

REPORT TO:	CABINET 18 February 2021
SUBJECT:	CALL-IN – REFERRAL TO CABINET: EMISSION-BASED PARKING CHARGES
LEAD OFFICER:	Shifa Mustafa, Executive Director, Place
CABINET MEMBER:	Councillor Muhammad Ali, Cabinet Member for Sustainable Croydon
WARDS:	All
<p>CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:</p> <p>Croydon’s Parking Policy 2019-2022, including its objective for introducing emission-based parking charges, supports the following corporate strategies and policies:</p> <ul style="list-style-type: none"> • Air Quality Action Plan 2017-2022 • Croydon Local Plan • Health and Wellbeing Strategy • Local Implementation Plan (LIP3) • Croydon Cycling Strategy 2018-23 	
<p>FINANCIAL IMPACT:</p> <p>Implementing the decision that was subject to the Scrutiny Call-in commits the Council to £150k capital expenditure and (£200k) income in-year. The full-year income effect in 2021/22 is forecast to be (£832k).</p>	
<p>KEY DECISION REFERENCE: 0220PL</p> <p>The key decision was taken by Executive Director Place on 18 December 2020 and considered by the Scrutiny & Overview following a Call-In on 7 January 2021.</p>	
<p>The Leader of the Council has delegated to the Cabinet the power to make the decisions set out in the recommendations below</p> <p>1. RECOMMENDATIONS:</p> <p>The Cabinet is recommended to:</p> <p>1.1 Note the grounds for referral made by the Scrutiny & Overview Committee on the Emission-based Parking Charges key decision.</p> <p>1.2 Agree that:</p> <p>1) Parking charges across the Borough are increased in line with the recommendations made in</p> <p style="padding-left: 40px;">Key Decision No.: 5120ETR - Parking charges review January 2021</p> <p style="padding-left: 40px;">Key Decision No.: 0220PL - EMISSION-BASED PARKING CHARGES</p>	

- 2) That where current free parking bays exist across the Borough that these remain free for the current time and that to note that a report will be submitted to the Traffic Management Advisory Committee that will explore the options available to achieve the policy outcomes required within the Parking Policy.

2. EXECUTIVE SUMMARY

- 2.1 A meeting of the Scrutiny & Overview Committee was held on 7 January to consider a call-in of the Emission-Based Parking Charges key decision (0220PL). The decision taken by the Executive Director for Place was the subject of the call-in was:-

The Executive Director for Place having consulted the Cabinet Member
RESOLVED :

1. *Considered the responses received (Appendix 4) to the consultation on the proposed Traffic Management Order that would introduce emission-based P&D parking charges, which includes the introduction of maximum 2-hour emission-based P&D parking charges in the places where 1-hour free P&D parking currently exists.*
 2. *Agreed that there are no significant changes as a result of the consultation which would necessitate further consultation.*
 3. *Agreed to introduce the emission-based P&D parking charges detailed in the Public Notices that was consulted on and are shown in Appendix 1 and 2.*
 4. *Agreed for officers to inform the objectors of the above decision and reasons.*
- 2.2 Having reviewed the call-in and having had the opportunity to question both the Cabinet Member for Sustainable Croydon and officers on the decision, the Committee reached the conclusion that it would refer the decision to Cabinet for further consideration. The grounds for this referral are outlined in paragraph 3.6 below.

3. REPORT FROM THE SCRUTINY & OVERVIEW COMMITTEE CONSIDERATION OF EMISSION BASED PARKING CHARGES CALL-IN

- 3.1 During its consideration of the call-in on the emission-based parking charges decision, the Scrutiny & Overview Committee focussed on the three areas highlighted in the call-in as being of concern. These were to seek reassurance that the charges were not being introduced as a fiscal measure and to gain a greater understanding of the environmental and economic impact from the introduction of the new charges.

- 3.2 Having questioned the Cabinet Member and officers on these three areas, the Committee reached a number of conclusions. Firstly, in principle there was support for the introduction of the new Emission-Based Parking Charge Policy.
- 3.3 Regarding concern raised in the call-in that the policy was being introduced as a fiscal measure, the Committee found that work to develop the policy had begun in 2018 in response to the Mayor of London's Transport Strategy. It had also been intended to introduce the scheme earlier in 2020-21, but work had been delayed due to the covid-19 pandemic. As such it was concluded that the parking charges had not been increased as a result of the Council's financial position.
- 3.4 Although the policy was supported, some members of the Committee remained sceptical about the existence of evidence to demonstrate that the introduction of the new charges would make a demonstrable improvement to air quality in the borough and felt that this should be monitored to ensure that the policy was achieving its intended outcomes. It was also suggested that other biodiverse schemes could be explored to offset against pollution from vehicles.
- 3.5 On the potential economic impact from the introduction of the emission-based parking charges, the Committee was concerned that there was not enough data to indicate how the removal of free bays would impact upon local district centres, particularly those that relied on passing trade. As such the Committee agreed that it would refer the decision to Cabinet to explore in further detail the potential impact from the removal of free bays and to consider whether there was evidence to indicate that free parking should be retained in any district centres.

Referral from the Scrutiny & Overview Committee

- 3.6 The Committee agreed to refer the decision to the Cabinet for further consideration on the following grounds:-
1. That the decision to remove all free parking bay should be reconsidered to explore the opportunity for a more tailored approach which allowed for the retention of free parking in district centres where evidence indicated it would be beneficial to the local economy.
 2. That a data led review be conducted of the impact from the new emission-based parking charges be undertaken after an appropriate timeframe, with the outcome reported back to the members of the Scrutiny & Overview Committee.

4. RESPONSE FROM THE CABINET MEMBER FOR SUSTAINABLE CROYDON

- 4.1 The original aim of the decision was to ensure that all areas in the Borough are subject to consistent and appropriate car parking charges that encourage

the adoption of low emission vehicles and increase the desirability of sustainable modes of travel.

- 4.2 Where parking charges are currently levied then the applicable charges will be uplifted in line with the two key decisions affecting our published parking charges, the key decisions were:
Key Decision No.: 5120ETR - Parking charges review January 2021
Key Decision No.: 0220PL - EMISSION-BASED PARKING CHARGES
- 4.3 Regarding those areas where the Borough offers 30min and 1 hour free parking I am keen to balance the meeting of policy goals with needs of local businesses and affected groups.
- 4.4 It is anticipated that the report to TMAC will be presented in Spring/ Summer 2021.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1 Implementing the decision subject to this Scrutiny Call-in commits the Council to £150k capital expenditure and (£225k) income in-year, this being the combined total of the parking charge increase combined with the effect of the emissions based charges. The full-year income effect in 2021/22 is forecast to be (£2700k), on the same basis as the in-year figures.
- 5.2 The details of revenue and capital consequences are described in the report to Executive Director of Place on 12 November 2020¹ and are approved on behalf of the Director of Finance, Investment and Risk and S151 Officer.

6. LEGAL CONSIDERATIONS

- 6.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that Sections 6, 35C, 45, 46,, 46A, 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 and off-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.
- 6.2 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.

6.3 The High Court has confirmed 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.

6.4 Finally it should be noted that the Courts have been clear that the Road Traffic Regulation Act 1984 is not a fiscal measure and does not authorise a local authority to use its powers to charge local residents for parking in order to raise surplus revenue for other transport purposes.

6.5 When designating and charging for parking places the authority should be governed solely by the section 122 purpose. There is in section 45 no statutory purpose specifically identified for charging. Charging may be justified provided it is aimed at the fulfilment of the statutory purposes which are identified in section 122 (broadly referred to as “traffic management purposes”). Such purposes may include but are not limited to, the cost of provision of on-street and off-street parking, the cost of enforcement, the need to “restrain” competition for on-street parking, encouraging vehicles off-street, securing an appropriate balance between different classes of vehicles and users, and selecting charges which reflect periods of high demand. What the authority may not do is introduce charging and charging levels for the purpose, primary or secondary, of raising section 55(4) revenue.

Approved by, Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Law and Governance & Deputy Monitoring Officer.

7. HUMAN RESOURCES IMPACT

7.1 The recommendations in this report do not have any human resources implications. The implementation project calls for a temporary 6-week internal secondment, which will be met from existing budgets and can present a personal development opportunity for a member of staff. Any additional HR issues which arise other than in the planned budget and establishment will be managed under the Council’s policies and procedures.

Approved by: Jennifer Sankar, Head of HR Place & GSE on behalf of Sue Moorman, Director of HR

8. EQUALITIES IMPACT

- 8.1 The Equality Act 2010 introduced the Public Sector Equality Duty. This requires all public bodies, including local authorities, to have due regard to the need to:
- a) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - c) Foster good relations between people who share a protected characteristic and those who do not.
- 8.2 The Equalities Impact Assessment (EqIA) is attached in Appendix 4. The assessment has not identified unacceptable adverse effects on one or more protected groups that are not justified or could reasonably be further mitigated. The advantages of the proposal outweigh the disadvantages and do not lead to unlawful discrimination. This conclusion will be subject to ongoing monitoring of feedback received once the proposal is implemented.
- 8.3 The prior engagement and consultation results have found that no individual protected sub-group stands out as having responded negatively to the principles behind emission-based parking charges – in terms of impact on their protected characteristics. There has been some elevated concern about insufficiency in accessible parking bays for individuals with a disability, with an essential car use need, and that they may have to start paying for parking. These concerns are recognised and mitigated in the Parking Policy actions plan and are supported by the currently proposed revision of parking charges. The recommendation does not introduce parking charges for disabled Blue Badge or Companion Badge holders.
- 8.4 Influencing the overall number of cars parked on the roads in the borough, and in parking congested P&D zones in particular, can help improve access for all protected groups with essential car needs, hence improve their ability to travel and participate where participation is currently disproportionately low.
- 8.5 Active encouragement of lower emission vehicles and the underlying reduction in car use, benefits all individuals, families and neighbourhoods. Air pollution disproportionately impacts on the most vulnerable in the population, in particular the sick, young and elderly. Those at higher risk include those with existing respiratory problems and chronic illnesses such as asthma and chronic obstructive pulmonary disease.
- 8.6 There is currently no evident information to suggest that the emission-based parking charges will have a disproportionate impact on people with protected characteristics (as covered by the Equality Act).
- 8.7 It is considered that the reasons for introducing emission-based parking charges outweighs any reasons for not implementing them.

Approved by: Yvonne Okiyo, Equalities Manager

9. ENVIRONMENTAL IMPACT

- 9.1 The emission-based parking charges are designed to contribute to the Air Quality Actions Plan.

10. CRIME AND DISORDER REDUCTION IMPACT

- 10.1 There are no foreseeable impacts on this.

11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 11.1 Existing P&D bay parking charges and the existence of free parking bays are ineffective in influencing car emissions and car use. As a consequence, the Council sub-optimally meets its traffic management duties.
- 11.2 The report to be submitted to TMAC will seek to address this disparity.
- 11.3 The consultation has not identified any material reasons, or alternatives, for not introducing the emission-based parking charges as proposed. In summary, the duties to the National Air Quality Strategy and the Mayor's Transport Strategy are considered to outweigh the concerns associated with encouraging a switch to lower emission vehicles and reduced car use.

12. OPTIONS CONSIDERED AND REJECTED

- 12.1 The alternative option to do nothing would be a lost opportunity for making a contribution to the Air Quality Actions Plan. This would fall short of the obligations under nationally and regionally devolved responsibilities for improving the Borough's air quality and public health, including the Mayor's Transport Strategy objective to reduce car dependency. It would also be a lost opportunity to increase turnover in parking events in the district high streets and address access for mobility impaired groups.
- 12.2 The consultation has received representations for the introduction of a London ULEZ-type road charging scheme, instead of introducing the proposed emission-based parking charges. The Central London type congestion charging is very complex and expensive to operate. Such a solution would need to be joined up to a London-wide scheme. The London Mayor does not currently have any plan for extending the ULEZ to Croydon. The Mayor instead requires the outer boroughs to define and implement their own schemes, whether they call it ULEZ or something else and to use measures that are appropriate for local conditions. Considering that every car journey starts and ends with a parking space, the parking charges structure is considered to be an important means to influencing car ownership and use in Croydon.

CONTACT OFFICER:

Steve Iles, Director of Public Realm

BACKGROUND PAPERS

1. [Report To: Executive Director Of Place 9 September 2020 Subject: Emissions-Based Destination Parking Charges From 1 January 2021](#)
2. [Cabinet - Monday, 25th March, 2019 6.30 pm \(item 28/19\)](#)
3. [Parking Policy 2019 to 2022](#)
4. [Traffic Management Act 2004: network management in response to COVID-19](#)
5. [Traffic Management Advisory Committee - Wednesday, 14th October, 2020 6.30 pm](#)
6. [Report To: Executive Director Of Place, 12 November 2020, Subject: Outcome Of Consultation On Emissions-Based Destination Parking Charges From 1 January 2021](#)