

# London Councils' Transport and Environment Committee

Friday 14 October 2022

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

## Party Group Meetings

**Labour Group:** 1.30pm in Meeting Room 5

**Conservative Group:** 1.45pm in Meeting Room 6

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

**Contact Officer:** Alan Edwards      **Telephone:** 020 7934 9911  
**Email:** alan.e@londoncouncils.gov.uk

1	Apologies for Absence and Announcement of Deputies	-
2	Declarations of Interests*	
3	TfL Funding Update – Presentation & Q and As, by Alex Williams, David Rowe and Penny Rees, TfL	-
4	ReLondon Activities Update (Wayne Hubbard & Ali Moore, ReLondon)	
5	Environment & Traffic Adjudicators' Policy Change	
6	Employment & Traffic Adjudicators' Annual Report 2021/22	
7	Chair's Report	
8	Climate Policy Review Update	
9	Taxicard & Freedom Pass Update	
10	Fixed Penalty Levels for the London Borough of Tower Hamlets Byelaws	

<b>11</b>	<b>Traffic Signals Maintenance Budget 2023/24</b>	
<b>12</b>	<b>Minutes of the TEC Executive Sub Committee Meeting held on 14 July 2022 (for agreeing)</b>	
<b>13</b>	<b>Minutes of the TEC Main Meeting held on 9 June 2022 (for agreeing)</b>	

### **Declarations of Interests\***

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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## **TEC Declarations of Interest as at 14 October 2022**

### Freedom Pass Holders/60+ Oyster Cards/Taxicard

Cllr Nicholas Bennett (LB Bromley)  
Cllr Rowena Champion (LB Islington)

### North London Waste Authority

Cllr Geof Cooke (L Barnet), Cllr Adam Harrison (LB Camden), Cllr Deidre Costigan (LB Ealing), Cllr Mike Hakata (LB Haringey), and Cllr Rowena Champion (LB Islington).

### East London Waste Authority

Cllr Syed Ghani (LB Barking & Dagenham), Cllr James Asser (LB Newham), and Cllr Jo Blackman (LB Redbridge)

### West London Waste Authority

Cllr Krupa Sheth (LB Brent)

### Western Riverside Waste Authority

Cllr Deidre Costigan (LB Ealing)

### Western Riverside Waste Management

Cllr Rezina Choudhury (LB Lambeth)

### Non-Executive Director of London Energy Ltd

Cllr Clyde Loakes (LB Waltham Forest)

### London Waste & Recycling Board (LWARB)

Cllr Krupa Sheth (LB Brent)

### Thames Regional Flood & Coastal Committee (RFCC)

Cllr Syed Ghani (LB Barking & Dagenham) and Cllr Mike Hakata (LB Haringey)

### London Cycling Campaign

Cllr Rowena Champion (LB Islington).

### London Road Safety Council (LRSC)

Cllr Krupa Sheth (LB Brent), Cllr Mike Hakata (LB Haringey), and Cllr Rowena Champion (LB Islington)

### LGA Board Member of Environment, Economy, Housing and Transport Board

Mayor Philip Glanville (LB Hackney)

Friend of the London Transport Museum

Cllr Nicholas Bennett (LB Bromley)

London Underground Railway Society

Cllr Nicholas Bennett (LB Bromley)

Member of SERA

Cllr Deidre Costigan (LB Ealing)

Mayor Philip Glanville (LB Hackney)

Cllr Rezina Choudhury (LB Lambeth)

Cllr James Asser (LB Newham)

Cllr Jo Blackman (LB Redbridge)

Labour Cycles

Mayor Philip Glanville (LB Hackney)

London Sustainable Development Commission

Cllr Rowena Champion (LB Islington)

# London Councils' Transport & Environment Committee

## ReLondon Activities Update

Item  
No: 04

**Report by:** Wayne Hubbard **Job title:** Chief Executive Officer  
**Date:** 14 October 2022  
**Contact Officer:** Wayne Hubbard  
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**Summary:** This report provides a summary update on ReLondon's activities.

**Recommendations:** Members to note and discuss the update

### **ReLondon Activities Update**

1. ReLondon is the statutory partnership between the London boroughs and the City of London, and the Mayor of London, to improve waste and resource management and transform the city into a leading, low carbon circular economy. ReLondon has (among other objectives) legal objectives to help reduce waste and increase recycling in London.
2. The ReLondon board comprises eight members including six appointed by London boroughs: four elected members and two independent members.
3. ReLondon's 2020-2025 business plan puts an emphasis on helping address the climate emergency by seeking to reduce London's consumption-based emissions, accelerating the development of circular economy business models to help reduce waste, and increase reuse and recycling.

### **Towards financial sustainability**

4. ReLondon continues to adopt a more commercial approach, developing commercial services to help it continue to provide support to boroughs. We continue to be successful in raising third party funding but need to secure funds to cover overheads in the medium term.

### **Local Authority Support**

5. One World Living Programme: This work is being led by the LB Harrow, supported by ReLondon and West London Waste Authority (WLWA), as part of London Council's climate change programme. ReLondon is helping to actively support the individual themes. For example we are working on the development and delivery of a London wide food campaign with funding from 24 boroughs, ReLondon and the GLA.
6. We remain keen to discuss the provision of resources to support the wider programme and avoid duplication of effort on London wide issues.
7. Circular neighbourhood (Heston Village Project): ReLondon has contributed funding to help develop and deliver a demonstrator circular economy neighbourhood project in partnership with the London Borough of Hounslow in the neighbourhood of Heston Village. This project fits in with Hounslow's plan for the Green Recovery, including the development of their Future Neighbourhood 2030 Strategy. The project is being delivered between April 2022 to March 2024. The project is in the final planning phase with a road map to project launch in late Autumn 2022.
8. ReLondon is aware that there are other circular neighbourhood type projects happening across London being delivered by local boroughs (including the Mayor's Future Neighbourhood recipient boroughs), the third sector and major estate owners. ReLondon held a collaborative meeting on 15 March 2021. The second workshop is planned for mid-October looking specifically at developing 'theories of change' and establishing robust monitoring and evaluation plans. ReLondon are collaborating with Ellen MacArthur Foundation and an external evaluation consultant to assist with workshop facilitation.
9. Training Academy: ReLondon has developed a training function aimed at developing knowledge and skills in the circular economy. We have a circular economy 101 aimed at senior officers and members, as well as a circular procurement, and bespoke modules.
10. Reduction and Recycling Plan (RRP) support: Since February, ReLondon has held monthly drop in 'surgeries' for boroughs to ask questions about RRP development and share good practice. The last drop in was held on 21 September. Feedback suggests that the surgeries have been popular with boroughs.
11. ReLondon officers are currently engaged in one-to-one calls with all boroughs as part of a programmed catch up and to introduce the new members of the LA support team. Based on the information gathered from these calls and the RRP reviews ReLondon will continue to run monthly support sessions. These will take a more structured topic focussed format sharing good practice on specific priority issues. The first workshop drop in will focus on flats recycling and launch the flats recycling package toolkit. This is scheduled for first week of November.
12. Circular economy directory: We have recently launched a public facing directory of circular businesses called "The Mindful Shopper" [[www.mindfulshopper.co.uk](http://www.mindfulshopper.co.uk)]. It is a guide to products and services, which help citizens reduce waste as part of a more sustainable

lifestyle. It is hoped that this can be a useful tool to help reduce waste in London and help in promoting it would be appreciated.

13. We have also developed a more business focussed directory called “the Circular Economy Matchmaker”. This online platform showcases circular SMEs to investors, public sector organisations and other businesses through a browsable directory and additional features in order to increase circular SMEs’ access to markets and finance. Businesses featured on the platform are currently limited to businesses from within the ReLondon business transformation. 112 circular businesses have engaged with the platform to date (105 profiles published and the remainder in draft) and 5 investors are now signed up and using the platform.
14. Recycling in Flats: This project is phase two of work to help increase recycling from flatted properties. It was jointly funded by Ecosurety and ReLondon. Working in partnership with LB Lambeth, new dry mixed recycling (DMR) services (in line with ReLondon’s previously developed Flats Recycling Package), and three additional materials (food and small electricals bins plus pop-up collections of small electricals and textiles) were rolled out to four estates in June 2021 with intervention ‘live’ until February 2022. These additional materials were chosen as they represent a significant proportion of the waste that is currently not collected for recycling on many estates and in addition are some of the most common contaminants in the dry recycling.
15. The results of the project were very positive with an average 152% (16 percentage point) recycling rate increase across the four estates and high capture rates for food waste. The report from the project was published in July. [[relondon.gov.uk/resources/report-making-recycling-work-for-people-in-flats-2-0](https://relondon.gov.uk/resources/report-making-recycling-work-for-people-in-flats-2-0)] An updated FRP toolkit and cost benefit calculator is being finalised and a webinar to promote both is planned for early November. Officers are presenting the results of the project at the LARAC national conference in October. Officers are also developing a number of more bespoke support modules for boroughs looking to roll out the flats recycling package.
16. ReLondon is currently working on a project to understand the barriers and opportunities to increasing recycling from flats above shops.
17. Research: ReLondon has been working on several research projects:
  - a. Material Flow Analysis (MFA): Following the publication of the food MFA [[www.relondon.gov.uk/resources/report-londons-food-footprint](https://www.relondon.gov.uk/resources/report-londons-food-footprint)] at COP26, we are currently undertaking a similar piece of research into the textile sector. The work is being undertaken with UCL and consultants Circle Economy. A report is due in February 2023.
  - b. Jobs and skills: the Jobs and skills for London’s low carbon future report was launched at circular economy week in June, receiving a significant amount of media coverage. The report is the first circular economy jobs definition for London to incorporate all circular economy jobs outside of the ‘core’ sectors and it highlights the significant economic benefits the circular economy can bring to the city. The report found that the circular economy can account for 500,000 jobs by 2030.
  - c. Consumption-based emissions for London and its boroughs: ReLondon is working with London Councils (lead partner) and the GLA to update London’s consumption-based emissions datasets published last year. The report is currently being finalised by the University of Leeds and should be published in October, alongside a briefing for members

and the accompanying datasets. ReLondon will produce an insight note in 2023, which draws out the key findings from the report, focusing on our priority sectors.

## **Communication and Behaviour Change**

18. London Recycles: Year 2 of the 'Be that person' campaign goes live in mid-late October (exact dates tbc), leveraging the same content and assets as used in year 1 with slight updates and additional photography. We will be using a similar range of media channels (outdoor via TfL locations; social media advertising; some audio and YouTube) supplemented potentially by screen advertising in food retail locations and some new TikTok content. Media planning will be finalised by early October and any new content required will be developed by end November. Beyond March 2023 we are looking to earmark some funding and are seeking funding from stakeholders to continue to operate the campaign.
19. Circular Economy Week: While CE Week remains a flagship event for ReLondon, we have been trying for some time to engage others in creating a more global collaboration with others running similar weeks. We are now collaborating with the team responsible for New York's Circular City Week to pursue this more deliberately, with the support of Ellen MacArthur Foundation and potentially the city of Sao Paulo and the (worldwide) Circular Economy Club. A funding proposal will be developed over the coming months to raise significant funds to make a single, global week happen in 2023 – most likely in October.

## **Business Transformation and Sector Support**

20. Business Transformation and Green New Deal: The programme offers support to London-based SMEs to help them adopt and scale circular business models. The entire portfolio of activities delivered to SMEs is made possible by two separate funding streams: the European Regional Development Fund (ERDF) starting in 2017, and the Mayor of London's Green New Deal Fund for 2020-2021, and 24 businesses supported through LB Islington's circular economy grant scheme. Funding is due to end this year, and we are looking to access other funding opportunities including Shared Prosperity funding.
21. To date, the team has worked with 357 SMEs, of which 57% are businesses that already have circular offerings or initiatives that they are looking to scale, and 43% are traditional businesses exploring circular business models. The team has delivered over 6,600 hours of support and contributed to the launch of 74 new circular products/services/processes, the creation of 192 jobs and safeguarding of 432 jobs.

### Sectorial projects

22. ReLondon is delivering projects that focus on specific sectors, working together with the industry and boroughs to deliver demonstrators and tools to promote the take-over of low-carbon circular practices from all the sector's stakeholders. Examples include:
  - a. The CIRCulT project: with the Built environment sector, in partnership with various industry players and other European cities (EU funded)
  - b. The Food Flagship Initiative (FFI): The Food Flagship Initiative (FFI) is one of the key activities delivered as part of the strategic partnership between the Ellen MacArthur Foundation, the GLA and ReLondon. The FFI has worked closely with London Council's One World Living programme to develop an action plan to



reduce the capital's food-related consumption-based emissions published in March 2022. Based on the leverage points identified by the London Food Footprint's report and outputs from a workshop held last October involving over 70 officers from 26 boroughs and the GLA group, a range of interventions to tackle the food consumption-based emissions were selected based on their potential impact and cost effectiveness after several rounds of consultation with GLA, ReLondon, boroughs and partners.

- c. Reducing single-use plastic consumption: Based on research conducted in 2021 on the impact of, and action being taken to tackle single-use plastics in London, ReLondon developed London's Low-plastic Community Group (hosted on the Circular Economy Matchmaker Community site) to connect actors tackling single-use plastic across London. There are now 54 members on the platform from a range of organisations (including 22 members representing 15 different local authorities). The aim is to show that London is a low-plastic city and help existing schemes grow and thrive, and members are able to advertise events and let others know about their work. Members of the community took part in an online roundtable CE Week event "What's next for single-use plastics?" which had 100 registrations and has since been watched 120 times on ReLondon's YouTube channel.
- d. Food waste reduction pilot: ReLondon has worked in partnership with food waste apps OLIO (a food sharing app) and Kitche (food shopping /meal planning app) and the London Borough of Bexley to deliver a household food waste reduction pilot. This ReLondon funded project will measure the impact of targeted local promotion of the food waste apps and show whether these can reduce waste at a local level – which in turn would reduce emissions and save councils money.

## **Recommendations**

- 23. Members to note and discuss the update

## **Financial Implications**

- 24. There are no financial implications arising from this report.

## **Legal Implications**

- 25. There are no legal implications arising from this report.

## **Equalities Implications**

- 26. There are no equalities implications arising from this report.



# London Councils' Transport and Environment Committee

## Environment and Traffic Adjudicators' Policy Change

Item  
No: 05

<b>Report by:</b>	Anthony Chan Stephen Boon	<b>Job title:</b>	Interim Chief Adjudicator Director, Transport and Mobility
<b>Date:</b>	14 October 2022		
<b>Contact Officer:</b>	Stephen Boon		
<b>Telephone:</b>	020 7934 9951	<b>Email:</b>	<a href="mailto:Stephen.boon@londoncouncils.gov.uk">Stephen.boon@londoncouncils.gov.uk</a>

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**Summary:** This report considers the case for increasing the mandatory retirement age for adjudicators from 70 to 75.

**Recommendations:** Members are asked to:

1. Increase the mandatory retirement age for adjudicators from 70 to 75, in line with the amended provisions of the Judicial Pensions and Retirement Act (1993) and consistent with previous decisions of this committee.

### Background

1. This report revisits the policy setting a mandatory retirement age for adjudicators in view of new Judicial Pensions and Retirement Act (JUPRA) rules and potential litigations by adjudicators whose appointments have been or will be terminated by reason of age.

### Considerations

2. In December 2012, members were asked to consider the need for and lawfulness of a mandatory retirement age for adjudicators considering the Equality Act 2010. The Committee agreed that there should continue to be a mandatory retirement age for adjudicators at 70.
3. The report placed before the Committee included the Government's view (as communicated by the Judicial Office) that the retirement age of 70 years constitutes "a proportionate means of achieving a legitimate aim" under the Act, and that the reasons given by the Judicial Office apply equally to adjudicators so that there is consistency (as per the Committee's decision on 20 July 2000).
4. The Committee revisited the policy in December 2012 following a challenge by an adjudicator. The Committee was advised that if a similar case arose in the future, it would be a major part of the London Councils' defence that adjudicators should be treated consistently with other judicial officers of similar rank, who are subject to a compulsory retirement age of 70 by virtue of the Judicial Pensions and Retirement Act 1993.
5. Following a public consultation, the Ministry of Justice announced on 9 March 2021 that Judges, magistrates, and coroners will be allowed to continue to serve until they are 75. The then Lord Chancellor, the Rt Hon Robert Buckland KC MP said in a press release:
 

"Our judges, magistrates and coroners are world-renowned for their excellence, expertise, and independence. It is right we hold on to them and do not cut off careers unnecessarily. Raising the retirement age will mean we can retain their invaluable experience, while ensuring that judicial roles are open to a wider pool of talent. It will also make sure our courts and tribunals can continue to benefit from a world-class judiciary, as we emerge from the pandemic and beyond."
6. The policy is given effect by amendments to the 1993 Act and adjudicators have questioned London Councils' current policy.
7. While retirement age for adjudicators is not governed by the 1993 Act, the previous determinations that adjudicators' retirement age should be consistent with that provided under the 1993 Act would suggest that adjudicators' retirement age should now be raised to 75.
8. It is to be noted that the Government no longer considers the potential for older judicial office holders "blocking" the career paths of younger judicial office holders. In any event, there is no hierarchy or rank among adjudicators save that there is a Chief Adjudicator.
9. A consideration for members in 2012 was that a higher retirement age for adjudicators may have an impact on appointments of new adjudicators as it affects the frequency by which posts become available. This is no longer a significant factor. There were 40 adjudicators in 2012. There are now 28 adjudicators only. Furthermore, the minimum hours that Adjudicators must sit per year have been reduced significantly. The number of sittings for each adjudicator is at the discretion of the Chief Adjudicator. The few adjudicators who retired within the last two years (and who may wish to return) and those who will reach the age of 70 in the next few years will not impact significantly on recruitment and deployment

## **Financial Implications for London Councils**

Changing the policy should limit London Councils' liability for unfair dismissal claims on the grounds of age discrimination.

### **Legal Implications for London Councils**

Changing the policy will provide potential options for resolving existing claims.

### **Equalities Implications for London Councils**

None

### **Recommendations**

Members are asked to:

1. Increase the mandatory retirement age for adjudicators from 70 to 75, in line with the amended provisions of the Judicial Pensions and Retirement Act (1993) and consistent with previous decisions of this committee.

### **Background Papers**

- TEC Adjudicators' Retirement Age, 13 December 2012, Item no: 09

# London Councils' Transport and Environment Committee

## Environment and Traffic Adjudicators' Annual Report

Item  
No: 06

**Report by:** Anthony Chan      **Job title:** Interim Chief Adjudicator

**Date:** 14 October 2022

**Contact Officer:** Anthony Chan

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**Summary:** The Annual Report from the Environment and Traffic Adjudicators for the reporting year 2021-2022, presented to the Transport and Environment Committee on behalf of the Environment and Traffic Adjudicators by the Interim Chief adjudicator, Anthony Chan.

**Recommendations:** That members receive and note the report.

**The Environment and Traffic Adjudicators**

# **ANNUAL REPORT**



**2021 – 2022**

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## CHIEF ADJUDICATOR'S FOREWORD

The Adjudicators have continued to work effectively and efficiently during a year when the Tribunal adapted to the gradual relaxation of Covid restrictions. In December 2021, face to face hearings returned after appropriate protective measures were put in place at the Hearing Centre in line with the Lord Chief Justice's guidelines.

While Adjudicators have continued to offer telephone hearings so that parties can choose to be heard without attending at the Hearing Centre, there has been a gradual increase in the number of Appellants seeking face to face hearings.

Remote working is another facility that the Adjudicators have adopted during the reporting year. Adjudicators will continue working on postal determinations. The Tribunal certainly benefited from the automated case management system already in place, which allowed Adjudicators and the proper officer team to move to remote working without the need for changes or system upgrades.

There is a 39% increase in appeals being registered and this reflects the increase in traffic movements as Covid restrictions were gradually lifted as well as the increase of Low Traffic Neighbourhood and Safer School Street schemes. Adjudicators have made significant efforts to respond to this increase. The number of appeals decided has arisen by a similar proportion (see Report at page 6).

The Adjudicators would like to take this opportunity of thanking the Proper Officer team who, despite various changes we have made to facilitate a return to face to face hearings, continued to provide able and dedicated administrative support, maintaining access to justice for Tribunal users and allowing the Adjudicators to sustain their independence and focus on decision making.

Following 12 years' service Caroline Hamilton has departed the Environment and Traffic Tribunal as its Chief Adjudicator.

The Adjudicators wish to place on record their gratitude for all her hard work and dedication and wish her well in her new role as Chief Adjudicator to the Traffic Penalty Tribunal.

Caroline remains an Adjudicator with the Environment and Traffic Tribunal.

The Environment and Traffic Adjudicators are pleased to present their joint report to the Transport and Environment Committee.

**Anthony Chan**

*Interim Chief Adjudicator  
Environment and Traffic*

September 2022

## 1. WORKLOAD

The downturn in the number of appeals last year reflected the period when traffic movements were reduced due to Covid measures. From 2021, there is a gradual return to routines and motorists are beginning to return to their previous patterns of vehicle use. The increase in the percentage of appeals that relate to moving traffic contraventions continues to rise. One reason for this is that motorists have not noticed that their usual routes for commuting or school runs have become restricted under low traffic and school street schemes. Another factor is that motorists will not be aware of a penalty charge notice until it is served by post, which may be up to 28 days after the contravention. This will mean that the motorist who drives “on auto-pilot” has driven in contravention of a single restriction on a number of occasions before the first Penalty Charge Notice is delivered. For the purposes of an appeal, each a time a contravention occurs the enforcement authority is entitled to enforce a penalty. It remains the case that the Adjudicators have no power to take mitigation into account under what is a strict liability penalty charge scheme.

Motorists must remain alert to signs and lines and comply with prohibitions, even when travelling along familiar or local routes. This is always the position, whether or not they agree with the restriction; consider it to be unlawful; or do not realise that a CCTV enforcement process is in operation.

### Statutory Declaration and Witness Statement referrals

The witness statement declaration process at the Traffic Enforcement Centre at the County Court at Northampton provides a mechanism whereby motorists, who have not received statutory documents, or whose post has gone astray, can halt enforcement proceedings and return to the statutory appeal path.

There are, however, only limited grounds at law for making a declaration and the granting of the order by the Court simply reflects that a declaration has been made, not that the content of the declaration has been assessed by the Court and found to be true.

The grounds for making a witness statement declaration to the Traffic Enforcement Centre that are relevant to appeals are as follows:

1. I did not receive the
  - a. Notice to Owner (parking)
  - b. Enforcement Notice (bus lane)
  - c. Penalty Charge Notice (moving traffic)
2. I made representations about the penalty charge to the local authority concerned within 28 days of the service of the notice to owner / enforcement notice / penalty charge notice, but did not receive a rejection notice.
3. I appealed to the parking Adjudicator against the local authority's decision to reject my representation within 28 days of service of the rejection notice but have had no response to my appeal.

The mandatory referral of the order issued by the Court to the Adjudicator is the responsibility of the enforcement authority. Once the order has been referred, the Adjudicator will consider whether a right of appeal has been established, allowing an appeal to be registered.

The belief that the order of the Traffic Enforcement Centre cancels the motorist's liability to the enforcement authority for the penalty charge notice is false. The authority remains entitled to enforce the penalty; the motorist having been returned to the part of the process where communication was interrupted. This limitation is clearly stated on the face of the order itself, but it remains an ongoing misunderstanding for motorists who received such orders.

The making and referral of an order does not automatically establish a right of appeal to the independent Adjudicator. The regulations require the Adjudicator to give directions as to the conduct of the proceedings unless it is considered that no such directions are necessary. The directions may include making an immediate payment order, listing the matter for appeal, or for the consideration of an order for costs.

When an appeal is registered in such circumstances, it is determined on the evidence then submitted, in the same way as any other scheduled appeal.

Most of the Witness Statements and Statutory Declarations are made under Ground 2 above. During the reporting year, Adjudicators were noticing that a number of these were not made appropriately. In some cases, this is caused by motorists believing mistakenly that their informal representations made before the service of the Notice to Owner entitled them to a Notice of Rejection. In other cases, especially those where the motorists have made repeated claims that they have not received a Notice of Rejection, Adjudicators have held that the motorists had not followed the correct procedure to preserve their rights to appeal. This has resulted in 4,470 payment directions in this reporting year.

## **APPEALS**

**TOTAL of all:** (previous year in brackets)

45,722 (32,780) appeals registered

5,344 (7,305) statutory declaration/witness statement referrals

**51066 (40,085)**

42,256 (28,034) appeals were determined

18,131 (13,161) appeals were allowed of which 9,200 (7,161) were not contested

24,125 (14,873) appeals were refused

Not all appeals received at the Tribunal can be registered. Appeals submitted to the Adjudicator that do not meet the requirements of the regulations may be rejected or returned to the appellant with a request for further or corrected information. It is only once the appeals have been checked and found to be valid under the regulations, that they are registered and scheduled.

To allow for the preparation and consideration of evidence by the parties, the regulations require 21 days to pass before a registered appeal may be listed for hearing before the Adjudicator. The Adjudicators allow a further 7 days to pass, to safeguard against postal or other delays. This timeframe means that an appeal that has been registered in one reporting year, may not be listed for hearing until the following reporting year.

Personal appeals in the reporting year were achieved by face to face or telephone hearings. Despite the increase in the number of appeals registered, there is no backlog in the determination of appeals resulting from the lockdown.

The individual appeal types (parking, moving traffic, bus lane, London lorry control, litter and waste) had the following receipt numbers and outcomes.

## Parking

19,893 (15,800) appeals were received

3,825 (5,449) referrals were made

**TOTAL: 23,718 (21,249)**

**Parking** appeals decided

16,821 (14,702) appeals were determined

*Allowed*

8,129 (7,496) appeals were allowed of which 4,542 (4,303) were not contested

*Refused*

8,692 (7,206) appeals were refused

## Bus Lane

1,293 (1,556) appeals were received

102 (247) referrals were made

**TOTAL: 1,395 (1,803)**

**Bus lane** appeals decided

1,246 (1,350) appeals were determined

*Allowed*

639 (767) appeals were allowed of which 371 (446) were not contested

*Refused*

607 (583) appeals were refused

## Moving Traffic

23,692 (15,317) appeals were received

1,417 (1,613) referrals were made

**TOTAL: 25,109 (16,930)**

**Moving traffic** appeals decided

23,362 (11,895) appeals were determined

*Allowed*

8,948 (4,853) appeals were allowed of which 3,913 (2,388) were not contested

*Refused*

14,414 (7,042) appeals were refused

There is a slight increase in parking appeals as parking enforcement reduced during the lockdown. Once restrictions were lifted there was an increase in moving traffic appeals, inflated by the implementation of low traffic neighbourhood and safer school street schemes.

## London Lorry Control

141 (94) appeals were received

0 (0) referrals were made

**London Lorry Control** appeals decided

129 (79) appeals were determined

*Allowed*

55 (44) appeals were allowed of which 37 (24) were not contested

*Refused*

74 (35) appeals were refused

## Litter and Waste

13 (13) appeals were received

0 (0) referrals were made

**Litter and Waste** appeals decided

8 (8) appeals were determined

*Allowed*

1 (1) appeal was allowed

*Refused*

7 (7) appeals were refused

The Adjudicators' written determinations are published on our statutory register that can be viewed online through our website at [www.londonTribunals.gov.uk](http://www.londonTribunals.gov.uk)

## Direct Vision Standards

690 appeals were received

0 referrals were made

**Direct Vision Standards** appeals decided

690 appeals were determined

*Allowed*

359 appeals were allowed of which 337 were not contested

*Refused*

331 appeals were refused

## RECOMMENDATIONS

Under the Traffic Management Act 2004 refused appeals may be returned to the enforcement authority by the Adjudicator for the consideration of compelling reasons. This applies to penalties issued under the Traffic Management Act 2004 only. Any outcome to the referral that the motorist considers to be unfavourable is not subject to appeal or review under the regulations.

**Refused with a recommendation:** 208

**Recommendation accepted:** 64 (94)

**Deemed accepted:** 88 (107)

**Recommendation Rejected: 56 (59)**



## PERSONAL / POSTAL APPEALS

Of the 45,722 appeals that we received, just under 30% were personal (face to face or telephone) hearings. This represents a slight drop in the proportion of personal hearings than in the previous reporting year.

The telephone appeals have been largely successful, with Adjudicators being able to consider and assess oral evidence and submissions using a conference call facility where necessary, allowing both parties to attend without the necessity of travel.

When Adjudicators were able to resume face to face hearings in December 2021, they have continued to offer telephone hearings to those who prefer them.

## COSTS

The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 Schedule Part 2, Regulation 13 and The Road Traffic (Parking Adjudicators) (London) Regulations 1993 Part II, Regulation 12.

Under each set of regulations governing the Tribunal, the Adjudicator shall not normally make an award of costs or expenses and may only do so if the party against whom the order is made has acted in a way that is frivolous, vexatious or wholly unreasonable with regard to the appeal. The jurisdiction has no application fee for appellants and as reflected by the limited number of awards, costs under our regulations are not the norm.

Applications for costs listed for determination by the Adjudicator:

### **APPELLANTS**

Parking 49 (12)

Bus Lane 2 (2)

### **ENFORCEMENT AUTHORITIES**

Parking 45 (45)

Bus Lane 0 (1)

Moving Traffic 24 (8)  
London Lorry Control 0 (0)  
Direct Vision Standards 0 (0)  
Litter and Waste 0 (0)

**Total 75 (22)**

Moving Traffic 10 (10)  
London Lorry Control 0 (0)  
Direct Vision Standards 0 (0)  
Litter and Waste 0 (0)

**Total 55 (56)**

## 2. FREQUENT ISSUES

Adjudicators wish to highlight several common issues in the reporting year.

### Challenges to procedure

As camera enforcement increases, motorists find it more difficult to challenge evidence surrounding an alleged contravention. More motorists and their advisors are making challenges to the enforcement process itself.

Adjudicators have found that some authorities do not address these challenges in any meaningful way if at all. All too often, a Notice of Rejection gives the impression that it was a generic response, which gives motorists further grounds for complaint.

### Transfer of liability

While liability for a penalty normally falls on the registered keeper of the contravening vehicle, liability can be transferred in the case of vehicles hired for less than six months to the hirers. In the case of long leases, the lessees may become liable depending on the terms and conditions of the lease.

Adjudicators have found that the legal difference between short-term hire and long leases are not well understood by motorists and authorities. Furthermore, for a transfer of liability to occur in short-term hires, the hire firm must provide documentation of the hire as required by law. These requirements are also not well understood with some authorities insisting on strict compliance while others would accept a transfer without ever seeing the documentation.

Adjudicators would urge hire companies and authorities to pay greater attention to the legal issues involved before the matter reaches the appeal stage.

## Change of vehicle ownership

Penalty Charge Notices (other than those served on parked vehicles or handed to the motorist) and Notices to Owner are issued to registered keepers whose details are obtained from the Driver and Vehicle Licensing Authority (DVLA). In some cases, Penalty Charge Notices are sent to a former keeper of a vehicle because the change of registration has not been recorded by the DVLA. When this occurs, the former registered keeper will be expected to provide proof of a change of ownership.

Most enforcement authorities have indicated that they will only accept confirmation of change of ownership from the DVLA. Motorists on the other hand have reported that there are substantial delays at the DVLA. The delays in obtaining proof can then cause delays to the disposal of the appeals.

To avoid these delays, motorists need to register the disposal of their vehicles promptly and authorities may need to consider accepting other forms of proof, such as a sales receipt backed by a transfer of money, or by letters of insurers showing an amendment of vehicle details in an insurance policy.

## Theft / Cloning of Vehicles

Motorists have from time to time claimed that their vehicles had been stolen or that the contravening vehicles are clones of the motorists' vehicles. Authorities are asking routinely that these claims must be substantiated by police reports.

Until recently, motorists would normally provide a crime reference number which the authorities can seek to verify with the police. Motorists are now reporting that the police no longer issue crime numbers for cloned vehicles and authorities have reported that even if there is a crime number, they are no longer able to obtain information from the police.

Motorists and authorities will need to consider the use of other forms of evidence to settle the issue.

### 3. JUDICIAL REVIEW

The judicial decision of the independent Adjudicator, including a case management decision, cannot be investigated by way of a complaint, but may be challenged by review and thereafter, Judicial Review by the High Court.

In a Judicial Review, a judge reviews the lawfulness of a decision or action made by the Adjudicator. In other words, Judicial Reviews are a challenge to the way in which the Adjudicator's decision has been made, rather than the rights and wrongs of the conclusion reached.

There were only a few Judicial Reviews of Adjudicators decisions in the reporting year. They were mostly challenges to the correctness of the Adjudicator's decision. These applications were refused because the decisions did not disclose public law errors.

Of note is the decision in *Michael Thomas Gallagher v the Adjudicator London Tribunals and London Borough of Tower Hamlets CO/302/2022, ETA 2210757685*.

The Authority issued a penalty charge notice to Mr Gallagher because his vehicle failed to comply with a motor vehicle restriction. This had occurred on a Bank Holiday Monday. Mr Gallagher argued that he was led to believe by the authority's announcement that the restriction was not enforced on a Bank Holiday.

The authority had given a public statement which stated: "traffic and parking enforcement by Tower Hamlets is relaxed on National Bank Holidays." The Adjudicator found that this statement would on its own give the impression that the restriction was not being enforced on the Bank Holiday, but he held that as the publication also stated that "there will be no enforcement on Christmas Day, Boxing Day and New Year's Day", it was clear that the relaxation applied only in respect of those 3 days.

Mr Gallagher's challenge application for a review of the decision by another Adjudicator failed and he applied for a Judicial Review.

The High Court upheld the Adjudicator's decision. The High Court's decision confirmed that motorists can legitimately rely on announcements about relaxation of enforcement. However, a substantive legitimate expectation can only be based on a representation which is clear, unambiguous and devoid of relevant qualification. The High Court found that the authority's statement failed to meet this test, so Mr Gallagher was not entitled to rely on it.

There was no suggestion that the Authority had intentionally misled motorists by issuing an ambiguous announcement. The case underlines the importance of need for clarity when making policy announcements about relaxation of enforcements, and that motorists must take care when relying on these announcements.

## 4. TRAINING AND APPRAISAL

### TRAINING

Six of the current Road User Charging Adjudicators (a Judicial Appointments Commission appointment) have been cross-ticketed, allowing them to be appointed to sit as Environment and Traffic Adjudicators. See section six below.

### APPRAISAL

Most courts and Tribunals have in place an appraisal scheme to maintain judicial standards and ensure consistency of practices.

Environment and Traffic Adjudicators will normally be appraised one year after appointment and then in three yearly cycles. Thus, those Adjudicators who were appraised in 2020 will next be appraised in 2023. However, as appointments have been made over the years, the cycles are not uniform, and a further round has taken place in 2021.

As explained in previous Annual Reports, the appraisal scheme helps maintain public confidence in judicial performance and ensures that all Adjudicators keep up to date with law and regulations and are able to demonstrate the competences necessary for their role.

The appraisal scheme used by the Tribunal is based on the former Judicial Studies Board's *Tribunal Competences: Qualities and Abilities in Action*, tailored for this Tribunal, and updated to reflect the March 2021 *Appraisal Standards and Appraiser Competences in Tribunals* reflecting the judicial skills and abilities framework.



A typical appraisal will involve observation of one or more personal hearings (conducted by telephone in the previous round) as well as detailed feedback discussions on this and other written decisions and then on wider performance matters.

As well as identifying any individual training and development needs, the appraisal scheme also provides Adjudicators themselves with an opportunity to raise issues relating to training and procedures.

Adjudicators generally find the whole process helpful and beneficial, providing positive feedback and taking the opportunity to make suggestions that add to the efficiency of the Tribunal.

Issues arising from appraisals can also inform the Tribunal training programme where they can be shared and discussed with the Adjudicators as a collegiate body.

As is widely known, a number of Adjudicators hold judicial appointments in other jurisdictions, and the appraisal scheme in this Tribunal allows them to share court and Tribunal processes that have already been found to promote justice and efficiency.

Adjudicators regard the appraisal scheme as an important part of their appointment and recognise the benefits of sharing and exploring best practice.

## 5. NOTE BY FORMER CHIEF ADJUDICATOR CAROLINE HAMILTON

Caroline Hamilton was appointed as a fee paid adjudicator in 1996 and held the position of Chief Environment and Traffic Adjudicator from 2010 to 2022. Caroline remains an adjudicator at London Tribunals, but has now taken up the post of Chief Adjudicator at the Traffic Penalty Tribunal. The Traffic Penalty Tribunal adjudicators are charged with determining road user, traffic and parking appeals issued to motorists in England and Wales outside of the 33 London Boroughs.

“As Chief Adjudicator at London Tribunals I was able to implement a number of changes that saw appeals being determined justly, in an efficient, cost efficient and proportionate manner. These efficiencies not only required adjustments to the tribunal’s scheduling and administrative processes but also saw more consistency in our outcomes, for example, through the introduction of panel hearings.

Even though we operate under a statutory fixed penalty scheme, adjudicators remain tasked with the judicial function of assessing evidence, making findings of fact and applying the law. There is always a margin of judgment in the assessment of evidence, but by introducing panel hearings, where cases raising similar issues are heard together by two or three adjudicators, a more thorough analysis of the law can be undertaken and a decision generated that holds more weight in terms of precedent, allowing for a more consistent application and approach.

Panel decision outcomes also provide councils and motorists with a clearer and more certain understanding of the law, enabling both to make informed decisions in relation to the relevant parking or moving traffic issues including whether the circumstances of a particular case disclose a valid ground of appeal.

Over the years panel decisions addressed issues that came to the adjudicators’ attention that appeared to cause uncertainty or confusion to a number of motorists, or where elements of the regulations required some deeper analysis. During my term of office panels were convened to consider the loading/unloading exemption, U turns, CCTV enforcement, Box junctions, technical challenges and hire agreements. These decisions have all served to provide clarity, with a view to reducing contraventions that often occur through error or a misunderstanding of regulations, rather than intent.

Working collaboratively with the Traffic Penalty Tribunal, we identified a number of cases where penalties had been issued on identical grounds to the same appellant company by authorities in London and outside London. We were able to group the appeals and arrange for an adjudicator from each jurisdiction to sit together in order to determine the appeals by way of a panel decision. This joint initiative achieved better certainty for both councils and motorists providing consistency wherever the

penalty charge notice had been issued and allowing councils and the motorists to act on an informed basis.

Exploring this more united approach has already been achieved though the cross-assignment to the Environment and Traffic tribunal of a number of the London Road User Charging Adjudicators, as I reported in the 2020/21 annual report (at page 22). Sharing each tribunal's expertise in this way, serves to benefit the statutory tribunals as a whole, allowing for greater cohesion as well as a saving in costs with shared processes, training and recruitment programmes.

In my new post I very much hope to be able to build on these examples of co-operation and collaborative working with London adjudicators, not only achieving further financial efficiencies for the public purse, but also with a view to achieving a consistent approach to the determination of appeals throughout the currently distinct jurisdictions.

I enjoyed my time as Chief Adjudicator at London Tribunals and I take this opportunity to express my thanks to the Transport and Environment Committee for its continued understanding and respect for the adjudicators as independent and impartial office holders exercising a judicial function."

Caroline Hamilton  
Chief Adjudicator  
Traffic Penalty Tribunal  
September 2022

## **6. THE ENVIRONMENT AND TRAFFIC ADJUDICATORS 2021/22**

**Anthony Chan** *Interim Chief Adjudicator*

**Philippa Alderson**

**Jane Anderson \***

**Teresa Brennan**

**Michael Burke**

**George Dodd \***

**Cordelia Fantinic**

**Henry Michael Greenslade**

**Natalie Goffe \***

**Caroline Hamilton**

**John Hamilton**

**Andrew Harman \***

**Richard Harris**

**Monica Hillen**

**Samina Iqbal**

**Anju Kaler**

**Herjinder Mann \***

**Alastair McFarlane**

**Gerald Mohabir \***

**Kevin Moore**

**Dharmesh Patel**

**Mamta Parekh**

**Belinda Pearce \***

**Neena Rach**

**Anita Reece \***

**Sean Stanton-Dunne**

**Gerald Styles**

**Carl Teper**

**Richard Thompson \***

**Timothy Thorne**

**Ini Udom**

**Jack Walsh**

**Paul Wright**

*\*also Road User Charging Adjudicator*

# London Councils' Transport & Environment Committee

## Chair's Report

Item no: 07

<b>Report by:</b>	Mayor Philip Glanville	<b>Job title:</b>	Chair of London Councils Transport and Environment Committee
<b>Date:</b>	14 October 2022		
<b>Contact Officer:</b>	Katharina Winbeck		
<b>Telephone:</b>	07769 145326	<b>Email:</b>	Katharina.winbeck@londoncouncils.gov.uk

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**Summary** This report updates Members on transport and environment policy activity since the last TEC meeting on 09 June 2022.

**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 09 June 2022. Activities that have happened but are referred to within other agenda items will not be repeated here. In this period, this includes transport funding and climate change policy. As always it is very much a team effort across London Councils officers and TEC elected colleagues.

## **Transport**

### **Meeting with the Active Travel England and Active Travel Commissioner**

2. I met with Chris Boardman (Commissioner, Active Travel England (ATE)) and Will Norman (Walking and Cycling Commissioner, GLA) to start the process of building a relationship with ATE and to outline the key role of the boroughs in delivering modal shift towards active travel. This was a positive conversation and I look forward to a continued relationship with ATE.

### **EV and Car Club Co-ordination Update**

#### EV Co-ordination

3. Of the 27 boroughs that participated in the GULCS programme, all but two have completed their chargepoint delivery. London Councils continues to work with the remaining two boroughs to see that their chargepoints are delivered before the end of the calendar year.
4. In addition, London Councils continues to support boroughs in delivering over 5,000 chargepoints funded through the On-Street Residential Chargepoint Scheme 2021/22 (ORCS) and is working with boroughs to coordinate a London-wide tranche of applications to the ORCS 2022/23 fund.
5. London Councils also continues to arrange knowledge sharing events for borough officers and works with TfL to ensure that an appropriate replacement for the GULCS procurement framework, which expired in July 2022 is in place to allow for a continuation of the pan-London approach to chargepoint procurement that enabled the successful deliver of chargepoints so far. TfL will be providing a 'London Filter' to the Crown Commercial Service's Vehicle Charging Infrastructure Solutions procurement model, and we are looking for boroughs who would be prepared to trial it.
6. The Office for Zero Emission Vehicles (OZEV) is in the process of deciding how the capital and resource funding aspects of the £450 million Local Electric Vehicle Infrastructure fund (LEVI) could be distributed to local authorities across England. London Councils, and TfL officers have been in discussion with OZEV on this matter since July, to ensure that London's current and future funding needs are met.
7. The London-wide electric vehicle data dashboard created in partnership between London Councils, LOTI and the GLA now includes data for more than 7,500, charge points across London (out of the approximately 10,000 charge points in London). A draft pan-London data standard is being developed to ensure future chargepoints will continue to share data in this way.



### Car Club Co-ordination

8. London Councils continues to work closely with borough officers, car club operators, TfL, and sectors to ensure car club services are best placed to meet the needs of Londoners and support borough air quality and congestion improvement plans.
9. In July, London Councils, in partnership with Co-Mobility UK arranged a roundtable event with Councillors, and representatives from car club companies, TfL, the GLA, and sector stakeholders. A full briefing note from the event can be found at Appendix A. A range of challenges and opportunities were discussed and are being followed up with officers.
10. London Councils continues to work with the GLA on producing a bespoke data dashboard to collect and centralise and visualise pan-London car club data. A dummy data collection template has been circulated to the fully Co-Mobility UK accredited car clubs for their review, and a data sharing agreement is being developed.
11. London Councils continues to work with the London Car Club Forum procurement sub-group to produce a car club procurement standard. A structure has been developed and sub-group members are in-putting and feeding back on key elements that should be included in the standard.

### **Micro Mobility**

#### E-scooter trial

12. The e-scooter trial continues with ten boroughs taking part.
13. In June 2022, London's trial was extended from June 2022 to November 2022.
14. The Government has since extended the trial period for all local authorities nationwide until May 2024. It is expected the London trial will continue to run in line with the Government's extension to 2024. London Councils is actively working with TfL on this.
15. The e-scooter trial continues to be successful, with a marked increase in ridership over the summer and a strong safety record.
16. We continue to work with the Metropolitan police to enforce more against illegal use of private e-scooters on public roads.

#### Rental dockless e-bike update

17. The rental dockless e-bike market continues to be unregulated. This means that companies are legally entitled to operate across local authorities without prior agreement from said local authority or from TfL.
18. The government's new Transport Bill is expected to give powers to local transport authorities to regulate the rental e-bike market alongside the rental e-scooter market. This legislation is expected to come into force in 2024 or 2025.
19. Over the last several months many boroughs have entered into agreements with dockless bike operators either through a formal procurement process or an MoU. This has enabled boroughs and operators to define requirements around parking models, service level agreements, and other issues such as data sharing.

20. In parallel many boroughs have also faced an increasing number of issues with inappropriately parked e-bikes and operators operating without prior agreement from the borough.
21. We have been working closely with boroughs to identify, monitor and resolve any issues and to provide advice on entering agreements with operators.

## **Transport Bill**

22. The Transport Bill was announced in May 2022 to introduce the following changes:

- Giving local transport authorities powers to issue permits for rental e-scooter and rental e-bike operators. There is currently no legal framework governing rental e-bike operations, meaning companies are allowed to operate where they like. Rental e-scooters may only be used as part of trials, which the government has said will last until May 2024 – There is uncertainty for businesses and local authorities beyond then.
- Mandating licenses for London pedicabs – These are currently unlicensed meaning they essentially operate like private vehicles instead of being classed the same as taxis.
- Legalising private e-scooters and mandating safety features on the vehicles sold, such as in-built speed limits.
- New laws to ensure self-driving cars can be introduced safely when the market for these becomes more developed
- Creating “Great British Railways” – This is the largest part of the bill. Franchising powers would be transferred from the Department for Transport to Great British Railways, with the new body acting as the “single national leader of the railways”.

23. For London local authorities to benefit from this legislation we are making the case to the new Government for the Bill to be introduced to Parliament as soon as possible.

## **Speed Enforcement**

### TfL Improvement Programme

24. TfL have continued to undertake significant improvements in the way that speed limits are enforced in London, as they increase the amount of on-street deployment and back-office processing capability. As part of this process TfL have been working with MPS and Roads and Transport Policing Command (RTPC) to improve the London Speed Enforcement Request process that was initially launched in May 2020. By removing the need for RTPC to undertake on street validation checks (which is now done as part of the enforcement) they have been able to respond to borough officer requests more quickly.
25. Requests can be submitted via [London Borough Speed Enforcement Request](https://www.met.police.uk/ro/report/rti/rti-a/report-a-road-traffic-incident/) and have to be made by borough officers only. Therefore, if Members are receiving enforcement requests from residents, they should liaise with the appropriate officers within the council. Members of the public must continue to report incidents or concerns to Roadsaf London <https://www.met.police.uk/ro/report/rti/rti-a/report-a-road-traffic-incident/>
26. TfL have stated that in most cases, the RTPC will respond to requests through the deployment of new mobile safety camera technology. The RTPC has five cameras which are operated by Police Community Support Officers (who now have the powers to

undertake speed enforcement) at the roadside. Any offences are processed by the Metropolitan Police's Prosecution Team in the back office in the same way as fixed safety cameras. As part of these deployments, the officers will also be assessing levels of non-compliance and whether it meets the threshold for additional police enforcement. Offences detected while they are at the location will be enforced.

27. Each initial deployment includes eight hours of enforcement over a two-week period. To meet the threshold for additional enforcement, a minimum of 200 vehicles need to be recorded, with the level of non-compliance being above 15 per cent. The TfL Policing Partnerships team will continue to liaise with the borough throughout this process, sharing results and any feedback on other speed compliance interventions that could assist.
28. Deployments continue to be prioritised based on risk and harm, but TfL aim to deploy to locations within four weeks of the request and receiving a copy of the Traffic Management Order (TMO) (in order for the police to legally enforce on any road with a 20mph limit, a TMO must be in place). The relevant TMO can be emailed to TfL's Policing Partnerships team at the following email address [LBSR@tfl.gov.uk](mailto:LBSR@tfl.gov.uk)

#### Enhanced Borough Powers

29. Whilst London Councils welcome improvements in the speed management process in London, and fully support the actions undertaken by TfL and MPS, we maintain that more could be done to improve compliance by increasing the enforcement capability further. The future partial decriminalisation of enforcement giving more powers to boroughs (as outlined in detail in previous TEC reports) would allow for substantially more enforcement and act as a deterrent to motorists breaking the speed limit by increasing the chance of detection.
30. We have looked at potential opportunities to table amendments to the future Transport Bill, and although Central Government have advised that this may not be a suitable vehicle for such an amendment at this time, will continue to do so. This is all subject to the progress of the Transport Bill as previously advised.

#### LB Wandsworth Speed Pilot

31. LB Wandsworth have indicated that they intend to commence pilot decriminalised enforcement at a single location in the borough in October (no date confirmed) under the existing London Local Authorities and Transport for London Act 2003 (the Act which allows boroughs to enforce moving traffic offences in London). The pilot has been outlined in detail in previous TEC reports. London Councils will continue to work with LB Wandsworth and stakeholders and will feed back any future results or determinations to Members accordingly.

#### **Bus Lane Camera Certification**

32. Boroughs that enforce bus lane offences under the Local Authorities Act 1996 (LLA 1996) have been notified of a flaw in the legislation with respect to camera certification and the admissibility of evidence at appeal. Most boroughs have received FOI requests asking for evidence of their approved device certification under the LLA 1996 which cannot be provided, as approval under this Act is not currently possible. However, to enforce bus lane restrictions, the cameras only have to be prescribed, and all cameras are, so the issue is only for producing evidence at London Tribunals.

33. London Councils has been liaising with London boroughs and we are continuing to work with DfT and the Vehicle Certification Agency (VCA) regarding a future legal fix to the legislation that will satisfy the evidence requirements. DfT are currently working on this and have a proposed solution in place, but progress has been delayed by the change in Prime Minister and the subsequent cabinet reshuffle. We will continue to update borough officers on the situation as soon as there are developments.

### **Meeting with Baroness Vere**

34. The vice chairs of TEC had a meeting with Baroness Vere shortly after the publication of the TfL deal. This was very welcome and gave us a chance to questions some of the aspects of the deal early on. Further engagement has been offered and will be planned in due course.

### **Vision Zero Update**

#### Vision Zero animation

35. This week an email was sent on behalf of myself, Lilli Matson and Chief Superintendent Simon Ovens to all borough Leaders and Cabinet Leads to highlight the scale of the road safety issue in London. It contained information specific to your borough, taken from the [road danger reduction dashboard](#) on TfL's Website.
36. Vision Zero reaches across more than the transport portfolio – it impacts the health portfolio, schools portfolio and many more. So next week an email with the same information will be shared with all elected councillors across London to raise awareness of this issue.
37. We want to get all Londoners talking about Vision Zero and change the belief that road danger is an inevitable part of city life. No collision is inevitable and there are many solutions to make our roads safer. Vision Zero is about much more than enforcement, there are lots of interventions we can take on our roads to eliminate road deaths and serious injuries.
38. There will be an offer for councillors to find out more about the Vision Zero action plan in next week's email. In the meantime, the Vision Zero progress report is [here](#).

### **Update on the Central London Bus Network Consultation from TfL**

39. The Central London Bus Review consultation closed on 7 August 2022 with just over 21k responses received. TfL are now reviewing these responses in order to produce a consultation report by the end of 2022. This report will be used by TfL to inform the decision making process on how these proposals should be progressed. Once a decision is made on how to proceed, TfL will inform stakeholders. The consultation report and our next steps will be published at <https://haveyoursay.tfl.gov.uk/>.

### **Press Work**

40. Media coverage

- Intelligent Transport: *TfL to begin fining motor vehicles to improve cycle safety* (22.06.22)

- BikeBiz: *TfL to fine motorists caught driving in mandatory cycle lanes and cycle tracks* (23.06.22)

#### 41. Press releases

- Press Release: [London Councils appoints Strategy Director: London's Future](#) (27.6.22)
- Press Release: [London's trial of rental e-scooters extended to November](#) (19.6.22)

## Environment

### 3Ci – Cities Commission for Climate Investment

42. I continue to represent London Councils on 3Ci, previously known as UK CCIC (Cities Climate Investment Commission). 3Ci organised a useful lunch at Labour Party conference which Ali Griffin, Cllr Georgia Gould and I attended.
43. The project continues to progress with building the case for private investment for net zero using a place-based approach. A summit is being arranged for investors and senior local government leaders **on 25 October** and TEC are encouraged to attend. Appendix B gives a more detailed update, including instructions for registration for the conference, and if colleagues wish to find out more or get a verbal briefing, please let Katharina Winbeck at London Councils know.

### Circular Economy Week

44. I opened Circular Economy week in June with Deputy Mayor Shirley Rodrigues, ReLondon Chief Executive Wayne Hubbard and a number of organisations that showcased their progress on including circular economy principles. We had a lively discussion about how circular jobs can contribute further to the economy, especially once we addressed the significant skills gap.

### LGC Net Zero Conference

45. In June I spoke at the Local Government Chronicle's net zero conference on a panel on climate justice. I spoke about how we need to get climate justice right if we are to decarbonise the economy, and how we need to work with communities to get to net zero. I also addressed how support from central government is essential in creating the right policy environment, so communities have strong incentives to decarbonise, and in ensuring financial support is available to those who need it.

### Climate Change Committee progress report

46. In June, the Climate Change Committee published a report on progress to net zero. On behalf of TEC I responded<sup>1</sup> to the report outlining how London boroughs are committed to playing our part in securing a greener, more sustainable capital for all Londoners as we transition to net zero.

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<sup>1</sup> <https://beta.londoncouncils.gov.uk/news/2022/deeper-collaboration-local-government-vital-linchpin-meet-national-net-zero-targets>

47. I also pointed out that we need long-term, continuous funding security, backed by new powers, to put our net zero goals into action, and how we look forward to working closely with government departments on the path to net zero.

### **London Councils' Climate Programme Showcase - LCAW**

48. As part of London Climate Action Week, I hosted a showcase<sup>2</sup> of the seven climate programmes. This was a positive opportunity for the seven climate programmes to outline their work collaborating on tackling climate change to a wide audience and make new connections with stakeholders.

### **London Boroughs Healthy Streets Scorecard**

49. I spoke at the launch of the latest round of the Healthy Streets Scorecard. The scorecard is organised by a London-wide coalition of transport and environment campaigners who publish an annual comparison of London boroughs' work in promoting active and sustainable travel.
50. At the event I reflected on overall developments this year and highlighted the progress being made across London. I also highlighted the work of the seven climate programmes.

### **London Flood Review on behalf of Thames Water**

51. The Independent Expert Group that was commissioned by Thames Water published a review of the flooding incidents that occurred in the summer of 2021. All of the reports can be found [here](#).
52. The main findings were that the amount of localised rainfall was the main cause of flooding and that this was greater than any existing sewer or drainage system was designed for.
53. In different locations, there were different causes of flooding; surface water flooding, sewer flooding or in some instances both together. Given that different organisations are responsible for different types of flooding, it is imperative that they all work together and the report recommends that this is strengthened in London.
54. London Councils has started to work on some of the recommendations prior to publication through the Surface Water Task and Finish Group, which is now evolving into a strategic forum for London, which will develop a strategy and implementation plan with input from all partners.

### **Green New Deal Recovery Expert Advisory Group meeting**

55. I co-chair the Green New Deal's Expert Advisory group meeting with deputy Mayor Shirley Rodrigues. In July, we discussed the seven climate programmes, Shared Prosperity Fund, and the data on London's greenhouse gas emissions inventory. In September, we spoke about the possible implications of recent changes in the government and activities by boroughs and GLA on retrofitting buildings.

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<sup>2</sup> [https://www.youtube.com/watch?v=1KICfCnIYVo&ab\\_channel=LondonCouncils](https://www.youtube.com/watch?v=1KICfCnIYVo&ab_channel=LondonCouncils)



## **Public Policy Exchange Fuel Poverty event**

56. I spoke at a Public Policy Exchange meeting on tackling fuel poverty alongside Ben Lake MP, Cllr Loïc Rich (Deputy Chair of the LGA Environment, Economy, Housing & Transport Board) and others.
57. I outlined the key role that local government can play in tackling fuel poverty, and the urgent need for more resource in this space. Given the cost of living crisis, this issue is only going to get worse and it is important that we seek to support our most vulnerable residents as much as possible.

## **Press Work**

### **58. Media coverage**

- Air Quality News: *DEFRA must switch to WHO air quality standards by 2030* (12.09.22)
- Cities Today: *London launches tree planting scheme after record heatwave* (02.08.22)
- Business Green: *Mayor of London unveils urban tree planting funding package* (28.07.22)
- Smart Cities World: *Urban climate action investment commission moves into next phase* (13.07.22)
- London World: *Ongoing impact of climate change leaves London vulnerable to more devastating floods, council group warns* (13.07.22)

### **59. Press releases**

- Press release: [Flooding anniversary reminder of London's vulnerability to climate emergency](#) (12.7.22)
- Press release: [Boroughs' retrofit programmes wins award for climate leadership](#) (29.6.22)
- Press release: [London Councils responds to the CCC progress report](#) (29.6.22)

## Appendix A - Summary of the London Car Club Roundtable event

### In attendance:

Deputy Mayor Shirley Rodrigues	Deputy Mayor for Energy and Environment
Mayor Philip Glanville	Mayor of Hackney, and Chair of the London Councils Transport and Environment Committee
Cllr Syed Ghani	Cllr at Barking and Dagenham, and Transport and Environment Committee Member
Cllr Guy Lambert	Cllr at Hounslow, and Transport and Environment Committee Member
Cllr James Asser	Cllr at Newham, and Transport and Environment Committee Member
Cllr Christopher Woolmer	Cllr at Sutton, and Transport and Environment Committee Member
Cllr Clyde Loakes	Cllr at Waltham Forest, and Transport and Environment Committee Member
Andrew Woolard	Senior Stakeholder and Policy Advisor at the Department for Transport
Alina Turek	Strategy and Planning Manager (City Planning) at Transport for London
Sam Barnard	Principal Policy Officer (Transport) at the Greater London Authority
Matthew Clark	Associate at Steer (Specialist in New Mobility) and Trustee (Chair) at CoMoUK
Catherine Bowen	Senior Policy Advisor at the British Vehicle Rental and Leasing Association
Oliver Lord	Head of Clean Cities Campaign UK
Dr Ashik Sinha	CEO of the London Cycling Campaign
James Taylor	General Manager, UK at Zipcar
Kate Hinton	Public Affairs Consultant at Zipcar
Andy Bland	Head of Sales (Southeast England and London) at Enterprise Holdings
Howard Duff	Sales Manager, Public Sector and Car Club at Enterprise Holdings
Joe Parry	Head of Operations at Hiyacar

### Introduction to the Roundtable - Mayor Philip Glanville

Mayor Glanville opened the Roundtable, highlighting London Councils' cross-party support for Car Clubs; noting the role they play in tackling key challenges, such as relieving pressure for parking spaces, reducing congestion on roads, reducing non-essential trips and improving Londoners' use of public transport. He also highlighted Car Clubs ability to reduce private car ownership - citing CoMoUK's 2022 Driving London report, which showed that each Car Club vehicle can displace 23.5 privately owned cars - and their role in familiarising Londoners with electric vehicles.<sup>3</sup>

<sup>3</sup> [https://como.org.uk/wp-content/uploads/2022/03/CoMoUK-Driving-London-Forward\\_FINAL.pdf](https://como.org.uk/wp-content/uploads/2022/03/CoMoUK-Driving-London-Forward_FINAL.pdf)



Mayor Glanville noted the impact the cost-of-living crisis is having on households, and the costs of running and maintaining private vehicles, highlighting the potential for Car Clubs to lift one part of the financial burden households face.

### **The role of Car Clubs in delivering the Mayor's Transport Strategy - Deputy Mayor Shirley Rodrigues**

Deputy Mayor Rodrigues opened her talk by noting that the Mayor recently published their six-month progress report on the expansion of the Ultra-Low Emission Zone (ULEZ), with data showing improvements in air quality, and steep reductions in non-compliance within the ULEZ.<sup>4</sup>

The Deputy Mayor highlighted that the Mayor is still reaching to achieve the targets set in the Mayor's Transport Strategy, including seeing 80 per cent of trips made in London being made by sustainable modes (walking, cycling, public transport), and that the Mayor sees Car Clubs playing a role in achieving this.

The Deputy Mayor stressed the importance the GLA places on working with Car Clubs through its strategies and the expansion of ULEZ, to achieve climate and air quality targets. This includes committing to implement as large a scrappage scheme as possible to reduce private car ownership, and working with Car Clubs to identify alternative solutions - including mobility credits, and specific demographics to target.

The Deputy Mayor noted that the GLA consulting on measures needed to meet the Mayor's net-zero by 2030 target - which will require reductions in road use by around 27 per cent. Measures being explored to achieve this include implementing smart road user charging, and the GLA is keen to receive feedback and insights on how such a scheme could be designed.

The Deputy Mayor also noted that the GLA is in the early stages of developing the next London Plan, and that they will be going out with calls for evidence for what should be included in due course.

### **Presentations**

- **Alina Tuerk - Update on TfL's position on Car Clubs**
- **Matthew Clark - Driving London Forward: The benefits of Car Clubs**
- **Femi Biyibi - Update on London Councils' work to support borough Car Club delivery**
- **Cllr Clyde Loakes - Car Club experience in Waltham Forest**
- **Oliver Lord - Tackling the barriers and examples from abroad**

### **Discussion**

Participants to the roundtable engaged in a wide-ranging discussion on the challenges facing Car Club operators, and measures that can be taken by Car Club operators, boroughs, and TfL to maximise the benefits of Car Clubs.

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[https://www.london.gov.uk/sites/default/files/expanded\\_ultra\\_low\\_emission\\_zone\\_six\\_month\\_report.pdf](https://www.london.gov.uk/sites/default/files/expanded_ultra_low_emission_zone_six_month_report.pdf)

### **What can Car Club operators do to support car club growth to maximise the benefits?**

It was highlighted that Car Club operators are willing to grow, however, to do so, they require a clear ambition and targets to meet - these can be provided by boroughs themselves, or TfL (how many cars should be in boroughs/how many residents should have Car Club membership etc.).

The challenge of boroughs operating only one Car Club was brought up, noting that this hinders engagement other Car Club operators, and hinders growth and the application of innovative solutions (such as increasing electric options).

Car Club operators noted that they are willing to increase the size of their fleets, however, to do so, they would require local and pan-London measures. Examples included:

- Maintaining current parking permit fees for existing Car Club vehicles, but introducing reduced (if not £0) parking permits for a set period;
- Establishing a London-wide framework relating to parking permitting and pricing.

Car Club operators recognised that there were measures they could take to incentivise membership, including implementing more inclusive fees for lower income groups, i.e. no monthly fee.

### **What can boroughs do to support car club growth to maximise the benefits?**

There was agreement that boroughs can do more to promote existing car clubs more effectively, such as by highlighting the role they can play in reducing costs for households burdened by the cost-of-living crisis.

The challenge of providing charging infrastructure for Car Club vehicles was discussed, with potential solutions including greater engagement by boroughs with freeholders/landowners to unlock private land for chargepoint provision and Car Club parking - potentially leading to the delivery of mobility hubs which would incorporate other forms of electrified shared transport.

There was general recognition that greater cooperation and coordination is needed: between neighbouring boroughs, at the sub-regional level, and at the London-wide level. It was recognised that developing and implementing more pan-London approaches to Car Club usage (with local, regional, and pan-London targets) would provide direction for Car Club operators - these targets need to be ambitious though. A potential option highlighted was to add car club provision to the Healthy Streets Scorecard, to allow boroughs to compete on provision.

Support for electrification was also discussed, with participants recognising the need to develop a network of mobility hubs to bring together shared mobility modes (Car Clubs, e-scooters, e-bikes). There was understanding that these hubs would need charging infrastructure that fits their need (fast to rapid chargepoints), and would be best placed near centres of public transport.

It was also recognised that greater engagement with electric vehicle chargepoint providers, and car park operators is essential to the broader discussion on supporting Car Clubs.

## **What can TfL do to support car club growth to maximise the benefits**

Participants recognised that there was a lot of action TfL, and London Councils, could take to support Car Clubs at the pan-London level. These include:

- Updating/developing a new Car Club strategy, that sets out:
  - o The evidence base regarding the benefits of Car Clubs The number of members or vehicles that should be in London by 2023, or to 2030;
  - o The number of members or vehicles that should be in London prior to the implementation of measures like smart road-user charging;
  - o The ambitions set out in CoMoUK's Driving London Forward report,

Participants recognised that not all journeys by private cars can be replaced by shared transport alternatives. However, Dr Ashok Sinha stressed the importance of TfL having a firm understanding of the number of non-active travel journeys (20 per cent as per the Mayor's Transport Strategy) that need to be done via shared vehicles by 2041 as well as a strategic approach to delivering targeting interventions (in collaboration with boroughs and Car Club operators) - particularly in outer London.

It was also understood that discussions and communication on shared mobility need to be viewed as a whole (Car Clubs, e-scooters, and e-bikes) in order to overcome potential barriers to Londoners' transition from private car ownership to increased use of shared transport.

Participants highlighted other measures, including the potential for TfL to create a 12-month action plan for Car Clubs prior to ULEZ expansion implementation - this should include communications and engagement with the public and means of incentivising resident use (including having communications on borough websites).

TfL highlighted the general lack of granular data (perhaps at the LSOA or Ward level), and stressed that how this data is important to developing schemes like mobility credits.

## **Next steps:**

Agreed next steps were:

- The presentations would be shared (along with links and contact details to allow for conversations to continue);
- Boroughs should reflect on their targets (if they have them) and consider whether they are ambitious enough;
- A 2<sup>nd</sup> meeting will be arranged to discuss the issues raised in more detail and with a greater focus on outcomes.[Note: this officer meeting took place on 28 September].



## 3Ci Briefing – Autumn 2022

### ***Cities Commission for Climate investment (3Ci)***

3Ci - Cities Commission for Climate Investment - is a partnership founded by Connected Places Catapult, Core Cities UK, and London Councils. Together, this is a coalition of 12 of the UK's largest cities working together with the wider local government sector and the M10 mayoral group to develop innovative approaches to securing private investment into place-based Net Zero delivery.

It is actively supported by the Department for Business, Energy and Industrial Strategy (BEIS), Local Government Association (LGA), Scottish Cities Alliance (SCA), the UK Infrastructure Bank (UKIB), and an increasing number of major businesses across finance, investment, built environment, and engineering sectors.

### ***Our Aim***

3Ci is working to create a market for Net Zero finance enabling local authorities secure the necessary investment to enable them to achieve their Net Zero ambitions and targets. We do this by convening financial institutions, industry, national government as well as local government leaders themselves. Our work plays a critical role in delivering the UK's ambitious net zero commitment, city by city and neighbourhood by neighbourhood.

### ***Purpose of this Briefing***

This briefing provides an update on the Commission's work and its place in the market for convening local authorities, national government, industry, and financial institutions.

### ***3Ci Governance***

The work of the Commission is overseen by an Advisory Board, which is currently chaired by Greg Clark CBE, the chair of the Connected Places Catapult. Other members of the Board include Mayor Sadiq Khan (Mayor of London), Cllr Susan Aitken (Leader of Glasgow CC), Mayor Marvin Rees (Mayor of Bristol), Mayor Philip Glanville (Mayor of Hackney), Cllr Keith Bottomley (City of London Corporation), Lucy Lu (Centre for Net Zero), Cllr Kevin Bentley (People and Places Board, LGA) and Cllr John Merry (City Regions Board, LGA).

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### ***3Ci Activity***

In 2021 the Commission created a model for delivering a multi-intervention, place-based route to decarbonisation<sup>1</sup>, which can deliver an economic outcome that will attract both financial & return driven capital as well as capital with socio-economic outcomes as its core focus. We found that by aggregating the low carbon investment plans of the UK's largest cities - worth an estimated £206 billion - it is possible to create a more attractive and substantial proposition for investors.

A place-based, multi-intervention, blended finance model occurs when some of the dividends from most financially attractive assets, such as renewable energy generation schemes, are used to help fund some of the more challenging interventions like waste management decarbonisation or green infrastructure. Local authorities are key conveners and have a critical curating role to play in bringing together green investment opportunities to create a bankable package of schemes.

Following a successful bid to secure £1.5 million from the Department for Business, Energy and Industrial Strategy (BEIS) to deliver the business case for a place-based approach to achieving Net Zero, we are now finalising the Outline Business Case (OBC), which we aim to present at the upcoming [National Net Zero Financing Summit](#) on 25 October 2022 at the Guildhall, City of London.

Our early findings from this work would suggest the following;

- Achievement of Net Zero targets and ambitions with a core focus on domestic retrofit but also across non-domestic retrofit, transport and green infrastructure assets
- A strong benefit-cost ratio, whereby the costs of implementation are outweighed by the monetised value by a factor of 2.5
- Significant benefits in jobs and growth through local supply chain activity in terms of manufacturing, installation, and maintenance
- Increases in productivity through improved health outcomes and educational attainment through more affordable warmer and healthier homes

### **Other Key Work Streams**

Alongside the development of the business case outlined above, we have developed activities around five practical domains for partnership between Urban Investors and City Leaders:

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<sup>1</sup> Full report can be found here: [City Investment Analysis report](#)





1. **National Net Zero Project Pipeline** - Development of a national register of local and regionally led bankable projects, articulated to a common and combinable format, to deliver net zero outcomes
2. **Regional Investor Events** - Series of events aimed at convening cities and local governments with investors to showcase opportunities, building mutual understanding and confidence
3. **Local Integrated Investment Pilots** - A programme of geographically diverse pilots which test and demonstrate the delivery of integrated local investment model that aggregates different domains and sectors to optimise co-benefits and facilitate cross-investment
4. **Dissemination of Local and Regional Innovations** - Development of a national platform to share innovations rapidly in an easily accessible and standardised format
5. **National Technical Assistance Programme** - Creation of a development fund that invests in the necessary capacity and skills to bring projects forward for investment

### ***Further Work***

To achieve our aims, we are seeking support and resources to progress the following areas:

- Further work on the business case, specifically running our place-based Net Zero Neighbourhood model through potential schemes which have been drawn up by local authorities to test the viability of the model
- Establishment of a number of Net Zero Neighbourhood demonstrators over a 3-5 year period funded through a mix of public private finance
- Technical support for the development of the National Net Zero Project Pipeline, including deep dives into a number of proposed schemes to move them forward for investment
- Long term approach to financing through the creation of a National Technical Assistance Facility, which is driven by projects within the National Net Zero Project Pipeline
- Expansion of our Regional Investor Forums where we convene projects and investors in different cities and regions across the UK
- Development of our Innovation Accelerator portfolio of reports bringing together the best in class around some of the core challenges and priorities that exist within the Net Zero finance ecosystem

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# London Councils' Transport & Environment Committee

## Climate Policy Review Update

Item  
No: 08

<b>Report by:</b>	Zak Bond	<b>Job title:</b>	Principal Policy Officer – Climate Change
	Caroline George		Principal Policy and Projects Manager - LEDNet
<b>Date:</b>	14 October 2022		
<b>Contact Officers:</b>	Zak Bond and Caroline George		
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Officers have undertaken work to ensure our current policy asks on climate change are up to date. This has highlighted strong agreement with our current policy positions and suggested some new areas where further thinking may be required.

### Summary:

There are some immediate areas of advocacy work, including the Chris Skidmore review of net zero, on which it would be good to have member comments.

### Recommendations:

Members are asked to:

- Note progress on ensuring London Councils' policy positions on net zero and climate change adaptation are up to date, relevant and effectively prioritised
- Agree key priorities to feed into the new net zero review as outlined in paragraphs 13-17
- Comment on emerging areas of policy / potential new asks
- Comment on upcoming advocacy work and further opportunities for us to influence



## **Background**

1. Recent months have seen a large amount of regional and national government activity in climate and environment policy, including the government's Net Zero Strategy, the publication of the Heat and Building Strategy and the Transport Decarbonisation Plan, as well as secondary legislation from the Environment Act on environmental targets, waste systems and biodiversity. Further, the Mayor of London has published his pathway to Net Zero.
2. The UK Government also hosted COP26 in Glasgow in 2021, which shone a light on climate change activity and ambitions in the UK.
3. London Councils has been delivering advocacy activities to influence government policy and strategies, as well as parliamentary reports, to advocate for the best enabling environment possible for boroughs to take forward action on net zero and climate adaptation as well as delivery of environment services.
4. For example, in the build up to COP26 we co-organised, with the Mayor of London and GLA colleagues, the London Climate Summit to showcase the role of London's local and regional government. At COP in Glasgow, we showcased together with Core Cities and Connected Places Catapult, our work on bringing private finance into net zero through our work with 3Ci.
5. London Councils has been active in responding to key government and parliamentary consultations, including the Environmental Audit select committee's inquiry into the path to net zero, the BEIS select committee's inquiry into net zero governance, and consultations on waste reforms and environmental targets. Further, LEDNet has provided responses from the officer perspective to further consultations such as biodiversity net gain implementation.
6. There have been positive developments for local government in this space. Government now acknowledges local government as a key player in reaching net zero and has set up the cross-departmental Local Net Zero Forum to improve collaboration and engagement, which includes representatives from London Councils/LEDNet. Further, civil servants and some ministers have acknowledged the issues with fragmented funding, particularly via the levelling up agenda which seeks to deliver more joined-up, strategic place-based funding.
7. Current changes in national politics create further flux and opportunities to restate our key policy asks – both generally in engagement with new ministers, and specifically in the context of the Chris Skidmore Review of Net Zero.

## **Policy positions review**

8. After this busy period which saw changes in a number of policy areas key to net zero and climate adaptation, officers took the opportunity to take stock and review our policy positions on these issues, to ensure that we are responding to the latest policy developments and calling for things that best help the boroughs achieve key climate and environment goals. In particular, there is an opportunity to draw in learning from work to date on the climate programmes and the levers we will need to successfully deliver their action plans.
9. To begin this process officers undertook a desk-based review of London Councils and LEDNet's existing policy positions on climate change and environment including decisions

from Leaders Committee and TEC, LEDNet published positions, and other positions from signed off statements, positions papers, and consultation responses.

10. A session was held with LEDNet to understand the key priorities for directors in this space and to inform detailed work of officer workshops. Following this, seven deeper dive workshops were held with specialist officers from across London:
  - i. Two workshops on the overarching policy framework: *1. governance and powers* and *2. finance and funding*
  - ii. Five deep-dive workshops on environmental themes: *3. built environment & energy*; *4. transport and air quality*; *5. waste, resources and consumption*; *6. green economy and skills*; and *7. climate resilience and adaptation*.
11. These workshops were attended by around 130 borough and London Councils officers, including specialists in other related policy areas such as finance, skills or built environment, as well as those from environment and climate roles and the climate programmes. They focused on outlining our key climate and environment goals, the barriers to delivering them, and how national or regional policy could change to achieve a more enabling environment for local government action.

## **Review findings**

12. The review had two main findings:
  - i. It helped to focus and reiterate key priority asks we should be lobbying for in the current policy environment, all of which are strongly in line with previously signed-off positions. The engagement with officers has helped to articulate more strongly the rationale for these in light of their immediate and current operating context.
  - ii. The review highlighted some areas where additional asks would be beneficial, particularly in light of learning from the climate programmes, and where we need to develop our thinking further to reach a fully agreed position.

## **Key priorities**

13. Based on LEDNet and other officer input, we suggest the following are the key priority asks for our lobbying to focus on in the upcoming period, including for the Chris Skidmore MP Net Zero Review. These are in line with existing positions, but the review has prioritised them and given more nuance taking account of the current policy environment.
14. The right governance and powers
  - i. Local government is an essential partner in delivering the transition to net zero, thanks to its unique understanding of local context and strong local relationships. To maximise the boroughs' contribution, national government must put in place a clear framework for regional and local climate delivery and a just transition that creates good jobs, supported by the right powers, resources and incentives.
  - ii. Local authority action will be essential for delivering emissions reductions in a way that is holistic, garners community support, and ensures a just transition. Local authorities can collaborate across their functions and ensure that the action they take to decarbonise their area doesn't have detrimental effects on other areas of policy and that it contributes to tackling issues such as inequality and air pollution.

- iii. Stronger local powers and levers for environmental enforcement, and to raise and retain associated charges.
- iv. Support for a statutory duty on all public bodies to contribute to reaching net zero, supported by the required powers, resources and funding to act.

15. Long-term funding and finance

- i. Central government must increase the funding available to local government for net zero, whilst reducing the complexity of grant programmes and ensuring that long-term commitments are made to any future ones.
- ii. Funding should be based on strategic allocations or needs assessments, rather than multiple, competitive, short-term grant schemes.
- iii. Central government should support long-term, large-scale support and funding for retrofitting public buildings and for decarbonising the transport networks.

16. Planning policies and frameworks

- i. We want to see planning policies and frameworks that work for decarbonisation, green places and future waste management as priorities; and

17. Waste reforms that will support waste reduction upstream and cover the full cost of local authority waste management.

**New possible policy positions**

- 18. As outlined above, the review also highlighted the benefits of some additional asks, which have not previously been included in our policy and advocacy work or have not come up in consultation responses.
- 19. These are not currently considered top priorities for advocacy in the immediate coming period, so officer energy is considered better spent articulating and arguing for our existing positions.
- 20. As a result, they do not require immediate finalisation and sign-off, however, we will be continuing to explore these potential positions in conversation with boroughs, with a view to returning to them later as our conversations with this government evolve and new consultations arise. We would welcome any early input or thoughts to help steer this work.
- 21. **A regulatory body to oversee carbon offsetting markets** to give certainty to boroughs about the role and effectiveness of offsetting, and provide confidence that offset markets genuinely provide environmental benefits and meaningful transition to net zero.
- 22. **Local energy and heat networks** and ask for increased consideration of local authority climate action plans and potentially more borough input in planning these to support decarbonisation. This links to our current policy work on the Review of Energy Markets.
- 23. **Strategic frameworks and clarity around climate adaptation and related pathways.** Example asks could include a national gap analysis and cost analysis of what is required to make local places climate resilient, a joined-up climate change preparedness monitoring framework, strategically targeted local funding based on the Climate Change Risk Assessment, and/or more strongly defined roles and responsibilities for national, regional and local government in this space.
- 24. **Planning policies for climate adaptation and nature recovery**, with more specific asks than we have previously expressed in terms of stronger planning requirements for heatwave proof buildings and green infrastructure. Examples of what this could look like

include requiring green roofs and SUDS on new developments, requiring planning consent to pave gardens or issuing householder grants for nature-based solutions

25. **Transport funding and frameworks to support decarbonisation**, including more holistic charging schemes (as currently being considered by the Mayor of London) to replace vehicle excise duty and fuel duty as they will begin to raise less revenue due to the rise of electric vehicles or new streams for borough funding
26. **Regulatory & fiscal action to reduce waste & decarbonise consumption upstream** to reduce waste management burdens on local authority and support greener local places and economies. Examples of what this could look like include stronger action to decarbonise/reduce food waste, sustainability labelling of products, or incentivising/supporting more circular business models and practices.

### **Upcoming advocacy work and next steps**

27. The BEIS Secretary of State has commissioned an independent review of the government's approach to delivering its net zero target, which is being led by Chris Skidmore MP. The TEC Chair and Vice-chairs have written to Chris Skidmore MP to welcome the review, encourage engagement with London local government, and request a meeting to outline the key role of the boroughs in delivering on net zero.
28. London Councils officers are also currently drafting a response to the recently published call for evidence as part of this review. The key priorities that emerged from the policy workshops, which were in line with our previous key priorities, will form the basis of this response with the agreement of members today.
29. Alongside his review Chris Skidmore MP is also working with the APPG for the Environment on a tour of the UK, looking at key decarbonisation projects. London Councils officers are working with the APPG secretariat to suggest borough projects to visit in London, on a cross-party basis, in the new year.
30. We also anticipate a number of further rounds of consultation on currently emerging legislation (e.g. the Environment Act secondary legislation) as the new government sets out its detailed policy directions, as well as opportunities to engage with the Local Net Zero Forum.

### **Recommendations**

31. Members are asked to:
  - Note progress on ensuring London Councils' policy positions on net zero and climate change adaptation are up to date, relevant and effectively prioritised
  - Agree key priorities to feed into the new net zero review as outlined in paragraphs 13-17
  - Comment on emerging areas of policy / potential new asks
  - Comment on upcoming advocacy work and further opportunities for us to influence

### **Financial Implications**

32. None

### **Legal Implications**

33. None

**Equalities Implications**

34. Climate advocacy work will include the role of climate policy in promoting equalities.

# London Councils' Transport and Environment Committee

## Taxicard and Freedom Pass Item No: 09 Update

**Report by:** Andy Rollock      **Job title:** Mobility Services Manager  
**Date:** 14 October 2022  
**Contact Officer:** Andy Rollock  
**Telephone:** 020 7934 9544      **Email:** andy.rollock@londoncouncils.gov.uk

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**Summary:** This report provides members with an update on the Taxicard and Freedom Pass schemes including analysis of current Taxicard performance levels and details of TfL's consideration of a permanent removal of pre-9am travel for the older persons freedom pass scheme.

**Recommendations:** Members are asked to note the content of the report.

### Taxicard Scheme

1. Taxicard is a non-statutory scheme that provides subsidised taxi and private hire vehicle (PHV) journeys to approximately 58,000 London residents with serious mobility impairments, or who are severely sight impaired. Provisions for the management of the scheme are set out in the London Councils Transport and Environment Committee governing agreement.
2. Transport for London (TfL) provides £8 million funding for this scheme, with boroughs putting aside circa £2.25 million. For the past three years the TfL funding has covered the costs of the scheme in its entirety, with boroughs receiving a refund on their budgets at the end of the financial year. It is anticipated that TfL funding will again cover scheme cost for this financial year.
3. Taxicard members are given a monthly/annual trip allocation, which is decided by each borough and as such there is inconsistency in trip allocation across the scheme.

4. London Councils manages the scheme on behalf of the 32 boroughs and City of London, with designated powers as laid out in the LCTEC Agreement. The service is provided by ComCab London (part of the Addison Lee group), who provide black Taxis and private hire vehicles.

### **Scheme Management and Service Improvement**

5. Pre-pandemic an average of 13,500 trips were taken per week, the current weekly average trips is approximately 8,800. Officers are unsure of why demand for the scheme, which had been recovering strongly after the pandemic has dropped this year. There are a number of possible factors including increases in taxi tariffs, which have led to price increases, current cost of living pressures, with customers choosing to spend their money on other things, or a combination of both.
6. London Councils has partnered with TfL on a survey of social needs transport users (Dial-a-Ride and Taxicard) to find out more. The survey will be run in the coming months.
7. The service provision is monitored through the following performance indicators:
  - Advanced Booking (AB): 95% of vehicles arriving within 15 minutes of requested time arrival
  - ASAP Booking: 95% of vehicles to arrivals within 30 minutes of booking
8. Current performance is shown in the table below:

	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>August</b>
AB	95%	94%	94%	91%	95%
ASAP	94%	93%	93%	95%	93%

9. Members should note that a recent system migration (in June 22) has caused some significant issues with data transfer from our system to a new ComCab London/Addison Lee platform. This has meant that some data, namely trip allocation and remaining trips was not transferred accurately, meaning some customers were not able to make bookings, as they were not recognised on the Comcab London booking system, which in turn caused increased contact to both London Council and ComCab London contact centres. This situation also had a negative impact on the number of complaints received.
10. London Councils and ComCab London/Addison Lee have learned some significant lessons from the issue, specifically regarding sharing information about the full scope of projects and better joint planning and execution of such projects going forward.
11. It should also be noted that the drivers who work on the scheme are self-employed and subscribe to the ComCab London circuit, which means drivers can choose as and when they work. This means at time demands on the service outweighs the number of available drivers, which in turn can lead to some service failures.
12. Driver numbers fell during the pandemic with a number of drivers leaving the trade and not returning. In addition to this the cost of living and recent fuel price increases has seen driver numbers fall. A recent news article stated that driver numbers in London are at the lowest since 1986, with the industry struggling to attract new drivers.
13. To adequately service the scheme, we require approximately 1,200 drivers and currently have approximately 900. London Councils, TfL's Transport and Private Hire team (TPH)

and the trade representative are currently reviewing the recruitment process to see whether this could be streamlined, whilst maintaining integrity to attract more drivers to the trade. In addition, ComCab London are engaging with private hire suppliers in order to bolster driver numbers and are also currently engaged in an active recruitment drive, offering a highly competitive and incentivised package to attract drivers to their circuit.

### **Scheme Cost 22-23**

14. London Councils monitors the spend on the scheme. TfL provide £8m (previously £8.5m) funding. London Councils re-distributes TfL funding from boroughs whose trip spend is lower than projected to those boroughs where spend is higher. Borough budgets are only used once the entire TfL funding has been used, which has not been the case for the past two years.

15. The below shows the current financial situation and prediction on spend (Aug 22).

BOROUGH BUDGETS 2022/23	£2,257,083
TfL BUDGET	£8,000,000
COMBINED BUDGETS	£10,257,083
PROJECTED TRIP SPEND	£6,602,721
TFL SPEND	£6,614,310
TFL UNDERSPEND	£1,385,690
BOROUGH UNDERSPEND	£2,257,083
BOROUGH OVERSPEND	£0

### **Freedom Pass**

16. Freedom Pass is a statutory concessionary travel scheme pursuant to section 240 of the Greater London Authority Act 1999. TEC has delegated certain administrative functions to London Councils on behalf of the 32 boroughs and the City of London Corporation. There are two main types of pass, older persons and disabled persons passes. London Councils undertakes end-to-end administration of the older persons scheme, while boroughs retain responsibility for determining eligibility for the disabled persons scheme.

17. Ordinarily, the Freedom Pass gives free travel concessions 24 hours a day to eligible older and disabled residents on Transport for London (TfL) services and after 9.30am on independently operated bus services in Greater London and most National Rail services.

18. Freedom Pass is largely funded by boroughs with some grant support from Government. Under normal circumstances, TfL fund the concession for older people in the weekday morning peak on TfL services (between 04:30 and 09:00).

19. However, TfL has currently suspended free travel for older persons freedom pass holders during the morning peak. This was introduced during the pandemic to assist and support social distancing measures on the transport network. Normally, this would account for around 5% of the cost of the concession overall.

20. However, due to TfL's current financial situation they have signalled that they intend to make this a permanent arrangement and not re-introduce this element of the scheme for older persons passholders. It should be noted that this change will continue to have no impact on those with a disabled persons freedom pass as they will continue to benefit from 24-hour travel. The time restriction will not apply to weekends and bank holidays, so older



persons passholders will be able to benefit from free travel during these periods. London Councils are still waiting for a final Mayoral decision, which TfL has indicated is likely to be in November or December 2023 regarding implementation.

21. However, authorities are asked to note this as it could have an impact on the way in which boroughs manage the disabled persons scheme. Traditionally, London authorities have moved disabled persons pass holders onto the older persons scheme when they reached the eligibility age (currently 66). This approach made sense when the benefits of the two schemes were aligned, as it caused no detriment to the pass holder and meant that boroughs no-longer had to reassess people in the run-up to their passes expiring.
22. However, a change in TfL policy would obviously change this position and a number of people who are currently older persons pass holders may qualify for the disabled persons scheme. They may also request that their eligibility be reassessed in order to benefit from travel during the morning peak.
23. It is important to note that London authorities have an on-going obligation to meet the statutory elements of the scheme including correct application of eligibility criteria. London Councils will be updating Freedom Pass renewals guidance for boroughs to suggest that they may wish to review the approach outlined in paragraph 21 (above). However, it should be noted that it is for each London authority to determine:
  - whether they wish to change policy (noting the on-going obligation to meet the statutory elements of the scheme including correct application of eligibility criteria)
  - what mitigations they can put in place against adverse impacts on people with a protected characteristic under the Equality Act 2010, and
  - consider any resourcing implications of mitigating measures e.g., increased number of requests from older persons pass holders that are still eligible for the disabled persons requesting to be switched back to that scheme.
24. London Councils has highlighted to TfL that their policy decision may result in a differential impact upon the affected groups. Authorities may also wish to consider how they mitigate any adverse impacts on affected groups.

### **Financial Implications**

The Director of Corporate Resources is aware of the Taxicard forecast outturn position for 2022-23 and is satisfied with the measures in place to monitor to the financial situation is sufficient to highlight and capture any issues at an early stage and take appropriate action to mitigate against these.

### **Legal Implications for London Councils**

These are dealt with in the body of the report

### **Equalities Implications for London Councils**

See paragraphs 20-23

### **Recommendations**

Note the content of the report

### **Background Papers**

# London Councils' Transport & Environment Committee

## Fixed Penalty Levels for LB Tower Hamlets Byelaws Item no: 10

**Report by:** Andrew Luck      **Job title:** Transport Manager  
**Date:** 14 October 2022  
**Contact Officer:** Andrew Luck  
**Telephone:** 020 7934 9646      **Email:** Andrew.luck@londoncouncils.gov.uk

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### Summary:

LB Tower Hamlets has approached London Councils and requested that TEC set Fixed Penalty Notice (FPN) levels for LB Tower Hamlets byelaws relating to parks and open spaces, so that the local authority 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 bylaws. 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 LB Tower Hamlets 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. In 2013, the London Borough of Tower Hamlets adopted new byelaws for its parks and open spaces. In common with many other local authorities, it adopted 'Model Byelaws Set 2' suggested by the then Ministry of Housing, Communities and Local Government (MHCLG), now the Department for Levelling Up, Housing and Communities (DLUHC).<sup>1</sup>
2. London Councils has been approached by LB Tower Hamlets to apply to set Fixed Penalty Levels for breach of these byelaws at £80, reduced to £50 for payment within 14 days.
3. A full list of parks and open spaces that are covered by LB Tower Hamlets 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 behaviour; 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**

4. Following the initial request, London Councils officers have identified several other boroughs and statutory authorities that would appear to have adopted the MHCLG (now DLUHC) 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.
5. 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, Waltham Forest, and Wandsworth.

### **Fixed penalties under London Local Authority (LLA) legislation**

6. 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.

### **Proposed levels of fixed penalty notices for breaching parks byelaws**

7. 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.

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<sup>1</sup> 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/model-byelaw-2-guidance-notes>

8. 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.
9. It is proposed that the level of penalty for breaching LB Tower Hamlets 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 Tower Hamlets supports this level.
10. 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.
11. A table of similar offences relating to those contained in the MHCLG (now DLUHC) model byelaws that TEC has approved penalties for is given below.

<b>Short name of offence</b>	<b>Legislation</b>	<b>Fixed penalty notice amount and timescales to pay</b>	<b>Early payment amount and timescales</b>	<b>Date TEC set penalties</b>
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	£80, 28 days to pay	£50, if paid 14 days	12 November 2017
A range of offences	Wandsworth Parks and Open Space Byelaw	£80, 28 days to pay	£50, if paid 14 days	21 March 2019
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	Anti-social behaviour, crime and policing Act 2014 S.68(1)	Penalties set by boroughs not TEC. Must	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
Orders now Public Space Protection Orders)		not exceed £100.		
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

12. Consistent with past practice, it is proposed that London Councils consults before setting any penalty levels.
13. 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 November and December 2022. Whilst the consultation will be web-based, signage in the relevant parks in LB Tower Hamlets will be erected identifying the consultation and encouraging respondents to submit their views. London Councils officers will work with officers in LB Tower Hamlets to arrange this, and any associated costs will be borne by LB Tower Hamlets.
14. 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 23 March 2023 for a decision on adopting the penalty levels. If a level is agreed this must then be notified to the Secretary of State.

15. If the penalty level is agreed by TEC (and not objected to by the Secretary of State), it becomes available to LB Tower Hamlets with respect to LB Tower Hamlets 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 LB Tower Hamlets 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 Tower Hamlets has produced an Equalities Impact Assessment, which is provided as Appendix B.

### **Appendices**

Appendix A: LB Tower Hamlets Byelaws for Pleasure Grounds, Public Walks and Open Spaces.

Appendix B: LB Tower Hamlets Equalities Impact Assessment.

## Appendix A

### MODEL BYELAWS – SET 2

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## **THE LONDON BOROUGH OF TOWER HAMLETS 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

## 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
- 25. Cricket
- 26. Archery
- 27. Field sports
- 28. Golf - Prohibited

## PART [5]

### WATERWAYS

- 29. Interpretation of Part [5]
- 30. Bathing
- 31. Ice skating
- 32. Model boats
- 33. Boats
- 34. Fishing
- 35. Blocking of watercourses

## PART [6]

### MODEL AIRCRAFT

36. Interpretation of Part [6]

37. Model aircraft - General prohibition

## PART [7]

### OTHER REGULATED ACTIVITIES

38. Provision of services

39. Excessive noise

40. Public shows, performances, political rallies and religious meetings

41. Aircraft, hang-gliders and hot air balloons

42. Kites

43. Metal detectors

44. Fundraising, and soliciting or gathering money

## PART [8]

### MISCELLANEOUS

45. Obstruction

46. Savings

47. Removal of offenders

48. Penalty

49. Revocation - General

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 15 of the Open Spaces Act 1906 and sections 12 and 15 of the Open Spaces Act 1906 by the London Borough of Tower Hamlets with respect to pleasure grounds, public walks and open spaces.

## **PART 1**

### **GENERAL**

#### **General Interpretation**

1. In these byelaws:

“the Council” means the London Borough of Tower Hamlets;

“the ground” means any of the grounds listed in the Schedule /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.
  - (a) Feeding of wild life (e.g. pigeons, squirrels, rats) is prohibited unless with the expressed permission of the local authority, at which permission is given for feeding of ducks.

## **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 10(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:
  - (a) the lighting of a fire at any event for which the Council has given permission that fires may be lit.
  - (b) The lighting or use, in such a manner as to safeguard against damage, danger to any person, of a properly constructed camping stove, in a designated area for camping, or of a properly constructed barbecue, in a designated area for barbecues

## **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 on or in a carriage drawn by 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, nor in such a way which may endanger the public.

#### **Motor vehicles**

17. (1) 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 or a designated route for that class of vehicle.
- (2) Where there is a designated route for motor cycles, motor vehicles or trailers, it shall not be an offence under this byelaw to bring into or drive in the ground a vehicle of that class for the sole purpose of transporting it to the route.

#### **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 10 p.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;

“golf course” means any area within the ground set aside for the purposes of playing golf and includes any golf driving range, golf practice area or putting course;

“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 or on land set aside by the Council for that purpose.

#### **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 except in a designated area for model boats.

### **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 except in a designated area for fishing and with prior consent of the Council and in accordance with the rules governing such consent.

### **Blocking of watercourses**

35. 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**

36. 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.

“radio control” means control by a radio signal from a wireless transmitter or similar device.

## **General prohibition**

37. 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**

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

(1) Filming, video-recording, taking of photographs  
No professionals (including students) are allowed to undertake filming, video-recording, taking of photographs without the consent of the Council.

#### **Excessive noise**

39. (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 39 does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

#### **Public shows, performances, political rallies and religious meetings**

40. No person shall without the consent of the Council hold or take part in any public show, performance, political rallies or religious meetings.

#### **Aircraft, hang gliders and hot air balloons**

41. 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**

42. 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**

43. (1) 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.

### **Fundraising, and soliciting or gathering money**

44. No person shall without the consent of the Council solicit or gather money for any cause whether or not such cause is charitable.

## **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 the London Borough of Tower Hamlets on *insert date* and confirmed by the Secretary of State for the Home Office *insert date of confirmation* relating to the ground are hereby revoked.

# SCHEDULES

*This list is currently being verified against the Council's property records*

## SCHEDULE 1

### GROUND TO WHICH BYELAWS APPLY

The grounds referred to in byelaw 2 are:

Abbott Road Gardens	Glamis Adventure Playground
Ackroyd Drive Open Space	Globe Road Open Space
Albert Gardens	Gosling Gardens
All Saints Church Yard	Great Eastern Slipway
Allen Gardens	Grove Hall Park
Allen Gardens Play Area	Hellings Street
Altab Ali Park	Ion Square Gardens
Alton Street Open Space	Island Gardens
Approach Road/Old Ford Road O. S.	Jesus Green
Arbour Square Gardens	Johnson's Drawdock
Archibald Open Space	Jolly's Green
Bartlett Park	King Edward Memorial Park
Baxendale Street Gardens	Kings Wharf
Beaumont Square Gardens	Langdon Park
Belgrave Open Space	Lenanton Steps
Bethnal Green Gardens	Leven Road Open Space
Bonner Hall Gate	Mallon Gardens
Boundary Gardens	Marsh Wall/East Ferry Road
Bow Churchyard	Mast House Terrace Playarea
Braithwaite	Meath Gardens
Bromley Recreation Ground	Mellish Street
Burdett Road Bus Terminus	Mercers Burial Ground
Canrobert Street Open Space	Middleton Green
Cantrell Road Open Space	Mile End Park
Carlton Square	Millwall Park
Carlton Square Gardens	Mudchute Farm
Cavell Street Gardens	Museum Gardens
Christchurch Gardens	Paradise Gardens
Cotton Street/Bazely Street	Pennyfields Open Space
Devons Road Ambulance Station - Grass Verge	Pollard Square
Dockers Tanner Road	Poplar High Street/Preston's Road
Fern Street Open Space	Poplar Parkway
Ford Square	Poplar Recreation Ground

Furze Green Open Space	Prospect Park
Raines Mansions	Stonebridge Wharf
Ravenscroft Park	Stoneyard Lane Open Space
Rectory Gardens	Swedenborg Gardens
Rope Walk Gardens	The Oval
Ropemakers Fields	Three Colt Street/Mitre Site
Rounton Road Open Space	Tower Hamlets Cemetery
Royal Mint Square	Trafalgar Gardens
Schoolhouse Kickabout Area	Tredegar Square
Selwyn Green	Trinity Gardens
Shacklewell Street 10'Clock Club	Trinity Square Gardens
Shacklewell Street Ball Games Area	Twelve Trees Crescent
Shandy Park	Vallance Road Gardens
Sidney Square Gardens	Vaughan Way Open Space
Sir John McDougal Gardens	Victoria Park
Spitalfields Farm	Virginia Gardens
St Annes Churchyard	Wapping Gardens
St Bartholomews Gardens	Wapping Green
St Dunstan's Churchyard	Wapping Rose Gardens
St George's in the East	Wapping Woods
St James Gardens	Warner Green Open Space
St Johns Churchyard	Waterside Gardens
St Johns Park	Weavers Fields
St Matthews Church Garden	West India Dock Road
St Matthias Church	White Horse Lane Open Space
Stepney Clock Tower	Whitehorse Road Park
Stepney Green Gardens	Wyvis Street Open Space
Stepney Green Park	York Square Gardens

## SCHEDULE 2

### GROUND'S REFERRED TO IN CERTAIN BYELAWS

#### OPENING TIMES (BYELAW 3(1))

The grounds referred to in byelaw 3(1) are:

Albert Gardens
Arbour Square Gardens
Bethnal Green Gardens
Carlton Square

Grove Hall Park
King Edward Memorial Park
Museum Gardens
Paradise Gardens
Poplar Recreation Ground
Tower Hamlets Cemetery
Tredegar Square
Trinity Square Gardens
Victoria Park
Wapping Gardens
Wapping Rose Gardens
York Square Gardens

Opening times are dawn until dusk.

### 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.

## Equality Impact Analysis (EIA) – impact on residents, service users and wider community

<b>Name of proposal</b>
For the purpose of this document, 'proposal' refers to a policy, function, strategy or project
The adoption of issuing Fixed Penalty Notices in relation to breaches of the Council's byelaws.
<b>Service area and Directorate responsible</b>
Safer Neighbourhoods Operations – Community Safety – Health Adults and Community
<b>Name of completing officer</b>
Barry Scales
<b>Approved by (Corporate Director / Divisional Director/ Head of Service)</b>
Ann Corbett
<b>Date of approval</b>
05/11/2021


**Where a proposal is being taken to a committee, please append the completed EIA(s) to the cover report.**

### Conclusion – To be completed at the end of the Equality Impact Analysis process

This summary will provide an update on the findings of the EIA and what the outcome is. *For example, based on the findings of the EIA, the proposal was rejected as the negative impact on a particular group was disproportionate and the appropriate actions cannot be undertaken to mitigate risk. Or, based on the EIA, the proposal was amended, and alternative steps taken.*



*The focus of this is to analyse the impacts of the proposal on residents, service users and the wider community that are likely to be affected by the proposal. If the proposed change also has an impact on staff, the committee covering report should provide an overview of the likely equality impact for staff, residents and service users and the range of mitigating measures proposed.*

Conclusion	Current decision rating (see Appendix A)
<p>The supervision, performance monitoring and reporting regime to assure proportionality already in place in the service regarding the issuing of Fixed Penalty Notices by Tower Hamlets Enforcement Officers (THEOs), will enable identification of any emerging needs to mitigate impacts should they arise.</p> <p>The overall needs in this borough to tackle the high levels of ASB must be a priority for the council and its partners because it negatively impacts upon the members of all communities. There is a definition of ASB which defines it as behaviour or conduct which is, or is likely to cause harassment, alarm or distress to any person or nuisance or annoyance in relation to a person's occupancy of their home. That means all communities and individuals with and without protected characteristics can be impacted and also a range of members of all communities can be responsible for ASB and it is the role of the enforcement services to support all communities. The available data supports this and the variations that are apparent with the numbers of those from the White categories for example, although still fitting the overall distribution, is accounted for because of the types of behaviour encountered and detailed later in the assessment.</p> <p>The THEO service adopts a general approach to enforcement which is entirely in line with this and also with the Council's Enforcement Policy covering all the service's activities. This is to act proportionately and only take enforcement action where this is necessary and only after an initial engagement and support if necessary. This proposal to create the option for THEOs to issue Fixed Penalty Notices (FPNs) for breaches of byelaws whilst retaining the option to prosecute, will be treated within this same approach.</p>	

**The Equality Act 2010 places a ‘General Duty’ on all public bodies to have ‘due regard’ to the need to:**

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between those with ‘protected characteristics’ and those without them
- Foster good relations between those with ‘protected characteristics’ and those without them

This Equality Impact Analysis provides evidence for meeting the Council’s commitment to equality and the responsibilities outlined above. For more information about the Council’s commitment to equality, please visit the Council’s [website](#).

## Section 2: General information about the proposal

Describe the proposal including the relevance of proposal to the general equality duties and protected characteristics under the Equality Act 2010

Antisocial Behaviour (ASB) in the London Borough of Tower Hamlets has been and remains an extremely high priority and concern for all of our residents. It also remains a Corporate and Mayoral priority. In 2017 the Council published an ambitious ASB Blueprint for action and committed utilising all of its powers to tackle the issues that impact on the quality of life for all residents and ensuring that victims are at the heart of our actions. The recently published Community Safety Partnership Plan prioritises tackling Neighbourhood Crime and ASB.

Currently, the only means to deal with breaches of byelaws in Tower Hamlets is by way of prosecution. This restricts both the timeliness and effectiveness of our overall response to incidents of ASB. Tower Hamlets Enforcement Officers (THEOs) already have existing powers and a number of these, if offences are taking place, can be dealt with by issuing a fixed penalty notice (FPN). There is however a further range of activities and behaviours often causing ASB, covered in the Council’s byelaws. They cover a broad sweep of prohibited activity in places such as parks but also in other open spaces, all places which the whole community should be able to enjoy and not be blighted by ASB.

The types of behaviour or conduct where the byelaws can be applied and where THEOs could consider dealing with by way of FPN, are encountered in parks and other open spaces where a range of people can be present. These can represent both those committing the offences and those who are adversely affected by them and neither are confined to groups possessing any particular protected characteristics.

This proposal is intended to address a means to improve service delivery to a priority issue that our residents consistently tell us is of greatest concern to them. They

require the council and other services to tackle ASB in their neighbourhoods more effectively and provide visibility. Having the option to issue an FPN at the time to a person committing offences, often with residents witnessing the action, gives our service more opportunity to achieve this. We still retain the option to prosecute a person, for example in an extreme case or a repeat offender, but we see the benefits of issuing notices there and then in most cases to be of greatest benefit. The issue of how we ensure we do this proportionately and do not negatively impact some groups rather than others by doing this is explored below.

### Section 3: Evidence (consideration of data and information)

What evidence do we have which may help us think about the impacts or likely impacts on residents, service users and wider community?

ASB does not just affect some members of our community but it impacts residents and visitors from all communities and if not tackled, has a detrimental impact on the quality of all their lives. As an enforcement service, we clearly have a duty to improve the lives of all our residents but ensuring this is done in a proportionate way. The information from our reporting systems at the council only record demographic information if users reporting ASB choose to provide it and the take up is low and of course ASB is reported to a number of other agencies, not least of which is the police. Again demographic data is not available to us on the breakdown of who reports ASB to the police. Information is more available in regard to those who commit ASB in our borough and is explored later in this assessment.

It is acknowledged by the Safer Neighbourhood Operations Service that enforcement alone is not the solution to long term reductions to the very high numbers of incidents, but it is nevertheless a key tool for providing respite for our communities. We work with a number of key partners to deliver our services which includes joint working with a range of support services such as drugs and alcohol services, young people's services and housing support. The role of effective partnerships across council/police/social housing providers is also clearly a factor in ensuring that enforcement is applied proportionately and this is a priority for the Community Safety Partnership at LBTH. This statutory partnership body has recently established a specific board reporting to it, focussing solely on the delivery of services to tackle neighbourhood ASB and crime and that focus includes the balance of engagement, support and diversion before enforcement.

### Reports of ASB

The evidence is that regarding the impact of ASB, LBTH still has a very high level of reported ASB in London. Reports made to the Police regarding ASB incidents within Tower Hamlets have also increased year on year for the past 2 years. The table below shows that there was an increase of 4.4% in FY 2018-2019 and another increase of 14.5% in FY 2019-2020 with additional pressure from the COVID-19 situation. At the time of this report, for 2021 to date, calls to the 101 number for support from the police have fallen although the reason for this is not yet clear and overall, reports to the council and police are still higher than most other boroughs, LBTH is regularly highest or second highest in London.

	17-18	18-19	19-20
<b>April</b>	1379	1369	1327
<b>May</b>	1227	1310	1487
<b>June</b>	1159	1345	1688
<b>July</b>	1493	1477	2005
<b>August</b>	1492	1354	1891
<b>September</b>	1153	1168	1483
<b>October</b>	1286	1245	1407
<b>November</b>	1179	1280	1253
<b>December</b>	903	1029	1052
<b>January</b>	1195	1160	1106
<b>February</b>	967	1105	1095
<b>March</b>	1029	1254	1492
<b>Total</b>	14462	15096	17286
<b>VS previous FY</b>	Down 21%	Up 4.4%	Up 14.5%

### Population

The borough has a very diverse population.

Age – 0 to 19 years accounts for 25% around the average for London

20 to 39 years accounts for 46% which is higher than the London average 65 and over only 6% compared to 12% in London

Gender – Male 52% which is a higher ratio to females than the London average

Sexual Orientation – Data from the 2011 census is limited but is being updated by the 2021 census. Experimental estimates published in 2015 for LBTH are that around 4.3% of the population is from the LGBT+ community

Ethnicity – Bangladeshi 32%, White British accounts for 31.2%, White Other 12.4%, Black/Black British is 7.3%.

### Means to assure proportionate use of FPNs in relation to breaches of the byelaws:

The range of ASB that our THEO enforcement service encounters involves perpetrators from across all of our communities and with some variations for types of behaviour, this distribution reflects the basic demographics set out in the previous paragraph but numbers within the groups vary due to the circumstances and behaviours encountered and details are included in the statistics section below. For example, a large number of those engaged in ASB behaviours related to their drugs or other substance misuse are from the street population with a variety of complex needs and vulnerabilities. They are mainly older, from the white British or white other categories and male with only 20% female. There remains our longstanding approach, shared with our support service partners, of engagement, support and with enforcement as a last resort. This is the tailored approach to this group and incidents of ASB that occurs. If enforcement does have to be the result, routes to it are taken that ensure that conditions such as positive requirements to engage in support activities which are provided by powers such as civil injunctions are most appropriate and not the issuing of a fixed penalty notice to this cohort.

Another example is the enforcement of the recently introduced Public Spaces Protection Order (PSPO) for the misuse of Nitrous Oxide (NOx). There is a declared commitment to engagement, particularly with young people but also with adults, regardless of ethnic background, signposting to support services suitable for each before considering enforcement. Again this is a monitored intervention, to ensure that the proportionate approach is effective but also of course properly balanced against our overall obligation to deal with the ASB that results from these activities for the benefit of the whole community. The support offered before enforcement, takes into account age and ethnicity with commitment from support agencies to work with us. Fixed penalty notices are not issued by THEOs to persons under 18 years of age for any offence and those individuals are managed by more diversion and support interventions unless behaviour is such that it requires the intervention of police using other powers.

With all this in mind, supervised, monitored and proportionate means of dealing with particular groups according to the circumstances of each incident and the behaviour encountered has been and remains our adopted approach. Additionally the activities of our enforcement service is informed and tasked through intelligence and identification of hot spots and not simply random patrolling in our parks and open spaces and elsewhere and so any interventions have evidenced proportionality.

**Statistics regarding those committing ASB at LBTH** – ASB is dealt with by a large number of agencies and the data available across the piece relating to the ethnicity of those committing ASB is far from definitive or complete. However, this proposal is about the activities of our Enforcement service specifically and some useful data is available showing the ethnicity and ages of those they encounter and/or to whom they issue fixed penalty notices using their existing powers.

Data derived from the issuing of ASB Incident Reports by THEOs regarding the ethnicity and age of those they encountered and who were engaged in ASB shows the following and informs our proportionate enforcement approach.

In the years 2019/2020 and 2020/21 combined, there were 2985 ASB Incident Reports recorded.

Of the 860 reports for females, 102 were without details of ethnicity for reasons of preference or it was not recorded. Of the 758 remaining records, 640 (84.43%), were White British or White Other. The remainder shows that 33 (4.35%) were Mixed/Dual Heritage – White and Black Caribbean, 25 (3.3%) were Black/Black British – Somali and 19 (2.51%) were Asian – Bangladeshi. There were very low numbers for the remaining recorded ethnicities.

Of the 2125 reports for males, 386 were without details of ethnicity for reasons of preference or was not recorded. Of the 1739 remaining records, 1152 (66.24%) were White British or White Other. The remainder shows that 233 (13.4%) were Asian – Bangladeshi, 87 (7.53%), 62 (5.38%) were Black/Black British African and 30 (2.6%) were Black/Black British Caribbean.

The ages of those encountered for females was mainly within the range 26 to 45 years and for males, 21 to 50. Young people aged 13 to 20 represented just 2.8% for females and 10.24% for males. Traditionally there remains a perception that ASB is associated predominately with the activities of young people. Consistently the perceptions of residents are not confirmed by either the experience of enforcement officers or national statistics. Young people of course are involved in ASB, sometimes serious ASB, but in general as the above figures show, it is older aged people that commit the most. For those byelaws that might be viewed as



putting young people's behaviour disproportionately in focus, for example the climbing byelaw although young people may be climbing trees in parks, this would likely be dealt with by intervening, engaging and possibly a warning and as previously stated it is policy at Tower Hamlets that Fixed Penalty Notices are not issued to persons under 18 for any offence. It is far more likely to be invoked against those who engage in the more dangerous activities that older people engage in, such as climbing and jumping from old cranes and gantries in places like Shadwell Basin in the summer months and additionally the swimming, fishing, interference with safety equipment and noise byelaws will also be used most where the behaviour is committed by older people.

The UK/London trend relating to those from a Black ethnicity background is that they are generally overrepresented in some enforcement activity such as stop and search and arrests. The data above does not indicate that this is the case for the interactions THEOs have in their enforcement activities.

**Conclusion** - It is contended through consideration of the content of this assessment, that the introduction of the option to use FPNs to deal more effectively with breaches of byelaws to tackle ASB will not disproportionately affect any particular group of people within those possessing protected characteristics. However, means to assure this will be our regular monitoring. It is already part of the overall performance monitoring, reported through the established performance management regime of the THEO service, through the service's senior management to the regular corporate performance boards including the Equalities Board.

## Section 4: Assessing the impacts on different groups and service delivery

Groups	Positive	Negative	Neutral	Considering the above information and evidence, describe the impact this proposal will have on the following groups?
<b>Protected</b>				
<b>Age</b> (All age groups)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The approach adopted of engagement, support then enforcement will apply to the enforcement of byelaws as with all the activities of our services. Support is tailored to age with options for all age groups to be supported before enforcement by FPN (not for those under 18 years of age) is considered for breach of byelaws.</p> <p>The positive impact is that overall and in line with our duty to deal with ASB that impacts all communities, is that those in this group will be given more respite from the effects of ASB.</p>
<b>Disability</b> (Physical, learning difficulties, mental)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Monitoring information on this protected characteristic was not available.



## Appendix B



health and medical conditions)				
<b>Sex</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Males are over-represented in local data and therefore most likely to be impacted by this proposal, however the impact is not assessed as being disproportionate.</p> <p>The positive impact is that overall and in line with our duty to deal with ASB that impacts all communities, the introduction of this proposal will enhance our ability to deal with ASB and give those within this group as with all other residents, more respite from what is of major concern.</p>
<b>Gender reassignment</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Monitoring information on this protected characteristic was not available.
<b>Marriage and civil partnership</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Monitoring information on this protected characteristic was not available.
<b>Religion or philosophical belief</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Monitoring information on this protected characteristic was not available.

## Appendix B



<b>Race</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Those of white ethnic backgrounds are over-represented in local data and therefore most likely to be impacted by this proposal, however the impact is not assessed as being disproportionate.</p> <p>The positive impact is that overall and in line with our duty to deal with ASB that impacts all communities, the introduction of this proposal will enhance our ability to deal with ASB and give those within this group as with all other residents, more respite from what is of major concern.</p>
<b>Sexual orientation</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Monitoring information on this protected characteristic was not available.
<b>Pregnancy and maternity</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Monitoring information on this protected characteristic was not available.
<b>Other</b>				
<b>Socio-economic</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Monitoring information on this protected characteristic was not available however,

## Appendix B



				<p>The imposition of an £80 Fixed Penalty Notice could have a negative impact upon those from those with socio-economic challenges and have less impact upon the wealthier. However the proposal to permit the issuing of FPNs for breaches of byelaws does not replace the option to prosecute an offender and permit the conduct to be evaluated by a court and a penalty imposed following this process. If a person does not pay an FPN they will most usually be prosecuted for non-payment and in both cases this can lead to a criminal conviction. Payment of an FPN discharges the person's liability completely.</p>
<b>Parents/Carers</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Monitoring information on this protected characteristic was not available.
People with different <b>Gender Identities</b> e.g. Gender fluid, Non-Binary etc	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Monitoring information on this protected characteristic was not available.
<b>Any other groups</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Monitoring information on this protected characteristic was not available.

## Section 5: Impact analysis and action plan

Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Update on progress
Ensure current monitoring of all the enforcement activities of the THEO service includes the use of FPNs for breaches of selected byelaws	Include in performance monitoring dashboard	Dashboard updated for reporting in the first quarter after the proposal becomes live	Keith Stanger Head of Safer Neighbourhood Operations	




## Section 6: Monitoring

What monitoring processes have been put in place to check the delivery of the above action plan and impact on equality groups?

The activities of the THEO service in relation to the use of FPNs for breach of byelaws will be monitored as part of current performance management processes.. Regular oversight will be maintained of the use of FPNs for byelaws in relation assuring proportionate use involving groups with protected characteristics.

## Appendix A

### EIA decision rating

Decision	Action	Risk
As a result of performing the EIA, it is evident that a disproportionately negative impact (direct, indirect, unintentional or otherwise) exists to one or more of the nine groups of people who share a Protected Characteristic under the Equality Act and appropriate mitigations cannot be put in place to mitigate against negative impact. It is recommended that this proposal be suspended until further work is undertaken.	<b>Suspend – Further Work Required</b>	Red 
As a result of performing the EIA, it is evident that there is a risk that a disproportionately negative impact (direct, indirect, unintentional or otherwise) exists to one or more of the nine groups of people who share a protected characteristic under the Equality Act 2010. However, there is a genuine determining reason that could legitimise or justify the use of this policy.	<b>Further (specialist) advice should be taken</b>	Red Amber 
As a result of performing the EIA, it is evident that there is a risk that a disproportionately negatively impact (as described above) exists to one or more of the nine groups of people who share a protected characteristic under the Equality Act 2010. However, this risk may be removed or reduced by implementing the actions detailed within the <i>Impact analysis and action plan</i> section of this document.	<b>Proceed pending agreement of mitigating action</b>	Amber 

# London Councils' Transport and Environment Committee

## Traffic Signals Maintenance Budget    Item No: 11 2023/24

**Report by:** Mital Patel                      **Job title:** Transport Officer  
**Date:** 14 October 2022  
**Contact Officer:** Mital Patel  
**Telephone:** 020 7934 9647              **Email:** [mital.patel@londoncouncils.gov.uk](mailto:mital.patel@londoncouncils.gov.uk)

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**Summary:** This report sets out the forecast costs to boroughs for maintaining traffic signals in London for 2023/24 and seeks agreement to the apportionment of those costs to each authority.

**Recommendations:** The Committee is recommended to:

- Agree the forecast budget for maintaining traffic signals in London for 2023/24, is £12,235,440.53 (*as shown in Appendix 1*)
  - Agree that this cost is apportioned between boroughs based on the fourth and final year of the Transition Period against the new formula of 50% assets (controllers) on the borough network and 50% mid-year population figures (*as shown in Appendix 4*)
  - Agree the final total apportioned costs for maintaining traffic signals (after reconciliation) to be £12,650,229.32, (*as shown in Appendix 2*)
- 

### Background

1. Under the terms of the Greater London Authority (GLA) Act 1999, Transport for London (TfL) recharges the London boroughs its reasonable costs for maintaining traffic signals on borough roads.
2. 29% of all traffic signals are on the TLRN (Transport for London Road Network) and 71% are on the boroughs' networks.
3. In December 2018, TEC agreed a revised approach to calculating the costs to be reimbursed to TfL to more accurately reflect actual costs incurred.

4. In October 2019, TEC agreed to a new model for apportioning traffic signal costs to each authority based on the average of costs apportioned by the number of traffic signal controllers and population. To help smooth significant changes in apportioned amounts for some authorities, a four-year transition period from the old model of apportionment to the new was agreed.
5. 2023/24 brings the apportioning of costs to the end of its four-year transition period, and therefore all costs are now fully based on the new model of 50% traffic signal assets (controllers) maintained on the borough network and 50% mid-year Office for National Statistics (ONS) population figures.

### **Traffic Signals Maintenance Forecast Budget 2023/24**

6. The total Traffic Signals calculations are based on actual TfL costs, some of which are directly attributed to sites (where possible), whilst others are apportioned by traffic signal controller numbers.
7. The inflation rate applied to the contract rates for 2023/24 is a CPI figure of 6.20%
8. Appendix 1 shows the total forecast budget costs to boroughs for maintaining traffic signals in London for 2023/24, calculated to be £12,235,440.53 representing a 2.4% decrease against the previous year's costs. *(This is an unadjusted total for comparison purposes only and does not include any reconciliations, which is explained later in this report).*
9. Appendix 2 shows the final budget which includes reconciliations against previous years' budgets. These are explained below.

### **Reconciliations against the Traffic Signals Maintenance Budget**

10. London Councils was made aware late last year, that the forecast budget for 2021/22 of £11,264,122.44 (see *Appendix 3a* - reported and approved by TEC in December 2020), was incorrectly calculated by TfL due to an administrative error. TfL's actual forecast budget for 2021/22 should have been £11,829,170.29 (as shown in *Appendix 3b*). This would go some way in explaining why the boroughs saw an 11.3% increase in 2022/23 against the 2021/22 budget.
11. TfL has since provided the actual outturn for maintaining the signals in 2021/22, which totals £11,678,911.23 (see *Appendix 3c*).
12. To reconcile the actual outturn for 2021/22, London Councils has had to re-run all calculations applying a combination of 50% old model and 50% new model formulas, as at that time we were in the second year of the transition period (as shown in *Appendix 4*).
13. Appendix 4 illustrates the calculation in Tab "*Original Budget 2021/22*" the apportionment presented to TEC in December 2020 and Tab "*Corrected Budget 2021/22*" shows the recalculation of what would have been presented to TEC in that year if the administrative error by TfL had not occurred.
14. London Councils has made good the error with the corrected forecast budget (£11,829,170.29) and then applied the actual outturn (£11,678,911.23) against the boroughs' final apportionment contributions which equalled to £10,899,655.93 in 2021/22, after a reconciliation of the actual outturn for 2019/20 and the correction of Controller Site errors made by TfL in 2020/21.

15. Following all calculations in relation to the 2023/24 forecast budget of £12,235,440.53 and the reconciliation of the actual outturn for 2021/22, there is a further £414,788.79 that has been apportioned between the boroughs.
16. TfL's Borough Apportionment Forecast for 2023/24 & Asset Register (*Appendix 5*) has been shared with borough officers only. (*It should be noted that all sites on the TLRN have also been included in the asset register for full transparency but do not form part of the borough final costs*).

### Financial Implications for London Councils

17. There are no financial implications for London Councils. This report concerns payments from the boroughs to TfL that are required under the GLA Act 1999 (see below).

### Legal Implications for London Councils

18. Section 275 (3) of the GLA Act 1999 states that in relation to the Transfer of London Traffic Control System to Transport for London: "Any expenses reasonably incurred by or on behalf of Transport for London in the exercise, in relation to roads which are not GLA roads, of the functions transferred by this section may be recovered by Transport for London from the London borough councils and the Common Council in such proportions as may be agreed between Transport for London and those authorities or, in default of agreement, as may be determined by Transport for London."

### Equalities Implications for London Councils

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

### Appendices

Appendix 1:	Traffic Signals Maintenance Forecast Budget Costs for 2023/24
Appendix 2:	Borough by Borough Total and Final Apportioned Costs (including the Traffic Signals Maintenance Forecast Budget 2023/24 and the Reconciliation of the Actual Outturn for Traffic Signals Maintenance for 2021/22)
Appendix 3a:	<b>**Incorrectly**</b> Calculated Traffic Signals Maintenance Forecast Budget Costs for 2021/22
Appendix 3b:	<b>**Corrected**</b> Traffic Signals Maintenance Forecast Budget Costs for 2021/22
Appendix 3c:	Traffic Signals Maintenance ACTUAL OUTTURN Costs for 2021/22
Appendix 4:	Traffic Signals Maintenance Budget Apportionment for 2023-24 & Reconciliation of 2021-22
Appendix 5:	TfL's Borough Apportionment Forecast for 2023-24 & Asset Register ( <i>shared with borough officers only</i> )



## Appendix 1

### Traffic Signals Maintenance Forecast Budget Costs for 2023/24

CPI for March 6.20%

ITEM	TRAFFIC SIGNALS TOTAL COSTS	FORECAST/£
1	<p><b>Lump sum forecast including BT Line costs:</b>  <i>These are the actual contract costs for each piece of equipment at each site. The costs are inflated by CPI for March of the proceeding financial year. This figure will be reconciled to the actual CPI in the following year's calculation and suitable adjustments will be made.</i></p> <p><b>Please see attached spreadsheet (Appendix 3):</b> <i>These are shown in a tab for each of the Boroughs, for transparency - TfL's maintained sites have also been included. (Due to commercial restrictions, a breakdown of the cost of the individual piece of equipment cannot be provided.)</i></p>	<b>£11,985,383.06</b>
2	<p><b>Lump sum Performance Bonus net of Performance Abatements forecast:</b>  <i>Written into the contract are:</i></p> <ul style="list-style-type: none"> <li>• Capped bonuses for good performance</li> <li>• Abatements for poor performance.</li> </ul> <p><i>These figures have been forecast for next year based on actuals from this year. This figure will be reconciled to the actual bonus/abatement made in the following year's calculation and suitable adjustments will be made.</i></p>	<b>£600,000.00</b>
3	<p><b>Energy forecast:</b>  <i>This is based on current equipment with an estimated inflation rate for the following year. (Due to the way TfL are charged for the electricity, they are unable to break this down site by site and therefore apportioned).</i></p>	<b>£4,029,143.04</b>
4	<p><b>Ordered Maintenance costs forecast (net of Recoveries):</b>  <i>All non-lump sum activities are funded from this, including:</i></p> <ul style="list-style-type: none"> <li>• Where Road Traffic Incident (RTI) damage is over the cost of £1k</li> <li>• Third party damage</li> <li>• Switch outs</li> <li>• Graffiti removal</li> <li>• Minor civils works to enable a site to be maintained</li> <li>• Electrical testing</li> </ul> <p><i>This is netted off against the respective recoveries made from insurance claims and switch outs. Due to the nature of the work, this is apportioned.</i></p>	<b>£885,269.02</b>
5	<p><b>Commuted sums:</b>  <i>(Due to how TfL currently account for this, they have been unable to list this by site, therefore have apportioned this figure)</i>  <i>It has been deemed reasonable not to include the following costs:</i></p> <ul style="list-style-type: none"> <li>• Staff costs – no staff time for any of the operations, network performance, or asset management personnel associated with traffic signals are included, c. £7million.</li> <li>• SCOOT loop costs – the costs of replacing SCOOT loops have not been included in the calculation, c. £2.2million.</li> </ul>	<b>-£271,663.29</b>
6	<b>Royal Parks Recoveries</b>	<b>-£38,960.30</b>
	<b>TOTAL:</b>	<b>£17,189,201.53</b>
<b>BOROUGH COSTS</b>		<b>FORECAST/£</b>
Lump sum forecast including BT Line costs (Item 1 above)		<b>£8,512,019.05</b>
Apportioned costs by Controller numbers (Items 2-5 above)		<b>£3,723,421.48</b>
<b>TOTAL BOROUGH COSTS:</b>		<b>£12,235,440.53</b>

## Appendix 2:

### Borough by Borough Total and Final Apportioned Costs (including the Traffic Signals Maintenance Forecast Budget 2023/24 and the Reconciliation of the Actual Outturn for Traffic Signals Maintenance for 2021/22)

<b>Borough</b>	<b>2023/24 **RECONCILED** Budget</b>
London Borough of Barking and Dagenham	£341,014.96
London Borough of Barnet	£511,169.60
London Borough of Bexley	£293,773.18
London Borough of Brent	£508,043.32
London Borough of Bromley	£403,557.09
London Borough of Camden	£398,792.60
City of London	£104,082.99
London Borough of Croydon	£495,741.11
London Borough of Ealing	£534,851.02
London Borough of Enfield	£397,518.80
Royal Borough of Greenwich	£454,262.74
London Borough of Hackney	£326,202.35
London Borough of Hammersmith and Fulham	£296,339.22
London Borough of Haringey	£406,847.60
London Borough of Harrow	£333,423.72
London Borough of Havering	£392,017.31
London Borough of Hillingdon	£447,516.59
London Borough of Hounslow	£369,553.04
London Borough of Islington	£268,870.48
Royal Borough of Kensington and Chelsea	£221,668.07
Royal Borough of Kingston	£290,269.50
London Borough of Lambeth	£381,986.90
London Borough of Lewisham	£319,100.63
London Borough of Merton	£355,796.91
London Borough of Newham	£523,192.50
London Borough of Redbridge	£450,800.90
London Borough of Richmond	£353,967.00
London Borough of Southwark	£425,000.62
London Borough of Sutton	£301,399.06
London Borough of Tower Hamlets	£344,001.55
London Borough of Waltham Forest	£415,575.44
London Borough of Wandsworth	£383,548.84
Westminster City Council	£600,343.68
<b>TOTAL:</b>	<b>£12,650,229.32</b>

## Appendix 3a

### \*\*Incorrectly\*\* Calculated Traffic Signals Maintenance Forecast Budget Costs for 2021/22

CPI for March 1.50%

ITEM	TRAFFIC SIGNALS TOTAL COSTS	FORECAST/£
1	<b>Lump sum forecast including BT line costs:</b> <i>These are the actual contract costs for each piece of equipment at each site. The costs are inflated by CPI for March of the proceeding financial year. This figure will be reconciled to the actual CPI in the following year's calculation and suitable adjustments will be made.</i> <b>Please see attached spreadsheet (Appendix 3):</b> <i>These are shown in a tab for each of the Boroughs, for transparency - TfL's maintained sites have also been included. (Due to commercial restrictions, a breakdown of the cost of the individual piece of equipment cannot be provided.)</i>	£10,460,938.70
2	<b>Lump sum performance bonus net of performance abatements forecast:</b> <i>Written into the contract are:</i> <ul style="list-style-type: none"> <li>• Capped bonuses for good performance</li> <li>• Abatements for poor performance.</li> </ul> <i>These figures have been forecasted for next year based on actuals from this year. This figure will be reconciled to the actual bonus/abatement made in the following year's calculation and suitable adjustments will be made.</i>	£578,686.60
3	<b>Energy forecast:</b> <i>This is based on current equipment with an estimated inflation rate for the following year. (Due to the way TfL are charged for the electricity, they are unable to break this down site by site and therefore, apportioned).</i>	£4,517,484.93
4	<b>Ordered maintenance costs forecast (net of recoveries):</b> <i>All non-lump sum activities are funded from this, including:</i> <ul style="list-style-type: none"> <li>• Where Road Traffic Incident (RTI) damage is over the cost of £1k</li> <li>• Third party damage</li> <li>• Switch outs</li> <li>• Graffiti removal</li> <li>• Minor civils works to enable a site to be maintained</li> <li>• Electrical testing</li> </ul> <i>This is netted off against the respective recoveries made from insurance claims and switch outs. Due to the nature of the work, this is apportioned.</i>	£1,300,511.72
5	<b>Commuted sums:</b> <i>(Due to how TfL currently account for this, they have been unable to list this by site, therefore have apportioned this figure)</i> <i>It has been deemed reasonable not to include the following costs:</i> <ul style="list-style-type: none"> <li>• Staff costs – no staff time for any of the operations, network performance, or asset management personnel associated with traffic signals are included, c. £6million.</li> <li>• SCOOT loop costs – the costs of replacing SCOOT loops has not been included in the calculation, c. £1.7million.</li> </ul>	-£400,181.22
6	<b>Royal Parks recoveries:</b>	-£29,854.04
	<b>TOTAL:</b>	£16,427,586.69

BOROUGH COSTS	FORECAST/£
Lump sum forecast including BT line costs (1item 1 above)	£6,982,748.46
Apportioned costs by Controller numbers (Items 2-6 above)	£4,281,373.98
<b>TOTAL BOROUGH COSTS:</b>	<b>£11,264,122.44</b>

## Appendix 3b

### \*\*Corrected\*\* Traffic Signals Maintenance Forecast Budget Costs for 2021/22

CPI for March 1.50%

ITEM	TRAFFIC SIGNALS TOTAL COSTS	FORECAST/£
1	<b>Lump sum forecast including BT line costs:</b> <i>These are the actual contract costs for each piece of equipment at each site. The costs are inflated by CPI for March of the proceeding financial year. This figure will be reconciled to the actual CPI in the following year's calculation and suitable adjustments will be made.</i> <b>Please see attached spreadsheet (Appendix 3):</b> These are shown in a tab for each of the Boroughs, for transparency - TfL's maintained sites have also been included. (Due to commercial restrictions, a breakdown of the cost of the individual piece of equipment cannot be provided.)	£10,458,786.55
2	<b>Lump sum performance bonus net of performance abatements forecast:</b> <i>Written into the contract are:</i> <ul style="list-style-type: none"> <li>• Capped bonuses for good performance</li> <li>• Abatements for poor performance.</li> </ul> <i>These figures have been forecasted for next year based on actuals from this year. This figure will be reconciled to the actual bonus/abatement made in the following year's calculation and suitable adjustments will be made.</i>	£578,686.60
3	<b>Energy forecast:</b> <i>This is based on current equipment with an estimated inflation rate for the following year. (Due to the way TfL are charged for the electricity, they are unable to break this down site by site and therefore, apportioned).</i>	£5,317,484.93
4	<b>Ordered maintenance costs forecast (net of recoveries):</b> <i>All non-lump sum activities are funded from this, including:</i> <ul style="list-style-type: none"> <li>• Where Road Traffic Incident (RTI) damage is over the cost of £1k</li> <li>• Third party damage</li> <li>• Switch outs</li> <li>• Graffiti removal</li> <li>• Minor civils works to enable a site to be maintained</li> <li>• Electrical testing</li> </ul> <i>This is netted off against the respective recoveries made from insurance claims and switch outs. Due to the nature of the work, this is apportioned.</i>	£1,300,511.72
5	<b>Commuted sums:</b> <i>(Due to how TfL currently account for this, they have been unable to list this by site, therefore have apportioned this figure)</i> <i>It has been deemed reasonable not to include the following costs:</i> <ul style="list-style-type: none"> <li>• Staff costs – no staff time for any of the operations, network performance, or asset management personnel associated with traffic signals are included, c. £6million.</li> <li>• SCOOT loop costs – the costs of replacing SCOOT loops has not been included in the calculation, c. £1.7million.</li> </ul>	-£400,181.22
6	<b>Royal Parks recoveries:</b>	-£29,854.04
	<b>TOTAL:</b>	£17,225,434.54

BOROUGH COSTS	FORECAST/£
Lump sum forecast including BT line costs (1item 1 above)	£6,980,596.31
Apportioned costs by Controller numbers (Items 2-6 above)	£4,848,573.98
<b>TOTAL BOROUGH COSTS:</b>	£11,829,170.29

## Appendix 3c

### Traffic Signals Maintenance ACTUAL OUTTURN Costs for 2021/22

CPI for March 1.50%

ITEM	TRAFFIC SIGNALS TOTAL COSTS	FORECAST/£
1	<b>Actual Lump sum including BT line costs:</b> <i>These are the actual contract costs for each piece of equipment at each site. The costs are inflated by CPI for March of the proceeding financial year. This figure will be reconciled to the actual CPI in the following year's calculation and suitable adjustments will be made.</i> <b>Please see attached spreadsheet (Appendix 3):</b> These are shown in a tab for each of the Boroughs, for transparency - TfL's maintained sites have also been included. (Due to commercial restrictions, a breakdown of the cost of the individual piece of equipment cannot be provided.)	£11,441,036.00
2	<b>Actual Lump sum performance bonus net of performance abatements:</b> <i>Written into the contract are:</i> <ul style="list-style-type: none"> <li>• Capped bonuses for good performance</li> <li>• Abatements for poor performance.</li> </ul> <i>These figures have been forecasted for next year based on actuals from this year. This figure will be reconciled to the actual bonus/abatement made in the following year's calculation and suitable adjustments will be made.</i>	£580,177.71
3	<b>Actual Energy:</b> <i>This is based on current equipment with an estimated inflation rate for the following year. (Due to the way TfL are charged for the electricity, they are unable to break this down site by site and therefore, apportioned).</i>	£3,794,286.03
4	<b>Actual Ordered maintenance costs (net of recoveries):</b> <i>All non-lump sum activities are funded from this, including:</i> <ul style="list-style-type: none"> <li>• Where Road Traffic Incident (RTI) damage is over the cost of £1k</li> <li>• Third party damage</li> <li>• Switch outs</li> <li>• Graffiti removal</li> <li>• Minor civils works to enable a site to be maintained</li> <li>• Electrical testing</li> </ul> <i>This is netted off against the respective recoveries made from insurance claims and switch outs. Due to the nature of the work, this is apportioned.</i>	£958,264.88
5	<b>Commuted sums:</b> <i>(Due to how TfL currently account for this, they have been unable to list this by site, therefore have apportioned this figure)</i> <i>It has been deemed reasonable not to include the following costs:</i> <ul style="list-style-type: none"> <li>• Staff costs – no staff time for any of the operations, network performance, or asset management personnel associated with traffic signals are included, c. £6million.</li> <li>• SCOOT loop costs – the costs of replacing SCOOT loops has not been included in the calculation, c. £1.7million.</li> </ul>	-£301,393.35
6	<b>Royal Parks recoveries:</b>	-£36,685.78
	<b>TOTAL:</b>	£16,435,685.49

BOROUGH COSTS	FORECAST/£
Actual Lump sum including BT line costs (Item 1 above)	£8,111,694.52
Apportioned costs by Controller numbers (Items 2-5 above)	£3,567,216.71
<b>TOTAL BOROUGH COSTS:</b>	<b>£11,678,911.23</b>

## **INFORMAL MEETING OF THE LONDON COUNCILS' TRANSPORT AND ENVIRONMENT EXECUTIVE SUB COMMITTEE**

Minutes of a formal meeting of the London Councils' Transport and Environment Executive Sub Committee held on 14 July 2022 at 14:30pm.

### **Present:**

Mayor Phil Glanville	LB Hackney (Chair)
Councillor Nicholas Bennett	LB Bromley
Councillor Deidre Costigan	LB Ealing
Councillor Mike Hakata	LB Haringey
Councillor Cem Kemahli	RB Kensington & Chelsea (Virtual)
Councillor Rezina Choudhury	LB Lambeth
Councillor James Asser	LB Newham
Councillor Alex Ehmann	LB Richmond (Virtual)
Shravan Joshi	City of London Corporation

### **Others Present:**

Julian Bell	(TfL Board Member, for agenda item 3)
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### **1. Apologies for Absence & Announcement & Deputies**

Apologies for absence were received from Councillor Krupa Sheth (LB Brent) and Councillor Peter Craske (LB Bexley)

### **2. Declarations of Interest**

Additional Declarations of Interest other than those listed at agenda item 2 were as follows:

#### West London Waste Authority

Councillor Deidre Costigan (LB Ealing))

#### North London Waste Authority

Councillor Mike Hakata (LB Haringey)

Councillor Deidre Costigan (LB Ealing)

#### Western Riverside Waste Management

Councillor Rezina Choudhury (LB Lambeth)

#### Thames Regional Flood & Coastal Committee (RFCC)

Councillor Mike Hakata (LB Haringey)

#### Member of SERA

Councillor Deidre Costigan (LB Ealing)

Councillor Rezina Choudhury (LB Lambeth)

Councillor James Asser (LB Newham)

#### London Road Safety Council

Councillor Mike Hakata (LB Haringey)

It was noted that Mayor Philip Glanville should be referred to as “Philip” and not “Phil” in the Declaration of Interests and the minutes of TEC held on 9 June 2022 onwards.

### **3. TfL Board Update**

Julian Bell (TfL Board Member) introduced the item. He said that he was no longer a councillor and that this should be amended on the agenda (item 3) of the TEC Executive held on 14 July 2022. Julian Bell informed Members that his tenure on the TfL Board would be ending in September 2022 and he hoped that TEC Executive Members had found the presentations and updates on the TfL Board helpful and informative.

Julian Bell made the following comments:

- There had been a dip in fares revenue recently due to the impact of the recent rail strikes.
- Total journeys had increased to 76% compared to 40% at the start of the pandemic, and ridership on buses was up to its highest level of 79% and tubes to 68%.
- The Elizabeth Line had caused a big spike in journeys taken on 24 May 2022, with an additional 4.2 million journeys taken.
- Weekend demand was becoming consistently stronger than demand during the week. Ridership from Tuesdays to Thursdays was far higher than on Mondays and Fridays, where more people were choosing to work from home. This was having implications on TfL budgets and budget planning.
- The next funding deal was due on 28 July 2022 – no funds were given to TfL for the additional 2 weeks. £40k was allocated to each borough, but TfL was unable to provide any additional funding during this period. A long-term funding deal urgently needed to be secured. Any borough funding that remained unused previously could still be used.
- The Government has said that TfL had not shown sufficient progress to meet the conditions to ensure further funding, even though TfL had met the conditions that the Government had set out (the Appendix lists what TfL had done to meet those conditions).
- 33k consultation responses had been received regarding the ULEZ extension and 15k responses (so far) on the bus consultation and good engagement with boroughs was taking place (details on this became very granular in terms of specific roles and bus frequencies).
- 10 million journeys made on new Elizabeth Line, with 5 million journeys being made in central section of the line. Integration of East and West part of line with be in Autumn 2022, along with an increase to 22 trains running every hour. Final integration was scheduled for May 2023.
- The Barking Riverside extension opens on 18 July 2022 with a 4.5 kilometre extension, along with 4 trains per hour to the new station. This would create more jobs/infrastructure etc and new homes. There would be a real uptick in journeys that would take place once integration took place in the autumn.

Work was ongoing and was critical especially in respect of finances and costs.

- The impact of the cost-of-living crisis would have to be factored into what the impact of this and inflationary pressures were.

#### Q and As

Councillor Bennett said that ridership could increase because people would want to save money on the higher costs of running a car. Councillor Ehmann asked if more information could be given on the short-term funding settlements that TfL was being given. Julian Bell said that there was a need to ensure that TfL did not end up in Section 114 territory (ie a default notice), and TfL had to accept the short-term funding agreements to ensure this did not happen. He said that TfL was being tough with regards to accepting the funding deals and were taking a bit longer because of this. Julian Bell said that short-term funding settlements were very unhelpful to TfL and was costing the organisation money. He said that TfL had met all the funding conditions and deadlines that the Government had stipulated. Julian Bell said that it was in fact the Government that had been breaking terms and deadlines.

Councillor Asser asked whether the huge spike in journeys taken on the Elizabeth Line were due to new people trying the trains or whether people were not using other lines as a consequence. He asked whether any data was available regarding how many people had been tempted out of the cars and on to public transport. Councillor Asser also asked whether the ridership recovery on the tubes and buses were during the whole week, or on a daily basis. Julian Bell said that the increase in journeys taken on Tuesdays to Thursdays was very clear and had remained the same even when the working from home guidance had changed. He said that the loss of commuter travel was a pattern that was emerging and was rapidly becoming a permanent change.

Julian Bell informed Members that TfL had planned for five different ridership scenarios, including the new WFH and shift patterns. The loss of commuting pattern was looking like a permanent change. Julian Bell said that more bus services needed to be moved into outer London. He said that the key was to ensure that the services that were operated were safe.

The Chair said that the TfL fares revenue was volatile. He said that although the ridership on buses was improving, a managed decline from 4% to 18% would have a major impact on the recovery of buses. Julian Bell said that great efforts were being made to avoid that managed decline scenario. However, he informed Members that the pandemic “top-up” system received from the Government had been underperforming.

Councillor Hakata said that 200,000 passengers were taking journeys on the Elizabeth Line which was congested at the moment, although 12 trains per hour would be increasing to 22. He asked what the effect would be to the rest of the Barking Line when there were four trains per hour operating. Councillor Hakata also asked what the effect on TfL would be should the Section 114 scenario happen, as statutory obligations had to be met. Julian Bell said that the TfL Board could only provide services that it could afford and these services needed to be safe. He said that there was plenty of capacity on the Elizabeth Line and congestion on the line was not seen as a problem (the trains were also bigger). Julian Bell said that he



would get back to Councillor Hakata regarding the knock-on effect to the rest of the Barking Line the 4 trains per hour had.

Julian Bell said that he was uncertain about the consultation on bus numbers and responses that had come back. Stephen Boon said that the 40 to 56% for the numbers of passengers transitioning was a hypothecated figure and figures obtained from National Rail put passenger numbers at between 15 to 35%. He said that this would make the rest of the trips new journeys. Julian Bell said that he would ensure that boroughs received this information.

The Chair said that it was important to keep up the pressure with the new Minister. He said that the issue of bus engagement had been discussed at TEC and with individual boroughs. The Chair said that there was value in talking through the borough responses to the bus consultation. He informed Members that letters had also been sent to the Government with regards to Crossrail 2 and a request for a capital deal on funding. Julian Bell said that the new Deputy Mayor for Transport, Seb Dance, had written to the Government about Crossrail 2 but no response had been received yet. He said that the issue regarding a capital funding deal was proving very frustrating as TfL was being given various dates from the Government regarding this, which had all ended up being pushed back. The latest extension never contained a draft set of proposals and just referred to the pension situation. Hopefully more information would be forthcoming in the next two weeks.

The Chair asked if the data pack for the ULEZ would be going out to the boroughs and TEC. Julian Bell said that he would speak to Alex Williams at TfL about sending a ULEZ data pack to Council Leaders and TEC (a 6-month report was currently due).

The Chair thanked Julian Bell for the presentations and updates that he had given to the TEC Executive, as the TEC representative on the TfL Board.

It was noted that Julian Bell would be staying for item 6 (*"Response to the TfL Bus Consultation"*) which was taken next in the agenda.

## **6. Overview of London Councils' Response to the TfL Bus Consultation**

The TEC Executive Sub Committee received a report that updated Members on the London Councils' response to TfL's Central London Bus Review.

Agathe de Canson, Principal Policy & Project Officer, London Councils, introduced the report which was proposing to include high level principles. She said that London Councils had been working with borough officers to inform the response. Agathe de Canson said that the Central London bus review set out a 4% reduction in bus services, which affected approximately 80 bus routes. She said that 15,000 responses to the bus consultation had been received so far and the closing date for responses was the beginning of August 2022. London Councils wanted to set out a number of principles that TfL needed to keep in mind when making these reductions to bus services.

Agathe de Canson said that buses provided a crucial service to London, especially regarding accessibility and goals around sustainability. She said that it was important to ensure that any changes to bus services did not make them less attractive to use.

An Equality Impact Assessment (EIA) on the effects of these changes needed to be kept in mind. Agathe de Canson said that TfL had provided an EIA with regards to the frequency of bus services and more information was needed on this and to ascertain what the undesirable aspects were of these changes. It was proposed to extend the hopper fares as the reduction of some bus services would make people's journeys take longer than before. Communication with the public about these issues needed to continue and boroughs needed to be kept engaged throughout the process.

Agathe de Canson informed Members that TfL had provided a briefing session to officers and councillors, and a bus working group had been set-up. She said that it was important that all these issues were featured in the response from London Councils. Councillor Costigan said that the principles in the response were good and that it was beneficial to extend the Hopper fares. She said that her borough of Ealing was waiting on further details on this. Councillor Costigan felt that funding for buses should be ring-fenced (ear-marked) and that this should be added to the list of principles at some point. Agathe de Canson said that the issues regarding funding for buses were appreciated and that TfL was focussing on inner London. She said that buses were not profitable and were cross-subsidised. Passenger numbers had now "bounced back" very well, post pandemic but this did not mean buses were profitable yet.

The Chair said that the issue of class had not been looked at in the EIA. He said that discussions had taken place with Seb Dance and assurances had been given that this would not affect night bus equivalents. Councillor Asser said that the borough of Newham had not been affected by the review of bus services. However, he voiced concern that many of the changes to bus routes were being made by people who not been on the ground to see how these changes would affect ordinary people's journeys. Councillor Asser felt that there was an "overlap" at either end of bus routes – some areas had no services at all, whereas other areas had an abundance of services. This was causing people to go back to using their cars to make journeys that they would have normally have made by bus. Councillor Asser said that there was also concern that some people would have to make part of their journeys by foot in the middle of the night.

The Chair said that there appeared to be a disconnection between day and night bus services. He said that the issue regarding the frequency of services needed to be powerfully made (point 20). The Chair said that most people could use Hopper fares, but not all could reach their hospitals and schools and monitoring around this needed to take place. This was especially important if the bus service did not make to the end of a person's journey. The Chair said that there were also issues around the quality of bus stops, the electronic countdown signs and where changeover points should be made. It was important for the boroughs to have early sight of the consultation and to look at the consultation responses in order to see if any changes could be made.

Councillor Hakata said that the EIA was a core part of the work around any reductions to bus services, although the equalities part would probably never really be fully resolved. He said that some very serious steps needed to be made to reduce congestion in Central London and it was important to try and get people out of their cars. Councillor Hakata said that savings would have to be found from elsewhere should TfL income be lost. Councillor Choudhury said that one of the bus services that had been cut in Lambeth went past a hospital. She asked whether the data that was being used was out of date, as a number of schools were also along the routes where bus services had been cut. The Chair said that the data appeared to be from

the early peak and then closed as a data set. A debate needed to take place regarding where the trends were.

Agathe de Canson thanked Members for the useful points. She said that the following issues could be added to the response: (a) the effects on lower income groups, (b) whether interchanges were in the right places, (c) the data that was being used (to check with TfL), (d) the frequency of services/accessibility, (e) the impact of route changes that previously served hospitals and schools, and (f) to check the conditions set for the 4% reduction in services and how this tied in with sustainability.

The Chair felt that there would be value in sharing responses, including the “granular” parts, by email. He asked when this information would be sent around to TEC. Stephen Boon said that the 4% reduction to bus services had been already written into the funding agreement. He said that the aim was to get something out to Members within the next week or so. This would not cover cross-referencing but would coordinate borough responses. Agathe de Canson confirmed that something would be sent around shortly (a shared consultation response). She said that there was an overlap with the work that Travelwatch were undertaking and this was being monitored closely. The Chair said that it would also be helpful to share any issues regarding capacity.

#### **The TEC Executive Sub Committee:**

- Agreed to add the following issues into the London Councils’ response to the TfL Bus Consultation: (a) the effects on lower income groups, (b) whether interchanges were in the right places, (c) the data that was being used (to check with TfL), (d) the frequency of services/accessibility, (e) the impact of route changes that previously served hospitals and schools, and (f) to check the conditions set for the 4% reduction in services and how this tied in with sustainability; and
- Noted the report and agreed that Members would be sent an update to the London Councils’ response within the next week.

#### **4. Presentation on London Councils’ Climate Programme**

Hannah Jameson, the new Programme Director of Climate Change, London Councils, gave a presentation on London Councils’ climate change programme and made the following comments:

- There were seven climate change programmes being worked on. Work was continuing with external partners and action plans for each programme were on the London Councils’ website.
- Retrofit programme had recently won the MJ Award. Estimated £49 billion cost to deliver. Looking at making homes energy efficient in local areas. Boroughs were contributing to the retrofit programme. Looking at developing next stage of the programme and how to deal with the funding issue and developing skills.
- Looking at how Low Carbon Development and how to reduce the carbon impact. Had a policy framework and to attract sustainable development in London. This was being led by the London borough of Hackney.

- Low Carbon Transport – very clear targets and looking at what happens with the TfL efficiency programme. Looking at what the levers were in each borough (eg parking and road management), especially around EV charging points etc (lots of varieties across London). This was being led by the City of Westminster and the Royal Borough of Kingston.
- A Renewable Power programme was taking place and was focussing on energy procurement and advice and decentralised energy. This was being connected to the cost-of-living crisis with a view to reducing energy needs etc. Programme was also looking at the current approach to energy procurement and power purchasing agreements (PPAs). The programme was being led by the London Borough of Islington.
- One World Living programme was being led by the London Borough of Harrow and looked at reducing emissions by two thirds by 2030 and reducing consumption-based emissions, including food, clothing and electronics.
- Building the Green Economy cut across other programmes and looked at doubling the green economy by 2030. The green economy would provide opportunities for highly skilled work in the in London and was therefore an important part of London's economic recovery. The programme was led by the London Borough of Hounslow and also looked at green growth, innovation and finance.
- The Creating a Green and Resilient London programme focused on adaptation and contained holistic, cross-cutting actions and activities that should be taken across five key areas, including associated benefits and risks, and potential costs (2021-2030). The key programmes included looking at better insulating against climate shocks caused by overheating (hot weather), flooding and water scarcity. The programme was being led by the London Borough of Southwark.
- Key achievements included the award winning retrofit programme and the various events that had been held (One World Living, LOTI/LEDNET design sprint etc).
- Looking ahead looked at what would happen next at the end of the next 2-year period in the autumn and looking at the governance model for the programme. Boroughs were encouraged to become more involved in the programme. Synergies work was being developed alongside each other and there were opportunities to all work together. London Councils would come back to the boroughs/TEC on issues like financing, communications, policy and advocacy.
- There were a number of "asks" from TEC, including asking Members to champion this work back to their boroughs. London Councils' officers were happy to discuss any issues about the programmes, as it was important to head in the right direction. Officers/TEC were keen to focus on what London was doing on climate change. This could always be amplified/given a push.

The Chair said that he was at the conference at London Climate Week. He said that the award-winning retrofit programme was very much a borough-led programme and nothing like it in the country had ever been seen before. A great deal of work had been carried out on this with very little resources available. Other networks had been drawn in and plugged into the retrofitting programme. The Chair said that efforts had been made to become very much cross-party in the work carried out.

Shravan Joshi said that it was a struggle to get SMEs on board with PPAs (Power Purchase Agreements) . The City of London was looking at this and if it succeeded it could be rolled-out to other areas. He said that it was far easier to obtain PPAs if you were a large company. He said that the City could help coordinate this with London

Councils. The Chair said that it was important to ensure that green finance and the City of London were all joined-up. He felt that the City's voice was not being heard enough and this needed to be raised. The City said that the Commission on Skills for a Green Skyline was working to identify the green skills London would need, but that there were also skills gaps within councils' climate and sustainability teams. The Chair said that there was greater potential for boroughs to share skills, and that TEC/officers would be happy to coordinate this.

Councillor Hakata said that efforts were being made to embed net zero emissions in all service areas and discussions needed to take place with Cabinet portfolio holders. Councillor Hakata said that up to 3.8 million homes needed to be retrofitted in Haringey. He asked how long it would actually take to retrofit these houses. Hannah Jameson said that modelling for this work had been taking place, including what capacity was currently available and what the levels of skills and delivery were required (ie a lot). The Chair said that an £800 million bidding round would be taking place in the autumn for the Social Housing Decarbonization Fund, from BEIS.

The Chair thanked Hannah Jameson for the update on London Councils' Climate Change programme.

## **5. Surface Water Flooding Governance Arrangements**

The TEC Executive Sub Committee received a report that gave a short update on the activities of the Surface Water Flooding Transition Group since March 2022 and presented a paper on the proposed governance structure of the Surface Water Flooding Strategic Group.

Stephen Boon introduced the report and said that sign-off was needed for the governance proposals. He said that TEC had already signed-off the previous proposals in 2021, which was then the Transition group that was chaired by Mayor Glanville. Stephen Boon said that the aim was now to get the work started again (an officer group had met on 4 July 2022), and for the TEC Executive to approve the proposed governance structure as outlined in Appendix 1 of the report. The Chair confirmed that he was at the last Transition Group meeting and had already agreed these recommendations. He said that it was hoped that the recommendations were now ready to be signed-off.

The Chair said that constant buy-in was required from the Thames Regional Flood and Coastal Committee (RFCC) and Thames Water. He said that it was hoped that funding would be released and that good communications regarding these issues would continue. The Chair said that excessive rainfall had caused the severe flooding events last year, whereas this year, unprecedentedly high temperatures were the problem. It was important that a wider network of people were involved in this, and that it was important to choose an independent chair and avoid any voting split. The Chair said that he was happy to agree the governance structure and thanked Katharina Winbeck and Simon Gilby for their work, and also Councillor Peter Zinkin for his valuable contribution to this flooding work.

### **The TEC Executive Sub Committee:**

- Noted the report, and
- Agreed the governance structure as outlined in the Appendix of the report

## **7. Transport & Mobility Performance Information**

The TEC Executive Sub Committee received a report that detailed the London Councils' Transport and Mobility Services performance information for Q4 2021/22 and full year 2020/21.

Andy Rollock, Mobility Services Manager, London Councils, introduced the report. He said that the "average number of days (from receipt) to decide appeals (postal)" had a "red" rating and the target had been missed because many personal appeals that had been suspended pending a return to face-to-face hearings had caused a large number of delays. Andy Rollock informed Members that the "red" ratings attributed to the Freedom Pass were mainly due to staffing issues (sickness owing to Covid and recruitment problems) in the contact centre. Improvements were being made to the contact centre and recruitment was now being expanded.

Andy Rollock said that the "amber" ratings attributed to the Taxicard scheme (% of vehicles arriving within 15 minutes - advance booking etc) had not met the targets but performance on vehicle arrival did remain satisfactory. Also, the contractor was in the process of upgrading their booking systems and migrating with Addison Lee's systems. This should provide an improved customer experience when making bookings through the app and telephony platform. Boroughs might experience some complaints, but the system was getting better.

The Chair said that improvements to services were being made all round. He said that the Taxicard service was becoming more popular in certain places, especially in outer London rather than inner London. Stephen Boon reported that there had been a significant drop-off in demand for the Taxicard service and more work needed to be carried out on the service. He said that taxi tariffs had increased and were therefore more expensive. There were also the wider cost-of-living crisis implications which was causing people to travel less. Stephen Boon said that more research needed to be carried out on this. He said that an underspend on Taxicard was predicted, with even some of TfL's contribution not being spent. Stephen Boon said that TfL's contribution would be spent before the boroughs' contribution. Any excess TfL funding would get redistributed and there might not be a need to call on boroughs to contribute to Taxicard funding.

The Chair said that TfL was still carrying out work on the Taxicard scheme. Andy Rollock said that work was carrying on in order to provide an even Taxicard service across the whole of London.

**The TEC Executive Sub Committee** noted the Transport and Mobility Services Performance information report, and the explanation for the areas of poor performance.

## **8. TEC Pre-Audited Financial Accounts 2021/22**

The TEC Executive Sub Committee received a report that detailed the provisional pre-audited final accounts for Transport and Environment Committee for 2021/22

David Sanni, Director of Corporate Resources, London Councils, introduced the report. He said that there was a provisional surplus of over £1million, with key variances, including an underspend on independent bus operators, an overall surplus for the London Lorry Control Scheme (LLCS) and an underspend in Taxicard of approximately £2.4million (this is offset by borough and TfL contributions of the same

amount and has no impact on the bottom line). The report includes a request to carry forward an underspend of £141,000 on the review of the Lorry Control Scheme and a transfer of £139,000 to the Freedom Pass Renewal Reserve in accordance with normal Committee practice. Grant Thornton, the external auditor, will carry out the audit in October and the outcome reported to the Audit Committee and circulated to TEC.

Councillor Hakata asked how the Freedom Pass scheme was funded and if it was mainly from the boroughs. David Sanni confirmed that it was mainly funded from borough contributions but some additional income was generated from the replacement of lost, damaged or stolen Freedom passes. Councillor Hakata asked how boroughs funded their contributions to the scheme. David Sanni said that this was up to individual boroughs. Stephen Boon said that as demand picked-up, a larger proportion of expenditure would be incurred. The Chair asked whether it was possible to ascertain what the trends might be over the next 3-years, as boroughs were all facing very difficult budgets. Stephen Boon said that this information had already been shared with treasurers and could also be shared with the boroughs.

Councillor Bennett asked what the overall take-up was for the Freedom Pass scheme. Stephen Boon confirmed that 98% of those eligible took-up the scheme (the 60+ did not make a great deal of difference). Councillor Bennett asked what percentage of people that took-up the scheme were actually using it. Stephen Boon said that he would have to come back with the details on this. He said that the average cost of the scheme per person each year was £300. Councillor Asser enquired about the frequency of usage of the scheme and whether these figures could be used. Stephen Boon said that it was difficult to access this information, although overall journeys per borough could be accessed. Councillor Bennett asked whether information was sought from South Eastern trains. Stephen Boon confirmed that London Councils did receive information from them and other non-TfL services.

#### **The TEC Executive Sub Committee:**

Noted the provisional pre-audited financial results for 2021/22, which show an indicative surplus of £1.028 million for the year;  
Agreed the transfer of £139,000 out of the provisional surplus to the specific reserve, in accordance with usual Committee practice;  
Noted the carry forward of the underspend on the London Lorry Control Scheme review budget of £141,000 into 2022/23;  
Noted the provisional level of reserves, as detailed in paragraph 38 and the financial outlook, as detailed in paragraphs 39-40 of this report; and  
Agreed that Stephen Boon would look into how many people that took-up the Freedom Pass scheme were actually using it.

## **9. London Tribunals Update**

The TEC Executive Sub Committee received a report that asked Members to approve officers exploring a closer working relationship between the Environment and Traffic Adjudicators (ETA) and the Traffic Penalty Tribunal (TPT) and noted the important staffing changes at the ETA tribunal.

Stephen Boon, Director of Transport & Mobility, London Councils, introduced the report. He informed Members that Anthony Chan was now the new Interim Chief Adjudicator who replaced Caroline Hamilton. Stephen Boon thanked Caroline Hamilton for all her work at London Tribunals and the joint working with the ETAs. The

Chair said that a letter would be drafted thanking Caroline Hamilton for all her service and congratulating her in her new role. He said that the new Interim Chief Adjudicator would be coming to TEC in October 2022.

#### **The TEC Executive Sub Committee:**

- Approved London Councils officers exploring joint working between the Environment and Traffic Adjudicators (ETA) and the Traffic Penalty Tribunal (TPT);
- Recognised and thanked Caroline Hamilton for her service as Chief Adjudicator, and in particular, improving the efficiency and cost effectiveness of the ETA tribunal (a letter would be sent by TEC to Caroline Hamilton thanking her personally); and
- Welcomed Anthony Chan in his new role of Interim Chief Adjudicator

### **10. Transport Bill Planning**

The TEC Executive Sub Committee considered a report that updated Members on the Government's plan to introduce a Transport Bill in this parliamentary session, and London Councils' proposed activity on this piece of legislation.

Agathe de Canson introduced the report which updated Members on the Government's Transport Bill that came out of the Queen's Speech on 10 May 2022. She said that there was no date set for when the Bill would be introduced. The Transport Bill mainly centred on railways, but also included e-scooters, bike rental schemes and pedicabs, which did affect the boroughs. Agathe de Canson said that the Bill had been drafted but would not cover the decriminalisation of speeding offences. She said that TEC and the boroughs were well placed to have an influence on the Bill, particularly regarding issues in the Bill which affect London boroughs such as e-scooters, pedicabs and micro-mobility rental schemes.

The Chair said that he had not noticed anything specifically about pedicabs in the Bill and this needed to be monitored. Stephen Boon said that the DfT had been in touch and had asked London Councils to talk to them about the proposal to license them in a similar way to taxis. He said that the Government was also looking at traffic legislation with regards to decriminalisation of speeding offences, separately from the Transport Bill. Stephen Boon said that the Government did recognise that this was in a bit of a disarray and this could provide TEC and the boroughs with an opportunity to lobby on this.

Councillor Costigan said that a letter had been received from Baroness Vere stating that the Government was definitely not considering the decriminalisation of speeding enforcement, as it was thought that this was not the best way to change behaviour. The Chair said that he had met with Active Travel England and there was work that could be done around regulation. Councillor Asser said that there were issues that needed to be addressed/carried out. The Chair said that the e-scooter pilots could not be continually extended.

The TEC Executive Sub Committee noted the report.

### **11. Minutes of the TEC Main Meeting held on 9 June 2022**



The TEC Executive Sub Committee noted the minutes of the TEC Main meeting held on 9 June 2022.

**11. Minutes of the TEC Executive Sub Committee held on 10 February 2022**

The minutes of the TEC Executive Sub Committee held on 10 February 2022 were agreed to be an accurate record of the meeting. It was noted that an additional Labour Member on the TEC Executive Sub Committee was still required.

**The meeting finished at 16:27pm**

## London Councils' Transport and Environment Committee AGM (In-Person) – 9 June 2022

Minutes of a meeting of London Councils' Transport and Environment Committee held on Thursday 9 June 2022 at 2:30pm, in the Conference Suite, 59½ Southwark Street, London, SE1 0AL

### Present:

Council	Councillor
Barking and Dagenham	Cllr Syed Ghani
Barnet	Cllr Arjun Mittra (Deputy)
Bexley	Cllr Peter Craske (virtual)
Brent	Cllr Krupa Sheth
Bromley	Cllr Nicholas Bennett
Camden	<b>Apologies</b>
Croydon	Cllr Scott Roche (virtual)
Ealing	Cllr Deidre Costigan
Enfield	Cllr Rick Jewell
Greenwich	Cllr Averil Lekau
Hackney	Mayor Phil Glanville (Chair)
Hammersmith and Fulham	Cllr Sharon Holder
Haringey	Cllr Mike Hakata
Harrow	Cllr Anjana Patel (virtual)
Havering	<b>Apologies</b>
Hillingdon	<b>Apologies</b>
Hounslow	Cllr Katherine Dunne
Islington	Cllr Rowena Champion
Kensington and Chelsea	Cllr Cem Kemahli
Kingston Upon Thames	Cllr Ian Manders
Lambeth	Cllr Rezina Chowdhury
Lewisham	Cllr Louise Krupski
Merton	Cllr Natasha Irons
Newham	Cllr James Asser
Redbridge	Cllr Jo Blackman
Richmond Upon Thames	Cllr Alexander Ehmann
Southwark	Cllr Catherine Rose
Sutton	Cllr Barry Lewis
Tower Hamlets	
Waltham Forest	Cllr Clyde Loakes
Wandsworth	Cllr Claire Gilbert (Deputy)
City of Westminster	<b>Apologies</b>
City of London Corporation	<b>Apologies</b>
Transport for London	Alex Williams

Stephen Boon, Director of Transport and Mobility, opened up the TEC meeting, which he said the public could access online via the livestream. He said that TEC meetings would now be taking place “in person” and Members would need to be present in the room in order to vote. Stephen Boon reminded Members to keep noise to a minimum as the meeting was being livestreamed and the microphones were very sensitive. Members were also asked if they could state their names and where they were from when addressing the Committee. Stephen Boon said that he would introduce agenda items 1 to 3, until the Chair of TEC was nominated and confirmed.

#### Part A: AGM

### **1. Apologies for Absence & Announcement of Deputies**

#### Apologies:

Cllr Geof Cooke (LB Barnet)  
Cllr Adam Harrison (LB Camden)  
Cllr Barry Mugglestone (LB Havering)  
Cllr Jonathan Bianco (LB Hillingdon)  
Cllr Judi Gasser (LB Wandsworth)  
Cllr Paul Dimoldenberg (City of Westminster)  
Shravan Joshi (City of London Corporation)

#### Deputies:

Cllr Arjun Mittra (LB Barnet)  
Cllr Claire Gilbert (LB Wandsworth)

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

#### Freedom Pass & 60+ Oyster Card

Cllr Nicholas Bennett (LB Bromley)  
Cllr Rowena Champion (LB Islington)

#### East London Waste Authority

Cllr Jo Blackman (LB Redbridge)

#### North London Waste Authority

Cllr Arjun Mittra (LB Barnet)

#### Friend of London Transport Museum

Cllr Nicholas Bennett (LB Bromley)

#### London Underground Transport Museum

Cllr Nicholas Bennett (LB Bromley)

#### SERA

Cllr Jo Blackman (LB Redbridge)

#### Thames RFCC

***To Note:*** Cllr James Asser (LB Newham) was standing down from the Thames RFCC.

*Members were asked to let Alan Edwards know, via email, of any further declarations of interests they needed recorded for the minutes.*

### **3. Election of Chair of TEC for 2022/23**

Councillor Clyde Loakes nominated Mayor Philip Glanville (LB Hackney) to be the Chair of TEC. This was seconded by Councillor Cem Kemahli. Mayor Philip Glanville was elected as the Chair of TEC for 2022/23.

Mayor Glanville welcomed the new TEC members to the first “in person” TEC meeting that he had chaired. He paid tribute to the colleagues that were no longer on the Committee, including Councillor Zinkin from LB Barnet, and Councillor Holland (LB Lambeth) who had been a previous TEC Chair and a TEC Vice Chair. The Chair also thanked previous TEC Executive Sub Committee, including Councillor Harcourt (LB Hammersmith & Fulham, Councillor Sophie McGeevor (LB Lewisham), and Councillor Huntington-Thresher (LB Bromley).

### **4. Election of Vice Chairs of TEC for 2022/23**

The Committee received a report that set out the process for electing three Vice Chairs for the 2022/23 municipal year.

The Chair nominated Councillor Deidre Costigan to be the Labour Vice Chair. Councillor Cem Kemahli was nominated to be the Conservative Vice Chair and Councillor Alex Ehmann to the Liberal Democrat Vice Chair. Councillor Loakes seconded these nominations.

The Committee appointed the following TEC vice chairs:

Councillor Deidre Costigan (Labour Vice Chair – LB Ealing)  
Councillor Cem Kemahli (Conservative Vice Chair – RB Kensington & Chelsea), and  
Councillor Alex Ehmann (Liberal Democrat Vice Chair – LB Richmond)

### **5. Revised Membership of London Councils’ TEC for 2022/23**

The Committee considered a revised report that set out the latest details of the Committee’s Membership for 2022/23. It was agreed that the TEC membership would be reported at the AGM.

The Chair said that Councillor Averil Lekau had been listed as the TEC Member for RB Greenwich and LB Tower Hamlets. It was agreed that Councillor Lekau would be removed from LB Tower Hamlets as this was an error. It was also agreed to add Cllr Guy Lambert as a deputy for LB Hounslow and to delete Councillor Jon Burke as a deputy for LB Hackney, and to replace him with Councillors Guy Nicholson and Mete Coban as deputies. It was noted that the City of London Corporation had still not sent in the name of its TEC representative and Alan Edwards would chase the City of London up for their nomination.

The Committee noted the latest revised membership of TEC for 2022/23.

Post meeting note: Shravan Joshi was nominated to be the new City of London Corporation representative on TEC.

## **6. Appointment of the TEC Executive Sub Committee for 2022/23**

The Committee received a report that set out the arrangements for the appointment of the TEC Executive Sub Committee for 2022/23.

The Committee elected the following members to the TEC Executive Sub Committee for 2022/23:

### Labour Representatives:

Mayor Phil Glanville (Chair – LB Hackney)  
Cllr Deidre Costigan (LB Ealing)  
Cllr Krupa Sheth (LB Brent)  
Cllr Mike Hakata (LB Haringey)  
Cllr James Asser (LB Newham)  
Cllr Rezina Chowdhury (LB Lambeth)  
Cllr Judi Gasser (LB Wandsworth)

Post meeting note: One Labour vacancy now exists as Councillor Gasser (LB Wandsworth) could not be on the TEC Executive Sub Committee.

### Conservative Representatives:

Cllr Cem Kemahli (RB Kensington & Chelsea)  
Cllr Peter Craske (LB Bexley)  
Cllr Nicholas Bennett (LB Bromley)

### Liberal Democrat Representative:

Cllr Alex Ehmann (LB Richmond)

### City of London Corporation Representative:

Shravan Joshi

## **7. TEC Nominations to Outside Bodies 2022/23**

The following nominations were made to the TEC Outside Bodies for 2022/23:

### (a) Heathrow Airport Consultative Committee

Cllr Shantanu Rajawat (LB Hounslow)

### (b) Thames RFCC

*West* – Conservative Vacancy TBC  
*South West* – Cllr Julia Neden-Watts (LB Richmond, LD)  
*South East* – Cllr Averil Lekau (RB Greenwich)  
*North East* – Cllr Syed Ghani (LB Barking & Dagenham)  
*Central North* – Cllr Sharon Holder (LB Hammersmith & Fulham)  
*Central South* – Cllr Catherine Rose (LB Southwark)  
*North* – Cllr Mike Hakata (LB Haringey)

### (c) London Sustainable Development Commission

Cllr Jo Blackman (RB Redbridge)

### (d) Urban Design London (UDL)

Cllr Nigel Haselden (LB Lambeth)

Cllr Johnny Thalassites (RB Kensington & Chelsea)

(e) London City Airport Consultative Committee

Cllr Jo Blackman (LB Redbridge) was asked to be the TEC on the LCACC for 2022/23 (and not LB Havering, as stated in the report).

(f) ReLondon (formerly the London Waste & Recycling Board)

A Conservative replacement was needed for Cllr Guy Senior (LB Wandsworth), who is no longer a serving Councillor)

(g) London Fuel Poverty Partnership

Cllr Natasha Irons (LB Merton)

(ii) TEC Funding Sub-Group (Membership)

Cllr Deidre Costigan (LB Ealing, Lab)  
Cllr Catherine Rose (LB Southwark, Lab)  
Cllr Rick Jewell (LB Enfield, Lab)  
Cllr Clyde Loakes (LB Waltham Forest, Lab)  
Cllr Cem Kemahli (RB Kensington & Chelsea, Con)  
Cllr Alex Ehmann (LB Richmond, Lib Dem)

x One Conservative Vacancy – To be confirmed.

*(Post meeting note: Cllr Nicholas Bennett, LB Bromley, was nominated to fill the Conservative vacancy on the Transport Funding Sub-Group).*

## **8. TEC AGM Minutes of 10 June 2021 (already agreed – for noting)**

The Committee noted the TEC AGM minutes from 10 June 2021

## **9. TEC Constitutional Matters**

The Committee received a report that proposed an amendment to London Councils' Standing Orders. The report also provided, for information, the most recent version of London Councils' Scheme of Delegations, which encompassed amendments to reflect the current officer structure of London Councils.

The Committee:

- Noted the proposed amendment to London Councils' Standing Orders, as detailed in this report and at **Appendix One**; and
- Noted the proposed amendments to London Councils' Scheme of Delegations to officers at **Appendix Two**, including the relevant amendments to sections 7, 8, 12 and Part A of Appendix A.

## Part 2: Items of Business

### **10. Talk by Seb Dance, Deputy Mayor for Transport**

Seb Dance, Deputy Mayor for Transport, congratulated Mayor Phil Glanville on becoming the TEC Chair. He said that he would be discussing the latest situation regarding TfL funding. He thanked Councillor Peter Zinkin for his role and contribution on the TfL Funding sub-group. He also congratulated the newly elected vice chairs of TEC.

Seb Dance made the following comments:

- TfL depended on fares revenue to make up most of their funding. Other countries like Singapore received most of their funding for public transport through taxation.
- TfL was heading for a surplus before the pandemic. However, the pandemic had resulted in a big fall in ridership. Trains were becoming busy again but were not anywhere near what TfL would like (70% in the middle of the week, with ridership at the weekend being higher due to leisure and tourism). More financial support was required from the Government.
- The last short-term funding deal was due to end on 24 June 2022. Capital investment was needed to keep projects on cycle access and road junctions going.
- A number of conditions had been placed on TfL in order to receive funding. The current scheduled rail strikes would also affect TfL. The Government needed to invest in London's transport system. A large number of jobs depended on this (eg trains for the Elizabeth Line were made in Derby).
- TfL had no choice but to implement the 4% cut to the bus service network (21 services would be withdrawn in total under current plans). Attempts were being made to cover the withdrawn bus services with other services, although changes to peoples' journeys might be required. TfL had no choice but to plan for a "managed decline" in services.
- It was important that bus services were protected in outer London as well as inner London, and to ensure that there were no distinctions to this.
- The newly opened Elizabeth Line had been a great success. It was revolutionary and there was nothing like it in the world. The line would be fully open by spring 2023. The line had boosted London's standing and could be used as a model for the future.

The Chair thanked Seb Dance for the update and TfL officers for all their work and for keeping TEC informed about the latest position regarding TfL funding. He said that the opening of the Elizabeth Line was a proud moment for London.

### Q and As

Councillor Bennett asked if he could receive more information about what was happening with the 358 bus route in the borough of Bromley. Councillor Asser voiced concern that a number of night bus services had been removed in some areas which presented problems for night workers in the borough of Newham trying to get to work. He said that ways to lessen the impact of this needed to be looked into further. Seb Dance said that he would get more information regarding the 358 bus service in Bromley. He said that a number of night bus services had been removed from 1.30 to 4.30am, but these had been compensated by extending the hours of other bus services. He asked Councillor Asser to let TfL know if the extensions to these services were adequate enough.

Seb Dance said that the levels of ridership formed a key part of TfL planning. He informed Members that the current aim was to be financially sustainable with a

reduced pattern of ridership. However, the upcoming transport strikes and inflation increases would have a further dampening effect on ridership. A good service could still be delivered, but it would need to take into account these factors and reduced ridership.

Councillor Manders asked for more details regarding the situation with capital funding. He said that a number of cycle lanes in his borough of Kingston remained only half finished. Councillor Rose voiced concern that most of the withdrawals of bus routes during the day were in the borough of Southwark. Also, the removal of some bus routes was having a detrimental effect on key growth corridors. Councillor Kemahli asked whether there was any flexibility on this 4% reduction to bus services.

Seb Dance said that TfL was fighting for capital funding in order to improve the network. He said that it was essential that boroughs received funding for key infrastructure projects. Seb Dance said that TfL had wanted to continue from where it had left off and support from the boroughs was very much needed when it came to requesting TfL funding from the Government. Seb Dance said that central Government had differing priorities at the moment and this threatened to complicate the issue (eg TfL want to expand the cycle network). He said that TfL did not want to make any cuts to bus services in London, although it needed to work out what routes were cost effective (the UK had the biggest bus network in Europe).

Seb Dance said that the removal of 21 bus services had only been carried out where there was provision to cover these elsewhere. Changes were only made to a minority of services and the borough of Southwark had not been targeted specifically. Seb Dance said that the consultation was to help ascertain where there were any problems by the removal of certain bus services, like if they provided a central link to hospitals. He said that there was a degree of flexibility in the 4% cuts. Seb Dance said that the issue around housing had been raised with the Deputy Mayor for Housing and was based on transport connections. He said that key growth areas should be well serviced by public transport. Seb Dance said that TfL had introduced a freeze to fare increases, especially in the current squeeze to peoples' cost of living. He said that TfL was loathed to put up fares at the moment. He said that it was capital funding that TfL most needed support for.

Councillor Holder asked whether an Equalities Impact Assessment (EIA) had been carried out when looking into the 4% cuts to bus services. She said that this needed to be shared with the boroughs (for example, the problems the mobility impaired might have getting off and on of buses). Councillor Holder felt that this needed to be looked at in the wider context as not all disabled people had the ability to access trains. Councillor Hakata said that residents were impacted by these cuts to bus services. He said that it would be very difficult to help reduce car use when bus services were being cut. Councillor Hakata asked whether there were any contingencies in place to save particular bus routes if there was a very strong argument to do so, especially for mobility impaired residents who would be most affected by the cuts. Councillor Lewis said that it was important to add that TfL was keen to protect and enhance bus services in outer London. He said that the borough of Sutton had been starved of funding when it came to public transport provision and it took over 45 minutes just to get from Sutton to London.

Seb Dance said that a full EqIA had been carried out as part of the TfL consultation and this could be found on TfL's website. He said boroughs should let TfL know if there were any clear omissions. Seb Dance said that although it was not TfL's decision to cut bus services, TfL did have control over where the 4% cuts were implemented. He informed Members that once a decision had been made to cut a bus service, this would have a knock-on effect elsewhere. Seb Dance said that TfL needed to look at sophisticated schemes to help enhance services, especially where areas had a less dense transport network. It was also very important that outer



London services, like those in Sutton, were adequately funded.

Councillor Ehmann said that the boroughs had to plan years ahead when it came to drawing-up their transport projects. He asked whether a view on how these funding negotiations with the Government were going could be given. Councillor Loakes voiced concern about the installation of cycle parking in Chingford in the borough of Waltham Forest. He said that it had now been three years and the borough was no nearer to getting them installed. Councillor Loakes said that he also wanted to bring Active Travel back to the people of Waltham Forest and funding for this needed to be unlocked. The Chair said that the “managed decline” of services had become a problem in the borough of Hackney. Boroughs also needed to know how to plan ahead from June 2022. The problem with the withdrawals of services in Southwark would have an impact on regeneration.

Seb Dance informed Members that the Government had missed approximately 22 deadlines, whereas TfL had met all deadlines set by Government. He said that this had become very frustrating as it had left funding decisions in limbo until the very last minute. Seb Dance confirmed that TfL had written to the Government about this and to call for timely negotiations. With regards to Councillor Loakes issue concerning the installation of cycle parking in Chingford, Seb Dance said that this would be looked into as a matter of urgency and reported back to Councillor Loakes through Alex Williams, who agreed to follow up.

Seb Dance said that Central Government needed to fund the transport system in London as there was no other means to obtain this funding. TfL had written to the Prime Minister to help secure a funding deal and the Government needed to follow-up on this quickly (this week). Seb Dance thanked Members for their time.

The Chair thanked Seb Dance for attending TEC and giving an update on the current situation with TfL funding.

#### **11. Ultra Low Emission Zone (ULEZ) Expansion & Road User Charging Consultation, Discussion by Shirley Rodrigues, Deputy Mayor for Environment & Energy, and Alex William, Transport for London**

Shirley Rodrigues, Deputy Mayor for Environment and Energy, informed Members that Alex Williams (TfL) would be giving a presentation on Road User Charging and the ULEZ expansion consultation that had been launched in May 2022.

Shirley Rodrigues made the following comments:

- Road User Charging was a long way from being introduced, but emissions had to be reduced in order to meet the target in 2030.
- Huge strides had been made to reduce air pollution, but London was still not meeting the World Health Organisation (WHO) guidelines (poor health among the young and elderly due to air pollution were a big problem)
- Vehicles were not meeting emission standards and this was causing lung problems in high polluting areas, including around schools.
- The CBI had made tackling air quality a key priority, plus a 27% cut to emissions to tackle the climate emergency by 2030.
- The UK was way behind when it came to reducing transport emissions and needed to move away from these high polluting vehicles.

Alex Williams, Director of Borough Planning, TfL, made the following comments:

- The Mayor had two main priorities for London, (a) to clean-up London's air, and (b) introduce a Road User Charging scheme. (Alan Edwards would send

a copy of the presentation to TEC Members).

- TfL had looked at a whole range of initiatives, including the London-wide ULEZ scheme and a Road User Charging scheme. TfL was well aware of the cost of living crisis people were going through and would help people to transition to any new initiatives.
- The impacts of air pollution resulted in approximately 4,000 premature deaths through conditions like asthma. This was a big and serious problem.
- TfL was helping to reduce poor air quality by cleaning up the bus and taxi fleets and increasing the uptake of EVs and encouraging Healthy Streets (walking etc). TfL could not do all this on its own though.
- ULEZ was the most effective scheme in reducing NO<sub>x</sub> (a 9% reduction in 2019) and CO<sub>2</sub>.
- A ten-week consultation period was taking place, and TfL had met with outer London Chief Executives to discuss the proposed ULEZ extension. The removal of the £10 autopay arrangement and an increase to the PCN level were deemed to be the most effective deterrent.
- It was proposed to extend the ULEZ to cover the majority of London, with the exception of a few areas on the very fringes.
- The London LEZ had been introduced in 2007 and had improved air quality greatly and had helped clean up polluting heavy goods vehicles.
- The majority of drivers in London would not pay the ULEZ charge as their vehicles were already compliant (93%). This would increase to 95% in 2023, where only 1 in 20 drivers would pay the charge. Also, 82% of vehicles in outer London were already ULEZ compliant.
- TfL was urging people to check whether their vehicles were compliant on the “checker” on the TfL website.
- To help with the transition to cleaner vehicles the Mayor was considering a large scale and targeted scrappage scheme to support Londoners. The scrappage scheme would be Londonwide.
- To deliver the ULEZ Londonwide there would need to be a change of signage from LEZ to ULEZ and to introduce new cameras, which were far more discreet now. TfL was in talks with borough officers to discuss these changes. Guidance to boroughs would be issued under the GLA Act 1999.
- Road User Charging schemes were being considered in Central London in the future. Consultation on this was at the very early stages and conversations were taking place with Londoners. Discussions were also taking place on the need to improve public transport in outer London.
- Timeline – TfL would like all boroughs to respond to the consultation by the end of July 2022, with a decision being made by the end of the calendar year by the Mayor.
- There was still a great deal of work that needed doing to improve air quality in London.

### Q and As

Councillor Kemahli said that a great deal of pollution came from tyres, as well as exhausts. He asked what was being done in order to tackle other harmful particulates. Councillor Krupski felt that scrappage schemes should be more nuanced. Car club membership could also be offered to help with this. Councillor Dunne said that this could lead to a spike in electricity demand from EV charging points. She said that there was a need to understand the impacts of increased demand from EVs on the electricity network. Councillor Dunne asked if TfL was working with Heathrow on these issues.

Shirley Rodrigues said that pollution from tyres was a problem, although the main problem was the source of fuel. She said that TfL was unable to help with tyre pollution. With regards to scrappage schemes, Shirley Rodrigues said that the GLA

would be updating people in due course, although they were trying to help the most in need through any scrappage schemes. She said that car clubs were also being looked into. Shirley Rodrigues said that London was the first to have a comprehensive EV strategy. She asked for boroughs to let her know if there were any potential issues regarding grid re-enforcement. Alex Williams said that TfL was monitoring Heathrow and looking into access areas that were not covered by the ULEZ scheme.

With regards to future Road User Charging schemes, Councillor Costigan asked whether any thoughts had been given to charging on distances and whether discussions about this had taken place. She said that it currently took two separate bus journeys to get to Ealing Town Hall. Councillor Ehmann said that the ULEZ extension was being considered more negatively because of future road user charging proposals. He said that timescales also needed to be considered, and that there would not be replacement vehicles available in time for a scrappage scheme, which needed to be “like for like”. Councillor Ehmann said that there needed to be a levelling-up in outer London and more investment in infrastructure was required. Boroughs also voiced concern that there were not enough EV charging points for the number of EVs now. It was felt that future technology for charging EVs needed to be considered.

Shirley Rodrigues informed Members that a Road User Charging scheme would be needed, although this was nowhere near ready to be implemented. She said that discussions were just taking place to look at what needed to be taken into account and to understand what the issues were. She said that Road User Charging was being put out with the ULEZ consultation as it was clear that it would be needed. She said that the ULEZ would have a massive impact on people’s health and this would be reported on in six months’ time. Shirley Rodrigues asked whether the timescale was too premature. She said that almost half the people in London did not own a vehicle and only one in twenty would not be ULEZ compliant. Vehicles could also be exchanged through second-hand vehicles, rather than brand new ones.

Shirley Rodrigues said that there had been delays with regards to scrappage schemes. She said that there was a need to see investment before there was a major switch to EVs. Public transport also needed to be supported. Shirley Rodrigues said that companies were already looking ahead to see what new technologies could be incorporated with EVs. She said that not all vehicles were charged on the street and more information on EV strategies could be circulated should Members want it.

Councillor Irons asked where all the funding would come from for these changes and how the messages to the public could be made clearer. Councillor Bennett said that he was not in favour of extending the ULEZ in the borough of Bromley. He said that the borough had already carried out a lot of its own work to help cut emissions and air pollution. Councillor Bennett said that the ULEZ would have a detrimental impact on small businesses who had diesel vehicles. Residents in Kent and Surrey would also have to pay the ULEZ, along with many of the elderly. Councillor Bennett said that one of the main problems was the lack of radial connectivity. He said that less than 15,000 vehicles had been scrapped and this needed to be greatly increased. Some Members felt that car dependency for school runs needed to be reduced.

Councillor Loakes said that residents understood the issues around air quality and the need for more EVs, but asked if there was a way to overlap these concerns. He said that it was also needed to find ways to reduce PM 2.5 further. Councillor Loakes also voiced concern at the outer “grey” areas of London, like the top of Chingford, that were not covered by the ULEZ. He said that there was a need to think about local residents and the non-compliance of vehicles. The Chair said that the social justice element needed to be looked at when considering road user charging.

Shirley Rodrigues said that the 15,000 vehicles that had been scrapped was not nearly enough and more was being called for, although this was a funding issue. She said that TfL would have to wait to see what the new funding settlement was before making any firm decisions on scrappage. Shirley Rodrigues said that she welcomed borough efforts to make the case to support Londoners for cleaner air. She said that she recognised the need for cars in order to visit family, for instance. With regards to the dangers of PM 2.5, Shirley Rodrigues said that a way needed to be found to get this message across better. She said that London was doing well when it came to reducing air quality but not so well when it came to PM 2.5 emissions, which were having a terrible impact on health. Alex Williams said that TfL was committed to factor in low-income Londoners into any scheme, including road user charging schemes. Shirley Rodrigues said that no parameters had been set with regards to road user charging and more information needed to be sought on this. She said that TfL/GLA were a long way off from designing a scheme for this.

The Chair thanked Shirley Rodrigues and Alex Williams for the presentation on the ULEZ expansion and a Road User Charging scheme.

## **12. Flooding Investment in London**

Members considered a report that presented a business case on behalf of the Thames Regional Flood and Coastal Committee (RFCC) for an increase in the locally raised levy (1.99%) to invest in flood risk management schemes across the Thames catchment. The increase in levy funding between boroughs was between £390 and £7,000 at 1.99 per cent.

Robert Van de Noort, Chair of Thames RFCC, said that the Thames RFCC had a good relationship with TEC over the past ten years and sought to get the best deal for the boroughs.

Robert Van de Noort and Claire Bell (Environment Agency) made the following comments:

- The Thames RFCC was a partnership organisation that worked with local authorities, flood authorities and Thames Water.
- Thames RFCC received its funding through (a) the levy, and (b) Grants in Aid from the Government. In the current programme, every £1 that the Thames RFCC received was matched by 6% to 7% in Grants in Aid.
- The Thames RFCC was now asking for a steer from TEC for a 1.99% increase to the levy from the boroughs, which was considerably less than the cost of inflation.
- The Thames RFCC understood the major challenges that boroughs were experiencing with their finances. However, the RFCC wanted to deal with flood risk in the whole of the Thames area and wanted to help communities with critical infrastructure.
- The Thames RFCC was currently funding two major schemes, namely (i) tidal flooding (eg the Thames Barrier), which was predominantly funded by Grant in Aid, and (ii) surface water flooding (rainfall). The Thames Barrier would now continue to be functional for another 30 years, but work was starting on preparing for a new one.
- All boroughs with a water frontage (ie along the river) would need to adjust their frontage. Funding for the coming year would help towards flood protection from the River Thames.
- The other big project was helping to deal with surface water flooding. Intense rainfall events were occurring more as a result of climate change. The Thames RFCC role was to help build resilience in London for the impact of flooding.

Modelling would take place to help reduce flooding.

- The TEC task and finish group recommends an independent Chair for the Strategic Group to be set up, plus a Secretariat to take this work forward. The Thames RFCC allowed funds to be collected and distributed to where they were most needed and could therefore support this financially.
- The levy would also help to fund a working group that was looking at sustainable urban drainage systems (SUDS). A business case was being developed where pre-approval of funding had already been confirmed. This would enable certainty and minimum disruption to ensure that a great deal more would be delivered on SUDS. Having pre-approval of funds really helped the Thames RFCC to plan ahead.
- It was hoped to use the pilots for SUDS to help influence DEFRA. For every ten trees that were planted, one had a SUDS feature underneath it.

The Chair thanked Robert Van de Noort and Claire Bell for their presentation to TEC. He said that the Task and Finish group on flooding (currently the Surface Water Transition Group) had been endorsed by the TEC Executive Committee and was working closely with the GLA.

Councillor Manders said that the borough of Richmond already had a Thames scheme from Surrey County Council. Councillor Kemahli said that a large number of residents in the Royal Borough of Kensington and Chelsea were scared to make insurance claims for flood damage.

Robert Van de Noort said that over-programming enabled the Thames RFCC to give a high priority to flood schemes in London and outer London areas. He said that the Thames RFCC had been drawing in unused Grant in Aid funding from other regions for a number of years now. The Thames RFCC was one of the best flood committees owing to the help that it received from the boroughs. Robert Van de Noort said that the Thames RFCC was looking at two elements to reduce flood risk: (a) the River Thames Scheme, which had work outside of London and was undertaking a trial to look at the impact of flooding. £40million of the levy would be used on feasibility projects for this, and (b) property protection – better systems were now in place with houses having proper windows and doors to combat flooding. All residents wanted their homes to be flood proof. Robert Van de Noort said that a great deal of London was now tarmacked over and it would be very difficult to stop flooding because of this.

Robert Van de Noort said that the Thames RFCC would work with Katharina Winbeck and her team to look at places where SUDS would have the greatest impact (dialogue on this would continue outside of the meeting). He said that the Thames RFCC were world leaders when it came to SUDS. There would now be a change in approach in order to support drainage systems, and not just in London.

#### **The Committee:**

- Noted the report; and
- Noted that a steer was provided to the TEC members who sat on the Thames RFCC to recommend a levy increase of 1.99 per cent for 2023/24.

### **13. TEC Business Plan & Priorities for 2022/23**

The Committee considered a report that provided Members with a look back at what had been achieved in 2021/22 and look forward to the priorities for 2022/23, linking them to London Councils' shared ambitions as agreed by London Councils' Leaders.

Katharina Winbeck, Strategic Lead Environment and Transport, London Councils, welcomed the new TEC Members and said that they were welcome to contact her

should they have any comments or concerns.

Katharina Winbeck made the following comments:

- There was a TEC Agreement that would be sent to TEC Members for their information, along with a copy of the TEC Business Plan presentation. This agreement sets out the powers of the Committee and they are generally quite constraint.
- As an example, when TEC wanted to take on the lead role of co-ordinating funding for and implementation of EV infrastructure, this required the TEC Agreement to be amended. This is usually a long process, as every London local authority had to agree the changes.
- TEC has two main functions: (a) Policy work, and (b) Services. The TEC Policy team was made up of seven members of staff, who worked closely with a number of relevant professional networks like the London Technical Advisers Group (LoTAG) and the London Environment Directors Network (LEDNet), but also the GLA, TfL and our own established officer groups which were always regionally and politically represented. Collaborative work also took place regularly such as the Thames RFCC, who were here today.
- TEC's key priorities had not changed very much over the years, with climate change being a main focus, along with air quality, transport funding, EVs and e-scooters. The bus network and the Transport Bill were also other key focus areas.

Stephen Boon, Transport and Mobility Director, introduced the Services role of TEC and made the following comments about the services that TEC provided:

- TEC Services employed 21 members of staff and 6 contractors.
- Key services included the Freedom Pass. This was a very important service for older and disabled Londoners
- Taxicard is a highly valued concessionary taxi service, for mobility and sight impaired Londoners. TfL provided the majority of funding for the Taxicard service.
- There were two tribunals which received a volume of parking and traffic and Road User Charging appeals. London Tribunals provided a statutory role. London Councils provided all the facilities to support the independent adjudicators (Environment and Traffic Adjudicators and Road User Charging Adjudicators – RUCA). RUCA was a separate tribunal (based at the same tribunal hearing centre in Fournival Street) and heard appeals against TfL congestion charging and low emission zone schemes.
- The London Lorry Control Scheme (LLCS) restricted the movement of heavy goods vehicles at night and the weekends, in order to limit the noise to residents. He suggested that TEC was looking at working more closely with TfL in order to enforce the scheme more effectively.
- The Health Emergency Badge (HEB) Scheme provided free parking for people involved in delivering emergency primary healthcare in patients' homes.
- The TRACE service allowed people to find out if their vehicle had been towed away and where to collect it (for all boroughs, via a website).
- The London European Partnership for Transport (LEPT) was a joint London initiative that liaised with other EU cities in order to access EU funding for transport and mobility projects. Boroughs were still currently eligible for EU funding.
- Traffic and Parking Policy and Guidance – some were statutory roles, like traffic signal costs, the level of fines for Penalty Charge Notices (PCNs) and contravention codes. Guidance was issued and TEC worked closely with the

DfT on this.

- The TEC priorities were now grouped under London Councils' shared ambitions (page 9 in the report)

The Chair thanked Stephen Boon and Katharina Winbeck for their presentation on the TEC priorities for the coming year. He said that there was a lot more information available should Members require it.

**The Committee:**

- Noted the report;
- Agreed that Alan Edwards would send a copy of the latest TEC Agreement and the TEC Business Plan/Priorities presentation to Members for information;
- Noted that Members should contact Katharina Winbeck if they had any comments/suggestions regarding the TEC Business Plan and Priorities for the coming year; and
- Noted that any further dialogue on the TEC priorities should take place via email after the meeting.

**14. Response to DEFRA's Environmental Targets Consultation**

The Committee received a report that provided an overview of London Councils' draft submission to the Department for Environment, Food and Rural Affairs' consultation on new environmental targets. The full draft response could be found in Appendix 1 of the report.

Katharina Winbeck introduced the report and said that comments and contributions were now required from TEC before the response to the consultation went to DEFRA. She explained that for London Councils to respond to consultations, the topic needed to be relevant to more than a couple of boroughs and there should be a London-specific angle. Katharina Winbeck said that Zak Bond was present to answer any detailed questions on the response. Feedback had been received from the officer networks and the deadline for responses was 27 June 2022.

Councillor Lewis asked whether a response to the biodiversity element could be included. Katharina Winbeck said that this would be updated and then circulated to TEC Chair and Vice Chair for final sign off.

**The Committee:**

- Noted the consultation response for submission to the Department for Environment, Food and Rural Affairs; and
- Noted that the issue of biodiversity would be included and a final version signed off by TEC Chair and Vice Chairs.

**15. London E-Scooter Trial Update**

The Committee received a report that updated TEC on the London Councils and TfL's activities on the future mobility agenda, including the e-scooter rental trial, the provision of rental e-bikes in London and the Government's announcements regarding private e-scooters, rental e-scooters and rental e-bikes.

Agathe de Canson, Principal Policy and Projects Officer, London Councils, introduced the report which gave an update on the e-scooter trial and e-bike rental market, and also the legislation on e-scooters. She said that the trial was being coordinated with London Councils and TfL and was one of 32 authorised trials around the UK by the DfT. Agathe de Canson informed Members that it was still currently illegal to use private e-scooters on public land. She said that the trial was taking place until 20 November 2022 and 10 boroughs were currently participating.

Agathe de Canson said that all trial e-scooters have to be parked in dedicated bays. Data that had been received from operators said that over a million trips had now been made. Agathe de Canson said that safety was the number one priority for the trial. There had not been any fatalities but there had been 16 serious injuries.

She said that the e-bike market was currently unregulated, although four operators were renting bikes out in London. She said that the network was “patchy” and not ideal for the boroughs – e-bikes were ending-up in different locations for which no agreement is in place and work with the boroughs was taking place to improve the dialogue on this.

Agathe de Canson said that the Government would create a new vehicle class for e-scooters in the Transport Bill with a view to legalise their use on public land in due course. Safety requirements and speeding limits would be set out. There would also be legislation to regulate e-scooter and e-bike rental schemes in cities. She said that all legislation would take approximately 3 years to complete. Councillor Dunne said that she was keen to know TfL’s position on this. She said that e-bikes were the best way forward for the borough of Hounslow, but it was vital that the boroughs worked together and manage the e-bike scheme roll-out.

Councillor Sheth said that the borough of Brent was not part of the e-scooter trial. She voiced concern that the scooters were travelling fast down pavements and knocking pedestrians over. Councillor Ehmann asked whether there was a plan for boroughs to have extra powers for e-bikes in 3-years’ time. He asked whether this would be at a London level rather than a local (authority) level. The Chair said that the borough of Hackney had already gone to an operator with regards to an e-bike contract. He asked whether there was any data on the effect of e-scooters on disabled Londoners and the hard of hearing.

With reference to the question from Councillor Sheth, Agathe de Canson said that e-scooters were all GPS tracked and the parking bays would feature as part of any contract. However, there were issues with private scooters. Elizabeth Gaden said that the police did not have the time to monitor private scooters, so enforcement against them is currently quite low.

Elizabeth Gaden said that help with agreed guidance and e-bike rental would be available for the boroughs. Agathe de Canson said that TfL was planning to expand docked Santander network and considers introducing e-bikes as part of that. Agathe de Canson said that good channels had been created with the DfT, particularly around the Transport Bill. Agathe de Canson said that a number of boroughs had already secured contracts with e-bike operators, and this would need to be addressed for any London-wide scheme. Elizabeth Gaden said that an EqIA had been created to look at the impact on people with disabilities, and a great deal of engagement had taken place on this. She informed Members that an audible warning system was being looked at with the operators and London Councils and TfL were working with “Pearl”. This was new technology that had not been carried out by anyone else yet. Elizabeth Gaden said that more qualitative data would be required.

Councillor Ghani said that the borough of Barking and Dagenham was already in



discussions with e-scooter companies now and would like to take part in the trial. Elizabeth Gaden said that she would contact the relevant officers in Barking and Dagenham directly to discuss this further.

Councillor Ghani said that the borough of Barking and Dagenham was already in discussions with e-scooter companies now and would like to take part in the trial. Elizabeth Gaden said that she would contact the relevant officers in Barking and Dagenham directly to discuss this further.

**The Committee:**

- Agreed that Elizabeth Gaden would contact the borough of Barking & Dagenham with regards to the borough becoming part of the e-scooter trial;
- Noted that the e-scooter trial was scheduled to end on 20 November 2022; and
- Noted the report.

**16. Items Considered under the TEC Urgency Procedure.**

The Committee considered a report that outlined the items that were sent to TEC Elected officers under the TEC Urgency Procedure for the meeting that took place on 24 March 2022. The Urgency Procedure was sent to TEC Elected Officers on 25 March 2022.

The Committee noted the items that were agreed under the TEC Urgency Procedure that arose from the TEC meeting held on 24 March 2022, as detailed in Appendix 1 of the report.

**17. Dates of the TEC & TEC Executive Sub Committee Meetings for 2022/23**

The Committee received a report that outlined the proposed dates for the TEC and TEC Executive Sub Committee meetings for 2022/23.

The Committee agreed the proposed dates for the TEC and TEC Executive Sub Committee meetings for the year 2022/23.

**18. Minutes of the TEC Main Meeting held on 24 March 2022**

The Committee agreed that the minutes of the TEC Main meeting held on 24 March 2022 were an accurate record.

**The meeting finished at 17:19pm**