

REPORT TO: Environment and Urban Renewal Policy
and Performance Board

DATE: 24th February 2021

REPORTING OFFICER: Strategic Director – Enterprise,
Community and Resources

PORTFOLIO: Physical Environment, Transportation,
Community Safety

SUBJECT: Problem Pavement Parking - Working
Party Update

WARDS: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To update the Board on the progress of the Working Party.

2.0 RECOMMENDATION: That the Board notes the update and endorses the recommendations set out in section 5.1.

3.0 SUPPORTING INFORMATION

3.1 Parking on pavements is a common problem nationally, as parked vehicles restrict the width of the pavement. This causes general problems for pedestrians, but particularly for those who use wheelchairs, the visually impaired, or those using prams. Interestingly, pavement parking has been prohibited in London since 1974.

3.2 It is also important to recognise that in many narrow streets pavement parking is necessary to maintain free-flowing traffic, including for emergency service vehicles. Ultimately, it is recognised there is no perfect solution to this complex problem.

3.3 Since 1974, Highway Code rule 244 has stated that drivers "MUST NOT park partially or wholly on the pavement in London and should not do so elsewhere unless signs permit it." In London, you *must not* park on the pavement, the *must* indicating there is legislation behind this rule and a driver could receive a fine for breaking it. However, outside of the capital or "elsewhere", the Highway Code states drivers *should not* park on the pavement, meaning it is advisory and not, therefore, backed up by any legislation.

3.4 However, Rule 242 states: "You MUST NOT leave your vehicle or trailer in a dangerous position or where it causes any unnecessary obstruction of the road." This is a *must not*, again, meaning if a car is reported or seen by a police officer and judged to be either in a dangerous position or

causing an unnecessary obstruction of the road, a driver could receive a Fixed Penalty Notice.

- 3.4 The Road Regulation Traffic Act 1984 (as amended) enabled Councils to supervise parking places, including enforcement of certain parking regulations. Parking offences were previously dealt with through the criminal court system. The Road Traffic Act 1991 brought about key changes in the above arrangements. It enabled the Government to make orders so that local councils, rather than the Police, could enforce parking "offences". This resulted in those councils who applied for the necessary powers to "decriminalised" parking offences, and deal directly with parking enforcement via the civil enforcement system (rather than criminal system). A local council with civil parking enforcement (CPE) powers would then appoint Civil Enforcement Officers to carry out enforcement work and issues fines and penalty charge notices. Part 6 of the Traffic Management Act 2004, which provides for civil parking enforcement, has since updated the regulations.
- 3.5 Halton has previously undertaken some in-depth studies into the benefits of applying for civil parking enforcement powers. The last time was in 2009, when the Council concluded was that it was not in the local community's interest for Halton Borough Council to become a civil parking enforcement authority. A key component behind this decision was the desire to maintain free of charge car parks in Halton's three town centres to support the retail sector. The ongoing revenue cost of administering a CPE service was also a relevant factor. At the present time, the Police remain responsible for parking enforcement in Halton.
- 3.6 Recently, the Department for Transport (DfT) undertook a consultation exercise to look at the possibility of strengthening powers to tackle problem pavement parking. Details can be found here: <https://www.gov.uk/government/consultations/managing-pavement-parking/pavement-parking-options-for-change>
- 3.7 The DfT sought views on three proposed options identified in the department's review of the pavement parking problem, and echoed by the Parliamentary Transport Committee:
 - Option 1 – improvements to the existing traffic regulation order (TRO) process, under which local authorities can put in place measures to prohibit pavement parking (e.g. double yellow lines), is sufficient and proportionate to tackle pavement parking; or if not:
 - Option 2 - legislative change to allow local authorities with civil parking enforcement (CPE) powers to enforce against 'unnecessary obstruction of the pavement'; or
 - Option 3 - legislative change to introduce a London-style pavement parking prohibition throughout England.
- 3.8 The outcome of this consultation, together with the Government's response to the consultation has yet to be announced.

4.0 POLICY IMPLICATIONS

- 4.1 Prompted by the DfT consultation (as referred to above), the Board considered it timely to look again at pavement parking in the Halton. A Working Party was established at the last Board meeting to review the current position and issues associated with pavement parking in Halton.
- 4.2 The Working Party (WP) met virtually on 3rd February and considered the legislative framework for parking enforcement and tackling highway obstruction. The WP also debated the merits and likely consequences of the DfT consultation, before moving on to discuss the areas of the Borough where pavement parking problems have been reported.
- 4.3 Examples included the terraced streets of the Borough where only on-street parking was available, and in order to maintain traffic flows, parking on the kerb was the only realistic option available. This was contrasted with more sub-urban locations where properties had driveways, but often vehicles were parked on grassed verges. The WP perceived this to be a nuisance issue, with churned up grassed areas giving a negative visual impact on the character and appearance of an area. The WP agreed this was an area for closer scrutiny and had potential for a new policy to prevent parking on verges where damage was occurring. Example interventions included formal parking restrictions, planting trees, and charging the party responsible for the reinstatement of the verge where this was in Council ownership.
- 4.4 Enforcement of parking issues were given in depth consideration. Officers provided the WP with an overview of the 2009 study and the conclusion reached by Members, who at that time did not feel compelled to apply for Civil Enforcement Powers. The WP considered that it remained imperative that the viability and vitality of the town centres continued to be supported through free parking in official car parks, especially now due to the impact of the pandemic on the retail sector. The WP felt the best way to tackle the hot spots of problem parking was to continue the strong collaboration with the local Policing teams to take targeted action where parking was dangerous, or causing an obstruction of the pavement or highway.
- 4.4 Town planning policies were next given attention, and the WP considered the changes to the National Planning Policy Framework (NPPF) away from maximum car parking standards for developments. Maximum parking standards had previously been encouraged in order to combat urban sprawl and congestion, by restricting parking space to encourage a shift to other modes of transport beside the private car.
- 4.5 The NPPF now states:

'If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;*

- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

'Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure.'

4.6 Based on the national planning policy set out above, and the experience of Members on the WP, the WP agreed that the Development Control Committee remained the best body for assessing the parking requirements of new developments as they came forward, and the likely impacts on the surrounding area of any new development proposals.

5.0 OTHER IMPLICATIONS

- 5.1 The Working Party agreed an action plan to cover the following:
- Recommend the Board endorse a decision not to seek CPE powers at the present time.
 - Draft a letter to the Police and Crime Commissioner requesting their continued support in taking targeted enforcement action where pavement parking presents an ongoing problem.
 - Produce a draft policy to tackle parking on the Council's verges.
- 5.2 If the PPB Board endorse the Working Party's recommendations then a further WP meeting will be held to implement the above actions.

6.0 RISK ANALYSIS

6.1 There are no legal or financial risks arising from this report.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 There are no equality and diversity implications arising from this report.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Parking Studies 2009	Electronic	Tim Gibbs