



	<b>Cabinet Member Report</b>
<b>Date:</b>	<b>1 October 2009</b>
<b>Subject:</b>	<b>Motorcycle Charging Scheme – Objections to the Making of Permanent Traffic Orders</b>

## Summary

The purpose of this report is to outline the results of the statutory consultation and the formal objections to the proposed permanent traffic orders for the motorcycle charging scheme, to enable the Cabinet Member for City Management to decide whether or not to make the orders as proposed.

The Cabinet Member for City Management took the decision to make the motorcycle charging scheme permanent on 20 May 2009 in response to the Cabinet Member report of 12 May 2009 entitled 'Motorcycle Charging Scheme – Six Month Review and Recommendations for Change'. One of the recommendations within that report was that "in due course a report be submitted to the Cabinet Member with details of the results of the further statutory consultation and of any objections to the proposed permanent orders, and that such objections and consultation responses be considered by the Cabinet Member before deciding whether or not to make the orders as proposed".

Part of the process for introducing permanent traffic orders for the motorcycle charging scheme involved a three week consultation period whereby formal objections to the proposed orders could be submitted. This period ran from 11 June to 3 July 2009.

## Recommendations

1. That the Cabinet Member for City Management considers the objections received by the Council to the proposed permanent traffic orders and endorses the comments of the Council's officers in relation to such objections.
2. That the Cabinet Member for City Management approves the making of the traffic orders making the motorcycle charging scheme permanent.
3. That the details of the Orders be as proposed in the Notice of Proposals. This includes a reduction in the price of a residents' permit for a motorcycle to £50 p/a.
4. That holders of current residents' permits for motorcycles purchased from 1 April 2009 receive a rebate on the unused portion of their permit to reflect the proposed price reduction.
5. That the City Council establishes a road users' forum.



# Cabinet Member Report

Cabinet Member:

**Cabinet Member for City Management**

Date:

**1 October 2009**

Classification:

**For General Release**

Title of Report:

**Motorcycle Charging Scheme – Objections to the Making of Permanent Traffic Orders**

Report of:

**Assistant Director of Parking**

Wards involved:

**All**

Policy context:

**Building a Living City**

**Provision of a parking service that is firm, fair and excellent.**

Financial summary:

**A financial summary was included in the Cabinet Member Report dated 12 May 2009.**

**Budgeted 2009/10 net income was £0.5m, based on a one third reduction in tariffs, free off-street parking, free motorcycle bay parking for residents' permit holders and a lower number of projected PCNs. Projected net revenue in 2009/10 is £60k based on year to date performance and recent events. £584k of capital funding remains available for the scheme.**

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## 1. Background

- 1.1 Increased motorcycle usage in the capital has presented a series of challenges to the City Council. Whilst the 'footprint' of a motorcycle is considerably smaller than that of a car, motorcycles still use road space when driving or, more pertinently, parking. The City Council's policy on charges for motorcycle parking reflects motorcyclists' use of the limited kerbside space within the borough and their increased demand for it.
- 1.2 Following Cabinet Member approval of the proposals detailed in the Motorcycle Parking Strategy report dated 18 December 2006, the City Council embarked on a programme of work to address the demands for motorcycle parking. The key work undertaken included :
  - extending existing motorcycle bays and providing more spaces in appropriate locations;
  - changing motorcycle bays into official 'parking places' and implementing charges for all motorcycle parking;
  - creating additional secure space for motorcycles in off-street car parks;
  - installing security devices in motorcycle bays across the city where practicable and appropriate.
- 1.3 To pay for these measures as well as to create fairness in the amounts paid for each type of vehicle for access to a parking space, the Cabinet Member approved the implementation of a scheme to charge for motorcycles.
- 1.4 Prior to the launch of the charging scheme in August 2008, the number of motorcycle parking bays in the City was increased by 44% from 4,500 to 6,550 bays, including approximately 400 in the City Council's secure off-street car parks.
- 1.5 Following Cabinet Member approval of the recommendations of the Motorcycle Parking Strategy II report dated 3 July 2008, the charging scheme was introduced on Monday 4 August 2008 under experimental traffic orders. An experimental Order allows objections against it being made permanent to be made within six months of the day it comes into force. The experimental orders therefore enabled the City Council to gauge reaction to the scheme before deciding whether or not to make it permanent. By the 18 February 2009 closing date, 2,931 objections to the experimental scheme were received although these included 297 duplicate submissions.
- 1.6 In response to the formal objections received and in line with officers' recommendations, Parking Services submitted a report to the Built Environment Policy and Scrutiny Committee on 31 March 2009. At the meeting, the Committee considered the report as well as a report and presentation from objectors to the scheme.
- 1.7 The Committee's recommendations formed the basis of the 12 May 2009 Cabinet Member report entitled 'Motorcycle Charging Scheme – Six Month Review and Recommendations for Change' ('the 12 May Report'), contained in Appendix 1. This reviewed the experimental scheme since its inception in August 2008, outlined the objections received as part of the formal consultation process and recommended making the scheme permanent but with improvements. It also set

out the background behind the City Council's policy on motorcycles and detailed its appropriateness and impact since the scheme's implementation.

- 1.8 The Cabinet Member for City Management approved the report's eleven recommendations on 20 May 2009, adding one further stipulation: to reduce the price of a residents' permit for a motorcycle. The Cabinet Member's Statement of Decision is attached as Appendix 3.
- 1.9 Effective from 1 June 2009 the following amendments to the scheme were introduced:
- Charges for the motorcycle scheme were reduced by one third;
  - Those residents with residents' permits for motorcycles were permitted to park for free in motorcycle bays city-wide;
  - Off-street motorcycle parking bays became free of charge and by 12 June 2009 off-street provision had increased from approximately 400 spaces to 1,053 (note, from 1 September 2009 this number has subsequently reduced to 883 with the loss of Chiltern Street and Leicester Square car parks from the City Council's portfolio);
  - Refunds were issued to motorcycle permit holders for unused portions of quarterly and annual motorcycle permits purchased from 1 April 2009 to reflect the price reductions.
- 1.10 Whilst the process of making permanent traffic orders is followed, the motorcycle scheme continues to operate under experimental traffic orders. This process has involved the Notice of Proposals for the proposed permanent orders being advertised in local press publications, placed online and a summary posted on street notices at every motorcycle bay. The process has also allowed for further objections and consultation responses to be submitted, the closing date for such being 3 July 2009.

## **2. Changes under the Permanent Traffic Orders**

- 2.1 Following the Cabinet Member's decision of 20 May 2009 to make the scheme permanent with amendments, many of the changes (such as those detailed in paragraph 1.9 above) have subsequently been implemented. However, making of the permanent orders would result in further changes to the scheme as outlined in the Notice of Proposals:
- The cost of a residents' permit for a motorcycle to be reduced to £50 per annum regardless of engine size. This compares with the current charge of £85 per annum for all vehicles under 1,200cc and £120 per annum for all vehicles over, reducing to £75 and £105 respectively when renewed online. To reflect the price reduction a rebate for current permit holders on unused portions of their permit would be appropriate. The charge for a residents' permit for a motorcycle is set at 50% of the £100 annual motorcycle permit charge. A motorcycle residents' permit policy statement is included as appendix 6.
  - In line with the policy confirmed on 20 May 2009, all holders of residents' permits for motorcycles are also permitted to park for free on motorcycle bays city wide. Currently this concession is obtained by the permit holder physically displaying their residents' permit on the motorcycle. However, in line with the proposed permanent orders development is taking place to enable residents' permit holders' vehicle details to be displayed on the Verrus Pay by Phone system. This means Civil Enforcement Officers will be aware via their handheld

DAP computer terminals that such motorcycles are exempt from charging, and dispenses with the need for residents' permit holders to physically display their permit in motorcycle bays.

- Upon enactment of the permanent orders, work to install more security devices can recommence. The Council will be looking to install further security devices where there is demand for us to do so and where it is practicable and appropriate.
- A recommendation of this report is that the City Council establishes a road users' forum, where the views of its main stakeholders can be put forward and addressed.

### **3. The City Council's motorcycle parking policy**

3.1 The City Council's approach to charging for motorcycles is detailed in section 3 of the 12 May report.

3.2 Our policies, in line with the City Council's Unitary Development Plan (UDP), reflect the demands made on Westminster's infrastructure by the increasing numbers of people using motorcycles and aim to fairly balance the finite amount of kerbside provision within the City between all the different motorist types and uses. Whilst the impact of motorcycles on road resources and kerbside space is recognised to be lower than that of most cars, motorcycles contribute to demand for those resources and for finite kerbside space. The City Council's policy on motorcycle parking therefore reflects motorcyclists' use of these limited resources and their increasing demand for them.

### **4. Consultation and objections**

4.1 The 12 May report outlined the consultation that occurred prior to implementation of the scheme in August 2008 under the experimental traffic orders and detailed the objections to the scheme received as formal objections to the experimental traffic orders. The report also detailed the main objections as presented by the objectors to the Built Environment Policy and Scrutiny Committee at the committee meeting on 31 March 2009.

4.2 The Cabinet Member's decision of 20 May 2009 was to make the scheme permanent. As part of the process of making permanent traffic orders, a 21 day objection period allows objections to the Orders to be made, which must then be considered by the Cabinet Member before the draft Orders are confirmed, amended or scrapped as appropriate. The 21 day period for lodging objections pursuant to these permanent traffic orders ran from 11 June to 3 July 2009. The way in which an individual could go about making an objection was specified in the Notice of Proposals (Appendix 4) which was published in local press publications, placed on the motorcycle pages of the City Council's website and a summary posted on street notices at every motorcycle bay in the borough. Regulation 6 statutory consultees such as the Police and the Fire Brigade were informed but none made any objection.

4.3 As of the end of the 3 July 2009 closing date, 3,033 objections to the permanent scheme had been received. This is an increase of 102 in comparison to the total of 2,931 received objecting to the experimental scheme. The 3,033 figure included 114 duplicates, leaving a net total of 2,919, an increase of 285 on the previous

equivalent figure of 2,634.

- 4.4 Whilst amendments to the scheme have been made following the Cabinet Member's decision to make the scheme permanent, there remains considerable opposition to the scheme amongst some sections of the motorcycling community. Some motorcyclists have continued to mobilise and strongly campaign against the scheme.
- 4.5 Many of the objections received were submitted on a proforma provided by the No To The Parking Bike Tax (NTPBT) campaign group and were handed in en masse at the City Council's City Hall offices on 1 July 2009. The proforma listed seven specific objection reasons and requested objectors to number them in terms of relevance and importance as they saw fit. The proforma also provided space for each objector to outline any further objections they had. The seven specific objections were as follows:
- The scheme discriminates against users without mobile phone or credit/debit cards;
  - The consultation did not give consultees a fair appreciation of the circumstances and was therefore not properly conducted;
  - The implementation costs suggested were considerably higher than reality;
  - No other council finds it necessary to discourage motorcycle use by punitive user charges;
  - The promised security devices were not installed;
  - The experiment has no apparent traffic management objective and is therefore not being properly conducted;
  - The scheme has no traffic management benefit.
- 4.6 The more common objections to the permanent traffic orders (including those on NTPBT's proforma) fell into the following categories. Comments by Council Officers are given in italics:
- 4.6.1 **The scheme discriminates against users without mobile phones or credit or debit cards / social exclusion issues.**

*Motorcyclists are able to register their motorcycle vehicle registration number and payment details either by phone (mobile or landline) or online. This can be done at the time of parking or prior to parking and similarly permits can be pre-purchased or purchased at the time of parking. As there is only one location code associated with motorcycle bays it is not a requirement to either know where you are parking or to pay on arrival at the bay, as the permit is valid across all on-street designated motorcycle spaces. However, paying in advance does not guarantee a space and admittedly the system is much easier with a mobile phone.*

*For those either without a debit card, credit card or bank account or unwilling to provide their card details, it is possible to use prepaid cards (also known as 'pay as you go' cards) to pay for motorcycle parking. These cards have grown in popularity over the past couple of years and are available from a wide variety of companies and can be used by telephone and/or online to purchase goods or services.*

*The Cabinet Member's Statement of Decision of 20 May 2009 (Appendix 3) agreed to the recommendation within the 12 May report that 'the development of cash,*

*cheque pre-payment, 'carnet' and/or other payment schemes be considered for future implementation'. This development is ongoing.*

*It must also be borne in mind that payment is only required when parking in a motorcycle bay on-street. There is no charge to park a motorcycle in an off-street motorcycle bay. The number of dedicated motorcycle bays off-street have been increased by the Council and signs are being erected to guide motorists to them. The promotion of the City Council's off-street provision is discussed in more detail in paragraph 4.7.15 below.*

**4.6.2 The consultation did not give consultees a fair appreciation of the circumstances and was therefore not properly conducted.**

*The City Council disputes this. The July 2008 decision to introduce motorcycle parking charges was made after dialogue with major motorcycle groups; Motorcycle Action Group (MAG), British Motorcyclists Federations (BMF) and Motorcycle Parking. The City Council also sent statutory consultation letters to 60 ward councillors, 25 local residents' associations, 15 statutory bodies and to local businesses informing them of the charging scheme and offering them the opportunity to comment. Prior to obtaining approval of the strategy, on-street occupancy surveys and face-to-face interviews were also carried out, as well as an online survey.*

*Prior to implementation of the experimental scheme in August 2008, the traffic orders were advertised at every motorcycle bay, flyers encouraging early sign up to the scheme and advertising the website were affixed to bikes, motorcycle groups were contacted and a press release issued.*

*Post-implementation, the process of how an individual could make an official objection to the experimental scheme was well publicised: street notices were posted at every motorcycle bay and details were placed on the website, as well as being advertised in local press publications. The motorcycle parking scheme was implemented under experimental traffic orders, thus giving the City Council the opportunity to review the arrangements before scrapping, confirming or varying the orders. The period for lodging objections pursuant to the experimental traffic orders ended on 18 February 2009. As outlined in paragraph 4.3 above, a total of 2,931 objections were received.*

*Parking Services submitted a report to the City Council's Built Environment Policy and Scrutiny Committee on 31 March 2009. At the Committee meeting, those in opposition to the scheme made a joint presentation to the Committee setting out their main objections to the scheme. The Committee's recommendation after listening to the objectors' presentation and considering the report of Parking Services was that the charging scheme should be retained but with modifications.*

*The recommendations contained in the 12 May report had regard to the objections received and the recommendations of the City Council's Policy and Scrutiny Committee. The report's recommendations were approved by the Cabinet Member for City Management on 20 May 2009.*

*Letters and emails explaining the Cabinet Member's decision were issued to pre-identified stakeholders, those who submitted a formal objection and residents'*

permit holders for motorcycles. Information was also posted and updated online. The Notice of Proposals for the permanent orders was posted at every motorcycle bay and online. This contained an explanation of how and by what date an individual could submit a formal objection to the permanent orders. By the 3 July 2009 closing date, 3,033 objections had been received.

The Traffic Orders and relevant associated documents are and always have been available for public inspection, a fact specified on the Notice of Proposals and online.

Throughout this consultation, the City Council has presented an open and honest argument for introducing and retaining the scheme. The City Council acknowledges that the experimental scheme raised significantly more revenue from permits than had originally been forecast. However, this was fully explained in the 12 May report and was the reason for subsequent amendments to the scheme, such as the reduction in charges.

#### 4.6.3 The implementation costs suggested were considerably higher than reality.

All previous cabinet reports on the subject and the UDP have been subject to the necessary democratic process in accordance with the Local Government Act 2000 and the Council's constitution and clearly set out the reasons for introducing the scheme. As outlined in the table in paragraph 9.5 of the 12 May report (set out below), the capital costs for implementing the scheme are on track to meet budget. £584k of capital funding remained available at the beginning of 2009/10 for the scheme.

Project Budget (£)	2007/08	2008/09	2009/10	Total (£)
Capital Contribution	284,958	116,077	583,965	985,000
<b>Expenditure - Capital Costs</b>				
Extension of bays in car parks	-	6,714		6,714
Survey work & extension of on-street parking places	151,647	72,791		224,438
Traffic Management Orders*	85,550	15,103		100,653
Installation of security of devices	47,761	7,869		55,630
Communications	-	13,600		13,600
<b>Total Expenditure</b>	<b>284,958</b>	<b>116,077</b>		<b>401,035</b>

#### 4.6.4 No other council finds it necessary to discourage motorcycle use by punitive user charges.

The City Council would dispute that its charges for motorcycle bays are 'punitive' but are in place to provide motorcycles with dedicated access to the kerbside.

The City of Westminster is unique in terms of the level of use of its kerbside space. As set out in paragraph 6.16 of the 12 May report, some form of motorcycle charging already exists in 21 other London boroughs, although it must be pointed out that the City of Westminster is unique in the way it charges motorcycles for the use of its dedicated kerbside space.

#### 4.6.5 The promised security devices were not installed.

Thus far the City Council has trialled Sheffield Stands in nine sites: at Oxendon

*Street, Carey Street, Drury Lane, Chandos Place, Upper St. Martin's Lane, Milford Lane, Wardour Street, Suffolk Place and Moscow Road. We have also installed a number of ground anchors across nine locations in Bayswater and Queens Park: at Second Avenue, Third Avenue, Sixth Avenue, Lancaster Gate, Enbrook Street (x2), Alexander Street, Cleveland Gardens and Hereford Road.*

*Despite the fact that usage of the security devices installed remains low, the City Council remains committed to providing them and upon enactment of the permanent orders work to install more devices can recommence. In September 2009, 200 new devices have been purchased and a programme of implementation is being developed. We will be looking to install further devices where there is demand for them and where it is practicable and appropriate for us to do so.*

**4.6.6 The experiment has no apparent traffic management objective and is therefore not being properly conducted.**

*The purpose of the experimental scheme was to attempt to balance the ever-increasing demand for Westminster's finite kerbside space between all road users. The charging scheme reflects motorcycles use of the limited resources and the increasing demand for them. In this regard the City Council is therefore satisfied that the experiment was correctly conducted. Paragraph 6.3 below sets out the terms of Section 122 of the Road Traffic Regulation Act 1984, which specifies the purposes for which the City Council must exercise its powers under the Act, and the considerations to which regard must be paid.*

**4.6.7 The scheme has no traffic management benefit.**

*The scheme is consistent with the City Council's UDP which in 2007 set out the City Council's planning policies for developing land, improving transport and protecting the environment in Westminster for the next 10-15 years. The purpose of the scheme is to help balance the ever-increasing demand for Westminster's finite kerbside space between all road users. Whilst the impact of motorcycles on road resources and kerbside space is recognised to be lower than that of most cars, motorcycles contribute to demand for those resources and for finite kerbside space. The City Council's policy on motorcycle parking therefore reflects motorcyclists' use of these limited resources and their increasing demand for them.*

**4.6.8 Motorcycles are the solution to the issue of congestion and as such should be encouraged into the City with free parking.**

*It was never an explicit aim of the experimental scheme to specifically address congestion concerns. That said, the City Council acknowledge that motorcycles create relatively less congestion than larger vehicles. However motorcycles still utilise scarce kerbside space and the City Council feel motorcyclists should pay a fair charge along with other road users to use parking facilities. Whilst the impact of motorcycles on road resources and kerbside space is recognised to be lower than that of most cars, motorcycles contribute to demand for those resources and for finite kerbside space and in the City Council's opinion should be charged accordingly.*

**4.6.9 Motorcycles are a 'greener' form of transport than cars and vans and as such should be encouraged into the City with free parking.**

*It was never an explicit aim of the experimental scheme to address environmental concerns. Although motorcycles are perceived as being a 'greener' form of transport evidence does not support the 'lower emissions' argument, as outlined in some detail in section 4 of the 12 May report.*

#### **4.6.10 The motorcycle charging scheme is nothing more than a revenue-generating stealth tax.**

*It is acknowledged that the experimental scheme raised significantly more revenue from permits than had originally been forecast. It is for this reason that the Cabinet Member agreed to amendments including reducing the on-street charges by approximately one third and making off-street motorcycle bays free of charge.*

*The reasons for charging motorcyclists are outlined in the City Council's responses to objections regarding traffic management objectives and benefits above, but what motorcyclists are asked to pay is a nominal charge for dedicated on-street kerbside parking facilities. Whilst the impact of motorcycles on road resources and kerbside space is recognised to be lower than that of most cars, motorcycles contribute to demand for those resources and for finite kerbside space and the City Council's policy must reflect this.*

4.7 Some of the formal objections to the permanent orders also raised the following points. Again, comments by Council Officers are given in italics:

##### **4.7.1 The scheme is not revenue-neutral as was promised.**

*It is acknowledged that the experimental scheme has raised significantly more revenue than originally forecast, as outlined in paragraphs 6.1 and 6.2 of the 12 May report. It is for this reason that the Cabinet Member agreed to reduce the on-street charges by approximately one third from 1 June 2009 and to make off-street motorcycle bays free of charge.*

*Calculations before the launch of the scheme had assumed that regular motorcyclists would take advantage of the relatively cheaper, longer-term parking options such as monthly or annual permits. However, 82% of scheme transactions involved the motorcyclist purchasing a daily permit, resulting in more income being generated than originally projected.*

*The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions under the Traffic Management Act 2004 states that 'revenue raising should not be an objective of civil parking enforcement'. The City Council is therefore precluded from introducing a scheme for the purpose of raising revenue, though it may set charges for other reasons, e.g. for promoting traffic restraint. It was always the intention that any motorcycle charging scheme be as close to revenue neutrality as possible. However, the City Council must always cover the costs of running any scheme and must ensure that no deficit is incurred. To do this we must carefully balance the costs of operating the scheme to manage and control parking against the charge for using the scheme.*

*As outlined in section 5 of this report, certain projected costs are proving to be*

*higher than the stated budgetary position. For example, an increase in the vandalism of motorcycle bay signage has resulted in a significant increase in signs and lines expenditure. Furthermore, the continuing involvement in this scheme by members of the Client team (including policy work and responding to correspondence and Freedom of Information requests) has resulted in a Parking Services Client overhead. The City Council continues to incur the following costs in running the scheme:*

- *Transactions,*
- *Enforcement,*
- *Credit card commission,*
- *Signs and lines,*
- *Extension of bays,*
- *Survey work,*
- *Traffic Management Orders,*
- *Installation of security devices,*
- *Communications,*
- *Parking Services' Client overhead.*

*The motorcycle parking scheme is based on an assumed level of take up, however it is not possible to accurately forecast the number of permits purchased by type. The changes recently implemented and the decision to make the traffic orders permanent will have a bearing on which permits will be purchased, and consequently (even though the forecast figures outlined in section 5 of this report show a small surplus) the income generated from the scheme is likely to reduce as more motorcyclists take advantage of the cheaper permit options, £50 residents' permit and free off-street parking. If the scheme still generates a surplus after taking account of the price reductions and all the associated costs of maintaining the scheme and associated infrastructure, the Council will reinvest this back into the Parking Place Reserve Account to fund wider parking and transport infrastructure related schemes and projects in accordance with Section 55 of the Road Traffic Regulation Act 1984. An annual review of charges is recommended, with the next to be scheduled for May 2010. If appropriate the charges will be further reduced at that time.*

#### **4.7.2 Fines (Penalty Charge Notices) are disproportionate to the cost of parking.**

*Penalty Charge Notice levels are not set by the City of Westminster. Charge levels within Greater London are proposed by London Councils' Transport and Environment Committee and Transport for London and approved (or not) by the Mayor of London and the Secretary of State. This differs for outside of London. In London, three charging bands exist, A, B and C. The City of Westminster is in band A, so charge levels are £80 for a 'permitted parking' contravention and £120 for a 'prohibited parking' contravention, both offered at a 50% discount if paid within 14 days of service. A motorcycle would incur an £80 charge for non-payment at a motorcycle bay, whereas a car would incur a £120 fine for parking in a motorcycle bay during its hours of control.*

#### **4.7.3 The City Council's policies are contrary to those of Central Government, the Mayor of London and/or Transport for London.**

*The permanent traffic orders essentially relate to parking, as opposed to general motorcycle use and road use. The City Council has always supported the use of a*

*wide range of transport means and believes that motorcycles have an important role to play in London's transport mix. It has consistently supported their use in the City, for example in 2005 the City Council agreed to allow motorcycles to use bus lanes on City of Westminster roads despite strong opposition from the then Mayor of London, preceding the current Mayor's pilot by more than three years.*

*However, as outlined in paragraph 3.2 above, our current policies, in line with the City Councils' UDP, reflect the demands made on Westminster's infrastructure by the increasing numbers of people using motorcycles and aims to fairly balance the finite amount of kerbside provision between all the different motorist types and uses. Whilst the impact of motorcycles on road resources and kerbside space is recognised to be lower than that of most cars, motorcycles contribute to demand for those resources and for finite kerbside space and the City Council's policy must reflect this. The City Council's policy on motorcycle parking reflects their use of these limited resources and their increasing demand for them.*

**4.7.4 If the scheme was not based on environmental issues, why are electric motorcycles/scooters permitted to park for free?**

*It was not a specific aim of the experimental motorcycle charging scheme to address environmental concerns. However, the City Council has a wider, general policy of offering concessions to all electric vehicles, such as giving them free parking up to the maximum stay in paid-for parking bays and being able to park free of charge in electric charging bays whilst charging. It would therefore be inconsistent if this scheme did not extend the same concessions to electric motorcycles.*

**4.7.5 All the stated objectives for initially introducing the scheme have been achieved, so why continue to charge?**

*Although one aim of the charging scheme was to pay for the provision of more motorcycle parking bays, a purpose which has now been achieved, its main aim was and still is to ensure that the provision of finite kerbside space is fairly balanced between all the different motorist types and uses. Further to this, the scheme requires ongoing enforcement to ensure that the correct vehicles are using the bays (i.e. motorcycles) and that they have paid the charge enabling them to do so. To maintain compliance the bay markings and bay signage also require regular maintenance.*

**4.7.6 The Pay by Phone system is inefficient and/or difficult to use.**

*In terms of efficiency, the Pay by Phone system uptime factor has exceeded 99.95%, measured on a time basis which equates to a downtime of less than one minute over a 24 hour period. However, it is acknowledged that as it involves the use of mobile phones, the ability to send and receive calls and messages can be limited by wider system provision and network constraints.*

*The City Council appreciates that some motorists may initially have difficulty using the Pay by Phone technology. For those using the Pay by Phone service on the first occasion the interactive voice recognition system (IVR) prompts the caller from the outset what he or she needs to provide and when to provide it. If an error is made the IVR informs the caller, and if details are entered correctly it moves on to*

*the next stage. First time callers will, as part of the registration process, be transferred to a contact centre where an operative will complete the registration and offer to take payment for parking. The operative will also answer any relevant questions on the Pay by Phone system. For an existing user payment can be made either via the IVR (again at each stage the caller is prompted as to what they need to provide) or by sending an SMS text message. The Pay by Phone system also provides, via the SMS facility, a text back option that clarifies the information required as well as the ability for a user to manage their account on-line. In short the system provides the following facilities:*

- *Clear and concise information,*
- *Prompts the user for the information that is required,*
- *Identifies incorrect information and advises user of any error,*
- *An SMS help function,*
- *Online registration and account management,*
- *Online access for a user to obtain details of their paid-for parking history,*
- *Access to a 'human' at time of first registration and at other times if desired.*

**4.6.7 It is inappropriate that users must give their personal details to use the Pay by Phone system.**

*Data security and the integrity of that data is subject to strict control and Verrus, the City Council's Pay by Phone service provider, has demonstrated this by achieving the level one PCI:DSS compliance standard. To attain the standard the provider will have been measured against a group of principles that include, but are not limited to, the building and maintaining of a secure network, the protection of cardholder data and the implementation of strong access and control measures.*

*Should any motorcyclist not feel comfortable in providing their personal details to the City Council and its service provider, parking in off-street motorcycle bays is available free of charge.*

**4.7.8 Motorcyclists are made to put themselves at risk of physical attack by the necessity that they use a mobile phone and debit/credit card on street.**

*Paying by mobile phone at an on-street bay is not the only way in which a motorcyclist can go about paying for parking in a motorcycle bay. As outlined in paragraphs 4.6.1 above, motorcyclists are able to register their motorcycle vehicle registration number and payment details either by phone (mobile or landline) or online. This can be done at the time of parking or prior to parking and similarly permits can be pre-purchased or purchased at the time of parking. Furthermore, if wishing to park on-street, a prepay card can be used rather than a debit or credit card.*

*However, as off-street motorcycle bays are free of charge, there is no necessity for a motorcyclist with such a concern to have to park on-street.*

**4.7.9 There is no facility for motorcyclists to pay for a short stay rather than the whole day.**

*This is true for on-street motorcycle bays, but as the daily charge is only £1, it would not be practical to then also charge for blocks of minutes or hours. The £1 daily charge allows motorcyclists to move to other motorcycle bays throughout the*

*city without the need to repay.*

*Alternatives to paying the £1 daily charge to park in an on-street motorcycle bay are for a motorcyclist to park in an off-street motorcycle bay for free or to use other paid-for parking facilities which are charged by the minute.*

**4.7.10 Why are the motorcycle bays not protected for motorcycles at all times?**

*Motorcycle bays in the mainly residential A, B, C, D and H zones of Westminster are protected for motorcycle use at all times as there is sufficient demand from motorcyclists for the bays outside of normal controlled hours. However, motorcycle bays in the central zones of E, F and G are used more by commuters, meaning there is less demand outside of normal controlled hours. These bays are therefore only protected exclusively for motorcycle use between 07:00 and 19:00 Monday to Friday/Saturday and outside of these times other vehicles can legally use the bays. However, by the same token, other paid-for bays and single yellow lines are generally only controlled Monday to Friday/Saturday 08:30 to 18:30. Outside of these times motorcycles can park in paid-for bays without the need to pay and on single yellow lines without punishment.*

**4.7.11 The scheme has involved irregularities in the traffic order process that has been followed.**

*The City Council has been careful to follow the correct legal procedure in implementing the motorcycle charging scheme. The Traffic Orders are and have always been available for public inspection. The scheme was initially introduced experimentally to allow the City Council the opportunity to review the arrangements before scrapping, confirming or varying the orders. However it should be noted that it is proposed that the scheme be made permanent by way of new permanent traffic orders, rather than by confirmation of the experimental orders. This means that there has been the opportunity for the further consultation on the merits of the scheme which is the subject of this report.*

**4.7.12 The argument for charging motorcyclists means cyclists should also be charged, but they are not.**

*The City Council does not have the ability to implement charging for cyclists, because bicycles do not have to carry registration numbers and so charging could not be enforced. Even so, as bicycles are a non-motorized mode of transport and do not significantly take up kerbside space, the City Council would not deem such a policy appropriate. However, it should be noted that the Mayor's imminent Cycle Hire Scheme will result increase the amount of kerbside space being taken by bicycles.*

**4.7.13 The scheme deters visitors to the City and therefore has a detrimental effect on the local economy and businesses.**

*Occupancy levels of motorcycle parking bays city-wide based on the number of permits purchased since the scheme was introduced have been in excess of 80%, especially in the central zones. The City Council therefore disputes that the scheme has been any meaningful deterrent to attracting casual visitors to the City*

**4.7.14 How are motorcyclists expected to attach pay and display tickets onto motorcycles to show payment has been made?**

*The motorcycle charging scheme operates mainly under a Pay by Phone payment system. Payments made are therefore electronically displayed on Civil Enforcement Officers' handheld DAP computer terminals, meaning there is no requirement for a motorist to physically display a proof of payment such as a pay and display ticket within a motorcycle bay.*

**4.7.15 Extra space has not been provided as promised.**

*Between January 2007 and August 2008 we increased the provision of spaces for motorcyclists by 44% from 4,500 bays to 6,500, including approximately 400 in our secure off-street car parks. Since the Cabinet Member's decision on 20 May 2009 to make the scheme permanent, we increased our off-street provision to 1,053 spaces (although as outlined in paragraph 1.9 above this has regrettably dropped to 883 spaces from 1 September 2009), all of which has become free of charge, and signage is being erected to direct motorists to our off-street car parks. The Cabinet Member's commitment to increase off-street provision included the proviso that should take up of the off-street space deem it necessary, further work would be undertaken to identify further space on-street.*

*The City Council acknowledges that it could do more to advertise free motorcycle parking in its off-street car parks and will endeavour to do so. Ways in which this can be done include providing information with all motorcycle permit applications and through the erection of temporary street notices within motorcycle bays giving details of the nearest off-street car park.*

**4.7.16 Motorcycle parking has traditionally been free.**

*It is correct that we did not charge for parking in motorcycle bays until August 2008, however motorcycles have always been required to pay if using paid-for parking facilities such as parking meters. However, policy TRANS 11 in Chapter 4 of the City Council's UDP in 2007 stated "The City Council will seek to maintain an adequate supply of parking facilities for motorcyclists and will consider motorcyclists' needs in the design of any traffic calming and management schemes. In recognising the safety and environmental problems caused by motorcycles relative to other modes, it will be necessary to apply a level of restraint through parking policies". Paragraph 4.102 of the Plan defines this 'element of restraint' as being charging for motorcycle parking and introducing a tariff structure which encourages long-term parking to move off-street, whilst leaving on-street spaces for those requiring short-term facilities. The paragraph states that the restraint policy "may particularly need to be the case if the introduction of congestion charging, with motorcyclists exempt from any charges, leads to a sustained increase in the number of motorcycles entering and seeking to park in Westminster". The City Council's policy of charging for motorcycle parking reflects motorcyclists' use of Westminster's limited kerbside resources and their increasing demand for them. Whilst the impact of motorcycles on road resources and kerbside space is recognised to be lower than that of most cars, motorcycles contribute to demand for those resources and for finite kerbside space and the City Council's policy must reflect this.*

**4.7.17 The price for a residents' permit for a motorcycle is disproportionate to the price for a residents' permit for a car.**

*In line with the recommendations of the City Council's Built Environment Policy and Scrutiny Committee, the permanent traffic orders propose that the cost of a residents' permit for a motorcycle be reduced to £50 per annum regardless of engine size. The current charge is £85 per annum for all vehicles under 1,200cc and £120 per annum for all vehicles over, reducing to £75 and £105 respectively when renewed online. It should also be borne in mind that a residents' permit for a motorcycle allows the motorcycle to also park in motorcycle bays city-wide for free.*

**4.7.18 Motorcycles do not park for long periods of time in the same way cars do, meaning motorcyclists have to pay every time they move.**

*This is not the case. The £1 daily charge or a motorcycle permit allows the motorcycle to move between motorcycle bays throughout the borough throughout the day without the need to repay.*

**4.7.19 The City Council has and still is ignoring the views of its customers and the electorate.**

*Although we have not scrapped the charge completely, we have listened to the concerns raised and taken on board complaints and the formal objections. It is for this reason that the on-street charges were reduced on 1 June 2009, parking in off-street motorcycle bays became free of charge and numerous other amendments have been promised and implemented.*

*The 12 May report had regard to the formal objections received in respect of the experimental traffic orders and was also based on the recommendations of the Built Environment Policy and Scrutiny Committee. In turn, the Committee's recommendations had regard to the arguments put forward against the scheme by objectors at the Committee meeting of 31 March 2009.*

**4.7.20 Motorcycles take up much less space than cars.**

*It is of course acknowledged that this is the case. When converting car bays for motorcycle use the City Council generally allots six motorcycle spaces to every one car space. However, parking in a motorcycle bay costs a motorcyclist a maximum of £1 per day, whereas the cheapest standard paid-for on-street bays for cars in Westminster are charged at £1.10 per hour (C zone), equating to a whole day's parking at a cost of £11. At the other end of the scale, at £4.40 an hour a whole day's on-street parking in G zone would cost £44. The City Council therefore believe that in this respect motorcycle charges are comparatively fair.*

**4.8** A full list of the objections received is contained in Appendix 5. The names, addresses and email addresses of each objector have been removed in accordance with the requirements of the Data Protection Act 1998. The Cabinet Member's attention is also drawn to the numerous additional comments and questions in the column headed 'Additional Comments' in the table. He is requested to consider these in full before making his decision on this report. These additional comments and questions, most of which are dealt with in the main body of this report, have been fully considered by officers but they do not lead officers to

alter their recommendations.

- 4.9 Pursuant to Regulation 6 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, which lists those persons and bodies required to be consulted before a traffic order is made, the Council consulted the Road Haulage Association, the Freight Transport Association, the British Motorcyclists' Federation, the Metropolitan Police Service, the London Fire Brigade and the Owner Drivers' Society, as well as all ward councillors and a large number of residents' and community associations. There were no objections from those consulted. The only reply received from those *required* to be consulted under statutory consultation was from the Metropolitan Police Service, whose representative stated that it had 'no comments or observations to make regarding the proposal at this time'. The City Council's wider, historic consultation on the scheme is outlined in paragraph 4.6.2 of this report.

## 5. Financial implications

- 5.1 The scheme's financial implications were detailed in the Cabinet Member Report dated 12 May 2009.
- 5.2 2009/10 budgeted net income was £0.5m, based on a one third reduction in tariffs, free off-street parking, free motorcycle bay parking for residents' permit holders, and a lower number of projected PCNs.
- 5.3 The following table shows the previously reported 2009/10 budget position and the current projected income and expenditure for the year.

	2009/10 (£)		Explanation
	Budget	Projection	
<b>Income</b>			
Permit Revenue	775,000	950,000	Based on year-to-date performance
<b>PCNs Revenue</b>			
Motorcycle Bays	466,560	971,759	Based on issued PCNs in MC bays from April - July 2009. Projected total is reduced by 25% to allow for first-time warnings and assumption that not all outstanding PCNs will be paid.
<b>Total Revenue</b>	<b>1,241,560</b>	<b>1,921,759</b>	
<b>Expenditure</b>			
Transaction costs (call handling, etc)	154,500	222,000	Projection includes allocation of call centre charges not included in budget
Enforcement	497,664	1,036,543	Costs are assumed at 80% of enforcement income (based on grossed up PCN income prior to 25% reduction for warnings given)
Credit card commission	15,500	29,925	Based on average rate of 3.15% of income (year to date actual)
Signs and lines	37,500	237,500	Difference of £200k is estimated full year vandalism costs
Parking Services Client overhead	-	335,790	Assumption that 7% of on-street Client team time is being spent on work associated with the motorcycle scheme. This includes responding to FOIs and other correspondence, policy work, infrastructure planning, etc.
<b>Total Expenditure</b>	<b>705,164</b>	<b>1,861,758</b>	
<b>Net Revenue</b>	<b>536,396</b>	<b>60,001</b>	

- 5.4 Projected permit and PCN income are based on year to date performance. Issued

PCNs for contraventions in motorcycle bays only have not declined in line with the assumption made when preparing the budget position. Projected signs and lines expenditure includes expected full year vandalism costs based on the high level of activity year-to-date. These projected costs are significantly higher than the budget position when vandalism was not then an issue. No budget figure was originally provided for Parking Services Client overhead. Due to the continuing work and time being spent on this scheme by members of the Client team (including policy work and responding to correspondence and Freedom of Information requests), an allocation of 7% of the on-street element of the Client overhead cost has been included in the projected costs for this financial year.

- 5.5 Projected net revenue in 2009/10 is £60k. Any changes to expected levels of PCNs, vandalism, etc will change this forecast.
- 5.6 £584k of capital funding remained unspent at the end of 2008/09. Capital funding will be used this financial year for any required Traffic Management Orders, to increase the number of free off-street bays and for the implementation of further security devices. It is anticipated that the most appropriate use of capital funding in this respect is a subject that could be discussed at the proposed Road Users' Forum.

## **6. Legal implications**

- 6.1 The legal implications remain as detailed in the 12 May report. The City Council's policy on motorcycle parking meets the objectives of the Traffic Management Act 2004 which imposes an explicit duty on local authorities to manage their road network so as to reduce congestion and disruption. 'The Traffic Management Act 2004: Parking Policy and Enforcement Operational Guidance to Local Authorities' states specifically that parking policies need to be integral to a local authority's transport strategy.
- 6.2 The second edition of the Department for Transport's Full Guidance on Local Transport Plans, published in December 2004, says that local authorities should have policies aimed at tackling congestion and changing travel behaviour. The Operational Guidance says that all local authorities need to develop a parking strategy covering on- and off-street parking that is linked to local objectives and circumstances. This strategy needs to take account of planning policies and transport powers and consider the appropriate number of total spaces, the balance between short- and long-term spaces and the level of charges. When setting and appraising the policy, an authority should take account of the existing and projected levels of parking demand, availability and pricing of on- and off-street parking.
- 6.3 The Council must also comply with the duty in Section 122 of the Road Traffic Regulation Act 1984, which states that it must exercise the functions conferred on it by the Act as (so far as practicable having regard to the matters specified in subsection (2) of Section 122) 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. The matters referred to in subsection (2) are —
  - (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;
- (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 recommendations in this report take account of the duty in Section 122.

- 6.4 Regulation 9 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, which specify the procedure for making traffic orders, states that before making a traffic order a local authority may cause a public inquiry to be held. There has not been any, or any significant, demand for an inquiry and it is considered that holding one would add little to the Council's understanding of the objections which have been lodged. The Council has already made experimental orders and considered the representations made in response to those, as well as receiving a deputation of objectors to the scheme at the meeting of its Built Environment Policy and Scrutiny Committee on 31 March 2009. Moreover, rather than relying on the abbreviated procedure set out in Regulation 23 of those Regulations, it has published new draft permanent orders, thus allowing members of the public a second opportunity to object to the scheme.

## **7. Staffing implications**

- 7.1 There are no direct staffing implications as a result of this report.

## **8. Outstanding issues**

- 8.1 There no outstanding issues to which this report does not refer.

## **9. Performance Plan implications**

- 9.1 This report has no direct implications upon the Performance Plan.

## **10. Crime and Disorder Act 1998**

- 10.1 There are no issues relating to the Crime and Disorder Act 1998 arising from this report.

## **11. Health and Safety issues**

- 11.1 There are no health and safety issues arising from this report.

## **12. Equalities and Diversities**

- 12.1 The potential social exclusion issues associated with the use of the Pay by Phone system of payment are covered by the fact that off-street motorcycle bays have become free of charge.

### **13. Conclusions and reasons for proposed decisions**

- 13.1 The Cabinet Member is asked to consider the contents of this report, the formal objections made against the permanent traffic orders and the City Council's responses to these.
- 13.2 The charging scheme for motorcycle parking was introduced in August 2008 under experimental traffic orders. Due to the ever increasing pressure on Westminster's finite kerbside space, the scheme introduced a small charge for motorcycle parking. The decision to do so was made in order to reflect motorcyclists' increasing use of and demand for these limited resources.
- 13.3 The process of introducing permanent traffic orders allowed for formal objections to the orders to be submitted for a 21 day period from 11 June to 3 July 2009. During this period a total of 3,033 objections were received.
- 13.4 A full list of the objections received is contained in Appendix 5. The Cabinet Member is requested to consider these in full before making his decision on this report. The objections have been fully considered but they do not lead officers to alter their recommendations.
- 13.5 Whilst the recommendations will not satisfy those motorcyclists completely opposed to the concept of charging in principle, they are in line with Parking Services' charter of being firm, fair and excellent.

### **14. Appendices and background papers**

#### **Appendices (attached)**

1. Motorcycle Charging Scheme - Six Month Review and Recommendations for Change Cabinet Member report dated 12 May 2009;
2. Variance Table detailing and giving explanation for variances between the 12 May 2009 Cabinet report and the 31 March 2009 Policy and Scrutiny Report;
3. Cabinet Member Statement of Decision dated 20 May 2009;
4. Notice of Proposals for the permanent traffic orders dated 11 June 2009;
5. Full list of formal objections to the permanent traffic orders.
6. Motorcycle Residents' Permit policy statement.

#### **Background papers (available on request)**

- Traffic Management Orders WCC 2008 Nos.168 and 169;
- Motorcycle Parking Strategy Cabinet Member report dated 18 December 2006 and decision dated 8 January 2007;
- Motorcycle Parking Charges Cabinet Member report dated 26 October 2007 and decision dated 5 November 2007;
- Motorcycle Parking Strategy II Cabinet Member report dated 3 July 2008 and decision dated 11 July 2008;
- Response to petition against the City Council's motorcycle parking payment scheme Cabinet Member report dated 13 March 2009 and decision dated 23

- March 2009;
- Motorcycle Charging Scheme Policy and Scrutiny Committee Report dated 31 March 2009;
  - Minutes of Built Environment Policy and Scrutiny Committee Meeting 31 March 2009;
  - Objections received by the Council to the experimental traffic orders;
  - Objections received by the Council to the permanent traffic orders.

For completion by Cabinet Member for City Management.

**Declaration of Interest**

- I have no interest to declare in respect of this report

Signed ..... Date .....  
 NAME: Councillor Danny Chalkley, Cabinet Member for City Management

- I have to declare an interest

State nature of interest .....  
 .....

Signed ..... Date .....  
 NAME: Councillor Danny Chalkley, Cabinet Member for City Management

(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter.)

For the reasons set out above, I agree the recommendation(s) in the report entitled **Motorcycle Charging Scheme – Objections to the Making of Permanent Traffic Orders.**

Signed .....  
 Cabinet Member for City Management

Date .....

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment: .....  
 .....  
 .....

.....

NOTE: If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Head of Legal Services, the Director of Finance and, if there are staffing implications, the Director of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

**Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed for any call-in request to be received.**

