



Havering

L O N D O N B O R O U G H

OVERVIEW & SCRUTINY BOARD (SPECIAL MEETING) AGENDA

7.30 pm	Thursday 18 October 2018	Havering Town Hall, Main Road, Romford
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Members 16: Quorum 6

COUNCILLORS:

Conservative Group (8)

Ray Best
Philippa Crowder
Judith Holt
Robby Misir
John Mylod
Nisha Patel
Bob Perry
Michael White

Residents' Group (2)

Ray Morgon
Barry Mugglestone

Upminster & Cranham Residents' Group(2)

Clarence Barrett
Gillian Ford

Independent Residents' Group (2)

Natasha Summers
Graham Williamson

Labour Group (1)

Keith Darvill (Vice-Chair)

North Havering Residents Group(1)

Darren Wise (Chairman)

For information about the meeting please contact:

**Richard Cursons 01708 432430
richard.cursons@oneSource.co.uk**

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

OVERVIEW AND SCRUTINY BOARD

Under the Localism Act 2011 (s. 9F) each local authority is required by law to establish an overview and scrutiny function to support and scrutinise the Council's executive arrangements.

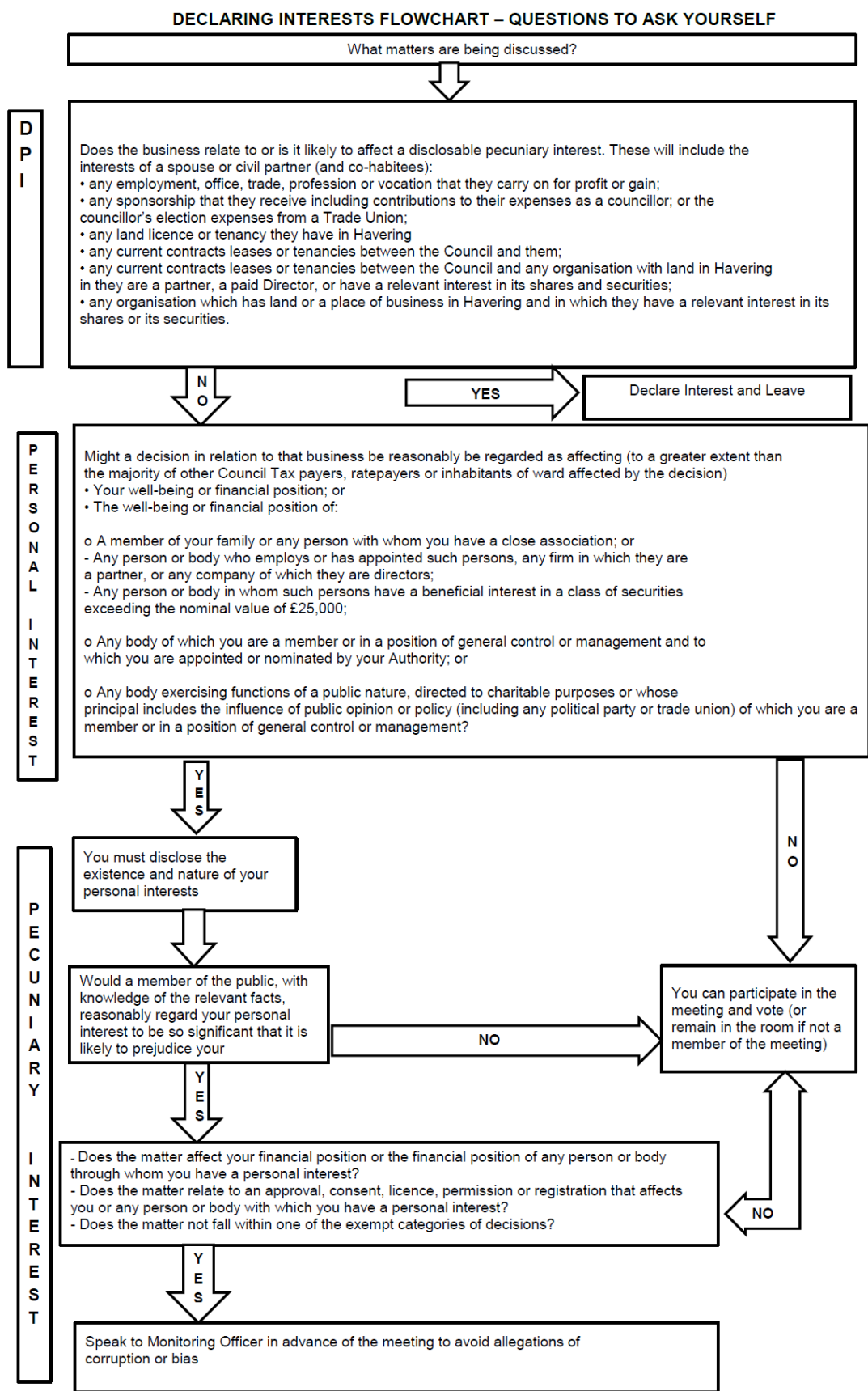
The Overview and Scrutiny Board acts as a vehicle by which the effectiveness of scrutiny is monitored and where work undertaken by themed sub-committees can be coordinated to avoid duplication and to ensure that areas of priority are being reviewed. The Board also scrutinises general management matters relating to the Council and further details are given in the terms of reference below. The Overview and Scrutiny Board has oversight of performance information submitted to the Council's executive and also leads on scrutiny of the Council budget and associated information. All requisitions or 'call-ins' of executive decisions are dealt with by the Board.

The Board is politically balanced and includes among its membership the Chairmen of the six themed Overview and Scrutiny Sub-Committees.

Terms of Reference:

The areas scrutinised by the Board are:

- Strategy and commissioning
- Partnerships with Business
- Customer access
- E-government and ICT
- Finance (although each committee is responsible for budget processes that affect its area of oversight)
- Human resources
- Asset Management
- Property resources
- Facilities Management
- Communications
- Democratic Services
- Social inclusion
- Councillor Call for Action



AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF INTERESTS

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any interest in an item at any time prior to the consideration of the matter.

4 CALL-IN OF A NON-KEY EXECUTIVE DECISION 18/57 - PENALTY CHARGE NOTICE (PCN) BANDING (Pages 1 - 12)

Andrew Beesley
Head of Democratic Services

Overview & Scrutiny Board

18 October 2018

Subject Heading:

SLT Lead:

Report Author and contact details:

Policy context:

Financial summary:

REPORT

Call-in of a Non-key Executive Decision relating to Penalty Charge Notice (PCN) Banding

Daniel Fenwick – Director of Legal & Governance

Richard Cursons – Democratic Services Officer

richard.cursons@onesource.co.uk

Fees and Charges

The proposal is to amend the Penalty Charge Notice banding in Havering so that all charges are at Band A. Charges will be £130 for higher level PCNs as opposed to £110 and £80 for lower level PCNs from £60

The subject matter of this report deals with the following Council Objectives

Communities making Havering

[X]

Places making Havering

[X]

Opportunities making Havering

[X]

Connections making Havering

[X]

SUMMARY

In accordance with paragraph 17 of the Overview & Scrutiny Committee Rules, a requisition signed by two Members representing more than one Group (Councillors Ray Morgon and Clarence Barrett) have called-in the Executive Decision dated 29 September 2018.

RECOMMENDATION

That the Board considers the requisition of the call-in of the Non-key Executive Decision and determines whether to uphold it.

REPORT DETAIL

As per Appendix A

Appendix A – Non-key Executive Decision

From: CouncillorClarence Barrett
Sent: 09 October 2018 13:25
To: Andrew Beesley
Cc: CouncillorRay Morgon
Subject: Re: Penalty Charge Notices

Hi Andy,

I formally support the requisition.

Best regards,

Cllr Clarence Barrett
Group Leader
Upminster & Cranham Residents' Association
07863 116029

From: CouncillorRay Morgon
Sent: 09 October 2018 12:51
To: Andrew Beesley
Cc: CouncillorClarence Barrett
Subject: FW: Penalty Charge Notices

Hi Andrew,

Please accept this notice to requisition the Penalty Charge Notice Banding Executive Decision 18/57 on the following grounds:-

- 1 .There is a lack of detail in the different types of contravention and the penalty charges that they attract.
2. There is a lack of data to compare Havering's proposed charges with those that exist in other outer London Boroughs.
3. There is a lack of evidence to demonstrate that higher charges will improve road safety, reduce traffic, illegal parking or better protection of kerb space for residents, particularly given the high level of penalty charge notices that are cancelled.

Clarence has agreed to countersign the requisition.

Ray

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Notice of Non-key Executive Decision

Subject Heading:	Penalty Charge Notice (PCN) Banding
Cabinet Member:	Councillor Osman Dervish
CMT Lead:	Dipti Patel
Report Author and contact details:	Gurch Durhailay – Business Unit Manager gurch.durhailay@havering.gov.uk 01708 431723
Policy context:	Fees and Charges
Financial summary:	The proposal is to amend the Penalty Charge Notice banding in Havering so that all charges are at Band A. Charges will be £130 for higher level PCNs as opposed to £110 and £80 for lower level PCN's from £60
Relevant OSC:	Environment
Is this decision exempt from being called-in?	No

The subject matter of this report deals with the following Council Objectives

Communities making Havering	[x]
Places making Havering	[x]
Opportunities making Havering	[x]
Connections making Havering	[x]

Ward: Whole of borough

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

The Council is seeking a decision from the Cabinet Member for Environment to agree that a case is made to London Councils' Traffic & Environment Committee (London Council TEC) to standardise Penalty Charge Notice (PCN) banding levels across the borough.

The proposals are to increase the charges from Band B to Band A which would mean increasing the prices from £110 to £130 for higher level PCNs. Charges for less serious contraventions from £60 to £80.

Proposals will be presented to London Councils in December 2018, and if approval is received a request made to the Greater London Authority (GLA) & then the Secretary of State (SofS).

The Cabinet Member for Environment:

1. Approves the submission of an application to the London Councils' Traffic and Environment Committee ("LCTEC") proposing an increase to the penalty charge banding in the London Borough of Havering from Band B to Band A;
2. Notes that the proposed change to the banding would standardise penalty charges throughout the London Borough of Havering;
3. Notes that the Secretary of State will be notified of the proposals if LCTEC approves the application;
4. Approves the commencement of a borough wide consultation on the proposals to change the penalty charge banding for PCNs;
5. In the event that the application to LCTEC is successful a further report presenting the results of consultation will be brought back to the Cabinet Member for Environment for a decision on implementation of a change to the penalty charge banding.

Please note that a 50% discount will still be applicable to PCNs if paid within 14 days. Also, the above changes will only apply to PCNs issued by hand as all MTC offences in the borough are at the higher rate (band A).

AUTHORITY UNDER WHICH DECISION IS MADE

Individual Cabinet members' responsibilities for functions are set out in Part 3, section 2.5 (X) of the Constitution.

To approve all in year changes to both fees and charges.

Part 3, section 2.8 of the Constitution provides for the establishment of Joint working arrangements under section 101(5) of the Local Government Act 1972 these include (a) the London Councils Committees.

The functions delegated to the London Councils Transport and Environment Committee include determining penalty charge levels and fees and discounts for early payment (Part 3, section 2.8 (a) (b))

STATEMENT OF THE REASONS FOR THE DECISION

Currently PCN charges are set at 2 rates, higher (band A) and lower (band B). Currently only Romford is in Band A so the same offences are charged at a higher rate than the rest of the borough.

Due to increases in parking pressure throughout the borough, a review of the banding levels is warranted to discourage drivers from parking illegally, better protecting kerb space for local residents, as well as increasing road safety and reducing traffic in the borough.

The current off-street parking penalty charges for Greater London are:

	Higher Level	Lower Level
Band A	£130	£80
Band B	£110	£60

If London Councils TEC agrees to the request, the case will then require agreement from the GLA and Secretary of State before being implemented. Public consultation will be required by the GLA or SofS but it is not required in advance of the submission to London Councils TEC.

Band A has traditionally been used for Central London and city centres where there is an increased demand on parking and congestion is at its highest. Band B has been where there is less parking pressure and parking issues are less significant.

Due to the amount of Housing development in the borough, attractive commuter hubs and shopping areas, the borough as a whole has shown an increase in parking demand. This is evidenced with the increase in PCNs issued across the borough.

Areas outside of Romford are showing more of the characteristic of Band A areas.

	2016/2017	2017/2018
Handheld PCNs issued	57480	74893

The above demonstrates that there is a trend with non-compliance in the borough. Increasing charges may deter drivers from committing parking offences.

OTHER OPTIONS CONSIDERED AND REJECTED

The Council could choose not to amend charges and leave as is. The risk is that the trend of non-conformance will continue to increase. Therefore increasing the number of parking contraventions, increasing traffic in the borough and reducing parking for residents.

RECOMMENDED ACTION

That the Lead Member of Environment agrees that a case is made to London Councils' Traffic & Environment Committee to standardise Penalty Charge Notice (PCN) banding levels across the borough at the higher rate Band A.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Gurch Durhailay

Designation: Business Unit Manager

Signature:



Date: 21/09/2018

NAME AND JOB TITLE OF SENIOR STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Dipti Patel

Designation: Assistant Director for Environment

Signature:



Date:

04/9/18

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Enforcement of parking restrictions is governed by the statutory regime set out under Part 6 of the Traffic Management Act 2004 ("TMA 2004") and is subject to the provisions set out in 'The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions' ("Guidance"). Paragraph 4.1 of the Guidance sets out the main purpose of penalty charges and the approach to be adopted to setting the level of charges:

"The primary purpose of penalty charges is to encourage compliance with parking restrictions. In pursuit of this, enforcement authorities should adopt the lowest charge level consistent with a high level of public acceptability and compliance."

Section 87 of the 2004 Act provides that a local authority must have regard to the Guidance when exercising functions in connection with the civil enforcement of traffic conventions.

Paragraph 3 (1) of Schedule 9 TMA 2004 provides that the London local authorities (through the Traffic and Environment Committee of the London Councils) must submit to the Mayor of London for his approval the levels of charges that they propose to set. The Mayor can either approve the proposed charges or set the level by order. If the Mayor approves the levels of charges, paragraph 4 of Schedule 9 TMA 2004 provides that the Mayor must notify the Secretary of State of the levels of charges so approved. The Secretary of State may give notice to the Mayor of London that he objects to the levels of charges on the grounds that some or all of them are excessive.

FINANCIAL IMPLICATIONS AND RISKS

The intention of this action is to increase compliance, improve road safety and better protect kerb space for local residents. Any Penalty Charge notices (PCN's) issued in the revised areas will be charged at a higher rate, the anticipated increased level of compliance would equate to fewer PCN issues.

Income received from the issuance of PCN's is reinvested in accordance with the Traffic Management Act (2004). This decision seeks to use parking enforcement to improve compliance and keep roads clear.

Although the band increase would generate more income, compliance is anticipated to increase in tandem resulting in nominal financial impact. This is based on the assumption that the increase in charges will deter drivers from contravening restrictions.

**HUMAN RESOURCES IMPLICATIONS AND RISKS
(AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

The proposal can be delivered within the standard resourcing within the existing teams, and has no specific impact on staffing/HR issues.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The proposals will allow Members to carry out work essential to their role around the Borough or respective wards.

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed 

Name: CLLR. OSMAN DERVISH

Cabinet Portfolio held: ENVIRONMENT

CMT Member title:

Head of Service title

Other manager title:

Date: 24/09/2018.

Lodging this notice

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Committee Administration & Interim Member Support Manager in the Town Hall.

For use by Committee Administration

This notice was lodged with me on 1/10/2018

Signed 

