

LONDON BOROUGH OF TOWER HAMLETS

REPORT OF THE CABINET

11 JANUARY 2012

To receive the report of the Cabinet at its meeting held on Wednesday **11 January 2012**.

Mayor and Councillors in attendance at the meeting: -

Cabinet:

Mayor Lutfur Rahman	
Councillor Ohid Ahmed	(Deputy Mayor)
Councillor Rofique U Ahmed	(Cabinet Member for Regeneration)
Councillor Shahed Ali	(Cabinet Member for Environment)
Councillor Abdul Asad	(Cabinet Member for Health and Wellbeing)
Councillor Alibor Choudhury	(Cabinet Member for Resources)
Councillor Shafiqul Haque	(Cabinet Member for Jobs and Skills)
Councillor Rabina Khan	(Cabinet Member for Housing)
Councillor Rania Khan	(Cabinet Member for Culture)
Councillor Oliur Rahman	(Cabinet Member for Children's Services)

Other Councillors:

Councillor Kabir Ahmed	(Executive Advisor to the Mayor and Cabinet)
Councillor Stephanie Eaton	
Councillor Marc Francis	
Councillor Judith Gardiner	
Councillor Peter Golds	(Leader of the Conservative Group)
Councillor Ann Jackson	(Chair, Overview & Scrutiny Committee)
Councillor Bill Turner	

1. London Local Authorities and Transport for London Act 2003 – Section 16 (CAB 060/112)

The report (attached as Appendix A to this council report) informed the Mayor and Cabinet that: -

- Section 16 of the London Local Authorities and Transport for London Act 2003 grants additional power to a highway authority to serve notice on an occupier, who takes or allows someone else to take a motor vehicle across a verge or footway where no vehicle crossing (crossover) has been constructed, requiring them to stop doing this. In cases of non-compliance with the notice, Section 16 allows the authority to take enforcement measures (e.g. erection of bollards) and to charge the owner or occupier of the premises for the works.
- Most provisions of the London Local Authorities and Transport for London Act 2003 came into effect from 1st January 2004. However, Sections 4, 5, 7 and 16 of the Act were expressly excluded from the general commencement, and instead made a matter for local determination with regard to implementation (if any) and operative dates. In 2005 a report was submitted to Cabinet in order to adopt Sections 4, 5 and 7 of the London Local Authorities and Transport for London Act 2003 but Section 16 was not included. 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.

- In order for this part of the legislation to be used by the London Borough of Tower Hamlets 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 can not be less than 3 months from the date of publication of the passing of such a resolution.
- The current legislative powers under the Highways Act 1980 are limited with regard to enforcement provision and the expanded powers under the London Local Authorities and Transport for London Act 2003 will allow more robust enforcement and ensure the protection of our highways and highway users. Section 5 of the report (attached at Appendix A to this council report) detail the current and proposed new enhanced powers.

Decision

1. That the enhanced powers available to the Council as Highway Authority under section 16 of the London Local Authorities and Transport for London Act 2003, concerning vehicles driving over the footway; be noted; also noting that the enhanced enforcement powers are an addition to existing powers contained in section 184 of the Highways Act 1980; and
2. Agreed that a report go forward to Full Council with a recommendation that Full Council fixes a day on which section 16 of the London Local Authorities and Transport for London Act 2003 will come into operation [in Tower Hamlets].

Officers have advised that in view of the requirement for publication of the Council's decision at least 3 months prior to the implementation date, **1st May 2012** would be the earliest practical date for implementation.

Council is therefore recommended to: -

Determine that Section 16 of the London Local Authorities and Transport for London Act 2003 will come into operation in the London Borough of Tower Hamlets on 1st May 2012.

**Lutfur Rahman
Mayor**

LOCAL GOVERNMENT ACT 1972 SECTION 100D (AS AMENDED) **LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

Brief description of "background paper" number of holder	Tick if copy supplied	If not supplied, name and telephone
Draft Cabinet minutes 11/01/12		Angus Taylor 020 7364 4333