



# London Councils' Transport & Environment Committee

**Thursday 21 March 2019**

Supplementary Agenda

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

**Labour Group:** Meeting Room 4 at 1.30pm

**Conservative Group:** Meeting Room 1 at 1.30pm

**Liberal Democrat Group:** Meeting Room 8 at 1.30pm

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<b>Supplementary Agenda Papers</b>		
6	<b>Air Quality Legislative Activities Proposal</b>	
7	<b>Go Ultra Low City Scheme (GULCS) Update</b>	



# London Councils' Transport and Environment Committee

## Air Quality Legislative Activities Proposal

Item No: 06

**Report by:** Katharina Winbeck      **Job titles:** Head of Transport, Environment & Infrastructure

**Date:** 21 March 2019

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**Summary:** This report provides an update on London Councils' proposals and engagement plans for air quality policy in the upcoming Environment Bill.

**Recommendations:** The Committee is asked to:

1. Note and comment on the report;
2. Agree the approach to influencing new clean air legislation.

## Overview

1. London Councils has been working on developing new clean air legislation proposals with the boroughs since last year. In June 2018 London Councils' Transport & Environment Committee (LCTEC) agreed to support a new Clean Air Act with several proposals. The government has confirmed its intention not to introduce a new Clean Air Act but a new broad Environment Bill, of which air quality will be a part. This will be the first major environmental legislation since 1995.
2. A paper was taken to TEC Executive in February 2019 updating members on London Councils' work on developing air quality legislation proposals and attained the approval:
  - to support the further development of the City of London Corporation's Emissions Reduction Bill and plans for central government lobbying on new air quality legislation;
  - of the draft response to the Environment, Food and Rural Affairs (Efra) Select Committee inquiry into the Environment (Principles & Governance) Bill.
3. London Councils officers have continued to work with borough and Greater London Authority (GLA) officers to develop a London consensus with a view to influencing government policy.
4. All the proposals taken forward by London Councils will sit alongside the request for improved resourcing.

## Environment Bill

5. The Bill is to be introduced in the Queen's Speech in the 2nd Session of the current Parliament, expected to happen around late June.
6. The Clean Air Strategy and information from Defra have indicated that the following themes are being considered for inclusion in the Bill:
  - Targets or limits for PM<sub>2.5</sub>
  - Update and reform of the Clean Air Act, especially with respect to solid fuel burning.
  - Reform of structures, duties and schemes of delegation with respect to air quality for all tiers of Government
7. Defra officials have made it clear how difficult it is securing new powers through primary legislation. They have indicated an appetite to use secondary legislation for priorities like Non-Road Mobile Machinery (NRMM), but there is no guarantee this will happen. As a result, influencing the Parliamentary stage of the Government's bill will be crucial if new powers are to be secured.

8. Previous and ongoing engagement with the GLA shows there is broad consensus on many of the key issues for improving air quality in London.:
- Adoption of the WHO standard for PM<sub>2.5</sub> (either as a legal limit, or a trigger for action);
  - Stronger powers to control emissions from wood burning, including the ability to set standards for new appliances;
  - Specific powers to control Non-Road Mobile Machinery;
  - Improved control of combined heat and power (CHP) systems and static generators;
  - Powerful oversight arrangements, e.g. through a properly constituted Office for Environmental Protection;
  - Increased penalties for idling offences
  - Greater control over gas boiler emissions.
9. Principles still under discussion relate to increasing the role of environmental permitting in providing more control for boroughs over fixed sources of emissions and looking at the practicality of London-wide non-road mobile machinery (NRMM) powers to be devolved to the Mayor. This could see the Mayor designating and enforcing NRMM emission limits across London (which already happens to some extent through the London Plan). This has broad support from officers, if there are some meaningful discussions between the Mayor and London local authorities as to what the most appropriate limits and enforcement regimes would look like.

## **Lobbying and engagement**

### Mayor of London

10. The Mayor of London convened a Clean Air Summit in February, attended by the Secretary of State for Environment, Food and Rural Affairs. The Chair represented TEC. At the summit city representatives agreed key priorities for new clean air legislation, including tighter legal standards, new oversight arrangements and additional powers for the regional and local authorities. This is attached as Appendix 1.
11. The GLA is keen for London Councils to adopt a position consistent with that adopted by other UK cities at the summit as far as possible to maximise influence over government.

### City of London Corporation

12. London Councils has previously agreed to support in principle the City of London Corporation's proposed private member's Bill for reducing emissions from non-transport sources. The Bill includes London focused proposals, which would provide new adoptive powers for London local authorities to control emissions from combustion plants. It would do this by closing the regulatory gap between the current Ecodesign and Medium Combustion Plant Directives to tackle emissions from plants in the 500kW to 1MW thermal input range.
13. The proposed contents of the Bill include:
- Adoptive powers for London local authorities to set emission limits for a range of combustion plants (generators, boilers, combined heat and power [CHP] plants and non-road mobile machinery [NRMM]);
  - Increasing the Fixed Penalty Notice (FPN) fine for idling vehicle engines to £100.
14. This would be done through the designation of a new, area-based zone, focused on improving air quality - an Air Quality Improvement Area - which could be triggered if levels of air pollution are higher than World Health Organisation Air Quality Guidelines. Emission limits for Oxides of Nitrogen (NO<sub>x</sub>) and small particles (PM<sup>10</sup>) for different combustion plants would be set by the Secretary of State for Defra. Please see the full draft Bill attached as Appendix 2.
15. This Bill does not cover emissions from the River, it does not alter the national legal limit value for total emission of pollutants nor does it provide the powers to set energy efficiency standards for buildings. If London Councils wants to make these provisions, it will need to undertake specific lobbying on these.
16. London Councils officers are of the opinion that supporting the City of London Bill in parallel with more specific lobbying of the Environment Bill with GLA colleagues will increase the chances of getting some of the asks into government's proposals.
17. The strategy of introducing the Emissions Reduction Bill is to raise awareness of the specific issues faced by local authorities who do not currently have the appropriate powers to control emissions from various combustion plants, which can be a significant contributor to local air pollution levels.
18. Whilst the aim of promoting the Bill is its ultimate enactment, it needs to be recognised that private members' Bills struggle to achieve parliamentary time for debate in the Commons. Securing their parliamentary stages in the Lords can however have the

effect of informing the shape of government legislation and providing a springboard for lobbying on subsequent government bills on the subjects of concern.

19. The opportunity to undertake further lobbying in this case is provided through the Environment Bill, which the government has undertaken to introduce in the next parliament. Apart from seeking to influence the shape of the government Bill, this private members' Bill's provisions could be used as a basis for subsequent amendments put forward by London Councils and other interested parties.

20. This Bill is part of London Councils wider campaign to influence the Environment Bill and its contents. We will work with key stakeholders, such as the GLA, to call for new powers and resources in an integrated and effective way.

21. London Councils therefore plans to:

- a) Support the passage of the City of London Bill in both houses
- b) Work with the Mayor of London to utilise the parliamentary process to influence the content of the Environment Bill to ensure that it reflects the needs of London.

**Recommendations:** The Committee is asked to:

1. Note and comment on the report;
2. Agree the approach to influencing new clean air legislation.

#### **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

## **Appendix 1 – Agreed position of city leaders as agreed at the clean air summit in February 2019 in London**

As city leaders we are committed to playing our part in seizing the once in a generation opportunity presented by the Environment Bill to put in place world leading legislation for clean air. The legislation must prioritise action to reduce road transport emissions, including through a national vehicle renewal scheme supported by vehicle manufacturers, provide appropriately resourced new powers to tackle other sources of pollution and create a framework to support partnerships between local, regional and national government and business.

It is vital that local action is adequately funded and supported by activity across government, including by its agencies such as Highways England and Network Rail, if air pollution is to be improved. This includes supporting the Government's Environment Bill proposed legislation, which must:

- **Adopt World Health Organization recommended air pollution limits** as legally binding targets to be achieved by 2030 to guarantee the highest health standards that are supported by improved monitoring that assesses air quality and the powers to enforce.
- **Create an independent watchdog that is adequately funded and empowered to hold the Government to account**, including through legal action and the levelling of fines, and review and be able to require action needed to reduce air pollution from Government and other public bodies such as Highways England.
- **Grant Local Authorities the powers they need, with necessary resources, to deliver zero emission transport networks.**
- **Enable the setting and enforcement of ambitious standards for local air quality**, including for solid fuel stoves. Including powers for regional authorities to control emissions from other fixed sources, such as boilers and combined heat and power sources as well as set energy efficiency standards including for existing buildings.
- **Establish adequately resourced local powers to set and enforce emission zones for Non-Road Mobile Machinery.**
- **Require co-ordinated action from private and public bodies to improve air quality**, such as: ports, Highways England, Network Rail, Homes England, Environment Agency and Directors of Public Health, and provide necessary resource to enable activity.

Appendix 2 – Emissions Reduction Bill draft text

A  
**B I L L**

To enable London Borough Councils and the Common Council of the City of London further to control airborne emissions from specified plant in their areas and to make provision for the Secretary of State to set emission limits for such plant; to provide for fixed penalty notices in specified circumstances; and for connected purposes.

**BE IT ENACTED** by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

*Designation as an Air Quality Improvement Area*

**1 Air quality improvement areas**

- (1) Where the air quality in a borough, or the City of London, or any part thereof, exceeds World Health Organisation Air Quality Guidelines for one or more pollutants, the local authority for that area may designate the area, or part, as an air quality improvement area.
- (2) Where an air quality improvement area has been designated, the following provisions of this Act have effect.
- (3) The designation must –
  - (a) include the applicable NO<sub>x</sub> and PM emission limits for each plant to which the designation applies as specified in regulations made by the Secretary of State; and
  - (b) be advertised together with a description of the effect of the designation –
    - (i) on the local authority’s website for a period of no less than 1 month before the designation takes effect, and
    - (ii) in a newspaper circulating in the area to be designated, on no fewer than two separate occasions within that period.
- (4) A local authority may determine that the area or part designated under subsection (1) will cease to be an air quality improvement area.
- (5) A determination must be advertised together with a description of the effect of the determination –
  - (a) on the local authority’s website for a period of no less than 1 month before the determination takes effect, and



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- (b) in a newspaper circulating in the designated area, on no fewer than two separate occasions within that period.
- (6) In this section “World Health Organisation Air Quality Guidelines” means guidance on air quality and emissions as published by the World Health Organisation from time to time.
- (7) A description of the effect of the designation or cessation of designation must –
  - (a) state the date and time from which the air quality improvement area will apply or cease to apply,
  - (b) specify the types of plant which will be subject to or cease to be subject to emissions control under this Act,
  - (c) state the period during which operation of stationary generators is prohibited or will cease to be prohibited, and
  - (d) include a map of the area which is to be designated or will cease to be designated.

### *Emission Controls*

## **2 Boilers**

- (1) No boiler fired by gaseous fuels with a rated heat output of less than 1MW may be installed in any premises within an air quality improvement area, unless the amount of NO<sub>x</sub> emitted by the boiler is less than an amount specified in regulations made by the Secretary of State.
- (2) In this section –
  - (a) “boiler” means a space heater or combination heater that provides heat to a water-based central heating system;
  - (b) “space heater” means a device that provides heat to a water-based central heating system in order to reach and maintain at a desired level the indoor temperature of an enclosed space;
  - (c) “combination heater” means a space heater that is also designed to provide heat to deliver hot drinking or sanitary water at given temperature levels, quantities and flow rates during given intervals, and is connected to an external supply of drinking or sanitary water.

## **3 Non-road mobile machinery**

- (1) The operation of non-road mobile machinery within an air quality improvement area is prohibited unless –
  - (a) the amount of NO<sub>x</sub> and PM emitted by the non-road mobile machinery is less than an amount specified in regulations made by the Secretary of State; or
  - (b) the machinery is of a description that has been exempted from the requirements of this section by regulations made by the Secretary of State.

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- (2) In this section “non-road mobile machinery” means any mobile machine, transportable equipment, or vehicle with or without bodywork or wheels, not intended for the transport of passengers or goods on roads, railways, or water, and includes machinery installed on the chassis of vehicles intended for the transport of passengers or goods on roads, in which an internal combustion engine is installed.
- (a) for the purposes of subsection (2) “non-road mobile machinery” does not include –
- (i) agricultural and forestry tractors;
  - (ii) sea-going vessels;
  - (iii) inland waterway vessels;
  - (iv) Watercraft;
  - (v) aircraft;
  - (vi) recreational vehicles except snowmobiles, all-terrain vehicles and side-by-side vehicles;
  - (vii) vehicles and machinery exclusively used or intended to be exclusively used in competitions;
  - (viii) portable firefighting pumps;
  - (ix) reduced-scale models or reduced-scale replicas of vehicles or machinery.

### **4 Stationary generators**

- (1) No stationary generator with a rated thermal input equal to or less than 1MW may be installed within an air quality improvement area unless the amount of NO<sub>x</sub> and PM emitted by the stationary generator is less than an amount specified in regulations made by the Secretary of State.
- (2) No stationary generator may be operated in an air quality improvement area during periods specified by the local authority except in emergency.
- (3) In this section –
- (a) “stationary generator” means fixed combustion plant which is used for the purpose of generating electricity, and does not include any generator that is mobile unless it is connected to—
    - (i) electricity transmission system or distribution system, or
    - (ii) apparatus, equipment or appliances at a site performing a function that could be performed by a generator that is not mobile.
  - (b) “emergency” means a disruption of the supply of electricity to the premises.

**5 Solid fuel boilers**

- (1) No solid fuel boiler with a rated heat output of less than 1MW may be installed in any premises within an air quality improvement area, unless the amount of NO<sub>x</sub> and PM emitted by the solid fuel boiler is less than an amount specified in regulations made by the Secretary of State.
- (2) In this section –
  - (a) “solid fuel boiler” means a plant which burns solid fuel to provide heat and is designed and installed in accordance with the definition in Regulation 2 of the Domestic Renewable Heat Incentive Scheme Regulations 2014;
  - (b) “solid fuel” means fuel that is solid at normal indoor room temperature including solid biomass or solid fossil fuel;
  - (c) “biomass” means material, other than fossil fuel or peat, which is, or is derived directly or indirectly from, plant matter, animal matter, fungi or algae.

**6 Combined cooling, heat and power plants**

- (1) No combined cooling, heat and power plants or combined heat and power plant may be installed within an air quality improvement area, unless the amount of NO<sub>x</sub> and PM emitted is less than an amount specified in regulations made by the Secretary of State.
- (2) In this section “combined cooling, heat and power plant” means technical apparatus in which fuels are oxidised to generate cooling, heat, and electricity.
- (3) In this section “combined heat and power plant” means technical apparatus in which fuels are oxidised to generate heat and electricity.

*Offences and Enforcement*

**7 Offences**

- (1) Any person who installs or permits the installation of a plant contrary to sections 2, 3, 4(1), 5 and 6 is guilty of an offence.
- (2) Any person who operates or permits the operation of non-road mobile machinery contrary to section 3 is guilty of an offence.
- (3) Any person who operates or permits the operation of a stationary generator contrary to section 4(2) is guilty of an offence.
- (4) A person or body corporate guilty of an offence under section 7(1), (2) or (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**8 Offences by bodies corporate**

- (1) Where an offence under this Act is committed by a body corporate is proved to have been committed with the consent or connivance of a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, that person as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) In this section “body corporate” has the same meaning as in the Companies Act 2006.

**9 Defences**

Where a NO<sub>x</sub> or PM limit is exceeded contrary to sections 2, 3, 4(1), 5 or 6, it is a defence to establish that the plant in question was, or that the person or body corporate reasonably believed it to have been –

- (a) designed to comply with that NO<sub>x</sub> or PM limit,
- (b) not modified other than in accordance with the manufacturer’s instructions, and
- (c) maintained in accordance with the manufacturer’s instructions.

**10 Fixed penalty notices**

- (1) An authorised officer may issue a fixed penalty notice to any person who the authorised officer has reason to believe has committed an offence under section 7.
- (2) A fixed penalty notice is a notice offering the person to whom it is issued for the opportunity of discharging any liability to be convicted the offence by payment of a fixed penalty to the issuing local authority.
- (3) A fixed penalty notice must be in writing and state –
  - (a) the particulars of the circumstances alleged to constitute the offence,
  - (b) the amount of the fixed penalty,
  - (c) the effect of subsection (6),
  - (d) the name and address of the person to whom payment of the fixed penalty may be sent,
  - (e) the permissible methods of payment (which include the method in subsection (8)), and
  - (f) the effect of subsection (8).
- (4) A fixed penalty notice may be issued in person or by post and must identify by name the person to whom it is issued unless the authorised officer cannot reasonably ascertain the person’s name.

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- (5) Where a fixed penalty notice is issued by post, it is regarded as having been issued on the second day after it was posted, provided that day is a business day; or if not, the next business day after that day.
- (6) Where a person is issued with a fixed penalty notice –
  - (a) no proceedings may be taken in respect of the alleged offence in relation to which the notice was issued before the end of the period of 14 days following the date on which the notice was issued, and
  - (b) the person may not be convicted of that offence if the fixed penalty is paid to the issuing local authority before the end of that period.
- (7) The amount specified in subsection (3)(b) is to be an amount prescribed by the issuing local authority –
  - (a) may prescribe different amounts in relation to different classes of cases, but
  - (b) may not prescribe an amount exceeding £150.
- (8) Payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under subsection (3)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).
- (9) Where a letter is sent in accordance with subsection (8), payment is regarded as having been made on the second day after it was posted, provided that day is a business day; or if not, the next business day after that day.
- (10) In any proceedings, a certificate that –
  - (a) purports to be signed by or on behalf of the officer responsible for the issuing local authority council's financial affairs, and
  - (b) states that payment of a fixed penalty was or was not received by the date specified in the certificate,is evidence of the facts stated.

### **11 Power to require name and address**

- (1) An authorised officer who has reason to believe that a person has committed an offence contrary to section 7 may require that person to give their name and address for –
  - (a) the service of a summons on that person, or
  - (b) the issuing of a fixed penalty notice to that person under section 10.
- (2) A person who, without reasonable excuse, fails to provide information required under subsection (1) commits an offence and is liable on summary conviction not exceeding level 3 on the standard scale.

*Miscellaneous*

**12 Stationary idling**

In relation to a stationary idling offence committed within the City of London or a London borough, which is a designated local authority, regulation 8 (2) of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 has effect as if for “£20” there were substituted “£100”.

**13 Regulations**

- (1) The Secretary of State may by regulations make provision for carrying this Act into effect.
- (2) Regulations under this Act may –
  - (a) make different provision for different sizes or different types of plant;
  - (b) make supplemental, incidental, transitional or consequential provision.
- (3) Regulations made by the Secretary of State under this Act are to be made by statutory instrument.
- (4) Regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.

**14 Citation and commencement**

- (1) This Act may be cited as the Emission Reduction (Local Authorities in London) Act 20[XX].
- (2) This Act comes into force on such day as the Secretary of State may by regulations appoint.

**15 Interpretation**

In this Act –

“air quality improvement area” has the meaning given by section 1,

“borough” means London Borough;

“local authority” means London Borough Council, or Common Council of the City of London acting in its capacity as a local authority;

“NO<sub>x</sub>” means oxides of nitrogen comprising of the sum of the volume mixing ratio (parts per billion by volume) of nitrogen monoxide (nitric oxide) and nitrogen dioxide expressed in units of mass concentration of nitrogen dioxide (µg/m<sup>3</sup> microgrammes per metre square);

“PM” means particulate matter of various shapes, structure and density scattered in the gaseous phase of the flue gas;

“kW” means kilowatt;

“MW” means megawatt;

“rated heat output” expressed in kW, means the maximum calorific output laid down and guaranteed by the manufacturer as being deliverable during continuous operation while complying with the useful efficiency indicated by the manufacturer;

“plant” means boiler, non-road mobile machinery, stationary generator, solid fuel boiler, combined cooling, heat and power plant, or combined heat and power plant;

“authorised officer” means, in relation to any function, an officer or employee of a local authority, or other person acting under the control of a local authority, who is authorised in writing by the local authority for the purpose of the function concerned;

“watercraft” has the meaning set out in Regulation 2 of the Recreational Craft Regulations 2017;

“reduced-scale models or reduced-scale replicas of vehicles or machinery” has the meaning set out in Article 2 of Regulation (EU) 2016/1628;

“designated local authority” means a local authority designated under regulation 4(1) of The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002.

### **SHORT NOTE ON CLAUSES**

#### **Air Quality Improvement Area**

The trigger for a range of air quality measure would be the designation of an area as an ‘Air Quality Improvement Area’, where the levels of air pollution in an area exceed World Health Organisation Air Quality Guidelines. Within such an area the following provisions will apply.

#### **Gas Boilers**

The installation of boilers with a rated heat output of under 1 megawatt would be prohibited unless they comply with an emissions limit to be set by the Secretary of State. The provision would close the regulatory gap by including boilers which are not currently captured by the Medium Combustion Plant Directive. Installing or permitting the installation of a boiler in contravention of this provision would be an offence.

#### **Non-Road Mobile Machinery**

This would include mobile generators and construction equipment such as excavators. Unless the amount of NO<sub>x</sub> and PM emitted by such machinery was below a limit set by the Secretary of State or the type of machinery had been exempted, their operation within an air quality improvement area would be an offence.

### **Stationary Generators**

The proposals would prohibit the installation of stationary generators with a rated thermal input of less than 1 megawatt unless the amount of NO<sub>x</sub> and PM emitted was below a limit to be set by the Secretary of State. The installation of a stationary generator in contravention of this provision would be an offence.

Additionally, it is intended that, in the case of existing generators, their operation during specified periods would be prohibited, except in an emergency.

### **Solid Fuel Boilers**

It is proposed that it would be an offence to install or permit the installation of a solid fuel boiler unless the amount of NO<sub>x</sub> and PM emitted by the boiler were less than an amount to be set by the Secretary of State.

### **Combined Cooling, Heat and Power Plants**

The installation of combined cooling, heat and power plants would be prohibited unless the amount of NO<sub>x</sub> and PM emitted were less than an amount specified to be set by the Secretary of State. Installing or permitted the installation of such a plant would be an offence.

### **Penalties and Defences**

Offences would be punishable on summary conviction by a fine not exceeding level 5 on the standard scale. The ability for fixed penalty notices to be issued as an alternative to summary prosecution is included.

It would be a defence to show that, where a limit is exceeded, the plant was designed, or the person reasonably believed it to have been designed, to comply with the NO<sub>x</sub> or PM limit, it had not been modified other than in accordance with the manufacturers' instructions and it had been properly maintained.

### **Stationary Idling**

It is proposed to increase the penalty for stationary idling of a vehicle from £20 to £100.





# London Councils' Transport and Environment Committee

## Go Ultra Low City Scheme (GULCS) Project update

Item No: 07

**Report by:** Katharina Winbeck    **Job titles:** Head of Transport, Environment & Infrastructure  
**Date:** 21 March 2019  
**Contact Officer:** Katharina Winbeck  
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**Summary:** This report updates TEC on the progress of Phase 1 of the GULCS project and current plans for Phase 2.  
The report also reminds TEC members to sign the amendment to the TEC agreement to delegate the borough's functions relating to Electric Vehicle Charging Apparatus to London Councils' TEC, which is a requirement for London Councils to play an active role in Phase 2 of the project (see paragraph 12).

**Recommendations:** Members are asked to:

- Note and comment on the report
- Sign the amendment to the TEC agreement, which would give London Councils permission to actively participate in Phase 2.

## **GULCS project update**

### **General**

1. Claudia Corrigan joined London Councils on 18th February on secondment from TfL to cover the GULCS project lead role whilst Louise Clancy is on maternity leave.
2. Barry Francis, Director of Civic Pride in Redbridge is taking over from Jamie Blake as the London Environment Directors Network (LEDNet) lead for GULCS.
3. There has been significant progress with the electric vehicles (EVs) infrastructure task force, which was established by the Mayor of London last year to help make it easier for Londoners to switch from diesel to electric vehicles. The task force brings together representatives from business, energy, infrastructure, government and London boroughs represented by London Councils. The Mayor aims to publish a delivery plan later this year with recommendations around how, when and where to increase London's electric vehicle infrastructure up until 2025. After detailed discussions and workshops between the wide range of stakeholders, draft recommendations are currently being developed.

### **Residential work stream**

#### Phase 1

4. The boroughs have made significant progress in procuring suppliers to deliver electric vehicle charging points in residential areas. Of the 24 boroughs participating in the programme, 14 have awarded procurement contracts and 10 have placed orders for a total of over 1,000 charge points. Delivery is underway with nearly 400 charge points already installed<sup>1</sup> and over 800 are forecast to be installed by the delivery deadline of 31 March 2019.
5. The project team is working with the other ten boroughs to procure and install as soon as possible. There are various reasons for the delays including:
  - some of these boroughs have PFI contracts that are more complicated to negotiate;
  - some have experienced loss of staff members, which has put their timetable behind schedule; and
  - some want to trial new technology, such as a satellite pillar for lamp columns, which requires further technical checks and support.
6. The GULCS project team continues to support boroughs in their implementation through dealing with technical queries regarding the procurement documents for example, keeping in contact to ensure the momentum is kept up and organising events where boroughs can share knowledge and expertise.

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<sup>1</sup> Delivery snapshot on 1<sup>st</sup> March 2019

7. The GULCS project team is also in the process of writing some technical, electrical guidance, which will be the first in the country and relevant for everyone. This will be published and circulated to London boroughs and suppliers on the framework in March.

## Phase 2

8. As TEC members may recall, the original GULCS bid included an objective to provide a centralised delivery partnership and management resource, including a one stop shop for Londoners, as part of the residential and car club work streams. The centralised approach would bring economies of scale, simplify the process for customers and operators and reduce the resource burden on local authorities, whilst allowing boroughs to retain control of the type, locations, and ownership of charge points. The delivery partnership would provide support to boroughs and undertake tasks delegated by the boroughs to the delivery partnership.
9. The Mayor's EV infrastructure taskforce has come to a similar conclusion and is working with the GULCS project team to progress this. This may require additional officer support to undertake further feasibility work, fundraising and extensive engagement with boroughs and other EV stakeholders.
10. In the meantime, it can be argued that to a certain degree, a delivery partnership has been established through the GULCS project team and the Senior Lead Role, which co-ordinates support provided to boroughs through the GULCS partnership.
11. The project is now exploring to strengthen the role of the GULCS Senior Lead Role through the delivery of a basic, low cost 'one stop shop'. This would essentially comprise of a Website to provide a single point of contact for existing and prospective ULEV owners and operators that will gather requests for charge point locations, with the potential for more functionality in the future.

## Amending the TEC Agreement

12. For London Councils TEC to take part in the development or management of a one stop shop coordination body, each of the 33 London local authorities participating in the TEC joint committee arrangements must delegate the exercise of additional functions to the joint committee. This requires the TEC constitution (Governing Agreement, dated 13 December 2001 (as amended)) to be varied.
13. In June 2017 London Councils brought a paper to TEC to seek such an amendment to the LC TEC Agreement.
14. The amendment proposed to TEC was by way of an addition to the Part 3(D) Functions, inserting a new paragraph 2(b) as follows:

*“(b)(i) The provision and operation of charging apparatus for electrically powered motor vehicles and/or the grant of permission to provide and operate charging apparatus for electrically powered motor vehicles under section 16 of the London Local Authorities and Transport for London Act 2013 PROVIDED THAT such provision and operation may only take place at locations first agreed by the Participating Council which is the highway authority for the affected road (or, where it is the highway authority for the affected road, TfL) AND PROVIDED FURTHER THAT any grant or other monies provided to LCTEC for the purpose of providing and/or operating charging apparatus for electrically powered motor vehicles shall be applied to any such provision and operation by LCTEC which shall be at no cost or expense to the Participating Councils unless first agreed.*

*(b)(ii) The exercise of powers under Section 1 of the Localism Act 2011 for the purposes of giving effect to the joint exercise of functions under Section 16 of the London Local Authorities and Transport for London Act 2013 by LCTEC, or otherwise for the purposes of supporting and facilitating the Participating Councils and/or TfL in their exercise of those functions, including but not limited to oversight and management of the arrangements*

*(b)(iii) For the purposes of exercising functions under (b)(i) and (b)(ii) above LCTEC may appoint TfL to act as its agent (subject to Part 7 of this Agreement applying to any such appointment, including its termination) and FOR THE AVOIDANCE OF DOUBT the functions referred to at (b)(i) and (b)(ii) above may be exercised directly by LCTEC or pursuant to a contract or Service Level Agreement between LCTEC and TfL (or between LCTEC and another appropriate body) or through such servant, agent or contractor as LCTEC may appoint.*

15. So far, ten boroughs have signed the delegated authority forms<sup>2</sup>. The GULCS team has concentrated on delivering Phase 1 over the past 18 months, which is why Phase 2, the establishment of a London-wide “partnership” has not progressed much further. However, with Phase 1 well underway and a renewed interest through the Mayor’s EV infrastructure taskforce, this work will now be progressed. TEC members of those authorities who have not yet signed the delegation are therefore asked to progress this within their borough as a matter of urgency. To ensure boroughs retain control and are fully supported in the future roll out of electric vehicle charge points across London, it is important that London Councils has the required delegated authority to act on borough’s behalf. Officers will follow this up with more detailed information after the TEC meeting.

## **Car clubs**

16. Car Club funding has been allocated to Waltham Forest, Richmond, Wandsworth, Ealing, Camden, Hackney and Lambeth.

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<sup>2</sup> Barnet, Camden, Croydon, Enfield, Hackney, Hounslow, Islington, Lewisham, Redbridge, Westminster

17. To ensure funding is allocated within state aid limits boroughs are required to request information on state aid received from the car clubs they are collaborating with. State Aid forms are being developed by TfL legal for the boroughs to send on to their car club partners.

### **Neighbourhoods of the Future (NoF)**

18. There are nine NoFs in total which were established with the overarching aim to give Londoners the confidence to make the switch to more environmentally friendly vehicles, to work with businesses to bring new technology to market faster, to test technology that reduces pollution and could be used elsewhere in the Capital and across the UK. Each of the nine projects are made up of different components which are specific to local circumstances. More detail is provided below;

1. Camden – Focus is the installation of EV charge points for schools;
2. City Fringe – This is a joint project between LB Hackney, Tower Hamlets and Islington. The project incorporates a package of measures including ULEZ streets, EV bays and EV trials for local businesses;
3. Croydon & Sutton - The project includes the installation of EV charge points, consolidation centres, driver training and EV truck leases;
4. Hammersmith and Fulham (1) – The project main focus was the introduction of a zero emission zone. This has been rejected by the public and the project team is now considering its options;
5. Hammersmith and Fulham (2) – Looking at the introduction of a Consolidation Centre and ULEV freight hub;
6. Hackney – Electrifying three market streets;
7. Haringey – Focus on business engagement and behaviour change;
8. Harrow – EV infrastructure installation and mechanic training for maintenance of EV vehicles;
9. Heathrow – Trial of a dual fuel hydrogen vehicle.

### **Conclusion**

19. The GULCS project has made great progress in the past nine months and is looking to achieve more than half its target of electric vehicle infrastructure by the end of March 2018. Boroughs have overcome many challenges to get to this point and the pace of delivery has increased significantly.

20. For the project to now move to its second phase, it is imperative that members sign the amendment to the TEC agreement as a matter of urgency, to ensure that London Councils can take part fully in ongoing discussions and potentially be part of the overall solution. Any final decisions rest with the Committee, so signing the amendment does not mean that London Councils takes on any role.

**Recommendations:** The Committee is asked to:

- Note and comment on the report
- Sign the amendment to the TEC agreement, which would give London Councils permission to actively participate in Phase 2.

**Financial Implications**

There are no financial implications from this report.

**Legal Implications**

There are no legal implications from this report.

**Equalities Implications**

There are no equalities implications from this report.