

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2679

Royal Borough of Greenwich request to change the penalty charge notice levels for parking contraventions

Executive Summary:

The Mayor is asked by the Royal Borough of Greenwich (RB Greenwich) 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 in RB Greenwich approximately 23.9% of the road network is subject to Band A charging levels, the remainder are Band B. The change from Band B to Band A would mean increasing the charge for more serious contraventions from £110 to £130 and the less serious contraventions from £60 to £80.

RB Greenwich presented this proposal to London Councils which considered the request and submitted it to the Mayor. It included the results of the consultation RB Greenwich had undertaken which showed that the majority of respondents supported the proposal. Additional queries were responded to by RB Greenwich who provided extra data in respect of Parking Charge Notices issued in the borough.

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 to the proposal.

Decision:

That the Mayor:

- (a) approves the proposed change to a uniform Band A penalty charge level across the Royal Borough of Greenwich; and
- (b) 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:

18/8/20

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; and
 - storage charges and disposal fees.
- 1.3 The current on and off street parking penalty charges for Greater London are:

	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 which 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 the London Borough of Enfield). Some London authorities have limited areas within the borough which are Band A areas. In the RB Greenwich since 1999 the controlled parking zones in the Greenwich peninsular area have been Band A while the rest of the borough is Band B.
- 1.7 Pursuant to a report from the RB Greenwich, London Councils' Transport and Environment Committee considered a proposal for changing the level of Additional Parking Charges on borough roads in RB Greenwich (Appendix 1). London Councils considered this request and subsequently wrote to the Mayor on 12 December 2019 seeking his approval of the change to the current charges from Band B to Band A.
- 1.8 The GLA replied to this by letter on 19 December 2019 requesting some further information and clarification in respect of the request. London Councils responded to the GLA by letter, received 10 March 2020 (Appendix 2) providing the additional requested information and data.
- 1.9 If the Mayor approves the proposed levels of charges, 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 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 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 RB Greenwich's reasons for changing from Band B to Band A across the borough were to help improve compliance with essential traffic and parking management measures. Currently 23.9% of RB Greenwich roads are subject to Band A charging levels and this request would mean that the whole borough (save for the roads which border other boroughs with Band B charging levels) would be subject to Band A.
- 2.2 Further information was provided in the London Councils report (Appendix 1). In summary:
- a. Despite an increase in numbers of on street Civil Enforcement Officers (CEOs) RB Greenwich was still experiencing high levels of non-compliance. Figures provided by RB Greenwich show that over a four-year period from 2015/16 to 2018/19 there has been a 39.13% increase in penalty charge notices (PCNs) issued. During the same period, the number of Band A PCNs issued increased by 25.9% from 13,961 to 17,581 and the total of Band B PCNs issued increased by 50.3% from 16,515 to 24,819, demonstrating a higher level of non-compliance in the current Band B areas. RB Greenwich notes that the number of PCNs issued in the Band A areas in the borough has been consistently lower than in the Band B areas demonstrating a deterrent effect. In London as a whole during this period, there has been an increase in the number of PCNs issued per year of 13.6%. RB Greenwich is experiencing a higher level of non-compliance compared to the London average.
 - b. There has been a large scale residential and regeneration building programme in RB Greenwich over the last few years, with over 8,000 new homes built and a target of building around 10,000 more homes over the next four years. This increase in housing and regeneration of the area has led to an increase in traffic and demands for parking and will continue to do so as the population numbers in RB Greenwich increase. The amendment of the banding level will encourage parking compliance and positively contribute to parking and traffic management in the borough.
 - c. RB Greenwich also stated that the Deregulation Act 2015 limited the use of CCTV cameras for parking contraventions. RB Greenwich notes that this may present an increased risk of potential non-compliance, by reducing the deterrent effect of CCTV use.
 - d. RB Greenwich undertook a consultation on the proposal in September 2019. The response to the consultation was broadly positive with around 75% of respondents in favour of the amendment. A summary of this consultation is provided at paragraph 4.6 below.

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 re-assignment, 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 can rely on the equalities assessment and information provided by RB Greenwich. RB Greenwich has advised that it considers the improved compliance associated with the banding change would make parking easier for all motorists by ensuring compliance with parking controls designed to manage parking space use. It has further advised that the increase in fine level from Band B to Band A should not have any negative effect on disabled motorists. There are currently 756 dedicated Blue Badge holder parking spaces and RB Greenwich offers free resident permits to blue badge holders who live in a Controlled Parking Zone.
- 3.3 RB Greenwich has a two-stage process of equalities assessment. It completed at the first stage an 'Initial Screening' which identified no significant impact on protected groups. In light of this it was concluded that it was not necessary to proceed to an Equality Impact Assessment. A copy of the Initial Screening is attached at Appendix 2.
- 3.4 It is noted that there were no specific equalities issues raised during the consultation process carried out by RB Greenwich in September 2019.

4. Other considerations

Key risks and issues

- 4.1 Further information from RB Greenwich was obtained which will help to inform the Mayor's decision. This information is at Appendix 2.

Links to Mayoral strategies and priorities

- 4.2 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.
- 4.3 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

- 4.4 As required, RB Greenwich presented its proposal to London Councils' Transport and Environment Committee.
- 4.5 Should the Mayor approve the application by RB Greenwich, the Mayor will be required to notify the Secretary of State of the levels of charges (draft letter included as a supplementary paper).
- 4.6 RB Greenwich carried out a consultation on its proposals. Further details of the consultation are contained in RB Greenwich's application to London Councils (details included at Appendix 1). The consultation comprised of an online survey and there was an extensive publicity campaign with adverts online, via social media and in the local press. RB Greenwich also held six face to face drop-in sessions at different contact centres across the borough (information included at Appendix 2). In total, 356 responses were received and 75.6% of respondents supported the proposal for a uniform Band A charging across the borough.
- 4.7 As the initial request was made in December 2019, in light of the Covid-19 pandemic and the impact it has had on all public bodies the GLA made enquiries with RB Greenwich to check whether it wanted to proceed with the request. RB Greenwich confirmed that whilst parking enforcement had been relaxed in response to the pandemic, a phased resumption of enforcement operations had begun and the rationale for the band change was still relevant (correspondence included at Appendix 2).

4.8 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 report.

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 1. 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 RB Greenwich 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
RB Greenwich recommendation approved by the Mayor	August 2020
Mayoral letter to Secretary of State for Transport	August 2020
Secretary of State for Transport review period	One month from date of Mayor's letter
RB Greenwich able to implement increased charges	3 weeks from close of Secretary of State's period of review

Appendices:

- Appendix 1: Letter from London Councils to the Mayor, December 2019, requesting band change enclosing London Councils' Transport and Environment Committee Report and application from RB Greenwich to London Councils.
- Appendix 2: Correspondence between GLA and London Councils officers regarding additional information.

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

If YES, for what reason:

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:

Claire Hamilton 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 17 August 2020.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

Date

D. Gane

18 August 2020

CHIEF OF STAFF:

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

Signature

Date

D. Bellamy

17 August 2020