



Cabinet
16 June 2014

**Report from the Strategic Director of
Environment and Neighbourhoods**

For Action

Wards Affected: ALL

Safer Lorry Scheme

1.0 SUMMARY

- 1.1 Brent Council has a long and successful track record of reducing accidents in Brent's roads. Recent analysis has shown that HGVs are involved in a significant proportion of cyclist and pedestrian accidents and this report seeks approval to implement a London wide, minimum standard of safety features on all HGVs over 3.5 tonnes.

2.0 RECOMMENDATIONS

- 2.1 The Cabinet are asked to agree to the principle of creating a new pan-London traffic order requiring minimum safety features for all HGVs over 3.5 tonnes.
- 2.2 The Cabinet are asked agree to delegate authority to London Council's Transport and Environment Committee (TEC) to exercise the functions set out in paragraph 3.13.

3.0 BACKGROUND

- 3.1 Brent Council has a long and successful history of reducing accidents in the borough. As part of this, the Council has a continual review of what can be done to further reduce accidents. Across London, the number of recent cyclist and pedestrian deaths has prompted questions about what more could be done to reduce the likelihood of such collisions in the future. A significant and disproportionate number of collisions involve heavy goods vehicles (HGVs), some of which are exempt from current national and European regulations on fitting safety features such as side guards and special proximity mirrors. In recognition of this, Brent Council has proactively worked with TfL to ensure that Conway Aecom (the highway contractor) and Veolia (public realm) have implemented cutting edge safety technology on its vehicles and extensive driver training.
- 3.2 To understand the position on HGV collisions better, Transport for London (TfL) commissioned the Transport Research Laboratory (TRL) to prepare a report examining, quantifying and analysing the incidence of fatal or serious injury cyclist and pedestrian accidents and to consider what measures might be taken to reduce the number of such

accidents. TRL's report indicated that between 2008 and 2012, HGVs were involved in 53% of London cyclist deaths despite making up only approximately 4% of all traffic. Provisional data states that in 2013 HGVs were involved in 9 out of 14 cyclist (64%) and 13 out of 65 pedestrian (20%) deaths in London. This has prompted strong debate about what more could be done to reduce the occurrence of serious injuries and deaths affecting vulnerable road users in the future.

- 3.3 TRL has estimated that a maximum of 7.2 killed and seriously injured (2.4 fatal collisions and 4.8 serious injuries to cyclist and pedestrians) could be prevented each year by the fitting of additional safety equipment such as side guards and additional mirrors. Revised figures accounting for driver behaviour in collisions have reduced this figure to 1.4 fatal collisions and 1.0 serious injury per year; a smaller but still very significant number considering the personal and economic cost of a serious or fatal collision.
- 3.4 On 20 January 2014, TfL published a feasibility study entitled 'Safer Lorry Scheme, The Way Forward'. The findings of this report contained much of the detailed analysis undertaken by TRL into road casualties associated with HGVs which are exempt from having side guard rails and specific types of mirrors fitted. TfL's feasibility study set out three options for delivering the Mayor of London's proposal to ban the most dangerous vehicles from the capital. The options considered were:
- a) TfL to introduce a Road User Charging Scheme Order for a Safer Lorry Charge enforced through Automatic Number Plate Reader cameras (ANPR); i.e. a road user charging scheme where only HGVs meeting required safety standards can travel in London free of charge. The Department of Transport (DfT) would need to approve signage changes.
 - b) TfL to work with London Councils to make a "Pan-London" Traffic Regulation Order(s) (TRO) to prohibit HGVs not meeting required safety standards from using London's roads. This could be enforced by Penalty Charge Notice using CCTV systems and on-street traffic enforcement officers. DfT would have to approve changes to signage and moving traffic legislation.
 - c) Introduce a hybrid approach adopting option b) and developing option a) in parallel.
- 3.5 The report recommended option b) as achieving the highest cost benefit ratio: A pan-London ban on all HGVs over 3.5 tonnes that are not compliant with the required safety standards for driving on London's roads. The safety standards proposed are:
- Class V and VI mirrors irrespective of current exemptions
 - Side guards for all 'relevant' vehicle types, irrespective of current exemptions.
- 3.6 The ban on vehicles over 3.5 tonnes will include anything heavier than a 'Light Goods Vehicle' including large 'Luton-type' vans through to the biggest multi-axle articulated lorries. The majority of vehicles have this basic safety equipment fitted as standard. However, for those that don't the cost of retro-fitting is relatively inexpensive, especially when compared to typical vehicle purchase and operating costs. A close proximity mirror costs around £300 and side guards around £500, including installation.
- 3.7 On 13 March 2014, these proposals were considered and approved by the London Council's TEC. They also noted the difficulties in asking the 32 councils and TfL to individually develop, consult and implement the necessary traffic orders. TfL has the power

to make traffic orders which apply to the Transport for London Road Network (TLRN). Local authorities have the power to make traffic orders affecting roads within their local authority area with the exception of the TLRN and only on trunk roads with the consent of the DfT.

- 3.8 London Councils through TEC has the powers at present on behalf of 32 of the London local authorities and TfL to operate and enforce the London Lorry Control Scheme ("LLCS") introduced in 1985 by the Greater London (Restriction of Goods Vehicles) Traffic Order 1985 as amended (the 1985 Order). With the exception of the London Borough of Barnet, this order operates and is enforceable by TEC on identified routes on the whole London road network (including on the TLRN) during specified periods and the restrictions apply to vehicles over 18 tonnes.
- 3.9 The TfL Safer Lorry Scheme Proposal is more ambitious than the existing LLCS as restrictions would extend to all vehicles over 3.5 tonnes, 24 hours a day 7 days a week, over the whole of the Greater London area.
- 3.10 The advice to TEC was that the most effective means for the London local authorities to support the TfL proposal is to enable TEC to make a pan-London road traffic order on behalf of the London local authorities and to enforce that order consistently on their behalf across London in much the same way as it operates and enforces the LLCS (although it is not proposed to operate a permit scheme in this case).
- 3.11 However, there is some uncertainty as to whether TEC currently has the delegated authority from the London local authorities to make such an order under the TEC Governing Agreement (which sets out the framework for TEC's governance and operation). To avoid any such uncertainty, this report seeks approval to delegate authority to the TEC to make the necessary pan-London traffic order(s) to bring into effect the Safer Lorry Scheme.
- 3.12 TEC will carry out a pan-London consultation in late June/July and Brent officers will ensure that key local stakeholders such as Brent Cyclists are made aware of the consultation. Questions and concerns from local authorities can be addressed and resolved during the consultation stage.
- 3.13 Finally, the TEC report set out advice from Leading Counsel and Councils were asked to delegate to TEC the exercise of the following functions in the following terms:

To delegate authority to:

Make pan-London traffic order(s) under section 6 of the Road Traffic Regulation Act 1984, and all other enabling powers, where it is in the collective interests of the Participating Authorities, and TfL as relevant, such decision to be taken only after consultation with each of them. To provide for the implementation and enforcement of any order(s) so made including but not limited to the monitoring of the effectiveness of the said implementation and enforcement, the examination of vehicles, the issue of permits including the consideration of appeals arising from the refusal or conditioning of any such permits, the erection of adequate signs, liaison with the police, the prosecution of offences arising under such order(s) and any amendments approved from time to time, the updating of technical information on new vehicle designs, the taking of all necessary steps to promote and make amending, supplementary and other variation orders affecting the primary order(s) and the determination and implementation of policy and the giving of advice.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications at this stage, and any future work undertaken will be carried out with the understanding that there will be no net costs for Brent Council.

5.0 LEGAL IMPLICATIONS

- 5.1 In essence, the proposal is that a new London-wide traffic order(s) is made which will require all vehicles over 3.5 tones to have side guards and safety mirrors when driving in London to help reduce the tragic number of deaths and injuries resulting from collisions between vulnerable road users and Heavy Goods Vehicles (HGVs).
- 5.2 Following detailed discussion and legal advice, London Councils and TfL officers agreed that the best way to promote the London wide traffic order(s) is through TEC (London Councils' Transport and Environmental Committee), similar to the way TEC is responsible for the existing London Lorry Control Scheme. There was some uncertainty as to whether TEC's existing delegated authority is sufficient to promote the required new order(s), so the recommendation to the Joint Committee of the TEC on 13 March 2014 was to seek an express delegation to the TEC from each individual local authority and this recommendation was agreed by the TEC. London Councils was advised by Leading Counsel that such delegation can be made in writing by individual local authorities without having to prepare a formal Deed of Variation to the current TEC Governing Agreement. Under the Council's Constitution, such a delegation must be made by the Cabinet.
- 5.3 The proposed delegation from the Council to the Joint Committee of the TEC relates to the Council's functions under section 6 of the Road Traffic Regulation Act 1984 for the purpose of making and enforcing pan-London traffic orders, which includes the power to impose safety and environmental restrictions.
- 5.4 The proposed delegation being sought from each London local authority is intended to allow sufficient flexibility for TEC to develop the best approach with TfL and London boroughs through the planned consultations. London Councils have indicated that the proposed TEC powers to promote pan-London traffic orders of this nature will be exercised very rarely and will only be used following proper consultation with London boroughs and subsequent TEC authority.
- 5.5 The remaining legal implications are set out in the body of this report.

6.0 DIVERSITY IMPLICATIONS

- 6.1 No diversity issues have been identified and final impact assessments will be carried out on all proposals and any equalities implications will be reported to TEC in July with any detailed recommendations.

7.0 STAFFING / ACCOMMODATION IMPLICATIONS

- 7.1 None identified.

BACKGROUND PAPERS

Short Title of Document	Date	File Location
London Councils' TEC Executive Sub Committee: Revised Lorry Control Initiatives for Improved Road User Safety	February 2013	http://www.londoncouncils.gov.uk/committees/agenda.htm?pk_agenda_items=5551
Safer Lorry Scheme' The Way Forward'	January 2014	Safer Lorry Scheme link

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