

<b>Committee(s)</b>	<b>Dated:</b>
Planning & Transportation Committee	<b>8 October 2018</b>
<b>Subject:</b> Parking Enforcement: Permitted Loading & Unloading Durations	<b>Public</b>
<b>Report of:</b> Director of the Built Environment	<b>For Decision</b>
<b>Report Author:</b> Ian Hughes, Assistant Director (Highways)	

### Summary

For more than ten years, London's local authorities have used a common protocol that allows commercial vehicles 40mins to continuously load and unload on-street. This protocol was established by London Councils after extensive consultation with the freight industry, and has since been formally written into the City's Traffic Management orders.

However, tackling the causes of congestion remains a high corporate priority, and with the City's road network coming under increasing pressure from a variety of sources, a case can be made to review whether this protocol is still appropriate.

Changing the City's traffic orders would require a formal public consultation and could potentially put the City out of step with the rest of London, so it is recommended this issue be addressed as an early outcome of the City's Transport Strategy. In parallel, firm data will be sought and engagement undertaken with London Councils, our neighbouring authorities and the freight industry to establish the extent of the issue & the wider political context.

### Recommendation(s)

Members are recommended to agree:

- A review of the current 40min permitted loading & unloading period be undertaken as an early outcome of the Transport Strategy adoption process;
- Appropriate data capture, informal engagement with the freight industry and discussion with London Councils be undertaken to inform this review in the interim period.

## **Main Report**

### **Background**

1. Reducing the causes of congestion in Central London remains a high priority for all traffic authorities, and much has been done in recent years at a London-wide and local level to address this, from Congestion Charging and SCOOT traffic signal controls to permit schemes for street works and localised waiting & loading reviews.
2. In that context, it has been over 10 years since the standardised guidelines over the permitted periods for commercial vehicle loading & unloading were reviewed, and given the pressure on the City's road network, a case could now be made for a review of this regulatory scheme.
3. Commercial vehicles seeking to load & unload on-street in the City are permitted up to 40 mins to do so within the prescribed hours of the City's Controlled Parking Zone (from 7am to 7pm Monday to Friday and 7am to 11am on Saturdays). Outside these times, unlimited loading & unloading periods are allowed.
4. However, to qualify for this permitted duration, loading & unloading must be continuous, and the vehicle must not be standing in one of several places where loading & unloading (of any duration) is prohibited. This includes standing on the footway, on zig zags for pedestrian crossings and across dropped kerbs. There are also specific locations where loading & unloading is not allowed due to the safety or congestion impact the 'parked' vehicle would have, and in accordance with UK traffic sign regulations, these locations are indicated by short chevrons painted on the kerb and by sign plates at the roadside.
5. The 40min permitted period is specified within the City's Traffic Management Orders and is applied consistently across the Square Mile, regardless of the size or nature of the street. It was adopted by the City in 2007 as part of an initiative by London Councils' Transport & Environment Committee (TEC) to introduce a common approach to enforcement across the whole of London.
6. Although individual traffic authorities retain responsibility for their own parking enforcement operations, London Councils have traditionally taken the lead on setting pan-London parking enforcement standards, co-ordinating enforcement codes, the operation of Trace (the vehicle removal database) and the annual reporting process for PCN volumes & parking income.
7. London Councils' TEC considered it important to create a consistent approach for the freight industry and its drivers because the permitted period for loading & unloading does not have to be signed on-street, and inconsistencies between authorities could result in PCNs being issued to unwitting drivers unaware of local differences. In turn, given the emotive nature of the parking industry, local authorities could otherwise be accused of creating a patchwork quilt of rules and regulations knowingly designed to entrap drivers into committing contraventions and thereby generating parking income.

8. Prior to 2007, most authorities in London used a historic '11 o'clock rule' that dated back to when parking was still a criminalised issue enforced by the police. The '11 o'clock rule' allowed unlimited loading & unloading before 11am, but only 20mins after, which encouraged lengthy deliveries to be made when traffic flows were at their highest.
9. In 2007, London Councils' TEC sought to address this and consulted with London's traffic authorities, the Central London Partnership, the Freight Transport Association (FTA), the Road Haulage Association and TfL's Freight Unit (amongst others). As a result, it recommended a new 40min period be allowed throughout the day which was thought to better balance the issues of traffic & congestion with the needs of the freight sector. In particular, the FTA suggested the majority of deliveries could be completed in that time.
10. Deliveries that typically take longer than 40mins (eg construction, removals and breweries) are currently managed through a dispensation system that allows an extension in time, provided the need, the location and the timing are thought appropriate. Applications must be made in advance to DBE and incur a fee to cover staff costs, but some companies choose not to apply and therefore run the risk of still receiving a PCN.
11. Most 'dispensations' in the City are issued to construction sites, but each application is considered on its merits by City officers. The impact on traffic is typically the key consideration, but some uses like shredding are not considered legitimate because, in this case, shredding itself is not seen to be loading.

### **Current Position**

12. There is a perception that vehicles loading & unloading (regardless of duration) contribute to congestion, and that the 40min window is too generous given today's traffic constraints and reduced network capacity.
13. However, freight deliveries remain a key part of the City's economy, supporting the needs of residents, offices and the retail, tourist & construction industries. Introducing measures that impact the freight industry may add additional cost, have consequences in terms of their ability to service City stakeholders and could affect the attractiveness of the City as a place to live, work and visit.
14. There has been little data analysis in the last ten years to assess the proportion of vehicles taking different amounts of time to deliver, nor their disruptive impact when 'parked'. In the City, the only information currently available is from Penalty Charge Notices, with around 400 PCNs issued last year for vehicles loading & unloading for more than 40mins without a dispensation. This represents less than 1% of the total number of PCNs issued, with some of the most frequent recipients being shredding companies.
15. Finally, it should also be noted that the nature of the freight industry means that issuing PCNs for loading contraventions does not necessarily change behaviour. Many companies pass on the cost of PCNs through their supply chain, making individual drivers less concerned about avoiding parking tickets and more

interested in parking where it's most convenient. As a result, PCNs are a blunt enforcement tool that can only encourage (but not guarantee) compliance.

## **Options**

16. Given that the 40min period is defined within the City's Traffic Management Orders, any change to that period will require formal public consultation. In addition, moving away from the 40min period could potentially put the City out of step with the rest of London and undermine London Councils' key argument for consistency of enforcement across London. However, this might also facilitate the first debate in ten years over whether Central or Greater London can continue to accommodate a 40min delivery window.

## Do Nothing

17. So far, initial discussions with officer colleagues at London Councils would suggest the 40min period is not necessarily considered to be a major issue elsewhere, and so this is not being actively reviewed. Therefore the 'Do Nothing' option would retain the status quo in line with the current pan-London approach. However, this would not meet the corporate priority of considering any reasonable measure to help reduce congestion, and so is not recommended.

## Commence a public consultation now

18. It would be possible to commence a public consultation on changing the 40min period in the coming months, but it might be unwise to do so without some data to support the discussion and without political engagement with London Councils first. If the proposal is to review the 40min period, that data would be needed to help propose alternatives for consideration, and political engagement would be needed to understand whether there was a broader desire for change, or whether the City's decision would have to be taken unilaterally.

19. Setting a review in the context of the new Transport Strategy would seem to be more appropriate as this would firmly connect the issue to the wider debate on congestion reduction, changing behaviour & business practices within the freight sector. With the Transport Strategy considering the overall future of traffic and transport in the City, reviewing the 40min period would complement the review of wider freight measures such as retiming, consolidating & reducing the overall amount of traffic on our streets. This would also limit the opportunity to perceive the City as acting unilaterally to change enforcement protocols to penalise what is currently legitimate freight activity in order to generate income.

20. Finally, with the focus currently on public engagement over the wider Transport Strategy, the resources available to undertake a further public consultation on what would be a major change to the City's traffic orders are currently limited. However, as the Strategy moves to adoption, resources to deliver this would become available.

## Plan a review & public consultation aligned with the Transport Strategy adoption

21. In order to reiterate that a review of the 40min duration should be considered in the context of the Transport Strategy's overall review of freight, a public consultation exercise could be planned in the Spring of 2019 as an initial response to the adoption of the Transport Strategy. This would also be at a time when resources become available to start to implement the ambitions contained within the Strategy.
22. In the intervening period, data could be gathered on the nature of freight deliveries in the City at the moment, discussions with the freight industry could begin on the impact any change might have, and a measured political engagement process could be arranged with London Councils' TEC and other Central London authorities to consider the wider consequences.
23. In that context, the Transport Strategy's focus on freight will seek to address some of the current & near future issues related to the way in which the City's streets are used by the freight sector. To enable the City's streets to function effectively, cleanly and safely, new approaches may be required that seek to incentivise consolidation, promote zero emission vehicles and drive smarter uses of the road network at different times of the day, with timed restrictions on freight deliveries potentially appropriate for future consideration.
24. It is therefore recommended that the 40min duration should be considered as one aspect of this new thinking. Officers will be setting out how these various complementary measures can be brought forward for Members' consideration at the earliest opportunity, so the 40min review should be concluded as part of that work rather than as a stand-alone objective.

## **Proposals**

25. The timescale for the Transport Strategy suggests it will be ready for adoption early next year, so it is therefore proposed to consider re-examining the permitted window for loading & unloading as one of the Strategy's early outcomes in the Spring of 2019.
26. In the meantime, a number of steps could be taken in parallel to the Transport Strategy being drafted and adopted, namely:
  - Engagement with London Councils and their Transport & Environment Committee to understand the consequences of such a decision at a pan-London level, and whether this ambition might be welcomed by other authorities.
  - Engagement with the freight industry to re-examine their delivery needs in Central London.
  - Undertake data capture, surveys & analysis of loading behaviour of freight traffic in the City to ensure any future decision has a sufficient evidence base.

## **Corporate & Strategic Implications**

27. The City's parking regulations are designed to balance road safety and traffic flow priorities with the need to facilitate essential on-street activity to support the Square Mile's business, residential and visitor communities. Therefore, measures aimed at increasing compliance with these controls may help support the high corporate priority of reducing the impact of traffic congestion. However, the statutory process of public consultation and engagement will help determine any wider consequences of this change.

## **Conclusion**

28. In 2007, there were clear benefits to London Councils establishing a consistent London-wide permitted period for commercial vehicles to continuously load and unload, particularly given the emotive nature of parking enforcement. However, with the upcoming strategic Transport Strategy taking a fresh look at freight and congestion, a review of the current arrangements, both for the City and for London as a whole, is worthy of further investigation.

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