

TRANSPORT FOR LONDON

BOARD MEETING – OPEN SESSION TO BE HELD ON 25 OCTOBER 2006 AT 1000 HOURS IN THE CHAMBER CITY HALL, THE QUEEN’S WALK, LONDON SE1 2AA

AGENDA

A Meeting of the Board will be held to deal with the following business:

1. Apologies for Absence
2. Minutes of the Previous Meeting held on 20 September 2006
3. Any Matters Arising from the Minutes

Business Items

Sponsor

- | | |
|--|-----------------------------------|
| 4. The Commissioner’s Report | Peter Hendy, Commissioner |
| 5. Business Plan | Jay Walder, MD Finance & Planning |
| 6. A406 – Bounds Green | David Brown, MD Surface Transport |
| 7. TfL Governance Structures | Howard Carter, General Counsel |
| 8. TfL (Supplemental Toll Provisions) Bill | Howard Carter, General Counsel |
| 9. Amendments to LU & DLR Byelaws | Howard Carter, General Counsel |
| 10. Urban Design London Update | David Brown, MD Surface Transport |
| 11. Note of Written Resolution - Award of Main Works Contract (ELL Project) & Amendment of Standing Orders | Howard Carter, General Counsel |

Items for Noting

- | | |
|---|---|
| 12. Report from the Finance Committee | Sir Mike Hodgkinson, Chair of the Committee |
| 13. Report from Safety, Health & Environment Committee | Dave Wetzel, Chair of the Committee |
| 14. Mayoral Delegation in relation to the western extension of the Congestion Charging Scheme | Howard Carter, General Counsel |
| 15. Any Other Business | |

Date of next meeting: Wednesday, 7 December 2006

TRANSPORT FOR LONDON

MEETING OF MEMBERS OF THE BOARD – OPEN SESSION

MINUTES of the Board Meeting held in the Chamber, City Hall, The Queen's Walk, London, SE1 2AA at 10.00 am on Wednesday, 20 September 2006

Present:	Dave Wetzel	(Chair)
	Honor Chapman	
	Stephen Glaister	
	Kirsten Hearn	
	Sir Mike Hodgkinson	
	Paul Moore	
	Sir Gulam Noon	
	Patrick O'Keefe	
	Tony West	
	Dabinderjit Singh Sidhu	
	Eva Lindholm	
	Ken Livingstone	(for final item)
In attendance:	Lord Toby Harris	
	Bryan Heiser	
	Murziline Parchment	
	Lynn Sloman	
	David Brown	Managing Director, Surface Transport
	Howard Carter	General Counsel
	Stephen Critchley	Chief Finance Officer
	Mary Hardy	Director of Internal Audit
	Peter Hendy	Commissioner
	Ellen Howard	Public Law Team Leader
	Tim O'Toole	Managing Director, London Underground
	Ben Plowden	Managing Director, Group Communications
	Howard Smith	Chief Operating Officer, London Rail
	Duncan Symonds	Commissioner's Chief of Staff
	Valerie Todd	Interim Managing Director, Group Services
	Jay Walder	Managing Director, Finance & Planning
	Jeroen Weimar	Director of Transport Policing and Enforcement
	Peter McGuirk	TfL Secretariat
	James Varley	TfL Secretariat
	Gladys Williams	TfL Secretariat

61/09/06 **Apologies for Absence**

Apologies for absence were received from Ken Livingstone and Ian Brown. Dave Wetzel took the Chair. He welcomed two new Board members – Dabinderjit Singh Sidhu and Eva Lindholm - attending their first meeting. A third new Board member – Judith Hunt – had been unable to attend this meeting but would be joining proceedings later in the day. He also explained that this would be Peter

TRANSPORT FOR LONDON

McGuirk's last meeting and thanked him for his support to the Board as Interim Director of Governance and Assurance.

Declaration of Interests

No interests were declared.

62/09/06 Minutes of the Previous Meeting held on 28 June 2006

The minutes of the previous meeting were **APPROVED** and signed by the Chair as a correct record.

63/09/06 Matters Arising

There were nine actions arising from the minutes of the last meeting. A table had been prepared setting out the current status for each of these actions, six of which were complete, one ongoing, one to be discussed at the T2025 away-day and one to go to the October 2006 Board meeting. The Board **NOTED** these.

64/09/06 Commissioner's Report

The Commissioner introduced his report and highlighted issues that had arisen since the report had been written:

Fares from January 2007

- The Mayor had announced his proposal for an Underground fare increase of RPI +1% and Bus fare increase of less than 4% above RPI, compared with a planned increase of RPI+10%, along with further Oyster incentives and simplification of fares on the National Rail network in London;

"London Overground"

- The Mayor had launched the 'London Overground', which would be an orbital rail network for London incorporating the North London Railway and the East London Line Extension. He had refuted suggestions that the incorporation of the East London Line (ELL) involved creeping privatisation. Tony West supported this, citing the new investment, jobs and trains which the ELL would provide. The Dalston Link, announced by the Mayor at the same time, would complete a major part of an orbital rail network for London;

TfL Pension Fund – Ill Health Pensions

- Rumours of a dispute with the RMT, over proposed changes to ill-health pensions, were unfounded. Stephen Critchley, in his capacity as Chair of the Pension Fund Trustees, explained that this was not a matter for TfL, as employer, but for the Trustees. They were looking at options but no decision had yet been taken.

Oxford Street Tram

He confirmed TfL were taking this forward in line with the Mayor's recent statement.

In response to questions or comments from Board members and advisers, the Commissioner and specific chief officers gave the following answers in respect

TRANSPORT FOR LONDON

of the following issues:

- the Mayor had no current plans for further extension of free travel entitlements for children on the Tube;
- TfL was to be congratulated on achieving 99.6% operability for bus wheelchair ramps;
- the TfL Annual Report was being published on the web later in the day and members would be given a copy to take away with them;
- as requested by the Board, the Chair had written to the London Assembly concerning its report on “7/7”. This had generated an exchange of correspondence and the Chair was due to write again. The London Resilience Forum had also written a letter to the Assembly, in similar terms to TfL;
- radio systems on the Tube had received adverse publicity. Tim O’Toole explained that the existing radio Connect PFI contract had been inherited. Whilst LU had strengthened the management arrangements and done everything possible to minimise the impact of recognised problems with the existing system, the real solution was a new radio system. This is being rolled out from October 2006, following successful trials over the summer. The unions had been involved throughout the trial process and this would continue through the roll-out;
- Kirsten Hearn would copy to the Commissioner correspondence she had received from a disabled person living in Notting Hill who had felt stranded in their home during the recent Carnival. However, TfL was constrained by the present Carnival route;
- Lambeth Council had decided to support the Brixton Central Square Scheme;
- In the context of congestion charging, Stockholm in Sweden had recently voted to retain its experimental road charging system and TfL would shortly commence publicity for the Western Extension Zone, which was due to commence in February 2007;
- the US Embassy was by far the largest congestion charge debtor. The UK government had been supportive of TfL in pursuing this. Renewed publicity would be considered when the debt passed the £1m mark, which was imminent;
- the Commissioner would write to the Department of Transport expressing TfL’s disappointment concerning the delay in preparing subordinate legislation necessary for LondonWorks;

Action: Commissioner

TRANSPORT FOR LONDON

- the Commissioner apologised for the tight timetable regarding papers for this meeting. He had asked Howard Carter to look at the date sequencing for 2007;

**Action: Howard Carter
Jay Walder**

- Bryan Heiser noted that the success of TfL in the Press Complaints Commission against the Evening Standard who had been held to have misrepresented a survey of disabled people and their views on the Routemaster.
- Ben Plowden would take steps to ensure that travel planning, marketing and modal initiatives for disabled people were pulled together, and report to a future Board meeting;

Action: Ben Plowden

The Board **NOTED** the Commissioner's report.

65/09/06 Operational and Investment Financial Report

Jay Walder gave a presentation and answered questions from Board members and advisers, providing further information concerning cash fares paid on-bus. These related to ABC1 customers much more than to visitors, who tended to prefer off-peak travelcards. Work was continuing to reduce the level of cash fares.

Tim O'Toole provided further information on LU's green energy strategy, drawing an important distinction between using LU funds to invest in new energy sources rather than increasing the demand, and therefore the price, for existing sources (this had been an ongoing action from the previous Board meeting).

Dave Wetzel would be asking for a report to SHEC concerning the role of advertising in reducing the number of people killed or seriously injured on London's roads.

Valerie Todd provided further explanation concerning statistics on workplace composition and in particular, staff who were lesbian, gay, bisexual or transsexual and the percentage of disabled people in senior management. Further information would be provided on the latter point in the next Operational and Investment Financial Report.

Action: Valerie Todd

The Commissioner outlined TfL's approach to meeting the needs of disabled visitors during the Olympics.

The Commissioner agreed that the Olympics would provide a real opportunity for wider promotion of walking and cycling, against the background of national concerns regarding obesity. There was a need to maintain momentum beyond the completion of the London Cycle Network.

TRANSPORT FOR LONDON

The Board **NOTED** TfL's operational and financial performance, and TfL's progress on the Investment Programme, over the first quarter 2006/07.

66/09/06 Revenue Enforcement and Prosecutions Policy

Jeroen Weimar introduced the report. In response to questions, he explained the wider context of fares evasion and staff assaults. Members welcomed the policy and wished to emphasise the expectation that all Revenue Inspectors and Investigators carry out their functions fairly.

Members supported an amendment to the policy section "Types of Offences to Be Prosecuted" – after amendment, paragraph 2.2 should read:

"The above list is not exhaustive and, where appropriate, TfL may prosecute other offences outside the list of offences set out in this policy".

Subject to this amendment, the Board **APPROVED** the policy set out in the appendix to the report.

67/09/06 Standing Orders Revision

The Board **APPROVED** the revised Standing Orders set out in Appendices 1 and 2 of the report and **DELEGATED** to Howard Carter authority to make minor grammatical and cross referencing changes.

68/09/06 Transport Trading Limited - Appointments

The Board **APPROVED**:

- (i) the appointment of Peter Hendy as the shareholder representative;
- (ii) the appointment of David Brown and Howard Carter as additional directors of the company; and
- (iii) the appointment of Howard Carter and Jeff Pipe as additional joint secretaries.

69/09/06 Chair's Action: ELL Contracts

The Board **NOTED** the Chair's Action.

70/09/06 Directions and Delegations

The Board **NOTED** receipt of a Direction from the Mayor, made on the 3 August

TRANSPORT FOR LONDON

2006, in relation to the London Portal, for the transfer of Portal operations from London Connects to the GLA; and a Direction and Delegation to TfL from the Mayor, made on the 17 July 2006, in relation to an annual programme of Public Information Campaigns.

71/09/06 Report from the Finance Committee held on 8 June 2006

The Board **NOTED** an oral report from the Finance Committee.

72/09/06 Report from Safety, Health and Environment Committee

The Board **NOTED** the report.

73/09/06 Any Other Business

Ken Livingstone joined the meeting. He echoed the welcome for the three new Board members. The Board **AGREED** that they had been allocated to committees as follows:

- Judith Hunt – Audit (Chair) and Finance
- Dabinderjit Singh Sidhu – Audit
- Eva Lindholm – Finance

There being no further business the meeting closed.

Signed by the Chair: _____

Date: _____

**ACTIONS ARISING FROM THE OPEN BOARD MEETING –
20 SEPTEMBER 2006**

Minute No:	Action:	Action to be taken by / Status:
64/09/06	<p><u>The Commissioner's Report</u> Write to the Department of Transport expressing TfL's disappointment concerning the delay in preparing subordinate legislation necessary for LondonWorks.</p>	<p>Commissioner</p> <p><u>PROGRESSING:</u> The Commissioner raised his concerns in a recent conversation with the Parliamentary Under Secretary of State for Transport, Gillian Merron. This item is also scheduled to be discussed between the Parliamentary Under Secretary and MD Surface Transport at their forthcoming meeting.</p>
64/09/06	<p><u>The Commissioner's Report</u> Tight timetable regarding papers for the Board meeting: Look at the date sequencing for 2007 meetings.</p>	<p>Howard Carter</p> <p><u>COMPLETED:</u> On the agenda for the October Board meeting.</p>
64/09/06	<p><u>The Commissioner's Report</u> Take steps to ensure that travel planning, marketing and modal initiatives for people with disabilities were pulled together and report to a future Board meeting.</p>	<p>Ben Plowden</p> <p><u>Ongoing:</u> Report will be given to a future meeting.</p>
65/09/06	<p><u>Operational and Investment Financial Report</u> Provide further information on the percentage of people with disabilities in senior management.</p>	<p>Valerie Todd</p> <p><u>ONGOING:</u> Gareth Powell's team progressing.</p>

COMMISSIONER'S REPORT FOR OCTOBER 2006

1. PURPOSE

This report provides an overview of major issues and developments since the 20 September Board meeting and updates the Board on significant projects and initiatives.

2. MODAL OPERATIONS

2.1 Surface Transport

2.1.1 Bus Passenger Journeys

Estimated passenger journeys for period 6 show a 1.6% increase in journeys compared to last year, but a 3% decrease compared to the budget. The budget does not reflect the lower than forecast journey outturn for 05/06. The effects of the January 2006 fares revision and the Under 16s free travel initiative will continue to be monitored.

2.1.2 Go Ahead acquisition of Docklands Minibuses

On 18 September Go-Ahead announced its acquisition of Docklands Minibuses Limited, which operates services from East London to the Essex border (route 167 Ilford-Debdon; route 368 Chadwell Heath-Harts Lane; route 549 south Woodford-Loughton) and currently has 3.5% of the London Bus Network. Routes will continue to operate from the Silvertown depot, which will be run independently of London General and London Central, Go Ahead's two principal bus operations in London.

2.1.3 AEG Europe acquisition of Thames Clippers

Approval has been given for AEG Europe to take a majority stake in Thames Clippers. AEG has announced that an order has been placed for six additional 200-passenger capacity river buses for delivery in 2007 to provide services to O2 (the renamed Millennium Dome). An early meeting is being sought to understand AEG's service plans and how these may impact on the current commuter service.

2.1.4 ITS World Congress

The 13th World Congress and Exhibition on Intelligent Transport Systems was held at the ExCel Centre in Docklands from 8 to 12 October. TfL, along with the Department for Transport, Department for Trade & Industry and ITS UK hosted the Congress and Exhibition.

The Congress itself comprised of some 900 technical and scientific papers and special sessions on Metropolitan Mobility examining issues such as *How ITS supports the Mayor's Transport Strategy*, *Competing Demands on Roadspace*, and *Managing Major Events*.

TfL also hosted a series of technical visits, with international delegates visiting the LTCC and CentreComm, the Underground Network Operations Centre, the Kings Cross St. Pancras Interchange, and the Docklands Light Railway Control Centre.

TfL also exhibited technology demonstrations including Active Traffic Management and the LTCC, the Congestion Charging Technology Trials and iBus.

2.1.5 A40 Gas Main Incident

At 11h35 on 4 October a gas 'bleed pipe' was fractured during TfL works to remove the existing footway surfacing on the A40. The pipe, cast into the concrete directly under the tarmac surfacing, was connected directly to a medium pressure gas main.

Once the magnitude of the incident had been realised, the immediate area was contained and National Grid (Gas) was informed. Upon the arrival of the London Fire Brigade, and in consultation with MPS, a major incident was declared. This necessitated the complete closure of the A40 Western Avenue from Gypsy Corner through to the Hanger Lane Gyratory. A 200m exclusion zone was implemented and Network Rail services were suspended on the North London Line. In addition to this, local residents were also evacuated from the immediate area.

By 16h00 repairs to the gas main were underway. At 17h00 the situation was deemed to be sufficiently safe that the A40 was re-opened and residents were allowed to return to their properties.

The Contractor (Alfred McAlpine Project Services) has submitted a report detailing the lessons learnt from the incident which include recommendations for improving communications and a review of current site operations and procedures. The review will also re-assess staffing, method statements, risk assessment, training needs and certification. A number of other practicable measures have also been identified including a review of the 'Permit to Dig' system and an improved procedure for detecting and locating underground services.

2.1.6 Traffic News

Traffic News (www.tfl.gov.uk/trafficnews) was officially launched on 18 September. The initial campaign targets professional road users in retail, transport/logistics and construction.

2.1.7 Borough Transport Policing Teams

On 3 October the Mayor announced that negotiations have progressed with the MPS for the deployment of additional Police Community Support Officers to outer London boroughs. These officers are to be part funded by the Home Office and attached to Safer Neighbourhood teams – but would be deployed to TfL priorities at the local level. The scheme will cost £7.5 million and the first deployments should roll out in March 2007. The MPA considered the scheme at a meeting on 5 October and confirmed their support for the scheme.

2.1.8 Olympic Road Network (ORN)

A presentation was made to Professor Bovey of the IOC outlining the progress of ORN development. This included a Visual Traffic simulation (VISSIM) model demonstrating potential alterations to Parliament Square to direct Olympic family traffic into Horseguards Parade, and dedicated Olympic lanes along the Embankment. The presentation was very well received.

2.1.9 Coaches and Licensing

The Interactive Coach Parking Map (ICM) has been launched. It is an internet based source of information aimed at coach drivers and operators. It provides accurate information on coach parking location, live traffic updates and forthcoming events, CCTV images and West End Theatre locations.

2.1.10 Embassies and the Congestion Charge

Most embassies continue to pay the congestion charge. The US embassy remains the top bad debtor and now owes in excess of £1m. Both the government and TfL maintain the position that diplomats are not exempt from the charge. TfL continues to seek a resolution with the FCO, following successful agreements with the embassies of The United Arab Emirates and Switzerland earlier this year.

2.1.11 London Living Wage

The first pilot for introducing the London Living Wage has reached a milestone with the award of the contract for Cleaning of Bus Stations and On Bus Cleaning (litterpicking - not heavy cleaning) to Dougland. The contract provides for all personnel to be paid at least £7.05 per hour and will commence on 1 October. The contract is valued at £2.1m per annum over a five year term with the option to extend for a further year.

2.2 London Underground

2.2.1 Customer Satisfaction

Over the past 2 years LU has seen an improvement in Customer Satisfaction results, scoring an unprecedented 78 out of 100 or more for each of the past 7 quarters, reflecting improved operational performance, and in particular improvements in information and staff helpfulness. However results in Quarter 2 typically decline because of the impact of heat. Passengers find the Tube uncomfortable in the heat and humidity of summer. The lone exception to that pattern was Quarter 2 in 2005, when the score increased to 79 following the bombings. That result appears to reflect the "halo effect" of staff performance following 7/7 and the simple fact that trains were less crowded.

The score of 75 recorded in the most recent Quarter 2 follows the seasonal pattern but has declined by more than in past years. LU believes the primary cause of this extraordinary result is that record heat was combined with onerous speed restrictions following Metronet's failure to de-stress the running rails. Passengers were forced to ride crowded trains in sweltering heat for longer journeys. Because the trains were forced to go slower, there were fewer of them, which increased the crowding. This failure affected the Piccadilly, District, and Metropolitan, and Circle/H&C lines in particular. LU arranged special access to allow Metronet to fix the problem.

LU's response to this is a determination to restore the high scores and to do everything possible to support, and press, the Infracos to overcome their problems.

2.2.2 Passenger Journeys & Revenue

Demand for travel on the Underground remains strong. Revenue continues to run ahead of budget and the annual forecast for passenger journeys has risen to over 1 billion for the first time ever.

2.2.3 Piccadilly line extension to Heathrow T5

Piccadilly line services to Heathrow Terminal 4 (T4) station resumed on Sunday 17 September, following a 20-month closure of the line between Hatton Cross and Heathrow T4 to allow for the construction of a complex new rail junction to connect the existing line to the new T5 extension. The work has been completed, on time and on budget, in partnership between BAA and London Underground.

During the closure LU has taken the opportunity to refurbish the T4 station. The work, carried out by Tube Lines, has included the installation of a new station control room overlooking the ticket hall, 24 new CCTV cameras, more help points, improved lighting, a new PA system, better signage, more passenger information screens and a tactile strip close to the platform edge to aid those with visual impairments.

The extension is on target to open, along with Terminal 5 itself, in March 2008.

2.2.4 Waterloo & City line

Since the line reopened on 11 September there have been 17 service disruption failures of which eight have been greater than ten minutes. The majority occurred within the first two weeks, and have been analysed and remedied to eliminate repeat occurrences. In addition, Metronet has enhanced the maintenance support on site to react to failures in a proficient manner. At the time of writing (11 October) there had been no failures for more than a week.

2.3 London Rail

2.3.1 Docklands Light Railway

Service performance continues to be very encouraging with over 98% of trains running on time (1.5% above target) and virtually all other performance and customer targets exceeded. Although higher performance is to be expected during the summer months the current levels are above previous years and are particularly pleasing given that City Airport services have been operated in addition to all existing services.

2.3.2 London Overground

Following the Mayor's launch of the London Overground on 5 September and the announcement of the 'Western Curve' at Dalston; the reaction of media and stakeholders has been extremely positive.

On 9 October, four bids for the 7-year concession contract to operate London Overground services were received. An excellent field of high quality bids are now being reviewed and it is anticipated that two of the bidders will be asked to put forward best and final offers prior to final selection of the concessionaire.

Following the announcement of the order for 44 trains for London Overground services, Bombardier have started mobilisation at their Derby plant. The first trains will be delivered late 2008 and have been categorised by Network Rail as Class 378's.

2.3.3 South Western Franchise

The South Western franchise has been re-let by DfT to Stagecoach. The following elements of the successful bid are of particular interest to TfL and many of the proposals have emerged from the South Western Route Corridor Plan and other TfL initiatives:

Fleet improvement and capacity - A significant increase in capacity with 21% more main line peak seats and a 20% increase in peak suburban seating.

Fares and ticketing - £19m investment in Smartcard technology to make ticket purchasing much easier (Oystercard). Installation of a further 160 self-service ticket vending machines to reduce ticket office queues. Introduction of automatic gates at 13 additional stations to improve security and reduce ticketless travel.

Station enhancements - Major station refurbishment at 14 large stations. Investment of around £40m in core station improvements, including better subways, lighting waiting rooms, booking halls, toilets, shelters and seats.

2.3.4 TfL's input to the National Rail 30-year strategy

TfL has set out its justification for investment in National Rail services in London in the form of a 'Statement of Case'. This forms the basis of our input to the Government's National Rail 30-year strategy and associated 'high level output statement' and also input into TfL's T2025 Plan. This is a description of what the Government expects from the rail industry, particularly Network Rail in terms of capacity, performance and safety. The overall benefit cost ratio of the rail proposals remain over 2:1.

3. MAJOR PROJECTS & INITIATIVES

3.1 Docklands Light Railway

Both the Stratford International and 3-car enhancement projects are well into their procurement phases. It is anticipated that the Secretary of State will be in a position to make an announcement on powers for the Stratford International project within the next month. This will be consistent with now agreed plans to cease running Silverlink North London Line services between Stratford and North Woolwich from 9 December and will facilitate the start of works early in 2007.

3.2 East London Line Project

Second stage enabling works remain on target for completion on time and budget in December 2006.

On 9 October a joint TfL/Network Rail submission was made to the Office of the Rail Regulator (ORR) for an Access Option reserving national rail capacity for East London Line services for 30 years. The ORR will now consult on the application prior to agreeing its terms.

The 9 October marked the start of a 10-day 'standstill' period after which the contract for the East London Line Main Works will be signed. This contract targets completion of works towards the end of 2009, after which trial running can take place prior to the public opening date in June 2010.

3.3 North London Railway Infrastructure Project

Work continues with Network Rail and the ODA to refine the scope and outputs of the project. From a TfL perspective it will deliver station, capacity and power upgrades to allow the introduction of new rolling stock in 2009 and services to be upgraded to meet Olympic and legacy specifications from early 2011. Following the Mayor's announcement with respect to connecting the East London and North London Railways at Dalston this has been added to the Project.

3.4 Thames Gateway Bridge

Progress is being made to satisfy the DfT's conditions prior to HM Treasury's consideration of the Outline Business Case for TGB. Following a meeting with HM Treasury on the market testing and project progress, it was advised that the OJEU notice is to be scheduled for issue in December 2006. The Inspectors report on the Public Inquiry is due later this month.

3.5 Stratford Regional Station Upgrade

The validated estimate for the Olympic Enhancements is £104m for the capital works; the funding gap remains £54m with discussions ongoing between ODA, DfT and DCMS to resolve. The scheme has been presented to Treasury, DfT, DCMS and ODA, who agree that there is no alternative scheme or lower cost option. The Planning Application was submitted to the ODA on 15 September 2006.

3.6 Cross River Tram

Preparation is under way for the launch of public consultation on route options. Stakeholder engagement is being increased in advance of the consultation scheduled to start mid November 2006. Technical development focuses on junction modelling, securing technical acceptance by key stakeholders and design development work in relation to key route sections.

3.7 Croydon Tramlink Extension

Public Consultation is on target to commence mid October 2006 and will last for a period of two months. The project team is currently meeting with key stakeholders prior to consultation to explain the scheme proposal and the consultation process.

3.8 East London Transit

Phase 1b: TfL has now held discussions with London Thames Gateway Development Corporation (LTGDC) and London Borough of Barking and Dagenham (LBBD) on the potential alignment options that TfL propose to use in the public consultation. LBBD are now seeking endorsement of these route options from senior committee members.

3.9 Greenwich Waterfront Transit

Proposals for future route alignment and development of Phase 2b are expected from the London Borough of Greenwich within the next few weeks.

3.10 Interchange Programme

Progress is being made on mandates for initiating new programmes, including Tottenham Hale, Highbury & Islington, Waterloo, Crystal Palace, Clapham Junction, Elephant & Castle and Euston for discussion and endorsement at the Interchange Programme Board.

3.11 Victoria Transport Interchange

The current 18 month feasibility/design development stage is now well under way, with good progress and good working relationships and collaboration established.

3.12 DLR extension to Dagenham Dock

DLR has appointed a team of advisors, to prepare the case for extending DLR to Dagenham Dock and to support a TWA application. The whole process will take approximately 6 months and will include reviewing possible extension options, appraisal of the costs and benefits and a range of public and stakeholder consultation activities. As part of this process, DLR has established a Project Advisory Group comprising representatives from Newham, Barking and Dagenham, English Partnerships, LDA, GLA, PLA and others to be involved in the decision making process - the first meeting of this group has taken place.

4. CORPORATE OPERATIONS

4.1 Staff

Following the success of last year's Graduate Scheme, an Open Day to launch the 2007 Graduate Recruitment Campaign was held on 11 October. Over 450 graduates attended, enabling them to find out more about our diverse organisation, what we are able to offer as an employer of choice but most importantly, gave them the opportunity to speak with current graduates, sponsors and managers.

This year 79 Graduates joined TfL's Graduate Development Schemes (45 into Surface Transport, 9 into Corporate Information Management and 25 into London Underground). As part of the induction process a Graduate Trainee Networking event was held at City Hall on 19 September. New trainees were able to meet with a wide range of Senior Managers, Directors and existing Graduate Trainees to build relationships at all levels across TfL.

4.2 Equality & Inclusion

Group Equality and Inclusion produced the Gender Equality Scheme consultation document (Expanding Horizons) earlier this month to formally launch the consultation process. Employee events were held on 11 and 18 October with further consultation with key opinion formers and customer research planned for November 2006.

Consultation ends on the 1 December 2006 with the publication of the Gender Equality Scheme at the end of February 2007. This will publicise TfL's commitment to improving transport services, employment and procurement opportunities for women in time for the launch at the GLA's Capital Woman event.

The Gender Equality Scheme will ensure TfL meets the legal requirements, which come into force in April 2007, when carrying out its functions to have due regard to the need to eliminate sex discrimination and sexual harassment and to promote equality of opportunity between women and men.

4.3 Planning & Policy

4.3.1 T2025

A summary of transport priorities, modelling and evaluation results and financial cost was presented to the Board on 20 September. Stakeholder feedback from the T2025 Transport Challenges for a Growing City document has overall been positive and has highlighted some areas for further attention. Further London Transport Study (LTS) modelling and analysis, including scenario evaluation and a review of policy support for the London Plan are now underway to inform the T2025 Vision launch and document scheduled for late November.

A T2025 TfL Staff Seminar on 26 September was attended by over 100 staff from across TfL where there was considerable interest and positive feedback. It is anticipated that a similar event will be held to coincide with the November launch of the T2025 Vision.

4.3.2 London Plan

In July TfL provided comments on the Assembly and Functional Bodies draft of the Further Alterations to the London Plan. The Mayor has now initiated formal public consultation on the Further Alterations.

4.4 Fares & Ticketing

4.4.1 Free Travel for Under 18s

Bus and tram travel for under-18s in full time education became free from the start of September 2006. The new concession is provided through Oyster photocard, similar to those introduced successfully for under 16s in 2005. Take-up so far is in line with expectation with over 50,000 applications received by 25 September.

4.4.2 January 2007 fares revision

The proposals for the revision of fares in January 2007 were announced by the Mayor on 5 September. The proposals aim to continue to boost the role of Oyster Pay As You Go (PAYG) and encourage the migration of cash single ticket users to other forms of payment.

On the Tube, PAYG single fares are frozen but the cash single fare to Zone 1 rises to £4. Travelcards rise by RPI+2% on average, giving an overall yield of RPI+1% in line with the Business Plan. Child fares on the Tube are further simplified, with under 11s travelling free from Easter 2007. In addition, the train operators have agreed proposals to zone railway single and return tickets at a common rate across London. This is a key first step towards the adoption of Oyster by the train companies.

For buses, the cash fare rises to £2 and the PAYG single fare to £1. One day prices are frozen, and the weekly bus pass increases only in line with inflation. The total increase in fares of RPI+ 3.8% is substantially less than the RPI+10% assumption of the Business Plan and should enable bus ridership and mode share to increase in 2007.

4.4.3 Oyster

Supported by sustained marketing, take up of Oyster Pay As You Go (PAYG) continues to increase with over 1.5m bus and Tube trips now being achieved on many weekdays. This compares with around 1.0m trips a day six months ago. It is estimated that by the end of September, almost 20% of all Tube trips and 13% of bus trips were being made using PAYG. At the same time, the use of single cash fares on the Tube had fallen to under 5% of all trips while cash fares paid on-bus accounted for just over 5% of all bus trips.

September's Research on Oyster shows that awareness of Oyster is almost at its highest for 2006 (97% of all Londoners). PAYG customers have both a good understanding of and a very high overall satisfaction with their Oyster cards. These strong satisfaction scores are being fostered by the ease, speed, value and convenience provided by Oyster PAYG. The minimal negativity towards Oyster is mainly generated by the inability to use this ticketing system on the National Rail network. Customers' expectations of staff knowledge and helpfulness are high and it seems that TfL staff are meeting these needs.

4.5 London's Transport Museum

On 20 September a fundraising dinner, held at the Royal Opera House, raised over £200,000 for the Covent Garden Redisplay project. In August, the Museum secured a Phase-3 Wolfson Foundation £100,000 grant for improvements to access and facilities for disabled visitors. In aggregate, the Museum has now raised £9.45m from the Heritage Lottery Fund and £3.96m from sponsors, grants and other contributions towards a total project cost of £20.8m.

TfL have held discussions with the Charity Commission into a proposal to create a charitable company to operate the Museum in the future.

The Museum is on programme to reopen in September 2007.

4.6 Travel Plans

Nine Local Implementation Plans (LIPs) have now been approved. TfL has now received 29 of the 33 Final LIPs, and a number of recommendations for approval are being finalised.

4.7 Sustainability

A Group level Sustainability Unit is now in place. As part of the Group Health Safety and Environment function, the unit will provide support on sustainability matters across TfL. Areas of responsibility will include climate change, environment, demand management and walking and cycling.

4.8 Investment Programme Oversight

Initiatives to enhance TfL's long-term project and programme delivery capability are progressing well. Early work by Oversight and subsequent Chief Officer discussion confirmed that a key Investment Programme risk was TfL's ability to obtain the public consent approvals it required to deliver many of the IP projects and programmes. To address this risk, Project ACORN (**A**ddressing **C**onsent **R**isk **N**ow) was initiated as a capability development initiative, led by Borough Partnerships and aimed at improving TfL's ability in this area.

ACORN is now approaching completion (mid-November). Through it, a range of guidance notes and other consents related resource materials have been developed and are being made available via the TfL intranet. The focus of the project team is now on developing and rolling-out a dedicated training programme to support staff in use of the new guidance. In addition, a network of internal consents expertise is being developed to improve knowledge sharing across the organisation and appropriate procurement mechanisms are being put in place to facilitate access to specialist external consents expertise. Finally, a new permanent staff post is being established to ensure ongoing focus and realisation of benefits in the consents process.

4.9 Transport related draft Parliamentary Bills

The London Local Authorities and Transport for London Bill 2004 will be considered by an Unopposed Bill Committee in the House of Commons on 31 October and 1 November 2006. It is expected that Royal Assent to this Bill could be obtained by the end of this year.

The Transport for London Bill 2005 is being considered by an Opposed Bill Committee in the House of Lords this week. The Opposed Bill Committee will consider outstanding petitions lodged against provisions in the Bill and any Government opposition to those provisions. During the Committee proceedings, TfL has been represented by Queens Counsel and TfL officers have been giving evidence to the Committee in support of the provisions in the Bill. The Committee will determine whether the Bill requires amendment to address the concerns of the petitioners or Government.

The Transport for London (Supplemental Toll Provisions) Bill is currently being prepared for deposit in Parliament on 27 November 2006. A separate paper will be presented to the Board at this meeting seeking the Board's consent to the deposit of this Bill in Parliament.

5. ADDITIONAL ITEMS

5.1 UK Bus Awards Nomination

The TfL Dial-A-Ride travel assistance team have been nominated for the Claudia Flanders memorial award at the UK Bus Awards. The award is made to an accessibility project that goes beyond the minimum requirements of legislation and provides everyone with freedom of travel choice and travel opportunity.

5.2 Safer Travel at Night Award

The TfL Safer Travel at Night (STaN) programme has been awarded the Goldstein Award, by the US based Centre for Problem Oriented Policing, for the most effective approach in crime reduction. TfL is the first non-police organisation to receive this award.

5.3 Prince Michael of Kent International Road Safety Award

Just one year after being established, the Transport for London's Junior Road Safety Officer (JRSO) scheme has been presented with the prestigious Prince Michael of Kent International Road Safety Award on 12 October.

Designed for 9 -11 year olds, the JRSO scheme recruits one or two children in each participating school to act as road safety champions and lead on promoting road safety issues amongst their peers, through initiatives such as games, competitions and special assemblies. It aims to give the children a good grounding in road safety education as they prepare to make the transition to secondary school – the point at which many children begin to travel independently for the first time. The scheme is playing an important role in reducing the numbers of children killed or seriously injured on London's roads, which has fallen by 62 per cent from an average of 935 a year in the mid/late 1990s to 355 in 2005.

5.4 DLR 'Local Transport Integration Project' Award

DLR London City Airport recently won the Association of Community Rail Partnerships Community Rail Award for best 'Local Transport Integration Project'. The station was described as 'an excellent and a major improvement to transport access' and commended for 'integrating many transport modes within a major city'.

**Peter Hendy
Commissioner for Transport
Transport for London
October 2006**

**TRANSPORT FOR LONDON
STAFF SUMMARY
BOARD MEETING**

SUBJECT: TfL Business Plan & Investment Programme 2005/06 – 2009/10
MEETING DATE: 25 October 2006

1. INTRODUCTION

- 1.1 The 2007/08 TfL Business Plan has been discussed at an Away Day with the Board in September and at the Surface, Rail and LU Panel meetings. The Plan was also discussed with the Finance Committee on 12 October 2006.
- 1.2 This paper reflects those discussions and presents a pan-TfL view of the Business Plan. The Budget will become part of the Mayor's consolidated Budget, which will be subject to consultation and then consideration by the London Assembly. After agreement of the Mayor's consolidated budget, the plan for the year 2007/08 will be adapted to become the budget, which, in term, will be presented to the March 2007 Board meeting for approval.

2. BACKGROUND

- 2.1 Last year's Business Plan updated the plan established from the five-year settlement agreed with Government in 2004, taking account of the progress made, project management capability, resilience and TfL's contribution to the Olympic Games in 2012. The objectives of this year's planning round were to:
- Maintain a robust, financially balanced plan that:
 - Incorporates new responsibilities being taken on by TfL, in particular the London Overground and Oyster on National Rail;
 - Improves efficiencies and reduce operating costs wherever possible;
 - Demonstrates progress in delivery since last year;
 - Includes sustainability, accessibility and other Mayoral priorities in the Business Plan;
 - Maintains TfL's AA credit rating.
- 2.2 During the planning process, issues were discussed at a series of Business Planning Workshops in April, including presentations on the SR2007 process and the Transport Innovation Fund. A 'direction of travel' workshop led by the Commissioner in June ensured that all parts of TfL were aware of issues, pressures and challenges across the organisation.
- 2.3 The Plan covers the period of the agreed settlement with Government. The first year of 2005/06 remains a part of the Plan so that TfL can be seen to be

managing across all the years of the Plan and managers still be held accountable for the Plan around which the settlement was initially agreed.

- 2.4 Funding beyond 2009/10 is a part of the Spending Review 2007 discussions with the DfT and Treasury. Separate submissions have also been made for the two streams of the government's Transport Innovation Fund, the outcome of which is awaited, and are not part of the Business Plan.

3. ACHIEVING A BALANCED BUSINESS PLAN

- 3.1 TfL is managing within its SR2004 settlement with Government. Submissions across TfL included nearly £1.9bn in additional costs and pressures compared to the October 2005 plan. These pressures included:

- Additional Responsibilities (e.g. London Overground, Oyster on National Rail);
- Cost Increases (e.g. energy, IM)
- Pressures (e.g. Olympics, LU Power, Public Realm improvements)

- 3.2 In order for the business plan to stay within SR2004 limits, the business units have been challenged on the assumptions that underlie their projections to ensure that:

- Income estimates are based on a consistent and realistic set of economic assumptions;
- Operating Costs have allowed for agreed levels of efficiencies;
- The Investment Programme has incorporated a realistic view on both the financial and physical capacity to deliver within the plan period.

Income

- 3.3 Recent trends in revenue have been above forecasts, particularly LU fare income. The September 2006 GLA Economic Forecast reinforces a more optimistic view. TfL have increased income forecasts on a number of items including:

- LU fare income driven by better economic conditions, faster recovery from 7/7 and less impact than expected from engineering disruptions;
- Advertising, to reflect the new LU and Bus Shelter contracts;
- Congestion charging to reflect recent trends;
- Projected income from the implementation of the afternoon newspaper.

- 3.4 There have been also some notable downsides, most notably:

- The impact of the lower January 2007 bus fares increase;
- Delay in the sale of land not required for the A406 Bounds Green scheme;
- Lower income from the loss of E-Money as TfL has decided not to pursue the initiative on its own.

- 3.5 Overall income has increased by £130m compared to last year's plan after allowing for grossing up changes in some contracts and reporting. As with

previous plans, this income forecast is based on the assumptions set out in the GLA economic forecasts. Should there be a downturn in London's growth, there is likely to be an adverse effect on income and operating expense reductions may be needed to balance the Plan.

Operating Costs

- 3.6 TfL is delivering significant operating savings in a number of areas including LU operating expenditure. However, there has been an increase in operating costs of £570m largely focused on the following items:
- Costs in last year's plan that have been re-classified from capital to revenue expenditure for projects that improve assets not directly owned by TfL (largely London Borough assets);
 - Change in contracts which have grossed up both operating costs and income at no net impact to the plan;
 - Inclusion of London Overground services and investment in infrastructure on the North London Line (part funded by additional Government grant);
 - Increased IM costs and up-front expenditure on the Accommodation Strategy which will have a net financial benefit to TfL over the longer term.
- 3.7 The TfL efficiency programme established in 2002/03 has matured, growing to over £1.1bn in the October 2005 plan, focusing on 'back office', procurement and other savings. The overall level of efficiencies has not significantly increased from last year's plan. We will continue to review and challenge TfL's operating costs to ensure they remain below recurring income.

Deliverability and Costs of the Investment Programme

- 3.8 Verification of the deliverability of the Investment Programme was sought as part of the business planning process, taking into account planning permissions, construction industry capacity as well as TfL's own capacity to deliver. Deliverability has been rigorously reviewed and challenged. A number of projects have been rephased or new projects not included due, in part, to the lack of physical capacity required to deliver within the plan period.
- 3.9 Recognising that delivery of the Investment Programme can often be delayed by factors outside project managers' control (such as the granting of planning powers); we have included an element of overprogramming in plans. This is done at the level of the overall Programme, both because it is generally not possible to know in advance which projects will be affected and because of the desire to maintain accountability on individual project managers. To date, Investment Programme spend has been in line with targets after taking into account this overprogramming allowance. However, noting that we are increasing the amount of Investment Programme spend in this Plan by £225m and that some of that spend is on projects which are more likely to suffer delays (e.g. because of the need to obtain powers) we have increased that overprogramming allowance by £50m.
- 3.10 Overall the cost pressures and new projects (detailed in **section 4** below) have been able to be managed, keeping within the funding levels agreed with the DfT in the five-year settlement agreed in 2004 (as amended for additional grants for London Overground). However, TfL's level of general reserves has been reduced to the absolute minimum levels considered prudent.

4. KEY CHANGES IN THE PROPOSED BUSINESS PLAN

- 4.1 Through the challenge process described in section 3, savings and additional income have been identified. In the current year, additional income and savings in operating costs are also now forecast. These additional funds, along with savings identified at the end of 2005/06, have been transferred into reserves and these funds are then available for use over the remaining plan period.

London Overground

- 4.2 TfL will take over responsibility from the DfT in November 2007 for the Silverlink Metro (to be known as the **London Overground**). This will enable TfL to deliver a number of improvements, including additional customer service, policing and security staff, Oyster ticketing, increased Gospel Oak-Barking services from 2008, and new trains from early 2009. The East London Line extension to Dalston in the north and West Croydon/Crystal Palace in the south will open in 2010 and will integrate with NLR services, resulting in a significant step towards delivering an orbital railway.

London Underground improvements

- 4.3 **Step-free access-** the Business Plan includes an increase in the number of London Underground stations with step-free access from platform to train, in line with the commitment announced at the Disability Capital Conference in March 2006. London Underground is committed to delivering step-free access from platform to street at 25 per cent of its stations by 2010 and 33 per cent by 2013. The 33 per cent of stations in 2013 will form a Foundation Network, which will allow passengers to reach any zone 1 station either by a single Tube journey to a station with step-free access, or a single accessible bus journey, or a combination of one tube and one bus journey.
- 4.4 **Timetable changes-** the plan includes provision for half-hour later running on Friday and Saturday nights from May 2007 onwards, offset by one hour later starts on Saturdays. This follows public consultation and is in line with the Mayor's wish to provide later weekend trains. Other timetable improvements include increased off-peak Central and Bakerloo line services from late 2006 and more off-peak Victoria and Jubilee line trains in 2007.
- 4.5 **Tunnel cooling-** the first groundwater experimental cooling trial is now operational at Victoria station. Funding for additional trials and development of tunnel cooling at other locations has been included in the Plan.
- 4.6 **Staff accommodation-** improvements at a number of locations are planned, including provision of adequate female changing and toilet facilities, and to plan for increased numbers of train drivers following line upgrades.

Streets schemes

- 4.7 **Public realm schemes-** the construction of Parliament Square 'World Squares' scheme has been added to the Plan which will improve pedestrian and cycle facilities. Development of the Tottenham Hale Gyratory/Interchange and Victoria Embankment schemes has also been added to the Plan.
- 4.8 **Bridge and Tunnel safety schemes-** to reflect delivery capability there have been a rephrasing of part of this programme, covering a number of locations on

the TLRN. The works on Rotherhithe Tunnel and main works on Upper Holloway Bridge has been rephased to commence in 2010/11, and new to the programme in the plan period is the repair and refurbishment of the A316 Country Way elevated structures.

- 4.9 **Traffic Control systems-** the plan includes implementation of a new centralised traffic signal control system to replace obsolete technology that is 30 years old. The plan also includes improvements to the traffic signals in East London to support the Olympics.

Policing

- 4.10 An additional 375 **Police Community Support Officers** will be deployed across the transport network, deployed in mobile 'transport teams' in suburban areas and outer London boroughs. These new teams would be attached to Metropolitan Police (MPS) Borough Operational Command Units (BOCUs) with the MPS providing day-to-day supervision and management.
- 4.11 TfL has voluntarily adopted section 17 of the **Crime and Disorder Act 1998**, which means that the impact of all projects on crime and disorder is considered. This has been incorporated into plans.

Oyster on National Rail services

- 4.12 Launched in Summer 2003, the **Oyster Card** is now acknowledged as Europe's most advanced and widely used travel smartcard, with automatic top-up and pay-as-you-go options. Agreement has been reached with DfT for this to be extended to cover National Rail services in London and subject to implementation by the TOCs, will be extended progressively by the end of 2008. The recent award by the DfT of the South West Trains franchise included smart card ticketing as part of the franchise agreement, for example. TfL will be funding the capital investment of Oyster validators at National Rail stations.

Other items

- 4.13 **Accommodation-** The future accommodation strategy for TfL's offices has been incorporated into the Plan, which includes the moves to the 'Palestra' and the 'Shard of Glass.'
- 4.14 **Oxford Street Tram-** funding for the development of traffic management, new interchanges at Marble Arch and Tottenham Court Road and a tram along Oxford Street between Marble Arch and Tottenham Court Road has been included in the Plan;
- 4.15 **Cashless Bus-** the strategy has been deferred in this plan, but remains a longer term objective of TfL;
- 4.16 **Fares-** the plan reflects the fares changes announced for January 2007 which were less than that included in the October 2005 plan. This has been offset, in part, by increases in advertising income. No change to last year's plan has been made regarding January 2008, 2009 or 2010. The plan also includes the introduction of free bus travel for 16 and 17 year olds in full time education and free Underground travel at off-peak times for accompanied children under 11, both introduced earlier this year.

- 4.17 **Olympics** - We have also refined the TfL Olympic programme in conjunction with the ODA. A key area of concern is that funding from ODA sources are largely fixed but commitments are increasing as requirements become clearer.

5. SUSTAINABILITY PLAN

- 5.1 TfL has recently set-up a small Group Sustainability Unit to develop plans to embed sustainability into planning, projects and operations and to co-ordinate the efforts of the various business units. The structure of the Business Plan has been modified to include a Sustainability section which reflects the holistic emphasis of the environmental, economic and social aspects of transport.
- 5.2 **Climate change mitigation and adaptation** is being addressed in a number of ways. Three of the main items are:
- A climate change pump-priming fund will be created to fund additional CO₂ reduction measures which specifically contribute to the Mayoral objectives and targets on climate change (£25m has been included);
 - Extending the trial of hydrogen fuel cell buses;
 - Mandating the introduction of diesel-electric hybrid buses, providing that the hybrid buses currently on trial meet operational and environmental performance criteria.
- 5.3 **Walking & Cycling-** implementation of the London Cycle Network Plus is continuing, and 850km of the network will be completed by 2010. Other initiatives to encourage increased cycling include more cycle parking, cycle training for year 5 and 6 schoolchildren, and green corridor cycle routes such as alongside rivers. New crossings, crossing upgrades and widened footpaths will encourage more walking.
- 5.4 **Travel Demand Management-** Travel Demand Management (TDM) involves measures to change travel behaviour to get better use and higher value for users from the existing transport system and, in doing so, encourage more sustainable travel. There are two strands to this in the Plan- 'hard TDM' physical/pricing measures (largely the Congestion Charge, being extended westwards from February 2007), and 'soft TDM' measures, other measures seeking to change travel behaviour.
- 5.5 The first Sustainable Town Centre Scheme (for the years 2006 to 2009) is now underway in Sutton. The borough is working in partnership with TfL to encourage people to walk, cycle and use public transport, and will also explore other opportunities to reduce congestion, such as the expansion of car clubs and a cycle-hire scheme. A personalised travel planning pilot is planned for 2007/08, and there will be continuing development of workplace travel plans.
- 5.6 **Implementing sustainable procurement** - TfL is committed to the highest level of the GLA's Sustainable Procurement Policy. A number of procurement toolkits and updated procedures have been published. Good progress has been made in several of the themes, for example including:
- Supplier diversity (requirements included on the East London line main works contract, will be included on large procurements including the Thames

Gateway Bridge and Streets Term Maintenance contracts);

- Environmental sustainability (applying green procurement requirements to contracts such as the LUL advertising concession and purchasing A4 paper);
- London living wage (implemented on the bus station cleaning contract from October 2006);
- Fair trade (procurement onto TfL's purchasing systems);
- Reporting systems (to the GLA and to the LDA).

5.7 **Ensuring a diverse workforce** - TfL continues to give priority to creating a workforce that reflects the diversity of London. Group Equality and Inclusion will continue to facilitate improvements to workplace facilities and practices to ensure organisational culture is not a barrier to recruitment and retention.

5.8 **Door-to-Door Strategy** - the door-to-door strategy is in development. Additional funding has been included in the Plan to improve services.

5.9 **Safety** - Targets for reductions in road casualties have been exceeded, having fallen by 40 per cent compared with the late 1990s. The Plan reflects meeting the new higher Mayoral targets, to cut the number of people killed or seriously injured by 50 per cent by 2010 compared with the 1994-98 average.

5.10 **Health** - TfL's continued efforts to minimise air pollutants will benefit the health of Londoners. In 2004/05, it brought in a Health Improvement Plan for LU staff, which, over time, will be rolled out across the rest of TfL.

5.11 **Resilience** - Security arrangements have been strengthened to combat terrorism and fight crime. This includes TfL's continued focus on reassurance policing across the Underground and DLR as well as maintaining high levels of dedicated policing on the bus and road network.

6. FINANCING THE PLAN

6.1 The Plan remains fully funded, as the additional expenditure for new projects is counterbalanced by increased income, expenditure reductions, increased operational efficiencies or use of reserves. Recurring income continues to exceed recurring expenditure but by less than last year which emphasises that this is a tight but sound plan. **Table 1** below summarises the financial position and **Table 2** the relationship with the Investment Programme.

Table 1: Summary of TfL Business Plan

£m, cash prices	2005/06 actual	2006/07 forecast	2007/08	2008/09	2009/10	Total
Income	(2,880)	(3,097)	(3,397)	(3,597)	(3,779)	(16,750)
Operating Costs	4,995	5,359	5,705	6,006	6,317	28,382
Net Operating Expenditure	2,115	2,262	2,308	2,409	2,539	11,633
Capital Projects (net of over-programming)	713	735	1,240	1,579	1,258	5,525
Third Party Funding	(175)	(185)	(186)	(220)	(165)	(932)
Debt Service	10	58	70	106	151	396
Contingency	0	26	27	28	28	109
Net Expenditure	2,663	2,896	3,459	3,902	3,810	16,730
Working Capital and Reserve Transfers	103	109	(250)	(359)	(372)	(582)
Net Cash Required	2,767	3,005	3,210	3,543	3,438	15,962
Funded By:						
Total Transport Grant	2,196	2,389	2,598	2,781	2,826	12,790
Precept	20	12	12	12	12	68
Prudential Borrowing	550	604	600	750	600	3,104
Total Funding	2,767	3,005	3,210	3,543	3,438	15,962

Table 2: Relationship between the Business Plan and Investment Programme

£m	2005/06	2006/07	2007/08	2008/09	2009/10	Total
Investment Programme	2,207	2,398	2,872	3,157	2,948	13,582
Overprogramming	0	(63)	(165)	(173)	(204)	(605)
Net Investment	2,207	2,335	2,707	2,983	2,745	12,977
Less:						
Capital under PPP contracts	(1,007)	(1,094)	(909)	(838)	(909)	(4,756)
Capital under PFI contracts						
Payments to Operators/Borough	(488)	(506)	(558)	(566)	(578)	(2,696)
Capital Expenditure	713	735	1,240	1,579	1,258	5,525

Risks

- 6.2 The 5 year plan always assumed that reserves would be built up early in plan period to be drawn down by 2009/10. Reserves have increased with increased income, reduced operating costs and some capital underspends in previous years. Compared to last year's Plan, these increased reserves are now planned to be fully utilised to fund new TfL responsibilities and increased investment (including investment in London Overground, LU Power and tunnel cooling). The plan does retain a £103m General Reserve which is considered the minimum level required to retain for unforeseen events.
- 6.3 By increasing income assumptions and releasing specific reserves, there are clearly risks to delivery of the Plan if these assumptions are not met (e.g. economic downturn reduced fare income). However, TfL has a number of

mitigating factors to give the plan protection and provide the ability to review its position in future:

- Every capital project estimate includes a contingency allowance for identified risks;
- LU holds £254m in its risk budget over the Plan period for risks arising from the PPP/PFI contracts;
- Unallocated contingency of £83m in TfL is included in the Plan;
- Prudent provisions have been established for contractual and other claims;
- TfL maintains property damage (including terrorism risk) and liability insurance for claims over £2m & £250k respectively with an upper limit of £300m & £75m;
- The funding agreement with Government provides for grant review in the event of “unplanned and unforeseen expenditure pressures” (LU) or “exceptional unforeseen expenditure pressures” (TfL);
- The General Fund is available to meet short term pressures that cannot otherwise be mitigated by management action, contingency or other risk allowances. Past experience indicates a Fund of £100m should be sufficient.

6.4 Ultimately, TfL has a statutory duty to balance its budgets annually which will be done through use of these mitigating factors and reductions in expenditure if necessary. Decisions on the level of reserves have been made in the light of comments made by TfL’s external auditor in 2001, subsequent comments from the rating agencies, and CIPFA guidance (LAAP 55) and experience from significant unplanned events in the past such as 7/7.

Thames Gateway Bridge concession

6.5 The proposed Thames Gateway Bridge (TGB) will be procured as a PFI concession. Assuming favourable decisions from the relevant Secretaries of State following the Public Inquiry, opening of the bridge is anticipated in 2013. The TGB will be part funded through PFI credits from the Department for Transport (DfT). This funding requirement is £200m, which, after the application of the PFI credit formula, translates into a PFI credit requirement of £350m. It is envisaged that the TGB Scheme will be progressed on an off-balance sheet basis. As part of the conditions for the award of the PFI credits, it is proposed that TfL makes the following commitments to DfT:

- £350m is the full and final contribution from DfT for the TGB Scheme;
- the budget risk does not lie with DfT should the TGB Scheme come on balance sheet;
- the TGB Scheme will not be cancelled for balance sheet reasons once the procurement process has begun

7 CONSULTATION

7.1 Meetings have been held with the ALG TEC in March and July, and Borough Chief Executives over the spring/summer to engage on the content of the business plan. Emphasis was placed that this year’s plan is a continuation of the 2005/06 Business Plan, focusing on delivery of existing commitments, refined to reflect developments of the past year. Further engagement with them has been included in their autumn schedule of meetings.

7.2 In addition, TfL are coordinating outreach with the GLA for November. A series of meetings and workshops have been held with the London Business Board, ALG TEC, Union and Voluntary groups to discuss and gather views on TfL's planning activities including T2025 and further meetings are planned to discuss the content of the Business Plan. Key stakeholders will also be sent the Plan document with a covering letter after the Business Plan is approved by the TfL Board at the 25 October meeting.

8 RECOMMENDATIONS

The Board is asked to:

- APPROVE the TfL Business Plan 2005/06 – 2009/10 including the Sustainable Development Plan and delegate its finalisation and publication to the Managing Director, Finance and Planning, for submission to the GLA;
- APPROVE the commitments relating to the TGB Scheme as set out in section 6.5;
- NOTE that the final 2007/08 Budget will be presented in March 2007 for approval by the TfL Board, following the outcome of the GLA Budget process.

Finance and Planning
25 October 2006

TRANSPORT FOR LONDON

STAFF SUMMARY

TFL BOARD

SUBJECT: A406 North Circular Road Bounds Green to Green Lanes Safety and Environmental Improvements Scheme

MEETING DATE: 25 October 2006

Purpose

1. To recommend that the TfL Board resolve that:
 - 1.1 Amendments to the safety and environmental scheme at Bounds Green approved by the TfL Board in 2005 (“The 2005 Scheme”), be approved and the revised safety and environmental scheme (“The 2006 Scheme”) be progressed and implemented, as illustrated in the attached Plan (Figure 1).
 - 1.2 Any additional land and properties required for the 2006 Scheme should be acquired by negotiation but that the Board agree in principle that TfL should make a Compulsory Purchase Order in case negotiations fail. The final decision to make and implement any Compulsory Purchase Order (including the settling of the detailed boundaries of the land and properties to be acquired), together with any related orders required to facilitate the 2006 Scheme, will be taken by the Managing Director, Surface Transport.
 - 1.3 TfL will liaise with the relevant Councils and local community as to the implementation of the revised scheme.

Background

2. At its meeting on 20 March 2003, the TfL Board (“the Board”) endorsed a proposal to construct a minor safety and environmental improvement scheme at Bounds Green, comprising a dual two-lane roadway and widened at-grade junctions, known as the 2002 Scheme. Subsequently, the Mayor received strong representations in favour of implementing a larger scheme previously inherited from the Highways Agency.
3. At its meeting on 29 October 2003, the Board endorsed a proposal to apply to the government for additional funding for three “inherited” schemes on the A406 North Circular Road and to commence work on “appropriate environmental measures and other worthwhile short term work in Bounds Green, Regent’s Park Road and Golders Green Road”. The Board also resolved to take steps to retain the necessary safeguarding lines for the construction of the “inherited”

schemes, and to make any necessary amendments to the Business Plan to reflect the option endorsed by the Board.

4. At the meeting on 9 February 2005, the Board then resolved as follows:
 - 4.1 *TfL should not progress the major scheme for the A406 North Circular Road (between and including the junctions with the A109 Bounds Green Road and A105 Green Lanes), inherited from the Highways Agency ("the Inherited Scheme"), at this time, but that TfL should proceed with a smaller safety and environmental improvement scheme, based on a dual, predominantly two-lane roadway and widened at-grade junctions.*
 - 4.2 *Properties surplus to the requirements of the smaller safety and environmental improvement scheme at Bounds Green should be disposed of and a request made for the safeguarding, beyond the requirements of the smaller scheme, to be removed.*
 - 4.3 *The additional properties required for the smaller safety and environmental improvement scheme at Bounds Green should be acquired by negotiation but that the Board agrees in principle that TfL should make a Compulsory Purchase Order in case negotiations fail. The final decision to make, amend and implement any Compulsory Purchase Order (including the settling of the detailed boundaries of the land to be acquired) will be taken by the Managing Director, Surface Transport.*
 - 4.4 *TfL should engage with the relevant Councils and local community on the design and implementation of the smaller safety and environmental improvement scheme for the A406 at Bounds Green following the Board's decision.*
 - 4.5 *Further consideration will be given to options for improvement at Regent's Park Road and Golders Green Road.*

Justification for 2006 Scheme

5. The 2005 Scheme was developed primarily to address the urgent safety and environmental problems in the corridor. It was, however, designed to encompass sufficient land to accommodate a form of modest grade separation of existing signalled junctions, should these be determined as appropriate and affordable at a later date.
6. After further investigation, the design has been reviewed, and the current 2006 Scheme developed, requiring a smaller footprint. The scheme is regarded as the most appropriate scheme to pursue in the circumstances. The scheme addresses safety and environmental concerns identified, and is generally in line with current transport policy.

Benefits to Costs Analysis

7. Despite the smaller scheme footprint, the 2006 Scheme provides significant accident savings and environmental benefits not dissimilar to the 2005 proposals. It is expected the 2006 Scheme will reduce personal injury accidents by one-third; improve the efficiency of traffic flow through junctions; improve bus journey reliability; provide significant pedestrian and cycle improvements; upgrade lighting; and enhance the local environment through extensive landscaping and streetscape enhancements.
8. The benefit to cost ratio for the 2006 Scheme, based on accident savings and improvements to bus and bus passenger journey time reliability and general ambience, across the standard TfL 30-year evaluation timeframe, is currently estimated at 1.9 to 1. This includes a provision for some inevitable disruption to road users during the construction period. The 2006 Scheme is, therefore, financially sensible and provides good value for money.
9. The 2006 Scheme has a lower benefit to cost ratio than that of the 2005 Scheme. The 2005 Scheme's benefit to cost ratio included a significant amount of journey time benefits for general traffic. The objectives of the 2006 Scheme are focussed on safety and environmental benefits, including the encouragement of rat-running traffic in adjacent local roads back to the A406. Any journey time benefits to general traffic are considered both to be nominal and incidental to the core objectives of the 2006 Scheme, thus journey time savings are not included in the benefit/cost analysis.

Budget Provision

10. The spend profile for the 2006 iteration of the Bounds Green to Green Lanes safety and environmental improvement scheme is set out in the table below:

£m Out-turn	2004/ 05	2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10	2010/ 11	2011/ 12	Total Cost
	1.2	2.0	1.8	1.3	3.7	15.8	10.5	2.3	38.6

In addition, a further £3.9 million will be spent for the acquisition of additional properties and areas of land to construct the proposed scheme.

11. The budget originally set for Bounds Green was £25.4m, which included £2m towards borough traffic calming but excluded land acquisition and demolition costs, risk and contingency. The increased cost is primarily due to increased allowance for construction and to include for assessed risk and 20% contingency. Other increases are for statutory undertakers service diversions, detailed design and supervision activities.

Property

12. All properties purchased at Bounds Green were purchased by negotiation or under blight as no CPO was made for the scheme inherited from the Highways Agency. TfL has sought to minimise the footprint of the 2006 Scheme whilst continuing to achieve significant safety and environmental benefits. However,

the narrower footprint does not affect the Mayor's undertaking to relevant boroughs that property would not be disposed of that would prevent TfL pursuing an intermediate scheme in the future – Appendix 1 refers. A wide-ranging study of this North London corridor is contemplated which will inform future traffic and transport solutions.

13. Proposals are being prepared in connection with the 2006 Scheme which will facilitate redevelopment. These identify options and opportunities for redevelopment, and will inform the preparation of the Bounds Green Area Action Plan, which Enfield Borough Council are about to commence. The proposals will assist with noise mitigation to protect dwellings exposed by the demolition of property required for the scheme.
14. TfL currently owns 424 properties at Bounds Green, which consist of 367 residential units, 36 commercial units and 21 plots of land. Based on internal inspections in the majority of cases, the Valuation Office Agency valued the Bounds Green portfolio at 1 April 2002 at £56.9 million. Group Property revalued the portfolio, by indexation rather than inspection and at 1 March 2006 prices, at £68.5 million.
15. In order to construct the 2006 Scheme, 9 properties in TfL ownership, consisting of 4 residential properties (5 units) and 5 commercial premises, will need to be demolished. Of the residential units affected, one is let to the London Borough of Enfield. The current design will also require the acquisition of 14 properties to be demolished, and 10 other areas of land. Exchange land will also be needed, which may also have to be compulsorily acquired, in relation to acquisition of public open space at Tewkesbury Terrace.
16. Much of the property fronting this part of the A406 has not had the benefit of proper investment and improvement for many years while uncertainty surrounding the improvement scheme continued. Implementation of the 2006 Scheme at Bounds Green, in conjunction with Enfield's Bounds Green Area Action Plan, when complete, will help to bring an end to uncertainty and create an environment where currently unusable accommodation could be refurbished and residual sites be redeveloped. Subject to planning consents, redevelopment provides an excellent opportunity for improvement in the quality of the built environment and public realm, together with housing opportunities for key workers and those on lower incomes.

Compulsory Purchase

17. Whilst it is hoped that the land and properties required for the 2006 Scheme will be acquired by agreement, it is recommended that the Board agrees, in principle, that TfL make a CPO in case negotiations are unsuccessful.
18. In resolving to make a CPO, TfL, as the acquiring authority, should consider whether the purposes of which it is making a CPO sufficiently justify interfering with the human rights of those with an interest in the land affected. In this respect regard should be had, in particular, to the provisions of Article 1 of the First Protocol of the European Convention on Human Rights and, in the case of a dwelling, to Article 8 of the Convention. (Article 1 makes provision for the protection of the rights of everyone to peaceful enjoyment of their possessions. This is on the basis that no one should be deprived of possessions except in

the public interest and subject to the relevant national and international laws. Article 8 provides generally for the protection of private and family life, home and correspondence. The rationale of this provision is that no public authority should interfere with these rights except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well-being of the country.)

19. As the acquiring authority, TfL should also consider, generally, whether there is a compelling case in the public interest for using its compulsory purchase powers.
20. Given the substantial public benefits which would arise from the implementation of the 2006 Scheme, in terms of accident savings and environmental improvements, the use of compulsory purchase powers is considered to be appropriate, notwithstanding the interference with some property rights.

Programme

21. The current programme estimates design work and statutory processes to be complete by October 2008 assuming objections and a public inquiry commencing in early 2008. Following these processes, and a successful outcome, the construction period would start in May 2009 and is estimated to be for a period of 22 months, with completion estimated in March 2011.
22. Risks to the programme primarily relate to the procurement of planning permission and the making and confirmation, where necessary, of orders to facilitate the scheme.

Local Borough Involvement

23. Enfield, Haringey and Barnet Borough Councils have been kept informed of progress on the development of the scheme throughout, and Enfield and Haringey are developing complementary traffic calming measures, funded by TfL, on their borough roads. Both have indicated a preparedness to work with TfL on the safety and environmental scheme, while noting a preference for a more substantive scheme involving grade-separation of existing signalled junctions. Barnet has indicated its opposition to the scheme on the grounds that it does not address transport requirements to support development in the borough.

Recommendations

24. It is recommended that the Board approve the following:
 - 24.1 Amendments to the safety and environmental scheme at Bounds Green, approved by the TfL Board in 2005 ("The 2005 Scheme"), be approved and the revised safety and environmental scheme ("The 2006 Scheme") be progressed and implemented, as illustrated in the attached Plan (Figure 1).
 - 24.2 Any additional land and properties required for the 2006 Scheme should be acquired by negotiation but that the Board agree in principle that TfL should make a Compulsory Purchase Order in case negotiations fail.

The final decision to make and implement any Compulsory Purchase Order (including the settling of the detailed boundaries of the land and properties to be acquired), together with any related orders required to facilitate the 2006 Scheme, will be taken by the Managing Director, Surface Transport.

- 24.3 TfL will liaise with the relevant Councils and local community as to the implementation of the revised scheme.

Peter Brown
Chief Operating Officer - Streets
Surface Transport

October 2006

Appendices:

- Appendix 1: Letter of 16 February 2005 from the Mayor to TfL's Commissioner advising of his commitment in relation to property disposal associated with the A406 at Bounds Green.
- Appendix 2: Comparative paper summarising the changes made to the Board approved 2005 scheme in developing the proposed scheme ("The 2006 Scheme").

Figures:

- Figure 1: Outline of "The 2006 Scheme"

Mayor's Office

City Hall
The Queen's Walk
London SE1 2AA
Switchboard: 020 7983 4000
Minicom: 020 7983 4458
Web: www.london.gov.uk

Robert Kiley
Commissioner
Transport for London
Windsor House
42-50 Victoria Street
London SW1H 0TL

Our ref: MP/BM

Date: **16 FEB 2005**

Dear Bob

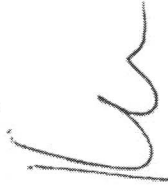
A406 North Circular Road – Bounds Green

As reported to the TfL Board on 9 February, I met with councillors and officers of Haringey, Enfield and Barnet on Thursday 3 February. I gave them an assurance that TfL would not dispose of any properties that would prevent TfL pursuing an intermediate scheme on the A406 at Bounds Green at a future date, subject to funding.

I also confirmed that I would ask you to review the surplus property related to the Bounds Green scheme and ascertain its suitability for the ODPM's first time buyers' initiative.

Please ensure that these commitments are taken into account in TfL's disposal programme.

Yours sincerely



Ken Livingstone
Mayor of London

Cc: Victor Lyon, Leader, London Borough of Barnet
Councillor Michael Rye, Leader, London Borough of Enfield
Councillor Charles Adje, Leader, London Borough of Haringey
Leo Boland, Chief Executive, London Borough of Barnet
Rob Leak, Chief Executive, London Borough of Enfield
David Warwick, Chief Executive, London Borough of Haringey

Appendix 2

FEATURES OF 2006 SCHEME

The 2006 Scheme itself will be constructed to a smaller footprint than the 2005 Board Approved scheme (“The 2005 Scheme”), in order to minimise demolition.

The 2006 Scheme requires the demolition of 23 properties, whereas the Board Approved scheme required 65, and many properties fronting the NCR will not now be demolished. Other properties currently sheltered from noise by these NCR fronting properties will therefore not become exposed to higher noise levels.

A pharmacy and dentist located at the Brownlow Road junction, which would be demolished under the 2005 Scheme are retained in the 2006 Scheme. This will be welcomed by the local community as the nearest alternatives are some distance away.

Similar regeneration opportunities arise with the 2006 Scheme as with the 2005 Scheme. These opportunities are the subject of a separate study.

The accident benefits of the 2005 Scheme are largely maintained in the 2006 Scheme.

The journey time benefits of the 2005 Scheme are not retained in the 2006 Scheme. However bus journey time reliability is maintained with the provision of bus lanes.

A406 Bounds Green
Schemes 2005/2006 Comparison

Item	2005 Scheme	2006 Scheme
ENGINEERING		
General	Central dividers	Reduced width with hatching in places
	Combination of shared and segregated cycleway/footway	Increased provision of segregated cycleway/footway
Bounds Grn Rd Jn.		
Lwr Maidstone Rd	Linked to Tewkesbury Terrace	Junction with A406 retained.
Tewkesbury Terrace	Linked to Lwr Maidstone Rd	Closed
Wilmer Way Jn.		
Bowes Rd (E/B)	Three Lanes	Two lanes
Brownlow Rd Jn.		
	Dentist & Chemist demolished	Dentist & Chemist retained
A406 E/B	2 Ahead 1 Ahead/Left 1 Ahead/Right	1 Ahead 1 Ahead/Left 1 Ahead/Right for buses on demand only
A406 W/B	3 Ahead 1 Left 1 Right	1 Ahead 1 Left 1 Right
Green Lanes Jn.		
A406 E/B Approach	Bus priority lane	Bus priority lane
SAFETY		
	One third accidents mitigated.	One third accidents mitigated.
ENVIRONMENTAL		
Air Quality	No significant change from existing but side road residents will benefit from displaced rat-running traffic.	No significant change from existing but side road residents will benefit from displaced rat-running traffic
Noise	Side road residents will benefit from displaced rat-running traffic.	Side road residents will benefit from displaced rat-running traffic. Reduced exposure to hinterland properties, compared with 2005 scheme, due to less property demolition.

A406 Bounds Green
Schemes 2005/2006 Comparison

Item	2005 Scheme	2006 Scheme
Landscape		No significant change but reduced width central reserve precludes tree planting.
Streetscape		No significant change.
PROPERTY		
Acquisition	18 Properties to be acquired	14 properties to be acquired, odd pieces of land
Demolition	65 Properties to be demolished.	23 properties to be demolished
Residual		
ECONOMICS		
Costs	44.4	38.6
Benefits		
Accidents	36.0	36.7
Time	37.3	0
Ambience	28.3	21.6
BCR	3.5:1	1.9:1
REGENERATION	Redevelopment opportunities arise.	No significant change.

TRANSPORT FOR LONDON

BOARD MEETING

SUBJECT: TfL GOVERNANCE STRUCTURES

MEETING DATE: 25 OCTOBER 2006

1. PURPOSE

The Commissioner's Report to the 20 September 2006 Board meeting explained that the Commissioner was discussing with Board Members a proposal for the establishment of two new panels. This report sets out proposals for the establishment of those panels and also addresses related issues for TfL governance arrangements and the Board cycle of meetings.

2. BACKGROUND

2.1. In addition to decisions delegated to the Commissioner, Chief Officers and other officers under Standing Orders, TfL operates with three types of governance entities:

- the Board;
- Committees; and,
- the Rail, Surface and Underground Panels.

2.2. Under the revised Standing Orders agreed at the 20 September Board meeting, the Board and Finance Committee must meet at least six times a year, whilst the Audit Committee, the Safety, Health and Environment Committee and the three panels must meet at least four times a year. The Remuneration Committee must meet at least once a year.

2.3. The Commissioner reports to the Board at every meeting providing an overview of major issues and developments and updating the Board on significant projects and initiatives. The Board also receives a detailed Operational, Financial and Investment Programme Report every quarter. This report is considered by the Finance Committee before it goes to the Board and the Finance Committee exercises a similar scrutiny role across the range of Board reserved decision making matters.

2.4. Each Panel receives a detailed modal Managing Director's report at each meeting. Safety, health and environmental matters are monitored through SHEC, on behalf of the Board. TfL also has an Audit Committee.

2.5. Board Member involvement in the business planning and strategic process such as T2025 has tended in the past to involve a combination of

away day presentation(s) to the whole Board with presentations to each Panel and to the Finance Committee.

3. PANEL ARRANGEMENTS

3.1. Possible improvements could be considered as follows:

- the Panels could be combined for the purpose of considering the budget and business plan – this would ensure that cross-modal perspectives were fully brought to bear on those documents;
- an informal Board seminar could be scheduled for September, in line with the business plan process. This would also provide an opportunity for Member and Adviser input to longer term direction, such as T2025. The seminar would be run by Secretariat and would provide an opportunity to discuss the business plan with Board Members and Advisers at a formative stage without the constraints of a formal Board meeting.

3.2. Even though the September seminar would be informal, Board Members would be in attendance to constitute a quorum if any urgent formal business needed to be conducted following the summer break. Replacement of the formal September Board meeting would also provide more flexibility in scheduling Finance Committee meetings and the process could be facilitated by the Board making appropriate delegations to the Finance Committee to take defined urgent decisions during the “summer recess”. Special additional Board Meetings could also be called throughout the year if required.

3.3. If the Panels were combined for the purpose of the budget and business plan, this would involve each Panel meeting four times a year, as now, but with three modal meetings and one joint cross-modal meeting. Combining the Panels for consideration of the budget and business plan would reduce this to ten meetings.

4. NEW PANELS

4.1. The Commissioner’s Report to the 20 September 2006 Board meeting explained that the Commissioner was discussing with Board Members a proposal for the establishment of two new panels – one to provide a similar level of scrutiny for corporate directorates (where the issues are not covered by another governance entity) and the other to provide a forum for discussion of longer term strategic/planning issues.

4.2. Draft terms of reference for these are attached as Appendix 1 to this report. The purpose of the “Corporate Panel” is to advise and assist the Commissioner with issues relating to TfL Corporate Directorates. This could cover services and issues such as:

- Group IM
- Group HR / HR Shared Services
- Equalities and Inclusion
- Group Procurement
- Group Property and Facilities
- GLA/Functional Body convergence issues

- Legal Outsourcing
- FOI / Data Protection
- Group Communications
- Press Relations
- Public Affairs
- Assembly Liaison
- Borough Partnerships
- Stakeholder engagement
- Group Marketing
- Customer Services Integration Plan (CSIP)
- Corporate Values
- Websites

4.3. Looking back over recent months, this Panel would have been expected to consider issues such as the accommodation strategy, sustainable procurement and the “Your TfL” campaign. It would also provide an appropriate forum for the consideration of issues and proposals from the work which is currently being undertaken on further cross-Group working and convergence between the GLA and its associated Functional Bodies including TfL.

4.4. The “Strategic Planning Panel” could cover issues such as:

- TfL’s input into the Mayor’s Transport Strategy
- T2025
- Crossrail
- Olympics
- new major projects

4.5. Looking back over recent months, this Panel would have been expected to consider strategy issues arising from projects such as Stratford Regional Station, Thames Gateway Bridge, Low Emissions Zone and West London Tram but would not consider contractual or project specific funding issues.

4.6. Establishment of two new panels would involve six additional business meetings each year, allowing for the Strategic Planning Panel meeting less frequently – say twice a year. Under the existing panel arrangements, this would bring the total number of Panel meetings each year to 18. However, under the approach of combining panels for the budget and business plan, including the Corporate Panel but not the Strategic Planning Panel, the total number of Panel meetings would be 15.

5. BOARD MEETINGS

5.1. Replacement of the September formal Board meeting would still allow six meetings per year, in line with the minimum meetings requirement under Standing Orders, based on meetings in:

- mid/late October (formal – business plan);
- early December (formal);
- early February (formal);

- late March/ early April (formal - budget);
- mid May (formal);
- late June (formal – annual accounts);
- mid September (informal – seminar).

5.2. The combined Panel meeting would feed into the October Board meeting. Modal Panel meetings would then be arranged around this core framework. Combined Panel meetings would, of course, involve all chief officers. The pattern of Committee meetings would remain unchanged, except that Finance Committee meetings would be brought into line with the new pattern of Board meetings. The proposed cycle of Board, Committee and Panel meetings is shown in the table in Appendix 2.

6. COMMITTEE AND PANEL MEMBERSHIP

6.1. If the Board was minded to agree the recommendations proposed in this paper then there would be a need to agree membership of the new Panels. A possible allocation of Members and Advisers to Committees and Panels is shown in Appendix 3.

6.2. The allocations broadly follow existing membership for the existing Committees and Panels. The main changes are to establish the composition of the Corporate and Strategic Planning Panels and some other minor changes mainly to clarify the role of the Deputy Chair of Panels.

7. RECOMMENDATION

7.1. That the Board:

- **APPROVES** the establishment of two new panels, with the terms of reference set out in Appendix 1;
- **APPROVES** a pattern of six formal Board meetings each year, plus an informal Board seminar to be held during September;
- **APPROVES** a cycle of Committee and Panel meetings as set out in Appendix 2;
- **AGREES** the proposed composition of Committees and Panels set out in Appendix 3.

Draft Terms of Reference

CORPORATE ADVISORY PANEL

Membership

Chair : Peter Hendy

Vice Chair :

Members :

Advisers :

In attendance: With the Chair's agreement other persons can attend all or any part of a meeting.

Secretary : To be agreed by the Board Secretary.

Quorum : 3 members

Frequency of meetings

1. The Panel shall meet at least 4 times a year or at such greater frequency as determined by the Chair.

Terms of Reference

2. The Panel will advise and assist the Commissioner with issues relating to TfL corporate matters and in particular, the following -
 - (a) overseeing the development of TfL's approach in relation to corporate matters, reflecting the Mayor's transport and other strategies;
 - (b) monitoring cross modal application of corporate matters including policies, accommodation, employment practices, equality and inclusion and Information Management;
 - (c) monitoring the TfL corporate components of TfL's Business Plan and Budget proposals;
 - (d) supplementary monitoring of the development and implementation of projects as agreed by the Commissioner;
 - (e) evaluating overall business performance and reviewing Best Value plans and performance indicators in relation to corporate management;
 - (f) monitoring TfL's approach to external communications and stakeholder relations;
 - (g) monitoring the development and implementation of the GLA group convergence framework.

Equalities and inclusion

3. In carrying out its Terms of Reference the Panel will give due regard to the principle of equal opportunity for all people. In particular it will seek to promote equality of opportunity, good relations between different groups, eliminate unlawful discrimination and provide accessible transport for all.

STRATEGIC PLANNING ADVISORY PANEL

Membership

Chair : Peter Hendy

Vice Chair :

Members :

Advisers :

In attendance: With the Chair's agreement other persons can attend all or any part of a meeting.

Secretary : To be agreed by the Board Secretary.

Quorum : 3 members

Frequency of meetings

1. The Panel shall meet at least twice a year or at such greater frequency as determined by the Chair.

Terms of reference

2. The Panel will advise and assist the Commissioner with issues relating to TfL corporate matters and in particular, the following -
 - (a) Supervise continuing development of TfL's strategic objectives;
 - (b) Monitor implementation of strategic objectives;
 - (c) Monitor strategic development of TfL access, inclusion and transport equality strategies;
 - (d) Monitor strategic involvement of engagement with boroughs, businesses and other stakeholders;
 - (e) Monitor integration of transport strategy and plans with other Mayoral, national and international strategies and frameworks for transport and related issues such as sustainability;
 - (f) Monitor development of TfL ticketing strategies; and
 - (g) Monitor strategic development of integration of different transport modes.

Equalities and inclusion

3. In carrying out its Terms of Reference the Panel will give due regard to the principle of equal opportunity for all people. In particular it will seek to promote equality of opportunity, good relations between different groups, eliminate unlawful discrimination and provide accessible transport for all.

APPENDIX 2

Meeting Frequencies of the Board, Committees and Panels

	Q4	Q1	Q2	Q3
Board	X	XX	X	XX
Remuneration		X		X
Finance	X	XX	X	XX
SHEC	X	X	X	X
Audit	X	X	X	X
Strategic Planning		X		X
Corporate	X	X	one combined meeting	X
Underground	X	X		X
Surface	X	X		X
Rail	X	X		X

APPENDIX 3

Board Member and Special Advisers Membership of Committees and Panels

	Audit	Fin	SHEC	RemCom	RTAP	UAP	SAP	CAP	SPP
<u>Board Members</u>									
Ken Livingstone				X(Ch)					
Honor Chapman		X				X			X
Stephen Glaister		X				X(Dep Ch)			X
Kirsten Hearn			X		X	X	X	X	
Sir Mike Hodgkinson	X	X(Ch)		X					
Judith Hunt	X(Ch)	X						X(Dep Ch)	
Eva Lindholm		X			X				X
Paul Moore			X		X(Dep Ch)		X		
Sir Gulam Noon				X					
Patrick O’Keeffe	X						X		
Dabinderjit Singh Sidhu	X					X		X	
Tony West			X		X	X	X		
Dave Wetzel			X(Ch)				X(Dep Ch)		X(Dep Ch)
<u>Special Advisers</u>									
Bryan Heiser					X	X	X		
Murziline Parchment	X					X			
Lynn Sloman							X	X	
Lord Tony Harris			X			X	X		

TRANSPORT FOR LONDON

TfL BOARD

**SUBJECT: PROPOSED TRANSPORT FOR LONDON
(SUPPLEMENTAL TOLL PROVISIONS) BILL**

MEETING DATE: 25 OCTOBER 2006

1. Purpose

- 1.1 The purpose of this report is to ask Board members to approve the promotion of the Transport for London (Supplemental Toll Provisions) Bill (“the Bill”) for deposit in Parliament on 27 November 2006.

2. Background

- 2.1 Under section 167 of the Greater London Authority Act 1999 (the “GLA Act”) TfL has the power to promote private bills in Parliament. Private bills must be deposited in Parliament on 27 November each year.
- 2.2 Pursuant to TfL’s Standing Order No. 2, paragraph 4.2(j), approval of the promotion of a private bill is a matter reserved to the Board (subject to obtaining the consent of the Mayor as required by the GLA Act).
- 2.3 Under the New Roads and Street Works Act 1991 TfL may make a toll order which may be subsequently confirmed by the Secretary of State. Such a toll order confers powers on TfL to impose a toll. Under the New Roads and Street Works Act 1991 tolls are collected through the use of toll plazas with barriers prohibiting the use of the road unless the toll has been paid. In addition, criminal sanctions enforced through the Courts are imposed for the non-payment of tolls.
- 2.4 However, in relation to the collection and enforcement of such tolls, TfL wish to have recourse to the more sophisticated mechanisms which do not require the use of toll plazas or barriers and which allow traffic to flow freely similar to those mechanisms used to collect and enforce the Congestion Charging Scheme. Such collection and enforcement mechanisms include flexible payment options, escalating penalty charges and the use of Automatic Numberplate Recognition Technology.

- 2.5 The Bill aims to provide TfL with supplementary powers in relation to the collection, recording, refunding, payment and enforcement of tolls in circumstances where TfL has made (and the Secretary of State has confirmed) a toll order pursuant to the New Roads and Street Works Act 1991.
- 2.6 The Bill provides that in circumstances where TfL has made (and the Secretary of State has confirmed) a toll order under the New Roads and Street Works Act 1991, TfL may make a further Order allowing for the collection and enforcement of that toll. Such an Order must be confirmed by the Mayor who is required to consult the Secretary of State prior to confirming the Order.
- 2.7 The powers proposed by the Bill could be used for any project where TfL has made (and the Secretary of State has confirmed) a toll order pursuant to the New Roads and Street Works Act 1991. The only current toll order which has been made by TfL is in respect of the Thames Gateway Bridge.
- 2.8 Appendix 1 to this report contains the Bill. The Bill has been drafted by TfL's Parliamentary Agents in accordance with Parliamentary drafting practices.

3. Process

- 3.1 The GLA Act sets out the process that must be followed and requires that TfL consult all boroughs, the Mayor and the London Assembly on any draft Bill it proposes to deposit in Parliament. TfL also consults other relevant stakeholders.
- 3.2 Board members were notified of TfL's intention to commence consultation on the Bill and TfL commenced consultation on 23 August 2006. Appendix 2 to this report contains a list of those organisations consulted.
- 3.3 Consultation on the Bill closed on 13 October 2006. TfL received eleven responses to the consultation. Appendix 3 to this report contains a list of those organisations that provided a response to the consultation. Additionally, the Association of London Government and the Disabled Persons Transport Advisory Committee have advised TfL that their responses to the consultation would be forwarded shortly.
- 3.4 The consultation responses covered a range of issues including the imposition of tolls on borough roads, the consultation process TfL must undertake when making a toll order under the New Roads and Street Works Act 1991 and requesting exemptions from tolls for specific vehicles. TfL is currently considering the issues raised during consultation and will provide a written response to those organisations who responded to the

consultation. Once consultation responses have been considered, any necessary amendments will be made to the Bill before it is deposited in Parliament.

- 3.5 The Mayor must also consent to the Bill after consulting the Assembly and confirm that consent once the Bill is deposited in Parliament. The process of obtaining the Mayor's consent to the deposit of the Bill has been commenced.
- 3.6 It is recommended that Howard Carter, General Counsel, is given delegated authority to amend the Bill to make any amendments considered appropriate once the final analysis of the consultation is undertaken and should it be appropriate to amend the Bill during the Parliamentary process.

4 Recommendation

The TfL Board members are asked to:

- (a) APPROVE the promotion of the Transport for London (Supplemental Toll Provisions) Bill for deposit in Parliament on 27 November 2006; and
- (b) DELEGATE authority to Howard Carter, General Counsel, to make amendments to the Transport for London (Supplemental Toll Provisions) Bill and to deposit the Transport for London (Supplemental Toll Provisions) Bill in Parliament and make amendments to the Bill during the Parliamentary process.

Proposed Transport for London (Supplemental Toll Provisions) Bill

CONTENTS

PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Authority functions exercisable by the Mayor

SUPPLEMENTAL TOLL PROVISIONS ORDERS

4. Supplemental toll provisions orders
5. Making a supplemental toll provisions order
6. Contents of a supplemental toll provisions order
7. Disapplication of provisions of 1991 Act
8. Reserve powers of Secretary of State
9. Duration of supplemental toll provisions orders
10. Variation and revocation of supplemental toll provisions orders

EQUIPMENT

11. Installation of equipment on roads or elsewhere
12. Approval of equipment

EXCLUSIONS

13. Exclusions for motor vehicles not on roads or public off-street parking places within Greater London

OFFENCES

14. Offences relating to payment of tolls or penalty charges
15. Obstruction of exercise of powers

SUPPLEMENTARY AND MISCELLANEOUS

16. Expenses and arrangements
17. Guidance by Authority
18. Information
19. Crown application
20. Amendment of 2006 Act

SCHEDULE: Provision which may be made by a supplemental toll provisions order

A

B I L L

To confer further powers upon Transport for London; and for related purposes.

WHEREAS —

- (1) It is expedient that the powers of Transport for London should be extended and amended as provided in this Act:
- (2) It is expedient that further provision be made in relation to the manner in which tolls chargeable under toll orders made by Transport for London under the New Roads and Street Works Act 1991 (c.22) (“TfL toll orders”) are charged, collected, recorded, refunded and paid:
- (3) It is expedient that provision be made enabling the imposition of penalty charges in respect of acts, omissions, events or circumstances relating to or connected with a TfL toll order:
- (4) It is expedient that further provision be made in connection with the operation and enforcement of a TfL toll order:
- (5) It is expedient that provision be made for the imposition of offences for acts and omissions in connection with a TfL toll order:
- (6) It is expedient that Transport for London should have powers for the removal, immobilisation or destruction of motor vehicles in relation to the non-payment of penalty charges imposed in connection with a TfL toll order:
- (7) It is expedient that the provisions contained in this Act should be enacted:

- (8) The purposes of this Act cannot be effected without the authority of Parliament:
- (9) In relation to the promotion of the Bill for this Act Transport for London has complied with the requirements of section 167 of and Schedule 13 to the Greater London Authority Act (c.29):

May it therefore please your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PRELIMINARY

1 Citation and commencement

This Act may be cited as the Transport for London (Supplemental Toll Provisions) Act 2006 and shall come into operation at the end of the period of two months beginning with the date on which it is passed.

2 Interpretation

- (1) In this Act—

“the 1991 Act” means the New Roads and Street Works Act 1991 (c.22);

“the 1999 Act” means the Greater London Authority Act 1999 (c.29);

“the 2006 Act” means the London Local Authorities and Transport for London Act [2006];

“the Authority” means the Greater London Authority;

“immobilisation device” has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984 (c.27);

“Mayor” means Mayor of London;

“penalty charge” has the same meaning as in paragraph 6 of the Schedule to this Act;

“prescribed” means prescribed by a supplemental toll provisions order;

“registered keeper”, in relation to a toll or penalty charge imposed in respect of a motor vehicle, means the person in whose name the vehicle was registered under the Vehicle Excise and Registration Act 1994 (c.22) at the time of the act, omission, event or circumstances in respect of which the toll or penalty charge is imposed;

“road” has the meaning given by section 142(1) of the Road Traffic Regulation Act 1984 (c.27);

“supplemental toll provisions order” has the meaning given by section 4(3);

“traffic sign” has the meaning given by section 64 of the Road Traffic Regulation Act 1984 (c.27) but also includes signposts and other signs and notices included in that term by section 71(2) of that Act;

“TfL” means Transport for London;

“TfL charging scheme” means a charging scheme within the meaning given by paragraph 1(1) of Schedule 23 to the 1999 Act made by TfL; and “TfL toll order” means an order made by TfL under section 6 of the 1991 Act.

- (2) In this Act “the TfL toll order” and “tolls”, in relation to a supplemental toll provisions order, means the TfL toll order in respect of which the supplemental toll provisions order makes provision and the tolls chargeable under that TfL toll order.
- (3) References in this Act to functions under a supplemental toll provisions order include references to functions under the TfL toll order.
- (4) For the purposes of this Act “motor vehicle” has the meaning given in section 185(1) of the Road Traffic Act 1988 (c.52).

3 Authority functions exercisable by the Mayor

Any functions conferred or imposed on the Authority by or under this Act are exercisable by the Mayor acting on behalf of the Authority.

SUPPLEMENTAL TOLL PROVISIONS ORDER

4 Supplemental toll provisions orders

- (1) Where TfL has made a TfL toll order, TfL may make a further order making provision for, or in connection with, the tolls charged under the TfL toll order.
- (2) The power of TfL to make a supplemental toll provisions order may be exercised before as well as after the TfL toll order has been confirmed by the Secretary of State under section 6(2) of the 1991 Act.
- (3) An order made under this section is referred to in this Act as a supplemental toll provisions order.

5 Making a supplemental toll provisions order

- (1) A supplemental toll provisions order made by TfL must be submitted to, and confirmed (with or without modification) by, the Authority.
- (2) A supplemental toll provisions order shall be in such form as the Authority may determine.
- (3) The Authority may—

- (a) consult, or require TfL before making a supplemental toll provisions order to consult, other persons;
 - (b) require TfL to publish its proposals for a supplemental toll provisions order and to consider objections to the proposals;
 - (c) make modifications to a supplemental toll provisions order, whether in consequence of any objections or otherwise, before the order takes effect;
 - (d) require TfL to publish notice of a supplemental toll provisions order and of its effect; and
 - (e) require TfL to place and maintain, or cause to be placed and maintained, such traffic signs in connection with a supplemental toll provisions order as the Authority may determine.
- (4) The Authority may notify the Secretary of State under section 8 (Reserve powers of Secretary of State) of its intention to confirm a supplemental toll provisions order before the TfL toll order is confirmed by the Secretary of State under section 6(2) of the 1991 Act but shall not confirm the supplemental toll provisions order (with or without modification) until the TfL toll order has been confirmed by the Secretary of State under that section.

6 Contents of a supplemental toll provisions order

- (1) Without prejudice to the generality of section 4(1) (Supplemental toll provisions orders), the provision which may be made by a supplemental toll provisions order includes that set out in the Schedule to this Act (Provision which may be made by a supplemental toll provisions order).
- (2) Without prejudice to the generality of section 4(1) (Supplemental toll provisions orders) and notwithstanding any provision in the 1991 Act, a supplemental toll provisions order may make provision requiring tolls charged in respect of any motor vehicle under the TfL toll order (including penalty charges imposed in respect of any motor vehicle) to be paid—
- (a) by the registered keeper of the motor vehicle; or
 - (b) in prescribed circumstances, by such person as is prescribed.
- (3) In addition to, or instead of, setting out provisions in the order a supplemental toll provisions order may provide that any specified provisions of—
- (a) Schedule 23 to the 1999 Act;
 - (b) the Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (S.I. 2001/2285), the Road User Charging

(Enforcement and Adjudication) (London) Regulations 2001 (S.I. 2001/2313) or any other regulations made under Schedule 23 to the 1999 Act; or

- (c) any TfL charging scheme,

shall have effect in relation to the TfL toll order and the tolls as they have effect in relation to a TfL charging scheme and the charges imposed under it subject to such modifications as may be prescribed.

- (4) Where a supplemental toll provisions order applies any provision mentioned in subsection (3), the order may provide that if the provision is subsequently varied, amended or revoked, the provision shall have effect in relation to the TfL toll order and the tolls as so varied or amended or, as the case may be, shall cease to have effect in relation to the TfL toll order and the tolls.

7 Disapplication of provisions of 1991 Act

Where a supplemental toll provisions order is made by TfL and confirmed by the Authority, sections 14 and 15 of the 1991 (which make provision relating to the collection and enforcement of tolling under that Act) shall cease to have effect in relation to the TfL toll order.

8 Reserve powers of Secretary of State

- (1) Where the Authority propose to confirm a supplemental toll provisions order, the Authority shall before confirming the order send a copy of the order to the Secretary of State and notify him of their intention to confirm it.
- (2) Without prejudice to section 5(4), the Authority shall not confirm the supplemental toll provisions order until after the expiry of—
- (a) the period of—
- (i) one month beginning with the day on which the notification is given, or
- (ii) 14 days beginning with the day on which the TfL Toll Order is confirmed by the Secretary of State,
- whichever is the later; or
- (b) such shorter period as the Secretary of State may allow.
- (3) If, before the expiry of that period, the Secretary of State gives notice that he objects to any provision in the order conferring a power on TfL or creating an offence on the grounds that that power is excessive or the offence is unreasonable, that provision shall not come into force unless and until the objection has been withdrawn.

- (4) The Secretary of State may not object to any provision in a supplemental toll provisions order if it is substantially the same as a provision for the time being having effect for the purposes of a TfL charging scheme whether that provision is contained in the 1999 Act, in any regulations made under it or in a TfL charging scheme.
- (5) Where a provision in a supplemental toll provisions order may not come into force by virtue of subsection (3), the Authority shall confirm the order subject to (in addition to any other modifications made under section 5(1)), the omission of that provision and such other modifications as appear to the Authority to be required in consequence of that omission.

9 Duration of supplemental toll provisions orders

Subject to section 10 (Variation and revocation of supplemental toll provisions orders), a supplemental toll provisions order shall remain in force—

- (a) for as long as tolls are chargeable under the TfL toll order; and
- (b) after tolls cease to be so chargeable, for as long as may be required to collect and enforce tolls which were properly charged under the TfL toll order.

10 Variation and revocation of supplemental toll provisions orders

The power to make a supplemental toll provisions order includes power to vary or revoke such an order; and section 5 (making a supplemental toll provisions order) (apart from subsection (3)(e)) applies in relation to the variation or revocation of a supplemental toll provisions order as it applies to the making of such an order.

EQUIPMENT

11 Installation of equipment on roads or elsewhere

- (1) TfL may—
 - (a) install and maintain, or authorise the installation and maintenance of, any equipment; or
 - (b) construct and maintain, or authorise the construction and maintenance of, buildings or other structures,

used or to be used in connection with the operation or enforcement of a TfL toll order or a supplemental toll provisions order.

- (2) TfL may enter any land, and exercise any other powers which may be necessary for placing and maintaining, or causing to be placed and maintained, traffic signs in connection with a TfL toll order or a supplemental toll provisions order.

12 Approval of equipment

- (1) No equipment which is used in connection with the operation or enforcement of a TfL toll order or a supplemental toll provisions order and is of a description specified in a direction under this paragraph given by the Authority to TfL may be used in connection with a TfL toll order or a supplemental toll provisions order unless the equipment is of a type approved by the Authority.
- (2) Where the Secretary of State considers that—
 - (a) equipment of any particular description used in connection with a TfL toll order or a supplemental toll provisions order (“the non-standard equipment”) is incompatible with a national standard for equipment of that or any other description; and
 - (b) the incompatibility is detrimental to the interests of persons resident in England outside Greater London,he may give notice of that fact to the Authority.
- (3) Where the Secretary of State has given notice under subsection (2) to the Authority, the non-standard equipment may no longer be used in connection with a TfL toll order or a supplemental toll provisions order except with the authorisation of the Secretary of State.
- (4) Any authorisation under subsection (3) may be given subject to conditions.
- (5) Any authorisation under subsection (3), and any conditions under subsection (4), may be varied or revoked.
- (6) In this paragraph “national standard” means any standard approved by the Secretary of State by regulations made under section 176(2) of the Transport Act 2000 (c.38).

EXCLUSIONS

13 Exclusions for motor vehicles not on roads or public off-street parking places within Greater London

- (1) A supplemental toll provisions order may not authorise or require—

- (a) the examination, for any purpose relating to or connected with a TfL toll order or the supplemental toll provisions order, of a motor vehicle at a time at which the vehicle is not on a London road or a London public off-street parking place; or
 - (b) the fitting of an immobilisation device to, or the removal of, a motor vehicle at a time at which the vehicle is not on a London road or a London public off-street parking place.
- (2) A supplemental toll provisions order may not authorise TfL to enter a London public off-street parking place for the purpose of exercising any powers conferred on TfL by this Act or by the supplemental toll provisions order to examine, enter, immobilise or remove any vehicle without obtaining the prior consent of the operator.
- (3) A supplemental toll provisions order may provide that, for the purposes of subsection (2), an operator's consent may be given to enter a London public off-street parking place—
 - (a) on a specific occasion; or
 - (b) generally.
- (4) A supplemental toll provisions order may provide that an operator's consent required under subsection (2) is not to be unreasonably withheld.
- (5) A supplemental toll provisions order may provide that consent to enter a London public off-street parking place on a specific occasion shall be deemed to have been given for the purposes of subsection (2) if—
 - (a) TfL has served a notice on the operator asking for consent to enter on that occasion; and
 - (b) the operator fails within 7 days of the service of the notice to give TfL notice of his consent or his refusal to give it.
- (6) In this section—
 - (a) "London public off-street parking place" means a place in Greater London, whether above or below ground and whether or not consisting of or including buildings, where off-street parking accommodation is made available by a local authority or any other person to the public (whether or not for payment);
 - (b) any reference to the operator of such a parking place is a reference to the local authority or other person making such parking accommodation at the parking place so available;

- (c) any reference to a London road is a reference to a road in Greater London; and
- (d) "local authority" has the same meaning as in the Local Government Act 1972 (c.70).

OFFENCES

14 Offences relating to payment of tolls or penalty charges

- (1) A person who, with intent to avoid payment of a toll chargeable under a TfL toll order or with intent to avoid being identified as having failed to pay such a toll—
 - (a) interferes with any equipment used for or in connection with tolling under the TfL toll order; or
 - (b) causes or permits the registration plate of a motor vehicle to be obscured,is guilty of an offence.
- (2) A person who makes or uses any false document with intent to avoid payment of, or being identified as having failed to pay, a toll chargeable by a TfL toll order or a penalty charge under a supplementary toll provisions order is guilty of an offence.
- (3) A person guilty of an offence under subsection (1) or (2) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.
- (4) A person is guilty of an offence if he removes a penalty charge notice which has been fixed to a motor vehicle in accordance with provision made by a supplemental toll provisions order unless—
 - (a) he is the registered keeper of the vehicle or a person using the vehicle with his authority; or
 - (b) he does so under the authority of the registered keeper or such a person or of TfL.
- (5) A person guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

15 Obstruction of exercise of powers

- (1) A person who intentionally obstructs a person exercising any power conferred on him by provision made by a supplemental toll provisions order

by virtue of paragraph 12 of the Schedule to this Act is guilty of an offence.

- (2) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.
- (3) A person who removes or interferes with an immobilisation notice in contravention of provision made by a supplemental toll provisions order by virtue of paragraph 14 of the Schedule to this Act is guilty of an offence.
- (4) A person guilty of an offence under subsection (3) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) A person who removes or attempts to remove an immobilisation device fixed to a motor vehicle in accordance with provision made by a supplemental toll provisions order by virtue of paragraph 14 of the Schedule to this Act in contravention of such provision is guilty of an offence.
- (6) A person who intentionally obstructs a person exercising any power conferred on him by provision made by a supplemental toll provisions order by virtue of paragraph 14 of the Schedule to this Act is guilty of an offence.
- (7) A person guilty of an offence under subsection (5) or (6) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

SUPPLEMENTARY AND MISCELLANEOUS

16 Expenses and arrangements

- (1) The Authority or TfL may—
 - (a) incur expenditure in or in connection with the establishment or operation of a TfL toll order or supplemental toll provisions order; or
 - (b) enter into arrangements (including arrangements for forming or participating in companies) with any body or person in respect of the operation or enforcement of a TfL toll order or supplemental toll provisions order or relating to the installation or operation of any equipment used for or in connection with the operation or enforcement of a TfL toll order or supplemental toll provisions order.
- (2) Arrangements made under subsection (1)(b) may provide for any functions of TfL under the TfL toll order or supplemental toll provisions order relating to the operation or enforcement of the toll order or supplemental toll

provisions order to be exercisable instead by the body or person with whom the arrangements are made.

17 Guidance by Authority

- (1) The Authority may issue guidance to TfL in relation to the discharge of its functions under a supplemental toll provisions order.
- (2) TfL in exercising any function under a supplemental toll provisions order shall have regard to any guidance issued by the Authority under this section.
- (3) Guidance issued under this section shall be published in such manner as the Authority consider appropriate; and the Authority may at any time vary or revoke such guidance.

18 Information

- (1) Information obtained by—
 - (a) any Minister of the Crown or Government department, or
 - (b) any local authority or statutory body,may be disclosed to TfL for or in connection with the exercise of any of its functions with respect to a supplemental toll provisions order.
- (2) Information obtained by TfL for or in connection with any of its functions other than its functions with respect to a supplemental toll provisions order may be used by TfL for or in connection with the exercise of any of its functions with respect to a supplemental toll provisions order.
- (3) Any information—
 - (a) which has been or could be disclosed to TfL under subsection (1) for or in connection with the exercise of any of its functions with respect to a supplemental toll provisions order, or
 - (b) which has been or could be used by TfL by virtue of subsection (2) for or in connection with the exercise of any of those functions,may be disclosed to any person with whom TfL has entered into arrangements under section 16(1)(b) (Expenses and arrangements).
- (4) Information disclosed to a person under subsection (3)—
 - (a) may be disclosed to any other person for or in connection with the supplemental toll provisions order; but

- (b) may not be used (by him or any other person to whom it is disclosed under paragraph (a)) otherwise than for or in connection with the supplemental toll provisions order.

19 Crown application

- (1) Subject to the provisions of this section, the provisions of this Act and of supplemental toll provisions orders shall bind the Crown but the High Court may, on the application of TfL, declare unlawful any act or omission of the Crown which contributes such a contravention.
- (2) No contravention by the Crown of any provision of this Act or of any supplemental toll provisions order shall make the Crown criminally liable.
- (3) Notwithstanding anything in subsection (2), the provisions of this Act and of supplemental toll provisions orders shall apply to motor vehicles or persons in the public service of the Crown as they apply to other motor vehicles or persons.
- (4) No power of entry conferred by this Act or supplemental toll provisions orders shall be exercisable in relation to any motor vehicle in the public service of the Crown.
- (5) This Act shall apply in relation to Crown roads within the meaning of section 131 of the Road Traffic Regulation Act 1984 (c.27) as it applies to other roads.
- (6) Nothing in this section shall be taken as in any way affecting Her Majesty in her private capacity; and this subsection shall be construed as if section 38(3) of the Crown Proceedings Act 1947 (c.44) (interpretation of references in that Act to Her Majesty in her private capacity) were contained in this Act.

20 Amendment of 2006 Act

References in Part 5 of the 2006 Act (non-payment of penalty charges) to penalty charges shall include references to penalty charges imposed under a supplemental toll provisions order.

SCHEDULE

PROVISION WHICH MAY BE MADE BY A SUPPLEMENTAL TOLL PROVISIONS ORDER

Charging, collection, recording, refunding and payment of tolls

1. Provision in relation to the manner in which tolls are to be charged, collected, recorded, refunded or paid which may include provision giving discretion to any person with whom TfL has entered into arrangements under section 16(1)(b) (Expenses and arrangements) to determine the manner in which tolls are to be collected, refunded, recorded or paid.

Publishing tolling rates, discounts and exemptions

2. Provision imposing requirements with respect to—
 - (a) the manner in which the amount of tolls determined by TfL under the TfL toll order to be applicable to each description of traffic, and any discounts and exemptions determined by TfL, are to be published; and
 - (b) the manner of implementing and publishing changes in the amount of tolls and those discounts and exemptions.
3. Provision prohibiting the demanding of tolls unless any requirements imposed by virtue of paragraph 2 above have been complied with.

Documents and equipment

4. Provision requiring –
 - (a) documents to be displayed while a motor vehicle is on a road which is subject to the charging of tolls; or
 - (b) equipment to be carried in or fitted to a motor vehicle while it is on such a road.

Penalty charges

5. Provision for or in connection with the imposition and payment of penalty charges in respect of acts, omissions, events or circumstances relating to or connected with the TfL toll order or the supplemental toll provisions order.

6. Provision as to the waiver of the payment of penalty charges and for the issue of notices requiring the payment of tolls chargeable together with a reasonable sum to cover administrative expenses.
7. Provision giving discretion to any person with whom TfL has entered into arrangements under section 16(1)(b) (Expenses and arrangements) to waive the payment of penalty charges in such circumstances as may be prescribed or as that person may determine.
8. Provision for or in connection with setting the rates of penalty charges which may include —
 - (a) provision for discounts or surcharges; and
 - (b) different rates of penalty charges for different classes of penalty charges, different days or times of day, different classes of vehicles or different circumstances in which penalty charges are imposed.
9. Provision about the notification, adjudication and enforcement of penalty charges.

Offences

10. Subject to sections 14 (offences relating to payment of tolls or penalty charges) and 15 (obstruction of exercise of powers), provision that any person contravening, or failing to comply with, any prescribed requirement of the supplemental toll provisions order shall be liable on summary conviction to a fine for each offence not exceeding level 2 on the standard scale or not exceeding a lesser amount.

Examination of motor vehicles etc.

11. Subject to section 13 (Exclusions for motor vehicles not on roads or public off-street parking places within Greater London), provision conferring powers on a prescribed person, where he has reasonable grounds for suspecting in relation to a motor vehicle that it has been, or is to be, used on a road which is subject to the charging of tolls, for or in connection with —
 - (a) examining the motor vehicle for the purpose of ascertaining whether any document required by the supplemental toll provisions order to be displayed while a motor vehicle is on a road which is subject to the charging of tolls is so displayed; or
 - (b) examining the motor vehicle for the purpose of ascertaining whether any equipment required by the supplemental toll provisions order to be carried in or fitted to a motor vehicle while the vehicle is on a road which is subject to the charging of tolls—
 - (i) is so carried or fitted,

- (ii) is in proper working order, or
- (iii) has been interfered with with intent to avoid payment of, or being identified as having failed to pay, a toll,

or whether any conditions relating to the use of any such equipment are satisfied.

12. Subject to section 13 (Exclusions for motor vehicles not on roads or public off-street parking places within Greater London), provision conferring power on any person authorised in writing by TfL to enter a motor vehicle where he has reasonable grounds for suspecting, in relation to a motor vehicle that—
- (a) any equipment required to be carried in or fitted to the motor vehicle while it is on a road which is subject to the charging of tolls has been interfered with with intent to avoid payment of, or being identified as having failed to pay, a toll; or
 - (b) there is in the motor vehicle a false document which has been made or used with intent to avoid payment of, or being identified as having failed to pay, such a toll.
13. Subject to section 13 (Exclusions for motor vehicles not on roads or public off-street parking places within Greater London), provision conferring power on any person authorised in writing by TfL to seize anything (if necessary by detaching it from a motor vehicle) and detain it as evidence of the commission of an offence under section 14 (Offences relating to payment of tolls or penalty charges).

Removal or immobilisation of motor vehicles

14. Subject to section 13 (Exclusions for motor vehicles not on roads or public off-street parking places within Greater London), provision for or in connection with –
- (a) the fitting of immobilisation devices to motor vehicles;
 - (b) the fixing of immobilisation notices to motor vehicles to which an immobilisation device has been fitted;
 - (c) the removal and storage of motor vehicles;
 - (d) the release of motor vehicles from immobilisation devices or from storage;
 - (e) requiring the satisfaction of conditions before the release of a motor vehicle; and

- (f) the sale or destruction of motor vehicles not released and their contents.

Determination of disputes and appeals

- 15. Provision for or in connection with—
 - (a) the determination of disputes;
 - (b) appeals against determinations or any failure to make a determination;
 - (c) the appointment of persons to hear any such appeals.

Evidence

- 16. Provision for or in connection with permitting evidence of a fact relevant to proceedings for an offence under this Act or the supplemental toll provisions order, or proceedings in respect of a failure to comply with the provisions of the supplemental toll provisions order, to be given by the production of —
 - (a) a record produced by a prescribed device; and
 - (b) a certificate (whether in the same or another document) as to the circumstances in which the record was produced signed by a prescribed person.

Incidental, supplementary, consequential or transitional

- 17. Any incidental, supplementary, consequential or transitional provisions or savings for the purposes of, or in connection with, the TfL toll order or for rendering of full effect any other provision of the supplemental toll provisions order.

Proposed Transport for London (Supplemental Toll Provisions) Bill

PROPOSED

B I L L

To confer further powers upon Transport for London; and for related purposes.

SESSION 2006-07

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Consultation draft: 23.8.05.

Appendix 2

The Mayor of London
The London Assembly
City of London
London Borough of Barking and Dagenham
London Borough of Barnet
London Borough of Bexley
London Borough of Brent
London Borough of Bromley
London Borough of Camden
London Borough of Croydon
London Borough of Ealing
London Borough of Enfield
London Borough of Greenwich
London Borough of Hackney
London Borough of Haringey
London Borough of Hammersmith & Fulham
London Borough of Harrow
London Borough of Havering
London Borough of Hillingdon
London Borough of Hounslow
London Borough of Islington
Royal Borough of Kensington & Chelsea
Royal Borough of Kingston-upon-Thames
London Borough of Lambeth
London Borough of Lewisham
London Borough of Merton
London Borough of Newham
London Borough of Redbridge
London Borough of Richmond-upon-Thames
London Borough of Southwark
London Borough of Sutton
London Borough of Tower Hamlets
London Borough of Waltham Forest
London Borough of Wandsworth
City of Westminster
The Association of London Government
Department for Transport
The Home Office
HM Treasury
Government Office for London
Driver and Vehicle Licensing Agency
Department for Communities and Local Government
Department for Constitutional Affairs
Defence Movements and Transport Policy Division, Department of Defence
Mr Andrew Dismore MP, Chair of the London MPs Group
Ms Lynne Featherstone MP, London Spokesperson
Mrs Jacqui Lait MP, Shadow Minister for London
AA Motoring Trust

British Transport Police
City of London Police
Disabled Persons Transport Advisory Committee
Freight Transport Association
London Development Agency
London Fire and Emergency Planning Authority
The London Business Board
London TravelWatch
Metropolitan Police Authority
Metropolitan Police Service
RAC Foundation for Motoring
RAC Motoring Services
Road Haulage Association

Appendix 3

London Borough of Bexley
London Borough of Camden
London Borough of Hillingdon
Royal Borough of Kensington & Chelsea
London Borough of Waltham Forest
London Development Agency
Department for Transport
Defence Movements and Transport Policy Division, Department of Defence
John Biggs AM, Labour Group Whip, London Assembly
Roger Evans AM, London Assembly
Road Haulage Association

TRANSPORT FOR LONDON

TfL BOARD MEETING

SUBJECT: AMENDMENTS TO THE LU AND DLR BYELAWS

MEETING DATE: 25 OCTOBER 2006

1. Purpose

- 1.1. To obtain the Board's approval for revised Byelaws applicable to LU and DLR to make them consistent with those applying elsewhere on the national railways.

2. Background

- 2.1. Under TfL's Standing Order No. 2 paragraph 4.2, changes to the Byelaws are a matter reserved to the Board. Once the Byelaws are approved by the Board, they will then be submitted to the Secretary of State for Transport for confirmation. A copy of the proposed Byelaws is attached as appendix 1.
- 2.2. The LU and DLR Byelaws regulate the use and working of its railways, travel on its railways and railway premises and the conduct of all persons while on those premises. Breach of the Byelaws is a criminal offence and the maximum fine allowed under the Byelaws is a fine not exceeding level 3 on the standard scale. Under the Criminal Justice Act 1982, a level 3 fine is currently set at £1,000. The Byelaws are primarily enforced by the British Transport Police (BTP) and authorised persons of LU and DLR.
- 2.3. The current LU Byelaws were made under the London Regional Transport (LRT) Act 1984, which has since been repealed. The Strategic Railway Authority (SRA), as it was then, (most of SRA functions have now been transferred to the Department for Transport's (DfT's) Rail Group) issued framework byelaws for the national railways, which are a 'new and improved' version of the current Byelaws. The DfT suggested that it would prefer a standardised set of railway byelaws throughout the railway industry and that TfL should adopt the SRA framework byelaws, with the necessary changes. The LU and DLR Byelaws are also being amalgamated as they are the same, as requested by the DfT.
- 2.4. The proposed changes have been made in consultation with the DfT. They are not radically different to those Byelaws currently applying separately to LU and DLR but have been updated and clarified.
- 2.5. TfL has also consulted with the BTP, Metropolitan Police, City Police, Network Rail, Association of Train Operating Companies (ATOC) and London TravelWatch on the proposed changes. The comments that have been

received are more of detail rather than of substantive policy. Comments arising from the consultation have been reflected in the Byelaws where appropriate.

- 2.6. The changes to the Byelaws were considered at the Rail Transport Advisory Panel meeting on 3 October 2006 and at the Underground Advisory Panel meeting on 4 October 2006. The Panels raised three points at these meetings.
- 2.7. The first point made by the Panels was to amend Byelaw 3 to ban smoking on the LU and DLR networks unless expressly permitted, as in smoking rooms in some depots. Consequently, it has been amended to prohibit smoking on the LU and DLR railways unless smoking is expressly permitted in a particular area. The second point raised was the issue of individuals being under the influence of controlled drugs. Byelaw 4 currently deals with 'intoxication' on the railways and it is defined, in Byelaw 25, as being under the influence of intoxicating liquor, drugs or other substances. Byelaw 4 has been modified to make it explicit that the Byelaws also cover drug misuse on the railways. The third point raised was the issue of consumption of food on the railways that causes discomfort to other passengers. Byelaw 6 (8) deals with unacceptable behaviour on the railways and makes it an offence to wilfully interfere with the comfort or convenience of any person on the railway. This Byelaw could be used to deal with the issue of consumption of food on the railways.

3. Proposed main changes to the LU and DLR Byelaws

- 3.1. The following are the main proposed changes to the Byelaws:
 - 3.1.1. Introduction and headings have been amended to reflect the amalgamation of the LU and the DLR Byelaws.
 - 3.1.2. All references to the LRT Act 1984, which has been repealed, have been replaced with corresponding references in the Greater London Authority (GLA) Act 1999.
 - 3.1.3. Byelaw 2 - Potentially dangerous items – The list provided as examples of 'potentially dangerous items' – loaded weapons, inflammable, explosive or corrosive substance - in Byelaw 2 (1) has been deleted as it is perceived to be unhelpful and potentially misleading and confusing by operators and passengers alike.
 - 3.1.4. Byelaw 3 - Smoking – The Byelaw has been amended to ban smoking on the LU and DLR railways unless expressly permitted.
 - 3.1.5. Byelaw 4 - Intoxication and possession of intoxicating liquor – The word 'Intoxication' has been altered to 'Drunkenness' and the reference to 'intoxicating liquor' has been changed to 'alcohol' throughout the document, as is referred to in the Licensing Act 2003, which repealed the Licensing Act 1964. The title of the Byelaw has been altered to 'Drug misuse, drunkenness and possession of alcohol'. The Byelaw has also been amended to highlight the fact that

it is an offence under the Byelaws to be under the influence of controlled drugs on the railways.

- 3.1.6. Byelaw 9 - Stations and railway premises – The sentence, ‘Persons shall stand on the right of escalators when not walking up or down them’ has been added as Byelaw 9 (1). This is to assist LU and DLR in maintaining safety and reducing congestion at stations.
- 3.1.7. Byelaw 11 - General safety – A new sub-byelaw has been added as Byelaw 11 (3) to address concerns raised about the lack of specific provisions for wilful misuse of communication cords on trains.
- 3.1.8. Byelaw 17 - Compulsory ticket areas – Byelaw 17 (3) has been added to clarify the issue of validation of tickets and to cater for instances of malfunctioning ticket machines at stations. Consequential amendments have also been made to Byelaw 18, ‘Ticketless travel in non-compulsory ticket areas’.
- 3.1.9. Byelaw 19 - Classes of accommodation, reserved seats and sleeping berths – This Byelaw has been deleted, as it is not necessary or appropriate given that neither LU nor DLR has different classes of seating on the service.

In order to retain consistency with the National Railway Byelaws the text of this Byelaw has been deleted and the heading has been altered to ‘No byelaw’ rather than change the subsequent numbering.

- 3.1.10. Byelaw 21 - Unauthorised buying or selling of tickets – Byelaw 21 (2) has been amended to specifically allow for transfer of tickets that are intended for transfer or use by more than one person.
- 3.1.11. Byelaw 24 (1) - Offence and level of fines – The Byelaw currently states that any person who breaches any Byelaw, except Byelaw 17, commits an offence. However, it is not necessary to exempt non-compliance with Byelaw 17 (Compulsory ticket areas) from a penalty as paragraph 8 of Schedule 17 of the GLA Act 1999 deals with the issue of double liability to prevent a fine and a penalty fare being imposed simultaneously. It provides that there may be no prosecution of a person under the Byelaws for 21 days after the issue of a penalty fare, and if the passenger pays the penalty fare within 21 days no prosecution may follow that period. The reference to Byelaw 17 has therefore been deleted.
- 3.1.12. Byelaw 25 (1) Definitions - The definition of ‘authorised person’ has been modified to include Police Community Support Officer (PCSO) and accredited persons under the Police Reform Act 2002.

The definition of ‘controlled drugs’ has been included; it has the meaning ascribed to it in the Misuse of Drugs Act 1971.

The definition of 'tickets' has been expanded to include smart cards, pay as you go or other forms of electronic ticketing.

- 3.1.13. Byelaw 27 Certificate of authenticity - Paragraph 12 (2) of Schedule 10 of the GLA Act 1999 states that any document signed by a person authorised by TfL for the purpose, shall be received in evidence and be treated, without further proof, as being so made or so issued unless the contrary is shown. Accordingly, the Certificate of authenticity at the end of the Byelaws has been deleted.

4. Recommendation

- 4.1. The Board is requested to APPROVE the attached Byelaws.

LONDON UNDERGROUND AND DOCKLANDS LIGHT RAILWAY BYELAWS

Made by Transport for London under paragraph 26 of Schedule 11 of the Greater London Authority Act 1999 and confirmed under section 67 of the Transport Act 1962 by the Secretary of State for Transport on [date] for regulating the use and working of its railways; travel on its railways; the maintenance of order on its railways and railway premises, including stations and all the approaches to stations; and the conduct of all persons while on those premises, including officers and employees of Transport for London and its subsidiaries ("the Byelaws").

Contents

Introduction: London Underground and Docklands Light Railway Byelaws - Why they help us to help you

Conduct and behaviour

1. Queuing
2. Potentially dangerous items
3. Smoking
4. Drug misuse, drunkenness and possession of alcohol
5. Unfit to be on the railway
6. Unacceptable behaviour
7. Music, sound, advertising and carrying on a trade
8. Unauthorised gambling

Equipment and safety

9. Stations and railway premises
10. Trains
11. General safety
12. Safety instructions

Control of premises

13. Unauthorised access and loitering
14. Traffic signs, causing obstructions and parking
15. Pedestrian-only areas
16. Control of animals

Travel and fares

17. Compulsory ticket areas
18. Ticketless travel in non-compulsory ticket areas
19. No byelaw
20. Altering tickets and use of altered tickets
21. Unauthorised buying or selling of tickets
22. Fares offences committed on behalf of another person

Enforcement and interpretation

23. Name and address

24. Enforcement

1. Offence and level of fines
2. Removal of persons
3. Identification of authorised persons
4. Notices
5. Attempts
6. Breaches by authorised persons

25. Interpretation

1. Definitions
2. Introduction, table of contents and headings
3. Plural
4. Gender

26. Coming into operation of these Byelaws and revocation of the previous Byelaws

INTRODUCTION

LONDON UNDERGROUND AND DOCKLANDS LIGHT RAILWAY BYELAWS - WHY THEY HELP US TO HELP YOU

Britain's Railway Byelaws cover trains, track and stations, including London Underground and the Docklands Light Railway, across the country. Thousands of trains use as many stations throughout the day and night. To ensure ease of travel and safety on the railway system, including passengers, staff, property and equipment, the Byelaws need to be observed by everyone.

Conduct and behaviour

Some practices can be generally unpleasant, or can be dangerous to yourselves and others. To make travelling more comfortable and safer, unacceptable behaviour is banned on the railways. Other activities, such as smoking and playing music have limits imposed on them so that the majority of railway passengers can travel in comfort.

Equipment and safety

Safety is paramount to the running of all railway services. The Byelaws are very clear on matters of safety - and this protects equipment and property, as well as passengers and staff.

Control of premises

There are areas across the railway system that have restricted access, for example pedestrian-only areas, as using other forms of transport (e.g. bicycles), may cause a danger. Also, access is not allowed on any non-public parts of the operating network, such as railway embankments and underground tunnels. Various rules relating to the carriage of animals are also needed.

Travel and fares

When travelling, you need to know when and where you need a ticket, and where you can go once you have it. For example, can you use another person's ticket? If you would like to know more, in addition to the Byelaws there are further details for passengers in the Conditions of Carriage which apply to your ticket.

The Byelaws are there to help everyone to travel easily and safely. This can only be achieved if all passengers take time to consider their actions and observe the Byelaws.

A further copy of the Railway Byelaws can be obtained from:

The Company Secretary London Underground Limited Windsor House 42-50 Victoria Street London SW1H 0TL	The Company Secretary Docklands Light Railway P.O. Box 154, Castor Lane Poplar London E14 0DX
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**LONDON UNDERGROUND AND DOCKLANDS LIGHT RAILWAY BYELAWS
FOR DEFINITIONS OF THE TERMS USED IN THESE BYELAWS PLEASE REFER
TO BYELAW 25**

CONDUCT AND BEHAVIOUR

1. Queuing

(1) The Operator or an authorised person may require any person to queue in order to regulate order or safety on or near the railway.

(2) Any person directed by a notice to queue or when asked to queue by an authorised person, shall join the rear of the queue and obey the reasonable instructions of any authorised person regulating the queue.

2. Potentially dangerous items

(1) Except with written permission from the Operator or an authorised person, no person shall bring with him or allow to remain on the railway any item which, in the opinion of an authorised person, may or be used to threaten, annoy, soil or damage any person or any property.

(2) If any person in charge of an item in breach of Byelaw 2 (1) is asked by an authorised person to remove it and fails to do so immediately it may be removed by or under the direction of an authorised person.

3. Smoking

No person shall smoke or carry a lighted pipe, cigar, cigarette, match, lighter or other lighted item on any part of the railway, unless expressly permitted to do so in a particular area.

4. Drug misuse, drunkenness and possession of alcohol

(1) No person shall enter or remain on the railway where such person is unfit to enter or remain on the railway as a result of being under the influence of controlled drugs or being drunk.

(2) Where reasonable notice is, or has been given prohibiting alcohol on any train service, no person shall have any alcohol with him on it, or attempt to enter such train with alcohol with him.

(3) Where an authorised person reasonably believes that any person is unfit to enter or remain on the railway or has with him alcohol contrary to Byelaw 4 (2), the authorised person may:

(i) require him to leave the railway; and

(ii) prevent him entering or remaining on the railway until the authorised person is satisfied that he has no alcohol with him and / or is no longer in an unfit condition.

5. Unfit to be on the railway

No person shall enter or remain on the railway if, in the reasonable opinion of an authorised person, he is in an unfit or improper condition or his clothing may soil or damage any part of the railway or the property or clothing of any person on the railway.

6. Unacceptable behaviour

(1) No person shall use any threatening, abusive, obscene or offensive language on the railway.

(2) No person shall behave in a disorderly, indecent or offensive manner on the railway.

(3) No person shall write, draw, paint or fix anything on the railway.

(4) No person shall soil any part of the railway.

(5) No person shall damage or detach any part of the railway.

(6) No person shall spit on the railway.

(7) No person shall drop litter or dump waste on the railway.

(8) No person shall molest or wilfully interfere with the comfort or convenience of any person on the railway.

7. Music, sound, advertising and carrying on a trade

(1) Except with written permission from the Operator no person on the railway shall, to the annoyance of any person:

- (i) sing; or
- (ii) use any instrument, article or equipment for the production or reproduction of sound.

(2) Except with written permission from the Operator no person on the railway shall:

- (i) display anything for the purpose of advertising or publicity, or distribute anything; or
- (ii) sell, expose or offer anything for sale; or
- (iii) tout for, or solicit money, reward, custom or employment of any kind.

(3) A person shall have the written permission referred to in Byelaw 7 (1) or 7 (2) with him when undertaking the activities referred to in Byelaw 7 (1) or 7 (2) on the railway and shall hand it over for inspection when asked by an authorised person. A person shall comply with any conditions set out in or attached to the written permission.

8. Unauthorised gambling

No person shall gamble on any part of the railway except lawful gambling on premises authorised by the Operator for that purpose.

EQUIPMENT AND SAFETY

9. Stations and railway premises

(1) No person shall use any escalator except by standing or walking on it in the direction intended for travel. Persons shall stand on the right of escalators when not walking up or down them.

(2) Where the entrance to or exit from any platform or station is via a manned or an automatic ticket barrier no person shall enter or leave the station, except with permission from an authorised person, without passing through the barrier in the correct manner.

(3) No person shall open a barrier or any other gate on the railway except where there is a notice indicating that it may be used by him or with permission from an authorised person.

(4) Where there is a notice by an entrance or exit on any part of the railway indicating that it shall be used for entrance or exit only, no person shall enter by the exit or leave by the entrance. No person shall enter or leave by an emergency exit except in an emergency or when directed to do so by an authorised person.

(5) No person shall move, operate or stop any lift or escalator except:

- (i) in an emergency by means of equipment on or near which is a notice indicating that it is intended to be used in an emergency; or
- (ii) in case of a lift, by means of any of the controls intended for the use by that person.

10. Trains

- (1) No person shall enter through any train door until any person leaving by that door has passed through.
- (2) No person shall be in or on any train except on the parts of it intended for the use by that person.
- (3) No person shall open a train door, or enter or leave any train, while it is in motion or between stations.
- (4) No person shall enter or leave a train except by the proper use of a train door.
- (5) In the case of automatic closing train doors, no person shall enter or leave by the door when it is closing.

11. General safety

- (1) No person shall move, operate, obstruct, stop or in any other way interfere with any automatic closing door, train, or any other equipment on the railway except:
 - (i) in an emergency, by means of any equipment on or near which is a notice indicating that is intended to be used in an emergency; or
 - (ii) any equipment intended for the use of passengers in that way in normal operating circumstances.
- (2) No person shall place, throw, drop or trail anything on the railway which is capable of injuring, damaging or endangering any person or any property.
- (3) No person shall, without reasonable cause, activate any emergency system and/or any communications system provided on any part of the railway including a train.

12. Safety instructions

- (1) The Operator may issue to any person reasonable instructions relating to safety on any part of the railway by means of a notice on or near that part of the railway. No person shall, without good cause, disobey such notice.
- (2) An authorised person may, in an emergency or in other circumstances in which he believes he should act in the interest of safety, issue instructions to any person on any part of the railway. No person shall, without good cause, disobey such instructions.
- (3) No offence is committed under these Byelaws where a person acts in accordance with the instructions or notice given under Byelaw 12 (1) or 12 (2).

CONTROL OF PREMISES

13. Unauthorised access and loitering

- (1) No person shall enter or remain on any part of the railway where there is a notice:
 - (i) prohibiting access; or
 - (ii) indicating that it is reserved or provided for a specified category of person only, except where he belongs to that specified category.
- (2) No person shall loiter on the railway if asked to leave by an authorised person.

14. Traffic signs, causing obstructions and parking

- (1) No person in charge of any motor vehicle, bicycle or other conveyance shall use it on any part of the railway in contravention of any traffic sign.
- (2) No person in charge of any motor vehicle, bicycle or other conveyance shall leave or place it on any part of the railway:
 - (i) in any manner or place where it may cause an obstruction or hindrance to the Operator or any person using the railway; or

- (ii) otherwise than in accordance with any instructions issued by or on behalf of the Operator or an authorised person.

(3) No person in charge of any motor vehicle, bicycle or other conveyance shall park it on any part of the railway where charges are made for parking by the Operator or an authorised person without paying the appropriate charge at the appropriate time in accordance with instructions given by the Operator or an authorised person at that place.

(4) (i) The owner of any motor vehicle, bicycle or other conveyance used, left or placed in breach of Byelaw 14 (1) to 14 (3) may be liable to pay a penalty as displayed in that area.

(ii) Without prejudice to Byelaw 14 (4) (i) any motor vehicle, bicycle or other conveyance used, left or placed in breach of Byelaws 14 (1) to 14 (3) may be clamped, removed, stored by or under the direction of the Operator or authorised person.

(iii) The owner of the motor vehicle, bicycle or other conveyance shall be liable to the Operator or an authorised person for the costs incurred in clamping, removing and storing it provided that there is in that area a notice advising that any vehicle parked contrary to these Byelaws may be clamped, removed and stored by the Operator or an authorised person and that the costs incurred by the Operator or an authorised person for this may be recovered from the vehicle's owner.

(iv) The power of clamping referred to in Byelaw 14 (4) (ii) above shall not be exercisable in any area where passenger parking is permitted unless there is on display in that area a notice advising that any vehicle parked contrary to these Byelaws may be clamped and / or removed by the Operator or an authorised person.

15. Pedestrian-only areas

(1) Any person who enters or is on any part of the railway to which the public have access must be on foot, except;

- (i) where there is a notice permitting access to that part of the railway to those with specified conveyances; or
- (ii) where the Operator or an authorised person has given permission,

and in either case he shall obey any instructions given by the Operator or an authorised person.

(2) No person shall be in breach of Byelaw 15 (1) for properly using a baby carriage or wheelchair, except where there is a notice or instructions given by the Operator or an authorised person to the contrary.

16. Control of animals

(1) The Operator may refuse carriage or entry to any animal.

(2) No person shall bring an animal on to the railway without a valid ticket for that animal, if the Operator requires him to have a valid ticket for the carriage of such an animal.

(3) Except with permission from the Operator or an authorised person, no person shall bring an animal on to the railway which, in the opinion of an authorised person, may threaten, annoy, soil or damage any person or property.

(4) If any person in charge of an animal in breach of Byelaw 16 (1), 16 (2) or 16 (3) is asked by an authorised person to remove that animal and fails to do so immediately, then that animal may be removed by or under the direction of an authorised person.

(5) No person in charge of an animal shall allow it to foul or damage any part of the railway.

(6) Any person in charge of an animal shall carry it when on an escalator that is in motion.

(7) No person in charge of any animal shall leave or place it unattended on any part of the railway (except in a place provided for that purpose by the Operator and only for as long as is absolutely necessary and in accordance with any direction of the Operator or an authorised person).

(8) Any animal left or placed in breach of Byelaw 16 (7) may be removed and / or kept by or under the direction of an authorised person. The person in charge of the animal shall be liable to the Operator for the cost incurred by the Operator or an authorised person in removing and keeping it.

(9) Any person in charge of an animal that has soiled or caused damage to any part of the railway shall be liable to the Operator for the cost of putting the property soiled or damaged back into its proper condition.

(10) Any liability to the Operator under Byelaw 16 (8) or 16 (9) is in addition to any penalty for the breach of Byelaw 16.

TRAVEL AND FARES

17. Compulsory ticket areas

(1) No person shall enter a compulsory ticket area on the railway unless he has with him a valid ticket.

(2) A person shall hand over his ticket for inspection and verification of validity when asked to do so by an authorised person.

(3) No person shall be in breach of Byelaw 17 (1) or 17 (2) if:

- (i) there were no facilities in working order for the issue or validation of any ticket at the time when, and the station where, he began his journey; or
- (ii) there was a notice at the station where he began his journey permitting journeys to be started without a valid ticket; or
- (iii) an authorised person gave him permission to travel without a valid ticket or he is allowed by the Operator to travel without a valid ticket.

18. Ticketless travel in non-compulsory ticket areas

(1) In any area not designated as a compulsory ticket area, no person shall enter any train for the purpose of travelling on the railway unless he has with him a valid ticket entitling him to travel.

(2) A person shall hand over his ticket for inspection and verification of validity when asked to do so by an authorised person.

(3) No person shall be in breach of Byelaw 18 (1) or 18 (2) if:

- (i) there were no facilities in working order for the issue or validation of any ticket at the time when, and the station where, he began his journey; or
- (ii) there was a notice at the station where he began his journey permitting journeys to be started without a valid ticket; or
- (iii) an authorised person gave him permission to travel without a valid ticket or he is allowed by the Operator to travel without a valid ticket.

19. No byelaw

20. Altering tickets and use of altered tickets

(1) No person shall alter any ticket in any way with the intent that the Operator shall be defrauded or prejudiced.

(2) No person shall knowingly use any ticket, which has been altered in any way in breach of Byelaw 20 (1).

21. Unauthorised buying or selling of tickets

(1) Subject to Byelaw 21 (4), no person shall sell or buy any ticket.

(2) Subject to Byelaw 21 (4), no person shall transfer or receive any unused or partly used ticket, intending that any person shall use it for travelling unless the conditions of use for the ticket specifically permit such a transfer.

(3) Subject to Byelaw 21 (4) no person shall knowingly use any ticket which has been obtained in breach of Byelaw 21.

(4) The sale or transfer by, or the purchase or receipt from, an authorised person in the course of his duties or from an authorised ticket machine is excepted from the provisions of Byelaw 21.

22. Fares offences committed on behalf of another person

(1) No person shall buy a ticket on behalf of another intending to enable another person to travel without having paid the correct fare.

(2) No person shall transfer or produce a ticket on behalf of another intending to enable that other person to travel without having paid the correct fare.

ENFORCEMENT AND INTERPRETATION

23. Name and address

(1) Any person reasonably suspected by an authorised person of breaching or attempting to breach any of these Byelaws shall give his name and address when asked by an authorised person.

(2) The authorised person asking for details under Byelaw 23 (1) shall state the nature of the suspected breach of any of these Byelaws in general terms at the time of request.

24. Enforcement

(1) Offence and level of fines

Any person who breaches any of these Byelaws commits an offence and may be liable for each such offence to a penalty not exceeding level 3 on the standard scale.

(2) Removal of persons

- (i) Any person who is reasonably believed by an authorised person to be in breach of any of these Byelaws shall leave the railway immediately if asked to do so by an authorised person.
- (ii) Any person who is reasonably believed by an authorised person to be in breach of any of these Byelaws and who fails to desist or leave when asked to do so by an authorised person may be removed from the railway by an authorised person using reasonable force. This right of removal is in addition to the imposition of any penalty for the breach of these Byelaws.
- (iii) No person shall fail to carry out the instructions of an authorised person acting in accordance with powers given by these Byelaws or any other enactment.

- (iv) In exercising powers conferred by Byelaws 24 (2) (i) and 24 (2) (ii) the authorised person shall state the nature of the breach of any of these Byelaws in general terms prior to exercising the power conferred upon him.

(3) Identification of authorised persons

An authorised person who is exercising any power conferred on him by any of these Byelaws shall produce a form of identification when requested to do so. Such identification shall state the name of his employer and contain a means of identifying the authorised person.

(4) Notices

No person shall be subject to any penalty for breach of any of the Byelaws by disobeying a notice unless it is proved to the satisfaction of the Court before whom the complaint is laid that the notice referred to in the particular Byelaw was displayed.

(5) Attempts

Any person who attempts to breach any of the Byelaws numbered 9, 10, 11, 13(1), 20(2) and 21 shall be liable to the same penalty as given above for breach of that Byelaw.

(6) Breaches by authorised persons

An authorised person acting in the course of his duties shall not be liable for breach of any of the Byelaws numbered 2, 4 (2) and 4 (3), 6 (3) and 6 (5), 7, 9, 10, 11(1), 13, 14, 15, 16 (6), 17, 18 and 20 (1).

25. Interpretation

(1) Definitions

In these Byelaws the following expressions have the following meanings:

"alcohol" has the meaning ascribed to it in the Licensing Act 2003 (and any replacement, modification or amendment made thereto);

"authorised person" means:

- (i) a person acting in the course of his duties who:

(a) is an employee or agent of the Operator, or

(b) is authorised by a person operating any railway assets, and

- (ii) any constable, Police Community Support Officer (PCSO) or accredited person under sections 41 and 43 of the Police Reform Act 2002, acting in the execution of his duties upon or in connection with the railway;

"compulsory ticket area" means any part of the railway identified by a notice stating that no person may enter there without being in possession of a valid ticket;

"controlled drugs" has the meaning ascribed to it in the Misuse of Drugs Act 1971 (and any replacement, modification or amendment made thereto);

"drunkenness" means being under the influence of alcohol;

"escalator" includes travelator or similar device;

"notice" means a notice given by or on behalf of the Operator;

"Operator" means Transport for London and any of its subsidiaries. In the context of Docklands Light Railway it means Docklands Light Railway Limited and its servants, agents, officers, employees, contractors and sub-contractors or any person or body granted the authority to act as operator by Docklands Light Railway Limited;

"previous byelaws" means the Byelaws previously made in relation to the railways by London Regional Transport and Docklands Light Railway Limited under the provisions of section 67 of the Transport Act 1962 and confirmed by the Secretary of State for Environment, Transport and the Regions on 19 December 2000.

"railway" means the railways and railway premises of the Operator and an authorised person, and includes trains or any other vehicle upon the railway;

"railway assets" means any train, station, depot, track or associated equipment of any person;

"standard scale" has the same meaning as in section 37 of the Criminal Justice Act 1982 (and any replacement, modification or amendment made thereto);

"ticket" includes;

- (i) a ticket (including one issued by another railway undertaking) authorising the person for whom it is issued to make the journey covered by the fare paid on a train provided by the Operator (whether or not it also authorises that person to make a journey on a train provided by another railway undertaking);
- (ii) any permit authorising the person to whom it is issued to travel on a train provided by the Operator (whether or not it also authorises that person to make a journey on a train provided by another railway undertaking);
- (iii) an authority to travel on a train provided by the Operator subject to a condition that payment of the correct fare for the person using that authority on which it is used is made during or at the end of that journey or otherwise as provided by the terms applicable to its use;
- (iv) a ticket authorising a person to enter a compulsory ticket area but not to make a train journey;
- (v) any type of free pass, privilege ticket, or any warrant, identity card, voucher or other similar authority accepted by the Operator as authority to travel, or in exchange for or on production of which a ticket for travel may be issued;
- (vi) any identity card, reservation or other document required by the Operator to be held or produced for use with other travel documents;
- (vii) any type of valid smart card, pay as you go or other form of electronic ticketing; and
- (viii) any other ticket or document issued for the purpose of travel of any animal or article on the railway accepted by the Operator.

"traffic sign" means an object or device for conveying, to traffic or any specified class or traffic, warnings, information, instructions, requirements, restrictions or prohibitions of any kind;

"train" means any item of rolling stock and includes any carriage or compartment of a train;

"valid ticket" means a ticket (including any associated photo/identity card and/or other travel document) lawfully obtained by or on behalf of the person using or attempting to use it and entitling that person to use the particular railway service he is using or attempting to use. Where the terms attaching to the ticket require validation of the ticket such ticket shall not be considered to be a valid ticket for the purposes of these Byelaws unless and until the ticket has been properly validated.

(2) Introduction, table of contents and headings

The introduction, table of contents and headings used in these Byelaws are for assistance only and are not to be considered as part of these Byelaws for the purpose of interpretation.

(3) Plural

Unless the context requires to the contrary, words importing the singular shall include the plural and vice versa.

(4) Gender

Unless the context requires to the contrary, words importing one gender shall include the other gender.

26. Coming into operation of these Byelaws and revocation of previous byelaws

These Byelaws will come into operation in accordance with the provisions of section 67 of the Transport Act 1962.

When these Byelaws come into effect, the previous Byelaws shall be revoked. This revocation is without prejudice to the validity of anything done under the previous Byelaws or to any liability incurred in respect of any act or omission before the date of the coming into operation of these Byelaws.

Signed by authority of Transport for London

[signature]

Commissioner of Transport

[date]

The Secretary of State for Transport confirms the above Byelaws pursuant to section 67 of the Transport Act 1967 as applied by paragraph 26 of Schedule 11 of the Greater London Authority Act 1999 and fixes [date] as the date that the Byelaws shall come into operation.

Signed by authority of the Secretary of State for Transport on [date].

[signature]

London Transport Division

Department for Transport

TRANSPORT FOR LONDON

STAFF SUMMARY
TFL BOARD

SUBJECT: UPDATE ON URBAN DESIGN LONDON (UDL)

MEETING DATE: 25 OCTOBER 2006

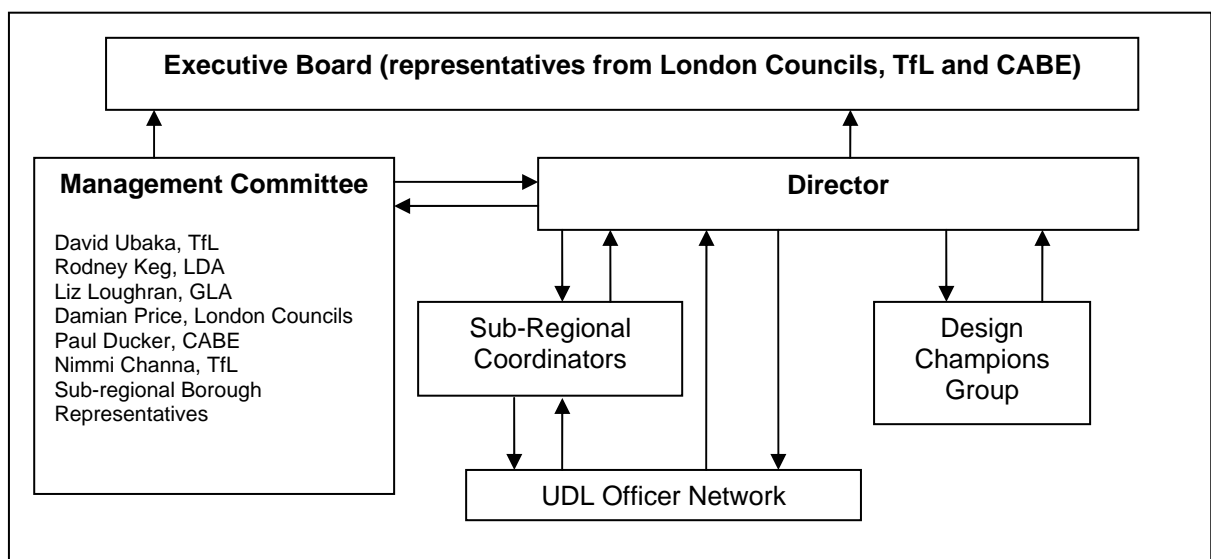
PURPOSE

1. The TfL Board was advised of the establishment of Urban Design London at its meeting on 8 February 2006. The purpose of this paper is to update the Board on the status and work of Urban Design London.

BACKGROUND

2. Urban Design London is a network organisation, with its priority objective being to support good urban design across the City. It is a partnership led jointly by TfL, the London Councils (formerly ALG) and the Commission for Architecture and the Built Environment (CABE). UDL concentrates on supporting networking opportunities and training, initially, for TfL, Borough, GLA and LDA staff and local authority Councillors.

3. Esther Kurland, was appointed Director of UDL in April 2006, on a 12 month secondment from CABE, and reports to the UDL Executive Board, comprising Cllr Daniel Moylan, Royal Borough of Kensington & Chelsea (current Chair), Cllr Martin Elengorn, London Borough of Richmond, Peter Brown, COO-Streets, TfL, and Caroline Fraser, CABE. A Management Committee informs the UDL work programme and is representative of the day to day UDL key users.



4. UDL's target audience includes urban designers and planners from the 33 London Boroughs, managed in five sub-regional groups: North, South, East, West and Central London Boroughs, with each sub-region coordinated by a

Borough officer (it is intended that the membership of these groups be widened to include TfL, LDA, GLA and sub-regional partnership staff). UDL supports Design Champions, Councillors in the Boroughs who encourage their authority to achieve good design across all their activities. UDL also supports TfL in developing an appreciation of, and capability in, the development of a quality public realm.

5. While focussing initially on the above audience, it is intended to widen out the UDL training programme over time to include engineering consultancy service providers to London's local authorities and developers, at a fee to cover the costs involved.

FUNDING

6. UDL benefits from the financial support of TfL and CABE and Boroughs pay a yearly membership subscription. CABE and borough support for UDL has significantly increased this year. CABE doubled its promised grant to £15,000. This financial year, 5 boroughs have paid their yearly subscriptions of £4,000 and a further 6 have agreed to pay. TfL provides core funding of £140,000 per annum (current business plan provision to 09/10), reflecting the importance it attaches to the development of skills across London in urban design.

7. Funding support for 06/07 currently stands at approx £200,000 (final figure will depend on the number of borough subscriptions). The UDL Director continues to encourage more Boroughs to subscribe.

DESIGN CHAMPIONS

8. Following the local elections in May 2006, a number of Design Champions were not re-elected or changed portfolios. UDL has worked hard to encourage Boroughs to identify new Design Champions and almost all have now done so. Many attended UDL's Design Champions Event on 9 October, which provided an opportunity for Design Champions to meet and get to know one another whilst learning about Urban Design and the role of a Design Champion.

ACTION TO DATE

9. UDL has coordinated and facilitated meetings of the sub-regional groups and these are now developing a forward meeting programme and identifying discussion topics.

10. UDL convened meetings to advise members on:

- the development of English Heritage's Streets for All Guidance; and
- CABE/English Heritage's Tall Building Guidance

It also provided a "master class" for professional officers in the Boroughs on Building for Life – a method to secure well designed housing. These sessions have proven popular, not only because of the detailed information that attendees can pick up and discuss, but because the sessions provide an informal networking opportunity, thereby improving relationships and knowledge.

11. UDL is keen to help Boroughs implement the new planning systems requirements in terms of urban design. The Director of UDL has visited individual boroughs to deliver talks to development control teams on Design and Access Statements. Talks were also offered to the London Planning Forum, Planning Aid in London, at a special event on Statements for Councillors and at 2 sub-regional meetings. Further sessions are planned for the next quarter.

TRAINING

12. UDL arranged a “path finder” urban design training day for a cross section of TfL staff. This was based on an existing module that had been developed by the Institution of Highways and Transportation (IHT) and CABE. The day proved very successful and UDL is negotiating with the suppliers to deliver a further 6 TfL- tailored events over the next 12 months. This will provide training for up to 200 operational staff. The training day will slot into the TfL “Streets” Graduate programme and a shorter version will be developed to form part of the TfL “Streets” induction programme.

13. In addition, UDL is developing an “Urban Design Skills Development Programme” which will provide training to embed urban design principles in the work of TfL and Borough Officers and Councillors. The 4-part training programme will deliver:

- a seminar programme;
- an e-learning programme;
- master classes; and
- action-based learning around current projects.

14. It is envisaged that delivery of the training programme will begin towards the end of 2006. The training will be available initially to TfL staff, Borough, LDA and GLA officers and, later, to suppliers of engineering consultancy services. It will cover all aspects of good urban design, including:

- streetscape issues
- high quality, higher density residential developments
- open space design
- inclusive design which ensures everyone can use a place easily, conveniently and with dignity, whether they suffer from a disability or are encumbered in other ways.

15. The full programme will be offered in addition to the 6 full day sessions described above, which have been tailored to TfL’s specific requirements. Boroughs that have paid subscriptions will be offered a number of free places but otherwise will be asked to pay towards the cost of the programme. UDL is also looking into third party funding support, such as from the Department for Communities and Local Government (DCLG) for the London Thames Gateway area.

PROVIDING INFORMATION

16. UDL has a new website at “urbandesignlondon.com”. This is updated regularly, includes information on forthcoming events, a detailed urban design reading list and an e-forum for members to use if they wish to.

17. UDL also sends out a fortnightly newsletter to over 90 members, which discusses specific issues that have been raised by members, such as how to set up a Borough Urban Design Panel; gives information about forthcoming events; and provides updates on new legislation, policy and good practice.

UDL AND DESIGN FOR LONDON (DfL)

18. The Mayor recently announced the creation of Design for London, amalgamating the urban design capabilities currently within the Architecture and Urbanism Unit, LDA and TfL to bring a strong focus within the GLA family and beyond to high quality design in London’s public realm. Peter Bishop has just been appointed as Director of Design for London, relinquishing his current Chief Officer role at Camden at the end of the year. Discussions have taken place between UDL and David Lunts/Peter Brown from DfL’s Executive Management Group, to explore synergies and avoidance of ambiguity and overlap in the roles of UDL and DfL.

19. DfL will focus on the promotion of quality in the development of London’s public realm; developing the GLA’s urban design policy and a public realm strategy for the Capital; and encouraging excellence in public and private sector design development. UDL, primarily, will focus on the development of urban design skills and understanding through both formal training programmes and wider networking events for engineers and designers. As such, it is believed that UDL’s role is complementary to DfL and, as a non-partisan organisation, is well-placed to support DfL’s objectives across the Capital.

20. Dialogue is to take place between Peter Bishop and Esther Kurland to further explore opportunities to maximise the contribution that each organisation can make to enhance their joint value. UDL currently is located within TfL’s Urban Environment Team which it is intended will co-locate with DfL at Palestra. The on-going dialogue will include options for UDL also to co-locate with DfL at Palestra.

RECOMMENDATION

21. The Board is requested to note the content of this paper.

Peter Brown
Chief Operating Officer – Streets

13 October 2006

TRANSPORT FOR LONDON

STAFF SUMMARY

TfL BOARD

SUBJECT: (1) Note of Written Resolution - Award of Main Works Contract (East London Line Project) & (2) Amendment to Standing Orders

DATE: 25 October 2006

1. Note of Written Resolution - Award of Main Works Contract (East London Line Project)

- 1.1 At the last TfL Board meeting on 20 September 2006, the Board Members were informed that, if necessary, a special Board would be called to seek authority to award the Main Works Contract on the East London Line Project, prior to the next scheduled Board on 25 October, given the urgency of the contract.
- 1.2 In the event it was not feasible to call a special Board within the short timescales required. After consultation with the Commissioner it was, therefore, decided to seek Board approval by way of written resolution, in accordance with the procedures under paragraph 47 of TfL's Standing Order No.1.
- 1.3 Accordingly, a form of written resolution (with supporting paper) was circulated to all Members on 4 October, with a deadline for response of 12 noon on Friday 6 October. A copy of the form of written resolution is attached as Appendix 1.
- 1.4 Eight Members responded within the time available, which was a quorate number for a written resolution and, as the responses were unanimously positive, the written resolution was duly passed.
- 1.5 Acting on the authority granted by the Board, a letter of contract award was sent to the Balfour Beatty / Carillion consortium on Monday 9 October. Following the 10-day "standstill" period – required under procurement law – the contract will be executed.

2. Amendment to Standing Orders

- 2.1 The procedure for obtaining a written resolution of the Board on the matter described above worked well. However, in using the procedure it was noted that it could be improved if it was clearer how the process for obtaining Members' responses and setting timescales should be fixed. The Board is therefore asked to approve the following amendments to TfL's Standing Orders:

3 Recommendation

3.1 The Board is requested to:

Approve a revised paragraph 47 of TfL's Standing Order No.1 as set out below: -

47. A written resolution of the Board will be as valid and effectual as if it had been passed at a Board meeting provided -
- (a) at least 8 members vote as indicated by their signature on one or more resolution documents which provide scope for acceptance or rejection of the resolution;
 - (b) it is supported by at least 75% of the members who voted; and
 - (c) a process for the use of the written resolution procedure is followed as determined on each occasion by the Secretary, in consultation with the Commissioner.

TRANSPORT FOR LONDON

Written resolutions of the Board

Subject: East London Line Project: Award of Main Works Contract

Dated: 04 October 2006

We the undersigned, being Members who have read the paper: "East London Line Project – Award of Main Works Contract" dated 2 October 2006 (the "Paper") and who, at the date of these resolutions would be entitled to attend and vote at Board meetings of TfL, hereby indicate our acceptance or rejection of the following resolutions in accordance with paragraph 47 of TfL's Standing Order No.1.

Resolutions

The TfL Board is requested to:

- **Approve**, in accordance with Appendix 1 (Scheme for Authorities) of TfL Standing Order 2, the award of the Main Works Contract for the East London Line Project to the Balfour Beatty / Carillion consortium;
- **Delegate** to the Commissioner, the Managing Director London Rail and the Managing Director Finance and Planning the authority for any one of them to agree the final terms of the Main Works Contract (in particular, the outstanding points referred to in paragraph 10.2 of the Paper) and any related documents;
- **Authorise** the execution of the Main Works Contract and any related documents;
- **Approve**, in accordance with Appendix 1 (Scheme for Authorities) of TfL Standing Order 2, future variations to the Main Works Contract for the items set out in the "Table of Known or Anticipated Compensation Events" at paragraph 7.2.1 of the Paper, up to the values set out in that table;
- **Authorise** LUL to approve the required purchase order to the value of £572M.

The Members may sign these resolutions in any number of counterparts, but all such counterparts shall together form one and the same instrument.

Signed (Board Member):	Date:
I accept / reject (please delete as applicable) the above resolutions. Ken Livingstone _____	
I accept / reject (please delete as applicable) the above resolutions. Dave Wetzel _____	
I accept / reject (please delete as applicable) the above resolutions. Honor Chapman _____	
I accept / reject (please delete as applicable) the above resolutions. Stephen Glaister _____	
I accept / reject (please delete as applicable) the above resolutions. Kirsten Hearn _____	
I accept / reject (please delete as applicable) the above resolutions. Mike Hodgkinson _____	

<p>I accept / reject (please delete as applicable) the above resolutions.</p> <p>Judith Hunt _____</p>	
<p>I accept / reject (please delete as applicable) the above resolutions.</p> <p>Eva Lindholm _____</p>	
<p>I accept / reject (please delete as applicable) the above resolutions.</p> <p>Paul Moore _____</p>	
<p>I accept / reject (please delete as applicable) the above resolutions.</p> <p>Sir Gulam Noon _____</p>	
<p>I accept / reject (please delete as applicable) the above resolutions.</p> <p>Patrick O’Keeffe _____</p>	
<p>I accept / reject (please delete as applicable) the above resolutions.</p> <p>Dabinderjit Singh Sidhu _____</p>	
<p>I accept / reject (please delete as applicable) the above resolutions.</p> <p>Tony West _____</p>	

TRANSPORT for LONDON

TfL BOARD

SUBJECT: FINANCE COMMITTEE REPORT

MEETING DATE: 25 OCTOBER 2006

1. PURPOSE

To report to the Board on matters discussed at the Finance Committee meeting on 12 October 2006.

2. BACKGROUND

The principal topic at the meeting was the revised Business Plan, which is being considered elsewhere on the agenda. The Committee received a presentation from Jay Walder, Managing Director, Finance and Planning which focussed on the areas of challenge that might be made to the proposed Plan, particularly by the rating agencies. A useful discussion of the areas challenges that he had identified, together with some further areas suggested by the Committee, took place which has informed the Plan that is being brought to the Board for approval.

The Committee considered a paper on the A406 North Circular Road Bounds Green to Green Lanes Safety and Environmental Improvements Scheme. Those present endorsed the recommendation which is being brought in a separate paper in today's agenda.

A paper was considered which updated the Committee with the progress made in implementing the GLA Group Sustainable Procurement Policy which was adopted by the Board earlier in the year.

The Finance Committee also considered a proposal to create a new subsidiary company which it is intended will eventually undertake all rail related activities within the London Rail business unit. The creation of new subsidiary companies is a matter reserved to the Board and this proposal is being considered elsewhere on the agenda. Those present did, however, recommend this proposal to the Board.

The Finance Committee receives reports on approvals expected to be given in 2006/7 by the Commissioner (or in his absence, the Managing Director, Finance and Planning) for projects budgeted to cost between £25m and £100m. No such projects had been approved since the last report to the Committee.

The meeting was inquorate as only two members were able to attend. Those members of the Committee who did not attend have been sent a copy of the draft minutes asking them to come back with any comments and/or questions so that they can be addressed. It is proposed that the minutes be ratified at the next Finance Committee meeting which will take place on 15 November 2006.

3. RECOMMENDATION

The Board is asked to NOTE the contents of this report.

TRANSPORT FOR LONDON

STAFF SUMMARY

TfL BOARD

**SUBJECT: REPORT FROM SAFETY HEALTH AND ENVIRONMENT
COMMITTEE MEETING – 7TH SEPTEMBER 2006**

MEETING DATE: 25 OCTOBER 2006

1. PURPOSE / INTRODUCTION

To update the Board on Health, Safety and Environmental (HSE) and Resilience matters.

2. BACKGROUND

The main matters at the SHEC meeting of 7th September 2006 were the circulation in draft of the health and safety content for the 2007/08 business plan and the provision of the first Chief Officers HSE Assurance Letters.

A closed session, for reasons of confidentiality and security, was also held following the open session.

• **Health and Safety Content of the 2007/08 Business Plan**

The health and safety content for the 2007/08 business plan was noted. Due to environmental key performance indicator reporting timescales, only the health and safety content was available. The environmental / sustainability content is being prepared and will be circulated in due course.

• **HSE Audit Plans for 2006/07**

Members noted the HSE Audit plans for each of the modes, detailing the HSE management system, operational and topic audits that will be completed in 2006/07.

• **HSE Assurance letters**

Members noted the HSE Assurance Letters from the Chief Officers for Rail, London Underground and Surface Transport – Streets. The letters were produced following a successful pilot in 2005/06 and document the Chief Officers' commitment to HSE management and the status of their mode specific HSE management systems. Surface 'public' Transport and the Corporate Directorates will submit their letter at the next SHEC meeting (15th November).

• **Business Q1 HSE reports**

Surface Transport:

Members noted the report from Mike Weston and welcomed David Brown as the new MD for Surface Transport. In response to a noted rise in pedestrian fatalities following collision with a bus, Surface Transport will be reviewing all the recent pedestrian fatality incidents to identify any causal trends.

Corporate Directorates:

Members noted the report from the Corporate Directorates, thanked Peter McGuirk for his contribution to SHEC and welcomed his replacement Howard Carter

London Rail:

Members noted the report from Ian Brown which highlighted there had been no staff assaults in Q1.

LUL:

Members noted the report from Tim O'Toole which highlighted the rise in Signal Passed At Danger and 'Platform Train Interface' incidents, both of which are known key risks for LUL and are the subject of ongoing work to investigate and reduce the risk.

Tim O'Toole noted that LUL was in the process of preparing a new 'Attendance at Work' policy that has been developed using the experiences and practices of other organisations and reflects the ACAS model.

Other Matters

3. IMPACT ON FUNDING

None.

4. RECOMMENDATIONS

The Board is requested TO NOTE the content of the report.

Further details on the content of the report can be obtained from:
Richard Stephenson Director Group HSE (Tel: 0207 126 4905)

TRANSPORT FOR LONDON

TFL BOARD

SUBJECT: Delegation in relation to certain congestion charging powers

MEETING DATE: 25 OCTOBER 2006

1. PURPOSE

- 1.1. To inform the Board of the provision of a Delegation to TfL from the Mayor in relation to the issue of directions to London Borough Councils to ensure that the Western Extension to the Congestion Charging Zone (WEZ) is appropriately implemented.

2. BACKGROUND

- 2.1. Under TfL's Standing Order No. 1 paragraph 18, TfL is required to report any delegations of power from the Mayor, on behalf of the GLA, to the Board as soon as reasonably practicable after it has been made.
- 2.2. The Mayor made a delegation to TfL allowing the issue of directions to London Borough Councils regarding the WEZ on 18 October 2006.
- 2.3. TfL have been working collaboratively with those London Boroughs affected by the implementation of the WEZ. They have agreed to allow TfL to install new or replacement signs required for the new scheme in their areas.
- 2.4. Paragraph 33 of Schedule 23 of the Greater London Authority Act 1999 provides the Mayor, on behalf of the GLA, with the power to issue directions to London Borough Councils requiring them to exercise certain of their powers for purposes connected with a charging scheme. To date in relation to the WEZ, this power has not been exercised as all London Boroughs have agreed to allow the requisite works to be undertaken. The power was however, used in relation to the Central London congestion charging scheme.
- 2.5. In the lead up to the commencement of WEZ in February 2007 there are significant tasks, including highway works, which must be completed for the scheme to be fully operational.

- 2.6. To ensure WEZ's timely introduction the Mayor has delegated to TfL the direction power to the London Borough Councils in the event that agreement cannot be reached about the works with the relevant authorities.

3. RECOMMENDATION

- 3.1. The Board is requested to NOTE the making of the delegation of the power to issue directions to the London Borough Councils from the Mayor in respect of WEZ implementation.

TRANSPORT FOR LONDON

MEETING OF MEMBERS OF THE BOARD – OPEN SESSION

MINUTES of the Board Meeting held in the Chamber, City Hall, The Queen's Walk, London, SE1 2AA at 10.00 am on Wednesday, 20 September 2006

Present:	Dave Wetzel	(Chair)
	Honor Chapman	
	Stephen Glaister	
	Kirsten Hearn	
	Sir Mike Hodgkinson	
	Paul Moore	
	Sir Gulam Noon	
	Patrick O'Keefe	
	Tony West	
	Dabinderjit Singh Sidhu	
	Eva Lindholm	
	Ken Livingstone	(for final item)
In attendance:	Lord Toby Harris	
	Bryan Heiser	
	Murziline Parchment	
	Lynn Sloman	
	David Brown	Managing Director, Surface Transport
	Howard Carter	General Counsel
	Stephen Critchley	Chief Finance Officer
	Mary Hardy	Director of Internal Audit
	Peter Hendy	Commissioner
	Ellen Howard	Public Law Team Leader
	Tim O'Toole	Managing Director, London Underground
	Ben Plowden	Managing Director, Group Communications
	Howard Smith	Chief Operating Officer, London Rail
	Duncan Symonds	Commissioner's Chief of Staff
	Valerie Todd	Interim Managing Director, Group Services
	Jay Walder	Managing Director, Finance & Planning
	Jeroen Weimar	Director of Transport Policing and Enforcement
	Peter McGuirk	TfL Secretariat
	James Varley	TfL Secretariat
	Gladys Williams	TfL Secretariat

61/09/06 **Apologies for Absence**

Apologies for absence were received from Ken Livingstone and Ian Brown. Dave Wetzel took the Chair. He welcomed two new Board members – Dabinderjit Singh Sidhu and Eva Lindholm - attending their first meeting. A third new Board member – Judith Hunt – had been unable to attend this meeting but would be joining proceedings later in the day. He also explained that this would be Peter

TRANSPORT FOR LONDON

McGuirk's last meeting and thanked him for his support to the Board as Interim Director of Governance and Assurance.

Declaration of Interests

No interests were declared.

62/09/06 Minutes of the Previous Meeting held on 28 June 2006

The minutes of the previous meeting were **APPROVED** and signed by the Chair as a correct record.

63/09/06 Matters Arising

There were nine actions arising from the minutes of the last meeting. A table had been prepared setting out the current status for each of these actions, six of which were complete, one ongoing, one to be discussed at the T2025 away-day and one to go to the October 2006 Board meeting. The Board **NOTED** these.

64/09/06 Commissioner's Report

The Commissioner introduced his report and highlighted issues that had arisen since the report had been written:

Fares from January 2007

- The Mayor had announced his proposal for an Underground fare increase of RPI +1% and Bus fare increase of less than 4% above RPI, compared with a planned increase of RPI+10%, along with further Oyster incentives and simplification of fares on the National Rail network in London;

"London Overground"

- The Mayor had launched the 'London Overground', which would be an orbital rail network for London incorporating the North London Railway and the East London Line Extension. He had refuted suggestions that the incorporation of the East London Line (ELL) involved creeping privatisation. Tony West supported this, citing the new investment, jobs and trains which the ELL would provide. The Dalston Link, announced by the Mayor at the same time, would complete a major part of an orbital rail network for London;

TfL Pension Fund – Ill Health Pensions

- Rumours of a dispute with the RMT, over proposed changes to ill-health pensions, were unfounded. Stephen Critchley, in his capacity as Chair of the Pension Fund Trustees, explained that this was not a matter for TfL, as employer, but for the Trustees. They were looking at options but no decision had yet been taken.

Oxford Street Tram

He confirmed TfL were taking this forward in line with the Mayor's recent statement.

In response to questions or comments from Board members and advisers, the Commissioner and specific chief officers gave the following answers in respect

TRANSPORT FOR LONDON

of the following issues:

- the Mayor had no current plans for further extension of free travel entitlements for children on the Tube;
- TfL was to be congratulated on achieving 99.6% operability for bus wheelchair ramps;
- the TfL Annual Report was being published on the web later in the day and members would be given a copy to take away with them;
- as requested by the Board, the Chair had written to the London Assembly concerning its report on “7/7”. This had generated an exchange of correspondence and the Chair was due to write again. The London Resilience Forum had also written a letter to the Assembly, in similar terms to TfL;
- radio systems on the Tube had received adverse publicity. Tim O’Toole explained that the existing radio Connect PFI contract had been inherited. Whilst LU had strengthened the management arrangements and done everything possible to minimise the impact of recognised problems with the existing system, the real solution was a new radio system. This is being rolled out from October 2006, following successful trials over the summer. The unions had been involved throughout the trial process and this would continue through the roll-out;
- Kirsten Hearn would copy to the Commissioner correspondence she had received from a disabled person living in Notting Hill who had felt stranded in their home during the recent Carnival. However, TfL was constrained by the present Carnival route;
- Lambeth Council had decided to support the Brixton Central Square Scheme;
- In the context of congestion charging, Stockholm in Sweden had recently voted to retain its experimental road charging system and TfL would shortly commence publicity for the Western Extension Zone, which was due to commence in February 2007;
- the US Embassy was by far the largest congestion charge debtor. The UK government had been supportive of TfL in pursuing this. Renewed publicity would be considered when the debt passed the £1m mark, which was imminent;
- the Commissioner would write to the Department of Transport expressing TfL’s disappointment concerning the delay in preparing subordinate legislation necessary for LondonWorks;

Action: Commissioner

TRANSPORT FOR LONDON

- the Commissioner apologised for the tight timetable regarding papers for this meeting. He had asked Howard Carter to look at the date sequencing for 2007;

**Action: Howard Carter
Jay Walder**

- Bryan Heiser noted that the success of TfL in the Press Complaints Commission against the Evening Standard who had been held to have misrepresented a survey of disabled people and their views on the Routemaster.
- Ben Plowden would take steps to ensure that travel planning, marketing and modal initiatives for disabled people were pulled together, and report to a future Board meeting;

Action: Ben Plowden

The Board **NOTED** the Commissioner's report.

65/09/06 Operational and Investment Financial Report

Jay Walder gave a presentation and answered questions from Board members and advisers, providing further information concerning cash fares paid on-bus. These related to ABC1 customers much more than to visitors, who tended to prefer off-peak travelcards. Work was continuing to reduce the level of cash fares.

Tim O'Toole provided further information on LU's green energy strategy, drawing an important distinction between using LU funds to invest in new energy sources rather than increasing the demand, and therefore the price, for existing sources (this had been an ongoing action from the previous Board meeting).

Dave Wetzel would be asking for a report to SHEC concerning the role of advertising in reducing the number of people killed or seriously injured on London's roads.

Valerie Todd provided further explanation concerning statistics on workplace composition and in particular, staff who were lesbian, gay, bisexual or transsexual and the percentage of disabled people in senior management. Further information would be provided on the latter point in the next Operational and Investment Financial Report.

Action: Valerie Todd

The Commissioner outlined TfL's approach to meeting the needs of disabled visitors during the Olympics.

The Commissioner agreed that the Olympics would provide a real opportunity for wider promotion of walking and cycling, against the background of national concerns regarding obesity. There was a need to maintain momentum beyond the completion of the London Cycle Network.

TRANSPORT FOR LONDON

The Board **NOTED** TfL's operational and financial performance, and TfL's progress on the Investment Programme, over the first quarter 2006/07.

66/09/06 Revenue Enforcement and Prosecutions Policy

Jeroen Weimar introduced the report. In response to questions, he explained the wider context of fares evasion and staff assaults. Members welcomed the policy and wished to emphasise the expectation that all Revenue Inspectors and Investigators carry out their functions fairly.

Members supported an amendment to the policy section "Types of Offences to Be Prosecuted" – after amendment, paragraph 2.2 should read:

"The above list is not exhaustive and, where appropriate, TfL may prosecute other offences outside the list of offences set out in this policy".

Subject to this amendment, the Board **APPROVED** the policy set out in the appendix to the report.

67/09/06 Standing Orders Revision

The Board **APPROVED** the revised Standing Orders set out in Appendices 1 and 2 of the report and **DELEGATED** to Howard Carter authority to make minor grammatical and cross referencing changes.

68/09/06 Transport Trading Limited - Appointments

The Board **APPROVED**:

- (i) the appointment of Peter Hendy as the shareholder representative;
- (ii) the appointment of David Brown and Howard Carter as additional directors of the company; and
- (iii) the appointment of Howard Carter and Jeff Pipe as additional joint secretaries.

69/09/06 Chair's Action: ELL Contracts

The Board **NOTED** the Chair's Action.

70/09/06 Directions and Delegations

The Board **NOTED** receipt of a Direction from the Mayor, made on the 3 August

TRANSPORT FOR LONDON

2006, in relation to the London Portal, for the transfer of Portal operations from London Connects to the GLA; and a Direction and Delegation to TfL from the Mayor, made on the 17 July 2006, in relation to an annual programme of Public Information Campaigns.

71/09/06 Report from the Finance Committee held on 8 June 2006

The Board **NOTED** an oral report from the Finance Committee.

72/09/06 Report from Safety, Health and Environment Committee

The Board **NOTED** the report.

73/09/06 Any Other Business

Ken Livingstone joined the meeting. He echoed the welcome for the three new Board members. The Board **AGREED** that they had been allocated to committees as follows:

- Judith Hunt – Audit (Chair) and Finance
- Dabinderjit Singh Sidhu – Audit
- Eva Lindholm – Finance

There being no further business the meeting closed.

Signed by the Chair: _____

Date: _____

**ACTIONS ARISING FROM THE OPEN BOARD MEETING –
20 SEPTEMBER 2006**

Minute No:	Action:	Action to be taken by / Status:
64/09/06	<p><u>The Commissioner's Report</u> Write to the Department of Transport expressing TfL's disappointment concerning the delay in preparing subordinate legislation necessary for LondonWorks.</p>	<p>Commissioner</p> <p><u>PROGRESSING:</u> The Commissioner raised his concerns in a recent conversation with the Parliamentary Under Secretary of State for Transport, Gillian Merron. This item is also scheduled to be discussed between the Parliamentary Under Secretary and MD Surface Transport at their forthcoming meeting.</p>
64/09/06	<p><u>The Commissioner's Report</u> Tight timetable regarding papers for the Board meeting: Look at the date sequencing for 2007 meetings.</p>	<p>Howard Carter</p> <p><u>COMPLETED:</u> On the agenda for the October Board meeting.</p>
64/09/06	<p><u>The Commissioner's Report</u> Take steps to ensure that travel planning, marketing and modal initiatives for people with disabilities were pulled together and report to a future Board meeting.</p>	<p>Ben Plowden</p> <p><u>Ongoing:</u> Report will be given to a future meeting.</p>
65/09/06	<p><u>Operational and Investment Financial Report</u> Provide further information on the percentage of people with disabilities in senior management.</p>	<p>Valerie Todd</p> <p><u>ONGOING:</u> Gareth Powell's team progressing.</p>

COMMISSIONER'S REPORT FOR OCTOBER 2006

1. PURPOSE

This report provides an overview of major issues and developments since the 20 September Board meeting and updates the Board on significant projects and initiatives.

2. MODAL OPERATIONS

2.1 Surface Transport

2.1.1 Bus Passenger Journeys

Estimated passenger journeys for period 6 show a 1.6% increase in journeys compared to last year, but a 3% decrease compared to the budget. The budget does not reflect the lower than forecast journey outturn for 05/06. The effects of the January 2006 fares revision and the Under 16s free travel initiative will continue to be monitored.

2.1.2 Go Ahead acquisition of Docklands Minibuses

On 18 September Go-Ahead announced its acquisition of Docklands Minibuses Limited, which operates services from East London to the Essex border (route 167 Ilford-Debdon; route 368 Chadwell Heath-Harts Lane; route 549 south Woodford-Loughton) and currently has 3.5% of the London Bus Network. Routes will continue to operate from the Silvertown depot, which will be run independently of London General and London Central, Go Ahead's two principal bus operations in London.

2.1.3 AEG Europe acquisition of Thames Clippers

Approval has been given for AEG Europe to take a majority stake in Thames Clippers. AEG has announced that an order has been placed for six additional 200-passenger capacity river buses for delivery in 2007 to provide services to O2 (the renamed Millennium Dome). An early meeting is being sought to understand AEG's service plans and how these may impact on the current commuter service.

2.1.4 ITS World Congress

The 13th World Congress and Exhibition on Intelligent Transport Systems was held at the ExCel Centre in Docklands from 8 to 12 October. TfL, along with the Department for Transport, Department for Trade & Industry and ITS UK hosted the Congress and Exhibition.

The Congress itself comprised of some 900 technical and scientific papers and special sessions on Metropolitan Mobility examining issues such as *How ITS supports the Mayor's Transport Strategy*, *Competing Demands on Roadspace*, and *Managing Major Events*.

TfL also hosted a series of technical visits, with international delegates visiting the LTCC and CentreComm, the Underground Network Operations Centre, the Kings Cross St. Pancras Interchange, and the Docklands Light Railway Control Centre.

TfL also exhibited technology demonstrations including Active Traffic Management and the LTCC, the Congestion Charging Technology Trials and iBus.

2.1.5 A40 Gas Main Incident

At 11h35 on 4 October a gas 'bleed pipe' was fractured during TfL works to remove the existing footway surfacing on the A40. The pipe, cast into the concrete directly under the tarmac surfacing, was connected directly to a medium pressure gas main.

Once the magnitude of the incident had been realised, the immediate area was contained and National Grid (Gas) was informed. Upon the arrival of the London Fire Brigade, and in consultation with MPS, a major incident was declared. This necessitated the complete closure of the A40 Western Avenue from Gypsy Corner through to the Hanger Lane Gyratory. A 200m exclusion zone was implemented and Network Rail services were suspended on the North London Line. In addition to this, local residents were also evacuated from the immediate area.

By 16h00 repairs to the gas main were underway. At 17h00 the situation was deemed to be sufficiently safe that the A40 was re-opened and residents were allowed to return to their properties.

The Contractor (Alfred McAlpine Project Services) has submitted a report detailing the lessons learnt from the incident which include recommendations for improving communications and a review of current site operations and procedures. The review will also re-assess staffing, method statements, risk assessment, training needs and certification. A number of other practicable measures have also been identified including a review of the 'Permit to Dig' system and an improved procedure for detecting and locating underground services.

2.1.6 Traffic News

Traffic News (www.tfl.gov.uk/trafficnews) was officially launched on 18 September. The initial campaign targets professional road users in retail, transport/logistics and construction.

2.1.7 Borough Transport Policing Teams

On 3 October the Mayor announced that negotiations have progressed with the MPS for the deployment of additional Police Community Support Officers to outer London boroughs. These officers are to be part funded by the Home Office and attached to Safer Neighbourhood teams – but would be deployed to TfL priorities at the local level. The scheme will cost £7.5 million and the first deployments should roll out in March 2007. The MPA considered the scheme at a meeting on 5 October and confirmed their support for the scheme.

2.1.8 Olympic Road Network (ORN)

A presentation was made to Professor Bovey of the IOC outlining the progress of ORN development. This included a Visual Traffic simulation (VISSIM) model demonstrating potential alterations to Parliament Square to direct Olympic family traffic into Horseguards Parade, and dedicated Olympic lanes along the Embankment. The presentation was very well received.

2.1.9 Coaches and Licensing

The Interactive Coach Parking Map (ICM) has been launched. It is an internet based source of information aimed at coach drivers and operators. It provides accurate information on coach parking location, live traffic updates and forthcoming events, CCTV images and West End Theatre locations.

2.1.10 Embassies and the Congestion Charge

Most embassies continue to pay the congestion charge. The US embassy remains the top bad debtor and now owes in excess of £1m. Both the government and TfL maintain the position that diplomats are not exempt from the charge. TfL continues to seek a resolution with the FCO, following successful agreements with the embassies of The United Arab Emirates and Switzerland earlier this year.

2.1.11 London Living Wage

The first pilot for introducing the London Living Wage has reached a milestone with the award of the contract for Cleaning of Bus Stations and On Bus Cleaning (litterpicking - not heavy cleaning) to Dougland. The contract provides for all personnel to be paid at least £7.05 per hour and will commence on 1 October. The contract is valued at £2.1m per annum over a five year term with the option to extend for a further year.

2.2 London Underground

2.2.1 Customer Satisfaction

Over the past 2 years LU has seen an improvement in Customer Satisfaction results, scoring an unprecedented 78 out of 100 or more for each of the past 7 quarters, reflecting improved operational performance, and in particular improvements in information and staff helpfulness. However results in Quarter 2 typically decline because of the impact of heat. Passengers find the Tube uncomfortable in the heat and humidity of summer. The lone exception to that pattern was Quarter 2 in 2005, when the score increased to 79 following the bombings. That result appears to reflect the "halo effect" of staff performance following 7/7 and the simple fact that trains were less crowded.

The score of 75 recorded in the most recent Quarter 2 follows the seasonal pattern but has declined by more than in past years. LU believes the primary cause of this extraordinary result is that record heat was combined with onerous speed restrictions following Metronet's failure to de-stress the running rails. Passengers were forced to ride crowded trains in sweltering heat for longer journeys. Because the trains were forced to go slower, there were fewer of them, which increased the crowding. This failure affected the Piccadilly, District, and Metropolitan, and Circle/H&C lines in particular. LU arranged special access to allow Metronet to fix the problem.

LU's response to this is a determination to restore the high scores and to do everything possible to support, and press, the Infracos to overcome their problems.

2.2.2 Passenger Journeys & Revenue

Demand for travel on the Underground remains strong. Revenue continues to run ahead of budget and the annual forecast for passenger journeys has risen to over 1 billion for the first time ever.

2.2.3 Piccadilly line extension to Heathrow T5

Piccadilly line services to Heathrow Terminal 4 (T4) station resumed on Sunday 17 September, following a 20-month closure of the line between Hatton Cross and Heathrow T4 to allow for the construction of a complex new rail junction to connect the existing line to the new T5 extension. The work has been completed, on time and on budget, in partnership between BAA and London Underground.

During the closure LU has taken the opportunity to refurbish the T4 station. The work, carried out by Tube Lines, has included the installation of a new station control room overlooking the ticket hall, 24 new CCTV cameras, more help points, improved lighting, a new PA system, better signage, more passenger information screens and a tactile strip close to the platform edge to aid those with visual impairments.

The extension is on target to open, along with Terminal 5 itself, in March 2008.

2.2.4 Waterloo & City line

Since the line reopened on 11 September there have been 17 service disruption failures of which eight have been greater than ten minutes. The majority occurred within the first two weeks, and have been analysed and remedied to eliminate repeat occurrences. In addition, Metronet has enhanced the maintenance support on site to react to failures in a proficient manner. At the time of writing (11 October) there had been no failures for more than a week.

2.3 London Rail

2.3.1 Docklands Light Railway

Service performance continues to be very encouraging with over 98% of trains running on time (1.5% above target) and virtually all other performance and customer targets exceeded. Although higher performance is to be expected during the summer months the current levels are above previous years and are particularly pleasing given that City Airport services have been operated in addition to all existing services.

2.3.2 London Overground

Following the Mayor's launch of the London Overground on 5 September and the announcement of the 'Western Curve' at Dalston; the reaction of media and stakeholders has been extremely positive.

On 9 October, four bids for the 7-year concession contract to operate London Overground services were received. An excellent field of high quality bids are now being reviewed and it is anticipated that two of the bidders will be asked to put forward best and final offers prior to final selection of the concessionaire.

Following the announcement of the order for 44 trains for London Overground services, Bombardier have started mobilisation at their Derby plant. The first trains will be delivered late 2008 and have been categorised by Network Rail as Class 378's.

2.3.3 South Western Franchise

The South Western franchise has been re-let by DfT to Stagecoach. The following elements of the successful bid are of particular interest to TfL and many of the proposals have emerged from the South Western Route Corridor Plan and other TfL initiatives:

Fleet improvement and capacity - A significant increase in capacity with 21% more main line peak seats and a 20% increase in peak suburban seating.

Fares and ticketing - £19m investment in Smartcard technology to make ticket purchasing much easier (Oystercard). Installation of a further 160 self-service ticket vending machines to reduce ticket office queues. Introduction of automatic gates at 13 additional stations to improve security and reduce ticketless travel.

Station enhancements - Major station refurbishment at 14 large stations. Investment of around £40m in core station improvements, including better subways, lighting waiting rooms, booking halls, toilets, shelters and seats.

2.3.4 TfL's input to the National Rail 30-year strategy

TfL has set out its justification for investment in National Rail services in London in the form of a 'Statement of Case'. This forms the basis of our input to the Government's National Rail 30-year strategy and associated 'high level output statement' and also input into TfL's T2025 Plan. This is a description of what the Government expects from the rail industry, particularly Network Rail in terms of capacity, performance and safety. The overall benefit cost ratio of the rail proposals remain over 2:1.

3. MAJOR PROJECTS & INITIATIVES

3.1 Docklands Light Railway

Both the Stratford International and 3-car enhancement projects are well into their procurement phases. It is anticipated that the Secretary of State will be in a position to make an announcement on powers for the Stratford International project within the next month. This will be consistent with now agreed plans to cease running Silverlink North London Line services between Stratford and North Woolwich from 9 December and will facilitate the start of works early in 2007.

3.2 East London Line Project

Second stage enabling works remain on target for completion on time and budget in December 2006.

On 9 October a joint TfL/Network Rail submission was made to the Office of the Rail Regulator (ORR) for an Access Option reserving national rail capacity for East London Line services for 30 years. The ORR will now consult on the application prior to agreeing its terms.

The 9 October marked the start of a 10-day 'standstill' period after which the contract for the East London Line Main Works will be signed. This contract targets completion of works towards the end of 2009, after which trial running can take place prior to the public opening date in June 2010.

3.3 North London Railway Infrastructure Project

Work continues with Network Rail and the ODA to refine the scope and outputs of the project. From a TfL perspective it will deliver station, capacity and power upgrades to allow the introduction of new rolling stock in 2009 and services to be upgraded to meet Olympic and legacy specifications from early 2011. Following the Mayor's announcement with respect to connecting the East London and North London Railways at Dalston this has been added to the Project.

3.4 Thames Gateway Bridge

Progress is being made to satisfy the DfT's conditions prior to HM Treasury's consideration of the Outline Business Case for TGB. Following a meeting with HM Treasury on the market testing and project progress, it was advised that the OJEU notice is to be scheduled for issue in December 2006. The Inspectors report on the Public Inquiry is due later this month.

3.5 Stratford Regional Station Upgrade

The validated estimate for the Olympic Enhancements is £104m for the capital works; the funding gap remains £54m with discussions ongoing between ODA, DfT and DCMS to resolve. The scheme has been presented to Treasury, DfT, DCMS and ODA, who agree that there is no alternative scheme or lower cost option. The Planning Application was submitted to the ODA on 15 September 2006.

3.6 Cross River Tram

Preparation is under way for the launch of public consultation on route options. Stakeholder engagement is being increased in advance of the consultation scheduled to start mid November 2006. Technical development focuses on junction modelling, securing technical acceptance by key stakeholders and design development work in relation to key route sections.

3.7 Croydon Tramlink Extension

Public Consultation is on target to commence mid October 2006 and will last for a period of two months. The project team is currently meeting with key stakeholders prior to consultation to explain the scheme proposal and the consultation process.

3.8 East London Transit

Phase 1b: TfL has now held discussions with London Thames Gateway Development Corporation (LTGDC) and London Borough of Barking and Dagenham (LBBD) on the potential alignment options that TfL propose to use in the public consultation. LBBD are now seeking endorsement of these route options from senior committee members.

3.9 Greenwich Waterfront Transit

Proposals for future route alignment and development of Phase 2b are expected from the London Borough of Greenwich within the next few weeks.

3.10 Interchange Programme

Progress is being made on mandates for initiating new programmes, including Tottenham Hale, Highbury & Islington, Waterloo, Crystal Palace, Clapham Junction, Elephant & Castle and Euston for discussion and endorsement at the Interchange Programme Board.

3.11 Victoria Transport Interchange

The current 18 month feasibility/design development stage is now well under way, with good progress and good working relationships and collaboration established.

3.12 DLR extension to Dagenham Dock

DLR has appointed a team of advisors, to prepare the case for extending DLR to Dagenham Dock and to support a TWA application. The whole process will take approximately 6 months and will include reviewing possible extension options, appraisal of the costs and benefits and a range of public and stakeholder consultation activities. As part of this process, DLR has established a Project Advisory Group comprising representatives from Newham, Barking and Dagenham, English Partnerships, LDA, GLA, PLA and others to be involved in the decision making process - the first meeting of this group has taken place.

4. CORPORATE OPERATIONS

4.1 Staff

Following the success of last year's Graduate Scheme, an Open Day to launch the 2007 Graduate Recruitment Campaign was held on 11 October. Over 450 graduates attended, enabling them to find out more about our diverse organisation, what we are able to offer as an employer of choice but most importantly, gave them the opportunity to speak with current graduates, sponsors and managers.

This year 79 Graduates joined TfL's Graduate Development Schemes (45 into Surface Transport, 9 into Corporate Information Management and 25 into London Underground). As part of the induction process a Graduate Trainee Networking event was held at City Hall on 19 September. New trainees were able to meet with a wide range of Senior Managers, Directors and existing Graduate Trainees to build relationships at all levels across TfL.

4.2 Equality & Inclusion

Group Equality and Inclusion produced the Gender Equality Scheme consultation document (Expanding Horizons) earlier this month to formally launch the consultation process. Employee events were held on 11 and 18 October with further consultation with key opinion formers and customer research planned for November 2006.

Consultation ends on the 1 December 2006 with the publication of the Gender Equality Scheme at the end of February 2007. This will publicise TfL's commitment to improving transport services, employment and procurement opportunities for women in time for the launch at the GLA's Capital Woman event.

The Gender Equality Scheme will ensure TfL meets the legal requirements, which come into force in April 2007, when carrying out its functions to have due regard to the need to eliminate sex discrimination and sexual harassment and to promote equality of opportunity between women and men.

4.3 Planning & Policy

4.3.1 T2025

A summary of transport priorities, modelling and evaluation results and financial cost was presented to the Board on 20 September. Stakeholder feedback from the T2025 Transport Challenges for a Growing City document has overall been positive and has highlighted some areas for further attention. Further London Transport Study (LTS) modelling and analysis, including scenario evaluation and a review of policy support for the London Plan are now underway to inform the T2025 Vision launch and document scheduled for late November.

A T2025 TfL Staff Seminar on 26 September was attended by over 100 staff from across TfL where there was considerable interest and positive feedback. It is anticipated that a similar event will be held to coincide with the November launch of the T2025 Vision.

4.3.2 London Plan

In July TfL provided comments on the Assembly and Functional Bodies draft of the Further Alterations to the London Plan. The Mayor has now initiated formal public consultation on the Further Alterations.

4.4 Fares & Ticketing

4.4.1 Free Travel for Under 18s

Bus and tram travel for under-18s in full time education became free from the start of September 2006. The new concession is provided through Oyster photocard, similar to those introduced successfully for under 16s in 2005. Take-up so far is in line with expectation with over 50,000 applications received by 25 September.

4.4.2 January 2007 fares revision

The proposals for the revision of fares in January 2007 were announced by the Mayor on 5 September. The proposals aim to continue to boost the role of Oyster Pay As You Go (PAYG) and encourage the migration of cash single ticket users to other forms of payment.

On the Tube, PAYG single fares are frozen but the cash single fare to Zone 1 rises to £4. Travelcards rise by RPI+2% on average, giving an overall yield of RPI+1% in line with the Business Plan. Child fares on the Tube are further simplified, with under 11s travelling free from Easter 2007. In addition, the train operators have agreed proposals to zone railway single and return tickets at a common rate across London. This is a key first step towards the adoption of Oyster by the train companies.

For buses, the cash fare rises to £2 and the PAYG single fare to £1. One day prices are frozen, and the weekly bus pass increases only in line with inflation. The total increase in fares of RPI+ 3.8% is substantially less than the RPI+10% assumption of the Business Plan and should enable bus ridership and mode share to increase in 2007.

4.4.3 Oyster

Supported by sustained marketing, take up of Oyster Pay As You Go (PAYG) continues to increase with over 1.5m bus and Tube trips now being achieved on many weekdays. This compares with around 1.0m trips a day six months ago. It is estimated that by the end of September, almost 20% of all Tube trips and 13% of bus trips were being made using PAYG. At the same time, the use of single cash fares on the Tube had fallen to under 5% of all trips while cash fares paid on-bus accounted for just over 5% of all bus trips.

September's Research on Oyster shows that awareness of Oyster is almost at its highest for 2006 (97% of all Londoners). PAYG customers have both a good understanding of and a very high overall satisfaction with their Oyster cards. These strong satisfaction scores are being fostered by the ease, speed, value and convenience provided by Oyster PAYG. The minimal negativity towards Oyster is mainly generated by the inability to use this ticketing system on the National Rail network. Customers' expectations of staff knowledge and helpfulness are high and it seems that TfL staff are meeting these needs.

4.5 London's Transport Museum

On 20 September a fundraising dinner, held at the Royal Opera House, raised over £200,000 for the Covent Garden Redisplay project. In August, the Museum secured a Phase-3 Wolfson Foundation £100,000 grant for improvements to access and facilities for disabled visitors. In aggregate, the Museum has now raised £9.45m from the Heritage Lottery Fund and £3.96m from sponsors, grants and other contributions towards a total project cost of £20.8m.

TfL have held discussions with the Charity Commission into a proposal to create a charitable company to operate the Museum in the future.

The Museum is on programme to reopen in September 2007.

4.6 Travel Plans

Nine Local Implementation Plans (LIPs) have now been approved. TfL has now received 29 of the 33 Final LIPs, and a number of recommendations for approval are being finalised.

4.7 Sustainability

A Group level Sustainability Unit is now in place. As part of the Group Health Safety and Environment function, the unit will provide support on sustainability matters across TfL. Areas of responsibility will include climate change, environment, demand management and walking and cycling.

4.8 Investment Programme Oversight

Initiatives to enhance TfL's long-term project and programme delivery capability are progressing well. Early work by Oversight and subsequent Chief Officer discussion confirmed that a key Investment Programme risk was TfL's ability to obtain the public consent approvals it required to deliver many of the IP projects and programmes. To address this risk, Project ACORN (**A**ddressing **C**onsent **R**isk **N**ow) was initiated as a capability development initiative, led by Borough Partnerships and aimed at improving TfL's ability in this area.

ACORN is now approaching completion (mid-November). Through it, a range of guidance notes and other consents related resource materials have been developed and are being made available via the TfL intranet. The focus of the project team is now on developing and rolling-out a dedicated training programme to support staff in use of the new guidance. In addition, a network of internal consents expertise is being developed to improve knowledge sharing across the organisation and appropriate procurement mechanisms are being put in place to facilitate access to specialist external consents expertise. Finally, a new permanent staff post is being established to ensure ongoing focus and realisation of benefits in the consents process.

4.9 Transport related draft Parliamentary Bills

The London Local Authorities and Transport for London Bill 2004 will be considered by an Unopposed Bill Committee in the House of Commons on 31 October and 1 November 2006. It is expected that Royal Assent to this Bill could be obtained by the end of this year.

The Transport for London Bill 2005 is being considered by an Opposed Bill Committee in the House of Lords this week. The Opposed Bill Committee will consider outstanding petitions lodged against provisions in the Bill and any Government opposition to those provisions. During the Committee proceedings, TfL has been represented by Queens Counsel and TfL officers have been giving evidence to the Committee in support of the provisions in the Bill. The Committee will determine whether the Bill requires amendment to address the concerns of the petitioners or Government.

The Transport for London (Supplemental Toll Provisions) Bill is currently being prepared for deposit in Parliament on 27 November 2006. A separate paper will be presented to the Board at this meeting seeking the Board's consent to the deposit of this Bill in Parliament.

5. ADDITIONAL ITEMS

5.1 UK Bus Awards Nomination

The TfL Dial-A-Ride travel assistance team have been nominated for the Claudia Flanders memorial award at the UK Bus Awards. The award is made to an accessibility project that goes beyond the minimum requirements of legislation and provides everyone with freedom of travel choice and travel opportunity.

5.2 Safer Travel at Night Award

The TfL Safer Travel at Night (STaN) programme has been awarded the Goldstein Award, by the US based Centre for Problem Oriented Policing, for the most effective approach in crime reduction. TfL is the first non-police organisation to receive this award.

5.3 Prince Michael of Kent International Road Safety Award

Just one year after being established, the Transport for London's Junior Road Safety Officer (JRSO) scheme has been presented with the prestigious Prince Michael of Kent International Road Safety Award on 12 October.

Designed for 9 -11 year olds, the JRSO scheme recruits one or two children in each participating school to act as road safety champions and lead on promoting road safety issues amongst their peers, through initiatives such as games, competitions and special assemblies. It aims to give the children a good grounding in road safety education as they prepare to make the transition to secondary school – the point at which many children begin to travel independently for the first time. The scheme is playing an important role in reducing the numbers of children killed or seriously injured on London's roads, which has fallen by 62 per cent from an average of 935 a year in the mid/late 1990s to 355 in 2005.

5.4 DLR 'Local Transport Integration Project' Award

DLR London City Airport recently won the Association of Community Rail Partnerships Community Rail Award for best 'Local Transport Integration Project'. The station was described as 'an excellent and a major improvement to transport access' and commended for 'integrating many transport modes within a major city'.

**Peter Hendy
Commissioner for Transport
Transport for London
October 2006**

**TRANSPORT FOR LONDON
STAFF SUMMARY
BOARD MEETING**

SUBJECT: TfL Business Plan & Investment Programme 2005/06 – 2009/10

MEETING DATE: 25 October 2006

1. INTRODUCTION

- 1.1 The 2007/08 TfL Business Plan has been discussed at an Away Day with the Board in September and at the Surface, Rail and LU Panel meetings. The Plan was also discussed with the Finance Committee on 12 October 2006.
- 1.2 This paper reflects those discussions and presents a pan-TfL view of the Business Plan. The Budget will become part of the Mayor's consolidated Budget, which will be subject to consultation and then consideration by the London Assembly. After agreement of the Mayor's consolidated budget, the plan for the year 2007/08 will be adapted to become the budget, which, in turn, will be presented to the March 2007 Board meeting for approval.

2. BACKGROUND

- 2.1 Last year's Business Plan updated the plan established from the five-year settlement agreed with Government in 2004, taking account of the progress made, project management capability, resilience and TfL's contribution to the Olympic Games in 2012. The objectives of this year's planning round were to:
 - Maintain a robust, financially balanced plan that:
 - Incorporates new responsibilities being taken on by TfL, in particular the London Overground and Oyster on National Rail;
 - Improves efficiencies and reduce operating costs wherever possible;
 - Demonstrates progress in delivery since last year;
 - Includes sustainability, accessibility and other Mayoral priorities in the Business Plan;
 - Maintains TfL's AA credit rating.
- 2.2 During the planning process, issues were discussed at a series of Business Planning Workshops in April, including presentations on the SR2007 process and the Transport Innovation Fund. A 'direction of travel' workshop led by the Commissioner in June ensured that all parts of TfL were aware of issues, pressures and challenges across the organisation.
- 2.3 The Plan covers the period of the agreed settlement with Government. The first year of 2005/06 remains a part of the Plan so that TfL can be seen to be

managing across all the years of the Plan and managers still be held accountable for the Plan around which the settlement was initially agreed.

- 2.4 Funding beyond 2009/10 is a part of the Spending Review 2007 discussions with the DfT and Treasury. Separate submissions have also been made for the two streams of the government's Transport Innovation Fund, the outcome of which is awaited, and are not part of the Business Plan.

3. ACHIEVING A BALANCED BUSINESS PLAN

- 3.1 TfL is managing within its SR2004 settlement with Government. Submissions across TfL included nearly £1.9bn in additional costs and pressures compared to the October 2005 plan. These pressures included:

- Additional Responsibilities (e.g. London Overground, Oyster on National Rail);
- Cost Increases (e.g. energy, IM)
- Pressures (e.g. Olympics, LU Power, Public Realm improvements)

- 3.2 In order for the business plan to stay within SR2004 limits, the business units have been challenged on the assumptions that underlie their projections to ensure that:

- Income estimates are based on a consistent and realistic set of economic assumptions;
- Operating Costs have allowed for agreed levels of efficiencies;
- The Investment Programme has incorporated a realistic view on both the financial and physical capacity to deliver within the plan period.

Income

- 3.3 Recent trends in revenue have been above forecasts, particularly LU fare income. The September 2006 GLA Economic Forecast reinforces a more optimistic view. TfL have increased income forecasts on a number of items including:

- LU fare income driven by better economic conditions, faster recovery from 7/7 and less impact than expected from engineering disruptions;
- Advertising, to reflect the new LU and Bus Shelter contracts;
- Congestion charging to reflect recent trends;
- Projected income from the implementation of the afternoon newspaper.

- 3.4 There have been also some notable downsides, most notably:

- The impact of the lower January 2007 bus fares increase;
- Delay in the sale of land not required for the A406 Bounds Green scheme;
- Lower income from the loss of E-Money as TfL has decided not to pursue the initiative on its own.

- 3.5 Overall income has increased by £130m compared to last year's plan after allowing for grossing up changes in some contracts and reporting. As with

previous plans, this income forecast is based on the assumptions set out in the GLA economic forecasts. Should there be a downturn in London's growth, there is likely to be an adverse effect on income and operating expense reductions may be needed to balance the Plan.

Operating Costs

- 3.6 TfL is delivering significant operating savings in a number of areas including LU operating expenditure. However, there has been an increase in operating costs of £570m largely focused on the following items:
- Costs in last year's plan that have been re-classified from capital to revenue expenditure for projects that improve assets not directly owned by TfL (largely London Borough assets);
 - Change in contracts which have grossed up both operating costs and income at no net impact to the plan;
 - Inclusion of London Overground services and investment in infrastructure on the North London Line (part funded by additional Government grant);
 - Increased IM costs and up-front expenditure on the Accommodation Strategy which will have a net financial benefit to TfL over the longer term.
- 3.7 The TfL efficiency programme established in 2002/03 has matured, growing to over £1.1bn in the October 2005 plan, focusing on 'back office', procurement and other savings. The overall level of efficiencies has not significantly increased from last year's plan. We will continue to review and challenge TfL's operating costs to ensure they remain below recurring income.

Deliverability and Costs of the Investment Programme

- 3.8 Verification of the deliverability of the Investment Programme was sought as part of the business planning process, taking into account planning permissions, construction industry capacity as well as TfL's own capacity to deliver. Deliverability has been rigorously reviewed and challenged. A number of projects have been rephased or new projects not included due, in part, to the lack of physical capacity required to deliver within the plan period.
- 3.9 Recognising that delivery of the Investment Programme can often be delayed by factors outside project managers' control (such as the granting of planning powers); we have included an element of overprogramming in plans. This is done at the level of the overall Programme, both because it is generally not possible to know in advance which projects will be affected and because of the desire to maintain accountability on individual project managers. To date, Investment Programme spend has been in line with targets after taking into account this overprogramming allowance. However, noting that we are increasing the amount of Investment Programme spend in this Plan by £225m and that some of that spend is on projects which are more likely to suffer delays (e.g. because of the need to obtain powers) we have increased that overprogramming allowance by £50m.
- 3.10 Overall the cost pressures and new projects (detailed in **section 4** below) have been able to be managed, keeping within the funding levels agreed with the DfT in the five-year settlement agreed in 2004 (as amended for additional grants for London Overground). However, TfL's level of general reserves has been reduced to the absolute minimum levels considered prudent.

4. KEY CHANGES IN THE PROPOSED BUSINESS PLAN

- 4.1 Through the challenge process described in section 3, savings and additional income have been identified. In the current year, additional income and savings in operating costs are also now forecast. These additional funds, along with savings identified at the end of 2005/06, have been transferred into reserves and these funds are then available for use over the remaining plan period.

London Overground

- 4.2 TfL will take over responsibility from the DfT in November 2007 for the Silverlink Metro (to be known as the **London Overground**). This will enable TfL to deliver a number of improvements, including additional customer service, policing and security staff, Oyster ticketing, increased Gospel Oak-Barking services from 2008, and new trains from early 2009. The East London Line extension to Dalston in the north and West Croydon/Crystal Palace in the south will open in 2010 and will integrate with NLR services, resulting in a significant step towards delivering an orbital railway.

London Underground improvements

- 4.3 **Step-free access-** the Business Plan includes an increase in the number of London Underground stations with step-free access from platform to train, in line with the commitment announced at the Disability Capital Conference in March 2006. London Underground is committed to delivering step-free access from platform to street at 25 per cent of its stations by 2010 and 33 per cent by 2013. The 33 per cent of stations in 2013 will form a Foundation Network, which will allow passengers to reach any zone 1 station either by a single Tube journey to a station with step-free access, or a single accessible bus journey, or a combination of one tube and one bus journey.
- 4.4 **Timetable changes-** the plan includes provision for half-hour later running on Friday and Saturday nights from May 2007 onwards, offset by one hour later starts on Saturdays. This follows public consultation and is in line with the Mayor's wish to provide later weekend trains. Other timetable improvements include increased off-peak Central and Bakerloo line services from late 2006 and more off-peak Victoria and Jubilee line trains in 2007.
- 4.5 **Tunnel cooling-** the first groundwater experimental cooling trial is now operational at Victoria station. Funding for additional trials and development of tunnel cooling at other locations has been included in the Plan.
- 4.6 **Staff accommodation-** improvements at a number of locations are planned, including provision of adequate female changing and toilet facilities, and to plan for increased numbers of train drivers following line upgrades.

Streets schemes

- 4.7 **Public realm schemes-** the construction of Parliament Square 'World Squares' scheme has been added to the Plan which will improve pedestrian and cycle facilities. Development of the Tottenham Hale Gyratory/Interchange and Victoria Embankment schemes has also been added to the Plan.
- 4.8 **Bridge and Tunnel safety schemes-** to reflect delivery capability there have been a rephrasing of part of this programme, covering a number of locations on

the TLRN. The works on Rotherhithe Tunnel and main works on Upper Holloway Bridge has been rephased to commence in 2010/11, and new to the programme in the plan period is the repair and refurbishment of the A316 Country Way elevated structures.

- 4.9 **Traffic Control systems-** the plan includes implementation of a new centralised traffic signal control system to replace obsolete technology that is 30 years old. The plan also includes improvements to the traffic signals in East London to support the Olympics.

Policing

- 4.10 An additional 375 **Police Community Support Officers** will be deployed across the transport network, deployed in mobile 'transport teams' in suburban areas and outer London boroughs. These new teams would be attached to Metropolitan Police (MPS) Borough Operational Command Units (BOCUs) with the MPS providing day-to-day supervision and management.
- 4.11 TfL has voluntarily adopted section 17 of the **Crime and Disorder Act 1998**, which means that the impact of all projects on crime and disorder is considered. This has been incorporated into plans.

Oyster on National Rail services

- 4.12 Launched in Summer 2003, the **Oyster Card** is now acknowledged as Europe's most advanced and widely used travel smartcard, with automatic top-up and pay-as-you-go options. Agreement has been reached with DfT for this to be extended to cover National Rail services in London and subject to implementation by the TOCs, will be extended progressively by the end of 2008. The recent award by the DfT of the South West Trains franchise included smart card ticketing as part of the franchise agreement, for example. TfL will be funding the capital investment of Oyster validators at National Rail stations.

Other items

- 4.13 **Accommodation-** The future accommodation strategy for TfL's offices has been incorporated into the Plan, which includes the moves to the 'Palestra' and the 'Shard of Glass.'
- 4.14 **Oxford Street Tram-** funding for the development of traffic management, new interchanges as Marble Arch and Tottenham Court Road and a tram along Oxford Street between Marble Arch and Tottenham Court Road has been included in the Plan;
- 4.15 **Cashless Bus-** the strategy has been deferred in this plan, but remains a longer term objective of TfL;
- 4.16 **Fares-** the plan reflects the fares changes announced for January 2007 which were less than that included in the October 2005 plan. This has been offset, in part, by increases in advertising income. No change to last year's plan has been made regarding January 2008, 2009 or 2010. The plan also includes the introduction of free bus travel for 16 and 17 year olds in full time education and free Underground travel at off-peak times for accompanied children under 11, both introduced earlier this year.

- 4.17 **Olympics** - We have also refined the TfL Olympic programme in conjunction with the ODA. A key area of concern is that funding from ODA sources are largely fixed but commitments are increasing as requirements become clearer.

5. SUSTAINABILITY PLAN

- 5.1 TfL has recently set-up a small Group Sustainability Unit to develop plans to embed sustainability into planning, projects and operations and to co-ordinate the efforts of the various business units. The structure of the Business Plan has been modified to include a Sustainability section which reflects the holistic emphasis of the environmental, economic and social aspects of transport.
- 5.2 **Climate change mitigation and adaptation** is being addressed in a number of ways. Three of the main items are:
- A climate change pump-priming fund will be created to fund additional CO₂ reduction measures which specifically contribute to the Mayoral objectives and targets on climate change (£25m has been included);
 - Extending the trial of hydrogen fuel cell buses;
 - Mandating the introduction of diesel-electric hybrid buses, providing that the hybrid buses currently on trial meet operational and environmental performance criteria.
- 5.3 **Walking & Cycling-** implementation of the London Cycle Network Plus is continuing, and 850km of the network will be completed by 2010. Other initiatives to encourage increased cycling include more cycle parking, cycle training for year 5 and 6 schoolchildren, and green corridor cycle routes such as alongside rivers. New crossings, crossing upgrades and widened footpaths will encourage more walking.
- 5.4 **Travel Demand Management-** Travel Demand Management (TDM) involves measures to change travel behaviour to get better use and higher value for users from the existing transport system and, in doing so, encourage more sustainable travel. There are two strands to this in the Plan- 'hard TDM' physical/pricing measures (largely the Congestion Charge, being extended westwards from February 2007), and 'soft TDM' measures, other measures seeking to change travel behaviour.
- 5.5 The first Sustainable Town Centre Scheme (for the years 2006 to 2009) is now underway in Sutton. The borough is working in partnership with TfL to encourage people to walk, cycle and use public transport, and will also explore other opportunities to reduce congestion, such as the expansion of car clubs and a cycle-hire scheme. A personalised travel planning pilot is planned for 2007/08, and there will be continuing development of workplace travel plans.
- 5.6 **Implementing sustainable procurement** - TfL is committed to the highest level of the GLA's Sustainable Procurement Policy. A number of procurement toolkits and updated procedures have been published. Good progress has been made in several of the themes, for example including:
- Supplier diversity (requirements included on the East London line main works contract, will be included on large procurements including the Thames

Gateway Bridge and Streets Term Maintenance contracts);

- Environmental sustainability (applying green procurement requirements to contracts such as the LUL advertising concession and purchasing A4 paper);
- London living wage (implemented on the bus station cleaning contract from October 2006);
- Fair trade (procurement onto TfL's purchasing systems);
- Reporting systems (to the GLA and to the LDA).

5.7 **Ensuring a diverse workforce** - TfL continues to give priority to creating a workforce that reflects the diversity of London. Group Equality and Inclusion will continue to facilitate improvements to workplace facilities and practices to ensure organisational culture is not a barrier to recruitment and retention.

5.8 **Door-to-Door Strategy** - the door-to-door strategy is in development. Additional funding has been included in the Plan to improve services.

5.9 **Safety** - Targets for reductions in road casualties have been exceeded, having fallen by 40 per cent compared with the late 1990s. The Plan reflects meeting the new higher Mayoral targets, to cut the number of people killed or seriously injured by 50 per cent by 2010 compared with the 1994-98 average.

5.10 **Health** - TfL's continued efforts to minimise air pollutants will benefit the health of Londoners. In 2004/05, it brought in a Health Improvement Plan for LU staff, which, over time, will be rolled out across the rest of TfL.

5.11 **Resilience** - Security arrangements have been strengthened to combat terrorism and fight crime. This includes TfL's continued focus on reassurance policing across the Underground and DLR as well as maintaining high levels of dedicated policing on the bus and road network.

6. FINANCING THE PLAN

6.1 The Plan remains fully funded, as the additional expenditure for new projects is counterbalanced by increased income, expenditure reductions, increased operational efficiencies or use of reserves. Recurring income continues to exceed recurring expenditure but by less than last year which emphasises that this is a tight but sound plan. **Table 1** below summarises the financial position and **Table 2** the relationship with the Investment Programme.

Table 1: Summary of TfL Business Plan

£m, cash prices	2005/06 actual	2006/07 forecast	2007/08	2008/09	2009/10	Total
Income	(2,880)	(3,097)	(3,397)	(3,597)	(3,779)	(16,750)
Operating Costs	4,995	5,359	5,705	6,006	6,317	28,382
Net Operating Expenditure	2,115	2,262	2,308	2,409	2,539	11,633
Capital Projects (net of over-programming)	713	735	1,240	1,579	1,258	5,525
Third Party Funding	(175)	(185)	(186)	(220)	(165)	(932)
Debt Service	10	58	70	106	151	396
Contingency	0	26	27	28	28	109
Net Expenditure	2,663	2,896	3,459	3,902	3,810	16,730
Working Capital and Reserve Transfers	103	109	(250)	(359)	(372)	(582)
Net Cash Required	2,767	3,005	3,210	3,543	3,438	15,962
Funded By:						
Total Transport Grant	2,196	2,389	2,598	2,781	2,826	12,790
Precept	20	12	12	12	12	68
Prudential Borrowing	550	604	600	750	600	3,104
Total Funding	2,767	3,005	3,210	3,543	3,438	15,962

Table 2: Relationship between the Business Plan and Investment Programme

£m	2005/06	2006/07	2007/08	2008/09	2009/10	Total
Investment Programme	2,207	2,398	2,872	3,157	2,948	13,582
Overprogramming	0	(63)	(165)	(173)	(204)	(605)
Net Investment	2,207	2,335	2,707	2,983	2,745	12,977
Less:						
Capital under PPP contracts	(1,007)	(1,094)	(909)	(838)	(909)	(4,756)
Capital under PFI contracts						
Payments to Operators/Borough	(488)	(506)	(558)	(566)	(578)	(2,696)
Capital Expenditure	713	735	1,240	1,579	1,258	5,525

Risks

- 6.2 The 5 year plan always assumed that reserves would be built up early in plan period to be drawn down by 2009/10. Reserves have increased with increased income, reduced operating costs and some capital underspends in previous years. Compared to last year's Plan, these increased reserves are now planned to be fully utilised to fund new TfL responsibilities and increased investment (including investment in London Overground, LU Power and tunnel cooling). The plan does retain a £103m General Reserve which is considered the minimum level required to retain for unforeseen events.
- 6.3 By increasing income assumptions and releasing specific reserves, there are clearly risks to delivery of the Plan if these assumptions are not met (e.g. economic downturn reduced fare income). However, TfL has a number of

mitigating factors to give the plan protection and provide the ability to review its position in future:

- Every capital project estimate includes a contingency allowance for identified risks;
- LU holds £254m in its risk budget over the Plan period for risks arising from the PPP/PFI contracts;
- Unallocated contingency of £83m in TfL is included in the Plan;
- Prudent provisions have been established for contractual and other claims;
- TfL maintains property damage (including terrorism risk) and liability insurance for claims over £2m & £250k respectively with an upper limit of £300m & £75m;
- The funding agreement with Government provides for grant review in the event of “unplanned and unforeseen expenditure pressures” (LU) or “exceptional unforeseen expenditure pressures” (TfL);
- The General Fund is available to meet short term pressures that cannot otherwise be mitigated by management action, contingency or other risk allowances. Past experience indicates a Fund of £100m should be sufficient.

6.4 Ultimately, TfL has a statutory duty to balance its budgets annually which will be done through use of these mitigating factors and reductions in expenditure if necessary. Decisions on the level of reserves have been made in the light of comments made by TfL’s external auditor in 2001, subsequent comments from the rating agencies, and CIPFA guidance (LAAP 55) and experience from significant unplanned events in the past such as 7/7.

Thames Gateway Bridge concession

6.5 The proposed Thames Gateway Bridge (TGB) will be procured as a PFI concession. Assuming favourable decisions from the relevant Secretaries of State following the Public Inquiry, opening of the bridge is anticipated in 2013. The TGB will be part funded through PFI credits from the Department for Transport (DfT). This funding requirement is £200m, which, after the application of the PFI credit formula, translates into a PFI credit requirement of £350m. It is envisaged that the TGB Scheme will be progressed on an off-balance sheet basis. As part of the conditions for the award of the PFI credits, it is proposed that TfL makes the following commitments to DfT:

- £350m is the full and final contribution from DfT for the TGB Scheme;
- the budget risk does not lie with DfT should the TGB Scheme come on balance sheet;
- the TGB Scheme will not be cancelled for balance sheet reasons once the procurement process has begun

7 CONSULTATION

7.1 Meetings have been held with the ALG TEC in March and July, and Borough Chief Executives over the spring/summer to engage on the content of the business plan. Emphasis was placed that this year’s plan is a continuation of the 2005/06 Business Plan, focusing on delivery of existing commitments, refined to reflect developments of the past year. Further engagement with them has been included in their autumn schedule of meetings.

7.2 In addition, TfL are coordinating outreach with the GLA for November. A series of meetings and workshops have been held with the London Business Board, ALG TEC, Union and Voluntary groups to discuss and gather views on TfL's planning activities including T2025 and further meetings are planned to discuss the content of the Business Plan. Key stakeholders will also be sent the Plan document with a covering letter after the Business Plan is approved by the TfL Board at the 25 October meeting.

8 RECOMMENDATIONS

The Board is asked to:

- APPROVE the TfL Business Plan 2005/06 – 2009/10 including the Sustainable Development Plan and delegate its finalisation and publication to the Managing Director, Finance and Planning, for submission to the GLA;
- APPROVE the commitments relating to the TGB Scheme as set out in section 6.5;
- NOTE that the final 2007/08 Budget will be presented in March 2007 for approval by the TfL Board, following the outcome of the GLA Budget process.

Finance and Planning
25 October 2006

TRANSPORT FOR LONDON

STAFF SUMMARY

TFL BOARD

SUBJECT: A406 North Circular Road Bounds Green to Green Lanes Safety and Environmental Improvements Scheme

MEETING DATE: 25 October 2006

Purpose

1. To recommend that the TfL Board resolve that:
 - 1.1 Amendments to the safety and environmental scheme at Bounds Green approved by the TfL Board in 2005 ("The 2005 Scheme"), be approved and the revised safety and environmental scheme ("The 2006 Scheme") be progressed and implemented, as illustrated in the attached Plan (Figure 1).
 - 1.2 Any additional land and properties required for the 2006 Scheme should be acquired by negotiation but that the Board agree in principle that TfL should make a Compulsory Purchase Order in case negotiations fail. The final decision to make and implement any Compulsory Purchase Order (including the settling of the detailed boundaries of the land and properties to be acquired), together with any related orders required to facilitate the 2006 Scheme, will be taken by the Managing Director, Surface Transport.
 - 1.3 TfL will liaise with the relevant Councils and local community as to the implementation of the revised scheme.

Background

2. At its meeting on 20 March 2003, the TfL Board ("the Board") endorsed a proposal to construct a minor safety and environmental improvement scheme at Bounds Green, comprising a dual two-lane roadway and widened at-grade junctions, known as the 2002 Scheme. Subsequently, the Mayor received strong representations in favour of implementing a larger scheme previously inherited from the Highways Agency.
3. At its meeting on 29 October 2003, the Board endorsed a proposal to apply to the government for additional funding for three "inherited" schemes on the A406 North Circular Road and to commence work on "appropriate environmental measures and other worthwhile short term work in Bounds Green, Regent's Park Road and Golders Green Road". The Board also resolved to take steps to retain the necessary safeguarding lines for the construction of the "inherited"

schemes, and to make any necessary amendments to the Business Plan to reflect the option endorsed by the Board.

4. At the meeting on 9 February 2005, the Board then resolved as follows:
 - 4.1 *TfL should not progress the major scheme for the A406 North Circular Road (between and including the junctions with the A109 Bounds Green Road and A105 Green Lanes), inherited from the Highways Agency ("the Inherited Scheme"), at this time, but that TfL should proceed with a smaller safety and environmental improvement scheme, based on a dual, predominantly two-lane roadway and widened at-grade junctions.*
 - 4.2 *Properties surplus to the requirements of the smaller safety and environmental improvement scheme at Bounds Green should be disposed of and a request made for the safeguarding, beyond the requirements of the smaller scheme, to be removed.*
 - 4.3 *The additional properties required for the smaller safety and environmental improvement scheme at Bounds Green should be acquired by negotiation but that the Board agrees in principle that TfL should make a Compulsory Purchase Order in case negotiations fail. The final decision to make, amend and implement any Compulsory Purchase Order (including the settling of the detailed boundaries of the land to be acquired) will be taken by the Managing Director, Surface Transport.*
 - 4.4 *TfL should engage with the relevant Councils and local community on the design and implementation of the smaller safety and environmental improvement scheme for the A406 at Bounds Green following the Board's decision.*
 - 4.5 *Further consideration will be given to options for improvement at Regent's Park Road and Golders Green Road.*

Justification for 2006 Scheme

5. The 2005 Scheme was developed primarily to address the urgent safety and environmental problems in the corridor. It was, however, designed to encompass sufficient land to accommodate a form of modest grade separation of existing signalled junctions, should these be determined as appropriate and affordable at a later date.
6. After further investigation, the design has been reviewed, and the current 2006 Scheme developed, requiring a smaller footprint. The scheme is regarded as the most appropriate scheme to pursue in the circumstances. The scheme addresses safety and environmental concerns identified, and is generally in line with current transport policy.

Benefits to Costs Analysis

7. Despite the smaller scheme footprint, the 2006 Scheme provides significant accident savings and environmental benefits not dissimilar to the 2005 proposals. It is expected the 2006 Scheme will reduce personal injury accidents by one-third; improve the efficiency of traffic flow through junctions; improve bus journey reliability; provide significant pedestrian and cycle improvements; upgrade lighting; and enhance the local environment through extensive landscaping and streetscape enhancements.
8. The benefit to cost ratio for the 2006 Scheme, based on accident savings and improvements to bus and bus passenger journey time reliability and general ambience, across the standard TfL 30-year evaluation timeframe, is currently estimated at 1.9 to 1. This includes a provision for some inevitable disruption to road users during the construction period. The 2006 Scheme is, therefore, financially sensible and provides good value for money.
9. The 2006 Scheme has a lower benefit to cost ratio than that of the 2005 Scheme. The 2005 Scheme's benefit to cost ratio included a significant amount of journey time benefits for general traffic. The objectives of the 2006 Scheme are focussed on safety and environmental benefits, including the encouragement of rat-running traffic in adjacent local roads back to the A406. Any journey time benefits to general traffic are considered both to be nominal and incidental to the core objectives of the 2006 Scheme, thus journey time savings are not included in the benefit/cost analysis.

Budget Provision

10. The spend profile for the 2006 iteration of the Bounds Green to Green Lanes safety and environmental improvement scheme is set out in the table below:

£m Out-turn	2004/ 05	2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10	2010/ 11	2011/ 12	Total Cost
	1.2	2.0	1.8	1.3	3.7	15.8	10.5	2.3	38.6

In addition, a further £3.9 million will be spent for the acquisition of additional properties and areas of land to construct the proposed scheme.

11. The budget originally set for Bounds Green was £25.4m, which included £2m towards borough traffic calming but excluded land acquisition and demolition costs, risk and contingency. The increased cost is primarily due to increased allowance for construction and to include for assessed risk and 20% contingency. Other increases are for statutory undertakers service diversions, detailed design and supervision activities.

Property

12. All properties purchased at Bounds Green were purchased by negotiation or under blight as no CPO was made for the scheme inherited from the Highways Agency. TfL has sought to minimise the footprint of the 2006 Scheme whilst continuing to achieve significant safety and environmental benefits. However,

the narrower footprint does not affect the Mayor's undertaking to relevant boroughs that property would not be disposed of that would prevent TfL pursuing an intermediate scheme in the future – Appendix 1 refers. A wide-ranging study of this North London corridor is contemplated which will inform future traffic and transport solutions.

13. Proposals are being prepared in connection with the 2006 Scheme which will facilitate redevelopment. These identify options and opportunities for redevelopment, and will inform the preparation of the Bounds Green Area Action Plan, which Enfield Borough Council are about to commence. The proposals will assist with noise mitigation to protect dwellings exposed by the demolition of property required for the scheme.
14. TfL currently owns 424 properties at Bounds Green, which consist of 367 residential units, 36 commercial units and 21 plots of land. Based on internal inspections in the majority of cases, the Valuation Office Agency valued the Bounds Green portfolio at 1 April 2002 at £56.9 million. Group Property revalued the portfolio, by indexation rather than inspection and at 1 March 2006 prices, at £68.5 million.
15. In order to construct the 2006 Scheme, 9 properties in TfL ownership, consisting of 4 residential properties (5 units) and 5 commercial premises, will need to be demolished. Of the residential units affected, one is let to the London Borough of Enfield. The current design will also require the acquisition of 14 properties to be demolished, and 10 other areas of land. Exchange land will also be needed, which may also have to be compulsorily acquired, in relation to acquisition of public open space at Tewkesbury Terrace.
16. Much of the property fronting this part of the A406 has not had the benefit of proper investment and improvement for many years while uncertainty surrounding the improvement scheme continued. Implementation of the 2006 Scheme at Bounds Green, in conjunction with Enfield's Bounds Green Area Action Plan, when complete, will help to bring an end to uncertainty and create an environment where currently unusable accommodation could be refurbished and residual sites be redeveloped. Subject to planning consents, redevelopment provides an excellent opportunity for improvement in the quality of the built environment and public realm, together with housing opportunities for key workers and those on lower incomes.

Compulsory Purchase

17. Whilst it is hoped that the land and properties required for the 2006 Scheme will be acquired by agreement, it is recommended that the Board agrees, in principle, that TfL make a CPO in case negotiations are unsuccessful.
18. In resolving to make a CPO, TfL, as the acquiring authority, should consider whether the purposes of which it is making a CPO sufficiently justify interfering with the human rights of those with an interest in the land affected. In this respect regard should be had, in particular, to the provisions of Article 1 of the First Protocol of the European Convention on Human Rights and, in the case of a dwelling, to Article 8 of the Convention. (Article 1 makes provision for the protection of the rights of everyone to peaceful enjoyment of their possessions. This is on the basis that no one should be deprived of possessions except in

the public interest and subject to the relevant national and international laws. Article 8 provides generally for the protection of private and family life, home and correspondence. The rationale of this provision is that no public authority should interfere with these rights except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well-being of the country.)

19. As the acquiring authority, TfL should also consider, generally, whether there is a compelling case in the public interest for using its compulsory purchase powers.
20. Given the substantial public benefits which would arise from the implementation of the 2006 Scheme, in terms of accident savings and environmental improvements, the use of compulsory purchase powers is considered to be appropriate, notwithstanding the interference with some property rights.

Programme

21. The current programme estimates design work and statutory processes to be complete by October 2008 assuming objections and a public inquiry commencing in early 2008. Following these processes, and a successful outcome, the construction period would start in May 2009 and is estimated to be for a period of 22 months, with completion estimated in March 2011.
22. Risks to the programme primarily relate to the procurement of planning permission and the making and confirmation, where necessary, of orders to facilitate the scheme.

Local Borough Involvement

23. Enfield, Haringey and Barnet Borough Councils have been kept informed of progress on the development of the scheme throughout, and Enfield and Haringey are developing complementary traffic calming measures, funded by TfL, on their borough roads. Both have indicated a preparedness to work with TfL on the safety and environmental scheme, while noting a preference for a more substantive scheme involving grade-separation of existing signalled junctions. Barnet has indicated its opposition to the scheme on the grounds that it does not address transport requirements to support development in the borough.

Recommendations

24. It is recommended that the Board approve the following:
 - 24.1 Amendments to the safety and environmental scheme at Bounds Green, approved by the TfL Board in 2005 ("The 2005 Scheme"), be approved and the revised safety and environmental scheme ("The 2006 Scheme") be progressed and implemented, as illustrated in the attached Plan (Figure 1).
 - 24.2 Any additional land and properties required for the 2006 Scheme should be acquired by negotiation but that the Board agree in principle that TfL should make a Compulsory Purchase Order in case negotiations fail.

The final decision to make and implement any Compulsory Purchase Order (including the settling of the detailed boundaries of the land and properties to be acquired), together with any related orders required to facilitate the 2006 Scheme, will be taken by the Managing Director, Surface Transport.

- 24.3 TfL will liaise with the relevant Councils and local community as to the implementation of the revised scheme.

Peter Brown
Chief Operating Officer - Streets
Surface Transport

October 2006

Appendices:

- Appendix 1: Letter of 16 February 2005 from the Mayor to TfL's Commissioner advising of his commitment in relation to property disposal associated with the A406 at Bounds Green.
- Appendix 2: Comparative paper summarising the changes made to the Board approved 2005 scheme in developing the proposed scheme ("The 2006 Scheme").

Figures:

- Figure 1: Outline of "The 2006 Scheme"

Mayor's Office

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Minicom: 020 7983 4458
Web: www.london.gov.uk

Robert Kiley
Commissioner
Transport for London
Windsor House
42-50 Victoria Street
London SW1H 0TL

Our ref: MP/BM

Date:

16 FEB 2005

Dear Bob

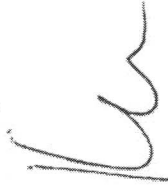
A406 North Circular Road – Bounds Green

As reported to the TfL Board on 9 February, I met with councillors and officers of Haringey, Enfield and Barnet on Thursday 3 February. I gave them an assurance that TfL would not dispose of any properties that would prevent TfL pursuing an intermediate scheme on the A406 at Bounds Green at a future date, subject to funding.

I also confirmed that I would ask you to review the surplus property related to the Bounds Green scheme and ascertain its suitability for the ODPM's first time buyers' initiative.

Please ensure that these commitments are taken into account in TfL's disposal programme.

Yours sincerely



Ken Livingstone
Mayor of London

Cc: Victor Lyon, Leader, London Borough of Barnet
Councillor Michael Rye, Leader, London Borough of Enfield
Councillor Charles Adje, Leader, London Borough of Haringey
Leo Boland, Chief Executive, London Borough of Barnet
Rob Leak, Chief Executive, London Borough of Enfield
David Warwick, Chief Executive, London Borough of Haringey

Appendix 2

FEATURES OF 2006 SCHEME

The 2006 Scheme itself will be constructed to a smaller footprint than the 2005 Board Approved scheme (“The 2005 Scheme”), in order to minimise demolition.

The 2006 Scheme requires the demolition of 23 properties, whereas the Board Approved scheme required 65, and many properties fronting the NCR will not now be demolished. Other properties currently sheltered from noise by these NCR fronting properties will therefore not become exposed to higher noise levels.

A pharmacy and dentist located at the Brownlow Road junction, which would be demolished under the 2005 Scheme are retained in the 2006 Scheme. This will be welcomed by the local community as the nearest alternatives are some distance away.

Similar regeneration opportunities arise with the 2006 Scheme as with the 2005 Scheme. These opportunities are the subject of a separate study.

The accident benefits of the 2005 Scheme are largely maintained in the 2006 Scheme.

The journey time benefits of the 2005 Scheme are not retained in the 2006 Scheme. However bus journey time reliability is maintained with the provision of bus lanes.

A406 Bounds Green
Schemes 2005/2006 Comparison

Item	2005 Scheme	2006 Scheme
ENGINEERING		
General	Central dividers	Reduced width with hatching in places
	Combination of shared and segregated cycleway/footway	Increased provision of segregated cycleway/footway
Bounds Grn Rd Jn.		
Lwr Maidstone Rd	Linked to Tewkesbury Terrace	Junction with A406 retained.
Tewkesbury Terrace	Linked to Lwr Maidstone Rd	Closed
Wilmer Way Jn.		
Bowes Rd (E/B)	Three Lanes	Two lanes
Brownlow Rd Jn.		
	Dentist & Chemist demolished	Dentist & Chemist retained
A406 E/B	2 Ahead 1 Ahead/Left 1 Ahead/Right	1 Ahead 1 Ahead/Left 1 Ahead/Right for buses on demand only
A406 W/B	3 Ahead 1 Left 1 Right	1 Ahead 1 Left 1 Right
Green Lanes Jn.		
A406 E/B Approach	Bus priority lane	Bus priority lane
SAFETY		
	One third accidents mitigated.	One third accidents mitigated.
ENVIRONMENTAL		
Air Quality	No significant change from existing but side road residents will benefit from displaced rat-running traffic.	No significant change from existing but side road residents will benefit from displaced rat-running traffic
Noise	Side road residents will benefit from displaced rat-running traffic.	Side road residents will benefit from displaced rat-running traffic. Reduced exposure to hinterland properties, compared with 2005 scheme, due to less property demolition.

A406 Bounds Green
Schemes 2005/2006 Comparison

Item	2005 Scheme	2006 Scheme
Landscape		No significant change but reduced width central reserve precludes tree planting.
Streetscape		No significant change.
PROPERTY		
Acquisition	18 Properties to be acquired	14 properties to be acquired, odd pieces of land
Demolition	65 Properties to be demolished.	23 properties to be demolished
Residual		
ECONOMICS		
Costs	44.4	38.6
Benefits		
Accidents	36.0	36.7
Time	37.3	0
Ambience	28.3	21.6
BCR	3.5:1	1.9:1
REGENERATION	Redevelopment opportunities arise.	No significant change.

TRANSPORT FOR LONDON

BOARD MEETING

SUBJECT: TfL GOVERNANCE STRUCTURES

MEETING DATE: 25 OCTOBER 2006

1. PURPOSE

The Commissioner's Report to the 20 September 2006 Board meeting explained that the Commissioner was discussing with Board Members a proposal for the establishment of two new panels. This report sets out proposals for the establishment of those panels and also addresses related issues for TfL governance arrangements and the Board cycle of meetings.

2. BACKGROUND

2.1. In addition to decisions delegated to the Commissioner, Chief Officers and other officers under Standing Orders, TfL operates with three types of governance entities:

- the Board;
- Committees; and,
- the Rail, Surface and Underground Panels.

2.2. Under the revised Standing Orders agreed at the 20 September Board meeting, the Board and Finance Committee must meet at least six times a year, whilst the Audit Committee, the Safety, Health and Environment Committee and the three panels must meet at least four times a year. The Remuneration Committee must meet at least once a year.

2.3. The Commissioner reports to the Board at every meeting providing an overview of major issues and developments and updating the Board on significant projects and initiatives. The Board also receives a detailed Operational, Financial and Investment Programme Report every quarter. This report is considered by the Finance Committee before it goes to the Board and the Finance Committee exercises a similar scrutiny role across the range of Board reserved decision making matters.

2.4. Each Panel receives a detailed modal Managing Director's report at each meeting. Safety, health and environmental matters are monitored through SHEC, on behalf of the Board. TfL also has an Audit Committee.

2.5. Board Member involvement in the business planning and strategic process such as T2025 has tended in the past to involve a combination of

away day presentation(s) to the whole Board with presentations to each Panel and to the Finance Committee.

3. PANEL ARRANGEMENTS

3.1. Possible improvements could be considered as follows:

- the Panels could be combined for the purpose of considering the budget and business plan – this would ensure that cross-modal perspectives were fully brought to bear on those documents;
- an informal Board seminar could be scheduled for September, in line with the business plan process. This would also provide an opportunity for Member and Adviser input to longer term direction, such as T2025. The seminar would be run by Secretariat and would provide an opportunity to discuss the business plan with Board Members and Advisers at a formative stage without the constraints of a formal Board meeting.

3.2. Even though the September seminar would be informal, Board Members would be in attendance to constitute a quorum if any urgent formal business needed to be conducted following the summer break. Replacement of the formal September Board meeting would also provide more flexibility in scheduling Finance Committee meetings and the process could be facilitated by the Board making appropriate delegations to the Finance Committee to take defined urgent decisions during the “summer recess”. Special additional Board Meetings could also be called throughout the year if required.

3.3. If the Panels were combined for the purpose of the budget and business plan, this would involve each Panel meeting four times a year, as now, but with three modal meetings and one joint cross-modal meeting. Combining the Panels for consideration of the budget and business plan would reduce this to ten meetings.

4. NEW PANELS

4.1. The Commissioner’s Report to the 20 September 2006 Board meeting explained that the Commissioner was discussing with Board Members a proposal for the establishment of two new panels – one to provide a similar level of scrutiny for corporate directorates (where the issues are not covered by another governance entity) and the other to provide a forum for discussion of longer term strategic/planning issues.

4.2. Draft terms of reference for these are attached as Appendix 1 to this report. The purpose of the “Corporate Panel” is to advise and assist the Commissioner with issues relating to TfL Corporate Directorates. This could cover services and issues such as:

- Group IM
- Group HR / HR Shared Services
- Equalities and Inclusion
- Group Procurement
- Group Property and Facilities
- GLA/Functional Body convergence issues

- Legal Outsourcing
- FOI / Data Protection
- Group Communications
- Press Relations
- Public Affairs
- Assembly Liaison
- Borough Partnerships
- Stakeholder engagement
- Group Marketing
- Customer Services Integration Plan (CSIP)
- Corporate Values
- Websites

4.3. Looking back over recent months, this Panel would have been expected to consider issues such as the accommodation strategy, sustainable procurement and the “Your TfL” campaign. It would also provide an appropriate forum for the consideration of issues and proposals from the work which is currently being undertaken on further cross-Group working and convergence between the GLA and its associated Functional Bodies including TfL.

4.4. The “Strategic Planning Panel” could cover issues such as:

- TfL’s input into the Mayor’s Transport Strategy
- T2025
- Crossrail
- Olympics
- new major projects

4.5. Looking back over recent months, this Panel would have been expected to consider strategy issues arising from projects such as Stratford Regional Station, Thames Gateway Bridge, Low Emissions Zone and West London Tram but would not consider contractual or project specific funding issues.

4.6. Establishment of two new panels would involve six additional business meetings each year, allowing for the Strategic Planning Panel meeting less frequently – say twice a year. Under the existing panel arrangements, this would bring the total number of Panel meetings each year to 18. However, under the approach of combining panels for the budget and business plan, including the Corporate Panel but not the Strategic Planning Panel, the total number of Panel meetings would be 15.

5. BOARD MEETINGS

5.1. Replacement of the September formal Board meeting would still allow six meetings per year, in line with the minimum meetings requirement under Standing Orders, based on meetings in:

- mid/late October (formal – business plan);
- early December (formal);
- early February (formal);

- late March/ early April (formal - budget);
- mid May (formal);
- late June (formal – annual accounts);
- mid September (informal – seminar).

5.2. The combined Panel meeting would feed into the October Board meeting. Modal Panel meetings would then be arranged around this core framework. Combined Panel meetings would, of course, involve all chief officers. The pattern of Committee meetings would remain unchanged, except that Finance Committee meetings would be brought into line with the new pattern of Board meetings. The proposed cycle of Board, Committee and Panel meetings is shown in the table in Appendix 2.

6. COMMITTEE AND PANEL MEMBERSHIP

6.1. If the Board was minded to agree the recommendations proposed in this paper then there would be a need to agree membership of the new Panels. A possible allocation of Members and Advisers to Committees and Panels is shown in Appendix 3.

6.2. The allocations broadly follow existing membership for the existing Committees and Panels. The main changes are to establish the composition of the Corporate and Strategic Planning Panels and some other minor changes mainly to clarify the role of the Deputy Chair of Panels.

7. RECOMMENDATION

7.1. That the Board:

- **APPROVES** the establishment of two new panels, with the terms of reference set out in Appendix 1;
- **APPROVES** a pattern of six formal Board meetings each year, plus an informal Board seminar to be held during September;
- **APPROVES** a cycle of Committee and Panel meetings as set out in Appendix 2;
- **AGREES** the proposed composition of Committees and Panels set out in Appendix 3.

Draft Terms of Reference

CORPORATE ADVISORY PANEL

Membership

Chair : Peter Hendy

Vice Chair :

Members :

Advisers :

In attendance: With the Chair's agreement other persons can attend all or any part of a meeting.

Secretary : To be agreed by the Board Secretary.

Quorum : 3 members

Frequency of meetings

1. The Panel shall meet at least 4 times a year or at such greater frequency as determined by the Chair.

Terms of Reference

2. The Panel will advise and assist the Commissioner with issues relating to TfL corporate matters and in particular, the following -
 - (a) overseeing the development of TfL's approach in relation to corporate matters, reflecting the Mayor's transport and other strategies;
 - (b) monitoring cross modal application of corporate matters including policies, accommodation, employment practices, equality and inclusion and Information Management;
 - (c) monitoring the TfL corporate components of TfL's Business Plan and Budget proposals;
 - (d) supplementary monitoring of the development and implementation of projects as agreed by the Commissioner;
 - (e) evaluating overall business performance and reviewing Best Value plans and performance indicators in relation to corporate management;
 - (f) monitoring TfL's approach to external communications and stakeholder relations;
 - (g) monitoring the development and implementation of the GLA group convergence framework.

Equalities and inclusion

3. In carrying out its Terms of Reference the Panel will give due regard to the principle of equal opportunity for all people. In particular it will seek to promote equality of opportunity, good relations between different groups, eliminate unlawful discrimination and provide accessible transport for all.

STRATEGIC PLANNING ADVISORY PANEL

Membership

Chair : Peter Hendy

Vice Chair :

Members :

Advisers :

In attendance: With the Chair's agreement other persons can attend all or any part of a meeting.

Secretary : To be agreed by the Board Secretary.

Quorum : 3 members

Frequency of meetings

1. The Panel shall meet at least twice a year or at such greater frequency as determined by the Chair.

Terms of reference

2. The Panel will advise and assist the Commissioner with issues relating to TfL corporate matters and in particular, the following -
 - (a) Supervise continuing development of TfL's strategic objectives;
 - (b) Monitor implementation of strategic objectives;
 - (c) Monitor strategic development of TfL access, inclusion and transport equality strategies;
 - (d) Monitor strategic involvement of engagement with boroughs, businesses and other stakeholders;
 - (e) Monitor integration of transport strategy and plans with other Mayoral, national and international strategies and frameworks for transport and related issues such as sustainability;
 - (f) Monitor development of TfL ticketing strategies; and
 - (g) Monitor strategic development of integration of different transport modes.

Equalities and inclusion

3. In carrying out its Terms of Reference the Panel will give due regard to the principle of equal opportunity for all people. In particular it will seek to promote equality of opportunity, good relations between different groups, eliminate unlawful discrimination and provide accessible transport for all.

APPENDIX 2

Meeting Frequencies of the Board, Committees and Panels

	Q4	Q1	Q2	Q3
Board	X	XX	X	XX
Remuneration		X		X
Finance	X	XX	X	XX
SHEC	X	X	X	X
Audit	X	X	X	X
Strategic Planning		X		X
Corporate	X	X	one combined meeting	X
Underground	X	X		X
Surface	X	X		X
Rail	X	X		X

APPENDIX 3

Board Member and Special Advisers Membership of Committees and Panels

	Audit	Fin	SHEC	RemCom	RTAP	UAP	SAP	CAP	SPP
<u>Board Members</u>									
Ken Livingstone				X(Ch)					
Honor Chapman		X				X			X
Stephen Glaister		X				X(Dep Ch)			X
Kirsten Hearn			X		X	X	X	X	
Sir Mike Hodgkinson	X	X(Ch)		X					
Judith Hunt	X(Ch)	X						X(Dep Ch)	
Eva Lindholm		X			X				X
Paul Moore			X		X(Dep Ch)		X		
Sir Gulam Noon				X					
Patrick O’Keeffe	X						X		
Dabinderjit Singh Sidhu	X					X		X	
Tony West			X		X	X	X		
Dave Wetzel			X(Ch)				X(Dep Ch)		X(Dep Ch)
<u>Special Advisers</u>									
Bryan Heiser					X	X	X		
Murziline Parchment	X					X			
Lynn Sloman							X	X	
Lord Tony Harris			X			X	X		

TRANSPORT FOR LONDON

TfL BOARD

**SUBJECT: PROPOSED TRANSPORT FOR LONDON
(SUPPLEMENTAL TOLL PROVISIONS) BILL**

MEETING DATE: 25 OCTOBER 2006

1. Purpose

- 1.1 The purpose of this report is to ask Board members to approve the promotion of the Transport for London (Supplemental Toll Provisions) Bill (“the Bill”) for deposit in Parliament on 27 November 2006.

2. Background

- 2.1 Under section 167 of the Greater London Authority Act 1999 (the “GLA Act”) TfL has the power to promote private bills in Parliament. Private bills must be deposited in Parliament on 27 November each year.
- 2.2 Pursuant to TfL’s Standing Order No. 2, paragraph 4.2(j), approval of the promotion of a private bill is a matter reserved to the Board (subject to obtaining the consent of the Mayor as required by the GLA Act).
- 2.3 Under the New Roads and Street Works Act 1991 TfL may make a toll order which may be subsequently confirmed by the Secretary of State. Such a toll order confers powers on TfL to impose a toll. Under the New Roads and Street Works Act 1991 tolls are collected through the use of toll plazas with barriers prohibiting the use of the road unless the toll has been paid. In addition, criminal sanctions enforced through the Courts are imposed for the non-payment of tolls.
- 2.4 However, in relation to the collection and enforcement of such tolls, TfL wish to have recourse to the more sophisticated mechanisms which do not require the use of toll plazas or barriers and which allow traffic to flow freely similar to those mechanisms used to collect and enforce the Congestion Charging Scheme. Such collection and enforcement mechanisms include flexible payment options, escalating penalty charges and the use of Automatic Numberplate Recognition Technology.

- 2.5 The Bill aims to provide TfL with supplementary powers in relation to the collection, recording, refunding, payment and enforcement of tolls in circumstances where TfL has made (and the Secretary of State has confirmed) a toll order pursuant to the New Roads and Street Works Act 1991.
- 2.6 The Bill provides that in circumstances where TfL has made (and the Secretary of State has confirmed) a toll order under the New Roads and Street Works Act 1991, TfL may make a further Order allowing for the collection and enforcement of that toll. Such an Order must be confirmed by the Mayor who is required to consult the Secretary of State prior to confirming the Order.
- 2.7 The powers proposed by the Bill could be used for any project where TfL has made (and the Secretary of State has confirmed) a toll order pursuant to the New Roads and Street Works Act 1991. The only current toll order which has been made by TfL is in respect of the Thames Gateway Bridge.
- 2.8 Appendix 1 to this report contains the Bill. The Bill has been drafted by TfL's Parliamentary Agents in accordance with Parliamentary drafting practices.

3. Process

- 3.1 The GLA Act sets out the process that must be followed and requires that TfL consult all boroughs, the Mayor and the London Assembly on any draft Bill it proposes to deposit in Parliament. TfL also consults other relevant stakeholders.
- 3.2 Board members were notified of TfL's intention to commence consultation on the Bill and TfL commenced consultation on 23 August 2006. Appendix 2 to this report contains a list of those organisations consulted.
- 3.3 Consultation on the Bill closed on 13 October 2006. TfL received eleven responses to the consultation. Appendix 3 to this report contains a list of those organisations that provided a response to the consultation. Additionally, the Association of London Government and the Disabled Persons Transport Advisory Committee have advised TfL that their responses to the consultation would be forwarded shortly.
- 3.4 The consultation responses covered a range of issues including the imposition of tolls on borough roads, the consultation process TfL must undertake when making a toll order under the New Roads and Street Works Act 1991 and requesting exemptions from tolls for specific vehicles. TfL is currently considering the issues raised during consultation and will provide a written response to those organisations who responded to the

consultation. Once consultation responses have been considered, any necessary amendments will be made to the Bill before it is deposited in Parliament.

- 3.5 The Mayor must also consent to the Bill after consulting the Assembly and confirm that consent once the Bill is deposited in Parliament. The process of obtaining the Mayor's consent to the deposit of the Bill has been commenced.
- 3.6 It is recommended that Howard Carter, General Counsel, is given delegated authority to amend the Bill to make any amendments considered appropriate once the final analysis of the consultation is undertaken and should it be appropriate to amend the Bill during the Parliamentary process.

4 Recommendation

The TfL Board members are asked to:

- (a) APPROVE the promotion of the Transport for London (Supplemental Toll Provisions) Bill for deposit in Parliament on 27 November 2006; and
- (b) DELEGATE authority to Howard Carter, General Counsel, to make amendments to the Transport for London (Supplemental Toll Provisions) Bill and to deposit the Transport for London (Supplemental Toll Provisions) Bill in Parliament and make amendments to the Bill during the Parliamentary process.

Proposed Transport for London (Supplemental Toll Provisions) Bill

CONTENTS

PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Authority functions exercisable by the Mayor

SUPPLEMENTAL TOLL PROVISIONS ORDERS

4. Supplemental toll provisions orders
5. Making a supplemental toll provisions order
6. Contents of a supplemental toll provisions order
7. Disapplication of provisions of 1991 Act
8. Reserve powers of Secretary of State
9. Duration of supplemental toll provisions orders
10. Variation and revocation of supplemental toll provisions orders

EQUIPMENT

11. Installation of equipment on roads or elsewhere
12. Approval of equipment

EXCLUSIONS

13. Exclusions for motor vehicles not on roads or public off-street parking places within Greater London

OFFENCES

14. Offences relating to payment of tolls or penalty charges
15. Obstruction of exercise of powers

SUPPLEMENTARY AND MISCELLANEOUS

16. Expenses and arrangements
17. Guidance by Authority
18. Information
19. Crown application
20. Amendment of 2006 Act

SCHEDULE: Provision which may be made by a supplemental toll provisions order

A

B I L L

To confer further powers upon Transport for London; and for related purposes.

WHEREAS —

- (1) It is expedient that the powers of Transport for London should be extended and amended as provided in this Act:
- (2) It is expedient that further provision be made in relation to the manner in which tolls chargeable under toll orders made by Transport for London under the New Roads and Street Works Act 1991 (c.22) (“TfL toll orders”) are charged, collected, recorded, refunded and paid:
- (3) It is expedient that provision be made enabling the imposition of penalty charges in respect of acts, omissions, events or circumstances relating to or connected with a TfL toll order:
- (4) It is expedient that further provision be made in connection with the operation and enforcement of a TfL toll order:
- (5) It is expedient that provision be made for the imposition of offences for acts and omissions in connection with a TfL toll order:
- (6) It is expedient that Transport for London should have powers for the removal, immobilisation or destruction of motor vehicles in relation to the non-payment of penalty charges imposed in connection with a TfL toll order:
- (7) It is expedient that the provisions contained in this Act should be enacted:

- (8) The purposes of this Act cannot be effected without the authority of Parliament:
- (9) In relation to the promotion of the Bill for this Act Transport for London has complied with the requirements of section 167 of and Schedule 13 to the Greater London Authority Act (c.29):

May it therefore please your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PRELIMINARY

1 Citation and commencement

This Act may be cited as the Transport for London (Supplemental Toll Provisions) Act 2006 and shall come into operation at the end of the period of two months beginning with the date on which it is passed.

2 Interpretation

- (1) In this Act—

“the 1991 Act” means the New Roads and Street Works Act 1991 (c.22);

“the 1999 Act” means the Greater London Authority Act 1999 (c.29);

“the 2006 Act” means the London Local Authorities and Transport for London Act [2006];

“the Authority” means the Greater London Authority;

“immobilisation device” has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984 (c.27);

“Mayor” means Mayor of London;

“penalty charge” has the same meaning as in paragraph 6 of the Schedule to this Act;

“prescribed” means prescribed by a supplemental toll provisions order;

“registered keeper”, in relation to a toll or penalty charge imposed in respect of a motor vehicle, means the person in whose name the vehicle was registered under the Vehicle Excise and Registration Act 1994 (c.22) at the time of the act, omission, event or circumstances in respect of which the toll or penalty charge is imposed;

“road” has the meaning given by section 142(1) of the Road Traffic Regulation Act 1984 (c.27);

“supplemental toll provisions order” has the meaning given by section 4(3);

“traffic sign” has the meaning given by section 64 of the Road Traffic Regulation Act 1984 (c.27) but also includes signposts and other signs and notices included in that term by section 71(2) of that Act;

“TfL” means Transport for London;

“TfL charging scheme” means a charging scheme within the meaning given by paragraph 1(1) of Schedule 23 to the 1999 Act made by TfL; and “TfL toll order” means an order made by TfL under section 6 of the 1991 Act.

- (2) In this Act “the TfL toll order” and “tolls”, in relation to a supplemental toll provisions order, means the TfL toll order in respect of which the supplemental toll provisions order makes provision and the tolls chargeable under that TfL toll order.
- (3) References in this Act to functions under a supplemental toll provisions order include references to functions under the TfL toll order.
- (4) For the purposes of this Act “motor vehicle” has the meaning given in section 185(1) of the Road Traffic Act 1988 (c.52).

3 Authority functions exercisable by the Mayor

Any functions conferred or imposed on the Authority by or under this Act are exercisable by the Mayor acting on behalf of the Authority.

SUPPLEMENTAL TOLL PROVISIONS ORDER

4 Supplemental toll provisions orders

- (1) Where TfL has made a TfL toll order, TfL may make a further order making provision for, or in connection with, the tolls charged under the TfL toll order.
- (2) The power of TfL to make a supplemental toll provisions order may be exercised before as well as after the TfL toll order has been confirmed by the Secretary of State under section 6(2) of the 1991 Act.
- (3) An order made under this section is referred to in this Act as a supplemental toll provisions order.

5 Making a supplemental toll provisions order

- (1) A supplemental toll provisions order made by TfL must be submitted to, and confirmed (with or without modification) by, the Authority.
- (2) A supplemental toll provisions order shall be in such form as the Authority may determine.
- (3) The Authority may—

- (a) consult, or require TfL before making a supplemental toll provisions order to consult, other persons;
 - (b) require TfL to publish its proposals for a supplemental toll provisions order and to consider objections to the proposals;
 - (c) make modifications to a supplemental toll provisions order, whether in consequence of any objections or otherwise, before the order takes effect;
 - (d) require TfL to publish notice of a supplemental toll provisions order and of its effect; and
 - (e) require TfL to place and maintain, or cause to be placed and maintained, such traffic signs in connection with a supplemental toll provisions order as the Authority may determine.
- (4) The Authority may notify the Secretary of State under section 8 (Reserve powers of Secretary of State) of its intention to confirm a supplemental toll provisions order before the TfL toll order is confirmed by the Secretary of State under section 6(2) of the 1991 Act but shall not confirm the supplemental toll provisions order (with or without modification) until the TfL toll order has been confirmed by the Secretary of State under that section.

6 Contents of a supplemental toll provisions order

- (1) Without prejudice to the generality of section 4(1) (Supplemental toll provisions orders), the provision which may be made by a supplemental toll provisions order includes that set out in the Schedule to this Act (Provision which may be made by a supplemental toll provisions order).
- (2) Without prejudice to the generality of section 4(1) (Supplemental toll provisions orders) and notwithstanding any provision in the 1991 Act, a supplemental toll provisions order may make provision requiring tolls charged in respect of any motor vehicle under the TfL toll order (including penalty charges imposed in respect of any motor vehicle) to be paid—
- (a) by the registered keeper of the motor vehicle; or
 - (b) in prescribed circumstances, by such person as is prescribed.
- (3) In addition to, or instead of, setting out provisions in the order a supplemental toll provisions order may provide that any specified provisions of—
- (a) Schedule 23 to the 1999 Act;
 - (b) the Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (S.I. 2001/2285), the Road User Charging

(Enforcement and Adjudication) (London) Regulations 2001 (S.I. 2001/2313) or any other regulations made under Schedule 23 to the 1999 Act; or

- (c) any TfL charging scheme,

shall have effect in relation to the TfL toll order and the tolls as they have effect in relation to a TfL charging scheme and the charges imposed under it subject to such modifications as may be prescribed.

- (4) Where a supplemental toll provisions order applies any provision mentioned in subsection (3), the order may provide that if the provision is subsequently varied, amended or revoked, the provision shall have effect in relation to the TfL toll order and the tolls as so varied or amended or, as the case may be, shall cease to have effect in relation to the TfL toll order and the tolls.

7 Disapplication of provisions of 1991 Act

Where a supplemental toll provisions order is made by TfL and confirmed by the Authority, sections 14 and 15 of the 1991 (which make provision relating to the collection and enforcement of tolling under that Act) shall cease to have effect in relation to the TfL toll order.

8 Reserve powers of Secretary of State

- (1) Where the Authority propose to confirm a supplemental toll provisions order, the Authority shall before confirming the order send a copy of the order to the Secretary of State and notify him of their intention to confirm it.
- (2) Without prejudice to section 5(4), the Authority shall not confirm the supplemental toll provisions order until after the expiry of—
- (a) the period of—
- (i) one month beginning with the day on which the notification is given, or
- (ii) 14 days beginning with the day on which the TfL Toll Order is confirmed by the Secretary of State,
- whichever is the later; or
- (b) such shorter period as the Secretary of State may allow.
- (3) If, before the expiry of that period, the Secretary of State gives notice that he objects to any provision in the order conferring a power on TfL or creating an offence on the grounds that that power is excessive or the offence is unreasonable, that provision shall not come into force unless and until the objection has been withdrawn.

- (4) The Secretary of State may not object to any provision in a supplemental toll provisions order if it is substantially the same as a provision for the time being having effect for the purposes of a TfL charging scheme whether that provision is contained in the 1999 Act, in any regulations made under it or in a TfL charging scheme.
- (5) Where a provision in a supplemental toll provisions order may not come into force by virtue of subsection (3), the Authority shall confirm the order subject to (in addition to any other modifications made under section 5(1)), the omission of that provision and such other modifications as appear to the Authority to be required in consequence of that omission.

9 Duration of supplemental toll provisions orders

Subject to section 10 (Variation and revocation of supplemental toll provisions orders), a supplemental toll provisions order shall remain in force—

- (a) for as long as tolls are chargeable under the TfL toll order; and
- (b) after tolls cease to be so chargeable, for as long as may be required to collect and enforce tolls which were properly charged under the TfL toll order.

10 Variation and revocation of supplemental toll provisions orders

The power to make a supplemental toll provisions order includes power to vary or revoke such an order; and section 5 (making a supplemental toll provisions order) (apart from subsection (3)(e)) applies in relation to the variation or revocation of a supplemental toll provisions order as it applies to the making of such an order.

EQUIPMENT

11 Installation of equipment on roads or elsewhere

- (1) TfL may—
 - (a) install and maintain, or authorise the installation and maintenance of, any equipment; or
 - (b) construct and maintain, or authorise the construction and maintenance of, buildings or other structures,

used or to be used in connection with the operation or enforcement of a TfL toll order or a supplemental toll provisions order.

- (2) TfL may enter any land, and exercise any other powers which may be necessary for placing and maintaining, or causing to be placed and maintained, traffic signs in connection with a TfL toll order or a supplemental toll provisions order.

12 Approval of equipment

- (1) No equipment which is used in connection with the operation or enforcement of a TfL toll order or a supplemental toll provisions order and is of a description specified in a direction under this paragraph given by the Authority to TfL may be used in connection with a TfL toll order or a supplemental toll provisions order unless the equipment is of a type approved by the Authority.
- (2) Where the Secretary of State considers that—
 - (a) equipment of any particular description used in connection with a TfL toll order or a supplemental toll provisions order (“the non-standard equipment”) is incompatible with a national standard for equipment of that or any other description; and
 - (b) the incompatibility is detrimental to the interests of persons resident in England outside Greater London,he may give notice of that fact to the Authority.
- (3) Where the Secretary of State has given notice under subsection (2) to the Authority, the non-standard equipment may no longer be used in connection with a TfL toll order or a supplemental toll provisions order except with the authorisation of the Secretary of State.
- (4) Any authorisation under subsection (3) may be given subject to conditions.
- (5) Any authorisation under subsection (3), and any conditions under subsection (4), may be varied or revoked.
- (6) In this paragraph “national standard” means any standard approved by the Secretary of State by regulations made under section 176(2) of the Transport Act 2000 (c.38).

EXCLUSIONS

13 Exclusions for motor vehicles not on roads or public off-street parking places within Greater London

- (1) A supplemental toll provisions order may not authorise or require—

- (a) the examination, for any purpose relating to or connected with a TfL toll order or the supplemental toll provisions order, of a motor vehicle at a time at which the vehicle is not on a London road or a London public off-street parking place; or
 - (b) the fitting of an immobilisation device to, or the removal of, a motor vehicle at a time at which the vehicle is not on a London road or a London public off-street parking place.
- (2) A supplemental toll provisions order may not authorise TfL to enter a London public off-street parking place for the purpose of exercising any powers conferred on TfL by this Act or by the supplemental toll provisions order to examine, enter, immobilise or remove any vehicle without obtaining the prior consent of the operator.
- (3) A supplemental toll provisions order may provide that, for the purposes of subsection (2), an operator's consent may be given to enter a London public off-street parking place—
 - (a) on a specific occasion; or
 - (b) generally.
- (4) A supplemental toll provisions order may provide that an operator's consent required under subsection (2) is not to be unreasonably withheld.
- (5) A supplemental toll provisions order may provide that consent to enter a London public off-street parking place on a specific occasion shall be deemed to have been given for the purposes of subsection (2) if—
 - (a) TfL has served a notice on the operator asking for consent to enter on that occasion; and
 - (b) the operator fails within 7 days of the service of the notice to give TfL notice of his consent or his refusal to give it.
- (6) In this section—
 - (a) "London public off-street parking place" means a place in Greater London, whether above or below ground and whether or not consisting of or including buildings, where off-street parking accommodation is made available by a local authority or any other person to the public (whether or not for payment);
 - (b) any reference to the operator of such a parking place is a reference to the local authority or other person making such parking accommodation at the parking place so available;

- (c) any reference to a London road is a reference to a road in Greater London; and
- (d) "local authority" has the same meaning as in the Local Government Act 1972 (c.70).

OFFENCES

14 Offences relating to payment of tolls or penalty charges

- (1) A person who, with intent to avoid payment of a toll chargeable under a TfL toll order or with intent to avoid being identified as having failed to pay such a toll—
 - (a) interferes with any equipment used for or in connection with tolling under the TfL toll order; or
 - (b) causes or permits the registration plate of a motor vehicle to be obscured,is guilty of an offence.
- (2) A person who makes or uses any false document with intent to avoid payment of, or being identified as having failed to pay, a toll chargeable by a TfL toll order or a penalty charge under a supplementary toll provisions order is guilty of an offence.
- (3) A person guilty of an offence under subsection (1) or (2) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.
- (4) A person is guilty of an offence if he removes a penalty charge notice which has been fixed to a motor vehicle in accordance with provision made by a supplemental toll provisions order unless—
 - (a) he is the registered keeper of the vehicle or a person using the vehicle with his authority; or
 - (b) he does so under the authority of the registered keeper or such a person or of TfL.
- (5) A person guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

15 Obstruction of exercise of powers

- (1) A person who intentionally obstructs a person exercising any power conferred on him by provision made by a supplemental toll provisions order

by virtue of paragraph 12 of the Schedule to this Act is guilty of an offence.

- (2) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.
- (3) A person who removes or interferes with an immobilisation notice in contravention of provision made by a supplemental toll provisions order by virtue of paragraph 14 of the Schedule to this Act is guilty of an offence.
- (4) A person guilty of an offence under subsection (3) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) A person who removes or attempts to remove an immobilisation device fixed to a motor vehicle in accordance with provision made by a supplemental toll provisions order by virtue of paragraph 14 of the Schedule to this Act in contravention of such provision is guilty of an offence.
- (6) A person who intentionally obstructs a person exercising any power conferred on him by provision made by a supplemental toll provisions order by virtue of paragraph 14 of the Schedule to this Act is guilty of an offence.
- (7) A person guilty of an offence under subsection (5) or (6) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

SUPPLEMENTARY AND MISCELLANEOUS

16 Expenses and arrangements

- (1) The Authority or TfL may—
 - (a) incur expenditure in or in connection with the establishment or operation of a TfL toll order or supplemental toll provisions order; or
 - (b) enter into arrangements (including arrangements for forming or participating in companies) with any body or person in respect of the operation or enforcement of a TfL toll order or supplemental toll provisions order or relating to the installation or operation of any equipment used for or in connection with the operation or enforcement of a TfL toll order or supplemental toll provisions order.
- (2) Arrangements made under subsection (1)(b) may provide for any functions of TfL under the TfL toll order or supplemental toll provisions order relating to the operation or enforcement of the toll order or supplemental toll

provisions order to be exercisable instead by the body or person with whom the arrangements are made.

17 Guidance by Authority

- (1) The Authority may issue guidance to TfL in relation to the discharge of its functions under a supplemental toll provisions order.
- (2) TfL in exercising any function under a supplemental toll provisions order shall have regard to any guidance issued by the Authority under this section.
- (3) Guidance issued under this section shall be published in such manner as the Authority consider appropriate; and the Authority may at any time vary or revoke such guidance.

18 Information

- (1) Information obtained by—
 - (a) any Minister of the Crown or Government department, or
 - (b) any local authority or statutory body,may be disclosed to TfL for or in connection with the exercise of any of its functions with respect to a supplemental toll provisions order.
- (2) Information obtained by TfL for or in connection with any of its functions other than its functions with respect to a supplemental toll provisions order may be used by TfL for or in connection with the exercise of any of its functions with respect to a supplemental toll provisions order.
- (3) Any information—
 - (a) which has been or could be disclosed to TfL under subsection (1) for or in connection with the exercise of any of its functions with respect to a supplemental toll provisions order, or
 - (b) which has been or could be used by TfL by virtue of subsection (2) for or in connection with the exercise of any of those functions,may be disclosed to any person with whom TfL has entered into arrangements under section 16(1)(b) (Expenses and arrangements).
- (4) Information disclosed to a person under subsection (3)—
 - (a) may be disclosed to any other person for or in connection with the supplemental toll provisions order; but

- (b) may not be used (by him or any other person to whom it is disclosed under paragraph (a)) otherwise than for or in connection with the supplemental toll provisions order.

19 Crown application

- (1) Subject to the provisions of this section, the provisions of this Act and of supplemental toll provisions orders shall bind the Crown but the High Court may, on the application of TfL, declare unlawful any act or omission of the Crown which contributes such a contravention.
- (2) No contravention by the Crown of any provision of this Act or of any supplemental toll provisions order shall make the Crown criminally liable.
- (3) Notwithstanding anything in subsection (2), the provisions of this Act and of supplemental toll provisions orders shall apply to motor vehicles or persons in the public service of the Crown as they apply to other motor vehicles or persons.
- (4) No power of entry conferred by this Act or supplemental toll provisions orders shall be exercisable in relation to any motor vehicle in the public service of the Crown.
- (5) This Act shall apply in relation to Crown roads within the meaning of section 131 of the Road Traffic Regulation Act 1984 (c.27) as it applies to other roads.
- (6) Nothing in this section shall be taken as in any way affecting Her Majesty in her private capacity; and this subsection shall be construed as if section 38(3) of the Crown Proceedings Act 1947 (c.44) (interpretation of references in that Act to Her Majesty in her private capacity) were contained in this Act.

20 Amendment of 2006 Act

References in Part 5 of the 2006 Act (non-payment of penalty charges) to penalty charges shall include references to penalty charges imposed under a supplemental toll provisions order.

SCHEDULE

PROVISION WHICH MAY BE MADE BY A SUPPLEMENTAL TOLL PROVISIONS ORDER

Charging, collection, recording, refunding and payment of tolls

1. Provision in relation to the manner in which tolls are to be charged, collected, recorded, refunded or paid which may include provision giving discretion to any person with whom TfL has entered into arrangements under section 16(1)(b) (Expenses and arrangements) to determine the manner in which tolls are to be collected, refunded, recorded or paid.

Publishing tolling rates, discounts and exemptions

2. Provision imposing requirements with respect to—
 - (a) the manner in which the amount of tolls determined by TfL under the TfL toll order to be applicable to each description of traffic, and any discounts and exemptions determined by TfL, are to be published; and
 - (b) the manner of implementing and publishing changes in the amount of tolls and those discounts and exemptions.
3. Provision prohibiting the demanding of tolls unless any requirements imposed by virtue of paragraph 2 above have been complied with.

Documents and equipment

4. Provision requiring –
 - (a) documents to be displayed while a motor vehicle is on a road which is subject to the charging of tolls; or
 - (b) equipment to be carried in or fitted to a motor vehicle while it is on such a road.

Penalty charges

5. Provision for or in connection with the imposition and payment of penalty charges in respect of acts, omissions, events or circumstances relating to or connected with the TfL toll order or the supplemental toll provisions order.

6. Provision as to the waiver of the payment of penalty charges and for the issue of notices requiring the payment of tolls chargeable together with a reasonable sum to cover administrative expenses.
7. Provision giving discretion to any person with whom TfL has entered into arrangements under section 16(1)(b) (Expenses and arrangements) to waive the payment of penalty charges in such circumstances as may be prescribed or as that person may determine.
8. Provision for or in connection with setting the rates of penalty charges which may include —
 - (a) provision for discounts or surcharges; and
 - (b) different rates of penalty charges for different classes of penalty charges, different days or times of day, different classes of vehicles or different circumstances in which penalty charges are imposed.
9. Provision about the notification, adjudication and enforcement of penalty charges.

Offences

10. Subject to sections 14 (offences relating to payment of tolls or penalty charges) and 15 (obstruction of exercise of powers), provision that any person contravening, or failing to comply with, any prescribed requirement of the supplemental toll provisions order shall be liable on summary conviction to a fine for each offence not exceeding level 2 on the standard scale or not exceeding a lesser amount.

Examination of motor vehicles etc.

11. Subject to section 13 (Exclusions for motor vehicles not on roads or public off-street parking places within Greater London), provision conferring powers on a prescribed person, where he has reasonable grounds for suspecting in relation to a motor vehicle that it has been, or is to be, used on a road which is subject to the charging of tolls, for or in connection with —
 - (a) examining the motor vehicle for the purpose of ascertaining whether any document required by the supplemental toll provisions order to be displayed while a motor vehicle is on a road which is subject to the charging of tolls is so displayed; or
 - (b) examining the motor vehicle for the purpose of ascertaining whether any equipment required by the supplemental toll provisions order to be carried in or fitted to a motor vehicle while the vehicle is on a road which is subject to the charging of tolls—
 - (i) is so carried or fitted,

- (ii) is in proper working order, or
- (iii) has been interfered with with intent to avoid payment of, or being identified as having failed to pay, a toll,

or whether any conditions relating to the use of any such equipment are satisfied.

12. Subject to section 13 (Exclusions for motor vehicles not on roads or public off-street parking places within Greater London), provision conferring power on any person authorised in writing by TfL to enter a motor vehicle where he has reasonable grounds for suspecting, in relation to a motor vehicle that—
- (a) any equipment required to be carried in or fitted to the motor vehicle while it is on a road which is subject to the charging of tolls has been interfered with with intent to avoid payment of, or being identified as having failed to pay, a toll; or
 - (b) there is in the motor vehicle a false document which has been made or used with intent to avoid payment of, or being identified as having failed to pay, such a toll.
13. Subject to section 13 (Exclusions for motor vehicles not on roads or public off-street parking places within Greater London), provision conferring power on any person authorised in writing by TfL to seize anything (if necessary by detaching it from a motor vehicle) and detain it as evidence of the commission of an offence under section 14 (Offences relating to payment of tolls or penalty charges).

Removal or immobilisation of motor vehicles

14. Subject to section 13 (Exclusions for motor vehicles not on roads or public off-street parking places within Greater London), provision for or in connection with –
- (a) the fitting of immobilisation devices to motor vehicles;
 - (b) the fixing of immobilisation notices to motor vehicles to which an immobilisation device has been fitted;
 - (c) the removal and storage of motor vehicles;
 - (d) the release of motor vehicles from immobilisation devices or from storage;
 - (e) requiring the satisfaction of conditions before the release of a motor vehicle; and

- (f) the sale or destruction of motor vehicles not released and their contents.

Determination of disputes and appeals

- 15. Provision for or in connection with—
 - (a) the determination of disputes;
 - (b) appeals against determinations or any failure to make a determination;
 - (c) the appointment of persons to hear any such appeals.

Evidence

- 16. Provision for or in connection with permitting evidence of a fact relevant to proceedings for an offence under this Act or the supplemental toll provisions order, or proceedings in respect of a failure to comply with the provisions of the supplemental toll provisions order, to be given by the production of —
 - (a) a record produced by a prescribed device; and
 - (b) a certificate (whether in the same or another document) as to the circumstances in which the record was produced signed by a prescribed person.

Incidental, supplementary, consequential or transitional

- 17. Any incidental, supplementary, consequential or transitional provisions or savings for the purposes of, or in connection with, the TfL toll order or for rendering of full effect any other provision of the supplemental toll provisions order.

Proposed Transport for London (Supplemental Toll Provisions) Bill

PROPOSED

B I L L

To confer further powers upon Transport for London; and for related purposes.

SESSION 2006-07

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Consultation draft: 23.8.05.

Appendix 2

The Mayor of London
The London Assembly
City of London
London Borough of Barking and Dagenham
London Borough of Barnet
London Borough of Bexley
London Borough of Brent
London Borough of Bromley
London Borough of Camden
London Borough of Croydon
London Borough of Ealing
London Borough of Enfield
London Borough of Greenwich
London Borough of Hackney
London Borough of Haringey
London Borough of Hammersmith & Fulham
London Borough of Harrow
London Borough of Havering
London Borough of Hillingdon
London Borough of Hounslow
London Borough of Islington
Royal Borough of Kensington & Chelsea
Royal Borough of Kingston-upon-Thames
London Borough of Lambeth
London Borough of Lewisham
London Borough of Merton
London Borough of Newham
London Borough of Redbridge
London Borough of Richmond-upon-Thames
London Borough of Southwark
London Borough of Sutton
London Borough of Tower Hamlets
London Borough of Waltham Forest
London Borough of Wandsworth
City of Westminster
The Association of London Government
Department for Transport
The Home Office
HM Treasury
Government Office for London
Driver and Vehicle Licensing Agency
Department for Communities and Local Government
Department for Constitutional Affairs
Defence Movements and Transport Policy Division, Department of Defence
Mr Andrew Dismore MP, Chair of the London MPs Group
Ms Lynne Featherstone MP, London Spokesperson
Mrs Jacqui Lait MP, Shadow Minister for London
AA Motoring Trust

British Transport Police
City of London Police
Disabled Persons Transport Advisory Committee
Freight Transport Association
London Development Agency
London Fire and Emergency Planning Authority
The London Business Board
London TravelWatch
Metropolitan Police Authority
Metropolitan Police Service
RAC Foundation for Motoring
RAC Motoring Services
Road Haulage Association

Appendix 3

London Borough of Bexley
London Borough of Camden
London Borough of Hillingdon
Royal Borough of Kensington & Chelsea
London Borough of Waltham Forest
London Development Agency
Department for Transport
Defence Movements and Transport Policy Division, Department of Defence
John Biggs AM, Labour Group Whip, London Assembly
Roger Evans AM, London Assembly
Road Haulage Association

TRANSPORT FOR LONDON

TfL BOARD MEETING

SUBJECT: AMENDMENTS TO THE LU AND DLR BYELAWS

MEETING DATE: 25 OCTOBER 2006

1. Purpose

- 1.1. To obtain the Board's approval for revised Byelaws applicable to LU and DLR to make them consistent with those applying elsewhere on the national railways.

2. Background

- 2.1. Under TfL's Standing Order No. 2 paragraph 4.2, changes to the Byelaws are a matter reserved to the Board. Once the Byelaws are approved by the Board, they will then be submitted to the Secretary of State for Transport for confirmation. A copy of the proposed Byelaws is attached as appendix 1.
- 2.2. The LU and DLR Byelaws regulate the use and working of its railways, travel on its railways and railway premises and the conduct of all persons while on those premises. Breach of the Byelaws is a criminal offence and the maximum fine allowed under the Byelaws is a fine not exceeding level 3 on the standard scale. Under the Criminal Justice Act 1982, a level 3 fine is currently set at £1,000. The Byelaws are primarily enforced by the British Transport Police (BTP) and authorised persons of LU and DLR.
- 2.3. The current LU Byelaws were made under the London Regional Transport (LRT) Act 1984, which has since been repealed. The Strategic Railway Authority (SRA), as it was then, (most of SRA functions have now been transferred to the Department for Transport's (DfT's) Rail Group) issued framework byelaws for the national railways, which are a 'new and improved' version of the current Byelaws. The DfT suggested that it would prefer a standardised set of railway byelaws throughout the railway industry and that TfL should adopt the SRA framework byelaws, with the necessary changes. The LU and DLR Byelaws are also being amalgamated as they are the same, as requested by the DfT.
- 2.4. The proposed changes have been made in consultation with the DfT. They are not radically different to those Byelaws currently applying separately to LU and DLR but have been updated and clarified.
- 2.5. TfL has also consulted with the BTP, Metropolitan Police, City Police, Network Rail, Association of Train Operating Companies (ATOC) and London TravelWatch on the proposed changes. The comments that have been

received are more of detail rather than of substantive policy. Comments arising from the consultation have been reflected in the Byelaws where appropriate.

- 2.6. The changes to the Byelaws were considered at the Rail Transport Advisory Panel meeting on 3 October 2006 and at the Underground Advisory Panel meeting on 4 October 2006. The Panels raised three points at these meetings.
- 2.7. The first point made by the Panels was to amend Byelaw 3 to ban smoking on the LU and DLR networks unless expressly permitted, as in smoking rooms in some depots. Consequently, it has been amended to prohibit smoking on the LU and DLR railways unless smoking is expressly permitted in a particular area. The second point raised was the issue of individuals being under the influence of controlled drugs. Byelaw 4 currently deals with 'intoxication' on the railways and it is defined, in Byelaw 25, as being under the influence of intoxicating liquor, drugs or other substances. Byelaw 4 has been modified to make it explicit that the Byelaws also cover drug misuse on the railways. The third point raised was the issue of consumption of food on the railways that causes discomfort to other passengers. Byelaw 6 (8) deals with unacceptable behaviour on the railways and makes it an offence to wilfully interfere with the comfort or convenience of any person on the railway. This Byelaw could be used to deal with the issue of consumption of food on the railways.

3. Proposed main changes to the LU and DLR Byelaws

- 3.1. The following are the main proposed changes to the Byelaws:
 - 3.1.1. Introduction and headings have been amended to reflect the amalgamation of the LU and the DLR Byelaws.
 - 3.1.2. All references to the LRT Act 1984, which has been repealed, have been replaced with corresponding references in the Greater London Authority (GLA) Act 1999.
 - 3.1.3. Byelaw 2 - Potentially dangerous items – The list provided as examples of 'potentially dangerous items' – loaded weapons, inflammable, explosive or corrosive substance - in Byelaw 2 (1) has been deleted as it is perceived to be unhelpful and potentially misleading and confusing by operators and passengers alike.
 - 3.1.4. Byelaw 3 - Smoking – The Byelaw has been amended to ban smoking on the LU and DLR railways unless expressly permitted.
 - 3.1.5. Byelaw 4 - Intoxication and possession of intoxicating liquor – The word 'Intoxication' has been altered to 'Drunkenness' and the reference to 'intoxicating liquor' has been changed to 'alcohol' throughout the document, as is referred to in the Licensing Act 2003, which repealed the Licensing Act 1964. The title of the Byelaw has been altered to 'Drug misuse, drunkenness and possession of alcohol'. The Byelaw has also been amended to highlight the fact that

it is an offence under the Byelaws to be under the influence of controlled drugs on the railways.

- 3.1.6. Byelaw 9 - Stations and railway premises – The sentence, ‘Persons shall stand on the right of escalators when not walking up or down them’ has been added as Byelaw 9 (1). This is to assist LU and DLR in maintaining safety and reducing congestion at stations.
- 3.1.7. Byelaw 11 - General safety – A new sub-byelaw has been added as Byelaw 11 (3) to address concerns raised about the lack of specific provisions for wilful misuse of communication cords on trains.
- 3.1.8. Byelaw 17 - Compulsory ticket areas – Byelaw 17 (3) has been added to clarify the issue of validation of tickets and to cater for instances of malfunctioning ticket machines at stations. Consequential amendments have also been made to Byelaw 18, ‘Ticketless travel in non-compulsory ticket areas’.
- 3.1.9. Byelaw 19 - Classes of accommodation, reserved seats and sleeping berths – This Byelaw has been deleted, as it is not necessary or appropriate given that neither LU nor DLR has different classes of seating on the service.

In order to retain consistency with the National Railway Byelaws the text of this Byelaw has been deleted and the heading has been altered to ‘No byelaw’ rather than change the subsequent numbering.

- 3.1.10. Byelaw 21 - Unauthorised buying or selling of tickets – Byelaw 21 (2) has been amended to specifically allow for transfer of tickets that are intended for transfer or use by more than one person.
- 3.1.11. Byelaw 24 (1) - Offence and level of fines – The Byelaw currently states that any person who breaches any Byelaw, except Byelaw 17, commits an offence. However, it is not necessary to exempt non-compliance with Byelaw 17 (Compulsory ticket areas) from a penalty as paragraph 8 of Schedule 17 of the GLA Act 1999 deals with the issue of double liability to prevent a fine and a penalty fare being imposed simultaneously. It provides that there may be no prosecution of a person under the Byelaws for 21 days after the issue of a penalty fare, and if the passenger pays the penalty fare within 21 days no prosecution may follow that period. The reference to Byelaw 17 has therefore been deleted.
- 3.1.12. Byelaw 25 (1) Definitions - The definition of ‘authorised person’ has been modified to include Police Community Support Officer (PCSO) and accredited persons under the Police Reform Act 2002.

The definition of ‘controlled drugs’ has been included; it has the meaning ascribed to it in the Misuse of Drugs Act 1971.

The definition of 'tickets' has been expanded to include smart cards, pay as you go or other forms of electronic ticketing.

- 3.1.13. Byelaw 27 Certificate of authenticity - Paragraph 12 (2) of Schedule 10 of the GLA Act 1999 states that any document signed by a person authorised by TfL for the purpose, shall be received in evidence and be treated, without further proof, as being so made or so issued unless the contrary is shown. Accordingly, the Certificate of authenticity at the end of the Byelaws has been deleted.

4. Recommendation

- 4.1. The Board is requested to APPROVE the attached Byelaws.

LONDON UNDERGROUND AND DOCKLANDS LIGHT RAILWAY BYELAWS

Made by Transport for London under paragraph 26 of Schedule 11 of the Greater London Authority Act 1999 and confirmed under section 67 of the Transport Act 1962 by the Secretary of State for Transport on [date] for regulating the use and working of its railways; travel on its railways; the maintenance of order on its railways and railway premises, including stations and all the approaches to stations; and the conduct of all persons while on those premises, including officers and employees of Transport for London and its subsidiaries ("the Byelaws").

Contents

Introduction: London Underground and Docklands Light Railway Byelaws - Why they help us to help you

Conduct and behaviour

1. Queuing
2. Potentially dangerous items
3. Smoking
4. Drug misuse, drunkenness and possession of alcohol
5. Unfit to be on the railway
6. Unacceptable behaviour
7. Music, sound, advertising and carrying on a trade
8. Unauthorised gambling

Equipment and safety

9. Stations and railway premises
10. Trains
11. General safety
12. Safety instructions

Control of premises

13. Unauthorised access and loitering
14. Traffic signs, causing obstructions and parking
15. Pedestrian-only areas
16. Control of animals

Travel and fares

17. Compulsory ticket areas
18. Ticketless travel in non-compulsory ticket areas
19. No byelaw
20. Altering tickets and use of altered tickets
21. Unauthorised buying or selling of tickets
22. Fares offences committed on behalf of another person

Enforcement and interpretation

23. Name and address

24. Enforcement

1. Offence and level of fines
2. Removal of persons
3. Identification of authorised persons
4. Notices
5. Attempts
6. Breaches by authorised persons

25. Interpretation

1. Definitions
2. Introduction, table of contents and headings
3. Plural
4. Gender

26. Coming into operation of these Byelaws and revocation of the previous Byelaws

INTRODUCTION

LONDON UNDERGROUND AND DOCKLANDS LIGHT RAILWAY BYELAWS - WHY THEY HELP US TO HELP YOU

Britain's Railway Byelaws cover trains, track and stations, including London Underground and the Docklands Light Railway, across the country. Thousands of trains use as many stations throughout the day and night. To ensure ease of travel and safety on the railway system, including passengers, staff, property and equipment, the Byelaws need to be observed by everyone.

Conduct and behaviour

Some practices can be generally unpleasant, or can be dangerous to yourselves and others. To make travelling more comfortable and safer, unacceptable behaviour is banned on the railways. Other activities, such as smoking and playing music have limits imposed on them so that the majority of railway passengers can travel in comfort.

Equipment and safety

Safety is paramount to the running of all railway services. The Byelaws are very clear on matters of safety - and this protects equipment and property, as well as passengers and staff.

Control of premises

There are areas across the railway system that have restricted access, for example pedestrian-only areas, as using other forms of transport (e.g. bicycles), may cause a danger. Also, access is not allowed on any non-public parts of the operating network, such as railway embankments and underground tunnels. Various rules relating to the carriage of animals are also needed.

Travel and fares

When travelling, you need to know when and where you need a ticket, and where you can go once you have it. For example, can you use another person's ticket? If you would like to know more, in addition to the Byelaws there are further details for passengers in the Conditions of Carriage which apply to your ticket.

The Byelaws are there to help everyone to travel easily and safely. This can only be achieved if all passengers take time to consider their actions and observe the Byelaws.

A further copy of the Railway Byelaws can be obtained from:

<p>The Company Secretary London Underground Limited Windsor House 42-50 Victoria Street London SW1H 0TL</p>	<p>The Company Secretary Docklands Light Railway P.O. Box 154, Castor Lane Poplar London E14 0DX</p>
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**LONDON UNDERGROUND AND DOCKLANDS LIGHT RAILWAY BYELAWS
FOR DEFINITIONS OF THE TERMS USED IN THESE BYELAWS PLEASE REFER
TO BYELAW 25**

CONDUCT AND BEHAVIOUR

1. Queuing

(1) The Operator or an authorised person may require any person to queue in order to regulate order or safety on or near the railway.

(2) Any person directed by a notice to queue or when asked to queue by an authorised person, shall join the rear of the queue and obey the reasonable instructions of any authorised person regulating the queue.

2. Potentially dangerous items

(1) Except with written permission from the Operator or an authorised person, no person shall bring with him or allow to remain on the railway any item which, in the opinion of an authorised person, may or be used to threaten, annoy, soil or damage any person or any property.

(2) If any person in charge of an item in breach of Byelaw 2 (1) is asked by an authorised person to remove it and fails to do so immediately it may be removed by or under the direction of an authorised person.

3. Smoking

No person shall smoke or carry a lighted pipe, cigar, cigarette, match, lighter or other lighted item on any part of the railway, unless expressly permitted to do so in a particular area.

4. Drug misuse, drunkenness and possession of alcohol

(1) No person shall enter or remain on the railway where such person is unfit to enter or remain on the railway as a result of being under the influence of controlled drugs or being drunk.

(2) Where reasonable notice is, or has been given prohibiting alcohol on any train service, no person shall have any alcohol with him on it, or attempt to enter such train with alcohol with him.

(3) Where an authorised person reasonably believes that any person is unfit to enter or remain on the railway or has with him alcohol contrary to Byelaw 4 (2), the authorised person may:

(i) require him to leave the railway; and

(ii) prevent him entering or remaining on the railway until the authorised person is satisfied that he has no alcohol with him and / or is no longer in an unfit condition.

5. Unfit to be on the railway

No person shall enter or remain on the railway if, in the reasonable opinion of an authorised person, he is in an unfit or improper condition or his clothing may soil or damage any part of the railway or the property or clothing of any person on the railway.

6. Unacceptable behaviour

(1) No person shall use any threatening, abusive, obscene or offensive language on the railway.

(2) No person shall behave in a disorderly, indecent or offensive manner on the railway.

(3) No person shall write, draw, paint or fix anything on the railway.

(4) No person shall soil any part of the railway.

(5) No person shall damage or detach any part of the railway.

(6) No person shall spit on the railway.

(7) No person shall drop litter or dump waste on the railway.

(8) No person shall molest or wilfully interfere with the comfort or convenience of any person on the railway.

7. Music, sound, advertising and carrying on a trade

(1) Except with written permission from the Operator no person on the railway shall, to the annoyance of any person:

- (i) sing; or
- (ii) use any instrument, article or equipment for the production or reproduction of sound.

(2) Except with written permission from the Operator no person on the railway shall:

- (i) display anything for the purpose of advertising or publicity, or distribute anything; or
- (ii) sell, expose or offer anything for sale; or
- (iii) tout for, or solicit money, reward, custom or employment of any kind.

(3) A person shall have the written permission referred to in Byelaw 7 (1) or 7 (2) with him when undertaking the activities referred to in Byelaw 7 (1) or 7 (2) on the railway and shall hand it over for inspection when asked by an authorised person. A person shall comply with any conditions set out in or attached to the written permission.

8. Unauthorised gambling

No person shall gamble on any part of the railway except lawful gambling on premises authorised by the Operator for that purpose.

EQUIPMENT AND SAFETY

9. Stations and railway premises

(1) No person shall use any escalator except by standing or walking on it in the direction intended for travel. Persons shall stand on the right of escalators when not walking up or down them.

(2) Where the entrance to or exit from any platform or station is via a manned or an automatic ticket barrier no person shall enter or leave the station, except with permission from an authorised person, without passing through the barrier in the correct manner.

(3) No person shall open a barrier or any other gate on the railway except where there is a notice indicating that it may be used by him or with permission from an authorised person.

(4) Where there is a notice by an entrance or exit on any part of the railway indicating that it shall be used for entrance or exit only, no person shall enter by the exit or leave by the entrance. No person shall enter or leave by an emergency exit except in an emergency or when directed to do so by an authorised person.

(5) No person shall move, operate or stop any lift or escalator except:

- (i) in an emergency by means of equipment on or near which is a notice indicating that it is intended to be used in an emergency; or
- (ii) in case of a lift, by means of any of the controls intended for the use by that person.

10. Trains

- (1) No person shall enter through any train door until any person leaving by that door has passed through.
- (2) No person shall be in or on any train except on the parts of it intended for the use by that person.
- (3) No person shall open a train door, or enter or leave any train, while it is in motion or between stations.
- (4) No person shall enter or leave a train except by the proper use of a train door.
- (5) In the case of automatic closing train doors, no person shall enter or leave by the door when it is closing.

11. General safety

- (1) No person shall move, operate, obstruct, stop or in any other way interfere with any automatic closing door, train, or any other equipment on the railway except:
 - (i) in an emergency, by means of any equipment on or near which is a notice indicating that is intended to be used in an emergency; or
 - (ii) any equipment intended for the use of passengers in that way in normal operating circumstances.
- (2) No person shall place, throw, drop or trail anything on the railway which is capable of injuring, damaging or endangering any person or any property.
- (3) No person shall, without reasonable cause, activate any emergency system and/or any communications system provided on any part of the railway including a train.

12. Safety instructions

- (1) The Operator may issue to any person reasonable instructions relating to safety on any part of the railway by means of a notice on or near that part of the railway. No person shall, without good cause, disobey such notice.
- (2) An authorised person may, in an emergency or in other circumstances in which he believes he should act in the interest of safety, issue instructions to any person on any part of the railway. No person shall, without good cause, disobey such instructions.
- (3) No offence is committed under these Byelaws where a person acts in accordance with the instructions or notice given under Byelaw 12 (1) or 12 (2).

CONTROL OF PREMISES

13. Unauthorised access and loitering

- (1) No person shall enter or remain on any part of the railway where there is a notice:
 - (i) prohibiting access; or
 - (ii) indicating that it is reserved or provided for a specified category of person only, except where he belongs to that specified category.
- (2) No person shall loiter on the railway if asked to leave by an authorised person.

14. Traffic signs, causing obstructions and parking

- (1) No person in charge of any motor vehicle, bicycle or other conveyance shall use it on any part of the railway in contravention of any traffic sign.
- (2) No person in charge of any motor vehicle, bicycle or other conveyance shall leave or place it on any part of the railway:
 - (i) in any manner or place where it may cause an obstruction or hindrance to the Operator or any person using the railway; or

- (ii) otherwise than in accordance with any instructions issued by or on behalf of the Operator or an authorised person.

(3) No person in charge of any motor vehicle, bicycle or other conveyance shall park it on any part of the railway where charges are made for parking by the Operator or an authorised person without paying the appropriate charge at the appropriate time in accordance with instructions given by the Operator or an authorised person at that place.

(4) (i) The owner of any motor vehicle, bicycle or other conveyance used, left or placed in breach of Byelaw 14 (1) to 14 (3) may be liable to pay a penalty as displayed in that area.

(ii) Without prejudice to Byelaw 14 (4) (i) any motor vehicle, bicycle or other conveyance used, left or placed in breach of Byelaws 14 (1) to 14 (3) may be clamped, removed, stored by or under the direction of the Operator or authorised person.

(iii) The owner of the motor vehicle, bicycle or other conveyance shall be liable to the Operator or an authorised person for the costs incurred in clamping, removing and storing it provided that there is in that area a notice advising that any vehicle parked contrary to these Byelaws may be clamped, removed and stored by the Operator or an authorised person and that the costs incurred by the Operator or an authorised person for this may be recovered from the vehicle's owner.

(iv) The power of clamping referred to in Byelaw 14 (4) (ii) above shall not be exercisable in any area where passenger parking is permitted unless there is on display in that area a notice advising that any vehicle parked contrary to these Byelaws may be clamped and / or removed by the Operator or an authorised person.

15. Pedestrian-only areas

(1) Any person who enters or is on any part of the railway to which the public have access must be on foot, except;

- (i) where there is a notice permitting access to that part of the railway to those with specified conveyances; or
- (ii) where the Operator or an authorised person has given permission,

and in either case he shall obey any instructions given by the Operator or an authorised person.

(2) No person shall be in breach of Byelaw 15 (1) for properly using a baby carriage or wheelchair, except where there is a notice or instructions given by the Operator or an authorised person to the contrary.

16. Control of animals

(1) The Operator may refuse carriage or entry to any animal.

(2) No person shall bring an animal on to the railway without a valid ticket for that animal, if the Operator requires him to have a valid ticket for the carriage of such an animal.

(3) Except with permission from the Operator or an authorised person, no person shall bring an animal on to the railway which, in the opinion of an authorised person, may threaten, annoy, soil or damage any person or property.

(4) If any person in charge of an animal in breach of Byelaw 16 (1), 16 (2) or 16 (3) is asked by an authorised person to remove that animal and fails to do so immediately, then that animal may be removed by or under the direction of an authorised person.

(5) No person in charge of an animal shall allow it to foul or damage any part of the railway.

(6) Any person in charge of an animal shall carry it when on an escalator that is in motion.

(7) No person in charge of any animal shall leave or place it unattended on any part of the railway (except in a place provided for that purpose by the Operator and only for as long as is absolutely necessary and in accordance with any direction of the Operator or an authorised person).

(8) Any animal left or placed in breach of Byelaw 16 (7) may be removed and / or kept by or under the direction of an authorised person. The person in charge of the animal shall be liable to the Operator for the cost incurred by the Operator or an authorised person in removing and keeping it.

(9) Any person in charge of an animal that has soiled or caused damage to any part of the railway shall be liable to the Operator for the cost of putting the property soiled or damaged back into its proper condition.

(10) Any liability to the Operator under Byelaw 16 (8) or 16 (9) is in addition to any penalty for the breach of Byelaw 16.

TRAVEL AND FARES

17. Compulsory ticket areas

(1) No person shall enter a compulsory ticket area on the railway unless he has with him a valid ticket.

(2) A person shall hand over his ticket for inspection and verification of validity when asked to do so by an authorised person.

(3) No person shall be in breach of Byelaw 17 (1) or 17 (2) if:

- (i) there were no facilities in working order for the issue or validation of any ticket at the time when, and the station where, he began his journey; or
- (ii) there was a notice at the station where he began his journey permitting journeys to be started without a valid ticket; or
- (iii) an authorised person gave him permission to travel without a valid ticket or he is allowed by the Operator to travel without a valid ticket.

18. Ticketless travel in non-compulsory ticket areas

(1) In any area not designated as a compulsory ticket area, no person shall enter any train for the purpose of travelling on the railway unless he has with him a valid ticket entitling him to travel.

(2) A person shall hand over his ticket for inspection and verification of validity when asked to do so by an authorised person.

(3) No person shall be in breach of Byelaw 18 (1) or 18 (2) if:

- (i) there were no facilities in working order for the issue or validation of any ticket at the time when, and the station where, he began his journey; or
- (ii) there was a notice at the station where he began his journey permitting journeys to be started without a valid ticket; or
- (iii) an authorised person gave him permission to travel without a valid ticket or he is allowed by the Operator to travel without a valid ticket.

19. No byelaw

20. Altering tickets and use of altered tickets

(1) No person shall alter any ticket in any way with the intent that the Operator shall be defrauded or prejudiced.

(2) No person shall knowingly use any ticket, which has been altered in any way in breach of Byelaw 20 (1).

21. Unauthorised buying or selling of tickets

(1) Subject to Byelaw 21 (4), no person shall sell or buy any ticket.

(2) Subject to Byelaw 21 (4), no person shall transfer or receive any unused or partly used ticket, intending that any person shall use it for travelling unless the conditions of use for the ticket specifically permit such a transfer.

(3) Subject to Byelaw 21 (4) no person shall knowingly use any ticket which has been obtained in breach of Byelaw 21.

(4) The sale or transfer by, or the purchase or receipt from, an authorised person in the course of his duties or from an authorised ticket machine is excepted from the provisions of Byelaw 21.

22. Fares offences committed on behalf of another person

(1) No person shall buy a ticket on behalf of another intending to enable another person to travel without having paid the correct fare.

(2) No person shall transfer or produce a ticket on behalf of another intending to enable that other person to travel without having paid the correct fare.

ENFORCEMENT AND INTERPRETATION

23. Name and address

(1) Any person reasonably suspected by an authorised person of breaching or attempting to breach any of these Byelaws shall give his name and address when asked by an authorised person.

(2) The authorised person asking for details under Byelaw 23 (1) shall state the nature of the suspected breach of any of these Byelaws in general terms at the time of request.

24. Enforcement

(1) Offence and level of fines

Any person who breaches any of these Byelaws commits an offence and may be liable for each such offence to a penalty not exceeding level 3 on the standard scale.

(2) Removal of persons

- (i) Any person who is reasonably believed by an authorised person to be in breach of any of these Byelaws shall leave the railway immediately if asked to do so by an authorised person.
- (ii) Any person who is reasonably believed by an authorised person to be in breach of any of these Byelaws and who fails to desist or leave when asked to do so by an authorised person may be removed from the railway by an authorised person using reasonable force. This right of removal is in addition to the imposition of any penalty for the breach of these Byelaws.
- (iii) No person shall fail to carry out the instructions of an authorised person acting in accordance with powers given by these Byelaws or any other enactment.

- (iv) In exercising powers conferred by Byelaws 24 (2) (i) and 24 (2) (ii) the authorised person shall state the nature of the breach of any of these Byelaws in general terms prior to exercising the power conferred upon him.

(3) Identification of authorised persons

An authorised person who is exercising any power conferred on him by any of these Byelaws shall produce a form of identification when requested to do so. Such identification shall state the name of his employer and contain a means of identifying the authorised person.

(4) Notices

No person shall be subject to any penalty for breach of any of the Byelaws by disobeying a notice unless it is proved to the satisfaction of the Court before whom the complaint is laid that the notice referred to in the particular Byelaw was displayed.

(5) Attempts

Any person who attempts to breach any of the Byelaws numbered 9, 10, 11, 13(1), 20(2) and 21 shall be liable to the same penalty as given above for breach of that Byelaw.

(6) Breaches by authorised persons

An authorised person acting in the course of his duties shall not be liable for breach of any of the Byelaws numbered 2, 4 (2) and 4 (3), 6 (3) and 6 (5), 7, 9, 10, 11(1), 13, 14, 15, 16 (6), 17, 18 and 20 (1).

25. Interpretation

(1) Definitions

In these Byelaws the following expressions have the following meanings:

"alcohol" has the meaning ascribed to it in the Licensing Act 2003 (and any replacement, modification or amendment made thereto);

"authorised person" means:

- (i) a person acting in the course of his duties who:

(a) is an employee or agent of the Operator, or

(b) is authorised by a person operating any railway assets, and

- (ii) any constable, Police Community Support Officer (PCSO) or accredited person under sections 41 and 43 of the Police Reform Act 2002, acting in the execution of his duties upon or in connection with the railway;

"compulsory ticket area" means any part of the railway identified by a notice stating that no person may enter there without being in possession of a valid ticket;

"controlled drugs" has the meaning ascribed to it in the Misuse of Drugs Act 1971 (and any replacement, modification or amendment made thereto);

"drunkenness" means being under the influence of alcohol;

"escalator" includes travelator or similar device;

"notice" means a notice given by or on behalf of the Operator;

"Operator" means Transport for London and any of its subsidiaries. In the context of Docklands Light Railway it means Docklands Light Railway Limited and its servants, agents, officers, employees, contractors and sub-contractors or any person or body granted the authority to act as operator by Docklands Light Railway Limited;

"previous byelaws" means the Byelaws previously made in relation to the railways by London Regional Transport and Docklands Light Railway Limited under the provisions of section 67 of the Transport Act 1962 and confirmed by the Secretary of State for Environment, Transport and the Regions on 19 December 2000.

"railway" means the railways and railway premises of the Operator and an authorised person, and includes trains or any other vehicle upon the railway;

"railway assets" means any train, station, depot, track or associated equipment of any person;

"standard scale" has the same meaning as in section 37 of the Criminal Justice Act 1982 (and any replacement, modification or amendment made thereto);

"ticket" includes;

- (i) a ticket (including one issued by another railway undertaking) authorising the person for whom it is issued to make the journey covered by the fare paid on a train provided by the Operator (whether or not it also authorises that person to make a journey on a train provided by another railway undertaking);
- (ii) any permit authorising the person to whom it is issued to travel on a train provided by the Operator (whether or not it also authorises that person to make a journey on a train provided by another railway undertaking);
- (iii) an authority to travel on a train provided by the Operator subject to a condition that payment of the correct fare for the person using that authority on which it is used is made during or at the end of that journey or otherwise as provided by the terms applicable to its use;
- (iv) a ticket authorising a person to enter a compulsory ticket area but not to make a train journey;
- (v) any type of free pass, privilege ticket, or any warrant, identity card, voucher or other similar authority accepted by the Operator as authority to travel, or in exchange for or on production of which a ticket for travel may be issued;
- (vi) any identity card, reservation or other document required by the Operator to be held or produced for use with other travel documents;
- (vii) any type of valid smart card, pay as you go or other form of electronic ticketing; and
- (viii) any other ticket or document issued for the purpose of travel of any animal or article on the railway accepted by the Operator.

"traffic sign" means an object or device for conveying, to traffic or any specified class or traffic, warnings, information, instructions, requirements, restrictions or prohibitions of any kind;

"train" means any item of rolling stock and includes any carriage or compartment of a train;

"valid ticket" means a ticket (including any associated photo/identity card and/or other travel document) lawfully obtained by or on behalf of the person using or attempting to use it and entitling that person to use the particular railway service he is using or attempting to use. Where the terms attaching to the ticket require validation of the ticket such ticket shall not be considered to be a valid ticket for the purposes of these Byelaws unless and until the ticket has been properly validated.

(2) Introduction, table of contents and headings

The introduction, table of contents and headings used in these Byelaws are for assistance only and are not to be considered as part of these Byelaws for the purpose of interpretation.

(3) Plural

Unless the context requires to the contrary, words importing the singular shall include the plural and vice versa.

(4) Gender

Unless the context requires to the contrary, words importing one gender shall include the other gender.

26. Coming into operation of these Byelaws and revocation of previous byelaws

These Byelaws will come into operation in accordance with the provisions of section 67 of the Transport Act 1962.

When these Byelaws come into effect, the previous Byelaws shall be revoked. This revocation is without prejudice to the validity of anything done under the previous Byelaws or to any liability incurred in respect of any act or omission before the date of the coming into operation of these Byelaws.

Signed by authority of Transport for London

[signature]

Commissioner of Transport

[date]

The Secretary of State for Transport confirms the above Byelaws pursuant to section 67 of the Transport Act 1967 as applied by paragraph 26 of Schedule 11 of the Greater London Authority Act 1999 and fixes [date] as the date that the Byelaws shall come into operation.

Signed by authority of the Secretary of State for Transport on [date].

[signature]

London Transport Division

Department for Transport

TRANSPORT FOR LONDON

STAFF SUMMARY
TFL BOARD

SUBJECT: UPDATE ON URBAN DESIGN LONDON (UDL)

MEETING DATE: 25 OCTOBER 2006

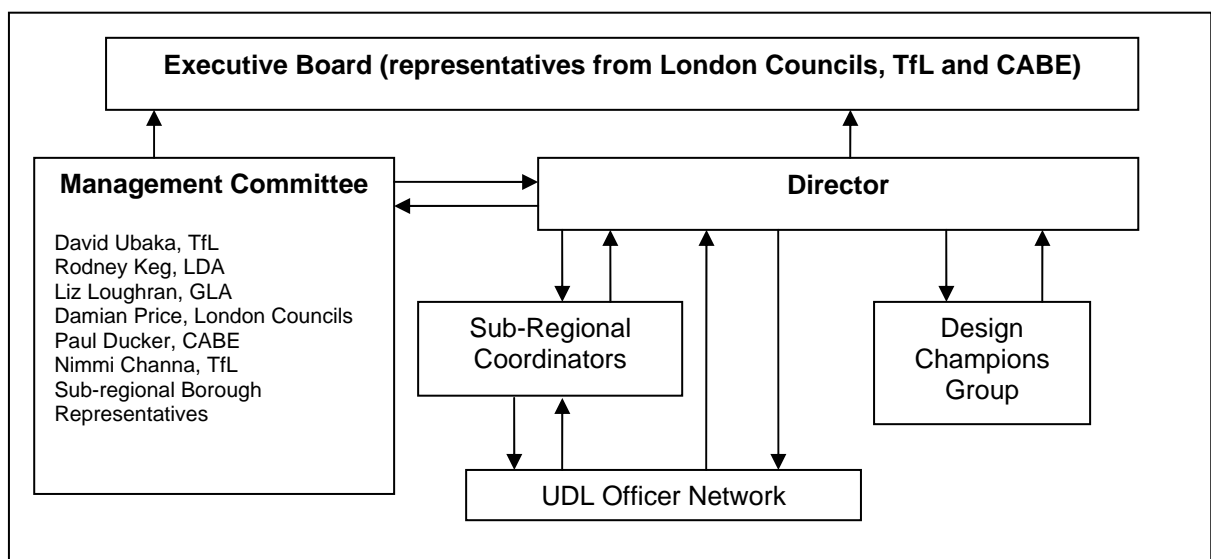
PURPOSE

1. The TfL Board was advised of the establishment of Urban Design London at its meeting on 8 February 2006. The purpose of this paper is to update the Board on the status and work of Urban Design London.

BACKGROUND

2. Urban Design London is a network organisation, with its priority objective being to support good urban design across the City. It is a partnership led jointly by TfL, the London Councils (formerly ALG) and the Commission for Architecture and the Built Environment (CABE). UDL concentrates on supporting networking opportunities and training, initially, for TfL, Borough, GLA and LDA staff and local authority Councillors.

3. Esther Kurland, was appointed Director of UDL in April 2006, on a 12 month secondment from CABE, and reports to the UDL Executive Board, comprising Cllr Daniel Moylan, Royal Borough of Kensington & Chelsea (current Chair), Cllr Martin Elengorn, London Borough of Richmond, Peter Brown, COO-Streets, TfL, and Caroline Fraser, CABE. A Management Committee informs the UDL work programme and is representative of the day to day UDL key users.



4. UDL's target audience includes urban designers and planners from the 33 London Boroughs, managed in five sub-regional groups: North, South, East, West and Central London Boroughs, with each sub-region coordinated by a

Borough officer (it is intended that the membership of these groups be widened to include TfL, LDA, GLA and sub-regional partnership staff). UDL supports Design Champions, Councillors in the Boroughs who encourage their authority to achieve good design across all their activities. UDL also supports TfL in developing an appreciation of, and capability in, the development of a quality public realm.

5. While focussing initially on the above audience, it is intended to widen out the UDL training programme over time to include engineering consultancy service providers to London's local authorities and developers, at a fee to cover the costs involved.

FUNDING

6. UDL benefits from the financial support of TfL and CABE and Boroughs pay a yearly membership subscription. CABE and borough support for UDL has significantly increased this year. CABE doubled its promised grant to £15,000. This financial year, 5 boroughs have paid their yearly subscriptions of £4,000 and a further 6 have agreed to pay. TfL provides core funding of £140,000 per annum (current business plan provision to 09/10), reflecting the importance it attaches to the development of skills across London in urban design.

7. Funding support for 06/07 currently stands at approx £200,000 (final figure will depend on the number of borough subscriptions). The UDL Director continues to encourage more Boroughs to subscribe.

DESIGN CHAMPIONS

8. Following the local elections in May 2006, a number of Design Champions were not re-elected or changed portfolios. UDL has worked hard to encourage Boroughs to identify new Design Champions and almost all have now done so. Many attended UDL's Design Champions Event on 9 October, which provided an opportunity for Design Champions to meet and get to know one another whilst learning about Urban Design and the role of a Design Champion.

ACTION TO DATE

9. UDL has coordinated and facilitated meetings of the sub-regional groups and these are now developing a forward meeting programme and identifying discussion topics.

10. UDL convened meetings to advise members on:

- the development of English Heritage's Streets for All Guidance; and
- CABE/English Heritage's Tall Building Guidance

It also provided a "master class" for professional officers in the Boroughs on Building for Life – a method to secure well designed housing. These sessions have proven popular, not only because of the detailed information that attendees can pick up and discuss, but because the sessions provide an informal networking opportunity, thereby improving relationships and knowledge.

11. UDL is keen to help Boroughs implement the new planning systems requirements in terms of urban design. The Director of UDL has visited individual boroughs to deliver talks to development control teams on Design and Access Statements. Talks were also offered to the London Planning Forum, Planning Aid in London, at a special event on Statements for Councillors and at 2 sub-regional meetings. Further sessions are planned for the next quarter.

TRAINING

12. UDL arranged a “path finder” urban design training day for a cross section of TfL staff. This was based on an existing module that had been developed by the Institution of Highways and Transportation (IHT) and CABE. The day proved very successful and UDL is negotiating with the suppliers to deliver a further 6 TfL- tailored events over the next 12 months. This will provide training for up to 200 operational staff. The training day will slot into the TfL “Streets” Graduate programme and a shorter version will be developed to form part of the TfL “Streets” induction programme.

13. In addition, UDL is developing an “Urban Design Skills Development Programme” which will provide training to embed urban design principles in the work of TfL and Borough Officers and Councillors. The 4-part training programme will deliver:

- a seminar programme;
- an e-learning programme;
- master classes; and
- action-based learning around current projects.

14. It is envisaged that delivery of the training programme will begin towards the end of 2006. The training will be available initially to TfL staff, Borough, LDA and GLA officers and, later, to suppliers of engineering consultancy services. It will cover all aspects of good urban design, including:

- streetscape issues
- high quality, higher density residential developments
- open space design
- inclusive design which ensures everyone can use a place easily, conveniently and with dignity, whether they suffer from a disability or are encumbered in other ways.

15. The full programme will be offered in addition to the 6 full day sessions described above, which have been tailored to TfL’s specific requirements. Boroughs that have paid subscriptions will be offered a number of free places but otherwise will be asked to pay towards the cost of the programme. UDL is also looking into third party funding support, such as from the Department for Communities and Local Government (DCLG) for the London Thames Gateway area.

PROVIDING INFORMATION

16. UDL has a new website at “urbandesignlondon.com”. This is updated regularly, includes information on forthcoming events, a detailed urban design reading list and an e-forum for members to use if they wish to.

17. UDL also sends out a fortnightly newsletter to over 90 members, which discusses specific issues that have been raised by members, such as how to set up a Borough Urban Design Panel; gives information about forthcoming events; and provides updates on new legislation, policy and good practice.

UDL AND DESIGN FOR LONDON (DfL)

18. The Mayor recently announced the creation of Design for London, amalgamating the urban design capabilities currently within the Architecture and Urbanism Unit, LDA and TfL to bring a strong focus within the GLA family and beyond to high quality design in London’s public realm. Peter Bishop has just been appointed as Director of Design for London, relinquishing his current Chief Officer role at Camden at the end of the year. Discussions have taken place between UDL and David Lunts/Peter Brown from DfL’s Executive Management Group, to explore synergies and avoidance of ambiguity and overlap in the roles of UDL and DfL.

19. DfL will focus on the promotion of quality in the development of London’s public realm; developing the GLA’s urban design policy and a public realm strategy for the Capital; and encouraging excellence in public and private sector design development. UDL, primarily, will focus on the development of urban design skills and understanding through both formal training programmes and wider networking events for engineers and designers. As such, it is believed that UDL’s role is complementary to DfL and, as a non-partisan organisation, is well-placed to support DfL’s objectives across the Capital.

20. Dialogue is to take place between Peter Bishop and Esther Kurland to further explore opportunities to maximise the contribution that each organisation can make to enhance their joint value. UDL currently is located within TfL’s Urban Environment Team which it is intended will co-locate with DfL at Palestra. The on-going dialogue will include options for UDL also to co-locate with DfL at Palestra.

RECOMMENDATION

21. The Board is requested to note the content of this paper.

Peter Brown
Chief Operating Officer – Streets

13 October 2006

TRANSPORT FOR LONDON

STAFF SUMMARY

TfL BOARD

SUBJECT: (1) Note of Written Resolution - Award of Main Works Contract (East London Line Project) & (2) Amendment to Standing Orders

DATE: 25 October 2006

1. Note of Written Resolution - Award of Main Works Contract (East London Line Project)

- 1.1 At the last TfL Board meeting on 20 September 2006, the Board Members were informed that, if necessary, a special Board would be called to seek authority to award the Main Works Contract on the East London Line Project, prior to the next scheduled Board on 25 October, given the urgency of the contract.
- 1.2 In the event it was not feasible to call a special Board within the short timescales required. After consultation with the Commissioner it was, therefore, decided to seek Board approval by way of written resolution, in accordance with the procedures under paragraph 47 of TfL's Standing Order No.1.
- 1.3 Accordingly, a form of written resolution (with supporting paper) was circulated to all Members on 4 October, with a deadline for response of 12 noon on Friday 6 October. A copy of the form of written resolution is attached as Appendix 1.
- 1.4 Eight Members responded within the time available, which was a quorate number for a written resolution and, as the responses were unanimously positive, the written resolution was duly passed.
- 1.5 Acting on the authority granted by the Board, a letter of contract award was sent to the Balfour Beatty / Carillion consortium on Monday 9 October. Following the 10-day "standstill" period – required under procurement law – the contract will be executed.

2. Amendment to Standing Orders

- 2.1 The procedure for obtaining a written resolution of the Board on the matter described above worked well. However, in using the procedure it was noted that it could be improved if it was clearer how the process for obtaining Members' responses and setting timescales should be fixed. The Board is therefore asked to approve the following amendments to TfL's Standing Orders:

3 Recommendation

3.1 The Board is requested to:

Approve a revised paragraph 47 of TfL's Standing Order No.1 as set out below: -

47. A written resolution of the Board will be as valid and effectual as if it had been passed at a Board meeting provided -
- (a) at least 8 members vote as indicated by their signature on one or more resolution documents which provide scope for acceptance or rejection of the resolution;
 - (b) it is supported by at least 75% of the members who voted; and
 - (c) a process for the use of the written resolution procedure is followed as determined on each occasion by the Secretary, in consultation with the Commissioner.

TRANSPORT FOR LONDON

Written resolutions of the Board

Subject: East London Line Project: Award of Main Works Contract

Dated: 04 October 2006

We the undersigned, being Members who have read the paper: "East London Line Project – Award of Main Works Contract" dated 2 October 2006 (the "Paper") and who, at the date of these resolutions would be entitled to attend and vote at Board meetings of TfL, hereby indicate our acceptance or rejection of the following resolutions in accordance with paragraph 47 of TfL's Standing Order No.1.

Resolutions

The TfL Board is requested to:

- **Approve**, in accordance with Appendix 1 (Scheme for Authorities) of TfL Standing Order 2, the award of the Main Works Contract for the East London Line Project to the Balfour Beatty / Carillion consortium;
- **Delegate** to the Commissioner, the Managing Director London Rail and the Managing Director Finance and Planning the authority for any one of them to agree the final terms of the Main Works Contract (in particular, the outstanding points referred to in paragraph 10.2 of the Paper) and any related documents;
- **Authorise** the execution of the Main Works Contract and any related documents;
- **Approve**, in accordance with Appendix 1 (Scheme for Authorities) of TfL Standing Order 2, future variations to the Main Works Contract for the items set out in the "Table of Known or Anticipated Compensation Events" at paragraph 7.2.1 of the Paper, up to the values set out in that table;
- **Authorise** LUL to approve the required purchase order to the value of £572M.

The Members may sign these resolutions in any number of counterparts, but all such counterparts shall together form one and the same instrument.

Signed (Board Member):	Date:
I accept / reject (please delete as applicable) the above resolutions. Ken Livingstone _____	
I accept / reject (please delete as applicable) the above resolutions. Dave Wetzel _____	
I accept / reject (please delete as applicable) the above resolutions. Honor Chapman _____	
I accept / reject (please delete as applicable) the above resolutions. Stephen Glaister _____	
I accept / reject (please delete as applicable) the above resolutions. Kirsten Hearn _____	
I accept / reject (please delete as applicable) the above resolutions. Mike Hodgkinson _____	

<p>I accept / reject (please delete as applicable) the above resolutions.</p> <p>Judith Hunt _____</p>	
<p>I accept / reject (please delete as applicable) the above resolutions.</p> <p>Eva Lindholm _____</p>	
<p>I accept / reject (please delete as applicable) the above resolutions.</p> <p>Paul Moore _____</p>	
<p>I accept / reject (please delete as applicable) the above resolutions.</p> <p>Sir Gulam Noon _____</p>	
<p>I accept / reject (please delete as applicable) the above resolutions.</p> <p>Patrick O’Keeffe _____</p>	
<p>I accept / reject (please delete as applicable) the above resolutions.</p> <p>Dabinderjit Singh Sidhu _____</p>	
<p>I accept / reject (please delete as applicable) the above resolutions.</p> <p>Tony West _____</p>	

TRANSPORT for LONDON

TfL BOARD

SUBJECT: FINANCE COMMITTEE REPORT

MEETING DATE: 25 OCTOBER 2006

1. PURPOSE

To report to the Board on matters discussed at the Finance Committee meeting on 12 October 2006.

2. BACKGROUND

The principal topic at the meeting was the revised Business Plan, which is being considered elsewhere on the agenda. The Committee received a presentation from Jay Walder, Managing Director, Finance and Planning which focussed on the areas of challenge that might be made to the proposed Plan, particularly by the rating agencies. A useful discussion of the areas challenges that he had identified, together with some further areas suggested by the Committee, took place which has informed the Plan that is being brought to the Board for approval.

The Committee considered a paper on the A406 North Circular Road Bounds Green to Green Lanes Safety and Environmental Improvements Scheme. Those present endorsed the recommendation which is being brought in a separate paper in today's agenda.

A paper was considered which updated the Committee with the progress made in implementing the GLA Group Sustainable Procurement Policy which was adopted by the Board earlier in the year.

The Finance Committee also considered a proposal to create a new subsidiary company which it is intended will eventually undertake all rail related activities within the London Rail business unit. The creation of new subsidiary companies is a matter reserved to the Board and this proposal is being considered elsewhere on the agenda. Those present did, however, recommend this proposal to the Board.

The Finance Committee receives reports on approvals expected to be given in 2006/7 by the Commissioner (or in his absence, the Managing Director, Finance and Planning) for projects budgeted to cost between £25m and £100m. No such projects had been approved since the last report to the Committee.

The meeting was inquorate as only two members were able to attend. Those members of the Committee who did not attend have been sent a copy of the draft minutes asking them to come back with any comments and/or questions so that they can be addressed. It is proposed that the minutes be ratified at the next Finance Committee meeting which will take place on 15 November 2006.

3. RECOMMENDATION

The Board is asked to NOTE the contents of this report.

TRANSPORT FOR LONDON

STAFF SUMMARY

TfL BOARD

**SUBJECT: REPORT FROM SAFETY HEALTH AND ENVIRONMENT
COMMITTEE MEETING – 7TH SEPTEMBER 2006**

MEETING DATE: 25 OCTOBER 2006

1. PURPOSE / INTRODUCTION

To update the Board on Health, Safety and Environmental (HSE) and Resilience matters.

2. BACKGROUND

The main matters at the SHEC meeting of 7th September 2006 were the circulation in draft of the health and safety content for the 2007/08 business plan and the provision of the first Chief Officers HSE Assurance Letters.

A closed session, for reasons of confidentiality and security, was also held following the open session.

• **Health and Safety Content of the 2007/08 Business Plan**

The health and safety content for the 2007/08 business plan was noted. Due to environmental key performance indicator reporting timescales, only the health and safety content was available. The environmental / sustainability content is being prepared and will be circulated in due course.

• **HSE Audit Plans for 2006/07**

Members noted the HSE Audit plans for each of the modes, detailing the HSE management system, operational and topic audits that will be completed in 2006/07.

• **HSE Assurance letters**

Members noted the HSE Assurance Letters from the Chief Officers for Rail, London Underground and Surface Transport – Streets. The letters were produced following a successful pilot in 2005/06 and document the Chief Officers' commitment to HSE management and the status of their mode specific HSE management systems. Surface 'public' Transport and the Corporate Directorates will submit their letter at the next SHEC meeting (15th November).

• **Business Q1 HSE reports**

Surface Transport:

Members noted the report from Mike Weston and welcomed David Brown as the new MD for Surface Transport. In response to a noted rise in pedestrian fatalities following collision with a bus, Surface Transport will be reviewing all the recent pedestrian fatality incidents to identify any causal trends.

Corporate Directorates:

Members noted the report from the Corporate Directorates, thanked Peter McGuirk for his contribution to SHEC and welcomed his replacement Howard Carter

London Rail:

Members noted the report from Ian Brown which highlighted there had been no staff assaults in Q1.

LUL:

Members noted the report from Tim O'Toole which highlighted the rise in Signal Passed At Danger and 'Platform Train Interface' incidents, both of which are known key risks for LUL and are the subject of ongoing work to investigate and reduce the risk.

Tim O'Toole noted that LUL was in the process of preparing a new 'Attendance at Work' policy that has been developed using the experiences and practices of other organisations and reflects the ACAS model.

Other Matters

3. IMPACT ON FUNDING

None.

4. RECOMMENDATIONS

The Board is requested TO NOTE the content of the report.

Further details on the content of the report can be obtained from:
Richard Stephenson Director Group HSE (Tel: 0207 126 4905)

TRANSPORT FOR LONDON

TFL BOARD

SUBJECT: Delegation in relation to certain congestion charging powers

MEETING DATE: 25 OCTOBER 2006

1. PURPOSE

- 1.1. To inform the Board of the provision of a Delegation to TfL from the Mayor in relation to the issue of directions to London Borough Councils to ensure that the Western Extension to the Congestion Charging Zone (WEZ) is appropriately implemented.

2. BACKGROUND

- 2.1. Under TfL's Standing Order No. 1 paragraph 18, TfL is required to report any delegations of power from the Mayor, on behalf of the GLA, to the Board as soon as reasonably practicable after it has been made.
- 2.2. The Mayor made a delegation to TfL allowing the issue of directions to London Borough Councils regarding the WEZ on 18 October 2006.
- 2.3. TfL have been working collaboratively with those London Boroughs affected by the implementation of the WEZ. They have agreed to allow TfL to install new or replacement signs required for the new scheme in their areas.
- 2.4. Paragraph 33 of Schedule 23 of the Greater London Authority Act 1999 provides the Mayor, on behalf of the GLA, with the power to issue directions to London Borough Councils requiring them to exercise certain of their powers for purposes connected with a charging scheme. To date in relation to the WEZ, this power has not been exercised as all London Boroughs have agreed to allow the requisite works to be undertaken. The power was however, used in relation to the Central London congestion charging scheme.
- 2.5. In the lead up to the commencement of WEZ in February 2007 there are significant tasks, including highway works, which must be completed for the scheme to be fully operational.

- 2.6. To ensure WEZ's timely introduction the Mayor has delegated to TfL the direction power to the London Borough Councils in the event that agreement cannot be reached about the works with the relevant authorities.

3. RECOMMENDATION

- 3.1. The Board is requested to NOTE the making of the delegation of the power to issue directions to the London Borough Councils from the Mayor in respect of WEZ implementation.