

**Decision Maker:** Environment Portfolio Holder

**For Pre-decision scrutiny by the Environment PDS  
Committee on**

**Date:** 19<sup>th</sup> July 2011

**Decision Type:** Non-Urgent Executive Key

**Title:** **PARKING: CARERS; BLUE BADGE CHARGES;  
ENFORCEMENT**

**Contact Officer:** Ben Stephens, Head of Parking  
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**Chief Officer:** Nigel Davies, Director of Environmental Services

**Ward:** All

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**1. Reason for report**

The report considers the option of introducing charges for Blue Badge holders in Bromley's car parks; and addresses several outstanding parking management and enforcement issues.

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**2. RECOMMENDATIONS**

That the Environment Portfolio Holder agrees:

- 2.1 To note the withdrawal of proposal to convert on-street time-limited parking bays to Pay & Display bays at the locations set out in section 4.2;
- 2.2 To note the withdrawal of proposals for on-street CCTV enforcement in Petts Wood;
- 2.3 Whether to introduce charges for blue badge holders within Council off-street car parks, as set out in section 4.4; and
- 2.4 To endorse the proposals for handling requests for assistance with carers' parking, and to agree one of the charging options set out in section 4.5.3.

## Corporate Policy

1. Policy Status: Existing policy. Parking and Enforcement Plan
  2. BBB Priority: Quality Environment. Vibrant Thriving Town Centres
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## Financial

1. Cost of proposal: Estimated cost Net income of Cr £5k for 2011/12 and Cr £40k for 2012/13
  2. Ongoing costs: Recurring cost.
  3. Budget head/performance centre: Parking
  4. Total current budget for this head: £ Cr £4.28m
  5. Source of funding: Existing revenue budget for 2011/12
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## Staff

1. Number of staff (current and additional): Parking team of 22 fte
  2. If from existing staff resources, number of staff hours:
- 

## Legal

1. Legal Requirement: Non-statutory - Government guidance.
  2. Call-in: Call-in is applicable
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## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Whole Borough
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## Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes.
2. Summary of Ward Councillors comments: In general, Ward Members have indicated that they would not support proposals to introduce CCTV enforcement in Petts Wood, or convert free bays to pay and display, in the light of consultation responses from traders and the public.

### 3. COMMENTARY

3.1 A report to Environment PDS Committee on 5<sup>th</sup> April 2011 made recommendations on a number of parking management issues which have arisen, including several relating to the effectiveness of enforcement. The Committee commented on the recommendations and in due course the Environment Portfolio Holder made decisions on these recommendations. However, on three matters further consultation has taken place before bringing specific recommendations forward. These matters are:

- Conversion of time-limited free bays to Pay and Display at several locations
- Introduction of CCTV enforcement in Petts Wood utilising existing equipment
- Introduction of charges for Blue Badge holders in car parks

3.2 A further management issue concerning on-street parking for carers has also been raised. Proposals to address this issue are set out in section 4.5 below.

### 4. SPECIFIC ISSUES AND PROPOSALS

#### 4.2 Convert time-limited parking bays to Pay & Display

4.2.1 The availability and effective management of parking spaces is a key component of our local economy. There are a number of 30 minute time-limited bays in the borough which are subject to misuse by some motorists who park for longer than the maximum period allowed. This has in the past generated complaints from shopkeepers asking for the situation to be addressed. A number of requests for additional enforcement to deter this activity have been recorded over a prolonged period. A proposal was therefore made to convert time-limited free bays to Pay and Display bays at three locations: Carlton shopping parade, Orpington; Croydon Road shopping parade, Elmers End Green; and Mottingham Road. It was argued that this could result in a faster turnover of the parking space which could help shoppers and local traders.

4.2.2 A consultation letter was sent to local traders, asking for their views on the proposal to convert bays to pay & display. The majority of respondents at each location were, however, not supportive of the proposal:

- **Croydon Road, Shopping Parade by Elmers End Green.**

5 responses, 1 for and 4 against. A petition was also received containing 19 signatures from the SPAR, 121-123 Croydon Road, against the change.

- **Carlton Shopping Parade, Orpington.**

10 responses, 2 for and 8 against.

- **Mottingham Road, Mottingham.**

24 responses, 4 for and 20 against.

4.2.3 Ward Members were provided with the results of the consultation process. The comments which have been made were:

**Croydon Road, shopping parade by Elmers End Green:**

*Cllr Paul Lynch: "...once a consultation has been entered into I feel we should follow the results..."*

*Cllr Dean: "...in view of the response I think there is no alternative but to retain the current system..."*

**Mottingham Road, Mottingham.**

*Cllr Charsley: – "...charging car owners would really affect shopkeepers in their trade..."*

**Carlton Shopping Parade, Orpington:**

*Cllr Fortune has indicated that with local opinion against the proposal it should not be pursued.*

*Cllr McBride – "I would ... side with the traders on this..."*

*Cllr R Fawthrop: -"in my opinion it could make trade a lot harder for ...[traders] so I ...would most likely be against this change"*

4.2.4 Given the results of the consultation with traders, and comments from Ward Members, it is not recommended to proceed with the proposal to convert the time limited bays to pay and display at any of these locations.

**4.3 Extension of CCTV parking enforcement to Petts Wood using existing cameras.**

4.3.1 The report to Environment PDS Committee on 5<sup>th</sup> April 2011 recommended that consultation take place on the introduction of enforcement by CCTV cameras in Petts Wood. Effective enforcement has been difficult to achieve in practice with wardens alone, against opportunist drivers who cause delays to local transport, hinder the loading and unloading for retail units, and create unsafe areas for pedestrians.

4.3.2 However, the Petts Wood and District Residents Association and the Petts Wood Business Association have not supported the proposal. In the light of this, ward councilors have also asked that the proposal is not taken forward. This change is accordingly not being recommended.

**4.4 Charges for Blue Badge holders in car parks**

4.4.1 Currently, about 11,900 residents of Bromley are holders of blue badges. This compares to around 11,400 in Bexley and 9,500 in Croydon. Over the last three years the number of applications for new blue badges has been increasing. All blue badge holders, whether issued by LB Bromley or another local authority, would be subject to the same benefits and charging regime.

- 4.4.2 Blue badge holders have special bays reserved for their exclusive use both on-street and in car parks, for which no charge is currently made. They are also entitled to stay for unlimited periods of time at on-street pay and display bays and in Bromley owned car parks free of charge. In each car park a number of parking spaces are reserved for the exclusive use of blue badge holders but, of course, they are also entitled to use any other spaces within car parks free of charge. Furthermore they are permitted to stay for up to three hours on any single or double yellow lined waiting restriction providing they do not cause obstruction.
- 4.4.3 The purpose of the blue badge scheme is to reserve parking in convenient locations and allow badge holders to park on the highway near to their destinations, rather than to be a discount scheme. There are no proposals to reduce the number of disabled motorists' bays in car parks and access would therefore be preserved. In addition, the Council has no authority to alter the rules relating to on-street parking concessions for disabled drivers as it is a national scheme operated by the Department of Transport. It does have full authority to determine the rules that apply to its off-street parking facilities.
- 4.4.4 The Council's policy is that the cost of providing off-street parking provision should be paid for by those who use it, and that it should not become a burden to the Council Tax payer. Appendix 1 sets out current charge rates. At present income from charging other motorists (including those with families and/or on low incomes) covers the cost of the current free parking concession given to blue badge holders.
- 4.4.5 If charging were introduced, there could be a financial incentive for disabled motorists to use nearby on-street spaces, including areas with yellow line waiting restrictions, instead of off-street car park spaces. The effects of displacement following the introduction of charging would need to be monitored to see if any new parking controls needed to be considered in nearby streets. As some displacement would be expected it is estimated that the introduction of charging would result in additional income of up to about £40k per year, if the Council decides to proceed with charges on this basis.
- 4.4.6 All of the Council's pay and display and pay on foot machines are Disability Discrimination Act (DDA) compliant. There would be costs however in making pay and display machines in surface car parks accessible for wheelchair users and those with more severe mobility issues, as many machines are mounted on concrete plinths. Improvements would also need to be made to the accessibility of pay and display machines in surface car parks. New signs would need to be installed and the LB Bromley (Off-Street Parking Places) Consolidation Order 2008 would need to be amended. The one-off cost of all improvements and legal obligations is estimated to be £15k.
- 4.4.7 Blue badge holders by definition have mobility issues. The normal 3 minute observation period for enforcement would therefore need to be extended to 30 minutes, but only for vehicles displaying a valid blue badge as well as the pay and display ticket. This would allow sufficient time for disabled drivers to make the return journey back to their vehicle. If a PCN is issued and an appeal received, due consideration would be given to the circumstances outlined in the appeal.
- 4.4.8 Nationally the picture is mixed but most local authorities do not charge at present. Havering charges in some cases (for stays of over 3 hours), and Epsom and Ewell charges. Newham charges but only for staffed multi-storey car parks. Croydon, Lewisham, Greenwich, Bexley, Kingston and Sutton do not charge at present.

4.4.9 This proposal was discussed at the Environment PDS Committee on 5<sup>th</sup> April 2011. At that meeting, Members expressed concerns that:

- there might be adverse publicity should it be decided to proceed with the proposal
- problems caused by adverse publicity could outweigh benefits
- it could encourage Badge Holders to park on-street and on yellow lines

4.4.10 Subsequent to the April Environment PDS Committee meeting, the Environment Portfolio Holder resolved that “Following sufficient consultation and the completion of an impact assessment, a further report be provided on the possible introduction of charges for blue badge holders within Council off-street car parks as set out in section 4.4 of report ES11016”.

4.4.11 An equalities impact assessment has now been undertaken on the implications of introducing charges for blue badge holders. Measures would be put in place to address the following main issues following the assessment which were:

- Access to machines: all P&D Machines are DDA complaint. Any plinths that machines stand on would need to be removed to allow full access for wheelchair users and other people who may have mobility difficulties (see 4.4.7 above).
- Each car park has at least one disabled bay with an average of four per car park across the borough.
- The sizes of bays adhere to DfT regulations.
- The locations of machines within car parks are considered accessible.
- The additional length of time required to purchase tickets and return to a vehicle has been addressed. Impact would be mitigated due to the introduction of a 30 minute observation period (see 4.4.8. above)

4.4.12 The following organisations were consulted:

- BATH
- Age Concern
- Bromley Council on Ageing
- Disability Voice Bromley
- Kent Association for the Blind
- MENCAP
- Bromley Mobility Forum

4.4.13 In addition to the list of consultees referred to above, Bromley Council on Aging facilitated a meeting attended by 22 people on the 13 April 2011. This included representatives from: Older Peoples Network in Penge and Anerley; Experts by Experience; Leonard Cheshire Homes; Time Honoured Reminiscence Project; Bromley Scope; Careers Bromley; and the Bromley Asian Cultural Association.

4.4.14 Comments received during the consultation were very useful in gauging the feeling and concerns of disabled people. The results showed that, apart from a few isolated comments in support, organisations and individuals objected to the proposals.

4.4.15 A range of views and comments have been received. They fall into three main categories - (1) cost/ability to pay, (2) additional time required, and (3) access.

- 4.4.16 The majority of comments related to cost/ability to pay. Respondents argued that there was a link between disability and the ability to pay. A number of suggestions were made in respect of charging which included a flat fee for disabled motorists, half price parking or linking charging to the freedom pass. However there was a consistent view that ‘people with disabilities tend to be the poorer, most disadvantaged members of society’.
- 4.4.17 In respect of additional time required the 20 minute concession (ie there would be no enforcement until 20 minutes after a Pay & Display ticket had expired, if a blue badge was also on display) originally proposed was felt to be too short. These concerns were linked to matters such as time required in getting to machines to pay and returning from shops, etc. A grace period of one hour was suggested, but this could be seen as excessive. It is instead now proposed to provide a 30 minute concession (see 4.4.7 above).
- 4.4.18 Concerns were raised about access. Two specific points were raised:
- Disabled bays in car parks are often located near to the exits, providing the shortest route from car to shop. If payment had to be made using machines elsewhere in the car park, this would result in additional distance having to be negotiated. A full review of parking spaces for disabled people will be undertaken to ensure adequate provision.
  - Concerns in respect of access machines and their adherence to DDA regulations were raised. This issue is addressed in 4.4.6 above.
- 4.4.19 Many organisations commented on the associated problems facing disabled people, for example difficulty in using other forms of transport; ‘being penalised for being disabled’; and the potential disincentive to going out, impacting on isolation, independent living and quality of life.
- 4.4.20 Comments were also received in respect of the legality of the proposals. Specific reference was made to the Equalities Act in relation to indirect discrimination, ‘where a policy or practice is applied in the same way to everyone but puts disabled people at a particular disadvantage’. However, other authorities have successfully introduced charges and Members are advised that, particularly in the light of the consultation exercise and the completion of an EIA, the principle of charging for Blue Badge holders in Bromley’s car parks would be lawful. Additional formal consultation would still be necessary in relation to any subsequent Traffic Regulation Order.
- 4.4.21 Fraudulent use of Blue Badges was referred to on a number of occasions. Respondents wanted the Council to take active steps to address this concern. Members are assured that any report of fraudulent use of Blue Badges will be dealt with robustly. LB Bromley staff and Vinci traffic wardens will take appropriate action in such cases including prosecution if sufficient evidence can be gathered. This issue has been raised recently at Audit Sub-Committee and a report is being prepared for Executive and Resources PDS Committee.
- 4.4.22 In order to provide a more accurate estimate of potential additional income, a survey of Blue Badge use in all our car parks was undertaken. A total of 8,973 cars paid for parking spaces on the day of the survey. 658 of these held a Blue Badge. Applying average length of stay data, and allowing for some migration to on-street spaces, the estimated total income would be £40k per year. This is a slight revision from estimates made in the April report.

## 4.5 Parking for Carers

- 4.5.1 Recently, a number of cases have arisen where carers wish to park their vehicles in restricted areas in order to support their clients. In the majority of cases providers find their own working solutions and are able to operate within the parking regime. In some cases a solution is difficult to achieve; most of these requests arise in controlled parking zones. As CPZs are extended or introduced, these requests may become more frequent. In the case of carers directly employed by the Council or the NHS, parking availability can be satisfactorily addressed through management action. Increasingly, however, care is provided by external private or voluntary sector agencies where control of staff parking can not be exercised directly. Where parking is available costs should be accounted for by the provider, although this may not be the case where new restrictions have been introduced.
- 4.5.2 In cases where care is provided by the private or voluntary sector, ACS first of all would examine the particular circumstances of the case. For example, it might be possible to alter the visit times set out in the care plan if this were compatible with the client's needs. In cases where this is not possible, confirmation of the client's needs and the care package are then provided by ACS to the Parking team.
- 4.5.3 In rare cases where no other solution can be found, Parking can issue a discretionary resident's permit to clients to allow their carer to park nearby whilst providing support. Other residents in CPZ areas are charged for their permits and the question therefore arises whether a charge should be made for permits issued under these circumstances. The Council could:
- Make the same charge as we do for other residents, to reflect the cost of managing and enforcing the scheme;
  - Offer a 50% discount for "carer's" permits to reflect their limited utility, although this would complicate administration; or
  - Offer "carer's" permits for free, although this approach might encourage low priority applications and potential abuse of the scheme. It would also not reflect the cost of enforcing the parking zone, which in turn allows carers to park easily.

Discretionary permits would be valid for one year, and reviewed annually.

## 5. POLICY IMPLICATIONS

- 5.1 The objectives of the Council's Parking and Enforcement Plan, endorsed by the Parking Working Group and the Environment PDS Committee, are as follows:
- Setting a level of charges which balances demand and supply for parking spaces across the borough
  - Providing the right balance between long, medium and short stay spaces in particular locations
  - Seeking to persuade motorists to switch from unnecessary car journeys, to reduce traffic congestion and carbon emissions
  - Meeting the parking needs of residents, retailers and visitors
  - Providing sufficient affordable parking spaces to support the local economy, borough-wide and in specific locations
  - Providing an efficient service which offers Best Value
  - Controlling the budget
  - Improving road safety



## 6. FINANCIAL IMPLICATIONS

6.1 A summary of the effect of the proposals put forward in this report are as follows: -

<b>Financial Effect of Proposals</b>	<b>Part Year Effect 2011/12 £'000</b>	<b>Full Year Effect 2012/13 £'000</b>
<b>Expenditure</b>		
Blue Badges	15.0	0.0
<b>Income</b>		
Blue Badges	(20.0)	(40.0)
<b>Net income</b>	<b>(5.0)</b>	<b>(40.0)</b>

6.2 The additional part year income from charging blue badge holders would be used to offset the budget shortfall for off street parking for 2011/12, and will be shown as offsetting some of the costs of the provision of concessionary fares in the annual parking account.

<b>Non-Applicable Sections:</b>	Personnel Implications, Legal Implications
Background Documents: (Access via Contact Officer)	<p>Report to Environment PDS Committee, 5<sup>th</sup> April 2011, Parking Enforcement and Management Issues: <a href="http://sharepoint.bromley.gov.uk/mgConvert2PDF.aspx?ID=7487">http://sharepoint.bromley.gov.uk/mgConvert2PDF.aspx?ID=7487</a></p> <p>Local Investment Plan: Parking and Enforcement Plan: <a href="http://www.bromley.gov.uk/transportandstreets/local_implementation_plan_chapters_7_to_8.htm">http://www.bromley.gov.uk/transportandstreets/local_implementation_plan_chapters_7_to_8.htm</a></p> <p>Full details of responses from the Blue Badge consultation process are available from the Contact Officer.</p>

## Appendix 1 - Off-Street Parking Places and Prices

### Car Park

	0 - 1 hours	1 - 2 hours	2 - 3 hours	3 - 4 hours	4 - 5 hours	5 - 6 hours	Over 5 hours	Over 6 hours
<b>Bromley - Charging hours</b>								
Westmoreland Road	£0.80	£1.60	£2.40	£3.20	£4.00		£6.00	
The Hill	£0.70	£1.40	£2.10	£2.80	£3.50		£4.00	
Civic Centre	£0.90	£1.80	£2.70	£3.60	£4.50	£5.40	£5.40	£10.00
South Street	£0.70	£1.40	£2.10	£2.80				
Palace Grove	£0.70	£1.40	£2.10	£2.80				
<b>Bromley - Charging hours</b>	<b>0 - 2 hours</b>	<b>2 - 4 hours</b>	<b>4 - 6 hours</b>	<b>All day</b>				
Station Road	£0.60	£1.20	£1.80	£2.50				
Burnt Ash Lane	Free							
Plaistow Lane	Free							
Churcholl Way	Free							
Wharton road	Free							
<b>Beckenham - Charging hours</b>	<b>0 - 1 hour</b>	<b>1 - 2 hours</b>	<b>2 - 4 hours</b>	<b>4 - 6 hours</b>	<b>All day</b>			
St Georges Road	£0.40	£0.80	£1.60	£2.50	£3.50			
Fairfield Road	£0.40	£0.80	£1.60	£2.50	£4.00			
Village Way	£0.40	£0.80	£1.60	£2.20	£4.00			
Lennard Road	£0.20	£0.40	£0.60		£1.00			
Dunbar Avenue	£0.20	£0.40	£0.80		£1.50			
Penge East	£0.20	£0.40	£1.00		£1.50			
<b>Beckenham - Charging hours</b>	<b>0 - 1 hour</b>	<b>1 - 2 hours</b>	<b>2 - 3 hours</b>	<b>3 - 4 hours</b>				
The Spa	£0.70	£1.40	£2.10	£2.80				
<b>West Wickham</b>	<b>0 - 1 hour</b>	<b>1 - 2 hours</b>	<b>2 - 4 hours</b>	<b>4 - 6 hours</b>	<b>All day</b>			
Ravenswood Avenue	£0.30	£0.60	£1.20	£1.80	£2.50			
Station Road	£0.30	£0.60	£1.20	£1.80	£2.50			
High Street	£0.30	£0.60	£1.20	£1.80	£2.00			
Coney Hall	£0.20	£0.40	£0.80		£1.50			
<b>Beckenham - Charging hours</b>	<b>0 - 1 hour</b>	<b>1 - 2 hours</b>	<b>2 - 3 hours</b>	<b>3 - 4 hours</b>				
West Wickham Pools	£0.70	£1.40	£2.10	£2.80				
<b>Hayes - Charging hours</b>	<b>0 - 1 hour</b>	<b>1 - 2 hours</b>	<b>2 - 4 hours</b>	<b>4 - 6 hours</b>	<b>All day</b>			
Station Approach	£0.40	£0.80	£1.60	£2.40	£3.50			
<b>Orpington Charging hours</b>	<b>0 - 1 hours</b>	<b>1 - 2 hours</b>	<b>2 - 3 hours</b>	<b>3 - 4 hours</b>				
Orpington College	£0.40	£0.80	£1.20	£1.80				
Priory Gardens	£0.20	£0.40	£0.60	£1.00				
<b>Locksbottom - Charging hours</b>		<b>0 - 2 hrs</b>						
Sainsburys		£2.00						
<b>Petts Wood - Charging hours</b>	<b>0 - 1 hour</b>	<b>1 - 2 hours</b>	<b>2 - 4 hours</b>	<b>4 - 6 hours</b>	<b>All day</b>			
Queensway	£0.30	£0.60	£1.20	£2.00	£3.50			
Memorial Hall	£0.30	£0.60	£1.20	£2.00	£3.50			
<b>St Pauls Cray - Charging hours</b>								

Cotmandene Crescent	Free				
<b>Chislehurst - Charging hours</b>	<b>0 - 1 hour</b>	<b>1 - 2 hours</b>	<b>2 - 4 hours</b>	<b>4 - 6 hours</b>	<b>All day</b>
High Street	£0.30	£0.60	£0.90	£1.20	£1.50
Hornbrook House	£0.40	£0.80	£1.20	£1.60	£2.00
<b>Chislehurst - Charging hours</b>	<b>0 - 1 hour</b>	<b>1 - 2 hours</b>	<b>2 - 4 hours</b>		
Redhill	£0.20	£0.40	£1.00		
<b>Chelsfield - Charging hours</b>	<b>Any 24 hours</b>				
Chelsfield	£2.80				