


<p align="center">London Borough of Hammersmith & Fulham</p> <p align="center">CABINET</p> <p align="center">7 MARCH 2016</p>	
<p align="center">PARKING ON HOUSING ESTATES – PHASED ROLLOUT</p>	
<p>Report of the Cabinet Member for Housing, Councillor Lisa Homan and the Cabinet Member for Environment, Transport & Residents Services, Councillor Wesley Harcourt</p>	
<p>Open Report</p>	
<p>Classification - For Decision Key Decision: Yes</p>	
<p>Wards Affected: All</p>	
<p>Accountable Directors: Mahmood Siddiqi, Director for Transport and Highways; Nilavra Mukerji, Director of Housing Services</p>	
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1. EXECUTIVE SUMMARY

- 1.1. On 2nd November 2015 Cabinet agreed recommendations regarding residents' choice of parking control on seven of the Council's housing estates as Phase 1 of a rollout of parking controls, and agreed consultation on eight further housing estates as Phase 2.
- 1.2. This report seeks agreement to: roll out the outcome of the consultation on the Phase 2 estates; to commence consultation with residents on all remaining estates with parking areas boroughwide as Phase 3, (listed in Appendix 1); and to implement the favoured method of control for phase 3 by 31st March 2017.

- 1.3. The implementation cost for introducing a method to control unauthorised or obstructive parking on housing land contained within Phase 2 and 3 is estimated at £2.4m. A summary of the anticipated costs are included in Appendix 1. Phase 3 also includes housing land where parking is not allowed, but is occurring.
- 1.4. The consultation documents and methods to be used are those already approved for use in the first round of consultation on Phase 1 estates.
- 1.5. An implementation programme will be developed as each resident consultation is concluded.

2. RECOMMENDATIONS

- 2.1. To approve the introduction of Traffic Management Orders (TMOs) where resident consultation supports this as the favoured approach for Phase 2 and 3 consultations.
- 2.2. To approve a boroughwide TMO that permanently restricts parking to incorporate all areas of hard standing where no formal parking is provided to ensure that these areas can be kept clear of obstructive parking at all times. (Example addresses listed in Appendix 1).
- 2.3. To note the TMOs will be aligned as a minimum to the Controlled Parking Zone (CPZ) hours of operation immediately adjacent to the estates, and residents advised accordingly.
- 2.4. To agree the implementation of physical controls where TMOs are not supported by residents or are not suitable.
- 2.5. 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 proposed implementation schedule should this be required in response to changes to local parking stress, or to amend the list of addresses included as Appendix 1 as necessary.
- 2.6. To give delegated authority to the Cabinet Member for Housing, and the Cabinet Member for Environment, Transport & Residents Services to review the outcome of any further engagement work required where initially resident opinion is divided, and decide upon the options to be pursued and the timeline for implementation.
- 2.7. To approve expenditure as a budget of £2.4m for the boroughwide rollout of parking controls across the remaining housing sites, to be financed from the Housing Revenue Account (HRA).

- 2.8. To approve the commencement of Phase 3 of consultation as set out at Appendix 1, to commence April 2016.

3. REASONS FOR DECISION

- 3.1. The Protection of Freedoms Act 2012 (POFA), removed the Council's ability to enforce 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 2014 to consult with the 7 worst affected estates (Phase 1) on potential options to resolve this issue, and subsequently agreed in November 2014 to implement the resident's preferred method of control, and carry out further consultation on two estates where their preference was not clear.
- 3.3. Following advice from London Councils, the Council favours TMOs as the preferred option, but we will continue to make clear that solutions will not be imposed on residents, and the results from any consultation will be fully taken into account before a decision is made.

4. BACKGROUND

- 4.1. Works are underway to implement TMOs on the estates where residents were consulted as Phase 1, including the formal consultation required for a TMO. Housing's consultation with residents of Phase 2 estates as agreed previously will be completed between January and March 2016.
- 4.2. We will consult on the following options:
- 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. There are a number of 'no parking' areas such as access roads leading to garages and refuse areas where obstructive parking is taking place. A single TMO with 'no parking, emergency vehicles only' rules will be put in place that can include all areas where this is an issue as part of the rollout of boroughwide parking control options.

5. CONSULTATION OVERVIEW

- 5.1. As with the consultation that took place for Phase 1 estate residents, we will consider a majority response of over 51% of returned questionnaires as an indicator of the preferred method of control from residents of all of the remaining sites, and will carry out further resident consultation if no clear decision is reached with the initial enquiries. Each estate will be offered a parking specific update at an open meeting to tie in with the consultation, and a 'parking surgery' on completion to update residents of the decision and the proposed solution.
- 5.2. Cabinet members and ward councillors will be kept updated on an estate by estate basis.
- 5.3. A dedicated email address and phone line will be offered for resident enquiries.
- 5.4. Further formal consultation will be carried out with the advertisement of all TMOs as is legally required.

6. IMPLEMENTATION COSTS AND ISSUES

- 6.1 The costs of implementing parking controls on the remaining estates, sites and no parking areas are estimated as £2.4m.
- 6.2 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.
- 6.3 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.

- 6.4 Although the majority of responses for Phase 1 consultation 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.
- 6.5 It is difficult to predict exactly how much revenue would be raised from the issue of parking permits 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.
- 6.6 After cost recovery, any maintenance of the estate lines and signs would be met from on-going permit sales.
- 6.7 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

- 6.1. A supplementary report will be presented to give the update on the outcomes of Phase 2 in May 16, and following on from that the results of Phase 3 consultation at a later date. Subject to the recommendations therein being approved, the TMOs will be prepared for the relevant 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.
- 6.2. Whilst the formal process is taking place, lining and signing will be organised along with providing more project specific information to residents.
- 7.3 Further engagement work will be undertaken and consultation feedback sought where there is no clear agreement on the preferred way forward, and the outcome of this activity provided to the Cabinet Member for Housing, and

the Cabinet Member for Environment, Transport & Residents Services for consideration and decision.

- 7.4 The works will be phased to ensure 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 Throughout this process, we will continue where practicable to place warning stickers on cars parked without authority and install deterrent signs on estates in response to residents' requests, as these measures have a short term 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 or will be completed on all phases. 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.
- 8.3 I have reviewed the equalities comment and the attached EIA and my advice is that due regard has been paid to PSED in this report.
- 8.4 Equalities implications verified by David Bennett Head of Change Delivery – 02087521628.

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 implementation cost for introducing a method to control unauthorised or obstructive parking on housing land contained within Phase 2 and 3 is estimated at £2.4m. The anticipated costs are set out in the table below (detailed costs are included in Appendix 1):

Phase	Total Anticipated Cost	Capital Cost	Revenue Cost
	£000s	£000s	£000s
Phase 2	420	260	160
Phase 3	1,790	1,610	180
Contingency	190	190	0
Total	2,400	2,060	340

- 10.2 The revenue costs of £340k include an allowance for the likely costs of consultation for both Phase 2 and 3. These revenue costs will be funded from an earmarked reserve set aside for this specific purpose from the Housing Revenue Account underspend in 2015/16 and approved by Cabinet on 11th January 2016.
- 10.3 The anticipated capital costs of £2,060k will be funded from the Decent Neighbourhoods Programme.
- 10.4 An allowance has been made within the revenue costs of £340k to provide for the risk of any further engagement work that may be required as part of the consultation process. Any potential overspend will be reported via the Council's revenue monitoring regime.
- 10.6 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.
- 10.7 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.
- 10.8 Implications completed by: Danny Rochford, Head of Finance (Housing and Regeneration), (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. 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 It is noted that the works will be phased to ensure the highways contractors, (and Traffic Orders and permit sections) can cope with the workload without the need for additional resources.
- 13.2 If additional resources are required to be procured, they will need to comply with the Council's Contract Standing Orders.
- 13.3 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 – Phase 2 and 3 summary information**
Appendix 2 – EIA