


Non-Executive Report of the: Full Council 15 January 2020	 TOWER HAMLETS
Report of: Ann Sutcliffe, Corporate Director, Place	Classification: Open (Unrestricted)
Delegation of Role to London Councils' Transport and Environment Committee (LC TEC)	

Originating Officer(s)	Dan Jones, Divisional Director, Public Realm Mehmet Mazhar, Business Manager Highways & Traffic Margaret Cooper, Head of Highways
Wards affected	All

Executive Summary

This report advises Members of two new items being adopted by London Councils and seeks this Council's approval to both. The first relates to establishing a London wide partnership to assist boroughs in the management and delivery of Electric Vehicle Charging Points (for residential and car club use) and the second to the development of a Londonwide bye-law to control Dockless Cycle Hire Schemes.

Note – this report was considered by the General Purposes Committee on 10 December 2019 and forwarded to Council for approval.

Recommendations:

The Full Council is recommended to:

1. Approve the delegation of authority to London Councils to enable them to better support the boroughs in managing and delivering the provision of Electric Charge Points as set out in 3.5 of this report.
2. Approve in principle the development of a new London-wide byelaw to control the operation of Dockless Cycle Hire Schemes within the Borough.
3. Authorise the Divisional Director, Public Realm to sign authorisation forms for both the above matters.

1. REASONS FOR THE DECISIONS

1.1. To enable London Councils to provide a centralised delivery partnership and management resource to assist the boroughs in the installation of Electric

Charging Points throughout London.

- 1.2. To enable London Councils to develop a new Pan London bye law to control the operation of Dockless Cycle Hire Schemes within the borough.

2. ALTERNATIVE OPTIONS

- 2.1. Maintain status quo of only the Boroughs being responsible for this work in isolation of the rest of London.
- 2.2. Maintain status quo of having no effective legislation with which to control the spread of Dockless Cycle Hire schemes within the borough and across the capital.

3. ELECTRIC VEHICLE CHARGE POINTS

Phase 1

- 3.1 The London Councils / TfL GULCS (Go Ultra Low City Scheme) project team continues to support boroughs in their implementation of Electric Vehicle Charging points. This includes: establishing a framework contract for their delivery, managing funding allocations, dealing with technical queries regarding the procurement documents and organising events where boroughs can share knowledge and expertise. To date some 400 charge points have already been installed across London and over 800 are forecast to be installed by 31 March 2020. This compares to 35 Electric Vehicle Charge Points which have been installed in Tower Hamlets already, with 100 more planned for the current financial year.
- 3.2 The GULCS project team is also in the process of writing technical guidance, which will be the first in the country and relevant for everyone. This will be published and circulated to London boroughs and suppliers on the framework in March 2020

Phase 2

- 3.3 The original GULCS bid to Central Government for funding included an objective to provide a centralised delivery partnership and management resource for electric charge points, including a one stop shop for Londoners as part of the work streams for provision of electrical charge points for residential and car club use. This Phase Two work will be delivered under the arrangements which are now seeking approval.
- 3.4 The centralised approach would introduce a number of benefits including: economies of scale, a simplified process for customers and operators, and reduce the resource burden on local authorities, whilst allowing boroughs to retain control of the type, locations, and ownership of charge points. The One

Stop approach would provide a single website which would provide a central place for all Londoners to submit locations for charge points. Requests would be gathered centrally and sent straight to the relevant borough for consideration. The target is to set this up by the end of 2020.

- 3.5 The delivery partnership would not replace the authority which boroughs have to manage delivery of charge points throughout their areas which includes agreement of sites, installation timing and consultation processes. This coordination would save money, pool resources and expertise, and establish a consistent approach to delivery to support the ongoing work of the boroughs. It is now intended to proceed along these lines.

Amending the London Councils' Transport and Environment Committee (TEC) Agreement

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

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

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

(b)(iii) For the purposes of exercising functions under (b)(i) and (b)(ii) above LCTEC may appoint TfL to act as its agent (subject to Part 7 of this Agreement applying to any such appointment, including its termination) and FOR THE

AVOIDANCE OF DOUBT the functions referred to at (b)(i) and (b)(ii) above may be exercised directly by LCTEC or pursuant to a contract or Service Level Agreement between LCTEC and TfL (or between LCTEC and another appropriate body) or through such servant, agent or contractor as LCTEC may appoint.

- 3.8 Tower Hamlets Council is now required to sign this delegation for London Councils to be the delegated authority to act on the borough's behalf where necessary. This will ensure London Boroughs retain control of the project and are fully supported in the future roll out of electric vehicle charge points across London.

4. DOCKLESS CYCLE HIRE BYELAWS

- 4.1 The management of Dockless Cycle Hire Schemes in various areas of London has to date been ineffective in terms of the inability of local authorities to enforce indiscriminate parking and associated ASB, as well as being limited in geographical spread. There is currently no legislation which controls the operation of these schemes: to date some have been introduced in limited areas under a voluntary Service Agreement with the local authority but others have simply started operations. The only way in which local authorities can address the problems caused by bikes being left anywhere is to use highway obstruction legislation which is both slow and cumbersome.
- 4.2 After detailed discussions between all boroughs, TfL and London Councils, it has been agreed that London Councils should seek amendments to the TEC Agreement that would allow TEC to widen the scope of its current ability to make and promote a proposed pan-London byelaw on boroughs' behalf to prohibit bike operators from parking dockless bikes other than at approved parking spaces. Local issues, such as how many or how few parking places to approve and where they should be located, are all left for individual boroughs to determine.
- 4.3 This will enable a shift away from the status quo, where Boroughs reach individual agreements with specific operators, and instead move to borderless operations throughout Greater London. At present there is no other legislation which can be applied to control the negative impacts of these schemes in boroughs which are not hosting a scheme.
- 4.4 This Council's approval is required to enable London Councils to proceed to develop such a bye-law.
- 4.5 A new byelaw could be beneficial in terms of setting Londonwide standards through London Councils for :-
- Minimum safety standards for bikes and scooters;
 - Robust ways of tracking the whereabouts of all bikes;
 - Set a penalty for a dockless operator committing the offence.

- 4.6 The bye law would also help each relevant local authority to ensure bikes may only be left in places agreed by them and make it an offence to park otherwise.

5. CONCLUSION

- 5.1 In order to ensure pan-London arrangements for both installation of electric vehicle charging points and a Dockless Cycle Hire byelaw, all Boroughs need to agree the proposals as outlined above. It is believed to be in the Borough's best interests to be party to both of these amendments.

6. EQUALITIES IMPLICATIONS

There are no specific equality implications arising from these delegations of authority.

7. OTHER STATUTORY IMPLICATIONS

The centralised approach intends to bring economies of scale, simplify the process for customers and operators and reduce the resource burden on local authorities, whilst allowing boroughs to retain control of the type, locations, and ownership of charge points.

8. COMMENTS OF THE CHIEF FINANCE OFFICER

- 8.1 There are no material financial implications emanating from this report.
- 8.2 The supply, installation and maintenance of the Go Ultra Low City Scheme (GULCS) electric charge points will be met by the external funding available from the GULCS programme with no funding required by LBTH.
- 8.3 LBTH would be the enforcing authority for the Dockless Byelaws. In the event of fines levied for non-compliance, LBTH would collect them. This income stream is not anticipated to be material. The byelaws will apply across London so there is a uniform approach, however, they will be enforced by individual boroughs. It is anticipated that there is capacity within existing resource to absorb this work without the need for additional staff and cost.

9. COMMENTS OF LEGAL SERVICES

- 9.1 The TEC is a joint committee made under sections 73 and 74 Road Traffic Act 1991 (as amended by section 283 Greater London Authority Act 1999), sections 101(5) and 101(5B) and 102 Local Government Act 1972, section 20 Local Government Act 2000, the Local Authorities (Arrangements for the Discharge of Functions) Regulations 2002, the Local Authorities (Goods and Services) Act 1970 and all other enabling powers where by London Boroughs and the GLA in the interests of achieving greater efficiency and economy in the use of their resources, delegated the functions to the Committee. The agreement has been amended a number of times since inception.

- 9.2 The TEC Agreement needs to be amended further to delegate the boroughs' functions relating to making and promoting the pan-London dockless byelaw to TEC because none of the local authorities' functions relating to the making of a pan-London byelaw for dockless bikes parking are currently delegated as functions of TEC and the Committee therefore does not currently have the legal authority to undertake this function on behalf of the London local authorities.
- 9.3 It is proposed that an appropriate amendment would be by way of an addition to the Part 3(D) Functions, inserting a new paragraph 2(c) as follows:
- “(c)(i) the making of byelaws under section 235 of the Local Government Act 1972 (and, in respect of the City of London Corporation, under section 39 of the City of London (Various Powers) Act 1961) for the purpose of regulating dockless vehicles on the highway and/or public places (including by making it an offence for a dockless vehicle operator to cause or permit their dockless vehicle to be left on the highway or public place other than in an approved location), including *taking all related steps to promote, make, amend and revoke any such byelaw.*
- (c)(ii) The exercise of powers under Section 1 of the Localism Act 2011 for the purposes of giving effect to (i) above, including but not limited to oversight and management of the arrangements (but excluding prosecution or other enforcement)*
- 9.4 Amendments to Part 3(D) are not minor variations for the purposes of Clause 15 of the LCTEC Governing Agreement, but are made by the procedure set out in Paragraph 3(D) 1 of the LCTEC Agreement which provides an alternative process for delegating the exercise of functions to the joint committee without requiring a separate formal variation agreement to be agreed by each authority before the delegation to the joint committee is effective. The procedure was adopted under an earlier formal variation to the Governing Agreement with the consent of all the London local authorities and TfL and provides that the functions may be delegated by each London local authority to operate under the existing terms of the Governing Agreement “subject to consultation with the Participating Councils and the written agreement of each Participating Council”. (An updated copy of any amended Part 3(D) must also be provided).
- 9.5 The proposed delegation is highly restricted. It is not a transfer of the authorities' powers in respect of dockless bikes parking to LC TEC but allows for LC TEC to make and promote a pan-London byelaw. There was no provision for this included when the LC TEC Agreement was first established.
- 9.6 Signing the amendment to the LC TEC Agreement does not mean any loss of control of local authority assets or powers. The extent of dockless bike parking and the enforcement of the byelaw would be a matter for local decision-making and control, at the discretion of each London borough. However, without all authorities signing the variation to the LC TEC

Agreement the Committee would be unable to take on the promotions and making of this new byelaw.

9.7 Council is able to agree the recommendation.

Linked Reports, Appendices and Background Documents

None