted legislation should be 10th July 2017 pursuant to Section 3 of the (Act); and that the resolution and associated public notices be published in accordance with Section 3 of the Act.**
- 3. Note that, by adoption of this legislation, crossovers should not be enforced where they are redundant.**

1. WHY THIS REPORT IS NEEDED

- 1.1 The Environment Committee, at its meeting on the 15th March 2017, considered the proposals set out for the adoption of new powers under Section 16 of London Local Authorities and Transport for London Act 2003 for the effective enforcement of unauthorised vehicle crossings over footway and verges for the benefit of public safety.
- 1.2 The Environment Committee recommended for the adoption of new powers by the Full Council. It also resolved to recommend that Council note that by adoption of this legislation, crossovers should not be enforced where they are redundant. This has been incorporated as recommendation three in this report to Council.
- 1.3 The substantive report outlines enhanced enforcement powers available to the Council as Highway Authority under Section 16 of the London Local Authorities and Transport for London Act 2003, concerning unauthorised vehicle crossovers and vehicles driving over the footway or verge. Vehicles mounting footway or verge causes potential to the highway including any underground services placed beneath the highway, as well as creating risk to pedestrians and other road users. The proposals within the substantive report, if adopted by the Council, will enable the Council to take action against drivers who habitually drive across footways without proper arrangements being made.
- 1.4 In order for this part of the legislation to be used by the London Borough of Barnet it is necessary for a resolution to be passed by Full Council and for a date to be published for implementation. The date of implementation cannot be less than 3 months from the date of publication of the passing of such a resolution.
- 1.5 Section 3 of the Act allows each authority to introduce the sections of the Act specified in Section 1 of the Act on different dates, subject to the necessary notification and publication requirement. The 'appointed day' has to be set by a resolution of the Full Council and the making of the resolution and the day chosen have to be advertised in the London Gazette and in a local newspaper with a gap of at least 3 months between publication and the day itself.

2. REASONS FOR RECOMMENDATION

- 2.1 As outlined in the constitution's Annex A of the Responsibility for Functions, Full Council reserves the power to adopt new powers relating to the statutory provisions.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDATION

- 3.1 As set out in the substantive report

4. POST DECISION IMPLEMENTATION

- 4.1 As set out in the substantive report.

5. IMPLICATIONS OF DECISION

5.2 Corporate Priorities and Performance

- 5.2.1 As set out in the substantive report

5.3 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.3.1 As set out in the substantive report

5.2 Legal and Constitutional References

- 5.2.1 Council Constitution (Responsibility for Functions) sets out the terms of reference of Full Council including 'all other matters which, by law, must be reserved to the Council.'

5.4 Risk Management

- 5.4.1 As set out in the substantive report

5.5 Equalities and Diversity

- 5.5.1 As set out in the substantive report

5.6 Consultation and Engagement

- 5.6.1 As set out in the substantive report.

6. BACKGROUND PAPERS

- 6.1 As set out in the substantive report