


London Borough of Hammersmith & Fulham CABINET MEMBER DECISION June 2016		
PARKING ON HOUSING ESTATES: Results of Second Phase Consultations		
Report of the Cabinet Member for Environment, Transport & Residents Services and the Cabinet Member for Housing		
Open Report		
Classification - For Decision Key Decision: No		
Wards Affected: Avonmore and Brook Green, College Park and Old Oak, Fulham Reach, Hammersmith Broadway, Munster, North End.		
Accountable Executive Director: Mahmood Siddiqi, Director for Transport and Highways; Nilavra Mukerji, Director of Housing Services		
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AUTHORISED BY:

The Cabinet Member for Housing, Councillor Lisa Homan, has signed this report

DATE: 24/06/2016

AUTHORISED BY:

The Cabinet Member for Environment, Transport & Residents Services, Councillor Wesley Harcourt, has signed this report

DATE: 30/06/2016

1. EXECUTIVE SUMMARY

- 1.1 On 2 November 2015, Cabinet agreed to start consultation on Phase 2 of the Housing Estate Parking Project. This included Bayonne, Wood Lane, Flora Gardens, Lytton, Maystar, Margravine (Field Road), Aintree (Pellant

Road) and Riverside Gardens estates, with Aspen Gardens included later at the request of the Residents' Association.

- 1.2 In March 2016, Cabinet agreed to proceed with Phase 3 consultation (the remaining estates in the borough) and to approve the introduction of Traffic Management Orders (TMOs) where resident consultation supports this as the favoured approach for Phase 2 and 3 consultations.
- 1.3 The March Cabinet also 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.
- 1.4 Following further engagement with residents of two of the nine estates consulted in Phase 2 where initially the majority choice was unclear, we propose to implement Off-Street Car Parks (OSCPs) as the favoured approach on all the estates consulted as Phase 2.

2. RECOMMENDATIONS

- 2.1 To proceed with the introduction of Traffic Management Orders providing OSCP's on the Bayonne, Wood Lane, Flora Gardens, Lytton, Maystar, Margravine (Field Road), Aintree (Pellant Road), Riverside Gardens and Aspen Gardens estates, subject to the outcome of the statutory consultation procedure.
- 2.2 To note that expenditure of £460,000 will be required for the adoption of Traffic Management Orders on all nine estates, of which £290k will be funded from the Decent Neighbourhoods Programme and £170k from the Housing Revenue Account.

3. REASONS FOR DECISION

- 3.1 The Protection of Freedoms Act 2012, removed the Council's ability to enforce parking restrictions on housing estates in October 2012 as it banned removal and clamping of vehicles on private land, unless the parking restrictions are governed by traffic orders.
- 3.2 Since then, parking problems have multiplied on our housing estates. Pedestrian and vehicle movements have become increasingly difficult. There are numerous complaints from residents, visitors, Councillors and the emergency services about inconsiderate and obstructive parking and the inability of residents to find parking space because it's being used by unauthorised vehicles.
- 3.3 Obstructive parking often means some disabled residents can't use the pavements, or sometimes get in or out of their own property. We have a

duty under the Equality Act to ensure disabled residents are not disadvantaged by Council policies.

- 3.4 Subject to the outcome of the informal and statutory consultation, introducing parking controls using traffic orders through the Road Traffic Regulation Act 1984 would mean that housing estates operate in the same way as the 28 on-street controlled parking zones in the borough and the White City Estate OSCP. The traffic orders define all aspects of the parking scheme including; where, and who, can park and what times the controls operate. There is also an independent adjudication process to deal with appeals against parking penalties.

4. INTRODUCTION AND BACKGROUND

- 4.1 Due to the proximity of Aspen Gardens to Riverside and Flora Gardens, officers escalated Aspen Gardens from phase 3 consultation to include them in phase 2 at the request of the Resident Association representatives.
- 4.2 Eight of the nine Phase 2 estates majority preference was in favour of introducing Traffic Management Orders. Seven of these expressed a clear preference for an estate OSCP, while Riverside Gardens had a more even split between those wanting an estate OSCP and those wanting to merge with their surrounding street zone. On Wood Lane estate, only a small majority were in favour of a Traffic Management Order. We undertook further resident engagement on these two estates in the form of drop-in surgeries, and they now also have clear majorities for OSCPs.

5. PROPOSALS AND ISSUES

- 5.1 Aspen Gardens, Bayonne, Margravine Gardens Maystar, Flora Gardens, Pellant and Lytton estates produced sufficiently clear majorities for us to proceed to the implementation of Traffic Management Orders for OSCPs there. This involves statutory consultation and installing lines and signs so the orders can be enforced.
- 5.2 As the outcome at Wood Lane and Riverside Gardens was initially less clear, we undertook further resident engagement through drop-in surgeries, aiming to achieve a greater degree of consensus on the way forward.
- 5.3 The Wood Lane surgery took place on 17th May, and as a result of additional residents filling in their forms, and others changing their preferences, we now have 30 responses. 60% of these (18) would now like an OSCP. The Riverside Gardens surgery took place on 31st May and resulted in 41 responses (19%), of whom 56% prefer an OSCP. There is still a substantial minority (26%) who would like to merge with the surrounding CPZ, but three of these individuals also voted for an OSCP.

Residents who find it more convenient to park on the adjacent public highway are able to buy a Zone A permit instead of, or as well as, one for the estate.

- 5.4 For the Lytton estate, the majority choice on one isolated block – The Grange - was for no control. As there are rented garages here, and ongoing issues with refuse collection, further consultation with the residents of this block will need to take place whilst the scheme is introduced to the rest of the estate to ensure that residents fully understand the implication of their preferred choice.
- 5.5 The consultation outcome is detailed as Appendix 1.

6. EQUALITY IMPLICATIONS

- 6.1 Proposals for parking controls will undergo consultation. 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.
- 6.2 Blue Badge holders will particularly benefit from enforcement of parking controls, as they may have greater difficulty in getting between their homes and alternative parking spaces.
- 6.3 An Equality Impact Assessment was completed for the Cabinet report of 7 November 2015.

7. LEGAL IMPLICATIONS

- 7.1 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.
- 7.2 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
- 7.3 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.

- 7.4 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.
- 7.5 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.
- 7.6 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.
- 7.7 Implications completed by Lindsey Le Masurier, Solicitor (Planning Highways and Licensing) Tel: 020 7361 2118 and Janette Mullins Principal Solicitor (Housing and Litigation) Tel: 020 8753 2744.

8. FINANCIAL AND RESOURCES IMPLICATIONS

- 8.1 The costs of introducing TMOs or other methods of parking control and the related funding of these costs were approved by Cabinet on March 7th 2016. The cost of the work is estimated at £460k, of which £290k would be capital in nature and £170k would be revenue costs.
- 8.2 The revenue costs of £170k will be funded from an earmarked reserve set aside from the Housing Revenue Account underspend in 2015/16. The anticipated capital costs of £290k will be funded from the Decent Neighbourhoods programme.
- 8.3 Implications completed by Danny Rochford, Head of Finance (Housing and Regeneration, Tel: 0208 753 4023.

9. IMPLICATIONS FOR BUSINESS

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

10. RISK MANAGEMENT

- 10.1 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 parking problems associated with the housing estates is 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 concerns have also been expressed about inconsiderate and obstructive parking and the inability of residents to park in a space which they have paid.

- 10.2 Risk Management Implications verified by Michael Sloniowski, Shared Services Risk Manager Tel: 020 8753 2587

11. PROCUREMENT AND IT STRATEGY IMPLICATIONS

- 11.1 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.
- 11.2 If additional resources are required to be procured, they will need to comply with the Council’s Contract Standing Orders.
- 11.3 Implications verified by Robert Hillman Procurement Consultant. Tel: 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

APPENDIX 1

Consultation outcome following survey across all nine estates, and follow up drop in surgeries on Riverside and Wood Lane.

Estate	Dwellings	Returns No/(%)	Option 1 OSCP	Option 2 CPZ	Option 3 No control	Option 4 Others
Aspen	116	25/22%	60%	8%	12%	16%
Bayonne	461	98/21%	60%	13%	19%	7%
Wood Lane	141	30/21%	60%	3%	3%	24%
Margravine	361	66/18%	62%	17%	9%	16%
Riverside	220	41/19%	56%	26%	13%	10%
Maystar	364	56/15%	71%	21%	2%	9%
Flora	197	30/15%	77%	17%	0	6%
Aintree	150	22/15%	64%	9%	15%	14%
Lytton	295	36/12%	61%	22%	8%	11%

Note: where total values exceed 100%, some respondents recorded more than one preference, where total values less than 100%, some respondents did not register a preference.