




Report for:	Cabinet	Item number	
Title:	Review of Essential Service and Business Permit schemes		
Report authorised by :	Lyn Garner, Director of Places and Sustainability 		
Lead Officer:	Ann Cunningham , Head of Traffic Management		
Ward(s) affected: Specify ward(s) All	Report for Key Decision:		

1. Describe the issue under consideration

1.1. This report informs Members of the outcome of the review of the Essential Service Permit (ESP) and Business Permit scheme and seeks approval to implement a number of improvements. The report considers and highlights changes needed firstly to the ESP scheme and secondly to the Business Permit Scheme.

Essential Service Permits

1.2. In June 2008, following representations the Cabinet Advisory Board reviewed the Essential Service Permit scheme (ESP) and agreed that schools and ministers of religion should benefit from a reduction in normal ESP charges and pay an amount equivalent to a residential permit charge at that time. This report addresses the following issues relating to the ESP Scheme:

- Charges
- Provision for Primary Health Care Providers
- Qualifying Criteria
- Comparison with other London Boroughs

Charges

1.3. Apart from the inflationary 3% increase applied to all parking permit charges over the past two years, charges for ESP for schools and ministers of religion have not changed since 2008, despite residential permit charges having increased over the same period. This disparity and the general case for continuing with the reduced charge ESP scheme has been reviewed and this report recommends that the charge is increased to the current level of charge for residential permits. These new charges are set out in the attached Appendix C with the existing scheme and existing charges set out in the attached Appendix B. The increase in the charge is shown in Table 1.0 below.

Table 1 – Existing and Proposed Charge Increase for ESP –Schools & Ministers of Religion

Banding	Current charges (schools and ministers of religion)	Proposed charges (schools and ministers of religion)
A (up to 100 CO ₂ g/km)	£16.00	£21.20
B (101- 150 CO ₂ g/km)	£31.80	£53.00
C (151- 185 CO ₂ g/km)	£63.70	£106.10
D (186 CO ₂ g/km and over)	£95.50	£159.10

Vehicles registered before 23 March 2001, where CO₂ emissions are not documented.

Banding	Current charges (schools and ministers of religion)	Proposed charges (schools and ministers of religion)
1549cc or less	£31.80	£53
1550cc to 3000cc	£63.70	£106.10
3001 and above	£95.50	£159.10

Primary Health Care Providers

- 1.4. This report also considers parking arrangements for Primary Health Providers. Colleagues in the Public Health Directorate helped inform this element of the review.
- 1.5. There is no evidence to suggest that existing provision is inadequate or impeding the delivery of community based health services. At present primary health providers may apply for the Health Emergency Badge (HEB) issued by the London Councils. This badge costs £27 and provides exemptions from the parking regulations to primary healthcare providers when attending genuine medical emergency situations in patients' own home.
- 1.6. Planned (non-emergency) visits by all those professionals can either be supported by the low cost visitors' permits that are available to Haringey residents or by the ESP.
- 1.7. It is noted that while the NHS still purchase ESPs for staff delivering community based services, the numbers purchased in recent years has declined. This coincides with an increase in the take up of the HEB. However, general awareness of the ESP scheme and its benefit in bridging the gap between emergency and planned visits will be raised among those delivering community based services, and this will include adverts in general practitioners' publications.

Criteria

- 1.8 The current position for the qualification for either an Essential Service or Business Permit can be confusing. The recommendations following the review seeks to simplify the process and set out clearly the qualifying criteria for each type of permit.
- 1.9 The report recommends that the ESP scheme should be limited to Local Authority services, NHS health professionals, charities and not-for-profit organisations that provide health, counselling or social care services to borough residents.
- 1.10 These proposals will result in the removal from the scheme of both the existing building maintenance category and commercial organisations that currently qualify under the 'other' ESP category. Details of the proposed criteria are set out in the attached Appendix C, section 1.0.

Comparison with London Boroughs

1.11 Attached as Appendix A is information which sets out ESP arrangements for eight London boroughs in how they treat schools, ministers of religion and Primary Health Care providers. In summary:

- Schools - only one borough (Islington) has a permit designed for schools. This permit is double the price at £325 per annum when compared to the most expensive proposed Haringey ESP CO2 band for schools at £159.10. It also requires that the vehicle must be used in connection with school business. The seven other London boroughs provide no concessions for school staff.
- Ministers of Religion – Six out of the eight boroughs provide no concessions for ministers of religion. The two boroughs that do offer a scheme are the London Borough of Barnet who charge from £100 to £150 per annum and the London Borough of Ealing, where religious organisations can buy 25 daily permits per year for £25.
- Health Care Providers – Four of the eight boroughs provide no concessions. Of the remaining boroughs, three boroughs (Hackney, Waltham Forest & Tower Hamlets) offer an annual permit with charges similar Haringey's ESP scheme with the final borough, London Borough of Barnet, providing daily permits at £2.50 each.

2. Business permits

2.1 As a result of the proposed changes above, the Business Permit Scheme will need to be extended to cater for contractors and other commercial organisations that previously qualified for an ESP. This predominantly relates to those involved in property management, maintenance or redevelopment, but will include others who need (in terms of delivering their core business) to visit various locations across the borough.

2.2 Some boroughs already cater for the needs of such organisations under their Business Permit schemes and offer 'borough wide' permits. A comparison of charges and conditions for neighbouring boroughs is set out in the attached Appendix A

2.3 Also, at present utility companies do not qualify for a parking permit. They have lobbied to be included in the Business Permit Scheme. They can claim exemption from the parking restrictions when carrying out works on the public highway, but need to rely on the availability of pay & display parking when carrying out site visits, inspections etc.

3. Cabinet Member Introduction

3.0 The recommendations in this report will modernise the business and essential service permit schemes, aligning them with current policy and ensuring that they support local businesses and those delivering essential services to our residents.

4. Recommendations

- 4.1 That Members agree the qualifying criteria for the ESP scheme as set out in the attached Appendix C, section 1.0.
- 4.2 That Members agree to bring the ESP charges for Schools and Ministers of religion in line with current residential parking permit levels as set out in the attached Appendix C, section 2.1.
- 4.3 That Members agree in principle the introduction of a new 'Borough Wide' and Utilities Business Parking Permit as set out in the attached Appendix C, section 3.
- 4.4 That Members agree the charges proposed for the 'Standard business' permit and to the charges proposed for the new 'Borough Wide' and Utilities Business Parking Permits as set out in the attached Appendix C, section 4.
- 4.5 That Members authorise officers to proceed to statutory notification on proposals. Subject to addressing any objections received during the notification period delegate approval to the Cabinet Member for Environment to proceed to implementation on 1 December 2013.

5 Other options considered

5.1 A number of other options and the policy implications were considered;

Essential Service Permits

5.1.1 Consideration was given to increasing the charge for Schools and Ministers of Religion to the same rate as other ESP users. While this option would result in uniformity with all ESPs being charged on one single basis with no concessions, it would increase the charge for Schools and Ministers of Religion by up to 900%. Note that schools only benefit from the permit during term time.

Business permits

5.1.2 Consideration was given to limiting the business parking scheme to a zone specific arrangement only, but this would not support the needs of a number of businesses that operate throughout the borough.

6. Background information

Essential Service permits

6.1 The review of the ESP scheme in 2008 resulted in changes to charges and qualifying criteria. It was felt that the charge for those permits should adequately reflect the concessions offered when compared with the charges that the Council had in place and concessions offered for alternative permits, such as Resident permits, at the time. The ESP allows holders to park in any residential or shared use parking bay for an unlimited period across the borough. The Council issued 1,385 ESPs during the last financial year.

6.2 The main users of the current scheme are those involved in the delivery of health, social and pastoral care services, building maintenance, other businesses that may satisfy the qualifying criteria and school staff involved in the delivery of the school curriculum. The current qualifying criteria and charges that apply are detailed in Appendix B

Business Permits

6.3 Businesses (based within the borough) who need the use of a vehicle for the delivery of their business may apply for a Business permit. The Business permit entitles holders to park in designated business or permit bays in their respective CPZ. The qualifying criteria and charges that apply are detailed in Appendix B. The Council issued 376 business permits during the last financial year.

Application verification

6.4 The Traffic Management Service ensures appropriate verification of all permit applications to deter and detect fraudulent applications. Abuse of permit schemes reduces access for those with genuine entitlement. It also has significant financial implications, where subsidised, low cost or free parking arrangements are abused by those without entitlement and who would normally be required to use the Council's on-street pay & display facilities or car parks.

7. Comments of the Chief Financial Officer and Financial Implications

7.1 Any income received will support the wider Parking budget and thus will be used to fund transport related expenditure as prescribed by relevant legislation"

8. Head of Legal Services and Legal Implications

8.1 The Head of Legal Services has been consulted in the preparation of this report, and makes the following comments.

8.2 The Council has a statutory power to designate parking places on highways, and to regulate who they may be used by pursuant to section 45 of the Road Traffic Regulation Act 1984 (the Act). There is a statutory duty imposed on the Council to consult the owners and occupiers of adjoining properties when proposing to introduce new parking places on the highway.

8.3. The power to impose charges for the use of such places is given to the Council pursuant to section 46 of the Act and the power to vary existing charges derives from section 46A of the Act. The process for variation is prescribed by the Act as being by way of published notice.

8.4 Members may be aware that a recent decision of the High Court has served to further clarify the statutorily prescribed purpose and use of the revenue generated by the use of the parking bays.

8.5. In summary, the main aspects of the case which must inform Members decision making are that:

- charging powers cannot be used for general tax-raising purposes, or for the purposes of raising surplus revenue to defray other road expenditure and to reduce the need to raise income from other sources such as fines, charges and council tax.
- a surplus to the parking fund of the Council is not prohibited if it is raised a surplus unintentionally, without the express purpose of funding the General Fund.
- any surplus, even if unintentionally raised, must be used for the purposes specified in section 55(4) of the Act such as making good to the General Fund any amount charged to that fund in 4 years immediately preceding



the financial year in question, meeting the costs of road improvement projects and other specified purposes.

8.6 This is a matter which must be considered against the background of the Human Rights Act 1998, in the context of the right to respect for one's home in terms of the impact which the new proposals could have on adjoining owners and occupiers. However, that right can be interfered with in the interests of protecting the rights and freedoms of others – namely in this case, those who would seek to take up the opportunities afforded by the new proposals.

8.7 Regard should also be paid to the duty on a public authority under the Equality Act 2010 – see paragraph 9 below.

9 Equalities and Community Cohesion Comments

9.1 The Council has a general equality duty under Section 4 of the Equality Act 2010. This requires that in all its functions, the Council must have due regard to the need to:

- Eliminate discrimination, harassment and victimisation of persons that share the characteristics protected under S4 of the Act.
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who those characteristics and people who do not.

9.2 Protected characteristics include Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex (formerly gender) and Sexual Orientation.

9.3 The Policy and Equality Team have been consulted in the preparation of this report and they comment that the proposals set out in the report have been screened for their possible implications for this duty and have been found to carry no adverse impact on any of the service providers identified in the report, in terms of the protected characteristics which they may share, and within the meaning of discrimination, victimisation and other prohibited conducts defined by the Act. They also carry no apparent implications for good relations between people who share a protected characteristic and those who do not.

10. Policy Implications

10.1 The introduction of a new 'borough wide' and utilities business permits will involve a change to existing permit policy.

11. Reason for Decision

11.1 The Essential Service and Business permits schemes have not been reviewed in recent years. The changes recommended in this report will align them with current transport policy.

12. Use of Appendices

Appendix A - Comparative data – arrangements for those particular groups in other boroughs. Source: Current Borough websites.

Appendix B - Existing ESP and Business permit charges and qualifying criteria

Appendix C - Proposed ESP and Business permits charges and qualifying criteria

12. Local Government (Access to Information) Act 1985

- i. Greenest Borough Strategy
- ii. Report to Cabinet Advisory Board 18 June 2008