

Agenda Item No: 7
Report To: Joint Transportation Board
Date: Tuesday 14th June 2010
Report Title: Management of Double Parking and Parking at Dropped Kerbs
Report Author: John Burns, Operations Manager Parking Services



Summary: The Kent County Council have adopted formal powers to enforce double parking and parking at dropped kerbs under the Traffic Management Act 2004. As a consequence, on 1 March 2011 the Kent Highway Services Parking Manager sought and was granted permission by Kent County Council's Environment, Highways and Waste Policy Overview & Scrutiny Committee to give written approval to each district council to commence such enforcement. This report therefore seeks the support of the Joint Transportation Board to agree that Ashford Borough Council should adopt the powers to enforce these parking matters.

Key Decision: NO

Affected Wards: Potentially all Wards may be affected

Recommendations: **The Board be asked to:-**

- (i) Approve that the new powers to enforce double parking and parking at dropped kerbs with the exception of private driveways, be adopted by Ashford Borough Council.**
- (ii) Agree with the recommendation that, prior to enforcement taking place, a comprehensive media PR exercise and warning notice campaign be undertaken to advise and notify motorists of the new restrictions**

Financial Implications:

- (i) Additional Civil Enforcement Officers will not be required to undertake this enforcement commitment and it will be carried out as part of normal day to day enforcement activity.
- (ii) The penalty charge for these contraventions is £70 (current higher level penalty charge), which will be discounted by 50% if paid within 14 days.
- (iii) It is estimated that an effective media PR exercise and warning notice campaign to be held over a two month period, will cost approximately £2,500. This cost is necessary in the interests of fairness to affected motorists and to ensure that openness and transparency is maintained in all of the Council's parking enforcement activity and will be covered by the existing budget.

Risk Assessment NO

**Equalities Impact
Assessment**

Enforcement of double parking and parking at dropped kerbs will assist those with visual or mobility impairment.

**Background
Papers:**

Double Parking and Parking at dropped kerbs leaflets

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Purpose of the Report

1. The Kent County Council have adopted formal powers to enforce double parking and parking at dropped kerbs under the Traffic management Act 2004. As a consequence, on 1 March 2011 the Kent Highway Services Parking Manager sought and was granted permission by Kent County Council's Environment, Highways and Waste Policy Overview & Scrutiny Committee to give written approval to each district council to commence such enforcement.. This report therefore seeks the support of the Joint Transportation Board to agree that Ashford Borough Council should adopt the powers to enforce these parking matters.

Issue to be Decided

2. There are two issues to be decided:
 - 2.1. Whether Ashford Borough Council should adopt the new powers to enforce double parking and parking at dropped kerbs with the exception of private driveways.
 - 2.2. If it is decided to adopt the new powers, whether to approve that before enforcement commences a comprehensive media PR exercise and warning leaflet campaign to notify motorists of the new restrictions at a cost of approximately £2,500 should be carried out.

Background Information

3. The introduction of the Traffic management Act 2004 has given Authorities the powers to issue a Penalty Charge Notice to any vehicle which is double parked or parked adjacent to a dropped kerb.
4. The current agency agreement between the Kent County Council and the 12 district Authorities require that Kent give written permission to each district prior to them exercising these powers.

Proposed use of the new powers

5. The three parking situations where these new powers can be used are as follows
 - 5.1. Parking adjacent to a dropped kerb at a crossing point (dropped kerbs for community use which are usually identified by the use of tactile paving). This includes where a footway, cycle track or verge has been lowered to meet the carriageway; equally it applies where the carriageway has been raised to the level of the footway, cycle track or verge.

Such parking causes inconvenience for people trying to cross the road and in particular, those pushing prams or using wheelchairs/mobility vehicles

- 5.2. Double parking, which is defined as parking 50cm or greater from the kerb

Double parking may cause congestion and inconveniences other road users. KCC recommend that Civil Enforcement Officers issue Penalty Charge Notices whenever they believe that this contravention has occurred.

- 5.3. Parking adjacent to a dropped kerb outside residential properties.

*KCC recommend that Civil Enforcement Officers do **not** issue Penalty Charge Notices in these cases. Legislation explicitly allows vehicles to park in these circumstances by or with the consent of the occupier, unless it is a shared driveway. Moreover, the enforcement of private dropped kerbs may lead to a public expectation of a 24 hour enforcement regime and the subsequent removal of vehicles which cannot be achieved under the current enforcement process.*

6. It is suggested that a comprehensive media PR exercise be carried out before the introduction of powers including warning notices on vehicles, press releases warning leaflets and the posting of information on the Council's web site. The warning notice period will last for two months. Copies of the leaflets are appended to this report.

Equalities Impact Assessment

7. Enforcement of double parking and parking at dropped kerbs will assist those with visual or mobility impairment.

Recommendation

8. It is recommended that the new powers to enforce double parking and parking at dropped kerbs, with the exception of private driveways, be adopted by Ashford Borough Council. It is further recommended that prior to enforcement taking place, a comprehensive media PR exercise be carried out to notify the motoring public of the new restrictions.

Portfolio Holder's Views

9. I endorse these proposals which will help to prevent congestion in the town centre and make it easier for people to cross the road, particularly those with disabilities or young children to manage. I also support that a media exercise is carried out to alert the public to the new enforcement action.

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DON'T PARK ACROSS A DROPPED KERB



You may not have realised it but it's actually a parking contravention to block or park across or next to a dropped kerb.

If it is considered necessary due to an ongoing problem, from INSERT DATE, your local Council will start to issue tickets to vehicles parked partly or completely over a dropped kerb in use by the local community.

This action will not be taken at residential properties as it is the job of your local police force to enforce this as obstruction under their powers.

What is a dropped kerb?



Dropped kerbs are where the kerb stone has been lowered to make a gentle ramp for pedestrians, pushchairs, wheelchairs or vehicles. They can be across the pavement, grass verge or cycle track and many of them are indicated by tactile paving.

Why is parking not permitted?

Dropped kerbs are there to assist those who need to cross the road safely or for vehicle access. Blocking this access causes obstruction and is a nuisance for other road users. Both the Traffic Management Act 2004 and the Highway Code state that a driver must not park or wait where a kerb has been lowered.

I am a Blue Badge holder, does this apply to me?

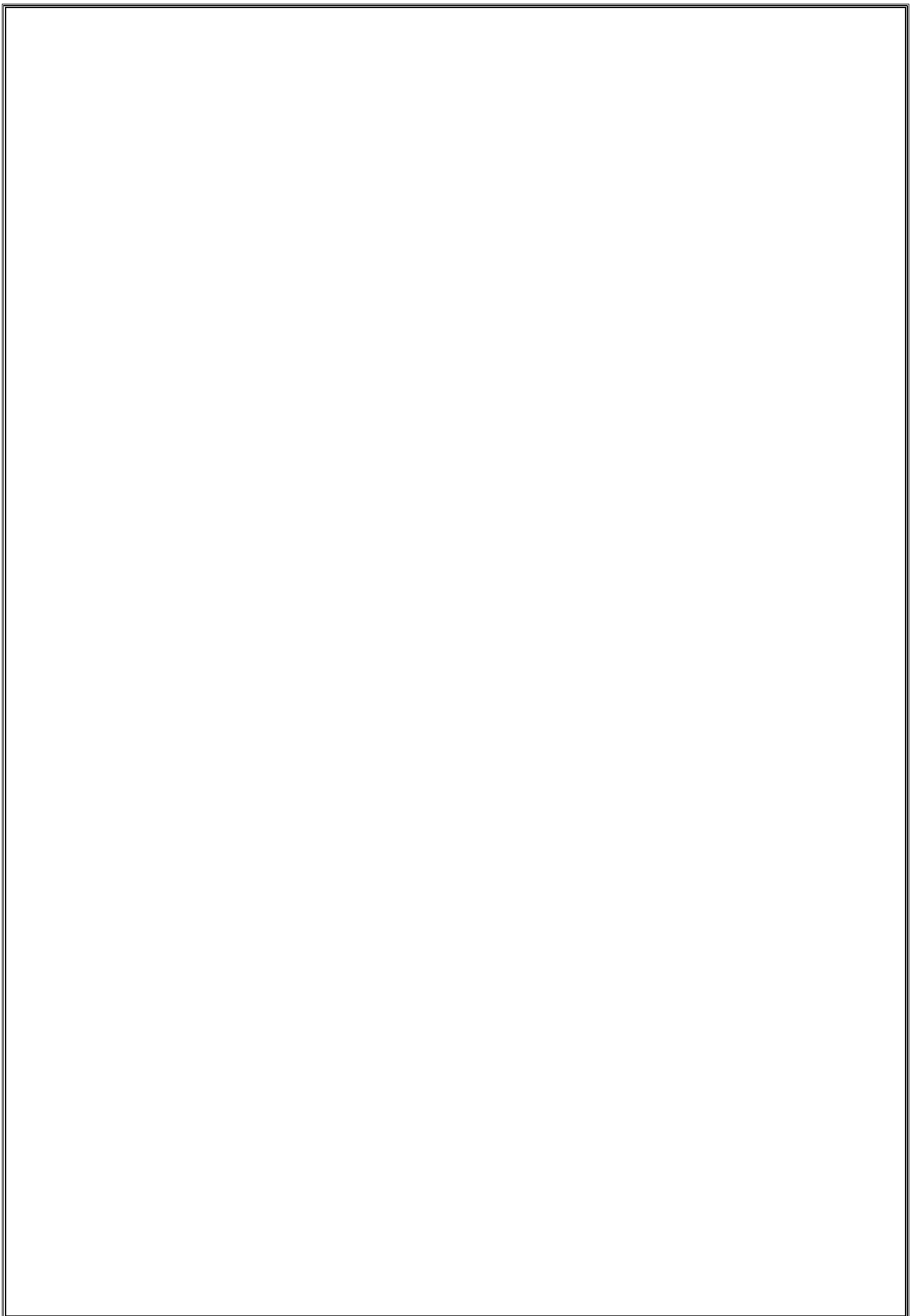
Yes, the Blue Badge is not a licence to park anywhere and no-one should leave a vehicle where it will cause an obstruction. Dropped kerbs are often installed to assist access for pedestrians who have restricted mobility.

How much is the penalty?



Penalties are currently set at £70 and payment within 14 days attracts a 50% discount reducing the sum to £35.

Contact information and logo to be inserted by each individual authority.



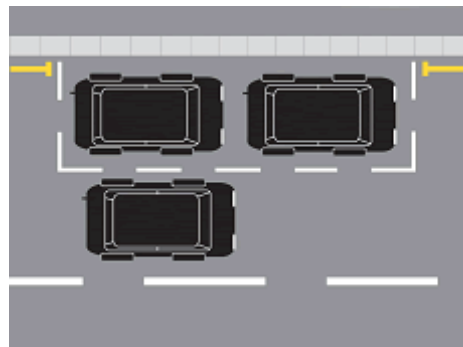
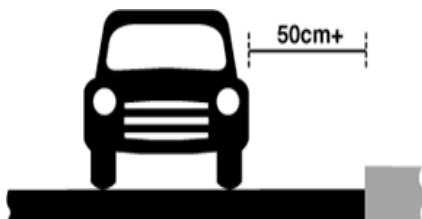


DON'T DOUBLE PARK

You may not realise it but it is actually a contravention to double park (park more than 50cm from the edge of the pavement, kerbline or edge of the road.)

If it considered necessary due to an ongoing problem, on (insert date) the Council will start to issue tickets to vehicles parked more than 50cm from the edge of the kerbline.

What is double parking?



Double Parking applies when a vehicle is parked on any part of the carriageway (road) and no part of the vehicle is within 50cm of the edge of the carriageway (kerbline) unless the vehicle is wholly within a marked parking bay.

How much is the penalty?

Penalties are currently set at £70 and payment within 14 days attracts a 50% discount reducing the sum to £35.

Contact Information and logo to be inserted by each individual authority