

Report for: Cabinet – 11th February 2020

Title: Amendment to London Councils Transport and Environment Committee Agreement, Electric Vehicles coordination function

Report

authorised by : Dan Hawthorn, Director of Housing, Regeneration, and Planning

Lead Officer: Joe Baker, Head of Carbon Management

Ward(s) affected: All

Report for Key/

Non Key Decision: Key decision

1. Describe the issue under consideration

- 1.1. It is recognised that there is a need for London Councils to continue to coordinate and support EV infrastructure delivery in London after March 2020. This is supported by the findings of the Mayor’s EV Infrastructure Taskforce, which has recommended that a new pan-London EV coordination function is created to facilitate and oversee charge point installation. London Councils has committed to take this recommendation forward.
- 1.2. By agreeing to this recommendation, Haringey Council supports the variation of the existing London Councils Transport and Environment Committee (LC TEC) agreement. This will allow LC TEC to take part in the development or management of a one stop shop coordination body for Electric Vehicle Charging. To do this each of the 33 London local authorities participating in the TEC joint committee arrangements must agree additional functions and powers to the joint committee. This requires the TEC constitution (Appendix D TEC Governing Agreement, dated 13 December 2001 (as amended)) to be varied. Haringey Council is represented at this committee by the Cabinet Member for Climate Change and Sustainability.
- 1.3. The proposed variation does not provide LC TEC with the power to act as a decision maker on behalf of the London local authorities and does not put any borough under any obligation to take part in any proposed activity in this area. It simply allows LC TEC to take on a limited, collaborative role in relation to electric vehicle charging infrastructure. The amendment wording sets out the types of actions that a function managed by LC TEC could undertake, as summary of this is set in section 4.6.

2. Cabinet Member Introduction

In agreeing this variation, the Council will be supporting a London wide approach to Electric Vehicle charging infrastructure. The aim of this variation is to allow London Councils to deliver a Management organisation for electric vehicle charging. This is currently not permitted under the existing terms of TEC, hence this variation and our agreement is needed. This new company

has the potential to reduce costs for London Authorities, while creating a single point of contact for all electric vehicles charging needs. This could benefit the Council and our residents and businesses. Once designed the Council can then decide to take up the offer to join this new company. But this is a positive step in delivering our air quality objectives.

3. Recommendations

3.1. It is recommended that Cabinet:

- (i) Approve the delegation of authority to London Councils Transport and Environment Committee to exercise further functions under section 16 of the London Local Authorities and Transport Act 2013, to enable London Councils to develop a new electric vehicle co-ordination function and to carry out the additional functions to support boroughs in delivering uptake of EV's as set out in paragraph 4.6 in the report and Appendices A and B.
- (ii) Delegate authority to the Director of Housing, Regeneration, and Planning to sign any necessary documents to give effect to the variation of the London Council's Transport and Environment Committee Governing Agreement dated 13 December 2001, as amended.

4. Reasons for decision

- 4.1. In 2016, the Go Ultra Low Cities Scheme (GULCS) funding bid submitted by the GLA, London Councils, and TfL proposed the delivery of London-wide infrastructure and a 'management partnership.' The role of the management partnership was to coordinate and support electric vehicle (EV) infrastructure delivery, and to manage and maintain the infrastructure in the longer term. Some of its original functions have been delivered through the GULCS programme, specifically the GULCS Senior Lead at London Councils and wider project team at Transport for London (TfL). However, this support will no longer continue when the funding for the GULCS Senior Lead role ends in March 2020.
- 4.2. It is recognised that there is a need for London Councils to continue to coordinate and support EV infrastructure delivery in London after March 2020. This is supported by the findings of the Mayor's EV Infrastructure Taskforce, which has recommended that a new pan-London EV coordination function is created to facilitate and oversee charge point installation. London Councils has committed to take this recommendation forward.
- 4.3. A centralised approach would bring economies of scale, simplify the process for customers and operators and reduce the resource burden on local authorities, whilst allowing boroughs to retain control of the type, locations, and ownership of charge points. The delivery partnership would provide support to boroughs and undertake tasks delegated by the boroughs to the delivery partnership.

- 4.4. For London Councils Transport and Environment Committee (LC 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 agree additional functions and powers to the joint committee. This requires the TEC constitution (Governing Agreement, dated 13 December 2001 (as amended)) to be varied.
- 4.5. As set out in Appendix A (TEC Paper: EV coordination function final) and Appendix B (EV coordination function responsibilities), the proposed variation does not provide LC TEC with the power to act as a decision maker on behalf of the London local authorities and does not put any borough under any obligation to take part in any proposed activity in this area. It simply allows LC TEC to take on a limited, collaborative role in relation to electric vehicle charging infrastructure. The amendment wording sets out the types of actions that a function managed by LC TEC could undertake. The reason the amendment is worded in this way is to ensure that further amendments to allow some development of the role would not be needed. But decision making would still need to be agreed by TEC and every London local authority would need to agree to participate in any proposed activity.
- 4.6. The new functions proposed for London Councils TEC can be summarised as follows:
- Act as a the key point of contact for London boroughs, the GLA, TfL, existing and new charge point operators, and other relevant stakeholders seeking information about charge point installation in London
 - Facilitate sharing of best practice and other relevant information amongst London boroughs and other relevant stakeholders
 - Collate and share information to encourage Londoners to switch to Evs
 - Liaise with TfL to provide procurement and contract management support to London boroughs to support delivery of EV charge points
 - Oversee delivery of GULCS programme to the end of 2020.
 - Secure and distribute funding to London boroughs for the delivery of on-street charging points.
 - Monitor and support data sharing between charge point operators, London boroughs, TfL and other relevant stakeholders
 - Analyse charge point usage data. Share and promote key findings with relevant stakeholders.
 - Collate and share locations of charge points delivered
 - Monitor customer experience and charging behaviour
 - Identify funding and partnership opportunities to continue the role of the coordination body from 2022

More details are set out in Appendix A (TEC Paper: EV coordination function final) and Appendix B (EV coordination function responsibilities).

5. Alternative options considered

5.1. Do nothing

Not agreeing to the LCTEC Agreement variation will impact London as a whole. Every London borough needs to agree to this delegation. So if Haringey Council did not agree, this would hinder other Councils' ability to undertake this work in this manner. This will mean fragmented charging point delivery, and require more resource from local authorities (legal and procurement) to undertake this role. It will also impede progress on the Mayor's Transport Strategy (2018), as increasing electric vehicle uptake is vital to improving air quality.

6. Background information

- 6.1. The original Go Ultra Low Cities Scheme (GULCS) bid to Government, which was co-ordinated by the GLA, TfL, and London Councils, proposed the delivery of a London-wide 'management partnership' in addition to the delivery of charge point infrastructure. The partnership was proposed to simplify the provision of borough-led charging infrastructure and provide one point of contact for all EV charging infrastructure queries. Following borough engagement and research into the options for the delivery of a partnership within the parameters of the GULCS programme, the scope of the proposal was redefined as a coordination and support function for the London boroughs participating in the GULCS programme. This support was delivered through the role of the GULCS Senior Lead at London Councils, with procurement and legal expertise provided from Transport for London (TfL).
- 6.2. The work of the GULCS programme has been instrumental in supporting London boroughs to deliver EV charging infrastructure. The procurement and project support, facilitation of knowledge sharing and provision of information and guidance on the delivery of EV charge point infrastructure has been widely recognised and appreciated by the London boroughs, London Councils, TfL and the GLA. The provision of this support has been mostly coordinated and provided through the GULCS Senior Lead role at London Councils, which is funded through the GULCS programme budget until March 2020.
- 6.3. It is recognised that there is a need for a continuation, and expansion, of the role of the GULCS programme to support EV infrastructure delivery after March 2020. This is supported by the findings of the Mayor's EV Infrastructure Taskforce, who have recommended that a new pan-London EV coordination function is created to facilitate and oversee charge point installation. This is one of the recommendations published in the London electric vehicle infrastructure delivery plan in June 2019. London Councils has committed to take this recommendation forward and work has begun, through the GULCS programme, to scope out the remit of the proposed coordination function and deliver its activities for 2019 set out in the delivery plan. This includes, for 2019, the launch of a one-stop-shop website and data collection and analysis. Both activities are planned for delivery through the GULCS programme in 2019.
- 6.4. London Councils TEC has previously indicated that it would be the best organisation to take on any delivery partnership or coordination role. At its meeting on 15 June 2017 London Councils TEC considered a report

proposing amendments to the TEC Agreement in support of the proposed Go Ultra Low City Scheme (GULCS) delivery partnership activities. The proposal was to provide London Councils TEC 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.

- 6.5. The EV coordination function is proposed to take on a similar strategic and coordination role to that proposed for the GULCS delivery partnership in 2017 but adapted to the current circumstances.
- 6.6. London Councils has the skills, knowledge and experience required to lead on the delivery of the EV coordination function, mainly from work to date on the GULCS programme. which has supported boroughs to deliver over 1,300 on-street charge points to date, and will provide funding for the delivery of more than 2,000 charge points in total. London Councils is also a trusted entity by key stakeholders including the boroughs (both members and officers) and charge point operators.
- 6.7. After March 2020, the role of GULCS Senior Lead will no longer be funded through the programme and so work on the coordination of EV activity cannot be progressed in this way. To deliver the EV coordination function, and deliver the activities identified in the delivery plan for 2020 and 2021, funding will be required. This paper asks TEC to approve in principle the use of TEC reserve funding for this purpose.

7. Contribution to strategic outcomes

- 7.1. The benefits of a coordination body for electric vehicles crosscuts many sectors, most notably air pollution, climate change, public health and economic growth. This Action Plan contributes to priorities across the Council's draft Borough Plan for 2019-23, most notably Priority 3 (Place).

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

8.1. Finance

- 8.1.1 This report recommends Cabinet approval of the proposed variation of the London Councils' Transport and Environment Committee Agreement (LC TEC Agreement)
- 8.1.2 This variation will give LC TEC the legal authority to undertake the delegated functions listed in section 4.6 of the report.
- 8.1.3 By all London boroughs agreeing to this variation, LC TEC is given the approval to utilise the existing TEC reserve funds to carry out these functions.

- 8.1.4 LC TEC cannot carry out these functions now because none of the local authorities' functions relating to EV charging points are currently delegated to them.
- 8.1.5 The funding for these functions will be from the existing TEC reserve. Hence there is no additional financial implication to the council for varying the agreement as proposed.
- 8.1.6 The proposed variation does not provide LC TEC with the power to act as a decision maker on behalf of the London local authorities and does not put the council under any obligation to take part in any proposed activity in this area.
- 8.1.7 If the council intends to take part in any proposed activity, there will be financial implication which will be reviewed at that point and necessary approval sought.

8.2 Procurement

- 8.2.1 No procurement implications.

8.3 Legal

- 8.3.1 Section 101(5) of the Local Government Act 1972, ("The 1972 Act") empowers two or more local authorities to discharge any of their functions jointly. Where arrangements are in place for them to do so, they may also arrange for the discharge of those functions by a joint committee in which they have representation. The TCTEC is a joint committee, and under this arrangement London Boroughs have delegated certain functions to the Committee.
- 8.3.2 The 1972 Act powers enable the Council to delegate further functions to LC TEC. The function which the Cabinet is delegating to London Councils' Transport and Environment Committee ("LC TEC") to exercise on behalf of the Council is pursuant to section 16 of the London Local Authorities and Transport Act 2013 which deals with the provision and operation of charging points for electric vehicles.

8.4 Equality

- 8.4.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) 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 people who share those protected characteristics and people who do not
 - Foster good relations between people who share those characteristics and people who do not.
- 8.4.2 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the

first part of the duty.

- 8.4.3 The strategic objective of the proposed decision is to enable London Councils to play a strategic coordination role in the rollout of electric vehicle infrastructure.
- 8.4.4 Provision of electric vehicle charging infrastructure is intended to increase uptake among Haringey residents of low emission vehicles and thereby have a positive impact on air quality. Due to unequal concentrations of air pollutants in the borough, air pollution is known to disproportionately affect BAME residents. In addition, children and young people, older people, pregnant women, and individuals with disabilities are known to be disproportionately affected by air pollution. The proposed decision will therefore help address known inequalities and benefit individuals and groups with protected characteristics.

9 Use of Appendices

Appendix A – TEC Paper: EV coordination function final

Appendix B – EV coordination function responsibilities

Appendix C – LCTEC Agreement amendment delegated authority form

Appendix D - TEC Governing Agreement, dated 13 December 2001 (as amended)

10 Local Government (Access to Information) Act 1985

None