

Report for: Record of Decision Taken Under Delegated Authority

Item Number:

Title: Proposed introduction of permission to park permit

Request authorised by: Head of Service for Highways and Parking: Ann Cunningham



Lead Officer: Paul Chambers
Traffic Orders
Level 1 (South), River Park House, 225 High Road,
Wood Green, N22 8HQ
paul.chambers@haringey.gov.uk

Wards Affected: Boroughwide

Report for Key / Non-Key Decision: Non-key decision

1 Purpose

- 1.1 The purpose of this report is to provide details of the proposals, to report the responses received during the statutory consultation period and to seek approval to proceed with the recommendations as set out in Section 11 of this report.
- 1.2 During May and June 2021, the Council undertook a statutory consultation on proposals to introduce a permission to park permit, to replace the existing traders permit as detailed in Section 2 of this Report.

2 Background

- 2.1 At present Traders working at properties in CPZs may purchase daily or monthly permits. However, the application process is not flexible, requiring applications to be made by email, involving a level of forward planning that is not always possible.
- 2.2 It is therefore intended to replace the existing traders permit with the new permission to park permit, which is similar to that offered by other London Borough Councils. The dispensation can be applied for online and managed through the enforcement software, allowing a trader to complete the process online. A charge of £20 per day is proposed, which is comparable with other London Boroughs. This dispensation can be extended to other ad hoc situations where motorists legitimately require parking, but are not entitled or cannot satisfy requirements for other permits for example house removals.

3 Proposals

- 3.1 The proposed permission to park permit is intended to replace the existing traders permit, which is similar to that offered by other London Borough Councils. The dispensation can be applied for online and managed through the enforcement software, allowing a trader to complete the process online. A charge of £20 per day is proposed, which is comparable with other London Boroughs. This dispensation can be extended to other ad hoc situations where motorists legitimately require parking, but are not entitled too, or cannot satisfy requirements for other permits .i.e. house removals. Once implemented, the scheme would be reviewed periodically to ensure that it is meeting its objectives and that no misuse is occurring.

4 Statutory Notification

- 4.1 Statutory notification was undertaken on the proposed permit starting on 26th May 2021 for a period of 21 days. This adheres to the legal requirements set out in section 7 of this report.
- 4.2 As part of the statutory process a Notice of Proposal was published in the London Gazette, Enfield and Haringey Independent.

See **Appendix 1** for a copy of the statutory notice of proposal that was advertised.

- 4.3 As part of the statutory process, the views of the following statutory bodies were also sought:

- AA
- London Transport
- Police (local)
- Fire Brigade
- London Ambulance Service
- Freight Transport Association
- Road Haulage Association
- RAC
- Metropolitan Police (traffic)
- London Travel Watch
- Haringey Cycling Campaign

See **Appendix 2** for a copy of e-mail sent to the above statutory bodies.

5 Statutory Notification Feedback

5.1 No objections have been received on the proposals.

6 Chief Financial Officer Comments

6.1 The capital costs of implementing the permission to park permit outlined in this report can be met from the Parking Implementation Plan funding which forms part of the 2021-2022 budget.

7 Legal Requirements

7.1 Before reaching a decision to make the necessary Traffic Management Order to implement or amend a CPZ scheme, the Council must follow the statutory consultation procedures pursuant to the Road Traffic Regulation Act 1984 ("RTRA") (as amended) and the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended). In carrying out the notification the council must comply with the principles ("Sedley Principles") set out also by the courts which are: that notification must be at a time when proposals are still at a formative stage; that the proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response; that adequate time must be given for consideration and response; and that the product of notification must be conscientiously taken into account in finalising any statutory proposals. All objections received must be properly considered in the light of administrative law principles, Human Rights law and the relevant statutory powers.

7.2 The Council's powers to make Traffic Management Orders arise mainly under sections 6, 9, 45, 46, 122 and 124 and schedules 1 paragraph 8 and 9 of the RTRA.

7.3 By virtue of section 122, the council must exercise its powers under the RTRA 1984 so as 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. These powers must be exercised so far as practicable having 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 including the regulation and restriction of heavy commercial traffic so as to preserve or improve amenity.
- (c) The national air quality strategy.
- (d) Facilitating the passage of public service vehicles and securing the safety and convenience of their passengers.

Any other matters appearing to the council to be relevant.

7.4 Any Traffic Management Order that is made must be implemented within two years of the date of the notice of proposal.

8 Comment of the Head of Legal Services

8.1 Other than the requirements set out in section 7 above there are no other legal implications arising out of this report.

9 Equal Opportunities

9.1 During the statutory notification period any interested parties are permitted to make representations regardless of the following protected characteristics: age, disability, gender reassignment or pregnancy and maturity.

9.2 The Council must, when carrying out the Council's functions (which includes making decisions), have due regard to the needs set out in section 149 of the Equality Act 2010 (the Public Sector Equality Duty ('PSED')). This duty includes having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic (including people with a disability) and persons who do not share it. The Council must consider the duty, which is personal to decision makers.

10 Summary

10.1 The permission to park permit proposal was consulted on between 26th May and 16th June 2021.

10.2 The Council received no objections in response to the statutory consultation.

11 Recommendations

11.1 It is recommended that the Head of Service for Highways and Parking approves the proposals relating to the introduction of the permission to park permit.

List of Appendices

1. Statutory Consultation Notice of Proposal, advertising the proposals stated in table 1 section 3
2. Statutory Consultation notification email sent to statutory bodies stated in section 4.3

APPENDIX 1

HARINGEY COUNCIL – PUBLIC NOTICE PROPOSED INTRODUCTION OF PERMISSION TO PARK PERMITS

The Haringey (Charged For Parking Places) (Amendment No. *) Order 202*

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1. NOTICE IS HEREBY GIVEN that the Council of the London Borough of Haringey proposes to make the above mentioned Order under sections 45, 46, 49 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended.
2. The general effect of the Order would be to discontinue the traders permit, which currently allows traders working at properties in CPZs to purchase daily or monthly trader permits. This would be replaced with a 'permission to park' dispensation. This new system would allow traders to apply for the dispensation online and the charge would be £20 per day. This dispensation could also be extended to other ad hoc situations where motorists legitimately require parking, but are not entitled or cannot satisfy requirements for other permits, for example, house removals.
3. This Notice supersedes the previous Notices relating to these measures, which have not been implemented, and which were advertised on 2nd February 2018 and 30th March 2018 respectively.
4. Copies of the proposed Order, and of the Council's statement of reasons for making the Order, may be inspected during normal office working hours until the end of a period of 6 weeks from the date on which the Order is made or the Council decides not to make the Order, at the reception desk, Alexandra House, 10 Station Road, Wood Green, N22 7TR or can be viewed online at www.haringey.gov.uk/traffic_orders.
5. Any person desiring to object to the proposed Order or make other representation should send a statement in writing of either their objection and the grounds thereof or of their representation to the Traffic Management Group, River Park House, 1st floor, 225, High Road, Wood Green, N22 8HQ or to traffic.orders@haringey.gov.uk within 21 days from the date of this Notice.

Dated 26th May 2021

Ann Cunningham
Head of Highways and Parking

APPENDIX 2

Dear all

I attach documents relating to proposed/made Traffic Orders and should be grateful for any objections or representations that you may have regarding any proposed permanent Orders within 21 days from the date of this email, and within 6 months from the in force dates for any experimental Orders. If I do not hear from you, I will assume that you have no comments to make.

Regards

Paul Chambers
Traffic Order Officer

Haringey Council
Traffic Management Group, Alexandra House, 5th Floor, 10 Station Road, Wood Green, N22 7TR

T. 020 8489 5323

E. paul.chambers@haringey.gov.uk