



Economic Development, Transport and Tourism Scrutiny Commission

Date of Commission meeting: 19th November 2020

National Pavement Parking Consultation

Report of the Director of Planning, Development and
Transportation

Useful Information:

- Ward(s) affected: ALL WARDS
- Report author: Martin Fletcher, City Highways Director
- Author contact details tel. 0116 454 4965

1. Summary

The UK Government is currently consulting on options to improve the management and enforcement of pavement parking across England. Three options are being consulted on as follows:

- Option 1: to rely on improvements to the existing Traffic Regulation Order (TRO) system.
- Option 2: to allow local authorities with Civil Parking Enforcement (CPE) powers to enforce against 'Unnecessary obstruction of the pavement'.
- Option 3: a national pavement parking prohibition.

In 2014, the Economic Development, Transport and Tourism (EDTT) Scrutiny Commission looked into the issue of pavement parking and recommended a national review of the regulatory framework with a view to a national ban on pavement parking with provision for local opt-outs.

The council is looking to respond positively to the national consultation and this report seeks to the views of the Commission on the consultation options and the approach to responding.

2. Recommendation(s) to scrutiny

That the EDTT Scrutiny Commission is asked to consider and comment on the council's suggested position and approach to responding to the consultation which is as follows:

- 1) Confirm Option 3: a national pavement parking prohibition with the provision to permit pavement parking by administrative resolution as the preferred option.
- 2) Express our view on the need for a lengthy transition period and the requirement for funding to meet the attendant costs involved in introducing controlled pavement parking where appropriate.
- 3) Suggest Option 2 allowing the council to enforce against unnecessary obstruction of the pavement is also progressed to enable pavement parking to be enforced during the transition period. The power to enforce against Unnecessary Obstruction may also enable us to pilot a zonal approach to permitted pavement parking areas without the need for marked bays and excessive signage.

4) Feedback support for streamlining the TRO process in any case (Option 1).

3. Supporting Information

3.1 PURPOSE OF REPORT

To seek the scrutiny commission's views on the council's position and approach to responding to the current national pavement parking consultation, "Pavement Parking: Options for Change".

<https://www.gov.uk/government/consultations/managing-pavement-parking/pavement-parking-options-for-change>

3.2 CONSULTATION OPTIONS & INFORMATION

The UK Government is currently consulting on options to improve the management and enforcement of pavement parking across England. Three options are being consulted on:

- Option 1: to rely on improvements to the existing Traffic Regulation Order (TRO) system.
- Option 2: to allow local authorities with Civil Parking Enforcement (CPE) powers to enforce against 'Unnecessary obstruction of the pavement'.
- Option 3: a national pavement parking prohibition.

Appendix A is the narrative prepared by the Government to help consultees in submitting their views. It helpfully details the:

- background and reasons for the consultation
- current regulatory position
- progress to date
- three options for change being consulted on
- advantages and disadvantages of each option

The consultation ends on 22nd November 2020.

A copy of the consultation questions is attached (Appendix B).

3.3 2014 EDTT PAVEMENT PARKING SCRUTINY REVIEW

In 2014, the EDTT Scrutiny Commission undertook a comprehensive review of pavement parking and established the:

- significant extent of pavement parking issues in Leicester.
- negative impact on pedestrians, particularly disabled and other vulnerable

users.

- serious flaws with the current regulatory regime preventing dangerous, inconsiderate and obstructive pavement parking from being easily addressed.

A copy of the EDTT Scrutiny Commission report is attached (Appendix C) and the full minutes of the EDTT Scrutiny Commission meeting on 30th July 2014 is available on the council's website:

<http://www.cabinet.leicester.gov.uk:8071/ieListDocuments.aspx?CId=741&MId=6514&Ver=4>

Under the current regulations, the council can only enforce against inconsiderate and obstructive pavement parking where there is a formal parking restriction (TRO) in place, such as a double yellow line. The inadequacy and lack of clarity over the regulatory position, including responsibility for enforcing against inconsiderate and obstructive pavement parking generally was identified as a significant concern.

Accordingly, the EDTT Scrutiny Commission made the following recommendations in relation to the national regulatory framework:

- i. The existing law needs to be clarified to allow action to be taken against vehicles which are parked on pavements irrespective of whether they are causing an obstruction. The owner or registered user should face action, in line with legislation covering moving vehicle offences such as speeding.
- ii. A national ban, with local opt-outs for authorities, as described by the Transport Select Committee in 2006, should be supported as a method of highlighting the problems facing pedestrians (and other legitimate pavement users).
- iii. Local MPs should be asked to promote these measures and it should be notified to the Local Government Association as significant legal issues which need to be resolved.

At the time, the City Mayor supported the recommendations of the commission and subsequently wrote to the Secretary of State for Communities and Local Government, the Secretary of State for Transport, local members of parliament, the Local Government Association and Leicestershire Constabulary to bring to their attention the findings of the commission and the recommendations in respect to the national framework. A copy of the letter is attached as Appendix D.

3.4 CONSULTATION OPTIONS

Table 1 (Appendix E) details the three options and the key advantages and disadvantages.

Suggested key considerations in determining approach to responding to the consultation include:

- Clarity of message and approach
- Affordability / Cost
- Deliverability / Practicalities

- Timeframes

3.5 OFFICER RECOMMENDATIONS

Views from across the Highways & Transport Services have been sought, as well as views from other services whose activities may be affected by the outcome of the consultations, e.g. Waste Management and Housing.

Each option has potential benefits and it is suggested the council support the streamlining of the TRO process in particular for general regulatory purposes in any case (Option 1).

The suggested preferred option from the services is Option 3: a national pavement parking prohibition with the provision to permit pavement parking by administrative resolution. This will deliver the clearest message.

In bringing forward Option 3, the transition period will need to be lengthy to allow a full assessment of the city's streets and the implementation of measures needed to facilitate a pavement parking ban (e.g. one way streets, Low Traffic Neighbourhoods, etc.) or permit pavement parking (e.g. signed, marked bays).

There are cost implications attached to implementation of a national ban in undertaking the assessments and then installing measures on street.

During the transition phase, the power to enforce "Unnecessary Obstruction" (Option 2) would be a welcome interim measure. The power to enforce against Unnecessary Obstruction may also enable us to pilot a zonal approach to permitted pavement parking areas without the need for marked bays and excessive signage.

In summary, suggested position and approach to responding to the consultation is:

- 1) Recommend Option 3 as our preferred option.
- 2) Express our view on the need for a length transition period and the attendant associated costs.
- 3) Suggest Option 2 is also progressed to enable pavement parking to be enforced during the transition period.
- 4) Feedback support for streamlining the TRO process in any case.

4. Financial, legal and other implications

4.1 Financial implications

The report notes that whilst option 3 is preferred, significant costs would arise in undertaking the assessments and in the implementation of measures needed to facilitate permitted pavement parking under a national ban. No funding is currently

identified.

Colin Sharpe, Deputy Director of Finance, tel 0116 454 4081

4.2 Legal implications

The Council has been reviewing the impact of pavement parking in the City with a report being submitted in 2014 to the Economic Development, Transport and Tourism (EDTT) Scrutiny Commission setting out the issue of pavement parking and recommending a national review of the regulatory framework with a view to a national ban on pavement parking with provision for local opt-outs.

On 3rd March 2015 the Council wrote the Secretary of State for Transport advising of the work undertaken by the Council's EDTT Scrutiny Commission through its review of pavement parking in Leicester and seeking his support to promote measures to put an orderly and effective enforcement, control and framework in place. The letter explained the difficulties encountered by residents who find it increasingly difficult to negotiate pavements because of the incidence of vehicles obstructing them. In particular, visually impaired and disabled people are increasingly reluctant to leave their homes and, in their view, being barred from access to wider community facilities and services.

The letter also highlighted the cross-over of parking controls between the Council and the Police which can cause confusion and practical difficulties. Additionally, TRO legislation would benefit from being updated.

The Government has issued a consultation paper (published 31st August 2020) – Pavement parking: options for change – to review the impact of pavement parking and options to legislate and enforce against pavement parking. In addition, the DfT is currently running a project looking at how the TRO legislative framework can be improved. The response deadline is 22nd November 2020. Each of the options for change may require a change in legislation and/or the Council adopting additional enforcement powers in due course which will need to be evaluated once the outcome of the consultation is published.

Katherine Hall, Legal Services, tel 0116 454 6451

4.3. Climate Change implications

As noted within the report, pavement parking can be obstructive for pedestrians, especially more vulnerable users and those with disabilities. Further powers to prohibit pavement parking could therefore have a positive impact on sustainable travel by better enabling walking. However, it is possible that there could be some negative impacts, for example if measures introduced increased congestion. As such, if the recommended measures are brought in by Government it is recommended that further work is carried out to assess the implications for sustainable travel of plans for local enforcement of the prohibition.

Aidan Davis, Sustainability Officer, Ext 37 2284

4.4 Equality Impact Assessment

When making decisions, the Council must comply with the Public Sector Equality Duty (PSED) (Equality Act 2010) by paying due regard, when carrying out their functions, to the need to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act, to advance equality of opportunity and foster good relations between people who share a 'protected characteristic' and those who do not.

In doing so, the council must consider the possible impact on those who are likely to be affected by the recommendation and their protected characteristics.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

If the recommendations across the three options cited in the report are agreed these should lead to positive impacts across a range of protected characteristics with particular emphasis on disability, as well as other vulnerable people from a number of different protected characteristics. Any changes made by the UK Government to improve the management and enforcement of pavement parking across England nationally would have to take into account their responsibility under the Public Sector Equality Duty (Equality Act 2010) and these same considerations would need to be applied at a local level.

Sukhi Biring, Equality Officer, tel 0116 454 4175

4.5 Other Implications

None

5. Background information and other papers:

Appendix A: Pavement Parking – options for change
Appendix B: Pavement Parking Survey Questions
Appendix C: EDTT Scrutiny Commission Pavement Parking Report 30th July 2020
Appendix D: Letter to Sec. of State for Transport 3rd March 2015
Appendix E: Consultation Options

6. Is this a private report?

No