

# TONBRIDGE & MALLING BOROUGH COUNCIL

## STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

05 October 2020

### Report of the Directors of Street Scene, Leisure & Technical Services and Finance and Transformation

#### Part 1- Public

#### Matters for Recommendation to Cabinet - Key Decision

#### **1 OFF-STREET CAR PARKING CHARGES**

##### **Summary**

This report updates Members on the current position and proposed timescale in relation to the implementation of the proposed changes to off street car parking charges, and the need to progress a survey to determine user profiles in the Aylesford and Martin Square car parks. The report considers previous reports to this Advisory Board and Cabinet, and takes in to account the impact of the Covid-19 pandemic.

##### **1.1 Introduction**

- 1.1.1 At the last meeting of this Board on the 5<sup>th</sup> March 2020, Members considered the outcome of the formal consultation on the annual review of car parking charges and proposals to amend the existing parking charges across the Borough.
- 1.1.2 The recommendations from this Board were due to be considered at the Cabinet meeting on the 17 March 2020. Due to the Covid-19 pandemic this meeting was cancelled and at the 3 June 2020 meeting of Cabinet the decision to introduce these price variations was deferred until the next annual cycle of price review.
- 1.1.3 At its meeting on 6 January 2020, Cabinet approved the proposal to introduce car parking charges to existing free-for-use car parks in Aylesford, Martin Square and Snodland. Following this decision, a consultation was undertaken on the detailed proposals for both Aylesford and Martin Square with Snodland to follow on a slightly different timescale. Unfortunately due to a drafting error in the consultation documents the outcome of this consultation exercise cannot be considered as the formal consultation process. The feedback received is however extremely useful to review prior to undertaking further consultation in the future.
- 1.1.4 The consultation responses have assisted in gaining a fuller understanding of the concerns of the users of the car parks and illustrate that there are a number of different user groups. To get a more detailed picture external consultants were engaged to carry out car park usage surveys and customer surveys to enable this information to be used to help guide the review of the charges. Unfortunately the

rise of the Covid -19 pandemic weeks before the proposed surveys has meant that these have had to be delayed.

- 1.1.5 Surveys on parking habits aim to take a snapshot of the parking arrangements under normal operating conditions, but due to Covid-19 there is significant disruption to traffic patterns and parking habits and any surveys will need to wait until there is a return to more normal traffic patterns and car park usage.

## **1.2 Variation of Existing Charges**

- 1.2.1 Following the outbreak of the Covid 19 pandemic, the previously reported parking charge proposals were put on hold by Cabinet for review as part of the next cycle of price review. The timescale for this next cycle is relatively short as we would seek to align the off-street and on-street charging regime timescales.
- 1.2.2 The next step is to implement the charges as reported to the March 2020 meeting of this Board and these are attached in **Annex 1**. This requires the advertisement of the legal order that varies the prices in line with the detail shown in **Annex 1**.
- 1.2.3 The proposal is to introduce the new charges from 4 April 2021, a year later than originally proposed. This means that there would have been no increase in existing car parking charges for 3 years.

## **1.3 Aylesford and Martin Square car parks**

- 1.3.1 At its meeting in January 2020 Cabinet agreed the principle of the introduction of car parking charges in Aylesford and Martin Square car parks with a wider review of the on and off street parking arrangements being proposed for Snodland.
- 1.3.2 Consultation was carried out earlier this year. Early in the consultation process it was discovered that there was a drafting error which omitted one of the price bands in the charges.
- 1.3.3 This error rendered the formal consultation process as being flawed. However this consultation process generated a number of useful responses and it is clear that the proposed charging models for each car park would benefit from being reviewed. We have also identified the need to carry out some survey work to ascertain the user profiles and duration of stay as this will also assist in the proposed charging models. It is essential that this survey work be conducted at a point in time when the usage of the car parks has returned to some level of normality following the Covid 19 pandemic. The date for this is not possible to predict at this stage and will need to be kept under review.

## **1.4 Legal Implications**

- 1.4.1 The statutory framework governing the response to the pandemic is evolving and changing on a frequent basis, both in the restrictions placed upon individuals and

upon the responsibility of local authorities. Specific proposal or changes brought forward following a review of the services will be assessed at the appropriate time in liaison with Legal Services to ensure they are lawful.

- 1.4.2 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.
- 1.4.3 Changes to parking charges should be made via an Amendment Orders to the Council's on and off-street parking Traffic Regulation Orders, using the procedures set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 1.4.4 Part 2 of The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015 introduced a statutory requirement for a 10 minute "grace" period to time limited parking, whether on-street or off-street, including Pay and Display, regardless of the intended duration of stay, effectively adding the facility to park for an additional 10 minutes to all parking periods.

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

- 1.5.1 Previous reports to this Board and Cabinet have examined parking fees and charges within the context of a set of guiding principles, the cost of parking service to the Council and ongoing investment in the parking management service. It had been anticipated that the recommendations proposed in respect of off-street car parking fees and charges would have generated estimated increased income of £271,000 net of VAT and refunds in a full year. This estimate is based on the pre-Covid 19 usage and refund levels remain constant and that ticket sales remain uninfluenced in each pricing band.
- 1.5.2 Clearly the Covid 19 pandemic will result in different user patterns in our car parks. The full extent of this impact in the changing habits of users will not be known for some time as businesses and users make changes to the way they move and operate within the Borough.
- 1.5.3 Some of the proposals will incur additional ongoing revenue costs which have been factored into the relevant budgets where appropriate. Such costs will need to be taken into account to determine net income associated with one or more of the proposals.
- 1.5.4 Capital investment will be required in the Council's car parks in Snodland, Martin Square, Aylesford and Tonbridge Castle grounds if the introduction of car parking

charges is approved at a later date. A budget in the sum of £210,000 has been established for this purpose.

## 1.6 Risk Assessment

- 1.6.1 The departmental operational risk assessment has been updated substantially and is being revised on an ongoing basis as government guidance on Covid-19 changes.
- 1.6.2 The regularised review of parking charges is financially considered when reviewing the Council's Medium Term Financial Strategy.

## 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.
- 1.7.2 Blue Badge holders can park free of charge in the Council's car parks for up to 23 hours. For Blue Badge holders living in a parking permit area, a Resident Parking Permit is not required as long as the valid Blue Badge and clock is correctly displayed. The Blue Badge scheme has recently been extended by Central Government to include people with "hidden disabilities". This includes people with learning disabilities, autism and mental health conditions.

## 1.8 Policy Considerations

- 1.8.1 Asset Management
- 1.8.2 Community  
Customer Contact

## 1.9 Recommendations

- 1.9.1 It is **RECOMMENDED TO CABINET** that it **APPROVE** the following proposals;
  - 1) The revised off-street parking fees and charges as previously agreed by this Board [Annex 1] be progressed and come into effect in April 2021 in line with all relevant legislation.
  - 2) A survey to ascertain user profiles and duration of stay at the Martin Square and Aylesford car parks be undertaken at a point in time when it is deemed that parking has returned to some level of normality following the Covid 19 pandemic.

Background papers:

Nil

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