



Leicester  
City Council

SECOND DESPATCH

## **Economic Development, Transport and Tourism Scrutiny Commission**

**30 July 2014**

### **ADDITIONAL INFORMATION**

Further to the agenda for the above meeting which has already been circulated, please find attached the following:-

#### **Agenda Item 8 – Pavement Parking Scrutiny Review.**

The report and recommendations of the Task Group are attached following the Task Group meeting which took place on Wednesday 23 July.

Thank you.

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# Agenda Item 8

## Economic Development Transport and Tourism Scrutiny Commission

### Pavement parking scrutiny review Task Group 23<sup>rd</sup> July 2014

**Town Hall: Cinquefoil Room: 4pm**

Report of the Chair: Cllr Sue Waddington

#### **1. Purpose of report**

- 1.1 To prepare draft conclusions and recommendations relating to the Scrutiny review of Pavement Parking issues for submission to the Economic Development Transport and Tourism Scrutiny Commission. The report also summarises key aspects of the Review.

#### **2. Recommendations to the Commission**

##### **It is recommended that:**

- 2.1 The conclusions and recommendations set out in sections 5 and 6 below be endorsed by the Commission and forwarded to the Overview Scrutiny Commission (OSC) for comment and endorsement.
- 2.2 The scrutiny findings and recommendations be submitted to the Executive and City Mayor, who are asked to respond within the recommended three month timescale, including details of any proposed actions and implementation details where appropriate.
- 2.3 The response requested under par 2.2 be brought to a future meeting of the Economic Development, with the OSC also informed of the Mayor's actions.

#### **3 Summary**

- 3.1 This review was instigated over concerns that the high levels of pavement parking within the city were having a significant impact on the capacity of individuals with disabilities to safely negotiate the streets of the city.

#### **4 Report**

- 4.1 Evidence was taken from:
  - A range of community interest groups
  - The private sector
  - Leicester City Council's Traffic and Transportation Team
  - Councillors
  - Other local authorities
  - City enforcement teams including Leicestershire Police and the head of the city council's enforcement services

- The wider Leicester Community in the form of an on-line consultation.

4.2 A more complete list of contributors of evidence is set out in Appendix 1. The Commission is grateful for the time and trouble taken by all those who provided written and/or oral evidence.

### **Community interest groups**

4.3 The origins of the review arose from concerns by individuals and groups about the impact of vehicles being parked on pavements across the city. The main issues related to people with visual disabilities walking into parked vehicles and injuring themselves.

4.4 Also highlighted were concerns that wheelchair users and people pushing prams were being blocked from using pavements and were being forced onto the road, which could put them at risk from moving traffic.

4.5 Other issues included concerns that verge and pavement parking was damaging surfaces, leading to further hazards and detriment to the local environment (in the case of verge damage).

4.6 Evidence from groups representing people with disabilities was that pavement hazards:

- Discouraged or could discourage people from leaving their homes because of the fear of injury or obstruction
- Represented a wider human and disability rights issue in that they denied access to the wider community and community services.

4.7 Additionally, people with physical disabilities were more vulnerable to trips and injury caused by damaged pavements.

### **The private sector**

4.8 Competing interests with individuals' concerns about pavement parking included small and local businesses which often provide important and convenient local facilities such as shops, warehouse, manufacturing or other enterprises which are in side-streets and which provide important local economic activity and provide neighbourhood facilities and services.

4.9 In a number of cases drive-by shoppers, or delivery vehicles, may need to park on the pavement to access the facilities without blocking off the road to other traffic. This "churn" of customers was recognised as being important to local businesses.

4.10 However some respondents noted that businesses themselves used pavements as long-term parking, causing obstructions and inconvenience to the local community.

## Enforcement

- 4.11 Evidence was heard from Leicestershire Police and City Council enforcement staff. In broad terms, where a vehicle is parked on a pavement where there are yellow lines on the road, enforcement is through the Council's Street Enforcement team.
- 4.12 In other cases police officers can issue penalties for obstruction of the pavement. Numbers of tickets issued by police were very low<sup>1</sup>. Within these low numbers (160 tickets in a year) there was a considerable difference in rates of penalties issued between the various Local Policing Units (LPUs) across the city. The Welford Road LPU in a 12-month period issued just 6 tickets for pavement parking obstruction.
- 4.13 No data was collected by City Council enforcement staff about the numbers of Penalty Charges Notices (PCNs) issued for pavement parking. At the June Commission meeting it was reported that for a trial period Council staff would record which PCNs were issued for pavement parking.
- 4.14 Public confusion exists over who has the authority to take action against pavement parking. This is reinforced by the common spectacle at public and community meetings of police and council enforcement staff passing the issue from one to the other (and back again).
- 4.15 Internal police guidance is that no action should be taken unless a complaint has been made. It adds that "Examining Magistrates will also need to prove if (sic) the obstruction was, in all the circumstances, unreasonable."
- 4.16 It adds: "If a wheelchair user or a mother with a double buggy cannot get through on the pavement and have to use the road to pass by, then consider offences of obstruction. But we need to adopt a far more pragmatic and diplomatic approach to these concerns."
- 4.17 The 2006 Transport Select Committee said: *"The Government must grip the problem of pavement parking once and for all and ensure that it is outlawed throughout the country, and not just in London.*

*"Councils should have the option of an 'opt-out' of a national pavement parking ban where this is vital, rather than relying on the use of individual Traffic Regulation Orders on specific street and local Acts to impose a ban.*

*"That such an initiatives will initial require additional resources to enforce is no excuse for allowing some pavements to continue to be swamped by cars and made inaccessible to large numbers of pedestrians."*

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<sup>1</sup> See par 4.6 on link to 18<sup>th</sup> June 2014 meeting in Appendix 1.

## Online and other consultations

- 4.18 An important part of the scrutiny exercise involved public consultations using a variety of mechanisms. One of the most important of these was a survey on the Citizens' Space consultation web, and the results were set out in the meeting of 18<sup>th</sup> June. The link to that report is in Appendix 1 and to the draft minutes from that meeting in Appendix 2.
- 4.19 There were 294 responses, including 51 paper responses which were uploaded to the Citizens' Space. Members of the public and councillors were invited to submit photographs of examples of pavement parking problems and almost 150 emails were sent to a specially set up email address.
- 4.20 These emails contained around 300 images; more than 200 further images were provided on a CD by a dog walker who had assembled a library of photographs in Freeman, Aylestone and Eyres Monsell wards over a period of more than three years. The presentation of sample photographs to the meeting on 18<sup>th</sup> June 2014 provoked significant interest and comment in the local media.
- 4.21 There were comparatively few examples from areas such as Belgrave and Latimer where there is significant pressure on road space created by a busy shopping environment, high levels of car ownership and narrow streets.
- 4.22 This indicated community recognition of the need for a degree of pavement parking, without which local traffic could not get through and emergency vehicles would also be blocked.
- 4.23 Examples of blockages of cycle lanes, on paths or roads, tended to come from cyclists and were not considered a major issue for most pedestrians or other highway users.
- 4.24 All email contacts for ward meetings were used to let community groups and residents know about the scrutiny review and invite comments. Briefing meetings took place with the Forum for Older People, Cycle City and the Local Access Forum as well as ward meetings.
- 4.25 The main findings of the online survey were reported at the 18<sup>th</sup> June meeting. In summary<sup>2</sup>:
- Almost 80% thought pavement parking was a problem
  - Almost 90% thought there were areas of the city where pavement parking posed a problem
  - While almost 95% thought cars were a problem, around half also thought commercial vehicles posed a difficulty

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<sup>2</sup> 18<sup>th</sup> June meeting report - Par 2.4 and following

- Blame was directed at residents (69.7%), visitors (65%), local businesses (38.9%) and tradespeople working in the area (44.4%). Around a fifth of respondents thought commuters were responsible.

### **Other local authority actions**

- 4.26 Pavement parking is banned across London, but a number of authorities have tried to establish bans on pavement parking, but only with difficulty and with mixed success.
- 4.27 Two House of Commons Transport Select Committee reports in recent years, the more recent in 2013, concluded that the law was a mess in terms of both the establishment of bans on pavement parking, and enforcement of bans.
- 4.28 Successive governments have conceded the point and promised to change the law, but this has not yet happened. The difficult legal framework means few authorities have made significant progress in establishing pavement parking bans.
- 4.29 Uniquely, Exeter obtained powers to impose a city-wide parking ban through an Act of Parliament. This was passed in 1987, but enforcement by Devon County Council only started in April 2014.
- 4.30 An enforcement scheme by Worcester City Council did not appear to be supported by the appropriate Traffic Regulation Orders (TROs) and is being reviewed. However, the guidance to the council's street enforcement officers has provided what appears to a useful template for enforcement in other parts of the country.
- 4.31 Brighton and Hove City Council has introduced a limited scheme covering a few roads and backed by the relevant TROs and signage. The council has seen an improvement in verge conditions as a result of the ban; numbers of tickets issued have stabilised then reduced as people became more aware of enforcement measures.
- 4.32 The most strategic approach so far appears to have been taken by Slough Borough Council, in Berkshire. A draft description of the scheme was tabled at the June meeting and has since been confirmed by Slough officers as an accurate description of the scheme. A fuller description of the Slough scheme appears in Appendix 2.
- 4.33 A borough-wide ban has been established, with the legal framework of TROs and signage being rolled out on a ward-by-ward basis. The first ward area covers around 70 streets. Most of the cost of introducing the scheme relates to strengthening pavements and providing clear street markings.

## 5 Conclusions

### Policy framework

- 5.1 The issue of pavement parking has implications for a number of policies and priorities for the city council. Obstruction of pavements creates a barrier to people who would like to use pavements freely. Those most directly affected by obstructive pavement parking:
- Have significant disabilities, including vision problems and difficulties which confine people to wheelchairs
  - Need to use baby buggies or prams to transport children (possibly because of a lack of access to a car)
  - Are pedestrians who are forced onto the road by the lack of space on the path? Those least able to get through confined pavement spaces are likely to be in less robust health and therefore least able to take avoiding action against fast-moving traffic.
- 5.2 This does not look at the implications for cyclists who often use cycle lanes (on pavements or by the roadside) but who find the lanes are blocked by parked vehicles and who then face the same hazards as pedestrians.
- 5.3 These factors mitigate against the encouragement and promotion of walking and cycling, activities which fit into both the health agenda and through the substitution of short car journeys for these activities help address the problem of high emission levels within the city.
- 5.4 (High emission levels can force people into cars and away from cycling and walking, thus making the problems worse, or directly affect the health of pedestrians and cyclists).
- 5.5 The Connecting Leicester agenda also puts a strong emphasis on being able to walk freely and safely between various parts of the city. A [Connecting Leicester](#) leaflet says:
- “City Mayor Sir Peter Soulsby has set out a vision to create a thriving heart of the city by improving the connections between shopping, leisure, heritage, housing and transport facilities, all linked by accessible high quality pedestrian routes.”*
- 5.6 The need for small local businesses to have commercial access to their premises is part of a wider debate about economic activity and prosperity. This interest needs to be balanced against the rights and interests of people with a range of disabilities, many of whom through lack of employment opportunities and/or age suffer from an inability to access or get round the facilities of the city.



## **Enforcement of the existing legislation**

- 5.7 The national legal framework remains confusing despite the Government in 2011 giving local authorities the powers to introduce local restrictions on pavement parking. The 2013 Transport Select Committee concluded that *“in areas such as pavement parking, where there is a confusing patchwork approach across the country, local authorities must ensure that they communicate clearly to motorists.”*

## **6 Recommendations**

### **Enforcement**

#### **The national framework**

1. 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.
2. 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).
3. 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.

#### **Local police actions**

4. Operational guidance to police officers should be amended to encourage enforcement more proactively across the city where there is a clear breach of the current legislation relating to obstruction
5. Councillors, ward meetings and other community groups should lobby their community policing units where they feel that enforcement is currently inadequate. The objective would be to require local community policing to make enforcement a higher priority of their local policing plans where there are specific areas identified by councillors and the community as posing a particular problem in terms of pavement parking causing obstruction

6. Police should consider prosecutions under the 1835 Highways Act which forbids “*driving on any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot passengers.*”<sup>3</sup>

### **Local city council actions**

7. The Council’s Civil Enforcement team should take a more proactive approach to enforcing against pavement parking incidents where the parking breaches a TRO. Additional dedicated resources are recommended including additional officer time (equivalent of two officer’s time is proposed) and scooters as required, to cover target areas across the city.
8. The civil enforcement team should monitor the extent of their enforcement action against pavement parking. Results should be regularly reported back to the Economic Development Transport and Tourism Scrutiny Commission.
9. Consideration should be given to giving the City Warden team powers to issue PCNs for pavement parking offences.
10. A single clear route to reporting incidents of obstructive pavement parking should be highlighted. These should include use of the existing council parking enforcement phone number and customer services email contact address. This should include the ability to upload photographs of the problem. Use of a downloadable phone app on the lines of the street scene reporting of environmental problems should also be considered; the council customer contact point should be able to identify if it is a police or council enforcement issue and refer the issue on as appropriate.
11. Guidelines should be drawn up so that enforcement action taken by civil enforcement officers from the council would be targeted at priority cases including where the vehicle breached a TRO and:
  - was parked so that pedestrians would have no option but to walk in the carriageway
  - blocked the passage of push-chairs and mobility scooters
  - Obstructed the vision of road users for example through being close to street junctions

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<sup>3</sup> Highway Code Rule 145 states: “*You MUST NOT drive on or over a pavement, footpath or bridleway except to gain lawful access to property, or in the case of an emergency*”. This regulation cannot be used if the police don’t see the offence because they don’t have the power to insist that the keeper of a vehicle tells them who was driving at any particular time in relation to driving on the pavement (which they do in relation to speeding offences).

## **A new local framework**

- 13 Experimental TROs restricting or banning pavement parking should be introduced in a number of locations across the city to assess their effectiveness, with the possibility of further expansion in other parts of the city. It is envisaged that initially three areas should be selected, one in each of the three parliamentary constituencies. The selection will be based upon the problems reported by Councillors, the public, the enforcement team and the police. These locations should be identified by the Task Group by the end of the calendar year for implementation as soon as possible.
14. A range of other options to deter pavement parking should also be considered alongside the experimental TROs, including physical barriers such as bollards, cycle racks and other measures including pavement markings.
- 15 The effectiveness of the measures set out in recommendations 13 and 14 be reported back to this task group, which will continue to monitor the pavement parking project.
- 16 A report be received on the scheme of pavement parking control which has been introduced by Slough Borough Council following a visit to Slough by the Chair and Vice chair of the task group on 14<sup>th</sup> August 2014.

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## APPENDICES

### APPENDIX 1

Schedule of meeting and links to evidence papers and minutes

The Commission considered evidence on the following dates:

[26<sup>th</sup> March 2014](#)

[17<sup>th</sup> April 2014](#)

[7<sup>th</sup> May 2014](#)

[18<sup>th</sup> June 2014](#)

The Commission would like to acknowledge the help, guidance and evidence from a range of witnesses, including:

Martin Fletcher: Leicester City Council Head of Highways

Andrew L Smith: Leicester City Council Director of Planning, Transport and Economic Development

James Whelan: Leicester City Council Transport Strategy Team

Malcolm Grange: Leicester City Council Head of Regulatory Service

Mike Broster: Leicester City Council Head of Licensing and Pollution Control

Laura Corcoran: Leicester City Council Research and Intelligence Analyst

Perri Stevenson: Leicester City Council PCN and Permit Manager

Dan Eveleigh: Leicestershire Police City Council liaison officer

James Cook: Leicestershire Police Team Leader, Process Prosecution Team:

Andrew Chinn: Worcester City Council Parking and Enforcement Services Manager

Craig Newton: Birmingham City Council Highway Management Services Project Leader

Martin Mallia: Slough Borough Council parking development engineer

Paul Nichols: Brighton and Hove City Council Transport Operations Policy and Development Manager

Stephen Cooper: Leicestershire Centre for Integrated Living (LCIL) Chief Executive Officer

Forum for Older people

Maxine Aldred: Federation of Small Businesses Leicester and Leicestershire  
Development Manager

Mr Benjamin Dickson

Stephen Payne: VISTA Community Services Manager

Christine Huber: VISTA Rehabilitation Officer

Terry Smith: Guide Dogs Engagement Manager

Rebecca Pritchard: British Cycling

Andrew Brooks: Local Access Forum

Cycle City Workshop

Forum for Older People

Braunstone Park & Rowley Fields Ward Community Meeting

Belgrave & Latimer Ward Community Meeting

DRAFT

## **APPENDIX 2**

DRAFT Minutes of the meeting on 18<sup>th</sup> June

### **8. SCRUTINY REVIEW - PAVEMENT PARKING**

A report was submitted which updated the Commission on the results of the public consultation and member feedback.

The report provided further analysis of Police and Council enforcement and included an update on actions being taken or considered by other authorities to tackle the issue of pavement parking. The report also provided a range of future options and the implications of those actions. The City Mayor was invited by the Chair to comment on the report.

The City Mayor commented on the significant response to the consultation and stated that this demonstrated that a greater than anticipated problem of pavement parking did exist in the city.

He stated that the full impact of the problems described in responses should be further analysed with a view to adopting appropriate policy, in line with any future Commission recommendations. The City Mayor commented that he considered the report to be a good example of thorough and robust scrutiny and congratulated officers on its content.

The Director of Planning, Transportation and Economic Development commented on the joint working arrangements with external agencies and the initial analysis of the consultation responses, which had led to the options to deal with the problem being defined at the report's conclusion.

The Chair suggested that a Task Group be established to further consider the findings of the report, and that the Task Group be requested to report back to the next meeting of the Commission to be held on 30 July 2014 with final recommendations.

The Scrutiny Support Officer referred to the images submitted as part of the consultation exercise and gave a presentation of selected images that highlighted various examples of the problems.

Research and Intelligence Analyst Laura Corcoran provided a detailed breakdown of the responses, as contained in the report, and in reply to questions from Commission members the following points were noted:

- The mapping exercise indicated that the problem was widespread, and did not solely relate to city centre locations
- The numbers of responses for particular problem streets indicated that the problems were genuine, as consultees had not been prompted to defining any particular areas through the wording of questions

- The numbers of responses defining that 'being forced out onto the road as a pedestrian' were significantly high
- The number of respondents commenting on the frequency of problems was indicated in a 'wordle' showing the problems which occurred with significant regularity.

The PSN and Permit Manager then explained the current roles and responsibilities of the Council's parking enforcement teams. Using copies of the images previously displayed, it was noted that action under existing powers would not always be undertaken for each example given. It was confirmed that if waiting restrictions were not in force, enforcement became a Police matter of obstruction.

The Commission was reminded of the evidence given at the previous meeting by the Police that obstruction of pavements was not currently regarded as having significant priority to provide regular enforcement patrols, although once reported, individual incidents were acted upon.

In response to a question it was confirmed that 'drive away' powers were being investigated and it was suggested that this should be kept in mind by the Task Group when considering future enforcement policy.

The PSN and Permit Manager also reported, in response to a question, that the recording of data specifically to identify the numbers of tickets issued for pavement parking could be considered. The Chair suggested that this should be undertaken to assist the Task Group in its deliberations.

The Chair then referred to the options being considered and a summary of the actions being taken by Slough Borough Council in introducing TRO's was circulated.

The Director of Planning, Transportation and Economic Development reported on the 'Pavement Parking Control Measures – Options Summary' as appended to the report.

The Commission discussed the options contained within the summary and following questions and clarifications it was suggested that Option 2 (Traffic Regulation Orders) and Option 6 (Hybrid approach to priority TRO pavement parking restrictions and enforcement) should be examined in more detail by the Task Group.

**RESOLVED:**

- 1) That a Pavement Parking Task Group be established comprising the following Commission members:

Councillor Waddington  
 Councillor Joshi  
 Councillor Fonseca  
 Councillor Grant  
 Councillor Riyait

- 2) That the Task Group be requested to further analyse the report's findings and the Options Summary, and that Option 2 (Traffic Regulation Orders) and Option 6 (Hybrid approach to priority TRO pavement parking restrictions and enforcement) be particularly examined in more detail;
- 3) The PSN and Permit Manager be requested to put in place a method of recording data specifically to identify the numbers of tickets issued for pavement parking to assist the Task Group in its deliberations; and
- 4) That the Task Group be requested to inform a final report to be submitted to the Commission at its next meeting to be held on 30 July 2014.

Additionally a short note was tabled on actions taken by Slough Borough Council to introduce an extensive car parking ban across the city. Slough Council has confirmed that the note as drafted was correct and this is set out below as an evidence update for the Task Group.

### **Slough pavement parking scheme**

Slough has introduced TRO providing for a general ban on pavement and on-verge parking across the borough. Enforcement is being introduced on a ward-by ward basis, using experimental orders. Under the terms of the order parking with four wheels on the pavement is banned on all roads within Central Ward.

The Central ward is covered by the first experimental order; this has run for around six months and lessons learnt are being considered before making the TRO permanent for the ward and introducing further experimental orders.

A news article about the confirmation of the first TRO in Central Ward is contained in Appendix A.

The Council's formal consultation process and legal framework for the process is contained in Appendix B.

The cost of implementation is £100-£150,000. The TRO covers around 70 streets. Signs showing the area is a designated no-pavement parking zone are at the gateway streets. Following discussions with the DfT these signs are augmented by limited signage within the zone; many streets have just one sign while longer streets have more. The cost of extending the zone would be reduced because the gateway signage would simply be moved. However there was a considerable programme of support road engineering. This included:

- New parking bays, including bays two wheels up, have been installed in some roads
- Parking bays on one-side only have been installed in some roads
- Double yellow lines have been painted at junctions and bends
- increased enforcement of new arrangements



The town has parking problems which reflect some of Leicester's problems and a scheme allowing two-wheel parking on pavements has been introduced. This gives 1.2m-1.5m of pavement space for pavement users to get past.

Enforcement is through the council's civic enforcement team. The first few weeks of the scheme saw advisory (warning!) notices being issued. Tickets are being issued for Code 62 violations

One issue with the experimental order related to where there were dropped kerbs to allow residents access to their property. However, lines indicating parking bays were painted across the drop kerb zones and other vehicles were using that space as a parking bay, effectively blocking residents' access to or from their property<sup>4</sup>. This will need to be addressed in future TROs.

Appendix A: Slough Observer article

### **Pavement parking ban comes into force in central Slough**

Published: 2 Aug 2013 11:30

#### **MOTORISTS will be hit with a £30 fine if they are caught parking on the pavement in central Slough.**

A new road traffic order was implemented in central ward on Monday (29 July 2013) after a six-month trial scheme which included banning pavement parking.

Drivers caught parking on the pavement in roads stretching from Stoke Poges Lane in the west to Goodman Park in the east taking in parts of Stoke Road will be issued with a parking ticket.

The changes are:

- Parking with four wheels on the pavement is banned in all roads within central ward
- New parking bays, including bays two wheels up, have been installed in some roads
- Parking bays on one-side only have been installed in some roads
- Double yellow lines have been painted at junctions and bends
- increased enforcement of new arrangements

Officers will gather reaction to the new scheme before deciding whether to roll a no-pavement parking policy out across the whole borough.

They say pavement parking causes obstruction for pedestrians, environmental deterioration and damage to the pavement.

Tickets will be issued if motorists park on the pavement where there is not a marked bay, park outside the boundary of any marked bay or park on the driveway, but one or more wheels encroach on the pavement.

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The trial started in February and a council spokeswoman said: "Some people will like it [the scheme] and some people will hate it, but what we are trying to do is have areas where people can park, but do so safely and without blocking the roads."

Belgrave Road and Elliman Avenue have been highlighted as particular problem areas. The council has made the orders under Section 9 of the Road Traffic Regulation Act 1984. Residents who want to challenge it must object in writing to [parking@slough.gov.uk](mailto:parking@slough.gov.uk) or address the head of transport.

For more details of the scheme, visit <http://tinyurl.com/a43t98k>

## **Appendix B: Slough Borough Council regulatory notice (<http://tinyurl.com/a43t98k>)**

SLOUGH BOROUGH COUNCIL

### **Section 9 of the Road Traffic Regulation Act 1984 and regulation 22 of the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996**

SLOUGH BOROUGH COUNCIL gives notice that it has made two Orders under section 9 of the Road Traffic Regulation Act 1984 (RTRA 1984) and any other enabling powers.

#### **1a. SLOUGH BOROUGH COUNCIL (PROHIBITION OF PAVEMENT PARKING) ORDER 2013 (ORDER 25 OF 2013)**

The effect of this Order shall be to ban any Vehicle from being either fully or partly parked on any pavement in the Borough of Slough unless a specifically marked bay is present. Marked bays will be defined by road markings and signs.

#### **1b. THE BOROUGH OF SLOUGH (WAITING RESTRICTIONS AND RESIDENTS' PARKING ORDER 2010) (AMENDMENT NO. 25) ORDER 2013 (ORDER 26 OF 2013)**

The effect of this order is to implement a combination of double yellow lines at junctions and bends of all roads within Slough's Central Ward Boundary, and also parking bays allowing for partial parking on pavements in designated locations within Slough's Central Ward Boundary.

Slough Borough Council's reason for making these Orders is to control pavement parking. Pavement parking has been a concern and occurs in many areas of the Borough causing obstruction for pedestrians, environmental deterioration and damage to the pavement as a result.

2. The Orders come into force on 29<sup>th</sup> July 2013.
3. Access to properties adjoining the road will not be affected by the Order
4. SLOUGH BOROUGH COUNCIL will be considering in due course whether the provisions of the experimental order should be continued in force indefinitely.
5. A copy of the plans showing the parts of the highway affected and a statement of the traffic authority's reasons for making the Order may be viewed below
6. Any person wishing to challenge the Order on the grounds that it is not within the powers of the RTRA 1984 or that any requirements of that, or of any instrument made

under it have not been complied with may apply within six months following 29<sup>th</sup> July 2013. Any such objection must be in writing, state the grounds on which it is made, and be sent to:

Head of Transport

Slough Borough Council

St Martins Place

51 Bath Road

Slough, Berkshire

SL1 3UF

## APPENDIX 3 PARKING CONTROL OPTIONS

### Pavement Parking Control Measures - Options Summary

Control Measure	Positives	Negatives	Implementation Costs	Deliverability/ Viability
<p>1) <b><u>Private Act of Parliament.</u></b></p> <p>Designate part or the entire city as a prohibited area for pavement parking.</p> <p>Through the use of notices that take the form of traffic signs in accordance with the Traffic Signs Regulations General Directions 2002 (TSRGD'02). E.g. Essex Act 1987.</p> <p>Leicester City Council Civil Parking Enforcement (CPE) could only be possible if this private act is subsequently specifically referenced by Traffic Management Act 2004 (TMA'04) schedule 7 Part 1-4 – so this act will also have to be amended when taking the Private Act through Parliament.</p>	<p>Strong message.</p> <p>Demonstrates support from City MP(s) and national government.</p> <p>Significant publicity likely.</p> <p>Once enacted no local objections need delay implementation.</p> <p>Any defined geographical area or all of the city can be specified within the act.</p>	<p>Complex and lengthy process to work towards.</p> <p>Significant political input and involvement required and needs support from City MPs.</p> <p>Once enacted no local/public objections can be taken into account.</p> <p>Inflexible with no subsequent city changes able to be taken into account.</p> <p>May reduce on-street parking availability if parking restriction required to maintain a safe passage for emergency vehicles.</p> <p>Requires traffic signing installed to notify of the prohibition. BUT additional traffic signing will also be required where on-pavement parking is to be allowed to offset above.</p>	<p>Unknown.</p> <p>Plus follow-up costs for advertising, significant traffic signing and enforcement.</p>	<p>Low</p>
<p>2) <b><u>Traffic Regulation Orders (TRO).</u></b></p> <p>TRO enactment under Road Traffic Regulations Act 1984.</p>	<p>Strong message (dependent upon implementation extent).</p> <p>Widespread consultation could take place – resulting in raised</p>	<p>Unless significant consultation takes place (dependent upon implementation extent) could be seen as a weak message as only local interest</p>	<p>Each TRO; £3,000 to £6,000 depending upon complexity.</p> <p>Multiple New TRO traffic sign post and sign plate; £100 each.</p>	<p>High if TRO for local areas delivered over time</p> <p>Low for larger areas or city-wide.</p>

Control Measure	Positives	Negatives	Implementation Costs	Deliverability/ Viability
Options are available; ranging from an individual order on a single street or area, to a city-wide order.	<p>public awareness.</p> <p>Any defined geographical area or all of the city could be specified within one or several orders.</p> <p>Targeted geographical areas or individual streets can be added to the order as and when identified.</p> <p>Could reflect local ward priorities and local public support for a ban on pavement parking in specific areas.</p> <p>Orders can be tailored to the local environment and individual objections can be attenuated by scheme design.</p> <p>Individual objections in one area will not delay implementation in other areas.</p>	<p>addressed.</p> <p>Significant advertising costs likely.</p> <p>The larger the area covered means local objections could delay implementation of orders. At a city-wide scale this would make delivery of such an approach impractical.</p> <p>May reduce on-street parking availability if parking restriction is required to maintain safe passage for emergency vehicles unless individual schemes designed well.</p> <p>Could be seen as a piecemeal approach to the problem.</p> <p>If it becomes a popular remedy wards may become frustrated at slow implementation.</p> <p>Street clutter and cost of traffic signing.</p>	<p>Staffing resources costs to implement project</p> <p>Enforcement</p>	
<p><b>3) <u>Enhanced Enforcement using Existing Powers.</u></b></p> <p>Relies on Police &amp; Council staffing resources and prioritisation criteria.</p>	<p>Strong message.</p> <p>Public likely to have more regard for police action.</p> <p>Useful for dealing with repeat offenders causing significant</p>	<p>Police &amp; Council staffing resources limited.</p> <p>Risk based criteria mean this is low priority for police.</p> <p>Council has no</p>	<p>Enforcement</p> <p>Legal costs</p>	Low

Control Measure	Positives	Negatives	Implementation Costs	Deliverability/ Viability
<p>Police to act on RTRA'84 to remove a vehicle as illegally parked, broken down or causing an obstruction.</p> <p>Police to act on Highways Act 1980 (HA'80) / Town Police Clauses Act 1947 to ticket (or ticket and remove).</p> <p>Highways Service to take legal action against offenders under the Highways Act 1980: -</p> <ul style="list-style-type: none"> <li>• S.137 HA'80 - Offence of wilful obstruction;</li> <li>• S.149(1) HA'80 - removal of an obstruction causing a 'nuisance';</li> <li>• S.149(2) HA'80 – removal of obstruction constituting a "danger".</li> </ul> <p>Continue to enforce pavement parking where existing TRO parking restriction is in place and applies to rear of highway (footway).</p>	<p>nuisance and obstruction.</p> <p>Council seen to be taking strong action.</p>	<p>control over Police processes.</p> <p>City Council enforcement involves lengthy processes requiring serving of notices and potential court action to implement.</p> <p>Singular action against named individual.</p> <p>Inefficient process requiring excessive staff time and resourcing.</p> <p>Can result in criminal convictions and appeals.</p>		
<p><b>4) <u>Physical Features.</u></b></p> <p>City Council to act on HA'80 S.66(2)&amp;(3) to install such barriers as they think necessary for the purpose of safeguarding persons using the highway.</p> <p>Bollards. Pedestrian Guard Railings.</p>	<p>Effective at preventing pavement parking outright.</p> <p>Useful for dealing with longstanding problems at specific locations, e.g. outside a local shop.</p> <p>Deals with local ward issues effectively and lower cost when</p>	<p>Adds to street clutter.</p> <p>Can cause an obstruction to pedestrians.</p> <p>Extensive measures are costly to implement on a broad scale.</p> <p>Only slow implementation possible.</p>	<p>Bollards; £300-£340 each.</p> <p>Pedestrian Guard Railings; £100 per metre length.</p> <p>Cycle-Racks; £185 each.</p> <p>Knee Rails; £30 to £40 per metre length.</p> <p>Soft Landscaping, e.g. bund,</p>	High

Control Measure	Positives	Negatives	Implementation Costs	Deliverability/ Viability
<p>Cycle-Racks. Knee Rails. Soft Landscaping, e.g. bund, planting schemes. Hard Landscaping, e.g. kerb height adjustments.</p>	<p>on a small scale only.</p> <p>Potential to combine with TRO approach.</p>		<p>planting schemes; typically £3,000 - £5,000 per location.</p> <p>Hard Landscaping, e.g. kerb height adjustments; typically £10,000 to £50,000 per location.</p>	
<p><b>5) <u>National Legislation by Central Government.</u></b></p> <p>Central Government has been actively reviewing approach to pavement parking. Further legislation may be forthcoming if public demand is evidenced.</p>	<p>No additional action required by LCC.</p>	<p>Government commitment unclear.</p>		<p>Unknown at present</p>
<p><b>6) <u>Develop Hybrid Approach to "Priority TRO" Pavement Parking Restrictions and Enforcement.</u></b></p> <p>As Option 2), but:</p> <p>Allow pavement parking in areas where safe passage and use of the highway can be evidenced and maintained.</p> <p>Develop policy and criteria which defines obstruction of the pavement (e.g. minimum width to be maintained 1.2m or 1.5m).</p> <p>Use of road markings to delineate parking encroachment onto pavement.</p>	<p>Able to reflect local ward priorities and local public support for a ban on pavement parking.</p> <p>Facilitates safe passage for all users, including pedestrians and emergency vehicles.</p> <p>Facilitates adequate on-street parking, particularly in narrow terraced streets.</p> <p>Many streets have been strengthened along the kerb edge to resist overriding.</p>	<p>Need to address duty for the traffic/highway authority to provide for the safe passage of highway users – this would include pedestrians on the footway.</p> <p>HA'80 S.130 Protection of public rights:- “(1) It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority, including any roadside waste which forms part of it.” (NB waste = verge).</p> <p>Damage to pavements from</p>	<p>TRO; multiple £3,000 to £6,000 depending upon complexity.</p> <p>Multiple New TRO traffic sign post and sign plate; £100 each.</p> <p>Single white line; £0.25 per metre length.</p>	<p>Medium</p>

<b>Control Measure</b>	<b>Positives</b>	<b>Negatives</b>	<b>Implementation Costs</b>	<b>Deliverability/ Viability</b>
<p>TRO enactment under RTRA'84.</p> <p>Individual roads/areas to be consulted/enacted as the need arises or after a defined trigger (e.g. petition, ward priority).</p>		<p>overriding and repair costs.</p> <p>Cost of TRO &amp; road markings.</p> <p>Monitoring and Civil Parking Enforcement staffing resource requirements.</p>		

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