

London Borough of Enfield

Portfolio Report

Report of: Director of Housing and Regeneration

Subject: Council Housing Permit Parking Consultation

Cabinet Member: Cllr Gina Needs

Executive Director: Sarah Cary

Ward: All

Key Decision: N/A

Purpose of Report

1. The purpose of the report is to obtain the necessary approval so that consultation with tenants and leaseholders can commence regarding the possible introduction of permit parking on Council Housing estates.

Proposal(s)

2. To commence initial consultation with residents and leaseholders to gauge support for the introduction of permit parking, based on a suggested annual permit charge of £75, discounted to £25 for zero-emission vehicles.
3. To delegate authority to the Director of Housing and Regeneration to agree a programme of consultation for the project.

Reason for Proposal(s)

4. The proposed consultation will enable the views of tenants and leaseholders to be taken into account to help determine interest in and priorities for further estate permit parking schemes. The improved management of parking on estates is expected to result in a number of benefits, including:
 - Enables parking for tenants/ leaseholders to be prioritised
 - Helps ensure access for emergency services and refuse collection.
 - Demonstrates commitment to better manage estates, providing additional powers to deal with abandoned vehicles etc
 - Regular patrols by civil enforcement officers to provide additional presence on estates

- Aligns with strategic aims of Council relating to climate change, active travel etc
- Enables more efficient use of land and the possibility of higher density development, subject to meeting relevant planning policies and standards.

Relevance to the Council's Plan

5. The better management of car parking on Council Housing estates directly supports the Council's aim to provide good homes in well-connected neighbourhoods.

Background

6. Council Housing has historically not enforced parking restrictions on estates, resulting in a range of problems, including parking that obstructs access by emergency and service vehicles, parking on footways and grassed areas and parking being taken up by people not living on the estates.
7. The Protection of Freedoms Act 2012 (the PoFA) came into force in October 2012 and made it illegal for landowners (including local authorities) to clamp or tow-away unauthorised vehicles parked on their private land. Whilst the Act gave powers to other landowners to impose conditions (such as time limits and charges) for parking on their land and to have recourse to the keeper of the vehicle for payment of a penalty if the driver cannot be found, this was not extended to local authorities. This prevents local authorities from using the provisions of the PoFA and instead, encourages them enforce parking controls by the issue of Penalty Charge Notices (PCNs) under the Traffic Management Act 2004.
8. The Government's position on the need for local authorities to enforce parking controls using the provisions of the Traffic Management Act was further reinforced by Robert Goodwill in September 2014, the then Under Secretary of State for Transport.
9. In short, it's only the enforcement, under the Traffic Management Act 2004 of restrictions introduced by a traffic management order, that allows the Council access to DVLA records so that non-payment of a PCN can be recovered from the registered keeper of a vehicle.
10. A number of projects have been taken forward since 2018 aimed at controlling parking on our estates, including:
 - a) Introduction of restrictions to ensure access for fire appliances, with a particular focus on tower blocks.
 - b) Introduction of restrictions on garage forecourts to prevent access to and from garages being blocked, helping to generate additional rental income from garages.

- c) Introduction of permit parking schemes at the following pilot sites to give priority to people living on the estates:
- Dover House/Calais House
 - Baker Street
 - Agricola Place
 - Chiltern House
 - Hertford Road N9 (Nos. 310-372)
11. The cost of permits for the above pilot schemes was set at just £50 per year. However, the income from these permits does not fully cover all the costs associated with the scheme. The consultation will therefore suggest that the fee be increased to £75 per year (discounted to £25 per year for zero emission vehicles), which amounts to only just over 20p per day.
12. Consultation with residents and leaseholders will commence on the next phase of the project to determine levels of support for additional permit parking schemes. The consultation will seek residents' views on the level of charge as well as other complimentary measures, including provision of electric vehicle charge points and cycle parking.

Main Considerations for the Council

13. The main consideration for the Council relates to the need to better control parking so that space can be used for the benefit of people living on the estates, and to ensure that access by essential services can be maintained.
14. A further key consideration relates to the cost of the permit, which is proposed to be £75 per year (the equivalent of 20.5p per day), discounted to £25 per year for zero emission vehicles) This fee aims to balance the need to ensure that the scheme can fully cover its costs against the need to ensure that scheme remains affordable for those on lower incomes.

Safeguarding Implications

15. None identified

Public Health Implications

16. The Council's strategic transport and public health objectives are both focussed on the promotion of active travel rather than private vehicle use.
17. Transport is one of the fundamental determinants of health, both positive and negative. The Council's transport policies and programmes aim to make transport in Enfield much more health-promoting by increasing physical activity and reducing the health costs of motorised transport.
18. In addition to the introduction of positive measures to encourage walking, cycling and public transport, the management of the supply of on and off-street parking can also play a part in influencing modal choice. The introduction of a permit parking scheme on Council estates is therefore a largely positive initiative. In addition, the provision of cycle parking and the

roll-out of electric vehicle charge points will also have a positive impact on health.

Equalities Impact of the Proposal

19. Under the Public Sector Equality Duty introduced by the Equality Act 2010, Enfield has duty to have due regard to the need to:

a) Eliminate unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act – this includes elimination of:

- direct discrimination, which occurs when an authority or organisation treats another less favourably than they treat or would treat other because of a protected characteristic.
- indirect discrimination, which may occur when a service provider applies an apparently neutral provision, criterion or practice which puts persons sharing a protected characteristic at a particular disadvantage.

b) Advance equality of opportunity between people who share a protected characteristic and those who do not – this involves having due regard to the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics.
- take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- encourage people with certain protected characteristics to participate in public life where their participation is disproportionately low.

c) Foster or encourage good relations between people who share protected characteristic and those who don't – this involves recognising the need to tackle prejudice, promote understanding, and taking active steps to create a discrimination-free society. In the context of the estate rebuilding programme, this can include:

- Consulting with a range of groups in order to understand perspectives, including those in a combination of protected groups.
- Creating environments which are both accessible and appropriate for all protected characteristic groups to use and enjoy.

20. An initial equality impact assessment has been carried out and is attached as Appendix 1. Improvements to the management of car parking on Council Housing estates are expected to have a generally positive impact. However, a permit parking scheme could, if not mitigated, impact of certain protected groups, as summarised below:

Age & Disability	Older tenants and leaseholders may be dependent on carers supporting independent living. However, this can be mitigated by ensuring that carers can apply for permits to park in the controlled parking zones.
Socio Economic Deprivation	A permit fee of £75 is proposed to ensure that the scheme can cover its own costs. Whilst recognising this is an additional cost for people on low incomes, at just over 20p per day, the cost is relatively minor compared to the costs of running a vehicle.

21. EQIA is an iterative process and the initial EQIA will be refined as part of the consultation on this proposal. This report seeks approval to consult with residents on the proposal and we will complete a separate EQIA on proposed consultation process in order ensure that this meets the requirements of the public sector equality duty, especially in relation to the duty to advance equality of opportunity.

Environmental and Climate Change Considerations

22. The table below provides an overview of environmental and climate change considerations.

Consideration	Impact of Proposals
Energy consumption in delivering service	Neutral There are no changes proposed to the current service delivery arrangements.
Measures to reduce carbon emissions	Positive Transport generates a significant amount of greenhouse gas emissions (39% of Enfield's CO ₂ emissions in 2018). The proposals will provide a mechanism to help reduce private vehicle trips, as well as encourage more active and sustainable travel.
Environmental management	Neutral The main impact will be in the implementation of any new schemes and the resultant embedded carbon. Consideration will be given to using recycled materials. However, the main offset will be a forecast reduction in the use of private vehicles as noted above.
Climate change mitigation	Neutral Where possible schemes will be delivered using approaches and materials which mitigate long term climate change impacts.

Risks that may arise if the proposed decision and related work is not taken

23. The key risk that would arise if the proposed decision is not made is summarised below:

Risk Category	Risks
Reputational/ Regulatory	Parking on estates continues to be unregulated with associated problems for refuse collection, fire brigade access and general residential amenity.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

24. The key risks associated with the proposed decision are summarised in the table below:

Risk Category	Comments/Mitigation
Financial	Risk: The cost of implementing and operating the scheme is not covered by income from permits. Mitigation: The cost of permits will be kept under review and levels of enforcement can be adjusted if necessary.
Reputational	Risk: Tenants/leaseholders do not support the introduction of permit parking. Mitigation: Consultation will be carried out at an early stage to determine levels of support. If schemes proceed, further consultation will be carried out as part of the traffic order making process
Regulatory	Risk: Failure to comply with statutory requirements. Mitigation: Well defined procedure for making traffic management orders carried out by experienced staff.

Financial Implications

25. The initial consultation will be carried out in-house with costs covered by existing budgets. The outcome of the consultation will be used to develop a costed programme of work to be funded from the Housing Revenue Account. The exact level of funding required will be subject to further financial approval.

Legal Implications

26. The Traffic Management Act 2004 and the statutory guidance that accompanies it requires local authorities to regularly review their policies and procedures to ensure they remain fit for purpose. The Environment Act 1995 and other national, London-based and local policies require the council to improve air quality for all its residents. The powers to introduce parking restrictions, including to create and charge for parking places are set out in the Road Traffic Regulation Act 1984 (as amended). The procedure for making the necessary traffic management orders to bring a permit parking scheme into effect are set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

Workforce Implications

27. None identified.

Property Implications

28. None identified

Other Implications

29. None identified

Options Considered

30. **Do nothing** – this is not recommended as it will not address existing parking problems on Council Housing estates.
31. **Retaining the permit price at £50 per year** – this is not recommended as the cost does not cover the administration and enforcement costs associated with permit parking schemes.
32. **Aligning permit costs to those charged for on-highway CPZs** – this is not recommended as the cost could have a disproportionate impact on lower income households

Conclusions

33. The lack of effective parking controls on Council Housing estates has resulted in a range of problems, including restricted access for refuse and emergency service vehicles. Building on the success of the pilot schemes, a further round of engagement with tenants and leaseholders is proposed to help develop a programme for further permit parking schemes.

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Appendices

1. Equality Impact Assessment

Background Papers

No background papers have been used in the preparation of this report: