

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**PLANNING and TRANSPORTATION ADVISORY BOARD**

**08 January 2008**

**Report of the Director of Planning Transport and Leisure  
and the Cabinet Member for Planning and Transportation**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision**

**1 PARKING ACTION PLAN – TRAFFIC MANAGEMENT ACT 2004**

**Summary**

**In addition to the routine update on progress in implementing the Parking Action Plan, the Board is invited to consider the operational implications of the Part 6 of the Traffic Management Act 2004. This Act makes fundamental changes to the operation of local authority parking services and comes into effect on 31 March 2008.**

**The Act introduces differential penalty charges for different types of contraventions and the Board is invited to recommend to Cabinet that Band 2 be chosen as the approved basis for applying penalty charge notices in this Borough.**

**The Board's endorsement is sought for matters associated with the Tonbridge Local Parking Plan. These relate to the out-turn for the project now being considered in the Capital Plan review and to representations received concerning Zone L.**

**A proposal to consolidate recycling facilities in Vale Road is reported.**

**Endorsement is sought for a new small car park in River Walk.**

**1.1 Introduction**

**1.1.1 Reports to the recent meeting of the Joint Transportation Board and the last meeting of this Board indicated that work was already underway within the Parking Team in preparation for the imminent introduction of Part 6 of the Traffic Management Act 2004 (the **TMA**). The implications of the Act form the main body of this report.**

**1.1.2 General progress with the Parking Action Plan has been extensively reported to the Board over many meetings and the programme over the next few months has been firmed up, with the Board's endorsement. All that is required at this time is consideration and endorsement of some adjustments of the parking arrangements**

for Zone L of the Tonbridge Local Parking Plan as part of the confirmation of the Experimental Order.

## **1.2 Part 6 of the Traffic Management Act – Key Considerations**

- 1.2.1 Since September 2000, parking enforcement in Tonbridge & Malling has been carried out by the Borough Council exercising powers delegated to it by Kent County Council, under a Decriminalised Parking Agreement. The statutory framework for Decriminalised Parking Enforcement is the Road Traffic Act 1991.
- 1.2.2 For a variety of reasons, the Government has taken the decision to change the framework provided by the 1991 Act and replace it with a new one. The statutory guidance accompanying the new framework mentions several aims; a more consistent approach to enforcement and dealing with appeals and representations, a focus on managing traffic on the local highway network and new contraventions to take over some of the enforcement role that remained with the Police after the 1991 Act was brought in (for example, obstruction of dropped crossings).
- 1.2.3 The Traffic Management Act 2004 deals with a considerable range of traffic management duties for the highway authority and is being introduced in a series of stages through enabling regulations. The section of the Act that concerns the Board is Part 6. This deals entirely with local authority parking activity in England and Wales and it comes into effect on Monday 31 March 2008.

## **1.3 TMA – What is New?**

- 1.3.1 The most apparent change will be the demise of the title “Parking Attendant”. Within the TMA, a range of definitions associated with the 1991 Road Traffic Act will become obsolete. Decriminalised parking enforcement with its associated Permitted Parking Areas and Special Parking Areas will be replaced by Civil Parking Enforcement with the relevant areas being known as Civil Enforcement Area and Special Enforcement Area respectively. Parking Attendants will be retitled Civil Enforcement Officers (CEO).
- 1.3.2 There will be new provisions concerning postal service of Penalty Charge Notices (PCN). There will also be provision for dealing with what are called ‘drive-aways’. Under current law, there is no provision outside London for serving a PCN when the motorist has driven away before the PCN has been served. The new Act provides for postal service in circumstances where the PCN has not been fully completed before a car has been driven away or where there a driver is so threatening or intimidating towards a CEO that the behaviour prevents a PCN being served.
- 1.3.3 There are a range of technical changes to the way appeals and representations are dealt with and the way in which the 50% discount for prompt payment is operated. In the main, these changes match the good practice this Borough Council has been operating over recent years.

- 1.3.4 A major change will be the introduction of differential penalties. This will be dealt with specifically later in the report because there are options associated with this that require a decision by the Council's Executive.
- 1.3.5 The Act introduces a further range of contraventions that will become enforceable by CEOs. For present purposes when we are focusing on what has essentially to be done by the end of March 2008, these are not strictly relevant. They relate to parking across dropped kerb crossings and accesses, double parking (ie more than 0.5 metres from kerb to wing-mirror) and will not, for technical and legal reasons be capable of enforcement from day one of the new parking regime.
- 1.3.6 There are also a series of moving traffic offences that will, in time, come within the realm of Civil Parking Enforcement such as banned right turns and stopping within a boxed junction. Again, these are not matters for consideration at the start of Civil Parking Enforcement and no more needs to be said about them for now. Once statutory guidance on them becomes clearer we shall study the implications and advise the Board on how best to enforce such matters, if indeed it is appropriate for the Borough Council to agree to adopt such a role.

#### **1.4 Current Focus**

- 1.4.1 There is a lot to be done over the next three months in readiness for the start of Civil Parking Enforcement, much of it 'behind the scenes' but also a great deal of it up-front to ensure the public is aware of the changes. We are working in conjunction with the Kent Parking Group, consisting of operational managers across Kent, to inform people at a broad level. Locally, we shall be publicising the start of Civil Parking and new charge levels to all households in the Borough in the coming edition of 'Here and Now'
- 1.4.2 A list of the tasks to be accomplished includes the following:
- Modify the IT systems to accommodate the new processes,
  - Check out all the supporting Traffic Regulation Orders. We are programming a fresh Consolidation Order for the on-street TROs for late March to be in place on the first day of CPE.
  - Assess training and qualification requirements for the CEOs and the Parking Administration Team,
  - Adjust the existing PA uniforms to meet the requirements of the Act
  - Draft and order new stationery
  - Consult as required by the Act
  - Publish Codes of Practice and Parking Enforcement Policies

- Start preparing for the requirement to produce an Annual Report of the Parking Enforcement Service
- Test the new systems
- Ensure that the old and the new system can continue to operate in parallel for a period after 31 March (while all the PCNs issued under the 1991 Road Traffic Act work their way through the system).

1.4.3 The TMA will be accompanied by Statutory Guidance and Operational Guidance. Incredibly and frustratingly, at the time of drafting this report, the Department for Transport has yet to issue the final versions of these essential documents so preparations are being based on the most recently issued drafts.

## **1.5 Differential Penalty Charges**

1.5.1 The TMA introduces a new concept for parking authorities outside London – differential penalty charges. There are two charge bands: an upper and a lower. Within each of these bands, contraventions fall into two categories for which a higher or lower penalty charge apply. An example of the more serious contravention attracting a higher level charge would be ‘parked in a restricted street during prescribed hours’. An example of a lower level charge would be ‘parked after expiry of the paid for time’.

1.5.2 The requirement of the Act is that parking authorities must decide which of the bands to apply and to give notice of what charges it proposes to adopt at least 14 days before the start of CPE.

- Band one provides for PCN at a fee of £60 for the more serious contraventions and £40 for those the Department for Transport considers to be less serious.
- For Band two the parallel fees are £70 and £50 respectively.

1.5.3 The draft Operational Guidance on Civil Parking Enforcement recognises that the level of penalty charges is an important element in helping to achieve transport objectives in an area as well as encouraging compliance with parking regulations. The objective set by government is that the chosen band should be at a level that leads to a high degree of compliance while producing a system of civil parking enforcement that is self-financing. Through an assessment of the current range and number of PCNs issued it is estimated that, if Band one were to be adopted, there would be a reduction in yield from PCNs of about £68,000 a year. On the other hand, the best estimate of applying Band two would be a just about break-even position.

1.5.4 Balancing the government’s compliance and financial objectives, as described in the Statutory Guidance to Part 6 of the TMA, the Council has almost no choice but to opt to set the penalty charges at band two of the prescribed bands. The

recommendation is therefore that the Board endorse adoption of Band two and that this be publicised as required by the Act before the new scheme becomes live on 31 March 2008.

- 1.5.5 Further support for this recommendation is provided by the current position across Kent districts where none is proposing adopting Band one; all intend applying Band two. This approach accords with the advice in the Guidance that there should be a presumption in favour of a consistent charging regime within traffic authority areas.

## **1.6 Tonbridge Local Parking –General Comments**

- 1.6.1 The individual elements of the Tonbridge Local Parking Plan were implemented in a series of Zones and the Experimental Orders for each of these Zones are being incrementally confirmed in line with the programme outlined at the Boards previous meeting.

### **1.6.2 Tonbridge Local Parking Plan – Project Out-turn**

- 1.6.3 Now that the last stages of the overall project have been reached the out-turn costs are being compiled in parallel with the current review of the Capital Plan.
- 1.6.4 This has revealed an overspend from the amount originally provided in the Capital Plan. The project allocation was set in 2002 at £100,000 and the revised allocation being sought is £159,000. On the face of it this appears to be a substantial percentage increase over the original budgeted position. However, it is the case that the original estimate, with no possible way of knowing what the project content might be or any similar work to compare it with could only have been the broadest of allowances when the project was first conceived.
- 1.6.5 The scale and complexity of the work involved has been extraordinary and the intensive consideration of detail has been greater than could have imagined before the work started. Moreover, it is broadly judged as a success by the local community and has brought a degree of order and management to parking patterns were previously this was lacking. For these reasons, we recommend that the Board endorse this over-spend to Cabinet.

## **1.7 Tonbridge Local Parking Plan: Confirmation – Zone L**

- 1.7.1 **Kendal Drive** - A number of formal Objections were recorded in the last day of the public advertising of the Order on 3 July 2006 from 15 of the 19 residents of Kendal Drive alleging that there was not a problem with parking and they did not feel there was a need for a scheme. The decision at that time was to respect the views of the Objectors. We were unable to proceed with this part of the residents' preferential parking scheme and Kendal Drive was withdrawn from the main scheme as requested.

- 1.7.2 Since the implementation of the scheme, parking in the road has been monitored and competition from office workers and shoppers has noticeably increased to around nine vehicles a day. The remaining roads in the scheme appear to be benefiting from the introduction of residents preferential parking with turnover of spaces within the limited waiting bays and less competition for roadside parking where the 2 hour permit holder restrictions are in place.
- 1.7.3 Over the past year a number of requests to be included in the resident preferential parking scheme have been received from residents of Kendal Drive and Kendal Close. Residents from Kendal Drive have conducted their own survey led by two residents following representations about the number of cars parking all day in the road. The outcome is that 92% of households in Kendal Drive are now in favour of introducing managed parking albeit with a slightly modified layout to the initial proposal. These include access protection markings across some driveways and the omission of one bay near the access to Kendal Close.
- 1.7.4 Once the final adjustments of the details have been made we will have a proposal that meets the wishes of local residents that we recommend be implemented as part of the confirmed Order.
- 1.7.5 **Tollgate Buildings, Hadlow Road** - A request from the landlord of the building was received on behalf of the tenants of the shops asking us to remove the waiting restrictions alleging they were contributing to loss of trade. This is surprising because, up to that point, there was solid representation from the businesses representatives from the Tollgate Buildings whose comments were amongst the first to be recorded after the Public Exhibition of the scheme proposals in 2005. They firmly established their need to keep the existing time-limited waiting bays to assist customers visiting the shops and they were actively involved throughout the following individual consultation exercises which developed the details of the scheme. We were specifically asked again in June 2006 to retain the time limited waiting bays by the tenants and we responded positively to this request.
- 1.7.6 The parking scheme for Mill Lane/Mill Crescent was developed from the suggestions of local people and the comments from tenants of the Tollgate Buildings played an important part in influencing the balance of the scheme. Off-street parking is at a premium in this area for both businesses and residents. The common aim for all was to free up roadside parking spaces from all-day parking by those who did not live or work in the area.
- 1.7.7 When the implementation of the scheme in Mill Lane and Mill Crescent was deferred for several months because of a formal Objection, we received letters from the tenants outlining their disappointment but continuing support for the scheme. It is worth looking back at what the parking arrangements were before the scheme was implemented. Apart from the time-limited parking bays on the north and south side of Mill Lane the available road-space on one side was largely unrestricted. Mill Lane and Mill Crescent were permanently and fully occupied by

cars whose drivers were mainly employed in the centre of Tonbridge Town. The parking pressures generated by this situation meant there was often no spare capacity for customers or residents to park either in Mill Lane or Mill Crescent. Since the scheme was implemented it has been regularly monitored to gauge the effects on parking in the area. To date there remains a noticeable improvement in the number of all-day parking spaces throughout the day. Visitors to the shops can park in the time-limited waiting bays as before, or on the rare occasion these are full, they can park in the nearby permit bays. The permit bays are subject to a restriction for non-permit holders between 8 and 9 am, (so as not to disadvantage shop opening times) and 2 to 3 pm.

- 1.7.8 There is no advantage to either residents or the businesses in the area by removing the scheme from these two roads. An earlier request is on file from a representative of the Tollgate buildings to alter the morning restriction times to between 9 am and 10 am to deter commuters from parking after 9 am. However the afternoon restriction does mean that all-day parking by non-permit holders still is restricted and appears to have had the desired effect. There are no signs of any return of commuter parking in this area. A change to the later restricted time of 9 -10 am is likely to be detrimental to shops' customers when the limited waiting bays are full and they use the permit bays after 9 am.
- 1.7.9 This request from the shops appears to be completely illogical because it would inevitably recreate the parking conditions that the scheme has successfully resolved. Consequently we recommend the Board endorses confirming the Order in line with current parking arrangements in Mill Lane and Mill Crescent.
- 1.7.10 **Lyons Crescent** - A number of requests from residents in Lyons Crescent to remove double yellow lines from across driveways and replace with access protection markings have been met during the past year as and when the road-marking contractors were in the area.
- 1.7.11 **East Street** - There were few opportunities to install parking bays in East Street due to the width and location. The few bays that are in place are shared with residents of Church Street and have been a welcome relief to parking competition in the area. There was one request to have the afternoon permit holder times extended from 2 - 3pm up to 6 pm to deter non residents from parking after business hours. We consider this to be an unnecessary tightening of the parking constraints because it would adversely impact on visitor parking and we recommend this part of Zone L be confirmed in line with current arrangements.
- 1.7.12 There is a request for a Disabled Person's Parking Bay in East Street to assist a blue badge holder when visiting this area. There are already a number of new Disabled Person's Parking Bays installed as part of the Tonbridge Local Parking Plan near the Library, Social services centre and Medway Wharf Road. Blue Badge holders can also park on a double yellow line for up to 3 hours and park free in the car parks and RPP Zones. The loss of an ordinary bay in an area of such generally intense parking pressure to make space for a Disabled Person's

Parking Bay would be detrimental to the residents and cannot be justified when weighed against the many other options to park in the area open to blue badge holders. For that reason we recommend that the request should not be met.

## **1.8 Other Parking Matters – Vale Road Car Park**

- 1.8.1 As part of continuing review of operational management in the car parks, the location and orientation of recycling facilities at Angel East and Sovereign Way North Car Parks have been reviewed. The arrangements at Angel East in particular merit some consideration because they take up a substantial number of short stay spaces in one of the town centre's busiest car parks and, also, present access and manoeuvring difficulties for the recycling lorries.
- 1.8.2 We have examined this with the Director of Health and Housing (DHH) to see if there is any alternative that could meet local recycling needs better as well as reducing the impact of the centre on the immediately adjacent parking. We have concluded that there is and it involves consolidating the recycling facilities currently in Sovereign Way North and Angel East into Vale Road car park. The effect on the number of spaces is broadly neutral. The 28 or so spaces in Vale Road would be replaced by a similar number in the other two car parks, albeit some of these would be short stay. What it would do would be to create a purpose built area for recycling that could be better accessed by local residents and be more effectively serviced without affecting other adjacent car parking. In addition, Vale Road car park itself is not a particularly good shape for car park usage and there are redundant areas that lend themselves much better as a centre for recycling.
- 1.8.3 The DHH will shortly be reporting on this proposal to the Local Environmental Management Board on 21 January and this Board may wish to express its support in principle to this emerging project.

## **1.9 Other Parking Matters – River Walk**

- 1.9.1 There is a parking problem at the River Walk along a short length where it abuts the High Street in Tonbridge. The area of land in question belongs to the Borough Council and we have an obligation to keep an access way clear for the neighbouring properties. In recent years, this has become impossible because of encroachment by all day car parkers, assumed to be people working in nearby offices.
- 1.9.2 The proposed solution is to designate the area as a Borough car park with a half a dozen or so spaces and a clearly delineated access route to the neighbouring premises. This has the benefit of resolving the need to preserve the right of way while at the same time generating some additional income. We recommend that this new car park be installed as soon as is practicable and at a rate in line with the current pricing for Upper Castle Fields car park but with the addition of an initial half hour rate of 30 pence to cater for short visits to the High Street.

## **1.10 Other Parking Matters – Recommendations from the Joint Transportation Board**

1.10.1 The Cabinet will also be receiving a series of recommendations on parking matters from the meeting of the Joint Transportation Board held on 3 December. For the sake of completeness and to avoid separating items of similar business going forward to Cabinet, the minute of the JTB is included below.

1.10.2 Minute of JTB - 3 December

- **PARKING ACTION PLAN - PROGRESS REPORT**
- The report of the Director of Planning, Transport and Leisure provided an update on progress with a broad range of parking matters and made particular reference to the consolidation of Orders for the Tonbridge Local Parking Plan, the completion of surveys and consultation work on the Hadlow Parking Plan and outlined initial work on the drafting of parking plans for Borough Green and Snodland. Particular reference was made to the Barden Road area of Tonbridge and concern expressed about parking problems within the vicinity of Tonbridge School.
- In response to a comment on the information contained in Annex 3 in respect of the Rolling Programme for the Parking Action Plan the Director of Planning, Transport and Leisure offered to ensure this was kept up to date. In response to a number of comments on the Burns Crescent area of Tonbridge the officers of the highways authority offered to liaise directly with the Chairman and the local Members regarding a traffic management scheme.
- Finally, serious concern was expressed about the delay by Network Rail in providing the necessary agreements which would allow the construction of the new station car park at West Malling Station.

1.10.3 The Joint Transportation Board recommended that the Cabinet

- 1) approve a permanent Order for Zone D, subject to the minor amendments set out below, with one-way traffic flows unaltered and the Objector be advised accordingly
- 2) to restrict the bays in Danvers Road and Holford Street to Pay & Display with exemptions for residents permit holders only;
- 3) to amend the 5 spaces in the vicinity of 20-30 Barden Road to provide limited waiting "Monday to Saturday 8am to 6pm, 1 hour no return within 1 hour";
- 4) to conduct a further consultation with the residents of Zone D to assess whether the permit holder restrictions between 5pm and 6pm should be

retained or deleted and that the Zone D scheme should be adjusted in line with the findings of the consultation; and

- 5) approve the restrictions proposed for B245 London Road in the interests of highway safety and the Petitioners be advised accordingly; and
- 6) endorses the seeking of an explanation from the relevant Minister and Network Rail of the delay by the latter in providing the necessary agreements to allow the proposal to build a new station car park at West Malling Station to proceed.

## **1.11 Legal Implications**

1.11.1 The Borough Council's powers to carry out parking management derive from the existing contractual arrangement with the traffic authority, Kent County Council. The activity must be carried out according to the provisions of the Traffic Management Act 2004, its associated Regulations, Statutory Guidance and Operational Guidance.

## **1.12 Financial and Value for Money Considerations**

1.12.1 The revenue impact of operating within Band 2 of the differential parking charges is estimated to be broadly neutral. Other costs such as adapting uniforms to make them compliant with the TMA, upgrading IT packages are expected to be met within existing provisions.

1.12.2 In the medium term, there will be a focus on qualifications and certification for both the CEOs and the support team staff. The intention is to meet this need by working in partnership with the Kent Parking Group to achieve a best value solution to training so that the costs can be kept within existing budgets.

## **1.13 Risk Assessment**

1.13.1 There are significant financial and reputational risks arising from the operation of Civil Parking Enforcement and a series of things that local parking authorities either must do or have regard to under the TMA. The two essential elements in dealing with this risk are having the right equipment and computer systems in place from the start of CPE and properly skilled and trained staff in place to operate the systems. Significant effort is being devoted to both of these factors to mitigate the risks just described.

## **1.14 Recommendations**

1.14.1 That,

- 1) pursuant to Schedule 9 Paragraph 7(1) of the Traffic Management Act 2004, that Cabinet adopts the level of Penalty Charges at Band 2 of the Civil Enforcement of Parking Regulations (Guidelines on Levels of Charges) (England) Order 2007.

- 2) the Cabinet endorses the out-turn amount of £159,000 for implementation of the Tonbridge Local Parking Plan and that this be reflected in the current review of the Capital Plan.
- 3) Zone L of the Tonbridge Local Parking Plan be confirmed in the light of the recommendations at paragraphs 1.7.4, 1.7.9 and 1.7.12 of this report.
- 4) the Board expresses its support for consolidating the recycling facilities in Sovereign Way North and Angel East car parks into Vale Road car park.
- 5) the proposal to promote a new car park at Riverwalk be approved and that a pricing structure similar to Upper Castle Fields be introduced subject to there being an initial half hour band set at 30 pence.
- 6) The following recommendations of the JTB meeting on 3 December 2007 be approved by the Cabinet.
  - approve a permanent Order for Zone D, subject to the minor amendments set out below, with one-way traffic flows unaltered and the Objector be advised accordingly
  - to restrict the bays in Danvers Road and Holford Street to Pay & Display with exemptions for residents permit holders only;
  - to amend the 5 spaces in the vicinity of 20-30 Barden Road to provide limited waiting "Monday to Saturday 8am to 6pm, 1 hour no return within 1 hour";
  - to conduct a further consultation with the residents of Zone D to assess whether the permit holder restrictions between 5pm and 6pm should be retained or deleted and that the Zone D scheme should be adjusted in line with the findings of the consultation; and
  - approve the restrictions proposed for B245 London Road in the interests of highway safety and the Petitioners be advised accordingly; and
  - endorses the seeking of an explanation from the relevant Minister and Network Rail of the delay by the latter in providing the necessary agreements to allow the proposal to build a new station car park at West Malling Station to proceed.

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Nil

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