

# Agenda Item IMD12

## INDIVIDUAL EXECUTIVE MEMBER DECISION

REFERENCE IMD: IMD 2021/12

<b>TITLE</b>	Government Consultation on Pavement Parking
<b>DECISION TO BE MADE BY</b>	Executive Member for Highways and Transport - Pauline Jorgensen
<b>DATE, MEETING ROOM and TIME</b>	24 March 2021 Virtually at 6pm
<b>WARD</b>	None Specific;
<b>DIRECTOR / KEY OFFICER</b>	Asst Director, Place and Growth - Andy Glencross

### **PURPOSE OF REPORT (Inc Strategic Outcomes)**

To confirm the Council's participation in the Department for Transport's (DfT) open, public consultation to decide on the future of pavement parking enforcement policy including general, favoured options for enforcement, in order to gain a thorough understanding of societal viewpoints.

### **RECOMMENDATION**

That the Executive Member for Highways and Transport agree that the Council's participation in this consultation opportunity should be noted and recorded.

### **SUMMARY OF REPORT**

In 2019, the DfT completed an exercise to gather evidence on the problems pavement parking causes, the effectiveness of current legislation, and the case for reform. Last October the Transport Minister opened a public consultation into Pavement Parking, stating that the Government sees transport at the heart of how we live our lives, helping us get to work, stay in touch with friends and family, contribute to society and access vital services like healthcare and education.

Access to transport is central to building a stronger, fairer society but whilst many people take for granted the ability to travel easily from A to B, this is not the reality for everyone. Pavement parking has been prohibited in London since 1974 and while successive governments have recognised there is no perfect solution to this complex problem, Government believes it is time to look again at this issue in detail.

The Government has asserted its determination to make sure that disabled people have the same access to transport as everyone else and that they can travel easily, with confidence and without extra cost. In continuing its commitments in the Inclusive Transport Strategy, this consultation seeks peoples' views on some options to help local authorities to tackle this problem. In recognition that pavement parking can cause real problems for pedestrians, wheelchair users, people with visual impairments and those with prams or buggies, it is also important to recognise that in many narrow streets pavement parking is necessary to maintain free-flowing traffic, including for emergency services and local authorities are best placed to assess how parking should be managed in their communities.

This report documents the Council's response to that consultation exercise.

## Background

Although the 'pavement' is defined as the 'footway' in legislation, the more commonly used term 'pavement' is used to mean the part of a highway which shares its border with the carriageway ('road') on which there is a public right of way on foot. This is distinct from a 'footpath', which does not border a road.

Many towns and cities were not designed to accommodate today's high traffic levels; and at some locations, especially in residential areas with narrow roads and no driveways, the pavement is the only place to park without obstructing the carriageway.

However, irrespective of whether pavement parking is deemed necessary, there are inherent dangers for all pedestrians; being forced onto the carriageway and into the flow of traffic. This is particularly difficult for people with sight or mobility impairments, and those with prams or buggies. While resulting damage to the pavement and verges is, uppermost, a trip hazard, maintenance and personal injury claims are also a cost to local authorities.

Since 1974, parking on pavements, with certain exceptions, has been prohibited in Greater London by the Greater London Council (General Powers) Act 1974. Exemptions at specific locations can be permitted through an administrative resolution and indicated by traffic signs.

A national prohibition was enacted in Scotland in November 2019 but has yet to come into force. The reverse applies elsewhere in England where, although illegal to drive on footways and verges, parking is permitted unless specifically prohibited by a local authority through a formal Traffic Regulation Order (TRO).

Existing legislation allows local authorities to introduce TROs to manage traffic; the requirements of which must be conveyed to the motorist via prescribed or authorised traffic signs and road markings, but does not allow local authorities with CPE powers to enforce by issuing PCNs. Parking enforcement remains the responsibility of the police wherever a local authority does not have CPE powers.

**Option 1** - User research was carried out on behalf of the department into the current legal process for making TROs. This looked at 'pain points' experienced by those who interact with the TRO process (local authorities and applicants) and recommended changes to legislation and process reform. These recommendations will be subject to further consultation in 2020; and the scope of legislative change, and whether change will require primary and/or secondary legislation, will require careful consideration in light of the consultation findings.

**Option 2** - in addition to option 1 we would allow councils to enforce against 'unnecessary obstruction of the pavement'. This is not a general pavement parking prohibition, but instead empowers councils to issue Penalty Charge Notices in individual instances. However, this option would include a suggested 20 minute exception, only applicable to business vehicles, allowing them to pavement park for up to this time in order to load or

unload goods when no other choice exists, in places such as narrow streets. Standard exceptions would also apply for emergency service and utility vehicles.

**Option 3** - in addition to option 1 we would introduce an England-wide pavement parking prohibition. This would prohibit pavement parking as a default position, while allowing councils to implement local exemptions (such as for narrow streets where pavement parking is essential to ensure traffic flows) which would be shown by use of traffic signs and bay markings. This option would include a suggested 20 minute exception, only applicable to business vehicles, allowing them to pavement park for up to this time in order to load or unload goods when no other choice exists, in places such as narrow streets. Standard exceptions would also apply for emergency service and utility vehicles.

In its response, the Council recognises the challenges of implementing a national ban, but believes there should be a nationally established presumption AGAINST the parking of vehicles on footways. The Council therefore considers that some strengthening of regulations enabling TRO's is required to assist enforcement of existing highway obstruction and footway driving laws and in addition to Option 1 would seek powers to enforce against 'unnecessary obstruction of pavements and verges' through the issue of Penalty Charge Notices in individual instances.

The Council considers that an England-wide pavement parking prohibition, allowing local highway authorities to designate streets with local exemptions and supporting measures, reduces the burden of providing and maintaining extensive traffic signing and markings.

However, the Council does not support a mandatory 20-minute exception for business vehicles, believing this to effectively permit footway parking by delivery vehicles and increase scope for challenge against TRO's and because this time period is at odds with the 10 minute grace period currently recommended for waiting and loading restrictions. A quasi-Option 2+3 is therefore suggested.

**Business Case (including Analysis of Issues)**

No Business Case necessary – see attached response.

**FINANCIAL IMPLICATIONS OF THE RECOMMENDATION**

***The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	N/A	N/A	N/A
Next Financial Year (Year 2)	N/A	N/A	N/A
Following Financial Year (Year 3)	N/A	N/A	N/A

<b>Other financial information relevant to the Recommendation/Decision</b>
N/A

<b>Cross-Council Implications</b>
N/A

<b>Public Sector Equality Duty</b>
An equalities assessment is not required at this stage of consultation. In developing its pavement parking policy, the Department for Transport will give due regard to the objectives of eliminating discrimination, advancing equality of opportunity and fostering good relations between people who share protected characteristics of: <ul style="list-style-type: none"> <li>• age</li> <li>• disability</li> <li>• gender reassignment</li> <li>• pregnancy or maternity</li> <li>• race, religion or belief</li> <li>• sex and sexual orientation</li> </ul>

<b>SUMMARY OF CONSULTATION RESPONSES</b>	
<b>Director – Resources and Assets</b>	No comment
<b>Monitoring Officer</b>	No comment
<b>Leader of the Council</b>	No comment

<b>Reasons for considering the report in Part 2</b>
N/A

<b>List of Background Papers</b>
Download of Submitted Consultation Response

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