

5. In 2001, when Dover District Council assumed responsibility on behalf of the Highway Authority for the management and enforcement of formal on-street parking, there was a demand to extend the restriction of parking to non-residents along East Cliff and Marine Parade. As a consequence a residents' parking scheme was introduced covering these two roads. Athol Terrace was not included as it already had a restriction in place as described in paragraph 4. If Athol Terrace had not had this restriction, the Council would have included all three roads into a single parking residents' zone as they collectively formed a distinct geographical area with a single point of entry from the A20.
6. Whilst the police have patrolled Athol Terrace and issued Fixed Penalty Notices (FPN) to cars without permits and parked in breach of this restriction, the amount of Police coverage has been less than the Athol Terrace residents would have liked. The problems had worsened over latter years and in 2012, following a legal challenge to the service of a FPN, the police sent a report doubting the validity of the signing associated with the TRO. It transpired that this issue could not simply be rectified by changing the wording of the signing to make it correct, but that that the regulations did not allow for the type of restriction in Athol Terrace to be signed. The police report is attached as **Appendix 2** to this report.
7. Having concluded that the existing Traffic Regulation Order was invalid the police announced that it could therefore no longer be enforced. The Kent County Council Highways Team and the Police met to see if they could find a solution which would permit the intended restriction to apply but concluded that they would not be able to do this successfully under a moving TRO. They asked if Dover District Council would be willing to offer a residents' parking scheme to Athol Terrace. If such a scheme was introduced, then enforcement responsibility would move from the police to Dover District Council.
8. Dover District Council wants to propose a solution that is enforceable, that is consistent with other parking schemes across the district and that could benefit both Athol Terrace and its neighbours. In light of this, the proposal being offered is to introduce a residents' parking zone covering East Cliff, Marine Parade and Athol Terrace that is exclusively for use by "residents only" and would not include any limited waiting for non-residents. This omission of limited waiting differs from others in that only residents (with permits), their visitors (with visitor permits) and/or visiting contractors (with waivers or visiting permits) would be permitted to park. This would maximise the parking space availability for residents.
9. It is a condition of residents parking zones that only one permit per household will normally be issued although an additional permit may be issued on receipt of a written request. In 2012, a resident of East Cliff made a written request for a second permit which was declined on the grounds that there was insufficient capacity within this zone for additional permits other than the one permit per household to be issued. The resident subsequently formally complained about this refusal to the Local Government Ombudsman who upheld the Council's decision. On 4th February 2013, Cabinet formally documented that no additional permits would be issued where demand exceeds capacity.
10. Currently, the East Cliff/Marine Parade residents parking zone offers 32 parking spaces and 42 residents parking permits have been issued. No additional permits have been issued to any one household. There are 22 parking spaces in Athol Terrace.
11. All of the Athol Terrace residents only were originally consulted via a letter dated 11th November 2013 (delivered by hand to all addresses), attached at **Appendix 3**. Six

responses were received of which five stated that they wanted an exclusive “Athol Terrace only” parking zone (although this had not been an option included in the letter), and one wanted a return to the “old system” whereby Dover District Council enforced the parking regulations (a system which in fact has never existed).

12. Following research and meetings, Athol Terrace, East Cliff and Marine Parade residents were consulted via a letter (delivered by hand to all addresses), dated 15th April 2014 (attached at **Appendices 4 and 5**) which contained specific proposals and a survey form (attached at **Appendix 6**). Eleven responses were received from Athol Terrace residents, of which nine wanted an exclusive “Athol Terrace only” parking zone (as previously, this was not an option included in the letter), one supported a joint residents parking scheme with east Cliff/Marine Parade, and one queried where they would park if “our accustomed space is occupied by an outsider.” Twenty five responses were received from East Cliff/Marine Parade residents, of which sixteen supported the proposal for a joint residents parking scheme. Eight did not support it, of which six felt it would be restrictive on visitors and two were of the view that the current system was suitable. One respondent wanted the opportunity to have more than one permit per household.
13. In light of the fact that the majority of Athol Terrace residents responded to this survey with a demand for an “Athol Terrace only” parking zone although this had not been included as an option, they were written to again on 2nd June 2014 (attached at **Appendix 7**) with an explanation as to why no offer was being made of an “Athol Terrace only” parking zone. One response was received, from the Athol Terrace representative on behalf of fourteen residents, continuing to demand an “Athol Terrace only” parking zone.
14. The residents of Athol Terrace have continued to demand an exclusive scheme purely for Athol Terrace and indicating that they do not want to join a scheme with the neighbouring roads. The main reason for this is that Athol Terrace has more on-street parking per residence than does East Cliff and Marine Parade and they wish to maintain this advantage. Athol Terrace residents also feel that they should be allowed to have exclusive use of their road because they have done so since 1992.
15. Dover District Council can introduce an exclusive scheme just for Athol Terrace or for that matter any single road, but it has to be mindful to be seen to be fair and not to advantage one road at the expense of a neighbouring one, particularly where the two are so closely tied. It is for this reason that the Council has not introduced a residents’ scheme exclusively for a single road anywhere in the district. In this particular case it is also important to take into account the Local Government Ombudsman’s decision referred to in paragraph 9. If an exclusive scheme were to be introduced for Athol Terrace, an unfair situation would be created where residents in a street were restricted to one permit per household, whilst residents in an adjoining street could have more due to capacity issues.
16. The officers’ recommendation is to progress a combined parking scheme for residents covering Marine Road, East Cliff and Athol Terrace as detailed in this report.
17. The Board is asked to decide which of the options listed in paragraph 2 of this report should be progressed.

Consultation Statement

The Portfolio Holder for Access and Property Management has been consulted on the proposal outlined in this report.

Impact on Corporate Objectives

The proposal outlined in this report will foster improved opportunity and access.

Attachments

None

Background Papers

Parking Services Files.

ROGER WALTON

Director of Environment and Corporate Assets

The officer to whom reference should be made concerning inspection of the background papers is the Head of Community Safety, CCTV and Parking, Dover District Council, White Cliffs Business Park, Dover, Kent CT16 3PJ. Telephone: (01304) 821199, Extension 2054