

TONBRIDGE & MALLING BOROUGH COUNCIL

JOINT TRANSPORTATION BOARD

18 June 2009

Report of the Country Parks Area Manager

Part 1- Public

Matters For Decision

1 APPLICATION FOR ROAD TRAFFIC ORDER AT MANOR PARK COUNTRY PARK

Summary

This report is to outline the procedure for applying for a Traffic Regulation Order (TRO) and any objections along with responses by KCC to implement a road traffic order at Manor Park Country Park. The site has pay and display machines in place. The TRO would enable KCC to manage and enforce the car park by issuing penalty charges for non payment and other related traffic offences.

1.1 Introduction

1.1.1 Pay and display machines have been in place since December 2006. In April 2008 new charges were put in place across the Country Parks. For Manor Park the charges are currently: £1.00 Monday to Friday, £1.50 Saturday, Sunday and bank holidays. For KCC to be able to successfully enforce pay and display it will need to have a TRO in place to do so. The TRO can be used to enforce non display of a valid ticket and gives KCC the ability to issue a penalty charge for the other following offences; driving without due care and attention, exceeding the advertised speed limit, parking in a disabled parking bay without displaying a valid blue disabled badge.

1.2 Consultation Process to be followed when creating Pay & Display Orders

1.2.1 Section 32 of the Road Traffic Regulation Act 1984 (RTRA84) gives Local Authorities the power to provide parking spaces where it appears to the Local Authority to be necessary.

1.2.2 Section 35 of the RTRA 84 sets out the provisions as to the use of parking spaces. This Section enables Local Authorities to: -

- 1) Impose/make provisions as to the use of the parking place, in particular, the vehicles or classes of vehicles that may be entitled to use it.
- 2) Conditions in which it may be used.

- 3) The charges to be paid in connection with its use (where it is an off-street one).
- 4) The removal from it of a vehicle where there has been a contravention of the Order.

The procedure that needs to be followed in order to obtain a Pay & Display Order is as follows: -

The Chief Officer of the police will need to be consulted.

- (i) The Notice will then need to be published in a newspaper circulating the area in which a road, or any place to which the Order relates to, is situated.
- (ii) The Local Authority is also required to take such further steps as it may consider appropriate for ensuring that adequate publicity about the Order is given, for example, the Local Authorities should display a copy of the Order on site.
- (iii) Objections may be made to the Order and any person may object to the making of the Order by the date specified in the notice of the proposals. The objection should be made in writing and should state the ground on which the objection is made.
- (iv) If an objection is received then the matter is referred to the Joint Transportation Board for its consideration.
- (v) If no objections are received then the Order is confirmed and published again. Members of the public are given a further six weeks within which they may refer the matter to the High Court should they wish to do so.

1.3 Objections

- 1.3.1 One objection was received from a member of the public during the consultation period for the Manor Park Country Park TRO application. This letter is enclosed this with this report **Annex 1**. Also enclosed is the KCC response to the objection letter **Annex 2**.
- 1.3.2 No objections were received from local parish council members **Annex 3** or the KCC member **Annex 4** during the consultation period.

1.4 Conclusion

- 1.4.1 The TRO at Manor Park Country Park will be inline with other KCC Country Parks. The TROs help to create a safer car park for all users especially pedestrians also creating a fair payment environment. Cabinet Member for Environment, Highways

and Waste, Keith Ferrin, is aware of the application for TRO's in the Country Parks and supports pay and display seeing it as essential income for the Country Parks service. The TRO is a method of enforcing the minimal daily charge for use of the car park. An annual parking permit is available from KCC for £30 this entitles free parking at all KCC owned Country Park sites. The TROs will be enforced and non payment policed by Site or agency staff employees.

1.5 Legal Implications

1.5.1 As described in the report

1.6 Financial and Value for Money Considerations

1.6.1 Figure 1 – Car Park inspection costs

	Number of weeks for inspection per annum	Number of hours of inspection per annum	Cost of inspection	Car park income forecast
1st year	21	103	£1,238.06	£14,000 (09/10)
Further years	13	39	£468.78	£14,500 > (10/11)

- Hourly rate based on agency staff rate 2009 @ £12.02
- 1st year 8 weeks of 8 hours per week followed by 13 weeks of 3 hours per week over school holidays.
- Further years 13 weeks of 3 hours per week over school holidays.

1.6.2 Initially the Country parks service police the car park intensively for an 8 week period. The first two weeks of which polite notices **Annex 5** are used to advise and warn customers of the potential fines. After the 8 weeks, spot checks will take place and fines issued.

1.7 Risk Assessment

1.7.1 Not applicable.

Background papers:

contact: Louis Grover (KCC)

Nil

Louis Grover
Country Parks Area Manager