

**Report for:** Cabinet 15 September 2020

**Title:** Parking Permits and Charges – Ultra Low Emission Zone (ULEZ) Readiness – Results of Statutory Consultation

**Report authorised by:**

Stephen McDonnell, Director of Environment and Neighbourhoods

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**Ward(s) affected:** All

**Report for Key/Non-Key Decision:** Key

### **1. Describe the issue under consideration**

**1.1** This report sets out the results of the statutory consultation undertaken on proposed changes to parking permits and parking charges.

**1.2** The changes proposed include:

- A £10 increase across all existing parking permit charge bands.
- A surcharge on diesel fuelled vehicles and on second and subsequent residential parking permits per household.
- Free virtual residential parking permit for Disabled Blue Badge Holders for their home CPZ.
- An increase in the price of daily visitors' parking permits.
- To limit permit account holders to the use of two daily visitor parking permits per day.
- A £20 administration fee on parking permit refunds, excluding visitor parking permits which will be non-refundable.

### **2. Cabinet Member Introduction**

**2.1** Parking policy makes a significant contribution to the delivery of the Council's Transport policies and Borough Plan objectives. Our policies and programmes have been carefully considered to take account of environmental issues and tailored to include related measures that improve air quality by reducing harmful emissions from transport. Key to this is encouraging more residents to move to more sustainable modes of transport, including walking and cycling and choosing a less polluting vehicle if they wish to remain a car owner.

### **3. Recommendations**

- (i) That Cabinet consider the representations received in response to the statutory consultation on parking permits and charges as set out in paragraph 9 (consultation results) and in Appendix 1 to this report.
- (ii) While the majority of respondents did not support the proposals consulted on, their contribution to the delivery of strategic objectives, with associated health benefits needs to be considered.
- (iii) It is therefore recommended that Cabinet authorise officers to proceed to draft the relevant Traffic Management Orders to implement the following measures as also set out in Appendix 2 by November 2020:
  - A £10 increase across all existing parking permit charge bands.
  - An £80 surcharge on all parking permits issued to diesel fuelled vehicles.
  - A £50 surcharge on second and subsequent residential parking permits per household.
  - To limit permit account holders to the use of two daily visitor permits per day.
  - To increase the charge for daily Visitor Permits in all Controlled Parking Zones to £4.
  - To introduce a free virtual residential parking permit for Disabled Blue Badge Holders for their home CPZ, replacing the existing Companion Badge.
  - To introduce a £20 administration fee on parking permit refunds except for visitor parking permits which shall be non-refundable.

#### **4. Reasons for decision**

- 4.1 The Council is required to consider objections and representations received in response to Statutory Consultation undertaken on any changes to parking permits and charges. Following that consideration, to decide whether or not to proceed to implementation of measures as set out at paragraph 3 (III) above.

#### **5. Alternative options considered**

- 5.1 Consideration was given to relying on National and Regional levers to influence car ownership and use. Those measures include the expansion of the Ultra-Low Emission Zone (ULEZ) to Haringey in 2021. However, Haringey's ambitions in terms of improving air quality require decisive local measures to be implemented. This is also considered a timely opportunity to implement measures that improve the health and well-being opportunities for all borough residents.
- 5.2 Consideration was given to introducing concessions for Euro 6 diesel fuelled vehicles. However, the findings from recent research confirm that these vehicle types still have high levels of harmful emissions. This is supported by the International Council on Clean Transportation who suggest that even the newest, cleanest Euro 6 diesel vehicles emit high levels of harmful nitrogen

oxide. It was subsequently felt that all diesel fuelled vehicles should be subject to the surcharge.

- 5.3 Consideration was given to introducing the 25% diesel surcharge on on-street and car park charges from November 2020, as part of a package of measures to reduce diesel related pollutants. However, following due consideration of the feedback to the consultation, this will not be implemented at this point in time. This will also help support our town centres in their recovery from the impacts of the Covid 19 pandemic.

## **6. Background information**

- 6.1 The Council, through its Air Quality Action (AQAP) and Carbon Reduction plans, agreed a series of actions and commitments to reduce harmful emissions from road transport, including using parking charges as a means of discouraging private car use where possible, and incentivising the use of low and zero emission vehicles.
- 6.2 The subsequent review of parking policy resulted in a series of proposals that would support the delivery of the aims and objectives set out in the overarching Transport Strategy and AQAP.
- 6.3 In March 2020, the Cabinet authorised officers to proceed to carry out formal consultation on amending relevant Traffic Management Orders to implement these proposals. The Cabinet also agreed to receive a further report to decide whether to amend the relevant Traffic Management Orders as proposed after consideration of the responses to the statutory consultation.
- 6.4 When setting or reviewing parking charges the Council considers:
- The Council's transport and wider policy objectives
  - Statutory or legal requirements that may affect the setting of fees
  - Car ownership patterns
  - The increasing demand for parking
  - Traffic management issues
  - Market conditions for example parking charges in other boroughs. (as set out in **Appendix 3.**)
  - Cost of delivering the service
  - Impact of charges on relevant stakeholders.

- 6.5 The measures proposed included the following:

### **CO2 emission bandings**

The current permit charging structure involves 13 charge bands based on CO2 emissions. The changes consulted on include a £10 increase across all existing charge bands to help cover the cost of running the service.

### **Diesel Surcharge**

The proposals consulted on included an £80 surcharge on parking permits issued to diesel fuelled vehicles. It is understood that any surcharge applied to parking charges is unlikely to result in an immediate move to lower or zero emission vehicles. It can however help to raise awareness of the impact of diesel emissions on local air quality and influence choices when private car owners and businesses are changing their vehicles.

The consultation also proposed a 25% surcharge on diesel fuelled vehicles using short stay and car park facilities, as they also contribute to poor air quality in the borough.

### **Surcharge on 2<sup>nd</sup> and subsequent permits per household**

The Council does not restrict the number of residential parking permits that individuals or households may purchase. This is not consistent with our transport policy objectives which seeks to reduce reliance on private car use.

Rather than impose restrictions, proposals involved a surcharge of £50 on second and subsequent permits purchased per household. This will still allow residents to purchase as many permits as required, while drawing attention to the impacts of multiple car ownership on air quality and congestion.

### **Visitors Vouchers**

Measures to restrict permit account holders to the use of two daily visitors permits per day were included in our proposals. Those measures are necessary to manage the current situation whereby third parties are purchasing daily permits from residents at a premium. This undermines the controlled parking arrangements and places extreme pressure on roads in certain parts of the borough. Proposals also included raising daily visitor permit charges to £4 across all CPZ areas.

### **Companion Permit**

Disabled Blue Badge Holders may purchase a Companion Badge that can be used in place of Blue Badge when parking within the borough. The primary purpose of introducing that permit was to avoid the need for the Disabled Blue Badge to be displayed in vehicles overnight when the risk of theft of the Blue Badge is highest. The number of companion permits sold are quite low. Proposals involve issuing all disabled badge holders with a free virtual residential parking permit for their home CPZ, replacing the previously chargeable Companion Badge. This will benefit all Blue Badge Holders and will help protect their vehicles from break-in when those risks are highest.

### **Parking permit refunds**

The proposals consulted on included introducing a £20 administration charge on parking permit refunds. The volume of permit refunds is significant and this

charge will help cover the cost of administering those refunds. This is a measure already in place in many London boroughs. Unused visitor vouchers will be non-refundable. Residents will be offered the opportunity to exchange their stock of visitor scratch cards for virtual permits on implementation of the new parking IT system in November. This will avoid a situation where visitor scratch cards expire.

## **7. Contribution to strategic outcomes**

- 7.1 The recommendations in this report support the delivery of Borough Plan, Transport Strategy and Air Quality Action plan (AQAP) objectives. The Transport Strategy includes a vision which improves our environment, provides accessible choices and makes walking, cycling and the use of public transport a first choice for all. One of the Strategy's priorities is "managing parking demand and provision on the borough's road network".
- 7.2 Through those policies and strategies, the Council committed to acting decisively to improve air quality and reduce carbon emissions, which is widely accepted as a contributor to climate change. This included using parking charges as a means of discouraging private car use where possible and incentivising the use of low and zero emission vehicles.
- 7.3 Transport is one of the main contributors to poor air quality. Around half of emissions from road transport are nitrogen oxides (NO<sub>x</sub>), which contribute to illegal levels of nitrogen dioxide (NO<sub>2</sub>), and particulate matter (PM). There is growing evidence to suggest that emissions from diesel engines have the following negative effects.
- contribute to poor air quality;
  - increase the risk of lung cancer;
  - can cause heart attacks; and
  - reduce life expectancy.
- 7.4 The charges proposed have been set at a level that will influence transport choices and encourage people to make careful decisions when considering a new vehicle and how they contribute to local air quality in Haringey.

## **8. Statutory Consultation**

- 8.1 The Council is legally required to undertake a statutory consultation and advertise the appropriate Traffic Management Orders (TMOs) before implementing any changes to parking arrangements, including fees and charges. This requires the Council to advertise proposals in local newspapers and the London Gazette, providing a 21-day period for objections or representations.
- 8.2 The statutory consultation on parking permits and charges commenced on 3 June 2020 and ran until 24 June 2020. Residents were informed of the consultation by the following methods:

- Notices advertised in the local Press and London Gazette.
- On street notices in the main 'town centre' areas including Green Lanes, Crouch End, Muswell Hill and Tottenham.
- Emails sent out to some 54,813 resident and business permit holders.

8.3 The Council consulted statutory bodies such as the Police, Ambulance, Fire Brigade, Bus Operators, Road Haulage Association and Freight Transport Association. Other stakeholders, such as cycling, environmental and disability groups were also notified of proposals with feedback sought.

## 9. Consultation results

9.1 The Council used marketing software to reach our 54,813 permit holders via email. This software has identified that 34,690 recipients opened those communications.

9.2 The parking consultation website which also included Frequently Asked Questions received 15,991 hits during the period of this consultation. This provides assurance that information on the proposals reached a wide audience.

9.3 The Council received 2,651 responses to the consultation. There were no major objections to be considered. This included:

- 2,277 responses from residents and businesses either objecting to proposals or making various representations.
- 293 of responses stated that proposals would disadvantage businesses.
- 90 objections to the 25% diesel surcharge to on-street pay-to-park areas and off-street.
- 374 responses were from residents supporting proposals.

Environmental groups such as Friends of the Earth responded in support of the proposals. The Haringey Cycling Campaign responded supporting proposals but felt that charges for electric vehicles were too low, given the environmental impacts during the manufacturing process. Their full responses can be found in Appendix 1.

9.4 The main objections and the Council responses are set out below:

**Objection 1: Haringey should not be introducing these charges at the present time / this is not the time to introduce these charges.**

**Council response:** Haringey has committed to improving air quality by introducing measures to encourage sustainable transport choices.

Poor air quality has a serious impact on the health and wellbeing of the most vulnerable in society. This includes those with existing respiratory problems and chronic illnesses, such as asthma and chronic obstructive pulmonary disease. Those who live or work near main roads are at particular risk of health problems caused by air pollution.

We understand that many residents have been impacted economically by the Covid 19 pandemic, and that any increase in parking charges impact on those residents who own a car. However, we firmly believe that this is a time to promote measures that improve the health and well-being opportunities for all borough residents.

**Objection 2: Diesel surcharge is not in line with ULEZ and fails to acknowledge that modern diesel vehicles are less polluting than many petrol engine vehicles.**

Council response: Consideration was given to exempting Euro 6 diesel compliant vehicles from the proposed diesel surcharge and aligning the surcharge with the Ultra-Low Emission Zone (ULEZ) criteria. However, there are well documented concerns that real world performance of vehicles may not be as good as claimed by laboratory testing. While testing under euro certification is being modified to address this concern, the majority of Euro 6 compliant vehicles in circulation would have had their certification issued under the old testing methods. This makes it very difficult for us to rely on this certification to exempt Euro 6 from the diesel surcharge.

**Objection 3: £50 surcharge for second or more vehicles is unfair because many households, such as those with large families, need more than one vehicle.**

**Council response:** Currently, the Council allows individuals and households within CPZs to purchase as many parking permits as they require. However, it is important that the Council discourages multiple car ownership and achieves a less congested road network. This measure raises awareness of the environmental impact of multiple car ownership but does not restrict residents parking more than one vehicle. We hope that it will encourage residents to reconsider their transport options.

**Objection 4: A 25% pay-to-park surcharge will unfairly impact on those who need to drive to go shopping. It will also hit struggling local shops and businesses and just encourage more journeys to out-of-town shopping centres.**

**Council response:** A high percentage of vehicles using our on-street and car park facilities are diesel fuelled. It would be appropriate in normal circumstances

to include short stay parking in any measures being proposed to improve air quality in the borough. However, the Council recognises that this may not be the appropriate to implement this proposal. This will also aid our town centres in their recovery from the impacts of the Covid pandemic.

**Objection 5: The Council is only doing this to make money.**

**Council response:** The Council's Borough Plan, Transport Strategy and Air Quality Action plan (AQAP) set out requirements for improving air quality and actions required to reduce pollution that is harmful to the health and well-being of our residents.

When setting or reviewing parking charges the Council considers:

- the Council's transport and wider policy objectives;
- statutory or legal requirements that may affect the setting of fees
- car ownership patterns;
- the increasing demand for parking;
- traffic management issues;
- market conditions – (parking charges in other boroughs);
- cost of delivering the service; and
- impact of charges on relevant stakeholders.

The Council has committed to acting decisively to improve air quality and this includes using parking policies as a tool to affect change.

Section 55 of the Road Traffic Regulation Act 1984 states that any income that is generated must be paid into the parking revenue account, and any surplus ring-fenced and invested back into road maintenance and highway improvements, concessionary fares, environmental improvements and to administer the Disabled Blue Badge parking scheme.

**Objection 6: The charges are unfair to those who cannot afford a newer car, which includes the poorest, elderly, and vulnerable / The charges are unfair to the poor and vulnerable.**

**Council response:** Any change to parking fee structures will have an impact on residents. However, the permit charge will remain relatively low in proportion to the overall cost of running and maintaining a car. Average annual cost of car ownership and use is in the region of £3k.

The proposals consulted on are designed to bring benefits for all Haringey's residents. As highlighted within the Equalities Impact Assessment all residents will benefit from reduced traffic congestion and reduced numbers of polluting vehicles. This improved environment will encourage active travel such as walking and cycling leading to further health benefits all of which are seen as mitigating against the effects of increased parking charges which do impact more on low income groups which include BAME residents. The charges proposed represents a further step towards addressing health inequalities affecting groups who share the protected characteristics.

**Objection 7: The charges are unfair to those who avoid using their cars, and often walk, cycle or use public transport. Unused cars do not pollute.**

**Council response:** The only practical tool that the Council can use to incentivise the use of more fuel-efficient cars is through their parking permit and short-term parking charging structures.

**Objection 8: Unfair to charge residents living in a CPZ, while currently allowing outside cars to park freely. It is unfair and creates divisions in the community.**

**Council response:** The Council reduced parking enforcement in CPZs to support NHS and key workers, as well as residents adversely effected by the Covid 19 crisis. Parking enforcement resumed in all CPZs on 6 July 2020.

**Objection 9: I already pay council and road tax and do not see why we should pay more.**

**Council response:** Parking charges are not a tax, but a charge for a service. The £10 charge increase proposed is intended to cover the costs of delivering the service.

**Objection 10: Unfair to residents who do not have driveways, and increased costs still do not guarantee a parking space near to home.**

**Council response:** In a Controlled Parking Zone (CPZ) the parking needs of residents and their visitors are prioritised. CPZs are designed so that the kerb space is managed effectively for the various user types, and to reduce commuter parking activity. This provides a greater opportunity for residents to park as close to their homes as possible.

**Objection 11: Letters were not sent to every household about the proposed charges, not every resident was given a chance to voice an opinion.**

**Council response:** It was not practical or cost effective to distribute letters to every household in the borough. The Council is legally required to undertake a statutory consultation and advertise the appropriate Traffic Management Orders (TMOs) before implementing any changes to parking fees and charges. This means that the Council must advertise the details of the proposals in local newspapers and the London Gazette.

The Council consulted statutory bodies such as the Police, Ambulance, Fire Brigade, Bus Operators, Road Haulage Association and Freight Transport Association. Other stakeholders, such as cycling, environmental and disability groups were also notified of proposals with feedback sought.

The proposals were also advertised on the Council's website providing web links to the TMOs. Notices were placed on street and within the Council run car parks. We also sent a mailshot to over 54,000 permit holders. The proposals

were also communicated on social media platforms. The Council went beyond the statutory requirement to notify stakeholders of proposals.

**Objection 12: I will not support the companion badge removal due to the risk of theft and damage caused to vehicles. The companion badge also provides the user to park freely across the borough.**

**Council Response:** The primary purpose of the Companion Badge (permit) is to avoid the need for the Disabled Blue Badge to be displayed overnight when the risk of theft of the badge is highest. Many boroughs who introduced similar schemes, have already replaced them with a free residential parking permits, which addresses the primary purpose of the concession and benefits all disabled badge holders while parked near their home.

**Objection 13; we strongly object to no refund of scratch cards. I also object to the cap on using them.**

**Council response:** Visitors' permits are often purchased in large quantities due to the relatively low cost. Residents subsequently request a refund on unused permits or those expiring. As charges for those permits are relatively low the cost of processing these refunds often exceeds the value of the refund.

The Council is replacing the current scratch card (visitor) permits with virtual permits through the new IT system later this year. Residents will be able to exchange their scratch cards for virtual permits should they wish to do so. This will ensure that permits can be drawn down quickly and efficiently when required and they will not go out of date, reducing the need for a refund.

The measures consulted on restricts permit account holders to the use of two daily visitors permits per day. This measure is necessary to manage the situation whereby third parties are purchasing daily permits from residents at a premium, placing extreme pressure on roads in certain parts of the borough. It will not reduce resident's ability to receive visitors as in addition to two daily permits, hourly visitors permit may also be used. Appendix 1 to this report sets out in more detail the response to the consultation, including comments supporting proposals.

- 9.5 The majority of representations and feedback received to the consultation did not support the implementation of proposals. Those responses were received mostly from existing parking permit holders, who are impacted by the increased charges. However, feedback also demonstrates a level of support from residents and environmental groups with an understanding that those measures are necessary to affect modal change and encourage more sustainable transport choices, improving health opportunities of all borough residents.

## **10. Comments of the Chief Finance Officer and Financial Implication**

- 10.1 This report seeks Cabinet approval for the making of traffic management orders to give effect to the proposed changes following the outcome of a statutory consultation process.

10.2 The implementation of the recommendations will support the council in the delivery of a range of policy objectives and plans as set out in the report. All income generated on the parking account is accounted for in accordance with Section 55 of the Road Traffic Act 1984 and any surplus is used to support transport related expenditure.

## **11. Comments of the Head of Legal Services and Legal Implications**

11.1 The Council has legal authority under the Road Traffic Regulation Act 1984 (as amended) (“the 1984 Act”) to introduce and review charges for parking in its area. In doing so, the Council can only introduce or vary parking charges for the purpose of relieving or preventing congestion of traffic.

11.2 There are no limits on the amount that a local authority can charge for parking permits and vouchers. Guidance issued by the Department of Transport on parking policy and enforcement (March 2015) recommends that authorities should set charges at levels which are consistent with the aims of the authority’s transport strategy, including its road safety and traffic management strategies.

11.3 By virtue of section 46A of the 1984 Act, there is no statutory requirement for the Council to consult on the proposals to vary its parking charges. The Council must publish notice of variation in at least one local newspaper at least 21 days before the change comes into force. This item reports on feedback during consultation on all of the proposed changes and the Council must ensure that notice and consultation is carried out in compliance with the 1984 Act and the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended) (“the Regulations”). The Council must give full and proper consideration to all feedback and representations received.

11.4 The Council’s consultation procedures in accordance with 1984 Act and the Regulations are as follow - ‘a notice of proposal’ to make the required traffic management orders will be advertised in the local press, and, if considered appropriate, in the London Gazette. The Council will then observe a 21 day statutory consultation period. If any objections are received during this period the Council will consider them via a report to the Cabinet Member for Environment before proceeding. When any objections have been considered the Council will then advertise a ‘notice of making’ in the local press, and, if considered appropriate, in the London Gazette. After this point the traffic management order’s come into effect and changes can be made as required.

11.5 The decision to consult on the proposed changes to facilitate the discharge of the Council’s parking functions under the 1984 Act is an executive function and may be delegated to an individual Cabinet Member in accordance with the Constitution.

11.6 It is the view of legal services that what is being proposed and recommended within this report is in accordance with the law, as set out in this section.

## **12. Comments of the Head of Procurement**

12.1 N/A

## **13. Equality**

13.1 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.

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 applies to the first part of the duty.

13.2 The Equality Impact Assessment (EqIA) for this programme is published in Appendix 4. It has not found any direct/indirect discrimination for any groups that share the protected characteristics.

13.3 The programme is designed to bring benefits for Haringey's residents. All residents will benefit from reduced traffic congestion and reduced numbers of polluting vehicles; as well as improved health from better air quality, and safer streets which will have less parking congestion. These benefits are seen as mitigating against the effects of increased parking charges which do impact more on low income groups which include BAME residents. The current charges programme therefore represents a further step towards addressing health inequalities affecting groups who share the protected characteristics.

13.4 Resident permit surcharges for higher polluting vehicles and extension of parking charges can impact adversely on those who rely on regular visits from family and from carers, especially if they need to buy large numbers of visitor permits. Needs will be monitored through additional consultations and reviews on the operation of parking controls, which will specifically include the possibility of having reduced operating hours in some Controlled Parking Zones. Dates of consultations will be defined and agreed by the Head of Service who will also require that consultations include provision for these requirements.

## **14. Use of Appendices**

**Appendix 1** –The results of the Statutory Consultation.

**Appendix 2** - Proposed increase by permit type, including proposed surcharges

**Appendix 3** – Charges and permit offer in other boroughs

**Appendix 4** – Equality Impact Assessment

**15. Local Government (Access to Information) Act 1985**

- Report for Parking Permits and Charges – Ultra Low Emission Zone (ULEZ) Readiness Report
- Haringey Transport Strategy 2018-2028
- Air Quality Action Plan
- Haringey Climate Change Action Plan