


Cabinet	 TOWER HAMLETS
1 November 2016	
Report of: Will Tuckley, Chief Executive and Acting Corporate Director, Communities, Localities and Culture	Classification: Unrestricted
Fish Island Controlled Parking Zone (CPZ) Experimental Order	

Lead Member	Councillor Ayas Miah, Cabinet Member for Environment
Originating Officer(s)	Mirsad Bakalovic, Head of Parking, Mobility & Transport Services
Wards affected	Bow East
Key Decision?	Yes
Community Plan Theme	A Great Place to Live

Executive Summary

Parking, Mobility & Transport Services have introduced an experimental Order to introduce a Controlled Parking Zone (CPZ) in the area called Fish Island (mini zone B4), in January 2016. Approval is needed to make the Fish Island CPZ permanent and to undertake further consultation and possible extension of the operational hours of the CPZ.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Note the Council's published proposal to make an Order under sections 6 and 45 of the Road Traffic Regulation Act 1984 in relation to Fish Island Controlled Parking Zone (CPZ) experimental Order. The current Fish Island CPZ operational hours are currently Monday to Saturday 8.30am to 7.30pm.
2. Consider the objections received in response to the Notice set out and the responses to the consultation exercises set out in this report.
3. To review and consult on an additional requirement for controls being Monday to Friday 8:30am – 9pm, Saturday – Sunday 11am – 9pm. To ensure full protection from the new London Stadium.

1. REASONS FOR THE DECISIONS

- 1.1 Since the Olympics on street parking pressure has substantially increased in this area of the Borough, being the last part of the Borough which is not designated a controlled parking zone (CPZ). As the London Stadium is now the permanent home of West Ham Football Club since August 2016. Parking controls are now needed within this area to ensure availability of on street parking for local residents and business within the area, to maintain the free flow of traffic and to manage road safety.
- 1.2 The neighbouring London borough of Newham has introduced parking controls to better manage parking generated by the area within their borough, directly after 6 months of the Olympics. There is now an additional and significant risk of parking displacement into Fish Island area (as surveyed on 7/8/2016 first West Ham home game) if it remains free of parking controls. Also Hackney Council is to monitor parking issues on their CPZs especially when there are events at the Stadium.
- 1.3 Additional strategic benefits of introducing these controls include the promotion of more sustainable travel options by the travelling public such as Hackney Wick Station and subsequent benefits to air quality.

2. ALTERNATIVE OPTIONS

- 2.1 Make permanent the current parking scheme. The combined pressures of displacement into Fish Island from surrounding boroughs implementing car parking controls, growing density of residential development in the area, the impact of major events and stadium football in the Queen Elizabeth Park and park and ride behaviour from people living elsewhere are likely to place severe pressure on the availability of 'on street' parking resulting in dangerous parking practices, damage to local business, frustration for local residents, adverse impacts for carers and looked after people and increased traffic congestion.
- 2.2 Consult on additional operational hours CPZ (including Sundays and extended hours). This would remove the problems of displacement from neighbouring boroughs or the impact of London Stadium and development on that part of Fish Island that was not controlled. The proposed operational hours Monday to Friday 8:30am – 9pm Sat –Sun 11am – 9pm.
- 2.3 Special Event parking restrictions can be considered alike to that of Emirates Stadium, and recently introduced in LB Newham. However, the operational and maintenance cost of a Special Event Day parking scheme is much more costly than a standard CPZ scheme. This proposal can be considered as part of the operational review of the scheme.

3. DETAILS OF REPORT

- 3.1 This report proposes the introduction of the CPZ, known as Fish Island B4 Mini Zone, originally introduced as an experimental order in January 2016 post Olympic Games. The experimental Order can have changes made to it within 12 months period (recommended deadline 30/12/2016), after which the Council needs to decide whether to make changes, revoke the order or make it permanent.
- 3.2 The use of the Queen Elizabeth Park is evolving and planning permission has now been given for developments and uses that will place significant pressure on street parking in the area going forward. As well as supporting high density residential development it is now clear that the Queen Elizabeth Park and buildings within it will be regularly hosting high profile events, including international sporting events and concerts. As a result the area may be used for free parking by visitors to the Park or the events in the park as well as by residents of new residential development. Given the focus on high profile events and the potential for parking disruption and road safety issues in this area, the report proposes additional CPZ hours of operation from Monday to Friday 8:30am – 9pm, Sat –Sun 11am - 9pm which are supported by consultation feedback.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1. The report seeks approval to make permanent the current Fish Island Controlled Parking Zone experimental order, and consult on extending the operational hours. There is sufficient budget provision within the Parking Control Account to meet cost of undertaking further consultation.
- 4.2. The Road Traffic Regulation Act 1984 provides the legislation for undertaking parking enforcement, which sets out that in all cases the purposes behind setting parking charges are:
- a) To control and manage parking demand.
 - b) To ensure road safety in the borough.
 - c) To regulate traffic flow and reduce congestion.
 - d) To cover the cost of providing the service, as the Government strongly recommends that any shortfall in operations should not be funded through the General Fund.
- 4.3 The recommendations in this report are consistent with the above constraints.

5. LEGAL COMMENTS

- 5.1 The Council is a parking authority for the purpose of the Road Traffic Regulation Act 1984 ('the 1984 Act'). Under sections 45 and 46 of the 1984 Act, the Council may by order: (1) designate parking places on highways in Tower Hamlets for vehicles or vehicles of any class specified in the order; (2) make charges for vehicles left in a parking place so designated; (3) limit the use of designated parking places for specified persons or vehicles or classes of persons or vehicles authorised by permit; and (4) make charges in connection with the issue of such permits.
- 5.2 The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ('the 1996 Regulations') apply to any order made or proposed to be made pursuant to sections 45 and 46 of the 1984 Act by virtue of regulation 4 of the 1996 Regulations. Regulation 6 of the 1996 Regulations requires consultation as follows:

Case	Consultee
Where the order relates to, or appears to the Council to be likely to affect traffic on a road which is included in the route of a London bus service	The operator of the service and TfL
Where it appears to the Council that the order is likely to affect the passage on any road of ambulances and/ or fire fighting vehicles	The chief officer of the appropriate NHS trust and/ or the fire and rescue authority
All cases	The Freight Transport Association; the Road Haulage Association; and such other organisations (if any) representing persons likely to be affected by any provision in the order as the order making authority thinks it appropriate to consult

- 5.3 There is no statutory requirement to consult with anybody else but the Council must consider whether a common law duty arises. This common law duty imposes a general duty of procedural fairness upon public authorities exercising a wide range of functions which affects the interests of individuals (see *R (Moseley) v Haringey London Borough Council* [2014] UKSC 56, [2015] 1 All ER 495 at [35] per Reed LJ).
- 5.4 In considering whether a common law duty arises, has there been a promise that the Council would consult on a particular issue. This can be as a result of a decision or statement by Members (or an officer). This gives rise to a legitimate expectation. Specifically, the decision or statement must be clear, unambiguous, and not have any relevant qualification. The decision or

statement must also have been made by someone who had actual or apparent authority to make that decision or statement. If it is not then the decision is ultra vires. This would also arise where the Council does not have the legal power to act in the way propose.

- 5.5 Further has the Council's past practice been to consult on such proposal? If so, then again a legitimate expectation arises and which has been induced based upon the Council's past behaviour.
- 5.6 The common law duty would also arise where, in exceptional circumstances, a failure to consult would lead to conspicuous unfairness. Specifically a legitimate expectation can arise even without a decision/ statement or past practice, so as to prevent a public authority from acting so unfairly that its conduct amounts to an abuse of power. For example, is what is proposed likely to have a harmful impact on service users?
- 5.7 This decision to consult would also apply to changes in parking policy. On balance, it may be considered advisable to generally consult in addition to consulting with the statutory consultees referred to in the above table.
- 5.8 The consultation should comply with the following common law criteria:
 - (a) it should be at a time when proposals are still at a formative stage;
 - (b) the Council must give sufficient reasons for any proposal to permit intelligent consideration and response;
 - (c) adequate time must be given for consideration and response; and
 - (d) the product of consultation must be conscientiously taken into account
- 5.9 The duty to act fairly applies and prior to undertaking a consultation exercise, it does needs to be considered whether the matter to be consulted on impacts on those with protected characteristics. If it does then the method of consultation can be adapted to ensure that those persons are able to respond to the consultation so as to inform the decision making process. For example, if a group of persons with a protected characteristic is a 'hard to reach' group then they may not be reached by traditional consultation techniques.
- 5.10 When deciding whether or not to proceed with the proposals, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector equality duty). To inform the Council in discharging this duty an Equality Analysis has been completed and a copy is attached to this report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The proposals will have a positive or neutral impact on equalities and diversity as they will establish a fairer and more transparent and consistent policy base

for parking enforcement and are mindful of equalities considerations in respect of implementation approaches.

6.2 A full Equalities Impact Assessment is attached as Appendix 2 to this report.

7. BEST VALUE (BV) IMPLICATIONS

7.1 These proposals support the Strategic Milestone to complete the development of the Parking Policy by 31 March 2017. The proposals are consistent with and support the Councils best value duties.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 The proposals have been considered in line with the Council's Local Implementation Plan priorities to promote sustainable transport choices, reduce the impact of transport on the environment and to encourage sustainable travel behaviour. They support Air Quality and carbon reduction objectives.

9. RISK MANAGEMENT IMPLICATIONS

9.1 Risks will be managed in accordance with the Councils risk management procedures and project management arrangements.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 The proposals have been made in order to improve the efficiency of parking and traffic enforcement in Tower Hamlets. Fraud prevention is a feature of the recommendations where appropriate.

11. SAFEGUARDING IMPLICATIONS

11.1 Maintaining the free flow of traffic, enabling parking for carers and vulnerable adults whilst ensuring a safer environment for all road users has a positive impact on safeguarding. The equalities implications are dealt with as outlined above.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Appendix 1 Map of Controlled Parking Zones as of January 2016
- Appendix 2 Road List of Fish Island CPZ
- Appendix 3 Fees and Charges
- Appendix 4 Equalities Impact Assessment
- Appendix 5 Equality Analysis Quality Assurance Checklist

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

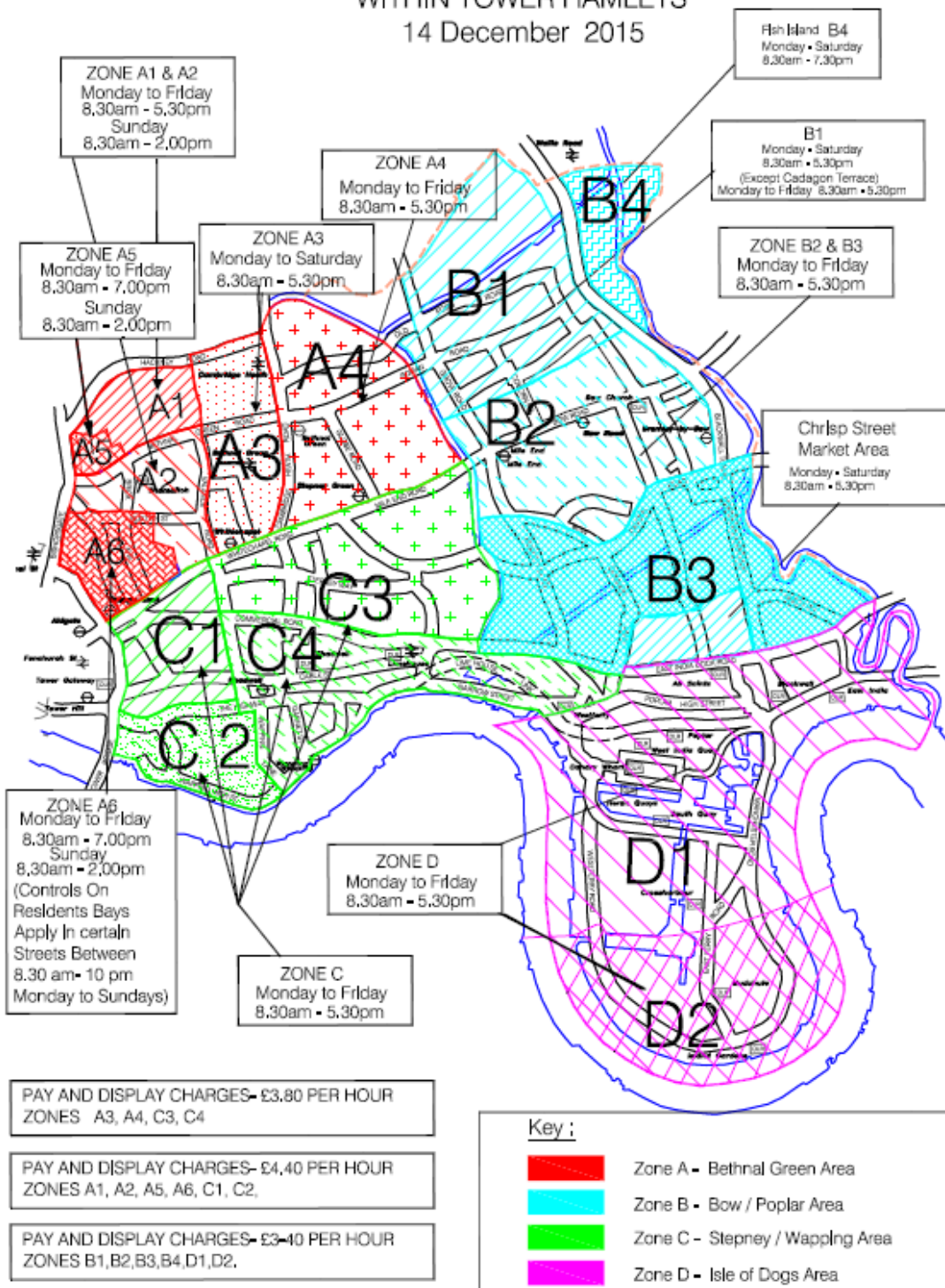
- NONE .

Officer contact details for documents:

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Appendix 1

CONTROLLED PARKING ZONES WITHIN TOWER HAMLETS 14 December 2015



Map based upon Ordnance Survey information with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright

Appendix 2 List of Roads within Fish Island CPZ (mini zone B4)

Fish Island CPZ	
Street Name	
AUTUMN STREET	
BEACHY ROAD	
BREAM STREET	
CROWN CLOSE	
DACE ROAD	
DAVEY ROAD	
HEPSCOTT ROAD	
ICELAND ROAD	
MAVERTON ROAD	
MONIER ROAD	
REMUS ROAD	
RIVERSIDE WHARF	
ROACH ROAD	
ROTHBURY ROAD	
SMEED ROAD	
STOUR ROAD	
TREGO ROAD	
WALLIS ROAD (south of railway line only)	
WHITE POST LANE	
WICK LANE	
WYKE ROAD	

Appendix 3 Fees & Charges

The London Borough of Tower Hamlets Notice of Variation of Parking Charges

The Council of the London Borough of Tower Hamlets, in exercise of its powers under the Road Traffic Regulation Act 1984 and the Local Government Act 1985 hereby gives Notice that as from 1st April 2016 the charge for the issue of the following types of Permit and other charges will be varied as follows:



A) RESIDENT PERMITS

BAND	ENGINE SIZE (cc)	CO ₂ EMISSIONS (g/km)	2015/16 PERMIT CHARGE (£)		NEW PERMIT CHARGE (£)	
			6 months	12 months	6 months	12 months
Motor Cycles	Any	Any	n/a	16	n/a	16
Electric	n/a	n/a	6	6	6	6
A	-	<= 100	6	6	6	6
B	<=1100	101-120	29	46	29	46.50
C	1101-1300	121-150	35	57	35	57.50
D	1301-1600	151-165	46	80	46.50	81
E	1601-1800	166-185	57	102	58	103
F	1801-2000	186-225	69	125	70	126
G1	2001-3000	226-325	80	141	81	142
G2(*)	>3000	>325	91	170	92	172

(*) Multi-vehicle permits and permits for foreign-registered vehicles are charged at Band G2. Foreign-registered vehicles are only eligible for 6-month permits.

B) BUSINESS, CONTRACTOR, DOCTOR AND PUBLIC SERVICE PERMITS

BAND	ENGINE SIZE (cc)	CO ₂ EMISSIONS (g/km)	2015/16 PERMIT CHARGE (£)			NEW PERMIT CHARGE (£)		
			3 months	6 months	12 months	3 months	6 months	12 months
Electric	n/a	n/a	7	7	7	7	7	7
A	-	<= 100	229	340	549	231	343	554
B	<=1100	101-120	242	360	582	244	364	588
C	1101-1300	121-150	262	387	621	265	391	627
D	1301-1600	151-165	288	426	687	291	430	694
E	1601-1800	166-185	290	460	696	303	448	726
F	1801-2000	186-225	313	464	751	316	469	759
G1	2001-3000	226-325	327	484	784	330	489	792
G2(**)	>3000	>325	340	499	817	343	504	825

(**) Multi-vehicle permits are charged at Band G2.

C) MARKET TRADER PERMITS

2015/16 PERMIT CHARGE (£)			NEW PERMIT CHARGE (£)		
3 months	6 months	12 months	3 months	6 months	12 months
173	292	475	175	295	480

D) OTHER PERMITS

Type	2015/16 Charge (£)	New Charge (£)
Car Club Permits	206 / year	208 / year
Daily Contractor Permits	25 / day	25 / day
Temporary Resident Permits	6 / day	6 / day

E) SCRATCHCARDS

Type	Time permitted per scratchcard	Scratchcards per book	2015/16 charge per book	New charge per book
Business	20 minutes	15	22	22
Market Trader	1 day	5	26	26
Public Service	3 hours	10	37	37
Resident visitor	6 hours	10	15	15

F) PAY AND DISPLAY CHARGES

Zones	2015/16 Charge (£ / hour)	New Charge (£ / hour)
A1, A2, A5, A6, C1, C2	4.40	4.40
A3, A4, C3, C4	3.80	3.80
B1, B2, B3, D1, D2	3.40	3.40
Roman Road Car Park	3.40	3.40

G) SUSPENSIONS

Charge	2015/16 Charge (£)	New Charge (£)
Administration for residents, emergency services and registered charities	82.00	83.00
Administration for businesses and companies	82.00	83.00
Bay per day – zones A1, A2, A5, A6, C1, C2	40.00	40.00
Bay per day – zones A3, A4, C3, C4	40.00	40.00
Bay per day – zones B1, B2, B3, D1, D2	40.00	40.00

H) DISPENSATIONS AND SKIP LICENCES

Charge	2015/16 Charge (£)	New Charge (£)
Administration for residents, emergency services and registered charities	18.00	18.00
Administration for businesses and companies	57.00	58.00
Vehicle / skip per day – zones A1, A2, A5, A6, C1, C2	40.00	40.00
Vehicle / skip per day – zones A3, A4, C3, C4	40.00	40.00
Vehicle / skip per day – zones B1, B2, B3, D1, D2	40.00	40.00

I) TRAFFIC MANAGEMENT ORDERS

2015/16 Charge (£)	New Charge (£)
3,400	3,435

J) NEW CHARGES

Charge	2015/16 Charge (£)	New Charge (£)
Disposal of abandoned vehicles removed from private land	n/a	50.00 / per disposal
Permit administration – refund for returned permits	n/a	25.00 / per item

K) ALL OTHER CHARGES ARE UNCHANGED.

Dated: 7th March 2016

SIMON BAXTER, Interim Service Head (Public Realm), Communities, Localities & Culture