

# GREATER LONDON AUTHORITY

## REQUEST FOR MAYORAL DECISION – MD2211

### **Title: London Borough of Enfield proposal to change the penalty charge notice levels for parking contraventions**

#### **Executive Summary:**

The Mayor is asked by the London Borough of Enfield (LB Enfield) to approve its proposed change in the penalty levels for parking contraventions within the Borough.

LB Enfield is proposing to change its additional parking charges band from Band B to Band A which would mean increasing the charge for more serious contraventions from £110 to £130 and the less serious contraventions from £60 to £80.

LB Enfield presented this proposal to London Councils which considered the request and submitted it to the Mayor. Additional queries were responded to including LB Enfield carrying out a consultation on its proposals. The results are submitted to the Mayor to consider as part of his decision.

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

#### **Decision:**

The Mayor:

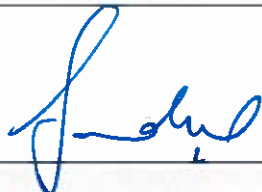
1. Approves the proposed change to the penalty charge banding in the London Borough of Enfield from Band B to Band A
2. Notes that the Secretary of State will be notified of the approved penalty charge banding for the London Borough of Enfield.

#### **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:**

13/14/17

## **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, including their role in wider transport strategy, 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 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 level	Lower level
Band A	£130	£80
Band B	£110	£60

- 1.4 Band A areas have traditionally been focussed in Central London and urban centres where the pressures on parking and congestion are often greatest. Band B areas have historically concentrated in outer London where pressures on parking have tended to not be as significant.
- 1.5 Due to issues with non-compliance, some outer London authorities with higher density parking and significant controlled parking zones have become Band A areas. Higher level penalties apply to contraventions which are considered more serious, such as parking on yellow lines or where an obstruction is caused. Lower level penalties apply generally where parking is permitted but the regulations are contravened, such as overstaying on a pay and display bay.
- 1.6 Pursuant to a report from the London Borough of Enfield (LB Enfield), London Councils Transport and Environment Committee considered a proposal for changing the level of Additional Parking Charges on borough roads in the borough of Enfield (Appendix A and B). London Councils considered this request and subsequently wrote to the Mayor of London on 15 December 2016 seeking his approval of the change to the current charges from Band B to Band A.
- 1.7 The GLA replied to this by letter dated 24 February 2017 requesting further information. London Councils responded to the GLA by letter, received 28 April (correspondence at Appendix C). The Deputy Mayor for Transport subsequently wrote to LB Enfield requesting evidence of consultation on the proposal (correspondence at Appendix D) which was returned by LB Enfield in October 2017.
- 1.8 If the Mayor approves the proposed levels of charges, paragraph 4 of Schedule 9 of the Traffic Management Act 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 of London 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 LB Enfield's reasons for changing from Band B to Band A:

- (a) To bring them in line with neighbouring authorities
- (b) To help improve compliance with essential traffic and parking management measures

2.2 Further information was provided in the London Councils report attached as Appendix 1a. In summary:

- (a) Despite deploying a robust parking and traffic enforcement regime, which includes the presence of Civil Enforcement Officers (CEOs) on foot, on mopeds and in mobile enforcement units - such as removal trucks - as well as a network of over forty strategically deployed CCTV cameras, the borough continues to experience high levels of non-compliance with its parking regulations. Figures are provided stating that there was a 15.6% increase in penalty charge notices (PCNs) in LB Enfield compared to a 20.1% decrease in PCNs across London as a whole. Of those appealed, 30.8% were allowed and 69.2% were refused compared to London-wide where 51% were refused and 49% allowed.
- (b) LB Enfield has stated that the neighbouring boroughs of LB Haringey and LB Waltham Forest had similar issues with compliance until banding changes (from Band B to Band A in the whole of the two boroughs) were approved by the committee in 2012. LB Waltham Forest has seen a significant decrease in parking PCNs from 99,397 in 2012-13 to 67,320 in 2015-16, a fall of 47.6%. LB Haringey has seen a reduction in the same period of 44.7%. In further information provided to the Mayor, London Councils noted that it is impossible to make a direct comparison on statistics following the move from Band B to Band A due to other policy changes taking place at the same time.
- (c) LB Enfield has stated that it will see a significant population growth over the next 15 years as housing and regeneration projects take place. This growth will lead to an increase in traffic and congestion on borough roads which could have a negative impact on public transport travel times. With the Cycle Enfield project planning to provide a safe and convenient network of cycle routes and segregated cycle lanes, LB Enfield believe that it is essential to improve compliance with its parking regulations and banding changes have been proven as a method to achieve this.
- (d) LB Enfield also stated that the recent Central Government change reducing the use of CCTV cameras used for parking contraventions under the Deregulation Act 2015 has presented an increased risk of potential non-compliance. LB Enfield believes

that some of this risk can be countered with an increase in the penalty band which increases the deterrent.

- 2.3 Following a request for further information from the Greater London Authority (GLA), LB Enfield ran a consultation process on its proposals. The results of the consultation were considered by the Cabinet member for Regeneration and Environment at the LB Enfield, with no additional comments provided. The responses to the consultation are attached at Appendix 5. Of the responses received, 56% strongly or tended to agree with the proposal whilst 40% tended to strongly or tend to disagree. The Mayor is asked to consider the proposal and the consultation responses received when taking this decision.

### **3. Equality comments**

- 3.1 Under section 149 of the Equality Act 2010 ('the Equality Act'), as a public authority, 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 LB Enfield has advised its hope that the improved compliance associated with the banding change would make parking easier for all motorists by ensuring compliance with parking controls designed to manage parking space use. The increase in fine level from Band B to Band A should not have any negative effect on disabled motorists: blue badge holders can park for free in their residents' bay for up to three hours. LB Enfield also offers free residents permits to blue badge holders so they do not need to display their Blue Badges whilst at home if they live within a Controlled Parking Zone (CPZ).
- 3.3 No specific equalities issues were raised during the consultation process. A full list of responses received is attached at appendix 5.

### **4. Other considerations**

#### *Key risks and issues*

- 4.1 Officers reviewed the original proposal provided by London Councils and sought further information from LB Enfield to inform the Mayor's decision. This additional information, including the consultation responses, is included within this decision.

#### *Links to Mayoral strategies and priorities*

- 4.2 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.

#### *Impact assessments and consultations*

- 4.3 As required, LB Enfield presented its proposal to London Councils Transport and Environment Committee.

- 4.4 Following consideration, the Mayor will be required to notify the Secretary of State of the levels of charges (draft letter included as a supplementary paper).
- 4.5 Following a request for further information from the GLA, LB Enfield carried out a consultation on its proposals. The consultation materials are included in appendix 4. The consultation was available online and hard copies were put in libraries. Hard copies were also available on request via the website, and copies in other languages were available on request. The consultation was available on LB Enfield's online consultation pages. The consultation was advertised in a local paper, and on the Council's website, and was sent directly to stakeholders with a transport interest, namely bus companies, emergency services, resident and business associations.

## **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 the 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 the London local authorities must submit to the Mayor of London for his approval the levels of charges that they propose to set. This request is set out at Appendix 1. 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 of London 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 of London must take into account the reasons provided by LB Enfield/ London Councils, having read all the papers provided with this report, and have due regard to the public sector equality duty, when considering this proposal.

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

<b>Activity</b>	<b>Timeline</b>
LB Enfield recommendation approved by the Mayor	December 2017
Mayoral letter to Secretary of State for Transport	December 2017
Secretary of State for Transport review period	One month from date of Mayor's letter
LB Enfield able to implement increased charges	3 weeks from close of Secretary of State's period of review



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

- Appendix 1: Letter from London Councils to the Mayor, December 2016, requesting band change
- Appendix 2: Correspondence between GLA and London Councils officers regarding additional information
- Appendix 3: Correspondence between Deputy Mayor for Transport and Leader of Enfield regarding consultation
- Appendix 4: LB Enfield consultation materials
- Appendix 5: Consultation response analysis provided by LB Enfield

**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:

Until what date: (a date is required if deferring)

**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:**

Fiona Fletcher Smith has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

**Mayoral Adviser:**

Valerie Shawcross, Deputy Mayor for Transport, 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 11 December 2017.

**EXECUTIVE DIRECTOR, RESOURCES:**

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

**Signature**

**Date**

11.12.17

TIM MIDDLETON ON BEHALF OF MARTIN CLARKE

**CHIEF OF STAFF:**

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

**Signature**

**Date**

11/12/2017