



**Cabinet**  
14 March 2016

**Report of Strategic Director,  
Regeneration and Environment**

For Decision

Wards Affected: Whole Borough

**On-Street Parking Service Offer and Charges in Controlled Parking  
Zones; and Parking Statutory Guidance**

## 1.0 Summary

- 1.1 Following the Cabinet meeting on 16 November 2015 it was proposed that a holistic review of on-street parking was undertaken prior to consulting on increases in charging. This report sets out a series of changes to the way in which the council manages, and charges for, on street parking. Subject to Cabinet approval, it will result in a widespread consultation with local residents and businesses leading to a final set of proposals which will come back to Cabinet in June 2016.

## 2.0 Recommendations

Cabinet is asked to agree:

Demand-Led Pay and Display Tariffs:

- 2.1 To consult residents and businesses on a recommendation to freeze parking prices in Pay & Display bays borough-wide.

Daily Visitor Parking Charges:

- 2.2 To consult residents and businesses on introducing new visitor parking arrangements in CPZ areas, with a £1.50 charge for up to 2 hours, a £3 charge for up to 4 hours, and a £4.50 charge for 'all-day' visitor parking of more than 4 hours.

Visitor Household Permit:

- 2.3 To consult residents on withdrawing the Visitor Household permit.

Carer's Permit

- 2.4 Subject to 2.3 above, to consult residents on the introduction of a new annual Carer's Permit at a 2016/17 rate of £165 for a full year; £99 for 6 months and £66 for three months; and with future increases linked to the same inflation formula and April revision date used for Resident Parking Permit price increases.

School Parking Permit:

- 2.5 To consult residents and schools on allowing schools within CPZs to:
- Purchase a maximum of 3 business permits at the standard rate (£361 in 2015/16) and terms and conditions; and
  - Purchase a maximum of 3 school parking permits at a rate discounted by 25% to reflect term-time use only providing the school has a bronze level accredited travel plan;
  - Purchase additional school parking permits at the reduced term-time rate should they have either a silver (up to 6 school permits in total) or a gold (up to 9 school permits in total) level accredited travel plan.

Household Car Permits:

- 2.6 To consult residents on measures to combat air pollution, including:
- Simplifying emission-based bandings for resident household permits, as set out in paragraph 7.3, to provide clearer encouragement to switch to low-emission vehicles
  - Capping the number of resident permits allowed per household to 2 cars
  - Introducing a £25 supplement for diesel cars to reflect their additional contribution to air pollution
  - Introducing a minimum charge of £25 for any resident parking permit for a vehicle other than a powered two-wheel vehicle
  - Reducing the permitted weight of vehicles with resident permits to 3.5 tonnes

Visitor Permits:

- 2.7 To consult residents on measures to manage demand, including:
- Capping the number of visitor permits a household can buy to a maximum value of £350 a year (equivalent to just over 75 full day permits, 115 four hour sessions or 230 two hour sessions, or any combination thereof).

Trader Permits:

- 2.8 To consult local businesses and residents on:
- Making specific provision for the parking needs of local traders, in particular those engaged in residential building works.

Parking Statutory Guidance:

- 2.9 **Cabinet is asked to approve** the official list (as set out in paragraph 11.10) of officer posts permitted to cancel a Penalty Charge Notice, in accordance with the Secretary of State's Statutory Guidance on parking enforcement.

## 3.0 Background

- 3.1 The Council regulates and charges for on-street parking to manage demand from residents, businesses and visitors, assist the smooth flow of traffic, and reduce vehicle trips, particularly at peak times. This supports the council's aims of encouraging the uptake of sustainable travel options, reducing air pollution and reducing the number of people killed or injured on the borough's roads.
- 3.2 In November 2015, the council agreed its Parking Strategy (see Appendix A). This sets the context within which on-street parking policies and charges are made.
- 3.3 Demand for parking in Brent is very high in some areas, especially within Controlled Parking Zones (CPZs). Over time the Council has introduced a number of measures to control the demand for kerb space. The south-eastern part of the borough and some areas of the south-western part of the borough around Wembley are controlled through Controlled Parking Zones. These areas are more densely developed compared to the northern part of the borough, and have better public transport links. The south-eastern part is well served by Jubilee line and Overground stations in zones 2 and 3, whilst the south-western part is well served by stations on the Bakerloo line [Wembley Central], Piccadilly Line [Alperton and Sudbury Town] and on the National Rail network [Wembley Stadium, Sudbury and Harrow Road].
- 3.4 There are 40 Controlled Parking Zones in the borough, which have been gradually introduced over recent years. These contain 33,000 spaces serving 56,000 households. Under present arrangements, each household is entitled to three car permits plus unlimited visitor parking. This entitlement is no longer sustainable. The 2001 and 2011 Censuses showed the pattern of car ownership in the whole borough set out in the table below:

**Table: Household car ownership in Brent**

No. of cars/ vans per household	2001		2011	
	No. of h/h	%	No. of h/h	%
0 (car-free)	37,287	37.3	47,417	43.0
1	42,606	42.6	43,598	39.5
2	16,207	16.2	14,884	13.5
3+	3,891	3.9	4,385	4.0
<b>Total Households</b>	99,991	100	110,286	100

- 3.5 This report proposes a number of changes to the council's policies and charging regimes for on-street parking. If approved, all will be subject to consultation with residents and further deliberation by Cabinet.
- 3.6 Cabinet has committed to a programme of reviews of existing CPZs, including the boundaries, time of operation, assessment of the adequacy of Pay & Display and dual-use

bays. This programme will need to include a review of the Wembley event day zone. This report does not seek to deal with wider concerns regarding CPZs which will be subject to this further review, and a subsequent report to Cabinet.

## 4.0 Demand-Led Pay & Display Tariffs

4.1 There are currently 704 Pay & Display machines across the borough's CPZs. Pay & Display bays are designated for short stay visits to businesses or homes within CPZs. Pricing policy seeks to ensure that there is a regular turnover of parking spaces.

4.2 Within the 2015/16 Budget Report, approved by Cabinet on 15 December 2014, various measures were recommended which were expected to have a significant impact on budget expectations for the Parking service. This included a £100k annual saving which was anticipated from an increase in Pay & Display parking charges, focused on areas where excessive demand for spaces might be experienced. However, the proposal was subject to the outcome of a substantial review. This review has now been completed.

4.3 The general principle underpinning on-street pay and display parking is to provide a quick turn-over of spaces, allowing easy access for motorists who wish to make short visits to shop or conduct business; and therefore park nearby. If charges are set too low, parking bays will not be freed up and this principle would be undermined.

4.4 Motorists who wish to park in a Pay & Display bay may do so by booking a session via a mobile device, such as a telephone or tablet, or by purchasing a ticket from a Pay & Display machine and displaying it on the windscreen of their vehicle. Pay & Display bay charges were set in 2013. Motorists pay 20p for up to 15 minutes; and then £1 for 30 minutes, £2 for one hour, £4 for 2 hours, £6 for 3 hours and £8 for 4 hours. For stays of more than 15 minutes, charges are 'linear' i.e. motorists need only pay for the duration of their expected stay. Coin payments are charged a 50 pence cash transaction supplement.

4.5 An analysis has been undertaken of the potential need to increase Pay & Display charges, to improve the management of parking and traffic. The review looked at:

- The prevalence of on-street short-stay parking (of up to 1 hour), based on coin and cashless income data from a sample month (September 2015).
- Price comparisons with adjacent boroughs, and statistical 'near neighbour' boroughs.

A benchmark was then agreed, on parking demand management grounds, to determine a satisfactory level of short-term parking; a satisfactory level of turnover was deemed to be achieved if at least 40% of stays were for less than one hour.

### 4.6 Length of parking stays when paying by coin

- For those motorists who pay by coin, data on the duration of parking stays is only available if a Pay & Display machine is networked.
- Only 37% of Brent's machines are modern, networked meters. The other meters are of a traditional design which simply accept cash payments – information from these machines is limited to the total cash collected
- The coverage of networked machines is very uneven. The west of the borough has a high proportion of networked machines; the south east of the borough a very low

proportion. This means we have very little data across the south east part of Brent - which has the highest concentration of Controlled Parking Zones.

- Based on available data, only one geographic area showed a relatively high number of machines with a low incidence (less than 40%) of short stay parking; this was Wembley (CP Zones C, E and W).
- However, Wembley is also the area with the highest proportion of networked machines, so this may simply be due to the availability of data for this area. Networked machines are essential in the Event Day area due to the need to cover different charging regimes.

#### 4.7 Length of parking stays when paying by mobile device (cashless)

- For those motorists who pay by mobile phone, length of parking stay data is available across all cashless parking locations.
- The data shows that cashless payment locations in 26 out of 38 Controlled Parking Zones across the whole borough already have a sufficiently high proportion (over 40%) of parking visits which are short stay.
- The remaining 12 Controlled Parking Zones have a low proportion (less than 40%) of short duration parking stays, but these Zones are scattered across the borough and do not form a coherent geographic entity. Increasing tariffs in isolated locations would create an incoherent set of different tariffs in locations which are close to one another. This would create confusion for motorists, and be more difficult to manage and enforce fairly.

4.8 Benchmark comparisons, show that Brent Pay & Display bays are cheaper for the first 15 minutes, but are then more expensive than in adjacent boroughs. This suggests that there is little incentive for motorists to park in Brent Pay & Display bays, rather than across the border in other boroughs (see Appendix F). LB Westminster is currently consulting on increasing pay and display prices to £1.70 per hour, and has cited evidence of motorists crossing to park in Pay & Display bays within the Westminster boundary.

4.9 In conclusion, the evidence does not support an increase in pay and display charges at this time.

## 5.0 **Visitor Parking Pricing Scheme**

5.1 Daily visitor parking permits allow residents that live in Controlled Parking Zones to receive visitors during a Zone's operational hours. Daily visitor parking permits are currently priced at £1.50 per day. This price has not increased since 2013.

5.2 Residents can book a parking session for their visitor online, over the telephone or by text message, providing they have a parking account. In 2014/15 residents booked just over 411,000 visitor parking sessions. Residents can still use any remaining scratch cards but these have been phased out since May 2013.

5.3 A proposal to increase daily visitor parking charges to better manage demand was endorsed by Cabinet in the December 2014 budget report; the report advised that the price of visitor parking was markedly cheaper in Brent compared to neighbouring boroughs; and that an increase in the tariff would help control levels of demand.

5.4 In November 2015, Members received a detailed report on visitor parking charges. Cabinet took a decision to link the cost of visitor parking to the cost of public transport to encourage people to consider swapping to more sustainable modes of transport. They also agreed to a

single pricing structure borough-wide to protect poorer residents living in high demand areas. Cabinet also took account of the carbon emissions and air pollution caused by vehicle traffic. A full analysis of the relevant issues taken into account in arriving at these decisions is contained within the [16th November 2015 Cabinet report](#) .

- 5.5 Cabinet also agreed that consultation should take place on a proposed all-day charge of £4.50 and a proposed £3 charge for up to 4 hours. This compares with the cheapest return fare on public transport of £3; and the capped cost of bus fares incurred in a single day at £4.50. Full details of public transport fares were set out in the November Cabinet report.
- 5.6 Since the decision of the Cabinet on 16<sup>th</sup> November was published, the Council has received a number of representations from residents and resident associations expressing concern at the impact of setting a minimum £3 charge on very short visits. Several contributors have also expressed a related concern that the availability of convenient Pay & Display bays for short term visitors may be limited in a number of residential CPZ areas. It is therefore now proposed that the current £1.50 charge should be retained for visitor parking permits of up to 2 hours duration. This would freeze the cost for short term visitors at the current rate which is the same price as a single bus fare. Additional 2 hour bookings could be made to extend a visitor parking stay, but for any stays of more than 4 hours duration a single payment of £4.50 for an all-day permit would offer better value.
- 5.7 Cabinet considered the level of charges in neighbouring boroughs and sought to align charges in Brent close to the level set by LB Ealing, rather than the higher charges in inner London boroughs such as LB Camden. The table below sets out the prices of daily visitor parking permits in neighbouring boroughs, alongside current proposals for Brent. The most expensive charging regimes are at the head of the table; least expensive at the foot.

Borough	Products Offered	2 Hours	4 Hours	All Day
<b>Westminster</b>	Pay and Display only. 4 hour max stay*	£3.40- £9.80	£6.80- £19.60	N/A
<b>Kensington &amp; Chelsea</b>	Pay and Display only. 4 hour max stay*	£2.40- £9.20	£4.80- £18.40	N/A
<b>Hammersmith &amp; Fulham</b>	1 hour	£3.60	£7.20	£14.40**
<b>Camden</b>	1 hour, with all day cap	£1.92	£3.84	£6.49
<b>Hounslow</b>	1 hour	£1.50	£3.00	£6.00**
<b>Brent (proposed)</b>	2 hour, 4 hour and all day	£1.50	£3.00	£4.50
<b>Ealing</b>	1 hour, with all day cap	£1.20	£2.40	£4.50
<b>Harrow</b>	All day	£1.69	£1.69	£1.69
<b>Brent (current)</b>	All day	£1.50	£1.50	£1.50
<b>Barnet</b>	All day	£1.00	£1.00	£1.00

\* Max stay limits vary across these boroughs

\*\* Hammersmith & Fulham do not offer an all-day visitor permit. Price is based on the cheapest cost of an 8 hour booking

- 5.8 Car usage makes a significant contribution to the borough's carbon emissions. Increasing the cost of visitor parking may encourage a greater uptake of more sustainable modes of transport for those journeys. For example, a 5% reduction in visitors travelling by car would equate to over 20,000 fewer return car journeys, and would therefore make a contribution to reducing both air pollution and carbon emissions in Brent.
- 5.9 Some local authorities cap the number of individual visitor permits which can be sold to a particular household in a single year; or impose a surcharge for visitor permit bookings made above an upper limit. It is suggested that the consultation include a review of this issue. A possible upper limit for purchases could, for example, be set at £350 p.a. to just over the value of 75 full day permits/115 four hour permits/230 two hour permits, or any combination thereof. Setting a financial cap provides flexibility for residents rather than limiting the availability of any single type of permit.

## **6.0 Visitor Household Permits and the Proposed Carer's Permit**

- 6.1 The council currently offers a Visitor Household permit to residents. This is a paper permit which displays the name of the resident's street. It allows visitors to park in any resident or shared use bay, but only in the named street (or part of the street) within the Controlled Parking Zone shown on the permit. The permit may be displayed on any vehicle, regardless of engine size or ownership. Each household may only hold one Visitor Household permit, which is currently priced at £110. In 2014/15, 3,956 Visitor Household permits were in use, with the associated income making a substantial contribution to the cost of managing and enforcing Controlled Parking Zones.
- 6.2 In September 2012 the council agreed in principle that the annual Visitor Household permit should be withdrawn. The concern expressed was that its relatively low cost created an incentive for some residents to purchase a Visitor Household permit for a vehicle of their own, to avoid the higher cost of a resident's permit for cars with larger engines, which can cost up to £300. The permit is not fully aligned with the council's 2015 parking strategy and transport objectives. Officers have also heard concerns about the risk of the permit being abused and sold as it can be used on any car.
- 6.3 The Executive recognised that a withdrawal of the annual Visitor Household permit would disproportionately impact on Controlled Parking Zone (CPZ) residents who require support from carers. To mitigate this risk, the Executive agreed that any withdrawal of the Visitor Household permit should be explicitly linked to the introduction of a new carer's permit restricted to those with critical or substantial care needs.
- 6.4 LB Brent has clear eligibility criteria for carer funding. There are four bands of need: critical; substantial; moderate; and low. Only those in the critical or substantial need bands are eligible for social care funding. Critical or substantial needs can be long term, e.g. terminal illnesses, mental health problems, physical disabilities etc.; or short-term, e.g. a needs for a few weeks care or post-operative rehabilitation.
- 6.5 Residents requiring formal care for critical or substantial needs can access parking permits for their carers through the Essential User Permit. This is provided to public sector workers and staff of eligible charitable organisations who provide essential care and services to people who live or work in CPZs. The eligibility criteria are: *“any person who performs a statutory service on behalf of the Council, including social housing management and residential or community care management, or is a health visitor, general practitioner, district or community nurse, midwife, chiropodist, dentist or osteopath employed by the*

*National Health Service, or who provides home visiting on behalf of religious or non - profit making charitable organisation”.*

- 6.6 Those who provide informal care, such as volunteers, friends and relatives, are not entitled to Essential User Permits, and to date many have benefitted from use of the Visitor Household permit.
- 6.7 Adult Social Care does not provide ongoing support to people with low or moderate needs, although they are assessed on request and advised about support; some receive limited support on a one-off basis. Many residents with moderate or low levels of need are not known to the Council; many of them cared for or provided with regular support by family members and friends.
- 6.8 It is therefore proposed to cease offering the Annual Visitor Permit and replace it with a new Carer's Permit based on the existing criteria together with the requirement to sign a legal declaration confirming that the resident requires care or support. This would enable all residents needing care to continue benefiting from an annual permit facilitating parking for their carer/s with no additional burden in terms of testing or assessment. Sampling of Carer permit usage would be undertaken, with any breach of the terms and conditions leading to withdrawal of the permit.
- 6.9 There is a potential risk that use of the Carer's permit might be abused although it will be monitored through a programme of random sampling. The council will review usage of the new Carer's Permit after 12 months and consider whether further criteria are required. The council will also explore commissioning support for the scheme through the Brent Carers Centre.
- 6.10 It is proposed that an annual Carer's Permit would cost £165 at 2016/17 prices. This cost would offer a price advantage compared to the purchase of individual visitor vouchers, provided at least one visit per week (on average) is made. £165 would equal the proposed cost of 55 four hour visitor permits costing £3 each; or 110 two hour permits costing £1.50 each. To align with resident permits, it is also proposed to make future annual adjustments to the price of this permit on 1 April each year, based on the most recent available Retail Prices Index (RPI) data published by the Office for National Statistics, and rounded to the nearest pound. This will be the January RPI figure, published on 20 February each year.

## **7.0 Resident Parking Permits**

- 7.1 Resident parking permits are available in CPZs for household cars, subject to proof of ownership.
- 7.2 Permit Application Restrictions: Each of the 56,000 households in Brent located in CPZs are currently entitled to purchase up to 3 resident permits This can be contrasted with the 33,000 spaces available within CPZs. Residents complain about the lack of spaces available and this is supported by evidence. Limiting the number of permits available per household would reduce demand. It is proposed to consult residents on reducing the maximum number of resident permits issued to a household down to two. This change would affect about 600 households in CPZs. Households would still be eligible for the proposed Carer's permit in addition, if someone living there required care. An Equalities Analysis would be conducted before a recommendation on this issue is brought to Cabinet. Only one authority in England has been identified offering just one resident permit – RB Kensington and Chelsea – but many offer just two. Parking stress within RB K&C is extreme, with high density housing, relatively wealthy residents in many areas, and with few off-street residential parking facilities.

- 7.3 Consolidation of Carbon Emission Bands: Resident parking permits currently cost between £0 and £300 (see pricing schedule attached as Appendix G). LB Brent's current emissions-based resident permit scheme currently has 7 categories of vehicle, linked to vehicle data held by the DVLA. The high number of categories may provide a lack of clarity in giving a steer to motorists to opt for vehicles producing a lower level of emissions. A recent survey of London motorists concluded that the average annual cost of car ownership in the capital was over £3,400 p.a., much greater than the cost of residential parking permits. In order to provide more clarity in 'nudging' vehicle owners towards low emission vehicles, it is proposed to consult on simplifying the emissions based permit charges to just 3 categories - for *low emissions* (less than 110 gCO<sub>2</sub>/km), *standard emissions* (110-200 gCO<sub>2</sub>/km) and *high emissions* (more than 200 gCO<sub>2</sub>/km) vehicles. The proposal would be designed to be revenue-neutral but could impact on individual households.
- 7.4 It is suggested that residents' views are sought on whether an additional surcharge of £25 should be levied on diesel powered vehicles, given concerns about NO<sub>x</sub> emissions. Finally the issue of whether a zero charge is appropriate for a first vehicle emitting less than 110 gCO<sub>2</sub>/km has also been raised, given that such vehicles are not entirely emission-free and that the marginal administration cost for issuing a permit does need to be covered. It is proposed to consult on a minimum starting price for any resident permit of £25, reflecting the fact that all vehicles emit carbon and take up space on the street.
- 7.5 It is also proposed to consult on a reduction in the weight of vehicles eligible for a residents parking permit. Currently the council restricts permits to vehicles with a maximum weight of 5 tonnes. It is suggested that this limit could be reduced to that set by the neighbouring borough of LB Camden, where the maximum weight allowed is 3.5 tonnes.

## 8.0 School Parking Permits

- 8.1 Parking pressure experienced by residents in close proximity to schools continues to be an issue, particularly during the morning drop-off and evening pick-up times when parents and carers often park indiscriminately. This causes congestion and has safety implications for pupils, staff and visitors. Complaints from residents about the parking and driving behaviour of parents and carers greatly outweigh concerns expressed about school staff.
- 8.2 Brent Council actively encourages all schools to produce a School Travel Plan (STP) which includes information about the school and pupil & staff modes of travel. Plans are reviewed annually.
- 8.3 School Travel Plans (STPs) are aimed at reducing car use and improving safety on the journey to school. Every STP should contain results from a survey showing how pupils and staff currently travel to school, and how they would like to travel to school, as well as a measurable action plan that includes measures and actions that the school wants to carry out to enable it to meet its STP targets and objectives. More information on the benefits of School Travel Plans is included in Appendix H.
- 8.4 There are three levels of independent accreditation for school travel plans: bronze; silver; and gold. These are awarded in accordance with the activities undertaken, evidence provided and the commitment displayed by the school to reduce congestion and pollution utilising modal shift targets for pupils and staff. Currently, 34 Brent schools have a travel plan approved by TfL of which 17 have a bronze accreditation, 3 silver, and 14 gold.
- 8.5 In September 2012 a review of all parking permits and charges was undertaken which led to a recommendation to phase out the special permit for teachers. The parking permit for

teachers was introduced to assist schools in CPZs with recruitment and retention difficulties. A temporary concession to allow renewal for a further 24 months was given to schools achieving: the TfL Silver Travel Plan Standard by October 2013; or the TfL Gold Travel Plan Standard by October 2015. These schools would have an option to renew one half of any remaining permits for a further and final 12 months. It was agreed the cost for a permit would increase in stages; it is currently £220 p.a.

- 8.6 The concession finishes in September 2016 after which time all school permits will cease, unless the Cabinet makes a new decision.

#### Impact on Schools and Residents

- 8.7 There is a need for further school places within the borough and as such the Council is completing a school expansion programme. There is often no additional land and school expansions are being accommodated within existing footprints. This places pressure on the ability of the school to provide the required space for playing fields etc. As a result the amount of space to provide off street parking for all staff is not always achievable and there is a risk schools will not engage with the expansion programme if parking spaces are lost and no alternative is offered.
- 8.8 The Early Help and Education service commented in September 2015: *“Schools in the more deprived wards where the majority of CPZs are located believe their recruitment of teaching staff will suffer compared with schools which have on-site car parks and/or are not in CPZs. Teacher recruitment is an ongoing issue for primary schools across London, with this in mind consideration should be given to approving options that allow the purchase of permits”*.
- 8.9 Currently all businesses in CPZ areas are entitled to three business permits. In addition, more schools are coming forward as Free Schools and Academies operating on a business model, and therefore entitled to business permits.
- 8.10 This year we achieved a record number of schools with a gold level Travel Plan. These schools demonstrate a significant impact on reducing the extent to which children and staff travel to school by car. There is a real concern that this achievement will be jeopardised if the incentive of obtaining parking permits for key school staff is removed. The objective of school travel plans is to positively encourage more sustainable modes of travel by pupils and staff and improve road safety surrounding the school, and any reduction in the number of schools with travel plans could have the negative outcome of increasing parking and road safety problems in the vicinity of schools.

#### Alternative Policy Proposal

- 8.11 An alternative policy framework has been developed by the Transportation and Parking & Lighting services that proposes to:
- Recognise the need to treat schools no less favourably than local businesses by allowing schools to purchase up to 3 business permits for allocation to staff.
  - Provide an incentive for schools to actively engage or remain engaged in travel planning to reduce the school sites' overall demand for car parking spaces and the use of private cars to travel to school.
  - To provide increased incentives for schools to achieve higher levels of travel accreditation, thereby further reducing parking demand.

- Ensure that residents' interests are also protected by minimising the on-street parking demands made by schools.
- Assist in teacher recruitment and retention, through schools being able to offer support to key staff who need to travel by car to the workplace in a managed way.

8.12 In order to provide equity it is proposed to allow all schools located within CPZs to purchase up to 3 business permits for staff at the same price (£361 in 2015/16), terms and conditions as local businesses. These permits will be restricted to the CPZ within which the school is located. It should be noted that the school itself would need to apply, not individual staff.

8.13 To provide an incentive for schools to seek travel plan accreditation, it is proposed to allow all schools in CPZs with bronze accreditation to also purchase up to 3 school permits for staff. School permits would be a new permit offer offering a 25% discount on the price of business permits, recognising that school staff only require parking space within the CPZ area during term time. Terms and conditions would be based on the Essential User Permit available to care and health staff, rather than the business permit model.

8.14 To provide further incentives for schools to achieve higher levels of travel plan effectiveness, it is proposed to allow schools with silver accreditation to purchase up to 6 school permits instead of just 3; and schools with gold accreditation to purchase up to 9 school permits. Schools with higher levels of travel plan accreditation have demonstrated that they are taking active steps to reduce the overall parking impact of staff and parents on the local area, and therefore the overall impact on local parking spaces would be contained.

8.15 The purchase of permits would apply to all schools within the borough located in CPZs.

8.16 It has been suggested that permits made available to schools should include detailed restrictions on where they can be used, e.g. not within a ten minute walk of the school. However there may be practical difficulties in taking this approach due to: the cost and delay which would be involved in making changes to the permit issuing system; the additional enforcement complexities; and the additional management this would require. The costs of this approach, and dis-benefit to schools, could outweigh the potential benefit to residents if school staff are required to park on more distant but less pressured roads. In addition, business permits are not subject to this level of restriction so it would be seen as an inequitable approach to schools.

## **9.0 A Trader's Permit**

9.1 Currently residents can book visitor permits for smaller trade vehicles occupying a single bay, or allow such vehicles to use their Visitor Household permit. Larger vehicles are required to apply for a bay suspension for which a charge is levied. It is proposed to invite proposals for how the parking needs of traders, particularly businesses based in Brent, could be met in future; particularly if the council does decide to replace the Visitor Household permit with a Carer's permit. One neighbouring borough offers a 'builder's permit', for example, allowing traders to park within a specified area for a daily charge. Other possibilities might include a one day permit for all CPZs, allowing a trader to attend several jobs in a single day, or an extension of the existing suspension scheme to include provision for single parking bays at an appropriate price. Any new parking offer to local traders would need to be set at an affordable level.

## **10.0 Consultation**

## Approach

- 10.1 It is proposed to utilise a wide range of consultation methods in consulting all stakeholders on the proposals outlined in this report including:
- A letter and email to all residents in CPZs who have a parking account
  - Discussions with Resident Associations based in CPZs
  - Discussions at Brent Connects Forums
  - A Web survey
  - Discussions with schools in CPZs
  - Focus groups of stakeholders to collect qualitative input
  - Discussions with Businesses – via Business Fora and the Chamber of Commerce

All parking account holders would be sent a letter advising them about the consultation and how to respond. A budget of up to £20,000 would be needed to facilitate the consultation exercise, drawn from existing budgets for 2016/17.

## Timeframe

- 10.2 It is proposed that a two stage consultation process be undertaken before new charges are implemented. The proposals set out in this report would require a change to be made to the terms and conditions of visitor permits, and therefore a second stage formal consultation on the corresponding amendment to the relevant Traffic Management Order would be required. Cabinet would have the opportunity to consider responses to informal consultation at its meeting on 27 June 2016, before commencing formal consultation on the Traffic Management Order which would implement the final option. A target date of 1<sup>st</sup> October 2016 is proposed for implementation of any changes to visitor parking permit charges.

## **11.0 Procedure for PCN Appeals and Representations**

- 11.1 Penalty Charge Notices, or PCNs, are usually issued by a Civil Enforcement Officer (CEO) for breaches of parking restrictions at the location where the contravention occurred. In some specified circumstances (for example by CCTV at bus stops and on school Keep Clear zig-zag markings; or where a motorist drives away before a CEO can issue a PCN) they may also be sent to the owner of the vehicle by post. CCTV is also used to enforce bus lane and other moving traffic contraventions.
- 11.2 London Councils' Code of Practice on Civil Parking and Traffic Enforcement details the guidelines that all London authorities have agreed to follow; including reasons for cancelling PCNs (see Appendix C). If the owner of a vehicle feels that a PCN was incorrectly issued, or that there are special circumstances that should be taken into account, then motorists may challenge the PCN; but they can only do so through the statutory appeals process.
- 11.3 The statutory grounds to challenge a PCN or Notice to Owner are set out in Appendix B. Vehicle owners may also make representations if there are any other compelling reasons why they believe they should not pay the Penalty Charge.
- 11.4 Vehicle owners may only appeal to the independent adjudicator, (ETA, formerly PATAS), after representations to the council have been rejected. The adjudicators at ETA act as a tribunal – their decision is final and binding on the motorist and the council.
- Members' and Officers' Role in PCN Appeals

- 11.5 On occasions motorists may contact their local councilor or Member of Parliament in relation to a PCN that they have received, and ask for support in making a PCN appeal. In

such instances, Members are requested to first advise motorists that they must follow the statutory appeals process for the appropriate stage of their appeal.

11.6 Where a Member wishes to submit evidence in support of a resident's appeal, this should be sent as a Member's Enquiry in accordance with agreed Council procedure. Member enquiries should be submitted via email to: [members.enquiries@brent.gov.uk](mailto:members.enquiries@brent.gov.uk) ; and need to include the PCN reference number (beginning with 'BT'). Responses to parking enforcement-related enquiries will normally be signed off by the Head of Service (see Appendix L).

11.7 The London Councils' Code of Practice on Civil Parking and Traffic Enforcement, agreed by its Transport and Environment Committee, provides the following guidance:

*"Consideration of challenges to enforcement is a quasi-judicial function and elected members of authorities should play no part in deciding on individual representations. Their involvement should extend no further than to ask, and receive information, about the progress of consideration of challenges and about the eventual outcome of any challenge."*

11.8 The Statutory Guidance published by the Secretary of State for Transport (under section 87 of the Traffic Management Act 2004) sets out the policy framework for Civil Parking Enforcement. In Section 10.16, under Formal Representation, the Statutory Guidance states:

*"...elected members and unauthorised staff should not, under any circumstances, play a part in deciding the outcome of individual challenges or representations. This is to ensure that only fully trained staff make decisions on the facts presented"*

11.9 In order to meet the requirements of the statutory process, and promote a fair and equitable approach to all PCN appeals, formal approval is sought for an official list of officer posts that are qualified and permitted to cancel PCNs to achieve a consistent and well-managed approach. The Statutory Guidance, Section 10.16, recommends:

*"The authority's standing orders should be specific as to which officers have the authority to cancel penalty charge notices."*

11.10 In accordance with the Statutory Guidance, the recommended list of officer posts with authority to cancel Penalty Charge Notices is set out below. All LB Brent Appeals Officers have now attained the NVQ Level 3 Award in Notice Processing, providing motorists with additional assurance that representations and appeals will be determined professionally.

- a) Parking Appeals Officers (x10)
- b) Contract Operations Manager (Notice Processing)
- c) Senior Contracts Manager (Parking and Lighting)
- d) Head of Parking and Lighting
- e) Departmental Directors relevant to the Parking and Lighting service

The Operational Director and Strategic Director would only very rarely need to review PCN appeals. It is, however, important that senior officers from outside the team are permitted to cancel PCNs; for example in cases where other members of the Parking team itself have had prior contact with a case referred back to the Council by the independent appeals service, ETA.

11.11 Council (or contractors') employees and elected Members who receive a PCN are of course required to appeal only through the statutory process, in the same way as any other motorist. Guidance is available on the Council's intranet. PCNs are a financial penalty and

therefore a relevant extract from the recently revised Member Code of Conduct, in respect of Personal Interests, is attached as Appendix M.

## 12.0 Legal Implications

### Pay & Display - Legal Implications

- 12.1 Although the Mayor of London's Transport Strategy has now superseded the earlier Traffic Management and Parking Guidance (TMPG) for London, the boroughs continue to rely on the TMPG document as an authoritative interpretation of the legal framework. It advises:

*"(2.23) The level of parking charges must be set for traffic management reasons, such as to ration available space and ensure that there is a rapid turnover of parking spaces, rather than to maximise revenue. This is because section 122 of the Road Traffic Regulation Act 1984 does not include the maximisation of revenue from parking charges as one of the relevant considerations to be taken into account in securing the safe, expeditious and convenient movement of traffic".*

- 12.2 Whilst it is reasonable for a Council to take due regard of estimated costs and income arising from the management of parking, it is not lawful for a local authority to use the Road Traffic Regulation Act 1984 to justify imposing charges to raise revenue.
- 12.3 Following the review, there is insufficient evidence to support a price increase on traffic management grounds.

### Visitor Parking Pricing Scheme - Legal Implications

- 12.4 Under section 45 of the Road Traffic Regulation Act 1984 (RTRA 1984), a local authority has powers to designate parking places on the highway, to charge for use of them, and to issue parking permits for a charge.
- 12.5 Section 55 of the RTRA 1984 makes provision for the monies raised under section 45 of the RTRA 1984, in that it provides for the creation of a ring-fenced account (the SPA – Special Parking Account) into which monies raised through the operation of parking places must be placed, and for the application of any surplus funds. Any surplus generated is appropriated into the Council's General Fund at the year end and can be spent on matters defined in section 55(4) of the RTRA 1984 Act (mainly transport and highways matters, which are listed in the Act).
- 12.6 Section 122 of the RTRA 1984 imposes a general duty on local authorities when exercising functions under the RTRA. It provides, insofar as is material, as follows:

*"(1) It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) 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...*

*(2) The matters referred to in subsection (1) above as being specified in this subsection are—*

*(a) the desirability of securing and maintaining reasonable access to premises;*

*(b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;*

*(bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);*

*(c) the importance of facilitating the passage of public service vehicles;*

*(d) any other matters appearing to the local authority to be relevant”*

- 12.7 Although the Mayor of London’s Transport Strategy has now superseded earlier Traffic Management and Parking Guidance (TMPG) for London, the boroughs continue to rely on the TMPG document as an authoritative interpretation of the legal framework. It advises:

*“(2.23) The level of parking charges must be set for traffic management reasons, such as to ration available space and ensure that there is a rapid turnover of parking spaces, rather than to maximise revenue. This is because section 122 of the Road Traffic Regulation Act 1984 does not include the maximisation of revenue from parking charges as one of the relevant considerations to be taken into account in securing the safe, expeditious and convenient movement of traffic”.*

- 12.8 This interpretation of the RTRA 1984, in the context of on-street charges, is widely accepted. Case law supports the view that the Act’s purpose is not revenue-raising and this is set out in the judgements in the cases of *R (on the application of Cran) v LB Camden [1995]* and *R (on the application of Attfield) v London Borough of Barnet [2013]*. The British Parking Association’s Parking Practice Notes “1 - Charging for Parking” (Revised August 2011) emphasises this point by quoting the Camden judgement, saying that the RTRA 1984:

*“...is not a fiscal measure. It contains no provision which suggests that parliament intended to authorise a council to raise income by using its powers to designate parking places on the highway and to charge for their use”.*

In the *Attfield v Barnet* case, the Court ruled that the RTRA 1984 did not authorise a local authority to use its powers to charge for parking in order to: raise surplus revenue for other transport purposes funded by the Council’s general fund; to defray other road transport expenditure; and reduce the need to raise income from other sources, such as fines, charges and council tax.

- 12.9 Should a revision to visitor parking charges be approved for implementation, this would require the amendment of the existing Traffic Management Order (TMO) under the Road Traffic Regulation Act 1984.

#### Parking Statutory Guidance 2015

- 12.10 This Statutory Guidance (“the Guidance”) was published by the Secretary of State for Transport under Section 87 of the Traffic Management Act 2004, and applies to all authorities in England exercising civil parking enforcement powers. It sets out the policy framework for Civil Parking Enforcement. It explains how to approach, carry out and review parking enforcement in order to promote as much national consistency as possible, while allowing parking policies to suit local circumstances.

- 12.11 Although the Guidance is not binding, local authorities must have due regard to it. Where the Guidance says that something must be done, this means that it is a requirement in either primary or secondary legislation. In all other instances, section 87 of the Traffic

Management Act 2004 stipulates that local authorities must have regard to the information contained in the Guidance when exercising their functions.

## 13.0 Financial Implications

### Pay & Display - Financial Implications

- 13.1 The December 2014 budget report assumed that an increase in visitor parking charges would lead to an increase in income of £795k p.a. from 2016/17, and that an additional £100k p.a. would be derived from the introduction of demand-led pay & display charges. This was expected to result in additional income of £895k in 2016/17 and subsequent years.
- 13.2 If the recommendation not to proceed with increasing Pay & Display bay charges set out in section 4 is agreed' the £100k additional income p.a. assumed in the December 2014 Budget report would not be achieved. However, it is anticipated that additional net income would be generated by the proposed increase in charges for visitor permits and the switch to Carer's permits, together with additional enforcement income which would make up the shortfall. No change in budget assumptions for 2017/18 onwards would therefore be required if the coherent package of recommendations made in this report are agreed for consultation.

### Visitor Parking Pricing Scheme - Financial Implications

- 13.3 The table below forecasts the total income which would be generated by agreeing the proposed increases set out in this paper. The forecast assumes a baseline level of demand derived from the 2015 calendar year, and a reduction in demand depending on the extent of the price increase (see Appendix E).

Option Description	Product Split	Transaction Volumes	Forecast Income	Increase
Current: £1.50 All day	N/A	451,119	£676,679	-
Proposed: £4.50/£3.00/£1.50 for: All day   4 Hours   2 hours; with associated demand reductions	40%   30%   30%	451,119	£1,309,188	£632,509

For budget planning purposes, the estimated increase in net visitor parking income is £632k p.a. as shown in the table above. It is anticipated that the linked proposal set out in section 6 to switch from Visitor Household permits to Carer's permits, would increase income by an estimated additional £218k. In total therefore net income could be expected to increase by £850k p.a. This is a shortfall of £45k compared to the income anticipated in the December 2014 Budget report. However, this shortfall could be closed by 2017/18 through efficiency savings and additional enforcement income. No change would therefore be required to budget planning assumptions from 2017/18 onwards.

- 13.4 Due to the time required for consultation and scheme implementation, the estimated additional income would be limited to £425k in 2016/17, resulting in a budget pressure of £470k from the £895k originally assumed in the December 2014 budget report. The budget pressure will need to be managed and closely monitored.
- 13.5 The financial forecast does not factor in the possibility of customers stockpiling the current all day £1.50 permit prior to the price increase taking effect. This would have the effect of increasing visitor parking sales in the immediate short term, but lead to a reduction in sales in the following period. It may be possible to limit stockpiling, however.

- 13.6 Charges for parking are designed to help regulate demand for the limited spaces available and to improve the flow of traffic in the borough. As in many other areas of local authorities' activities, an estimate of the financial impact of changes in pricing policy - in this case an increase in the income likely to be raised – needs to be made, in order to ensure that the budget reflects the requirement to use such income to fund matters which are listed and set out in section 55(4) of the Road Traffic Regulation Act 1984. Brent invests considerably more in funding such costs than the total income that it raises from parking charges. In 2014/15, the £8.957m surplus on the parking account was used to cover the revenue cost of the Transportation service (£2.091m) and make a contribution of £6.866m to the cost of concessionary fares – this covered less than half of the total expenditure incurred by the Council on concessionary fares (£15.913m in 2014/15).

#### Visitor Household and Carer's Permits - Financial Implications

- 13.7 For budget planning purposes, replacing the Visitor Household permit (at a cost of £110 p.a.) with a new Carer's permit (costing £165 p.a.) could be expected to result in an increase in income of £218k. This assumes that any households dropping out of the scheme will switch to an equivalent amount of daily Visitor Permit bookings. In the interim period before the new Carer's permit is introduced it may be necessary to increase the charge for Visitor Household permits to this level.

#### School Permits - Financial Implications

- 13.8 The current level of income arising from issuing school parking permits is £28,000 per annum. This would cease by October 2016 under the current policy.
- 13.9 Income received for Parking from businesses and residents is fully used to offset the cost of administration and maintenance of the Council's Control Parking Zones (CPZs).
- 13.10 The maximum number of permits which might be issued to the 49 schools located within CPZs would be 240. This could potentially provide an income of £59,000 per annum to contribute to the cost of managing and enforcing CPZs. Should it be assumed that 50% uptake is achieved this would more likely result in approximately 120 permits issued to schools, which would generate gross receipts of approximately £29,500 and net revenue of £25,500.
- 13.11 Should a 50% uptake be achieved then this would help to provide a balanced budget from which to continue to cover the cost of maintaining and enforcing the Council's CPZs. Should the permit offer be withdrawn, following consultation, the balance would be a cost pressure on the parking account. The shortfall might then need to be met by cost increases for resident and/or other permits within CPZs.
- 13.12 The new permit, as existing permits are, would be subject to annual adjustment on 1 April based on the most recent available Retail Prices Index (RPI) data published by the Office for National Statistics, and rounded to the nearest pound. This will be the January RPI figure, which is published on 20 February for each year.
- 13.13 There would be miscellaneous costs in introducing the new permit, subject to approval, which can be met from the existing parking budget.

## **14.0 Diversity Implications**

#### Visitor Household Permit - Diversity Implications

- 14.1 S149 of the Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination, and advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. An Equality Analysis of the proposals was undertaken and included within the 16<sup>th</sup> November 2015 report agreed by Cabinet. Further Equalities Analysis advice will be included within the decision report to be brought to Cabinet in June 2016.
- 14.2 Cabinet was concerned that the proposed increase in visitor parking charges may adversely affect those residents who live in CPZs and receive visitors who provide them with care. This may particularly affect elderly residents, or those with disabilities. However two measures are already in place which will mitigate against this impact: the Essential User Permit; and the Visitor Household permit which this report recommends could be replaced by a new Carer's permit.
- 14.3 The Essential User Permit is issued by the Council to charitable and public sector organisations which provide essential services including formal residential and community care to people who live or work in Controlled Parking Zones. Residents who receive care visits from an Essential User Permit holder will be unaffected by the proposal to increase visitor parking charges.
- 14.4 The proposed new Carer's permit would continue to offer a significantly cheaper alternative to daily visitor permits for those residents who receive regular visitors to their property. Residents who purchase the Carer's permit would be affected to a lesser extent than other residents by the proportionately lower increase in the cost of this permit compared to the current cost of the Visitor Household permit which it would replace; the purchase of this permit by those residents who receive care visits means that they would not be disproportionately affected by the proposal to increase visitor parking charges for daily permit visitors.

## **Background Papers**

19<sup>th</sup> September 2012 Executive report – Parking service simplification and pricing  
15<sup>th</sup> July 2013 Executive report – Statutory consultation on proposed changes to parking tariffs, charges and permits  
15<sup>th</sup> December 2014 Cabinet report – Budget 2015/16 and 2016/17  
[16<sup>th</sup> November 2015 Cabinet report](#) – Visitor Parking Charges

2015 Parking Strategy  
2016 Long Term Transport Strategy

Secretary of State's Statutory Guidance on Parking Civil Enforcement (November 2015)  
London Councils Code of Practice (Parking and Traffic Enforcement)

## **Appendices**

Appendix A – 2015 Parking Strategy: Policy and Operational Objectives  
Appendix B – Average visitor parking bookings per household, per CPZ  
Appendix C – Vehicles with 100+ visitor parking bookings by CPZ  
Appendix D – Air Quality Management Areas within Brent  
Appendix E – Assumptions made in financial modelling  
Appendix F – Benchmarking Pay & Display Tariffs

Appendix G – Resident Parking Permit Prices  
Appendix H – School Travel Plan Objectives  
Appendix I – Statutory Grounds for PCN Challenges  
Appendix J – London Councils Code of Practice  
Appendix K – Statutory Representations  
Appendix L – Guidance on Member Parking Enquiries  
Appendix M – Member Code of Conduct (extract)

### **Contact Officers**

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Tel: 020 8937 1234

## **Appendix A – 2015 Parking Strategy: Policy and Operational Objectives<sup>1</sup>**

### **Policy objectives**

The Council seeks:

- To improve the safety of all road users.
- To provide affordable parking spaces in appropriate locations to promote and serve the needs of the local economy.
- To assist in providing a choice of travel mode and enable motorists to switch from unnecessary car journeys, to reduce traffic congestion, carbon emissions and pollution.
- To promote carbon reduction and improved air quality by encouraging the use of vehicles with lower emission levels
- To support local businesses by facilitating effective loading and unloading, and providing allocated parking where appropriate.
- To provide the right balance between long, medium and short stay spaces in particular locations
- To achieve a turnover of available parking space in shopping and commercial areas, to maximise business activity and promote economic growth
- To assist the smooth flow of traffic and reduce traffic congestion.
- To enable residents to park near their homes.
- To facilitate visitor parking, especially by those visiting residents with personal care needs.
- To assist disabled people with their parking needs, and enhance their access to local shops and key amenities
- To prioritise parking controls to support the needs of local residents and businesses over event traffic.

### **Operational objectives**

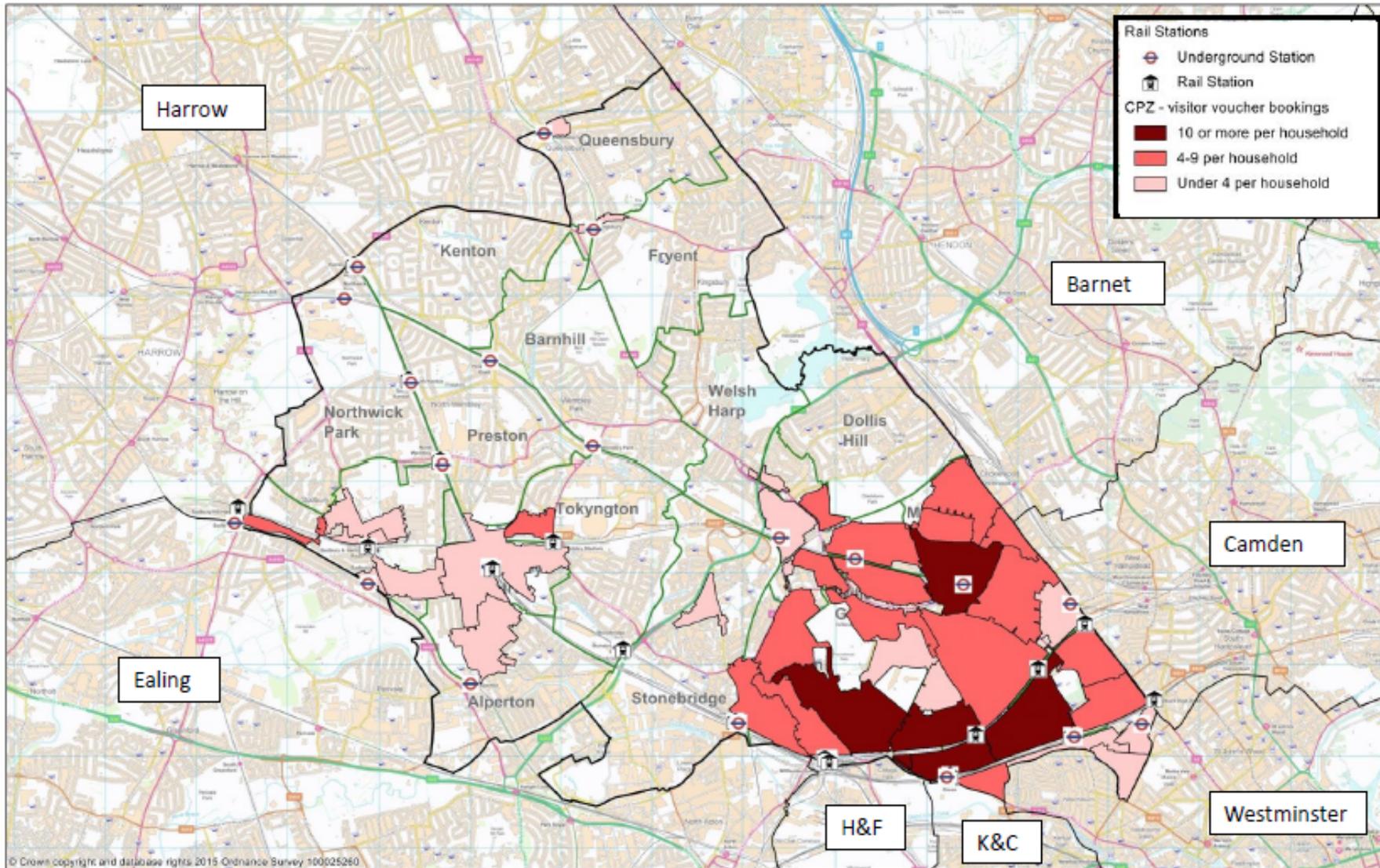
The Council aims:

- To set a level of charges which balances demand and supply for parking spaces across the borough.
- To provide an efficient service which constantly seeks to improve.
- To be fair, consistent and transparent in our dealings with customers.
- To publish clear statistical and financial information on a regular basis.

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<sup>1</sup> London Borough of Brent draft Parking Strategy 2015, section 2.27  
Cabinet 14 March 2016

## Appendix B – Average visitor parking bookings per household, per CPZ



1:40000

0 0.5 1 1.5 2 kilometres

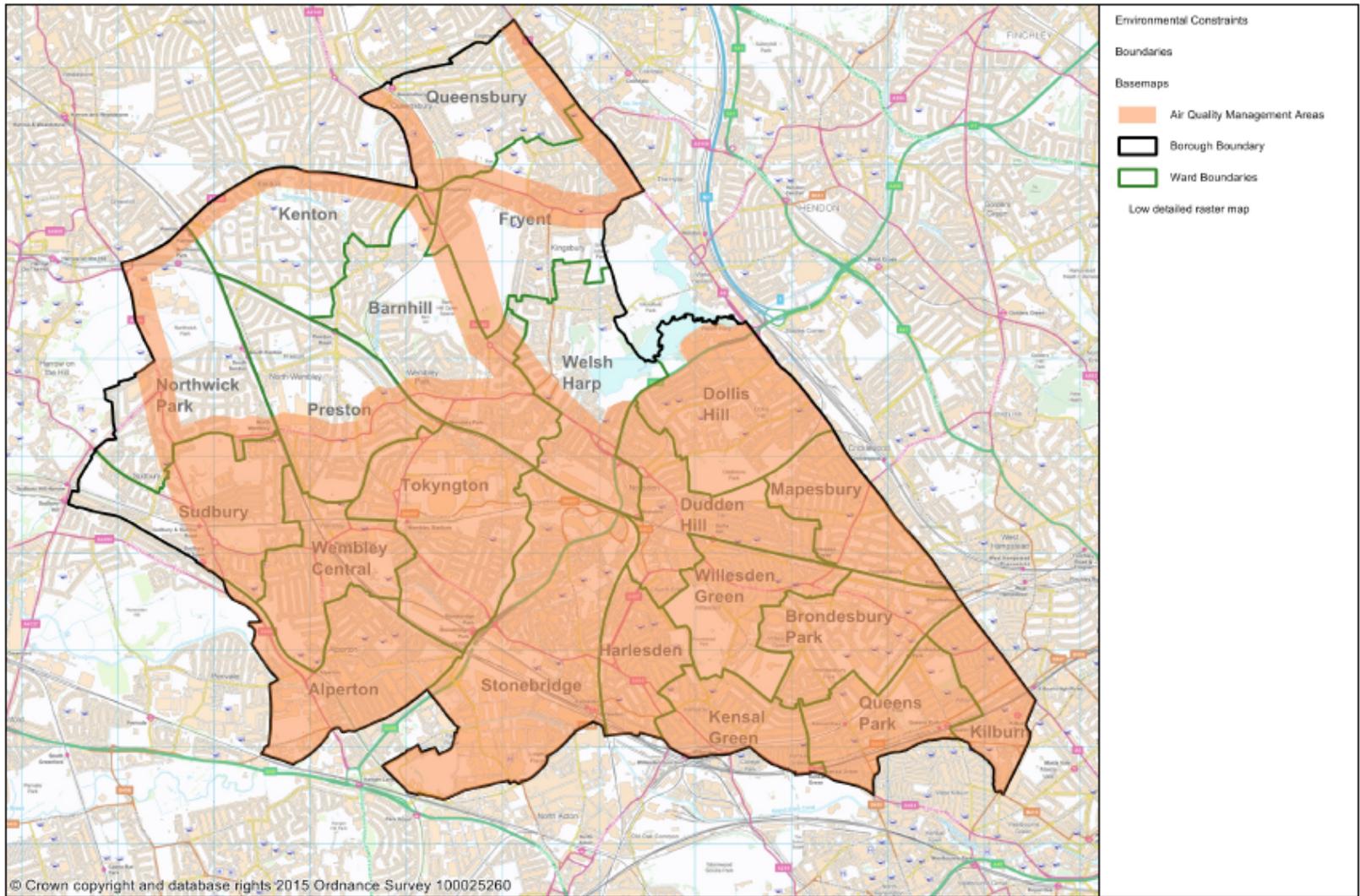


## Appendix C – Vehicles with 100+ visitor parking bookings by CPZ

CPZ	Ward (s)	Occurrences of the same vehicle booking 100-149 sessions	Occurrences of the same vehicle booking over 150 sessions	Nearby Underground stations	Nearby Overground stations	Travel Zone (s)
KR_1	Queens Park, Kensal Green	16	4	Kensal Green	Kensal Rise	2
GC	Willesden Green	15	4	Dollis Hill, Willesden Green		2, 3
KQ	Queens Park	14	4	Kensal Green, Queens Park	Kensal Rise, Brondesbury Park	2
MW	Mapesbury, Dudden Hill, Brondesbury Park	14	8	Willesden Green		2
HW	Kensal Green, Harlesden	13	10	Willesden Junction, Kensal Green	Willesden Junction	2, 3
HY	Harlesden, Dudden Hill	13	3	Harlesden, Dollis Hill		3
KB	Kilburn, Queens Park	11	2	Kilburn Park, Queens Park	Kilburn High Road	2
GH	Willesden Green, Brondesbury Park	8	4	Dollis Hill, Willesden Green		2, 3
KD	Kilburn	8	6	Kilburn, Kilburn Park, Queens Park	Brondesbury, Brondesbury Park	2
KL	Queens Park, Kensal Green, Brondesbury Park	8	9	Kensal Green, Willesden Junction	Kensal Rise, Willesden Junction	2
H	Kensal Green	7	3	Harlesden, Willesden Junction	Willesden Junction	2, 3
KG	Queens Park	7	2	Kensal Green	Kensal Rise	2
KS	Brondesbury Park, Queens Park	5	5	Willesden Green	Kensal Rise, Brondesbury Park	2
MA_1	Brondesbury Park, Mapesbury	5	1	Willesden Green, Kilburn	Brondesbury, Brondesbury Park	2
GD	Dudden Hill, Willesden Green	4		Dollis Hill, Neasden		3
HS	Harlesden, Stonebridge	4		Harlesden, Willesden Junction	Willesden Junction	2, 3
KC	Kilburn, Queens Park	4	1	Kilburn Park, Queens Park	Kilburn High Road	2

CPZ	Ward (s)	Occurrences of the same vehicle booking 100-149 sessions	Occurrences of the same vehicle booking over 150 sessions	Nearby Underground stations	Nearby Overground stations	Travel Zone (s)
GM	Mapesbury	3	1	Willesden Green	Cricklewood	2, 3
KR_2	Kensal Green	3		Kensal Green, Willesden Junction	Kensal Rise, Willesden Junction	2
NS	Dudden Hill, Welsh Harp	3		Neasden		3
C	Wembley Central, Sudbury, Tokyngton	2	2	Wembley Central	Wembley Stadium	2,4
GB	Dudden Hill	2	2	Dollis Hill		3
K	Kilburn	2	2	Kilburn Park, Queens Park	Kilburn High Road	2
MA_2	Mapesbury	2	4	Willesden Green, Kilburn	Cricklewood	2,3
SH	Sudbury	2	1	Sudbury Hill	Subury Hill Harrow	4
GS	Willesden Green, Brondesbury Park	1		Willesden Green		2
KM	Kilburn	1		Kilburn Park, Queens Park	Kilburn High Road	2
MK	Brondesbury Park, Mapesbury	1	1	Kilburn	Brondesbury, Brondesbury Park	2
NT	Dudden Hill	1		Neasden, Dollis Hill		3
W	Tokyngton	1		Wembley Central	Wembley Stadium	4
GA	Mapesbury		1	Willesden Green	Cricklewood	3

# Appendix D – Air Quality Management Areas within Brent



09 September 2015

1:54000

0 500 1000 metres



## Appendix E Assumptions made in financial modelling of changes to visitor permit charges

Assumptions made in financial modelling
Demand forecasts based on volume of visitor parking booking transactions completed in 2015: 451,119 visitor parking bookings
In CPZs that operate for more than 5 hours, demand is assumed to be split between the All day, 4 hour and 2 hour permits in the ratio 40:30:30
In CPZs that operate for 5 hours or less, demand is assumed to be evenly split between the 4 hour and 2 hour permits i.e. one half each.
Demand forecasts assume a reduction on the baseline 2014/15 as follows: demand drops by 7.5% for all day bookings; 5% for 4 hour bookings; and 0% for 2 hour bookings

## Appendix F – Benchmarking Pay & Display Tariffs

On-Street Parking Charges: Benchmarking Data for Demand Led Tariffs							
Authority	Subsidy Period	1 Hour - Lowest Rate	1 Hour - Higher Rate	2 Hour - Lowest Rate	2 Hour - Higher Rate	4 Hours - Lowest Rate	4 Hours - Higher Rate
Bordering Boroughs							
Brent (lower rate for cashless)	20p for 15 minutes	£2.00	£2.50	£4.00	£4.50	£8.00	£8.50
Harrow	20 mins	£0.30	£2.40	£0.60	£4.80	£3.60	£9.60
H&F	No	£2.20	£2.80	£4.40	£5.60	£8.80	£11.20
Barnet	No	£1.30	£2.00	£2.60	£4.00	£3.60	£8.00
Camden	No	£1.25	£1.65	£2.50	£3.30	£5.00	£6.60
Ealing	30/60 mins	£0.90	£2.40	£1.80	£2.80	£4.80	£7.00
Westminster (lower rate applies on Brent border)	No	£1.70	£4.90	£3.40	£9.80	£6.80	£19.60
K&C (lower rate applies on Brent border)	No	£1.20	£4.60	£2.40	£9.20	£4.80	£18.40
Comparable Borough							
Hillingdon	30 mins	£1.40	£3.20	£3.60	£6.40	£5.60	£8.40
Hounslow	No	£2.00	£2.00	£4.00	£4.00	£8.00	£8.00
Haringey	No	£1.30	£3.30	£2.60	£6.60	£5.20	£8.40
Waltham Forest	No	£1.30	£1.30	£2.60	£2.60	£5.20	£10.40

## Appendix G – Resident Parking Permit Prices

### On street parking permits

Our charges for resident and annual visitor parking permits reward environmentally responsible behaviour and are designed to encourage residents to consider the contribution their vehicle makes to climate change and local air quality.

Vehicle band	1	2	3	4	5	6	7
Vehicle emissions (gCO <sub>2</sub> /km) of passenger vehicles registered on or after 1 March 2001	Less than 110	110-130	131-150	151-175	176-200	201-255	255+
Cylinder capacity of engine (cc) of passenger vehicles registered before 1 March 2001 and goods carrying vehicles	Less than 1101	1101-1200	1201-1550	1551-1800	1801-2400	2401-3000	Over 3000
<b>Duration: 12 months</b>							
1st permit (£)	0	55	83	110	138	165	220
2nd permit (£)	40	95	123	150	178	205	260
3rd permit (£)	80	135	163	190	218	245	300

## **Appendix H**

### School Travel Plan Objectives

For the pupils:

- Improving health and fitness by walking, scooting and cycling
- Improving travel awareness and road user skills
- Improving awareness of their surroundings

For the school:

- Improving safety around the school
- Reducing congestion around the school
- Establishing safer walking and cycling routes around the school
- Contributing to other school policies such as Eco Schools and Healthy Schools etc.
- Can be linked to the National Curriculum

For parents:

- Reducing stress and time spent driving to school, especially when it is congested
- Increasing quality parent/child contact time

For the local community:

- Improving the local environment by reducing air and noise pollution
- Reducing congestion/obstruction problems
- Improving walking routes
- Improving road safety

## **Appendix I - Statutory grounds on which a PCN or Notice to Owner can be challenged**

- The alleged contravention did not occur - This will include cases where a vehicle was loading and unloading in accordance with a TMO, where a PCN was issued too early by the CEO, or where the vehicle was displaying a valid permit, ticket badge or voucher. If you can you should provide evidence to support your claim, for example if you are claiming that you stopped to unload goods you should send a copy of the delivery note.
- The recipient was never the owner of the vehicle in question; had ceased to be the owner before the date on which the alleged contravention occurred; or became the owner after that date. - You should submit evidence to support your claim, for example a letter from DVLA. If you are making representations under the second or third circumstances outlined, you are legally obliged to provide the name and address of the person to whom the vehicle was disposed of or acquired from if you have this information.
- The vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without consent of the owner. - This covers stolen vehicles and vehicles which have not been stolen but were used without the owner's consent. If you can you should submit evidence to support your claim, for example a crime reference number or insurance claim.
- The recipient is a vehicle hire firm and: the vehicle in question was at the time hired from that firm under a vehicle hiring agreement; and the person hiring it had signed a signed a statement of liability acknowledging his liability in respect of any PCN served during the period of the hire agreement. - This only applies to hire companies where the hirer has signed a suitable agreement accepting liability for penalty charges.
- The penalty charge exceeded the amount applicable in the circumstances of the case. - For example you are being asked to pay the wrong amount; the PCN was not correctly issued; the council believes that you paid less (or later) than you did.
- There has been a procedural impropriety on the part of the enforcement authority. - This means a failure by the council to observe any requirement imposed on it by the Traffic Management Act 2004, or the relevant regulations made under that act in respect of the civil enforcement of parking contraventions. An example of this would be that the NtO was served out of time.
- The traffic order (except where it was made under Schedule 9 of the Road Traffic Regulation Act 1984) is invalid. - This applies if the Traffic Management Order is defective. Details of why you believe that the order is invalid should be provided.
- The CEO was not prevented from serving the original PCN by affixing it to the windscreen or handing it to the owner or person in charge of the vehicle. - This applies when the council sent the PCN to you by post because it claims the CEO was prevented by someone from issuing at the scene.
- The NtO should not have been served as the penalty charge had already been paid in full or had been paid within the specified period at the reduced amount. - This means that correct amount of penalty was paid during the prescribed time period before the NtO was issued. Evidence of the payment method, date and amount should be provided.

## **Appendix J - London Councils' Code of Practice (extract)**

### Reasons for Cancelling PCNs

169) A PCN must always be cancelled when satisfactory evidence is produced of any of the statutory grounds for representations.

170) In addition authorities can always exercise discretion and consider cancelling PCNs under other circumstances.

The following paragraphs provide the basis for a consistent approach to cancelling PCNs.

*It is not a definitive list and authorities will still need to consider the particular circumstances of each case when making their decisions. PCNs should be cancelled:-*

a) when the parking meter is faulty or all nearby (and easily visible) pay-and-display ticket machines are faulty;

b) when the PCN has not been issued properly (e.g. the information on the PCN is inadequate or incorrect due to an error by a parking attendant);

c) the vehicle was broken down at the time and reasonable steps had been taken to move it as soon as possible;

d) where special arrangements exist whereby PCNs are waived (e.g. HEB users attending a medical emergency);

e) where there has been an undue delay at any stage in processing of the PCN. This would certainly be the case with any delay exceeding 6 months, but even shorter delays may be considered unreasonable, for instance if they contribute to a motorist being unable to make detailed representations or present a case for appeal - for example, except in extraordinary circumstances, authorities should respond to representations within at most 60 working days. In cases where authorities have had difficulties tracing owners, longer delays may be acceptable;

f) in cases of extenuating circumstances, authorities should establish guidelines under this category to ensure consistency and assist management control. This should include guidance on what evidence would be appropriate in each set of circumstances. Authorities must consider using their discretion on all occasions if none of the statutory grounds apply, but the need to be flexible in considering exceptional circumstances must be balanced with the need to enforce parking controls firmly and fairly. Where there is an element of doubt, it would be reasonable to give the motorist the benefit of the doubt for a first contravention but to be stricter on later occasions. For this reason it is appropriate to monitor discretionary cancellations carefully to check that the same exceptional circumstances are not being claimed on multiple occasions. At all times each case must be considered on its merits.

## Appendix K - STATUTORY REPRESENTATIONS

### *(Extract from the Secretary of State's Statutory Guidance, April 2015)*

186) The people considering statutory representations should be independent of PCN issuing staff and the function of considering these representations must not be contracted out. There are statutory grounds for representations that can be made to an authority. Authorities are not constrained to these grounds and may exercise discretion as to whether or not to cancel PCNs on other grounds and it is important that authorities exercise their discretionary powers responsibly and reasonably. If the authority rejects their representations, the motorist may appeal to the adjudicator. Representations should only be accepted in writing, in order to avoid confusion, and should contain the name, address and signature of the person making them. If representations are made electronically by email, or online, the name of the person making them should be in the message header or in the message and can be taken to be a signature. In such cases it is advisable to validate the message content (e.g. by sending an acknowledgement of receipt containing a copy of the original message) so no later changes to the representations can be made.

187) The relevant grounds for representations against an NtO defined in Paragraph 2 of Schedule 6 to the RTA 1991 (as amended) are that:

- a) the recipient was not the owner of the vehicle at the time of the event;
- b) the alleged contravention did not occur, usually because the vehicle was waiting in accordance with an exemption listed in the relevant traffic order, (e.g. there was loading or unloading taking place)
- c) the vehicle had been permitted to remain at rest in the parking place by a person who was in control of the vehicle without the consent of the owner (e.g. the vehicle was stolen at the time);
- d) the designation order is invalid;
- e) the recipient is a vehicle hire firm and -
  - (i) the vehicle was at the time of the contravention hired from the firm under a vehicle hiring agreement; and
  - (ii) the person hiring it had signed a statement acknowledging his liability in respect of any PCN affixed to the vehicle during the period of hire;
- f) the PCN charge exceeds the amount applicable in the circumstances of the case;
- g) the parking attendant was not prevented from serving the PCN (in London only).

188) These grounds can be divided into two distinct categories, which result in different action being taken if representations are accepted. The first set of grounds are those which challenge the validity of the PCN itself, and are that:

- a) the contravention did not occur – 187) b)
- b) the traffic order was not valid – 187) c)
- c) the penalty charge exceeded the amount applicable in the circumstances of the case– 187)f)
- d) the parking attendant was not prevented from serving the PCN – 187) g)

189) The second set of grounds does not challenge the validity of the PCN itself but are raised by the owners as a challenge to their liability. These are that:

- a) the person to whom the NtO was sent was not the owner – 187) a)
- b) the vehicle had been taken without the owner's consent – 187) c)
- c) the owner is a vehicle hire firm – 187) e)

190) The distinction between the grounds for representations is important to ensure that the correct action is taken in the case of representations being accepted. Successful representations on grounds that challenge the validity of the PCN should result in cancellation of both the PCN and the NtO. Successful representations on grounds that challenge the liability of the recipient need only result in the cancellation of the NtO.

## **Appendix L – LB Brent Parking Services: Member Enquiries (10 January 2014 - extract)**

### **Summary**

*This briefing provides guidance to elected Members on the Council's parking services, and how Members can best seek information or refer on complaints and feedback.*

### **Making an Enquiry or Complaint**

*Members are reminded that, in accordance with agreed Council procedure, any formal: requests for information or assistance; complaints; feedback; or questions to officers; should be treated as 'Member Enquiries'. This procedure should be followed for any of the Council's services.*

*All Member Enquiries, including those relating to parking, should be submitted by Members via email to [members.enquiries@brent.gov.uk](mailto:members.enquiries@brent.gov.uk) . Parking queries will then be assigned to the Council's Parking and Lighting Service, where a response will be drafted. ...*

*When a resident contacts a Member in relation to a Penalty Charge Notice that they have received ... we would request that the Member first advises the appellant to follow the statutory process for the appropriate stage of their appeal (i.e. informal Challenge, formal Representation, or formal Appeal). Where a Member wishes to submit evidence on behalf of a resident, this should also be sent as a Member Enquiry to the aforementioned email address, with the PCN reference number (beginning with 'BT'), included in the email.*

## **Appendix M – Brent Council's Code of Conduct for Members (extract)**

### **Personal Interests:**

#### **13.**

*(1) For the purposes of this Code you have a personal interest in any business of the Council where either –*

*(a) The business of the Council relates to or is likely to affect an interest that you are required to register ... or*

*(b) Where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision;*

*and that interest is not a disclosable pecuniary interest.*

*(2) For the purpose of paragraph 13(b) a "relevant person" is –*

*(a) a member of your family or your friend or any person with whom you have a close association; or*

*(b) any person or body who employs or has appointed persons in sub-paragraph*

*(2)(a), any firm in which they are a partner, or any company of which they are a director; or*

*(c) any person or body in whom persons in sub-paragraph (2)(a) have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or*

*(d) any body of a type described in Appendix B, paragraph 1) and 2).*