



House of Commons

Committee on the London
Local Authorities and Transport
for London Bill

THE LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON BILL

Special Report Session 2005–06

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The Committee on the London Local Authorities and Transport for London Bill

The Committee on the London Local Authorities and Transport for London Bill was appointed by the Committee of Selection on 19 October.

Committee membership

Mr Peter Lilley MP, (Chairman)
Mr Ian Austin MP
David Mundell MP
Anne Snelgrove MP

Powers

The committee was established under the House of Commons Private Business Standing Orders and has a duty to hear the petitions against the London Local Authorities and Transport for London Bill and any Government report referred to it; to decide whether the Bill should proceed; and to make amendments.

Publications

The Report of the Secretary of State for Transport on the London Local Authorities and Transport for London Bill and oral evidence heard by the Committee are published on the Internet at:

<http://www.publications.parliament.uk/pa/privbill.htm>

Copies are also available from the Private Bill Office on request.

Committee staff

The Clerk of the Committee was Sian Jones.

Contacts

All correspondence should be addressed to the Clerk in the Private Bill Office, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 6008; the email address is prbohoc@parliament.uk.

SPECIAL REPORT

Mr Peter Lilley reported from the Committee on the London Local Authorities and Transport for London Bill, That it had agreed to the following Special Report:—

Introduction

1. The London Local Authorities and Transport for London Bill, jointly promoted by Westminster City Council and Transport for London, was deposited in Parliament in November 2004. The bill was opposed by eleven parties; seven parties subsequently withdrew their petitions against the bill.
2. The bill received its second reading on 21 June 2005. This Committee was nominated on 19 October 2005 and met for the first time on Tuesday 1 November. Over the course of three days we heard the evidence and arguments from the promoters, their counsel and witnesses and the petitioners, namely, Bugbugs Limited, the London Cab Drivers Club Limited and the London Cycling Campaign. We also heard representatives of the Secretary of State for Transport explain the recommendations contained in his report on the bill.
3. The purpose of this Special Report is to draw the attention of the House to our disagreement to some of the recommendations made in the Report of the Secretary of State for Transport on the London Local Authorities and Transport for London Bill and to state our reasons for dissenting, as required by Standing Order 144.

The Bill

4. The bill seeks to give further powers to local authorities in London and to Transport for London in relation to parking, road traffic, highways, pedicabs, filming on highways and the enforcement of penalty charges.

Clauses requiring further clarification

Clauses 4 -12

5. We acknowledge the Government's opposition to clauses 4 to 12. In each of these cases the points raised in evidence by witnesses and counsel in support of the clauses were not adequately met by the representatives speaking on behalf of the Government. We would like the Government and the Promoters of this Bill to have further opportunity to clarify the purpose of these clauses and to reflect on the evidence presented to the Committee. Consequently, we have not deleted the clauses from the bill at this stage. The Bill is at an early stage in its passage through Parliament and our view is that the Committee on this Bill in the House of Lords will be well placed to reconsider these issues at a later stage.

Clause 14

6. We would like the promoters of the bill further to investigate amending this clause in line with the points made by the London Cycling Campaign. We do not see a difficulty in including cycle paths within the definition and, indeed, believe that cycle paths would already be covered by the current definitions used in section 329 of the Highways Act 1980. We recommend that the promoters either amend the bill as necessary or explain why a clarification of the current definition would require an additional provision in the bill, and thus the invocation of additional parliamentary procedures. The matter can then be taken further in committee in the House of Lords.

Clauses 25 to 33

7. We noted the Government's opposition to clauses 25 to 33. The Departmental report stated that the Government wished to bring into force sections of the Traffic Management Act 2004 in order to make similar provisions. The officials representing the Minister could not tell us when these provisions might come into force.
8. We were told by counsel for the promoters that the provisions in the bill would have a different effect from those provisions included in the 2004 Act. As before, we would encourage the Government to reflect on the evidence presented to the Committee and continue its discussion with the promoters of the bill. Any report that the Government may choose to make on the bill in the House of Lords might usefully address these issues and state more comprehensively what Government intends to do, and by when.
9. We were not minded to remove these sections of the bill merely on the basis that the Government might bring different provisions forward at an unspecified date in the future.

Clauses removed from the Bill

Clause 13

10. We agree with the Government and the London Cycling Campaign that a consistent approach is needed when issuing fixed penalty notices to cyclists who are cycling on the footway. We recognise that London has a complicated cycle network and the evidence presented to us showed that it was not always clear where it was permissible to cycle on the footway and where not. We also believe that the power to stop cyclists is best left to the police and community support officers.

Clauses 16 to 21: Pedicabs

11. The Government told us that the clauses relating to pedicabs were technically deficient. The clauses did not address the Department for Transport's main

concerns about the pedicab operation. We were told that the Government opposed the clauses as drafted and would like to see them deleted from the bill.

12. The clauses relating to pedicabs did not address the concerns the Government had about passenger safety. The clauses made no provision for any minimum standards to be applied to or for any checks to be carried out on pedicabs, their riders, or their operators, nor for any training to be required or for a registration to be refused, suspended or revoked. The Government pointed out that the registration of pedicabs under these clauses could be mistakenly viewed by the public as an endorsement of the vehicle's basic roadworthiness and the character of the rider.
13. The Government told us that there were ongoing negotiations with Transport for London regarding a licensing scheme. Transport for London proposed to license pedicabs using existing legislation.
14. We also heard opposition to these clauses from the petitioners against the bill, the London Cab Drivers Club Limited and Bugbugs Limited. Both petitioners were unhappy about the definition of the term "pedicab" in the bill. They felt that the proposed definition would lead to future litigation. Bugbugs supported registration in principle but were concerned that the proposed registration system would enable traffic wardens or local government contractors to issue parking fines to pedicabs before defining any specific parking areas for pedicabs or clarifying whether a pedicab would be able to use a bus lane. These are significant issues for the pedicab industry and should be tackled before or in conjunction with any legislation attempting to regulate it. The Government told us they would be sympathetic in principle to a fuller regulation of pedicabs rather than the very basic registration system proposed in the bill.
15. The clauses did not offer any useful solutions to the issues raised. Counsel for the promoters of the bill told us that it would be impossible to introduce a licensing scheme under the proposed legislation.
16. **We recommend that the promoters of the Bill give more thought to the registration and licensing of pedicabs. We believe that registration and licensing of the pedicab industry would be broadly welcomed. However such legislation would need to resolve the issues raised by the Government and by the industry. The evidence we heard indicated that the clauses in the bill would damage the industry if introduced ahead of any future licensing scheme. We have accordingly deleted them from the bill.**

Conclusion

17. During the examination of the arguments against sections of this bill, we found that the Government representatives were frequently unable to clarify the Government's intentions. We recommend that any report the Government may choose to make on the Bill in the House of Lords should provide a more detailed statement of the Government's views on the bill.
18. We hereby draw these matters to the attention of the House.

PROCEEDINGS OF THE COMMITTEE RELATING TO THE REPORT
**NOTICES RELATING TO PRIVATE BUSINESS DEPOSITED ON
 Wednesday 19 October 2005**

COMMITTEE OF SELECTION

Opposed Bill

The following Committee is appointed:

<i>Name of Bill</i>	<i>Date of Committal</i>	<i>Members of Committee</i>	<i>Time of Meeting</i>
London Local Authorities and Transport for London Bill	Tuesday 21st June	Miss Anne McIntosh (Chairman) Mr Ian Austin David Mundell Anne Snelgrove	Tuesday 1st November at Ten o'clock (Private)

**NOTICES RELATING TO PRIVATE BUSINESS DEPOSITED ON
 WEDNESDAY 26th OCTOBER 2005**

COMMITTEE OF SELECTION

London Local Authorities and Transport for London Bill

Miss Anne McIntosh is discharged from the Committee. Mr Peter Lilley is added to the Committee.

THURSDAY 3 NOVEMBER 2005

Members present:
Mr Peter Lilley, in the Chair

Mr Ian Austin
David Mundell

Anne Snelgrove

The Committee deliberated.

Draft Special Report, proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 18 read and agreed to.

Resolved, That the Report be the Special Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House