

	Cabinet Member Report
Date:	21 December 2009
Subject:	Motorcycle Charging Scheme – Objections to the Making of Permanent Traffic Orders – Supplementary Report
Summary <p>This report is supplementary to the ‘Motorcycle Charging Scheme – Objections to the Making of Permanent Traffic Orders’ Cabinet Member report of 1 October 2009. Subsequent to the formal release of that report, the Cabinet Member for City Management met individually with four of the major motorcycle groups and a private Transport Consultant in order to listen to their concerns. The purpose of this report is therefore to address the further concerns raised at those meetings regarding the motorcycle charging scheme that have not been covered by the 1 October report.</p>	
Recommendations <ol style="list-style-type: none">1. That the Cabinet Member notes the contents of this report and takes its contents into consideration alongside the 1 October report when making a decision as regards the making of permanent traffic orders for the motorcycle charging scheme.	



City of Westminster

Cabinet Member Report

Cabinet Member:

Cabinet Member for City Management

Date:

21 December 2009

Classification:

For General Release

Title of Report:

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

Report of:

Strategic Executive Director of City Management

Wards involved:

All

Policy context:

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

Financial summary:

This report is supplementary to the 1 October Report. There are no further financial implications arising from this report.

1. Background

- 1.1 This report is supplementary to Parking Services' 1 October 2009 'Motorcycle Charging Scheme – Objections to the Making of Permanent Traffic Orders' Cabinet Member report ('the 1 October Report').
- 1.2 After the formal issue and publication of the 1 October Report, the Cabinet Member for City Management met individually with four major motorcycle groups; the Motorcycle Action Group (MAG); the Motorcycle Industry Association (MCIA); No To the Bike Parking Tax (NTBPT); and the British Motorcyclists Federation (BMF), and a private Transport Consultant: Mr Leon Mannings. The purpose of the meetings was for each to discuss their main concerns regarding the scheme with the Cabinet Member before he makes a decision as regards the making of the permanent traffic orders for the motorcycle charging scheme. The meetings were not part of any formal consultation process.
- 1.3 This supplementary report is to address the concerns raised by the groups regarding the motorcycle charging scheme that are not covered within the 1 October Report or any prior formal report and to give further clarification where this is required.
- 1.4 The City Council's notes from each meeting are attached as appendices. The meeting notes/summaries are the Council's record of the main points discussed but do not purport to be minutes or a complete record of proceedings.

2. Further points for consideration

- 2.1 The following statements in bold type paraphrase comments and observations made, and concerns and requests raised at the meetings by one or other of the motorcycle groups which may not have been addressed or fully addressed previously. Comments by Council Officers are given in italics.
- 2.2 **The difference in the number of parking spaces that existed before the implementation of the current motorcycle charging scheme and after implementation has not been clearly identified.**

The motorcycle charging scheme was introduced on 4 August 2008. Prior to this date a programme of work had been undertaken to address the demands for motorcycle parking which had included extending existing bays and providing new spaces both on- and off-street. From January 2007 to the introduction of charging, the provision for dedicated motorcycle parking had increased by 44% from 4,500 spaces to 6,550, including 400 off-street parking spaces (figures are approximate).

Since the commencement of the charging scheme in August 2008 we have not installed any further spaces on-street as to do so would have delayed the formal traffic order making process and the decision regarding the permanence of the charging scheme. However, in June 2009 off-street provision was increased to 1,053 spaces. Unfortunately 170 off-street spaces were subsequently lost when Chiltern Street and Leicester Square car parks were removed from the City Council's portfolio on 1 September 2009.

2.3 Confirmation that the pre-paid tariff is the same as that paid through the Pay by Phone channel.

A motorcyclist who uses a prepaid card to make payment at a motorcycle bay pays the same parking charge as those who pay through the Pay by Phone channel.

2.4 Will the making of the permanent traffic orders result in delivery of additional provision of on- and off-street motorcycle parking spaces?

Paragraph 4.7.15 of the 1 October Report specifies that provision of further dedicated spaces on-street would be dependent on the uptake of the free off-street spaces. The uptake currently does not justify commissioning on-street studies to identify any potential new on-street space. However, ad hoc requests for specific new bay locations or extensions have been and will continue to be considered as they are received.

2.5 The long-term future objectives of the scheme have not been identified. Concern was expressed over the level of future charges.

The medium to long-term (i.e. 5 year) objective of the scheme is to manage and facilitate the supply of kerbside space and balance this with demand. It is not the City Council's aim to ration or restrict supply. Demand is never static so should it substantially increase the City Council will look to either increase or reapportion parking place stock as appropriate.

The City Council has made a commitment that motorcycle scheme charges will not increase for at least three years. This three year period would apply from the date of the permanent orders.

2.6 The City of Westminster should be playing an active and positive role in encouraging motorcycle use.

The City Council would argue that it has previously supported motorcycle use in the City, for example in predating the Mayor's pilot by agreeing to allow motorcycle use of bus lanes despite strong opposition. The charging scheme was never designed to be a deterrent to motorcyclists or motorcycle use and there is no evidence to suggest that it has been so to any meaningful or significant degree. However, the point is acknowledged that the City Council is in a position whereby it can play an active and positive role and some of the 'future opportunities' identified in section 3 of this report would see the City Council doing so.

2.7 The charge's deterrent effect has resulted in a decline in motorcycle use in the borough.

As outlined in 2.6 above, there is no evidence to suggest that the motorcycle charging scheme has deterred motorcyclists from using the City's roads to any significant degree.

2.8 Westminster's economy would be better served if no charge applied. The charge is amplifying the effect of the recession.

Again, there is no evidence to suggest that the charging scheme has had any significant detrimental effect on Westminster's economy. The argument that free parking would encourage more vehicles into the City is not exclusive to motorcycles.

2.9 The City Council have not adequately defined how any revenue above the projected budget will be used.

It has been acknowledged that the experimental scheme raised significantly more revenue from permits than had originally been forecast. For this reason the Cabinet Member agreed in his decision of 20 May 2009 to amendments to the scheme from 1 June 2009 such as reducing the on-street charges by one third, making off-street provision free of charge and giving concessions to residents' permit holders. Furthermore the Council has committed to recommence the installation of security devices upon the making of permanent traffic orders and the 1 October Report proposes the creation of a road users' forum. Section 3 of this report identifies potential further opportunities that could use revenue generated to enhance the scheme. However, some budgetary aspects are impossible to predict, for example the repair and replacement of vandalised motorcycle bay signage.

Paragraph 4.7.1 of the 1 October Report explains that if the scheme still generates a surplus after taking account of the June 2009 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.

2.10 The experiment could continue to the end of the 18 month period to enable a study to be undertaken.

The motorcycle charging scheme has been operating under experimental orders since its implementation in August 2008. The process of making the scheme permanent has involved the making of new permanent traffic orders rather than confirming the experimental orders. This has therefore involved two formal consultation periods: one on the merits of the experimental scheme; and one on the merits of the permanent orders. It is questionable therefore how useful a further study of the experimental scheme would be. In any case the 18 month maximum period for the experimental orders will expire on 4 February 2010.

2.11 A working group was proposed which would investigate the issues and deliver an informed body of evidence. The commissioning of a measured body of evidence looking at the impact of the charge would place the City Council as a leading authority and deliver reputational benefits. This should be an independent piece of work.

The idea of a working group is outlined in section 3 below. The body of evidence suggestion has merit. The City Council has already scheduled an internal review of the scheme in May 2010.

2.12 Various challenges regarding the legality of the scheme and the process the City Council has followed.

The City Council is confident that the motorcycle charging scheme is on solid legal grounds and that the correct legal procedure has been followed in its implementation.

The Council is also confident that, even though they are of little relevance to the making of the permanent traffic orders, the procurement arrangements in relation to the City Council's Pay by Phone parking contracts were legally sound. Moreover the reference to the 'powers of well being in the Local Government Act 1972' contained in the note of the meeting between Councillor Chalkley and Leon Mannings in Appendix 1 to this report is misplaced, since the Council is not relying upon those powers in relation to the motorcycle charging scheme.

2.13 All forms of transport should not pay to park at the kerbside as no service is provided.

The 'service' provided by the City Council is the provision of access to kerbside space and the enforcement of it. Vehicles are charged to park in many urban areas in the country and the City of Westminster is therefore not alone in charging vehicles for access to the kerbside as a way of managing and reconciling the competing demands for kerbside space. The City Council believes it is unrealistic to expect that all parking be free.

2.14 Low numbers of motorcyclists has the effect of reducing motorcyclist safety.

As outlined in 2.6 and 2.7 above, there is no evidence to suggest that the charging scheme has deterred the use of motorcycles in the City to any significant degree. That said, motorcyclists' road safety is of course a concern to the City Council and future opportunities identified in section 3 of this report include the possible provision of non-slip manhole covers for example.

2.15 Would the City Council consider on-kerb parking where appropriate?

All motor vehicles are prohibited from parking on the public footway in the City of Westminster at all times. Pavements are not constructed to take the weight of vehicles and vehicles crossing the footway may be a danger to pedestrians. However, section 3 of this report suggests that it may be possible on unused or 'dead' areas of private footway with the landlord's permission.

2.16 There is a need to map out the location of City of Westminster car park offering free motorcycle parking

The City Council acknowledges that it would be beneficial for such information to be present within each motorcycle bay. One of the suggestions for doing this outlined in paragraph 4.7.15 of the 1 October report is that the signage at each bay provide details of the nearest car park offering free motorcycle space.

3. Future opportunities

3.1 Section 8 of the 12 May 2009 'Motorcycle Charging Scheme – Six Month Review and Recommendations for Change' Cabinet Member report identified four future opportunities that the City Council may wish to consider to enhance the scheme for

its users, namely:

- The funding of recognised, formal motorists' advanced driver courses with accredited drivers then potentially being eligible for discounted permits;
- A system of allowing retrospective payments before enforcement takes place;
- Differential charging based upon emissions levels;
- The continuation of Parking Services' Parking Summits.

3.2 Barring the Parking Summits which have been taking place for some time, the opportunities listed above are long-term potential developments. However, the City Council remains committed, resources permitting, to investigating their feasibility within the next year.

3.3 Through the formal objections received, suggestions submitted and the Cabinet Member's meetings with the motorcycle groups and Mr Leon Mannings, further longer-term opportunities have also been identified.

3.3.1 The provision of a dedicated Motorcycle Liaison Officer, whose role could include initiating a specific working group with representatives of recognised motorcycle groups and other interested parties to explore benefits for all concerned. However the practicality of the City Council providing such a post in the current economic climate has not yet been explored. Alternatively this could be commissioned as an independent piece of work.

3.3.2 Some revenue from the scheme may be available to help enhance motorcycle safety. For example, the provision of non-slip manhole covers. The City Council may be able to trial the use of such safety facilities at accident hotspots and at locations determined by scheme users. The City Council could also lobby utility companies to use these as standard.

3.3.3 The identification of unused or 'dead' areas of private footway which with the landlord's permission may support motorcycle parking. However, this could not be an area over which the public has a right of way. It is unknown however whether any such locations exist within the Borough.

4. Financial implications

4.1 The financial implications of enacting the permanent traffic orders are outlined in the 1 October Report.

4.2 There are no further financial implications as a result of this supplementary report. The future opportunities identified in section 3 of this report are opportunities only and not firm proposals.

5. Legal implications

5.1 The legal implications of enacting the permanent traffic orders are outlined in the 1 October Report.

5.2 Section 55 of the Road Traffic Regulation Act 1984 limits the ways in which local

authorities are able to use surplus parking income. The Council may therefore be prevented from using surplus income from the motorcycle charging scheme to fund some of the potential future opportunities outlined in section 3 of this report. This will be examined in more detail if and when it is decided to take forward each of these opportunities.

6. Staffing implications

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

7. Outstanding issues

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

8. Performance Plan implications

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

9. Crime and Disorder Act 1998

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

10. Health and Safety issues

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

11. Equalities and Diversities

- 11.1 There are no equalities and diversities issues arising from this report.

12. Corrigenda to 1 October Report

- 12.1 Paragraphs 1.9, 2.1 (second bullet point) and 6.2 in the 1 October Report refer to residents' permit holders being able to park 'free of charge' or 'for free' in motorcycle bays. This is perhaps misleading and would be better phrased as being able to park 'without further charge' as concessions are only afforded after the resident has purchased a resident's permit. Similarly the 'free motorcycle bay parking for residents' permit holders' statement in the Financial Summary would be better phrased as 'concessionary motorcycle bay parking'.

13. Conclusions and reasons for proposed decisions

- 13.1 This report outlines the issues raised (further to those in the 1 October Report) by the four motorcycle groups and Mr Leon Mannings when meeting with the Cabinet Member for City Management in October 2009.
- 13.2 The Cabinet Member is asked to consider the contents of this report in tandem with those of the 1 October Report.
- 13.3 Nothing in this report has led Officers to alter the recommendations of the 1 October Report.

14. Appendices and background papers

Appendices (attached)

- 1. The City Council's notes from the meetings with the four motorcycle groups and Mr Leon Mannings.

Background papers (available on request)

- 'Motorcycle Charging Scheme – Objections to the Making of Permanent Traffic Orders' Cabinet Member report dated 1 October 2009

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 – Supplementary Report.**

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:

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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.