

Sustainable Development Select Committee		
Title	Parking Policy Update: consultation results and recommendations	
Contributors	Jon Wallace, Head of Highways & Transport Ralph Wilkinson, Director of Public Services Seamus Adams, Parking Services Manager	Item 4
Class	Part 1 (open)	4 December 2019

1. Summary

- 1.1 The Council's current Parking Policy was approved by Mayor and Cabinet in 2014. It was agreed that the policy would be updated in 2019 to bring it in line with current legislation, best practice and other feedback received and to take into account the Council's commitment to improving air quality in the Borough.
- 1.2 Following consultation with SDSC in December 2018 and approval received from the Council's Mayor and Cabinet in March 2019, the Council committed to consult with the public on key changes to the parking policy during 2019. This public consultation ran from 10th June to 2nd August.
- 1.3 The consultation was one of the most extensive undertaken in recent years by Lewisham Council. Care was taken to ensure that the consultation was promoted to as wide and diverse an audience as possible. As a result, 3767 responses were received and officers are satisfied that the results provided are representative of the borough as a whole.
- 1.4 Support was demonstrated for most proposals included in the consultation and it is recommended that the proposals made during the policy review are adopted with minor amendments suggested following the feedback received.

2. Purpose

The purpose of this report is to present the results of the parking policy consultation and to seek the views of the Committee on the recommended amendments to the Parking Policy as a result.

3. Recommendations

- 3.1 The Committee is recommended to:

- 1) Note the results of the public consultation;
- 2) Endorse the following updates to the Council's parking policy:

- i. The introduction of an emissions based charging scheme for parking permits, as set out in the charging bands proposal in Appendix 4 and detailed in section 6.4 of this report. A separate £50 surcharge for diesel vehicles should also be implemented, but diesel vehicles that conform to the most recent vehicle emissions standards (Euro VI standards or higher) should be exempted. This exemption standard should be reviewed annually and revised per the latest research and emissions standards. Any refunds that need to be issued will incur a £15 administration cost;
- ii. To automatically provide ten hours of visitor parking credit annually free of charge to all households when they purchase at least one paid annual resident parking permit as detailed in section 6.5 of this report and to increase the cost of visitor permits as set out in that section and in Table 1;

	Current cost	Proposed cost
1 hour	£1.40	£1.60*
Book of 10 vouchers	£10.00	£16.00
5 hours	£2.80	£3.20
Daily	£5.60	£6.40
Weekly	£20.00	£25.60

*sold as part of a book of 10 permits

TABLE 1 – Proposed increase to the cost of visitor permits

- iii. To approve the proposal to harmonise the rate for PCNs at the Band A rate across the borough, as detailed in section 6.6 of this report. Approval for this will then need to be sought from London Councils;
- iv. To provide only mandatory, enforceable disabled parking bays (and no longer provide advisory disabled parking bays), as detailed in section 6.7 of this report;
- v. To amend the application criteria for disabled bays to new criteria set out in Appendix 6. Further details regarding this can be found in section 6.7 of this report;
- vi. To increase the tariff for pay and display parking to £0.50 for each 15 minute period for both cash and cashless payments as shown in section 6.8;
- vii. To rationalise the number of pay and display machines in the borough as shown in section 6.8; and
- viii. To make the minor amendments, as detailed in 6.11 of this report.
- ix. Remove the limit on the number of ‘floating car club permits’ issued to car club operators, with this monitored closely by officers, as set out in section 6.12.

4. Policy context

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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 items 34 and 35 of the Council's Air Quality Action Plan (2016-2021) and provides incentives for permit holders to switch to lower emission vehicles

5. Background

- 5.1 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 2019 to bring the policy in line with current legislation and best practice.

- 5.2 Following an officer level review, a report was presented to SDSC in December 2018 including proposals for an update to the Lewisham Parking Policy with certain options to be taken forward to public consultation. Recommendations from SDSC were taken forward and incorporated into a report presented to Mayor and Cabinet in March 2019. Approval was granted by the Mayor to go forward with public consultation on the proposed updates to the parking policy, to take place in 2019.
- 5.3 The public consultation ran from 10th June to 26th July 2019. This was extended by a week to Friday 2nd August to enable some final comments to be captured. The objective was to obtain feedback regarding the proposals outlined in this report.
- 5.4 The consultation questionnaire and supporting documents were available on-line via the consultation portal on the Council's website and the consultation was communicated by a wide ranging awareness exercise. This exercise included local press, an article in the Council newsletter "Lewisham Life", email notification via Council mailing lists, use of on-street advertising at bus stops across the borough and through social media. Opinions of groups including environmental groups, disability awareness groups, pensioners, pedestrian and cycling organisations and transport associations were sought. All permit holders were also sent a consultation questionnaire.
- 5.5 A total of 3,767 survey responses to the consultation were received during this eight week period. The response rate was some eight times larger than most public consultations conducted by the council, and significantly above the 500 or so required to deliver a statistically significant survey, given the population of the borough. This is thought to be due to the awareness campaign that was run and the public interest in the consultation content, which was designed to appeal to everyone in the borough, rather than solely motorists.
- 5.6 A report on the public consultation, including details of the methodology and a breakdown of the responses received to the consultation, can be found in Appendix 1 with a breakdown against each policy proposal in section 6.
- 5.7 A separate internally-focussed survey was conducted amongst staff regarding Staff Permits. A summary can be found in section 6.9 of this report, with a detailed report provided as Appendix 2.
- 5.8 The Council issues business permits to Lewisham hospital staff and also issues a permit to park for up to 2 hours in a CPZ to NHS staff and Council officers carrying out essential health services to the Borough. As part of the consultation, we contacted and spoke with a variety of administrators who manage the allocation of permits for NHS staff. Details regarding this are presented in section 6.10.
- 5.9 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. This includes certain minor updates to the policy which are presented in section 6.11.
- 5.10 Following review and discussion at SDSC, any recommendations will be brought forward to Mayor and Cabinet for approval and sign-off prior to adoption of any approved policy changes. An indicative timetable is shown below.

- Report to SDSC – 28 October
- Update Policy following SDSC Comments – November
- Report to M&C – 11 December
- Publication of updated Parking Policy – TBC
- Borough wide parking review – Spring 2020
- Implementation of new emissions based permit charges – April 2020

5.11 It is suggested that the next Parking Policy Review be undertaken in another 4-5 years, by which time the impact of the extended ULEZ, and the initial stages of implementation of our Transport Strategy will be known. Updates to the parking policy may also be required in response to changing local or regional policies.

6. Policy proposals as a result of the consultation

6.1 A report summarising the results of the consultation is presented in Appendix 1. Proposed amendments to the Parking Policy as a result of the consultation are summarised below.

6.2 This section addresses each proposal in turn, providing details of the original proposal presented in the consultation, the policy background, a summary of the consultation results, the proposed recommendations following the consultation and the justification for each recommendation.

6.3 The consultation provided respondents with the facility to provide written answers for particular comments or concerns. A common response to the consultation was that proposals are viewed as a revenue-raising exercise by the Council. While revenue could be expected to increase in the short-term as a result of the new charging structure, it is expected that, as people upgrade their vehicles, revenue from the scheme would decrease over time. In addition, some of the proposals will reduce income, such as the allocation of free visitor credit proposed in section 6.5.

6.4 Proposal 1: Introduction of an emissions based charging scheme

Original consultation proposal: to introduce banded charging for parking permits based on vehicle CO₂ emissions and to introduce an additional surcharge of £50 to the cost of parking permits for diesel vehicles;

Policy justification

6.4.1 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.

6.4.2 Charging helps to prevent the borough from becoming a 'car park' for those travelling into London from the south east, and to fulfil the Council's other policy aims set out in its Transport Strategy and Local Implementation Plan 2019-2041.

- 6.4.3 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 as set out in Council's Air Quality Action Plan (2016-2021). One of the actions from this plan was to investigate the feasibility of emissions based parking charges, as well as a diesel surcharge.
- 6.4.4 The introduction of an emissions based charging scheme for parking permits would be in support of these measures and provide incentives for permit holders to switch to lower emission vehicles.
- 6.4.5 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, Ultra-Low Emission Zone (ULEZ) standards. 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.
- 6.4.6 In February 2019 Lewisham Council agreed a motion to declare a 'Climate Emergency' and asked Mayor and Cabinet to agree a new climate change action plan by the end of 2019/20 with the aims of making the borough carbon neutral by 2030. Transport is a significant source of carbon emissions as well as other pollutants harmful to air quality and this proposal, with reductions in CO₂ emissions, will move the borough closer to this goal.
- 6.4.7 The Council's proposed charging structure for parking permits will be banded based on a vehicle's CO₂ 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 4.
- 6.4.8 As previously noted, the purpose of emissions-based charging is to encourage vehicle owners to switch to less polluting vehicles. As people respond to the scheme by upgrading their vehicles, 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.

Proposal details – residents

- 6.4.9 Existing costs for residents' permits are included in Appendix 3. The proposed new costs of resident permits can be found in Appendix 4. These costs will be banded based on vehicle CO₂ emissions reflecting HMRC banding of cars (i.e. the bandings that are used to determine vehicle excise duty rates). A surcharge of £50 will be applied to diesel vehicles.
- 6.4.10 The proposed cost of visitor permits is covered in section 6.5 of this report, but is not intended to be emissions based. When the technology advances we may look at emission based charging for visitor parking.

Proposal details – other users (business, council staff, hospital staff)

6.4.11 Details of existing permits for users other than residents can also be found in Appendix 3. The costs for these permits will also be banded based on vehicles CO₂ emissions reflecting HMRC banding for motor vehicles. It is proposed to rationalise these permits to improve clarity and improve the customer experience when purchasing permits on the on-line portal or via a mobile device. This includes Lewisham Council staff permits, and permits for health workers. Lewisham staff were consulted separately, using the same questionnaire with details available in section 6.9. Health service administrators were 6.10.

All permit holders were sent a consultation questionnaire

Summary of consultation results

6.4.12 The public consultation, details of which are included in the consultation report in Appendix 1, with the questions on Air Quality in section 3.1 of this appendix covering this proposal, showed that over three-quarters (77%) of respondents agreed with the Council's policy to improve air quality within the borough. In further support of this, of the respondents who answered the same questions regarding Business Permits, 81% agreed with this policy.

6.4.13 The consultation also provided significant support (77%) for the Council to encourage people to drive less polluting vehicles. In further support of this, of those respondents who also answered the same questions regarding Business Parking Permits, 81% agreed with this policy.

6.4.14 A majority (58%) of respondents agreed that the Council should introduce lower rates for vehicles with lower emissions. It is worth noting that 21% strongly disagreed with this, however.

6.4.15 While a high proportion (85%) of respondents are aware of the health issues posed by diesel vehicles, support for a £50 surcharge on permit was 51% in favour and 47% against. A number of comments were received highlighting the more stringent EU emissions controls on new diesel vehicles.

6.4.16 While not part of the original proposals, officers took the opportunity to ask whether parking permit charges should be reviewed on an annual basis. These charges haven't been reviewed for a number of years previously. A little over half of respondents (66%) were in favour of an annual review (44% strongly), but 20% objected (13% strongly). A number of comments were raised regarding the council's objectives in raising revenues over and above a basic desire to 'control' parking in particular areas/streets of the borough.

Summary of key points raised in verbatim comments

6.4.17 The consultation provided respondents with the opportunity to submit written/verbatim comments regarding the proposals. These comments have been

considered as part of this report and are available as background documents for reference.

- 6.4.18 Some concerns were raised that the proposed surcharge for diesel vehicles did not reflect the exemptions in the existing TfL ULEZ scheme. These concerns have been taken on board and the proposal has been revised to allow for exemptions to the surcharge for diesel vehicles that conform to the most recent vehicle emissions standards (the Euro VI standards or higher). This will be kept under review, and officers will continue to explore the feasibility, and justification, of moving to a Euro standard based system.
- 6.4.19 Views were also expressed that the diesel surcharge could be viewed as a punishment for owners that purchased diesel vehicles based on government advice. Government grants are available to assist with the purchase of cleaner vehicles. For instance the Mayor of London has already made grants available to 'micro' businesses, sole traders and charities to replace vehicles that don't meet ULEZ standards, as part of the launch of this scheme. There are also further plans for those on lower incomes due to be announced.
- 6.4.20 Respondents asked for provision of more electric vehicle charging points on Lewisham Roads. There are existing programmes under the council's Low Emission Vehicle Charging Strategy for 2018–2022 and planning policies to either directly install new electric vehicle charging point bays directly or require their installation as part of planning conditions. The vision for this strategy is to ensure that all of Lewisham's residents, businesses and visitors are within 500m of a charging point by 2021, with a range of options available that remain fit for purpose and encourage further uptake of low emission vehicles.
- 6.4.21 Certain comments such as requests to plant more trees or concerns regarding conversion of front gardens to driveways are out of the scope of this review but are regularly considered as part of other council schemes. In response to the cumulative impact guidance on the permeable surfacing of front gardens was produced that requires planning permission for any garden hard-landscaped for more than five square metres. Further detail can be found online at <https://www.gov.uk/government/publications/permeable-surfacing-of-front-gardens-guidance>. When assessing applications, we would require that the material used for hard landscaping is permeable so water does not run off on to the highway and includes suitable drainage measures.

Policy recommendation

- 6.4.22 **Policy recommendation:** the introduction of an emissions based charging scheme for parking permits should be adopted, as set out in the charging bands proposal in Appendix 4. A separate £50 surcharge for diesel vehicles should also be implemented, but diesel vehicles that conform to the most recent vehicle emissions standards (currently the Euro VI standards or higher) should be exempted. This exemption standard should be reviewed annually and revised per the latest research and emissions standards.

6.4.23 Permits will also be available to buy for set time periods (one month, 3 months, 6 months or 12 months), all of which will be pro rata and will not penalise or incentivise anyone wanting to buy a permit for shorter or longer periods. Any refunds that need to be issued will incur a £15 administration cost.

6.5 **Proposal 2: Visitor parking credits**

Original consultation proposal: to automatically provide ten hours of visitor parking credit free of charge annually to all households that currently have at least one paid annual resident parking permit; this replaces 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.

Policy background

- 6.5.1 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. This is provided as a book of scratchcards posted to the applicant.
- 6.5.2 It is proposed to instead provide ten hours of visitor parking credit free of charge to all households when they purchase at least one paid annual resident parking permit. The credit would be applied to the resident's on-line account and used via their mobile phone app at their convenience. This would remove the requirement for residents to apply for the allocation of visitor permits, making this process fairer and more transparent for users. As a result of this change, the allocation of visitor permits would be made using the new on-line service or via a mobile device, thereby removing the need to post physical permits to residents except in those cases where they are not able to use or access the internet, where they would be available on request. Any further permits that need to be purchased can be done so on-line and will be held in their account as and when they need to use them.
- 6.5.3 The costs of visitor permits have not been increased since 2011. It is proposed to increase the cost of visitor permits, as shown in Table 1, and shown in detail in Appendix 4. Visitor permits are not intended to be charged on an emissions basis at this time. When the technology advances we may look at emission based charging for visitor parking.

	Current cost	Proposed cost
1 hour	£1.40	£1.60*
Book of 10 vouchers	£10.00	£16.00
5 hours	£2.80	£3.20
Daily	£5.60	£6.40
Weekly	£20.00	£25.60

**sold as part of a book of 10 permits*

TABLE 1 – Proposed increase to the cost of visitor permits

- 6.5.4 Residents with limited or no internet access would still be able to apply for a book of vouchers. 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.

Summary of consultation results

- 6.5.5 A detailed analysis of responses to the public consultation can be found in Appendix 1, with Section 3.1 of the appendix including a breakdown and analysis of relevant questions for the proposed emissions based permit charges. Section 3.2 covers some permit specific questions. The majority (84%) of respondents were aware that anyone with a parking permit in a CPZ could apply for free parking for visitors per year. There was a clear majority (82%) in support of this remaining the case. A little under half (46%) of respondents stated that they used visitor permits for their guests.

Summary of key points raised in verbatim comments

- 6.5.6 Comments were received stating that the proposals are viewed as a revenue raising exercise by the council and more than the ten hour allocation should be provided. While the council appreciates these concerns, it should be noted that the cost of visitor permits has not increased since 2011.
- 6.5.7 Section 55 of the Road Traffic Regulation Act requires London Authorities to keep an account of income and expenditure in relation to parking place provided on the highway 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.
- 6.5.8 In Lewisham, any surplus income generated from permit sales is used to support the funding of concessionary fares such as the Freedom Pass which allows free travel across London for older people and disabled persons, which is in line with this Act. The council recognises that the current system can be improved with new technology which we will be implementing in the online permit system which will be much more customer friendly and reliable.
- 6.5.9 Respondents also stated the visitor permits are needed for business visitors and tradespeople as well as family and friends. Visitor permits, including this credit allocation can be used for any visitor and the new permit system will make this process more flexible and easier to use.
- 6.5.10 The council is implementing a new parking IT system which improve the customer journey to be more user friendly. This will make it easier to apply for a permit in-line or via the mobile app and will provide automated reminders for permit expiry by email and text. This system will provide more flexibility in how visitor permits may be used by residents. For example, residents would be able to forward visitor permits to visitors and tradespersons via the app, providing those visitors with the flexibility to enter their vehicle details, parking time and duration etc. Residents would also be able to save details of regular visitors, should they wish, making it simpler to allocate permits to those regular visitors.

6.5.11 Some concerns were raised regarding Car Club vehicles parking in CPZs. There are in excess of 12,000 car club members registered in Lewisham, with vehicles including plug-in hybrids and electric vehicles. Each car club vehicle typically results in eight privately owned vehicles being sold, and members reducing their annual car mileage by more than 25 per cent.

6.5.12 Comments regarding visitor permits also highlighted the prevalence, and likely increase, in converting front gardens to hardstanding (impervious to rainfall, with attendant environmental/ flooding results) in order to bypass annual parking permit charges. Paragraph 6.4.21 of this report responds to this comment

Policy recommendation

6.5.13 **Policy Recommendation:** To approve the original consultation proposal and automatically provide ten hours of visitor parking credit free of charge to all households when they purchase at least one paid annual resident parking permit and to increase the cost of visitor permits as set out in Table 1.

	Current cost	Proposed cost
1 hour	£1.40	£1.60*
Book of 10 vouchers	£10.00	£16.00
5 hours	£2.80	£3.20
Daily	£5.60	£6.40
Weekly	£20.00	£25.60

*sold as part of a book of 10 permits

TABLE 1 – Proposed increase to the cost of visitor permits

6.6 **Proposal 3: Penalty Charge Notice pricing**

Original consultation proposal: 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.

Policy justification

6.6.1 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.

6.6.2 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.

6.6.3 These PCN bands are set by London Councils and shown Table 2.

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

TABLE 2 - London Councils – Current levels of Penalty Charge Notice
(set by London Councils April 2011)

- 6.6.4 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.
- 6.6.5 It is recommended that the Council adopts the use of Band A PCN charges for the whole of the borough. This would bring Lewisham’s approach into line with similar inner and outer London Boroughs such as Croydon, Enfield, Newham, Haringey, Hammersmith & Fulham, and Waltham Forest.
- 6.6.6 It is considered that the implementation of the new Ultra Low Emission Zone (ULEZ) to the north of the A205/South Circular Road, starting in 2021, is likely to result in some parking being displaced from the current Band A area into the current Band B area. It is hoped that the introduction of the higher charge in the south of the Borough will help to discourage an excess of illegal parking in the south of the Borough.

Summary of consultation results

- 6.6.7 A majority (69%) of those that responded to the consultation did not agree that penalty charges should be cheaper in the south of the borough, and three-quarters (75%) of those answering the question agreed that fines should be uniform across the borough.

Summary of key points raised in verbatim comments

- 6.6.8 Some comments stated that PCN charges are too high, even at the lower rate. However, the available rates for penalty charges are set by London Councils, with boroughs only deciding which of the Band A or Band B rates to apply.
- 6.6.9 There were concerns expressed in the comments that the grace and observation periods for enforcement are too short. The observation periods for parking offences are set out in the Operational Guidance for Civil Enforcement Officers issued by the Department for Transport.
- 6.6.10 The rules for signing are set-out out in the Traffic Signs Regulations and General Directions 2016. This prescribes the wording the must be used on regulatory traffic signs

Policy recommendation

6.6.11 **Policy Recommendation:** To approve the proposal to harmonise the rate for PCNs at Band A across the borough. Approval for this will then need to be sought with London Councils.

6.7 **Proposals 4 and 5: Changes to provision of disabled parking places**

6.7.1 **Original consultation proposal 4:** to provide only mandatory, enforceable disabled parking bays (and no longer provide advisory disabled parking bays)

Original consultation 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.

Policy background

6.7.2 The Council currently provides two types of disabled bay, following an initial assessment of each applicant under the current parking policy criteria.

6.7.3 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).

6.7.4 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.

6.7.5 Under this proposal, only mandatory disabled bays would be provided by the Council to ensure that disabled bay provision may be properly enforced.

6.7.6 The proposed new criteria, set out in Appendix 6, 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

Summary of consultation results

- 6.7.7 The consultation sought to establish the size of the population that identified as being disabled, with 9% of respondents identifying themselves as disabled, with 5% who preferred not to say.
- 6.7.8 There is significant support, with 92% of respondents in favour, for the proposal that all marked disabled bays should be enforced through PCNs to ensure that only Blue Badge vehicles can use them.

Summary of key points raised in verbatim comments

- 6.7.9 Comments were received during consultation that more and better policing of disabled bays is needed. This proposal would result in only mandatory, enforceable bays being provided ensuring that any abuse of disabled bays can result in the issue of PCNs.
- 6.7.10 Requests were made via the comments that unused bays should be rationalised. Should this proposal be adopted, there will be a review of existing disabled bay provision, although this will be focused mainly on advisory bays.
- 6.7.11 Some comments did request clarification regarding “vehicle” vs “person” with regards to parking permission and permits. Details on the use of blue badges in disabled parking places are set out in guidance provided to blue badge holders when the badges are issued.

Policy recommendation

- 6.7.12 **Policy recommendation:** to provide only mandatory, enforceable disabled parking bays (and no longer provide advisory disabled parking bays) and 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, as set out in Appendix 6

6.8 **Proposal 6: Pay and display / pay by phone parking charges**

- 6.8.1 **Original consultation proposal:** to harmonise the hourly rate for parking to £1.60 for both cash and cashless payments and to rationalise the number of pay and display machines in the borough.

Policy background – parking charges

- 6.8.2 The pay and display hourly rate for parking is currently £1.40, and has been since 2011. Customers who choose 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.

- 6.8.3 In the process of reviewing parking charges and revenues raised since the last increase in 2011, it was noted that annual use of pay and display parking has increased by 88,000 parking acts per year. This points to an increase in motorised vehicle journeys into or within the borough with the associated air quality impacts.
- 6.8.4 Council policy, established in the Transport Strategy and Local Implementation Plan 2019-41 (LIP3), as outlined in section 4.1, is to increase the number of journeys made by sustainable means, with objectives including a reduction in traffic levels and car ownership. The observed increases in pay and display parking discussed above clearly run contrary to this adopted policy; it is clear that some form of intervention is necessary to reverse this increase. It is considered that parking charges are a legitimate tool to affect this behaviour change.
- 6.8.5 Research demonstrates that parking charges can also be used to support local urban centres; thus providing attractive local alternatives to out-of-town retail outlets.
- 6.8.6 Officers reviewed evidence on the importance of parking in retail areas. This included an analysis of the following key reports:
- London Councils – Benefits of Parking Management in London (2018)
<http://londoncouncils.gov.uk/node/34485>
 - Living Streets - The Pedestrian Pound (2018) -
<https://www.livingstreets.org.uk/media/3890/pedestrian-pound-2018.pdf>
 - London Councils – The relevance of parking in the success of urban centres (2012)
https://www.britishparking.co.uk/write/Documents/The_relevance_of_parking_in_the_success_of_urban_centres_-_A_review_for_London_Councils.pdf
 - Sustrans research from a proposed transport scheme in Bristol (2006)
<http://www.tut.fi/verne/wp-content/uploads/Shoppers-and-how-they-travel.pdf>
- 6.8.7 Key points identified from this research were that:
- There are considerable benefits to retailers in parking management;
 - Retailers have inaccurate perceptions around the modal share of shoppers, in that they tend to overestimate the proportion of journeys made by car;
 - Shoppers tend to be relatively local, meaning that there is scope for these journeys to be made by sustainable modes;
 - There is a disparity between what retailers think shoppers want from their retail experience compared to what shoppers say they actually desire;

- Pedestrians and public transport users in particular are likely to spend more in retail areas over the course of a week or month than car drivers do. They also tend to visit more shops;
- There is evidence that investment in the public realm and in encouraging more sustainable travel to a retail area, results in increased footfall and retail spend.

6.8.8 A benchmarking exercise was undertaken to review pay and display charges for similar London Boroughs:

- Southwark parking charges vary from £2.75 to £6 per hour;
- The majority of Greenwich is charged at £2.80 per hour;
- Newham parking charges range from £1.00 to £2.00 per hour, with the majority of parking spaces charged at £2.00 per hour;
- Waltham Forest charges £2.00 per hour; and
- Tower Hamlets parking charges range from £3.80 to £4.80 per hour

6.8.9 The current pay and display tariffs in Lewisham are at the lower end of these similar London Boroughs. An increase to the current tariff for Lewisham should be in line with these charges to encourage people to adopt more sustainable means of transport in the borough. Any increase in revenue would then be allocated to transport improvements as described in section 8. The expected impact of increased parking charges would be a slight reduction in parking as people move to other more sustainable modes of transport. These prices have been set to be comparable with the costs of using public transport, for example a single journey on the TfL bus network costs £1.50 using Oyster or contactless payment methods, with additional journeys available free of charge if it is made within 1 hour of the previous payment.

6.8.10 An increase to a tariff of £0.50 for each 15 minute period, which would equate to an hourly charge of £2.00, would be appropriate, based on the tariffs set by similar London Boroughs as shown in the above benchmarking exercise, and this increase would be in support of the Council's policy objectives. Setting the hourly tariff higher than the cost of a bus journey would also provide an incentive to switch transport modes. The option of paying for 15 minutes of parking would promote shorter parking durations and faster turnover of spaces.

6.8.11 As part of the parking 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.
2. The tariff for parking is increased to £0.50 for each 15 minute period, for both cash and cashless transactions.

Summary of consultation results

- 6.8.12 Results of the consultation are presented in detail in section 3.3 of Appendix 1.
- 6.8.13 The consultation asked respondents what they thought the cost of an hours parking should be anywhere in the borough, with a range of costs presented. The most popular selection was £1.20/hour with 42% of respondents. However, 22% of respondents thought that it should be at the proposed charge of £1.60/hour or higher.
- 6.8.14 Residents agree, with 86% of respondents in favour of the proposal to harmonise the payment charges at pay and display machines.
- 6.8.15 Evidence from the parking survey suggests that the public would prefer a lower charge for pay and display parking. However, reducing the trend towards increased pay and display parking will not be achieved by reducing parking charges. It is therefore recommended that the pay and display parking charge is increased to £0.50 per 15 minute period.

Policy recommendation

- 6.8.16 **Policy recommendation:** to approve this proposal to increase the hourly rate for parking to £2.00 for all paid for parking places, including pay and display and pay by phone/app/online.

Policy background – pay and display machines

- 6.8.17 Currently, the Council has 191 pay and display machines in the Borough. The machines are over 15 years old and many are beyond repair. The cost of replacing all the machines would be in the region of £850,000. 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. The volume of cashless transactions in 2017/18 was 38% higher than the previous year. A number of London boroughs have removed all pay and display machines. However, Lewisham is not going down this route and will provide pay and display machines in all Council owned car parks and on-street where there is sufficient demand.
- 6.8.18 The key aim of the rationalisation programme is to provide new pay and display machines where there is sufficient demand.
- 6.8.19 The Council has temporarily taken out of service 98 pay and display machines. Notices explaining the proposed removal and providing contact information should users have any concerns have been displayed on each of these machines. Any removals will be subject to feedback from the public. Machines have been selected for removal where income from cash payments was under £30 per week – the weekly income for removed machines ranges from £0.13 to £29.88. The locations of the machines which are proposed to be removed and their weekly income can be found in Appendix 5. Given that the cost to replace a pay and display machine is in

the region of £4500, plus cash collection and maintenance, it would not be economically viable to replace these machines especially where there is a clear move away from cash to cashless parking.

6.8.20 The Council is proposing to replace all machines located in off-street car parks and where there is sufficient demand on-street. All new machines would be linked to a central location and monitored, which would allow out of order machines to be detected and fixed more quickly.

Summary of consultation results

6.8.21 Results of the consultation are presented in detail in section 3.3 of Appendix 1.

6.8.22 However, there was strong disagreement (relative to the rest of the consultation) regarding questions around a complete or partial switch to machines that wouldn't accept cash, with around 53% of those answering, disagreeing (compared with 30% agreeing)

6.8.23 The suggestion was also made to switch to car or app only machines except where use of cash payments remains high. This did not receive overall acceptance, with 44% of those answering disagreeing with this suggestion and 36% agreeing.

Policy recommendation

6.8.24 **Policy recommendation:** to approve this proposal to rationalise the number of pay and display machines in the borough.

6.9 Lewisham Council Staff survey

6.9.1 As part of the public consultation, we also ran a survey for London Borough of Lewisham staff, as around 10% purchase a parking permit to enable them to park their cars that they drive to work in the staff car park. Staff permits are charged at the same rate as a Business Permit (£500 per year), but can be paid off in monthly instalments via direct deductions from salary. A report summarising the responses to the consultation is presented in Appendix 2.

6.9.2 Responses were received from 168 individuals (54% of whom drive to work) out of an employee workforce of around 2,300, of which 255 staff park in nearby council car parks using Staff Permits. Those LBL staff that responded agreed overwhelmingly (76%) with Council policy to try and improve air quality within the borough and also (68%) that the council should be helping to reduce vehicle pollution.

6.9.3 Staff (45% agreed) were less convinced than residents (58% agreed) that the council should be linking annual parking permit fees to emissions as a result. There was disagreement (51% against) that staff should be charged the same as employees of other businesses within the borough for their annual parking permits:

Summary of key points raised in verbatim comments

- 6.9.4 Staff contributed a number of comments with their responses. Suggestions were made to improve the car park at Laurence House, which is out of the scope of this report and would need to be considered separately.
- 6.9.5 Staff also pointed out that the Staff Permit costs are not a claimable business expense for council workers and that government policy has previously supported the purchase of diesel vehicles. There were also suggestions that permits should be charged at a residential rate, rather than a business rate and that alternate options should be made available such as part time or charge-per-day permits for remote workers that need to make occasional visits to Council offices. A carrot, rather than stick, approach was suggested to incentivise the use of public transport rather than to penalise car use. However, residential parking permits are specific to Lewisham residents within particular CPZs. Business permits are the more suitable option and would need to be charged at that rate. The proposed emission based charging structure would also provide an incentive for the adoption of lower emission vehicles. Alternatives to parking charges are out of the scope of this review, but could be considered separately. The Council intends to carry out a staff survey which will be used to inform the development of a staff travel plan in the coming year. This will review how staff currently travel, and what measures are needed to incentivise staff to use more sustainable modes of travel to work and also for journeys during their working day, where possible.

Policy recommendation

- 6.9.6 **Policy recommendation:** that staff parking permits remain on the business tariff and move to an emissions based charging scheme as set out in Appendix 4.

6.10 Health services permits

- 6.10.1 As part of the consultation, we contacted and spoke with a variety of administrators who manage the allocation of permits for NHS staff. This teased out some misunderstandings about the use of parking permits by NHS staff, that wasn't clear in the original policy proposal discussion with Mayor and Cabinet.

Current policy

- 6.10.2 There are two types of permits available to health and care-giving professionals and employees in the borough.
- 6.10.3 The first is the “**Health Trust Permit**”. These permits allow parking for up to two hours in permit bays in all borough CPZs and are used by relevant Health Authority staff visiting patients in home. These are managed via a cardboard clock – similar to a Blue Badge – displayed on a vehicle's dashboard. These are currently charged at £200 p.a.

- 6.10.4 There tends to be high turnover of staff in these professions, and current permits are bought annually and transferred to appropriate staff as they join or leave. This is a manual, time-consuming and paper-based process.
- 6.10.5 A limited number of “**Lewisham Hospital Staff permits**” are available for Lewisham Hospital. Hospital staff permits are only valid in the designated CPZs surrounding the hospital, and are charged at the full business permit rate, currently £500 (see Appendix 3). A bulk application is made by Lewisham Hospital on behalf of its staff, with hospital administrators charging an additional £50 administration fee to cover the time needed to manage the paper and cheque-based processing of these permits.
- 6.10.6 As part of this update, we propose to clarify and simplify the permits and their pricing and descriptions.
- 6.10.7 The “**Essential services health permit (2HR)**” will be provided to health and council staff professionals that provide urgent or essential medical or care services to Lewisham residents in their homes. They require flexible, cross-borough parking at all hours of the day without having to hunt around to find a pay and display machine, request a visitor permit etc.
- 6.10.8 These permits will be controlled via an app and will provide 2-hours parking at a time. This will have the option to extend via in-app update (simple touchscreen acknowledgment of an alert notification).
- 6.10.9 Charging may need to be done on a monthly basis to account for staff turnover and minimise the potential administrative time and costs involved in account switching, refunds processing etc. The proposed annual fee is to be emissions-based, equivalent to the Resident Permit charging scale.
- 6.10.10 The “**Health services business permit**” will be made available to hospital staff who need to drive to work, and to park near to their work location. Eligibility criteria should be defined for these permits, although adopting Lewisham Hospital, or Lewisham Council’s criteria for a permit may be sufficient (subject to monitoring and controlling levels of demand).
- 6.10.11 The administration of these permits should be much simplified and accelerated through the provision of the new online payment portal (currently under development) and electronic payment processing.
- 6.10.12 The proposed annual fee would be an equivalent scale to Business Permits, as they are currently, and is included in the proposed emissions based charging scheme in Appendix 4 to this report.

6.11 Other minor updates to the parking policy

- 6.11.1 In order to ensure that the parking policy is up to date with current guidance, regulations and Council policy the following minor amendments are proposed for the policy document. This will ensure that the policy document remains accurate and up to date. Although detailed in the previous Mayor and Cabinet report, these

amendments were not specifically mentioned in the consultation, but are recommended for inclusion in the updated policy.

6.11.2 The updates include:

- Making all parking permits available as virtual permits, where they are not already currently, reducing the need to issue paper permits;
- Development and implementation of a new IT system for citizens to purchase/renew parking permits and visitor 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 in December 2018;
- Include a section on the new anti-idling enforcement measures agreed at Mayor and Cabinet in September 2019;
- Include a new process for implementation of School Keep Clears as they no longer require a TMO in London;
- 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;
- Update the text for motorcycle parking in CPZs so that motorcycles may park free of charge within marked bays so long as they are perpendicular to the kerb, or where a marked bay is on or partially on the footway, so long as they are parked wholly within the bay;
- Set out new criteria for assessment and prioritisation of 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. The proposed criteria are set out in Appendix 7 to this report;
- 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 local centres and transport hubs, recent review or extension of Controlled Parking Zones, upcoming new developments or transport proposals (such as ULEZ or Healthy Neighbourhoods), and other factors linked to achieving the objectives of the Council's transport strategy. The proposed criteria are set out in Appendix 8 to this report.

6.11.3 It should be noted that officers are currently in discussion with TfL to more fully understand the likely impact of the plans to extend the Ultra Low Emission Zone expansion to the south circular (ULEX), and how any impacts may be mitigated against. The above revisions to the CPZ prioritisation process would allow the Council to prioritise any zones where it is considered parking pressure may increase as a result.

6.12 Review of Floating Car Club permits

6.12.1 Within a CPZ, the council aims to balance the parking needs of those living, working, visiting and trading in the borough. This includes the provision of parking spaces for specific classes of user, including bays for resident permit holders, blue badge holders and car clubs.

6.12.2 Car clubs are becoming a popular resource for people who do not wish to own a vehicle, thereby freeing up kerbside space for other users. In London, operators including Zipcar, DriveNow, Enterprise, Ubeeqo and Oply have started to operate one-way car clubs, also called the 'free floating' model, in a number of boroughs including Lambeth, Wandsworth and Merton. A trial has also been operating with Zipcar within Lewisham. Whilst traditional car club operating models have required users to pick up and return the car to the same designated space, this new model allows one way trips with the car dropped off in a different location to where it was picked up, giving greater flexibility to its users. Membership of floating car club schemes encourages users to give up their own vehicle in place of the floating car club membership.

6.12.3 Following approval at Mayor and Cabinet in December 2018, the Council has formalised the scheme by creating a new "floating car club permit" that car club operators may apply for, subject to approval by Officers. As part of the initial approval at Mayor and Cabinet, an overall limit to the number of floating car club permits that are issued was put in place, to be reviewed annually. Initially, this limit has been set at 200 permits overall, to be distributed between any interested operators who meet the Council's criteria, with a maximum 100 permits available to a single approved operator.

6.12.4 Since the Mayor and Cabinet report, the popularity of the floating car club scheme in Lewisham has increased. Zipcar have reported that membership has increased from 9901 in December 2018 to 13466 at end of October 2019. The number of weekly active users of their floating car club scheme, referred to as the "Flex service" has increased by 35% from May to October 2019. Zipcar have stated that week-day demand for the Flex service is between 150 and 200 vehicles, with the potential to reach a maximum of 250 vehicles at weekends. Some 25% of the Zipcar fleet of vehicles are electric vehicles. Uptake of electric vehicles by members Lewisham is around 30%.

6.12.5 Other operators, including Drivenow, Ubeeqo and Oply have expressed interest in operating a floating car club scheme in Lewisham.

6.12.6 It is proposed that limits on the number of permits available to floating car club operators in Lewisham are removed in order to take advantage of the increased popularity of this model. Increased take up of floating car clubs will result in reduced car ownership in the borough, and the high availability of electric vehicles associated will contribute to the Council's commitments to improving air quality in the borough.

6.12.7 Furthermore, it is proposed to open up the floating car club scheme in Lewisham to more operators, to encourage competition and provide residents with greater choice.

6.12.8 The operation of the scheme will be closely monitored by officers and reported to the Sustainable Development Select Committee on an annual basis as part of the annual parking report. There are mechanisms within the draft terms and conditions which allow for any issues arising to be carefully managed, with scope for revocation of permits if operators fail to comply.

7. Financial implications

- 7.1 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.
- 7.2 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 section 8 of this report.
- 7.3 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.
- 7.4 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 £30,000, 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.
- 7.5 None of the other proposed changes to the Parking Policy have any financial implications.

8. Legal implications

- 8.1 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.
- 8.2 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'.
- 8.3 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
- 8.4 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.
- 8.5 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
- 8.6 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.

- 8.7 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.
- 8.8 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.
- 8.9 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.
- 8.10 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.
- 8.11 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.

8.12 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”](https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england).

8.13 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

8.14 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”](https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance).

9. Equalities implications

- 9.1 All staff are trained to meet their responsibilities as outlined in the Equality Act 2010.
- 9.2 An Equalities Impact Assessment has been undertaken as part of the consultation process for the parking policy update in regard to each of the six key proposals.
- 9.3 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.

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

9.5 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.

9.6 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

9.7 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. Government grants are also available to assist with the purchase of cleaner vehicles. For instance the Mayor of London has already made grants available to ‘micro’ businesses, sole traders and charities to replace vehicles that don’t meet ULEZ standards, as part of the launch of this scheme. There are also further plans for those on lower incomes due to be announced.

9.8 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.

10. Sustainability implications

- 10.1 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.
- 10.2 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 section 6.4 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.

11. Conclusion

- 11.1 This report summarises the results from the recent parking policy consultation and provides recommendations for each of the policy proposals. Responses to the consultation were broadly in favour of the proposals presented in that consultation. Where questions or concerns were raised through the consultation, these have been considered and, where appropriate, addressed.
- 11.2 Recommendations for consideration by the Committee are set out in section 3 of the report.
- 11.3 Should these recommendations be supported by the Committee, any comments provided will be incorporated into an updated report to be presented to Mayor and Cabinet for approval in December 2019.

12. Background documents and originator

- 12.1 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>
- **Low Emission Vehicle Charging Strategy (2018–2022)**
https://consultation.lewisham.gov.uk/corporate-policy-and-governance/lewisham-low-emission-vehicle-strategy/user_uploads/draft-low-emission-vehicle-charging-strategy.pdf
- **Verbatim comments from public consultation on the parking policy update**
- **Verbatim comments from staff consultation on the parking policy update**

If there are any queries on this report please contact:

Jonathan Fish, Principal Parking Engineer at jonathan.fish@lewisham.gov.uk; or
Seamus Adams, Parking Services Manager at seamus.adams@lewisham.gov.uk.