

## Public Document Pack

# Sustainable Development Select Committee Supplementary Agenda

Thursday, 22 October 2015  
**7.00 pm**, Committee Room 3  
Civic Suite  
Lewisham Town Hall  
London SE6 4RU

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and/or filmed.

### Part 1

Item	Pages
6. Annual Parking Report	1 - 20

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Sustainable Development Select Committee			
<b>Report Title</b>	Parking – Annual Report for 2014/15		
<b>Key Decision</b>	Yes	Item No.	6
<b>Ward</b>	All		
<b>Contributors</b>	Executive Director for Customer Services Head of Public Services		
<b>Class</b>	Part 1	Date:	22 <sup>nd</sup> October 2015

## Reasons for lateness and urgency

This report is late in order to enable the most recent and accurate financial information. The report is urgent as there is no alternative time at which the Committee can scrutinise the before full consideration of the matter by Mayor & Cabinet on 11<sup>th</sup> November.

## 1. Summary

- 1.1. The report describes the rationale for managing parking demand across the borough. In some areas demand exceeds available kerbside parking space. To address this controlled zones have been implemented to offer residents some protection from intrusive parking, to ensure safe and sustainable access, balance the needs of all road users and to meet environmental policy objectives. Parking charges are set at an appropriate level to achieve this aim.
- 1.2. The Council's overall parking policy was reviewed in 2013. The updated policy document is now available on the Lewisham website and is reviewed every 3 years.
- 1.3. Year 2 of the CPZ consultation is now underway and this report provides a programme update. In 2014, the Council carried out consultations that identified four new parking zones and reviewed three existing zones
- 1.4. The parking contract with NSL is performing well and the annual performance update is set out in this report.
- 1.5. The Council has made a commitment to provide transparency in relation to the financial position of the Council's parking account. The report sets out the parking income received and how this has been spent.

## 2. Purpose

- 2.1. To provide an update on the CPZ programme, to give an overview of the parking contract performance and to provide details of the overall parking income and expenditure.
- 2.2. To highlight matters arising.

### **3. Recommendations**

The Committee is recommended to:

- 3.1. Note progress of this year's CPZ programme
- 3.2. Note the priority list for phase 3 of the CPZ programme
- 3.3. Note the annual financial performance as set out in paragraph 13.
- 3.4. Note contractor performance

### **4. Policy Context**

- 4.1. 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.
- 4.2. 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.

### **5. Background**

- 5.1. The Council, like most local authorities in London, levies a charge for a permit to park in areas of the borough that have been designated Controlled Parking Zones (CPZs). These CPZs are a function of transport policy and are used to:
- Ensure safe and sustainable access
  - Achieve effective parking management
  - Balance the needs of all road users
  - Meet environmental objectives
  - Focus on customer needs
- 5.2. The Council's parking policy has to balance the needs of those living, working, visiting and trading in the borough as well as ensuring that the cost of parking controls is met. Complicating matters further is the increase in car ownership and the insatiable demand for parking spaces along with the need to reduce the harmful effects of car use on the environment. The Council's parking charges reflect the need to not only cover the costs of delivering parking controls but also managing these issues.
- 5.3. The parking charges are fixed in accordance with the requirements of the Road Traffic Regulation Act 1984. Section 122 of the Act imposes a duty on the Council to use them to *'secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians and the provision of suitable and adequate parking facilities on and off the highway'*.
- 5.4. This year all parking charges have remained at their current levels. Setting appropriate charges ensures that the borough does not become a 'car park' for those travelling into London from the south east. It also ensures the Council continues to meet the objectives set out above and comply with the requirements of Section 122 Road Traffic Regulations Act 1984. It has been agreed that a review of charges will not take place until at least 2015 and will be reviewed annually thereafter.
- 5.5. The Council's fear of becoming a 'car park' for commuters is very real. The introduction of the congestion charge in 2003 saw the number of commuters driving into central London reduce but the risk was and remains that they park in car parks in the surrounding areas. The Borough has multiple transport links into central London which makes it a very real risk. This is especially the case as Lewisham is just inside zone 2 with cheaper fares and at the end of the Docklands Light Railway. Added to this is the fact that access to Lewisham and its car parks is relatively easy for commuters driving into London but becomes more difficult the further into London they travel as travel times increase.
- 5.6. Using the power awarded to the Council under Section 122 of the Road Traffic Regulation Act 1984 we have established a range of CPZ's where resident demand was evident and where there was clear evidence to suggest a need for one existed.
- 5.7. In line with the policy review recommendations the Council has refreshed all parking policies and collated them into an integrated and accessible parking policy document which is now available on the Lewisham website.

- 5.8. Contract efficiency savings of £250k remain unachieved. This saving was identified from the borough wide removal of the pay & display equipment. The cost savings were associated with the machine cash collection and machine maintenance. The saving was proposed by moving to a totally cashless option for short-term parking payments.
- 5.9. Before moving to a totally cashless option the Council ran a pilot that offered a cashless only option in Holbeach car park. The pilot ran for 6 months and the Council realised that there were some customers that were unable to access the cashless system. The results of which identified a need to keep pay & display machines across the borough alongside the cashless option at least in the short term.
- 5.10. This channel shift to on-line servicing highlighted the need to consider those residents that had no, or limited access to, the on-line services. The Council reviewed this position and introduced an option to purchase permits over the telephone or by post and extended the sale of visitor permits to the Lewisham central library.
- 5.11. In view of the Mayor's commitment to review pricing in support of local businesses the Council will undertake a review of the car park pricing structure in line with the Mayor's manifesto.

## **6. The Borough**

- 6.1. The borough is made up of 412.8 miles of road of which 23 miles are red routes controlled by Transport for London and 389.8 miles are local roads maintained by the Council.
- 6.2. At the last Census in 2011 there are 116,100 households within the borough. This represents an 8% increase (from 2001 census) with a total population of 275,900 living within those households.
- 6.3. In 2011, 51.5% of households (60,158) had access to 1 or more vehicles. This represents a decrease from 2001 where 57.2% of households (61,471) had access to 1 or more vehicles. The total vehicle ownership across the borough has fallen from 79,270 in 2001 to 76,507 in 2011 representing a 3.5% decrease.
- 6.4. The Council has introduced a number of policies over recent years in support of a reduction in car ownership and the use of sustainable modes of transport including the use of car clubs that provide a good substitute for car ownership and assists in managing kerbside parking spaces.
- 6.5. As a Council we are looking to upgrade the existing electric vehicle charging points across the borough and agree a realistic increase to the number of points currently provided. The expansion is in collaboration with Source London who provided funding. Largely, the expansion will take place in the Council car parks where spare capacity exists. On street we have agreed to upgrade the charging points but have not agreed to increase the number of

dedicated bays. Instead we have agreed to introduce flexible bays that can be utilised by other road users. These flexible bays will be implemented adjacent to the existing electric charging points. Should the utilisation of these bays increase officers will review the on street capacity.

## **7. Parking in the borough**

- 7.1. There are a variety of parking places in the borough, including 1,441 parking spaces in the Council's off street public car parks and 21,500 on street parking bays designated for specific purposes, such as disabled parking, loading, short-term use and streets without parking controls.
- 7.2. There are also a variety of parking restrictions, including yellow lines, restricted parking zones and controlled parking zones which rely on a permit system.
- 7.3. Currently there are 18 CPZ's located within the borough which are designed to protect residents and businesses from commuter parking. The number of CPZs will increase to 21 as part of the CPZ implementation programme and are mainly centred around major destinations such as town centres, railway stations and the hospital.

## **8. Review of 2014/15**

- 8.1. The parking contract with NSL Ltd has operated now for 2 years of a 6 year contract. There is an option to extend for a further 4 years after the initial term.
- 8.2. In 2014/15 a total of 9,021 resident and business parking permits were issued, an increase from the previous year of 11%. Resident permits issued to lower emission vehicles are sold at a concessionary rate and represent 0.7% of the total issued. Resident permits issued to blue badge holders free of charge represent 4.7% of the total. Visitor permits sales exceeded 99,000, 65% of which were purchased on line.
- 8.3. The majority of paper permits have been phased out. All our resident and business permits are now held on the virtual permit system. Carers' permits continue to be provided as paper permits that are placed in the carers' vehicle. This ensures greater flexibility for those residents who rely on support from a number of carers. As this type of permit is not provided to a dedicated vehicle it cannot be included on the virtual permit system and is issued free of charge.
- 8.4. Parking restrictions across the borough are enforced to help maintain a safe and effective road network. In 2014/15 the Penalty Charge Notice (PCN) issue was 60,106. This represents a 5.8% drop from those issued in the previous year. London Councils have reported that across London a quarter of a million less PCNs were issued which represents on average a 5% decrease for all London Boroughs. Lewisham's decrease is slightly higher than the London average however it should be noted that recovery rates have improved from 68% to 70%.

- 8.5. The shared service with Southwark for the delivery of the Borough's CPZ consultation and design enters its second year. Good working relationships have been established and the quality and delivery of the programme continues to meet Lewisham's expectations. Year 2 of the programme has started and a programme update is set out below:

## **9 CPZ Programme 2014/15 – Year 1**

- 9.1 During 2014, the Council carried out consultations to determine the need for four new parking zones and to review three existing parking zones. These areas were identified as high priority and were delivered in two phases:

### **9.2 Phase 1 - Consultations for Summer 2014**

- Review of existing CPZs in Old Road and Bankwell (F) Hither Green East (P) Lee (L), including options to reduce operational hours
- Proposed new CPZ Lee Green West

### **9.3 Phase 2 - Consultations for Autumn 2014**

- Proposed CPZ extension in Ladywell
- Proposed new CPZ in Perry Vale East
- Proposed new CPZ in Mountsfield Park

### **9.4 Phase 3 – Implementation 2015**

All 2014/15 consultations are now complete and results have been publicised. With the exception of Perry Vale East (Catford Stations), all consultations resulted in support to implement proposals across a significant proportion of the study area. Implementation of the zones is now being progressed as follows:

- Review of existing Lee Green CPZs – implementation October 2015
- New Lee Green West CPZ – implementation October 2015
- CPZ extension in Ladywell – implementation December 2015
- New CPZ in Mountsfield Park – implementation December 2015

## **10 CPZ Programme 2015/16 – Year 2**

- 10.1 In order to assess the many requests for CPZs across the borough, a methodology has been developed to appraise and select schemes for consultation. The CPZ Programme has been scored and prioritised on the basis of selected criteria to ensure that the most urgent problems are addressed first. Each criterion is then weighted to reflect the local demand and technical need for a CPZ. The selected criterion is set out below:

- Evidenced from borough-wide surveys
- Evidenced from previous CPZ consultation identifying demand close to the 50% threshold
- Requests, complaints, representation or petitions from stakeholders relating to parking pressure



- Evidence of overspill from existing CPZs
- Parking studies undertaken by the Council or Developers
- Evidence of existing road safety issues
- Evidence to support strategic infrastructure, town centres or car free developments
- Introduction or changes to transport hubs.

10.2 The proposed CPZ Programme for 2015/16 comprises 3 consultations on potential new zones in Deptford South, Forest Hill, and Brockley. The proposed programme is largely similar to that predicted by last year's assessment, but following this year's review, two amendments have been proposed:

- Forest Hill North and Forest Hill South combined into a single consultation;
- Brockley brought forward into year 2.

10.3 Preparation work will soon be underway for the proposed zones, with parking occupancy and duration surveys to be commissioned to establish a more detailed understanding of the parking demand in each of the proposed zones. Site inventory surveys will also be carried out to pick up existing street features in the proposed CPZ areas; this enables the preparation of initial design drawings.

10.4 Consultations on the 2015/16 programme will commence in autumn 2015, with implementation from spring 2016.

## 11 **Pay & Display & Cashless Parking**

11.1 The Council has considered the options available for the provision of short term parking. Historically, this has been provided solely by pay & display machines. The pay & display infrastructure is ageing, maintenance costs increasing and a replacement programme would be costly for the Council approx (£1.2m). Should the Government's plan to introduce a new £1 coin in 2017 be agreed, there would be a requirement to upgrade the machines with new mechanisms to accept the new coinage.

11.2 Alongside the existing pay and display machines, the facility to pay for parking sessions through the cashless system is now available across the borough. Since the roll out the council has seen an increase of payments made through the cashless system. The cashless parking provision replaces out of order /vandalised machines where at certain locations the lack of another machine located nearby would result in free parking sessions until the machines are fixed. This has now been eliminated as cashless parking is provided as an alternative option.

11.3 The recently reviewed CPZs will have a mix of 'free' time limited parking bays and cashless parking alongside existing pay & display machines. These machines will remain in place until a decommissioning programme is agreed. No new machines will be introduced. This flexible approach will enable Council officers to gauge the level of machine use. Once established it will

present officers with an opportunity to introduce a rationalisation and decommissioning programme.

- 11.4 Cashless parking has been available across the borough for 3 months. Implementation has increased the uptake of the cashless service by 20%.

## **12. On-line Services**

- 12.1 All resident and business parking permits are now managed via the virtual permitting system.
- 12.2 The Parking & Traffic Appeal Services (PATAS) has changed. The service is now known as the London Tribunal Service and will provide adjudication for Environment and Traffic Appeals (ETA).
- 12.3 In parallel to this service change, London Councils' objective is to provide the ETA service on line. The on-line service facilities are now available for appellants and Enforcement Authorities to submit appeal applications and supporting documents on line.
- 12.4 London Councils' objective is for all Enforcement Authorities to be using the service by Jan 2016. Lewisham already provides this service well in advance of the deadline and have been proactive in working with the service provider at London Councils to ensure the streamline process works effectively for our customers and Lewisham's back office notice processing team. Links to the new service are now available to customers on the Lewisham website.

## **13. Financial Performance**

- 13.1 This section of the report sets out information relating to parking finances.
- 13.2 The parking charges are fixed in accordance with the requirements of the Road Traffic Regulation Act 1984. Charges have been set at a level which is in line with the median level in London. Setting charges at this level ensures that the borough does not become a 'car park' for those travelling into London from the south east. It also ensures the Council continues to meet the objectives set out above and comply with the requirements of Section 122 Road Traffic Regulations Act 1984.
- 13.3 Section 13.5 shows the final outturn for the year 2014/15 and summarises the performance against budget on 2015/16 relating to the direct management of both off-street and on street parking services.
- 13.4 Section 13.6 also sets out the Council's Parking Control Account for 2014/15. This account is a statutory requirement and sets out the financial position in relation to on-street parking only. The account not only includes the proportion of direct management costs and income relating to on-street parking already included in the tables shown in 10.3 and 10.6 but also a proportion of costs in

respect of, for example, management and other support service overheads, an assessment of policy and planning costs, and capital charges.

### 13.5 Direct Parking Management

- 13.5.1 In 2014/15, the Council collected £8.49m income in respect of parking services, compared to a budget of £7.55m. The income received can be broken down as follows:

<b>Parking services income collected in 2014/15</b>		
	<b>£000s</b>	<b>%</b>
Parking fines	4,019	47
Pay and Display	2,221	26
Permits	2,123	25
Advertising and other income	124	1
<b>Total income 2014/15</b>	<b>8,487</b>	<b>100</b>

- 13.5.2 It can be seen from the table above that income from permits and Pay and Display accounts for 51% of the total income for parking services.
- 13.5.3 The apparent increase in income has arisen as a result of changes to the parking computer system and the migration of data implemented at the start of the new parking contract. At the time of closing the accounts, there was insufficient data available to verify the increase and, as can be seen in the table below, officers significantly increased the bad debt provision to reflect this.
- 13.5.4 The Council is budgeting to collect £7.3m of income in 2015/16. Current forecasts indicate that the actual total likely to be collected is in line with the budget.
- 13.5.5 The actual cost of running the parking service in 2014/15 was £3.97m, compared to a budget of £2.38m. The can be broken down as follows:

<b>Direct parking management expenditure</b>	
	<b>£000s</b>
Enforcement contract costs	1,765
Management and admin costs	296
Car park utilities, rates, repairs and maintenance	105
Legal fees	114
Increase in bad debt provision	1,688
<b>Total expenditure 2014/15</b>	<b>3,968</b>

- 13.5.5. The significant increase in costs relates to the increase in bad debt provision mentioned in paragraph 13.5.3.
- 15.5.6 The budget for running the parking service in 2015/16 is again £2.38m. It is currently forecast that expenditure will be broadly in line with the budget.

### 13.5 Parking Control Account 2014/15

13.6.1 Under the Road Traffic Regulation Act, 1984 the Council is required to maintain a separate account of its on-street parking business activities and to report the outcome and the use made of any surplus generated annually to the Mayor of London. The account must contain all expenditure and income in relation to the provision, management and enforcement of on-street parking in the Borough.

13.6.2 The use of any surplus is governed by Section 55 of the Act which specifies that the surplus may be used for:-

- making good to the General Fund for any deficits incurred in the On-Street Parking Account during the previous four years; or
- meeting the cost of the provision and maintenance of off-street car parking in the Borough, or in another Local Authority.

13.6.3 If, however, it is considered unnecessary or undesirable to provide further off-street parking in this area, the surplus may then be used to fund any of the following:-

- public passenger transport services;
- highway improvement works;
- highway maintenance; or
- the costs of anything that has the approval of the Mayor of London and which facilitates the implementation of the Mayor's transport strategy.

13.6.4 The Council's Parking Control Account for 2014/15 is summarised below:

<b>Borough Parking Control Account 2014/15</b>		
	<b>£000s</b>	<b>%</b>
<b>On-street Parking income</b>		
Pay and Display	1,484	23
Permits	1,354	21
Fines	3,617	56
<b>Total Income</b>	<b>6,455</b>	<b>100</b>
<b>On-Street Parking expenditure</b>		
Enforcement contract costs	1,588	37
Management, admin and overheads	726	17
Running costs	198	5
Capital investment	243	6
Increase in Bad Debt Provision	1,519	35
<b>Total Expenditure</b>	<b>4,274</b>	<b>100</b>
<b>Funds available for supporting highways and transportation</b>	<b>2,181</b>	

13.6.5 The available funds of £2.2m shown in the above table which are the result of the Council's parking policy were applied to expenditure on traffic management and highways maintenance and improvements. The Council spent a total £12.7m in this area during 2014/15.

## 14 Managing the parking contract

14.1 The parking contract covers a number of services split into 4 broad categories:

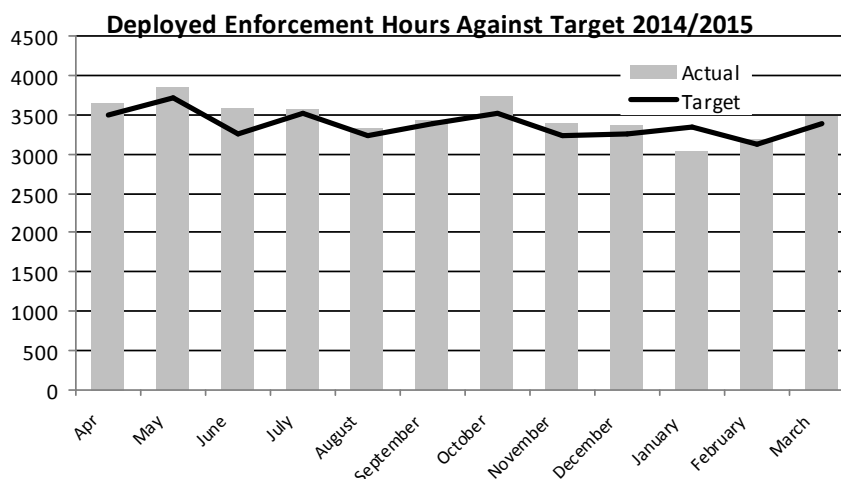
- Parking Enforcement
- Pay & Display Maintenance & Cash Collection
- Penalty Charge Notice Processing
- Permits & Suspensions

14.2. Responses to formal representations and Appeals are authorised by Council staff and the contract is managed using a number of Key Performance Indicators: In the main these are:

- Effective Parking Enforcement
- Quality Trained Staff (Staff Retention)
- Other Services (Statutory functions, IT & complaint handling)

### 14.3 Effective Parking Enforcement

14.3.1 Deployment levels have remained fairly consistent throughout the year. January was the only month that failed to reach target levels due to staff sickness and annual leave. January is normally a quiet period in the parking industry and the most likely month for annual leave to be approved.



14.3.2 London Councils report that in 2014/15 nearly a quarter of a million fewer Penalty Charge Notices (PCNs) were issued for parking and traffic contraventions. A drop of nearly 5%. This is partly due to legislative changes that extended grace periods before a contravention can be established and the discontinued use of CCTV vehicles for the enforcement of parking contraventions. Across London these levels are the lowest since 2000. The

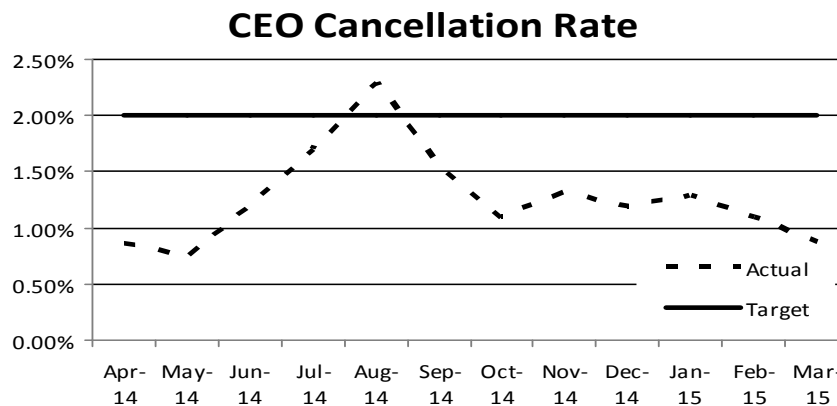
Chair of London Councils' Transport and Environment Committee, said:  
***“These figures represent very positive news for motorists and enforcement authorities alike”***

14.3.3 In Lewisham the drop in PCN levels represent 5.8% slightly higher than the London average. This reflects the fair policy the Council operates towards parking enforcement. PCN recovery rates have improved by 3%. This suggests that whilst volumes have seen a decline quality has improved.

	2012-13	2013/14	2014/15
<b>Lewisham's PCN Issue</b>	62,636	63,464	59,482

#### 14.4 Quality Trained Staff & Staff retention

14.4.1 Adequately trained staff are vital in the provision of a good service. All enforcement staff are provided with intensive training for what can be a very difficult job. To ensure quality is maintained throughout contract delivery, the performance target is to maintain the Civil Enforcements Officer's (CEOs) error rate below 2%. Performance against this KPI has remained good. See graph below. The slight increase from June – August represents the recruitment of new staff that inevitably increases the error rate whilst still in training. Performance currently exceeds target levels.

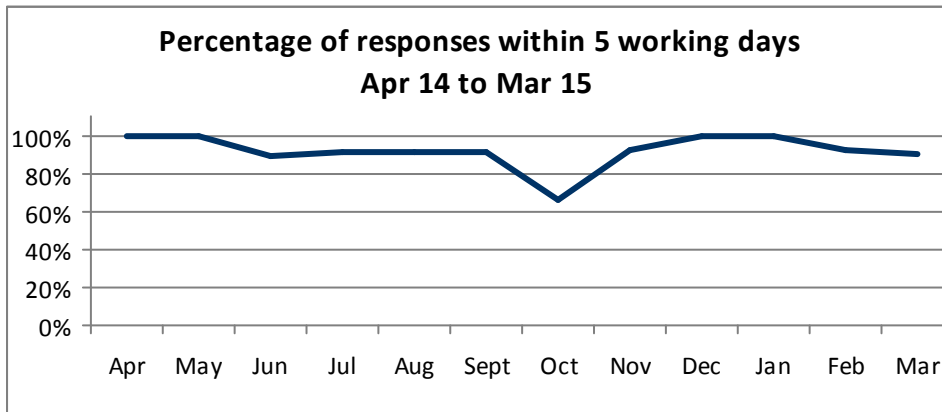


14.4.2 Staff retention is key to a stable service especially if valuable investment has been made in the training of staff. Staff turnover in the parking industry can be high due to the very nature of the work involved. The Council has ensured that the service provider has implemented strategies and processes to assist in staff retention and to ensure staff turnover remains below the industry 'norm'. The service provider is measured against an annual turnover of 20%. This is measured against leavers with a +5% tolerance level. Currently the service provider is showing an annual staff turnover of 15.22%. This level is 11% below the industry norm of 26.1%.

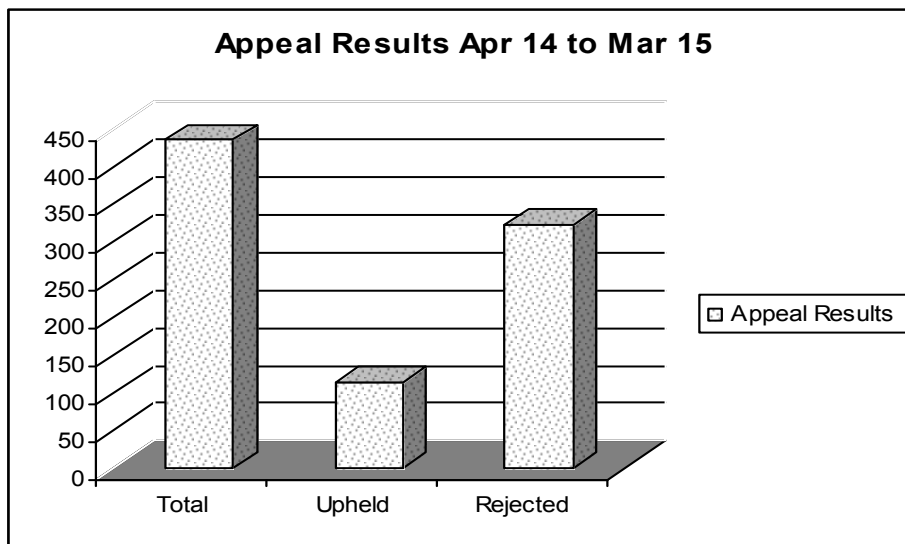
#### 14.5 Notice Processing

14.5.1 A response to formal representations and Appeals against the issue of PCNs is authorised by Council staff as this is a statutory requirement. The contract provider NSL provide first stage responses to PCN challenges and complaints. Outside of the statutory timescales the response times are measured for

customers to receive a full complaint response within 5 working days. Performance against this target has remained fairly consistent except for a downturn between Sept/Oct of last year. This is attributed to a breakdown of workflow processes (correspondence held in the system in an unidentified workflow queue) identified by Lewisham’s client monitoring team. A plan of action was implemented to clear the backlog and ensure processes were in place to get performance back to target levels.



14.5.2 The table below shows the annual appeal results heard at the Parking & Traffic Appeals Service (PATAS). The total number of Appeals reduced from that of last year and the Councils success rate (66%) improved by 23%. It is worth noting that the percentage of PCNs taken forward to PATAS against the total PCNs issued is 0.7%.



## 14.6 Permits

14.6.1 The introduction of the virtual permitting system for the issue of permits across the borough was a major transition for this service. Virtual permitting is new to the industry and one which has realised efficiency savings. In reality there were lessons learnt from a service delivery perspective. We have worked with our partners, using customer feedback to improve the virtual on line service, especially in relation to system navigation. All of the permit information is now

held on the virtual system and 60% of our customers are using the on-line service to renew or purchase visitor permits.

- 14.6.2 The challenge this year has been the permit reminders sent electronically by email. This resulted in a number of complaints from customers advising that they had not received their email reminders. Upon investigation either the email was sent to an email address no longer used by the customer or the email was delivered into their junk mail inbox. Measures have been introduced to remove key words from the reminder that may identify the email as 'junk mail'. System records provide evidence (date & time) email was sent.
- 14.6.3 In response to this issue, consideration was given to re-instate postal permit reminders. However, the costs involved would impact on the savings already achieved. Some customers were perfectly happy with the email reminder and preferred this method as more cost effective and sustainable. It should also be noted that the council received a similar level of complaints of failing to receive reminders when the Council sent them by post and would not necessarily solve the problem.
- 14.6.4 With this in mind and as a service enhancement we have introduced a permit reminder prompt that will be sent by text. Texts will be sent to both mobile and landline phone numbers provided by the customer. This will be in addition to the email reminder and will prompt customers 3 days before permit expiry but only if the permit has not been renewed. Due to system configuration the text prompt will only be available to customers when their permits are due to expire next year.

## **15 Matters Arising**

- 15.1 This year we have had a small number of isolated complaints from residents regarding coaches parked in residential areas overnight or to pick up and drop off students. The complaints mainly feature noise, litter, engines running and parking.
- 15.2 The pick up and drop off of passengers to a particular location can have a negative impact on local residents especially if it is a regular occurrence. Where no parking restrictions exist, this type of activity is perfectly legal.
- 15.3 In relation to the coaches parking overnight, a coach & lorry ban (exceeding the 5t weight limit) is in place across the whole of the borough and operates between the hours of 6:30pm and 8.00am. Enforcement action is taken by the issue of a Penalty Charge Notice (PCN). The recovery of a PCN, if not paid upon receipt, relies on the identification of the registered keeper. Many of these vehicles are registered outside the UK and the issue of a PCN has proved in some cases ineffective. The council has no jurisdiction outside of the UK to access registered keeper information.
- 15.4 This type of activity tends to be seasonal. We have worked hard to identify the coach/travel companies and have written to them to offer advice on Lewisham's parking regulations, placed restriction plates and advised on the



location of the Council's coach & lorry park. Most companies we have contacted have been very responsive and local issues have been resolved.

- 15.5 The only other alternative would be to clamp, remove and impound these vehicles with cost implications to the Council. This process brings a whole raft of other issues that would require careful consideration. Lewisham's current policy is not to clamp and remove vehicles for parking contraventions and a policy change would be required. Should this be necessary officers will give full consideration to all the options at the next policy review in 2017.

## **16 Financial implications**

- 16.1 The purpose of this report is to provide an update on the parking policy and CPZ programme and to give an overview of the parking contract performance. As such there are no financial implications to members agreeing the recommendations set out in section 3.
- 16.2 Details of the Council's financial performance in terms of the parking service are set out in section 10 and comply with both the Road Traffic Regulation Act, 1984 and the Department for Communities and Local Government Transparency Code 2014.

## **17 Legal Implications**

- 17.1 Section 45(1) Road Traffic Regulation Act 1984 (RTRA) allows Councils to designate parking places on the highway and to charge for the use of them. Section 45(2) provides for the issuing of permits for which an authority may charge. The procedure requires consultation and a designation order.
- 17.2 Section 122 RTRA imposes a general duty on authorities to exercise functions under the Act (so far as practicable having regard to the matters set out at para 13.3 below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.
- 17.3 In fulfilling the general duty imposed by Section 122 RTRA, the matters referred to above are as follows:-
- (a) The desirability of securing and maintaining reasonable access to premises;
  - (b) the effect on the amenities of any locality and the importance of regulating and restricting the use of roads by heavy commercial vehicles so as to preserve or improve the amenities of the areas through which the roads run;
  - (bb) the national air quality strategy

( c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and

(d) any other matters appearing to the Council to be relevant.

17.4 Section 55 RTRA provides for the establishment of a separate account into which monies raised through the operation of on street parking must be paid. The Act requires an enforcement authority, (of which Lewisham is one), to keep an account of:-

- their income and expenditure in respect of designated parking places;
- their income and expenditure as an enforcement authority in relation to parking contraventions within paragraph 2 of Schedule 7 to the 2004 Act (parking places); and
- their income and expenditure as an enforcement authority in relation to parking contraventions within paragraph 3 of that Schedule (other parking matters).

17.5 It also deals with shortfalls and surpluses. Shortfalls must be made good from the General Fund, and subject to carry forward provisions, any surplus must be applied for the following purposes:-

(a) the making good of shortfalls in the last 4 years

(b) the provision and maintenance of off street parking by the council or others

(c) if further off street parking appears unnecessary or undesirable then

i) meeting the cost of provision, operation or facilities for public transport services; and

(ii) highway or road improvement projects in the area.

17.6 There are also provisions for carry forward. Every London Borough also has to report to the Mayor for London at the end of every financial year on any action taken in relation to any deficit or surplus on their account. It is clear from this report that surpluses made on this special account in 2013/14 have been applied for permitted purposes.

17.7 The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations require traffic regulation orders to include an exemption from waiting prohibitions in certain circumstances, and from charges and time-limits at places where vehicles may park or wait, in respect of vehicles displaying a disabled person's badge.

17.8 The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new Public Sector Equality Duty (the duty), replacing the separate duties relating to race, disability and gender equality.

- 17.9 The duty consists of the 'general equality duty' which is the overarching requirement or substance of the duty, and the 'specific duties' which are intended to help performance of the general equality duty.
- 17.10 The duty 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.
- 17.11 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.

These are often referred to as the three aims of the general equality duty.

- 17.12 The duty is 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.
- 17.13 The Equality and Human Rights Commission (EHRC) have issued technical guidance for public authorities in England on the Public Sector Equality Duty. The guidance can be found at <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>. This Guidance provides practical approaches to complying with the Public Sector Equality Duty. The EHRC technical guidance is not a statutory Code, but may be used as evidence in legal proceedings to demonstrate compliance with the Public Sector Equality Duty.

## **18. Crime and Disorder Implications**

- 18.1 There are no direct crime and disorder implications arising from this report.

## **19 Equalities Implications**

- 19.1 Compliance with the Equality Duty, as described in the 'Legal Implications' of this report has been 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.
- 19.2 Key positive equalities impacts on Age, Disability, Pregnancy and Maternity Include:
- continued provision of resident parking permits free of charge to Blue Badge holders;

- quicker resolution of parking issues, that prevent people with mobility issues or young families, parking close to their homes, and create neighbourhood tensions;
- transparent criteria and application process for new disabled parking bays, and a programme of review to manage and fund these requests.

19.3 Moving forward, the Council will also need to give greater consideration to the accessibility of its engagement processes with local areas on proposed new parking restrictions. These need to allow sufficient time for full participation by all members of the community and aim to increase voter turnout through the provision of information in alternative formats as necessary.

19.4 The Council will also need to ensure that any move away from the use of Pay and Display machines is accompanied by an appropriate communications campaign. This should clearly set out the alternative payment methods available, and reassure residents or visitors that do not have access to the Internet, a mobile phone or credit/debit card, that they still have legitimate payment options, that allow them to park safely and conveniently in Lewisham. Consideration should also be given to those who might be vulnerable from a personal safety perspective, particularly in parking locations that are poorly lit or isolated – i.e. if they are required to use their mobile phone or credit/debit cards in public view. The provision of additional payment options as technology evolves must also be considered in terms of accessibility for the user, to prevent indirect discrimination from occurring. For example, alternatives such as top-up cards, should consider the proximity and hours of operation of the nearest PayPoint location in relation to the on-street parking bays. This may be very significant for service users with mobility issues.

19.5 The Council also needs to ensure that any web-centric parking policies make alternative provision for those without access to the Internet, to ensure equitable provision of the service.

## **20 Environmental Implications**

20.1 There are no direct implications arising from this report, but the policy review took into account the Council's broader ambitions for environmental sustainability. For instance, its Local Implementation Plan (LIP) aims to reduce growth in road traffic through the discouragement of car usage and the promotion of facilities for cyclists and pedestrians and alternative sustainable methods of transport. The limitation of on-street parking through CPZs, especially around shopping centres and transport hubs along with appropriate charging is considered to be a deterrent to car usage.

## **21 Conclusion**

21.1 This report provides transparency for parking finances in accordance with legislation and provides the details of the current CPZ programme. As with all things there are often additional factors such as major regeneration that might influence the timing and priority of any list published now.

## 22 Background Documents

Document	Link
Mayoral response to the comments of the Lee Green Assembly:	<a href="#">Mayor and Cabinet 30 May 2012.</a>
Parking Policy Review:	<a href="#">Mayor and Cabinet 10 April 2013</a>
Parking Contract Award:	<a href="#">Mayor and Cabinet 1 May 2013</a>
Parking Policy: Monitoring and Update:	<a href="#">Sustainable Development Select Committee 11 July 2013</a>
Annual Parking Report – 2012 /13	<a href="#">Mayor and Cabinet 3<sup>rd</sup> December 2014</a>
Parking Policy Document Oct 2014	<a href="http://www.lewisham.gov.uk/myserVICES/parking/Documents/ParkingPolicyOctober2014.pdf">http://www.lewisham.gov.uk/myserVICES/parking/Documents/ParkingPolicyOctober2014.pdf</a>

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