



Cabinet
14 January 2020

**Report from the Strategic Director of
Regeneration and environment**

London Councils' Transport and Environment Committee –Governing Agreement Amendment for Electric Vehicle Charging Infrastructure

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Appendix A: LTEC Electric Vehicle Coordination Function October 2019 Appendix B: LTEC Proposed Responsibilities of EV Coordination Function Appendix C: LTEC Governing Agreement 2001 (updated to July 2017)
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Sandor Fazekas Project Development Manager Sandor.fazekas@brent.gov.uk 020 8937 5113

1. Purpose of the Report

- 1.1. To inform Cabinet of proposals by London Councils' Transport and Environment Committee (LCTEC) to establish a partnership arrangement to take on the operational management as well as strategic oversight of a London-wide electric vehicle charging point network on behalf of London boroughs and the City of London, should this be required.
- 1.2. To provide details of the requirement to amend the LCTEC Governing Agreement to give London Councils permission to actively participate in the delivery of the electric vehicle infrastructure coordination and delivery function.

2. Recommendation(s)

- 2.1. Cabinet agrees to delegate authority to London Councils' Transport and Environment Committee to exercise the further functions under section 16 of the 2013 London Local Authorities and Transport Act 2013 as set out in this report in paragraph 3.13 and Appendices A and B.

- 2.2. Cabinet authorises the Council's Director of Legal, HR, Audit and Investigations 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).

3. Detail

- 3.1. All London authorities participate in the LCTEC. This committee provides a range of services such as the administration of parking and traffic appeals, the Lorry Control Scheme and the Freedom Pass scheme. LCTEC also lobbies on behalf of London boroughs regarding transport and environment policies generated by government departments, the European Union, and the Mayor of London.
- 3.2. London is currently suffering from poor air quality, a major source being from transport emissions. Electric vehicles offer an opportunity to reduce the source of air pollution. Development of an electric vehicle charging network will encourage residents and businesses to switch from petrol and diesel vehicles to cleaner electric vehicles, removing the charging angst that is preventing an increased uptake at present.
- 3.3. London Councils' Go Ultra Low City Scheme (GULCS) bid to the Office for Low Emission Vehicles' was submitted by the Mayor of London, Transport for London (TfL) and London Councils in October 2016. The bid involved a number of work streams including installation of residential charge points, installation of charge points at car club bays and the establishment of a Pan-London delivery vehicle for new charging points. London's bid was successful and was awarded £13m of funding.
- 3.4. London Councils and TfL are currently delivering the GULCS project, which involves granting funds to various London local authorities to install electric vehicle charging points for public use. London Councils have also established a procurement framework to assist boroughs in delivering their agreed GULCS initiatives. Brent was successful in securing some of this funding award to deliver lamp column chargers as well as Rapid chargers in the borough. Officers have submitted a bid for further funding for lamp column chargers in November 2019.
- 3.5. During the early stages of the GULCS project, it became apparent that some form of centralised contract management and customer facing partnership body was desirable, given the resource constraints boroughs are facing and the benefits a consistent approach might deliver.
- 3.6. It is recognised that there is a need for continuation and expansion of the role of the GULCS programme after the programme support and coordination ends in March 2020. This is supported by the findings of the Mayors EV Infrastructure Taskforce who have recommended a new Pan-London EV coordination function is created to facilitate and oversee charge point installation.
- 3.7. London Councils' project team for the GULCS project are investigating the potential to establish a delivery partnership arrangement for the management of establishing electric vehicle charging infrastructure across London.

- 3.8. Brent Council is represented at LCTEC by Councillor Krupa Sheth (Lead Member for Environment).
- 3.9. Appendix A is report to LCTEC on 10th October 2019 providing an update on the Electric Vehicle Coordination Function which requires an amendment to the LCTEC Governing Agreement. Appendix B provides details of the proposed Electric Vehicle Coordination function, in support of GULCS activities.
- 3.10. The amendment proposed to the Governing Agreement is required to provide LCTEC with the authority to take on the operational management, as well as the strategic oversight of a London-wide electric vehicle charging point delivery partnership on behalf of London's local authorities, should this be required.
- 3.11. This new function would require each of the 33 London local authorities to delegate the exercise of additional functions to LCTEC and to formally agree to the variation of the London Councils' Transport and Environment Committee Governing Agreement 2001 (updated to July 2017) see Appendix C.
- 3.12. As of 10th October 2019, 17 London boroughs have signed the amendment to the Governing Agreement; Barking & Dagenham, Barnet, Camden, Croydon, Ealing, Enfield, Hackney, Harrow, Hounslow, Islington, Kingston, Lewisham, Merton, Redbridge, Richmond, Wandsworth, and Westminster. London Councils has not received any indication from the remaining London authorities that they are not proposing to sign up to the amendment. Without all authorities signing the agreement, LCTEC will be unable to take on this new role in leading the EV coordination function.
- 3.13. Each London local authority has been requested by London Council's to agree to the following amendment to 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.

- 3.14. The 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”.
- 3.15. Given the uncertainties surrounding the establishment of a London-wide delivery arrangement, mainly due to funding constraints, LCTEC may not choose to utilise this delegation. However, given the possibility that it may be the preferred route for LCTEC to undertake both the strategic oversight and operational management role for the boroughs and TfL, and considering the time required for all 33 local authorities to formally agree to this variation, officers from London Councils seek to investigate the feasibility of a delivery arrangement in parallel with the process of securing formal agreement to the variation of the LCTEC Governing Agreement.
- 3.16. Officers from London Councils are currently developing a detailed business case which will be reported to LCTEC for future consideration before any decision is taken to use the delegated authority. The boroughs would also need to agree any delegated action which resulted in additional cost or expense being incurred.

4. Operational Implications

- 4.1. Amending the Governing Agreement will not remove the ability for Brent Council to decide where and what charging infrastructure will be placed on our highway network. It will allow, if needed, Brent council to request LCTEC involvement and opt into any delivery agreement that is created by LCTEC. It is not mandatory to join.
- 4.2. London Councils have estimated that their delivery partnership model could cumulatively save London local authorities up to £30 million over a 10-year period¹ through efficiency gains and economy of scale. The delivery partnership could result in cost savings to the Council from less resource being dedicated to the management of electric vehicle charging infrastructure.

¹ Taken from presentation by London Council's on 4 July 2018

- 4.3. The exact role and responsibilities of the LCTEC delivery partnership are still being defined. One responsibility is the creation of a single Pan-London customer interface for users of charge points that are delivered under the partnership. This would benefit residents through simplifying payment methods and enhancing customer service.
- 4.4. Currently Brent Council uses commercial networks, such as Source London and Char.gy to deliver, manage, operate and maintain a charge point network. A small income is generated from allowing use of the public highway. The proposed delivery partnership network is intended to complement London's existing commercial networks and is likely to cover local authority owned public electric vehicle charge points rather than those owned and managed by private companies or land owners.
- 4.5. Brent currently does not own any electric vehicle charging infrastructure. However, these could be transferred back into Council ownership at the end of the concession contract at a cost. This would allow the Council to take full advantage of the LCTEC delivery partnership in the future, if this was deemed the most suitable way forward. New charge points to be implemented could be procured in a manner to ensure they are consistent with a future LCTEC delivery partnership.
- 4.6. Approving the further delegations to LCTEC will make it possible for London Councils to develop a London-wide delivery partnership for electric vehicle charging infrastructure. Such a partnership has the potential to improve the efficiency of rolling out and managing out of electric vehicle charging infrastructure. The delivery partnership is likely to benefit both the Council and end-users of electric vehicle charging points.

5. Organisational Implications

- 5.1. In order for the LCTEC Governing Agreement to be amended, it requires all London local authorities to agree to the change. Therefore, if a Council does not agree to the proposed changes, it would prevent other boroughs from taking advantage of the 'offer' from London Councils to help deliver and manage their electric charging infrastructure. Conversely, no individual local authority is under any obligation as a result of agreeing to the proposed amendment to the LCTEC Governing Agreement.
- 5.2. As electric vehicle charge points are an emerging and developing technology Brent Council have opted not to own infrastructure. Due to the speed at which technology is changing there is a risk of the asset becoming out-of-date and requiring expensive upgrades to keep it fit for purpose. As such our current approach is to enter into contracts with commercial suppliers who are better equipped to utilise emerging technology and innovation.
- 5.3. The maintenance and management of electric vehicle charging points is a relatively complicated and specialist task that would benefit from more centralised planning and consistency across London.
- 5.4. The demand for electric vehicle charging infrastructure is increasing and this is forecast to continue. The Ultra-Low Emission Extension (ULEX) to the north and

south circulars in October 2021 could accelerate this demand. Officers consider there would be benefits in London Councils taking responsibility for the coordination and delivery of EV charging points.

6. Financial Implications

- 6.1. There are no direct financial implications at this time. Should any additional costs or expenses incurred as a result of Brent Council participating in any finalised LCTEC delivery partnership, these will need to be agreed by the Council first.

7. Legal Implications

- 7.1. 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 in which they are have representation. These powers enable the Council to delegate functions to LCTEC.
- 7.2 The function which the Cabinet is giving authority to London Councils' Transport and Environment Committee to exercise on behalf of the Council is pursuant to section 16 of the London Local Authorities and Transport Act 2013 which deals with charging points for electric vehicles. This is an executive function.

8. Equality Implications

- 8.1. The public sector duty set out at Section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not share a protected characteristic
- 8.2. There are not considered to be any equality implications arising from the recommendations of this report. An Equality Impact Assessment has not been completed because it is not considered applicable to the proposed amendment to the LCTEC Governing Agreement. However, equality implications will need to be specifically considered at the appropriate time in the context of any individual actions proposed by LCTEC.

9. Consultation with Ward Members and Stakeholders

- 9.1. No consultation with ward members and stakeholders has been completed at this time as the proposed changes to the LCTEC Governing Agreement do not involve any commitment to the installation of additional electric vehicle infrastructure (since it is merely a potential change in the administration and/or management of charging point infrastructure).
- 9.2. The proposed delivery partnership is likely to result in a more efficient method of installing and operating London's public electric vehicle charging network, thus

helping to increase uptake of electric vehicles and leading to increased environmental benefits.

- 9.3. Site specific consultation would be undertaken, and the results considered before any electric charging infrastructure is installed.

Report sign off:

AMAR DAVE

Strategic Director of Environment and Regeneration