

## **Explanatory note and question responses to:**

Department for Transport

*Pavement Parking: Options for change consultation*

# PATROL

**PATROL (Parking and Traffic Regulations Outside London)**

**Joint Committee**

[www.patrol-uk.info](http://www.patrol-uk.info)

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# Introduction

**PATROL welcomes the Government's consultation seeking views on how to control pavement parking in England (outside London). Pavement parking has caused significant problems for many years – to a greater or lesser extent – in all PATROL local authority areas. The impact of pavement parking on people with disabilities, older people and children in prams and pushchairs, together with the Government's recent focus on active travel and pedestrians as road users in the wake of COVID-19, has emphasised the pressing need to take steps to tackle the issue.**

In its consultation, the Department for Transport (DfT) has set out, as a starting point, three options. The first is an ongoing initiative to review the Traffic Regulation Order (TRO)-making process. Options 2 and 3 suggest two different approaches to pavement parking control and enforcement, and consultees are asked which of the two they prefer. The consultation also invites any alternative proposals for managing pavement parking. The DfT recognises there are pros and cons for each option, and has indicated that the responses received will inform how the issue should be addressed.

PATROL does not consider the three options proposed as alternatives, or that any should be abandoned. PATROL recommends that the suggested options should, instead, all be pursued as related measures in a phased approach, starting with Option 2 – taking immediate steps to add 'unnecessary obstruction of the pavement'\* to the list of offences that are subject to civil enforcement by local authorities.

The fundamental difficulty is that it is widely believed pavement parking is permitted outside London. This misconception has arisen because pavement parking has never really been enforced. Because the answer to the question, 'Will I be fined for parking on the pavement outside London?' is 'No', even the DfT in its consultation has regrettably stated that parking is permitted on the pavement in England outside London. This is wrong – the express statutory ban in London (since 1974) didn't result in permitting pavement parking outside London; it created a defined offence that the Metropolitan Police was confident in enforcing.

**PATROL therefore disagrees and is bound to comment that the assertion made in the consultation introduction, that in England (outside London) '*...parking on pavements and verges is permitted unless specifically prohibited by a local authority...*', is incorrect.**

The old case law, most of which stems from the 1960s and '70s, mainly deals with carriageway obstruction, seen through the lens of society shifting to increased vehicle use. Yet in those days, the Highway Code listed 10 compulsory 'musts' and 'must nots'. Number 6 stated: '*you must not park on the footway unless authorised.*' The 2007 edition, however, reflects the London legislation, stating at 244: 'You MUST NOT park partially or wholly on the pavement in London, and should not do so elsewhere unless signs permit it.'

It *does not* say that pavement parking is permitted outside London. It has never been permitted, but lapsed enforcement has led to a belief that it is. However, the position is no different to parking and bus lane contraventions that went unenforced by the police for many years until local authorities commenced civil enforcement. Driving in bus lanes and parking on yellow lines had not become permitted before civil enforcement.

The current Welsh Government proposals do not state that pavement parking is permitted

There are those still old enough to remember when it never occurred to anyone to park on the pavement. Gradually, the combination of getting away with it, giving oneself the benefit of the doubt – reinforced by no enforcement – developed into the strongly held (but misguided) belief that it is permissible to park on the pavement, except in London, where, for many years, you risked being towed away for doing so.

**The overarching principle that still applies, and always has, is that pavements and footways are for pedestrians and carriageways are for vehicles. Any stationary vehicle left on the footway is preventing a pedestrian from proceeding along that area of footway.** It is an offence to drive on the footway, except to enter premises, so a vehicle parked on the pavement can reasonably be presumed to have broken the law to access the place where it is parked.

Therefore, the problem is not that parking is permitted on the footway outside London, it is that generations of motorists believe that they may park on the pavement / footway. The challenge now is to reinforce in the minds of the motoring public that pavements are provided for pedestrians (and definitely not for cycles and scooters). Any vehicle parked unnecessarily on the footway is de facto obstructing the use of the footway, whether or not a pedestrian is actually obstructed; or, in the driver's opinion, ought to be able to manoeuvre around their car. It must be explained that it is only lack of enforcement that has resulted in vehicles being parked on the footway with impunity – and that in future, penalty charges will be issued.

This is not impossible. That you are permitted to park on the pavement is just one of a number of parking and traffic myths that have no basis in law. We are all familiar with the barrack room lawyer in the pub holding forth that one can:

- pull into a bus lane 20 metres before it ends if you are turning left
- stop on yellow lines for 10 minutes
- park behind yellow lines, because the restrictions do not apply; and
- 'I was only there for five minutes' is an acceptable reason.

Civil enforcement by local authorities has gradually put a stop to these myths. The stumbling block for the police, however, has been the changing nature of what constitutes obstruction in a world where vehicle use on the road has ever been increasing, and what evidence is required in order to establish the criminal standard of proof. This would have a change of focus if footway parking contraventions were subject to civil enforcement.

## **The three consultation options; progressing them in a phased approach**

### **Option 1: To rely on improvements to the existing TRO system**

It is self-evident that if parking is not permitted on the pavement / footway, then there should be no need to create a bylaw by means of a TRO prohibiting it. However, because the police do not enforce pavement parking, and unnecessary obstruction of the highway is not subject to civil enforcement, local authorities outside London currently only have the power to enforce against a vehicle parked on the footway by making a TRO, enabling a civil Penalty Charge Notice (PCN) to be issued for contraventions.

TRO contraventions are, however, unenforceable if not signed and there were no signs in the Traffic Signs Regulations and General Directions (TSRGD) for prohibited footway parking (it not being allowed). This meant that a council wishing to use a prohibitive TRO to take on enforcement

required special authorisation for signs. This contrasts with TROs *permitting or designating* parking on (or partially on) the footway, for which there have been TSRGD signs for some time. The 2016 TSRGD contains an entry sign to a zone where parking is prohibited (Schedule 5; Part 3; Item 7).

*The review of the TRO-making process is of significant importance for local authorities and to future digital mapping. PATROL recommends this work should continue and be progressed in parallel to the solution to pavement parking. Streamlining the process would assist TRO making – prohibitive or permissive – should authorities still need to use those measures, either in the short or long term.*

### **Option 2: To allow local authorities to enforce against 'unnecessary obstruction of the pavement'**

Option 2 represents the most effective way forward in the short term, enabling all enforcement authorities to target the worst cases of pavement parking. It is a flexible solution and targeted enough to tackle the issue specific to individual communities, but applicable and actionable nationally by any civil enforcement authority.

Introducing the offence of unnecessary obstruction to Schedule 6 of the *Traffic Management Act 2004* (TMA) would also mean that the enforcement authorities must have regard to Statutory Guidance. This Guidance would enable the Secretary of State to provide clear examples of unnecessary obstruction (e.g. where there is not enough room for a wheelchair to pass). Examples of where parking on the pavement is necessary could also be included. The Guidance can also recommend enforcement policies, such as the issuing of warning notices and sensitive consideration of representations against PCNs, aimed at achieving compliance.

The success of Option 2 is predicated on a national public information campaign (and syndicated locally) to reverse the perception that pavement parking is permitted, while promoting behaviour change and compliance among motorists.

*PATROL recommends that Option 2, with the necessary safeguards described above, should be progressed as a first step to tackling the issue of pavement parking in England (outside London)*

### **Option 3: A national pavement parking prohibition**

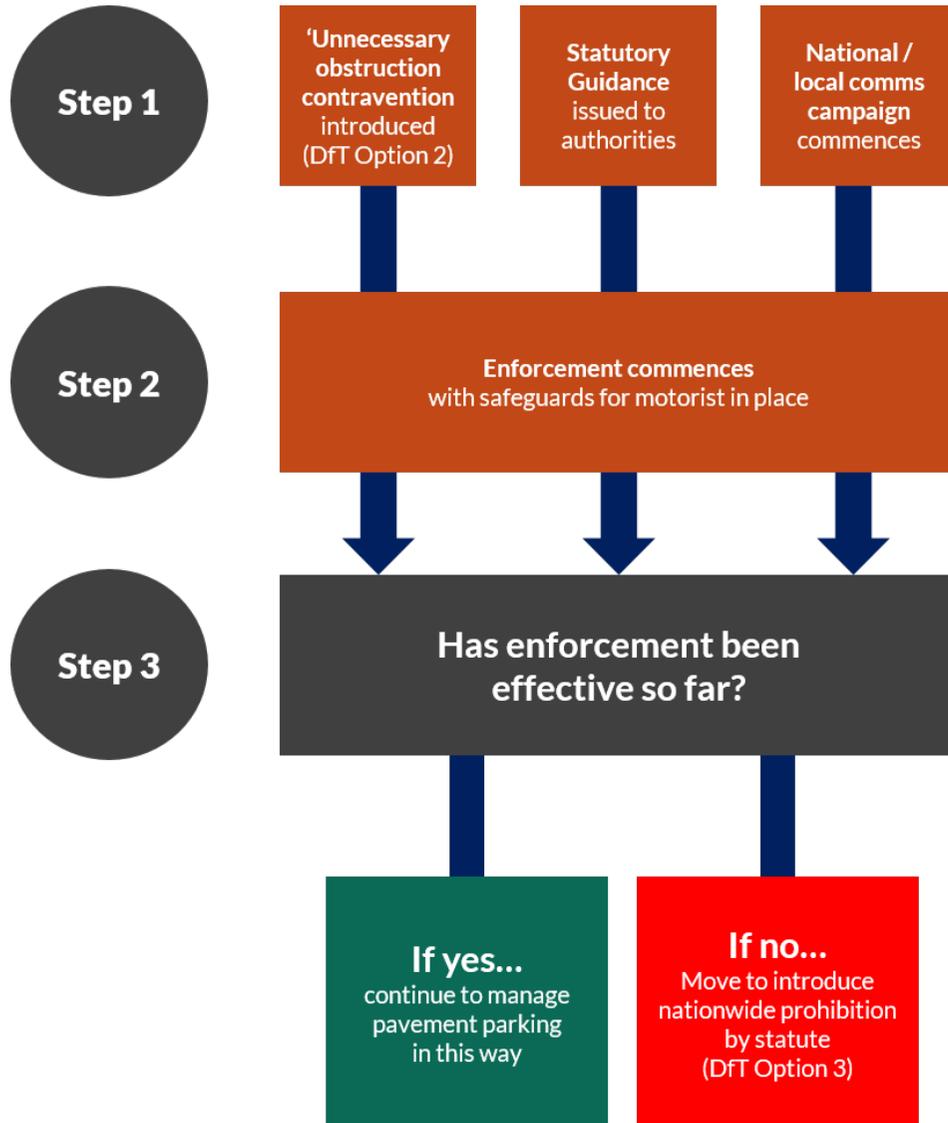
Option 3 is a longer term consideration, requiring primary legislation, so the likelihood of introducing the prohibition is realistically some way in the future. The problems and challenges of pavement parking differ from area to area. A national ban would need to contain a similar provision to the *Greater London (General Powers Act) 1974*, where a council can lift the ban and permit parking based on a Resolution, rather than making a permissive TRO. Nonetheless, most authorities would need to identify areas where pavement parking must be permitted and would need to undertake consultation exercises.

*If Option 2 is introduced first, in time – through impact assessment – the Government and local authorities alike will be able to assess whether primary legislation is needed to tackle the problem, with clear evidence-based examples of successes and difficulties in enforcement.*

\* The legal term for a pavement next to a carriageway is 'footway'. 'Pavement' is the more common term. As per the Department for Transport's use of 'pavement' rather than 'footway' in its consultation, PATROL will follow this approach.

Consultation question	Explanation / Reference
<p><b>Q7. Do you prefer:</b></p> <ul style="list-style-type: none"> <li>• <b>Option 1</b></li> <li>• <b>Option 2</b></li> <li>• <b>Option 3</b></li> <li>• <b>an alternative option?</b></li> </ul>	
<p><b>PATROL does not regard the options as mutually exclusive, instead it proposes an alternative, phased approach.</b></p> <p>This is because:</p> <ul style="list-style-type: none"> <li>• Option 1 is not a solution in itself and PATROL recommends this should be considered aside from the scope of this consultation. The important work of reviewing the Traffic Regulation Order (TRO)-making process and modernising it to reflect future digital mapping must continue, regardless of whether a reform of the process will have an impact on controlling pavement parking</li> <li>• Option 2 allows local authorities to immediately tackle pavement parking and / or respond to complaints of pavement parking, while also being an enforcement option that is flexible and targeted enough to meet the specific circumstances 'on the ground' in different communities. Feedback from workshops with PATROL authority Members and Offices (see reference right) was clear about the need for a locally responsive solution to meet the challenge of tackling pavement parking across communities comprising hugely different road networks and built environments.</li> <li>• Option 3 is a longer term consideration, and PATROL recommends this should be preceded by a thorough evaluation of the evidence from implementing Option 2, impact assessments by local authorities and the ongoing experience of the governments in Scotland and Wales. A nationwide prohibition remains an option, should Option 2 fail to deliver the solution to the problem across differing communities in England (outside London).</li> </ul>	<p><i>In 2018, to contribute to the Department for Transport's evidence gathering on pavement parking, PATROL held workshops with Members and Officers from among its 300+ local authority members.</i></p> <p><i>A clear message – one that was central to <a href="#">PATROL's submission to the Transport Committee's inquiry&gt;&gt;</a> last year – was that local authorities were looking to tackle pavement parking in a way that meets the specific needs of their communities, rather than a 'one-size-fits-all' approach. Officers attending the workshops said they face constant calls to enforce against obstruction on pavements, but are currently powerless to intervene.</i></p> <p><i>Authorities are currently unable to respond to complaints about pavement parking that do not relate to:</i></p>

**PATROL's alternative, phased approach – 'Taking action now, paving the way for tomorrow' – is set out in detail below.**



- *Vehicles parked in contravention of existing waiting restrictions;*
- *'Heavy commercial vehicles', with an operating weight of over 7.5 tonnes (instead they are referred to the police);*
- *where a designated area-wide ban is in place, based on Traffic Regulation Orders (TROs) and signage.*

*There was a consensus among workshop attendees that adding 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, would provide local authorities with the power to take targeted action against pavement parking in a proactive and reactive way.*

*There was also considerable interest in the potential of the civil contravention of obstruction to apply to vehicles parked in proximity to junctions, which would be beneficial in terms of road safety for pedestrians, cyclists and other motorists.*

*This is a power that could have potential benefits for local authorities both outside and within London.*

**Step 1:** Moving first to allow local authorities to enforce against ‘unnecessary obstruction of the pavement’ (Option 2) through secondary legislation would provide an immediate solution to address the most acute offences of pavement parking right from the outset. The new power would also allow a targeted, flexible response to the problem, sensitive to local circumstances and the differing road networks and built environments across communities.

Local authorities already have experience of enforcing against restrictions outside of TROs, including dropped kerbs and double parking (see reference in right hand column).

When introducing unnecessary obstruction to Schedule 7 of the *Traffic Management Act 2004* (TMA), the Secretary of State would extend his Statutory Guidance (under Section 87 of the TMA), setting out appropriate considerations for the application of the new power. Enforcement authorities must have regard to the Guidance, which could address the types of obstruction that should typically be subject to civil enforcement and deal with the use of warning notices on the first occasion a vehicle is identified as causing an obstruction.

A key element of implementing Option 2 will be a national communications campaign to inform and make the public aware of the purpose of pavements and the problems caused by pavement parking. This will include warnings that local authorities will be enforcing contraventions, and be syndicated by authorities on their own local communications channels, accompanied by the publishing of their intended enforcement policies.

PATROL, with membership of all civil enforcement authorities in England outside London, is well placed to coordinate a public information campaign. Consideration could be given to resourcing the campaign from the recently announced Active Travel Fund.

PATROL recommends that the key messages of the national communications campaign be as follows:

- **Core message: Pavements are for pedestrians, not vehicles**
- Secondary messaging could include:
  - a vehicle left stationary on the footway is presumed to be obstructing a pedestrian from using the part of the footway where the vehicle is parked, even if there is space to pass by.

*The Traffic Management Act 2004 creates two new parking contraventions enforceable by local authorities in a ‘special enforcement area’ (area of an authority that has civil enforcement powers):*

- *Section 85 creates a prohibition of double parking; and*
- *Section 86 creates a prohibition of parking at dropped footways*

*These contraventions, for which authorities can issue Penalty Charge Notices (PCNs), are not dependent on Traffic Regulation Orders (TROs) or signage. Dealing with obstruction in car parks is also commonplace.*

*Most enforcement arises from a particular complaint. Local authorities in England (outside London) have approached enforcement of these new contraventions with a light touch. Authorities tend to issue PCNs when there has been a complaint by the public about parking in front of / blocking access to a property, or where they are aware of streets with problems of this nature, which they target.*

*In the same way, local authorities receive complaints about pavement parking (see **example from [Devon County Council’s latest Parking Annual Report](#)>>; Page 10**). Currently, the Council is unable to enforce in response to such complaints, so the introduction of Option 2 would enable authorities in a similar position to respond to the issue effectively.*

- pavement parking causes significant problems for pedestrians, particularly those in wheelchairs, the blind and partially sighted, and people with prams.
- not parking on the pavement is a civil responsibility and changing behaviour will help improve communities
- enforcement powers are now available and will be used as a deterrent.

In parallel with the commencement of Option 2, the reform of the TRO process (Option 1) could be progressed as a separate project to bring speed and efficiencies to the implementation of traffic restrictions, generally, by local authorities. This reform would complement Option 2 by enabling authorities (who wish to) to more easily introduce areas of permitted footway parking in their communities.

**Step 2:** Civil enforcement of ‘unnecessary obstruction of the pavement’ commences in England (outside London), accompanied by Statutory Guidance and the national communications campaign

**Step 3:** Evaluate the impact of:

- enforcement (Option 2), including evidence from appeals made to the Traffic Penalty Tribunal and Adjudicator decisions, and the effectiveness of Statutory Guidance
- the national communications campaign (and local syndication), in terms of changed driver behaviour and the instances / levels of pavement parking in different local authority areas.

The evaluation and learnings from Option 2 can be used to inform and evidence future consideration of the need for a national prohibition on pavement parking (Option 3) or continue with the current approach.

The experience from enforcement in both Scotland – where a national ban is set to be introduced in 2021 – and Wales – where the Government has agreed a number of recommendations from an independent Task Force Group (see further information in this answer below) – can also be fed into the evidence base, as can any impact from the reform of the TRO process (Option 1), if applicable.

***Details on the introduction of the national ban in Scotland can be viewed [here>>](#).***

### **Welsh Government's proposals for a similar phased approach**

In October 2020, the Welsh Government announced that it had accepted all of the recommendations made by the Task Force Group it had set up to examine the problem.

The Chief Adjudicator of the Traffic Penalty Tribunal, Caroline Sheppard OBE, and PATROL's Director, Louise Hutchinson, were invited to join the Task Force Group with representatives from local authorities in Wales, the Welsh Local Government Association, third-sector organisations and the British Parking Association.

The Group rejected an outright ban on pavement parking as being 'overly slow and complex'. Instead, the report focused on the premise that parking on the pavement should be '*...tackled by changing driver behaviour through raising awareness that pavements are for pedestrians and not for vehicles, backed-up by the deterrent of effective enforcement.*'

The Welsh plan:

- gives authorities the powers to enforce against obstruction: providing immediate action, nationally, while allowing autonomy for local circumstances
- takes action, in parallel, to ease the TRO process, enabling authorities to also introduce permitted parking more readily, where required / feasible
- provides for a robust framework of public information, monitoring and evaluation
- retains the possibility to introduce primary legislation for a nationwide ban at a later date, should this be required.

In summary, the recommendations from the Welsh Task Force Group provide a blueprint for allowing local authorities in England (outside London) to take the same immediate action to manage pavement parking in their communities, while an assessment of the most effective long-term solution can be carried out (including the option to introduce primary legislation, should this be required).

***The Welsh Task Force Group's report, including all recommendations can be viewed [here>>](#).***

**Q8. How would you define an 'unnecessary obstruction of the pavement'?**

PATROL recommends that 'unnecessary obstruction of the pavement' should not be defined in the statutory instrument. Any attempt to define obstruction will inevitably result in disputes about situations that may not have been considered in the legislation.

Obstructing free passage is the first critical ingredient of introducing the 'unnecessary obstruction' contravention. This essentially means that *any* stationary vehicle left so that it impedes pedestrians wanting to pass is, in principle, obstructing the highway. This is not vague – it is a clear message to the motoring public.



Many motorists may consider it sensible to park as illustrated in the image above. The cars parked may appear not to be obstructing the pavement, they nevertheless are impeding pedestrians who wish to use that section of the footway. The pavement has been created as an engineering feature for the use of

pedestrians. This image was included in the report of the Task Force Group set up by the Welsh Government to examine the issue of pavement parking in Wales. The second critical ingredient of introducing the new power is that the obstruction needs to be 'unnecessary'. The Secretary of State's Statutory Guidance issued under Section 87 of the *Traffic Management Act 2004* can set out examples of what will normally be considered unnecessary obstruction, being the incidents that most trouble pavement users (for example, blocking the free passage of a wheelchair or buggy). These examples can form part of the proposed national communications campaign (see answer to Question 7).

Examples can also be given in the Guidance of what might be considered 'necessary'. Where, for example, a vehicle is used for setting down a passenger (and maybe left to escort a disabled or child passenger), or for loading / unloading a heavy burden, it could be said that it was necessary to park adjacent to the premises. Again, this can also be made clear in the national communications campaign.

There has never been a requirement to specify distances that constitute unnecessary obstruction, etc. It would be a complication to do so now and, in any event, that is not how the offence is drafted in Regulation 103 of the *Road Vehicles (Construction and Use) Regulations 1986*.

Arguments about where people have habitually parked – and whether or not anyone was actually obstructed – can be dealt with in representations made against the issuing of Penalty Charge Notices (PCNs). Furthermore, Traffic Penalty Tribunal Adjudicators' decisions will deal with differing factual situations amounting to obstruction, providing a framework for authorities and motorists alike.

Consideration can be given to including some express exemptions on the statutory instrument to include offences against Regulation 103, if thought necessary.

***The Welsh Task Force Group's report, including all recommendations can be viewed [here>>](#).***

**Q9. 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**

Yes. Warning notices would help to reinforce the national communications campaign and local syndication (see answer to Question 7), and promote awareness and acceptance of considerate parking. It has consistently been the view of PATROL and the Adjudicators of the Traffic Penalty Tribunal that the 'three Es' approach of Engineering, Education and Enforcement (as a last resort) is one that best achieves compliance to traffic restrictions.

In the case of pavement parking, as with the enforcement of dropped kerbs and double parking by local authorities (see reference right), there are no signs or lines (Engineering), therefore, education / information is key.

*The Traffic Management Act 2004 creates two new parking contraventions enforceable by local authorities in a 'special enforcement area' (area of an authority that has civil enforcement powers):*

- *Section 85 creates a prohibition of double parking; and*
- *Section 86 creates a prohibition of parking at dropped footways*

*These contraventions, for which authorities can issue Penalty Charge Notices (PCNs), are not dependent on Traffic Regulation Orders (TROs) or signage. Dealing with obstruction in car parks is also commonplace.*

*Most enforcement arises from a particular complaint. Local authorities in England (outside London) have approached enforcement of these new contraventions with a light touch. Authorities tend to issue PCNs when there has been a complaint by the public about parking in front of / blocking access to a property, or where they are aware of streets with problems of this nature, which they target.*

**Q10. What do you think are the advantages and disadvantages associated with Option 2?**

***Advantages***

- It can be achieved very quickly, able to address the most acute offences of pavement parking right from the outset, before and without the problem of local and specific circumstances posing barriers (as would be the case with a nationwide prohibition).
- Considerably less resource intensive and costly for local authorities than Options 1 and 3.
- Authorities already have the power to issue Penalty Charge Notices (PCNs) for parking adjacent to a dropped kerb (a similar contravention) and have approached enforcement of these restrictions with a 'light touch', sensitive to local conditions. Civil Enforcement Officers also have experience of issuing penalties for obstruction in car parks (see reference right), some of which are appealed to the Traffic Penalty Tribunal.
- It is a proportionate, flexible and targeted approach, which is responsive to local needs – enforcement can be quickly focused and rolled-out to areas where obstructions are high / persistent.
- It can easily be accompanied by a national communications campaign message on pavement parking (backed up by local policies and communication), with the ultimate deterrent of enforcement at the higher rate of penalty. This allows a greater opportunity to engage with the general public, for them to understand the issues and impact of poor parking and gather support.
- There is the possibility of regular publishing of the locations where enforcement will occur, locally, to make enforcement transparent and raise even greater awareness of the issue.
- It allows for an 'evaluation period' to assess the impact of the new power. Data for evaluation could include the outcomes of Traffic Penalty Tribunal Adjudicator decisions, as well as representations made to the authorities

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*Most enforcement arises from a particular complaint. Local authorities in England (outside London) have approached enforcement of these new contraventions with a light touch. Authorities tend to issue PCNs when there has been a complaint by the public about parking in front of / blocking access to a property, or where they are aware of streets with problems of this nature, which they target.*

against penalties issued. The evaluation and learnings from Option 2, as well as the increased understanding and awareness of the issue from the public, could inform and evidence future consideration of the need for a prohibition on pavement parking (Option 3).

### **Disadvantages**

- Because Option 2 would, essentially, be a local initiative, and each authority will be responsible for public information in its own area, it will not be clear to visitors and strangers as to whether pavement parking is permitted in a given area. Concerns are often expressed that visitors, who have not experienced a local public information campaign, will – without the presence of signs – not know that pavement parking is being enforced, or where it is tolerated. This could be aided by the proposed national communications campaign (see answer to Question 7). Issuing warning notices to vehicles identified on the pavement for the first time (see answer to Question 9) will also alert drivers about enforcement. Where pavement parking is tolerated, the authority will consider at least an experimental Traffic Regulation order (TRO) and will not enforce during the consultation period.
- Initially there might be a flurry of representations and appeals against issued PCNs, claiming that where the vehicle was parking did not constitute an obstruction / that the obstruction was necessary / that nobody was actually obstructed. The Traffic Penalty Tribunal appeals data shows a spike in appeals where a hitherto unenforced bus lane becomes subject to civil enforcement, but the norm is that compliance is soon achieved and appeals drop off considerably. Pavement parking authority data would likely show a similar pattern. The Secretary of State's Statutory Guidance (issued under Section 87 of the *Traffic Management Act 2004*) can advise about matters to be considered in dealing with representations and the publication of Adjudicators' decisions will add clarity as the enforcement beds in (see answer to Question 8).
- While it is suggested that there might be an impression of inconsistency, it is important that the local nature of enforcement measures are emphasised, and that different authorities will have different priorities.
  - This works well in the enforcement of the dropped kerb and double parking offences introduced in Sections 85 and 86 of the *Traffic Management Act 2004*, where authorities tend to operate 'light

touch' enforcement, depending on the extent and area of the nuisance.

- With improvements in technology, if a Civil Enforcement Officer is in doubt about whether to issue a PCN, photos can instantly be sent to superiors for confirmation.

**Q11. Do you think a national prohibition should apply:**

- **on no roads (since you are against the proposal)?**
- **on all public roads within the country?**
- **only on roads with speed limits up to 40mph (this includes roads in villages, towns and cities); or**
- **in an alternative way of your description? (please describe)**

Not immediately (see alternative model set out in Question 7).

The evaluation and learnings from Option 2 can be used to inform and evidence future consideration of the need for a national prohibition on pavement parking (Option 3) or continue with the current approach. The experience from enforcement in both Scotland – where a national ban is set to be introduced in 2021 – and Wales – where the Government has agreed a number of recommendations from an independent Task Force Group (see further information in this answer below) – can also be fed into the evidence base, as can any impact from the reform of the TRO process (Option 1), if applicable.

This is, however, very much a local consideration and PATROL expects a diverse set of responses to this question from authorities in England (outside London).

***Details on the introduction of the national ban in Scotland can be viewed [here>>](#).***

***The Welsh Task Force Group's report, including all recommendations can be viewed [here>>](#).***

<p><b>Q12. Should a national prohibition apply to:</b></p> <ul style="list-style-type: none"> <li>• pavements only?</li> <li>• pavements and verges?</li> </ul>	<p><i>The road includes the footway, as well as the carriageway (established in Bryant v Marx [1932 AER 518]). The grass verge is part of the highway (established in Worth v Brook [1959 CrLR 885]).</i></p>
<p>Pavements and verges.</p>	

<p><b>Q13. What are your views on the impact this would have on the built and historic environment?</b></p>	
<p>PATROL's 300+ member authorities outside London represent a diverse range of built environments.</p> <p>In a series of workshops in Autumn 2018, PATROL brought together some 75 Councillors and Officers representing district, county and unitary authorities to discuss the challenges of managing pavement parking in their communities, in order to contribute to the Department for Transport's evidence review.</p> <p>One of the key findings over the workshops was that there will <i>always</i> be a need for pavement parking on some roads, such as narrow terraced residential streets in former industrial towns. Local authority officers have also pointed to the issue of restrictions resulting in the displacement of the problem to other areas.</p> <p>The need to erect signage and paint lines on the highway / footway to designate permitted areas of pavement parking in the event of a nationwide prohibition would inevitably lead to debate with interest groups in historic towns and cities.</p> <p>Individual authorities' submissions will no doubt expand on the local issues involved.</p>	

**Q14. What do you think are the advantages and disadvantages of Option 3:**

- **for rural areas including villages?**
- **for suburban areas?**
- **for town and city centres?**
- **overall?**

***Advantages***

This would be a single step approach.

***Disadvantages***

As Option 3 would involve primary legislation, local authorities could potentially be left with no enforcement options for up to five years.

The recent announcement from the Welsh Government on its plans to tackle pavement parking cited a rejection (at least in the short term) of an outright ban in Wales. The Task Force Group's eventual report, published in October 2020, stated that an outright ban on pavement parking would be 'overly slow and complex'.

A nationwide, 'blanket' ban is a 'one-size-fits-all' approach, which will involve local authorities taking costly and resource intensive steps to mitigate against its effects in different areas, and increase the regulatory burden on local authorities. This was a clear view of PATROL's member authorities during workshops undertaken in Autumn 2018, and was a key strand of [PATROL's submission to the Transport Committee's inquiry>>](#) last year (see case study cited in the inquiry submission referenced in the right column).

For example, taking steps to introduce permitted parking (with the signs and lines required to do this) in rural areas – where pavement parking may not have as much impact – would divert resources away from more pressing demands on transport budgets. This type of investment should come after an evidence-based approach and full impact assessment, enabling local authorities across England (outside London) to identify the impact on the three differing built environments

***The Welsh Task Force Group's report, including all recommendations can be viewed [here>>](#).***

*It is the clear view of PATROL's members that a national prohibition on pavement parking would result in significant traffic management challenges in their communities.*

*There are some circumstances where requiring vehicles parked partially on footways to instead park on the carriageway could cause more issues than it resolves; for example, the passage of emergency vehicles, buses and larger vehicles, together with any associated congestion and air quality issues. Furthermore, restrictions on parking in one area could have the effect of displacing problems elsewhere.*

*One PATROL authority in the North of England has estimated the potential cost of introducing 'permitted' signs and lines, if implementing a nationwide pavement parking ban, at £666,000.\**

referred to in the question.

*While the task will differ from authority to authority, depending on such factors as the scale of the road network; the balance of urban and rural areas; the density of development; historic town road layouts, etc., this example provides an indication of what would be involved in introducing permitted parking areas in a community, should a nationwide ban be introduced.*

*In the case of this authority, this would need to involve:*

- **2,200 hours (306 days)** for surveys, consultations, customer relations, reporting and managing street works.
- **£1,800** to sign and line each average residential road.
- **£148,000** to introduce required TROs.
- **2 years and the requirement of an additional officer** to implement the changes.
- **740 additional hours** to handle queries from the public following implementation of the ban.

*\* There are a total of 3,700 individual roads across the authority. Assuming that only 10% were suitable for permitted pavement parking, this would mean a total of 370 roads. The authority also assumed the length of an average residential road to be 200 metres.*

*The calculation 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.*

**Q15. Do you believe Option 2 or Option 3 would have an impact on the environment?**

**Option 2:**

- **Yes**
- **No**
- **Don't know**

This would be determined by the approach each authority takes in meeting local needs, as per the provision for local enforcement policies suggested in the alternative, phased approach set out in Question 7. However, enforcement under Option 2 would not require signs or lines.

The recent focus on active travel and pedestrians as road users in the wake of COVID-19 has emphasised the pressing need and opportune moment to tackle the issue of pavement parking.

Option 2 would bring about improvements for pedestrians and, if extended to unnecessary obstruction of the highway, would bring about improvements for all road users.

**Option 3:**

- **Yes**
- **No**
- **Don't know**

Yes. More significantly, all local authorities would be required to assess their area to establish where they must introduce signs and lines (for areas of permitted parking), which would increase the environmental impact and potential 'street clutter'. This may, ironically, in itself also increase mobility hazards on pavements.

Many of PATROL's member authorities (outside London) have consistently identified the challenge of managing pavement parking in areas where terraced properties are prevalent, without off-street parking provision and narrow roads.

Pavement parking is a matter for communities (residents, businesses, visitors), and local authorities are best placed to determine the most appropriate solutions for their pavement parking challenges, taking specific built environment into account.

# About PATROL

**The PATROL (Parking and Traffic Regulations Outside London) Joint Committee comprises over 300 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 local authorities 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, deciding ~37,000 appeals 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). It is anticipated that from 2021, appeals arising from charging Clean Air Zones will be determined by the TPT Adjudicators

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.

