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**TONBRIDGE & MALLING**  
**BOROUGH COUNCIL**

EXECUTIVE SERVICES

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**Chief Executive**

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21 March 2016

**CABINET - TUESDAY, 22ND MARCH, 2016**

I am now able to enclose, for consideration at the Tuesday, 22nd March, 2016 meeting of the Cabinet, the following reports that were unavailable when the agenda was printed.

**Agenda No    Item**

9.    **Car Parking Charges in West Malling (Pages 3 - 22)**

Supplementary report of Director of Street Scene, Leisure and Technical Services

J E BEILBY  
Chief Executive

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# TONBRIDGE & MALLING BOROUGH COUNCIL

## CABINET

22 March 2016

### Supplementary Report of the Director of Street Scene, Leisure & Technical Services

#### Part 1- Public

#### Matters for Information

#### 1 CAR PARKING CHARGES IN WEST MALLING

##### Summary

This report provides Members with supplementary information relating to the report in these papers on the Car Parking Charges in West Malling.

#### 1.1 Introduction

- 1.1.1 Since the publication of the report to this meeting on Car Parking Charges in West Malling, further correspondence have been received which it is felt appropriate to share with Members.

#### 1.2 Supplementary Information

- 1.2.1 A letter was received from Kent Legal Services dated 14<sup>th</sup> March 2016 acting on behalf of West Malling Parish Council. A copy of the letter is attached at **Annex 1**, and Members will note it highlights the Parish Council's concerns as to the legal basis and procedure making process of the Order. The letter requests that this Council remove and temporarily suspends approval of the Order from Cabinet's agenda for a period of 6 months. This request would, in the opinion of the Parish Council, allow for alterations to be constructively discussed and explained. The letter also raises the potential of judicial review. The letter has been considered by this Council's Legal Service and a copy of the reply from the Director of Central Services & Monitoring Officer to Kent Legal Services is attached at **Annex 2**. Members will note that it is the view of this Council that there has been no defect in any part of the Council's process in this matter. Furthermore, the letter of response concludes that "there is nothing in any of the matters you raise on behalf of your client which could sustain a claim for judicial review: the points raised appear to be wholly without merit".
- 1.2.2 Attached at **Annex 3** is a statement dated 12<sup>th</sup> March 2016 to this Council's Chief Executive from a former Acting Chief Executive and former Leader of this Council. This letter refers to 'agreements' made in 1973 when the Malling Rural and Tonbridge District Councils were preparing for amalgamation. Whilst the statement provides an interesting historical background, there is no formal

agreement in existence, and Cabinet is now considering the issue over 40 years on when circumstances are extremely different. Whilst noting the historical context Members may question its relevance to the decision making process.

- 1.2.3 I have attached at **Annex 4** further correspondence from the Chairman of West Malling Parish Council to the Chief Executive dated 19<sup>th</sup> March 2016. The email brings forward alternative options which the Parish Council is considering and requests they are brought to the attention of Cabinet.

The Parish Council are suggesting a holistic view incorporating the following:-

- a pilot period of improved enforcement funded by the Parish Council.
- the application of a higher level of penalty charge (£70).
- a survey of the car park to estimate expected revenue from the Borough Council's proposals.
- a range of changes to the management of the Ryarsh Lane business car park to improve efficiency and generate additional income.
- more efficient delivery of the current enforcement arrangements.
- greater use of the station car park, Manor Country Park and land owned by Circle Russett Housing for business parking.
- a number of smaller initiatives.
- Finally the Parish Council has expressed an interest in taking over the responsibility of managing the Borough Council's car park in the town and finding a site for a new car park.

- 1.2.4 In considering the above Members are reminded of the two objectives of the Borough Council's proposal to introduce charges; to improve the free flow of traffic in the short-stay car park and to offset the significant cost of the Council.

The Parish Council's offer of financial support for enforcement is only for a relatively short period. Income from enforcement varies significantly and it would not be prudent to rely on such income in budgetary planning. The Borough Council's proposals include additional resources for enforcement.

The Borough Council already adopts the higher level penalty charge of £70, with a discount offered for prompt payment in accordance with Government guidelines.

The Council's Parking Manager has raised concerns over the use of single-handed enforcement officers as there have been a number of incidents in the town, particularly in the afternoons. Following a risk assessment this has led to staff working in pairs at certain times of the day.

The Parish Council has highlighted the potential use of car parking at the station, country park and other locations. None of these car parks are in the ownership of either the Borough or Parish Council. The opportunity of finding a suitable site for a new area of parking has been considered by the Steering Group over a number of years. No suitable sites have been identified and any such proposal would need to be commercially viable.

- 1.2.5 I have attached at **Annex 5** a letter from Kings Hill Parish Council dated 18<sup>th</sup> March 2016. The Parish Council has registered its objection to the proposed parking charges.
- 1.2.6 Members will have noted at **Annex 4** an update on the petitions. The up to date position is as follows:-
- 3828 signatures to the original on-line petition
  - 900 signatures to paper version of petition
  - 59 signatures of parents from West Malling Primary School
  - 3190 signatures accompanying a response to the formal consultation
- 1.2.7 None of the proposals brought forward by the Parish Council actually deal with the operation of the short stay car park. We clearly cannot continue to use the current number plate system to limit the time individual users stay. We need a clear unambiguous system that allows clear enforcement on the operation of this car park. There is a need to secure turnover of spaces to ensure shoppers can use the car park in support of the local traders.
- 1.2.8 In conjunction with the introduction of the short stay pay & display system we will continue to explore some of the on-street options discussed in this letter as they could assist in the long term management of parking in West Malling.

### **1.3 Legal Implications**

- 1.3.1 The powers allowing the Borough Council to carry out parking management activity are contained in the Road Traffic Regulation Act 1984, supplemented by formal agreement with Kent County Council as the Local Highway Authority, in respect of its powers under the Traffic Management Act 2004. In particular, section 122 of the Road Traffic Regulation 1984 Act imposes a general duty on local authorities exercising functions under the Act to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of safe and adequate parking facilities on and off the highway.

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

1.4.1 The report to the Planning & Transportation Advisory Board reviewed the fees and charges within a set of guiding principles, the cost of the parking service to the Council and ongoing investment in the Parking Management Service.

**1.5 Risk Assessment**

1.5.1 There are both operational and financial risks linked to the consideration of parking fees & charges.

**1.6 Policy Considerations**

1.6.1 Asset Management

1.6.2 Community

1.6.3 Customer Contact

Background papers:

contact: Robert Styles

Nil

Robert Styles  
Director of Street Scene, Leisure &  
Technical Services



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tel: 03000 415955  
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email: victoria.clothier@kent.gov.uk  
fax: 03000 420020  
our ref: LS/21/VC/462/92  
your ref:  
date: 14 March 2016

Dear Madam

### **The Tonbridge and Malling Borough Council (Off Street Parking Places) (Amendment No.1) Order 2014 ("the Order").**

We are instructed by West Malling Parish Council ("WMPC") in relation to the above Order. The purpose of the Order is that it intends to introduce a scale of charges to the West Malling Short Stay Car Park ("the Car Park") between the hours of 08:00 to 18:00 Monday – Saturday (excluding Sundays and Public Holidays).

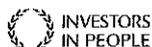
The purpose of this letter is not a formal response as part of the consultation procedure (we appreciate that period has now lapsed) but to highlight WMPC's concerns as to the legal basis and procedure making process of the Order. With this in mind this letter should be presented to your Council's Cabinet Committee on the 22<sup>nd</sup> March 2016 where it will be asked to formally approve the Order as per the officers recommendations in their report to the Planning and Transportation Advisory Board 12 January 2016 ("the Report").

### **The legal basis for making the Order**

In setting car park charges councils must comply with the Road Traffic Regulation Act 1984 ("RTRA") and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("LATOPR 1996"). The power to make charges for parking is defined by law to be for "*relieving or preventing congestion of traffic*". We have reviewed your council's draft Order and whilst it states that it is made under s.32 of the RTRA nowhere within it or the accompanying Statement of Reasons does it make reference to this power.

Both the Statement of Reasons and the Report focus on the fact that there is an alleged breach of the current "*take and display*" system and that it is subject to "*regular abuse*". This is despite the council taking a "*strong enforcement line against this practice with the support of the West Malling Steering Group, but has since lost appeals at the Traffic Penalty Tribunal Service*" as mentioned in the Report. We are instructed that the Tribunal cases establish that out of all 602 drivers issued

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with PCNs, **only 4 appealed** and out of these 4 **only 2 were contested** by your council. We would argue that not only is this not the correct legal basis for imposing charging on this Car Park but this is extremely misleading.

In addition to the above, local authorities are not allowed to set the level of charges in order to raise money to fund them. You can only use the surplus that results as a by-product of setting the level of charge that is necessary for "relieving or preventing congestion of traffic". Again, neither the Statement of Reasons nor the Report alludes to this. In fact, the latter appears to suggest that the whole point of introducing these charges is to "*secure a financial return to support the cost of the parking service*". We are sure you are aware that there have been recent cases where district councils have been found to be acting unlawfully when increasing parking fees to support other services (**North Dorset District Council 2015**).

### Procedure basis

WMPC are concerned about the minimal consultation that your officers have carried out through this process. The statutory consultation requirements make it clear that before making the Order the authority must consult with any other organisation representing people likely to be affected by the TRO, which the traffic authority thinks appropriate to consult. We would argue that this should have included WMPC, the Steering Group, the Chamber of Commerce, West Malling Church of England Primary School and the medical centres. In addition, it would have been appropriate to have consulted with Parish Councils in the surrounding areas as they represent 75% of customers (WMPC can demonstrate this through surveys and advice given to the Steering Group). All of these are key groups who, if they had the chance, would have given valuable feedback which may have resulted in different proposals being put forward altogether.

In addition to the above, we are sure you are aware of your obligations under s.149 of the Equality Act 2010. The Report states *that "the decisions recommended through this paper have a low or remote relevance"...*and that *"there is no perceived impact on end users"*. We argue that the end user may not have had a fair chance to take part in the consultation process due to the fact that it was insufficient for reasons set out above.

We would also like to remind you of the case of **R v London Borough of Brent ex parte Gunning [1985]**. Bearing in mind the limited consultation that has taken place we would argue that the Cabinet cannot satisfy themselves at this stage that:

- Consultation took place at a time when proposals were still at a formative stage;
- Sufficient reasons for the proposal were given to permit intelligent consideration and response;
- Sufficient time was allowed for consideration and response; and
- Responses from the public were conscientiously taken into account in finalising the statutory proposal.

We would draw to your attention of the importance of **Regina v Camden London Borough Council. Ex Parte Cran and Others (1995) (RTR 346)**. In this case the judge ruled that the Council had failed to consult with an open mind and that there had been inadequate consultation with and consideration of representations by a local group.

Finally, the draft Order through the digital link to the website is incomplete It says .....*"hereby makes the following Order: Citation and commencement"* and after "Order:" is blank. There is no inclusion of any operational details at all.

Bearing the above concerns in mind and the fact that WMPC remains committed to working with your council, we would respectfully ask that you remove and temporarily suspend approval of the Order from the Cabinet's agenda on 22<sup>nd</sup> March for a period of up to 6 months, to allow for alternatives to be constructively discussed and explored. This time can also be used for rectifying the legal basis and procedural inadequacies we refer to above. Considering the impact these charges could have on the community and local businesses, WMPC may be forced to look other options of recourse including the merits of judicial review if their concerns are not taken seriously.

Yours faithfully

**Victoria Clothier**  
**Team Leader - Senior Solicitor**

CC: Trudy Dean – Chairman of West Malling Borough Council  
Robert Styles – Director of Street Scene, Leisure and Technical Services – Tonbridge and Malling Borough Council  
Sharon Shelton, Director of Finance and Transformation. - Tonbridge and Malling Borough Council  
Andy Edwards – Head of Technical Services - Tonbridge and Malling Borough Council





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Your ref LS/21/VC/462/.92  
Our ref TM-P2-3  
Date 17 March 2016

Attn: Victoria Clothier, Team Leader – Senior Solicitor

Dear Sirs,

**Re: The Tonbridge & Malling Borough Council (Off Street Parking Places)  
(Amendment No.1) Order 2014**

I refer to your letter of 14 March on behalf of the West Malling Parish Council.

I note your request that your letter be presented to Cabinet on 22 March in connection with this matter. Whilst it is not usual practice for letters from legal representatives to be placed before Cabinet, I confirm that on this occasion a copy of both your letter and this response will be included in the supplementary papers for that meeting.

**Legal Basis for Orders Under s.32 Road Traffic Regulation Act 1984**

Your client will be well aware that off-street parking places have been provided by this Authority in the West Malling Car Park for a number of years, by virtue of an existing s.32 Order. It is simply incorrect to state that the “power to make charges for parking is defined by law to be for relieving or preventing congestion of traffic”. It is the power to make available off-street parking places which is required to be for the purpose of relieving on preventing congestion of traffic. That was the basis upon which the original Order was made, and that situation has not changed.

The power to impose charges on such an Order is contained separately in s.35 and is subject to no such similar requirement.

There is of course no requirement for the Statement of Reasons to refer to the power being exercised, and the draft Order is clear on its face that it is made *“in exercise of [the Council’s] powers under sections 32, 35 and 124 of the Road Traffic Regulation Act 1984.”*

**Director of Central Services:** Adrian Stanfield LL.B (Hons) Solicitor  
Email: [adrian.stanfield@tmbc.gov.uk](mailto:adrian.stanfield@tmbc.gov.uk)  
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INVESTOR IN PEOPLE

There is a clear evidential base for the statements made in both the Statement of Reasons and the Report to Cabinet with regard to abuse of the existing system. The report simply highlights that there have been cases which have not been upheld by the Tribunal. This is far from misleading; rather it is a simple statement of fact.

We are not aware of any reported legal cases involving North Dorset District Council in 2015- regarding parking charges or indeed otherwise. We assume you are referring to the audit report of Grant Thornton issued in May 2015 in relation to their audit into the use of monies raised by North Dorset District Council from off-street parking charges on general services.

In any event, there is no suggestion in either the Statement of Reasons or any Cabinet, Council or Board report which suggests that the parking fees are being introduced to “support other services”. As is clear from all of the documentation, the charges are being introduced as a way of increasing turnover of vehicles in the car park, to enable effective enforcement and to sustain the management and maintenance of the car park financially (see, for example, cabinet report paragraph 1.8.2). This is entirely proper.

### **Consultation**

As is standard practice in such matters, the Council followed the statutory consultation process. Your client was in any event made aware of the proposals even in advance of the consultation. The issue was raised at the Steering Group meeting on 29<sup>th</sup> January 2016. Indeed, the Parish Council was able to hold a meeting and set out its formal position in an email dated 4<sup>th</sup> February, the day before the consultation even opened.

I note that, in substance, the Parish Council’s formal response to the consultation (undated, but reproduced at Annex 2 to the Cabinet Report), is very similar to that earlier letter.

To suggest that somehow the Parish Council might not have had a full opportunity to take part in the consultation is simply incorrect.

We are of course aware of the principles established in the Gunning case. However, your letter fails to evidence how you believe any of these principles have been offended. In any event, there is no basis whatever to make such a case:

- The consultation took place well before any formal decision was to be made by Cabinet, and it is fully open to Cabinet to revise the proposals in light of the consultation responses;
- The Statement of Reasons gives a clear indication as to the purpose of introducing charges;
- The Council ran the consultation for the statutory consultation period and there can be no suggestion that the proposal is so complex that any longer period would be necessary for a consultee to properly formulate a view and to respond;
- The report to Cabinet is clear that Cabinet must take into account the views raised in consultation and the petition.

The situation is far removed from the facts of *Cran*. A fair and effective consultation has been carried out, there is no suggestion that the Council has failed to recognise the status of any party as a consultee, and it is entirely apparent from the report to Cabinet that the responses have been presented objectively (as indeed was the case for the report to Council dealing with the petition), and that the comments must be considered by Cabinet with a receptive mind.

I have reviewed the text of the draft Order on the website. The document is, of course just that- a draft order. It is entirely clear on the face of that order and its Schedule what is being proposed.

### **Conclusion**

Considering all of the above, there appears to be no defect in any part of the Council's process in this matter. There is nothing in any of the matters you raise on behalf of your client which could sustain a claim for judicial review: the points raised appear to be wholly without merit.

Please note that I am away from the office 18 March – 21 March inclusive. Should you need to correspond further with the Borough Council during that period please address your correspondence to Julie Beilby, Chief Executive ([julie.beilby@tmbc.gov.uk](mailto:julie.beilby@tmbc.gov.uk)).

Yours sincerely



**Adrian Stanfield LL.B (Hons) Solicitor**  
**Director of Central Services & Monitoring Officer**

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*Copied by Robert Styles ✓*

15 MAR 2016

Dear Mrs Beilby,  
Car Parking Charges in West Malling,.

12<sup>th</sup> March 2016

In 1973, Malling Rural District Council, Tonbridge Town, and Tonbridge Rural District Council were prepared for amalgamation into Tonbridge and Malling District (later renamed Borough) Council. A number of steering groups discussed various practical aspects of the merger, including the location of the offices and the time of day of meetings (MRDC met during the day.) One of the more difficult issues was how rates would be applied.

Tonbridge Town had decided not to establish a Town Council. Tonbridge residents would therefore pay only general Borough Rate. The remainder of the emerging Borough was entirely covered by Parish Councils who levied their own rate in addition. The amount collected by the Parish rates varied greatly from the lowest rate at that time by West Peckham Parish Council and the highest, possibly by Ditton. It was obvious that these Parish rates could not be equalised within the general Borough Rate.

Parishes collected rates in respect of the so called Concurrent Functions within their own parishes ie functions which both Parish and Borough Councils had the power to deliver. These included street lighting, churchyards cemeteries, and recreation facilities such as sports pitches and playing fields. However, in the absence of a Tonbridge rate, the costs for those services in Tonbridge town were to be paid for out of the general Borough rate which all Borough residents would pay. It was clear that this system would result in much lower levels of rate being paid by Tonbridge town householders than in the parishes, and that this would be unfair.

Under Malling Rural District Council, the centres of West Malling, Snodland, Larkfield, Borough Green and Aylesford were recognised as natural local service centres, providing shops and services such as medical surgeries, library and post office to many surrounding parishes. Therefore, car parks were provided free of charge to support this provision of services to the wider community by those local service parish centres. In Tonbridge however, parking had been charged as was normal in larger towns.

During the merger negotiations, it was recognised there would need to be a compromise to solve these issues. Part of the solution adopted was that car parking charges should remain free in the Rural District area, firstly in order not to threaten the viability of the local service centres, and secondly as part recompense for the lower rating of Tonbridge householders. In addition, the Borough Council would set up a system of Financial Arrangements with Parish Councils, paying a subsidy to partly meet the cost of delivery of concurrent functions.

Over the intervening years, there have been a number of occasions at which the possibility of extending charges to the rural car parks has been discussed as an additional source of revenue. However, before and during the leadership of Mark Worrall, the suggestion was never pursued not only because of its effects on the businesses of West Malling, but also because councillors and officers reminded the Council that it would go against the 'agreements' that free parking was a partial recompense for the much lower rates enjoyed by Tonbridge residents since 1974. Abandoning free car parking would therefore need to be accompanied by reconsideration of a special rate for Tonbridge.

We hope that the Borough Council will take this statement into account when making its decision on the current proposal to impose charges on West Malling, and the intention to review the car parking arrangements in Snodland, Aylesford and Martin Square, Larkfield.

*J.E. Sweetman*

John Sweetman  
*Former Administration Director  
and Acting Chief Executive.*

*David Thornewell*

David Thornewell  
FORMER TMBE COUNCILLOR  
AND LEADER OF THE COUNCIL

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**Robert Styles - Final draft**

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**Date:** 19/03/16 00:38  
**Subject:** Final draft  
**CC:** <carole.wmpc@btconnect.com>, <hazelmarlor@sky.com>, <Richard.Selkirk@sel...

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Dear Julie,

In view of our inability to address the Cabinet we are providing this written description, which you requested on Wednesday, of the alternative options which the Parish Council are considering, for inclusion in the Supplementary Report for Cabinet on 22 March.

We do appreciate the financial position of the Borough and the need for car parking in West Malling to be funded. However, we are very concerned that this form of charging may detract from the viability of our town as In responding to our petitions, on line and in person, many customers have told us they will go elsewhere, or visit less often.

We are also aware of the evidence provided to Mrs Beilby by former Chief Executive John Sweetman and former Leader of the Council David Thornewell that the provision of free shoppers' parking in West Malling, Snodland, Martin Square and Aylesford was continued in 1974 as a part of the equalisation of rates, later Council Tax, paid at a much lower level by households in Tonbridge then, and ever since.

At the time of writing, Cabinet members will be interested to learn that 3,828 people have now signed our on-line petition, with over 900 shoppers having completed the paper version. A separate set of petitions has been completed by 92 of the 98 traders in the town. The parents of West Malling CoE Primary Schools have created their own petition on Streetlife which currently has 59 signatures. These petitions will be presented to the Cabinet on 22nd March by Richard Selkirk, WMPC Chair of Planning. The total of just under 5,000 people makes it by far the largest petition received by the Borough since the petition scheme began in 2010, dwarfing the previous figure maximum of 374. We hope that this demonstration of support will encourage Cabinet to agree to the moratorium we have requested so that we can jointly carry out the preparatory work described below:

We understand that the budgeted cost of the West Malling car parks is £80,000 per year. Our approach is to take a 'holistic' view recommended by Secretary of State Greg Clark two weeks ago in East Malling, since the car parking needs of our visitors, residents and businesses are interdependent.

The following initial suggestions came out of the first preliminary meeting with representatives of the Parish Council and the Chamber of Commerce.

We are unable to cost any of the proposals since there is much information we have not yet been given, including that listed at the foot of the proposals. We anticipate working with Borough Officers to work up these ideas for implementation.

Parking Proposals for Investigation.

a). A pilot period of improved enforcement throughout the town by traffic wardens, for which the Parish Council has offered £15,000, will immediately improve throughput throughout the town and test whether it can raise more money than it costs.

b) We suggest that, if permissible, TMBC adopt the higher level penalty charge of £70 which

would be consistent with the penalty charge being imposed in Manor Park, off St Leonards Street . We understand the Government is currently consulting on merging the two bands of penalty charge, setting both at the higher level of £70 in any event.

c) With the Borough's permission, we would like to survey, or pay for a survey, of the use of the short stay car park to estimate the expected revenue from the Borough's proposed charging regime and on variants to it. In particular, our representatives did suggest to the Steering Group that the free car park be limited to 2 hours for a pilot period in order to test throughput, as we understand that throughput was improved by the reduction from 4 hours to 3.

d) The charge of £ 150 for a permit in the Ryarsh Lane Business Car Park is not high enough to achieve a return of costs to TMBC, and does not deliver reserved spaces for traders. We would like to see

- 1) Permits limited to a single vehicle registration number. This will make enforcement possible and eliminate the reported use of fake permits.
- 2) Permits entitling the holder to a numbered reserved parking bay.
- 3) Permits sold at a higher cost reflecting the reserved space status.
- 4) Two part time workers could share the business permit for one space if appropriate, at a reduced cost.
- 5). The number of passes for any one company being limited.

These measures would displace some cars currently using the Business Park. So....

e). We suggest that consideration is given to the introduction of single-handed traffic wardens in view of the low crime rate in the area and the presence of traders own security officers in the town. Whilst the health and safety of the traffic wardens is paramount, we believe that the available back-up could enable a more efficient deployment without additional costs.

We suggest that

1. Parking capacity at an existing station car park should be increased and reserved to workers parking. We understand one owner wishes to add a deck to his car park, and believe this should be investigated.

2. KCC has recently created an overflow car park at Manor Park where an ANPR system is to be installed this year, the car park being managed and enforced by a private company. The overflow car park stands empty for the majority of the day and the majority of the year. It would contribute much more to the life of the town if it were to become business parking, again to single registration numbers. The Business Permit cost in this case would be lower, reflecting the grass surface and the distance into town, but still at markedly higher levels than the current Business Permit level. The business car park area would still be available to the public during the evenings and at weekend when such events as the Fun Run take place. We understand the Borough Council has already expressed an interest in managing the Country Park for the County Council so the treatment of parking in this way could form part of that contract. This, again, is a change which would take relatively short time to achieve.

f) Parking spaces in St Leonard's Street and Water Lane are currently used by workers free of charge. We suggest that these spaces should be redesignated as spaces reserved for Business use and again attracting income through the Business Permit. We believe there are approximately 35 spaces involved.

g) Circle Russett Homes currently own the square in front of Downs View West Street, and two areas of marked secure parking for 5 vehicles each at the junction of Sandown Road and Fartherwell Avenue. Both are within easy walking of the town and both stand empty all day. We are aware that

there are lease provisions affecting residents rights at Downs View, but observe that few, if any, residents there own a car. The spaces are provided for visitor parking and service vehicles which are observed to be very few. If income were to be shared with the residents, we believe a much more efficient use of the space barely 100 feet from the High Street could be achieved. The spaces in Sandown Road have been sitting empty since they were created some time ago and the intentions of Circle Russett with regard to their use should be pursued. Enquiries from traders and residents about renting the spaces have been turned away.

h). A number of smaller initiatives were thought worthy of examination:

- 1). Use the 2 taxi rank spaces for general use or they could perhaps be used as a dedicated bay for business deliveries. This would reduce the causes of illegal and dangerous parking.
- 2). Look at alternative ways of providing parking spaces to get best use of the very wide High Street (eg echelon parking, etc).
- 3). Recording registration numbers on residents parking permits would avoid abuse and maximise income.
- 4) Propose areas where residents car parking might be introduced. This would help reduce residents' concerns about displaced High Street parking taking over residential streets.
- 5). Re-allocating and re-issuing business permits, as some businesses have scores of permits. This should be based on the work of our researcher to establish which businesses should have adequate on site parking and therefore not be considered eligible for parking permits. This would allow more businesses on the waiting list to receive permits and ease parking problems elsewhere in the town.
- 6). Examine whether there is scope to increase the number of car parking spaces in the Ryarsh Lane car park whilst maintaining safety.

i) In addition, the Parish Council is interested in entering a bid to take over the responsibility of managing the Borough Council's car parking in the town as we believe that our local and daily involvement can provide a more effective management regime. However, we would need to see the Borough's Council's Business Plan to understand the full implications. Working through the above ideas jointly with Borough Council officers would provide an essential start.

j) The basic problem in West Malling is one of lack of parking given all the competing demands from our community services, shoppers and workers. The Parish Council is committed to working with the Borough Council to identify a suitable site/sites for new areas of parking through the Local Plan process. If the Borough Council does not wish to finance such a car park, we would expect it to be commercially provided and operated.

It is not possible to cost our various suggestions or their viability because we have incomplete information, including the following:

Information Awaited.

- 1) We have not had the opportunity of discussing our emerging ideas with Borough Council officers.
- 2). We are unclear what powers the Borough Council has to charge cars parked on land owned by Whitbread (the land behind 'The Farmhouse' and Tesco, which is the majority of the short stay car park) and the number of car parking spaces from which the Borough is able to obtain payment. After a lapse of nearly two weeks, we received the licences requested but these contain no reference to charges received or paid. We have not yet received the Planning consent which may be helpful in this regard.
- 3). We note from the Summary of responses that some traders have reserved spaces as a result of the lease that TMBC have for the car park. The leases we have seen do not mention this, and we do not know the extent to which Whitbread or Tesco have reserved spaces which may reduce the number of spaces for which TMBC can charge.

- 4) We believe that some householders in the vicinity of the short stay car park may have reserved spaces overnight reflecting their lack of onsite parking. Again, we do not know the numbers of spaces involved or details of the income this generates.
- 5). The Borough Council have been unable to provide any information about the amount of time that cars park in the short stay car park.
- 6). The FOI information we have received concerning the number of penalty charges invoked is inconsistent. It says that 734 penalty notices were issued in the last 12 months, 520 being paid in full or with the early discount, but that 314 appeals were received, of which 171 were refused. This means that 143 have been accepted out of the total of 734 - ie that 591 have not been accepted. This doesn't tally with the figure of 520.
- 7). The proportion of the number of penalty charges paid with the early discount has not been supplied to us, so we cannot calculate the revenue collected from penalty charges.
- 8) In order to cost our proposals we need to know the breakdown of the Borough Council's expenditure, including the physical upkeep of the surface, lighting, signage, the intended purchase of new ticket machines, enforcement of the traffic wardens, and costs of administering the penalty notice system. We were told the only Business Case the Borough Council has lies within the report to councillors, which does not give the figures we require.

Yours sincerely

Trudy Dean,  
Chairman West Malling Parish Council.

Sent from my iPad



## Kings Hill Parish Council

*Enhancing the lives of the Kings Hill Community*

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Tonbridge & Malling Borough Council  
Parking  
Gibson Building  
Gibson Drive  
Kings Hill  
West Malling  
Kent  
ME19 4LZ

18 March 2016

Dear Sir

### **Proposed Parking Charges in West Malling**

Kings Hill Parish Council would like to register their objection to the proposed parking charges that may take place in West Malling's short stay car park.

Historically car parks in rural shopping centers have been free in order to support local businesses and to stimulate the local economy, therefore we would oppose any charges that may be introduced.

Yours sincerely ,

A handwritten signature in black ink, appearing to read 'Helen Munro', is written over a faint, larger version of the same signature.

Helen Munro  
Chief Executive Officer  
On behalf of Kings Hill Parish Council

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