

CABINET

17 October 2023

Title: Parking Proposals - Amendment to Controlled Parking Zone (CPZ) Policy	
Report of the Cabinet Member for Enforcement and Community Safety	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
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Accountable Director: Gary Jones, Operational Director, Enforcement and Community Safety	
Accountable Executive Team Director: Fiona Taylor, Chief Executive	
Summary <p>Following the most recent round of Controlled Parking Zone (CPZ) consultations it has become more apparent that residents feel unclear as to exactly how any feedback they provide during consultation impacts on the overall decision as to whether a CPZ is introduced or not.</p> <p>This report aims to provide clarity on this issue in a way that is fair and transparent but also considers the Council's priority of ensuring "Residents live in, and play their part in creating, safer, cleaner, and greener neighbourhoods". This is achieved by reducing car ownership, improving air quality, creating safer roads and reducing parking related congestion and access issues.</p> <p>The report also outlines proposals relating to permit issuance process and the review of CPZs.</p>	
Recommendation(s) <p>The Cabinet is recommended to:</p> <ul style="list-style-type: none">(i) Agree amendments to the CPZ decision-making criteria and, in particular, the Resident feedback section of the Implementation of Controlled Parking Zones (CPZ) Residents Parking Policy, as set out in Appendix 1 to the report;(ii) Agree the restrictions on parking permit issuance within a CPZ, as set out in section 2.4 of the report; and(iii) Agree the revised arrangements regarding reviews of implemented CPZ schemes, as set out in section 2.3 of the report.	

Reason(s)

To provide a clearer and more transparent CPZ decision making criteria, CPZ review and permit issuance process which assists the Council in achieving its priorities in that “Residents live in, and play their part in creating, safer, cleaner, and greener neighbourhoods”.

1. Introduction and Background

- 1.1 In September 2018 cabinet approved a report entitled “Controlled Parking Zones - Consultation and Decision Making Process which set out proposals for consulting on and implementing controlled parking zones (CPZs) across the borough. This report included the application of a scoring matrix in the determination of whether or not a scheme had sufficient support / merit to progress following consultation. The scoring matrix considered three factors: identified need, level of resident support and ward councillor support. Depending on how each factor was met a score of -1, 0, +1 or +2 is applied. Where a proposal was high scoring (+4 to +6) the scheme would be implemented. If a low score was achieved (-4 to 0) the scheme would not be introduced. In the scenario where a score of +1 to +3 was achieved, the final decision would rest with the at the time Director of Governance and Law in consultation with the lead Cabinet Member. Full criteria can be found at [CPZ Criteria Report \(lbbd.gov.uk\)](http://lbbd.gov.uk). It should be noted that when referring to CPZ consultation in this report this refers to the informal process and not the statutory Traffic Management Order (TMO) process which is a legal and statutory requirement and remains unchanged by this report.
- 1.2 However, in May 2019 and following stakeholder feedback from the initial round of consultation on areas A – D a Cabinet report entitled “Controlled Parking Zone Programme – Update and Funding” was drafted and agreed. Para 2.5 of this particular report set out the need to review the criteria and streamline the decision-making process. This essentially resulted in the scoring element of the criteria being removed as it was felt this wasn’t robust enough to ensure a balanced outcome and was open to challenge. It should be noted however that the key factors (identified need, resident support and ward councillor support) were retained and continue to be an essential part of the decision-making criteria today. As well as those factors, it was recognised there may be occasions where safety or congestion concerns related to parking are identified and the implementation of a scheme could be justified irrespective of the outcome of the consultation and any other factors considered. This is especially relevant when concerns are raised by the emergency services. This again remains to be the case for the current criteria which is in place and is outlined in more detail below. The full report can be found at [CPZ Capital Funding Report \(lbbd.gov.uk\)](http://lbbd.gov.uk).
- 1.3 The current CPZ decision making criteria has been in place since then and can be found in Appendix 1 which for ease also shows the proposed changes which are detailed within Para 2 Proposal and Issue section of this report - As mentioned this policy continues to place emphasis on the following 3 key areas:
 - Identified Need
 - Resident Feedback
 - Ward Councillor Feedback

Identified Need

- 1.4 This section of the policy considers a number of factors which are identified by the Council as well as those received by external colleagues such as the emergency services and TfL. These are categorised as follows:

Safety	<ul style="list-style-type: none"> - Schools located within the zone - Reported road traffic accidents - Concerns identified by Emergency Services / TfL
Congestion	<ul style="list-style-type: none"> - Community Hubs & shopping parades within zone - Schools traffic - Transport Hubs (trains & buses) - Displacement parking from neighbouring CPZ - Access issues - Commercial vehicle parking
Air Pollution	<ul style="list-style-type: none"> - Proximity to boroughs most polluting roads - Mayors Ultra Low Emissions Zone (ULEZ) - Mayors Manifesto - LBBD Parking Strategy (area-based approach to parking control)

- 1.5 Not only do these considerations help in determining what areas need to be prioritised for consultation but they play a key role in decided whether a scheme should be introduced. It should be noted that no specific weighting is applied to this element but is instead considered alongside ward councillor and residents' feedback and feeds directly into priority 6. The only exception to this is if safety concerns are raised by the emergency services or TFL which need to be addressed to ensure the lives of pedestrians and road users isn't impacted.
- 1.6 The Parking Service remains committed to the vision to achieve all the benefits CPZ provides, which is often accomplished via our emissions-based permit pricing structure, which discourages "gas guzzlers" and unnecessary journeys being made. This vision includes:

- Improved access to parking for residents, visitors, businesses and blue badge holders
- Improved road safety, particularly around schools and community hubs which are used by the borough most vulnerable residents and visitors.
- Improved Air Quality (Net zero ambitions) - In line with the requirements of the Mayor of London's Transport Initiatives and Manifesto we have been encouraging members of the public to choose healthier and more sustainable methods of transport including, walking, cycling and public transport.
- Reduced Traffic Congestion and improved access for the emergency services and Councils refuse collection team
- Improved Access for pedestrians - Parking bays and yellow lines help to ensure pedestrians can safely use the footway which is especially needed for vulnerable residents such as wheelchair users and those who are partially sighted.

Residents Feedback

- 1.7 Resident feedback is the most challenging part of the criteria and is therefore where this report focuses specifically in trying to make it more transparent and clearer to all stakeholders on how resident feedback or low or non-response impacts on whether a scheme will or will not be introduced. The most challenging aspect of resident feedback is the misconception that if a scheme is not supported (voted) by the majority of those consulted, then by default the scheme should not be implemented. However as already mentioned all factors must be considered when determining the outcome of the scheme and residents feedback forms just part of this.
- 1.8 The most common types of objection feedback received during consultation includes:
- The CPZ is being imposed to make additional income for the Council - this forms approximately 75% of all feedback received.
 - Concerns over visitor parking i.e. family members or carers visiting a resident at home.
 - Impact to local business (less customers).
 - Request for changes to the scheme proposal i.e. operating times.
- 1.9 The most common types of supporting feedback includes:
- Inconsiderate parking is causing access issues for the emergency services or other.
 - Too many parked vehicles on street and multiple vehicle ownership.
 - Increased parking pressures from new housing developments.
 - Dropped kerb obstruction.
 - Parking of commercial vehicles.
- 1.10 Since the beginning of the CPZ project in 2018, there have been many occasions where feedback from residents and ward councillors has helped shape a scheme proposal from a range of aspects, including design, type and location of parking bays, posts and signs as well as the operating period of a scheme, which has all come from comprehensive consultation with these stakeholders.
- 1.11 To ensure residents are fully aware of our proposals and that consultation is fully inclusive to all members of the community we consult in a variety of ways including:
- Letter drop to all affected residents with follow-up reminders letters being issued.
 - Include all proposals online and with London Gazette and within other local publications.
 - Placing public notices (Notice of Intent) on street furniture as required.
- 1.12 We encourage feedback via:
- One Borough Voice online
 - Automated telephone line
 - Parking customer care team over the phone

- Public Meetings
- Libraries
- Door to door engagement
- Email

1.13 In addition:

- Where possible we make use of the new “community hubs” throughout all stages of the process as these will often be ideally located within the zone in question and can provide an additional route for residents to get information and provide feedback.
- Consider alternative methods of engagement through digital media and the communications team, one borough newsletter and other LBBB literature, libraries, community groups etc.

Ward Councillor Feedback

1.14 The views of ward councillors as elected representatives is a key consideration in the consultation process. Incorporating the views of ward councillors as part of the design, consultation and decision-making process provides councillors the opportunity to fully engage in the decision-making process and voice the views of the community they represent. In all cases ward members are consulted at the initial CPZ design/proposal stage (before residents are consulted) and again after consultation with residents when the CPZ decision is being made. Feedback received from ward councillors is considered in conjunction with identified need and residents’ feedback as outlined above.

2. Proposal and Issues

2.1 The proposed changes focus specifically on the following areas:

- (i) Agree amendments to the CPZ decision making criteria and in particular the Resident feedback section of the Implementation of Controlled Parking Zones (CPZ) Residents Parking Policy (see Appendix 1)
- (ii) Agree terms to restrict parking permit issuance within a CPZ (as required)
- (iii) Agree terms for CPZ Review

2.2 CPZ Decision Making Criteria - Changes to Resident Feedback

2.2.1 As already mentioned in this report there is a need to provide more clarity when it comes to what impact residents’ feedback has upon the introduction of a CPZ and also what consideration is given to the nature of feedback and non-response.

Resident Feedback Threshold

2.2.2 Therefore its proposed that a threshold be applied which residents would be clearly advised of at the consultation stage. It is recommended that a realistic and fair response rate to affect the outcome should be set at a minimum of 30% in line with local government elections rates and based on previous consultations. When looking at our most recent consultations, CPZ consultation response rates vary between 11 to 61% (individual response rates are set out within the table below) and average out around the 25.6% which roughly aligns with local election turnout.

With the additional consultation engagement activity now being undertaken around CPZ's and clearer defined thresholds we envisage response rates to increase and for this threshold to be representative.

Previous Response Rates

Scheme	Ward	Response Rate
Area S6 (Zone STR)	Parsloes and Mayesbrook	17%
Area S7 (Zone STR)	Parsloes and Mayesbrook	11%
Area S8 (Zone WB)	Heath	22%
Area S10 (Zone MG)	Chadwell Heath	23%
Area S11 (Zone RCS)	Whalebone	31%
Area S14 (Zone RCS)	Heath	11%
Area S15 (Zone EBS)	Eastbrook and Rush Green	61%
Area S16 (Zone CH)	Becontree	26%
Area S20 (Zone EBS)	Eastbrook and Rush Green	29%

2.2.3 In instances where the minimum 30% response rate is met a level would need to be set to determine whether or not the majority of those residents who have responded to either support or object to the proposal. It is suggested this rate should be set at a minimum 66% as this provides a two thirds majority and would then be used as a deciding factor as to whether the scheme is formally introduced or withdrawn, subject to paras 2.2.3 and 2.2.4.

2.2.4 If the minimum 30% threshold is not met consideration focusses only on the other two factors, identified need and member's feedback. Although Resident feedback will be considered to ensure the best outcome is achieved i.e., improvement to scheme design or regarding small changes to the scheme, resident feedback will no longer be considered at this stage as a factor to determine whether the scheme is implemented or not.

Nature of Feedback and Breakdown by Road or Area

2.2.5 In addition to the threshold outlined above it is prudent to further breakdown the nature of the feedback received as it may be possible to mitigate some elements of concerns or objection reason being raised during consultation. Some examples of this may include but not limited to:

- Don't want to pay for visitors to park – The Council is now offering 10 free visitor sessions for new scheme rollouts.
- The operating period is too long – in the past we have been able to reduce operating periods where this is common feedback theme.
- It will affect local business – we are now extending the free parking period offered in secondary shopping parades from 30 minutes to 1hr and from 1 hour to 2 hours in council car parks.
- The proposal is an initiative designed to generate income for the Council – It should be noted that all income received for on street parking is ringfenced under section 55 of the Road Traffic Regulation Act 1984 and as such may not be used for general fund purposes, but to ensure parking services is self-financed and is able to provide the necessary enforcement and back-office support of such zones.

- 2.2.6 In instances where constructive changes to the scheme can be made or resolution to a formal objection is identified and clearly demonstrated to ward councillors then flexibility should be applied to the original objection and potential removal of the objection from the overall feedback response figures may be considered.
- 2.2.7 Given the rationale as to why the scheme is being proposed in the first place, specific consideration will be given to feedback relating to safety, congestion, air quality and commercial vehicle parking.
- 2.2.8 When analysing feedback, it is also helpful to look at feedback by road or area as it maybe that the above threshold of 30% response rate and two third majority is reached, resulting in a clear mandate to introduce a scheme based on this factor alone. Again, this needs to be considered in conjunction with all factors covered in paragraphs 2.2.5 – 2.2.11.

Overriding factors

- 2.2.9 For those instances where the recommendation is based on other factors such as serious safety concerns, severe congestion and/or the concerns of the emergency services, the matter will be referred to the relevant Director for a second-tier review and final determination, in consultation with the relevant Cabinet Member. It is recognised that there may be occasions that concerns related to parking restrictions are so severe that the case for implementing a scheme can be justified irrespective of the outcome of the consultation. Such a situation would be, for example, where there are serious safety concerns 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 or Transport for London. In previous consultations the London Fire brigade are quite active in raising any concerns they have about access for obvious reasons caused by parked vehicles and as a local authority we have a duty of care to act and resolve these concerns. Its therefore recommended this element of the policy remains unchanged.
- 2.2.10 It maybe that such issues are raised about the entire CPZ proposal or are very specific issues raised about a small part of the zone i.e. one or two roads. When deciding whether a scheme is introduced in only a specific road or location, we must consider the impact this has on the wider area. For example, if the concerns relate to poor parking or high volumes of parking its likely a reduced CPZ to resolve this issue will only displace parking into neighbouring roads, leading to new access and safety issues arising. Considering the severity of the issues being raised its typically our approach to apply an area-based approach and therefore the nature of the issue must be considered carefully.
- 2.2.11 It should be noted that these overriding factors could overrule feedback received as part of the consultation process. This applies even in circumstances where the above resident feedback thresholds are met as set out in paragraphs 2.2.2 – 2.2.4, especially where safety and congestion related issues are identified.

Non-response

- 2.2.12 By establishing a clear threshold this provides a clear transparency to how non-responses will be considered, which is to say we will only consider actual feedback

received and base recommendations on this. The revised decision-making criteria can be found in Appendix 1

2.3 CPZ Reviews

- 2.3.1 Over the course of the CPZ project there have been a few occasions where a request to review a CPZ has been received, which impacts the consultation of new CPZ's which already form part of the approved CPZ programme. These requests relate to wholesale change which requires full scheme re-consultation. An example of this is a change to operating periods or reconfirming public opinion.
- 2.3.2 It is proposed that, as a general principle, no further reviews will be carried out until the completion of the agreed CPZ programme, which is currently scheduled for Autumn 2025. A review will be undertaken in exceptional circumstances, as and when justified, such as due to severe increases in parking demand, or serious safety or access issues being raised. There may be individual circumstances where tweaks to the scheme are requested such as installation of a disabled bay or request for additional yellow lines for example.

2.4 Restriction on Parking Permit Issuance

- 2.4.1 In the event there is over subscription of permits within a given CPZ this will be managed via the permits terms and conditions process and will be site specific. For example, within locations where parking is very limited such as William Street Quarter we are currently operating only 1 permit per household so that the available spaces and ability to park is shared out evenly. Whereas other large zones across the borough where access to parking is much more widespread and accessible such as the Heathway (HW) zone for example is not restricted. The ratio of parking spaces and number of vehicles wishing to park will continue to be closely monitored both on street via the Civil Enforcement Team as well as via complaints in the customer care team and wider parking service. As part of the permit terms and conditions we reserve the right to restrict, or revoke permits to ensure parking needs are met safely and fairly.
- 2.4.2 The issue of oversubscribing is not prevalent in the borough and only really relates to locations where ongoing development is taking place and parking spaces have reduced and the Gascoigne estate is an example of this. Also where new housing development has resulted in increased numbers of local residents now looking to park their vehicle. Although we currently have a policy in place which prohibits residents (motorists) residing in car free or car lite development from obtaining a permit to park it is unfortunately common for parking demand to increase which then becomes an enforcement issue managed by the Civil Enforcement Officers.
- 2.4.3 In the case of new housing developments which arrives within or adjacent to an existing CPZ, which are not car free and are therefore eligible to permits then it is recommended that a restriction to only 1 permit per property is to manage the impact of parking demand within the area.

3. Options Appraisal

CPZ Decision Making Criteria

- 3.1 **Make no change** – the main consideration of this paper in respects of CPZ criteria review is to provide more clarity as to what impact residents feedback has upon the introduction of a CPZ and also what consideration is given to the nature of feedback and non-response. As CPZ expansion has increased across the borough this element of the criteria is being challenged more regularly. Therefore, making no change may be seen as a missed opportunity to provide a more transparent, fair and representative decision-making criteria.
- 3.2 **Apply Scoring Criteria across all three elements** of the criteria including identified need, residents' feedback and member feedback – This option was rejected because this is a very similar approach to what was originally in place back in 2018 but was very quickly amended to the current criteria.
- 3.3 **Undertake Statutory Consultation Only (Traffic Management Order Process)** – This would mean that the Council meet only its statutory obligation in respect of the TMO process which essentially means a proposal is simply published in the local newspaper and London Gazette, and a formal 21-day objection period applies. Any comments or objections received are then resolved, and scheme is then taken forward following resolution of any outstanding issues. All informal consultation methods i.e., letters to residents is not carried out in this case. This option is not recommended because although it meets legal and statutory process it restricts the ability for residents to fully voice any concerns, they have in a fully inclusive and accessible way. Moreover, as already mentioned it is beneficial to have an open and comprehensive dialogues with consultees to ensure the best outcome is achieved.
- 3.4 **Non-implementation of scheme based solely on resident feedback alone (Popular Vote)** - Pursuing this option would mean other factors such as identified need and those raised by emergency services and TfL would not be considered. This option was rejected because not only could this lead to serious access and safety concerns not being addressed, but it will also impact the ability for the Council to meets is priority of “ensuring residents live in, and play their part in creating, safer, cleaner, and greener neighbourhoods”. We remain committed to the key principles of the project which are to:
- Reduce car ownership and the amount of motor vehicles journeys being made
 - Encourage active travel and use of public transport.
 - Improve air quality (Net zero ambitions)
 - Improve emergency access

4. Consultation

- 4.1 The proposals in this report are to be considered by the Executive Management Team at its meeting on 14 September 2023.

5. Financial Implications

Implications completed by: Afzal Hussain, Accountant

- 5.1 There are no direct financial implications arising from this report as it relates to the amendment to the CPZ decision making criteria and in particular the Resident feedback section of the Implementation of Controlled Parking Zones (CPZ) Residents Parking Policy. However, the costs of a full consultation will be contained within existing resources.

6. Legal Implications

Implications completed by: Dr. Paul Feild, Principal Standards & Governance Lawyer

- 6.1 The power to create Controlled Parking Zones is set out in section 45 of the Road Traffic Regulation Act 1984 (RTRA). The revenue generated by charges for on-street and off-street parking is subject to the requirement that it be placed within a ring-fenced account, operating in accordance with section 55 of the Road Traffic Regulation Act 1984.
- 6.2 The power to charge and the purposes for which the money may be used has been tested in the courts. They have determined that the power is not to be used as a source of generating revenue, instead the charging regime ought to seek to be self-financing including covering earlier deficits and when a surplus is generated the purpose to which it may be allocated is set out in statute. That does not mean that finances should be on a knife-edge as it is quite lawful to be prudent and to budget for a surplus to allow for unforeseen expenses, shortfalls in other years, and payment of capital charges/debts.
- 6.3 With these considerations in mind any new strategy and charging regime will inevitably take time to settle down. This report follows a review of the current CPZ regime with a view to better take account of feed-back from the community. As ever the scheme must be both viable and compliant with statutory obligations.

7. Other Implications

- 7.1 **Corporate Policy and Equality Impact** – An Equalities Impact Assessment (EIA) has been carried out and is attached at Appendix 2.
- 7.2 **Health Issues** – The parking team remain committed to promoting cleaner air, reduced car ownership, journeys, road safety and emergency access which all has a positive impact on health within the borough as more people will choose healthier and active forms of travel.

Public Background Papers Used in the Preparation of the Report:

- “Controlled Parking Zones – Consultation and Decision-Making Process” report to Cabinet, 18 September 2018
(<https://modgov.lbbd.gov.uk/internet/documents/s125848/CPZ%20Criteria%20Report.pdf>)

- “Controlled Parking Zone Programme – Update and Funding” report to Cabinet, 21 May 2019
(<https://modgov.lbbd.gov.uk/internet/documents/s131075/CPZ%20Capital%20Funding%20Report.pdf>)
- Controlled Parking Strategy 2022-25” report to Cabinet, 12 July 2022
(<https://modgov.lbbd.gov.uk/internet/documents/s155023/Parking%20Strategy%20Report.pdf>)

List of appendices:

- **Appendix 1** – Decision-Making Criteria, Resident Implementation of Controlled Parking Zones Residents Parking Policy (revised) – amendments shown in green and via strikethrough
- **Appendix 2** - Equality Impact Assessment