

**Written evidence submitted by the PATROL
(Parking and Traffic Regulations Outside London)
Joint Committee in response to the
Transport Committee inquiry into
pavement parking**

Submitted by:

PATROL

PATROL (Parking and Traffic Regulations Outside London)

www.patrol-uk.info

Contact:

Louise Hutchinson, Director

lhutchinson@patrol-uk.info

Springfield House

Water Lane

Wilmslow

Cheshire

SK9 5BG

1. Introduction to PATROL

1.1 The PATROL (Parking and Traffic Regulations Outside London) Joint Committee comprises 313 local authorities that undertake civil parking enforcement in England (outside London) and Wales.

- 1.2 The principal function of the Joint Committee is to make provision for independent adjudication in respect of appeals against penalties issued for traffic contraventions by enforcement and charging authorities in England (outside London) and Wales. Adjudication is delivered through the **Traffic Penalty Tribunal (TPT)**. TPT adjudicators are wholly independent lawyers, appointed with the consent of the Lord Chancellor, and are supported by a small team of administrative staff, who provide customer support. The TPT is the UK's first fully online tribunal and decides ~25,000 cases a year.
- 1.3 The Adjudicators decide appeals against civil enforcement penalties issued by authorities for parking, bus lane, littering from vehicles and (in Wales only) moving traffic contraventions, as well as appeals arising from road user charging enforcement (including from the Dartford-Thurrock River Crossing, Mersey Gateway Bridge Crossings and the Durham Road User Charge Zone).
- 1.4 PATROL represents its member authorities on traffic management issues of mutual interest, whilst also taking into account the motorist's perspective – as seen through appeals to the TPT.
- 1.5 PATROL also promotes best practice in public information to increase understanding of traffic management objectives. This includes the annual PARC (Parking Annual Reports by Councils) Awards held at the House of Commons.
- 1.6 PATROL member authorities comprise each type of local authority and a spectrum of political allegiances – a representative voice on civil traffic enforcement outside London, through the sharing of issues, insight, evaluation and best practice from a broad and diverse geographic area.
- 1.7 Further information can be found at www.patrol-uk.info and www.trafficpenaltytribunal.gov.uk.

2. Executive summary

2.1 Pavement parking poses several problems for local authorities.

- Inconsiderate parking creates potentially dangerous hazards for pedestrians, particularly those that are vulnerable, such as the elderly, those with disabilities or families with pushchairs.
- Damage to paths and pavements is also hazardous and costly to repair.
- Members of the public refer cases of vehicles causing an obstruction and assume that local authorities can take enforcement action. Currently, this is a matter for the police, rather than local authority. This confusion makes swift and effective enforcement a challenge.

2.2 A ban on pavement parking was introduced in London in 1974 and (as of April 2019) the Scottish Government has agreed in principle to implement a nationwide ban on pavement parking.

2.3 Authorities in England (outside London) and Wales, however, have only limited powers to enforce pavement parking, where:

- vehicles are parked in contravention of existing waiting restrictions;
- a designated area-wide ban is in place, based on Traffic Regulation Orders (TROs) and signage;
- the vehicle parked is a 'heavy commercial vehicle', with an operating weight of over 7.5 tonnes.

2.4 Authorities are currently unable to respond to complaints about pavement parking that do not fall within these categories, instead they are referred to the police.

PATROL Pavement Parking Workshops: Consulting authorities outside London

2.5 To assist the Department for Transport in its information gathering exercise on pavement parking, PATROL consulted its member authorities on the issue during a series of workshops in Autumn 2018. These workshops brought together 75 Councillors and Officers, representing district, county and unitary authorities outside London, to explore the challenges of pavement parking and the powers that would help them manage the issue in a way that would respond to the particular needs of their communities.

2.6 The workshops confirmed that pavement parking remains an issue; however, the challenge differs from authority to authority, and a 'one-size-fits-all' approach, such as a nationwide pavement parking ban, could inadvertently create additional challenges for communities; for example, where there is:

- a need for pavement parking on some roads, such as narrow residential streets
- high-cost and resource implications around implementing a blanket ban in areas where high levels of permitted pavement parking are required.

- 2.7 Local authority areas outside London comprise a range of urban and rural settings, high- and low-density housing and differing challenges. PATROL member authorities would prefer to have a range of powers that they can draw upon locally to more effectively address the problem of pavement parking, rather than the introduction of a nationwide ban.
In effect, deploying local powers for local solutions.
- 2.8 A readily available solution proposed by PATROL authorities would be to add highway obstruction by a stationary vehicle to the list of contraventions for which civil enforcement applies, contained in Part 1 of Schedule 7 of the *Traffic Management Act 2004***
- 2.9 By using secondary legislation in this way, the Government could take immediate action on pavement parking, while considering the implications and feasibility of other approaches.**
- 2.10 In the meantime, this additional power would mean that local authorities could be proactive and respond effectively to complaints.**
- 2.11 It would also reduce reliance on police intervention, at a time when availability is dependent upon priorities and resources. Police officer numbers have declined every year since 2010.**

Source: [Home Office, Police Workforce, England and Wales, 31 March 2018. Statistical bulletin 11/18. 19 July 2018](#)

- 2.12 There are a number of actions that would be key to the success of the introduction of highway obstruction to the list of contraventions for which civil enforcement applies:
- Statutory Guidance on civil parking enforcement to reflect the additional power.
 - 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 use of warning notices on the first occasion a vehicle is identified as causing an obstruction.

3. Comparing travel patterns inside and outside London

3.1 A ban on pavement parking was introduced in London in 1974 – at a time of lower levels of car ownership, with alternative and readily accessible public transport options well established. There are a number of significant differences between travel behaviour in London and the wider country:

1. **Car ownership** – the percentage of ‘car-less’ households in London (41%) is significantly higher than the national average (24%) – and more than double that of the East Midlands (19%), East of England (17%), the South East (16%) and South West (17%). London is the only region in England where car ownership is below one car per household (0.81).

Source: [Department for Transport Statistics: National Travel Survey Table NTS9902 – Household car ownership by region and Rural-Urban Classification: England 2002/03 to 2016/17](#)

2. **Fewer journeys** – London has the lowest percentage of commuter journeys completed by car (29%) of any region in England. This compares to 75% in the North West; North East; South West, and Yorkshire and the Humber. Fewer people rely on cars to get to and from work in London than anywhere else in the country, which could reduce the demand for parking.

Source: [Department for Transport Statistics – Modal Comparisons Table TSGB0108 Usual method of travel to work by region of residence, Great Britain: October to December 2017](#)

3. **Younger demographic** – A decline in car usage among young people has been observed recently, with only 37% of 17–29 year olds reported between 2010–14 as driving a car in a typical week, compared to 46% between 1995–99. Driving licensing among young people peaked in 1992–4, with 48% of 17–20 year olds and 75% of 21–29 year olds holding a driving licence. By 2014, driving licence holding had fallen to just 29% of 17–20 year olds and 63% of 21–29 year olds.

Source: [The Centre for Transport & Society, University of West England and Transport Studies Unit, University of Oxford: Young People’s Travel – What’s Changed and Why? Review and Analysis. January 2018](#) (Commissioned by Department for Transport)

This could suggest areas with older populations are more likely to make use of a vehicle on a weekly basis. London’s average age is just 34.6; while, for comparison, the average age in West Somerset is 53.9; in North Norfolk it is 52.7; in South Lakeland it is 49.9; in the East Riding of Yorkshire it is 47.6, and in Leicestershire it is 43.0.

Source: [Office for National Statistics: Median age for local authorities in the UK mid-2015](#)

4. The impact of a nationwide pavement parking ban outside London

- 4.1 It is the clear view of PATROL's member authorities that a nationwide pavement parking ban would result in significant traffic management challenges for many local authorities and their communities.
- 4.2 There are some circumstances where requiring vehicles parked partially on footways to instead park on the carriageway could cause more issues than it resolves; for example, the passage of emergency vehicles, buses and larger vehicles, together with any associated congestion and air quality issues. Furthermore, restrictions on parking in one area could have the effect of displacing problems elsewhere.
- 4.3 A number of practical concerns were raised by local authorities during the course of the PATROL Pavement Parking Workshops, including:
- **Inflexibility**, in terms of the varying needs of local communities and their built environment, and the implications for disapplying the statutory instrument, should a nationwide ban not be appropriate in a specific locality. There will inevitably be some streets where there will be a range of views, implications of road layout and use factors that contribute to the debate about whether pavement parking should / could be banned or not;
 - the **significant costs** associated with disapplying the statutory instrument to allow pavement parking within particular areas of a local community (inc. surveys, Traffic Regulation Orders [TROs] and consultation);
 - the **increased signage** that would accompany the introduction of such areas of permitted pavement parking.

One PATROL authority has estimated the potential cost of introducing 'permitted' signs and lines, if implementing a nationwide pavement parking ban, at £666,000. This would be accompanied by 306 working days for surveys, consultations, customer relations, reporting and management of street works, together with a further two years to implement the changes.

Further details can be found in a case study in Appendix 1 (Page 11).

- 4.4 Instead, member authorities propose a more locally responsive approach, which would enable them to draw on a range of options to manage pavement parking in their communities. Under existing powers, this could include enforcing against vehicles parked in contravention of existing waiting restrictions and / or the current approach of introducing pavement parking bans within designated areas, based on TROs and signage.

5. A timely solution – empowering authorities by adding obstruction as a civil enforcement contravention

- 5.1 PATROL authorities and the Traffic Penalty Tribunal adjudicators have been considering the feasibility and implications of adding highway obstruction by a stationary vehicle to the list of contraventions for which civil enforcement applies, contained in Part 1 of Schedule 7 of the *Traffic Management Act 2004 (TMA)*.

Paragraph 4(1) provides:

“Parking contraventions outside Greater London

4(1)Outside Greater London there is a parking contravention in relation to a vehicle if it is stationary in circumstances in which any of the offences listed below is committed.”

Paragraph 5(1) provides:

“Power to add further offences

5(1)The appropriate national authority may by regulations amend paragraph 3 or 4 so as to add further offences (but only in so far as they relate to stationary vehicles).”

Therefore, offences under Regulation 103 of the *Road Vehicles (Construction and Use) Regulations 1986*, which prohibits unnecessary obstruction, could be added as a simple statutory instrument.

The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions

- 5.2 It would be a matter for each authority to formulate and publish policies on the type of obstruction they propose to target in their area. The Secretary of State would issue Statutory Guidance under Section 87 of the TMA concerning appropriate considerations and application of the additional power. The Guidance could address the types of obstruction that should typically be subject to civil enforcement, as well as recommend that a warning notice should be issued on the first occasion a vehicle is identified as causing an obstruction.

The Secretary of State’s Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions under the TMA can be found [here](#).

6. Local authorities' pavement parking policies to be sensitive to local problems

- 6.1 Local authority civil enforcement teams have more than enough experience to make a judgement as to what constitutes obstruction.
- Civil Enforcement Officers (CEOs) are already undertaking dropped kerb enforcement and have demonstrated that this can be done proportionately.
 - Dealing with obstruction in car parks is commonplace.
- 6.2 Currently, obstruction attracts light-touch enforcement by the police. Each authority would need to publish its own policies and priorities for enforcement (e.g. certain streets, and examples of unsociable parking that create problems for other road users and people with disabilities). This would ensure that enforcement would not be perceived as arbitrary beyond the scope of the published policies.
- 6.3 With developments in technology, if a CEO is in doubt about whether a vehicle is obstructing, photos can instantly be sent to superiors for confirmation.
- 6.4 There would also need to be public information that this additional power had been given to local authorities, together with illustrations of the type of parking that would attract a penalty for obstruction.
- 6.5 PATROL is prepared to coordinate public information across all its authorities; including, for example, the commissioning of a public information video for distribution on YouTube and other channels, together with a social media campaign.
- 6.6 The further solution proposed by PATROL authorities of adding obstruction of the highway to the list of contraventions for which civil enforcement applies (see previous page), contained in Part 1 of Schedule 7 of the *Traffic Management Act 2004*, is a readily available and empowering option.

7. Traffic Regulation Orders

- 7.1 Traffic Regulation Orders (TROs) – known as Traffic Management Orders (TMOs) in London – are made under the provisions of the *Road Traffic Regulation Act 1984* (RTRA). The process for making TROs / TMOs is set out in *The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996* (LATOR).
- 7.2 The RTRA has, for a long while, been out-of-date and the procedures in LATOR are cumbersome and require considerable expenditure on the part of the traffic authority. Neither are suitable legislation for responding to the challenges of regulating the use of the roads of the future.
- 7.3 This in itself is a barrier to an authority being responsive to the expressed needs of the community. In particular, the requirement to advertise in local newspapers, which can cost around £1,000 for an advert, is outmoded and is contrary to the 'digital by default' government agenda. Any review of the traffic order making process also needs to take into account the introduction of autonomous vehicles and how traffic order information can be 'understood' by these vehicles, in terms of where they can and cannot park.
- 7.4 While any streamlining of traffic order processes is welcomed, PATROL authorities do not believe this alone is a sufficient or appropriate response to the issue of pavement parking experienced across all authorities.

8. Conclusions and recommendations

- 8.1 Local authorities outside London are looking for local powers for local solutions in the form of a range of enforcement powers, rather than a 'one-size-fits-all' nationwide ban on pavement parking.
- 8.2 There was consensus among the PATROL Pavement Parking Workshops' attendees that adding highway obstruction by a stationary vehicle to the list of contraventions for which civil enforcement applies would be a timely solution to enable authorities outside London to take targeted action against pavement parking, thus reducing their reliance on police intervention.
- 8.3 By using secondary legislation, the Government could take immediate action on pavement parking, while considering the implications and feasibility of alternative approaches. In particular, the potential impact of a nationwide ban could be properly assessed, in terms of resources and sensitivity to local conditions.
- 8.4 That process requires the Department for Transport to consult relevant police authorities. Some PATROL members confirm that their police authorities will support the civil enforcement of obstruction, which would be conveyed during the necessary consultation process.
- 8.5 Key to the success of adding highway obstruction to the list of contraventions for which civil enforcement applies would be:
 - Statutory Guidance on civil parking enforcement to reflect the additional power.
 - 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. PATROL is prepared to coordinate public information across all its authorities; including, for example, the commissioning of a public information video for distribution on YouTube and other channels, together with a social media campaign.
 - The use of warning notices on the first occasion a vehicle is identified as causing an obstruction.

Appendix 1

Case Study: Estimating what would need to be done locally if a nationwide pavement parking ban was introduced

The task will differ from authority to authority, depending on such factors as the scale of the road network; the balance of urban and rural areas; the density of development; historic town road layouts, etc.

This example is provided to set out the estimated implications, of both time and cost, of introducing permitted parking areas in a community, should a nationwide ban be introduced.

One local authority in the North of England has estimated what it would need to do in preparation, if a nationwide pavement parking ban were to be introduced.

The authority has assumed the length of an average residential road to be 200 metres and estimated that the cost of signing and lining both sides of such a road, to indicate that pavement parking is permitted, would be £1,800.

There are a total of 3,700 individual roads across the authority. Assuming that only 10% were suitable for permitted footway parking, this would mean a total of 370 roads; which, taking the estimated signs and lines costs above would mean a total of approximately £666,000.

This assumes that all the Traffic Regulation Orders (TROs) were introduced together and, therefore, associated legal costs were minimised. A piecemeal approach to this would add a further £400 per road, which would cost an additional £148,000. To put this in context, the annual budget for TROs in this authority is £75,000.

A further challenge for the local authority will be deciding on which roads to allow footway parking. Each of the roads would need to be assessed by an Officer; plans produced; a report written; approval gained and an order placed for the works before, finally, they are checked on completion. The authority says that it currently has 1.5 Traffic Officers for this work. They are fully occupied, considering traffic queries and progressing TRO requests and have no spare capacity.

Working on the assumption that this work would involve a minimum of four hours per street x 370 streets; this would mean 1,480 hours' work. In reality, they anticipated that they would not just have to consider the roads they think will qualify, but many others that won't qualify.

It is predicted that once the public know that the authority is looking at this issue, queries would be generated, together with – as decisions are made on the streets to qualify for permitted pavement parking, or not – complaints, petitions, etc. This would also need to be managed. Managing a straightforward consultation would add approximately two hours' work per street: an additional 740 hours across all streets.

In addition to the costs above, this authority has estimated that they would need an additional Officer for a minimum of two years to implement this change.