

	<p><b>Director of Environment &amp; Neighbourhood Services</b> (delegated decision)</p> <p><b>Report from the Head of Transportation</b></p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p><b>Report Title:</b></p> <p><b>The introduction of vehicle emission based charging regime and new charges for residents parking permits and other related parking permit changes.</b></p>	

### Summary

On 11<sup>th</sup> August 2010 the Executive Committee approved the introduction of a vehicle emission based regime of charges, with a revised range of charges, for residents parking permits. Proposals for an "all zone" parking permit arrangement for car club users and a "permit surrender prize" were also approved.

The Executive Committee delegated authority to the Director of Environment and Culture to undertake appropriate consultation and advertising of Traffic Orders in association with the proposals.

The Executive also delegated the Director authority, after having considered all representations received and making any appropriate modifications, to make the proposed Traffic Orders to introduce the proposed regime and charges.

This report outlines the representations received in relation to the consultation, including the statutory consultation in association with the Traffic Order process.

The report considers those representations in the context of the original proposals and recommends that the Director of Environment and Neighbourhood Services approves the introduction of the new regime and

charges, and the proposals relating to an all-zone car club permit and a parking permit surrender scheme.

In response to the representations, the report recommends that a communications strategy is developed and implemented to improve understanding in relation to car clubs.

## **2.0 Recommendations**

- 2.1 That, having given proper consideration of the matters raised by way of objections and representations summarised in Section 4 and Appendix 'B' and discussed in detail in Sections 5 and 6 above, and in the context of the policy and other reasons set out in the report to the Executive Committee of 11<sup>th</sup> August 2010, the Director of Environment and Culture agrees to the making of Traffic Orders and the other work required so as to introduce a new regime and charges for resident parking permits as set out in Appendix 'D'.
- 2.2 Similarly, that the Director of Environment and Neighbourhood Services agrees to the introduction of an "all zone" permit for car club cars based within Brent, as outlined in the report to the Executive of 11<sup>th</sup> August 2010.
- 2.3 Similarly, that the Director of Environment and Neighbourhood Services agrees to the introduction of a "permit surrender prize" scheme, as outlined in the report to the Executive of 11<sup>th</sup> August 2010.
- 2.4 That the Director of Environment and Neighbourhood Services agrees to introduce the proposals described in 2.1 to 2.3 above on or shortly after 01<sup>st</sup> April 2011.
- 2.5 That the Director of Environment and Neighbourhood Services develops and implements a communications strategy to improve understanding in relation to car clubs

## **3.0 Background**

- 3.1 The proposals that form the subject of this report were contained in a report (Agenda item 9) to the Executive on 11<sup>th</sup> August 2010. The report is shown at Appendix 'A'.
- 3.2 The Executive agreed to the introduction of a vehicle emission based regime and new charges for residents parking permits (in Controlled Parking Zones) subject to appropriate consultation and the advertising of Traffic Orders. The Executive delegated authority to introduce the proposals, with modifications if appropriate, to the Director of Environment and Culture, subject to the proper consideration of all representations received.
- 3.3 The Executive also approved the introduction of an "all-zone" parking permit for car club users and to a scheme to reward residents



surrendering their (current) parking permits for a finite period, subject to consultation, the proper consideration of all representations and the making of appropriate modifications (in response to those modifications).

The proposals were "called in" by the Forward Plan Select Committee and considered by that Committee at their meeting on 23<sup>rd</sup> August 2010. That Committee resolved to note the Executive's (11<sup>th</sup> August 2010) decisions.

- 3.4 Consequent to the decision made on the 11<sup>th</sup> August 2010, the appropriate consultation and advertising of Traffic Orders has been undertaken.
- 3.5 The statutory consultation comprised the displaying of street notices on every road within existing Controlled Parking Zones (CPZ's), the publication of notices in the press and consultation with statutory consultees (principally the emergency services). The process followed accords with the requirements associated with the Road Traffic Regulation Act (RTRA)1984, as amended, and the Road Traffic Act 1991.

Arrangements were made so that representations to the proposals could be made by post and e-mail. The statutory consultation period commenced on 09<sup>th</sup> December 2010 and closed on 06<sup>th</sup> January 2011.

- 3.6 The, non-statutory, consultation comprised extensive publicity in relation to the proposals and the making of arrangements to capture representations by post and / or email.

Effectively the publicity commenced with the publication of the proposals in the Executive report which is placed in the public domain.

In addition the proposals were (i) advertised in the November 2010 Brent Magazine (that is delivered to every household in the Borough), (ii) the subject of presentations to a round of Area Consultative Forums, (iii) the subject of press releases (many of which were published by the local media), (iv) the subject of a written briefing to all ward Councillors, (v) displayed on posters and leaflets at Council offices and the Parking Shops.

The publicity was supported by a "Frequently Asked Questions" sheet which supplemented and simplified details of the proposals so as to facilitate informed comment / representations. This fact sheet was available through web-links and in hard format.

The proposals were displayed on both the "consultation" and "parking" sections of the Councils website in a way that afforded residents and others opportunity to comment.



The non-statutory consultation commenced in September 2010 and closed on 30<sup>th</sup> November 2010 although any representations made up to the 28<sup>th</sup> January 2011 have been accepted.

This report details the representations and provides consideration of those representations.

### 3.7

As a consequence of the Council-wide re-organisation ("re-shaping Brent Council to deliver the new administration's priorities") implemented in October 2010, the role of Director of Environment & Culture was deleted.

Duties and responsibilities in relation to transport and environmental services were re-assigned to the newly created post of Director of Environment & Neighbourhood Services.

Accordingly, the authority in relation to the subject of this report, as delegated by Executive on 11<sup>th</sup> August, now rests with the Director of Environment and Neighbourhood Services.

## 4.0 **Results of the Consultation**

4.1 A total of 110 separate representations were received in response to the proposals.

4.2 17 representations were received in direct response to the statutory consultation associated with the Traffic Orders. A small number of these duplicated representations were made through the non-statutory arrangements but these have not been discounted.

4.3 Two petitions were received.

One petition is primarily from residents of Cobbold Road (Dudden Hill ward). It has 89 signatures and reads "*we, residents of Cobbold Road, NW10, object to the proposed changes of residential parking based on CO<sub>2</sub> emissions. We do not agree to any changes to the already expensive parking on our street. We do feel proposed changes are going to bring extensive and unnecessary charges from the Council and basing it on car emissions or engine size is just another way of charging us again for what we are already charged extra in our road tax*".

The other petition has been presented by the (Brent) Liberal Democratic Group. It is signed by approximately 1050 residents and reads: "*Excessive Parking Permit Charges – as a local resident I oppose plans by the Labour Executive at Brent Council to increase residents Parking Permit charges by an excessive amount. CPZ's exist to protect local residents and NOT to make money out of us*".



- 4.4 All the representations referred to the vehicle emission based regime and new charges. 4 representations related to the "whole zone" permit proposals for car club users. 3 of these were supportive of the proposal and one was opposed to the proposal. 4 responses related to the "permit surrender prize" proposal.

6 of the responses stated unreserved support for the emission based regime proposals and hence the remainder can be construed as objections or opposed the proposed arrangements. 12 (11%) of the responses were generally supportive of the concept.

- 4.5 Details of the representations are provided at Appendix 'B'. Example pages from the petitions are shown at Appendix 'C'.

The open nature of the consultation was such that it is not possible to determine whether respondents were bona-fide residents and/or businesses in the Borough, whether they live within CPZ areas or even whether they own or have access to a vehicle.

Nevertheless, it is appropriate to take all representations received into account, recognising that the proposals could have a wide ranging impact.

There are approximately 17,000 residents parking permits sold each year. In that the petitions have been signed by a number of residents at the same address and may have been signed by residents outside the CPZ areas, it is difficult to undertake a precise analysis but it is estimated that, taking into account the petitioners, representations have been received from approximately 5-6% of the resident permit owning population.

There are approximately 46,500 households within the part of Brent covered by CPZ's. Again, it is difficult to be precise but it is estimated that representations have been received by approximately 2% of those households.

- 4.6 Of those representations received in the form of objections to the, emission based regime, proposals there were a number of recurring grounds for the objections. These were:

- The proposals are disingenuous (i.e. that they purport to be part of a strategy to combat climate change but are actually not so)
- That the proposals are (wholly) revenue driven;
- That it is perverse to seek to reduce emissions by imposing a regime of charges around parked (i.e. not moving) cars;
- That the regime penalises residents who act responsibly (by limiting their car use) and should be related to actual car usage (mileage covered);
- That the proposed charges are too high (especially in the current financial climate);



- That the regime disproportionately impacts on large families, those on fixed incomes and / or the less well-off and / or those who use cars for business and domestic reasons (who tend to have older / larger cars and have less ability to change);
- That the regime discriminates against residents in Controlled Parking Zones;
- That the proposals will encourage parking on driveways, crossovers etc.;
- That the consultation on the proposals has been inadequate;
- That the proposals will encourage car change and increase the overall carbon footprint;
- That the proposals represent a retrospective tax and / or a double tax (after Vehicle Excise Duty and fuel tax);
- That the proposals run contrary to the principles of CPZ's – to protect local residents rather than penalise them – and assurances provided around charges when CPZ's were introduced.

4.7 Of the representations received in the form of support for the proposals the recurring theme was that all vehicles (except electric vehicles) should be charged.

4.8 A number of respondents were concerned that the proposals were premature in the context of the extent, reliability and service levels of public transport in the Borough.

#### **5.0 Consideration of objections / representations**

5.1 The following section of the report considers the objections / representations received in response to the consultation. Every objection / representation received (as summarised in Appendix 'B') has been considered in the drafting of this report. For practical reasons this section covers the main recurring themes as outlined in 4.6

#### ***5.2 "The proposal is disingenuous"***

The report to the Executive (August 2010) clearly set out the transport and environmental context within which the proposals are framed. In particular the report states that "the current charging regime and charges .... fail(s) to provide encouragement for residents to own vehicles that cause less environmental damage through CO<sub>2</sub> exhaust emissions or to discourage those residents who own less environmentally friendly vehicles". The proposals sit within a wider framework of combatting climate change through the support of sustainable transport use, car clubs etc. This is described within the Executive report and has not been contradicted in any subsequent information.

Consequently there is no evidence that the proposals are disingenuous.



5.3 *"Proposals are (wholly) revenue driven"*

It is not lawful for a Council to use the Road Traffic Act 1984 to impose charges simply to raise revenue. The report to the Executive (paragraph 5.3) referred to that being the case and clearly outline the transport and environmental policy objectives behind the proposals. It is lawful to generate revenue and a surplus from parking activity subject to certain provisions and that is referenced in the Executive report. The proposals will increase revenue and the parking surplus but are not revenue driven.

5.4 *"It is perverse to charge for parking"*

The cost of parking is part of the overall cost of motoring and, as a consequence, parking charges are a factor in car ownership decisions. Hence it is not perverse to use parking charges to influence behaviours so as to support the overall transport and environmental policy objectives behind the proposal. The situation is similar to the vehicle excise license (car tax) differential charges arrangement whereby a licence is required to place a vehicle on the public highway regardless of whether or not it is driven.

5.5 *"The regime penalises residents who act responsibly (by limiting their car use) and should be related to actual car usage (mileage covered)."*

In the longer term, it may be possible to develop a regime that contributes to reducing emissions by considering both car use and type of vehicle. However, such a regime would be complex to devise and would require increased administration. It would be impractical at the current time. A regime based around car usage only would not necessarily encourage consideration of CO<sub>2</sub> emissions.

5.6 *"The proposed charges are too high (especially in the current financial climate)"*

The charges are considered reasonable in the context of the overall cost of motoring. The first permit costs equate to between £ zero and £3.85 per week and the 3<sup>rd</sup> permit costs equate to between £1.92 and £5.77 per week.

The current scheme of charges was introduced in 2001 and has not been adjusted to reflect the benefits and costs of parking and motoring since that time.

The proposed charges were originally "bench-marked" against charges made by other London council's. That exercise demonstrated that the proposed charges will see the charge for an "average" vehicle be most closely aligned with charges in other Boroughs with similar parking conditions and practice.



Since the bench-marking took place a number of other Boroughs have increased, or are proposing to increase, their charges.

There continues to be evidence that the proposals will bring charges in Brent more broadly in line with similar parking conditions and practices.

At the same time, the proposals are considered to provide sufficient financial incentive for residents to consider emissions when considering replacement or a new purchase of a vehicle.

5.7 *"The regime disproportionately impacts on large families, those on fixed incomes and/or the less well-off and/or on those who use vehicles for business and domestic purposes"*

Precise information about the car ownership profile amongst existing permit holders in Brent is not available but it is estimated that 86% of permit holders will fall into the lowest 5 permit bands (i.e. £125 or less for a first permit)

Car ownership levels in Brent are amongst the lowest of all outer London Borough Councils (2001 census) with 37% of households not having access to a vehicle. Ownership levels are declining. It is reasonable to assume that a high proportion of those without a vehicle, and hence not impacted by their proposals, are the less affluent and/or on fixed incomes. Hence in terms of the overall population, the proposals will not have a disproportionate effect on the less affluent and/or those on fixed incomes.

The impact of higher charges is mitigated to an extent by the continuation of arrangements to allow residents to purchase permits for a period of less than 12 months at a pro-rata cost plus a modest administration fee.

The cost of parking is an integral part of the cost of motoring and a factor for all residents – including larger families and those who use vehicles for business purposes. There is often a range of vehicles that could accommodate the lifestyle of larger families and those with businesses and some vehicles, in those ranges, have lower emissions than others. The proposals are not designed to require residents to change their vehicles (since the proposed charges are considered reasonable in the context of the overall cost of motoring) but to encourage consideration of the effect on emissions when making vehicle purchase / change choices.

5.8 *"The regime discriminates against residents in Controlled Parking Zones"*

The Council is not in a position to apply permit charges outside of CPZ's. CPZ's are introduced after extensive consultation with the support of residents who currently benefit from the advantage of



controlled parking, albeit whilst being charged for permits. In the longer term, the Council may seek to use any powers it is given to influence emissions and car ownership across the Borough.

5.9 *"The proposals will encourage parking on driveways, front gardens etc."*

Occupiers have a general right to vehicular access to their properties and to park within those properties – subject to certain conditions. The Council applies stringent controls on the construction of crossovers (which are required to allow the lawful parking on drives within properties). Those controls are designed to provide for road safety as well as to mitigate against negative environmental impacts (associated with paving over gardens). Additional controls to mitigate against detrimental visual impact apply in Conservation areas.

Residents seeking to avoid the proposed charges by parking off-street will need to assess the cost of the necessary alterations (crossover, paving, landscaping etc.) against the proposed cost of permits.

Officer's assessment is that existing controls and the financial implications will combine to ensure that there will not be a detrimental impact on road safety, the streetscape or the environment as a result of an increase in parking on driveways etc.

5.10 *"The consultation has been inadequate"*

The consultation arrangements employed are described in section 3 of this report. The statutory consultation procedure required in relation to the necessary Traffic Order has been fully complied with and included in the displaying of the notice on every street within controlled parking zones. The proposals have been in the public domain, with explanatory information available, for a number of months. A mechanism has been employed to receive any representations and Appendix 'B' illustrates that it has been successfully used.

Interestingly all those who expressed concern about the adequacy of the arrangements were aware of the proposals and had availed themselves of the opportunity to make comment.

A number of representations contained the suggestion that all residents should have been directly contacted in relation to the proposals. In that the proposals were highlighted within the Brent Magazine that was the case. It is considered unnecessary to directly mail all residents in relation to the proposals. The consultation arrangements employed were broadly consistent with those that have been employed by other Boroughs when consulting on similar proposals.

5.11 *"The proposals will encourage car change and increase the overall carbon footprint"*



Parking charges are a relatively small proportion of the cost of a car purchase. Whilst the aim of the proposed scheme is to influence decisions about the type of car purchased (or whether to own a car at

all) it is considered most unlikely that the charges alone would precipitate car change on a significant scale and hence increase the overall carbon footprint due to an overall increase in the number of vehicles. Similarly it is considered unlikely that residents would increase car usage to get "value for money" from their permits.

5.12 *"The proposals represent a retrospective tax and/or a double tax (after Vehicle Excise Duty and/or fuel tax)."*

Similar regimes have been introduced in a number of London Boroughs in recent years and have not been found to be unlawful. Permit fees are charges and not a tax. Every resident has a choice whether to purchase a permit or to make alternative parking/travel arrangements. It is the case that residents will generally be in possession of a car before making that decision but the objection of the proposal is to encourage residents to consider the impact of emissions when changing their vehicles. The existing arrangement is a simple emission based scheme and the proposals could be considered as an extension of the precedent set by those arrangements.

The proposals are not a double tax. The VED arrangements are part of a wider Government strategy to combat climate change. The proposals complement those wider objectives. The VED banding arrangements have been used for simplicity in administration and because they are widely understood. Fuel duty does, to a limited extent, constrain car use and therefore contribute to lower emissions but that is part of a wider and entirely separate fiscal regime.

5.13 *"The proposals run contrary to the principles of CPZ's – to protect local residents rather than penalise them – and assurances provided around charges when CPZ's were introduced".*

CPZ's are implemented to provide an appropriate apportionment of kerbside parking space to the varying types of road user, whilst maintaining road safety and the free flow of traffic, in areas where there would otherwise be high levels of parking stress and/or problems. Permit arrangements are an integral part of the apportionment arrangements and the setting of appropriate charges is an essential mechanism for managing demand.

The proposals are therefore an intrinsic part of a package designed to protect residents in the sense that they will (i) have access (albeit at a cost) to a significant proportion of kerbside parking space during the CPZ operational hours, (ii) benefit from improved (or maintained) road safety and traffic flows.



The object of the proposals is to support the policy objections set out in the Executive report and not to penalise residents. The benchmarking exercise discussed in the Executive report has highlighted that the proposed charge for an "average" vehicle will be more closely aligned

to permit charges in other Boroughs with similar parking conditions and practices. Hence residents cannot be considered to be penalised in the sense that they will receive fewer benefits, have no options or by comparison to residents elsewhere.

It is the case that the cost of permits is an important consideration for residents when being consulted on the possible introduction of a CPZ (or changes to a CPZ). It is also the case that residents often seek, and are given, assurances that the costs of permits are set at a level that is reasonable. Nevertheless when those assurances are given it is implicit that charges are not fixed in perpetuity and are subject to revision. In this case the proposed changes have been introduced for the policy reasons stated and this would not be contrary to any assurances provided, explicitly or implicitly.

There is an argument that, in the light of the proposals, all residents within existing CPZ's should be consulted as to whether CPZ's should be removed. This is not considered appropriate. CPZ's are introduced, with residents' views taken into account to ensure the appropriate allocation of parking space and to maintain road safety and traffic flow. The cost of permits is an important consideration for residents and for the Council (in terms of managing parking demand) but not the predominant consideration. It would be inappropriate to consult residents in the light of the proposals when the conditions that led to the introduction of the CPZ(s) in the first place still exist and could not be satisfactorily addressed if the CPZ were to be removed.

## **6.0 Consideration of supportive representation**

### **6.1 *"Vehicles less than 110g/CO<sub>2</sub>/km should be charged"***

There was no consistency amongst those respondents that provided a view on this point. A small number objected to the principle of any vehicle being exempt from payment. A small number argued that electric vehicles should not be charged (although this is within the proposals). On balance it is considered that having a zero charge for the lowest emission vehicles provides a valuable and clear message to residents around the positive impact on climate change (of vehicles with lowest emissions). Although it is recognised that every parked vehicle takes up kerbside parking space, it is estimated that only 6 % of vehicles may fall into this band and the majority of other drivers will not be disadvantaged, in terms of access to parking space, by this element of the proposal.

## **7.0 Financial Implications**



These are as set out in 5.0 of the report to Executive dated 11<sup>th</sup> August 2010.

## **8.0 Legal Implications**

These are as set out in 6.0 of the report to the Executive dated 11<sup>th</sup> August 2010.

## **9.0 Conclusions**

Proposals to generally increase charges or residents permits for parking on the public highway (within CPZs) at the same time as introducing a full vehicle emission based charging regime have been subject to appropriate consultation.

Those consultation arrangements included consideration of proposals to introduce an "all zone" permit for car club users and a "permit surrender prize" scheme.

A significant number of representations were received in response to the consultation.

A small number of responses were received in relation to the "permit surrender prize" and "all zone" permit for car club users proposals. Those responses were evenly divided between unqualified support and concerns / objections.

Over 99% of the responses related to the proposals in relation to residents permits. These have been summarised at Appendix 'B' and have been considered in this report. With a small number of exceptions, the responses opposed introduction of the proposals in their current form.

The responses, in relation to the permit surrender prize and the "all zone" car club permit proposals illustrate that there is scope to improve understanding of car clubs and the role that membership can have in supporting changing travel behaviours and in contributing to combating climate change. It is recommended that a communications plan is developed and delivered so as to improve that understanding.

Having properly considered the representations in the context of the transport and environmental rationale set out in the report to the Executive on 11<sup>th</sup> August 2010, it is recommended that the proposals are introduced.

## **10. Equalities implications**

An equalities impact assessment in relation to the proposals has been undertaken. The assessment demonstrates that the proposals will not



have a significantly disproportionate impact on residents in relation to their racial group, sexuality, gender, age, faith or belief or disability.

**11. Other Implications**

No other significant implications

**Recommendations**

The Director of Environment and Neighbourhoods is recommended, after proper consideration of the matters raised by way of objections and representations summarised in Section 4 and Appendix 'B' and discussed in detail in sections 5 and 6 above and in the context of the policy and other reasons set out in the report to Executive of 11<sup>th</sup> August 2010, to agree to the introduction of the charges described in the Executive report, on or as soon as practicable after, 1<sup>st</sup> April 2011.

The Directorate of Environment and Neighbourhood Services, after proper consideration of the objections and representations, is recommended to agree to the introduction of a "whole zone" parking permit for car clubs and a "permit surrender prize" scheme as outlined in the report to Executive dated 11<sup>th</sup> August 2010, on or as soon as is practicable after, 1<sup>st</sup> April 2011.

Furthermore, in response to the representations, the report recommends that a communications strategy is developed and implemented to improve understanding in relation to car clubs.

**Decision**

I agree to the above recommendations.

I disagree with the above recommendations.

Signature : 

Name : S.A. HARPER (11.02.11)

Post : Director of Environment and Neighbourhood Services

Any declarations of interest: YES / NO

**Appendices:**

Appendix A – Report to Executive dated 11<sup>th</sup> August 2010.

Appendix B – Summary of representations received.

Appendix C – Extracts of (2) petitions received.



Report to Director of Environment & Neighbourhood Services

Vehicle emission based resident parking permits regime and charges.

**APPENDIX "C" – 2 petitions (extracts only)**



PETITION (total.)

## Excessive Parking Permit Charges

As a local resident I oppose the plans by the Labour Executive at Brent Council to increase residents Parking Permit charges by an excessive amount. CPZs exists to protect local residents and NOT to make money out of us.

1050 signatures  
(approx).