

 Brent	Housing Scrutiny Committee 12 July 2018
	Report from the Strategic Director of Community and Wellbeing
Estate Parking Project	

Wards Affected:	All
Key or Non-Key Decision:	Non-key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Two: <ul style="list-style-type: none"> • Appendix A – Parking Services Contract • Appendix B – Bike Hangar Schedule 2018
Background Papers:	One: <ul style="list-style-type: none"> • Report to Cabinet, 11 December 2017, “Parking Services Contract”
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1.0 Purpose

- 1.1 The Protection of Freedoms Act 2012 (PoFA), has led to parking on housing estates becoming increasingly problematic which is set out in detail in paragraph 3.1 below. The change in legislation has significantly restricted the Council’s ability to deal with irresponsible parking so that residents are able to park with ease on their estate. In order to address this, a project was commissioned by Housing Management, working in collaboration with the Parking and Highways teams in Environmental Services, to consider the introduction of more effective parking controls. This will involve consultation with residents on each estate.
- 1.2 The proposed solution is the introduction of parking controls which are based on estate roads within the confines of HRA land being designated as off-street car parks. This will be subject to the introduction of a Traffic Management Order (TMO) and approval from Cabinet. Together with the support of local residents, the Council will introduce the first controlled parking scheme across five estates by September 2018.

2.0 Recommendation(s)

- 2.1 To note the outlined principles associated with the planned improvement to parking management on housing estates, commencing with the estates listed under paragraph 5.3.

3.0 Background and context

- 3.1 In October 2012, the Protection of Freedoms Act 2012 (PoFA) was introduced which significantly restricted the Council's ability to enforce parking controls on housing estates. The relevant parts of the Act are:
- Section 54, which makes it an offence to clamp, remove or otherwise immobilise a vehicle without lawful authority in England and Wales, from 1 October 2012;
 - Section 55, which gives the Secretary of State a power to make regulations allowing named authorities (such as the police), to remove vehicles from private land; and
 - Section 56 and Schedule 4, which allows landholders to pursue "keeper liability" in relation to the recovery of unpaid parking charges on private land providing certain conditions are met.
- 3.2 The legislation prevents the Council from seeking vehicle data from the Driving Vehicle Licensing Agency (DVLA). This severely restricts the ability to pursue unpaid parking fines as the address of the vehicle owner will not usually be known. The Act also makes it illegal for the Council or its contractors to remove or clamp vehicles on private land without a Traffic Management Order.
- 3.3 Vehicular movement and parking obstructions have become very problematic across a number of estates leading to multiple feedback from residents, Members and emergency services.
- 3.4 Residents have also found it difficult to park on their estate, as the parking spaces are being used by people who are not authorised to use the allocated spaces. Disabled residents have also found it difficult to use allocated parking spaces. In addition, emergency and service vehicles are unable to access estates when required.

4 Current position

- 4.1 Parking control on housing estates is currently being enforced by Wing Security, a private contractor. The contractor's ability to carry out this function is limited since the introduction of the Protection of Freedoms Act 2012. Due to legal restrictions on the release of DVLA data, parking penalties under this legislation can only be issued to drivers for whom details are already available, which in most cases are those who have purchased estate permits, with the only means of recovering payment through a contractual debt. This has reduced the effectiveness of current parking enforcement on housing estates.

- 4.2 Parking permit holders on housing estates are finding that parking spaces are occupied by unauthorised vehicles, and the Council is limited as to the action it can take.
- 4.3 The Council recently extended its parking contract with Serco, who carry out the enforcement function on the public highway and in off-street car parks, until March 2023. The report to Cabinet of 11 December 2017, "*Parking Services Contract*", set out the strong service and financial arguments for awarding the contract extension to Serco. Serco's operational and administrative processes are flexible enough to provide an opportunity to quickly extend effective parking enforcement to housing estates. In addition, Serco already has extensive coverage of qualified Civil Enforcement Officers (CEOs) across the borough, which will accelerate mobilisation.

5 Proposed approach and associated issues

- 5.1 The first stage of progressing the option of introducing an off-street parking management scheme will be to determine whether the estates in question consist of roads, off-street areas, highways or a combination of these. This will inform a decision regarding what type of orders can be made under the Road Traffic Regulation Act. A site survey of each estate and known history of the use of those areas by the public, would assist in determining what type of Order could be made and decisions on what are roads, a highway or off-street parking areas.
- 5.2 The implementation of off-street parking enforcement will require the application of a new TMO. It will also require investment in appropriate signage and road markings setting out the local restrictions. It will also require an efficient administrative system to manage permit issuance for residents and their visitors.
- 5.3 A comprehensive consultation programme will be developed by officers starting with the five worst affected estates included in the table below

	Unauthorised parking reported	Feedback from residents	Proximity of the estate to major amenities
Alexander Court	✓	✓	✓
Landau House	✓	✓	
Joules House	✓		✓
Windmill Court	✓	✓	✓
Seymour Court	✓	✓	

- 5.4 The introduction of off-street parking controls will mean that residents will need to purchase a permit. It is proposed that this should be aligned with the cost of a typical resident permit for Controlled Parking Zones on the public highway. The current (2017/18) price of a single standard parking permit in the Council's Controlled Parking Zones (CPZs) is £85 a year. This standard annual permit cost will enable to the Council to cover the full cost of managing the off-street

parking scheme without provided any subsidy. This annual charge will cover the following:

- Sign and lines
- Administration of permit
- Cost employing civil enforcement

- 5.5 This would mean that those residents, who are subscribed to the current parking arrangements, will pay significantly more than their current payment of £10 a year. The estate parking permit would in a formal sense be more comparable to an annual permit for an off-street car park. Due to this, and the relatively small number of permits required for housing estates, it is not recommended that the more complex permit pricing schedules applicable to CPZs should be replicated.
- 5.6 The estate roads would be designated as housing off-street car parks. Therefore all revenue and costs associated with the new arrangements would need to be held within the Housing Revenue Account.
- 5.7 Subject to the outcome of the resident consultation, Cabinet will be asked to authorise the introduction of a TMO for the estates listed. Cabinet will also be asked to agree a charging policy for the scheme.
- 5.8 The cost of informal consultation with the five estates is estimated to be £5,676. This includes officer time in running the consultation and analysing the results, and the cost of printing and delivering consultation material to every household. The costs will be closely monitored and reported upon via the Council's monthly monitoring regime. The cost of implementing off-street parking controls on the five estates is unknown and will be quantified and reported back to Cabinet with the result of the informal consultation.

6 Consultation

- 6.1 The informal consultation exercise will be designed to provide local residents with a range of options for parking management and enforcement across the five estates. In particular, all local residents (tenants, leaseholders and owner occupiers) will be given the opportunity to choose from the following:
- Preferred type of parking control
 - Preferred hours of control
 - Areas that will be included
 - No parking controls
- 6.2 The pricing structure for permits will be included in the consultation pack. The Council will propose to align the cost of the proposed estate parking permit with that charged for a single standard vehicle resident permit for Controlled Parking Zones.
- 6.3 The content of the consultation documentation will be developed collaboratively between officers from Housing and Environmental Services with sign-off from Legal.

- 6.4 The resident consultation exercise will provide the Council with a profile of vehicle ownership across the selected estates which will be supplemented by the information already held under the existing permitting scheme.
- 6.5 We have already started a number of informal discussions with resident groups from two of the estates as set out under 5.3 (Alexandra Court and Windmill Court). Initial support for the introduction of the off-street scheme was positive. Residents who we have spoken to have indicated that they would be willing to pay £85 (proposed cost of the new parking permit) if this would address the current parking issues.

7.0 Project timeline

- 7.1 To achieve the implementation timescale under paragraph 1.2 a discreet project group will be established to oversee the key activities associated with the agreed traffic management enforcement option as set out in the table below.

Project milestone	Timescale
Approval received from PCG	1 st July
Site survey to establish status of land	Mid-July
Commission survey	Mid-July
Complete survey	End of August
Complete analysis of survey results	Early of September
Seek approval from cabinet	November Cabinet meeting
Consult on enforcement option	Early December
Mobilisation of enforcement contract	Mid-February 2019
Establish permit administration system	Mid-March 2019
Implementation of enforcement option	Early April 2019

8.0 Other related matters

8.1 Plans for cycle parking

- 8.1.1 We recognise that there is a lack of provision for bicycle storage across some of our estates. This year we have committed £38,000 to the installation of bicycle hangers across the most problematic estates. The solution selected will offer a secure and weather proof area for residents to store their bicycles. It will also enable us to address some of the health and safety concerns associated with bicycles left in the communal areas. Appendix 2 the first phase of cycle parking programme including timescales for delivery.

8.2 Identification of recycling sites.

8.2.1 Recycle collection points for domestic waste are provided across all sites. However, there are currently no recycle sites located on our estates.

8.3 Outline Estate/Road condition.

8.3.1 There are currently no planned condition assessment of our estate roads. Visual assessments are carried out as part of our planned estate inspection regime which is used to inform recommendations for any patch and resurface work. A technical survey will be carried out as part of the introduction of any traffic management scheme and consideration will be given to any investment required.

9.0 Financial Implications

9.1 The cost of BMG Research carrying out the informal consultation for circa £6k and any additional council officer time associated with the exercise will be contained within existing HRA budgets.

10.0 Legal Implications

10.1 Under the Road Traffic Regulation Act 1984 (RTRA 1984), a local authority has powers to designate parking places on and off the highway, to charge for use of them, and to issue parking permits for a charge.

10.2 The Council will only be able to enforce parking control on its housing estates take action if it is able to target such action against the keeper of an unauthorised vehicle. This could be done by making Orders under the relevant provision of the Road Traffic Regulation Act 1984 and then enforcing them under the provisions of the Traffic Management Act 2004. Under the 2004 Act the Council would have access to DVLA records to find the keeper of the vehicle.

11.0 Equality Implications

11.1 The proposal will lead to an enhanced service to council tenants with the permit revenue paying for much more effective enforcement and therefore protecting residents' own parking. It should be noted that that Blue Badge holders living on an estate wouldn't need to buy a permit.

12.0 Consultation with Ward Members and Stakeholders

12.1 None

13.0 Human Resources/Property Implications

13.1 None

Report sign off:

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