

# TONBRIDGE & MALLING BOROUGH COUNCIL

## CABINET

22 March 2016

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

#### Part 1 – Public

#### Executive Non Key Decisions

#### 1 CAR PARKING CHARGES IN WEST MALLING

##### Summary

This report highlights the outcome of the formal consultation relating to the potential introduction of car parking charges in West Malling. The report also draws attention to two petitions received by the Council.

#### 1.1 Background

1.1.1 At the meeting of the Planning & Transportation Advisory Board on 12<sup>th</sup> January 2016 Members considered a review of car parking fees and charges for the Council's car parks across the Borough.

1.1.2 The review included a recommendation to Cabinet that it approve the introduction of a scale of charges for short stay parking in West Malling to operate Monday to Saturday 8am to 6pm as detailed below.

<b>West Malling Short Stay Car Park</b>	
<b>Period</b>	<b>Proposed charge</b>
30 minutes	£0.30
1 hour	£0.60
2 hours	£1.20
3 hours	£1.80

1.1.3 In considering the proposal it was recognised that the current approach to not charge for parking in the West Malling short stay car park resulted in a number of operational problems. Together with the significant cost of the current provision by the Council, it was felt the time was right for a more fundamental review of how charging regimes could help manage the overall parking availability.

- 1.1.4 There have been historic problems with inappropriate long-stay parking taking place in the short stay car park, which is designed to operate on a short stay basis to support local shopping and other town centre visits. Parking used to be restricted to 4 hours, but the car park was popular with those working in the town, and it was common for cars to be parked all day.
- 1.1.5 To address this issue the Council introduced a 3 hour time limit, with a requirement for drivers to take and display a ticket, which contains their vehicle registration number. An additional ticket could then not be obtained, to prevent over-staying.
- 1.1.6 Unfortunately, despite this system there is still abuse of the short-stay parking time limits, as drivers have adopted the practice of entering a registration that is almost correct, then claiming that this was done in error. The Council took a strong enforcement line against this practice with the support of the West Malling Parking Review Steering Group, but this approach has not been supported by the Traffic Penalty Tribunal Service. This has resulted in the Council having the high costs of running a town centre car park with take & display machines, but with no income to enable recovery of the costs and no effective means of applying an appropriate management regime.
- 1.1.7 It was recognised at the November 2015 meeting of the Steering Group that given the operational issues and scale of demand for parking there was pressure to review how the car parks and associated enforcement were operating.
- 1.1.8 It was agreed by the Advisory Board that the most effective and practical way of managing the car park was by the introduction of a parking charge. Setting charges would allow more flexibility in the management of the car park, focussing on encouraging short stay and relatively quick turnover of spaces to optimise availability. Such an approach would also address the costs of running the car park. It was also recognised at the meeting that it was not the intention to introduce a charge for on-street parking in the High Street at this stage, or on Sundays and evenings, but this may need to be reviewed in the future depending on operational experience. Members of the Advisory Board also supported increased resources for enforcement.
- 1.1.9 At the last meeting of Cabinet, Members agreed that, with the exception of the 'over 3 hour' option which would be deleted, the schedule of charges for short stay parking in West Malling be deferred pending discussion by the Council of the petition received.

## **1.2 Petitions**

- 1.2.1 The Council's Petition Scheme states that any petition containing more than 1,500 signatures will be discussed by full Council. A petition of signatures was considered by Council on 16<sup>th</sup> February 2016 objecting to the introduction of

charges. The petition was presented by Mr Richard Selkirk on behalf of West Malling Parish Council. A presentation was also made to Council by Mr Russell Meader on behalf of the West Malling Chamber of Commerce. Members of Council debated the issue and agreed that Cabinet be requested to consider the proposed introduction of car parking charges in West Malling, taking into account both the petition and the outcome of the formal public consultation exercise. On 29<sup>th</sup> February an additional 311 paper petition signatures were received from the Parish Council.

1.2.2 A further petition has also been received from West Malling Parish Council on behalf of the traders within the town. 82 of the existing 94 traders in the town have signed a petition opposing the imposition of car parking charges in West Malling. The petition states the objection is based on the following:-

- it will harm trade and cause shops to close
- independent traders should be supported
- it will cause shoppers to go elsewhere where parking is free
- it will cause congestion in the high street and surrounding residential roads.

1.2.3 A full copy of the traders petition will be available for Members to view at the meeting.

### **1.3 Formal Consultation**

1.3.1 In accordance with The Local Authorities' Traffic Orders (Procedure) (England & Wales) Regulations 1996, formal consultation was undertaken between 5<sup>th</sup> - 28<sup>th</sup> February 2016. The consultation sought views on the Council's intention to an amendment to its off-street parking Traffic Regulation Order. The consultation included an advert in the Kent Messenger newspaper, notices placed in the car parks and letters to the Parish Council, interested landowners and those with properties adjacent to the car park.

1.3.2 A total of 24 responses were received which have been summarised at **Annex 1** to this report. Five responses were received from the Parish Council or its members. Full copies of the responses received will be available for Members to view at the meeting. The most frequent comment made by the public (11 responses) was that parking charges should not be introduced as this will deter shoppers, visitors and users of the community facilities.

1.3.3 A copy of the Parish Council's formal response is attached in full at **Annex 2**.

### **1.4 Legal Implications**

1.4.1 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.

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

- 1.5.1 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.

## **1.6 Risk Assessment**

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

## **1.7 Equality Impact Assessment**

- 1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **1.8 Conclusion**

- 1.8.1 The potential introduction of parking charges in West Malling has clearly created significant debate both locally and more widely across the Borough. The local Parish Council is strongly opposed to the proposal and petitions have been received from both the public and traders.
- 1.8.2 The original aim of the proposal was to support trade in the town by allowing more flexibility in the management of the car park and optimising availability and to address the significant costs of running the car park. The proposed charges were set at a level to continue to support local businesses and no charges are being proposed for evenings or Sundays. On street parking in the High Street for an hour will continue to be available free of charge for those people just needing to pop into local shops or community facilities. Clearly there is local concern that the introduction of charges will damage trade and create problems in residential roads. However, the alternative case underpinning the proposed introduction of charging is that such a regime will increase turnover, enable effective enforcement and sustain the management and maintenance of the car park in financial terms.
- 1.8.3 Members have had the benefit of hearing directly from the local Parish Council and the traders and listening to their concerns at first hand. The Cabinet Member for Planning & Transportation and the local Members have discussed the issue face to face with the West Malling Steering Group and the matter was considered by the Planning & Transportation Advisory Board in January.

1.8.4 Cabinet will need to carefully consider all the issues raised in coming to a view. It remains the views of your Officers that the proposal to introduce charges remains the best way forward to support traders by addressing current parking problems in the town and offset the cost of the car park to the Council. If Members are minded to support the recommendation it is the intention to significantly enhance the level of parking enforcement in West Malling, and also undertake a review after 12 months of any implications to parking in the surrounding residential areas.

## **1.9 Policy Considerations**

1.9.1 Asset Management

1.9.2 Community

1.9.3 Customer Contact

## **1.10 Recommendations**

Subject to Member discussion at the meeting it is **RECOMMENDED** that the schedule of short stay parking in West Malling as outlined in the report be introduced as soon as is practicable.

Background papers:

contact: Robert Styles

Nil

Robert Styles

Director of Street Scene, Leisure & Technical Services