

Report for: **Cabinet**

Date of Meeting:	16 February 2023
Subject:	Penalty Charge Notice (PCN) Borough-wide Banding Change
Key Decision:	Yes - it affects all wards in the borough
Responsible Officer:	Dipti Patel - Corporate Director of Place; Cathy Knubley - Director of Environment
Portfolio Holder:	Councillor Anjana Patel - Portfolio Holder for Environment & Community Safety
Exempt:	No
Decision subject to Call-in:	Yes
Wards affected:	All Wards
Enclosures:	None

Section 1 – Summary and Recommendations

This report considers moving all Harrow parking Penalty Charge Notices (PCNs) to the higher Band 'A' level borough wide. If agreed, it would then be subject to public consultation and subsequent endorsement by London Councils, the Mayor of London, and the Secretary of State for Transport.

Recommendations:

Cabinet is requested to:

1. Approve the consultation of parking account holders and residents, during spring 2023, on moving all Harrow parking Penalty Charge Notices to the higher Band 'A' penalty rate;
2. Delegate authority to the Corporate Director for Place to consider the outcome of the consultation process and subject to the outcome of the consultation, thereafter, apply to the Transport and Environment Committee of London Councils to seek approval to implement the proposed change to have a borough wide Band A level for penalty charge notices in the borough of Harrow and support any subsequent application for approval to the Mayor of London and the Secretary of State for Transport; and
3. Subject to the outcome of the consultation and approval process, delegate authority to the Corporate Director for Place to give effect to the proposed banding changes for penalty charge notices in the borough of Harrow, including amending current traffic management orders.

Reason: (for recommendations)

There is concern that parking contraventions (as prior to Covid) may continue to increase as commuters switch back to private car use instead of using public transport, following the Covid health emergency, and people return to the office. Implementing the higher value Band, A should provide a greater deterrent for motorists that contravene parking regulations and should improve parking compliance across the borough, in line with surrounding borough charges.

Section 2 – Report

Introductory paragraph

This report sets out the required processes and statutory procedures that must be followed to achieve the banding change.

Options considered

To do nothing and leave the PCN Banding as Band B or apply to move the PCN banding to Band A in line with surrounding London boroughs.

Current situation

Currently, two levels of charging by location operate within Greater London in respect of the value of Parking Penalty Charge Notices:

- Band A
- Band B (Harrow)

The Bands apply only to Parking contraventions, as Bus Lane and Moving Traffic contraventions are not subject to banding. PCNs are issued at Higher and Lower Levels in both Band A & Band B areas. The higher and lower values for both PCN Bands are shown below, with the early payment discount value in brackets.

PCN Band	Level Higher (Discount)	Lower (Discount)
A	£130 (£65)	£80 (£40)
B	£110 (£55)	£60 (£30)

PCN charge rates are set unilaterally by the Secretary of State for Transport and have not changed since 2010, despite inflation eroding the deterrent effect of the charges. There is no indication that the Secretary of State will review PCN values in the foreseeable future.

The two Bands were originally linked to 'inner' and 'outer' London. Most inner London boroughs (Camden, Westminster, Hammersmith & Fulham, Kensington & Chelsea) are already at the Band A level across their entire area. The following nearby outer London Boroughs have already moved or have proposals to move to Band A lodged with London Councils on moving their whole boroughs to the Band A level:

- London Borough of Barnet
- London Borough of Ealing
- London Borough of Hounslow
- London Borough of Brent

Why a change is needed

To provide a greater deterrent to the motorists, and if all comparable boroughs do move to Band A, then Harrow would be out of step with its neighbours and there could be a perception that parking contraventions are perceived as less of an issue in Harrow.

Implications of the Recommendation

The net increase in parking PCN issuance in Harrow prior to Covid may in part be attributable to better detection techniques and greater enforcement efficiency. However, a portion of the growth in PCN issuance is likely to be due to the penalty for contravening in Band B locations simply not having the same deterrent effect as it did in 2011.

PCNs for 2015/16	PCNs for 2016/17	PCNs for 2017/18	PCNs for 2018/19	PCNs for 2019/20	PCNs for 2020/21	PCNs for 2021/22
158,539	165,555	168,062	184,616	171,941	112,821	157,052
				(Covid)	(Covid)	

The sole objective of the proposal is to increase the deterrent effect of PCNs and thereby reduce parking contraventions. It is expected that this proposal will be finance neutral.

The additional income from higher Band PCNs would be balanced by a corresponding reduction in the number of contraventions, due to the greater deterrent effect.

Resources, costs

No associated increase in workforce or resource is required to implement this proposal.

Staffing/workforce

No associated increase in workforce or resource is required to implement this proposal.

Risk Management Implications

Risks included on corporate or directorate risk register? **No**

Separate risk register in place? **No**

The relevant risks contained in the register are attached/summarised below.
No

The following key risks should be taken onto account when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
The rising trend in parking non-compliance continuing leading to an increase in parking contraventions in the borough	<ul style="list-style-type: none"> Recommendation of the report on consultation and delegation is accepted 	Green
The borough-wide consultation returns a negative result	<ul style="list-style-type: none"> PCN banding to remain as Band B 	Amber
The Secretary of State or London Councils decline the application	<ul style="list-style-type: none"> PCN banding to remain as Band B 	Amber
The Cabinet do not agree to sign off the proposal	<ul style="list-style-type: none"> PCN banding to remain as Band B 	Amber

Procurement Implications

Any aspect of procurement that may arise out of the recommendations of this report will be undertaken in accordance with Public Procurement Regulations 2015 (as amended) and with the support and advice of the procurement team

Legal Implications

The route to obtain approval for a change of bands in respect of charging for penalty charge notices is as follows:

- a) LB Harrow's Cabinet and thereafter consultation;
- b) London Councils – Transport & Environment Committee;
- c) Mayor of London;
- d) Secretary of State for Transport.

The London Councils' Transport & Environment Committee ("LC TEC") receives the initial application from the borough. Typically, the application receives intense scrutiny at this stage, and LC TEC has in the past deferred decisions on applications that are not supported by adequate public consultation. If the final decision of LC TEC is to progress such an application, the results of the consultation would be incorporated into the application for further approval. Providing that LC TEC approves the Council's application to re-band its PCN charging, London Councils will then make an application for approval to the Mayor of London, and ultimately to the Secretary of State, on behalf of the London Borough of Harrow.

Under Section 45 of the Road Traffic Regulation Act 1984 (RTRA 1984), a local authority has powers to designate parking places on the highway, to charge for use of them, and to issue parking permits for a charge. In determining what parking places are to be designated under section 45 of the RTRA 1984, the Council concerned shall consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which that authority shall have regard include:

- (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 accommodation, whether in the open or under cover, is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this section (45 of the RTRA).

Section 55 of the RTRA 1984 makes provision for the monies raised under section 45 of the RTRA 1984, in that it provides for the creation of a ring-fenced account (the SPA – Special Parking Account) into which monies raised through the operation of parking places must be placed, and for the application of any surplus funds. Any surplus generated is appropriated into the Council's General Fund at the year end and can be spent on matters defined in section 55(4) of the RTRA 1984 Act (mainly transport and highways matters, which are listed in

the Act).

Section 122 of the RTRA 1984 imposes a general duty on local authorities when exercising functions under the RTRA. It provides, insofar as is material, as follows:

"(1) It shall be the duty of every local authority upon whom functions are conferred

by or under this Act, so to exercise the functions conferred on them by this Act as

(so far as practicable having regard to the matters specified in subsection (2) below)

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...

(2) The matters referred to in subsection (1) above as being specified in this subsection are—

(a) the desirability of securing and maintaining reasonable access to premises;

(b) the effect on the amenities of any locality affected and (without prejudice to the

generality of this paragraph) the importance of regulating and restricting the use of

roads by heavy commercial vehicles, so as to preserve or improve the amenities of

the areas through which the roads run;

(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;

(d) any other matters appearing to the local authority to be relevant"

If the proposals regarding PCN banding in this report obtain the necessary approval from LC TEC, the Mayor of London and the Secretary of State for Transport, they will require the amendment of the existing Traffic Management Orders under the Road Traffic Regulation Act 1984.

Financial Implications

The sole objective of the proposal is to increase the deterrent effect of PCNs and thereby reduce parking contraventions. It is expected that this proposal will be finance neutral. The additional income from higher Band PCNs would be balanced by a corresponding reduction in the number of contraventions, due to the greater deterrent effect.

Equalities implications / Public Sector Equality Duty

Section 149 of the Equality Act 2010 provides that the Council must have due

Regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic, and those who do not.

No significant adverse implications have been identified in the proposal to move all PCNs to Band A. There is no evidence that motorists from any of the equalities groups with protected characteristics are more likely to incur PCNs than the general motoring population.

Council Priorities

1. A borough that is clean and safe

To assist with ensuring motor vehicles only park in controlled areas that have been designated for parking, thus providing safety for pedestrians and other road users

Section 3 - Statutory Officer Clearance

Statutory Officer: Dawn Calvert

Signed by the Chief Financial Officer

Date: 27th January 2023

Statutory Officer: Stephen Dorrian

Signed on behalf of the Monitoring Officer

Date: 30th January 2023

Chief Officer: Dipti Patel

Signed off by the Corporate Director

Date: 27th January 2023

Head of Procurement: Nimesh Mehta

Signed by the Head of Procurement

Date: 21st January 2023

Head of Internal Audit: Susan Dixon

Signed by the Head of Internal Audit

Date: 31st January 2023

Has the Portfolio Holder(s) been consulted? Yes

Mandatory Checks

Ward Councillors notified: NO, as it impacts on all Wards

EqIA carried out: N/A

Section 4 - Contact Details and Background Papers

Contact: Jon Shaw, Project Manager jon.shaw@harrow.gov.uk

Background Papers: None

Call-in waived by the Chair of Overview and Scrutiny Committee - NO