



Havering
LONDON BOROUGH

Notice of Non-key Executive Decision

Subject Heading:	<i>Implementation of Parking Fees & Charges 2019/20</i>
Cabinet Member:	<i>Councillor Osman Dervish</i>
SLT Lead:	<i>Caroline Bruce</i> Director of Neighbourhoods
Report Author and contact details:	<i>Lorraine Delahunty</i> Service Unit Manager Lorraine.delahunty@havering.gov.uk 01708 432 618
Policy context:	<i>To assist in the delivery of the 2019/20 budget and spending plans of the Council for the next four years</i>
Financial summary:	<i>Delivery of the Council's Fees & Charges 2019/20 as agreed at 27th February 2019 Full Council meeting</i>
Relevant OSC:	<i>Environment</i>
Is this decision exempt from being called-in?	<i>This is a non-key officer decision and as such "Call-in" does not apply</i>

Non-key Executive Decision

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

- Communities making Havering
- Places making Havering
- Opportunities making Havering
- Connections making Havering

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Place an X in the as appropriate

Non-key Executive Decision

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

The implementation date of the Parking fees and charges 2019/20 was delayed from 01/04/2019 to 03/06/2019 so as to allow the authority time to adhere and comply with the statutory notice process and to carry out associated due diligence. The Director of Neighbourhoods to agree that the Parking Fees & Charges 2019/20 be implemented from Monday 3rd June 2019 (as previously agreed by both Cabinet on 13th February 2019 and Full Council on 27th February 2019).

AUTHORITY UNDER WHICH DECISION IS MADE

This authority is being made under Part 3 paragraph 3.3(a) and (b) which allows a member of the Senior Leadership Team to
“ (a) To take any steps necessary for proper management and administration of allocated portfolios and;
(b) To exercise all the powers delegated as far as legally permissible”

STATEMENT OF THE REASONS FOR THE DECISION

To implement the agreed Parking Fees & Charges 2019/20 as per Cabinet and Full Council approval in accordance with the Budget Report and the setting of the fees and charges at its meeting on 27th February 2019.

OTHER OPTIONS CONSIDERED AND REJECTED

Comments received in response to the advertised Notice of Variation are noted and at Appendix A.

PRE-DECISION CONSULTATION

In November 2018 and January 2019, the Council engaged with the Public by way of Parking Surveys to gain opinion and establish customer behaviours. Proposals to amend the Parking Fees & Charges were published within the February Cabinet Budget report, agreed and subsequently approved by Full Council at its meeting on 27th February 2019.

Non-key Executive Decision

The Council have complied with the Statutory process by way of advertising and displaying Notices of Variation from 26/04/2019 to 17/05/2019 and completed by way of a Notice of Making.

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

Name: Lorraine Delahunty

Designation: Service Unit Manager

Signature:

Date: 30/05/2019

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council's parking fees and charges for financial year 2019/2020 were agreed by Cabinet on 13 February 2019 and Full Council on 27 February 2019 with an implementation date of 1 April 2019.

This decision authorises a revised implementation date of 3rd June 2019 to allow the Council sufficient time to comply with statutory notice procedures and consider representations received.

The Council's authority to operate and set parking charges is defined by statute. Under Section 46 of the Road Traffic Regulation Act 1984 ("RTRA 1984"), the Council has discretion as to the parking charges it sets (by means of traffic orders or Notices of Variation of charges under Section 46A).

Section 122 of the RTRA 1984 sets out the considerations which must be taken into account by the Council in exercising its statutory powers, including in relation to parking. In essence section 122 states:

(1) It shall be the duty of every local authority upon whom functions are conferred by or under this Act so to exercise the functions conferred on them by this Act as (so far as is practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway, or, in Scotland the road.

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

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

(b) The effect on the amenities of any locally affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run

(bb) The strategy prepared under Section 80 of the Environment Act 1995 (national air quality strategy)

(c) The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and

(d) Any other matters appearing to the local authority to be relevant.

The changes to parking charges, as set out in the report, necessitate the publication of Variation Notices in a local newspaper pursuant to Section 46A of the RTRA 1984, at least 21 days before the increases are due to come into force. It is understood that statutory notices were published on 26 April 2019. At the close of the notification period [number] representations were received and these appended the report.

FINANCIAL IMPLICATIONS AND RISKS

Non-key Executive Decision

As agreed by full council in February 2019 this Executive Decision seeks to implement the uplift in Parking Fees and Charges, albeit at a later date than originally stated.

There is reputational risk should these charges not be introduced during 2019/20 as advertised.

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

There are no implications to note

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants. It will often be the case that difficult decisions need to be made that have an adverse equality impact but other relevant factors, such as finite budgets, can and will outweigh the Council's equality duty. This is permissible provided a conscientious balancing exercise of relevant factors takes place based on the evidence. Comments received in respect of the parking charges have been minimal nor from a protected characteristic group.

BACKGROUND PAPERS

None

Appendix A – Comments in response to Statutory process (notices)

Non-key Executive Decision

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

Proposal NOT agreed because

Delete as applicable

Details of decision maker

Signed



Name: **Caroline Bruce**

Cabinet Portfolio held:

CMT Member title: **Director of Neighbourhoods**

Head of Service title

Other manager title:

Date: 30/05/19

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on 30/05/2019

Signed



