

**Agenda Item
No:**

Report To: Joint Transportation Board

Date: 10th December 2019

Report Title: **Footway Parking Parliamentary Inquiry**

**Report
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Summary: The House of Commons Transport Committee has conducted an investigation into the issues presented by footway parking outside of London. Recommendations were published in September 2019- the outcome is not yet known and will rest in the hands of the new government. This report is to alert members to the recommendations and the likely outcomes, which would have a considerable impact on parking in residential areas not currently subject to civil parking restrictions.

Classification: For information

Affected Wards: Borough-wide

Recommendations: N/A

Background

1. Footway parking (pavement parking) has been a contravention of civil parking rules within London since 1974 as the default status.
2. Exceptions to this rule, where parking may take place partly or wholly on the pavement, are signed and marked. Outside of London, the opposite rules apply (see Highway Code, rule 244).
3. Consequently, within the borough of Ashford, footway parking potentially amounts to an offence of unnecessary obstruction, prosecuted by the police but is not a contravention of the civil rules.

However, parking matters are not a high priority for the police and will not likely become so. Additionally, the police will only act in relation to active obstruction, whilst civil parking enforcement promotes compliance with parking rules over time.

4. At present, although it is possible to prohibit footway parking using a Traffic Regulation Order (TRO) it is seldom used. Doing this would follow the same path as for any other amendment parking rules. Changing TROs is a relatively expensive and lengthy process which confers no rule on the adjacent highway (footway parking is most common prompted by the narrowness of the street)
5. Places where footway parking is prohibited with a TRO rely heavily on signage- another significant expense, which also creates additional clutter.
6. Most modern developments work to 'design-out' bad parking on the main thoroughfares using build-outs, pinch points and narrowed streets. This is circumvented if vehicles are parked with two wheels on the pavement, which is a common occurrence.

Parliamentary Inquiry

7. The House of Commons Transport Committee has reviewed the issues raised by footway parking and gathered submissions from across the country (*a link to the report is provided below*).

Summary of the Recommendations

8. The key recommendation is for a blanket ban on footway parking (item 8, page 27).
9. In order to reduce pressure on authorities it is recommended that the TRO process also be amended to follow the pattern found in London (exemptions to the ban here can be made more cheaply and through a less formal process). Without a corresponding relaxation of the TRO process, any attempt to allow for footway parking on certain streets will be expensive and onerous.
10. To accompany the blanket ban, the recommendations also promote the creation of a new civil offence of 'obstructive pavement parking' (Item 7, page 27). This would allow for civil enforcement against those obstructing the pavement- a workable solution turns in part, on the definition of the by the Department for Transport.
11. It may be that the contravention will come in before the blanket ban, perhaps as a stop-gap solution in the period before any outright ban comes into force (the inquiry suggests that the nationwide ban would be '*in the long term*').

It is worth noting that two blanket civil contraventions already exist which require no markings or signs- double parking and parking where the footway either has been lowered or raised (Sections 85 and 86 of the Traffic Management Act 2004).

Enforcement of these contraventions within the borough of Ashford has taken place since 2011. Double parking is defined as "(a) vehicle...parked on the carriageway in such a way that no part of the vehicle is within 50 centimetres of the edge of the carriageway".

This may form a template for any future contravention for parking on the footway.

Next Steps

12. No decision has yet been made, but it appears most likely that, whatever the result of the forthcoming election, that some action will be taken to make pavement parking more difficult and more open to civil enforcement. This will have inevitable effects on the use of roads in most residential areas (areas where yellow lines and similar civil parking restrictions were likely never to be employed).

Links

Transport Committee pavement parking inquiry- main page

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/transport-committee/inquiries/parliament-2017/pavement-parking-17-19/>

Direct link to report-

<https://publications.parliament.uk/pa/cm201719/cmselect/cmtrans/1982/1982.pdf>

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