


London Borough of Hammersmith & Fulham CABINET 2 NOVEMBER 2015		
PARKING ON HOUSING ESTATES – CONSULTATION RESULTS		
Report of the Cabinet Member for Environment, Transport & Residents Services (Councillor Wesley Harcourt) and the Cabinet Member for Housing (Councillor Lisa Homan)		
Open Report		
Classification - For Decision Key Decision: Yes		
Wards Affected: Shepherds Bush Green, Fulham Broadway, Town, Sands End		
Accountable Directors: Mahmood Siddiqi, Director for Transport and Highways; Nilavra Mukerji, Director of Housing Services		
Report Authors: Chris Bainbridge, Special Transport Projects Advisor, and Sharon Schaaf, Head of Estate Services		Contact Details: Tel: 020 8753 2570 E-mail: sharon.schaaf@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1. This report follows on from the decision made by the Cabinet Member for Housing, and the Cabinet Member for Environment, Transport & Residents Services in May 2015, to undertake consultation initially on 7 Council estates worst affected by parking issues (Fulham Court, Barclay Close, Edward Woods, William Church, Clem Attlee and Sullivan Court) offering a range of options to control unauthorised parking, including the introduction of Traffic Management Orders (TMOs). It also seeks to commence consultation on parking options for a second phase of estates listed in Appendix 1.

1.2. Summary of results:

Estate	Dwellings	Surveys Returned	Response rate (%)	for TMO
Barclay Close	105	21	20	76%
William Church	116	20	17	85%
Sulivan	432	67	16	64%
Lancaster	226	33	15	88%
Fulham Court	356	47	13	62%
Clem Attlee	672	79	12	71%
Edward Woods	802	85	11	47%
Total	2,709	352	13%	65.3%

The detailed results of the consultation are in Appendix 3.

- 1.3. Based on the views of residents who responded to the consultation, the report recommends that Traffic Management Orders (TMO) be agreed for 5 of the 7 estates. Residents of Edward Woods did not express majority support for a TMO and Fulham Court Tenants and Residents Association expressed some reservations about the TMO option, therefore further consultation and engagement will be carried out on these estates.
- 1.4. The implementation costs for introducing TMO's on all seven estates is £410,000, and the cost for the second phase of consultation on the second phase of estates is £45,000.

2. RECOMMENDATIONS

- 2.1. To approve the introduction of TMOs on Clem Attlee, William Church, Lancaster Court, Sulivan Court and Barclay Close estates, acknowledging the stated preference on the majority of these estates for controls to be in place 24 hours daily, seven days per week.
- 2.2. To note that the TMOs will be aligned as a minimum to the CPZ hours of operation immediately adjacent to the estates, and residents advised accordingly.
- 2.3. To agree the phased implementation of four TMOs as follows:
- Clem Attlee and William Church – January 2016
 - Sulivan Court and Lancaster Court – March 2016
- 2.4. To give delegated authority to the Cabinet Member for Housing, and the Cabinet Member for Environment, Transport & Residents Services to agree

any changes to the above implementation schedule should this be required in response to changes to local parking stress on the above estates.

- 2.5. To give delegated authority to the Cabinet Member for Housing, and the Cabinet Member for Environment, Transport & Residents Services to review the outcome of the further engagement work for Edward Woods and Fulham Court Estates, and decide upon the options to be pursued and the timeline for implementation.
- 2.6. To note that implementation at Barclay Close will need to be aligned with the outcome at Fulham Court due to their proximity.
- 2.7. To approve a budget of £410,000 for the 7 estates, to be financed from the Housing Revenue Account (HRA).
- 2.8. To approve the commencement of Phase 2 of consultation as set out at Appendix 4, to commence January 2016.
- 2.9. To approve a budget of £45,000 to carry out the above consultation.
- 2.10. To note that should implementation of TMOs be agreed for Phase 2, subject to a further report being prepared for Cabinet, the costs of these are estimated at £420,000 from the HRA, subject to site survey.

3. REASONS FOR DECISION

- 3.1. The Protection of Freedoms Act 2012 (POFA), which came into force in October 2012, removed the Council's ability to enforce effectively parking restrictions on housing estates as removal and clamping of vehicles on private land became illegal. An inadvertent consequence for many Local Authorities including LBHF has been increased parking problems. These problems have escalated, and in recent months, essential services such as refuse collection have been frequently delayed.
- 3.2. Due to the difficulties being experienced, the Cabinet Member for Environment, Transport and Residents Services and the Cabinet Member for Housing agreed in May this year, that the 7 worst affected estates should be consulted on potential options to resolve this issue. Whilst the Council, following advice from London Councils, favoured TMOs as the preferred option, it was made clear that solutions would not be imposed on residents, and the results from the consultation will be fully taken into account before any decision is made. The recommendation to undertake further engagement and consultation with Edward Woods and Fulham Court, is consistent with this requirement.

4. BACKGROUND

- 4.1. Following the decision in May 2015, detailed consultation documents were produced. In accordance with advice received from London Councils, the consultation documents made it clear that whilst the Council's preferred option was to use Traffic Management Orders, the Council would not impose solutions on residents, where the majority of responses did not support them.
- 4.2. The options that were consulted on are:
 - Option 1 - Using Traffic Management Orders to create an Off Street Car Park (OSCP), as on White City Estate, whose OSCP was introduced in 2004.
 - Option 2 - Merge estate roads and parking spaces with the surrounding on-street CPZ.
 - Option 3 - Maintain status quo, (effectively no enforcement but with deterrent warning signs, or lockable bollards, or barriers where possible).
 - Option 4 - Alternative solutions as suggested by residents, with space provided for them to write their suggestions in the questionnaire.
- 4.3. Distribution of the consultation documents commenced week ending 24th July 2015, and officers attended meetings with tenants at Fulham Court (x2), Barclay Close, Edward Woods, William Church, Clem Attlee and Sullivan Court. The original closing date for responses was 6th September, which was subsequently extended to 15th September to reflect the fact that some residents may be away on holiday during August, and to take account of some minor delays due to delivery issues which were promptly resolved.
- 4.4. The Tenant's and Resident Association for Lancaster Court did not require a residents meeting to be held, and asked officers to progress with the full mail out to all residents.

5. CONSULTATION OVERVIEW

- 5.1. An overall response rate of 13% was achieved from the consultation. Whilst a higher response rate would have been preferred, the result compares favourably with other parking consultations in the borough. The consultation carried out in June 2015 in Zone E (near Olympia) yielded a response rate of 7.3%, and other recent response rates include Zone J, 9.2%, Zone N, 7.5%. Higher response rates are usually obtained in smaller areas where there are particular problems.
- 5.2. Due to some minor delivery issues, a further full set of documents were hand delivered to Fulham Court residents on 1st September. The remaining estates received reminder letters by the 8th September.

- 5.3. A dedicated email address and phone line was offered for resident enquiries, and some residents submitted their consultation responses through these contact points.
- 5.4. Responses received in the first post of the 16th September were included, as were responses from residents who wished to remain 'anonymous', since the survey was not conditional upon names being provided. Some standard validation took place consistent with that followed for On-Street parking consultation.
- 5.5. A summary of the responses is provided at Appendix 3.
- 5.6. As part of the consultation, the Tenants and Residents Association at Fulham Court Estate expressed their reservations about the Traffic Management Order (TMO) option, preferring an alternative solution. It is therefore proposed that further engagement and consultation be undertaken on Fulham Court Estate before a final decision is made. In view of the close proximity to Fulham Court and the shared impact, the implementation of the TMO at Barclay Close will need to be aligned with the outcome of this further consultation.
- 5.7. A poster campaign was undertaken by an individual on Edward Woods Estate, encouraging residents to 'tick Option 3 which states the council doesn't control parking on our estate'. This may have resulted in the somewhat conflicting outcome, where a majority were not in favour of any controls at Question 1, but over half of the respondents (55%) then expressed a preference for the Council to restrict parking to residents and visitors at Question 2.
- 5.8. A copy of the questionnaire sent to residents is provided as Appendix 4.

6. IMPLEMENTATION COSTS AND ISSUES

- 6.1 The costs of implementing the 5 TMO's are set out below:

Estate	No of Bays	£000 Start-up costs: physical¹	£000 Start-up costs: Other²	£000 Total
Clem Attlee	188	110	20	130
Barclay Close	60	20	20	40
William Church	55	20	20	40
Lancaster Court	94	20	20	40
Sullivan Court	171	40	20	60
Total	568	210	100	310

1: Signs, lines, resurfacing 2: Traffic orders, consultation, permit costs and changes, contingency

- 6.2 Should the Council subsequently proceed with Edward Woods and Fulham Court, the costs for these schemes would be:

Estate	No of Bays	£000 Start-up costs: physical¹	£000 Start-up costs: Other²	£000 Total
Edward Woods	205	45	20	65
Fulham Court	100	15	20	35
Total	305	60	40	100

1: Signs, lines, resurfacing 2: Traffic orders, consultation, permit costs and changes, contingency

- 6.3 Income from parking permits will accrue to the Housing Revenue Account after deducting the costs of issuing the permits. The cost of Parking Enforcement (visits by Parking Attendants (Civil Enforcement Officers)), pay and display revenue, and income from Penalty Charge Notices (PCNs) will accrue to the Council's General Fund. Based on the experience on White City Estate where a TMO was introduced in 2004, it is anticipated that the income from enforcement and pay and display (to be limited to residents' visitors) will cover the associated costs of these activities, and become revenue neutral over time.
- 6.4 Income from parking permits depends on a number of factors, notably car ownership rates, and hours of operation. Car ownership on the estates is estimated at between 30 and 40% of properties. On the White City estate, permits currently issued equate to approximately half the available bays. However, this is a special case as highways which are in Controlled Parking Zone O run through the estate, so many residents find it more convenient to have a Zone O permit than an estate permit. The current figures are 390 off-street permits and 215 Zone O permits issued to estate residents. This is not the case for the estates under consideration, where there is a reasonable likelihood of there being a higher take up of estate permits.
- 6.5 Although the majority of responses indicated a preference for controls 24 hours daily, this level of service cannot currently be resourced. Therefore it is proposed that the TMOs will be aligned as a minimum to the CPZ hours of operation immediately adjacent to the estates and residents be advised accordingly. The breakdown of these hours is shown at Appendix 5.
- 6.6 It is difficult to predict exactly how much revenue would be raised from the issue of parking permits on the Phase 1 estates as we do not have an accurate estimate of demand. However, in the light of experience at White City, and taking into account that estate's special circumstances, a reasonable estimate would be an annual revenue of £120 per annum per available bay. Based on this assumption, it would take between two and six years to recover the costs of implementing the TMOs, the difference being due to differing amounts of infrastructure work being needed on the roads in each estate to bring them up to enforceable standards.

- 6.7 After cost recovery, any maintenance of the estate lines and signs would be met from ongoing permit sales.
- 6.8 It is possible that an incidental consequence of re-introducing parking controls may be an increase in garage lettings, if some residents opt to rent a garage rather than purchase a resident's parking permit.

7 NEXT STEPS

- 7.1. Subject to the recommendations being approved, the TMOs will be prepared for the 5 estates and the formal process commenced. This is expected to take 42 days. If no objections are received, the permits can be prepared and issued prior to the live dates. A disabled resident of Hillary Court, a Shepherd's Bush Housing Association block whose sole access is via the William Church estate roads has expressed concerns about maintaining clear access to his property. Short-term measures are being taken to address his difficulties and Hillary Court residents will be involved in the formal consultation, including a surgery on the estate, to ensure that satisfactory access is maintained in the longer term.
- 7.2. The necessary road surfacing and associated works including lines and sign installation for the first two estates (Clem Attlee and William Church), can be undertaken within the 42 day period, with a possible "go live " date of January 2016. The works for the next 2 estates (Sullivan Court and Lancaster Court) can then be undertaken, with the aim of going live in March 2016.
- 7.3 Further engagement work will be undertaken in relation to Fulham Court and Edward Woods Estates, and the outcome of this activity be provided to the Cabinet Member for Housing, and the Cabinet Member for Environment, Transport & Residents Services by December 2015. If it is decided that TMOs should also be implemented for Edward Woods estate and Fulham Court, it is anticipated that the necessary process and works could be completed, and the parking controls for the 2 estates together with Barclay Close could go live in May 2016.
- 7.4 The works have been phased to ensure that the highways contractors, and Traffic Orders and permit sections can cope with the workload without the need for additional resources.
- 7.5 If the Council receives objections to the TMOs, we have a duty to consider and respond to them. Depending on the nature and number of objections, the Director of Transport and Highways may decide on the response, in consultation with the appropriate Cabinet Members. If required, the matter may need to be referred back to Cabinet, or in some exceptional circumstances, a public inquiry convened. There is therefore a potential risk of anything between a month and a year being added to the process.

- 7.6 In parallel with the order making process, we will start informal consultation on the second batch of estates in January 2016, with a view to reporting to Cabinet in May 2016. Throughout this process, we will continue to place warning stickers on illegally parked cars and install signs on estates in response to residents' requests, as these measures have a short term deterrent effect and it will be some time before we can introduce TMOs on all estates.

8 EQUALITY IMPLICATIONS

- 8.1 An initial informal consultation process has been completed. A further round of formal consultation is required as part of the implementation of the Traffic Management Orders. Should adverse impacts be identified, officers will consider mitigating actions and if these are not possible, the overall benefits of any proposal must be considered before members make a final decision including the need to give due regard to the needs identified in the public sector equality duty in s149 of the Equality Act 2010. Disabled Blue Badge holders will particularly benefit from the enforcement of parking controls, as they have greater difficulty in getting between their homes and alternative parking spaces. Where holders have been identified, spaces will be located where possible, to best accommodate their needs.
- 8.2 A completed Equality Impact Assessment is attached in Appendix 2.

9 LEGAL IMPLICATIONS

- 9.1 The Council will need to comply with and follow the statutory procedure set out in the Road Traffic Regulation Act 1984 and secondary legislation when establishing a traffic order for both on-street and off-street car parking on housing estate land.
- 9.2 By virtue of section 122 of the 1984 Act, the Council must exercise its powers under the 1984 Act 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
- 9.3 Where consultation is to be carried out, this must follow public law principles in that it must be carried out at a formative stage of the decision making process, last for a reasonable period, provide sufficient information for consultees to make an informed representation and all representations must be taken into account before any decision is made.
- 9.4 Traffic regulation orders for on-street and off-street parking will continue to have effect on the housing estates irrespective of any change of ownership of the housing estates.

- 9.5 An on-street traffic regulation order can be created on housing land irrespective of who owns the land. The Council will continue to be responsible for enforcement of parking contraventions for on-street parking following a change of ownership of the estate land.
- 9.6 Under Section 32 of the Road Traffic and Regulation Act the Council can provide off-street parking spaces on its own land. The Council could make an arrangement with any subsequent owners of the housing land to continue to provide the existing off-street parking places following the sale of the estate land. It is considered that the proposed consultation will also satisfy the Council's obligation under section 105 of the Housing Act to consult with secure tenants who are likely to be substantially affected by a matter of housing management.
- 9.7 Implications completed by Adesuwa Omoregie, Solicitor (Planning Highways and Licensing) Telephone 020 8753 2297 and Janette Mullins Principal Solicitor (Housing and Litigation) Telephone 020 8753 2744.

10 FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1 The costs of implementation for Phase 1 of estates are estimated at £410,000 and will be met from the Housing Revenue Account in 2015/16.
- 10.2 Of these costs, up to £200,000 will be capital in nature and £210,000 will be a revenue cost. Capital expenditure can be accommodated within the 2015/16 Housing Capital Programme, the revenue expenditure will be funded from underspends elsewhere in the Housing Revenue Account.
- 10.3 Authority to incur a further £45,000 of revenue costs in relation to the consultation process for the estates within Phase 2 is also sought in this report. This will also be funded from under spends elsewhere within the Housing Revenue Account.
- 10.4 The Housing Revenue Account has a potential liability of £420,000 for costs relating to TMO implementation on each estate in Phase 2. A supplementary report discussing the outcomes of the Phase 2 consultation will be submitted to Cabinet at a later date.
- 10.5 The resulting income stream from the issue of parking permits will contribute to implementation costs but it is likely it will take several years to recover them. Therefore good control of costs is essential. The extent to which this can be achieved will be dependent on the number of operational parking spaces provided and the on-going costs of managing the resulting parking service.

- 10.6 It should further be noted that any income from issuing penalty charge notices will accrue to, and parking enforcement expenditure will be met from, the General Fund.
- 10.7 Implications completed by Danny Rochford Head of Finance (Housing and Regeneration) Telephone 020 8753 4023

11 IMPLICATIONS FOR BUSINESS

- 11.1 There are no implications for business arising from this report.

12 RISK MANAGEMENT

- 12.1 The project is to be managed within the Environmental Services programme and risks identified and communicated to the Economic Regeneration, Housing and the Arts Policy and Accountability Committee, and the Community Safety, Environment and Residents Services Policy and Accountability Committee, and Cabinet Members for Transport and Housing. The Housing Department has requested that the issue is recorded as a corporate risk on the Council's risk register. Parking problems associated with the housing estates are an operational risk. Traffic flow risk is apparent and it is noted in the proposal that pedestrian and vehicle movements have become increasingly difficult, emergency services have also expressed concerns about inconsiderate and obstructive parking and the inability of residents to park in a space which they have paid.
- 12.2 Risk Management Implications verified by Michael Sloniowski, Shared Services Risk Manager Telephone 020 8753 2587

13 PROCUREMENT AND IT STRATEGY IMPLICATIONS

- 13.1 At this stage there are no specific procurement related issues identified in the report.
- 13.2 Implications verified by Robert Hillman Procurement Consultant. Telephone 020 8753 1538

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
	None		

LIST OF APPENDICES:

Appendix 1 – Phased programme

Appendix 2 – EIA

Appendix 3 - Breakdown of responses

Appendix 4 – Sample questionnaire

Appendix 5 – Estate with adjacent CPZ hours of operation

APPENDIX 1

Phase 2 Estates for consultation – to be discussed at Housing Representatives Forum:

This selection based on current parking stress and local issues

- Lytton Estate
- Margravine (Field Road)
- Riverside Gardens
- Bayonne Estate
- Aintree Estate
- Maystar Estate
- Flora Gardens
- Wood Lane Estate

EIA DOCUMENT

LBHF Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2015/16 Q1
Name and details of policy, strategy, function, project, activity, or programme	PARKING ON HOUSING ESTATES To consult on parking controls in housing estates
Lead Officer	Name: Chris Bainbridge Position: Special Transport Projects Advisor Email: chris.bainbridge@lbhf.gov.uk Telephone No: 020 7361 2094
Date of completion of final EIA	02/10/15

Section 02	Scoping of Full EIA		
Plan for completion	Timing: Ongoing – first phase by November 2015		
Analyse the impact of the policy, strategy, function, project, activity, or programme	Examples of works that are likely to impact more on older and disabled people include:		
	Change to parking controls		
	Protected characteristic	Analysis	Impact:
Age	Older people are more likely to not recognise the impact that a lack of parking controls may have on them, as eg car ownership	Negative	

		<p>within our sheltered housing schemes is low. This can be mitigated by offering information to residents through various means - e.g. a help line, sheltered forums, tenant and resident meetings.</p> <p>Older people may have more difficulty walking longer distances than others, and are therefore disadvantaged by the present lack of enforcement of parking regulations. The proposals are likely to improve this situation</p>	Positive	
	Disability	<p>People with learning difficulties are more likely to not be able to understand the impact that a lack of parking controls may have on them. This can be mitigated by offering information to residents through various means - e.g. a help line, resident forums, tenant and resident meetings.</p> <p>People with mobility problems may be eligible for a personalised disabled persons' bay which would guarantee them a parking space close to where they live. They would particularly benefit from the effective enforcement of parking controls which would ensure that their space was not occupied by unauthorised users.</p>	<p>Negative</p> <p>Positive</p>	
	Gender reassignment	N/A	Neutral	
	Marriage & Civil Partnership	N/A	Neutral	
	Pregnancy & maternity	N/A	Neutral	
	Race	N/A	Neutral	
Religion/belief	N/A	Neutral		

	Sex	N/A	Neutral	
	Sexual Orientation	N/A	Neutral	

Human Rights or Children's Rights

Will it affect Human Rights, as defined by the Human Rights Act 1998?

No

Will it affect Children's Rights, as defined by the UNCRC (1992)?

No

Section 03	Analysis of relevant data Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.			
Documents & data reviewed	N/A			
New research	N/A			

Section 04	Consultation			
Consultation	Our consultations are open and accessible online and by post, and can be made available in different languages and Braille when requested.			
Analysis of consultation outcomes	N/A			

Section 05	Analysis of impact and outcomes			
Analysis	Following any parking consultation the results are analysed and presented to the Cabinet Member for a decision.			

Section 06	Reducing any adverse impacts and recommendations			
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Outcome of Analysis	N/A
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Section 07	Action Plan
Action Plan	N/A

Section 08	Agreement, publication and monitoring
Chief Officers' sign-off	Name: Mahmood Siddiqi Position: Director for Transport and Highways Email: Mahmood.Siddiqi@lbhf.gov.uk Telephone No: 020 8753 3019
Key Decision Report (if relevant)	Date of report to Cabinet/Cabinet Member: 27/04/2015 Key equalities issues have been included: Yes

APPENDIX 3

Detailed results for Question 1 and 2

Questions:

Q1. Which one of the options below do you prefer for controlling parking on your estate?

Q2. Who do you think should be allowed to park on your estate?

Question :			Which option do you prefer to control parking on your estate?				Who can park?	When do you want the controls to operate?		
Chosen option:			OSCP	CPZ	No control	Others	Resident & visitors	Highest preference out of 7 options offered		
Estate	Dwellings	Returns	Option 1	Option 2	Option 3	Option 4		24H/7D	12H/6D	9-5/5D
Barclay Close	105	21 (20%)	16 (76%)	0	1 (5%)	3 (15%)	11 (53%)	38%		
William Church	116	20 (17%)	17 (85%)	0	1 (5%)	3 (15%)	15 (75%)	45%		
Sullivan	432	67 (16%)	43 (64%)	7 (10%)	3 (5%)	20 (30%)	53 (79%)	15%	15%	
Lancaster	226	33 (15%)	29 (88%)	3 (9%)	2 (6%)	6 (12%)	20 (70%)	45%	24%	
Fulham Court	356	47 (13%)	29 (62%)	5 (11%)	2 (4%)	10 (21%)	31 (66%)	28%		13%
Clem Attlee	672	79 (12%)	56 (71%)	13 (17%)	10 (13%)	7 (9%)	51 (65%)	30%	12%	
Edward Woods	802	85 (11%)	40 (47%)	8 (9%)	27 (32%)	15 (18%)	44 (52%)	17%		

APPENDIX 3 cont

Summary of Responses received:

Barclay close	Majority of responses in favour of OSCP, with greatest preference from the seven options to operate 24 hours daily. 2 responses received at Q1/Option 4 for a barrier type system. No comments to retain the existing 49 paid for allocated bays.
William Church	Majority of responses in favour of OSCP, with greatest preference from the seven options to operate 24 hours daily.
Sullivan Court	Majority of responses in favour of OSCP, with greatest preference from the seven options for hours of control exceeding the adjacent CPZ. Only 10 comments to retain the 121 paid for allocated bays on the estate.
Lancaster Court	Majority of responses in favour of OSCP, with greatest preference from the seven options to operate 24 hours daily. Only 3 comments to retain the 98 paid for allocated bays.
Fulham Court	Majority of responses in favour of OSCP, with greatest preference from the seven options to operate Mon- Fri, 9-5. At Q1/O4, 10% of the responses were for the Private Parking Contractor option sponsored by the TRA.
Clem Attlee	Majority of responses in favour of OSCP, with greatest option to operate 24 hours daily.
Edward Woods	No clear majority, and 14 responses who indicated 'no controls' at Q1 (Option 3), also responded at Q2 that they wanted the council to restrict parking on the estate to residents and their visitors.