

| Sustainable Development Select Committee | | |
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| Title | Update on parking policy review recommendations and policy update in relation to the Council's carer and health worker parking permits | |
| Contributor | Head of Public Services and SGM Parking Service | Item. 6 |
| Class | Part 1 (open) | 12 March 2014 |

1. Purpose

- 1.1 To update on the implementation of the parking policy review recommendations as per the report presented to Sustainable Development Committee on 31st October 2013
- 1.2 To present recommendations for a policy update to the Council's carer and health worker parking permits in line with the recent welfare reforms.

2. Recommendations

- 2.1 Note progress to date on the Parking Policy Review Recommendations Action Plan attached as Appendix A.
- 2.2 The Committee endorses the recommended changes to the existing policy- that:

Carer Permits

- 2.3 the applicant is not required to live alone to be entitled to a carer permit.
- 2.4 entitlement is extended to residents where there is a maximum of one full charge resident permit held for a vehicle at that property.
- 2.5 if the medical condition is of a permanent nature the supporting medical evidence should state this. If the condition is of a permanent nature the medical evidence is supplied with initial application and is not required upon permit renewal, unless there has been a significant change.
- 2.6 if the medical condition is not of a permanent nature, the medical evidence supplied should be dated within three months of the application and must be supplied annually upon permit renewal.

Health Permits

- 2.7 Health permits are made available to the individual if they have opted to manage their own care provision by way of a grant from the Authority.
- 2.8 Health permits issued to an individual will be zone specific and not borough-wide.

Parking Permit Concessions

2.9 To limit the free concessionary permits to one per household.

3. Policy Context

3.1 Parking regulation is governed by the Road Traffic Regulation Act 1984. The Council's local transport and parking policy objectives comply with this legislation and are set out in the Local Implementation Plan (LIP). The goals, objectives, and outcomes for the LIP have been developed within the framework provided by the Mayor of London's Transport Strategy, but they also reflect local policies and priorities and as such are aligned with the Council's Corporate Priorities and the Sustainable Community Strategy.

3.2 The new parking policy is placed within this broader policy framework. Parking has a borough-wide impact, and has particular relevance to the many economic, environmental and social objectives of a modern transport system. To varying degrees, parking impacts on all 8 of the objectives in the Council's LIP:

- Reduce the number of road traffic collisions and improve safety and security on the public transport network;
- Enhance Lewisham's natural environment and open spaces;
- Create a low emissions transport system and a resilient transport network;
- Support and promote healthier and more physically active lifestyles;
- Improve the quality and connectivity in and around town centres;
- Reduce congestion and maximise efficiency of the transport network;
- Improve access to jobs, training and services, regardless of social background and physical and mental health;
- Improve the urban environment, including the design and condition of highways and footways.

4. Background - Carer Permits

4.1 Carer permits have operated in Lewisham for over ten years. It works well for those residents living within a CPZ, relying on visitors for the provision of their care. The permit allows the carer to park near the property in the resident only parking bays. The carer permits are now issued free of charge following the comprehensive parking policy review undertaken last year.

4.2 From a parking policy perspective the main objective is to manage competing parking demands within our CPZs. The council has a responsibility to ensure that fee paying residents living within a CPZ are protected from intrusive parking. Managing these demands can be challenging. However, we expect all Lewisham policies to complement each other and reflect the Council's key objectives.

4.3 Recent changes in welfare reforms on how individual care is managed has prompted a review of our existing permit policies and their entitlement criteria. This is to ensure that parking policy does not impact financially on the resident

requiring care, or that this policy is not in direct conflict with the Council's overarching social care & health policies.

- 4.4 A benchmarking exercise was undertaken against other London Authorities to examine the entitlement criteria and charges for the issue of these permits. Lewisham along with Greenwich and Hillingdon has possibly the most flexible arrangements in place across London.
- 4.5 The current policy restricts entitlement to housebound residents with a medical condition that live alone. Medical evidence is required in support of each permit application and on renewal regardless of whether the medical condition is permanent and unlikely to improve.
- 4.6 The current policy requires the applicant not to have a registered vehicle at the property and that a valid resident permit has not been issued for a vehicle registered at the property.

Recent Challenges – Carers Permit

- 4.7 The current policy has been challenged on the basis that couples living in the same household, with one or both having a medical condition requiring care, have no entitlement to a carer permit as they do not live independently and that the other person living in the household may not be the person responsible or capable of, providing care to the other occupant.
- 4.8 Under the current policy if a resident permit is held at the same address the applicant has no entitlement to a carer permit. This criteria has been challenged on the basis that the resident permit holder may not be the primary carer for the other person living in the household. It is feasible that the other occupant may go out to work, whilst care is being provided by others. This may have a financial impact on the household having to purchase visitor permits for their care provision.
- 4.9 Under the current policy medical evidence is required upon each application regardless of whether the medical condition is a permanent one. This has been challenged on the basis that if the medical condition is of a permanent nature, it is unlikely to improve and the medical evidence should support this. This raises the question as to why there is a requirement to supply this evidence upon permit renewal as the evidence has already been supplied with the initial application.

Background - Health Permits

- 4.10 The health permit is issued to organisations providing health care across the community. The health permit is administered and paid for by the relevant health organisation at a charge of £200. The permit is administered by the relevant health authority and issued to the health worker providing the care. This type of health worker provides medical support to a number of residents across the borough. The health permit issued to organisations is not zone specific and is valid for all of the borough's CPZs.

- 4.11 These permits are vehicle specific but can have up to two registrations on one permit. In line with the existing policy the application for this type of permit is only accepted from the health organisations and not from individuals.

Recent Challenges – Health Permits.

- 4.12 If an individual has opted to take a grant for the provision of their care they have no entitlement to a health permit under the current policy. At present health permits are only issued to health organisations responsible for administering care in the community. The Council has received a challenge from an individual who has opted to manage their own care provisions.
- 4.13 In preparation for the forthcoming changes in how care is managed, these challenges are likely to increase. The health permit should be made available to individuals who receive a grant from the authority for the provision of their care. Health permits issued to individuals should be zone specific and not borough-wide.

Permit Concessions

- 4.14 Carers permits are issued free of charge and free resident permits are issued to blue badge holders. In light of the recommended changes to the issue of the carer permits, it is advisable to limit the receipt of a permit concession to one per household. One free carer permit or one free resident permit for those residents meeting the relevant criteria.

5. Financial Implications

- 5.1 Whilst there is a risk of a reduction in the number of visitor permits purchased as a result of the proposed changes, it is not expected to have a significant impact on the Council's parking income budget.

6. Legal implications

- 6.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 6.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and

proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

- 6.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 6.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 6.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

7. Crime and disorder implications

- 7.1 There are no crime and disorder implications arising from this report

8. Equality implications

- 8.1 Compliance with the Equality Duty, as described in the 'Legal Implications' of this report was incorporated within a more detailed Equalities Analysis Assessment which formed part of the Review of Parking Policy report agreed by Mayor and Cabinet on 10 April 2013.
- 8.2 In summary the changes being proposed as part of the Parking Policy Review had a predominantly positive or neutral impact on the protected characteristics as set out in the Equality Act 2010. Recommendation 18 of the Parking Policy Review report which made reference to the provision of carer permits was assessed as having a positive impact on equalities.

9. Environmental implications

9.1 There are no environmental implications arising from this report

Background documents

Parking policy review documents

Appendix A – Parking Policy Recommendation Action Plan

For further information regarding this report please contact **Lesley Brooks, Service Group Manager: Parking**