

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2875

London Borough of Barnet request to change the penalty charge notice levels for parking contraventions

Executive summary:

The Mayor is asked by the London Borough of Barnet (LB Barnet) to approve the introduction of a uniform Band A charging level across the whole of the borough for all on and off-street Penalty Charge Notices (PCNs).

Currently the road network in LB Barnet is subject to Band B charging levels. The change from Band B to Band A would mean increasing the charge for more serious contraventions from £110 to £130, and for less serious contraventions from £60 to £80.

LB Barnet presented this proposal to London Councils which considered the request and submitted it to the Mayor. It included the results of the consultation LB Barnet had undertaken which showed that around 21 per cent of respondents agreed with the proposal to increase PCN levels.

If the Mayor approves the proposal, the Mayor is required to write to the Secretary of State for Transport asking him to consider the proposal. The Secretary of State then has up to one month to raise any objections.

Decision:

That the Mayor:

1. approves the proposed change to a Band A penalty charge level across the London Borough of Barnet;
2. writes to the Secretary of State for Transport notifying him of the proposed change.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.
The above request has my approval.

Signature:



Date:

14/10/21

PART I – NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1 As noted in the London Plan, parking policy can have significant effects in influencing transport choices and addressing congestion. Parking enforcement is required to ensure that the objectives of local parking policies are being achieved.
- 1.2 Further to the provisions set out in the Traffic Management Act 2004 (Schedule 9), and delegation from London boroughs, London Councils' Transport and Environment Committee is responsible, subject to agreement by the Mayor of London (the Mayor) and the Secretary of State for Transport (the Secretary of State), for setting additional parking charges on borough roads. These additional parking charges include:
- penalties for contraventions of parking regulations including any surcharges or discounts
 - release from wheel clamps
 - removals from the street
 - storage charges and disposal fees.
- 1.3 The current on and off-street parking penalty charges for Greater London are as follows:

	Higher band	Lower band
Band A	£130	£80
Band B	£110	£60

- 1.4 Band A areas have traditionally been focused in Central London and urban centres where the pressures on parking and congestion are often greatest. Band B areas have historically been concentrated in outer London where pressures on parking have tended to not be as significant.
- 1.5 Higher-band penalties apply to contraventions that are considered more serious, such as parking on yellow lines or where an obstruction is caused. Lower-band penalties apply generally where parking is permitted but the regulations are contravened, such as overstaying on a pay-and-display bay.
- 1.6 Due to issues with non-compliance, some outer London authorities with higher-density parking and significant controlled parking zones have become Band A areas (such as London Borough of Enfield and Royal Borough of Greenwich). Some London authorities have limited areas within the borough that are Band A areas.
- 1.7 Pursuant to a report dated 15 October 2020 from LB Barnet, London Councils' Transport and Environment Committee considered a proposal for changing the level of additional parking charges on borough roads in LB Barnet (Appendix A). London Councils considered this request and subsequently wrote to the Mayor on 23 October 2020 seeking his approval of the change to the current charges from Band B to Band A (Appendix B).
- 1.8 The GLA replied to this by letter on 10 November 2020 requesting some further information and clarification in respect of the request (Appendix C). A response was sent to the GLA on 17 December 2020 providing further information in respect of their consultation of the proposal (Appendix D). On 21 January 2021 the GLA requested some further information in respect of LB Barnet's response to the consultation (Appendix E). LB Barnet advised the GLA that due to the borough's response to the Covid-19 pandemic there would be a delay in providing the information. It was provided on 23 July 2021 (Appendix F).

1.9 If the Mayor approves the proposed increase, paragraph 4 of Schedule 9 of the Traffic Management Act 2004 provides that the Mayor must notify the Secretary of State of the levels of charges so approved. The revised charges shall not come into force until the expiration of either: the period of one month, beginning from the date on which the notification is given; or such shorter period as the Secretary of State may allow. The Secretary of State may, before the end of that period, give notice to the Mayor that he objects to the levels of charges because some or all of them are excessive. If he does so, those levels of charges shall not come into force unless and until the objection has been withdrawn. If the Secretary of State thinks that the level is excessive, he may make regulations setting the level of charges.

2. Objectives and expected outcomes

2.1 In its letter to the Mayor, London Councils noted that LB Barnet's reason for changing from Band B to Band A across the borough was to help improve compliance with essential traffic and parking management measures. The request would mean that the whole borough (save for the roads that border other boroughs with Band B charging levels) would be subject to Band A.

2.2 Further information was provided in LB Barnet's report addressed to London Councils (Appendix A). In summary:

- LB Barnet has a Long-Term Transport Strategy (LTTTS). The LTTTS' aim is to modify car use in the borough and address traffic congestion. LB Barnet notes that illegal parking can disrupt traffic flow and also impact other road users by blocking bus and cycle lanes. Although not specifically referenced in the LTTTS, the move from Band B to Band A forms part of the measures to deliver the proposals in the LTTTS.
- In recent years LB Barnet has experienced increased demand (in part due to growth and regeneration in the area) for parking and this measure is intended to deter drivers from parking illegally.
- LB Barnet notes that its neighbouring borough of Enfield is already a Band A borough. It also notes that LB Brent has also applied to be a Band A borough. This indicates increasing pressure on parking in the region which is resulting in non-compliance and issuing of PCNs.
- LB Barnet noted an increase in PCNs in 2016-17 and 2017-18. The parking enforcement contract was recommissioned in 2018-19 which led to a lower PCN issuance; LB Barnet attributes this to staffing issues and the time it took for new procedures and technology to 'bed in'. Covid-19 had an impact on PCNs issued as LB Barnet adjusted its enforcement approach in line with London-wide guidance. Overall, they note that the number of PCNs issued in the borough is higher than the London average.
- Complaints from the public to LB Barnet's parking team in respect of enforcement issues and requests for enforcement in the borough have increased by 80 per cent since 2014.
- LB Barnet is of the view that the higher penalty charges will have a deterrent effect on drivers parking illegally; and that this should help to improve traffic flow and congestion (including bus movements). Other positive impacts the measure could have is the protection of spaces for disabled users and improvement of air quality.
- LB Barnet undertook a consultation on the proposal 25 April to 1 September 2019. In total, 21 per cent of those who responded supported the change to Band A. LB Barnet notes that there is an active and vocal driver community in the area who promoted the consultation on their campaigning blogs. It notes that a public consultation in respect of its Long-Term Transport Strategy with regard to congestion and parking capacity received a positive response to the

proposals; however, it did not refer specifically to rebanding. LB Barnet's response to the consultation responses can be found at Appendix F.

- LB Barnet consulted with neighbouring boroughs and received no objections or adverse comments.

3. Equality comments

- 3.1 Under section 149 of the Equality Act 2010 (the Equality Act'), the Mayor must have due regard, when making a decision, to the need to eliminate unlawful discrimination, harassment and victimisation; and to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. Protected characteristics under the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status (the duty in respect of this last characteristic is to eliminate unlawful discrimination only).
- 3.2 In considering the matters set out in section 149 of the Equality Act, the Mayor should have regard to the Equality Impact Assessment (EIA) and information provided by LB Barnet. LB Barnet undertook an EIA (Appendix A) and concluded that there will be no disproportionate negative impact on those with protected characteristics.
- 3.3 LB Barnet noted that there have been notable increases in parking contraventions where vehicles have illegally parked in disabled bays impacting those who require these spaces. It is anticipated that the deterrent impact of higher PCN charges will help protect parking spaces for disabled drivers and passengers and would therefore have an indirect positive impact.
- 3.4 LB Barnet considers that the proposal will have a positive impact on the pregnancy/maternity protected group as it should deter illegal parking blocking access to footways and pedestrian crossing.
- 3.5 In its EIA, LB Barnet also considers the impact on other groups (albeit not with protected characteristics). It concludes that the proposals should have a positive impact on carers as the proposals will help deter motorists from illegally parking in disabled bays. It anticipates that the proposal will assist some families and lone parents by deterring dangerous and obstructive parking, particularly around schools.
- 3.6 The EIA identifies a limited impact on people with low incomes, unemployed people and young people; but notes procedures in place for a discount, appeal and payment plans in cases of proven financial hardship.

4. Other considerations

Key risks and issues

- 4.1 Officers reviewed the original proposal provided by London Councils and sought further information from LB Barnet to inform the Mayor's decision. This correspondence is at Appendix C.
- 4.2 A further clarification was sought from LB Barnet in respect of their response to the consultation. This report is at Appendix F. In response to the consultation LB Barnet sets out in their response the actions they propose to undertake in response to some of the concerns raised in the consultation.

Links to Mayoral strategies and priorities

- 4.3 As noted in the London Plan, parking policy can have significant effects in influencing transport choices and addressing congestion. Parking enforcement is required to ensure that the objectives of local parking policies are being achieved.
- 4.4 The Mayor's Transport Strategy seeks to discourage unnecessary car journeys, noting that parking policy changes may have a role in helping to discourage car use.

Impact assessments and consultations

- 4.5 As required, LB Barnet presented its proposal to London Councils' Transport and Environment Committee.
- 4.6 Should the Mayor approve the application by LB Barnet, the Mayor will be required to notify the Secretary of State of the levels of charges.
- 4.7 LB Barnet carried out a consultation on its proposal between 25 April 2019 and 1 September 2019. Further details of the consultation are contained in LB Barnet's application to London Councils (details included at Appendix A). It was advertised on LB Barnet's website. During the consultation period a typo was noted in the introductory statement: it said that 'the number of PCNs issued have increased by almost 70 per cent between 2010-11 and 2017-18'. The correct statement was 'The number of PCNs issued has increased by almost 50 per cent between 2010-11 and 2017-18'. This was amended and a decision was made to run the consultation for a further month. In response to the consultation LB Barnet received a low number of responses (313); it was noted that LB Barnet often receives a low level of responses to these types of consultations. Of the responses, 21 per cent were in favour of the proposal to change from Band B to Band A.
- 4.8 LB Barnet noted that in light of the Covid-19 pandemic, and coming out of lockdown, there had been increased pressure on parking in the borough.
- 4.9 No officer involved in the drafting or clearing of this Mayoral Decision has any interests to declare.

5. Financial comments

- 5.1 There are no direct financial consequences for the Greater London Authority arising from this decision.

6. Legal comments

- 6.1 Paragraph 2 (1) (b) of Schedule 9 of the Traffic Management Act 2004 provides that it is the duty of London local authorities to set the levels of charges relating to contraventions on or adjacent to roads other than GLA roads, and paragraph 2 (2) provides that different levels of charges may be set for different areas in London and for different cases or classes of cases.
- 6.2 Paragraph 3 (1) of Schedule 9 provides that London local authorities must submit to the Mayor for approval the levels of charges that they propose to set. This request is set out at Appendix B. The Mayor can either approve the proposed charges or set the level by order.
- 6.3 If the Mayor approves the levels of charges, paragraph 4 of Schedule 9 provides that the Mayor must notify the Secretary of State of the levels of charges so approved. The levels of charges shall not come into force until the expiration of either the period of one month beginning with the date on which the notification is given, or such shorter period as the Secretary of State may allow. The Secretary of State may before the end of that period give notice to the Mayor that he objects to the levels of charges on the grounds that some or all of them are excessive. If he does so, those levels of charges shall not

come into force unless and until the objection has been withdrawn. If the Secretary of State thinks that the level is excessive, he may make regulations setting the level of charges.

- 6.4 The Mayor must take into account the reasons provided by LB Barnet and London Councils, having read all the papers provided with this report, and have due regard to the matters required by the Public Sector Equality Duty, when considering this proposal.

7. Planned delivery approach and next steps

Activity	Timeline
LB Barnet recommendation approved by the Mayor	Early October 2021
Mayoral letter to Secretary of State for Transport	October 2021
Secretary of State for Transport review period	One month from date of Mayor's letter
LB Barnet able to implement increased charges	Three weeks from close of Secretary of State's period of review

Appendices and supporting papers:

Appendix A: London Councils' Transport and Environment Committee report regarding a proposal for changing the level of additional parking charges on borough roads in LB Barnet (pages 1-26)

Appendix B: Letter from London Councils to the Mayor, October 2020, requesting band change enclosing London Councils' Transport and Environment Committee Report (page 27)

Appendix C: GLA reply to letter to the Mayor, November 2020 (page 28)

Appendix D: LB Barnet response to GLA reply, December 2020 (pages 29-49)

Appendix E: Further information requests from GLA, January 2021 and LB Barnet response, July 2021 (pages 50-53)

Appendix F: LB Barnet's response to the consultation responses, July 2021 (pages 53-68)

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Catherine Seaborn has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

Philip Graham has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Heidi Alexander has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 4 October 2021

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

Date

4/10/21

D. Gove

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

Date

4/10/21

D. Bellamy

