

London Councils' Transport and Environment Committee

Thursday 21 March 2019

2:30pm in the Conference Suite, London Councils, 59½ Southwark Street, London, SE1 0AL

Labour Group: Meeting Room 4 at 1:30pm (1st Floor)

Conservative Group: Meeting Room 1 at 1:30pm (1st Floor)

Lib Democrat Group Meeting Room 8 at 1.30pm (4th Floor)

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Agenda items		
1	Apologies for Absence and Announcement of Deputies	-
2	Declarations of Interest*	
3	Ultra Low Emission Zone (ULEZ) Update – Presentation by Shirley Rodrigues, Deputy Mayor for Environment & Energy	-
4	Chair's Report	
5	Fuel Poverty Partnership Report	
6	Air Quality Update	<i>To Follow</i>
7	Go Ultra Low City Scheme (GULCS) Update	<i>To Follow</i>
8	Fixed Penalty Levels for new London Borough of Wandsworth Byelaws	
9	Enforcing London Speed Limits Update	
10	Direct Vision Standard for Heavy Goods Vehicles	

11	Freedom Pass Update	
12	TEC & TEC Executive Sub Committee Dates 2019/20	
13	Minutes of the TEC Executive Sub Committee held on 7 February 2019 (for noting)	
14	Minutes of the TEC Main Meeting held 6 December 2018 (for agreeing)	
	<p>Part Two: Exclusion of the Press and Public (Exempt)</p> <p>Audit Committee will be invited by the Chair to agree to the removal of the press and public since the following items of business are closed to the public pursuant to Part 5 and Schedule 12A of the Local Government Act 1972 (as amended):</p> <p>Paragraph 3 – Information relating to the financial and business affairs of any particular person (including the authority holding that information), it being considered that the public interest in maintaining the exemption outweighs the public interest in disclosing it.</p>	
E1	Exempt Minutes from the TEC Main Meeting held on 6 December 2018 (for agreeing)	
E2	Dockless Bike Scheme Londonwide Byelaw: Presentation by Mike Beevor, Senior Policy Manager, Transport for London	
E3	Taxicard Update	

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:

Alan Edwards

Governance Manager

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Email: alan.e@londoncouncils.gov.uk

TEC Declarations of Interest as at 21 March 2019

Freedom Pass Holders/60+ Oyster Cards

Cllr Wesley Harcourt (LB Hammersmith & Fulham), Cllr Hilary Gander (RB Kingston), Cllr Nick Draper (LB Merton), Cllr David Edgar (LB Tower Hamlets), Cllr Richard Field (LB Wandsworth), and Councillor Tim Mitchell (City of Westminster).

North London Waste Authority

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

Western Regional Waste Authority

Cllr Wesley Harcourt (LB Hammersmith & Fulham).

Western Riverside Waste Authority

Cllr Nick Draper (LB Merton).

East London Waste Authority

Cllr Syed Ghani (LB Barking & Dagenham), and Cllr John Howard (LB Redbridge).

South London Waste Partnership

Cllr Stuart King (LB Croydon), Cllr Hilary Gander (RB Kingston), Cllr Nick Draper (LB Merton), and Cllr Manual Abellan (LB Sutton).

South East Waste Disposal Group

Cllr Denise Scott-McDonald (RB Greenwich).

Environmental Protection UK

Cllr Denise Scott-McDonald (RB Greenwich).

London Waste & Recycling Board

Cllr Feryal Demirci (LB Hackney).

Car Club

Cllr Julian Bell (LB Ealing – Chair), Cllr Feryal Demirci (LB Hackney), Cllr Claudia Webbe (LB Islington), Cllr David Edgar (LB Tower Hamlets) and Cllr Tim Mitchell (City of Westminster).

Thames Regional Flood & Coastal Committee (RFCC)

Cllr Dean Cohen (LB Barnet), Cllr Daniel Anderson (LB Enfield), Cllr Denise Scott-McDonald (RB Greenwich), Cllr Wesley Harcourt (LB Hammersmith & Fulham), and Cllr Richard Livingstone (LB Southwark).

London Cycling Campaign

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

London Road Safety Council (LRSC)

Cllr William Huntington-Thresher (LB Bromley), Cllr Denise Scott McDonald (LB Greenwich)
Cllr Nick Draper (LB Merton), and Cllr Richard Livinstone (LB Southwark).

Dockless Bike Scheme

Cllr Julian Bell (LB Ealing – Chair), Cllr Daniel Anderson (LB Hackney), Cllr Feryal Demirci (LB Hackney), Cllr Claudia Webbe (LB Islington), and Cllr Clyde Loakes (LB Waltham Forest).

MAYOR OF LONDON

Julian Bell

Chair of the London Councils Transport and
Environment Committee (TEC)
London Councils
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Our ref: MGLA251018-6018

Date: 28th December 2018

Dear Julian,

Thank you for your letter of 1 October 2018 regarding borough representation on the Board of Transport for London. I am sorry for the delay in replying – as you will recall, we spoke about this matter when we had one of our quarterly catch-ups in December.

Successful collaboration between the GLA, TfL and the boroughs is essential to deliver the Mayor's Transport Strategy. I agree there is a need to continue to develop and improve the understanding between TfL and the boroughs and to enhance the effectiveness of current arrangements.

Since starting in post, I have been keen to ensure that you have been briefed in advance of key policy announcements and I hope you feel that there has been a good two-way flow of information. I certainly appreciate the pragmatic and principled approach of London Councils' elected members and officers.

The TfL Board appointed in 2016 is one of the strongest and most diverse Boards that TfL has ever had. The size and composition of the Board reflects recommendations from an independent review of Board effectiveness in 2015, undertaken by Deloitte LLP's specialist Board Advisory Team.

That review recommended appointing fewer Members to make meetings more effective and targeting additional skills, knowledge and experience beyond those required in the GLA Act. Deloitte advised strongly against appointing "representatives" from external bodies, to avoid the risk of Members having potential conflicts of interest that would prevent them from taking part in key decision making. The last internal review demonstrated the improved effectiveness of the smaller, broader and more diverse Board.

We receive regular requests from other bodies, trade associations and specific interest groups for representation on the Board, all of which can make justifiable cases for membership. I have sought to resist these requests as I am keen to give the new Board stability and to respect the recommendations of the Deloitte review.

When we spoke in December you also raised the possibility of London Councils having an advisory role to the Board. I have considered your request but am concerned this would raise many similar issues to those outlined above. Given that Board membership was reduced to make decision making more effective, I worry that adding advisors would increase the size of meetings again. We would

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continue to have issues around conflicts of interests and we could set a precedent that would attract similar requests from other groups.

I would be happy to arrange a further meeting with you, London Councils' officers and TfL's Director of City Planning, Alex Williams, to discuss how to further improve collaboration and understanding between TfL and the boroughs. Please contact Jamie Milne in my office if you would like us to set this up. He can be contacted by email at JamieMilne@tfl.gov.uk.

Yours sincerely,

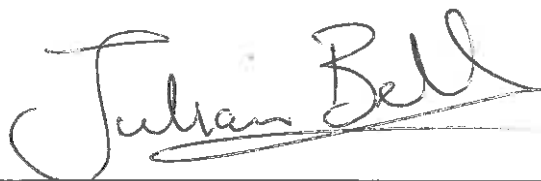
A handwritten signature in dark ink, appearing to read 'Heidi Alexander', with a stylized, flowing script.

Heidi Alexander
Deputy Mayor for Transport

CC: Peter John
Teresa O'Neill
Ruth Dombey

London Councils Transport and Environment Committee (TEC) and London Waste and Recycling Board (LWARB) Joint Working Arrangements – February 2019

1. The two Committees wish to work together in the spirit of partnership and collaboration. This is of mutual benefit to both organisations, which have overlapping interests.
2. London Councils TEC nominates four members to the LWARB on a four yearly cycle.
3. TEC will appoint a lead Member from the four it nominates. This lead Member will report back to TEC on an annual basis on strategic discussions and progress on LWARB business plan.
4. This will be an item at the full TEC meeting in October each year. In support of this paper, the LWARB chair and LWARB supporting officers will attend.
5. This does not preclude TEC to request papers from LWARB or LWARB to request bringing timely papers to meetings in addition to this annual commitment.
6. This commitment is in addition to any other informal feedback, which can happen at any time and can be initiated by either Committee.
7. It is also suggested that the two chairs meet on a six monthly basis, once in February/March time and once August/September time.



Cllr Julian Bell, Chair of London Councils TEC



Dr Liz Goodwin (OBE), Chair of LWARB

TEC-LEDNet joint statement

London Councils' Transport and Environment Committee (TEC) and the London Environment Directors' Network (LEDNet) comprise London's local government environment leaders. We met together on Thursday 21st February to discuss how we could work together to identify and address our pressing concerns around air quality and resources and waste management. This statement sets out the ambition and commitments that were developed at that meeting.

Introduction

We have a vision for London as a global sustainability leader, where clean air and flourishing green infrastructure supports the health and wellbeing of its residents. We believe that tackling environmental degradation can support our efforts to improve the lives of our most vulnerable residents.

In advance of our meeting, we identified three shared priorities around air quality, and three around waste and resources, namely: increasing walking, cycling and use of public transport; reducing private car use; creating low emission neighbourhoods; minimising waste; maximising recycling; and increasing cleanliness and reducing fly-tipping.

At our meeting, we agreed that London faces a number of significant challenges to deliver on these shared priorities, and our overall vision. For example, we need to encourage Londoners to adopt behaviours that reduce air pollution from transport and remove unnecessary waste, by fostering positive, new social norms. We recognise, however, that this is a long-term goal, and therefore we will also seek to use regulatory and enforcement powers that can support these aims.

We commit to bringing our political leadership and professional expertise to achieving this, working across the boroughs and together with the GLA, TfL and other partners in London.

Resources and waste

We recognise challenges at every point in the resources and waste system (see Appendix 1). Above all, we need to reorientate our work on waste and recycling towards considering waste as a resource, looking at resources issues in the round and building the circular economy. The cross-cutting solutions that we will pursue are as follows:

1. We will support people to change their behaviour by making the right thing the easiest thing to do. We will:
 - a. Engage communities at the local level and help them understand our waste and resources system and their role within in;
 - b. Focus on behaviour change amongst young people and highly mobile groups across London; and
 - c. Use the most effective messaging for different audiences, supported by a consistent overarching narrative.
2. We will address the ways in which the type of home one lives in makes it harder for residents to do the right thing. We will:

- a. Ensure that our own planning policies and decisions deliver the smart waste infrastructure inside and outside homes that our residents require; and
 - b. Ensure that landlords understand their responsibilities in relation to waste and recycling, and that they play an active role in supporting their tenants in this regard, including through landlord licencing schemes.
- 3. We will advocate for national policy and legislation that supports us to deliver smart, cost-effective waste reduction, recycling and disposal services that are nested within a wider circular economy approach. We will call on government to:
 - a. Identify and address the root causes of excessive resource use, including by designing it out of products and processes at the earliest point;
 - b. Commit to an approach to resources and waste infrastructure that incorporates circular economy and behaviour-led approaches; and
 - c. Introduce Extended Producer Responsibility schemes that enact the polluter pays principle, support circular economy thinking, embed more efficient product design and ensure that sufficient funding comes to councils to support their role in the system.
- 4. We will support one another to learn by taking a unified approach to data analysis and insights. We will:
 - a. Call for metrics that reflect the waste hierarchy, increasing our focus on reducing our consumption of resources;
 - b. Share and analyse data to create insights, including behavioural insights, which are built back into our services and programmes; and
 - c. Support entrepreneurs to develop technological solutions that meet local government needs as evidenced by our data and insights.

Air quality

Our discussion focused on transportation as the key driver of air pollution in London. We recognised the context for transport is that London's population continues to grow, and that technological development is a major factor in changing the way in which residents and businesses use transport.

For example, whilst public transport use and walking and cycling (sustainable transport) broadly continue to rise, so has the use of ride-sharing; and whilst shared rides can reduce single-occupancy trips and car ownership, it can also draw trips away from sustainable transport. At the same time, the nature of cars and other private and commercial vehicles is also changing, as they increasingly become electric or gas powered, creating a need for associated new infrastructure. And as we increasingly shop online, the increase in commercial delivery vehicles is significantly contributing to congestion and pollution. We need to understand, adapt to and help shape these changes to our transport system.

We also recognised the challenge of the disparate governance of London's transport infrastructure, which is split mainly between boroughs and TfL. Amongst other things, this means that boroughs have no control over red routes, which are some of the most polluting roads in the city.

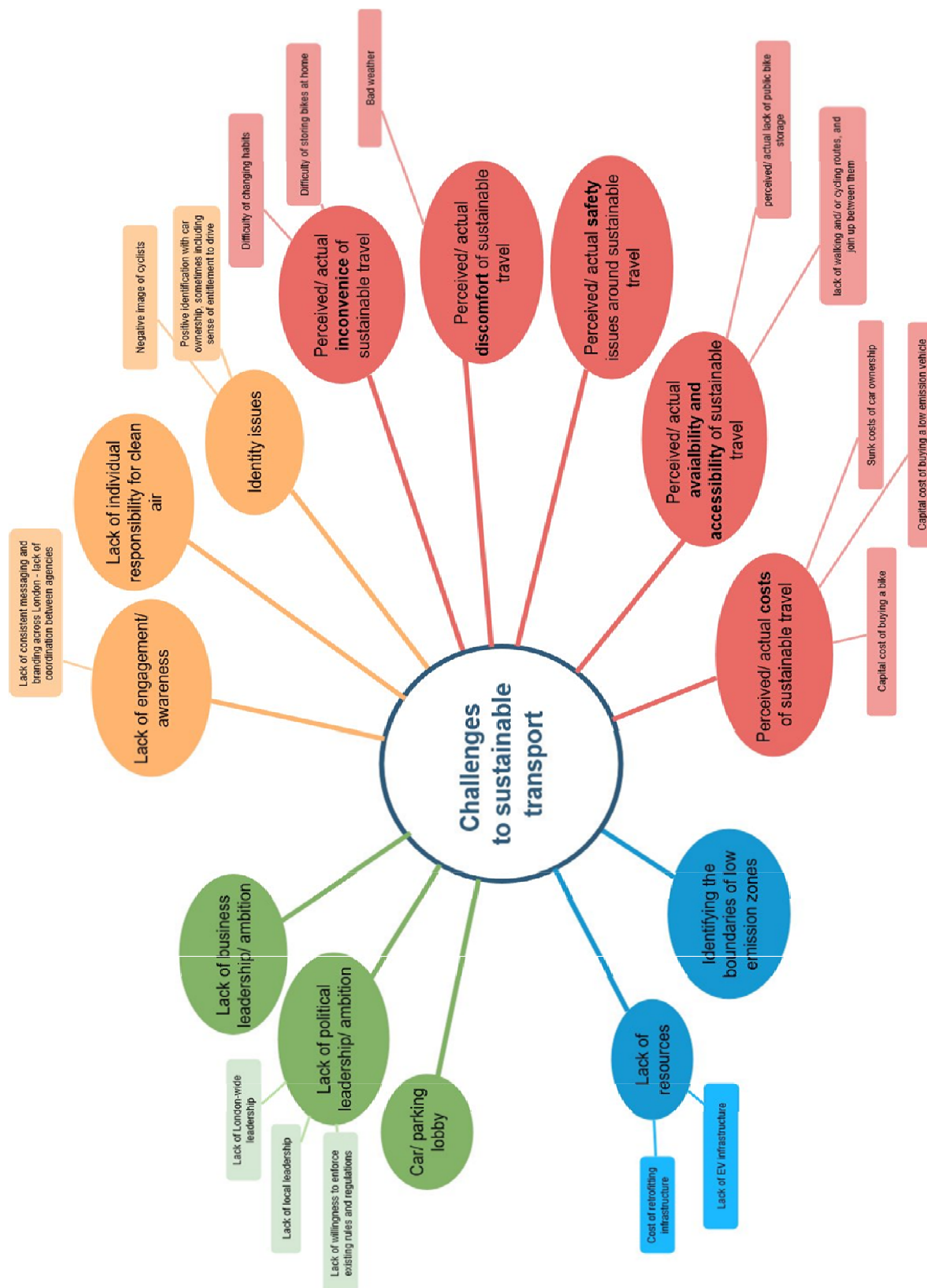
We identified a series of additional cross-cutting challenges affecting the priorities we set out around air quality, which are captured at Appendix 2.

The cross-cutting solutions that we will pursue are as follows:

1. We will create and drive a shared narrative that reframes sustainable travel as a desirable choice, making links to health and wellbeing benefits, including clean air. We will use messaging that reaches hearts and minds (including locally-specific messages), use behavioural insights, and communicate internally, externally and in a coordinated fashion working with TfL. Encouraging Londoners to make a positive shift in transport choices will drive political leadership, further resources for sustainable transport and reduce car use, creating a virtuous circle.
2. We will advocate for effective regulation at national and local level that disincentivises use of private vehicles and polluting vehicles. This includes road user charging in London and schemes to support the uptake of low and ultra low emission private and commercial vehicles. We will continue to develop the use of existing powers, for example emission-based parking charges, that support these aims, and we will clearly justify these policies to residents.
3. We will work to understand and adapt our infrastructure to support sustainable travel and clean vehicles, by expanding and joining up cycle and walking routes, increasing delivery of electric vehicle charging infrastructure and creating low emission neighbourhoods that demonstrate a holistic, place-based approach to reducing pollution, enhancing environmental quality and residents' wellbeing.

Thursday 21st February
Lambeth Town Hall

Appendix 1: challenges to sustainable transport



Appendix 2: challenges in resources and waste





London Councils' Transport & Environment Committee

Chair's Report

Item no: 04

Report by:	Cllr Julian Bell	Job title:	Chair of London Councils Transport and Environment Committee
Date:	21 March 2019		
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 6 December 2018 and provides a forward look until the next TEC meeting on 13 June 2019.
Recommendations	Members to note this report.

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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 6 December 2018 and provides a forward look until 13 June 2019.

Transport

Electric Vehicles

Meeting of the TEC Rapids Sub Group

2. The TEC Electric Vehicle rapid charging infrastructure sub group met on 7 February 2019. The sub-group was updated on the progress of the boroughs in submitting their lists of 20 potential sites for the installation of rapid charging points and TfL presented on its latest thinking on rapid charging infrastructure roll out.

20 sites

3. 26 boroughs submitted their lists of 20 sites by 31 January 2019. London Councils officers are engaging with the remaining boroughs to have their lists submitted as soon as possible.
4. TfL is currently assessing the sites submitted to them and will be approaching the boroughs to follow up on the sites they wish to proceed with.
5. The sub-group will now concentrate on monitoring the progress of actual installations in these locations.

TfL's rapid charge point roll out

6. To support the growing number of Zero Emission Capable (ZEC) taxis and the wider take-up of electric vehicles, the Mayor has committed to build a network of rapid charge points across London. 170 have been installed to date¹, which is a major step towards the target of 300 rapid charge points by December 2020. At present, there are more than 1,190 ZEC taxis licensed in London. TfL continues to work with the Taxi trade and boroughs to identify the most favourable locations for future taxi dedicated sites.
7. As more information is gathered about demand and usage, TfL is refining its strategy for the delivery of Rapid charging points. Over the next two years TfL will be focusing on the identification of suitable locations in boroughs for hub-sites (one per sub region) and town centres for public access.
8. TfL is currently developing the designs for two of these hub sites; one in Greenwich and the other in the City of London. The hubs will consist of a cluster of rapid charge points to support both taxi and public electric vehicle users.

Local Implementation Plan

9. On 8 February I wrote to the Mayor requesting the top up for the LIP Corridor funding boroughs received last year. I have so far not had a response but keep on pressing the

¹ On 5th March 2019

issue of continuing LIP funding at current or increased levels at every opportunity, lastly at my and colleagues' meeting with the TfL Commissioner.

10. The officer LIP 3 Working Group, on suggestion by TfL and some boroughs, is continuing to look at a potential revision of the formula that decides how the Corridors LIP funding pot is allocated. Officers will devise a preferred option, which will be consulted upon with all boroughs from April through to October 2019. This Committee will have the opportunity to comment first at its June meeting and again at the October meeting where the Committee will be asked to decide on its preferred formula option.

Highways Maintenance Funding Campaign

11. Funds available to London boroughs for highways maintenance continues to fall significantly short of what is needed. The accumulated highways maintenance backlog in London is currently estimated to be approximately £907 million². As a result, London boroughs are forced to sacrifice funding from other vital services such as adult social care, child protection and care services, social housing, etc. to ensure that highways continue to be maintained to a good standard.
12. London Councils' officers continue to develop the lobbying campaign to increase highways funding for London boroughs. Our initial lobbying effort will be the devolution of VED back to the Capital. Officers will be engaging with TfL, businesses, the Mayor, London MPs and government to strengthen the case for this vital service.

Future Mobility Agenda – Task & Finish Group on Car Clubs

13. The car club sector could become an important part of London's journey towards a more sustainable transport future but there are significant challenges to achieving this. These, as well as a number of key opportunities will be discussed in an intensive, but time limited work by the Task & Finish Group on Car Clubs. London Councils TEC Executive will have oversight through regular reporting³.
14. The Task and Finish Group brings together officers from London Councils, London boroughs, the GLA, TfL and the car clubs' industry, and aims to provide a robust analysis of the current state of car sharing in London.
15. The inaugural meeting of the Group was held on 20 February 2019 with other seven meetings scheduled every three weeks. A draft report will be taken to the July TEC, which will inform the next steps. As of today, London Councils' officers are aiming to produce and present the final report on car sharing to TEC Executive in September 2019, at the same time, TEC Executive will decide on the next topic area for another Task and Finish Group within the future mobility agenda.

Health Emergency Badge Review Update

16. The Health Emergency Badge (HEB) is a service provided by London Councils on behalf of all London authorities to help medical practitioners park in restricted places when attending medical emergencies across London. London Councils is in process of undertaking a review of the scheme, which includes administration and back office functions, eligibility, cost and design of the badge, enforcement, misuse and ultimately whether the scheme is still fit for purpose.
17. London Councils has surveyed all boroughs to gauge their understanding of the scheme, associated costs and enforcement practices, conducted a workshop to discuss the

² State of the City report. Available here: <https://www.londoncouncils.gov.uk/node/34627>

³ Full report can be found here: <https://www.londoncouncils.gov.uk/node/35118>

findings of the survey and surveyed the health sector to gauge their understanding of the scheme, associated costs and use of the badge.

18. The next steps will include a wider working group of key stakeholders (borough officer and health group representatives) to discuss any issues in detail to help inform recommendations regarding the future of the scheme to reported to TEC later this year.

Meeting with Chief Superintendent Colin Wingrove

19. I met with Chief Superintendent Colin Wingrove who is the Commander for Roads and Transport Policing in London. We talked about the roll out of the Direct Vision Standard, the good works boroughs are doing locally to improve road safety, collision data and 20mph enforcement. We will continue this engagement and work together on those shared interests.

London Walking Forum

20. Katharina Winbeck attended the second meeting of the London Walking Forum. The two main topics covered were the strategic walking analysis undertaken by TfL and the outer London Walking Study the Forum wishes to undertake.

Strategic Walking Analysis

21. TfL has undertaken some detailed walking analysis using Hex level data of 350m, combining pedestrian density and walking potential. The analysis can be used to identify areas that could be targeted with interventions to increase walking. The analysis provides a rich picture of the potential for walking and barriers to walking in each area in London and there are other variables (e.g. green spaces or crime data) which can be added to maximise the potential for the analysis.
22. Borough officers were shown this analysis and a final report is being drafted and will be published in the coming months. This can then be used by all stakeholders interested in improving the uptake of walking.

Outer London Walking Study

23. The Forum agreed to undertake a study focusing on Outer London to really understand the motivations and barriers of pedestrians, how this might differ between different groups of people, what the links are between leisure walking and active travel amongst other things. This will enable us to encourage people to walk more effectively, ensuring the right language is used and the right motivations addressed
24. A working group will be set up to take forward these initial ideas, review existing research and to develop some options for the study in time for the next forum. Updates will be provided to TEC. Owain Mortimer will represent London Councils on this working group.

TEC / TfL Commissioner Meeting

25. I and the vice chairs of TEC met with the TfL Commissioner and other officers on 28 February 2019. Issues discussed were road safety, the Business Plan, Crossrail, bus network changes, freight, cycling delivery, ULEZ, lobbying for funding and TfL Board Membership.

Road Safety

26. We discussed the roll out of 20mph zones and the enforcement of these. We will continue to work together on the best solution for London's road safety.

Business Plan

27. Officers will continue to engage with TfL finance colleagues on the development of the TfL business plan. Regular updates will be given to the TEC chair and vice chairs on the discussions taking place. This work will start fully in the summer, when TfL colleagues are undertaking their scenario planning for the new business planning round.
28. The group of officers, which currently includes two borough finance directors, will be widened to include some regeneration directors, given the strong links between the two policy areas.

Crossrail

29. TfL colleagues are working hard to continue the case for Crossrail 2. The timeline of this and other major transport infrastructure projects will be reviewed, given the situation with the Elizabeth Line.

Buses

30. We talked about the changes that have already been implemented and those that are due to happen in the future. TfL officers have been very clear that they wish the bus service to remain an attractive one and that they need to ensure they go where people need them; provide good customer service but also an improved environment for bus drivers.
31. Colleagues highlighted the importance of bus priority measures to ensure bus reliability continues to improve and a full report on this will be taken to the next full TEC meeting in June 2019.

Freight

32. The freight action plan is due to be published imminently. Borough and London Councils officers were engaged in its drafting.

Cycling delivery

33. TfL is keen to speed up cycling delivery in London, given the ambitious targets in the MTS and the important role cycling has within that. TfL is looking at a base quality standard for cycling infrastructure and is moving away from the currently used terminology. TfL is planning on providing some centralised resource, including technical and officer capacity for boroughs to improve delivery. We welcomed this approach, as one of our main challenges are the diminishing resources and capacity within boroughs transport teams.

ULEZ

34. There will be a further push to communications in the last weeks before the introduction of the central London ULEZ. Any help that boroughs can provide would be greatly appreciated by TfL. There have been mailouts to individuals who are known to travel in the zone with non-compliant vehicles, 250k individual letters have been sent to date.
35. The scrappage scheme for small businesses (ten employees or less) is now open. Again, any support boroughs can give to publicise this scheme will be appreciated.

Lobbying for funding

36. A full update on this will be given to TEC in June 2019. In the meantime, London Councils and TfL officers are working together to devise a joint approach (see above paragraphs).

TfL Board Membership

37. I highlighted our case for TfL board membership again with the Commissioner, after having received a letter from Heidi Alexander, explaining the reasons why this is not considered appropriate. This letter can be found at Appendix 1 of this report.

Press Work

London Councils in the press

38. 6 December 2018 – Evening Standard - London councils could seize power from police to fine speeding drivers
39. 14 December 2018 – London studies speed limit decriminalisation – Local Transport Today
40. 9 January 2019 – Electric car owners want guidance on charging – BBC London TV

Press enquiries

41. There have been two press enquiries in this period on boroughs seeking powers to enforce speed limits and disable person's Freedom Pass issues in Newham and Tower Hamlets.

Environment

Air Quality

Air quality Summit

42. I attended the second Clean Air Summit hosted by the Mayor of London on 14 February 2019. It was again attended by Metro Mayors from around the country, as well as the Secretaries of State for Environment, Food and Rural Affairs and Health and Social Care, UK100 and UNICEF UK.
43. A joint communique was agreed at the meeting which set out broad areas of consensus on which to lobby the upcoming Environment Bill. This communique includes adopting WHO recommended air pollution limits, creating a truly independent watchdog that is adequately funded and empowered to hold the UK Government to account, increase the powers to local authorities with the necessary resources to deliver effective enforcements and agreement to work together with private and public bodies to improve air quality.

Defra Waste & Recycling Consultations

44. Defra have published three consultations on waste and recycling system: reforming the UK packaging producer responsibility system; introducing a deposit return scheme in England, Wales and Northern Ireland; and consistency in household and business recycling collections in England. All three close on Monday 13th May, and together they have the potential to significantly reform the funding of waste and recycling, and to drive more upstream measures to reduce waste.
45. TEC will be preparing a joint response to the three consultations together with the LEDNet, facilitated by a joint workshop at the end of March/beginning of April. We anticipate that the joint response will support individual borough responses, and we hope to achieve a good level of alignment in order to create a more powerful impact on the final result of the consultations.

London Plan Examination in Public (EiP)

46. London Councils is making representation to inform the London Plan Examination in Public on several subject matters, including transport, air quality and water infrastructure. Our comments are in line with the previously signed off responses to the Mayors London Plan, Transport and Environment Strategies. The relevant meetings are taking place in May 2019.

Meeting with Chair of LWARB

47. On 27 February, I met with Dr Liz Goodwin OBE, chair of the London Waste and Recycling Board (LWARB) and Wayne Hubbard, Chief Executive Officer of LWARB. We agreed to improve our joint workings for the future and signed a statement like the one we have agreed with the chair of the Thames RFCC. The full statement is attached at Appendix 2.
48. Additionally, we discussed the upcoming review of LWARB's business plan, the personnel changes at LWARB, funding and communications. We agreed to take versions of the LWARB business plan to TEC, both in October 2019 and a near final version in March 2020. Officers will also work more jointly around communications activities to ensure these align better in the future.

First Joint Meeting between LEDNet and TEC

49. TEC met together with the London Environment Directors' Network (LEDNet) on Thursday 21st February, for a joint discussion of London's most pressing current and future environmental challenges, the policy framework in which they sit and how they can be addressed through collaborative leadership and action.
50. Discussions focused on air quality and waste, two areas that are high priorities for Londoners, and thus for TEC and LEDNet. Based on shared outcomes identified through prior consultations with boroughs, participants identified key challenges to reaching those outcomes, and priority actions to tackling those challenges. These are summarised in a draft joint statement, set out in Appendix 3. Once finalised and adopted by both groups, this statement will be published on the London Councils' website.

Forward Look

Forthcoming meetings and consultations between now and the next TEC meeting on 13 June 2019:

March

28 – Workshop on the Defra waste consultations with LEDNet

April

3 – 1-2-1 with Shirley Rodrigues

3 – LWARB Conference

10 – 1-2-1 with Heidi Alexander

16 – Thames RFCC Main Committee

May

7 – Transport Schemes and Development London Plan Examination in Public

9 – Air Quality and Water Infrastructure London Plan Examination in Public

14 – Crossrail High Level Forum

16 - 17 – LoTAG & Sub-Groups Conference

June

4 – London Councils Leaders' Committee AGM

6 – TEC / TfL Commissioner Meeting, followed by tour of Sutton Schemes

10-14 – Circular Economy Week

20 – Clean Air Day

London Councils' Transport and Environment Committee

London Fuel Poverty Partnership Item No: 05

Report by: Cllr Claudia Webbe **Job titles:** Executive Member for Environment and Transport at the London Borough of Islington and representative of TEC on the London Fuel Poverty Partnership

Date: 21 March 2019

Contact Officer: Owain Mortimer

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Summary: This report provides an update to the Committee on the work of the London Fuel Poverty Partnership (LFPP).

Recommendations: Members are asked to:

1. Note and comment on the report;
2. Work with colleagues in their boroughs to implement the recommendations from the Fuel Poverty Partnership as outlined in paragraph 9

Overview

1. The impacts of living in cold homes on health is well-established. Health impacts include mental health issues, as well as respiratory and circulatory problems. Although not all cold homes have fuel poor households living in them, there is a strong link between the two.
2. Between 2015 and 2018 an average of 3,240 more people died in London each winter compared with the rest of the year. Over 1,000 of these can be attributed to cold housing conditions¹. The burden on the NHS is considerable, with analysis by the joint Camden and Islington Public Health Department suggesting that there were more than six emergency hospital admissions for each death and an unknown but considerable extra demand on GP services.
3. Health sector engagement is vital in finding and assisting the vulnerable yet there is a fairly consistent picture of minimal engagement across the country. In 2015 the National Institute for Health and Care Excellence (NICE) published guidance on preventing excess winter deaths related to cold homes but this has had so far limited traction.

The London Fuel Poverty Partnership

4. In May 2018 the Mayor established the London Fuel Poverty Partnership to deliver his [Fuel Poverty Action Plan](#), published the following month. The partnership brings together stakeholders from sectors including local government, social housing, landlords, tenants, health, social care, academic, charities, energy suppliers and the energy efficiency industry. The group aims to not only assist the Mayor in delivering fuel poverty support but also works across support services to identify households living in fuel poverty, so they can get the support they need. The Partnership encourages all sectors and organisations to play their part and its members act as advocates for improvements in policy and delivery. London Councils are represented on the Partnership by Cllr Claudia Webbe (Islington).
5. Alongside London Councils the [Association of Local Energy Officers \(ALEO\) London](#) and the London Association of Directors of Adult Social Services ([London ADASS](#)) are represented. The Partnership meets three times a year and is next due to meet in May 2019.
6. The Partnership is co-chaired by Shirley Rodrigues, Deputy Mayor for Environment & Energy, and Debbie Weekes-Bernard, Deputy Mayor for Social Integration, Social Mobility and Community Engagement.
7. At the Partnership's most recent meeting (10 January) how to engage with the health sector and get them on board with the fuel poverty agenda was discussed and several asks were identified of various partners. For boroughs the partnership agreed on the following:

¹

<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/datasets/excesswintermortalityinenglandandwalesreferencetables>

- Health and Wellbeing Boards should adopt and implement the [NICE guidelines](#) on excess winter deaths and illness;
- Fuel poverty and excess winter deaths should be included in boroughs' joint strategic needs assessments and joint health and wellbeing strategies;
- Boroughs should support local fuel poverty services, possibly through joint commissioning with Clinical Commissioning Groups (CCGs) and utilising carbon offset funds;
- All local "Making Every Contact Count" (MECC) training commissioned by borough public health departments should include information on housing conditions, specifically cold and damp. This is already done in some boroughs;
- Work with CCGs and the GLA to build a single referral portal for London for all frontline professionals to use;
- Social care services should build cold and damp homes assessments into their care pathways;
- All social care workers should be trained in the identification of cold and damp homes risks.

The Mayor's fuel poverty programmes

8. The Mayor's main fuel poverty programmes are Warmer Homes and the Fuel Poverty Support Fund. These can be accessed either by London residents or London boroughs to help address fuel poverty. Further details below.
9. [Warmer Homes](#) is a grant programme for individual households established in January 2018 for owner-occupiers and extended to private tenants on a trial basis in November 2018. It provides up to £4,000 funding for heating, insulation and ventilation improvements for fuel poor residents. £4.4m worth of improvements have been made since January 2018. It has received over 1,700 applications and has so far been taken up by residents in every London borough except the City of London.
10. The [Fuel Poverty Support Fund](#) provides funding for boroughs to expand their existing fuel poverty advice and referral services to cover the whole of London. Boroughs are supported to recruit local referral partners, provide telephone energy advice, home energy visits that include the installation of small energy saving measures, support with fuel debt and applications to Warmer Homes. In Round 1 (February 2018 to March 2019), Croydon, Islington, Kingston and Lewisham received funding to expand their services. By the end of March, they will have supported over 2,000 vulnerable households and reached every London borough. In the spring Round 2 will be launched, which will again be open to any London borough running an existing service.

NICE guideline on Excess winter deaths and illness

11. This [public health guidance](#) was published by the National Institute for Health and Care Excellence (NICE) in 2015 and contains twelve recommendations for a variety of stakeholders. Many of the recommendations are aimed at local Health and Wellbeing Boards but uptake has

been very limited. Although the Fuel Poverty Action Plan and associated fuel poverty programmes explained above meet several of the recommendations, some can only be implemented at a borough level.

12. The recommendations from the NICE guideline on excess winter deaths and illness that are actionable at borough level are:

- Health and wellbeing boards should develop a strategy to address the health consequences of cold homes;
- Health and wellbeing boards should ensure a local single-point-of-contact health and housing referral service is commissioned to help vulnerable people who live in cold homes;
- Health and wellbeing boards and their partners should ensure the local single-point-of-contact health and housing referral service provides access to tailored solutions to address identified needs, rather than an off-the-shelf approach;
- Primary health and home care practitioners should identify people at risk of ill health from living in a cold home;
- Primary health and home care practitioners should make every contact count by assessing the heating needs of people who use primary health and home care services;
- Non-health and social care workers, such as local authority housing officers, who visit people at home should assess their heating needs;
- Health and wellbeing boards, Public Health England and the relevant central government departments, should raise awareness among practitioners and the public about how to keep warm at home;
- Building control officers, housing officers, environmental health officers and trading standards officers should ensure buildings meet ventilation and other building and trading standards.

Case study - Islington

13. “On Energy” is Islington Council’s Energy Service, which works to protect residents across London from rising costs by finding innovative solutions to cut energy bills, deliver low-carbon energy and reduce carbon emissions. Some key “On Energy” projects include:

- SHINE network – free energy advice and affordable warmth interventions for Londoners at risk of fuel poverty. This year, SHINE will help over 4,000 vulnerable households to reduce utility bills, tackle energy debt and stay well and warm;
- Energy Doctor - offer simple energy saving measures to Londoners on low incomes. Low energy light bulbs, draught proofing, reflective radiator panels and water saving devices to help residents take control of their utility usage;
- Angelic Energy – a council run energy provider offering cheaper, greener, fairer energy across London;
- Community Energy Fund – helping community groups in Islington to implement their innovative ideas to reduce the borough’s carbon footprint;
- Bunhill Heat Network – a publicly-owned, decentralised energy project which offers Islington residents secure, reliable and affordable energy.

Recommendations:

1. Note and comment on the report;
2. Work with colleagues in their boroughs to implement the recommendations from the Fuel Poverty Partnership as outlined in paragraph 9.

Financial implications for London Councils

None arising from this report

Legal implications for London Councils

None arising from this report

Equalities implications for London Councils

None arising from this report

London Councils' Transport & Environment Committee

Fixed Penalty Levels for New Wandsworth Byelaws

Item no: 08

Report by: Paulius Mackela

Job title: Principal Policy & Projects Officer

Date: 21 March 2019

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Summary:

LB Wandsworth has approached London Councils and requested that TEC set Fixed Penalty Notice (FPN) levels for the new Wandsworth byelaws relating to parks and open spaces, so that local authorities can issue FPNs rather than prosecute offenders.

Under Section 17(6) of the London Local Authorities Act 2004, it is the duty of the joint committee, London Councils' Transport and Environment Committee (TEC), to set levels of fixed penalties for byelaws. Consistent with past practice it is proposed that London Councils consult on the levels of the penalty.

This report sets out the background to the request and includes information about the consultation process proposed.

Recommendations:

The Committee is asked to:

- Agree that London Councils consults on the levels of fixed penalty for breaching the new Wandsworth byelaws, as set out at Appendix A;
- Agree that London Councils consults on a fixed penalty level of £80, payable within 28 days and an early payment reduction to £50, if paid within 14 days.

Fixed Penalty Levels for Parks Byelaws

Background

1. Some parks and open spaces in London are covered by GLC (Greater London Council) Parks, Gardens and Open Spaces byelaws. In 2017, London Councils was approached by LB Wandsworth, which wanted to introduce fixed penalty notices in their parks, gardens and open spaces covered by the byelaws. At its meeting on 15 June 2017 TEC agreed to public consultation about GLC Parks Byelaws. Following this, in November 2017, the TEC approved FPN levels for GLC Byelaws at £80, reduced to £50 for payment within 14 days.
2. In 2018 LB Wandsworth developed and submitted an application to the Secretary of State (SoS) for the Department for Communities and Local Government (now the Ministry of Housing, Communities and Local Government) for the adoption of a new set of Wandsworth Byelaws to cover the smaller parks and open spaces in the Borough, with a view to a further application to London Councils TEC for the use of FPN for these byelaws.
3. In October 2018, the SoS confirmed the approval of the new Wandsworth Byelaws. The new Wandsworth byelaws are based on Model Byelaws published by the Ministry of Housing, Communities & Local Government (MHCLG)¹.
4. London Councils has been approached by LB Wandsworth once again to apply for the same FPN levels for the new Wandsworth byelaws as for the GLC Byelaws i.e. £80, reduced to £50 for payment within 14 days.
5. A full list of parks and open spaces that are covered by the new Wandsworth byelaws is provided at Appendix A. By way of summary, they include byelaws relating to damage and injury of plants and assets; trespass; erecting buildings and obstructions; restrictions on vehicles and traffic; keeping animals under control and not disturbing wildlife; nuisance behaviours; sale and advertising including plying for hire; disruptions to the peace of others, for example public meetings or playing music; soliciting or gathering money; requiring permission for games and other activities except in places specified by the council; and obstructing officers of the council.

Discussions with other boroughs

6. Following the initial request, London Councils officers have identified several other boroughs and statutory authorities that would appear to have adopted the MHCLG Model Byelaws to cover their parks and open spaces. This research was undertaken through a desktop study of borough websites, follow up emails, and reviewing the results of a survey undertaken by Parks for London.
7. To the best of officers' knowledge, the following boroughs and statutory authorities have adopted the MHCLG Model Byelaws: Brent, Bromley, Ealing, Enfield, Hammersmith & Fulham, Lambeth, Lee Valley Regional Park Authority, Lewisham, Newham, Redbridge, Southwark, Tower Hamlets and Waltham Forest.

Fixed penalties under London Local Authority (LLA) legislation

8. Sections 15-18 of the London Local Authorities Act 2004 (LLAA 2004) establish the fixed penalty notices provisions for any byelaws made by borough councils under any enactment. Under those provisions the borough councils' functions of setting the levels of fixed penalties are discharged by TEC.

¹ More information about the Model Byelaws can be found here:

<https://www.gov.uk/government/publications/pleasure-grounds-public-walks-and-open-spaces-model-byelaw-2>

Proposed levels of fixed penalty notices for breaching parks byelaws

9. In determining the level of penalty set, TEC may take account of:
 - a. any reasonable costs or expected costs incurred or to be incurred in connection with the administration of the provisions of the enactment under which the particular fixed penalty offence is created; and
 - b. the cost or expected cost of enforcing the provisions of the relevant enactment.
10. TEC may also wish to consider the ability of people to pay the penalty, and a level that will encourage payment rather than non-payment leading to prosecution.
11. It is proposed that the level of penalty for breaching the new Wandsworth byelaws should be in line with similar types of nuisance behaviour as these have similar enforcement costs and are also considered appropriate in all other respects. LB Wandsworth supports this level.
12. The proposal to TEC is that it consults on a penalty level of £80 which a person must be given at least 28 days to pay. It is also proposed that TEC consults on a reduced penalty of £50 which would be payable if paid within 14 days. This would be in line with similar offences given in the table below for littering and graffiti. These penalties are given on-the-spot and cannot be sent by post or other means. This ensures the recipient knows they have received an FPN and can act accordingly.
13. A table of similar offences relating to those contained in the MHCLG model byelaws that TEC has approved penalties for is given below.

Short name of offence	Legislation	Fixed penalty notice amount and timescales to pay	Early payment amount and timescales	Date TEC set penalties
Bird feeding (specified areas)	Westminster only (byelaw)	£80, 28 days to pay	£50, if paid 14 days	18 June 2015
A range of offences	GLC Parks Byelaws in Wandsworth	£80, 28 days to pay	£50, if paid 14 days	12 November 2017
Flyposting	Town and Country Planning Act 1990 S.224(3), provided for in Schedule 2 of LLAA 2004	£100, 28 days to pay	£60, if paid within 14 days	2 December 2005
Graffiti	S.43 Anti-Social Behaviour Act 2003, amended by S.28 of Clean Neighbourhoods and Environment Act 2005	£80, 14 days to pay		15 June 2006
Litter	S.88(1) Environmental Protection Act 1990, amended by S.19 Clean Neighbourhoods and Environment Act 2005	£80, 14 days to pay		15 June 2006
Anti-social spitting	Enfield only (byelaw)	£80, 28 days to pay	£50, if paid within 14 days	11 December 2014
Unlicensed street trading	London Local Authorities Act 1990, S.38(1), provided for in Schedule 2 of LLAA 2004	£150, 28 days to pay	£90, if paid within 14 days	2 December 2005
Failure to comply with a Public Space Protection Order (Dog Control Orders now Public Space	Anti-social behaviour, crime and policing Act 2014 S.68(1)	Penalties set by boroughs not TEC. Must not exceed £100.	Boroughs decide this.	N/A

Short name of offence	Legislation	Fixed penalty notice amount and timescales to pay	Early payment amount and timescales	Date TEC set penalties
Protection Orders)				
Keeping animals straying or lying on side of highway	Highways Act (1980) S.155(2) , FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	£100, 28 days to pay	£50, if paid within 14 days	27 January 2004
Failure to comply with notice requiring removal of tree or shrub on the highway	Highways Act (1980) S.141(3) , FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	£100, 28 days to pay	£50, if paid within 14 days	27 January 2004
Painting or otherwise inscribing or affixing picture etc. upon the surface of a highway or upon a tree, structure or works on or in a highway	Highways Act (1980) S.123(1), FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	£100, 28 days to pay	£50, if paid within 14 days	27 January 2004

Consultation with boroughs and other stakeholders

14. Consistent with past practice, it is proposed that London Councils consults before setting any penalty levels.
15. Previous consultations that TEC has run have been web-based and open for six weeks. It is proposed that the consultation runs for all of April and May 2019. Whilst the consultation will be web-based, signage in the relevant parks in LB Wandsworth will be erected identifying the consultation and encouraging respondents to submit their views. London Councils officers will work with officers in LB Wandsworth to arrange this, and any associated costs will be borne by LB Wandsworth.
16. In addition to park users, London Councils will seek views from parks representative groups, interested parties including the police and all London boroughs on the proposed levels of fixed penalties. The results of the consultation exercise will be reported to members at the TEC meeting on 13 June 2019 for a decision on adopting the penalty levels. If a level is agreed this must then be notified to the Secretary of State.
17. If the penalty level is agreed by TEC (and not objected to by the Secretary of State), it becomes available to Wandsworth in respect of the new Wandsworth byelaws. In the

event of other borough councils wishing TEC to set penalty levels for similar byelaws in their areas, it is open to them to request this.

Recommendations

The Committee is asked to:

- Agree that London Councils consults on the levels of fixed penalty for breaching the new Wandsworth byelaws, as set out at Appendix A;
- Agree that London Councils consults on a fixed penalty level of £80, payable within 28 days and an early payment reduction to £50, if paid within 14 days.

Financial Implications

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

Legal Implications

These are included in the body of the report.

Equalities Implications

LB Wandsworth has produced an Equalities Impact Assessment, which is provided as Appendix B.

Wandsworth Borough Council
BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS
AND OPEN SPACES

ARRANGEMENT OF BYELAWS

PART 1
GENERAL

1. General interpretation
2. Application
3. Opening times

PART 2
PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

4. Protection of structures and plants
5. Unauthorised erection of structures
6. Climbing
7. Grazing
8. Protection of wildlife
9. Gates
10. Camping
11. Fires
12. Missiles
13. Interference with life-saving equipment

PART 3
HORSES, CYCLES AND VEHICLES

14. Interpretation of Part 3
15. Horses
16. Cycling
17. Motor vehicles
18. Overnight parking

² Also available here:

http://www.wandsworth.gov.uk/downloads/file/9940/wandsworth_council_parks_and_open_spaces_byelaws

PART 4
PLAY AREAS, GAMES AND SPORTS

- 19. Interpretation of Part 4
- 20. Children's play areas
- 21. Children's play apparatus
- 22. Skateboarding, etc
- 23. Ball games
- 24. Ball games - rules
- 25. Cricket
- 26. Archery
- 27. Field sports
- 28. Golf

PART 5
WATERWAYS

- 29. Interpretation of Part 5
- 30. Bathing
- 31. Ice skating
- 32. Model boats
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MODEL AIRCRAFT

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- 39. Provision of services
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PART 8
MISCELLANEOUS

45. Obstruction

46. Savings

47. Removal of offenders

48. Penalty

49. Revocation

SCHEDULE 1 - Grounds to which byelaws apply generally

SCHEDULE 2 - Grounds referred to in certain byelaws

SCHEDULE 3 - Rules for playing ball games in designated areas

Byelaws made under section 164 of the Public Health Act 1875/sections 12 and 15 of the Open Spaces Act 1906 by Wandsworth Borough Council with respect to its pleasure grounds, public walks and open spaces.

PART 1 GENERAL

General Interpretation

1. In these byelaws:

“the Council” means Wandsworth Borough Council;

“the ground” means any of the grounds listed in Schedule 1;

“designated area” means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

“invalid carriage” means a vehicle, whether mechanically propelled or not,

- (a) the unladen weight of which does not exceed 150 kilograms,
- (b) the width of which does not exceed 0.85 metres, and
- (c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

Application

2. These byelaws apply to all of the grounds listed in Schedule 1 unless otherwise stated.

Opening times

3. (1) No person shall enter or remain in the ground except during opening hours.
- (2) “Opening hours” means the days and times during which the ground is open to the public and which are indicated by a notice placed in a conspicuous position at the entrance to the ground.
- (3) Byelaw 3 (1) applies only to the grounds listed in Schedule 2.

PART 2 PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Protection of structures and plants

4. (1) No person shall without reasonable excuse remove from or displace within the ground:
- (a) any barrier, post, seat or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the ground; or
 - (b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.

- (2) No person shall walk on or ride, drive or station a horse or any vehicle over:
- (a) any flower bed, shrub or plant;
 - (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or
 - (c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

Unauthorised erection of structures

5. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.

Climbing

6. No person shall without reasonable excuse climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

Grazing

7. No person shall without the consent of the Council turn out or permit any animal for which he is responsible to graze in the ground.

Protection of wildlife

8. No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares.

Gates

9. (1) No person shall leave open any gate to which this byelaw applies and which he has opened or caused to be opened.
- (2) Byelaw 9 (1) applies to any gate to which is attached, or near to which is displayed, a conspicuous notice stating that leaving the gate open is prohibited.

Camping

10. No person shall without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping except in a designated area for camping.

Fires

11. (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.
- (2) Byelaw 11 (1) shall not apply to the lighting of a fire at any event for which the Council has given permission that fires may be lit.

Missiles

12. No person shall throw or use any device to propel or discharge in the ground any object which is liable to cause injury to any other person.

Interference with life-saving equipment

13. No person shall except in case of emergency remove from or displace within the ground or otherwise tamper with any life-saving appliance provided by the Council.

PART 3 HORSES, CYCLES AND VEHICLES

Interpretation of Part 3

14. In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;

“motor cycle” means a mechanically-propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

Horses

15. (1) No person shall ride a horse except in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted by virtue of a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Cycling

16. No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles or on a designated route for cycling.

Motor vehicles

17. No person shall without reasonable excuse bring into or drive in the ground a motor cycle, motor vehicle or trailer except in any part of the ground where there is a right of way for that class of vehicle.

Overnight parking

18. No person shall without the consent of the Council leave or cause or permit to be left any motor vehicle in the ground between the hours of 10p.m. and 6 a.m.

PART 4 PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

19. In this Part:

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching, but does not include cricket; and

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

Children’s play areas

20. No person aged 14 years or over shall enter or remain in a designated area which is a children’s play area unless in charge of a child under the age of 14 years.

Children’s play apparatus

21. No person aged 14 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 14 years by a notice conspicuously displayed on or near the apparatus.

Skateboarding, etc

22. No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

Ball games

23. No person shall play ball games outside a designated area for playing ball games in such a manner:
- (a) as to exclude persons not playing ball games from use of that part;
 - (b) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or
 - (c) which is likely to cause damage to any tree, shrub or plant in the ground.
24. It is an offence for any person using a designated area for playing ball games to break any of the rules set out in Schedule 3 and conspicuously displayed on a sign in the designated area when asked by any person to desist from breaking those rules.

Cricket

25. No person shall throw or strike a cricket ball with a bat except in a designated area for playing cricket.

Archery

26. No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Council.

Field sports

27. No person shall throw or put any javelin, hammer, discus or shot except in connection with an event organised by or held with the consent of the Council.

Golf

28. No person shall drive, chip or pitch a hard golf ball.

PART 5 WATERWAYS

Interpretation of Part 5

29. In this Part:

“boat” means any yacht, motor boat or similar craft but not a model or toy boat;

“power-driven” means driven by the combustion of petrol vapour or other combustible substances;

“waterway” means any river, lake, pool or other body of water and includes any fountain.

Bathing

30. No person shall without reasonable excuse bathe or swim in any waterway.

Ice skating

31. No person shall step onto or otherwise place their weight upon any frozen waterway.

Model boats

32. No person shall operate a power-driven model boat on any waterway.

Boats

33. No person shall sail or operate any boat, dinghy, canoe, sailboard or inflatable on any waterway without the consent of the Council.

Fishing

34. No person shall in any waterway cast a net or line for the purpose of catching fish or other animals.

Pollution

35. No person shall foul or pollute any waterway.

Blocking of watercourses

36. No person shall cause or permit the flow of any drain or watercourse in the ground to be obstructed, diverted, open or shut or otherwise move or operate any sluice or similar apparatus.

PART 6 MODEL AIRCRAFT

Interpretation of Part 6

37. In this Part:

“model aircraft” means an aircraft which weighs not more than 7 kilograms without its fuel;

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or
- (c) one or more electric motors or by compressed gas.

General prohibition

38. No person shall cause any power-driven model aircraft to:

- (a) take off or otherwise be released for flight or control the flight of such an aircraft in the ground; or
- (b) land in the ground without reasonable excuse.

PART 7 OTHER REGULATED ACTIVITIES

Provision of services

39. No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.

Excessive noise

40. (1) No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by:
- (a) shouting or singing;
 - (b) playing on a musical instrument; or
 - (c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device.
- (2) Byelaw 40 (1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Public shows and performances

41. No person shall without the consent of the Council hold or take part in any public show or performance.

Aircraft, hang gliders and hot air balloons

42. No person shall except in case of emergency or with the consent of the Council take off from or land in the ground in an aircraft, helicopter, hang glider or hot air balloon.

Kites

43. No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

Metal detectors

44. No person shall without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.

PART 8 MISCELLANEOUS

Obstruction

45. No person shall obstruct:
- (a) any officer of the Council in the proper execution of his duties;
 - (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
 - (c) any other person in the proper use of the ground.

Savings

46. (1) It shall not be an offence under these byelaws for an officer of the Council or any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of his duty.
- (2) Nothing in or done under these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting lawfully by virtue of some estate, right or interest in, over or affecting the ground or any part of the ground.

Removal of offenders

47. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

Penalty

48. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Revocation

49. The byelaws made by Wandsworth Borough Council on 6 May 1924 and confirmed by the Secretary of State on 19 May 1924 relating to the ground are hereby revoked.

SCHEDULES

SCHEDULE 1

GROUND TO WHICH BYELAWS APPLY GENERALLY

The grounds referred to in byelaw 2 are:

Barn Elms Sports Centre, SW13 (Barnes)
Battersea Rise Cemetery, SW11 (Northcote)
Bramford Gardens, SW18 (Fairfield)
Causeway Spit, SW18 (Fairfield)
Christchurch Gardens, SW11 (Latchmere)
Coronation Gardens, SW18 (Southfields)
Cunliffe Street Open Space, SW16 (Furzedown)
Dover House Road Playing Fields, SW15 (Roehampton)
Elspeth Road Open Space, SW11 (Shaftesbury)
Falcon Park, SW11 (Latchmere)
Fishponds Playing Fields, SW17 (Tooting)
Fountain Road Recreation Ground, SW17 (Tooting)
Fred Wells Gardens, SW11 (St Mary's Park)
Furzedown Recreation Ground, SW17 (Furzedown)
Garratt Lane Old Burial Ground, SW18 (Fairfield)
Garratt Park, SW17 (Earlsfield)
Godley Gardens, SW18 (Wandsworth Common)
Harroway Road Open Space, SW11 (St Mary's Park)
Heathbrook Park, SW8 (Queenstown)
Huguenot Burial Ground, SW18 (Fairfield)
John Burns Playground, SW11 (Shaftesbury)
King George's Park, SW18 (Southfields)
Latchmere Recreation Ground, SW11 (Latchmere)
Lavender Gardens, SW11 (Shaftesbury)
Leader's Gardens, SW15 (Thamesfield)
Montefiore Gardens, SW8 (Queenstown)
Openview Sports Ground, SW18 (Wandsworth Common)
Petergate Open Space, SW11 (Latchmere)
Putney Lower Common Cemetery, SW15 (Thamesfield)
Putney Old Burial Ground, SW15 (East Putney)
Putney Park Lane, SW15 (West Putney)
Queenstown Road Open Space, SW8 (Queenstown)
Shillington Street Open Space, SW11 (Latchmere)
Swaby Gardens, SW18 (Earlsfield)
The Pleasance, SW15 (West Putney)
Tooting Gardens, SW17 (Tooting)
Upper Tooting Park, SW17 (Nightingale)
Waterman's Green, SW15 (Thamesfield)
York Gardens, SW11 (Latchmere)

SCHEDULE 2
GROUND'S REFERRED TO IN CERTAIN BYELAWS
OPENING TIMES BYELAW 3 (1)

Barn Elms Sports Centre, SW13 (Barnes)
Battersea Rise Cemetery, SW11 (Northcote)
Christchurch Gardens, SW11 (Latchmere)
Coronation Gardens, SW18 (Southfields)
Cunliffe Street Open Space, SW16 (Furzedown)
Dover House Road Playing Fields, SW15 (Roehampton)
Falcon Park, SW11 (Latchmere)
Fishponds Playing Fields, SW17 (Tooting)
Fountain Road Recreation Ground, SW17 (Tooting)
Fred Wells Gardens, SW11 (St Mary's Park)
Furzedown Recreation Ground, SW17 (Furzedown)
Garratt Park, SW17 (Earlsfield)
Godley Road Open Space, SW18 (Wandsworth Common)
Harroway Road Open Space, SW11 (St Mary's Park)
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Huguenot Burial Ground, SW18 (Fairfield)
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Queenstown Road Open Space, SW8 (Queenstown)
Shillington Street Open Space, SW11 (Latchmere)
Swaby Gardens, SW18 (Earlsfield)
Tooting Gardens, SW17 (Tooting)
Upper Tooting Park, SW17 (Nightingale)

SCHEDULE 3

RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS BYELAW 24

Any person using a designated area for playing ball games is required by byelaw 24 to comply with the following rules:

- (1) No person shall play any game other than those ball games for which the designated area has been set aside.
 - (2) No person shall obstruct any other person who is playing in accordance with these rules.
 - (3) Where exclusive use of the designated area has been granted to a person or group of persons by the Council for a specified period, no other person shall play in that area during that period.
 - (4) Subject to paragraph (5), where the designated area is already in use by any person, any other person wishing to play in that area must seek their permission to do so.
 - (5) Except where they have been granted exclusive use of the designated area for more than two hours by the Council, any person using that area shall vacate it if they have played continuously for two hours or more and any other person wishes to use that area.
 - (6) No person shall play in the designated area when a notice has been placed in a conspicuous position by the Council prohibiting play in that area.
-

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	Joanna Shearer & Steve Biggs (Lead Officer)
Date approved by Policy and Review Manager	21.12.18

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 Fixed Penalty Notices (FPN) is merely an alternative means through which enforcement can take place and it is now proposed to make an application to London Councils for the use of FPN for the new Wandsworth Byelaws. As the new Wandsworth Byelaws have only recently been confirmed, the best alternative data for this EINA is that provided by the enforcement of GLC Byelaws, which have been in place for many years.

An analysis of the data based on the full year enforcement statistics for GLC offences for 2017/18 (84 prosecutions) shows that the group most likely to offend and be prosecuted for byelaw offences in parks and open spaces are white (84.53%) males (86.90%) between the ages of 25-59 (85.72%). This means that any changes are likely to impact most on this group.

Notwithstanding this, the proposals contained within this EINA will only impact upon those members of the public who choose to breach the Wandsworth Byelaws for parks and open spaces.

1. Background

Briefly describe the service/policy or function:

The Council is proposing to introduce Fixed Penalty Notices (FPN) for the enforcement of the new Wandsworth Byelaws. These byelaws relate to the proper conduct of users of the smaller parks and open spaces in Wandsworth and aim to deal with unacceptable behaviour, 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.

Wandsworth Byelaw offenders are currently prosecuted through the Magistrates' Court, which can potentially lead to a criminal record. The use of FPN is an alternative means through which enforcement can take place, with the following perceived benefits:

- It will reduce Police Officer time spent preparing cases for court.
- It will increase officer time spent patrolling parks and open spaces.
- It will reduce court time spent dealing with less serious offences.

The parks and open spaces that are covered by these byelaws are listed below:

Barn Elms Sports Centre, SW13 (Barnes)
Battersea Rise Cemetery, SW11 (Northcote)
Bramford Gardens, SW18 (Fairfield)
Causeway Spit, SW18 (Fairfield)
Christchurch Gardens, SW11 (Latchmere)
Coronation Gardens, SW18 (Southfields)
Cunliffe Street Open Space, SW16 (Furzedown)
Dover House Road Playing Fields, SW15 (Roehampton)
Elsbeth Road Open Space, SW11 (Shaftesbury)
Falcon Park, SW11 (Latchmere)
Fishponds Playing Fields, SW17 (Tooting)
Fountain Road Recreation Ground, SW17 (Tooting)
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Furzedown Recreation Ground, SW17 (Furzedown)
Garratt Lane Old Burial Ground, SW18 (Fairfield)
Garratt Park, SW17 (Earlsfield)
Godley Gardens, SW18 (Wandsworth Common)
Harroway Road Open Space, SW11 (St Mary's Park)
Heathbrook Park, SW8 (Queenstown)
Huguenot Burial Ground, SW18 (Fairfield)
John Burns Playground, SW11 (Shaftesbury)
King George's Park, SW18 (Southfields)
Latchmere Recreation Ground, SW11 (Latchmere)
Lavender Gardens, SW11 (Shaftesbury)
Leader's Gardens, SW15 (Thamesfield)
Montefiore Gardens, SW8 (Queenstown)
Openview Sports Ground, SW18 (Wandsworth Common)
Petergate Open Space, SW11 (Latchmere)
Putney Lower Common Cemetery, SW15 (Thamesfield)
Putney Old Burial Ground, SW15 (East Putney)
Putney Park Lane, SW15 (West Putney)
Queenstown Road Open Space, SW8 (Queenstown)
Shillington Street Open Space, SW11 (Latchmere)
Swaby Gardens, SW18 (Earlsfield)
The Pleasance, SW15 (West Putney)
Tooting Gardens, SW17 (Tooting)
Upper Tooting Park, SW17 (Nightingale)
Waterman's Green, SW15 (Thamesfield)
York Gardens, SW11 (Latchmere)

2. Analysis of need and impact

Protected group	Findings
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Age	<p>As a matter of policy, no-one under 18 is prosecuted for byelaw offences.</p> <p>The 2011 Census data for Wandsworth provides the following breakdown by age:</p> <table border="1"> <tr> <th>Age</th><th></th></tr> <tr> <td>0 – 17 (N/A)</td><td>55,627 – 18.12%</td></tr> <tr> <td>18 - 24</td><td>29,240 – 9.52%</td></tr> <tr> <td>25 - 59</td><td>184,559 – 60.12%</td></tr> <tr> <td>60 - 64</td><td>10,658 – 3.47%</td></tr> <tr> <td>65 - 74</td><td>14,455 – 4.71%</td></tr> <tr> <td>75 and over</td><td>12,456 – 4.06%</td></tr> </table> <p>Data based on the full year enforcement statistics for GLC offences for 2017/18 are broken down as follows:</p> <table border="1"> <tr> <th>Age</th><th></th></tr> <tr> <td>18 - 24</td><td>5 – 5.95%</td></tr> <tr> <td>25 - 59</td><td>72 – 85.72%</td></tr> <tr> <td>60 - 64</td><td>5 – 5.95%</td></tr> <tr> <td>65 - 74</td><td>2 – 2.38%</td></tr> <tr> <td>75 and over</td><td>0 – 0%</td></tr> </table> <p>The majority of prosecutions are for residents aged 25-59 (85.72%) with 5.95% for residents in both the 18-25 and 60-64 age brackets. The 2011 census showed that 73% of residents are aged 18-64.</p> <p>The percentage prosecuted aged 65-74 (2.38%) and 75 and over is below the borough average. This shows that the current approach does not disproportionately impact on younger or older park visitors.</p>	Age		0 – 17 (N/A)	55,627 – 18.12%	18 - 24	29,240 – 9.52%	25 - 59	184,559 – 60.12%	60 - 64	10,658 – 3.47%	65 - 74	14,455 – 4.71%	75 and over	12,456 – 4.06%	Age		18 - 24	5 – 5.95%	25 - 59	72 – 85.72%	60 - 64	5 – 5.95%	65 - 74	2 – 2.38%	75 and over	0 – 0%
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65 - 74	2 – 2.38%																										
75 and over	0 – 0%																										
Disability	Data not collected																										
Gender (sex)	<p>The 2011 Census data for Wandsworth provides the following breakdown by gender:</p> <p>Male 48.42% Female 51.58%</p> <p>Data based on the full year enforcement statistics for GLC offences for 2017/18 are broken down as follows:</p> <p>Male 73 – 86.90% Female 11 – 13.10%</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>The 2011 Census data for Wandsworth provides the following breakdown by race / ethnicity:</p> <table border="1"> <tr> <th>Race/ethnicity</th><th></th></tr> <tr> <td>White</td><td>71.41%</td></tr> <tr> <td>Black</td><td>10.67%</td></tr> <tr> <td>Asian</td><td>10.86%</td></tr> <tr> <td>Other ethnic group</td><td>7.06%</td></tr> </table> <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"> <tr> <th>Race/ethnicity</th><th></th></tr> <tr> <td>White</td><td>71 – 84.53%</td></tr> <tr> <td>Black</td><td>5 – 5.95%</td></tr> <tr> <td>Asian</td><td>8 – 9.52%</td></tr> </table>	Race/ethnicity		White	71.41%	Black	10.67%	Asian	10.86%	Other ethnic group	7.06%	Race/ethnicity		White	71 – 84.53%	Black	5 – 5.95%	Asian	8 – 9.52%
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Race/ethnicity																			
White	71 – 84.53%																		
Black	5 – 5.95%																		
Asian	8 – 9.52%																		
Religion and belief, including non belief	Data not collected																		
Sexual orientation	Data not collected																		

3. Impact.

Protected group	Positive	Negative
Age	<p>The enforcement of 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>Byelaw abiding residents and visitors will not be affected by these proposals.</p> <p>Wandsworth Byelaw offenders are currently prosecuted through the Magistrates' Court, which can potentially lead to a criminal record. The use of FPN is an alternative means through which enforcement</p>	<p>The proposals contained within this EINA will only impact negatively upon those members of the public who choose to breach the Wandsworth Byelaws for parks and open spaces.</p>

	can take place without the potential for a criminal record.	
Disability	As age	As age
Gender (sex)	As age	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	As age	As age
Religion and belief, including non belief	As age	As age
Sexual orientation	As age	As age

4. Actions.

Protected group	Analysis	Actions
Age	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>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 and Parks Service newsletters.</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 belief, including non belief	As age	As age
Sexual orientation	As age	As age

5. Consultation.

The proposal to introduce FPN for GLC Byelaws for parks and open spaces was consulted upon by London Councils in 2017 and received a positive response.

The proposal to introduce the new Wandsworth Byelaws for parks and open spaces was consulted upon by Wandsworth Council in 2018 and received a positive response.

The proposals contained within this EINA will be consulted upon as part of the process that will be undertaken by London Councils. Any equality considerations raised will be added to this EINA if required and mitigating actions considered.

London Councils' Transport & Environment Committee

Enforcing London Speed Limits - Update

Item No: 09

Report by: Andrew Luck

Job title: Transport Manager

Date: 21 March 2019

Contact Officer: Andrew Luck

Telephone: 020 7934 9646

Email: Andrew.luck@londoncouncils.gov.uk

Summary: This report provides an update following the Committee's agreement in December 2018 to explore the feasibility of boroughs enforcing speed limits on London roads.

Recommendations: The Committee is asked to note the contents of the report.

Background

1. The report outlining plans to examine the feasibility of London boroughs and TfL undertaking speed limit enforcement in London was presented to TEC on 6 December 2019. The committee formally recommended that London Councils should undertake initial preparatory work and explore the current legal powers and processes and determine future options and necessary legal amendments if boroughs were going to take more control in the enforcement process.
2. At previous Transport and Environment (TEC) meetings some Members indicated that they had concerns about the adequacy of the current level of speed restriction enforcement in London and the limitations in the criteria for the deployment of enforcement cameras and personnel on roads where speeding issues were known. Members felt that the lack of enforcement is impacting their ability to deliver the aims of the Mayor's Transport Strategy in reducing vehicle

speed and the ambitions of 'Vision Zero for London' which seeks to eliminate all deaths and serious injuries from London's transport network by 2041.

Progress to date

3. Following the TEC meeting and the positive publicity that the report received in the media surrounding the aims of improving safety and compliance of speed restrictions on London's roads, London Councils officers have carried out investigations and held a series of discussions. These discussions have been with officers from TfL and other authorities both within and outside London to better understand the current situation and what might be possible in the future.
4. Responsibility for the enforcement of speed limits in London currently lies with the police. This role includes the investigation into possible offences and whether prosecution following detection is appropriate. Enforcement is carried out by on street officers and by automatic detection systems. There are over 750 speed cameras on London's roads which are the primary method of speed enforcement in London. These cameras are installed, maintained and owned by TfL. The associated data feed is sent, via a third-party provider, to the police who subsequently have 14 days from the date of capture in which to issue a Notice of Intention to Prosecute (NIP).
5. The current legislation for the setting and enforcement of speed limits is contained within sections 81-89 of the Road Traffic Regulation Act 1984. Currently local authorities are responsible for setting speeds limits on their roads but they rely on the police for criminal enforcement. There is currently no legislative basis for the decriminalisation of speed enforcement which would therefore require primary legislation to enact this change.
6. A local Authority has limited powers under section 222 of the Local Government Act (LGA) 1972 to prosecute criminal cases but the prosecution of speeding offences under this Act needs further investigation.
7. There are also current constraints as to the powers that local authorities have in accessing DVLA records to identify the registered keeper of a vehicle which would be required if a NIP is to be issued. These powers do not currently include speeding offences. Any potential change to this needs further investigation.
8. Section 29 of the Criminal Justice Act 2003 does allow Local Authorities to be treated as public prosecutors as opposed to private prosecutors when proceedings are instigated in accordance with section 222 of the LGA 1972. However, whether this extends their pre-existing powers allowing them the general power to prosecute cases which would normally be considered by the police needs to be explored in more detail.
9. There are possibilities of a greater London local authority role in the provision of speed awareness courses. In London these are currently provided by TfL. We have been in conversation with Kent County Council (KCC) who are the licenced service provider to deliver such courses in Kent for five years under a Memorandum of Understanding with Kent Police. KCC do not have any enforcement powers but are certificated by the National Driving Offender Retraining Scheme (NDORS) to deliver the courses once cases have been referred. The majority of the costs for providing these courses goes to NDORS and Kent Police but some goes to the provider for running the course to cover

costs. NDORS advise strongly that there should not be a profit motive for course provision. It should be stated that there are no current issues with capacity of course provision in London so it is unlikely that any changes would result in an increase in the numbers of offenders prosecuted.

10. Investigations have highlighted that there was already a significant level of enforcement activity in London that stakeholders may not have been aware of. **Table 1** highlights the activity with respect to TORs (Traffic Offence Reports), NIPs (Notice of Intended Prosecutions) and FPNs (Fixed penalty Notices) and arrests that were generated in both 2016/17 and 2017/18.

Offence category	2017/18 Total	2016/17 Total	Difference
Speed - 20mph	42,771	26,383	16,388
Speed - 30mph	60,163	95,234	-35,071
Speed - 40mph	30,928	10,583	20,345
Speed - 50mph	18,196	7,853	10,343
Speed - 60mph	2,822	17	2,805
Speed - 70mph	837	706	131
Speed - Exceeded for vehicle type	12	18	-6
Red light	19,097	28,747	-9,650
Total	174,826	169,541	5,285

Table 1

Future Areas of Activity

11. Whilst the Table 1 indicates that the current level of enforcement of speed limits in London is not insignificant, the question on whether compliance could be improved remains. To examine this further, TfL and London Councils officers are forming a Working Group to examine the five following themes.

Speed Limit Enforcement

12. The aim is to assess whether current enforcement activity and mechanisms for dealing with speeding drivers is fit for purpose and to see if boroughs and TfL could take a more active role to ensure better speed limit compliance. This working group will examine the enforcement and administrative options within the current legal framework, the limitations of those powers and how boroughs and TfL could operate more effectively within the existing framework to maximise the impacts of enforcement. We will explore whether the delegation of police investigatory powers to boroughs and TfL is a possibility and desirable. We will then analyse what legislative changes would need to be made to create the opportunity for decriminalisation whilst examining the benefits and disbenefits of doing so. We also need to understand whether there is any public or government

support for such a change. The group will also explore the potential of boroughs and TfL playing a more active role in the provision of Speed Awareness Courses - such as those undertaken by Kent County Council – where there is existing possible scope for enhanced borough and TfL activity.

13. This Working Group will be led by London Councils and we will look present the findings in a report to TEC in June 2019.

Speed Camera Criteria

14. Within the Safe speeds chapter of TfL's Vision Zero action plan an action is included to improve compliance with speed limits: *'TfL, the boroughs and the police will improve compliance with speed limits by: Optimising the use of speed cameras including increased use of mobile speed enforcement technology by the MPS in areas of higher risk and/or community concern.'*
15. Historically, safety cameras (speed and red light) have been prioritised on the basis of a history of killed and seriously injured (KSI) casualties at a given location. Realising Vision Zero means adopting a road danger reduction approach. In contrast to the traditional, reactive road safety approach, in which investment is often targeted at areas with a high casualty history, the road danger reduction approach aims to proactively tackle danger at source, recognising that collisions are not the only measurement of danger.
16. TfL has recently begun analysis work which they anticipate completing in the Spring and have indicated that they welcome help from boroughs and London Councils in taking this work forward, which will include:
 - Identifying datasets and models that can be utilised in the methodology
 - Identifying any possible constraints on the methodology
 - Determining road characteristics that identify locations as a risk of speeding
 - Determining a technique to prioritise identified locations
 - Setting out options for a 'tool' that incorporates this methodology (likely to be incorporated with Surface Playbook/City Planning Tool).
 - Delivering a proof of concept for the 'tool', and
 - Delivering a list of prioritised locations for safety camera investment.
17. TfL is also undertaking road danger risk methodology development. This will also use the principle that the road danger reduction approach requires a new method for prioritising investment which goes beyond simply targeting locations of historic casualties. The benefits of reducing road danger are of course a reduction in casualties but also an improvement in the perception of safety and in turn more journeys undertaken on foot and by bicycle.
18. The objective of this development work will be to identify an initial prioritised list and map of intervention locations and adapt this to provide outputs for use in the City Planner tool for use by planners, to help prioritise interventions. TfL has indicated that this is in the very early stages and is not due for completion until late 2019 due to the complexity of this work. The safety camera methodology development aims to be an interim measure ahead of the completion of the wider road danger risk methodology, to enable faster progress of the Vision Zero action regarding optimising the safety camera network.

19. The updated and revised speed camera criteria will be published by TfL in June.

Lower Speeds Toolkit

20. TfL has stated that they are committed to the production of a Lower Speeds Toolkit to assist with the Vision Zero Action Plan. This would include evidence to support schemes that seek to reduce vehicle speeds as well as road design options to enable such schemes – such as 20mph zones – to be as self-enforcing as possible.
21. TfL has created some draft material but would utilise the Working Group to enhance this with a view to publishing this in partnership with boroughs and London Councils at the end of May 2019.

Learning from Boroughs 20mph schemes

22. London Councils and TfL are keen to learn from those boroughs that have already introduced 20mph zones and limits about their experiences of doing so. What aspects worked well, what difficulties they faced and whether the introduction has had a beneficial impact on speed levels in the areas affected. The Working Group will discuss these issues to develop a greater understanding.

20mph Limit on the TLRN in London

23. TfL's Vision Zero Action Plan states that *"TfL will engage on proposals to reduce speed limits on the TLRN by ensuring all of the TLRN within the central London Congestion Charging zone has a 20mph limit, to be implemented by May 2020 and delivering a programme to reduce speed limits at other locations on the TLRN to address areas of high danger, delivered over the period until 2024"*

TfL has commenced with proposals to take this action forward. Whilst any scheme would require statutory public consultation and an extensive stakeholder engagement, marketing and communication programme, discussions with the Working Group will provide a significant opportunity for engagement as part of this process.

Next Steps

24. At the time of writing, boroughs and the Metropolitan Police have been invited to a kick off meeting on 13 March 2019 with London Councils and TfL. The aims of this meeting are to set the scene on the various pieces of work outlined in this report; discuss the programme of activity, meeting timings and agree objectives and deliverables; discuss the proposed approach and Terms of Reference for the Working Group.
25. At this session, boroughs will be asked to volunteer to be part of a 'core working group' of around 10 experienced borough officers (mix of inner and outer London), London Councils and TfL. There will then be a programme of working group meetings covering specific aspects of the work. Attendance at each working group meeting may be altered depending on what is being discussed, to ensure the best subject matter experts are in the room. Meeting material will

be sent to all boroughs (key contacts for each borough for this work to be agreed) before the meetings.

26. A Steering Group will be in place to provide a strategic overview of the aims of the review and working group, setting out reporting structure and strategy. The Steering Group will consist of London Councils, TfL and the Metropolitan Police. Alongside the Steering Group the operational detail will be discussed by the working group(s).
27. A high-level work programme can be seen in Appendix 1
28. An oral update will be given at the March TEC meeting and London Councils will update TEC members again in June 2019 on further progress.

Financial Implications

29. The proposed work will be completed using existing London Councils resources. There are no financial implications at this stage for London Councils, London boroughs or TfL.

Legal Implications

30. There are no legal implications at this stage. However, there may be future legal implications to be considered by TEC in the future depending on the outcome of the research.

Equalities Implications

31. There are no equalities implications at this stage.

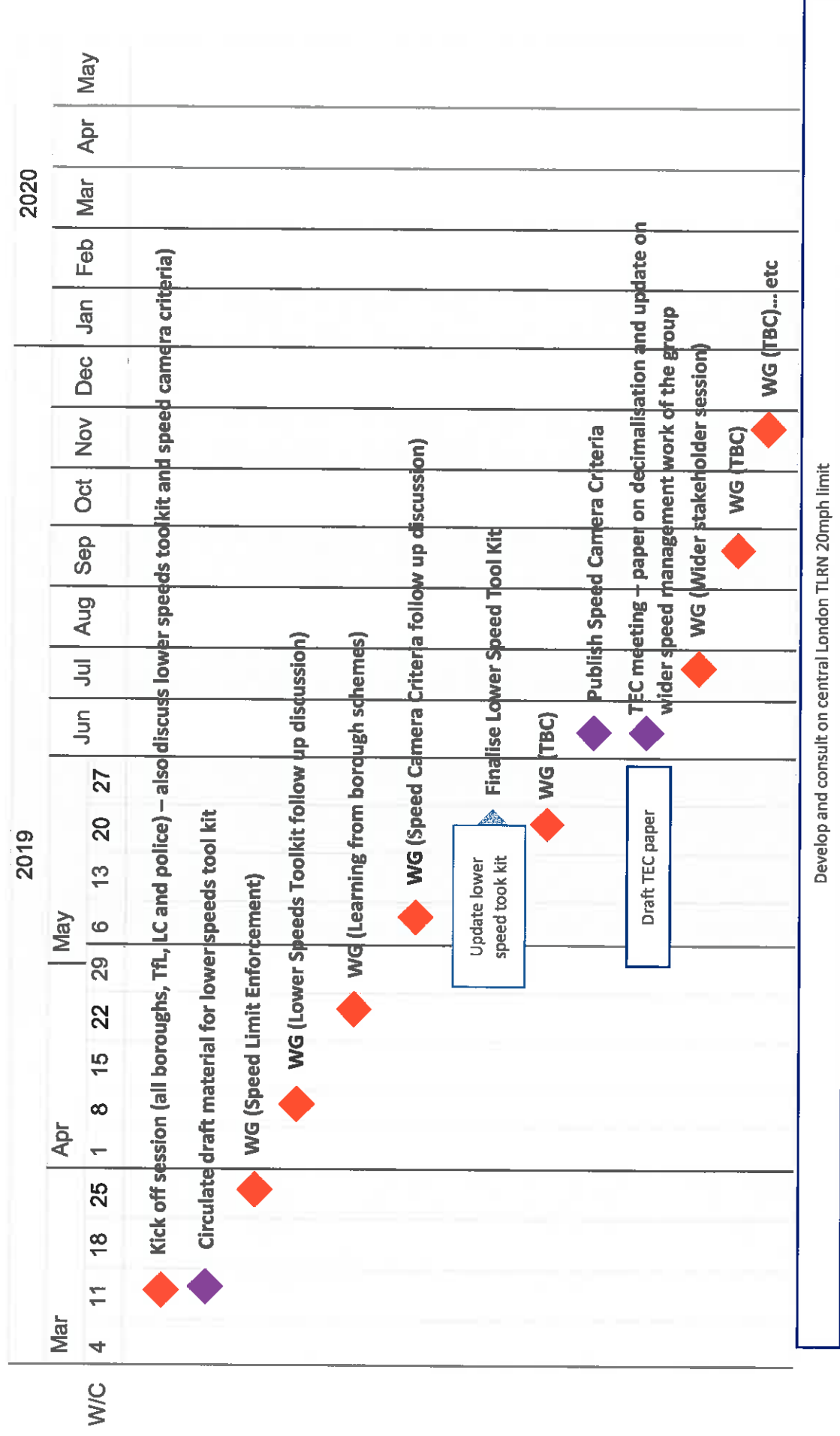
Recommendations

32. The Committee is asked to note the contents of the report.

Appendix

33. Indicative high-level work programme

Appendix 1: Indicative high-level work programme (DRAFT)



Central London TLRN 20mph implemented

London Councils' Transport and Environment Committee

Direct Vision Standard for Heavy Goods Vehicles

Item No: 10

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Summary:	<p>This report is an update on the development of a Direct Vision Standard (DVS) and proposed London Heavy Goods Vehicles (HGVs) Safety Permit (HSP) Scheme to reduce road danger in London.</p> <p>TfL is seeking TEC's approval to appoint TfL, on its behalf, to undertake the Phase 2c consultation on the finalised HSP Scheme proposals and approve the associated documentation provided.</p>
Recommendations:	<p>Members are asked to:</p> <ol style="list-style-type: none">1. Note the borough, stakeholder and other responses to the Phase 2b consultation2. Approve, for the purposes of the Phase 2c Consultation:<ul style="list-style-type: none">• the final HGV Safety Permit (HSP) Scheme proposals

	<ul style="list-style-type: none"> • the promotion by TEC of an “Amendment Order” to amend the 1985 Order Appendix A and related Statement of Reasons Appendix B • the LLCs & HSP Policy Statement Appendix C • HSP Scheme Conditions (draft) Appendix D <p>3. Appoint TfL to undertake the Phase 2c Consultation on its behalf, beginning on 26 April 2019, and (subject to recommendation (4) below and to consultation with London Councils’ Director, Transport & Mobility where any potentially significant issues/ matters arise), to draft the Amendment Order to reflect Appendix A and to make any necessary provisional public inquiry arrangements</p> <p>4. Note that a report may be brought to the Committee’s June meeting to consider any formal objections to the Amendment Order and other relevant representation received in response to the Phase 2c consultation.</p> <p>5. Note the position regarding Barnet LBC participating in the HSP Scheme and the LLCs.</p>
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Overview

1. The Direct Vision Standard (DVS) has been developed in order to address the high number of collisions involving HGVs and vulnerable road users (VRUs) in London¹. Using a star system, the DVS rates HGVs from zero (lowest) to five (highest) stars, based on how much a driver can see directly through their HGV cab windows.
2. From 26 October 2020, it is proposed all HGVs of over 12 tonnes would be required to obtain a permit (HGV Safety Permit) to operate in Greater London and those vehicles that do not meet the minimum DVS standard (one star or un-rated until 26 October 2024 and three star after that date) will be required to fit additional safety measures to increase its safety for other road users. This scheme is called the “HGV Safety Permit Scheme”. It is proposed that it is implemented by making changes to the Greater London (Restriction of Goods Vehicles) Traffic Order 1985 (“the 1985 Order”) under which the London Lorry Control Scheme (LLCS) currently operates.

¹ In 2017, 29 per cent of pedestrian and 60 per cent of cyclist fatalities involved a HGV, despite HGV usage only making up four per cent of road miles in London.

3. This is the sixth time the DVS has been reported to TEC. The last report in December 2018 outlined the application process for a permit, the Phase 2b consultation, TfL's request to use the 1985 Order to implement the scheme and notification to the European Commission.
4. This report updates the Committee on the following:
 - Phase 2c consultation arrangements including the statutory process involved in amending the 1985 Order
 - Phase 2b consultation responses
 - EU notification outcome
 - Update on Barnet's position
 - How boroughs can help ensure early adoption of the DVS system
5. The Committee's formal approval is sought to appoint TfL, on its behalf, to undertake the Phase 2c consultation on the finalised HSP Scheme proposals including preparation and publication of all necessary statutory notices), final drafting of the Amendment Order to reflect Appendix A and making any provisional public inquiry arrangements to ensure appropriate inquiry dates are available in the event of objections and in the event of TEC determining at its June meeting that it wishes to proceed with the proposals. (In the event of TEC deciding in June that it was not appropriate to proceed, the inquiry would not take place and any wasted costs would be met by TfL).

Background

6. TfL has held three phases of policy consultation to help develop a scheme proportionate to the problem of HGV and VRU safety.
7. The recent Phase 2b consultation (8 January – 18 February) consulted on the various aspects of the Scheme, including the permit application process and safe system proposal.
8. Under the proposals, it would be unlawful to operate a HGV over 12 tonnes (unless exempt) in Greater London without a permit issued under the Scheme.
9. HGV Safety Permits will be free of charge and available electronically via an online permit application portal. (Appendix E: Permit Application Process)
10. The proposed Scheme would be delivered in three phases:

- **October 2019:** The permit scheme will go live, allowing permit applications to be made on a voluntary basis for 12 months².
- **26 October 2020³:** Scheme enforcement begins - all HGVs over 12 tonnes would require a HGV Safety Permit to operate in London and those rated zero star (or un-rated) would be required to demonstrate compliance with a 'safe system' of additional vehicle safety measures (**Appendix F**). Only vehicles not meeting the minimum DVS star rating threshold and not complying with the Safe System would be banned. Scheme enforcement will be done by issue of Penalty Charge Notices (PCNs) utilising the TfL ANPR camera network, and on-street enforcement.
- **26 October 2024:** HGV Safety Permit requirement retained and **three stars** set as the minimum DVS threshold. Zero, one and two star HGVs must demonstrate compliance with revised progressive safe system⁴ requirements.

Implementation of the HGV Safety Permit Scheme

11. As reported to the last meeting, TfL and London Councils propose using their traffic regulation powers to implement the HSP Scheme under highway safety traffic order powers⁵ to make it unlawful (1) to operate a HGV over 12 tonnes in Greater London without a HGV Safety Permit from 28 October 2020 or (2) to breach permit conditions where they are imposed (conditions imposing the Safe System where the minimum DVS requirement is not met). Using the 1985 Order allows the Scheme to be introduced on a London-wide basis covering both the TLRN and borough roads and to have de-criminalised enforcement by PCN at two levels (£500 for operators and £130 for drivers). Recipients of PCNs would have the right (subject to TEC approval) to appeal to the Environment and Traffic Adjudicators at London Tribunals. The operational enforcement of the HSP Scheme would start on 28 October 2020 to allow a reasonable pre-compliance period and to align with the missions enhancements to the Low Emission Zone (LEZ) for heavy vehicles on that same date.

² The HGV Safety Permits of vehicles rated zero star or un-rated (subject to the Safe System Conditions) will expire at the end of 25 October 2024; those rated one or two star will expire at the end of 25 October 2024; and those rated three, four or five star will expire at the end of 27 October 2030 or ten years after the application date if granted later than 28 October 2020 (whichever is the later).

³ Aligned with enhancements to the Low Emission Zone for heavy vehicles and subject to consultation and confirmation (with or without modifications) of the Amendment Order.

⁴ The progressive safe system will include advances in proven safety technology not available in 2020

⁵ Sections 6 and 1(1) of the Road Traffic Regulation Act 1984 (as amended)

12. The imposition of the basic requirement to obtain a HGV Safety Permit involves making changes to the 1985 Order, under which the LLCS is legally established and operates.⁶ The Committee has previously endorsed this approach in principle, subject to the Phase 2c consultation. The order making and approval process is set out in the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 (“1996 Regulations”).
13. The changes to the text of the 1985 Order are set out in **Appendix A**, which shows proposed additions and deletions (based on current proposals). The major change is to incorporate the HSP Scheme: inserting into Article 3(a)(i) a prohibition on HGVs over 12 tonne operating in London without a permit (HGV Safety Permit) issued under Article 4(1). This follows the same approach as with the LLCS. Other proposed changes:
- Ensure the current LLCS would continue to operate under the 1985 Order and its movement restrictions on 18 tonne vehicles during unsocial hours off the Excluded Route Network remains unaffected
 - Allow greater flexibility in terms of the approval and issue of different types of permit (LLCS Permits and HGV Safety Permits), permit-conditions, policy statements and other matters to reflect the requirements of each Scheme (the word “permit” replaces the previous term “permission”).
 - Allow permits of both types to be suspended with immediate effect where there are public safety concerns.
 - Allow for the approval of further vehicle exemptions.
 - Allow for the use of electronic documents, the internet and email for formal processes.
14. The 1985 Order also refers to:
- **A Policy Statement:** this sets out the policy basis for issuing permits, including the new HGV Safety Permit. A copy of a draft proposed combined LLCS & HSP Policy Statement is at **Appendix C**. The policy considerations relating to the LLCS are unchanged. Those for the HSP Scheme state that a minimum DVS rating is to be regarded as the appropriate level of direct vision necessary to operate a HGV safely in Greater London without requiring additional safety (Safe System) measures to be fitted to the vehicle. This is one star (or un-rated) until 26 October 2024 and three star from that date.
 - **Permit Conditions:** set out any conditions subject to which a permit is to be issued. Here, the conditions for a HGV Safety Permit are sufficiently different to the LLCS to

⁶This would ensure synergies through a single instrument for HGV operating standards in London, covering both environmental and highway safety issues

justify its own set of conditions, modelled closely on the LLCS conditions. A copy of the draft combined HGV Safety Permit Conditions is at **Appendix D**.

15. If in agreement with the above, TEC is asked to formally approve the promotion of an “Amendment Order” to the 1985 Order shown in **Appendix A** under its powers to make traffic order to regulate and control vehicular traffic under Section 6 of the Road traffic Regulation Act 1984 (as amended). It is also asked to approve the Statement of Reasons at **Appendix B**. This will form one of the formal documents placed on deposit.
16. It is proposed that the Committee appoints TfL to undertake the Phase 2c consultation, including the statutory consultation on the Amendment Order under the 1996 Regulations, on TEC’s behalf. It is proposed that the consultation/ objection period is four weeks from 26 April 2019. A statutory Notice of Proposals (“NOP”) will be published on that date. The Statement of Reasons for promoting the order, a copy of the Amending Order, the above draft Policy Statement and HGV Safety Permit Conditions, maps and other “deposit documents” required by the 1996 Regulations will be available, alongside the Phase 2c consultation materials, for inspection at London Councils and TfL’s Offices (Palestra). These documents will also be available on-line and responses to the Phase 2c consultation will be made via the TfL Consultation Portal.
17. It is proposed that the Committee appoints TfL to undertake the Phase 2c Consultation on its behalf, beginning on 26 April 2019 (see Recommendation 3). TfL will draft the Amendment Order to reflect Appendix A and to make any necessary provisional public inquiry arrangements (see below), and consult with London Councils’ Director, Transport & Mobility where any potentially significant issues/ matters arise.

Arrangements for a potential Public Inquiry

18. TEC will receive a report at its June meeting (see Recommendation 4) as to whether there have been any valid statutory objections to the Amending Order, together with other consultation responses, during the objection/consultation period. In light of responses made, the Committee will be asked to decide whether to proceed to a public inquiry (see below) or, if there are no statutory objections, whether to confirm the Amending Order (and proceed to Notice of Making) or whether simply not to pursue the HSP scheme. If a public inquiry is necessary the Committee will be asked to formally appoint an Inspector and to approve the inquiry arrangements, including statutory notices.

19. If valid statutory objections are made within the four week objection/consultation period a public inquiry must be held into them, unless the objection is withdrawn or vexatious. The inquiry would be before an independent inspector appointed by TEC from a panel maintained by the Planning Inspectorate (PINS). TfL is in the process of discussing arrangements with PINS for a potential public inquiry in July, lasting five days. The Inspector would hold the inquiry, prepare a report and submit it for the Committee's consideration at the October TEC meeting. TEC would then decide whether or not to proceed to make the Amendment Order (with or without modifications) in light of the Inspector's report.

Progress to date

Phase 2b consultation

20. The Phase 2b consultation ran from 8 January 2019 until 18 February 2019 and asked for feedback on the various new aspects of the scheme proposals, including details on the permit application process, safe system requirements and enforcement of the scheme. Feedback from this phase of consultation will be used to refine the final scheme ahead of the statutory consultation (Phase 2c).

21. All London Boroughs were offered a pre-engagement meeting with TfL to discuss the final proposals and were also invited to a consultation event on 1 February 2019.

22. A total of 282 responses to the consultation were received. The responses are overall in favour of the proposals as presented. Key findings from the four closed questions are:

- **Proposed process for obtaining a vehicle star rating:** 60% either agree or strongly agree and 5% have a neutral opinion. 31% either disagree or strongly disagree, with 4% not answering this question.
- **Proposals for the permit application process:** 59% of respondents either strongly agree or agree. 29% disagree or strongly disagree and 8% neither agree nor disagree, with 4% not answering this question.
- **Proposed safe system mitigating measures (including cameras and mirrors):** 67% strongly agree or agree. 17% of the total respondents disagree or strongly disagree and 6% neither agree nor disagree. 4% did not answer this question.
- **Plans for how to enforce the scheme and deal with appeals:** 58% strongly agree or agree. 22% disagree or strongly disagree. 11% neither agree nor disagree. 4% did not answer this question.

177 respondents answered the open question, providing additional comments about our final scheme proposals. These comments largely concern the detailed administration of the scheme and do not affect the overall preferences described above.

23. The stakeholder responses have been reviewed and, of a total of 45 stakeholder responses, 11 comprised London Boroughs and London Councils as well as two responses from London Assembly Members (see **Appendix G** for summary). The feedback from boroughs and London Councils was overall in support for the scheme, some key points raised include:

- Overall support for the process for obtaining a vehicle star rating, safe system mitigating measures and enforcement and proposals for the permit application process
- Support for the alignment of the scheme with LEZ strengthening
- More detail required around the safe system proposal
- The scheme will also benefit HGV drivers by reducing stress
- Support for the recommendation of driver training
- Messaging to cyclists should be included in DVS communications

24. All concerns raised will be fully addressed in the consultation report which will be published in April 2019 as part of the Phase 2c consultation.

European Union

25. As the Scheme proposal introduces a new 'technical standard' for HGVs, notification by the Government to the European Commission was required under the terms of the relevant Directive⁷. The notification included all scheme proposals and the proposed use of the 1985 Order as the legal mechanism. On 6 December 2018, the European Commission confirmed they had no objection to the HSP Scheme under the terms of the Directive. The Commission did comment that that the Scheme should be easily accessible to foreign language and non-UK operators and the position of right-hand drive vehicles clarified.

Barnet

26. The London borough of Barnet left the LLCS in 1996 and did so by passing its own traffic regulation order to take it out of the ambit of the 1985 Order that originally established the LLCS. Barnet has indicated it would like to be part of the HSP Scheme and the LLCS. TfL and London Councils are discussing with Barnet how best for it to come back under the jurisdiction of the 1985 Order.

⁷ Under Directive (EU) 2015/1535

Next steps

27. Reflecting TEC's earlier decisions, London Councils is committed to working with TfL in the implementation of TEC's resolutions.
28. If endorsed by TEC, TfL will work closely with London Councils to finalise the Phase 2c consultation, for four weeks commencing **26 April 2019**, including the statutory consultation on the Amendment Order. A report on the consultation, including about whether there are statutory objections, will be brought to the June TEC meeting in order to obtain the Committee's instructions on how to proceed.

Recommendations

Members are asked to:

1. **Note** the borough, stakeholder and other responses to the Phase 2b consultation;
2. **Approve**, for the purposes of the Phase 2c Consultation:
 - the final HGV Safety Permit (HSP) Scheme proposals
 - the promotion by TEC of an "Amendment Order" (1985 Order) **Appendix A** and Statement of Reasons **Appendix B**;
 - the LLCS and HSP Policy Statement **Appendix C**
 - HSP Scheme Conditions (draft) **Appendix D**
3. **Appoint** TfL to undertake the Phase 2c Consultation on its behalf, beginning on 26 April 2019, and (subject to recommendation (4) below and to consultation with London Councils' Director, Transport & Mobility where any potentially significant issues/ matters arise), to draft the Amendment Order to reflect Appendix A and to make any necessary provisional public inquiry arrangements.
4. **Note** a report will be brought to the Committee's June meeting to consider any formal objections to the Amendment Order and other relevant representation received in response to the Phase 2c consultation.
5. **Note** the position regarding Barnet LBC participating in the HSP Scheme and the LLCS.

Financial Implications

The proposed HSP Scheme would be developed with no implementation or operational costs to TEC or the London boroughs. TfL will bear all costs involved in the Scheme including the Phase 2c consultation, costs associated with the promotion of the Amendment Order, any public inquiry, and Barnet re-joining the LLCS, and any signage costs.

Equalities Implications

There are currently no equalities implications arising from the recommendations. A full Integrated Impact Assessment (IIA), including an equalities impact assessment, was published as part of the Phase 2a consultation and an updated IIA was included the Phase 2b consultation.

Background Information

- Information on the DVS and HSP Scheme proposal: www.tfl.gov.uk/direct-vision-standard
- Phase 1 consultation: <https://consultations.tfl.gov.uk/roads/direct-vision-standard-phase-1/>
- Phase 2a consultation: <https://consultations.tfl.gov.uk/roads/direct-vision-standards-phase-2/>
- Phase 2b consultation: <https://consultations.tfl.gov.uk/roads/direct-vision-standard-phase2b/>

Appendix A: Amended 1985 Order (shown with changes)

Appendix B: Statement of Reasons

Appendix C: LLCS and HGV Safety Permit Policy Statement

Appendix D: HGV Safety Permit Conditions (draft)

Appendix E: HGV Safety Permit application process

Appendix F: Safe System

Appendix G: Summary of Stakeholder responses to Phase 2b consultation

GREATER LONDON COUNCIL
TRAFFIC MANAGEMENT ORDER

1985 No. 343

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

Made 15 July 1985

Coming into operation 16 December 1985

As amended to [DATE][2019] by 10 Amendment Orders

The Greater London Council (hereinafter called 'the Council')¹, with the authority and consent of Transport for London (as the traffic authority for GLA Roads and GLA Side Roads in Greater London), and after consulting Transport for London, the Commissioner of City of London Police, the Commissioner of Police of the Metropolis, the Common Council of the City of London, and the Councils of all the London Boroughs, in exercise of the powers conferred by section 6 of the Road Traffic Regulation Act 1984, and of all other powers thereunto enabling, makes the following Order:-

1. This Order shall come into operation on 16 December 1985 and may be cited as the Greater London (Restriction of Goods Vehicles) Traffic Order 1985.

2.– (1) In this Order:-

“Blackwall Tunnel Northern Approach” has the same meaning as in the Tower Hamlets (Prescribed Routes) (No. 5) Traffic Order 1979;

“East Cross Route” has the same meaning as in the Hackney and Tower Hamlets (Various Prohibitions and Restrictions) (No. 1) Traffic Order 1979;

“Enactment” means any enactment, whether public, general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment;

“Excluded Route Network” means any restricted street or length of such a street specified in the Schedule to this Order;

¹ See the Explanatory Note at the end of the Order as to how the London Councils Transport and Environment Committee operates Greater London (Restriction of Goods Vehicles) Traffic Order 1985 since the abolition of the Greater London Council which originally made it.

"Highway maintainable at the public expense" has the same meaning as in section 329(1) of the Highways Act 1980;

"HGV Safety Permit" means a permit granted by or on behalf of the Council under the provisions of Articles 5 or 6 hereof which exempts a vehicle or a class of vehicles from the prohibition imposed by Article 3 (a) (i) of this Order;

"London Lorry Control Scheme (LLCS) Permit" means a permit granted by or on behalf of the Council under the provisions of Articles 5 or 6 hereof which exempts a vehicle or a class of vehicles from the prohibition imposed by Article 3 (a) (ii) of this Order;

"Permit Permission" (unless otherwise stated) refers to a HGV Safety Permit and/ or a LLCS Permit means a permission granted by or on behalf of the Council under the provisions of Articles 5 or 6 hereof which exempts a vehicle from the prohibition imposed by this Order;

"prescribed hours" means the times

- i) between midnight and 7.00am and between 9.00pm and midnight on Mondays to Fridays inclusive;
- ii) between midnight and 7.00am and between 1.00pm and midnight on Saturdays; and
- iii) at any time on Sundays;

"restricted street" means any highway maintainable at the public expense or length of such highway in Greater London not being a street or length of a street specified in the Schedule to this Order (whether or not the highway is a GLA Road or a GLA Side Road as defined by section 142(1) of the Road Traffic Regulation Act 1984);

"Goods Vehicles" and "Maximum Gross Weight" have the same meaning as in the Traffic Signs Regulations and General Directions 1984 2016;

- (2) Any reference in this Order to a policy statement shall be construed as a reference to a statement published by or on behalf of the Council of their policy on the granting of HGV Safety Permits and/ or LLCS Permits ~~permission~~, being the policy which applies at the time when they are considering the grant of such a ~~permission~~ permit under the provisions of this Order (and different policy statements may be approved as regards each type of permit).

(2A) Any reference in this Order to a class of goods vehicles is a reference to a class defined or described by reference to any characteristics of the vehicles or to any other circumstances whatsoever.

(2B) Any permit, permit-conditions, policy statement, application form or other record or document referred to in Articles 5 to 7 of this Order may be in hardcopy or electronic form and may be published on the internet on a website authorised for that purpose.

2(C) Any reference to an address (including business address) of any applicant for or holder of a permit includes any email address supplied by that person.

- (3) The prohibitions imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption is without prejudice to the provisions of any other enactment.

3.– (a) Subject to Article 4 hereof, no person shall use, drive or cause or permit to be driven any goods vehicle -

- (i) exceeding 12 tonnes maximum gross weight in any restricted street at any time from 26 October 2020; or
- (ii) exceeding 18 tonnes maximum gross weight in any restricted street not part of the Excluded Route Network during the prescribed hours.

(b) In any proceedings relating to paragraph (a) above where it is shown that either:

- (i) A person was the registered keeper of a vehicle at any date; or
- (ii) A person was a hirer or hire purchaser or lessee or conditional purchaser or owner of a vehicle at any date

it shall be presumed that that person was the user of the vehicle at that date unless that person shows on the balance of probabilities that he was not the user of the said vehicle at the said date and for the avoidance of doubt the existence or otherwise of any such agreement as mentioned in (ii) above shall not of itself mean that the registered keeper is not also a user of that vehicle.

4. Nothing in Article 3 of this Order shall apply:–

(a) in relation to any goods vehicle being driven by any person in a restricted street ~~during the prescribed hours~~ in respect of which a permit ~~permission~~ has been granted by the Council pursuant to Articles 5 and 6 below provided that:–

(ii) any conditions subject to which the permit ~~permission~~ is granted are complied with; or

(b) to any vehicle whose use on roads is authorised by the Motor Vehicles (Authorisation of Special Types) General Order 1979 provided that all conditions subject to which its use is authorised are complied with; or

(c) to any vehicle being used for fire brigade, ambulance or police purposes; or

(d) to any vehicle to which paragraph (c) above does not apply and which or whose load is required for the purposes of dealing with any actual or apprehended emergency affecting the safety of persons or property, or

(e) to anything done with the permission or at the direction of a police constable in uniform or to any vehicle whose use on roads is authorised by the Commissioner of Police of the Metropolis within the Metropolitan Police District or by or on behalf of the Commissioner of Police for the City of London within the City of London; or

(f) to any person who causes any vehicle to proceed in any restricted street or length thereof in accordance with any prohibition, restriction or requirement indicated by traffic signs placed pursuant to Section 66 or Section 67 of the Road Traffic Regulation Act 1984

(g) where the Council otherwise grant a general or specific exemption.

5. Subject to Articles 6 and 7 below, the Council upon application being made to them in the form hereinafter provided or otherwise, may, having regard to:

(i) ~~it's~~ the duty to secure the expeditious convenient and safe movement of vehicular and other traffic (including pedestrians) so far as is practicable having regard to:

- (a) the desirability of securing and maintaining reasonable access to premises;
- (b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restriction the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
- (c) the importance of facilitating the passage of public service vehicles and or securing the safety and convenience of persons using or desiring to use such vehicles;

(d) any other matters appearing to the Council to be relevant; and

(ii) such lawful considerations of policy as may be set out in a policy statement;

grant a HGV Safety Permit and/ or a LLCS Permit (as appropriate) ~~permission~~ to enable a vehicle or a class of vehicles ~~exceeding 18 tonnes maximum gross weight~~ to be driven in any restricted street ~~during the prescribed hours~~ without contravention (as applicable) of the prohibitions imposed under Articles 3(a)(i) and 3(a)(ii) above.

6.– (1) Such persons as may be within a class provided for in a policy statement may apply to the Council for the grant of a HGV Safety Permit and/ or a LLCS Permit (as appropriate) ~~permission~~ referred to in Article 5 above and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.

(2) On receipt of an application duly made under this provision the Council, upon being satisfied that a permit ~~permission~~ should be granted to the applicant, shall record that permit ~~permission~~ and notify the applicant accordingly.

(3) The notification referred to in Article 6(2) above shall be a written schedule in such form as may from time to time be prescribed by the Council and shall include the following:

- (a) the type of permit, the registration mark of the vehicle in respect of which the permit ~~permission~~ has been granted;
- (b) the duration of the permit ~~permission~~ and the expiry date;
- (c) the conditions to which the permit ~~permission~~ is subject (if any).

(4) If it appears to the Council that the vehicle in respect of which a permit (being a HGV Safety Permit and/ or a LLCS Permit) ~~permission~~ has been granted has not been used in accordance with any condition to which the grant of the permit ~~permission~~ was made subject, the following provisions shall apply:–

- (a) the Council may by notice in writing served on the holder of a permit ~~permission~~ inform the holder that they are ~~is~~ considering the suspension (including the length of

the proposed suspension) or revocation of the permit(s) ~~permission~~ but, before deciding whether or not to suspend or revoke it, they will take into consideration any representations received by them from the holder within twenty-one days of the notice;

- (b) at the expiration of the said twenty-one days the Council may, after considering any representations received from the holder, decide to suspend or revoke the permit permission.
- (c) the Council shall thereupon serve notice on the holder informing him that the permit ~~permission~~ has been suspended for such period set out in the notice or has been revoked.
- (d) notwithstanding sub-paragraphs (a) to (c) above, if the Council are of the opinion that the interests of public safety require that the suspension of a HGV Safety Permit and/or LLCS Permit is to have immediate effect, and they include a statement of that opinion and the reasons for it in the notice of suspension, then the suspension of the permit shall take effect when the notice is served on the holder of the permit.
- (e) any notice required to be served under the provisions of this paragraph may be served by recorded delivery service on the holder at the address shown by the holder on the application form for a permit ~~permission~~ or at the address most recently notified by the holder to the Council or at the holder's last place of business.

7. The Council may grant a permit ~~permission~~ either unconditionally or subject to such lawful conditions as the Council may think fit.

SCHEDULE

Excluded Route Network

[INSERT]

EXPLANATORY NOTE

The Greater London Council ("the GLC") made the Greater London (Restriction of Goods Vehicles) Traffic Order 1985 ("the 1985 Order") under section 6 of the Road Traffic Regulation Act 1984 ("the 1984 Act") for the purposes of establishing the London Lorry Control Scheme in Greater London.

The GLC was abolished on 31 March 1986 and its functions under section 6 of the 1984 Act were exercisable from 1 April 1986 by each of the thirty-two London Borough Councils ("the 32 Boroughs") and the Common Council of the City of London ("the City of London") as individual traffic authorities under that Act in respect of roads within their areas.

From 3 July 2000 Transport for London ("TfL") became the traffic authority for GLA Roads and GLA Side Roads in Greater London and the 32 Boroughs and the City of London remained the traffic authorities for all other roads within their areas (other than trunk roads for which the Secretary of State for Transport is the traffic authority) in accordance with section 121A of the 1984 Act.

The Transport and Environment Council of London Councils ("the Committee") is a joint Council of the 32 Boroughs, the City of London and TfL (collectively called "the Traffic Authorities"), which have agreed and authorised the Committee to discharge their functions under section 6 of the 1984 Act in respect of the 1985 Order (as amended). In exercise of the powers delegated to it by the Traffic Authorities the Committee may from time to time amend the 1985 Order under section 6 of the 1984 Act.

Appendix B Statement of Reasons

Road Traffic Regulation Act 1984, section 6

The Greater London (Restriction of Goods Vehicles) Traffic Order 1985 (Amendment) Order 2019

London HGV Safety Permit Scheme

DRAFT STATEMENT OF REASONS

The London Councils' Transport and Environment Committee ("the Committee") has resolved to make an order amending the Greater London (Restriction of Goods Vehicles) Traffic Order 1985 ("the Order") for the purpose of improving the safety of vulnerable road users through the implementation of the London HGV Safety Permit Scheme ("the Scheme").

The Scheme, implemented by the Order, will require all heavy goods vehicles ("HGVs") over 12 tonnes to be issued with an HGV Safety Permit ("Permit") in order to drive on any road in Greater London after 26 October 2020. Permits will be granted according to a rating system based on a Direct Vision Standard ("DVS").

The DVS has been developed in order to address the high number of collisions in London involving HGVs and vulnerable road users (predominantly pedestrians, cyclists and motorcyclists); it measures a driver's direct view through the windows of an HGV cab. This is communicated as a star rating from zero (poor) to five (excellent) which indicates the level of risk to vulnerable road users near to the vehicle. The appropriate minimum acceptable DVS rating to operate a HGV over 12 tonnes in London, having regard to the potential dangers posed to vulnerable road users, is one star (from 26 October 2020) and three stars (from 26 October 2024).

Permits will be granted for HGVs to which the Order applies on application. Vehicles not meeting the minimum DVS star rating or which are un-rated under the DVS will be granted a Permit that is subject to the "Safe System Conditions".

The Safe Systems Conditions that will apply until 26 October 2024 to HGVs not meeting the minimum one star rating, or which are un-rated under the DVS, will require the fitting of the following additional measures to increase the vehicle's safety as regards vulnerable road users: (i) the use of indirect vision equipment (cameras, mirrors and sensors), (ii) the use of warning measures (audible and pictorial) and (iii) the fitting of appropriate side under-run protection (where practicable, sideguards). Driver training is recommended and will be promoted, but will not be mandatory. The measures to be required by the Safe Systems Conditions that will apply to HGVs not meeting the minimum three star rating, or which are unrated under the DVS, after 26 October 2024 will form part of a review and further consultation in due course.

Certain types of HGVs, such as emergency service vehicles and road sweepers, will be exempt from the need for a Permit and/or from certain of the Safe Systems Conditions by virtue of Article 4 of the Order and an exemptions policy. A policy statement has been published with the proposed amended Order.

Applications for Permits will be free. Contraventions of the Order or of the conditions of a Permit will be enforced by issuing civil penalty charge notices.

The documents that are published with the Order are:

- Consultation document on the final proposals for the London HGV Safety Permit Scheme (Phase 2c)
- Draft policy statement, including exemptions policy, for granting HGV Safety Permits (combined with the policy for granting permits under the existing London Lorry Control Scheme);
- Draft HGV Safety Permit conditions (standard conditions and Safe Systems Conditions);
- An Integrated Impact Assessment of the Phase 2c consultation proposals;
- Draft guidance note to operators on the permitting process;
- Draft enforcement policy;
- Response to/feedback from the Phase 2b consultation on the Scheme
- Copy of the Greater London (Restriction of Goods Vehicles) Traffic Order 1985 (Amendment) Order 2019;
- Map of roads affected by the above Order
- Copy of the Greater London (Restriction of Goods Vehicles) Traffic Order 1985 (as if amended by the above Order without modification).

The Committee promotes the amendments to the Order in accordance with section 6(1) of the Road Traffic Regulation Act 1984 (“the 1984 Act”) having regard to the matters specified in section 122(2) of the 1984 Act and section 39(3) of the Road Traffic Act 1988.

In particular, the DVS scheme is promoted to avoid danger to persons or other traffic using the roads in Greater London or for preventing the likelihood of such danger arising. London has a disproportionate problem with collisions between HGVs and vulnerable road users. The amendments to the Order will prevent or reduce the likelihood of accidents occurring where vehicles have a low degree of direct vision. Evidence indicates this factor has a material impact on the driver’s awareness of the presence of vulnerable road users and the reaction time available to avoid collisions. The Scheme will also contribute to the Mayor of London’s “Vision Zero” aim to eliminate deaths and serious injuries from London’s streets by 2041.

The proposals have been the subject of three periods of pre-Order consultation: phase 1 (January-April 2017), phase 2a (November 2017-January 2018) and phase 2b (January-February 2019). In approving the amendments to the Order and the associated documents, the Committee has had regard to the responses received.

In particular, the Committee considers that the proposals are a proportionate way of addressing a serious issue that arises on London’s roads. The additional cost to drivers and businesses is anticipated to be low. The permitting process will be accessible, transparent and free to use. Overall, the DVS scheme will make London’s streets safer and more attractive places to be, including for cyclists and other vulnerable road users.

Appendix C - LLCS and HGV Safety Permit Policy Statement

LONDON COUNCILS TRANSPORT AND ENVIRONMENT COMMITTEE

LONDON LORRY CONTROL SCHEME

AND

LONDON HGV SAFETY STANDARD PERMIT SCHEME

POLICY STATEMENT ON THE ISSUE OF PERMITS

1. INTRODUCTION

- 1.1 The following explanatory statement of policy has been approved by London Councils Transport and Environment Committee ("the Committee") to provide guidance for operators of vehicles affected by the Greater London (Restriction of Goods Vehicles) Traffic Order 1985 ("the Traffic Order"). The Traffic Order establishes the London Lorry Control Scheme ("LLCS") which has been in operation since 1985. It was amended in [DATE] 2019 to introduce the requirements of the London HGV Safety Standard Permit Scheme. Both schemes are described below. This Policy Statement covers both Schemes.

London Lorry Control Scheme Permits

- 1.2 The intention of the London Lorry Control Scheme is to improve the environment for Londoners by reducing disturbance from heavy goods vehicles (HGVs) at night-time and weekends. This improvement will be achieved in two ways:
- by preventing lorries (HGVs) **over 18 tonnes (gvw)** from travelling on restricted roads during the controlled hours¹ unless they have a legitimate business which requires them to be there;
 - by ensuring that lorries which are on those roads cause as little disturbance as possible by requiring them to have a LLCS Permit with conditions ("LLCS Conditions") that require they are operated quietly and in a manner that reduces their detrimental environmental impact.
- 1.3 All roads in Greater London are now "restricted roads" for the purposes of the LLCS and an "excluded road" is a road to which the LLCS restrictions do not apply. The "Excluded Route Network" (ERN) is the network of excluded roads, as set out in the Schedule to the Traffic Order.
- 1.4 LLCS Permits are administered by the London Councils Lorry Control Administration Section.

London HGV Safety Permits

- 1.5 The intention of the HGV Safety Permit ("HSP") Scheme is to reduce the number of people killed and seriously injured on London's roads by improving the safety of HGVs **over 12 tonnes (gvw)** operating in Greater London. Using a star system, the Direct Vision Standard (DVS) rates HGVs from zero (lowest) to five (highest) stars, based on how much a driver can see directly through their HGV cab windows in relation to vulnerable road users, such as cyclists and pedestrians in the area of greatest collision risk around the vehicle.
- 1.6 This highway safety improvement will be achieved by:
- requiring all HGVs exceeding 12 tonnes to obtain a permit ("HGV Safety Permit") to operate in Greater London from 28 October 2020;
 - granting HGV Safety Permits to all vehicles rated One Star or above under DVS; and
 - imposing Safe System Conditions on the HGV Safety Permits of those vehicles rated Zero Star or unrated under the DVS. These Safe System Conditions require the vehicle to be fitted with additional equipment to improve its safety for other road users.
- 1.7 All roads in Greater London are covered by the HSP Scheme as "restricted roads". No roads are excluded and so there is no ERN where this Scheme is concerned.

¹ The "Controlled Hours" for the LLCS Scheme are: (1) **Mondays to Fridays:** midnight and 7.00am and between 9.00pm and midnight (2) **Saturdays:** between midnight and 7.00am and between 1.00pm and midnight and (3) **Sundays:** all day.

- 1.8 HGV Safety Permits are administered by [such body appointed by the Committee from time to time].

Interaction between the two schemes

- 1.9 All HGVs exceeding 12 tonnes (gvw) require a HGV Safety Permit to operate on any road in Greater London issued subject to "HGV Safety Permit Conditions", including the Safe System Conditions where applicable.
- 1.10 All HGVs rated Zero Star, or which are un-rated under the DVS, must operate in accordance with the Safe System Conditions and fit additional safety equipment; those HGVs rated One Star and above can be operated without such additional equipment.
- 1.11 All HGVs exceeding 18 tonnes (gvw) intending to drive on roads off the ERN during controlled hours require a LLCS Permit, issued subject to LLCS Conditions.
- 1.12 In this document a "Permit" refers to either a LLCS Permit or HGV Safety Permit, as appropriate, and "Conditions" to the LLCS Conditions or HGV Safety Permit Conditions.

2. PERMIT APPLICATIONS

- 2.1 An applicant may apply for a LLCS Permit and/or HGV Safety Permit for a vehicle which he or she proposes to use in circumstances affected by either Scheme and which is or will be under his or her control. If the applicant is not the owner of the vehicle, he or she must show that he or she is able ~~has the consent of the owner~~ to make the application and is able to ensure that Conditions attached to any permit that may be issued are complied with.

3. CONSIDERATIONS FOR THE ISSUE OF LLCS PERMITS AND HGV SAFETY PERMITS

- 3.1 The following matters will be taken into account in considering an application for a LLCS Permit or HGV Safety Permit (and the imposition of any Conditions attached thereto).
- 3.1.1 The statutory duties on Transport for London and London Boroughs as traffic authorities under the **Road Traffic Regulation Act 1984, Section 122 (1) and (2)** to secure the expeditious, safe and convenient movement of vehicular and other traffic including pedestrians, so far as is practicable, having regard to:
- the need for securing and maintaining reasonable access to premises;
 - the effect of the use of roads by heavy commercial vehicles on the amenities of any locality concerned;
 - the national air quality strategy;
 - the need to assist public transport and its passengers;
- 3.1.3 **Road Traffic Regulation Act 1984, Section 6:** the purposes of controlling or regulating vehicular traffic as mentioned in section 6(1) of that Act, in particular those relating to highway safety and air quality mentioned in section 1 (1) (a), (c), (d) and (g):
- avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising;
 - facilitating the passage on the road or any other road of any class of traffic (including pedestrians);
 - preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property;
 - the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality); and
- 3.1.5 **Road Traffic Act 1988, Section 39(3):** the duty, in the light of studies into accidents arising out of the use of vehicles, to take such measures, including those taken in the exercise of its powers for controlling, protecting or assisting the movement of traffic on roads, as appears to it to be appropriate to prevent accidents;
- 3.1.6 Any other matters appearing relevant.

4. POLICIES ON GRANTING LLCS PERMITS

- 4.1 In particular (but without prejudice to above the generality of the above) the following considerations will be taken into account when deciding whether to grant an application for a LLCS Permit:
- the circumstances of the applicant's needs for a LLCS Permit;

- the environmental circumstances of the roads on which the vehicle is to be used and the extent to which the ERN, i.e. roads with no night-time and weekend controls, can satisfy the applicant's requirements;
 - the financial, commercial, professional, industrial, employment and other consequences likely to result from the issue or refusal of a Permit;
 - the characteristics of the vehicles;
 - any special efforts made to reduce the environmental impact of the applicant's vehicle;
 - the practicability of and time required for adapting the applicant's operations;
 - the possibility of using other less environmentally damaging modes of transport
- 4.2 The following explanation (including some examples to illustrate some of the considerations) is intended to provide further guidance for operators of vehicles which are affected by the LLCS.
- 4.3 The most important criterion in deciding whether or not to grant a LLCS Permit is the applicant's need for it. First and foremost it is the Committee's policy to ensure that only vehicles undertaking necessary business in London should be permitted to use restricted roads.
- 4.4 The environmental circumstances of a road are relevant, for example where premises are linked to the ERN by a road which has no residential development, and which has not been identified by the Committee as an excluded road. Permits may be issued until the road concerned can conveniently be included in a supplementary order.
- 4.5 Another relevant consideration is when the continued viability of a firm may be affected by the LLCS. Permits may be granted while further consideration is given to finding an appropriate solution on a more permanent basis.
- 4.6 Certain companies already display a high degree of environmental awareness, involving such matters as driver training, or the use of vehicles which make less environmental impact. Matters such as these will be given due consideration. In other cases it would be reasonable to expect applicants to modify existing vehicles or choose more environmentally suitable vehicles when new purchases are made. Guidance will be available to applicants when they apply for exemption Permits.
- 4.7 It is the Committee's policy to seek the highest legally specifiable standards for vehicles in respect of which LLCS Permits are issued to ensure that they have the minimum adverse effect on the environment.
- 4.8 Where LLCS Condition 5 applies to an LLCS Permit, vehicles must minimise their use of roads away from the ERN unless a special routing agreement is made with LLCS Administration Section. Such a routing agreement will only be made if:
- the applicant, in proposing a route, can demonstrate that the alternative route results in reduced overall environmental impact, particularly in terms of noise effect on residential properties adjacent to the route; and
 - the holder is granted a LLCS Permit lasting at least three months.
- 4.9 Each case will be considered on its merits.
- 4.10 LLCS Permits will be specific to an applicant and a vehicle and will not be transferable to any other person or vehicle.

POLICIES ON GRANTING HGV SAFETY PERMITS

5. The primary purpose of the HGV Safety Permit Scheme is to increase the safety of vehicles and reduce the chances of collisions with vulnerable road users by encouraging the use of vehicles with increased driver direct vision. The Direct Vision Standard will identify those vehicles with unacceptably poor levels of direct vision to operate safely in Greater London and require those below a minimum acceptable rating to fit additional safety equipment to maximise safety as regards vulnerable road users.
- From 26 October 2020 it will be a requirement for all HGVs exceeding 12 tonnes entering Greater London to have been granted a HGV Safety Permit.
 - Taking into account (amongst other matters) the current composition of the 12 tonnes+ HGV fleet in Greater London, the supply of "good" rated vehicles, the economic and operational impacts on HGV operators, the introduction by manufacturers of good rated HGVs into the supply chain, it is considered an initial minimum standard of One Star is appropriate for the first four years of the Scheme.
 - Those vehicles rated One Star DVS until 26 October 2024 are considered "good" in terms of their DVS rating.
 - Taking those matters into account the minimum standard will increase to Three Stars from 26 October 2024.

- Vehicles not meeting the above minimum DVS requirements must mitigate the potential harm they pose to vulnerable road users by fitting the additional safety equipment detailed in the Safe System Conditions. It is a legal requirement to comply with the Safe System Conditions.
- The Safe System Conditions will be revised and consulted ahead of 2024 in order to consider any new appropriate technological developments
- Other conditions may be imposed on any HGV of irrespective the vehicle's DVS rating, as considered appropriate.

5.1 The Committee has determined that the appropriate minimum acceptable DVS threshold to operate a 12 tonnes or over HGV safely on roads in Greater London ("minimum DVS rating") having regard to the potential dangers posed to vulnerable road users is:

- One Star until 26 October 2024; and
- Three Stars from 26 October 2024.

5.2 Where an application is made for a HGV Safety Permit, a permit will be granted to:

- an HGV meeting the minimum DVS star rating, without the Safe System Conditions being attached;
- a vehicle not meeting the minimum DVS rating or which is un-rated will only be granted a HGV Safety Permit subject to the Safe System Conditions being attached.

5.3 HGV Safety Permits will be specific to an applicant and a vehicle and will not be transferable to any other person or vehicle.

6. DURATION OF PERMITS

6.1 The duration of LLCS Permits may be for such a period as seems reasonable in all the relevant circumstances. All LLCS Permits will automatically cease to be valid once the particular vehicle is no longer in the ownership of or under the control of the applicant and the applicant must inform the LLCS Administration Section of this immediately in writing.

6.2 The duration of a HGV Safety Permit will depend on whether the vehicle met the minimum DVS requirement or if it was granted subject to the Safe System Conditions:

- The Permits of Vehicles rated Zero Star or which are un-rated under the DVS (granted subject to the Safe System Conditions) will expire at the end of 27 October 2024;
- The Permits of Vehicles rated One or Two Star will expire at the end of 27 October 2024; and
- The Permits of Vehicles rated Three, Four or Five Star will expire at the end of 27 October 2030 or ten years after the application date if granted later than 28 October 2020 (whichever is the later).

7. APPEALS

7.1 If an applicant is refused a Permit or it is granted with Conditions unacceptable to the applicant, he or she is entitled to appeal. Similarly, users whose Permits are revoked or suspended may appeal.

7.2 Appeals regarding LLCS Permits must be made through the official London Councils complaints procedure. A temporary short-term exemption LLCS Permit may be issued, if considered appropriate, pending the outcome of an appeal against a refusal to issue or the revocation of the permit

7.3 Appeals regarding HGV Safety Permits must be made through the official complaints procedure of the body appointed by the Committee to administer the HGV Safety Permit Scheme.

8. IMPLEMENTATION

8.1 It is expected that all applicants will use their best endeavours to implement not only the letter but also the spirit of the Traffic Order and the Conditions attached to Permits. To assist in ensuring that the Order and Conditions are implemented London Councils and TfL will employ officers whose duty it will be to advise, assist and check on the operation of vehicles. All applicants for Permits are expected to co-operate with these officers in the reasonable exercise of their duties and, if necessary, to comply with Conditions attached to the LLCS or HGV Safety Permit.

8.2 Failure to comply with Permit Conditions may result in the revocation or suspension of that Permit; suspension may be immediate where there is a danger to public safety. The applicant's past record of compliance generally will be a relevant consideration when future applications are considered.

GREATER LONDON (RESTRICTION OF GOODS VEHICLES) TRAFFIC ORDER 1985

LONDON HGV SAFETY PERMIT SCHEME

CONDITIONS ATTACHED A HGV SAFETY PERMIT

The following conditions were approved on [DATE] by London Councils Transport & Environment Committee to apply to all HGV Safety Permits granted under article 4(a) of the London HGV Safety Permit Scheme provisions of the Greater London (Restriction of Goods Vehicles) Traffic Order 1985 ("Traffic Order", as amended).

Notes:

- A. An HGV Safety Permit is required before an HGV exceeding 12 tonnes (gvw) ("the Vehicle") is operated¹ on any public road² in Greater London
- B. The HGV Safety Permit of any Vehicle not meeting the "minimum Direct Vision Standard (DVS) requirement" star rating (One Star or un-rated until 27 October 2024 and Three Stars after that date) or which is un-rated under the DVS will be granted subject to the Safe System Conditions set out in Condition 8 below. (The measures included in the Safe System will be reviewed in 2024; any new measures to be included in the System will be confirmed prior to 28 October 2024 following consultation.)
- C. In these Conditions, unless stated otherwise, the word "applicant" shall be taken to mean both (1) the applicant for the HGV Safety Permit and, if different from the applicant, (2) the person to whom the HGV Safety Permit is granted or driver of the Vehicle in respect of which a HGV Safety Permit is granted.
- D. An HGV Safety Permit is valid under the Traffic Order³ for all public roads in Greater London for the duration of the Permit.
- E. Failure to comply with these Conditions may result in the revocation or suspension of the HGV Safety Permit. Suspension may be immediate if it is considered in the interests of public safety. It is a contravention of the Traffic Order to operate the Vehicle on any public road in Greater London while its HGV Safety Permit is suspended.
- F. It is a contravention of the Traffic Order to either (1) fail to obtain a HGV Safety Permit for a Vehicle prior to operating on any public road in Greater London, including when the Permit has been suspended or (2) operate the Vehicle in contravention of these Conditions (including the Safe System Conditions where they apply). A Penalty Charge Notice may be issued to operators/ hauliers for £550 and £130 for drivers (reduced by half if paid within 14 days).

General Conditions applying to all HGV Safety Permits

- 1. The applicant shall operate the vehicle for which the HGV Safety Permit is issued in compliance with the requirements/ measures set out in these Conditions.

¹ Article 3(a) of the Traffic Order refers to the Vehicle being "used or driven (or caused or permitted to be driven".

² This is any highway or length of highway maintainable at public expense, in Greater London; referred to as the "restricted roads" in the Traffic Order

³ Articles 3(a)(i) and 4(1) of the Traffic Order.

2. The applicant and the driver of the Vehicle shall co-operate in assisting any authorised officer of [London Councils and/ or of Transport for London⁴] in the reasonable exercise of his/her duties in checking whether the vehicle has been modified and/or is being operated in accordance with the Conditions.
3. An applicant shall bring to the attention of the driver of the Vehicle all Conditions subject to which this HGV Safety Permit has been issued. However, this does not remove the applicant's responsibility for compliance with these Conditions.
4. The HGV Safety Permit is granted to the applicant for the specified vehicle and is not transferable. The permit will automatically cease to be valid if the vehicle ceases to be under the control of the applicant and it shall then be the duty of the applicant to inform Transport for London of this immediately in writing to **[insert appropriate email address]**.
5. The duration of a HGV Safety Permit will depend on whether the vehicle met the minimum DVS requirement or if it was granted subject to the Safe System Conditions:
 - The Permits of Vehicles rated Zero Star or un-rated under the DVS (subject to the Safe System Conditions) will expire at the end of 27 October 2024;
 - The Permits of Vehicles rated One or Two Star will expire at the end of 27 October 2024; and
 - The Permits of Vehicles rated Three, Four or Five Star will expire at the end of 27 October 2030 or ten years after the application date if granted later than 28 October 2020 (whichever is the later).
6. No vehicle may be operated on any public road in Greater London during any time while its HGV Safety Permit is suspended.
7. The applicant shall ensure that all modifications, and any existing features fitted to the Vehicle to reduce its environmental impact and/ or increase its potential safety as regards other road users, including those required by Condition 8 below are:
 - maintained and kept in proper working order at all times; and
 - operated properly and appropriately in accordance with manufacturers' instructions.

Safe System Conditions where a vehicle does not meet the minimum DVS star rating

8. The applicant shall carry out and complete modifications to the Vehicle so as to comply with the measures set out in the Schedule (Safe System Measures) within the period specified subject to any further conditions, restrictions or limitations or exemptions indicated.

⁴ As appointed by the Committee in due course.

SCHEDULE

SAFE SYSTEM MEASURES

Appendix E: HGV Safety Permit application process

A permit scheme (HGV Safety Permit) allows a vehicle to be assessed for its direct vision performance as part of the permit application process. Permits are also a proportionate, cost effective and practical way of implementing safety improvements (“safe system” measures) on the most potentially dangerous 12 tonnes+ HGVs without operators having to replace vehicles prematurely.

The HGV Safety permit will be free of charge and electronic. Fleet operators of vehicles requiring a permit will be able to apply via an online permit application portal.

Star ratings are unique to the make, model and specific configuration of the vehicle. For this reason, operators must contact¹ their vehicle manufacturer(s) and provide the vehicle chassis number to request a star rating.

The vehicle manufacturer will advise fleet operators of the star rating of the vehicle and at the same time will inform TfL who will add the rating to a database.

If a vehicle manufacturer is unable to provide a rating for a vehicle model operators will still be able to apply for a permit by demonstrating the vehicle has been fitted with a safe system.

Once star ratings have been obtained and safe system requirements met where necessary (zero star or ‘unrated’ vehicles), operators can apply for a HGV Safety Permit for a vehicle, or fleet of vehicles, via TfL’s permit application portal.

¹

Appendix F: Safe System

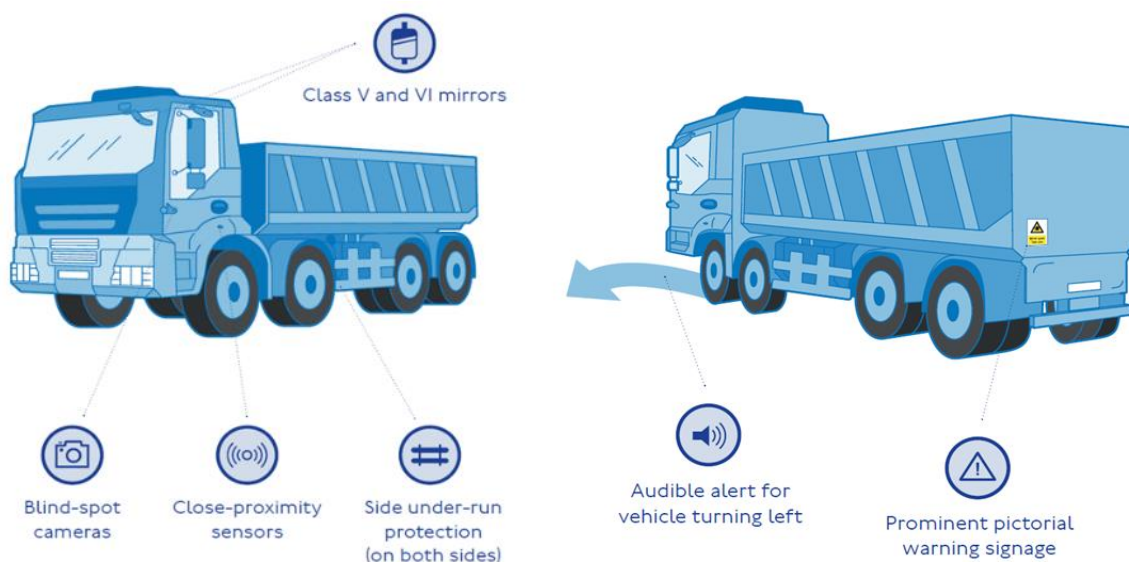
The proposed Safe System is a series of vehicle safety measures which aim to improve the overall safety of an HGV. It will be a condition of the HGV Safety Permit that the measures required by the Safe System are fitted, maintained and kept in proper working order at all times, and operated in accordance with manufacturers' instructions.

Areas covered include:

- Blind spot elimination and minimisation
- Warning of intended manoeuvre
- Minimising physical impact of a hazard
- Driver safety training (highly recommended, but not mandatory)

The Safe System will be reviewed ahead of 2024 to take into account any additional technology or safety equipment not available in 2020.

Contravention of the Safe System requirements may result in suspension (including immediate suspension where public safety concerns) or revocation and the issue of a Penalty Charge Notice against the vehicle operator or driver.



Appendix G: Summary of Stakeholder responses to Phase 2b consultation

Local Authority

London Borough of Brent

Brent Council supports the Safety Permit Scheme in principle. Brent Council fully supports TfL's ambition to lobby Central Government to consider a national scheme as HGVs that do not meet requirements are likely to be used in other parts of the UK.

Brent Council is concerned that no consideration has been given to inclusion of vehicles under 12 tonnes, arguing that it should apply to those with a Heavy Goods Vehicle Driver's licence. The scheme risk operators shifting to smaller lorries, causing more lorries on the road and a detrimental impact on the objectives of the Mayor's Transport Strategy.

Brent Council question the emphasis on visibility from the cab, when research shows technology would deliver better results. Brent Council supports the Direct Vision Standard with additional safe system mitigation measures. Brent Council strongly supports the scheme covering vehicles regardless of whether they are registered in the UK or outside it. It is not clear whether TfL intends to liaise with all manufacturers of HGVs to enable them to inform operators of the star rating of their vehicle(s).

Brent Council supports the introduction of the online portal to provide information/ advice. The application procedure seems straightforward, but Brent Council cannot fully agree for the following reasons: information should be displayed in different languages due to volume of foreign-registered HGVs; and no detail is provided on sharing of personal data if the UK leaves the EU under a no-deal scenario.

Brent Council would like to see more information on options considered to support small and medium-sized operators. Brent Council are also concerned about the lead in time to replace vehicles between 2020 and 2024. Operators might postpone investing in new vehicles, so Brent Council asks TfL to consider any potential detrimental impact in the medium to long-term.

Brent Council questions whether urban driving skills should be included as one of the mandatory mitigation measures. Clarification in relation to enforcement is welcomed. Brent asks TfL to reconsider the current proposal of only holding the permit electronically on their system.

London Borough of Camden

The London Borough of Camden strongly supports TfL's ambition to improve commercial vehicle safety through the introduction of DVS. However, it is felt that these proposals continue to fall short of fully addressing that danger and that the standard requires further development and is contradictory in places. Camden are concerned about misalignment with other similar initiatives eg London Safer Lorry Scheme

(SLS) and the Construction Logistics and Community Safety (CLOCS) Standard, and the exclusion of one and two star HGVs from having to demonstrate compliance with the Safe System.

Camden has some concerns that whilst a secondary nearside window may contribute to a vehicle's star rating, they make no discernible benefit to VRU safety. Camden questions that the DVS recommends the use of mirrors, given the lack of correlation between mirrors and safety. The research report data suggests that light levels are not a factor. There is concern that this may influence the development of equipment if manufacturers deprioritise low light level performance.

Camden notes that the Integrated Impact Assessment report does not acknowledge that costs will be passed on to the consumer, or in the case of the construction industry, the developer.

Camden concludes that the interpretation of this body of work is flawed, and notes contradictions and oversights between the consultation material and the supporting research material. Camden states that the DVS will only affect a small proportion of HGVs and that the DVS timelines don't align with the Vision Zero targets.

City of London Corporation

City of London strongly agree with the proposals for: the process for obtaining a vehicle star rating, the permit application process, safe system mitigating measures and enforcement. While City of London completely support the creation of a Direct Vision Standard and the accompanying star rating and permit scheme, they feel a more ambitious timeline is required in the context of the City of London. The City Corporation would be keen to pilot any London-wide schemes.

London Borough of Hackney

Hackney support the safe systems proposal in principle. Hackney raise concerns from fleet managers over understanding the process of rating vehicles and timelines for achieving the ratings ie overall length this process might take.

Hackney support requiring a high standard of mirrors. However, standards relating to mirrors should also include inspection, maintenance and driver training. Hackney are hesitant in recommending the full integral use of Visual Display Units (VDUs), as drivers take longer to acquire critical information. Hackney also have concern that mirrors with VDUs could increase visual processing demand. Hackney believe sensor systems alerting drivers of the presence of VRU & pictorial stickers are a positive addition. Hackney note low evidence for effectiveness of warning stickers but note the low cost and support this with the caveat that effectiveness is not overstated and coupled with training. Hackney believe that the suggestion for a larger front cabin windscreen would be a positive addition.

Hackney has concerns over future funding for driver training, also asking for consideration of changing the five-year period to every three years.

Hackney states that Safe System permits should be valid for the working life of the applicable HGV and should not be subject to future tightening of standards. To Hackney's knowledge there is currently only one brand of vehicle that meets DVS 3 star criteria but this manufacturer is not on any of the procurement frameworks.

London Borough of Islington

Islington strongly agrees with the proposals for: the process for obtaining a vehicle star rating, safe system mitigating measures and enforcement and agrees with the proposals for the permit application process. No further comment was provided.

Royal Borough of Kensington and Chelsea

The Royal Borough continues to support the concept of a 'Vision Zero' approach. The Royal Borough remain concerned that it would be possible for operators to avoid having any kind of direct vision based on fairly standard safety features and do not believe that the proposals will see the decrease in VRU collisions involving lorries hoped for. The Royal Borough note that 2020 Safe System requirements are already adopted by some operators, but a marked decrease in VRU collisions involving lorries has not been seen. Concerns raised that many of the Safe System requirements, such as cameras and proximity sensors, are easily disabled by drivers and that final proposals do not include driver training as mandatory.

The Royal Borough states that enforcement plans are not clear from the proposals. The Royal Borough states that enforcement must include spot checks on compliance.

The Royal Borough support TfL aligning the proposed DVS and safety permit scheme with the key dates of the Ultra Low Emission Zone (ULEZ). The Royal Borough would like more clarity for the 'Progressive Safe System' due for introduction in 2024 and suggest TfL should publicise which measures will make up this new system at least two years in advance.

London Borough of Lewisham

The London Borough of Lewisham sees the Direct Vision Standards as having a large part of play in ensuring safety. The London Borough of Lewisham strongly agrees with the proposals for: the process for obtaining a vehicle star rating, the permit application process, safe system mitigating measures and enforcement. To help to encourage more walking and cycling it must be perceived as safe. Measures to support drivers, helping to make it less stressful and easier for them to carry out their work is also welcomed. Some concerns on the deadline of 2024 for Zero, 1, and 2 star rated vehicles, the least safe vehicles, to still be allowed to operate in London.

London Borough of Merton

Merton acknowledges the disproportionate safety risks to vulnerable road users posed by heavy goods vehicles and potential contribution a direct vision standard might play in meeting the Mayor's Vision Zero vision. Merton fully supports the proposals outlined. The council would have liked to see the star ratings displayed on the vehicle in a prominent position to help promote the scheme and hence inform public opinion.

The council particularly welcomes the recommendation that all drivers should undergo specific training on the safety of vulnerable road users and the use and limitations of supplementary vehicle safety equipment.

The council would like to emphasise the need to make sure that sufficient publicity resources are allocated for wider road safety messages and to ensure all businesses are fully aware of the new safety requirements and enforcement timescales.

London Borough of Southwark

Southwark supports measures to improve safety for all road users, particularly vulnerable users such as pedestrian and cyclists. Southwark support TfL's proposals to create a new HGV Safety Standard Permit Scheme. Southwark recognise the challenge in introducing a new system and would encourage TfL to expedite its delivery and continue to raise vehicle standards over time. Southwark also raise the benefits of driver training and suggest that mandatory training of drivers on new vehicular technology should be included to continue to improve safety.

London Borough of Westminster

Westminster City Council agree with the proposals for: the process for obtaining a vehicle star rating and safe system mitigating measures and strongly agree with the proposals for the permit application process and enforcement.

Westminster City Council broadly supports the proposed Direct Vision proposal for London. However, the scheme's implementation must be subject to advice received from the Freight and Logistics industry and truck manufacturers that Direct Vision spec replacement HGVs can be sourced within the consultation's stated 'horizon period' of 26 October 2020. It is also requested that a Direct Vision Comms plan includes parallel messaging to cyclists.

London Councils

London Councils is very supportive of the proposed Direct Vision Standard (DVS) and its aims to help address the disproportionately high number of collisions involving HGVs and vulnerable road users in London. London Councils strongly agree with the proposals for: the process for obtaining a vehicle star rating, the permit application process, safe system mitigating measures and enforcement.

Elected Representative

Caroline Pigeon

Caroline strongly supports the overall objective of ensuring that the most dangerous lorries are kept off London's streets to protect both pedestrians and cyclists. Caroline welcomes the Mayor's letter to the European Parliament urging earlier implementation of the forthcoming General Road Safety regulations. Caroline also welcomes the new TfL procurement terms which specify that all heavy goods vehicles on contracts over £1m, will have to be one star or higher as of October 2019 and three-star as of October 2024.

Caroline strongly supports the process for obtaining a vehicle star rating. She believes the system could be enhanced by facilitating access to data on vehicle permits and ratings by developers, planning authorities and highway authorities, enabling these organisations to assess the transition to the safest lorries. Caroline is concerned that it is not clear if the application process will check the operator licences and what steps would be taken if this licence were to be revoked or not renewed. She argues that a process for the withdrawal of safety permits is vital.

Caroline strongly agrees with the need for mitigating measures in the period of transition to vehicles with five-star direct vision on London roads. However, feels the proposed measures could be improved, eg the quality standard of cameras and audible/visual alert systems for drivers to be defined more precisely so that fleet operators do not purchase ineffective systems. As a camera system must be fitted under the mitigating measures scheme, the addition of a requirement for a rear facing camera would help reduce the chance of a collision when reversing and. Caroline believes that the advice to provide driver training in Safer Urban Driving (SUD) should become a mandatory requirement.

Caroline supports the enforcement system, although would like to see verifiable electronic documentation issued to permit holders so that they can demonstrate to clients and local authorities that they comply with the DVS.

Caroline Russell – London Assembly

Overall, Caroline supports the measures being taken, stating that making progress towards Direct Vision will be a positive move that will reduce road danger for all road users in London. Caroline has concerns about the way that evidencing safe systems reduces so sharply for larger fleets of vehicles.

Caroline is interested in how the star rating scheme is perceived as improving safety in London and would like to see more details on the online system. Caroline states that there should be transparent and regular reporting on the system – for example numbers of permits and PCNs issued and the overall composition of the HGV fleet in London by star rating. Caroline finds it disappointing to see that driver training is not included in the final safe systems scheme.

Vulnerable Road User Groups

In general strongly agreed with the proposals for the process for obtaining a vehicle star rating, the permit application process, safe system mitigating measures and enforcement and look forward to Direct Vision lorries becoming the norm.

Trade Associations

In general disagree with the proposal for the process for obtaining a vehicle star rating, neither agrees nor disagrees with the permit application process, disagree with the safe system mitigating measures and the proposal for enforcement and appeals.

Businesses

The responses from businesses were overall mixed with some businesses supporting the final proposal and some not.

London Councils' Transport and Environment Committee

Freedom Pass Progress Report

Item
No: 11

Report by: Hannah Northcott **Job title:** Mobility Services Project Officer
Date: 21 March 2019
Contact Officer: Stephen Boon
Telephone: 020 7934 9951 **Email:** Stephen.boon@londoncouncils.gov.uk

Summary:

This report provides members with an update on the outcome of the Freedom Pass mid-term review, proposals for the future administration of renewal exercises, a reminder to boroughs regarding the assessment of eligibility for the disabled persons Freedom Pass scheme, and the outcome of negotiations with the Rail Delivery Group (RDG) in respect of the 2019/20 Freedom Pass settlement.

Recommendations: Members are asked to:

- a. Note the progress of the 2018 mid-term review and 2019 renewal
- b. Agree to Option B for processing future renewal exercises.
- c. Note the roles and responsibilities of borough concessionary travel teams in respect of disabled persons Freedom Pass renewals and ensure sufficient resources are in place to undertake the 2020 renewal.
- d. Decide whether or not to grant London Councils permission to formally consider taking on the administration of the disabled persons scheme after the 2020 renewal and come back to TEC with proposals.

- e. Approve the reduced RDG settlement amount of £19,450,000.

Background

1. The Freedom Pass is the most generous concessionary fares scheme in the country, offering free travel for older and disabled London residents on all Transport for London (TfL) travel modes (bus, Tube, London Overground, TfL rail, DLR and Tram) 24 hours a day, and on most National Rail routes after 9.30am Monday to Friday and at any time on weekends and public holidays. It also allows travel on local buses anywhere in England.
2. To be eligible for a Freedom Pass people have to have their sole or principal residence in one of the London boroughs and meet either the age or disability criteria. There are currently 1.107 million older, 169,000 statutory disabled and 10,000 discretionary disabled passholders. Approximately 340 million journeys are taken on TfL modes and 16.5 million journeys on National Rail per year.
3. The Freedom Pass is funded by the London boroughs at a cost of £344 million in 2018/19. The cost is negotiated annually by London Councils on behalf of the boroughs with TfL and the Rail Delivery Group (RDG) who represent the National Rail train companies that operate in London. The agreed amount is then apportioned amongst the boroughs based on usage.
4. London Councils works to protect borough funding by actively managing the membership in the following ways:
 - Passes are issued for a statutory period of five years at which point passholders must renew;
 - Annual mid-term reviews of continued eligibility;
 - National Fraud Initiative mortality screening three times a year; and
 - Assisting boroughs in the prevention and detection of fraud.
5. This paper provides an update to members on the mid-term review of 2021 passes, the 2019 re-issue, future re-issues (renewals) and the outcome of negotiations with the Rail Delivery Group (RDG) in respect of the 2019/20 settlement.

Mid-Term Review of 2021 expiry date passes

6. Before 2010, Freedom Passes were issued for a period of two years. After that date, in line with the Concessionary Bus Travel Act 2007, passes became valid for five years. As many passholders who change address, including moving outside of London, do not inform us, London Councils undertakes a mid-term review of eligibility at roughly the half-way stage of its validity.
7. The mid-term review is intended to keep records up to date and to reduce costs by preventing continued use of the scheme by people who are no longer eligible. This is done by contracting a data matching company, currently Experian, to carry out checks against various other data sources to identify people who they believe are no longer at the address that London Councils holds on our database.
8. Last year, this Committee agreed an officers' recommendation to undertake mid-term reviews on an annual basis. London Councils previously only carried out a mid-term

review for the large cohort of passes issued in 2010, and that were subsequently renewed in 2015.

9. In September 2018, London Councils sent letters to 13,023 passholders asking them to provide proof of their sole or principal London residence. 4,918 (38%) responded and, of these, 4,116 (84%) confirmed their address in London. 8,105 (62%) did not respond and these passes were stopped throughout December.
10. The mid-term review has cost £88,047 compared to a budget of £55,480. The budget was overspent as a result of considerably more phone calls than expected (estimates were based on the ratio of calls to letters during the 2017 mid-term review of passes expiring in 2020). Officers believe that the additional calls were generated as a result of stronger wording in the letter. Passholders were informed their cards would be stopped if they did not respond and there would subsequently be a £12 replacement fee.
11. Despite the overspend, officers expect approximately £345,000 of costs to be avoided through deactivating cards of passholders who are no longer eligible for the scheme. Therefore, the exercise will provide value for money. Furthermore, officers confirm that the additional costs can be met from existing 2018/19 resources, as a result of higher than budgeted replacement pass income.

Renewal of 2019 expiry date passes

12. Freedom Passes are issued for five years and expire on 31 March in the fifth year of issue. Each year, London Councils carries out a renewal exercise with passholders whose passes are due to expire. In respect of 2019, letters were sent to 40,697 older passholders in February inviting them to renew online or by post.
13. By 1 March, 64% had successfully renewed. This figure excludes Camden who automatically renewed passes after undertaking internal evidence checks. Appendix 1 shows the breakdown by borough, which, at the time of writing, ranges from 48% in Waltham Forest to 75% in the London Borough of Havering. 82% of those who have renewed have done so online, with 18% renewing by post.
14. The renewal of older persons passes is done entirely by London Councils. However, the administration of eligibility in relation to the disabled persons Freedom Pass is the responsibility of each borough. Each year boroughs confirm the continued eligibility of their passholders against the Transport Act 2000 criteria and check residency, updating the database with any changes by 31 January. London Councils then arranges for new passes to be delivered. This year, all those still eligible were posted passes in February.
15. 2019 passes will stop working on 31 March, but a short grace period has been agreed with TfL and the rail companies, where those who have not yet renewed are allowed to travel if they show their passes for visual inspection.
16. To date, approx. £8,585 has been spent of the £141,904 budget. However, spend will increase due to pass holder telephone calls and other correspondence from February – April 2019, by which time, it is anticipated the full budget will be spent.

Future renewal proposals

17. On 31 March 2020 approximately 740,000 passes will expire. This cohort of passholders was the first to be issued five-year expiry cards in 2010 and were part of the 2015 renewal, when 860,000 passholders were invited to renew their passes. The cost of the 2015 renewal was £2.6million. The 2020 renewal will be the largest renewal since then and London Councils has been considering ways to reduce the cost of the exercise to boroughs.
18. For most of the pass holders that will be part of the 2020 renewal, it will be ten years since the issue of their original pass. The DfT recommends (but does not require) that passholders provide a new photograph with their renewal application at the 10-year point. However, London Councils believes that a lighter touch renewal process could save considerable amounts of money for the boroughs and is confident that additional measures it has been taking to actively manage the Freedom Pass membership over recent years mean that it is time to reconsider the approach to renewing passes.
19. Since 2015, London Councils has undertaken the following initiatives:
 - Increased the National Fraud Initiative mortality screening from once to three times a year
 - Increased the frequency of mid-term review exercises to every year, which means that the database of passholders is more up to date and accurate
 - More actively assisting boroughs in the detection and prevention of fraud.
20. Because of this, officers believe there is scope to carry out the next large renewal in a different way that could reduce cost and reduce inconvenience to Freedom Pass holders. Members are asked to consider the following two options.

Option A (current process)

21. Option A proposes to retain the current process. Each year London Councils writes to every older pass holder whose pass is due to expire that year, inviting them to renew their Freedom Pass online or by post. New passes are then posted to those who have completed their renewal and remain eligible for the scheme.
22. The existing process requires that every passholder completes a renewal application, and where London Councils have a previous name or address, is required to provide proof before a new pass is issued.
23. London Councils' contractor must ensure that the contact centre is adequately resourced to handle the volume of phone calls and enquiries that are generated during a renewal exercise. Historically about 25% of those written to will call the helpline and approximately 10% will email.
24. The default option for the 2020 renewal is to continue to operate in the manner outlined above. Table 1 sets out the benefits, disbenefits and potential costs of this approach.

Table 1: Option A Benefits, risks and potential costs

Benefits	<ul style="list-style-type: none"> • Every pass holder is written to and invited to renew their pass. • The risk of renewing passes to those who are no longer eligible for the scheme is reduced. • It will be possible to require pass holders to change their photograph.
Disbenefits	<ul style="list-style-type: none"> • The cost of writing to every pass holder and responding to calls and emails will be significant. • It requires people who are still eligible to take action to confirm their continued eligibility when this could be achieved through other means. • Some pass holders will find it difficult to provide a new photo on line, which may drive up the number of paper applications and increase costs.
Potential costs	c. £2.57 million ¹

Option B (mid-term review approach)

25. Option B proposes to undertake future renewals using a similar approach to that of the mid-term review. London Councils will commission a data matching company to carry out residency checks to identify those who may have moved from the address that we hold on our database.
26. Letters will be sent to those older persons passholders who are flagged as having potentially moved. If the new address is flagged within London, a letter will be sent to the new address and current address held on the database. If the new address is outside of London one letter will be posted to the address held on the database. As with the mid-term review, passholders will be invited to verify their residency online or by post and provide proof.
27. If the older persons pass holder does not respond their pass will be allowed to expire on 31 March 2020 and will not be re-issued.
28. Anyone not flagged by the data matching exercise will be assumed to be at the same address, still eligible and therefore automatically sent a new five-year pass. We would carry out publicity ahead of the renewal exercise to encourage people to self-update their photos online and inform us of any change of address ahead of the renewal process.
29. The mid-term review of passholders who renewed in 2015 was carried out in 2017 and 56,650 passholders were written to asking them to verify their residency. 31% (17,414) provided proof of their address in London, 1,466 (3%) provided insufficient evidence, and 66% of those written to (37,770) had their passes stopped.

¹ NB from 2017, new contract rates apply which are higher than previously.

Table 2: Option B Benefits, risks and potential costs

Benefits	<ul style="list-style-type: none">• Significant cost savings will be achieved from not writing to every pass holder. Call and email volumes will be considerably lower.• Less inconvenience to passholders by not asking them to provide information that can be obtained through other means.• Seamless renewal process for the majority of pass holders, who will receive a new pass without having to do anything.
Disbenefits	<ul style="list-style-type: none">• By only contacting passholders who are identified as having potentially moved there is a risk that passes are automatically posted to someone who is either no longer eligible for the scheme, has moved elsewhere within London or is deceased.• The chances of fraudulent misuse of the pass are slightly increased, but regular NFI exercises and mid-term reviews will alleviate this risk. Furthermore, some of the money saved from conducting the renewal in this way could be invested in further improving London Councils' data analytics to ensure the Freedom Pass membership is reviewed more frequently.• Most photographs on passes that are due to expire on 31 March 2020 will be ten years old. By automatically renewing passes cards will be posted with the same photograph which may present problems for transport operators verifying the identity of the pass holder. This could be mitigated to some extent by running a publicity campaign to encourage those whose appearance has changed to update their photographs prior to the renewal of their pass.• Calls may be generated from passholders who are due for an automatic renewal querying how to renew their pass. A small publicity campaign will need to be considered.
Potential costs	c. £492,000

30. Officers consider that the savings and customer service benefits offered by Option B, outweigh the disbenefits.

Roles and responsibilities for local authority concessionary travel teams

31. It should be noted that the proposals above apply only to older persons pass holders. Under the Concessionary Bus Travel Act 2007 local authorities must issue a pass free of charge to any applicant residing in its area that meets the eligibility criteria for the older person or disabled persons scheme.
32. The administration of the scheme is organised so that London Councils assess eligibility for the older persons Freedom Pass scheme and boroughs retain responsibility for assessing applications to the disabled persons Freedom Pass scheme.
33. To be eligible for a disabled persons' Freedom Pass the applicant's sole or principal residence must be in London and they must have any of the statutory disabilities listed in the GLA Act 1999 and Transport Act 2000:

- People who are blind or partially sighted
- People who are profoundly or severely deaf
- People without speech
- People who have a disability, or have suffered an injury, which has left them with a substantial and long-term adverse effect on their ability to walk
- People who do not have arms or have a long-term loss of the use of both arms
- People who have a learning disability that is defined as 'a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning'
- People who, if they applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, would have their application refused pursuant to section 92 of the Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol.

34. With approximately 179,000 statutory disabled and discretionary disabled person Freedom Pass holders in London there is pressure on local resources to continually assess new applicants and existing pass holders' eligibility for the scheme, particularly during renewal periods. This is because while some pass holders' disability status is unlikely to change after a pass has been issued, some have conditions which might not be life-long and therefore require periodic reassessment. Indeed, some pass holders may become ineligible for a pass before the pass expires. It is for boroughs to determine each case on its merits.
35. The requirement to reassess and the attendant resource pressure is likely to be particularly acute during the 2020 reissue given the high volumes (up to c. 84,000) of disabled passes pass to be reissued (see appendix 2). During the current renewal exercise, which was small in comparison to next year's, some boroughs were not able to meet the deadline to reassess their pass holders due to limited resources, and in two instances, stopped some passes only to reinstate them later. In these cases, London Councils supported the boroughs in question.
36. However, in light of this recent experience, London Councils officers consider it prudent to raise the matter with members so that they can satisfy themselves that sufficient resources will be made available to reassess disabled pass holders in the coming financial year. Officers note that many boroughs are aware of the scale of the task at hand and are already planning to start reassessing pass holders from April 2019.
37. London Councils is undertaking a number of measures to assist with this, including; developments to the IT systems used to make borough reassessments more streamlined and less time-consuming, updating and re-issuing guidance notes to borough officers in good time for the renewal, and delivering a number of training sessions for borough officers.
38. Longer term, boroughs may wish to consider whether the current split of responsibilities for the scheme is still appropriate given pressures on borough resources. London Councils could take on the administration of both elements of the scheme and this could potentially reduce costs overall. However, boroughs would need to consider the views of their own concessionary travel teams and weigh up potential cost savings against having less direct oversight of the issuing of disabled Freedom Passes.
39. Members are asked to note the roles and responsibilities of borough concessionary travel teams in respect of disabled persons Freedom Pass renewals and ensure sufficient resource is in place to undertake the 2020 renewal.

40. Members are also asked whether or not to grant London Councils permission to formally consider taking on the administration of the disabled persons scheme after the 2020 renewal and come back to TEC with proposals.

2019/20 Settlement

41. In December's Freedom Pass settlement and apportionment report, officers noted that the settlement with the RDG was subject to further negotiation. London Councils is pleased to report to members that following these negotiations, the RDG has agreed to a reduced settlement figure for 2019/20. The revised amount is £19,450,000, rather than the £20,157,614 initially indicated. This represents a saving to boroughs of £707,614 (3.64%). The settlement and apportionment appendices that were provided in December have been updated and attached to this report. Members are asked to approve the reduced RDG settlement amount of £19,450,000.
42. Officers note, however, that given the outcome of this negotiation, the RDG and its members have restated their determination to move to a journey-based method of settlement which, although being more accurate, may result in higher or lower costs to boroughs in future years.

Financial Implications for London Councils

The Director of Corporate Resources reports that for the 2020 Freedom Pass renewal exercise, the costs of both Options A and B outlined in paragraphs 21-30 above, can be met from resources accumulated in the Committee's specific reserve for this exercise, which is projected to be in the region of £2.77 million by the end of the current financial year. If Option B is preferred, there will be a significant residual resource held in this specific reserve, for which the Committee will need to consider options for future use.

In respect of the overall Freedom Pass settlement for 2019/20, the recently agreed reduction in the RDG element of £707,614 will be reflected in reduced charges to boroughs payable in respect of the next financial year.

Legal Implications for London Councils

None

Equalities Implications for London Councils

None

Recommendations

Members are asked to:

- a. Note the progress of the 2018 mid-term review and 2019 renewal
- b. Agree to Option B for processing future renewal exercises.

- c. Note the roles and responsibilities of borough concessionary travel teams in respect of disabled persons Freedom Pass renewals and ensure sufficient resource is in place to undertake the 2020 renewal.
- d. Decide whether or not to grant London Councils permission to formally consider taking on the administration of the disabled persons scheme after the 2020 renewal and come back to TEC with proposals.
- e. Approve the reduced RDG settlement amount of £19,450,000.

Background Papers

TEC – Concessionary Fares Settlement and Apportionment 2019/20 – 7 December 2018

TEC – Freedom Pass Progress Report - 14 June 2018

TEC – Freedom Pass Progress Report - 22 March 2018

Appendix 1 – Renewal Statistics at 1 March 2019

Borough	Number Renewed Online	% renewed online	Number Renewed Paper	% Renewed Paper	Total % Passes Renewed	Passes Expiring 2019
Barking & Dagenham	346	79.00%	92	21.00%	66.77%	656
Barnet	1200	83.86%	231	16.14%	64.99%	2202
Bexley	771	78.92%	206	21.08%	72.75%	1343
Brent	722	80.94%	170	19.06%	56.53%	1578
Bromley	1322	83.14%	268	16.86%	74.06%	2147
Camden					100.00%	1190
City of London	38	82.61%	8	17.39%	65.71%	70
City of Westminster	562	80.86%	133	19.14%	52.73%	1318
Croydon	1023	80.24%	252	19.76%	66.34%	1922
Ealing	862	82.65%	181	17.35%	61.46%	1697
Enfield	834	81.60%	188	18.40%	65.22%	1567
Greenwich	620	76.92%	186	23.08%	53.55%	1505
Hackney	397	75.33%	130	24.67%	61.42%	858
Hammersmith and Fulham	472	80.00%	118	20.00%	64.62%	913
Haringey	580	78.80%	156	21.20%	62.48%	1178
Harrow	817	82.69%	171	17.31%	64.74%	1526
Havering	955	80.45%	232	19.55%	75.37%	1575
Hillingdon	810	82.57%	171	17.43%	66.06%	1485
Hounslow	671	81.83%	149	18.17%	60.52%	1355
Islington	472	77.25%	139	22.75%	63.58%	961
Kensington and Chelsea	485	79.12%	128	20.88%	55.83%	1098
Kingston upon Thames	570	82.73%	119	17.27%	70.31%	980
Lambeth	582	78.02%	164	21.98%	59.54%	1253
Lewisham	576	75.49%	187	24.51%	62.18%	1227
Merton	600	80.97%	141	19.03%	64.27%	1153
Newham	545	85.83%	90	14.17%	56.15%	1131
Redbridge	745	83.24%	150	16.76%	63.48%	1410
Richmond upon Thames	730	86.29%	116	13.71%	69.40%	1219
Southwark	557	77.79%	159	22.21%	61.46%	1165
Sutton	766	100.00%	0	0.00%	67.61%	1133
Tower Hamlets	361	79.69%	92	20.31%	56.84%	797
Waltham Forest	583	81.20%	135	18.80%	47.96%	1497
Wandsworth	673	81.08%	157	18.92%	60.01%	1383
Total	21247	81.51%	4819	18.49%	64.14%	42492

Appendix 2

	Cards expiring in 2020			
Borough	Disabled	Disabled Discretionary	Elderly	Grand Total
Barking & Dagenham	1,362		11,085	12,447
Barnet	4,416		33,844	38,260
Bexley	1,512		27,460	28,972
Brent	3,182	264	24,139	27,585
Bromley	2,201	310	39,599	42,110
Camden	2,866	2	16,308	19,176
City of London	43	10	891	944
City of Westminster	3,427	573	16,861	20,861
Croydon	4,018	167	33,443	37,628
Ealing	3,429	26	27,047	30,502
Enfield	2,886		28,657	31,543
Greenwich	2,604	116	18,454	21,174
Hackney	4,013	2	12,525	16,540
Hammersmith and Fulham	1,873	152	11,621	13,646
Haringey	3,374	3	16,950	20,327
Harrow	1,640	58	24,794	26,492
Havering	1,529	1	30,229	31,759
Hillingdon	2,219	54	25,605	27,878
Hounslow	2,004		20,534	22,538
Islington	3,662	4	12,855	16,521
Kensington and Chelsea	1,542		13,315	14,857
Kingston upon Thames	1,162	182	15,311	16,655
Lambeth	2,591	31	16,831	19,453
Lewisham	2,343	266	17,978	20,587
Merton	1,741	1	16,985	18,727
Newham	3,615	189	14,072	17,876
Redbridge	1,324	177	23,534	25,035
Richmond upon Thames	934	95	19,293	20,322
Southwark	3,563	294	15,574	19,431
Sutton	1,683		19,858	21,541
Tower Hamlets	3,056	15	10,476	13,547
Waltham Forest	2,402	375	17,644	20,421
Wandsworth	3,349	2	19,391	22,742
Grand Total	81,565	3,369	653,163	738,097

London Councils' Transport & Environment Committee

TEC & TEC Executive Sub Committee Dates 2019/20

Item
No:12

Report by: Alan Edwards **Job title:** Governance Manager
Date: 21 March 2019
Contact Officer: Alan Edwards
Telephone: 0207 934 9911 **Email:** Alan.e@londoncouncils.gov.uk

Summary: This report notifies members of the proposed TEC and TEC Executive Sub Committee dates for the year 2019/20.

Recommendations: It is recommended that Members:

- To agree the dates for TEC and TEC Executive Sub Committee meetings for the year 2019/20.

TEC (Main) Committee Proposed Dates

- Thursday 13 June 2019
- Thursday 10 October 2019
- Thursday 5 December 2019
- Thursday 19 March 2020

All the above meetings start at 2.30pm, with a pre-meeting for political groups at 1.30pm. All TEC (Main) Committee meetings will be held at 59½ Southwark Street, London, SE1 0AL.

TEC Executive Sub Committee Proposed Dates

- Thursday 18 July 2019
- Thursday 12 September 2019
- Thursday 14 November 2019
- Thursday 6 February 2020

TEC Executive Sub Committee meetings start at 10:00am are held at the offices of the London Councils, 59½ Southwark Street, London, SE1 0AL

Recommendations

It is recommended that Members:

- To agree the dates for the TEC and TEC Executive Sub Committee meetings for the year 2019/20.

Financial Implications

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

Legal Implications

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

Equalities Implications

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

LONDON COUNCILS' TRANSPORT AND ENVIRONMENT EXECUTIVE SUB COMMITTEE

Minutes of a meeting of the London Councils' Transport and Environment Executive Sub Committee held on **7 February 2019** at 10:00am, at London Councils, Meeting Room 1, 1st Floor, 59½ Southwark Street, London, SE1 0AL.

Present:

Councillor William Huntington-Thresher	LB Bromley
Councillor Daniel Anderson	LB Enfield
Councillor Denise Scott-McDonald	RB Greenwich
Councillor Feryal Demirci	LB Hackney (Acting Chair)
Councillor Claudia Webbe	LB Islington
Councillor Manuel Abellan	LB Sutton
Councillor Richard Field	LB Wandsworth
Councillor Tim Mitchell	City of Westminster

Also Present:

Shirley Rodrigues (Deputy Mayor for Environment & Energy for agenda item 3)
Jeremy Simons (City of London for agenda item 4)
Ruth Calderwood (City of London for agenda item 4)
Paul Thompson (British Vehicle Rental & Leasing Association - BVRLA for agenda item 5)
Antonia Roberts (CoMoUK for agenda item 5)
Kate Hinton (Zip Car)

1. Apologies for Absence & Announcement

Apologies for absence were received from Councillor Julian Bell (LB Ealing), Councillor Zulfiqar Ali (LB Newham), and Christopher Hayward (City of London).

2. Declarations of Interest & Deputies

Councillor Mitchell (City of Westminster) declared an interest in having a 60+ Oyster card.

3. Update on Ultra Low Emission Zone (ULEZ) – Shirley Rodrigues, Deputy Mayor for Environment and Energy, GLA

Shirley Rodrigues, Deputy Mayor for Environment and Energy, GLA, introduced the item and made the following comments:

- Up to 9,000 premature deaths in London a year are caused by poor air quality in London. This had a big impact, especially on vulnerable groups.
- Poor air quality was an environmental health and social injustice issue.
- The Mayor had brought forward the ULEZ in order to tackle diesel polluting vehicles, which makes up 40% of all air pollution in London.
- ULEZ starts on 8 April 2019 and will operate in the existing central London Congestion Charge Zone and will operate 24 hours a day.

- ULEZ extension to inner London would take place on 25 October 2021 and the LEZ would go Londonwide from 26 October 2020.
- There were currently 453 primary and secondary schools in areas that exceeded legal air quality limits. People living in the most deprived areas were exposed to a quarter more NO² pollution, on average.
- A big transformation would be achieved by 2025, including only 2% of road kms in London expected to exceed NO² limits.
- Communication campaigns taking place - 2 million people on Congestion Charge database and 500,000 people in Congestion Charge Zone had been informed and sent letters about compliance to the ULEZ.
- GLA had liaised with London Borough communications officers. TfL was having discussions with individual businesses, along with a number of rounds of meetings taking place with stakeholders.
- Clean Air/Client Earth – there was a moral obligation for all of us to act on this and for this to speeded-up.

Councillor Demirci (Acting Chair) thanked Shirley Rodrigues for the presentation on the ULEZ. She said that it would be good if the ULEZ could be expanded Londonwide.

Q & As

Councillor Abellan asked whether there would be exemptions for emergency and charity vehicles. He also asked whether the funds raised from the ULEZ would go into other air quality schemes. Councillor Abellan said that most small businesses seemed to favour a “soft” launch for the ULEZ. Shirley Rodrigues said that any borough re-let contracts would not be exempt. She said that the object was to try and limit the number of exemptions, as the impact on air quality improvements would be reduced if there were more exemptions.

Shirley Rodrigues informed members that an MOU had been developed with the Emergency Services to ensure that their vehicles were zero emissions as soon as possible. She said that the Mayor was currently looking into how to deal with vehicles operated by charities. Consultations had already taken place with the Federation of Small Businesses (FSB) and there would not be a soft launch. Shirley Rodrigues said that surplus funds from the ULEZ would support other transport and air quality improvements, like the North and South circulars.

Councillor Scott-McDonald said that the ULEZ divided her borough of Greenwich. She asked what the impact of air pollution would be outside of the zone, and whether any of the money made from the ULEZ would be supporting transport areas like the Woolwich ferry. Shirley Rodrigues said that TfL were working with boroughs about what proposals could be supported, and boroughs should talk to their officers now to identify any potential projects they wanted to be considered. She said that TfL had carried out extensive modelling to ascertain the impact of the new zone and to assess any changes that the new zone might bring (eg a 5% per kilometre reduction in car and van trips and also deterred trips that would result in less traffic in and around London).

Councillor Huntington-Thresher said that it would be a challenge for boroughs to convert their winter service vehicles, like salt/gritting carriers. He said that these vehicles had a life expectancy of between 15 to 20 years and options needed to be explored on how to convert these specialised vehicles. Councillor Huntington-Thresher said that he would also like a breakdown of the 40% of diesel polluting vehicles. Shirley Rodrigues said that this information could be found on the GLA

website. She said that the legal EU limits for air pollution had been pushed back for years now in the UK, and there was now an urgent need for London to catch-up. There was also a move to encourage more private hire vehicles (PHVs) to be zero emissions, as well as reducing the cut off time for diesel polluting Black Taxis from 15 to 12 years. Shirley Rodrigues said that she would take back the issue of converting winter service vehicles back to the GLA.

Councillor Field said that more details were needed on the cut off dates for diesel Black Cabs and dialogue that had been carried out with them. He felt that more information was also required with regards to small businesses that were asking for a soft launch of the ULEZ. Shirley Rodrigues said that Black Taxis were licensed for a period of 15 years. She said that this was a problem, as it resulted in a large number of old polluting vehicles on the roads in London. It was now necessary to restructure the scheme and move to more electric Black Cabs. The Mayor had decided, from 1st January 2019, to reduce the licensing period from 15 to 12 years, in order to phase out these diesel polluting taxis more rapidly. Discussions had taken place with the LTDA and Black Cab drivers regarding how best to achieve this.

Shirley Rodrigues said that the target of a 45% reduction in emissions from Black Cabs had not happened, and more needed to be done to deal with this quickly. She said that discussions had also taken place between TfL and the Federation of Small Businesses (FSB) as part of the ULEZ consultation process. Shirley Rodrigues said that a soft launch of the ULEZ would have only delayed the process, and action was needed on this now.

Councillor Mitchell said that residents in his borough of Westminster had only received one item of correspondence regarding the forthcoming ULEZ, even though the borough was in the Congestion Charging and T-Charge zones. He said that more options needed to be considered with regards to converting borough waste and winter vehicles, which currently had a long life. Councillor Mitchell also felt that more publicity was needed with regards to van scrappage, especially for market traders, who might only use these vehicles for one or two days a week. Shirley Rodrigues said that the GLA website had a "Cleaner Vehicle Checker" app that enabled the public to find out how much pollution their vehicle emitted.

Councillor Demirci said that her borough of Hackney, along with the borough of Islington, had already taken part in an ultra low vehicle scheme since August/September 2018. This had reduced the number of polluting vehicles in the boroughs from 2000 to 143 after a period of six months. Councillor Demirci said that this would improve even further once the ULEZ was introduced in April 2019. Councillor Webbe asked how the exemption for classic cars would be addressed. She also voiced concern about EU6 diesel polluting vehicles. Shirley Rodrigues said that classic cars were being modified.

Shirley Rodrigues said that EVs would reach a cost parity with regular vehicles in the next few years, and they were now the future. She said that the aim was for London to be a zero emissions city by 2050. Shirley Rodrigues said that there was not the support in place to address EU6 rated vehicles at present. She said that a great deal of work was currently being carried out between the GLA and the boroughs, especially with regards to rapid charging points and not taking away the OLEV discount, which was all part of helping to achieve a low carbon economy.

Councillor Anderson felt that the technology was not yet at the level to accommodate mainstream EVs. He said that it took 30 minutes to charge an EV, and this would only give around 2 to 3 hours' worth of power capacity. Councillor Anderson said that

there were also pollution issues with regards to the recycling of EV batteries. He felt that there were a number of stages to go through to enable a successful roll-out for EVs. Councillor Scott-McDonald asked for a breakdown of where the 453 primary and secondary schools were that exceeded legal air quality limits. Shirley Rodrigues said that the rapid charges were more for businesses, and most people would charge their vehicles at home. She said that companies like BP and Shell were now installing charging points in their forecourts, and the onset of EVs was now happening much more quickly as people wanted to have an EV.

Shirley Rodrigues suggested that boroughs talked to the City of London, prior to the implementation of the Emissions Reduction Bill. She said that it was important that air quality powers were at a borough and not a Secretary of State level. She also said that she was happy to deal with any queries that boroughs might have with regards to the ULEZ and air quality in general. Councillor Demirci thanked Shirley Rodrigues for her informative presentation to the TEC Executive Sub Committee.

Decision: The TEC Executive Sub Committee:

- Agreed that Shirley Rodrigues would take back the issue to the GLA of converting borough winter vehicles (eg salt carriers) to make them EU air quality compliant;
- Agreed that Shirley Rodrigues would let Cllr Scott McDonald have a list of where the 453 primary school that exceeded legal air quality limits were located; and
- Noted that boroughs could contact Shirley Rodrigues should they have any queries regarding the upcoming ULEZ (memberscorrespondence@tfl.gov.uk).

4. Air Quality Update

The TEC Executive Sub Committee received a report that provided an update on London Councils' activities on air quality policy, specifically regarding officers' work on achieving and influencing new clean air legislation on London Councils' draft response to the Environment, Food and Rural Affairs (Efra) Select Committee inquiry into the draft Environment (Principles and Governance) Bill.

Owain Mortimer, Principal Policy and Projects Officer, London Councils, introduced the report which highlighted what work London Councils was carrying out with regards to air quality. Councillor Demirci informed members that these issues had been discussed at previous TEC meetings and officers were asked to discuss these issues in their boroughs.

Owain Mortimer made the following comments:

- At the TEC meeting in June 2018, members had agreed to support a new Clean Air Act.
- London Councils had compiled a draft consultation response to the Efra Select Committee inquiry that scrutinised the draft Environment (Principles and Governance) Bill to the Secretary of State.
- A number of workshops have been held with borough officers and the GLA, and a number of proposals have been put forward.
- Further details would be made available at a later TEC meeting.
- The City of London was present to talk about its "Emissions Reduction Bill".

Ruth Calderwood, City of London, informed members that a number of air pollution “hotspots” had been picked-up that were not related to emissions from vehicles. They were a result of emissions from boilers, generators and power plants, all of which were powered by diesel. She said that it was unclear at the powers that local authorities had to deal with these types of emissions, and this needed to be looked into. Ruth Calderwood said that emissions from combustion plants were not being dispersed in the air by chimneys as was the case previously, but due to the different make-up of emissions from modern fuels, were trickling down to the ground instead. She said that this was an energy management issue that needed to be dealt with, and the City was looking at using their Emissions Reduction Bill to deal with these issues.

Ruth Calderwood said that the current Clean Air Act (1993) mainly dealt with the problems caused by visible smoke. However, things had moved on since then, and the issue of emissions now needed to be dealt with in a different way. Local authorities now needed clear powers to deal with these emissions. Ruth Calderwood said that any new pieces of “kit” needed to meet an emissions criteria (the new EU standard was a great deal clearer). She said that there was a need to ensure that cleaner technologies were brought into areas that already suffered from high pollution rates. A new set of proposals had therefore been designed, which boroughs could adopt if they wanted to. The framework was set around the World Health Organisation’s (WHO) guidelines for particulates.

Ruth Calderwood said that more information would be presented to the TEC meeting on 21 March 2019, once the Private Members Bill had been passed. It was also proposed to increase the Fixed Penalty Notice (FPN) for idling vehicle engines to £100, as the FPN charges at present were not a sufficient deterrent.

Councillor Mitchell said that he welcomed the City of London’s Emissions Bill. He felt that the new FPN increase to £100 would be much more effective, although discussions would need to take place on how to best enforce this. Councillor Mitchell said that it was currently difficult to enforce fuel burner standards, and the new Bill would help with this. Jeremy Simons, City of London, said that construction work was taking place in the City all the time, and the issue of air pollution went beyond just diesel vehicles. Councillor Scott-McDonald said that she was very supportive of this as there was also a great deal of construction work taking place in Greenwich.

Councillor Huntington-Thresher said that emissions from residential heating in the outer London boroughs, like Bromley, was more of a problem than air pollution from vehicles, although the enforcement of this was problematic. He said that there were also issues around when solid fuel burners were installed in residents’ homes. Councillor Huntington-Thresher felt that there should now be a set cut-off date to limit these installations.

Councillor Huntington-Thresher asked whether it would be down to the boroughs to decide on the air quality zones. Jeremy Simons confirmed that this was the case. Ruth Calderwood said that the Secretary of State had set limits to emissions standards and similar principals could be applied to generators. Councillor Demirci said that further details regarding the Bill would be brought back to a future TEC.

Decision: The TEC Executive Sub Committee:

- Agreed the approach to influencing new clean air legislation; and
- Agreed the response to the Efra Select Committee inquiry.

5. Future Mobility Agenda: Task and Finish Group on Car Clubs

The TEC Executive Sub Committee received a report on the time limited work undertaken by the Task and Finish Group on car clubs. The London Councils' TEC Executive Sub Committee was well-placed to play a stronger role in understanding the complexities of the Car Club industry in the Capital and to help shape this policy agenda going forward.

Paulius Macklea, Principal Policy and Project Officer, London Councils, introduced the report and made the following comments:

- One of the aims was to bring key stakeholders together.
- Eight meetings were due to take place over a five month period. Work of the Task and Finish Group on Car Clubs should be finalised by Autumn 2019.
- CoMoUK and the British Vehicle Rental and Leasing Association (BVRLA) would be invited to be regular members of the Group, along with London Councils, boroughs, TfL and the GLA.
- The timeline for the Task and Finish Group was approximately February to July 2019. Meetings were scheduled to take place on Wednesday mornings at the offices of London Councils. A final report was due to go to the TEC Executive Sub Committee meeting on 12 September 2019.
- Members could add any topics they felt were appropriate.

Councillor Field said that the borough of Wandsworth had one of the highest Car Club memberships. He said that Wandsworth had volunteered to join the Group. Paulius Mackela informed members that 11 requests to join the Group had been received from the boroughs, of which only around 6/7 could be nominated. The final list of borough representatives would be finalised this week.

Councillor Scott McDonald asked whether the electrification of Car Clubs could be a topic for the Task and Finish Group. Paulius Mackela said that TfL were carrying out work on this, and that the Task and Finish Group was only focussing on work that the boroughs could do.

Councillor Mitchell informed members that the City of Westminster had started a "flex service" for Car Clubs. He said that profiling was being carried out on Car Club users to ascertain whether members were still using their own cars as well as using Car Clubs. Councillor Demirci said that the borough of Hackney had been using a flexible Car Club model for the past five years. She said that there had not been any issues regarding clustering around transport hubs during this period. Councillor Demirci said that it was also beneficial that Car Club companies were sharing information.

Councillor Webbe asked how the rest of the boroughs that were not chosen to be on the Task and Finish Group would get involved and share information. Paulius Macklea said that information about what was discussed at the Group meetings would be shared at the TEC Executive Sub Committee meetings, and would also be included in the final report. Paulius Mackela also explained that borough reps will represent all London boroughs. Councillor Huntington-Thresher asked whether the 2-

year contracts between boroughs and Car Clubs was the right amount of time, in order to ensure that a second car ownership was not necessary.

Decision: The TEC Executive Sub Committee agreed the purpose, topics, size, composition and timescales of the proposed Task and Finish Group on car clubs.

6. Transport and Mobility Services Performance Information

The TEC Executive Sub Committee considered a report that detailed the London Councils' Transport and Mobility Services performance information for Quarter 3 in 2018/19.

Stephen Boon, Chief Contracts Officer, London Councils, introduced the report. He said that there were two improvement plans currently being undertaken. The first was regarding the percentage of calls being answered within 45 seconds for the Freedom Pass, which was currently 78% out of a target of 85%. Stephen Boon informed members that additional staff had been brought in to help reach the target. He said that customers had been asked how satisfied they were with the service – 97% rated the service as “excellent” or “good”, and the majority said that there were no issues with regards to call waiting times. More details would be included in a future performance report.

Stephen Boon said that the “percentage of vehicles arriving within 15 minutes (advance booking)” for Taxicard, currently at 94%, would get worse before it got better. This was because Taxicard had lost approximately 20% of its drivers (through retirement etc) and because of increased competitiveness. Stephen Boon said that a new fixed pricing scheme had been introduced from 1st January 2019, and a number of taxi drivers said that they no longer wanted to take part in the Taxicard Scheme. He said that attempts were being made to try and increase the size of the fleet by July 2019, and to increase the use of private hire vehicles (PHVs). Inner London boroughs were the worst affected by these changes. There were also changes being made to how the jobs were allocated in some inner London boroughs.

Councillor Demirci asked whether the information on customer satisfaction rates would be available for the next TEC Executive meeting in July 2019. Stephen Boon confirmed that it would. He confirmed that London Councils had also contacted the worst affected boroughs.

Decision: The TEC Executive Sub Committee:

- Noted that customer satisfaction data would be included in the performance data for the TEC Executive on 18 July 2019; and
- Noted that the performance stats for Taxicard “advanced bookings” figures would be worse in the next quarter due to a number of reasons (new fixed prices from 1st January 2019 that Black Cabs no longer want to take part in/loss of 20% of Black Cab drivers etc)

7. TEC Month 9 Revenue Forecast 2018/19

The TEC Executive Sub Committee received a paper that outlined actual income and expenditure against the approved budget to the end of December 2018 for TEC and provided a forecast outturn for 2018/19.

David Sanni, Chief Accountant, London Councils, introduced the report in Frank Smith's absence. He informed members that there was a projected surplus of £1,411,000 for the year, along with a forecasted net underspend of £1,627,000 for Taxicard trips. David Sanni said that Table 2 (page 4) showed an analysis of projected uncommitted reserves as at 31 March 2019. General reserves were forecast to be £3.644 million at the year end, which was above the target of 10-15% of annual operating expenditure (30.8%). He explained that the reserve figure did not include the commitments approved in the 2019/20 budget.

Councillor Webbe asked whether the underspend on Taxicard would be returned to the boroughs. David Sanni confirmed that the underspend would be returned to the boroughs and TfL at the end of the year.

Decision: The TEC Executive Sub Committee:

- Noted the projected surplus of £1,411,000 for the year, plus the forecast net underspend of £1,627,000 for overall Taxicard trips; 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.

8. Minutes of the TEC Executive Sub Committee held on 15 November 2018 (for agreeing)

The minutes of the TEC executive Sub Committee meeting held on 15 November 2018 were agreed as an accurate record.

9. Minutes of the TEC Main Meeting held on 6 December 2018 (for noting)

The minutes of the TEC Main meeting held on 6 December 2018 were noted.

Members of the press and public were asked to leave while the exempt part of the agenda was discussed.

The meeting finished at 11:25am

London Councils' Transport and Environment Committee – 6 December 2018

Minutes of a meeting of London Councils' Transport and Environment Committee held on Thursday 6 December 2018 at 2:30pm in the Conference Suite, London Councils, 59½ Southwark Street, London SE1 0AL

Present:

Council	Councillor
Barking and Dagenham	Cllr Syed Ghani
Barnet	Cllr Dean Cohen
Bexley	Apologies
Brent	Apologies
Bromley	Cllr William Huntington-Thresher
Camden	
Croydon	Cllr Stuart King
Ealing	Cllr Julian Bell (Chair)
Enfield	Cllr Daniel Anderson
Greenwich	Cllr Denise Scott-McDonald
Hackney	Cllr Feryal Demirci
Hammersmith and Fulham	Cllr Wesley Harcourt
Haringey	Cllr Kirsten Hearn
Harrow	Cllr Jerry Miles (Deputy)
Havering	Cllr Osman Dervish
Hillingdon	
Hounslow	Cllr Hanif Khan
Islington	Cllr Claudia Webbe
Kensington and Chelsea	
Kingston Upon Thames	Cllr Hilary Gander
Lambeth	Cllr Claire Holland
Lewisham	Apologies
Merton	Cllr Nick Draper (Deputy)
Newham	
Redbridge	Apologies
Richmond Upon Thames	Cllr Martin Elengorn (Deputy)
Southwark	Cllr Richard Livingstone
Sutton	Cllr Manuel Abellan
Tower Hamlets	
Waltham Forest	Cllr Clyde Loakes
Wandsworth	Cllr Richard Field
City of Westminster	Cllr Tim Mitchell
City of London	Apologies
Transport for London	Alex Williams

1. Apologies for Absence & Announcement of Deputies

Apologies:

Councillor Peter Craske (LB Bexley)
Councillor Shama Tatler (LB Brent)
Councillor Varsha Parmar (LB Harrow)
Councillor Brenda Dacres (LB Lewisham)
Councillor Martin Whelton (LB Merton)
Councillor John Howard (LB Redbridge)
Councillor Alex Ehmann (LB Richmond)
Christopher Hayward (City of London)

Deputies:

Councillor Jerry Miles (LB Harrow)
Councillor Nick Draper (LB Merton)
Councillor Martin Elengorn (LB Richmond)

2. Declaration of Interests (additional to those not on the supplied sheet)

60+ Oyster & Freedom Pass

Cllr Jerry Miles (LB Harrow)
Cllr Martin Elengorn (LB Richmond)

West London Waste Authority

Cllr Martin Elengorn (LB Richmond)

Western Riverside Waste Authority

Cllr Wesley Harcourt (LB Hammersmith & Fulham)
Cllr Claire Holland (LB Lambeth)

East London Waste Authority

Cllr Osman Dervish (LB Havering)

Thames Regional Flood & Coastal Committee

Cllr Martin Elengorn (LB Richmond)
Cllr Richard Livingstone (LB Southwark)

London Road Safety Council

Cllr Wesley Harcourt (LB Hammersmith & Fulham)
Cllr Jerry Miles (LB Harrow)
Cllr Richard Livingstone (LB Southwark)

3. Vision Zero Presentation by Transport for London

The presentation started by a video footage from the emergency services attending a serious collision between a skip lorry and a cyclist. Afterwards, Victoria Le-Brec from Road Peace, gave a presentation about her near-death experience when a skip lorry collided with her when she was cycling to work. This accident crushed her pelvis, resulted in the loss of one leg and required her to undergo 13 operations. Victoria Le-Brec went on to say that 127 people had been killed on the roads in the same year that her accident occurred. She said that less than two years' later another person was hit by a Tesco van a hundred yards from where she was hit and also lost their leg, as did another lady this summer. Victoria stated that this should not be allowed to happen and she felt it was very encouraging that TfL were now adopting a "Vision Zero" approach,

with the aim of having no injuries on the roads.

The Chair thanked Victoria Le-Brec for her presentation and the video, which was very moving. He said that the issue of how to tackle road safety was regularly discussed at TEC and one of the items on the agenda for today was "Direct Vision". Alex Williams, Director, City Planning, TfL, said that a joint letter from the TfL Commissioner and the Chair of TEC would be sent to every borough leader, giving them information about what accidents were taking place in their boroughs. He said that the letters would be sent out week commencing 10 December 2018. Victoria Le-Brec said that she was happy to show individual boroughs the video if they so desired.

Councillor Mitchell said that the City of Westminster was trying to tackle road traffic accidents on a daily basis. He said that it would be good for his borough to see the video and have the presentation. Councillor Webbe said that all the accidents had taken place in the borough of Islington, and in her ward. She informed members that Islington was the first borough to have a 20mph speed restriction on all its roads. Councillor Webbe said that measures were being taken to reduce accidents, but this was taking a very long time due to modelling. She said that all boroughs should sign-up to "zero vision". Councillor Webbe said that a multi-pronged approach needed to be taken with regards to road safety, and especially with issues around modelling.

Councillor Scott-McDonald said the Royal Borough of Greenwich had been approached with regards to safety issues. She said that Victoria had also met with the Director of Transport at Greenwich. Councillor Abellan asked what the boroughs could do to raise road safety awareness with Londoners on a bigger scale. Victoria Le-Brec said that the issue was reducing danger on the roads in the first place, and also enforcing 20mph speed limits. The Chair thanked Victoria Le-Brec for her talk and allowing TEC to see her video.

Decision: The Committee:

- Agreed that a joint letter be drafted by TfL and the Chair of TEC and sent to every borough leader, giving them information about what accidents were occurring in their boroughs. This letter would be sent out week commencing 10 December 2018; and
- Noted that there was a need to enforce 20mph speed limits and to pursue the "Vision Zero" agenda vigorously.

4. London Waste & Recycling Board – Presentation by Dr Liz Goodwin OBE (Chair of LWARB), Wayne Hubbard (CEO, LWARB) and Anthony Buchan (LWARB)

Dr Liz Goodwin OBE, Chair of LWARB, gave a brief overview of LWARB. She said that there were currently two TEC members on actively involved in LWARB, namely Councillor Clyde Loakes as the chair of Resource London and Councillor Feryal Demirci as a board member. She informed TEC that she had been the Chair of LWARB for the past 18 months.

Wayne Hubbard, CEO of LWARB, thanked members for the invite to TEC and made the following remarks:

- LWARB had three main programmes: (i) Resource London, (ii) Circular London and (iii) Advance London.
- London's circular economy represented £7 billion a year in London.
- LWARB provided free business support to SMEs, as well as investment

programmes like venture capital and growth equity.

- The aim was to reduce waste in London by 60% by 2030.

Anthony Buchan introduced himself and informed members that he headed up the partnership of LWARB's and the Waste and Resources Action Programme's (WRAP) Resource London Programme. He made the following comments:

- There were four key focus areas: (i) minimizing the amount of waste produced, (ii) increasing and improving the capture of food waste, (iii) improving the yield and quality of dry recycling, and (iv) restricting residual waste.
- Direct service support to pursue behavioural change.
- Current support areas included reduction and recycling plans, contamination and flats recycling. LWARB were there to help facilitate all of this and to pull the plan together.
- Flats recycling needs to improve for London to reach its recycling targets, especially in inner London authorities. It is estimated that people living in flats will grow to about £1.9 million by 2030.
- Resource London has set up a partnership between Peabody Housing Association and 6 inner London boroughs, trialling five resident focused interventions across 10 estates. Peabody currently has properties in 26 of the London boroughs and the aim is to roll out those interventions that have proofed to increase recycling.
- The five interventions to help make it easier for residents to recycle, were (1) a tenant recycling pack (this lets tenants know what was expected of them with regards to recycling), (2) smaller bins (these would be placed at the front of the flats, rather than hidden at the back), (3) emotive messaging (to get resident to think more about recycling), (4) in-home storage solution (there is not much space in flats and plastic bags with hooks were provided to separate waste), and (5) a feedback mechanism (a personalised poster would be put up that related to the flats/street it was on).
- In addition, there would be targeted campaigns (eg for 16 to 24 year olds) that related to food waste and old clothing.

Q and As

Councillor Ghani asked how LWARB would be supporting the borough of Barking and Dagenham. Councillor Anderson said that it was difficult to motivate residents in flats to recycle. He asked whether there had been any major changes to recycling rates since September 2017. Councillor Huntington-Thresher said that a large number of bins for blocks of flats were hidden in sheds. He asked what engagement had been taking place with regards to waste and recycling in schools.

Councillor Demirci said that recycling in flats was a big problem for local authorities. She asked whether any engagement had taken place with borough officers when delivering the pilot and when the outcome of the trials would be shared with boroughs. Councillor Draper said that the South West London Partnership (SWLP) was working to separate plastics, metals and paper. He said that the Peabody Housing Association was still putting all these items together. Councillor Khan asked whether the bags used for recycling in the flats were made from plastic.

Wayne Hubbard said that LWARB had been working with LEDNet to develop new guidance, as well as work on retrofitting. He said that the circular economy was being formulated for developers. He said that a lot more work needed to be carried out on circular economy guidance. Anthony Buchan informed Committee that a short briefing note on the "Flats Recycling Project" could be emailed to TEC members, if required.

Anthony Buchan said that people in flats needed to segregate their recycling, and testing was taking place with regards to home storage. He said that a second recycling bin was also needed. Anthony Buchan said that LWARB was also looking at the issue of new builds and factoring in recycling into the buildings.

Anthony Buchan confirmed that the bags used in flats to separate waste were plastic and were not biodegradable, although they were used a number of times. They could easily be unhooked and this made it easier for residents to recycle. Anthony Buchan said that details regarding costings were not known yet but would be available in May 2019.

Anthony Buchan said that officers were engaging with the six boroughs and the Peabody Housing Association. He said that local authorities ran local recycling projects in their schools. Also, the impact of any recycling improvements would be known by February 2019. Anthony Buchan confirmed that LWARB had been working with officers in the borough of Barking and Dagenham and was looking at what services could be delivered in the borough.

Councillor Anderson asked whether LWARB would come back to TEC in a year's time to update the Committee on the progress/impact of the trials. Anthony Buchan said that LWARB would report back to TEC as soon as it had any results. Councillor Loakes said that TEC had been engaging with LWARB since it started. He said that his borough, Waltham Forest worked on a range of projects with LWARB and had gained a great deal of knowledge. Councillor Loakes said that, with regards to waste and recycling, LWARB knew what worked and what did not work. He asked what support boroughs would receive from LWARB, when sending recycling materials overseas, after Brexit.

Claudia Webbe asked whether any clear guidance would be developed and made available to other housing associations aside from the Peabody Housing Association. She said that many housing associations did not know about recycling and could do with some guidance, especially smaller housing associations and private estates.

Wayne Hubbard said that LWARB was undertaking a survey, with regards to waste and recycling after Brexit (ie where the waste and recycling would be sent to). Anthony Buchan confirmed that Peabody was the largest housing association in London. He said that once solutions had been found, they could then be passed on to other housing providers. A guide would also be produced for the rental sector (eg landlords' responsibilities etc). Wayne Hubbard informed members that no other organisation other than LWARB had carried out this level of analysis, and any evidence would be presented to TEC.

The Chair thanked LWARB for the presentation. He said that it would be beneficial if LWARB could attend and update TEC on a more regular basis. Liz Goodwin said that she welcomed this suggestion.

Decision: The Committee:

- Agreed that the "Flats Recycling Project" briefing would be emailed to TEC members; and
- Agreed that LWARB would attend TEC on a more regular basis to update members on progress with regards to waste and recycling projects.

5. Chair's Report

The Committee considered a report that updated members on transport and environment policy since the last TEC meeting on 11 October 2018, and provided a forward look until the next TEC meeting on 21 March 2019.

The Chair informed TEC that the LEDNet conference that was scheduled for 7 December 2018 had now been postponed. He said that London Councils had also submitted a response to TfL's Central London Bus Review. TfL would meet with individual boroughs to discuss any concerns to changes to buses/bus routes. The Chair said that discussions had taken place with Heidi Alexander, the Deputy Mayor for Transport, and the Draft TfL Business Plan was due to be published on 7 December 2018. Alex Williams said that the TfL Business Plan may be delayed until Monday 10 December 2018.

The Chair informed Committee that the Local Government Statement had been put back a week. He said that the TEC Rapids Sub-Group had met again on 15 November 2018, and the borough of Redbridge had now identified 20 sites for charging points on borough roads. Boroughs had until the end of January 2019 to identify their sites.

The Chair said that the London boroughs had been given a share of £20 million out of a total £420 million to help repair pot holes. London had previously been excluded from a share of these funds. Councillor Anderson congratulated TEC on getting a share of these funds. The Chair said that TEC was continuing to lobby for London to get its fair share of Vehicle Excise funding.

Decision: The Committee noted the Chair's report.

6. Flood Partnerships Update

The Committee received a report that updated members on the work of the seven London sub-regional flood partnerships, the Thames Regional Flood and Coastal Committee (Thames RFCC), and the Environment Agency.

Katharina Winbeck, Head of Transport, Environment and Infrastructure, London Councils, updated members on the work of the Thames Regional Flood and Coastal Committee (Thames RFCC) and the seven sub-regional partnerships. She said that surface water flooding was a key issue for London, and all boroughs were experiencing challenges when it came to resources, capacity and capabilities. Hence London Councils continues to support the Thames Flood Advisors, who are working directly with London boroughs on flood alleviation schemes. Katharina Winbeck said that some good partnership work was going on in the sub-regions, between the boroughs, Environment Agency, TfL, Thames Flood Advisors and Thames Water. Further work to improve on this with all sub-regions is ongoing to make the best of the stretched resources.

Councillor Draper corrected that the borough of Merton was working together on Wimbledon Park Lake reservoir flooding scheme, and was not working with the borough of Wandsworth on this scheme (paragraph 46, page 7).

The Chair said that a TEC representative for the "West" region of the Thames RFCC was needed. Councillor Cohen said that he would be nominating someone shortly. *Post meeting note: Councillor Peter Zinkin (LB Barnet) was nominated for the "West" region.*

Decision: The Committee:

- Noted that only the borough of Merton was working with Wimbledon Park Lake reservoir flooding scheme (paragraph 46, page 7); and
- Noted that Councillor Peter Zinkin (LB Barnet) would now be the “West” region member on the Thames RFCC. Agreed that A Edwards would send a letter to the TRFCC confirming this appointment

7. Developing Guidance for Local Zero Emissions Zones (ZEZs)

Alex Williams introduced the report and made the following comments:

- Guidance was being proposed for local Zero Emission Zones (ZEZs).
- Support by TfL and the GLA was needed to engage with taxis, private hire vehicle operators and freight and service industry (paragraph 8).
- Consultation would take place in early 2019, once a draft guidance note was published.

The Chair said that the timing of the draft ZEZ guidance note would be too late for some boroughs to put in bids. Councillor Demirci said that she welcomed the guidance, but also felt that the timings could be better adjusted. Councillor Webbe said that it would be beneficial for the borough of Islington to work together with Hackney on the Ultra Low Emission Vehicles (ULEV) Streets Initiative, which included many of the design elements and restrictions which could constitute a local ZEZ in the future.

Decision: The Committee:

- Noted that the timing of the draft guidance note was too late for some boroughs to put in bids;
- Noted a draft ZEZ guidance note would be published in early 2019 for further consultation with boroughs; and
- Noted that the guidance note would form the basis of decisions by TfL for funding requests by boroughs to support local ZEZs, through existing programmes such the Mayor’s Air Quality Fund and Low Emission Neighbourhoods.

8. Traffic Signals Budget 2019/20

The Committee received a report that set out the cost to boroughs of maintaining traffic signals in London in 2019/20, based on a proposed “actual cost” model and recommended an interim approach for the apportionment of the costs to each authority based on 2018/19 calculations.

The Chair said that members had voiced concern in 2017 on the traffic signal services that were provided by TfL, especially with regards to the delays in installing the traffic signals. Although the traffic signals funding was agreed by TEC in 2017, members felt that there needed to be improvements to the service. Spencer Palmer, Director of Transport and Mobility, London Councils, said that officers had liaised with TfL and the boroughs with regards to their traffic signal concerns. He informed members that he was unaware of any particular issues affecting the progress of the schemes.

Councillor Demirci said that it could sometimes take up to two years for TfL to install a traffic signal, and TfL needed to speed up this process. Councillor Cohen asked what the percentage was based on. Spencer Palmer said that, in the past, the methodology had been complicated and was around population numbers. This was now out of date

and did not reflect real costs. Spencer Palmer said the formula was now based on costs incurred by TfL (Appendix 1 adjusted these costs). He said that there was an average increase in costs from 2018/19 of 3.7%. Spencer Palmer said that changes to the methodology and the apportionment meant that there would be “winners and losers”. He informed members that there had been insufficient time to develop the new methodology, although this would be ready in 2019.

Councillor Mitchell said that more clarity was needed on the timescales, especially as boroughs tended to finalise their budgets earlier. Spencer Palmer confirmed that the options would be available in October 2019.

Councillor Gander said that there were issues with temporary traffic lights, as they were not as sophisticated and could not be “phased” like normal traffic lights. She said that in the Royal Borough of Kingston they failed quite regularly and most were not fit-for-purpose.

Councillor Huntington-Thresher asked whether the attachment in the report included traffic lights on TfL roads. Spencer Palmer confirmed that the TfL roads had been removed from the table. He said that, with regards to temporary traffic signals, they were not currently “smart”, although TfL was expecting to link them to a control centre soon.

Decision: The Committee:

- Agreed the proposed “actual cost” based model for calculating the annual cost of maintaining traffic signals in London for 2019/20 and beyond;
- Agreed the total cost to boroughs for maintaining traffic signals in London for 2019/20, which was £12,104,102.28 as shown in Appendix 1;
- Agreed that this cost was apportioned between boroughs in the same proportions as agreed for 2018/19, as shown in the table at Appendix 2;
- Agree to continue the work on reviewing the current apportionment model to be concluded prior to the charges for 2020/21 being agreed in December 2019; and
- Noted that further improvements were required with regards to delivery times and speed of traffic installations.

9. Taxicard Update

The Committee received a report that provided members with an update of progress towards the implementation of the new Taxicard supply contract and set out developments related to TfL funding of the scheme in 2019/20 in light of the new contract.

Stephen Boon, Chief Contracts Officer, London Councils, introduced the report, which updated members with the implementation of new Taxicard contract. He said that the current TfL budget position was that Taxicard funding had been reduced. Some boroughs had an over allocation of Taxicard funding, although these over allocation of funds ended up being returned to TfL. Spencer Palmer said that demand was being monitored in the last three months of Taxicard.

Decision: The Committee:

- Approved the removal of the 10% buffer for borough budget setting purposes (para 17); and
- Approved the removal of the 10% cap to allow the in-year flexible re-allocation of unspent TfL funding based on borough-by-borough changes in demand (para 19).

10. Concessionary Fares 2019/20 Settlement & Apportionment

The Committee received a report that informed members of the outcome of negotiations with transport operators (Transport for London, the Rail Delivery Group and independent bus operators) regarding compensation for carrying concessionary passengers in 2019/20. The report also sought members' approval to the proposed settlement and apportionment.

Stephen Boon introduced the report. He informed members that this was the third year that there had been a reduction (a 0.5% decrease compared to the previous year). Stephen Boon reported that 22 boroughs had received a decrease in funding, and 11 boroughs had received an increase (this was mainly attributable to certain modes of transport used in particular boroughs).

Decision: The Committee:

- Agreed the TfL settlement of £320.913 million for 2019/20;
- Agreed to the RDG settlement of £19.953¹ million for 2019/20;
- Agreed a budget for non-TfL bus services of £1.3 million;
- Agreed the reissue budget for 2019/20 of £1.518 million;
- Agreed the borough payments for 2019/20 of £343.684 million;
- Agreed the payment profile and dates on which boroughs' contributions are paid as 6 June 2019, 5 September 2019, 5 December 2019 and 6 March 2020; and
- Agreed the 2018-2019 London Service Permit (LSP) bus operators (non-TfL buses) Concessionary Scheme.

11. Proposed Revenue Budget & Borough Charges 2019/20

The Committee considered a report that detailed the outlined revenue budget proposals and the proposed indicative borough subscription and charges for 2019/20.

Frank Smith, Director of Corporate Resources, London Councils, introduced the report. He said that the revenue budget and borough charges report had already been presented to the TEC Executive Sub Committee on 15 November 2018, and Leaders' Committee on 4 December 2018, where the recommendations were endorsed. Frank Smith said that nine of the borough charges had incurred no annual increases for 2019/20.

Frank Smith informed members that TEC Committee reserves were above the pre-agreed upper benchmark limit (paragraphs 52 to 58). The TEC Executive Sub Committee recommended that a sum of £410,000 be transferred from the general reserve to the specific reserve. Frank Smith said that after the transfer between reserves, funds would still be 6.8% (£865,000) above the 15% benchmark level. He said that the Chair had recommended that the position on TEC reserves be reviewed again in 12 months' time.

Decision: The Committee approved the proposed individual levies and charges for 2019/20 as follows:

- The Parking Core Administration Charge of £1,500 per borough and for TfL (2018/19 - £1,500; paragraph 38);

¹ Subject to negotiation.

- The Parking Enforcement Service Charge of £0.3760 per PCN which would be distributed to boroughs and TfL in accordance with PCNs issued in 2017/18 (2018/19 - £0.4226 per PCN; paragraphs 36-37);
- No charge to boroughs in respect of the Freedom Pass Administration Charge, which was covered by replacement Freedom Pass income (2018/19 – nil charge; paragraph 15);
- The Taxicard Administration Charge to boroughs of £338,182 in total (2018/19 - £338,182; paragraphs 17-18).
- No charge to boroughs in respect of the Lorry Control Administration Charge, which was fully covered by estimated PCN income (2018/19 – nil charge; paragraphs 19-20);
- Environment and Traffic Adjudicators (ETA) - charge of £28.75 per appeal or £25.08 per appeal where electronic evidence was provided by the enforcing authority (2018/19 - £30.63/£27.02 per appeal). For hearing Statutory Declarations, a charge of £23.23 for hard copy submissions and £22.50 for electronic submissions (2018/19 - £25.21/£24.49 per SD) (paragraphs 26-27);
- Road User Charging Adjudicators (RUCA) – to be recovered on a full cost recovery basis under the new contract arrangements with the GLA (paragraph 28);
- A unit charge of £12 for the replacement of a lost or damaged Freedom Pass (2018/19 - £12; paragraph 10);
- The TRACE (Electronic) Charge of £7.53 per transaction (2018/19 - £7.53; paragraphs 29-35);
- The TRACE (Fax/Email) Charge of £7.70 per transaction, which was levied in addition to the electronic charge of £7.53 per transaction, making a total of £15.23 (2018/19 - £15.23; paragraphs 29-35);
- The TEC Charge of £0.175 per transaction (2018/19 - £0.175; paragraphs 29-35);
- The provisional gross revenue expenditure of £366.42 million for 2019/20, as detailed in Appendix A;
- On the basis of the agreement of all the above proposed charges as outlined in this report, the provisional gross revenue income budget of £366.233 million for 2019/20, with a recommended transfer of £187,000 from uncommitted Committee general reserves to produce a balanced budget, as shown in Appendix B;
- Endorsed the current position on reserves, as set out in paragraphs 52-58 and Table 8 of this report; and
- Approved a transfer of £410,000 from the general reserve to the specific reserves to be used for future project work to be determined by the Committee.

The Committee was also asked to note:

- the indicative total charges to individual boroughs for 2019/20, dependent upon volumes generated through the various parking systems, as set out in Appendix C.1.

12. Direct Vision Standard for Heavy Goods Vehicles

The Committee received a report that updated members on the development of a Direct Vision Standard (DVS) and proposed London Heavy Goods Vehicles (HGVs) Safety Permit (HSP) Scheme to reduce road danger in London.

Alex Williams introduced the report. He said that a further update on a Direct Vision Standard for HGVs would be presented to the TEC Main meeting on 21 March 2019.

Decision: The Committee:

1. Noted the decision of the European Commission regarding the notification of HSP Scheme and its implications;
2. Noted that TfL would undertake a public consultation (Phase 2b) in January 2019 on the final HSP Scheme proposals;
3. Noted that, subject to the European Commission notification outcome, a report will be brought to TEC's meeting in March 2019, setting out detailed arrangements and seeking approvals to proceed to a statutory consultation traffic order amending the 1985 Order to incorporate the HSP Scheme; and
4. Noted the position regarding Barnet LBC participating in the HSP Scheme and the LLCS.

13. Enforcing London Speed Limits

The Committee received a report that detailed the outline plan for London Councils to undertake preparatory work to explore the feasibility of boroughs enforcing speed limits on London roads.

Spencer Palmer introduced the report and said that more powers were required for boroughs to enforce speed limits. Some further work on this was needed. This report sought endorsement for boroughs to play a direct role in enforcing this. Councillor Loakes said that he welcomed the initial step for devolving powers to the boroughs for enforcing speed limits. However, he felt that more pace was now required to get behind this. Councillor Loakes suggested that a trial or pilot take place by which to test these proposals.

Councillor Huntington-Thresher said that speeding over the 20mph limit would result in a charge and would make the 20mph limits less important than other higher speeding offences. He felt that this would not send out a good message. He said that Wandsworth had rolled out 20mph speed limits in the whole of the borough.

Councillor Webbe also felt the process for boroughs enforcing speed limits needed to gather pace. She informed Committee that she had attended a "zero vision" event, where police said that they were committed to enforcing speed limits of 20mph. However, local police were not enforcing these limits. Councillor Webbe said that she had actually been challenged by police for driving too slowly when adhering to the 20mph limit. She said that a greater roll-out of CCTV might be needed to assist with the enforcement of 20mph limits.

Alex Williams said that it was TfL's intention to roll-out 20mph speed limits outside the congestion charge zone by 2020. Spencer Palmer said that changes to legislation to allow boroughs to adopt speed enforcement powers would not be a quick process, especially in light of the time being taken up with current parliamentary priorities.

The Chair said that he noted the offer from the borough of Islington to take part in any pilot or trial. Spencer Palmer said that London Councils would be engaging with borough officers and then member-level engagement would take place. TEC would act as the medium for this engagement. Spencer Palmer said that TEC would be unable to pilot for something that would need a legislative change.

Councillor Loakes said that a solution for this was needed, along with consistency . He said that powers were needed for boroughs to enforce speed limits across London.

Decision: The Committee recommended that London Councils undertook initial preparatory work and explore the feasibility of boroughs and TfL undertaking speed limit enforcement.

14. London European Partnership for Transport (LEPT) Update

The Committee considered a report that contained an overview of a review of the London European Partnership for Transport (LEPT) and set out a proposal for the strategic direction of LEPT beyond March 2019.

Spencer Palmer informed TEC that the London European Partnership for Transport (LEPT) was being reviewed in light of Brexit. He said that consultation had taken place with boroughs, and there was support and funding for LEPT to continue for at least one further year.

Decision: The Committee:

1. Noted ongoing and planned LEPT activity; and
2. Endorsed the recommendation addressed to the LEPT management committee and agreed that London Councils continued to host the partnership and provide the services described to boroughs, subject to a new S159 agreement for continued funding in 2019/20.

15. Additional Parking Charges

The Committee received a report that detailed the proposal by the London Borough of Havering to amend the penalty charge banding from Band B to Band A across the borough.

Councillor Dervish said that the penalty banding had changed a great deal over the past 10 years, and after a review of this had taken place it was deemed that changes were needed.

Decision: The Committee:

- Agreed the proposal to change the penalty banding in the borough of Havering; and
- Noted the proposed implementation date for the change of 1 April 2019.

16. Minutes of the TEC Executive Sub Committee held on 15 November 2018 (for noting)

The minutes of the TEC Executive Sub Committee meeting held on 15 November 2018 were noted.

17. Minutes of the TEC Main Meeting held on 11 October 2018 (for agreeing)

Item 1 – “Apologies for Absence & Announcement of Deputies: It was noted that Councilor Anderson had given apologies for this TEC meeting and this needed to be recorded in the minutes.

Subject to the above amendment, the minutes of the TEC Main Meeting held on 11 October 2018 were agreed as being an accurate record.

The meeting finished at 16:46pm