

### London Councils TEC Delegation dockless byelaw – Explanatory note

After detailed discussions at London Councils TEC, it has been agreed that London Councils should seek amendments to the London Councils' Transport and Environment Committee Agreement (LC TEC Agreement) that would allow London Councils TEC to widen the scope of its current ability to make and promote the proposed pan-London byelaw on boroughs' behalf to prohibit bike operators from parking dockless bikes other than at approved parking spaces.

We are aware that some boroughs might have questions about the delegation process and have therefore developed this explanatory note to provide further information.

At the meeting on 21 March 2019, LC TEC agreed that the correct future approach for dockless bike sharing is to move away from the status quo, where Boroughs reach individual agreements with specific operators, and instead move to borderless operations throughout Greater London. As an existing joint committee representing all of London's local highway authorities, LC TEC has agreed that it is a suitable body to undertake both the promotion and making of such pan-London byelaw.

For TEC to be able to do this, however, the LC TEC Agreement needs to be amended. At the meeting on 13 June 2019, LC TEC agreed to start the process of amending the LC TEC agreement to delegate the boroughs' functions relating to making and promoting the pan-London dockless byelaw to TEC. The reason the Agreement needs to be amended is because none of the local authorities' functions relating to the making of a pan-London byelaw for dockless bikes parking are currently delegated as functions of LC TEC and the Committee therefore does not currently have the legal authority to undertake this function on behalf of the London local authorities.

The proposed delegation is highly restricted. The delegation is not a transfer of the authorities' powers in respect of dockless bikes parking to LC TEC but allows for LC TEC to make and promote a pan-London byelaw. There was no provision for this included when the LC TEC Agreement was first established.

Signing the amendment to the LC TEC Agreement does not mean any loss of control of your assets or powers. Every authority can be assured that the extent of dockless bike parking and the enforcement of the byelaw would be a matter for local decision-making and control, at the discretion of each London borough.

However, without all authorities signing the variation to the LC TEC Agreement the Committee would be unable to take on the promotions and making of this new byelaw. We are therefore asking authorities to go through their individual processes and return a signed declaration by **5 December 2019**.

A copy of the draft byelaw is also enclosed with the delegation document and this clarification note. Please could you provide any further feedback on the text of the byelaw no later than **6 September 2019**, to allow further changes to be considered. We intend to ask LC TEC members to sign off the wording of the byelaw at the TEC meeting on 10<sup>th</sup> October 2019. This will enable other essential procedural parts of the process for making the byelaw to be taken forward while the process of delegating powers continues in parallel.

We hope that this provides more clarity on some of the issues raised and enables you to sign the amendment. If you have any questions about this process, please contact Paulius Mackela on [Paulius.Mackela@londoncouncils.gov.uk](mailto:Paulius.Mackela@londoncouncils.gov.uk) or 020 7934 9832. To enable us to track progress, we would also be grateful if you could confirm receipt and provide contact details for the officer who will be leading on this matter for you.