



PATROL

Pavement parking

Local powers for
local solutions

About PATROL

The PATROL (Parking and Traffic Regulations Outside London) Joint Committee comprises 313 local authorities in England (outside London) and Wales.

The principal function of the Joint Committee is to make provision for independent adjudication in respect of appeals against penalties issued for traffic contraventions by enforcement and charging authorities in England (outside London) and Wales. Adjudication is delivered through the **Traffic Penalty Tribunal (TPT)**. TPT adjudicators are wholly independent lawyers, appointed with the consent of the Lord Chancellor, and are supported by a small team of administrative staff, who provide customer support. The TPT is the UK's first fully online tribunal and decides ~25,000 cases a year.

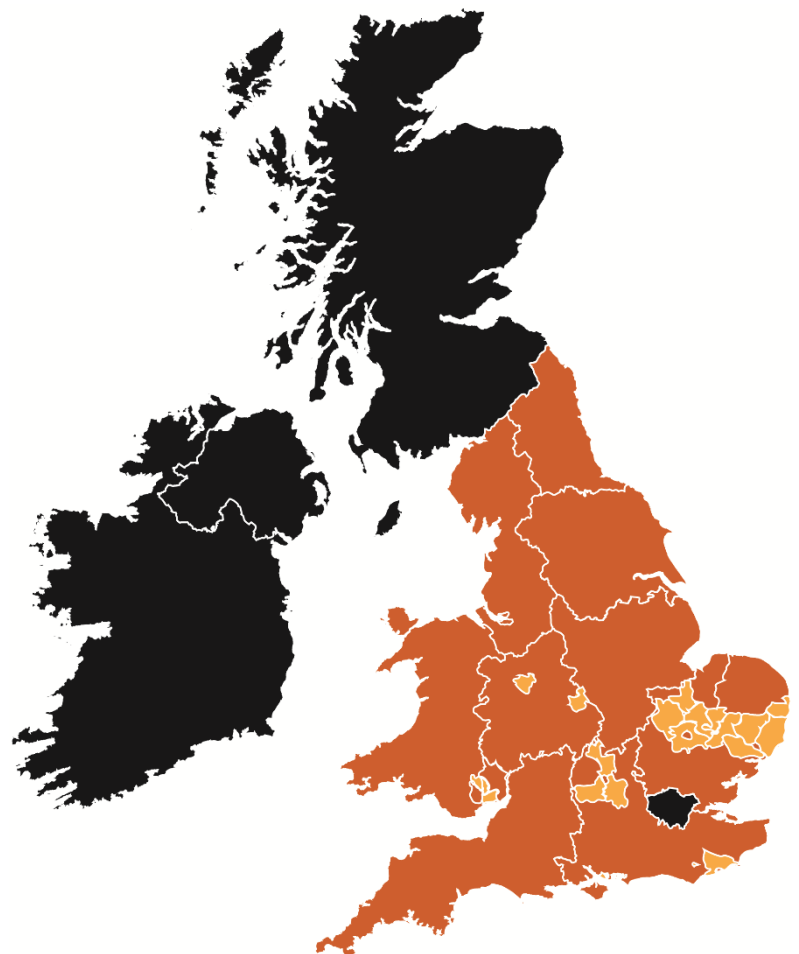
The Adjudicators decide appeals against civil enforcement penalties issued by authorities for parking, bus lane, littering from vehicles and (in Wales only) moving traffic contraventions, as well as appeals arising from road user charging enforcement (including from the Dartford-Thurrock River Crossing, Mersey Gateway Bridge Crossings and the Durham Road User Charge Zone).

PATROL represents its member authorities on traffic management issues of mutual interest, whilst also taking into account the motorist's perspective – as seen through appeals to the TPT.

PATROL also promotes best practice in public information to increase understanding of traffic management objectives. This includes the annual PARC (Parking Annual Reports by Councils) Awards held at the House of Commons.

PATROL member authorities comprise each type of local authority and a spectrum of political allegiances – a representative voice on civil traffic enforcement outside London, through the sharing of issues, insight, evaluation and best practice from a broad and diverse geographic area.

(Right) Authority coverage in orange; lighter shade reflects authorities where civil enforcement is not in operation.



Executive summary

The Department for Transport is gathering evidence on the problems posed by pavement parking, the effectiveness of current laws and the case for change.

Pavement parking poses several problems for local authorities.

- Inconsiderate parking creates potentially dangerous hazards for pedestrians, particularly those that are vulnerable, such as the elderly, disabled or families with pushchairs.
- Damage to paths and pavements is also hazardous and costly to repair.
- Members of the public refer cases of vehicles causing an obstruction and assume that local authorities can take enforcement action. Currently, this is a matter for the police rather than local authority.

A ban on pavement parking was introduced in London in 1974 and (as of April 2019) the Scottish Government has agreed in principle to implement a nationwide ban on pavement parking.

Authorities in England (outside London) and Wales, however, have only limited powers to enforce pavement parking, where:

- vehicles are parked in contravention of existing waiting restrictions;
- a designated area-wide ban is in place, based on Traffic Regulation Orders (TROs) and signage;
- the vehicle parked is a 'heavy commercial vehicle', with an operating weight of over 7.5 tonnes.

PATROL Pavement Parking Workshops: Consulting authorities in England and Wales

PATROL consulted its member authorities on the issue of pavement parking during a series of workshops in Autumn 2018. These workshops brought together 75 Councillors and Officers representing district, county and unitary authorities outside London, to explore the challenges of pavement parking and the powers that would help them manage it in a way that would respond to the particular needs of their communities.

The workshops confirmed that pavement parking remains an issue; however, the challenge differs from authority to authority, and a 'one-size-fits-all' approach, such as a nationwide pavement parking ban, could create additional challenges for communities; for example, where there is:

- a need for pavement parking on some roads, such as narrow residential streets
- high-cost and resource implications around implementing a blanket ban in areas where high levels of permitted pavement parking are required.

A readily available solution proposed by PATROL authorities would be to add obstruction of the highway to the list of contraventions for which civil enforcement applies, contained in Part 1 of Schedule 7 of the *Traffic Management Act 2004*.

This solution is expanded upon on Page 7.

Imposing a nationwide ban: Impact on authorities and their communities

A ban on pavement parking was introduced in London in 1974 – at a time of lower levels of car ownership, with alternative public transport options well established.

It is the clear view of PATROL's member authorities that a nationwide pavement parking ban would result in significant traffic management challenges for many local authorities and their communities. A number of practical concerns were raised by members during the course of the workshops, including:

- **Inflexibility**, in terms of the varying needs of local communities and their built environment, and the implications for disapplying the statutory instrument, should a nationwide ban not be appropriate in a specific locality. There will inevitably be some streets where there will be a range of views, implications of road layout and use factors that contribute to the debate about whether pavement parking should / could be banned or not;
- the **significant costs** associated with disapplying the statutory instrument to allow pavement parking within particular areas of a local community (inc. surveys, Traffic Regulation Orders and consultation);
- the **increased signage** that would accompany the introduction of such areas of permitted pavement parking.

These concerns are expanded upon further in a case study on the following page.

Instead, member authorities propose a more locally responsive approach, which would enable them to draw on a range of options to manage pavement parking in their communities. Under existing powers, this could include enforcing against vehicles parked in contravention of existing waiting restrictions and / or the current approach of introducing pavement parking bans within designated areas, based on TROs and signage.

Adding obstruction of the highway to the list of civil enforcement contraventions

The further solution proposed by PATROL authorities of adding obstruction of the highway to the list of contraventions for which civil enforcement applies, contained in Part 1 of Schedule 7 of the *Traffic Management Act 2004*, is a readily available and empowering option.

By using secondary legislation in this way, the Government could take immediate action on pavement parking, while considering the implications and feasibility of other approaches.

There are a number of actions that would be key to the success of the introduction of highway obstruction to the list of contraventions for which civil enforcement applies:

- Statutory Guidance on civil parking enforcement to reflect the additional power.
- Meaningful local consultation with stakeholders and local publicity ahead of changes to local enforcement policy.
- Public information to reinforce that inconsiderate pavement parking is not acceptable.
- The use of warning notices on the first occasion a vehicle is identified as causing an obstruction.

Estimating the cost of a nationwide pavement parking ban

One local authority in the North of England has estimated what it would need to do in preparation, if a nationwide pavement parking ban were to be introduced.

The authority has assumed the length of an average residential road to be 200 metres and estimated that the cost of signing and lining both sides of such a road, to indicate that pavement parking is permitted, would be £1,800.

There are a total of 3,700 individual roads across the authority. Assuming that only 10% were suitable for permitted footway parking, this would mean a total of 370 roads; which, taking the estimated signs and lines costs above would mean a total of approximately £666,000. This assumes that all the Traffic Regulation Orders (TROs) were introduced together and, therefore, associated legal costs were minimised. A piecemeal approach to this would add a further £400 per road, which would cost an additional £148,000. To put this in context, the annual budget for TROs in this authority is £75,000.



£666,000

Potential cost of introducing 'permitted' signs and lines, if implementing a complete pavement parking ban



A further challenge for the local authority will be deciding on which roads to allow footway parking. Each of the roads would need to be assessed by an Officer; plans produced; a report written; approval gained and an order placed for the works before, finally, they are checked on completion. The authority says that it currently has 1.5 Traffic Officers for this work. They are fully occupied, considering traffic queries and progressing TRO requests and have no spare capacity.

Working on the assumption that this work would involve a minimum of four hours per street x 370 streets; this would mean 1,480 hours' work. In reality, they anticipated that they would not just have to consider the roads they think will qualify, but many others that won't qualify.

It is predicted that once the public know that the authority is looking at this issue, it would generate queries, together with – as decisions are made on the streets to qualify for permitted pavement parking, or not – complaints, petitions, etc. This would also need to be managed. Managing a straightforward consultation would add approximately two hours' work per street: an additional 740 hours across all streets. In addition to the costs above, this authority has estimated that they would need an additional Officer for a minimum of two years to implement this change.

The authority has indicated that it does not have the funds for this.



**2,200 hours
(306 days)**

**For surveys, consultations,
customer relations, reporting
and managing street works**

An additional officer would take

2 years

to implement the changes



A timely solution:

Empowering authorities by adding obstruction as a civil enforcement contravention

PATROL authorities and the Traffic Penalty Tribunal adjudicators have been considering the feasibility and implications of adding highway obstruction by a stationary vehicle to the list of contraventions for which civil enforcement applies, contained in Part 1 of Schedule 7 of the *Traffic Management Act 2004*.

Paragraph 4(1) provides:

“Parking contraventions outside Greater London

4(1)Outside Greater London there is a parking contravention in relation to a vehicle if it is stationary in circumstances in which any of the offences listed below is committed.”

Paragraph 5(1) provides:

“Power to add further offences

5(1)The appropriate national authority may by regulations amend paragraph 3 or 4 so as to add further offences (but only in so far as they relate to stationary vehicles).”

Therefore, offences under Regulation 103 of the *Road Vehicles (Construction and Use) Regulations 1986*, which prohibits unnecessary obstruction, could be added by a simple statutory instrument.

Statutory Guidance

It would be a matter for each authority to formulate and publish policies on the type of obstruction they propose to target in their area. The Secretary of State would issue Statutory Guidance under Section 87 of the *Traffic Management Act* concerning appropriate considerations and application of the additional power. The Guidance could address the types of obstruction that should typically be subject to civil enforcement, as well as recommend that a warning notice should be issued on the first occasion a vehicle is identified as causing an obstruction.



Local authorities' pavement parking policies to be sensitive to local problems

Local authority civil enforcement teams have more than enough experience to make a judgement as to what constitutes obstruction.

- Civil Enforcement Officers (CEOs) are already undertaking dropped kerb enforcement and have demonstrated that this can be done proportionately.
- Dealing with obstruction in car parks is commonplace.

Currently, obstruction attracts light-touch enforcement by the police. Each authority would need to publish its own policies and priorities for enforcement (e.g. certain streets, and examples of unsociable parking that create problems for other road users and people with disabilities). This would ensure that enforcement would not be perceived as arbitrary beyond the scope of the published policies.

With developments in technology, if a CEO is in doubt about whether a vehicle is obstructing, photos can instantly be sent to superiors for confirmation.

There would also need to be public information that this additional power had been given to local authorities, together with illustrations of the type of parking that would attract a penalty for obstruction. **PATROL is prepared to coordinate public information across all its authorities and to commission, for example, a public information video for YouTube, together with social media posts.**

Consensus among PATROL member authorities

There was consensus among the pavement parking workshop attendees that adding highway obstruction by a stationary vehicle to the list of contraventions for which civil enforcement applies would be a quick solution to enable authorities outside London to take targeted action against pavement parking, thus reducing their reliance on police intervention.

By using secondary legislation, the Government could take immediate action on pavement parking, while considering the implications and feasibility of alternative approaches. In particular, the potential impact of a nationwide ban could be properly assessed, in terms of resources and sensitivity to local conditions.

That process requires the Department for Transport to consult relevant police authorities. Some PATROL members confirm that their police authorities will support civil enforcement of obstruction, which would be conveyed during the necessary consultation process.



**Councillor Jamie Macrae, Chair,
PATROL Adjudication Joint Committee**

Jamie has held the position of Chair of the PATROL Adjudication Joint Committee since 2013. An elected member of Cheshire East Council for over 20 years, Jamie has held cabinet portfolios in Cheshire for Strategic Transport, Strategic Housing, Planning, Economic Development and Regeneration.



Louise Hutchinson, Director, PATROL

Louise Hutchinson has been Director of PATROL since 2006, where she has led the organisation's provision for independent adjudication for appeals, as well as assisting public understanding of the objectives of civil enforcement and the appeals process.

Prior to joining PATROL, Louise was Director of a voluntary sector organisation, delivering services to people with disabilities, where public awareness and stakeholder engagement were just as essential.



**Caroline Sheppard OBE, Chief Adjudicator,
Traffic Penalty Tribunal**

Caroline has been Chief Adjudicator of the Tribunal since 1999. She has been instrumental in driving the user-centric approach that typifies the Tribunal's operations and she is a digital champion, taking a leading role in the development of the organisation's award-winning online appeals management system – a platform that has facilitated increased workload and accelerated outcomes, while significantly reducing costs.

Caroline was awarded an OBE in the summer of 2017 for services to motorists, having received a Lifetime Achievement Award from the parking industry earlier in the year.

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