

TONBRIDGE & MALLING BOROUGH COUNCIL

JOINT TRANSPORTATION BOARD

07 March 2022

**Report of the Director of Street Scene, Leisure & Technical Services
and Director of Finance & Transformation**

Part 1- Public

Matters For Decision

1 ON-STREET PARKING FEES AND CHARGES

Summary

This report seeks approval to progress a formal consultation exercise with regard to on-street parking fees and charges across the Borough.

1.1 Introduction

- 1.1.1 At the November 2021 meeting of the Street Scene and Environment Services Advisory Board Members considered and recommended to Cabinet a number of proposed changes to on-street parking fees and charges.
- 1.1.2 The proposed charges are detailed in the advertisement shown at Annex 1.
- 1.1.3 At the 10th February 2022 meeting of the Council's Cabinet the proposed on street charges were approved for consultation, setting in-train the processes for the making of appropriate Traffic Regulation Orders.
- 1.1.4 The Borough Council carries out parking enforcement under an Agency agreement with Kent County Council by way of a Traffic Regulation Order, under the terms of the Road Traffic Act 1988 (and its amendments), the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004.
- 1.1.5 The statutory process for making a Traffic Regulation Order requires that the Council undertakes a formal consultation on the proposed changes, and is described in the Local Authorities Traffic Orders (Procedures)(England and Wales) 1996.
- 1.1.6 The agreed forum for the promotion of a new on-street Traffic Regulation Order and the consideration of any objections is the Joint Transportation Board.

1.2 Proposed Charges – Formal Consultation

1.2.1 As part of the formal consultation process, the following actions will be progressed, inviting comments or objections;

- notices will be placed in each on-street Pay & Display area by each pay and display machine;
- adverts will be placed in the local media;
- consultation will be sent to every Member of this Council;
- letters will be sent to all statutory consultees (Police, Fire, Bus operators etc.); and
- the consultation documents will be placed “on-deposit” for inspection at the Council Offices in Kings Hill and at Tonbridge Castle.

1.2.2 The consultation documents will also be placed on the Council’s website, and in line with the Council’s Digital Strategy residents will be able to respond online.

1.3 Timetable

1.3.1 It is proposed that formal consultation will start in March 2022 and run for a minimum of 21 days.

1.3.2 The responses to this consultation will be analysed and fully reported to the June 2022 meeting of this Board. The Board will make recommendations to the Borough Council’s Cabinet. Subject to Cabinet, and the Sealing of the Order by Kent County Council, the revised charges should be introduced in early Summer 2022.

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.

1.4.2 The Borough Council carries out parking enforcement under an Agency agreement with Kent County Council by way of a Traffic Regulation Order, under the terms of the Road Traffic Act 1988 (and its amendments), the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004.

- 1.4.3 Changes to parking charges are 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 and will reflect any temporary amendments to procedures introduced to address Covid-19 restrictions.
- 1.4.4 The matters raised in this report are considered to be routine, uncontroversial or not legally complex and a legal opinion has not been sought on these proposals.

1.5 Financial and Value for Money Considerations

- 1.5.1 The review of the on-street car parking fees and charges was progressed within the context of a set of guiding principles, the cost of the parking service to the Council and ongoing investment in the parking management service. Details were reported to the November 2021 meeting of the Street Scene & Environment Services Advisory Board.

1.6 Risk Assessment

- 1.6.1 The comprehensive assessment and consultation process applied to Parking Action Plans provides the assurance that the Borough Council has the will and ability to adapt proposals brought forward, in the light of comment and circumstances, and to ensure that it achieves a best balance of local parking needs. A regular review of the schemes is crucial to ensure that the Council correctly and effectively manages on-street parking in these areas, as the proposals are either introduced for safety reasons or to provide a more appropriate balance of parking needs.
- 1.6.2 A major risk is that scheme proposals encounter significant lack of local support. This risk is mitigated by the considerable effort devoted to ensuring there is widespread consultation on proposals both informally and formally. There is also care given to ensuring that schemes are adjusted and adapted in the light of comments and observations received from the local community, without compromising safety.

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 Communications

1.8.3 Community

1.8.4 Customer Contact

1.9 Recommendations

1.9.1 It is **RECOMMENDED** to the Borough Council Cabinet that consultation for the proposed on-street parking fees and charges be progressed as outlined in the report, with the outcome reported back to the 6th June 2022 meeting of this Board.

Background papers:

Annex 1 – Copy of proposed TRO advertisement

contact: Andy Edwards
Head of Technical Services

Robert Styles

Director of Street Scene, Leisure and Technical Services

Sharon Shelton

Director of Finance and Transformation.