

Report to: Cabinet

Date: 06/11/2023

Subject: Hammersmith Bridge – toll order and road user charging scheme

Report of: Councillor Sharon Holder, Cabinet Member for Public Realm

Report author: Mark Raisbeck, Director of Public Realm

Responsible Director: Bram Kainth, Strategic Director of the Environment

SUMMARY

Hammersmith Bridge (the Bridge) is one of the world's oldest suspension bridges which is why it is also one of Britain's most expensive to repair. It is a Grade II* listed structure made from wood and wrought iron with the suspension held in place by cast iron pedestals. It is part of Britain's engineering heritage and a national landmark.

The Bridge was closed to motor vehicles on 10 April 2019 and to pedestrians, cyclists and river traffic on 13 August 2020 following the discovery of dangerous micro-fractures in the cast iron pedestals that hold the suspension system in place. It was re-opened to pedestrians, cyclists and river traffic on 17 July 2021 following the introduction of a pioneering temperature control system and extensive investigations by world-leading engineers working for the London Borough of Hammersmith & Fulham (LBHF). The council is now working towards the full strengthening and restoration of the Bridge.

The government has previously announced that it expects LBHF to fund one-third of the total cost of the repair, which is currently estimated at up to £250 million. The Department for Transport (DfT) and Transport for London (TfL) will also fund one-third each. Asking a local authority to pay one-third of a major strategic road network for London and the southeast is an unprecedented demand. LBHF has stated that it can only fund one-third of the total cost, currently estimated at up to £83m via a toll order or road user charging scheme (RUCS). This would reunite the cost and maintenance of the 136-year-old bridge with the bridge's users, in this case motorists.

On 6 December 2021 Cabinet agreed to deliver the Phase 1 stabilisation business case at speed, in good faith and at risk to the sum of £8.9m in anticipation of subsequent funding being reimbursed by DfT and TfL. That funding was subsequently received. The stabilisation work, which is due to be completed in the first part of next year, will ensure the Bridge remains open for pedestrians, cyclists and river traffic.

On 7 March 2023, Cabinet authorised a further £3.5m spend, as required by DfT officials under the HM Treasury Green Book five case model, for project development, traffic modelling, and design work on the Fosters + Partners/ COWI proposal for a temporary truss solution. This funding was again agreed in good faith and at risk to expedite the process.

All the above costs and those historically incurred in ensuring the continued safe operation of the Bridge and developing the future restoration will be included in the overall project and are expected to be funded equally by DfT, TfL and LBHF.

Since April 2019, LBHF has spent £29m on the safe operation of the Bridge, the Phase 1 stabilisation programme and work to develop Phase 2 strengthening and full restoration. A summary of the timeline of events is provided in Appendix 4.

To ensure progress is maintained, the Council has set out the following aspirations:

- that the Bridge is fully restored at the earliest opportunity including reopening to buses and cars, as instructed by The Secretary of State for Transport.
- that there is an equitable funding solution for LBHF residents without any cuts to services.
- that LBHF residents, who have already paid significant sums through local taxation towards the bridge costs, should be exempt from any toll or road charge.
- that LBHF's costs for restoration and ongoing maintenance and operation should be funded by a RUCS or toll order, meaning that those who benefit directly from using the Bridge, ie: motorists, pay for it.
- that the use of the restored bridge supports the council's net zero 2030 Climate Emergency target and the Mayor of London's Transport Strategy.
- that the future governance arrangements support efficient and sustainable operation, maintenance, and stewardship of the Bridge for the benefit of future generations (this could include the potential operation of the bridge through an independent trust, company or other mechanism).

An initial report setting out the potential future Delivery Models and considerations was presented to Cabinet in July 2021. A further report setting out the proposed Procurement Strategy for the full restoration of the Bridge was presented to Cabinet in October 2022.

This report recommends the making of a toll order or road user charging scheme to meet LBHF's share of the construction costs and pay for the continuing operation and maintenance of the Bridge, and other decisions to facilitate the making of the necessary legal instruments. An Equality Impact Assessment on the proposal has been included in Appendix 5.

Following an extensive process of pre-market engagement, it is recommended that the evaluation framework be amended by basing the evaluation on 50% quality and 50% price with 20% added value included within the tier one criteria.

RECOMMENDATIONS

1. To note that Appendix 1 to this report is not for publication on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) and information in respect of which a claim to legal professional privilege could be

maintained in legal proceedings, as set out in paragraphs 3 and 5 of Schedule 12A of the Local Government Act 1972 (as amended).

2. To approve the making of one or more of the following legal instruments, subject to the outcome of the consultation referred to in recommendation 3 below:
 - a. A road user charging scheme under s295 of the Greater London Authority Act 1999;
 - b. A toll order under s6 New Roads and Street Works Act 1991 to authorise the levying of tolls for vehicles crossing Hammersmith Bridge in association with:
 - i. A special road scheme under s16 Highways Act 1980 to specify; Hammersmith Bridge as a special road and to designate the London Borough of Hammersmith and Fulham as the special road authority; and
 - ii. A supplementary order under s18 Highways Act 1980 to make ancillary provision to give effect to the toll order and special road scheme.
3. To approve the undertaking of consultation in relation to the above proposed instruments. The outcome of this consultation will be reported to Cabinet in a further report. If the consultation leads to the recommendations in paragraph 2 above being changed, this subsequent report will reflect those amended recommendations. The further report will recommend which of the above instruments should be approved. This will depend on the outcome of the consultation and further discussions with TfL.
4. To approve in principle that – if a toll order is made – tolls will be chargeable by a concessionaire.
5. To agree that the procurement strategy approved by the Cabinet on 10 October 2022 be amended so that the evaluation criteria will be 50% quality and 50% price.
6. To note the financial matters set out in the Financial Impact Section of the Report.

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	The full restoration of the Bridge will continue to promote the confidence of residents and businesses that are based in LBHF and neighbouring boroughs, as well as supporting future economic growth for the region.

Doing things with local residents, not to them	The proposed toll order and/or road user charging scheme will be subject to non-statutory consultation which will be taken into account before approval is given. If it is decided to proceed, there will be a further statutory process of public engagement. In addition, there will also be extensive public engagement through public meetings and media
Being ruthlessly financially efficient	The use of a toll or charge will ensure that the cost of restoring and maintaining the bridge will fall on those who use it rather than the residents of LBHF through council tax increases or cuts to vital services.
Taking pride in H&F	The bridge is an iconic symbol of London and a national landmark. Its restoration will be a source of great pride locally.
Rising to the challenge of the climate and ecological emergency	The imposition of the toll or charge on motor vehicles is expected to reduce carbon emissions and improve air quality by securing the long-term future of the bridge and encouraging continued use of active travel modes such as walking and cycling. In addition, it could provide discounted charges for electric and low emission vehicles.

Financial Impact

The continuing national economic conditions of high inflation and interest rates are presenting many significant financial challenges to the Council along with all other councils. These factors are increasing costs for delivering services, reducing income from residents/businesses/visitors, making investment plans more expensive and increasing the demand for public services. Additionally, the Council's 2023/24 General Grant from central government has reduced by 56% in real terms, from £164m in 2010/11 to £116m in 2023/24.

The Council has so far incurred significant costs of £29m since April 2019 on ensuring the continued safe operation of Hammersmith Bridge, delivering the stabilisation project, and developing plans for its future restoration. It is anticipated that these costs will be included in the overall project cost (estimated at up to £250m) and it has been agreed in principle that these costs will be funded equally by DfT, TfL and LBHF. The Council's one third share is estimated at up to £83m. So far, we have been reimbursed to a total of £8.5m from the £29m spent.

Asking a local authority to pay one third of a major strategic road network for London and the southeast is an unprecedented demand, and one that should not reasonably fall to the local taxpayer. The annual financing costs of the required contribution of £83m from borrowing are estimated at £7.5m (3.2% MRP and 5.8% interest).

This is a significant cost (estimated at almost 4%) compared to the Council's net

annual revenue budget of £202.4m and would have a significant impact on future council tax levels and across all the statutory services provided by the Council to residents of the Borough (including Adult Social Care, Homelessness, Children Services, Waste Collection/Street Cleansing).

The £83m contribution is therefore clearly unaffordable to the Council that promotes ruthless financial efficiency on the management of its' resources. The only viable option therefore for the Council to fund its one third share of costs is through a toll order or road user charging scheme, funded by the users of the Bridge, namely the motorists. This is in line with the bridge's origins as a toll bridge funded by its users.

The cost of the proposed consultation on a toll order or road user charge will be contained within the existing project budget. The outcome of the consultation and resulting recommendations will be reported to Cabinet in a separate report, along with updated financial implications as appropriate.

Kellie Gooch, Head of Finance (Environment), 1 August 2023

Verified by Sukvinder Kalsi Strategic Director of Finance, 23 October 2023

Legal Implications

The legal implications of this proposal are set out in the body of the report.

The recommendations will enable officers to progress the investigation, development and preparation of the necessary legal instruments required in order to facilitate the restoration and repair of Hammersmith Bridge (for which the Council has legal responsibility as highway authority) by implementing a potential toll or charge on motorised vehicles.

They do not commit the Council to selecting a specific option at this stage. This decision will be referred back to Cabinet following the proposed non-statutory public consultation.

John Sharland, Senior solicitor (Contracts and procurement) 9 August 2023

Background Papers Used in Preparing This Report - None

DETAILED ANALYSIS

Proposals and Analysis of Options

1. The works to ensure that the Bridge is safe for use by pedestrians and cyclists (the stabilisation project) are nearing completion and should be finished in the first part of 2024. This will enable it to be used safely without the need for constant monitoring, although it should be noted that this is only an interim solution.

2. However, these works will not enable the Bridge to be re-opened for vehicular traffic. The works necessary to ensure the Bridge can be used by vehicles as well as undertake a full restoration to secure its continued availability in the longer-term are currently subject to a public procurement competition. Following the approval of the procurement strategy in October last year, the Council has appointed advisers, commenced work on the procurement documents and undertaken pre-market engagement. It is anticipated that the contract notice to begin the procurement process under the competitive procedure with negotiation will be published in 2024 and that a contractor will be appointed in 2025. The contractor will be obliged to carry out the works and maintain the bridge for a period of 25 years.
3. The costs of carrying out the full works of restoration will be determined by the outcome of the procurement process. The current estimate is that they will cost up to £250 million. It has been agreed in principle that the costs will be borne equally between the Department for Transport, TfL and LBHF. The outline business case for approval of DfT funding is under consideration and the procurement process will not begin until OBC approval has been confirmed. It is envisaged that the DfT and TfL shares of the cost of the works will be paid while these are being carried out, and the Council's share will be raised by private finance, which will be paid back by the contractor over the 25 year maintenance period.
4. For the full burden of the LBHF share of the above funding to fall on the Council's residents and taxpayers would not be equitable. It would place an intolerable financial burden on the Council, and it would not reflect the fact that the bridge – forming part of London's strategic road network – is largely used by motorists from south of the river and the A3 corridor. It would be reasonable for the Council to put in place a scheme to ensure that the burden of paying the Council's share falls on those motorists using the bridge. This will also pay for the maintenance of the structure throughout the contract period. It is not envisaged that pedestrians or cyclists would be required to pay for use of the Bridge.
5. To meet the Council's share of the works and meet the subsequent maintenance costs, it is proposed that a toll or charging order is put in place requiring payment from drivers using the bridge.
6. There are two statutory schemes which could enable the Council to achieve this outcome:
 - a. A "road user charging scheme" ("RUCS"), which may be made by the Council (subject to confirmation by the London Mayor) under the Greater London Authority Act 1999 ("the GLAA"); and
 - b. A "toll order", made by the Council and confirmed by the Secretary of State under the New Roads and Street Works Act 1991 ("the NRSWA").
7. The funds received from the RUCS or toll order would only be used for the

following purposes:

- a. To amortise the initial capital expenditure of the Council's share of the cost of the works.
- b. To defray maintenance costs during the contract period
- c. To build up an endowment to meet future costs and a sinking fund for major future repairs.

Road user charging scheme (RUCS)

8. Under s295 of the GLAA a London local authority or TfL may each "establish and operate schemes for imposing charges in respect of the keeping or use of motor vehicles on roads in its area".
9. The legislation contains detailed provisions setting out the requirements for a RUCS. In particular:
 - a. It may only be made if it appears desirable or expedient for the purpose of directly or indirectly facilitating the achievement of any policies or proposals set out in the Mayor's transport strategy
 - b. It must be in conformity with the Mayor's transport strategy
 - c. The proceeds must be used for "relevant transport purposes". This means "any purpose which directly or indirectly facilitates the implementation of any policies or proposals set out in the Mayor's transport strategy".
10. A London local authority may make a RUCS but it must be submitted for approval by the Greater London Authority. The Mayor of London is the effective decision maker for confirmation of a RUCS.
11. The Mayor's transport strategy was published in 2018 and its main thrust is to reduce car use and car dependency. However, there is clear acceptance within the strategy that car use will continue within London and that existing car routes need to be maintained. There are policies within the strategy which indicate support for the use of a RUCS in order to discourage vehicle use. Policy 6 refers to the aim of reducing vehicle emissions, inter alia, by road charging.
12. Proposal 24.1, an addendum to the strategy, states: The Mayor, through TfL and the boroughs, will seek to address the triple challenges of toxic air pollution, the climate emergency and traffic congestion through road user charging schemes including by expanding the Ultra Low Emission Zone London-wide.
13. Officers consider that a RUCS would be capable of facilitating the response to these challenges, especially by levying higher charges for the most polluting vehicles which cause the greatest air pollution and climate impacts.
14. In addition, securing the long-term future of the Bridge for pedestrians and cyclists – as well as once again enabling its use by public transport modes –

would also clearly facilitate other policies and proposals in the Mayor's transport strategy. These objectives cannot be achieved unless sufficient funding is made available which means that a RUCS would be key to indirectly facilitating these desired outcomes by providing a suitable revenue stream.

15. The Council has already taken advice from external solicitors and leading counsel with specialist expertise in relation to RUCS arrangements. The proposed use of a RUCS would be a lawful means of securing the Council's aims and satisfy the legislative requirements set out in the GLAA. A summary of this advice is set out in Appendix 1 to this report.
16. Discussions between LBHF, TfL and the Mayor regarding a potential RUCS are on-going, but officers consider that it is prudent and appropriate for Cabinet to authorise the necessary steps to implement a RUCS in the meantime in order to maintain momentum and enable the necessary order and any associated consultation or engagement to be progressed swiftly.
17. It is anticipated that a decision on the route to effecting payments for crossing the bridge – toll order or RUCS - must be made by May of next year in order to maintain progress in sufficient time for the necessary instrument to be in place in advance of works. The recommendation will be reported back to Cabinet as described at recommendation 3 above.

Toll order

18. A toll order may be made by the Council under s6 of the New Roads and Street Works Act 1991. It is subject to confirmation by the Secretary of State for Transport. It may only be made in respect of a "special road" under s16 of the Highways Act 1980. Therefore, in addition to considering making a toll order, the Council would also need to make a scheme to designate the Bridge and/or its approaches (or part of them) as a "special road".
19. The basic characteristic of a special road is that it is provided "for the use of traffic of *any class prescribed thereby*". It is therefore essential that, for a toll order to be made, there must be restrictions on the classes of traffic which will be permitted to use the special road. The relevant classes of traffic are specified in section 17 and Schedule 4 of the Highways Act 1980 but include (for example) Class V (vehicles drawn by animals), Class VII (pedal cycles) and Class IX (pedestrians).
20. It is important to note that whilst the Bridge is currently subject to a weight restriction, the need to specify the permitted/excluded classes of traffic applies in addition to this existing legal prohibition. It is currently envisaged that Class II traffic (abnormal loads, military vehicles, and plant) would be excluded. This is because this type of heavy traffic is the most likely to damage the structure of the Bridge and increase the overall maintenance requirements, undermining the Council's wider objectives for the project. The specific classes of permitted/excluded traffic will be set out in the final scheme if this is proceeded with.

21. The procedure for making a toll order and the associated scheme and supplementary order is set out in Schedule 1 to the 1980 Act and Schedule 2 to the 1991 Act. A notice and the draft order must be published in a local newspaper and the London Gazette, and a copy is also served on the relevant prescribed consultees named in the schedule. There is a right for the public to object to the making of the order and scheme. If there are objections the Secretary of State will generally hold a public inquiry before deciding whether or not to confirm the toll order and scheme.
22. There will need to be exemptions to the toll for certain classes of vehicle such as emergency vehicles. These would be set out in the draft toll order. It is possible for there to be other exemptions, such as for LBHF residents. (It is proposed that these should be exempt from the toll.) However, it is not proposed that these exemptions should be set out in the toll order itself. This is to ensure an appropriate degree of flexibility is retained across the toll period. Any additional exemptions would be dealt with through discounts or waivers operated by the concessionaire. These exemptions would fall within the power of the concessionaire.
23. It is envisaged that the duration of the toll period would be set by reference to the achievement of the Council's key financial objectives as outlined at paragraph 7 above.
24. The draft toll order and special road scheme and the road user charging scheme are annexed to this report as appendices 2 and 3.

Appointment of concessionaire

25. If the Council appoints a concessionaire to have responsibility in relation to the bridge, the concessionaire would be responsible for charging and collecting the tolls. This will mean that the amount of the toll, the hours of operation and any discounts or waivers will be the responsibility of the concessionaire rather than the Council, subject to any provisions included in the toll order and the concession agreement. The relationship between the Council and the concessionaire would be governed by the concession agreement.
26. If the tolls are chargeable directly by the Council (as highway authority), this would require a cumbersome statutory process to make any changes in the future. By comparison, if the tolls are chargeable by a concessionaire, the changes can be made in a more streamlined, efficient and cost-effective manner, thus providing greater flexibility over the longer-term. This will be especially important given the relatively long duration of the anticipated 25-year maintenance period. This type of flexible concession arrangement is already in use for existing special roads subject to toll orders under the 1991 Act and has enabled these operators to react swiftly to changing conditions and traffic patterns throughout the relevant toll period.

27. The concessionaire could be either a Council owned company (which takes on the responsibility for the maintenance and operation of the special road) or the project company responsible for undertaking the restoration and subsequent maintenance of the bridge. A decision about this does not need to be made at this stage. However, it is necessary for there to be an agreement in principle for a concessionaire to be appointed.

Non-statutory consultation

28. In order to ensure that the decisions to make a toll/RUCS order are informed by a public debate and that the comments and representations of interested individuals and organisations are taken into account, it is recommended that a process of non-statutory consultation take place. The proposal and draft order and scheme will be published on the Council's website and will be publicised in such other ways as are considered necessary to undertake a sufficiently comprehensive consultation process.
29. Comments will be invited on the proposal with the consultation running for a minimum of four weeks.
30. Following receipt of comments, these will be considered by officers and a further report will be made to Cabinet summarising and taking account of any comments and representations made.
31. This report will set out recommendations as to the way forward, which may be to pursue a different funding strategy (if alternative sources of adequate funding are realistically anticipated to be available), to proceed with the approval of the toll order / RUCS (as the case may be) and/or the selection of either route or to approve it subject to modifications which will be included in the report.

Enforcement of toll/Road User Charging Order

32. If charges due under a Road User Charging Order are not paid, it is possible for penalty charges to be levied by means of civil enforcement. These penalties are subject to a right of appeal to an independent adjudicator in a similar fashion to parking tickets. This secures higher amounts of revenue capture in the absence of barrier tolling, which is important in terms of confidence in the revenue stream.
33. As regards a toll order, section 15 of the New Roads and Street Works Act 1991 provides for criminal enforcement if tolls are not paid, and offenders are liable on summary conviction to a fine not exceeding level 3 on the standard scale. On conviction, the court can order compensation be paid to cover any unpaid tolls as well as a contribution towards the council's prosecution costs. The tolling order and associated concession agreement can provide for administration and enforcement by a concessionaire.
34. In comparison with civil enforcement, criminal prosecution can be heavy-handed and harder to manage in terms of recovering unpaid tolls. However, it is also possible for tolls due under a toll order to be recovered as a civil debt by way of

civil enforcement proceedings so in terms of recovery both enforcement routes can be seen as potentially equally effective.

Procurement strategy

35. In the Procurement Strategy approved by Cabinet on 10 October 2022 it was agreed that the evaluation weighting would be either 70% price/30% Quality or 80% price/20% quality. Since the strategy was agreed, there has been substantial pre-market engagement. An industry day on 3 July was well attended and included representatives of funders, contractors, and financial advisers. Subsequently participants were asked to complete a questionnaire and eight individual meetings took place with some of the organisations which responded. One of the concerns expressed by the participants was that the price/quality split did not give sufficient weighting to quality. They raised concerns that high quality and innovative solutions would not be given sufficient recognition in the evaluation. There was also a concern that bidders might gain an advantage by putting forward bids which turned out to be unrealistically low. These potential concerns are also shared by the Council's technical advisers.
36. In response to the feedback from the market it is recommended that the evaluation weighting should be changed to 50% quality/50% price. Added value will account for 20% of the total with the qualitative assessment being included within the quality evaluation and the quantitative assessment within the price.

Reasons for Decision

37. The reasons for the recommendation are set out in paragraphs 1 to 6 above.

Equality Implications

38. There are no adverse equalities impacts. The proposed toll/road user charging scheme is intended to ensure full restoration so that the bridge can be utilised by all residents. An initial Equality Impact Assessment is included in Appendix 5, and a more detailed report will be produced when the full details of the scheme are developed.

Risk Management Implications

39. The report recommends a number of actions to support the Council's aspirations to ensure the Hammersmith Bridge can be fully restored including reopening to buses and cars while ensuring an equitable funding solution for local residents which will not impact on the provision of local services. The report also recommends approval to procure a concessionaire who would be responsible for the ongoing maintenance of the bridge, once restored, and collecting charges from users. The recommendations are in line with the objective of being ruthlessly financially efficient.

40. To minimize the financial impact of the works and ongoing maintenance requirements, the Council is considering options for funding, specifically through a RUCS or toll order, which would be paid by users of the bridge. Before taking any decision on a preferred model, the Council will consult extensively with local residents and will continue discussions with TfL, the Mayor for London and Department of Transport regarding the Outline Business Case.

David Hughes, Director of Audit, Fraud, Risk and Insurance, 20 July 2023

Climate and Ecological Emergency Implications

41. In the context of the bridge reopening to motor vehicles, the imposition of the toll or charge is expected to reduce the number of crossings, thereby reducing greenhouse gas emissions and air pollution compared to a scenario with no toll. The toll could provide discounted charges for electric and low emission vehicles.

Jim Cunningham, Climate Policy and Strategy Lead, 20 July 2023

LIST OF APPENDICES

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Appendix 2 Draft toll order and special road scheme

Appendix 3 Draft road user charging scheme

Appendix 4 Hammersmith Bridge Timeline since 2019

Appendix 5 Equality Impact Assessment

Appendix 2 - Draft Toll Order and Special Road Scheme

[YEAR]

HIGHWAYS, ENGLAND AND WALES

The Hammersmith Bridge Toll Order [DATE]

Made - - - - [DATE]

Coming into force - - [DATE]

The Mayor and Burgesses of the London Borough of Hammersmith and Fulham in exercise of powers conferred by sections 6, 7 and 13 of the New Roads and Street Works Act 1991 and of all other powers enabling them in that behalf hereby make the following Order:—

Citation and commencement

1. This Order may be cited as the Hammersmith Bridge Toll Order [DATE] and shall come into force on [DATE].

Interpretation

2. In this Order—

“the Council” means the Mayor and Burgesses of the London Borough of Hammersmith and Fulham;

“the date of opening” shall be construed in accordance with section 17(A) of the Road Traffic Regulations Act 1984;

“the financial objectives” are those specified in the Schedule to this Order or such other objectives as may be agreed in writing from time to time between the Council and the Secretary of State;

“the special road” means the road which the Council is authorised to provide pursuant to the Scheme;

“the Scheme” means the Hammersmith Bridge Special Road Scheme [DATE], the proceedings for which were taken concurrently with the proceedings for this Order;

“the termination date” means the later of:

- (a) the last date upon which any concession agreement pertaining to the special road is operative; and
- (b) the date upon which the Council publishes notice in the London Gazette that the financial objectives have been achieved; and

“the toll period” means the period starting on and including the date of opening and finishing on and including the termination date.

Tolls

The charging of tolls by a concessionaire during the toll period is hereby authorised in relation to all or part of

the special road.

3. Any sum payable pursuant to or by virtue of this Order, including any sum in respect of administrative expenses payable pursuant to section 15(4) of the New Roads and Street Works Act 1991, is recoverable summarily as a civil debt.

Exemptions

4. The following descriptions of traffic are exempt from liability to pay any toll leviable by virtue of this Order—

- (a) a police vehicle, identifiable as such by writing or markings on it or otherwise by its appearance, if being used for police purposes;
- (b) a vehicle which is exempt from vehicle excise duty under—
 - (i) paragraph 4 (fire engines);
 - (ii) paragraph 6 (ambulances);
 - (iii) paragraph 18 (invalid carriages);
 - (iv) paragraph 19 (vehicles for use by or for purposes of certain disabled people); or
 - (v) paragraph 20 (vehicles used for carriage of disabled people by recognised bodies),of Schedule 2 to the Vehicle Excise and Registration Act 1994.

The Schedule to the Order

The Financial Objectives

The financial objectives are that:

- (a) all payments due from the Council to the concessionaire under any concession agreement pertaining to the special road have been disbursed in full;
- (b) all costs and expenses incurred in designing, constructing, managing, operating and maintaining the special road or any costs associated with financing the same have been recovered;
- (c) all interest on, and any principal of, monies borrowed in respect of the special road have been paid or repaid (as the case may be);
- (d) investment income attributable to the Council generated from any consolidated surplus of toll revenue accrued over the toll period is sufficient to defray the on-going costs of the management, operation and maintenance of the special road in perpetuity; and
- (e) a capital maintenance or reserve fund sufficient to defray the costs and expenses of designing, constructing, managing, operating and maintaining any replacement of the special road (including the bridge comprised within the said road) has been accrued.

THE COMMON SEAL of the **MAYOR AND BURGESSES OF THE LONDON BOROUGH OF HAMMERSMITH AND FULHAM** was hereunto affixed the [**] day of [**] 2023 in the presence of



Authorised Signatory

[YEAR]

HIGHWAYS, ENGLAND AND WALES

The Hammersmith Bridge Special Road Scheme [DATE]

Made - - - - [DATE]

Coming into force - - [DATE]

The Mayor and Burgesses of the London Borough of Hammersmith and Fulham in exercise of powers conferred by sections 16 and 17 of the Highways Act 1980 and of all other powers enabling them in that behalf hereby make the following Scheme:—

Citation and commencement

1. This Scheme may be cited as the Hammersmith Bridge Special Road Scheme [DATE] and shall come into force on such date as the Minister may provide within any instrument of confirmation made in respect of the same.

Interpretation

2. In this Scheme—

“the Council” means the Mayor and Burgesses of the London Borough of Hammersmith and Fulham;

“the permitted classes of traffic” are those specified in the Second Schedule to this Scheme;

“the plan” means the [PLAN DESCRIPTION AND REFERENCES TO BE INSERTED] bearing the common seal of the Council and deposited at the offices of the Council at Town Hall, King Street, Hammersmith, London W6 9JU; and

“the special road” means a special road which the Council is authorised to provide pursuant to this Scheme along the route described in First Schedule to this Scheme.

Authorisation of special road

3. The Council is authorised to provide the special road for the exclusive use of the permitted classes of traffic.

4. The centre line of the special road is indicated by a heavy black line on the plan.

First Schedule to the Scheme

The Route of the Special Road

A route from [X] to [Y].

Second Schedule to the Scheme

The Permitted Classes of Traffic

The permitted classes of traffic are the following classes set out in Schedule 4 of the Highways Act 1980:

- Class I
- Class III
- Class IV
- Class V
- Class VI
- Class VII
- Class VIII
- Class IX
- Class X
- Class XI

THE COMMON SEAL of the **MAYOR AND BURGESSES OF THE LONDON BOROUGH OF HAMMERSMITH AND FULHAM** was hereunto affixed the [**] day of [**] 2023 in the presence of



Authorised Signatory

Appendix 3 - Draft Road User Charging Scheme

TRANSPORT ACT 2000

The Hammersmith Bridge Road User Charging Scheme Order [DATE]

Made - - - - - [**]

Coming into force - - - [**]

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The Mayor and Burgesses of the London Borough of Hammersmith and Fulham make the following Order, which contains a road user charging scheme, in exercise of the powers conferred by section 295 and schedule 23 of the Greater London Authority Act 1999.

Preliminary

Citation and commencement

1.— This Order may be cited as The Hammersmith Bridge Road User Charging Scheme Order [DATE].

(1) The scheme set out in this Order shall have effect.

(2) The Council shall publish notice of the making of this Order in the London Gazette and in at least one newspaper circulating in the London Borough of Hammersmith and Fulham.

Scheme for imposing charges in respect of the use of Hammersmith Bridge

Interpretation

2.— In this Order—

“the 1999 Act” means the Greater London Authority Act 1999;

“appointed day” means the date of this Order;

“authorised person” means the Council or any person so authorised by the Council under article 13(1) to exercise any one or more of the powers in articles 14 to 18;

“concession agreement” means a legally binding arrangement which may be comprised within one or more documents that makes provision for the design, construction, financing, refinancing, operation and/or maintenance of the scheme road;

“concessionaire” means any person with whom the Council enters into a concession agreement from time to time together with the successors and assigns of any such person;

“Council” means the Mayor and Burgesses of the London Borough of Hammersmith and Fulham;

“deposited plan” means the [PLAN DESCRIPTION AND REFERENCES TO BE INSERTED] bearing the common seal of the Council and deposited at the offices of the Council at Town Hall, King Street, Hammersmith, London W6 9JU;

“register” means the register of vehicles being exempt from charges pursuant to the scheme maintained by the Council under article 8;

“scheme” means the scheme for imposing charges for the use or keeping of a vehicle on the scheme road pursuant to this Order;

“scheme road” means those parts of the road that approaches and crosses the Hammersmith Bridge, together with the structure of the said Hammersmith Bridge, as is shown on the deposited plan.

“website” means the website maintained by the [TBC] containing information about the operation of the scheme(1).

Duration of the Order

3. This Order shall remain in force indefinitely.

Designation of scheme road, vehicles and charges

The scheme roads

4. The road in respect of which this Order applies is the scheme road.

- (1) TBC

Imposition of charges

- 5.— A charge is to be imposed in respect of a vehicle where—
- (a) the vehicle has been used or kept on the scheme road; and
 - (b) the vehicle falls within a class of vehicles in respect of which a charge is imposed by this Order.
- (2) The charge imposed is determined by reference to Part 1 of Schedule 1.
- (3) The class of vehicles or classes of vehicles in respect of which charges may be levied under this Order shall be those set out in Part 3 of Schedule 1.
- (4) Where any vehicle would fall within the description of more than one classification of vehicles or class of vehicles it shall be deemed to fall in the class of vehicles bearing the highest number in Part 3 of Schedule 1.

Payment of charges

6.— Subject to paragraph (3) a charge imposed by this scheme, the amount of which is specified in article 5 paragraph (2) (imposition of charges), shall be paid no later than 23:59 hours on the day immediately following the day upon which the charge has been incurred by a means and by such method as may be specified by the Council on the website or in a document available on application from the Council or such other means or method as the Council may in the particular circumstances of the case accept.

(1) Subject to such regulations as the Secretary of State may make pursuant to paragraph 11 of schedule 23 of the 1999 Act, the Council may waive charges (or any part of such charges) and may suspend the charging of charges in whole or in part.

(2) The Council or its agent may enter into an agreement (“composition agreement”) under which persons contract for the payment of charges in respect of the use of the scheme roads by them, by other persons or by any vehicles on such terms as may be provided by the agreement.

(3) A composition agreement may relate to use of the scheme road on such number of occasions or during such period as may be provided for by the agreement.

(4) Any composition agreement entered into prior to the appointed day and whether or not in respect of this Order shall have effect from that day and from the appointed day this scheme shall apply to that composition agreement and nothing in this scheme shall render a composition agreement entered into other than during the currency of this scheme invalid.

(5) Without prejudice to the generality of paragraph (3), a composition agreement may be entered into for such of the following periods as the Council may agree:

- (a) the duration of a single journey;
- (b) a number of single journeys specified in the composition agreement;
- (c) a single day or any number of single days;
- (d) a period of 5 or 7 consecutive days;
- (e) a period of a single month; or
- (f) a period of one year.

(6) The following provisions shall apply to composition agreements—

- (a) a composition agreement shall be specific to a particular vehicle;
- (b) that vehicle shall be identified by its registration mark; and
- (c) a person entering into a composition agreement with the Council shall specify to the Council or its agent the registration mark of the vehicle to which the composition agreement relates.

(7) Where a composition agreement is entered into or purported to be entered into, and payment is to be made to the Council otherwise than in cash, and payment is not received by the Council or its agent (whether because a cheque is dishonoured or otherwise), the charge or charges to which the composition agreement relates shall be treated as not paid and the composition agreement may be voided by the Council.

(8) The Council may require a vehicle that is subject to a composition agreement to display a document in

that vehicle or to carry in or fix equipment to that vehicle.

(9) Where a composition agreement provides for a discount or waiver of any charge or part of any charge and is calculated solely by reference to the use of the scheme roads—

- (a) for a number of journeys; or
- (b) for any period

a user or prospective user of the scheme roads shall not be prevented from entering into such a composition agreement by reason of their place of residence or business.

(10) Where any scheme of discount or waiver is proposed in respect of charges payable or prospectively payable under this scheme the Council shall have regard to the most appropriate means of providing the benefit of such a scheme to those socio-economic groups within the London Borough of Hammersmith and Fulham least able to afford the full price of charges in deciding to apply any such scheme.

(11) The Council may impose such reasonable conditions upon the making of a composition agreement as it considers appropriate including in relation to the transfer of the benefit of composition agreements or the refund of payments.

Classification of vehicles and charges payable

7. Schedule 1 to this Order, which sets out the classification of vehicles in respect of which a charge is imposed by this scheme together with the specification of the charges and penalty charges payable by reference to those classes, shall have effect.

Vehicles exempt from charges

8.— Subject to, and to the extent not inconsistent with, such regulations as the Secretary of State may make pursuant to paragraph 11 of schedule 23 to the 1999 Act, Part 1 of Schedule 2 to this Order, which sets out the vehicles exempt from charges, shall have effect.

(1) The exemptions from the charges set out in this scheme shall have effect subject to the particulars of the vehicle in respect of which an exemption is claimed being entered upon the register.

(2) The Council may require a vehicle exempt from charges to display a document in that vehicle or to carry in or fix equipment to that vehicle.

(3) The provisions of Part 2 of Schedule 2 shall apply.

10 year plan for net proceeds

9. Schedule 3 to this Order constitutes the general plan of the Council under paragraph 19(1) of Schedule 23 to the 1999 Act for applying the net proceeds of this scheme during the period which begins with the date on which this Order comes into force and ends with the tenth financial year that commences on or after that date.

Detailed programme for net proceeds

10. Schedule 4 to this Order constitutes the detailed programme of the Council under paragraph 20 of schedule 23 to the 1999 Act for applying the net proceeds of this scheme during the period which begins with the date on which this Order comes into force and ends with the fourth financial year that commences on or after that date. .

Penalty charges

Penalty charges

11. — A penalty charge is payable in respect of a vehicle upon which a charge has been imposed under this Order and where such charge has not been paid in full at or before 23:59 hours on the day immediately following the day upon which the charge was incurred.

(1) Where a penalty charge has become payable in respect of a vehicle under paragraph (1), the penalty charge rate applicable is determined by reference to Part 2 of Schedule 1.

- (2) A penalty charge payable under paragraph (1) is—
- (a) payable in addition to the charge imposed under article 5;
 - (b) to be paid in full within the period of 28 days beginning with the date on which a penalty charge notice relating to the charge that has not been paid in full is served;
 - (c) reduced by one half provided it is paid in full prior to the end of the fourteenth day of the period referred to in sub-paragraph (3)(b);
 - (d) increased by one half if not paid in full before a charge certificate to which it relates is served by or on behalf of the Council (as the charging authority).

Additional penalty charges where powers exercised in respect of vehicles

12. — An additional penalty charge [in accordance with the table of penalty charge rates displayed on the website] will be payable under the charging scheme for the—

- (a) release of a motor vehicle immobilised in accordance with article 17;
- (b) removal of a motor vehicle in accordance with article 18(1);
- (c) storage and release from storage of a vehicle so removed; and
- (d) disposal of a vehicle in accordance with article 18(2).

(2) Any penalty charge payable under paragraph (1) is payable in addition to the charge imposed under article 5.

Powers in respect of motor vehicles

Powers in respect of motor vehicles

13. — The Council may authorise in writing a person to exercise any one or more of the powers in articles 14 to 18.

Examination of vehicles

14. A person authorised in writing by the Council may examine a motor vehicle whilst it is on a road to ascertain if any of the circumstances described in paragraph 26(1) to schedule 23 of the 1999 Act exists.

Entering vehicles

15. A person authorised in writing by the Council may enter a vehicle whilst it is on a road where the authorised person has reasonable grounds for suspecting that any of the circumstances described in paragraph 26(2) to schedule 23 of the 1999 Act exists.

Seizure

16. A person authorised in writing by the Council may seize anything (if necessary by detaching it from a vehicle) as provided for in paragraph 26(5) of schedule 23 of the 1999 Act.

Immobilisation of vehicles

17. A person authorised in writing by the Council may immobilise a vehicle in accordance with paragraph 27(1)(a) and (aa) of schedule 23 of the 1999 Act.

Removal, storage and disposal of vehicles

18. — A person authorised in writing by the Council may remove a vehicle and arrange for its storage.

(1) The Council may dispose of the vehicle and its contents in accordance with paragraph 27 to schedule 23 of the 1999 Act.

THE COMMON SEAL of the **MAYOR AND BURGESSES OF THE LONDON BOROUGH OF HAMMERSMITH AND FULHAM** was hereunto affixed the [**] day of [**] 2023 in the presence of



Authorised Signatory

SCHEDULES

SCHEDULE 1

Articles 5 and 11

PART 1

Road User Charges Payable

1. The charge payable under article 5 in respect of a vehicle falling within a class specified in column 1 of the table below shall be determined by reference to the corresponding entry in column 2 of the table.

<i>Column 1</i>	<i>Column 2</i>
<i>Class of vehicle</i>	<i>Charge for each vehicle each time it is used or kept on the scheme roads</i>
Class 1 vehicles	£X.00
Class 2 vehicles	£X.00
Class 3 vehicles	£X.00
Class 4 vehicles	£X.00

PART 2

Penalty Charges Payable

2. The penalty charge payable under article 11 in respect of a vehicle falling within a class specified in column 1 of the table below shall be determined by reference to the corresponding entry in column 2 of the table.

<i>Column 1</i>	<i>Column 2</i>
<i>Class of vehicle</i>	<i>Penalty Charge rate applicable</i>
Class 1 vehicles	£X
Class 2 vehicles	£X
Class 3 vehicles	£X
Class 4 vehicles	£X

PART 3

Classification of Vehicles for the Purposes of Charges

<i>Class of Vehicle</i>	<i>Classification</i> <i>[NB: subject to final confirmation on charging structure]</i>
“class 1 vehicle”	means a moped falling within classifications A(a) and A(b); motorcycles falling within classifications B(a) and B(b); motor tricycles falling within classifications C(a) and C(b); and quadricycles falling within classifications D(a), D(b), E(a) and E(b).
“class 2 vehicle”	means motor caravans falling within classifications L(a) and L(b); motor vehicles with at least four wheels, used for the carriage of passengers falling within classifications M ₁ (a) and M ₁ (b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N ₁ (a) and N ₁ (b).
“class 3 vehicle”	means motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M ₂ (a) and M ₂ (b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N ₂ (a) and N ₂ (b).
“class 4 vehicle”	means motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M ₃ (a) and M ₃ (b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N ₃ (a) and N ₃ (b).

Reference to “classifications” in this Schedule 1 are references to the classes of motor vehicles contained or referred to in Part II of the Schedule to the Road User Charging and Work Place Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001().

SCHEDULE 2

Article 9

PART 1

Vehicles Exempt from Charges

1. Charges may not be levied in respect of—

- (a) a vehicle whose details have been recorded on the register in accordance with Part 2 of this Schedule and, in the case of those listed in sub-paragraphs 3(a) to 3(e) of Part 2 of this Schedule, being used in the execution of duty; or
- (b) a vehicle being used in connection with—
 - (i) the collection of charges; or
 - (ii) the maintenance, improvement or renewal of, or other dealings with the scheme road or any structure, works or apparatus in, on, under or over any part of scheme road or
- (c) a vehicle which, having broken down on the scheme road while travelling in one direction, is travelling in the opposite direction otherwise than under its own power; or
- (d) a military vehicle, that is, a vehicle used for army, naval or air force purposes, while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown.

PART 2

The Register of Vehicles Exempt from Charges

2. The Council shall maintain the register in respect of exempt vehicles for the purposes of the provisions of this Schedule which requires particulars of a vehicle to be entered in the register.

3. Vehicles falling within the following descriptions of motor vehicles shall be eligible to be entered upon the register—

- (a) a police vehicle, identifiable as such by writing or markings on it or otherwise by its appearance, or being the property of the Service Authority for the Serious Organised Crime Agency or notified to the Council by reference to its registration mark;
- (b) a fire engine as defined by paragraph 4(2) of Schedule 2 to the Vehicle Excise and Registration Act 1994(2);
- (c) a vehicle which is kept by a fire authority as defined by paragraph 5 of that Schedule;
- (d) an ambulance as defined by paragraph 6(2) or a vehicle falling within paragraph 7 of that Schedule and shall also include vehicles used for the transport of blood, plasma or human organs;
- (e) an emergency response vehicle being the property of Her Majesty's Coastguard notified to the Council by reference to its registration mark;
- (f) a vehicle being used for the transport of a person who has a disabled person's badge and which displays a current disabled person's badge issued under—
 - (i) section 21 of the Chronically Sick and Disabled Persons Act 1970(3), or
 - (ii) section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(4); or
- (g) an omnibus being used for a local service as defined by section 2 of the Transport Act 1985 on the scheme road; or
- (h) an agricultural tractor as defined by paragraph 20B of Schedule 2 to the Vehicle Excise Registration Act 1994 on the scheme road.

4. Registration of a vehicle upon the register, and the use to which that vehicle must be put to qualify as exempt from charges, shall be subject to the imposition of such further conditions as the Council may reasonably impose.

5. The Council may require that an application to enter particulars of a vehicle on the register or to renew the registration of a vehicle—

- (a) shall include all such information as the Council may reasonably require; and
- (b) shall be made by such means as the Council may accept.

6. Where the Council receives an application that complies with paragraph 4 to enter particulars of a vehicle on the register, or to renew the registration of a vehicle and the vehicle falls within the descriptions set out in paragraph 2 of this Part it shall enter the particulars of that vehicle upon the register within twenty working days of receiving such an application.

7. The Council shall remove particulars of a vehicle from the register—

- (a) in the case of a vehicle registered in relation to the holder of a disabled person's badge, when that person ceases to be an eligible person for the purposes of sub-paragraph 3(f) of this Part;
- (b) in the case of any vehicle at the end of the period of 7 consecutive days beginning with the day on which a change in the keeper of the vehicle occurred, unless the Council renews the registration for a further period on application to it by or on behalf of the new keeper.

8. Where the registered keeper of a vehicle is aware that the vehicle has ceased or will cease to be a vehicle eligible to be entered on the register, the keeper shall notify the Council of the fact and the Council shall remove the particulars of the vehicle from the register as soon as reasonably practicable or from the date notified to the Council as the date on which it will cease to be a vehicle eligible to be entered on the register.

9. If the Council is no longer satisfied that a vehicle is an exempt vehicle it shall—

- (a) remove the particulars of a vehicle from the register; and
- (b) notify the registered keeper.

10. Nothing in this paragraph shall prevent the making of a fresh application under Schedule 2 for particulars of a vehicle to be entered in the register after they have been removed from it in accordance with any provision of this Part of this Schedule 2.

SCHEDULE 3

Article 9

London Borough of Hammersmith and Fulham Council's General Plan for Applying the Net Proceeds of this Scheme During the Opening 10 Year Period

1. Road user charging under this scheme is due to start in [YEAR]. Paragraph 19(1)(a) of Schedule 23 to the 1999 Act applies to the period that is covered partly by the current Local Transport Plan.

2. The net proceeds of the road user charging scheme in the ten year period following the start of the charging scheme will be applied, in such proportions to be decided, towards:

- (a) paying the costs and expenses incurred in designing, constructing, managing, operating and maintaining the scheme road and in managing, operating and maintaining the scheme road or any costs associated with financing the same;
- (b) providing such funds as are or are likely to be necessary to discharge the obligations of the Council or a concessionaire pursuant to a concession agreement;
- (c) paying the interest on, and repaying the principal of, monies borrowed in respect of the scheme road;
- (d) making payment into any maintenance or reserve fund provided in respect of the scheme road;
- (e) making payments to the Council's general fund for the purpose of directly or indirectly facilitating the achievement of policies relating to public transport in its local transport plan and the Mayor's Transport Strategy; and
- (f) providing funds for, meeting expenses incurred in, or the cost of securing any necessary authority or consent for, constructing or securing the construction, maintenance and operation of the scheme road.

SCHEDULE 4

Article 11

London Borough of Hammersmith and Fulham Council's Detailed Programme for Applying the Net Proceeds of this Scheme

1. Road user charging on the scheme road is due to start in [YEAR] to coincide with the opening of the scheme road for use by the public. The re-opening of the Hammersmith Bridge is a key requirement in order to deliver the Council's existing Local Transport Plan ("LTP") and the Mayor's Transport Strategy ("MTS") as it addresses—

- (a) [summary of anticipated policy outcomes].

2. The expenditure plans for receipts from the scheme will complement the current LTP and MTS programme and contribute towards achieving the following LTP and MTS objectives—

- (a) tackling congestion;
- (b) delivering accessibility;
- (c) securing safer roads;
- (d) achieving better air quality;
- (e) [&c.]

3. Priorities for the scheme revenue expenditure are—

- (a) paying the costs and expenses incurred in designing, constructing, managing, operating and maintaining the scheme road or any costs associated with financing same;
- (b) providing such funds as are or are likely to be necessary to discharge the obligations of the Council or a concessionaire pursuant to a concession agreement;
- (c) paying the interest on, and repaying the principal of, monies borrowed in respect of the scheme road;
- (d) making payment into any maintenance or reserve fund provided in respect of the scheme road ;
- (e) making payments to the Council’s general fund for the purpose of directly or indirectly facilitating the achievement of policies relating to public transport in the LTP and the MTS; and
- (f) providing funds for, meeting expenses incurred in, or the cost of securing any necessary authority or consent for, the constructing or securing the construction, maintenance and operation of the scheme road.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 295 and Schedule 23 of the 1999 Act authorise the Mayor and Burgesses of the London Borough of Hammersmith and Fulham to make a charging scheme in respect of roads for which it is the traffic authority. The scheme road described in article 2 of this Order comprises Hammersmith Bridge and the roads which cross and approach it.

This Order imposes charges for use of the scheme road and contains enforcement provisions.

Article 1 (citation and commencement) deals with preliminary matters.

Article 2 (interpretation) contains interpretation provisions including definitions of the “scheme roads”.

Article 3 (duration of the Order) provides that the Order remains in force indefinitely.

Article 4 (the scheme roads) provides that the scheme roads are the roads to which charges, penalty charges and enforcement provisions apply.

Article 5 (imposition of charges) describes the event by reference to the happening of which a charge is imposed, namely, a vehicle being used or kept on the scheme roads. The charges imposed are set out in Part 1 of Schedule 1.

Article 6 (payment of charges) provides that the Council may specify how a charge should be paid. It also provides that payments may be under an agreement relating to a number of journeys or a number of days. It also provides that displaying a permit may be required. Paragraph (11) of article 6 continues the existing arrangement relating to scheme discounts.

Article 7 (classification of vehicles) specifies classes of vehicles to which the scheme applies, set out in Part 3 of Schedule 1 of this Order.

Article 8 (vehicles exempt from charges) provides for the exemption of certain vehicles from paying the charge provided conditions are met, set out in Schedule 2.

Articles 9 and 10 explain to what purposes the charges recovered may be applied.

Article 11 deals with the civil enforcement of unpaid charges through the imposition of penalty charges. Paragraph 11(1) imposes a penalty charge where the charge for using the crossing is not paid in accordance with Article 6. The penalty charge rates are set out in Part 2 of Schedule 1. Paragraph 11(3)(a) explains that the penalty charge is payable in addition to the charge imposed. Paragraphs 11(3)(b) to (d) explain that the penalty charge is payable within 28 days of the penalty charge notice relating to it being served, that the amount of the charge is reduced by half if paid within 14 days or is increased by half if not paid before a charge certificate is served.

Article 12 imposes additional penalty charges of the amounts set out on the project website where the powers

in respect of vehicles described in paragraphs 18 and 19 are exercised.

Articles 13 to 18 contain powers that can be exercised in respect of motor vehicles. These powers are to examine vehicles (article 14), enter vehicles (article 15), seize items (article 16), immobilise vehicles (article 17) and remove, store and dispose of vehicles (article 18). The exercise of those powers must be in accordance with the 1999 Act.

APPENDIX 4 – Hammersmith Bridge Timeline

August 2014 - Hammersmith & Fulham Council (H&F) commissions first ever comprehensive structural integrity review into Hammersmith Bridge.

January 2015 to December 2015 – F M Conways and Hyder Consulting carry out site investigations into the stresses in the bridge.

March/April 2015 - H&F initiates monthly safety reports for the bridge.

March 2016 – Transport for London (TfL) sets out the Programme Initiation Process and agreeing 90% of the funding for strengthening the bridge estimated at £25m.

Summer 2016 – Arup Consultants and BAM Nuttall Consulting Group completed exercise into costings into possible design options for repair/strengthening. H&F applied for funding from TfL/London Bridge Engineering Group (LoBEG). TfL respond with request for 5 Stage Procurement/Design Process.

June 2017 to August 2019 – H&F appoints Mott Macdonald Ltd to undertake feasibility, monitoring and assessment of the Bridge.

April 2019 – Bridge closes to motor vehicles. Detailed investigations reveal cracks in the Bridge that mean it is necessary to shut it to motorised traffic until major safety-critical work has been completed.

April 2019 – TfL confirms £25m funding towards the design concepts for Hammersmith Bridge to H&F.

3 September 2019 – TfL and H&F announce the outcome of feasibility and the agreed works required to refurbish the Bridge (estimated at that time to cost £120m) and re-confirm TfL's contribution of £25m.

30 August 2019 – TfL Commissioner wrote to the then Chancellor of the Exchequer, Rt Hon Sajid Javid MP, referencing Hammersmith Bridge in the context of the need for steady and sustained funding for transport in London.

23 December 2019 – Submission of maximum £50m Hammersmith Bridge congestion funding bid to Department for Transport (DfT). Unsuccessful.

14 February 2020 – Submission of bid for £115m balance of funding to DfT using the Large Local Majors pro-forma. Unsuccessful.

18 June 2020 – Submission to MHCLG / BEIS Cities and Local Growth Unit's call out for 'shovel-ready' projects. Bid for £38m to accelerate the stabilisation works. Unsuccessful.

13 August 2020 – H&F close Bridge on public safety grounds to all, including pedestrians, cyclists and river traffic, after further cracks are found following a heatwave.

14 August 2020 - Councillor Stephen Cowan, Leader of LBH&F, and Councillor Gareth Roberts, Leader of London Borough of Richmond upon Thames, write to Prime Minister Boris Johnson asking for help with funding.

August 2020 - Mitigation measures to control temperature during the heatwave.

27 August 2020 – TfL informs Government that it can no longer fund repair costs due to impact of Covid-19.

9 September 2020 - Secretary of State for Transport Grant Shapps announces HM Government Taskforce.

October 2020 – Deputy Mayor Heidi Alexander at Taskforce proposes unprecedented one-third funding of bridge to be shared between TfL, DfT and H&F.

20 November 2020 – Temperature Control System fully commissioned and tested.

25 November 2020 - Mr Shapps meets with H&F Leader Cllr Stephen Cowan. Mr Shapps calls for contribution of at least £64 million from H&F towards repair bill.

26 November 2020 - H&F Leader Cllr Cowan unveils innovative double-decker bridge proposal from Foster+Partners/ COWI.

11 December 2020 – Draft Report from Mott MacDonald – Pedestal study.

1 June 2021 – Government announce TfL funding settlement. Funding for Bridge with conditions – proposed that one third to be funded by each of the three bodies - DfT/TfL/H&F.

29 June 2021 – Mott MacDonald present Alternative Stabilisation Proposal report.

1 July 2021 – H&F draft version of Memorandum of Understanding submitted to DfT.

5 July 2021 – H&F Cabinet approves preferred option as a long-term contract with a private sector counterparty for the design, restoration, operation and maintenance of Hammersmith Bridge. H&F share to develop toll or road charging scheme.

9 July 2021 – Programme for Outline Business Case sent to DfT.

9 July 2021 – Received draft report from independent engineer Dr Stephen Denton on stabilisation options.

12 July 2021 – Special meeting of the Continued Case for the Safe Operation of

Hammersmith Bridge (CCSO).

17 July 2021 — The bridge reopened to pedestrians, cyclists and river traffic following the expert advice from the CCSO safety engineers.

6 December 2021 - H&F Cabinet agrees alternative £8.9m stabilisation programme for the bridge which will save local and national taxpayers £21m compared to the previous Transport for London (TfL) proposal. Designed by Mott McDonald.

28 February 2022 - Work on Phase 1 stabilisation of Hammersmith Bridge Restoration Project begins. Contractor FM Conway, sub-contractors Freyssinet and Taziker Industrial.

7 March 2022 - H&F Cabinet approves a further capital spend of £3.5million to progress Phase 2 works to strengthen and restore Hammersmith Bridge and reopen it to motor vehicles. These works include concept design, traffic modelling, crowd loading and geotechnical surveys.

22 March 2022 - Official launch of Hammersmith Bridge Restoration Project. Attended by Baroness Vere, H&F Leader Cllr Stephen Cowan and Richmond Leader Cllr Gareth Roberts. DfT confirms its contribution of one-third share of £8.9m stabilisation works.

3 April 2022 - Annual Varsity Boat Race returns to The Thames.

May 2022 - PIN notice issued for Phase 2 Strengthening and Restoration works. 28 firms express interest in bidding.

May-June 2022 — Casing of four corner cast-iron pedestals removed in preparation for filling pedestals with reinforced concrete, having trialled off-site with replica pedestal.

10 October 2022 - H&F Cabinet agrees to seek planning permission for the innovative temporary truss proposal. Part of £5m package also includes Cadent Gas works removal and diversion and funding for contract and procurement development. In a separate procurement strategy report, Cabinet sets out its objective to appoint a private sector contractor to design, renovate, finance and maintain the bridge.

November 2022 - Completion of strengthening of four pedestals which had contained micro fractures.

December 2022 - Outline Business Case submitted to DfT

16 March 2023 - Engineers began the installation of temporary and four permanent steel frames for each pedestal.

25 March to 1 April 2023 - Public exhibitions as planning consultation launched

for Foster + Partners/ Cowi temporary truss proposal. 500 residents talk with engineers and 1790 survey responses are received.

August 2023 – commenced geotechnical ground investigation works to determine the condition of the bridge foundations and surrounding ground.

November 2023 - H&F Cabinet receives Toll Order/ Road User Charging report.

Appendix 5 - H&F Equality Impact Analysis Tool

Conducting an Equality Impact Analysis

An EIA is an improvement process which helps to determine whether our policies, practices, or new proposals will impact on, or affect different groups or communities. It enables officers to assess whether the impacts are positive, negative, or unlikely to have a significant impact on each of the protected characteristic groups.

The tool is informed by the [public sector equality duty](#) which came into force in April 2011. The duty highlights three areas in which public bodies must show compliance. It states that a public authority must, in the exercise of its functions, have due regard to the need to:

- 1. Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Equality Act 2010**
- 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it**
- 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it**

Whilst working on your Equality Impact Assessment, you must analyse your proposal against these three tenets.

1. In the case of matters such as service closures or reductions, considerable thought will need to be given to any potential equality impacts. Case law has established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, it should demonstrably inform the decision, and be made available when the decision is recommended.
2. Wherever appropriate, the outcome of the EIA should be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense, and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.
5. If you already know that your decision is likely to be of high relevance to equality and/or be of high public interest, you should contact the Strategy & Communities team for support.

Further advice and guidance can be accessed online and on the intranet:

<https://www.gov.uk/government/publications/public-sector-equality-duty>

<https://officesharedservice.sharepoint.com/sites/Governance/SitePages/Reports.aspx>

H&F Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2023 / Q3
Name and details of policy, strategy, function, project, activity, or programme	<p>Title of EIA: Hammersmith Bridge EQiA</p> <p>Short summary: Repairs to be made to the existing Hammersmith Bridge and introduction of a toll for vehicle users of the bridge.</p> <p>Note: If your proposed strategy will require you to assess impact on staff, please consult your HR Relationship Manager.</p>
Lead Officer	<p>Name: Helen Littler</p> <p>Position: Associate</p> <p>Email: Helen.Littler@WSP.com</p> <p>Telephone No: + 44(0)2380 101728</p>
Date of completion of final EIA	22 / 09 / 2023

Section 02	Scoping of Full EIA						
Plan for completion	<p>Timing: TBC</p> <p>Resources: TBC</p>						
Analyse the impact of the policy, strategy, function, project, activity, or programme	<p>Analyse the impact of the policy on the protected characteristics (including where people / groups may appear in more than one protected characteristic). You should use this to determine whether the policy will have a positive, neutral, or negative impact on equality, giving due regard to relevance and proportionality.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Protected characteristic</th> <th style="width: 60%;">Analysis</th> <th style="width: 20%;">Impact: Positive, Negative, Neutral</th> </tr> </thead> <tbody> <tr> <td>Age</td> <td>The proposal is likely to impact on younger individuals traveling for education, in particular those with SEN, where this is not served by bus, or the bus isn't a suitable mode of travel.</td> <td>Negative</td> </tr> </tbody> </table>	Protected characteristic	Analysis	Impact: Positive, Negative, Neutral	Age	The proposal is likely to impact on younger individuals traveling for education, in particular those with SEN, where this is not served by bus, or the bus isn't a suitable mode of travel.	Negative
Protected characteristic	Analysis	Impact: Positive, Negative, Neutral					
Age	The proposal is likely to impact on younger individuals traveling for education, in particular those with SEN, where this is not served by bus, or the bus isn't a suitable mode of travel.	Negative					

	The proposal is also likely to negatively affect the elderly due to a) limited mobility due to their age preventing use of other modes of transport and consequent reliance on private vehicles and b) the cost of the toll being preventative to those with a low income such as pensioners.	
Disability	It is likely that the proposed tolls will negatively affect those with disabilities who may need to drive or be driven due to limited mobility or other disabilities preventing use of other modes. The nearest major hospital is Charing Cross Hospital. Reaching the Hospital avoiding Hammersmith Bridge increases the journey distance from 0.8 miles to 4.4 miles adversely impacting those who make regular trips to hospital. Those with physical or learning disabilities are likely to have higher incidence of health and socio-economic difficulties than the general public.	Negative
Gender reassignment	This proposal is not expected to have any specific impact on this protected characteristic group.	Neutral
Marriage and Civil Partnership	This proposal is not expected to have any specific impact on this protected characteristic group.	Neutral
Pregnancy and maternity	The nearest maternity hospital is Queen Charlotte's and Chelsea Hospital. Reaching the Hospital avoiding Hammersmith Bridge increases the journey distance from 2.3 miles to 8 miles adversely impacting those needing to access maternity services. Access to other resources and facilities will also be reduced.	Neutral
Race	This proposal is not expected to have any specific impact on this protected characteristic group.	Neutral
Religion/belief (including non-belief)	It is possible that the proposal will affect those traveling for religious purposes.	Neutral
Sex	This proposal is not expected to have any specific impact on this protected characteristic group.	Neutral
Sexual Orientation	This proposal is not expected to have any specific impact on this protected characteristic group.	Neutral

	<p>Human Rights or Children’s Rights If your decision has the potential to affect Human Rights or Children’s Rights, please contact your Equality Lead for advice</p> <p>Will it affect Human Rights, as defined by the Human Rights Act 1998? No</p> <p>Will it affect Children’s Rights, as defined by the UNCRC (1992)? No</p>
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Section 03	Analysis of relevant data
	Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.
Documents and data reviewed	Local facilities information has been interrogated to provide a high-level assessment of proximity to hospitals.
New research	Further interrogation of facilities in vicinity and accessibility by other modes of travel is necessary to quantify the impact of the toll on the protected characteristics as well as people from low-income households. Census 2021 outputs should be utilised to understand the quantum of those with protected characteristics who would be impacted by the proposals. Analysis of deprivation within the vicinity will also be required to understand the impact of the additional cost in accessing amenities.

Section 04	Consultation
Consultation	Consultation was undertaken relating the refurbishment of the bridge. However, the introduction of a toll was not included. Therefore, it is recommended that key groups are consulted as part of the full EQiA.
Analysis of consultation outcomes	TBC.

Section 05	Analysis of impact and outcomes
Analysis	The proposed tolls will have a negative impact on multiple protected characteristics including age, disability and potentially pregnancy/maternity. Further analysis is required to quantify these impacts and consultation with key stakeholder groups is recommended.

Section 06	Reducing any adverse impacts and recommendations
Outcome of Analysis	To mitigate the impact of the tolls, consideration should be given to exemption from tolls or reduced cost for blue badge holders and other impacted groups. Further analysis of access to key facilities by other modes of travel.

Section 07	Action Plan					
Action Plan	Note: You will only need to use this section if you have identified actions as a result of your analysis					
	Issue identified	Action (s) to be taken	When	Lead officer and department	Expected outcome	Date added to business/service plan
	Access to key facilities by those with protected characteristics.	Analysis of access to facilities.	As part of full EqIA	TBC		

Section 08	Agreement, publication and monitoring
Senior Managers' sign-off	Name: Position: Email: Telephone No: Considered at relevant DMT:
Key Decision Report (if relevant)	Date of report to Cabinet/Cabinet Member: 06 / 10 / 2023 Key equalities issues have been included: Yes/No
Equalities Advice (where involved)	Name: Position: Date advice / guidance given: Email: Telephone No: