

Officer Delegated Decision Report 12 July 2017

Report title: Proposed New Controlled Parking Zones - Brixton Hill Area Statutory Consultation Results, Implementation and Funding

Wards: Brixton Hill, Thornton, Thurlow Park and Tulse Hill

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Report summary

This report presents the results of the Statutory Consultation carried out, between 22 March and 19 April 2017, within the Brixton Hill area relating to the Council's proposals to introduce new Controlled Parking Zones (CPZ's).

It seeks approval to make the Traffic Management Order (TMO) for the implementation of the following CPZ proposals (as shown in Appendix A as Drawing No's DES-CPZ-2001-003 Zone D, DES-CPZ-2001-004 Zone F, DES-CPZ-2001-005 Zone Q Extension, DES-CPZ-2001-006 Zone H Extension, and DES-CPZ-2001-007 Zone L Extension):

- introduce a new 'D' CPZ to be operational Monday to Friday between 8.30am and 6.30pm;
- introduce a new 'F' CPZ to be operational Monday to Friday between 12pm and 2pm;
- extend the existing Clapham L CPZ, with bays operating Monday to Friday from 10am to Noon and single yellow lines operating Mondays to Fridays between 9am and 6pm;
- extend the existing Brixton Hill 'Q' CPZ, with bays operating Monday to Friday from 10am to Noon and single yellow lines operating Monday to Friday between 8.30am and 6.30pm;
- extend the existing Tulse Hill 'H' CPZ, with bays and single yellow lines operating Monday to Friday between 12pm and 2pm.
- implement the new CPZs based on a cashless payment system: Pay-by-Phone and Pay-Point with no on-street ticket machines. (To be reviewed one year post-implementation of the scheme).

It seeks approval to remove Tilson Gardens and Forster Road from the proposed CPZ.

It seeks authorisation to allocate Parking of £140,000 in order to carry out the implementation of controlled parking zones in Brixton Hill (£140k).

An overview plan and a list of road names for permit entitlement for each respective zone is shown in Appendix H of this report.

Proposals presented as part of the Statutory Consultation are shown in Appendix B (Drawing No DES-CPZ-2001-001-01 Rev A and DES-CPZ-2001-001-02 Rev A)

Finance summary

The cost of implementing the proposed measures is estimated at £140,000. This includes the publication of the made Traffic Management Orders, road markings and signage, traffic management, statutory consultation and staff costs. All implementation costs are from Parking Reserves.

Once operational, we will use our current establishment for both on-street and back office in order to provide our service to these new areas. This will be reviewed in the first quarter to ensure it is not jeopardising our ability to maintain the expected service levels. The service will however require 0.5 temporary Permissions Officers for 3 months due to the initial increase in permit holder applications. This is likely to cost approximately £3,925 and will be funded from increased revenue from the permit sales in these new areas.

Recommendations

- A. Consider the representations received in respect of the proposals as detailed in Appendices C - G.
- B. Consider the objections against the proposed measures and the arguments for their implementation as detailed in Appendices C - G.
- C. Agree to proceed with the making of the Traffic Management Order (TMO) for the implementation of the Controlled Parking Zone proposals as shown in Appendix A, at a cost of £140,000, to:
 - introduce a new 'D' CPZ to be operational Monday to Friday between 8.30am and 6.30pm;
 - introduce a new 'F' CPZ to be operational Monday to Friday between noon and 2pm;
 - extend the existing Clapham 'L' CPZ, with bays operating Monday to Friday from 10am to noon and single yellow lines operating Mondays to Fridays between 9am and 6pm;
 - extend the existing Brixton Hill 'Q' CPZ, with bays operating Monday to Friday from 10am to noon and single yellow lines operating Monday to Friday between 8.30am and 6.30pm;
 - extend the existing Tulse Hill 'H' CPZ, with bays and single yellow lines operating Monday to Friday between noon and 2pm.
 - implement the new CPZs based on a cashless payment system: Pay-by-Phone and Pay-Point with no on-street ticket machines. (To be reviewed one year post-implementation of the scheme).
- D. Agree to remove Tilson Gardens and Forster Road from the proposed CPZ.
- E. To authorise and allocate Parking Reserves of £140,000 in order to carry out the implementation of controlled parking zones in Brixton Hill.

1. Context

- 1.1 The council is in the process of carrying out a borough-wide Parking Feasibility Study associated with the review of the council's CPZs and non CPZ areas. As part of this work it became apparent that there are acute issues with parking in two particular areas of the borough being the uncontrolled Vassall and Brixton Hill areas.
- 1.2 The majority of the issues are created by the demand for parking by commuter vehicles during the daytime period, creating conflict with those that have a local demand for such parking (residents / visitors / businesses). The council receives regular correspondence from residents / businesses in these areas raising concerns about parking.

1.3 It was therefore decided to consult the uncontrolled Vassall and Brixton Hill areas in order to gauge the views of residents and businesses on the possible introduction of a CPZ. Non-statutory consultation and engagement carried out in 2016 was used to shape the proposal that on 16th March 2017 received Cabinet Member approval to proceed to statutory consultation. A separate report considers whether to proceed with a CPZ in the Vassall area.

2. Proposal and Reasons

2.1 A three week statutory consultation was carried out and included the erection of Notices on lamp columns in the area; the publication of Council's intentions in the Local paper and the London Gazette. In addition, all properties within the consultation area were sent a newsletter setting out the proposals and explaining how representations can be made.

2.2 The key objectives of parking management include:

- Tackling congestion by reducing the level and impact of traffic in town centres and residential areas.
- Making the borough's streets safer and more secure, particularly for pedestrians and other vulnerable road users through traffic management measures.
- Improving the attractiveness and amenity of the borough's streets, particularly in town centres and residential areas.
- Encouraging the use of more sustainable modes of transport.
- Improving Air Quality.

2.3 Controlled parking zones aim to provide safe parking arrangements, whilst giving residents and businesses priority access to available kerbside parking space. It is a way of controlling the parking whilst improving and maintaining access and safety for all road users.

2.4 A CPZ comprises of yellow line waiting restrictions and various types of parking bays operational during the controlled times. These types of bays include the following:

- Resident Permit holder bays: - For use by resident permit holders and those with visitor permits.
- Pay by Phone (PbP) shared use/permit holder bays: - For use by Pay by Phone (PbP) customers and resident and business permit holders.
- Shared use/permit holder bays: - For use by resident and business permit holders.
- Different combinations of parking bays can also be created e.g. Resident and Pay & display customers only or Pay by Phone (PbP) only bays.
- Other bays are also provided where necessary such as Disabled, Doctors, Police, Motorcycle, Loading, electric vehicle bays and car club bays.

2.5 A CPZ includes double yellow lines (no waiting 'At Any Time') restrictions at key locations such as at junctions, bends, cul-de-sacs and along certain lengths of roads where parking impedes the flow of traffic or would create an unacceptable safety risk e.g. obstructive sightlines or unsafe areas where pedestrians cross.

2.6 Within any proposed CPZ or review, the Council aims to reach a balance between the needs of the residents, businesses, visitors and all other users of the highway. It is normal practice to introduce appropriate CPZ measures if and when there is a sufficient majority of support and / or there is an overriding need to satisfy some of the key objectives associated with parking management.

2.7 Informal Consultation

The informal consultation for the proposals to introduce parking controls in the Brixton Hill area commenced on 22 September 2016 and ended on 20 October 2016. 7660 premises were consulted with documents containing a newsletter explaining the proposals, describing the reasons for the

consultation, how a CPZ works and how to participate in the consultation. A Frequently Asked Questions (FAQ's) document was also provided to answer common CPZ related questions and Lambeth's Permit Pricing Structure information showing the cost of the various parking permits at the time of the consultation.

- 2.8 A webpage was also created which contained all the relevant information with detailed plans of the Council's proposals. On these webpages were links to a survey where properties could complete and submit their views including comments. This was the primary method of participation in the consultation.
- 2.9 For those properties who were unable to access the information on the website, or complete the online survey, a telephone request line was created where respondents could request maps and hardcopy questionnaires. The details of this telephone request line was in the Newsletter sent out to all properties.
- 2.10 A3 posters were erected on lamp columns in and around the Housing Estates to raise awareness of the consultation. The poster contained a short link to the council website for detailed information and the telephone request line number.
- 2.11 A public exhibition was also held on 1st October 2016 at the Richard Atkins Primary School from 10am to 4pm allowing residents and businesses to discuss the proposed measures with officers.
- 2.12 A large proportion of the roads in the area have been identified as being in a situation where parking demand exceeds capacity, which can often lead to unsafe parking practices. A full study, available on the Council webpage www.lambeth.gov.uk/bhczp, was undertaken by JMP Consultants on behalf of Lambeth Council to assess parking conditions in the area.
- 2.13 Statutory Consultation
A statutory consultation was carried out between 22 March and 19 April 2017, which included the erection of Notices on lamp columns in the area; the publication of Council's intentions in the Local paper and the London Gazette. A copy of the proposed TMO, complete breakdown of the results, detailed plans of the proposals and the Council's Statement of Reasons were available for inspection at Brixton Library. The documents were available on the council website and a newsletter was distributed to all (7660) properties in the consultation area. The newsletter detailed the results of the informal consultation, the decision taken to proceed and the undertaking of the statutory consultation process on the proposed parking controls. An email address was provided for residents and businesses to make their representation for or against the scheme.
- 2.14 Due to postal issues newsletters were delivered a week later than expected, therefore the consultation was extended by one week. This was explained on the council website.
- 2.15 Proposed Zone 'D' Statutory Consultation Results
The statutory consultation resulted in a total of 107 representations, 91 of which are in support of the proposals, 4 comments and 12 against the proposals.
- 2.16 Representation were also received from Sustrans and Sulina Road, Morrish Road and Wallis's Cottages Residents and Tenants Association (SMWRTA).
- 2.17 The main objections received from residents in the area include:
- 19 respondents prefer shorter hours in general
 - Three respondents considered the informal consultation response rate too low to justify progressing with the proposals

- Two respondents consider the permit prices are too high

All representations pertaining to Zone D with officers comments are detailed in Appendix C.

2.18 Tilson Gardens

During the Informal Consultation we received 10 responses from the 353 households consulted (2.8%) in Tilson Gardens, 6 of which were opposed to parking controls and 1 in support. Tilson Gardens were included in the Statutory Consultation to give them a further opportunity to consider the displacement from the surrounding roads who favoured parking controls.

During the Statutory Consultation we received two representations opposed to controls.

Considering residents' continued opposition to parking controls we could exclude Tilson Gardens from the proposed CPZ. The road would be adversely affected by displacement from commuters and nearby residents avoiding charges in the new CPZ. However, Tilson Gardens is geographically positioned on the edge of the CPZ and they have alternative parking options available on their respective estates or the uncontrolled roads south of the South Circular.

Due to the availability of alternative parking to residents on Tilson Gardens it is considered acceptable to exclude Tilson Gardens from the proposed CPZ.

In the event that residents request the Council to re-consult the area due to the inevitable parking displacement, it is unlikely that the Council would be able to revisit the area again in the short to medium term, as funding and resources will need to be identified and allocated. This potentially would leave residents with parking difficulties for some time.

2.19 Forster Road

No representations were received from the residents of Forster Road during the Statutory Consultation. However, following discussions with local Ward Councillors and taking account of the decision taken for Tilson Gardens to be excluded for the proposed CPZ, it is considered appropriate to also exclude Forster Road from the proposed CPZ due to Forster Road and Tilson Gardens forming part of the same Estate. Excluding only Tilson Gardens would be splitting up the Estate.

2.20 Alternative considered - Include Tilson Gardens and Forster Road

It was considered that in the absence of strong objections from residents that Tilson Gardens and Forster Road could be included within the proposed zone to protect them from the inevitable parking displacement.

2.21 Zone 'D' Design Amendments

Following the Statutory Consultation, officers have made amendments to the design from comments received from residents, businesses and Ward Councillors.

- Remove Tilson Gardens from the CPZ.
- Remove Forster Road from the CPZ.

2.22 Proposed Zone 'F' Statutory Consultation Results

The statutory consultation resulted in a total of 67 representations, 25 of which are in support of the proposals, 13 comments and 29 opposed the proposals.

2.23 The main objections received from residents in the area include:

- Six respondents considered there would not be enough parking space
- Four respondents consider the permit prices are too high

- Four respondents consider the response rate for the informal consultation was too low

2.24 A petition (PT17-BH 001) was received against the proposed turning circle at the cul-de-sac end of Archbishops Place. The petition had a total of 41 names from the residents of Archbishops Place. Responses to representations received from this petition are shown in Appendix D.

2.25 A petition (PT17-BH 002) was received requesting a change in the proposed operational hours of Zone 'F' from 12 noon - 2pm to 10am - 12 noon. The petition had a total of 10 names from the residents of Holmewood Gardens. The primary reason is that the operational hours of 10am – 12 noon suit them better in relation to lunch time visitors. Responses to representations received from this petition are shown in Appendix D.

All representations pertaining to Zone F with officers comments are detailed in Appendix D.

2.26 Maplestead Road

During the Informal Consultation we received 10 responses from the 36 households consulted (27.8%) in Maplestead Road, 7 of which were opposed to parking controls and 3 in support. Maplestead Road was included in the Statutory Consultation to give them a further opportunity to consider the displacement from the surrounding roads who favoured parking controls.

During the Statutory Consultation we received seven representations opposed to controls and one in favour.

We considered Maplestead Road residents' continued opposition to parking controls to be excluded from the proposed CPZ. However, should this road be excluded it would be adversely affected by displacement from commuters and nearby residents avoiding charges in the new CPZ. Due to this displacement, if residents are unable to find a parking space they either need to pay to park (which has a 1 hour maximum stay) in the surrounding noon to 2pm CPZ roads or effectively the closest free parking available to these residents will be south of the South Circular, which is approximately 0.5 kilometres away.

In the event that residents request the Council to re-consult the area due to the inevitable parking displacement, it is unlikely that the Council would be able to revisit the area again in the short to medium term as funding and resources will need to be identified and allocated. This potentially would leave residents with parking difficulties for some time.

Therefore, it is considered that it is in Maplestead Road resident's best interest that they are included within the proposed zone.

2.27 Archbishop's Place

During the Informal Consultation we received 15 responses from the 56 households consulted (26.8%) in Archbishop's Place, 10 of which were opposed to parking controls and three in support. Archbishops Place was included in the Statutory Consultation to give them a further opportunity to consider the displacement from the surrounding roads who favoured parking controls.

During the Statutory Consultation we received nine representations opposed to controls and three in favour.

We also received a petition with 41 signatories objecting to the proposed introduction of double yellow lines at the cul-de-sac end of the road.

The leading objection for Archbishop's Place residents is against the proposed introduction of double yellow lines at the cul-de-sac end of the road to provide a turning facility for vehicles and double yellow lines at its junctions to improve sightlines for all road users. The concern is that this would take away too much parking available to residents.

Prior to the Council assessing parking conditions on Archbishop's Place, residents were completing the unsafe manoeuvre of reversing up to 120 metres at their own discretion. Now that the Council has assessed conditions on Archbishop's Place, we have a duty of care and are obligated to address the unsafe reversing practices by introducing double yellow lines to provide a turning facility. We cannot design for road users to carry out unsafe manoeuvres. Additionally the double yellow lines proposed at its junctions are fall well below the Highway Code recommendation of 10 metres.

We appreciate the parking needs of residents; however, the Councils' requirements for safety override the need for parking. The introduction of a CPZ would effectively result a net loss of four perceived parking spaces on Archbishop's Place.

The Road Vehicles (Construction and Use) Regulations 1986 states that 'A person shall not drive, or cause or permit to be driven, a motor vehicle backwards on a road further than may be requisite for the safety or reasonable convenience of the occupants of the vehicle or other traffic, unless it is a road roller or is engaged in the construction, maintenance or repair of the road.'

You MUST NOT reverse your vehicle further than necessary. [Law CUR reg 106]

Now that we have assessed road safety on Archbishop's Place, the Council would be obligated to resolve the safety concerns even if this road was to be excluded from the CPZ.

The at any time waiting restrictions will be introduced with or without introduction of a CPZ, effectively leaving residents with the same number of parking spaces either way. However, if they are excluded from the CPZ, they would be subject to parking displacement, competing with commuters and nearby residents avoiding charges in the new CPZ.

It is therefore considered in residents' best interest for Archbishop's Place to be included in the CPZ.

2.28 Alternative considered - Exclude Archbishop's Place

We could exclude Archbishop's Place from the proposed CPZ taking account of residents' continued opposition to parking controls. However, should these roads be excluded they would be adversely affected by displacement from commuters and nearby residents avoiding charges in the new CPZ. Due to this displacement, if residents are unable to find a parking space they either need to pay to park (which has a 1 hour maximum stay) in the surrounding noon to 2pm CPZ roads or effectively the closest free parking available to these residents will be south of the south circular, which is approximately 1 kilometre away.

In the event that residents request the Council to re-consult the area due to the inevitable parking displacement, it is unlikely that the Council would be able to revisit the area again in the short – medium term as funding and resources will need to be identified and allocated. This potentially would leave residents with parking difficulties for some time.

This option was discarded because residents would be left to compete with displaced vehicles with less parking available due to the introduction of double yellow lines to address road safety concerns.

2.29 Holmewood Gardens – Move operational hours from noon - 2pm to 10am - noon

During the Statutory Consultation we received 12 representations and a petition with 10 signatories requesting for the hours of operation for Zone F to be shifted from noon - 2pm to 10am - noon.

Residents' view is that they would have more flexibility over lunchtime for their visitors if the zone operated from 10am to noon.

In the Informal Consultation we offered a two hour option and not a specific two hour slot to give us the ability to assess the outcome of the results and choose the appropriate two hour slot for each specific area. The noon - 2pm slot was chosen for this area because the existing adjacent zone operates at 10am to noon. It is difficult for Civil Enforcement Officers to get around a two hour zone, therefore we stagger the hours so enforcement can get around both (existing Zone Q and proposed Zone F) zones over a four hour period instead of having to enforce both zones over a single two hour period.

Any change to the hours of operation would require a further separate consultation which would delay the implementation of the zone by 6-12 months. As we have not received a significant amount of requests from the area to support a change in hours, it is considered acceptable to introduce the controls as proposed to operate from 12noon to 2pm to avoid delaying resolving residents parking difficulties.

Any request for changes can be investigated upon review of the zone.

2.30 Zone 'F' Design Amendments

No design amendments have been made for the Zone 'F'.

2.31 Proposed Zone 'L' Extension Statutory Consultation Results

The statutory consultation resulted in a total of one representation which is in support of the proposals.

All representations pertaining to Zone 'L' Extension with officer comments are detailed in Appendix E.

2.32 Zone 'L' Extension Design Amendments

No design amendments have been made for the Zone 'L' extension

2.33 Proposed Zone 'Q' Extension Statutory Consultation Results

The statutory consultation resulted in a total of one representation which against the proposals.

All representations pertaining to Zone 'Q' Extension with officer comments are detailed in Appendix F.

The main objection received relates to the cost of parking permits.

2.34 Zone 'Q' Extension Design Amendments

No design amendments have been made for the Zone 'Q' Extension.

2.35 Proposed Zone 'H' Extension Statutory Consultation Results

The statutory consultation resulted in a total of 11 representations, nine of which are in support of the proposals, one providing comments and one against the proposals.

All representations pertaining to Zone 'H' Extension with officer comments are detailed in Appendix G.

2.36 Zone 'H' Extension Design Amendments

No design amendments have been made for the Zone 'H' Extension.

2.37 Representation received by Metropolitan Police for entire consultation area

"I do have comments however this is not an objection only a concern. I recognise that Lambeth wish to make the borough safer and reduce traffic congestion along with improving the quality of life for residents however, with the introduction of a borough wide 20 MPH limit, parked vehicles are known to have a traffic calming impact and consequently contribute in speed reduction also, there is a strong desire in encouraging motorists to use public transport (buses and trains) however, often there will be a necessity to drive to a suitable collection point, with removing parking this may prevent some of these public transport journeys and not reduce driving to the extent desired."

2.38 Ward Councillor comments

All Ward Members were contacted prior to and after the consultation.

Brixton Hill Ward

Cllr Adrian Garden: "I support all the recommendations affecting Brixton Hill Ward, and will highlight only Maplestead Road, where 7 residents objected to the proposals. In my view all the residents would live to regret a decision to exclude it from the surrounding CPZ, as they would be an open target for any motorist seeking free parking. I therefore support the officers' proposal to include it".

Thornton Ward

Cllr Diana Morris: "Following discussions with officers and my fellows councillors I suggest we ought not to include Tilson Gardens and Forster in the CPZ. When we discussed the matter we thought that if Tilson Gardens were to be excluded we should also exclude Forster Road. One neat solution would be to run the boundary along the ward boundary in this area which I believe runs along the south of the houses in Kingswood Road."

Cllr Lib Peck: Similar comments to those articulated by Councillor Morris were received by Cllr Peck.

Tulse Hill Ward

Cllr Mary Atkins: "The changes proposed will improve some dangerous areas within Tulse Hill where lack of parking controls are a hazard. (Upper Tulse Hill, High Trees) Concerned that estates without controls will experience more "commuter parking". Residents recognise this and have been consulted. Archbishop's Place will experience loss of parking, but to be excluded from the CPZ will create additional problems. I therefore support the officers proposals"

2.39 Permit Criteria

There a number of different parking permits available depending on personal circumstances. E.g. Vehicle type; resident; business or blue badge holder. See Appendix J for Lambeth's permit pricing structure.

2.40 Pay by Phone/Paypoint Tariff:

It is recommended that the charge for parking within the pay by phone shared use/permit holder bays reflect the standard charges applied to these types of bays in the borough, at the time of consultation. The cost will be £3 per hour, with a maximum stay of four hours for Zone D and one hour for the zone extensions and Zone F (price subject to change).

2.41 Cashless Parking Pilot Scheme

Lambeth Parking Services are undertaking a pilot scheme to decommission, disconnect and completely remove parking Pay-and-Display (P&D) ticket machines throughout the borough over a two year period. It will ultimately support long term cost savings by reducing contract and maintenance costs, as well as staff hours required to process aspects of this function, i.e. general maintenance, refunds, reconciliation, contract management.

As part of the pilot study, it is also proposed to introduce these new CPZ's without any P&D ticket Machines, as per the report recommendation.

2.42 The alternatives to P&D Ticket Machines:

Pay by Phone (PbP), the council's cashless parking solution which allows citizens to park by completing a transaction over the phone, via a mobile application or online using the web, currently accounts for 70% (around 65,000) of all short term parking transactions carried out in the borough.

2.43 PayPoint is a card / cash based payment system being considered as an additional alternative to P&D ticket machines as it is accessible and widely available throughout the borough at participating shops.

2.44 Benefits of using the Pay by Phone (PbP) solutions

The proposed use of Pay by Phone directly demonstrates Lambeth's ambitions to deliver our residents priorities by being a greener, cleaner and safer borough through:

- Reduction of Carbon Dioxide (CO₂), Nitrogen Dioxide (NO₂) and Particulate Matter emissions as large vans are used to collect cash from machines, as well as transport spare parts and engineers to machines and locations where maintenance and repairs are needed. There are currently also three Lambeth employed technicians who drive around the borough on a daily basis to clean and repair machines.
- De-cluttering of streetscapes by removing unsightly machines and any graffiti or vandalism that is generally associated with these machines.
- Removing opportunities for criminal activity as there are organised crime groups who commit theft from machines across many London boroughs, including Lambeth who use special equipment/machinery to break into the machines. There is also a substantial level of casual theft from machines that is committed by persons acting on their own – generally through tampering with the coin slots.
- Clearing away potential health and safety risks as some older machines have weathered and may have rusty pedestals or exposed wires due to being subjected to the elements for many years – some machines are around 15 years old.
- There is no impact on PbP service delivery should there be a decision to change the format of any currency, i.e. any coins that are currently in circulation. As transactions are electronic, there is no requirement to reconfigure the service.
- Ability for drivers to extend parking stay without returning to the vehicle, potentially reducing the risk of a PCN.
- No issues with overpayment due to not having the correct change.
- Pay-by-phone is a scheme that operates nationally and users only need to register once.

3. Finance

3.1 The cost of implementing the Controlled Parking Zones including the making of TMO's and officers' staff costs is forecast to be £140,000. This is funded from a budget of £300,000 that has been allocated from Parking Reserves.

3.2 The first-year annual revenue costs and income arising from the new CPZ are forecast to be:

	INCOME	EXPENDITURE
Permissions Officers (0.5 FTE)		£3,925
Permit Sales	£73,500	
Enforcement (PCN Revenue)	£37,000	
Paid for Parking Sales	£74,500	
TOTAL	£185,000	£3,925

3.3 The forecast income and expenditure detailed in para 3.2 were incorporated into the 2017/18 Budget and no adjustments will be required to either if the CPZ becomes operational in September. If the CPZ is not introduced or is introduced later then there will a proportional reduction in the net income for the Council.

4. Legal and Democracy

4.1 Sections 6, 45, 46, 47, 49, 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (RTRA) provides the Council with the power to implement the changes proposed in this report. This legislation gives a local authority the power to make Traffic Management Orders (TMO) to control parking by designating on-street parking places, charging for their use and imposing waiting and loading restrictions on vehicles of all or certain classes at all times or otherwise.

4.2 In making such Orders, the Council must follow the procedures set out at Schedule 9, Part III of the Road Traffic Regulation Act 1984 and detailed in the Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996 (the 1996 Regulations). The said Regulations, prescribe inter alia, specific publication, consultation and notification requirements that must be strictly observed. It is incumbent on the Council to take account of any representations made during the consultation stage and any material objections received to the making of the Order, must be reported back to the decision maker before the Order is made.

4.3 By virtue of section 122 of the RTRA, the Council must exercise its powers under that Act so as 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. These powers must be exercised so far as practicable having regard to the following matters:-

- the desirability of securing and maintaining reasonable access to premises.
- the effect on the amenities of any locality affected including the regulation and restriction of heavy commercial traffic so as to preserve or improve amenity.
- the national air quality strategy.
- the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles.
- any other matters appearing to the Council to be relevant.

4.4 A recent High Court judgment confirms that the Council must have proper regard to the matters set out at s 122(1) and (2) and specifically document its analysis of all relevant section 122 considerations when reaching any decision.

4.5 Once the abovementioned Order(s) is/(are) in place, the council is required to make the necessary amendments to the road markings and signage as soon as practicable to adequately provide information as to the Order that is in place in that area. The requisite sign or signs for these purposes is specified in the Traffic Signs Regulations and General Directions 2016 (TSRGD).

4.6 The history and outcome of non-statutory stakeholder consultation undertaken to date is detailed at paragraphs 2.7 and 5 of this report. The following principles of consultation were set out in a recent High Court case: First, a consultation had to be at a time when proposals were still at a formative stage. Second, the proposer had to give accurate and sufficient reasons for any proposal to permit of intelligent consideration and meaningful response. Third, adequate time had to be given for consideration and response, and finally, the product of consultation had to be considered with a receptive mind and conscientiously taken into account in finalising any statutory proposals. The process of consultation had to be effective and looked at as a whole it had to be fair. Fairness might require consultation not only upon the preferred option, but also upon discarded options. The proposals detailed in this report require the making of a TMO The statutory procedure to be followed in this connection is detailed above and includes a statutory consultation stage. The Council is obliged

to take account of any representations made at that stage and any material objections received will need to be reported back to the decision maker before an Order is made. All representations received must be properly considered in the light of administrative law principles, Human Rights law and the relevant statutory principles. The 1996 Regulations provides for the holding of a public inquiry in connection with a decision to approve, modify or abandon a TMO. The purpose of such an inquiry would be for the proposal to be examined and for the public to be given the opportunity to make their views known in a public forum. The Council is only obliged to hold a public inquiry if the proposal relates to the prohibition of loading and unloading of vehicles of any class in a road on any day of the week (i) at all times, (ii) before 0700, (iii) between 1000 and 1600 hours, or (iv) after 1900 hours and an objection has been made to the proposed order; or the order relates to the prohibition or restriction of passage of public service vehicles. In all other cases, the decision maker may determine at his discretion whether or not to hold a public inquiry before making an order.

- 4.7 Section 149 of the Equality Act 2010 sets out the new public sector equality duty replacing the previous duties in relation to race, sex and disability and extending the duty to all the protected characteristics i.e. race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment. The public sector equality duty requires public authorities to have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation
 - Advance equality of opportunity and
 - Foster good relations between those who share a protected characteristic and those who do not.
- 4.8 Part of the duty to have “due regard” where there is disproportionate impact will be to take steps to mitigate the impact and the Council must demonstrate that this has been done, and/or justify the decision, on the basis that it is a proportionate means of achieving a legitimate aim. Accordingly, there is an expectation that a decision maker will explore other means which have less of a disproportionate impact.
- 4.9 The Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.
- 4.10 In addition to the above, Section 175A of the Highways Act 1980 extends a specific duty upon local authorities to have regard to the needs of disabled and blind in the execution of certain street works (namely the placing of lamp-posts, bollards, traffic signs, apparatus or other permanent obstructions) which may impede such persons.
- 4.11 The Council’s constitution delegates to Directors and Assistant Directors (Delivery) the authority to consider objections received from statutory consultation as part of the TMO making process, (subject to a formal report setting out the objections, with clear recommendations, being submitted for approval) and the power to make, amend or revoke traffic orders, following the consideration of such objections.
- 4.12 The Council’s Constitution requires that all key decisions, decisions which involve resources between the sums of £100,000 and £500,000, and important or sensitive issues, must be published on the website for five clear days before the decision is approved by the Director or Cabinet Member concerned. Any representations received during this period must be considered by the decision-maker before the decision is taken.

5. Consultation and co-production

5.1 An informal consultation ran from 22 September 2016 to 20 October 2016 and a statutory consultation ran from 22 March 2017 to 19 April 2017. Refer to sections 2.7 and 2.13 of this report for details on the informal and statutory consultations, along with relevant appendices.

6. Risk management

6.1 The risk of not introducing the proposed parking arrangements is that the existing parking difficulties would continue and it would do nothing to address obstructive parking and the high levels of commuter vehicles driving through and parking in these parts of the borough.

6.2 There are potential risks relating to the public consultation demonstrating limited appetite for new parking controls within the affected areas. As with all public consultations, the council will need to carefully consider the nature of any objections in order to determine the most appropriate way forward.

7. Equalities impact assessment

7.1 The Project Manager has screened the scheme's likely effect on people who have one or more of the protected characteristics (race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment). The screening looked at how the scheme might:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations between those who share a protected characteristic and those who do not.

7.2 Two of the protected characteristics, age and disability, have been identified as being disproportionately affected by the scheme. Part of the duty to have "due regard" where there is disproportionate impact will be to take steps to mitigate the impact and the Council must demonstrate that this has been done, and/or justify the decision, on the basis that it is a proportionate means of achieving a legitimate aim. Accordingly, there is an expectation that a decision maker will explore other means which have less of a disproportionate impact.

7.3 The proposals to not include ticket machines will result in a primary reliance on pay-by-phone, with an alternative option of using pay-point in certain local shops in the area. This could increase walking / travel distances for drivers who need to purchase a ticket that do not have access to Pay-by-Phone. The council has committed to review the approach taken to new ticket machines within one year of the scheme being implemented in order to further assess the equalities impact of the scheme.

7.4 Drivers who display a valid disabled badge will be permitted to park in all permit bays and shared bays in the new CPZ areas.

7.5 Bodies representing motorists, including commuters are included in the statutory consultation required for draft traffic management and similar orders.

7.6 The implementation of waiting restrictions affects all sections of the community especially the young and the elderly and assists in improving safety for all road users as well as achieving the transport planning policies of the government, the Mayor of London and the borough.

7.7 Maintaining clear access points and visibility will thereby improve the safety at junctions; bends and along narrow sections of a road, subsequently reducing potential accidents.

8. Community safety

- 8.1 All road space in a CPZ is managed by the introduction of parking controls. Parking is only permitted where safety, access and sight lines are not compromised. It is, therefore, normal practice to introduce double yellow lines at key locations such as at junctions, bends, turning heads and at specific locations along lengths of roads where parking would impede the passing of vehicles. It is also necessary to provide yellow line waiting restrictions (effective during the CPZ hours of operation or at any time) where the kerb is lowered, i.e. at crossovers for driveways. The key objective of managing parking is to reduce and control non-essential parking and assist the residents, short-term visitors and the local businesses.
- 8.2 Introducing CPZs also results in uniformed enforcement officers walking the streets in the area, thereby increase natural surveillance.

9. Organisational implications

9.1 Environmental

The introduction of new CPZs has a direct link to initiatives within the council's draft Air Quality Action Plan. There may be some minor measurable benefits over time associated with the proposals, particularly as the number of commuter vehicles travelling to these areas of the borough will reduce. A proportion of these drivers are likely to consider alternative forms of sustainable transport for their journey to and from work.

9.2 Staffing and accommodation

- 9.2.1 Implementation of the recommendations of this report require 3.0FTE (pro-rata until September 2017). One key post becomes vacant on 2 June 2017 and it is key to the success of this project that resources are secured to backfill this vacancy.
- 9.2.2 Operating a CPZ requires trained staff to perform the functions that are a pre-requisite of enforcement. The recommendations will extend the area covered by controlled parking and we aim to accommodate this extra area with our existing establishment. The table below set out the resourcing requirements, however the only extra resource required to ensure this scheme is a success it will be 0.5 temporary officers to administer the expected influx of Parking Permit Applications for a period of 3 months.

Service	FTE	Grade	Procurement
Permissions Officer	0.5	Sc5	Create new 3 month temporary post and recruit
CPZ Infrastructure Officer		SO2	Absorb service requirement within existing establishment, review after 12 months
Civil Enforcement Officer		n/a	Extend scope of existing parking services contract with APCOA – Intention is to use existing deployment plan and review after 3 months.

- 9.2.3 A staffing review will take place 6 months after implementation to assess the resource requirements for enforcement and back office processing.

9.3 Procurement

- 9.3.1 The implementation stage of the CPZ project will be undertaken by the council's term contractor FM Conway or Colas (CVU) via the London Highways Alliance Contract (LoHAC).

9.3.2 Enforcement of the CPZ will be carried out under an extension with the Council's existing Parking Services Contract with Apcoa.

10. Timetable

If a decision is made to proceed with the implementation of the proposed CPZ, Traffic Management Orders could be made within six weeks. This will include the erection of the Notices on lamp columns in the area, the publication of the made Orders in the Local paper and the London Gazette. The documents will also be available at the Brixton Library and on the council website. A newsletter will be distributed to all the premises within the consulted area informing them of the decision.

Description	Date
Implementation	July / August 2017
Zone Operational	September / October 2017

Name/Position	Lambeth directorate/department or partner	Date Sent	Date Received	Comments in para:
Sue Foster Strategic Director	Neighbourhoods and Growth	29.06.17	03.07.17	
Andrew Burton	Highways, Enforcement & Capital Programmes	18.05.17	19.05.17	Various
Dave Goldring	Finance	19.05.17	27.06.17	3, 9.2
Ian Speed	Finance	19.05.17	21.06.17	3
Jean-Marc Moocarme	Legal	18.05.17	25.05.17	Various
Maria Burton	Democratic Services	18.05.17	22.05.17	4
Councillor Jennifer Brathwaite	Cabinet Member for Environment & Transport	23.05.17	24.05.17	
Raj Mistry	Assistant Director, Neighbourhoods	18.05.17	03.07.17	
Johnathan Pook	Parking Services	19.06.17	12.06.17	3,9.2
Councillor Florence Eshalomi	Ward Councillor, Brixton Hill	18.05.17	-	
Councillor Adrian Garden	Ward Councillor, Brixton Hill	18.05.17	19.05.17	2.38
Councillor Martin Tiedemann	Ward Councillor, Brixton Hill	18.05.17	-	
Councillor Lib Peck	Ward Councillor, Thornton	18.05.17	25.05.17	2.38
Councillor Diana Morris	Ward Councillor, Thornton	18.05.17	25.05.17	2.38
Councillor Edward Davie	Ward Councillor, Thornton	18.05.17	-	
Councillor Mary Atkins	Ward Councillor, Tulse Hill	18.05.17	26.05.17	2.38
Councillor Marcia Cameron	Ward Councillor, Tulse Hill	18.05.17	-	
Councillor Adedamola Aminu	Ward Councillor, Tulse Hill	18.05.17	-	
Councillor Anna Birley	Ward Councillor, Thurlow Park	18.05.17	-	
Councillor Fred Cowell	Ward Councillor, Thurlow Park	18.05.17	-	
Councillor Max Deckers Dowber	Ward Councillor, Thurlow Park	18.05.17	-	


Report history

Original discussion with Cabinet Member	April 2016
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	No
Date first appeared on forward plan	N/A
Key decision reasons	N/A
Background information	Road Traffic Management Act 1984
Appendices	Appendix A: Final Implementation Drawings Appendix B: Original Proposal Drawings Appendix C: Representations and Officers' comments for Brixton Hill West Zone 'D'. Appendix D: Representations and Officers' comments for Brixton Hill East Zone 'F'.

	<p>Appendix E: Representations and Officers' comments for Brixton Hill 'Q' extension.</p> <p>Appendix F: Representations and Officers' comments for Tulse Hill Zone 'H' extension.</p> <p>Appendix G: Representations for Clapham Zone 'L' extension.</p> <p>Appendix H: Parking permit price pan.</p> <p>Appendix I: Overview plan and road names for permit entitlement.</p>
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APPROVAL BY OFFICER OR CABINET MEMBER IN ACCORDANCE WITH SCHEME OF DELEGATION

I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board and taken account of their advice and comments in completing the report for approval:

Signature:  **Date:** 4 July 2017

Post: Leonardo Morris
Senior Parking Engineer - Neighbourhoods

I approve the above recommendations:

Signature:  **Date:** 12 July 2017

Post: Sue Foster
Strategic Director, Neighbourhoods & Growth

Any declarations of interest (or exemptions granted):

Any conflicts of interest:

Any dispensations: