

# GREATER LONDON AUTHORITY

## REQUEST FOR MAYORAL DECISION – MD2986

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

#### Executive summary:

The Mayor is asked by the London Borough of Brent (LB Brent) 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 LB Brent is a mixed Band A/Band B borough for parking offences. The change to uniform Band A charging would mean increasing the charge for more serious contraventions from £110 to £130; and the less serious contraventions from £60 to £80.

LB Brent presented this proposal to London Councils, which considered the request and submitted it to the Mayor. It included the results of the consultation LB Brent had undertaken, which showed that around 20 per cent of respondents agreed with the proposal to increase PCN levels.

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:

That the Mayor:

- approves the proposed change to a Band A penalty charge level across the LB Brent
- 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:

18/5/22

## **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 for setting parking charges on borough roads, subject to approval by the Mayor, and reserve powers of the Secretary of State for Transport (the Secretary of State) to object to any proposed charges on grounds of excessiveness. 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:

	<b>Higher band</b>	<b>Lower band</b>
<b>Band A</b>	£130	£80
<b>Band B</b>	£110	£60

- 1.4. Band A areas have traditionally been focused on 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 for other contraventions 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 28 May 2021 from LB Brent, London Councils' Transport and Environment Committee considered a proposal for introducing a uniform Band A level charging for PCNs on borough roads in LB Brent (Appendix A). London Councils subsequently wrote to the Mayor on 14 July 2021 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 7 September 2021 requesting further information and clarification in respect of the request (Appendix C). A response was sent on 18 September 2021 to the GLA, providing further information in respect of LB Brent's consultation on the proposal and the Equalities Impact Assessment (Appendix D).

- 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 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 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 considers in relation to some or all of the proposed charges 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 Brent's reason for changing to uniform 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 the roads bordering other boroughs with Band B charging levels) would be subject to Band A charges. Currently the areas around Wembley Stadium and Harrow Road (between Greyhound Road and Kilburn Lane) are subject to Band A charges for parking offences.
- 2.2. Further information was provided in LB Brent's report addressed to London Councils (Appendix A), and is summarised below:
- Over half of the LB Brent has some form of parking control in place. In recent years LB Brent has experienced increased demand for parking; in parallel with this increased demand, they have also experienced an increase in non-compliance with parking restrictions. This measure is intended to deter drivers from parking illegally.
  - LB Brent has indicated that despite deploying a robust parking and traffic enforcement regime – which includes civil enforcement officers and CCTV cameras – there remains an increase in levels of non-compliance with its parking regulations.
  - In the three years between 2017-18 and 2019-20, the number of PCNs issued overall has risen by 10.8 per cent – higher than the London average of 7.8 per cent. LB Brent notes that the number of Band A PCNs issued has remained relatively static. In comparison, the number of Band B PCNs issued has increased substantially, by almost 25 per cent.
  - Covid-19 had an impact on PCNs issued, as LB Brent adjusted its enforcement approach in line with London-wide guidance. It was noted, however, that the number of Band A PCNs issued dropped and the number of Band B PCNs issued increased. In LB Brent's view this demonstrates that the Band B penalty charge is no longer a sufficient deterrent.
  - LB Brent is of the view that the higher penalty charges will have a deterrent effect on drivers parking illegally, and in turn increase compliance. LB Brent considers that the proposal will assist with the better management of parking spaces within the borough.
  - LB Brent undertook a consultation on the proposal from 7 September 2020 to 5 October 2020. Around 20 per cent of those who responded supported the change to Band A. Many expressed a concern that the purpose of the proposal was to increase revenue, but LB Brent projects a net-zero impact on PCN revenue. LB Brent's response to the consultation responses can be found at Appendix D.
  - LB Brent consulted with neighbouring boroughs and received no objections or adverse comments. LB Brent notes that neighbouring boroughs (such as Barnet) are moving to Band A penalty charging; this could leave the borough more vulnerable to illegal parking.

### **3. Equality comments**

- 3.1. Under section 149 of the Equality Act 2010 (the Equality Act), the Mayor must have due regard, when making this 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 due regard to the Equalities Analysis (EA) and information provided by LB Brent. LB Brent undertook an EA (Appendix D) and concluded that there will be no disproportionate negative impact on those with protected characteristics.
- 3.3. LB Brent notes significant increases in parking contraventions where vehicles have illegally parked in disabled bays, impacting those who require these spaces. It is anticipated that the deterrent impact of higher PCN charges will help protect parking spaces for disabled drivers and passengers, and would therefore have an indirect positive impact on these individuals. They also note that those using disabled parking bays are likely to be older.
- 3.4. LB Brent notes a positive impact on groups who are more likely to be pedestrians or use public transport. The EA notes that pedestrians or bus users are more likely to be Black or Minority Ethnic persons, women, or children. The anticipated deterrent impact of higher PCN charges could help deter parking in bus stops, which can cause disruption and delays.
- 3.5. In its EA, LB Brent does not consider there to be negative impacts on a specific group with a protected characteristic.

### **4. Other considerations**

#### Key risks and issues

- 4.1. Officers reviewed the original proposal provided by London Councils and sought further information from LB Brent to inform the Mayor's decision. This correspondence is at Appendix C.
- 4.2. A further clarification was sought from LB Brent in respect of its response to the consultation and EA. This report is at Appendix D. In its response to the consultation, LB Brent sets out the actions it proposes to undertake following some of the concerns raised in the consultation.

#### 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 Brent presented its proposal to London Councils' Transport and Environment Committee.
- 4.6. Should the Mayor approve the application by LB Brent, the Mayor is required to notify the Secretary of State of the levels of charges (a draft letter is included as a supplementary paper).

- 4.7. LB Brent carried out a consultation on its proposal from 7 September 2020 to 5 October 2020. Further details of the consultation are contained in LB Brent's application to London Councils (details included at Appendix A). LB Brent emailed 51,000 parking account holders, with a link to the consultation portal included in the email. The consultation was advertised on LB Brent's website; an article was placed in *The Brent Magazine*, distributed to households; and notification was also provided in the Brent e-newsletter. During the consultation period, *Brent & Kilburn Times* and *Harrow Times* published articles about the proposal and informed readers of the consultation. LB Brent received 1,368 responses – a fairly low number (though it was noted that LB Brent often receives a low level of responses to these types of consultations). Of the responses, around 20 per cent were in favour of the proposal to change from Band B to Band A; and around 28 per cent agreed that further action from the Council is required to discourage illegal parking in the Band B area of the borough.
- 4.8. LB Brent noted that in light of the Covid-19 pandemic, and coming out of lockdown, there had been increased pressure on parking in the borough.
- 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 decision.

## **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 parking places provided or authorised by such authorities or 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.
- 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 A. Paragraph 3(2) provides that if the Mayor does not approve the proposed level of charges, the level of charges shall be set by order made by the Mayor.
- 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 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 considers the level of some or all of the charges is excessive, he may make regulations setting the level of charges.
- 6.4. The Mayor should take into account the contents of the Appendices including the reasons provided by LB Brent and London Councils for proposing the changes to the level of charges; the responses to the consultation undertaken by LB Brent; and must have due regard to the matters set out at paragraph 3 above and the Equality Analysis undertaken by LB Brent contained in Appendix D pursuant to the Public Sector Equality Duty, when considering this proposal.

## 7. **Planned delivery approach and next steps**

<b>Activity</b>	<b>Timeline</b>
LB Brent recommendation approved by the Mayor	May 2022
Mayoral letter to Secretary of State for Transport	May 2022
Secretary of State for Transport review period	One month from the date of the Mayor's letter
LB Brent able to implement increased charges	Three weeks from close of Secretary of State's period of review

### **Appendices and supporting papers:**

- Appendix A: London Councils' Transport and Environment Committee report regarding a proposal for changing the level of additional parking charges on borough roads in LB Brent
- Appendix B: Letter from London Councils to the Mayor, July 2021, requesting band change and enclosing London Councils' Transport and Environment Committee Report
- Appendix C: GLA's reply to letter to the Mayor, September 2021
- Appendix D: LB Hounslow's response to GLA's reply, September 2021
- Supplementary paper: 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:**

Catherine Seaborn 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 16 May

✓

**EXECUTIVE DIRECTOR, RESOURCES:**

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

**Signature**

**Date**

**16/5/22**



**CHIEF OF STAFF:**

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

**Signature**

**Date**

**16/5/22**



