

TONBRIDGE & MALLING BOROUGH COUNCIL

JOINT TRANSPORTATION BOARD

06 June 2022

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

Part 1- Public

Matters For Information

1 ON-STREET PARKING CHARGES - OUTCOME OF PUBLIC CONSULTATION

Summary

This report relates to the implementation of the changes to on-street parking charges and the consultation necessary for making a Traffic Regulation Order.

1.1 On-Street Parking Charges

1.1.1 At the previous meeting of this Board on the 7th March 2022, Members considered and agreed to carry out formal consultation and invitation of objections on the making of a TRO for the introduction of revised on-street parking charges.

1.2 Formal consultation and invitation of objections

1.2.1 We carried out formal consultation and invitation of objections on the proposals shown in Annex 1.

1.2.2 The consultation ran from 18th March 2022 to 10th April and consisted of notices on-street by each Pay & Display machine, notices in the local press, documents on-deposit at the TMBC and KCC offices and details on the Borough Council's web pages, in accordance with the statutory requirements of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

1.3 Outcome of consultation

1.3.1 Though we advertised the proposals and invited objections, no responses were received to the proposals, either supporting the changes or in objection.

1.3.2 The invitation of objections is intended to give Members the opportunity to consider valid and relevant objections before a Traffic Regulation Order is made. With no objections received there is no review of objections required.

1.3.3 Accordingly, the Council will be proceeding with arrangements for the sealing of the Traffic Regulation Order as shown in Annex 2. The introduction of the changes

will be timed to coincide with any agreed changes to the off-street parking charges, likely to come in to effect around the start of July 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 if 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 Summary

1.9.1 In summary members will **note**:

- i) That there were no responses to the consultation
- ii) That the Council is proceeding to implement the Traffic Regulation Order to vary the on-street parking charges.

Background papers:

Annex 1 – Copy of TRO advertisement

Annex 2 – Copy of the TRO

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