

Report for: Cabinet Member Signing

Title: Muswell Hill West CPZ - Statutory Consultation, N10

Report authorised by: Mark Stevens, Assistant Director Direct Services
mark.stevens@haringey.gov.uk

Lead Officer: Simi Shah, Group Engineer Traffic and Parking; Ann Cunningham, Head of Highways and Parking

Simi.shah@haringey.gov.uk ; Ann.Cunningham@haringey.gov.uk

Ward(s) affected: Muswell Hill and Fortis Green

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

1 Describe the issue under consideration

- 1.1 To report on the feedback of statutory consultation commencing on 25th November 2020 and concluding on 16th December 2020, on the proposal to introduce a Controlled Parking Zone - Muswell Hill West (MHW) in the following roads: Athenaeum Place, Kings Avenue, Princes Avenue, Queens Avenue, Queens Lane, Princes Lane and Avenue Mews, eastern side of Fortis Green Road (between the junctions of Queens Avenue and Muswell Hill Broadway) and the north western side of Muswell Hill Broadway (from Fortis Green Road to Woodberry Crescent).
- 1.2 To request approval to proceed to implementation, having taken objections into consideration.

2 Cabinet Member Introduction

- 2.1 N/A

3 Recommendations

- 3.1 It is recommended that the Cabinet Member for Customer Service, Welfare and the Public Realm: -
- 3.2 Approves that a new Controlled Parking Zone (CPZ) called Muswell Hill West (MHW) is introduced into the following roads: Athenaeum Place, Kings Avenue, Princes Avenue, Queens Avenue, Queens Lane, Princes Lane and Avenue Mews, eastern side of Fortis Green Road (between the junctions of Queens Avenue and Muswell Hill Broadway) and the north western side of Muswell Hill Broadway (from Fortis Green Road to Woodberry Crescent). A plan showing the extent and parking arrangement for the proposed CPZ can be seen in **Appendix (I)**.
- 3.3 Approve the operational times for the (MHW) CPZ to be Monday to Friday 10am to 2pm.

4 Reasons for decisions

- 4.1 Following public consultation on the proposals, approval was granted by officers under Delegated Authority in November 2020 to proceed with delivery of parking controls on the following roads: Athenaeum Place, Kings Avenue, Princes Avenue, Queens Avenue, Queens Lane, Princes Lane and Avenue Mews, eastern side of Fortis Green Road

(between the junctions of Queens Avenue and Muswell Hill Broadway), the north western side of Muswell Hill Broadway (from Fortis Green Road to Woodberry Crescent), subject to the outcome of a statutory consultation.

- 4.2 The public consultation received a total of 83 (18%) responses, 47 (57%) in favour 33 (40%) in opposition and 3 (3%) not sure.
- 4.3 The outcome of the public consultation was endorsed by local Ward Councillors and is supported by Haringey's CPZ Parking Policy.
- 4.4 A total of 21 submissions were received to the statutory consultation, 14 objections and 7 in favour. Of the objections received, none could be considered as a 'substantial objection' i.e. relating to the consultation process not following required legal process or statutory documents containing fundamental errors. A summary of objections received are detailed in Table 2, section 6 of this report.

5 **Alternative options considered**

- 5.1 An alternative was to not introduce parking controls in the roads listed in section 4.1. This is not recommended as the public consultation had demonstrated the introduction of parking measures was supported by the majority of residents responding in the roads listed in section 4.1 and endorsed by local Ward Councillors. In addition, no substantial objections were received during the statutory consultation

6 **Background Information**

- 6.1 The current Muswell Hill CPZ is a one road zone (Woodberry Crescent) which was introduced in July 2016. The roads surrounding this zone have experienced an increase in displaced parking resulting in increased parking pressure for residents.
- 6.2 The Council conducted a parking occupancy survey in order to assess the current situation. The data gathered indicated that there were elevated levels of parking stress in the roads closest to Woodberry Crescent and areas close to the shopping parade on Muswell Hill Broadway. The roads with the highest parking occupancy were Kings Avenue, Queens Avenue and Princes Avenue.
- 6.3 A public consultation was carried out over a three-week period from 8th February until 2nd March 2020. This included delivery of consultation packs to all properties along a number of roads surrounding the Muswell Hill CPZ. The consultation information was also made available online allowing responses to be made online as well as by email and post.
- 6.4 Of the 462 properties that were consulted, the Council received 83 responses, a response rate of 18% which exceeds the Council's parking policy minimum requirement of 10%.
- 6.5 Overall, the majority (57%) of those responding support the introduction of parking controls in the Muswell Hill West area; this exceeds the minimum requirement of 51% required by Haringey's Cabinet-approved CPZ policy to reach a decision. Approval was sought through Delegated Authority to proceed to statutory consultation and this was granted in November 2020.
- 6.6 The approved Delegated Authority report for the public consultation is attached in **Appendix (II)**.

Statutory Consultation

- 6.7 Statutory notification commenced on 25th November 2020 for a period of 21 days. The process consisted of a Notice of Proposal published in the London Gazette, Enfield, and Haringey Independent and the notice was erected on site in the affected streets. The closing date for representations and comments was 16th December 2020.
- 6.8 Although not a legal requirement, statutory notification letters, informing of the proposals and process, were also posted to affected frontages located in within the proposed CPZ areas. **Appendix (III)** contains copies of statutory notification letters delivered to affected frontages.
- 6.9 As part of the statutory process, the following statutory bodies were also notified:
- 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

Responses to Consultation

- 6.10 A total of 462 properties were written to notifying their occupants of the statutory consultation and how they could object should they wish to. A total of 21 representations from residents and businesses were received, 14 objections and 7 submissions in favour.

Table 1 summarises submissions received to the statutory consultation

Table 1

Road Name	Oppose Proposal	Support Proposal
Kings Avenue	3	2
Queens Avenue	1	1
Princes Avenue	4	3
Muswell Hill Broadway	0	1
Avenue Mews	1	0
No address given	5	0
Total	14	7

- 6.11 Table 2 summarises the objections received; these have been grouped by the reasons provided for the objections. The number of objections raised for each reason has been noted. This exceeds the total number of objections received which is 14 as some objections cited more than one reason for their objection. Finally, an officer response to each reason for the objection has been provided.

Table 2

Subject of objection.	Objections containing this subject	Officer response
I am an elderly resident who relies on carers for support; now they will not be able to visit which will make life difficult for them as well as for me.	2	<p>The introduction of a CPZ will help prevent people from outside of the area from parking, easing pressure for residents and visitors.</p> <p>Concessionary rates for visitor's permits are available for residents 65 years old or over, or registered disabled.</p>
Current parking is OK and we do not need a new CPZ in this area.	6	57% of those who responded to the area wide consultation undertaken in March 2020, identified that the area was experiencing parking problems and were in favour of parking controls being introduced.
These proposals are only going to complicate the parking situation for a lot of residents that are only sharing or live in small properties and they could not be eligible for a permit.	4	To qualify for a parking permit or get a resident parking permit you must own or be the keeper of a car or other eligible vehicle and be aged 18 or over. A property is defined as a residence being individually rated for the purpose of Council Tax. Houses in multiple occupation where the Council Tax is for the whole building will be entitled to the allocation for a single residence.
The implementation of the new parking zone will be detrimental for businesses, it will discourage shoppers from the area.	2	<p>The implementation of parking controls in the Muswell Hill Area was proposed due to concerns from residents finding difficult in parking near their homes. The area has been frequently used for extensive parking by shoppers and vehicles from adjacent CPZ areas.</p> <p>The proposed operational times for the Muswell Hill West CPZ is between 10 am and 2 pm; outside this 4-hour window, all parking is free. Currently, there is a large allocation of bays for those visiting businesses on Muswell Hill Broadway and this will be supported by additional bays on roads adjoining Muswell Hill Broadway.</p>

Subject of objection.	Objections containing this subject	Officer response
<p>The Council's consultation document blatantly admits it is likely that some, if not all of those pressures were created as a result of displaced parking from other areas following the introduction of controls in those areas. In other words, you are admitting you created a problem by your action and now you want to create another CPZ to alleviate an alleged problem.</p>	<p>1</p>	<p>The implementation of parking controls in the Muswell Hill Area was initially proposed due to concerns from residents finding it difficult to park near their homes; the area has been frequently used for extensive parking by shoppers and vehicles from adjacent areas.</p> <p>57% of those who responded to the area-wide consultation undertaken in March 2020, identified that the area was experiencing parking problems and were in favour of parking controls being introduced</p>
<p>The charging band you are using. It is incredibly biased against vehicles with higher emissions which means that this CPZ is not about trying to solve residents parking problems at all. It is another move towards forcing poorer people to sell or dispose of their vehicles. If the CPZ price band was based on vehicle length that would make sense and be fair and just</p>	<p>1</p>	<p>The Impact of vehicle emissions on the air quality of an area is a key factor set out on Haringey's parking policy. By raising awareness of the environmental impact of CO₂ emissions, people are encouraged to use lower, more sustainable forms of transport to help reduce the associated greenhouse effect. The reduction in high-emitting vehicles is also supported in the Council's Climate Change Action Plan and Transport Strategy</p>
<p>No, I am not in favour of CPZ here. In any form</p>	<p>2</p>	<p>83 (18%) responses were received in total to the public consultation, 47 (57%) in favour 33 (40%) in opposition and 3 (3%) not sure.</p> <p>The responses from this group of roads were considered together as a whole following consultation in accordance with the Parking Policy. The results from the consultation were discussed with local Ward Councillors and agreement reached with them on the recommendation to introduce CPZ controls for Muswell Hill West.</p>

Subject of objection.	Objections containing this subject	Officer response
<p>The council's document state that 462 properties were consulted (how many actual residents does this equal?) and only 47 answered This means only 11% want this to go ahead, so how can you now assume that the majority of residents are in favour based entirely on such a poor response? At least 50% need to be in favour of this proposal before proceeding. It seems that the initial consultation process was seriously flawed and needs to be reviewed with decisions not now being made on the basis of a paltry 18% response rate</p>	5	<p>Of the 462 properties that were consulted during February and March 2020, the Council received 83 responses, a response rate of 18%. This response rate exceeds the Council's Parking Policy minimum response rate of 10%. Haringey's Parking Policy that was introduced in 2020 states: "The Council should receive a response rate of between 10% and 20% to consultations. A response rate below 10% is deemed inconclusive and a scheme will not be progressed without further engagement with the community and achieving a response rate no less than 10%."</p>
<p>The survey was conducted under the wrong premise. Haringey consulted residents; it would have been preferable to obtain a list of residents who are registered car owners. They are the ones who have difficulty parking</p>	1	<p>It is a statutory requirement to consult all residents in the area affected by the proposals as a consultation gives local people a voice and an opportunity to influence the decision-making process</p>
<p>The scheme proposed by Haringey, while limiting the number of outsiders who can park in the area, reduces the number of parking places available to residents. This will only exacerbate the problem, as it simultaneously increases the number of spaces where residents will be reluctant to park.</p>	1	<p>It is important to note that, on some streets within the new CPZ, the amount of parking that would be permitted could be less than is currently available due to the need to ensure junction protection, access and passing places. This is necessary to offer safety for most vulnerable road users and manage kerbside space safely and effectively.</p>
<p>There are many crossovers in Princes Ave, and there would be no way enough space for parking bays for all the residents.</p>	2	<p>When implementing a CPZ, the Council seeks to utilise the majority of kerbside space for residents, therefore the number of available spaces varies according to the specific conditions of each road. In order to prevent dropped kerb obstruction, bays will not be placed across existing vehicle crossovers however a single yellow line waiting restriction (operating during the controlled hours) will be placed on the road to restrict parking during the controlled hours.</p>

Subject of objection.	Objections containing this subject	Officer response
<p>This will only push the problem elsewhere, as indeed has happened in this case, where other nearby CPZ's have been implemented.</p>	<p>1</p>	<p>With any new parking restrictions in place, there is always the chance of displacement to nearby streets. Before implementing a new CPZ in an area, the Council follows all statutory guidelines including public consultations. A CPZ will therefore be introduced based on the overall response from the area consulted or sub-areas of the consulted area, achieving at least 51% vote in favour of controls unless there are exceptional circumstances, such as a major development planned for the area.</p>
<p>I park my car on-road with a protective car cover. How will your parking attendants identify that the car is licensed if the windscreen is covered, and the permit is covered.</p>	<p>1</p>	<p>The Council's enforcement guidance does not enable regular community enforcement officers (CEOs) the ability to remove the vehicle cover to inspect permits or registration plates. In these circumstances, a senior officer would be dispatched with a body mounted video camera to film the process of lifting the cover, inspecting permits / vehicle registration plate and then reaffixing the cover. The recorded evidence will be kept on file for the required duration.</p>
<p>Will Haringey issue more permits than spaces available in the zone? If so, by what percentage over.</p>	<p>1</p>	<p>The number of permits available in a control parking zone are based on the number of vehicles registered at an address.</p>
<p>There must be a more reliable way of eliciting opinion before jumping to conclusions about what the majority of car owning residents want. Why don't you write personally to residents who are car owners?</p>	<p>1</p>	<p>Engagement with the community seeks a response rate of no less than 10%. Parking is not just about residents being able to park close to their homes; it's about safety, fair access to a limited communal asset, and the right to clean air, the main reasons all residents of the proposed area are consulted.</p>

Subject of objection.	Objections containing this subject	Officer response
CPZ will bring revenue to Haringey, is a money-making scheme.	1	The purpose of CPZs is not to raise revenue, but to improve road safety and parking facilities for residents and businesses. The process running any CPZ scheme incurs significant costs. Permit income generated by the scheme is used to maintain and enforce the CPZ. In accordance with the law, any surplus income from parking enforcement is used to supplement relevant transport services within the borough.

6.12 In review of the 14 objections received to the statutory consultation, one of those who responded to the statutory consultation also responded to the public consultation in opposition to the introduction of the controlled parking measures. However, 7 of those responding to the statutory consultation did not give a full address, providing only a road name.

6.13 After considering the statutory consultation results and noting that there were no substantial objections to the consultation as detailed in within table 2 above, it is concluded that no alterations should be made to the proposed extent of the parking scheme. The Controlled Parking Zone named Muswell Hill West with the operational times of Monday to Friday 10am to 2pm should therefore be introduced to help improve air quality and reduce parking pressures, whilst promoting the use of existing and new sustainable forms of transport

7 Contribution to strategic outcomes

7.1 It is important that safe, green travel is available to prevent the borough's roads from being overrun by cars and to support active travel, an ambition of the Council as laid out in its [Borough Plan](#) and [Transport Strategy](#). Controlled Parking Zones installation will support the objectives set out in these documents as well as the wider initiatives to improve air quality and support the health of residents as per the council's [Climate Change Action Plan](#).

7.2 The introduction of controlled parking is in accordance with Section 3.3.3 of Haringey's Local Implementation Plan part which states:

"The availability of parking is a key determinant of car usage and local traffic congestion which can affect the potential uptake of more sustainable modes of travel. Local parking policy is an important demand management tool in controlling local traffic congestion and influencing choice of transport. CPZs are one of several parking policies, along with low parking standards for new developments, charging, and use of workplace parking levies, which can be used to influence travel behaviour. CPZs specifically prioritise parking for residents and can ease local parking pressures, reduce traffic congestion, improve road safety and encourage the use of more sustainable forms of transport."

7.3 The introduction of CPZs also aligns with the Council's agreed Transport Strategy and supports its 'aims' which include:

- An improved air quality and a reduction in carbon emissions from transport and
- A well-maintained road network that is less congested and safer

- 7.4 Delivery of the proposed Muswell Hill West CPZ will help the Council to manage valuable kerbside space and reduce the amount of commuter and 'short trip' car journeys more effectively. This will help enable the Council to prioritise kerb space more easily for electric vehicle charging points and cycle hangar storage, as well as to reduce parking where there is need for improvements to walking, cycling and other sustainable means of travel.

Statutory Officers' comments

8 Comments of the Chief Financial Officer

- 8.1 This report seeks Cabinet approval for the implementation of the Muswell Hill West CPZ.
- 8.2 The full cost of this scheme is estimated to be £19.6k, including community engagement; inventory of existing site conditions; design and implementation. This will be funded from the Council's approved Capital Programme as it was included within the Parking Implementation Plan.
- 8.3 Once implemented the future operation cost will be funded from the existing service revenue budgets.

9 Comments of the Head of Legal Services and Governance

- 9.1 Before reaching a decision to make the necessary traffic management order to implement a CPZ scheme, the Council must follow the statutory consultation procedures pursuant to the Road Traffic Regulation Act 1984 (as amended) ("RTRA") and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended) ("the Regulations"). All representations received must be properly considered in the light of administrative law principles, human rights law and the relevant statutory powers.
- 9.2 The Council's powers in relation to the making of traffic management orders arise mainly under sections 6, 9, 45, 46, 122 and 124 and schedules 1 paragraphs 1-22 the RTRA
- 9.3 The power of a local authority to make an order regulating or controlling vehicular and other traffic is contained within the ambit of section 6 of the RTRA.
- 9.4 When determining what paying parking places are to be designated on the highway, section 45(3) requires the Council to consider both the interests of traffic and those of the owners and occupiers of adjoining properties. In particular, the Council must have regard to: (a) the need for maintaining the free movement of traffic, (b) the need for maintaining reasonable access to premises, and (c) the extent to which off-street parking is available in the neighbourhood or if the provision of such parking is likely to be encouraged by designating paying parking places on the highway.
- 9.5 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: -

- the desirability of securing and maintaining reasonable access to premises.
- 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.
- the national air quality strategy.
- 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.

9.6 The legal position in relation to traffic management orders and the statutory requirements in respect of consultation are set out in section 9.1 through 9.5 of this report. Public consultation has been undertaken and due consideration given to representations by the public. As long as the statutory consultation is undertaken and due consideration similarly given to representations made, the Council should be acting in accordance with the law were it to proceed with the proposals set out in this report.

10 Equalities Comments

10.1 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.

10.2 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.

10.3 Two objections to the proposals have been raised by elderly residents. The proposal will have an impact on those who are reliant on carers as they will need to purchase visitors permits for the carer if they are arriving by motor vehicle. However, as the proposal is to bring in parking controls for four hours a day from Monday to Friday 10am to 2pm, the expected impact on these groups should be minimal. Currently, visitors permits for the over 65s are offered at a subsidised value at 41 pence per hour, whilst the normal pricing is 83 pence per hour; this should help those carers who require to visit the residents during the proposed controlled parking operation hours. The benefit of parking controls on the same group is that this may ease parking pressures allowing carers to find parking spaces more easily close to their client's homes.

10.4 Although there is a small impact on elderly residents as a result of the introduction of 2 hours managed parking 11am to 1pm, the benefits of being able to buy visitors permit at concessionary prices and utilising the permits on offer as well as expected easing in parking pressure will go a long way to address any negative impacts.

10.5 Carers in the community have access to two permit types that enable them to undertake visits to fulfil their required service. The first one is an essential services permit (ESP) which allows those people providing public personal services to residents to park in a residential or shared use bay within a controlled parking zone. The ESP scheme supports local authority services, NHS health professionals, charities and not-for-profit organisations who provide healthcare, counselling, or social care to Haringey residents. The second permit type is a carer's permit which is provided to cater for the needs of those caring for residents in their own home. Residents who live in a Controlled Parking Zone can apply for a carer's permit if their medical practitioner, nurse or social worker has completed and signed the declaration in the application form. Nannies and care providers for young children are also eligible for carers permits; the cost of this permit is dependent on the emission level of the vehicle being used in the application

11 Use of Appendices

11.1 Appendix I - Plan showing proposed Muswell Hill West (MHW) CPZ.

11.2 Appendix II – Approved Delegated Authority report of public consultation.

11.3 Appendix III - Statutory notification letters delivered to affected frontages.

11.4 Appendix IV – Haringey Parking Policy – Approved March 2020.