

Pavement parking

Introduction

Thank you for responding to our consultation 'Pavement parking: options for change', your views will assist in deciding future policy for paving parking enforcement.

Closing date is 22 November 2020.

Confidentiality and data protection

The Department for Transport (DfT) is carrying out this consultation to decide on the future of pavement parking enforcement policy including your:

- favoured option of enforcement
- views on all enforcement options
- views on the vehicles exempted from these proposals
- views on the effect of the policies on different societal groups

and your reasons in order to gain a thorough understanding of your viewpoint.

This consultation and the processing of personal data that it entails is necessary for the exercise of our functions as a government department. If your answers contain any information that allows you to be identified, DfT will, under data protection law, be the controller for this information.

In this consultation we're asking for:

- your name and email address, in case we need to ask you follow-up questions about your responses (you do not have to give us this personal information, but if you do provide it, we will use it only for the purpose of asking follow-up questions)
- whether you are representing an organisation and if so the name of that organisation

Plus as an individual we are asking for your views towards pavement parking in your local area and the reasons, to attempt to understand how much local action affects your viewpoint.

Additionally for an organisation we will ask:

- for the organisation name, for identification of the business
- if your organisation is a commercial business with deliveries and, if so, the amount of deliveries and your view towards the 20 minute delivery exemption, since this criteria is still open to change
- if your organisation is a council and, if so, for numerous extended views on the
 - impacts
 - issues
 - costs
 - problems
 - implementationof the options plus previous parking enforcement experience at a local level to better inform our final decision

Your personal data is processed on behalf of DfT by Smartsurvey, with respect that they run the survey collection software only but will not be shared with any other third parties. [DfT's privacy policy](#) has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer.

Your information will be kept securely and destroyed within 12 months after the consultation has been completed. Any information provided through the online questionnaire will be moved to our internal systems within 2 months of the consultation end date.

Personal details

1. Your (for contact purposes only):

name?

email?

2. Are you responding as: *

- an individual?
- on behalf of an organisation? (Go to Organisation details question 6)

Problem

3. Do you think vehicles being parked on the pavement is a problem in your area? *

- Yes
- No (Go to Proposals question 14)
- Don't know? (Go to Proposals question 14)

What problems?

4. Pavement parking causes you problems because:

- you have a sight impairment?
- you have a mobility impairment?
- you use a buggy or pram to transport children?
- of another issue?

5. Would you leave home more often if there was no pavement parking? (Go to Proposals question 14 after answering)

- Yes
- No
- Don't know?

Organisation details

6. Your organisation's name is?

Horley Town Council

7. Is your organisation a commercial business? *

- Yes
- No (Go to Problem question 13)

Deliveries

8. Does your organisation routinely make deliveries as part of its business? *

- Yes
- No (Go to Problem question 13)

20 minutes parking exemptions

We are suggesting 3 options to address the problem of pavement parking, two of these options, stated as "option 2" and "option 3", if implemented would also include a business vehicle exception for deliveries.

This exception would allow 20 minutes, in line with existing London legislation, for a delivery to be completed.

9. Do you agree that 20 minutes of pavement parking would be adequate for a delivery? *

- Yes (Go to Problem question 13)
- No

Against 20 minutes exemption

10. Why not?

11. Of all the daily deliveries that you may make, what percentage do you think will take longer than 20 minutes each to be completed? *

- 0% (Go to Problem question 13)
- 1 to 10%
- 11 to 20%
- 21 to 30%
- 31 to 40%
- 41 to 50%
- 51 to 60%
- 61 to 70%
- 71 to 80%
- 81 to 90%
- 91 to 100%

Delivery types

12. In your opinion, what types of delivery that you make would require greater than 20 minutes?

Problem

13. Do you think vehicles being parked on the pavement is a problem in your area?

- Yes
 No
 Don't know?

Proposals

We are researching ways that we can address pavement parking problems and, as part of this, are already working to simplify the process for Traffic Regulation Orders (TROs), making them less time-consuming and burdensome to implement.

TRO's can be used by a council to prohibit pavement parking locally.

We are suggesting 3 options to address the problem of pavement parking, although we are not limited to these.

Option 1

This involves completing the simplification work on TRO's but no additional action beyond this. TRO's allow councils to restrict pavement parking and set their own conditions for exceptions to these rules.

[Option 1 is explained in more detail in the consultation document.](#)

Option 2

In addition to option 1 we would allow councils to enforce against 'unnecessary obstruction of the pavement'. This is not a general pavement parking prohibition like option 3, but instead empowers councils to issue Penalty Charge Notices in individual instances. However, this option, would include a suggested 20-minute exception, for business vehicles, allowing them to pavement park for up to this time in order to load or unload goods when no other choice exists, in places such as narrow streets. Standard exceptions would also apply for emergency service and utility vehicles.

[Option 2 is explained in more detail in the consultation document.](#)

Option 3

In addition to option 1 we would introduce an England-wide pavement parking prohibition. Unlike option 2 which allows for enforcement of individual instances of obstructive pavement parking, this would prohibit pavement parking nationally, while allowing councils to implement local exemptions (such as for narrow streets where pavement parking is essential to ensure

traffic flows) which would be shown by use of traffic signs and bay markings. We also propose including a 20 minute exception, for business vehicles, allowing them to pavement park up to this time in order to load or unload goods when no other choice exists, in places such as narrow streets. Standard exceptions would also apply for emergency service and utility vehicles.

Option 3 is explained in more detail in the consultation document.

14. Your preferred option is: *

- 1, simplification of TRO's but no additional action? (Go to View on options)
- 2, in addition to option 1 allow councils to enforce against 'unnecessary obstruction of the pavement'? (Go to View on options)
- 3, in addition to option 1 introducing an England-wide pavement parking prohibition? (Go to View on options)
- an alternative option?

Another option

15. Describe your alternative approach.

View on options

As part of our research we are asking for your views on options 2 and 3, irrespective of what you chose as your preferred option.

Option 2: allow councils to enforce against 'unnecessary obstruction of the pavement'

Option 2 - in addition to option 1 we would allow councils to enforce against 'unnecessary obstruction of the pavement'. This is not a general pavement parking prohibition, but instead empowers councils to issue Penalty Charge Notices in individual instances. However, this option would include a suggested 20 minute exception, only applicable to business vehicles, allowing them to pavement park for up to this time in order to load or unload goods when no other choice exists, in places such as narrow streets. Standard exceptions would also apply for emergency service and utility vehicles.

16. How would you define an 'unnecessary obstruction of the pavement'?

Parking fully on the pavement when not necessary.

17. Do you think a warning notice should be given for first time offences of causing an unnecessary obstruction by parking on the pavement?

- Yes
 No
 Don't know?

18. What do you think are the advantages and disadvantages associated with this option 2?

Option 3: an England-wide pavement parking prohibition

Option 3 - in addition to option 1 we would introduce an England-wide pavement parking prohibition. This would prohibit pavement parking as a default position, while allowing councils to implement local exemptions (such as for narrow streets where pavement parking is essential to ensure traffic flows) which would be shown by use of traffic signs and bay markings. This option would include a suggested 20 minute exception, only applicable to business vehicles, allowing them to pavement park for up to this time in order to load or unload goods when no other choice exists, in places such as narrow streets. Standard exceptions would also apply for emergency service and utility vehicles.

19. Do you think a national prohibition should apply: *

- on no roads (since you are against the proposal)? (Go to Option 3: an England-wide pavement parking prohibition question 21)
 on all public roads within the country?
 only on roads with speed limits up to 40mph (this includes roads in villages, towns and cities)?
 in an alternative way of your description?

National prohibition

20. Should a national prohibition apply to:

- pavements only?
- pavements and verges?

Option 3: an England-wide pavement parking prohibition

Councils would exempt certain areas, where pavement parking remains essential such as narrow terraced streets with no off-street parking availability, by use of traffic signs and bay markings.

These signs and markings would be used to indicate to motorists where they were allowed to park.

21. What are your views on the impact this would have on the built and historic environment?

No comment

22. What do you think are the advantages and disadvantages of option 3:

for rural areas including villages?

for suburban areas ?

for town and city centres?

overall?

Option 2 environmental effect

23. Do you believe option 2 would have an impact on the environment?

- Yes

- No (Go to Option 3 environmental effect question 25)
- Don't know? (Go to Option 3 environmental effect question 25)

Option 2 environmental impact

24. What impact?

Option 3 environmental effect

25. Do you believe option 3 would have an impact on the environment?

- Yes
- No (Go to Exceptions question 27)
- Don't know? (Go to Exceptions question 27)

Option 3 environmental impact

26. What impact?

Exceptions

For both options 2 and 3 we propose exceptions for:

- fire brigade purposes
- police purposes
- parking in accordance with a direction given by a constable
- ambulance purposes
- the provision of, or in connection with, urgent or emergency health care, by a registered medical practitioner, registered nurse or registered midwife

- the purpose of saving life or responding to another similar emergency
- the purpose of providing assistance at an accident or breakdown
- postal services (within the meaning of section 125(1) of the Postal Services Act 2000)
- delivery, collection, loading or unloading of goods to, or from any premises, in the course of business (where this cannot reasonably be carried out without the vehicle being parked on a pavement; and the vehicle is so parked for no longer than is necessary for these purposes, and in any event for no more than a continuous period of 20 minutes)
- collection of refuse by, or on behalf of, the council
- street cleansing purposes by, or on behalf of, the council
- gritting or salting or the clearance of snow by, or on behalf of, the council
- road works by, or on behalf of, the council
- road maintenance (including street furniture) by, or on behalf of, the council
- street works by, or on behalf of, the council or statutory undertakers, including utility companies
- to comply with the duty in section 170 of the Road Traffic Act 1988 to stop after an accident

For option 3, we also propose an exception for any vehicle authorised by the council to be parked in a specified place at a specified time.

27. What, if any, other additional vehicles or services would you like to exempt and why?

Equality

In developing its pavement parking policy, the department will give due regard to the objective of:

- eliminating discrimination
- advancing equality of opportunity
- fostering good relations

between people who share protected characteristics of:

- age
- disability
- gender reassignment
- pregnancy or maternity
- race
- religion or belief
- sex
- sexual orientation

28. How do you think "option 2" will affect people who share the following protected characteristics of:

	eliminating discrimination? (Positively/Negatively /No affect/Don't know?)	advancing equality of opportunity? (Positively/Negatively /No affect/Don't know?)	fostering good relations between people? (Positively/Negatively /No affect/Don't know?)
age, in respect of:	Don't know	Don't know	Don't know
disability, in respect of:	Don't know	Don't know	Don't know
gender reassignment, in respect of:	Don't know	Don't know	Don't know
pregnancy or maternity, in respect of:	Don't know	Don't know	Don't know
race, in respect of:	Don't know	Don't know	Don't know
religion or belief, in respect of:	Don't know	Don't know	Don't know
sex, in respect of:	Don't know	Don't know	Don't know
sexual orientation to:	Don't know	Don't know	Don't know

Where you indicated negative impact, describe your reasons why?

29. How do you think "option 3" will affect people who share the following protected characteristics of:

	eliminating discrimination? (Positively/Negatively /No affect/Don't know?)	advancing equality of opportunity? (Positively/Negatively /No affect/Don't know?)	fostering good relations between people? (Positively/Negatively /No affect/Don't know?)
age, in respect of:	Don't know	Don't know	Don't know
disability, in respect of:	Don't know	Don't know	Don't know
gender reassignment, in respect of:	Don't know	Don't know	Don't know
pregnancy or maternity, in respect of:	Don't know	Don't know	Don't know
race, in respect of:	Don't know	Don't know	Don't know
religion or belief, in respect of:	Don't know	Don't know	Don't know
sex, in respect of:	Don't know	Don't know	Don't know
sexual orientation to:	Don't know	Don't know	Don't know

Where you indicated negative impact, describe your reasons why?

Council

The remainder of these questions, excluding the final comments section, are specifically about the impact on councils and only if responding officially on behalf of a local council should you respond.

30. Are you representing a council? *

- Yes, continue to council questions.
- No, go to final comments. (Go to question 54)

Impact on councils

We are asking for your views on options 2 and 3 for pavement parking enforcement regarding:

- experiences
- staffing
- costs

31. Has your council introduced a TRO, or TROs, to implement pavement parking restrictions? *

- Yes (Go to Pavement parking restrictions question 33)
- No
- Don't know? (Go to Injury claims question 36)

No pavement parking restrictions

32. Why not? (Go to Injury claims question 36 after answering)

Pavement parking restrictions

33. How many pavement parking TROs did your council issue in:

2010?	
2011?	
2012?	
2013?	
2014?	
2015?	
2016?	
2017?	
2018?	
2019?	

34. How long does a TRO take for you to put into place (in weeks)?

35. What is the average monetary cost (to the nearest £) of implementing a single TRO:

overall?	
in administration cost?	
in legal cost?	
for advertising?	
for traffic sign or road marking creation and installation costs?	

Injury claims

36. What was the:

	2019?	2018?	2017?	2016?	2015?
number of injury claims					

	2019?	2018?	2017?	2016?	2015?
made to your council in: number of injury claims made due to pavement parking in:					
number of injury claims for which compensation was paid in:					
number of injury claims made due to pavement parking for which compensation was paid in:					
total compensation paid for injury claims in:					
total compensation paid due to pavement parking in:					

Pavement repairs

37. What was the:

	2019?	2018?	2017?	2016?	2015?
total spend on pavement repairs in:					
the percentage of this total spend due to pavement parking:					

Option 2

Option 2 - in addition to option 1 we would allow councils to enforce against 'unnecessary obstruction of the pavement'. This is not a general pavement parking prohibition, but instead empowers councils to issue Penalty Charge Notices in individual instances. However, this option

would include a suggested 20-minute exception, only applicable to business vehicles, allowing them to pavement park for this time in order to load or unload goods when no other choice exists, such as narrow streets, plus standard exceptions for emergency service and utility vehicles.

38. If your council has civil enforcement powers, and is permitted to enforce the offence of 'unnecessary obstruction', would your council elect to do this? *

- Yes
- No (Go to Option 3 question 42)
- Don't know?

Choosing to enforce option 2

39. What number of staff, in your authority, would need to learn the new enforcement guidance?

To enforce this offence your Civil Enforcement Officers would need to issue additional Penalty Charge Notices (PCN's). The cost of

- issuing
- processing

these PCN's is covered by the penalty income.

40. Can you foresee any additional, unfunded costs outside of the normal costs of issuing and processing PCNs?

- Yes
- No (Go to Option 3 question 42)
- Don't know? (Go to Option 3 question 42)

Additional costs

41. What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

Option 3

42. In your authority area, estimate based on your total road network, on how much road pavement parking is necessary to ensure free-flowing traffic is maintained, give the amount:

in kilometres?

as a percentage of the total road length?

43. What do you expect an assessment of your road network, in order to identify exemptions, to cost overall and how do the costs break down individually (£)?

44. Would your authority need to provide more parking provision to implement option 3?

- Yes
 No
 Don't know?

Provide any relevant evidence to support this view.

45. Provide an estimate of the cost of implementing exemptions in your area including:

staff costs?

traffic signing costs?

bay marking costs?

removal of signage for previously implemented TROs

restricting pavement parking in your area?

To enforce these offences your Civil Enforcement Officers would need to issue additional Penalty Charge Notices (PCN's). The cost of

- issuing
- processing

these PCN's is covered by the penalty income.

46. Can you foresee any additional costs beyond issuing and processing PCNs?

- Yes
- No (Go to Benefits of option 3 question 51)
- Don't know? (Go to Benefits of option 3 question 51)

Additional costs

47. Give an explanation and breakdown of the number of additional:

staff for your council?

salary costs for your council?

hiring costs for your council?

training costs for your council?

48. What additional staff roles do you envisage?

49. Do you expect any other, non staff, costs to arise from a national parking prohibition?

- Yes
- No (Go to Benefits of option 3 question 51)
- Don't know? (Go to Benefits of option 3 question 51)

Non-staff costs

50. What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

Benefits of option 3

51. What, if any, potential benefits (including any monetary benefits) do you think there will be for your authority from a national parking prohibition (such as existing costs being reduced)?

Greater cycle facilities

The government is looking to local authorities to introduce more cycle facilities to encourage active travel.

52. Do you think this will cause issues for a national pavement parking prohibition?

- Yes
- No (Go to Final comments question 54)
- Don't know? (Go to Final comments question 54)

Greater cycle facilities issues

53. What issues?

Final comments

54. Any other comments?

Horley Town Council is not a highway authority and does not have any enforcement powers and has therefore chosen only to comment on the selected option.

The state of the pavements is more of a concern to residents. Many of the pavements in Horley require repair and many do not have dropped kerbs or they have dangerously steep drops. There are powers available to resolve much of the parking that causes problems but there is

insufficient enforcement.