

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD3156

London Borough of Redbridge request to change the penalty charge notice levels for parking contraventions

Executive summary:

The Mayor of London ('Mayor') has been asked by the London Borough of Redbridge ('LB Redbridge') to approve the introduction of a uniform Band A charging level across the whole of the borough for all on and off-street Penalty Charge Notices ('PCNs').

Currently, the road network in LB Redbridge is subject to Band B charges for parking offences. The change to Band A charging would mean increasing the charge for more serious contraventions from £110 to £130, and for the less serious contraventions from £60 to £80.

LB Redbridge presented this proposal to London Councils, which considered the request and submitted it to the Mayor on 11 May 2023. It included the results of the consultation LB Redbridge had undertaken, which showed that around half (46 per cent) of respondents either strongly support or somewhat support LB Redbridge's proposal. The consultation results are attached to this decision for the Mayor's consideration (see Appendix 3).

If the Mayor approves the proposal, the Mayor is required to write to the Secretary of State for Transport ('Secretary of State') asking them to consider the proposal. The Secretary of State has up to one month to raise any objections.

Decision:

The Mayor:

- approves the proposed change from Band B to a Band A penalty charge level in the LB Redbridge
- writes to the Secretary of State for Transport notifying them of the proposed change.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision, and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

23/8/23

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

Decision required – supporting report

1. Introduction and background

- 1.1. As noted in the London Plan, parking policy can have significant effects in influencing transport choices and addressing congestion. Parking enforcement is required to ensure that the objectives of local parking policies are being achieved.
- 1.2. Further to the provisions set out in Schedule 9 of the Traffic Management Act 2004 ('2004 Act'), and delegation from London boroughs, London Councils' Transport and Environment Committee is responsible, subject to agreement by the Mayor and the Secretary of State, for setting additional parking charges on borough roads. These additional parking charges include:
- penalties for contraventions of parking regulations including any surcharges or discounts
 - release from wheel clamps
 - removals from the street
 - storage charges and disposal fees.
- 1.3. The current on and off-street parking penalty charges for Greater London are:

	Higher band	Lower band
Band A	£130	£80
Band B	£110	£60

- 1.4. Band A areas have traditionally been focused in Central London and urban centres, where the pressures on parking and congestion are often greatest. Band B areas have historically been concentrated in outer London, where pressures on parking have tended to not be as significant.
- 1.5. Higher-band penalties apply to contraventions that are considered more serious, such as parking on yellow lines or where an obstruction is caused. Lower-band penalties apply generally where parking is permitted but the regulations are contravened, such as overstaying on a pay-and-display bay.
- 1.6. Due to issues with non-compliance, some outer London authorities with higher-density parking and significant controlled parking zones have become Band A areas (such as the London Borough of Enfield and the Royal Borough of Greenwich). Some London authorities have limited areas within the borough that are Band A areas.
- 1.7. Pursuant to a report dated 23 March 2023 from LB Redbridge, London Councils' Transport and Environment Committee considered a proposal for introducing Band A level charging for PCNs on borough roads in LB Redbridge (Appendix 1). London Councils considered this request and subsequently wrote to the Mayor on 11 May 2023 seeking his approval of the change to the current charges from Band B to Band A (Appendix 2).
- 1.8. The Greater London Authority ('GLA') replied to this by email on 4 July 2023 requesting a copy of LB Redbridge's response to issues raised in the consultation, which was provided separately via email on 5 July 2023 (Appendix 3).
- 1.9. If the Mayor approves the proposed increase, paragraph 4 of Schedule 9 of the 2004 Act provides that the Mayor must notify the Secretary of State of the levels of charges so approved. The revised charges shall not come into force until the expiration of either the period of one month from the date on which the notification is given, or such shorter period as the Secretary of State may allow. The Secretary of State may, before the end of that period, give notice to the Mayor that they object to the levels of charges because some or all of them are excessive. If they do so, those levels of charges shall

not come into force unless and until the objection has been withdrawn. If the Secretary of State thinks the level is excessive, they may make regulations setting the level of charges.

2. Objectives and expected outcomes

- 2.1. In its letter to the Mayor, London Councils noted that LB Redbridge's reason for changing from Band B to Band A charging levels across the borough was to help improve compliance with essential traffic and parking management measures. The request would mean that the whole borough (save for roads on the border with other boroughs with Band B charging levels – applicable to the London boroughs of Havering and Barking and Dagenham – where signage does not exist) would be subject to Band A charges.
- 2.2. Further information was provided in LB Redbridge's report addressed to London Councils (Appendix 1), and is summarised below:
 - The borough has a range of parking controls in place, predominantly located in and around residential and shopping areas, and major transport hubs. Currently around 25 per cent of the borough is within a Controlled Parking Zone ('CPZ'). An extensive programme of consultations is in place regarding new CPZs, particularly around transport stations. The proposed CPZ consultations are part of LB Redbridge's Climate Action plan intended to change the behaviour of motorists and encourage a modal shift to more sustainable forms of transport.
 - The full opening of the Elizabeth Line in the borough has put further pressures on parking in the area.
 - Despite deploying a robust parking and traffic enforcement regime – which includes Civil Enforcement Officers and CCTV cameras – the borough continues to experience an increase in levels of non-compliance with its parking regulations. Between 2018 and 2022 the total number of on-street parking PCNs issued each year has increased by 26 per cent and in the last two years alone, they have risen by over 40 per cent. Higher charge level contraventions at Band B have risen by over 13 per cent during this period, whilst lower charge level contraventions at Band B have increased by 48 per cent.
 - LB Redbridge is of the view that the higher penalty charges will have a deterrent effect on drivers parking illegally.
 - LB Redbridge believes government restrictions on the use of CCTV enforcement for parking contraventions under the Deregulation Act 2015 has presented an increased risk of non-compliance. LB Redbridge believes that some of this risk can be countered with a change to the penalty band which increases the deterrent.
 - LB Redbridge undertook a consultation on the proposal between 22 November 2021 and 24 December 2021 which only received one response. A further six-week consultation was run between late November and 31 December 2022. In total 46 per cent of those who responded supported the change to Band A.
 - LB Redbridge consulted with the four neighbouring boroughs (London boroughs of Newham, Waltham Forest, Barking and Dagenham and Havering) and received no objections or adverse comments.

3. Equality comments

- 3.1. Under section 149 of the Equality Act 2010 ('Equality Act'), the Mayor in the exercise of functions is under a duty to have due regard, when making a decision, to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good

relations, between people who share a protected characteristic and those who do not. Protected characteristics under the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status (the duty in respect of this last characteristic is to eliminate unlawful discrimination only).

- 3.2. In considering the matters set out in section 149 of the Equality Act, the Mayor should have regard to the Equalities Analysis and information provided by LB Redbridge. LB Redbridge undertook an Equality Impact Assessment ('EQIA') (see Appendix 1: appended at C) and concluded that there will be a positive or neutral impact on those with protected characteristics. In its EQIA, LB Redbridge does not consider there to be negative impacts on a specific group with a protected characteristic.
- 3.3. LB Redbridge notes that parking in compliance with statutory regulations increases safety on the public highway and in Council car parks for all people. It also notes that effective parking management maximises the opportunity for the use of blue badges used by people that have disabilities as the measures should reduce Disabled Bay parking contraventions.
- 3.4. LB Redbridge notes a positive impact on those groups (elderly, children, BAME persons, women) who are more likely to be pedestrians or use public transport, as a move to Band A charges would discourage footway and bus stop parking contraventions.

4. Other considerations

Key risks and issues

- 4.1. Further information regarding LB Redbridge's response to the consultation was sought and its consultation report was provided which sets out its response to the consultation. This report is at Appendix 3.
- 4.2. LB Redbridge will monitor compliance post implementation if the proposal is approved and this will be reported to the relevant Cabinet Member.

Links to Mayoral strategies and priorities

- 4.3. As noted in the London Plan, parking policy can have significant effects in influencing transport choices and addressing congestion. Parking enforcement is required to ensure that the objectives of local parking policies are being achieved.
- 4.4. The Mayor's Transport Strategy seeks to discourage unnecessary car journeys, noting that parking policy changes may have a role in helping to discourage car use.

Impact assessments and consultations

- 4.5. As required, LB Redbridge presented its proposal to London Councils' Transport and Environment Committee.
- 4.6. Should the Mayor approve the application by LB Redbridge, the Mayor will be required to notify the Secretary of State of the levels of charges (a draft letter is included as a supplementary paper).
- 4.7. LB Redbridge carried out a consultation on its proposal between 22 November to 24 December 2021. Due to the low response rate (only one response was received), LB Redbridge conducted a further consultation between late November and 31 December 2022. Further details of the consultation are contained in LB Redbridge's application to London Councils (details included at Appendix 1) and its consultation report (Appendix 3). Forty-seven responses to the second consultation were received, of which LB Redbridge noted a 50 per cent agreement with the proposal (if those that didn't know were discounted; otherwise 46 per cent of all respondents either strongly supported or somewhat supported the application as referred to above).

- 4.8. No officer involved in the drafting or clearing of this Mayoral Decision has any conflicts of interest to declare.

5. Financial comments

- 5.1. There are no direct financial consequences for the Greater London Authority arising from this decision.

6. Legal comments

- 6.1. Paragraph 2 (1) (b) of Schedule 9 of the 2004 Act provides that it is the duty of London local authorities to set the levels of charges relating to contraventions on or adjacent to roads other than GLA roads. Paragraph 2 (2) of Schedule 9 provides that different levels of charges may be set for different areas in London, and for different cases or classes of cases.
- 6.2. Paragraph 3 (1) of Schedule 9 provides that London local authorities must submit to the Mayor, for approval, the levels of charges that they propose to set. This request is set out at Appendix 2. The Mayor can either approve the proposed charges or set the level by order.
- 6.3. 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 from the date on which the notification is given, or such shorter period as the Secretary of State may allow. The Secretary of State may, before the end of that period, give notice to the Mayor that they object to the levels of charges on the grounds that some or all of them are excessive. If they do so, those levels of charges shall not come into force unless and until the objection has been withdrawn. If the Secretary of State thinks the level is excessive, they may make regulations setting the level of charges.
- 6.4. The Mayor must take into account the reasons provided by LB Redbridge and London Councils, having read all the papers provided with this report. The Mayor must also comply with the Public Sector Equality Duty and to this end, should have particular regard to section 3 above and LB Redbridge's EQIA when considering this proposal.

7. Planned delivery approach and next steps

Activity	Timeline
LB Redbridge recommendation approved by the Mayor	August 2023
Mayoral letter to Secretary of State for Transport	August 2023
Secretary of State for Transport review period	One month from the date of the Mayor's letter
LB Redbridge able to implement increased charges	Three weeks from close of Secretary of State's period of review

Appendices and supporting papers:

Appendix 1: London Councils' Transport and Environment Committee (TEC) report regarding a proposal for changing the level of additional parking charges on borough roads in LB Redbridge, including LB Redbridge's request to TEC

Appendix 2 Letter from London Councils to the Mayor requesting band change

Appendix 3: LB Redbridge consultation report, received in response to a request by the GLA

Appendix 4: Draft letter to the Secretary of State

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to
confirm the
following (✓)

Drafting officer:

Claire Hamilton has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

Philip Graham has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Seb Dance has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 21 August 2023.

✓

INTERIM CHIEF FINANCE OFFICER:

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

Signature:

Anna Bastott

Date:

21/08/2023

PP on behalf of Enver Enver

CHIEF OF STAFF:

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

Signature:

D. J. Kelly

Date:

21/08/2023