



Brent Cabinet agreed on 17 August 2020 to proceed to consultation based on the details contained in this report.

Background to Consultation

PARKING PENALTY CHARGE NOTICES: BOROUGH-WIDE BANDING

1.0 Purpose of the Report

1.1 This report considers moving all Brent parking Penalty Charge Notices (PCNs) to the higher Band 'A' level borough-wide. Band 'A' currently applies only in Wembley (and a section of Harrow Road), with Band 'B' applied to all remaining highways in the borough. If agreed, it would then be subject to endorsement by London Councils, the Mayor of London and the Secretary of State for Transport.

2.0 Recommendation

That Cabinet agrees to:

- 2.1** Consult parking account holders and residents, during autumn 2020, on moving all Brent parking Penalty Charge Notices to the higher Band 'A' penalty rates and note that if this proposal is implemented, the value of a Penalty Charge Notice would then no longer be determined by the location of the contravention within the borough.
- 2.2** Delegate authority to the Strategic Director for Regeneration and Environment to consider the outcome of the consultation process and thereafter, apply to the Transport and Environment Committee of London Councils to seek approval to implement the proposed change to have a borough wide Band A level for penalty charge notices in the borough of Brent and support any subsequent application for approval to the Mayor of London and the Secretary of State for Transport.
- 2.3** Subject to the consultation and approval process, delegate authority to the Strategic Director for Regeneration and Environment to give effect to the proposed banding changes for penalty change notices in the borough of Brent, including amending current traffic management orders.

3.0 Background / Detail

3.1 Currently, two levels of charging by location operate within Greater London in respect of the value of Parking Penalty Charge Notices:

- Band A
- Band B

The Band A/B boundary was last reviewed by LB Brent in 2011, following the introduction of the Wembley Event Day Protective Parking Scheme, and has not changed since then.

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|---|
| Band A 1. All roads in the Wembley Event Day Protective Parking Scheme Area (at all times and not only on Wembley Event Days). 2. Harrow Road between Greyhound Road and Kilburn Lane. |
| Band B All remaining streets in the London Borough of Brent. |

The Bands apply only to Parking contraventions, as Bus Lane and Traffic offences are not subject to banding.

Officers advise that this geographic boundary can no longer be justified in respect of the need for parking enforcement, given the level of contraventions observed in all Brent CPZs. In fact, all of the Band B CPZs, largely within the North Circular boundary, are physically closer to inner London than the Wembley EDPPS area is. The anomalous position of a single section of the Harrow Road has complicated enforcement within the relevant CPZs. Finally, there is also a concern that parking contraventions may increase if commuters switch back to private car use instead of using public transport, following the Covid health emergency.

3.2 PCNs are issued at Higher and Lower Levels in both Band A & Band B areas. The higher and lower values for both PCN Bands are shown below, with the early-payment discount value in brackets.

Comparison of Band 'A' and Band 'B' PCN Charges:

| PCN Band Level | Higher (Discount) | Lower (Discount) |
|----------------|-------------------|------------------|
| A | £130 (£65) | £80 (£40) |
| B | £110 (£55) | £60 (£30) |

[Penalty Charges are applied according to the nature of the contravention. In general terms, a penalty is in the "lower" (less serious) category if it relates to a place where parking is allowed but controlled (e.g. a resident-only or pay & display

bay, or in a car park). Penalties are in the “higher” (more serious) category if they relate to a place where parking is banned altogether or tightly restricted (e.g. on yellow lines or school Keep Clear zig zags).]

It is emphasised that the Band A/B split is purely based on geographical area, not the seriousness of the contravention.

3.3 The difference in value between a Band A location PCN and a Band B PCN is at most £20 (and only £10 if the PCN is paid at discount rate). The typical cost of owning and running a car within London is estimated to be more than £3k p.a. Fewer than half of motorists would expect to receive a PCN for a parking offence within any single year. There is no evidence to suggest that less well-off motorists are more likely to contravene parking regulations than wealthier motorists.

3.4 PCN charge rates are set unilaterally by the Secretary of State for Transport and have not changed since 2010, despite inflation eroding the deterrent effect of the charges. There is no indication that the Secretary of State will review PCN values in the foreseeable future.

3.5 The two Bands were originally linked to ‘inner’ and ‘outer’ London. All adjacent inner London boroughs (Camden, Westminster, Hammersmith & Fulham, Kensington & Chelsea) are already at the Band A level across their entire area. The following nearby outer London Boroughs already have proposals to move to Band A lodged with London Councils, or have consultation in place on moving their whole boroughs to the Band A level:

- London Borough of Barnet
- London Borough of Ealing
- London Borough of Hounslow

Ealing have reported a majority of consultation respondents have been in favour of moving the borough to Band A, to provide a greater deterrent. If, as expected, all comparable boroughs do seek to move to Band A, then Brent would be out of step with its neighbours and there could be a perception that parking contraventions were perceived as less of an issue in most of Brent. This could exacerbate the erosion of the deterrent effect referred to in para 3.6 below.

3.6 The objective of any parking enforcement operation should be to gain and maintain compliance with the controls and restrictions. In the past three years, there has been a substantial increase in the instances of non-compliance detected and PCNs issued in Brent, in effect double that observed across the rest of London.

3.7 The net increase in parking PCN issuance in Brent may in part be attributable to better detection techniques and greater enforcement efficiency. However, a portion of the growth in PCN issuance is likely to be due to the penalty for offending in Band B locations simply not having the same deterrent effect as it did in 2011, because inflation has eroded its value.

Penalty Charge Notices issued by CEOs for Parking Offences:

| | | | | | | | |
|--------------|---------|---------|---------|---------|---------|---------|---------|
| CEO PCNs for | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 |
|--------------|---------|---------|---------|---------|---------|---------|---------|

| | | | | | | | |
|------------------|--------|--------|--------|---------|---------|---------|---------|
| Parking Offences | 75,460 | 87,146 | 99,145 | 103,424 | 108,967 | 115,579 | 124,345 |
|------------------|--------|--------|--------|---------|---------|---------|---------|

3.8 Of the 124,345 parking PCNs issued by CEOs in 2019/20, 57,742 were issued at Band A and 66,603 were issued at Band B.

3.9 It is proposed to carry out a 4-week online public consultation for a proposed move of all Parking PCNs from Band B to Band A across Brent. Parking Account holders will be contacted and offered the opportunity to take part in the consultation. In addition, the survey will be advertised on the Council's website, with an associated press release, so that any resident will be able to contribute.

4.0 Financial Implications

4.1 The sole objective of the proposal is to increase the deterrent effect of PCNs and thereby reduce parking contraventions. It is expected that this proposal will be finance neutral.

4.2 The additional income from higher Band PCNs would be balanced by a corresponding reduction in the number of contraventions, due to the greater deterrent effect. The proposed change would target a 20% reduction in the number of parking contraventions in current Band B CPZs.

5.0 Legal Implications

5.1 The route to obtain approval for a change of bands in respect of charging for penalty charge notices is as follows:

- a) LB Brent's Cabinet and thereafter consultation;
- b) London Councils – Transport & Environment Committee;
- c) Mayor of London;
- d) Secretary of State for Transport.

5.2 The London Councils' Transport & Environment Committee ("LC TEC") receives the initial application from the borough. Typically, the application receives intense scrutiny at this stage, and LC TEC has in the past deferred decisions on applications that are not supported by adequate public consultation. If the final decision of LC TEC is to progress such an application, the results of the consultation would be incorporated into the application for further approval. Providing that LC TEC approves the Council's application to re-band its PCN charging, London Councils will then make an application for approval to the Mayor of London, and ultimately to the Secretary of State, on behalf of the London Borough of Brent.

5.3 Under Section 45 of the Road Traffic Regulation Act 1984 (RTRA 1984), a local authority has powers to designate parking places on the highway, to charge for use of them, and to issue parking permits for a charge.

5.4 In determining what parking places are to be designated under section 45 of the RTRA 1984, the Council concerned shall consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which that authority shall have regard include;

- (a) the need for maintaining the free movement of traffic;
- (b) the need for maintaining reasonable access to premises; and
- (c) the extent to which off-street parking accommodation, whether in the open or under cover, is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this section (45 of the RTRA).

- 5.5 Section 55 of the RTRA 1984 makes provision for the monies raised under section 45 of the RTRA 1984, in that it provides for the creation of a ring-fenced account (the SPA – Special Parking Account) into which monies raised through the operation of parking places must be placed, and for the application of any surplus funds. Any surplus generated is appropriated into the Council’s General Fund at the year end and can be spent on matters defined in section 55(4) of the RTRA 1984 Act (mainly transport and highways matters, which are listed in the Act).
- 5.6 Section 122 of the RTRA 1984 imposes a general duty on local authorities when exercising functions under the RTRA. It provides, insofar as is material, as follows:
*"(1) It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway...
(2) The matters referred to in subsection (1) above as being specified in this subsection are—
(a) the desirability of securing and maintaining reasonable access to premises;
(b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
(bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
(c) the importance of facilitating the passage of public service vehicles;
(d) any other matters appearing to the local authority to be relevant"*
- 5.7 If the proposals regarding PCN banding in this report obtain the necessary approval from LC TEC, the Mayor of London and the Secretary of State for Transport, they will require the amendment of the existing Traffic Management Orders under the Road Traffic Regulation Act 1984.

6.0 Equalities Implications

- 6.1 Section 149 of the Equality Act 2010 provides that the Council must have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic, and those who do not.
- 6.2 No significant adverse implications have been identified in the proposal to move all PCNs to Band A. There is no evidence that motorists from any of the equalities groups with protected characteristics are more likely to incur PCNs than the general motoring population.

6.3 A reduction in parking contraventions would be of particular benefit to disabled motorists, who have a greater need to park legally closer to their home or destination.

7.0 Consultation with Ward Members and Stakeholders

7.1 Statutory consultation on several of the aforementioned changes will be required.

8.0 Human Resource / Property Implications

8.1 None