

REQUEST FOR MAYORAL DECISION – MD1424

Title: Delegation of Mayoral Powers for Future Streets Incubator Projects

Executive Summary:

The Future Streets Incubator was launched in March 2014 and currently consists of £1.8 million of TfL funding, to be awarded over 3 years, for creative projects intended to improve London's streets. Some of the projects are likely to fall within the scope of TfL's existing statutory powers to provide financial assistance, whilst others may be more focused on improving the environment and/or encouraging social interaction, and as such are potentially outside the scope of TfL's powers. TfL therefore requests a delegation of the Mayor's economic and social development and environmental improvement powers to allow it to award funding to such projects.

Decision:

That the Mayor authorises TfL under section 38(1) of the Greater London Authority Act 1999 (the GLA Act) to exercise the Mayor's powers under sections 30 and 34 of the GLA Act to award funding from the Future Streets Incubator to projects that will further the purpose of promoting economic or social development or the improvement of the environment in Greater London and which may not fall within TfL's own statutory powers.

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:

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

Decision required – supporting report

1. Introduction and background

- 1.1 The Future Streets Incubator (the Incubator) was launched in March 2014 and currently consists of £1.8 million of TfL funding, to be awarded over 3 years, for creative projects intended to improve London's streets. The Incubator aims to nurture and support innovative projects with the potential to deliver world-class roads and streets fit for the future.
- 1.2 The Incubator is currently open to applications from London boroughs, sub-regional partnerships, Business Improvement Districts and community groups/charities, subject to eligibility criteria set out in guidance.
- 1.3 Applicants for funding are asked to satisfy one or more of the three core aims identified by the Mayor's Roads Task Force in its report of 2013. Those aims are:-
 - to enable people and vehicles to move more efficiently on London's roads and streets;
 - to transform the environment for cycling, walking and public transport; and
 - to improve the public realm and provide better and safer places for all the activities that take place on London's streets, providing an enhanced quality of life.
- 1.4 Of those three aims, the first two fall squarely within TfL's statutory power to provide financial assistance (see Legal Comments below for further detail) as they relate directly to the provision of transport services and facilities in London. The third aim is wider in scope, encompassing transport-related matters such as the improvement of pedestrian or cyclists' experience and mitigation of road traffic impacts but also potentially extending to more general improvements to the public realm.
- 1.5 In order to ensure that TfL can achieve the aims set by the Mayor's Roads Task Force (see below) and encourage innovative ways of improving London's streets through awarding grants from the Incubator, it is therefore considered necessary to supplement TfL's existing statutory power to provide financial assistance through a delegation of the Mayor's wide economic, social and environmental improvement powers.

2. Objectives and expected outcomes

- 2.1 As noted above, the objective of seeking this delegation of powers is to ensure that TfL can, through administering the Incubator, contribute to the achievement of the aims of the Mayor's Roads Task Force without being restricted by the scope of its statutory power to provide financial assistance.

3. Equality comments

- 3.1 Under section 149 of the Equality Act 2010, as a public authority, the Mayor must 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 have a protected characteristic and those who do not. Protected characteristics include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender, sexual orientation (and marriage or civil partnership status for the purpose of the duty to eliminate unlawful discrimination only).

The proposed decision to delegate the Mayor's social and environmental improvement powers for the purpose of the Incubator does not in and of itself have any equalities implications. TfL, which will administer the Incubator, is required to comply with the public sector equality duty in s.149

Equality Act 2010 when taking decisions so that due regard will be had to be any equalities impacts of particular projects considered for funding.

4. Other considerations

4.1 Mayor's Roads Task Force

The investment to be provided through the Incubator forms part of the wider work TfL is carrying out across London to deliver the recommendations of the Mayor's Roads Task Force (RTF). The RTF was set up by the Mayor in 2012 to tackle the challenges facing London's streets and roads. Its report considered how the road network could better serve local communities, helping to transform the urban realm, cut pollution and ease congestion across London. One of the key recommendations in the RTF report was that there should be a focus on innovation and trialling new approaches, and the Incubator is intended to encourage and support this.

5. Financial comments

- 5.1 The Mayor is asked to delegate the statutory power to TfL to allow it to award funding from the Future Streets Incubator, to projects that will further the purpose of promoting economic or social development or the improvement of the environment in Greater London and which may not fall within TfL's own statutory powers.
- 5.2 There are no financial implications for the GLA, as the funding for the projects will come from TfL.
- 5.3 Any changes to this proposal will be subject to further approval via the Authority's decision-making process as necessary.
- 5.4 The Transport team within the Development, Enterprise & Environment Directorate with TfL will be responsible for managing this project.

6. Legal comments

- 6.1 Section 159 of the GLA Act grants TfL a power to award financial assistance, as follows.

Transport for London may give financial assistance to any body or person in respect of expenditure incurred or to be incurred by that body or person in doing anything which in the opinion of Transport for London is conducive to the provision of safe, integrated, efficient and economic transport facilities or services to, from or within Greater London.

Financial assistance may take the form of a grant, loan or other payment.

- 6.2 The effect of section 159 is therefore that TfL's power to provide financial assistance is restricted to funding which will be conducive to its provision of safe, integrated, efficient transport services or facilities. Under section 161 of the GLA Act, TfL is required to include in its annual report details of any financial assistance granted under section 159.
- 6.3 As explained above, the aims which applicants to the Incubator are required to meet may potentially cover activities which extend beyond the scope of TfL's section 159 power. In order to ensure that TfL can meet the aims identified by the Roads Task Force and award funding to successful applicants to the Incubator, TfL is seeking a delegation of the Mayor's economic, social and environmental improvement powers.
- 6.4 Sections 38(1) and (2) allow the Mayor to authorise TfL to exercise the Mayor's powers under sections 30 and 34 of the GLA Act. Section 38(7) gives TfL the power to exercise any functions delegated to it by the Mayor pursuant to section 38, whether or not TfL would otherwise have had

that power and irrespective of the nature of the function. Section 38(10) of the GLA Act requires the section 38 delegation to be in writing.

6.5 Section 30 of the GLA Act gives the Mayor a general power to do anything which he considers will further one or more of the principal purposes of the GLA. The principal purposes, as set out in section 30(2), are:-

- (a) promoting economic development and wealth creation in London;
- (b) promoting social development in Greater London; and
- (c) promoting the improvement of the environment in Greater London.

6.6 Further, section 34 of the GLA Act allows the Mayor to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of any of his functions (including his functions under section 30).

6.7 It is considered that awarding grants from the Incubator will further the principal purposes set out above as improvements to the public realm have a clear positive impact on the environment and on social interaction and have the potential to promote economic development in Greater London.

6.8 In determining whether or how to exercise his powers under section 30, it is necessary for the Mayor to comply with the requirements of sections 30 to 33 of the GLA Act and in particular the following requirements.

- (a) Under sections 30(4) and (5) the Mayor must have regard to the effect on health, sustainable development and climate change and must exercise the power in such a way as to promote improvement in these areas. As noted above, the projects likely to be funded through the Incubator are expected to have a positive impact in these areas.
- (b) Under section 31(1) the Mayor may not incur expenditure in doing anything which may be done by a functional body. This prohibition is not relevant here as all expenditure from the Incubator will be incurred by TfL, not the Authority.
- (c) Under section 32, the Mayor must consider the appropriateness of consultation with various categories of bodies on the proposed exercise of the section 30 powers. No consultation is considered necessary or appropriate in this case.
- (d) Under section 33, the Mayor must make appropriate arrangements with a view to securing due regard is given to the principle of equality of opportunity. The award of grants from the Incubator is considered to support this principle.

7. Investment & Performance Board

7.1 This decision has not been considered by IPB as there are no financial implications for the Authority.

8. Planned delivery approach and next steps

Activity	Timeline
Procurement of contract [for externally delivered projects]	October – December (annual)
Announcement [if applicable]	October (annual)
Delivery Start Date [for project proposals]	January (annual)
Final evaluation start and finish (self/external) [delete as applicable]:	January – October (annual)
Delivery End Date [for project proposals]	October
Project Closure: [for project proposals]	December (annual)

Appendices and supporting papers:

Annex A – Delegation

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:

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

✓

Assistant Director/Head of Service:

Tim Steer has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

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:

Isabel Dedring has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

Date

CHIEF OF STAFF:

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

Signature

Date