

STATUTORY CONSULTATION - MINOR ON-STREET PARKING PROPOSALS

VARIOUS LOCATIONS - TRO 2013 AMENDMENT 21

Sevenoaks Joint Transportation Board - 8 March 2017

Report of Chief Officer, Environmental and Operational Services

Status: For Decision

Key Decision: No

Executive Summary: The consideration of objections to the minor on-street parking proposals within The Kent County Council (Various Roads in the District of Sevenoaks) (Prohibition and Restriction of Waiting and Loading and Unloading and On-Street Parking Places)(Amendment 21) Order 2017 received during the statutory consultation

This report supports the Key Aim of

- Caring Communities
- Sustainable Economy

Portfolio Holder Cllr. Matthew Dickins

Contact Officer Jeremy Clark, Ext. 7323

Recommendation to Sevenoaks Joint Transportation Board:

It is recommended that:

- (a) the results of the statutory consultation regarding minor on-street parking proposals within The Kent County Council (Various Roads in the District of Sevenoaks) (Prohibition and Restriction of Waiting and Loading and Unloading and On-Street Parking Places)(Amendment 21) Order 2017 (known as "TRO 2013 Amendment 21" be noted;
 - (b) the relevant objections received to the parking proposals for Sundridge - Main Road (A25) and service road and for Westerham - The Grange in TRO 2013 Amendment 21 be set aside
 - (c) TRO 2013 Amendment 21 be made and the parking proposals therein be implemented as drawn;
 - (d) the objectors be notified of the Board's decision.
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Reason for recommendation:

The parking proposals are aimed at providing better management of the Public Highway, in line with the Highway Code and current legislation.

Background

- 1 A statutory consultation was undertaken over a 3-week period during January 2017 in respect of minor on-street parking proposals in Riverhead, Sevenoaks, Sundridge and Westerham contained in within a draft traffic regulation order, entitled The Kent County Council (Various Roads in the District of Sevenoaks) (Prohibition and Restriction of Waiting and Loading and Unloading and On-Street Parking Places) (Amendment 21) Order 2017, hereafter known as “TRO 2013 Amendment 21”.
- 2 The draft TRO 2013 Amendment 21 also included a proposal to amend Article 5 and Schedule 34 and 44 of The Kent County Council (Various Roads in the District of Sevenoaks) (Prohibition and Restriction of Waiting and Loading and Unloading and On-Street Parking Places) (Consolidation) Order 2013, as amended, hereafter known as “the Consolidation Order”.
- 3 During the statutory consultation, relevant objections were received in respect of the parking proposals for Sundridge - Main Road (A25) and service road) and for Westerham - The Grange. No relevant objections were made to the other parking proposals
- 4 The purpose of this report is therefore for the Sevenoaks Joint Transportation Board to consider the relevant objections, together with Officers’ comments and recommendations, and to decide whether, before TRO 2013 Amendment 21 is made, to:
 - set aside the objections and implement all of the proposals as drawn; or
 - uphold the objections and modify (by reduction) or abandon the parking proposals for Sundridge - Main Road (A25) and service road and for Westerham - The Grange.

Introduction

- 5 On 5 January 2017, the statutory consultation commenced in respect of draft TRO 2013 Amendment 21, which included minor changes to existing and/or new waiting and loading restrictions in the following roads:
 - Riverhead - The Square (Chipstead Lane)
 - Sevenoaks - Bradbourne Park Road
 - Sevenoaks - High Street (A225)

- Sevenoaks - South Park
 - Sevenoaks - Wickenden Road
 - Sundridge - Main Road (A25) and service road
 - Westerham - The Grange
- 6 Details of the proposed restrictions are shown on the plans and described in Appendices 1 to 4.
- 7 The draft TRO 2013 Amendment 21 also included proposals to amend Article 5 and Schedules 34 and 44 of the Consolidation Order, in the following ways:
- Article 5 (Definitions - General Terms)
- Amended to provide a definition for “available for immediate hire” in the context of taxis on authorised taxi ranks
- Schedule 34 (Exemption for Taxis Using Taxi Ranks)
- Amended such that it is requirement that all taxis on authorised taxi ranks described therein must be licensed by Sevenoaks District Council and be available for immediate hire
- Schedule 44 (List of Streets or Parts of Street for the Issue of Permits)
- Amended to enable residents of London Road (A224) known as Tubs Hill, Sevenoaks that are currently eligible to hold resident and visitor parking permits for Area A to hold parking permits that are valid in Areas A and E

Statutory Consultation

- 8 For the statutory consultation, public notices describing the on-street parking proposals and inviting representations were published in the local press and were erected in each of the locations concerned.
- 9 In the interests of added publicity, information on the proposals Sundridge - Main Road (A25) and service road was also sent to local addresses
- 10 A link was also provided on the parking consultations page the District Council’s website, providing an online method of responding to the statutory consultation.
- 11 During the 3-week statutory consultation period, which ended on 27 January 2017, objections were received in respect some of the parking proposals.
- 12 However, based on the grounds for the objection to the Sevenoaks - Bradbourne Park Road and Sevenoaks - High Street (A225) parking proposals provided by the objectors, it was apparent that these had been misdirected and were intended to be objections to the statutory consultation for

proposed variations to parking charges that was being conducted around the same time (see Appendices 2a and 2b for details). These objections are therefore considered irrelevant to the statutory consultation for TRO 2013 Amendment 21.

13 In the case of the objection to the proposed amendment to Schedule 44 submitted online, no grounds for the objection were given (see Appendix 5 for details), and hence this objection is also considered irrelevant to the statutory consultation for TRO 2013 Amendment 21.

14 The objections that were relevant to TRO 2013 Amendment 21 were in respect of the following parking proposals:

- Sundridge - Main Road (A25) and service road
- Westerham - The Grange

15 The purpose of this report is therefore for the Sevenoaks Joint Transportation Board to consider these relevant objections, together with Officers comments and recommendations given in Appendices 3 and 4 of this report, and to decide whether, before TRO 2013 Amendment 21 is made, to:

- set aside the objections and implement the parking proposals as drawn; or
- uphold the objections and modify or abandon the parking proposals for Sundridge - Main Road (A25) and service road and for Westerham - The Grange before making TRO 2013 Amendment 21.

(It should be noted that it is only possible to amend proposals by reduction only. Any extension to the proposed restrictions or change of type of restriction would form a new proposal and require re-advertisement.)

16 No decision is required from the Board in respect of the parking proposals where either no objections were received, or the objections received were irrelevant to the statutory consultation for TRO 2013 Amendment 21, but these locations have been included for information.

Riverhead - The Square (Chipstead Lane) - For information (see Appendix 1)

17 The parking proposals for Riverhead - The Square included in the statutory consultation for TRO 2013 Amendment 21 are described and shown on the plan in Appendix 1.

18 No objections were received in respect of this proposal, and hence, it can be implemented as drawn without the need for a decision from the Board, but has been included for information.

Sevenoaks - Bradbourne Park Road - For information (see Appendix 2a)

- 19 The parking proposals for Sevenoaks - Bradbourne Park Road included in the statutory consultation for TRO 2013 Amendment 21 are described and shown on the plan in Appendix 2a.
- 20 An objection was received to these proposals, a summary of which is given in Appendix 2a. However, based on the grounds of the objection stated by the objector, it is apparent that this objection was misdirected and was intended to be an objection to the statutory consultation for proposed variations to parking charges that was being conducted around the same time as the statutory consultation for TRO 2013 Amendment 21.
- 21 This objection is therefore considered irrelevant to the statutory consultation for TRO 2013 Amendment 21, and hence these parking proposals can be implemented as drawn without the need for a decision from the Board, and have therefore been included for information.

Sevenoaks - High Street (A225) - For information (see Appendix 2b)

- 22 The parking proposals for Sevenoaks - High Street (A225) are included in the statutory consultation for TRO 2013 Amendment 21 are described and shown on the plan in Appendix 2b.
- 23 An objection was received to these proposals, a summary of which is given in Appendix 2b. However, based on the grounds of the objection stated by the objector, it is apparent that this objection was misdirected and was intended to be an objection to the statutory consultation for proposed variations to parking charges that was being conducted around the same time as the statutory consultation for TRO 2013 Amendment 21.
- 24 This objection is therefore considered irrelevant to the statutory consultation for TRO 2013 Amendment 21, and hence these parking proposals can be implemented as drawn without the need for a decision from the Board, and have therefore been included for information.

Sevenoaks - South Park - For information (see Appendix 2c)

- 25 The parking proposals for Sevenoaks - South Park included in the statutory consultation for TRO 2013 Amendment 21 are described and shown on the plan in Appendix 2c.
- 26 No objections were received in respect of this proposal, and hence, it can be implemented as drawn without the need for a decision from the Board, but has been included for information.

Sevenoaks - Wickenden Road - For information (see Appendix 2d)

- 27 The parking proposals for Sevenoaks - Wickenden Road included in the statutory consultation for TRO 2013 Amendment 21 are described and shown on the plan in Appendix 2d.

- 28 No objections were received in respect of this proposal, and hence, it can be implemented as drawn without the need for a decision from the Board, but has been included for information.

Sundridge - Main Road (A25) and service road - For decision (see Appendix 3)

- 29 The parking proposals for Sundridge - Main Road (A25) and service road included in the statutory consultation for TRO 2013 Amendment 21 described and shown on the plan in Appendix 3.
- 30 These parking proposals were a community request received via a petition, and are being funded via Kent County Council's Combined Member Grant.
- 31 During the statutory consultation 3 objections were received to these parking proposals, summaries of which are given in Appendix 3 of this report, together with Officers' comments/recommendation.
- 32 In addition to the objections, 27 responses were received in support of these parking proposals, summaries of which are also given in Appendix 3.

Westerham - The Grange - For decision (see Appendix 4)

- 33 The parking proposals for Westerham - The Grange included in the statutory consultation for TRO 2013 Amendment 21 described and shown on the plan in Appendix 4.
- 34 During the statutory consultation 1 objection was received to this parking proposal, which was from Westerham Town Council. A summary of the objection is given in Appendix 4 of this report, together with Officers' comments/recommendation.

Article 5 (Definitions - General Terms) - For information

- 35 The proposal is to amend Article 5 (Definitions - General Terms) of the Consolidation Order to provide a definition for "available for immediate hire" in the context of taxis on authorised taxi ranks.
- 36 The proposed amendment is required to supplement the proposed amendment to Schedule 34, to help to ensure that hackney carriages are not left unattended by taxi drivers on authorised taxi ranks in the Sevenoaks District.
- 37 No responses were received in respect of this proposal during the statutory consultation, and hence it can be implemented as drawn without the need for a decision from the Board, and has therefore been included for information.

Schedule 34 (Exemption for Taxis Using Taxi Ranks) - For information

- 38 The proposal is to amend Schedule 34 of the Consolidation Order such that it is requirement that all taxis on authorised taxi ranks described therein must be licensed by Sevenoaks District Council and be available for immediate hire.

- 39 The proposed amendments are required to help to ensure that hackney carriages on an authorised taxi ranks in the Sevenoaks District are licensed by the District Council, and are not left unattended by taxi drivers
- 40 No responses were received in respect of this proposal during the statutory consultation, and hence it can be implemented as drawn without the need for a decision from the Board, and has therefore been included for information.

**Schedule 44 (List of Streets or Parts of Street for the Issue of Permits) -
For decision (see Appendix 5)**

- 41 The proposal is to amend Schedule 44 of the Consolidation Order to enable residents of London Road (A224) known as Tubs Hill, Sevenoaks that are currently eligible to hold resident and visitor parking permits for Area A to hold parking permits that are valid in Areas A and E
- 42 The proposed amendment is required to help to reduce parking pressures in roads close to London Road in Area A, such as Granville Road, by enabling eligible residents to park in less congested roads close to London Road in Area E, such as The Drive.
- 43 An objection was received to this proposal, a summary of which is given in Appendix 5. However, based on the grounds of the objection stated by the objector, it is apparent that this objection was misdirected and was intended to be an objection to the statutory consultation for proposed variations to parking charges that was being conducted around the same time as the statutory consultation for TRO 2013 Amendment 21.
- 44 This objection is therefore considered irrelevant to the statutory consultation for TRO 2013 Amendment 21, and hence these parking proposals can be implemented as drawn without the need for a decision from the Board, and have therefore been included for information.

Other Options Considered and/or Rejected

- 45 Officers have considered the feasibility and desirability of reducing the extent of or abandoning the proposals to which objections were received, but considered this to be inappropriate.

Key Implications

Financial

The costs incurred in implementing the proposals will vary depending on the Board's decision, but if all the proposals in TRO 2013 Amendment 21 are taken forward, the estimated total cost would be in the region of £5,000.

The cost of the proposal for Sundridge - Main Road (A25) and service road, which is estimated at £2,500, is being funded by Kent County Council from the Combined Member Grant

The District Council can meet the cost of the other proposals, estimated at £2,500, from its parking account.

Legal Implications

A traffic regulation order (TRO) must be made under the Road Traffic Regulation Act 1984 (RTRA 1984) to cover the proposed on- and off-street parking changes.

Section 1 of the RTRA 1984 states that a TRO may only be made for the following purposes:

- avoiding danger to persons or traffic (including for anti-terrorist purposes);
- preventing damage to the road or to buildings nearby (including for anti-terrorist purposes);
- facilitating the passage of traffic;
- preventing use by unsuitable traffic;
- preserving the character of a road especially suitable for walking or horse riding;
- preserving or improving amenities of the area through which the road runs; and
- for any of the purposes specified in paragraphs (a) to (c) of the Environment Act 1995 (air quality).

To meet one or more of the above, a TRO may prohibit, restrict or regulate the use of a road or any part of the width of a road by vehicular traffic of any class. It may have effect at all times or at specified periods or times. Specific classes of traffic may be excepted.

Before making a TRO, a formal (statutory) consultation procedure must be followed in accordance with The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

Any objections made to the TRO received during this statutory consultation (other than frivolous or irrelevant ones) that are not withdrawn would be reported to the Sevenoaks Joint Transportation Board for a decision to be made on whether to make the TRO as proposed, to vary it (by reduction) or to abandon it.

Equality

The decisions recommended in this report have a remote or low relevance to the substance of the Equalities Act. There is no perceived impact on end users.

Risk Assessment Statement

There are no additional risks identified that are outside those already covered within the standard Risk Assessment for carrying out parking enforcement on the Public Highway.

Appendices:

Appendix 1 - Riverhead - The Square (Chipstead Lane) - description and plan of parking proposals
For information

Appendix 2a - Sevenoaks - Bradbourne Park Road - description and plan of parking proposal, details of objection and Officers' comments
For information

Appendix 2b - Sevenoaks - High Street (A225) - description and plan of parking proposals, details of objection and Officers' comments
For information

Appendix 2c - Sevenoaks - South Park - description and plan of parking proposals
For information

Appendix 2d - Sevenoaks - Wickenden Road - description and plan of parking proposals
For information

Appendix 3 - Sundridge - Main Road (A225) and service road - description and plan of parking proposals, details of objections and responses in support and Officers' comments/
recommendation
For decision

Appendix 4 - Westerham - The Grange - description and plan of parking proposal, details of objection, Officers' comments/
recommendation and details of responses in support
For decision

Appendix 5 - Schedule 44: List of Streets or Part of Street for the Issue of Permits - Sevenoaks: London Road (A224) known as Tubs Hill - proposed amendment - details of objection and Officers' comments
For information

Background Papers:

The Traffic Signs Regulations and General Directions 2016
<http://www.legislation.gov.uk/uksi/2016/362>

The Road Traffic Regulation Act 1984, as amended.
www.legislation.gov.uk/ukpga/1984/27

The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
www.legislation.gov.uk/cy/uksi/1996/2489/made

The Highway Code.
www.gov.uk/browse/driving/highway-code

Richard Wilson
Chief Officer, Environmental and Operational Services