

ITEM 09 – RESPONSE TO DEPUTATION REQUEST FROM LOCAL RESIDENTS IN RESPECT OF CPZ ZONE L – NORTHERN END OF GROVE LANE SE5

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

18. The legal comments are set out at paragraphs 8 and 9 of this report. The legality of parking permits has been raised in the courts in recent years. Reference is made to the Kensington and Chelsea case in 2017. This case confirmed the decision in the case of London Borough of Westminster v Secretary of State for Communities in 2012 which determined that on the interpretation of the particular legal agreement, the “permit free” obligation was not lawful. Subsequently, it has been confirmed by the Court of Appeal in the Kensington and Chelsea case that there is an appropriate power under the GLC (General Powers) Act 1974 which is a more appropriate route to follow rather than relying upon the Town and Country Planning Act. The drafting of planning agreements has followed these court decisions for some time but the decisions have led to greater scrutiny of the parking clauses in section 106 Agreements.
19. Car parking stresses are a recurring concern in many London Boroughs. This issue is regularly considered when planning decisions are made and officers including Legal have been involved in discussions to ensure that the decisions are implemented.
20. Option 4 in the report refers to the option of a review of the workings of this CPZ. It is noted that this would be subject to a public consultation.