

<b>Mayor and Cabinet</b>			
<b>Title</b>	Parking Policy Update – proposals for consultation		
<b>Key decision</b>	Yes	<b>Item no</b>	
<b>Wards</b>	All		
<b>Contributors</b>	Executive Director for Customer Services		
<b>Class</b>	Part 1	27 March 2019	

## 1. Purpose

- 1.1 The purpose of this report is to present key proposals for an update to the Council's Parking Policy to be taken forward to public consultation, including key policy measures aimed at improving air quality in the Borough.

## 2. Executive Summary

- 2.1 The Council's current Parking Policy was approved by Mayor and Cabinet in 2014. It was agreed that the policy would be updated in 2018/19 to bring it in line with current legislation, best practice and other feedback received. In particular, the update takes into account the Council's commitment to improving air quality in the Borough.
- 2.2 It is proposed that the Council consults on a range of changes including emissions based permits, a diesel surcharge, improving the free visitor permit offer, changing the charging structure for penalty charge notices and revising its approach to disabled parking bays to make them enforceable in all cases.
- 2.3 The report also proposes a review of Pay and Display machines to rationalise the number, replace them with new machines where there is demand and to investigate other methods of payment such as contactless and chip and pin card payments.
- 2.2 Following agreement at Mayor and Cabinet, public consultation would take place during 2019. The results of the consultation would then be brought back to Sustainable Development Select Committee (SDSC) for their input before a final policy is agreed by Mayor and Cabinet.

## 3. Recommendations

- 3.1 It is recommended that the Mayor approve a public consultation to take place in 2019 on the proposed updates to the parking policy.

- 3.2 That the response made to the comments of the Sustainable Development Select Committee be endorsed and reported back to the Select Committee.

## **4. Policy context**

- 4.1 The Council's current Parking Policy was approved by Mayor and Cabinet in October 2014, following a comprehensive review. It was agreed that the policy would be updated in 2018/19 to bring the policy in line with current legislation and best practice.
- 4.2 The London Mayor's Transport Strategy (MTS) was published in early 2018. The Council has also prepared a new Transport Strategy and Local Implementation Plan 2019-41 (LIP3) which sets out how the Council intends to deliver the objectives of the MTS at a local level. This includes ambitions to increase the number of trips made by sustainable means, such as by walking, cycling or public transport. Further objectives include a reduction in traffic levels and car ownership, improved air quality and support for the delivery of new homes and jobs.
- 4.3 The Mayor of London has also committed to expanding the Ultra-Low Emission Zone to the inner London area bounded by the North and South Circular roads. From 25 October 2021 any petrol or diesel vehicle including cars, motorcycles and vans within this area will need to meet new tighter emissions standards called the Ultra-Low Emission Zone (ULEZ) standards.
- 4.4 As part of this parking policy update, the introduction of an emissions based charging scheme for certain types of parking permit is proposed. A separate surcharge for diesel vehicles is also being considered. This responds to an action included within the Council's Air Quality Action Plan (2016-2021).
- 4.5 References in the parking policy to any superseded or out of date regulations, legislation or policy documents will be revised as part of this update.
- 4.6 In line with the Council's strategic objectives, the parking policy update supports priorities 4 to 7 of the 2018-2022 Community Strategy:
4. Building an inclusive local economy - Everyone can access high quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
  5. Delivering & defending: Health, Social Care and Support - Ensuring everyone receives the health, mental health, social care and support services they need.
  6. Making Lewisham greener - Everyone enjoys our green spaces and benefits from a healthy environment as we work to protect and improve our local environment.
  7. Building safer communities - Every resident feels safe and secure living here as we work together towards a borough free from the fear of crime.

## **5. Background**

- 5.2.1 The Council's current Parking Policy was approved by Mayor and Cabinet in October 2014, following a comprehensive review. It was agreed that the policy would be updated in 2018/19 to bring the policy in line with current legislation and best practice.
- 5.2.2 These updates to the Parking Policy include some key policy changes which will be taken forward for public consultation before inclusion. The Parking Policy update will also include several minor changes which will not be raised specifically in the public consultation. This consultation is expected to take place during 2019 for a period of six weeks. Responses from the consultation would be used to inform a revised policy update document that would then be brought to the Sustainable Development Select Committee for review prior to submission to Mayor and Cabinet for approval.

### **5.3 Air Quality impact**

- 5.3.1 One of the most significant policy developments in recent years has been the Air Quality agenda, and since the current parking policy was introduced the Council has enhanced its commitment to improving air quality in recognition of the emerging evidence of the impact of pollution on health. Motor vehicles are a significant contributor to local air pollution and private cars contribute towards 33% of NO<sub>x</sub> and 57% of PM<sub>10</sub> (small particulate emissions) from road transport.
- 5.3.2 The London Mayors Transport Strategy sets targets for the reduction of vehicle emissions in London, and for Lewisham the target is to reduce CO<sub>2</sub> emissions caused by road transport from 155,200 to 34,800 tonnes by 2041. The Council's Air Quality Action Plan (2016-2021) sets out the actions to be taken by the Council to improve air quality in Lewisham and parking policy is one area which can be used to encourage the take-up of lower emission vehicles.
- 5.3.3 Evidence of best practice from around the world demonstrates that measures aimed at improving vehicle emissions are an important part of the policy toolkit, and such measures have been employed in other global cities that have successfully improved air quality, such as Copenhagen, Paris and San Francisco. In London, emissions-based charges for parking permits have now been introduced in most London Boroughs. Although many of these charges in London have only been adopted relatively recently, emissions based charging is contributing to the increased take-up of vehicles with lower emissions.
- 5.3.4 As part of the Lewisham Transport Strategy and Local Implementation Plan 2019-41 (LIP3), the Council is also supporting the reduction of emissions from road traffic through measures to support active travel, improved public transport connections, and expanding provision for EV charging points to encourage a shift from traditional petrol and diesel vehicles. The introduction of emissions based charging for parking permits would be in support of these measures.

#### **5.4 Parking permits – including emissions based charging, visitor permits and refunds**

- 5.4.1 In the Parking Policy 2014, the Council stated that parking charges reflect the need to not only cover the costs of delivering parking controls but also managing other issues, including the effects of increased car ownership, the insatiable demand for parking spaces and the need to reduce the harmful effects of car use on the environment. Section 45 of the Road Traffic Regulation Act 1984, (the RTRA), enables a local authority by order to designate parking places on highways in their area for vehicles or vehicles of any class specified in the order and to make charges (of such amount as may be prescribed under section 46) for vehicles left in a parking place so designated.
- 5.4.2 Section 45(3) states that in determining what parking places are to be designated under that section the authority concerned shall consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which that authority shall have regard include—
- (a) the need for maintaining the free movement of traffic;
  - (b) the need for maintaining reasonable access to premises; and
  - (c) the extent to which off-street parking accommodation, whether in the open or under cover, is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this section.
- 5.4.3 Section 122 of the Act imposes a duty on the Council to exercise the functions conferred on them by the RTRA as (so far as practicable having regard to the matters specified in S122 (2) 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’.
- 5.4.4 The matters set out in S122(2) are
- (a) the desirability of securing and maintaining reasonable access to premises;
  - (b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) 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;
  - (c) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
  - (d) 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
  - (e) any other matters appearing to the local authority to be relevant

- 5.4.5 Charging ensures that the borough does not become a 'car park' for those travelling into London from the south east, and that the Council's other policy aims set out in its Transport Strategy and Local Implementation Plan are fulfilled.
- 5.4.6 There is a legal requirement on the local authority to work towards air quality objectives under Part IV of the Environment Act 1995 and relevant regulations made under that part. The Council must also meet the requirements of the London Local Air Quality Management statutory process. The Council's Air Quality Action Plan (2016-2021) has been developed in response to these requirements and includes actions to be taken by the Council to improve air quality in Lewisham. Annual Status Reports are produced and submitted to the Greater London Authority, providing progress on actions and where appropriate, including additional actions. One of its primary objectives is to expand the Council's sustainable transport infrastructure and encourage the take-up of low or zero emission vehicles.
- 5.4.7 One of the key policy drivers for this update to the Parking Policy is the above commitment to improving air quality in the Borough. Road traffic generates a significant proportion of pollutants which can have an impact on health. Most vehicles typically use petrol or diesel fuels, each of which emit NO<sub>x</sub> and particulates which affect local air quality and public health, and also CO<sub>2</sub>, which contributes to climate change. Emissions from diesel vehicles have now been shown to be significantly more harmful to health than those from petrol vehicles.
- 5.4.8 As part of this interim update and to address the actions from the Council's Air Quality Action Plan, consideration is being given to the introduction of an emissions-based charging scheme for parking permits, with a diesel surcharge also being considered. This would address items 34 and 35 of the Air Quality Action Plan and provide incentives for permit holders to switch to lower emission vehicles.
- 5.4.9 Furthermore, the Mayor of London has committed to expanding the Ultra-Low Emission Zone to the inner London area bounded by the North and South Circular roads. From 25 October 2021 any petrol or diesel vehicle including cars, motorcycles and vans within this area will need to meet new tighter emissions standards called the Ultra-Low Emission Zone (ULEZ) standards.
- 5.4.10 The Council's proposals will therefore help to align with TfL's wider policy in readiness for the introduction of TfL's Ultra Low Emission Zone in 2021.
- 5.4.11 The Council's proposed charging structure for parking permits will be banded based on a vehicle's CO<sub>2</sub> emissions. An assessment of vehicles currently registered to the Council for permits has been used to determine the number and percentage of those vehicles that would be included in each emissions band. Proposed charges, based on these bandings are included in Appendix 2.
- 5.4.12 It should be noted that as people upgrade their vehicles, revenue from the scheme will drop, and assumptions and allowances will be made for this as far as is possible. It will be necessary to review the charges annually to ensure that the scheme remains effective. Any proposed changes will be reported in the Council's Annual Parking Report, which is presented every December.

- 5.4.13 Subject to consultation, it is proposed that the Council introduce emissions based charging for permits and also introduce a surcharge for diesel vehicles.
- 5.4.14 The Council's current policy is that upon application, a book of 10 one hour visitor parking permits will be provided free of charge to all households that currently have at least one paid annual resident parking permit. It is proposed to instead provide ten hours of visitor parking credit free of charge to all households that currently have at least one paid annual resident parking permit. This would be credited to the resident's on-line account and used via their mobile phone app at their convenience. For residents who have limited or no internet access, a book of vouchers could still be sent on application.
- 5.4.15 Additionally, the current policy provides that upon application, a book of ten (1 hour) visitor parking permits will be provided free of charge to any residents in CPZs who are over 60, and in receipt of Council Tax support, and do not have another parking permit per annum. It is proposed that this provision would be retained.
- 5.4.16 The upcoming new I.T. system will provide a more customer friendly environment than the current provision and will allow permit holders to more easily change the vehicle registered to their permit. Currently, a resident permit holder may register up to two cars per permit, so long as only one of these cars is parked on street. This allows permit holders to park one car on an off-street driveway or garage, with the other car parked in an on-street permit holder's bay. Since the new system will provide additional flexibility for residents to manage the vehicles registered to their permit, this provision will change so that only one vehicle is included on a permit. This ensures that all vehicles parked in permit holders' bays have a permit which also simplifies enforcement.
- 5.4.17 The other proposed amendment to the permit system would be to introduce a charge of £15 for the administration of refunds.

### **Permit Proposals for Consultation**

- **Proposal 1** to introduce banded charging for parking permits based on vehicle CO<sub>2</sub> emissions and to introduce an additional surcharge to the cost of parking permits for diesel vehicles;
- **Proposal 2** to provide ten hours of visitor parking credit free of charge to all households that currently have at least one paid annual resident parking permit, replacing the book of 10 one hour visitor parking permits provided on request, free of charge to households that currently have at least one paid annual resident parking permit.

## 5.5 Amendment to Penalty Charge Notice (PCN) charge bands

- 5.5.1 The Council is responsible for the enforcement of all waiting, loading and parking restrictions on roads for which the Council is the Highway Authority and also in Council operated off-street car parks.
- 5.5.2 Under the provisions of the Traffic Management Act 2004, local authorities in London may set Penalty Charges for parking contraventions to one of two bands, A or B.
- 5.5.3 These PCN bands are set by London Councils and shown in the table below.

<b>TABLE 1</b>	<b>Higher</b> (e.g. for parking on yellow lines or causing an obstruction)	<b>Lower</b> (e.g. where parking is permitted but regulations are contravened, such as an expired P&D ticket)
<b>Band A</b>	£130	£80
<b>Band B</b>	£110	£60

London Councils – Current levels of Penalty Charge Notice (set by London Councils April 2011)

- 5.5.4 Currently, PCNs issued for vehicles illegally parked on roads in Lewisham to the north of the A205/South Circular Road are set at Band A and PCNs issued on roads to the south of the A205/South Circular Road are set to Band B.
- 5.5.5 It is proposed that the Council adopts the use of Band A PCN charges for the whole of the borough. A number of other inner and outer London boroughs have already adopted this approach including Newham, Haringey, Hammersmith & Fulham, Croydon and Waltham Forest.
- 5.5.6 The implementation of the new Ultra Low Emission Zone (ULEZ) to the north of the A205/South Circular Road, starting in 2021, may result in some parking displacement outside of that area and the proposed use of Band A PCN charges is intended to provide an incentive to drivers to ensure that they are parked safely and legally.

### **Penalty Charge Notice Proposal for Consultation**

- **Proposal 3** to amend the Penalty Charge for parking offences so that the higher rate charges apply for the whole borough instead of being at a lower rate for roads south of the A205.

## 5.6 Disabled parking bays

- 5.6.1 The Council currently provides two types of disabled bay, following an initial assessment of each applicant under the current parking policy criteria.
- 5.6.2 Mandatory disabled bays are introduced following statutory consultation and the implementation of a Traffic Management Order (TMO). These bays may only be parked in by vehicles displaying a valid blue badge – vehicles not displaying a blue

badge may be enforced against and a Penalty Charge Notice (PCN) issued. Drivers issued with a blue badge who have a vehicle registered at their address are eligible to apply for a mandatory disabled parking bay, subject to certain criteria including road safety and the results of statutory consultation (required as part of the TMO process)

- 5.6.3 The second type of bay is an advisory marking, which may not be enforced and can still be parked in by any road user without penalty. They do not require a TMO. Blue Badge holders who have a vehicle registered at their home address in the borough (and do not live within a Controlled Parking Zone) can apply for an Advisory Residential Disabled Bay. If the blue badge holder is not the driver, the driver must be their recognised carer and must reside full time at the same address.
- 5.6.4 Under this proposal, only mandatory disabled bays would be provided by the Council.
- 5.6.5 The proposed processes and criteria under which applications for new mandatory disabled parking bays from residents in the borough are presented fully in Appendix 1. This includes revised criteria for a new bay based on assessment of medical need by a qualified person and also highway criteria under which a location would be assessed to determine if a disabled bay may be installed.
- 5.6.6 This proposal would mean that existing advisory disabled parking bays would be removed or, where the applicant meets the updated criteria, replaced with a mandatory disabled parking place. This will result in fewer disabled parking bays on-street, but the disabled parking bays that would be present would all be enforceable and PCNs could be issued to vehicles that park in them without a valid disabled blue badge. The proposed medical criteria have been set to prioritise residents with severe mobility issues. Residents within a CPZ with a blue badge may apply for a free residents parking permit. This would still be available to blue badge holders should they not meet the medical criteria for installation of a mandatory disabled parking bay.

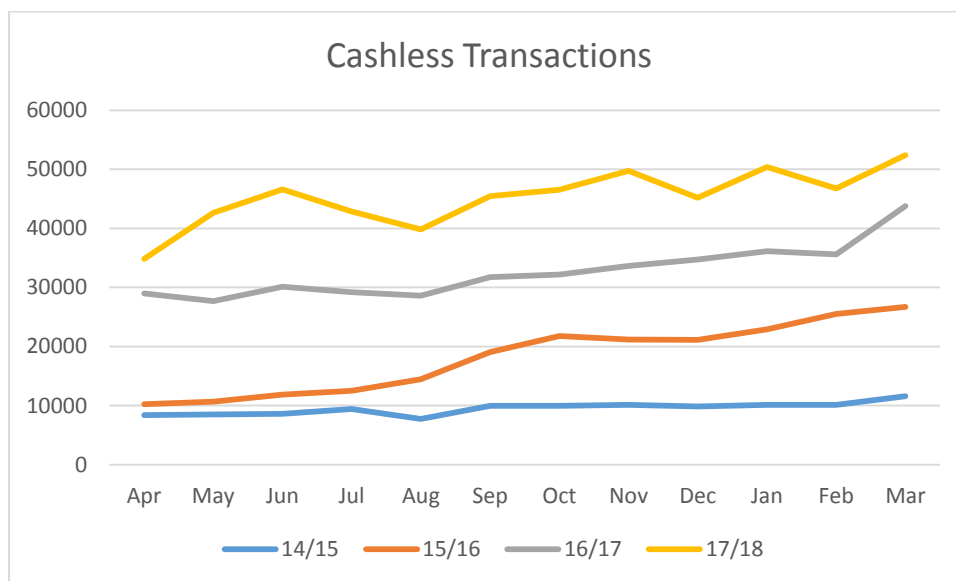
### **Disabled Bay Proposals for Consultation**

- 5.6.7 This proposal will be included in the parking policy consultation and include questions relating to:
- **Proposal 4** to provide only mandatory, enforceable disabled parking bays (and no longer provide advisory disabled parking bays)
  - **Proposal 5** to amend the application criteria to new criteria based on assessment of medical need by a qualified person and also highway criteria under which a location would be assessed to determine if a disabled bay may be installed.



## 5.7 Pay and display review

5.7.1 Currently, the Council has 187 Pay & Display machines in the Borough. The machines are between 10 and 15 years old and many are beyond repair. The cost of replacing all the machines would be in the region of £750,000. One way to mitigate this cost as well as create efficiencies within the service is to further encourage customers to opt for the cashless payment service. Over the years, motorists have been migrating from cash to cashless payments, as highlighted in the chart below. The volume of cashless transactions in 2017/18 was 38% higher than the previous year.



5.7.2 The total current income received from Pay and Display in 2018/19 is projected to be:

- £889,000 for cash transactions.
- £1,492,000 for cashless transactions

5.7.3 It is proposed that a full review is undertaken to rationalise the number of Pay and Display machines in the Borough which will consider the following:

- The number of machines located in a street
- The usage of each machine
- Cost analysis which will consider replacement of machines, cash collection and maintenance costs.

5.7.4 The key aim of the rationalisation programme is to provide new pay and display machines where there is demand and also investigate other methods of payment i.e. contactless and chip and pin card payments.

5.7.5 The Pay & Display hourly rate for parking is £1.40. Customers who chose to use the cashless payment system are charged an additional £0.20 per parking session; this is called a convenience fee and is charged by the service provider. Of this

convenience fee, £0.08 is retained by the council, and £0.12 is paid to the cashless service provider (RingGo).

5.7.6 Subject to consultation it is proposed that the following changes are made to parking fees:

1. The convenience fee is removed from the cashless parking service, to further encourage the use of cashless transactions. The council would still have to pay the service provider £0.12 convenience fee for each transaction.
2. The hourly rate for parking is raised to £1.60 for both cash and cashless transactions.

### **Pay and Display Proposals for Consultation**

5.7.7 This proposal will be included in the parking policy consultation and include questions relating to:

- **Proposal 6** to harmonise the hourly for parking to £1.60 for both cash and cashless payments.

### **5.8 Minor policy updates**

5.8.1 In order to ensure that the parking policy is up to date with current guidance, regulations and Council policy it is proposed to make certain minor amendments to the policy document. This will ensure that the policy document remains accurate and up to date. These amendments would not be specifically included in the proposed consultation.

5.8.2 These updates include:

- Making all parking permits available as virtual permits, where they are not already currently, reducing the need to issue paper permits
- Update references to key policy documents including the Mayor's Transport Strategy (2018), the Council's Transport Strategy and Local Implementation Plan 2019-2041 (LIP3), and the Lewisham Air Quality Action Plan (2016-2021).
- Include a section on the new floating car club permit agreed at Mayor and Cabinet on 12 December 2018.
- Include a new process for implementation of School Keep Clears as they no longer require a TMO.
- Update of the text for crossovers to match current planning policy
- Update the maximum loading time on yellow lines from 20 to 40 minutes. This is the standard for London and set by London Council's guidance and current TMOs.
- Provide a new appendix detailing the criteria for minor parking projects, such as new parking bays or yellow line restrictions. These criteria will include requests

from the public, road safety, technical need, supporting local business; and traffic flow and access.

- Revision to the prioritisation process for informal consultation on Controlled Parking Zones (CPZs) based on experience, feedback and updates to Council policy. This will provide a two stage process with areas identified from public requests and survey data, including from a proposed borough wide survey to help determine parking need, being taken forward to a second stage of prioritisation. The programme for CPZ consultations would be prioritised by criteria including the number of requests received, the presence of key parking generators such as transport hubs, recent review or extension of Controlled Parking Zones, upcoming new developments and links to the Council's current healthy neighbourhoods programme.

## **6. Feedback from the Sustainable Development Select Committee**

- 6.1 A report on the proposed consultation on amendments to the parking policy together with the Annual Parking Report for 2017/18 was submitted for review to the Sustainable Development Select Committee (SDSC) for review 12 December 2018.
- 6.2 The following comments relating to these reports were referred to Mayor and Cabinet:
- i. The Committee believes that the proposal for the removal of free visitor parking permits should be reconsidered in order to ensure that the change does not have a detrimental impact on the most vulnerable (including those with a need for care).
  - ii. The Committee recommends that officers should carry out further work to ensure that people parking in areas with two hour enforcement are not able to take advantage of online payment options to park all day (paying remotely for the period of parking control).
  - iii. The Committee is concerned that regular enforcement rounds rely too much on routine and that further work should be carried out to ensure that people parking are not able to easily anticipate the movements of enforcement agents.
  - iv. The Committee recommends that the Council should consider how enforcement of all types of parking infringement is carried out. Members believe that this should include the Council's approach to the enforcement of TfL 'red routes' as well as enforcement in the evenings and at weekends.
  - v. The Committee would support the growth of the parking service to increase enforcement activity whilst keeping income and expenditure at the same level.
  - vi. The Committee endorses the proposed measures to help improve air quality.
- 6.3 In response to item i above, this proposal has been amended as a result of the Mayor's requirement that, subject to consultation, the Council proposes to provide

ten hours of visitor parking credit free of charge to each household that currently has at least one paid annual resident parking permit, as shown in paragraph 5.4 of this report .

- 6.4 In response to item ii above, this can be considered as part of the designs for Controlled Parking Zones and does not require a change to parking policy. The only way of restricting motorists from parking all day by utilising the cashless option is to restricting parking to one hour and no return for two hours. This will eliminate commuters parking all day.
- 6.5 In response to item iii above, a full review is currently being undertaken which will ensure that the parking enforcement officers will patrol the streets at various times each day which should eliminate motorists contravening parking restrictions.
- 6.6 In response to items iv and v above, the service over the course of the next 6 months is reviewing its enforcement operations to ensure that the adequate enforcement is deployed to cover the whole Borough. We will engage with TFL to explore the possibility of taking over parking enforcement of the red routes.
- 6.7 Item vi has been noted and relates to the proposal to, subject to consultation, introduce emissions based charging for parking permits in Lewisham.

## 7. Consultation

- 7.1 It is proposed that the Council undertake a comprehensive consultation exercise on the proposed updates to the parking policy.
- 7.2 Subject to Mayor and Cabinet approval in March 2019 the intention is to go out to consultation with the public on key changes to the parking policy. This includes the following proposals as set out in section 5 of this report:
  - **Proposal 1** to introduce banded charging for parking permits based on vehicle CO<sub>2</sub> emissions and to introduce an additional surcharge to the cost of parking permits for diesel vehicles;
  - **Proposal 2** to provide ten hours of visitor parking credit free of charge to all households that currently have at least one paid annual resident parking permit, replacing the book of 10 one hour visitor parking permits provided on request, free of charge to households that currently have at least one paid annual resident parking permit.
  - **Proposal 3** to amend the Penalty Charge for parking offences so that the higher rate charges apply for the whole borough instead of being at a lower rate for roads south of the A205.
  - **Proposal 4** to provide only mandatory, enforceable disabled parking bays (and no longer provide advisory disabled parking bays)

- **Proposal 5** to amend the application criteria to new criteria based on assessment of medical need by a qualified person and also highway criteria under which a location would be assessed to determine if a disabled bay may be installed.
- **Proposal 6** to harmonise the hourly for parking to £1.60 for both cash and cashless payments.

- 7.3 This consultation would be a comprehensive consultation exercise with all stakeholders regarding the proposed policy updates, including the impact on air quality and the Councils approach to the proposed introduction of emissions based charging in the borough. The objective would be to establish if there is support for the proposals outlined in this report.
- 7.4 The consultation would be made available on-line and communicated through the usual Council channels. Opinions of groups including environmental groups, disability awareness groups, pedestrian and cycling organisations and freight transport associations would also be sought.
- 7.5 The consultation questions and supporting materials would be available on the Council website for six weeks.
- 7.6 The results of the above consultations will be brought forward to SDSC for review and discussion and then to Mayor and Cabinet for approval and sign-off prior to adoption of any approved policy changes. An indicative timetable is shown below.
- Mayor and Cabinet – March
  - Consultation Launch – May
  - Consultation six weeks – May/June
  - Analysis of consultation returns – June/July
  - Report to SDSC – September
  - Update Policy following SDSC Comments – October
  - Report to M&C – November

## 8. Financial implications

- 8.1 As part of the policy review, a modelling exercise has been undertaken to test the possible revenue implications of introducing emissions based charging for parking permits. However, this would not produce future year forecasts, which would be subject to the speed of uptake of cleaner vehicles by residents, businesses and staff. The objective of emissions based charging for parking permits would be not to generate additional income for the Council, but to encourage the take-up of low emission vehicles and improve air quality within the borough. Should more income be generated, this would be allocated to transport related projects.
- 8.2 The introduction of emissions based charges for parking may result in some additional income in the short term. It is expected that this income will reduce over

time as vehicle ownership moves toward less polluting vehicles. Any surplus income would be subject to the provisions of section 55 of the Road Traffic Regulation Act 1984 as described in paragraph 9.4 of this report.

- 8.3 The impact of the proposed review of Pay and Display in the borough is outlined in section 6.
- 8.4 The aim of implementing Band A PCN charges is to provide an incentive to drivers to ensure that they are parked safely and legally. It is hoped that a higher charge will encourage compliance, which from a revenue perspective may offset the increase in the charge.
- 8.5 There will be a cost implication to the Council of implementing the proposed changes to the disabled parking policy. At present, there are more than 150 mandatory disabled bays in the borough. An accurate estimate of the number of active advisory disabled bays is difficult to obtain, as they may be left to fade/wear out if no longer required. Our current estimate is that there could be as many as 1500 advisory bays within the Lewisham area. Assessment of these bays would require a survey of the borough and consultation with affected residents; this could be accomplished in stages and would likely cost in the region of £20,000, taken from existing parking budgets. Requests for new mandatory bays (to replace the advisory bays) would require Traffic Management Orders (TMOs), which could be implemented in batches as per the current arrangement. The cost of marking the bays is around £50 per bay, with no signage proposed in alignment with the latest DfT guidance. A full assessment of this cost would form part of this process.
- 8.6 None of the other proposed changes to the Parking Policy have any financial implications.

## **9. Legal implications**

- 9.1 The Road Traffic Regulation Act 1984 (RTRA) sets out the legal framework for parking permits, traffic management orders (which are required to establish parking zones or set restrictions such as yellow lines), removal to the car pound and related financial controls. Paragraph 5.4 of this report sets out the specific powers and obligations contained within Sections 45(3) and 122.
- 9.2 The procedures for making traffic management orders and the form that they should take are set out within the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and also together with the procedure for orders pursuant to S45 and 46 in Schedule 9 to the RTRA. This includes a statutory duty to consult, which will be in addition to any consultation set out in the report.
- 9.3 The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations require that orders made under the RTRA 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

- 9.4 Section 55 of the RTRA provides that a London authority must keep an account of its income and expenditure in relation to any parking places provided on the highway. At the end of each financial year any deficit in the account shall be made good out of the general fund and any surplus must be either carried forward to the following year or applied for all or any of a number of specific purposes set out in that section. In London this includes the power to use it towards meeting all or any part of the cost of the doing by the authority in its area of anything which facilitates the implementation of the London transport strategy (i.e. the Mayor's Transport Strategy 2018 as referred to in paragraph 4.2) and which is for the time being specified in that strategy as a purpose for which a surplus may be applied. Case law has confirmed that these powers should not be used for the purpose of generating a surplus but as long as the authority sets its charges for a valid purpose having taken into account all relevant considerations the fact that those charge lead to a surplus would not render the charges unlawful.
- 9.5 The Traffic Management Act 2004 (TMA) is the primary legislation for the management of parking in England. It reinforces the legal duty under the RTRA to ensure the expeditious movement of traffic. Part 6 of the TMA affects parking and is accompanied by statutory and operational guidance documents. Councils are legally obliged to 'have regard to' the former, while the latter sets out the principles underlying good parking management and recommends how this can be achieved.
- 9.6 The main principles advocated in the TMA statutory guidance are:
- managing the traffic network to ensure expeditious movement of traffic, (including pedestrians and cyclists), as required under the Traffic Management Act 2004 Network Management Duty
  - improving road safety
  - improving the local environment
  - improving the quality and accessibility of public transport
  - meeting the needs of people with disabilities, some of whom will be unable to use public transport and depend entirely on the use of a car
  - managing and reconciling the competing demands for kerb space.
- 9.7 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.
- 9.8 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
  - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.

- 9.9 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, 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.
- 9.10 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: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>.
- 9.11 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
- 9.12 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: "<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>".

## **10. Crime and Disorder Implications**

- 10.1 There are no crime and disorder implications directly arising from this report.

## **11. Equalities implications**

- 11.1 All staff are trained to meet their responsibilities as outlined in the Equality Act 2010.



11.2 An Equalities Impact Assessment will be undertaken as part of the consultation process for the parking policy update in regard to each of the six key proposals.

11.3 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.4 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

11.5 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

11.6 The following table provides an overall assessment of the policy as a whole. Further detail is then provided where there is considered to be an impact.

Expected impact on service equalities for users – High / Medium / Low, neutral or N/A			
Ethnicity:	N/A	Pregnancy / Maternity:	N/A
Gender:	N/A	Marriage & Civil Partnerships:	N/A
Age:	L	Sexual orientation:	N/A
Disability:	L	Gender reassignment:	N/A
Religion / Belief:	N/A	Overall:	L

11.7 In regard to the introduction of emissions based charging for parking permits, there is a risk that people on lower incomes may not be able to afford to change to a lower emission vehicle in the short term. However, alternative more affordable travel options are available: walking, cycling, public transport, car club.

11.8 In regard to the proposed criteria for assessment of disabled bay applications, officers have had due regard to persons with protected characteristics. People with disabilities would be assessed against the proposed criteria based on an assessment of medical need instead of a requirement that the applicant be both a driver and a blue badge holder.

11.9 In regard to the proposed consultation, the Council will undertake an Equalities Impact Assessment following the consultation to ensure that due regard has been given to persons with protected characteristics.

## 12. Environmental implications

- 12.1 There is a legal requirement on the local authority to work towards air quality objectives under Part IV of the Environment Act 1995 and relevant regulations made under that part. Paragraph 5.4 of this report sets out the specific obligations contained within Section 80.
- 12.2 The introduction of emissions based charging for parking permits is expected to lead to the adoption of lower emission vehicles leading to a resulting overall improvement in air quality. See paragraph 5.3 of this report for further details. The net impact of the Parking Policy, and of the proposed policy changes, is therefore expected to be beneficial to the environment, through the reduction of emissions from road traffic in the Borough.

## 13. Background documents and originator

- 13.1 It is proposed that the council consult on update to the Lewisham Parking Policy 2014. Supporting documents for this update include:
- **Lewisham Parking Policy (2014)**  
<https://www.lewisham.gov.uk/myservices/parking/Documents/ParkingPolicyOctober2014.pdf>
  - **Annual Parking Report (2017)**  
<http://councilmeetings.lewisham.gov.uk/documents/s61308/06%20Annual%20Parking%20Report%202017-18%20121218.pdf>
  - **Draft Transport Strategy and Local Implementation Plan 2019-41 (LIP3)(2018)**  
<http://councilmeetings.lewisham.gov.uk/ieDecisionDetails.aspx?AllId=21762>
  - **Mayors Transport Strategy for London (Greater London Authority 2018)**  
<https://www.london.gov.uk/what-we-do/transport/our-vision-transport/mayors-transport-strategy-2018?intcmp=46686>
  - **Lewisham Air Quality Action Plan (2016-2021)**  
<https://www.lewisham.gov.uk/myservices/environment/air-pollution/Documents/LewishamAirQualityActionPlanDec2016.pdf>
- 13.2 If there are any queries on this report please contact Jonathan Fish, Principal Parking Engineer at [jonathan.fish@lewisham.gov.uk](mailto:jonathan.fish@lewisham.gov.uk).

## 14. Appendices

- Appendix 1 – Draft for consultation - Disabled Parking Bays  
Appendix 2 – Emissions Based Charging - modelling

## **Appendix 1 – Draft for consultation – Disabled Parking Bays**

Disabled Parking Bays are designated parking spaces on the public highway, which allow Blue Badge holders to park close to residential properties and key destinations.

Lewisham Council only offer 'formal' disabled parking bays, which carry a Traffic Management Order and are therefore legally enforceable. Advisory bays (bays without sign and post), which do not carry a Traffic Management Order, are no longer offered due to changes in the Traffic Signs Regulations and General Directions 2016. These bays are being phased out with qualifying residents able to apply for a formal bay at any time.

Qualifying residents are entitled to apply for a disabled parking bay to be installed near to their property, subject to meeting both the medical and highway criteria outlined below. Not all applications will be successful, and Lewisham Council will not approve more than one application per formal address for a disabled parking bay.

If a disabled parking bay is approved and installed, the bay may be utilised by all blue badge holders, and are not for the sole use of the resident for which the bay was implemented.

Approved disabled parking bays would be require a Traffic Management Order installed in batches in order to reduce the cost borne by the council and the applicant, so it may take several months for a disabled parking bay to be installed.

### **Medical Criteria**

1. To qualify for a formal disabled parking bay, applicants must be in receipt of either:
  - a) Disability Living Allowance (DLA) Higher Rate Mobility OR;
  - b) Personal Independence Payment (PIP) mobility component with 10 points or more for 'moving around' OR;
  - c) Attendance Allowance Higher Rate.
2. Applicants must hold a valid blue badge.
3. The blue-badge holder does not have to be the driver of a vehicle, but any driver (if not the applicant) must live at the same address as the blue badge holder.
4. Parents/carers of children under the age of three, would not be entitled to apply for a formal disabled parking bay for the use of that child unless that child is always accompanied by bulky medical equipment which cannot be carried around without great difficulty and/or need to be kept near a vehicle at all times. Applications of this nature will be assessed on a case by case basis depending on the circumstance of the applicant.

## Highway Criteria

1. Disabled parking bays are considered on a case by case basis, but they will not be installed in locations where the bay:
  - a) Compromises safety;
  - b) Restricts traffic flow;
  - c) Blocks access;
  - d) Would be situated more than 50 metres from the property front door;
  - e) Would replace existing waiting and loading restrictions;
  - f) Would be positioned on a red route.
2. The closest available parking space to the applicant's front door will be the only location that is considered for the installation of any bay.

Highway conditions will be assessed by an Engineer from Lewisham Council by means of a site visit.

## Off-Street Parking

Disabled parking bays will not be authorised if the applicant has access to an adequate off-street parking facility such as a garage or a driveway/hardstanding. Please see notes below. Any adequate off-street parking facility available to a household shall be prioritised to the disabled user, and not to other non-disabled vehicle users from within the same household/building.

## Existing Garage

Garages will be deemed adequate off-street parking facilities if:

- The internal dimensions of the garage are a minimum of 5.0 metres deep and 2.7 metres wide;
- The passage from the garage to the property is suitable for disabled access;
- There is a vehicular crossover serving the garage (dropped kerb).

Where internal dimensions are provided, but are obstructed by the storage of household goods or similar, it is the responsibility of the resident to remove the items to provide adequate parking space.

If reasonable alterations can be made within the boundary of the property to improve access to a garage, then this will also be the responsibility of the resident and the DPB application will be refused.

Where there is a garage that meets the above criteria, but there is no vehicular crossover (dropped kerb) serving that garage, applicants will be expected to apply for a vehicular crossover to park their vehicle off-street, and a Disabled Parking Bay application would be refused.

Where there is a garage that meets the above criteria, and the blue badge holder requires a specially adapted vehicle that cannot fit within the space, then the application for a disabled parking bay may still be approved, but will be assessed on a case by case basis.

## Curtilage Parking Space (Driveway/Hardstanding)

Curtilage parking spaces will be deemed adequate off-street parking facilities if:

- There is a vehicular crossover (dropped kerb) serving the space;
- The dimensions of the space are a minimum of 4.8 metres deep and 2.7 metres wide (or a minimum of 2 metres wide if the vehicle door on one side can be fully opened);
- The gradient of the space does not exceed 5% (1 in 20)

Where the minimum dimensions for a curtilage parking space can be achieved through reasonable alterations on the applicant's property, then the applicant is expected to make these alterations and an on-street Disabled Parking Bay application will be refused.

If reasonable alterations can be made within the boundary of the property to improve access to the curtilage parking space, then this will also be the responsibility of the resident and the DPB application will be refused.

Where there is a curtilage parking space that meets the above criteria, but there is no vehicular crossover (dropped kerb) serving that space, applicants will be expected to apply for a vehicular crossover to park their vehicle off-street, and a Disabled Parking Bay application would be refused.

Where there is an off-street parking space that meets the above criteria, and the blue badge holder requires a specially adapted vehicle that cannot fit within the space, then the application for a disabled parking bay may still be approved, but will be assessed on a case by case basis.

## **Appendix 2 – Emissions Based Charging - modelling**