

London Councils' Transport and Environment Committee

Thursday 12 October 2017

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

Labour Group: Meeting Room 4 at 1.00pm (1st Floor)

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

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Agenda Items	
1	Apologies for Absence and Announcement of Deputies
2	Declarations of Interest*
3	Mayor's Environment Strategy – Introduction by Shirley Rodrigues, Deputy Mayor for Environment, GLA
4	Response to Mayor's Draft Transport Strategy – Val Shawcross, Deputy Mayor for Transport, GLA, will be available to answer any questions
5	Local Implementation Plan Guidance Response – Val Shawcross will be available to answer any questions.
6	Flooding Report – Introduction of the new Chair of the Thames Regional Flood & Coastal Committee
7	Chair's Report
8	GLC Parks Byelaws – Setting Penalty Levels
9	Proposed Freedom Pass Settlement Adjustment for Rail Network Disruption
10	Direct Vision Standard for Heavy Goods Vehicles

11	Social Needs Transport – Proposed Personal Travel Budget Pilot	<i>To Follow</i>
12	Code of Practice for Parking Enforcement Part 2	<i>To Follow</i>
13	TfL Consultation on Penalty Charge Levels	
14	Re-Appointment of Environment Traffic Adjudicators	
15	Environment & Traffic Adjudicators' Annual Report 2016/17	
16	TEC Constitutional Matters (D Dent)	
17	Minutes of the TEC Executive Sub Committee held on 15 September 2017 (for noting)	
18	Minutes of the TEC Main Meeting held on 15 June 2017 (for agreeing)	

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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TEC Declarations of Interest as at 12 October 2017

Freedom Pass Holders/60+ Oyster Cards

Cllr Wesley Harcourt (LB Hammersmith & Fulham), Cllr Phil Doyle (RB Kingston), Cllr Alan Smith (LB Lewisham), Cllr Jill Whitehead (LB Sutton), and Cllr Caroline Usher (LB Wandsworth).

North London Waste Authority

Cllr Dean Cohen (LB Barnet), Cllr Daniel Anderson (LB Enfield), Cllr Feryal Demirci (LB Hackney), Cllr Peray Ahmet (LB Haringey), Cllr Claudia Webbe (LB Islington), and Cllr Clyde Loakes (LB Waltham Forest).

Western Regional Waste Authority

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

East London Waste Authority

Cllr Lynda Rice (LB Barking & Dagenham) and Cllr John Howard (LB Redbridge).

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).

West London Waste Authority

Cllr Ellie Southwood (LB Brent).

London Waste & Recycling Board

Cllr Feryal Demirci (LB Hackney) and Cllr Ian Wingfield (LB Southwark)

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 Lynda Rice (LB Barking & Dagenham)
Cllr Dean Cohen (LB Barnet)
Cllr Tim Coleridge (RB Kensington & Chelsea)
Cllr Alan Smith (LB Lewisham)
Cllr Daniel Anderson (LB Enfield)

London Cycling Campaign

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

Board of Trustees for Groundwork London

Cllr Alan Smith (LB Lewisham)

Wandle Valley Regional Park

Cllr Jill Whitehead (LB Sutton)

London Councils' Transport & Environment Committee

Response to the Mayor's Draft Transport Strategy Item no: 04

Report by: Jennifer Sibley **Job title:** Principal Policy Officer
Date: 12 October 2017
Contact Officer: Jennifer Sibley
Telephone: 020 7934 9829 **Email:** Jennifer.sibley@londoncouncils.gov.uk

Summary This report summarises the development process of the London Councils' draft response to the draft Mayor's Transport Strategy and seeks member approval for its contents.

Recommendations The Committee is asked to:

- Note and discuss the report and draft response to the draft Mayor's Transport Strategy at Appendix 1;
- Agree to submit the draft response to the draft Mayor's Transport Strategy as outlined at Appendix 1;
- Agree that if changes are substantial at the TEC meeting, the Chair and Vice-Chairs will sign-off the response on TEC's behalf.

Background and response development

1. The draft Mayor's Transport Strategy was published on 21 June 2017. London Councils has taken care to give opportunities for boroughs to shape the draft response.
2. On 2 March 2017 London Councils held a joint pre-consultation event with TfL for officers and members.
3. An event with the Deputy Mayor, Val Shawcross CBE and Lilli Matson from TfL was arranged for 20 July 2017. This provided an opportunity for members to hear about the draft MTS and discuss key issues.
4. London Councils officers have also attended a number of officer meetings and forums to capture issues that borough officers have raised. These include a workshop for borough officers organised by TfL on the Mayor's Transport Strategy on 18 July, a LoTAG meeting (London Technical Advisers Group) on 24 July, and a meeting of the London Environment Directors Network (LEDNET) on 4 September.
5. Our response drafting has been assisted by an officer Task and Finish Group which has met twice; once on 6 July and again on 7 September.
6. All borough officers have been invited to comment on three occasions as the draft has developed, between July and September.
7. Members were invited to comment on the draft response between 11 and 25 September. Comments have been incorporated into this final draft response attached at Appendix 1.

TEC meeting 12 October 2017

8. Val Shawcross CBE, Deputy Mayor, is attending TEC on 12 October 2017. This will be an opportunity to highlight key issues in response to the draft MTS.
9. Further comments can be provided by TEC members at the meeting, which will be incorporated into the final response.
10. If the changes are substantial, it is suggested that the final response be signed-off for submission by the Chair and Vice-Chairs of TEC.
11. The consultation formally closed on 2 October 2017. London Councils has been granted an extension to enable TEC to discuss the response at its meeting on 12 October. It is however necessary for the response to be submitted as soon as possible after the TEC meeting to ensure borough views are taken into account.

Recommendations

The Committee is asked to:

- Note and discuss the report and draft response to the draft Mayor's Transport Strategy at Appendix 1;
- Agree to submit the draft response to the draft Mayor's Transport Strategy as outlined at Appendix 1;
- Agree that if changes are substantial at the TEC meeting, the Chair and Vice-Chairs will sign-off the response on TEC's behalf.

Financial Implications

12. There are no financial implications to London Councils arising from this report.

Legal Implications

13. There are no legal implications to London Councils arising from this report.

Equalities Implications

14. There are no equalities implications to London Councils arising from this report.

► Draft Mayor's Transport Strategy

► DRAFT London Councils response

London Councils represents London's 32 borough councils and the City of London. It is a cross-party organisation that works on behalf of all of its member authorities regardless of political persuasion.

Introduction and key themes

1. London Councils represents London's 32 borough councils and the City of London. It is a cross party organisation that works on behalf of all its member authorities regardless of political persuasion.
2. The 32 London Boroughs and the City of London are the Mayor of London's and Transport for London's key delivery partners for the Mayor's Transport Strategy. Boroughs are responsible for 95 per cent of the highways network, as well as taking a keen interest in the rail, tube, tram and bus services provided to their residents, workers and visitors. This London Councils response sets out a series of issues we want to see reflected in the final Mayor's Transport Strategy.
3. The key themes of our response are:
 - i. We support the ambition and bold vision, particularly for Healthy Streets;
 - ii. We welcome the recognition that some of the proposals will be easier for some boroughs to deliver than others;
 - iii. We welcome the holistic approach taken in the MTS to matters of the environment, economy and health and particularly welcome the joint nature of the air quality proposals in both the draft MTS and draft London Environment Strategy;
 - iv. We have some concerns about road user charging and the perceived devolution of responsibility for the difficulty of introducing these to borough politicians rather than the Mayor;
 - v. We consider that the draft MTS does not have a spatial central / inner / outer approach, which has surprised us since all the pre-consultation work TfL and the GLA did was focused on this geography;
 - vi. There are areas we think the Mayor could and should work faster on, for example in cleaning the transport fleet, demand-led bus services, rapid transit buses, tram extension and extending step-free access across the network;
 - vii. Funding and financing of schemes remains a concern, given the level of ambition in the strategy, particularly as Healthy Streets funding through the Liveable Neighbourhoods fund is not going to stretch far. Funding and financing of schemes, small-scale and strategic, remains as challenging for boroughs as it is for TfL. We want to see continued collaborative working on this;

- viii. We support the major infrastructure plans for London and want London government to start identifying those for 2041-2060, given the challenges in bringing schemes forward. We note that a number of the proposals require central government support;
- ix. Mode shift in outer London is recognised as being most challenging but we do not feel the proposals will address this adequately enough. These includes proposals relating to public transport provision, the cycle network and orbital rail;
- x. We seek greater reference to congestion as an implication of the Mayor's policies in the final MTS;
- xi. We consider the draft MTS to lack vision and preparedness for technological changes affecting transport. Thinking particularly of dockless cycling and autonomous vehicles, the Mayor needs to develop the necessary frameworks to ensure these and future changes can support the MTS vision and outcomes;
- xii. With regards to the Local Implementation Plan (LIP) Guidance, we are concerned at the level of prescription in the document, regardless of whether that was intended, and the requirement for boroughs to develop targets for a series of delivery indicators where the Mayor is not developing his own targets. We feel it remains appropriate for boroughs to set targets against the outcome measures alone, as they have done under LIP2. A more ambitious strategy does not necessitate more requirements on boroughs. We also have some suggestions on shortening the Guidance that we will raise in our separate response;
- xiii. We note that whilst the MTS is ambitious, the timescales remain short for boroughs to develop their Local Implementation Plan. We therefore ask for acknowledgment that boroughs will not be able to deliver substantial amounts of what is an ambitious strategy before the end of the Mayoral term.

Chapter 1 – The Challenge

London faces a number of growing challenges to the sustainability of its transport system. To re-examine the way people move about the city in the context of these challenges, it is important that they have been correctly identified.

Please provide your views on the challenges outlined in the strategy, and describe any others you think should be considered.

4. The draft Mayor's Transport Strategy identifies that a dominance of motor vehicles is causing congestion, air pollution, road danger and contributing towards physical inactivity due to an overdependence on car usage. The public transport experience needs to improve, including accessibility and reliability and addressing the lack of viable public transport options in some parts of London. Planning for London's growth and using transport to support the delivery of enough new, affordable homes is the third challenge set out in the draft MTS.
5. London Councils welcomes the holistic nature of the draft MTS and the recognition that transport is a means to end, and has a role to play in supporting wider outcomes for London. We are concerned to see air pollution is not considered a challenge in itself, but acknowledge that the recently published draft London Environment Strategy does set out the Mayor's plans on this. Emissions relating to construction represent a significant percentage of London's emissions and London's growth will mean more homes with boilers emitting pollutants, and potentially more drivers. Restricting development to be car-free is not a solution if adequate public transport is not provided alongside it. Additionally, we feel that some potential solutions have not been given the focus they deserve, which we are outlining throughout this consultation response in more detail.
6. The draft MTS lacks a spatial focus that we expected given the efforts by TfL in the pre-consultation stages to engage with boroughs on this basis. Whilst the particular challenges facing outer London in terms of public transport provision are recognised, there is little else relating to spatial geography. The maps given in the New Homes and Jobs section of the draft MTS that are only for some parts of London are not a replacement for this. It would be helpful to see in the final MTS more examples of differential solutions that may work in different parts of London and recognition of the different spatial challenges in central, inner and outer London, for example for freight and servicing. The overall challenge for London is set out well, but not for the distinctive parts of it. We want to see greater recognition of sub-regional working in the final MTS, as this is well developed in some parts of London and there is a lot of ambition to work collaboratively on delivering parts of the MTS. London Councils would like to work with the Mayor and TfL to develop these solutions collaboratively before the final MTS is published.
7. Many of the proposals included in the draft MTS will require significant behaviour change on the part of all Londoners, not only those who move into new developments. We feel there is a lack of recognition that existing residents will have to change their behaviours too (for example, cycling instead of driving, or not having a second or third car). This will be challenging in parts of London where public transport provision is poor. To achieve this behaviour change, Londoners need to recognise the challenges first. We are concerned at the lack of discussion about the big themes of the MTS outside the transport industry. We want to see the Mayor using the release of the final MTS as an opportunity to stimulate debate and seek a mandate for the ambition and radical ideas in the MTS. We are concerned that boroughs already spend a lot of time explaining and defending schemes to residents and it would be helpful for the Mayor to also be leading this debate.
8. We are also concerned that whilst orbital links are referenced, there are no real solutions to introduce them, except the new Overground rail link in West London between Hounslow and

Cricklewood via Oak Old Common that was first proposed by the west London boroughs. We want to see more orbital links in the final MTS.

9. The issue of severance, where an area is divided by a railway line or road with limited or no crossings is only referenced twice in the draft MTS and in neither case in a way that relates to tackling it strategically. We want to see this explicitly referenced in the 'easy to cross' Healthy Streets Indicator and for the Mayor to champion addressing this, particularly across major highways.
10. Finally no reference is given to the potential impact of digital infrastructure in changing the way people work and where they work from. It would be helpful for the final MTS to demonstrate how much the modelling takes this into account. Encouraging local employment could also be referenced more strongly, and the need to provide good public transport to employment sites. More broadly, the final MTS needs to look forward and include how transport is evolving in order to start addressing 'mobility as a service'. Private hire vehicles and dockless cycle hire are already examples of how technology can be disruptive and challenge existing transport networks. These plus autonomous vehicles will soon create major shifts in travel behaviour and use of streets that needs to be managed.

DRAFT

Chapter 2 – The Vision

2) The Mayor's vision is to create a future London that is not only home to more people, but is a better place for all of those people to live and work in. The aim is that, by 2041, 80 per cent of Londoners' trips will be made on foot, by cycle or using public transport.

To what extent do you support or oppose this proposed vision and its central aim?

11. London Councils welcomes and supports this vision, although we are realistic that delivering it on the ground will be challenging, given the constraints that exist in London. London boroughs are vital partners to achieving this, as the highway authority for 95 per cent of the road network, and we welcome the emphasis given in the draft MTS to the borough role. We want to see the delivery milestones between now and 2041 and understand how these apply to different boroughs or parts of London, to avoid this becoming a target that is left for the long-term. We want to know what TfL plans to do on the TLRN to promote walking, cycling and public transport use and how it will work with boroughs to achieve this.
12. Given the clear public health benefits of the draft MTS, we support the involvement of public health teams in the delivery of the strategy and believe this is vital to its success. Discussions held show that Association of Directors of Public Health strongly support the draft MTS and recognise the important role public health has in delivering the strategy in partnership with transport, planning and environment colleagues.
13. We would like to see public health better represented at a senior level within TfL. TfL should appoint a Director of Public Health and ensure it employs sufficient accredited public health professionals to oversee the delivery of Healthy Streets. We also suggest that the Healthy New Town initiative with NHS England may be a useful contributor to, and supporter of, the Mayor's Healthy Streets Indicators, where large-scale regeneration is planned.
14. We encourage the Mayor to review again the air quality targets and timescales for cleaning all types of motor vehicle set out in the draft MTS in light of the government's announcements in its Air Quality Plan. Given the scale of the air quality challenge in London, we encourage the Mayor to continue to accelerate ways to tackle the problem.

3) To support this vision, the strategy proposes to pursue the following further aims:

To what extent do you agree or disagree with the aims set out in this chapter?

- **by 2041, for all Londoners to do at least the 20 minutes of active travel they need to stay healthy each day;**
- **for no one to be killed in, or by, a London bus by 2030, and for deaths and serious injuries from all road collisions to be eliminated from our streets by 2041;**
- **for all buses to be zero emission by 2037, for all new road vehicles driven in London to be zero emission by 2040, and for London's entire transport system to be zero emission by 2050;**
- **by 2041, to reduce traffic volumes by about 6 million vehicle kilometres per day, including reductions in freight traffic at peak times, to help keep streets operating efficiently for essential business and the public;**
- **to open Crossrail 2 by 2033;**

- to create a London suburban metro by the late 2020s, with suburban rail services being devolved to the Mayor;
- to improve the overall accessibility of the transport system including, by 2041, halving the average additional time taken to make a public transport journey on the step-free network compared with the full network;
- to apply the principles of good growth.

15. London Councils welcomes the ambition in the draft MTS. These aims are bold and help support an inclusive, dynamic and modern future London. We support the principle of all the aims set out above and we support Crossrail 2 as a much-needed major infrastructure project for London.
16. However, we want to see the Mayor and TfL go further and faster on a number of these. We believe 2037 is not soon enough for all buses to be zero emission. The technological advancements seen in recent years mean we think this target could be achieved sooner. In the same way we do not feel improvements to the accessibility of the transport system by 2041 is good enough, and we want to see TfL explore ways to secure funding from different sources to accelerate accessibility, especially to rail and tube stations.
17. We challenge the 80 per cent target for trips being made by walking, cycling and public transport. TfL's own data in the draft MTS, given on page 277, indicates that 90 per cent of trips in central London and 80 per cent of trips in inner London are already made by walking, cycling and public transport. In the same way, trips between central and inner London, central and outer, and central and outside London already meet these targets – and have done since 2015. The real areas of focus are trips within outer London, between inner and outer, and outer and inner London to outside London respectively. Investment in public transport is essential to achieving these targets. The 80 per cent target for Londoners' trips risks becoming misleading and obscures the dedicated work TfL and the boroughs need to do in these areas. We want to see headline targets for outer London trips, and for travel between inner and outer and outside London used, otherwise the Mayor can rightly be viewed as setting a target that's already been largely achieved.
18. In addition we would like to see evidence in the final MTS that the Mayor is engaging with Public Health England and the NHS in London to ensure the Mayor's transport ambitions are properly tied up with public health outcomes. We support efforts for every Londoner who can to do 20 minutes of active travel a day, where they are not already active. This messaging needs to acknowledge that the Chief Medical Officer has a target of 30 minutes of physical activity per day.¹ We suggest that the Mayor should be promoting the role of active travel within this target, rather than proposing a new target. Promoting active travel will involve behaviour change and we seek recognition of this in the final MTS. We suggest that TfL could look to include an option on its journey planner that people could use to pick a route that involved 20 minutes of active travel. As well as the benefit to physical health, being active has benefits for mental health too, which are only very briefly mentioned on page 43. We would like to see greater recognition of the benefits for positive mental wellbeing included in the final MTS.
19. Whilst we welcome the ambitions for the road safety Vision Zero we seek urgent clarity on what is expected from boroughs here and how this will be achieved. We particularly want to understand what will be done differently to achieve the end of bus deaths by 2030, especially given the expected increase in older and more vulnerable bus users and the increase in walking and cycling, which will increase the risk of conflict between buses and more vulnerable travellers. We also want to understand what Vision Zero means for streetscape; whether this means more segregation to

¹ The daily target is the suggested way to achieve the target of undertaking 150 minutes of physical activity per week.

eliminate the risk of conflict, or more shared space but with slower speeds. We are concerned about the focus on killed and seriously injured, and the absence of reference to people who are slightly injured. A broad safety message continues to be important.

20. Transport for London, on behalf of the GLA, has recently commissioned a congestion study to better understand the causes and composition of congestion in different parts of London. This should help define essential journeys and understand peak-time journeys better, particularly for freight, and what is being transported. The draft MTS lacks a focus on congestion beyond traffic reduction, although we note that borough funding through the Local Implementation Plan is still assessed using congestion as one indicator. Congestion is often a concern for residents. Population growth could mean more cars and boroughs need the support of the Mayor in the MTS if the Mayor considers that congestion could support people opting for public transport, walking or cycling.
21. Whilst we support better planning and consolidation of journeys and deliveries, this will require businesses to change customer perceptions about the speed of deliveries and provide incentives to wait longer. The Mayor needs to spearhead this by explaining why this is important and how delivery and shopping preferences have a citywide impact. Some companies have already started this, but more will be required if reducing peak-time delivery congestion can be achieved.
22. TfL needs to continue to work with boroughs, the freight industry and businesses to encourage more deliveries and collections to be carried out off-peak. Where time-critical peak journeys remain necessary, we want to work with the Mayor and TfL on a framework that addresses how to manage this. When changing the times of deliveries, increased noise nuisance and pollution should be no more acceptable than increases in air pollution. We need a step change in freight vehicle design to ensure fleets are quieter, safer and greener. Although immediate action is necessary, moving goal posts with changing policies and implementation dates have a significant impact on boroughs and businesses with small or large vehicle fleets. We will continue to work with TfL and boroughs to have a clearer, more coordinated approach to freight management and regulation. This work needs to give consideration to technological changes, such as droids, drones and 3D printing.

Chapter 3 – Healthy streets and healthy people

4) Policy 1 and proposals 1-8 set out the Mayor's draft plans for improving walking and cycling environments (see pages 46 to 58).

To what extent do you agree or disagree that these plans would achieve an improved environment for walking and cycling? Please also describe any other measures you think should be included.

23. London Councils strongly supports Policy 1 and the Mayor's ambitions to make London a city where people choose to walk and cycle. We support Proposal 1 and in particular the strength of proposal 1E (ensuring any scheme being undertaken on London's streets for any reason improves conditions for walking and cycling). We feel the strength of this statement needs to be replicated in others in the draft MTS, which we highlight in our response. We want Proposal 1E expanded to include the roadworks and disruption that take place whilst a scheme is constructed.
24. We want to see the final MTS amended as follows:

Proposal 1e) Ensuring any scheme being undertaken on London's streets for any reason improves conditions for walking and cycling and adequate consideration is given to pedestrians and cyclists whilst the scheme is being constructed.
25. The affected London boroughs will respond directly on Proposal 2 (transformation of Oxford Street and Parliament Square). London Councils wants to see TfL working with boroughs to identify other locations for pedestrianisation or pedestrian and cycle priority in other town centres, including in outer London. Bus routes converging on town centres are important for users getting to where they need to go, but the impact on pedestrians, cyclists, air quality and streetscape needs to be considered. This is recognised in Oxford Street, and there will be other locations boroughs want to address with TfL. Where these are part of the TLRN, we expect the Mayor and TfL to be bold and ambitious in identifying options to divert traffic, as is happening for Oxford Street.
26. We welcome Proposal 3, a London-wide network of cycle routes and improved infrastructure, bringing 70 per cent of Londoners within 400 metres of a cycle route by 2041. We want the final MTS to define more clearly what is meant by 'cycle route' in this context, as improving conditions for cycling can be achieved by making local streets safe for cycling and reducing traffic, as well as through dedicated, segregated infrastructure. A different approach is likely to be needed in different parts of London, and in different parts of boroughs.
27. We are concerned that the 30 per cent of Londoners not within this distance of a cycle route will be in outer London; the very area that the Mayor has identified needs to be focused on in order to reduce the number of journeys taken by car. The text on page 28 also implies that cycling investment will focus on inner London as this is where it will be easiest to achieve targets. All of London needs investment in good cycle infrastructure and the proposed new cycle routes in Figure 4 reinforce the radial model of London's transport despite it being well-recognised that London lacks good orbital routes that offer an alternative to the car. We therefore want the final MTS to rethink this approach and give greater consideration for how the proposed indicative cycle network by 2041 can cover far more of outer London and introduce far more orbital routes. The Mayor cannot achieve his objectives for mode shift, especially for outer London, if the quickest way between two district centres is by car.
28. The LIP Guidance sets targets to reduce absolute car ownership and for boroughs to target reductions based on total cars owned and car ownership per household. Given population and households increases, we suggest a per capita approach may be more appropriate. London Councils supports Proposals 4 and 5 to encourage walking and wayfinding. We encourage TfL to

continue to work with the developer community on mapping and travel apps. We support Proposal 6 to increase use of the Santander Cycle Hire and support the recognition that alternative models of cycle hire will come to London. We note the arrival of dockless cycling in London, as an alternative way to bring cycle hire to boroughs where the Santander scheme will never be profitable for TfL to operate. The final MTS needs to set out how dockless cycling can be managed effectively, particularly in terms of the risks of obstruction and street clutter, and for the safe and confident movement of disabled, blind and partially sighted people. We are working with TfL and boroughs on this.

29. We support Proposal 7 on promoting walking and cycling. Proposal 8 encourages street closures on a one-off, trial and regular basis. We support this in principle as street closures can provide a safe play space, reduce traffic and can help tackle spikes in air pollution. We want to highlight that street closures require boroughs to assess the streets suitability and consider issues such as safety and displacement of traffic. Street closures should continue to be at the discretion of the borough and the final MTS needs to include greater reference to this. Boroughs will be particularly instrumental in lending support to Proposal 8 and we would like to see greater recognition of this.

Additional measures

30. Autonomous vehicles are discussed in the delivery section of the draft MTS. We feel insufficient consideration is given to the impact of autonomous vehicles on pedestrians, other road users, and encouraging walking and cycling. We acknowledge that TfL and the Mayor cannot predict the technological advancements that will come during the lifetime of this MTS; however for those that already exist we want to see the Mayor taking them into full consideration. We have outlined further comments on autonomous vehicles in our response to question 21 (page 35). In particular, the final MTS should clearly set out what benefits it wants autonomous vehicles to deliver and not deliver, and begin developing the necessary policy frameworks to ensure this is possible, as this technology aims to increase driving by making it easier and cheaper.
31. We know that boroughs find it frustrating to approach TfL with proposals for improving the street environment to be refused by TfL's network management who are concerned about the impacts on bus reliability. We expect TfL to support borough initiatives that are in line with the Healthy Streets approach and will deliver the aims of the MTS. Where boroughs experience these difficulties with TfL's approach, we will raise them with the Walking and Cycling Commissioner at regular quarterly meetings that are planned with members of London Councils' Transport and Environment Committee.

5) Policy 2 and proposals 9-11 set out the Mayor's draft plans to reduce road danger and improve personal safety and security (see pages 62 to 67).

To what extent do you agree or disagree that these plans would reduce road danger and improve personal safety and security? Please also describe any other measures you think should be included.

32. London Councils supports the Mayor's ambition for our streets to be safer and for road danger to be reduced. We welcome Vision Zero and the associated targets that by 2041 no person will be killed or seriously injured on London's roads. They are, however, highly ambitious targets; we think no fatalities may be achievable but no-one being seriously injured would require significant, as yet unknown, technological advances.
33. In addition we are concerned at the sole focus on numbers of people killed and seriously injured. There is no reference in the draft MTS to people slightly injured on roads, which has had a worryingly upward trend in the last couple of years, nor the impact this has on their confidence to

walk and cycle. The Mayor should use the final MTS to clarify that slight injuries should also decrease. He should also indicate what TfL will do on the TLRN to reduce these numbers; and what the Mayor expects boroughs to do.

34. Page 64 of the draft MTS sets out some broad ways to reduce the danger posed by motor vehicles. It would be helpful in the final MTS for TfL to set out its modelling assumptions for achieving Vision Zero and the associated targets. We want the Mayor to commit to introducing 20mph speeds on the TLRN where it runs through town centres and close to shops, schools and other community destinations where boroughs request this in the final MTS.
35. Not all of London's roads are suitable for 20mph speeds and already have speeds of 40mph or 50mph. We want to understand in the final MTS how the Mayor plans to reduce collisions on these roads as well, since 20mph speeds are not a feasible proposal.
36. Improving compliance, which is part of Proposal 9A will be crucial to the success of lower speed limits. We want to see the Mayor addressing this in the final MTS with a commitment by the Metropolitan Police Service to enforce all speed limits. If the Mayor opts not to direct his police force in this way, the Mayor must identify in the final MTS how compliance can be achieved in other ways. The Mayor could also work with car insurance companies on incentives for using 'black box' devices that monitor speed and road compliance. The timescales for the Bus Safety Standard (part of Proposal 9C) should also be set out in the final MTS.
37. We welcome the proposed direct vision standard (Proposal 9C) and will continue to work with TfL to deliver and consolidate it with existing regulation such as the London Lorry Control Scheme.
38. Proposal 10 says an annual progress report on reducing the number of people killed or injured will be provided by TfL and the police, which is not new. We want to ensure this includes people who are slightly injured. Boroughs need the flexibility to focus resources on a junction with high numbers of slight injuries, for example, rather than somewhere with very low numbers of people seriously injured, if the context suggests that is an appropriate response.
39. We therefore want the final MTS amended as follows:

Proposal 10: The Mayor, through TfL and the boroughs, will collaboratively set out a programme to achieve the Vision Zero aim of reducing the number of people killed or injured on London's streets to zero. A joint police/TfL report will provide annual updates on progress.
40. Proposal 11 sets out a comprehensive approach to improving motorcycle safety, although mopeds should also be included. Motorcyclists, as vulnerable road users, should be considered as part of the Healthy Streets approach. TfL's urban motorcycle design handbook (Proposal 11A) should align with Healthy Streets. We reject Proposal 11C which calls on all boroughs to allow motorcyclists to use bus lanes. TfL has not provided the evidence which demonstrates that motorcyclists are safer using bus lanes, and so we request this proposal's removal from the final MTS.
41. We recognise that Proposal 11 includes a number of voluntary measures to raise standards and training for motorcyclists. Alongside this, we want to see the Mayor work with the Department for Transport to review the standard, use and duration of the Compulsory Basic Training (CBT) licence. This is required to drive a powered two-wheel up to 125cc engine power. The licence can be gained within four hours, is valid for two years and can be reacquired multiple times. The licence training is insufficient for busy London streets. Licence types are not recorded in traffic accidents but riders of machines of under 125cc engine power accounted for 67.5 per cent of all powered two wheel accidents in 2015.

Additional measures

42. In the lifetime of this strategy there could be alternative means to managing speed; for example through in-car devices rather than external speed cameras. This is where autonomous technology has a clear benefit. Rather than focussing on fully autonomous vehicles, we should encourage development of technology that ensures compliance with essential regulations, such as speed limits.

6) Policy 3 and proposals 12-14 set out the Mayor's draft plans to ensure that crime and the fear of crime remain low on London's streets and transport system (see pages 68 to 69).

To what extent do you agree or disagree that these plans would ensure that crime and the fear of crime remain low on London's streets and transport system? Please also describe any other measures you think should be included.

43. London Councils supports Policy 3 and Proposals 12 and 13. We welcome commitment to specialist and integrated policing of London's transport system and the focus on moped theft given the rise in this type of crime.
44. We want to see Proposal 14 amended. Insufficient consideration is given to the changing nature of the threat to London's transport system; away from hubs like stations where people naturally congregate to areas of lower protection where random attacks can take place. Recently TfL and boroughs have started to discuss with MOPAC and government about how hostile vehicle mitigation can be introduced in London. This has the potential to run directly counter to the Healthy Streets approach, which includes decluttering places. However, since the terror threat is not expected to dissipate any time soon, the Mayor must consider how protecting public spaces forms part of his MTS and how it can be introduced in a way that contributes to the Healthy Streets approach as well as place.

45. We therefore want to see the final MTS amended as follows:

Proposal 14A: The Mayor, through TfL, and with the boroughs, will ~~seek to~~ work with Government, law enforcement and security agencies, transport providers and other relevant organisations to respond to, and counter, current and future terrorist threats to the London transport system.

Proposal 14B: The Mayor, working through TfL and with the boroughs, will determine how to introduce ways to protect public spaces, including through the use of hostile vehicle mitigation, in identified sites across London in a manner sensitive of place and in a way that supports the Healthy Streets approach.

Additional measures

46. The draft MTS does not reference bicycle theft. Recognising that people will not start to cycle if there is nowhere secure to lock their bike or their bike is stolen, boroughs will use their highways and planning powers through the LIP process to deliver secure bicycle storage. The Mayor should do the same on the TLRN and encourage businesses to part their part as well.
47. We want to see reference to tackling fare evasion, an increase in enforcement officers and seeking additional powers to tackle this. At a time when TfL's finances are under increasing pressure, staff at stations cannot continue to be powerless to stop fare evaders.

7) Policy 4 and proposals 15-17 set out the Mayor's draft plans to prioritise space-efficient modes of transport to tackle congestion and improve the efficiency of streets for essential traffic, including freight (see pages 70 to 78).

To what extent do you agree or disagree that these plans would tackle congestion and improve the efficiency of streets? Please also describe any other measures you think should be included.

48. London Councils welcomes the prioritisation of space-efficient modes of transport and we suggest this is strengthened with the inclusion of a definition of 'essential traffic'.

49. We propose the following definition be added to the final MTS:

Essential traffic is the most space-efficient and least polluting way to travel.

50. We note the lack of targets and indicators on congestion (as opposed to traffic) and note that while the proposals in the draft MTS may encourage mode shift and therefore fewer cars on the road, it doesn't follow that congestion itself will fall. The draft MTS has not made a strong case that providing segregated bus lanes, and new pedestrian crossings, for example, are part of the solution to congestion. As referenced above, we feel there is a role for the Mayor in discussing how people receive their shopping and deliveries and the impact this has on congestion.

51. We welcome the role of business identified in Proposal 15 and there is scope for commercial waste services provided by boroughs to support consolidation of business waste arrangements, especially given vehicles are already traversing the same roads to collect household waste. That said, many of London's Business Improvement Districts have already started work to consolidate deliveries and waste collection arrangements, and it would be helpful to include in the final MTS where the opportunities for this are.

52. We feel that planning for a strategic consolidation and distribution network is welcome and we expect to see site allocations for this in the London Plan. It will however be challenging to achieve, given the pressures on London's land. In the same way it would be helpful to know in the final MTS how much of London is already within a 30-minute drive of a construction consolidation centre, and how much of a challenge the delivery of this will be. This might be a useful addition to the infrastructure mapping tool established by GLA colleagues.

53. As well as safer and cleaner vehicles, a London lorry standard (Proposal 15G) should also consider noise and the nuisance this causes London's residents. As part of the recent review of the London Lorry Control Scheme, London Councils has agreed to explore noise standards for vehicles and we would welcome the Mayor's support with this.

54. We want to see the MTS amended as follows:

Proposal 15G: Developing a 'London lorry standard' to simplify the regulatory environment for HGVs operating in London and ensure that vehicles are safer, cleaner and quieter.

55. Boroughs have long-championed making better use of the River Thames for freight and we welcome Proposal 16 to move freight off roads and onto the rail network and River Thames. We want this to be done in such a way that protects rail paths for increasing service frequencies and introduce passenger services on lines that currently only have freight. We want to see in the final MTS what has been achieved so far. Use of waterways is not restricted to the River Thames; London has a canal and river network and this can provide opportunities for moving freight as well. To achieve this vision, the Mayor must safeguard and build more wharfs in collaboration with boroughs. Moving freight onto the rail and waterways network does not address emissions or ensure that the vehicles transporting it are clean. Our response to question 10 (paragraph 86) addresses the action we want to see taken here.

56. We want to see the final MTS amended as follows:

Proposal 16: The Mayor, through TfL will work with Network Rail, the Canal and River Trust and the Port of London Authority to move, ~~where practicable,~~ freight off London's streets on to the rail network, canal network and river Thames at net zero or improved air quality. The Mayor, working with boroughs, will use the London Plan process to identify and safeguard new wharfs to help achieve this.

57. We support Proposal 17 that proposes that car club provision should only be supported where it removes private parking spaces. Car club bays should be prioritised for 'green' vehicles. We are concerned at the lack of reference in the draft MTS to the different models of car clubs – floating, point to point as well as back to base. Given their different impacts on potential public transport usage, this needs to be better developed in the final MTS. We believe there is a role for each of the different models in London and these should be further developed to help people to give up their private car. Different approaches will work in different parts of London; a spatial approach of central, inner and outer London in the final MTS could help develop a successful strategy for car club approaches.

8) Proposals 18 and 19 set out the Mayor's proposed approach to road user charging (see pages 81 to 83).

To what extent do you agree or disagree with this proposed approach to road user charges? Please also describe any other measures you think should be included.

58. London Councils principally supports road user charging where it can be done fairly with much borough involvement in the design and implementation and it is proven to support policy aims, such as reducing pollution, encouraging more walking and cycling or financing transport infrastructure and maintenance. Any new road user charges should be hypothecated to walking, cycling and public transport improvements so that residents can clearly see the benefits and charges avoid being seen as another way to raise revenue by councils.

59. London Councils would like to work with the Mayor and TfL to identify how road user charging could be developed to tackle congestion as well as improve air quality. Road user charging could be an effective way to tackle traffic congestion and fund road maintenance in certain contexts. Research from organisations such as the OECD, Friends of the Earth and Deloitte, shows that road pricing can help to reduce congestion when planned correctly. TfL and DfT need to explore the potential technologies that could assist with more intelligent road pricing systems. While there is some fairness in charging more according to distance travelled, and this might help with public acceptability of road user charging, there is an incongruity with charging more for a long journey on uncongested roads than for a shorter journey in heavy congestion, especially when the shortest journeys are those most easily converted to walking, cycling and public transport. A system that is aware of these issues would need to be developed.

60. London Councils would welcome the opportunity to discuss further with the Mayor and TfL how to develop a well-considered, collective strategic road user charging scheme for London. We need to be aware of the potential of creating a complex system for road users and collectively mitigate the potential disbenefits of displacement as individual boroughs develop road user charging schemes. As well as private cars, it is important to focus on reducing private hire vehicles, HGV & LGV and coach journeys alongside private vehicles.

61. We consider it unfair for new infrastructure, particularly river crossings in east London, to attract charges, whilst those going west continue to be free to use; and advocate a fairer, London-wide approach that aims to reduce congestion and pollution for all Londoners.

9) Proposals 20 and 21 set out the Mayor's proposed approach to localised traffic reduction strategies (see page 83).

To what extent do you agree or disagree with this approach? Please also describe any other measures you think should be included.

62. London Councils strongly welcomes the recognition in the MTS that Borough Traffic Reduction Strategies will have different approaches to reducing vehicle demand in different parts of London. We welcome the suggestions given on pages 84 and 85 of the draft MTS that could form part of Borough Traffic Reduction Strategies.
63. We seek urgent clarification on whether boroughs are required to produce a Borough Traffic Reduction Strategy (we consider the MTS does not require them) and whether funding for boroughs is dependent on having one (the MTS is less clear). We also want to see the flexibility that where boroughs already have a sustainable travel plan or similar, or decide to jointly produce a sub-regional traffic reduction strategy, this will be accepted in place of individual borough strategies.
64. We want to see the Mayor give further consideration to the incentives and benefits that boroughs could offer as part of reducing short and non-essential trips in their traffic reduction strategies, as well as or instead of, road user charging and changes to parking policy.
65. We welcome the reorganisation within TfL that seeks to bring the borough engagement and TLRN teams closer together, and remove unhelpful distinctions between the two types of road ownership in London. However, these legal distinctions do still exist, yet the draft MTS is silent on what TfL will do to reduce traffic on its roads. Proposal 20 is not specific enough to give us confidence on this. Borough traffic reduction strategies need to be supported by TfL's proposals to also reduce traffic so they work in harmony and do not undermine each other.
66. We want to see the final MTS amended as follows:
 Proposal 20: The Mayor, through TfL, will support borough traffic-reduction strategies, including through the Local Implementation Plan funding process, where they are consistent with the policies and proposals set out in this strategy. TfL will commit to implementing traffic reduction measures on its roads, in collaboration with boroughs.
67. We welcome the flexibility in Proposal 21 and the recognition by the Mayor that some boroughs will be keen to pursue road user charging schemes or workplace parking levies and other boroughs will not. Nonetheless, a strategic or place-based approach will need to be taken to road user charging, rather than a highly localised or route specific approach, or traffic will simply be displaced elsewhere or undermined as neighbouring boroughs without charges attract drivers. We seek assurances that TfL will cooperate with borough interest in introducing road user charging schemes, where the TLRN is part of the route or network in a given place.
68. The legislation already exists for workplace parking levies and we expect the Mayor and TfL to fully back any London borough that chooses to adopt these powers.
69. The evidence base for the MTS requires road user charging to be introduced in order to achieve the mode shift of 80 per cent of all trips by 2041 to be made by walking, cycling or public transport. We expect TfL to set out in its delivery plan, and be transparent with the London Councils' Transport and Environment Committee, about how it will track progress towards this and what the alternative options are if road user charging is not forthcoming by boroughs.

10) Policies 5 and 6 and proposals 22-40 set out the Mayor's draft plans to reduce emissions from road and rail transport, and other sources, to help London become a zero carbon city (see pages 86 to 103).

To what extent do you agree or disagree that these plans would help London become a zero carbon city? Please also describe any other measures you think should be included.

70. London Councils welcomes Policy 5 and the broad scope of potential actions the Mayor, TfL and boroughs can take to tackle emissions. Behaviour change is not referenced, and this is an omission. London government has succeeded in recent months in explaining London's air quality problem to the public, and this needs to continue. A London-wide dialogue that includes existing residents needs to explain why people are being asked to make these changes.
71. We therefore want to see the final MTS amended as follows:
- Policy 5: The Mayor, through TfL and working with the boroughs, will take action to reduce emissions – in particular diesel emissions – from vehicles on London's streets, to improve air quality and support London reaching compliance with UK and EU legal limits as soon as possible with a view to reaching levels below EU targets. Measures will include retrofitting vehicles with equipment to reduce emissions, promoting electrification, road charging, the imposition of parking charges/ levies, responsible procurement, the making of traffic restrictions/ regulations, encouraging behaviour change and local actions.
72. London Councils supports in principle the earlier introduction of the central London ULEZ in 2019 and a London-wide ULEZ for heavy goods vehicles from 2020. We have concerns about how to maximise the benefits and we will comment further in the next ULEZ consultation later this year. We welcome Proposal 23 that all TfL buses will meet Euro VI standards for NO_x and particulate matter by 2020. We want TfL to use all the powers available to it to address emissions from coaches, tour buses and other buses in London. Proposal 27 reiterates already-announced targets for cleaning the bus fleet which we welcomed at the time.
73. We support Proposal 24, although a London-wide alert system already exists. Proposal 25 is a continuation of previous work undertaken by this Mayor and previous Mayors to tackle pollution in areas where it is particularly bad and where vulnerable users are concentrated. We welcome continuation of this funding and would welcome seeing funding indications in the final MTS and London Environment Strategy.
74. London Councils will continue to support the Mayor in calling for changes to Vehicle Excise Duty and for a national diesel scrappage scheme to encourage further rollout of zero emission vehicles in London and elsewhere.
75. We welcome plans to make London's transport network zero carbon by 2050 (Policy 6) but note that national government action is the only way for this target to be achieved in London. In light of the government announcement that no new vehicles from 2040 will be petrol or diesel powered, including hybrids, we urge the Mayor to reconsider the timelines set out in Figure 12 to ensure that London continues to be ahead of the national picture given the scale of the air quality problem. We also note that industry is moving much faster than the government's target.
76. We want the Mayor to undertake all efforts to maximise the potential for electricity generation powering electric vehicles in London to be from renewable sources to achieve a genuinely zero carbon transport network, and welcome the focus on this area detailed in the draft Environment Strategy. We encourage the Mayor to include the milestones to reaching a zero carbon transport network in the final MTS, in a similar way that the route to achieving a zero carbon city by 2050 is set out on page 18 in the draft London Environment Strategy.

77. We welcome Proposal 28 that TfL will produce a plan to accelerate the transition of taxis to being zero emission capable (ZEC). The performance of ZEC taxis needs to be monitored to ensure they are being as effective as possible in reducing emissions, given that they are hybrid vehicles still capable of emitting pollutants. Whilst the target of 2020 is welcome, we are concerned that there is no further action planned for the remaining twenty-one years of the strategy. ZEC taxis is good progress, but not the final outcome, and we want to see the final MTS set out the actions beyond 2020 that the Mayor and TfL will take on taxis. We note that the only clean taxi available for drivers is a ZEC one and we encourage the Mayor and TfL to continue to work with the London Taxi Company to develop fully electric models as soon as possible.
78. Rank provision for taxis and private hire vehicles is absent from the draft MTS yet it affects road space and may affect the ability of boroughs and TfL to deliver the 'gateways' the Mayor wants to see created around major stations in London. In light of the strategic priority in the MTS to reduce traffic, it would be helpful for the final MTS to include reference to rank provision in the priority for road space and modelling on the likely demand for taxis and private hire vehicles in the future, especially with the introduction of autonomous vehicles and the priority to reduce traffic.
79. We want to see the same emission standards set for private hire vehicles as taxis, as private hire vehicles are easier to replace as they are not bespoke vehicles. We therefore want to see a stronger, more detailed Proposal 29 in the final MTS.
80. We welcome the cleaning of the GLA's vehicle fleets in Proposal 30 and the boroughs are committed to cleaning their vehicle fleets as well. We seek further clarity from Proposal 31 on the regulatory and pricing incentives to support the transition to ULEVs in London. An affordable second-hand market will also be necessary to see wide scale adoption of ULEVs. We assume this is parking rates, resident parking permit costs and the creation of zero emission roads and neighbourhoods. It would be helpful to have more information on this in the final MTS although boroughs must set their parking charges in response to local circumstances. A London-wide message on the types of vehicle that should be encouraged or discouraged through parking tariffs could be agreed between the Mayor, TfL and London Councils Transport and Environment Committee.
81. We are disappointed not to see reference to the Go Ultra Low City Scheme in the draft MTS given the boroughs, TfL and the Mayor are working jointly on this. We want the final MTS to include recognition of charging points for car clubs and autonomous vehicles as well as for residential charging. We welcome acknowledgement that an increase in charge points will have impacts on London's energy demand. The final MTS also needs to set out the role of electric vehicles both in line with traffic reduction and zero carbon transport strategic aims.
82. We want to see the text in the final MTS (page 98) amended as follows:
- To succeed in making the transition to zero emission, the charging infrastructure will need to change significantly. This includes meeting the need for rapid charging to support ZEC taxis, private hire vehicles and commercial vehicles, and working with boroughs to provide on-street residential charging, including for car clubs, where state aid permits. The Mayor is working jointly to deliver this charging infrastructure with boroughs and TfL through the Go Ultra Low City Scheme. TfL will work to understand the long-term need for residential charging, including on its network, alongside the potential requirement for alternative fuels for heavy vehicles as a bridging technology. Bringing in ULEVs will require a significant change to London's energy systems to ensure the supporting supply infrastructure is in place, while maximising CO2 benefits. This will be delivered through the London Environment Strategy.
83. We want to see boroughs necessarily at the centre of plans to develop and implement zero emission zones in town centres (Proposal 33). We want the Mayor and TfL to commit to working

with any London borough, central, inner or outer, that wants to deliver a zero emission zone sooner than targeted. We feel the supporting text on page 99 needs to make reference to regulatory and potentially legislative changes that are needed for zero emission zones.

84. We support Proposal 34 and working with manufacturers and government to reduce brake wear and the particulate pollution it creates. ULEVs are not immune from these challenges and therefore focused work on this needs to continue. We note that the London Environment Strategy proposes to reach World Health Organisation limits for particular matter (PM_{2.5} and PM₁₀).
85. Proposal 35 lacks definition and whilst we welcome the minimisation of the energy impact of increased provision of transport services we need to see greater detail to understand what this proposal comprises. We welcome the continued monitoring of emissions from TfL's assets and infrastructure and those of Network Rail included in Proposal 36; and boroughs need to be kept updated on these results.
86. We strongly support Proposal 37 and encourage the Port of London Authority to produce an emissions strategy that reduces the emissions from vessels in the Thames, including its own. We note that the PLA already offers charge discounts for greener vessels, which we support. However, other cities in the UK and around the world are cleaning their fleets faster than the PLA. Bristol has the UK's first hydrogen-powered ferry and the Norwegian villages of Lavik and Oppedal have been linked by a 20-minute electric and battery-powered car ferry since 2015. San Francisco is exploring hydrogen powered ferries. Scotland has two hybrid ferries in operation and a third is being built.
87. We welcome Proposal 38 and the measures the Mayor will take to increase low-carbon energy generation. Whilst we expect this to be covered more fully in the London Environment Strategy, boroughs are already active in increasing solar generation and district heat networks, and we want greater recognition of the role they will play in this.

We want to see the final MTS amended as follows on page 101:

A significant opportunity to increase London's supplies of low-carbon energy can be found in transport infrastructure and land. A programme of solar generation over the next five years will greatly increase the level of solar power in TfL's buildings, and TfL's purchasing power will be used to further stimulate renewable energy generation in London, for example through the Mayor's 'Licence Lite' scheme. In parallel, TfL working with boroughs will identify other opportunities for low-carbon and renewable energy generation, building on the success of the Bunhill waste heat scheme, which exports heat from the Northern line to a district heating scheme in the London Borough of Islington. TfL will also support measures set out in the London Environment Strategy for all GLA Group buildings.

88. We support plans for Non-Road Mobile Machinery to meet NRMM Low Emission Zone standards but want to see a date for this included in the final MTS. We want to see this extended to construction taking place on borough roads as well, given that this would bring greater benefits than only focusing on the TLRN.
89. We want to see the final MTS amended as follows:

Proposal 39: The Mayor, through TfL and working with boroughs, will meet or exceed the emissions standards set out by the NRMM Low Emission Zone for ~~TLRN~~ all highways construction and maintenance activities and urges Government to introduce new legislation to ensure that all emissions from NRMM can be effectively reduced.
90. We welcome Proposal 40 and research into the effects of particulate matter on the London Underground network. We expect TfL to introduce an action plan swiftly if dangerous levels of

particulate matter are identified on the London Underground, particularly for the benefit of staff who spend long periods of time exposed during their shifts.

Additional measures

91. Whilst we welcome the focus on achieving low and zero emissions from motor vehicles, these vehicles are often still hybrid vehicles and able to emit pollution; cause brake and tyre related pollution even in 'clean' mode; cause congestion; and cause road safety issues. Therefore the policies and proposals in the reducing emissions section should continue to be qualified by the overall priority to reduce car usage.
92. Boroughs also highlight that the physical size of cars is getting bigger and larger models, such as SUVs, are becoming more popular. This has implications for road space, the size of parking spaces, traffic speeds and congestion; as well as being more intimidating for pedestrians and cyclists.

11) Policies 7 and 8 and proposals 41- 47 set out the Mayor's draft plans to protect the natural and built environment, to ensure transport resilience to climate change, and to minimise transport-related noise and vibration (see pages 104 to 111).

To what extent do you agree or disagree that these plans would achieve this? Please also describe any other measures you think should be included.

93. We are concerned at the weakness of Policy 7, through the use of 'wherever practicable', compared to, for example, Policy 1E. Greening appears to have a low priority in the ten Healthy Streets Indicators, with 'planting' being one of the measures in the 'Things to see and do' indicator. This will not support the Mayor to make more than 50 per cent of London green as set out in the London Environment Strategy. Looked at differently, we cannot see any examples where a net reduction in green infrastructure or biodiversity contribute to a scheme or city that the Mayor seeks.
94. We want to see the draft MTS amended as follows:
 Policy 7: The Mayor, through TfL and working with the boroughs, will:
 Ensure that transport schemes in London protect existing and provide new green infrastructure ~~wherever practicable~~ to deliver a net positive impact on biodiversity. This will be achieved through the requirement for specific commitments to be made under the relevant planning or development consent regime, including Habitat Regulation Assessment and other environment protection undertakings. Designated spaces such as Sites of Importance for Nature Conservation shall be protected ~~where practicable~~.
95. We welcome Proposal 41 (planting more street trees). Street trees offer high amenity benefits but can reduce space for pedestrians, are costly to maintain and tree roots cause damage to pavements and/or roads over time. We welcome the commitment in the London Environment Strategy to increase tree cover, and we want the funding provided for this planting to include maintenance of trees over time.
96. We want to see Proposal 42 (implementing sustainable drainage infrastructure) strengthened by reference to TfL's SUDS Guide.

We want to see the draft MTS amended as follows:

Proposal 42: The Mayor, through TfL and the boroughs, and working with Highways England, will implement sustainable drainage infrastructure to enable the removal of 50,000m² of impermeable highway surface per year in London. Highways and non-road ~~Other non-road~~ transport projects should be designed to achieve appropriate greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible (in accordance with the drainage hierarchy set out in the London Plan). In all cases, drainage should be designed and implemented in ways that deliver other Mayoral priorities, including improvements to the water quality, biodiversity and amenity of the highway network, using TfL's 'SUDS in London – a guide'.²

97. We welcome Proposal 43 but want to see it strengthened as follows:

Proposal 43: The Mayor, through TfL, will support London's transition to a circular economy by encouraging transport providers to follow GLA Group Responsible Procurement Policy guidance and making it a condition of future contracts.

98. We support the intention in Policy 8 to make London's transport resilient to severe weather and climate change and the key challenges identified on page 208. We question whether TfL has the funding available to do this and the timescales it is seeking. We want to understand the level of priority TfL gives to resilience and climate change on its networks given the inevitability of funding pressures.

99. We propose that any new transport infrastructure be future-proofed to ensure resilience is built into the system. For example, new flood risk management schemes must include climate change allowances,³ to ensure a scheme is future proofed. Such an approach should be taken by TfL in its transport schemes. This will prove more cost-effective over time. We also seek a commitment from TfL's network management team to work more closely with boroughs as there are opportunities to join-up proposals for the highways network with Defra-funded flood risk management schemes. Named contacts at TfL for flood risk managers to discuss schemes would be helpful.

100. We support the proposals for noise given in Proposal 46 whilst recognising there are potential tensions between retiming deliveries to night time for road safety reasons and disturbing the sleep of residents. We want TfL to consider a noise standard for all vehicles, focusing on vehicles that are adapted to be intentionally noisier, such as motorbikes, supercars and vehicles with wide-bore exhaust systems. In the same way we support the proposals for reducing noise from rail set out in Proposal 47, although none of these are particularly ground-breaking and will only be achieved in the long-term due to their reliance on procurement.

² TfL: SUDS in London – a Guide, <http://content.tfl.gov.uk/sustainable-urban-drainage-november-2016.pdf>

³ <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

Chapter 4 – A good public transport experience

12) Policy 9 and proposal 48 set out the Mayor's draft plans to provide an attractive whole-journey experience that will encourage greater use of public transport, walking and cycling (see pages 118 to 119).

To what extent do you agree or disagree that these plans would provide an attractive whole journey experience? Please also describe any other measures you think should be included.

101. We support Policy 9 and Proposal 48 that TfL will use the Healthy Streets Approach to direct complementary public transport and street improvements to provide an attractive whole journey experience. This is important to ensure consistency and a joined-up approach across TfL. It would be helpful to understand whether this is the Liveable Neighbourhoods part of LIP funding or whether TfL will be providing additional funding for this.
102. We are concerned about the use of 'as far as practicable' in Proposal 48 and therefore want to see this removed. Healthy Streets Indicators, funding and feasibility will always be part of considerations as to which schemes are progressed.
103. We want to see Proposal 48 amended as follows:
Proposal 48: The Mayor, through TfL and the boroughs, will make improvements measured and prioritised against the Healthy Streets Indicators to transform the design and layout of street space and transport facilities around bus, rail, Underground, London Overground, DLR and other stations, ~~as far as practicable~~, to create safe, secure, accessible, welcoming, well-designed gateways and routes to and from public transport.
104. As we outline at the end of the response, we also want to see the inclusion of tackling the streetscape impacts of phone boxes and telecoms equipment on streets for advertising rather than telecommunication purposes.

13) Policies 10 and 11 and proposals 49 and 50 set out the Mayor's draft plans to ensure public transport is affordable and to improve customer service (see pages 121 to 125).

To what extent do you agree or disagree that these plans would improve customer service and affordability of public transport? Please also describe any other measures you think should be included.

105. We welcome the commitment by the Mayor to freeze fares across the TfL-operated transport network and welcome the extension of the Hopper fare by the end of 2018. We welcome the planned extension to the current Hopper fare but caution against the assumption that this gives TfL greater flexibility to reorganise bus routes and require people to take more than one bus because there is no longer a fares penalty. Cost is one factor that encourages people to take the bus but the convenience (especially when it is one route) and accessibility are two other very important factors. Improving bus reliability, as we develop further in our response to question 15, is therefore an important consideration when thinking about the affordability of the public transport network. Our travel affordability research highlighted the reliance on the bus especially for low-paid Londoners living in outer London and working in central London. We note the absence of any reference to part-time or off peak season tickets. We want to see TfL explore and introduce these on its network.
106. We want to see the final MTS amended to add a new proposal:

Proposal (X): The Mayor, through TfL, will explore options for introducing part-time and off-peak season tickets using Oyster and contactless payment methods by the end of 2018, and commit to introducing them by 2020.

107. Whilst we welcome Proposal 49 that the Mayor will lobby government to match his fares freeze, we are not optimistic of success. We welcome Policy 11 and the Mayor's intention to make the public transport network easier to use and more pleasant. We welcome proposals to provide mobile phone coverage underground and encourage TfL to work with the private sector to secure their investment. We welcome proposals to improve further the customer service experience and want this to extend to information provided to customers during delays. It should not be right that passengers waiting for rail and tube services can find more information on Twitter than is offered to them by station staff or announcements. We also want to see more bus stop countdown timers.
108. We note that a balance continues to need to be struck between street works to improve infrastructure and the delays this causes for road users.
109. We encourage the Mayor and TfL to consider carefully the recommendations made by the London Assembly Transport Committee investigation into bus safety. In particular, we would support the inclusion of safety targets in performance targets given to bus operators; more joined-up safety training across bus operators; and better facilities for drivers along routes, to reduce stress and improve job quality.

14) Policy 12 and proposals 51 and 52 set out the Mayor's draft plans to improve the accessibility of the transport system, including an Accessibility Implementation Plan (see pages 127 to 129).

To what extent do you agree or disagree that these plans would improve accessibility of the transport system? Please also describe any other measures you think should be included.

110. London Councils strongly supports Policy 12 and it is important London's streets and public transport network are accessible to all. The benefits of walking and cycling and Healthy Streets can be felt by older people and disabled people if streets are designed to be inclusive. This is especially important as London has a steadily increasing population, with a fast growing proportion of elderly people.
111. It would be helpful for the final MTS to identify the stations where accessibility upgrades will take place; or the prioritisation method used. Boroughs and accessibility representative groups should be involved in the process, and agree the trade-off between high-cost but highly-used stations versus lower-cost but less well-used stations. We welcome the stated delivery of the number of step-free stations in each five-year time-band given in Figure 17 on pages 130 and 131 of the draft MTS. We question why delivery halves between 2030 and 2040 and would like this explained (or preferably accelerated) in the final MTS. By comparison to the tube station upgrades (69 step-free stations by 2040), the delivery of step-free National Rail and London Overground is woefully inadequate (30 stations at the bottom end of the estimate, 60 at the top end). We are concerned by this given that the Mayor and TfL should be leveraging funding from Network Rail and the rail operators given the benefits they will see from improved access for all. Outer London relies particularly on National Rail and London Overground stations and therefore it is difficult to see how targets to reduce car dependency can be met if the investment in making stations accessible is not provided. We are also concerned by the lack of future actions in Figure 17 in terms of customer service training for staff in accessibility. This is not something that people are trained in once and then remember for the rest of their careers; it should be continually refreshed and updated with new content as needs change. We assume it is an oversight that beyond 2020 TfL does not plan

to train its staff or provide accessibility travel information; we suggest this section is either revisited or removed if it will become business as usual.

112. We note that Figure 18 demonstrates that by 2041 there will still be parts of London where people requiring a step-free journey still have higher journey times. We consider this to be an unacceptable lack of progress in twenty-five years' time. Some of these places are in outer London, and therefore presumably do not have the challenges of deep-level tube lines. We want to see TfL set out what further work would be required to improve journey times in these areas. For the areas of central and inner London where journey times are still longer, we want to understand what targeted investment would be needed to lower these times further, especially given the dense network of buses. Some parts of London appear to worsen in journey time.
113. We welcome Proposal 52 which includes training for bus drivers and a concentrated effort to make bus design work better for wheelchair users. We want to see the timescales for this included in Figure 17 in the final MTS. We welcome the measures set out in Proposal 53 to improve the overall accessibility of the transport network, but we want to see how TfL will measure the success of this included in the final MTS, for example when and to how many people travel mentoring will be offered; and by when and where a 'turn up and go' service will be provided for wheelchair users. We also suggest TfL uses a 'mystery shopper' approach to ensuring drivers are providing an appropriate level of customer care.
114. We would like further detail on the social needs transport research referred to on page 129 and suggest that this is an activity that London Councils should have been heavily engaged with given that we are administering the Taxicard service on behalf of the London boroughs. London Councils has been working with TfL to achieve better integration of Taxicard and Dial-a-Ride services, including joint procurement to achieve more consistent and cost-effective service provision. We agree that further integration of services provided by London Councils (Taxicard), TfL (Dial-a-ride) and Boroughs (SEN and adult social care etc.) can be achieved and we support working towards this to achieve better and more cost-effective service provision. TfL must acknowledge that although it provides much of the funding for the scheme, Taxicard is a borough scheme managed by London Councils on behalf of the Transport and Environment Committee. TfL must therefore ensure full consultation and engagement with TEC, boroughs and Taxicard customers through London Councils on any proposals concerning the Taxicard scheme.

15) Policy 13 and proposals 53 and 54 set out the Mayor's draft plans to transform the bus network; to ensure it offers faster, more reliable, comfortable and convenient travel where it is needed (see pages 133 to 137).

To what extent do you agree or disagree that these plans would achieve this? Please also describe any other measures you think should be included.

115. We welcome the recognition of the key role of the bus in improving public transport access in London, relatively quickly and cheaply. We recognise the need to improve bus reliability times, and the need to introduce new bus routes in areas of new development, something boroughs have long called for TfL to be more responsive on. We expect this to change given the level of support for the bus in the MTS and for TfL to deliver new bus routes ahead of new development, not after it is built when travel patterns have already become established. We seek a more bespoke approach to Proposal 53, 'to adjust bus service volumes to remove existing services where they are no longer required in central and inner London and use this freed-up capacity to provide new or improved services in outer London'. This gives the Mayor and TfL a very broad scope with little that is measurable in terms of timescales, geography or scale of the changes. We want removal of services to happen only when stakeholders can be satisfied they are genuinely not required. Inner

London boroughs highlight the affordability of the bus compared to the tube and the new Elizabeth line services, and that a transition onto these modes cannot be assumed for all journeys, especially by the low-paid. The need to provide affordable bus services in inner London remains. Reallocation of bus mileage should take account of borough views especially as boroughs understand better than TfL and the Mayor where current needs are and future development is happening. We want to highlight the need for buses to better serve existing development that is poorly served and not only new development; and that outer London boroughs are already identifying areas and routes for the redistribution from central London.

116. Policy 13 focuses on transforming the *quality* of bus services in London, but the *quantity* of service provision also needs to be addressed. We want TfL to revisit its Business Plan statement that overall bus mileage will not increase, given the importance of new orbital routes, express routes, improving public transport to new and existing developments and being more responsive, all of which are cited in the draft MTS.

117. We support Proposal 54D to improve bus priority on key radial routes, and want to see a similar proposal included in the final MTS for orbital routes:

Proposal 54(f): Improving bus priority on key orbital routes in inner and outer London, targeting those routes with high patronage to the benefit of bus users.

118. Whilst improving bus reliability on radial routes is important, rapid orbital bus routes are desperately needed to properly connect town and district centres in outer London and parts of relatively disconnected inner London and reduce car usage because public transport links are so poor. Whilst we otherwise support the proposals in Proposal 54, TfL needs to recognise that the construction of Healthy Streets and Liveable Neighbourhoods works may delay bus times; but the long-term benefits (for example safer cycling or more walking due to better crossings) outweigh the short-term costs (delays to bus journeys during works). In the same way the most ambitious Healthy Streets projects may not involve buses, and we expect TfL to work constructively with boroughs and not prevent these schemes coming forward. Timed restrictions may also be part of the solution for bus priority, and these should be referenced in Proposal 54 in the final MTS.

119. We are also concerned about the statement that despite reviewing the bus services provided to hospitals in London, "most require additional funding and infrastructure such as bus stands". We recognise there are challenges to improving bus infrastructure when TfL does not own the land, but we want to see TfL identifying how funding can be secured to undertake works that its reviews recommend, where it does not have the funding itself. Changes to TfL's Business Plan should also be considered in these situations.

120. We are concerned that TfL is not only consulting on removing bus routes, but starting to withdraw or reorganise them already in central London, despite the Elizabeth line not being open. We felt that the approach taken in redistributing buses from the Oxford Street corridor lacked strategic focus; and gave no consideration to Opportunity Areas, Growth Zones or air quality benefits or dis-benefits. We welcome the wording in the draft MTS of the need to take a more strategic approach to bus network planning. We were pleased to see a much improved, holistic approach to the proposals for west, southeast and northeast London bus routes following the opening of the Elizabeth line and we want to see this approach continue.

Additional measures

121. Extending the tram network is not considered in the draft MTS, despite other cities in the UK investing in their tram networks and pressing ahead with expansion. The tram could bring benefits to other parts of London if it was considered holistically and there could be bus priority corridors

that could function better as tram priority corridors. LB Sutton wants to see the tram network extended to Sutton town centre and the cancer hub at Belmont, to provide a new transport route to the school and employment site planned for there.

16) Policy 14 and proposals 55 to 67 set out the Mayor's draft plans to improve rail services by improving journey times and tackling crowding (see pages 140 to 166).

To what extent do you agree or disagree that these plans would achieve this? Please also describe any other measures you think should be included.

122. The rail capacity improvements proposed in Policy 14 and detailed in Figure 21 do not represent any new proposals and are misleading to claim them as 'proposed'. The Elizabeth line and Thameslink upgrade will open in the next couple of years; and High Speed 2 is not a scheme the Mayor can claim any role in given it is a DfT scheme. Crossrail 2 and the Bakerloo line extension, which we support for the capacity upgrades they bring and the overcrowding they address, do not address the need for more orbital connections and we will continue to support boroughs that develop jointly more proposals for orbital routes, in a similar way to the West London Orbital Line (proposal 83). Given the length of time it takes to gain scheme support, London needs to start developing proposals for 2040 to 2060 by the mid-2020s.
123. Failing to provide orbital links in London reinforces the need for people to work and live further apart. To achieve the objectives of the MTS, more employment needs to be provided in outer London and the Mayor needs to work proactively with boroughs to facilitate this. Ultimately overcrowding will serve to drive more people away from the busiest transport modes.
124. We support measures to encourage passengers to change their journey patterns and walk or cycle rather than use crowded tube trains. Data from the Wi-Fi journey patterns pilot earlier in 2017 could be one such way of using data intelligently to deliver bespoke options for passengers based on their actual journeys. TfL needs to work with Network Rail to encourage it to take a similar approach to providing data to its passengers, not just in London but across the UK.
125. We want to see the final MTS amended as follows:
- Proposal 55: The Mayor, through TfL, will seek to consistently deliver real-time data, information and visualisations for the Tube, rail, buses and streets via multiple customer channels. TfL will develop real-time tools for operational staff to improve the communication of overcrowding and congestion information to customers. TfL will seek to work with Network Rail to make more of its data available to its passengers.
126. London Councils supports Crossrail 2 and we continue to work with the Mayor to secure government support for the scheme. Crossrail 2 will alleviate overcrowding on the South West Mainline but Mayoral support for the Network Rail proposals for the Brighton Mainline are also needed as the Network Rail's Sussex Route Study shows standing at 140 to 200 per cent above seat utilisation north of East Croydon by 2023 even with the current Thameslink Upgrade.⁴ This is not reflected in the draft MTS at Figure 32 or Figure 33 and we want to see this addressed in the final MTS.
127. We welcome the tube line upgrades in Proposal 58, the identified national rail upgrades in Proposal 59, the Overground capacity upgrades in Proposal 63 and the plans to increase DLR

⁴ Network Rail, South East Route: Sussex Area Route Study <https://16cbgt3sbwr8204sf92da3xxc5m-wpengine.netdna-ssl.com/wp-content/uploads/2016/11/South-East-Route-Sussex-Area-Route-Study-FINAL.pdf>

capacity in Proposal 65. We also welcome accompanying station capacity upgrades (Proposal 67).

128. We welcome plans to increase tram capacity in Proposal 66 but want the final MTS to be more ambitious in its approach to tramlink extension, not only to Sutton and the cancer hub site in Belmont but in considering other extensions and new stations on the existing network to support housing and jobs growth.

129. We therefore want to see the final MTS amended:

Proposal 66: The Mayor, through TfL, will upgrade the existing tram system to improve its reliability and to increase its capacity by 85 per cent to/from Croydon by 2030 and explore innovative funding mechanisms to deliver tram extensions to the existing network.

130. London Councils supports the devolution of rail services to TfL which is set out in Proposal 61. We support Proposal 60 and want TfL to be working to create a suburban metro in collaboration with the affected boroughs as soon as possible and regardless of the outcome of rail devolution. Affected boroughs need to be involved in the franchising and TfL needs to set out how it will improve connections, reliability, overcrowding and frequency and the level of investment in signalling and infrastructure this will require. High-speed paths must be protected with any extension of the London Overground.

131. Whilst we support the principle of creating 'mini radial' public transport links that will improve 'orbital' public transport connectivity, nothing in Figure 29 convinces us that anything new is being proposed. We therefore require more information before we can support this proposal.

132. We support the Proposal 64 to encourage the rerouting of freight to free up passenger paths. We expect this to form part of the work with the Wider South East Political Steering Group⁵. The Mayor should continue to add his voice to electrification projects around the UK where discernible benefits to London can be seen.

17) Policies 15 to 18 and proposals 68 to 74 set out the Mayor's draft plans to ensure river services, regional and national rail connections, coaches, and taxi and private hire contribute to the delivery of a fully inclusive and well-connected public transport system. The Mayor's policy to support the growing night-time economy is also set out in this section (see pages 176 to 187).

To what extent do you agree or disagree that these plans would deliver a well-connected public transport system? Please also describe any other measures you think should be included.

133. We strongly support Policy 15 to make better use of the River Thames for passengers and freight and to better integrate river services with walking and cycling. For this to be fully achievable, frequency and cost of services needs to be addressed. We want to see Policy 15 widened to encompass not only the River Thames but the canals and other waterways that have potential to act as freight channels, as outlined in our response to question seven.

134. We can support Proposal 68 for new piers, additional capacity and new cross-river ferry services; and the extension of river services to Barking Riverside in Proposal 69 if these are clean-fuelled craft (see our response to question 10 at paragraph 86). We agree that pier development

⁵ Note for TEC members: the Wider South East Political Steering Group brings together London government (the Deputy Mayor for Planning and Regeneration plus three borough leaders) with politicians from East of England LGA and South East England Councils.

needs to be in tandem with new developments and TfL needs to work closely with the boroughs on this. Pier capacity needs to be addressed not only for passengers but for freight as well.

135. We support Policy 16 on enhancing public transport improvements between London and the rest of the UK and Proposal 70 that transport investment supports identified housing and economic growth corridors.
136. We want to ensure that through Proposal 71 the affected boroughs are supported by the Mayor to secure high quality gateway stations that support the arrival of High Speed 2.
137. As TfL finds a new base for the coach industry in London (Proposal 72), we recognise the importance of this strategic asset. We want TfL to include incentives for coach companies to clean their fleets, for example through lower access charges for cleaner vehicles. Boroughs must continue to be involved in the siting of coach provision on- and off-street given the space and air quality implications.
138. London Councils supports Policy 17 for transport to support London's night-time economy. Transport services are as important in enabling workers to travel to and from their jobs and we are pleased that the night tube has not led in the main to the concerns boroughs had about anti-social behaviour, noise and crime. We expect TfL to continue to work with boroughs as more night tube lines open; and we reiterate the importance of the night bus network to low-paid Londoners who work anti-social hours.
139. We support the broad scope of Policy 18 in ensuring that London's taxi and private hire vehicle service is safe, secure and accessible. We support the Mayor seeking additional powers to limit the overall numbers of private hire vehicles in London and powers to address the bizarre situation that drivers not licensed by TfL can operate in London, and vice-versa (Proposal 73). Nevertheless we seek acknowledgement from the Mayor and TfL that taxis and private hire vehicles contribute to congestion and air pollution and encouraging people to walk, cycle and use public transport does include reducing usage of taxis and private hire vehicles; which the final MTS needs to state.
140. We want to see Proposal 74 strengthened to include greater commitment from TfL to provide sufficient resources to enforce safety standards for taxi and private hire vehicle passengers and drivers and drive up standards of customer service.
141. We therefore want to see the final MTS amended as follows:
- Proposal 74: The Mayor, through TfL, will raise the safety and customer service standards for all customers travelling by taxi and private hire vehicles and drivers by committing to through ongoing training and effective and transparent regulation and enforcement.

Chapter 5 – New homes and jobs

18) Policy 19 and proposals 75 to 77 set out the Mayor's draft plans to ensure that new homes and jobs are delivered in line with the transport principles of 'good growth' (see pages 193 to 200).

To what extent do you agree or disagree that these plans would achieve this? Please also describe any other measures you think should be included.

142. We support the principle that transport can help unlock high-density, mixed-use development and unlock growth potential in underdeveloped parts of London (Policy 19). We support the transport principles of good growth given on page 193 of the draft MTS.
143. Good growth development should move towards being carbon free, as transport is doing, to reduce air pollution and reduce the demand on the electricity grid through better design, increased energy efficiency and utilising renewable energy sources.
144. We support the re-examining of PTAL (Public Transport Access Levels) to include cycling as well as walking, as long as safe, easily navigable cycle routes do exist and equal weight is not given to the ability of someone to cycle (given a bicycle is required, whilst most people are able to walk). We note the implications this will have for borough cycle safety training.
145. We remind the Mayor and TfL that capacity, as well as frequency and connectivity is important. Whilst development in places where PTAL levels are strong is sensible, people do need to be able to board the buses, trams and trains to achieve sustainable growth.
146. We note the potential conflict exists between safeguarding industrial land for consolidation centres (page 73) and converting low-density land use around stations to allow for high-density, mixed use development (page 196). The Mayor and TfL must engage with boroughs at the earliest possible stage when land in GLA or TfL ownership is coming forward for development, to ensure it aligns and supports wider development plans in a borough. It may be appropriate for it to be packaged effectively to support a larger development. Boroughs will seek to do the same with Network Rail. Discussion about release of TfL land is not new, and it is now time for this release to accelerate. Redevelopment of, for example, railway arches must balance affordable homes and business units with maximising profit, and a range in affordability of tenures should be considered.
147. We support densification around the public transport network (Proposal 75) but there must always be a balance between jobs and homes, something boroughs find is not always acknowledged given the pressure TfL is under to finance schemes, and because building homes is usually most profitable. Scheme promoters must also take seriously their responsibilities to relocate businesses if higher rents or a loss of business space is a consequence of redevelopment. Densification should always be pursued sensitively to the existing place.
148. We want to see the expectations around car parking provision in new developments qualified and re-examined in the final MTS from a central, inner and outer London perspective. We note that this policy in the MTS can only be supported by new parking standards in the London Plan, and that there will remain a period of time between adoption of the MTS and the London Plan where developers will be able to ignore the new Mayor's policies here. We note that outer London boroughs are competing with local authorities outside London for businesses and there is some anecdotal evidence that car parking can be a factor in this location.
149. We support the provision of cycle parking and the need for developers to contribute to on-street facilities through the CIL process. We would welcome the London Plan setting out cycle parking provision standards, which should use London Cycling Design Standards. We support Proposal 77 regarding delivery and servicing plans, although we qualify our comments with those made

regarding Proposal 46 in times of night noise. Boroughs were however expecting this to take account of central, inner and outer London needs and constraints, and we want to see this included in the final MTS. We welcome the ambition to demonstrate what is possible in Opportunity Areas and around major developments but this learning needs to be quickly rolled out for all boroughs to make use of.

150. We want to see the final MTS amended as follows:

Proposal 76: The Mayor, through TfL and the boroughs, will:

- i. Impose high expectations on developers to deliver transport solutions that will promote sustainable mode shift, reduce road congestion, improve air quality and assist in the development of attractive, healthy and active places;
- ii. Restrict car parking provision within new developments, with those locations more accessible to public transport expected to be car free. New developments should contain high levels of cycle parking and storage, and contribute to the provision of on-street cycle parking in town centres and other places of high demand. Where parking still exists, new developments should facilitate the rollout of electric vehicles by installing electric vehicle charge points.
- iii. Impose high expectations on developers to use construction consolidation centres and delivery and servicing plans.

Car and cycle parking guiding principles

- i. An expectation for car-free development in central London, and London's more accessible areas in inner and outer London;
- ii. New parking standards may be developed (through the new London Plan) to ensure car-lite development in inner and outer London;
- iii. Any residential parking spaces permitted should make provision for electric vehicles to enable carbon-free travel;
- iv. Appropriate provision for spaces for dedicated use by disabled drivers;
- v. In some places, dedicated provision of electric, hydrogen or hybrid car club bays could reduce the need for on-site private car parking;
- vi. Well-located, secure and accessible cycle parking provision to meet new minimum standards (~~may be developed~~ through the new London Plan).

151. We note that (iii) in the above principles is very ambitious as electric vehicles are only carbon-free if they are charged from renewable sources. We want to see reference to the car and cycle parking guiding principles included in the Mayor's Housing Strategy as well.

152. We also suggest, as set out in our response to question two, that the Healthy New Town initiative with NHS England may be a useful contributor to, and supporter of, the Mayor's Healthy Streets Indicators, where large-scale regeneration is planned. It could also be beneficial to involve the Design Council and its 'Active by Design' advisory service to encourage active travel in streets and buildings.

19) Proposals 78 to 95 set out the Mayor's draft plans to use transport to support and direct good growth, including delivering new rail links, extensions and new stations, improving existing public transport services, providing new river crossings, decking over roads and transport infrastructure and building homes on TfL land (see pages 202 to 246).

To what extent do you agree or disagree that these plans would ensure that transport is used to support and direct good growth? Please also describe any other measures you think should be included.

153. We support Proposal 78 and the Mayor's plans to use transport to invest in growth in the CAZ, Opportunity Areas and in and around town centres, as we support efforts to achieve polycentric development. We welcome the recognition in the draft MTS that suburban London cannot reduce its car dependency without extending the public transport network and upgrading the existing one, including buses.
154. We support the schemes set out in the MTS at Proposals 79-83:
- Crossrail 2 and the four-tracking of the West Anglia Main Line;
 - Bakerloo line extension to Lewisham;
 - Elizabeth line extension to Ebbsfleet;
 - London Overground link between Hounslow and Old Oak (West London orbital line).
155. London Councils would welcome a review of where new rail stations could help unlock significant number of homes (Proposal 84). However, given TfL's funding challenges, it would be helpful to have this proposal qualified with scope and timescales.
156. We strongly support Proposal 85 and recognition that the bus network can help provide denser developments. We would strongly welcome complementary improvements to bus services to accompany major transport infrastructure improvements, but again, with funding difficult for TfL, we need to understand the scope and timescales for this proposal and whether this is a medium-term priority or is part of the redistribution of services from central to outer London. We strongly welcome Proposal 86 and the piloting of bus rapid transit networks in outer London Opportunity Areas. These, and existing express routes, need to be low emission buses suited for the nature of the journeys they undertake. Again, we need to understand timescales, likely scope and the readiness of TfL to apply the lessons learnt to other parts of outer London that need a better bus network.
157. We support improved bus connections and the exploration of demand-responsive bus services. However, given the scale of the potential areas that could benefit (Figure 42, one third of London) we want TfL to agree jointly with boroughs and ourselves how areas will be prioritised for exploring these routes. We propose that areas that are not Opportunity Areas be considered first, since Opportunity Area development ought to bring high density development that can in time support traditional bus routes.
158. We want to see Proposal 87 strengthened in the final MTS as we note that Proposal 99 includes a commitment to trial demand-responsive bus services. We suggest that these sections are brought together to make it clearer that TfL is committed to these services, and merge the proposals, as we have set out below:
- Proposal 87: The Mayor, through TfL and the boroughs, will explore and trial the role for demand-responsive bus services to enable further sustainable housing development, particularly in otherwise difficult to serve areas of outer London and parts of relatively disconnected inner London.

159. Affected boroughs will make representations on Proposal 88 (Silvertown Tunnel).
160. We support new walking, cycling and public transport river crossings, particularly in east London, to support new connections between places on either side of the Thames. We encourage the Mayor to use the experiences of other UK and international cities in achieving bridge design whilst facilitating river use by large boats. We encourage the Mayor to work with the private sector where possible to secure funding for suitable schemes. We take the view that Proposal 90, setting out principles of any future road crossings in east London, pushes the issue thoroughly into the long-term, given the number of interventions that have to be delivered before the Mayor will consider a road crossing. Relevant boroughs are concerned that they will not be able to deliver the expected growth with timescales for a road crossing in the 2030s or even 2040s. That said; we support the principles set out in Proposal 90 in determining the factors to assess the appropriateness of a river crossing.
161. We want TfL to play its part in releasing its land for affordable housing and other development in a proactive manner, especially where a borough is progressing other schemes in the vicinity. We support Proposal 91 but want this to become something TfL actively pursues, rather than undertakes when forced to do so.
162. We support Proposal 92 for mixed use development in and around operational sites, noting its links to Proposal 75. Whilst acknowledging they are not always close to stations, we want TfL to consider releasing railway arches and other small sites for redevelopment; and for the Mayor to work with boroughs to persuade Network Rail to do the same. Unused sites are often blighted by flytipping and boroughs want an open dialogue about improving these sites, even if they are still needed operationally. Addressing noise nuisance will be important as part of bringing sites forward for development.
163. We support Proposal 93 which would see the relocation of a 1.3km stretch of the A13 in the borough of Barking and Dagenham into a tunnel. This would deliver significant improvements to traffic flow and air quality, would reduce severance and unlock land at Castle Green for redevelopment.
164. We support the principles in Proposal 94 for delivering good growth but expect these principles to consider boroughs equal partners in efforts to coordinate delivery. We support improved public transport surface access to London's airports and note that the Airports Commission did not consider enhancements in southern access to London Heathrow Airport dependent on expansion.⁶ The relevant boroughs have raised their concerns regarding the alignment of the southern access link mapped in Figure 52 which does not appear to be a scheme alignment anyone has discussed. Whilst we understand from TfL officers that this was purely indicative and does not represent an actual scheme, we would like to see officers work closely with the relevant boroughs to provide a more accurate rail alignment for the final MTS. The airport also requires better cycle links for airport workers and we want to see these reflected in Figure 4 in the final MTS.

Additional measures

165. We want to see the section 'public transport links to airports' on page 246 changed to have a broader focus on international travel. London is served by international rail services from London St Pancras via Eurostar and freight and passenger services via the Channel Tunnel. There is no

⁶ Airports Commission, Final Report (July 2015), paragraph 7.41, page 146

reference to either of these in the draft MTS, and we suggest the Mayor considers his approach to them in the final MTS.

20) Policy 20 and proposal 96 set out the Mayor's proposed position on the expansion of Heathrow Airport (see pages 248 to 249).

To what extent do you agree or disagree with this position? Is there anything else that the Mayor should consider when finalising his position?

166. We have no comments on the expansion of Heathrow Airport. We expect individual boroughs will make their own representations on this issue.

DRAFT

Chapter 6 – Delivering the vision

21) Policy 21 and proposals 97 to 101 set out the Mayor's proposed approach to responding to changing technology, including new transport services, such connected and autonomous vehicles (see pages 258 to 262).

To what extent do you agree or disagree with this proposed approach? Is there anything else that the Mayor should consider when finalising his approach?

167. London Councils agrees that TfL needs to ensure its payment methods keep pace with technological developments (Proposal 97).
168. In terms of new technology, particularly where this relates to car travel, we share the Mayor's concerns that car clubs, ride-sharing and other forms of car-sharing should not be a replacement for journeys currently undertaken by walking, cycling and public transport. However, whilst we agree that a shared car takes up the same amount of space as a private car, this obscures the fact that one car on the road takes up less space than four. We agree that the Mayor and TfL cannot predict the new forms of technology that will transform journeys in the future, and nor should they try. We welcome the recent appointment of TfL's small horizon scanning team to ensure that TfL is not left catching up as new technology enters the market. London is often not the first place such technology is launched, and TfL must continue to monitor other cities in the UK and the world to see potential new arrivals; and start early in working through the opportunities and challenges. We have seen this with dockless cycling in summer 2017 and there must be other examples of cities experiencing disruptive technologies that London can learn from.
169. We therefore welcome and support the principles set out in Policy 21 for assessing the role of new technology in the transport network in London. However, we are concerned at the lack of specific direction on the role of autonomous vehicles, given they are already being developed. Therefore the final MTS, which runs to 2041, must address directly the role of autonomous vehicles and set out their role in London's future transport system. Enough is already known to understand the risks and opportunities, and rather than waiting to develop more detailed policies in due course (page 261) the Mayor needs to identify now the role of autonomous vehicles in London, the benefits they should deliver and not deliver, and consider how autonomous vehicles and electric vehicles will interface, particularly given charging requirements. Failure to do so risks the success of the MTS. We want to see a specific and much clearer approach to autonomous vehicles set out in the final MTS as well as consideration given to the impact on TfL's fleets including buses and dial-a-ride vehicles as well as taxis and private hire vehicles. Borough parking policies may also need to change in the longer-term. These changes will emerge long before the end of the MTS in 2041. We support the trialling of these vehicles, which is already happening (Proposal 100) but require far more detail and want borough input into the "mix of policy and regulation" suggested in Proposal 101 before we can support such a broad and open-ended objective. The MTS should make clear what the aim of further trials should be, for example what benefits autonomous vehicles are trying to deliver and not just to prove that the technology can work. Any trials and research should consider the full range of impacts and consequences for London, including safety, congestion and the environment but also employment, equality and health.
170. We seek better understanding of how TfL plans to monitor the relationship between kerb space and demand for car travel before we can support Proposal 98 fully. As boroughs own and manage the majority of London's kerb space, we need to understand what is expected from boroughs here. To enable road data (kerbside restrictions, loading bays, bridge heights, disabled bays, road widths etc.) to be digitised and shared as open source to assist smart route planning, app

development and autonomous vehicles, boroughs and TfL should agree a standard for the recording of this data.

22) Policy 22 and proposal 102 set out the Mayor's proposed approach to ensuring that London's transport system is adequately and fairly funded to deliver the aims of the strategy (see pages 265 to 269).

To what extent do you agree or disagree with this proposed approach? Is there anything else that the Mayor should consider when finalising his approach?

171. We support the Mayor's efforts to secure devolution to ensure that London's transport network can be effectively funded in the future. This devolution must not stop at the Mayor and TfL, however, and boroughs need further devolution of powers and funding as well. London Councils supports the recommendations of the London Finance Commission and is working with TfL on land value capture.

172. We therefore want to see Policy 22 amended in the final MTS as follows:

- i. Policy 22: The Mayor will seek to ensure that London's transport system is adequately and fairly funded to deliver the aims of the Transport Strategy. Additional powers should be devolved to the Mayor, the GLA or TfL and the boroughs to enable the Mayor and his agencies to respond effectively to economic, social and environmental change. This includes financial, regulatory and other powers to enable London's challenges to be met, and emerging opportunities to be optimised.

173. We support efforts by TfL to continue to drive efficiencies through its work. We continue to encourage TfL to seek to maximise the advertising potential of its assets and by selling its expertise abroad. We therefore support Proposal 102.

23) Policies 23 and 24 and proposal 103 set out the proposed approach the boroughs will take to deliver the strategy locally, and the Mayor's approach to monitoring and reporting the outcomes of the strategy (see pages 275 to 283).

To what extent do you agree or disagree with this proposed approach? Is there anything else that the Mayor should consider when finalising his approach?

174. We have provided comments separately on the Local Implementation Guidance which accompanies this submission.

175. In summary, with regards to the Local Implementation Plan (LIP) Guidance, we are concerned at the level of prescription in the document, regardless of whether that was intended, and the requirement for boroughs to develop targets for a series of delivery indicators where the Mayor is not developing his own targets. We feel it remains appropriate for boroughs to set targets against the outcome measures alone, as they have done under LIP2. A more ambitious strategy does not necessitate more requirements on boroughs. We also have some suggestions on shortening the Guidance that we will raise in our response;

176. We note that whilst the MTS is ambitious, the timescales remain short for boroughs to develop their Local Implementation Plan. We therefore ask for acknowledgment that boroughs will not be able to deliver substantial amounts of what is an ambitious strategy before the end of the Mayoral term.

177. Where boroughs choose to do so, we support sub-regional delivery of the MTS as well as individual borough delivery.

24) Are there any other comments you would like to make on the draft Mayor's Transport Strategy?

178. The draft MTS set out a strong vision but lacks the deliverability and detail of milestones behind it. Given the level of monitoring and target setting boroughs are required to provide in their LIPs, the draft MTS needs to set out more of this for TfL.
179. The MTS is silent on the role of sub-regional partnerships, which have for a number of years provided forums for information sharing and collaboration between key stakeholders, including London boroughs and Transport for London. This is alongside their role delivering sub-regionally focused schemes and projects via the LIP funding process. It is of concern that this work has not been recognised and support offered for ongoing working at a sub-regional level.
180. Travel Plans are an excellent vehicle to deliver many of the MTS aims and motivate businesses, schools and residents. While mentioned in places, the MTS must be clearer and stronger about the use of Travel Plans in new developments as it is with delivery and servicing plans. We note that voluntary plans are often more effective long-term than those required through the planning process. One option for boroughs could be to achieve the physical interventions through planning conditions and then work with residents, schools and businesses to develop travel plans.
181. We note that in some parts of London the number of cars a property has is linked to the affordability of homes, where adult children continue to live with parents, and they all have their own car. Increasingly businesses ask their staff to take their work vehicle home with them, which leads to these vehicles being parked on residential streets.
182. Whilst being data-driven is referred to on several occasions throughout the draft MTS, there is no single point where the Mayor sets out his overall approach to using data and sharing it with boroughs. We want to see a specific commitment in the final MTS for the Mayor, through TfL, to share data with boroughs to help boroughs monitor their interventions, determine policy and influence design.
183. To assist with this, TfL needs to change its modelling and traffic assessment tools to prioritise sustainable modes. These models currently prioritise traffic movement and will be a barrier to delivering the aims of the MTS.
184. To support more innovative schemes, for example requiring SUDS or upgraded paving, boroughs need greater funding for asset management and ongoing maintenance. The Mayor and TfL should continue to work with London Councils and the boroughs to call for a fairer share of road maintenance funding nationally and for adequate funding to repair potholes and prevent them occurring in the first place.
185. In some parts of London health boundaries are not coterminous with the Greater London boundary. Consideration of travel to and from hospitals should take into consideration the need for some residents to travel beyond the London boundary.
186. Boroughs would welcome the inclusion of tackling the streetscape impacts of phone boxes and telecoms equipment on streets for advertising rather than telecommunication purposes;

187. The draft MTS should support boroughs to relocate lanterns, street nameplates, telephone boxes etc. onto buildings to help declutter and create tidier streets with more space for pedestrians;
188. The draft MTS does not mention any potential role for electric bikes, for example in helping Londoners undertake longer journeys or for freight purposes.
189. The draft MTS does not address the usage of hover-boards and similar devices on pavements.

DRAFT

London Councils' Transport & Environment Committee

Response to the Draft Local Implementation Plan (LIP) Guidance

Item no: 05

Report by:	Jennifer Sibley	Job title:	Principal Policy Officer
Date:	12 October 2017		
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Summary

Local Implementation Plan (LIP) Guidance is used by boroughs when developing their LIPs, which deliver the Mayor's transport strategy.

This report summarises the development process of the London Councils' draft response to the draft LIP Guidance and seeks member approval for its contents.

Recommendations

The Committee is asked to:

- Note and discuss the report and draft response to the draft LIP Guidance at Appendix 1;
- Agree to submit the draft response to the draft LIP Guidance as outlined at Appendix 1;
- Agree that if changes are substantial at the TEC meeting, the Chair and Vice-Chairs will sign-off the response on TEC's behalf.

Background and response development

1. The draft Local Implementation Plan Guidance was published alongside the draft Mayor's Transport Strategy on 21 June 2017. London Councils has taken care to give opportunities for boroughs to shape the draft response.
2. Since December 2015 London Councils has hosted a LIP Working Group with TfL, which brings together borough officers representing each transport sub-region with TfL and GLA officers.
3. This group has continued to meet during the consultation period and has helped shape the response. All boroughs officers were invited to comment on the draft LIP response during its development as well.
4. Alongside the draft response to the Mayor's transport strategy, members were invited to comment on the draft LIP response between 11 and 25 September. Comments were incorporated into this final draft response at Appendix 1.

TEC meeting 12 October 2017

5. Val Shawcross CBE, Deputy Mayor for Transport, is attending TEC on 12 October 2017. This will be an opportunity to highlight key issues in response to the draft MTS and LIPs Guidance.
6. Further comments can be provided by TEC members at the meeting, which will be incorporated into the final response.
7. If the changes are substantial, it is suggested that the final response be signed-off for submission by the Chair and Vice-Chairs of TEC.
8. The consultation formally closed on 2 October 2017. London Councils has been granted an extension to enable TEC to discuss the response at its meeting on 12 October. It is however necessary for the response to be submitted as soon as possible after the TEC meeting to ensure borough views are taken into account.

Recommendations

The Committee is asked to:

- Note and discuss the report and draft response to the draft LIP Guidance at Appendix 1;
- Agree to submit the draft response to the draft LIP Guidance as outlined at Appendix 1;
- Agree that if changes are substantial at the TEC meeting, the Chair and Vice-Chairs will sign-off the response on TEC's behalf.

Financial Implications

9. There are no financial implications to London Councils arising from this report.

Legal Implications

10. There are no legal implications to London Councils arising from this report.

Equalities Implications

11. There are no equalities implications to London Councils arising from this report.

► DRAFT London Councils response

► Draft Local Implementation Plan Guidance

London Councils represents London's 32 borough councils and the City of London. It is a cross-party organisation that works on behalf of all of its member authorities regardless of political persuasion.

Introduction

1. The 32 London Boroughs and the City of London are the Mayor of London's and Transport for London's key delivery partners for the Mayor's Transport Strategy. Boroughs are responsible for 95 per cent of the highways network, as well as taking a keen interest in the rail, tube, tram and bus services provided to their residents, workers and visitors. This London Councils response sets out a series of issues we want to see reflected in the final LIP3 Guidance.

LIP funding

2. The Mayor and TfL provide LIP funding for boroughs in recognition that delivery of the Mayor's Transport Strategy will not happen without this. London Councils worked closely with the Deputy Mayor and TfL to secure the continuation of LIP funding at levels seen under the previous Mayor. We therefore welcome the protection of the Corridors element at £75m from 2018/19 to 2021/22 and recognise that this level of funding is higher than that funded to the boroughs between 2014/15 and 2016/17.
3. We are concerned however at the loss of the Local Transport Funding element which represented £100k per borough annually. We wrote to the Deputy Mayor on 16 November 2016 and set out our principles for a future LIP model. This included "acknowledg[ing] that there are local priorities for local politicians that do not always align with the Mayor's objectives, and allow[ing] some funding for these". We now understand that the loss of the Local Transport Funding, which was not discussed with London Councils or boroughs in advance, and was revealed without prior notice with the publication of the draft LIP3 Guidance on 21 June 2017, is in order to protect the £75m Corridors element. In our view, this does not represent protection or maintenance of LIP funding for boroughs; boroughs will receive £3.3m less funding and this is represented by the fall in funding from £78m in 2017/18 to £75m onwards. This approach, which represents a loss of flexibility for boroughs, would also appear to be opposite to what the Deputy Mayor was keen to retain and undoes the principles agreed in the City Charter in 2009. We understand the Mayor wants to be flexible, and acknowledges that some of the policies in the MTS will be more

deliverable by some boroughs than others. We therefore seek the restoration of the Local Transport Funding in the final LIP Guidance, and want it taken from TfL programmes and not borough programmes or the overall LIP funding allocation; since only this way can TfL accurately have protected LIP funding.

4. We also note the importance of Liveable Neighbourhoods funding in delivering major changes to streets and places to create Healthy Streets. The availability of Liveable Neighbourhoods funding will be the limiting factor for what can be achieved, and we encourage TfL to keep this under review.

Flexibility for boroughs

5. We continue to welcome the ability of boroughs to set their own locally specific targets. As referenced above, we welcome the recognition from the Deputy Mayor that some boroughs will wish to pursue more innovative measures whilst others will not. In the spirit of collaboration and flexibility, we request the removal of paragraph 1.13 from the final LIP guidance.

Paragraph 1.13 The boroughs will continue to enjoy considerable freedom in deciding how best to respond locally to the MTS. However, a more directed, evidence-led approach will be taken towards certain elements of LIP funding to meet growth or other strategic MTS objectives, including the new Liveable Neighbourhoods programme that is to supersede Major Schemes. This new approach will be informed by TfL analysis and research that will be shared with the boroughs to encourage greater buy-in to joint working towards delivering what London needs.

6. There has always been a requirement for boroughs to produce LIPs that are evidence-led, and boroughs have long called for TfL to share more of its data to enable them to better make evidenced interventions and decisions. We reject any attempts at making the LIP process more directed, complex or prescriptive and believed we had agreement from TfL and the GLA for this, especially given the resource requirements associated with producing and validating such a detailed document. We also want to see added to the final LIP3 Guidance a paragraph similar to paragraph 2.26 from the LIP2 Guidance, which reiterates boroughs' own needs and the flexibility we believe the Deputy Mayor supports.

Paragraph 2.26 LIPs are important tools that help each borough work with its stakeholders to strengthen its place-shaping role and its delivery of services to the community. The new flexibilities outlined in Chapter one and the relationship of LIPs to the wider local policy context should enable every authority to prepare a plan which best meets its own individual needs. In particular, there is an opportunity for authorities to develop plans that link transport with an area's wider agenda for the economy, education, employment, health, equality and social exclusion, crime and the environment. Close engagement with the Local Strategic Partnership (LSP) and other local service providers will help integrate other organisations' planning for services with the borough's transport goals.

Delivering outcomes, not proposals

7. Page seven of the Executive Summary (under Core Requirements) of the draft LIP3 Guidance states: “boroughs are required to set out their approach to implementing and delivering all policies and proposals in the MTS which are relevant to boroughs”. This is repeated under each Outcome set out in Part 2 of the draft LIP Guidance, where it states, “borough delivery plans should address the following policies and procedures” and then lists the specific policies and proposals from the MTS that involve boroughs. This totals 56 policies and proposals. We are deeply concerned about the level of detail and prescription required in the draft LIP3 guidance. The previous MTS had five outcomes; this MTS has nine outcomes. We feel it would be much more appropriate for boroughs to demonstrate how they will achieve the relevant nine outcomes (and we set out below that we do not think all outcomes should require borough action) through their Borough Transport Objectives, and in turn through their Delivery Plans. We want to see this changed for the final LIP3 Guidance to bring it more in line with the approach taken to LIP2.

Annual Spending Submissions

8. We acknowledge that boroughs have for some years provided annual updates to TfL about progress through the Annual Spending Submission, which is a relatively simple spreadsheet. However, we are concerned at the introduction of additional requirements, listed on page nine of the Executive Summary (though not referenced to elsewhere in the draft LIP3 Guidance):

“Boroughs will be required to continue to submit an Annual Spending Submission in line with current practice. This provides more detailed information on a packaged scheme basis. Within the Annual Spending Submission, boroughs will continue to be required to:

- Set out their overall approach or process for drawing up their annual programmes;*
- Indicate which of the MTS priorities each package of interventions supports plus any impacts on signal requirements;*
- Identify how the interventions included will help to deliver traffic reduction.”*

9. We do not recognise the above list; boroughs at present are only required to provide the impacts of their interventions on signal requirements and which MTS outcomes their proposals relate to. We do not appreciate these additional requirements being added to this list and portrayed as continuation. We question why TfL needs to know how boroughs draw up their annual programmes and what they intend to do with this information. We understand the focus on traffic reduction given the priority this is given in the MTS but this needs to be proportional and strategic and should be drawn out anyway through the ‘efficient’ outcome; ‘London’s streets will be used more efficiently and have less traffic’. Boroughs can and will use their borough transport objectives and the delivery plan to identify how they will address traffic reduction; the current draft LIP3 Guidance risks turning the annual spending submission process into a lengthy reporting process which we do not welcome.

Performance Monitoring Plan

10. As we set out below in more detail, we do not support a return to delivery indicators and boroughs being required to set their own targets against these, not least because there are 40 of them listed in Appendix D of the LIP3 Guidance. Those listed are a combination of outcome and outputs, and we question the strategic nature of some of them; for example how many benches are delivered. We want to see a return to boroughs being required to set their own targets against only the Primary Outcome Indicator for each of the nine outcomes (which would still represent 13 targets). Boroughs do not have the resources to discuss and agree multiple, non-strategic targets or the resources to monitor them on a regular basis.
11. This is especially the case when the Mayor has chosen not to set targets for the Delivery Indicators and so any targets boroughs do set would be arbitrary. They will not make it possible to assess whether, for example, the right number of benches to have been installed over a 25 year period was 100, 1,000 or 10,000. We strongly believe performance should be judged not on the number of interventions but on their quality or ambition. Not all of the delivery indicators referenced are necessarily 'more is good' which is another reason why we seek their removal.
12. Proforma C already asks boroughs for information on interventions (without them being targets) and so delivery indicators do not also need to be in the Performance Monitoring Plan.

MTS Outcomes

13. The MTS Outcomes are first referenced on page 278 of the draft MTS. We suggest it would be helpful to include them earlier in the final MTS and more clearly related to the three key themes (healthy streets and healthy people, a good public transport experience, and new jobs and homes) that run through the MTS.
14. This section should be set in the context that we strongly oppose boroughs being required to set targets against delivery indicators (as well as outcomes). We hope that our concerns in this section will be superseded by the removal of this requirement. If it is not, then these comments are relevant.
15. We recognise and support the importance of borough action in outcomes one to four,¹ as these relate to the delivery of healthy streets and healthy people. We have some concerns about the suggestions in the remaining Outcomes.
16. For Outcome 5, 'Connected – more people will travel on an expanded public transport network' we question why borough LIPs are being asked to address:

¹ The first four MTS outcomes are: active, safe, efficient, green.

- Policy 15 (Port of London Authority to produce an emissions reduction strategy) – there is no LIP role for boroughs here and this should be removed.
- Proposal 69 (extension of river boat services to Barking Riverside) – the suggested initiatives here appear to be a planning role rather than a LIP role and the specific geographical location of this makes it irrelevant for most boroughs. LIP Guidance needs to be more flexible so only relevant borough LIPs include identifying pier locations in their LIPs, without it being part of the Guidance for all boroughs.
- Policy 16 (improvements to public transport between London and the rest of the UK and integration with London's public transport system) – this is predominantly a role for the GLA and TfL and so should be removed. London Councils and boroughs are involved in public transport links beyond London through work with the Wider South East, but this does not need to be part of borough LIPs.
- Proposal 72 (improving coach provision) – there is no explicit reference to boroughs in Proposal 72 and whilst this is an omission, we question the need for all boroughs to include identifying new coach facilities for the Victoria Coach Station in their LIPs. We expect TfL to enter into these discussions with boroughs outside of the LIP process, as the LIP is not the best instrument to achieve this. Equally coach provision will continue to be a priority for some but not all boroughs and the LIP Guidance needs to be revised to introduce greater flexibility at this section.
- Policy 17 (develop public transport services to support the night-time economy) – this is a TfL role. Boroughs are interested parties in this, due to the potential business development, anti-social behaviour, noise and street cleaning aspects of the night-time economy, but these are functions that sit outside of the LIP.

17. We strongly question whether Outcome 6 needs to be part of LIP Guidance at all. We are confident all boroughs will report to TfL their facilities that are not working when boroughs are notified themselves; clearly it is more efficient for everyone involved if users report this directly to TfL, and high levels of reporting from boroughs would indicate that TfL is not providing adequate information to users in order for them to do this. We do not feel reporting broken facilities needs to be part of a borough's LIP and therefore we want to see this section removed.

18. We want to reiterate that our view is that the Delivery Indicators should be removed from the final Guidance and if this is the case, this above suggestions would be superseded.

Delivery Indicators

19. The MTS highlights very clearly that TfL lacks funding due to the reduction and ending of its revenue grant from Government. In the same way, boroughs have experienced significant funding challenges over the last ten years which are not expected to abate in the near future. It is therefore more important than ever that Local Implementation Plans are reasonably quick and easy for

boroughs to produce; have a purpose and usefulness beyond their initial creation; and quick and easy for TfL to review and confirm their acceptability.

20. We are therefore deeply concerned by the return to very specific delivery indicators that boroughs must report against. We acknowledge the importance of demonstrating to the Mayor and external stakeholders the value gained through the delivery of the MTS through boroughs. However, we regularly receive criticism from boroughs that TfL collects the data but boroughs never see it again and are not aware what happens to it. Data collection needs to be highly proportional to the amount of time boroughs have to collect the data; and needs to focus much more heavily on delivering outcomes rather than outputs. We therefore want to see the removal of each set of Delivery Indicators (as they are called in the LIP Key Performance Indicators table on pages 62 and 63) / Borough LIP Delivery Indicators (as they are called in the Outcome Toolkit) from the final LIP Guidance.
21. We believe it is more than adequate to assess the success of the MTS by measuring the Primary Outcome Indicators (as they are called in the LIP Key Performance Indicators table on pages 62 and 63) / Quantified Outcomes (as they are called in the Outcome Toolkit); as this is a better demonstration of progress towards the overall targets in the MTS. Where these do not exist in the draft MTS, we suggest the Mayor revisits this and includes Primary Outcome Indicators in the final MTS.
22. Boroughs deliver a considerable amount towards the MTS outcomes entirely outside of the LIP process, for example through planning conditions or developer contributions. We emphasise that boroughs do not have the resources to assess whether these have been delivered in line with planning conditions, but suggest that the GLA considers whether there is a mechanism using the London Plan or the London Development Database where this contribution could be captured.
23. In terms of Proforma C, we suggest that TfL discusses with London Councils whether there is a role we could play in making better use of the data boroughs provide; for example through sharing of progress or 'nearest neighbour' comparisons.

Data sharing

24. We strongly welcome the Deputy Mayor's commitment to share data with boroughs to enable better decision-making. In light of this we are underwhelmed by the references to resources being "available on request" in the outcome toolkits for outcomes one and five. We expect to see weblinks to these resources included in the final LIP3 Guidance together with weblinks for the resources that have yet to be published. We are also underwhelmed by the generic 'key contact details' provided throughout the LIP Guidance. As key delivery partners, we expect TfL to be more useful to boroughs than this.
25. Boroughs have indicated they would welcome an easy-to-use template LIP, as long as it remains optional to use. It would be helpful to understand the timescales referenced in paragraph 2.36 for

the “details of committed plans for schemes and programmes that [TfL] will deliver within each borough over the Business Plan period to help inform the third LIP development process”. We assume these details will be published by March 2018, when boroughs start to write their third LIPs.

26. We welcome the outlining of the data owner in Appendix D, and note that as we want to see the Delivery Indicators removed from the final LIP3 Guidance, TfL will become the sole data holder. Given this, we expect TfL to promptly provide this information to boroughs.

Other strategies

27. We want to see the flexibility for boroughs to submit or refer to their existing transport strategies (or sub-regional strategies) or other strategies where relevant for the delivery of the MTS.
28. Boroughs who wish to work jointly on strategies (for example traffic reduction strategies) should also be able to do this.

Practicalities of delivery

29. We note that the LIP process inevitably makes the process of developing and delivering schemes ‘lumpy’. Boroughs have expressed their concerns about the ability of LoHAC contractors to take on work during peak periods, and their lack of interest at small-scale projects.
30. Whilst we support the inclusion of greening, sustainable drainage and schemes that aim to improve the walking environment, we note that these often have higher ongoing maintenance costs, for example due to the use of specialist materials. We want TfL to work closely with boroughs to drive down these costs and ensure that adequate consideration is given for maintenance as part of LIP funding.

The document itself

Making the LIP Guidance shorter

31. Overall we acknowledge that a lot of the supporting information in the draft LIP3 Guidance is generally consistent with that used for LIP2. We also note that there are sections not included from LIP2 to LIP3 and we do welcome efforts to shorten the document and streamline the approach for boroughs.
32. However, there are a few areas we wish to highlight that we feel could be reduced.
33. Paragraphs 2.4 to 2.10 repeat the information already summarised in paragraph 2.3 and that which is given in the MTS. We do not expect boroughs will write their LIPs without reference to the

MTS, and this information is superfluous and should be removed from the final LIP guidance. Figure 2.1 and Table 2.1 could also be brought together to make the information more user-friendly. The information provided in paragraph 2.33 is so broad as to be unhelpful (for example, “a large portfolio of projects to encourage more walking and cycling”) and we would expect relevant boroughs to already be aware of these major investments planned in their borough. We acknowledge this was the same for LIP2 but suggest it would be more helpful for TfL to provide this information in a bespoke way to the relevant boroughs, perhaps in the form of a data pack.

A note on concepts

34. We would welcome further checking of the LIP3 Guidance and clarity over ‘priorities’, ‘outcomes’ and ‘categories’. As we understand it, the Mayor has set out the nine outcomes for his MTS, not ‘priorities’, and it is these that boroughs need to report against, not ‘categories’.
35. We also want to see the final LIP3 Guidance decide to use one of Delivery Indicators / Borough LIP Delivery Indicators and use it consistently; and the same for Primary Outcome Indicators / Quantified Outcomes. This will avoid confusion.

London Councils' Transport & Environment Committee

Flooding Investment in London

Item no: 06

Report by:	Jennifer Sibley	Job title:	Principal Policy Officer, London Councils
	Sarah Smith		Flood and Coastal Risk Manager, Environment Agency
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Summary

This report provides TEC with the annual update from the Thames Regional Flood and Coastal Committee (Thames RFCC) on its work and progress on the six year capital programme to improve flood defence. It also provides an update on the work to increase local authority capacity to support delivery of capital projects, and provides the business case presented by the Environment Agency on behalf of the Thames RFCC for an increase in local levy.

Recommendations

Members are asked to note the report.

Members are asked to provide a steer to the TEC members who sit on the Thames RFCC regarding a levy increase of 1.99 per cent for 2018/19.

Background

1. This report provides TEC with the annual update on the work of the Thames Regional Flood and Coastal Committee (Thames RFCC). This follows on from the last report TEC received, in March 2017, which provided an update on the work of boroughs on flood risk management projects, sustainable drainage and the work of the sub-regional flood partnerships which boroughs are part of.
2. There are twelve Regional Flood and Coastal Committees in England. The Thames RFCC covers an area that includes London, Surrey, Berkshire, Hertfordshire, Oxfordshire and parts of Warwickshire, Gloucestershire, Hampshire and Essex. London boroughs, unitary authorities and county councils in the catchment have a statutory role as Lead Local Flood Authorities. The Thames RFCC brings them together with the Environment Agency, Thames Water and specialist independent members. TEC appoints seven elected members to the Thames RFCC who represent their sub-regional partnerships on behalf of London.
 - West (covers Hillingdon, Hounslow, Ealing, Brent, Harrow and Barnet) represented by Cllr Dean Cohen.
 - North (covers Hackney, Tower Hamlets, Haringey, Enfield, Waltham Forest and Newham) represented by Cllr Daniel Anderson.
 - North East (covers Havering, Barking and Dagenham and Redbridge) represented by Cllr Lynda Rice.
 - North Central (covers Hammersmith and Fulham, Kensington and Chelsea, City of Westminster, City of London, Camden and Islington) representative to be confirmed.
 - South Central (covers Lambeth and Southwark) represented by Cllr Jennifer Brathwaite.
 - South East (covers Bromley, Lewisham, Greenwich and Bexley) represented by Cllr Alan Smith.
 - South West (covers Richmond upon Thames, Kingston upon Thames, Sutton, Merton, Wandsworth and Croydon) represented by Cllr Nick Draper.
3. One of the Thames RFCC's roles is to bring together a programme of capital projects to reduce the risk of flooding to households. Local authorities can submit projects for scrutiny and funding that address the flooding risk that they are responsible for; surface water, groundwater and flooding from ordinary watercourses. The Environment Agency does the same for main river flooding, including from the River Thames.
4. There are three sources of funding for capital projects: Grant in Aid provided by the government; local levy which is paid by local authorities on an annual basis; and third party contributions, usually secured from beneficiaries of the scheme, which could include businesses or section 106 agreements.
5. The government has agreed a six year programme of capital improvements with each RFCC which runs from 2015/16 to 2020/21.
6. In December 2014 TEC received a business case from the Thames RFCC for an annual local levy increase of 1.99% each year of the six year programme, payable by all Lead Local Flood Authorities in the Thames catchment area. TEC voted to give 'in principle' support for a levy increase in each year of the six year capital programme (to 2020/21) with the understanding that it would receive annual updates on progress. TEC supported

a levy increase in October 2015 for the financial year 2016/17 and in October 2016 for the financial year 2017/18.

London's flooding risk

7. The draft London Environment Strategy recognises the risks London faces from flooding. It highlights the benefits and protection existing green infrastructure such as trees provide to the city in removing water from the drainage system; as well as the risk from flooding that climate change poses. 233,045 residential and 37,771 commercial properties are high or medium risk from surface water flooding. Boroughs have statutory responsibility for surface water and groundwater flooding, as well as flooding from ordinary watercourses.
8. London is also at risk from tidal and fluvial (river) flooding. 12,000 residential properties are at high risk with a further 31,000 at medium risk. The Thames Barrier, tidal walls and embankments provide London with a high standard of protection against tidal flooding, but many of the tributaries and the upstream part of the Thames in West London are less well defended.

Thames RFCC key achievements and priorities over the last financial year

9. The Thames RFCC exceeded its overall targets for reducing flood risk in 16/17, with 3,363 homes better protected as a result of investment in flood risk management against a target of 2,079 homes. Of these, 2,285 properties were at reduced risk of tidal flood risk due to investment of £19.9 million.
10. The Committee continues to invest levy from its major projects fund alongside the national Grant in Aid funding to support the development of major schemes such as the River Thames Scheme to the West of London and the Lewisham and Catford Flood Alleviation Scheme. The Lewisham and Catford scheme continues to make progress to manage significant risk from the River Ravensbourne in South London. Detailed design of the scheme is being undertaken in consultation with stakeholders to ensure that public spaces and third party assets are protected and, where possible, enhanced. Further public consultation is due to take place in the next few months following which a planning application will be submitted to allow construction to start in mid-2018.
11. Lead local flood authorities (each London Borough is a lead local flood authority) continue to apply for funding and develop schemes for managing surface water risk. We are seeing challenges associated with this type of scheme for a number of reasons. The understanding of flood risk is less well established than that for rivers and sea and is often a complex interaction between sources of flooding. The space needed to attenuate storm water is difficult to find in urban areas, and large scale schemes are often prohibitively expensive. The Thames RFCC is supporting a London based pilot to determine the benefits a large number of smaller interventions across a catchment can have on surface water flood risk. The pilot is funded with local levy and will deliver some of these interventions during the second phase of the pilot. The pilot is being developed across six London boroughs; Camden, Enfield, Kingston, Hillingdon, Lambeth and Southwark, who expressed an interest in taking part and met the eligibility criteria.
12. Work has continued with Thames Water to identify opportunities to work together on projects that address multiple sources of flood risk, such as surface water and sewer flooding. The RFCC held a workshop for all Members and officers in March to discuss future priorities and opportunities for more integrated working. Thames Water provided maps showing where there was pressure on the network capacity, which helped to identify areas for joint working and investment.

13. The Government has provided an additional £15m investment, nationally, to help support natural flood management projects. This funding was distributed as £14m to support bigger catchment scale projects and £1m for small scale community projects, which was available as part of an open competition. The Thames RFCC successfully received funding in both categories for London. Of the 34 community scale projects funded nationally, 11 of them are within Thames RFCC area, totalling £509,000 with seven projects funded in London.
14. One of the community scale schemes is Sutton sustainable drainage for schools which Minister Thérèse Coffey chose to make the announcement of the successful schemes from. This project will look to use the creation and maintenance of SuDS as a valuable educational tool within schools whilst still reducing flood risk. Another project in Havering is Rise Park Stream will receive funding to use woody debris, ponds and scrapes to 'slow the flow' along a 1km stretch. The Royal Borough of Greenwich are leading a project in Clothworkers Wood to enhance existing woodland by increasing storage capacity and removing a culvert under a local school.
15. The Thames RFCC is also investing local levy in some of these initiatives which have secured natural flood management funding and has set up a task and finish group to help support natural flood management projects across the Thames catchment and use best practice to develop a natural flood management approach that can be used with all Thames RFCC projects.
16. This year the Thames RFCC agreed a 25 year approach to managing flood risk with seven key themes. The approach is intended to provide a framework for overseeing and shaping the Thames programme including monitoring of progress, identifying future priorities and establishing whether new mechanisms are needed to support an appropriate range of measures. There are a number of themes such as climate change, putting communities at the heart of what we do and taking a catchment wide approach, which cut across all seven themes. The themes were generated following discussions with Risk Management Authorities at a well-attended workshop in March and from community groups in November last year.
17. The seven key themes are:
 1. Slowing the flow of water in the upper catchment and upstream of settlements by encouraging land management that retains more water, including leaky dams and storage areas, to reduce peak flows.
 2. Helping built up areas adapt to become more "rain ready" by encouraging urban redesign and approaches to new development that provide space for water, slow and reduce runoff into drains and sewers, and create more resilient buildings and infrastructure.
 3. Empowering village communities to become more resilient to flooding and supporting water level management where appropriate.
 4. Promoting the value of floodplains, which can store water away from properties and the opening up of rivers that have been covered over or put in channels.
 5. Delivering forward-looking, integrated schemes, including major projects where appropriate, making the most of redevelopment opportunities and any new development, partnerships, alignments and wider benefits.

6. Supporting plans for managing tidal flood risk in the Thames estuary ensuring timely actions to keep pace with climate change and rising sea levels, including acting now to safeguard strategic sites and enable the setting back of buildings over time.
 7. Promoting maintenance, the roles of land and property owners, and the need for contingency plans recognising not all flooding can be prevented.
18. The Committee has also published a periodic report which sets out some of the key achievements and challenges since the committee was formed in 2011. This includes the seven key themes and can be found at <https://www.gov.uk/government/groups/thames-regional-flood-and-coastal-committee>.
19. The Committee said farewell to Chair Amanda Nobbs in June 2017. She served with the Committee for 8 years as Chair and a further 9 years as conservation member before that. She was awarded an OBE in the New Year's honours list for her services to flood risk and the environment. The new Chair Robert Van de Noort was previously Chair of the South West RFCC until June this year. He will continue the good progress made in partnership working, longer term planning and development of integrated schemes across the Thames RFCC area.

Thames Flood Advisors Team

20. The Thames Flood Advisors Team (previously the Lead Local Flood Authority Project Advisors Team) is now at full capacity in London. The six Advisors are helping local authorities with 12 projects in London and working with a further 4 local authorities to identify projects for the Advisors to help strengthen the capital programme. In a wider context the outside London Team are helping a further 17 projects in the Thames RFCC Catchment.
21. The team's priorities are to help boroughs with projects on the Thames RFCC's capital programme that are at risk of slippage or where additional support would be welcomed by the local authority. The team cannot lead projects on behalf of the local authority or provide assistance on a borough's statutory duties for flooding. The team is now looking to extend this work by strengthening the future pipeline of projects for the programme, particularly by helping boroughs that do not have any projects on the capital programme (there are currently nine boroughs in London in this position). The team can also help the boroughs apply for Grant in Aid funding to address flood risk in their part of London.
22. The team's work is overseen by a Project Board which is chaired by an independent member of the Thames RFCC and has two London councillors and two outside councillors on its Board. Officers from London Councils plus a borough officer sit on the Board to provide technical knowledge where needed, as well as representatives from Thames Water, the Greater London Authority, Environment Agency and two local authorities from outside London. The Advisors Team recently undertook a survey of local authorities, where all authorities that received their advice responded that they would recommend the support of the Thames Flood Advisors to others.

Business case

23. The Environment Agency, on behalf of the Thames RFCC, has provided a Business Case at Appendix A which sets out the reasons for supporting another year's levy increase in line with the 2014 'in principle' decision.

24. At the core of the recommendation in the business case is the ability to use levy to contribute to major projects as well as investing in starting the next generation of projects. Major projects are often long-term and complex schemes, which require levy support over a number of years. Without another year's levy increase the levy balances will diminish, reducing the ability to invest in new schemes. Over the next three years the Thames RFCC will also look to invest in schemes that help to meet the national target of better protecting 300,000 homes by 2021, which is likely to result in an additional demand on levy.
25. The table below sets out indicative levels of levy which would be paid by each London borough in 2017/18.

	Levy paid in 2017/18	1.99% increase on levy paid in 2017/18	Estimate for levy in 2018/19 if 1.99% increase applied
Barking & Dagenham	£107,241	£2,134	£109,376
Barnet	£315,440	£6,277	£321,717
Bexley	£76,062	£1,514	£77,576
Brent	£211,699	£4,213	£215,912
Bromley	£218,382	£4,346	£222,728
Camden	£200,653	£3,993	£204,646
City of Westminster	£288,050	£5,732	£293,783
City of London	£16,017	£319	£16,336
Croydon	£275,046	£5,473	£280,519
Ealing	£252,109	£5,017	£257,126
Enfield	£215,610	£4,291	£219,900
Greenwich	£164,459	£3,273	£167,731
Hackney	£155,167	£3,088	£158,254
Hammersmith & Fulham	£172,269	£3,428	£175,697
Haringey	£170,969	£3,402	£174,372
Harrow	£189,424	£3,770	£193,193
Havering	£182,961	£3,641	£186,602
Hillingdon	£220,548	£4,389	£224,937
Hounslow	£187,381	£3,729	£191,110
Islington	£175,154	£3,486	£178,639
Kensington and Chelsea	£217,159	£4,321	£221,481
Kingston upon Thames	£138,842	£2,763	£141,605
Lambeth	£234,806	£4,673	£239,479
Lewisham	£183,951	£3,661	£187,612
Merton	£164,339	£3,270	£167,609
Newham	£160,182	£3,188	£163,370
Redbridge	£194,249	£3,866	£198,115
Richmond upon Thames	£200,000	£3,980	£203,980
Southwark	£217,647	£4,331	£221,978
Sutton	£162,127	£3,226	£165,354
Tower Hamlets	£201,411	£4,008	£205,419
Waltham Forest	£167,321	£3,330	£170,651
Wandsworth	£291,062	£5,792	£296,854

Note: data supplied by the Environment Agency. Levy is calculated based on the number of Band D properties a borough has in April each year. Until this is calculated, the above figures for 2018/19 remain subject to change.

Projects overview

26. There are currently 96 schemes in London that will be funded in 2017/18 as part of the Thames RFCC capital programme, and the programme is balanced to ensure that overall every sub-regional partnership benefits from more investment than its levy contribution. The Thames RFCC wants to encourage the authorities that do not have projects on the programme to develop them, and support can be provided by the levy funded Thames Flood Advisors team.
27. The full project list for the Thames RFCC for 2017/18 is provided at Appendix B. This list shows which projects have been allocated money in 2017/18, the source of funding and the forecasted spend.

Recommendations:

- Members are asked to note the report.
- Members are asked to provide a steer to the TEC members who sit on the Thames RFCC regarding a levy increase of 1.99 per cent for 2018/19.

Financial Implications

28. There are no financial implications for London Councils arising from this report. If the Thames RFCC does vote for a levy increase in November, then all London Boroughs will need to budget for this increase in April 2018.

Legal Implications

29. There are no legal implications for London Councils arising from this report.

Equalities Implications

30. There are no equalities implications for London Councils arising from this report.

Appendix A – Levy Business Case for London within the Thames Catchment

Appendix B – 2017/18 Capital Programme Project List

Appendix A: Levy Business Case for London within the Thames Catchment

Introduction

The Thames Regional Flood and Coastal Committee (Thames RFCC) agreed in January 2015 a six year programme of capital projects to reduce flood risk across the catchment area to April 2021. At that time, together with the 10 year tidal programme to renew and upgrade the tidal defences within London, this programme represented £4.4 billion of direct benefits to London in damages avoided from all sources of flooding within the six year programme. Over the lifetime of this Thames RFCC programme (average lifetime of a project is 74 years) there would be £122 billion of direct benefits in damages avoided from all sources of flooding.

The six year programme is updated annually, to account for any changes to the programme and provide the opportunity to bring forward more projects. This 'refresh' of the programme requires input from Risk Management Authorities (local authorities, the Environment Agency and organisations such as Thames Water who also have certain flooding responsibilities) every May and leads to an updated programme being published, following approval by the Thames RFCC. The programme for 2017/18 onwards was published in January 2017 and is being used to provide the figures for 2018/19, 2019/20 and 2020/21 in this business case. The data for 2017/18 is based on current forecasts of spend, and the data for 2015/16 and 2016/17 is based on actual spend from those years.

This report summarises the original business case presented to TEC in 2014; provides an update on progress of the six year programme; and sets out the business case for a planned levy increase in 2018/19 totalling £221,479 which would be paid by the 47 London boroughs, unitary and county councils in the Thames RFCC area.

London's flood risk

London is at risk of tidal flooding from the Thames; river flooding from the many rivers and streams across London; surface water flooding, which can occur after heavy rainfall; and groundwater flooding. Table 1 below summarises the number of properties at risk from these sources. As can be seen, a number of properties remain at high risk of flooding (more than a 1 in 30 chance of being flooded in any year), particularly from surface water.

Table 1: Flood Risk in London by Category (rounded to nearest 1000)

	Surface Water Flood Risk			River & Tidal Flood Risk		
	Residential	Non residential	Total	Residential	Non residential	Total
High	68 000	12 000	80 000	12 000	3 000	15 000
Medium	165 000	26 000	191 000	31 000	4 000	35 000
Low	445 000	54 000	499 000	464 000	50 000	514 000
Total at risk	678 000	92 000	770 000	507 000	57 000	536 000

New source for surface water flood risk information: GLA modelling based on the GeoInformation Group (2016) UK Map and Environment Agency Risk of Flooding from Surface Water (2017) taken from the draft London Environment Strategy

Source for river and tidal flood risk information: Environment Agency flooding from rivers and sea map

The Thames RFCC's programme aims to reduce the number of properties at risk from all sources of flooding.

Funding for flood defence projects

The allocation of funding to flood defence projects within the Thames RFCC programme is based on an established Defra framework. There are three main sources of funding for flood defence projects:

- Flood Defence Grant in Aid from central government (Grant in Aid);
- Local levy contributions from Lead Local Flood Authorities (all London boroughs as well as the unitary and county councils outside London in the catchment area);
- Partner / beneficiary contributions, for example from developers and businesses.

The maximum amount of central government funding on offer to each project is based on the number of outcomes it achieves, which are defined by Defra. This includes protecting properties, wider economic benefits and creating new habitats. The projects that have large outcomes relative to their cost are eligible for full funding from central government, for example works to the Thames tidal defences. Many projects to address surface water, groundwater and river flooding require local contributions to secure the central government funding because their cost-benefit ratios are not as strong.

Planned investment to reduce flood risk and benefits that Local Levy brings

Each year, the Thames RFCC has the opportunity to refresh the six year programme to take account of any delays, projects determined to be unviable, and any new

projects coming forward for the programme. This annual cycle allows for continual strengthening of the programme, as data and information improves and new opportunities arise, whilst maintaining the certainty of a six year programme. The most recent programme information shows £326.3 million of Grant in Aid being allocated for the Thames RFCC and included an additional 41 potential schemes, of which 26 are being led by local authorities. As a result, more than two thirds of Lead Local Flood Authorities in the Thames RFCC area now have either a surface water or groundwater scheme within the programme.

Based on the current 2017/18 programme, the planned investment within London between 2017/18 until 2020/21 comprises:

- £62m of investment at the Thames Barrier and walls and embankments along the Thames to ensure that the risk of tidal flooding in London remains at current levels;
- £34m of investment in reducing the risks from surface water flooding in London;
- £44m of investment to reduce the risk of flooding from rivers including large scale schemes in Bromley, Kingston, Ealing, Hillingdon, Redbridge, Waltham Forest, Brent and Harrow.

Although it appears that the investment in tidal defences has reduced in the next four years compared to the figures supplied last year, this is because a proportion of this work was brought forward when more Grant in Aid became available nationally, enabling us to protect more homes at an earlier date.

Efficiencies made throughout the six year programme also allow Grant in Aid to be reinvested across further projects. In 2016/17, £6.9 million of efficiencies were achieved, raising the total efficiencies since the start of the six year programme to £12.6 million. The majority of savings were found through innovation and value engineering, packaging, control of project scope, standardisation and streamlining. For example, packaging of Initial Assessments has occurred across various locations in the Thames RFCC area, including within Local Authorities. The target for the Thames RFCC area for the whole six year programme to 2020/21 is £37 million based on a minimum of 10% efficiencies to be found. Although efficiencies are claimed in the year that they occur, they all contribute towards the six year total. This means that by exceeding the targets in the first two years of the programme, we are considerably closer to the overall target for the six years.

As part of the 2017/18 refresh, the Thames RFCC was able to use the levy balances in its major projects fund, along with the 'in principle' agreement for levy increases, to underwrite an additional 41 schemes. This ensured their inclusion in the updated programme and these schemes will now be in a position to access future Grant in Aid that becomes available nationally. As a result of seed funding these new schemes, the total amount of planned levy spend in the programme currently

exceeds the total levy income. If Grant in Aid originally allocated elsewhere in the country becomes available due to a delay on another project for example, the Thames RFCC will be in a position to secure it and allocate it to projects within its programme. This would then reduce the commitment on levy. Using this approach, in 2016/17 the Thames RFCC was able to over-deliver on its approved programme, by over-spending its allocated Grant in Aid after being able to draw in funding originally allocated, but not spent, elsewhere in England. The projects in London were an important part of this, particularly the investment in tidal defences.

It is important to get a balance between using levy as a partnership funding contribution to larger schemes, and seed funding for the early stages of schemes, including many of the surface water investigations by local authorities. The early seed funding helps to generate the next six year programme, and also means that, should any projects get delayed, a pipeline of projects exists to bring forward and switch funding source from levy to Grant in Aid. Large schemes would often not be able to progress without support from levy funding so it is important to maintain the ability to support the large projects as well as generating new schemes. As the Thames RFCC continues to fund major projects as well as starting new ones, the levy balances will diminish over time and the demand currently exceeds the amount available. Therefore there is a need to continue to increase the levy in order to do both.

As shown in Table 2, the Thames RFCC programme to April 2021 currently attracts a total of £329 million Grant in Aid capital funding. This is supported by a potential expenditure of £105.4 million of local levy across the six years. The Thames RFCC will manage the ongoing balance between levy and Grant in Aid on an annual basis. Based on the current programme there is currently £107 million Grant in Aid specifically allocated to London for the next four years of the six year programme.

Table 2: Planned investment in the Thames RFCC area to April 2021

Year	Properties at reduced risk	Thames RFCC Levy Investment (millions)	Grant in Aid allocation (millions)
2015/16	4,132	£4.8	£34
2016/17	3,363	£3.8	£47.9
2017/18	4,486	£10.6	£61.2
2018/19	5,177	£26.6	£56.9
2019/20	11,864	£31.4	£53.6
2020/21	7,668	£28.2	£75.6
Total	36,690	£ 105.4	£ 329.2

Note: 2015/16 and 2016/17 shows actual figures, 2017/18 is based on the mid-year forecast, 2018/19 onwards shows planned six year programme figures from the 2017/18 consented programme.

In the first two years of the six year programme, flood risk has been reduced for almost 7,500 properties in the Thames RFCC area.

There is a forecast reduction in flood risk to approximately 36,700 properties in the Thames RFCC area over the whole six year programme. The list of projects in Appendix B gives more information about the areas that will benefit.

This is a forecast decrease of 4,574 protected properties on the figure reported to TEC last year. The change in the number of properties is predominantly due to the nature of the programme, which has many projects in the investigation stage rather than at the detailed design stage. As projects progress, the project forecasts are updated as the flood risk mechanisms and number of properties that can be better protected is better understood. This can cause a reduction in properties forecast to be protected, particularly in the case of surface water schemes, which can be complex to deliver in a highly urbanised environment.

Currently large parts of the Thames RFCC programme are at an investigation stage. When these projects start to be built, more effort will be focused on identifying the next generation of projects. To help smooth this project cycle, the Thames RFCC has taken the approach of commencing the investigative work on projects using local levy, which means that if any existing scheme is found to be unviable, there are other projects that can be brought into the programme to take its place, therefore ensuring the Thames region spends its allocated Grant in Aid funding.

Use of levy and business case for levy increase

The Thames RFCC has agreed the following principles to guide the use of levy in its programme:

- risk-led approach with focus on significant risk;
- mix of schemes (major, smaller, community, innovation);
- value for money (assessed using cost-benefit ratio and partnership funding score);
- deliver efficiencies by planning ahead and packaging work;
- link to redevelopment and water company and transport investment;
- adopt integrated approaches to all types of flood risk;
- a planned pipeline including major schemes and “spade ready” portfolio;
- invest in existing assets as well as new;
- integrated approach to outcomes including environmental;
- good spread across RFCC area;
- a surface water scheme in each Lead Local Flood Authority (LLFA);
- an integrated scheme (addressing multiple sources of flood risk in the same location) in each LLFA partnership.

The Thames RFCC constantly strives to ensure the best use of levy across London and the wider catchment. It reviews different approaches to achieve the maximum Grant in Aid that levy can draw in and ensure that the benefits of these levy supported schemes provides the greatest benefit to those at risk of flooding. This

could include options such as using levy to 'top up' schemes that reduce the risk to houses within the six year programme, to ensure the Thames RFCC meets its allocated target as part of the national commitment to protect 300,000 houses by 2021. Meeting this target will be essential to securing another long term settlement from government at the end of this six year programme.

The Thames RFCC currently uses levy to support surface water projects because it recognises that surface water flood risk is a significant risk within the Thames RFCC area. The aim is to achieve a surface water scheme in each local authority and use levy funds to enable local authorities to carry out investigative work. This approach has allowed new surface water schemes, including in London, to be allocated funding. This approach has increased the demand on levy as more projects have come forward from local authorities, making an increase in levy even more important.

The 1.99% increase in levy each year was agreed in principle by the Thames RFCC for the duration of the six year programme, in January 2015. This was with the condition that there must be an annual vote on the levy amount for the next financial year. The rolling approach to the levy was proposed to help provide greater confidence in the funding that will be available for the entirety of the six year programme. This allows the Thames RFCC to maintain a stable but flexible programme and provide continued support to major, longer term projects like the River Thames Scheme, Lewisham and Catford and the Oxford Schemes. The flexibility of levy also enables the Thames RFCC to support pilot schemes, such as the London Strategic Sustainable Drainage System and Natural Flood Management pilot works, which may not be eligible to receive much Grant in Aid funding but are considered by the Thames RFCC to be essential in developing learning to improve these types of projects in the future. The ongoing 1.99% levy annual increase allows the Thames RFCC to progress works it wants to proceed because it allows the committee to plan ahead with a greater certainty of available funding. For example it can support the development stages of projects ahead of construction while contributors are found locally, ensuring there is no pause in project delivery and accept new projects on to the programme. This enables all Risk Management Authorities to access funding to construct a strong pipeline of projects that will benefit the Thames area in future years.

[The refreshed programme for 2018/19 onwards](#)

The Thames RFCC is currently reviewing the capital programme for 2018/19 onwards and until this process is complete and the bid approved at a national level it is not possible to provide a fully revised projected levy spend.

However, fewer new projects have been submitted through the refresh process in Thames RFCC for 2018/19 than in previous years. This is because most local

authorities are concentrating on progressing and delivering the projects that they already have on the programme. This presents a challenge to continuing to deliver benefits in the Thames area.

As discussed above, the government has committed to reducing risk to at least 300,000 homes by 2021, the end of the six year programme. Nationally, the refreshed programme is being prioritised to maximise the likelihood of meeting this commitment. This means all schemes that will be constructed by 2021 (anywhere in the country) will be given a higher priority for funding. The result is that some schemes may no longer be funded in the Thames six year programme or be artificially paused. The Thames RFCC may use levy to ensure schemes that have already started can continue to progress until national funding becomes available and the increase in levy of 1.99% will support this approach.

In addition to this, there are a number of factors that could increase or decrease the use of levy across the remaining period of the programme including;

- Variations in the number of new projects coming forward for funding or projects not proving to be viable;
- Cost inflation;
- The benefit-cost analysis of schemes changing as preparatory work and investigations proceed providing new data;
- Bringing forward expenditure on preliminary assessments for schemes in later years of the capital programme. This will ensure that there is a pipeline of schemes to accelerate, in case any existing schemes drop out and enabling the Thames RFCC to continue to secure government funding.

Conclusion

It is recommended that Members support a 1.99% increase, which totals £221,479 in 2018/19. This would be paid by the 47 London borough, unitary and county councils in the Thames RFCC area, as part of the agreed six year programme.

Appendix B. 2017/18 Programme by Scheme*

* Some budgets are zero but have forecast spend. These projects are either slippages from previous years, acceleration opportunities where we have pulled forward initial assessments from future years in the consented programme or in-year opportunities that are not yet in the consented programme.

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
Bedfordshire	Bramingham Flood Alleviation Scheme	Luton Unitary Authority	20,000	0	20,000	0	35,000
Bedfordshire	Houghton Regis Flood Storage Area	Environment Agency	1,825,000	1,825,000	0	0	392,048
Bedfordshire	Luton Town Centre Flood Alleviation Scheme	Luton Unitary Authority	110,000	0	110,000	0	110,000
Bedfordshire	Poynters Road and Pastures Way Flood Alleviation Scheme	Luton Unitary Authority	0	0	0	0	35,000
Berkshire	Bisham Flood Alleviation	Environment Agency	128,274	0	128,274	0	2,550
Berkshire	Boxford Flood Alleviation Scheme	West Berkshire Unitary Authority	0	0	0	0	68,000
Berkshire	Charvil Flood Alleviation	Environment Agency	0	0	0	0	55,394
Berkshire	Cock Marsh, Cookham	Environment Agency	-				4,305
Berkshire	Cold Ash Hill Phase 1	West Berkshire Unitary Authority	0	0	0	0	9,300

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
Berkshire	Colnbrook - County Ditch and Colne Brook	Environment Agency	50,000	0	50,000	0	54,792
Berkshire	Cookham Flood Risk Management Scheme	Environment Agency	-				44,735
Berkshire	Dunstan Park Flood Alleviation Scheme	West Berkshire Unitary Authority	1,242,000	656,283	572,717	13,000	1,246,000
Berkshire	Dunstan Park Study	West Berkshire Unitary Authority	tbc	tbc	tbc	tbc	39,650
Berkshire	Emmbrook Flood Mitigation	Environment Agency	0	0	0	0	17,059
Berkshire	Eton Wick Flood Alleviation	Environment Agency	35,000	0	35,000	0	20,636
Berkshire	Great Shefford	Environment Agency	55,000	55,000	0	0	85,973
Berkshire	Hampstead Norreys	West Berkshire Unitary Authority	25,000	0	21,250	3,750	25,000
Berkshire	Hurley Flood Alleviation Scheme	Environment Agency	0	0	0	0	16,852
Berkshire	Lambourn East property level protection	West Berkshire Unitary Authority	184,000	0	184,000	0	0
Berkshire	Newbury Flood Alleviation Scheme	Environment Agency	0	0	0	0	4,676
Berkshire	Pangbourne Flood Alleviation	Environment Agency	30,840	0	30,840	0	64,447

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
Berkshire	Poyle Channel	Environment Agency	50,000	0	50,000	0	0
Berkshire	Purley on Thames Property Level Protection	West Berkshire Unitary Authority	60,781	0	60,781	0	260,000
Berkshire	Reading - Caversham Flood Alleviation Scheme	Environment Agency	0	0	0	0	145,719
Berkshire	Restoration of the Lower Kennet SSSI - Chamberhouse to Brimpton	Environment Agency	25,000	25,000	0	0	0
Berkshire	Restoration of the River Kennet at the Sherman Hatches/Pear tree Bottom	Environment Agency	225,000	225,000	0	0	0
Berkshire	Restoration of the River Kennet at the Wilderness	Environment Agency	120,000	120,000	0	0	0
Berkshire	River Lambourn Special Area Conservation - fish passage and habitat enhancement	Environment Agency	-				245,500
Berkshire	River Loddon Soft Engineering	Environment Agency	0	0	0	0	345
Berkshire	South East Thatcham	West Berkshire Unitary Authority	150,000	0	150,000	0	1,769,450
Berkshire	Slough Flood Alleviation	Environment Agency	150,000	50,000	100,000	0	107,064

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
	Scheme						
Berkshire	Stanford Dingley Flood Alleviation Scheme	West Berkshire Unitary Authority	0	0	0	0	0
Berkshire	Swallowfield Flood Mitigation Measures	Environment Agency	0	0	0	0	4,000
Berkshire	Thames Catchment Storage	Environment Agency	0	0	0	0	420,950
Berkshire	Waller Drive, Newbury - Property Level Protection Scheme	West Berkshire Unitary Authority	80,135	80,135	0	0	0
Berkshire	Winterbourne Flood Alleviation Scheme	West Berkshire Unitary Authority	35,000	0	0	35,000	183,053
Buckinghamshire	Bourne End - North and South mitigation	Environment Agency	0	0	0	0	5,079
Buckinghamshire	Chesham Flood Alleviation Scheme - Vale Brook Culvert	Environment Agency	174,000	0	174,000	0	259,049
Buckinghamshire	Cores End Flood Alleviation Scheme	Environment Agency	250,000	0	250,000	0	76,906
Buckinghamshire	Hughenden Flood Mitigation	Buckinghamshire County	40,000	14,158	17,842	8,000	12,081
Buckinghamshire	Marlow Flood Alleviation Scheme	Environment Agency	4,070,000	600,000	2,220,000	1,250,000	3,513,681

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
Buckinghamshire	Marlow Surface Water Drainage Pre-Feasibility Study	Buckinghamshire County	189,550	0	189,550	0	90,000
Buckinghamshire	Medmenham Flood Mitigation measures	Environment Agency	0	0	0	0	10,792
Buckinghamshire	Misbourne Flood alleviation and water management level strategy	Environment Agency	0	0	0	0	30,000
Buckinghamshire	Pednornead End, Chesham Surface Water and Ground Water Management Scheme	Buckinghamshire County	30,000	0	0	30,000	180,000
Buckinghamshire	River Wye Catchment Surface Water Scheme	Buckinghamshire County	250,000	57,300	192,700	0	0
Buckinghamshire	Thames Weirs Gates Replacement	Environment Agency	0	0	0	0	1,469,274
City of Westminster	Churchill Gardens Flood Alleviation Scheme	City of Westminster	100,000	100,000	0	0	100,000
City of Westminster	Thames Tidal Frontages Programme 1	Environment Agency	0	0	0	0	1,000
City of Westminster	Westmoreland Terrace Flood Alleviation Scheme	City of Westminster	50,000	50,000	0	0	50,000

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
Essex	Frog Island Tidal Sluices Penstock Automation	Environment Agency	20,700	20,700	0	0	33,447
Essex	Harlow (Brays Grove) Flood Alleviation Scheme	Essex County	0	0	0	0	112,778
Essex	Harlow (Kingsmoor) Flood Alleviation Scheme	Essex County	0	0	0	0	163,544
Essex	Harlow (Latton Bush) Flood Alleviation Scheme	Essex County	10,000	0	10,000	0	0
Essex	Harlow (Stewards) Flood Alleviation Scheme	Essex County	10,000	0	10,000	0	0
Essex	Hillman Cottages Flood Alleviation Scheme	Environment Agency	0	0	0	0	94,636
Essex	LFRC Control Structures Ware to Enfield Island - Gantry Hoist	Environment Agency	41,400	41,400	0	0	80,000
Essex	Nazeing Flood Alleviation Scheme	Environment Agency	0	0	0	0	154,108
Essex	Oval Road Pumping Station, Dagenham - Refurbishment	Environment Agency	25,875	25,875	0	0	52,720
Essex	Rainham Tidal Sluice, Rainham - Power Supply	Environment Agency	41,400	41,400	0	0	42,246

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
Essex	Rammey Sluice, Waltham Abbey - Replacement of Flood Control Structure	Environment Agency	103,500	0	103,500	0	64,754
Essex	River Roding Strategy Works From: Resistance and resilience	Environment Agency	-				1,000
Essex	Roding Valley Meadows, Site of Special Scientific Interest (SSSI), River Roding.	Environment Agency	50,000	50,000	0	0	50,000
Essex	Shonks Mill Flood Storage Area	Environment Agency	200,000	0	0	200,000	203,242
Essex	Stanstead Mountfitchet Flood Alleviation Scheme	Environment Agency	44,000	44,000	0	0	133,689
Essex	Woodford Access Improvements - River Roding	Environment Agency	72,450	72,450	0	0	70,000
Gloucestershire	Bourton on the Water	Environment Agency	0	0	0	0	88,877
Gloucestershire	Churn Strategy Local Interventions	Environment Agency	0	0	0	0	3,498
Gloucestershire	Cirencester Flood Storage Areas	Environment Agency	50,000	0	50,000	0	82,839
Gloucestershire	River Churn Strategy Phase	Environment Agency	60,000	60,000	0	0	0

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
	2						
Greater London	Future Thames Barrier sites	Environment Agency	-				25,000
Greater London	Thames Barrier and Associated Gates Barking Barrier Repair	Environment Agency	-				6,750
Greater London	Team 2100 Programme - Southern Delivery	Environment Agency	-				1,068,235
Greater London	Thames Barrier Dara Upgrade	Environment Agency	-				30,000
Hampshire	Alton Attenuation And Flood Study	Environment Agency	80,000	78,136	1,864	0	0
Hampshire	Basingstoke Flood Reduction Scheme	Environment Agency	107,594	50,000	57,594	0	0
Hampshire	Buckskin Lane Flood Alleviation Scheme, Basingstoke	Hampshire County	450,000	410,000	0	40,000	371,000
Hampshire	Chawton Flood Alleviation Scheme	Environment Agency	5,000	2,566	2,434	0	0
Hampshire	Fleet Flood Alleviation Scheme	Environment Agency	5,000	4,047	953	0	28,162
Hampshire	Phoenix Green Flood	Hart District	64,700	64,700	0	0	17,500

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
	Alleviation Scheme						
Hampshire	Mill Corner Hampshire	Hart District	0	0	0	0	17,000
Hampshire	Kingsway, Blackwater Flood Alleviation Scheme	Environment Agency	40,000	39,657	343	0	87,500
Hampshire	Local Groundwater Flood Alleviation - A32 Corridor	Hampshire County	70,000	35,000	35,000	0	0
Hampshire	North Yateley Flood Impact Reduction Project	Environment Agency	64,876	50,000	14,876	0	18,906
Hampshire	Rectory Road Flood Alleviation Scheme	Hampshire County	6,000	0	0	6,000	40,000
Hampshire	Sandy Lane Ditch Flood Alleviation Scheme	Environment Agency	0	0	0	0	31,870
Hampshire	Sycamore Road Flood Alleviation Scheme	Hampshire County	191,000	185,000	0	6,000	60,000
Hampshire	Tadley Flood Reduction Study	Environment Agency	10,646	0	10,646	0	18,988
Hampshire	Tudor and Cricket Hill Stream Flood Reduction Project	Environment Agency	50,000	19,239	30,761	0	19,293
Hertfordshire	A120 Little Hadham Bypass flood storage area	Environment Agency	171,220	171,220	0	0	1,044,055

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
Hertfordshire	Cheshunt Flood Alleviation Scheme	Environment Agency	0	0	0	0	77,867
Hertfordshire	Darkes Lane Surface Water and Watercourse Flood Risk Modelling	Hertfordshire County	-				60,000
Hertfordshire	Hardmead Sluice, Ware - Replacement of Flood Control Structure – now merged with Stanstead, and Amwell Bailey Bridge, Ware	Environment Agency	103,500	0	103,500	0	318,736
Hertfordshire	Harpenden Flood Alleviation Scheme	Environment Agency	130,000	130,000	0	0	81,014
Hertfordshire	Hertfordshire Natural Flood Management	Hertfordshire County	50,000	0	50,000	0	60,000
Hertfordshire	Knebworth Surface Water Study	Hertfordshire County	0	0	0	0	40,000
Hertfordshire	London Colney Flood Risk Study	Environment Agency	30,000	30,000	0	0	140,182
Hertfordshire	Papermill Stream Penstock, Channel and Bridge, Standon - upgrade & structural repairs	Environment Agency	20,000	20,000	0	0	0

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
Hertfordshire	Redbourn (Rose Acre, Ridgedown, Snatchup, Lybury Lane) Surface Water Management	Hertfordshire County	126,422	0	126,422	0	20,000
Hertfordshire	River Mimram Chalk Stream Restoration Project	Environment Agency	306,469	0	0	206,469	0
Hertfordshire	Robbery Bottom Lane Surface Water Management	Hertfordshire County	40,000	0	40,000	0	0
Hertfordshire	Rye Meads SSSI	Environment Agency	40,000	20,000	0	0	10,000
Hertfordshire	Stanstead Abbots Flood Alleviation Scheme	Environment Agency	138,000	34,057	103,943	0	135,360
Hertfordshire	Stevenage Brook Roebuck Gate Combined Flood Risk Assessment	Hertfordshire County	15,000	15,000	0	0	0
Hertfordshire	Violets Lane – Furneux Pelham Flood Alleviation Scheme	Environment Agency	39,849	15,068	24,781	0	48,988
Hertfordshire	Watford Combined Surface Water and Fluvial Flood Risk Study	Hertfordshire County	0	0	0	0	20,000
Hertfordshire	Kimpton Groundwater Flood Risk Management	Hertfordshire County	500,006	240,413	259,593	0	0

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
	Options Study						
Kent	Thames Estuary 2100 Habitat Creation	Environment Agency	0	0	0	0	77,000
London Borough of Barnet	Critical Drainage Area 018 - Decoy Brook Catchment Flood Alleviation Scheme	London Borough of Barnet	150,000	91,300	58,700	0	75,000
London Borough of Barnet	Silk Stream, Colindale Flood Alleviation Scheme	Environment Agency	0	0	0	0	50,000
London Borough of Bexley	Crayford Integrated Drainage Study Output Schemes	London Borough of Bexley	0	0	0	0	160,000
London Borough of Bexley	Great Breach Dyke culvert clearance (Alsike Road)	Environment Agency	750,000	750,000	0	0	750,000
London Borough of Bexley	Lake 4 Priority Works	Environment Agency	1,850,000	0	0	0	2,274,085
London Borough of Bexley	Wyncham Stream Catchment	Bexley London Borough	-				50,000
London Borough of Brent	Tokington and Stonebridge Flood Alleviation Scheme	Environment Agency	200,000	0	200,000	0	49,073
London Borough of Bromley	Kyd Brook Flood Alleviation Scheme	Environment Agency	90,000	0	90,000	0	120,652

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
London Borough of Bromley	Ravensbourne (East Branch) at Southborough flood alleviation study	Environment Agency	57,000	0	57,000	0	66,152
London Borough of Bromley	Beckenham Hill Trash Screen	Environment Agency	-				13,939
London Borough of Bromley	St James Stream at Upper Elmers End	Environment Agency	84,800	84,800	0	0	88,008
London Borough of Bromley	The Beck (East Branch) at Langley Park flood alleviation study	Environment Agency	64,000	0	64,000	0	39,642
London Borough of Croydon	Caterham Bourne Flood alleviation scheme	London Borough of Croydon	450,000	350,000	50,000	50,000	0
London Borough of Croydon	Kenley Flood Alleviation Scheme	London Borough of Croydon	117,000	117,000	0	0	36,800
London Borough of Croydon	Chaffinch Brook	Croydon London Borough	-				40,000
London Borough of Ealing	Critical Drainage Area 001 - Aintree Road, Perivale Surface Water Study	London Borough of Ealing	30,000	30,000	0	0	30,000
London Borough of Ealing	Critical Drainage Area 003 - Carr Road, Northolt - Flood Risk Study	London Borough of Ealing	50,000	50,000	0	0	50,000

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
London Borough of Ealing	Critical Drainage Area 005 - Yeading Lane, Southall - Flood Risk Study	London Borough of Ealing	50,000	50,000	0	0	50,000
London Borough of Ealing	Critical Drainage Area 007 - High Street Acton Flood Alleviation Scheme	London Borough of Ealing	20,000	20,000	0	0	20,000
London Borough of Ealing	Critical Drainage Area 008 - Northfield Avenue Surface Water Study	London Borough of Ealing	20,000	20,000	0	0	20,000
London Borough of Ealing	Critical Drainage Area 041 - Beech Avenue, East Acton - Property level protection, community engagement and SuDS	London Borough of Ealing	50,000	50,000	0	0	50,000
London Borough of Ealing	Greenford Flood Management Scheme	Environment Agency	32,085	32,085	0	0	32,084
London Borough of Ealing	Islip Manor Estate Redevelopment - Disconnection of surface water drainage and implementation of SuDS	London Borough of Ealing	80,000	80,000	0	0	80,000
London Borough of Enfield	Bullsmoor Lane Flood Alleviation Scheme	London Borough of Enfield	67,956	55,635	1,971	10,350	0

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
London Borough of Enfield	Enfield Town Flood Alleviation Scheme	London Borough of Enfield	392,728	292,728	0	100,000	215,000
London Borough of Enfield	Green Lanes Flood Alleviation Scheme	London Borough of Enfield	59,070	42,180	6,540	10,350	0
London Borough of Enfield	Salmons Brook Flood Alleviation Scheme	Environment Agency	0	0	0	0	511,641
London Borough of Enfield	East Enfield Flood Alleviation Scheme	Enfield London Borough	-				50,000
London Borough of Enfield	Salmons Brook Natural Flood Management	Enfield London Borough	-				78,250
London Borough of Enfield	Turkey Brook Alleviation Scheme	London Borough of Enfield	0	0	0	0	20,000
London Borough of Greenwich	Clothworkers Wood - Wet Woodland Flood Storage Scheme	London Borough of Greenwich	25,000	0	25,000	0	25,000
London Borough of Greenwich	Culvert and Trash Screen Effectiveness Quaggy River	Environment Agency	0	0	0	0	32,000
London Borough of Greenwich	Marsh Dykes sluice repairs and permanent access works	Environment Agency	1,000,000	1,000,000	0	0	411,232
London Borough of Greenwich	Natural Flood Management Oxleas Wood	London Borough of Greenwich	35,000	24,020	0	10,000	34,020

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
London Borough of Greenwich	Groundwater preparation	London Borough of Greenwich	0	0	0	0	40,000
London Borough of Greenwich	Little Quaggy Flood Alleviation Scheme	London Borough of Greenwich	0	0	0	0	25,000
London Borough of Greenwich	Ordinary Watercourses	London Borough of Greenwich	40,000	40,000	0	0	40,000
London Borough of Greenwich	River Shuttle Upper Catchment	London Borough of Greenwich	0	0	0	0	25,000
London Borough of Greenwich	Sutcliffe Park Trash Screen	Environment Agency	0	0	0	0	890,000
London Borough of Greenwich	Thames Barrier and Associated Gates mechanics and public address system upgrade	Environment Agency	0	0	0	0	10,950
London Borough of Greenwich	Thames Barrier and Associated Gates Drive Equipment	Environment Agency	1,398,501	1,398,501	0	0	1,669,069
London Borough of Greenwich	Thames Barrier and Associated Gates Mesh Network	Environment Agency	0	0	0	0	0
London Borough of Greenwich	Thames Barrier and Associated Gates Dartford Barrier mechanical	Environment Agency	0	0	0	0	82,475

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
	engineering Works						
London Borough of Greenwich	Thames Barrier and Associated Gates Port of London Authority Thames Barrier Act Navigation Reimbursements	Environment Agency	480,000	480,000	0	0	445,963
London Borough of Greenwich	Team 2100 Programme - Thames Delivery	Environment Agency	17,303,667	17,303,667	0	0	16,473,146
London Borough of Greenwich	Thames Barrier Resilience Works	Environment Agency	0	0	0	0	1,182,635
London Borough of Greenwich	Wickham Valley Water Course Flood Storage Scheme	London Borough of Greenwich	30,000	30,000	0	0	30,000
London Borough of Hackney	Norcott Road Critical Drainage Area 19 surface water Flood Alleviation Scheme	London Borough of Hackney	60,000	60,000	0	0	0
London Borough of Hackney	Hackney Catchment Based Hydraulic Analysis	London Borough of Hackney	-				60,000
London Borough of Hackney	Thames 20 for 20 Project - Gullies replacement programme in Wick Road	London Borough of Hackney	-				20,000

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
London Borough of Haringey	Moselle Brook Culvert Refurbishment	Environment Agency	128,000	91,486	36,514	0	133,813
London Borough of Harrow	Newton Park River Restoration and Flood Storage Area	London Borough of Harrow	0	0	0	0	542,172
London Borough of Havering	Havering Park Flood Mitigation Scheme	Havering London Borough	-				38,000
London Borough of Havering	River Rom Flood Alleviation Scheme	Environment Agency	-				80,000
London Borough of Havering	Dovers Corner Emergency Works	Environment Agency	0	0	0	0	346,766
London Borough of Hillingdon	Cannon Brook and Mad Bess Brook Flood Management Scheme	Environment Agency	115,000	115,000	0	0	19,711
London Borough of Hillingdon	Cranford Park Flood Alleviation Scheme	London Borough of Hillingdon	228,678	0	228,678	0	228,678
London Borough of Hillingdon	Pinn Flood Alleviation Scheme	Environment Agency	0	0	0	0	150,617
London Borough of Hounslow	Brentford Flood Alleviation Scheme	Environment Agency	80,000	80,000	0	0	137,252
London Borough of Hounslow	Brentford North Flood Alleviation Scheme	London Borough of Hounslow	0	0	0	0	30,000

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
London Borough of Hounslow	Hounslow Town Centre Flood Alleviation Scheme	London Borough of Hounslow	0	0	0	0	30,000
London Borough of Kensington and Chelsea	Sustainable Drainage Systems in Royal Borough of Kensington and Chelsea	London Borough of Kensington and Chelsea	300,000	220,000	0	80,000	100,000
London Borough of Kingston upon Thames	Kingston Town Centre Flood Alleviation Scheme	Environment Agency	200,000	100,000	100,000	0	142,962
London Borough of Kingston upon Thames	Critical Drainage Area 13 London to Woking Rail Link	London Borough of Kingston upon Thames	65,000	0	65,000	0	30,000
London Borough of Kingston upon Thames	Critical Drainage Area 16 Old Malden Flood Alleviation Scheme	London Borough of Kingston upon Thames	65,000	0	65,000	0	30,000
London Borough of Lambeth	Brockwell Park Flood Alleviation Scheme	London Borough of Lambeth	133,000	133,000	0	0	133,000
London Borough of Lewisham	Lewisham and Catford Flood Alleviation Scheme	Environment Agency	3,930,846	2,111,240	1,819,606	0	728,659
London Borough of Merton	Cottenham Park Flood Alleviation Scheme	London Borough of Merton	280,000	280,000	0	0	0
London Borough of Merton	Graveney Flood Alleviation Scheme	Environment Agency	229,600	229,600	0	0	154,103

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
London Borough of Merton	Seely Road Flood Alleviation Scheme	London Borough of Merton	225,000	225,000	0	0	0
London Borough of Redbridge	Assessment of surface water flood risk at Wanstead Flats	London Borough of Redbridge	20,000	0	20,000	0	20,000
London Borough of Redbridge	Chadwell Heath Flood Alleviation Scheme	London Borough of Redbridge	50,000	25,000	25,000	0	0
London Borough of Redbridge	Clayhall Flood Alleviation Scheme	London Borough of Redbridge	207,000	100,500	106,500	0	40,000
London Borough of Redbridge	Illford, Seven Kings Water Flood Alleviation Scheme	Environment Agency	0	0	0	0	13,476
London Borough of Redbridge	Loxford Water, Westwood Rec Flood Alleviation Scheme	London Borough of Redbridge	0	0	0	0	100,000
London Borough of Redbridge	Woodford Surface Water Flood Alleviation Scheme	London Borough of Redbridge	0	0	0	0	133,000
London Borough of Richmond on Thames	Barnes Flood Alleviation Scheme	Environment Agency	300,000	300,000	0	0	0
London Borough of Richmond upon Thames	Beverley Brook at Worcester Park	Environment Agency	0	0	0	0	20,294

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
London Borough of Richmond upon Thames	Mereway Sluice, Twickenham - Gate Replacement	Environment Agency	103,500	103,500	0	0	68,895
London Borough of Southwark	East Camberwell Flood Alleviation Scheme Phase 2	London Borough of Southwark	250,000	0	0	0	250,000
London Borough of Southwark	Peckham Rye Flood Alleviation Scheme	London Borough of Southwark	100,000	100,000	0	0	100,000
London Borough of Sutton	Anton Crescent Flood Alleviation Scheme Health and Safety Improvements, Sutton	Environment Agency	67,500	0	67,500	0	8,000
London Borough of Sutton	Critical Drainage Area 22 Worcester Park Surface Water Flood Alleviation Scheme	London Borough of Sutton	35,000	0	35,000	0	10,000
London Borough of Sutton	SuDS in Sutton Schools	London Borough of Sutton	310,000	0	0	0	95,000
London Borough of Sutton	Wallington Station and South Beddington	London Borough of Sutton	50,000	0	50,000	0	20,000
London Borough of Waltham Forest	Chestnuts Showground Flood Alleviation Scheme	London Borough of Waltham Forest	50,000	0	50,000	0	50,000

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
London Borough of Waltham Forest	Dagenham Brook Flood Alleviation Scheme	Environment Agency	168,000	60,877	107,123	0	158,857
London Borough of Waltham Forest	Fillebrook Surface Water Investigation	London Borough of Waltham Forest	0	0	0	0	50,000
London Borough of Waltham Forest	South Chingford Surface Water Investigation	London Borough of Waltham Forest	0	0	0	0	50,000
London Borough of Wandsworth	Clapham Junction Flood Alleviation Scheme	London Borough of Wandsworth	300,000	300,000	0	0	8,749
Northamptonshire	Banbury Flood Alleviation Scheme	Environment Agency	6,000				-14,498
Oxfordshire	Abingdon River Ock Flood Alleviation Scheme	Environment Agency	700,000	200,000	0	500,000	249,912
Oxfordshire	Abingdon St Helens Wharf Mill Wall	Environment Agency	0	0	0	0	130,377
Oxfordshire	Benson Flood Risk Management Scheme	Environment Agency	0	0	0	0	48,818
Oxfordshire	Bicester Town Brook	Environment Agency	5,000	5,000	0	0	2,961
Oxfordshire	Bloxham (Tadmarton Road) Flood Risk Management	Oxfordshire County	70,000	56,000	14,000	0	75,000

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
	Scheme						
Oxfordshire	Bloxham Flood Alleviation Scheme	Environment Agency	92,550	42,550	50,000	0	40,639
Oxfordshire	Boundary Brook Catchment (Florence Park) Flood Alleviation	Environment Agency	368,350	200,000	168,350	0	53,678
Oxfordshire	Chalgrove Flood Risk Management Scheme	Environment Agency	0	0	0	0	62,949
Oxfordshire	East Hagbourne Flood Risk Management Scheme	Environment Agency	0	0	0	0	24,443
Oxfordshire	Godstow Weir B refurbishment	Environment Agency	0	0	0	0	156,577
Oxfordshire	Goring on Thames Flood Risk Management Scheme	Environment Agency	335,500	76,992	258,508	0	16,963
Oxfordshire	Henley-on-Thames Flood Risk Management Scheme	Environment Agency	-				50,000
Oxfordshire	Islip Flood Risk Management Scheme	Environment Agency	0	0	0	0	17,880
Oxfordshire	Madley Brook, Witney	Environment Agency	0	0	0	0	13,791
Oxfordshire	Oxford Flood Alleviation Scheme	Environment Agency	8,010,000	5,030,000	2,150,000	830,000	5,430,971

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
Oxfordshire	Paddle Rymer Package 2	Environment Agency	15,474	15,474	0	0	24,351
Oxfordshire	Paddle and Rymer Health and Safety	Environment Agency	4,000	4,000	0	0	6,021
Oxfordshire	Remenham Flood Mitigation	Environment Agency	0	0	0	0	384
Oxfordshire	Steventon and Milton	Environment Agency	25,000	0	25,000	0	358
Oxfordshire	Sutton Courtenay Flood Risk Management Scheme	Environment Agency	75,947	0	75,947	0	16,710
Oxfordshire	Wendlebury Flood Alleviation Scheme	Environment Agency	100,000	100,000	0	0	13,140
Surrey	Addlestone Flood Alleviation Scheme	Environment Agency	0	0	0	0	1,654
Surrey	Alfold Crossways Flood Alleviation Scheme	Surrey County	20,000	0	20,000	0	20,000
Surrey	Ash Surface Water Flood Relief Scheme	Guildford District	0	0	0	0	20,000
Surrey	Bagshot Flood Alleviation Scheme	Environment Agency	55,000	47,586	7,414	0	95,100
Surrey	Balcombe Road Horley Flood Alleviation Scheme	Surrey County	100,000	100,000	0	0	0
Surrey	Bell Weir Refurbishment	Environment Agency	0	0	0	0	511,926

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
Surrey	Bookham Flood Alleviation Scheme	Mole Valley District	75,000	75,000	0	0	0
Surrey	Bramley, Fisher Rowe Close Flood Alleviation Scheme	Environment Agency	135,809	0	135,809	0	0
Surrey	Brockham and Strood Green Flood Alleviation Scheme	Surrey County	35,000	35,000			20,000
Surrey	Burpham Flood Alleviation Scheme	Guildford District	0	0	0	0	25,000
Surrey	Burstow Stream at East Horley Flood Alleviation Scheme	Environment Agency	100,000	100,000	0	0	20,000
Surrey	Byfleet and Weybridge Flood Alleviation Schemes	Environment Agency	100,000	0	100,000	0	300,946
Surrey	Caterham Hill Flood Alleviation Scheme	Surrey County	75,000	0	75,000	0	55,000
Surrey	Chobham Flood Alleviation Scheme	Surrey Heath District	0	0	0	0	96,000
Surrey	Chobham South Flood Attenuation Scheme	Environment Agency	-				38,910
Surrey	Copthorne Streaton Flood Alleviation Scheme	Surrey County	380,000	380,000	0	0	0

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
Surrey	Cranleigh Flood Alleviation Scheme	Surrey County	15,000	15,000	0	0	15,000
Surrey	Crawley Villages Options Investigations	Environment Agency	150,000	150,000	0	0	200,000
Surrey	Dead River	Environment Agency	74,000	74,000	0	0	99,000
Surrey	Ewell Town Centre and South Horton Flood Alleviation Scheme	Surrey County	15,000	0	0	0	15,000
Surrey	Flexford Flood Relief Scheme	Guildford District	0	0	0	0	90,000
Surrey	Godalming Flood Alleviation Scheme	Environment Agency	700,000	550,000	150,000	0	540,003
Surrey	Guildford Flood Alleviation Scheme	Environment Agency	229,000	0	229,000	0	310,000
Surrey	Hell Ditch Fish Pass Project	Environment Agency	-				150,000
Surrey	Hoe Valley flood alleviation and Water Framework Directive Scheme	Woking District	123,625	0	79,000	44,625	0
Surrey	Hydraulic Ram Replacement at Huntsmoor Weir	Environment Agency	20,700	20,700	0	0	0
Surrey	Leatherhead and Fetcham	Environment Agency	100,000	0	100,000	0	91,847

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
	Flood Alleviation Scheme						
Surrey	Lower Mole Flood Alleviation Scheme	Environment Agency	0	0	0	0	5,632
Surrey	Lower Mole Flood Alleviation Scheme Asset Plan	Environment Agency	10,000	0	0	0	34,836
Surrey	Lower Mole Safety Booms	Environment Agency	7,000	7,000	0	0	673,543
Surrey	Lower Road Effingham	Guildford District	140,000	0	140,000	0	0
Surrey	Natural flood management Dorking Flood Alleviation Scheme	Environment Agency	50,000	50,000			23,000
Surrey	Penton Hook Restoration	Environment Agency	730,957	730,957	0	0	390,069
Surrey	Redhill Flood Alleviation Scheme	Environment Agency	135,000	0	135,000	0	131,482
Surrey	Reigate Town Centre Flood Alleviation Scheme	Reigate and Banstead District	25,000	0	25,000	0	30,000
Surrey	River Ash and Staines Reservoirs Aqueduct	Environment Agency	100,000	100,000	0	0	100,000
Surrey	River Rythe Flood Alleviation Scheme	Environment Agency	50,000	25,000	25,000	0	12,044
Surrey	River Rythe: Flood Relief	Environment Agency	20,000	20,000	0	0	20,000

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
	Culvert intake screen modification/ replacement						
Surrey	River Thames Scheme - Capacity Improvements and Flood Channel	Environment Agency	3,611,000	3,351,000	114,000	146,000	3,945,715
Surrey	River Thames Scheme - Delivery Programme	Environment Agency	2,321,000	1,821,000	500,000	0	1,755,464
Surrey	River Thames Scheme - Funding Strategy	Surrey County	390,000	390,000	0	0	0
Surrey	River Thames Scheme - Major Incident Planning	Environment Agency	0	0	0	0	30,000
Surrey	River Thames Scheme - Property Level Protection	Environment Agency	899,000	899,000	0	0	188,053
Surrey	River Thames Scheme - Procurement Strategy	Surrey County	160,000	160,000	0	0	0
Surrey	River Thames Scheme - Property Purchase	Surrey County	1,500,000	1,500,000	0	0	0
Surrey	River Thames Scheme Community Resilience Measures	Environment Agency	899,000				555,705
Surrey	River Wey Weir Refurbishment	Environment Agency	1,000,000	1,000,000	0	0	314,682

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
Surrey	Lyne and Chilsey Green Flood Alleviation Scheme V1	Environment Agency	-				31,644
Surrey	Smallfield Flood Alleviation Scheme	Surrey County	0	0	0	0	45,000
Surrey	South Earlswood Flood Alleviation Scheme	Surrey County	9,655	0	9,655	0	20,000
Surrey	Stoke D'Abernon Flood Alleviation Scheme	Environment Agency	0	0	0	0	8,500
Surrey	Stoke D'Abernon Flood Alleviation Scheme	Surrey County	40,000	0	0	0	0
Surrey	Surbiton Crescent Flood Alleviation Scheme – Critical Drainage Area 12	Surrey County	51,760	0	51,760	0	0
Surrey	Surface Water - Roundway (A10)_Warkworth Road_063 (Moselle Catchment)	Surrey County	6,211	1,014	5,197	0	0
Surrey	Sutton Green Flood Alleviation Scheme	Woking District	150,000	0	150,000	0	80,000
Surrey	The Woking Initial Assessment	Environment Agency	0	0	0	0	-938
Surrey	Upper Hogsmill at Epsom	Environment Agency	15,000	0	0	0	11,462

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
	and Ewell FAS						
Surrey	Vale Farm Road Flood Alleviation Scheme	Surrey County	15,000	0	15,000	0	15,000
Surrey	Walton Terrace Flood Alleviate Scheme	Surrey County	15,000	0	15,000	0	0
Surrey	Wey Meadows Flood Alleviation Scheme	Environment Agency	5,000	0	5,000	0	0
Surrey	Windlesham Flood Alleviation Scheme	Environment Agency	0	0	0	0	33,248
Surrey	Woodford Flood Alleviation Scheme	Surrey County	43,660	0	43,660	0	0
Thanet District	Thanet Groyne Replacement 17-18	Thanet District	-				363,000
Various	Lower Thames Guard Piles	Environment Agency	123,500	123,500	0	0	0
Various	South London culvert, trash screen and bridges blockage study	Environment Agency	50,000	50,000	0	0	70,000
Various	Thames Estuary 2100 Implementation Planning	Environment Agency	0	0	0	0	130,000
Various	Team 2100 Programme Integrated Delivery Team Services Thames	Environment Agency	3,969,546	3,969,546	0	0	3,493,667

Local authority	Project Title	Lead risk management authority	Budget	Grant in aid	Local Levy	Contributions	Forecast
Various	Temporary defence enabling works package	Environment Agency	0	0	0	0	289,659
Various	Thames RFCC Levy Posts 16/17 to 20/21 (Thames Flood Advisors Team)	Environment Agency	660,000	0	660,000	0	565,000
Various	West Thames Packaged Projects	Environment Agency	0	0	0	0	53,927
West Sussex	Upper Mole Flood Alleviation Scheme	Environment Agency	2,013,293	713,293	0	1,300,000	2,475,203
Wiltshire	Aldbourn Flood Alleviation Scheme	Wiltshire Unitary Authority	-				150,000
Wiltshire	Covingham and Nythe Flood Alleviation Strategy, Swindon, River Cole	Swindon Unitary Authority	250,000	175,000	0	75,000	0
Wiltshire	Kingshill Flood Risk Management Scheme	Environment Agency	0	0	0	0	19,452
Wiltshire	Restoration of Kennet SSSI - Marlborough to Ramsbury	Wiltshire Council	50,000	50,000	0	0	0

London Councils' Transport & Environment Committee

Chair's Report

Item no: 07

Report by:	Katharina Winbeck	Job title:	Head of Transport, Environment and Infrastructure, London Councils
Date:	12 October 2017		
Contact Officer:	Katharina Winbeck		
Telephone:	020 7934 9945	Email:	Katharina.winbeck@londoncouncils.gov.uk

Summary	This report updates Members on transport and environment policy since the last TEC meeting on 15 June 2017 and provides a forward look until the next TEC meeting on 7 December 2017.
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Recommendations	Members to note this report. Members to agree that the Healthy Streets Board becomes an official advisory board to which LC TEC nominates members annually at its June AGM
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Introduction

1. This report updates Members on London Councils' work on transport and environment policy since the last TEC meeting on 15 June 2017 and provides a forward look until 10 December 2017.

TEC Advisers

2. At the TEC AGM (15 June 2017) members asked London Councils officers to provide more information about the officer panels it uses to get borough insight and input into its work. This information was provided to TEC Executive on 20 July 2017. At that meeting officers also highlighted that there was no constitutional reason for bringing these officer lists to TEC (as they are not formal appointments like the rest of the outside bodies report) and London Councils officers do not limit themselves to only seeking advice from the named officers. TEC Executive therefore agreed to remove this part of the report in future.

Transport

Go Ultra Low City Scheme

3. As agreed at TEC AGM in June, London Councils has sent out letters advising on amendments to the TEC Agreement and the delegated authority forms for boroughs to sign. The proposal is to provide London Councils TEC with the authority to take on the operational management as well as the strategic oversight of a London wide residential electric vehicle charging point delivery partnership on behalf of London's local authorities, should this be required. TEC would still need to provide authority to undertake any specific functions in this area in the future. The deadline for response is 31 October 2017. At the point of writing the report, only two authorities have returned their written consent. It would be useful if members could support getting these delegated authority forms returned.
4. As was also reported at TEC AGM, 25 boroughs have expressed an interest in using the GULCS funding to put charge points in the ground. The GULCS team have been developing the procurement strategy and related documents to tender for an electric vehicle charging infrastructure supplier, as well as an accompanying toolkit for those boroughs that would like to run their own procurement. The Invitation to Tender documents will be released to the market by the end of October.
5. The full funding agreement document for the scheme is also currently in development, and will be sent to boroughs soon. This agreement includes the full terms and conditions the boroughs will need to agree to, to receive the funding and is taking into account grant conditions set by OLEV and TfL.

Speaking at the launch of the Mayors Transport Strategy (MTS), 21 June 2017

6. I spoke at the launch event of the Mayors Transport Strategy along with Val Shawcross, Deputy Mayor for Transport, Alex Williams, Director City Planning, TfL, Mike Brown, TfL Commissioner, Fiona Fletcher-Smith, Executive Director of Development, Enterprise and Environment, GLA and Nelson Ogunshakin, TfL Board Member.
7. The audience comprised of a number of different stakeholders, including the boroughs, third sector and private organisations and we had a fruitful Q&A session.
8. In my speech I welcomed the ambition of the MTS, highlighted the crucial role boroughs hold in implementing it and commented on some of the specific proposals. For example, I highlighted the continuing need to look at orbital travel, particularly in outer London; I welcomed the narrative around bus-led regeneration but also questioned how this would be delivered given the Business Plan commitment of not increasing bus mileage. I expressed disappointment about the perceived lack of reference to electric vehicles and

car clubs and the role they can play in addressing air pollution and reducing car ownership.

Member event with Val Shawcross, Deputy Mayor on draft Mayor's Transport Strategy 20 July 2017

9. Members received a briefing from Lilli Matson (TfL) on the draft Mayor's Transport Strategy after TEC Executive on 20 July and were then joined by the Deputy Mayor Val Shawcross who discussed the Local Implementation Plan (LIP) Guidance.

Meeting with Val Shawcross and Will Norman, 11 September 2017

10. We discussed some of the principles of the London Councils response to both the draft MTS and LIP Guidance documents.
11. We also talked about Dockless Bikes and our joint code of practice that officers had been working on.
12. We will continue to have these regular meetings so if members wish for me to raise any particular item, please let me know.

TEC / TfL Commissioner meeting 28 September 2017

13. The Vice-Chairs and I met with Mike Brown on 28 September at our regular quarterly meetings. Items on the agenda included a discussion about Vision Zero which is set out in the draft Mayor's Transport Strategy, where we raised our concern that slight injuries do not feature in the draft Strategy and that this target is welcome but unrealistic. We gave the TfL Commissioner some emerging key themes of our draft responses to the Mayor's Transport Strategy and Local Implementation Plan (LIP) Guidance, including expressing our concerns at the prescription in the LIP Guidance.
14. We discussed the transformation process being undertaken at TfL, which will see changes in personnel that affect boroughs. However, we hope that by TfL bringing together its teams boroughs will receive a better service and a more-joined TfL.
15. Dockless bike sharing schemes were also on the agenda and we discussed the Code of Practice that was recently published.

Response to the London Assembly Investigation on the future of transport

16. London Councils has responded to the London Assembly Transport Committee investigation into the future of transport. This includes a look at 'mobility as a service', regulatory powers, horizon scanning, adoption of new technology, autonomous vehicles, dockless bicycles, droids and drones. Our response highlights a number of challenges that will need to be considered to ensure that new technology delivers for London.

Healthy Streets [Shadow] Board

17. Members have previously expressed the need for a Healthy Streets Board comprising of TEC Members, the Walking and Cycling Commissioner and London Councils officer representatives.
18. A meeting of a Healthy Streets Shadow Board has been arranged for 29 September as a pre-cursor to the formal establishment of such a board, thus ensuring earlier engagement with TfL on this important subject matter. Provisionally, the TEC Chair and Vice Chairs plus an additional Labour Councillor through Cllr Clyde Loakes will represent LC TEC on this Board. If TEC agrees, this will become an advisory board and nominations will be sought during the usual process at the TEC AGMs in June each year. Other members include the Walking and Cycling Commissioner, two senior TfL officers and London Councils Head of Transport, Environment and Infrastructure.

19. LC TEC will receive regular updates through the Chair's report on the activities of the Board.

Member briefings

20. Officers have produced two member briefings since the last TEC meeting, one on dockless cycle hire schemes, following the unannounced launch by one provider in London; and another on the draft London Environment Strategy.
21. Both member briefings can be read here: <http://www.londoncouncils.gov.uk/members-area/member-briefings> (member login is required).

Press work

22. Media work this quarter has included:

- Response to changes to bus services to hospitals: <http://www.getwestlondon.co.uk/news/west-london-news/mayor-london-sadiq-khan-sets-13292821#ICID=nsn>
- Liveable Neighbourhoods funding for boroughs as part of their Local Implementation Plan (LIP): <https://www.london.gov.uk/press-releases/mayoral/funding-to-transform-local-neighbourhoods> ; plus six other quotes in a range of online new media.
- Lampost charging as part of the Go Ultra Low City Scheme: <https://www.transportxtra.com/publications/local-transport-today/news/53813/boroughs-show-enthusiasm-for-lamp-post-ev-charging>
- A doubling of electric vehicle charging points in 2018: <https://www.standard.co.uk/news/london/number-of-electric-car-charging-points-in-london-to-double-a3602891.html> plus two other news media.
- Go Ultra Low City Scheme funding allocations for boroughs: <https://www.wired-gov.net/wg/news.nsf/articles/Funding+boost+for+Londons+electric+vehicle+charging+infrastructure+07082017101000?open>
- LBC Interview about the Mayor's decision not to renew Uber licence on 22 September. <http://mms.tveyes.com/PlaybackPortal.aspx?SavedEditID=a85491b9-d418-4fe6-8cef-cc270603e058>

Environment

Defra Air Quality Plan response

23. The Department for Environment, Food and Rural Affairs published its draft 'Air Quality Plan for nitrogen dioxide (NO₂) in UK (2017)' in May 2017. London Councils submitted a response to this draft plan. London Councils' response included:
- Asking government to commit to more direct action, instead of placing the burden of responsibility solely onto local authorities without confirming any plans for additional funding or powers;
 - Calls for a targeted diesel scrappage scheme;
 - Urging the government to introduce a new Clean Air Act giving local authorities new and more effective powers in the area of air quality management;
 - Calls for the government to amend the fiscal incentives in place for purchasing vehicles;
 - Insisting that the government needed to commit to maintaining current, or introducing more stringent, levels for air pollution limits following the UK leaving the European Union.
24. The Government then published its final plan in July 2017. Some of the key measures in the National Air Quality Plan include:
- Requiring local authorities outside London to implement Clean Air Zones. These will include a package of interventions that should cut air pollution to legal levels in the "shortest possible time". The plan states that all measures should be investigated before implementing a charge on diesel and petrol vehicles although

the analysis provided shows that charging regimes are the most effective measures to implement;

- The strategy continues to place greater responsibility onto local authorities, without detailing additional support or funding, although it does state that there will be some made available;
- Introducing lorry emission roadside testing;
- Funding to accelerate the transition of bus and taxi fleets to low emission;
- Committing to develop further measures and will set these out in:
 - the Clean Growth Plan which the Department for Business, Energy and Industrial Strategy will bring forward in the autumn;
 - A further strategy on the pathway to zero emission transport for all road vehicles to be published by March 2018;
 - A wider Clean Air Strategy in 2018 setting out how we will meet our international commitments to significantly reduce emissions of five damaging air pollutants by 2020;
 - And by 2030, a commitment to exploring the appropriate tax treatment of diesel vehicles, as well as considering changes to the Heavy Goods Vehicles (HGV) Road User Levy.

25. ClientEarth, the legal firm that has successfully taken the Government to court twice already, have asked for urgent clarification from the government on the published plans, and are investigating whether another legal challenge is necessary.

Draft London Environment Strategy briefing event with Shirley Rodrigues 6 September 2017

26. This event for stakeholders was held at Mile End Park Ecology Centre on 6 September and was a briefing event with the Deputy Mayor Shirley Rodrigues as well as the opportunity to ask questions.

27. There will be another borough engagement event on 31 October at London Councils offices, at which point the draft London Councils and individual borough responses to the draft London Environment Strategy will be much more advanced.

London Assembly Investigation into Waste Management Response

28. London Councils has responded to the London Environment Committee investigation into waste management. This focused on a review of whether the Mayor's policies and programmes were supportive enough of recycling and ideas for new or different policies. We highlighted the work boroughs are already undertaking on waste management, and discussed issues such as harmonisation, producer responsibility and the circular economy.

29. Our response can be read in full on our website: <http://www.londoncouncils.gov.uk/our-key-themes/environment/waste-and-recycling>.

30. I will be attending an Environment Committee meeting on 9 November to discuss this further.

Joint LWARB and London Councils letter to Therese Coffey MP

31. In August Therèse Coffey, Parliamentary Under Secretary of State for the Environment wrote to the local authorities in the UK with recycling rates below 30 per cent. This included 12 London boroughs. Whilst they individually have replied to the minister, London Councils and LWARB are sending a joint letter highlighting some of the pan-London challenges facing local authorities in London and measures government could take to help boroughs raise their recycling rates.

Thames and London Waterways Forum

32. I will be the TEC representative on the Thames and London Waterways Forum Steering Group. The Mayor of London has set up the Thames and London Waterways Forum to advise on and address strategic river and waterway issues in London. It will bring together the London Waterways Forum and River Concordat and will drive forward waterways priorities set out in the Mayor's Transport Strategy (MTS), London Environment Strategy (LES) and London Plan.
33. The other members on the group are: Lilli Matson, Transport for London; Robin Mortimer, Port of London Authority; Heather Clarke, Canal and River Trust; Simon Moody, Environment Agency; David Leam, London First.

Press work

34. Media work in this quarter has included giving comment on the launch of the draft London Environment Strategy <http://environmentjournal.online/articles/khan-publishes-new-draft-environment-strategy/>.

Forward Look

Forthcoming meetings and consultations between now and the next TEC meeting on 10 December 2017.

October

- 5 - LWARB Board meeting
- 11 – Thames RFCC main meeting, London Councils offices
- 12 – TEC Main
- w/c 16 October – Launch of London Councils air quality polling and air quality report
- 31 – Engagement event with GLA on the London Environment Strategy, London Councils offices
- 31 – APPG for London annual reception

November

- 14 – Thames RFCC Levy Setting Meeting
- 16 – TEC Executive
- 17 – London Environment Strategy consultation closes
- 17 – Solar Action Plan and Fuel Poverty Action Plan consultations close
- 18 – London Councils Summit, Guildhall, City of London
- 28 – TEC Chair and Vice-Chairs meeting with TfL Commissioner

December

- 7 – TEC Main

London Councils' Transport & Environment Committee

GLC Parks Byelaws – Setting Penalty Levels

Item no: 8

Report by: Jennifer Sibley **Job title:** Principal Policy Officer
Date: 12 October 2017
Contact Officer: Jennifer Sibley
Telephone: 020 7934 9829 **Email:** Jennifer.sibley@londoncouncils.gov.uk

- Summary** This report provides the results of the GLC Parks Byelaws consultation which was run over the summer on behalf of TEC.
- Recommendations** The Committee is asked to:
- Note the consultation outcome;
 - Set a fixed penalty level of £80 for breaches to the GLC Parks Byelaws;
 - Set the level of reduced payment at £50 if the fixed penalty is paid within 14 days from the date of the notice.

Background

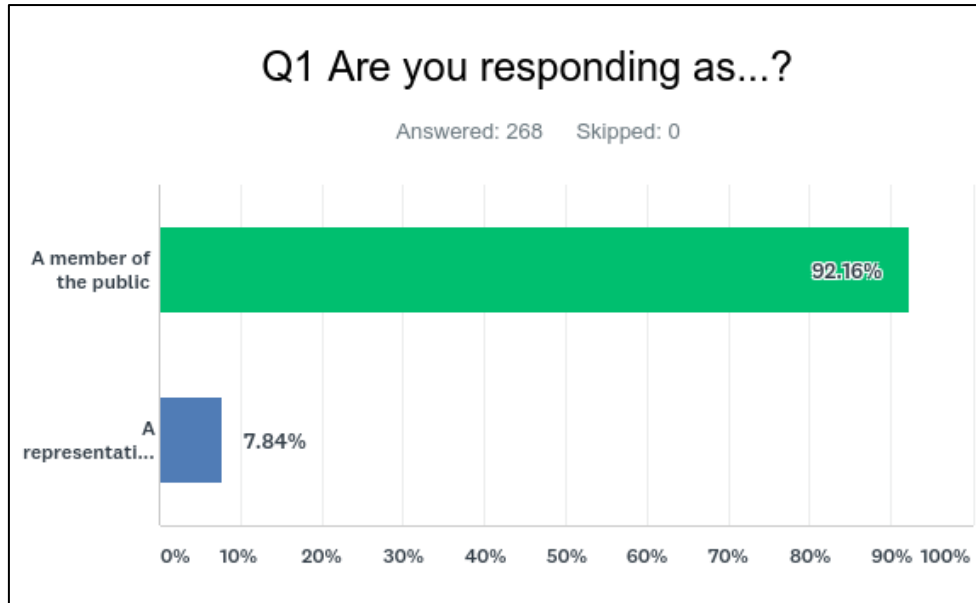
1. At its meeting on 15 June 2017 TEC agreed to public consultation about GLC Parks Byelaws. This was at the request of LB Wandsworth which was seeking to introduce fixed penalty notices for byelaws offences in specified parks and open spaces in its borough. Two other boroughs could potentially also undertake this: LB Haringey and RB Kensington and Chelsea.
2. We received the agreement from officers of LB Haringey and RB Kensington and Chelsea for these councils and their relevant spaces covered by the GLC byelaws to be named in the consultation as the three boroughs that could legally introduce the proposals, in order to be factual with the public. The consultation stated that whilst Wandsworth Council was the only borough hoping to introduce the proposals at the current time, RB Kensington and Chelsea and LB Haringey might opt to do so in future.
3. A full list of the GLC Parks Byelaws is provided at Appendix A.

Public consultation

4. The public consultation ran from Thursday 6 July to Sunday 3 September. The consultation was web-based but London Councils requested that boroughs displayed posters prominently in their parks and open spaces affected by these byelaws indicating a consultation was happening. A QR code as well as web links were provided to enable people to respond directly to the consultation. LB Wandsworth displayed posters as requested, but as neither LB Haringey nor RB Kensington and Chelsea propose to introduce fixed penalties for park bye law offences at this time, they did not.
5. Invitations to respond to the consultation were sent to all borough Heads of Parks and all Friends of Parks Groups – information held by Parks for London and sent on our behalf.
6. A dedicated email address was set up and dedicated webpages on the London Councils website were created providing background information to the consultation as well as the consultation questions themselves. It was also possible to request a written copy of the consultation questions if the respondent preferred.

Results of the consultation

7. 268 people responded to the consultation. A further five responses (three members of the public, two organisations) were received after the consultation had closed. Their views are not included in the data given below, however those responses did not raise any new issues.
8. Of the 268 people who responded, 247 people (92 per cent) were members of the public. 21 respondents were representatives of organisations (8 per cent).
9. One person (a member of the public) did not answer any of the questions but did give comments. They are therefore excluded from the below analysis but their comments are included in the comments section.

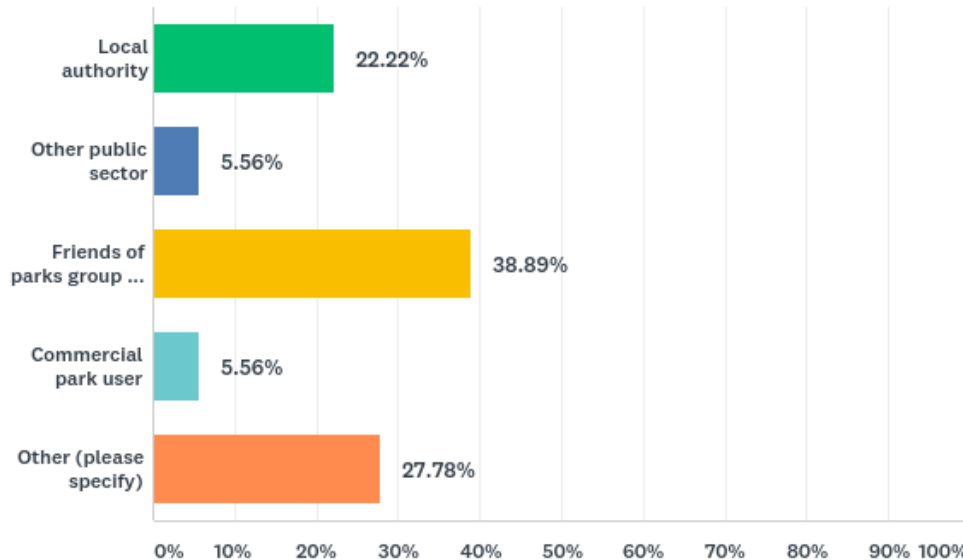


10. The representatives from organisations were as follows:

- Five from local authorities, including one from a local authority contractor;
- One from another part of the public sector;
- Seven from Friends of Parks / Management Advisory Committees / Liaison Groups;
- One from a commercial park user;
- And four from 'other'. These encompassed a landowner, a charitable trust responsible for parks and open spaces on behalf of a local authority, an amenity society and a local political organisation.

Q6 Which of the following best describes your organisation?

Answered: 18 Skipped: 250



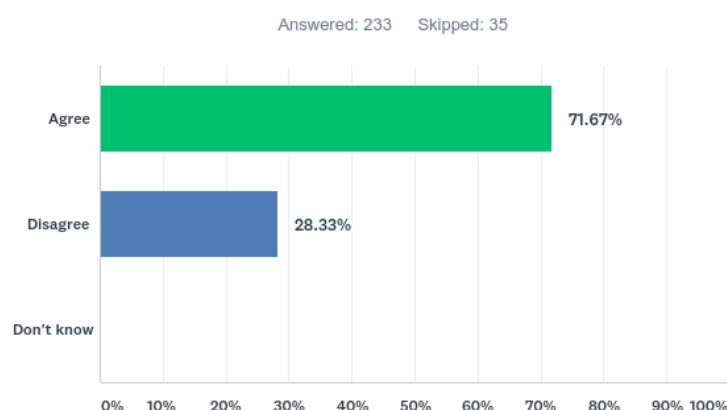
11. Members of the public were asked to give the first part of their postcode so we could establish levels of response of local parks users.
12. The majority of respondents (158 people) were from LB Wandsworth. The next largest group of respondents (41 people) were from LB Lewisham. Seven people were from LB Lambeth with nine people giving a postcode on the LB Lambeth / LB Croydon border.
13. Three people each gave LB Tower Hamlets postcodes, City of Westminster postcodes and LB Merton postcodes. RB Kingston upon Thames, LB Havering and LB Southwark each had two respondents.
14. One person responded who gave a postcode in each of these boroughs: RB Kensington and Chelsea, LB Richmond-upon-Thames, LB Islington, LB Hillingdon, LB Greenwich, LB Enfield and LB Bromley and one respondent lived in the Epping Forest District Council area, outside London.
15. The broad postcode areas given suggest that people responded who use the parks due to their work location, but live elsewhere in London.
16. The majority of respondents were in LB Wandsworth, but the consultation also concerned parks in LB Haringey and RB Kensington and Chelsea. Given just one respondent gave a Kensington and Chelsea postcode and no respondents were from LB Haringey, TEC is asked to set the level of fixed penalty for breaches to the GLC Parks Byelaws in LB Wandsworth only.
17. Whilst the consultation referenced the specific areas in LB Haringey and RB Kensington and Chelsea that the GLC Parks Byelaws apply to, and council officers were sent the necessary materials to undertake consultation in the relevant parks, officers do not feel the level of response to the consultation from affected users in these areas is adequate to demonstrate proper consultation.

18. More information on this is given in the Legal Implications section at the end of this report.

Introducing fixed penalty notices

19. 167 respondents (71 per cent) agreed that fixed penalty notices should be introduced for byelaw offences instead of prosecution. 65 people (28 per cent) disagreed with this.

Q7 Do you agree or disagree that the option of paying a fixed penalty notice for byelaw offences rather than being prosecuted in the Magistrates' Court, should be possible?



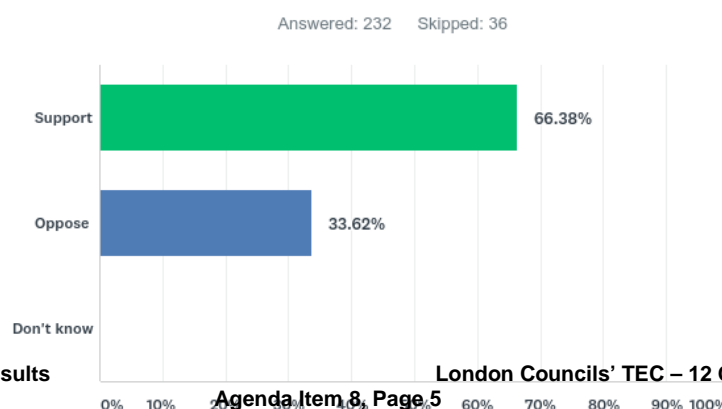
20. Of the 167 respondents who agreed with the proposal, 149 people were members of the public, meaning 69 per cent of members of the public who responded agreed with the proposal. All 18 representatives of organisations agreed with the proposal (100 per cent).

21. Of the 66 people who disagreed with the proposal, all of them responded as members of the public. This means 31 per cent of respondents who disagreed with the proposal were members of the public.

Proposal for fixed penalty level to be set at £80

22. 154 respondents (66 per cent) supported the proposal for fixed penalty notices to be set at £80. 78 people (34 per cent of respondents) opposed this proposal.

Q8 Do you support or oppose the proposal that the level of penalty is £80? This is in line with other similar anti-social behaviour offences such as littering, graffiti and fly posting.

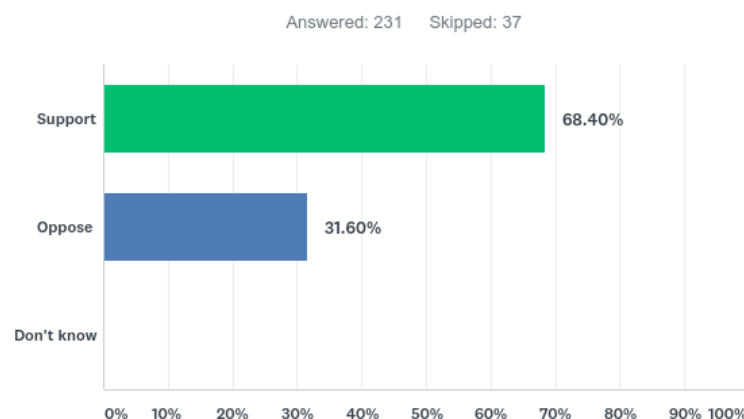


23. Of the 154 respondents who supported the penalty being set at £80, 137 of them were members of the public (88 per cent). 17 representatives from organisations supported the £80 penalty (94 per cent).
24. 75 members of the public opposed the penalty level being set at £80. One of the representatives of organisations opposed the penalty level (5.5 per cent).
25. Overall, 64 per cent of members of the public who responded support the £80 penalty level, with 35 per cent of respondents from the public opposing this.

Proposal of reduced penalty of £50 if paid within 14 days

26. Legislation requires the level of penalty to be reduced if paid early. The consultation asked if £50 was the right amount to reduce the penalty to, if paid within 14 days. 158 people (68 per cent) supported this proposal. 73 respondents (32 per cent) opposed this proposal.

Q9 Legislation requires the amount of penalty to be reduced if paid early. Do you support or oppose the proposal that the level of penalty should be reduced to £50 if paid within 14 days?



27. Of the 158 respondents who supported this proposal, 142 people were members of the public and 16 people were representatives of organisation.
28. 71 members of the public and two organisation representatives opposed this proposal.
29. This means that 67 per cent of the respondents who were members of the public supported the proposal and 33 per cent of the public opposed it.

Comments received to the consultation

30. The consultation also enabled people to leave comments relating to the proposals. 123 of the 268 people who responded to the consultation chose to do this. The comments have been grouped and summarised below. Where appropriate, a response from Wandsworth Council officers has been included.
31. Of the 123 comments received, 42 were positive towards the proposals; 46 were negative towards the proposals; and for 29 comments it was not positive to identify whether the respondent was positive or negative. 25 comments expressed explicit support for the proposals and 22 expressed explicit opposition.

Level of penalty

32. Nine comments related to the penalty level proposed being too low. Five alternative levels were given: £200 for abusive or offensive behaviour; £200 reduced to £100; £100 reduced to £80; £160 reduced to £80; and £100.
33. Five comments related to the penalty level proposed being too high. Two alternative suggestions were given: £50 reduced to £25; and £50 reduced to £30. One respondent raised the issue of poverty.
34. Two respondents suggested there should not be a reduced penalty;
35. One respondent said fines should be proportionate to damage with another saying environmental crime should be punished more severely.
36. In response to these comments, officers remind TEC that the legislation requires a reduced penalty and therefore one must be set.

Alternative suggestions

37. Eleven comments included alternative suggestions to what was being proposed in the consultation, in addition to the suggested alternative penalty levels listed in paragraphs 14 and 15. These were:
 - Community work and/or restorative justice should be an option (two respondents);
 - Byelaws should be displayed prominently;
 - A system of increased penalties should exist for repeat offenders, leading to a temporary ban of their use of the park;
 - Annual review by the council and friends group of the numbers of fixed penalty notices being issued to ensure the powers are not overused;
 - Penalties should be spent in the relevant park where they are issued;
 - Concern that Parks Police are not true police officers and this title is misleading;
 - Concern about the impact on people with learning disabilities, physical and mental illness.
38. In response to these comments, local authorities have no legal powers to implement community work or restorative justice as a penalty for byelaw offences. Wandsworth Council officers have advised that signs listing each byelaw would be impractical and are unlikely to be read. However, the council does use simple Do / Do Not signs which also state that byelaws apply. The byelaws are fully published on the council's website. In terms of increased penalties for repeat offenders, a process of escalation does already exist. At present officers can give words of advice, issue warning letters, prosecute through a Magistrate's Court and can, in extreme cases, ban individuals from parks and open spaces. The proposal to introduce a fixed penalty notice would provide an additional form of enforcement between a warning letter and a prosecution.
39. Wandsworth Council officers also advise that quarterly meetings to discuss enforcement statistics between the council and friends group already happen. In response to the comment about using the revenue from fixed penalties in the parks where they are issued, the council intends that the revenue from penalties is used to offset the costs of running the Parks Police.

40. In line with other local authorities with Parks Police, these individuals are employees of the council but attested as Constables by a Magistrate. The Wandsworth Parks Police Service was established in 1985 by virtue of Article 18 of the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967.
41. Wandsworth Council assure us that Parks Police Officers receive training about an appropriate enforcement approach for people with any kind of disability.

Council enforcement

42. Fifteen comments raised concerns that this proposal gives too much power to council officers. Respondents raised concerns over fixed penalty notices having lower burdens of proof and would prefer for local authorities to have to justify their case in court. There was also concern that 'silly behaviour' would be 'criminalised' and that parks should not be over-policed. A lack of trust in council enforcement officers was also raised.
43. Eighteen responses wanted more visible enforcement and some cited issues they felt were not being adequately addressed at present. Nine responses queried whether the council had enough staff to enforce the byelaws adequately.
44. Five responses raised concerns about how enforcement would happen and the subjectivity of officers issuing fixed penalties. One respondent stated there should not be quotas for enforcement officers to achieve and that people should be given the opportunity to rectify their mistake before being issued with a penalty.
45. Two people felt the introduction of fixed penalty notices was unnecessary because they did not see any problems in the parks concerned.
46. In response to these comments, officers highlight that a range of council officers (including Parks Police) across London and the UK already have powers to issue fixed penalty notices for various offences. The level of proof should be the same as cases may still proceed to court where evidence would be heard. Similarly, should an individual decide that they have been unfairly treated they have the option not to pay the fixed penalty notice and instead have their case heard by a Magistrate. Wandsworth Council Parks Police Officers already have discretion to issue words of advice, give people time to rectify their mistake or issue warning letters before more formal enforcement takes place and these options are already used far more regularly than prosecutions to deal with the sorts of 'silly behaviour' raised in the consultation responses. The Parks Police also operate within an enforcement policy that has been approved by the Council and this requires their actions to be both reasonable and proportionate. Wandsworth Council stresses that officers are not and will not be given quotas for enforcement results.

The byelaws

47. Seventeen respondents raised questions about the byelaws themselves. Of these, ten raised concerns that the byelaws are out-of-date, archaic and should not be enforced because they are bad laws. Concerns include penalising behaviour such as climbing trees; and the byelaw relating to the specific reference to men not entering places designated for women and children as discriminatory and illegal.

48. One respondent asked for more clarity about what constituted a 'dog under control' stating that a dog being off a lead was not necessarily not under control. Another wanted to see the inclusion of byelaws to stop large groups of people blocking pavements and unsupervised children. Two respondents wanted to see control of drones and remote-controlled vehicles included in the byelaws. One respondent felt powers to tackle flytipping already existed and these should be used instead.
49. Thirteen respondents raised concerns that cycling was prohibited in parks by these byelaws. Amongst these respondents, there was a general view that cycling should be promoted; safe cyclists did not pose a problem; and that children especially should be able to cycle in parks.
50. By contrast nine respondents highlighted the problem of cycling where cycling was not permitted and cycle speeds and hoped these issues would be addressed.
51. Three respondents felt the byelaws themselves should have been consulted on.
52. In response to these comments, the GLC Byelaws have been in existence since 1932, and in the main, are still considered fit for purpose by the council. As such, this consultation exercise was specifically around the proposal to introduce fixed penalty notices. Council officers are keen to stress that only offences against the byelaws are enforced, and behaviours not undertaken are therefore not enforced against. Action is generally only taken in relation to climbing trees where there is a risk of damage to the tree or injury to the climber. No formal action is undertaken by the Council by anyone under the age of the 18. With regards to men entering places designated for women and children, council officers state this specifically relates to the toilets and changing rooms in the parks and open spaces.
53. Dog enforcement is only undertaken when a dog owner is quite clearly not in control of their dog or where a dog is intimidating or worrying other park users. Drones and flytipping can be dealt with under existing byelaws or other legislation. Cycling in parks and open spaces is a contentious issue, with both cyclists and pedestrians having polarised views on the subject. With the exception of Garratt Green (Earlsfield ward, SW17), all the other parks and open spaces covered by the GLC Byelaws have paths where cycling is permitted and paths where it is not.

Other issues

54. One person queried why a particular open space was not included. Three people raised issues about anti-social dogs and their owners. Four comments related to crime on Tooting Common with a fifth relating to moped-assisted crime. One respondent said more bins should be provided on sunny weekends. Another said there should be an annual award for litter pickers. One respondent said that fines were an inappropriate response to poor design. Another said Wandsworth Council should lock their parks at night.
55. Two respondents referred to boroughs that are not covered by GLC Parks Byelaws and are therefore out of the scope of this consultation.

Next steps

56. If TEC decides to set a fixed penalty level and a discounted amount for early payment for the GLC Parks Byelaws, London Councils will communicate this to the Secretary of State, as required by the legislation.
57. The fixed penalty notice levels for the GLC Parks Byelaws will come into force one month after the day of the notice to the Secretary of State, unless before this period ends he objects to the level of penalty, in which case they do not come into force.
58. If the Secretary of State considers the level of penalty excessive, he can make regulations reducing the level of fixed penalty notices.
59. In the event that the Secretary of State did make regulations, TEC would not be able to set any further fixed penalty notices for 12 months.
60. London Councils will communicate to LB Wandsworth whether the level of penalty comes into force or is objected to by the Secretary of State. London Councils will inform all other boroughs of the outcome in the Chair's Report at the next TEC meeting.

Recommendations

61. The Committee is asked to:
 - Note the consultation outcome;
 - Set a fixed penalty notice level of £80 for breaches to the GLC Parks Byelaws;
 - Set the level of reduced fixed penalty at £50 if it is paid within 14 days from the date of the notice.

Financial Implications

62. There are no financial implications to London Councils arising from this report.
63. Wandsworth Council will determine its own financial implications of enforcing these byelaws.

Legal Implications

64. TEC is asked to set the level of fixed penalty for breaches to the GLC Parks Byelaws in LB Wandsworth only.
65. Whilst the consultation referenced the specific areas in LB Haringey and RB Kensington and Chelsea that the GLC Parks Byelaws apply to, notices were not erected in their parks as they were not minded to introduce fixed penalty notices at this stage.
66. Officers therefore suggest that if LB Haringey and RB Kensington and Chelsea wish to introduce fixed penalty notices in their parks and open spaces covered by GLC Parks Byelaws, the consultation exercise is repeated. They could opt to consult on a different level of penalty.
67. This represents a consistent approach to that taken to other byelaws TEC has set in recent years, for example the noise in streets, public urination and feeding of birds byelaws in the City of Westminster.
68. In that TEC report (15 June 2015), the following was noted:

If another borough or the City of London has similar byelaws which it wishes to offer the option to discharge liability by paying an FPN, it must ask for TEC to set the level of FPN. Each local authority can request its own level for a byelaw, as

TEC is permitted to set different levels of penalty, including to take into account the costs of administration and enforcement, which may differ between councils (LLAA 2004, s.17(1) to (3)). It is likely that previous levels set for other local authorities would be a starting point, from which councils can decide whether they seek a lower, higher or the same level. Even where a council opts to set the same level as another council, TEC must still set the level for this council.

Equalities Implications

69. LB Wandsworth provided TEC with an Equalities Impact Assessment to its meeting on 23 June 2017. Wandsworth officers have reviewed the original Equalities Impact Assessment since the consultation and have determined that no changes are needed, as the Wandsworth Council's enforcement of the byelaws has been ongoing since 1985. This is provided at Appendix B.

Appendix A – full list of GLC Parks, Gardens and Open Spaces byelaws

GREATER LONDON COUNCIL PARKS, GARDENS AND OPEN SPACES BYELAWS

Definitions

1. In these bye-laws, unless the context otherwise requires: 'Open Space' means any park, garden or open space vested in or under the control of the Council.

Damage and Injury

2. No person shall remove, injure or in any way deface or disfigure any property under the control of the Council in or enclosing any open space, or post thereon, or affix thereto in any way any bill, placard or notice.
3. No person, shall remove, uproot, destroy or injure any tree, shrub or plant, or pluck any flower, bough or leaf, or dig, cut or take any turf, sod, gravel, sod clay or other substance in any open space.
4. No person shall climb on any tree or on or over any gate, fence or railing in or enclosing any open space.
5. No person shall in any open space go upon any land specially enclosed or the entry on which is prohibited by notice or go upon any shrubbery or flowerbed.

Trespass

6. No male person, over the age 14 years shall go or attempt to go into any part of any open space in contravention of any regulation of the Council specified in a notice exhibited on such part reserving such part for the use of female persons and children under the age of 14 years old only.
7. No person shall in any open space willfully break or damage any ice on any pond or lake, or when prohibited by notice go or attempt to go upon any such ice.
8. No person shall, without first obtaining or otherwise than in accordance with the terms of a permit from the Council, camp out on any open space.
9. No person shall wilfully enter into or remain in any open space or any part of any open space during any time appointed for closing the same.
10. No person shall in any open space go or attempt to go into any water closet, urinal or other place of convenience provided for the opposite sex or infringe any regulation of the Council set up therein controlling the use thereof.

Buildings and Obstructions

11. No person shall in any open space, without first obtaining or otherwise than in, accordance with the terms of a permit from the Council, erect or place or retain any post, rail, fence, photographic stand apparatus, tent, booth, screen, stand, swing or other building, erection or structure or any obstruction of any kind whatever.

Traffic

12. No person shall, except in case of accident or unavoidable cause land in any open space or take off there from in any aircraft, provided that this bye-law shall not apply to the use of members of Air Defence units of such landing or taking off grounds and on such occasions as may be approved by the Council in writing under the hand of its Clerk for purposes of Air Defence exercises.
13. No person shall in any open space, except on roads or other places approved for the purpose by the Council, ride or drive any horse or other beast of draught or burden or any bicycle, tricycle or any vehicle drawn or propelled by any animal or by mechanical power.
14. No person shall in any open space drive any vehicle, bicycle or tricycle or ride any animal at a rate exceeding twelve miles an hour or do so as to endanger the public.
15. Any persons driving any vehicle in any open space shall when called upon to stop by signal or otherwise by an officer of the Council acting in execution of his duty shall stop, and if he refuses or wilfully fails to do so shall be guilty of an offence.
16. No person shall in any open space drive or in any way use any motor vehicle for the purpose of giving or receiving instruction in driving, managing or repairing such vehicle.
17. No person shall leave any mechanically propelled vehicle:
 - a) unattended in any open space, except at such places as are approved by the Council as standing or parking places;
 - b) on any road in any open space after having been requested by a duly authorised officer of the Council or a police constable to remove it.
18. No person shall take or drive on any road in any open space, any public service vehicle or any vehicle, wheelbarrow or truck constructed, designed or used for trade purposes, or any mechanically propelled vehicle bearing a manufacturer's, repairer's or dealer's identification marks or in an unfinished condition.

Horses, Dogs and Other Animals

19. No persons shall in any open space lead from horseback any rider less horse which is not appropriately bridled and rugged or saddled, or so as to endanger the public.

20. No person shall in any open space lunge or break in any horse or other animal.
21. No person shall cause or suffer any dog belonging to him or in his charge for the time being to enter or remain in any open space unless such dog be under proper control and effectually restrained from injuring, annoying or disturbing any person or animal or from running on any flower bed or injuring any tree, shrub or plant.
22. [Repealed].
23. No person shall, in any part of any open space where a notice stating that all dogs of a particular class or breed must be kept on a lead or muzzle is exhibited, cause or suffer any dog belonging to him or in his charge for the time being to enter or remain therein unless such dog is kept on a lead or is muzzled in accordance with such notice, and no person shall in any part of any open space where a notice prohibiting the admission of dogs is exhibited, cause or suffer any dog belonging to him or in his charge for the time being to enter therein.
24. [Repealed].
25. No person shall turn out to graze or feed or allow or suffer to stray or remain any cattle, sheep, swine, horse, ass, mule, goose, duck, fowl or other animal in any open space without right or without the consent of the Council in writing under the hand of its Clerk.
26. No person shall in any open space willfully disturb any animal grazing or shall harry, ill-treat or injure or destroy any animal, bird or fish or take or attempt to take any animal, bird, fish or egg or set any trap.

Nuisances

27. No person shall in any open space or in lake, pond, fountain or ornamental water therein, deposit or leave any dead animal, offensive litter, house or trade refuse or any turf, sod, gravel, sand, clay or other substance or except in receptacles provided by the Council for the purpose any bottle, tin, container, broken glass or crockery, waste paper or other like article or thing.
28. No person shall willfully break any glass, china or other like thing in any open space.
29. No person shall in any open space sort rags, bones, refuse or matter of like or mend any chair.
30. No person shall in any open space shake or beat any carpet, mat or other thing or place any clothes or other things for the purpose of drying or bleaching.
31. No person shall in any open space, discharge any gun, syringe, squirt, catapult or other instrument, or shall wantonly or recklessly throw or discharge any stone or missile, or make any bonfire or let off any firework.

32. No person shall in any open space, commit any nuisance contrary to public decency or propriety.
33. No person shall in any open space wash any clothes, dog or other animal or thing or do any act likely to cause pollution of the water in any drinking fountain, lake, pond or trough.
34. No person shall in any open space, bet, brawl, fight or use indecent or improper language or designedly do any act which outrages public decency or which comes within the meaning of the 4th Section of the Vagrancy Act 1824 whether the offence be committed with intent to insult any female or not.
35. No person in a verminous or offensively filthy condition shall lie about in any open space or lie upon or occupy any seat therein.

Sale of Articles, Exhibition of Advertisement etc.

36. No person shall in any open space:
 - a) sell, offer for sale, exhibit for sale or distribute any book, pamphlet, leaflet, card, bill, advertisement or literature of any kind whatsoever;
 - b) subject to the foregoing provision sell, offer for sale exhibit for sale or distribute any other article, or let for hire any article or place any stand, chair, or seat for hire or display any advertisement without the consent of the Council in writing under the hand of its Clerk.

Plying for Hire

37. No person shall in any open space ply for hire, or let out any horse or other animal or any vehicle without the consent of the Council in writing under the hand of its Clerk.

Public Meetings

38. No person shall in any open space deliver, utter or read or maintain the right to deliver, utter or read any public speech, lecture, prayer, scripture, sermon or address of any kind or description whatsoever or enter into any public discussion or hold or cause or take part in any public meeting except between sunrise and sunset and on the site or sites, if any, approved by the Council and defined by notice boards and also shown on duplicate plans deposited at the Home Office and with the Clerk of the Council.
39. No person shall in any open space, without the consent of the Council, in writing under the hand of its Clerk, operate, play or make sounds on any musical or other instrument including any gramophone or radio apparatus or without such consent sing any sacred or secular song except on the site or sites mentioned in the preceding bye law.

Soliciting or Gathering Money

40. No person shall in any open space solicit or gather money or other thing except within the limits of the site or sites upon which public meetings are allowed to be held and without first obtaining or otherwise than in accordance with the terms of a permit from the Council, for which application shall be made in writing at least twenty-one clear days in advance, stating the place in which the collection is proposed to be made, the date proposed for the collection, and the object for which the collection is to be made; provided that a permit shall not be refused if the person applying for the same show to the satisfaction of the Council that the collection will be organised by some well known charitable society and will be for the public good and not to the personal benefit of any individual or individuals.

Games, Drilling, etc.

41. No person shall in any open space, practice gymnastics, play or make preparation to play any game or take part in any sport or entertainment or dance, bathe, fish, use any boat or sail any model yacht without the consent of the Council in writing under the hand of its Clerk except on the parts or places respectively set apart therefore or infringe any regulations of the Council with respect to the use of any such part or place and the conduct of persons using the same or resorting thereto as may be specified in any notice from time to time exhibited on any such part or place.
42. No person shall in any open space infringe any regulation of the Council with respect to the use of apparatus and equipment (including lockers and other conveniences) and the dressing accommodation provided or maintained by the Council for use in connection with rifle ranges, games and recreation or with respect to the use of dressing accommodation, towels, conveniences, Screen, towels, costumes and other things provided or maintained by the Council and necessary or convenient for persons using any open air bath or pool, such regulations being specified in a notice exhibited on the part or places set apart for such rifle ranges, games, recreations, open air baths, or pools, as the case may be.
43. No person shall in any open space drill or practice military evolutions or exercises without the consent of the Council in writing under the hand of the Clerk.
44. No person shall in any open space interfere with, obstruct or annoy any person or persons who are lawfully engaged in pursuance of these bye laws or any general authority or Act of Parliament in military or athletic exercises or in playing or making preparation to play at any lawful game or in playing music or delivering any public address or doing any other act.

Obstructing Officers of the Council etc.

45. No person shall in any open space resist, obstruct or aid or incite any person to resist or obstruct any officer of the Council or other person in the execution of his duty or lawful exercise of his authority.

Offenders, Penalties, etc.

46. Any person (not being an officer of the council acting execution of his duty or other persons acting in lawful exercise of any authority) committing any breach of these bye-laws shall be subject to a penalty and to a further penalty for each day on which such offences shall continue after written notice of the offence shall have been given by the Council.
47. It shall be lawful for any officer of the Council to exclude or remove from any open space, any person committing any breach of the above bye-laws and all gypsies, hawkers, whether licensed or not, beggars and rogues and vagabonds, and it any such persons, after being told by any officer of the Council not to come into or upon any open space, shall come therein or thereon, or after being told by any officer of the Council to go there from, shall neglect or refuse to go, or having left the place after being told as aforesaid, to go there from or having been removed there from as aforesaid, shall return thereto, such person shall be guilty of any offence against the bye-law and be liable to a penalty.

Appendix B – Equalities Impact Assessment from Wandsworth Borough Council

SSA EQUALITY IMPACT AND NEEDS ANALYSIS

Directorate	Environment & Community Services
Service Area	Parks
Service/policy/function being assessed	Park & Open Space Byelaws
Which borough (s) does the service/policy apply to	Wandsworth
Staff involved	Clare O'Connor, Joanne Shearer & Steve Biggs
Date approved by Policy and Review Manager	30.01.17

SUMMARY

Please summarise the key findings of the EINA.

The enforcement of the Greater London Council (GLC) Byelaws already takes place and ensures that the parks and open spaces to which they apply across the borough, remain safe places for all residents and visitors. The use of FPNs is merely an alternative means through which enforcement can take place.

An analysis of the data based on the full year prosecutions for GLC offences for 2015/16 (130 prosecutions) shows that the group most likely to offend and be prosecuted for byelaw offences are white (90.59%) males (81.17%) between the ages of 25-54 (79.49%). This means that any changes are likely to impact most on this group. This EINA will now be consulted on as part of a wider consultation exercise and will be updated to reflect any feedback received.

1. Background

Briefly describe the service/policy or function:

The Council is proposing to introduce Fixed Penalty Notices (FPNs) for the enforcement of GLC Byelaws. These byelaws relate to the proper conduct of users of the largest and most heavily used of Wandsworth's parks and open spaces and aim to deal with unacceptable behavior, which is not addressed through other existing legislation, such as that which may cause distress or injury to other users, or that might damage these spaces and detract from their general enjoyment by the public.

GLC Byelaw offenders are currently prosecuted through the Magistrates' Court, which can potentially lead to a criminal record. The areas that are covered by these byelaws are as follows:

- Battersea Park, SW11 (Queenstown).
- Garratt Green, SW17 (Earlsfield).
- Tooting Common, SW17 (Bedford and Furzedown).
- Wandsworth Common, SW18 (Wandsworth Common) and SW11 (Northcote).
- Wandsworth Park, SW15 (Thamesfield).

2. Analysis of need and impact

Protected group	Findings												
Age	<p>Data based on the full year prosecutions for GLC offences for 2015/16 (130 prosecutions) as broken down below:</p> <table border="1"> <thead> <tr> <th>Age</th><th></th></tr> </thead> <tbody> <tr> <td>18 - 25</td><td>6 – 7.69%</td></tr> <tr> <td>25 - 54</td><td>62 – 79.49%</td></tr> <tr> <td>55 - 64</td><td>8 – 10.26%</td></tr> <tr> <td>65 - 74</td><td>2 – 2.56%</td></tr> <tr> <td>75 and over</td><td>0 – 0%</td></tr> </tbody> </table> <p>The majority of prosecutions are for residents aged 25-54 (79%) with 10% for residents aged 55-64. The 2011 census showed that 71% of residents are aged 20-64.</p> <p>No-one under 18 is prosecuted and the percentage prosecuted aged 65-74 (2.56%) is below the borough average. This shows that the current approach does not disproportionately impact on younger residents or older park visitors.</p>	Age		18 - 25	6 – 7.69%	25 - 54	62 – 79.49%	55 - 64	8 – 10.26%	65 - 74	2 – 2.56%	75 and over	0 – 0%
Age													
18 - 25	6 – 7.69%												
25 - 54	62 – 79.49%												
55 - 64	8 – 10.26%												
65 - 74	2 – 2.56%												
75 and over	0 – 0%												
Disability	Data not collected												
Gender (sex)	<p>Male 69 – 81.17%</p> <p>Female 16 – 18.83%</p> <p>The majority of individuals prosecuted are male.</p>												
Gender reassignment	Data not collected												
Marriage and civil partnership	Data not collected												
Pregnancy and maternity	Data not collected												
Race/ethnicity	<p>Analysis shows that the majority of prosecutions are of white residents. This is above the borough average according to the 2011 Census.</p> <table border="1"> <thead> <tr> <th>Race/ethnicity</th><th></th></tr> </thead> <tbody> <tr> <td>White</td><td>77 – 90.59%</td></tr> <tr> <td>Black</td><td>6 – 7.06%</td></tr> <tr> <td>Asian</td><td>2 – 2.35%</td></tr> </tbody> </table>	Race/ethnicity		White	77 – 90.59%	Black	6 – 7.06%	Asian	2 – 2.35%				
Race/ethnicity													
White	77 – 90.59%												
Black	6 – 7.06%												
Asian	2 – 2.35%												
Religion and belief, including non belief	Data not collected												
Sexual orientation	Data not collected												

Data gaps

Data gap(s)	How will this be addressed?
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3. Impact

Protected group	Positive	Negative
Age	<p>The enforcement of these byelaws already takes place and ensures that the parks and open spaces to which they apply across the borough, remain safe places for all residents and visitors. The use of FPNs is merely an alternative means through which enforcement can take place.</p> <p>Analysis by age shows that the current approach does not disproportionately impact on younger residents or older residents. This is likely to be the case under the proposals covered by this EINA.</p>	<p>As the proposal is to alter the way in which the byelaws are enforced, it is important that these changes are clearly communicated to residents and park users. This will be ensured by:</p> <p>Face to face communication by Parks & Events Police Officers with park and open space users.</p> <p>Leaflets carried by Officers that explain the purpose of byelaws and the potential consequences of breaching them.</p> <p>Communication with the relevant Friends Groups and Management Advisory Committees that have been formed as consultative groups for these parks and open spaces.</p> <p>Through relevant web page information.</p>
Disability	As age	As age
Gender (sex)	Analysis shows that currently the majority of prosecutions are male. This is likely to be the case under the proposals covered by this EINA.	As age
Gender reassignment	As age	As age
Marriage and civil partnership	As age	As age
Pregnancy and maternity	As age	As age
Race/ethnicity	Analysis shows that the majority of prosecutions are of white residents. This is above the borough average according to the 2011 Census. This will be kept under review to ensure if the proposals are adopted to ensure BAME residents are not adversely impacted by the proposals.	As age
Religion and	As age	As age

belief, including non belief		
Sexual orientation	As age	As age

London Councils' Transport & Environment Committee

GLC Parks Byelaws – Setting Penalty Levels

Item no: 8

Report by: Jennifer Sibley **Job title:** Principal Policy Officer
Date: 12 October 2017
Contact Officer: Jennifer Sibley
Telephone: 020 7934 9829 **Email:** Jennifer.sibley@londoncouncils.gov.uk

- Summary** This report provides the results of the GLC Parks Byelaws consultation which was run over the summer on behalf of TEC.
- Recommendations** The Committee is asked to:
- Note the consultation outcome;
 - Set a fixed penalty level of £80 for breaches to the GLC Parks Byelaws;
 - Set the level of reduced payment at £50 if the fixed penalty is paid within 14 days from the date of the notice.

Background

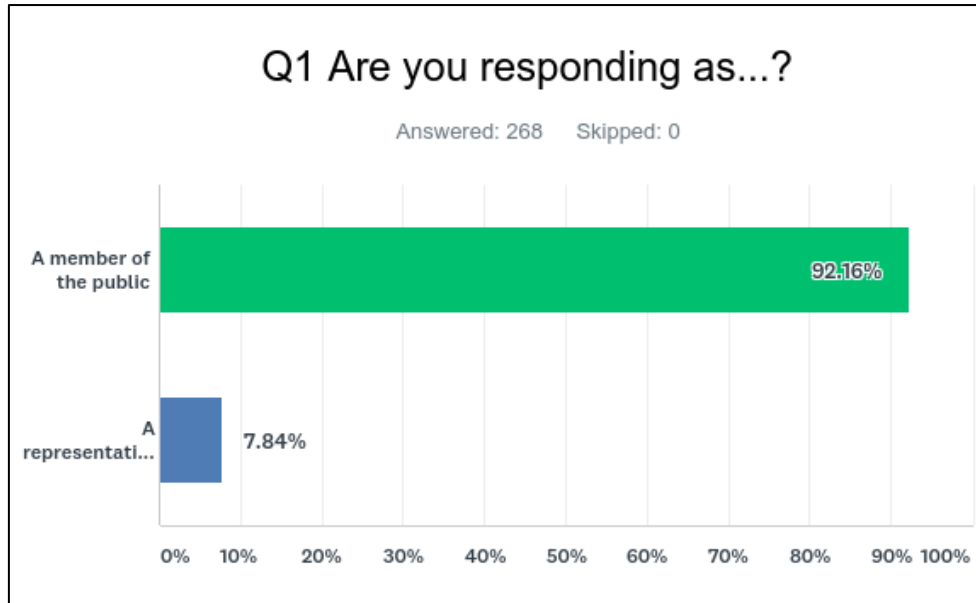
1. At its meeting on 15 June 2017 TEC agreed to public consultation about GLC Parks Byelaws. This was at the request of LB Wandsworth which was seeking to introduce fixed penalty notices for byelaws offences in specified parks and open spaces in its borough. Two other boroughs could potentially also undertake this: LB Haringey and RB Kensington and Chelsea.
2. We received the agreement from officers of LB Haringey and RB Kensington and Chelsea for these councils and their relevant spaces covered by the GLC byelaws to be named in the consultation as the three boroughs that could legally introduce the proposals, in order to be factual with the public. The consultation stated that whilst Wandsworth Council was the only borough hoping to introduce the proposals at the current time, RB Kensington and Chelsea and LB Haringey might opt to do so in future.
3. A full list of the GLC Parks Byelaws is provided at Appendix A.

Public consultation

4. The public consultation ran from Thursday 6 July to Sunday 3 September. The consultation was web-based but London Councils requested that boroughs displayed posters prominently in their parks and open spaces affected by these byelaws indicating a consultation was happening. A QR code as well as web links were provided to enable people to respond directly to the consultation. LB Wandsworth displayed posters as requested, but as neither LB Haringey nor RB Kensington and Chelsea propose to introduce fixed penalties for park bye law offences at this time, they did not.
5. Invitations to respond to the consultation were sent to all borough Heads of Parks and all Friends of Parks Groups – information held by Parks for London and sent on our behalf.
6. A dedicated email address was set up and dedicated webpages on the London Councils website were created providing background information to the consultation as well as the consultation questions themselves. It was also possible to request a written copy of the consultation questions if the respondent preferred.

Results of the consultation

7. 268 people responded to the consultation. A further five responses (three members of the public, two organisations) were received after the consultation had closed. Their views are not included in the data given below, however those responses did not raise any new issues.
8. Of the 268 people who responded, 247 people (92 per cent) were members of the public. 21 respondents were representatives of organisations (8 per cent).
9. One person (a member of the public) did not answer any of the questions but did give comments. They are therefore excluded from the below analysis but their comments are included in the comments section.

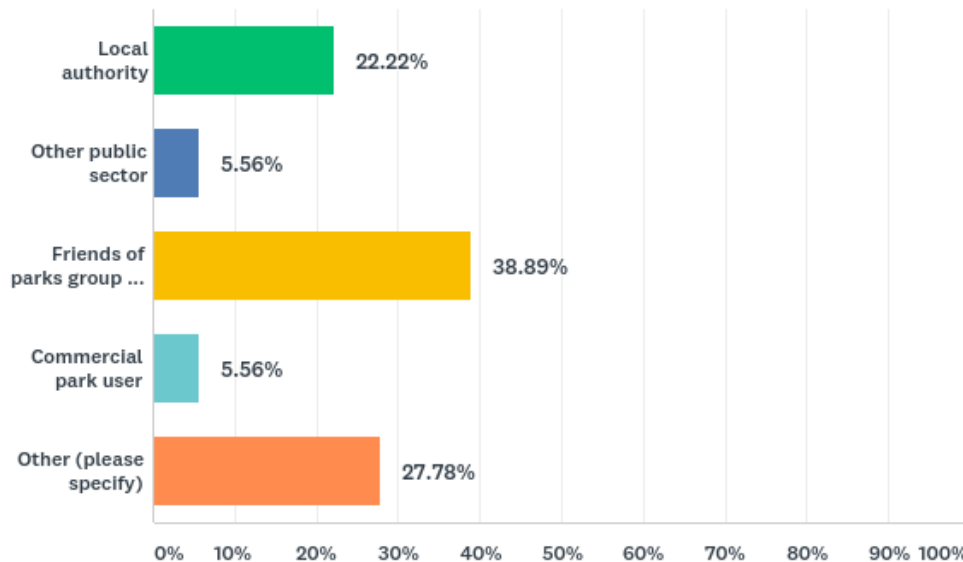


10. The representatives from organisations were as follows:

- Five from local authorities, including one from a local authority contractor;
- One from another part of the public sector;
- Seven from Friends of Parks / Management Advisory Committees / Liaison Groups;
- One from a commercial park user;
- And four from 'other'. These encompassed a landowner, a charitable trust responsible for parks and open spaces on behalf of a local authority, an amenity society and a local political organisation.

Q6 Which of the following best describes your organisation?

Answered: 18 Skipped: 250



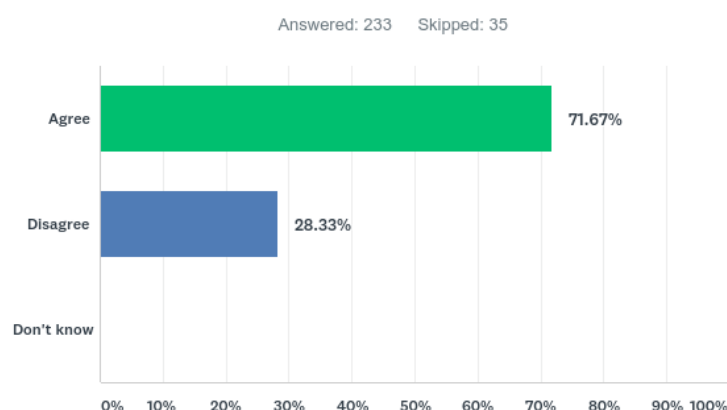
11. Members of the public were asked to give the first part of their postcode so we could establish levels of response of local parks users.
12. The majority of respondents (158 people) were from LB Wandsworth. The next largest group of respondents (41 people) were from LB Lewisham. Seven people were from LB Lambeth with nine people giving a postcode on the LB Lambeth / LB Croydon border.
13. Three people each gave LB Tower Hamlets postcodes, City of Westminster postcodes and LB Merton postcodes. RB Kingston upon Thames, LB Havering and LB Southwark each had two respondents.
14. One person responded who gave a postcode in each of these boroughs: RB Kensington and Chelsea, LB Richmond-upon-Thames, LB Islington, LB Hillingdon, LB Greenwich, LB Enfield and LB Bromley and one respondent lived in the Epping Forest District Council area, outside London.
15. The broad postcode areas given suggest that people responded who use the parks due to their work location, but live elsewhere in London.
16. The majority of respondents were in LB Wandsworth, but the consultation also concerned parks in LB Haringey and RB Kensington and Chelsea. Given just one respondent gave a Kensington and Chelsea postcode and no respondents were from LB Haringey, TEC is asked to set the level of fixed penalty for breaches to the GLC Parks Byelaws in LB Wandsworth only.
17. Whilst the consultation referenced the specific areas in LB Haringey and RB Kensington and Chelsea that the GLC Parks Byelaws apply to, and council officers were sent the necessary materials to undertake consultation in the relevant parks, officers do not feel the level of response to the consultation from affected users in these areas is adequate to demonstrate proper consultation.

18. More information on this is given in the Legal Implications section at the end of this report.

Introducing fixed penalty notices

19. 167 respondents (71 per cent) agreed that fixed penalty notices should be introduced for byelaw offences instead of prosecution. 65 people (28 per cent) disagreed with this.

Q7 Do you agree or disagree that the option of paying a fixed penalty notice for byelaw offences rather than being prosecuted in the Magistrates' Court, should be possible?



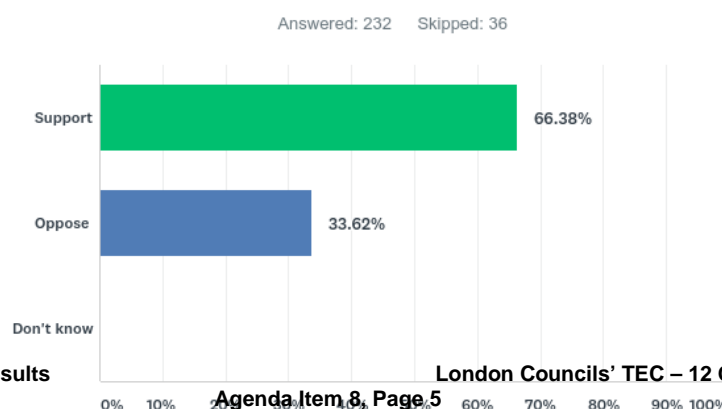
20. Of the 167 respondents who agreed with the proposal, 149 people were members of the public, meaning 69 per cent of members of the public who responded agreed with the proposal. All 18 representatives of organisations agreed with the proposal (100 per cent).

21. Of the 66 people who disagreed with the proposal, all of them responded as members of the public. This means 31 per cent of respondents who disagreed with the proposal were members of the public.

Proposal for fixed penalty level to be set at £80

22. 154 respondents (66 per cent) supported the proposal for fixed penalty notices to be set at £80. 78 people (34 per cent of respondents) opposed this proposal.

Q8 Do you support or oppose the proposal that the level of penalty is £80? This is in line with other similar anti-social behaviour offences such as littering, graffiti and fly posting.

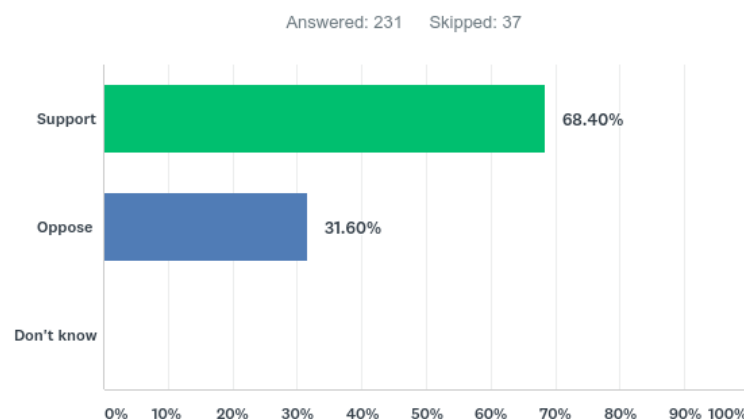


23. Of the 154 respondents who supported the penalty being set at £80, 137 of them were members of the public (88 per cent). 17 representatives from organisations supported the £80 penalty (94 per cent).
24. 75 members of the public opposed the penalty level being set at £80. One of the representatives of organisations opposed the penalty level (5.5 per cent).
25. Overall, 64 per cent of members of the public who responded support the £80 penalty level, with 35 per cent of respondents from the public opposing this.

Proposal of reduced penalty of £50 if paid within 14 days

26. Legislation requires the level of penalty to be reduced if paid early. The consultation asked if £50 was the right amount to reduce the penalty to, if paid within 14 days. 158 people (68 per cent) supported this proposal. 73 respondents (32 per cent) opposed this proposal.

Q9 Legislation requires the amount of penalty to be reduced if paid early. Do you support or oppose the proposal that the level of penalty should be reduced to £50 if paid within 14 days?



27. Of the 158 respondents who supported this proposal, 142 people were members of the public and 16 people were representatives of organisation.
28. 71 members of the public and two organisation representatives opposed this proposal.
29. This means that 67 per cent of the respondents who were members of the public supported the proposal and 33 per cent of the public opposed it.

Comments received to the consultation

30. The consultation also enabled people to leave comments relating to the proposals. 123 of the 268 people who responded to the consultation chose to do this. The comments have been grouped and summarised below. Where appropriate, a response from Wandsworth Council officers has been included.
31. Of the 123 comments received, 42 were positive towards the proposals; 46 were negative towards the proposals; and for 29 comments it was not positive to identify whether the respondent was positive or negative. 25 comments expressed explicit support for the proposals and 22 expressed explicit opposition.

Level of penalty

32. Nine comments related to the penalty level proposed being too low. Five alternative levels were given: £200 for abusive or offensive behaviour; £200 reduced to £100; £100 reduced to £80; £160 reduced to £80; and £100.
33. Five comments related to the penalty level proposed being too high. Two alternative suggestions were given: £50 reduced to £25; and £50 reduced to £30. One respondent raised the issue of poverty.
34. Two respondents suggested there should not be a reduced penalty;
35. One respondent said fines should be proportionate to damage with another saying environmental crime should be punished more severely.
36. In response to these comments, officers remind TEC that the legislation requires a reduced penalty and therefore one must be set.

Alternative suggestions

37. Eleven comments included alternative suggestions to what was being proposed in the consultation, in addition to the suggested alternative penalty levels listed in paragraphs 14 and 15. These were:
 - Community work and/or restorative justice should be an option (two respondents);
 - Byelaws should be displayed prominently;
 - A system of increased penalties should exist for repeat offenders, leading to a temporary ban of their use of the park;
 - Annual review by the council and friends group of the numbers of fixed penalty notices being issued to ensure the powers are not overused;
 - Penalties should be spent in the relevant park where they are issued;
 - Concern that Parks Police are not true police officers and this title is misleading;
 - Concern about the impact on people with learning disabilities, physical and mental illness.
38. In response to these comments, local authorities have no legal powers to implement community work or restorative justice as a penalty for byelaw offences. Wandsworth Council officers have advised that signs listing each byelaw would be impractical and are unlikely to be read. However, the council does use simple Do / Do Not signs which also state that byelaws apply. The byelaws are fully published on the council's website. In terms of increased penalties for repeat offenders, a process of escalation does already exist. At present officers can give words of advice, issue warning letters, prosecute through a Magistrate's Court and can, in extreme cases, ban individuals from parks and open spaces. The proposal to introduce a fixed penalty notice would provide an additional form of enforcement between a warning letter and a prosecution.
39. Wandsworth Council officers also advise that quarterly meetings to discuss enforcement statistics between the council and friends group already happen. In response to the comment about using the revenue from fixed penalties in the parks where they are issued, the council intends that the revenue from penalties is used to offset the costs of running the Parks Police.

40. In line with other local authorities with Parks Police, these individuals are employees of the council but attested as Constables by a Magistrate. The Wandsworth Parks Police Service was established in 1985 by virtue of Article 18 of the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967.
41. Wandsworth Council assure us that Parks Police Officers receive training about an appropriate enforcement approach for people with any kind of disability.

Council enforcement

42. Fifteen comments raised concerns that this proposal gives too much power to council officers. Respondents raised concerns over fixed penalty notices having lower burdens of proof and would prefer for local authorities to have to justify their case in court. There was also concern that 'silly behaviour' would be 'criminalised' and that parks should not be over-policed. A lack of trust in council enforcement officers was also raised.
43. Eighteen responses wanted more visible enforcement and some cited issues they felt were not being adequately addressed at present. Nine responses queried whether the council had enough staff to enforce the byelaws adequately.
44. Five responses raised concerns about how enforcement would happen and the subjectivity of officers issuing fixed penalties. One respondent stated there should not be quotas for enforcement officers to achieve and that people should be given the opportunity to rectify their mistake before being issued with a penalty.
45. Two people felt the introduction of fixed penalty notices was unnecessary because they did not see any problems in the parks concerned.
46. In response to these comments, officers highlight that a range of council officers (including Parks Police) across London and the UK already have powers to issue fixed penalty notices for various offences. The level of proof should be the same as cases may still proceed to court where evidence would be heard. Similarly, should an individual decide that they have been unfairly treated they have the option not to pay the fixed penalty notice and instead have their case heard by a Magistrate. Wandsworth Council Parks Police Officers already have discretion to issue words of advice, give people time to rectify their mistake or issue warning letters before more formal enforcement takes place and these options are already used far more regularly than prosecutions to deal with the sorts of 'silly behaviour' raised in the consultation responses. The Parks Police also operate within an enforcement policy that has been approved by the Council and this requires their actions to be both reasonable and proportionate. Wandsworth Council stresses that officers are not and will not be given quotas for enforcement results.

The byelaws

47. Seventeen respondents raised questions about the byelaws themselves. Of these, ten raised concerns that the byelaws are out-of-date, archaic and should not be enforced because they are bad laws. Concerns include penalising behaviour such as climbing trees; and the byelaw relating to the specific reference to men not entering places designated for women and children as discriminatory and illegal.

48. One respondent asked for more clarity about what constituted a 'dog under control' stating that a dog being off a lead was not necessarily not under control. Another wanted to see the inclusion of byelaws to stop large groups of people blocking pavements and unsupervised children. Two respondents wanted to see control of drones and remote-controlled vehicles included in the byelaws. One respondent felt powers to tackle flytipping already existed and these should be used instead.
49. Thirteen respondents raised concerns that cycling was prohibited in parks by these byelaws. Amongst these respondents, there was a general view that cycling should be promoted; safe cyclists did not pose a problem; and that children especially should be able to cycle in parks.
50. By contrast nine respondents highlighted the problem of cycling where cycling was not permitted and cycle speeds and hoped these issues would be addressed.
51. Three respondents felt the byelaws themselves should have been consulted on.
52. In response to these comments, the GLC Byelaws have been in existence since 1932, and in the main, are still considered fit for purpose by the council. As such, this consultation exercise was specifically around the proposal to introduce fixed penalty notices. Council officers are keen to stress that only offences against the byelaws are enforced, and behaviours not undertaken are therefore not enforced against. Action is generally only taken in relation to climbing trees where there is a risk of damage to the tree or injury to the climber. No formal action is undertaken by the Council by anyone under the age of the 18. With regards to men entering places designated for women and children, council officers state this specifically relates to the toilets and changing rooms in the parks and open spaces.
53. Dog enforcement is only undertaken when a dog owner is quite clearly not in control of their dog or where a dog is intimidating or worrying other park users. Drones and flytipping can be dealt with under existing byelaws or other legislation. Cycling in parks and open spaces is a contentious issue, with both cyclists and pedestrians having polarised views on the subject. With the exception of Garratt Green (Earlsfield ward, SW17), all the other parks and open spaces covered by the GLC Byelaws have paths where cycling is permitted and paths where it is not.

Other issues

54. One person queried why a particular open space was not included. Three people raised issues about anti-social dogs and their owners. Four comments related to crime on Tooting Common with a fifth relating to moped-assisted crime. One respondent said more bins should be provided on sunny weekends. Another said there should be an annual award for litter pickers. One respondent said that fines were an inappropriate response to poor design. Another said Wandsworth Council should lock their parks at night.
55. Two respondents referred to boroughs that are not covered by GLC Parks Byelaws and are therefore out of the scope of this consultation.

Next steps

56. If TEC decides to set a fixed penalty level and a discounted amount for early payment for the GLC Parks Byelaws, London Councils will communicate this to the Secretary of State, as required by the legislation.
57. The fixed penalty notice levels for the GLC Parks Byelaws will come into force one month after the day of the notice to the Secretary of State, unless before this period ends he objects to the level of penalty, in which case they do not come into force.
58. If the Secretary of State considers the level of penalty excessive, he can make regulations reducing the level of fixed penalty notices.
59. In the event that the Secretary of State did make regulations, TEC would not be able to set any further fixed penalty notices for 12 months.
60. London Councils will communicate to LB Wandsworth whether the level of penalty comes into force or is objected to by the Secretary of State. London Councils will inform all other boroughs of the outcome in the Chair's Report at the next TEC meeting.

Recommendations

61. The Committee is asked to:
 - Note the consultation outcome;
 - Set a fixed penalty notice level of £80 for breaches to the GLC Parks Byelaws;
 - Set the level of reduced fixed penalty at £50 if it is paid within 14 days from the date of the notice.

Financial Implications

62. There are no financial implications to London Councils arising from this report.
63. Wandsworth Council will determine its own financial implications of enforcing these byelaws.

Legal Implications

64. TEC is asked to set the level of fixed penalty for breaches to the GLC Parks Byelaws in LB Wandsworth only.
65. Whilst the consultation referenced the specific areas in LB Haringey and RB Kensington and Chelsea that the GLC Parks Byelaws apply to, notices were not erected in their parks as they were not minded to introduce fixed penalty notices at this stage.
66. Officers therefore suggest that if LB Haringey and RB Kensington and Chelsea wish to introduce fixed penalty notices in their parks and open spaces covered by GLC Parks Byelaws, the consultation exercise is repeated. They could opt to consult on a different level of penalty.
67. This represents a consistent approach to that taken to other byelaws TEC has set in recent years, for example the noise in streets, public urination and feeding of birds byelaws in the City of Westminster.
68. In that TEC report (15 June 2015), the following was noted:

If another borough or the City of London has similar byelaws which it wishes to offer the option to discharge liability by paying an FPN, it must ask for TEC to set the level of FPN. Each local authority can request its own level for a byelaw, as

TEC is permitted to set different levels of penalty, including to take into account the costs of administration and enforcement, which may differ between councils (LLAA 2004, s.17(1) to (3)). It is likely that previous levels set for other local authorities would be a starting point, from which councils can decide whether they seek a lower, higher or the same level. Even where a council opts to set the same level as another council, TEC must still set the level for this council.

Equalities Implications

69. LB Wandsworth provided TEC with an Equalities Impact Assessment to its meeting on 23 June 2017. Wandsworth officers have reviewed the original Equalities Impact Assessment since the consultation and have determined that no changes are needed, as the Wandsworth Council's enforcement of the byelaws has been ongoing since 1985. This is provided at Appendix B.

Appendix A – full list of GLC Parks, Gardens and Open Spaces byelaws

GREATER LONDON COUNCIL PARKS, GARDENS AND OPEN SPACES BYELAWS

Definitions

1. In these bye-laws, unless the context otherwise requires: 'Open Space' means any park, garden or open space vested in or under the control of the Council.

Damage and Injury

2. No person shall remove, injure or in any way deface or disfigure any property under the control of the Council in or enclosing any open space, or post thereon, or affix thereto in any way any bill, placard or notice.
3. No person, shall remove, uproot, destroy or injure any tree, shrub or plant, or pluck any flower, bough or leaf, or dig, cut or take any turf, sod, gravel, sod clay or other substance in any open space.
4. No person shall climb on any tree or on or over any gate, fence or railing in or enclosing any open space.
5. No person shall in any open space go upon any land specially enclosed or the entry on which is prohibited by notice or go upon any shrubbery or flowerbed.

Trespass

6. No male person, over the age 14 years shall go or attempt to go into any part of any open space in contravention of any regulation of the Council specified in a notice exhibited on such part reserving such part for the use of female persons and children under the age of 14 years old only.
7. No person shall in any open space willfully break or damage any ice on any pond or lake, or when prohibited by notice go or attempt to go upon any such ice.
8. No person shall, without first obtaining or otherwise than in accordance with the terms of a permit from the Council, camp out on any open space.
9. No person shall wilfully enter into or remain in any open space or any part of any open space during any time appointed for closing the same.
10. No person shall in any open space go or attempt to go into any water closet, urinal or other place of convenience provided for the opposite sex or infringe any regulation of the Council set up therein controlling the use thereof.

Buildings and Obstructions

11. No person shall in any open space, without first obtaining or otherwise than in, accordance with the terms of a permit from the Council, erect or place or retain any post, rail, fence, photographic stand apparatus, tent, booth, screen, stand, swing or other building, erection or structure or any obstruction of any kind whatever.

Traffic

12. No person shall, except in case of accident or unavoidable cause land in any open space or take off there from in any aircraft, provided that this bye-law shall not apply to the use of members of Air Defence units of such landing or taking off grounds and on such occasions as may be approved by the Council in writing under the hand of its Clerk for purposes of Air Defence exercises.
13. No person shall in any open space, except on roads or other places approved for the purpose by the Council, ride or drive any horse or other beast of draught or burden or any bicycle, tricycle or any vehicle drawn or propelled by any animal or by mechanical power.
14. No person shall in any open space drive any vehicle, bicycle or tricycle or ride any animal at a rate exceeding twelve miles an hour or do so as to endanger the public.
15. Any persons driving any vehicle in any open space shall when called upon to stop by signal or otherwise by an officer of the Council acting in execution of his duty shall stop, and if he refuses or wilfully fails to do so shall be guilty of an offence.
16. No person shall in any open space drive or in any way use any motor vehicle for the purpose of giving or receiving instruction in driving, managing or repairing such vehicle.
17. No person shall leave any mechanically propelled vehicle:
 - a) unattended in any open space, except at such places as are approved by the Council as standing or parking places;
 - b) on any road in any open space after having been requested by a duly authorised officer of the Council or a police constable to remove it.
18. No person shall take or drive on any road in any open space, any public service vehicle or any vehicle, wheelbarrow or truck constructed, designed or used for trade purposes, or any mechanically propelled vehicle bearing a manufacturer's, repairer's or dealer's identification marks or in an unfinished condition.

Horses, Dogs and Other Animals

19. No persons shall in any open space lead from horseback any rider less horse which is not appropriately bridled and rugged or saddled, or so as to endanger the public.

20. No person shall in any open space lunge or break in any horse or other animal.
21. No person shall cause or suffer any dog belonging to him or in his charge for the time being to enter or remain in any open space unless such dog be under proper control and effectually restrained from injuring, annoying or disturbing any person or animal or from running on any flower bed or injuring any tree, shrub or plant.
22. [Repealed].
23. No person shall, in any part of any open space where a notice stating that all dogs of a particular class or breed must be kept on a lead or muzzle is exhibited, cause or suffer any dog belonging to him or in his charge for the time being to enter or remain therein unless such dog is kept on a lead or is muzzled in accordance with such notice, and no person shall in any part of any open space where a notice prohibiting the admission of dogs is exhibited, cause or suffer any dog belonging to him or in his charge for the time being to enter therein.
24. [Repealed].
25. No person shall turn out to graze or feed or allow or suffer to stray or remain any cattle, sheep, swine, horse, ass, mule, goose, duck, fowl or other animal in any open space without right or without the consent of the Council in writing under the hand of its Clerk.
26. No person shall in any open space willfully disturb any animal grazing or shall harry, ill-treat or injure or destroy any animal, bird or fish or take or attempt to take any animal, bird, fish or egg or set any trap.

Nuisances

27. No person shall in any open space or in lake, pond, fountain or ornamental water therein, deposit or leave any dead animal, offensive litter, house or trade refuse or any turf, sod, gravel, sand, clay or other substance or except in receptacles provided by the Council for the purpose any bottle, tin, container, broken glass or crockery, waste paper or other like article or thing.
28. No person shall willfully break any glass, china or other like thing in any open space.
29. No person shall in any open space sort rags, bones, refuse or matter of like or mend any chair.
30. No person shall in any open space shake or beat any carpet, mat or other thing or place any clothes or other things for the purpose of drying or bleaching.
31. No person shall in any open space, discharge any gun, syringe, squirt, catapult or other instrument, or shall wantonly or recklessly throw or discharge any stone or missile, or make any bonfire or let off any firework.

32. No person shall in any open space, commit any nuisance contrary to public decency or propriety.
33. No person shall in any open space wash any clothes, dog or other animal or thing or do any act likely to cause pollution of the water in any drinking fountain, lake, pond or trough.
34. No person shall in any open space, bet, brawl, fight or use indecent or improper language or designedly do any act which outrages public decency or which comes within the meaning of the 4th Section of the Vagrancy Act 1824 whether the offence be committed with intent to insult any female or not.
35. No person in a verminous or offensively filthy condition shall lie about in any open space or lie upon or occupy any seat therein.

Sale of Articles, Exhibition of Advertisement etc.

36. No person shall in any open space:
 - a) sell, offer for sale, exhibit for sale or distribute any book, pamphlet, leaflet, card, bill, advertisement or literature of any kind whatsoever;
 - b) subject to the foregoing provision sell, offer for sale exhibit for sale or distribute any other article, or let for hire any article or place any stand, chair, or seat for hire or display any advertisement without the consent of the Council in writing under the hand of its Clerk.

Plying for Hire

37. No person shall in any open space ply for hire, or let out any horse or other animal or any vehicle without the consent of the Council in writing under the hand of its Clerk.

Public Meetings

38. No person shall in any open space deliver, utter or read or maintain the right to deliver, utter or read any public speech, lecture, prayer, scripture, sermon or address of any kind or description whatsoever or enter into any public discussion or hold or cause or take part in any public meeting except between sunrise and sunset and on the site or sites, if any, approved by the Council and defined by notice boards and also shown on duplicate plans deposited at the Home Office and with the Clerk of the Council.
39. No person shall in any open space, without the consent of the Council, in writing under the hand of its Clerk, operate, play or make sounds on any musical or other instrument including any gramophone or radio apparatus or without such consent sing any sacred or secular song except on the site or sites mentioned in the preceding bye law.

Soliciting or Gathering Money

40. No person shall in any open space solicit or gather money or other thing except within the limits of the site or sites upon which public meetings are allowed to be held and without first obtaining or otherwise than in accordance with the terms of a permit from the Council, for which application shall be made in writing at least twenty-one clear days in advance, stating the place in which the collection is proposed to be made, the date proposed for the collection, and the object for which the collection is to be made; provided that a permit shall not be refused if the person applying for the same show to the satisfaction of the Council that the collection will be organised by some well known charitable society and will be for the public good and not to the personal benefit of any individual or individuals.

Games, Drilling, etc.

41. No person shall in any open space, practice gymnastics, play or make preparation to play any game or take part in any sport or entertainment or dance, bathe, fish, use any boat or sail any model yacht without the consent of the Council in writing under the hand of its Clerk except on the parts or places respectively set apart therefore or infringe any regulations of the Council with respect to the use of any such part or place and the conduct of persons using the same or resorting thereto as may be specified in any notice from time to time exhibited on any such part or place.
42. No person shall in any open space infringe any regulation of the Council with respect to the use of apparatus and equipment (including lockers and other conveniences) and the dressing accommodation provided or maintained by the Council for use in connection with rifle ranges, games and recreation or with respect to the use of dressing accommodation, towels, conveniences, Screen, towels, costumes and other things provided or maintained by the Council and necessary or convenient for persons using any open air bath or pool, such regulations being specified in a notice exhibited on the part or places set apart for such rifle ranges, games, recreations, open air baths, or pools, as the case may be.
43. No person shall in any open space drill or practice military evolutions or exercises without the consent of the Council in writing under the hand of the Clerk.
44. No person shall in any open space interfere with, obstruct or annoy any person or persons who are lawfully engaged in pursuance of these bye laws or any general authority or Act of Parliament in military or athletic exercises or in playing or making preparation to play at any lawful game or in playing music or delivering any public address or doing any other act.

Obstructing Officers of the Council etc.

45. No person shall in any open space resist, obstruct or aid or incite any person to resist or obstruct any officer of the Council or other person in the execution of his duty or lawful exercise of his authority.

Offenders, Penalties, etc.

46. Any person (not being an officer of the council acting execution of his duty or other persons acting in lawful exercise of any authority) committing any breach of these bye-laws shall be subject to a penalty and to a further penalty for each day on which such offences shall continue after written notice of the offence shall have been given by the Council.
47. It shall be lawful for any officer of the Council to exclude or remove from any open space, any person committing any breach of the above bye-laws and all gypsies, hawkers, whether licensed or not, beggars and rogues and vagabonds, and it any such persons, after being told by any officer of the Council not to come into or upon any open space, shall come therein or thereon, or after being told by any officer of the Council to go there from, shall neglect or refuse to go, or having left the place after being told as aforesaid, to go there from or having been removed there from as aforesaid, shall return thereto, such person shall be guilty of any offence against the bye-law and be liable to a penalty.

Appendix B – Equalities Impact Assessment from Wandsworth Borough Council

SSA EQUALITY IMPACT AND NEEDS ANALYSIS

Directorate	Environment & Community Services
Service Area	Parks
Service/policy/function being assessed	Park & Open Space Byelaws
Which borough (s) does the service/policy apply to	Wandsworth
Staff involved	Clare O'Connor, Joanne Shearer & Steve Biggs
Date approved by Policy and Review Manager	30.01.17

SUMMARY

Please summarise the key findings of the EINA.

The enforcement of the Greater London Council (GLC) Byelaws already takes place and ensures that the parks and open spaces to which they apply across the borough, remain safe places for all residents and visitors. The use of FPNs is merely an alternative means through which enforcement can take place.

An analysis of the data based on the full year prosecutions for GLC offences for 2015/16 (130 prosecutions) shows that the group most likely to offend and be prosecuted for byelaw offences are white (90.59%) males (81.17%) between the ages of 25-54 (79.49%). This means that any changes are likely to impact most on this group. This EINA will now be consulted on as part of a wider consultation exercise and will be updated to reflect any feedback received.

1. Background

Briefly describe the service/policy or function:

The Council is proposing to introduce Fixed Penalty Notices (FPNs) for the enforcement of GLC Byelaws. These byelaws relate to the proper conduct of users of the largest and most heavily used of Wandsworth's parks and open spaces and aim to deal with unacceptable behavior, which is not addressed through other existing legislation, such as that which may cause distress or injury to other users, or that might damage these spaces and detract from their general enjoyment by the public.

GLC Byelaw offenders are currently prosecuted through the Magistrates' Court, which can potentially lead to a criminal record. The areas that are covered by these byelaws are as follows:

- Battersea Park, SW11 (Queenstown).
- Garratt Green, SW17 (Earlsfield).
- Tooting Common, SW17 (Bedford and Furzedown).
- Wandsworth Common, SW18 (Wandsworth Common) and SW11 (Northcote).
- Wandsworth Park, SW15 (Thamesfield).

2. Analysis of need and impact

Protected group	Findings												
Age	<p>Data based on the full year prosecutions for GLC offences for 2015/16 (130 prosecutions) as broken down below:</p> <table border="1"> <thead> <tr> <th>Age</th><th></th></tr> </thead> <tbody> <tr> <td>18 - 25</td><td>6 – 7.69%</td></tr> <tr> <td>25 - 54</td><td>62 – 79.49%</td></tr> <tr> <td>55 - 64</td><td>8 – 10.26%</td></tr> <tr> <td>65 - 74</td><td>2 – 2.56%</td></tr> <tr> <td>75 and over</td><td>0 – 0%</td></tr> </tbody> </table> <p>The majority of prosecutions are for residents aged 25-54 (79%) with 10% for residents aged 55-64. The 2011 census showed that 71% of residents are aged 20-64.</p> <p>No-one under 18 is prosecuted and the percentage prosecuted aged 65-74 (2.56%) is below the borough average. This shows that the current approach does not disproportionately impact on younger residents or older park visitors.</p>	Age		18 - 25	6 – 7.69%	25 - 54	62 – 79.49%	55 - 64	8 – 10.26%	65 - 74	2 – 2.56%	75 and over	0 – 0%
Age													
18 - 25	6 – 7.69%												
25 - 54	62 – 79.49%												
55 - 64	8 – 10.26%												
65 - 74	2 – 2.56%												
75 and over	0 – 0%												
Disability	Data not collected												
Gender (sex)	<p>Male 69 – 81.17%</p> <p>Female 16 – 18.83%</p> <p>The majority of individuals prosecuted are male.</p>												
Gender reassignment	Data not collected												
Marriage and civil partnership	Data not collected												
Pregnancy and maternity	Data not collected												
Race/ethnicity	<p>Analysis shows that the majority of prosecutions are of white residents. This is above the borough average according to the 2011 Census.</p> <table border="1"> <thead> <tr> <th>Race/ethnicity</th><th></th></tr> </thead> <tbody> <tr> <td>White</td><td>77 – 90.59%</td></tr> <tr> <td>Black</td><td>6 – 7.06%</td></tr> <tr> <td>Asian</td><td>2 – 2.35%</td></tr> </tbody> </table>	Race/ethnicity		White	77 – 90.59%	Black	6 – 7.06%	Asian	2 – 2.35%				
Race/ethnicity													
White	77 – 90.59%												
Black	6 – 7.06%												
Asian	2 – 2.35%												
Religion and belief, including non belief	Data not collected												
Sexual orientation	Data not collected												

Data gaps

Data gap(s)	How will this be addressed?
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3. Impact

Protected group	Positive	Negative
Age	<p>The enforcement of these byelaws already takes place and ensures that the parks and open spaces to which they apply across the borough, remain safe places for all residents and visitors. The use of FPNs is merely an alternative means through which enforcement can take place.</p> <p>Analysis by age shows that the current approach does not disproportionately impact on younger residents or older residents. This is likely to be the case under the proposals covered by this EINA.</p>	<p>As the proposal is to alter the way in which the byelaws are enforced, it is important that these changes are clearly communicated to residents and park users. This will be ensured by:</p> <p>Face to face communication by Parks & Events Police Officers with park and open space users.</p> <p>Leaflets carried by Officers that explain the purpose of byelaws and the potential consequences of breaching them.</p> <p>Communication with the relevant Friends Groups and Management Advisory Committees that have been formed as consultative groups for these parks and open spaces.</p> <p>Through relevant web page information.</p>
Disability	As age	As age
Gender (sex)	Analysis shows that currently the majority of prosecutions are male. This is likely to be the case under the proposals covered by this EINA.	As age
Gender reassignment	As age	As age
Marriage and civil partnership	As age	As age
Pregnancy and maternity	As age	As age
Race/ethnicity	Analysis shows that the majority of prosecutions are of white residents. This is above the borough average according to the 2011 Census. This will be kept under review to ensure if the proposals are adopted to ensure BAME residents are not adversely impacted by the proposals.	As age
Religion and	As age	As age

belief, including non belief		
Sexual orientation	As age	As age

London Councils' Transport & Environment Committee

Direct Vision Standard for Heavy Goods Vehicles

Item No: 10

Report by: Alex Williams **Job title:** Director, City Planning, TfL
Date: 12 October 2017
Contact Officer: Hannah White
Telephone: 020 3054 2345 **Email:** hannahwhite@tfl.gov.uk

Summary: This report is an update on Transport for London's (TfL) work on using a Direct Vision Standard (DVS) for Heavy Goods Vehicles (HGVs) to deliver the Mayoral commitment to ban or restrict the most unsafe (zero star) HGVs from London by 2020; and ensure that only HGVs suitable for urban environments (three star and above) are used in London from 2024.

TfL is carrying out a phased consultation to develop mandatory measures to ban or restrict HGVs over 12 tonnes with poor DVS star ratings. Following feedback from the first phase of consultation and an Integrated Impact Assessment, TfL has developed proposals for a 'HGV Safety Standard Permit scheme' (HSSP scheme).

It is proposed that implementation of the HSSP scheme could be affected by incorporation into London Councils' London Lorry Control Scheme (LLCS), which would allow much more effective enforcement. TfL is seeking TEC's support to further explore this option and the HSSP scheme proposals going to consultation

Recommendations:

Members are asked to:

1. Note the progress made in developing the Direct Vision Standard and proposals to ban or restrict the most unsafe HGVs from London's roads;
2. Note and Support TfL's intention to carry out a policy consultation on a HGV Safety Standard Permit scheme proposal in autumn 2017; and
3. Note TfL's work with London Councils to explore the existing London Lorry Control Scheme as the implementation mechanism for any permit scheme.

A Direct Vision Standard for Heavy Goods Vehicles**Overview**

This is the second time the DVS has been presented to TEC

The previous report in December 2016 provided information on the DVS and its potential to reduce road danger. TEC endorsed the Mayor of London's proposals to work towards a London-wide ban or restriction of the most unsafe, 'zero-star DVS rated' HGVs in 2020 (subject to the outcome of further research and consultation and further consideration of appropriate implementation measures)

This report provides an update on progress towards delivering the Mayor's proposals, including:

- Finalisation of the Direct Vision Standard measurement with vehicle manufacturers and publication of interim ratings to their Euro VI heavy goods vehicles
- Findings from the phased consultation and Integrated Impact Assessment
- Proposed method of implementation through a TRO, including the possibility of using the London Lorry Control Scheme (LLCS) as the implementation mechanism
- Emerging scheme proposals due for consultation in November 2017

TfL is seeking TEC's support to move to the next phase of consultation on its HGV Safety Standard Permit (HSSP) scheme proposals, including the potential use of the LLCS as the implementation mechanism. Any final scheme proposal will be subject to the outcome of further consultation, assessments of costs, review of risks and legal advice.

BackgroundNeed for a Direct Vision Standard

1. HGVs make up less than 4 per cent of the miles driven in London but are involved in 58 per cent of cyclist and 22.5 per cent of pedestrian fatalities. Between 2013 and 2015, 116 cyclists and pedestrians were killed or seriously injured in a collision with a goods vehicle. Restrictions in the HGV driver's field of vision, or 'blind spots', are a significant contributory factor in HGV and vulnerable road user collisions.

2. Blind spots are acknowledged by vehicle manufacturers and the bodies responsible for regulating the design of vehicles. The regulatory solution to the blind spot to date has been to add mirrors to improve indirect vision. Six mirrors are fitted to HGV cabs and many operators fit further cameras and sensors to further aid the driver.
3. Research indicates that drivers react more quickly and are less likely to be involved in a collision when they can see vulnerable road users directly through the windows rather than through indirect vision aids such as mirrors and cameras.
4. In the long-term, increasing drivers' direct vision from HGV cabs has the potential to save lives as part of a holistic approach to reducing road danger by improving the safety of vehicles, drivers and quality of HGV operations.
5. However, until HGVs can be designed with reduced blind spots and then used in significant numbers, technology will have a role to play in reducing road danger, alongside better training of drivers and better designed roads and junctions.

Developing a Direct Vision Standard for HGVs

6. TfL has worked with HGV manufacturers and academics to produce the world's first DVS. It is an objective measurement of the 'volume of space' directly visible to the driver around the HGV cab. This measurement is converted to a simple star rating for the level of direct vision from zero (poor) to five (excellent).

Mayoral commitment

7. In September 2016, the Mayor of London made a public commitment to use the DVS to restrict the most unsafe 'zero star' rated HGVs from London's streets by 2020, and allow only vehicles with 'good' three star direct vision ratings from 2024.

Progress to date

8. TfL has commenced a phased consultation and engagement process to consider the wide-ranging impact of these proposals. This will help develop a scheme proportionate to the problem of HGV and vulnerable road user safety. We are grateful for the support of London Councils and individual boroughs as part of this process.
9. Phase 1 of the consultation ran from January to April 2017, seeking views on the concept of DVS and the methodology used to create it. TfL has also developed a policy consultation proposal using feedback from that consultation and undertaken an Integrated Impact Assessment ("IIA") that considers the likely economic, social and environmental impacts, statutory equalities, traffic movement and traffic management to inform the development of the HSSP proposals outlined below.
10. A policy consultation (Phase 2a) will commence in November 2017 on a consultation document that includes detailed information about the HSSP scheme proposals and accompanying IIA. Feedback from this will be used to refine final proposals for the scheme which, if it is decided to proceed, would be followed by a further consultation (Phase 2b) on statutory proposals in Spring/Summer 2018.

This would be subject to further TEC approval, and DfT and European Commission notification and support (see further below).

Development of HGV Safety Standard Permit Scheme following Vision Zero principles

11. TfL's research into the impacts of the original proposals has shown that direct vision from the current HGV fleet is poor. However, it will be some years before manufacturers can produce enough vehicles with the highest levels of direct vision to replace vehicles with poor direct vision in the existing fleet. TfL have therefore examined what additional safety measures would reduce road danger from HGVs. Following the "Vision Zero" principles set out in the draft Mayor's Transport Strategy¹. TfL proposes that a "safe system" approach (explained further below) is taken to HGV safety. Greater safety benefits can be realised if the ambition is set wider than direct vision alone and practical changes to existing vehicles are implemented to improve their overall safety to vulnerable road users.
12. The November policy consultation will propose the introduction of a HGV Safety Standard Permit scheme in 2020, which would apply to all HGVs of 12 tonnes and above (class N3). These are the larger HGVs operating in London and include "tipper" type vehicles used in construction, rigid vehicles used for a range of deliveries and articulated vehicles. A permit-based scheme is considered necessary to introduce measures based on DVS principles. Unlike, for example, Euro emissions standards which exist in regulations and are included within existing vehicle registration data, the DVS rating of an individual model or vehicle cannot be identified from existing vehicle registration data.
13. A permit scheme, allows a vehicle to be assessed for its DVS performance as part of the permit application process. The permit system will also allow TfL to assess the additional safe system requirements for those vehicles that do not meet the minimum DVS requirement (see below). Permits are also a practical way of implementing safety improvements on the most potentially dangerous HGVs without operators having to replace vehicles prematurely. Work has started to examine how this new scheme could work in practice.
14. It would become a requirement in 2020 for all N3 class HGVs to have a permit to operate in Greater London. This proposed scheme would be delivered in two phases.
15. **Phase one** in 2020 would ban zero star HGVs unless they can demonstrate compliance with other measures in a 'safe system', thereby allowing "the most unsafe zero-rated HGVs" to be banned unless they operate to a "safe system" of measures designed to improve the vehicle safety.
16. Specific measures in the 'safe system' will be linked to existing HGV industry recognised safety standards. These could include: fitting indirect vision and sensors that detect cyclists and pedestrians; audible warnings to vulnerable road users; and driver training. Permits would be issued automatically to vehicles rated one star or above. Only those zero star vehicles unable or unwilling to comply with the safe system would be banned. Permit conditions would impose restrictions requiring them to operate the system

¹ The consultation on the Mayor's draft MTS closed on 2 October 2017.

17. **Phase two** in 2024 would see the permit requirement retained but the safe system requirement expanded to cover all zero, one and two star vehicles, which would be banned from operating in London unless they can demonstrate compliance with 'safe system' measures (enforced in permit conditions). At the same time, the measures required by the 'safe system' could be updated to include advances in proven safety technology not currently available.

Implementation and enforcement of the HSSP scheme proposal

18. Legal advice, jointly commissioned by TfL and London Councils, has confirmed that the HSSP scheme proposals can be implemented under traffic authorities' statutory powers to make traffic regulation orders ("TROs") on highway safety grounds. (These same powers were used in 2014 to introduce the requirement for HGVs to be fitted with mirrors and sideguards under the Safer Lorry Scheme (SLS), where TEC, TfL and Heathrow Airport Limited had their own but identical TROs.) The same approach as the SLS is available to implement the HSSP scheme proposals but officers consider this would not provide for particularly effective enforcement as contravention, enforced by the police, would generally take the form of only a £50 fixed penalty notice ("FPNs") or, in exceptional circumstances, a maximum £1000 fine in the magistrate's court. The level of the FPN could, in principle be raised to a more effective deterrent level, and/ or decriminalised by the Secretary of State making secondary legislation, but this would only provide for a single level of FPN or penalty charge (in contrast to the LLCS see below) and it is likely Brexit will reduce the Government's available time and resources to do so.
19. London Councils and TfL identified that the London Lorry Control Scheme ("LLCS") provides a much more effective and enforcement mechanism. The requirements of the HSSP scheme could be incorporated into the LLCS alongside its current restrictions on the movement of HGVs over 18 tonnes during unsocial hours². Contravention of the LLCS is already decriminalised, obviating the need for Government secondary legislation, and has two levels of Penalty Charge Notice (PCN), £550 for hauliers and £130 for drivers, which is considered to be a much more effective deterrent. The 1985 TRO that establishes the scheme ("the LLCS TRO")³ can be amended to incorporate the proposed requirements of the HSSP scheme proposals. The result could be to create a single one-stop "Lorry Control Scheme" setting the standards and the routing and timing requirements for certain HGVs operating in London.
20. Subject to TEC's agreement to further exploring the use of the LLCS, TfL proposes that the preferred implementation mechanism for the HSSP scheme proposals in Phase 2a Policy consultation is via the LLCS.

Legal Implications

21. The necessary changes to incorporate the HSSP scheme proposals set out above into the LLCS TRO can be done by TEC promoting an "amending traffic order", following the normal consultation and procedures on statutory traffic order proposals. The LLCS Order, as amended in such a way, would continue to apply to all adopted public roads in Greater London, both on the TLRN (with TfL's consent) and on borough roads. The amended LLCS would also apply to publicly

² Any future changes to the LLCS as a result of the recent London Councils' review of the Scheme, could be promoted separately from the HSSP changes.

³ The Greater London (Restriction of Goods Vehicles) Traffic Order 1985 (as amended)

adopted roads on the Heathrow Airport Estate. In the same way as it did for the Safer Lorry Scheme, Heathrow Airport Limited (“HAL”), which is traffic authority for all un-adopted roads, could promote a TRO of its own replicating the HSSP scheme on roads for which it is the traffic authority.

22. The jointly commissioned legal advice also confirmed that the support of the Department for Transport and European Commission will be required for the proposals to move forward. The HSSP proposals will require notification by the Government to the European Commission as a regulatory standard, which will consider their compatibility with European law, for so long as it applies after Brexit. (This is irrespective of whether the HSSP proposals are implemented through the LLCS or separately.) The relevant procedures allow the Commission to impose a standstill for up to 18 months while it considers these matters, including what action (if any) it proposes to take at a EU-wide level under vehicle type approval legislation and whether to allow it to proceed. The Commission is already active in the area of cab design and driver visibility and now has a programme for bringing forward EU legislation in this area, albeit at a much slower pace (2028) than proposed (2020).
23. Notification to the Commission is likely to take place before the start of the statutory consultation in 2018 (Stage 2b) on the amending traffic order (above). The start of the Stage 2b consultation is dependent in part the outcome of the notification to the Commission and whether the UK will continue to be subject to European Single Market restrictions after Brexit (March 2019); a decision on commencing Stage 2b will have to be taken at the appropriate time when the outcome of Brexit negotiations and any transitional period agreement are clearer.

Next Steps

24. Now interim DVS ratings have been published TfL will work with manufacturers to finalise and then publish completed ratings. In the run up to the next phase of consultation more consideration will be given to the potential delivery options of any DVS permit scheme, how it will be operated and enforced, including how this might be achieved as an amendment to the LLCS.
25. TfL are committed to working with London Councils as they continue to develop this proposed scheme.

Recommendations

Members are asked to:

1. Note the progress made in developing the Direct Vision Standard and proposals to ban or restrict the most unsafe HGVs from London's roads
2. Note and Support TfL's intention to carry out a policy consultation on a HGV Safety Standard Permit scheme proposal in autumn 2017.
3. Note TfL's work with London Councils to explore using the existing London Lorry Control Scheme as the implementation mechanism for any permit scheme.

Financial Implications

There are no direct financial implications of the recommendations to TEC. The full costs of exploring, developing and implementing the DVS will be met by TfL.

Equalities Implications

There are currently no equalities implications of the recommendations.

Background Information

- A film comparing visibility from a zero and a five star truck can be found here:
<https://youtu.be/dMmAqYrrEjg>
- Information on TfL's overall programme on safer trucks can be found at:
www.tfl.gov.uk/safer-trucks
- More information on the DVS and supporting research can be found at:
www.tfl.gov.uk/direct-vision-standard
- The press release on the Mayor of London's announcement (30 September 2016) is attached as appendix B.

London Councils' Transport & Environment Committee

TfL Consultation on Penalty Charge Notice Levels Item No: 13

Report by: Andrew Luck **Job title:** Transport Manager
Date: 12 October 2017
Contact Officer: Andrew Luck
Telephone: 020 7934 9646 **Email:** Andrew.luck@londoncouncils.gov.uk

Summary: This report contains details of Transport for London's (TfL) consultation on plans to increase Penalty Charge Notices (PCNs) on their network and outlines the reasons why London Councils is not undertaking a similar consultation for PCN levels on borough roads at this time.

Recommendations: The Committee is asked to:

- Note the contents of this report regarding TfL plans to increase PCN levels on their network.

Background

1. Under the Traffic Management Act (TMA) 2004 London has the ability to set its own penalty levels for parking enforcement, bus lane enforcement and moving traffic enforcement. With respect to borough roads any changes to penalty levels have to be agreed by the Transport and Environment Committee (TEC) and must be submitted to the Mayor of London for his approval. The Secretary of State for Transport must then be informed of any planned increases and has the power to object if he finds the charges excessive.
2. TfL do not have to seek approval from TEC to make changes to the penalty levels on their network but under the TMA 2004 are still required to seek approval from the Mayor and have to inform the Secretary of State.

3. The last consultation on penalty levels in London took place in 2010 and was undertaken jointly by London Councils and TfL. The outcome of this consultation was an increase from £120 to £130 for the higher level penalty for parking contraventions, bus lane and moving traffic contraventions. The revised level was approved at all stages and commenced in April 2011.

TfL plans to Increase Penalty Levels

4. TfL launched a consultation on Monday 4 September on plans to increase penalty levels across their network from £130 - £160. This would encompass parking contraventions, moving traffic contraventions and bus lane contraventions on the Transport for London Road Network (TLRN) as well as the Congestion Charge. It should be noted that penalty levels for the congestion charge are not subject to the same conditions outlined above.
5. TfL have indicated that since the last increase in the last five years they have seen an increase of 12% in the numbers of motorists being issued with a PCN across all areas (including the congestion charge). This has seen the total number of PCNs rising from 1.3 million in 2011/12 to 1.5 million in 2016/17. TfL believe that this is an indicator that the current fine levels are no longer acting as a sufficient deterrent and compliance is falling. Therefore TfL have stated that an increase in the charge level is required to arrest this change and improve compliance.

London Councils Position

6. London Councils was approached by TfL prior to launching their consultation for reviewing the penalty levels on the TLRN and the subject of holding a joint consultation as had been done in 2010 was discussed. However, in the absence of known evidence or pressure from enforcement authorities for a need to increase charge levels on borough roads, London Councils officers indicated that they would not wish to run a joint consultation at this time.
7. In light of TfL consultation, we have been liaising with boroughs to establish whether they feel the current penalty levels are suitable; if there are issues with compliance, and whether any reduction in compliance is attributable to an insufficient level of penalty charge. The information we receive from boroughs, together with the response to the TfL consultation will help us assess whether we wish to run a similar consultation on borough roads in the future.
8. London Councils will be responding to the consultation and have written to borough officers recommending that they do the same.

Financial Implications

9. There are no financial implications to London Councils arising from this report.

Legal Implications

10. There are no legal implications arising from this report.

Equalities Implications

11. There are no equalities implications arising from this report.

Recommendations

12. The Committee is asked to:
 - Note the contents of this report regarding TfL plans to increase PCN levels on their network.

London Councils' Transport and Environment Committee

Re-appointment of Environment & Traffic Adjudicators

Item No: 14

Report by: Caroline Hamilton

Job title: Chief Adjudicator ETA

Date: 12th October 2017

Contact Officer: Caroline Hamilton

Telephone: 0207 520 7200 **Email:** Properofficer@londontribunals.gov.uk

Summary

This report proposes the re-appointment of 9 environment and traffic adjudicators under the terms of the Traffic Management Act 2004.

Recommendation

1. That the following adjudicators be re-appointed for a period of 5 years from 10th December 2017.
Neeti Haria
Caroline Hamilton
John Hamilton
Mamta Parekh
Sean Stanton-Dunne
Carl Teper
Timothy Thorne.

That Michel Aslangul be appointed until 26th July 2020.

That Francis Lloyd be appointed until 13th March 2021.

Background

2. Under section 81 of the Traffic Management Act 2004 and the accompanying regulations, adjudicators are appointed for a term not exceeding five years, remaining eligible for re-appointment on expiry of that term.

An adjudicator may be removed from office only for misconduct or on the ground that that he is unable or unfit to discharge his function, but otherwise holds and vacates office in accordance with the terms of appointment.

The regulations provide that the relevant enforcement authorities shall appoint such number of adjudicators for the purpose of the 2004 Act on such terms as they may decide. Any decision by the authorities not to appoint shall not have effect without the consent of the Lord Chancellor and of the Lord Chief Justice.

Under the terms and conditions of appointment issued by the Committee, there are five grounds for non-renewal:

1. Misconduct.
2. being unable or unfit to discharge the function of an adjudicator.
3. Persistent failure to comply with the sitting commitment (without good reason).
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 5 and the extent to which it will be used is taken after consultation with the Chief Adjudicator with the concurrence of the Lord Chief Justice.

3. Financial Implications

There are no financial implications for London Councils directly from this report.

4. Legal Implications

There are no legal implications for London Councils.

|

5. Equalities Implications

There are no significant equalities implications from this report.

6. Recommendation

That the following environment and traffic adjudicators be appointed for a period of 5 years from 10th December 2017:

Neeti Haria
Caroline Hamilton
John Hamilton
Mamta Parekh
Sean Stanton-Dunne
Carl Teper
Timothy Thorne

That Michel Aslangul be appointed until 26th July 2020.
That Francis Lloyd be appointed until 13th March 2021

London Councils' Transport & Environment Committee

Environment & Traffic Adjudicators' Annual Report 2016/17

Item No: 15

Report by: Caroline Hamilton

Job title: Chief Adjudicator, Environment & Traffic

Date: 12 October 2017

Contact Officer: Caroline Hamilton

Telephone: 020 7520 7200

Email: properofficer@londontribunals.gov.uk

Summary: A joint Annual Report by the Environment and Traffic Adjudicators for the reporting year 2016/17

Recommendations: That members receive and note the report.

Environment and Traffic Adjudicators

ANNUAL REPORT

2016-2017

*The Environment and Traffic Adjudicators
London Tribunals 2016-17*

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CHIEF ADJUDICATOR'S FOREWORD

This reporting year is the adjudicators' second in our new accommodation at Chancery Exchange, where the centrally located hearing centre and our flexible operating hours allow us to continue to provide an accessible and user friendly appeals tribunal. We are pleased to be able to offer a full range of personal hearing times, that includes early and late sittings, as well as our popular Saturday slots. This flexibility means that motorists can schedule hearings at times that do not interfere with work or other commitments that they may have.

10,195 personal hearings were scheduled in this reporting year, giving parties to the appeal the opportunity of attending the hearing centre and putting their case to the adjudicator in person. Personal appeal hearings remain important to the tribunal, as they not only allow the parties to express themselves in some detail, but they also provide adjudicators with an opportunity to raise queries or explore issues that either party may not have addressed or included in written submissions. Hearings also give the adjudicator the opportunity of explaining regulations with reference to the evidence and clarifying the nature of restrictions in clear terms, ensuring that misunderstandings or mistakes that may have been made are not repeated. Whatever the outcome of the appeal, this personal interaction and engagement with the adjudicator is likely to result in the parties

leaving the hearing centre with a better understanding of the enforcement process.

Communication and Knowledge

It certainly remains the case that a large number of appeals are made by motorists who were simply unaware of the regulations or who had misunderstood their meaning or scope, incurring a penalty charge notice only inadvertently. This position is exacerbated by ill-informed comments being broadcast in the media or appearing on websites, that leave motorists with false expectations as to the strength of their case.

Our website at www.londontribunals.gov.uk provides valuable, accurate impartial information to parties to an appeal, with the aim of explaining the appeal process in clear terms. Last year, our report included a number of “appeal themes” attempting to clarify and correct misunderstandings and misapprehensions regarding motorists’ rights and obligations. By providing clear and accurate information from a position of impartiality, there is an expectation that fewer penalties will be issued to motorists who had no intention of contravening the regulations and in turn fewer appeals showing no legal merit will be lodged.

To this end, a further list of parking and traffic myths are dispelled at page 31 of this report.

The Environment and Traffic Adjudicators are pleased to present their 2016-2017 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 support.

Caroline Hamilton

London, April 2017

Chief Adjudicator

Environment and Traffic

*The Environment and Traffic Adjudicators
London Tribunals 2016-17*

1. **WORKLOAD**

This year has seen an increase in appeals registered at the tribunal, although the number of tickets that finally result in an appeal being lodged remains only a very small percentage of tickets issued to motorists in London.

Developments in technology mean that images of vehicles parked in contravention, with a penalty charge notice served to the windscreen, together with images of the relevant restriction sign can be loaded onto the enforcement authority's website for immediate viewing and consideration by the motorist. This speedy process allows the recipient of a penalty to have a very clear view of the reasons behind the ticket, at a point when the incident is still fresh in the motorist's mind. The rise in the tribunal's appeal numbers relates mainly to an increase in moving traffic appeals with a reduction in the number of appeals registered against parking contraventions.

Monitoring roads remotely allows for efficient enforcement, with the evidence secured through CCTV observation also being accessible by the motorist. Penalties served through the post do not however allow for the immediate checks that a contemporaneously served penalty charge notice allows. They provide only a delayed opportunity of assessing whether or not the contravention alleged is made out, or should be challenged through representation to the enforcement authority and if unsuccessful, thereafter by appeal. This delay in knowledge and receipt may explain the

larger number of appeals that relate to penalties served to the motorist by post.

The appeal process permits an ongoing review of the case by the parties to the appeal. The “do not contest” statistics relate to enforcement authorities who decide, during the course of the reviewing process, not to contest an appeal. This generally arises when evidence is produced by an appellant only after the notice of appeal has been registered. A typical example, is in cases where ownership of the vehicle is in issue and the appellant submits a confirmation letter that he has received from the DVLA, only after the appeal has been lodged. Vehicles that are rented out under hire agreements that transfer liability for penalty charge notices, also often result in delayed decisions not to pursue a penalty charge notice. When valid hire agreements are provided only after the appeal had been lodged, the enforcement authority is no longer in a position to contest the appeal and correctly withdraws from it. In such cases, the enforcement authorities are able to re-issue the notice to owner to the correct owner or to the individual (the hirer) to whom liability for the penalty has been lawfully transferred.

Appellants also have the opportunity of withdrawing appeals prior to their determination. This generally arises after the enforcement authority has served the appeal evidence pack, providing the appellant with the opportunity of considering full particulars of the authority/ respondent’s case that usually includes the civil enforcement officer’s notes and

photographs. Once an appeal has been withdrawn, the appellant has 14 days to pay the penalty amount, after which a charge certificate may be issued by the enforcement authority.

As in previous years, please note that apparent discrepancies in the figures provided below are the result of:

- . Appeals registered in the previous year (but determined in this reporting year);
- . Notices of Appeal that contain more than one penalty charge notice; and
- . Witness statement/statutory declaration referrals that are listed for appeal on the direction of the adjudicator.

APPEALS

TOTAL of ALL:

39,151 (37,934) appeals received.

11,717 (6,477) statutory declaration/witness statement referrals.

Total: 50,868 (44,411)

38,747 (35,828) appeals were determined (this figure includes appeals lodged in the previous year but determined in the reporting year).

18,279 (17,213) appeals were allowed of which 8,254 (7,302) were not contested by the enforcement authority.

20,468 (18,615) appeals were refused of which 644 were withdrawn by the appellant.

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

Parking appeals received.

26,896 (28,693) appeals were received.

9,493 (5,821) referrals were made.

TOTAL: 36,389 (34,514)

Parking appeals decided.

26,784 (27,696) appeals were determined.

Allowed

13,290 (13,572) appeals were allowed of which 6,264 (5,803) were not contested by the enforcement authority.

Refused

13,494 (14,124) appeals were refused of which 402 were withdrawn by the appellant.

Bus lane appeals received.

1,691 (1,483) appeals were received.

374 (146) referrals were made.

TOTAL: 2,065 (1,629)

Bus lane appeals decided.

1,713 (1,292) appeals were determined.

Allowed

753 (587) appeals were allowed of which 289 (185) were not contested by the enforcement authority.

Refused

960 (705) appeals were refused of which 37 were withdrawn by the appellant.

Moving traffic appeals received.

10,446 (7,607) appeals were received.

1,850 (510) referrals were made.

TOTAL: 12,296 (8,117)

Moving traffic appeals decided.

10,128 (6,693) appeals were determined.

Allowed

4,174 (2,970) appeals were allowed of which 1,650 (1,256) were not contested by the enforcement authority.

Refused

5,954 (3,723) appeals were refused of which 201 were withdrawn by the appellant.

London Lorry Control

118 (126) appeals were received.

London Lorry Control appeals decided.

122 (122) appeals were determined.

Allowed

62 (63) appeals were allowed of which 51 (43) were not contested by the enforcement authority.

Refused

60 (59) appeals were refused of which 4 were withdrawn by the appellant.

Litter appeals

3 (1) appeals were received.

1 appeal was allowed (not contested.)

0 (1) appeals were refused.

Waste appeals

5 (24) appeals were received.

5 (24) appeals were determined.

Allowed

4 (21) appeals were allowed of which 0 (15) were not contested.

Refused

1 (3) appeal was refused.

RECOMMENDATIONS UNDER THE TRAFFIC MANAGEMENT ACT

2004

The Traffic Management Act 2004 introduced the concept of “compelling reasons”, allowing adjudicators to refer cases back to the enforcement authority by making a “recommendation” as follows:

“If the adjudicator does not allow the appeal but is satisfied that there are compelling reasons why, in the particular circumstances of the case, the notice to owner should be cancelled he may recommend the enforcement authority to cancel the notice to owner.”

Once the adjudicator has made the recommendation “It shall be the duty of an enforcement authority to which a recommendation is made... to consider afresh the cancellation of the notice to owner taking full account of all observations made by the adjudicator and within the period of thirty five days beginning with the date on which the recommendation was given ... to notify the appellant and the adjudicator as to whether or not it accepts the adjudicator’s recommendation. If the enforcement authority notifies the appellant and the adjudicator that it does not accept the adjudicator’s recommendation, it shall at the same time inform them of the reasons for its decision.”

Adjudicators use the recommendation sparingly as is reflected by the high threshold, requiring that the reasons put forward be “compelling reasons.” Recommendations only apply to penalty charge notices issued under the provisions of the Traffic Management Act.

This reporting year a total of **590** recommendations were made to the enforcement authorities with the following results:

Recommendation Refused – 207

Recommendation Accepted – 147

Recommendation Deemed Accepted (as no authority response received) – 236

The high number of “deemed accepted” recommendations is regrettable, as although a recognised part of the statutory process, without the input from the enforcement authority, the adjudicator and more importantly, the motorist are not provided with the reasoning behind the authority’s position.

PERSONAL/POSTAL APPEALS

Hearings are open to the public, although a private hearing can be provided in appropriate circumstances. In August 2016, the adjudicators could be seen at work in the BBC television series “Dom on the Spot”. Adjudicators took part in filming with the aim of publicising the tribunal and the right of appeal and of clarifying issues that commonly arise. As well as interviewing appellants before and after their personal appeal hearings, the film gave a flavour of how appeal hearings are conducted, allowing the public to feel more confident about exercising their right of appeal and attending a hearing to put their case.

We have also posted a short film illustrating the appeal process on our website, again with the aim of clarifying the procedures and re-assuring the motorist who believes that a ticket has been incorrectly issued, but who remains wary of, or intimidated by, the thought of lodging an appeal and attending a hearing.

Postal Hearings: 40,673

Personal Hearings: 10,195

Although the primary function of the adjudicator is to determine appeals, the tribunal receives a great deal of pre and post appeal correspondence, much of which requiring judicial input. Adjudicators who are not determining appeals use the adjudication systems to work on case management and other matters, such as late appeals, invalid or inconsistent appeals and ancillary applications such as costs and reviews.

COSTS

Lodging an appeal at London Tribunals is a right, whatever the merits of the case and does not attract a registration or application fee. Under the regulations that govern the appeal proceedings, an award of costs is however possible in our jurisdiction, but is not the norm. Paragraph 13 of the Schedule to the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 provides that the 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. The regulations provide however that the adjudicator “shall not normally made an order awarding costs and expenses...”

The applications for costs received in the reporting year within that period break down as follows:

Appellants	Enforcement Authorities
Parking 106	Parking 5
Bus Lane 14	Bus Lane 0
Moving Traffic 20	Moving Traffic 1
London Lorry Control 0	London Lorry Control 0
Litter and Waste 0	Litter and Waste 0
Total 140	Total 6

2. **LAW AND PROCEDURE UPDATE**

(a) Statutory Declaration and Witness Statement referrals

Adjudicators continue to address the large number of referrals made by enforcement authorities ensuring that motorists who have missed the opportunity of making representations or appealing, due to lost post or administrative error, are returned to a position where they can continue to challenge a penalty and if need be, exercise their right of appeal. The continued misapprehension that the order of the Traffic Enforcement Centre of the Northampton County Court cancels the penalty charge notice itself remains, even though the face of the order makes it clear that this is not the case by stating in terms : **“Important note to the respondent: this order does NOT cancel the original Penalty Charge Notice. The Local**

Authority may well take further action on it. The Local Authority should inform you as soon as possible if it intends to do so". Making a declaration or filing a witness statement is certainly not a way of avoiding a penalty and may result in an additional award of costs payable to the enforcement authority.

(b) Suspended bays

Camden London Borough Council v Humphreys [2017] EWCA Civ 24 (PATAS 2130558549)

Brief facts

Mr Humphreys left his motorcycle in a motorcycle bay from 15 August to 13 September 2013, without returning to it. On 24 August, the Enforcement Authority put up a sign, saying the bay would be suspended from 27 to 28 August. On 27 August, it issued a Penalty Charge Notice. Mr Humphreys contended that he had not committed a parking contravention, because the bay was not suspended when he had parked his vehicle.

The adjudicator found that a contravention had occurred; but, accepting that Mr Humphreys did not know of the suspension, recommended that the Enforcement Authority cancel the penalty charge notice (see recommendations at page 11 above). However, the Authority declined to do so.

History

Mr Humphreys applied to the High Court for the judicial review of the adjudicator's decision. The Enforcement Authority played no part in the claim, even when permission to proceed was granted. At the substantive hearing, Mr Humphreys, represented by a barrister pro bono, persuaded the Deputy High Court Judge to allow the claim - it seems without reference to the traffic management order.

Court of Appeal

The Enforcement Authority, realising that this judgment was damaging in so far as it set a precedent that was wrong in law, appealed to the Court of Appeal. The appeal ([2017] EWCA Civ 24) was refused. The only substantive ground upon which it unanimously did so was that the Council, having not contested the claim at first instance, could not do so on appeal.

That meant that the issue of whether there is a contravention where a bay is suspended only after a vehicle has parked was not authoritatively determined by the Court.

However, two of the judges (Beatson and Briggs LJ), considered that the contravention was effectively one of strict liability if the vehicle was left in a bay that was later suspended; and so there was a contravention. They considered that the Deputy Judge had erred in concluding that there was not.

Beatson LJ also said that the Deputy Judge erred in eliding a non-contravention with a contravention where there were *compelling circumstances* such that it was appropriate to recommend to the Council that it cancel the ticket; and in finding that the Adjudicator's reasons were inadequate – because they were clear.

However, the third judge (McCombe LJ) considered that, in the circumstances, there was no contravention.

This case is not a precedent, one way or the other, on any of the substantive issues – but, the majority considered that parking in a suspended bay is a parking contravention effectively of strict liability – which is the view that has been taken by adjudicators for some time. Adjudicators continue to determine appeals on that basis.

(c) Litigants in person

It is part of the adjudicators' function to ensure that cases are determined justly, in a timely manner and at proportionate cost. Although our regulations allow for a flexible approach to case management and

adjudicators appreciate that most appellants will not have legal representation, it is sometimes necessary to put a halt to unsolicited communications, in order to case manage effectively by adopting a more formal approach. It remains the case that a small number of appellants or their nominated representatives, take up a large part of the tribunal's time by keeping up a torrent of communication by telephone and email. This causes a delay to all the tribunal's work, as time is spent fielding these communications to the detriment of other work.

The adjudicators are impartial; they have no agenda and are not campaigners working for or against either party to an appeal; they are charged with determining appeals by considering the evidence submitted, making findings of fact and applying the law. The appeal is a judicial process and it is the adjudicator who is charged with case management.

The Court of Appeal has now recognised in the case of Agarwala v Agarwala [2016] EWCA Civ 1252 that it can be difficult to keep up with parties who inundate the Court with unsolicited communications and that should the need arise strict case management directions may be given. This Court of Appeal ruling certainly resonated with our tribunal and the adjudicators' function, that of determining appeals justly and impartially but also efficiently.

3. JUDICIAL REVIEW

The appeal and review process provided by our regulations is a sufficient safeguard to ensure that cases are justly determined. Appeal outcomes and interlocutory decisions, may be reviewed by an adjudicator, on the application of a party, in the following circumstances:

- (i) the decision was wrongly made as the result of an administrative error;
- (ii) the adjudicator was wrong to reject the notice of appeal;
- (iii) a party who failed to appear or be represented at a hearing had good and sufficient reason for his failure to appear;
- (iv) where the decision was made after a hearing, new evidence has become available since the conclusion of the hearing, the existence of which could not reasonably have been known of or foreseen;
- (v) where the decision was made without a hearing, new evidence has become available since the decision was made, the existence of which could not reasonably have been known of or foreseen; or
- (vi) the interests of justice require such a review.

Once the appeal and review processes are exhausted, the jurisdiction of the tribunal is complete. The judicial review procedure is in place should a party still believe that a decision reached is wrong in law and wishes to make a further challenge.

The adjudicators, who remain impartial, take no part in the judicial review proceedings, allowing the appellant and respondent to the appeal to

pursue the application in the Administrative Division of the High Court without intervention.

This is the usual process for a tribunal to adopt and means that the neutrality of the adjudicator is not impugned through the support of one party or the other.

This reporting year saw only 4 applications to the Administrative Courts with the outcomes as summarised below.

(a) Update from 2015-2016

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))***. The appeal to the Court of Appeal was refused as detailed in the short report at page 16 above.
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 currently stood out pending alternative dispute resolution/settlement. There are a large number of appeals waiting for this case to be resolved and there is every hope that this will be finalised in 2017.

(b) Applications 2016-2017

1. **The Queen on the Application of Butho Nxumalo -v- (1) Southwark Council (2) The Parking Adjudicator and Southwark Council Parking Services [CO/5750/2016] (Butho Nxumalo -v- London Borough of Southwark ETA 2150404923 (2015)).**

The adjudicator found as follows:

“Mr Nxumalo attended today. He denies the contravention. The appellant argues that at the time that he drove his car into the box junction his exit was free. Mr Nxumalo states that had the car in front of his car driven forward he would have been able to drive out of the box. The appellant also argues that the box junction does not comply with the requirements of the Traffic Signs Regulations and General Directions 2002

The contravention occurs if a person causes a vehicle to enter the box junction so that the vehicle has to stop within the box junction due to the presence of stationary vehicles. The Enforcement Authority does not have to prove that the vehicle caused any obstruction to other road users. The contravention occurs if all or part of the vehicle is stopped in the box.

The CCTV footage shows the appellant’s car drive into the box junction a short distance behind another vehicle. There is a car in the box as the appellant drives his car into the box. The car is forced to stop in the box as it is unable to exit it due to the presence of the vehicle in front. Mr Nxumalo should have waited to ensure that there was a space on the other side of the junction before he drove into it rather than assuming that the traffic would continue to flow.

Mr Nxumalo argues that there are two boxes at the junction of Lower Road/Surrey Quays and that this has not been authorised by the Department of Transport. He argues that the edges of the box do not reach the kerb.

I find that the evidence shows that there are two box junctions on each side of the carriageway. There is a bus lane in the middle of the carriageway. I am satisfied that the box junction substantially complies with the requirements of diagram 1044 in the Traffic Signs Regulations and General

Directions 2002. There is no requirement that all four corners of the box meet the kerb provided that the box junction does substantially comply with the Regulations.

I find that the contravention occurred. I refuse this appeal. “

Review: An application for the review of the decision was rejected, the reviewing adjudicator having concluded that the appeal adjudicator was entitled to reach the decision on the basis of the evidence submitted.

Judicial Review: Permission to apply for the judicial review of the decision was refused, the learned Deputy High Court Judge finding the application to be totally without merit and noting that the claimant had failed to show any arguable ground for seeking permission. Costs of £540 for the preparation of the acknowledgment of service document were awarded to the London Borough of Southwark.

2. ***The Queen on the Application of Michael Hagos -v- (1) Transport for London and (2) The Adjudicator [CO/6093/2016] (Michael Hagos -v- Transport for London ETA 2160208466 (2016))***

The adjudicator found as follows:

“The CCTV evidence shows the vehicle stationary on a red route indicated by double red line for approximately 5 minutes. During that time other vehicles pass and there is no evidence of anything to obstruct its further progress. A vehicle may not stop on a red route, even briefly, unless some exemption applies. The Appellant, whom I have heard in person, states that he was finding his way and also that his vehicle has suffered a flat tyre. There is no exemption allowing a vehicle to stop for navigational purposes. The Appellant has produced no evidence of repair to, or replacement of a tyre, and the vehicle is seen to drive off in a normal manner. The Appellant has made no mention of a punctured tyre at any point hitherto. I do not find his evidence on this point to be credible. I am not satisfied that any

exemption applied. The vehicle was therefore in contravention and the PCN was lawfully issued.”

Review: The reviewing adjudicator found no error of law in the appeal decision and rejected the application.

Judicial Review: The learned Deputy High Court Judge found no arguable ground for a judicial review and refused the application. The claimant made an application for the renewal of permission to the Court in person, but that was also refused.

3. **The Queen on the Application of Robert Sackey -v- The Environment and Traffic Adjudicator and (1) Agatha Sackey (2) London Borough of Enfield [CO/1963/2016] (Agatha Sackey v London Borough of Enfield ETA 215038338A (2015))**

The adjudicator found as follows:

“The Enforcement Authority assert that the vehicle, not being of the specified class, was parked at a location restricted for use by vehicles of a specific class only; the Appellant denies liability for the ensuing Penalty Charge Notice on the basis of prevailing circumstances as detailed in her written representations and those of her witnesses: Mr R. Sackey and S. Si. The Road Traffic Act 1991 prescribes that the owner of a vehicle, not the driver for the time being, shall be liable for a Penalty Charge Notice issued in respect of it. The ‘owner’ is presumed to be the keeper as registered at the Driver and Vehicle Licensing Agency (DVLA)

Enquiries of DVLA established the Appellant as the registered keeper of the said vehicle, therefore the Appellant is the person liable.

The sections of the earlier Road Traffic Act, to which the Appellant makes reference, do not apply to the issue of Penalty Charge Notices, but rather to proceedings in respect of the commission of offences.

The Enforcement Authority who assert that the said vehicle was so parked contrary to, and during the operative period of, a restriction are obliged to

adduce evidence to the requisite standard to substantiate that assertion. The evidence upon which the Enforcement Authority rely to substantiate the assertion comprises the certified copy Penalty Charge Notice, and extracts of governing Traffic Management Order provisions, together with photographic evidence: CCTV footage and still frames taken there-from revealing the said vehicle in situ and the divisional lane carriageway markings.

It is incumbent upon a motorist to consult signage and comply with carriageway indications, and to be acquainted with the nature of such restrictions by reference to The Highway Code.

The Enforcement Authority also adduce images of the bus lane signage along the route of the road in question.

Photographic capture is adduced in contention demonstrating the bent nature of one such sign. I note that directly beside that sign is the bay time plate advising motorists as to the restrictions operative within the same, therefore the motorist cannot fail to miss the bus lane sign.

A recent Decision in the High Court endorsed the view that minor irregularities do not denigrate the viability of a restriction where the signs and lines suffice to indicate the nature and extent of a restriction.

I am satisfied that the combination of the signage along the route together with the carriageway markings are sufficient to communicate the nature of this restriction. Further the prudent motorist must adhere to bus lane indicators until such point as an 'end of bus lane' sign is observed.

The different bus lane sign, to which a camera enforcement advertisement has been newly added, is noted; the fact that such camera enforcement advertisement was not in the immediate vicinity previously does not detract from its viability; since the placement of such signs around the road network suffices to indicate that camera enforcement is an option available for use by the Enforcement Authority in respect of transgressions.

The general premise is that a vehicle shall be deemed to wait in a restricted area if any point in that street is below the vehicle or its load (if any) and the vehicle is stationary.

The brevity of duration, the fact that the driver remains in the vehicle, or that the engine continues to run is immaterial. The driver's representations, regarding the reason for so parking, have been noted, but amount to mitigating circumstances only and do not found the nominated (or any) ground of Appeal. The Court of Appeal Held in the case of Walmsley-v-Transport for London [2005] EWCA Civ 1540 that no Adjudicator is entitled to take mitigation into consideration in reaching a determination.

*Evidentially I am satisfied that this contravention occurred, accordingly I **refuse this Appeal.**"*

Review: The reviewing adjudicator found no ground for interfering in the original decision.

Judicial Review: The application for permission to apply for judicial review was refused and the claimant has referred the matter to Court of Appeal, seeking permission to appeal the decision to refuse permission to apply for judicial review. The matter is currently awaiting a judicial decision on the papers under case reference C1/2016/3463.

4. **The Queen on the Application of Sylvie Dudi -v- London Tribunals Environment and Traffic Adjudicators [CO/5601/2016] (Sylvie Dudi v London Borough of Croydon ETA 2150421831 (2015) and Sylvie Dudi v London Borough of Lambeth ETA 2150416285 (2015))**

In each case, the adjudicator found as follows:

"I am asked in this case to accept that a named 19 year old boy from PARIS 18 when visiting the appellant took the car keys and drove without permission.

The appellant evidence is vague about the keys and access and it is vague about insurance. It is disturbing as a 19 year Parisian driving a car without permission in London will very likely be committing the crime of driving without insurance. It seems to me that the sort of explanation the appellant has written is very easy to write whether true or not.

Had there been a timely report to the police complaining about the visitor driving the car and an investigation /prosecution the appellant case would be stronger in my eyes than it is.

I have not been persuaded the appellant explanation is correct. I have not seen sufficient evidence to accept the explanation.

As this is a civil penalty charge the identity of the driver is not relevant to liability except in the case of theft and similar circumstances.

I have recorded this appeal as refused.”

Review: The reviewing adjudicator found no merit in the application and rejected it.

Judicial Review: The learned Deputy High Court Judge refused the application for permission to seek a judicial review, having identified no arguable error of law and no sustainable legal ground for the application.

An oral renewal of the application was also refused.

4. TRAINING AND APPRAISAL

(a) Training

This year adjudicators held one training meeting in the Chancery Exchange meeting room on 27 March 2017. The following items were considered:

(i) Signs and lines: The Traffic Signs Regulations and General Directions 20016 came into force on 22nd April 2016. Provisions are made for existing signs to continue in accord with earlier regulations. The new regulations are notably less prescriptive than the 2002 Regulations.

(ii) Judicial review outcomes considered:

LB Camden v Humphreys and Parking Adjudicator (CA) (see page16 above).

R (on the application of Nottingham City Council) v Bus Lane Adjudicator

R (on the application of Baker) v Traffic Penalty Tribunal and Derby City Council

(iii) Surbiton Crescent Junctions with Anglesea Road and Surbiton Road - Failure to comply with the prohibition on certain types vehicle – adequacy of signage considered.

(iv) Review applications feedback:

Our practice remains that appellants who miss their personal appeal hearing due to mistake or ill-health may attend the hearing centre and apply for the review of the appeal decision in person. These cases are generally heard afresh by the adjudicators. Analysis of the

applications for review that are received after a contested hearing has taken place discloses a large number of cases where the application is made on the basis of a disagreement with the outcome of the appeal and the wish for a re-hearing on the same evidence, rather than an application supported by a proper ground for review under the regulations. A review is however not simply an opportunity for an appeal to be re-listed and heard again. Reviews will not proceed to a re-hearing just because a party disagrees with the adjudicator's decision (see the grounds for review under the regulations at page 19 above).

(b) Appraisal

Adjudicators completed appraisals in line with our appraisal programme, which is based on the scheme developed by the Judicial College that is in place for tribunal judiciary. Whilst the environment and traffic adjudicators are not part of the unified system established by the Tribunals Courts and Enforcement Act 2007, the adjudicators aim to match and maintain the high levels of tribunal and court judiciary.

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 tribunal procedures in particular 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.

5. THE ADJUDICATORS 2016-17

The Environment and Traffic Adjudicators

Jane Anderson	Michel Aslangul
Angela Black	Teresa Brennan
Michael Burke	Anthony Chan
Hugh Cooper	Mark Eldridge
Henry Michael Greenslade	John Hamilton
Caroline Hamilton	Neeti Haria

Andrew Harman	Edward Houghton
Monica Hillen	John Lane
Anju Kaler	Francis Lloyd
Michael Lawrence	Kevin Moore
Alastair McFarlane	Joanne Oxlade
Mamta Parekh	Belinda Pearce
Neena Rach	Christopher Rayner
Jennifer Shepherd	Caroline Sheppard
Sean Stanton-Dunne	Gerald Styles
Carl Teper	Timothy Thorne
Paul Wright	

This reporting year saw the retirement of adjudicator Anthony Edie, who remains at London Tribunals as a Road User Charging Adjudicator. Our adjudicator recruitment exercise will be completed in July 2017.

6. APPENDIX

Appeal themes

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

Although adjudicators are impartial and are not charged with providing legal advice to parties to an appeal, it is clear that the more information adjudicators are able to provide, the more likely it is that motorists will become better informed and less likely to believe misinformation or follow incorrect advice that remains in the public domain.

The list of common scenarios detailed in the appendix of last year's annual report are viewable through our website, together with "key cases" that provide further information that will assist in analysing and assessing appeal points.

The following are clarifications of common queries or scenarios raised.

1. What changes were actually made by The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015 and The Civil Enforcement of Parking Contraventions (England) General (Amendment No. 2) Regulations 2015?

(i) The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015 came into force on 6th April 2015 and provides that:

"No penalty charge is payable for the contravention where the vehicle has been left beyond the permitted parking period for a period not exceeding 10 minutes". The amendment only applies to vehicles that are parked in a designated parking place and the vehicle has been left beyond the permitted parking period. This does not mean

that you can park on a yellow line or in a parking space for ten minutes. It means that the enforcement authority is not entitled to issue a ticket until 10 minutes has elapsed from the period of paid for time (i.e. ten minutes after the expiry of your pay and display ticket) or ten minutes after a period of free parking has elapsed. The rules do not provide a blanket ten minute period of grace wherever you have parked as has been widely erroneously reported. (See case: Chaudry v Royal Borough of Kensington & Chelsea ETA 2160157321).

(ii)The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 were amended by The Civil Enforcement of Parking Contraventions (England) General (Amendment No. 2) Regulations 2015

The Civil Enforcement of Parking Contraventions (England) Regulations 2007 allow for a notice of penalty charge, in respect of a parking contravention, to be sent through the post on the basis of CCTV evidence alone. These Regulations curtail the use of CCTV by amending the Civil Enforcement of Parking Contraventions (England) Regulations 2007 to require that a notice of a penalty charge in respect of a parking contravention on a road in a civil enforcement area must generally be given by a civil enforcement officer affixing it to the vehicle. This is subject to certain exceptions namely, in bus lanes, at bus stops or stands, on school entrance markings and on red routes. At these locations, penalty charge notices may still be served by post. The rules do not provide a blanket prohibition on CCTV enforcement as is widely believed.

2. “The officer got the colour of my car wrong this makes the ticket void and unenforceable.”

The colour of the vehicle recorded by an officer sometimes differs to that shown in the vehicle’s log book. Commonly this occurs when officers are noting the colour of a metallic vehicle, or a shade of blue or green. Appellants often believe that if the colour is recorded incorrectly by the enforcement authority the appeal falls to be decided in their favour. This is

not the case. The colour of a vehicle is not a piece of evidence that is required to be included in the details of a penalty charge notice under the regulations. Whilst the colour may be relevant if the motorist is disputing that the vehicle observed was his vehicle (i.e. a cloned vehicle or a mistake in recording the vehicle registration mark) the colour is usually irrelevant.

3. “Writing to the council (enforcement authority) freezes the penalty at the reduced rate.”

Enforcement authorities are only obliged to accept a reduced penalty amount (a payment of 50% of the penalty amount) when the payment is received by them within the discount period. This is stated on the face of the penalty charge notice itself. Writing to the enforcement authority or lodging an appeal, however promptly does not freeze the discount. The full penalty amount applies, although some enforcement authorities will offer the motorist an extended discount period when representations have been rejected. When an appeal is subsequently lodged and refused by the adjudicator, the appellant has 28 days to pay the penalty at the full rate. The penalty will not increase during the appeal process but it is the full charge that is frozen, not the reduced, discount amount.

4. “My parking space was taken by visitor/access to my own garage was blocked.”

When motorists cannot access their usual, preferred or expected parking spot that does not entitle them to park elsewhere without complying with the applicable restrictions. This is the case even if the vehicle blocking their access or taking the space has done so unlawfully.

5. “I was in a hurry as I had to get to an urgent business appointment so I drove in the bus lane.”

Driving in a bus lane because you are in a hurry or running late for an appointment is not permitted and is not a ground of appeal.

- 6. “It is my car but I was not driving, and the driver told me that they would deal with the ticket, it is nothing to do with me.”**

The responsibility for settling a penalty rests with the owner/registered keeper of the vehicle not the driver. Even if the driver has assured you that they will liaise with the enforcement authority, the right of appeal is yours alone, as enforcement will be against you.

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

London Councils' Transport and Environment Committee

TEC Constitutional Matters

Item
No: 16

Report by: Christiane Jenkins **Job title:** Director, Corporate Governance
Date: 12 October 2017
Contact Officer: David Dent
Telephone: 020 7934 9753 **Email:** david.dent@londoncouncils.gov.uk

Summary: This report summarises the key changes to constitutional documents agreed by Leaders' Committee AGM on 11th July 2017. Changes are being recommended to the following documents:

- Amendments to London Councils Standing Orders
- Amendments to London Councils Scheme of Delegation to Officers
- Terms of Reference for Sub-Committees
- Amendments to Financial Regulations

Recommendation: The Committee is recommended to:

- Note the changes to London Councils constitutional documents.

Constitutional changes

1. London Councils Leaders' Committee AGM of 11th July 2017 agreed changes to four constitutional documents, namely London Councils Standing Orders, Scheme of Delegation to Officers, Terms of Reference for Sub Committees and Financial Regulations.
2. Three of the four reports contain changes which apply to the Transport and Environment Committee and are therefore reported to TEC for information.
3. The changes made are summarised below:
 - Amendments to Standing Orders regarding meetings, quoracy, and the urgency process to reflect changes to London Councils staffing structure;

- Small changes to the Scheme of Delegation to Officers covering the absence of the Chief Executive, and other similar changes to reflect the current structure of London Councils corporate management officer team and senior officer structure;
- minor changes to the Financial Regulations covering Financial Thresholds for contract opportunities, the process regarding externally funded projects and tender procedures and the provision for a greater number of officers to have authority to execute or sign off on orders, tenders and contracts;
- The Terms of Reference for Sub-Committees report has not been reported to TEC, as it does not apply.

Recommendation:

1. Note the changes to London Councils constitutional documents

Legal Implications for London Councils

2. It is necessary that changes to London Councils governance documents are properly made in a manner which is consistent with the joint committees' Governing Agreements. Consequently Leaders' Committee has approved the changes noted in this report.

Equalities Implications for London Councils

- 3 There are no specific equalities implications for London Councils.

Financial Implications for London Councils

4. There are no specific financial implications to London Councils
5. Appendices:

Appendix 1 - Leaders Committee AGM Report item 16A – Constitutional Matters – Amendments to London Councils Standing Orders

Appendix 2 - Leaders Committee AGM Report item 16B – Constitutional Matters – Approval of, and Amendment to London Councils Scheme of Delegation to Officers

Appendix 3 - Leaders Committee AGM Report item 16D – Constitutional Matters – Minor Variations to Financial Regulations

Background documents: London Councils Standing Orders

London Councils STANDING ORDERS¹

INTRODUCTION

These are the Standing Orders and rules of debate and procedure for the conduct of meetings of the London Councils joint committees. The Standing Orders apply to the London Councils' Leaders' Committee and, wherever appropriate, to the associated joint committees (the Grants Committee and London Councils Transport and Environment Committee), any sectoral joint committees, and any sub-committees (sometimes referred to as 'Panels') and forums of London Councils; and any reference to 'London Councils' is a collective reference to all of them. The Standing Orders have been drawn up having regard to Government best practice, guidance and statutory requirements.

In the event of any conflict between the provisions of the Standing Orders and the provisions of the Leaders' Committee Governing Agreement (which includes the London Grants Scheme) or the London Councils Transport and Environment Committee (LCTEC) Governing Agreement, the relevant provision of the Leaders' Committee Governing Agreement or the LCTEC Governing Agreement shall prevail.

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¹ Also known as Schedule 6 of London Councils Agreement, 2001

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1. MEETINGS

Generally

- 1.1 Leaders' Committee, its associated joint committees (the Grants Committee and the Transport and Environment Committee (TEC)) and any sectoral joint committees shall each hold a minimum of 2 meetings² each year, one of which shall be an annual general meeting.
- 1.2 Subject to 1.1 above, meetings of London Councils shall be called, and the procedure to be adopted at such meetings shall be determined in accordance with the provisions of these Standing Orders.
- 1.3 Any member London Local Authority may give written notice of an item to be placed on the Agenda for any meeting. All notices of items for agendas and reports for circulation with agenda must be received by the Chief Executive not less than ten working days prior to the meeting to which the agenda relates.
- 1.4 Each London Local Authority subscribing to Leaders' Committee, its associated joint committees, and any sectoral joint committee, shall be entitled to receive from the Chief Executive sufficient copies of the Agenda, papers and minutes of the proceedings of the meetings of the joint committees and any Forums and sub-committees thereof.
- 1.5 Deputations shall be entitled, upon prior notification being given to the Chief Executive and at the discretion of the Chair, to attend and address the meeting for not more than ten minutes and to answer questions from members for a further ten minutes.

Calling Meetings

- 1.6 Meetings may be called by:
 - (i) Leaders' Committee, or the associated joint committee or sectoral joint committee by resolution;
 - (ii) the Chair of the relevant joint committee;
 - (iii) a requisition signed by not less than one third of the representatives, delivered to the Chief Executive at least ten working days before the date mentioned in the requisition.

² [Any reference to meetings relates to ~~in~~ formal, decision making meetings rather than 'for information' meetings](#)

Business

- 1.7 The Summons to any such meeting shall set out the business to be transacted thereat, and no business other than that set out in the summons shall be considered at the meeting unless by reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

Annual Meetings of Leaders' Committee and associated joint committees and sectoral joint committees

Timing and Business

- 1.8 Leaders' Committee, each associated joint committee and each sectoral joint committee shall hold an Annual General Meeting (AGM) before the end of July of each year.

The relevant joint committee will at its AGM:

- (i) appoint a Chair and up to three Vice Chairs;
- (ii) approve the minutes of the last meeting of that joint committee;
- (iii) receive the minutes of the last Annual General Meeting;
- (iv) receive any announcements from the Chair and/or Head of Paid Service;
- (v) appoint such sub committees and forums as considered appropriate to deal with matters which are not otherwise reserved to London Councils, LCTEC, Grants Committee or any sectoral joint committee;
- (vi) decide the size and terms of reference for those sub committees and forums;
- (vii) decide the allocation of seats [and substitutes] to political groups² in accordance with the political balance rules, unless the terms of reference (or constitution) of a sub-committee or forum makes specific provision for the make up of its membership;

² Whilst not specifically bound by the legislation that governs this issue in borough councils, London Councils has operated on a similar basis to boroughs in recognising a party group as being one with two or more members which declare themselves as a group with a Leader. In the context of London Councils, members are the members of Leaders' Committee. No other metric - for example the overall proportion of London councillors – is used in determining proportionality among the groups. Current practice is that party groups are able to offer seats to other elected representatives but are under no obligation to do so.

- (viii) approve a programme of ordinary meetings for the joint committee, sub committee or forum for the year;
- (ix) consider any business set out in the notice convening the meeting.

1.9 London Councils Leaders' Committee will also:

- (i) appoint a Deputy Chair;
- (ii) agree the scheme of delegation to officers;
- (iii) receive nominations of Councillors appointed to Committees by the participating London Local Authorities.

1.10 Transport and Environment Committee will also:

- (i) receive a report recommending nominations to outside bodies.

1.11 Grants Committee will also:

- (i) approve any delegations to sub-committees or Officers in relation to the management of the London Grants Scheme.

Ordinary meetings

1.12 Ordinary meetings of Leaders' Committee, the associated joint committees, and any sectoral joint committee, will take place in accordance with a programme decided at the relevant AGM. Ordinary meetings will:

- (i) elect a person to preside if the Chair, Deputy Chair, or Vice Chairs are not present;
- (ii) approve as a correct record and sign the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Chair or the Chief Executive;
- (v) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting and the submission of which have complied with Standing Order 8;

- (vi) deal with any business from the last meeting;
 - (vii) receive and consider reports/presentations from the London Councils sub-committees, forums and associated joint committees and receive questions and answers on any of those reports;
 - (viii) receive nominations and make appointments to fill vacancies arising in respect of any sub-committee, forum or outside body for which the joint committee is responsible;
 - (ix) receive and consider minutes of meetings, any sub committees and forums which have taken place since the joint committee last met.
 - (x) consider motions; and
 - (xi) consider any other business specified in the summons to the meeting.
- 1.13 The order of business of any associated committee shall be as shall be determined by the joint committee.
- 1.14 The Chair may at his/her discretion alter the order in which business is taken.
- 1.15 Leaders' Committee will also receive and consider minutes of meetings, of associated joint committees, any sectoral joint committee, and their sub committees as necessary and relevant to the operation and governance of London Councils.

2. MEMBERSHIP

- 2.1 Each London Local Authority, that is the 32 London boroughs and the Common Council of the City of London, shall appoint its Leader as its representative to London Councils Leaders' Committee.
- 2.2 Each London Local Authority, that is the 32 London boroughs and the Common Council of the City of London, shall make an appropriate appointment to London Councils Transport and Environment Committee.
- 2.3 Each London Local Authority, that is the 32 London boroughs and the Common Council of the City of London, shall make an appropriate nomination to London Councils Grants Committee. Any nominations to Grants Committee must be a Cabinet Member or have appropriate delegated authority from their council.

- 2.4 Each London Local Authority that subscribes to a sectoral joint committee shall make an appropriate nomination to that sectoral joint committee, ensuring that nominees have the appropriate delegated authority.
- 2.5 The Chairs of each of the associated joint committees, any sectoral joint committee, any Forums or any sub-committees of Leaders' Committee shall also be entitled to sit ex officio (but not to vote in such capacity) on Leaders' Committee.
- 2.6 Any Lead Member appointed in respect of any issue by any of the London Councils joint committees shall be entitled to sit ex officio (but not to vote in such capacity) on Leaders' Committee.
- 2.7 London Councils may admit to membership such representatives of such other bodies as it considers appropriate or is required as the result of any legislation to admit from time to time on such terms as shall be agreed with such other bodies. Such representatives shall be entitled to sit ex officio but not to vote in such capacity.
- 2.8 The Chief Executive of each of the London Local Authorities or his/her nominated representative shall be entitled to attend as an observer but not to speak or vote at any meeting.

Deputy Representatives

- 2.9 If the appointed representative of a London Local Authority is unable to be present at a meeting of Leaders' Committee, an associated joint committee or sectoral joint committees, that member authority may be represented by a deputy who shall be duly appointed for the purpose. A deputy attending a meeting shall declare him/herself as such but shall otherwise be entitled to speak and vote as if he/she were a member of that London Councils committee.

Elected Officers

- 2.10 The following shall be the Elected Officers of Leaders' Committee:
- (i) Chair
 - (ii) Deputy Chair
 - (iii) Vice Chairs
- 2.11 The following shall be the Elected Officers of the Transport and Environment Committee:

- (i) Chair
- (ii) Vice Chairs

2.12 The following shall be the Elected Officers of the Grants Committee:

- (i) Chair
- (ii) Vice Chairs

2.13 The following shall be the Elected Officers of any sectoral joint committee:

- (i) Chair
- (ii) Vice Chairs

2.14 The following shall be the Elected Officers of any sub-committee appointed by Leaders' Committee, associated joint committees or sectoral joint committees:

- (i) Chair
- (ii) Vice Chair/Deputy/s

2.15 The overall balance of which shall be such as to ensure proportional representation of party political groupings on London Councils.

2.16 In a year in which there are council elections, the elected officers of London Councils and all its member bodies shall cease to hold office on the day of the council elections and shall cease to be remunerated save that Leaders' Committee may, by agreement, decide to remunerate members for activity in pursuance of the discharge of the business of London Councils under SO 19.2. Notwithstanding, the outgoing Chair shall be able to preside at the subsequent AGM until a new Chair is elected.

3 TIME AND PLACE OF MEETINGS

3.1 The date, time and place of meetings will be determined by the Chief Executive and notified in the summons.

4 NOTICE OF AND SUMMONS TO MEETINGS

4.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules

4.2 The Chief Executive shall, not less than five clear working days before the intended meetings of Leaders' Committee and any associated joint committee or sectoral joint committee,

circulate a notice thereof to each representative and deputy representative and the Town Clerk/Chief Executive or the nominated officer of every London Local Authority subscribing to Leaders' Committee, the associated committees or sectoral joint committee. The notice will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available. Where the recipient has given consent for the summons to attend the meeting to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), the summons may be sent in electronic form to that address.

- 4.3 Provided that the failure of any such notice to be delivered shall not affect the validity of the meeting or of the business transacted thereat. Provided also that at times it may be necessary to circulate reports in a second despatch or to circulate them at the meeting.

5 CHAIR OF MEETING

- 5.1 At every meeting the Chair if present shall preside. If the Chair is absent the Deputy Chair if present, shall preside. If both the Chair and the Deputy Chair are absent a Vice Chair if present, shall preside. If neither the Chair, Deputy Chair or a Vice Chair is present the meeting shall elect a chair from one of its members.
- 5.2 For the purposes of these Standing Orders references to the Chair, in the context of the conduct of business at meetings, shall mean the person presiding under this Standing Order.
- 5.3 The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to sub-committee or forum meetings, references to the Chair also include the chair of sub-committees or forums.

6 QUORUM

- 6.1 The quorum shall be one third of, or the number nearest to one third, but not less than three Members (except for the quorum for Audit Committee, which because of both its size and the nature of its business is a special case and therefore is only two) entitled to be present at Leaders' Committee, and any associated joint committees, sectoral joint committees or sub committees of London Councils.
- 6.2 If within half an hour of the time appointed for the meeting to commence, a quorum is not present, the meeting shall be dissolved.

6.3 Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

6.4 If, during the meeting, the person presiding, after causing the number of members present to be counted, declares that there is not a quorum present, the meeting shall stand adjourned for fifteen minutes. If, after fifteen minutes there is still no quorum present, the meeting shall be brought to an end and all business not completed before the meeting has been brought to an end shall be postponed to the next meeting, whether ordinary or extraordinary.

6.46.5 If during the meeting any member absents themselves permanently making the meeting inquorate, the meeting will stand adjourned.

7 DURATION OF MEETING

7.1 Subject to Standing Order 27 (suspension of Standing Orders) if, after two and a half hours after the time appointed for the start of the meeting, the business on the agenda has not been completed, subject to a contrary resolution the meeting of London Councils or any associated committee or sectoral joint committee shall automatically adjourn and any debate then proceeding shall be suspended and all business unfinished shall stand adjourned to the next meeting.

8 DEPUTATIONS

8.1 Deputations shall be entitled, upon prior notification being given to the Chief Executive and at the discretion of the Chair, to attend and address meetings of London Councils for not more than ten minutes and to answer questions from members of London Councils for a further ten minutes.

9 MOTIONS ON NOTICE

Notice

9.1 Except for motions which can be moved without notice under Standing Order 10 or consideration of any matters of urgency brought forward by leave of the Chair, written notice of every motion, signed by at least 5 members, must be delivered to the Chief Executive not later than 10 clear days before the date of the meeting and clear days are deemed to exclude the day of delivery, the day of the meeting and any Sunday. These will be open to public inspection.

Motions set out in agenda

- 9.2 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

Scope

- 9.3 Motions must be about matters for which London Councils has a responsibility.

10 MOTIONS WITHOUT NOTICE

- 10.1 The following motions may be moved without notice:

- (i) to appoint a chair of the meeting at which the motion is moved;
- (ii) in relation to the accuracy of the minutes;
- (iii) to change the order of business in the agenda;
- (iv) to refer something to an appropriate body or individual;
- (v) to appoint a sub committee or member arising from an item on the summons for the meeting;
- (vi) to receive reports or adoption of recommendations of committees or sub committees or officers and any resolutions following from them;
- (vii) to withdraw a motion;
- (viii) to amend a motion;
- (ix) to proceed to the next business;
- (x) that the question be now put;
- (xi) to adjourn a debate;

- (xii) to adjourn a meeting;
- (xiii) that the meeting continue beyond two and a half hours in duration;
- (xiv) to suspend a particular Standing Order;
- (xv) to exclude the public and press in accordance with the Access to Information Rules;
- (xvi) to not hear further a member named under Standing Order 17.1 or to exclude them from the meeting under Standing Order 17.2; and
- (xvii) to give the consent of London Councils where its consent is required by this Agreement.

11 RULES OF DEBATE

Speakers to Address the Chair

- 11.1 All speakers shall address the Chair. All members shall preserve order whilst the speaker is speaking. A speaker shall give way if the Chair rises.

No discussion until motion seconded

- 11.2 A motion or amendment shall not be discussed until it has been proposed and seconded.

Right to require motion in writing

- 11.3 Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him/her before it is discussed.

Mover and seconder's speech

- 11.4 The mover and seconder of a motion shall be deemed to have spoken thereon. When seconding a motion or amendment, a member may reserve their speech until later in the debate.

Content and length of speeches

- 11.5 Speeches must be directed to the question under discussion or to a personal explanation or point of order. The mover of a motion shall be allowed 5 minutes and the seconder and succeeding speakers 3 minutes each. The time limit for speakers may be extended by an affirmative vote of the members.

When a member may speak again

- 11.6 A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- (i) to speak once on an amendment moved by another member;
 - (ii) to move a further amendment if the motion has been amended since he/she last spoke;
 - (iii) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
 - (iv) by the mover of an original motion in exercise of a right of reply, and this shall close the discussion.

Amendments to motions

- 11.7 An amendment to a motion must be relevant to the motion and will either be:
- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words;

as long as the effect of (ii) to (iv) is not to negate the motion.

- 11.8 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

- 11.9 If an amendment is not carried, other amendments to the original motion may be moved.
- 11.10 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 11.11 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

Alteration of motion

- 11.12 A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 11.13 A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 11.14 Only alterations which could be made as an amendment may be made.

Withdrawal of motion

- 11.15 A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

Right of reply

- 11.16 The mover of any original motion, but not of any amendment, may reply to the discussion for a period of not more than 3 minutes without introducing new material and this shall close the discussion.
- 11.17 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- 11.18 The mover of the amendment has no right of reply to the debate on his or her amendment.

Motions which may be moved during debate

11.19 When a motion is under debate, no other motion may be moved except the following procedural motions:

- (i) to withdraw a motion;
- (ii) to amend a motion;
- (iii) to proceed to the next business;
- (iv) that the question be now put;
- (v) to adjourn a debate;
- (vi) to adjourn a meeting;
- (vii) that the meeting continue beyond two and a half hours in duration;
- (viii) to exclude the public and press in accordance with the Access to Information Rules; and
- (ix) to not hear further a member named under Standing Order 17.1 or to exclude them from the meeting under Standing Order 17.2.

Closure motions

11.20 A member may move, without comment, the following motions at the end of a speech of another member:

- (i) to proceed to the next business;
- (ii) that the question be now put;
- (iii) to adjourn a debate; or
- (iv) to adjourn a meeting.

- 11.21 If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- 11.22 If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- 11.23 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

Point of order

- 11.24 A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Standing Orders or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final.
- 11.25 A speaker may give way to a point of information, and must give way to a point of order if it is accepted by the Chair.

Personal explanation

- 11.26 A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

Ruling of Chair

- 11.27 The Chair shall decide all questions of order and his/her ruling upon such questions or upon matters arising in debate shall be final and shall not be open to discussion.

12 PREVIOUS DECISIONS AND MOTIONS

Motion to rescind a previous decision

- 12.1 A motion or amendment to rescind a decision made at a meeting of London Councils within the past six months cannot be moved unless the notice of motion is signed by at least 5 members.

Motion similar to one previously rejected

- 12.2 A motion or amendment in similar terms to one that has been rejected at a meeting in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 5 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

13 VOTING

- 13.1 One representative from each London Local Authority subscribing to Leaders' Committee and its associated joint committees or sectoral joint committees shall be entitled to vote on behalf of his/her authority in each meeting of Leaders' Committee, either associated joint committee or sectoral joint committees.
- 13.2 Subject to Clause 11.1, 12.1 of the Leaders' Committee Governing Agreement and Standing Order 21.1, and any provisions of this Agreement or the LCTEC Governing Agreement requiring unanimity, questions arising at any meeting of London Councils shall be determined by a show of hands and shall be decided by a simple majority of votes.
- 13.3 At Transport and Environment Committee representatives from Transport for London or any London local authority, shall only be entitled to speak or vote or receive papers in respect of functions which they have delegated to the Transport and Environment Committee and shall not be counted as part of the quorum except in respect of those functions.

Equality of votes

- 13.4 In the case of an equality of votes at the annual meeting and on motions to suspend or amend the Standing Orders under Standing Order 27 at ordinary meetings, each of the party Group Leaders shall have second or casting votes.
- 13.5 Subject to 13.4 above, in the case of an equality of votes at ordinary meetings of London Councils, the Chair shall have a second or casting vote to be exercised in accordance with

13.6 below.

13.6 Where the Chair exercises a casting vote under Standing Order 13.5 above it will be used only for one or more of the following purposes:

- (i) to permit further discussion of an issue;
- (ii) to maintain the status quo;
- (iii) to ensure that London Councils meets any legal obligations or any requirements of the London Councils Agreement or London Councils' Standing Orders.

13.7 On the requisition of any representative made before any vote is taken on a motion or an amendment, and supported by five representatives, the voting shall be recorded so as to show how each representative present and voting voted. The name of any representative present and not voting shall also be recorded.

13.8 Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Voting on appointments to London Councils Committees

13.9 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

14 MINUTES

Agreeing the minutes

14.1 The Chair will move that the minutes of the previous meeting be agreed as a correct record.

14.2 Where in relation to any meeting, the next meeting for the purpose of agreeing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to agreeing of minutes.

Form of minutes

- 14.3 Minutes will contain all motions and amendments in the exact form and order the Chair put them.

15 RECORD OF ATTENDANCE

- 15.1 At every meeting, the Clerk to the Meeting will record the attendance of each representative of a member authority and all other representatives present in accordance with Standing Order 2 (Membership).

16 EXCLUSION OF PUBLIC

- 16.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules or Standing Order 18.

17 MEMBERS' CONDUCT

Member not to be heard further

- 17.1 If a member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

Member to leave the meeting

- 17.2 If the member continues to behave improperly after such a motion is carried, the Chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

General disturbance

- 17.3 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

18 DISTURBANCE BY PUBLIC

Removal of member of the public

- 18.1 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

Adjournment

- 18.2 In the event of a general disturbance which, in the opinion of the Chair renders the due and orderly dispatch of business impossible, the Chair, in addition to any other power vested in the Chair, may without question adjourn the meeting for such period as in the Chair's discretion shall be considered expedient.

19 URGENCY

- 19.1 If at any time the Chief Executive of London Councils considers that any matter is urgent and should be decided on prior to the next meeting of London Councils, then he/she shall consult the Elected Officers of London Councils. If at least two of the Elected Officers, of whom one will be the Chair~~man~~, if available, and the other will be from another political party or no party, agree that the matter is urgent and agree on the Chief Executive's recommendation, then the decision shall be taken by the Chief Executive in accordance with such recommendation, subject to the decision being recorded in writing and signed by the Elected Officers agreeing the recommendation and the Chief Executive.
- 19.2 In the event the provisions of Standing Order 19.1 are inoperable following local government elections and there is a need for urgent action, the Chief Executive is authorised to take executive action having consulted as appropriate, such action to be reported to the next meeting of London Councils.
- 19.3 The Elected Officers of London Councils and the Chief Executive may nominate persons to act in their absence for the purposes of this Standing Order.
- 19.4 A copy of the record of a decision taken under this Standing Order shall be kept at the office of the Chief Executive.
- 19.5 All decisions taken under this Standing Order shall be reported to the next meeting of London Councils.
- 19.6 The urgency procedure to be followed by Transport and Environment Committee is as in 19.1-19.5 above, with the substitution of "Director, Transport & Mobility" for "Chief Executive" and referring to the Elected Officers of the Transport and Environment Committee.

- 19.7 The urgency procedure to be followed by the Grants Committee is as in 19.1-19.5 above, with the substitution of “Corporate the Planning and Strategy Director” for “Chief Executive” and referring to the Elected Officers of the Grants Committee.
- 19.8 The urgency procedure for any sectoral joint committees is as in 19.1-19.5 above, referring to the Elected officers of the appropriate sectoral joint committee and a senior Officer designated by the committee.
- 19.9 The urgency procedure to be followed by any sub-committee appointed by Leaders’ Committee, associated joint committees or sectoral joint committees is as in 19.1 – 19.5 above, referring to the Elected Officers of that sub-committee and a the Corporate Strategy the Director or senior officer, designated by that sub-committee.

20 DECLARATIONS OF INTEREST

- 20.1 If a member is you are present at a meeting of London Councils Leaders' Committee or any of its associated joint committees or any sub-committees or any sectoral joint committee and you haves a disclosable pecuniary interest as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (“the Regulations”) and set out in paragraph 20.5 below relating to any business that is or will be considered at the meeting, you that member must not:
- (i) participate in any discussion of the business at the meeting, or if you on become inge aware of your the disclosable pecuniary interest during the meeting, participate further in any discussion of the business; or
 - (ii) participate in any vote or further vote taken on the matter at the meeting.
- 20.2 These prohibitions apply to any form of participation, including speaking as a member of the public.
- 20.3 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.
- 20.4 In certain circumstances, London Councils may under s.33 of the Localism Act 2011 grant a dispensation to permit a member to take part in the business notwithstanding that the

member has a disclosable pecuniary interest relating to that business. These circumstances are where the London Councils considers that:

- (i) without the dispensation so great a proportion of London Councils members would be prohibited from participating in that business as to impede London Councils transaction of that business;
- (ii) without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote;
- (iii) the granting of the dispensation is in the interests of people living in the London Councils' area;³
- (iv) without the dispensation each member of the London Councils Executive would be prohibited from participating in the business; or
- (v) it is otherwise appropriate to grant a dispensation.

20.5 If a member wishes to apply for a dispensation, they must make a written application to be received not less than three working days before the meeting setting out the grounds for the application to the officer responsible for processing such requests.⁴

20.6 A member ~~You~~ must declare any private interests, both pecuniary and non-pecuniary, including ~~your~~ membership of any Trade Union that relate to ~~your~~any public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests.

21 ANNUAL SUBSCRIPTIONS

21.1 London Councils Leaders' Committee shall by a majority of at least two-thirds of those representatives present at the meeting and entitled to a vote in respect of each of those functions, approve by no later than 31st January in each year the subscriptions or contributions payable by the London Local Authorities for each of the groups of functions set out in Schedule 2. If London Councils fails to agree by such date the subscriptions or contributions for the ensuing financial year, then that subscription or contribution shall be at the same amount as the subscription for the current financial year. The annual budget (including any contingency sum) in respect of any function shall not be exceeded without the prior approval of a two-thirds majority of the representatives of those London Local

³ The London Councils area is that area covered by the London boroughs and the City of London

⁴ That person designated by the scheme of delegation, currently (June 2016) the Chief Executive

Authorities who are present at the meeting to which the proposal to exceed the budget is under consideration and authorised to vote.

- 21.2 Contributions to the London Grants Scheme, at schedule 5 of the Leaders' Committee Governing Agreement (as substituted by the variation to that Agreement dated 1 February 2004).
- 21.3 Contributions to London Councils Transport and Environment Committee are as set out in the LCTEC Governing Agreement dated 13 December 2001 (as amended).
- 21.4 Any sectoral joint committee shall approve the subscriptions payable by each London Local Authority subscribing thereto in such a manner as shall be determined by such sectoral joint committee as set out in the London Councils Governing Agreement.

22 DELEGATIONS OF FUNCTIONS

- 22.1 London Councils, its associated joint committees, sectoral joint committees, or sub-committee thereof and any Forum of London Councils may delegate to officers such of their functions as are permissible under statute and may, in relation to any of those functions, require that the exercise of those functions be subject to such conditions as London Councils deems fit to impose, including, where appropriate, prior consultation with the Leading Member on London Councils of each political party or group before taking such action.

23 SUPPLY OF INFORMATION TO MEMBERS

- 23.1 Members of London Councils, its associated joint committees, sectoral joint committees or sub-committee thereof and any Forums of London Councils, shall be entitled to receive from officers such information as they may require in order to enable them to carry out their duties as members of such committee or sub-committee.
- 23.2 In addition, the leading members on London Councils of each political party or group shall be entitled to receive briefings and briefing papers from officers on the same basis as the Chair.

24 MEETINGS WITH OUTSIDE BODIES

- 24.1 A representative of each political party or group shall be entitled to be notified of and to attend any meeting with an outside body at which a Member of London Councils is present

and which has been arranged on behalf of London Councils. (This Standing Order shall not apply to those meetings convened by political advisers.)

25 FORUMS OF LONDON COUNCILS

- 25.1 London Councils shall establish Forums to discharge the functions set out in Schedule 2 and such further forums and consultative groups as it considers appropriate.
- 25.2 All or any of the London Local Authorities wishing to delegate a function to London Councils or any sectoral joint committee may request London Councils' consent to the delegation of such function in accordance with the terms of this Agreement, such consent not to be unreasonably withheld or delayed.
- 25.3 The terms of reference of any consultative group of London Councils shall be subject to the approval of London Councils.
- 25.4 The Chair and Deputy Chair of London Councils shall be ex-officio members of every and any Forum but shall not be entitled to speak or vote at such meetings in that capacity.

26 ACCESS TO MEETINGS AND DOCUMENTS

- 26.1 Admission of members of the public to meetings of London Councils, any associated committee, sectoral joint committee any sub- committee thereof and any Forum and access to documents thereof shall be in accordance with the Access to Information legislation in force from time to time.
- 26.2 Applications to film or record meetings of London Councils are requested 48 hours before the meeting. Filming will be permitted in accordance with The Openness of Local Government Bodies Regulations 2014 and any relevant guidance issued by the government at the relevant time.

27 SUSPENSION AND AMENDMENT OF STANDING ORDERS

Suspension

- 27.1 Any of these Standing Orders except Standing Orders 13.7, 14.2 and 27.2 may be suspended at any meeting, in respect of any business on the agenda for such meeting, provided that the majority of the representatives of authorities in membership of London

Councils or its associated who are present and entitled to vote so decide PROVIDED THAT any suspension hereunder complies with any legislation in force from time to time.

Variation and Revocation

- 27.2 Any addition to, or variation or revocation of these Standing Orders shall be by majority vote of those present and entitled to vote at any meeting of London Councils or its associated committees. Any motion to vary or revoke these Standing Orders shall require confirmation at the next ordinary meeting of London Councils or associated committee as the case may be before the proposed variation or revocation shall have effect PROVIDED THAT any addition, variation or revocation hereunder complies with any legislation in force from time to time.

Scheme of delegations to officers

~~June 2016~~ July 2017

Scheme of Delegations to Officers

INTRODUCTION

London Councils¹ may, and only in a manner consistent with the London Councils Governing Agreements²:

- (i) delegate to officers of London Councils those of its functions as are permitted by statute to be delegated; and
- (ii) in relation to any of those functions, require that the exercise of those functions be subject to such conditions as London Councils deems fit to impose, including, where appropriate, prior consultation with the leading member on London Councils of each political party or group before taking such action.³

London Councils must formally resolve to delegate the exercise of one or more of their functions to officers by either:

- (i) a decision taken at a meeting of London Councils, i.e. on a case-by-case basis;
- (ii) agreeing a general scheme of delegations to officers.

This document is the general scheme of delegations to London Councils officers. It is not the intention of this document to reproduce details of functions which have been delegated to officers under the London Councils Governing Agreements⁴. This document will, however, be kept under annual review and any additional general delegations to officers which may be made by London Councils throughout the year, will be considered for inclusion in this scheme as part of that review.

As a general rule, the functions delegated to the London Councils joint committees and their sub committees reflect the purpose of the organisation in best representing the interests of the 32 London Boroughs and the City of London. Decisions about policy directions, lobbying and scope of services remain reserved to Member Committees unless specifically delegated on an issue by issue basis. The authority to manage the administrative aspects of the organisation's work has been delegated to officers within the conditions specified below to enable the effective and efficient running of the organisation.

¹ The reference to London Councils in this Scheme of Delegations to Officers encompasses any joint committee of elected Members (including Leaders' Committee, the London Councils Transport and Environment Committee, Grants Committee and the London Pensions CIV Sectoral Joint Committee, and any of their sub-committees authorised to take decisions).

² The London Councils (Leaders' Committee) Governing Agreement, dated 13 December 2001 (as amended); and the London Councils Transport and Environment Committee Governing Agreement, dated 13 December 2001 (as amended).

³ Paragraph 22 of Schedule 6 (Standing Orders) of the London Councils (Leaders' Committee) Governing Agreement, dated 13 December 2001 (as amended); .

⁴ Op cit, footnote 3.

Section 1 - General Conditions Of Delegations To Officers

Day-to-Day Management

1. The Chief Executive and the Directors of any corporate service (and their nominated deputies) shall, in accordance with this Scheme of Delegations, have authority delegated to them for carrying out the day-to-day management of the London Councils services for which they are responsible. (Day-to-day management should include those items which have been recognised as such by past practice or by specific decision/resolution of a committee, or where the Chief Executive, in consultation with the relevant Director, agrees is ancillary to or analogous with matters accepted as being within the scope of day-to-day business exercisable by officers of London Councils). This includes authority to:
 - (a) appoint and manage staff in accordance with agreed policies and procedures, having regard to Section 2. below;
 - (b) place orders and enter into contracts for the supply of goods and services in line with the Financial Regulations and to authorise or incur any other expenditure for which provision has been made in the appropriate budget subject to limits set out in the Financial Regulations and subject to these not being in conflict with existing contracts.

Limitations

2. Any exercise of delegated powers by officers shall comply with London Councils current Financial Regulations⁵ and Standing Orders. The Financial Regulations will not form part of this scheme but must be read alongside it.
3. The Chief Executive will have the authority to extend an existing policy or procedure only if it relates to the internal administration of the organisation and when exercised subject to the conditions below.
4. The Chief Executive, the Finance Officer (Director of Corporate Resources), and any other person authorised under the Financial Regulations, will have the authority to negotiate and agree minor variations to contracts, to write off debts and to undertake all other actions authorised under the Financial Regulations
5. With the exception of policies referred to in paragraph 3, any exercise of delegated powers shall not involve a new policy or extend an existing policy of the organisation unless the Chief Executive is acting under the urgency procedures as contained in the current Standing Orders⁶.
6. Any delegation to the Chief Executive or the Finance Officer may be exercised by any officer authorised by the Chief Executive or the Finance Officer (as the case may be) either generally or specifically for the purpose (except where restrictions exist in employment policies which have been agreed in accordance with Section 2 below).
7. The Chief Executive will nominate the a Corporate Director of corporate services Policy and Public Affairs to assume authority to exercise all powers delegated to him in his absence.
8. In the event of the Chief Executive being unexpectedly indisposed, authority will be granted to the Corporate Director, Policy and Public Affairs to take over as interim Chief Executive between January to June in any year and to the Corporate Director, Services between July and December, until such time as Elected Officers are able to determine what temporary or transitional arrangements will apply following such indisposition (or death).
9. The Chief Executive may exercise any delegated function in the absence of an officer to

⁵ Current Financial Regulations dated 2/6/15

⁶ Current Standing orders dated 7/6/16

whom that authority has been specifically delegated.

10. All delegations are without prejudice to the overriding rights and powers of a London Councils' joint committee or decision-making sub-committee to exercise those functions delegated to it. Any officer may refer a matter to a London Councils joint committee or decision-making sub-committee in lieu of exercising delegated powers.
11. Subject to the foregoing conditions, and to any special conditions which may have been or may in future be applied in respect of particular matters, the Chief Executive will be expected to make such decisions and to take such action as he/she deems necessary in the interests of the efficient running of the organisation and the services provided and administered.

Section 2 - Staffing Delegations

12. The Chief Executive has been granted delegated authority, in consultation with the Corporate Management Board (CMB), to approve policies and procedures relating to human resources and corporate policies and procedures⁷ subject to the following conditions ;
 - (a) any policy relating to internal organisational functions which also applies to Members will be referred to the London Councils' (Leaders) Executive Sub-Committee for approval;
 - (b) all new or amended policies relating to the internal administration of the organisation will only be approved following consultation with the Joint Consultative Committee (JCC);
 - (c) in the event that CMB and the JCC are unable to reach an agreement on the terms of a policy that policy will be referred to the London Councils' (Leaders) Executive Committee for approval;
 - (d) any delegations to officers made in accordance with these policies and procedures shall be considered, to be general delegations from the Chief Executive or the Finance Officer (as the case may be) in accordance with paragraph 6 above.

Section 3 – Officers authorised for certain purposes

13. In accordance with the specific statutory functions delegated to the London Councils joint committees or otherwise to allow the proper and efficient exercise of those functions in accordance with section 111 of the Local Government Act 1972, officers have been individually authorised to act in respect of particular matters (i.e. they are an "authorised officer" for those purposes). Where permitted under the applicable legislation these powers may be further delegated, whether specifically or generally, to another officer to act in the absence of the proper officer.
14. The Chief Executive has been appointed:
 - (a) to act as the "proper officer" for the purposes of the Access to Information provisions of the Local Government Act 1972 (as amended) except insofar as such powers have been specifically delegated to another officer; and
 - (b) to be responsible for the preparation of papers for London Councils Member Body meetings, the preparation of minutes and the promulgation of decisions of such meetings.
15. The Chief Executive, in consultation with the Chair of the relevant sub-committee, will have the authority to amend the programme of ordinary meetings approved by the relevant joint committee for the sub-committees it appoints at its AGM in accordance with Standing Order 1.8. as required

⁷ Corporate policies and procedures would include, but not be limited to, the code of conduct, health and safety and information management policies

throughout the year.

16. The Director, Corporate Resources (Finance Officer) has been appointed to act as the proper officer for the purposes of Section 151 of the Local Government Act 1972 and section 114 of the Local Government Finance Act 1988. The officer to be responsible for the proper administration of London Councils' financial affairs and to issue a report to Members if there is or is likely to be unlawful expenditure or an unbalanced budget.
17. Additional delegations to named officers, some of which do not strictly apply to London Councils but which are adopted as a matter of best practice to allow the proper and efficient exercise of the functions delegated to the London Councils joint committees, in accordance with section 111 of the Local Government Act 1972, are set out in Appendix A with reference to the relevant legislative provisions.

Section 4 - Nominations of elected members to outside bodies

18. The Chief Executive has delegated authority to nominate elected Members to serve on outside bodies subject to:
 - (a) those decision being taken in accordance with guidelines agreed by the London Councils Appointments Panel (set out at paragraph 19 below);
 - (b) having regard to the Nolan principles, and
 - (c) those decisions being reported to the next meeting of the Appointments Panel.⁸
19. Nominations will be made by the Chief Executive under paragraph 18 in consultation with elected Members.. In making nominations the Chief Executive will first apply the **Particular Principles** at (a) below but will also seek to ensure that nothing is done to depart from the **General Principles** at (b) below. Regard should also be had to the **General Conditions** at (c), below.

(a) Particular Principles

- (i) In cases where a single nomination is required, in first instance the relevant portfolio-holder will be considered and if that is not a suitable appointment then the Chief Executive will consult elected Members on an alternative candidate.
- (ii) In cases where an outside body requires more than a single nomination-

The first principle to be applied in such cases is any reasonable external requirement placed on London Councils in making the nomination⁹.

The second principle to be applied, if the first principle does not obtain, is the number of nominations made from each political party shall reflect the balance of the parties represented on Leaders' Committee at that time.

(b) General Principles

- (i) When the Chief Executive is applying the Particular Principles set out above they will seek to reflect any particular interest that the body to be nominated to has

⁸ In accordance with the decision of the London Councils' Executive acting in their capacity as its Appointments Panel on 29 May 2012

⁹ For example the mechanism employed in determining the number of **nominations** for each political party made by London Councils to the London Fire and Emergency Planning Authority is set out in legislation – the Greater London Authority Act 1999. This will be determined by the application of the d'Hondt formula

expressed to London Councils¹⁰.

- (ii) The Chief Executive will also be mindful of other factors that it would be reasonable or proper for London Councils to consider, for example specialist knowledge and skills, stability of service, diversity as well as the Nolan principles set out below and the Chief Executive may, in consultation with elected Members, override the Particular Principles set out above when there is a compelling case to do so.
- (iii) All public bodies are under a duty to follow the Seven Principles of Public Life set out by the Committee for Standards in Public Life, formerly chaired by Lord Nolan (the principles are often called the “Nolan Principles”). In particular, the Chief Executive will seek to ensure that the following three Nolan principles are applied-

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.¹¹

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

- (iv) The Chief Executive will give consideration to the elected Members of the City of London Corporation when making any nominations to outside bodies.

(c) General conditions

- (i) When a nominee to an outside body ceases to be an elected Member of a London local authority, London Councils will, in general, take whatever steps are necessary to remove them from that outside body.
- (ii) At a freeze date, being the date of the meeting of the London Councils’ (Leaders) Executive Sub-Committee in May of each year, a report will be brought to that meeting setting out the total number of nominations made to outside bodies for each of the political parties with a calculation of how this reflects the agreed principles (above) for nominations, and the variation from the balance of the parties on Leaders’ Committee. That report may also contain recommendations to rectify any variations that may exist.

Section 5 – Appointments to Young People’s Education and Skills Board (YPES Board)

20. The YPES Board is a Forum (or sub-committee) of London Councils Leaders’ Committee which operates under a constitution (terms of reference) approved by Leaders’ Committee in accordance with Standing Orders. Leaders’ Committee has the power to approve the appointment of representatives to the YPES Board upon their nomination by those organisations who are members of the Board. On behalf of Leader’ Committee, the Chief Executive will have delegated authority from Leaders’ Committee to approve appointments to casual vacancies of the YPES Board.

¹⁰ For example outside bodies occasionally ask for cross-party appointments

¹¹ Members will be expected to regularly attend meetings of the bodies they are appointed to and may be accountable to and from, London Councils for their actions in that capacity.

Appendix A

PERSONS AUTHORISED BY LONDON COUNCILS TO EXERCISE POWERS

CONSISTENT WITH FUNCTIONS OF THE PARTICIPATING LOCAL AUTHORITIES

PART A

The following statutory provisions give powers to duly authorised Proper Officers/Authorised Persons in most local authorities in London. Some of these functions have been expressly delegated by the 33 London local authorities to the London Councils joint committees, some have not and are instead captured within the general delegations to the joint committee.

The following table sets out the persons authorised for the functions identified. This list includes delegations to named officers, some of which do not strictly apply to London Councils' joint committees but which are followed as a matter of best practice in accordance with the exercise of the functions expressly delegated to the joint committees.

Authorised Persons should nominate, in writing, an appropriate deputy to carry out any statutory duties during planned absences. Officers should also ensure arrangements are in place to authorise another officer in the event of unplanned absence. These may vary according to the nature of the responsibility but will be approved by the Corporate Management Board.

	STATUTORY PROVISION	PERSONS AUTHORISED
LOCAL GOVERNMENT ACT 1972		
1	Section 84 – The officer to whom written notice of resignation of elected office shall be delivered	Chief Executive
2	Section 96 – The officer to whom general notices and recording of disclosures of interests under Section 94 should be given	Director of Corporate Governance
3	Section 99 + Schedule 12 - To give notice and send summonses in respect of any London Councils committee meeting	Chief Executive
4	Section 100 - To give public notice of any meeting to which the public are entitled to attend, provide copies of agenda and facilities for the press	Chief Executive
5	Section 100B (2) – The officer to exclude from committees or sub Committees meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded	Director of Corporate Governance
6	Section 100B (7)(c) – The officer to supply to any newspaper copies of documents supplied to Members of committees or sub-committees in connection with an item for consideration at their meetings	Director of Corporate Governance
7	Section 100C (2) – The officer to prepare a written summary of proceedings of committees or sub-committees from which the public were excluded	Director of Corporate Governance
8	Section 100D (1)(a) – The officer to prepare a list of background papers for reports considered by committees or sub-committees	Director of Corporate Governance
9	Section 100D (5) – The officer to determine which documents constitute background papers; and under Section 100H –to be responsible for charging for copies of those documents	Director of Corporate Governance

	STATUTORY PROVISION	PERSONS AUTHORISED
10	Section 100F (2) – The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	Director of Corporate Governance
11	Section 100G - To maintain a register of the names and addresses of Elected Members and membership of committees, lists of delegations and the like	Director of Corporate Governance
12	Section 115 – The officer to whom money properly due from officers shall be paid	Finance Officer (Director of Corporate Resources)
13	Section 151 (and section 114 of the Local Government Finance Act 1988) – The officer to be responsible for the proper administration of the London Councils' financial affairs (and to issue a report to elected Members if there is or is likely to be unlawful expenditure or an unbalanced budget)	Finance Officer (Director of Corporate Resources)
14	Section 223 - Authorising officers to attend court and appear on behalf of London Councils under Local Government Act 1972 and the County Courts Act 1984	Chief Executive, Corporate Directors & Programme and <u>all</u> Directors
15	Section 225 (1) – The officer to receive and retain statutory documents on behalf of London Councils	Chief Executive
16	Section 229 (5) – The officer to certify photographic copies of documents	Chief Executive
17	Section 233 – The officer to receive documents required to be served on London Councils	Chief Executive
18	Section 234 (1) & (2) – The officer to authenticate documents on behalf of London Councils	Chief Executive
19	Schedule 12 [paragraphs 4(1)(a) & 4(3)] – The officer responsible for issuing summons to meetings at which business is proposed	Chief Executive
20	Schedule 14 [paragraph 25(7)] – The officer responsible for the certification of true copies of resolutions	Chief Executive
LOCAL GOVERNMENT ACT 1974		
21	Section 30(5) - Notice of Local Government Ombudsman's Report	Chief Executive
LOCAL GOVERNMENT FINANCE ACT 1988		
22	Section 116 - Notification to London Councils' auditor of any meeting to be held under Section 15 of the 1988 Act (meeting to consider any report of the Finance Office under Section 114)	Finance Officer (Director of Corporate Resources)
23	Section 139A - Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required	Finance Officer (Director of Corporate Resources)
LOCAL GOVERNMENT AND HOUSING ACT 1989		
24	Section 2 – The officer to hold on deposit the list of politically restricted posts and Section 2 - provision of certificates as to whether a post is politically restricted	Director of Corporate Governance
25	Section 4 – The officer to be designated Head of Paid Service	Chief Executive
26	Sections 15 – 17 (and regulations made thereunder) – The officer to receive notices relating to the membership of political groups	Chief Executive

	STATUTORY PROVISION	PERSONS AUTHORISED
CIVIL EVIDENCE ACT 1995		
27	To certify Council records for the purposes of admitting the document in evidence in civil proceedings.	Any member of the Corporate Management Board
LOCAL GOVERNMENT (CONTRACTS) ACT 1997		
28	Certification of relevant powers to enter into contracts	Chief Executive and Director of Corporate Resources
DATA PROTECTION ACT 1998		
29	Duty to notify the Information Commission of any changes in accordance with Section 20 of the DPA 1998	Director of Corporate Governance
TRAFFIC MANAGEMENT ACT 2004 and CIVIL ENFORCEMENT OF PARKING CONTRAVENTIONS (England) REPRESENTATIONS AND APPEALS REGULATIONS 2007		
30	Section 81(4)(a) requires enforcement authorities to provide administrative staff for adjudicators. The Schedule to the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 provides that one of the members of the administrative staff required by section 81 shall be appointed to perform the functions of proper officer as set	Head of Support Services – London Tribunals
LOCAL GOVERNMENT ACT 2003		
31	Requirement to report to London Councils annually on the robustness of estimates and financial reserves	Finance Officer (Director of Corporate Resources)
MONEY LAUNDERING REGULATIONS 2003 - PROCEEDS OF CRIME ACT 2002		
32	Money Laundering Reporting Officer for the purposes of receiving disclosure on suspicions of money laundering and reporting as necessary	Finance Officer (Director of Corporate Resources)
LOCALISM ACT 2011		
33	Section 2 - The officer to grant a dispensation for a Member to take part in any discussion and vote on a matter in which they have a disclosable pecuniary interest, in some circumstances.	Chief Executive
OTHER MISCELLANEOUS PROPER OFFICER FUNCTIONS		
34	Any other miscellaneous proper or statutory officer functions not otherwise specifically delegated by the Authority	Chief Executive or his/her delegate

PART B

All London Councils officers shall have regard to the following insofar as is relevant within their job description and for the effective performance of their duties and responsibilities.

B1	Audit	To comply with any powers and duties contained in directions made by the Audit Commission, or any other body which may be responsible for audit of the exercise of London Councils functions, including publication of performance standards and provision of information.
B2	Disabled Persons	Make provision for the supply of services and admission to public buildings and premises for those who are disabled, ensure proper signage and make appropriate adjustments for staff and service users.
B3	Criminal Proceedings	Have regard to London Council's protocol in relation to the bringing of proceedings when deciding whether a person should be charged with any offence.
B4	Best Value	To have regard to London Councils' Best Value duties when providing services and to keep under review the provision of all services to ensure Best Value.
B5	Equalities	Ensure that London Council's functions are carried out to eliminate discrimination and promote equality of opportunity and good relations and carry out appropriate equalities impact assessments of service delivery, policies and strategies and any changes.
B6	Identity Checks	To comply with any powers or duties contained in any Regulations or statutory provisions with regard to the necessity to check identification before the provision of public services.
B7	Proceeds of Crime and Money Laundering	To notify the Council's Money Laundering Officer (Finance Officer (Director of Corporate Resources)) of any matter where proceeds from crime maybe used to fund an acquisition, benefit, agreement or services from the Council or where there is a suspicion that same are may be harbouring the proceeds of crime.
B8	Human Rights	To notify the Finance Officer of any matter where proceeds from crime maybe used to fund an acquisition, benefit, agreement or services from London Councils or where there is a suspicion that someone maybe harbouring the proceeds of crime.

APPENDIX A – Proposed changes to Regulation 2 and 8

2 General

(Page 3 of London Councils Financial Regulations 2015)

- 2.5 The Organisation shall not consider:-
 - 2.5.1 a new policy, including the management of all externally funded projects, nor
 - 2.5.2 a development or variation of existing policy, nor
 - 2.5.3 a variation in the means or time-scale of implementing existing policy which affects or may affect the Committee's finances, unless there is before it at the same time a full statement of the financial implications by the Director of Corporate Resources.
- 2.6 The Chief Executive shall consult the Director of Corporate Resources with respect to any matter within his/her purview, which is liable materially to affect the finances of the Organisation before any commitment is incurred or before reporting thereon to any Committee.
- 2.7 Failure to observe these Financial Regulations may, at the discretion of the Director of Corporate Resources, be reported to the Audit Committee.
- 2.8 In relation to externally funded projects:
 - 2.8.1 all requests for government or other grant support must be agreed with the Director of Corporate Resources in advance of any submission to the funding body;
 - 2.8.2 if the estimated lifetime value a grant is equal or greater than £250,000 this must be the subject of a separate detailed report to London Councils Leaders' Committee or any Sectoral joint or associated committee as appropriate.
- 2.9 The Director of Corporate Resources in consultation with the Chief Executive will be responsible for submission of all claims for grant to Government Departments and other outside bodies. All agreements for the receipt of grant by a Committee shall:-
 - 2.9.1 be obtained in writing;
 - 2.9.2 state the amount and conditions relating to the receipt of grant;
 - 2.9.3 be referred to the Director of Corporate Resources for his observations on financial implications prior to signing; and
 - 2.9.4 be reviewed for any legal implications, seeking legal advice as necessary.

8 Contracts & Procurement

(Page 10 of London Councils Financial Regulations 2015)

- 8.1 All contracts and procurement that exceed the current EU threshold¹ are regulated by EU Procurement Directives, and UK domestic legislation as defined in the Public Contracts Regulations (PCR) 2015. In addition, each and every contract shall also comply with these Financial Regulations. The EU regulations and UK law take precedence over the Financial Regulations and no deviations or exceptions are permitted for contracts in excess of the threshold. Also, contracts with a full life value between £25,000 and the EU threshold are governed under Part 4 of the PCR 2015.²
- 8.2 Contracts may be defined as being agreements for the supply of goods or materials, or the carrying out of works or services. Contracts are also deemed to include the engagement of professional consultants (excluding Counsel).
- 8.3 It is a breach of the Financial Regulations to artificially divide contracts where the effect is to circumvent the regulations concerning the following financial threshold limits.
- 8.4 Financial Thresholds
- 8.4.1 The following minimum number of invitations to tender or quote shall apply, subject to EU procurement rules (including aggregation i.e. the full life value of the contract) and the exemptions, before any order for works, supplies or services is placed:

Procurement Threshold	Procedure
(a) up to £10,000	No formal tender process required. At least one written quotation obtained, duty to secure reasonable value for money
Where a decision has been made <u>NOT</u> to advertise	
(b) between £10,001 and £75,000 <i>if not advertised</i>	Request at least 3 written quotations or a mini-tender exercise must be carried out to establish value for money
Where a decision has been made to advertise	
(c) between £25,001 and EU limit (currently £164,176) (€207,000) <i>if advertised</i> (NB: you MUST advertise above £75,001)	If the Opportunity is advertised, the use of the formal tender process is mandatory by tendering the opportunity on Contracts Finder and London Councils website.
(d) over EU limit (currently £164,176) ((€207,000))	The use of the formal EU tender process is mandatory and subject to the EU procurement rules. To note that additionally if the value of procurement is in excess of £250,000 then Committee approval is required prior to formal tender process.

¹ The current Threshold for public supply and service contracts is €207,000 / £164,176. This is reviewed every two years, the next review is due January 2018

² Chapter 8 Below Threshold Procurements The obligation to advertise on Contracts Finder – Regulation 110(1), *only applies where the authority has decided to advertise.*

- 8.5 Each proposed contract for works or services, with an estimated value equal or greater than £250,000 must be the subject of a separate detailed report to London Councils Leaders' Committee or any Sectoral joint or associated committee as appropriate, requesting approval to seek tenders for the recommended design solution. This report must state the size of any contingency provision to be included in the tender documents or estimated costs, as well as any prevalent risks to the organisation.
- 8.6 No contract shall be made, nor any tender invited, unless provision has been made in the annual budget for the proposed expenditure or that written confirmation has been received from the appropriate third party that external funding is available to fund the full contract and associated costs.

8.7 Formal Tender Process

8.7.1 Competitive tendering will be required where the ***opportunity is advertised*** and the estimated value of the contract is expected to exceed £25,000 which is split into two categories

8.7.2 Below Threshold (£25,000 to less than the EU limit £164,176)

8.7.2.1 It is now a requirement that for any contracts estimated to be between £25,000 and the EU limit in force at the time (currently £164,176), if the contracting authority advertises it must do so via Contracts Finder.

8.7.3 Above EU Threshold (£164,176) where full EU processes apply

8.7.3.1 For above threshold tendering, the choice of procedure is detailed and regulated in the PCR (Chapter 2 Rules on Public Contracts), noting that when awarding public contracts, contracting authorities shall apply procedures that conform to the regulations.

8.7.4 Detailed guidance on procurement procedures is provided in the Procurement Toolkit (Appendix 6), reflecting the PCR and any specific guidance as the Minister for the Cabinet Office may issue.

8.8 Contract Advertising

8.8.1 Contracts above the EU financial thresholds prevailing at the time as set out in the Regulations should be advertised in the Official Journal of the European Union (OJEU and London Councils website).

8.8.2 For below EU threshold procurement i.e. between £25,000 and the EU Limit where a decision has been made to advertise the opportunity, the opportunity must be placed on Contracts Finder and London Councils website with no exceptions. (Ref PCR 2015, Chapter 8 paragraph 110)

8.8.3 8.8.4 After the expiration of the period specified in any notice, invitations to tender for the contract shall conform with Section 5 sub section 7 of the PCR, (paragraphs 65 and 66 refer).

8.9 Receipt of Tenders

- 8.9.1 Every invitation to tender shall state that no hard copy tender will be accepted unless it is received in a plain sealed envelope or package which shall bear the words TENDER - followed by the subject to which the tender relates, and shall not bear any name or mark indicating the sender. Every invitation to tender should also state the deadline date and time (usually 12 noon) for receipt. When received, an entry shall be made upon such envelopes or packages indicating the time and date of receipt and these will then remain in the custody of the Chief Executive or the Director of Corporate Resources until the time appointed for their opening.
- 8.9.2 Electronic versions of the tender submission will be accepted. Electronic tenders must be received by the deadline date and time, as detailed in the invitation to tender. Electronic tender submissions sent by e-mail should be sent to: tenders@londoncouncils.gov.uk. E-mailed tenders will not be accepted in isolation, if there is a requirement for hard copies.
- 8.9.3 All tenders received after the deadline date and time shall not be opened and will be disregarded for the purposes of the tender exercise to which they relate.

8.10 Opening of Tenders

Tenders shall be opened at one time in the presence of:-

- 8.10.1 For tenders valued at over £25,000 – in the presence of two officers appointed by the Chief Executive;

8.11 Acceptance of Tenders and Quotations

- 8.11.1 Where the value is under £10,000, one of the designated authorised signatories (as outlined in Part C of Appendix 5) , shall be authorised to accept the quotation by signing off the purchase order to place the order with the supplier;
- 8.11.2 Where the value is between £10,001 and £75,000, one of the designated authorised signatories (as outlined in Part B of Appendix 5) shall be authorised to evaluate and accept the quotation or tender by signing off the procurement approval form for submission to the Director of Corporate Resources for approval;
- 8.11.3 Where the value is between the £75,000 and the prevailing EU Limit, , one of the designated authorised signatories (as outlined in Part A of Appendix 5) shall be authorised to evaluate and accept the tender by signing the procurement approval form for submission to the Director of Corporate Resources for approval;
- 8.11.4 Where the tender is above the EU Threshold and below £249,999, the Chief Executive, the Director of Corporate Resources, or in their absence, one of the designated authorised signatories (as outlined in Part A of Appendix 5) in consultation with the Chair(man), Deputy-Chair(man) and one other Member of the appropriate committee shall

be authorised to evaluate and accept the tender;

8.11.5 For tenders of £250,000 and over London Councils Leaders' Committee or any Sectoral joint or associated committee as appropriate shall be authorised to evaluate and accept the tender;

8.11.6 A tender which exceeds the approved estimate shall be referred to the appropriate committee for consideration. Where the tender can be amended to fall within the approved budget by a minor adjustment to the approved works, goods or services and otherwise complies with these regulations, the Chief Executive, the Director of Corporate Resources, or in their absence, one of the designated authorised signatories (as outlined in Part A of Appendix 5) in consultation with the Chair(man), Deputy-Chair(man) and one other Member of the appropriate committee shall be authorised to approve the adjustment as provided for in 8.11.4 above.

8.12 **Contract Provisions and Payments**

8.12.1 Every contract in writing (unless such contract is let by a Lead Authority in accordance with Schedule 8), shall be signed by the Chief Executive or the Director of Corporate Resources, or in their absence, one of the designated authorised signatories (as outlined in Part A of Appendix 5).

8.12.2 Every contract in writing shall specify:-

8.12.2.1 the work, materials, matters, or things to be furnished, or done;

8.12.2.2 the price to be paid, with a statement of discounts or other deductions;

8.12.2.3 the payment process, including the process for resolving disputes;

8.12.2.4 the time or time within which the contract is to be performed;

8.12.2.5 insurance, employers liability and professional indemnity;

8.12.2.6 the place or places for delivery of performance.

8.13 **Contracts where tenders are not required.**

8.13.1 Contracts or orders which exceed £10,000 and not exceeding £75,000 in value, **if not advertised**, require at least 3 written quotations from suitable suppliers before the contract order is placed

8.13.2 Quotations may be submitted by post, or e-mail.

8.13.3 If the full life value of a contract is below the £75,000 **and not advertised**, it shall not be obligatory to invite formal tenders, nor give public notice of the intention to enter into a contract where:-

- 8.13.3.1 effective competition is prevented by Government control, or

- 8.13.3.2 the special nature of the work to be executed limits the number of contractors capable of undertaking the work to less than 3, or
- 8.13.3.3 the goods, services or materials to be purchased are only available from less than 3 suppliers, or
- 8.13.3.4 the work is a continuation of a previous contract or order, or
- 8.13.3.5 a corporately tendered and managed or framework contract has been established for all officers of the organisation to use:
e.g. supplies of Stationery, Computers, Office Furniture etc.,
or
- 8.13.3.6 goods or services are of a proprietary manufacture, including sole distribution or fixed price, or the services to be provided are of a proprietary nature , or
- 8.13.3.7 any repairs or works to be executed or parts, goods or
- Materials to be supplied in connection with existing machinery, vehicles plant or equipment are of a proprietary nature and involve sole distribution or fixed price, or
- 8.13.3.8 urgent supplies necessary for the protection of life or property.

8.13.4 The Chief Executive shall maintain a record of those contracts let without competitive quotations as detailed in 8.13.3, detailing the reasons why these have not been obtained.

8.13.5 The EU regulations and PCR do not provide for any exemptions from the tendering process for contracts which exceed the EU threshold.

8.14 Withdrawal of Tender

8.14.1 In the event of any person withdrawing a tender, or not signing the contract after his/her tender has been accepted, or if the Chief Executive or the Committee are satisfied that a Contractor has not carried out a contract in a satisfactory manner, or for any other justified reason, then tenders will not be accepted from such contractors in future, except after specific Committee approval.

8.15 Communications with Tenderers

8.15.1 Accounting records for all contracts must be maintained as agreed by the Director of Corporate Resources.

8.15.2 No members of the relevant Committee shall have or allow any interview or communications with any person or representative of any person proposing to tender or contract, except by the authority of that Committee. Where such interview or communication does, nevertheless, take place then it is to be reported to the relevant Committee at the first available opportunity.

8.16 Contract Variations

- 8.16.1 Subject to the provisions of the contract, every variation shall be instructed in writing and signed by the designated officer prior to the commencement of work on the variation concerned or as soon as possible thereafter. Designated officers may authorise variations which are essential for the completion of a contract, and minor variations of an optional nature, provided the cost remains within the approved estimate. Major variations to contracts shall require the approval of the appropriate committee.

8.17 Contract Payments

- 8.17.1 All ex gratia and non-contractual claims from contractors shall be referred to the Director of Corporate Resources and also to the Chief Executive for comments before settlement is reached.
- 8.17.2 Where contracts valued in excess of £25,000 provide for payments to be made by instalments, all payments to contractors shall be made on a certificate issued and signed by London Councils designated officer. Contracts subject to payment via certificate will primarily relate to construction / building works, which will be for internal / external decorations of London Councils Leased premises.³ Those contracts not subject to the issue of certificates, may be paid on invoices and/or any means allowed by the Director of Corporate Resources.
- 8.17.3 The Director of Corporate Resources shall, to the extent he/she considers necessary, examine the final accounts or interim valuations for contracts and he/she shall be entitled to make all such enquiries and receive such information and explanations as he/she may require in order to be satisfied as to the accuracy of the accounts.
- 8.17.4 The final certificate for the payment of any contract, where the final cost exceeds £25,000, shall not be issued until the Supervising Officer under the contract has produced to the Director of Corporate Resources a detailed statement of account with all relevant documents.⁴ Such papers shall be lodged with the Director of Corporate Resources two months prior to the due date of the final certificate or in exceptional circumstances a previously agreed period in order to allow a thorough review of their contents prior to the issue of the final certificate. In addition, all consultants' fee accounts that in total exceed £30,000 in value shall be forwarded to the Director of Corporate Resources for verification prior to the respective final payments being processed. A clause to this effect shall be inserted in the appropriate contract, bills of quantities, or specification.
- 8.17.5 Wherever works or services are let on a day works contract then every payment costing in excess of £100 shall be supported by day work sheets. Such day works sheets shall contain adequate descriptions of the work carried out and the names of the operatives involved, together

³ Any contractors certificates issued, including claims for additional costs and the final account would be assessed by a Project Manager / Quantity Surveyor engaged for their expertise in managing building / construction contracts and then reported to the designated officer.

⁴ See footnote 3 above

with details of the times during which the work was performed, the hourly rates applied and any plant or materials used. Day work sheets shall be signed by the designated officer indicating that the amount claimed reasonably reflects the labour and materials content of the works executed.

8.18 Lead Borough Arrangements

- 8.18.1 Any contract let by a Lead Authority, in its capacity as administrator of an activity delegated by London Councils or any Sectoral joint or associated committee as appropriate, shall be deemed to comply with these Financial Regulations so long as it is in compliance with the Financial Regulations and Standing Orders of that Lead Authority.

8.19 Corrupt Practices

- 8.19.1 Every written contract shall include the following clauses:

The Service Provider must comply at all times with the provisions of the Bribery Act 2010, in particular Section 7 thereof in relation to the conduct of its employees, or persons associated with it.

The Service Provider warrants that, at all times, it has in place adequate procedures designed to prevent acts of bribery from being committed by its employees or persons associated with it, and must provide to London Councils at its request, within a reasonable time, proof of the existence and implementation of those procedures.

London Councils will be entitled by notice to the Service Provider to terminate the Service Provider's engagement under this or any other contract with the Service Provider if, in relation to this or any other such contract, the Service Provider or any person employed by it or acting on its behalf has committed an offence in relation to the Bribery Act 2010.

8.20 Claims from Contractors

- 8.20.1 Claims from contractors in respect of matters not clearly within the terms of any existing contract shall be referred by the Chief Executive to London Councils Legal Adviser for consideration of the Organisation's legal liability and, where necessary, to the Director of Corporate Resources for financial consideration before a settlement is reached. No payment will be made to a contractor without the specific approval of London Councils.

8.21 Bonds and Other Security

- 8.21.1 Every contract that exceeds £150,000 in value or amount and is for the execution of works or for the supply of goods or materials otherwise than at one time, shall require the contractor to provide sufficient security for the due performance thereof, except where the appropriate service related Director and Director of Corporate Resources consider this to be unnecessary.

8.21.2 Use of Consultants

- 8.22.1 Consultants shall be engaged only where it is not feasible or cost

effective to carry out the work in-house either by using existing staff or by employing new short term or permanent staff.

LONDON COUNCILS' TRANSPORT AND ENVIRONMENT EXECUTIVE SUB COMMITTEE

Minutes of a meeting of the London Councils' Transport and Environment Executive Sub Committee held on **15 September 2017** at 10:00am, at London Councils, Meeting Room 4, 1st Floor, 59½ Southwark Street, London, SE1 0AL

Present:

Councillor Julian Bell	LB Ealing (Chair)
Councillor Lynda Rice	LB Barking & Dagenham
Councillor Stuart King	LB Croydon
Councillor Feryal Demirci	LB Hackney
Councillor Phil Doyle	RB Kingston-upon-Thames
Councillor Caroline Usher	LB Wandsworth

1. Apologies for Absence & Announcement of Deputies

Apologies for absence had been received from Councillor Daniel Anderson (LB Enfield), Councillor Peter Buckwell (LB Richmond) and Councillor Jill Whitehead (LB Sutton). No deputies were present.

2. Declarations of Interest

There were no additional declarations of interest other than what was on the sheet provided at Item 2 on the agenda.

3. Air Pollution & Smart Mobility – Presentation by Laurie Laybourn-Langton, Institute for Public Policy Research (IPPR)

Laurie Laybourn-Langton, Institute for Public Policy Research (IPPR) introduced the report and made the following comments:

- There were a number of transport related problems in London, including air pollution, road safety, carbon emissions and congestion.
- The current policy approach was to seek to achieve a reduction in the number of vehicles, greater efficiency of the available space and vehicles themselves, as well as phasing out unsustainable fuels (mainly diesel) and increasing public transport accessibility. Accelerating modal shift was also well underway (eg increase cycling, walking etc).
- New transport technologies were also emerging, like journey planner platforms, car clubs and on-demand hire. It is already possible to plan all journeys on an app on your mobile phone including peer-to-peer rentals (cars are unlocked with your phone as opposed to a key).
- There are positive and negative network effects: Positives included lower car ownership and therefore reduced use of private vehicles, car club fleets have generally cleaner vehicles, which leads to a reduction in air pollution/carbon emissions. Negative effects – Big corporations, such as Google could offer incentives to book with Uber and make it so cheap, that it could result in more vehicles on the road. Efforts could be undermined to realise more sustainable travelling behaviours.

- Crossroads makes some key recommendations for the Mayor: Whilst the report is supportive of the key policies and ambitions in the Mayor's Transport Strategy (MTS), it should include measures for how car clubs could help achieve key transport objectives and also needs to respond to new technologies.
The Mayor should develop a Framework to include an audit of new mobility markets and their potential effects on key transport objectives and TfL should be a central body for assessing the potential for mobility as a service (MaaS) platform market in London and to develop recommendations for its implementation.
- There needed to be rules to prevent monopolies. TfL should assess the potential for a smart charging system (eg to pay monthly for all journeys taken in a month, which can include an integrated road pricing scheme by making journeys taken by car more expensive, for example).
Laurie concluded that London was now at a crossroads and needed to decide which way it wanted to turn. New mobility development needs to be embraced with a comprehensive policy framework as the cost of inaction was too high.

Q & As

Councillor Demirci said that although smart mobility was more efficient, this in itself did not tackle the issue of congestion and/or air quality (ie more cars were not being removed from the roads). Laurie Laybourn-Langton said that there was potential to remove more cars off the roads through smart mobility. He said that car sharing was performing very well in cities like Berlin and Munich and was reducing the number of private cars on the roads, resulting in less congestion and better air quality. Councillor Demirci felt that congestion could increase when Uber vehicles were taken into consideration.

Councillor Usher said that paying a monthly fee for all journeys was a good way forward. She said that an extra fee could be charged for people that drove their vehicles in to congested areas, and reward points given for driving in to less congested areas. Laurie Laybourn-Langton said that TfL could use a version of Google maps to depict differential charging on different roads at different times of day. This technology does exist.

Councillor Doyle said that approximately 10,000 people died as a consequence of air pollution and improvements on this were needed through changes in transport policy in particular. Laurie Laybourn-Langton agreed and mentioned that there were positives to be found with car clubs and warnings to be had with the likes of Uber, especially with regards to the potentially large increase in car usage and congestion. There was also a very large increase in the number of parcels now being delivered by road (eg Amazon), which is a public attitude that requires changing.

Laurie Laybourn-Langton said that a change was required at a national level, especially with regards to an air quality strategy and scrappage funds for diesel vehicles. The Chair said that a Government "cap" on Uber licences could be beneficial and both the Mayor of London and London Councils have previously lobbied along these lines. Councillor Rice said that caution needed to be taken when it came to presenting statistics on the effects of poor air quality. She said that not all the deaths were a direct result of car pollution.

Councillor Demirci felt that lobbying for more transport powers should take place. She said that there were, however, areas that the boroughs could have a direct

influence on, like car clubs and a reduction in private car use. Councillor Demirci voiced concern that a number of local authorities were not making any space for car clubs, and there was a great deal that boroughs could do to meet these various challenges.

The Chair noted that “floating” car clubs could lead to a larger number of drivers giving up their cars. He said that a representative from Zipcar (Kate Hinton) and Drive Now (James Taylor) were present to get their perspective of where we were at. Zipcar flex currently operates in four boroughs in south west London and Drive Now in four boroughs in north east London. James Taylor mentioned that car sharing in Germany was now taken up by 1.7 million members, increasing from about 150k members within six years. He felt that London had the opportunity for such growth, but the boroughs needed to work more closely together to achieve this. It was not beneficial for a driver to have to get out of a car and potentially into a new one when they crossed borough boundaries. A target of 1 million car club members had been set a number of years ago in London by the Car Club Coalition and there was a now a need to look into how this target might be achieved. Incorporating different operating models needed to be looked at more widely as well. There was also the need to meet the MTS targets and to change behaviours.

Kate Hinton said that orbital trips were used more by drivers (east to west), rather than radial journeys. James Taylor said that none of their cars were diesel and they are looking to increase their electric car offer. Kate Hinton said that 16per cent of Zipcar’s fleet were now electric (EVs) and the aim was to have 80per cent EVs by 2025, although a significant increase in infrastructure was needed. Oliver Lord said that half of all car journeys were made in outer London and there was high car ownership in these boroughs. A more cohesive use of car clubs was needed. The Chair thanked Laurie Laybourn-Langton for his presentation.

Decision: The TEC Executive Sub Committee:

- Agreed that Alan Edwards would send round to TEC Executive members the slides from the presentation and a link to the report that was published earlier in the year; and
- Noted and commented on the report.

4. Cleaner Vehicle Checker

The TEC Executive Sub Committee considered a report that informed members of a “Cleaner Vehicle Checker” that the GLA would be introducing. The checker would tell those who wanted to buy a new car, the emission performance of that car in real world driving conditions. The aim would be to influence purchasing decisions towards those cars that created less pollution.

Oliver Lord, Deputy Air Quality Manager, GLA, introduced the report and made the following comments:

- Diesel cars do not currently perform to set emissions standards and the UK will be phasing them out. Other countries are planning to ban diesel cars much earlier.
- The Cleaner Vehicle Checker was a web-based tool that would rate how well your car was performing from A+ (best) to H (worst).

- Findings from Emissions Analytic showed that some diesel vehicles did perform just as well as some petrol vehicles and the public should be made aware of this.
- TEC Executive endorsement was now sought to agree that the Cleaner Vehicle Checker was a worthwhile project.
- There would also be a service for fleets of cars (a “fleet checker”). This would let organisations know the rating their fleets would get if all their vehicles were replaced with Euro 6 compliant vehicles.
- The aim of the Cleaner Vehicle Checker was to influence procurement decisions. This could, in turn, affect parking tariff ratings (eg an A+ rated vehicle might not have to pay a tariff or a lower tariff.)

Q & As

The Chair said that TEC welcomed the Cleaner Vehicle Checker and would be very supportive of it. Councillor King asked how the success of the vehicle checker would be measured. Oliver Lord said that it was a web-based tool and success could be measured on how much the checker was used. Surveys could also be carried out to ascertain its popularity. Councillor King felt that this could become expensive, unless the tool was meaningful. Oliver Lord said that the checker was a consumer friendly web-based tool and was free of charge.

Councillor Usher asked what the car manufacturers thought of the Cleaner Vehicle Checker. Oliver Lord said that they had not challenged this yet and would soon have to produce similar tests themselves. The checker was simply a “nudge” tool. Councillor Demirci said that she welcomed the checker. She said that this would be particularly useful for local Councillors who sat on procurement committees who made the decisions as to which vehicles/fleets to purchase for their borough.

Councillor Doyle said that the checker was a great initiative. He asked whether any other data would be provided along with the rating. Oliver Lord said that the checker was based on NO_x emissions, although CO₂ emissions could also be highlighted. Owain Mortimer asked whether any other networks had been engaged with this. Oliver Lord confirmed that they had.

Decision: The TEC Executive Sub Committee noted and welcomed the report:

5. Month 3 Revenue Forecast 2017/18

The TEC Executive Sub Committee received a report that outlined actual income and expenditure against the approved budget to the end of June 2017 for TEC and provided a forecast of the outturn position for 2017/18

Frank Smith, Director of Corporate Resources, London Councils, introduced the report. He informed members that, as at the end of June 2017, there was a projected surplus of £786,000. Frank Smith said that general reserves to 31 March 2018 was forecast to be £2.272 million, which was slightly in excess of the 15 to 18% benchmark range previously agreed by TEC. He said that the treatment of general reserves in excess of the benchmark range would be discussed at the TEC Executive meeting in November 2017.

Frank Smith said that receipts for the London Lorry Control PCNs were forecast to break even against the budget of £800,000. The Chair said that boroughs previously

had to pay towards the Scheme and no longer had to. Frank Smith said that PCN receipts now far exceeded the cost of the Scheme. Spencer Palmer, Director of Transport and Mobility, London Councils, informed members that improvements were being proposed to the Scheme, including the use of more modern technologies.

Councillor Usher asked about the Taxicard underspend and whether this would pick-up by the end of year. Frank Smith said that the Taxicard scheme had been underspending for a number of years. Spencer Palmer said that there had been a decline on year-on-year Taxicard usage, although this now look set to be picking up again in the current year.

Decision: The TEC Executive Sub Committee:

- Noted the projected surplus of £786,000 for the year, plus the forecasted net underspend of £830,000 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.

6. Minutes of the TEC Executive Sub Committee held on 20 July 2017 (for agreeing)

The minutes of the TEC Executive Sub Committee meeting held on 20 July 2017 were agreed as an accurate record.

7. Any Other Business

Spencer Palmer informed the TEC Executive that he had been approached by the Department for Transport about their proposed plans to grant Heathrow Airport Holdings Ltd (a private company) civil enforcement powers similar to those held by London boroughs. The proposal is to transfer responsibility for enforcement of traffic and parking rules on Heathrow's road network from the Police to the airport authority. The aim is to achieve better enforcement and therefore compliance for traffic management, safety and security reasons.

DfT and London Councils officers have been considering how TEC's functions in terms of setting penalty charge levels for London and operating the independent appeals service through London Tribunals to apply to Heathrow in the future. Mr Palmer explained that it would seem that if DfT make the necessary legislative changes to grant Heathrow the appropriate powers and responsibilities, including paying any apportioned costs in terms of appeals for Heathrow contraventions, there should be no negative implications for TEC and London Councils. He said that it was proposed to bring a detailed paper on this matter to TEC on 12 October 2017 meeting.

Jade Appleton, Conservative Political Adviser, London Councils, said that a discussion would need to take place with the borough of Hillingdon before any paper on this issue was brought before TEC. The Chair said that he would be happy to proceed on this basis.

Councillor Demirci voiced concern that the appeals process could be “clogged-up” with appeals from Heathrow. Spencer Palmer said he had asked for a forecast of enforcement and likely appeal volumes but was confident that any increase would be relatively small. If the proposal were to go ahead, Heathrow would pay an appropriate proportion of the Tribunals fixed costs, as well as per appeal costs to cover any additional adjudicator and administrative costs. Frank Smith said that the experience gained from managing the POPLA contract would help mitigate any risks to London Councils when entering any potential formal agreement.

The meeting finished at 11:15am

London Councils' Transport and Environment Committee – 15 June 2017

Minutes of a meeting of London Councils' Transport and Environment Committee held on Thursday 15 June 2017 at 2:30pm in the Conference Suite, London Councils, 59½ Southwark Street, London SE1 0AL

Present:

Council	Councillor
Barking and Dagenham	Cllr Lynda Rice
Barnet	Cllr Dean Cohen
Bexley	Apologies
Brent	
Bromley	Cllr Colin Smith
Camden	Apologies
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	
Harrow	
Havering	Apologies
Hillingdon	Apologies
Hounslow	Apologies
Islington	Cllr Claudia Webbe
Kensington and Chelsea	Cllr Tim Coleridge
Kingston Upon Thames	Cllr Phil Doyle
Lambeth	
Lewisham	
Merton	Cllr Martin Whelton
Newham	Cllr Pat Murphy
Redbridge	
Richmond Upon Thames	Cllr Peter Buckwell
Southwark	Apologies
Sutton	Cllr Jill Whitehead
Tower Hamlets	Apologies
Waltham Forest	Cllr Clyde Loakes
Wandsworth	Cllr Caroline Usher
City of Westminster	Cllr David Harvey (Deputy)
City of London	Apologies
Transport for London	Colin Mann (Deputy)

1. Apologies for Absence & Announcement of Deputies

Spencer Palmer, Director of Mobility and Transport, London Councils, introduced himself, and said that he would take the first two agenda items, before handing over to the Committee to nominate the election of the Chair of TEC.

Apologies:

Cllr Alex Sawyer (LB Bexley)
Cllr Phil Jones (LB Camden)
Cllr Jason Frost (LB Havering)
Cllr Keith Burrows (LB Hillingdon)
Cllr Amrit Mann (LB Hounslow)
Cllr Sizwe James (RB Greenwich)
Cllr Ian Wingfield (LB Southwark)
Cllr Christopher Hayward (City of London)
Cllr Amina Ali (LB Tower Hamlets)
Cllr Danny Chalkley (City of Westminster)
Alex Williams (Transport for London)

Deputies:

Cllr David Harvey (City of Westminster)
Colin Mann (Transport for London)

2. Declaration of Interests

Freedom Pass Holders/60+ Oyster Cards

Cllr Phil Doyle (RB Kingston), Cllr Pat Murphy (LB Newham), 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 Daniel Anderson (LB Enfield), Cllr Peray Ahmet (LB Haringey), Cllr Claudia Webbe (LB Islington), and Cllr Clyde Loakes (LB Waltham Forest).

East London Waste Authority

Cllr Pat Murphy (LB Newham)

South London Waste Partnership

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

London Waste & Recycling Board

Cllr Feryal Demirci (LB Hackney)

Car Club

Cllr Julian Bell (LB Ealing – Chair) and Cllr Claudia Webbe (LB Islington)

Thames Regional Flood & Coastal Committee (Thames RFCC)

Cllr Lynda Rice (LB Barking & Dagenham)
Cllr Dean Cohen (LB Barnet)
Cllr Tim Coleridge (RB Kensington & Chelsea)
Cllr Daniel Anderson (LB Enfield)

London Cycling Campaign

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

3. Election of Chair

Councillor Loakes nominated Councillor Julian Bell to be re-elected as Chair of TEC for 2017/18. This was seconded by Councillor Coleridge. Councillor Julian Bell (LB Ealing) was duly elected as Chair of TEC for 2017/18.

4. Election of Vice Chairs

Councillor Feryal Demirci (LB Hackney) was elected to be the Labour Vice Chair of TEC, Councillor Tim Coleridge (RB Kensington & Chelsea) was elected to be the Conservative Vice Chair of TEC, and Councillor Jill Whitehead (LB Sutton) was elected to be the Liberal Democrat Vice Chair for TEC for 2017/18.

5. Membership of London Councils' Transport and Environment Committee for 2017/18

The Committee received a revised report that presented members with a finalised version of the Committee's membership for 2017/18.

Decision: The Committee noted the membership of TEC for 2017/18.

6. Appointment to the TEC Executive Sub Committee for 2017/18

The Committee received a report that set out the appointments to the TEC Executive Sub Committee for 2017/18.

Decision: The Committee elected the following members to the TEC Executive Sub Committee for 2017/18:

Labour

Cllr Julian Bell (LB Ealing – Chair)
Cllr Stuart King (LB Croydon)
Cllr Feryal Demirci (LB Hackney)
Cllr Daniel Anderson (LB Enfield)
Cllr Lynda Rice (LB Barking & Dagenham)
Cllr Claudia Webbe (LB Islington)

Conservative

Cllr Tim Coleridge (RB Kensington & Chelsea)
Cllr Phil Doyle (RB Kingston-upon-Thames)

Cllr Peter Buckwell (LB Richmond)
Cllr Caroline Usher (LB Wandsworth)

Liberal Democrat

Cllr Jill Whitehead (LB Sutton)

City of London

Christopher Hayward

7. Nominations to TEC Outside Bodies and Appointment of Committee Advisers for 2017/18

The Committee received a report that sought nominations to the various outside bodies that related to the work of TEC for 2017/18.

The Committee nominated the following members to the outside bodies below:

Heathrow Airport Consultative Committee (HACC)

Cllr Martin Whelton (LB Merton)

Deputy – Cllr Tim Coleridge (RB Kensington & Chelsea)

Thames Regional Flood & Coastal Committee (Thames 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 (LSDC)

Cllr Claudia Webbe (LB Islington)

Urban Design London (UDL)

Cllr Daniel Moylan (RB Kensington & Chelsea)

Cllr Nigel Haselden (LB Lambeth)

Thames River Basin District Liaison Panel (Thames LP)

Cllr Sizwe James (RB Greenwich)

London City Airport Consultative Committee (LCACC)

Cllr John Howard (LB Redbridge)

London Waste & Recycling Board (LWARB)

No new nominations are required until 11 August 2020

London Cycling Campaign (LCC)

Cllr Feryal Demirci (LB Hackney)

Councillor Loakes said that the nomination of TEC advisers needed to stem from what the Committee's priorities were. Katharina Winbeck said that "task and finish" groups had been created to inform TEC's responses to the Mayor's Transport Strategy and London Environment Strategy. Councillor Webbe said that not all boroughs were represented at these meetings and checks needed to be carried out

to ensure that all boroughs were engaged. Katharina Winbeck confirmed that all boroughs had been emailed and asked how they would like to participate. She said that two task and finish groups had convened so far, along with a further two more that would meet shortly. Borough officers were asked who they would like to choose as an adviser, and this was based on criteria such as political and geographical make-up etc.

The Chair said that a short report should be presented to the next TEC Executive Sub Committee outlining the previous process for nominating advisers to the Committee. In the meantime, the current TEC advisers would continue on an interim basis.

The Chair said that the London Waterways Commission (LWC) was no longer on the list of outside bodies that TEC nominated to. Katharina Winbeck said that the LWC was in the process of being merged with another group and TEC would be updated when more information was known.

Decision: The Committee:

- Agreed to pass on the above names 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 that a short report would be presented to the next TEC Executive Sub Committee, outlining the process for nominating TEC Committee advisers. The current Committee advisers would continue on an interim basis.

8. TEC AGM Minutes of 16 June 2016 (for noting – previously agreed)

The minutes of the TEC AGM meeting held on 16 June 2016 were noted, as they had already previously been agreed.

9. Constitutional Issues

The Committee considered a paper that informed members of proposed minor variation to the London Councils' Transport and Environment Committee (LCTEC) Governing Agreement. The proposed changes did not alter any of the functions of LCTEC or the responsibilities delegated to it.

Decision: The Committee:

- Approved the proposed minor variation to the LCTEC Governing Agreement set out in Appendix 1; and
- Noted that the variation to the LCTEC Governing Agreement, if approved by LCTEC, should come into effect following 28 days written notice of the variation to each Participating Council and Transport for London, if no objection is received from any Participating Council and/or Transport for London during the notice period.

10. Chair's Report

The Committee received a report that updated members on transport and environment policy since the last meeting on 23 March 2017 and provided a forward look until the next TEC meeting on 12 October 2017.

Councillor Loakes said that he was still not satisfied with the response to the governance arrangements for the Mayor's "Healthy Streets" approach (paragraph 10). He said that London Councils had a great deal to bring to this policy area and he felt that an external board should be established. Councillor Demirci agreed and said that there needed to be local government representation on this board before Healthy Streets were designed. Councillor Whitehead said that Will Norman had suggested that a sub-regional approach to borough involvement could be used. Colin Mann confirmed that the board was a TfL officer only meeting and Will Norman would be contacting boroughs to set up a discussion about how boroughs would like to input into the Healthy Streets approach.

Councillor Loakes felt that momentum was being lost, with regards to Healthy Streets. He said that the boroughs should be at the forefront of this project and was concerned at the amount of "dithering" that was currently going on with this. Councillor Rice agreed and said that there were some big issues that boroughs needed to be involved with. Councillor Coleridge thought that the Healthy Streets approach was going to be discussed by TfL with individual boroughs. Councillor Colin Smith said that it was up to individual boroughs to make up their own mind regarding what form of "Healthy Streets" they would want.

Councillor Loakes said that this was an important agenda item for the Mayor. He said that a more formalised arrangement around Healthy Streets was required and members needed to have more of a say on the delivery of this approach. Councillor Colin Smith said that the approach had to serve individual boroughs and not just the Mayor's agenda. The Chair said that there were no solutions around this yet and a way forward needed to be found.

Decision: The Committee noted the Chair's report.

11. TEC Priorities for 2017/18

The Committee received a report that provided members with a look back at what had been achieved in 2016/17 and a look forward to the priorities for 2017/18.

Spencer Palmer introduced the report. He said that the report set out the TEC priorities for 2017/18, as well as outlining what TEC had achieved in 2016/17.

Councillor Loakes said that the priorities appeared to centre around governance and did not concentrate on important areas like air quality, the implications of Brexit, the environment and the Defra litter strategy. Councillor Demirci agreed and said that Crossrail 2 had not been included as a priority. She felt that TEC needed to lobby Government to secure the Crossrail 2 line. Councillor Whitehead said that the rail franchise process was an important issue, as well as ensuring LIP guidance worked for boroughs. She said air quality was mentioned on page 3 of the report. Councillor Murphy felt that Crossrail 2, air quality and littering should be the main recommendations for TEC priorities.

Spencer Palmer said that the TEC priorities would feed into the London Councils' Business Plan that would be presented to Leaders. Katharina Winbeck said that air quality was already in the TEC priorities. She said that the issue of Brexit would influence legislation in TEC policy areas and these implications could be assessed better. Katharina Winbeck said that Crossrail 2 was dealt with by the "infrastructure" portfolio holder, Cllr Darren Rodwell, at London Councils.

Councillor Coleridge said that enforcement also needed to be a TEC priority, especially with regards to the environment and noise pollution. Councillor Demirci said that Crossrail 2 would have a huge impact across the boroughs, and TEC therefore needed to comment on and shape Crossrail 2 and discuss it. Spencer Palmer said that these comments would be taken on board.

Decision: The Committee:

- Discussed the report and agreed the priorities for the year 2017/18; and
- Agreed that air quality, the implications of Brexit on the environment, enforcement would be placed at the top of the TEC priorities. Officers will improve feedback on important transport infrastructure projects, such as Crossrail 2, which are dealt with under another portfolio at London Councils.

12. Go Ultra Low City Scheme (GULCS) – Phase 1 Delivery for Residential and Car Club Electric Charge Points Update

The Committee considered a report that updated members on delivery of Phase 1 for the residential and car club element of the GULCS, the borough consultation that has been taking place during March and April 2017 and the proposed future work. The report asks TEC to agree to start the process of amending the TEC agreement to delegate the boroughs' functions relating to Electric Vehicle Charging Apparatus to London Councils' TEC.

Katharina Winbeck introduced the GULCS report. She informed members of the "phased" approach that was taking place to deliver the GULCS. She said that the next Steering Group that was set up to guide implementation arrangements was convening on 28 June 2017. Boroughs expressed an interest to install 2,940 charge points over the next two years, which was an incredible ambition and more than the project has funding for currently.

Katharina Winbeck said that paragraphs 11 and 12 highlighted the underlying principles of GULCS funding. All 24 boroughs that had expressed an interest would be honoured with a cap of up to £300k. The same amount would be kept back for the boroughs that had not currently expressed an interest. Katharina Winbeck said that if London Councils TEC takes on the roles for the operational management of any partnership that may be created in the future, it needed to be given the power to carry out these functions, by inserting a new paragraph to the LCTEC Governing Agreement, as at paragraph 27 of the report.

Councillor Doyle asked if every borough had to respond to the consultation. Katharina Winbeck confirmed that every borough has to respond to the consultation before the TEC Agreement could be amended. Councillor Colin Smith said that the outcome of the consultation would affect the decision that was made. Councillor Coleridge said that good progress had been made with this. He said that some boroughs wanted to manage their own lampposts, and a way forward on this was needed (paragraph 18).

Spencer Palmer said that the proposal today presented a range of options for boroughs to maintain maximum flexibility. Councillor Coleridge agreed and said that maintaining maximum flexibility was the best outcome. Councillor Loakes voiced concern that there were currently few opportunities to trial lamppost technology. He said that he would not want boroughs to be held responsible, should the technology go wrong. Stephen Boon said that London Councils was working with TfL on lamppost technology, and all options were being left open.

Councillor Webbe said that the boroughs that had not yet signed up to the GULCS needed to be encouraged to do so. The Chair said that he was happy with the £300k cap and to keep funds back for the boroughs that had not yet signed up.

Decision: The Committee agreed to consult on and seek written agreement from all local authorities to amend the London Councils' TEC (LC TEC) agreement as outlined in paragraph 27 of the report.

13. Draft Consultation Responses to Mayor's ULEZ and Defra's Draft Air Quality Plan

The Committee received a report regarding the Mayor of London's consultation on introducing the central London Ultra Low Emission Zone (ULEZ) in April 2019, as opposed to September 2020, and to include Particulate Matter (PM) in its emissions standards. Defra was now consulting on its recently published draft air quality plan and London Councils was planning on responding to both these consultations.

Councillor Colin Smith said that he had concerns over the costs to individual businesses, which were to some extent covered in the consultation response. He also felt that the sunset period was not long enough, and had concerns over the number of exemptions that were being considered. Councillor Harvey also felt that the sunset period was not long enough and that disability vehicles were old and would be expensive to replace. Councillor Loakes said that paragraph 2(e) in the report suggested that certain groups would be let off the ULEZ and more thought was needed around consistency. Councillor Demirci said that this would have an impact on low income families. Katharina Winbeck confirmed that TfL had undertaken an impact assessment and the two groups highlighted were referenced as being more significantly impacted by the change, which is why London Councils response suggest working with those group to minimise this..

Decision: The Committee:

- Discussed and agreed the proposed London Councils' response to the third phase of the Mayor's air quality consultation at Appendix A; and
- Discussed and agreed the proposed London Councils' response to Defra's draft air quality plan at Appendix B.

14. Fixed Penalty Levels for GLC Parks Byelaws

The Committee considered a report regarding LB Wandsworth's request to London Councils that TEC set Fixed Penalty Notice (FPN) levels for GLC byelaws relating to parks, so that local authorities could issue FPNs rather than prosecute offenders.

Decision: The Committee:

- Agreed that London Councils would consult on the levels of fixed penalty for breaching the GLC Parks, Gardens and Open Spaces byelaws, as set out at Appendix A: and
- Agreed that London Councils would consult on a fixed penalty level of £80, payable within 28 days and an early payment reduction to £50, if paid within 14 days.

15. Draft Response to Defra Consultation on Littering Penalties

The Committee received a report that set out the actions with relevance to local authorities from the Litter Strategy that Defra published in April 2017. One of these actions was for the Government to consult on increasing litter penalties.

Decision: The Committee:

- Reviewed and agreed the draft responses at Appendix A of the report; and
- Provided a steer that Option 3 (*“increase the minimum, default and maximum fixed penalty to £65, £100 and £150 respectively”*) would be the level of penalties that London Councils supported in its response (question 3, page 4 of the report).

16. London Lorry Control Scheme Review – Update and Initial Recommendations

The Committee received a report that provided members with an update on the progress on the London Lorry Control Scheme review to date, and the short, medium and long-term recommendations for the future.

Spencer Palmer introduced the London Lorry Control Scheme report. He informed members that a great deal of work had gone into the review, and thanked the boroughs, freight industry and businesses for all their positive engagement. Spencer Palmer said that some areas of work could be carried out straight away, whereas others would be more long-term.

Decision: The Committee:

- Approved the recommendations put forward in the report; and
- Agreed that officers would publish a detailed report on the review findings and recommendations.

17. Taxicard Procurement

The Committee received a report that summarised the results of the Taxicard consultation and explained how the findings had been used to inform London Councils' recommended approach to re-procuring the Taxicard supply contract in partnership with Transport for London (TfL).

Councillor Doyle said that he was unfamiliar with the Taxicard scheme. He asked where the majority of the funding came from. Stephen Boon confirmed that 80% of

Taxicard funding came from TfL. He said that London Councils was constantly looking at ways to improve technology and was looking for responses when it went out to contract. Spencer Palmer said that members valued the quality of the service and this came across in the consultation. Stephen Boon confirmed that 80% of users relied on the telephone to book cabs and this was reflected in the range of options put forward for this particular client group.

Decision: The Committee:

- Noted the outcome of the Taxicard consultation;
- Agreed the proposed changes to the service; and
- Agreed the proposed approach to procurement, ie working through, and with TfL, to set up a framework using the competitive procedure with negotiation, subject to London Councils and TfL concluding a service level agreement.

18. Freedom Pass Progress Report

The Committee considered a report that provided members with an update on the provision of the Freedom Pass service, including proposals for: (1) a mid-term review of continued eligibility for Freedom Passes that expired on 31 March 2020, (2) the renewal of Freedom Passes that expired on 31 March 2018, and (3) reducing contact centre costs over the life of the new contract with ESP Systex (October 2017 to September 2022)

Stephen Boon introduced the report. He said that there was a proposal to undertake a mid-term review of Freedom Passes at a cost of approximately £200k, along with a 2018 re-issue. Stephen Boon said that “Option 3” (*“increased use of Interactive Voice Response (IVR) technology and on-line channels, but retain some call provision”*) was the preferred option.

Decision: The Committee:

- Agreed to a mid-term review of eligibility of Freedom Passes that expired on 31 March 2020;
- Noted the plan to renew Freedom Passes that expired on 31 March 2018; and
- Agreed to officers exploring customer contact centre “Option 3” in the context of the new Freedom Pass managed services contract.

19. Item Considered under the Urgency Procedure

The Committee received a report that informed members of an item that was sent to TEC Elected Officers under the Urgency Procedure, namely “Environment and Traffic Adjudicators Recruitment”. Responses were required from Elected Officers by 3 April 2017 to ensure that the 11 adjudicators were appointed in time.

Decision: The Committee noted the Urgency Procedure that was sent to TEC Elected Officers on 27 March 2017 on “Environment and Traffic Adjudicator Recruitment”.

20. TEC Committee Dates 2017/18

The Committee noted and agreed the TEC and TEC Executive Sub Committee meeting dates for 2017/18.

21. Minutes of the TEC Main Meeting held on 23 March 2017 (for agreeing)

The minutes of the TEC Main meeting held on 23 March 2017 were agreed as an accurate record.

Members of the press and public were asked to leave the room while the Exempt minutes from the TEC meeting held on 23 March 2017 were discussed and agreed.

The meeting finished at 15:50pm