



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.

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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.

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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:

04/09/18

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.

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**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 

