



Mayor and Cabinet

Consultation Results and Feedback on Proposed New Parking Arrangements on Housing Estate Land

Date: 3rd November 2021

Key decision: Yes

Class: Part 1

Ward(s) affected: All

Contributors: Executive Director for Housing, Regeneration and Public Realm, Director of Corporate Resources, Director of Law, Governance & Elections

Outline and recommendations

On 14th July 2021, subject to public consultation, Mayor and Cabinet approved the use of Traffic Management Orders (TMOs) to implement new parking enforcement arrangements on LBL-managed Housing Estates. The use of TMOs to enforce parking is in keeping with the Road Traffic Regulation Act 1984.

From 7th September to 12th October 2021, two consultations took place regarding the proposed changes. A full statutory consultation took place with secure tenants under Section 105 of the Housing Act 1985, and a non-statutory consultation took place with leaseholders.

This report provides Mayor and Cabinet with full details of the consultation exercises undertaken, and the results and feedback from both consultations.

It is recommended that Mayor and Cabinet:

- Consider the results and feedback from the statutory Section 105 consultation with secure tenants, and the non-statutory consultation undertaken with leaseholders.
- Approve the introduction of TMOs for the purpose of managing and enforcing parking on Housing Estate land and to note that this includes existing Housing Estate parking sites and any additional sites where new build developments are being constructed by Lewisham Homes.
- Delegate authority to the Executive Director of Housing, Regeneration and the Public Realm to consider the outcome of the TMO statutory consultation process and whether or not to approve the implementation of the new scheme.
- Subject to the new scheme being implemented following consideration of the outcome of the Statutory TMO consultation process, to instruct officers to undertake a review of the parking charges for current Housing Estates within the first year of implementation of the new scheme and to agree that the scope of the review will involve moving to emissions-based parking permits on Housing Estates to align with all other permits issued in the borough and that the review will include an assessment of the socio-economic impacts of any emissions-based scheme, the results of the review to be reported back to Mayor and Cabinet prior to consideration by Mayor and Cabinet of any recommendations for a new charging structure.
- Delegate authority to the Executive Director of Housing, Regeneration and the Public Realm to carry out and consider responses to all future Section 105 and TMO statutory consultations in relation to implementation of new parking enforcement sites on Housing Estate land including any new sites connected with new build development on Housing Estates.

Timeline of engagement and decision-making

14 th July 2021	Mayor and Cabinet report
7 th September to 12 th October 2021	Full Statutory Section 105 consultation with secure tenants and non-statutory consultation with leaseholders

1. Summary

- 1.1. On 14th July 2021, subject to public consultation, Mayor and Cabinet approved the introduction of new parking enforcement arrangements on 33 Housing Estate sites. These sites are currently managed by external parking enforcement companies, which are overseen by Lewisham Homes and Regenter B3.
- 1.2. Following a comprehensive review of current parking enforcement on Council-owned Housing Estates, the Council recommended the introduction of Traffic Management Orders (TMOs) to enforce parking restrictions on Housing Estates, where enforced parking is required. Introducing TMOs would bring Housing Estate parking arrangements into alignment with all other parking in the borough and would see all parking enforcement brought under the control of the Council's parking team.
- 1.3. Prior to the introduction of the new enforcement arrangements, the Council is required to undertake full statutory consultation with secure tenants in accordance with Section 105 of the Housing Act 1985, which took place from 7th September to 12th October 2021. Although there is no statutory requirement to consult with leaseholders, they were also consulted as part of this process.
- 1.4. It was agreed that the results of the consultation exercises would be reported back to Mayor and Cabinet for consideration prior to final approval of the introduction of TMOs to enforce parking on Housing Estates.
- 1.5. The results of the consultation exercises and the feedback from residents is attached as Appendix 1 of this report.

2. Recommendations

- 2.1. It is recommended that the Mayor and Cabinet:
- 2.2. Consider the results and feedback from the statutory Section 105 consultation with secure tenants, and the non-statutory consultation undertaken with leaseholders.
- 2.3. Approve the introduction of TMOs for the purpose of managing and enforcing parking on Housing Estate land and to note that this includes existing Housing Estate parking sites and any additional sites where new build developments are being constructed by Lewisham Homes.

- 2.4. Delegate authority to the Executive Director of Housing, Regeneration and the Public Realm to consider the outcome of the Statutory TMO consultation process and whether or not to approve the implementation of the new scheme
- 2.5. Subject to the new scheme being implemented following consideration of the outcome of the Statutory TMO consultation process, to instruct officers to undertake a review of the parking charges for current Housing Estates within the first year of implementation of the new scheme and to agree that the scope of the review will involve moving to emissions-based parking permits on Housing Estates to align with all other permits issued in the borough and that the review will include an assessment of the socio-economic impacts of any emissions-based scheme, the results of the review to be reported back to Mayor and Cabinet prior to consideration by Mayor and Cabinet of any recommendations for a new charging structure.
- 2.6. Delegate authority to the Executive Director of Housing, Regeneration and the Public Realm to carry out and consider responses to approve future Section 105 and TMO statutory consultations connected to the implementation of new parking enforcement sites on Housing Estate land. This will also include new sites being introduced as a result of new build developments on Housing Estates.

3. Policy Context

- 3.1. The London Mayor's Transport Strategy (MTS) was published in early 2018. The Council's own Transport Strategy and Local Implementation Plan 2019-41(LIP3) 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.
- 3.2. In line with the Council's Strategic objectives, this report supports the following priorities in the 2018-2022 Community Strategy:
 - **Building an inclusive local economy** – Everyone can access high quality job opportunities, with decent pay and security in our thriving and inclusive local economy
 - **Delivering and defending: Health, Social Care and Support** – Ensuring everyone receives the health, mental health, social care and support services they need
 - **Making Lewisham Greener** – Everyone enjoys our green spaces and benefits from a healthy environment as we work to protect and improve our local environment
 - **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. Background

- 4.1. Thirty-three Lewisham Council-owned Housing Estates currently have parking enforcement measures in place across estates managed by Lewisham Homes and Regenter B3. These enforcement measures have been introduced over time as a result of resident demand and housing management requirements for estates where parking control has been an issue.
- 4.2. The demand for parking control measures is increasing with residents leading on requests for new sites. In 2015, there were 19 sites, and this number has now increased to 33. The full list of estates with current parking enforcement can be found in Section 6.

- 4.3. Resident requests for parking controls usually arise as a result of non-residents parking within the estate. This is a particular problem on Housing Estates located near railway stations, hospitals and shopping centres. It is anticipated that demand for the introduction of new sites on Housing Estates will continue to increase, including on estates where Lewisham Homes are developing new build sites.
- 4.4. The current parking control measures allow residents living within the estate boundary to park there, providing they display a valid parking permit. The issuing of permits is managed by Lewisham Homes and Regenter B3. This is currently managed under a contract law arrangement with a private enforcement company, who issue non-statutory parking notices to vehicles without permits.
- 4.5. Following legislation introduced in the Protection of Freedoms Act 2012 relating to parking enforcement, which banned wheel-clamping, many landowners changed to issuing non-statutory 'parking notices', and used the powers given to them to request a vehicle's registered keeper details from the DVLA to pursue these notices.
- 4.6. However, since 2014, Local Authorities have been put under further pressure by central government to stop using contract law to enforce parking restrictions on Council Housing Estates. Instead, they have been encouraged to use the statutory powers available to them under the Road Traffic Regulation Act 1984 via the Traffic Management Orders process, which allow for the issuing of statutory Penalty Charge Notices (PCNs) for non-compliant parking.
- 4.7. To encourage Local Authorities to comply, since 2016, the DVLA no longer provides registered keeper details of offending vehicles to enforcement companies operating on behalf of Local Authorities under contract law. In effect, this means that if the Council does not hold the vehicle owner's details and continues enforcing under the current contract law approach, the Council has no means of locating the vehicle owner and enforcing the penalty charge.
- 4.8. As a result of this, the issuing of non-statutory parking notices under contract law has ceased to be an effective method of parking enforcement, and the Council can no longer recover the penalty charges successfully. This together with other enforcement issues relating to the status of land on estates, has affected and in some instances prevented the Council's ability to effectively enforce and will continue to do so unless changes are made. It is therefore recommended that the Council introduces Traffic Management Orders to be enforced by Lewisham Council's parking enforcement contractor, in order to effectively manage parking within its Council-managed Housing Estates.
- 4.9. On 15 January 2020, the Mayor and Cabinet approved the introduction of emissions-based on-street parking permits, which came into effect on 1 April 2020. Vehicles that have higher carbon emissions now pay more for their permit, while vehicles with lower carbon emissions pay less. A diesel surcharge also applies. To align with all other permits issued in the borough, it is proposed that Housing Estate parking permits will also be based on emissions.
- 4.10. This change was implemented to encourage the take-up of more sustainable forms of transport, such as walking, cycling or public transport, or to encourage the take-up of lower polluting and electric vehicles. Therefore, the proposed introduction of emissions-based Housing Estate parking permits aligns with the Council's wider parking policy.
- 4.11. Introducing emissions-based Housing Estate parking permits also coincides with the actions within the Council's Air Quality Action Plan (2016-2021). The action plan states that 'road transport is the main source of air pollution in London', and that there needs to be 'a change to walking, cycling and ultra-low

emission vehicles (such as electric) as far as possible'.¹

- 4.12. The Air Quality Action Plan also states actions that should be taken by the parking department to contribute to the improvement of air quality in the borough. These include 'free or discounted parking permits for zero emission cars' and 'a surcharge on diesel vehicles below Euro 6 standards for Resident and Controlled Parking Zone permits'.² This has already been actioned for on-street parking permits, as of 1 April 2020, and introducing emissions-based Housing Estate parking permits would bring these permits into alignment with all other permits issued throughout the borough.

5. Review of Parking arrangements of Housing Estates

- 5.1. A review of the current parking enforcement arrangements demonstrated a need to move away from the current method of enforcement and introduce Traffic Management Orders (TMOs) on estates where parking enforcement is required.
- 5.2. In addition to the approach to enforcement, currently parking permit costs are inconsistent between estates managed by the Council Arm's Length Management Organisation Lewisham Homes, and the estates managed by our Private Finance Initiative (PFI) Regenter B3.
- 5.3. The review determined the specific requirements for each of the sites and identified what measures need to be put in place to prepare for the introduction of the new parking restrictions and move to the use of TMOs to enforce.
- 5.4. The Council commissioned the services of consultancy, Project Centre to undertake the review and assist with the introduction of the new parking restrictions on its Housing Estates. Project Centre are leading the project from Design through to Implementation of the new enforcement measures.
- 5.5. The Project is being delivered in five phases:
 - Phase A – Survey & Design
 - Phase B – Tenant and Leaseholder Consultation
 - Phase C – Final Design
 - Phase D – Traffic Management Orders (TMOs)
 - Phase E – Implementation
- 5.6. **Phase A – Survey & Design:** A survey was undertaken of all the housing sites to confirm the status of existing parking provision and confirm whether they are 'on street' or 'off street' classifications for TMO purposes. A draft scheme design was produced for each of the sites which considered a range of options, including if the site should be a 'permit holder only' scheme, whether it can accommodate designated visitor parking, provision for loading and unloading, whether double yellow line markings are required, through to the installation of electric vehicle charging points. This process also involved the production of the costings and a design showing locations of road markings and signs. These draft scheme designs were approved by Housing management and provided to residents as part of the consultation process.
- 5.7. **Phase B – Consultation with secure tenants and leaseholders:** Section 105 of the Housing Act 1985 requires the Council to consult with its secure tenants on matters of housing management, including changes to the provision of amenities, which includes parking management. Resident feedback on the

¹ [Lewisham Council Air Quality Action Plan \(2016-2021\)](#), page 3.

² [Lewisham Council Air Quality Action Plan \(2016-2021\)](#), page 34.

proposed changes to the new parking restrictions must be considered prior to a decision being made by the Council on how it manages and enforces parking on its Housing Estates.

- 5.8. The consultation process has now concluded, and the results and feedback are presented in this Mayor and Cabinet report.
- 5.9. There is no statutory obligation to consult leaseholders. However, a non-statutory consultation exercise also took place with leaseholders on the same basis as for secure tenants in order that leaseholders' views could be taken into consideration.
- 5.10. **Phase C – Final Design:** Following the consultation process and final approval from Mayor and Cabinet to proceed with the implementation of the new enforcement arrangements, the final design phase will commence. Any necessary changes will be made to the scheme proposals and once these are signed off by the Council, work will commence on preparation of the TMOs process which will include a statutory consultation with members of the public.
- 5.11. **Phase D – Traffic Management Orders:** TMOs will be drafted under the appropriate section of the Road Traffic Regulation Act 1984 (dependent whether the location of the site is on- or off-street). Notices will also be drafted in preparation for the statutory consultation process.
- 5.12. Notices will be advertised in the relevant local newspapers. All correspondence received will be responded to and any objections will be considered.
- 5.13. Once the statutory TMO consultation closes, it is proposed that the Executive Director of Housing, Regeneration and the Public Realm, will have delegated authority to decide whether to progress the proposals and proceed with implementing the new scheme.
- 5.14. **Phase E – Implementation:** If agreement to proceed is issued, work will commence on the individual sites to install the new signage and lines that are required in accordance with the plans and when the Traffic Management Orders are operational.
- 5.15. The costs for the above phases are outlined in Section 8 of this report.

6. Consultation

- 6.1. The London Borough of Lewisham (LBL) and Lewisham Homes carried out a targeted consultation over a 5-week period between Tuesday 7th September and Tuesday 12th October 2021 seeking feedback on proposed changes to the existing parking enforcement regime within their Housing Estates, moving from contract law to the use of Traffic Management Orders (TMOs). The list of Housing Estates where consultation took place can be found in Appendix 4 of this report
- 6.2. Throughout the 5-week consultation, information on the scheme was shared online via Project Centre Ltd's website, Lewisham Housing Estates Controlled Parking Zones | Project Centre (consultprojectcentre.co.uk), and through a variety of engagement activities detailed below.

Leaflets and surveys

- 6.3. A total of 4,440 letters, plans and surveys were hand delivered across the consultation area at the start of the consultation period. The letter detailed our proposals and estate-specific plans, as also enclosed was a hard copy of the survey and a freepost return envelope. Letters were also sent to leaseholders who reside in another property so they could also have their say. The consultation material can be found in Appendix 2 of this report.

Postcards

- 6.4. On Tuesday 21st September 2021, postcards were distributed to all properties within the project area. These postcards were used as a reminder to fill out the engagement survey, and included links to the website for more information and a QR code that took the public directly to the consultation webpage. A copy of this can be seen in Appendix 2.

Webpage

- 6.5. A dedicated webpage was set up on the Project Centre Ltd website, which was also mirrored on the Lewisham Homes and Lewisham Council websites. This webpage included information about the project, a link to fill out the online survey, and FAQs which were continually updated throughout the consultation period. A screenshot of the webpage is included in Appendix 2 and can be accessed via the following link: [Lewisham Housing Estates Controlled Parking Zones | Project Centre \(consultprojectcentre.co.uk\)](https://www.projectcentre.co.uk/consultation).
- 6.6. A dedicated phone line was set up to answer calls specifically relating to this consultation. A total of 17 calls were received over the course of the consultation period, with most enquiring about the permit application process and why the changes are being made.
- 6.7. People were also able to respond and direct questions to a dedicated project email address: parkingconsultation@lewisham.gov.uk. A total of 46 emails were received during the consultation period. While most responses were not in favour of the proposals, analysis is ongoing to confirm the status of all responses.

Targeted engagement

- 6.8. Where estate responses seemed low, targeted text messages to residents were sent on three dates to encourage them to have their say on proposals:
- **28 September 2021** – text sent to residents in the Pepys Estate
 - **6 October 2021** – text sent to residents in Eddystone Tower, part of the Adolphus Estate
 - **7 October 2021** – text sent to residents in the Gilmore Estate

Consultation feedback

- 6.9. In total, 369 responses were received during the consultation period, providing an 8% response rate across the consultation area.
- 6.10. Of those that responded, 11% were supportive of the proposals, 25% were against them, and 64% were unsure or required additional information before they could provide their view. Respondents who were unsure wanted further information regarding the increased price of permits and how visitor permitting would work. Officers response to these queries is dealt with in Section 7 of the report.
- 6.11. On an estate-by-estate basis, the responses were similar, with the majority of the responses received from each estate unsure or requiring additional information. Five of the 33 estates consulted had more responses which supported the proposals to enforce parking through the use of TMOs (Fairfields, Hatfields Close, Mercator Road & Rawlinson House, Myrtle House and Rowan House and Sayers Court estate) and one was undecided (Aviary Estate).
- 6.12. The majority of respondents were supportive of the introduction of electric vehicles infrastructure and cycle infrastructure and were also supportive of multiple channels for applying for permits (paper, online and telephone).

- 6.13. A breakdown of responses from each estate is available in the full engagement summary, detailed in Appendix 1.

7. Permit pricing arrangements

- 7.1. Currently, parking permit costs are inconsistent between Housing Estates managed by the Council Arm's Length Management Organisation, Lewisham Homes, and the estates within Brockley managed by our Private Finance Initiative (PFI), Regenter B3. This inconsistency is due to the respective costs of enforcement by the contractors that have historically been used by Lewisham Homes and Regenter B3 to enforce.
- 7.2. If the proposed changes are introduced, it is recommended that residents within the Lewisham Homes and Brockley PFI areas will not be subject to an increase of parking and permits costs in the first year as a result of the introduction of new TMOs. Any new sites identified in connection with the delivery of new housing on existing estates, and any future estates where parking enforcement is introduced, will be subject to the same pricing arrangements.
- 7.3. On 14th July 2021, subject to the TMOs proceeding, Mayor and Cabinet agreed to a review of the parking charges for the existing Housing Estate sites within the first year of implementation of the new parking arrangements, and a pricing structure that would allow for parking costs to be increased annually to align with the wider borough parking strategy and climate emergency strategy. This will ensure a consistent approach to service delivery across the borough. The results of the review will be reported to Mayor and Cabinet in future, to sign off and agree the recommendations for a new charging structure. The review of the charging structure will be subject to an assessment of the socio-economic impact of any such emissions-based scheme.
- 7.4. The pricing mechanism for Housing Estate parking permits would be charged based on a vehicle's emissions, which is the same as on-street parking permits for all other residents throughout the borough. Lower polluting vehicles would pay less for their parking permit, and higher polluting vehicles would pay more. However, the actual pricing may differ from current emissions-based resident permits and will be informed by resident consultation.
- 7.5. Any further change in pricing would be subject to a full consultation with residents and would include an assessment of the socio-economic impacts of any pricing structure for resident and visitor permits.
- 7.6. All income from the sale of permits and income from revenue generated from the sale of permits is paid to the Council, in line with Section 55 of the Road Traffic Regulation Act 1984. There will be no costs incurred by Lewisham Homes, as any running or enforcement costs will be covered by the income generated from permits.
- 7.7. Appendix 3 illustrates the current charges across the estates for both resident and visitor permits. There are varying costs across the estates, with some paying £3 for 12 x 24-hour slots for visitors parking, while others could park every day for a year for only £6. This charging structure does not align with the Council's policy on emissions-based parking and discouraging use of vehicles in the borough.
- 7.8. These charges need to be harmonised across the borough to create a fair and transparent system, and a review of the current costs needs to be undertaken in 2022 to bring all permits in line with the Council's policy on emissions-based charging.

- 7.9. The proposed enforcement of Housing Estates would be carried out by NSL, as NSL already provide parking enforcement for Lewisham. The proposal to enforce the Housing Estates will be Monday – Saturday 7am-7pm. These hours can be adjusted as per requirements. Two Enforcement Officers will be required, and it is proposed that enforcement will be carried out with the use of mopeds. The preferred option of deployment and pricing schedules is detailed in Section 8. This includes the proposed first year costs, set up costs (including permit system development) and enforcement costs.
- 7.10. An SLA will be put in place between Lewisham Homes and Lewisham Parking Services to ensure that the needs of the residents are addressed.
- 7.11. The cost of the setup of infrastructure such as signs and lines is included within the implementation costs, as outlined in paragraph 8.2.
- 7.12. Any existing resident permits will transfer across for the remaining duration, and these will still be paper permits in vehicle windscreens. As these permits approach expiration, NSL will write to the residents of the Lewisham Homes Housing Estates to advise their permits will be expiring. They will then be asked to apply for their new resident permit online via the Council's system.
- 7.13. During the COVID-19 pandemic, Brockley issued free permits to their Housing Estate residents. The parking department will honour these permits; however, once they expire, Housing Estate residents will need to apply for new payable permits from January 2022. When a resident enters their address, the price of their permit will be pre-configured to use the current charges, as per Appendix 3.
- 7.14. Given the array of charges for visitor vouchers, it was deemed too costly to set up a new software system at this stage for visitor vouchers until a review of the charges has taken place, and the charges have been brought into line with the Council's emissions policy. Residents will be able to apply for visitors permits via the Council's current parking system, either online or by phone. The visitor vouchers will be set at the current prices as per Appendix 3.

8. Financial Implications

- 8.1. This report seeks Mayor & Cabinet approval for the introduction of Traffic Management Orders (TMOs) on all existing Council Housing Estate parking sites as well as new sites where new build developments are being constructed. It seeks further approval for delegated authority to the Executive Director of Housing, Regeneration and the Public Realm to sign off and approve the design, consultation and implementation phases of the project. It seeks to instruct officer to undertake a review of parking charges for current sites and implement any recommendations for a new charging structure after the first year.
- 8.2. Enforcement and set up of the Housing Estate permits will be managed by the parking enforcement contractor. The costs for enforcement, set up and designing, consulting and implementing the restrictions within the Housing Estates are detailed below:

Set Up and Year 1 Costs				
Item	Quantity	Set Up/ Implementation Costs- funded through the HRA	Year 1 Running costs – self funded through parking charges	Average Monthly Cost
Per CEO FTE per annum	2		£63,281.24	£5,273.44
Uniform	2		£669.54	£55.80
HHCT plus Pinter	2	£4,686.78		£0.00
CBT License	2		£446.36	£37.20
Moped	2	£5,233.68		£0.00
Mobile Uniform	2		£892.72	£74.39
Fuel	2		£2,678.16	£223.18
Servicing	2		£3,287.44	£273.95
BWC	2	£2,000.00		
Radio	2		£1,115.90	£92.99
Notice Processing - (included in Target Cost Schedule)			£0.00	£0.00
FGL Housing Estate Permits Development and Year 1 Cost	1	£17,798.61		£0.00
Project Costs				
Phase A - Parking Design	1	£11,435.00	£0.00	£0.00
Phase B - Consultation	1	£38,500.00	£0.00	£0.00
Phase C - Final Designs	1	£1,400.00	£0.00	£0.00
Phase D - TMOs	1	£22,357.00	£0.00	£0.00
Phase E - Implementation	1	£131,818.00	£0.00	£0.00
Total Set Up and Year 1 Cost		£235,229.07	£72,371.36	£6,030.95

- 8.3. Charges and income related to the current system of parking on Council Housing Estates is recognised within the Housing Revenue account. Parking permit income is deposited into the account and used to off-set any charges incurred through the engagement of external parking enforcement companies to enforce parking on estates. Any excess income is carried forward for future use.
- 8.4. All costs that are set out in the table above will be subject to a clear audit process.
- 8.5. This report recommends that a review of the arrangements is undertaken with a view to introducing TMOs on the estates to bring the system in line with the non-estate parking arrangements, after relevant consultation has been undertaken.
- 8.6. The design, review and consultation costs will be charged to the HRA. In the previous report to Mayor & Cabinet, these costs were reported to be in the region of £50k. Current estimates for the total costs of the process are listed in the table in paragraph 8.2 above and are currently in the region of £235K.
- 8.7. The set-up costs will initially be funded from HRA reserves and balances, however a budget has not yet been identified to cover these costs, but it is expected that the set-up costs will be reimbursed through the net income generated via the implementation of the scheme with costs carried forward until such a time that these costs have been fully recovered. A proportion will be able to be offset against current permit income until such time that this is exhausted.
- 8.8. Once the TMOs have been put in place and all set up costs have been fully recovered, future net income generated from permit sales and enforcement will go into LBL's parking account in line with Section 55 of the Road Traffic Act.
- 8.9. The Parking Service anticipates that there will be no further costs to the Council, Lewisham Homes or Regenter B3 for the proposed and future arrangements for enforcement and the issuing of permits as detailed in this report, other than those already mentioned above. The Council has a contract with NSL and has fixed costs for any additional Enforcement Officers employed to enforce the estates. These costs will be offset by any income arising from the PCNs and permits issued.
- 8.10. It is difficult, at this time, to estimate the number of PCNs that will be issued. However, the Parking Service will produce a financial report after a year of operation which will detail all the income realised along with the related expenditure.

9. Legal Implications

- 9.1. Section 105 of the Housing Act 1985 provides that the Council must consult with all secure tenants who are likely to be substantially affected by a matter of housing management to which the section applies. The section specifies that a matter of housing management includes the provision of services or amenities in connection with such dwelling houses let by the authority under secure tenancies where there is a change in the practice or policy of the authority. Such consultation must inform secure tenants of the proposals and provide them with an opportunity to make their views known to the Council within a specified period. The section further specifies that before making any decisions on the matter the Council must consider any representations from secure tenants arising from the consultation. Such consultation must therefore be up to date and relate to the proposals in question. There is no statutory requirement to consult with leaseholders. However, the Council has

carried out non-statutory consultation on these proposals. The weight to be attached to the responses to that non-statutory consultation is a matter for members when considering the recommendations in this report.

- 9.2. The Road Traffic Regulation Act 1984 (RTRA) provides the powers for the Council to designate parking places on and off the highway and to charge for the use of them and includes the power to issue permits. The procedure requires consultation and a designation order.
- 9.3. Section 122 RTRA imposes a general duty on authorities to exercise functions under the Act (so far as practicable having regard to the matters set out at para 8.3 below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.
- 9.4. In fulfilling the general duty imposed by Section 122 RTRA, the matters referred to above are as follows:-
 - a) the desirability of securing and maintaining reasonable access to premises;
 - b) the effect on the amenities of any locality and the importance of regulating and restricting the use of roads by heavy commercial vehicles so as to preserve or improve the amenities of the areas through which the roads run;
 - c) the 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 Council to be relevant.
- 9.5. 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. This includes a statutory duty to consult.
- 9.6. The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 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
- 9.7. 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.
- 9.8. 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.
- 9.9. Section 55 RTRA provides for the establishment of a separate account into which monies raised through the operation of parking must be paid. The Act requires an enforcement authority, (of which Lewisham is one), to keep an account of:-
- their income and expenditure in respect of designated parking places;
 - their income and expenditure as an enforcement authority in relation to parking contraventions within paragraph 2 of Schedule 7 to the 2004 Act (parking places); and
 - their income and expenditure as an enforcement authority in relation to parking contraventions within paragraph 3 of that Schedule (other parking matters).
- 9.10. It also deals with shortfalls and surpluses. Shortfalls must be made good from the General Fund, and subject to carry forward provisions, any surplus must be applied for the following purposes:-
- the making good of shortfalls in the last 4 years
 - the provision and maintenance of off street parking by the council or others
 - if further off street parking appears unnecessary or undesirable then
 - meeting the cost of provision, operation or facilities for public transport services; and
 - highway or road improvement projects in the area.
- 9.11. There are also provisions for carry forward. Every London Borough also has to report to the Mayor for London at the end of every financial year on any action taken in relation to any deficit or surplus on their account.
- 9.12. The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new Public Sector Equality Duty (the duty), replacing the separate duties relating to race, disability and gender equality.
- 9.13. The duty consists of the 'general equality duty' which is the overarching requirement or substance of the duty, and the 'specific duties' which are intended to help performance of the general equality duty.
- 9.14. The duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.15. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 9.16. These are often referred to as the three aims of the general equality duty.
- 9.17. The duty is a "have regard duty", and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance

equality of opportunity or foster good relations.

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

10. Equalities Implications

- 10.1. The changes being proposed in this report do not affect the current pricing of parking permits for residents of the estates included in the proposed changes, so there is no financial change for residents in relation to the costs of parking on estates.
- 10.2. The changes being proposed in this report will amend the process of applying for a permit. Residents will apply directly to Lewisham Council, rather than as they currently do through Lewisham Homes or RegenterB3. This change does not have any impact on particular groups or individuals. All changes in process will be communicated to all affected residents as well as Tenant and Resident Associations, ensuring that these communications are accessible.
- 10.3. A review of the parking charges is proposed within the first year of the scheme being operational. Any material or financial changes to the permits will include a full equalities impact assessment which will include an assessment of the socio-economic impacts of any proposed future permit pricing structure.
- 10.4. For drivers who are blue badge holders, the Council will implement the same process on Housing Estates as currently operates on the Public Highway in line with Council policy. Where disabled parking bays currently exist on Housing Estates they will be reconfigured as part of the set up and implementation stage for the new scheme to ensure they are compliant with current legislative requirements.

11. Climate change and environmental implications

- 11.1. The Council is legally required to work towards air quality objectives under the Environment Act 1995. Lewisham Council's Air Quality Action Plan (2016-2021) outlines how the Council will implement these objectives, and the proposed changes align with the Council's overall objectives.
- 11.2. The pricing for Housing Estate parking permits will be reviewed, as highlighted in paragraph 6.2, with the aim to charge for these permits based on a vehicle's emissions. Following the introduction of emissions-based on-street parking permits in all other locations, this pricing will harmonise charges for all permits issued throughout the borough.
- 11.3. Emissions-based charging for permits allows the Council to monitor the emissions of all vehicles within the borough, to ensure that improving air quality remains a top priority. This also aligns with TfL's wider policy, with the introduction of the ULEZ in October 2021, and the Council's climate change agenda.
- 11.4. Therefore, the proposed permits are expected to have a positive impact on climate change and the environment, as all vehicles within Housing Estates will be charged to park based on emissions.

12. Crime and disorder implications

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

13. Health and wellbeing implications

13.1. There are no health and wellbeing implications directly arising from this report.

14. Appendices

14.1. Appendix 1 – Consultation Summary Report

14.2. Appendix 2 – Consultation material

14.3. Appendix 3 – Cost of current parking permits

14.4. Appendix 4 – List of Housing Estates consulted

14.5. Appendix 5 – Part 2 Confidential Consultation Responses

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17. Comments for and on behalf of the Director of Law, Governance and HR

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Appendix 1 – Consultation Summary Report

Appendix 2 – Consultation Material

Appendix 3 – Costs of the current permits on the Housing Estates

Lewisham Homes Housing Estates

NAME OF ESTATE	NORTH / SOUTH OF THE BOROUGH	RESIDENTS PERMIT PRICE PER YEAR	VISITORS PERMIT PRICE PER YEAR	VISITORS PERMIT PRICE FOR 24 HOURS
Adolphus Estate	North	£10	N/A	£3 for 12 slots (25p per visit)
Allison Close	South	£12	£6	TBC
Benden House	South	£12	£6	N/A
Blessington Road			No parking zone	No parking zone
Burnett & Lacey Houses	South	£12	£6	£3 for 12 slots (25p per visit)
Cedar/Cypress Houses- Kender	North	£10	£5	N/A
Clarendon Rise- Gilmore	South	£12	£6	N/A
Crossfields Estate	North	£10	N/A	£3 for 12 slots (25p per visit)
Dacre Park Estate	South	£12	£6	N/A
Eddystone Tower	North	£10	No visitors permits	No visitors permits
Eliot Park	South	£12	£6	N/A
Evelyn Area 2	North	£10	N/A	£3 for 12 slots (25p per visit)
Evelyn Area 3	North	£10	N/A	£3 for 12 slots (25p per visit)
Fairfields	South	£12	£6	£3 for 12 slots (25p per visit)
Gilmore Estate	South	£12	£6	N/A
Hatfield Close - Kender	North	£10	£5	£3 for 12 slots (25p per visit)
Kender	South	£12	£6	£3 for 12 slots (25p per visit)
Lee Park	South	£12	£6	N/A
Lovelinch Close- Winslade	South	£12	£6	N/A
Lynch Close	South	£12	£6	N/A
Mercator Estate	South	£12	£6	N/A
Merryfields Way	North	£10	N/A	£3 for 12 slots (25p per visit)
New Butt Lane Estate	North	£10	N/A	£3 for 12 slots (25p per visit)
Paynell Court	South	£12	£6	N/A
Rawlinson House	North	£10	£5	N/A
Rowan/Murtle Houses- Kender	South	£12	£6	N/A
Ryculff Square	South	£12	£6	N/A
Saxton Close- Mercator	North	£10	N/A	£3 for 12 slots (25p per visit)
Sayes Court Estate	North	£10	N/A	£3 for 12 slots (25p per visit)
Tanners Hill Estate	North	£10	No visitors permits	No visitors permits
The Aviary	South	£12	£6	£3 for 12 slots (25p per visit)
The Colonnade	North	£10	N/A	£3 for 12 slots (25p per visit)
Vaughan Williams Close	North	£10	N/A	£3 for 12 slots (25p per visit)
Winslade Estate			N/A	£3 for 12 slots (25p per visit)
Wright Close and Trinity Close- Gilmore			£6	N/A

Brockley Housing Estates

NAME OF ESTATE	RESIDENTS PERMIT PRICE PER YEAR	VISITORS PERMIT PRICE PER YEAR
Dressington Avenue/Rushey Mead	£12	£6
Viney Road	£30	£5 for 10 slots
Wadcroft	£30	£5 for 10 slots

Appendix 4 - List of Housing Estates Consulted

Estate Name
Adolphus Estate
Allison Close
Aviary Estate
Benden House
Blessington Road, Clavering House, Chesney House and Ericson House
Burnett House and Lacey House
Cedar House and Cypress House
Clarendon Rise
Crossfield Estate
Dacre Park and Lee Park
Dressington Avenue
Eliot Park
Ermine Road
Evelyn Estate
Gilmore Road Nos 46-80 and Nos. 114-152
Greatfield Close
Hatfield Close
Lovelinch Close (WINSDALE ESTATE)
Lynch Close
Maple House
Mercator Road
Merryfields Way
Myrtle House and Rowan House
Napier Close
New Butt Lane Estate
Nuding Close
Paynell Court
Pepys Estate
Ryculff Square
Saxton Close
Sayes Court Estate
Vaughan Williams Close
Viney Road
Wadcroft Court
Wright Close, Trinity Close, and Dermody Road Nos 1-25

Appendix 5 – Part 2 – Confidential consultation responses