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25 January 2024

Dear Sirs

Your Client: Tavistock Town Council
Subject: Proposed introduction of On-Street Charging

Thank you for your letter of the 18th December.

Whilst most points raised in your opening statements are addressed in the response to your required actions, I feel it is important to address directly some of the other points you have raised.

Failure to Consult

It is not agreed that in Mr Rook's email dated 10th November 2023 it was "*stated that the scheme has already been agreed with the Director of Climate Change, Environment and Transport in consultation with the Cabinet Member for Highway Management in November 2022. That the scheme was agreed without consultation with Tavistock Town Council and other relevant Town Councils gives the appearance of a pre-determination of the required consultation.*"

The email (attached) states "*As resolved by Cabinet on 9th November '22, the Director of Climate Change, Environment and Transport in consultation with the Cabinet Member for Highway Management will agree extent of the scheme that is to be advertised.*"

The email goes on to state "*any order advertised can be abandoned, modified or implemented following feedback received through the democratic process*".

The cabinet resolution of 9th November 2022 simply gave the Director of Climate Change, Environment and Transport authority to agree the extent of the scheme to be advertised. The advertising forms part of the consultation process. Any final decision as to the implementation or otherwise of the scheme will be through the democratic process and is not pre-determined.

Inconsistent Reasoning given for Introducing the Proposals

The report states that "*The introduction of pay & display is not designed to create a surplus but to influence travel and parking choices. Any income will fund the running, management and enforcement of the scheme.*" Generating income is not the reason for the proposal.

The Statement of Reasons correctly reflects the reasoning for introducing the proposals as laid out in that report.

Inconsistent Timings for the Consultation Period

It is accepted that there was a change to the advertising period.

Nonetheless, proposals have been advertised correctly with the consultation periods published in the Adverts, in the Local Press, in the Notices (placed on street) and on DCC's webpages (<https://www.devon.gov.uk/roads-and-transport/parking/traffic-regulation-orders/proposed-pay-and-display/>).

Proposals for Tavistock were advertised from 7th December 2023 – 7th January 2024 allowing for an Advertising period in excess of the required 21 days, addressing concerns voiced over Advertising conducted over the Christmas period.

Turning now to the actions I can respond as follows;

1. Provide complete reasoning for your failure to address and consider our client's objection;

The letter(s) from your client dated 5th October (attached), were not an "Objection" as defined in Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. No proposal had been Advertised.

Your client's letter was in response to informal consultation including an in person meeting held with the Town Council, West Devon Borough Council and Tavistock BID on 11th September 2023.

Nonetheless the content of the letter(s) referenced were answered in correspondence of 10th November 2023 (attached) and discussed in person on 22nd November 2023.

2. Explain how you have considered the factors listed in section 122, Road Traffic Regulation Act 1984 by reference to existing reports and minutes of meetings;

Consideration of Section 122, Road Traffic Regulation Act 1984 is referenced as follows in DCC's report to Cabinet on 9th November 2022 (item 238, <https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=133&MId=4462&Ver=4>)

"When making a legal order, it is the County Council's responsibility to ensure that all relevant legislation is complied with. This includes Section 122 of the Road Traffic Regulation Act 1984 that states that it is the duty of a local authority, so far as practicable, to secure the expeditious, convenient, and safe movement of traffic (including pedestrians and cyclists) and provision of parking facilities."

DCC's Policy – Parking Management in Communities (Appendix D to the Cabinet Report 9th November 2022) goes on to explain:

"To effectively manage traffic visiting our key communities pay & display is often used to manage on-street parking opportunities. Tariffs are set to

assist in managing parking stock effectively, to minimise congestion and assist in ensuring the right parking opportunities are available to support town centres. It is helpful to ensure that tariffs for longer stays (of more than an hour) are at least equal or higher than equivalent off-street tariffs to encourage parking in longer stay car parks, reducing the recirculation of traffic; minimising traffic congestion and improving air quality. On street shorter stays / higher turnover will be encouraged to increase footfall for businesses.”

The Cabinet Report also notes alignment with DCC’s Local Transport Plan (2011-2026, <https://www.devon.gov.uk/roads-and-transport/traffic-information/transport-planning/devon-and-torbay-local-transport-plan-3-2011-2026/>), which applies the same principles with regards provision of parking facilities:

“On-street parking in the town centres and shopping areas typically offers an alternative to off-street arrangements for short stay trips of less than an hour. Where arrangements work effectively, this frees up off-street parking (managed by district councils and in some cases parish and town councils) for longer stays. Most on-street parking in town centres is time restricted to encourage the turnover of spaces and avoid all day use by commuters. Enforcement of such spaces can be difficult where no charge is made and no ticket is issued. In some towns the available on-street parking does not always benefit local traders as much as it could. Users sometimes stay longer than the permitted time period if effective enforcement is not in place. This reduces both the turnover of spaces and the likelihood of finding a space.”

Further consideration of Road Traffic Act 1984 (specifically Section 45 in support of the requirements laid out in Section 122) is provided in our Impact Assessment which formed part of the report and can be found here; <https://democracy.devon.gov.uk/documents/s43796/New%20Pay%20and%20Display%20Schemes%20Impact%20Assessment%20October%202022.pdf>

It states;

“The proposals intend to allow a review of on-street parking and to implement pay & display where there is benefit to traffic management. When considering the application of on street charges legislation (Road Traffic Act 1984, Section 45) directs that Authorities shall have regard for: -

- the need for maintaining the free movement of traffic, i.e. congestion management*
- the need for maintaining reasonable access to premises, i.e. turnover and availability of on-street parking places*
- the extent to which off-street parking accommodation, is available, i.e. promoting use of existing off-street car parks.”*

- 3. Confirm that in light of your failure to include this in the advertisement you will not spend any surplus generated by the on-street parking charges on any other projects and that funds generated will only be used for the on-street parking project;**

Any surplus in respect of on-street parking places in Devon will be spent in accordance national legislation namely Section 55, Road Traffic Regulation Act 1984.

4. Confirm when you intend to close the consultation period;

The consultation periods for Orders Advertised have been published in those Adverts, in the Local Press, Notices (placed on-street) and our webpages (<https://www.devon.gov.uk/roads-and-transport/parking/traffic-regulation-orders/proposed-pay-and-display/>)

Proposals for Tavistock were advertised from 7th December 2023 – 7th January 2024.

5. For the purposes of the Environmental Information Regulations 2014, please also disclose all internal records of Devon County Council about the rationale of the decision to launch the consultation over the Christmas period.

This action has been referred to our Access to Information team to be considered under the Environmental Information Regulations 2004.

Yours sincerely,



Megan Cross

On behalf of Director of Legal and Democratic Services