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| Cabinet 29 January 2020 |  |
| Report of: Ann Sutcliffe – Corporate Director, Place | Classification: Unrestricted |
| Bethnal Green, Liveable Streets | |

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| Lead Member | Mayor John Biggs |
| Originating Officer(s) | Dan Jones, Divisional Director, Public Realm Chris Harrison, Programme Director |
| Wards affected | St Peter's and Weavers |
| Key Decision? | Yes |
| Forward Plan Notice Published | 19 November 2019 |
| Reason for Key Decision | Financial Threshold |
| Strategic Plan Priority / Outcome | Priority 2 – A borough that our residents are proud of and love to live in. Priority 3 – A dynamic, outcomes-based council using digital innovation and partnership working to respond to the changing needs of our borough. |

Executive Summary

On Wednesday 30 October 2019 Cabinet approved the Liveable Streets programme, governance and delivery plan for 17 project areas.

The Liveable Streets programme will make fundamental improvements to roadway infrastructure, open spaces and encourage sustainable travel behaviour for residents, businesses and visitors to Tower Hamlets.

Through an online engagement forum, community meetings, co-design workshops, and liaison with Ward Councillors, the Liveable Streets team created a series of proposals to carry out improvements in the Bethnal Green area. These proposals were presented to the Bethnal Green community for comment through a public consultation from Monday 28 October to Monday 25 November 2019.

The consultation attracted over 2,000 responses. All the proposals gained broad public support, with at least two thirds of all responses falling into 'supportive' or 'very supportive' categories. Various alternatives were suggested through the consultation period which have been considered by the project team and recommended, where feasible.

This report details the results of the public consultation, the alternatives considered and the reasons why they have or have not been included, seeks approval on the

final design and outlines the next steps.

Recommendations:

For the reasons set out in this report, and having regard to the Council's public sector equality duty The Mayor in Cabinet is recommended to:

1. Receive and conscientiously consider the results of the engagement to date and public consultation of Bethnal Green Liveable Streets.
2. Approve the final scheme design for the Bethnal Green area as part of the Liveable Streets programme (Appendix B).
3. Approve the use of using existing frameworks or term contracts to award an order up to a value of £2.7million for the completion of the works.

1 REASONS FOR THE DECISIONS

- 1.1 This project will make fundamental improvements to infrastructure on the street, public spaces and change the travel behaviour of residents, businesses and visitors to Tower Hamlets. These changes seek to address the following known issues:
 - Air pollution which in areas is at unhealthy levels, affecting children and adults' health and life expectancy
 - Through-traffic which equates to 57% of all vehicle journeys in the area
 - Anti-social behaviour, drug dealing and crime particularly around Arnold Circus and Middleton Green
- 1.2 An extensive engagement process has been undertaken over the past eight months involving residents, businesses, tenant and resident associations, emergency services and internal council services. The outcome of this extensive engagement process shows overall support for the proposals.
- 1.3 As part of the 30 October 2019 Cabinet approval, the decision making for the Liveable Streets programme is:
 - Under £250k – decision to be made by Divisional Director, Public Realm.
 - Over £250k-below £1 million – Decision to be made by Divisional Director, Public Realm in consultation with the Mayor and Lead Member.
 - Over £1 million or significant impact on two or more wards – decision to cabinet for political decision.
- 1.4 Due to the estimated spend of Bethnal Green proposals being £2.7 million this is for Mayor in Cabinet.

2 ALTERNATIVE OPTIONS

- 2.1 Through the public consultation, we have received suggestions and

alternative proposals which have been assessed by the project team for viability and alignment with the Liveable Streets objectives. These options and recommendations can be found in Appendix E.

- 2.2 The key alternative proposals that have not been included are:
- Removal of bus stand on Arnold Circus
 - Closure of Redchurch Street
 - Allowing through traffic on Squirries Street and Warner Place
 - Resident only gates
- 2.3 In summary, these options are either not helping to achieve the aims of the Liveable Streets programme; outside the council control or will not be delivered as part of the initial Liveable Streets scheme but will be considered as we review the scheme after implementation.

3 DETAILS OF THE REPORT

Engagement and consultation

- 3.1 Starting in April 2019, Tower Hamlets council has been undertaking an extensive engagement process in the Bethnal Green area. This has included (a full report can be found in Appendix C):
- 3.1.1 Early engagement to obtain information about people's travel habits, key issues in the area and suggestions for improvement. This was carried out using an online survey, interactive map, drop-in sessions and meetings with groups in the community. Over 650 local residents responded. A walkabout was carried out with Ward Councillors. Leaflets were delivered to the area, and over 100 stakeholder emails were sent.
- 3.1.2 In June and July 2019, two co-design workshops took place with over 40 attendees. The attendees were presented with plans showing suggestions to improve the area and tackle issues based on feedback from residents, businesses, schools and other stakeholders during early engagement. The workshops consisted of two exercises, the first focussed on reducing rat-running through the area, past schools and residential properties and the second focussed on improving the pedestrian environment, accessibility to public transport and public spaces. Attendees were asked to feedback on the plans to further develop the designs to the desires and needs of the community.
- 3.1.3 Throughout the engagement period, we met with emergency services, council departments, Safer Neighbourhood Teams and Transport for London.
- 3.1.4 A public consultation exercise was carried out from Monday 28 October to Monday 25 November. Consultation packs were delivered to over 10,000 addresses, over 20 social media tweets were made, and the exercise received local press coverage. Emails were sent to 579 people on the Bethnal Green Liveable Streets mailing list on Tuesday

29 October and Thursday 7 November 2019 to encourage participation. Information was also featured in the council's resident newsletter on Thursday 31 October and Friday 15 November which goes out to circa 25,000 residents. Two drop-in sessions were well attended (over 100 residents) on Saturday 9 November and Thursday 14 November 2019. The sessions provided the opportunity for attendees to review the proposals with the project engineers and suggest/discuss any tweaks. The project team also visited schools to discuss the proposals with parents/guardians, attended TRA meetings and other stakeholder meetings.

Proposals

- 3.2 The proposals seek to improve the area for walking, cycling and public transport, improve air quality and help to discourage through-traffic and anti-social behaviour.
- 3.3 The final design proposals can be seen on the map in Appendix B. The objectives are to be achieved through a combination of road closures, traffic directional changes, creation of shared public spaces, greening and safety improvements. The key elements of the final scheme are:
- Pedestrianising Arnold Circus and associated road closures
 - Closure of Gosset Street and Columbia Road junction to vehicles and creation of a new public space
 - Closure of Old Bethnal Green Road, between the Warner Place and Squirries Street
 - Closure of Old Bethnal Green Road, east of the junction with Clarkson Street and streetscape improvements
 - Closure of Punderson's Gardens
 - Closure of Sale Street to vehicles and introduction of an improved public space
- 3.4 The key elements that have changed through the consultation are:
- Closure of Ropley Street
 - Closure on Clare Street, south of junction with West Street and related changes to traffic movements
 - Undertaking a further consultation on the location of the Barnet Grove and Columbia Road closure
 - A school Street on Pollard Street
 - Contra-flow cycling on one-way streets

Consultation results and final design

- 3.5 Over the four-week consultation period we received 2,036 responses to the consultation. The responders included:
- 1370 residents
 - 90 business
 - 200 visitors
 - 296 working in the area and

- 71 not stated

Overall, 1052 responses were received from within the consultation area. A breakdown of each area and each question is provided in Appendix D, Consultation Results. The results from those responding from within the area showed 68% were supportive of the scheme, 18% unsupportive and 14% neutral or don't know.

Communications will be sent to all respondents to the consultation and those living in the area informing them of the outcome.

Finance

- 3.6 The funding of the Bethnal Green area is to be split over the 2019/20 and 2020/21 financial years.
- 3.7 A report was submitted and approved by Cabinet on Wednesday, 25 September 2019 detailing the financial business case for £2 million Capital Investment in the Liveable Streets programme for the financial year 2019/20. Further funding is being identified within the TfL local implementation fund and S106 monies. The total cost of the scheme is estimated to be £2.7million.

Governance

- 3.8 As part of the Cabinet decision on Wednesday 30 October 2019, the decision making for the Liveable Streets programme is:
- Under £250k – decision to be made by Divisional Director, Public Realm
 - Over £250k-below £1 million – Decision to be made by Divisional Director, Public Realm in consultation with the Mayor and Lead Member
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4 EQUALITIES IMPLICATIONS

- 4.1 The Bethnal Green project will provide enhanced opportunities for vulnerable road users, with one of the main objectives to make it safer and easier to walk and cycle within the borough. All designs will be compliant with the Disability Discrimination Act design guidance. A full EqIA has been carried out for the proposals taking into account the final design and can be found in Appendix F.

5 OTHER STATUTORY IMPLICATIONS

- 5.1 Many of the proposals will require changes to the highway and therefore traffic regulation orders will need to be made. These will be advertised and consulted on in accordance with the Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996, or the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 in respect of temporary orders.

- 5.2 As part of the design we will consider Section 17 of the Crime and Disorder Act 1998, to ensure that we do all that is reasonable to mitigate the impacts of crime and disorder, substance misuse and reoffending.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 The funding of the Bethnal Green liveable streets programme is estimated at £2.7m and will cover financial years 2019/20 and 2020/22. The spend will be capital in nature.
- 6.2 A report was submitted and approved by Cabinet on Wednesday, 25 September 2019 detailing the financial business case for £2 million Capital Investment in the Liveable Streets programme for the financial year 2019/20. Further funding is being identified within the TfL local implementation fund and S106 monies. This will be utilised to meet any expenditure in 2019/20.
- 6.3 A further £6.401m has been allocated within the capital programme for liveable streets in 2020/21, funded from £1m CIL income and £5.401m capital receipts. The residual Bethnal Green liveable streets expenditure will be spent against this allocation.
- 6.4 At present it is not anticipated to borrow to fund these works. If this were to change when the capital programme is reviewed then there would be a revenue implication from borrowing and in such a case resources would need to be identified to cover this revenue cost before borrowing these monies.

7 COMMENTS OF LEGAL SERVICES

- 7.1 The Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996, or the Road Traffic (Temporary Restrictions) Procedure Regulations 1992(in respect of temporary orders) sets out the legal process to be satisfied when making traffic orders. The legal procedure includes provision for calling a Public Inquiry where appropriate. The Road Traffic Regulation Act 1984 section 1, 6 and Schedule 1 sets out the purposes for which a Road Traffic Regulation Order may be made. Legal services will provide advice in relation to each such Order at the time that they are proposed to be made.
- 7.2 This report seeks the authority of Cabinet to receive the results of the engagement and consultation exercise undertaken to date in respect of the Bethnal Green Liveable Streets programme set out in paragraph 3.1 and evidenced in Appendix C, and to approve the final scheme design. Further, Cabinet is asked to approve the use of using existing frameworks or term contracts to award an order to finance the completion of the works as set out in paragraph 6.1.
- 7.3 The common law provides that a public body must adopt a fair procedure to decision-making to ensure that members of the public, affected by a potentially adverse decision, are given a fair and informed opportunity to

make representations and provide their comments before the decision comes into effect. If a public body embarks on a consultation procedure, the outcome of which may be to deprive someone of a benefit that they previously enjoyed, then the common law imposes basic criteria that must be satisfied in order for that procedure to be considered lawful and fair.

- 7.4 The case of *R. v Brent London Borough Council, ex. p. Gunning* [1985] 84 LGR 168 established the following basic criteria (now known as the Sedley criteria), that all fair consultations must satisfy:
1. consultation must be undertaken at a time when proposals are still at a formative stage;
 2. sufficient reasons must be given for any proposal to allow an intelligent consideration of and response to the proposal;
 3. adequate time must be given for consideration and response; and
 4. responses must be conscientiously taken into account in finalising any proposal.
- 7.5 It is also worth noting that more recent case law has suggested that "consulting about a proposal does inevitably involve inviting and considering views about possible alternatives," and "sometimes... discarded alternative options."
- 7.6 Paragraph 3.1 and Appendix C of the report sets out the extent of the consultation exercise undertaken and demonstrates a fair and legally robust process. Further, paragraphs 2.1-2.3 of the report and Appendix E set out the assessment of the alternative options undertaken and that "intelligent consideration" was provided by the Council in its review and account of consultation responses. Full reasons are provided where particular options are not being pursued which demonstrates the fairness of the consultation process thereby satisfying the legal tests set out in paragraph 7.4 above.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

Appendix A – Consultation document
Appendix B – Final design map
Appendix C – Engagement process

Appendix D – Consultation results
Appendix E – Alternatives considered
Appendix F – EQIA

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- None

Officer contact details for documents:

Chris Harrison – Liveable Streets Programme Director