

## ASSEMBLY

10 OCTOBER 2012

<b>Title: Response to Petition - Implementation of a Controlled Parking Zone Ripple Road &amp; Harrow Road</b>	
<b>Report of: Divisional Director of Environment</b>	
<b>Open</b>	<b>For Decision</b>
<b>Wards Affected: All</b>	<b>Key Decision: Yes</b>
<b>Report Author:</b> Ruth Du-Lieu Group Manager – Street Scene	<b>Contact Details:</b> Tel: 020 8227 2641 E-mail: ruth.dulieu@lbbd.gov.uk
<b>Accountable Divisional Director:</b>	Robin Payne Divisional Director of Environmental Services
<b>Accountable Director:</b>	Darren Henaghan Corporate Director of Housing and Environment
<b>Summary:</b> <p>The Council has received a petition containing over 100 signatures from separate addresses in the borough, requesting that the Council stop proposals to implement controlled parking zones within Ripple Road and Harrow Road.</p> <p>In summary the petition is claiming that the Council misrepresented the true consultation results so that it could implement the controlled parking zone. The petition makes particular reference to concerns about access to shops and doctors surgeries being adversely affected by the parking zone.</p> <p>In accordance with the Council's procedures for petitions the lead petitioner, Mr John Far, has been invited to the meeting of the Assembly to present the petition.</p>	
<b>Recommendation(s)</b> <p>The Assembly is recommended to agree, for the reasons set out in this report:</p> <ol style="list-style-type: none"><li>1 that it is unable to support the petition to abandon plans for a Controlled Parking Zone in Ripple Road and Harrow Road; and</li><li>2. that it supports proposals for a re-consultation of Controlled Parking in the Ripple and Harrow Road area.</li></ol>	
<b>Reason(s)</b> <p>Under the Council's Petition Scheme as set out on the Council's website, petitioners are entitled to a debate at full Assembly if the petition has the support of 100 or more signatures from different addresses in the borough.</p> <p>As this petition exceeds that threshold it has triggered the requirement for a debate at Assembly.</p>	

## **1. Introduction and Background**

- 1.1. The Council is responsible for the highway and traffic network within the boundaries of the London Borough of Barking and Dagenham (LBBB). This includes the provision of both on and off street parking facilities and the enforcement of parking legislation as set out in the Traffic Management Act 2004.
- 1.2. The Council uses a variety of mechanisms to control the parking of vehicles and the flow of traffic. The promotion of road safety through effective traffic management is a priority to try and make improvements for both pedestrians and motorists. Traffic management includes parking bays, double yellow lines, controlled parking zones, pay and display and signage.
- 1.3. Controlled Parking Zones (CPZs) are widely used in most London Boroughs and have been in existence in LBBB for a number of years. CPZs are operated under powers given in the Road Traffic Regulation Act 1984 and in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 1.4. The principles behind CPZs are to ensure that residents' parking needs are accommodated by putting in place marked bays that only residents are able to use. There is a charge levied in the form of an annual permit. The revenue derived from the sale of permits is used to implement the parking schemes and carry out enforcement.
- 1.5. Inconsiderate parking causes issues for residents in terms of access and convenience as well as compromising road safety. The geography of most zones will incorporate shops, places of worship, community centres etc and so included in the final design are loading bays, disabled bays, shared use bays and pay and display as appropriate. To combat dangerous parking, double yellow lines are also implemented near to and at junctions, bends and narrowings.
- 1.6. The Council consulted residents of Ripple Road and Harrow Road by letter on the 7 October 2011 regarding the implementation of a CPZ. The results showed that in Harrow Road 60% of residents said they were in favour and in Ripple Road 68.29% said they were in favour. On this basis, the decision was taken to implement a CPZ in both roads.
- 1.7. Below is a table of the consultation figures for the area included in the consultation exercise for Ripple Road, Harrow Road and surrounding areas.

Number of Road Consulted	Number of Properties Consulted	Number of Responses received	Response Percentage	Do you think a CPZ will help in your area			
				Yes		No	
				No.	%	No.	%
Blake Avenue	211	61	28.90%	6	10.71%	50	89.89%
Denham Way	41	14	34.10%	0	0	14	100%
Devon Road	93	37	39.80%	6	16.22%	31	83.78%
Eastbury Avenue	33	9	27.30%	3	33.33%	6	66.67%
Eastbury Square	24	10	41.70%	1	10%	9	90%
Harrow Road	82	27	32.90%	15	60%	10	40%
Mayesbrook Road	21	8	38.10%	0	0	8	100%
Mellish Close	10	2	20%	0	0	2	100%
Pelham Avenue	17	6	35.30%	0	0	5	100%
Sisley Road	78	36	46.20%	3	8.33%	33	91.67%
Sterry Road	26	8	30.80%	1	12.50%	7	87.50%
Tudor Road	22	7	31.80%	4	57.14%	3	42.86%
<b>GRAND TOTAL</b>	<b>658</b>	<b>225</b>	<b>34.50%</b>	<b>39</b>	<b>17.97%</b>	<b>178</b>	<b>82.03%</b>

Number of Road Consulted	Number of Properties Consulted	Number of Responses received	Do you think a CPZ will help in your area			
			Yes		No	
			No.	%	No.	%
Ripple Road	197	43	28	68.29%	13	31.71%
<b>GRAND TOTAL</b>	<b>197</b>	<b>43</b>	<b>28</b>	<b>68.29%</b>	<b>13</b>	<b>31.71%</b>

1.8. In May 2012, the implementation of the CPZ began and residents affected were notified in writing that a decision had been taken to put in place parking restrictions. A number of residents complained that the length of time between the consultation taking place and the decision to implement was too long and therefore the findings from the consultation should not be used to put in place a CPZ in Ripple and Harrow Road. After considering these representations the implementation of the new scheme was suspended pending a further consultation in Ripple Road and Harrow Road. Residents were notified of this decision on the 1 August 2012 by letter.

## 2. Financial Implications

Implications completed by: Jahangir Mannan - Group Accountant  
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- 2.1 There is currently an income budget of £6.074m within parking services to be recovered from issuing of enforcement notices, car park charges and the issue of permits. The actual income from permits in 2011/12 amounted to £397,033, and the estimated income for 2012/13 is £587,803. Approximately 57% of this (£346k) relates to residential permits, 22% relating to visitor's permits, with the remainder a mixture of business and other permits
- 2.2 The above budget includes a savings target of £70k for 2012/13 to be generated through the implementation of the new emission based charges. In 2011/12 a savings target of £1.040m was approved for additional parking income with approximately £686k attributable to CPZs of which £486k was not achieved.
- 2.3 The new permit charging regime and corresponding fees for 2012/13 were approved by Cabinet in February 2012 as part of the Fees & Charges report.
- 2.4 Benchmarking has taken place against similar neighbouring authorities; LBBB charges are fourth in a sample of eight boroughs.
- 2.5 The average cost of issuing a permit is £9.67, although the cost of Residential Permits is higher at £14.33 due to the greater printing cost involved with the paper quality. The annual cost currently amounts to £201,121 for all permits, which includes £97,439 for residential permits only.
- 2.6 However, there are significant costs associated with implementing a CPZ (e.g. resident consultation, signs and white lines) which are not included in the costs above. It is estimated that the cost of implementation for Ripple Road and Harrow Road is approximately £100k and will impact in the region of 1,000 households.
- 2.7 The exact take up of residential permits within a CPZ area is difficult to forecast, however, based on some recent samples, an indicative estimate of 40% is assumed. At this level of take up, and also assuming the profile of car emissions is consistent with the whole borough (i.e. average charge of £50.47), an annual net income of £14,456 may be achieved from this area. This gives a payback period of 7 years to recover the capital implementation costs through permit income.
- 2.8 There may be additional income from the issue of penalty notices. However, this is difficult to quantify against specific CPZ areas and will need to be retained to cover the cost of the enforcement.

### **3. Legal Implications**

Implications completed by: Paul Feild Senior Lawyer  
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- 3.1 Controlled Parking Zones are operated under powers given in the Road Traffic Regulation Act 1984 (the Act). There are minimum requirements for consultation and publication before making an order which is set out in the Act and in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 3.2 The making of charges for the zones is regulated by the Act so as to ensure the operational cost of the scheme is self-financing and where there is a deficit to the general fund as a result of operation the income should be so applied to prescribed

expenditure such as parking provision, public passenger services, road improvement and maintenance, London transport strategy and environmental improvements

- 3.3 The use of a carbon output calculator is in keeping with the general thrust of the Governmental policy to seek to charge a greater fee for a greater environmental impact - the “polluter pays” principle.
- 3.4 The CPZ process is managed under delegated authority by Corporate Director for Housing and Environment with a full consultation and implementation regime in accordance with the statutory procedure. Following responses the representations are weighed up to examine whether the CPZ shall be introduced or not. Those persons who make representations are replied to.
- 3.5 The Court of Appeal (in a case involving Westminster Council's decision to bring in charges for motorcycle parking) recently gave guidance on the weight to be placed on representations in that a Local Authority was not to carry out a head-count in terms of those in favour or against a measure. It is perfectly legal for an apparent majority of those who respond to consultation for example by a petition to be against a measure and for the Council to introduce a new parking regime as long as there is a reasonable basis for doing so in accordance with S.122 of the Act (that is to have regard to S.122 (2) (a) access for the residents (b) the affect the measure would have on local amenities (c) the ease of passage of public service vehicles including health & safety issues and (d) any other matters that appear to be relevant).

#### 4. Other Implications

- **Risk Management:** The main risk is that if a CPZ is not implemented parking problems will escalate as vehicles will be forced from the restricted zones into Harrow and Ripple Roads. Without adequate parking restrictions the Council will not be able to maintain road safety as it will not be able to enforce vehicles parked dangerously.
- **Contractual Issues:** None
- **Customer Impact:** When implementing a CPZ we have to be mindful of the impact on surrounding roads and make a decision on whether to extend to roads that may have been against it based on this. In the case of Harrow Road and Ripple Road the residents who voted were in favour of the scheme being implemented.

#### 5. Background Papers Used in the Preparation of the Report:

Consultation figures