

Pavement Parking Response



**WOKINGHAM
BOROUGH COUNCIL**

Introduction

Thank you for responding to our consultation 'Pavement parking: options for change', your views will assist in deciding future policy for paving parking enforcement.

Closing date is 22 November 2020.

Confidentiality and data protection

The Department for Transport (DfT) is carrying out this consultation to decide on the future of pavement parking enforcement policy including your:

- favoured option of enforcement
- views on all enforcement options
- views on the vehicles exempted from these proposals
- views on the effect of the policies on different societal groups

and your reasons in order to gain a thorough understanding of your viewpoint.

This consultation and the processing of personal data that it entails is necessary for the exercise of our functions as a government department. If your answers contain any information that allows you to be identified, DfT will, under data protection law, be the controller for this information.

In this consultation we're asking for:

- your name and email address, in case we need to ask you follow-up questions about your responses (you do not have to give us this personal information, but if you do provide it, we will use it only for the purpose of asking follow-up questions)
- whether you are representing an organisation and if so the name of that organisation

Plus as an individual we are asking for your views towards pavement parking in your local area and the reasons, to attempt to understand how much local action affects your viewpoint.

Additionally for an organisation we will ask:

- for the organisation name, for identification of the business

- if your organisation is a commercial business with deliveries and, if so, the amount of deliveries and your view towards the 20 minute delivery exemption, since this criteria is still open to change
- if your organisation is a council and, if so, for numerous extended views on the
 - impacts
 - issues
 - costs
 - problems
 - implementation
 of the options plus previous parking enforcement experience at a local level to better inform our final decision

Your personal data is processed on behalf of DfT by Smartsurvey, with respect that they run the survey collection software only but will not be shared with any other third parties. [DfT's privacy policy](#) has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer.

Your information will be kept securely and destroyed within 12 months after the consultation has been completed. Any information provided through the online questionnaire will be moved to our internal systems within 2 months of the consultation end date.

Personal details

1. Your (for contact purposes only):

name?

email?

2. Are you responding as: *

an individual?

on behalf of an organisation? (Go to Organisation details question 6)

Problem

~~3. Do you think vehicles being parked on the pavement is a problem in your area? *~~

Yes

- No (Go to Proposals question 14)
- Don't know? (Go to Proposals question 14)

What problems?

~~4. Pavement parking causes you problems because:~~

- _ you have a sight impairment?
- _ you have a mobility impairment?
- _ you use a buggy or pram to transport children?
- _ of another issue?

~~5. Would you leave home more often if there was no pavement parking?~~ (Go to Proposals question 14 after answering)

- _ Yes
- _ No
- _ Don't know?

Organisation details

~~6. Your organisation's name is?~~

~~7. Is your organisation a commercial business? *~~

- _ Yes
- _ No (Go to Problem question 13)

Deliveries

~~8. Does your organisation routinely make deliveries as part of its business? *~~

_ Yes

_ No (Go to Problem question 13)

20 minutes parking exemptions

~~We are suggesting 3 options to address the problem of pavement parking, two of these options, stated as "option 2" and "option 3", if implemented would also include a business vehicle exception for deliveries.~~

~~This exception would allow 20 minutes, in line with existing London legislation, for a delivery to be completed.~~

~~9. Do you agree that 20 minutes of pavement parking would be adequate for a delivery? *~~

_ Yes (Go to Problem question 13)

_ No

Against 20 minutes exemption

~~10. Why not?~~

~~11. Of all the daily deliveries that you may make, what percentage do you think will take longer than 20 minutes each to be completed? *~~

0% (Go to Problem question 13)

1 to 10%

11 to 20%

21 to 30%

31 to 40%

41 to 50%

- 51 to 60%
- 61 to 70%
- 71 to 80%
- 81 to 90%
- 91 to 100%

Delivery types

~~12. In your opinion, what types of delivery that you make would require greater than 20 minutes?~~

Problem

13. Do you think vehicles being parked on the pavement is a problem in your area?

- Yes
- No
- Don't know?

Proposals

We are researching ways that we can address pavement parking problems and, as part of this, are already working to simplify the process for Traffic Regulation Orders (TROs), making them less time-consuming and burdensome to implement.

TRO's can be used by a council to prohibit pavement parking locally.

We are suggesting 3 options to address the problem of pavement parking, although we are not limited to these.

Option 1

This involves completing the simplification work on TRO's but no additional action beyond this. TRO's allow councils to restrict pavement parking and set their own conditions for exceptions to these rules.

Option 1 is explained in more detail in the consultation document.

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 like option 3, but instead empowers councils to issue Penalty Charge Notices in individual instances. However, this option, would include a suggested 20-minute exception, for 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 2 is explained in more detail in the consultation document.

Option 3

In addition to option 1 we would introduce an England-wide pavement parking prohibition. Unlike option 2 which allows for enforcement of individual instances of obstructive pavement parking, this would prohibit pavement parking nationally, 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. We also propose including a 20 minute exception, for business vehicles, allowing them to pavement park 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 is explained in more detail in the consultation document.

14. Your preferred option is: *

- 1, simplification of TRO's but no additional action? (Go to View on options)
- 2, in addition to option 1 allow councils to enforce against 'unnecessary obstruction of the pavement'? (Go to View on options)
- 3, in addition to option 1 introducing an England-wide pavement parking prohibition? (Go to View on options)

an alternative option?

Another option

15. Describe your alternative approach.

A quasi-Option 2+3 is suggested. 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 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 scope for challenge and because this time period is at odds with the 10 minute grace period recommended for waiting and loading restrictions.

View on options

As part of our research we are asking for your views on options 2 and 3, irrespective of what you chose as your preferred option.

Option 2: allow councils to enforce against 'unnecessary obstruction of the pavement'

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.

16. How would you define an 'unnecessary obstruction of the pavement'?

The Council's definition of an *unnecessary obstruction* of a footway (pavement) is wherever a person, without lawful authority or excuse (such as a vehicle breakdown), intentionally obstructs the free passage of any other lawful road users (pedestrians/cyclists/equestrians & mobility scooter users) along a highway. Free passage would be prevented wherever a footway width below the Borough standard minimum width of 2m is not met and/or wherever a diversion of footway users caused by an obstruction requires them enter a carriageway to continue their passage.

17. Do you think a warning notice should be given for first time offences of causing an unnecessary obstruction by parking on the pavement?

- Yes
 No
 Don't know?

18. What do you think are the advantages and disadvantages associated with this option 2?

Advantages

Social Acceptance - The majority of people agree that 'pavement parking' causes obstruction of footways and damage to footways and verges, both of which are the most common complaints we receive from residents and visitors to the Borough. **Cost Savings** - The cost of repairing footways, verges and kerbs is expensive and a cost that could be significantly reduced by better controls. It is difficult to be precise about the amount of money spent by WBC on preserving footways, but it is estimated to be >£500k/year.

Improved Service Delivery & Equality - Having stronger powers to prohibit, permit and enforce will enable the Council to respond to concerns raised by its communities, existing and developing, especially if a street is becoming unsafe for child pedestrians on route to school or where pedestrians of any age are being forced to step out into the carriageway to get round parked cars, vans etc. This is particularly dangerous for blind or partially-sighted people and parents with prams.

Disadvantages

Legality conflict – There are already several legal powers preventing obstruction of highways and driving on footways with the purpose of parking. Any new power could be in conflict with existing powers

20 minute exception – this would conflict with existing limited waiting TRO's where a 10 minute is currently applied by this authority and confuse road users. There is also a risk of presumption of permission for HGV drivers to drive on footways causing damage/obstruction at busy times for delivery purposes.

Option 3: an England-wide pavement parking prohibition

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.

19. Do you think a national prohibition should apply: *

- on no roads (since you are against the proposal)? (Go to Option 3: an England-wide pavement parking prohibition question 21)

- on all public roads within the country?
- only on roads with speed limits up to 40mph (this includes roads in villages, towns and cities)?
- in an alternative way of your description?

Regulation 103 of the *Road Vehicles (Construction and Use) Regulations 1986* already establishes the offence if a driver/rider deliberately causes their vehicle to stand on a road so as to cause an 'unnecessary obstruction' of the road. Section 22 of the *Road Traffic Act 1988* makes it an offence for someone to leave a vehicle in such a position as to cause a danger to other road users and Section 137 of the *Highways Act 1980* (as amended) provides for an offence of willful obstruction of the highway. An offence is committed if a person, without lawful authority or excuse, in any way willfully obstructs the free passage along a highway. Under the *Highways Act 1835*, s.72, it is an offence wilfully to ride or drive on the footway which is the precursor for footway parking.

These laws were created for the protection of societal safety and mobility and although (due to widespread motor vehicle ownership and use) parking is generally permitted at the side of the road, except where there are restrictions, the value and purpose of the laws has been diminished by the absence of national recognition of the negative impacts of footway parking and the insufficiency of local powers to deal with significant impacts on communities and safe mobility.

National prohibition

20. Should a national prohibition apply to:

- pavements only?
- pavements and verges?

Option 3: an England-wide pavement parking prohibition

Councils would exempt certain areas, where pavement parking remains essential such as narrow terraced streets with no off-street parking availability, by use of traffic signs and bay markings.

These signs and markings would be used to indicate to motorists where they were allowed to park.

21. What are your views on the impact this would have on the built and historic environment?

Improvement in the aesthetic value, accessibility and environmental quality of built and historic environments, contribution towards the place making objective, better integration and cohesion amongst communities, especially in residential areas.

22. What do you think are the advantages and disadvantages of option 3:

- | | |
|--|---|
| a. for rural areas including villages? | Improvement in the aesthetic value, accessibility and environmental quality of rural areas, contribution towards the village place making objective, better integration and cohesion amongst rural communities. Parking displacement impacts may arise. |
| b. for suburban areas? | Improvement in the aesthetic value, accessibility and environmental quality of built and historic environments, contribution towards the place making objective, better integration and cohesion amongst communities, especially in residential areas. |
| c. for town and city centres? | Improvement in the aesthetic value, accessibility and environmental quality of built and historic environments, contribution towards the place making objective, better civic cohesion, especially in business and commercial centres. |
| d. overall? | As above |

Option 2 environmental effect

23. Do you believe option 2 would have an impact on the environment?

- Yes
- No (Go to Option 3 environmental effect question 25)
- Don't know? (Go to Option 3 environmental effect question 25)

Option 2 environmental impact

24. What impact?

Significant reduction in damage to highway verges, improvement in roadside habitats, reduction in pollution of roadside verges and habitats

Option 3 environmental effect

25. Do you believe option 3 would have an impact on the environment?



Yes



No (Go to Exceptions question 27)



Don't know? (Go to Exceptions question 27)

Option 3 environmental impact

26. What impact?

Significant reduction in damage to highway verges, improvement in roadside habitats, reduction in pollution of roadside verges and habitats

Exceptions

For both options 2 and 3 we propose exceptions for:

- fire brigade purposes
- police purposes
- parking in accordance with a direction given by a constable
- ambulance purposes
- the provision of, or in connection with, urgent or emergency health care, by a registered medical practitioner, registered nurse or registered midwife
- the purpose of saving life or responding to another similar emergency
- the purpose of providing assistance at an accident or breakdown
- postal services (within the meaning of section 125(1) of the Postal Services Act 2000)
- delivery, collection, loading or unloading of goods to, or from any premises, in the course of business (where this cannot reasonably be carried out without the vehicle being parked on a pavement; and the vehicle is so parked for no longer than is necessary for these purposes, and in any event for no more than a continuous period of 20 minutes)
- collection of refuse by, or on behalf of, the council
- street cleansing purposes by, or on behalf of, the council
- gritting or salting or the clearance of snow by, or on behalf of, the council
- road works by, or on behalf of, the council
- road maintenance (including street furniture) by, or on behalf of, the council
- street works by, or on behalf of, the council or statutory undertakers, including utility companies
- to comply with the duty in section 170 of the Road Traffic Act 1988 to stop after an accident

For option 3, we also propose an exception for any vehicle authorised by the council to be parked in a specified place at a specified time.

27. What, if any, other additional vehicles or services would you like to exempt and why?

None

Equality

In developing its pavement parking policy, the department will give due regard to the objective of:

- eliminating discrimination
- advancing equality of opportunity
- fostering good relations

between people who share protected characteristics of:

- age
- disability
- gender reassignment
- pregnancy or maternity
- race
- religion or belief
- sex
- sexual orientation

28. How do you think "option 2" will affect people who share the following protected characteristics of:

	eliminating discrimination? (Positively/Negatively /No affect/Don't know?)	advancing equality of opportunity? (Positively/Negatively /No affect/Don't know?)	fostering good relations between people? (Positively/Negatively /No affect/Don't know?)
a. age, in respect of:	<input type="text" value="Positive"/>	<input type="text" value="Positive"/>	<input type="text" value="Positive"/>

	eliminating discrimination? (Positively/Negatively /No affect/Don't know?)	advancing equality of opportunity? (Positively/Negatively /No affect/Don't know?)	fostering good relations between people? (Positively/Negatively /No affect/Don't know?)
b. disability, in respect of:	Positive	Positive	Positive
c. gender reassignment, in respect of:	Positive	Positive	Positive
d. pregnancy or maternity, in respect of:	Positive	Positive	Positive
e. race, in respect of:	No affect	Positive	Positive
f. religion or belief, in respect of:	No affect	No affect	No affect
g. sex, in respect of:	No affect	No affect	No affect
h. sexual orientation to:	No affect	No affect	No affect

Where you indicated negative impact, describe your reasons why?

N/A

29. How do you think "option 3" will affect people who share the following protected characteristics of:

	eliminating discrimination? (Positively/Negatively /No affect/Don't know?)	advancing equality of opportunity? (Positively/Negatively /No affect/Don't know?)	fostering good relations between people? (Positively/Negatively /No affect/Don't know?)
a. age, in respect of:	Positive	Positive	Positive
b. disability, in respect of:	Positive	Positive	Positive
c. gender reassignment, in respect of:	Positive	Positive	Positive

	eliminating discrimination? (Positively/Negatively /No affect/Don't know?)	advancing equality of opportunity? (Positively/Negatively /No affect/Don't know?)	fostering good relations between people? (Positively/Negatively /No affect/Don't know?)
d. pregnancy or maternity, in respect of:	Positive	Positive	Positive
e. race, in respect of:	No affect	Positive	Positive
f. religion or belief, in respect of:	No affect	No affect	No affect
g. sex, in respect of:	No affect	No affect	No affect
h. sexual orientation to:	No affect	No affect	No affect

Where you indicated negative impact, describe your reasons why?

N/A

Council

The remainder of these questions, excluding the final comments section, are specifically about the impact on councils and only if responding officially on behalf of a local council should you respond.

30. Are you representing a council? *

Yes, continue to council questions.

No, go to final comments. (Go to question 54)

Impact on councils

We are asking for your views on options 2 and 3 for pavement parking enforcement regarding:

- experiences
- staffing
- costs

31. Has your council introduced a TRO, or TROs, to implement pavement parking restrictions? *

- Yes (Go to Pavement parking restrictions question 33)
- No
- Don't know? (Go to Injury claims question 36)

No pavement parking restrictions

32. Why not? (Go to Injury claims question 36 after answering)

No footway parking restrictions have been imposed due to the absence of enforcement powers available to the Council.

Pavement parking restrictions

33. How many pavement parking TROs did your council issue in:

2010?	NIL
2011?	NIL
2012?	NIL
2013?	NIL
2014?	NIL
2015?	NIL
2016?	NIL
2017?	NIL
2018?	NIL
2019?	NIL

34. How long does a TRO take for you to put into place (in weeks)?

Average 12 weeks – regulatory TROs
 Average 20 weeks – parking TRO's

35. What is the average monetary cost (to the nearest £) of implementing a single TRO:

- a. overall?
- b. in administration cost?
- c. in legal cost?
- d. for advertising?
- e. for traffic sign or road marking creation and installation costs?

Injury claims

36. What was the:

*** Wokingham Borough Council has not received claims for personal injury arising directly from footway parking within the periods below. However, the Council has received injury compensation claims for damage to footways, which may have been caused by illegal use and damage caused to surfaces and kerbs.**

	2019?	2018?	2017?	2016?	2015?
a. number of injury claims made to your council in:	Nil	Nil	Nil	Nil	Nil
b. number of injury claims made due to pavement parking in:	Nil	Nil	Nil	Nil	Nil
c. number of injury claims for which compensation was paid in:	Nil	Nil	Nil	Nil	Nil

	2019?	2018?	2017?	2016?	2015?
d. number of injury claims made due to pavement parking for which compensation was paid in:	Nil	Nil	Nil	Nil	Nil
e. total compensation paid for injury claims in:	Nil	Nil	Nil	Nil	Nil
f. total compensation paid due to pavement parking in:	N/A	N/A	N/A	N/A	N/A

Pavement repairs

37. What was the:

	2019?	2018?	2017?	2016?	2015?
total spend on pavement repairs in:	>£300k	>£300k	>£300k	>£300k	>£300k
the percentage of this total spend due to pavement parking:	60%	60%	60%	60%	60%

Option 2

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 this time in order to load or unload goods when no other choice exists, such as narrow streets, plus standard exceptions for emergency service and utility vehicles.

38. If your council has civil enforcement powers, and is permitted to enforce the offence of 'unnecessary obstruction', would your council elect to do this? *

- Yes
- No (Go to Option 3 question 42)
- Don't know?

Choosing to enforce option 2

39. What number of staff, in your authority, would need to learn the new enforcement guidance?

15

To enforce this offence your Civil Enforcement Officers would need to issue additional Penalty Charge Notices (PCN's). The cost of

- issuing
- processing

these PCN's is covered by the penalty income.

40. Can you foresee any additional, unfunded costs outside of the normal costs of issuing and processing PCNs?

- Yes
- No (Go to Option 3 question 42)
- Don't know? (Go to Option 3 question 42)

Additional costs

41. What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

Increased PCN appeals where 'unnecessary obstruction' is challenged, currently averages £100/per PCN challenged

Estimated annual costs £40k

Option 3

42. In your authority area, estimate based on your total road network, on how much road pavement parking is necessary to ensure free-flowing traffic is maintained, give the amount:

in kilometres?

as a percentage of the total road length?

43. What do you expect an assessment of your road network, in order to identify exemptions, to cost overall and how do the costs break down individually (£)?

Overall costs £60k
Inspection £8000
Survey £18000
Consultation £ 16000
Determination £18000

44. Would your authority need to provide more parking provision to implement option 3?

- Yes
 No
 Don't know?

Provide any relevant evidence to support this view.

Some reassignment of on street parking to more suitable streets is expected, better on-street parking layouts may be feasible to rationalise parking but this can only be determined in the above assessment.

45. Provide an estimate of the cost of implementing exemptions in your area including:

staff costs?	<input type="text" value="£36000"/>
traffic signing costs?	<input type="text" value="£34000"/>
bay marking costs?	<input type="text" value="£30000"/>
removal of signage for previously implemented TROs restricting pavement parking in your area?	<input type="text" value="NIL"/>

To enforce these offences your Civil Enforcement Officers would need to issue additional Penalty Charge Notices (PCN's). The cost of

- issuing
- processing

these PCN's is covered by the penalty income.

46. Can you foresee any additional costs beyond issuing and processing PCNs?

- Yes
- No (Go to Benefits of option 3 question 51)
- Don't know? (Go to Benefits of option 3 question 51)

Additional costs

47. Give an explanation and breakdown of the number of additional:

staff for your council?	<input type="text" value="NIL"/>
salary costs for your council?	<input type="text" value="NIL"/>
hiring costs for your council?	<input type="text" value="NIL"/>
training costs for your council?	<input type="text" value="£6000"/>

48. What additional staff roles do you envisage?

No additional staff but some extended training of frontline CPE, customer service and back office PCN staff required – estimated £400/person/day

49. Do you expect any other, non staff, costs to arise from a national parking prohibition?

Yes

No (Go to Benefits of option 3 question 51)

Don't know? (Go to Benefits of option 3 question 51)

Non-staff costs

50. What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

Engineering costs – signing/lining - £64000

Comms & PR - £8000

Legal (TRO) costs - £8000

Benefits of option 3

51. What, if any, potential benefits (including any monetary benefits) do you think there will be for your authority from a national parking prohibition (such as existing costs being reduced)?

Reduced footway & verge repair costs

Improved walkability of commercial centres and residential neighbourhoods

Reduction in obstructive parking in high demand locations

Complementary powers to support on-street parking management

Greater cycle facilities

The government is looking to local authorities to introduce more cycle facilities to encourage active travel.

52. Do you think this will cause issues for a national pavement parking prohibition?

Yes

No (Go to Final comments question 54)

Don't know? (Go to Final comments question 54)

Greater cycle facilities issues

53. What issues?

N/A

Final comments

54. Any other comments?

The Council would seek a reasonable timescale by which to undertake street assessments and surveys necessary to introduce formal controls and sufficient financial resource to enable this to be delivered alongside its normal parking management service delivery and in order to correspond with similar actions in neighbouring authorities. This period will also need to allow for adequate consultation to identify problem streets and to decide whether to take alternative, appropriate parking control measures.