

Report for: Cabinet 7 February 2023

Title: Review of the Essential Service Permit scheme.

Report

authorised by: Barry Francis, Director of Environment and Resident Experience

Lead Officer: Ann Cunningham, Head of Highways and Parking
Ann.cunningham@haringey.gov.uk.

Ward(s) affected: All

Report for Key/

Non-Key Decision: Key decision

1. Describe the issue under consideration

- 1.1. The Essential Service Permit (ESP) scheme supports local authority services, NHS health professionals, charities, faith groups, and organisations who provide healthcare, counselling or social care to Haringey residents.
- 1.2 The scheme is designed to meet the needs of those who rely on car use to deliver essential services to residents. It has been subject to minor reviews in recent years to address concerns about its impact on residential parking in roads near the Council office complex in Wood Green.
- 1.3 This report sets out the outcome of the recent review and recommends several changes to the scheme.

2 Cabinet Member Introduction

- 2.1 The Council is committed to supporting the delivery of essential services to our residents. While sustainable transport options will always be preferred, we recognise that car use is essential to many service providers. The review of this scheme will ensure that those who need to access the ESP Scheme can do so. Proposals in this report aim to strike a balance that meets the needs of users while ensuring that associated impacts on busy roads is minimised.

3. Recommendations

- 3.1 It is recommended that Cabinet agrees, subject to the outcome of formal (traffic order) consultation:
 - (i) the revised Essential Service Permit arrangement for schools, as set out in paragraphs 7.4 to 7.8
 - (ii) the revised terms and conditions of use that applies to Council Staff in paragraphs 7.2 to 7.3
 - (iii) that Elected Members and foster carers shall be able to access the reduced charge (concessionary) ESP scheme.
 - (iv) the change to charges as proposed in Appendix 1.
 - (v) to note that discretionary parking arrangements (outside of the ESP scheme) will continue to apply to police counterterrorism operations.

- (vi) To note that, once statutory consultation has been undertaken, a policy will be developed and presented to Cabinet at a future date setting out the full details of the Scheme and how it will be administered.
- (vii) to delegate authority to the Cabinet Member for Tackling Inequality and Resident Services and the Director of Environment and Resident Experience to consider any objections received in response to formal consultation and (subject to their being satisfied that there are no unresolved or pertinent objections) to agree the implementation of the proposed measures.

4 Reasons for decisions

- 4.1 The ESP Scheme is important to those who need to use a motorised vehicle to deliver essential services to Haringey residents. There is therefore a need to review the scheme periodically to ensure that those who need to access the scheme can do so.
- 4.2 Foster carers have lobbied for free or subsidised parking. Their role involves taking children to many appointments including medical, court related or to family contact centres. In many cases, the use of a car is the only way to make those busy lives work. While free parking is not an option to be considered, allowing foster carers to access the ESP scheme would give them the flexibility in parking that they currently need.
- 4.3 Elected Members can access visitor permits (VPs) to meet their parking needs when carrying out their constituency work. As CPZs have extended and ward boundaries have changed, meetings and visits now cross several CPZs, making the VP option less practical. Allowing Members access to the ESP scheme will give them the choice of either purchasing VPs or an ESP when undertaking constituency work.
- 4.4 There is dissatisfaction with the operation of the scheme by some who currently access the scheme. Schools feel that the current criteria, which favours those delivering the school curriculum, are too restrictive.
- 4.5 Residents are also dissatisfied with the scheme where they feel that ESP parking is creating additional parking pressures in their roads. Robust measures are therefore required to prevent non-essential use of those permits.
- 4.6 This review and recommendations aim to address those issues.

5. Alternative options considered

- 5.1 Retaining current arrangements was considered. This would fail to address the dissatisfaction with the scheme. It would also prevent foster carers and Elected Members accessing the scheme.
- 5.2 Consideration was given to excluding schools from the ESP Scheme. Transport is one of the main contributors to poor air quality. The Council's

Borough Plan, Transport Strategy and Air Quality Action Plan (AQAP) set out the Council's commitment to improving air quality and taking steps to reduce pollution that is harmful to health.

- 5.3 There are growing concerns about transport-related pollution and its impact on air quality near schools. The Council has implemented 23 School Streets to address the growing concerns about transport-related air pollution around schools and the impact on children's health. ESPs for schools inevitably contribute to traffic and congestion and the associated impact on air quality.

However, Head teachers feel that those permits are crucial to the successful running of their schools, hence the recommendations in paragraph 3.1(i)

- 5.4 Consideration was given to implementing a 2-hour time limit to each ESP parking session. This was considered as a measure to minimise the impact of ESP parking on busy roads and prevent extended or all-day parking. This would not meet the needs of all users, especially those involved in safeguarding.

6 Background Information

- 6.1 The ESP Scheme is important to those involved in the delivery of many local services including but not limited to food safety control, building control, nuisance control, pest control, Council fraud investigation, social services homecare (not contractors), child protection unit, waste management enforcement / inspection, highways inspection, town planning enforcement, Children Services, social services placement / assessment, social housing management (not contractors), residential and / or community care management.
- 6.2 Schools may submit a business case for ESPs. Schools have argued that this is an essential aid to the recruitment and retention of teachers, as well as the general running of the school.
- 6.3 The NHS and not-for-profit organisations also access the scheme which, in addition to the Health Emergency Badge, supports the delivery of many community-based services to borough residents.
- 6.4 This scheme offers a reduced charge for some category of users. The Council agreed this approach in 2008 when it was agreed that schools and faith groups (Ministers of Religion) should benefit from a reduced charge. This charge was intended to remain consistent with residential parking permit charges. The concessionary ESP charge has not always kept pace with changes to residential parking charges.
- 6.5 ESPs are currently available as a vehicle specific permit or a transferable permit to be shared by a team.
- 6.6 Restrictions were applied to the use of ESPs in the Wood Green Inner Controlled Parking Zone (CPZ) and Barratt Avenue, N22, Ranelagh Road

N22, Selbourne Road N22 and Wolseley Road N22 in the Wood Green Outer CPZ in 2019. Those measures were introduced to resolve residents' concerns about congestion and displacement caused by the level of ESP parking in those streets.

- 6.7 Those restrictions involved prohibiting ESP use in those roads unless the vehicle is:
- (a) being used to transport hazardous chemicals to and/or from a property located in that road;
 - (b) to transport heavy equipment to and/or from a property located in that road; or
 - (c) to attend an emergency call out from a property located in that road.
- 6.8 Where a vehicle is being used for one of the above purposes, there is a maximum parking time of 2 hours, with no return to the same road within 2 hours.
- 6.9 Alternative free parking provision is available to those permit holders on the upper deck of Bury Road Car Park, which is quite central to the CPZ and within walking distance of the Council complex at Station Road, Wood Green N22.

7.0 Proposals

- 7.1 It is proposed that the existing arrangements in the Wood Green area as set out in paragraph 6.6 to 6.9 are retained. It is expected that the review of staff car park arrangements will make some provision for adhoc parking for staff who need the occasional off-street parking.
- 7.2 It is proposed that the ESPs issued to Council staff are transferable permits that can be used by the respective teams. Working arrangements have altered post-Covid-19 pandemic, with higher levels of home working. The transferable permit will help manage impact on busy roads, while reducing the financial burden on services. Vehicle specific and daily ESPs will be retained for those who require them, but applications for those will need to be supported by a business case, with clear evidence of need. The use of all ESPs will be closely monitored, and any evidence of abuse or misuse will result in the permit being withdrawn.
- 7.3 While there are no changes proposed to the wider ESP scheme, permit charges will increase by inflation (10%) and a new £80 surcharge will be applied to diesel fuelled vehicles - see Appendix 1 for details. This will bring the ESP scheme in line with wider parking permit charging policy. The increase in charge is required to fund the costs of running, maintaining, and enforcing the Council's parking infrastructure and to encourage use of greener vehicles. Any surplus that is generated is ring-fenced and invested back into road maintenance, highway improvements, concessionary fares, and to administer the disabled blue badge parking scheme.

Reduced Charge (concessionary) ESP Scheme

Schools

- 7.4 There are in the region of 350 ESPs in issue to schools. The current eligibility gives preference to those delivering the school curriculum. Schools require greater flexibility in deciding which category of employee requires a parking permit. They are best placed to make those decisions.
- 7.5 It is proposed that schools are removed from the reduced charge ESP scheme. An annual allocation of transferable school (ESP) permits, which can be allocated as and when required, will be made available to schools. The permit will be limited in use to specific streets close to the school.
- 7.6 It is proposed that an allocation of 10 ESPs is made available at a charge of £200 per permit annually. This allocation will meet the needs of schools well served by public transport. Others may require a higher allocation, which will be limited in total to 20 per school. Each additional permit (above the standard 10 allocation) will attract a surcharge of £100 per annum. Those permits being shared by staff will also reduce the financial burden that parking places on schools.
- 7.7 In developing those proposals, due consideration has been given to the Council's transport objectives and section 122 duty in the Road Traffic Act 1984. A balance has been struck between the duty to secure the provision of suitable and adequate parking facilities on the highway and the potential pollution from staff vehicles being allowed to park within the vicinity of schools. It is important that the changes implemented to do not result in an increase in demand for permits, hence the need to set a maximum allocation per school.
- 7.8 It is expected that those schools will not have off-street parking facilities or will only have access to a very limited number of parking spaces. Applications from schools with off-street parking will be subject to a robust application process that will require schools to fully set out the relationship between those parking permits and the efficient running of the school. Those applications will then be considered on a case-by-case basis. All Schools accessing the ESP scheme will also be Ofsted-registered and will need to have an up-to-date School Travel Plan.

Faith Groups (Ministers of Religion)

- 7.9 There are no changes proposed to ESPs issued to this category of user. The charges applying to the reduced charge (concessionary) scheme will be aligned with residential parking charges. This will include the inflationary uplift expected to apply in 2023/24. Details are set out in appendix 1.

Foster Carers

- 7.10 It is proposed that foster carers be included in the reduced charge (concessionary) ESP scheme. This will be managed through the Council's Safeguarding and Social Care Team. It will apply to those caring for children under the age of 15 years. It is estimated that, at present, 50 foster carers will qualify for this permit. This permit is intended for use when transporting

children to their various appointments. It will not replace the requirement for foster carers residing in a CPZ to purchase a residential parking permit.

Elected Members

- 7.11 It is proposed that Elected Members be included in the reduced charge (concessionary) ESP scheme. They can still choose to purchase visitors permits if they meet their needs. The ESP permit will support constituency work only. It will not replace the requirement for those who reside in a CPZ to purchase a residential parking permit.

Discretionary cases

- 7.12 Police counterterrorism has been supported by temporary ESPs in the past. This has caused difficulty with audit trails, and it is proposed that in future, as most permits are now virtual, those vehicles are simply noted on an exemption list to avoid enforcement during those undercover operations.

Monitoring

- 7.13 The effectiveness of the proposed changes will be carefully monitored to ensure that the objectives of the scheme are met. This will ensure that those permits are used as intended and that any misuse or abuse is effectively dealt with.

Consultation

- 7.14 Informal consultation was undertaken with the main users of this permit scheme. The feedback from those discussions have shaped proposals. Statutory consultation will also be undertaken prior to changing the traffic management orders. This will give all stakeholders the opportunity to object to proposals, providing an opportunity to resolve any major objections prior to proceeding to implement measures.

Contribution to strategic outcomes

8. The proposals in this report will support the delivery of essential services to borough residents and as a consequence will support the delivery of Borough Plan objectives as well as Manifesto Pledges.

9. Statutory Officers' comments

9.1 Finance

- 9.1.1 This report is for Cabinet to approve the recommendations set out in para 3 of this report. The proposal does not result in any additional costs to the Council.

9.2 Procurement

- 9.2.1 There are no procurement issues arising from recommendations in this report.

9.3 Legal

Amending the Order

- 9.3.1 The Order(s) currently in force will have been made pursuant to powers contained in section 45 of the Road Traffic Regulation Act 1984 (the "1984 Act"). The proposals to (a) amend the classes of persons eligible for an Essential Service Permit and (b) vary the applicable charges, will necessitate

the making of relatively minor changes to the provisions of that/those Order(s), which will effectively be enshrined in a new Order(s).

- 9.3.2 The Council may, under section 46 of the 1984 Act, prescribe the charges and restrictions for vehicles left in designated parking places and, under section 46A of the 1984 Act, the Council may vary such charges.
- 9.3.3 Prior to the making or amending of Orders under section 45 and/or the designation of charges and restrictions under section 46 of the 1984 Act, the Council must comply with the requirements of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 9.3.4 Those Regulations include requirements as to the carrying out of consultation, publication of notice(s) and (in cases where the Order(s) would prohibit the loading or unloading of vehicles at times specified in the Regulations) the considering of objections, provided that such objections are neither frivolous nor irrelevant.
- 9.3.5 In determining whether to make Orders under section 45 and/or 46 of the 1984 Act, the Council must comply with its duties under section 122 of the 1984 Act to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. In exercising that duty, so far as practicable, the Council shall have regard to the following matters:
- (a) the desirability of securing and maintaining reasonable access to premises;
 - (b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
 - (c) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
 - (d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
 - (e) any other matters appearing to the local authority to be relevant.

Restrictions as to Charges

- 9.3.6 The Council must not set charges for vehicles left in designated parking places for the purpose of raising revenue. The setting of charges that results in a surplus will not in itself be unlawful provided such surplus is used for the purposes specified in section 55 of the 1984 Act which includes the cost of provision and maintenance of off-street parking accommodation.

9.4 Equality

- 9.4.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act

- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

9.4.2 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, Religion / faith, sex and sexual orientation. Marriage and civil partnership status apply to the first part of the duty.

9.4.3 This review aims to ensure that those who need to access the scheme can do so. It proposes that Elected Members and Foster Carers be allowed access to the scheme. It proposes team (transferable) permits for Council services, but retains the vehicle specific and daily permit for those who need them. The main users of this scheme were consulted on options and those proposed will not impact those with protected characteristics.

9.4.4 The changes proposed for schools allows them greater flexibility over their parking arrangements. The cap on permit numbers that will be issued ensures that those changes do not result in a net increase in permits or in the number of vehicles parked in roads near schools.

9.4.5 Those changes also aim to ensure that sustainable transport options are always promoted and that conflict between ESP permit users and those residing in CPZs are minimised. Robust measures are therefore proposed to deal with any non-essential use or abuse of those permits.

9.4.6 The charge increase proposed to the concessionary (reduced) charge scheme is the first increase for several years and aligns charges with residential parking costs. The cost of the wider ESP scheme will involve an inflationary increase. A surcharge will apply to diesel fuelled vehicles, bringing this scheme in line with other parking permit charges. This is intended to promote the use of lower polluting cars, reducing air pollution and promoting health opportunities of all borough residents.

10 Use of Appendices

- Appendix 1 – ESP charges (current and proposed)
- Appendix 2 – School permit charges in other boroughs

11 Local Government (Access to Information) Act 1985

- Essential Service and Business Permit review 2013.
- Haringey Transport Strategy 2018-2028
- Parking Permit and Charges report – Ultra Low Emission Zone Readiness

Appendix 1: Charges

ESP charges (current and proposed)

CO ₂ emission band (CO ₂ g/km)	Current charge (per annum)	Proposed new charge (per annum)	
Up to 100	£165	£182	+ £80 diesel surcharge if applicable
101 -110	£207	£228	
111 – 120	£248	£273	
121 – 130	£289	£318	
131 -140	£331	£364	
141 -150	£372	£409	
151 -165	£517	£569	
166 -175	£558	£614	
176 – 185	£599	£659	
186- 200	£640	£704	
201-225	£682	£750	
226-255	£723	£795	
over 255	£764	£840	

Team (transferable) ESP

Current Charge (annual)	Proposed charge (annual)
£764	£851

Daily ESP

Current Charge	Proposed charge
£11	£12

Reduced (concessionary) charge ESP charges – Current and Proposed.

CO ₂ emission band (CO ₂ g/km)	Current charge (per annum)	Proposed new charge (aligned with residential parking charges).	
Up to 100	£21	£34.10	+ £80 diesel surcharge, if applicable
101 -110	£31	£45.10	
111 – 120	£41	£56.10	
121 – 130	£62	£79.20	
131 -140	£83	£102.30	
141 -150	£103	£124.30	
151 -165	£145	£170.50	
166 -175	£165	£192.50	
176 – 185	£186	£215.60	
186- 200	£207	£238.70	
201-225	£227	£260.70	
226-255	£269	£306.90	
over 255	£289	£328.90	

Engine size

Not over 1540cc	£72	£90.20	+ £80 diesel surcharge, if applicable
1550 cc to 3000cc	£186	£215.60	
3001cc and above	£289	£328.90	

Proposed school (transferable) ESP charges

Number of permits issued to school	Proposed charge (per annum)
1 to 10 permits	£200 per permit
11 to 20 (maximum number) permits	£300 per permit

Appendix 2 - Comparative Charges for School Permits in other Boroughs

Borough	Charge
Islington	£406 – annual
Barnet	£190 – annual
Redbridge	£352- annual
Waltham Forest	£205 to £660 - annual