

## CABINET

18 September 2018

<b>Title:</b> Controlled Parking Zones – Consultation and Decision-Making Process	
<b>Report of the Cabinet Member for Enforcement and Community Safety</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> Yes
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<b>Accountable Director:</b> Jonathan Toy, Operational Director Enforcement Services	
<b>Accountable Strategic Leadership Director:</b> Fiona Taylor, Director of Law and Governance	
<b>Summary</b> <p>This report sets out the proposed process for consulting on and implementing controlled parking zones (CPZs) across the borough, aimed at meeting the Council’s key priorities of promoting a safe and welcoming community and protecting the most vulnerable by keeping adults and children healthy and safe.</p> <p>The introduction of CPZs will improve traffic flow, congestion, road safety and air pollution by identifying where it is safe and legal to park, as well as improving the ability to park for the most vulnerable road users, including blue badge holders. This supports the Parking Strategy 2016-2021 adopted by cabinet in November 2016.</p> <p>The proposals in the report cover the following main areas:</p> <ol style="list-style-type: none"><li>1. Eligibility criteria for CPZ schemes</li><li>2. CPZ consultation process (flowchart)</li><li>3. Criteria for CPZ decision making</li></ol>	
<b>Recommendation(s)</b> <p>The Cabinet is recommended to approve the process for CPZ consultation and the decision-making criteria as detailed in the report.</p>	
<b>Reason(s)</b> <p>To assist the Council in achieving its priorities of “Encouraging civic pride” and “a well-run organisation”.</p>	

## **1. Introduction and Background**

- 1.1 In recent years, the demand for kerbside space utilised for parking vehicles in Barking and Dagenham has increased steadily. Whilst the use of alternative modes of transport such as public transport and cycling have increased, the population of the borough has rapidly increased, along with social changes in housing. The combination of these changes has resulted in increased demand for parking spaces, causing significant pressure for residents and visitors in the borough.
- 1.2 The Council adopted an ambitious, five-year Parking Strategy in 2016, setting out a clear vision for parking in the borough. This vision was supported by 75% of respondents to the consultation on the strategy. The vision is “To provide safe, fair, consistent and transparent parking services”.
- 1.3 This vision is supported by five main priorities that have been designed to reflect the competing parking needs in the borough. These priorities, which reflect the needs of residents, businesses, commuters, cyclists and pedestrians alike, are:
- Ensure that the low emissions and air quality strategy for London is at the heart of our decision making.
  - Reduce congestion caused by parked vehicles and improve road safety;
  - Make best use of the parking space available;
  - Enforce parking regulations fairly and efficiently; and
  - Provide appropriate parking where needed.
- 1.4 As part of the implementation of this strategy, Cabinet approved a three-year controlled parking zone programme at its meeting on 17 July 2018 (Minute 19). The programme is based around a prioritised list of areas within the borough which will be subject to consultation.
- 1.5 This programme focusses on the extension of existing CPZ's and the introduction of new CPZ's, specifically at school locations. The priority of areas is based on eligibility criteria which focuses on the priorities set out in the Parking Strategy, namely, safety, congestion, air quality and parking demand criteria including;
- Number of schools within a specified area
  - Number of reported road traffic accidents within a specified area
  - Impact of vehicle emissions on the Air Quality of an area.
  - Proximity to community hubs such as health centres, supported accommodation and libraries
  - Proximity to transport hubs i.e train stations, bus terminals
  - Proximity to shopping parades
  - Displacement parking caused by nearby CPZ's
- 1.6 The majority of CPZ's that are in situ were introduced as a result of informal consultation having taken place with affected residents. This would essentially involve letters inviting comments and objection, being delivered to all identified affected properties – that is, those properties which the proposed CPZ directly affects.

- 1.7 In conjunction with informal consultation, a statutory consultation process is also undertaken in accordance with the provisions of The Local Authorities (England and Wales) Traffic Order Procedure Regulations 1996. Statutory consultation requires the proposal being advertised by way of a notice published in a local newspaper and the London Gazette, and similar notices being erected on-street inviting the public to object to the proposal within 21 days of the date of the notice. As this is a statutory requirement, this element of the process remains essential and unchanged going forward.
- 1.8 A decision would have been taken whether or not to implement a scheme, primarily based on the consultation feedback.
- 1.9 However, it is vital that the Council considers other factors such as safety concerns, congestion or access which impacts local residents and could endanger lives or air pollution which is have a detrimental impact on citizens within an area. At present, these considerations are not as clearly defined or transparent to local residents as they should be, particularly in terms of their importance in the overall decision to proceed with a scheme.

## **2. Proposal and Issues**

- 2.1. It is proposed to set out a consistent and transparent policy and process for citizens in determining CPZs.
- 2.2 The process would have a clear start and finish timetable, providing residents with a clear understanding of:
- Why a scheme is being proposed;
  - The rationale for the reasons being put forward;
  - How and where residents can gain more information;
  - The consultation process; and
  - How the council will make a decision on adopting or refusing a scheme.
- 2.3 These proposals will address the current challenges of providing a transparent decision-making process for CPZs, enabling citizens and councillors to have a greater say in the reasons that a scheme is being proposed and to put forward objections, variations, or register their support.

## **3. Decision-Making Criteria**

- 3.1 Consultation is carried out with members of the public who are affected by the scheme. The main consultee for this project is residents, although we also consult with other key stakeholders including businesses, schools, members, community establishment such as health centres and emergency services, as well as other Council departments including highways, planning, housing and regeneration.
- 3.2 Ward councillors, as elected representatives, are also consulted with as part of decision making process.
- 3.3 It is proposed that the outcome of consultation and the decision to proceed with a scheme is considered as follows:

- **Clearly identified need** - To support the priorities set out in the Parking Strategy 2016-21, the consultation process will set out the importance of the schemes based on:
  - **Safety** – a statutory body such as the London Fire Brigade, Metropolitan police, Transport for London or, council departments other body has highlighted significant safety issues caused by parking in an area.
  - **Congestion** – there is clear evidence of congestion in the areas which is impacting in traffic flow and affecting the lives of local citizens
  - **Air Quality** – there is evidence that the level air pollution due to emissions is excessive in an area and as such impact on air quality and the health of citizens
  
- **Level of Residents support** – The views of residents remains a vital consideration in determining if a CPZ should be implemented. The consultation process will:
  - Set out the need for the scheme, based on grounds of Safety, Congestion and Air Quality. Citizens will be asked is they support or do not support the scheme based on the identified need.
  - The charges that are applied – the council will set out the charges that apply so that it transparent to citizens. Citizens have the right to object to a scheme based on the charges and whether they are consistent and fair.
  - Impact of commercial vehicles – the Council has taken the view that CPZ schemes should restrict the parking of commercial vehicles. This will be set out in the consultation and citizens will be provided with the opportunity to support or object to these restrictions.
  - Other grounds – Citizens will be given the opportunity to put forward other grounds in support or objection of a scheme. This could include the impact on visitors, carers and the needs of specific citizens in the area.

If 51% of more respondents support a scheme, this would provide officers with a clear direction on the implementation of the scheme and is reflected in the overall decision-making process.

- **The views of ward councillors** – the views of ward councillors as elected representatives are a key consideration in the consultation process. Incorporating the views of ward councillors as part of the decision-making process provides councillors the opportunity to fully engage in the process and voice the views of their constituents.

### 3.4 **Consultation Feedback and determining a scheme**

- 3.4.1 Appendix A sets out the scoring criteria to be applied by the Council in relation to the consultation feedback.
- 3.4.2 The determination will be based on the criteria set out above. The scoring of the criteria will be set out so that it is transparent to citizens on the decision and how it was determined.
- 3.4.3 Where the proposal achieves a scoring which supports the implementation of a scheme, it will proceed to the statutory consultation process, in accordance with the provisions of The Local Authorities (England and Wales) Traffic Order Procedure Regulations 1996, as set out above. The statutory Traffic Management Order 21-

day objection process will be undertaken at the same time as the resident consultation. Where a proposal achieves a score which supports implementation it will finalise the statutory process and proceed to introducing a scheme.

- 3.4.4 Where a scheme is supported by the majority of the criteria but not all of the criteria, officers will make recommendations which will be presented to the Director of Law and Governance for determination, in consultation with the Cabinet Member.
- 3.4.5 Where the scheme is not supported by the majority of the criteria, it will not proceed and the investment will be directed to other schemes.
- 3.4.6 It is recognised that there may be occasions that the concerns related to parking restrictions are so severe that a decision to implement a scheme is agreed without applying the criteria. For example, if a serious safety concern or congestion is so severe that it is endangering the lives of pedestrians or other road users. This is especially relevant when concerns are raised by the Emergency Services. Such occasions are rare and will be only applied in exceptional circumstances.

#### **4. Options Appraisal**

- 4.1 The alternative option to proceeding with the new proposals is to continue with the existing process.
- 4.2 This paper sets out the existing process and the need to adopt a clear criteria and process in relation to CPZ consultation and consideration, which can be called upon to assist the decision-making process. Such criteria would clarify what is expected and required in order for a CPZ to be progressed.
- 4.3 This would also give the Council a clearer mandate as to what an acceptable basis is to proceed and would be subject to less challenge by those who wish to question the Council's motives. Ultimately such an approach would ensure that the community could feel more confident that the decision-making process was open and transparent, a key element of the Council Parking Strategy 2016 – 2021.
- 4.4 Without an adopted process the Council remains open to significant challenge when seeking to progress with a scheme. It is therefore not recommended to proceed on this basis.

#### **5. Consultation**

- 5.1 The proposals in this report were endorsed by the Corporate Strategy Group on 16 August 2018.
- 5.2 Consultation with the local community will be carried out as detailed within this report.

## 6. Financial Implications

Implications completed by: Katherine Heffernan, Group Manager for Finance

- 6.1 There are no direct financial implications arising from this report as it relates to the setting of the criteria for progressing with a CPZ. However, the costs of a full consultation will be contained within existing resources.

## 7. Legal Implications

Implications completed by: Dr. Paul Feild, Senior Governance Lawyer

- 7.1 As identified in the main body of the report before implementation of the new CPZ regime, consultation will need to be carried out. In the case of parking controls there are prescribed processes to be followed.
- 7.2 As such controls have the potential to impact on people's mobility and health outcomes it is important that vulnerable groups representatives are consulted to ensure that access issues and human rights are properly considered. In relation to the impact on different groups, it should be noted that the Equality Act 2010 provides that a public authority must in the exercise of its functions have due regard to the need to eliminate discrimination and to advance equality of opportunity between persons who do and those who do not share a relevant 'protected characteristic'. This means an assessment needs to be carried out of the impact and a decision taken in the light of such information. For example, people with mobility challenges should not be put at a disadvantage by changes in the regime without proper consideration. The report to the Cabinet in July indicates that this process has commenced.
- 7.3 The Courts have indicated that it is important that consultation is carried out in a meaningful way, that means that consultation should be carried out at a stage when there are ideas about options and that views are sought on potential proposals and are considered before a final decision is made.
- 7.4 Finally, parking and highway matters create strong feelings with the public which can lead to complaints, petitions and to issue brought to Member's ward surgeries in due course. It is vital that Members are well informed as to what is in mind regarding parking controls that may affect their localities and given officer contact points so they can make referrals should the need occur. It is noted that this is engineered into the consultation process as a consideration.
- 7.5 Data quality and integrity are vital considerations in consultation. If the data is unsound it could lead to challenge. This means that underrepresented people and unrepresentative responses need to be identified. Setting minimum thresholds in terms of responses and comparing responses across the borough will assist. If there is evidence of attempts to influence the outcome, then advice can be given.

## 8. Other Implications

- 8.1 **Corporate Policy and Equality Impact** – These issues were detailed in Appendix 2 (Community and Equality Impact Assessment) to the "Review of Parking Fees and Charges" report to Cabinet on 17 July 2018

<https://modgov.lbbd.gov.uk/Internet/ieListDocuments.aspx?CId=180&MId=10017&Ver=4> .

- 8.2 **Safeguarding Adults and Children** – Linking to the parking fees and charges report adopted by cabinet in July 2018 the introduction of controlled parking zones will focus on improving safety around schools and community hubs.
- 8.3 **Health Issues** – This paper sets out the process for CPZ implementation which in its design aims to improve air quality through the CO2 emissions based permitting process, as well as reducing the risk of road traffic related accidents through providing safe places to park and restricting the likelihood of inconsiderate and dangerous parking.
- 8.4 **Crime and Disorder Issues** - Although road safety is not a priority for the Community Safety Partnership, issues of inconsiderate and dangerous parking form part of the concerns raised by residents in relation to antisocial behaviour. This is particularly highlighted where driveways are blocked outside schools where safety is affected. The London Fire Brigade has raised concerns over parking in residential areas which impacts on access for fire appliances, increasing fire safety concerns. The introduction of CPZ's in residential areas which face these challenges would be beneficial.

**Public Background Papers Used in the Preparation of the Report:** None

**List of appendices:**

Appendix A – CPZ Policy Scoring Criteria

Appendix B – CPZ Flow Chart