

London Councils' Transport and Environment Committee

Thursday 13 October 2016

2.30pm in the Conference Suite, London Councils, 59½ Southwark Street, London, SE1 0AL

Labour Group Pre-Meeting: Meeting Room 4 at 1.30pm (1st Floor)

Conservative Group Pre-Meeting: Meeting Room 1 at 1.30pm (1st Floor)

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| | | |
| 1 | Apologies for Absence and Announcement of Deputies | - |
| 2 | Declarations of Interest* | |
| 3 | Urban Design London (UDL) Update by Councillor Daniel Moylan & Councillor Nigel Haselden, TEC Representatives on UDL | - |
| 4 | Update on the Mayor's Transport Strategy by Val Shawcross, Deputy Mayor for Transport | - |
| 5 | Chair's Update Report | |
| 6 | Flooding Investment in London | <i>To Follow</i> |
| 7 | Electric Vehicles & Car Clubs Update Report | |
| 8 | Freedom Pass Update | |
| 9 | Environment & Traffic Adjudicator Recruitment | |
| 10 | Adjudicators' Annual Report 2015/16 | |
| 11 | Note of the TEC Executive Sub Committee on 15 September 2016 that was carried out via correspondence (for noting) | |

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|-----------|--|------------------|
| 12 | Minutes of the TEC AGM Meeting held on 16 June 2016 (for agreeing) | |
| | Part Two: Exclusion of the Press and Public (Exempt) To resolve that the press and public be excluded from the meeting during discussion of the following item(s) of business because exempt information, as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 is likely to be made known at the meeting | |
| E1 | Freedom Pass Apportionment & Settlement | |
| E2 | Parking on Private Land Appeals Service Cost Dispute – Mediation Outcome | To Follow |

***Declarations of Interest**

If you are present at a meeting of London Councils' or any of its associated joint committees or their sub-committees and you have a disclosable pecuniary interest* relating to any business that is or will be considered at the meeting you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting, participate further in any discussion of the business, or
- participate in any vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

It is a matter for each member to decide whether they should leave the room while an item that they have an interest in is being discussed. In arriving at a decision as to whether to leave the room they may wish to have regard to their home authority's code of conduct and/or the Seven (Nolan) Principles of Public Life.

*as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

If you have any queries regarding this agenda or are unable to attend this meeting, please contact:

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London Councils' Transport & Environment Committee

Chair's Report

Item no: 05

Report by: Katharina Winbeck **Job title:** Head of Transport, Environment and Infrastructure, London Councils

Date: 13 October 2016

Contact Officer: Katharina Winbeck

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Summary This report updates Members on transport and environment policy since the last TEC meeting on 16 June 2016 and provides a forward look until the next TEC meeting on 8 December 2016.

Recommendations Members to note this report.

Updates included in this report:

- Meeting between Chair and CELC Leads for Transport and Environment
- Future engagement by London Councils officers with borough officers

Transport

- Meeting between TEC Chair, Vice-Chairs and TfL Commissioner
- Taxicard
- Response to London Assembly Inquiry into traffic congestion
- River transport: launch of the Thames Vision
- LIP3 working group
- Start of the night tube
- Sharing Skilled Transport Staff Initiative Update

Environment

- Deputy Mayor for Environment and Energy
- Flooding video: how to reduce the risk
- Air quality
 - Public polling
 - London APPG: meeting on air quality
 - Response to phase 1 of the Mayor of London's consultation on air quality
 - London Assembly Environment Committee meeting on air quality: speaking engagement
- Response to DECC Heat Network Investment Project consultation
- Green infrastructure: TfL SUDS guide
- Recycling press coverage and Recycle Week
- Defra
 - Update on Litter Strategy
 - National Consistency Framework for waste collection
 - Defra and Environment Agency 25 year Environmental Plan

Forward Look

Forthcoming meetings and consultations

Introduction

1. This report updates Members on London Councils' work on transport and environment policy since the last TEC meeting on 16 June 2016 and provides a forward look until 8 December 2016.

Meeting between Chair and CELC Leads for Transport and Environment

2. I met with Rob Leak, the CELC Transport Lead, and Niall Bolger, the CELC Environment Lead, on 12 July.
3. We discussed the Mayor's air quality proposals; Defra's work on waste harmonisation and its Litter Strategy; the work London Councils is undertaking on flood risk management; and green infrastructure.
4. On transport, we discussed the services TEC is responsible for; progress on the Go Ultra Low City Scheme; the future of borough transport funding; and the support London Councils is giving to rail devolution of routes to TfL.

Future engagement by London Councils officers with borough officers

5. London Councils officers have undertaken a review of the current arrangements regarding its officer advisers.
6. This was initiated due to a reduced attendance from borough officers at meetings arranged to discuss transport and waste policy and the changing policy priorities that London Councils is actively supporting.
7. This has resulted in London Councils taking a more 'task and finish' approach, already undertaken through the LIP's working group for example. It is envisaged to set up a Mayor's Transport Strategy, and Environmental Strategy task and finish group once the 'towards... document' has been published later in the autumn.
8. London Councils will set up these groups on the principle of representation based on region, political leadership, inner and outer London and will require the chosen representatives to feed back to and get input from the other authorities in their regions.

Transport

Meeting between TEC Chair, Vice-Chairs and TfL Commissioner

9. The Vice-Chairs and I met with the TfL Commissioner Mike Brown on 29 September. We discussed TfL's Business Plan, which it is in the process of finalising, together with concerns from boroughs about the future of LIP, Taxicard and LEPT funding. The Commissioner, although not able to give guarantees as the business plan has not been signed off by the board, reassured Members that all three will be delivered at current levels in 2017/18.
10. The Mayor's new Transport Strategy was on the agenda, as was an update on the work London Councils is doing with TfL and the GLA on air quality. Rail devolution, Homes for Londoners and the role TfL will play in land release, and feedback from TfL's recent bus seminar were discussed.

Taxicard

11. In response to the London Assembly's review of social needs transport, London Councils has been working with TfL to consider how best to implement the recommendations. In

the short term, London Councils and TfL consider that joint procurement of the Taxicard vehicle supply and the taxi consolidator element of TfL's Dial-a-Ride scheme could offer savings. Officers from both organisations will be meeting once a month until Christmas to assess the feasibility of this approach.

Response to London Assembly Inquiry into traffic congestion

12. We submitted a response to the London Assembly Transport Committee's call for evidence on Road Traffic Congestion. Our key points were;

- Support for the Mayor's plans to encourage modal shift to more active and sustainable travel modes
- Strong support for increased investment in new and improved cycling infrastructure across London
- Required greater engagement between TfL and the boroughs to ensure local and sub-regional level solutions are implemented
- Highlighted the good work that a number of boroughs are doing to encourage businesses to use consolidation centres
- Jointly explore further the value and possibility of re-timed deliveries to help reduce the number of LGVs on the roads at peak times
- The response calls for greater provision of efficient and reliable, sustainable public transport across London (bus, rail and tram), with a particular focus on identifying areas of poor accessibility.

The response can be viewed in full at <http://www.londoncouncils.gov.uk/our-key-themes/transport/roads>

13. Councillor Demirci will also be providing verbal evidence at the London Assembly Transport Committee meeting on traffic congestion on Tuesday 11th October.

River transport: launch of the Thames Vision

14. The Port of London Authority published a Thames Vision 2035 in July. The vision is a result of a yearlong consultation with multiple stakeholders and four external studies to provide strong evidence. London Councils responded to the consultation in March 2016.

15. Six goals have been identified which are;

- More trade and more jobs - the busiest ever Port of London handling 60-80 million tonnes of cargo each year
- More goods off roads and onto the river – every year over 4million tonnes carried by water taking over 400,000 lorry trips off the region's roads
- More passenger journeys – double the number of people traveling by river reaching 20 million commuter and tourist trips every year
- More sport and recreation participants – greater participation in sport and recreation on and alongside the water
- Improved tidal Thames environment – the cleanest river since the Industrial Revolution, with improved habitats and awareness of heritage
- More people enjoying the Thames and its banks – a magnet for ramblers, historians, artists and others whether living nearby or travelling from further afield

16. Delivery will continue to involve a range of stakeholders and each of the six goals will be met through a rolling series of time-bound priority actions with key performance

indicators. The Port of London Authority plans to have targeted events for Local Authorities and progress against the KPIs will be reported at an annual conference.

LIP3 working group

17. The working group met on 28 July. Officers reported back on discussions had at TEC Executive and an early engagement group on the Mayor's Transport Strategy held by TfL for borough officers. A presentation given to the TfL Surface Board in May 2016 was circulated and discussed. The section of the LIP 'Borough Transport Objectives' was explored with TfL agreeing to consult its lawyers about the minimum needed for this section to meet the legislative requirements for the Plans. Sub-region updates were received. Minutes and other documents from these meetings continue to be circulated to all borough officers.

Start of the night tube

18. The night tube launched on 19th August, initially on the Central and Victoria lines, with both lines now running 24 hours on Fridays and Saturdays (between selected stops). TfL announced eight new 24-hour bus services linked to onward journeys from the new Night Tube services. The new 24-hour bus services will run on Friday and Saturday nights to complement the Night Tube and ensure customers travelling in the early hours of the morning have easy options to get home. These are:
 - 34 (Barnet Church to Walthamstow Central)
 - 123 (Ilford High Road to Wood Green)
 - 145 (Leytonstone to Dagenham)
 - 158 (Stratford to Chingford Mount)
 - 296 (Ilford Broadway to Romford)
 - E1 (Greenford Broadway to Ealing Broadway)
 - W3 (Finsbury Park to Northumberland Park)
 - W7 (Finsbury Park to Muswell Hill Broadway).
19. The Commissioner reported a smooth running of the night tube on the first weekends, reducing the otherwise experienced rush to get the last tube home. Transport and other police presence helped to keeping disturbances to a minimum.
20. The Jubilee Line will move to 24 hour operation on Fridays and Saturdays from 7th October, with the Northern and Piccadilly Lines to follow later this autumn.

Sharing Skilled Transport Staff Initiative Update

21. The group is focused on exploring opportunities created by the government's Apprenticeship Levy, which comes into force in April 2017. The group is examining whether the current apprenticeship frameworks provide the skills needed for London's engineers and transport planners of the future; as well as seeking to identify whether there would be opportunities for boroughs and TfL to jointly procure the training element of an apprenticeship. This would make it more viable for a borough to offer such an apprenticeship, if they could tap into the training element with others. This is all in a very early stage and the group awaits further information from government about how the levy will operate.

Environment

Deputy Mayor for Environment and Energy

22. Shirley Rodriguez has been announced the Deputy Mayor for Environment and Energy on 17 August 2016. Shirley is currently Acting Executive Director for Climate Change at the Children's Investment Fund Foundation (CIFF) and has a long track record of developing and implementing new environmental policies in London.
23. Shirley's priorities will include dealing with the air quality challenge, oversee the delivery of Energy for Londoners and boost recycling rates and cut landfill.
24. Shirley has already confirmed that she will be attending full TEC in December.

Flooding video: how to reduce the risk

25. London Councils has produced a short video which covers how businesses and residents can identify if they are at risk of flooding, and what they should do to prepare for flooding. The video can be viewed at <http://www.londoncouncils.gov.uk/node/29466>. Boroughs are welcome to use it on their websites or other materials if this is helpful. Cllr Bell was interviewed by London Live on its launch.

Air quality

Public Polling

26. London Councils has recently undertaken some public polling on air quality issues across London. The research aims to identify the awareness amongst the public on air pollution, and the impact that it has on their lives. The results are currently being analysed and the findings will be released to coincide with the launch of the second phase of the Mayor's air quality consultation (expected on 10th October). We are hoping to gain media coverage on this research to inform and gain support from the public in our aims to improve air quality in London.

APPG Meeting on Air Quality

27. The All Party Parliamentary Group for London held a meeting to discuss air quality on 28th June 2016, co-chaired by Steven Reed MP and Bob Neil MP. The event had three key speakers, Dr Gary Fuller from King's College London, Poppy Lyle from the GLA, and Cllr Julian Bell TEC Chair. Dr Fuller outlined the science behind air quality measuring and gave an overview of the effects of different types of air pollutants, namely PM 10, PM 2.5, NOX and CO2. Poppy Lyle discussed the work the GLA were doing to identify effective policies to tackle the issue of air pollution in London, such as plans for the ULEZ and t-charge, and outlined the next steps for the Mayor's air quality consultation. Cllr Bell outlined the work the boroughs are doing in this area, and called on the Government to ensure air quality targets are not dropped, following the UK's decision to leave the EU. The discussion then moved onto a Q&A session which covered areas such as the impact of policies on small businesses, and how to improve EV charging infrastructure. Cllr Bell's comments were reported at Transport Xtra: <https://www.transportxtra.com/publications/local-transport-today/news/49402/we-must-stick-to-eu-air-quality-targets-say-mps>.

London Councils Response to Phase 1 of Mayors Air Quality Consultations

28. We submitted a response to the first phase of the Mayor's air quality consultation on 29th July 2016. This consultation aimed to gather information which would shape the next two phases.

London Councils submitted a detailed response to the first phase, in which the following key points were made;

- Supporting the introduction of the ULEZ, and would also support plans to bring forward the implementation of this to 2019 if this can be done effectively without causing unnecessary disruption.
- Calling for more information on the perceived benefits and disadvantages of the potential boundary options for future ULEZ expansion, and for the boroughs to be engaged in this process;
- Supporting plans for a diesel vehicle and boiler scrappage scheme in London;
- Supporting the Emissions Surcharge (t-charge) in principle, but called for more detail on the enforcement times, and which emissions performance profiles for vehicles is to be used as a benchmark for petrol and diesel (i.e. Euro IV or V and older);
- Called for more coordination with mitigation strategies, such as improved use of green infrastructure and urban greening.
- Called for a contextual approach to tackling air quality, giving different boroughs the opportunity to address the issue of air pollution in a way that fits their situation, but that fits within a wider framework of action as well.

We will also be submitting co-ordinated responses to the consultations in phase two, which will be launched on 10th of October, and phase three, to be held in autumn 2017. Our response can be viewed in full at <http://www.londoncouncils.gov.uk/our-key-themes/environment/air-quality>

London Assembly Environment Committee Investigation on Air Quality

29. Cllr Bell attended the London Assembly Environment Committee meeting on air quality on 13th July. This meeting was an evidence gathering session for the consultation and covered many of the same points as our response.

Response to DECC Heat Network Investment Project consultation

30. At the beginning of August, London Councils submitted a response to the Government's consultation on the Heat Network Investment Project (HNIP). This project was carried out by the Department for Energy and Climate Change (DECC) which was merged with the Department for Business, Innovation and Skills in July 2016 to form the Department for Business, Energy and Industrial Strategy. The consultation was a detailed overview of the plans to spend £320m worth of capital funding to support heat network investment in the UK. The response highlights London Councils' views on who should be eligible to apply for the capital funding, the types of funding mechanisms to be used, what criteria should be used to assess the capital funding applications, and finally how schemes should be monitored. The response can be viewed at <http://www.londoncouncils.gov.uk/our-key-themes/environment/energy-and-climate-change>

Green infrastructure: TfL SUDS guide

31. TfL has produced a guide to introducing sustainable drainage into London's streets. Borough officers were members of the steering group. This is very a comprehensive document, including technical information about the considerations needed for SUDS as well as case studies of SUDS in London and other cities in the UK and abroad. It includes a section that 'reimagines' a series of types of streets – from quiet residential roads to major A-roads, and how SUDS can be integrated in all of these. It is intended for use by TfL, highways authorities, developers and contractors as well as anyone with responsibility for public realm.

32. Once the final guide has been published, boroughs are encouraged to use it, especially when considering major works to their highways or during planning applications.

Recycling press coverage and Recycle Week

33. On 23 August Cllr Bell was interviewed by BBC Radio London about recycling rates in the capital.
34. Recycle Week ran this year from 12 to 16 August with a focus on the 'Unusual Suspects' of items that are recyclable that are often forgotten about at home. LWARB promoted a series of press opportunities, securing coverage in local and London-wide media.

Defra

Update on Litter Strategy

35. Cllr Clyde Loakes is the member who sits on the Litter Strategy group. The publication of the Litter Strategy has been delayed from its optimistic publication in August to later this autumn, partly due to the change in government. Defra is currently focusing on how to build the data set needed to monitor a reduction in litter, as this is likely to be one of its headline aims.

National Consistency Framework for waste collection

36. WRAP on behalf of Defra has developed a framework and business plan to deliver greater consistency in local authority waste and recycling collections. A national advisory group which consisted of local authority and industry representation included Resource London (LWARB sub-committee). In brief, the framework proposes three types of collection that all local authorities should offer as well as a series of measures that the packaging industry should commit to. In London, all boroughs are already collecting in one of the three ways, with the exception of offering food waste. The National Consistency Framework can be read here: <http://www.wrap.org.uk/content/consistency>.

Defra and Environment Agency 25 year Environmental Plan

37. Defra and the Environment Agency are beginning its process of producing a 25 year Environment Plan. London Councils were invited to attend early discussions about what the plan should include and its aspirations. London is split between different Environment Agency areas and as such the Plan could struggle to be relevant with citywide governance.

Forward Look

October

Tbc – announcement on airport capacity in the south east expected by the Government

10 – launch of second phase of air quality consultation

11 – London APPG meeting on airport capacity in the south east

19 – Go Ultra Low City Scheme Event in Nottingham

19 – Thames RFCC Main meeting

November

3 – Speaking engagement on the future of London's transport strategy

17 – TEC Executive

17 – Planned launch date for London Sustainable Drainage Action Plan and TfL Sustainable Urban Drainage Guidance

21 – Speaking engagement on London Travel Watch Cycling Conference

23 – Autumn Statement

24 – Thames RFCC Main meeting

December

8 – TEC Main meeting

London Councils' Transport and Environment Committee

Electric Vehicles and Car Clubs Update Report

Item No: 07

Report by: Nick Lester-Davis **Job titles:** Corporate Director
Katharina Winbeck Head of Transport, Environment & Infrastructure

Date: 13 October 2016

Contact Officer: Nick Lester-Davis

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Summary: This report updates members on progress on electric vehicles and on car clubs.

Recommendations: Members are asked to:

1. Note the update on the Go Ultra Low City Scheme
2. Give an in principle agreement to London Councils TEC taking on the Delivery Partner Strategy role as outlined in paragraphs 12-16
3. Note the findings of the car plus survey on use of car clubs
4. Agree that charters for both EV charging networks and car clubs, setting out the public interest in their use, should be prepared.

Electric Vehicles and Car Clubs Update Report

Overview

1. A background paper to Vehicle Electrification was presented to TEC in December 2015, which gave an overview of the grant award from the Office of Low Emission Vehicles, included the ULEV Delivery Strategy and how this fit into the general context of encouraging electric vehicle use in London.
2. In addition, TEC and TEC Executive have discussed progress on the London Go Ultra Low Emission Scheme on numerous occasions, lastly at TEC Executive in February and full TEC in June 2016.
3. Car Clubs have also been an area of great interest to TEC Members and reports have been debated, most recently, in March 2015 with the adoption of the car club strategy.
4. The purpose of this report is to inform members and boroughs on the recent progress and decisions likely to be needed in the future, given this fast moving policy agenda.
5. This report joins the previously separately considered policies of electric vehicle charging and car clubs, given the joint policy aim of improving air quality in London and the increasing overlap through the expressed interest of car clubs in electrifying their fleets.
6. A number of issues are emerging in this policy arena, which this report highlights;
 - Local authorities will continue to play an important role in delivering charging networks in order to assist electric vehicles to become a viable alternative to petrol and diesel vehicles.
 - The principle for charging for the electricity used for electric vehicles is being established (Source London recently announced that their members will have to pay a monthly fee and pay-as-you-go tariffs for charging).
 - It is now clear that London will operate in an environment of multiple charging networks.
 - There is an increased acceptance of the role car clubs can play in an effective and sustainable transport strategy for London, within the context of ongoing modal shift to more sustainable modes.

Electric Vehicles

OLEV Go Ultra Low City Scheme

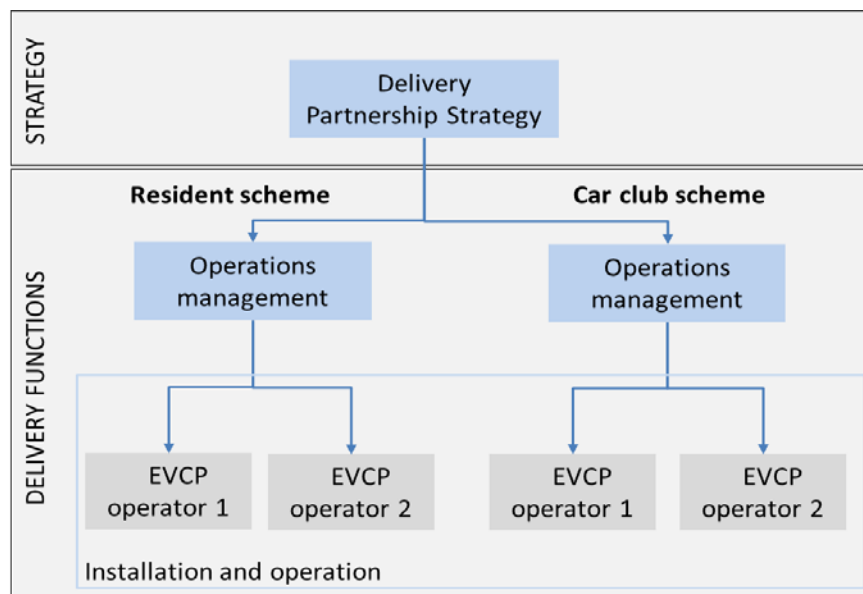
Background

7. London was announced as one of the winners of the Office for Low Emission Vehicles (OLEV) Go Ultra Low City Scheme (GULCS) on Monday 25 January 2016. It has been awarded £13m in capital funding to be used to drive the uptake of ultra-low emission vehicles in the period 2015/16-2019/20. The award followed the submission of a bid prepared and agreed by TfL, GLA and London Councils in October 2015.
8. A governance structure was agreed that sees London Councils, TfL and the GLA represented on a steering group that will guide the implementation of the proposals in the GULCS bid. London Councils is represented on this at a political level, through the Chair and Conservative and Labour Vice-Chairs of TEC.

9. There are four main streams to the GULCS;
 - a) Increase ULEV charging infrastructure in **residential** areas by establishing a London-wide delivery partnership for providing, managing and maintaining these.
 - b) Retrofit **car club** bays with EV charging points, with management and maintenance of the infrastructure being undertaken by the partnership responsible for residential charging infrastructure (point a).
 - c) Support the increase of **rapid EV chargers**.
 - d) **Neighbourhoods of the Future** (NoF) - local schemes to prioritise and encourage the uptake of ULEVs.
10. The GULCS bid was very ambitious, wanting London to become the “Go Ultra-Low emission vehicle Capital”. London therefore needs an extensive and convenient charging infrastructure whilst not costing the boroughs excessively in time or money to install or maintain. In addition, the GULCS programme is aligned to the Mayor’s ambitions to improve air quality and to ensure the commitment in his manifesto that London is carbon free by 2050.

Residential and car club infrastructure – developing a new delivery partnership

11. Following the last update to TEC in June, London’s GULCS consortium have engaged a consultancy to develop a series of options for a new Delivery Partnership/s that would install, manage and maintain the 1,150 residential and 1,000 car club electric vehicle charging points committed to in the bid. The options have to take account of European competition rules (state aid), the requirements of London Boroughs as well as the car club operators. Additionally, the consultants sought insights from the car manufacturers and the charging point industry to help inform the options development.
12. Following discussion with the stakeholders outlined above, the consultants have identified the following structure for the partnership and its governance arrangements, and presented three options for its implementation.



The role definitions are as follows (not a comprehensive list);

Strategy Role

- Validate and test strategic decisions
- Agree funding policy and apportionment of costs/revenue to boroughs
- Oversee delivery performance
- Agree and set supply charges

Operations Management Role

- Analyse and report on Key Performance Indicators to the strategy board
- Main interface with boroughs, regarding for example providing updates to officers, gauging feedback from officers
- Contract management of operators
- Facilitating user interface, such as a Website and central database

Installation and Operation

- Install EVCPs, working with boroughs (e.g. Traffic Management Orders)
- Operate and maintain charge points

13. The Steering Group decided at its meeting on 8 September that the strategy role should be undertaken by a public entity and it also indicated a preference for this role to be undertaken by London Councils TEC, given it is a trusted entity by boroughs.
14. On 4 October, the steering Group considered a number of detailed options and decided that, without doubt, a public/private partnership would be the best option. This model would see a public/private partnership where the private sector is contracted to install, manage and operate the scheme for a period of time and is permitted to utilise the revenue as a co-investor of the scheme, to leverage a greater number of charge points. London Councils TEC would have a strategy role, delegating the operations management role to London Councils. In order for London Councils TEC to take on the strategy role, the TEC Agreement would have to be amended. For London Councils to take on the operational management role, officers will have to undertake further feasibility analysis.
15. Members are therefore asked to agree in principle to London Councils TEC taking on the strategy role, with further information presented at December TEC.

Rapid Charging network

16. TfL's Ultra Low Emission Vehicle (ULEV) Delivery Plan sets out TfL's ambition for 150 new rapid charge points in London by the end of 2018, rising to 300 by the end of 2020. The provision of rapid charging is viewed by TfL as a key factor for encouraging the increased uptake of electric vehicles, particularly within commercial fleets including taxis and private hire vehicles (PHVs).
17. A private sector-led model is TfL's preferred approach to delivering new rapid charging infrastructure across the capital. The principle of this approach is that private operators, rather than TfL or Boroughs, will be the owners/operators of charging points and will be responsible for the large capital investment and on-going operational and maintenance costs that rapid charge points will require.
18. In March 2016 TfL started a procurement process to establish a framework contract of rapid charge point operators. The framework will be in place by April 2017 and will be available to TfL and the boroughs to select a rapid charge point operator for any rapid charging sites

which have been identified. TfL will provide detailed briefings to boroughs in early 2017 on the framework contract and procedures for its use.

19. TfL has been engaging with borough officers on the proposals for rapid charging and has requested that boroughs put forward sites that might be available to host new charge point infrastructure. TfL's preference is for off-street sites which can host multiple charge points as part of a charging 'hub'. For example, this could include any vacant land that is not earmarked for development or an existing car park. On-street locations will also be considered where appropriate.
20. Having identified suitable sites for rapid charge points, TfL will work with the borough and fund upgrades to the power supply and/or enabling groundworks that are required to make the site suitable to host rapid charging infrastructure. All other costs relating to the supply, installation, operation and maintenance of the charge points will be met by the borough's chosen charge point operator.
21. In order for this approach to be commercially viable for charge point operators it is expected that they will require a guaranteed operating period of at least 8 years at a site. Over this period the borough will receive a revenue stream in the form of rental payments from the charge point operator and a percentage of the revenue generated from the charge points.

Neighbourhoods of the Future

22. The Neighbourhoods of the Future (NoFs) schemes aim to develop and deliver innovative infrastructure, policy, and initiative driven projects in eight locations across London. These locations were identified in the original bid to OLEV and consisted of:
 - LBs of Croydon and Sutton
 - LBs of Hackney and Islington
 - LB of Hammersmith & Fulham
 - LB of Harrow
 - LB of Haringey
 - LB of Islington
 - LB of Richmond upon Thames
 - Heathrow Airport
23. Officers from Transport for London (TfL) and London Councils have been working with the seven boroughs and Heathrow over the past few months to ensure that the revised proposals take account of the reduced funding allocation whilst still making sure that the key outputs are in line with the original bid submitted to OLEV. Officers from TfL and London Councils carried out site visits in the proposed NoF areas to help shape the final proposals.
24. The boroughs and Heathrow were asked to explore options more thoroughly to secure third party funding to support their ambitions, and review whether the original proposals were still feasible. The NoF boroughs and Heathrow were asked to submit their final proposals by Friday 2 September.
25. Representatives from TfL, London Councils and a borough (LB of Hounslow) formed part of an assessment panel to make recommendations on the final proposals. The next steps will be to inform the boroughs and OLEV of the outcomes and formally launch the NoF schemes using a press release in late October / early November. Following this, boroughs may wish to develop proposals further, such as through public consultation, before implementation between now and 2020.

Proposed Charter

26. As far as charging networks are concerned, it is now clear that London will operate in an environment of multiple charging networks serving different purposes. These will include charging points on and off-street, with some networks serving specific purposes (such as residential or car clubs) and others (such as Source London) being commercial public networks.
27. Local authorities will need to continue to have an involvement in electric vehicle charge points, whether or not they are delivered under the GULCS scheme, within the general strategy of encouraging the take up of electric vehicles to secure better air quality. There may be some instances, particularly where charging is entirely on private property, where there will be no specific involvement of the local authorities (or indeed the public sector more generally). This involvement will vary from that of a regulating authority, such as where charging points are proposed on the highway, or as a promoter, as is being proposed for the residential network through the Go Ultra Low City Scheme, or as a landowner, for example, for some of the rapid charging points.
28. These different roles may potentially conflict and it is felt that there would be some benefits in agreeing some basic principles connected with the public interest in charging networks, which could be expressed in the form of a charter. These would not be the same as users' interests and such a charter could not be binding on any provider, though it could provide an input to any legal agreements involving local authorities, which might in their own way be binding. Nor would it prevent any operator from setting up a network which did not comply. It would, however, provide a benchmark by which authorities could measure their involvement in charging in whatever role. It would also provide possible tender input for authorities where they are involved in procurement or delivery of charging points.
29. The issues that could be covered in a charter include:
 - Interoperability of payments
 - public availability of all charging points
 - widespread publication of any charges
 - clear identification of the network
 - easily available complaints procedures
 - requirement to supply certain types of data to local authorities
 - use of standardised plugs
 - use of a standardised London EV charging logo for compliant operators
30. If members agree the principle of such a charter then the GULCS Working Group could develop a draft for circulation to boroughs, network operators and others for comment before returning to TEC for agreement.

Car clubs

31. Car clubs first arrived on London's roads in 2003 and provide vehicles to members on a pay as you drive basis. This provides much of the convenience of owning a car but without the additional inconvenience and cost of running and maintaining a vehicle. Since 2003 there has been a significant expansion of the car club network with vehicles operating in the majority of London boroughs.

32. It is widely accepted that promotion of car clubs can reduce overall car dependence by making access to cars more flexible, which in turn reduces pressure on the road space and encouraging sustainable transport. They also bring wider benefits such as freeing up parking spaces due to reductions in car ownership; improved air quality and reduced CO₂ and NOx emissions through the use of cleaner vehicles and ULEVs; increased familiarity with electric vehicles; and reduced costs of living and doing business.
33. To facilitate the growth of the car club network in London, the Car Club Coalition was formed in 2014. This includes representatives of the car club operators, London Councils, GLA, TfL and industry bodies Carplus and the British Vehicle Rental and Leasing Association (BVRLA). Its main aim was developing a Car Club Strategy for London which would help grow the car club market to deliver the associated benefits outlined above.
34. The Car Club Strategy for London was produced in 2015 and endorsed by TEC at the committee meeting on 19 March 2015 and set out the following main actions:
- To develop a monitoring framework to assess and evidence the impact of car clubs
 - To work with key stakeholders to support car clubs
 - To transform London's public sector fleets
 - To build capacity and create a framework for supportive policy development
 - To help Londoners make the switch from private cars
 - To make parking management smarter and easier
 - To drive the uptake of low emission vehicles – 50% by 2025
 - To transform the profile of car clubs in London
 - To drive the uptake of car clubs in London's commercial fleets
 - To integrate car clubs
35. The coalition agreed that an ambitious approach of growing car clubs could achieve 1 million users by 2025, which would achieve significant benefits for reducing the negative impact of cars in terms of traffic, congestion and emissions. This would be focussed particularly on areas where modal shift away from car use would result.

Car Club Models

36. Currently in London there are three types of car club model operating. The most common is the round trip or back to base model, where the vehicle is returned to a dedicated bay after customer use. This type of car club is available in the majority of London boroughs and historically has been the proven model with regards to the known benefits of car club use.
37. Over the last two years four boroughs (Hackney, Haringey, Islington and Waltham Forest) have introduced floating or flexible car club schemes with DriveNow. These do not require the vehicle to be returned to a dedicated bay, but permit the parking of vehicles in parking bays across the borough. Recent research into the flexible car club model indicates that the potential fears regarding modal shift away from walking, cycling and public transport and vehicle clustering have not been realised to significant levels. More research is required in London but it is clear that workable flexible car clubs will be vital in ensuring that London can reach the ambitious targets for car club membership and use, if this is to result in modal shift away from car use.
38. The third variety, station-to-station car clubs are a hybrid between the previous two, with cars based at fixed locations but with users able to start and finish at any of the fixed locations, not needing to bring the car back to the place they started from. This is the model used by

Auto'Lib in Paris and is particularly suited for electric vehicles. There is little information about the impact of this type of car club as the operations in London are very small.

39. Carplus undertakes an annual survey, which provides information about the size of the car club sector, the travel behaviour of car club members and the emissions data of the car club fleet.
40. In 2015/16 the survey was completed by over 4,100 round trip car club members and over 1,100 flexible car club members in London. This was the first annual survey to include members of flexible car clubs since the introduction of this model.
41. Full details of the survey in London can be viewed at the link below¹ but headline figures indicate the following positive information.
 - There has been an increase in car club members in London from 155,000 in 2014/15 to 205,000 in 2015/16 (32%)
 - The number of vehicles available has increased from 2,400 to 2,800 during the same period
 - There are now 70 round trip members per car up from 66 per car last year
 - Indications are that the growth highlighted above will achieve the strategy targets for number of vehicles by 2020, but fall slightly short on the number of members.
 - For each round trip car club vehicle, car club members sell or dispose of 10 private cars – that is 25,000 private cars sold or disposed of by members
 - A third of round trip car club members reported that they would have purchased a private car if they had not joined a car club. This means a deferred purchase of a further 54,000 cars (or 22 cars for each car club vehicle). If you include those deferred purchases by flexible car club members as well, the number increases to 58,000.
 - Joining a car club leads to reduced levels of car ownership, with 25% of round trip car club members and 22% of flexible car club members having sold or disposed of a car in the last 12 months.
 - An average reduction in annual miles driven of 730 for round trip members and 840 for flexible car club members
 - After joining a car club, members reduce their car use. Prior to joining a round trip car club 22% of new round trip members travel by car at least once a week, falling to 17% after joining. The respective fall for flexible car club members was 32% falling to 29% after joining.
 - Car club fleets are safer than the average car with 88% of the fleet meeting the NCAP 5+ star or 5 star standard.
 - Car club vehicles are cleaner with eight out of ten car club vehicles are in the lowest three emissions bands (A,B,C). The largest proportion of privately owned vehicles (16%) is in the heavier polluting Band G.
 - Ultra Low Emission Vehicles within the London car club fleet increased from 24 in 2014 to 251 in 2015 which is set to grow further. By contrast diesel vehicles are disappearing from car club fleets, down from 47% in 2014 to 30% in 2015.
 - Half of flexible car club members have used an electric vehicle, with 9% of round trip members having used one (up from 4% in 2014/15).

¹ http://www.carplus.org.uk/wp-content/uploads/2015/03/Carplus-Annual-Survey-of-Car-Clubs-2015-16-London_Final-2.pdf

42. It is clear from the above statistics that the popularity of car club membership and the benefits that this brings is increasing in London as the market matures. Increased focus on ULEVs and improving the range of vehicle options available as well as the continued research into the developing flexible car club model should aid expansion where this can achieve modal shift.
43. The data now becoming available also suggests that the initial fears that flexible car clubs would lead to a net shift from public transport to car have not been realised. While the impact of flexible car clubs may not be as large as for conventional car clubs, it would appear to be in the same direction. That is, resulting in lower car ownership and reduced car mileage by members. Research undertaken by Steer Davies Gleaves (SDG) on behalf of Zipcar also suggests that a combination of both conventional and flexible car clubs could have a bigger combined impact in this way than either model on its own.
44. Research elsewhere backs up these findings on flexible car clubs. Reliable data is now available from similar schemes in Munich and Vienna (both of which have multiple car clubs operating on different models) which give findings that both conventional and flexible car clubs lead to car ownership reductions and modal shift from cars to other modes of transport. Munich City Council has adopted a broad policy of support for all types of car clubs as a result of the research there and has added to their policy that:
- Any parking spaces released by cars being disposed of (as a result of car clubs) should not be returned to the parking stock but should be converted to other uses; and
 - The city council should set out minimum standards for all the car clubs operating within the city's area
- In addition, research from 5 US cities which have adopted flexible car sharing schemes points in the same direction.
45. Some boroughs have replaced fleet payments to their employees and use car clubs as part of their fleet, which is showing improvements in fleet efficiency and therefore reducing costs (also through less parking spaces required).
46. As with charging networks, it is also clear that London is likely to see multiple car club operators offering differing models and styles of car clubs. In a commercial world this competition is healthy. However, there remains a public interest in car clubs both at a strategic level, in terms of reducing car use and improving air quality, and locally in places where regulating the highway may be needed, either to provide dedicated car club bays or in managing stopping points for flexible car club vehicles. It is suggested that a charter, similar to that for EV charging networks, setting out the public interest may also be valuable. This would not seek to replicate the charters and standards used by the BVRLA and Carplus, which set out users' interests, but more what London would wish to see car club operators provide for London's overall benefit. As with the proposed charging networks charter, this would not be legally binding, nor would it prevent anyone from setting up a car club which was not compliant. It could, though, provide a benchmark by which local authorities could assess the degree to which any particular car club supported London's overall interest.
47. Issues covered within such a charter could include:
- Membership of the car club coalition
 - Provision of suitable data to local authorities
 - Widespread publication of rates
 - Inclusion of ULEVs and EVs within fleets
 - Emission standards for fossil fuel operated vehicles

- Provision of information and complaints procedures
 - Use of a Londonwide logo for compliant operators
48. If members agree the principle of such a charter then a draft would be circulated to boroughs, network operators and others for comment before returning to TEC for agreement.

Recommendations

Members are asked to:

1. Note the update on the Go Ultra Low City Scheme
2. Give an in principle agreement to London Councils TEC taking on the Delivery Partner Strategy role as outlined in paragraphs 12-16
3. Note the findings of the car plus survey on use of car clubs
4. Agree that charters for both EV charging networks and car clubs, setting out the public interest in their use, should be prepared.

Financial Implications

There are no specific financial implications for London Councils from this report

Legal Implications

The addition of the strategic delivery role for TEC could require a change in the TEC constitution to add this as a function

Equalities Implications

There are no equalities implications of the recommendation.

Background Information

http://www.carplus.org.uk/wp-content/uploads/2015/03/Carplus-Annual-Survey-of-Car-Clubs-2015-16-London_Final-2.pdf

Evaluation: Car sharing - City of Munich; Team Red; February 2016

Can A Combined Car Club Mode Accelerate the Benefits of Car Clubs in London?; Steer Davis Gleave; October 2016

Car Sharing Study; City of Vienna; Spring 2016

London Councils' Transport and Environment Committee

Freedom Pass Progress Report Item No: 08

Report by: Stephen Boon **Job titles:** Chief Contracts Officer
Date: 13 October 2016
Contact Officer: Stephen Boon
Telephone: 020 7934 9951 **Email:** stephen.boon@londoncouncils.gov.uk

Summary: This report provides Members with a general progress update on the Freedom Pass scheme.

Recommendations: Members are asked to:

- Approve the recommendation to shut the renewal portal and phone line when new customer service enhancements to the Freedom Pass website are launched.; and
- Note the updated timescales for the Freedom Pass and Taxicard managed service contract re-let.

2016 Re-issue Progress Update

Introduction

1. The following section provides a progress update on the 2016 Freedom Pass re-issue as of 31 August 2016. On 31 March 2016 139,517 Older Person, 29,049 Disabled Person and 1,102 Discretionary Disabled Person Freedom Passes expired. Older person passholders received a letter asking them to renew either on line or by post. Disabled person passholders and discretionary disabled person pass holders were reassessed by boroughs and if still eligible received their 2021 passes without having to complete a renewal process.
2. The Renewal was overseen by a project board that met monthly between September 2015 and June 2016. The board is made up of representatives from:
 - the London boroughs;
 - London Councils' transport and mobility and communications teams;
 - Transport for London (TfL);

- Association of Train Operating Companies (ATOC);
 - Association of Chief Librarians;
 - Transport for All;
 - Age UK London; and
 - ESP Systex and Journeycall.
3. The final board meeting was held in June to review successes of the re-issue and lessons learned in order to improve future re-issues.

Older Persons Freedom Pass Renewal

4. The older person's renewal progressed well, with 78% completing their renewal by 31 March 2016. This is four per cent lower than at the same time in 2015. As of 31 August 2016 a further five per cent have renewed (83%). 79% have renewed on line and 21% using paper application forms.
5. Appendix 1 sets out progress to date in graphical format and Appendix 2 sets out progress in each of the boroughs. Members are asked to note two matters highlighted by these documents.
6. Renewal rates have slowed significantly and are now no more than in the tens daily (compared with thousands before the renewal deadline). Therefore, officers consider that the renewal portal and phone line should be closed and any further renewals dealt with through the replacement pass process (without the £10 replacement charge).
7. Officers recommend that the cut-off date should be set to coincide with the launch of the new online service for card replacements and account creation by the end of October.

Disabled Persons Freedom Pass renewal

8. The renewal of Disabled Person Freedom Pass holders is the responsibility of the local authority. Local authorities checked residency and confirmed continued eligibility of their pass holders against the Transport Act 2000 criteria. A total of 19,709 have been re-issued (65.37%). The renewal rate is lower, as boroughs have re-assessed eligibility and some passholders have been deemed no longer to be eligible.

Costs of the 2016 re-issue

9. The total forecast costs of the 2016 re-issue is £437,000. This is lower than the original £500,000 estimate because of lower than estimated renewal rates (the budget was based on a conservative estimate of 90% pass holders renewing).

Conclusions and Lessons Learnt

10. The following paragraphs set out some general conclusions about the renewal and consider improvements that can be made to specific areas of the service for future renewals.
11. Using objective measures regarding time and cost, officers consider that the 2016 renewal project was a success. Every eligible member that tried to renew their pass by the deadline was able to do so and received a replacement. The project was also delivered under budget.
12. Feedback received from people that renewed was overwhelmingly positive. Ninety-seven per cent of respondents that completed an on-line survey of their experiences said that the renewal process was 'easy' or 'very easy'. Furthermore, London Councils only received 10

complaints from pass holders (a 0.009% rate). These were predominantly regarding issues with the delivery of passes.

13. Nevertheless, stakeholders have made a number of recommendations to further improve future renewals. London Councils will consider the following for future renewals.
 - Project board: Introduce video conferencing facilities to improve communication with remote board members.
 - Method of contact: Initial reminders to passholders to be sent by email, rather than post to reduce costs.
 - Web portal and card management system: Increase visibility of online transactions to the customer contact centre to enable real time tracking of passes as they move through the production centre to improve the customer experience.
 - Disabled person renewals: Where necessary, boroughs to ensure communications to renewers clearly sets out the process. Introduce on-line renewal facility for disabled passholders.

New Customer Service Improvements

14. In June 2016, London Councils reported on a number of improvements that will be made to its online service. Namely, allowing passholders to create on-line accounts and make on-line payments for replacement Freedom Passes. These improvements are intended to bring a number of benefits. They will allow customers to transact with London Councils online, making their experience quicker and easier. And in the longer term, they will allow London Councils to realise savings in administering the scheme.
15. The work is being delivered in two phases. Phase one, replacement passes, is currently in testing by London Councils officers. And phase two, account creation, will follow on once testing of phase one is complete. It is anticipated that the improvements will be released to the public by the end of October 2016.

Freedom Pass Managed Service – Contract Re-Let

16. On 23 March 2016, TEC gave London Councils approval to retender the following contracted out services in relation to the Freedom Pass and Taxicard schemes:
 - Electronic data capture of member details
 - Application data validation
 - Card management
 - Card production;
 - Customer support (Optional for Taxicard)
17. The tender documents were published on the Official Journal of the European Union (OJEU) and its national equivalent, Contracts Finder, on 21 September 2016. This was slightly later than originally planned due to other commitments, namely, preparing London Councils' bid for the Road User Charging Adjudicators re-tender and on-going work with TfL regarding the future of social needs transport. The table below sets out the revised timetable for the tender exercise.

| Event | Start | Finish | Duration |
|--|--------------|---------------|-----------------|
| OJEU Notice Published – Pre-Qualification Questionnaire (PQQ) launched | 21/09/2016 | 21/10/2016 | 31 days |
| Deadline for the receipt of PQQs | 21/10/2016 | 12 noon | n/a |
| Assessment of PQQs | 24/10/2016 | 11/11/2016 | 19 days |
| Notification of PQQ assessment | 17/11/2016 | 17/11/2016 | 1 day |
| Issue of invitation to tender (ITT) | 21/11/2016 | 21/11/2016 | 1 day |
| Deadline for clarification of questions | | 17/01/2017 | n/a |
| Deadline for the receipt of tenders | 24/01/2017 | 12 noon | n/a |
| Initial assessment of tenders | 25/01/2017 | 08/02/2017 | 15 days |
| Provider visits / interviews | 20/02/2017 | 24/02/2017 | 5 days |
| Final evaluation of tenders | 27/02/2017 | 03/03/2017 | 5 days |
| Transport and Environment Committee considers officer recommendations | 16/03/2017 | | |
| Contract awarded and letter sent for the successful bidder | 17/03/2017 | 17/03/2017 | 1 day |
| Standstill period between notification of results of procurement and signing of contract | 17/03/2017 | 26/03/2017 | 10 days |
| Contract signed | 03/04/2017 | 03/04/2017 | 1 day |
| Mobilisation period | 03/04/2017 | 02/10/2017 | 125 days |

Financial Implications for London Councils

The Director of Corporate resources reports that a sum of £362,000 of the total £437,000 forecast cost of the 2016 re-issue was charged to the 2015/16 Freedom Pass budget of £1.518 million. The estimated residual cost of £75,000 will be met from the 2016/17 budget, of £1.518 million also. The total final cost for the re-issue is therefore expected to be well within the £500,000 approved estimate and forms part of the overall projected underspend of £503,000 as at 30 June (Month 3) reported to the TEC Executive Sub-Committee in September. The position at the half-year stage will be reported to the Sub-Committee in November.

Equalities Implications for London Councils

The new developments will be built using principles that have previously been user tested by Freedom Pass holders. Therefore, London Councils and ESP are confident that the new developments will be accessible to all users. Features include self help videos and layout optimisation for blind and partially sighted people.

Recommendations

Members are asked to:

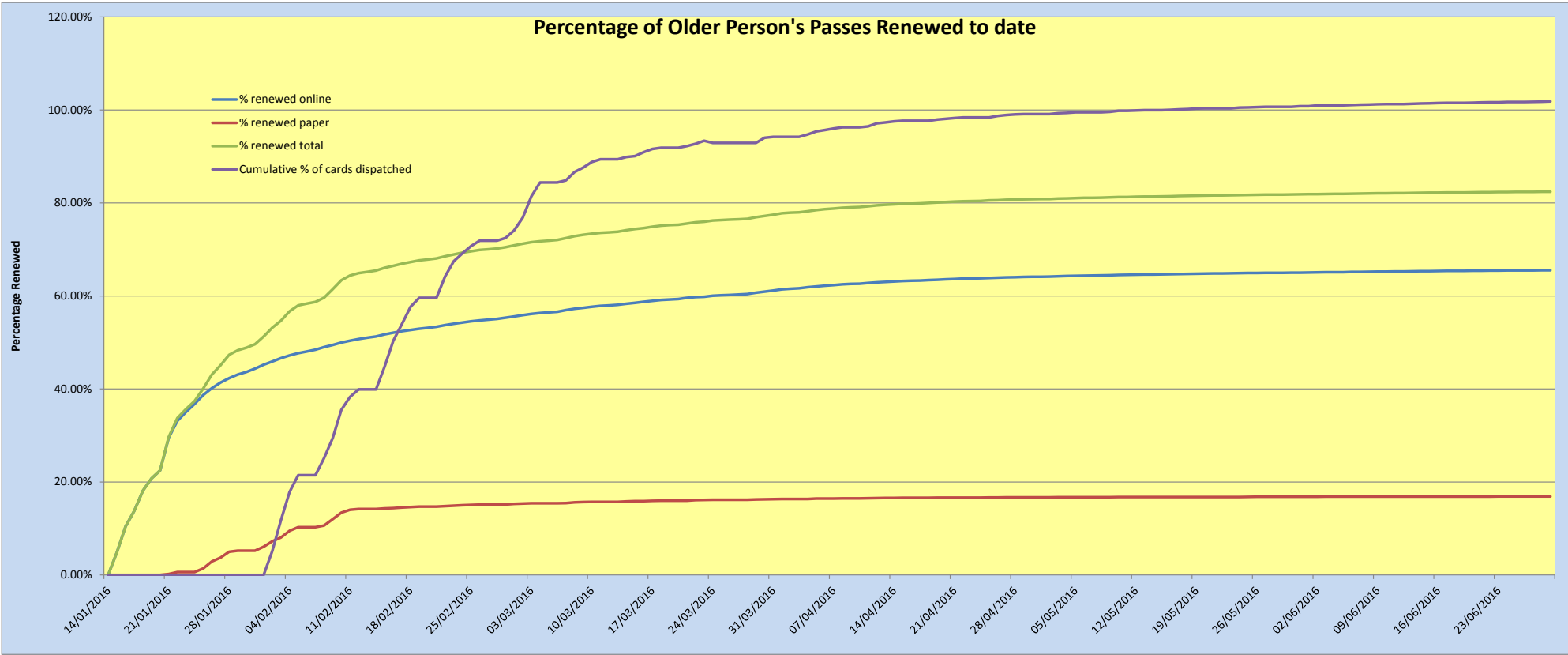
- Approve the recommendation to shut the renewal portal and phone line when new customer service enhancements to the Freedom Pass website are launched; and
- Note the updated timescales for the Freedom Pass and Taxicard managed service contract re-let.

Background Papers

TEC – Freedom Pass Progress Report – 23 March 2016 (Item 10)

TEC – Freedom Pass Progress Report – 16 June 2016 (Item 14)

Appendix 1.



Appendix 2. Renewal Borough Renewal Rates

| Borough | Total % Passes Renewed | Number of Older Person Passes Expired in 2016 |
|-------------------------------|-------------------------------|--|
| Havering | 88.60% | 4703 |
| Camden | 88.40% | 4260 |
| Bexley | 88.30% | 4463 |
| Bromley | 86.57% | 6484 |
| Richmond upon Thames | 86.16% | 4763 |
| Hillingdon | 85.85% | 4212 |
| Harrow | 85.55% | 5739 |
| Barnet | 85.26% | 7301 |
| Redbridge | 85.03% | 4982 |
| Enfield | 84.92% | 5306 |
| Croydon | 84.33% | 6648 |
| Kingston upon Thames | 84.10% | 2371 |
| Barking & Dagenham | 83.37% | 3054 |
| Sutton | 83.28% | 4048 |
| Greenwich | 83.00% | 3577 |
| Hounslow | 82.71% | 3516 |
| Merton | 82.51% | 2825 |
| Islington | 82.50% | 4481 |
| City of London | 82.28% | 6090 |
| Hammersmith and Fulham | 82.18% | 3115 |
| Ealing | 82.13% | 4332 |
| Wandsworth | 81.94% | 216 |
| Lewisham | 81.47% | 3901 |
| Brent | 81.45% | 5455 |
| Waltham Forest | 80.60% | 4046 |
| Southwark | 80.58% | 3980 |
| Kensington and Chelsea | 80.37% | 3806 |
| Lambeth | 80.20% | 3708 |
| Hackney | 80.11% | 4053 |
| Haringey | 80.04% | 3061 |
| Tower Hamlets | 77.90% | 2710 |
| Newham | 77.39% | 3800 |
| City of Westminster | 76.61% | 4511 |
| Total | 85.76% | 139517 |

* The total number of cards expiring is greater than the total number of letters posted because this table includes cards renewed in the London Borough of Camden who did not write to pass holders but undertook internal verification of residency details.

London Councils' Transport & Environment Committee

Environment and Traffic Adjudicator Recruitment

Item no: 09

Report by: Caroline Hamilton

Job title: Chief Environment and Traffic Adjudicator

Date: 13th October 2016

Contact Officer: Caroline Hamilton

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Summary:

This report provides details of the proposed recruitment exercise for Environment and Traffic Adjudicators as mentioned in the chief adjudicator's report to the Committee dated 16th October 2014.

Recommendations:

1. That the Committee agrees to the implementation of the proposed recruitment exercise.
2. That the Committee consents to the new terms and conditions for the appointment of Environment and Traffic Adjudicators (subject to the consent of the Lord Chancellor or nominated officer holder).
3. That the Committee consents to the introduction of the new pay structure allowing payments to be made by allocated lists as well as by hourly rate.

Background:

1. Appointment requirements

Adjudicators are part-time office holders appointed under the terms of section 81 of the Traffic Management Act 2004.

Section 81(2) The following provisions apply in relation to the office of adjudicator:

- (a) To be qualified for appointment as an adjudicator a person must have a 5 years general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990) (a barrister or solicitor).

- (b) an adjudicator is appointed for a term, not exceeding five years, specified in his instrument of appointment;
- (c) on the expiry of a term of appointment an adjudicator is eligible for re-appointment;
- (d) an adjudicator may be removed from office only for misconduct or on the ground that he is unable or unfit to discharge his functions, but otherwise holds and vacates office in accordance with the terms of his appointment.

The regulations also provide:

Section 81 (3) (a) for adjudicators to be appointed by the relevant enforcement authorities on such terms as those authorities may decide, and

(b) for the consent of the Lord Chancellor to be required for any decision by those authorities -

- (i) to appoint a person as an adjudicator;

2. Current adjudicators

There are currently 34 qualifying adjudicators. A number of adjudicators offer the tribunal limited sitting times. 29 adjudicators offer regular sitting commitments, this can however be as little as one half day a week. Of the 29 offering sittings, a further 6 are due to retire within the next five years by reason of age. Others may retire prior to the age limit (70) in the current terms and conditions. This, with the increasing difficulty experienced in filling the full complement of hearing slots offered by the tribunal to parties seeking a personal appeal hearing (in particular, sittings on Saturday mornings, Monday early sittings and Thursday late sittings) has resulted in the proposal for recruitment. Recruitment will also potentially provide the Committee with the opportunity of recruiting a more diverse group of adjudicators.

3. The proposal

It is proposed that 30 adjudicators are appointed on a fixed four year non-renewable term. The new adjudicators will take up appointment in groups of 10 over a period of 18 – 24 months depending on the needs of the tribunal, thereby ensuring a variance in termination dates.

4. Current terms and conditions

Adjudicators are appointed for a term of 5 years. Under the current terms and conditions (appendix 1), in line with the provisions of the Traffic Management Act, at the end of the term, appointments are automatically renewed for a further five year period. It is proposed that terms and conditions for the new appointments are limited to a four year period with no provisions for renewal (appendix 2). This limited term of appointment reflects the terms now in place for a number of judicial office holders and corresponds with the expectation that the appointment as an environment and traffic adjudicator is a starting point for qualified persons

seeking a judicial appointment within the courts and tribunal service (should the committee agree to this course the consent of the Lord Chancellor will need to be obtained to offer the fixed non-renewable term).

5. Pay structure

Adjudicators are currently paid by the hour rather than by sitting day. This is unusual for an office holder carrying out a judicial function. There is no proposal for a change in the hourly rate of pay (currently £55.09). It is however proposed that the adjudicators may be paid for a full day (amounting to the current equivalent of a 7 hour working day) or for a half day (amounting to the current equivalent of a 3 ½ hour working day) by way of a full day or half day appeal list. For each sitting period the adjudicator will receive a set list of appeals to determine. This option will allow for a better management of adjudicator time and will result in a more efficient and consistent throughput of cases.

6. Cost implications

The recruitment exercise will be at a cost. £15,000 is the estimated cost to cover the following items:

- (a) Advertising (Counsel Magazine/Law Society Gazette) example advertisement appendix 3).
- (b) Application sifting/interview letters – Time estimate will depend on number of applications received.
- (c) Interviews. It is proposed that interviews are conducted by the following panel: the chief adjudicator, an adjudicator, an independent assessor with experience of judicial appointment exercises. The interviews will include a written test and 30 minute interview. Time estimate 60 interviews 30 hours.
- (d) Preparation of report to TEC and to Lord Chancellor/rejection and appointment letters.

7. Financial implications

The Director of Corporate Resources comments that the estimated cost of the recruitment exercise as detailed above can be met from existing budgets. These costs will be incurred over the period of the recruitment campaigns during the 2016/17 and 2017/18 financial years. The proposal regarding the pay structure may have financial implications in future years once trends are identified they will be detailed and included in future years' budgets as necessary.

8. Legal implications

There are no legal implications for London Councils.

9. Equalities implications

There are no equalities implications from this report.

10. Recommendations

- 1. That the Committee agrees to the implementation of the proposed recruitment exercise.
- 2. That the Committee consents to the new terms and conditions for the appointment of Environment and Traffic Adjudicators (subject to the consent of the Lord Chancellor or nominated officer holder).
- 3. That the Committee consents to the introduction of the new pay structure allowing payments to be made by allocated lists as well as by hourly rate.

11. Appendices

Appendix 1 – Parking Adjudicators for London Current Terms and Conditions

Appendix 2 – Environment and Traffic Adjudicators for London Terms and Conditions of Appointment

Appendix 3 – Draft Advertisement for Environment and Traffic Adjudicators

Appendix 1 - current terms and conditions

PARKING ADJUDICATORS FOR LONDON TERMS AND CONDITIONS OF APPOINTMENT

Appointment

All appointments are made for a period of five years.
Adjudicators shall hold and vacate office in accordance with the terms of his/her appointment as follows :

Renewal

At the end of the five year appointment renewal for further periods of five years is automatic subject to the individual's agreement and the upper age limit unless a question of cause for non-renewal is raised or the individual no longer satisfies the conditions or qualifications for appointment.

Non-renewal

There are five grounds for non-renewal

1. misconduct
2. being unable or unfit to discharge the functions of an adjudicator
3. persistent failure to comply with sitting commitments
4. failure to comply with training requirements
5. part of a reduction in numbers because of changes in operational requirements

A decision not to renew on ground 1-4, or to remove from office would be taken with the concurrence of the Lord Chief Justice or his nominee. Such a decision would be taken following an investigation made at the request of the Transport and Environment Committee of London Councils conducted by a judge nominated by the Lord Chief Justice in consultation with the Chief Parking Adjudicator.

Decisions on non-renewal on ground 5 and the extent to which it will be used are taken after consultation with the Chief Parking Adjudicator with the concurrence of the Lord Chief Justice.

Termination

In accordance with the Traffic Management Act 2004 and its accompanying regulations and with reference to section 73 of the Road Traffic Act 1991, an Adjudicator may be removed from office for misconduct or on the ground that he/she is unfit to discharge his/her functions

Sittings

Subject to work being available adjudicators are required to sit a minimum of 36 hours per financial year. When the hearing centre is open, Adjudicators will be entitled to the offer of a minimum of 3 hours sitting time per month. This figure may be subject to adjustment in light

of operational needs. Any further sitting allocations will be those agreed with the Chief Adjudicator.

Fees

Fees are paid net of income tax and national insurance. Training sessions are paid at half rate.

Upper age limit

An appointment will not continue beyond the age of 70.

Parking Adjudicators for London
Terms and Conditions January 2012.

DRAFT

ENVIRONMENT AND TRAFFIC ADJUDICATORS FOR LONDON TERMS AND CONDITIONS OF APPOINTMENT

Appointment

All appointments are made for a non- renewable period of four years. Adjudicators shall hold and vacate office in accordance with the terms of his/her appointment as follows:

Termination

There are five grounds for termination within the four year fixed term period:

1. misconduct
2. being unable or unfit to discharge the functions of an adjudicator
3. persistent failure to comply with sitting commitments
4. failure to comply with training requirements
5. part of a reduction in numbers because of changes in operational requirements

A decision to remove from office would be taken with the concurrence of the Lord Chief Justice or his nominee. Such a decision would be taken following an investigation made at the request of the Transport and Environment Committee of London Councils in consultation with the Chief Parking Adjudicator.

Sittings

Subject to work being available adjudicators are required to sit a minimum of 36 hours per financial year. When the hearing centre is open, Adjudicators will be entitled to the offer of a minimum of 3 hours sitting time per month. This figure may be subject to adjustment in light of operational needs. Any further sitting allocations will be those agreed with the Chief Adjudicator.

Fees

Fees are paid net of income tax and national insurance. Training sessions are paid at half rate.

Environment and Traffic Adjudicators for London
Terms and Conditions October 2016

Draft Advertisement

Environment and Traffic Adjudicators

The Transport and Environment Committee of London Councils is charged with appointing adjudicators under the terms of the Traffic Management Act 2004. The Committee is seeking to appoint a number of part-time adjudicators to determine parking, moving traffic, litter and waste appeals arising further to the issue of civil penalty charge notices by the London enforcement authorities including Transport for London.

Adjudicators must be barristers or solicitors of no less than five years standing. They are independent and impartial officer holders, sitting alone determining oral and written appeals by assessing evidence, making findings of fact and applying the relevant law. The Lord Chancellor's consent must be obtained for each appointment.

The Environment and Traffic adjudicators are supported by London Tribunals a service provided by London Councils. Appeals are held at London Tribunals, Chancery Exchange, Funnival Street, London EC4 between 8am and 8pm on weekdays and on Saturday mornings. London Tribunals operates a paperless cases management system. Determinations are generated through the system by the adjudicators who must be computer literate. Adjudicators are currently paid £55.09 an hour and are expected to offer a minimum of three hours sitting time a week.

For an information pack and application form please access:

www.Xxxxx

London Councils' Transport and Environment Committee

Environment and Traffic Adjudicators' Annual Report 2015/2016

Item
No: 10

Report by: Caroline Hamilton

Job title: Chief Adjudicator
Environment and Traffic

Date: 13th October 2016

Contact Officer: Caroline Hamilton

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Summary: A joint Annual Report by the Environment and Traffic Adjudicators for the reporting year 2015-2016

Recommendations: That members receive and note the report.

Environment and Traffic Adjudicators

ANNUAL REPORT

2015-2016

*The Annual Report of the Environment and Traffic
Adjudicators to the Transport and Environment Committee
of London Councils.*

*The Environment and Traffic Adjudicators
London Tribunals 2015-16*

| CONTENTS | Page |
|--|-------------|
| 1. Chief Adjudicator's foreword | 3 |
| 2. Workload | |
| Appeals | 5 |
| Personal/Postal | 8 |
| Costs | 9 |
| 3. Law and Procedure Update | 11 |
| (a) Panel Hearings | 11 |
| (b) Waste | 19 |
| (c) Statutory Declarations and Witness Statements | 21 |
| 4. Judicial Review | 26 |
| (a) Update | 26 |
| (b) Decisions | 27 |
| 5. Training and Appraisal | 31 |
| (a) Training | 31 |
| (b) Appraisal | 32 |
| 6. The Adjudicators | 34 |
| 7. The Proper Officer Team | 35 |
| 8. Appendix – Appeal Themes | 36 |

*The Environment and Traffic Adjudicators
London Tribunals 2015-16*

1. CHIEF ADJUDICATOR'S FOREWORD

This reporting year has seen a number of changes for the tribunal and the adjudicators. Firstly, our name has been altered to reflect the nature of the work that we now undertake; what were the London Parking Adjudicators are now known as the Environment and Traffic Adjudicators (ETA). This name encompasses the growing number of appeals that we now register arising from civil penalty charge notices issued for moving traffic contraventions, as well as the developing area of civil enforcement under the London Local Authorities Act 2007 relating to Waste and Litter. Secondly we have moved from our tribunal premises at Angel Square in Angel Islington to a smaller, but more central hearing centre at Chancery Exchange, Furnival Street, London EC4. This move into central London allows the adjudicators to offer a more accessible tribunal to our users and in particular to parties to an appeal who wish to attend a personal appeal hearing. Thirdly, we have been provided with new administrative support. The Proper Officer team, in place to support the adjudicators' work under the Traffic Management Act 2004, now carries out its function under the name "London Tribunals" with a new automated paperless case management system. The change to our case management system has proved to be the most challenging for adjudicators and the proper officer team, who have had to manage their usual heavy caseload without the streamlined computerised support that we had become accustomed to.

Despite these alterations, the adjudicators have remained focused on their workload, determining a large number of personal and postal appeals. Adjudicators have also taken the opportunity provided by a new case management system to review the processes and procedures applied

to the statutory declaration and witness statement referral lists to ensure a more efficient and timely resolution of this growing aspect of our caseload.

*With a view to achieving consistency and certainty, our practice of grouping and consolidating cases has continued, resulting in determinations that provide clear guidance and assistance to prospective parties to an appeal. This year adjudicators promulgated a detailed and helpful analysis of the loading/unloading exemption under the panel decision **Alan Bosworth and others v. The London Borough of Tower Hamlets ETA (2015)** which has been added to our list of key cases (see report at page 13).*

The Environment and Traffic Adjudicators are pleased to present their 2015-2016 annual report to the Transport and Environment Committee of London Councils and take this opportunity of expressing thanks to the Proper Officer team for their continued commitment to the tribunal's work.

Caroline Hamilton

Chief Adjudicator

Environment and Traffic

London, April 2016

*The Environment and Traffic Adjudicators
London Tribunals 2015-16*

2. WORKLOAD

It remains the case that only a very small proportion of Penalty Charge Notices issued by the enforcement authorities result in a contested appeal. The figures detailed below include appeals registered in the previous year that were scheduled for determination in the 2015-2016 reporting year. The total number of appeals and referrals received will not necessarily be reflected in the number of outcomes recorded, a number of appeals being withdrawn or discontinued for a variety of reasons. Discrepancies in the figures may also arise as a result of multiple penalty charge notices being registered for appeal under the umbrella of one appeal case number. It must also be remembered that a number of witness statement/statutory declaration referrals are listed for appeal on the direction of the adjudicator.

APPEALS

TOTAL of ALL:

37,934 appeals received

6,477 statutory declaration/witness statement referrals

Total: 44,411

35,828 appeals were determined (this figure includes appeals lodged in the previous year but determined in the reporting year)

17,213 appeals were allowed of which 7,302 were not contested

18,615 appeals were refused

The number of appeals has been broken down into contravention types (parking, bus lane, moving traffic, London lorry control, litter and waste) and the number of appeals received and decided.

Parking appeals received

28,693 appeals were received

5,821 referrals were made

TOTAL: 34,514

Parking appeals decided

27,696 appeals were determined

Allowed

13,572 appeals were allowed of which 5,803 were not contested

Refused

14,124 appeals were refused

Bus lane appeals received

1,483 appeals were received

146 referrals were made

TOTAL: 1,629

Bus lane appeals decided

1,292 appeals were determined

Allowed

587 appeals were allowed of which 185 were not contested

Refused

705 appeals were refused

Moving traffic appeals received

7,607 appeals were received

510 referrals were made

TOTAL: 8,117

Moving traffic appeals decided

6,693 appeals were determined

Allowed

2,970 appeals were allowed of which 1,256 were not contested

Refused

3,723 appeals were refused

London Lorry Control

126 appeals were received

London Lorry Control appeals decided

122 appeals were determined

Allowed

63 appeals were allowed of which 43 were not contested

Refused

59 appeals were refused

Litter appeals

1 appeal was received

1 appeal was refused

Waste appeals

24 appeals were received

24 appeals were determined

Allowed

21 appeals were allowed of which 15 were not contested.

Refused

3 appeals were refused.

PERSONAL/POSTAL APPEALS

Postal Hearings: 26,575 (2014-2015)

Personal Hearings: 16,600 (2014- 2015)

Our new system has been able to record the split of appeal types from 1st July 2015 to March 2016 only. Of the 24,769 appeals registered in that period, 15,297 were recorded as postal selections with 9,472 scheduled for personal hearings. We hope to be able to provide full details of the appeal type selection in our 2016-17 report.

We have eight personal appeal hearing rooms at Chancery Exchange, as well as case management and adjudication systems available to adjudicators working on ancillary matters or postal determinations. Personal appeal hearings are usually scheduled with an allocated hearing time of half an hour. We aim to remain an accessible and user friendly tribunal and personal appeal hearings are listed at first instance to accommodate the appellant's preferred date and time selection. It is important that a motorist seeking to contest liability for a penalty is not prejudiced financially by having to take time off work in order to pursue an appeal. To that end adjudicators provide personal appeal hearing slots throughout the day, with early morning listings on Mondays from 8am and late listings on Thursday afternoons, with a final listing at 7.30pm. The hearing centre is also open on Saturday mornings to ensure that motorists who have work or other commitments during the week

are able to attend a hearing on a Saturday. Postal appeals are determined by the adjudicators on the evidence submitted by each party with no need for attendance. Enforcement authorities do not generally select personal appeal hearings or indeed send representatives to a personal appeal hearing selected by an appellant, preferring to rely on the evidence and written submissions, thereby keeping the cost of contesting the appeal at a proportionate level. Appellants who do not make a personal/postal selection are, as a precautionary measure, automatically granted a personal appeal listing. Appellants whose statutory declaration/witness statement referrals progress to an appeal may also select a personal hearing. When parties fail to attend a hearing the matter will usually be determined by the adjudicator on the evidence submitted.

COSTS

There is no tribunal fee to Appellants who decide to register an appeal and our Appeals Regulations make it clear that an award of costs is not the norm. Parties to an appeal should not be deterred from lodging an appeal through fear of a financial penalty or an escalating penalty amount. Once an appeal has been registered, the penalty amount (full not discounted) remains frozen until the determination of the appeal. However, under Paragraph 13 of the Schedule to the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 an adjudicator may make an order awarding costs and expenses against a party (including an Appellant who has withdrawn his appeal or an Enforcement Authority that has consented to an appeal being allowed) if the adjudicator is of the opinion that that party has acted frivolously or vexatiously or that his conduct in making, pursuing or resisting an appeal was wholly unreasonable; or against an

enforcement authority where the adjudicator considers that the disputed decision was wholly unreasonable.

In the limited reporting period available on our current case management system, 6th July 2015 to 31st March 2016, 74 applications were listed for a determination by the adjudicator further to an application for costs; 67 from Appellants and 7 from Respondent enforcement authorities.

The applications for costs received within that period break down as follows:

Appellants

Parking 55

Bus Lane 3

Moving Traffic 9

London Lorry Control 0

Litter and Waste 0

Total 67

Enforcement Authorities

Parking 6

Bus Lane 0

Moving Traffic 1

London Lorry Control 0

Litter and Waste 0

Total 7

This small number of contested applications for costs reflects the intended restriction in the regulations. A number of applications are determined within the appeal hearing itself with no need for a separate costs listing. This would usually arise when the adjudicator has determined that the party applying for costs has failed to meet the required threshold of the regulations, without considering it necessary to adjourn the hearing for representations on the application from the opposing party. Other applications are misconceived, seeking large sums in compensation rather than a return of costs that have actually been incurred in lodging the appeal. A further number are not pursued once full particulars and supporting evidence are requested by the adjudicator. The thrust of the regulations remains reflected in the number of awards made; in our jurisdiction, costs are not the norm.

3. **LAW AND PROCEDURE UPDATE**

(a) Panel Hearings

Adjudicators generally sit alone to determine appeals, each adjudicator being an individual officer holder appointed under the terms of the Traffic Management Act 2004. Adjudicators are not obliged to follow a decision of a fellow adjudicator, even if it arises further to an appeal regarding a contravention, location or circumstance that may, on the face of it, appear very similar. Such decisions are persuasive but not binding on the

determining adjudicator. Each case can only be decided on the evidence submitted by the parties, as assessed by the adjudicator, for that particular appeal.

To that end, panel hearings are arranged sparingly, but are convened when it is considered proportionate to do so, with a view to determining an issue that has caused a level of uncertainty to arise for the parties or has generated a large number of appeals.

A panel hearing allows the parties to the appeal to present more detailed expert submissions on a point of law and in turn provides the adjudicators with the opportunity of analysing appeal points in some depth, with a view to providing firm guidance on the correct approach and application of the pertinent law to the issue in question.

To date, the adjudicators have generated only five panel decisions, each summarised below, with full determinations available on our website at www.londontribunals.gov.uk under key cases.

It is envisaged that panel decisions assist in promoting certainty of outcome and provide a source of information and advice to prospective appellants and respondents alike, with a view to discouraging the pursuit of appeals or enforcement where there is no legal merit, thereby saving public money.

1. **London Borough of Hammersmith and Fulham v Azadegan PATAS (2011)**

2110041915 and London Borough of Haringey v Orphanides PATAS (2011)

2110032583. This decision considers the definition of a U-turn further to the issue of penalty charge notices for performing a prohibited turn in contravention of the no U-turn roundel.

2. **Peter Burness v City of London PATAS (2011) 2110325661 Pool Motors v City of London PATAS (2011) 2110534297**. A decision analysing the requirements for the use of CCTV camera enforcement and approved devices.
3. **Gillingham v London Borough of Newham PATAS (2013) 2130193949 Essoo v London Borough of Enfield PATAS (2013) 2130232767 Khan v Transport for London PATAS (2013) 2130261437**. This decision concerns the required elements of the box junction infringement contravention.
4. **Miller and Others v Transport for London PATAS (2014) 214015350A**. This case focuses on technical challenges to the validity of a penalty charge notice and to the statutory documentation that the enforcement authorities are required to serve, namely the Notice to Owner and the Notice of Rejection. It also references the issues that can arise when unqualified representatives, who, having no duty to their “client” or the tribunal, create additional public cost and delay to the work of the tribunal.
5. **2016 PANEL HEARING: Alan Bosworth and others v. The London Borough of Tower Hamlets ETA (2015)**.

On 14 September 2015, a specially convened Panel of Adjudicators (Mr Edward Houghton and Mr Alastair McFarlane) heard seven appeals consolidated under the provisions of Paragraph 14 of the Schedule to the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 on the ground that common questions of law or fact arose in the appeals and that it was desirable for the issues to be determined together. None of the parties objected to the consolidation. The factual/legal connection between the cases was that all of them raised issues as to loading or unloading. The adjudicators considered that the consolidation of the appeals would provide an appropriate opportunity to revisit the law on this topic – the lead decision from this tribunal having been decided nearly 20 years ago in the case of Westminster **City Council v. Jane Packer Flowers PATAS (1997)**

The Approach of the Panel A large number of appeals that come before the Tribunal concern the issue of what constitutes the exemption of "loading and unloading" or "delivering or collecting" goods or what constitutes proper use of a loading bay. The standard form of exemption found in Traffic Management Orders is that:

"No person shall cause or permit any vehicle to wait during prescribed hours in a restricted street except.... For so long as may be necessary for delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the street"

In the case of loading bays, Traffic Management Orders commonly provide that a vehicle may wait or be left in the bay for the purposes of loading or unloading goods. The Panel is satisfied that the term "loading" carries the

same meaning and the same principles apply for loading/unloading exemptions and for loading bays. The meaning and extent of the term loading/unloading was set out in Mr Houghton's decision in **Westminster City Council v. Jane Packer Flowers PATAS (1997)** where the extensive case law was considered. Although this decision is no more than the view of an individual adjudicator, it was arrived at following full legal argument from Counsel representing three parties, none of whom applied for review of the decision; and it has since been widely applied by adjudicators, Enforcement Authorities and Appellants.

Since the decision in **Westminster City Council v. Jane Packer Flowers**, many Councils and adjudicators have taken the view that any form of commercial or business context would remove the necessity to consider the bulk or weight of the items, no matter how small they might be. They have also taken the view that, unless goods have been pre-ordered, the process of going into a shop to make a purchase must be viewed as shopping rather than loading. Both these views require reconsideration in the light of the case of **Marsh v Thompson [1985] QBD (Unreported)**.

The Panel's Conclusion The Panel concluded that although much of the adjudicator's decision in **Westminster City Council v Jane Packer Flowers** remained good law, in the light of the authority of **Marsh v Thompson**, some modification and elucidation of its conclusions was required. The Panel concluded that the key points to be drawn from the case law as explained in **Marsh v Thompson** were as follows:-

- a. Loading and unloading primarily means loading or unloading something heavy or bulky i.e. a **"load"**.
- b. The underlying principle when considering whether the exemption applies is whether it can fairly be said that what was taking place was the sort of activity the exemption was intended to cover. (**Sprake v Tester**)
- c. Loading and unloading is essentially the movement of something heavy or bulky from premises to a vehicle and vice versa. The key test as to whether something is heavy or bulky enough to qualify, is whether the use of a vehicle was reasonably necessary for its transport. (**Richards v McKnight**)
- d. It is not automatically the case that merely because items are being moved in a commercial context loading will be established, whether or not the goods are heavy or bulky (**Marsh v Thompson**).
- e. However, in the case of couriers or professional deliverers of goods on a delivery round, this commercial context leads the Panel to conclude that this is certainly the sort of activity for which the exemption is designed - even if an individual item being delivered at any one point, is small and easily carried in the hand. In the Panel's judgment it would be wholly unrealistic to expect, for example, a DHL courier to ask himself every time he parked whether his next parcel was big enough to qualify; or to require the milkman to find a parking bay every time he stopped to deliver a bottle of milk. The exemption to waiting restrictions and the provision of loading bays are, in the Panel's view, designed exactly to allow the carrying on of essential commercial activity of this kind.
- f. In the Panel's judgment different considerations may well apply to, for example, the greengrocer taking, say, a bag of lemons to his shop or the

estate agent dropping off keys or the solicitor collecting a light file from his offices. As a one-off delivery of a small item, such cases are likely to fail, despite the commercial context. The case of **Kenny PATAS (2013) 2130636755**, where a gas engineer collecting paperwork was not found to be loading, provides an example of Adjudicators applying this approach.

- g. The process of shopping is not loading. Most supermarket shoppers undertaking their weekly shop have heavy and bulky items to carry from the shop - normally because a large number of individual small items are heavy in total. In our view, such a motorist would not be entitled to use a loading bay while the items were selected and then paid for. Were it otherwise yellow lines and loading bays would effectively be turned into shoppers' car parks - something which, in the Panel's judgement, was not what the bays and lines were intended for. However, once the goods have been selected and paid for, it would, in the panel's view, be within the purposes of the bay or the exemption for a vehicle to be brought round and parked whilst moving the purchased items into the vehicle.
- h. Nonetheless, there may be circumstances, when the payment for a heavy and bulky item may be merely ancillary to the collection. For example, the motorist who has pre-selected a heavy chair and parked in a loading bay to collect it. The fact that he had not pre-paid for it would not, be fatal to a correct use of the loading bay. Each case must turn on its own merits and is a question of fact and degree for the individual Adjudicator. However it is the Panel's view that going round the shop and selecting items - even if they are heavy and bulky - cannot fall to be treated as loading.

Summary of the Panel's conclusions on the law

The Panel considered it might be helpful for both Councils and motorists to have a summary of the Panel's conclusions in the light of the entirety of the case law. It has to be borne in mind that it is impossible to define "loading" so precisely that it will cover every factual situation and that there will inevitably be marginal cases and grey areas. Subject to that, the principles to be applied are as follows:-

- Loading is all about the movement of loads i.e. heavy or bulky items from premises to vehicles, items which necessitate the use of a vehicle for their transport.
- The overarching question is whether the activity that was taking place can fairly be said to be one which the exemption was intended to cover.
- Motorists – whether acting in a commercial or private capacity - should ask themselves:
 - whether the items can reasonably be transported by hand, as opposed to needing the vehicle to transport them. Slynn J gave the examples of the motorist collecting their shoes or a fountain pen just having been repaired as cases falling the wrong side of line. Lord Goddard CJ gave the examples of the piece or two of furniture inside the vehicle or half a dozen pictures to be reframed or even a heavy laundry basket as items that would be covered. The issue may be affected by the physical characteristics of the driver, such as age or disability.
- A commercial context may be relevant to deciding whether the activity falls within the exemption, especially in the case of couriers and other

professional deliverers. However, it is not the case that moving an item, no matter how small, is covered merely because it is in the course of trade or business. The smaller the item the more difficult it will be for the motorist to persuade the Council or an adjudicator that an exemption applies.

- Going round a shop or supermarket selecting goods is not “loading” but “shopping”, even if the items individually or cumulatively when purchased are heavy or bulky. Bringing a vehicle round to collect the items, once selected and paid for, would usually fall within the exemption.
- The one-off purchase of a large item may be covered even if payment is made for it before it is moved to the vehicle. The payment must be merely ancillary to the collection. If items have been pre-ordered, parking whilst collecting them will normally be covered, even if payment is made, (provided they are sufficiently weighty or bulky to necessitate the use of a vehicle).
- The completion of necessary paperwork will normally be viewed as part and parcel of the loading process (even if it means a return to the premises once the goods are in the vehicle).
- Unexpected short delays in locating the goods will not normally remove the vehicle from the benefit of the exemption.
- If a vehicle is parked in the reasonable expectation that goods will be available to load, and it transpires that they are not, the benefit of the exemption will not be lost provided the driver then removes the vehicle promptly.

- Unloading includes taking the items to that part of the premises where they are required to go; however it would not normally include further unpacking or arrangement of the items
- Councils should not automatically assume that because no sign of loading was seen during a five minute or other observation period, loading cannot have been taking place. However, the longer the time during which no items enter or leave the vehicle the greater the evidential burden on the motorist to provide an explanation and demonstrate that something amounting to loading was in progress out of sight.

(b) Waste

The tribunal is charged with determining a variety of civil penalty appeals in a just and cost efficient manner. Waste and litter appeals are a new and developing area of our jurisdiction. This appeal sets out the law and regulations regarding a waste appeal, detailing the relevant regulations and demonstrating the adjudicators' approach in the application of the regulations.

REPORT by Adjudicator Michael Greenslade

Photo Asmara Ltd – T/A Snappy Snaps Tooting v London Borough of Wandsworth (ETA) 2015 2150349814)

The Penalty Charge Notice, dated 24 August 2015, states that the Enforcement Authority believe a penalty charge is payable by the Appellant company on the sole ground that, on 20 August 2015 at 10:11, waste on the public footway was not adjacent to the premises' street entrance. The

Enforcement Authority have produced a witness statement from an enforcement officer who states that, at the above date and time, he was on duty in Tooting High Street, London SW17, when he observed two large grey sacks with 'Biffa' written on them. He states that the sacks were propped up against the railings opposite Snappy Snaps at 54 Tooting High Street. The officer continues that he checked the sacks and found them to be from Snappy Snaps. The officer took photographs/digital images which are produced. The officer confirms that the sacks were there within the permitted times but were not placed adjacent to the premises.

None of this appears to be in dispute.

In their Notice of Rejection to the Appellant Company, the Enforcement Authority state that 'a review of the evidence shows that you breached the time band regulations.' This is clearly not correct. However, it continues 'Leaving your waste in the street and away from your own property (not against the building line near your entrance) is not acceptable.'

The Enforcement Authority's case is that there was a failure to comply with the *London Borough of Wandsworth Waste Receptacle Regulations 2009* (as amended).

Regulation 27 is one of several that deals with the placing of receptacles for trade waste for the purpose of facilitating the emptying of them and provides:

"The collection point for general refuse or recycling from premises producing trade waste which is stored in dustbins or wheelie bins or waste sacks may be on the street immediately adjacent to a street entrance to the originating

premises.”

Regulation 56 provides:

“Where a sign specifying periods during which receptacles should be placed on the highway is displayed on the same side of a public highway as any premise producing trade waste then the occupier of that premise shall only place receptacles on the public highway during the periods prescribed by the sign.”

Clearly the times shown must be complied with. However, as to where exactly the sacks are placed on the street, Regulation 27 does not say ‘shall’ but rather ‘may’.

In any event, the 2009 Regulations were made under the *London Local Authorities Act 2007*. It is a fundamental principle of delegated legislation that it is clear, intra vires and communicated. For example, the sign in the street states ‘Trade waste may only be left on the Highway for collection between: 10.00 am to Noon. 10.00 pm to Midnight daily’. This may be taken to have been communicated. However, there is no reference as to where trade waste may be left. The sign states nothing on the matter.

In his witness statement the officer says “I had previously explained to the staff that they had to present their waste for collection adjacent to their entrance, next to their door.” However, in the original representations to the Enforcement Authority, the Appellant company state ‘we left our rubbish within the allocated time’. Mr Berake, on behalf of the Appellant company, states in the Notice of Appeal that “I was told by the council enforcement

officer to leave my rubbish out between 10 am -12 am...” Mr Berake then goes on to explain that it was left at 10:11 am and therefore within the permitted hours.

It is by no means clear that the Appellant company was aware of exactly where it was required to leave the refuse sacks on the highway, or even whether the company accept that the location requirement was communicated to them.

Considering all the evidence before me carefully, on a balance of probabilities I cannot find that any requirement to leave the sacks adjacent to the premises was communicated to the Appellant company.

Accordingly I cannot find as a fact that, on this particular occasion, a contravention did occur and this appeal must therefore be allowed.

(c) Statutory Declaration and Witness Statement referrals

The inception of decriminalised parking enforcement over two decades ago started with the *Road Traffic Act 1991*. Under the Act, Paragraph 8 of Schedule 6 made provisions relating to ‘Invalid notices’. The provisions provide for circumstances when an order for recovery has been made by the County Court in favour of the enforcement authority and the person against whom it has been made (the respondent to the claim) files a statutory declaration on one of three grounds, namely that he (a) did not receive the notice to owner; (b) made representations to the authority but did not receive a rejection notice from that authority; or (c) has appealed to a parking adjudicator against the rejection by that authority but has

received no response to the appeal. When a statutory declaration is made in response to a Recovery Order, an order granted by the Traffic Enforcement Centre at the Northampton County Court revokes the recovery order previously granted and cancels the charge certificate issued. However, the further Order does not cancel the original penalty charge notice. Following service of the order made at the Traffic Enforcement Centre, the authority must refer the case to the parking adjudicator 'who may give such direction as he considers appropriate'.

As the scope and type of penalty charge notices increased, new provisions were added. Penalty charge notices issued under the *Civil Enforcement of Parking Contraventions (England) General Regulations 2007* ('the General Regulations') have a procedure for the filing of a witness statement. A new declaration ground, that the charge in question has already been paid, was also added. More recent types of penalty charge notice, such as those for moving traffic contraventions, are still governed by the 1993 Regulations, using the original statutory declaration procedures.

The introduction of one procedure and then another, although similar, meant that the tribunal's system for considering witness statements and statutory declaration referrals developed piecemeal. It also became clear that in a small, yet time consuming minority of cases, parties were filing repeated witness statements and statutory declarations regarding the same matter. For the more efficient dispatch of tribunal business a unified procedure has now been adopted.

The current position is that Paragraph 20(1)(a) of the Schedule to the *Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007*, (for witness statements referred under the General Regulations), and Regulation 19(1)(b) of the *Road Traffic (Parking Adjudicators) (London) Regulations 1993*, (for statutory declaration referrals made under all the other statutory provisions), provide that in respect of cases referred to the adjudicator, without prejudice to other powers in this regard, the adjudicator may give directions as to the conduct of proceedings.

Where the witness statement or statutory declaration has been made on ground 2 (did not receive notice of rejection) or 3 (did not receive the appeal decision), or the witness statement on ground 4 (penalty charge has already been paid), the relevant provision provides that the enforcement authority must refer the case to the adjudicator who may give such directions as he considers appropriate. The parties are required to comply with those directions. The obligation on the enforcement authority under the relevant Regulations is to refer the witness statement or statutory declaration to the adjudicator. It is a matter for the enforcement authority as to what action, if any, it wishes to take in any particular case. However, none of the Regulations prescribe when referral should happen or prevent any resolution between the parties prior to referral. Accordingly, the first limb of the new procedure is that the enforcement authority is encouraged to give consideration of cases before the adjudicator has to make any

substantive finding. This has advantages for both parties, not least in possible cost savings. Whatever stage the matter may previously have reached, if either party, on considering the evidence decides that they do not wish to proceed further (for example, an appellant decides to pay the penalty charge or an enforcement authority accepts the evidence now submitted by an appellant) there is nothing to be gained by the matter then being considered by an adjudicator. Accordingly, if the matter is resolved between the parties, the case is simply referred to the adjudicator with no further action required, with a consequent saving of public funds.

Where the matter is referred to the adjudicator for a Direction, the next stage of the new procedure is the ‘for mention’ hearing. A ‘for mention’ hearing is a listing procedure used in courts and tribunals to address preliminary issues with a view to resolving matters, thereby avoiding unnecessary/ lengthier hearings.

Parties are informed that the referred matter is to be listed for mention on a specified date and time at the Environment and Traffic Adjudicators’ main hearing centre at Chancery Exchange. The appellant will be advised that they should attend before the adjudicator and bring copies of their original representations or appeal, as the case may be, and all documents relevant to this issue. Alternatively, they can make written submissions enclosing copies of the documentary evidence that substantiates the declaration or statement put before the Traffic Enforcement Centre. This listing allows the adjudicator to explain the procedure, in particular that

the penalty charge notice has not been cancelled by the Traffic Enforcement Centre Order and to consider any documents produced to substantiate the claims set out in the witness statement or statutory declaration. The adjudicator will determine if the claim is made out on the evidence, so that the matter may be listed as an appeal for all parties to put their case fully, or whether an immediate Payment Direction should be made. Once this first issue has been determined, both parties will receive the adjudicator's direction in writing. If the appellant does not attend or does not make written submissions in time, the adjudicator may proceed to make an immediate Payment Direction.

Of the witness statements and statutory declarations referred to the adjudicator for action, the majority are made under ground 2, which is that representations were made to the Enforcement Authority but no response was received. Referrals made regarding an appeal having been made but no response received are addressed, if an appeal has indeed been registered, by serving a copy of the statutory register with a certified copy of the relevant appeal decision. No further right of appeal arises. Where a previous appeal in that same case has been rejected out of time, the appellant will be advised accordingly.

If the directions adjudicator decides that the matter should be listed for hearing, the process is explained fully to the appellant and, when they receive notification in writing, they will have a further 14 days to submit

their perfected appeal. The Enforcement Authority then have the usual 28 days to submit evidence before the matter is heard in the usual way.

This new procedure removes the need for repeated and costly attempts to correspond or communicate with the declarant, allowing for a swifter outcome that is proving to be just, proportionate, efficient and cost efficient.

4. JUDICIAL REVIEW

This year the 35,000 plus decisions generated by adjudicators resulted in a very small number of applications to the High Court seeking permission to make an application for a judicial review. The adjudicator, whilst necessarily a named party to the application will, in the majority of cases remain impartial and neutral, leaving the original parties to the appeal to make submissions to the Court.

(a) Update from 2014-2015

1. ***The Queen on the Application of Robert Gordon Humphreys -v- The Parking Adjudicator [CO/1069/2014] (Robert Gordon Humphreys -v- London Borough of Camden PATAS 2130558549 (2013))***. This matter is currently listed as a floating case before the Court of Appeal on 13 and 14 December 2016.

2. **The Queen on the Application of Eventech Limited –v- The Parking Adjudicator [CO/10424/2011] (Eventech Limited –v- London Borough of Camden PATAS 2110086039 and 211008604A (2011))**: This case remains at the Court of Appeal (Civil Division) currently stood out pending alternative dispute resolution.

(b) Decisions 2015-2016

1. **The Queen on the Application of Brian Johnson-v- The Parking Adjudicator [CO/2018/2015] (Brian Johnson -v- London Borough of Enfield PATAS 2140389346 (2015))**.

The adjudicator had found as follows: “The Appellant attended a personal hearing today. He had appealed on the ground that the contravention did not occur. It is claimed that the Appellant had stopped in a restricted area outside a school, a hospital, or a fire, police or ambulance station when prohibited. The alleged contravention occurred at 08:26 on Friday 13 June 2014 at Eastfield road, and a Penalty Charge Notice was issued by post after camera observation for some three minutes. I viewed the camera footage with the Appellant. It was clear that the Appellant’s car had been parked on a yellow zig-zag outside a school. This is not in dispute, and the Appellant explained to me that the location was close to his home and that he had unintentionally overslept, having parked the night before when there were no other spaces available, and at a time when controls did not apply. However, when he returned to his car, a Penalty Charge Notice had

been issued. The Appellant did not therefore seek to dispute the alleged contravention as such, but has raised a number of issues in his evidence and at the hearing today which he believes should invalidate the Penalty Charge Notice. These may be conveniently summarised as (i) the absence of a signature on the Penalty Charge Notice and of photographs with it rendered it invalid; (ii) the Enforcement Authority's camera car was parked otherwise than on the carriageway thus invalidating enforcement and (iii) the issue of two Charge Certificates on 28 August 2014 was premature in view of the submission of the appeal and also invalidated enforcement. I do not find any merit in any of the arguments raised by the Appellant for the reasons that (i) I am satisfied that the Penalty Charge Notice is substantially compliant with the requirements of the *Civil Enforcement of Parking Contraventions (England) General Regulations 2007* and the *Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007*; (ii) the location of the Enforcement Authority's camera vehicle is not relevant to enforceability of a Penalty Charge Notice and (iii) the Charge Certificate was cancelled on 1 September 2014 shortly after the Enforcement Authority had received notification from PATAS of the registration of the appeal. I find that the Appellant's vehicle had been stopped on the restricted area in breach of the controls in force and that no exemption applied. An Adjudicator is only able to decide an appeal by making findings of fact on the basis of the evidence produced by the parties and applying the relevant law, and has no power to consider mitigating circumstances of any description. Considering carefully all the evidence before me, I must find as a fact that, on this particular occasion, a

contravention did occur and thus the Penalty Charge Notice was properly issued. The appeal is refused.”

The application for judicial review was refused on the papers. An oral renewal of the application was refused by the learned judge on 15 October 2015.

2. *The Queen on the Application of Paul Mulvey v Hammersmith and Fulham Council [CO/2014/2015] (Jane Mulvey -v- London Borough of Hammersmith and Fulham PATAS 2140516567 (2015))*

The adjudicator found as follows: “The Appellant was visiting her brother in law. She usually parks her vehicle in an enclosed drive off Felgate Mews. On the day in question, the drive was inaccessible because of building work in Felgate Mews. While the Authority does not challenge the Appellant's account that the building work had taken up more place than allowed, it is not a legitimate reason to park the Appellant's vehicle in a shared use bay on Felgate Mews. I would observe that the PCN could have been avoided by paying for the parking. The contravention has occurred. I am refusing the appeal.”

The Court found that the council’s decision to pursue the penalty charge notice could not be impugned in light of the decision of the parking adjudicator and the application for permission to judicially review the defendant was found to be without merit.

3. The Queen on the Application of Bahruz Aliyev -v- The Traffic Adjudicator [CO/1509/2016] (Bahruz Aliyev -v- London Borough of Richmond ETA 2160004998 (2016))

The adjudicator had found as follows: “A contravention can occur if a vehicle is parked in an off-street pay and display car park, after the expiry of time paid for. There appears to be no dispute that at 16:27 on 2 November 2015 a vehicle with the registration mark KY11 PZS was parked in York House car park, Twickenham, or that the Penalty Charge Notice was issued to it, as shown in the photographs/digital images produced by the Enforcement Authority. The Appellant's case is that he was attending a meeting at the council offices which took longer than expected as they had to find an empty room. I accept this evidence but it does not amount to a valid ground of appeal. It does remain the responsibility of the motorist to check carefully on each occasion before leaving their vehicle, so as to ensure that they park only as permitted and that this will remain the position for as long as the vehicle will be there. This includes making sure that any payment made covers the whole of the parking time required. When attending appointments, whether medical, legal or any other, it must be accepted that these can easily overrun and thus payment to cover beyond the expected finishing time can be made to avoid parking beyond time paid for. The adjudicator is only able decide an appeal by making findings of fact and applying the law as it now stands. The Court of Appeal has affirmed that the adjudicator has no power to consider mitigating circumstances of any description and there are no compelling reasons for making a recommendation to the Enforcement Authority. Whether or not

the Enforcement Authority have, in their discretion, cancelled a previous Penalty Charge Notice is a matter for them, the adjudicator has no such power. Considering all the evidence before me carefully I must find as a fact that, on this particular occasion, a contravention did occur and thus the Penalty Charge Notice was properly issued. Accordingly this appeal must be refused.”

The Court refused permission for judicial review on the papers. The application was renewed by Mr Aliyev and the learned judge found that there were no arguable errors of public law in the decision under challenge as there was evidence that the claimant’s car was parked in an off street pay and display car park after the period for which payment was required had elapsed. The penalty charge was validly issued and the mitigating factors were not relevant.

4. **The Queen on the Application of Tiamiyu Bello -v- The Parking Adjudicator [CO/3541/2015] (Tiamiyu Bello -v- London Borough of Merton ETA 2140395677(2015) and 213060026A (2014)**

Mr Bello sought permission to apply for the judicial review of three further penalty charge notices issued to his vehicle further to the decision of the Court under case number CO/854/2014. On this occasion the learned judge refused the application finding it to be without merit and refusing to allow the permission application to be renewed at an oral hearing.

5. TRAINING AND APPRAISAL

(a) TRAINING

The adjudicators are all part-time individual office holders and do not all sit at the same time or frequency. The training sessions give the adjudicators the opportunity to meet and share experiences, review trends and consider best practices. This year adjudicators held one training meeting in the Chancery Exchange meeting room on 16 March 2016. The following items were considered:

1. Section 23 of the London Local Authorities Act 2007

Failure to comply with regulations relating to receptacles for waste **Photo Asmara Ltd – T/A Snappy Snaps Tooting v London Borough of Wandsworth (ETA 2150349814 (2015))**. Currently PCNs are being issued by Wandsworth, with Hackney and Redbridge due to start enforcement. Littering appeals remain limited with none currently scheduled according to the case management system search carried out in March 2016. (See report at page 19).

2. **Alan Bosworth and others v London Borough of Tower Hamlets and**

others ETA (2016) Loading/unloading panel decision. In this panel decision, adjudicators Mr Houghton and Mr McFarlane revisited Jane Packer and others, in order to review adjudicators' approach to the loading/unloading exemption. (See panel decision report at page 13).

3. **Dawson v London Borough of Lambeth ETA 2150367452 (2015)** Clapham

Park Road bus lane – Alastair McFarlane

Photographs were presented that showed the initial tapering and road markings as motorists approached the bus lane, giving a fuller picture of the markings and signs in place. Adjudicator Mr McFarlane explained that since the date of his decision the white arrowed marking on the road surface had been re-painted and that whilst signage could be improved it was not currently thought to be ambiguous.

4. **Witness statement / statutory declaration referral procedures**

New guidelines have been issued to Enforcement Authorities to promote a more efficient and just referral procedure. (See witness statement report at page 21).

5. **Review applications**

The Enforcement Authority applications are currently relating mainly to administrative errors arising due to the new case management system – ie appeals being allowed for no evidence when the evidence had in fact been submitted.

(b) APPRAISAL

All Adjudicators are required to participate in the tribunal's Appraisal Scheme which is based on the scheme developed for tribunal judiciary by the Judicial Studies Board (now Judicial College). The objectives for the appraisal scheme are to:

- ❑ ensure the maintenance of the tribunal's standards and consistency of practices,
- ❑ ensure that the tribunal's training programme is informed by the identification of particular needs,
- ❑ maintain public confidence in judicial performance as a result of regular monitoring,
- ❑ ensure that all adjudicators demonstrate the competences necessary for their role,
- ❑ measure individual performances against the tribunal's standards,
- ❑ identify individual and general training and development needs,
- ❑ use the collected experience of adjudicators to identify ways of improving the service that the tribunal provides to appellants and the overall efficiency of the tribunal, and
- ❑ provide an opportunity for adjudicators to raise issues relating to their experience in sitting, training and tribunal procedures.

The next tranche of appraisals is due to commence in the first quarter of 2018.

6. THE ADJUDICATORS

The Environment and Traffic Adjudicators

| | |
|--------------------|--------------------------|
| Jane Anderson | Michel Aslangul |
| Angela Black | Teresa Brennan |
| Michael Burke | Anthony Chan |
| Hugh Cooper | Anthony Edie |
| Mark Eldridge | Henry Michael Greenslade |
| Caroline Hamilton | John Hamilton |
| Andrew Harman | Neeti Haria |
| Monica Hillen | Edward Houghton |
| Anju Kaler | John Lane |
| Michael Lawrence | Francis Lloyd |
| Alastair McFarlane | Kevin Moore |
| Michael Nathan | Joanne Oxlade |
| Mamta Parekh | Belinda Pearce |
| Neena Rach | Christopher Rayner |
| Jennifer Shepherd | Caroline Sheppard |
| Sean Stanton-Dunne | Gerald Styles |
| Carl Teper | Timothy Thorne |
| Austin Wilkinson | Paul Wright |

This reporting year saw the retirement of adjudicators Austin Wilkinson and Michael Nathan both of whom have been valuable and highly regarded members of the adjudication team. Adjudicators joined together in November 2015 to wish them well in their future pursuits. Our adjudicator recruitment exercise is scheduled to take place in late 2016 to early 2017.

7. Proper Officer Team

London Tribunals

Laura Padden Head of Support Services

Garry Hoy- Contracts Manager

Dedray Marie - Senior Tribunal Assistant

Ada Amuta - Tribunal Assistant

Tom Caulfield – Tribunal Assistant

Peter Hollamby - Tribunal Assistant

Our tribunal manager Richard Reeve left his appointment with us at the beginning of the year. Adjudicators thank him for his contribution to the tribunal's work and wish him well in his future pursuits.

8. APPENDIX

APPEAL THEMES

Our websites, key cases and panel decisions serve to promote clarity, so that parties to an appeal have an understanding of the law prior to completing an appeal form and an awareness of the evidence that they will need to submit to support their case. It remains clear from our statutory register however that a large number of appeals are made on similar grounds with regular themes arising demonstrating that some aspects of enforcement remain unclear to motorists. The details provided below clarify circumstances that regularly give rise to an appeal. Whilst the adjudicators are not charged with providing legal advice, our aim is to ensure that parties are equipped with clear guidance and information on the procedures, regulations and legal requirements, before decisions are made to progress cases to appeal.

Most appeal decisions can be viewed on our statutory register at www.londontribunals.gov.uk and all can be viewed by visiting our hearing centre at Chancery Exchange 10 Furnival Street, London EC4A 1AB, a very short walk from Chancery Lane underground station.

1. Definition of a goods vehicle

Sovereign Recovery UK Ltd v Sovereign Recovery UK Ltd LT ETA (2016)

2160109985 2160109216 The adjudicator's decision was given in these terms: "The Authority alleges that the Appellant company's driver failed to comply with a prohibition on goods vehicle exceeding 7.5 tonnes (maximum gross weight).

The Appellant submits that the vehicle is not a goods vehicle because it is a recovery vehicle. No issue is taken on the maximum gross weight. The Authority's response is that it matters not whether it is a goods vehicle because the Traffic Management Order restricts all vehicles over 7.5 tonnes. The Appellant points out that while this may be the case, the restriction sign only refers to goods vehicles. The Authority has not addressed this point. I should say that there is a further point, in that the PCN alleges that the contravention refers to a goods vehicle and it can be argued that the contravention as alleged did not occur.

I think that both parties have missed a fundamental point. The Appellant's submissions that a recovery vehicle is not a goods vehicle is seemingly based on a reference to the Goods Vehicles (Licensing of Operators) Regulations 1995 and the Vehicle and Excise and Registration Act 1994. The former exempts recovery vehicles from the requirement for an operator's licence. The 1974 Act deals with taxation classes. Neither affects the status as to whether the vehicle is a goods vehicle.

“Goods vehicle” is defined by the Traffic Signs Regulations and General Directions 2002 as a motor vehicle or trailer constructed or adapted for use for the carriage or haulage of goods or burden of any description.

Furthermore, in **DPP v Holtham [1991] RTR 5**, the High Court held that a broken down vehicle towed by the arm of a recovery vehicle was a trailer to the recovery vehicle because a substantial part of its weight was taken by the recovery vehicle. The recovery vehicle was therefore deemed to be a vehicle constructed to carry a load. It seems quite clear to me therefore that a recovery vehicle which can carry a broken down vehicle on board and a recovery vehicle which has a boom to assist in the lifting and moving of vehicles (as in the present case) are both vehicles within the definition of a goods vehicle.

The situation is therefore this. The TMO places a weight restriction on the road and the restrictions applies to all vehicles. The Authority may have inadvertently limited the restriction to goods vehicles by the use of a sign which refers to goods vehicles only. It may also have limited enforcement to goods vehicle because of the wording of the PCN. However, the vehicle is in fact a goods vehicle so there should be no doubt in the driver's mind, when he sees the sign, that he should not go down Watson's Road. Equally, the Appellant company can have no complaint about the wording of the PCN.

Even if I limit the effect of the TMO to goods vehicles only and I do so in this case, I am satisfied that the contravention occurred because I am satisfied that the Appellant's vehicle is a goods vehicle. I refuse the appeal.”

2. I was entitled to park for 20 minutes to unload.

The exemption can only apply when the motorist is engaged in a continuous loading or unloading activity. The motorist has up to 20 minutes to unload not 20 minutes to park having unloaded. (See key case **Alan Bosworth and others v The London Borough of Tower Hamlets and others ETA (2015)**).

3. Parking restrictions in London do not apply after 1pm on

Saturday or on Sundays. The motorist must not assume the extent of parking restrictions and is expected to read the times displayed on the controlled parking zone entry sign or attached to the stretch of road marking in order to ascertain the periods of control at the time of parking. It is not uncommon for restrictions to be in force 7 days a week and beyond 6.30pm.

4. Other vehicles were parked and I was told by a local that parking was permitted. Motorists should always check signs and road markings for themselves. That other vehicles appear to be parked at a location is not a reason for following suit – those motorists may have permits, or may be

engaged in activities that cause an exemption to the parking restrictions to arise.

5. There was no T-bar on the yellow line, the bay markings were faded, the sign was bent. Lines and signs serve to advise the motorist of a restriction and must not mislead. Trifling omissions however do not render a sign or line unenforceable. So long as the sign or marking does not mislead and remains substantially compliant with the requirements of the regulations the restriction is enforceable. See key case ***R (on the application of Herron and Parking Appeals Limited) v The Parking Adjudicator and others (2010)*** and ***Letts v London Borough of Lambeth PATAS 1980151656 (1980)***.
6. Traffic was moving when I drove into the junction. I only became trapped in the yellow box junction because lights ahead of me changed to red and the traffic came to a halt. Motorists should not enter the marked junction until there is a space available for the vehicle to leave the junction. Motorists following a flow of traffic crossing a junction that comes to a halt before the driver is able to leave the marked area are in contravention. See key case ***Des Banks v London Borough of Hammersmith and Fulham PATAS 2130483643 (2013)***.
7. I was not driving at the time. The owner of the vehicle is responsible for the penalty issued even when the owner was not the motorist at the time of the contravention. This applies to parking and moving traffic

contraventions. See key case **Francis v Wandsworth, R v The Parking Adjudicator ex parte the Mayor and the Burgesses of the London Borough of Wandsworth (1996)**.

8. **I sold the vehicle before the ticket was issued.** Whilst this is a valid ground of appeal it must be remembered that the burden of proof rests with the appellant (who has been identified by the DVLA as the registered keeper at the date of contravention and therefore presumed owner of the vehicle) to demonstrate that a sale has taken place. A bare assertion will rarely be sufficient evidence to transfer liability.
9. **The vehicle had broken down.** This can be a valid ground of appeal but full details of the circumstances of the breakdown should be provided as well as evidence of the recovery and/or repair of the vehicle. It is for the appellant to prove that the vehicle could not be moved due to a mechanical failure. Again a bare assertion is unlikely to be sufficient.
10. **I/ my passenger felt unwell and I pulled over to get some air, to use a lavatory, to buy some water.** Restrictions are not lifted in such circumstances, motorists are expected to find an appropriate parking space. A medical emergency is however a separate issue that, with supporting evidence could amount to a valid ground of appeal.
11. **I had not parked, I remained in the vehicle with the engine running.** The review decision of **Schwarz v Camden (2001) PATAS**

2110000692 considers the definition of 'parking' with reference to the Road Traffic Regulations Act 1984 and **Strong v Dawtry (1961)1 WLR 841** confirming that as a matter of law waiting in the vehicle and parking are synonymous.

12. The penalty amount should only be £65 as I wrote to the council promptly. The enforcement authority is only obliged to accept a reduced penalty amount when the payment is received by the authority within the discount period, as stated on the face of the penalty charge notice. Writing to the enforcement authority does not automatically cause an extension to the discount period to arise. The adjudicator has no power to direct an enforcement authority to accept a discounted penalty amount out of time.

*The Environment and Traffic Adjudicators
London Tribunals 2015-16*

LONDON COUNCILS' TRANSPORT AND ENVIRONMENT EXECUTIVE SUB COMMITTEE (VIA CORRESPONDENCE)

Note of London Councils' Transport and Environment Executive Sub Committee that was scheduled for **15 September 2016** at 10:00am, which was carried out via correspondence.

TEC Executive Sub Committee Members (who were emailed the papers)

| | |
|----------------------------|-------------------------|
| Councillor Julian Bell | LB Ealing (Chair) |
| Councillor Daniel Anderson | LB Enfield |
| Councillor Feryal Demirci | LB Hackney |
| Councillor Tim Coleridge | RB Kensington & Chelsea |
| Councillor Alan Smith | LB Lewisham |
| Councillor Jill Whitehead | LB Sutton |
| Councillor Caroline Usher | LB Wandsworth |
| Councillor Heather Acton | City of Westminster |
| Christopher Hayward | City of London |

1. TEC Month 3 Revenue Forecast 2016/17

Members of the TEC Executive Sub Committee were emailed a report that outlined actual income and expenditure against the approved budget to the end of June 2016 for TEC and provided a forecast of the outturn position for 2016/17. At this early stage, a surplus of £699,000 was forecast over the budget figure. In addition, total expenditure in respect of Taxicard trips taken by scheme members was forecast to underspend by a net figure of £639,000, if trip volumes in the first quarter continued for the remainder of the year. The net borough proportion of underspend was projected to be £417,000, with £222,000 accruing to TfL.

Decision: The TEC Executive Sub Committee (via email):

- Noted the projected surplus of £699,000 for the year, plus the forecast net underspend of £639,000 for overall Taxicard trips, as detailed in the report; and
- Noted the projected level of Committee reserves, as detailed in paragraph 5 of the report, and the commentary on the financial position of the Committee included in paragraphs 6-8

2. Minutes of the TEC Executive Sub Committee held on 21 July 2016

Item 3 – Talk by Val Shawcross, Deputy Mayor for London (page 3, 2nd paragraph)

Councillor Whitehead asked for the following sentence to be deleted from the minutes: *“Councillor Whitehead voiced concern that a great deal of land in Sutton was being given to schools, and there was not much spare land left. She said that the borough had the need/problem now”,* and replaced with *Councillor Whitehead voiced concern that a great deal of land was being given to other essential services due to local population increases (such as schools to cater for more children), and so there was not much spare land left for growth except mainly in Sutton town centre. She said that the Borough had the need now for better transport.”*

Subject to the above amendment, the minutes of the TEC Executive Sub Committee held on 21 July 2016 were agreed as an accurate record.

London Councils' Transport and Environment Committee AGM - 16 June 2016

Minutes of a meeting of London Councils' Transport and Environment Committee AGM held on Thursday 16 June 2016 at 2:30pm in the Conference Suite, London Councils, 59½ Southwark Street, London SE1 0AL

Present:

| Council | Councillor |
|------------------------|----------------------------|
| Barking and Dagenham | Apologies |
| Barnet | Cllr Dean Cohen |
| Bexley | Apologies |
| Brent | Cllr Ellie Southwood |
| Bromley | Apologies |
| Camden | Cllr Phil Jones |
| Croydon | Cllr Stuart King |
| Ealing | Cllr Julian Bell (Chair) |
| Enfield | Cllr Daniel Anderson |
| Greenwich | Apologies |
| Hackney | Cllr Feryal Demirci |
| Hammersmith and Fulham | Cllr Wesley Harcourt |
| Haringey | Apologies |
| Harrow | Cllr Graham Henson |
| Havering | Cllr Jason Frost |
| Hillingdon | |
| Hounslow | Apologies |
| Islington | Cllr Claudia Webbe |
| Kensington and Chelsea | Cllr Tim Coleridge |
| Kingston Upon Thames | Cllr Phil Doyle |
| Lambeth | Cllr Jenny Brathwaite |
| Lewisham | Apologies |
| Merton | Cllr Martin Whelton |
| Newham | |
| Redbridge | Cllr John Howard |
| Richmond Upon Thames | Cllr Peter Buckwell |
| Southwark | Apologies |
| Sutton | Cllr Jill Whitehead |
| Tower Hamlets | |
| Waltham Forest | Cllr Clyde Loakes |
| Wandsworth | Cllr Caroline Usher |
| City of Westminster | Cllr Robert Rigby (Deputy) |
| City of London | Apologies |
| Transport for London | Alex Williams |

1. Apologies for Absence & Announcement of Deputies

Apologies:

Cllr Lynda Rice (LB Barking & Dagenham)
Cllr Alex Sawyer (LB Bexley)
Cllr Colin Smith (LB Bromley)
Cllr Sizwe James (RB Greenwich)
Cllr Peray Ahmet (LB Haringey)
Cllr Amrit Mann (LB Hounslow)
Cllr Alan Smith (LB Lewisham)
Cllr Ian Wingfield (LB Southwark)
Cllr Heather Acton (City of Westminster)
Christopher Hayward (City of London)

Deputies:

Cllr Robert Rigby (City of Westminster)

2. Declaration of Interests

Freedom Pass Holders/60+ Oyster Cards

Cllr Wesley Harcourt (LB Hammersmith & Fulham), Cllr Phil Doyle (RB Kingston), Cllr Peter Buckwell (LB Richmond), Cllr Jill Whitehead (LB Sutton), and Cllr Caroline Usher (LB Wandsworth).

North London Waste Authority

Cllr Dean Cohen (LB Barnet), Cllr Phil Jones (LB Camden), Cllr Daniel Anderson (LB Enfield), Cllr Feryal Demirci (LB Hackney), Claudia Webbe (LB Islington) and Cllr Clyde Loakes (LB Waltham Forest).

East London Waste Authority

Cllr John Howard (LB Redbridge)

Western Riverside Waste Authority

Cllr Wesley Harcourt (LB Hammersmith & Fulham) and Cllr Jenny Brathwaite (LB Lambeth).

South London Waste Partnership

Cllr Stuart King (LB Croydon), Cllr Martin Whelton (LB Merton), Cllr Phil Doyle (RB Kingston) and Cllr Jill Whitehead (LB Sutton).

London Waste & Recycling Board

Cllr Clyde Loakes (LB Waltham Forest)

Car Club

Cllr Julian Bell (LB Ealing – Chair), Cllr Feryal Demirci (LB Hackney) and Cllr Claudia Webbe (LB Islington)

Thames Regional Flood & Coastal Committee (RFCC)

Cllr Dean Cohen (LB Barnet)
Cllr Tim Coleridge (RB Kensington & Chelsea)

London Cycling Campaign

Cllr Julian Bell (Chair – LB Ealing) and Cllr Feryal Demirci (LB Hackney)

3. Election of Chair

Councillor Loakes nominated Councillor Julian Bell (LB Ealing) to be Chair of TEC. Councillor Coleridge seconded this nomination. Councillor Julian Bell was elected as Chair of TEC for the 2016/17 municipal year.

The Chair informed members that this was the last TEC meeting that Nick Lester-Davis would be attending, as Spencer Palmer would now be the lead officer for TEC. The Chair thanked Nick Lester-Davis for all his work on TEC over the years. Nick Lester-Davis had an extensive CV, especially when it came to parking. Councillor Coleridge also thanked Nick Lester-Davis for his work on TEC on behalf of the Conservative Group. Nick Lester-Davis said that it had been a pleasure to work on the Committee over the years.

4. Election of Vice Chairs of TEC

Councillor Loakes nominated Councillor Feryal Demirci (LB Hackney) to be the Labour Vice Chair of TEC, Councillor Tim Coleridge (RB Kensington and Chelsea) to be the Conservative Vice Chair of TEC, and Councillor Jill Whitehead (LB Sutton) to be the Liberal Democrat Vice Chair of TEC for 2016/17. The nominations were seconded by the Chair. The three vice chairs of TEC were duly elected.

5. Membership of London Councils' Transport and Environment Committee for 2016/17

The Committee received a report that presented members with the Committee's membership for 2016/17

Decision: The Committee noted the membership of TEC for 2016/17.

6. Appointment of the TEC Executive Sub Committee for 2016/17

The Committee received a report that set out the appointments to the TEC Executive Sub Committee for 2016/17.

Decision: The Committee elected the following members to the TEC Executive Sub Committee for 2016/17:

Labour

Cllr Julian Bell (LB Ealing – Chair)
Cllr Feryal Demirci (LB Hackney)
Cllr Daniel Anderson (LB Enfield)
Cllr Clyde Loakes (LB Waltham Forest)
Cllr Claudia Webbe (LB Islington)
Cllr Alan Smith (LB Lewisham)

Conservative

Cllr Tim Coleridge (RB Kensington & Chelsea)
Cllr Caroline Usher (LB Wandsworth)
Cllr Phil Doyle (RB Kingston-upon-Thames) – *was previously Cllr Alex Sawyer (LB Bexley)*
Cllr Heather Acton (City of Westminster)

Liberal Democrat

Cllr Jill Whitehead (LB Sutton)

City of London

Christopher Hayward

7. Nominations to TEC Outside Bodies and Appointment of Committee Advisers for 2016/17

The Committee received a report that sought nominations to the various outside bodies that related to the work of TEC for 2016/17

The Committee nominated the following members to the outside bodies:

Heathrow Airport Consultative Committee (HACC)

Cllr Steve Curran (LB Hounslow)
Deputy - Cllr Tim Coleridge (RB Kensington & Chelsea)

Thames Regional Flood & Coastal Committee (RFCC)

West – Cllr Dean Cohen (LB Barnet)
South West – Cllr Nick Draper (LB Merton)
South East – Cllr Alan Smith (LB Lewisham)
North East – Cllr Lynda Rice (LB Barking & Dagenham)
Central North – Cllr Tim Coleridge (RB Kensington & Chelsea)
Central South – Cllr Jenny Brathwaite (LB Lambeth)
North – Cllr Daniel Anderson (LB Enfield)

London Sustainable Development Commission

Cllr Claudia Webbe (LB Islington)

London Electric Vehicle Partnership (LEVP)

No nominations are needed as this partnership no longer convenes.

Urban Design London (UDL)

Cllr Daniel Moylan (RB Kensington & Chelsea)
Cllr Nigel Haselden (LB Lambeth)

London Waterways Commission

1 Labour nomination – To follow

Cllr Lynda Rice (LB Barking & Dagenham)

Cllr Terry Paton (RB Kingston)

Thames River Basin District Liaison Panel (Thames LP)

Cllr Alan Smith (LB Lewisham)

London City Airport Consultative Committee (LCACC)

1 Labour vacancy – To follow

London Waste & Recycling Board

Cllr Bassam Mahfouz (LB Ealing – Labour)

Cllr Nicholas Paget-Brown (RB Kensington & Chelsea – Conservative)

2 x Labour representatives to be advised on 7 October 2016

London Cycling Campaign (LCC)

Cllr Feryal Demirci (LB Hackney)

Appointment of Committee Advisers

It was noted that Katharina Winbeck would be looking to revise the TEC Committee Advisers, where appropriate.

It was noted that the Labour Group nominations would be finalised straight after the meeting.

Decision: The Committee:

- Agreed to pass the above names on to the Chief Executive of London Councils, for appointment to outside bodies, once they were all confirmed;
- Agreed that Alan Edwards would write to the outside bodies to inform them of the TEC nominations; and
- Agreed to appoint the advisers to the Committee, as listed in the report, subject to Katharina Winbeck reviewing the advisers.

8. TEC AGM Minutes of 18 June 2015

The minutes of the TEC AGM held on 18 June 2015 were noted, as they had already previously been agreed.

9. Chair's Report

The Committee received a Chair's report that updated members on transport and environment policy since the last TEC on 23 March 2016, and provided a forward look until the next TEC meeting on 13 October 2016.

The Chair said that the report listed the new Mayor's priorities. He informed members that Val Shawcross had been appointed the Deputy Mayor for Transport and would be attending a future TEC meeting. Cycle Superhighways had also been discussed at the recent TEC/TfL Commissioner meetings, where continuing support was expressed for Cycle Superhighways.

Councillor Coleridge said that the Conservative Group supported a number of the Mayor's new priorities. He said that other areas of interest were: a 20mph zone in London, the freeze on rail fares over four years, air quality (which had a big impact on all Londoners) and ULEZ. Councillor Webbe said that the new Mayor had pledged to implement 20mph speed limit zones across London. She said that her borough, LB Islington, wanted 20mph limits to cover all areas, sooner rather than later.

Councillor Harcourt voiced concern over the noise from rail maintenance at night. He felt that some action needed to be taken to mitigate this noise. Councillor Rigby asked if there were any further updates with regards to the consultation on Cycle Superhighways that went out before the Mayoral election.

Councillor Whitehead said that the introduction of a one-hour bus ticket was a good proposal. She said that there were concerns that the franchise for Southern and Thameslink were not up for renewal until 2022, and that TfL needed to take control of these franchises much more quickly. Councillor Whitehead said that there were also concerns over closing ticket offices and the need to improve the flooding situation, especially in the wake of the recent flash floods in Wallington, LB Sutton. She said that the Mayor's pledge for cleaner buses using "Clean Bus Corridors" was welcomed.

Councillor Doyle said that car owners/users needed to be made aware as soon as possible about the ULEZ proposals as to what category their car was in and what the implications of this were.

Alex Williams made the following comments to address members' concerns:

- The new Mayor had only been elected five weeks ago and TfL had not had time to discuss a number of these issues with the Mayor, or Deputy Mayor Val Shawcross.
- TfL was not aware of any specifics yet with regards to 20mph zones in London and no clarity on where they would be (although the desire was to include parts of the TLRN).
- There was no Cycle Commissioner in post at present, and there needed to be a political grouping to make a decision on CS11.
- A bus "hopper" fare would be starting in September 2016. A step change needed to take place regarding improving the air quality of the bus fleet.
- The Mayor was currently in discussion with the Secretary of State with regard to rail franchises and delivery.
- The night tube would commence in August 2016 and Val Shawcross was aware of the issues regarding noise at night.
- The Mayor's manifesto promised to do more on accessibility, including step-free access.

Councillor Loakes asked who from London Councils had been invited to attend Defra's litter advisory group. Katharina Winbeck (Head of Transport and Environment, London Councils) confirmed that this was currently an officer. She said that the strategy was due to be launched in August 2016, and members were more than welcome to be involved in the advisory group. Councillor Brathwaite and Councillor Coleridge said that they would also like to attend this group. The Chair said that a decision would be ratified on this at the TEC Executive Sub Committee on 21 June 2016.

Decision: The Committee:

- Noted the Chair's report; and
- Noted that a decision on TEC membership of the Defra litter strategy advisory group would be made through the Groups structure and ratified at the next TEC Executive Sub Committee on 21 July 2016

10. Constitutional Matters

The Committee received a report that summarised the key changes to constitutional documents recommended to Leaders' Committee AGM on 7 June 2016. Changes were being recommended to the following documents:

- Minor variations to London Councils Transport and Environment Committee (LCTEC) Governing Agreement and to London Councils' Governing Agreement;
- Amendments to London Councils Standing Orders;
- Approval of and amendments to London Councils Scheme of Delegation to Officers; and
- Terms of Reference for Sub-Committees and the Sectoral Joint Committee

Decision: The Committee noted the changes to the London Councils' constitutional documents.

11. Fixed Penalty Notices (FPNs) for Flytipping

The Committee received a report that informed members that from 9 May 2016, councils had been able to introduce Fixed Penalty Notices (FPNs) for flytipping. This report asked members whether they wanted to propose a pan-London penalty for consistency.

The Chair informed members that the options for TEC to provide a steer on could be found at paragraph 11 of the report (page 3). He said that a maximum penalty of £400 could be set for flytipping which was for individual boroughs to decide. The Chair said that the Labour Group was leaning towards a maximum fine of £400. It was also down to each borough to decide on what the discount, if any, should be made for early payment of the fine.

Councillor Loakes said that LB Waltham Forest would be imposing the maximum fine of £400, and planned to have no incentive for early payment. He felt that the boroughs should no longer have to subsidise flytipping. Councillor Coleridge said that he also supported a steer of a £400 fine. Councillor Webbe said that LB Islington had implemented a £400 fine, reduced to £200 for early repayment. Councillor Coleridge said that there also needed to be a proper definition of flytipping.

Decision: The Committee:

- Noted and discussed the report;
- Noted that TEC recommended a pan-London steer of a maximum FPN of £400 for flytipping; and
- Noted that it was up to individual boroughs to set a discount for early repayment.

12. Reducing Air Pollution in London

The Committee received a paper that set out more background on the Mayor's air quality proposals and gave information to members about the process for establishing a London Councils' position on air quality.

Councillor Demirci said that any recommendations on air quality that were put to the Mayor needed to be deliverable and meaningful. She suggested that some form of modelling should be looked at again. Councillor Doyle said that, although air quality policies had been mentioned in the paper, no costs had been put in the report. Councillor Whitehead said that she would like to see ULEZ extended to outer London boroughs. She said in Sutton, there were a large number of car users due to a lack in availability of public transport, and this was contributing to air pollution.

Councillor Coleridge voiced concern that the majority of residents did not know what ULEZ was. He said that the new Mayor needed to inform the public about ULEZ and keep them "onside". Councillor Coleridge said that the Conservative Group did support ULEZ, although this was dependent on how it was carried out. Councillor Webbe felt that Euro 6 diesel vehicles should not be exempt from the ULEZ, as this was not a "clean" diesel. She said that the borough of Islington had implemented a diesel surcharge of £100. Councillor Usher said that a diesel scrappage scheme was required and that this needed to come from central government.

Alex Williams made the following comments to address members' concerns:

- There were various phases and consultation taking place regarding the LEZ and ULEZ. The new Mayor was planning to bring a toxicity charge in by 2017 for the most polluting cars.
- There were no specific proposals regarding the ULEZ extension. TfL was also working on alternative boundaries to the North/South circular divide.
- Getting information across to the public and instigating changes in behaviour did not appear to be working at the moment as sales of diesel vehicles were increasing. There was a definite need to increase public understanding of ULEZ and high polluting vehicles.
- There were no proposals to change the regulations regarding Euro 6 diesel. TfL monitoring showed that diesel 6 buses were cleaner.
- The issue of diesel scrappage had been raised with the Secretary of State (SoS) this week. Costs were substantial, but the SoS wanted to look into this.

Councillor Loakes said that he did not support the North/South circular as a ULEZ boundary. He said that he hoped that there would be an opportunity for the boroughs to give their views prior to formal consultation.

Decision: The Committee noted the report on reducing air pollution in London, and the comments made by members and TfL.

13. OLEV Go Ultra-Low City Scheme

The Committee considered a report on the Office of Low Emission Vehicles "Go Ultra Low City Scheme". London had been awarded £13,000,000 in capital funding, as one of the four winning cities from the Scheme, and £240,000 in revenue funding, over the 2016-2020 period. A steering group that consisted of representatives from TfL, the Mayor's office and London Councils (including the Chair and Conservative and

Labour vice-chairs of TEC) had been established to guide the implementation of the projects proposed in London's bid.

Katharina Winbeck introduced the report and made the following comments:

- Partner organisations were now setting-up governance arrangements. A three-tier structure was now in place - London Councils was represented at the Steering Group, through the Chair and Conservative and Labour vice chairs of TEC. There was also the Programme Board and the borough working group.
- A borough survey had been undertaken to increase our understanding on how electric charge points are dealt with in the boroughs.
- We have recently gone out to tender for some consultancy advice on the new delivery partnership for residential and car club charge points and additionally a secondment placement would work with London Councils to drive this element forward.
- Details from a car-club survey regarding the level of infrastructure they might need to deliver 50% ultra-low emission vehicles in 2025 would follow shortly, and a rapid charging network call-off contract.
- The Ultra-Low City Scheme will support additional infrastructure for rapid chargers and TfL was keen to learn from boroughs for potential sites.
- Eight boroughs had given opinions on re-profiling their bid regarding Neighbourhood of the Future (NoF), to take into account the reduction in bid funds received. The implementation date for this was October 2016.

Councillor Usher said that LB Wandsworth and LB Haringey were working with LB Croydon on the telephone survey. Councillor Webbe voiced concern over the long time frame for EV infrastructure and procurement for electric vehicle charging. Katharina Winbeck said that this question will also be put to the consultants, to ensure that boroughs are able to implement charging infrastructure, which can then be taken on by the delivery partnership once it is set up, which will not be the case before March 2017

Councillor Doyle asked whether there would be standardisation on charging points (ie a general specification going forward). Nick Lester-Davis confirmed that there were already standardised charge points in place, and minimum standards for charging networks were now being looked into. Details on this would be available later this year. Councillor Southwood asked how this related to BluePoint London. She said that it would not be beneficial to have different arrangements. Katharina Winbeck said that charging principles were being looked at. These would be implemented through a structure that was being put in place now.

Decision: The Committee noted and discussed the OLEV Go Ultra Low City Scheme.

14. Freedom Pass Progress Report

The Committee received a report that provided members with a general progress update on the Freedom Pass scheme.

Spencer Palmer said that the Freedom Pass renewal had been successful, with a higher rate of online renewal taking place than expected. He informed members that

the new online payment portal would pay for itself within two years and would then generate savings.

Decision: The Committee noted the progress update for the Freedom Pass scheme, including the 2016 re-issue and the new customer service improvements.

15. TEC Committee Dates 2016/17

The Committee considered a report that informed members of the proposed TEC and TEC Executive Sub Committee dates for the municipal year 2016/17

The Chair reminded members of the new 10:00am start time for the TEC Executive Sub Committee meetings, in order for the City of London TEC member to attend.

Decision: The Committee noted and agreed the dates for TEC and TEC Executive Sub Committee meetings for 2016/17.

16. Minutes of the Meeting of the TEC Main Meeting held on 23 March 2016

The minutes of the TEC Main meeting held on 23 March 2016 were agreed as an accurate record by Committee.

The meeting finished at 15:40pm