

APPENDIX 2

SCHEDULE OF ITEMS IN THE PROPOSED JOINT BILL BETWEEN THE
LONDON BOROUGHES AND TRANSPORT FOR LONDON

No.	Item	Possible provision	Initiating borough	Comments / detail	Consultees
ENVIRONMENT					
ENV 8	Control of items placed on the highway, inc. advertising 'A' boards.	Control of 'A' shaped advertising boards and other items placed on the highway.	Westminster & RB Kingston	To allow powers to remove and dispose of, as well as the recovery of admin costs, enforcement costs and FPNs for contravention. This would address issues included in current legislation but which ineffective enforcement procedures. LOOKING DIFFICULT - CITY OF LONDON MAY BE ABLE TO HELP	
ENV 9	Tackling street clutter in London	Extending powers enjoyed by the City of London to remove street clutter	English Heritage	This includes signs, lights traffic signs etc that could be fixed to buildings, as in the City.	
TRANSPORT					
TRN 1	Recovery of traffic management and street cleansing costs, and power to close/manage traffic for 'special events'.	Recovery of traffic management and street cleansing costs due to football matches and other large public events. Power to charge venues which attract large numbers of people and result in extra costs for street cleansing and traffic management. Could also cover the power to close/manage roads for 'special events'	Kingston (and Wandsworth or H & F?)	Recovery of costs from some events is likely to be covered by the Licensing Act 2003, the fee for which is meant to cover all aspects of an event. However, this is not the case with the football stadia's safety certificate which only covers activities inside the ground. Nor is it the case with venues/events that do not need a license. On the issue of new powers, the RTA does allow boroughs to do this, but there is a limit on the number of times the powers can be invoked.	
TRN 2	Charging points for electric vehicles	Clarification of powers to provide charging points for electric vehicles in the street, and in particular in relation borough liabilities which are at present unlimited	H & F	The powers could relate to both, installing charging points on behalf of residents, and running a charging system.	
TRN 3	Recover damages to the highway	Power to require an owner or developer to provide a deposit, prior to commencement of development, which could then be offset against any costs arising from making good damage caused by the owner or developer.	Bromley	It has also been suggested that powers are required to deal immediately where mud and other building material are deposited on the highway to the detriment of free/safe passage. The powers should also allow for the recovery of administrative costs, and fixed penalty fines. There is also a suggestion that where there is damage, fixed penalty fines could be used.	
TRN 5	Gated road closures	Powers to fine those who open emergency gates without authorisation under the relevant traffic order	Camden	Fines collected would go towards costs of the surveillance.	
TRN 7	Pedicabs	Powers to control pedicabs	LC, TfL and Westminster	This item has support from both London Councils, and TfL. It addition Westminster Council is very animated about this issue. This needs to be tried again.	
TRN 10	Advanced stopping areas	Allowing decriminalised enforcement of advanced stopping areas at traffic lights	TfL	Proposed by TfL. Our opinion is that this is fine in principle, but the definition will be tricky to avoid it covering red lights generally.	
TRN 11	mobile phones and driving	Allowing decriminalised enforcement of the use of mobile phones while driving	TfL	Proposed by TfL. Our opinion is that this is difficult in practice and principle. This is an endorseable offence and hence driver liability. Previously we have said that endorseable offences should remain criminal.	
TRN 14	Cyclists on the footway	Section 72 of the Highways Act 1835 makes it an offence to cycle on the footway. Section 51 and Schedule 3 of the Road Traffic Act 1988 provide that such an offence is punishable by a fixed penalty of £30.	RBK&C	It is proposed that London local authorities should have the power to vary the fixed penalty according to the area where the offence takes place and the seriousness of the offence. London authorities should have the discretion to impose a far greater penalty than the current £30 fixed penalty. TEP advises that this would bring in differential penalty levels for parking, which has already proved difficult and time-consuming to get agreement and implementation.	
TRN 15	Builders skips	Regulations relating to skips are often not complied with, and it is difficult for the highway authority to enforce the legislation. A change in the enforcement procedure is proposed.	Westminster	Rules relating to the placing of skips on the highway (section 139(4) of the Highways Act 1980) are often not complied with. It is difficult for the highway authority to enforce the legislation, and a change in the enforcement procedure would help. Currently, it is a criminal offence to breach the requirements of section 139(4) and by virtue of section 8 of the LLA and Transport Act 2003, it is also a fixed penalty offence. Solutions proposed are (a) to decriminalise the offence and make it a penalty charge provision (using the framework in Part 5 of LLA 2007) with the skip provider responsible for the charge, or (b) to require skip suppliers to ensure that skips used in London are of a type that have the necessary lights and covers built in.	

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TRN 16	Abnormal load enforcement	The proposal is that contraventions of the abnormal load regulations should be decriminalised and that enforcement of these contraventions could then be carried out by the London boroughs and TfL, possibly through a joint working arrangement.	Transport for London	At present enforcement is carried out by the police within the criminal system. The reasons for seeking this change are that it is likely that responsibility for the planning of the movement of abnormal loads in London will transfer from the Metropolitan Police Service to Transport for London and it would therefore make sense for responsibility for enforcement to follow a similar transferral process. Also, as with many other traffic violations that have been decriminalised, there is very little enforcement carried out at the moment, as the police lack sufficient resources to do too much, and there is consequently a high level of non compliance with the regulations.	