

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2741

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

Executive Summary:

The Mayor is asked by the London Borough of Ealing (LB Ealing) 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 Ealing is subject to Band B charging levels. The change from Band B to Band A would mean increasing the charge for more serious contraventions from £110 to £130 and the less serious contraventions from £60 to £80.

LB Ealing presented this proposal to London Councils which considered the request and submitted it to the Mayor.

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

Decision:

The Mayor:

1. approves the proposed change to a Band A penalty charge level across the London Borough of Ealing; and
2. writes to the Secretary of State for Transport notifying him 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:

18/1/24

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 the Traffic Management Act 2004 (Schedule 9), and delegation from London boroughs, London Councils' Transport and Environment Committee is responsible, subject to agreement by the Mayor of London ('the Mayor') and the Secretary of State for Transport ('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; and
 - 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 which 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 London Borough of Enfield and Royal Borough of Greenwich). Some London authorities have limited areas within the borough which are Band A areas.
- 1.7 Pursuant to a report from LB Ealing, London Councils' Transport and Environment Committee considered a proposal for changing the level of additional parking charges on borough roads in LB Ealing (Appendix A). London Councils considered this request (under London Councils' Urgency Procedures) and subsequently wrote to the Mayor on 29 April 2020 seeking his approval of the change to the current charges from Band B to Band A (Appendix B).
- 1.8 The GLA replied to this by letter on 15 June 2020 requesting some further information and clarification in respect of the request (Appendix C). LB Ealing provided a joint response with the London Borough of Hounslow (LB Hounslow).¹ The joint response was sent to London Councils who forwarded it to the GLA on 2 November 2020 (Appendix D).

¹ LB Hounslow has also submitted a proposal for a uniform Band A penalty charge level across LB Hounslow (this proposal will be considered separately in MD2742).

- 1.9 If the Mayor approves the proposed increase, paragraph 4 of Schedule 9 of the Traffic Management Act 2004 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 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, before the end of that period, give notice to the Mayor that he objects to the levels of charges because some or all of them are excessive. If he does so, those levels of charges shall not come into force unless and until the objection has been withdrawn. If the Secretary of State thinks that the level is excessive, he 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 Ealing's reason for changing from Band B to Band A 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 the roads which border other boroughs with Band B charging levels) would be subject to Band A.
- 2.2 Further information was provided in the London Councils report (Appendix A). In summary;
- In the three years between 2016/17 and 2018/19 parking PCN levels in LB Ealing have risen by 41.8%. Across the rest of London, the increase for the same period was 6.8%. LB Ealing is experiencing a far higher level of non-compliance compared to the London average.
 - In recent years LB Ealing has experienced a substantial increase in demand on its parking stock. The increasing population and economic development in the borough add pressure to this resource. Acton, Southall and Ealing town centres have been (and are being) modernised and regenerated however this has not resulted in significant additional parking capacity.
 - LB Ealing notes that LB Hounslow has made an application to introduce uniform Band A parking penalties indicating increasing pressure on parking in West London which is resulting in increased non-compliance and issuing of PCNs.
 - LB Ealing undertook a consultation on the proposal in December 2019, 59.8% of those who took part strongly agreed that LB Ealing should undertake further action to discourage illegal parking.
 - LB Ealing are of the view that the higher penalty charges will have a deterrent effect on drivers parking illegally.

3. Equality comments

- 3.1 Under section 149 of the Equality Act 2010 ('the Equality Act'), the Mayor must 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 re-assignment, 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 assessment and information provided by LB Ealing. Further to enquiries by GLA officers, LB Ealing has confirmed that it undertook a relevance test and concluded that there will be no disproportionate impact on those with protected characteristics (included at Appendix F). LB Ealing notes that Band A has been in place in several other London boroughs without any apparent adverse impact in respect of obligations under the Equality Act.

- 3.3 There were no specific equalities concerns raised during the consultation process carried out by LB Ealing in December 2019 – January 2020. It was noted that of the respondents who identified themselves as disabled, 63% ‘Strongly Supported’ LB Ealing’s motion to move from Band B to Band A. LB Ealing confirmed that their enforcement teams are trained to apply common sense mitigations where appropriate which may involve considering an individual’s circumstances including any protected characteristics.

4. Other considerations

Key risks and issues

- 4.1 Officers reviewed the original proposal provided by London Councils and sought further information from LB Ealing to inform the Mayor’s decision. Separately, LB Hounslow also proposed a change to a uniform Band A (the GLA also requested further information from LB Hounslow) and the response has been sent jointly on behalf of both LB Ealing and LB Hounslow. This correspondence is at Appendix C and D.
- 4.2 A further clarification was sought from LB Ealing in respect of the date of implementation in the event their application is approved (given the passage of time since the initial submission of the proposal). This correspondence is at Appendix E.

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 Ealing presented its proposal to London Councils’ Transport and Environment Committee.
- 4.6 Should the Mayor approve the application by LB Ealing, the Mayor will be required to notify the Secretary of State of the levels of charges (draft letter included as a supplementary paper).
- 4.7 LB Ealing carried out an online consultation on its proposals during December 2019 and January 2020. Further details of the consultation are contained in LB Ealing’s application to London Councils (details included at Appendix A). The consultation comprised of an online survey. A total of 960 responses were received and of those responses 57.9% strongly supported the proposal to change from Band B to Band A.
- 4.8 As the initial request was made in April 2020, in light of the Covid-19 pandemic and the impact it has had on all local authorities the GLA made enquiries with LB Ealing to check whether it wanted to proceed with the request. LB Ealing confirmed that once lockdown measures were lifted they considered that the result would be an increased pressure on parking in the borough (correspondence included at Appendix E).
- 4.9 No officer involved in the drafting or clearing of this Mayoral Decision has any interests to declare.

5. Financial comments

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

6. Legal comments

- 6.1 Paragraph 2 (1) (b) of Schedule 9 of the Traffic Management Act 2004 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, and 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.
- 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 B. 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 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 before the end of that period give notice to the Mayor that he objects to the levels of charges on the grounds that some or all of them are excessive, if he does so those levels of charges shall not come into force unless and until the objection has been withdrawn. If the Secretary of State thinks that the level is excessive, he may make regulations setting the level of charges.
- 6.4 The Mayor must take into account the reasons provided by LB Ealing and London Councils, having read all the papers provided with this report, and have due regard to the matters required by the Public Sector Equality Duty, when considering this proposal.

7. Planned delivery approach and next steps

Activity	Timeline
LB Ealing recommendation approved by the Mayor	January 2021
Mayoral letter to Secretary of State for Transport	January 2021
Secretary of State for Transport review period	One month from date of Mayor's letter
LB Ealing able to implement increased charges	3 weeks from close of Secretary of State's period of review

Appendices:

- Appendix A: London Councils' Transport and Environment Committee Report and application from LB Ealing to London Councils.
- Appendix B: Letter from London Councils to the Mayor, 29 April 2020, requesting band change
- Appendix C: Request from GLA regarding additional information
- Appendix D: Response from LB Ealing
- Appendix E: Further communication between officers
- Appendix F: Ealing equalities impact relevance test

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

If YES, for what reason:

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:

Heidi Alexander 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 18 January 2021.

✓

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

Date

D. Gove

18 January 2021

CHIEF OF STAFF:

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

Signature

Date

D. Bellamy

18 January 2021