

COUNCIL		
Report Title	Variation to the London Council's Transport and Environment Governing Agreement	
Key Decision		Item No.
Ward		
Contributors	Chief Executive (Head of Business & Committee), Head of Law, Executive Director for Resources & Regeneration	
Class	Part 1	Date: September 20 2017

1. Summary & Purpose of Report

- 1.1 The Council has delegated various functions to the London Councils Transport and Environment Committee ("LCTEC").
- 1.2 This report seeks approval by full Council to the delegation of further functions to LCTEC relating to Electric Vehicle Charging Apparatus, potentially required for LCTEC to operationally manage Electric Vehicle Charging Technology on behalf of the boroughs and TfL. The feasibility of LCTEC undertaking this role will be considered and a business case developed for future LCTEC consideration before any of the delegated functions are exercised by TEC. The boroughs would also need to agree any delegated action which resulted in additional cost or expense being passed to them.
- 1.3 Each of the participating Councils in LCTEC are required to have approved these matters by 31 October 2017.

2. Policy Context

- 2.1 As part of the Capital's response to the issue of air pollution and its impact on public health, London Councils aims to establish a London-wide delivery partnership for deploying, managing and maintaining residential and car club charging points across London by 2020.
- 2.2 London's bid to the Office for Low Emission Vehicles 'Go Ultra Low City Scheme' (GULCS) was submitted by the Mayor of London, Transport for London and London Councils on 2 October 2016.
- 2.3 The bid proposed to install residential charging infrastructure using a new pan-London delivery vehicle, to create strategic rapid charging hubs across London to service commercial fleets, and to help car club operators upgrade

their vehicles. London's bid was successful and the city has been awarded £13m.

- 2.4 On 7 December 2016, the Council adopted its Air Quality Action Plan (AQAP), which outlines the action we will take to improve air quality in the London Borough of Lewisham between 2016–2021.
- 2.5 This action plan, approved by Lewisham's Mayor and Cabinet, includes plans for the expansion of electric vehicle charging points throughout the borough.
- 2.6 In June 2017, TfL drafted a new Mayor's Transport Strategy (MTS) which is expected to be adopted by the end of the 2017 calendar year. Boroughs will then be required to prepare a new transport strategy, the Local Implementation Plan (LIP), to come in to effect from April 2019.
- 2.7 The new LIP will include consideration of the strategy and delivery electric vehicle charging infrastructure. In preparation for the LIP, officers are drafting a Low Emission Vehicle Strategy which will set out the Council's position on various delivery methods, including the Go Ultra Low City Scheme (GULCS).
- 2.8 This Programme further supports relevant Council priorities, which include:
- 2.9 Clean, green and liveable – improving environmental management, the cleanliness and care for roads and pavements and promoting a sustainable environment.
- 2.10 Inspiring efficiency effectiveness and equity – ensuring efficiency, effectiveness and equity in the delivery of excellent services to meet the needs of the community.

3. Recommendations

- 3.1 To authorise the delegation of further functions to the London Councils Transport and Environment Committee as set out at paragraph 4.6 of this report; and
- 3.2 To agree to enter into a Memorandum of Participation to give effect to the matters referred to at paragraph 4.6 below and to delegate authority to the Head of Law to approve the final terms of the Memorandum of Participation which will give effect to the proposed variation to the London Councils Transport and Environment Committee Governing Agreement.

4. Background

- 4.1 By an agreement dated 13 December 2001 ("the Agreement"), the Council arranged for certain functions to be discharged by a joint committee known as the Association of London Government Transport and Environment

Committee (“ALGTEC”). In December 2006, ALGTEC changed its name to the London Councils Transport and Environment Committee. All of the London Boroughs together with the Royal Boroughs of Kensington and Chelsea and Kingston-upon Thames, the City of Westminster and the City of London are participating Councils in LCTEC.

- 4.2 Lewisham has benefited from the functions of LCTEC. LCTEC also has a valuable lobbying aspect that LCTEC performs on a range of issues around Transport, Cleansing and Waste related issues. It is the principle means by which the views of London's Boroughs on issues are collated and taken up with Central Government and TfL. LCTEC is also active in promoting local legislation, in many cases trialling before being rolled out nationally (for example, the recent differential parking penalties). It oversees traffic adjudication (parking/moving traffic in London) and leads on the London night lorry ban.
- 4.3 At its meeting on 15 June 2017 LCTEC considered the report attached at Appendix 1 proposing amendments to the LCTEC Agreement in support of the Go Ultra Low City Scheme (GULCS) activities. The proposal is to provide LCTEC with the authority to take on the operational management as well as the strategic oversight of a London wide residential electric vehicle charging point delivery partnership on behalf of London's local authorities, should this be required.
- 4.4 London Councils' officers have been liaising with the London local authorities and TfL regarding this proposal as part of the development of the Government's Office for Low Emission Vehicles grant-funded GULCS project. Through the project's engagement work it became clear that some form of centralised contract management and customer facing body was desirable, given the resource constraints boroughs are facing and the benefits a consistent approach might deliver. As an existing joint committee representing all of London's local highway authorities, LCTEC has agreed that it is a suitable body to undertake both the strategic oversight and operational management of such a “partnership”.
- 4.5 As stated at paragraph 29 of the attached LCTEC report, these new LCTEC functions may not be necessary as part of the GULCS project, given the future funding uncertainties of the proposal. However, the GULCS project team is currently investigating the potential feasibility of such a delivery partnership being established. A business case will be developed following further consultation with each authority and other stakeholders and will be presented to LCTEC for approval before any partnership is established and the delegation of powers utilised. The boroughs would also need to agree any delegated action which resulted in additional cost or expense being passed to them. London Councils' officers are undertaking the feasibility and business case work in parallel to seeking the delegation of powers to save time in light of project programme constraints.

4.6 It is proposed that further functions should be delegated to LCTEC by amending the Agreement to provide as follows:

- The provision and operation of charging apparatus for electrically powered motor vehicles and/or the grant of permission to provide and operate charging apparatus for electrically powered motor vehicles under section 16 of the London Local Authorities and Transport for London Act 2013 PROVIDED THAT such provision and operation may only take place at locations first agreed by the Participating Council which is the highway authority for the affected road (or, where it is the highway authority for the affected road, TfL) AND PROVIDED FURTHER THAT any grant or other monies provided to LCTEC for the purpose of providing and/or operating charging apparatus for electrically powered motor vehicles shall be applied to any such provision and operation by LCTEC which shall be at no cost or expense to the Participating Councils unless first agreed.
- The exercise of powers under Section 1 of the Localism Act 2011 for the purposes of giving effect to the joint exercise of functions under Section 16 of the London Local Authorities and Transport for London Act 2013 by LCTEC, or otherwise for the purposes of supporting and facilitating the Participating Councils and/or TfL in their exercise of those functions, including but not limited to oversight and management of the arrangements
- For the purposes of exercising functions under (b)(i) and (b)(ii) above LCTEC may appoint TfL to act as its agent (subject to Part 7 of this Agreement applying to any such appointment, including its termination) and FOR THE AVOIDANCE OF DOUBT the functions referred to at (b)(i) and (b)(ii) above may be exercised directly by LCTEC or pursuant to a contract or Service Level Agreement between LCTEC and TfL (or between LCTEC and another appropriate body) or through such servant, agent or contractor as LCTEC may appoint.

4.7 Each of the participating Councils in LCTEC are required to have approved these matters by 31 October 2017.

5. Legal Implications

5.1 In accordance with Section 101(5) of the Local Government Act 1972, two or more local authorities may discharge any of their functions jointly. Where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs. These powers enable the Council to delegate functions to LCTEC.

5.2 In accordance with The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), the function of making arrangements for the discharge of functions by a committee or officer under section 101(5) of the Local Government Act 1972 is not to be the responsibility of an executive of the authority. The proposed delegation of

functions to the LCTEC referred to in this report is therefore required to be approved by full Council.

- 5.3 The legal position relating to the functions to be delegated is set out in the body of this report and the LCTEC report attached at Appendix 1.

6. Financial Implications

- 6.1 There are no direct financial implications arising from the recommendations in this report. The Councils participating in LCTEC, including Lewisham, would also need to agree any delegated action which resulted in additional cost or expense being passed to them.

7. Equality Implications

- 7.1 There are not considered to be any equality implications arising from this report although these will need to be specifically considered at the appropriate time in the context of any individual actions proposed by LCTEC.

8. Environmental Implications

- 8.1 Measures to encourage and increase electric vehicle uptake will be an important component of tackling the challenge of reducing emissions from transport.
- 8.2 The delivery of electric vehicle charging infrastructure will be a key part of the Air Quality Action Plan, allowing the local authority to fulfil its statutory obligations under the Environment Act 1995 which are aimed at improving air quality.
- 8.3 These proposals will have positive benefits for the environment. A synergy exists between actions aimed at improving the quality of the air we breathe locally and tackling carbon emissions and improving public health and well-being.

9. Crime and Disorder Implications

- 9.1 There are not considered to be any crime and disorder implications arising from this report although these will need to be specifically considered at the appropriate time in the context of any individual actions proposed by LCTEC.

10. Human Rights Implications

- 10.1 The Human Rights Act 1999 came into force on 2 October 2000 and effectively incorporates the European Convention on Human Rights into UK law. It requires all public authorities to have regard to Convention Rights. In making decisions Members therefore need to have regard to the Convention. There are not considered to be any human rights implications

arising from this report although these will need to be specifically considered at the appropriate time in the context of any individual actions proposed LCTEC.

If you would like further information on this report please contact, Simon Moss (Policy & Development Manager) on 0208 3142269 or Katherine Kazantzis (Legal Services) on 0208 3147937.

Appendix 1

<http://www.londoncouncils.gov.uk/node/31927>