

	<h2>Environment Committee</h2> <h3>24 July 2014</h3>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Parking Policy</b></p>
<p style="text-align: right;"><b>Report of</b></p>	<p>Declan Hoare, Lead Commissioner for Housing and Environment</p>
<p style="text-align: right;"><b>Wards</b></p>	<p>All</p>
<p style="text-align: right;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: right;"><b>Enclosures</b></p>	<p>Appendix A: Parking Policy – Consultation Draft (including 16 appendices)</p> <p>Appendix B: Consultation Plan</p>
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>Declan Hoare, 0208 359 4320  <a href="mailto:declan.hoare@barnet.gov.uk">declan.hoare@barnet.gov.uk</a></p>

## Summary

This report sets out proposals to develop a Parking Policy for Barnet, aiming to:

- Set out the Council’s strategic aims and objectives and how parking controls will support these.
- Provide an overview 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.
- Detail the “traffic management purposes” for which parking controls are being used and underpin the Council’s policies in setting charges.

This report seeks the Environment Committee’s endorsement of the draft parking policy and agreement to take it forward for public consultation. The report sets out the rationale for the Policy; its aims; the approach we plan to take; and the key areas of work this will involve. It also sets out when the results of that consultation will be brought to back to the Committee, with a revised policy document if needed, for agreement.

## **Recommendations**

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| <b>1. That Environment Committee approves the proposed draft Parking Policy for public consultation.</b>  |
| <b>2. That Environment Committee approves the consultation and engagement plan for the consultation of the Parking Policy and authorises officers to commence the consultation on 28 July 2014 and finish on the 20 October 2014, or on other appropriate dates as soon as possible if these cannot be met.</b> |
| <b>3. That the results of the consultation be reported back to Environment Committee on 18<sup>th</sup> November 2014 together with officer recommendations and a revised policy if appropriate</b>   |

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 The standards of resident and business satisfaction and customer care in the parking service have been characterised by inconsistent quality, and levels of performance that are consistently below the level that residents expect. Resident perceptions of the parking service have been declining since 06/07. Those of other London parking services over the same period have held steady. The gap between Barnet and our neighbours is widening.
- 1.2 Barnet wishes to gain a better understanding about the reasons for poor satisfaction ratings for parking in Barnet with a view to improving these. Expressed dissatisfaction with parking in Barnet received through consultation focuses on (a) wanting to replace Pay by Phone with coin meters (b) the cost of paid for parking in Barnet (c) the wish for “free” parking (d) the cost of residents parking in CPZs. In addition it is clear that there is misunderstanding about the purposes of parking enforcement.
- 1.3 As a result of the above matters a parking improvement project was initiated by Barnet’s Delivery Board in late 2013. The key purpose of the project is to ensure that all parking improvement work streams are joined up and that all the various delivery parties, CSG, Re, Parking Services and NSL have visibility of all of the dependencies that could impact the others.
- 1.4 A key element of the project was the development of a comprehensive parking policy for Barnet which would address the following objectives:
- a) Placing parking control in Barnet clearly in support of the Council’s strategic objectives:
    - a. Create the right environment to promote responsible growth, development and success across the borough
    - b. Support families and individuals that need it - promoting independence, well-being and reducing dependency
    - c. Improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work, and study
  - b) 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.
  - c) Detail the “traffic management purposes” for which parking controls are being used and underpin the Council’s policies in setting charges.

- 1.5 Under section 122 of the Road Traffic Regulation Act 1984, it is the duty of local authorities to exercise the functions conferred on them by the Act (so far as practicable having regard to matters specified in subsection 2 of that section) :
  - “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”
- 1.6 In exercising that duty authorities are allowed to have consideration of the following issues:
  - “(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 (The Air Quality Strategy for England, Scotland, Wales and Northern Ireland);
  - (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.”
- 1.7 A new Parking Policy has been drafted, taking account of those matters noted above, and includes the Council’s aims with regard to borough-wide parking provisions (Appendix A). The policy has been drafted to explain the parking controls as they have been implemented in Barnet since 1994 and are currently in force. In addition it proposes changes to parking policy in a few areas which have been found to require updating (paragraphs 1.12-1.16 below).
- 1.8 The policy provides clear and understandable reasons to explain the purpose of the parking controls in place in throughout the borough. It also clarifies the way in which these provisions are managed, monitored and enforced.
- 1.9 Barnet is a diverse borough with complex traffic and congestion issues and with competing pressures of ensuring adequate parking provision for those who wish to park whilst also ensuring that those who choose to park non-compliantly do not do so to the detriment of others.
- 1.10 The new policy recognises that the previous one size fits all policy used in the past is no longer suitable and therefore a tailored design to suit each local area will be the way forward.
- 1.11 Building on the outcome of the most recent review of high street locations the policy supports the introduction of different prices for parking across the borough. This has already commenced with the reduction in charges and the introduction of some free short stay parking at specific locations as well as

some other area specific amendments to suit local needs. This has had a positive impact for businesses with parking transactions increasing since the implementation of these changes meaning a better parking turnover with the potential of increased customers.

- 1.12 In order to ensure a steady turnover of parking spaces in our town centres the policy allows for a suitable mix of tariffs, including free periods where deemed appropriate and we will continue to monitor the impact of this pricing policy with a view that our aim of achieving an average occupancy rate of 85% is realised. Achievement of this desirable occupancy rate will enable our high streets to be busy and vibrant whilst ensuring that parking spaces are available at all but the busiest times.
- 1.13 The policy deals with the current lack of an objective policy position on illegal footway parking in the borough. It establishes both objective criteria and also processes for the introduction of marked and signed footway parking areas which will enable the Council to ensure footway parking takes account of the needs of both car drivers and other road users including pedestrians and the disabled.
- 1.14 Barnet will also look to introduce the enforcement powers to deal with Moving Traffic Contraventions as there is increasing concern relating to the impact on traffic movement and safety in the Borough due to the increasing number of drivers who do not comply with a variety of restrictions put in place for the safety of road users. These restrictions include no entry signs, one way roads, banned left or right turns, banned U-turns and box junction restrictions – requiring no stopping
- 1.15 To make improvements to resident's perception of the service, the policy supports significant improvements in respect to how we deal with the process for and issue of permits. Permit processes will be fully integrated into "My Account" enabling residents to obtain permits and visitor vouchers without the need for repetitive production of evidence of identity or car ownership.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 As set out in the report above, the parking service is facing significantly poor satisfaction which will require a fundamental change to the way services are delivered. These changes are being delivered through the Parking Improvement Programme but they need to be underpinned by a clear policy position which is understandable to residents and business in the borough.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The alternative option is not to 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 a 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 This draft Parking Policy, subject to committee agreement, will be consulted widely throughout Barnet before the results of the consultation and the final Policy are recommended to Members at Environment Committee on the 18th November 2014. The draft consultation and engagement plan is attached at Appendix B.

#### **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 and in particular increase usage of paid for parking bays and car parks in town centres.

##### **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 will be met from existing budgets.

##### **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 will be undertaking a consultation to engage residents and others to help shape the parking policy. Whilst not required, the authority will be consulting for a period of 12 weeks to allow ample opportunity for responses.

5.3.9 All responses emerging from the consultation process will be 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 will be carried out further to the consultation, and the outcomes taken into account for any amendments to the policy to be made and to mitigate any adverse impacts that may be identified.

#### **5.4 Risk Management**

5.4.1 The Policy needs the support of the community and will need clear and consistent communication to ensure this. This will be addressed through a dedicated consultation and engagement plan which will include Members, residents, businesses and other stakeholders (see Appendix B).

5.4.2 It is possible that a service policy change may have a negative impact on our reputation and reduce residents' perception of the Council. This will be mitigated through the work being undertaken on the wider parking improvement programme and early identification of likely issues to put mitigating actions in place on a case by case basis.

#### **5.5 Equalities and Diversity**

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

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.



5.5.1 The Council will ensure compliance with this duty by conducting a full Equalities Impact Assessment (EIA) in relation to the proposed policy and the results of the consultation will feed into this assessment. The outcomes of the consultation and EIA will be considered and the proposal amended as appropriate before the matter returns to the Environment Committee in November.

## **5.6 Consultation and Engagement**

5.6.1 A series of focus groups with residents and businesses to understand what causes dissatisfaction with parking in the borough and to identify desired improvements to inform the draft parking policy was undertaken between November 2013 and February 2014. This work informed this policy development.

5.6.2 This draft Parking Policy will be taken to Environment Committee on 24th July 2014 before being consulted widely throughout Barnet to ensure that all residents, traders and partner organisations have the opportunity to express their views before the final Policy is recommended to Members at Environment Committee on the 18th November 2014. The draft consultation and engagement plan is attached at Appendix B.

## **6. BACKGROUND PAPERS**

6.1 None