

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2863

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

Executive Summary:

The Mayor is asked by the London Borough of Merton (LB Merton) 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 Merton 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 Merton presented this proposal to London Councils, which considered the request and submitted it to the Mayor. It included the results of the consultation LB Merton had undertaken, which showed that around 60 per cent of respondents agreed that more should be done to improve traffic flow in Merton. However, only 27.5 per cent of respondents agreed with an increase in PCN levels to discourage inconsiderate parking. Additional queries from the Greater London Authority (GLA) were responded to by LB Merton.

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 Merton
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:

14/10/21

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
 - 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 from LB Merton, London Councils' Transport and Environment Committee considered a proposal for changing the level of additional parking charges on borough roads in LB Merton (Appendix A). London Councils considered this request, and subsequently wrote to the Mayor on 23 October 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 letter on 2 November 2020, requesting some further information and clarification in respect of the request (Appendix C). LB Merton provided a response on 6 January 2021 (Appendix D). On 21 January 2021 and 17 June 2021, some further information and clarity was requested from LB Merton in relation to its Equalities Impact Assessment. LB Merton responded to this with the requested information (Appendix E).

- 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 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 is 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 Merton'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 a number of roads that 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 four years between 2015-16 and 2018-19 the PCN levels in LB Merton have risen by 27 per cent. Across the rest of London, the increase for the same period was 13.6 per cent.
 - In 2019-20, the number of PCNs has seen a decline. However, this can be attributed to Merton implementing a new 'virtual' permit system in January 2020, which encountered some technical issues at the start of the year and then again later, due to the pandemic and lockdown in March 2020.
 - Over the five years from 2015-16 to 2019-20, the average percentage of PCNs issued in LB Merton at the higher level of the Band B bracket was 63 per cent, as opposed to 37 per cent at the lower level of the Band B bracket.
 - LB Merton considers that the restriction on the use of CCTV enforcement for parking contraventions, under the Deregulation Act 2015, has presented an increased risk of potential non-compliance, which needs to be countered with a change to the penalty band.
 - LB Merton has stated that London, as a city, is to see a growth in population to 10 million. Despite many new developments within the borough being car-free, this growth will lead to an increase in traffic and parking demands, congestion on borough roads and will contribute to poor air quality. LB Merton believes it is essential to improve compliance with its parking regulations, and banding changes have been a proven method to achieve this.

3. Equality comments

- 3.1. Under section 149 of the Equality Act 2010 the Mayor must have due regard, when making a decision, to the need to (i) eliminate unlawful discrimination, harassment and victimisation; (ii) advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and (iii) foster good relations between people who share a relevant 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 equality impact assessment and information provided by LB Merton. Further to enquiries by GLA

officers, LB Merton has confirmed that it undertook an assessment and concluded that there will be no disproportionate impact on those with protected characteristics (included at Appendix D).

- 3.3. The equalities concerns raised during the consultation process, carried out by LB Merton between 16 March and 27 July 2020, concerned access to and enforcement of Blue Badge bays; access to parking close to a final destination; and the perceived lack of enforcement of parking restrictions in the vicinity of places of worship, in relation to the protected characteristics of disability, pregnancy and maternity, and religion and belief, respectively. The equalities assessment concluded that the proposed increase in PCN charges aims to deliver better compliance and driver behaviours in respect of parking regulations, which will lead to improved availability of spaces for those with disabilities and other protected characteristics.
- 3.4. LB Merton considers that increased PCN costs and lack of payment instalment options will impact most on those from poor socio-economic households (while this is not a protected characteristic, people with certain protected characteristics may be more likely to have a low income – for example, older people). LB Merton has had regard to this and indicated that, if approved, the parking band changes will be advertised in the borough so that all motorists are aware. LB Merton notes that all drivers should be aware of the Highway Code, and a failure to obey these rules may result in a fine. LB Merton does not offer an option to pay a fine in instalments but a 50 per cent discount is available if the fine is paid within 14 days.

4. Other considerations

Key risks and issues

- 4.1. Officers reviewed the original proposal provided by London Councils, and sought further information from LB Merton to inform the Mayor's 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.
- 4.3. 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

- 4.4. As required, LB Merton presented its proposal to London Councils' Transport and Environment Committee.
- 4.5. Should the Mayor approve the application by LB Merton, the Mayor will be required to notify the Secretary of State of the levels of charges.
- 4.6. LB Merton carried out a consultation on its proposals during between 16 March and 27 July 2020. Further details of the consultation are contained in LB Merton's application to London Councils (details included at Appendix A). The consultation included an online survey, emails, letters and follow-up telephone calls with equality groups; and engagement on Twitter and Facebook. A total of 389 responses were received. Of those responses, 27.5 per cent agreed that an increase in the cost of a PCN is an effective way of discouraging inconsiderate parking; and, of the 45 per cent of all respondents that provided comments, more than 50 per cent cited additional enforcement as being the most appropriate solution to the problem of poor parking.
- 4.7. 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 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 from 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 levels are excessive, he may make regulations setting the level of the charges.
- 6.4. The Mayor must take into account the reasons provided by LB Merton 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 Merton recommendation approved by the Mayor	Early October 2021
Mayoral letter to Secretary of State for Transport	October 2021
Secretary of State for Transport review period	One month from date of Mayor's letter
RB Merton 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 Merton (pages 1-36)

Appendix B: Letter from London Councils to the Mayor, October 2020, requesting band change enclosing London Councils' Transport and Environment Committee Report (page 37)

Appendix C: GLA reply to letter to the Mayor, November 2020 (pages 38-39)

Appendix D: LB Merton response to GLA reply, January 2021 (pages 40-57)

Appendix E: Further information requests from GLA, January 2021 and June 2021, and LB Merton responses (pages 58-67)

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) 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 it has been approved or on the defer date.

Part 1 - Deferral

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

Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under the FoIA should be included 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:

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 the 4 October 2021

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature



Date

4/10/21

CHIEF OF STAFF:

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

Signature

D. Jellamy.

Date

4/10/21

