



north wales economic ambition board
bwrdd uchelgais economaidd gogledd cymru

REPORT TO TRANSPORT DELIVERY SUB-GROUP

02 DECEMBER 2019

Title: PAVEMENT PARKING UPDATE REPORT

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1. Purpose of the Report

1.1 To update the Sub-Group on progress

2. Decision Sought

2.1 Support for officers to attend meetings and report back

3. Reasons supporting the need for a decision.

3.1 Not applicable

4 Background and Relevant Considerations

INTRODUCTION

4.1 Parking on the pavement occurs for numerous reasons but is primarily associated with residential areas where there is no or very limited off-street parking. It is also a problem outside a number of schools. Increasing car ownership with numerous vehicles associated with one household is common and often even when a property has its own driveway or garage there is insufficient space resulting in an overspill of vehicles parking on the road and often on the pavement. Local authorities are not in a position to deal with this issue with the provision of additional parking facilities.

4.2 Powers under the Road Traffic Regulation Act 1984 do enable local authorities to introduce local pavement bans by means of a traffic regulation order and associated signage. However, this is a time-consuming and expensive process and is rarely used. Where a local authority has adopted civil parking enforcement powers it can issue a penalty charge notice on a vehicle parked on a pavement should a yellow line waiting restriction also be present on the adjacent carriageway. Driving and obstructing the pavement is unlawful but often the police do not enforce this.

- 4.3 The Deputy Minister for Economy and Transport announced at the Active Travel Conference in Cardiff in July 2019 that a Taskforce Group (TFG) was to be set up to consider issues around Pavement Parking.
- 4.4 A Project Initiation Document (PID) was drafted to inform and guide the TFG through the process of considering the implications of enforcing pavement parking and in the drafting of recommendation to the Minister.
- 4.5 The TFG to investigate regulatory and secondary legislative changes required in order to deal with pavement parking issues under civil enforcement powers by local authorities and the issue of penalty charge notices.
- 4.6 TFG to submit recommendations backed by supportive evidence to the Deputy Minister by June 2020.
- 4.7 Agreed that both Conwy and Ynys Môn should represent North Wales Authorities and to act as contact points between the region and the Task Force Group.

ADVANTAGES AND DISADVANTAGES

- 4.8 Some of the advantages and disadvantages of a parking ban are summarised below:-

4.9 **Potential Benefits**

- Pedestrian safety and other vulnerable user group such as the disabled, those partially sighted or people with buggies or mobility scooters.
- Consistent with the objectives of Active Travel in providing safe and convenient to use sustainable travel routes.
- Healthier and more active communities.
- Reducing car dependency.
- Improved air quality.
- Reducing damage caused to pavements from vehicles driving and parking on them.

4.10 **Disadvantages**

- Pressure to implement enforcement and managing public expectations.
- Implications on limited financial and staff resources to introduce a ban.
- Pressure on local authorities to provide alternative parking facilities in areas where a ban is introduced.
- Managing and ensuring consistency when considering exemptions to a ban.
- Potential for householders to change front gardens to driveways with resulting pressure on the local authority consenting processes. Also implications on Sustainable Urban Drainage Systems and the need to ensure porous surfaces.

Pavement Parking Task Force Group Inception and Workshop Meeting - 27th September 2019 WLGA Offices, Cardiff

- 4.11 TFG provided with the background to the current situation and what needed to be achieved with the emphasis on delivering the Ministers aim of introducing a pavement-parking ban in Wales. Living Street Cymru report including a public survey on pavement presented to the TFG.
- 4.12 PID used to guide the TFG through the process. Reference made to the role of another TFG looking at Un-adopted Roads and implication of guidance on pavement parking.
- 4.13 TFG discussed the use of antisocial laws and community protection notices and their use in dealing with pavement parking.
- 4.14 From the discussions had by the group, the consensus was to progress on the basis of a default ban.

Actions

- Circulation of the Living Streets Report amongst the members of the TFG
- Investigate the use of Antisocial Behaviour Crime and Policing Act 2014 to deal with pavement parking.
- Agreed to the establishment of two Project Groups –
 1. Legislation Policy and Engineering Exemptions and Enforcement.
 2. Outcomes Evaluation and Monitoring with Promotion and Communication.
- Further invitations to be sent to relevant interest groups.
- Investigate and report to group on experiences from authorities in England, best practice, use of footway parking bans using TRO.

Task Force Group Meeting 6th November 2019, WLGA Offices, Cardiff

- 4.15 The consensus view of the Group was that pursuing a specific nation-wide ban on parking would not be appropriate at the moment. It would require primary legislation that would introduce a significant delay in enabling Local Authorities to implement measures to tackle pavement parking as per the Minister's aim.
- 4.16 It was suggested as an alternative that 'obstruction of the highway' be added to the list of contraventions used under Civil Parking Enforcement (CPE). The Group set out a number of actions that would be key to the success of this proposal –
- Production of statutory guidance on CPE to reflect the additional powers.
 - Meaningful local consultation with stakeholders and local publicity ahead of changes to local enforcement policy.
 - Public information to reinforce that inconsiderate pavement parking is not acceptable.
 - The development of enforcement policies by local authorities that are proportional to need.
 - Use of warning notices on the first occasion a vehicle is identified as causing an offence

4.17 The Group felt that this approach would have the advantage that CPE could be undertaken on a prioritised basis, focusing on those areas that cause the greatest problems. This would allow Councils to implement measures to permit unavoidable pavement parking over the longer term, through TROs.

4.18 The above proposal will be considered by the WLGA Council in order to seek support in principle prior to progressing with the project. The Task Force Group's work is on hold pending this decision.

5. Financial Implications

5.1 No financial implications for the North Wales Economic Ambition Board, only staff time for individual local authorities at this time , but the Task Group will assess the financial implications once more details have been agreed

6. Legal Implications

6.1 Included within the remit of the relevant Task Group.

7. Staffing Implications

7.1 Staff time and additional resources included within the remit of the relevant Task Group.

8. Impact on Equalities

8.1 Included within the remit of the relevant Task Group with a need to balance clear footways against any loss of parking

9. Consultations undertaken

9.1 Tasking Group includes a range of establishments and will deal with publicity and consulting with the appropriate bodies going forward.

STATUTORY OFFICERS RESPONSE:

i. Monitoring Officer – responsible body:

No observations to add in relation to propriety

ii. Head of Finance – responsible body:

I note that part 5.1 of the report explains the financial implications.