

	Environment Committee 18 November 2014
Title	Parking Policy – the results of public consultation exercise
Report of	Housing and Environment Lead Commissioner
Wards	All
Status	Public
Enclosures	Appendix A : Consultation questions on the Draft Parking Policy Appendix B - Combined summarised responses of the public consultation exercise Appendix C – Themes from comments received as part of the formal consultation and informal emails received. Appendix D - Focus group feedback. Appendix E – Equalities Impact Assessment Appendix F - Parking Policy – FINAL Draft (including appendices)
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Summary

This report provides the Environment Committee with the results of the public consultation exercise that they commissioned on a new proposed Parking Policy and seeks the Committee's approval of the revised Policy, which has been amended in light of the responses received.

Recommendations

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| 1. That the Environment Committee notes the results of the public consultation exercise. |
| 2. That the Environment Committee notes the amendments to the draft Parking Policy and approves the Policy for implementation. |
| 3. That the Environment Committee notes the appendices to the Policy will be revised as required and will be presented to the committee as appropriate |
| 4. That the Environment Committee authorise officers to develop a costed action plan to implement the new Parking Policy which will be presented to this committee if necessary. |

1. WHY THIS REPORT IS NEEDED

- 1.1 At the July meeting of this Committee, members agreed to a public consultation on a draft Parking Policy. This was in recognition that there was a need for a comprehensive parking policy for Barnet which would address a number of objectives, set out in the July report, as well as meeting the Council's aims with regard to borough-wide parking provisions.
- 1.2 The aim of the policy is to provide clear and understandable reasons to explain the purpose of the parking controls in place throughout the borough. It also clarifies the way in which these provisions are managed, monitored and enforced.
- 1.3 A robust and comprehensive general public consultation exercise has taken place. This has included using the council's on line consultation portal "Engage Barnet" which was publicised through Barnet First, an article in the local press, on the council's website, emails to relevant stakeholders including members and through Twitter. The council's Citizens' Panel were also consulted and in addition three focus groups aimed at specific resident groups were undertaken, these groups were :
- Group 1, People with a disability, Mothers of children up to one year old and pregnant women
 - Group 2, Resident parking permit holders
 - Group 3, Resident parking permit holders involved in the 2012 Judicial Review relating to parking permits and visitors vouchers.
- 1.4 Looking at the results of each consultation method in turn:-
- 1.5 **General Public Consultation** - The public consultation exercise opened on 5 August 2014 and closed on the 28 October 2014. Attached as Appendix A are the questions asked, 152 responses were received. This is a good level of response when compared to other consultation exercises that have been undertaken on a policy matter, but perhaps not as high as expected, especially after the amount of publicity undertaken and when it is considered that this is a high profile service which impacts on so many in the Borough.

- 1.6 Of those who answered the questions, 9.9% of respondents hold a blue badge and 46.7% live in a CPZ.
- 1.7 Attached as Appendix B is a table that shows the summarised results to the questions received through this exercise and those from the Citizen's Panel discussed below. The highlights are that:-

	% Agree
Overall I agree with the aims of the policy	62%
Overall I agree with the objectives	36%*
85% occupancy rate is a good way to support local business	56%
Knowing there will be a likelihood of parking spaces in the town centre will encourage me to use local town centres more often	62%
CCTV enforcement will create better compliance around schools	61%
Better compliance will make roads safer around schools	67%
Keeping footways clear is a priority	73%
Where safe make available spaces on footways that are clearly marked	75%

*5 objectives were consulted upon, 60% plus figures are recorded for each except for the objectives about supporting the Mayors local implementation plan and the one about supporting the council's corporate priorities.

- 1.8 After most questions respondents were able to add comments, these are summarised within Appendix C which summaries all the comments received through the on line survey, emails and citizens panel, but a few of them which covered areas that are not in the policy that were repeated such as :-
- Requests to review CPZs, in particular around tube stations where the perception is that those residents who live on the edge of the CPZ use parking close to the tube station within the CPZ and so "block" parking spaces for those who live close to the tube station.
 - Requests for pedestrianisation and cycles lane within town centres
 - Requests for more sustainable transport such as car clubs eg Zip cars etc.
- 1.9 **Citizens' Panel** - Barnet Citizens' Panel was established in 1997, it currently has 2, 000 Barnet residents as members and is statistically representative of the population of Barnet. It is a valuable resource, used to research how Barnet residents feel on issues and acts as a sounding-board for future policies and decisions.
- 1.10 The panel's membership is continually refreshed so that as many residents as possible can get involved in local decision-making and it includes residents from all of Barnet's diverse communities. Residents are randomly selected by an independent research company and are then invited to join the panel.

- 1.11 The current panel were issued with the same questionnaire as published on line and 770 out of the 2,000 responded. In nearly all questions the panel were more positive than the general public respondents, as can be seen below:-

	% Agree
Overall I agree with the aims of the policy	81%
Overall I agree with the objectives	71%
85% occupancy rate is a good way to support local business	76%
Knowing there will be a likelihood of parking spaces in the town centre will encourage me to use local town centres more often	76%
CCTV enforcement will create better compliance around schools	73%
Better compliance will make roads safer around schools	80%
Keeping footways clear is a priority	77%
Where safe make available spaces on footways that are clearly marked	79%

- 1.12 Of those who answered these questions, 8% of respondents hold a blue badge and 28% live in a CPZ.
- 1.13 Again, a significant number of comments were received and these are summarised in Appendix C. Some of the more common comments were :-
- The council should encourage the use of public transport or walking
 - Request for some free parking
 - That CCTV at schools would not be effective
- 1.14 **Three focus groups** were run, and the full report of this part of the consultation is attached as Appendix D. As stated earlier these were for :
- Group 1, People with a disability, Mothers of children up to one year old and pregnant women
 - Group 2, Resident parking permit holders
 - Group 3, Resident parking permit holders involved in the 2012 Judicial Review relating to parking permits and visitors vouchers
- 1.15 The group that included those with disabilities were very supportive of enforcing parking on corners and junctions as they thought inconsiderate parking here was dangerous for those in wheelchairs or pushing buggies.
- 1.16 The group of pregnant women and mothers were keen that all consultations were kept as simple as possible, they welcomed contactless payment methods, though were wary of CCTV around schools.

- 1.17 The focus group run for those who brought the JR were sceptical that much good will come of the new policy, as they saw it as too woolly, difficult to enforce. They welcomed local solutions, but also encouraged intuitive consistency where possible. There was support for clear and consistently enforced footway restrictions.
- 1.18 From both, the public consultation and the Citizen's Panel a large number of specific comments were received. In general, though these were about processes, rather than policy. The Policy has a number of appendices which in the main describe processes that support effective traffic management, it is expected that these will be reviewed on an ongoing basis and so in agreeing the policy there is an expectation that these appendices will be reviewed and amended through the coming year.
- 1.19 An example is that many comments have been received regarding the enforcement procedures which are shown as appendices 10,11,16 of the policy which will now be reviewed.
- 1.20 In addition, many respondents told us of areas where they thought the introduction of a CPZ would be beneficial and gave examples of specific areas where on street parking tariffs and enforcement hours were perceived as detrimental in attracting visitors to town centres. These comments will inform the future work on tariffs and enforcement.
- 1.21 It is however interesting to note that for those answering the general public consultation only 31.8% said that they drove to their town centre, and for the citizens' panel this figure was 34.9%.
- 1.22 In terms of amending the draft policy, all comments have been considered and attached as Appendix F is the revised Policy, which includes some drafting changes to improve readability. Track changes are shown to highlight where amendments have been made.
- 1.23 Looking at each section of the policy and the amendments made:
- 1.24 The foreword has only had grammatical changes, and in the introduction more certainty has been added to the wording on footway parking. It is noted that currently there are a number of roads in the borough where footway parking is permitted, each of these will be reviewed in accordance with Appendix 12 of the Policy and until such time as reviewed the current practice will remain.
- 1.25 Section 1- Policy Framework – no change
- 1.26 Section 2 – Introduction - no change
- 1.27 Section 3 – Objectives - no change
- 1.28 Section 4 – Parking Provision, with the consultation support of the 85% occupancy rate, there is no change to the document, but in light of comments

received we will roll out a programme of surveys and/or use innovative technology to determine the current occupancy rates and then use this data to make adjustments to the existing parking provision and monitor the outcomes with an expectation that positive impacts will be realised and hence assist in achieving this aim/aspiration.

- 1.29 In relation to the charging for parking permits, it is recognised that within the comments received there are strong views on the charging for permits. The consultation asked respondents to rank four pricing methods:-
- A flat rate
 - Varying the permit charge in different parts of the borough
 - Varying the charge dependent on the number of hours of the restriction in a particular CPZ
 - Varying the permit charge for different vehicular impact to the environment eg pollution emissions
- 1.30 There was a suggestion for an alternative way of calculating the charge – namely by the length of a vehicle. This was only mentioned in a focus group and was not repeated by any others and so for that reason it was not considered further as it lacked support. The consultation exercise showed that a flat rate was ranked first by more people, followed by the emissions option being second. The two middle options were the least popular.
- 1.31 Examining these two middle options, varying the charge based on the duration of the CPZ restriction was seen by the focus groups as a little contentious, and within the on line comments received were that permits should cost the same for residents across the borough, one street should not be more expensive than another.
- 1.32 The hours of operation for a CPZ will be different from area to area, as each CPZ is designed based on local parking demand. So for example, a CPZ near a busy tube station will have operational hours that are designed to deter commuter parking during the day whereas a CPZ near local amenities that attract night time parking e.g. a cinema or a bingo hall would likely have hours of operation later into the night.
- 1.33 In acknowledging that for CPZs in different areas of the borough to meet their aims, there will be different hours of operation, these two charging options are rejected
- 1.34 The Council has tried to take into account not only the comments on charging but the support shown in the consultation for the aims and objectives of the policy, as well as the fact that the borough's road transport emissions are currently amongst the highest in London. CO2 emissions from ground-based transport in Barnet make up 24% of all emissions in the borough, compared with 19% London wide. It is clear from the consultation that there is support for reducing air pollution and so for this reason the council has decided to reject the flat rate mechanism currently in place for parking permit charges and plans to introduce a simple emission-based charging system based on

three pricing bands. One for low emission cars below 110 CO₂g/km, one for cars between this and 200 CO₂g/km, and one for cars above 200 CO₂g/km.

- 1.35 As currently in place, the council intends to increase incrementally the cost of subsequent permits depending on the number of permits obtained per household. This was supported by the consultation with on line comments being that more cars per household, the higher the charge and much higher permit charges for second and third vehicles in the same household.
- 1.36 The council is looking to improve the permit application process using more on line systems. As currently, if a resident changes car or moves into or out of a CPZ area they will have to apply for a new permit which will be charged according to the bands described above, that is switching cars to a lower emission one could result in a refund whilst a higher charge may be levied for a car with higher emissions.
- 1.37 As part of the Council's annual review of fees and charges the level of charges for these new bands will be presented to the next meeting of this committee in January to make recommendations to the Policy & Resources Committee
- 1.38 Policy and Resources Committee and will then be consulted upon so that these new charges can be implemented from April 2015.
- 1.39 Section 5 –Parking finance and reporting – the annual report is still being finalised but at this month's Performance and Contract Monitoring Committee a suite of KPIs and Pis on parking are being presented.
- 1.40 Section 6 –Parking Control – comments have been added to reflect work being undertaken on consolidating all current Traffic Management Orders and provide more clarity regarding dual use of loading bays.
- 1.41 Section 7- Permits and Vouchers – there have been mixed views on allowing certain groups specific permits and so the wording has been altered to say that this will only be undertaken following further specific consultation in line with statutory guidance.
- 1.42 Section 8 – Enforcement – words have been added to strengthen the introduction of Moving Traffic Violation in line with the support for the objective to keep traffic moving and network safety. In addition further words have been added to support CCTV outside schools in accordance with the overwhelming support for keeping roads safer around schools. It is noted that parents with children who attend schools in Barnet and specifically drive their children to school are more supportive of the proposal than the general respondents. An additional option to deal with persistent evaders has also been added.
- 1.43 Wording has also been added to ensure that parking dispensations procedures are followed.

- 1.44 Section 9 – Parking for Disabled Persons, this has been amended to highlight that parking for blue badge holders is limited to 3 hours.

2. REASONS FOR RECOMMENDATIONS

- 2.1 There is a need for a clear and understandable policy. A robust and extensive consultation exercise has been undertaken, the results of which have now been fed into the Policy which is before the Committee for agreement.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The alternative option is to not have a written Parking Policy for the borough. This would mean that the Council would continue to operate its parking policies based on the historical amalgamation of separate decisions accumulated on a case by case basis. Since these previous decisions cover only some elements of parking policy there would remain areas which are not fully documented in one place and agreed, and this could create an increased potential for risk of challenge.
- 3.2 This would fail to meet the stated objectives of the parking improvement programme to (a) Provide a clear explanation of parking enforcement in Barnet against which residents and businesses would be able to hold the council parking service to account for any poor performance. And (b) To detail the “traffic management purposes” for which parking controls are being used and underpin the Council’s policies in setting charges.
- 3.3 The policy will be kept under review and changes will be proposed to Environment Committee in the future to ensure that it continues to meet traffic management and parking needs in the borough.

4. POST DECISION IMPLEMENTATION

- 4.1 If approved, the new Parking Policy will mean that a number of new operational initiatives will be implemented. A costed plan for this will be developed and brought before members where appropriate.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1 Barnet Council will work with local partners to create the right environment to improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The costs of developing the policy and undertaking the consultation process have been met from existing budgets. It is noted though that investment will be needed to introduce some of the initiatives mentioned in the policy.

5.3 Legal and Constitutional References

- 5.3.1 The Council's Constitution (Responsibly For Functions, Annex A) gives the Environment Committee certain responsibility related to the street scene including pavements and all classes of roads, parking provision and enforcement, and transport and traffic management including agreement of the London Transport Strategy Local Implementation Plan.
- 5.3.2 Under the Road Traffic Act 1991 the Council took over the enforcement of all parking places on the highway in 1994. In 1994 following a pilot where decriminalised enforcement covered three areas, the Council applied for an order to be made designating the whole borough a Special Parking Area which was duly done - with the exception of the current Transport for London Road Network and the M1 motorway. Consequently the Council is empowered to enforce the full range of "decriminalised" parking controls that it implements in any borough road.
- 5.3.3 Section 45 of the Road Traffic Regulation Act 1984 states:

45 Designation of paying parking places on highways

- (1) A local authority may by order designate parking places on highways or, in Scotland, roads in their area for vehicles or vehicles of any class specified in the order; and the authority may make charges (of such amount as may be prescribed under section 46 below) for vehicles left in a parking place so designated.
- (2) An order under this section may designate a parking place for use (either at all times or at times specified in the order) only by such persons or vehicles, or such persons or vehicles of a class specified in the order, as may be authorised for the purpose by a permit from the authority operating the parking place [or both by such persons or vehicles or classes of persons or vehicles and also, with or without charge and subject to such conditions as to duration of parking or times at which parking is authorised, by such other persons or vehicles, or persons or vehicles of such other class, as may be specified]; and
 - (a) in the case of any particular parking place and any particular vehicle, or any vehicle of a particular class the authority operating the parking place, . . . may issue a permit for that vehicle to be left in the parking place while the permit remains in force, either at all times or at such times as may be specified in the permit, and
 - (b) except in the case of a public service vehicle, may make such charge in connection with the issue or use of the permit, of such amount and payable in such manner, as the authority by whom the designation order was made may by order prescribe.

- (3) In determining what parking places are to be designated under this section the authority concerned shall consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which that authority shall have regard include—
- (a) the need for maintaining the free movement of traffic;
 - (b) the need for maintaining reasonable access to premises; and
 - (c) the extent to which [off-street parking accommodation, whether in the open or under cover,] is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this section.

5.3.4 Further to the above section (and section 46), the Council designates parking places on the highway and can regulate their use through conditions and charges.

5.3.5 Section 55 of the Road Traffic Regulation Act 1984 sets out the obligation of an authority to keep an account of the income and expenditure in relation to parking places on the highway (commonly known as the Special Parking Account) and notes that any deficit at the end of the financial year should be made up by the general fund and that any surplus on the account shall be applied for any of the specified purposes noted in section 55 (4) and if it is not so used, should be carried forward and allocated to a specific project that falls within those purposes.

5.3.6 Case law has confirmed that the Road Traffic Regulation Act 1984 is not a taxing statute and does not permit authorities to charge residents for parking with a view to raising a surplus on its Special Parking Account.

5.3.7 In using the powers under the Road Traffic Regulation Act 1984, the authority has a duty, amongst other considerations, to secure the expeditious, convenient and safe movement of vehicular and other traffic and the provision of suitable and adequate parking facilities both on and off the highway. This is pursuant to section 122 of the Road Traffic Regulation Act 1984 which states:

122 Exercise of functions by local authorities

(1) It shall be the duty of [every] local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off [the highway or, in Scotland, the road].

(2) The matters referred to in subsection (1) above as being specified in this subsection are—

(a) the desirability of securing and maintaining reasonable access to premises;

(b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;

[(bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);]

(c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and

(d) any other matters appearing to . . . the local authority . . . to be relevant.

(3) The duty imposed by subsection (1) above is subject to the provisions of Part II of the Road Traffic Act 1991.]

5.3.8 In pursuance of reaching a fair and rational outcome, and acting reasonably and within its powers, the authority has undertaken a 12 week consultation to engage residents and others to help shape the parking policy.

5.3.9 All responses emerging from the consultation process have been considered in light of the powers and obligations to which the council is subject (including, the public sector equality duty under the Equality Act 2010). A full Equalities Impact Assessment has been carried out further to the consultation, and is attached as Appendix E

5.4 Risk Management

5.4.1 The aim of undertaking a comprehensive consultation was to ensure that the new policy reflected the views and needs of Barnet's residents and business and so would receive the support of the community.

5.4.2 It is possible that the service changes that may arise from the new Policy may have a negative impact on the Council's reputation and reduce some residents' perception of the Council.

5.5 Equalities and Diversity

5.5.1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires public authorities to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

5.5.2 The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent. A full Equalities Impact Assessment has been carried out further to the consultation, and is attached as Appendix E. The overall feedback from this assessment has not led to any reassessment to the anticipated impact to these groups however, their involvement and participation gives us confidence that our proposals are appropriate to the needs of the diverse groups that this policy may impact.

5.6 Consultation and Engagement

5.6.1 At their meeting in July Members were presented and agreed a consultation and engagement plan. All actions within this plan have been undertaken and have been described within the body of this report.

6. BACKGROUND PAPERS

None