



## Scrutiny Review

# On-Street Car Parking and the use of Parking Surpluses.

*It is not possible to publish appendices B, C and D on the Internet, due to the complex images they contain. If you require a copy, please contact Katrina Silverson by email on [ksilverson@hastings.gov.uk](mailto:ksilverson@hastings.gov.uk) or telephone 01424 451747*

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## Glossary

AMB	Area Management Board
CEO	Civil Enforcement Officer (formerly Parking Attendants)*
CPE	Civil Parking Enforcement (formerly Decriminalised Parking Enforcement)*
CPZ	Controlled Parking Zones
DfT	Department for Transport
DPE	Decriminalised Parking Enforcement
EIA	Economic Impact Assessment
ESCC	East Sussex County Council
LTP2	East Sussex Local Transport Plan 2006 – 2011
LDF	Local Development Framework
PIP	Punctuality Improvement Partnership
PATROLAJC	Traffic Management Act 2004 Adjudication Joint Committee.
QBP	Quality Bus Partnership
SPA	Special Parking Areas

\* These changes were introduced in 2008 by the Traffic Management Act 2004 which made parking contraventions 'civil offences' as opposed to 'criminal offences'.

## Management Summary

1. A Scrutiny Review to examine On Street Car Parking and the Use of Parking Surpluses was included in the 2007/2008 Overview and Scrutiny annual work programme. The review fell within the focus of the Services Overview and Scrutiny Committee and Councillors Cartwright (Chair), Barlow, M J Lock and Stevens were appointed to carry out the review and were supported by an officer team.
2. The agreed terms of reference for the review were to:
  - i. To explain the operation of the Parking Agreement with East Sussex County Council (ESCC) and how parking enforcement can be used to increase car parking space utilisation and promote public transport;
  - ii. Review the impact of recent changes, including the economic impact, to on-street parking arrangements in the Old Town and Town Centre;
  - iii. To outline the process for setting car parking charges;
  - iv. To outline the process for allocating parking surplus funds for projects and identify how elected members can influence the use of on-street car parking surpluses;
  - v. To outline the process for assessing requests for traffic calming measures.
3. The Scrutiny Review Team met on four occasions, interviewed representatives from businesses and the community, interviewed the Lead Member for Transport and Environment at ESCC and received a number of reports from officers to inform their deliberation of the terms of reference.
4. The interview with the Lead Member for Transport and Environment from ESCC helped the Team understand the place of Decriminalised Parking Enforcement (DPE) in the broader context of the Local Development Framework (LDF) and Local Transport Plan (LTP2) as a means of managing parking demand, reducing the need to travel by private car and encourage modal shift to more sustainable transport.
5. It also helped the Review Team recognise that parking demand management is important both to ensure the economic prosperity of areas within the County and as a mechanism for encouraging more sustainable transport, whilst maintaining a balance between strategic and local considerations and between environmental and economic objectives. The wider range of measures developed alongside DPE to achieve this by improving bus services and usage, and increasing opportunities for walking and cycling was also highlighted.

6. The Review Team concluded that the local management of DPE enables the Borough Council to have a greater influence over the regime than would otherwise be the case and enables local circumstances to be more readily taken into account.
7. The Review Team considered in some detail the history of DPE in Hastings and recent developments and changes to controls in both St Leonards and Hastings.
8. Moving on to consider the impact of these changes on the local economy the Team concluded that the Hastings scheme had had an adverse impact on the economy and that there had been insufficient engagement with residents and businesses during the development of these proposals. It was also felt that the consultation and communication processes themselves could have been more effective.
9. It was also felt that the development of proposals for the controlled parking in St Leonards had been intermittent, starting off reasonably well but then failing to go back to the community, engage and listen before bringing forward the detailed proposals. In this case however the process was delayed and consultants were engaged to assess the economic impact of any changes to parking controls. This had provided better engagement and subsequent consultation was much improved. This it was felt demonstrated the importance of effective communication and consultation during such processes and the need to ensure that the broader impacts that introducing parking controls and charging can have on a fragile economy.
10. These views were re-affirmed by the community and business representatives when they met with the Review Team. These representatives were able to give an alternative perspective to the issue which helped confirm some of the views expressed by the team.
11. The history of DPE in Hastings along with experience elsewhere showed that there were clearly no simple answers to the effective management of parking. It was also clear that whatever solution is put forward it would not please all sectors of the community. If a proposal favoured one sector it would inevitably disadvantage another. The best that could be hoped for was a scheme under which all sectors felt they were being treated equitably even though the controls restrained rather than expanded their opportunities to park.
12. The dilemma is particularly acute in a tourist town such as Hastings where the conflicting needs of residents, businesses, tourists, local employees and shoppers are greater as could be the impact on the local economy if the measures introduced were inappropriate
13. In further developing solutions to the problem account would have to be taken of the potential impact on the local economy as well as on local residents, particularly under the present economic climate. Doing nothing was not an option however as businesses in Eastbourne were finding to their cost at the time because of a total absence of parking enforcement.

14. What the experience in Hastings and St Leonards had also demonstrated however was that there needed to be more extensive consultation and engagement of businesses and residents in the process at the very early stages. Consideration should therefore be given to review the consultation procedures of both the Borough and the County to improve the quality of consultation. These examples also served to highlight that there needs to be a mechanism for local Elected Members to have an input to the consultation process.
15. In considering the current processes for reviewing parking charges, the difference in the procedures for on-street and off-street charges were clarified. It was however recognised that there needed to be an overarching strategy linking the two to encourage the use of on-street parking for short stay parking for shoppers and visitors and the use of off-street for longer stay tourist and business parking. Differential charging regimes were seen as the key to achieving this and to ensuring less popular on-street parking locations were also fully utilised.
16. Once again the need to consider more carefully the potential impact of parking charge increases on the local economy, particularly in the current economic climate, was emphasised. There was, it was agreed, a need for more transparency and a mechanism to enable business and community representatives and elected Members to feed into this process.
17. It was however felt that there was a need for improved mechanisms to enable the community and local Members to contribute to the consideration of charges etc. and recommendations to address this are set out elsewhere in this report.
18. The uses to which the parking surplus could be used, the uses it had been put to, to date and the processes for determining what it should be used for were considered in detail. Whilst it was evident that the uses it had been put to, to date, were legitimate, there was a concern that the processes for proposing uses were not transparent and provided little or no opportunity for elected Members or the community to put forward proposals. Members were however reminded that the sums available were not significant and would be quickly used up on one or two proposals at most each year.
19. The Review Team concluded that there needs to be a mechanism to allow suggestions from Elected Members and the community to be put forward and considered.
20. The process for assessing requests for traffic calming and the history behind it were reviewed in detail. The importance of linking the Borough and County assessment processes to ensure that as much County funding as possible is achieved and to ensure that the highest ranking proposed schemes not attracting County Council funding are given priority for any available Borough Council funding was recognised.
21. The Review Team were concerned however that, should the use of parking surpluses be proposed for the highest ranking unfunded traffic calming

proposal, there was no clarity about how that proposal would be assessed alongside other, possibly very different, proposed uses of the parking surplus.

22. Concerns about the lack of a mechanism for the community and Elected Members to have an input to parking charges, parking control proposals and the use of the parking surplus were a key issue for the Review Team. It was advised that historically there had been a Parking Working Party which operated as an advisory group. Whilst it originated to help develop and progress a programme of Car Park refurbishment it had gone on for a number of years in an advisory capacity for a wider range of off-street parking issues. It ceased to function at the time of introduction of DPE.
23. The Review Team concluded that the development of a similar 'Parking Advisory Group' consisting of cross party elected Member representation could provide the desired mechanism. This group could then invite contributions from the wider community and business representatives on an ad hoc basis as issues arose. This is a key recommendation in the attached action plan.
24. The Action Plan also includes a number of other recommendations arising out of the review and the Review Team believe these will address the issues identified during the review, improve the transparency of processes and provide improved community engagement through enhanced consultation and communication.
25. The Review Team would like to express their thanks to the Director of Environmental Services for the considerable effort which he and his officers have put into this review. The Review Team would also like to thank everyone who kindly agreed to be interviewed, especially residents, traders and the Lead Member from East Sussex County Council.

# 1. Introduction

## Background

26. A Scrutiny Review to examine On Street Car Parking and the Use of Parking Surpluses was included in the 2007/2008 Overview and Scrutiny annual work programme. The review fell within the focus of the Services Overview and Scrutiny Committee.

## Membership of Review Team

Councillor Andrew Cartwright (Chair)  
Councillor Paul Barlow  
Councillor Matthew J Lock  
Councillor Richard Stevens

Officer support  
Katrina Silverson,  
Graham Belchamber,  
Richard Homewood, Corporate Director, Environmental Services  
Rasoul Shahilow, Head of Parking and Highways  
Sue Regan, Parking Operations Manager

## Terms of Reference

27. The Terms of Reference were considered at the first meeting of the Review Team.
28. The agreed terms of reference for the review were to:
  - i. To explain the operation of the Parking Agreement with ESCC and how parking enforcement can be used to increase car parking space utilisation and promote public transport;
  - ii. Review the impact of recent changes, including the economic impact, to on-street parking arrangements in the Old Town and Town Centre;
  - iii. To outline the process for setting car parking charges;
  - iv. To outline the process for allocating parking surplus funds for projects and identify how elected members can influence the use of on-street car parking surpluses;

- v. To outline the process for assessing requests for traffic calming measures.

## **Methodology**

- 29. It was agreed that the review should include the following:
  - i. A series of meetings to consider reports from officers;
  - ii. Interviews with representatives from businesses
  - iii. Interviews with representatives of the community
  - iv. Interview with the Lead Member for Transport & Environment at ESCC

## **2. Parking Agreement between Hastings Borough Council and East Sussex County Council**

The Review Team took account of the information supplied in paragraphs 30 to 83.

30. The Review Team met with the Lead Member for Transport and Environment for ESCC and interviewed him to help understand the role of DPE (DPE) within the broader Borough and County Council strategies to regenerate Hastings and create a more sustainable community.
31. The Lead Member explained that DPE was introduced in Hastings in May 1999 as a key element of the LTP2 package for the town, produced by the Borough and County Council and aimed at developing an integrated strategy on the management of parking. The Road Traffic (Permitted Parking Area and Special Parking Area) (County of East Sussex) (Borough of Hastings) Order 1999 was made in May 1999 and applied DPE to the whole of the Borough of Hastings. The Borough Council has since provided this service on behalf of ESCC under an Agency Agreement. It was considered that this was the best approach as it integrated control over both on and off street parking and enabled a coherent strategy for charging and managing demand to be implemented.
32. The Parking Agreement between Hastings Borough Council and East Sussex County Council is seen as a key element of the Transport and Accessibility section of the Local Development Framework Core Strategy Preferred Approaches consultation document and a key contributor to the delivery of the overall transport strategy for the County as set out in the East Sussex Local Transport Plan 2006 – 2011.

### **Local Development Framework – Preferred Approaches**

33. The Hastings Local Development Framework Preferred Approaches consultation document (LDFPA) sees car parking provision as one of the demand management tools, which can be used to achieve a shift towards more sustainable transport modes. It is however recognised that it is a crude tool and that the reality is that in towns the size of Hastings the shift from car usage to other forms of transport will take some considerable time to achieve. It also recognises that it is important that parking is not reduced to a level where the regeneration of the town could be prejudiced. It acknowledges that the Town Centre is particularly sensitive in this respect and the implications for Hastings' competitiveness with other south coast centres would need to be carefully considered.
34. The preferred approach to parking in the LDFPA is:

**PREFERRED APPROACH 33: Car Parking**

*To fully exploit opportunities to improve access to the town centre by means other than the car, before consideration is given to limiting parking provision.*

*One option that will be further considered is park and ride. A facility at Wilting Farm associated with the Link Road could not only cater for vehicles accessing Hastings town centre but could also serve a future station at this location. Another option worthy of consideration is Baldslow near the A21/A28 junction. Either of these options could be in Rother District and it will be necessary for both Hastings and Rother Councils to work together to explore the feasibility of this approach.*

## **East Sussex Local Transport Plan 2006 - 2011**

35. The East Sussex Local Transport Plan 2006 – 2011 (LTP2) views parking demand management as important both to ensure the economic prosperity of areas within the County and as a mechanism for encouraging more sustainable transport, whilst maintaining a balance between strategic and local considerations and between environmental and economic objectives.
36. The long term vision and objectives of the LTP2 reflects the wider context for East Sussex. It is influenced by European, national, regional and local policy frameworks of spatial, transport and economic strategies. It is translated into six key objectives.
  - i. Improve access to services by providing greater travel choices and influencing land use decisions;
  - ii. Manage demand and reduce the need to travel by private car;
  - iii. Improve road safety and reduce fear of crime in communities;
  - iv. reduce congestion and improve the efficiency of the transport network;
  - v. protect, promote and enhance the environment;
  - vi. improve maintenance and management of the transport network.

## **Parking Demand Management**

37. Parking demand management and reducing the need to travel by car is an important local priority and is key to achieving the national shared priorities of reducing congestion, improving air quality, improving health and making the road network safer. Several areas of work contribute to the achievement of this priority. In particular:
  - i. Parking Management and enforcement;
  - ii. workplace parking charges and travel planning;
  - iii. school travel planning;
  - iv. promotion of the Travel Choice brand and car sharing schemes;
  - v. Implementation of the Concessionary Fares Scheme on buses;
  - vi. supporting cycling and walking;

- vii. Working through the Quality Bus Partnership (QBP) to improve the punctuality and quality of local bus services.
- 38. These are complimented by an approach which seeks to make alternative and more sustainable forms of transport such as walking, cycling and public transport more attractive options than the car. The impact of this work is demonstrated by the fact that traffic growth across the county is on target not to exceed the projected increase of 10% by 2010/11. By encouraging modal shift these measures will help reduce the number of cars coming into the town centre areas and help deliver the above priorities.
- 39. Reducing the dependence on the private car will contribute to the aim of widening social inclusion by improving access to work, learning, health and shops, because it will require employers and providers of services to look at other means to facilitate access.
- 40. The County Council, with its District and Borough partners, will seek to manage demand and reduce the need to travel by car outside local communities to access these facilities. This will be achieved by ensuring integration of land use planning and transport, with development appropriately located with the appropriate infrastructure through the emerging Local Development Frameworks.
- 41. The implementation of “demand management” measures – parking management and enforcement and workplace parking charges – are seen as important mechanisms in broadening travel choices and reducing the need for private car travel. Demand management measures will be complemented by an approach which seeks to make other forms of transport, such as walking, cycling and public transport, more attractive alternatives.

### **Hastings Quality bus Partnership**

- 42. The Hastings Quality Bus Partnership (QBP) has contributed to the increased ability of the people of Hastings, Bexhill and the surrounding areas to access key services and centres by public transport. This voluntary partnership agreement between the County Council, Hastings Borough Council and Stagecoach in Hastings has worked successfully to improve bus services in the town. This has resulted in a number of the partnerships original and challenging targets being met or exceeded.
- 43. The QBP partners commissioned a review of the Hastings QBP in 2005. Independent consultants examined the most appropriate way to take the partnership forward and presented various options. It has been agreed to continue the partnership on a voluntary basis with new objectives incorporated in a revised Action Plan published in March 2008. Punctuality and reliability were specific issues raised in the QBP review and these will be addressed by all partners through the introduction of the Punctuality Improvement Partnership (PIP).

44. The work of the QBP has been augmented by a continuing programme of bus stop improvements and other bus measures across the town:
- i. Nearly 100 stops on the core Arrows routes now have high access kerbs;
  - ii. 158 stops now have shelters;
  - iii. A westbound bus land on the approach to Warrior Square has been introduced;
  - iv. Traffic signals have been installed on the A259 with particular emphasis on improving punctuality and reliability; and
  - v. The upgrading of the Bus SCOOT system at a number of key traffic signal controlled junctions across the town.
45. These interventions have clearly contributed to the higher than average passenger growth of 25% since 2003 and the significant improvement in passenger satisfaction in the QBP area. A survey undertaken in summer 2007 for the Hastings QBP Action Plan shows an increase in passenger satisfaction from 59% in 2005 to 76% in 2007 reflecting recognition of genuine progress on the ground as a result of the QBP and thereby removing some of the barriers to using public transport.
46. The latest bus passenger figures reported by Stagecoach, the principal operator in the area, continue to show an encouraging upward trend. Patronage increased by 6.3% over the past 12 months to 4.39 million per annum, thereby exceeding the projected outcome of 4.19 million for 2010/11 three years early. Whilst a major contributing factor is the new availability of off-peak free fares for the over 60s, the growth also reflects:
- i. Improved bus service levels (Routes 99 and 711);
  - ii. Increased passenger satisfaction (Hastings Bus Users Satisfaction Survey August 2007);
  - iii. Improved bus stop facilities;
  - iv. Emphasis on marketing; and
  - v. The improvement plan of bus priority measures.
47. The involvement of the QBP and new Bus Users Stakeholders Group has also had very positive effects. Civil Enforcement Officers (CEOs) routinely travel on buses and deal with parking offences on bus stop clearways etc. This has assisted in improving bus punctuality and helped ensure that bus users can access buses using the raised kerbs.

### **Traffic Growth in Hastings/Bexhill**

48. Traffic levels in Hastings and Bexhill, having broadly followed the target trajectory since 2003/04, have levelled off and very slightly dropped over the last two years.

49. This levelling off has been achieved despite the increase in activity, especially in Hastings town centre, as a result of regeneration initiatives. Hastings has the benefit of a well established Civil Parking Enforcement scheme (CPE, formerly DPE) which has provided the foundation for improvement to public transport which is considered to be the main factor contributing to the reduction in traffic levels.
50. The reduction is believed to be attributable to a combination of factors, including:
  - i. Effective parking controls.
  - ii. Previous decisions by the authorities to ensure that regeneration is located at sites with good accessibility by bus and train.
  - iii. Modal transfer as a result of the cumulative effect of a package of measures introduced through the Hastings QBP (assisted by effective parking enforcement).
  - iv. Modal transfer by the substantial retired population, particularly in Bexhill, following the introduction of free concessionary travel.
51. We are, therefore, significantly ahead of target and, although regeneration in Hastings is likely to increase upward pressures, indications are that the target will be achieved.
52. CEOs have helped reduced congestion on the major routes in the town by targeting loading ban enforcement on problem areas and bus stop clearway enforcement to ensure buses can pull onto the stops correctly. CEOs have also helped improve road safety and reduce road casualties by enforcing parking restrictions at school entrances.
53. Effective demand management of parking space also helps reduce congestion by increasing availability and reducing the need for drivers to 'coast' around the streets looking for spaces.

### **The Parking Agreement**

54. The formal 'Agreement for the Enforcement of Parking Control' between the County Council and the Borough Council became effective on 10 May 1999 and was accompanied by a code of practice.
55. The Agreement confirmed that the Borough Council would discharge the functions of the County Council in respect of DPE. It provides that the Borough Council will undertake all enforcement activity and associated administration, including all legal work and appearance in legal proceedings arising out of these functions.
56. The Agreement also requires that the Borough council joins the National Parking Adjudication Services Joint Committee, (now known as the Traffic

Management Act 2004 Adjudication Joint Committee (PATROLAJC). This is the body that hears all appeals against Penalty Charge Notices.

57. It further provides that the first call on any income generated by the Agreement is the recovery of operating costs by the Borough Council and that any surplus remaining after that is split equally between the Borough and County Councils. Both Councils are able to use the surplus funds for any of the purposes specified under Section 55 of the Road Traffic Regulation Act 1984 (as amended). The Borough council is however required to gain the prior approval of the County Council for the uses it wishes to make of its share, whilst the County council undertakes to use its share within the Borough of Hastings and will consult the Borough council regarding that use. Details of the permitted use and actual use to date are dealt with elsewhere in this report.
58. Accounts must be provided to the County council and all funds due to them must be paid within 60 days of the end of the financial year.
59. The Agreement may be terminated by either party subject to twelve months notice.
60. There are also provisions regarding satisfactory performance and remedies for dealing with unsatisfactory performance are addressed in the associated Code of Practice.
61. The Code of Practice goes into more detail regarding the respective roles of the two bodies and arrangements for regularly monitoring progress and performance. It also requires the Borough Council to comply with County Council policies and performance criteria for dealing with the public.
62. Finally the Code of Practice requires that the Borough Council submit proposals for charges for the forthcoming financial year to the County Council each January and that the County Council will determine these and notify the Borough Council of the charges to be made by 28 February each year.
63. The making and management of Traffic Orders and the maintenance of signs and road markings to support the control of on street parking enforcement are effected under the Highway Management Agreement which exists between the two Councils but the additional costs of doing so are debited to the parking account.

## **Conclusions**

64. The Parking Agreement is a key tool in delivering the overall objectives of the Local Development Framework Transport and Accessibility Preferred Approaches and to delivering the objectives of the East Sussex Local Transport Plan 2006-2011.
65. The local management of Decriminalised Parking Enforcement enables the Borough Council to have a greater influence over the regime than would otherwise be the case and enables local circumstances to be more readily taken into account. There is evidently a need for improved mechanisms to

enable the community and local Members to contribute to the consideration of charges etc. and recommendations to address this are set out elsewhere in this report.

### **3. History of Decriminalised Parking Enforcement in Hastings**

66. The Road Traffic Act 1991 paved the way for a significant change in the approach to Parking Enforcement. It provided for creation of Special Parking Areas (SPA) and Controlled Parking Zones (CPZ). Most non-endorsable parking offences were decriminalised and responsibility for enforcement was transferred from the Police to local authorities.
67. Decriminalised Parking Enforcement (DPE) was introduced in Hastings in May 1999 as a key element of the Local Transport Plan package for the town, produced by the Borough and County Council and aimed at developing an integrated strategy on the management of parking. The Road Traffic (Permitted Parking Area and Special Parking Area) (County of East Sussex) (Borough of Hastings) Order 1999 was made in May 1999 and applied DPE to the whole of the Borough of Hastings. The Borough Council has since provided this service on behalf of ESCC under an Agency Agreement.
68. A CPZ was originally proposed to cover both Hastings and St Leonards Town Centre areas but this was scaled down after initial consultation and strong representations against the inclusion of St Leonards from both the resident and business communities. The CPZ, covering Hastings Town Centre only, was introduced at the commencement of DPE to implement residents parking zones and on street pay and display areas. In addition to Resident Permits, there are permits available for Resident's visitors, Primary Care Workers and waivers for tradespersons who need their vehicles for the purpose of carrying out works in restricted areas.

#### **Development of St Leonards CPZ 2007/8**

69. In 2005/6 the Local Performance Plan included the investigation into extending the CPZ into St Leonards as one of its targets. This was on the basis of what was considered increasing evidence that commuter / displaced parking in St Leonards was increasing and leading to significant pressure on available parking. Residents and businesses alike were expressing increased concerns over the lack of parking space and the effect this was having on the local economy and the environment.
70. Consultation and survey work began in late 2005. The consultation put forward a range of three options for the control of parking in St Leonards and sought views of the business and community representatives. At the end of this consultation a business plan for a controlled parking zone in St Leonards was produced in November 2006. This again attracted widespread opposition and concern about the negative impact, particularly on the local economy.
71. The Cabinet meeting on 2nd April 2007 resolved to defer the proposed Controlled Parking Zone (CPZ) for St. Leonards, pending a detailed Economic Impact Assessment (EIA) for the area.

72. A Consultant was appointed to undertake this study in the summer of 2007. The consultant's findings were reported to the Cabinet meeting on 3rd March 2008 and the Cabinet resolved that :
- i. the consultants' findings and publication of their final report be noted;
  - ii. the proposed initial package of parking measures is investigated and costed with a view to implementation for an interim period; and
  - iii. the re-phasing and planned progress on the Kings Road Corridor Project in the context of the EIA is noted.
73. That package of measures included:
- i. Reduce the maximum limited stay from 2 hours to 1 hour.
  - ii. Zoning of Parking bays in the main retail streets.
  - iii. Restrict Loading and Unloading in main retail streets to the periods before 10am and after 4pm
  - iv. Use of Crystal Square as a short stay car park limited to a 3 hour maximum stay.
  - v. Reduce car parking charges to encourage greater use of the off-street car parks.
  - vi. Increase enforcement patrols to reduce non-compliance with parking restrictions.
74. A Project Group was set up to move forward the recommendations of the Cabinet. This group initially identified the boundaries for the scheme. In line with the recommendations of the consultant, the boundaries for the revised project were set as the main retail streets. This also included streets where there is a current residents parking scheme in place. This excluded Warrior Square, as an echelon parking scheme for this area was being moved forward in parallel with an earlier time frame for its implementation.
75. It was recognised that the area to the north of Warrior Square Station had a mixture of demands for parking. Proposals for this area required further design and consultation. Bearing in mind the programme for the delivery of the Kings Road Corridor Project, it was considered appropriate to defer any proposal for this area to a later date.
76. In addition to investigating the above the Project Group reviewed all existing restrictions within the area to ensure the free flow of traffic, provide access and remove obstruction, junction protection, increased turnover of parking spaces and increased resident parking spaces within the current areas for the residents parking scheme.
77. The proposals in response to the consultant's recommendations and the recommendations of the review of existing restrictions were presented to a meeting of the St Leonards Parking Advisory Group on 24 July. The group

were generally supportive of the proposals put forward. Concerns were however raised on the following points.

- i. Silchester Road shared residents parking - concern over displacement of long term parking to other residential streets to the north.
  - ii. London Road - Double yellow lines - concern was raised as to the need for these on the east side north of the Pevensey Road junction.
78. Following further discussion it was agreed that these proposals were needed and should be recommended to proceed to advertisement to see if any formal objections are received. The proposal for a loading bay in Silchester Road was however withdrawn following further consultation with businesses in that area.
79. The Advisory Group also made a number of other suggestions which officers undertook to consider further in the future. These included;
- i. Motorcycle bays - a motor cycle bay is proposed in Stockleigh Road but the group requested a wider review of free motor cycle parking provision across the town to help reduce vehicle emissions.
  - ii. Grand Parade Car Park - This underground car park is currently a resident's car park but there was concern that it was significantly underused during the daytime and that there might be scope to utilise it more flexibly.
  - iii. Echelon parking in station approach north of Warrior Square Station.
  - iv. Possible residents parking scheme north of Warrior Square Station.
80. On 6 October the Lead Member for Transport and Environment at ESCC considered the proposal for the scheme in principle and approved it. He gave the Borough Council authority, as the County Council's agent to;
- i. consider any objections or other responses received in response to the publication of the proposed Orders which give effect to the changes to the parking restrictions in central St Leonards;
  - ii. decide whether or not to make the necessary Orders having considered the results of the consultation; and,
  - iii. any such Orders to be made in compliance with all legislative requirements.
81. The Traffic Management Committee (TMC) meeting on 21st August 2008 and the Cabinet meeting on 8 September agreed the advertising of the Traffic Regulation Orders for these changes to parking controls in St Leonards under powers delegated to it under the Highways Agency Agreement.
82. The proposals were advertised in the Hastings Observer on 19th September 2008 with copies of the advertised order placed in various locations in the areas affected by the changes. A total of 1144 letters were hand delivered to

residents and businesses in the affected areas between 17th and 19th September. The end of the official objection period was 17th October 2008.

83. Sixteen letters/ emails of objections were received. Although each letter of objection raises individual points the objections could be summarised into five aspects;
- i. The proposed closure of Cross Street;
  - ii. The reduction of limited waiting from 2 to 1 hour;
  - iii. The introduction of shared residents parking in Silchester Road;
  - iv. The introduction of no waiting at any time restrictions in parts of London Road and South Street;
  - v. The non reduction of charges in Marina car park.
84. These objections were reported to the TMC on 27 November. The TMC considered the objections to the proposals and resolved that the proposed Traffic Regulation Orders be made as advertised but that short stay parking in Crystal Square Car Park is introduced with a maximum stay of four hours rather than the three hours originally proposed.

### **Review of Hastings CPZ 2007/8**

85. Apart from several increases to pay and display tariffs, there had been no changes to the original CPZ scheme in Hastings in the first eight years (since May 1999). Discussions with the County Council, on whose behalf the Borough Council deliver the scheme, during the Autumn of 2007, identified a need to review the levels of other charges, many of which had not changed since the schemes inception in 1999 and which had not kept pace with inflation or the increasing overheads of the scheme.
86. Over the years residents had also put forward a number of suggestions for improvement of the current scheme. Given that it was some eight years since the scheme was introduced, it was considered that it was time to review the various elements of the scheme, in particular the needs of residents. It was therefore agreed that a period of consultation with residents and businesses would follow in respect of these potential changes.
87. The consultation began with questionnaires for residents and businesses issued in the December 2006 edition of the About magazine. Unfortunately response to this was poor with only 110 returned questionnaires. A direct mail questionnaire was therefore subsequently sent to every residential address in the CPZ area seeking their views. A total of 5000 questionnaires were sent out and 1046 returned (21% response rate). Questionnaires were not sent to businesses as consultation was focused on reviewing the resident parking scheme.
88. The County Council had also indicated that they wished to increase on-street pay and display charges and regularise the pay and display hours with that of

the resident parking scheme, for continuity. They had built in increased income projections into the County Council budgets for 2007/8 to reflect this expectation. Therefore these changes were made as an instruction from the county as the highway authority. Acting as the agent for implementation of these changes, Hastings Borough Council sought to engage the Statutory consultation only at this time.

89. Following that consultation a package of changes to the scheme were proposed which included the following:
- a. Extend Residents Exclusive parking restrictions in Zones A to F to 8pm on all days and increase the permit cost to £75 per annum.
  - b. Extend the scheme into the lower end of Old London Road and re-designate the all Shared Resident parking within zone F as Residents Exclusive.
  - c. Introduce a higher charge of £120 for second car permits for Residents Exclusive zones and of £56 for Shared Residents zones.
  - d. Extend Shared Residents parking to upper part of Linton Road
  - e. Increase Shared Residents parking permits to £35 per annum.
  - f. Increase the cost of visitor's scratch cards to 40p per hour.
  - g. Introduce Pay and Display charging from 9am to 8pm on all days and introduce a higher fee (50p for 20 minutes) for bays within Zone B, Zone D and Zone F.
  - h. Remove the No Waiting 8am - 6pm restriction on the West side of Russell Street and replace this with a combination of residents, Pay and Display, Disabled and loading bays.
  - i. Re-designate the current shared residents parking between Queens Road and Stonefield Road as Pay and Display Bays
  - j. Introduce loading bays in Stone Street by re-designating a length of resident bay as a loading bay and Cornwallis Street by removal of 'No waiting at any time' restriction.
  - k. Remove all Pay and Display bays within Linton Bridge and introduce new Business only parking bays. The cost of permit at £200 per annum.
  - l. Introduce a daily Waiver and Dispensation permit at £10 and increase weekly permit charge to £30.
  - m. Increase the annual Primary Care parking Permits to £25
  - n. Introduce charging for suspended bays within the TRO.

90. These proposals were considered and approved by the Lead Member for Transport and Environment at ESCC on 19 November 2007 and were advertised on 21 December 2007. The 28 day objection period expired on 18 January and the three objections received were reported to the TMC on 13 February 2008. The TMC recommended proceeding with the proposed changes and this recommendation was agreed by the Cabinet on 3 March 2008. The changes were implemented on 1 April 2008.
91. Following the introduction of those changes there was a significant level of complaint, notably from the business sector, regarding the adverse impact that the loss of free parking in shared residents' bays and the introduction of pay and display charges on Sundays and to 8pm on all days was having on the local economy. Representation was also received from the Town Centre Management Committee and Chamber of Commerce. There were also complaints from visitors to local amenities such as churches on a Sunday as resident's bays were no longer available to them on Sundays as previously.
92. As a consequence the Borough Council agreed to review these changes in consultation with ESCC and consider some further changes to mitigate these alleged impacts. Following media coverage suggesting that further changes were being proposed, however, a growing number of letters were also received from residents concerned at the possibility that some of these new restrictions could be changed back to the previous.
93. What these reactions demonstrated was how extremely difficult it is to accommodate the needs of all sectors of the community in trying to manage the limited parking space available in the town centre and seafront areas. The reality was that there are just too many cars seeking too few spaces.
94. As a result of a meeting between the Leader of the Council, Lead Members and representatives of Town Centre Management and businesses; and a subsequent meeting with the Chair of the Hastings Old Town Residents Association, it was agreed that ESCC would be consulted on a number of possible changes to the scheme. The following options for change were discussed with ESCC:
  - a. reverting back to shared residents parking those stretches of road recently changed to resident's exclusive parking.
  - b. reverting the end of the pay and display charging period back to 6pm instead of 8pm.
  - c. reviewing current parking restrictions through the Old town to see if more spaces can be created.
  - d. the possibility of changing the whole of the High Street to shared Residents Parking with Pay and Display charges for non residents limited to either one or two hours stay.
95. It was not felt however that the council could support the reversal of the decision to introduce Sunday pay and display charges (as this was common practice in seaside resorts and off-street parking was already charged for on

Sundays), nor could the Council support the reversal of the introduction of the Sunday operation of Residents Parking.

96. A further meeting was held with representatives of the residents and business communities on 4 August. Where the above responses were discussed. The proposals received general support. The representatives also asked if the following suggestions could be put to ESCC.
  - a. The introduction of a reduced charge for the first hour;
  - b. The introduction of lower winter charges; and,
  - c. Reduced charges for residents of the Borough.
97. A meeting with the Lead Member for Transport and Environment at ESCC and County Officers was held on 14 August where these proposals were discussed. As a result the County Council agreed to the following changes;
  - a. Reverting back to shared residents parking with two hour limited free parking waiting for non permit holders, those stretches of Old London Road recently changed to residents exclusive parking;
  - b. Reviewing the current parking restrictions in the Old town and Town Centre to see if more parking spaces can be created;
  - c. Consult on changing the parking bays in High Street north of Roebuck Street to shared residents bays with one hour limited pay and display parking for non permit holders.
98. The proposal to revert the pay and display parking charging back to 6pm was also considered as this had been cited as one of the changes having most impact on businesses. Whilst it was accepted that it could have contributed to a reduction in early evening activity, it was also recognised that the general downturn in the economy, lack of consumer confidence and a general decline in consumer spending were also likely to be contributory factors. In addition it was also considered that extending the pay and display charges to 8pm actually protected these spaces for customers by discouraging residents from parking in them. It was also felt that reverting the pay and display charges to 6pm but retaining the residents' parking until 8pm would result in a dual regime which could confuse motorists.
99. On balance, however it was agreed that the level of the charge could well be a deterrent to customers and so rather than revert to 6pm it was suggested that the charge from 6pm to 8pm be reduced to a flat rate of £1.
100. The further proposal to reverse the decision to introduce Sunday pay and display charges could not be supported either, as it was felt that this was common practice in seaside resorts and off street charges had historically applied on Sundays.
101. All of the above changes will be subject to the statutory advertisement and objection period prior to the final decision on implementation. The

advertisements and changes to the traffic orders are currently being prepared.

102. A motion was submitted by Cllr Daniel in respect of the extension of pay and display charges to 8pm and a report on this was reported to Cabinet on 8 September 2008.

103. The motion seconded by Councillor Paul Barlow proposed that;

“Hastings Borough Council regrets the decisions made by the Conservative County Council to impose recent on-street parking changes which have had such a detrimental effect on the evening business economy. The Borough Council acknowledges the different needs of residents and businesses and resolves to seek to return to a position whereby on-street meter parking is again free from 6pm, whilst retaining the 8pm time for residential parking where this is in place following consultation with local residents. The Borough Council will try to convene an urgent meeting with Councillor Matthew Lock, Lead Member for Transport & Environment at the County Council, to make him fully aware of the problems caused by his decision and to urge him to achieve a satisfactory resolution to this situation, without delay.”

104. The Cabinet report addressed the motion and confirmed the outcome of discussion with ESCC. The Cabinet noted the proposed changes as follows:

- i. Reverting back to shared residents parking with two hour limited free parking waiting for non permit holders, those stretches of Old London Road recently changed to residents exclusive parking;
- ii. Reviewing the current parking restrictions in the Old town and Town Centre to see if more parking spaces can be created;
- iii. Consult on changing the parking bays in High Street north of Roebuck Street to shared residents bays with one hour limited pay and display parking for non permit holders;
- iv. Introducing a flat rate £1 charge between 6pm and 8pm for on street pay and display bays.

105. At the Hastings Council meeting on 22 October the resolution to introduce a flat rate of £1 between 6pm and 8pm was however referred back to Cabinet for further consideration. Borough officers subsequently met with County officers and the Lead Member for Transport and Environment at ESCC to discuss the matter further. As a consequence the Lead Member considered a report to his Lead Member meeting on 15 December 2008 highlighting the impact of the evening charges on the local economy. He subsequently recommended that the Borough Council be authorised, as the agent of ESCC, to progress as a matter of urgency the statutory process for the withdrawal of the parking charges between 6pm and 8pm in pay and display bays in Hastings controlled parking zone.

106. This change relating to the times of charging have to be advertised through the statutory procedures via the Traffic Regulation Order. This process requires advertisement for 28 days, consideration of objections if any, amendments to signing and sealing of the order before it can be implemented. The process has been started and it is anticipated that the change will be implemented by 16 March 2009.

### **Parking Restrictions and the impact on the local economy**

107. What these experiences in both Hastings and St Leonards demonstrated is how extremely difficult it is to accommodate the needs and aspirations of all sectors of the community in trying to manage the limited parking space available in the town centre and seafront areas. The reality is there are just too many cars seeking too few spaces and any measures to try to deal with the issue will not be popular with everyone.

108. Experience in Eastbourne, where for almost a year there had been no on-street parking enforcement at all, had also demonstrated however that doing nothing is not an option. Simply creating more spaces was not the answer either as experience from studies elsewhere had suggested that demand will simply increase to fill the increased capacity.

109. The dilemma is particularly acute in a tourist town such as Hastings where the conflicting needs of residents, businesses, tourists, local employees and shoppers are greater as could be the impact on the local economy if the measures introduced were inappropriate.

110. At a higher level it was recognised that there was a need to be seeking to reduce car dependency and secure improvements to public transport so that there is a modal shift away from the car. There was also a need to seek to manage the available space effectively and efficiently and not favour any sector too far at the expense of other sectors. In order to achieve this balance it would be necessary to use the full range of tools available such as pricing structures for pay and display and permit schemes, designation of zones for residents only or shared use, possibly with pay and display and by imposing limits on the number of vehicles any one household can park in an area.

111. With the regeneration of Hastings Town Centre and the likely influx of more students, visitors and employees the pressures would only increase and it was recognised that there needed to be a coherent and overarching strategy for the management of both on and off street parking, using effective pricing structures and controls.

112. The strategy that had been adopted to date had been to;

- a. discourage commuter parking by increasing season ticket charges above inflation as recommended by the Audit Commission in their 'the Price is Right' report in 1999.
- b. encourage longer stay parking off-street into car parks and at the same time discourage all day parking in the prominent seafront car parks by differential charging regimes.

- c. encourage the use of on-street parking for short-stay shopper / visitor parking.
113. Charges had been routinely compared with other local authorities nearby and of a similar nature farther afield to try to ensure they were comparable and that they did not drive shoppers and visitors away.

## **Conclusion**

114. The history of DPE in Hastings along with experience elsewhere showed that there were clearly no simple answers to the effective management of parking. It was also clear that whatever solution is put forward it would not please all sectors of the community. If a proposal favoured one sector it would inevitably disadvantage another. The best that could be hoped for was a scheme under which all sectors felt they were being treated equitably even though the controls restrained rather than expanded their opportunities to park.
115. In further developing solutions to the problem account would have to be taken of the potential impact on the local economy as well as on local residents, particularly under the present economic climate. Doing nothing was not an option however as businesses in Eastbourne were finding to their cost at the time.
116. What the experience in Hastings and St Leonards had also demonstrated however was that there needed to be more extensive consultation and engagement of businesses and residents in the process at the very early stages. Consideration should therefore be given to review the consultation procedures both by the Borough and the County to improve the process. These examples also served to highlight that there needs to be a mechanism for local Elected Members to have an input to the consultation process.

## 4. Consultation Interviews

### Interviews and discussion with Town Centre and Old Town Residents' Associations and Businesses Representatives

Hastings Old Town Residents Association  
Town Centre Management Board  
Castle Ward Forum

117. Interviewees were welcomed to the meeting and given an outline of the scrutiny process and the terms of reference of the review. They were then given the opportunity to comment on those issues and give their perspective on them.
118. There were concerns that decisions had already been made, but it was explained that the Council was always willing to hear suggestions from the community and any objections would be heard. There was a view that the new arrangements had been devastating for the local economy around Claremont and White Rock; also the Pier Market had suffered a 30% drop in footfall since the introduction of Sunday parking charges.
119. It was suggested that an Economic Impact Assessment should have been made prior to any decision having been made. It was also felt that the current economic downturn should have been considered a valid reason not to increase or impose new charges, rather than adding to them. There was a strong view that ESCC should be working to improve the local economy at this time and not simply be focused on income generation.
120. Some representatives were disappointed that they could not object any further to the original changes, but it was explained that these had been implemented at the beginning of the year and there had been the statutory 28 day objection period. It was suggested the only way the community could object now, would be by way of lobbying. However, officers undertook to pass on any comments to ESCC.
121. The meeting was advised that some members of HOTRA were in favour of the new proposals, so there was no point in objecting further. However, to seek a compromise was always the most favourable outcome. It was accepted however that it would always be difficult to please both residents and local businesses as residents wanted spaces to park near their homes and businesses wanted nearby spaces for customers and themselves. It was agreed that a balance needed to be struck, but felt this was not possible whilst the County Council's priority remained to raise revenue.
122. It was pointed out that, especially in Castle Ward, there were many people who lived and worked within the town centre. They did not have a problem with the 8pm limit for residents, but felt the 6-8pm charging was a problem. It was pointed out that there was off-street parking, which had a flat fee of £1

from 6pm until the early hours of the morning. It was suggested that some comparative data might be useful, to try and understand how this type of charging affected businesses in other areas. There was uncertainty as to how this could benefit the Old Town, due to the nature of the businesses as they were mainly sole traders with fluctuating hours.

123. It was suggested that better/more advertising might help to push people more towards off-street parking. This had been also highlighted by Castle Ward Forum. It was agreed that better signage could be looked into as a way forward. It was also suggested that community newsletters could be used to disseminate the information to residents.
124. The possible use of the parking surplus was explained and representatives were asked if they had ideas for projects. Castle Ward Forum had suggested more pedestrian crossings, speed humps and the continuation of the cycle track along the seafront. Members were however reminded that the sums available were not significant, probably amounting to no more than £30,000 to £50,000 per annum after ongoing commitments had been funded and would be quickly used up on one or two proposals at most each year. It was agreed that suggestions should be passed on to the Director but it was important that expectations were not heightened too far.
125. Dropped kerbs at all corners within the Old Town, to assist people with disabilities were suggested. The raised pavement outside the Old Town Hall Museum was also highlighted as a problem that needed to be resolved. Minor pavement repairs around the town centre. It was explained that there was a rolling programme for dropped kerbs and details of specific junctions should be forwarded to the Head of Parking and Highways. It was also pointed out that the Borough Council had allocated £100,000 per year for the next three years in its capital programme for public realm improvements.
126. It was suggested that pavement conditions could be an area for Scrutiny to look at next year.
127. At the end of the meeting, thanks were extended to officers for listening to objections, comments and suggestions throughout the issue.

## **5. Parking Charges Review Process**

128. The Review Team considered the current process for reviewing and setting car parking charges.
129. This process within Hastings has two distinct elements, on-street parking charges and off-street parking charges and the process is different for the two. Off-street parking charges are determined by the Borough Council whilst on-street parking charges are determined by the County Council after consultation with the Borough Council.
130. The East Sussex Local Transport Plan 2006 – 2011 (LTP2) identifies car parking strategies as a key mechanism in controlling travel demand and encouraging the use of alternatives to the private car, such as walking, cycling and public transport. The overarching strategy in the LTP is to ensure that there is sufficient short stay parking for shoppers, priced appropriately, to allow for vibrant town centres and longer stay parking aimed primarily at commuters being gradually shifted away from town centres.

### **Off-Street Charges**

131. Under the Constitution of the Council, in paragraph 83 of the Standing Instructions to Authorised Officers, the Chief Executive and his/her nominee are authorised:-

“To approve charges to be made by the Council for providing any service or supplying any goods or documents or hire of land and premises or the making of a grant of any application whatsoever where a fee may be charged but is not fixed by law, in accordance with Council policies and any criteria approved by Cabinet, including waiving or reducing charges in particular instances.”
132. Off-Street parking charges are reviewed annually as part of the budget setting process. The review of these charges includes and examination of usage figures and comparisons with the level of charges in a selection of nearby and other towns of a similar nature to Hastings. Last years report on the review of parking charges from the Head of Parking and Highways was considered as an example of this review process.
133. The Foreshore Trust also has to be consulted in respect of charges in those car parks on Trust Land and their agreement is required before any change to the charges in those car parks is implemented.
134. Once the report is completed it is considered by the Corporate Management Team in consultation with the Lead Member and the Leadership Group. Recommendations are then made to the Chief Executive who then determines on the basis of those recommendations and the advice of officers whether to implement the proposed charges or not.

## **On Street Charges**

135. On-Street parking charges are determined by ESCC in consultation with Hastings Borough Council under the terms of the Parking Agreement.
136. Discussions between the two Councils begin ahead of the budget setting process each year and include an analysis of income and usage patterns and the relationship between on and off street parking charges.
137. After considering these factors and the views of the Borough Council officers and Leadership Group the Lead Member for Transport and Environment at the County Council determines the level of on street parking charges through the budget setting process. The County Council then instructs the Borough Council to implement those charges under the terms of the agreement. Nothing in the current practices allows for early consultation. Having received comments from business community, it is evident that this procedure lacks adequate consultation at early stages with the business community. Therefore it is considered important that the current consultation process be reviewed by both the Borough and the County.
138. Outside of the budget setting process any proposed changes to on-street charges, such as those following the recent review of the Hastings parking scheme, are developed by officers from both Councils on the basis of the results of any consultation and then subject to the agreement of the Borough Council Leadership Group, recommended to the Lead Member for Transport and Environment at ESCC for approval.

## **Recent Changes**

139. Recent changes to on-street parking charges in Hastings town centre and the Old town were approved by the Lead Member for Transport and Environment at the meeting on 19 November 2007. Concerns were subsequently voiced about the impact of these increases and as a consequence further changes have been agreed to mitigate some of these. The detailed history of these is considered earlier in this report (see paragraphs 84 – 104).
140. What was highlighted, particularly by the experience regarding the proposals for St Leonards and the recent changes to on street parking charges in Hastings, is the need to consider more carefully the impact on businesses and residents of any changes proposed and the need to give Elected Members and business and community representatives a greater opportunity to consider and comment on them.
141. Many years ago such a mechanism did exist in the form of a Parking Working Party consisting of cross party Member representation with officer support. Whilst this group's primary role was to drive the comprehensive improvement of the town's off street car parks, the group was able to consider a wider range of parking issues and invite representatives of businesses, residents and other interested groups to address it on such issues. It was then able to report to the then Policy Committee and make recommendations in respect of any proposed changes.

## **Parking Advisory Group**

142. Given the recognised need to give broader consideration of the potential impact of changes to parking charges, Review Team Members supported the concept of a Parking Advisory Group, comprising of cross party, elected Member representation with officer support. The Group would have the opportunity to consider any proposed changes and their potential impact at an early stage and would be able to invite representatives from all interested groups to address it on any proposals before fully considering and making informed recommendations to the Council.
143. The size and composition of the Parking Advisory Group would need to be determined as would its terms of reference. It is suggested that for its effective working it should be politically balanced. The draft terms of reference for the Group, is included in Appendix A.

## 6. The Use of Parking Surpluses

144. Decriminalised Parking Enforcement (DPE) was introduced in Hastings in May 1999 and had been managed by Hastings Borough Council on behalf of East Sussex County Council (ESCC) under a management agreement and code of practice. The management agreement sets out the manner in which the income from the on-street parking scheme should be administered. It provides that after running costs have been deducted any surplus is to be allocated equally between the Borough Council and the County Council.
145. The agreement also provided that the first call on any surpluses generated by the scheme would be the repayment of the set up costs to Hastings Borough Council which funded the setting up of the scheme from its General Reserve.
146. The agreement goes on to provide that:

“The Parking Fund surplus may be used for purposes which are permissible under Section 55 of the Road Traffic Regulation Act 1984 or any amendment thereof subject to the Borough Council gaining the prior approval of the County Council for the use it wishes to make of its share such approval not to be unreasonably withheld or delayed whilst the County Council undertakes to use its share within the Borough of Hastings and will consult the Borough Council regarding that use.”

### Road Traffic Regulation Act 1984

147. Section 55 of the Road Traffic Regulation Act 1984 governs the use of financial surpluses generated by decriminalised parking enforcement schemes.
148. Section 55(e) states that:-

*“At the end of each financial year any deficit in the account shall be made good out of the general rate fund.”*

It goes on to say that:-

*“any surplus shall be applied for all or any of the purposes specified in Subsection (4).”*

149. The purposes specified in Subsection (4) are:-
- (a) the making good to the general rate fund of any amount charged to that fund in the 4 years immediately preceding the financial year in question;

- (b) meeting all or any part of the cost of the provision and maintenance by the local authority of off street parking accommodation whether in the open or under cover;
- (c) the making to other local authorities' contributions towards the cost of provision and maintenance by them, in the area of the local authority or elsewhere of off street parking accommodation whether in the open or under cover
- (d) if it appears to the local authority that the provision of further off street parking accommodation is unnecessary or undesirable, the following purposes:-
  - (i) meeting the costs of the provision or generation of, or of facilities for, public passenger transport services, and
  - (ii) the purposes of a highway or road improvement project in the local authority's area.

Highway or road improvements are defined within the legislation.

150. Section 95 of the Traffic Management Act 2004 gives local authorities the additional freedom to spend surpluses from their on-street parking account on local environmental improvements as well as parking facilities, road improvements and provision of public passenger transport services. This came into effect in October 2004.

151. The total set up costs for the original scheme was £575,115. The surpluses generated in 1999/2000 and 2000/2001 were used exclusively to repay this and part of the 2002/2003 surplus completed the repayment of it leaving a surplus balance of £29,753 that year. The Borough council took a positive and prudent decision not to commit surplus funds before they were confirmed and 'in the bank' and therefore expenditure against the surplus has always been a year behind. Since then the surplus has been used for a variety of highway and transport related purposes in accordance with the legislation and the agreement with ESCC. Details of the surplus and its use are dealt with in a separate report on this agenda

### **The use of parking surpluses to date**

152. A report was submitted to Cabinet on 24 May 2004 making recommendations for the use of the parking surplus and these proposals were agreed.

153. The approved uses of the Borough council share of the surplus were:

Transport Planning	£60,000
Pedestrian Crossings	£50,000
Transport Strategy	£20,000

154. It was also agreed that the balance would be retained pending the identification of further uses, which could include funding work in support of the Quality Bus Partnership, school and work travel plans.
155. The County Council also committed £50,000 of its share of the surplus to part fund the pedestrian crossings and indicated that they intended to commit over £100,000 per annum to maintain bus services in and around the Hastings area on the basis that if this investment was not made then ongoing budget cuts would have led to a reduction in supported services in the area.
156. Since 2004 the parking surplus in Hastings has been used to continue to support the Borough's input into Transport Planning, the Community Bus Scheme, the maintenance of bus shelters and seats, cycle lane maintenance, and work on the further proposals for parking in Hastings and St Leonards, Warrior Square echelon parking and associated traffic management costs. A detailed breakdown of the use of the parking surplus by HBC is given in Appendix B.

### **Current process for proposing uses of the parking surplus**

157. Since 2004 the process for agreeing the use of the surplus has involved officers discussing proposals coming forward at the Corporate Management Group and then putting forward agreed items for consideration by the Borough Council's Leadership Group during the early stages of the budget setting process. Once items have been agreed with the Leadership Group the proposed uses are then submitted for consideration by the County Council who, under the terms of the Parking Agreement have to approve the proposed use of the Borough Council's share of the surplus. The proposals are then incorporated into the Revenue Budget for approval by Cabinet and the Council through the normal budget setting process.
158. It is evident however that with this process, there is currently no route for other Elected Members to put forward proposals for the use of the surplus for consideration and a mechanism to facilitate this is needed.
159. The Borough Council has no jurisdiction over what the County Council spend their share of the surplus on. The law requires that the County share of the surplus is spent within the Borough on Highway, transport or environmental items. The table in Appendix C gives details of what the County Council has spent their share of the funds on to date.

### **Possible mechanism for Member and Community input to the process**

160. The Review Team Members expressed concern that within this process there was no mechanism for Elected Members or the community at large to propose uses for the Borough share of the surplus.

161. One possible route considered was through the current Area Management Board (AMB) Structure whereby Ward Councillors and community representatives could put forward proposals in advance of the budget setting process for consideration and onward submission to the Leadership by the 'Champion' for that AMB. Review Team Members did not however favour this proposal.
162. An alternative proposal was the creation of a Parking Advisory Group. If this proposed group is supported then it would potentially provide a better mechanism for engaging with business and community representatives, considering proposed items and prioritising them on a Borough wide basis before feeding recommendations into the budget setting process. It would not of course preclude the Chairs, Champions or other members of AMBs or submitting proposals to it for inclusion in the process.
163. Whether through a Parking Advisory Group or through existing channels, Members agreed that a process for ranking alternative uses of the parking surplus against each other also needs to be established.
164. Members were also keen to ensure that where such a process is established that there is, in addition to a priority ranking system, also a provision for exceptional circumstances to take account of other factors including the local environment, economic impact, environmental impact, quality of life and/or health and safety.

## **Conclusions**

165. The current process for determining the use of parking surpluses does not provide a mechanism for Members and the community to put forward proposals for their use. The creation of a Parking Advisory Group would seem to offer an appropriate mechanism to facilitate this input.
166. A process needs to be established to rank alternative uses of the parking surplus with a provision for exceptional circumstances.

## 7. Traffic Calming Policy and Procedure

167. Traffic Calming schemes in Hastings are currently funded by East Sussex County Council through its LTP2 programme.
168. The County Council has adopted a policy on Traffic Calming PS 4/25. The purpose of the policy is to reduce road casualties and minimise the adverse effects of motorised traffic by traffic calming techniques. This policy is reviewed on a regular basis and was last reviewed on 25 June 2007.
169. Because of the high number of requests for traffic calming relative to the available budget and number of schemes that were affordable, as long ago as December 2000, the County Council introduced pre-qualification criteria to this policy. These criteria were intended to reflect the greater emphasis on casualty reduction.
170. The current pre-qualification criteria are;
- Sites will only be considered for traffic calming if:
- i. an initial review indicates there is a problem that might be solved by a general lowering of speeds and that traffic calming is an appropriate solution, and;
  - ii. either the 'treatable accident' rating is '4' or more, or a vulnerable road user was involved in a 'treatable accident'. For this purpose, accidents will not be regarded as treatable if it is clear they could not have been prevented by traffic calming. The accident rating is calculated over the most recent three year period by scoring 1 for each treatable slight accident, 2 for each treatable serious accident and 3 for each treatable fatal accident. Where the assessment length is greater than 1km the resulting score will be divided by the study length in metres and multiplied by 1000 to give a rate per kilometre.
171. All requests for traffic calming are now assessed against these pre-qualification criteria and only those that meet the criterion proceed to the detailed assessment.
172. The justification for this approach was that with insufficient funds to deal with all of those requests sites which already have a crash history it would be difficult for the County Council to justify spending time and resources looking at locations without such a history. Members expressed concern over this position and requested further investigation as it was understood that they had made a bid for additional funding for work to the highway infrastructure following a report by the National Audit Office which stated in paragraph 72 of that report that;

*"Improvements to the transport infrastructure are limited. Funding decisions have reduced standards and improvements to the network are slow. ... The rate of deterioration of the road network exceeds the maintenance investment of the Council by £1 million per year. The Council estimates the current gap to*

*be about £5 million had funding kept pace with inflation and to be greater if the construction industry inflation rate is taken into account. The Council has taken a decision to target its roads investment on roads needing priority action, thereby being clear about what the public can expect, but is also taking a leading role in lobbying for more investment to improve the network. Overall the transport system is not providing an effective network."*

173. It was established that this report was in fact the recent Comprehensive Performance Assessment of ESCC carried out by the Audit Commission which had highlighted that the funds received from central government did not support the authorities borrowing requirement, because East Sussex was a 'floor' authority. The scope of the authorities capital programme had therefore been very dependent upon revenue income from other sources, such as council tax and the increased demands on the revenue budget for services (i.e. adult social care). East Sussex County Council had, we were advised, lobbied for additional funding and had seen some improvement in the revenue support grant. However, there were still major demands on the revenue budget, and as such, any capital borrowing had to be prioritised as this had an impact upon the revenue budget.
174. For 2008/09 the authority had placed a greater emphasis on improving the condition of the highway network, increasing the capital funding for this by £0.9m. Cabinet had also identified an additional £0.5m which is being used to target improvements in the condition of the highway infrastructure. However, as there are limited resources within the capital programme, there had been a reduction of £0.71m for the Integrated Transport programme and £0.56m for Local Safety Schemes, though the latter was partly offset by new funding of £0.49m for speed management in the rural settlements. Effectively this means there is less money for traffic calming than before and the approach remains the same.
175. The county council has however emphasised that the sole purpose of the statement referred to above is to explain why it is considered necessary for the County Council to have a policy on traffic calming, though it accepts that it might not do this very clearly. Their responses to requests for traffic calming usually contain a standard sentence which states: "The County Council receives far more requests for traffic calming than can be met from the available budget. It is therefore necessary for us to undertake an annual priority assessment of requests to ensure that the limited resources are directed to the sites with greatest need." This would appear to explain their position in simpler and clearer terms.
176. The detailed assessment procedure is set out in Appendix D. Members expressed concern that the scoring in the procedure focussed on actual accidents, injury numbers and fatalities and did not include any assessment of the risk of these occurring and this was seen as a flaw in the procedure. Members agreed that the county council should be approached with a request for a review of the assessment policy and that risk of accidents, injuries and fatalities must also be included in the assessment.

177. In 2001/2 in recognition of the number of requests for traffic calming in Hastings and the fact that many of these would not be of sufficient priority to be funded by the County Council, the Borough Council allocated £175,000 for traffic calming schemes. At that time there were 105 roads with traffic calming requests in Hastings competing with a further 93 roads across the remainder of the County. These 198 schemes were assessed using the County Council's policy and three of the Hastings schemes were within the top 7 which could be funded by the County Council. As these three schemes were to be funded by the County Council it was possible to fund the next 15 highest priority schemes using the Borough Council funding.
178. At that time it was recognised that it was necessary for traffic calming schemes within the Borough to be prioritised using the County Council's assessment procedure in order to ensure that those schemes eligible for County funding are included in the county Council's programme and that any Borough funding is used for the remaining top priorities in the Borough and is not used for schemes that would have been funded by the County Council.
179. It was therefore considered most efficient and less likely to cause confusion if the Borough Council adopted the same assessment procedures as the County Council for the purposes of prioritising the implementation of Borough funded schemes. Members resolved to adopt the County council's policy and assessment procedure and that remains the current position.
180. Borough funding was reduced progressively over the following two years and since then there has been no further capital funding allocated by the Borough Council.
181. Traffic calming schemes would be a legitimate use of the parking surplus but under the current policy they would have to meet the pre-qualification criteria and then undergo the detailed assessment. They would then have to compete with other Hastings proposals against those from the rest of the county. Were the scheme put forward to score high enough to be funded by the County Council then that would be the appropriate funding route. If it did not score highly enough to qualify for County Council funding then it would need to score higher than any other Hastings proposal falling below the County Council's funding cut off point to be eligible for funding from the parking surplus.
182. The proposed scheme would then, however, have to compete with other proposals for use of the parking surplus which could include pedestrian crossings, cycling and walking initiatives, bus shelters, contributions to bus services, strategic transport planning or other traffic management measures. The need to identify a process for ranking competing uses of the parking surpluses is identified in paragraphs 162 and 163 above.

## Scrutiny Review of On-Street Car Parking and the use of Parking Surpluses – Action Plan

Improvements identified and actions required	Resource Implications	Timescale for completion	Person/ Agency responsible	Outcome required and monitoring arrangements	Priority H, M, L
1. Establish a cross-party Parking Advisory Group	Existing resources	April 2010	Corporate Director Working Arrangements Group	Parking Advisory Group established and Terms of Reference approved	H
2. Develop a Marketing Strategy to consult on proposals for changes to on street car parking controls and publicise the use of the Parking Surplus	Existing resources	December 2009	Head of Parking and Highways Marketing Team	Marketing Strategy developed and implemented. Regular press releases	M
3. Write to ESCC to request a review of the Traffic Calming Assessment Policy	Existing resources	July 2009	Corporate Director	County Council review policy. Revised policy to include risk as well as actual incidents and provision for exceptional circumstances.	H
4. Review the Council's consultation procedures and their evaluation processes	Existing resources	April 2010	Scrutiny Review Team	Revised and improved consultation and evaluation processes.	M
5. Ask the relevant O&S Committee at East Sussex County Council to consider undertaking a review of their consultation procedures.	Existing resources	July 2009	Corporate Director	County Council review their consultation procedure.	M
6. Develop a process for prioritising competing uses of the parking surplus	Existing resources	July 2009	Head of Parking and Highways	Priority assessment process agreed	M