



**Cabinet**  
**14<sup>th</sup> January 2019**

**Report from the Strategic Director**  
**Regeneration & Environment**

**SUSTAINABILTY, GROWTH AND PROPOSED CHANGES TO PARKING CHARGES**

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
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**1.0 Purpose of Report**

- 1.1 This report summarises the outcome of informal consultation on the proposed changes to resident parking permits, including pricing changes, and to the charge for Essential User Permits issued to external organisations. This follows Cabinet agreement to proceed to informal consultation on these changes on 12 March 2018, and completion of the subsequent consultation exercise.
- 1.2 The report also considers the issue of a proposed diesel surcharge in depth, reviewing the evidence on the environmental and health impacts of pollutants emitted by diesel vehicles. The potential is assessed for a surcharge scheme to be introduced, to persuade vehicle owners in Controlled Parking Zones to consider a switch to less-polluting vehicles; informed by the Council's agreed Air Quality Action Plan.
- 1.3 The report sets these decisions in the context of wider strategic objectives in relation to sustainable transport, air quality, health and growth in the borough.

## **2.0 Recommendations**

### **2.1 That Cabinet agrees to:**

a) Proceed to formal statutory consultation, publication and notification on the amendment of the relevant Traffic Management Orders to introduce a £50 p.a. levy on the price of a resident's parking permit for all diesel vehicles from 1<sup>st</sup> April 2019;

b) Proceed to formal statutory consultation, publication and notification on the amendment of the relevant Traffic Management Orders to introduce a three year Event Day Permit for the Wembley Event Day Parking Scheme, with an associated £15 administrative charge from 1<sup>st</sup> April 2019;

c) Proceed to formal statutory consultation, publication and notification on the amendment of the relevant Traffic Management Orders to increase the surcharge for second and third residents' parking permits in CPZs: from £40 to £50 for second permits; and from £80 to £100 for third permits; and

d) To note that the decision whether to implement the amendment of relevant Traffic Management Orders, in relation to the matters set out in paragraph 2.1 (a), (b) and (c) above, will be made by the Strategic Director Regeneration and Environment, in consultation with the Lead Member for Environment, after consideration of the outcome of the formal consultation pursuant to the Cabinet decision to delegate such authority on 12 March 2018.

### **2.2 That Cabinet agrees, if the proposed diesel surcharge of £50 p.a. is implemented as set out in recommendation 2.1 (a), to then increase the surcharge to £75 p.a. on 1<sup>st</sup> April 2020 and £100 p.a. on 1<sup>st</sup> April 2021;**

### **2.3 That Cabinet agrees for the Council to offer all Wembley Event Day resident parking permit holders the opportunity to surrender their current paper permit in return for a three year virtual permit at nil cost, during the period up to and including 31<sup>st</sup> July 2019.**

### **2.4 That Cabinet agrees to:**

(a) Increase the price charged to external organisations for essential user permits: from £150 p.a. to the cost of a schools permit (£330 p.a. currently) for the NHS, care organisations and charities; and from £150 p.a. to the cost of a business permit for all other external organisations (£440 p.a. currently);

(b) Phase in the proposed charge increases over two years, with interim prices in 2019/20 of: £250 for the NHS, care organisations and charities; and £300 for all other external organisations; and

(c) Implement the new prices, as set out in 2.4 (a) above, from 1<sup>st</sup> April 2020; to the 2020/21 cost of a schools permit for the NHS, care organisations and charities; and to the 2020/21 cost of a business permit for all other external organisations.

### **2.5 That Cabinet notes that officers are developing a strategy to meet our wider objectives to promote sustainable travel, reduce car travel and pollution, and improve the management of traffic and parking in the borough.**

## **3.0 Background**

## Strategic Context

- 3.1 The Council is committed to delivering the aspirations of the Mayor for London's Transport Strategy 2018, which sets out the Mayor's policies and proposals to reshape transport in London over the next twenty years. Brent's Long Term Transport Strategy 2015-35 outlines our commitment to improving transport options for our community and reducing the negative impacts of travel in our borough, and improving road safety, air quality and health.
- 3.2 The London Environment Strategy 2018 sets out a vision for London's environment in 2050, focusing on cleaning up the capital's toxic air, greening its streets, reducing waste and tackling climate change. It includes ambitious targets include London becoming a zero-carbon city and at least 50 per cent green by 2050. Brent's Air Quality Action Plan 2017-2022 was approved by Cabinet in November 2017. It gives support to the installation of on-street Electric Vehicle Charging Points (EVCP's) throughout the borough as well as the take up of electric taxis and commercial vehicles.
- 3.3 Brent will experience exceptional levels of growth in the next 20 years, with 66,000 people anticipated to move in and 40,000 homes to be built. To respond to this challenge, the Council has set a bold vision to accommodate Good Growth, and the emerging Responsible Growth Strategy will set out clear objectives and actions to achieve a coherent transport network through:
- Modal shift – in order to increase capacity we will encourage the use of sustainable transport to improve health and air quality rather than continues reliance on polluting motorised vehicles
  - Reduce pollution and the negative impact – working with partners we will reduce pollutants and discourage high polluting vehicles
  - Promote the circular economy – improving waste and local recycling, construction management, and local employment opportunities will contribute to reducing the boroughs carbon footprint
  - Become a zero carbon borough – the efficient use of data, promoting good environmental performance, investing in and promoting renewable energy and district energy centres and networks will maximise energy efficiency and promote behavioural change
  - Smart cities – improved technology to build a smart network to better manage traffic and parking availability in the borough will reduce congestion and improve air quality
  - Green and blue infrastructure – utilising our green spaces and watercourses to support wildlife habitat and biodiversity, providing sustainable drainage, and tree planting & urban greening to improve air quality.
  - Encourage behavioural change – reduced car use, increased active travel, increased recycling, and more use of renewable energy. Travel plans for schools, places of worship, businesses and for developments will promote sustainable travel. Working with businesses to encourage work place parking levies, and promote freight strategies. Providing more car clubs, with greater flexibility, will reduce car ownership and car use. Plans in place to introduce 25 Source London EVCPs and 5 Rapid EVCPs by January 2019, and also 50 lamp column EVCPs by March 2019, will start to build availability. Dock-less cycle hire schemes will encourage cycling. Working with strategic partners such as Transport for London and developers, to improve infrastructure and a 'Healthy Streets' approach, will make active and sustainable travel more accessible.

## Parking Management

- 3.4 The purpose of Controlled Parking Zones (CPZs) or Restricted Parking Zones (RPZs) is to protect parking for residents, businesses and their visitors through providing permit holder parking in the area. They also provide an opportunity to improve safety in relation to regulating parking through yellow line restrictions in the area.
- 3.5 There are currently 40 CPZs which cover approximately 35% of the borough, with the Wembley Stadium Protective Parking Scheme (WSPPS) covering a further 35%. Approximately 30% of the borough does not have area wide parking controls, and approximately another 25% of the borough is in the WPPS but not in a CPZ. CPZ operational days and times vary between zones to meet local demands.
- 3.6 The Wembley Stadium Protective Parking Scheme (WSPPS) was introduced in 2007 to protect parking, for residents within a 1½ mile radius of the Wembley National Stadium, from visitor parking on event days. Residents within the WSPPS require an event day permit to park on street on event days, except in the CPZs within the area (which extend to cover event days).

#### Planning decisions

- 3.7 If a development site is not within a CPZ, the amount of off-street parking required varies depending on the density of the development and its public transport accessibility level (PTAL). More on-site parking is usually required where there is no CPZ in the local streets surrounding a development. This often needs to be provided at basement level, which adds significantly to the costs of a development. This can impact on the financial viability of the scheme, and therefore the ability of the applicant to provide affordable housing.

#### Future levels of demand

- 3.8 Officers envisage that levels of demand will grow in the borough in future years, particularly in regeneration and growth areas. The new housing target for the Borough is likely to be over 2,900 per year, and development is anticipated to drive changes in demand for parking controls in future years.
- 3.9 Regional and sub-regional transport policies and initiatives will also have a bearing on future levels of demand for CPZs, for example the extension of the Ultra-Low Emission Zone (ULEZ) from 25 October 2021 to create a larger zone bounded by the North and South Circular Roads, as well as changes to bus and rail services. The scheme will operate 24 hours a day, every day of the year and there will be a £12.50 daily charge for vehicles travelling into the ULEZ if they do not meet emissions standards. The scheme will be enforced by TfL through CCTV cameras and Automatic Number Plate Recognition (ANPR) technology.
- 3.10 Restricted Vehicle Zones can be used to prohibit vehicles, for example in 'school streets' initiatives whereby only vehicles with permits are permitted to enter the area during prescribed times. Hammersmith & Fulham are consulting on the trial of a zero emission zone to reduce air pollution, by encouraging people to switch to lower emission cars or to walk, cycle or use public transport more often. Only electric or plug-in hybrid vehicles would be able to enter the zone.
- 3.11 The Council will consider the potential impact that this is likely to have in areas of the borough to the north of the A406 North Circular Road, and then develop a strategy to consult on

parking controls to reduce the associated negative impact on traffic and parking. Consideration will be given to the Brent Housing Management estate, businesses and employment, and hospitals, schools and places of worship

#### Consultation on Resident Parking Permit Changes

- 3.12 Cabinet agreed at its meeting on 12 March 2018 to undertake an informal consultation exercise on a series of changes to resident parking permits.
- 3.13 The Parking service launched an informal online consultation with residents through the corporate Brent Connect Limehouse portal, on 31 May 2018. The initial consultation was open for 36 days to ensure that all Wembley Event Day permit holders were able to respond, and closed on 5th July. 33,298 direct emails were sent, detailing the proposed changes and including a direct link to the consultation portal to complete the survey. This included 28,500 parking account holders; 4,500 Event Day permit holders; 164 Faith Organisations and Community Groups; all the Brent Multi-Faith Forum Members; and 118 Residents Associations.
- 3.14 Support from the web and communications team enabled wider promotion of the consultation, raising borough-wide awareness through social media, a press release, and prominent positioning on the home page of the council's website. Details of consultation were included in the Your Brent fortnightly electronic newsletter which is distributed to more than 30,000 Brent residents.
- 3.15 On 23<sup>rd</sup> August supplementary online consultation on the Limehouse portal was launched. Consultation was open for an additional 28 days, and closed on 21st September 2018.
- 3.16 Responses from the two phases of the online consultation have been amalgamated and an analysis of 3,183 responses are summarised. This represents an overall 9.6% response rate of the parking account holders and other stakeholders directly invited to participate.

#### Consultation on External Essential User Permit Pricing

- 3.17 Cabinet also agreed at its meeting on 12 March 2018 to undertake an informal consultation exercise on the price of essential user permits purchased by external organisations. The Parking service launched the postal consultation on 5 June 2018. The consultation, which included a covering letter and paper questionnaire, was posted to all 76 external organisations which have purchased Essential User Permits for allocation to their staff. This list comprises NHS organisations, care organisations, social housing providers, and external contractors providing services on behalf of the Council.
- 3.18 A covering letter outlined the proposals in detail with a separate consultation questionnaire to complete and return. Envelopes were marked to inform recipients that this was a consultation on proposed changes to the Essential User Permit. A pre-addressed and pre-paid return envelope was provided for the return of completed questionnaires.
- 3.19 Consultation letters were posted first class on 4 June. The consultation ended on 26 June 2018. A total of 17 responses were received, representing a 22% response rate.

#### **4.0 Resident Parking Permit Diesel Surcharge**

- 4.1 The question of whether a diesel surcharge should be introduced for residents' diesel vehicle parking permits, in Controlled Parking Zones (CPZs), is informed by the Council's environmental policies and its agreed Air Quality Action Plan.
- 4.2 At a regional level the Mayor of London's Environmental Strategy aims for London to have the best air quality of any major world city by 2050, going beyond the minimum legal requirements to protect health. LB Brent, too, is seeking to play its part in reducing pollution levels. The Council has an agreed Air Quality Action Plan to reduce air pollution from all sources, including transport. This continues to be an important issue socially and politically, and the Council is working with partners to ensure that pollutants are being reduced in as many ways as practicable. Research has estimated that air pollution in London reduces life expectancy by an average of four months. In this context, the Council is looking to put policies in place that dis-incentivise the use of diesel vehicles. Interventions could include imposing specific parking restrictions, introducing differential charging in CPZs with higher rates for diesel vehicles, and the risk of fines for idling at busier and more heavily polluted junctions. A complementary approach could be education and awareness campaigns around pollution and enforcement around negative behaviours i.e. idling.
- 4.3 The Council's Air Quality Action Plan states:

*"Brent council acknowledges the impact of poor air quality on health and the need for action to reduce or eliminate air pollution where possible. In Brent it is estimated that 200 premature deaths occur each year which are directly attributable to air pollution as well as further unquantified premature deaths where air quality is a factor. We accept air quality in Brent is poor and recognise significant intervention is required to improve local air quality for all. We have made some progress but accept that further work is needed to meet this challenge. Our air quality action plan demonstrates we are taking this issue seriously and will endeavour to tackle air pollution at source or reduce exposure where this is not possible.*

*"We will demonstrate our leadership by exploring options for low emission neighbourhoods, promotion of low emission vehicles and fuels where possible, reduce pollutant emissions from our buildings and vehicles and develop meaningful partnerships with others to get the most out of our air quality action measures.*

*"We recognise air pollution as a shared problem and everyone must play their part to commit to continue to work with our communities to achieve air quality improvement. As we understand more about air pollution and the impact on health, we want to empower our residents to make informed choices about their options for travel and participate in decisions about air quality in the areas they live and work in. We must commit to safeguarding those at highest risk to provide additional information and limit or prohibit the development of areas where air quality is likely to be made worse."*

Specifically, in relation to transport issues it says:

*"Road transport is the largest contributor to air pollution in Brent, accounting for over 52% of emissions in the borough. Diesel vehicles are a significant source of particulates which are known to be contribute to ill health, and measures to cut diesel use in Brent and reduce their impacts remain our highest priority for action.*

*"We will take steps to limit or reduce the use of vehicles where we can. We will target early action on the most polluting vehicles and take action to limit the environmental impacts of vehicles by increasing access to low emission or alternative fuels, speeding up the introduction of the cleanest vehicles to our fleet, tackling those who idle their engines and introducing an extra charge for diesel vehicle users.*

“...The current tiered parking charging scheme favours small and low (or zero) emission cars and promotes the use of less polluting vehicles or a shift to non-car modes of travel such as walking and cycling. The Council will continue to explore options for dis-incentivising car use, and will keep under continual review opportunities for adopting new technologies which aim to reduce vehicle emissions at source.”

Five areas of activity in relation to transport have been agreed and are already under way:

- Accelerate uptake of new low emission vehicles in borough fleet
- Tackle unnecessary idling by taxis, coaches and other vehicles
- Encourage Car Clubs to use low emission and alternative fuel vehicles in their fleet
- Support the installation of on-street electric vehicle charge points throughout Brent (see below)
- Support the take-up of electric taxis and commercial vehicles

4.4 In respect of supporting the installation of on-street electric vehicle charge points, Brent's agreed Long Term Transport Strategy makes a commitment to work with Ultra Low Emission (ULEV) charging network operators. A report was approved by Cabinet on 11 April 2016 recommending Brent enter into the Source London scheme, and a contract has now been signed and sealed. On 15 January 2018 Cabinet agreed to Brent becoming involved in two more schemes that aim to provide additional charging infrastructure for electric vehicles: the Rapid Charging Infrastructure Project; and a GULCS project to deliver on-street residential charge points in lamp columns. All three projects are being implemented under an overarching strategic umbrella. This will seek to ensure that all types of electric vehicle users can access our charging network.

4.5 In the light of these policy commitments, Cabinet agreed in March 2018 to consult on the introduction of a levy on the price charged for resident parking permits for diesel vehicles in CPZs. The aim of the Council's proposal is to provide a stronger steer to vehicle owners to consider switching to less polluting vehicles, given the health risks caused by air pollution from vehicles with diesel engines. The consultation focused on:

- Introduction of a £50 levy on the price of a CPZ resident's parking permit, instead of the £25 levy originally agreed by Cabinet on 27<sup>th</sup> June 2016
- A proposal to increase the levy to £75 after 1 year and £100 after 2 years
- Introduction of the levy on all diesel vehicles, rather than restricting the surcharge to: only the most polluting vehicles; only older vehicles; or only new purchases.

4.6 In the previous Cabinet report of 27<sup>th</sup> June 2016, '*On-Street Parking Service Offer and Charges in Controlled Parking Zones*', a proposal was agreed to introduce a £25 levy on CPZ resident parking permits for diesel vehicles. Residents had been consulted earlier in 2016: 47% of respondents had opposed this proposal; with 39% in favour. A number of respondents requested that implementation should be delayed. In light of this concern, Cabinet agreed to delay the introduction of the proposed £25 levy until no earlier than October 2018, giving more time for diesel vehicle owners to adjust.

In March 2018, Cabinet agreed that a fresh consultation should take place on the proposals, to increase the value of the surcharge to £50 p.a.; and to increase the surcharge to £75 after one year and £100 after two years. There were two reasons for this. Firstly it was felt that a levy of £25 may not be sufficient to produce any lasting behavioural change in vehicle owners' behaviour, with the cost simply being absorbed by the motorist. An increase to at least £50 would incentivise behavioural change and facilitate a tangible shift. Secondly, this increase

will more closely align with other London boroughs, such as LB Ealing and LB Hounslow, who are also introducing levies of £50 on diesel vehicles in an attempt to lower NOx emissions. It is felt that a higher surcharge would send a strong price signal that diesel vehicles are not an environmentally friendly mode of transport.

4.7 The Mayor of London has outlined his plans to reduce toxic air pollution. Since October 2017, drivers of the most polluting vehicles have been subject to a £10 Toxicity Charge, or T-Charge. This operates in the same area as the London Congestion Charge. The forthcoming Ultra-Low Emission Zone (ULEZ) is due to take effect in April 2019. The ULEZ will operate within the same boundaries as the T-charge but will apply 24 hours a day, seven days a week. It will impose a daily £12.50 fee on all but the latest diesel cars and vans, as well as a £100 day rate for lorries that are more than five years old. The zone is currently limited to the centre of London, but will be extended to the North Circular boundary from 25<sup>th</sup> October 2021.

4.8 Diesels produce 15% less CO<sub>2</sub> than petrol cars; however, they emit four times more nitrogen dioxide (NO<sub>2</sub>); and over 20 times more particulate matter. These emissions are linked with a range of health conditions causing premature deaths, including respiratory failure, strokes, heart attacks, and dementia. Diesel exhaust emissions were categorised as carcinogenic to humans by the World Health Organisation in 2012. Research conducted by the University of Oxford and University of Bath in 2018 concluded that the health damage from diesel vehicle emissions are about five times more than petrol vehicles.

4.9 The March 2018 Cabinet report stated:

*“Road traffic is often the greatest contributor to poor air quality where people live and work. Diesel vehicles are the most significant source of nitrogen oxide (NOx) emissions, which contributes to the high levels of pollution on London’s streets. The reason for these high levels is partly due to underperformance of some diesel vehicles and significant discrepancies between official emission measurements and real-world vehicle performance. London does not meet legal NOx limits and the Mayor of London is committed to taking urgent action as codified in the Major’s Transport Strategy 2017.*

*“Traffic and transport is the largest contributor to air pollution in Brent, accounting for at least 52% of emissions in the borough. Diesel vehicles in particular contribute particulates such as PM10 and PM2.5, which are known to be significant contributors to ill health. Evidence shows that fine and ultra-fine particulate matter present in air pollution increases the risk of cardiovascular morbidity and mortality. Conventional vehicles are responsible for more than 40% of air pollutants in the UK, impacting on cardiovascular and respiratory diseases. High levels of emissions from diesel vehicles in UK urban areas are estimated to contribute to more than 20,000 additional deaths per year. To manage air quality Central Government has set national air quality objectives, which have been put in place to protect peoples’ health.”*

In general, the borough’s CPZs contain a relatively high density of motor vehicles. The issue of transport-related air pollution is therefore particularly relevant in CPZs.

4.10 Subsequent research conducted by London Councils has also highlighted the health implications of diesel cars:

*“London ...exceeds the World Health Organization’s (WHO) stated safe limit for particulate matter (PM). TfL (2018) estimate that road-based transport contributes to 14% of London’s ambient NOx and 56% of its PM2.5 – the most hazardous form of PM to human health.*

*“Research conducted by King’s College London estimates that air pollution shortened lives by 140,743 years in London in 2010 – equivalent to 9,400 deaths – at a cost of £3.7billion (IPPR, 2016).*



Furthermore, IPPR (2016) attribute the cause of 50% of air pollution in London to road transport, 40% of which is to diesel-powered vehicles. This suggests that the economic contribution of road-based transport to London's air quality crisis stands at around £1.85billion with diesel-powered vehicles along accounting for just shy of £1.5billion.

*"While the effect of air pollution is ubiquitously felt, poor air quality has a disproportionately high cost for vulnerable user groups, particularly children and disabled people as well as those with underlying health conditions of a respiratory or cardiovascular nature.*

*"... many boroughs are beginning to use emissions-differentiated parking pricing to promote the use of less polluting vehicles, particularly in Central and Inner London. This is to exercise the so-called 'polluter pays principle' which is more commonly associated with vehicle excise duty (VED) payment brackets, but it is becoming an increasingly popular technique in the context of parking charges. Camden has been allocating residential parking permits based on vehicle emissions since 2007. Meanwhile, Islington, which also grades residential parking permits based on emissions, has recently introduced a 50% surcharge on diesel vehicles parked in the borough, as has Westminster through a pilot scheme contained to Zone F in Marylebone. Such levies sit on top of the Mayor's new £10 'toxicity charge' (T-Charge) – introduced in October 2017 affecting pre-Euro 4 petrol and diesel vehicles entering London's congestion charging zone (CCZ) – and together are designed to influence consumer purchasing behaviour in favour of less polluting fuel sources. The Ultra-Low Emission Zone (ULEV), which comes into effect across the existing CCZ area in 2019, will supersede the T-Charge and be even more selective in the type of vehicles it promotes."*

4.11 The total number of respondents to the consultation on the proposed diesel surcharge was 3,183. Of these, 1,186 respondents identified themselves as holding a permit for a diesel vehicle (37%). Most of the other 1,997 respondents were parking account holders.

The consultation questionnaire was structured to separate the three issues.

Question 1 asked: *Do you support the introduction of a £50 diesel supplement to the annual cost of a resident household permit for vehicles with diesel engines?*

Of the 1,186 respondents who hold a permit for a diesel vehicle:  
1,095 (92%) opposed, 69 (6%) supported and 22 (2%) had no comment.

Of the 1,997 respondents who did not indicate that they held a permit for a diesel vehicle:  
1,110 (56%) opposed, 720 (36%) supported and 167 (8%) had no comment.

Question 2 asked: *Do you support the proposal to increase this surcharge to £75 in October 2019 and then £100 in October 2020?*

Of the 1,186 respondents who hold a permit for a diesel vehicle:  
1,122 (94%) opposed, 45 (4%) supported and 19 (2%) had no comment

Of the 1,997 respondents who did not indicate that they held a permit for a diesel vehicle:  
1,285 (64%) opposed, 543 (27%) supported and 159 (8%) had no comment.

Question 3 asked: *Do you support the proposal to apply the surcharge to all diesel-engine vehicles?*

Of the 1,186 respondents who hold a permit for a diesel vehicle:  
1,107 (93%) opposed, 53 (4%) supported and 26 (3%) had no comment.

Of the 1,997 respondents who did not indicate that they held a permit for a diesel vehicle:

1,186 (59%) opposed, 638 (32%) supported and 173 (9%) had no comment.

#### 4.12 Sample responses

- *It is unfair and a money making exercise to increase charges for diesel parking customers*
- *I am all for the move to switch from diesel but there is a great lack of charging points in Brent*
- *Government encouraged public to buy diesel and now to penalise them is not fair.*
- *I do agree with adding a surcharge but £50 is too much*
- *Diesel cars were encouraged ... and I do not agree with being penalised for that*

A number of responses specifically addressed Questions 2 and 3:

- *I agree with paying £50 pounds for a Diesel engine parking permit, I disagree with the continuous rising of the price of this permit*
- *Diesel levy should be on cars of a certain age and not new ones.*
- *Please target older diesel vehicles.*
- *...applying the diesel surcharge to all vehicles is unfair and places a burden on people who own fully MOT compliant vehicles*
- *Arbitrary fee increases for all diesel cars is not based on facts and is therefore unfair*
- *Would support a diesel surcharge on new permit applications for diesel cars*
- *£50 is plenty of discouragement, no need to keep increasing it ...the amount should depend on the type of Diesel...doesn't make sense to charge Euro 6 diesel the same as a 30 year old 4x4*
- *...the age and size of the vehicle should be taken into account.*
- *I agree with paying £50 pounds annually for a Diesel engine parking permit. Do not penalize families who already own a Diesel by incrementally increasing the parking permit fee. Discourage people from purchasing new Diesel cars by making permits for new Diesel cars more expensive.*
- *Increasing surcharge is not going to encourage people to change their cars to electric/ petrol as the likelihood is they cannot afford to change their cars ...tax the older diesel vans but don't punish residents by more surcharge on their ever increasing pay out to Brent.*

The Queen's Park Area Residents' Association made this comment: *"In the interests of equity and to take more serious action on the public health scandal of air pollution financial disincentives need to be devised and applied to all diesel vehicles operating in the Borough... we accept the argument in the Cabinet paper that all diesels, even the newest, are contributing to a serious public health problem."*

4.13 In respect of whether the surcharge should be imposed on all diesel vehicles, some respondents to the consultation argued that diesel cars meeting the Euro 6 standard should not be included in the levy, as there is a belief that these vehicles have lower NOx emissions.

However, an official Department for Transport report of April 2016 stated:

*'On average our measured road test NOx emissions from Euro 6 vehicles were 500 mg/km - over six times higher than the 80 mg/km official legislative NEDC laboratory test limit.'*

4.14 Other respondents argued that the surcharge should not be imposed on existing diesel car owners, but only on new diesel cars; others argued that new diesels should not be charged, and instead older, more polluting, diesel vehicles targeted. Clearly it is not possible to reconcile these mutually contradictory views.

4.15 The results of emissions tests conducted by the International Council on Clean Transportation

in partnership with other groups, and published in June 2018, show that almost all diesel car models launched in Europe since the 'dieselgate' scandal remain highly polluting. The tests used a beam of light to analyse the exhaust plume of a car as it passed and automatic number plate recognition to link the measurement to a specific model. More than 370,000 such measurements were taken in the UK, France and other countries. The beam test is conducted as cars pass and so cannot be manipulated. The analysis shows that new diesel models released in 2016 were still on average five over times above the EU's official baseline limit of 0.08mg of nitrogen oxides (NOx) per kilometer. The 2017 models were a little cleaner, but still nearly four times over.

- 4.16 Recent research led by Queen Mary College, University of London, and published in the Lancet Public Health, has concluded that pollution from diesel vehicles is stunting the growth of children's lungs, leaving them damaged for life. The research found the capacity of children's lungs was reduced by about 5% when NO2 pollution was above legal levels. The new research tested the lung capacity of more than 2,000 eight- to nine-year-old children from 28 primary schools across east London between 2009 and 2014. Growing children are considered to be especially vulnerable to toxic air, linked to low birth weights, cot deaths, obesity and mental health problems.
- 4.17 Account should also be taken of the cost of owning and running a car in London, which a recent study has suggested could be in the region of £3,000 to £4,000 p.a. In light of these issues it is recommended that the more straightforward option of applying the surcharge to all diesel vehicles should be adopted.
- 4.18 In light of the policy context and information about the health effects of diesel emissions set out in paragraphs 4.1 to 4.9 above, it is recommended to Cabinet that the Council does proceed to formal consultation on the proposed £50 surcharge, increasing to £75 in 2020 and £100 in 2001. The objective would be to incentivise a reduction in diesel vehicle ownership in favour of more sustainable transport options and less polluting vehicles, and help Brent to meet its targets for air pollution reduction as set out in its agreed Air Quality Action Plan.

## **5.0 Second and Third Resident Permits**

- 5.1 Households in Brent are entitled to purchase up to three resident permits. Cabinet agreed in March 2018 to consult on an increase in the surcharge for second and third resident parking permits:
- from £40 to £50 for a second resident permit; and
  - from £80 to £100 for a third resident permit
- 5.2 The proposals would release more parking spaces by discouraging residents from purchasing permits for second or third cars, through charging a higher price. The proposal would not have any substantive impact on residents without a parking account. No changes are proposed to the eligibility for permits of households living in Houses in Multiple Occupation (HMOs).

Total number of respondents to the consultation: 3,183

1,164 respondents identified their household as holding two or more CPZ permits (37%)

Residents were asked: *Do you agree or disagree with the following statement: Brent Council should increase the surcharge on second and third resident permits.*

Of the 1,164 respondents whose household held two or more permits:  
1,095 (94%) opposed the proposal and 69 (6%) supported it

Of the other 2,109 respondents:  
1,210 (60%) opposed and 809 (40%) supported the proposal.

- 5.3 Notwithstanding these responses to the consultation, it is considered that an increase in these surcharges would provide a steer to discourage residents from purchasing permits for second or third cars, thereby reducing pressure on limited parking spaces.

## **6.0 Wembley Event Day Protected Parking Scheme.**

- 6.1 The Executive meeting of 15<sup>th</sup> July 2013 agreed to amend permit charges for the Wembley Stadium Protective Parking Scheme (WSPPS). This decision was reaffirmed by the Cabinet's Highways Committee on 25 January 2017.
- 6.2 The proposal is to introduce a three year Event Day Permit for the Wembley Event Day Parking Scheme, with an associated £15 administrative charge for new applicants. Permits are currently subject to a one-off cost of £10. The proposal would only apply to new permit applications. Event Day permits already in use would not be affected.
- 6.3 Use of these permits is restricted to the period during which the applicant is living at that address. Many paper permits were issued for the Scheme prior to 2013, and no record of these permits was kept. There are concerns that some older permits continue to be in circulation and use, despite the original applicant having moved away; and that permits are being advertised for sale or hire on commercial websites. Both give rise to additional traffic congestion and parking pressures. In addition, we need to ensure that the costs of management and enforcement can be better covered, given that most residents had paid the one-off charge in previous years. At present very little income is received from one-off sales of new permits priced at £10. It is clear that the cost of managing and enforcing the Wembley Scheme is not being covered by permit income, and the scheme is therefore being subsidised.
- 6.4 The consultation questionnaire asked consultees on whether they agreed or disagreed with the proposal to introduce a 3 year permit with a £15 admin charge. Residents in the scheme area who do not have a parking account are not affected by the proposal as they do not require event day parking for themselves or their visitors. Residents from outside the scheme area are similarly not affected in any appreciable way. Analysis of responses has therefore focused on parking account holders within the scheme area, including parking zones T, E and W (of the total 3,183 respondents, 51% opposed the proposal, 28% supported it and 21% made no comment).

Total number of respondents, borough-wide: 3,183

Total number of respondents who declared that they held an Event Day permit: 1,170 (37%)

Residents were asked: *Do you agree or disagree with the following statement: Brent Council should introduce a 3 year permit with a £15 administrative charge to residents and businesses living within the Wembley Stadium Event Day Protective Parking Scheme.*

Of the 1,170 respondents in the Wembley PPS area who hold Event Day permits: 902 (77%) opposed, 227 (19%) supported, and 41 (4%) made no comment.

### Sample responses

- *People who rent their permits on event days should have their permits withdrawn.*
- *...all the above suggestions seem very sensible ...most permits should be renewed every 3 years just due to people moving a lot - this keeps the system fair and functional.*
- *Wembley event day parking restrictions are for the benefit of residents. Any administrative costs attached to issuing permits should be borne by the stadium.*
- *...those who have complied with all the rules are being penalised for the way in which others have gone about things (e.g. selling residents' permits on commercial websites etc.*
- *Residents shouldn't have to pay for Wembley Stadium events... The stadium and events organisers should. The current system is adequate and fair.*
- *I oppose the council charging residents for event day permit... The council should review who was issued with a paper permit and end date them. ...This is another way to make money*
- *You should only have to purchase a Wembley events day permit for visitors.*
- *...residents are having to pay additional costs which is very unfair*
- *Stop increasing parking charges and making insufferable to park or drive in Wembley!*

- 6.5 It does not appear to have been clear to some respondents that the proposed changes would not at this stage impact on existing permit holders. Many respondents were however concerned that former residents of the area might be able to continue using their Event Day permits indefinitely. Residents also raised the issue of some event day visitor permits being hired out to stadium visitors in breach of the permit terms and conditions. Where evidence of this activity comes to light the Council has a range of options for action, up to and including closure of the relevant parking account and cancellation of permits.
- 6.6 Management and enforcement of the scheme incurs significant costs and the question does therefore arise as to how those costs are met. The Secretary of State's Statutory Guidance on parking enforcement has stated that enforcement of controlled parking should be self-financing. This advice is of particular relevance given the Council's corporate financial position and the significant challenges which lie ahead.
- 6.7 Some residents within the scheme area argued that parking pressure from Wembley Stadium events is not caused by them or their visitors, and that they should therefore not be charged a permit fee. However, a similar argument could be made by residents in Controlled Parking Zones; CPZs have been introduced to protect resident, visitor and local business parking from commuter and other external vehicles. There is widespread acceptance that revenue from CPZ permits should be used to fully cover the cost of parking management and enforcement. It is argued that the same principle should be applied to the Wembley Scheme.
- 6.8 Reform of the Scheme would also provide an opportunity to persuade existing permit holders to upgrade to a virtual permit, reducing the risk of PCNs being issued to residents due to a failure to display. This would also reduce enforcement and notice processing costs. In light of the concerns expressed by existing resident permit holders, it is proposed to offer them a six month opportunity to switch to a three year virtual permit at nil cost.

6.9 It is therefore recommended that the Council proceeds to formal consultation on the proposal to introduce a 3 year permit, to minimise the risk of potential misuse by non-residents which the existing Scheme may facilitate. The increase in price from £10 to £15 will help to meet the costs of managing and enforcing the Scheme in future years. At this stage, to avoid impacting on residents already holding event day parking permits, the requirement would only affect new applicants.

## 7.0 External Essential User Permits.

7.1 In March 2018, Cabinet agreed to consult on an increase in the price of external Essential User permits from the current price of £150 to:

- £330 (2018/19 price) for NHS staff (linked to the price of school staff permits);
- £440 (2018/19 price) for all other external organisations (linked to the price of business permits)

7.2 The Essential User Permit (EUP) scheme for external organisations enables staff who work for other public and third sector organisations, to park a vehicle on-street in any Controlled Parking Zone (CPZ) within Brent. The permit should only be used whilst staff are engaged in official duties. The current terms and conditions of the scheme include the provision of residential or community care, health care, social housing management and highway works. The permit is *not* provided to external organisations for use as a recruitment and retention aid.

7.3 The number of external Essential User Permits issued in 2017-18 was:

Council contractors	220
External organisations	619
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Total	839

7.4 The council does not offer any other “all zones” CPZ permit allowing on-street parking anywhere in Brent. It is estimated that the potential commercial value of such a parking permit would be high in comparison to the current permits available to residents and businesses:

- The current cost of a single CPZ business permit *for use in only one Zone* is £440. Businesses are restricted to a maximum of three such permits, regardless of size.
- The cost of a School Permit is £330 (the cost is lower than a Business permit as school staff are only on-site for 75% of the year), and is also *restricted to a single Zone*.

It is clear that purchasing an EUP for £150, covering all CPZs, is an attractive option for eligible external organisations. This low price has probably perpetuated a high level of demand for such permits in relation to other parking options, putting a greater demand on parking across the borough and encouraging the use of an EUP instead of the other permits available. Demand for Business Permits in particular may have been suppressed due to the availability of much cheaper and more flexible Essential User Permits

7.5 With permits of this type in circulation there is a risk that they might be misused. The Council does not have control over which staff permits are issued to, and there is no assurance that they are only issued to eligible staff engaged in service provision. They may be used for

commuter parking or parking for other purposes which fall outside of those permitted within the terms and conditions, particularly if issued to meet HR objectives rather than for operational reasons. These risks need to be reduced, as they could contribute to additional parking pressures within the borough.

- 7.6 With external organisations it is not possible to exert direct control of permit applications, or to insist on the introduction of an online booking system in place of displaying permits. For external organisations the most effective tool at the councils' disposal is therefore incentivising a reduction in demand for permits by charging an appropriate price. This is the approach taken, for example, in setting the price of business permits. The Council has therefore proposed that the EUP price charged to external organisations should be matched to that of a Business Permit, to help reduce excessive demand and over-use of EUPs. The price of the EUP would be set at £440 p.a., increasing in line with Business Permit prices in future years. In light of the financial challenges facing the National Health Service, it was also proposed that for NHS staff the EUP would instead be benchmarked with the Schools Permit price of £330 p.a., increasing in future years in line with School Permit prices. A key objective of this proposal is to reduce the quantity of EUPs in use within the borough, reducing the pressure on parking, whilst still allowing public services to carry out their duties.
- 7.7 It is worth highlighting that other permits are also offered to those delivering healthcare, as an alternative to the EUP. The Health Emergency Badge (HEB) is issued by London Councils for people involved in the delivery of primary healthcare, attending medical emergencies in patients' homes. Any general practice, health trust or clinic may apply for these badges if they employ staff whose work involves visiting patients in their homes to provide emergency health care. These include doctors, nurses, midwives and health visitors. In addition, doctors' parking permits are also available at a cost of £150 for 12 months, and this allows registered practitioners to park in a designated doctor's parking bay.

### Consultation Responses

- 7.8 76 organisations which currently purchase Essential User Permits for their staff were sent the consultation paper. 17 responses were received, representing a 22% response rate to the consultation. It was anticipated prior to the consultation that there would be some resistance from external organisations to the proposed price increases. That has proven to be the case:
- None of the respondents explicitly supported the proposal to increase the charge made for Essential User Permits to £330 or £440
  - 13 out of 17 respondents opposed the price increase to £440 for non-NHS permits
  - 12 out of 17 respondents opposed the proposed £330 charge to NHS bodies
  - 1 respondent supported a lower charge for NHS organisations, albeit not specifically the proposed charge of £330

### Specific Comments

- 7.9 Two respondents identified themselves as being from NHS bodies. All of the other organisations which identified themselves in their response were from the care sector. None of the respondents identified themselves as being from the social housing sector and none were contractors delivering council services.

a) Four respondents admitted that they resold Essential User Permits to their staff as a recruitment and retention initiative. They argued that individual staff would not be able to afford to pay the permit price of £330 or more.

Response: The responses indicate that Essential User Permits are indeed being misused by some external organisations. The permit is not designed for use as a recruitment and retention initiative, and is not intended to be sold on to staff. Organisations should not be transferring or selling on the permits to provide their staff with subsidised parking across the whole of Brent. EUPs are intended to be made available to public service organisations for allocation to relevant staff deployed in the community as an operational necessity.

b) Eight respondents said that care sector organisations or charities operate at low margins and would not be able to afford the proposed £440 charge.

Response: Care organisations and registered charities should be included within the lower charge band of £330, along with NHS organisations.

c) One NHS respondent said that the price should not increase to £330 for district nurses

Response: District nurses should be able to access the Health Emergency Badge as an alternative.

d) Two respondents argued that care sector staff should have access to the NHS Health Emergency Badge

Response: The Badge is administered by London Councils on a London-wide basis, and LB Brent does not have power to amend the scheme unilaterally

e) Six respondents stated that the price increase was too much to impose as a one-off change.

Response: The increase could be phased in over two years.

- From April 2019: £300/£250
- From April 2020: business/schools permit price (£440/£330 at 2018/19 pricing)

In summary, the revised proposal is as shown in the table below:

	2018/19	2019/20	2020/21
NHS, charities and care organisations	£150	£250	Linked to Schools Permit (£330+ inflation)
Other external organisations	£150	£300	Linked to Business Permit (£440+ inflation)

**8.0 Legal Implications**



- 8.1 Should the proposals as set out in paragraphs be approved for implementation following the outcome of formal statutory consultation, this would require the amendment of the existing Traffic Management Order/s (TMO) under the Road Traffic Regulation Act 1984.
- 8.2 The requirements for publication and implementation regarding the making of Traffic Management Orders are set out in the Road Traffic Regulation Act 1984 (“the 1984 Act”). Related traffic restrictions are made by traffic management orders made under other provisions of the 1984 Act. Controlled Parking Zones are defined in Regulation 4 of the Traffic Signs Regulations and General Directions 2002.
- 8.3 Due to practical constraints relating to the TMO consultation, a target date for these changes has been set for early 2019, depending on the outcome of the formal statutory consultation.
- 8.4 Whilst it is reasonable for a Council to take due regard of the estimated costs and income arising from the management of parking, the Road Traffic Regulation Act 1984 (“RTRA 1984”) does not allow for local authorities to set or increase parking charges for the purposes of raising revenue.
- 8.5 Section 45 of the RTRA 1984 enables the council to designate parking places on the highway, to charge for parking in these places and to make a charge for parking permits for their use. The council may differentiate in its permit charges between vehicles of different classes. Furthermore, in setting charges the Council must have regard to the Mayor of London’s Transport Strategy (sections 142 and 144(1) (a) Greater London Authority Act 1999). Section 122 of the RTRA 1984 imposes a general duty on local authorities when exercising functions under the RTRA 1984, which are set out in the next paragraph. Exercising the function to charge for any other purposes, e.g. to raise revenue, or having regard to other legally irrelevant matters is unlawful.
- 8.6 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”*

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”.*

## **9.0 Financial Implications**

- 9.1 Implementing a diesel levy charge of £50 for Controlled Parking Zone (CPZ) permit holders, as recommended in paragraph 2.1a, could provide additional revenue of up to £0.5m p.a. if there are 10,000 diesel permits issued. However, the revenue raised is expected to reduce over time as residents replace their vehicles.
- 9.2 The Essential User Permit price increase could generate revenue of £0.14m. However, if the charge is increased a significant reduction in issuance is highly possible, resulting in the increase in charges being wholly offset by a reduction in demand for the permits thereby restricting additional revenue gains.
- 9.3 The proposal to increase surcharges for second and third vehicle permits could provide additional revenue of up to around £0.05m, depending on the extent to which sales of these permits decline.
- 9.4 Residents already holding Wembley Event day parking permits will be able to replace the paper permit with a virtual permit at no cost up to 30 June 2019. It is anticipated that over the next two to three years, income from new applicants for an event day permit, at a cost of £15, would be £2k per annum.
- 9.5 The revenue generated from the above proposals will contribute towards concessionary fares and other transport initiatives.

## **10.0 Diversity Implications**

- 10.1 S149 of the Equality Act 2010, also known as the public sector equality duty, 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.

### Diesel Levy

- 10.2 With due regard to the Council's duty under *section 149 of the Equality Act 2010*, a Diesel levy would affect all those with or without protected characteristics equally and without prejudice. In addition, there is no evidence that ownership of diesel vehicles is disproportionately associated with any of the protected characteristics groups in comparison with vehicle owners generally. It is considered, therefore, that this levy would not fall within the provisions of the EA 2010.
- 10.3 Should air pollution from diesel vehicles be subsequently reduced, it is considered that children and young people, older people and some people with disabilities would particularly benefit in health terms.

## Essential User Permits

- 10.4 With due regard to our duty under *section 149 of the Equality Act 2010*, the proposed increase in the price of Essential User Permits for external organisations would have a financial implication for the organisations themselves. It would not impact financially on individual staff, as these permits are provided solely to support operational activity.
- 10.5 The amended proposal set out in recommendation 2.5 (a) of this report would reduce the price charged to care sector organisations, in comparison to that endorsed in the original Cabinet decision of March 2018. Care organisations mainly support older and disabled people.

## Second and third permit surcharges

- 10.6 The proposed increases in permit surcharges are relatively small in comparison to the costs associated with car ownership, and it is not considered that this would have a significant financial impact on larger households.

## **11.0 Consultation with Ward Members and Stakeholders**

- 11.1 Statutory consultation on several of the aforementioned changes will be required. This will be scheduled to take place in January and February 2019.

## **12.0 Human Resource / Property Implications**

- 12.1 None

### **Related documents**

- Cabinet, 12 March 2018: Essential User Permit Scheme & Resident Parking Permit Surcharges.
- Highways Committee, 25 January 2017: Wembley Stadium Protected Parking Scheme.
- Cabinet, 27 June 2016: On-Street Parking Service Offer
- Brent Air Quality Action Plan

**Report sign off:**

**AMAR DAVE**  
Strategic Director of  
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