

House of Commons Transport Committee

Pavement parking

Thirteenth Report of Session 2017–19

Report, together with formal minutes relating to the report

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Transport Committee

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Summary

The extent and impacts of pavement parking affect many communities. People with mobility difficulties or visual impairments and people who care for others are particular groups who are adversely affected by pavement parking. Action from the Government to tackle the problem of pavement parking has been slow and has not improved people's day-to-day lives.

Pavement—as opposed to 'on-street'—parking happens when a vehicle is partially or wholly parked on the pavement or footpath. It is not a criminal offence to park on the pavement—apart from Heavy Goods Vehicles—however it is a criminal offence to drive on to the pavement, whether there is an intention to park or not.

In 2015 the UK Government promised to look into the issue of pavement parking in England. It ran consultations and roundtables and held internal reviews, but this has not led to any actions that have made a difference to the public's experience of pavement parking. The Government needs to draw conclusions rapidly from the work it has undertaken, publish its proposals and take action.

Pavement parking can have a considerable impact on people's lives and their ability to safely leave their homes. We have received evidence from people with both visual and mobility impairments, and those who care for others—including children—about how they are affected by pavement parking. People are at risk of social isolation if they feel unable to leave their homes safely or are physically prevented from doing so. While pavement parking can be a necessity in some areas, it should not be allowed to happen where it has a significant adverse impact on people's lives.

We are deeply concerned about the Government's failure to act on this issue, despite long-standing promises to do so. We appreciate that this is a thorny problem that may be difficult to resolve to the satisfaction of all, but the Government's inaction has left communities blighted by unsightly and obstructive pavement parking and individuals afraid or unable to leave their homes or safely navigate the streets. Scotland is currently legislating for a national ban, while London took action to tackle this issue forty-five years ago. The Government must act to improve the situation in the rest of England and it must do so quickly.

Some people are unaware that driving on the pavement is illegal. Some people are not aware of the detrimental effect pavement parking can have. It is the responsibility of the Government to run an awareness campaign around the illegality of driving on the pavement and the negative impacts of pavement parking.

Traffic Regulation Orders (TROs) are a way that local authorities can tackle congestion, manage traffic flows and restrict parking, including pavement parking. Currently there is a legal requirement to advertise any TRO in a local print newspaper. Newspaper advertising may not be effective in spreading this information widely and is costly for a local authority. The Government should remove the onerous requirement of newspaper advertising from the TRO process. We recognise the importance of providing support for local newspapers but, if the Government wishes to do this, it should be done directly,

¹ There has been a general ban on pavement parking in London since 1974. For more information see paragraph 17.

not indirectly through the TRO process. However, it is vital that people are aware of proposed TROs and the local authority must put in place effective mechanisms for consulting with their local communities.

Enforcement of the law is the most effective deterrent against pavement parking. It is not always clear who is responsible for taking enforcement action when a vehicle is parked on the pavement, as it depends on the circumstances. We encourage the Government to produce good practice guidance for local authorities and police forces on enforcement, and publicise who is responsible for enforcing which offences to the public.

The police can fine people for obstruction of the highway, which includes cars parked on the pavement that impede pedestrians. Currently there is not a clear legal definition of obstruction as it is not an easy thing to define in law. The police have priorities about what they enforce. Obstructive pavement parking is not a high police priority. Obstructive parking could be enforced by local authorities, in most cases they already have parking enforcement staff in place and want to enforce. We recommend that a new civil offence of obstructive pavement parking is created, and enforcement become the responsibility of local authorities.

We recommend that in the long term a ban on pavement parking is put in place across England, outside London, with a new process for exempting areas from the ban that is not as expensive or complicated as the current TRO process. We recognise that this is not something that can happen quickly, and so recommend a full consultation with local authorities about how to make this process easier and cheaper.

1 Introduction

- 1. Drivers want, and often need, to park near their homes or places of work. Sometimes the only way to do this and maintain access for emergency vehicles, buses and refuse lorries is to park partly or wholly on the pavement.² Pavement parking can make it difficult or impossible for pedestrians to walk safely on the pavement. We decided to look into what the Government can do to address these issues.
- 2. During the inquiry we received 430 pieces of written evidence, held two evidence sessions and a public engagement event in Bexhill-on-Sea. We are grateful to everyone who contributed to the inquiry.³ Our thanks also go to the UK Parliament Education and Engagement team.
- 3. The Department for Transport gave us a breakdown of parking offences, if an offence is criminal or civil and who can enforce these offences:

Table 1: Table of parking offences by scenario

Scenario	Criminal or civil offence	Who enforces it
Parking a vehicle on a pavement; the remaining pavement is clearly wide enough for pedestrians to pass; the street is not subject to any parking restrictions	No offence or contravention note 1	No enforcement action
Parking a vehicle on a pavement; the pavement is clearly blocked and pedestrians are forced onto the carriageway; the street is not subject to any parking restrictions	An obstruction offence may be being committed in this case	Police service
Parking a vehicle on a pavement; the remaining pavement is clearly wide enough for pedestrians to use; the street is subject to parking restrictions (eg. yellow lines)	Civil contravention (contravention code 01 -parked where restricted during restricted hours) note 2	Local authority <i>note 3</i>
Parking a car or motorbike on a pavement; the pavement is entirely blocked and pedestrians are forced onto the carriageway; the street is subject to parking restrictions (eg. yellow lines)	Civil contravention (contravention code 01– parking where restricted during prescribed hours) A separate obstruction offence may also be being committed. note 2	Police service for the obstruction offence; local authority for the contravention of parking restrictions <i>note 3</i>

² Adrian Wilkinson (PPA0063), Alliance of British Drivers (PPA0185)

A list of witnesses the Committee took evidence from, and written evidence submitted to the Committee, is printed in this report. Written evidence and transcripts of oral evidence are available on the Committee's website.

Scenario	Criminal or civil offence	Who enforces it
Parking an HGV weighing more than 7.5t on a pavement to carry out unload that could not have been performed from the carriageway, on a road that is not subject to any parking restrictions	No offence or contravention note 1	No enforcement action
Parking an HGV weighing more than 7.5t on the pavement; regardless of the width of the pavement or whether the street is subject to any parking restrictions	Civil contravention (Contravention code 61 - A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways)	Local authority <i>note 3</i>
Parking an HGV weighing more than 7.5t on the pavement for the purposes of loading/unloading which could not be satisfactorily performed if the vehicle was parked elsewhere, where the street is not subject to loading/unloading restrictions (eg. yellow kerb blips)	No offence or contravention note 1	No enforcement action
Parking a HGV weighing more than 7.5 on the pavement for the purposes of loading/unloading, where that street is subject to loading/unloading restrictions	This would be a civil contravention (contravention code 02– parked loading/unloaded in a restricted street where waiting and loading/ unloading restrictions are in force) note 2	Local authority <i>note 3</i>
Parking a vehicle on the footway and/or verge, where that street is subject to a prohibition of footway and/or verge parking (a TRO banning pavement parking)	This would be a civil contravention, regardless of the type of vehicle or whether a criminal obstruction is taking place (contravention code 62 - note 2	Local authority <i>note 3</i>

Note 1: It is unlikely that an offence or contravention is occurring in these circumstances as a general rule of thumb, but some may argue that an obstruction offence is being committed; the Department understands that police services are generally likely to apply discretion towards obstruction offences and are unlikely to issue FPNs unless there is a clear and unambiguous obstruction, so any enforcement is likely to depend on the specifics of that particular case.

Note 2: Even where a Traffic Regulation Order imposes a civil contravention for parking on pavements, an obstruction offence may still be committed as these offences exist under separate legislation and are enforced only by police services. In practical terms, however, police services are unlikely to issue FPNs for low-level obstruction offences if the vehicle can be dealt with by the local authority as a routine parking contravention.

Note 3: This assumes that the local authority has taken on civil parking enforcement powers. If that local authority has not been designated as a civil enforcement area, the police service will remain responsible for enforcing all parking offences.

Source: Department for Transport (PPA0233)

2 Legislation and enforcement

- 4. Given current levels of car ownership, pavement parking is inevitable in some areas. In many towns and cities in England housing is Georgian, Victorian or Edwardian. These houses were built before the advent of mass motoring, do not benefit from off-street parking spaces, and since they were built many have been converted into houses in multiple occupation (HMOs). As a result there are often not enough parking spaces for the people that live in them, whether residents' parking schemes are in place or not. This is not only a problem with older housing: one in twenty of the submissions we received highlighted that new developments do not have enough parking space for the people who live there and their visitors—in some cases this is the result of deliberate planning decisions to discourage car use.
- 5. The extent and impact of pavement parking vary from place to place. There are many reasons for this, for example:
 - Towns, cities and villages have narrow streets;
 - New developments not being built with wide enough roads or pavements, or any pavements at all;
 - Drivers follow the lead of other people parking on the pavement;
 - Drivers may not be aware of the consequences of their actions;
 - The police and local authorities have different roles with enforcement. Not everyone will be aware of these different roles;
 - Enforcement of offences does not take place;
 - Local authorities have the power to ban pavement parking but may not have the means to ban or enforce these restrictions; and
 - The nations of Great Britain⁵ are at different points with bans around pavement parking.

Parking enforcement

- 6. Local authorities and the police have different responsibilities for the enforcement of parking offences, as outlined in chapter 1. Most parking offences in England were decriminalised in 1995, when local authorities were given powers to implement, manage and enforce parking restrictions, for example yellow lines and clearways. Around 95% of local authorities⁶ have taken up civil enforcement powers. In those areas where they have not, parking enforcement remains a criminal matter for the police to enforce. In 2008 the law was substantially updated and amended⁸ and is now generally called civil parking enforcement (CPE). It is enforced by Civil Enforcement Officers (CEOs) who are employed by the local authority.
- 4 Kevin Harper (PPA0210), Nichola Harrison (PPA0270)
- The position in Northern Ireland is the same as that in England outside London, for more information see: NI Direct, Parking enforcement [accessed 27 August 2019].
- 6 Department for Transport, List of areas in England designated as a Civil Enforcement Area (CEA) for the purposes of enforcing parking contraventions, 9 January 2018
- 7 HC Deb, 4 December 2015, col 654 Commons Chamber
- 8 By the Traffic Management Act 2004, Part 6. The secondary legislation came into force on 31 March 2008.

- 7. Parking on double yellow lines—on-street parking9—and parking in contravention of a scheme—residents' parking—are civil offences for which local authorities can issue a penalty. Where these schemes or markings are in place, someone parking on a double yellow line and with any wheels on the pavement, can be issued a penalty by a CEO for the on-street offence. The penalty will be issued for parking on yellow lines, not parking on the pavement. The police can issue fines to people who are seen to drive onto a pavement or if parking is obstructing the highway. Where there are no on-street restrictions, only the police can issue fines for the criminal offence of obstruction, including on the pavement.
- 8. In 2016, the then Transport Committee noted in their report on road traffic law enforcement¹² that roads police numbers had been falling for years. As a result, there are only limited numbers of officers available to spot illegal obstructive pavement parking and issue fines. Traffic wardens—who used to assist the police in this work—were abolished in England and Wales from 1 December 2018.¹³ PCSOs (Police Community Support Officers) are now able to use police powers to enforce the offence of obstruction, explained further in chapter 4 below.
- 9. It is not always clear to the public, motorists and sometimes police and local authorities who is responsible for enforcing which offence. Some local authorities¹⁴ have a memorandum of understanding with their local police about enforcement policy to make it clear which offences should be issued a penalty—by the council—or a fine—by the police.

Pavement parking and Traffic Regulation Orders (TROs)

- 10. Traffic Regulation Orders (TROs) are the only way local highway authorities—county and unitary councils in England—can ban pavement parking in specific areas. TROs are used to tackle congestion, manage traffic flows and implement parking restrictions.¹⁵ There are three different types of TRO:
 - Permanent orders—these include consultation periods, the right to object and for objections to be heard, can take time and be expensive;
 - Experimental orders—these generally lead to permanent orders but allow for a flexible approach as minor changes can be made easily; and
 - Temporary orders—these cannot be converted into permanent orders.

⁹ Yellow lines are for the whole of the highway and include the pavement.

¹⁰ This includes pavements. For more details please see the House of Commons Library note, <u>Pavement and on-street parking in England chapter 2</u>.

There are a number of statutes and regulations that allow proceedings to be brought for obstructing the highway. For more details please see the House of Commons Library note, Pavement and on-street parking in England chapter 2.

¹² Transport Committee, Second report of the session 2015–16, Road Traffic Law Enforcement, HC518

¹³ This was as a result of the Policing and Crime Act 2017, section 46.

¹⁴ Norfolk County Council and Norwich City Council (PPA0353), Devon County Council (PPA0234), City of York Council (PPA0182)

¹⁵ These can be made under Parts I and IV of the Road Traffic Regulation Act 1984.

11. Commonly a TRO is made to introduce residents' parking schemes, controlled parking zones or changes to on-street parking, for example yellow lines. These have an indirect effect on the enforcement of restrictions on pavement parking. Due to the cost of a local authority putting a TRO in place very few TROs are made to solely address pavement parking.

Engineering measures

12. Engineering measures—such as railings, plant pots of bike racks—can be used to stop people parking on pavements. However, these solutions may not always be appropriate or feasible. They can add to street clutter and negatively impact those with visual or mobility impairments. The Government's 1993 traffic advisory leaflet on pavement parking encourages the use of engineering measures to stop pavement parking. This conflicts with the desire of successive Governments to minimise street clutter. Any local authority considering engineering measures to inhibit pavement parking must judge whether any measure would create as much of a physical barrier for those with visual or mobility impairments as the vehicles parked on the pavement.

Legislation and Government action

13. In 2015, Simon Hoare MP introduced the Pavement Parking (Protection of Vulnerable Pedestrians) Bill.¹⁹ At the end of the Second Reading debate in December 2015 Mr Hoare withdrew the Bill after securing from the then Minister, Andrew Jones MP, a commitment to convene a roundtable in 2016 to discuss pavement parking and "examine more closely the legal and financial implications of an alternative regime, and the likely impacts on local authorities".²⁰ The roundtable took place in March 2016,²¹ during which the time and cost for putting TROs in place was identified as a major factor affecting the enforcement of restrictions on pavement parking. The then Minister said that he was "considering how best to address the general improvement of the TRO-making process".²²

¹⁶ Department for Transport (PPA0233), para 37

¹⁷ These are outlined in Traffic Advisory Leaflet 4/93, pavement parking, December 1993.

¹⁸ PQ 59474 on Road Signs and Markings, 13 January 2017; Manual for Streets 1 provides advice on reducing clutter, see: Department for Transport, Manual for Streets 1, 29 March 2007, page 58, paragraph 5.10.

¹⁹ Pavement Parking (Protection of Vulnerable Pedestrians) Bill [Bill 16 (2015–16)]. This was a Private Member's Bill, which provided a framework for local authorities in England and Wales to consult on and subsequently to ban pavement parking across wide areas, subject to certain exemptions to be set out by the Secretary of State in secondary legislation and guidance.

²⁰ HC Deb, 4 December 2015, cols 659-60

²¹ PQ 37550 on Parking: Pedestrian Areas, 19 May 2016

²² PQ 49804 on Parking: Pedestrian Areas, 26 October 2016

14. In April 2017 Andrew Jones said that he planned "to launch a survey in Summer 2017 in order to gather evidence about the current situation, the costs and timescales for processing TROs, and information about options for change". The survey was put back to autumn 2017. Anthony Ferguson, Deputy Director of Traffic and Technology at the Department for Transport told us that the survey was ultimately "absorbed into a different piece of work":

It evolved into something different, which was a piece of work we did looking at TROs as part of a discovery project around what data is held by local authorities. TROs are potentially a very fertile source of data and information about the road environment. The survey was picked up in that project, which ran for three months from the very end of 2017 to the beginning of 2018. That piece of work, which was a very extensive discovery project, led to the recent TRO discovery project that we launched at the end of last year and is just coming to a conclusion. That is what happened. It evolved into something slightly larger.²⁵

15. In March 2018 the Minister who succeeded Andrew Jones, Jesse Norman MP, said that the Department for Transport had been considering the scope for improving the TRO process and as a result was:

... undertaking a broader piece of work to gather evidence on the issue of pavement parking including how it is addressed in current regulation. We expect to be able to draw conclusions later this year.²⁶

However, by November 2018 the Government's position remained that it was "in the process of gathering evidence on the problems posed by vehicles parking on pavements, the effectiveness of current regulation, and the case for change". Jesse Norman said that the Department for Transport had held meetings with a range of stakeholders, including accessibility campaigners, local authority managers, and motoring associations, with the intention of completing this evidence gathering by the end of 2018.

16. Most recently, on 15 April 2019 the then Minister said that the Department for Transport was still "considering the findings of its internal review on the issue of pavement parking, and will be announcing a decision in the coming months".²⁹ The TRO discovery project—funded by the Department for Transport, and that is feeding into the Department's internal review—reported to the Department on 30 August 2019.³⁰

²³ PQ 71396 on Parking: Pedestrian Areas, 24 April 2017

²⁴ PQ 4827 on Parking: Pedestrian Areas, 20 July 2017

²⁵ Q134

²⁶ PQ 133316 on Parking: Pedestrian Areas, 26 March 2018

²⁷ PQ 191412 on Parking: Pedestrian Areas, 19 November 2018

²⁸ PQ 242828 on Parking: Pedestrian Areas, 15 April 2019

²⁹ PQ 242828 on Parking: Pedestrian Areas, 15 April 2019

³⁰ GeoPlace, TRO discovery Summary report, 30 August 2019

Situation elsewhere in Great Britain

London

- 17. Since 1974 there has been a general ban on pavement parking in London.³¹ A London highway authority—a London Borough Council or Transport for London—may suspend the pavement parking ban in specific circumstances and for specific areas of road by passing a resolution³² or issuing a notice.
- 18. Spencer Palmer, Director of Transport and Mobility at London Councils, told us that exemptions from the pavement parking ban in London do not require the use of TROs:

For exemptions to the footway parking ban in London, there is a more informal process. There has to be a resolution of the council, [...] but there will be a more informal consultation process [than a TRO] to propose a series of exemptions in a particular street or streets and seek residents' views.³³

19. Exemptions from the London pavement parking ban do not require advertising in a print newspaper, though typically a highway authority will take other steps to raise public awareness. Spencer Palmer from London Councils told us:

Although you are not obligated to advertise in a local paper, as you do for other traffic orders, typically you would write to every resident, business and premises in the street concerned. You might want to put up street notices as well, to pick up people who use the street but do not necessarily live or work there ...³⁴

The TRO process is still followed in London for other restrictions, but not for exemptions from the pavement parking ban.³⁵

Scotland

20. The Scotland Act 2016³⁶ devolved competence over on-street parking to the Scottish Parliament.³⁷ Part 4 of the Transport (Scotland) Bill,³⁸ currently going through the Scottish Parliament, includes a clause that would ban pavement parking across Scotland. The Bill completed Stage 2 on 26 June 2019. The ban would apply to any stationary vehicle with one or more of its wheels (or part of them) on the pavement. This includes when the engine is running, or the driver is present. The Bill also provides for exemptions from

³¹ Provided for under the Greater London Council (General Powers) Act 1974, section 15.

For a resolution to be passed or a notice to be issued the highway authority must: "take such steps as are necessary to secure the placing on or near the road or footpath, or the part thereof, to which the resolution or notice relates of such traffic signs in such position as they consider requisite". Greater London Council (General Powers) Act 1974, section 15, subsections (5) and (6).

³³ Q45

³⁴ Q52

³⁵ Q45

³⁶ Scotland Act 2016, Section 43

This followed years of confusion and debate; for full details see: Scottish Parliament Information Centre (SPICe), Transport (Scotland) Bill: Pavement Parking and Double Parking, 30 October 2018, page 8.

³⁸ Transport (Scotland) Bill [Scottish Parliament]

the national ban, which will be set out in Directions by Scottish Ministers.³⁹ Any local authority seeking to apply an exemption would be required to erect road signs indicating that a footway was the subject of an exemption order.⁴⁰

Wales

21. The legal position regarding pavement parking in Wales is unclear. The competencies covering this have not been tested. The National Assembly for Wales Economy, Infrastructure and Skills Committee report; Post Legislative Scrutiny of the Active Travel (Wales) Act 2013, 2 recommended that the Welsh Government work regionally with police and local authorities to agree innovative ways to tackle pavement parking, including changing driver behaviour and raising awareness of its impacts. The Welsh Government accepted this in principle. On 4 July 2019 at the Active Travel conference in Cardiff the Deputy First Minister announced that the Welsh Government intends to convene an expert group to explore ways of clamping down more widely on illegal parking, including pavement parking, across Wales.

³⁹ Not yet published

⁴⁰ SPICe, Transport (Scotland) Bill: Pavement Parking and Double Parking, 30 October 2018

⁴¹ Wales Act 2017 Schedule 7 does not go into detail.

⁴² Economy, Infrastructure and Skills Committee [Welsh Assembly], Post Legislative Scrutiny of the Active Travel (Wales) Act 2013, June 2018

Government response to Economy, Infrastructure and Skills Committee [Welsh Assembly], Post Legislative Scrutiny of the Active Travel (Wales) Act 2013, June 2018, page 10

⁴⁴ Welsh Government, Welsh Government to take action against pavement parking, 4 July 2019

3 Effect on people

- 22. Pavement parking effects everyone, but some are more adversely affected than others. These groups include:
 - a) People who have visual impairments;
 - b) People who are neurodiverse;
 - c) People who use mobility aids to get around; and
 - d) People with prams and pushchairs or walking with children.
- 23. Many of the difficulties experienced are due to the way pavement parking reduces the useable width of the pavement. People who rely on a mobility aid, such as a stick, walking frame, mobility scooter or wheelchair, may be impeded or find the pavement impassable. People with a visual impairment may need support from a carer while walking or use a long cane or guide dog. At the engagement event we held in in Bexhill-on-Sea we heard that effective use of a long cane is impossible if the available pavement is too narrow. In Bexhill-on-Sea we also heard how people had been injured when they were forced to squeeze through spaces that were too narrow because of vehicles parked on pavements.
- 24. Some people with visual impairments use guide dogs. When faced with a hazard the guide dog is trained to stop, but the user of the guide dog does not necessarily know why they have stopped. On our walk around Bexhill-on-Sea we were accompanied by a guide dog user and saw first-hand the difficulties they face. When a guide dog has stopped unexpectedly their user has to think why the dog has stopped and what danger they are facing, before deciding what action to take. A vehicle parked on the pavement might force a guide dog user and their dog to step out into the road.⁴⁵
- 25. Another issue with pavement parking, particularly for those with a visual impairment, is its lack of predictability. Chris Theobald from Guide Dogs told us that people get to know their local areas and certain obstructions are expected or appear routinely. For example, street furniture, when it is bin collection day or where there are advertising boards outside shops. He went on to explain that "pavement parking could crop up anywhere essentially. That can really add to people's nervousness about stepping out independently". 46
- 26. Many pavements are not built to take the weight of vehicles and can result in trip hazards. Pavements become cracked and uneven creating an unpredictable surface as well as damage to kerbs and grass verges. Councils bear the costs of these repairs.⁴⁷ As noted in our July 2019 report on local roads funding and maintenance,⁴⁸ there has been historic, long-term underfunding to properly maintain the local road network, including pavements. Councils should not have to bear the unnecessary extra costs associated with having to repair pavements damaged by persistent pavement parking.

⁴⁵ Miss Lisa Boocock (PPA0021), Mr George Hogman (PPA0078), Simon Daws (PPA0218), Guide Dogs (PPA0350)

⁴⁶ Q18 [Chris Theobald]

The East Riding of Yorkshire Council (PPA0069), Bournemouth, Christchurch and Poole Council (PPA0235), Telford & Wrekin Council (PPA0281), West Midlands Combined Authority (Transport for West Midlands) (PPA0336), Southend-on-Sea Borough Council (PPA0338), St Helens Council (PPA0342), Surrey County Council (PPA0347), Northumberland County Council (PPA0348), Sheffield City Council (PPA0349), Mid Sussex District Council (PPA0395)

Transport Committee, Tenth report of the session 2017–19, Local roads funding and maintenance: filling the gap, HC1486

27. We heard how pavement parking can make some people so afraid that they do not leave their home and how this can increase the risk of social isolation. Living Streets, the walking charity, surveyed its members about the impact pavement parking has on their daily lives. Social isolation was highlighted as an issue by some of the 4,000 people who responded. One person said:

My disabled sister is now housebound in the area we were born and bred in because of selfish parking [...] It became impossible for me to take my elderly mother for a walk around the block, physically supported, because there wasn't enough room left for 2 people to walk side-by-side.⁴⁹

- 28. Parking over dropped kerbs restricts the ability of people using wheelchairs and mobility scooters to leave their homes. When drivers park over dropped kerbs people who use these mobility aids are unable to go out, have to complete their journeys in a different and sometimes longer way, put themselves in danger in the path of vehicles or have to abandon their journey and return home.⁵⁰
- 29. The evidence we received clearly shows that, in some areas, pavement parking and damage to pavements is causing loneliness.⁵¹ In October 2018 the Government published a loneliness strategy.⁵² It states that the Government is "committed to long-lasting action to tackle the problem of loneliness".⁵³
- 30. Another group who are affected by pavement parking are people who have babies or young children. They may use prams or pushchairs or need to walk directly alongside their children. The width of the pavement can put these young and vulnerable pedestrians at risk. Mrs Susan Lyons, a member of the public, told us that with a double buggy it can be difficult to get around. She said: "the lives of me and my children were at greater risk of being hit by a car on the road, than they would have been on a pavement". Emily Steadman, a member of the public, who faces pavement parking issues outside her children's school told us:

[Pavement parking] not only makes walking down the pavement extremely unpleasant [...] cars driving on and off the pavement create a hazard for small children who can't easily be seen from the wheel of a car. I have had a number of terrifying occasions where my children have very nearly been hit by a car coming on or off the pavement as they've run along.⁵⁶

¹⁹ Living Streets-additional written evidence (PPA0438)

Dana O'Connor (PPA0036), Terence Fleming (PPA0041), Mr Richard Toulson (PPA0044), Alan Woodard (PPA0045), Steven Gibson (PPA0052), Mr Steve Hatton (PPA0065), Mr Leslie Phillips (PPA0087), Dr Barbara Lucas (PPA0103), Mr D M (PPA0132), Mr Morris Steel (PPA0142), Mrs Lisa Ainsworth-Barnes (PPA0201), Mrs Alison Morgan (PPA0211), Mr Eddie Clark (PPA0269), National Rheumatoid Arthritis Society (PPA0280), Arthur Ward (PPA0357), Mr Douglas Campbell (PPA0402), Mr Gordon Guest (PPA0404)

Bristol Walking Alliance (PPA0060), Mr D M (PPA0132), Green Councillors' Group, Bristol City Council (PPA0220), National Rheumatoid Arthritis Society (PPA0280), Birmingham and Black Country Sight Loss Councils (PPA0318), Oxfordshire County Council Public Health (PPA0346), Guide Dogs (PPA0350), NFBUK (PPA0359), Leicester Disabled People's Access Group (PPA0364), Mr Robin Kenworthy (PPA0375), Living Streets (PPA0399), Living Streets-additional written evidence (PPA0438)

⁵² HM Government, A connected society, A strategy for tackling loneliness – laying the foundations for change, 15 October 2018

⁵³ HM Government, A connected society: a strategy for tackling loneliness, 15 October 2018

⁵⁴ Q10

⁵⁵ Mrs Susan Lyons (PPA0048)

⁵⁶ Mrs Emily Steadman (PPA0323)

- 31. The Department for Transport recognise in their evidence that pavement parking "can cause serious problems for pedestrians, and particularly for people in wheelchairs or with visual impairments, and those with prams or pushchairs".⁵⁷ Michael Ellis MP, the then Minister of State for Transport with responsibility for parking, told us that the Department was "seeking to make progress on the issue of pavement parking".⁵⁸
- 32. Pavement parking affects everyone who uses the pavement. Pavement parking puts pedestrians in danger when they are forced to move into the road to get around a vehicle or where there are trip hazards due to damage to the pavement. People with mobility or visual impairments, as well as those who care for others, are disproportionately affected. It exacerbates, and is a cause of, social isolation and loneliness for people who feel unable to safely leave their homes or are physically prevented from doing so by pavement parking. We find it profoundly regrettable that the Government has taken so long to take any action to deal with this issue. There have been no concrete actions to tackle pavement parking and improve people's daily lives. We recommend that the Government has to balance the needs of drivers and pedestrians. We recommend that the Government commits to tackling pavement parking as part of its Loneliness Strategy. We recommend that the Government swiftly learns the lessons from the work being done in other areas of Great Britain. We will be watching the actions of Scotland and Wales around pavement parking with interest.

4 Solutions

Education and awareness of drivers

- 33. Driving onto the pavement is illegal and, in almost all cases, vehicles parked on the pavement will have been driven onto the pavement in breach of this law. It is unclear how widespread public awareness is of this offence.
- 34. Some evidence suggests drivers may do something even when they know it breaks the rules. Chris Theobald from Guide Dogs told us that a 2017 YouGov survey found that 55% of drivers had considered the impact of pavement parking on people with visual impairments but did it regardless.⁵⁹ Ian Taylor from the Alliance of British Drivers (ABD) said the majority of its members are aware of the rules but "as regards to practice, and what people think that they can get away with, because there has not been much actual enforcement where it is not allowed, people tend to do it".⁶⁰ Drivers can be unaware that it is illegal to drive on the pavement, are unaware of the implications of pavement parking, or do know but park on the pavement anyway because the threat of enforcement is low.
- 35. The issue of being able to get away with an offence because it is not enforced is an important one. Michael Ellis MP, the then Minister, acknowledged this when he told us "Many people feel that it is something that they are allowed to do, or they are in some doubt about whether they are allowed to do it and think that the rules may not be enforced [...] it is not clear to every road user where the parameters are and how they apply".⁶¹
- 36. In the UK, once you have passed your driving test there is no compulsory re-testing.⁶² A driver is expected to keep up-to-date with any changes to the Highway Code, but this is not checked or recorded.⁶³ To date the Government has never run a campaign to increase public awareness that driving onto the pavement is illegal or to raise awareness of the negative effects of pavement parking.⁶⁴ We welcomed comments from Michael Ellis that this would change. He said:
 - ... pavement parking is quite a visual image. I would have thought that a marketing campaign would be able to address it in quite a straightforward way and, hopefully, facilitate change. We are seeking to do that right now [...] we would engage professionals to look at how we best relay the message to people that pavement parking is dangerous. It causes damage, loss and injury, and we know that it can cause death, and we want to address those issues.⁶⁵

⁵⁹ Q2 [Chris Theobald]

⁶⁰ Q7

⁶¹ Q127

⁶² Except in the case of retesting following a driving ban or in some cases of medical withdrawal of a driving licence

This largely only manifests in the event of a driving offence being committed - ignorance of the law is not a defence. Similarly, there is no offence of disobeying the Highway Code per se, but failure to observe its advice can constitute evidence of carelessness, or in extreme cases even dangerous driving.

⁶⁴ Q177

⁶⁵ Q179

However, we are concerned that Mr Ellis qualified this answer when he told us that "of course, budgets are finite and decisions have to be made. One has to look at where the most harm is being done and try to address those areas". 66 In a follow up letter to the Committee the Minister said that he would give "further consideration" to an awareness campaign about the difficulties caused by pavement parking. 67

37. We welcome the then Minister's comments recognising how dangerous pavement parking can be and committing to consider a public awareness campaign on the issue. However, this does not go far enough. We are concerned that there is no real urgency in the Department for Transport to develop a campaign or to find a budget to fund it. A public awareness campaign will not solve the problem of pavement parking by itself, but it is a necessary part of any effort to curtail the incidence of pavement parking. It may reduce the number of people who knowingly break the law and change the behaviour of those who do not know and drive onto a pavement, or are unaware of the effect it has on other people. We recommend that the Department for Transport plan, fund and deploy a national awareness campaign to highlight that driving onto the pavement is illegal, and to show the negative consequences of pavement parking for pedestrians including older people, disabled people and children. This campaign should highlight the physical dangers involved in pavement parking; how it can cause social isolation; and aim to reduce the instances of pavement parking.

Traffic Regulation Orders (TROs) and pavement parking

- 38. As described above, a Traffic Regulation Order (TRO) is a tool that local authorities can use to place restrictions on traffic in their areas, including banning pavement parking in a specific area. ⁶⁸ There is an extensive network of TROs in place across the country. However, these tend to be for widespread on-street parking restrictions, limiting the movements of heavy goods vehicles and other traffic management purposes. Living Streets found that from 2016-2018 37% of local authorities had put TROs in place to restrict pavement parking. ⁶⁹
- 39. We heard that there are several reasons why some councils are not using TROs to ban pavement parking in whole or part in their local areas. Simon Botterill from Sheffield City Council told us that the process is archaic: "We have a very dense legal system. In this day and age, we ought to be able to move more quickly on the processes and update our data faster and publish it. With the processes we have it is very difficult to move into the modern world". The TRO discovery project funded by the Department for Transport encouraged the Department to address this issue, and the project report stated that the Department was commencing a 16-week legislative review of Traffic Regulation Order legislation.

⁶⁶ Q180

⁶⁷ Letter received 10 July 2019 from Michael Ellis MP, Minister of State, Department for Transport

⁶⁸ These can be made under Parts I and IV of the Road Traffic Regulation Act 1984.

⁶⁹ Living Streets (PPA0399), page 17; 38 of 103 local authorities who responded to Living Streets' 2018 freedom of information request put pavement parking TROs in place between 2016 and 2018.

⁷⁰ Q46

- 40. Each TRO requires a consultation to allow people to object to a proposal. Tim Young, from Norfolk County Council, told us that TROs can be straightforward if there are no objections, however "If you get into a dialogue with local residents or stakeholder groups, it becomes very resource intensive for a local authority".⁷¹
- 41. Making a TRO can be a time consuming and expensive process.⁷² TROs are required by law to be advertised in a local newspaper with significant circulation.⁷³ PATROL (Parking and Traffic Regulations Outside London) told us this can cost up to £1,000.⁷⁴ Simon Botterill told us that one recent advert cost £3,000.⁷⁵ Surrey County Council said that they spend approximately £75,000 per year on advertising parking restriction notices alone.⁷⁶ Tim Young from Norfolk County Council told us that the majority of the cost of making a TRO comes from the advertising requirements.⁷⁷
- 42. The Department for Transport has previously looked at removing the requirement to advertise in a newspaper. In 2011 an Impact Assessment was published. It had the policy aim to "remove the burdensome regulation [...] by removing the duty to advertise TROs in local newspapers". However, following public consultation in 2012 the Government concluded that withdrawing the requirement to advertise could undermine the local newspaper industry and as a result decided against any change. 79
- 43. Since the requirement to advertise in a print newspaper was first introduced in 1986⁸⁰ the way people consume local news has changed. Print circulation for UK local and regional newspapers more than halved in the decade to 2017—from 63.4 million to 31.4 million.⁸¹ According to research by Oxford's Reuters Institute for the Study of Journalism, only one person in ten now reads a regional or local printed paper every week.⁸² Michael Ellis MP, the then Minister of State for Transport, told us that he wanted to "make sure that we continue our duty of ensuring that, when TROs are passed by a local authority, they are seen by as wide a range of people as possible".⁸³ The Government funded TRO discovery project reported that "Road users who responded to a Transport Focus survey told us that there are 8 methods that would better meet their needs for communication changes about the network than an official notice in the local paper" and that "only 7% of road users find out about plans for road network changes trough an official notice

- 74 PATROL (Parking and Traffic Regulations Outside London) (PPA0334)
- 75 Q44
- 76 Surrey County Council (PPA0347)
- 77 042
- 78 Department for Transport, Traffic Orders Deregulating Publicity Requirements, 22 August 2011, page 1
- 79 HC Deb 7 February 2013, col 427 Westminster Hall
- The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations (SI 1986/179). This requirement was renewed and revised in 1989—The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations (SI 1989/1120)—and most recently in 1996—Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (SI 1996/2489).
- Mediatique report for Department for Digital, Culture, Media & Sport, Overview of recent dynamics in the UK press market, April 2018
- 82 Reuters Institute for the Study of Journalism, Digital News Report 2018, pp62–63
- 83 Q142 [Michael Ellis]

⁷¹ Q40

Mayor of Greater Manchester and Greater Manchester Cycling and Walking Commissioner (PPA0418),
Northumberland County Council (PPA0348), Surrey County Council (PPA0347), Hertfordshire County Council (PPA0321), PATROL (Parking and Traffic Regulations Outside London) (PPA0334), Liverpool City Council (PPA0309), Cambridgeshire County Council (PPA0285), Brighton & Hove City Council (PPA0278), Durham County Council (PPA0261), Bournemouth, Christchurch and Poole Council (PPA0235), Devon County Council (PPA0234),
The East Riding of Yorkshire Council (PPA0069), East Hampshire District Council (PPA0032)

⁷³ Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (SI 1996/2489) as amended, Regulation 7

in the local paper."⁸⁴ Simon Botterill said that Sheffield City Council go beyond their statutory duty and generally post street notices and send letters to those affected by any TRO proposals. He told us that Sheffield does this "because it does not believe that the press offers that level of distribution of information to people".⁸⁵

- 44. The TRO process can be difficult. Although local authorities can use these powers to ban pavement parking, there is little information on how widely they are used. If the TRO process was made easier and cheaper it would incentivise more local authorities to use these powers. We recommend that the Government bring forward proposals to reform the TRO process—to make it cheaper and easier for local authorities to use—and bring forward any required secondary legislation, if necessary, by spring 2020.
- 45. We believe that public consultation and the right of local people and businesses to object to any change that would have a material impact on their lives is an important part of the Traffic Regulation Order (TRO) process and must be retained. However, the TRO process has an onerous and outdated provision requiring advertisement in a local newspaper. It is vital that people who are affected by a TRO have time to object. Given the seismic changes to news consumption since these provisions were enacted, this imperfectly meets the policy objective of letting as many people as possible who may be affected know about a TRO. We recognise the importance of providing support for local newspapers, but if the Government wishes to do this, it should be done directly, not indirectly through the TRO process. The local authority is best placed to know how to communicate with the community it serves. People can only object if they are informed. Removing the requirement to advertise in a local newspaper would make the TRO process cheaper for local authorities and increase the likelihood of them using TROs to enact pavement parking bans. We recommend that the Government abolish the requirement to advertise TROs in a local newspaper. It should replace this with a requirement for the local authority to maximise the reach of its advertising to the largest number of people by whatever media would best achieve this. The Government should commit to achieving this by spring 2020: it should be delivered alongside the wider reforms to TROs recommended above.

Enforcement

- 46. The Committee received many pieces of evidence outlining examples of members of the public reporting issues relating to pavement parking being passed from the local authority to the police and back again. Reight Crispin Blunt MP told us I have contacted the Surrey County Council, Reight & Banstead Council and the Police, each one passing the problem on to the other, with the result of course that no one takes any action. 87
- 47. The police and local authorities have limited resources to enforce pavement parking restrictions. The Police and Crime Commissioner for Devon and Cornwall told us that "there is little appetite for enforcement. The issue of resources [...] is clearly a key reason for this".⁸⁸ The then Minister recognised that this was a problem but said that ultimately "it is about priorities and choices about what gets enforced".⁸⁹
- 48. We heard evidence that some local authorities have submitted requests to the Department for Transport to decriminalise parking so they are able to enforce parking restrictions laid out in TROs. We understand that at least one local authority has been informed that the legislative process for doing this would be delayed due to the Parliamentary timetable for the UK exiting the European Union. We have heard that East Sussex County Council, as part of its parking decriminalisation submission for the area in and around Bexhill-on-Sea, where we saw ample evidence of a lack of parking enforcement by the police, had been given a provisional date by the Department for Transport for mid-2020, but due to resourcing issues within the Department we understand that this has been moved towards the end of 2020.
- 49. Areas which have not had their parking enforcement decriminalised lack the resources to ensure adequate parking enforcement. This can blight communities and encourages anti-social parking behaviour, such as pavement parking. We saw numerous examples of this anti-social behaviour during our visit to Bexhill-on-Sea. The then Minister, Michael Ellis MP, assured us that the application from East Sussex would be considered with haste. The Department for Transport must not drag its feet, citing external or resourcing issues, and must act now to meet the requests of local authorities to decriminalise pavement parking enforcement.

Miss Lisa Boocock (PPA0021), Mrs Anna Langley (PPA0028), Chris Garbett (PPA0051), J Ardron (PPA0056), Bristol Walking Alliance (PPA0060), Pedestrian Liberation (PPA0061), The East Riding of Yorkshire Council (PPA0069), CycleSheffield (PPA0077), Graham Turnbull (PPA0082), Mr Mike Parker (PPA0114), Mr Anthony Keith Marquis (PPA0127), Mr Jerry Cullum (PPA0134), Mr Morris Steel (PPA0142), Mr Neil Meadows (PPA0149), Mr James Burton (PPA0177), Jamie Wood (PPA0194), Green Councillors' Group, Bristol City Council (PPA0220), Mrs Laurence Pinturault (PPA0251), Matthew Wilson (PPA0254), Andrew Foxcroft (PPA0274), Crispin Blunt MP (PPA0276), Mr Mark Kemp (PPA0306), Birmingham and Black Country Sight Loss Councils (PPA0318), PATROL (Parking and Traffic Regulations Outside London) (PPA0334), Mr Steve Hamilton (PPA0337), Mr Andrew Barclay (PPA0341), Northumberland County Council (PPA0348), Guide Dogs (PPA0350), Mr S.J. Eastwood, Snr. (PPA0351), Ms Deborah Watson (PPA0362), Cycle Basingstoke (PPA0370), Mr William McKinnon (PPA0372), Mr Tim Pickering (PPA0386), Dr Martin Parretti (PPA0396), Mr Jeremy Varns (PPA0412), Chris Maxim (PPA0419), Living Streets-additional written evidence (PPA0438)

⁸⁷ Crispin Blunt MP (PPA0276)

⁸⁸ Police and Crime Commissioner for Devon and Cornwall (PPA0422)

⁸⁹ Q172 [Michael Ellis]

- 50. As set out in Chapter 2, above, to make the enforcement responsibilities of councils and the police clearer some local authorities⁹⁰ have agreed a memorandum of understanding with their local police about enforcement policy. In Norfolk, the memorandum states that "If a wheelchair or child's buggy can pass a vehicle parked on the footway then no enforcement action [by the police] will take place". ⁹¹
- 51. The Committee received examples of good practice and suggestions for different types of enforcement and community initiatives to discourage pavement parking. Sadly, not all of these have proved to be sustainable. City of York Council said that they have tried leafleting cars when they do not allow sufficient space for a wheelchair or pushchair to pass by. Charnwood Borough Council told us it had run a campaign that gave a single point of contact to whom the public could report incidents of pavement parking where there was less that one metre to get past. There were clear instructions and the public were informed what constituted an offence. This was a joint initiative with the police but did not last: "in 2016 the Police felt they could not offer the resource to deal with these cases anymore. As a result, customers were passed to the council who have no powers where there are no signs and lines". 93
- 52. The Police and Crime Commissioner for Devon and Cornwall told the Committee that there is widespread confusion and dissatisfaction with enforcement of pavement parking. The Government admitted in its evidence that the different enforcement roles of the police and local authorities are sometimes not clear. The then Minister, Michael Ellis MP, noted that "clearly, parking violations of any sort are not a high priority for the police". The then Minister, Michael Ellis MP, noted that "clearly, parking violations of any sort are not a high priority for the police".
- 53. As pavement parking can have such a detrimental impact on the lives of millions of people, including vulnerable road users, the only effective deterrent to parking illegally on the pavement is robust enforcement. We recognise that police and local authority budgets are tight. However, both must do more to make it clear to everyone who has enforcement responsibility and commit to doing that enforcement where resources permit. This could be made easier with consistent messaging. We recommend that the Government undertake actions to ensure that local authorities and police forces have access to the correct information about who enforces which offences and they are clear about their responsibilities. They should also commit to publicise to the general public who enforces which offences as part of the public awareness campaign we recommended above.

⁹⁰ Norfolk County Council and Norwich City Council (PPA0353), Devon County Council (PPA0234), City of York Council (PPA0182)

⁹¹ Norfolk County Council and Norwich City Council (PPA0353)

⁹² City of York Council (PPA0182)

⁹³ Charnwood Borough Council (PPA0282)

⁹⁴ Police and Crime Commissioner for Devon and Cornwall (PPA0422)

⁹⁵ Department for Transport (PPA0233), para 44

⁹⁶ Q173

Obstruction

- 54. Most people understand that restricting the width of the pavement can cause an obstruction. The then Minister, Michael Ellis MP, said that "most of us would recognise when a vehicle is parked in such a way that it obstructs lawful road users". We have been given different views on what is an acceptable width for pedestrians to be able to use the pavement. Ian Taylor from the Alliance of British Drivers (ABD) said that 1.2 metres would be acceptable. The Department for Transport's inclusive mobility guidance says that, where possible, the width of a pavement should be 2 metres.
- 55. Local authorities, including those in London, would like a clear legal definition of obstruction. Spencer Palmer from London Councils said that the crucial questions are "when is an obstruction an obstruction and what is the clear width you need?". ¹⁰⁰ Lincolnshire County Council said they would "welcome updated statutory guidance" on the matter. ¹⁰¹
- 56. Some local authorities would like obstruction decriminalised so that the offence can be enforced by local authorities, rather than the police. York City Council told us this change would take pressure off the police. PATROL (Parking and Traffic Regulations Outside London) have called for the Government to "add highway obstruction by a stationary vehicle to the list of contraventions for which civil enforcement applies". Louise Hutchinson from PATROL told us that local authorities want to share these powers with the police. 105
- 57. Before obstruction could be decriminalised it would have to be clearly defined in statute. Defining obstruction is likely to be difficult. The standard textbook, Wilkinson's Road Traffic Offences, ¹⁰⁶ has 12 densely-packed paragraphs explaining the degree and definition of 'obstruction' as it has been defined in caselaw over the past 100 years. Much turns on the question of "intent" in the current offences—e.g. whether obstructive parking is "wilful" or has been "caused" or "permitted". The Minister of State for Transport, Michael Ellis MP, told us that "The use of the words "obstructing" or "obstruction" is known to law, and, with work, no doubt we could come to an agreement about what amounts to obstruction". ¹⁰⁷
- 58. Enforcement of parking offences is not a priority for the police. We believe that creating a new civil offence of obstructive pavement parking would take some burden from the police and allow for better, more consistent enforcement. It is important that enforcement sits with the body most able to enforce it: the evidence points to local authorities being that body, and in general they seem to want these powers. This would

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97
98
      Q11
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      Department for Transport, Inclusive Mobility, 15 December 2005, Para 3.1
100
     Q54
101
     Lincolnshire County Council (PPA0304)
     The East Riding of Yorkshire Council (PPA0069), City of York Council (PPA0182), Bournemouth, Christchurch and
102
      Poole Council (PPA0235), Brighton & Hove City Council (PPA0278), Surrey County Council (PPA0347)
103 City of York Council (PPA0182)
104 PATROL (Parking and Traffic Regulations Outside London) (PPA0334); Traffic Management Act 2004 schedule 7,
     Part 1
105 Q60
106 Kevin McCormac (General editor), Wilkinson's Road Traffic Offences, 28th edition (London 2017), paras 6-210 to
107
     Q174
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take time to accomplish. A new offence would have to be defined in law before local authorities could assume the relevant enforcement powers. We recommend that the Government consult on a new offence of obstructive pavement parking, with a view to making such an offence subject to civil enforcement under the Traffic Management Act 2004 and introducing the relevant legislation by summer 2020.

5 A nationwide ban

- 59. We were struck by the amount of evidence we received about the impact of pavement parking on people's daily lives and the depth of feeling there was about how this one activity can harm people's everyday lives. There were concerns, if a nationwide ban on pavement parking were to be implemented, about local authorities being able to make exemptions to best suit their local circumstances. There were also concerns raised in the evidence about street clutter, ocst and difficulty of exempting specific areas from a pavement parking ban. However, this must be balanced against the serious negative consequences that pavement parking has on some of the most vulnerable in our society. We recognise that a nationwide ban on pavement parking would have an impact on some drivers who live on narrow residential streets with limited off-street parking and need their cars to get around.
- 60. The then Minister, Michael Ellis MP, told us that if the TRO process were used to make exemptions to a ban it would cost "at least £1,000 per street". He had not considered modelling any exemption order process on that used in London for more than 40 years, which is cheaper and simpler than a TRO—see Chapter 2, above. The then Minister said that in his view the option to do nothing was "not necessarily a bad option". We disagree.
- 61. We recommend that, in the long term, the Government legislate for a nationwide ban on pavement parking across England, outside London. The legislation should give the Secretary of State for Transport powers to make secondary legislation setting out exemptions that local authorities can make from a nationwide ban. We recommend that the Government include in the legislation a provision for a new exemption order process based on the London model. The specific nature of those exemptions should only be determined following public consultation and the full involvement of local authorities across England. It should include a full impact assessment to weigh the resource implications to local authorities of different options. The enforcement of this ban should lie with local authorities and not the police who do not have time to enforce parking offences.
- 62. A public information campaign surrounding this work will help the public understand where they can park, the effects of pavement parking and where to report these offences. We recognise that this fundamental change cannot happen overnight, but the Government must commit to legislating on this issue before the end of this Parliament. In the meantime, we have set out some short- and medium-term options that could be delivered before a ban was in place.

^{108 41%} of the evidence received supported a total ban on pavement parking.

¹⁰⁹ Northumberland County Council (PPA0348)

¹¹⁰ Devon County Council (PPA0234)

¹¹¹ Durham County Council (PPA0261)

¹¹² Q165

¹¹³ Q170

¹¹⁴ Q159

Conclusions and recommendations

Effect on people

1. Pavement parking affects everyone who uses the pavement. Pavement parking puts pedestrians in danger when they are forced to move into the road to get around a vehicle or where there are trip hazards due to damage to the pavement. People with mobility or visual impairments, as well as those who care for others, are disproportionately affected. It exacerbates, and is a cause of, social isolation and loneliness for people who feel unable to safely leave their homes or are physically prevented from doing so by pavement parking. We find it profoundly regrettable that the Government has taken so long to take any action to deal with this issue. There have been no concrete actions to tackle pavement parking and improve people's daily lives. We recognise that the Government has to balance the needs of drivers and pedestrians. We recommend that the Government commits to tackling pavement parking as part of its Loneliness Strategy. We recommend that the Government commits to tackling pavement parking as part of its Loneliness Strategy. We recommend that the Government swiftly learns the lessons from the work being done in other areas of Great Britain. (Paragraph 32)

Solutions

- 2. We welcome the then Minister's comments recognising how dangerous pavement parking can be and committing to consider a public awareness campaign on the issue. However, this does not go far enough. We are concerned that there is no real urgency in the Department for Transport to develop a campaign or to find a budget to fund it. A public awareness campaign will not solve the problem of pavement parking by itself, but it is a necessary part of any effort to curtail the incidence of pavement parking. It may reduce the number of people who knowingly break the law and change the behaviour of those who do not know and drive onto a pavement, or are unaware of the effect it has on other people. We recommend that the Department for Transport plan, fund and deploy a national awareness campaign to highlight that driving onto the pavement is illegal, and to show the negative consequences of pavement parking for pedestrians including older people, disabled people and children. This campaign should highlight the physical dangers involved in pavement parking; how it can cause social isolation; and aim to reduce the instances of pavement parking. (Paragraph 37)
- 3. The TRO process can be difficult. Although local authorities can use these powers to ban pavement parking, there is little information on how widely they are used. If the TRO process was made easier and cheaper it would incentivise more local authorities to use these powers *We recommend that the Government bring forward proposals to reform the TRO process—to make it cheaper and easier for local authorities to use—and bring forward any required secondary legislation, if necessary, by spring 2020.* (Paragraph 44)

- 4. We believe that public consultation and the right of local people and businesses to object to any change that would have a material impact on their lives is an important part of the Traffic Regulation Order (TRO) process and must be retained. However, the TRO process has an onerous and outdated provision requiring advertisement in a local newspaper. It is vital that people who are affected by a TRO have time to object. Given the seismic changes to news consumption since these provisions were enacted, this imperfectly meets the policy objective of letting as many people as possible who may be affected know about a TRO. We recognise the importance of providing support for local newspapers, but if the Government wishes to do this, it should be done directly, not indirectly through the TRO process. The local authority is best placed to know how to communicate with the community it serves. People can only object if they are informed. Removing the requirement to advertise in a local newspaper would make the TRO process cheaper for local authorities and increase the likelihood of them using TROs to enact pavement parking bans. We recommend that the Government abolish the requirement to advertise TROs in a local newspaper. It should replace this with a requirement for the local authority to maximise the reach of its advertising to the largest number of people by whatever media would best achieve this. The Government should commit to achieving this by spring 2020: it should be delivered alongside the wider reforms to TROs recommended above. (Paragraph 45)
- 5. Areas which have not had their parking enforcement decriminalised lack the resources to ensure adequate parking enforcement. This can blight communities and encourages anti-social parking behaviour, such as pavement parking. We saw numerous examples of this anti-social behaviour during our visit to Bexhill-on-Sea. The then Minister, Michael Ellis MP, assured us that the application from East Sussex would be considered with haste. The Department for Transport must not drag its feet, citing external or resourcing issues, and must act now to meet the requests of local authorities to decriminalise pavement parking enforcement. (Paragraph 49)
- 6. As pavement parking can have such a detrimental impact on the lives of millions of people, including vulnerable road users, the only effective deterrent to parking illegally on the pavement is robust enforcement. We recognise that police and local authority budgets are tight. However, both must do more to make it clear to everyone who has enforcement responsibility and commit to doing that enforcement where resources permit. This could be made easier with consistent messaging. We recommend that the Government undertake actions to ensure that local authorities and police forces have access to the correct information about who enforces which offences and they are clear about their responsibilities. They should also commit to publicise to the general public who enforces which offences as part of the public awareness campaign we recommended above. (Paragraph 53)

7. Enforcement of parking offences is not a priority for the police. We believe that creating a new civil offence of obstructive pavement parking would take some burden from the police and allow for better, more consistent enforcement. It is important that enforcement sits with the body most able to enforce it: the evidence points to local authorities being that body, and in general they seem to want these powers. This would take time to accomplish. A new offence would have to be defined in law before local authorities could assume the relevant enforcement powers. We recommend that the Government consult on a new offence of obstructive pavement parking, with a view to making such an offence subject to civil enforcement under the Traffic Management Act 2004 and introducing the relevant legislation by summer 2020. (Paragraph 58)

A nationwide ban

- 8. We recommend that, in the long term, the Government legislate for a nationwide ban on pavement parking across England, outside London. The legislation should give the Secretary of State for Transport powers to make secondary legislation setting out exemptions that local authorities can make from a nationwide ban. We recommend that the Government include in the legislation a provision for a new exemption order process based on the London model. The specific nature of those exemptions should only be determined following public consultation and the full involvement of local authorities across England. It should include a full impact assessment to weigh the resource implications to local authorities of different options. The enforcement of this ban should lie with local authorities and not the police who do not have time to enforce parking offences. (Paragraph 61)
- 9. A public information campaign surrounding this work will help the public understand where they can park, the effects of pavement parking and where to report these offences. We recognise that this fundamental change cannot happen overnight, but the Government must commit to legislating on this issue before the end of this Parliament. In the meantime, we have set out some short- and medium-term options that could be delivered before a ban was in place. (Paragraph 62)

Formal minutes

Thursday 5 September 2019

Members present:

Lilian Greenwood, in the Chair

Ruth Cadbury Huw Merriman Daniel Zeichner

Draft Report (*Pavement parking*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 62 read and agreed to.

Resolved, That the Report be the Thirteenth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 16 October at 9.15am

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the <u>inquiry publications</u> page of the Committee's website.

Wednesday 19 June 2019

Dr Rachel Lee, Policy and Research Coordinator, Living Streets, **Ian Taylor**, Director, Alliance of British Drivers, and **Chris Theobald**, Public Affairs Manager, Guide Dogs, **Simon Botterill**, Transport and Traffic, Design and Delivery Manager, Sheffield City Council, **Louise Hutchinson**, Director, PATROL, **Spencer Palmer**, Director, Transport and Mobility, London Councils, and **Tim Young**, Project Engineer (Policy and Performance), Norfolk County Council

Q1-123

Wednesday 3 July 2019

Michael Ellis MP, Minister of State, and **Anthony Ferguson**, Deputy Director, Traffic and Technology, Department for Transport

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Published written evidence

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- 2 Simon Abbott (PPA0135)
- 3 Jason Adams (PPA0223)
- 4 Mr Nigel Ainsworth-Barnes (PPA0145)
- 5 Mrs Lisa Ainsworth-Barnes (PPA0201)
- 6 Colin Aldworth (PPA0017)
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