

East Herts Council Report

Executive Committee

Date of meeting: 25 October 2022

Report by: Councillor Graham McAndrew –
Executive Member for Environmental
Sustainability

Report title: Parking Traffic Regulation Orders

Wards affected: All

Summary – To present to Executive the outcome of the review of the Car Parks' Traffic Regulation Order consultation feedback and to consider recommendations in response to objections.

RECOMMENDATIONS FOR Executive following consultation feedback:

- a) **To implement the removal of free parking in all car parks (Mon – Sat) at a later date prior to June 2024;**
- b) **To introduce Sunday and Bank Holiday charging; revised from the week-day tariff charges to a flat rate charge in Bishop's Stortford, Hertford and Ware as described in 6.16;**
- c) **To amend existing Sunday charges in Link Road and Northgate End car parks, Bishop's Stortford as described in 1.5;**
- d) **To introduce an evening parking charge up to 8:00pm in Bishop's Stortford, Hertford and Ware as described in 1.6;**
- e) **To approve an uplift of tariff charges in Ware, Buntingford and Sawbridgeworth as described in 6.21.**

1. Proposals

- 1.1 Following budget approvals in March 2021 and March 2022 seeking changes to East Herts car park charges, East Herts Council advertised a Traffic Regulation Order (TRO) from 7th July to 5th August 2022 proposing to amend its 2014 Off-Street Parking Places Orders for each area in the council's district.
- 1.2 Following a review of consultation responses, this proposal seeks to implement changes, taking into account the feedback. The detail of these proposals are as follows:
- 1.3 The removal of free parking periods (except in Grange Paddocks B & C, Bishop's Stortford and Wallfields, Hertford) to be implemented at a later date. The Traffic Regulation Order procedure allows this element of the Order to be implemented within 2 years of consultation. In this scenario the implementation would have to be no later than June 2024.
- 1.4 Introduce parking charges on Sundays and Bank Holidays (except Christmas Day) in Bishop's Stortford, Hertford and Ware. Revise the charging from a weekday tariff to a flat rate charge to encourage longer stay in towns. The flat rate is proposed to be £1.50 and subjected to a CPI/2.5% (depending on what is greater) uplift from April 2024.
- 1.5 Amend Sunday charges in Link Road & Northgate End car parks, Bishop's Stortford from £1.00 to £1.50.
- 1.6 Introduce evening parking charges in car parks in Bishop's Stortford, Hertford and Ware; this will be an extension of the current chargeable hours from 6:30pm to 8:00pm.
- 1.7 To introduce an uplift to tariff charges in Ware, Buntingford and Sawbridgeworth which would still be lower than the Hertford and Bishop's Stortford tariffs. Differential charging across towns and car parks is already parking policy and already exists. The feedback from consultees suggested increasing

overall charges as one of the mitigations to the original proposals. The proposed uplift is 20%.

2. Background

- 2.1 On 24th November 2020 East Herts Executive considered savings proposals against a backdrop of financial projections seeking a cost reduction of £1 million in 2021/22, £1 million in 2022/23, and £2 million in 2023/24 in the Revenue Account. In March 2021, council agreed to the following parking proposals:
- 2.2 Increase all parking tariffs by 10% (where practicable).
- 2.3 Remove free parking option in all car parks except Grange Paddocks B and C which serves Grange Paddocks leisure centre and Wallfields car park.
- 2.4 Introduce evening charging up to 8:00pm in three main towns: Bishop's Stortford, Hertford and Ware.
- 2.5 Introduce Sunday and Bank Holiday charging.
- 2.6 Introduce on-street charging in town centre limited waiting bays, that are currently free.
- 2.7 Consultation on these proposals (except for 2.6) and those in the March 2022 budget commenced in summer 2022.
- 2.8 In December 2021 the council agreed the general principle that non statutory services should be provided on a "full cost recovery basis" through the adoption of the Fees and Charges Policy.
- 2.9 It is essential to ensure that the cost of operating car parks is appropriately funded. Since 2005 East Herts has invested £2,850,000 in capital funding to maintain its car parks to a high standard such as undertaking resurfacing and concrete repairs. In addition, £70,000 is budgeted annually to undertake maintenance e.g. general repairs and line marking across the car parks' estate.

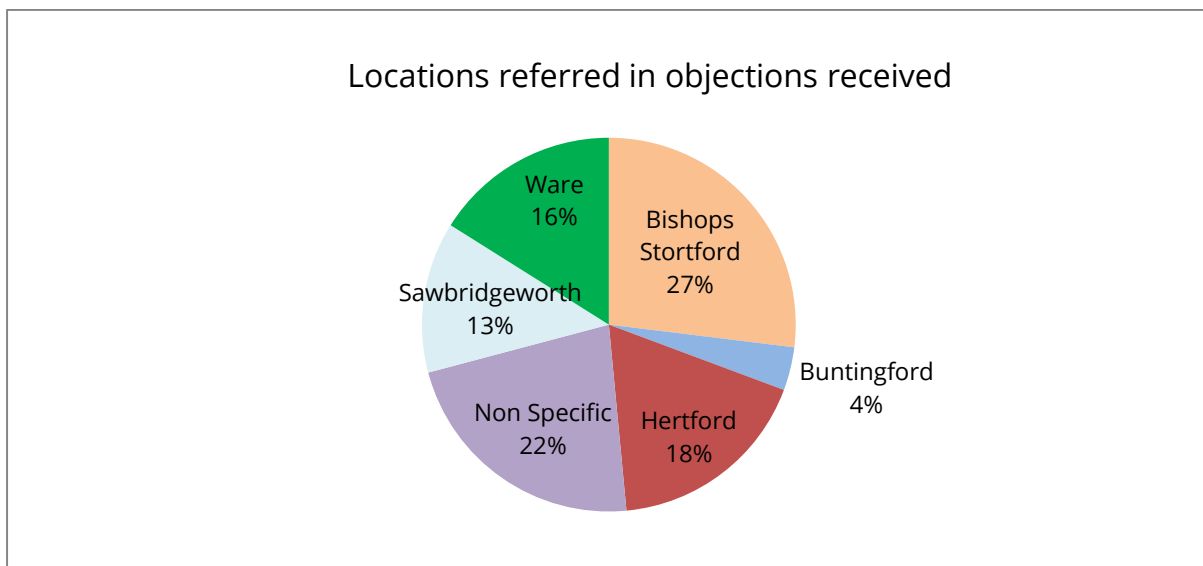
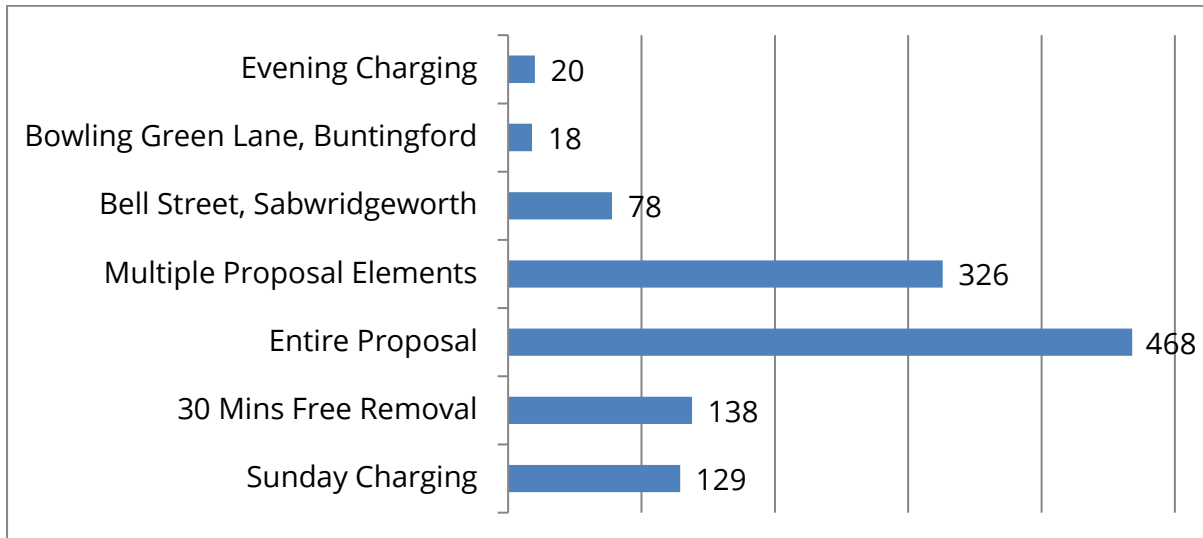
- 2.10 East Herts has demonstrated its commitment to investing in car parking infrastructure as seen from the construction of Northgate End multi storey car park. The new facility provides an increased number of parking spaces in order to accommodate town workers and providing essential parking for visitors to Bishop's Stortford as the town grows in population.
- 2.11 The TRO proposal to expand the charging structure is supported by the council's ambition to deliver sustainability in accordance with its Corporate Plan. East Herts has previously applied for the "Sustainable Travel Towns" status which required the removal of free parking – this initiative is intended to:
- Improve public health through better air quality and more physical activity;
 - Enhance the local economy;
 - Promote social interaction;
 - Generate a sense of place and enhance the amenity of the area.
- 2.12 East Herts has a commitment to support Herts County Council's Local Transport Plan (LTP) 2018 – 2031. The LTP sets out objectives, policies and key schemes encouraging a switch from the private car to more sustainable transport (e.g. walking, cycling and passenger transport) wherever possible.
- 2.13 Hertfordshire County Council considers greater traffic demand management essential in the county's urban areas in the next five years to achieve modal shift, improve sustainable travel provision and reduce congestion, in the context of future increases in travel demand - linked to a growing population and limited highway capacity.
- 2.14 This change can be achieved efficiently and effectively through parking restrictions and a charging policy applied to on-street and off-street parking. The County Council works with Districts

and Borough Councils and other key stakeholders to develop locally appropriate strategies.

3. Public Consultation

- 3.1 A Traffic Regulation Order public consultation was undertaken including press advertisement, erection of bespoke posters in car parks, and hosting on East Herts website of associated legal documents and plans. The consultation started on 7th July and ended 5th August 2022.
- 3.2 The consultation demonstrated that 1177 respondents believe the proposals will in some form be detrimental to residents, visitors and businesses of East Herts with adverse consequences to the commercial viability of businesses, various impacts to a multitude of stakeholders including volunteers, charitable groups, sporting organisations, religious service attendees and local residents.
- 3.3 East Herts has a duty to consider Traffic Regulation Order objections under Regulation 13 of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 before making an Order.
- 3.4 The "Cost of Living Crisis" theme permeated through many objections received in the context of deeply felt concerns, warnings of economic impacts, and unintended consequences, should the council implement the proposed changes at this time of economic downturn
- 3.5 East Herts has taken steps to ensure the cost base of delivering non statutory public services is funded by the user of services. Increases in parking charges are fully in line with this concept.
- 3.6 A total of 1,177 objections were received including from the Bishop's Stortford Business Improvement District (BID) and from the Buntingford Chamber of Commerce.

A summary of the objections may be seen below, further information can be found in Appendix B:



4. Themes: the key themes from the consultation are as follows:

4.1 The cost-of-living crisis and perceived negative impacts to the commercial sector and businesses.

4.2 The removal of free parking and perceived impacts on individuals and groups (residents, parents, leisure users, charitable and religious organisations) who may be deterred from visiting the towns, and negative impacts on trade through reduced footfall and demand.

- 4.3 The introduction of standardised Sunday tariff acting as a deterrent to families, tourists and local residents visiting the towns for recreational purposes, visiting the green spaces, supporting the local economy, and leisure activities or attending church services.
- 4.4 The removal of free parking on Bank Holidays and its perceived impact on visitors.
- 4.5 The removal of Saturday free parking in Bell Street, Sawbridgeworth affecting the viability of sporting events such as bowls and cricket, charitable organisations hosting events, and local independent businesses who rely on customers driving into the small towns in respect of reduced footfall and risk of business closures due to customers seeking alternative shopping areas with free parking in close proximity.
- 4.6 A full list of objections and feedback can be found in Appendix A.

5. Reason(s)

- 5.1 The determination of Traffic Regulation Order objections is made mindful of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and established principles.
- 5.2 East Herts is required to comply with regulations and legal principles. Respondents' objections must be carefully considered and, where appropriate, decisions made that are reasoned and justified in the context of the concerns raised and balanced in respect of any alternative recommendations or revisions to the proposals.
- 5.3 The benefits of adopting changes to East Herts parking charges are as follows:
- 5.4 User pays for service received.

- 5.5 Recover service costs following charges being frozen for several years. It was agreed at Full Council in March 2021 and 2022 that charges in East Herts managed car parks would be increased in 2022, having stayed static since 2014.
- 5.6 Reflect changes in parking behaviour, businesses operating on Sundays.
- 5.7 Encourage change in travel behaviour by seeking to reduce private vehicle use.
- 5.8 Increase turnover of vehicles.
- 5.9 Consistent charging structure.
- 5.10 Uplift tariff annually in line with many other authorities.

6. Options: there are a number of options:

- Not Recommended: Note objections and delay implementation to a future date.
- Not Recommended: Modify proposals following consultation feedback.
- Not Recommended: Note objections continue with original proposals for January implementation.
- Recommended: Implement a combination of the above for the overall package of proposals.

Removal of Free Parking Periods in all car parks (Mon – Sat)

- 6.1 The proposal seeks to deliver a uniform charging structure that effectively regulates car parking spaces and delivers value for money for the council.
- 6.2 Several respondents stated there would be a detrimental impact to individuals, groups, businesses and stakeholders

regarding the proposal to remove the free parking, and consider the current arrangements complimentary to their daily routines (e.g. parents dropping off and collecting children from schools) and having a positive influence on encouraging visitors and shoppers to the towns.

- 6.3 Respondents feel strongly that the longstanding free parking arrangement adds value to the quality of their lives, contributes favourably to commerce and trade, and enhances the general amenity of the area.
- 6.4 It is important to note that Jackson Square Multi storey car park in Bishop's Stortford (capacity 708 spaces), Northgate End MSCP (573) and Link Road (100) do not currently provide a 30-minute free parking option. These three car parks account for 71% of car park spaces in Bishop's Stortford. Jackson Square MSCP serves the town and shopping centre and operates on a short stay basis.
- 6.5 The removal of free parking supports the council's sustainability agenda. Reducing the number of short vehicle journeys reduces congestion, improves air quality, encourages visitors to consider using alternative forms of sustainable travel.
- 6.6 The proposal aligns with the Hertfordshire County Council Local Transport Plan 4 which focuses on delivering measures that promote the uptake of sustainable transport modes and prioritises the needs of pedestrians, cyclists and public transport over those private car users
- 6.7 A number of respondents supported introducing a Saturday charge in Buntingford and Sawbridgeworth provided that the council retained elements of the current charging structure that included the short-term free parking period (30mins).
- 6.8 In order to balance stakeholders' needs and the council's objectives the introduction of an appropriate charge is justified and aligns with the council's principle that the user pay for the

service provided. Following feedback from residents regarding the cost of living and the volume of feedback on this aspect of the proposal, the implementation of this proposal (removal of free parking) will be deferred to a later date. The council has two years following consultation to implement the proposal before the order can no longer be made. The wider context of the council's finances will be considered prior to an implementation date being agreed.

Recommendation:

To implement of the removal of free parking (Mon – Sat) in all car parks at a later date prior to June 2024 at the latest.

Sunday and Bank Holiday (except Christmas day) charges

- 6.9 The council's principle that the user pays for the service provided is a key consideration. Where practicable and appropriate the principle is implemented to ensure the council receives a fair return on its investment and operating costs.
- 6.10 A number of respondents were concerned that the proposal would impact on religious service attendees and residents in connection with limited on street parking availability and increased competition for spaces that would negatively affect their ability to park close to their homes.
- 6.11 Several respondents were concerned that local roads in town centres and Resident Permit Zone (RPZ) areas might suffer as a result of vehicle displacement from the car parks due to motorists avoiding new charges.
- 6.12 The risk of vehicle displacement into surrounding uncontrolled roads may require consideration to upgrading the current single yellow lines to 'At Any Time' double yellow lines.
- 6.13 The proposal delivers measures that will drive forward the uptake of sustainable transport modes.

- 6.14 The charges could reduce the number of car journeys, lower carbon emissions, reduce congestion, improve the availability of car park spaces through managed turnover (e.g. in the short stay shopper car parks such as Jackson Square MSCP), encourage residents to consider other forms of travel into towns, and reduce reliance on motor vehicles.
- 6.15 Following feedback, the weekday charge is proposed to be modified and reduced from a weekday tariff to a flat rate charge of £1.50 making it more attractive to parking in the car parks all day. With many businesses operating on Sunday a flat rate charge would encourage longer stays to support the economies. This should also reduce the risk of displacement into RPZs on Sundays.
- 6.16 In light of the recommendation to defer the removal of free parking in car parks, there are practical implications for Sawbridgeworth and Buntingford in respect of Saturday being a non-charging day and Sunday being chargeable. Such a scenario is regarded as anomalous, and therefore it is recommended to defer the introduction of Sunday charging in these two car parks to ensure a coherent charging structure is applied.

Recommendation:

To amend the Sunday and Bank Holiday charge from a weekday tariff to a flat rate of £1.50 in Bishop's Stortford, Hertford and Ware, and to defer the introduction of Sunday charging in Buntingford and Sawbridgeworth following a further review of parking charges. Sunday charging will not be subject to a further uplift in April 2023, the annual increase will be applied from April 2024.

Amend existing Sunday charges in Northgate End and Link Road car parks

- 6.17 Increasing Sunday charges will ensure alignment across East Herts car parks, delivering a consistent charging framework.

Recommendation:

To increase the charge from the current £1.00 tariff to £1.50. Sunday charging will not be subject to a further uplift in April 2023, the annual increase will be applied in April 2024.

Evening Charges – 6:30pm to 8:00pm

- 6.18 We know there is increasing demand for parking between 6:30pm and 8:00pm in Bishop’s Stortford, Hertford and Ware. Feedback for this proposal suggested that introducing charges would have a negative impact to the evening economy and local businesses. The proposal is an extension of the current chargeable hours in the three larger towns (Bishop’s Stortford, Ware and Hertford). Those visiting the town in the evening from 6:30pm will pay the equivalent of the 2 hour tariff which in most busy towns is currently £1.80.
- 6.19 A number of respondents highlighted the risk of interference to the road network in town centres and unrestricted local residential roads, including the RPZs.
- 6.20 Some residents expressed concern they may be adversely impacted should chargeable hours in car parks be increased but the RPZ operational times remained unchanged, allowing non permit holders to park from 6:30pm onwards. East Herts will monitor the issues identified and take reactive action to consider increasing the RPZ operating hours.

Recommendation:

To proceed with the extension of evening charging from 6:30pm to 8:00pm in car parks in Bishop’s Stortford, Hertford and Ware.

Uplift of tariff charges in Ware, Buntingford and Sawbridgeworth

- 6.21 In addition to the above changes and in response to suggestions to support the parking income challenges, it is

proposed that there is an uplift of 20% of car parking charges in Ware, Sawbridgeworth and Buntingford from January 2023, which equates to an increase of around £0.10 based on a one hour stay and will mean tariff charges are still lower than Hertford and Bishop's Stortford.

Recommendation:

To uplift charges in Ware, Buntingford and Sawbridgeworth by 20%.

7. Risks

- 7.1 Given the proposals are a change in the current parking charges, the volume of objections received and timing of implementation, there are a number of risks to consider.
- 7.2 Impact on RPZs: as discussed, displacement into RPZ areas could lead to spaces for permit holders becoming unavailable. To manage this RPZs will be monitored accordingly.
- 7.3 Income levels for MTFP: any further delay in implementation of proposals will have an impact on the MTFP. Modified proposals seek a balance of responding to feedback whilst achieving the MTFP.
- 7.4 Resources: given the volatility of the market, there could be delay in suppliers providing changes to pay and display programming, signage etc to manage the new changes. The lead in time required to organise modifications to the Pay & Display machines, Pay by Phone service and car park signage etc is approximately 8-12 weeks.

8. Implications/Consultations

- 8.1 A number of organisations were consulted. These were: Hertfordshire County Council, Hertfordshire police, Hertfordshire Fire & Rescue, Road Haulage Association, Freight Transport Association. No issues were raised by these groups.

Data Protection

The identity of all statutory consultees has been anonymised to ensure privacy in compliance with data protection legislation.

Equalities

The Council has a statutory duty under the Equalities Act 2010. The proposal does not conflict with the East Herts Equality policy. To ensure compliance with the duty an updated equalities impact assessment can be found in Appendix C.

Environmental Sustainability

The proposals are aligned with principles and policies promoting modal change in terms of reduced reliance on motor vehicles, improvements in air quality, lower emissions, and improvements in the general amenity of the area.

Financial

The estimated income associated with the modified proposal allows the income level mandated by council to be achieved and are broadly in line with the original proposals.

Health and Safety

The potential for traffic impacts in respect of vehicle displacement (customers avoiding evening or Sunday car parking charges and seeking alternative locations on street leading to obstruction of the highway / footway). The Police have the requisite powers to deal with obstruction. These areas will be monitored working in conjunction with Hertfordshire Highways and Hertfordshire police.

Human Resources

N/A

Human Rights

N/A

Legal

The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 provides statutory governance. High Court case law has established accepted principles of consultation.

The procedure to be followed in the publication and making of TROs are set down in statute, which provides a 6-week period following the making of an order in which a challenge can be made in the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal.

Under the 1996 Regulations, a TRO must be made within two years following the publication date of the notice of proposals. This allows for certain elements to be deferred as set out in the report

Specific Wards

No

9. Background papers, appendices and relevant material

- Executive Meeting - 24 November 2020 page 328

[\(Public Pack\)Agenda Document for Executive, 24/11/2020 19:00 \(eastherts.gov.uk\)](#)

- Council Meeting - 2 March 2021

[\(Public Pack\)Agenda Document for Council, 02/03/2021 19:00 \(eastherts.gov.uk\)](#)

- Council Meeting – 1 March 2022

[Agenda for Council on Tuesday 1st March, 2022, 7.00 pm - East Herts District Council](#)

- Appendix A - Anonymised TRO objections (spreadsheet)
- Appendix B - Objection themes represented in graphs

- Appendix C – Updated Equalities Impact Assessment

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