

REPORT TO: Environment and Urban Renewal Policy
and Performance Board

DATE: 23 June 2021

REPORTING OFFICER: Strategic Director – Enterprise, Community
and Resources

PORTFOLIO: Environment and Urban Renewal

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

2.1 **The Board notes the update set out in Section 5.0.**

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.

4.0 POLICY IMPLICATIONS

4.1 Enforcement of parking issues were given in depth consideration by the Working Party (WP). 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.

5.0 OTHER IMPLICATIONS

5.1 The Working Party agreed an action plan, of which one specific action was to 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.

5.2 Following the May 2021 elections, John Dwyer was elected as the Cheshire's Police and Crime Commissioner.

5.3 The letter contained in Appendix 1 has been sent to Mr Dwyer.

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
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Parking Studies 2009	Electronic	Tim Gibbs
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APPENDIX 1

Mr John Dwyer
Police & Crime Commissioner

Dear Sir,

Halton Issues

As Chair of Halton's Policy and Performance Board for Environment and Urban Renewal I would wish to congratulate on your recent election to the role of Police and Crime Commissioner for Cheshire. My Board has asked that I write to you in relation to a number of issues that we regularly collaborate on in Halton.

Part of my board's responsibility covers road safety, and we receive the annual updates from the Department of Transport on road traffic collisions and casualty numbers. The board welcomes the positive work undertaken by the Cheshire Road Safety Group to reduce these statistics and provide education to road users. We look forward to this strong partnership continuing to deliver successful interventions for the benefit of all our residents.

In December 2020, the Board considered a policy on roadside memorials. This policy is also being considered by the other local authorities in the Liverpool City Region for adoption. The purpose of the policy is simply to set out the procedure for managing the ad hoc tributes that can appear following an incident on the highway. I would ask for the Constabulary's support for this policy.

In February 2021, the Board looked at problem pavement parking. This was prompted by the DfT's consultation on powers relating to this topic. At the present time, Halton does not have civil parking enforcement powers, therefore the enforcement of obstructive parking remains a Police duty here. I recognise that the position is different in the other local authorities in the Cheshire Constabulary area. I would welcome your assistance in taking targeted enforcement action, and enhancing working relationships between Council officers and PCs / PCSOs to tackle hotspots of obstructive parking in Halton.

On behalf of the Board, we wish you every success in your new post, and look forward to continuing strong collaborative working for the benefit of all our residents.

Yours faithfully,

Councillor Bill Woolfall
Chair – Halton Environment and Urban Renewal PPB.