

## **Committee: Cabinet**

**Date: 10 September 2019**

Wards: All

**Subject: Officer Response to the Reference from Overview and Scrutiny Commission – Call in of decision taken on public health, air quality and sustainable transport – a strategic approach to parking charges**

Lead officer: Ben Stephens, Head of Parking Services

Lead member: Councillor Martin Whelton, Cabinet Member for Regeneration, Housing and Transport and Councillor Tobin Byers, Cabinet Member for Adult Social Care, Health and the Environment

Contact officer: Ben Stephens, 0208 545 4189, Ben.Stephens@merton.gov.uk

### **Recommendations:**

1. That Cabinet note the additional information, consultation, responses as well as the amended Equality Analysis and action plan following the Call in and contained in this report.
  2. That Cabinet reconfirm their support for the proposed parking charges.
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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. To present to Cabinet additional consultation responses, the consideration of these in the equalities analysis and to seek Cabinet's support for the proposed parking charges and approval to proceed.

## **2 DETAILS**

- 2.1. At its meeting on 14 August 2019, the Overview and Scrutiny Commission heard two call-in requests on Cabinet's decision taken on the strategic approach to parking charges. The Commission upheld the first call-in request and the second one was not. This reference back to Cabinet therefore relates solely to the first call-in request.
- 2.2. Following this meeting, Officers have worked hard to engage and consult with representative groups to ensure that the Council process on equality analysis was fully delivered. The attached report provides the detail of this and the issues raised for consideration.
- 2.3. The Council will continue to review the equality analysis as and when new issues emerge and will seek to mitigate the negative impact of these.

**Consultation to inform the Equalities Assessment, with individuals and equality groups, in respect of the Public Health, air quality and sustainable transport strategic approach to parking charges report**

- 2.4. Merton is committed to undertaking comprehensive consultation to gain the views of residents and stakeholders. This enables the Council to make informed decisions and to develop our policies.

The Parking Charges consultation commenced on Friday 29th March and ended Sunday 5th May 2019. As this consultation formed part of a statutory consultation process, there were a number of legal obligations, as well as a commitment to bringing the proposals to as wide an audience as possible.

To ensure the council could generate as much feedback as possible, representations were invited in writing via the web page, or by email to a dedicated email box.

Due to the number of responses received, the council extended its review period to the 18th June 2019. This ensured that full consideration was given to all representations, and to allow any further comments from the resident and business associations to be included.

- 2.5. An online survey was available which asked prescribed questions and tick box responses, which were recorded. The response options to each question were Strongly Agree, Agree, or disagree, disagree and strongly disagree and do not know. The results of the consultation were presented to the Sustainable Communities Overview and Scrutiny Panel 27th June, Cabinet 15th July 2019 and the Overview and Scrutiny Commission on the 14th August 2019.

The Council published a 2-page feature article in My Merton, which was delivered to every household within the borough in March/April 2019 to align with the consultation period.

As well as the online consultation and the My Merton article the council also attended Community Forum meetings during the period of the consultation; followed the statutory Traffic Management Order process of displaying notices in roads within all of the CPZ areas, on pay, display machines, and in all council owned car parks, in addition a statutory notice was placed in the newspaper.

Copies of all proposals and background papers were made available on deposit at all libraries and at the Civic Centre for public inspection/reference. The consultation included both statutory and non-statutory consultees.

- 2.6. On the council's home page, we displayed a link to the consultation web pages. The web pages gave full details of the proposal along with background papers and reports that included a copy of the Equality Assessment at that time.

The Council believes that it has consulted with appropriate stakeholders as part of the review. Details of the consultation process used was set out in the Sustainable Communities Overview and Scrutiny report 27 June 2019, Cabinet on the 15th July 2019. It was also presented to the Overview and Scrutiny Commission on the 14th August 2019.

Circa 3,000 representations were received between April and through June 2019.

Information and instructions on how to access the consultation was also sent to 600 plus residents and organisations who have previously declared they wish to be informed of consultations and matters which may be of interest.

- 2.7. A number of statutory bodies were consulted as part of the Traffic Management Order making process. The only response received was from the Metropolitan Police who raised no objections.

The Council received no responses to its original consultation from any organisations representing equality groups.

### **Equality Assessment – Steps taken**

- 2.8. The councils' consultation website and the links sent to the relevant equality groups all included hyperlinks to:

The Cabinet – Public health, air quality and sustainable transport strategic approach to parking charges report in December 2108.

An EIA was presented to the Sustainable Communities Overview and Scrutiny in January 2019, to allow individuals and groups to comment on the proposed mitigations and action plans as drafted at that point in time.

<https://democracy.merton.gov.uk/documents/s26073/Appendix%20%20-%20Equality%20Analysis%20for%20public%20health%20and%20air%20quality.pdf>

Following an analysis of all the responses received from the consultation, the EIA for the Public health, air quality and sustainable transport-a strategic approach to parking charges report, was updated in advance of the June Scrutiny meeting and Cabinet on the 15th July 2019. It was also presented to the Overview and Scrutiny Commission on the 14th August 2019.

<https://democracy.merton.gov.uk/documents/s28668/Revised%20Equalities%20Impact%20Assessment%20v%20june%202019%20v3.pdf>

- 2.9. A revised copy of the “public health, air quality and sustainable transport – a strategic approach to parking charges” equalities assessment is attached as Appendix B to this report. The EIA sets out the overarching aims objectives and desired outcome of the proposal and their contribution to the council’s corporate priorities. It also includes a detailed background on who will be effected by this proposal and the evidence the council has considered as part of its assessment.

The council believes that in accordance with the equality assessment guidance, the wide ranging consultation process, the above referenced/linked documentation, and the references contained in the minutes of the Cabinet meeting 15th July 2019, (as set out in Appendix C), the reference from the Overview and Scrutiny meeting 14th August 2019, and the recent direct consultation with equality groups, that the council has met its requirement to:-

- Draw up a list of areas of concern. Review ways to remove or minimise negative impact/discrimination
- Consult appropriate stakeholders as part of the review – in its original consultation as well as the further direct consultation undertaken with equality groups
- Formulated an action plan to tackle issues arising from the EA.

- Has provided a commitment to keep the EA monitored and agreed by the Director of Environment and Regeneration and the Head of Parking
- A copy of the outcome of the EA will be published on the councils' website.
- The EA Plan will be reviewed in 12 months' time, notwithstanding this, it should be noted that if approved, the policy would be kept under review and representatives of the affected groups would be consulted with to assess ongoing impact and consider further mitigation. Adjustments would be brought forward for Members' consideration as appropriate.

### **Equality Groups**

2.10. On the matter of directly consulting with equality groups, the list below shows the organisations that were directly contacted at the start of the consultation in March 2019 seeking their views.

- Wimbledon Guild
- Age UK Merton
- Polish Family Organisation
- BAME voice
- Carers Support Merton
- Ethnic Minority Centre
- Mitcham and Morden Guild
- Merton CIL
- Merton Seniors Forum

2.11. In addition, a copy of the consultation documentation was also sent to Merton Voluntary Sector Compact (MVSC) who in themselves have direct links to over 800 voluntary groups and organisations in Merton.

Despite the extensive consultation activity, none of the above groups responded to the original consultation carried out.

Notwithstanding the above, a number of responses were received from residents who raised issues that were reviewed and included in the amended EIA that was submitted to the Sustainable Overview and Scrutiny Committee on the 14 of June 2019, the Cabinet on the 15 of July 2019 and the Call – in to the Overview and Scrutiny Commission on the 14th August 2019.

An updated EIA report following the consultation process was presented to the Sustainable Overview and Scrutiny Committee on 14th June 2019 and to the 15th July 2019 Cabinet meeting alongside the consultation responses received.

<https://democracy.merton.gov.uk/documents/s28668/Revised%20Equalities%20Impact%20Assessment%20v%20june%202019%20v3.pdf>

2.12. Further to the Cabinet Meeting on the 15 July 2019, the Head of Democratic Services emailed all of the resident association and other stakeholders requested on the Conservative call-in. The Liberal Democrat call-in requested “representatives of appropriate stakeholders to discuss the mitigation of risks identified in the Equality Assessment”.

The following Equalities Groups were invited to the meeting, but declined to attend or submit written representations:

- Age UK Merton
- Merton Mencap
- Merton CIL
- Merton Guild
- Merton Vision
- Merton Seniors Forum

2.13. Further to the Overview and Scrutiny Commission Meeting on 14th August 2019, the Council has made direct contact with the following groups:

- The Wimbledon Guild
- Merton Vision
- Merton CIL
- Merton Mencap
- Age UK Merton
- Merton CAB
- Wimbledon and District NCT Group
- Merton Carer Support

A copy of the correspondence sent, is set out in Appendix A. Each of the organisations was contacted directly by telephone, followed up by e mail correspondence and a direct face to face meeting or telephone conversation if desired.

The following questions were posed:

*The attached Equality Analysis (EA) supports the delivery of our statutory duties under the Equality Act 2010 and in particular the Public Sector Equality Duty (PSED). The Council is also required to ensure that it meets its obligations under the Human Rights Act.*

*The Council is keen to ensure that it has captured direct views from a number of organisations and bodies that represent or support those with protected characteristics across the Borough. In light of this, I would welcome an opportunity to come and meet with you, or alternatively to arrange a telephone conference call, or receive written views relating to the following:*

1. *Do you feel that Section 3 of the EA document adequately reflects the individuals and groups that will be affected by this proposal? Are there other individuals or groups that you feel may be missing and why?*
2. *Section 6 of the document sets out the areas of concern that have been identified regarding the potential negative and positive impacts on one or more of the protected characteristics (equality groups). Is this a fair representation in your view?*
3. *Section 8 sets out the Council's EA Improvement Action Plan which contains a number of actions required to mitigate the impacts on each protected characteristic group? Do you feel that these mitigations are appropriate? Are you aware of any further mitigations that the Council should consider?*

2.14. **Responses received after direct communication with Equality Groups following the Overview and Scrutiny Commission meeting on the 14th August 2019.**

2.15. **The Wimbledon Guild**

*The Wimbledon Guild has a number of older members albeit that they provide services to other clients of all ages.*

*Having reviewed the recent parking reports the Guild have no strong views on the proposals suggested.*

*Few of our members are drivers and most people who visit, use public transport, as Wimbledon is extremely well connected. There is not much use of on street parking and St George's car Park is very close.*

*The Wimbledon Guild originally had 4 mini buses to help transport clients, this has now been reduced to 1. Often Taxi cars are used along with Dial a Ride and Merton Community Transport. There has been no mention by our clients that access has ever been a problem. Sometimes the Dial a Ride service can be inconsistent.*

*The Wimbledon Guild is also considering delivering in a different way by providing outreach services to residents in Mitcham, which avoids the need for individual members to have to travel into Wimbledon.*

*Sixty percent of our clients are older people and 30/40% of our other users cover all age groups. Some of our clients are in a position where cars are not within their reach.*

*A number of our clients will combine their trips to Wimbledon to undertake their shopping or visit a GP, which is nearby. Access to hospitals within the region is important especially St Georges and St Heliers.*

*Wimbledon Guild confirmed that the policy to deliver improvements in Public Health is important. The Guild is keen to work with the council to lobby TfL regarding the Wilson Hospital where public transport is not so good. The lack of a lift at Raynes Park station was also raised.*

*The Guild is also keen to work with the council over the coming months to better understand what impact any proposed changes will have on their clients.*

**Officer Response**

Officers will also ensure that the issues raised by Wimbledon Guild in respect of TfL are forwarded on through the appropriate channels and forums and these issues are raised at a senior level for support.

The Council will be keen to work with Wimbledon Guild over the coming months to monitor the effects of its new policy.

## 2.16. **Merton Vision**

*Merton Vision has between 850/900 members. They feel that they can speak on behalf of visually impaired people across the borough.*

*We are actively searching for ways in which travel can have less of an impact to the visually impaired person across the borough. Trying to reduce stress for those individuals who want to be independent and lead active lives.*

*A significant issue for visually impaired people is people parking over kerbs, paths and footways. They can encounter double parking on drives extending onto the footway.*

*Visually impaired people trained to use a stick when out walking can often walk into these vehicles, as they are often high off the ground and the stick goes under them when sweeping for obstacles. People can't differentiate when there is a potential danger of walking into vehicles and obstructions, which can cause injury.*

*Less cars parked over the kerb and footways is a positive factor and relieves stress and anxiety.*

*There are similar issues when walking that arise with long term roadworks and the way in which paths are cordoned off e.g. around scaffolding*

*Merton Vision are keen to work with the Council to support a number of issues with TfL:*

- *Encouraging TfL to install a vision friendly board at Colliers Wood Tube Station with directions for getting to the Merton Vision Centre. Station staff are very good at assisting visually impaired people, however the old sign was removed and never replaced.*
- *TfL are developing accessible technology for people getting off the bus and tube – it would be helpful to understand when this will be rolled out in Merton and whether Merton Vision can assist in piloting this in any way. The new technology when it is implemented e.g. voice activated messages on buses makes a considerable difference for visually impaired individuals travelling around.*
- *TfL assistance can sometimes be limited over the weekends*

*Merton Vision have recently been talking to the Queen Elizabeth Foundation for Disabled People about improving the quality of travel for people with disabilities. They are keen to work with the council and partners to ensure the visually impaired have a voice and are happy to find representatives.*

*They don't believe that their members should be exempt from charges simply because they have a disability. Vision shouldn't make you exempt. The Blue Badge Scheme is a help and they too would encourage reduced parking in busy areas that leads to congestion and poor air quality.*

*They are noticing a big demographic change in the elderly population with more individuals that have visual impairments.*

*The development and use of electric cars is a positive in environmental terms, however more work is needed by developers to understand their impact on visually impaired individuals. There is work being done nationally to look at the safety aspects of these vehicles.*

*Merton Vision has a network of care staff and colleagues that undertake domicillary visits where staff don't have a pass.*

### **Officer Response**

The EIA has been amended to reflect impacts such as the changing demographic within the Age characteristic.

Officers will also ensure that the issues raised by Merton Vision in respect of TfL are forwarded on through the appropriate channels and forums and these issues are raised at a senior level for support.

We have a dedicated phone line for reporting illegally parked vehicles, which is available Monday to Saturday from 7am to 10pm, and Sundays 11:45am to 4pm.

Call 020 8545 4661 option 3 as soon as you notice an illegally parked vehicle, such as a vehicle parked:

- on the pavement or grass verge
- on yellow lines during restricted hours
- in a disabled bay without a Blue Badge
- obstructing the flat section of a driveway or dropped kerb.

Officers will also forward the concerns raised in relation to the Highways Team to ensure considerate construction and any diversions are properly set out for the visually impaired.

The Council will be keen to work with Merton Vision over the coming months to monitor the effects of its new policy.

### **2.17. Merton Age UK**

*Merton Age UK has 3,500 clients – a number are 50 plus, most are 65 plus. We feel that we can speak on their behalf. We would encourage the use of public transport. Our Members don't all drive, so it may be few it impacts.*

*People tend to drive less as they get older. Older people who have lived in London tend to be happier using public transport. Some find it daunting.*

*Merton Age UK have a network of 150 befrienders who support approximately 150 clients who receive domestic support, many of which use public transport. They also have Care at Home who are contracted staff who undertake shopping on behalf of their members.*

*They were supportive of the suggestions to improve air quality and the environment and the encouragement around active travel is very positive.*

*In overall terms the report captured a number of the impacts and in general the mitigations seemed reasonable and fair.*

*There was a suggestion to further promote 'do your local shop at Mitcham' so residents don't have to travel further afield.*

*If the policy reduces car and road usage, then this is a benefit to elderly people as it makes the street environment less intimidating. The environment becomes*

*calmer and less daunting for older people with less busy crossings, which can sometimes be overwhelming.*

*The issue of social isolation was raised, which is accepted to be more prevalent in the older population. Keeping people connected keeps older individuals in better health. Confidence/social isolation/loneliness – a fall or illness can change your perspective.*

*There was a suggestion that the Age Section within the EIA should directly identify social isolation and loneliness as a factor. It was important that changes to parking policy and charges don't deter family members and friends from visiting those that are homebound or less likely to have a large network to rely on.*

*The existing Dial A Ride Service can sometimes be inconsistent, sometimes early or late, but given the logistical challenges – they do pretty well.*

*Don't know how well the carers permit is known. Market it more to organisations who support individuals.*

*They suggested that we engage with Merton Carers Support, which were on our list.*

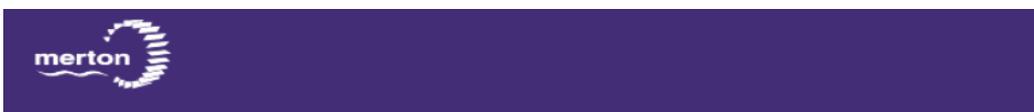
## **Officer Response**

The EIA has been amended to reflect impacts such as social isolation and loneliness within the Age characteristic.

Officers have also taken on board the need to provide additional information to groups on the Carers Permit.

Any person who is a resident of Merton and a Blue Badge Holder is entitled to a free Residents Address Permit. This is a paper permit which can be transferred between vehicles for display in the vehicle which is being used to visit the Blue Badge holder. It is only valid in the CPZ where the Blue Badge holder lives. It is valid for 12 months. This concession is advertised on our web pages and is a policy which has been in place for a number of years.

This provision is also extended on application to residents who have provided medical evidence from a GP or medical professional, demonstrating the need regular visits. Merton issued approximately 1,100 of these permits between April 2018 and May 2019.



[Home](#) < [Streets, parking and transport](#) < [Parking](#)

# **Blue Badge parking permits for disabled people**

The national Blue Badge Scheme provides a range of parking and other motoring concessions for people who are registered blind or have severe mobility problems.

Blue Badge holders can park free of charge in any Merton [disabled parking bay](#), pay and display, shared use bay or permit holder bay for an unlimited period.

Residents with a Blue Badge may also apply for a [resident permit](#) free of charge.

The Council will be keen to work with Merton Age UK over the coming months to monitor the effects of its new policy.

2.18. **Merton Carer Support**

**Subject:** RE: Merton Council - Equalities Impact Consultation - Proposed Parking Charges

*Hello Cathryn, due to lack of resource we are unable to help with the consultation on this occasion.*

*Office Manager*

**Carers Support Merton**

*The Vestry Hall, London Road*

*Mitcham, Surrey*

*CR4 3UD*

2.19. **Merton CAB**

No response received

2.20. **Merton CIL**

**From:** Cathryn James

**Sent:** 16 August 2019 13:19

**To:** Merton CIL

**Cc:** Ben Stephens

**Subject:** RE: Message for Tom Lichy

Hi Michael

Thank you for your e-mail. I can confirm that the proposed charges contained within the report do not affect existing or new blue badge holders.

I have also sent Tom another e-mail this morning with a copy of our proposed EA and the recent Cabinet report for you to have a look at. In addition, I am more than happy to come out and have a conversation with you or indeed to receive your views via Skype or in writing.

Once you have had an opportunity to review my note, please let me know how you would like to proceed.

Kind regards

Cath

**From:** Merton CIL  
**Sent:** 15 August 2019 15:50  
**To:** Cathryn James  
**Subject:** Message for Tom Lichy

*Hi Cathryn*

*I'm picking up on the message you left for Tom as I've looked at the proposed changes to parking charges. Can I check that I am correct in my understanding that the changes will not affect Blue Badge holders? If I'm wrong about this it is certainly something we would want to discuss.*

*If I am correct, it is difficult to see that there issues that we could pick up on. We would share the concerns that have been raised about the impact on Disabled people who may not qualify for a Blue Badge, but this would be a difficult area to get into.*

*Let me know if you would like to discuss this further.*

*Best wishes,*

*Michael Turner*

*Policy and Strategy Manager*

*Merton Centre for Independent Living*

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*From:* Tom Lichy <tom@mertoncil.org.uk>  
*Sent:* 02 September 2019 19:41  
*To:* Cathryn James <Cathryn.James@merton.gov.uk>; Ben Stephens <Ben.Stephens@merton.gov.uk>; John Dimmer <John.Dimmer@merton.gov.uk>  
*Cc:* michael@mertoncil.org.uk  
*Subject:* Re: Merton Council - Equalities Impact Consultation - Proposed Parking Charges

*Dear Cathryn and Ben,*

*It was lovely to meet you today at the Civic Centre, and thank you for taking time to come to the meeting to run through the parking proposals.*

*I had a quick chat with Michael Turner, and while we do not have a huge amount to say on the parking proposals, here is a very quick reply, which I have cut and pasted below from his email. I note Michael Turner is in accord with Tobin Byers on the potential for impact on the group of disabled non-blue-badge holders with mobility impairments.*

*Moving forward and looking at wider solutions, I recall a lot of work was done on built environment disability access at the Olympic Park in Stratford, including road-testing by a dedicated Built Environment Access Panel, which Merton*

Council could replicate. There's more information, including detailed PDFs on Inclusive Design Strategy and Inclusive Design Standards at:

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.queenelizabetholympicpark.co.uk\\_our-2Dstory\\_transforming-2Deast-2Dlondon\\_accessibility&d=DwIFaQ&c=HmJinpA0me9MkKQ19xEDwK7irBsCvGfF6AWwfMZqono&r=nBP74sH6BsGLTYGgnC643JuhpCevNA4iUgEuNXMG97U&m=54iOqkBRe2zcrVhhtYt\\_8u88Dmt1XQuy041MWetX0cQ&s=Ede1mCEJxQLMUniSlyjf10fuxc6VXnKEHVyUNoUicNw&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.queenelizabetholympicpark.co.uk_our-2Dstory_transforming-2Deast-2Dlondon_accessibility&d=DwIFaQ&c=HmJinpA0me9MkKQ19xEDwK7irBsCvGfF6AWwfMZqono&r=nBP74sH6BsGLTYGgnC643JuhpCevNA4iUgEuNXMG97U&m=54iOqkBRe2zcrVhhtYt_8u88Dmt1XQuy041MWetX0cQ&s=Ede1mCEJxQLMUniSlyjf10fuxc6VXnKEHVyUNoUicNw&e=)

*I recognise Merton is a very different situation, however I hope there are elements there that you may find useful in the next few months.*

*Kind regards*

*Tom*

*1. Do you feel that Section 3 of the EA document adequately reflects the individuals and groups that will be affected by this proposal? Are there other individuals or groups that you feel may be missing and why?*

*Yes.*

*2. Section 6 of the document sets out the areas of concern that have been identified regarding the potential negative and positive impacts on one or more of the protected characteristics (equality groups). Is this a fair representation in your view?*

*There needs to be recognition that it is not just the potential for negative impact – there is also the potential for Disabled people to not experience some of the positive impacts set out – access to public transport, cycling and walking.*

*3. Section 8 sets out the Council's EA Improvement Action Plan which contains a number of actions required to mitigate the impacts on each protected characteristic group? Do you feel that these mitigations are appropriate? Are you aware of any further mitigations that the Council should consider?*

*There is probably too much emphasis on Blue Badge holders as there are more people with mobility impairments who do not have a badge:*

*Government statistics:*

*> [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.gov.uk\\_government\\_statistics\\_blue-2Dbadge-2Dscheme-2Dstatistics-2D2018&d=DwIFaQ&c=HmJinpA0me9MkKQ19xEDwK7irBsCvGfF6AWwfMZqono&r=nBP74sH6BsGLTYGgnC643JuhpCevNA4iUgEuNXMG97U&m=54iOqkBRe2zcrVhhtYt\\_8u88Dmt1XQuy041MWetX0cQ&s=glfzsD3pl\\_CoN3lkPHDEW\\_JdqGRGP\\_Dq\\_uKvPAc3KQ4&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.gov.uk_government_statistics_blue-2Dbadge-2Dscheme-2Dstatistics-2D2018&d=DwIFaQ&c=HmJinpA0me9MkKQ19xEDwK7irBsCvGfF6AWwfMZqono&r=nBP74sH6BsGLTYGgnC643JuhpCevNA4iUgEuNXMG97U&m=54iOqkBRe2zcrVhhtYt_8u88Dmt1XQuy041MWetX0cQ&s=glfzsD3pl_CoN3lkPHDEW_JdqGRGP_Dq_uKvPAc3KQ4&e=)*

*5,581 Blue Badge holders in Merton (March 2018). 45% who could automatically qualify for a Blue Badge do not have one. We have an estimate of there being about 13,000 people with mobility impairments in Merton.*

*So there needs to be more explicit recognition that there are many Disabled people with mobility impairments who do not hold a badge. Many people who did hold a badge will have lost automatic entitlement if they have lost support with mobility in the change from DLA to PIP.*

*There is a little said about access to public transport but far less than is said about access to public transport and the built environment. Things like making the pavements better for wheelchair and mobility scooter users, removing obstacles and better maintained pavements are very important for people for who have difficulty walking.*

*More could be said about engaging with Disabled people about these issues and how to improve them.*

*There is a lot elsewhere about cycling and there is the potential to do work to make cycling more accessible to Disabled people.*

*Tom Lichy  
CEO  
Merton Centre for Independent Living*

### **Officer Response**

Merton is a member of the national Blue Badge scheme. The Blue Badge provides a range of parking and other motoring concessions for people who are registered blind or have severe mobility problems. Blue Badge holders can park free of charge in any Merton disabled parking bay, pay & display and shared use bays or permit holder bays.

Later this year the Blue Badge eligibility scheme will be extended to those with a wide range of mental health issues that affect their mobility. This will extend our current provision to support additional residents within the Borough.

A Blue Badge holder in Merton is entitled to apply for a free carer permit under certain conditions.

Blue Badge holders can park for free at many locations, including CPZ,s, car parks, pay and display bays and on single and double yellow lines.

Those with disabilities are also able to apply for the creation of a disabled bay.

In terms of public transport and the built environment including making the pavements better for wheelchair and mobility scooter users, removing obstacles and better maintained pavements are very important for people for who have difficulty walking.

The Road Traffic Regulation Act 1984 allows authorities to spend income on the day to day management of the parking service, to fund Freedom passes, transport related expenditure, environmental improvements and maintenance and upgrades to carriageways and footpaths within the Borough.

We have a dedicated phone line for reporting illegally parked vehicles, which is available Monday to Saturday from 7am to 10pm, and Sundays 11:45am to 4pm.

Call 020 8545 4661 option 3 as soon as you notice an illegally parked vehicle, such as a vehicle parked:

- on the pavement or grass verge
- on yellow lines during restricted hours
- in a disabled bay without a Blue Badge
- obstructing the flat section of a driveway or dropped kerb.

Officers will also forward the concerns raised in relation to the Highways Team to ensure considerate construction and any diversions are properly set out for the disabled users.

The Council will be keen to work with Merton CIL over the coming months to monitor the effects of its new policy.

2.21. **Merton Mencap**

No response received

2.22. **Wimbledon and District NCT Group**

No response received

2.23. Further to discussions with the above equality groups, Appendix B has been updated and is referenced as the September EIA for clarity.

Appendix D sets out a number of concessionary transport options/mitigations for individuals that may be impacted by future policy.

The Council will be keen to work with equality groups over the coming months to monitor the effects of its new policy.

**The Disabled Parking Accreditation - British Parking Association.**

2.24. Merton has recently received this accreditation in the following car parks.

1. Sibthorpe Road
2. St Marks
3. Morden Park
4. Kenley Road
5. Abbey Recreation Ground

6. Hartfield Road
7. Broadway
8. Haydons Road Recreation Ground
9. Wimbledon Park (Revelstoke) for DPA and will process in the next few weeks.

The Disabled Parking Accreditation (DPA) is owned by Disabled Motoring UK and managed by the British Parking Association.

The DPA is primarily aimed at improving parking for disabled people and reducing abuse of disabled spaces. It requires owners/operators to adopt an active management strategy to ensure that there is a minimal occurrence of disabled bay abuse, there are facilities suitable for disabled people and that recognition is made of the extra time taken by disabled people in the form of a concession.

The purpose of the DPA is to:

- Ensure the accessible bays provided meet Building Regulation size
- Provide guidance to owners, operators and developers of parking facilities on the suitable number of accessible bays to be provided
- Ensure disabled motorists can use the car park with ease
- Raise awareness among the general public that the owner/operator has considered and, where appropriate, taken action and introduced measures to ensure the parking facility is suitable for disabled motorists
- Provide an easy way for disabled motorists to locate a car park which is suitable for their needs
- Reduce disabled bay abuse
- Ensure disabled people are not penalised for the extra time taken when using parking facilities

### **Overview and Scrutiny Commission – Call-in**

- 2.25. At its meeting the Commission also RESOLVED to include the following requests in its reference to Cabinet:
- that there should be a review, 12 months after implementation of the new charges, of the impact on air quality and on the number of parking permits issued
  - that the results of the diesel levy should be reported to scrutiny as soon as practicable
  - that, as the approach to parking charges is one of a suite of measures, the Commission looks forward to seeing the introduction of other measures to tackle air quality
- 2.26. The Director of Environment and Regeneration has confirmed that officers will submit a report back to Members no sooner than 12 months after the implementation of the new charges, highlighting the impact on air quality and the number of permits issued. The report will also include any feedback and observations monitored as part of the on-going equality assessment work.

2.27. The Council has committed to reviewing the impact of the existing diesel levy and the potential for future emissions based charging within Merton. The report will be presented to Scrutiny later this year and all of the comments received in the parking consultation will be considered in the future review.

2.28. The Council is wholly committed to tackling air quality within the Borough. It is a priority for Merton as with many other councils in London, therefore we must be taking all of the actions we have within our powers to tackle this problem, something that is not only a legal duty, but a moral duty to protect the health of our citizens.

In 2018 the Council produced a new Air Quality Plan for the next 5 years which outlines the steps we will take to contribute to tackling this public health crisis, <https://www2.merton.gov.uk/Merton%20AQAP%2020182023.pdf>

This action plan has been warmly welcomed and considered one of the most progressive in London, it also leads the way on many initiatives. There are 70 actions in the Plan, which cover all of the areas in our control to deal with this serious problem.

In 2018 the GLA (London Governing Body for Air Quality) produced a list of measures that Local Authorities should take to tackle poor air quality. This list of 25 measures were all covered and supported in Merton's Air Quality Action Plan.

Notwithstanding the above the Council will continue to identify ways in which it can tackle air quality using a wide suite of measures.

2.29. A number of other issues were referred to in the August call in meeting including PTAL ratings and nudge behaviours.

Merton is one the increasing number of Councils that are prepared to be bold and use all of the controls open to use to tackle air pollution.

Merton is not prepared to ignore its responsibilities to deliver cleaner local air at a time when the current situation has been described as a public health emergency.

2.30. The genesis of the approach to use parking charges as a means to improve air quality was clearly set out in the Air Quality Action Plan (recommendation 32) and it is legal to do so. This was approached democratically through the recent consultation which set out the proposed shift in relation to CPZ charging and the reasons for this.

The NO2 monitoring results demonstrate that air quality is poor throughout the borough and that three of the points exceeding the legal limit are in SW19. The council has a duty to address this and is also seeking to take access to public transport into account, through the PTAL rating, which is poorer in the east of the borough.

The council is working tirelessly with Transport for London (TfL) to press the case for cleaner buses in the borough, as evidenced in a recent letter from the Leader of the Council. TfL have undertaken to do so by 2037 and the council has said that is too long.

2.31. The council is using the levers within its control to nudge behavior on car use, parking and engine idling and that it has no control over TFL or Heathrow and limited control over HGVs driving through the borough. The proposals were seeking to balance competing interests of residents, retailers and town centres.

2.32. The previous committee reports set out four basic principles, which set the rationale that underpin the proposed charging structure:-

- (i). Ease of access to public transport
- (ii). Air Quality indicators
- (iii). Parking demand and space availability
- (iv). Enforcement requirements

**(i) Ease of access to public transport:**

In proposing the grouping and charge levels of each CPZ. Each CPZ was assessed against PTAL levels and as a guide, the criteria set out below:

- CPZs within 20 minutes' walk of an (1) underground and (2) mainline station and tram stop are in Tier 1.
- CPZs within 20-minute walk of (1) an underground or (2) mainline station are Tier 2.
- CPZs with no access to a mainline or an underground station within an approx. 20-minute walk are Tier 3.
- There are buses in many cases which complement access to train and tram provision within the borough.

**(ii) Air Quality:**

Merton's air quality levels are poor. A charging structure, that helps to change habits and car ownership throughout the borough, will have a beneficial medium to long-term effect. A number of hotspots coincide with areas of high parking demand and traffic movement. e.g. Wimbledon Town Centre. These focus areas align themselves with some of the more congested areas of the borough, and support the recommendations, which aim to address air quality issues.

**(iii) Areas of high parking demand**

Parking demand varies within the borough. Higher Charges are being proposed in areas of high demand to encourage the journey to be made either by walking, cycling or public transport, rather than by the use of a car.

**(iv) Enforcement requirements**

It is recommended to align charges with the hours of operation of the permit bays. For example, permits for a CPZ that are controlled for a shorter period should cost less than permits for zones that are controlled for a longer period. There is a direct cost of enforcement, dependant on the length of time a scheme is operational. This is reflected in the proposed cost of a permit.

The proposed charges are not based on any of these four criteria in isolation.

2.33. There is a significant difference in transport infrastructure and accessibility depending on where a resident lives, visits or works within the borough. TfL have grading's for each area of London – ranging from the highest to the lowest.

It is therefore easier in principle for a person living, visiting or commuting to a high PTAL rated area to use alternative sustainable of transport, compared to residents in low PTAL rated areas.

In cases where there is a reasonable opportunity to use public transport, or indeed walk or cycle, Merton's aim is to encourage everyone to use these options over the use of a motor vehicle. Generally, charges have been set higher where there is good transport links over less well-served areas. This is applicable to the proposed charges in CPZs, on street and in our car parks. The PTAL ratings have been used as a guide to inform this.

- 2.34. The new parking proposals are not just to improve air quality but also to promote a more active lifestyle and create healthier places. These are complex issues and it was difficult to disentangle the impact of multiple policy measures, which is why the council is proposing to measure the impact of the parking charges approach, for example, through the number of permits issued.

In response to questions about whether the proposals would impact on the level of car ownership, it is anticipated that the change will take time. In respect of the level of charges proposed, a number of factors had been taken into account including inflation and a consideration of what would be a reasonable level to nudge behaviour.

There are very few direct levers available to stimulate a change in driver behaviour, and the council believes that the rationale for setting the new parking charges is about giving people the right nudge and opportunity to make different choices.

### **3 ALTERNATIVE OPTIONS**

- 3.1. Members also heard at the Scrutiny call-in that the geographical approach to parking permit charges was in the view of some people discriminatory. There was a perception that this militated against tackling air quality in the east of the borough and also that it was a policy that 'taxed' residents in the west more than the east for no quantifiable benefit. The approach to CPZ permit charges is in part based on PTAL ratings as a guide. This seeks to recognise the variable availability of public transport across the borough. Furthermore, the approach recognises that the opportunity for motorists to give up their cars varies, at least in part, in relation to this transport accessibility. This innovative approach has been reviewed by officers and legal professionals but could still be subject to legal challenge. Simpler alternate approaches available to Members include a flat rate permit price; however, this would not recognise the transport accessibility differential.
- 3.2. A further option is not to increase charges and accept car ownership and car use will continue to increase the consequent negative impact on air quality and public health. If we do nothing then this will have serious negative consequences on the general health of the local population. Doing nothing is not a recommended option as congestion will increase, we will continue to fail to meet the EU air quality standards and we will not be able to maximise sustainable active travel within the borough.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1 We have consulted with a number of equality groups over the course of the development of the parking review. This report highlights the recent direct consultation undertaken in August through early September 2019.

## **5 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 5.1. Any increase in parking charges will inevitably have an effect on parking income. This is difficult to accurately predict since we are seeking to change motorists' behaviour and reduce car usage. As such, the current Medium Term Financial Strategy (MTFS) savings of £1.9m in 2019/20 and a further £1.9m in 2020/21 reflect assumptions on estimated decreases in demand across each income stream e.g. resident permits, visitor permits, pay etc. These assumptions will continue to be monitored and updated taking into account any agreed changes in fees and in motorists' behaviour.
- 5.2. The estimated 2019/20 income of £1.9m was based on an implementation Date of 1st October 2019. The overall level of income that will be achieved will be dependent on the actual implementation date and level of charges agreed following due process and consideration. It is important to note that the raising of income is not a contributing factor to any decision making process.
- 5.3. Local authorities are not permitted to use parking charges solely to raise income. When setting charges, the focus must be on how the charges will contribute to delivering the Council's traffic management and key sustainability objectives.

## **6 LEGAL AND REGULATORY REQUIREMENTS OF PARKING AND TRANSPORT MANAGEMENT.**

### **STATUTORY PROVISIONS**

- 6.1. Road Traffic Regulation Act 1984 (s.122) specifies that the functions conferred on local authorities under the Act should 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 facilities on and off the highway”.*
- 6.2. This includes (in s.122(1) of the Act)
- 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;
  - c) The strategy prepared under Section 80 of the Environment Act 1995 [National Air Quality Strategy]
  - d) 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.
  - e) Any other matters appearing to the local authority to be relevant.

- 6.3. Under Section 45 of the Road Traffic Regulation Act 1984 (RTRA 1984) local authorities may designate parking places and may make charges for vehicles left in a parking place so designated. In exercising its functions under the RTRA 1984, including the setting of charges for parking places, the Council must do so in accordance with Section 122 of the RTRA 1984 above.
- 6.4. In addition, s.45(3) of the Act provides that in determining what parking places are to be designated under this section [45] the local authority 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.
- 6.5. In accordance with the council's statutory responsibility under Section 122, the Council must have regard to these relevant considerations in the setting of charges. Setting pricing levels on the basis set out in this Report appears to be consistent with the requirements of the Act (provided that countervailing factors are also taken into consideration, as they have been in the present proposals).

#### Procedure

- 6.6. Under Section 35C and 46A of the Road Traffic Regulation Act 1984, a Local Authority has powers to vary off and on-street parking charges respectively. The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 contains the order making procedures as well as those to be followed when varying charges by way of a 'notice of variation'.
- 6.7. In this case, the Council decided to undertake a full TMO amendment procedure (rather than a Variation procedure) to enable a comprehensive and detailed consultation process, as described in the article published by the Council in 'MyMerton'
- 6.8. Regulation 25 (in addition to requiring the publication in local newspaper) also requires the following:
- (a) For off-street parking, the local authority is required to display in the parking place a copy of the 'notice of variation' and take all reasonable steps to ensure it continues to displayed in a legible condition (from the date of giving notice until it comes into force); and, if appropriate additional copies are to be displayed within the parking place and in roads giving access to the parking place; and
  - (b) For on-street parking, the local authority may, if it thinks fit, display copies of the notice of variation in prominent positions in the road affected.

#### Fiscal Implications

- 6.9. The Road Traffic Regulation Act 1984 is not a fiscal or revenue-raising statute. In *Djanogly v Westminster City Council* [2011] RTR 9, Lord Justice Pitchford, in the Administrative Court, held that:

*“In my view, when designating and charging for parking places the authority should be governed solely by the s.122 purpose. There is in s.45 no statutory purpose specifically identified for charging. Charging may be justified provided it is aimed at the fulfilment of the statutory purposes which are identified in s.122 (compendiously referred to by the parties as "traffic management purposes"). Such purposes may include but are not limited to, the cost of provision of on-street and off-street parking, the cost of enforcement, the need to "restrain" competition for on-street parking, encouraging vehicles off-street, securing an appropriate balance between different classes of vehicles and users, and selecting charges which reflect periods of high demand. What the authority may not do is introduce charging and charging levels for the purpose, primary or secondary, of raising s.55(4) revenue.”*

- 6.10. This was in accordance with the previous Court decision in *Cran v Camden LBC* [1995] RTR 346, and was subsequently approved by the High Court (Mrs Justice Lang DBE) in the case of *R (Atfield) v London Borough of Barnet* [2013] EWHC 2089 (Admin).

#### Application of Revenue

- 6.11. In terms of any income that may be generated by the increased charges, the Traffic Management Act 2004 amends section 55 (4) of the Road Traffic Regulation Act 1984 and directs that income should be used:

- (a) To make good any payment used for parking places,*
- (b) For the provision of or maintenance of off street parking (whether in the Open or not) and*
- (c) Where off street parking provision is unnecessary or undesirable:*
  - (i) To meet the costs of provision of or operation of public passenger transport services, or*
  - (ii) For highway or road improvement projects within the borough, or*
  - (iii) For meeting costs incurred by the authority in respect of the maintenance of roads maintained at the public expense by them,*
- Or*
- (iv) For the purposes of environmental improvement in the local authority's area, or*
- (v) Any other purposes for which the authority may lawfully incur expenditure.*

- 6.12. In addition, for London authorities, this includes the costs of doing anything “which facilitates the implementation of the London transport strategy”

- 6.13. However, for the reasons set out above Members must disregard any benefit in terms of the revenue that may be generated by these proposals when making the decision as to whether to proceed or not.

Decision-making: Public Sector Equality Duty (PSED)

6.14. In considering this Report and coming to their Decision, Members should have due regard to the need to:

*(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this act;*

*(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

*(c) foster good relations between persons who share a relevant characteristic and persons who do not share it.*

(Public Sector Equality Duty (s.149 Equality Act 2010))

6.15. The characteristics protected by the Act are:

- a. age;
- b. disability;
- c. gender reassignment;
- d. marriage and civil partnership;
- e. pregnancy and maternity;
- f. race;
- g. religion and belief;
- h. sex; and
- i. sexual orientation

6.16. Due regard means that the duty has been considered 'substance, with rigour, and with an open mind' and requires a proper and conscientious focus on the statutory criteria.

6.17. The PSED is a duty to have due regard to the specified issues, and not to achieve a particular outcome.

6.18. Members should have due regard to the Council's Equality Assessment which accompanies this Report.

Decision-making - General Principles of Public Law

6.19. In considering his Report and coming to their decision, Members should ensure that the decision is one which is rational in public law terms.

6.20. This requires that Members carefully consider all relevant information, and disregard any information which is irrelevant, and so the proposed policy, the reasons for the proposed charging scheme and pricing should be considered with regard to the statutory purposes of the Road Traffic Regulation Act set out above.

## Duty to give conscientious consideration to the consultation results

6.21. The Courts have held that a consultation should meet the following standards:

- Consultation must be at a formative stage
- Sufficient information should have been provided to ensure consultees are able to provide a full response
- Sufficient time for response should be allowed, and
- Members should conscientiously take the consultation responses into account
- Modifications and Post-decision process for making the proposed Orders

6.22. The draft Cabinet report recommends that the TMOs be made with the following modifications: -

the permit increase for certain permits in controlled parking zones VNE, VNS, VN, VQ, VSW, VSW1 and VSW2 will be lower than that first proposed and are modified by: -

- (a) For example, reducing the cost of the annual visitor permits in VSW1 from £360 to £320; which is a percentage reduction of 11.1%;
- (b) For example, reducing the cost of annual resident permits in VN from £120 to £110, which is a percentage reduction of 9.1%.

6.23. For example, the overnight parking charges in the Queens Road and St Georges Road Car Park will be amended to a flat fee of £2, instead of £3.

6.24. For example, the price for season tickets at the Morden Car Parks will be reduced by 6.7% or less.

6.25. Before the TMOs are made with modifications the Council is required to consider whether or not the modifications amount to a substantial change in the orders.

6.26. If the modifications are regarded as making a substantial change in the orders the Council is required to take the following steps:

- (a) inform persons likely to be affected by the modifications;
- (b) give those persons an opportunity to make representations; and
- (c) ensure any such representations are duly considered.

6.27. It is considered that these reductions in parking charges are not substantial either in themselves nor having regard to the entire scope of the proposed TMOs.

6.28. If Cabinet agree with the officer recommendation that the proposed modifications do not appear to make a substantial change in the TMOs, the orders can be made without further consultation described in paragraph 9.26 above.

6.29. The process would be as follows: -

- (a) choose a date to make the TMOs and an operational date for the Orders.
  - Orders once made are subject to a statutory 6-week judicial review period during which applications can be made to the High Court by persons wishing to question the validity of the Orders on the grounds that they are not within the powers of the Road Traffic Regulation Act 1984 or that the appropriate statutory procedures have not been complied with.
  - It would be prudent that the new charges come into force after this 6-week period has expired to avoid unnecessary costs that might be incurred

delaying the implementation of the TMOs should a legal challenge be made against the Orders in the High Court.

- Please note that the publication of the notice of making the TMOs is not an invitation to make further representations.
- (b) e-mail or write to all Cllrs and associations confirming that the Orders are to be made.
  - (c) within 14 days of making the Orders publish a notice of making in the local press and write to/email all persons/organisations who have made representations to notify them of the making of the Order and where persons have objected to the proposals and the objection(s) have not been wholly acceded to, include the reasons for the decision to make the Order.
  - (d) remove the notices of proposal displayed on site and replace with notices of making.
  - (e) deposit the notice of making and the made Orders at the Civic Centre and at all local libraries for a period of 6 weeks.
  - (f) the Orders would come into force after the 6 weeks' legal challenge period.
  - (g) remove the on-site notices of making.

6.30. The process of making and implementing the TMOs will likely take up to 8 weeks from the date of final decision.

## **7 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 7.1. The original equalities assessment has been updated following the recent engagement with equalities groups. The revised EA is attached as Appendix B. The Improvement Action Plan in Section 5 of the document sets out the actions and timescales proposed to be undertaken and the EA plan will be signed off and monitored by the Director of Environment and Regeneration and the Head of Parking Services.
- 7.2. The EA Plan and the policy would be kept under review and representatives of the affected groups will be consulted with to assess ongoing impacts and further mitigations. Adjustments would be brought forward for Members' consideration as appropriate.
- 7.3. There is a clear commitment that the EA Plan will be reviewed in 12 months' time and will be published on the Council's website.
- 7.4. Officers have reviewed the equity of the proposals and accept that there will be some residents who may be negatively impacted. However, in light of the mitigations set out above the level of impact is assessed as likely to be low. The council considers that the impact is proportionate to the legitimate aim sought to be achieved through the policy.

This Equality Analysis has resulted in an Outcome 3
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Assessment.

**Please include here a summary of the key findings of your assessment.**

A review of the proposed charges by Parking Services for on street pay and display, off street pay and display and permit to help deliver key strategic council priorities including public health, air quality and sustainable transport

There are both negative and positive impacts identified by the EIA.

**Positive Impact**

The proposals support the previous rationale of seeking to adjust driver behaviour and to ensure that we can provide a modern, efficient and environmentally sustainable transport policy for residents, visitors and businesses, now and in the future.

The proposals support the Public Health vision to protect and improve physical and mental health outcomes for the whole population in Merton, and to reduce health inequalities. At the heart of the strategy is the concept that the environment is a key driver for health. It can be summarised by 'making the healthy choice the easy choice'.

In setting out its measures of success, the new charging policy aims to deliver reduced car ownership and usage across the borough, encourage more people to undertake alternative forms of active travel, purchase fewer resident permits and lead to a rebalancing of our streets - to benefit residents and businesses alike.

This includes the shift to more active and sustainable transport modes (such as walking, cycling and public transport) the impact of vehicle emissions and congestion on air quality, and demand for kerbside space, which form the backdrop of the policy direction.

We have also identified a number of negative impacts, these include;

Age - Any increase in parking charges has the potential to negatively impact on those who are older and are more likely to have physical and health conditions. Older people are more likely to be affected by social isolation and loneliness.

Disability - Any increase in parking charges has the potential to negatively impact on those with a disability.

Pregnancy and maternity - A number of respondents stated that living near public transport does not mean it is easily accessible for all e.g. lack of lifts or escalators, not user friendly for families, or those needing to carry buggies.

Socio economic status - Any increase in parking charges has the potential to negatively impact on those from certain socio economic backgrounds.

Significant social inequalities exist within Merton. The eastern half has a younger, less affluent and more ethnically mixed population. The western half is less ethnically mixed, older and more affluent. Largely as a result, people in East Merton have worse health and shorter lives.

During the course of the consultation, a local faith group submitted a petition and stated that the proposed new charges will affect a number of people attending their prayers. Whilst the council notes this position it does not feel that the proposals disproportionately affect the protected characteristic of religion under these circumstances.

Officers have reviewed the equity of the proposals and accept that there will be some residents who may be negatively impacted. However, in light of the mitigations set out above the level of impact is assessed as likely to be low. The council considers that the impact is proportionate to the legitimate aim sought to be achieved through the policy.

**What course of action are you advising as a result of this assessment?**

Section 5 – Improvement Action Plan sets out the actions and timescales proposed to be undertaken.

**8 CRIME AND DISORDER IMPLICATIONS**

8.1. None for the purposes of this report.

**9 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

9.1. None for the purposes of this report.

**10 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix A – Consultation information sent to Equalities Groups
- Appendix B – Updated Equality Assessment
- Appendix C – Extract Minutes Cabinet July 2019
- Appendix D – Concessionary Transport Options

**11 BACKGROUND PAPERS**

11.1. None

## **Appendix A**

### **Correspondence with Equality Groups**

*Dear.... (Organisation)*

*Merton Council is currently engaging with a number of groups and organisations with regards to its proposals on air quality, public health, sustainable travel and future parking charges. I attach a copy of the Equalities Analysis and action plan for the proposed changes to parking charges that we are seeking stakeholder views on. The attached Equality Analysis (EA) supports the delivery of our statutory duties under the Equality Act 2010 and in particular the Public Sector Equality Duty (PSED). The Council is also required to ensure that it meets its obligations under the Human Rights Act.*

*The Council is keen to ensure that it has captured direct views from a number of organisations and bodies that represent or support those with protected characteristics across the Borough. In light of this I would welcome an opportunity to come and meet with you, or alternatively to arrange a telephone conference call, or receive written views relating to the following:*

- 1. Do you feel that Section 3 of the EA document adequately reflects the individuals and groups that will be affected by this proposal? Are there other individuals or groups that you feel may be missing and why?*
- 2. Section 6 of the document sets out the areas of concern that have been identified regarding the potential negative and positive impacts on one or more of the protected characteristics (equality groups). Is this a fair representation in your view?*
- 3. Section 8 sets out the Council's EA Improvement Action Plan which contains a number of actions required to mitigate the impacts on each protected characteristic group? Do you feel that these mitigations are appropriate? Are you aware of any further mitigations that the Council should consider?*

*I have also attached a copy of the Public Health, air quality and sustainable transport – a strategic approach to parking charges report that went to Cabinet on the 15<sup>th</sup> July, which includes a comprehensive section on the consultation carried out and the responses received.*

*I am hoping to gather views by the 30<sup>th</sup> August 2019 and I am more than willing to make myself available over the next two weeks to come to you to discuss this further.*

*I look forward to speaking with you shortly.*

*Kind regards*

*Cath James*

*Interim Assistant Director (Public Protection)*

## Appendix C

Extract from the minutes of the Cabinet meeting 15th July 2019.  
<https://democracy.merton.gov.uk/mgAi.aspx?ID=12748>

*The Cabinet Member went on to address the points made in the Scrutiny reference report. In relation to transport accessibility, officers were currently talking to TfL on improving step free access across the borough, which the Cabinet Member for Equalities had raised as one of her priorities at the Council meeting on 10 July. The most recent Residents' Survey had showed that residents do rate the current public transport provision in the Borough.*

*In respect of the impact on the elderly, the Cabinet Member drew the Cabinet's attention to the comprehensive Equality Assessment which had been undertaken. He and the Cabinet Member for Regeneration, Housing and Transport had asked officers to look at work being done by other boroughs on this issue. There were currently a range of measures to address and this would continue to be kept under review should the proposals be agreed.*

*At the invitation of the Chair, the Director of Environment and Regeneration reminded Members of their Public Sector Equality Duty, that all public bodies must prevent discrimination and have due regard to the need to consider and apply fairness and equality in carrying out their functions, particularly when making decisions or formulating policy. He drew Members attention to the updated Equality Assessment (EIA), which had been circulated in advance of the meeting, which contained an analysis of the impact of the proposals on those with protected characteristics under the Equalities Act following a comprehensive consultation process.*

*The EIA demonstrated both positive, in terms of improved air quality and public health, and negative impacts to some groups in particular those with a disability, socio-economic and pregnancy and maternity. However, in light of the mitigation measures set out in the EIA, the impact was assessed to be low and proportionate to the legitimate aim of the policy. Although the EIA had not identified a potential negative impact on the elderly, it was acknowledged that elderly people were more likely to have mobility issues and the EIA referred to mitigation measures already in place or planned.*

*The Director drew the Cabinet's attention to the Improvement Plan at section 5 of the EIA which set out actions and timescales proposed to be undertaken, including arrangements for free parking for Blue Badge holders in certain bays, dedicated disabled bays and free carer permits. Although residents over 60 qualified for free public transport, it was acknowledged that some of the stations in the Borough were not step free and this was also identified as an issue in the pregnancy and maternity category. Therefore, the Council would continue to lobby both Network Rail and TfL for improvements (1).*

*It should be noted that the proposals were complimentary to a number of measures already either underway or planned and if approved, the policy would*

*be kept under review and representatives of the affected groups would be consulted with to assess ongoing impact and consider further mitigation. Adjustments would be brought forward for Members' consideration as appropriate.*

- (1) The extract below has been taken from a recent letter sent by the Leader of the Council to the Mayor of London.

In addition, whilst we are encouraging residents to give up their cars we need to be more confident that there will be safe and accessible public transport options available. The lack of step free access at some of our busy train stations, particularly Raynes Park and Motspur Park, is a cause for concern, and any action you could take to expedite step action here would be appreciated.

TfL supported us in our unsuccessful bid earlier this year to the Department for Transport for Access for all monies and I would like to seek your support for future bids or alternate funds that we can sue to provide step free access to all public transport across the borough.

The Council acknowledges that, where possible, convenient parking should be provided for residents to enable them to park near their homes, where practicable, and parking provision is also necessary to meet the needs of people who have no other alternative other than to use their vehicle e.g. individuals with disabilities.

A number of key factors were considered in the review of on and off-street parking and permits, which included:

- (i) Ease of access to public transport (PTAL)
- (ii) Air Quality hotspots
- (iii) Areas of high congestion
- (iv) Enforcement requirements

In order to fully understand how the proposals would affect users and residents, the Council undertook a comprehensive consultation exercise to gain the views of residents and stakeholders. This enabled the Council to make informed decisions and to develop the proposed policies.

# Appendix D

## Concessionary Transport Options

### 1 Freedom Passes for Older People or for People with a Disability

Freedom Passes are issued to older people and to people with a disability throughout the London area. The eligibility age now varies for older people, please refer <http://www.londoncouncils.gov.uk/services/freedompass/eligibility/default.htm> for further information.

Individuals may be eligible for a Disabled Freedom Pass from Merton Council if they are an adult or a child, resident in the London Borough of Merton and:

- are blind or partially sighted
- are profoundly or severely deaf
- are without the use of both arms
- are without speech
- have a learning disability
- have a physical impairment, which is enduring and substantial and has a significant effect on your mobility
- have a medical condition (such as epilepsy) which impacts upon your ability to drive

This is funded by LBM. A form can be downloaded from the Merton Council Website and returned to the Disabled Freedom Pass Administrator at Merton Civic Centre. Contact number: 020 8274 4901.

[https://www.merton.gov.uk/assets/Documents/freedom\\_pass\\_application\\_form\\_nov\\_2016.doc](https://www.merton.gov.uk/assets/Documents/freedom_pass_application_form_nov_2016.doc)

### 2 60+ Oyster photo-card:

If individuals are aged 60 or over, they may qualify for a new type of Oyster photo-card. The pass entitles people aged 60 or over to free travel on Transport for London services 24 hours a day, seven days a week. The 60+ London Oyster photo-card will expire when a customer's age reaches the age of eligibility for the London Councils Freedom Pass.

Eligible individuals should:

- Live in a London borough and
- Be aged 60 or over

Online application forms are available via [www.tfl.gov.uk](http://www.tfl.gov.uk)  
<https://photocard.tfl.gov.uk/favicon.ico>

### 3 Oyster Bus and Tram Discount photo-card:

Individuals should be aged 18-60 and in receipt of Income Support, Employment and Support Allowance, or Jobseekers Allowance for 13 weeks. They will pay 50% of their fares on buses and trams only. An application form can be downloaded from [www.tfl.gov.uk](http://www.tfl.gov.uk)

Adults: Free & discounted travel - Transport for London

#### **4 TFL Student discounted fares:**

If individuals are 18 or over, live at a London address, in full-time education, or on a mandatory work placement in London, they may be eligible for an 18+ Student Oyster photo-card.

Adults: Free & discounted travel - Transport for London

#### **5 Jobcentre Plus Travel Discount**

The jobcentre plus travel discount card allows discounted travel if the customer is looking for work. To be eligible for a card, the customers must be in receipt of one of the following:

- Jobseekers Allowance, if you're aged between 18-24 and have been unemployed for 3-9 months
- Jobseekers Allowance, if you're aged 25 or over and have been unemployed for 3-12 months
- Incapacity Benefit, Employment and Support Allowance or income support and working with an advisor on returning to employment

To apply for a jobcentre plus travel discount card, applications will need to be made at the local jobcentre plus office.

#### **6 Taxicard Schemes**

LBM residents who have a substantial and permanent physical or sensory disability that affects their mobility and means they are unable to use public transport without extreme difficulty, are eligible for Taxicards.

Individuals who hold any of the following are automatically eligible: -

- points or more for the moving around activity component of PIP
- Registration as a blind person
- War Pensioners Mobility Supplement
- Registration as a blind person

An individual has an entitlement of a given number of subsidised trips allocated on an annual basis.

The minimum fare is £2.50

Taxicard trips should not be used for regular medical appointments. GPs or hospitals should arrange patient transport.

LBM and Transport for London fund this. Application forms are available from the Taxicard scheme on 0207 934 9791 or can be downloaded from [www.londoncouncils.gov.uk](http://www.londoncouncils.gov.uk)

## **7 The Capital Call Scheme**

This Scheme enables members (individuals with mobility problems) to use minicabs as subsidised door-to-door transport where London black taxis are less easy to obtain. The scheme is funded externally and LBM do not fund this. Merton customers receive £118 pa towards their journeys.

This scheme is no longer accepting new applications.

## **8 Dial a ride**

Dial a ride is a free door to door service, LBM does not fund this. Individuals must have a permanent or long term disability which means they are unable to use public transport some or all of the time.

Automatic eligibility if the customer is:

- A taxicard member
- Getting Higher Rate Mobility Component of DLA
- Getting the Standard or Enhanced rate of the Personal Independence Payment (PIP)
- Registered blind or partially sighted
- Aged 85 or over
- Getting a War Pension Mobility Supplement
- Getting Higher Rate Attendance Allowance

Individuals with non automatic eligibility will require written proof from a health or social care professional. Application forms can be requested on 0343 222 7777.

## **9 Merton Community Transport**

MCT provides accessible minibuses, MPV's (Multi Passenger Vehicles), a Mobility Van, Scootability, Shopmobility scooters, electric powered wheelchairs and manual wheelchairs, voluntary support, information and advice and signposting on transport accessibility issues.

## **10 Personalised Transport Services (PTS)**

The vehicles used are wheelchair accessible MPV's and can carry passengers, their friends and carers, escorts and others as required.

For further information please call MCT Offices on: 020 8648 1001 or e-mail: [info@mct.uk.com](mailto:info@mct.uk.com)

Merton Community Transport runs a 'Happy Shoppers' shopping shuttle on Wednesdays to Sainsbury's/Marks & Spencer in Colliers Wood. This is a door to

door service targeted at, but not restricted to, older people and those with mobility requirements. Pick-ups start at 10am, and the return journey leaves at 2pm. The cost for this service is £6.00.

## **11 Merton Scootability Project**

This project was set up by MCT in partnership with the London Borough of Merton in July 2008 to support individuals with mobility needs who are resident in Merton and wish to hire scooters, powered / manual / wheelchairs.

Membership fee £ 10.00 per year plus £8 per day for powered wheelchair/scooter or £7 per day for a manual wheelchair.

## **12 NHS hospital transport**

Transport for hospital appointments should be arranged through the hospital or GP.

Healthcare Travel Cost Scheme

Patients who receive certain benefits or allowances can request to have transport costs reimbursed. These include Income Support, Income based Job Seekers Allowance, Income-related ESA, Pension Credit Guarantee Credit, Child's Tax Credit, Working Tax Credit with a disability element, Universal Credit or the NHS Low Income Scheme.

Healthcare Travel Costs Scheme (HTCS) - The NHS in England - NHS Choices  
Mental Health Customers

Hospital Travel Cost Scheme- Claiming fares for appointments with your doctor or care coordinator- The South West London and St Georges Mental Health NHS Trust uses this scheme for all patients who are in receipt of means tested benefits; ESA,JSA, Universal Credit, Child tax credit. The process is simple; all receipts for travel and proof of benefits along with a cash disbursement voucher should be taken to the cashiers at Springfield Hospital.

## **13 Blue Badge**

This badge can only be issued if one of the following criteria is met:

- The individual receives the higher rate of the mobility component of the Disability Living Allowance.
- you receive a Personal Independence Payment scoring 8 points or more under the 'moving around' activity of the mobility section
- The individual uses a motor vehicle supplied for disabled people by a Government Health Department.
- The individual is registered blind.
- The individual has a severe disability in both upper limbs, regularly drives a motor vehicle but cannot turn the steering wheel of a motor vehicle by hand even if that wheel is fitted with a turning knob.
- The individual has a permanent and substantial disability which means you are unable to walk or have very considerable difficulty in walking. In

this case you may be asked to answer a series of questions to help us determine whether you are eligible for a badge. People with a psychological disorder will not normally qualify unless their impairment causes very considerable, and not intermittent, difficulty in walking.

A downloadable application form is available from [www.merton.gov.uk](http://www.merton.gov.uk)  
Merton Council Blue Badge Scheme

This scheme has currently been extended to include hidden disabilities.

#### **14 Transport Mentoring Service**

TFL Transport Mentoring Service offers support to disabled Londoners who want to broaden their horizons and make use of the many mainstream accessible public transport options. Advice is given on planning a journey using an accessible route and a mentor is provided to accompany the traveller for up to 5 journeys. Assistance is also provided for people who wish to use mobility scooters and other mobility aids on London's bus services.

Mentoring is free of charge and can be provided Monday – Friday from 08.00-18.00

There is no waiting list and sessions can usually start within a week. Bookings can be made on 0203 054 4361 .

#### **15 Bus Days**

Bus Days take place in nine London boroughs (including Merton), TfL's Travel Mentoring Service work with the local bus company to hold Bus Days, aimed at helping disabled people use buses independently. Whilst most participants are people with learning difficulties, they are open to anyone who would like to become more confident using buses. Together with police from the Safer Transport Team, participants can practice making journeys on a bus which has been taken out of service for the day.

Bus Days take place regularly in Merton. For more information, please contact the Travel Mentoring Service on 0203054 4361 or email [travelmentor@tfl.org.uk](mailto:travelmentor@tfl.org.uk)