



Cabinet
9 September 2024

**Report from the Corporate Director
of Neighbourhoods and
Regeneration**

**Lead Member – Cabinet Member for
Environment and Enforcement
(Councillor Krupa Sheth)**

**Parking Enforcement on Council Housing Estates:
Programme Update**

Wards Affected:	All
Key or Non-Key Decision:	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
List of Appendices:	<p>Four</p> <p>Appendix 1: Housing Estates that have introduced Off Street Controlled Parking</p> <p>Appendix 2: Phase 3 Off Street Controlled Parking - Housing Estate Programme</p> <p>Appendix 3: Proposed Phase 4 Off Street Controlled Parking - Housing Estate Programme</p> <p>Appendix 4: Parking Enforcement on Housing Estates</p>
Background Papers:	None
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1.0 Executive Summary

- 1.1. This report provides Cabinet with an update on the introduction of parking controls and enforcement following the Cabinet report of 20 July 2020, which approved the pilot of off street-controlled parking on four Council estates: Joules House, Landau House, Alexandra Court, and Summit Court. Further to this pilot scheme, Brent Housing reviewed the progress of off-street controlled parking on the initial four estates and extended the project to include other estates where there has been evidence of parking pressure and support from residents which were delivered under Phase 2.
- 1.2. The report provides information on the outcome of the Off-Street Controlled Parking (OSCP) project that has introduced parking controls through a Traffic Management Order (TMO) on land owned by the Council, within the Housing Revenue Account (HRA).
- 1.3. The report also provides information on implementation of Phase 1 (pilot phase) and Phase 2 (follow on rollout to 15 housing estates) carried out in collaboration with our Highways Management and Healthy Streets & Parking services, and Project Centre Limited (PCL), who are parking consultants.
- 1.4. Finally, the report seeks approval for Phase 3 and the expansion of the programme to introduce further parking controls and enforcement on Housing Estates that either previously did not support controls, but there is now evidence of resident support or were not included due to planned development.

2.0 Recommendation(s)

- 2.1 That Cabinet note the contents of the report in relation to;
 - i) The successful delivery of Phase 1 (pilot) and Phase 2 of the project and the introduction of effective parking controls and enforcement on the pilot estates and an additional fifteen housing estates from January 2023 to May 2023 (See Appendix 1 for current list of all OSCP estates)
- 2.2 That Cabinet approves the future roll out of OSCP on;
 - i) A further nine Brent estates where residents previously did not support parking controls, but there is now evidence of parking pressure and support, following a re-consultation between November 2023 and February 2024. This would be Phase 3 (see Appendix 2)

- ii) Nine Brent estates that were previously excluded due to regeneration plans, subject to the outcome of consultation with residents. (Appendix 3 provides a list of sites) This would be a potential Phase 4.

Cabinet is asked to note that the list for Phase 4 could change depending on progress with regeneration plans and funding availability.

- 2.3 Delegates authority to the Corporate Director of Neighbourhoods and Regeneration in consultation with the Corporate Director of Resident Services to carry out public consultation and statutory consultation for Phase 3 and subsequent phases, to approve the implementation of Traffic Management Orders necessary to introduce parking controls on land owned by the Council within its Housing Revenue Account, subject to funding availability.
- 2.4 Approves the use of income generated from sale of permits to fund maintenance on OSCP estates, and for the future introduction of OSCP on estates where there is evidence of support by residents.

3.0 Detail

Cabinet Member Foreword

- 3.1 The Council agreed in 2020 to introduce and enforce parking controls, as a pilot initiative, on Housing Managed estates, to address access and safety issues and regulate and reserve parking for residents and visitors, and to introduce further schemes, subject to evaluation, a positive response to consultation, and funding availability.
- 3.2 This report provides information on the programme, the successful outcomes where parking controls have been introduced, and arrangements for future schemes to improve parking management on Housing Estates, where these are supported by our residents.
- 3.3 Effective parking management and enforcement of parking and traffic contraventions in the borough supports the aims of our Borough Plan 2023-2027, for a cleaner, greener future and a Healthier Brent.
- 3.4 Our Parking Policy 2020 contributes towards the strategic objectives of the Long-Term Transport Strategy 2015-2035 as effective parking management encourages modal shift towards sustainable transport and active travel, including walking and cycling.
- 3.5 This supports the objectives of the councils Climate and Ecological Emergency Strategy 2021-2030 by reducing the harmful effect of emissions from road transport on the environment.

4.0 Background

- 4.1 Brent Housing Partnership (BHP) contracted Wings to undertake enforcement action on Council owned Housing estates from 01 August 2012 – 10 December 2022. The Council now contracts Parking Enforcement Services with NSL (Marston Group).

- 4.2 In 2012, the government introduced The Protection of Freedoms Act 2012, which reduced Wing Parking's ability to take any meaningful and effective enforcement action. The Act stopped Wings from accessing information from the Driving Vehicle Licensing Agency (DLVA) and as such, any parking tickets issued cannot be pursued unless driver's details are already known.
- 4.3 This made it difficult to control parking from non-residents on Housing estates. Meaning, Wings could only enforce parking tickets against the residents who have purchased permits, having provided their details in doing so. The 2012 Act also makes it illegal for the Council or its contractors to remove or clamp vehicles on private land without a TMO.
- 4.4 Following on-going complaints from residents, Councillors, and emergency services, regarding obstructive and inconsiderate parking by both residents and non-residents of the estates, BHM proposed options for parking enforcement on Council housing sites via the Cabinet report dated 20th July 2020.
- 4.5 The Cabinet report focused on five sites that were identified as a priority by BHM, residents and Members. These sites were used as a pilot for the new approach to parking enforcement with the intention to introduce parking controls on other Brent Housing sites where needed. The controls included: the designation of parking bays within the estates and signage, necessary repairs, and the making of a Traffic Management Order to enable the controls to be effectively enforced by the Councils Parking Enforcement contractor.
- 4.6 Following consultation with elected Members and residents, parking controls were introduced on the following sites;
- Alexandra Court
 - Summit Court
 - Landau House
 - Joules House
- 4.7 The introduction of OSCP required residents to purchase a permit which was initially fixed at £50.00 per annum but is subject to inflationary increases in line with other permit products.
- 4.8 The pilot scheme was evaluated as being effective in resolving complaints relating to unauthorised parking, and further schemes programmed and introduced subject to a positive outcome to consultation and funding availability.
- 4.9 Where parking controls were introduced, maintenance repairs of the road surface were arranged prior to the installation of parking bays, yellow line restrictions, and parking signage.
- 4.10 Following the restructure in April 2024, project management now falls under Neighbourhoods and Regeneration, with Resident Services an internal Client.
- 4.11 This provides the opportunity to improve the management of the public realm on housing estates and officers have been working to introduce new protocols

to improve efficiency and customer satisfaction. This includes the replacement of signs and lines and addressing parking issues.

Issues, Improvements and Progress

- 4.12 Four pilot schemes were launched on the 1 December 2021, followed by another thirteen sites on the 23 of January 2023, with a further two sites launched on the 29 May 2023.
- 4.13 The pilot schemes showed a significant improvement in issues associated with parking on the pilot estates; residents at Alexandra Court especially noted a marked improvement in availability of parking spaces for residents. Furthermore, importantly, the parking controls accommodate improved access for emergency and service vehicles.
- 4.14 Following the success of the pilot estates, further consultation was carried out concurrently with residents of over one hundred estates between September – November 2021 as a prelude to extending the scheme across the borough. As a result of the consultation, another fifteen estates voted to proceed with the introduction of off-street controlled parking on their estates.
- 4.15 Under Phase 2, 13 of the 15 estates went live on the 23 January 2023; a grace period of 2-3 weeks provided for residents to apply for their new permits and get used to the new scheme.
- In Phase 2, visitor parking and disabled bays were introduced on all eligible estates after feedback from residents.
 - Phase 2 has been largely successful. However, two objections were received, which temporarily delayed the go live on two of the estates. This issue was subsequently resolved, and new parking enforcement went live on these estates from the 29 May 2023.
- 4.16 Following implementation of Phase 2, there have been largely no issues apart from queries around applying for permits and PCN's issued, which has since settled down as people purchased their permits and gained a better understanding of the new parking scheme and adhere to terms and conditions of off-street controlled parking. A resident of Alan Preece court wrote in commending the implementation of OSCP on her estate, and the benefits of a tidier and more organised/effective parking enforcement enjoyed as a result. This is in line with most of the feedback from residents on estates where OSCP has been implemented.
- 4.17 Table 1 in Appendix 4 displays statistics of NSL (parking enforcement contractor) operational activity since inception of OSCP on the 19 estates that are currently operational as of 15 July 2024.
- 4.18 The sites with high volumes of activity such as Alpha place, Summit court, and Addis and Arnoux court, Joules, Landau house, and Alexandra court relate to larger or problem estates, where more regular enforcement is required. In the

case of Joules and Landau house, and Alpha Place, these are estates with close proximity to train stations which had a lot of external traffic and parking on their estate, which has drastically reduced since the introduction of controlled parking on the estates.

- 4.19 Overall, the OSCP scheme, is proving to be a more robust and effective form of parking enforcement, when compared to our previous parking contract with Wings. Residents are now able to make enforcement requests to NSL who can attend and enforce under the Traffic Management Orders, issuing Penalty Charge Notices (PCNs) or removing obstructively parked vehicles.
- 4.20 There is income to the council from the sale of permits and the issuing of PCNs, an income of £16,440.00 received from sale of permits across the nineteen sites for the period January 2023 – January 2024, with income of around £83, 070.00 for the same period through PCNs.

Options/proposals going forward.

- 4.21 With the successful completion of Phase 1 (pilot phase) and Phase 2 (roll out to fifteen additional estates) significant improvements to parking management have been evidenced on Brent Council estates where parking controls have been introduced. It is clear that a TMO is the only way to resolve the parking issues on our Housing estates.
- 4.22 To maintain a continuous level of quality and service delivery in parking control on our estates, officers believe there are three options available to consider.

Option One - the Council does not continue with Phase 3 and exits the project at Phase 2.

- 4.23 This is not a viable option as there are estates that were excluded from previous consultation exercises in Phase 1 and 2. Some of these estates were excluded as there was development work going on in the estate, which would have impacted on the consultation and implementation process. We are obliged to consult estates in this category to ensure all residents are given the opportunity to determine the type of parking regime they want on their estate, whether this is controlled parking or no form of parking enforcement.
- 4.24 There are also estates that were undecided on whether to adopt OSCP during Phase 2 consultation exercise that were promised a review in the notification letters sent out about 12 months ago. We have since revisited these sites to determine if there is any change of opinion following a year of no parking enforcement on their estate. As a result, we have had another tranche of nine estates that have voted to go ahead with the introduction of off-street controlled parking on their estate.

Option Two – the Council only consults with estates that were excluded during Phase 2.

- 4.25 This is not considered a viable option as we made a promise to revisit Estates in these categories. Furthermore, there are estates that were excluded from consultation due to wrong geographical mapping, such as Lodge and Manor court estates. We are obliged to consult with these estates.

Option Three – Implement further phase; the Council includes all categories such as, former development sites, undecided estates, estates that initially voted “No” but are now willing to reconsider.

- 4.26 This is the preferred option and provides continuity and builds on the success of Phase 1 and 2. It ensures that other housing estates that have not had the opportunity to take part in the consultation process are involved in the decisions around parking enforcement on their estate.
- 4.27 The Parking Services providers (NSL and RingGo) have demonstrated the capability to manage parking on estates, and that they would be able to cope with further roll outs of OSCP.
- 4.28 The options appraisal aims to establish the most efficient and effective option for the future service delivery in line with the Council’s broader service delivery objectives.
- 4.29 It is also recommended that following completion of the OSCP project, arrangements are put in place for ‘business as usual’ with future requests being considered by Healthy Streets and Parking and further schemes consulted on and implemented, subject to consultation and funding.

Implementation of preferred option

- 4.30 The preferred option (option three) would first be rolled out on the nine sites listed for Phase 3 of the project, (See Appendix 2) following formal consultation with residents, which demonstrated support.
- 4.31 This would then be subject to amendment of the existing Traffic Management Order (TMO) to incorporate the new sites following approval of the proposed approach by CMT.
- 4.32 Due to various dependencies, such as carrying out survey, construction work on site, consultation process, and amending the TMO, the completion of Phase 3 is likely to take between 4 – 6 months from project inception, at an estimated cost of £0.1m.
- 4.33 PCL has previously completed the survey for some of the sites, (Undecided estates, and No estates) The survey, inventory plan and recommendations for the remaining sites listed for Phase 3 has also been completed.
- 4.34 To implement the above plan, PCL has drafted an amendment to the existing TMO for Healthy Streets & Parking to approve, before going to advert. They will follow the same process for all remaining Council sites on a rolling basis after Phase 3, as agreed by Cabinet.

4.35 PCL will also assist with the preparation of consultation documents, providing information including FAQs on their website, arranging face to face consultation meetings with residents, and responding to enquiries and the final analysis of the consultation.

5.0 Stakeholder and ward member consultation and engagement

5.1 Ward members and stakeholders (residents, and other interested parties), were consulted on proposed plans with meetings arranged, as necessary to discuss proposals.

5.2 Schemes were progressed where there was a positive response to consultation, approximately 102 estates were consulted of which 19 schemes were progressed under Phase 1 and Phase 2.

5.3 Future schemes will also be subject to engagement and consultation with ward members and resident, and progressed if supported.

6.0 Financial Considerations

6.1 The cost of implementing the project to date is £0.57m. Estimated cost of consulting and introducing further controls under Phase 3 is £0.1m and will be funded from existing resources within Housing Revenue Account (HRA).

6.2 Revenue from PCN is received in the Council General Fund to cover costs in relation to notice processing and appeals, any surplus will be transferred over to the HRA. It is anticipated that unauthorised parking will significantly reduce once Council has the powers to successfully pursue enforcement. Reduction of PCN's will mean that it is unlikely there will be sufficient surpluses generated to fully cover capital outlay and ongoing maintenance costs incurred in the HRA.

6.3 There will be a requirement for ongoing funding in the HRA to maintain the off-street parking infrastructure, budget requirements will be incorporated as part of the annual budget setting for planned maintenance programme

7.0 Legal Considerations

7.1 The proposal (option 3) aims to address problems associated with obstructive and inconsiderate parking by both residents and non-residents of the various estates within the borough. Since this is conduct which affects the ability of residents to fully enjoy the benefits attached to their place of residence, it is conduct that falls within the definition of anti-social behaviour in law under section 2 of the Anti-Social Behaviour Crime and Policing Act 2014.

7.2 The Council has a duty to take steps to abate such behaviour and the proposed option 3 will assist in achieving this goal and will extend the current success under phase 1 and 2 to other areas in the borough.

- 7.3 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.
- 7.4 The proposed option 3 is neither legally contentious nor problematic, especially as the first two phases have proved to be quite successful.
- 7.5 The need for proper and transparent consultation is required in line with common law requirements. This provides that a fair consultation is required when a local authority is proposing a line of action which is likely to impact on people/parties in the locality and other stake holders (e.g. emergency services, statutory bodies and the general public). Further, the procedures for making traffic management orders and the form that they should take are set out within the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. This includes a statutory duty to consult.
- 7.6 A process of consultation is planned should the proposal be approved.
- 7.7 Any amendment to the current TMO will also need to be adequately published in the local newspapers, the gazette and /or any relevant social media platform.
- 7.8 The Council will only be able to enforce parking control on its housing estates and take enforcement action if it is able to target such action against the registered keeper of an unauthorised vehicle. This is achieved by making Traffic Management 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 has access to DVLA records to find the registered keeper of the vehicle.
- 7.9 The proposals in this report relate to off street-controlled parking and do not involve on street-controlled parking and as a result, income, and expenditure in relation to off street parking can be made within the Council's Housing Revenue Account ("HRA") if the areas of land that are subject to off-street controlled parking are on HRA land.
- 7.10 Under section 55 of the Road Traffic Regulation Act 1984, parking enforcement local authorities must keep account of their income and expenditure in respect of on-street parking places and any surplus must be applied towards specific purposes as set out in section 55(4) of the 1984 Act and the proposals in this report will be outside the ambit of section 55 of the 1984 Act.
- 7.11 The Council's proposal to proceed with Option 3 to commission NSL to implement Phase 3 is within the scope of the Parking Enforcement Services Contract between Brent Council and Marston (Holdings) Limited dated 17th May 2024.

8.0 Equity, Diversity & Inclusion (EDI) Considerations

- 8.1 The proposal will lead to an enhanced service to council tenants and leaseholders with the permit revenue paying for much more effective

enforcement, maintaining parking infrastructure, and therefore protecting residents' own parking facilities.

- 8.2 BHM will assess the need for the 'Disabled Parking Bays' and ensure residents with Blue Badge' have sufficient parking bays on each site, as well as assessing need for personalised disabled bays as needed.

9.0 Climate Change and Environmental Considerations

- 9.1 Parking management and effective enforcement supports modal shift and therefore a reduction in transport related emissions.

10.0 Human Resources/Property Considerations (if appropriate)

- 10.1 There are no implications arising from this report.

11.0 Communication Considerations

- 11.1 Ward members and stakeholders (residents, and other interested parties) are consulted during the relevant phases of the project.

Related document(s) for reference

Cabinet Report of 20 July 2020 - [Parking Enforcement on Council Housing Estates](#)

Report sign off:

Alice Lester

Corporate Director for Neighbourhood and Regeneration