

Parking and Waiting Review - Thanet Various

Joint Transport Board	17 December 2024
By	Penny Button, Head of Neighbourhoods
Cabinet Portfolio	Cllr K Bright - Cabinet Member for Parking
Key Decision	No
Decision classification	Unrestricted
Ward:	Across the District - Various

Purpose of the Report

To report upon the proposals to install Parking and No Waiting Restrictions in various locations across Thanet.

Attached to this report at annex 1 is a map illustrating the proposed new restrictions in map format.

Recommendation(s):

That subject to the views of the Joint Transportation Board the proposals shown in annex 1 are approved and that the proposals which require statutory consultation are advertised and that any traffic related objections are reported back to a future meeting of the Board.

1. Summary of Reasons

- 1.1 The officers' recommendations as to whether each proposal should be implemented are based on the General Provision for Traffic Regulation in the Road the Road Traffic Regulation Act 1984. Within the Act changes are considered to be justified:
- a) where a road safety hazard exists;
 - b) where traffic flow on main roads is impeded;
 - c) where access is seriously obstructed, particularly for emergency vehicles;
 - d) where damage to the highway or to buildings is caused by particular classes of vehicle;
 - e) where serious loss of amenity is caused.

- 1.4 Additionally, as a general rule, parking restrictions are not recommended in remote locations where there is little chance of enforcement. The opportunity has also been taken to review locations where parking restrictions can be removed.

2. Background

- 2.1 Since 2005 the responsibility for parking matters in the Thanet District has been split between Kent Highways and Transportation for requests relating to safety and Thanet District for amenity requests. Requests that both councils have received over the past six months have been investigated and those that are considered to be viable are shown with recommendations in annex 1. All proposals were made by members of the public and considered against the Road Traffic Regulation Act taking into consideration the road layout, parking provision within the vicinity, road width and crash data. The disability bays have been applied for and the applicants all meet the prescribed requirements for having a bay, the proposed locations also meet the prescribed requirements for such bays as set out by the Highway Authority.
- 2.2 Making changes to Traffic Regulation Orders is a lengthy and costly process involving changes to legal documents and statutory public consultation. In order to optimise the handling of these changes, the requests are usually consolidated into a quarterly review. Objections that are received on traffic related matters during the public consultation will be brought back to the Board later in the year for a decision about whether to implement the proposed changes.

3. Relevant Issues

- 3.1 This report proposes 3 changes to the highway. A corner protection and installation of 2 disabled bays in Thanet. These locations are listed in appendix 1.

Alpha Road/Ingle Close proposal has been requested by residents of Ingle Close and has support from Kent Police who are concerned about the sight lines when leaving Ingle Close junction with Alpha Road, Birchington.

Disabled Bay Richmond Avenue - This disabled bay has been through the full application process and ready to be marked on street.

Herbert Road, Ramsgate - This disabled bay has been through the full application process and ready to be marked on street.

We don't want these restrictions to be delayed for the next 12/24 months so we have already added these to the Amendment 23 consultation.

4. Alternative Options

- 4.1 The Board may choose to approve the proposals being made. This is the preferred option. Alternatively the board may decide to consult on some but not all of the recommendations being proposed. For the reasons set out in this report, this is not the preferred option.
- 4.2 It is open to the Board to recommend amendments to any of the proposals to be advertised. The Board should however be clear about the reasons for any proposed amendments in accordance with the provisions of the legislation set out in this report.

5. Consultation

- 5.1 There is a statutory duty to consult on these proposals by virtue of the provisions of the Road Traffic Regulation Act 1984. This specifies how consultation must take place including advertising who must be consulted and how consultation should take place. This extends to advertising in the local press.
- 5.2 In the event that these proposals are approved then the provisions set out in the Act referred to in respect of consultation will be followed.

6. Corporate Implications

6.1 Finance and Resources

- 6.1.1 Parking and waiting restrictions are funded, managed, and enforced by the Thanet District Council using the decriminalisation budget. No additional staffing resources are proposed, as the majority of the controls should be self-enforcing and are covered within our existing patrols. As a result, there are no financial implications arising directly from this report, but any additional costs incurred will be met from within existing budgets.

6.2 Legal and Constitutional

- 6.2.1 Local authorities have a duty to take account of the needs of all road users, take action to minimise, prevent or deal with congestion problems, and consider the implications of decisions for both their network and those of others.
- 6.2.2 Traffic Regulation Orders can be made under Section 84 of the Road Traffic Regulation Act 1984 where it appears to the traffic authority that it is expedient to make the order:
- 6.2.3 Any orders should be progressed in accordance with the Local Authority's Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996.

A proposed TRO must be advertised and the statutory consultees notified and given a 3-week period (21 days) in which to register any support or objections. Members of the public also have a right to object during that period.

- 6.2.4 The authority must consider all objections made and not withdrawn before making a Traffic Regulation Order (regulation 13) and, where it does not "wholly accede" to any objection, provide reasons for this in its notification of the making of an order to any person that has objected (regulation 17(3)).
- 6.2.5 The Statutory Authority for signs and road markings are by virtue of the Traffic Signs Regulations and General Directions 2016.
- 6.2.6 Consideration must be given to the duty under Section 122 of the Road Traffic Regulation Act 1984 when deciding whether to make, or to refuse to make a traffic regulation order. Section 122 requires the local authority to secure the expeditious, convenient and safe movement of traffic (including pedestrians) and the provision of adequate parking facilities. In carrying out this exercise the council must have regard to the: (a) desirability of securing and maintaining reasonable access to premises; (b) the effect on the amenities of any locality effected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the road(s) run; (c) any strategy prepared under section 80 of the Environment Act 1995 (the national air quality strategy); (d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; (e) any other matters appearing to the local authority to be relevant.
- 6.2.7 The validity of any traffic regulation order made by the council can be challenged by application to the High Court within six weeks following the date the order on the grounds identified in paragraphs 35-36 of Schedule 9 to the Road Traffic Regulation Act 1984.
- 6.2.8 The Court has the power to suspend an order or any of its provisions until the final determination of the proceedings.

6.3 Council Policies and Priorities

6.3.1 This report relates to the following corporate priorities: -

- To keep our district safe and clean
- To protect our environment
- To create a thriving place

6.4 Risk

6.4.1 The consultation follows a prescribed format that is set out in legislation and the process scores low on the risk matrix. However failure to implement the proposals does place and increased risk on the users of the roads where restrictions are proposed.

6.5 Climate Change and Biodiversity

- 6.5.1 Increasing the flow of traffic will decrease the amount of time vehicles spend idling which reduces the emissions released from stationary idling vehicles.

7. Equality, Equity and Diversity Implications

- 7.1 The meeting is to have due regard to their public sector equality duty, which is the need to eliminate unlawful discrimination and consider the potential impact decisions and actions on each of the protected characteristics, at the time the decision is taken.

This report relates to the following aim of the equality duty: -

- To advance equality of opportunity between people who share a protected characteristic and people who do not share it

This proposal will improve sightlines for drivers and pedestrians, improve access for emergency service vehicles, improve traffic flow on the above roads and support Thanet residents.

If any changes are made to the current legislation, parking areas, or representations are received with relevance to the Public Sector Equality Duty we will review our impact assessment. Officers will review consultation feedback for any comments relevant to the Equality Act 2010 and Public Sector Equality Duty.

8. Crime and Disorder Implications and Community impact

- 8.1 The meeting is under a duty to consider crime and disorder implications. This is to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), (b) the misuse of drugs, alcohol and other substances in its area, and (c) re-offending in its area.

9.0 Subject History

- 9.1 N/A

Annexes

Annex 1 contains the maps showing proposed restrictions.

Background Papers

There are no background papers

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Report Sign Off / Signed off by / Date sent / Date signed off / Initials

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