

Chief Officer: Chris Lee

Date: 4 August 2020

Wards: All

Subject: Move from Band B Charging for parking Penalty Charge Notices (PCN) to Band A Charging – Consultation response report

Lead officer: Chris Lee, Director Environment and Regeneration

Lead member: Councillor Martin Whelton, Cabinet Member for Regeneration, Housing and Transport

Contact officer: Ben Stephens, Head of Parking

Recommendations:

- A. That the results of the public consultation are noted;
 - B. That the proposal to increase penalty charges from Band B to Band A is approved;
 - C. That an application is made to the Transport and Environment Committee at London Councils, the Mayor of London and the Secretary of State for Transport to allow the London Borough of Merton to issue parking PCNs borough wide at Band A charges.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The purpose of this report is to provide a summary of the results of the recent borough wide public consultation that took place, in response to the approval from the full council that the London Borough of Merton should apply for authorisation to issue parking PCNs at Band A charges.
- 1.2. The majority of respondents indicated that they support enforcement and wish for more enforcement to take place, particularly for more serious contraventions such as parking on school keep clear markings, however, the minority of respondents (22%) indicated that they did not wish for PCN costs to move from Band B to Band A, while still citing concerns about increased illegal parking as a result of the increased parking costs that came into effect in January 2020.
- 1.3. Based upon the evidence and the consultation responses it is recommended that the Council proceeds with this application.

2 DETAILS

2.1. Introduction

- 2.1.1 Merton currently enforces, on and off street parking, bus lane and moving traffic contraventions. To allow for comparison, all PCN figures referenced in Appendix A relate only to those PCNs issued directly by an on-street Civil

Enforcement Officer (CEO), as do any references to PCNs in this section. These figures do not include PCNs issued for bus lane or moving traffic contraventions.

- 2.1.2 Over the last five years (2015/16 to 2019/20), Merton has seen a rise in parking contraventions which has resulted in overall increase in the number of PCNs being issued.
- 2.1.3 A review of the PCNs issued in 2018/19 show that approximately 72% of the total number of PCNs issued in that financial year were issued to vehicles that are not registered to a Merton address.
- 2.1.4 The recent application to London Council TEC Committee from the Royal Borough of Greenwich shows that during the financial years 2015/16 – 2018/19, London has seen a 13.6% increase in the number of PCN's issued during this period.
- 2.1.5 During this same period, Merton experienced a 25% increase in levels of non-compliance, significantly higher than the 13.6% overall London trend.
- 2.1.6 Appendix A, Table 1 shows the number of PCNs issued by Merton in each of the last 5 financial years.

2.2 Current Position

- 2.2.1 Within Merton, there are 63 Controlled Parking Zones (CPZs), comprising 30% of the boroughs roads, and outside of these zones, there are stopping and/or waiting restrictions in place as well enforcement of blocked driveways and footway parking.
- 2.2.2 Over the years, Merton has had to deploy more enforcement resources in order to address the growing issue of non-compliance.
- 2.2.3 In addition, to the increase in the number of PCNs being issued, it is also relevant to note that in the period from 2015/16 to 2019/20, the percentage of the number of PCNs which were issued at the higher level (£110.00) has remained consistently higher the number of lower level (£60.00) PCNs issued in the same period.
- 2.2.4 This is a clear indication that the charge associated with these PCNs, is not a successful deterrent and as a result, the increased number of PCNs issued each year demonstrate that the current Band B charges, in conjunction with a robust enforcement regime are not encouraging improved compliance.
- 2.2.5 Appendix A, Table 2 show that during 2015/16 and 2019/20, the average percentage of PCNs issued for higher level parking contraventions is 63% of the total PCNs issued.
- 2.2.6 Further to the provisions of the Traffic Management Act 2004 (TMA), the primary purpose of penalty charge levels is to encourage compliance and as such, banding levels should be set accordingly.
- 2.2.7 It should also be noted that the immediate effect of the Coronavirus pandemic and lockdown has been that enforcing authorities have issued significantly fewer PCNs during March 2020 and the first quarter of 2020/21. However, as lock down measures have eased across the country, with the significant reduction in capacity available on all forms of public transport, in conjunction with increased use of personal vehicles, as well as repurposing

parts of the road to enable social distancing, there is already an increased demand for parking, both on and off street, and as a result of this, in July 2020, a total of 5323 PCNs were issued for parking contraventions on and off street, compared to 5775 in July 2019, indicating the number of parking contraventions is rapidly returning to pre-Covid levels.

2.3 **Public Consultation Results**

- 2.3.1 A consultation was carried out between 16 March 2020 and 1 May 2020.[then later extended to 28th June 2020] Details of this were published in the London Gazette and Wimbledon and Wandsworth Times (local paper).
- 2.3.2 On 13/03/20, consultation e-mails were sent to the statutory consultees, namely the emergency services (police, fire, ambulance), AgeUK, the Automobile Association, the British Motorcycle Federation, the Confederation of Passenger Transport, the Freight Transport Association, Friends of the Earth, the London Taxi Drivers Association, London Travel Watch, Merton Community Transport, the Road Haulage Association, Royal Mail, TrafficMaster, Transport for London, TFL buses, and the neighbouring boroughs (Croydon, Kingston, Lambeth, Sutton, Wandsworth).
- 2.3.3 There was one response by phone only from Sutton's Parking Contract Manager on 16/03/20. - No objection.
- 2.3.4 On 7/05/20 a further notice was advertised in the London Gazette and the Wimbledon and Wandsworth Times extending the consultation deadline to 31 May 2020.
- 2.3.5 On 7/05/20 consultation e-mails were sent to the statutory consultees.
- 2.3.6 One response on 12/05/20 from Croydon Council - No objection as they already apply PCN Band A levels.
- 2.3.7 On 4/06/20 a further notice was advertised in the London Gazette and the Wimbledon and Wandsworth Times extending the consultation deadline to 28 June 2020.
- 2.3.8 On 4/06/20 consultation e-mails were sent to the statutory consultees.
- 2.3.9 There was one response on 5/06/20 from the police - No objection or observations to add.
- 2.3.10 The following Resident Associations were sent an email (between 28/04/2020 – 01/05/2020) and a reminder email (04/06/2020 – 05/06/2020) advising them of the proposal and included the link to the survey:
- Mitcham Cricket Green Community & Heritage Trust, Mitcham Village Residents Association, Ravensbury Residents Association, Willow Lane Action Group, Longthornton and Tamworth Residents` Association, Mitcham Society, Parkside Residents Association, Wimbledon East Hillside RA (WEHRA), Willmore End Residents Association, Love Wimbledon BID, Bathgate Road Resident Association, Belvedere Residents Association, Community of Woodside Area Residents Association (CWARA), Florence Road Residents Association, High Path Community Association, Edge Hill Area Residents Association, Merton Park Ward Residents Association, Somerset Road Residents Association, South Common Residents Association, St John`s Area Residents` Association, Wimbledon Common West Residents

Association, Wimbledon Park Residents Association, Wimbledon Society, Wimbledon Union of Residents Association, Amity Grove Residents Association, Apostles Residents Association, Durrington Avenue and Park Residents Association, Four Acres and Edinburgh Court Residents Association, NW Wimbledon Residents Association, Raynes Park and West Barnes Residents Association, Raynes Park Association, Residents Association of West Wimbledon, South Ridgway Residents Association, New Belvederer Residents Association, Haydon's Road North Residents Association and Sadler Close Residents Association.

- 2.3.11 The following Resident Associations were sent a letter (dated and sent on 01/05/2020) and a reminder letter (dated and sent on 04/06/2020) advising them of the proposal and included the link to the survey:

South Mitcham Residents Association, Baron Estate Residents Association, Pollards Hill Residents Association, Wimbledon Almshouse Residents Association, Alfreton Close Residents Association, Queens Road Residents Association, Ridgway Place Residents Association and Burstow Road Residents Association.

- 2.3.13 The following Equality Groups were also sent an email (29/04/2020 – 06/05/2020) and a reminder email (04/06/2020 – 09/06/2020) advising them of the proposal and the included the link to the survey. In addition, at least one follow up telephone call was made (from 02/06/2020 – 05/06/2020) to each Equality Group (where possible) to ensure they were aware/remind the group of the Proposal and the consultation – not all groups were contactable via phone.

- Wimbledon Guild
- Age UK Merton
- Polish Family Organisation
- BAME
- BAME Voice
- Carers Support Merton
- Ethnic Minority Centre
- Merton and Morden Guild
- Merton CIL
- Merton Seniors Forum
- Merton Vision
- Merton CAB
- Merton Mencap
- Wimbledon and District NCT Group
- Merton Voluntary Sector Compact (MVSC)

- 2.3.14 As part of the consultation, interested parties were invited to complete an online questionnaire. The Resident Associations and Equality Groups that completed the survey and made representations with the survey have been included in the consultation analysis.
- 2.3.15 The first question asked respondents how they travel around Merton, why they drive in Merton and where they park most often.
- 2.3.16 Of the 336 respondents, 86% percent advised that they drive a motorised vehicle, with 178 of those responding advising that they park in Merton on a daily basis.
- 2.3.17 The majority of respondents (47%) indicated that they drive in Merton for leisure or social reasons, with 31% indicating that they drive to Merton either for work (16%) or as part of their daily commute (15%).
- 2.3.18 When asked where they park, 35% of respondents indicated they park within a Controlled Parking Zone (CPZ), 30% advised that they park on street for free, and 28% advising they paid for parking either on street or in a car park.
- 2.3.19 Respondents were then asked a further 7 questions where they were asked to indicate whether or not they agreed, disagreed or neither agreed nor disagreed with the question asked.
- 2.3.20 72% of respondents agreed that more should be done to improve traffic flow in Merton, with 63% agreeing that inconsiderate parking adds to congestion.
- 2.3.21 60% of respondents agreed that inconsiderate parking in Merton makes roads more dangerous, however, only 45% of respondents agreed that more should be done to enforce parking restrictions.
- 2.3.22 Overall, only 27.5% of respondents agreed that an increase in the cost of a PCN is an effective way of discouraging inconsiderate parking, and only 22% of respondents agreeing with the proposal to change Merton's PCN Band charges from band B to band A.
- 2.3.23 When asked about enforcement priorities, responses showed that respondents felt that the enforcement of school zig zag markings was the most important, and the enforcement of double yellow lines was the second priority for respondents. The enforcement of Blue Badge bays was the third most important concern for respondents, followed by the enforcement of footway parking.
- 2.3.24 Full details of the responses to these questions can be found as Appendix B.
- 2.3.25 In addition, to these questions, respondents were also invited to give free text responses to the following questions;
- What types of parking enforcement do you think are the most important?
 - Please tell us if you have any suggestions for how we could deter inconsiderate parking in Merton.
 - Please tell us if you have any other comments about the proposal to increase PCNs to Band A; or would like to provide any formal representation
- 2.3.26 **What types of parking enforcement do you think are the most important?**

2.3.27 When asked what types of parking enforcement were the most important, there were 32 responses with 33 comments as can be seen in the table below:

What types of parking enforcement do you think are most important? 32 responses		
Lane/route blocking - bus / bike lanes / pavement / red route / yellow lines	8	24.5%
More parking spaces are required / increase garages	5	15%
Sustainable transport - more cycling infrastructure, better public transport logistics, etc.	2	6%
More enforcement - More traffic wardens/ speed cameras	2	6%
Pedestrian Crossings / zig zag lines	3	9%
Resident bays/resident only bays / free bays	8	24.5%
Misc. - none, No car tax, combination, no staff permits	5	15%
Number of comments within the responses	33	100%

2.3.28 Respondents stated:

2.3.29 Approximately 50% of the respondents felt that parking enforcement was key in relation to resident bays, pavements and lanes/routes (cycle, bus etc.). These two areas clearly have a big impact on both residents and motorists travelling around and through Merton. Any impeding of parking, particularly in resident bays, which residents have to pay to park in via a resident permit plus blocking lanes for motorists, are key concerns for motorists in Merton.

2.3.29 There were comments regarding inconsiderate parking by pedestrian crossings and zig zag lines, particularly around schools.

2.3.30 There was a request for more CEO enforcement/application of technology so that alternatives are available and improvements to sustainable travel.

2.3.31 There was a general request for more parking bays and garages.

2.3.32 Council Response:

2.3.33 The motorists in Merton are concerned about being able to travel freely through Merton and to park as residents without being impeded and this is the objective of the proposed increase to ensure that inconsiderate parking is deterred. Merton works hard to ensure that there is a good traffic flow throughout Merton for all motorists. Unfortunately, there is a level of inconsiderate parking that impacts on that traffic flow hence the need for enforcement action with a penalty that ensures no repetition.

2.3.34 Parking spaces are not really going to increase because of the conflicting demands on road space. So the main objective is to ensure that we optimise the use of all available parking bays and that they are used effectively and efficiently. Better management of current parking spaces, through ensuring compliance with parking regulations could improve parking availability.

- 2.3.35 Merton's transport policy is to improve sustainable transport options and it has invested over £4,000,000 in cycling over the last 5 financial years. As a result of the Coronavirus pandemic and the associated requirement for increased space for social distancing and reduced public transport capacity, the Government, TfL and Merton wants to encourage use of active travel and Merton has received emergency funding to implement new and improved cycle and walking facilities across the Borough.
- 2.3.36 With the increased uptake in active travel methods, particularly walking and cycling, enforcement through the issuing of PCNs is vital to to protect key walking and cycling routes and discouraging illegal parking, particularly during the Coronavirus crisis when more footway space is required for social distancing.
- 2.3.37 Merton is committed to improving access and reducing traffic danger around all Merton schools and for all children in Merton. There is a large project that has commenced in Merton to introduce school streets to prevent through traffic into roads near schools during school start and finish times. As part of the Coronavirus response measures, Merton has recently secured further funding to implement a number of additional school street schemes from September. To ensure compliance PCNs are issued using patrols and/ or cameras.
- 2.3.38 The Council also aims to encourage more sustainable forms of car use, including car club and electric vehicles, and has a number of on-street dedicated parking bays for these types of vehicle. Enforcement through the use of PCNs ensures that these bays are protected and for the EV bays that they are only used by vehicles that are being charged. This will become increasingly important in future years as the number of EVs is likely to increase and there will be greater demand to use the public charging points
- 2.3.39 **Please tell us if you have any suggestions for how we could deter inconsiderate parking in Merton.**
- 2.3.40 There were 243 responses with 362 suggestions as can be seen in the table below:

Section	Subject	No. of comments	%
A	Enforcement	126	35%
B	Parking Spaces	87	24%
C	Educate/ Encourage	31	8%
D	Technology	23	6%
E	Sustainable Travel	22	6%
F	CPZ issues	13	4%
G	School issues	12	4%
H	Local Economy	21	6%
I	Miscellaneous	27	7%
	TOTAL	362	100%

- 2.3.41 The suggestions have been grouped as per the sections above and a summary of the suggestions in each section can be found in Appendix C.
- 2.3.42 Despite only 45% of respondents saying that more should be done to enforce parking restrictions in an earlier question, when given the opportunity to comment further, in excess of 50% of respondents at these stages cite additional enforcement as being needed.
- 2.3.43 **Please tell us if you have any other comments about the proposal to increase PCNs to Band A; or would like to provide any formal representation**
- 2.3.44 There were 192 responses with 307 comments. The 192 responses to this question raised a variety of issues, which have been reviewed and analysed into eight sections. Please note that one respondent may provide one specific comment on one issue or more than one comment covering a number of issues. As a consequence although there were 192 responses there were 307 comments provided over 8 subjects as listed below:
- Financial
 - Enforcement
 - Proposal Fully Supported
 - Educate and Encourage
 - Sustainable travel
 - Improve technology
 - Local economy
 - Misc.

Within each subject listed above there were a variety of comments and Appendix D gives a summary of the issues raised.

	Group	General overview	No of comments	%
A	Financial	Charges high/low, financial impact such willing to risk	125	44%
B	Enforcement	Increased enforcement, more signs, better responses etc	68	24%
C	Fully Supported	Good/excellent idea to increase	13	5%
D	Educate and Encourage	Inform the public of impact of inconsiderate parking	27	10%
E	Sustainable travel	Public transport, cycling, car clubs etc	7	2.5%
F	Improve technology	Use technology to assist, smart traffic lights etc	9	3%
G	Local Economy	Help and support high street and local businesses	14	5%
H	MISC	Varied ideas and not all directly relating to PCNs	18	6.5%

	TOTAL	281	100%
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2.3.45 **Financial**

2.3.46 **Respondents stated:**

2.3.47 There were a 125 comments of a financial nature ranging from Council revenue making exercise to proposed penalty charge not high enough to change behaviour.

2.3.48 A large number of respondents stated that the current penalty cost was high enough and any further increase was just a revenue raising exercise by Merton. In addition, many respondents felt that an increase would not change motorist behaviour regarding inconsiderate parking.

2.3.49 To summarise there were a range of comments recorded and the following are the key reasons:

- revenue exercise/punishment on motorists;
- increase will not change behaviour / not high enough to impact;
- no evidence presented that the proposed increase will change inconsiderate parking behaviour;
- proposed increase would impact those on a low income disproportionately and at a time when there is greater financial disparity as a result of Covid 19 (higher dependence on private vehicle and high level of unemployment);
- parking charges increased so motorists are more likely to risk a PCN;
- increased financial punishment for those making a genuine mistake rather than being consciously inconsiderate;
- Increased costs for council/residents because more cases to bailiffs and courts.

2.3.50 **Council Response:**

2.3.51 The Council acknowledges that the proposal will result in an increased penalty charge; however the increase is reasonable in relation to the operations, objectives of PCNs and in comparison with other local authorities. It should also be noted that there has been no increase to the cost of a PCN issued in London at either Band B or Band A Charges since 15 April 2011, and it is worth considering the impact of a penalty that has not changed in line with inflation for 9 years.

2.3.52 **On Street PCN Charges;**

Currently, 13 London Authorities issue PCNs at Band A charges, and 11 London Authorities issue PCNs at a combination of Band A and Band B charges. The remainder, including Merton, issue PCNs and Band B charges.

2.3.53 **Off street PCN Charges;**

Currently, 13 London Authorities issue PCNs at Band A charges, and 1 London Authority issues PCNs at a combination of Band A and Band B charges. The remainder, including Merton, issue PCNs and Band B charges.

2.3.54 A map of the London Boroughs showing the banding charges can be seen in Appendix E

2.3.55 With regard to the significant number of statements that Merton is increasing the charges as a revenue exercise please note the following: **Taken from the PCN Report to Council on 5/2/20:**

Whilst the purpose of any enforcement regime is to improve compliance with the restrictions in force, consideration also needs to be given to any surplus money that may be generated as a result of moving to these charges. Section 55 of the Traffic Management Act (2004) specifies what any surpluses from parking activities may be used for. Surpluses from parking activities are currently used to contribute towards concessionary travel for Merton residents, and carriageway and footway maintenance.

Any additional surplus from a change to the banding charge will continue to contribute towards these activities, but the desired effect of the change is to reduce the number of contraventions.

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.

In addition, for London authorities, this includes the costs of doing anything "which facilitates the implementation of the London transport strategy". 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.

2.3.56 Some respondents stated that the increase would not change motorist behaviour and felt there was no evidence to support that an increased penalty charge would reduce inconsiderate behaviour.

- 2.3.57 As there are no areas in Merton that are currently charged at PCN Band A charges, we do not have in house data to make a reasonable comparison, however, in their recent application to move to borough wide Band A PCN charges, the Royal Borough of Greenwich submitted data showing that there had been an overall 39% increase in the number of PCNs issued borough wide, it demonstrated that in areas where PCNs are charged at Band A, there was only a 25% increase in the number of PCNs issued, in areas where PCNS are charged at Band B, there had been a 50% increase in the number of PCNs issued over the same 4 year period.
- 2.3.58 A number of respondents felt that the proposed increased charges were too high.
- 2.3.59 While Merton are applying to move from Band B PCN charges to Band A PCN charges, the actual cost of a PCN is set by the Secretary of State for Transport in conjunction with the offices of the Mayor of London. Enforcing authorities have no say in the actual cost of a PCN, however, enforcing authorities do have the option of applying to issue PCNs under Band A charges. It should be noted that all PCNs issued for Bus Lane and Moving Traffic contraventions are already charged at Band A charges.
- 2.3.60 In addition, there were concerns that the increased charge would impact those on a low income disproportionately and at a time when there is greater financial disparity as a result of Covid 19, and the higher dependence on personal vehicles for travel.
- 2.3.61 It should be recognised that it is the minority of motorists who receive PCNs.
- 2.3.62 The Highway Code is a series of rules that all motorists driving on the roads in England, Wales and Scotland are legally required to obey, and those motorists who receive their license within the UK, are legally required to study these rules and pass an exam demonstrating their understanding of these rules, before they are allowed to complete their practical driving exam.
- 2.3.63 Motorists are advised that a failure to follow these rules, in this instance those associated with parking, may result in a fine or penalty being issued, points being added to a motorist's license, and in the most serious instances, criminal prosecution and imprisonment.
- 2.3.64 Some respondents stated that because the parking charges in Merton have increased that motorists might be more likely to risk inconsiderate parking/failure to pay for parking.
- 2.3.65 It should be noted that the opposite argument could be presented in that the penalty charge needs to increase, otherwise it might be more cost effective for motorists to risk inconsiderate parking/failure to pay over a period of time. Plus the increased parking charges/permit costs places an obligation on the council to ensure that it makes inconsiderate parking a financial risk that is not worth taking.
- 2.3.66 A number of respondents stated that a number of PCNs are issued based on genuine mistakes such as drivers not getting back to a parked vehicle before the parking ticket has expired. Merton acknowledges that there are occasions when genuine errors occur, such as inability to return to a vehicle due to illness and whenever possible fully considers representations made.

Each case is judged on its own merits, and on the basis of the information provided by the driver.

2.3.67 In addition, please note the comments and responses in the section - educate and encourage section where Merton acknowledges that all advertising campaigns to raise awareness are beneficial.

2.3.68 **Section B - Enforcement**

Respondents stated:

2.3.69 There were 68 comments about enforcement issues covering the following:

- more enforcement / targeted activity
- more enforcement staff
- trained / experienced staff
- guaranteed visits and quick to respond
- better / clearer signs and information
- just tow-away cars
- More activity to protect disabled bays / in residential areas as well.

2.3.70 There were a number of comments about the need for greater enforcement as the best deterrent and in particular targeted enforcement. For example, targeting key areas, offences and visiting areas regularly.

2.3.71 A number of respondents suggested increasing the number of enforcement staff and the quality of staff in order to increase and improve enforcement in Merton. In particular, a number of respondents suggested that a quicker response from enforcement officers would reduce inconsiderate parking.

2.3.72 Respondents stated that often contraventions occurred because of a lack of signs and/or clear signs. The lack of signs/clear signs resulted in motorists parking inconsiderately without knowledge and in error.

2.3.73 Respondents also stated that vehicles parked inconsiderately should be just towed as that offered a speedy resolution and was more likely to cost more therefore be a better deterrent.

2.3.74 Some respondents stated that blue badge bays need to be better enforced, not just in car parks and busy areas but also in residential roads.

2.3.75 **Council Response:**

2.3.76 Significant work has been undertaken in enforcement over the last 12/18 months as follows:

- Recruitment of Civil Enforcement Officers (CEOs).
- Significant training activities for CEOs covering Blue Badge Inspections, Using Body Worn Cameras, Introduction to School Safety Zone, Dealing with Terrorist Incidents, The training given to CEOs has included training on the street with both set up cases and active cases
- Improved equipment for CEOs more charging points, streaming camera for use at school activities, improved uniform

- A review is being undertaken of future equipment required by CEOs such as new handhelds, body worn cameras, etc.

- New environmentally friendly electric mopeds and cars for use by CEOs for use in specific enforcement activities.

2.3.77 Merton is committed to fully training all staff and this is also the case with regard to the CEOs. The training CEOs receive is wide ranging from the legislation, equipment used, types of contraventions, targeted activity and training to build and develop their customer service skills. CEOs face a great deal of interactions with the public which quite often because of the nature of the work can initiate negative reactions from the public.

2.3.78 A number of new targeted enforcement activities have been undertaken by the CEOs as follows:

- Body Worn Cameras for all PCN issues (now waiting the purchase of new Body Worn Cameras to facilitate full and constant use of Body Worn Cameras when issuing PCNs).

- Blue Badge Inspections – this is to address and reduce the abuse of both Blue Badge Parking Bays and Blue Badges and commenced on 17 December 2019. Up until 26 February 2020, 166 Blue Badge inspections were carried out, and in 5 cases, a Blue Badge was withdrawn/removed etc. One issue was that BB activity tends to be in busy areas but little activity re BB bays in residential areas

2.3.79 The Traffic Signs Regulations and General Directions (TSRGD) (2016) provides statutory guidance to those responsible for traffic networks on where signs and markings should be positioned. Whenever possible, Merton will meet or exceed these minimum standards. However, the TSRGD does recognise that at some locations, because of the site layout, it is not possible to exactly match these minimum requirements, which is why this is statutory guidance as opposed to statutory requirement.

2.3.80 A number of respondents highlighted that areas/roads are not often visited and that responses to reports of inconsiderate parking are slow.

2.3.81 Residents are able to report illegally parked vehicles by calling 020 8545 4661 (option 3), Monday to Saturday from 7am to 10pm, and Sundays 11.45am to 4pm. CEOs endeavour to attend to these site visits within 30 minutes of them being reported, however, our ability to attend to these site visits is subject to officer availability and locality. Prior to the start of CPZs coming into operation, CEOs focus on primarily enforcing waiting and loading restrictions, and once the CPZs start operating, the main focus for enforcement is in the operational CPZ areas. Enforcement does take place in non-CPZ areas during these times as well.

2.3.82 A few respondents felt that the most effective way of dealing with inconsiderate parking was to tow away the vehicle. They stated that the issue re inconsiderate parking would be immediately resolved and the high cost of retrieving the vehicle would deter repeat offenders. In order for an authority to operate a 'tow away' system, there are a number of criteria that must be met, including the operation of a secure storage facility for any vehicles that have been removed.

2.3.83 At this time, Merton do not have access to a secure, vehicle storage facility. Evidence across London suggests that a tow away service does not in itself reduce the number of PCNs and thus it is not seen as an alternative to the proposals set out in this report.

2.3.84 **Section C - Fully Supported**

2.3.85 **Respondents stated:**

2.3.86 There were 13 respondents that stated directly and explicitly that they supported the proposal to increase penalty charges to Band A. Respondent statements varied from agreed, Will help reduce inconsiderate parking, good / excellent idea and yes agree increase but it should be higher to be even more effective.

2.3.87 **Council Response:**

2.3.88 We acknowledge the positive response from the respondents. With regard to the comments that the increase should be higher, as previously advised, individual enforcing authorities have no say in the cost of a PCN as the cost of all PCN charges in London is agreed by the Secretary of State for Transport, in conjunction with the offices of the Mayor of London.

2.3.89 **Section D - Educate and Encourage**

2.3.90 **Respondents stated:**

2.3.91 There were 27 respondents who recorded comments regarding the need to educate and encourage motorists to not park inconsiderately. The respondents stated that more publicity and awareness of what inconsiderate parking is and the impact it can have on traffic flow and other motorists plus possibly on pedestrians. The general view was that often motorists are not aware that they are parking inconsiderately or appreciate the impact it can have. An example given was the nationwide advertising of parking in disabled bays and how that made motorists realise the importance of not parking in disabled bays.

2.3.92 In addition, respondents stated that being aware of the parking options/alternatives would help reduce inconsiderate parking. Advertising the options such as sustainable travel would be good and encourage alternative travel options to vehicles.

2.3.93 **Council Response:**

2.3.94 All motorists driving on the roads are required to study the Highway Code, which is a series of driving and parking rules that motorists are legally required to adhere to while driving and parking on the roads in England, Scotland and Wales.

2.3.95 In addition to this, Merton have undertaken a number of awareness campaigns in relation to parking on school keep clear markings, engine idling and the enforcement of drop kerbs, this is as well as issuing warning notices in areas when enforcement starts for the first time e.g. in new CPZ areas.

2.3.96 **Section E – Sustainable travel**

2.3.97 **Respondents stated:**

- 2.3.98 A number of respondents stated that if there were more cycle lanes, protected cycle lanes and connected cycle lanes across Merton that would reduce the reliance on vehicles. One respondent stated that they would be happy to pay a bike tax if that resulted in more cycle lanes and preferably protected cycle lanes.
- 2.3.99 Respondents also stated that more car clubs as an alternative to private ownership is dependent on easy access.
- 2.3.100 Respondents stated that safer streets would also encourage more walking throughout Merton particularly for families.
- 2.3.101 **Council Response:**
- 2.3.102 As previously advised, Merton has significantly improved cycle lanes, in fact it has invested over £4,000,000 in cycling over the last 5 financial years and while future funding for cycling is unknown at this time as a result of the Coronavirus pandemic, there is likely to be new funding available given the high priority that cycling infrastructure now has.
- 2.3.103 **Section F – Improve Technology**
- 2.3.104 **Respondents stated:**
- 2.3.105 Respondents stated that better use of technology throughout Merton might reduce inconsiderate parking. It was suggested that SMART traffic lights might help.
- 2.3.106 Respondents stated that using technology to advertise alternatives to driving would help reduce inconsiderate parking. For example, advertising available parking spaces in car parks, busy roads.
- 2.3.107 It was suggested that some inconsiderate parking might be caused by the fact that motorists might be because they do not have access to a Smart phone therefore cannot book via RingGo and consequently take a risk. I think we might want to pick this up in the Equalities Assessment.
- 2.3.108 **Council Response:**
- 2.3.109 Within London, the management of the traffic light network is the responsibility of Transport for London.
- 2.3.110 Merton have previously looked at introducing sensors in bays in parking bays, primarily in off street car parks but also on street at high demand locations, however, the cost of doing so, including the associated costs of physical and digital infrastructure, were prohibitive in the pre-COVID environment.
- 2.3.111 Many map applications, available on most smart phones, will provide an indication of how busy a given route is, and most suggest alternative routes to drivers.
- 2.3.112 The majority of pay and display locations, both on and off street, make provision for motorists to pay either in cash, or by mobile phone.
- 2.3.113 **Section G – Local Economy**
- 2.3.144 **Respondents stated:**

- 2.3.155 Respondents stated that there was a need for more parking spaces to avoid inconsiderate parking. It was stated that often motorists take a risk as they cannot find anywhere to park.
- 2.3.156 Respondents suggested a number of initiatives that could reduce inconsiderate parking and support the local economy as follows:
- More short stay parking bays in key areas such as High streets
 - Free parking bays
 - More electric car bays
 - More car parks built
 - Flexible parking bays that respond to demand throughout the day/week
 - Lower parking charges in the evening in key areas
- 2.3.157 Respondents highlighted that the number of delivery vehicles has increased and due to Covid will continue to increase. Without adequate parking risk of inconsiderate parking will continue to increase.
- 2.3.158 **Council Response:**
- 2.3.159 Merton is committed to improving air quality for everyone visiting and residing in Merton and following the declaring of an Air Quality emergency there are a number of initiatives developed and implemented to reduce air pollution in Merton. One of those initiatives is to reduce car ownership and use in Merton. As a consequence Merton does not plan to increase the number of parking bays or number of car parks.
- 2.3.160 As a result of traffic flow issues, Merton would not look to introduce further short stay pay and display bays in high street locations, and rather, would encourage motorists to use off-street parking facilities.
- 2.3.161 Currently, only the Wimbledon Town Centre Car Parks operate after 6pm, and at weekends, and customers can pay a flat fee of £2.50 in all car parks for Sunday parking, and a flat fee of £2 in St Georges Road car park and Queens Road car park after 6pm, Monday to Saturday.
- 2.3.162 **Section H – Miscellaneous**
- 2.3.163 **Respondents stated:**
- 2.3.164 Some respondents stated they had no comments, or would like to make a formal representation or supported the proposal if another activity was completed such as a review of the appeal process.

There were a variety of statements as follows:

- Build less residential property and demand for parking will reduce
- Reduce driveway costs
- Increase for a trial period
- Undertake more research and/or modelling
- Merton staff parking for free in local roads impacts on residents being able to park after paying for a permit
- Need more car clubs

- Middle class more able to appeal
 - Use money made to deal with fly tipping in Mitcham
 - Use the money to repair roads and pavements
 - Increasing the cost of parking increases the risk of inconsiderate parking
- 2.3.165 **Council Response:**
- 2.3.166 As part of the planning process, particularly for multi-dwelling residences in CPZ areas, the planning team will consult with Parking Services in relation to demand for parking within the area.
- 2.3.167 As a result of this, many properties have received planning consent, but only on the basis that the development is car free i.e. residents at the addresses are not eligible to purchase any types of permits for use within the relevant CPZ.
- 2.3.168 Merton endeavour to ensure that the cost of applying for and installing drop kerbs for access to off street parking are as reasonable as possible. In order to achieve this, the relevant changes to Traffic Management Orders (TMO) are advertised in bulk as opposed to individual notices per property, and the cost of the installation of the drop kerb also reflects the ongoing cost of maintaining this converted section of footway, which is the council's responsibility.
- 2.3.169 Any changes to policy are regularly reviewed, as would happen should the PCN charges be increased from Band B to Band A, and in this instance an indication of the effectiveness of this change would be shown in whether or not their was increased compliance with the parking restrictions in force.
- 2.3.170 A review of staff travel and parking was undertaken pre-lockdown, and this was due to be reviewed in the early part of 2020/21, however, as a result of lockdown and most staff working from home, the demand for parking in Morden Town Centre, both on and off street, has significantly reduced. This review is still due to take place this year.
- 2.3.171 The Council is actively promoting free car club membership and dedicated car club bays for larger development. It is also engaging separately with existing car club operators to expand their schemes in the borough. To support car clubs we provide discounts for all electric vehicles and a permit price freeze on floating car club vehicles. New operators are similarly being encouraged to launch new services in the borough.
- 2.3.172 The legislation that allows a local authority to undertake the civil enforcement of parking contraventions, also sets out a statutory process for the motorist to appeal against the issuing of the PCN. This process is the same irrespective of an individual's social class, and where appropriate, adjustments may be made to assist individuals. Guidance on the process is available on the councils own web pages, as well as on the London Tribunals website, and motorists can contact Merton Parking Services by phone from 11am to 4pm, Monday to Friday for guidance and advise from a member of the PCN processing team.
- 2.3.173 As previously advised in the section relating to financial comments, there are legal restrictions on what any surplus income from PCN charges may be used, however, traffic and highways projects are amongst those permitted.

- 2.3.174 Some respondents stated that because the parking charges in Merton have increased that motorists might be more likely to risk inconsiderate parking/failure to pay for parking.
- 2.3.175 It should be noted that the opposite argument could be presented in that the penalty charge needs to increase, otherwise it might be more cost effective for motorists to risk inconsiderate parking/failure to pay over a period of time.
- 2.3.176 Plus the increased parking charges/permit costs places an obligation on the council to ensure that it makes inconsiderate parking a financial risk that is not worth taking.

2.4 COVID19

- 2.4.1 The impact of lockdown on personal travel habits has yet to be fully realised as many organisations adjust to remote working practices.
- 2.4.2 However, as a result of COVID19, there is a reduced capacity on public transport, with many individuals choosing to use personal transport, where before they would have used public transport for their commute.
- 2.4.3 In response to this, Future Merton have published a COVID19 transport strategy. The plan is focused on making changes to roads and pavements in the borough to improve road safety, support social distancing and provide more space for walking and cycling.
- 2.4.4 Pavements have been extended into the road at some of the busiest parts of the borough such as town centres and local shopping parades which may result in a reduction in the number of available on street parking bays at these locations.
- 2.4.5 The emergency changes will be followed by longer term work to improve walking and cycling routes throughout the borough, including the introduction of 26 School Safety Zones from September 2020. The plans will also look to keep Merton moving safely as travel patterns change and restrictions ease.

3 ALTERNATIVE OPTIONS

- 3.1. Do nothing – the purpose of enforcement is to encourage compliance with the parking restrictions in force. As shown in appendix A, the number of PCNs issued each year continues to increase, with demand for parking likely to be higher as a result of a reduction in the number of available parking bays on street, and increased use of personal transport.

While Merton will continue to operate a robust enforcement regime, the growth of the number of parking PCNs issued each year reflects that enforcement without an appropriate financial penalty does not encourage increased compliance with the parking restrictions in force.

- 3.2. Implement Band A charges in some areas – As shown in Appendix E, some authorities operate Band A, PCN charges in some areas, and Band B in other areas. While it is possible to operate a combination of Band B charges and Band A charges, the council is likely to be challenged as to why the PCN charges are increased in some areas and not others.

Data submitted by the Royal Borough of Greenwich in their recent application to move to Band A PCN charges borough wide demonstrated

that the growth in the number of PCNs issued in BAND A areas was significantly lower than the growth in the number of PCNs issued in Band B areas, meaning compliance was better in areas where there was a higher financial penalty for contraventions.

4 CONSULTATION UNDERTAKEN OR PROPOSED

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

4.2. A consultation was planned to take place from Monday 16th March to Friday 1st May 2020, a period of over 6 weeks. Due to the impact of the Covid lockdown the consultation period was extended twice, first from 1st May 2020 to 31st May 2020 and then from 1st June 2020 to 28 June 2020. The total period of the consultation was 105 days or 15 weeks.

4.3. This consultation was to and did form part of a statutory consultation process, and meet the relevant legal obligations to consult, as well as a commitment to bringing the proposals to as wide an audience as possible.

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

4.5. As well as the online consultation and an article in MyMerton article the council also undertook the following:

- (i) A statutory notice placed in the newspaper.
- (ii) Copies of all proposals and background papers will be made available on deposit at all libraries and at the Civic Centre for public inspection/reference.
- (iii) Consulted with statutory and non-statutory consultees.
- (iv) Consulted with all known Resident Associations
- (v) Consulted with all recognised Equality Groups in Merton.
- (vi) Display on the council home page, we displayed a link to the consultation web pages. The web pages will give full details of the proposal along with background papers and reports. The pages also aimed to address frequently asked questions.

4.6. In addition, to the above there was an element of social media activity to advertise the proposed PCN consultation via Facebook and Twitter.

4.7. Details of online activity and social media engagement can be found as appendix F.

5 TIMETABLE

5.1 A set approval process must be followed in order to change from Band B PCN charges to Band A. The table set out below sets out the process to be followed;

	Approval Body	Description	Date	Status
1	Approval from Council	It is necessary for full council to approve and undertake a resolution to move from Band A to Band B PCN charges	05-Feb-20	completed
2	Public Consultation	Once approval has been given by the council, it is necessary for the Council to consult with stake holders	March 20 - July 20	completed
3	Chief Officer/ Cabinet Member	It is necessary for the consultation results to be reviewed, and officer recommendations to be considered	25 Aug 20 - 3 Sep 20	outstanding

5.2 In the event approval is given to make the application to move from Band B PCN charges to Band A, the following timetable will apply;

	Approval Body	Description	date	status
1	Approval from the Transport and Environment (TEC) Committee	Application is made to London Councils requesting the move from Band B to Band A PCN Charges, based on the model approved by the chief officer and the cabinet member. London Councils require 6 weeks' notice in order for them to prepare the report for the next TEC meeting	07-Sep-20	outstanding
2	Approval from the Greater London Authority (GLA)	Transport and Environment Committee need the approval of the Mayor of London. The committees' decisions will be formulated into a set of proposals to be presented to the Mayor of London for approval.	Oct 20 - Nov 20	outstanding
3	Secretary of State	If the Mayor of London agrees the changes, the Secretary of State has 28 days to exercise a veto over any changes.	Oct 20 - Feb 21	outstanding

4	Implementation	Once approval has been given by the Secretary of State for Transport, there is a requirement for the proposed changes to be advertised for at least 3 weeks prior to implementation.	Feb 21 - Mar 21	outstanding
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6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. Whilst the purpose of any enforcement regime is to improve compliance with the restrictions in force, consideration also needs to be given to any surplus money that may be generated as a result of moving to these charges.
- 6.2. Section 55 of the Traffic Management Act (2004) specifies what any surpluses from parking activities may be used for. Surpluses from parking activities are currently used to contribute towards concessionary travel for Merton residents, and carriageway and footway maintenance.
- 6.3. Any additional surplus from a change to the banding charge will continue to contribute towards these activities, but the desired effect of the change is to reduce the number of contraventions.
- 6.4. In the last financial year (2018/19), Parking Services issued 68,524 PCNs for parking contraventions. This was made up of 40,200 higher level PCNs, and 28,324 lower level PCNs.
- 6.5. The Traffic Management Act (2004) recognises that some contraventions are more serious than others, and introduced differential charging in recognition of this e.g. A PCN issued to a vehicle parked on double yellow lines would be a higher level PCN charged at £110 or £55 if paid within 14 days (at Band B charges) whereas a PCN issued to a vehicle that was parked beyond the expiry of a pay and display ticket would be a lower level PCN charged at £60 or £30 if paid within 14 days (at Band B charges).
- 6.6. The total amount of money received in payment for PCNs issued by Civil Enforcement Officers in this period was £3,086,314.51. This information was taken from 3Sixty, the PCN processing system supplied to the London Borough of Merton by Imperial Civil Enforcement.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The 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”.
- 7.2. 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.
- 7.3. 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.
- 7.4. 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.
- 7.5. 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).

Fiscal Implications

- 7.6. The Road Traffic Regulation Act 1984 is not a fiscal or revenue-raising statute.
- 7.7. 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 onstreet 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."

- 7.8. 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 (Attfield) v London Borough of Barnet* [2013] EWHC 2089 (Admin).

Application of Revenue

- 7.9. 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.*

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

- 7.11. 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)

- 7.12. 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;*

7.13. *(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))

7.14. 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

7.15. 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.

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

7.17. Members should have due regard to the Council’s Equality Impact Assessment which accompanies this Report.

Decision-making - General Principles of Public Law

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

7.19. 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.

7.20. Duty to give conscientious consideration to the consultation results

7.21. 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

7.22. No TMO required – requirement to publicise changes which can be done through a 21 day notice

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. The EIA is attached as Appendix G.
- 8.2. 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 affected by this proposal and the evidence the council has considered as part of its assessment.
- 8.3. The EIA draws up a list of areas of concern and ways to remove or minimise negative impact/discrimination;
 - To consult appropriate stakeholders as part of the review. Formulate an action plan to tackle issues arising from the EIA.
 - A copy of the outcome of the EIA will be published on the councils' website.
- 8.4. Following the public consultation, the following areas of concern were raised in relation to, or by, certain equality groups;
 - i. Disabled – perceived lack of enforcement of blue badge bays particularly in residential areas
 - ii. Pregnant and Maternity – perceived unfair enforcement when those in this category need/are required to park illegally to collect/drop off children or unload vehicle before parking it legally
 - iii. Religion – perceived lack of enforcement of parking restrictions on days of worship at religious centres throughout the borough
 - iv. Socio-economic – concerns that increases in PCN charges, coupled with no facility for payment instalment plans will unfairly impact on this equality group, and means that they are more likely to face increased PCN charges as the case progresses
- 8.5. i. Disabled, ii. Pregnant and maternity, and iii. Religion equality groups – the purpose of the increase in PCN banding charges is to increase compliance with the parking restrictions in force as motorists will be less likely to park illegally if a higher penalty is payable. Enforcement does take place on all days of worship, and illegally parked vehicles can be reported to the Civil Enforcement Team Leaders 7 days a week.
- 8.6. It is suggested that any impact on these equality groups is positive as there will be less illegal parking and as a result, greater turnover of available parking spaces.
- 8.7. iv. Socio-economic equality groups – the purpose of the increase in PCN banding charges is to increase compliance with the parking regulations in force, not to unfairly penalise individuals.
- 8.8. It should be noted that it is only the minority of motorists that receive PCNs for illegal parking, and it should further be noted that the majority of PCNs issued are 'avoidable' PCNs.

- 8.9 All motorists driving on the roads in England, Scotland and Wales are required to read the Highway Code, which is a set of driving and parking rules for motorists to follow. Many of these rules are legal requirements, and the Highway Code warns aspiring motorists that a failure to follow these rules can result in penalties, fines, endorsements on their licence, and in the most severe cases, criminal prosecution and imprisonment.
- 8.10 All UK licence holders are legally required to study the Highway Code as part of their driver training, and they are also required to take and pass a theory exam on the Highway Code, before they are allowed to take their practical driving tests.
- 8.11 PCNs are only issued where a motorist has parked illegally.
- 8.12 If all motorists were to follow the driving and parking rules contained within the Highway Code, there would be no need for enforcement.
- 8.13 All representations are considered on their own merit and mitigation may be taken into account in some circumstances.
- 8.14 The enforcement of PCNs is a statutory process, and there is no provision within the legislation for a PCN to be paid in any time frame other than the legal time frames set out in the appropriate legislation.
- 8.15 The policy of not allowing payments by instalments was last reviewed in 2013 and full details can be found on the councils website;
<https://www.merton.gov.uk/streets-parking-transport/parking/pcn/instalments>
- 8.16 It is considered that the effects of the increase in PCN Banding charges would be of benefit to all equality groups as it will mean greater availability and turnover of parking spaces, and any negative impact on socio-economic equality groups can be justified on the basis that PCNs are only issued for illegal parking, and the motorist has a statutory right to appeal should they believe the PCN was issued incorrectly.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. There are no health and safety implications associated with this report at this time.

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

- Appendix A PCNs issued
- Appendix B Consultation results
- Appendix C Issues reported from consultation
- Appendix D Comments arising from consultation
- Appendix E London borough band charge
- Appendix F Online and social media engagement
- Appendix G Equality Impact Assessment
- Appendix H Roads on shared boundaries

12 BACKGROUND PAPERS

12.1. N/a