

<b>Item No.</b> 64.2	<b>Classification:</b> Open	<b>Date:</b> 22 January 2003	<b>Meeting Name</b> Council Assembly
<b>Report title:</b>		Congestion Charging – Effect On Councillors	
<b>Ward(s) or groups affected:</b>		Cathedral, Chaucer, Riverside and Grange Wards	
<b>From:</b>		Chief Executive (Borough Solicitor & Secretary)	

### **RECOMMENDATION**

1. That Council Assembly agrees that congestion charges be reimbursed to Councillors for approved duties carried out in affected wards; and that the situation be reviewed six months after the implementation of charging.

### **BACKGROUND INFORMATION**

2. The Standards Committee first considered a congestion charging report on 18th December 2002. The committee agreed to recommend to Council Assembly that it reimburse Members congestion charges for approved duties.
3. On 26 February 2002 the Mayor of London confirmed the Greater London (Central Zone) Congestion Charging Zone Order 2001, with certain modifications that reflected comments made during the course of extensive consultation on the proposal to introduce congestion charging. Consultation had been underway since summer 2001 and the Council had formally responded, generally welcoming the scheme, but seeking clarification about the potential impact of the scheme on the council's operational functions.
4. Part of the borough lying north and west of Kennington Lane, New Kent Road and Tower Bridge Road will fall within the CCZ, which comes into effect on 17 February 2003. A £5.00 daily charge will be incurred for each vehicle entering the Congestion Charge Zone between the hours of 0700 and 1830, Monday to Friday.
5. There are a number of concessions within the scheme which result in certain vehicles being considered non-chargeable vehicles or incurring a reduced rate charge.
6. Non-chargeable vehicles include: -
  - motorbicycles; licensed taxis and mini-cabs;
  - vehicles exempt for vehicle excise duty (including police vehicles, fire engines, ambulances and health service vehicles);
  - buses and minibuses with a seating capacity of more than 9 persons; and
  - local authority operational vehicles engaged in street cleaning, road maintenance, waste collection and a range of other statutory activities.
7. Reduced charges will apply in the case of: -
  - certain disabled persons vehicles;
  - recovery vehicles and breakdown vehicles;

- alternative fuel vehicles.
8. In certain instances charges for vehicles used by NHS employees, vehicles used for transporting NHS patients and vehicles used by firefighters for operational reasons may be reimbursed.
  9. Residents living within the CCZ will qualify to pay at a reduced rate. It is possible that on limited occasions some councillors may incur congestion charges while engaged on Council business during the hours of operation of the scheme.
  10. Money raised via congestion charging is required to be spent on measures to help fund or bring forward improvements in public transport in Greater London including bus network improvements, improving accessibility, contributing to the costs of developing tram or high quality segregated bus schemes and increasing late night public transport.

### **KEY ISSUES FOR CONSIDERATION**

11. Cathedral and Chaucer Wards are fully within the CCZ and parts of Riverside and Grange are affected. Three councillors live within the CCZ and will be receiving information directly from Transport for London about options for residents.
12. The provisions governing travel allowances for Members specify reimbursement of public transport fares or use of a vehicle according to mileage and vehicle engine capacity and can include the reimbursement of parking fees.
13. It is worth noting that when agreeing the Council's basic allowance for Members, Council Assembly agreed that the basic allowance should cover intra-borough travel.
14. Other directly affected boroughs have been contacted. Camden and Islington both indicated that they would expect Councillors to use public transport or pay their own fees, Islington citing their own Green policy.
15. Westminster states that it will attempt to reimburse councillors if the congestion charge is incurred in the course of an approved duty (Members' surgeries are not approved duties at Westminster).
16. If the Council was to agree to the reimbursement of the congestion charge to Members, this would have to be in connection with those permitted approved duties specified in legislation (see paragraphs 20 and 21) - see appendix attached.

### **Policy Implications**

18. Agenda 21 suggests that car use is to be discouraged and the use of public transport and other means of transport is to be encouraged. The Council's policy framework including the UDP, Air Quality Management Strategy and Transport policies are consistent with this priority. National policy and the Mayor of London's Transport Strategy also support similar aims. Agreeing to refund the charge to Members could be seen as compromising this policy.

### **Resource Implications**

19. If the Council agrees to Standards Committee's recommendation to refund the charge to Members for undertaking approved duties it is likely to be less than £1,000 p.a.

## SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

### Borough Solicitor & Secretary

20. Section 174 of the Local Government Act 1972 provides that a member is entitled to receive payments by way of traveling allowance where expenditure is necessarily incurred for the purposes of carrying out an approved duty. Any payments made under this provision may not exceed the rates specified by the Secretary of State.
21. The amounts payable are set out in an Appendix to Circular 1/86 which was last updated in April 2000. In respect of the payment of a mileage allowance the payment may be increased *“by not more than the amount of any expenditure incurred on tolls, ferries or parking fees...”* The Council may therefore choose to allow reimbursement of congestion charging fees by analogy with parking fees.
22. In considering whether to endorse the recommendation that the members’ allowances scheme should be amended to include reimbursement of congestion charging payments to members, Council Assembly should take account of the wider policy framework and the extent to which such an amendment would be consistent with the Council’s general policy and strategic objectives.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Standards Committee Minutes Book	Southwark Town Hall, Peckham Road, London SE5 8UB	Tina Akumanyi – 020 7525 7226

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Holmes, Borough Solicitor and Secretary	
<b>Report Author</b>	David Mearns, Head of Administrative Services	
<b>Version</b>	Final	
<b>Dated</b>	10/1/2003	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Borough Solicitor & Secretary	Yes	Yes
Chief Finance Officer	Yes	No
<b>Executive Member</b>	No	No
<b>Date final report sent to Constitutional Support Services</b>	10/1/2003	

## **APPENDIX A**

### **Approved Duties**

#### **Dependent Care, Travel, Subsistence and Financial Loss Allowance.**

Child and Dependant Carers, Travel, Subsistence and Financial Loss Allowances can be claimed in respect of the following duties:

- a) Attendance at meeting of the authority or of the authority's executive, or of any committee or sub-committee of the authority or the executive, or of any other body to which the authority or the executive make appointments or nominations, or of any committee or sub-committee of such a body.
- b) The attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority or a joint committee of the authority, or a sub committee of such a joint committee provided that it is a meeting to which members of at least 2 political groups have been invited.
- c) Attendance at a meeting of any association of authorities
- d) Attendance at a meeting of the executive or of any of its committees
- e) Attendance at tender openings, where this is required by the Council's Standing Orders
- f) Performance of any duty in connection with the discharge of a function of the authority empowering or requiring the inspection of premises.
- g) Performance of any duty in connection with arrangements made by the authority for the attendance of pupils at special schools.

Travel, Subsistence, and Financial Loss Allowance (but not Dependant Carers' Allowance) can also be claimed in respect of

- h) Any other duty approved by the Council or any duty of a class so approved, for the purpose of or in connection with the discharge of the functions of the Council, or any of its committees or sub-committees.
- i) Any duty for the purpose of or in connection with the discharge of the functions of an executive.

Note 1 - No allowances can be claimed in respect of political group meetings.

Note 2 - Financial Loss Allowance can be claimed only by co-opted members, and not by Councillors.

### **Summary List of Approved Duties**

1. Attendance at Council, Committee or Sub-Committee meetings.
2. Attendance at Neighbourhood Forums that fall within the Member's Ward.
3. Attendance at Tenants' Council and Leaseholders' Council.
4. Attendance at Licensing or Development Control Committees as a Ward representative.
5. Attendance at a meeting of a body to which the Member has been appointed by the Council

Adoption Panel  
Age Concern Greater London  
*ALG (Association of London Government)*  
ALG Area Environment Group  
ALG Committees  
Association of Direct Labour Organisations  
Business Link  
Camberwell Provident Dispensary  
Capital Transport Campaign  
Credit Union Development Agency  
Disabilities Forum  
Greater London Employers' Association Ltd  
Greater London Enterprise  
Lee Valley Regional Parks Authority  
LGA (Local Government Association)  
Library Association  
London Arts Board/Local Authority Forum  
London Boroughs Children's Regional Planning Committee  
London Boroughs Grants Committee  
London South East Valuation Tribunal  
National Association of Black, Asian and Ethnic Minority Councillors  
National Local Government Forum Against Poverty  
National Society for Clean Air and Environmental Protection  
North Southwark Environment Trust  
Peckham Partnership Board  
Pensioners' Forum  
Premises Inspection Panel  
Save Guy's Hospital Campaign  
South Eastern Museum Service  
Southern Association of Direct Labour Organisations  
Southwark and Lambeth Archaeological Excavation Committee  
Southwark Community Health Council  
Southwark Council for Community Relations  
Southwark Groundwork Trust (Directors)  
Southwark JCC  
Southwark Police & Community Consultative Group  
Southwark Women's Aid  
Standing Committee on Atmospheric Pollution  
Territorial Auxiliary and Volunteer Reserve Association for Greater London

