



Environment Committee 20 January 2020

Title	Rebanding of Parking PCN Charges
Report of	Chairman of the Environment Committee
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A - Results of Consultation, Summary Report
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Summary

This report proposes the Borough make a submission to London Council's Transport and Environment Committee to adopt Band A parking Penalty Charge Notice (PCN) charges across the Borough.

Officers Recommendations

1. That the Committee notes the need for behaviour change as identified within the draft Long Term Transport Strategy to reduce traffic contraventions and associated congestion in the short to medium term.
2. That the Committee note the results of public consultation conducted in respect of this proposal particularly that the majority of those that responded to the consultation were against this proposal.

3. That, notwithstanding the outcome of the consultation, the Committee approves a submission being made to the London Councils Transport and Environment Committee for approval to change the banding for parking PCNs to Band A.
4. That the Committee notes that this will not change the level of penalty for contraventions in bus lane or of moving traffic contraventions (banned turns, box junctions, no entry signs and similar).

1. WHY THIS REPORT IS NEEDED

- 1.1. The Council enforces parking controls Borough-wide except on those major routes comprising part of the Transport for London Road Network, which are the responsibility of Transport for London to enforce. This report only refers to the enforcement of parking controls in the Borough's areas of responsibility and would not impact enforcement of bus lane and moving traffic contraventions.
- 1.2. The Borough has commissioned a draft Long Term Transport Strategy which articulates the vision for transport in Barnet to 2041. The strategy details the projected growth in the borough and the associated increase in road congestion. The strategy identifies key inhibitors to the use of alternative modes of transport to the car being very limited public transport connectivity across the borough, and longer travel times for existing routes due to congestion. The strategy proposes a number of initiatives to improve public transport, cycling and walking routes, including the introduction of orbital (east-west) bus routes to ease congestion and improve air quality, but these will take time to implement.
- 1.3. The draft Long Term Transport Strategy identifies that modifying behaviours to control car utilisation is critical to meet the objective of free flowing traffic in the Borough. Addressing traffic congestion is a pressing issue now and in the short to medium term and requires consideration of how parking behaviour contributes to congestion, especially for on street contraventions which cause nuisance and needless disruption to traffic flow.
- 1.4. The Borough's size means it covers areas which range from being distinctly rural adjacent to Hertfordshire to much more densely populated. The Borough includes Greenbelt land but also has borders with central London Boroughs. Growth and regeneration mean that in some areas, such as some locations along the Northern line, population densities are similar to inner London levels.
- 1.5. The draft Long Term Transport Strategy identifies that the direction of change in the borough is towards a more urban profile, though this change is not equally spread across the Borough. Golders Green and Colindale are predicted to exceed the current inner London average density levels by at least 30%, whilst other town centre areas will be at least 50% denser than existing Outer London averages. With this comes changes to the balance of travel modes, with public transport increasing in importance, whilst the road capacity remains finite.

1.6. In London there are two levels of parking Penalty Charge Notice (PCN) charges, Band A and Band B, reflecting the impact of parking contraventions in differing parts of London. There are also two categories of severity, higher and lower, which are linked to the specific nature of the contravention. The categorisation of the severity level is determined for all of London and is not subject to change as a result of this proposal progressing.

	Lower Severity	Higher Severity
Band A (LBB Proposed)	£80 (£40 discounted value)	£130 (£65 discounted value)
Band B (LBB present)	£60 (£30 discounted value)	£110 (£55 discounted value)

1.7. The London Borough of Barnet is presently in 'Band B', which used to be common for outer London authorities, with inner London being Band A. In recent years, however, some outer London Boroughs have moved to Band A in whole or in part, based on their experience of high levels of traffic and ongoing issues with compliance with parking restrictions. The map below shows the existing position in London:

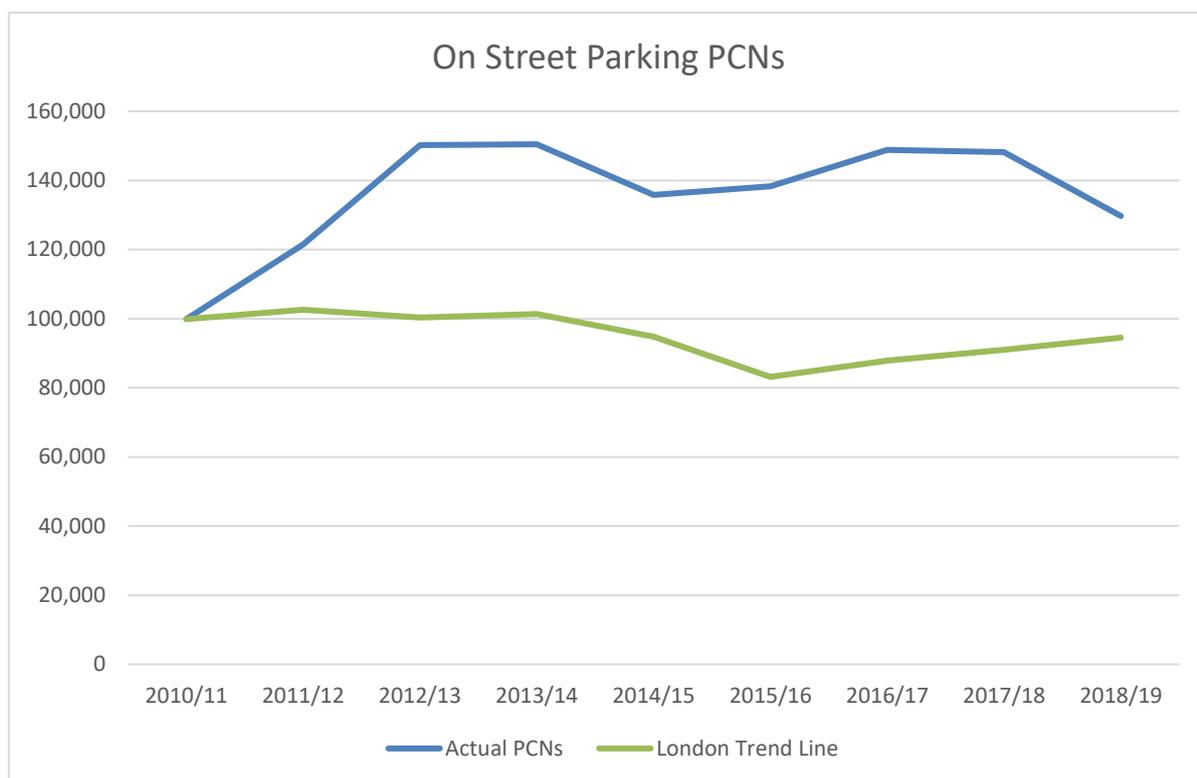
Existing on-street penalty charge bands



Existing off-street penalty charge bands



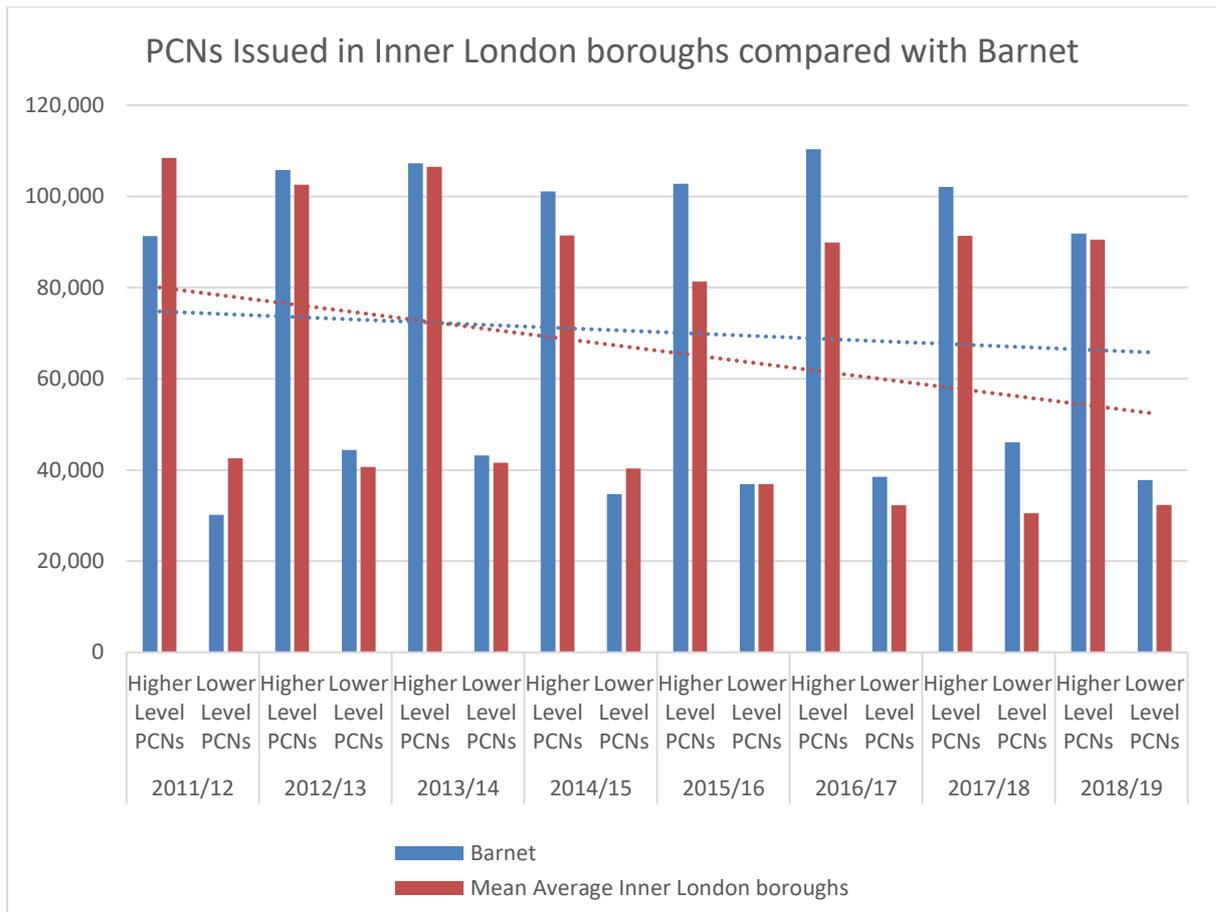
- 1.8. In recent years, the Council's issuing of parking PCNs has increased. Across the same period the overall trend across London is that the issue of PCNs have been broadly decreasing, although there has been an increase over the past two years. There has been some increase in the number of roads in Barnet that have parking controls, other Boroughs would also have been adding controls to more streets so this alone would not explain why Barnet has not followed a similar trend.
- 1.9. The below chart shows the actual issuance of Barnet PCNs and a trend line indicating what the level of issuance of PCNs would have been in Barnet, had it followed the whole of London trend.



- 1.10. The reasons behind the London Borough of Barnet not seeing the lowering of PCNs issued more widely experienced across London are not easily explained. As noted above, many other Boroughs would have experienced increases in parking controls and would also have been subject to other pressures, such as redevelopments and growth in resident numbers, that could explain an increase in the number of PCNs issued.
- 1.11. The trend may arise from the impact of growth in the Borough and shift towards a more urban profile of resident density in parts without an increase in road space, so there is more competition for that finite space. The borough is certain to experience a sustained level of growth in the coming years. The Brent Cross redevelopment project anticipates the creation of 7,500 new homes and 27,000 new jobs. The draft Long Term Transport Strategy states that by 2030 there will have been a 13% increase in borough population, which is expected to come predominantly from wards in Golders Green, Colindale, Mill Hill, West Hendon and Brunswick Park. In common with other outer London boroughs, there is a high demand for new housing and the minimum ten year target for Barnet as set by the London Plan, and applicable from 2015 to 2025, is for 23,489 additional homes to be built.
- 1.12. There is also less impact in Barnet of some of the drivers for modal shift seen in central London, such as increases in cycle infrastructure, the impact of the Congestion Charge and the adoption of more healthy streets activities designed to reduce car use and support lower car ownership levels. Without costly and detailed surveys having been conducted over many years it will be impossible to determine definitively the causal factors for Barnet being against the trend for PCN issuing performance. The draft Long Term Transport Strategy

proposes a number of initiatives to encourage such modal shift, but these will take time to deliver benefits to our residents.

- 1.13. Ultimately the issuing of more PCNs is not the Council's intention and reflects contraventions of parking regulations intended to support the movement of traffic including buses, road safety, protection of parking for local resident and business use against commuters and aid the turnover of spaces to support High Street vitality. The Council has a long-standing expressed desire to increase compliance with parking restrictions. Traffic congestion and parking is a chief concern for our residents, 19% of residents surveyed in 2017 in the Council's Annual Residents Survey identified congestion as their number one issue in the borough. Requests for enforcement and complaints in relation to enforcement issues received by the Council's parking team have increased by 80% since 2015.
- 1.14. It is noted that there has been a freeze on the value of PCNs in London since 2011 and the effect of inflation since then has been to see the financial sanction of the PCN drop by around 25% in real terms. At the same time the Borough's charges have increased in line with inflation and many charges now reflect the emissions of the vehicle. The impact of the PCN on some motorists has therefore reduced over time.
- 1.15. In the past two years, 39% of PCNs have been issued to a motorist who has already paid at least one other PCN in Barnet within the same period. This suggests that the impact of the PCN is not a sufficient deterrent for many motorists. Indeed, 23% of PCNs were issued where the motorist had already paid for two or more PCNs during the same period of time.
- 1.16. The London Borough of Barnet is not alone in outer London Boroughs in experiencing an ongoing persistent level of contravention of PCNs. The London Boroughs of Waltham Forest and Enfield have been approved for Band A PCN charges recently and neighbouring Haringey is also in Band A. The London Borough of Havering has also begun the process of applying for Band A. London Borough of Greenwich received approval from London Councils Transport and Environment Committee to place the whole borough area in Band A in December 2019. Analysis of the parking policies of those boroughs where the number of PCNs issued has declined suggest that the effect of increasing the size of the Penalty Charge Notice has been a causal factor and that this has seen increased compliance with restrictions.
- 1.17. As noted in paragraph 1.3, the Borough is changing in character and will see increased population density exceeding inner London levels in some areas. Inner London boroughs are largely already situated in Band A for on street contraventions. Analysis of the trend in PCNs issued in inner London boroughs against Barnet over time shows that PCNs issuance in inner London is falling faster than in Barnet. This is likely to be due to a number of factors as discussed in paragraph 0 in addition to the added deterrent effect of the increased PCN.



- 1.18. The Council therefore must focus on managing the growth in traffic and associated congestion arising from new development in the short term, as most infrastructure measures are medium to long term and will rely on funding and strategic partners to secure their delivery. The Council needs to act and identifies in the emerging Long Term Transport Strategy effecting behavioural change as one solution to managing congestion. Therefore it is proposed to take forward an application to reband PCNs to encourage behavioural change by re-emphasising the importance of not contravening.
- 1.19. The Borough conducted a consultation about PCN rebanding through the Engage Barnet portal between May and August 2019. Further information on the consultation and survey results are appended to this report.
- 1.20. The results of the consultation show that the majority of those that responded to the consultation are strongly against the proposal. This is not surprising given the general public attitude to parking Penalty Charge Notices and price rises. The consultation did not attract a large number of responses and despite the comments made by the relatively small number of survey respondents, the evidence as set out in the draft Long Term Transport Strategy with regard to congestion and capacity presents a strategic imperative to proceed with these proposals.
- 1.21. A persistent theme in the consultation comments was the past performance of the Parking Service in Barnet. In recent years, the Borough has improved the

performance of the Parking Service with adjudicator win rates increasing from 38% to 56% most recently. It is felt that the service provided is more robust and of a higher quality which would support a change to the banding without a high level of incidences of penalising people erroneously.

- 1.22. One of the key recommendations made in the consultation comments was to create more parking provision on street, to make it easier for people to find places to park. The balance of resident, business and leisure/casual parking is continually under review with the introduction of traffic schemes. The draft Long Term Transport Strategy has discounted the option of increasing capacity because evidence shows that it rarely alleviates congestion in the long term, and the effect is to increase trips made by car. This would exacerbate existing public health issues associated with car use such as poor air quality, traffic accidents and obesity. It is difficult to balance the needs of all road users, and the forthcoming Long Term Transport Strategy will seek to set out the borough's approach to achieving this in the longer term.
- 1.23. It is understood that the proposal will not be universally popular but would result in motorists being charged fees that are broadly comparable with those faced by residents, businesses and visitors in other Boroughs with similar parking conditions, such as Enfield and Waltham Forest. The desired impact of the proposals with regard to reducing repeated parking contraventions are likely to be welcomed by parts of the community.

2. REASONS FOR RECOMMENDATIONS

- 2.1. The key benefit of applying for Band A to increase the level of sanction to achieve an increase in compliance with parking restrictions. This will have consequential benefits to the Borough that are becoming ever more necessary as the Borough looks into a future with more growth and changes to the way people travel, own vehicles and fuel them. The consequential benefits are set out as follows.
- 2.2. **Traffic Flow and Congestion** – including bus movements. By ensuring vehicles parked where they are not permitted have a stronger sanction, it is intended to help reduce incidences of vehicles stopping in places which hinder traffic flow, including where people are stopping at bus stops and hindering bus stopping. The change to the PCN band alone is not the only measure to aid this and the Borough has recently agreed to the introduction of the vehicle removal service in support of this enforcement activity. These proposals support the draft Long Term Transport Strategy objective to keep the Borough moving, and the Corporate Plan which states that delivering this will involve using enforcement to increase compliance and support traffic to move smoothly and safely.
- 2.3. **Protection of spaces for dedicated users** – The Borough already has some spaces that are reserved for the use of specific users, including those disabled badge holders who qualify for a dedicated disabled bay. As the Borough invests in electric vehicle charging stations and marks out dedicated spaces in them, it is essential that these are not misused and along with the investment in the vehicle removal service, the rebanding would put in place a stronger deterrent

which will contribute to the draft Long Term Transport Strategy objective to make the transport system is as accessible as possible regardless of age, ability and income, and to limit the negative impacts of transport.

- 2.4. **Vehicle Turnover in paid spaces** – The Borough’s parking charges for paid casual parking and car parks are set to reflect local needs and to support the High Street. A higher PCN charge would help to ensure that vehicles are not left in car parks longer than paid for or longer than the maximum permitted time. Vehicle turnover helps support the High Street and support local business through making it more likely that visitors can find a space close to their destination. The ability to find a space (or a lack of spaces) has been shown in previous studies to be a more influential than price and often second only to parking location in people’s reasons for choosing where they visit for parking.
- 2.5. **Air Quality** – The removal of vehicles from obstructing the road and adding to journey times and congestion, as well as improving space turnover so that vehicles are not circling for spaces, along with improvements for bus journeys, is expected to improve air quality in the Borough. It would also allow the Council to ensure that electric vehicle charging facilities are not misused to keep these available for electric vehicles. The draft Long Term Transport Strategy identifies air quality as a key challenge; 6.5% of all deaths in Barnet are caused by poor air quality. Combined with other initiatives that the Borough has and new initiatives arising from the draft Long Term Transport Strategy, this will support the desire to see a significant shift in air quality in the Borough.
- 2.6. **Safety** - the Council is receiving an increasing number of complaints and requests for enforcement, many of which cite safety concerns. Parking at school pick up and drop off times can escalate into a safety issue, with a small minority of parents/carers parking in a dangerous and obstructive manner. Schools are frequently visited by enforcement teams to act as a deterrent but the behaviour persists. At best the behaviour is an annoyance and obstruction to local residents, at worst it has potential to endanger children and block access for emergency vehicles. Another source of resident contact is requesting parking enforcement for vehicles parked across driveways or by other means blocking access for refuse collection and emergency vehicles. The issuing of a PCN at a higher rate has the potential to deter the motorist from repeatedly parking in the same place, and to consider seeking a legal parking space rather than risk a second PCN. The proposal supports the draft Long Term Transport Strategy objective to improve the road network and transport system in Barnet so that it is safe and residents and visitors feel safe across all transport modes.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1. The alternative to what is proposed in this report is to maintain the status quo and not ask for the Borough to re-banded to Band A. PCNs would remain at the same level they currently stand at.
- 3.2. However, maintaining the status quo is not recommended. Although there was an expressed lack of support through consultation with the public, there was a low level of response, representing a very small number of individuals. The wider public health and transport benefits of this proposal are great. The survey

attracted in the region of 300 responses. This can be compared with 6000 responses for proposals on charging for the garden waste service. The response to this consultation is therefore considered to represent a very small sample of the Borough's population. 95% of survey respondents were vehicle owners, and the vast majority of survey respondents identified their main mode of transport in the borough as driving a private vehicle. This is not representative of the borough, in which according to London Ward Atlas data collated by the GLA approximately 30% of households have no access to a car.

4. POST DECISION IMPLEMENTATION

- 4.1. Should the recommendations be agreed, the Council will make an application to London Council's Transport and Environment Committee for consideration of the request. If it is approved then the application is submitted to the Mayor of London for scrutiny. The application, if meeting the Mayor's approval, is then passed to the Department for Transport during which time the Secretary of State may raise objections.
- 4.2. Assuming these stages are passed, the Borough will then need to make public notice of the intended change and would be in a position to make the change three months after the notification. This would indicate a likely start date in the first Quarter of 2020/21.

5. IMPLICATIONS OF DECISION

5.1. Corporate Priorities and Performance

This scheme, if approved, will contribute to the Councils corporate plan by:

- 5.1.1. Promoting the principles of fairness to those who live within existing CPZs and areas outside CPZs which have become under increasing pressure by managing the demand for parking.
- 5.1.2. Acting as a greater deterrent to motorists who do not park legally, whilst maintaining a robust appeals process to ensure fairness.
- 5.1.3. By increasing the deterrent on obstructive and nuisance parking, making a contribution towards tackling air quality and reducing congestion, for motorists and public transport users.
- 5.1.4. Reflecting an engagement with communities and help to build stronger relationships by demonstrating that concerns are being considered and acted upon in a timely way, and that the Council's policy and decision making in regard to traffic management is lawful and consistent.

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

- 5.2.1. If approved, an application will be made to London Councils' Transport and Environment Committee. There are no additional resources required to complete the application process as outlined at 4.1.

- 5.2.2. It is not possible at this stage to present projected income levels associated with proposal because the impact on behaviour is not able to be assessed. There may be increased resources required should there be an increase in PCN appeals, however this will be contained within the existing parking enforcement contract held by NSL. Local authorities should not use parking charges to raise revenue or as or as a local tax. The factors which local authorities should take into consideration when setting parking charges are set down in the Department for Transport's Operation Guidance for Local Authorities: Parking Policy and Enforcement (March 2015) (paragraph 14.8).
- 5.2.3. Where the demand for parking is high, there may be surplus income. Section 55 of the RTRA sets down the financial provisions in relation to designation orders and requires local authorities to apply any surplus to specific purposes, which include the maintenance of the highway and funding of concessionary travel schemes.
- 5.2.4. There are no identified staffing, procurement, ICT or property implications associated with the scheme.
- 5.2.5. The proposal will at a strategic level contribute to the draft Long Term Transport Strategy, wider corporate sustainability objectives and Conservative manifesto commitments to improve air quality in the borough. The proposal is likely to have consequential benefits in reducing congestion and idling time on the part of motorists seeking parking spaces.

5.3. Social Value

- 5.3.1. The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders. There is no procurement activity associated with this proposal.

5.4. Legal and Constitutional References

- 5.4.1. Paragraph 2(1)(b) of Schedule 9 of the Traffic Management Act 2004 provides that it is the duty of the London local authorities to set the levels of charges relating to contraventions on or adjacent to roads other than GLA roads. Paragraph 2(2) provides that different levels of charges may be set for different areas in London and for different cases or classes of cases.
- 5.4.2. Section 17(7) of the London Local Authorities Act 2004 (in respect of fixed penalties) and section 60 of the London Local Authorities Act 2007 (in respect of penalty charges) require that the functions of London Boroughs are discharged by a joint committee. That joint committee is the London Council's Transport and Environment Committee.

- 5.4.3. If the Council's Environment Committee approves the proposal for the Borough to be rebanded then the agreement of London Council's Transport and Environment Committee, as the body that sets the charges and areas, must be sought.
- 5.4.4. If London Council's Transport and Environment Committee approves the proposal, then in accordance with paragraph 3(1) of Schedule 9 the proposal must be submitted to the Mayor of London for approval of the charges to be set. The Mayor may either approve the charges or set new charges by order.
- 5.4.5. If the Mayor approves the levels of charges, paragraph 4 of Schedule 9 provides that the Mayor must notify the Secretary of State of the levels of charges so approved. The levels of charges shall not come into force until the expiration of either the period of one month beginning with the date on which the notification is given, or such shorter period as the Secretary of State may allow. The Secretary of State may object to the charges on the basis they are excessive or may make regulations setting the charges to be made.
- 5.4.6. In the event that the proposal is agreed, and the resulting submission to London Councils, the Mayor of London, and Secretary of State is successful, the Council will make a public notice of the intended change in accordance with its obligations under paragraph 5(5) of Schedule 9.
- 5.4.7. Article 7 of the Council's constitution places responsibility on the Environment Committee for all matters relating to the street scene. This includes parking, road safety, and transport.

5.5. Risk Management

- 5.5.1. The proposal, if agreed, will require a good quality submission to be made to London Councils to be produced by appropriately skilled and trained resources. Following the prescribed application process any required public notices must be prepared in accordance with the relevant statutory process. This is essential to ensure work is in compliance with all relevant legislation, and is carried out in a transparent and efficient manner which allows residents, businesses and other stakeholders to engage with proposals.

5.6. Equalities and Diversity

- 5.6.1. Section 149 of the 2010 Equality Act outlines the provisions of the Public Sector Equality Duty which requires Public Bodies to have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a relevant

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

5.6.2. Having due regards means the need to (a) remove or minimise disadvantage suffered by persons who share a relevant protected characteristic that are connected to that characteristic (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it, (c) encourage persons who share a relevant protected characteristic to participate in public life in any other activity in which participation by such persons is disproportionately low.

5.6.3. 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.

5.6.4. Barnet Council is committed to improving the quality of life and wider participation for all the religious/faith, cultural, social and community life of the borough.

5.6.5. An initial Equalities Impact Assessment has been carried out in respect of these proposals, which has identified that the proposals are anticipated to be of benefit to lower income groups and the elderly, who are statistically less likely to own a car and more likely to use buses and other forms of public transport. These protected groups are also most likely to suffer adverse health effects, along with children, pregnant women and nursing mothers, due to poor air quality and so would benefit from any measure which may reduce congestion and traffic idling.

5.6.6. There may also be a benefit to persons of relevant protected characteristics in regard to reducing safety risks caused by dangerous and obstructive parking. At present, vehicles parked on the footway or across driveways cause an obstruction to older persons, the disabled, pregnant women and parents/carers of young children.

5.7. Corporate Parenting

5.7.1. In line with Children and Social Work Act 2017, the Council has a duty to consider Corporate Parenting Principles in decision-making across the council. There are no Corporate Parenting implications in these proposals.

5.8. Consultation and Engagement

5.8.1. Public consultation has been carried out in respect of this proposal as outlined at 1.18, and discussion of the consultation findings are contained within this report.

5.8.2. Further information on the consultation and its results are appended to this

report.

5.9. Insight

5.9.1. No specific insight has been undertaken in order to inform the decision. Data and Statistics contained within the report have been sought from a number of existing reports or data sources including known traffic management pressures, member requests and petitions.

6. BACKGROUND PAPERS

6.1. None