

Please ask for: Sir Peter Soulsby
Direct Line: 0116 454 0001
Our Ref: 2015/March/SC
Date: 3 March 2015



Rt. Hon. Patrick McLoughlin MP
Secretary of State for Transport
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

I am writing to make you aware of the recent work undertaken by Leicester City Council's Economic Development, Transport and Tourism Scrutiny Commission through its review of pavement parking in Leicester. I am also seeking your support to promote measures to put an orderly and effective enforcement and control framework in place.

This issue has been highlighted to local councillors by residents of the city, who find it increasingly difficult to negotiate pavements because of the incidence of vehicles obstructing them. In-particular, councillors were told that visually impaired and disabled people are increasingly reluctant to leave their homes at all, highlighting the more fundamental issue, in their view, that they are being barred from access to wider community facilities and services.

In consultation with the local community and ward councillors, the Council's Scrutiny Commission is actively considering how to establish pavement parking controls within the city and have examined the existing legislation available. Police and local authority enforcement staff can both have responsibility for dealing with this issue.

Whilst there are options under current legislation for local authorities to address pavement parking over time, including the introduction and enforcement of Traffic Regulation Orders, it is the police who have the realistic powers to immediately deal with obstructions in the highway. These are divisions of responsibility which can cause public confusion and frustration, particularly as residents may see responsibility for enforcement being passed from one agency to another. The scrutiny commission has concluded that the existing national framework is too complex and unwieldy and needs to be reviewed. The commission has made the following recommendations in this respect:

The National 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

OFFICE OF THE CITY MAYOR
Peter Soulsby

Leicester City Council, 3rd Floor, City Hall
115 Charles Street, Leicester, LE1 1FZ

TELEPHONE: (0116) 454 0001 themayor@leicester.gov.uk www.leicester.gov.uk

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.

Local Police Actions:

- i. 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
- ii. 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
- iii. 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.”*

Greater London authorities have a legal framework that generally prohibits pavement parking - parking on pavements being allowed only by exception. Many authorities outside London have tried to introduce a rational framework by introducing an element of controlled pavement parking to recognise and balance the needs of pedestrians (particularly those with disabilities or pushing prams) with other road users. In many cases they have concluded that the existing legal framework is not fit for purpose.

Evidence from local authorities is that only Exeter has successfully introduced an authority-wide pavement parking control regime - securing Parliamentary approval for a *local act* in 1987 (although enforcement was only able to come into effect in 2014). Successive Parliamentary Transport Select Committees have looked at the issue. In 2006, A Commons Transport Select Committee concluded:

“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 streets and local Acts to impose a ban. That such an initiative will initially 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.”

OFFICE OF THE CITY MAYOR
Peter Soulsby

Leicester City Council, 3rd Floor, City Hall
115 Charles Street, Leicester, LE1 1FZ

TELEPHONE: (0116) 454 0001 themayor@leicester.gov.uk www.leicester.gov.uk

However, according to a reply to Jim Cunningham MP, who expressed an interest in the problem, it appears that currently the Department of Transport has no plans to change any of the existing legislation.¹

In 2014 the LCC Economic Development, Transport and Tourism Scrutiny Commission concluded that:

1. 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).
2. 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.

I am now seeking your support to highlight the issue as one of public and community concern, and in consultation with other organisations to promote measures to put an orderly and effective enforcement and control framework in place.

There have been some attempts made to introduce Private Members' Bills to improve the national regulatory framework. The latest being promoted by Martin Horwood MP, whose Bill received its first reading on 7th July 2014. This bill is supported by a wide range of disability support groups, and by the Local Government Association². I would encourage your support for this approach.

The work of the Council's Scrutiny Commission can be reviewed online via the following link:

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

Pavement parking is a challenging issue and generates strong feelings amongst residents. Having a clearer national framework would undoubtedly help the authorities to better manage this growing problem. Similarly, clarity of roles and collaboration between the Police and City Council is absolutely essential to pro-actively address the issue on the ground.

Yours sincerely,

Sir Peter Soulsby
City Mayor

¹ <https://sites.google.com/site/jimcunninghammp//campaigns/pavement-parking>

² http://www.local.gov.uk/first-news/-/journal_content/56/10180/6548988/NEWS

OFFICE OF THE CITY MAYOR
Peter Soulsby

Leicester City Council, 3rd Floor, City Hall
115 Charles Street, Leicester, LE1 1FZ

TELEPHONE: (0116) 454 0001 themayor@leicester.gov.uk www.leicester.gov.uk