

# Title of report: Kington Car Parks

**Decision maker: Cabinet member Infrastructure and transport**

**Decision date: 24 February 2022**

**Report by: Parking Strategy & Processing Manager**

## **Classification**

Open

## **Decision type**

Non-key

## **Wards affected**

Kington;

## **Purpose**

To consider and approve the operational conditions, including the implementation of parking charges, at Mill Street, High Street, Market Hall Street and Love Lane car parks in Kington.

## **Recommendation(s)**

**That:**

- a) Parking charges, as outlined in appendix 1, are approved for implementation, on or after 9 May 2022, in accordance with the Traffic Regulation Order process.**

## **Alternative options**

1. Retain the car parks as unrestricted and free for users. This is not recommended due to the reasons as outlined in this report as this would fail to adequately address issues associated with providing effective space turnover, and ensuring that operational costs associated with operating the car parks are met.
2. Dispose of the car parks as council assets. This is not recommended as this would place the supply of car parking for the Town Centre at risk if these were developed. Another option is to transfer ownership to a community group willing to operate these car parks, though this is dependent on a suitable agreement being reached in recognition of current and projected car parking income.

## Key considerations

3. Herefordshire Council operates 43 Off Street Car Parks across the county, most of which, charges are applied for parking with the exception of three of four car parks in Kington. Whilst charges are applied in Mill Street car park, this is not the same for Love Lane, High Street and Market Hall Street as they are all free car parks without any limitations on use.
4. It is important to the economic vitality of a town centre that parking spaces are managed so that different users can be accommodated, providing long term parking on the outer parts of a town, with short stay space turnover more centrally located. Currently in Kington, the largest and most central car park is free, with charges only applied at Mill Street. Other car parks, which are further out, are ideally placed for longer stay visitors and residents and are also free.
5. Surveys undertaken of the space utilisation in the car parks demonstrate that the free car parks are heavily used from early in the day, with 100% occupancy recorded at the most central High Street car park in the morning. There is also evidence of car parks being oversubscribed to the number of spaces actually available. In contrast, Mill Street car park, when surveyed, did not achieve more than 50% occupancy at any point in the days surveyed. There is a similar picture at Love Lane and Market Hall Street car parks, where spaces are heavily used.
6. This is a clear indication of poor parking control where the most desired spaces at the most central High Street car park are being over-used in preference to spaces being available on Mill Street car park where charges apply. This is resulting in those that arrive to town first, usually the retail employees, making use of free parking in the central locations, resulting in later arriving visitors having to find parking further out from the town centre.
7. It is proposed to structure the charges with the most central parking at the High Street car park to have the highest tariff, with the outer town car parks being cheaper. This will have the positive effect of encouraging those that need to park for longer to stop in car parks a short walk from the centre, and result in central spaces being available to shorter stay visitors.
8. In addition to managing the spaces that are available, parking charges also provide a mechanism to incentivise other ways that people can travel; the more that people can cycle or walk the better the outcome on emission levels locally. Noting that at the end of each journey into the town centre a vehicle then parks, any controls placed on parking directly affects journeys that are made into the town.
9. Car parks also have an operating cost to maintaining them, and other supplementary costs such as insurance, lighting and business rates. It is important that the council seek to ensure cost recovery when expenditure is incurred of this nature; other market towns and Hereford have charges applied for parking, and it follows that Kington cannot be an exception.
10. Surplus income from car parking (as outlined in sections 23 & 24) ensures that the council can continue to provide revenue support to other service areas within the council.
11. The council have confirmed these proposals with Kington Town Council, and their response is set out in the consultation section below. Discussions will be ongoing regarding the potential for a Community Asset Transfer of the car parks, and other council sites within the town, however this can only be considered upon receipt of a formal Expression of Interest by the Town Council.
12. Initial discussions with Kington Town Council highlighted the need for transport study to consider the wider travel opportunities. The council has confirmed to Kington Town Council its commitment to engage with local stakeholders to agree the scope, and undertake this study to

be delivered through the annual plan. This will also follow on from similar studies for the other market towns as was outlined in the local transport plan.

13. As part of the implementation of parking charges advanced warning signs will be displayed, as part of a commutations package to ensure members of the public are well informed. Warning notices will be issued to vehicles (on the first occasion) that have not paid for two weeks after the confirmed effective date of the new charges.

## **Community impact**

14. As part of the Corporate Delivery Plan the overarching principles are to *support the growth of the economy and secure better services, quality of life and value for money.*
15. The proposal outlined supports the council's corporate delivery plan by ensuring the residents and visitors can have access to well managed car parks, which allows good space availability and turnover. This will also ensure that value for money is achieved by recovering the operational costs of the car parks from the users.
16. The County Plan 2020/24 outlines *environmental, community and economic* ambitions specifically in reducing carbon emissions, improving air quality, encouraging active travel, improvement of the highways, and supporting local business. All of these ambitions are further promoted by having good car parking management through clear charges.
17. The proposed charges are consistent with, and support car parking policy objectives as outlined in the Local Transport Plan (LTP PS2) as follows:
  - *Public off-road parking supply should be appropriate to meet demand, accommodate planned growth and be located in convenient locations accessed by main distributor roads to ensure parked vehicles do not obstruct the public highway.*
  - *Good quality signing to be provided to make more efficient use of parking supply.*
  - *Charges will apply for all off-street parking, unless there is a clearly defined economic reason for providing free parking.*
  - *Charges for car parks closer to the centre of the Market Towns are set to encourage short stay and a turnover of spaces to support the local economy with longer term parking allocated to car parks further from the town centres.*
18. Methods of payment, coins, card, and phone will be available, where possible, so that the car parks are easy to use where visitors can pay via multiple means; season tickets will also be available to those that require regular use of the car parks. Love lane will be a season ticket car park only, with an option to pay by phone daily.

## **Environmental Impact**

19. The ability to influence driver behaviour is important in order to reduce overall emissions produced from vehicular traffic. Emissions produced from vehicles have a harmful effect on the general health and wellbeing of residents through poor air quality, as well as on the environment in general. Managing car parking is a key part of this influence as countywide around 2 million trips are made on the roads to council owned car parks each year.
20. Council off street car parks in Kington attract an estimated 35,000 vehicle movements each year in the town as residents and visitors use the car parks to visit the centre, where car parks

are full due to oversubscription of use this creates further vehicle movements as drivers search for a space.

21. The introduction of parking charges provides a mechanism to incentivise visitors to travel to the town in another way such as cycling or walking which are both healthier, or by public transport where this is available. The charges ensure that the overall space availability in a car park can be managed so that when visitors do need to travel by car they can park at their desired location without needing to search for a space.

## **Equality duty**

22. As with all council car parks, concessions will be available to drivers that display a blue disabled badge, so that those that need to use their own vehicles are not impacted by this change. Badge holders will receive three hours of free parking on display of a valid badge.
23. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **Resource implications**

24. Surplus income from car parking is used to support council services as prescribed by legislation. These include the facility and operation of public transport, and road maintenance; without this surplus from car parking these services would either need to be funded elsewhere or reduced.
25. The surplus income may be spent on the following service provision:
  - Public passenger transport services.
  - Highway or road improvement projects.
  - Pollution reduction initiatives.
  - Improving or maintaining the appearance / amenity of roads or land near to a road.
  - Improving or maintaining open land or water the public can access.
  - The provision of outdoor recreation.
26. These proposals were discussed as part of the council's budget savings plan, no recommendations were made in the Scrutiny process.
27. The projected new revenue income as a result of these proposals takes into account some displacement from car parks to other modes of travel as a result of the new charges.
28. Existing operational costs associated with operating these car parks will be met by the new income, as detailed below.

Current Revenue budget position	2022/23	2023/24	2024/25	Future Years	Total
	£000	£000	£000	£000	£000
<i>Car Park Expenditure (R)</i>	3	3	3	3	3
<i>Car Park Income (R)</i>	0	0	0	0	0
<b>TOTAL</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>

Revenue budget implications	2022/23	2023/24	2024/25	Future Years	Total
	£000	£000	£000	£000	£000
<i>Car Park Expenditure (R)</i>	4	4	4	4	4
<i>Car Park Income (R)</i>	(26)	(26)	(26)	(26)	(26)
<b>TOTAL</b>	<b>(22)</b>	<b>(22)</b>	<b>(22)</b>	<b>(22)</b>	<b>(22)</b>

## Legal implications

29. The council as the traffic authority has the powers to make Traffic Regulation Orders under the Road Traffic Regulation Act 1994 (“RTRA”) and to deal with off-street parking charges under Sections 32, 35 and 35C of the RTRA, where appropriate. Section 46 refers to on street parking charges.
30. Section 32(1) of the RTRA gives traffic authorities powers to provide parking places where it is for the purpose of relieving or preventing congestion of traffic, and allows for the authority to provide off-street parking places together with means of entrance to and egress from them.
31. Section 35(1) of the RTRA allows for an authority to make provision as to the use of the parking space, the vehicle or class of vehicle which may be entitled to use it, the conditions on which it can be used, the charges to be paid in connection with its use for off-street parking, the ability to removal the vehicle left there in contravention of the order and the safe custody of the vehicle.
32. Where an order under section 35(1)(b)(iii) of the RTRA makes provision as to the charges to be paid in connection with the use of off-street parking places, the authority making that order may vary those charges by notice given under Section 35C of the RTRA.
33. The procedure for making and varying such orders are set out in the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 as amended (“the Regulations”).
34. Regulation 25 (3) of the Regulations stipulates that where an authority proposes to give a notice of variation under section 35C or 46A of the RTRA it shall be given by publishing it at least once in a newspaper circulating in the area in which the parking places to which the notice relates are situated at least 21 days before it is due to come into force. Regulation 25(4) requires that the notice of variation shall specify the date when it is due to come into force; identify every parking place to which the notice relates; specify the chares payable for the use of the parking place at the date the notice is given; the charges payable for the use of the parking place at the date the notice is given; the charges payable when the notice comes into force.

## Risk management

Risk / opportunity	Mitigation
Revenue – the car parks do not achieve the income expected.	Car park use to be regularly reviewed and further changes made if required.
Enforcement – drivers are unaware of changes and park without payment and subsequently receive a Penalty Charge Notice.	Communication measures, and signage to take place locally, with two week grace on first time offenders.
Active travel / environment – drivers decide to enter the town centre by travelling in another way improving air quality and reducing the carbon emissions for vehicle traffic.	Car park use to be regularly reviewed to provide an indication of impact.

## Consultees

Key stakeholders were engaged as part of this decision and their full responses are provided at Appendix 2, a summary of each key stakeholder response is below.

As a result of the engagement a number of correspondence were also received by members of the public, a summary of these are provided in appendix 3.

### Kington Town Council

The Town Council record their strong opposition to the proposal on the following grounds:

- A detailed Transport Study has not been undertaken in advance of taking this decision, and implementation of the charges in advance of this is premature.
- Car parks provide for parking for residents and visitors, there are a large number of residential dwellings in the town centre which do not have their own parking. There is a lack of appropriate parking and public transport in the area.
- Residents seek employment outside of the town, as the public transport is limited many are reliant of cars.
- Business have suffered during the pandemic, where investment is being made to attract visitors and shoppers. Free parking is used as this promotion to encourage visitors, and this proposal is contrary to the county-wide efforts to support local business.
- The level of charge proposed will effect residents on low incomes that are forced to use car parks. This will also lead to blockages on the roads if residents park in narrow streets.
- The Town Council are willing to consider a Community Asset Transfer of the car parks, and until consideration to this is given, implementing the charges is premature at this stage.

### Ward member, Kington – Cllr James

The proposal does not understand the damage that such proposal will have on small and independent traders.

A large number of residents live in the Town Centre, and will incur financial charges – many of whom are on low incomes.

#### Ward member, Arrow – Cllr Phillips

The Town relies on visitors from the rural areas outside of Kington, and as bus services are limited there is a reliance of cars.

Kington is more fragile than other parts of the county, and these charges will have a negative impact on customers.

It may not be cost effective to install machines, as they will have limited return.

#### Kington Chamber of Trade

The proposal will be damaging to small and independent traders in the Town, where many are recovering from the pandemic.

Many traders travel into town by car and this will have a detrimental impact on their outgoings.

Free parking is used to market Kington as a destination to visit.

There is a shortage of off street car parking in the town, transport links are poor and the proposal will de-value property in the Town Centre. Car parks are often filled with residents vehicles 24 hours for most of the week. The new charges will affect residents on low income who will incur these fees.

Residents will seek parking in narrow streets and cause obstructions.

The proposals have not been clearly communicated, in advance of other ongoing work around improving the local economy.

#### Officer response

The implementation of parking charges is not intended to create a barrier to those that wish to visit the town centre by car, but assist with the management of the limited number of spaces available. The current situation of free car parks being full for most parts of the day results in visitors arriving and not being able to find a space, this is a negative experience. The implementation of a small charge for parking is unlikely to deter these visitors, but will have a positive effect of them being able to find a space quickly.

There are 130 off street parking spaces in Kington, and it is important that these are managed.

The council has committed to undertake the Transport Study, and a brief of the proposed scope will be provided to the Town Council in advance of this decision. This study will aim to identify any further opportunities to improve transport and access across the town. It should be noted that car parking charges existed in other locations across the county prior to Transport Studies being undertaken – Bromyard Oct 2018, Ledbury May 2019, Leominster Jan 2020 and Ross May 2021.

The off peak season ticket will be extended to Kington as a result of these proposals in order to allow residents to continue to use the car parks, at times of day when retail has much less demand. This permit can be obtain for £75 per year, and allow parking in any car park between 5pm and 9am. As many residents will commute out to work during the day this allows effective space management, where this is already in place in all the other market towns.

In order to mitigate against the potential impact of an increase of illegal parking, and to ensure that Kington is not disadvantaged from its narrow street layout, a parking ticket will be available from the parking machines on all car parks to allow 40 minutes of free parking. This will ensure that those that need to visit town for an essential reason from surrounding villages can do so. A 40 minute limit is appropriate for this as this will mirror the current street parking arrangements with some additional time to make the trip from the car park. In doing so, it will also allow some limited promotion to continue.

## Appendices

Appendix 1 – proposed parking charges

Appendix 2 – full responses from stakeholders

Appendix 3 – summary of public correspondence received

## Background papers

None identified

## Report Reviewers Used for appraising this report:

Governance	Sarah Buffrey, Democratic Services Officer	Date 14/12/2021
Finance	Louise Devlin	Date 08/12/2021
Legal	Linda Saunders	Date 06/12/2021
Communications	Luenne Featherstone	Date 29/12/2021
Equality Duty	Carol Trachonitis	Date 10/12/2021
Procurement	Lee Robertson	Date 13/12/2021
Risk	Kevin Lloyd	Date 09/12/2021

Approved by Neil Taylor Date 04/02/2022