


Cabinet 28 October 2020	 TOWER HAMLETS
Report of: Ann Sutcliffe, Corporate Director, Place	Classification: Unrestricted
Changes to Resident Parking Permit Terms & Conditions	

Lead Member	Councillor Dan Tomlinson, Cabinet Member for Public Realm
Originating Officer(s)	Dan Jones, Divisional director, Public Realm, Michael Darby, Head of Parking Services
Wards affected	All wards
Key Decision?	Yes
Forward Plan Notice Published	13 October 2020 – under general urgency provisions
Reason for Key Decision	Impact on Wards
Strategic Plan Priority / Outcome	2. A borough that our residents are proud of and love to live in;

Executive Summary

The Cross Zonal Parking concession enabled resident permit holders to park:

- a) At any time within the lettered zone for which it was issued
- b) For up to 3 hours, at any time within any other lettered zone.

It is proposed that changes be made to the Cross Zonal Parking Concession. This will be facilitated by way of amendments to the terms and conditions of resident parking permits. These changes will limit the ability of resident permit holders to park at any time to within the lettered and numbered zone on their parking permit. By way of example, rather than being permitted to park anywhere in zone A for an unlimited time, a resident of zone A1 would now only be able to park in A1 for an unlimited time.

The 3 hours concession in any other zone would remain. For example, a resident in Zone A1 will still be able to park for up to 3 hours a day in Zone A2, A3, A4, A5 and A6 as well as all zones starting with B, C or D. The same would apply to permits for zones B, C & D.

The changes are in line with the LBTH Transport Strategy which focuses on relief of traffic congestion and making roads safer for our residents and visitors as well as improving the air quality.

The changes will also contribute towards the Council's overall drive to improve air quality and tackling the climate emergency by limiting traffic movements around the borough and encourage use of public transport, cycling and walking.

Existing concessions to support some of the boroughs more vulnerable residents, such as free Visitor Vouchers for Carers and those over 60-year-old, as well as Disabled Badge Permits, remain unchanged.

In the borough there are several buffer streets, where a street falls in between two zones. Residents from both zones will be able to park in these streets all day. Consultation will commence shortly on new buffer streets in parts of the borough and officers will review whether there is a requirement to add further buffer streets on a case by case basis. Consultation will also take place with regard to the merging of Zones C2 and C4.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Consider the proposed changes to the terms and conditions within the residents parking permit as set out in paragraph 3.5 and determine whether they should be implemented.

1 REASONS FOR THE DECISIONS

- 1.1 In 2019 the Council declared a Climate Emergency, recognising the urgent need to address the borough's contribution to global warming and that the air in the borough is toxic and damaging to health.
- 1.2 Tower Hamlets has one the worst air quality levels and one of the highest traffic flows in the UK. The recently adopted LBTH Transport Strategy identifies that the level of emissions of air pollutants including nitrogen dioxide remain high and that this has a negative effect on residents' health. . Air pollution can affect people throughout their lifetime and the health effects of air pollution are complex. However, there is increasing evidence of air pollution having a potential role in causing asthma and being a trigger that can make an asthmatic's symptoms worse. There is also evidence that the lung function growth process in children is suppressed by long-term exposure to air pollution. In Tower Hamlets, it is estimated that 77% of the population, including children, are exposed to pollution levels over the National Air Quality Objective levels. The 2011 Census shows that over 80% of 0-17 year olds in the borough were from an ethnic minority background, children from across our borough's diverse community are being harmed by air pollution.

- 1.3 Transport is the main source emissions for nearly 40% of carbon dioxide and almost half the nitrogen oxide in the borough.
- 1.4 The Outcomes within the Transport Strategy aim to improve the air quality levels within the borough and support an approach that promotes walking and cycling as the preferred mode of transport within the borough, whilst recognising that for some the use of a car or similar mode of transport is a necessity.
- 1.5 Outcome 2 of the Strategy specifically aims to reduce car use in favour of active, efficient and sustainable transport. Whilst it is recognised that a significant proportion of car journeys are made through the borough by commuter traffic, there are still many short car journeys (less than 2km) made by residents where an alternative mode of transport could be used. These short trips often in local, residential streets are made possible by the Resident Permit holders being entitled to park unrestricted in relatively large parent zones, and for up to three hours, in any other parent zone. This has allowed a significant level of unrestricted travel around the borough. As the number of car users increased over the years, this use of the car for shorter, in-borough travel is contributing to serious problem with poor air quality and congestion, making the environment less safe and Tower Hamlets a less attractive place to live, work and visit.
- 1.6 As highlighted, as part of the Transport Strategy, reducing traffic movement within the borough is critical to improving air quality. Therefore, the Council has committed to taking steps to support wider efforts to improve the health of Tower Hamlets residents.
- 1.7 On 28th July 2020 the council wrote to all resident permit holders advising them of changes to the terms and conditions of their resident parking permit. On 26th August we wrote to all resident permit holders again reminding them of the changes and informing them that we will not be enforcing the new rules for the month of September to allow them to adjust to this. At the 30th September Council meeting a decision was made to refer this decision to Cabinet for further discussion in advance of a decision. The proposed changes aim to continue to support residents who own a car by enabling them to park close to their home, whilst tackling the problem of poor air quality by limiting the ability to make shorter car journeys within the borough, and support a behavioural change amongst residents, particularly for in-borough commuting, in favour of walking, cycling and public transport.
- 1.8 The importance of the ability for residents who must use a car to continue accessing services and visiting family and friends has also been considered to ensure they are not unduly disadvantaged. Many residents will continue to benefit from free Visitor Vouchers for Carers and the free Over 60 years Visitor Voucher. No changes are proposed for Blue Badge permits. No changes to the three-hour parking concession are proposed.

2 ALTERNATIVE OPTIONS

- 2.1 Three alternative options were considered: to make no change to the Cross Zonal Parking Concession, solely remove the 3-hour concession in other parent parking zones, or to have a concession between the hours of 11am – 2pm.

3 DETAILS OF THE REPORT

- 3.1 A Parking survey was conducted in 2019 to investigate the number of vehicles, from other zones, parking for longer than three hours in each zone (A, B, C & D). See Appendix A for results of the survey.
- 3.2 There is very little in the survey to suggest that the proposed amendments to the permit concessions would have a significant impact on resident permit holders by making parking access for residents near their homes more difficult. Rather, the contrary was found to be the case in certain zones which suffer from commuter parking.
- 3.3 The longer-term impact of COVID-19 is likely to increase the number of people working from home. It is considered that this will impact upon individual travel patterns, as people may possibly avoid the use of public transport, when travelling into the workplace is essential. This could have significant impacts on those living close to larger employment hubs without off street parking provision. By introducing the proposed changes now, it is anticipated the change will help influence travel decisions, as the community finds its new normal.
- 3.4 In the borough there are several buffer streets, where a street falls in between two zones. Residents from both zones will be able to park in these streets all day. List of the existing buffer streets can be found in Appendix B. Officers will review whether there is a requirement to add further buffer streets on a case by case basis. We are currently planning to consult on adding Lockhart Street and Ropery Street E3 as buffer streets covering both B2 & B3. In addition, we have received a request to consider incorporating C4 south of the Highway and C2 as one mini zone. It is anticipated this will support the residents of C2 by providing a wider area in which to park, and the residents of C4, by reducing the number of permits issued by the available spaces.
- 3.5 Considering the survey results, the need to improve air quality and reduce traffic congestion, and the benefit to residents who currently struggle to park near their homes in busy areas of the borough, the following changes to the terms and conditions are suggested:
- 1) Resident's permit is valid all day in the mini zone that they live, for example if they live in A1; their permit is valid during the parking controlled hours only in A1.

- 2) Their permit is valid in another mini zone for up to three continuous hours in a day, for example, if they live in A1; their permit is valid for up to three hours in any other A, B, C or D mini zones.

4 EQUALITIES IMPLICATIONS

- 4.1 A full Equality Analysis is attached as Appendix C, which includes the proposal's likely impact on the nine protected characteristics, socio economic status and carers.
- 4.2 As the 3 hours concession in any other zone would remain, residents permit holders who regularly park beyond their numbered and lettered zones for long hours will be affected by this proposal. The pay and display service is also made available for those who come from other areas.
- 4.3 It is anticipated that this proposal will help reduce traffic and congestion and encourage people to use sustainable transport modes such as public transport, walking and cycling. Using active transport modes will be beneficial for their health and the environment including better air quality and tackling climate change. It will also benefit those who currently find it difficult to park near their homes due to others parking outside their minizone for an extended period of time.
- 4.4 Existing concessions to support disabled people, including free Visitor Vouchers for Carers and Disabled Badge Permits will remain unchanged. Disabled Badge permits holders will retain the right to park for three hours on a single or double yellow line and all day in a Pay & Display bay. People who have carers are entitled to an additional free 480 visitor parking vouchers. This is an addition to 240 residents parking vouchers, which is free to over 60 years old.

5 OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
 - Data Protection / Privacy Impact Assessment.
- 5.2 When creating, amending or removing traffic regulations, the Council must create a Traffic Management Order (TMO), as set out in the Road Traffic Regulation Act 1984, and associated statutory regulations and procedures, including the requirement to consult.

- 5.3 The proposed changes are to the terms and conditions of a permit, and not the Traffic Management Order. This is solely a contractual matter as explained in paragraph 7.3 below. Therefore, these statutory procedures do not apply. The Council is not under a statutory duty to undertake an equivalent consultation exercise in respect of this proposal.
- 5.4 The contractual terms and conditions that govern resident parking permit clearly specify that the Council retains the right to amend them upon the provision of 28 days' notice. These terms and conditions are issued with each permit and published on the Council website. In compliance with these terms, the Council wrote to each individual resident permit holder to inform them of the proposal on 28 July 2020 and 25 Aug 2020. It also undertook a significant engagement campaign online from 28 July 2020. If the changes to the terms and conditions are approved, Officers will inform all resident permit holders of a new implementation date, giving a further 28 days' notice.
- 5.5 In respect of air quality, Climate Emergency and good management of the road network, the Council has committed to reducing emissions and congestion. Paragraph 1 of the report sets out the justifications for the Council's concerns that the cross zonal parking concession, in its current form acts against these, and other related policy areas which are set as priorities.
- 5.6 Further, as a responsible Authority, the Council must ensure that it offers best value in the exercise of its services. Following benchmarking reviews of 14 other comparable Councils, it was noted that only one authority has a complete zone and therefore allow uncontrolled movement. No other authority provides concessions which allow for the uncontrolled movement of vehicles using similar permit parking schemes, other than one exception, which allow a three-hour concession between the hours of 11am - 3pm.
- 5.7 On balance, the risks of not making this change, outweigh the potential negative impacts. The Parking Zonal Concession was never intended to be an opportunity for commuters to park for free elsewhere in the Borough, indeed its use for this purpose works against the objectives the Council has set itself in the Transport Strategy, and its declaration of a Climate Emergency. The impact on residents based on surveys of usage, suggest the actual impact is limited to a minority of permitholders.
- 5.8 In high demand areas, the proposed changes will increase the opportunity for residents to park closer to their homes, improving safeguarding through shorter walks between the vehicle and a residence, and the ability to monitor their vehicle against crime, for example hearing their car alarm.
- 5.9 It is acknowledged that there are a large number of disabled residents permit holders. They will not be adversely affected by this change as they still retain the right to park for three hours on a single or double yellow line and all day in a Pay & Display bay. People who have carers are entitled to an additional

free 480 visitor parking vouchers. This is an addition to 240 residents parking vouchers, which is free to over 60 years old.

- 5.10 A recent project to digitise parking permits has helped to improve data protection, as residents are no longer required to display a permit which identifies the area in which they live. Instead, enforcement officers are able to look up the vehicle details. The proposed changes in this report do not have any adverse impacts on data protection.

6 COMMENTS OF THE CHIEF FINANCE OFFICE

- 6.1 The report outlines proposed changes to the cross zonal parking concession scheme currently in operation, limiting resident permit holders to park at any time only within the lettered and numbered zone on their permit.
- 6.2 There are no direct financial implications emanating from these changes, which will not affect the number of permits issued or the cost of a permit. The driver for the change is environmental and not financial and any increase to casual parking income resulting from limiting cross zonal parking concessions is deemed immaterial.

7 COMMENTS OF LEGAL SERVICES

The Recommendation of the report seeks approval for amendments to the Cross Zonal Parking Concession.

- 7.1 The proposal is to be implemented by way of a change to the terms & conditions of the residential parking permits. This would serve to change the ability of residents to park, without charge or restriction, outside of the designated mini parking zone within which they reside beyond a 3-hour period.
- 7.2 Paragraph 5.4 of the report advises that changes to the terms and conditions of resident permits can be made following the grant of 28 days notice. In the event the changes are approved a period of 28 days' notice will be provided to all resident permit holders.
- 7.3 The proposal does not attract any statutory consultation process. This is because changes to the terms and conditions of the parking permit in this instance are solely a contractual matter. They do not involve the creation of a Transport Management Order in accordance with Road Traffic Regulation Act 1984 and associated regulations. Therefore, there is no equivalence in terms of consultation being required to be undertaken in respect of other amendments to traffic/parking arrangements as governed under the respective regulations.
- 7.4 Furthermore, it is not considered that a legitimate expectation of consultation, albeit, non-statutory arises. The Council has not made any equivocal statements regarding the way in which it undertakes public consultation on this particular type of change to parking permits and there is not any established custom and practice of undertaking consultation for changes to parking permit terms and conditions.

7.5 An Equalities Impact Assessment (EQIA) has been undertaken (and updated) in respect of the proposed changes. This is addressed in paragraph 4 of the report. Members must consider the EQIA when reaching a decision.

Appendices

- Appendix A: Survey Result 2019
- Appendix B: List of current buffer streets
- Appendix C: Equality Analysis
- Appendix D: Map of current parking zones and proposed zones

Officer contact details for documents:

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