

Cabinet Meeting	Agenda Item: 5
------------------------	-----------------------

Meeting Date	12 July 2017
Report Title	Resident Parking Scheme Policy
Cabinet Member	Cllr A Horton, Cabinet Member for Safer Families and Communities
SMT Lead	Martyn Cassell, Interim Head of Commissioning and Customer Contact
Head of Service	Martyn Cassell, Interim Head of Commissioning and Customer Contact
Lead Officer	Jeff Kitson, Parking Services Manager
Key Decision	No
Classification	Open
Forward Plan	Reference number:

Recommendations	<ol style="list-style-type: none"> 1. That Cabinet agrees to a variation to Part K of the Kent County Council (various roads, Borough of Swale) (waiting restrictions and street parking places) (consolidation) order 2010 to make clear the policy that new properties created through development or conversion are excluded from the Resident's Parking Scheme. 2. That delegation is given to the Head of Commissioning and Customer Contact and Head of Legal, in consultation with the Cabinet Member for Safer Families and Communities, to undertake the variation with the inclusion of the statement 'any new applications to join the resident parking scheme made as a result of new properties created through development or conversion will be declined as they are excluded from the Resident's Parking Scheme' 3. That Cabinet recognises that the revised wording of the Traffic Regulation Order to exclude resident parking permit applications for new developments or conversions will work in tandem with any revised Planning policy to ensure that all parties have a clear understanding of the criteria applied.
------------------------	---

1. Purpose of Report and Executive Summary

- 1.1 The report outlines the current process applied to resident parking permit applications and outlines proposals to strengthen policy to maintain good levels of parking availability within the residential parking zones.
- 1.2 The report identifies the difficulty in managing new resident parking permit scheme applications in relation to new developments and conversions being built within existing Residents Parking Scheme and provides a proposal to remedy the situation through variation to the Traffic Regulation Order.

2. Background

- 2.1 Provisions relating to residents parking permits are documented within Part K of the Kent County Council (various roads, Borough of Swale) (waiting restrictions and street parking places) (consolidation) order 2010. This traffic order forms the legal basis in which to administer and enforce the residents parking scheme under Civil Parking Enforcement legislation.
- 2.2 The resident parking scheme has been in operation for many years within residential areas throughout Sittingbourne and Faversham where on street parking is limited close to the town centre. The scheme restricts non-resident parking during peak demand periods and provides improved parking availability for local residents.
- 2.3 Over time there have been a number of applications for resident permits in relation to new properties created through redevelopment or property conversion. Such applications can place a significant burden on local roads where the demand for parking is high as each household may make an application for up to two vehicles. In such cases the Parking Services team have relied on an adopted approach that any new developments within existing Residents Parking Schemes would not be eligible to purchase permits to park on-street within the Scheme area.
- 2.4 The custom and practice of refusing permits to residents of new developments and conversions was likely based on concerns that if a former property was re-developed into a larger number of smaller properties and if each of these dwellings were entitled to purchase two permits per household, this can substantially reduce the on-street parking capacity within the Scheme.
- 2.5 The Traffic Regulation Order (TRO) (see Appendix A) provides some control in permit applications in that it states under part K, section 54 that: *"it shall be entirely within the Council's discretion in such circumstances whether or not additional Residents Parking Permits beyond the number of parking spaces available may be issued"*. However this statement may not be robust enough in isolation to deal with the potential increase in demand for permits over time from new developments or property conversions as it may be open to challenge or misinterpretation.

- 2.6 It was therefore felt that the Traffic Regulation Order statement needed strengthening to provide a more robust policy in terms of managing future parking demand by excluding any new applications to join the resident parking scheme made as a result of new properties through development or conversion.
- 2.7 A report to the Joint Transportation Board on 19 December 2016 raised the issue of eligibility of new developments to purchase permits in residents parking schemes. Minute 1085 reads:
- (1) That the report be noted which clarifies the current position with regard to the eligibility of residents in new developments to purchase parking permits in existing residents parking schemes.
 - (2) That the current position is reconsidered and strengthened as part of any future planning policy review of parking standards.
 - (3) That a review of the Parking Standards used by Swale Borough Council's Planning Officers takes place at the earliest opportunity with a view to decoupling from the current KCC Standards and adopting a local policy by the end of 2018. This would help Planners ensure adequate numbers of parking places are provided on new developments.
- 2.8 These recommendations were subsequently approved by Cabinet on 1st February 2017.
- 2.9 The next step was to formalise this within the Traffic Order itself to act as the key policy document on this matter. This report, as detailed in the proposal, sets out the intended wording to be used.
- 2.10 As per the Joint Transportation Board recommendations, the Planning team are leading on the production of a new Supplementary Planning Document (SPD) on Parking Standards in order to give greater clarity when determining applications. It is anticipated that the revised wording of the Traffic Regulation Order to exclude parking permit applications for new developments or conversions will work in tandem with revised Planning policy.
- 2.11 Existing guidance documentation and webpage on resident parking permit arrangements and entitlement will be updated to reflect the provisions within the revised Traffic Regulation Order.

1. Proposal

- 1.1 That Cabinet agrees to a variation to Part K of the Kent County Council (various roads, Borough of Swale) (waiting restrictions and street parking places) (consolidation) order 2010 to make clear the policy that new properties created through development or conversion are excluded from the Resident's Parking Scheme.
- 1.2 That delegation is given to the Head of Commissioning and Customer Contact and Head of Legal, in consultation with the Cabinet Member for Safer Families and Communities, to undertake the variation with the inclusion of the statement

‘any new applications to join the resident parking scheme made as a result of new properties created through development or conversion will be declined as they are excluded from the Resident’s Parking Scheme’

1.3 That Cabinet recognises that the revised wording of the Traffic Regulation Order to exclude resident parking permit applications for new developments or conversions will work in tandem with any revised Planning policy to ensure that all parties have a clear understanding of the criteria applied.

4. Alternative action and why not recommended

4.1 To rely on the current Traffic Regulation Order wording may lead to challenge or misinterpretation from new development residents who wish to join the residents parking scheme where there is already significant demand for on street parking. This will significantly reduce parking availability to existing scheme residents particularly at peak times.

5. Consultation Undertaken or Proposed

5.1 Consultation is a statutory requirement under the Road Traffic Regulation Act 1984 as part of the Traffic Regulation Order variation process.

6. Implications

Issue	Implications
Corporate Plan	<p>A Borough to be Proud of</p> <ul style="list-style-type: none"> • Improve the built environment • Better roads and transport <p>A Council to be Proud of</p> <ul style="list-style-type: none"> • Improve residents’ perceptions and customers’ experiences
Financial, Resource and Property	None identified at this stage.
Legal and Statutory	The Traffic Regulation Order variation process is carried out under the Road Traffic Regulation Act 1984.
Crime and Disorder	None identified at this stage.
Sustainability	None identified at this stage.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	Risk levels remain unchanged through the proposal outlined in this report.
Equality and Diversity	None identified at this stage.
Social Value	None identified at this stage.
Commissioning and Procurement	None identified at this stage.

7. Appendices

- 7.1 Appendix A:
Kent County Council (various roads, Borough of Swale) (waiting restrictions and street parking places) (consolidation) order 2010. Part K, Provisions Relating to Parking Permits.

8. Background Papers

- 8.1 Joint Transportation Board, 19 Dec 2016 [Agenda - Swale JTB \(19.12.17\)](#)

Kent County Council (various roads, Borough of Swale) (waiting restrictions and street parking places) (consolidation) order 2010

**Part K
Provisions Relating to Parking Permits**

Parking Zones

Provisions Relating to Residents Permits.

- 50 Any resident in any of the designated roads in the Fifth Schedule to this Order who is the owner of a vehicle of the following class that is to say a passenger vehicle, a goods vehicle having a gross weight not exceeding 3500 kilograms, or a motor cycle with or without a sidecar may apply to the Council for the issue of a Residents Parking Permit for the Area in which the resident lives and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied and shall be accompanied by the appropriate remittance.
- 51 (1) Any owner of a Business in any of the designated roads in the Fifth Schedule to this Order who is the owner of a vehicle of the following class that is to say a passenger vehicle, a goods vehicle having a gross weight not exceeding 3500 kilograms, or a motor cycle with or without a sidecar may apply to the Council for the issue of a Business Parking Permit for the Area in which the business is located.
- (2) Any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied and shall be accompanied by the appropriate remittance.
- 52 Appropriate remittance means a remittance for the sum of (value set as part of the fees and charges) for a period of 12 calendar months.
- 53 The Council may at any time require an applicant for a Business or Residents parking Permit to produce to an officer of the Council such evidence in respect of that application as they may reasonably require to verify any particulars or information given to them.
- 54 On receipt of any application duly made under the foregoing provisions of this part of the Order and of the appropriate remittance the Council, upon being satisfied that the applicant is a resident and is the owner of a vehicle of the class specified in Article 50 of this Order, shall issue to the applicant one Business or Residents Parking Permit for the leaving of the vehicle to which such Business or Residents Parking Permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward in a parking space in any parking place to which such Residents Parking Permit relates;

PROVIDED ALWAYS that the Council shall not be required to issue a greater number of Residents Parking Permits under the provisions of this Order than the number of parking spaces available in any of the parking places; PROVIDED FURTHER, however, that it shall be entirely within the Councils discretion in such circumstances whether or not additional Residents Parking Permits beyond the number of parking spaces available may be issued.

55 (1) A Business or Residents Parking Permit shall not be assigned or transferred to any person except, as hereinafter provided but may be surrendered at anytime to the Council and shall be surrendered in the event of the Resident ceasing to reside in any of the streets in the Parking Area as described in the Fifth Schedule to this Order for which the Business or Residents Parking Permit in question was issued.

(2) In the event of a Permit holder disposing of the property whereby he qualified for the issue of such badge the Council shall permit the business or residents Parking Permit holder to assign the same to the purchaser or other person to whom his interest in the property may be disposed of provided that the Permit holder shall not be entitled to receive any greater sum in respect of such assignment than the value of the unexpired portion of the Permit and the Council shall be entitled to examine any documents relating to the transfer of such Residents Parking Permit to ensure that this Article is complied with.

56 A Business or Residents Parking Permit shall only be available for use on the vehicle in respect of which it is issued, but in the event of the Parking Permit Holder disposing of such vehicle he shall be entitled to have the Business or Residents Parking Permit issued for the remainder of the twelve month period in respect of any substitute vehicle for a fee of (value set as part of the fees and charges).

57 No Business or Resident Household shall be entitled to more than two Parking Permits. PROVIDED ALWAYS that it shall be entirely within the Councils discretion to issue on an annual and non-renewable basis additional Residents Parking Permits beyond the number referred to in this Article if it appears to the Council that all persons likely to require a residents Parking permit have had sufficient opportunity of making application under the terms of Article 50 and that the total number of Residents Parking Permits which may be issued for the parking zone in question has not been exceeded.

58 The Council shall be entitled to terminate all rights granted by the Residents Parking Permit if at any time there is any contravention of any of the provisions contained in this Order and in such circumstances the residents permit holder shall not be entitled to any refund whatsoever of any amount paid in respect of such residents Parking Permit, WITHOUT PREJUDICE, however, to any other rights of the Council against the residents permit holder in respect of the breach of condition giving rise in the termination of the rights granted by that residents parking permit.

Lost or Destroyed Permit.

59 If a permit is lost or destroyed the permit holder may apply to the Council for the issue of a duplicate and the Council, upon being satisfied as to the loss or destruction shall upon payment of a fee of (value set as part of the fees and charges) issue a duplicate permit so marked and upon such issue the permit which it duplicates shall become invalid.