

**Traffic & Parking
1 Cottage Road
London
N7 8TP**

Key Decision Report of the Corporate Director for Environment and Regeneration

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| Officer Key Decision | Date: 11 April 2019 | Ward(s): ALL |
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SUBJECT: Amendment to Band A Parking Permit fees

1. Synopsis

- 1.1 This report seeks approval to correct an administrative error in the Budget Proposals 2019-20, Appendix C1: General Fund Fees and Charges 2019-20 relating to resident parking permit for Band A.

2. Recommendation

- 2.1 To approve the correction to the Band A resident parking permit to the fee agreed at Executive on 17 January 2019.

3. Date the decision is to be taken: 11 April 2019

4. Background

- 4.1 On 17 January 2019, the Executive agreed changes to the resident parking permit fee for Band A vehicles as part of the Improving Air Quality Report.

The agreed recommendation was that from 1 April 2019 the introduction of a fee of £20 per annum for Band A resident permits, and that this band should apply to all vehicles with CO2 emissions of 1-100g/km (or in the case of vehicles registered pre-2001, 1-600cc engine capacity. Vehicles with engine sizes 601-900 cc will fall into Band B).

Due to an administrative error these recommendations were not updated in the fees and charges spreadsheet for the budget proposals and the zero charge for this band remained and was passed in the Budget Proposals 2019-20 on 28 February 2019.

The notice to increase all other permit and short stay charges in the Appendix C1: General Fund Fees and Charges 2019-20 have been advertised and will commence on 1 April 2019.

5. Implications

5.1 Financial implications:

The parking account is a ring-fenced account with any surplus generated from its activities invested in highways and transport related activities. Income received from permit fees will be allocated to the ring-fenced parking account, with the level of income dependent upon the number of permits that might be sold. The impact of this will be modelled as part of the medium term financial planning process.

5.2 Legal Implications:

At its meeting on 17 January 2019, the Executive agreed the introduction of a new Band A resident permit fee of £20 per annum for vehicles with CO2 emissions up to 100g/km and in the case of vehicles registered pre-2001, 1-600cc engine capacity. However, the new Band A charge was inadvertently omitted from Appendix C1: General Fund Fees and Charges 2019-20 that were approved by the Executive on 7 February 2019 and by Council on 28 February 2019. These decisions had the effect of reversing the decision of 17 January 2019 and a further decision is required to re-introduce the proposed Band A charge.

Sections 45 and 46 of the Road Traffic Regulation Act 1984 (the Act) enables the Council to charge differentially for resident permits for electric, and hybrid vehicles and other vehicles in order to encourage the use of electric and hybrid vehicles. Accordingly, the Council may introduce a charge of £20 per annum for Band A vehicles in order to discourage the use of such vehicles and encourage the greater use of electric vehicles and thereby reduce the associated harmful emissions.

The function of setting charges for residents' permits must, like the other functions in the 1984 Act, be exercised to "secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking on and off the highway..." so far as practicable having regard to:

- (a) the desirability of securing and maintaining reasonable access to premises;
 - (b) the effect on the amenities of any locality affected and....;
 - (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 and of securing the safety and convenience of persons using or desiring to use such vehicles; and
 - (d) any other matters appearing to the local authority to be relevant [to the over-arching purpose].
- (section 122 of the 1984 Act)

Further, in setting charges the Council must have regard to the Mayor of London's Transport Strategy (sections 142 and 144(1)(a) Greater London Authority Act 1999). That strategy emphasises the importance of reducing emissions and improving air quality.

It is unlawful for the Council to set or increases charges for residents' permits for the purpose of generating additional income to fund its traffic management functions. In the event that the impact of the proposed new Band A charge is to generate a surplus over and above the cost of administration and enforcement, the 1984 Act requires that surplus to be paid at the end of the year into the Special Parking Account and spent on the wider transport purposes listed in section 55(4). Any shortfall is required to be made good from the general fund.

5.3 Environmental Implications

The proposals in the Improving air quality report will reduce harmful emissions from vehicular traffic within the borough, particularly Nitrogen Oxide and particulates.

5.4 Resident Impact Assessment:

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment has not been completed for this report because the RIA in the Improving Air Quality – Diesel surcharge changes cover this and can be found at <https://democracy.islington.gov.uk/documents/s17138/Improving%20Air%20Quality%20-%20Diesel%20Surcharge%20Changes%20-%20RIA.pdf>

6. Reasons for the decision:

- 6.1 To correct an administrative error.

7. Record of the decision:

- 7.1 I have today decided to take the decision set out in section 2 of this report for the reasons set out above.

Signed by:

Corporate Director of Environment and
Regeneration

Date

Background papers: None

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