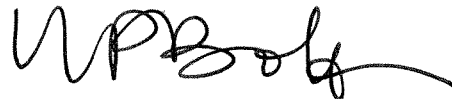


Report Title: <b>Crouch End and Muswell Hill Stop &amp; Shop Schemes – Results of Statutory Consultation</b>	
Forward Plan reference number (if applicable):	
Report of: <b>Niall Bolger, Director of Urban Environment</b>	
Wards(s) affected: <b>Muswell Hill, Fortis Green and Crouch End</b>	Report for: <b>Key Decision</b>
<p><b>1.0 Purpose</b></p> <p>1.1 The purpose of this report is to inform members of the results of the Statutory Consultation undertaken for the Muswell Hill and Crouch End Stop and Shop schemes, which was carried out in July /September and November/December 2006.</p> <p>1.2 The report sets out officer's responses to the objections made by both residents and traders for members to consider before making a decision on the schemes.</p>	
<p><b>2.0 Introduction of Executive Member</b></p> <p>2.1 This report is brought to the Executive to outline feedback from Statutory Consultation and to seek approval to carryout the proposed proceedings in order to continue to create a cleaner and greener environment. The measures will assist to provide additional shopper visitor turnover in these two town centres and alleviate parking pressures in adjoining residential roads.</p>	

### **3.0 Recommendations**

- 3.1 That the Council's Executive, after duly considering the objections as set out in this report, decide whether or not to proceed with implementation of the Stop and Shop (Pay and Display) parking schemes at Muswell Hill and Crouch End: and
- 3.2 If recommendation 3.1 is agreed, the Executive further agree to conduct a review of the two schemes 12 months after implementation.

Report Authorised by: **Niall Bolger, Director of Urban Environment**



Contact Officer: **Alex Constantinides, Head of Highways**

### **4.0 Director of Finance Comments**

- 4.1 The Environmental Services capital budget for 2006/07 contains provisions of £42k and £55k for the implementation of stop and shop measures in Crouch End and Muswell Hill respectively. The cost of the schemes will not exceed the budget provision.

### **5.0 Head of Legal Services Comments**

- 5.1 Legal implications are set out in the body of the report at paragraph 9. These summarise the statutory procedures that apply.

### **6.0 Local Government (Access to Information) Act 1985**

- 6.1 Representation received from Statutory Consultation conducted in June-Sept and Nov-Dec 2006.
- 6.2 Council's Draft Local Implementation Plan and Parking Enforcement Plan.

### **7.0 Strategic Implications**

- 7.1 The proposals considered in this report are in accordance with the objectives of the Mayor's Transport Strategy, which are reflected within the Council's Final Draft Local Implementation Plan, which is currently with TfL as part of the approval process. This plan contains the policy framework for both parking and road safety and is summarised below.

## Local Implementation Plan (LIP)

**Parking:** Section 7.0 of the Parking and Enforcement Plan (the 'PEP'), which forms part of the LIP reiterates the Council's intentions to improve parking conditions in the Borough. The overall aim of the PEP is to support a better and safer environment for the borough.

Key PEP policies include:

- The Council will assess the need for parking controls at junctions.
- The Council will allocate on-street kerb space in accordance with the Council's defined hierarchy of parking need.
- The Council will monitor, manage and review on-street pay and display parking to help manage long-stay commuter parking and promote short stay and visitor parking.

**Road Safety:** Section 6.0 of the LIP contains the Council's Road Safety Strategy which details initiatives to make borough roads safer for all road users. The Council's UDP also contains strategic transport policies for the benefit of road safety. The key policies include:

- To tackle congestion by reducing the level and impact of traffic in town centres and residential areas.
- To make the borough's streets safer and more secure, particularly for pedestrians and other vulnerable street users through traffic management measures.
- To manage better use of street spaces for people, goods and services, ensuring that priority is allocated to meet the objectives of the strategy.
- To improve the attractiveness and amenity of the borough's streets, particularly in town centres and residential areas.
- Encourage the use of more sustainable modes of transport.

### 8.0 Financial Implications

8.1 The Environmental Services capital budget for 2006/07 contains provisions of £42k and £55k for the implementation of stop and shop measures in Crouch End and Muswell Hill respectively.

8.2 The proposed charges for the pay and display bays were reduced following feedback received during phase one Statutory Consultation and workshop discussions. The original proposed and reduced charges are as follows:

#### Original Proposed Charges (both schemes)

15 mins	£0.30
30mins	£0.60
45mins	£0.90
1hr	£1.20
1hr 15mins	£1.50
1hr 30mins	£1.80
1hr 45mins	£2.10
2hr	£2.40

## Revised charges

### Muswell Hill

20mins	£0.20
45mins	£0.50
1hr	£1.00
2hr	£2.50

### Crouch End

Short Stay Bays		Long Stay Bays	
20mins	£0.20	1hr	£1.00
45mins	£0.50	2hr	£2.50
1hr	£1.00	3hrs	£4.00
2hr	£2.50		

- 8.3 Should the schemes be implemented it is forecasted that the yearly income generated from the Muswell Hill and Crouch End schemes will be £100,000. The income received will be used to cover the cost of enforcing, monitoring and maintaining the scheme. Any surplus income received will be reinvested in the public highway, with particular attention to road safety.

## 9.0 Legal Implications

- 9.1 If the Executive resolves to implement both the Crouch End and Muswell Hill pay and display schemes then the Council must make or amend several orders under the *Road Traffic Regulation Act 1984*. The *Local Authorities' Traffic Orders (Procedure) Regulations 1996* (the regulations) lays down the procedure to be followed before making or amending an order. The regulations impose a legal obligation on the Council to conduct a process of consultation to inform the public and other Statutory Consultees of its intentions. The process carried out by the Council, in compliance with the regulations, is set out in paragraph 11 and Appendix I of this report. The Council must then consider any objections made as a result of the consultation before making an order.

## 10.0 Equalities Implications

- 10.1 The Statutory Consultation documents were distributed to all households / businesses within the agreed consultation area.
- 10.2 The statutory document included a section offering translation into minority languages and affords any interested party the opportunity to make a representation regarding the scheme.
- 10.3 The proposals provide for the introduction of an additional 5 disabled bays in both the Muswell Hill and Crouch End areas. Blue Badge holders are also permitted to utilise the proposed pay and display bays free of charge for an unlimited period.

## 11.0 Statutory Consultation

- 11.1 Statutory Consultation is the legal part of the process required before implementing parking controls. In summary, before making an Order to implement parking controls, the Council must notify its intentions in the London Gazette, local press and on site where the measures are proposed. A more detailed outline of the consultation process is given in Appendix I.
- 11.2 This section of the report is divided into three sections, consisting of:
- a) Analysis of the representations received from the statutory consultations (phase one and two) for both Muswell Hill and Crouch End pay & display proposals.
  - b) Highlighting responses from Statutory Bodies and the objections received from local resident associations with the Council's considered response.
  - c) Highlighting a summary of the key objections received together with the Council's considered response. Each objection with the appropriate response is considered in turn.
- 11.3 Before making the relevant Traffic Management Orders the Council must consider all duly made objections submitted in response to the consultation. A full list of all the objections received with responses will be made available in the members room for inspection.

## ANALYSIS

- 11.4 **Muswell Hill (phase 1):** 771 representations were received.
- 7 were individual representations supporting the scheme
  - 371 of the representations were a product of a standard template distributed by local groups objecting categorically to the proposals.
  - 124 were also based on a standard template but objecting on the grounds of the reduction of resident's parking spaces without introducing a provision for residents parking.
  - 269 were individual objections on various grounds.
- 11.5 **Muswell Hill (phase 2):** 92 representations and three petitions were received.
- 5 were individual representations supporting the scheme
  - 87 representations were made from individuals objecting on various grounds.
  - A petition signed by 86 traders objecting to charges for parking.
  - A petition was received with close to four thousand signatories requesting extra parking be created on Muswell Hill Broadway outside 219 - 500 Muswell Hill Broadway. The wording used for the petition was as follows:
- I support the petition to amend parking restrictions outside 219-500 Muswell Hill Broadway, N10.*
1. *To allow parking from 9.30am to 4.30pm, Monday to Saturday, for 2 Hours (no return for 2 hours) on single yellow lines.*

2. *For 4 Large signs clearly displaying camera enforcement from 7am to 9.30am and from 4.30pm to 6.30pm, Monday to Saturday.*
3. *I have not signed this petition in any other shop.*

- A petition of 28 signatories from the residents of Woodberry Crescent who were against the Council converting unrestricted parking spaces to pay and display parking bays. They also requested consideration of a CPZ for their road.

11.6 The number of individual representations received in phase 2 is lower than the amount received in phase 1. This is possibly due to the fact that the Council received three petitions during phase 2, one of which contained close to four thousand signatories and therefore objectors did not feel the need to make an individual representation. Although it cannot be substantiated, it is possible that the changes made after the phase 1 process has had a positive impact on the views of the local community.

11.7 **Crouch End (phase 1)** 128 representations were received.

- 4 were individual representations supporting the scheme
- 54 of the representations were a product of a standard template distributed by local groups objecting categorically to the proposals.
- 2 were individual representations requesting further information
- 15 were also based on a standard template objecting on various grounds.
- 53 were individual objections on various grounds.

11.8 **Crouch End (phase 2)** 44 representations and one report were received.

- 1 representation supporting the scheme
- 43 representations were received from individuals objecting on various grounds.
- A report from a group of local residents (attached as Appendix IV) was submitted to the Executive Member for Environment & Conservation referring to the Council's parking policy for Crouch End and requesting the public use of Hornsey Town Hall car park.

11.9 Again it should be noted that the number of representations received in phase 2 is less than in phase 1. Again, although it cannot be substantiated, it is possible that the changes made after the phase 1 process has had a positive impact on the views of the local community. It should also be noted that a number of the recommendations made within the report submitted by local residents were addressed within the revised scheme that has been subject to the second phase of statutory consultation.

## **VIEWS FROM STATUTORY BODIES AND OBJECTIONS RECEIVED FROM RESIDENT ASSOCIATIONS**

11.10 **Statutory Bodies** - As part of both the Statutory Consultation periods the views of the following bodies were sought: AA, London Transport, Police (local), Fire Brigade, London Ambulance Service, Freight Transport Association, Road Haulage Association, RAC, Metropolitan Police (traffic), Haringey Cycling Campaign, and

Haringey Accord. None of the parties listed made any representations during either phase of consultation.

- 11.11 **The Muswell Hill and Fortis Green Association** would like to see the scheme postponed until the government release new parking guidelines. The MHFGA are unhappy with the way consultation was conducted and are concerned about the impact the proposals will have on residents and workers in the area.

**Council's response:** The legal framework to deal with the consideration of Pay & Display proposals is set out under the Road Traffic Regulations Act 1984 and the procedure is prescribed under the Local Authorities' Traffic Orders (Procedure) Regulations 1996. Until the law is changed with respect to this matter the Council will continue with its current consultation strategy.

The Council has fulfilled its statutory requirements by publishing a Notice in the London Gazette, Ham and High and The Journal series and by erecting copies of the notice on site on 30.11.06. Also, a copy of the Notice and the draft Order was sent to statutory bodies.

- 11.12 **The Alexandra Residents' Association** want to keep the existing free 1 hour parking bays that are located within the Muswell Hill Broadway area and provide additional free 1 hour parking bays in Fortis Green Road and at the top of Dukes Avenue. ARA also noted that existing pay and display car parks should be clearly signposted throughout the Muswell Hill area. Finally ARA suggested that the existing restrictions and bus lanes in Colney Hatch Lane/ Muswell Hill (leading to Muswell Hill Roundabout) should remain.

**Council's response:** Adopting a scheme where the bays are free makes enforcement laborious and expensive. The Council's neighbouring boroughs (Camden, Islington and Hackney) do not offer this facility. Any scheme that does go ahead must be self financing and allow for the cost of enforcement to be met from the fees charged. Any surplus may be spent on highways improvements, highways maintenance and on concessionary travel.

The Council is currently reviewing signing posting to the car parks in Muswell Hill with a view to implementing more visible and helpful signage.

The existing bus lane restrictions will remain. The Council does however feel that parking provision can be provided, during off-peak hours, along existing sections of waiting restrictions that would not impact on the free flow of traffic.

- 11.13 **The Hillfield Park Neighbourhood Watch** raised several points specifically regarding the parking on the Broadway where it was acknowledged that the current arrangement is not working well and that Pay and Display might be an improvement. The HPNW also felt that the proposed operational start times of 8am were too early and suggested the parking bays if proposed on Hillfield Park should start later.

**Council's response:** The revised scheme, as consulted upon in phase 2, proposes a start time of 9.30am rather than 8.00am as originally proposed.

- 11.14 **Queens Mansion Residents' Association** raised several issues with the scheme, which included the location of the proposed parking bays, charging mechanism, fears of possible displacement, use of CCTV, consultation processes and the use of the existing car park within the Muswell Hill area.

**Council's Response:** Following the feedback received in during phase 1 of the consultation process, revisions have been made to the proposals, which address the concerns of the location of parking bays and charging mechanism.

If the scheme is implemented it is proposed to conduct a review twelve months post implementation to assess any displacement issues.

CCTV enforcement will be used where possible and additional signage will be erected to advise of this type of enforcement. Improved signage is also being considered to direct people to local car parks.

The Council has fulfilled its statutory requirements by publishing a Notice in the London Gazette, Ham and High and The Journal series and by erecting copies of the notice on site on 30.11.06. Also, a copy of the Notice and the draft Order was sent to statutory bodies.

- 11.15 A copy of the all the letters received from Resident Associations can be found in Appendix V.

## **OBJECTIONS RECEIVED WITH COUNCIL RESPONSE**

- 11.16 Full details of all objections and offices responses are available in the member's room for inspection. There were 14 key areas of objection and these are summarised in the following paragraphs.

- 11.17 **Objection:** There was found to be 98% against the proposals during the first phase, why go ahead?

**Council's response:** The majority of objections were based on tariffs and the proposed layout of bays.

On balance these proposals are in line with the Council's Local Implementation Plan and will free up the existing kerb space for the benefit of shoppers to the area providing facilities that will generate a greater turnover of visitors thereby reducing retail parking pressures in adjacent residential streets.

- 11.18 **Objection:** The Statutory Consultation process is flawed.

**Council's response:** The Council has fulfilled its statutory requirements by publishing a Notice in the London Gazette, Ham and High and The Journal series and by erecting copies of the notice on site on 30.11.06. Also, a copy of the Notice and the draft Order was sent to statutory bodies.



It is Regulation 8 of The London Authorities Traffic Order (procedures) (England & Wales) Regulations 1996 that enables any person to object to the making of the order by the date specified in the notice of proposals or, if later, the end of the period of 21 days beginning with the date on which the authority has complied with the requirements of regulations (published the notice in a local paper and in the London Gazette and taken any other such steps as considered appropriate).

The Notice published in connection with the schemes, specifies that objections can be made within 21 days of the date on which this Notice is published. Objections were received by the Council until 29 December, which equates to 28 days, 7 days beyond the minimum statutory requirement. The regulations have therefore been complied with.

11.19 **Objection:** The Council had decided to make the Orders regardless of the outcome of Statutory Consultation

**Council's response:** Following phase one of the statutory consultation the council did take into account the outcome and modified the schemes accordingly and reduced the proposed charges.

No Traffic Management Orders have been made. As outlined in this report the Council has conducted a second phase of statutory consultation by publishing a legal Notice of its intentions. This Notice has been advertised appropriately (see 11.16 response) inviting any interested party to make comment on the proposals. It is for the Executive to consider both the representations and the Council's responses before deciding whether or not the schemes should proceed. Traffic Management Orders will be only made if the Executive agrees to implement the schemes.

11.20 **Objection:** The Statutory Notice fails to state that the Council proposes to create Pay and Display parking bays.

**Council's response:** The Notices published as part of Statutory Consultation, clearly state that the general effect of the Orders will be to designate pay and display parking places at certain locations and at certain times. The Statutory Consultation document further illustrates the proposed tariffs of the proposed parking bays.

11.21 **Objection:** There has been an abuse of process - Statutory Consultation was carried out when objectors were least able to respond and the proposals were introduced a very short time after earlier attempts had been rejected by residents, traders etc.

**Council's response:** There has not been an abuse of process. The Council has carried out two stages of Statutory Consultation. The first stage was conducted between 22 June 2006 and 30 September 2006 (100 days). This enabled 79 days above the standard statutory requirement for interested parties to comment. The Council thought it appropriate to take more than the standard requirement for informing the public of its intentions by distributing leaflets to local traders and residents. During this first phase the response rate was excellent with the Council

receiving 771 and 128 representations from Muswell Hill and Crouch End respectively.

Prior to publishing the Notice of Intention to commence the second phase of statutory consultation the Council met with local traders and residents representatives (the list of invitees is attached as Appendix VII) to discuss the feedback from Stage One. From these discussions and general feedback the Council varied its proposals to: -

- a) revise the proposed pricing mechanism;
- b) revise the location of parking bays, where identified as an issue; and
- c) revise the proposed maximum duration of stay in Crouch End.

Statutory consultation for the new revised scheme was conducted two months after phase one starting from 30 November 2006 and ending on 28 December 2006, providing a total of 28 days for consultation. The Council again thought it appropriate to take more than the standard requirements for informing the public of its intentions by redistributing leaflets to local traders and residents.

The objections received from representations made for both statutory consultation phases have been highlighted within this report for the Executive to duly consider before making a decision about whether or not to progress with these schemes.

11.22 **Objection:** Councillors should be surcharged. The matter referred to the District Auditor and the Ombudsman.

**Council's response:** It is not considered that there is any basis for a complaint to the District Auditor or the Ombudsman, although this is a matter for decision for those dissatisfied with the manner in which the Council has dealt with these proposals.

11.23 **Objection:** The time scale and format of consultation is inadequate.

**Council's response:** As set out in the Council's response in 11.21, the Council exceeded the standard statutory requirements for consultation in both timescales and format for the proposed schemes.

11.24 **Objection:** Proposals do not consider impact or suggest the implementation together with a CPZ and will reduce the amount of space available to residents.

**Council's response:** From officer visual inspections, where there are no existing controls, kerbside space outside shop frontages and in adjoining residential roads are already at saturation point in both Muswell Hill and Crouch End town centres. It is the view of officers that if the Executive agree to implement these proposals the anticipated increase in turnover in the number of vehicles parking outside shop frontages together with the relaxation of existing parking controls will reduce the parking demand on adjoining residential streets. However, it is proposed to review the schemes after twelve months to assess if they have achieved the policy objectives as set out in Council's Draft LIP.

11.25 **Objection:** The Council should wait for new government consultation guidelines before consulting.

**Council's response:** The legal framework to deal with the consideration of Pay & Display proposals is set out under the Road Traffic Regulations Act 1984 and the procedure is prescribed under the Local Authorities' Traffic Orders (Procedure) Regulations 1996. Until the law is changed with respect to this matter the Council will continue with its current consultation strategy.

11.26 **Objection:** Parking pressures in the area leading to an excessive amount of driveways being constructed and this scheme will just make matters worse.

**Council's response:** It is envisaged that the proposals will reduce the parking pressure in adjoining residential roads (see council response 11.24). Whilst the council cannot prevent residents turning their front gardens into hardstanding areas (except areas designated under Article 4 which gives the council special powers under the 1995 General Development Order to restrict permitted development rights for households). The council does impose controls over the design and construction of crossovers. Residents must seek approval for a crossover from the council; each application is assessed individually to ensure it meets all the council's pre-conditions before consent is given. These pre-conditions may change as a result of a review to council policy which has resulted in a revision to the current technical guidance for vehicle crossovers. The proposed changes are set out in a report which will be presented to the Executive on 20 February 2007.

11.26 **Objection:** - The schemes should be implemented at the same time as a CPZ.

**Council's response:** These proposals are based on the increase of town centre parking provision, to better manage and prioritise the existing kerb space for the benefit of the shoppers to the area and to alleviate parking pressures in adjoining residential roads. If the Executive agree to the implementation of the schemes it is proposed that the twelve month review will assess the need for a local CPZ in the surrounding residential roads.

11.27 **Objection:** Why were residents living in the area not made aware of the Councils proposals?

**Council's response:** The Council has outlined in paragraph 11.18, 11.21 and Appendix I details of the statutory consultation process which clearly demonstrates that the Council exceeded the standard statutory requirements for consultation in both timescales and format for the proposed schemes. Other forums where the council publicised the proposals include:

- Local libraries where plans of the schemes were available for inspection.
- The council's web site.
- At local area assembly meetings in both Muswell Hill and Crouch End.
- Local press releases and articles.

11.28 **Objection:** There should not be any charges for the proposed scheme. The first half an hour should be free. It is just a money making scheme.

**Council's response:-** As a result of resident feedback from phase one of the consultation charges were amended and are now amongst the lowest within the borough. The revised proposed reduction in charges will not be subject to any increase during 2007/08.

Adopting a scheme where the first 30/60 minutes are free makes enforcement laborious and expensive. The council's neighbouring boroughs (Camden, Islington and Hackney) do not offer this facility

Any scheme that does go ahead must be self financing and allow for the cost of enforcement to be met from the fees charged. Any surplus may be spent on highways improvements, highways maintenance and on concessionary travel.

11.29 **Objection:** Hornsey Town Hall car park should be converted to public use.

**Council's response:** The car park forms an integral part of the Hornsey Town Hall redevelopment scheme that is due to commence in 2008/09. An Interim User Group has been set up to consider the short term use of the car park however the cost implications of fencing and security measures together with essential resurfacing has not made the short term use of this car park economically viable.

11.30 **Objection: The Library car park behind Hornsey Library should be available for the public to use**

**Council's response:** The Hornsey Library Car Park is open to the public on Saturdays. It is the Libraries and Learning Groups view that if the car park was open to the public throughout the week they would have concerns due to:

- Safety of the public and risk of damage to vehicles caused by mobile library vehicles
- Obstruction of access for mobile library vehicles
- Premium of available parking space as a number of spaces are leased to a third party

11.31 Representations supporting the proposals together with any other additional comments are listed in Appendix II.

## 12.0 Background

12.1 The Borough Parking Plan included provision to investigate the possible implementation of pay and display parking in Muswell Hill and Crouch End.

12.2 The Council carried out two phases of Statutory Consultation for the Crouch End and Muswell Hill areas in June/September and November/December 2006. A detailed outline of the procedures undertaken is given in Appendix I.

## 13.0 Conclusion

- 13.1 When introducing parking controls the council must, under its legal obligations give due regard to various factors including traffic issues and the interests of the owners and occupiers of properties on the affected roads.

The factors which need to be considered include:

- the need to maintain the free movement of traffic;
- the need to maintain reasonable access to premises;
- the extent to which off-street parking is available in the neighbourhood;
- road safety;
- impact on local amenities;
- air quality; and
- the passage of public service vehicles.

- 13.2 In summary, the majority of objections received centre on fears of displacement into adjoining residential roads and the costs that would be levied on those parking within the Pay and Display schemes. In view of these concerns the council amended the original design and charging structure and entered into a second phase of statutory consultation.

- 13.3 The council has exceeded the necessary legal requirements for statutory consultation.

- 13.4 The proposals are in line with our Parking Enforcement Plan and Road Safety Strategy as contained within the Draft Local Implementation Plan. It is the officers view that the proposed schemes, as amended following initial statutory consultation will assist to provide additional shopper/visitor turnover in these two town centres and alleviate parking pressures in adjoining residential roads. The Executive is requested to decide whether or not to proceed to the implementation of the schemes after duly considering the objections outlined in this report.

#### 14.0 Use of Appendices / Tables / Photographs

**Appendix I** - Copy of Statutory Consultation document and detailed consultation process.

**Appendix II** -Representations supporting the proposals and summary and response to additional comments received

**Appendix III** - Copies of petitions received

**Appendix IV** – Report from local residents of Crouch End

**Appendix V** – Copies of all letters from Residents' Associations

**Appendix VI** – List of all invited attendees to workshop meetings