

Cabinet Member Delegated Decision

Decision Due: 03 July 2019

Report title: Controlled Parking Zone Expansion Investment Programme 2019-2023

Wards: St Leonard's, Streatham Hill, Streatham South, Thornton, Thurlow Park

Report Authorised by: Bayo Dosunmu, Interim Strategic Director, Resident Services

Portfolio: Deputy Leader for Environment & Clean Air: Councillor Claire Holland

Contact for enquiries:

rtrewartha@lambeth.gov.uk

Russell Trewartha, Programme Manager-Public Realm, 07720 829513

Report summary

In 2016 the Council commenced a borough-wide review of the council's existing controlled parking zones (CPZs) and a feasibility assessment of new parking controls in non-CPZ areas.

This report seeks approval to a five-year investment programme that proposes introducing potential controlled parking on the public highway in the uncontrolled south of the borough at an estimated cost of £1,707,000.

Finance summary

Were all proposals to gain sufficient public support to justify installation, the total investment required is estimated to be £1,707,000. This will be funded by the Parking Places Reserve Account (PPRA), but S106 receipts will be sought where applicable to offset this.

Were all proposals to gain sufficient public support to justify installation, a net annual income arising from their installation at 2018/19 prices is forecast to be £256,000 in 2020/21, £406,000 in 2021/22, £706,000 in 2022/23 and £776,000 thereafter.

Recommendations

- 1) To approve the promotion and consultation of controlled parking as detailed in section 10 of this report at a cost of £425,000.
- 2) To approve and allocate £1,282,000 from the Parking Places Reserve Account for the installation of those controlled parking zones for which public consultation provides sufficient support to justify installation.

1. Context

1.1 Robust parking management is an important contributor to achieving Future Lambeth's vision of creating strong and sustainable neighbourhoods. It:

- Improves the quality of life for residents by reliably being able to park close to their home.
- Discourages car-borne commuting, thereby encouraging the use of more sustainable modes of transport and improving air quality
- Frees-up kerbside space for use by delivery vehicles, electric vehicle charging points, cycle hangars, short-stay visitors and customers.
- Makes the borough's streets safer, less congested and protects access for the vehicles who need to use them.
- Prioritises the needs the needs of pedestrians, cyclists and bus users.
- Can improve the visual amenity of the borough's streets, particularly in town centres and residential areas.

1.2 In 2016 the Council undertook a borough-wide parking feasibility study to review the Council's existing CPZs and assess the need for new parking controls in the non-CPZ areas. As part of this, the Council commissioned SYSTRA (formally JMP) to carry out parking stress surveys in streets that lay outside a CPZ. These surveys revealed that in the south of the borough, many streets were under acute parking stress.

1.3 Following this, in February 2018 the Council consulted residents of three wards to the south of the borough (St Leonard's, Streatham Wells and Streatham South) to ascertain residents' appetite for parking controls. Of those who responded, the majority in St Leonard's and Streatham South were interested in their road being consulted for a CPZ, and have subsequently been endorsed by ward councillors for inclusion on the expansion programme. Whilst the consultation also demonstrated some appetite for exploring parking controls in Streatham Wells, ward councillors have advised they do not currently perceive a ward-wide parking issue that sufficiently concerns them to endorse a consultation at this point in time, but will be ensuring careful monitoring of the situation.

1.4 Having consulted residents on their appetite for a CPZ in St Leonard's, Streatham Wells and Streatham South, the Council has raised expectations that this will be promoted in those areas where the majority of respondents were in support. This report considers how this expectation is best managed.

2. Proposal and Reasons

2.1 Experience has shown that the most effective way to introduce controlled parking is incrementally along an advancing front. This:

- a. enables relatively rapid relief for those streets suffering the worst parking stress
- b. allows residents in streets less affected by parking stress to adjust to the effects of any parking displacement before deciding whether they wish to support controlled parking

- c. reduces time spent on abortive design and consultation
- d. spreads the financial pressure across multiple years, using income arising from the early phases to offset the cost of those that come later.

2.2 For this reason, officers recommend that the council commits to promoting the expansion of controlled parking on a phased basis over five years. The phasing of the expansion is recommended to reflect the strength of support shown during the 2018 attitudinal surveys, supplemented by specific issues raised by ward members in Thurlow Park and Thornton.

2.3 As set out in section 10 of this report, the proposed CPZ expansion areas of St Leonard's and Streatham Vale West (north west area of Streatham South ward) and Streatham South (remaining streets), along with Thornton Gardens, Streatham Hill East and the Tulse Hill Extension (Croxted Road) have been agreed in principle for inclusion on the delivery programme by the Cabinet Member for Environment and Clean Air, subject to the approval of the necessary delegated decision reports, which are required to authorise consultation to assess if there is sufficient public support and to justify any subsequent installation.

2.4 The parameters of CPZ Areas 1-3 which could cover other wards in the south of the borough are currently being reviewed, but potential assessments have been made to ensure these areas have a financial pipeline to promote CPZ expansion in the future if and when agreed.

3. Finance

Expenditure

3.1 Were all proposals to gain sufficient public support to justify installation, the total investment required to fund the CPZ programme described in paragraphs 2.3/2.4 would be £1,707,000. If implemented in the sequence detailed in Table 1, the budget requirement would be:

	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	TOTAL £000
Consultation (revenue)	135	250	40	0	425
Implementation (capital - estimate subject to consultation)	132	300	750	100	1,282
TOTAL	267	550	790	100	1,707

3.2 This will be funded from the Parking Places Reserve Account (PPRA), but S106 receipts will be sought where applicable to offset this.

Income

3.3 The revenue generation from CPZs varies significantly across the borough. For example, at the low end of the spectrum Tulse Hill 'H' generates £168,000 annually, whilst Brixton 'B' generates £1,800,000. The level of income (which equates to the rate of return on the above capital investment) is governed by many factors, the most significant of which are:

- Size of zone: larger zones generate more revenue
- Location of zone: transport hubs and town centres generate more pay-to-park revenue
- Hours of operation: longer hours of operation will generate more revenue
- Days of operation: additional days (Sat/Sun) controls will generate more revenue
- Number of residents who choose to create off-street parking in their front gardens rather than pay to park on street

3.4 Notwithstanding that all of the above variables are still fluid, experience from past CPZ expansions indicate that net median income forecast arising from the proposals described in this report are:

	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	2023-24 onwards £000
Income (at 2018/19 prices)	-	256	406	706	776

3.5 Based on previous experience from other CPZs in the borough, the revenue costs associated with administering the new CPZs (patrolling, permit sales, bay suspensions, enforcement, etc) are anticipated to be met in full by the income arising from the issuance of penalty charge notices in the new CPZ areas.

3.6 Appendix A sets out the detail of the above.

4. Legal and Democracy

4.1 The Council has powers to implement the proposals in this report pursuant to Sections 6, 45, 46, 122 and 124 and Schedules 1 and 9 of the Road Traffic Regulation Act 1984 (RTRA) and will require the making of Traffic Management Orders (TMO). In making such Orders, the Council must follow the statutory consultation procedures set out in the Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996 (the 1996 Regulations). The said Regulations, prescribe inter alia, specific publication, consultation and notification requirements that must be strictly observed. It is incumbent on the Council to take account of any representations made during the consultation stage and any material objections received to the making of the Order, must be reported back to the decision maker before the Order is made.

4.2 By virtue of section 122 of the RTRA, the Council must exercise its powers under the RTRA 1984 so as 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. These powers must be exercised so far as practicable having regard to the following matters:-

- a) the desirability of securing and maintaining reasonable access to premises.
- b) the effect on the amenities of any locality affected including the regulation and restriction of heavy commercial traffic so as to preserve or improve amenity.
- c) the national air quality strategy.
- d) facilitating the passage of public service vehicles and securing the safety and convenience of their passengers.
- e) any other matters appearing to the Council to be relevant

4.3 A recent High Court judgment confirms that the Council must have proper regard to the matters set out in section 122(1) and (2) and specifically document its analysis of all relevant section 122 considerations when reaching any decision. The Council when designating parking spaces on the highway and setting charges for these spaces must exercise these powers in accordance with the factors set out in section 122 of the RTRA.

4.4 When determining what parking places are to be designated on the highway, section 45(3) of the RTRA requires the Council to consider both the interests of traffic and those of the owners and occupiers of adjoining properties. In particular, the Council must have regard to: (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 is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designating of parking places on the highway. Established case law prescribes that the charges for such spaces should not be set for the purpose of raising revenue, although the setting of any charges that result in a surplus being made is not in itself unlawful.

4.4.1 The history and outcome of the stakeholder consultation undertaken to date is summarised in Section 5 of this report. The following principles of consultation were set out in a recent High Court case: First, a consultation had to be at a time when proposals were still at a formative stage. Second, the proposer had to give accurate and sufficient reasons for any proposal to permit intelligent consideration and meaningful response. Third, the adequate time had to be given for consideration and response, and finally, the product of consultation had to be considered with a receptive mind and conscientiously taken into account in finalising any statutory proposals. The process of consultation had to be effective and looked at as a whole it had to be fair. Fairness might require consultation not only upon the preferred option but also upon discarded options. The proposals detailed in this report require the making of a TMO. The statutory procedure to be followed in this connection is detailed above and includes a statutory consultation stage. The Council is obliged to take account of any representations made at that stage and any material objections received will need to be reported back to the decision maker before an Order is made. All representations received must be properly considered in the light of administrative law principles, Human Rights law and the relevant statutory principles. The 1996 Regulations provides for the holding of a public inquiry in connection with a decision to approve, modify or abandon a TMO. The purpose of such an inquiry would be for the proposal to be examined and for the public to be given the opportunity to make their views known in a public forum. The Council is only obliged to

hold a public inquiry if the proposal relates to the prohibition of loading and unloading of vehicles of any class in a road on any day of the week (i) at all times, (ii) before 0700, (iii) between 1000 and 1600 hours, or (iv) after 1900 hours and an objection has been made to the proposed order; or the order relates to the prohibition or restriction of passage of public service vehicles. In all other cases, the decision maker may determine at his discretion whether or not to hold a public inquiry before making an order and should do so where it would provide further information which would assist the Council in reaching a decision.

- 4.5 Section 149 of the Equality Act 2010 sets out the new public sector equality duty replacing the previous duties in relation to race, sex and disability and extending the duty to all the protected characteristics i.e. race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment. The public sector equality duty requires public authorities to have due regard to the need to:
- Eliminate unlawful discrimination, harassment, and victimisation
 - Advance equality of opportunity and
 - Foster good relations between those who share a protected characteristic and those who do not.
- 4.6 Part of the duty to have “due regard” where there is disproportionate impact will be to take steps to mitigate the impact and the Council must demonstrate that this has been done, and/or justify the decision, on the basis that it is a proportionate means of achieving a legitimate aim. Accordingly, there is an expectation that a decision maker will explore other means which have less of a disproportionate impact.
- 4.7 The Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.
- 4.8 This proposed key decision was entered in the Forward Plan on 19th October 2018 and the necessary 28 clear days’ notice has been given. In addition, the Council’s Constitution requires the report to be published on the website for five clear days before the proposed decision is approved by the Cabinet Member. Any representations received during this period must be considered by the decision-maker before the decision is taken. A further period of five clear days - the call-in period – must then elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

5. Consultation and co-production

- 5.1 As set out section 1.3, in early 2018, the Council undertook an attitudinal survey with the residents of three wards to the south of borough (St Leonard's, Streatham Wells and Streatham South) to ascertain resident's appetite for parking controls.
- 5.2 Ward members for St Leonard's, Streatham Hill, Streatham South, Streatham Wells, Thornton and Thurlow Park have been made fully aware of this report's recommendations.
- 5.3 Within these wards in the south of the Borough there are many Lambeth owned housing estates. Taking account the possible displacement nature of introducing new CPZs on the public highway, a holistic approach will be taken to ensure Lambeth and private housing estates are fully considered as part of the overall consultation and delivery methodology of the CPZ expansion programme milestones; the detailed engagement approach and will be set out as part of the delegated decision phase of each proposed expansion project.

6. Risk management

- 6.1 The risk of not investing in the new CPZ programme at this juncture is that the benefits and income listed in paragraphs at 3.4 would not be achieved.
- 6.2 Income forecasts are estimated medians; factors affecting this are listed in paragraph 3.3.

7. Equalities impact assessment

- 7.1 At each delegated decision report stage regarding a potential CPZ expansion proposal, an equality impact assessment shall be carried out to screen the likely effect on people who have one or more of the protected characteristics (race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment).
- 7.2 The Council carries out careful consultation regarding CPZs to ensure that all road users are given a fair opportunity to air their views and express their needs. Bodies representing motorists, including commuters, are included in the statutory consultation required for draft traffic management and similar orders.
- 7.3 The implementation of parking controls and waiting restrictions affects all sections of the community, especially the young and the elderly and assists in improving safety for all road users as well as achieving the transport planning policies of the government, the Mayor of London and the borough.

8 Community safety

- 8.1 All road space in a CPZ is managed by the introduction of parking controls. Parking is only permitted where safety, access and sight lines are not compromised. It is, therefore, normal practice to introduce double yellow lines at key locations such as at junctions,

bends, turning-heads and at specific locations along lengths of roads where parking would impede the passing of vehicles. It is also necessary to provide yellow line waiting restrictions (effective during the CPZ hours of operation or at any time) where the kerb is lowered, e.g. at crossovers for driveways. The key objective of managing parking is to reduce and control non-essential parking and assist the residents, short-term visitors and the local businesses.

- 8.2 Introducing CPZs also results in uniformed enforcement officers walking the streets in the area, thereby increasing natural surveillance.

9 Organisational implications

9.1 Environmental

The proposals support our 2017-2022 Air Quality Action Plan; Action 43 to review parking in the borough; and Action 46 reprioritisation of road space.

Road transport is the main source of air pollution in Lambeth; these proposals will help to improve air quality as they will encourage modal shift to more sustainable transport. Furthermore, the Mayor is proposing to extend the Ultra-Low Emission Zone (ULEZ) to the South Circular. These proposals will deter drivers from driving to and leaving their highly polluting vehicles at the ULEZ border.

9.2 Health

CPZs contribute to healthier streets because they reduce the amount of commuter traffic and associated congestion to the road network which subsequently improves air quality for communities.

9.3 Procurement

None as a result of this report. It is expected that the implementation stages of the CPZ programme if agreed, will be undertaken by the Council's term contractor CVU via the London Highways Alliance Contract (LoHAC).

9.4 Staffing and accommodation

The Capital Programmes, Highways and Sustainability staffing establishment will need to be increased to undertake the project management, design and consultation associated with the new CPZ areas. The cost of this is included in section 3 of this report.

10 **Timetable for implementation**

Table 1 - CPZ Delivery Programme

2019/20		
Project	Stage	Target Start Date
Thornton Gardens	Consultation	July 2019
St Leonard's & Streatham Vale West	Consultation	July 2019
Tulse Hill Extension (Croxted Rd)	Consultation	July 2019
Streatham Hill East	Consultation	Sep 2019
Streatham Hill East	Becomes operational	Feb 2020
Thornton Gardens	Becomes operational	Mar 2020

2020/21		
Project	Stage	Target Start Date
Tulse Hill Extension (Croxted Rd)	Becomes operational	Apr 2020
Remainder of Streatham South	Consultation	Apr 2020
St Leonard's & Streatham Vale West	Becomes operational	Sept 2020

2021/22		
Project	Stage	Target Start Date
Remainder of Streatham South	Becomes operational	Apr 2021
2021 expansion, Area 1 (extent to be decided by Cabinet Member in early 2021)	Consultation	Apr 2021
2021 expansion, Area 2 (extent to be decided by Cabinet Member in early 2021)	Consultation	Apr 2021

2022/23		
Project	Stage	Target Start Date
2021 expansion, Area 1	Becomes operational	Apr 2022
2021 expansion, Area 2	Becomes operational	Apr 2022
2022 expansion, Area 3 (extent to be decided by Cabinet Member in early 2022)	Consultation	Apr 2022

2023/24		
Project	Stage	Target Start Date
2022 expansion, Area 3	Becomes operational	Apr 2023

Audit trail				
Consultation				
Name/Position	Lambeth directorate/division or partner	Date Sent	Date Received	Comments in para:
Bayo Dosunmu, Interim Strategic Director	Residents Services	24-04-19	24-04-19	Section 5 updated at 5.3
Raj Mistry, Director Environment	Environment and Streetcare	6-02-19		
Andrew Burton, Assistant Director	Capital Programmes, Highways and Sustainability	27-01-19	6-02-19	1, 5, 10
Andrew Ramsden, Assistant Director, Finance	Finance	24-10-18	25-10-18	Summary & 3.1
Derek Roopnarine, Finance Group Manager	Finance	01-08-18	01-08-18	
Jean-Marc Moccarme, Senior Lawyer	Legal Services	26-10-18	29-10-18	Section 4
Maria Burton	Governance and Democracy	01-08-18	08-08-18 18-10-18	Summary, recommendations & 4.2
Henry Langford	Governance and Democracy	03-10-18	03-10-18	Recommendations
Councillor Claire Holland	Cabinet Member for Environment and Clean Air	15-10-18	15-10-18	Throughout
Councillor Liz Atkins	Streatham Hill ward	22-03-19	22-03-19	
Councillor Rezina Chowdhury	Streatham Hill ward	22-03-19		
Councillor Iain Simpson	Streatham Hill ward	22-03-19		
Councillor Scott Ainslie	St Leonards ward	22-03-19	27-03-19 (Rose Taylor on behalf of councillors)	5.2
Councillor Jonathan Bartley	St Leonards ward	22-03-19	27-03-19 (Rose Taylor on behalf of councillors)	5.2
Councillor Nicole Griffiths	St Leonards ward	22-03-19	27-03-19 (Rose Taylor on behalf of councillors)	5.2

Councillor Danny Adilypour	Streatham South ward	22-03-19		
Councillor John Kazantzis	Streatham South ward	22-03-19		
Councillor Claire Wilcox	Streatham South ward	22-03-19		
Councillor Malcolm Clark	Streatham Wells ward	22-03-19		
Councillor Marianne Masters	Streatham Wells ward	22-03-19		
Councillor Mohammed Seedat	Streatham Wells ward	22-03-19		
Councillor Ann Birley	Thurlow Park ward	22-03-19		
Councillor Fred Cowell	Thurlow Park ward	22-03-19		
Councillor Peter Ely	Thurlow Park ward	22-03-19		
Councillor Edward Davie	Thornton ward	22-03-19		
Councillor Stephen Donnelly	Thornton ward	22-03-19		

Report history	
Original discussion with Cabinet Member	30/08/18
Report deadline	N/A
Date final report sent	N/A
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	Yes
Date first appeared on forward plan	19/10/18
Key decision reasons	In excess of £500,000
Background information	N/A
Appendices	Appendix A: CPZ Expansion Programme Capital Investment plan and annual income forecast.

APPROVAL BY CABINET MEMBER IN ACCORDANCE WITH SCHEME OF DELEGATION

I confirm I have consulted Finance, Legal and Democratic Services and taken account of their advice and comments in completing the report for approval:

Signature _____ **Date** _____

Russell Trewartha, Programme Manager, Public Realm

I confirm I have consulted the relevant Cabinet Members, including the Leader of the Council (if required), and approve the above recommendations:

Signature _____ **Date** _____

Councillor Claire Holland, Cabinet Member for Environment and Clean Air

Any declarations of interest (or exemptions granted):

Issue

Interest declared

APPENDIX A (page 1 of 2): CPZ Expansion Programme Capital Investment Plan and annual income forecast

CPZ Expansion Programme Capital Investment Plan

The detail of the total £1,707,000 capital investment required by year if schemes are agreed for consultation and implementation is set out below.

2019/20		
Project	Description	Cost
Thornton Gdns	Officer and Consultation	£5,000
St Leonard's & Streatham Vale West	Officer and Consultation	£120,000
Tulse Hill Extension (Croxted Rd Area)	Officer and Consultation	£10,000
Streatham Hill East	Implementation	£120,000
Thornton Gdns	Implementation	£2,000
Tulse Hill Extension (Croxted Rd)	Implementation	£10,000
TOTAL		£267,000

2020/21		
Project	Description	Cost
St Leonard's & Streatham Vale West	Implementation	£300,000
Streatham South Area	Officer and Consultation	£100,000
Area 1 expansion	Officer and Consultation	£100,000
Area 2 expansion	Officer and Consultation	£50,000
TOTAL		£550,000

2021/22		
Project	Description	Cost
Streatham South Area	Implementation	£300,000
Area 1 expansion	Implementation	£300,000
Area 2 expansion	Implementation	£150,000
Area 3 expansion	Officer and Consultation	£40,000
TOTAL		£790,000

2022/23		
Project	Description	Cost
Area 3 expansion	Implementation	£100,000
TOTAL		£100,000

APPENDIX A (page 2 of 2)

CPZ Expansion Programme annual income forecast

Were all proposals to gain sufficient public support to justify installation, the annual income arising from the new CPZs are forecast below:

2020/21		
Project	Description	Income
Thornton Gdns	Permits and P&D only	£1,000
Streatham Hill East	Permits and P&D only	£100,000
St Leonard's & Streatham Vale West	Permits and P&D only	£150,000
Tulse Hill Extension (Croxted Rd)	Permits and P&D only	£5,000
TOTAL		£256,000

2021/22		
Project	Description	Income
As 2020/21	Permits and P&D only	£256,000
Streatham South Area	Permits and P&D only	£150,000
TOTAL		£406,000

2022/23		
Project	Description	Income
As 2021/22	Permits and P&D only	£406,000
Area 1 expansion	Permits and P&D only	£150,000
Area 2 expansion	Permits and P&D only	£150,000
TOTAL		£706,000

2023/24		
Project	Description	Income
As 2021/22	Permits and P&D only	£706,000
Area 3 Expansion	Permits and P&D only	£70,000
TOTAL		£776,000