

REPORT TO:	SCRUTINY & OVERVIEW COMMITTEE 2 September 2019
SUBJECT:	RESPONSE TO CALL-IN: OBJECTIONS TO EMISSION-BASED PARKING PERMIT CHARGES AND DIESEL SURCHARGES FOR PERMITS
LEAD OFFICER:	Shifa Mustafa, Executive Director, Place
CABINET MEMBER:	Councillor Stuart King, Acting Cabinet Member for Environment, Transport & Regeneration (Job Share)
WARDS:	All
CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON: <p>The emission-based parking charges contribute towards the aims of the Corporate Plan for a cleaner and more sustainable environment, and happy, healthy and independent lives.</p> <p>The driver for the emission-based charges is Croydon's Air Quality Action Plan 2017-22, which aims to reduce exposure to air pollution and raising awareness for those who live and work in Croydon, and the Parking Policy incorporating elements of the National Clean Air Strategy 2019, which aims to clean up the UK's air and reduce the damaging impact air pollution has on public health, including the harmful emissions from vehicles amongst other sources, and the Mayor's Transport Strategy 2018, which prioritises public health and aims to reduce car dependency.</p> <p>Furthermore on 08 July 2019, the Cabinet resolved to recommend that Council (on 15 July 2019) declare a 'Climate Emergency' and note the need for urgent action at an international, national and local level.</p>	
FINANCIAL IMPACT: <p>The required capital expenditure of £38k will be funded via a bid to Growth Board. The annual £110k revenue expenditure will be met from revenue generated from the emission-based permit sales. Revenue generated is expected to decline in future years as owners replace vehicles with lower emission models for lower permit charges.</p> <p>It is noted that the Road Traffic Regulation Act 1984 (RTRA) is not a fiscal measure and does not authorise the authority to use its powers to charge local residents for parking in order to raise surplus revenue for other transport purposes.</p>	
KEY DECISION REFERENCE: 0319PL	
RECOMMENDATIONS: <p>The Scrutiny and Overview Committee is recommended to:</p> <ul style="list-style-type: none"> 1.1 Note this report in response to the Scrutiny call-in, 1.2 Note the outcomes of the Equalities Analysis (Appendix A) which cover the Public Sector Equality Duty and additional information to support the Scrutiny call-in. 	

- 2.1** This report details the officer response to the grounds for call-in.
- 2.2** The proposed emission-based parking charges structure, as detailed in the reports to [TMAC on 24 July 2019](#) and to [ED Place for key decision on 15 August 2019](#), addresses over-arching national, regional and local drivers with an aim of reducing emissions in Croydon. The emission based permit parking charges is a means to help encourage a gradual switch to lesser polluting cars and also help influence the choices of those who are able to give up a car.
- 2.3** The emission-based charges will only apply in Controlled Parking Zones (CPZs) in the Borough and will be helping to make residential roads that are congested by parking more accessible and also to contribute to an improvement in public health for all residents in Croydon and particularly those most vulnerable to air pollution the majority of whom, as detailed in Section 4, are located in the areas which currently have CPZ's and will therefore benefit most from achievement of the objectives of the emissions based parking.

3 DETAILS

3.1 POLICY BACKGROUND

- 3.1.1** The introduction of emission-based parking charges addresses over-arching national, regional and local drivers with an aim of reducing emissions. The full list of these initiatives can be found in the [Cabinet report of 25 March 2019](#) for the introduction of a Parking Policy.
- The national Clean Air Strategy 2019, with aims to clean up the UK's air and reduce the damaging impact air pollution has on public health, including the harmful emissions from vehicles amongst other sources.
 - The national Road to Zero Strategy aims for 50-70% new car sales to be Ultra Low Emission Vehicles (ULEVs) by 2030.
 - The London Mayor's Transport Strategy 2018, which prioritises public health and aims to reduce car use throughout London. The strategy requires that London Local Authorities reduce the volume of traffic by 5% by 2021.
 - Croydon's Air Quality Action Plan 2017-22, which aims to reduce exposure to air pollution and raising awareness for those who live and work in Croydon.
 - A survey for the Air Quality Action Plan (AQAP) in July 2017 which found 76% of 356 respondents rated their views on air pollution as 'very important' and a further 14% rated their views as 'important'. 88% agreed that the AQAP healthy streets initiatives are important.
 - A survey that supported the Third Local Implementation Plan (LIP3) in September 2018 found that 74% of 994 respondents are concerned about air quality in Croydon and 72% agreed that traffic levels should be lowered.
 - The 2017 Annual Report of the Director of Public Health identifies that Croydon currently has the highest rate of hospital admissions for childhood (0-9 years) asthma and the third highest number of asthma deaths in London. An estimated 205 deaths a year in Croydon are attributable to air pollution (source: Greater

London Authority , Air Quality in Croydon a guide for public health professional, London, September 2013).

- The Council has a duty under the Road Traffic Regulations Act 1984 to exercise its power to secure the expeditious, convenient and safe movement of vehicles and other traffic (including pedestrians) and having regard to the amenity, the national air quality strategy and any other relevant traffic management matters.

The emission-based permit parking charges are intended to address these objectives, by helping to encourage a gradual switch to lesser polluting cars and also help influence the choices of those who are able to give up a car in the future.

- 3.1.2 Furthermore on 08 July 2019, the Cabinet resolved to recommend that Council (on 15 July 2019) declare a 'Climate Emergency' and note the need for urgent action at an international, national and local level.
- 3.1.3 As the borough continues to grow in population and density the policy on emission-based parking charges aims to improve the environment by delivering actions that will encourage and enable a lesser reliance on cars, a change to lower emitting vehicles and better management of the demand on the kerbside.
- 3.1.4 When demand for parking in a location now exceeds the available kerbside space, occupiers are faced with the choice of parking in neighbouring locations or giving up the car. Emission-based charges will help influence the choices of those who are able to give up the car. This includes owners of infrequently used cars, which most of the time obstruct access, and multiple car households, who take up more than a proportionate share of space. The emission-based charges would also encourage a switch to lesser polluting cars, which on average tend to be smaller in size and impact less on available space and public realm.
- 3.1.5 Every car journey starts and ends with a parking space. The parking charges structure is therefore an important means to influencing car ownership and use. Parking management therefore has a role to play in addressing the borough's air quality and public health challenges. Many elements of car ownership and usage costs are already being used to influence behaviours, including road tax, diesel fuel duty and differential congestion charges, but these are national or regional schemes.

There are currently insufficient borough level measures and tools in place to address areas of localised matters in air quality, to support active travel, to reduce external traffic and to accommodate planned and future Growth Zone and suburban intensification.

- 3.1.6 The Cabinet report of 25 March 2019 set out that it was considered that the discount offered, relative to the highest charge band 5, must be sufficient to create a real incentive for a car owner to switch to a lower emission car – i.e. if the charging differential is too low then it would not, in itself, encourage a switch to a lower emission car. By this concept, the lowest charge band 1 must therefore be perceived as exceptionally attractive, while the highest band 5 must be perceived as high.
- 3.1.7 Band 3, for all permit types, currently covers the largest proportion of parking permits. The resident permit in Band 3 increases from £80 to £104 (30%), to reflect the objectives for managing kerbside space and air quality. The current £80 charge was set in 2013. The ONS Retail Price Index has increased 15% since. The continual growth in car ownership has made space a premium within the parking congested CPZs, resulting in insensitivity to charges and worsening in parking congestion. The

£80 charge is therefore no longer effective in managing space demand. Residents with multiple cars or infrequently used cars need encouragement in choosing whether they can do without one or more cars, many of which are parked for longer periods of time taking up kerb space where parking congestion affects access and impacts on the public realm. If band 3 was kept at £80, then it would also not present a call or incentive for owners to switch to lower emissions.

3.1.8 The number of cars registered in Croydon grew from 132,572 in 2001 to 148,256 in 2016 (latest analysis). 10,000 of this growth occurred in the latter 3 years.

3.1.9 There were 10,636 active parking permits across the borough at the at the end of 2018, as follows:

- 9,048 resident permits.
- 285 business permits.
- 107 all-zone permits (on-street only).
- 36 all-zone permits (on and off-street).
- 24 doctor bay permits.
- 475 council permits (e.g. Social Services home visiting staff).
- 411 neighbourhood care permits (e.g. NHS care in the community staff).
- 80 statutory undertaker permits.
- 170 charity permits.
- 1,540 visitor permits (day permits issued over the 2018 calendar year).

3.1.10 The Blue Badge is a national scheme and the badge is assigned to a person, not a vehicle, and is not subject to public parking charges in Croydon. Emissions based charges will therefore not apply to Blue Badge holders.

3.1.11 Three parking permit types will not be subject to the emissions based parking permit charge banding:

1. 6-week temporary resident permit, which is issued while a resident is in process of moving house or changing car, and while the DVLA document for verifying the vehicle's CO2 emission is therefore not available.
2. Disabled companion badge, which in some circumstances is issued to support a disabled blue badge. This disabled companion badge is exempt from parking charges, although its issue has a small administration fee.
3. Croydon Neighbourhood Care Association (CNCA) permit. The CNCA is a registered umbrella charity working to meet the needs of isolated, vulnerable and frail people within the borough. This accounts for a small number of free issued permits (currently 6) permits, which are not vehicle specific. They are shared between about 300 charity volunteers supporting the disabled and elderly/frail in the community.

3.1.12 If introduced, the emission-based parking permit charges will be launched in two stages:

- 1) Residents' permits – from October 2019, when a permit is next up for renewal in the 12-month period that follows.
- 2) Business and other permits, and Diesel surcharging for permits – from April 2020.

3.2 ENGAGEMENT AND STATUTORY CONSULTATION

- 3.2.1 A survey for the Air Quality Action Plan (AQAP) in July 2017 found 76% of 356 respondents rated their views on air pollution as 'very important' and a further 14% rated their views as 'important'. 88% agreed that the AQAP healthy streets initiatives are important.
- 3.2.2 A survey on the future of transport for the draft third Local Implementation Plan (LIP3) in September 2018 found that 74% of 994 respondents are concerned about air quality in Croydon and 72% agreed that traffic levels should be lowered.

Parking Policy Engagement

- 3.2.3 An engagement survey on the draft Parking Policy, in April 2019, described the objectives and timeline for introducing emission-based parking charges amongst other objectives. In this prior engagement:
- When residents were asked open ended questions on the views and impacts from parking charges, and specifically highlighting emission-based charges:
 - 25% expressed concerns.
 - 16% expressed support.
 - 60% were neutral, neither concerned nor supporting.
 - 11% of respondents expressed a concern that the policy on emission-based charges would impact disproportionately on low income residents, who cannot afford to replace their car.
 - 3% were concerned about the diesel surcharge being unfair to owners, who in the past were encouraged to buy diesel.
 - 3% were concerned emission-based would have a negative impact on Croydon and the High Street economy, including pushing affluent shoppers in big cars out of town.
- 3.2.4 The feedback from the April 2019 engagement was incorporated into the subsequent proposal for emission-based parking permit charges, as is detailed in both the TMAC report on 24 July 2019 and the ED Place key decision report of 15 August 2019.

Emission Based Parking Permit Charges Statutory Consultation

- 3.2.5 A statutory consultation was conducted specifically for the introduction of emission based parking permit charges.
- 3.2.6 A Public Notice was given on 23 May 2019, with a 4-week consultation period until 20 June 2019 (see Appendix 2). This is 1 week longer than required by the statutory procedure. The Notice details the proposed emission-based parking charges and invites objections. The communication of the Notice have included:
- Publication in the London Gazette on 23 May 2019.
 - Publication in the Croydon Guardian on 23 May 2019.
 - Email notification on 23 May 2019 to 96 interest groups throughout the borough, including the 3 emergency services.
 - Email notification on 24 May to 13,738 current and past parking permit holders, who have provided their email address as a means of contact.
 - Letter notification on 23 May to 310 permit holders, for who an email address is not held.
 - 8 Tweets, spaced about 4 days apart.
 - 1 Facebook post.

- 1 Your Croydon article.
- 1 Our Croydon article.
- 1 Schools Bulletin article.

- 3.2.7 The statutory consultation is primarily concerned with inviting opposing comments and objections. It must be considered that although the scheme will impact on 10,636 parking permit holders, only 1,039 have expressed objections or concerns. The other roughly 90% of permit holders are by default mostly indifferent, unconcerned, in agreement or otherwise unperturbed by the scheme.
- 3.2.8 Of those respondents opposing the increase in parking charges, many have simultaneously acknowledged that air pollution and parking congestion should be addressed. Only a comparatively small number of respondents say that air pollution and parking congestion is not a problem and does not need addressing. This confirms findings from past engagements, in which a majority of Croydon residents recognise a need to address air pollution and the number of cars on the road.
- 3.2.9 As referenced in the ED Place key decision report on 15 August 2019, the comments and objections received and the matters detailed within that report, it was considered that the reasons for introducing emissions-based parking charges outweigh the reasons offered for not implementing them.
- 3.2.10 In conclusion, the consultation did not identified sufficient or material objections that would invalidate the objectives for introducing emission-based parking charges.
- 3.2.11 Subject to the key decision process, implementation is only possible with a minimum 8-week renewal notification to those permit holders affected as permit renewals become due.

4 RESPONSE TO REASONS FOR REFERRAL of the Emission based parking permit charges

- 4.1 The referral to Scrutiny is on the basis that the decision to implement the emission based parking permit charges is “contrary to the Council’s responsibility to comply with Section 149 of the Equalities (sic) Act. The decision disproportionality (sic) impacts on vulnerable residents and those least able to fund a newer car.” The outcome desired is that the permit charging structure be reconsidered.

The reasons for the Scrutiny call-in provides no information to back the claim that the emissions based parking permit charges will have a disproportionate impact on people with protected characteristics (as covered by the Equality Act).

- 4.2 Section 149 of the Equality Act 2010 sets out the Council’s public sector equality duty (PSED). It provides as follows:

- 4.2.1 A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 4.2.2 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 4.2.3 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 4.2.4 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- (a) tackle prejudice, and
 - (b) promote understanding.
- 4.2.5 Compliance with the duties in section 149 may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- 4.2.6 The relevant protected characteristics are:
- age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex;
 - sexual orientation.

- 4.3** The analysis of the engagement response to the then draft Parking Policy in April 2019 showed that 142 out of the total 183 respondents completed one or more of the equalities questions. Of these 135 responded to age questions, 136 to disability, 134 to gender and 130 to ethnicity.

Section 1, Collaborative Working - There was no standout concern nor support from any protected group regarding this section.

Section 2, Parking Management - Responses to this section of the policy reflected some elevated level of concern from the protected groups of Disability and Age. These relate to respondents saying there are not enough disabled bays; not enough is being done to curb illegal parking; and a concern that Electric Vehicle Charging Points (EVCPs) may infringe on pavement space. All of these concerns are recognised and will be addressed in the policy (see section 5 below).

Section 3, Controlled Parking Zones - There was no standout concern nor support from any protected group regarding this section.

Section 4, School Streets - Responses to this section of the policy reflect some elevated level of support from some protected groups. The greatest number in support of school streets was from the over 61 age group who were more likely to say it would be good for children and make parking easier for residents.

Section 5, Parking Charges – is of particular interest in relation to the current scrutiny call. Of the respondents to this section, the disabled group showed some elevated level of concern for parking charges however, members will note that blue badge holders are exempt from parking charges as detailed more fully below. For members' information, Emission-based parking permit charges were specifically described within both the then draft parking policy, the Cabinet report and the Get Involved survey site for the engagement.

Section 6, Innovation and Technology - There was no standout concern nor support from any protected group regarding this section.

The feedback received to the then draft Parking Policy were addressed by action points on the actions plan section of the Equalities Analysis and incorporated into the final policy implemented from 7th August 2019.

- 4.4** The analysis of the statutory consultation on the emission-based parking permit charges (which closed on 20th June 2019) found that 154 of 1,149 respondents (13%) were concerned that the emission-based charges could be unfair to those who cannot afford a newer car, which includes the poorest, elderly and vulnerable. Several respondents detailed example personal circumstances. The following considerations were made and reflected in the key decision report:

- 4.4.1** In the context of the referral in relation to the PSED compliance and that there is considered to be a disproportional impact on vulnerable residents and those least able to fund a newer car, the following protected characteristics are identified in the Equalities Assessment as most relevant in relation to the proposal:
- Disability.
 - Age.
 - Pregnancy and maternity.

Section 4.4.3 describes how each of the above groups may be impacted, and mitigations for such impacts are detailed over sections 4.4.4 – 4.4.8 below.

- 4.4.2** Other protected characteristics, as per Equality Act 2010 section 149(7), are considered to be less impacted by emission based permit parking charges, and these include gender reassignment, race, religion or belief, sex and sexual orientation. The responses to the consultation on emissions based parking permit charges did not raise any concerns from these groups.
- 4.4.3** It is considered that the Council's fulfilment of the PSED duty is promoted by these measures as detailed under the following categories :
1. Addressing poor air quality and disproportionate impact on the more vulnerable residents.
 2. Accessibility to the permit application process.
 3. Cost/charge for parking a car in a CPZ.

4. Unavailability of space to park a car in a CPZ.

Addressing poor air quality and its disproportionate impact on the more vulnerable residents

- 4.4.4 Air pollution is of increasingly higher importance as a public health issue. Air pollution contributes to illness and shortened life expectancy. It disproportionately impacts on the most vulnerable in the population, in particular the sick, young and elderly. Those at higher risk include those with respiratory problems and chronic illnesses such as asthma and chronic obstructive pulmonary disease. People who live or work near busy roads are at particularly high risk of exposure to the health harms of air pollution. Figure 1 shows how the majority of highly polluted areas are situated within CPZs.

There is a disproportionately high overlap between the CPZ areas and poor living environment, of which air quality is a significant factor (see Figure 2). The CPZs coincide disproportionately with the areas of elevated risk of premature death and the impairment of quality of life due to poor health.

Croydon currently has the highest rate of hospital admissions for childhood (0-9 years) asthma and the third highest number of asthma deaths in London. The population density of children aged under 4 is disproportionately higher within the CPZ areas, in particular in the North zones.

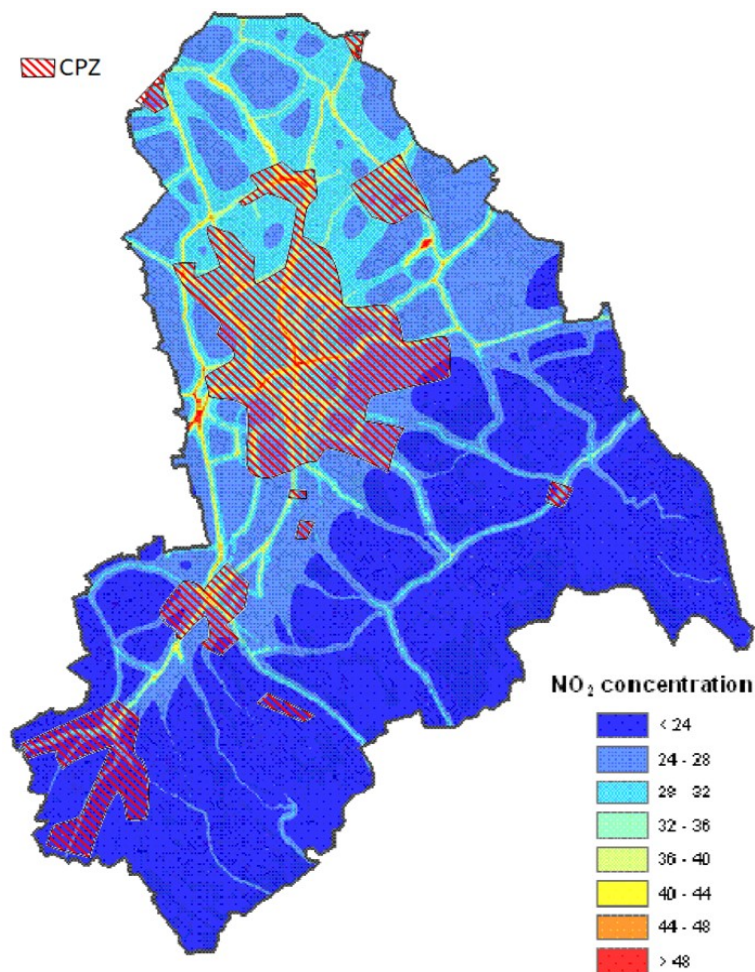


Figure 1 – CPZ areas overlapped with predicted areas of Croydon breaching annual average nitrogen dioxide air quality objective (40µg/m³) in 2015.
(source: Air Quality Action Plan, 2017)

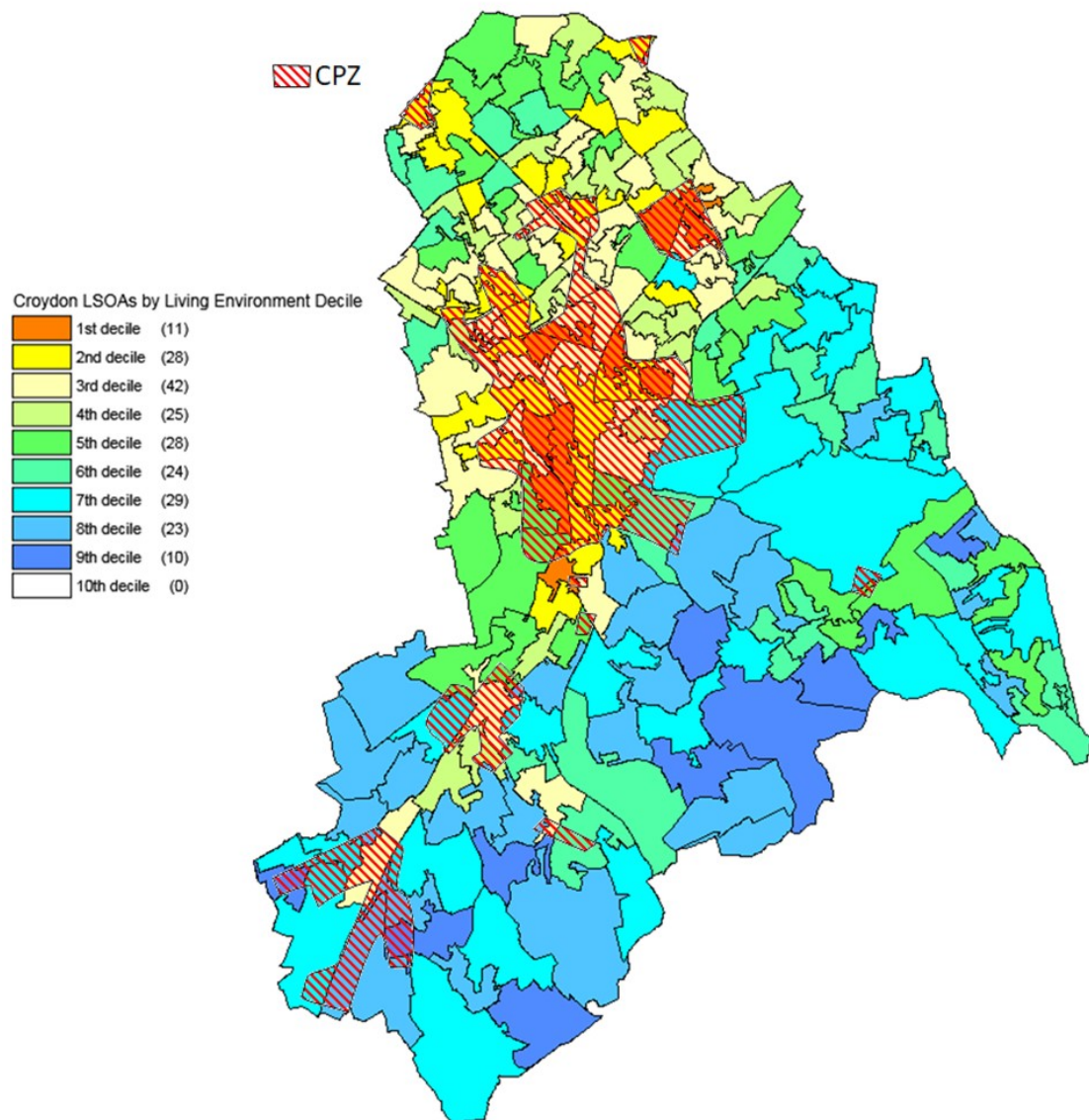


Figure 2 – CPZ areas overlapped with the living environment domain, looking at both the indoor living environment and the outdoor living environment, including air quality.
(source: www.croydonobservatory.org)

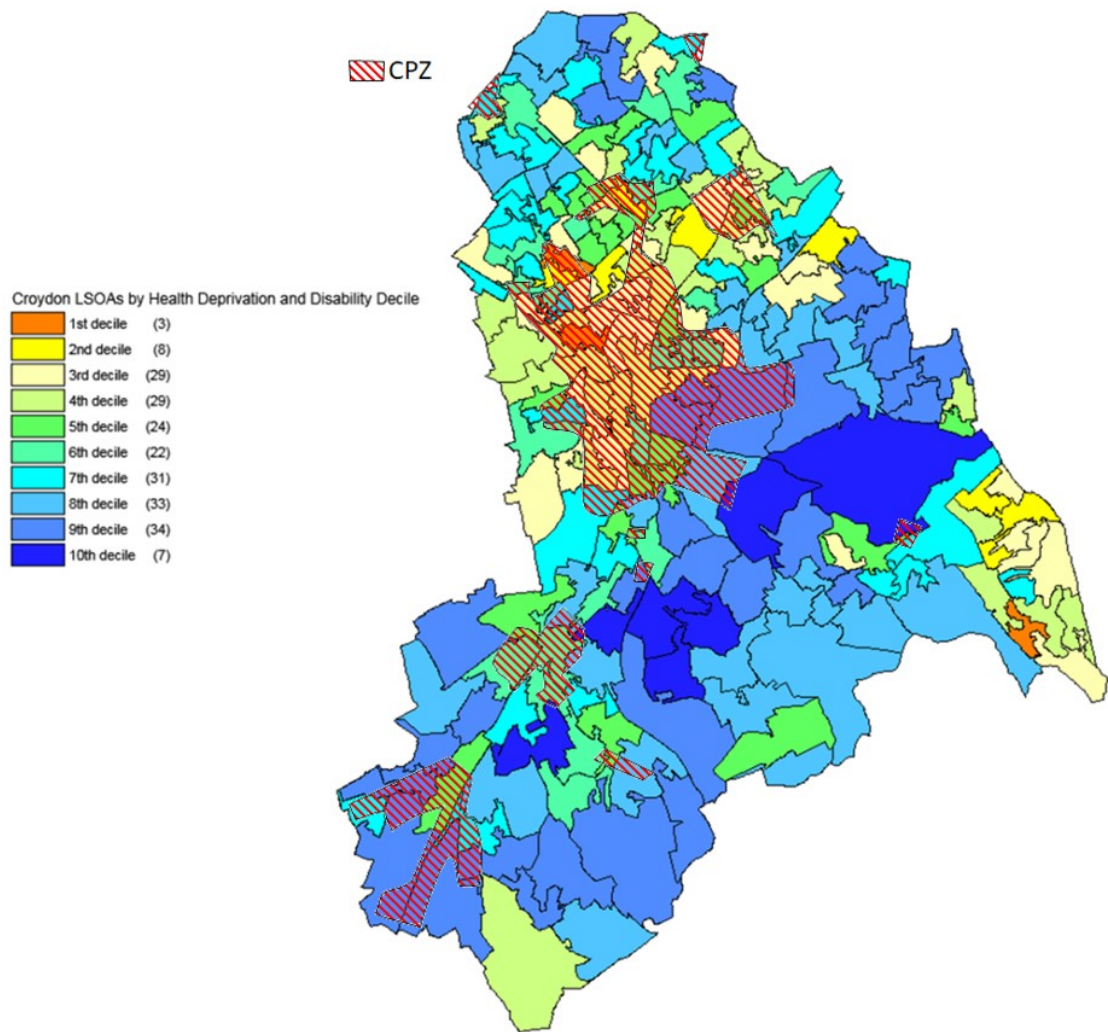


Figure 3 – CPZ areas overlapped with health deprivation and disability, based on the risk of premature death and the impairment of quality of life due to poor mental or physical health.

(source: www.croydonobservatory.org)

**% of population who are 0-4
2016 Mid Year Estimates**

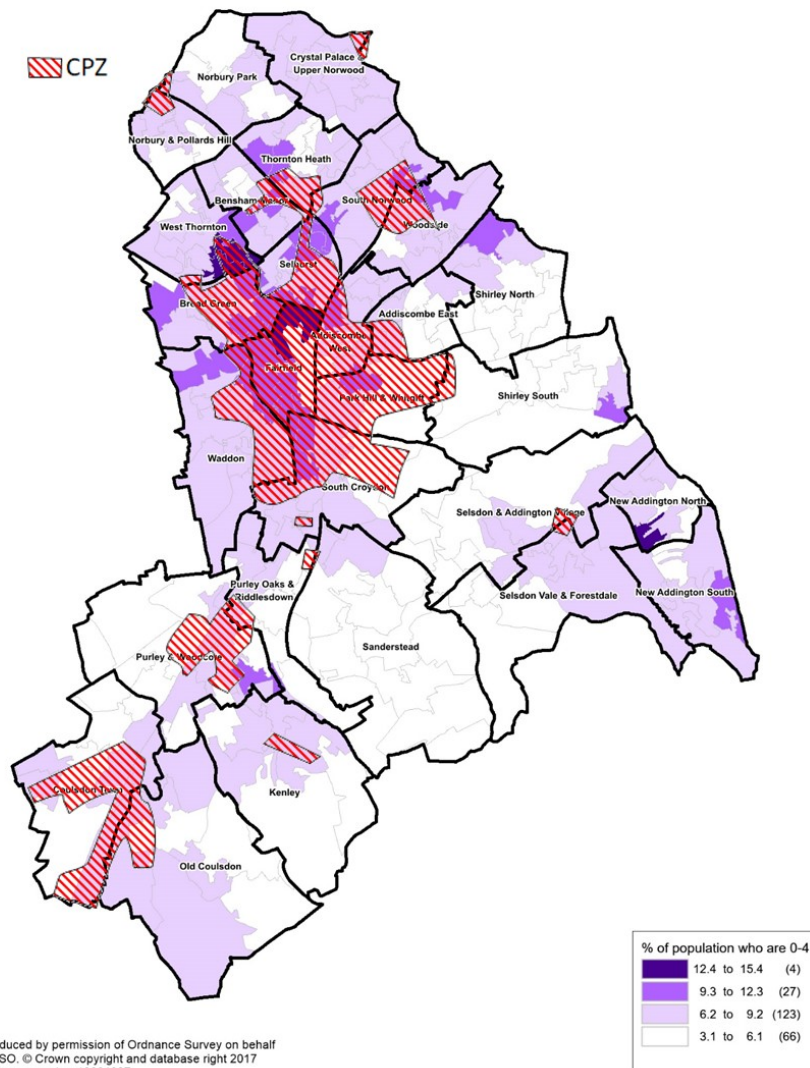


Figure 4 – CPZ areas overlapped with density 0 - 4 year olds.
(source: www.croydonobservatory.org)

An estimated 205 deaths in Croydon are linked to air pollution. By comparison, to put the public health issue into perspective, 493 deaths in 2008 were attributed to smoking. [source: Croydon Health And Wellbeing Board, Joint health and wellbeing strategy 2013-2018].

In Croydon an Air Quality Management Area (AQMA) has been declared for the whole of the borough, for failing to meet the EU annual average limit for air pollutants. The national Clean Air Strategy 2019 and the London Mayor's Strategy require actions to reduce NOx and particulate matter emissions mainly at a local level. These actions are required to start showing results by 2021. If parking charges were to be maintained at a lower level, then it is considered unlikely to influence a sufficient number of owners in their next car choices or indeed choices to have two or more vehicles and this in turn would impact negatively on the overarching objectives. Residents and local businesses for whom parking and road congestion have adverse economic and quality of life implications include people who cannot immediately afford to replace their older cars.

On 08 July 2019, Cabinet resolved to recommend that Council (on 15 July 2019) declare a 'Climate Emergency' and note the need for urgent action at an international, national and local level.

Active encouragement of lower emission vehicles and the underlying reduction in car use, benefits all individuals at risk of respiratory illnesses and exacerbation. This can help improve the ability of certain protected groups to travel and participate where participation is currently disproportionately low as stated in the Equality Act 2010 as a Public sector equality duty. It would enable persons from all protected groups to breathe cleaner and safer air.

Accessibility to the permit application process

- 4.4.5 The proposal does not alter the present process for obtaining a parking permit, which has evolved and is demonstrated to be accessible over at least a decade. The emission-charge calculation is automated upon entering the vehicle's registration number as is already required in the present system. Residents who are unable to make the application online have the option to telephone or use the walk-in Access Croydon service.

Cost/charge for parking a car in a CPZ

- 4.4.6 CPZs represent the roads with high demand for parking spaces and have been introduced to better manage the availability of kerb-space for residents and visitors. Charges are set as a means to help achieve this.
- 4.4.7 All 11,459 individual and 71 organisational blue badges holders in Croydon are exempt from the proposed parking charges. Disabled companion badges and CNCA permits, as detailed in section 3 above, are also free-of-charge. The permit charges for other charities are substantially discounted to levels that are below the resident permit charges.

In addition, some essential drivers have access to Personal Independence Payment (PIP), which is a benefit that helps with the extra costs of a long-term health condition or disability for people aged 16 to 64. The PIP, or DLA, motoring allowance is currently £61.20 per week (£68.35 for war pensioners), as help with extra costs that are faced as result of disabilities and is to cover the cost of a Motability lease agreement for an essential vehicle (or powered wheelchair/scooter). Therefore there is no need to necessarily fund a newer car.

With regards to persons with protected characteristics who are not eligible for a disabled blue badge or a motoring PIP, which includes the scenario of someone who must obtain and use a car as direct consequence of advanced age, pregnancy or maternity, the permit charge will remain a relatively modest element of the typical c.£2,000 to £4,000 total yearly cost of car ownership (www.motoringresearch.com/car-news/average-car-costs-a-month).

Table 1 – Effects of the proposal on the total cost of car ownership. The change is relative to the existing permit charge of £80:

Proposed emission band	Proposed permit charge	Change in permit charge	Effect on car ownership cost
Band 1	£6.50	-£73.50	-3.7% to -1.8%
Band 2	£65	-£15	-0.7% to -0.4%
Band 3	£104	+£24	0.6% to 1.2%
Band 4	£146	+£66	1.7% to 3.3%
Band 5	£300	+£220	5.5% to 11%

The forecast model based on assumptions of changing car ownership, shows an overall net increase of 13.5% in permit income is expected. This remains less than the 15% ONS Retail Price Index increase, and to note that permit charges in Croydon have not been changed in over 6 years since 2013. Compared to all other associated costs of owning a car, permit charges would be a minimal percentage of the overall cost. The proposed charges do not therefore significantly reduce the opportunities for persons who share protected characteristics and who are ineligible for a disabled blue badge.

With regards to maternity: Where a child has a special transport needs then they would typically be entitled to a blue badge, making the parent's car eligible for a companion badge, which exempts the parent's car from parking charges both at home and at destinations within Croydon.

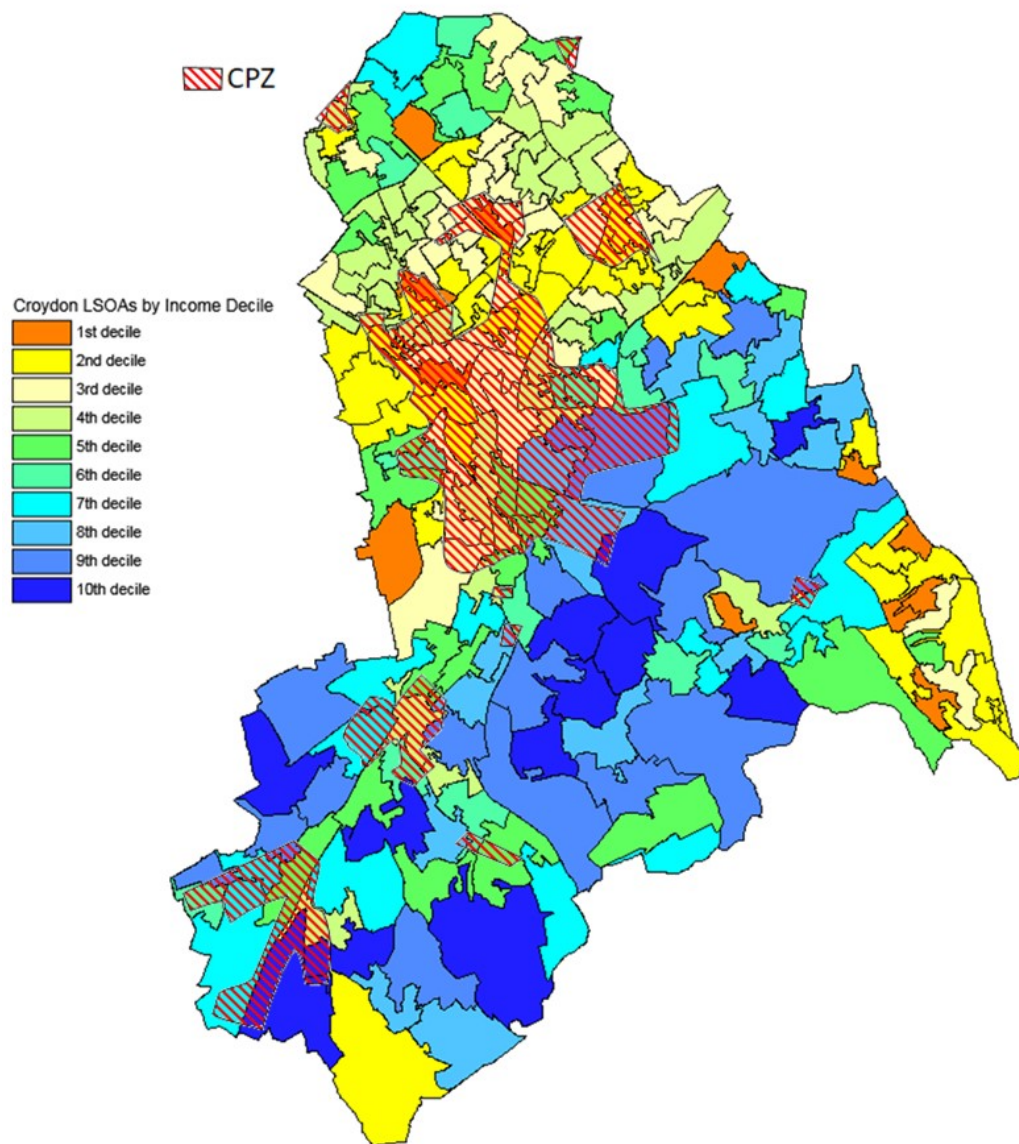


Figure 5 – CPZ areas overlapped with income domain, looking at the proportion of the population who are either out of work or who have low earnings. The orange areas are in the top 10% most deprived areas in the country and together make up 5% of the total areas in the borough. Majority of orange areas are outside the CPZ, with the noticeable exceptions of the North Zone CPZ in Broad Green and Thornton Heath.

(source: www.croydonobservatory.org)

Figure 5 shows that although some CPZ areas overlap with low income domains, this is not the case for all CPZ areas. An estimation based on Figure 5 is that about a third of low income domains are within CPZs.

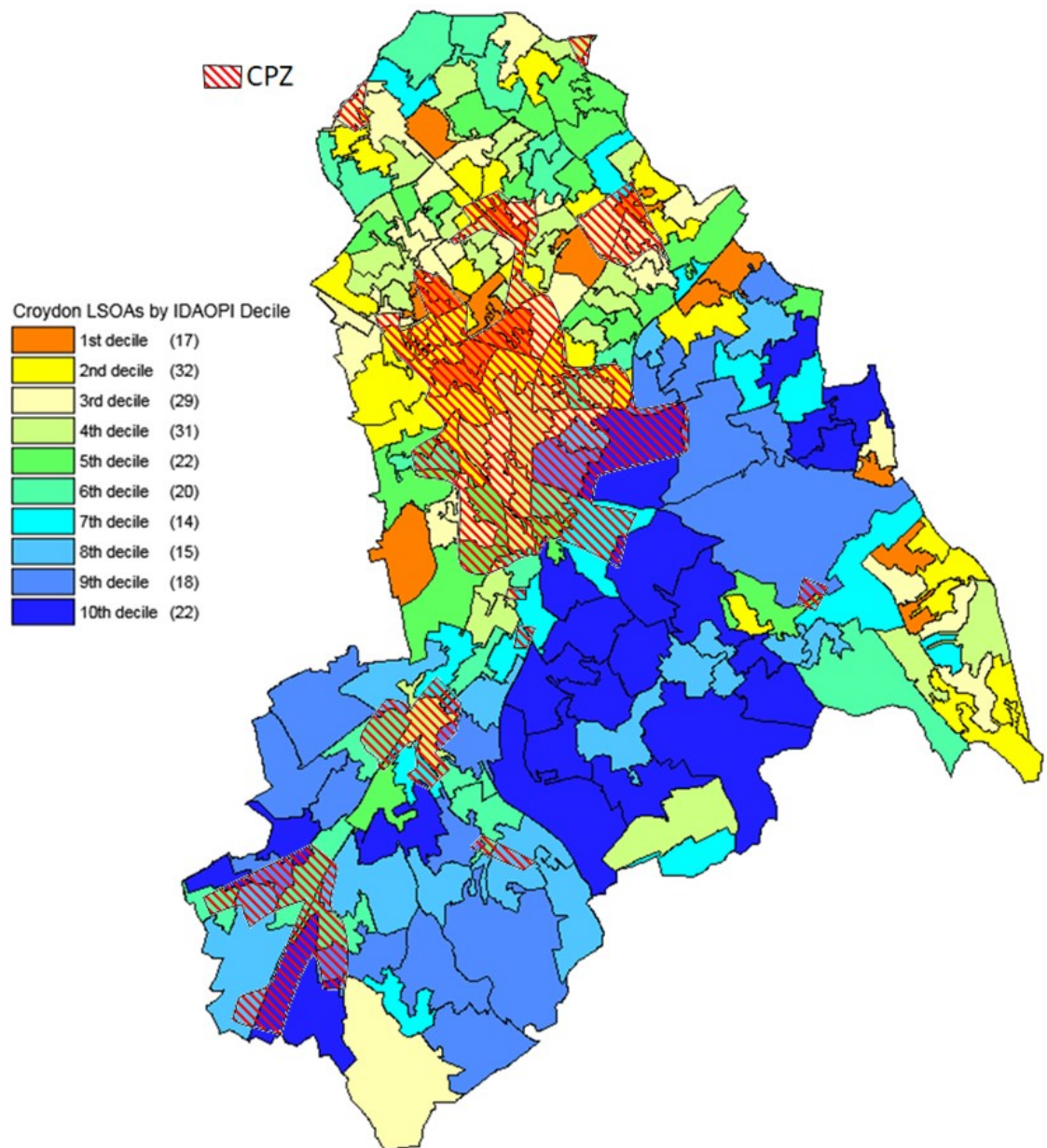
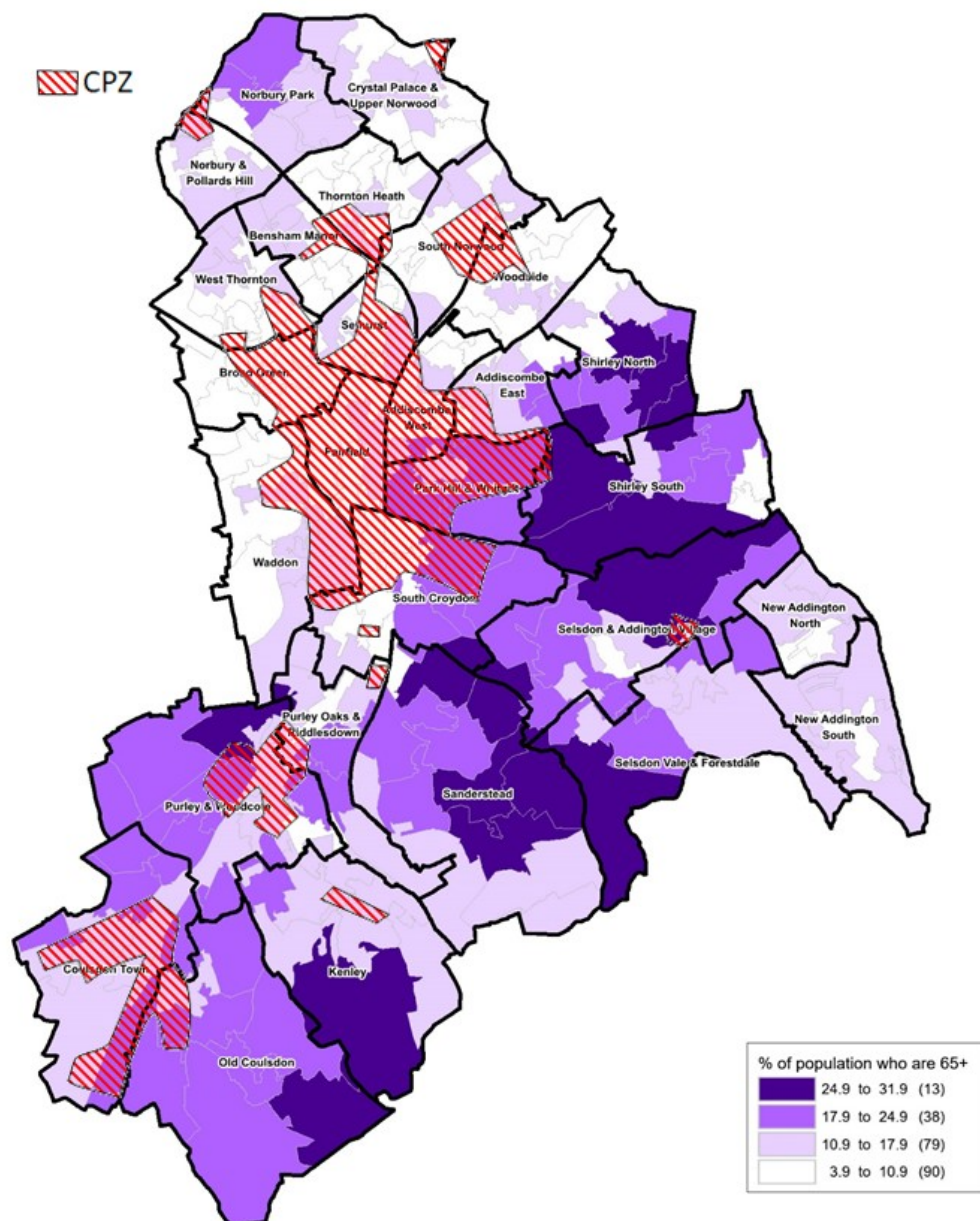


Figure 6 – CPZ areas overlapped with income deprivation amongst the over 60-year olds.

(source: www.croydonobservatory.org)

**% of population who are 65+
2016 Mid Year Estimates**



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Figure 7 – CPZ areas overlapped with density of over 65-year olds.
(source: www.croydonobservatory.org)

In Croydon 17% of older people are considered to be income deprived (source: www.croydonobservatory.org). Figure 6 indicates that older people living in CPZ areas are disproportionately deprived. Figure 7, however, indicates that the older population is significantly lower within CPZ areas.

In context of the 148,256 vehicles registered in Croydon, the higher £300 band on resident permits accounts for 371 vehicles (i.e. c.4% against all resident permits

issued) in the highest emission group and 413 that predate Mar 2001 (i.e. c.4.5% against all resident permits issued). These are issued to residents across the whole income spectrum. Proportionally, the higher charge will apply to a very small number of residents on low income.

Unavailability of space for parking a car in a CPZ

- 4.4.8 Since the permit charges were last reviewed in 2013 there has been a 7% growth in the number of vehicles registered in Croydon. This has meant that there is an increasing pressure for parking spaces and vehicle drivers have become desensitised to the charges applied, hence reducing the effectiveness of charges to manage demand. The permit charges set in 2013 are currently too low for achieving the parking demand management objectives. This is evident from the Parking Policy engagement where many who declared a disability stated it is too difficult to find a parking space near to home.

Influencing the overall number of cars parked on the roads in the borough, and in parking congested CPZ in particular, can help improve access for all protected groups with essential car needs, hence improve their ability to travel and participate and thereby advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share such characteristics thus supporting the Council's public Sector equality duty.

5 SUMMARY

- 5.1 The reasons for the Scrutiny call-in provide no information to back the claim that the emissions based parking permit charges will have a disproportionate impact on people with protected characteristics (as covered by the Equality Act).
- 5.2 Whilst those on lower incomes will not be in a position to replace their vehicles with new ones, being on a low income is not alone a protected characteristic.
- 5.3 In the context of car parking in permit zones and the proposed emission-based parking permit charges, the Equalities Assessment concludes that there are no adverse PSED impacts as a result of this decision. In summary one of the main purposes of the decision is to support the health and wellbeing of residents of the borough with a particular focus on those most susceptible to air pollution. The majority of CPZs are located in areas more affected by pollution, as detailed below, and therefore impact on areas to which the proposed emission based charges will apply. As such, it is considered that the proposed decision has a positive impact on the duty to seek to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act. In addition, as many of the areas most affected by pollution are those which correspond with areas of deprivation in the borough and the majority of CPZs are similarly located in those areas this decision will seek to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and afford a better air quality and level of health across more areas of the borough. The Equalities assessment also concludes that this decision will not have any adverse impact on the fostering of good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 5.4** It is not considered that the proposed charges significantly reduce the opportunities for persons who share protected characteristics and who are not eligible for a disabled blue badge. The proposal on balance helps to reduce inequality for those persons who share protected characteristics, in particular for those who are vulnerable to air pollution and who have difficulties accessing their homes and travelling to other destinations, which disproportionately are the young, the elderly and those who live in some of the poorest areas of the borough. The proposal in effect supports the Council in its duty under the Equality Act 2010.
- 5.5** The many respondents to the parking policy engagement (183) and the emission-based parking permit charges consultation (1,149) have not suggested any alternative solution, which could sufficiently address equality and air quality objectives, without the introduction of a permit charges differential.
- 5.6** Surplus from parking permit charges are ring-fenced and, for example, contribute significantly to sustaining public transport fare concessions such as the Freedom Pass scheme for the elderly. The parking permit charges therefore indirectly, and incidentally, support the portion of the elder population that do not have a car or who choose to use public transport.
- 5.7** The emission-based parking permit charges will effectively address inequality issues, by helping to encourage a gradual switch to lesser polluting cars and also help influence the choices of those who are able to give up a car.

6 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

Implementing the recommendations of this report will commit the Council to £38k Capital expenditure over the next two years for the purchase of equipment and approximately £110k revenue expenditure each year to fund three new employee posts to deliver the service. The capital expenditure will be funded via a bid to Growth Board, the revenue expenditure will be wholly funded from the revenue generated from the emission-based permit sales.

The details of revenue and capital consequences are described in the report to TMAC on 24 July 2019 and to ED Place for key decision on 15 August 2019, and are approved by, Kate Bingham, Head of Finance on behalf of the Director of Finance, Investment and Risk and S151 Officer.

7 LEGAL CONSIDERATIONS

- 6.1** The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that 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 proposed changes. Details of the legal considerations with respect to statutory traffic management procedure are described in the report to TMAC on 24 July and to ED Place for key decision on 15 August 2019, provided in the background documents.
- 6.2** Section 149 of the Equality Act 2010 sets out the Council's public sector equality duty (PSED). It provides as follows:
- 6.2.1** A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.2.2 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 6.2.3 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 6.2.4 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) tackle prejudice, and
 - (b) promote understanding.
- 6.2.5 Compliance with the duties in section 149 may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- 6.2.6 The relevant protected characteristics are—
- age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex;
 - sexual orientation.

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

- 8.1** Details of the human resources impact are described in the report to TMAC on 24 July and to ED Place for key decision on 15 August 2019, provided in the background documents, which were approved by approved by: Jennifer Sankar, Head of HR Place & GSE on behalf of Sue Moorman, Director of HR

9 EQUALITIES IMPACT

- 9.1** An Equality Analysis (EA) has been undertaken and was reviewed in response to the consultation. This EA is a living document, which is revised as projects develop and equalities information evolve over the policy period. An earlier revision of this document was created, reviewed and approved on 14 February 2019, in advance of a Cabinet decision on 25 March 2019 to consult on the then draft Parking Policy. A second revision of the document considers the result of the engagement that ended on 5 May 2019 and supports a decision to implement the parking policy. The current third revision incorporates details and refinements resulting from developing the emission-based parking permit charges decision report and to provide clarity in addressing the concerns raised in this scrutiny call-in.

9.2 Positive Impacts of the Change

As aim is to improve air quality and reduce exposure to air pollution and reduce the damaging impact that air pollution has on public health and public health challenges for all residents and visitors by implementing parking related measures.

Influencing the overall number of cars parked on the roads in the borough, and in parking congested CPZ 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.

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.

Surplus from parking charges are ring-fenced and, for example, contribute significantly to sustaining public transport fare concessions such as the Freedom Pass scheme for the elderly. The parking permit charges therefore indirectly supports the portion of the elder population that do not have a car or who choose to use public transport.

Public Health (NHS) data shows that Croydon currently have the highest rate of hospital admissions for childhood (0-9 years) asthma in London. 7.5% of premature deaths in Croydon are linked to air pollution. Failing to address NOx and particulate matter emissions in Croydon would deprive many local people of their fundamental right to safe air.

9.3 Negative Impacts of the Change and Mitigating Actions

- 9.3.1** Potential negative impact people with disabilities &/or long term health conditions. Policy Action plan for adoption of the Disabled Parking Accreditation or London Plan, whichever is the highest standard for the provision of disabled parking bays various locations.

The proposed scheme has concessions for Blue Badge holders and care charities. The Blue Badge, its companion badge and non-vehicle specific charity badges for volunteers who visit vulnerable residents are exempt from parking charges. The holders of 11,459 individual and 71 organisational blue badges issued in Croydon are exempt from the parking charges.

Specifically, some essential drivers have access to Personal Independence Payment (PIP), which is a benefit that helps with the extra costs of a long-term health condition or disability for people aged 16 to 64.

Policy Action plan for implementing School Streets, which will afford eligibility of carers and relatives to drive during the restricted hours, to visit the vulnerable.

9.3.2 Potential negative impact for older age group due to frailty.

Policy Action plan for implementing School Streets, which will afford eligibility of carers and relatives to drive during the restricted hours, to visit the vulnerable.

Where a child has a special transport needs then they would typically be entitled to a blue badge, making the parent's car eligible for a companion badge, which exempts the parent's car from parking charges both at home and at destinations within Croydon.

Surplus from parking charges are ring-fenced and, for example, contribute significantly to sustaining public transport fare concessions such as the Freedom Pass scheme for the elderly. The parking permit charges therefore indirectly supports the portion of the elder population that do not have a car or who choose to use public transport.

9.3.3 Potential negative impact on parents during pregnancy from the driving restrictions on School Streets.

Policy Action plan for implementing School Streets, which will afford schools the authority to issue eligibility to drive during the restricted hours when needed during pregnancy.

9.4 Decision of the EA

Our analysis demonstrates that the emission based parking permit charges model is sound. The evidence shows no potential for discrimination and we have taken all opportunities to advance equality and foster good relations, subject to continual monitoring and review.

Analysis of the engagement results has found that no individual protected sub-group stands out as having responded negatively to the parking charges section of the Parking Policy. There was some elevated concern about insufficiency in the parking bays accessible for the disabled; not enough is being done to curb illegal parking; and a concern that Electric Vehicle Charging Points (EVCPs) may infringe on pavement space. All of these concerns are recognised and mitigated in the policy actions plan (see Section 5). We will adopt either the Disabled Parking Accreditation or London Plan, whichever is the highest standard for the provision of disabled parking bays various locations. School Streets operational procedure is amended to

formalize eligibility for carers and relatives of the vulnerable, and for pregnant school parents.

Residents and local businesses for whom parking and road congestion have adverse economic and quality of life implications include people who cannot immediately afford to replace their older cars. We must also consider fairness to residents who are vulnerable to air pollution, which disproportionately are the young, the elderly and those who live in some of the poorest areas of the borough. They represent groups that tend to have lower car ownership.

The forecast model based on assumptions of changing car ownership, shows an overall net increase of 13.5% in permit income is expected. This remains less than the 15% ONS Retail Price Index increase, and to note that permit charges in Croydon have not been changed in over 6 years since 2013. Compared to all other associated costs of owning a car, permit charges would be a minimal percentage of the overall cost.

In context of the 148,256 (in 2016) vehicles registered in Croydon, the higher £300 band on resident permits accounts for 371 vehicles in the highest emission group and 413 that predate Mar 2001. This equates to 8.7% of all active resident parking permits (9,048) as at the end of 2018, which are issued to residents across the whole income spectrum. Proportionally, the higher charge will apply to a very small number of residents on low income. The proposed charges can therefore not be generalised as having a disproportionate effect on residents with low income.

Influencing the overall number of cars parked on the roads in the borough, and in parking congested CPZ 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.

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.

It is considered that the reasons for introducing emissions-based parking charges outweighs the reasons for not implementing them.

Approved by: Yvonne Okiyo, Equalities Officer

10 ENVIRONMENTAL IMPACT

- 10.1** The emission-based parking charges are designed to contribute to the Air Quality Actions Plan as detailed throughout the report.

11 CRIME AND DISORDER REDUCTION IMPACT

11.1 There are no foreseeable impacts on this.

12 REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

12.1 There are currently insufficient borough level measures and tools in place to address specific areas of localised matters in air quality, to support active travel, to reduce external traffic and to accommodate planned and future Growth Zone and suburban intensification. This impacts disproportionately on persons with protected characteristics.

12.2 In light of the comments and objections received during the consultation period and the matters detailed within this report and its associated Equality Assessment, it is considered that the reasons for introducing emissions-based parking charges outweighs the reasons for not implementing them.

13 OPTIONS CONSIDERED AND REJECTED

13.1 The alternative option of not implementing emission-based parking charges would result in the Council failing to meet its obligations under nationally and regionally devolved responsibilities to improve the borough's air quality and public health objectives. The proposal supports the Council in its duty under the Equality Act 2010.

13.2 An option could be to wait and see if national and regional drivers alone are enough to make a difference in improving air quality for Croydon but realistically this would take far longer to achieve any significant improvements and in light of an estimated 205 deaths a year in Croydon are attributable to air pollution, this is not a viable option.

CONTACT OFFICER:

- Steve Iles, Director of Public Realm;
- Anupa Patel, Head of Strategic Projects;
- Sarah Randall, Head of Parking Services.

Background Documents: None