

FORMAL OBJECTION TO THE PROPOSALS BY SURREY COUNTY COUNCIL TO INCREASE ON-STREET PARKING CHARGES IN WOKING

Background

I refer to the Notice of Proposals dated 6 January 2011. This states that objections may be made until 23.59 hrs. on Thursday 27 February 2011. As the council will know, the 27 February 2011 is a Sunday and the date on the notice, as opposed to the day, is the effective legal reference. These objections are therefore made in time.

Legal Issues

- a. Paragraph 55 of the judgment in the case of REGINA-v- CAMDEN LONDON BOROUGH COUNCIL EX PARTE MARK DYSON GORDON CRAN AND OTHERS [1995] EWHC 13 (Admin)states that:

The (Road Traffic Regulation) Act makes provision for crossings, playgrounds, parking places both off and on the street, traffic signs, speed limits, bollards and other obstructions. All its provisions, ...are concerned in one way or another with the expeditious, convenient and safe movement of traffic and the provision of suitable and adequate parking facilities on and off the highway. This is reflected in the wording of section 122(1).

- b. S122 states:

Exercise of functions by local authorities.

(1)It shall be the duty of [F1every] local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off [F2the highway or, in Scotland the road].

(2)The matters referred to in subsection (1) above as being specified in this subsection are—

(a)the desirability of securing and maintaining reasonable access to premises;

(b)the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;

[F3(bb)the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);]

(c)the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and

(d)any other matters appearing to F4. . . the local authority . . . to be relevant.

- c. *Para. 43 of the judgment states that:Section 55 has particular materiality to the applicants' contention that the council, in making the designation order and in determining the charges for permits for residents and businesses, **were in reality engaged in a revenue raising exercise which is not permitted by the Act.***

Council's Proposals

The council's proposals fall into two separate categories:

1. To increase the charge (sic) for on street (sic) parking from 80p to £1.00 per hour in controlled zone areas 2 to 5 (see attached plan) around the town centre;
2. It is also proposed to introduce Sunday and public holiday charges for on street parking in Woking.

The reasons put forward by the council to justify these charges include:

- a. To encourage drivers to use off street (sic) car parks as a first choice rather than search the area for an on street space;
- b. To encourage use of car parks on Sundays.

Objections

These look at the proposal to introduce charges on Sundays and public holidays first as this changes the scope of charging. They next look at the proposal to increase charges.

1. Charging on Sundays etc.

This would relate to on-street designated pay and display or shared use parking places only which are all situated in Woking's Controlled Parking Zones (CPZ). Charging on Sundays (or any other day) has no effect as regards waiting on single yellow lines.

As can be seen from the maps appended to the notice, Woking comprises 5 CPZ.

A CPZ primarily regulates waiting on single yellow lines, but in practice also sets the minimum periods of operation of designated parking places situated within them. In its proposals the council has not attempted to identify the number of these parking places, even less has it attempted to identify the proportion of kerb length allocated to SYL as opposed to chargeable parking bays.

It is estimated that the proportions kerb length allocated to SYL as opposed to parking places in the CPZ are as follows:

- | | |
|--------------|---------------|
| CPZ 1: | 40%; |
| CPZ 2 and 3: | 35%; |
| CPZ 4 and 5: | more than 75% |

It therefore follows that as parking on SYL is FREE on Sundays, all arguments advanced by the council as regards encouraging drivers to park off-street and to avoid vast numbers of vehicles searching for free on-street bays when off-street parking is chargeable (thereby causing unnecessary pollution) are at best fallacious and at worst totally duplicitous. All that a driver needs to do on a Sunday in Woking is to park on a SYL free of charge, and all day if he so wishes.

Therefore, the proposal to charge on Sundays for on-street parking places cannot possibly be effective and therefore either the council is being incompetent or its intentions are to raise money.

If it is the former, then the proposal to charge on Sundays should be withdrawn. But if the latter, they are unlawful and may not be made.

2. Increasing on-street charges

The council is required by virtue of the Local Authorities' Traffic Orders (Procedure)(England and Wales) Regulations 1996 to publish full details of its proposals to increase charges at on-street parking places. These include the requirement to state the charges that are currently payable and those proposed.

The tables in the notice state the following:

Proposed Charges

CPZ 1 Pay and Display		CPZ 1 Vouchers	CPZ Vouchers (Zones 2-5)
Up to 30 minutes	- £0.70	£0.70	£0.50
Up to 45 minutes	- £1.10		
Up to 1 Hour	- £1.40	£ 1.40	£1.00

Given that the notice is required to state ALL existing charges, it is important to refer to the maps provided by the council which show that for CPZ 1 there is a maximum period of stay of 1 hour – it therefore follows that the existing tariffs only extend to 1 hour as per the proposed changes.

However, the maps also show that the maximum period of stay in CPZs 2 and 3 is 3 hours. But there is no tariff for 3 hours in the council's notice. The notice is silent on all tariffs above 1 hour.

It is not the job of consultees to join up the council's dots and infer, possibly incorrectly, that the tariff quoted in the table for CPZ 2-5 means £1.00 per hour for parking places in CPZs 2 and 3.

This omission highlights why there is a regulatory requirement for all tariffs to be stated because in this way confusion is avoided.

Given that the proposals are non-compliant with the requirements of the 1996 regulations, this consultation is a nullity and must be repeated.

R. Stranks

Sunday 27 February 2011