

Subject: THE TONBRIDGE AND MALLING BOROUGH COUNCIL (OFF-STREET PARKING PLACES) (AMENDMENT NO.1) ORDER 2014.

Dear Mr Styles

Consultation on the Introduction of Charged car parking in the short stay car park in West Malling.

Please accept this as the official response of West Malling Parish Council to the Borough Council's proposals for our short stay car park. In order to reply within your consultation period, I am replying on the Parish Council's behalf in advance of its being approved by a Full meeting of the Council. This will occur on March 7th prior to our public meeting, which I hope you are attending, on March 8th. I will write to again if there are further changes as a consequence of those meetings.

We were pleased to hear in the questions and answer session at the KALC Conference of Parish Council Chairmen on Friday Feb 26th at East Malling Conference Centre, the Secretary of State spoke on the issue of rural car parking. He said that of course this was an issue for local resolution, but he personally thought that Borough Councils needed to consider carefully the impact on footfall of imposing charges. He suggested that it was against the interests of both rural shopping centres and councils if charges resulted in lower footfall, loss of trade and closure of businesses which in turn resulted in loss of business rate income to the council. He suggested this would become even more important as councils' income becomes increasingly dependent on business rates. We agree.

Since I wrote to you last on February 4th prior to the meeting of TMBC Full Council on February 16th, we have received responses to a number of questions. I am therefore now sending a revised response to take account of this new information. I have also indicated where we are still awaiting information we have requested.

WMPC response is divided into three sections. We discuss below procedural concerns in section one, our practical points of concern in section two, followed by the Council's proposals for an alternative cooperative way forward in section three.

1. PROCEDURAL CONCERNS.

Thank you for alerting members of the West Malling Parish Council who are our representatives on the Parking Steering Group of the proposal for parking charges to be imposed on our short stay car park for the first time.

My members were extremely dismayed at the short notice they have been given to address this complex issue so fundamental to the survival of our town. The Council wishes to consider a range of alternative options to meet the Borough, Parish and Chamber of Commerce needs. These range from provision of a two hour free period followed by higher charges, perhaps including into the evening, to the Parish Council using the Localism Act to bid for the operation of the service. In order to consider in particular the latter, we need to see the Borough Council's Business Case for the operation of the car park, and a copy of the

terms of the lease which we requested on Feb 4th, but which is currently being withheld from us pending legal advice. We would be grateful if both documents can now be provided.

My councillors are also disappointed that this proposal has once more come forward to meet one aspect of the parking problem in West Malling rather than addressing the problem holistically and finding a suitable solution. My councillors believe that they, and indeed any other responsible body, would require a longer period than the three weeks consultation process to give proper consideration to your proposals and to develop our alternatives in consultation with partners such as the Chamber of Commerce.

- a. For many years, proposals for changes to parking arrangements have begun with discussion at the West Malling Steering Group. The Steering Group was bypassed on this consultation and so the recommendation to PTAB was not considered by them.
- b. As members of that Steering Group, WMPC received notice of the PTAB meeting on Jan 8th at approximately 10.45am ie we received less than three working days notice of the PTAB meeting and were therefore not able to meet the requirement even for an emergency meeting to discuss the issue and prepare arguments for the PTAB.
- c. We note that the report to the Council's Planning and Advisory Committee concerned primarily increases in charges and time limits in areas where charges already existed. Only West Malling was singled out for new charges, and we believe this justifies additional time to properly consider your proposals.
- d. The Statutory Notices of the intention to apply charges were posted in the car park on February 5th, just one month after the first announcement of any proposal for charging was made, for implementation as soon as possible after April 1st - less than three months after the first suggestion of charges was made. Compared to the current proposals for residential parking in Offham Road which have taken over 12 months for only the last two rounds of consultation, this is a very compressed timetable.
- e. We note that the 21 day statutory consultation was authorised before a decision was taken to approve such consultation by any committee of the Council. Indeed, the recommendation from PTAB, approved by Full Council, was not to consult on the introduction of charges, but to proceed with the implementation of charges. In my previous letter, my members therefore asked to be advised under what powers officers authorised the commencement of the statutory consultation, in the form of one option only, in advance of any council meeting with executive powers. We have not received a reply and would like to do so now please.
- f. My members are concerned that the consultation period had not expired before the Full Council meeting took place. Whilst both the Leader and Cabinet Member expressed support for the recommendation that the proposal to impose charges should be considered by Cabinet, taking into account the results of the consultation, they nevertheless both expressed their personal support for charging proposals. This was taken by many observers to indicate that the Council had predetermined its course of action.

My members are currently examining the procedure used from the point of view of its conformity to the Gunning Principles and will write to you again on this issue.

2. PRACTICAL POINTS OF CONCERN

The members of the Council strongly oppose the Borough Council's current proposals as we believe it will damage trade for our shops and businesses, and cause congestion in our streets as people search for free parking.

A. Members believe it will result in a loss of trade to shops and businesses as customers take

their business to surrounding centres to avoid charges. The evidence for this can be found in the comments of the currently 3,582 petitioners responses to the consultation.

Which can be accessed at www.westmalling.info.

87.8 % of West Mallings 99 traders have signed a paper petition opposing charging because they believe it will reduce their trade as shoppers go to centres where parking is free.

West Mallings Chamber of Commerce and a number of individual businesses including the operator of our Farmers' Market have written separately to the council expressing their opposition for the same reason. West Mallings is 20 minutes from Bluewater and is surrounded by large supermarkets with free parking at ASDA Kings Hill, Sainsbury at Quarry Wood, Waitrose at Allington soon to expand into a Quarry Wood store double the size of the existing Allington store, and Tesco and Morrisons at Larkfield,

B. Councillors believe that the proposal will cause congestion in the High Street, Swan Street and West Street as drivers wait and search for free parking spaces. In response to our concern, officers have responded that on street parking charges would then be considered! Is there any rural market town of our size in the county with on street parking meters?

C. Congestion will also occur as shoppers will search and compete for free parking in nearby residential areas.

D. West Mallings is not only a retailing centre, but also provides a number of community services. In many cases, these are free services which bring residents into the town, generating associated business for our shops and nearly 200 businesses. However, West Mallings was established in Mediaeval period and many of these shops businesses and services occupy listed buildings with no on-site parking for staff, deliveries or customers. WMPC believes car park charges will affect all of these activities and result in the loss of this associated trade as customers opt for the next nearest facilities which are free of charge.

i) West Mallings Church of England Primary School has extremely limited parking and restricted access. A walking bus currently operates from the Tesco car park. Parents will not pay to drop off their children, and in the absence of a suitable alternative which has not so far been found, pupils will be dropped off at the congested school gate where their safety will be at increased risk.. Matthew Clarke, headteacher, has written under separate cover on this issue requesting a meeting with officers, but this has only been acceded to in the event that a charging regime is introduced. This is not an acceptable substitute since prior to the decision being made the Headteacher has an influence over the decision. Once it has been made, he no longer has that level of influence.

The impact of this proposal on the road safety of children should have been flagged up within the EqIA but the committee report merely records that there is "no perceived impact on end users" of these proposals . This is not the case with regard to the West Mallings proposals.

My members would therefore like to see the EQIA carried out in regard to West Mallings car park proposals please.

ii) West Mallings GP practice has no patient on-site parking. The imposition of parking charges is likely to mean that patients will opt to attend at the branch surgeries, or transfer to other practices such as Thornhills Martin Square where parking is free. Charges for patients will be unpopular and patients have spoken to councillors about the difficulty of predicting how long a wait there might be in the surgery. Therefore there is a risk that clinic services will increasingly be moved to those branch surgeries at Leybourne and Kings Hill, where parking

is free. . Flu vaccinations have already been moved away from the West Malling Surgery to Kings Hill apparently because of difficulties of parking in the town. When this occurs it leaves West Malling residents with mobility problems or without cars severely affected. Once again this potential impact on the frail, elderly and disabled should have been considered in the EQIA but there is no evidence that this was done.

Staff at Boots Pharmacy have discussed with us their concerns for the continued viability of this very small branch of the national company should there be any diminution of this pharmacy trade as a result of activity moving to branch surgeries owing to car parking charges. The Pharmacy currently receives direct delivery of pre ordered prescriptions from the West Malling Practice. It would leave the community at a severe disadvantage if no replacement provider of pharmacy could be found and again I this should appear within the EqIA assessment.

iii) Rev David Green has written to the Council with his objections concerning the effect on the congregation attending services, particularly weddings baptisms and funerals, as neither the Norman Parish Church of St Mary's in West Malling nor the associated churchyard has on-site parking. The same applies to the Swan Street Baptist Chapel which has no on site parking. Once again, the impact of the proposals on the congregations of these churches should appear within the EqIA.

A loss of services at these churches would mean a loss of associated trade including receptions and catering businesses will be lost to the town.

iv) West Malling Library on the High Street has no on-site parking. The next nearest Library is Larkfield Martin Square where parking is free. Having to pay parking charges there would have a direct impact on those using the computers to aid their learning and career advancement.

v) West Malling Post Office has no on-street parking. The next nearest post offices are at Twisden Road, East Malling and Martin Square, Larkfield and parking is free in both these locations. Loss of trade risks closure and again this would impact disproportionately on the elderly infirm and vulnerable.

E. The Borough Council has had a long held policy not to charge for short stay parking in rural areas except where commuters would otherwise fill them, as at Borough Green and Holly Hill.

At the PTAB meeting, it was stated that free parking currently provided by the council at Snodland, Aylesford and Martin Square are also to be reviewed. If the Council is to abandon this policy of protecting rural shopping centres then it should implement charges to all the rural car parks together, so that West Malling businesses are not unfairly competitively disadvantaged by being the first, or perhaps the only, rural shopping centre to which new charges are applied.

F. The PTAB report at paragraph 1.8.8 also states that there is a need for charging because of costs of unsuccessful prosecutions of drivers purposely punching in the incorrect registration to extend their stay in the car park. The report says “ this has resulted in the Council having the high costs of running a town ... but with no effective means of applying an appropriate management system”.

My members on Feb 4th asked for details of how many such cases have occurred in West Malling and whether the Borough Council has approached the Tribunal on the reasons for its

decisions, since this fault in the Borough Council's system must also affect other authorities, and repeat offenders must be easily identifiable.

We are still awaiting this information and one of our members Stephen Harriott has filed an FoI as a result.

We have, however, been made aware of data provided to Mr Dean. This indicates that the Council had a throughput of 230,000 cars per year in the car park and issued 602 parking tickets as a result of face down ticket, no ticket or invalid ticket. The council is unable to say how many of these were issued because of errors in the registration number inserted, although the report described them as 'numerous'. Of the penalty tickets issued the council received 314 appeals of which it allowed 143. A total of 455 accepted their liability and paid the fine. Only 4 drivers appealed to the Parking Tribunal.

In one case, the driver in question had inserted a letter o rather than a figure zero. The Tribunal accepted that the two were identical on the registration plate and found in favour of the appellant. In this case, TMBC did not suggest abuse of the system, but accepted that Mrs E had committed a genuine and honest error.

This case therefore had no bearing on the efficient operation of the car park, as pointed out by the Tribunal.

TMBC did not offer a defence in two cases.

In the fourth case, the Tribunal upheld the Borough Council's case as it was clear that a breach of the parking rules had occurred.

It is therefore misleading to assert, as the council did in its reports to PTAB and to Full Council and in its Statement of Reasons supporting the formal statutory consultation, that a lack of support from the Parking Tribunal made the operation of the car park regime unenforceable or difficult.

In any event, the council has not explained how the imposition of charges will avoid this situation in future.

G My members note that KCC has posted notices in Manor Park West Malling advising that the system of existing charges is in future to be enforced by an automatic number plate recognition system. This provides more accurate monitoring with reduced ongoing costs. My members would like to know if the Borough Council has considered reducing its costs by becoming a partner in this or similar contract. We would like to see capital and running costs of an ANPR system compared with the current costs please..

H. TMBC lease the car park, and we understand that some traders have reserved spaces within it as part of that lease. We asked to be advised what effect Tesco opposition to the plan for charging would have on the proposal, and we still await a reply. .

We have received the requested map of the land which is leased, but not a copy of the lease or of the management agreement between the Borough Council and Whitbread or their successors.

I. The proposal for changes to the car parking regimes in Offham Road and Norman Road and in changes to residents permit use zones should be implemented and properly monitored before any changes are introduced in the High Street car park to avoid the existing congestion being made even more intolerable and dangerous as any new system beds down..

J. We are aware of the claim that parking is charged in Tonbridge. In practice, for many residents, this is not true. Approximately 30% of the parking tickets are redeemed by an adjacent supermarket on production of the ticket. Though this would be possible in West

Malling, it has always been discarded as an option because it would concentrate trade towards our single small supermarket at Tesco to the detriment of independent traders who sell the same products including flowers, chocolate and confectionary, newspapers, magazines and stationery, wine and spirits and prepared take away food.

3. THE WAY FORWARD.

3.1 WMPC has pointed out that it has not benefitted from additional car parking to accommodate shoppers generated from considerable new housing development in North Larkfield, Leybourne Chase, and Kings Hill. In the latter case, we wrote to the Borough Council asking that our traffic and parking problems be considered for assistance by the developer, and we have been advised that this was not possible within the current planning regime. If this is correct, then the only source of funding available for us to assist in expanding parking to meet the needs of these very welcome new customers is via the Borough Council which receives the Council Tax from these new homes. Without these additional spaces, the constant friction in searching for spaces as we already know results in customers going elsewhere.

3.2 WMPC members point out the lack of a Parish Rate equivalent for Tonbridge residents in respect of concurrent functions including Street Lighting, Churchyard and Recreation Grounds. We would like to know the cost of providing those facilities provided in Tonbridge from the general Borough rate but which are met elsewhere by parish rates. Whilst WMPC receives funds under Special Arrangements with Parish Councils, this meets only a proportion of our total costs on these functions, and is likely to be a diminishing amount. The removal of capital grants and support for parish loans has further increased the unfairness. My members believe that the provision of free parking should be considered part of the rebalancing of fair taxation throughout the Borough. We welcome the forthcoming review of financial arrangements which will include the possibility of applying a special rate to Tonbridge which would redress this unfairness, though in practice it will be overtaken in time by the reliance in future of the council on income from business rates.

3.3 The members of WMPC are keen to continue working productively with the Borough Council through the Steering Group on this issue. My members are not opposed to parking charge increases in the business car park, though we regret the rate of increase in trebling of costs is far greater than any other proposal in the Borough, and for residents' permits. We do, however, believe that the current operation is not sufficiently effective. In particular, we are keen to see enforcement enhanced to a level where current widespread abuses in particular of on street spaces can no longer exist.

We therefore renew our offers made prior to these latest proposals:-

- to fund to a maximum of £15k a pilot project enhancing current enforcement levels to 9 till 5 weekday cover for West Malling. Such a project would establish how far current parking arrangements can meet the costs of provision. This is a scheme working effectively in Cornwall. In the light of the resulting information, the Parish Council would consider future funding contributions.

During the project, the Parish Council will work on producing options for alternative funding of parking costs in West Malling. My members have already had a meeting with Chamber of Commerce members which produced options to be explored including

- 2 free hours of parking followed by higher charges for the third hour
- extending parking charges to the night time economy

- a business subscription to deliver free parking for customers, perhaps managed by the Chamber of Commerce,
- purchase of dedicated spaces in the business car park, including shared use of a single space by part time workers
- transfer of the lease to the Parish Council to manage the car park.

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- to discuss with the Borough Council the refinement of our research project to assist in identifying business parking demand and supply in West Malling, to which an experienced researcher has been appointed.

The underlying and urgent need in West Malling for many years has been for additional parking and this need will not be addressed merely by making better use of existing spaces. We expect this to assist the Borough Council in arriving at a more equitable allocation of business permits and therefore increase the effective use of the current spaces in the business car park.

We also anticipate that it will evidence the need for a third car park. We appreciate this would need to be commercially provided and is most likely to be achieved through the release of development land. We wish to identify potential sites with the Borough Council's assistance, through the local Plan process. One option might be to re-designate the Ryarsh Lane Car Park for shoppers, after facilitating a new larger site for workers.

- to assist in any practical way possible with the administration of the Borough Council's residential and business permit administration.

The expenditure we have set aside to meet the above commitments is equivalent to almost a third of our annual expenditure and we hope that this demonstrates our commitment to working with the Borough Council towards a mutually satisfactory solution which does not endanger the fragile nature of the recovery of West Malling businesses from a long and difficult recession.

Trudy Dean
Chairman.