

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2038

Title: Appeals services to the central London Congestion Charging Scheme and the Low Emission Zone

Executive Summary:

The Central London Congestion Charging Scheme became operational in February 2003. It is a legal requirement of the Scheme that an independent arbitration and appeals service be provided so that motorists are able to appeal against Penalty Charge Notices that have been issued to them. The same is also true of the Low Emission Zone, which became operational in February 2008. The contract for the independent appeals service for Congestion Charging and the Low Emission Zone is let by the Greater London Authority (GLA).

The existing contract for the provision of appeals services to the Congestion Charge and the Low Emission Zone expires on 9 December 2016. Therefore, a new contract is required in order that both schemes can continue in accordance with legislative requirements.

Decision:

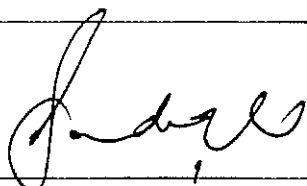
- To approve the award of a new contract for the provision of appeals services to the central London Congestion Charging Scheme and the Low Emission Zone for a period of five years with the right to extend for a further two years at an estimated value of £5.6 million; and
- To delegate powers to the Executive Director of Development and Environment, to execute the contract with the bidder submitting the most economically advantageous tender.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision, and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

25/10/16

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1 The Congestion Charge became operational in February 2003. Drivers entering the Congestion Charge zone currently pay £8 per day to do so (or less if they have purchased a monthly or annual pass, are eligible for an exemption or discount, e.g. taxis or alternatively fuelled vehicles, or are a resident within the zone).
- 1.2 The Low Emission Zone became operational in February 2008. The Low Emission Zone requires the payment of a daily charge if you drive within the Zone in a vehicle that does not meet the required emission standards and is not exempt from the scheme or registered for a 100 percent discount.
- 1.3 Transport for London (TfL) operates both schemes. TfL may issue a Penalty Charge Notice (PCN) for either scheme if they believe the relevant vehicle has not paid either charge or is not exempt or registered for a discount. The registered keeper of that vehicle will be issued with a Penalty Charge Notice (PCN). On receipt of a PCN, the recipient is able to make a representation to TfL. If this is rejected, they then have the right to make an appeal to an independent adjudicator.
- 1.4 The provision of appeals services is in three parts.
 - The provision of adjudication services. Independent adjudicators are appointed by the Lord Chancellor and are reimbursed according to the time that they spend in undertaking this work;
 - The provision of the computer systems necessary to process the appeals. This may be provided by a third party contractor or in-house;
 - The provision of administrative support so that the adjudicators are able to carry out their role efficiently and effectively and so that the outcomes of their decisions are correctly processed. This will include the provision of office accommodation for the adjudicators, the administrative staff and all of the necessary IT equipment and paper records that will need to be kept.
- 1.5 The contract for appeals services to the Congestion Charge was re-let to London Councils in December 2009 for a period of five years and was subsequently extended for two years to December 2016. In order to ensure continuity of service, approval is sought to award a new contract for these services to most economically advantageous tender following a competitive and properly conducted procurement exercise.

2. Objectives and expected outcomes

- 2.1 It is a legal requirement of the Congestion Charge Scheme and the Low Emission Zone that an independent appeals service be provided. The existing contract for the provision of appeals services to the Congestion Charge and the Low Emission Zone expires on 9 December 2016. Therefore, a new contract is required in order that both schemes can continue in accordance with legislative requirements.
- 2.2 Changes to the either the Congestion Charging Scheme or the Low Emission Zone, such as the proposed Emissions Surcharge and Ultra-Low Emission Zone, can be covered within this contract as the service can be scaled to manage any changes in the legal scheme orders and associated changes in the volume of appeals.
- 2.3 TfL will reimburse the GLA for the cost of this contract from the income received through the operation of the Congestion Charging Scheme, i.e. charges and penalties. There is therefore, no overall financial impact on the GLA as a result of this contract being awarded.

3. Equality comments

- 3.1. The contract includes the relevant provision on Equality and Diversity. The procurement process has been conducted in accordance to the responsible procurement practices. The service procured will ensure that members of the public have continued access to an independent tribunal should they received a Penalty Charge Notice. It is therefore not anticipated that the recommendation in this paper will have any unequal impact on equality groups.

4. Other considerations

a) Key risks and issues

- 4.1 If an approval for the new contracts is not completed in advance of 9 October 2016 there is a risk that the existing contract would lapse and that an independent appeals service would not be able to operate. This would in turn jeopardise the operation of the central London Congestion Charge and the Low Emission Zone. In order to mitigate this risk, the GLA instructed TfL to conduct a tender process and allow sufficient time for the necessary approvals.

b) Links to Mayoral strategies and priorities

- 4.2 The requirement to operate the central London Congestion Charge Scheme and the Low Emission Zone is stipulated in the Mayor's Transport Strategy. It is a legal requirement of the Congestion Charge Scheme and the Low Emission Zone that an independent appeals service be provided.

c) Impact assessments and Consultation

- 4.3 As stated previously, it is a legal requirement of the Congestion Charge Scheme and the Low Emission Zone that an independent appeals service be provided. Therefore, there are no direct or formal impact assessment or consultation requirements as a result of this procurement.

5. Financial comments

- 5.1 TfL will reimburse the GLA for the cost of this contract from the income received through the operation of the Congestion Charging Scheme, i.e. charges and penalties. There is therefore no overall financial impact on the GLA as a result of this contract being awarded.

6. Legal comments

- 6.1 Under section 30 of the Greater London Authority Act 1999 (the 'Act') the Mayor, acting on behalf of the GLA, is entitled to do anything that he considers will further the promotion, within Greater London, of economic development and wealth creation, and social development or the promotion of the improvement of the environment.
- 6.2 In formulating the proposals in respect of which a decision is sought officers have complied with the GLA's related statutory duties to:
- pay due regard to the principle that there should be equality of opportunity for all people (further details on equalities are set out in section 3 above) and to the duty under section 149 of the 2010 Act to have due regard to the need to eliminate unlawful discrimination, harassment and

victimisation as well as to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not¹;

- consider how the proposals will promote the improvement of health of persons, health inequalities between persons and to contribute towards the achievement of sustainable development in the United Kingdom; and
- consult with appropriate bodies.

6.3 The services required must be procured by Transport for London Procurement who will determine the detail of the procurement strategy to be adopted in accordance with the GLA's Contracts and Funding Code.

6.4 Officers must ensure that appropriate contract documentation is put in place and executed by the successful bidder(s) and the GLA before the commencement of the services.

6.5 The Mayor may, under section 38 of the Act, delegate the exercise of the GLA's functions to the Executive Director of Development and Environment as proposed.

7. Corporate Investment Board

7.1 This proposal was considered by the Corporate Investment Board on 10 October 2016.

8. Planned delivery approach and next steps

Activity	Timeline
Procurement of contract	Ongoing
Delivery Start Date	December 2016
Contract re-let or extension	December 2021

Appendices and supporting papers: None

¹ The protected characteristics and groups are: age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation and marriage/ civil partnership status.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Tim Steer has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.

✓

Sponsoring Director:

Fiona Fletcher Smith has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Valerie Shawcross CBE has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on the 10 October 2016.

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

M. J. Belle

Date

17.10.16

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

D. Bellamy

Date

20/10/2016

