

**WESTGATE ON SEA TOWN COUNCIL**

**RESPONSE TO THANET DISTRICT COUNCIL**

**PROPOSAL FOR NEW ON- AND OFF-STREET PARKING SCHEMES (PHASE 2):**

**WESTGATE CENTRAL**

**1. The Consultation**

The consultation does not conform to TDC's rules concerning consultation.

- a) The Traffic Management Act 2004 is the basis for such schemes. The Operational Guidance to Local Authorities issued by the Department (para 5.3, page 21) states "Authorities should consider setting up their own user group for wider stakeholders such as businesses, representative organisations and the public." As far as we know, no such user group has been set up.
- b) The Guidance also required Councils to consult with those affected before a scheme is drawn up, whereas TDC has drawn up a scheme first.
- c) The TDC policy itself provides for letters to be sent to all residents and businesses likely to be affected by the proposals.

**2. The legality of the proposal**

The Operational Guidance for the Traffic Management Act states (page 106) "Authorities should never use parking charges just to raise revenue or as a local tax". In July 2013, a High Court judge ruled that Barnet Council acted unlawfully when it increased charges in controlled parking zones to raise revenue. According to the judge, the 1984 Road Traffic Regulation Act 'is not a fiscal measure and does not authorise the authority to use its powers to charge local residents for parking in order to raise surplus revenue for other transport purposes'. The RAC commented 'Councils thinking of turning to motorists to balance the books would do well to read the judgement and put their heads back below the parapet. This ruling will be felt by hundreds of local authorities and benefit millions of drivers.'

Point 3.2 of the TDC proposal reads: "As the Council remains under pressure to balance its budget in future year's (*sic*) phases 2 and 3 will bring in additional income of around £300 000 up to the financial year 2019-2020." TDC would therefore be acting unlawfully if it implements these proposals to raise general funds.

**3. The objectives of the proposal**

- i) The proposal claims to support the priority of "promoting inward investment and job creation". No evidence is provided to support this claim; in fact, the scheme will more likely reduce the number of customers in Westgate's shops, discouraging investment.
- ii) Shoppers will tend to park on double yellow lines, in adjacent residential streets which are already full of cars, or will go to Westwood Cross. In our view the additional revenue is grossly overstated.

- iii) Westgate has no (and no possibility of an) off-street carpark so it is not the case, as indicated in the proposal, that pay and display will encourage off-street parking.
- iv) There is no evidence of persistent congestion in Station Road, Cuthbert Road and St Mildreds Road. 'Better turnover of vehicles' is not likely to be achieved; on the contrary, people are likely to want to stay as long as the minimum charge allows.

#### **4. The risks of the proposal**

No mention is made in the proposal of the risks associated with the new scheme. In our view there is a major risk of multiple shop closures in Westgate just at a time when we are attempting (for instance, through the Coastal Community Fund) to improve the shopping environment here.

#### **5. Conclusion**

In our view the parking scheme for phase 2 should not include Westgate. If TDC wishes to discuss parking in Westgate with us please contact our Town Clerk.