

# GREATER LONDON AUTHORITY

## REQUEST FOR MAYORAL DECISION – MD2742

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

#### Executive summary:

The Mayor is asked by the London Borough of Hounslow (LB Hounslow) 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 Hounslow is subject to Band B charging levels (save for part of the Twickenham event zone which is Band A). 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 Hounslow presented this proposal to London Councils which considered the request and submitted it to the Mayor. It included the results of the consultation LB Hounslow had undertaken which showed that around 22 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 Hounslow
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
<b>Band A</b>	£130	£80
<b>Band B</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 from LB Hounslow, London Councils' Transport and Environment Committee considered a proposal for changing the level of additional parking charges on borough roads in LB Hounslow (Appendix A). London Councils considered this request (under their Urgency Procedure) and subsequently wrote to the Mayor on 29 April 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 15 June 2020 requesting some further information and clarification in respect of the request (Appendix C). LB Hounslow provided a joint response with the London Borough of Ealing (LB Ealing). LB Ealing has also submitted a proposal for a uniform Band A penalty charge level across LB Ealing (this proposal has been considered separately). The joint response was sent to London Councils who forwarded it to the GLA on 2 November 2020 (Appendix D). On 15 December 2020 the GLA requested some further information in respect of the equalities assessment undertaken by LB Hounslow and also requested their report/response to their

consultation. LB Hounslow provided this further information on 4 March 2021 (Appendix E) and 12 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 Hounslow'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 Hounslow's report addressed to London Councils (Appendix A). In summary:

- In the three years between 2016-17 and 2018-19, parking PCN levels in LB Hounslow have risen by 24 per cent. Across the rest of London, the increase for the same period was 6.8 per cent. LB Hounslow is experiencing a far higher level of non-compliance compared to the London average.
- In recent years LB Hounslow has experienced significant residential and commercial development in the borough and this is planned to continue into the future; it has mostly concentrated in Brentford (Great West Corridor) and Hounslow town centres. In Hounslow, the redevelopment has meant that over 1,000 off-street parking spaces have been removed. This has increased pressure on existing parking stock.
- LB Hounslow notes that LB Ealing has made an application to introduce uniform Band A parking penalties. Neighbouring borough Hammersmith and Fulham is already a Band A borough. This indicates increasing pressure on parking in West London which is resulting in non-compliance and issuing of PCNs.
- LB Hounslow undertook a consultation on the proposal in December 2019. In total, 22 per cent of those who responded supported the change to Band A. Officers at LB Hounslow remain of the view that the increase will assist in better management of kerb space within the borough. LB Hounslow's response to the consultation responses can be found at (Appendix F). It was noted that a response was received from the Hounslow Cycling group who supported the proposals, citing the danger posed to cyclists by illegal parking.
- LB Hounslow is of the view that the higher penalty charges will have a deterrent effect on drivers parking illegally.

## **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 Hounslow. LB Hounslow undertook an EIA (Appendix E) and concluded that there will be no disproportionate negative impact on those with protected characteristics. LB Hounslow noted the proposal to increase parking fines would have a direct impact on the driver or keeper of a vehicle who receives a fine for illegal parking; however, this is not a protected group.
- 3.3 LB Hounslow 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 (which may include the elderly) and passengers and would therefore have an indirect positive impact.
- 3.4 In its EIA LB Hounslow also concluded that the proposal would have a 'low positive impact' on the Black Asian and Minority Ethnic population, as they are more likely to rely upon the local bus network and parking compliance would have a positive impact on the efficient running of this service. It also concluded there would be a 'low positive impact' on persons with a religious belief as there are systems already in place for parking near religious establishments, and increased compliance may mean that it is easier to find a parking space.
- 3.5 There were some equalities concerns raised by those with disabilities about the proposals, these responses focused on individual PCN incidents. LB Hounslow confirmed that their enforcement teams are trained to apply common sense mitigations where appropriate which may involve considering an individual's circumstances including any protected characteristics.

#### **4. Other considerations**

##### Key risks and issues

- 4.1 Officers reviewed the original proposal provided by London Councils and sought further information from LB Hounslow to inform the Mayor's decision. Separately, LB Ealing also proposed a change to a uniform Band A (the GLA also requested further information from LB Ealing) and the response has been sent jointly on behalf of both LB Hounslow and LB Ealing. This correspondence is at Appendix D.
- 4.2 A further clarification was sought from LB Hounslow in respect of date of implementation in the event their application is approved (given the passage of time since the initial submission of the proposal). This correspondence is at Appendix G.

##### 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 Hounslow presented its proposal to London Councils' Transport and Environment Committee.

- 4.6 Should the Mayor approve the application by LB Hounslow, the Mayor will be required to notify the Secretary of State of the levels of charges.
- 4.7 LB Hounslow carried out a consultation on its proposal during December 2019 and January 2020. Further details of the consultation are contained in LB Hounslow's application to London Councils (details included at Appendix A). It was advertised on LB Hounslow's website and in the borough magazine, as well as on social media channels. In response to the consultation LB Hounslow received a low number of responses (89); it was noted that LB Hounslow often receives a low level of responses to these types of consultations. Of the responses, 22 per cent were in favour of the proposal to change from Band B to Band A. LB Hounslow received a letter of support from the Hounslow Cycling campaign as well as other charities who represent groups with protected characteristics.
- 4.8 As the initial request was made in April 2020, considering the Covid-19 pandemic and the impact it has had on all local authorities, the GLA made enquiries with LB Hounslow to check whether it wanted to proceed with the request. LB Hounslow confirmed that it wanted to proceed and anticipated the road network in the borough to come under 'unprecedented pressure' as lockdown measures were lifted (correspondence included at Appendix G).
- 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 Hounslow 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 Hounslow recommendation approved by the Mayor	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 Ealing 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 Hounslow (pages 1-23)

Appendix B: Letter from London Councils to the Mayor, April 2020, requesting band change enclosing London Councils' Transport and Environment Committee Report (page 24)

Appendix C: GLA reply to letter to the Mayor, June 2020 (pages 25-26)

Appendix D: LB Hounslow response to GLA reply, November 2020 (pages 27-30)

Appendix E: Equality Impact Assessment in response to further information requests from GLA, March 2021 (pages 31-48)

Appendix F: Consultation report in response to further information requests from GLA, July 2021 (pages 49-67)

Appendix G: Officer correspondence (page 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. Gane

**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

