

## **Response: Pavement parking: options for change**

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### **About the District Councils' Network**

The District Councils' Network (DCN) is a cross-party member led network of 187 district councils. We are a Special Interest Group of the Local Government Association (LGA), and provides a single voice for district councils within the Local Government Association.

District councils in England deliver 86 out of 137 essential local government services to over 22 million people - 40% of the population - and cover 68% of the country by area.

District councils have a proven track record of building better lives and stronger economies in the areas that they serve. Districts protect and enhance quality of life by safeguarding our environment, promoting public health and leisure, whilst creating attractive places to live, raise families and build a stronger economy.

### **Response from the District Councils' Network**

The DCN welcomes the opportunity to respond to this consultation. The problems caused by pavement parking will vary from district to district, and we refer the Department to individual responses from district and county councils on the scale of the problem that communities experience locally. The vast majority of district councils undertake civil enforcement of off-street car parks and on-street parking restrictions but do not generally have any role in making traffic regulation orders, as they are the responsibility of county councils. District councils are well-placed to enforce a changed regime to govern pavement parking outside London – such measures are long overdue.

We strongly support Option 2 as the best way forward (question 7).

Option 2 is preferable to the other options as it can be introduced quickly across England (outside London), without the need for primary legislation, and without creating work or costs for county councils. District councils stand ready to enforce the regime described in Option 2 which would need to be accompanied by simple guidance on the scenarios where penalty charge notices would or would not be appropriate.

Option 3 is less satisfactory as it depends on primary legislation and then imposes costs on highways authorities to specify any exemptions that might be justified as well as the “blight” of additional signage. However, Option 3 is preferable to the current position under Option 1.

In respect of the definition of “unnecessary obstruction” (question 8), we support a definition that any parking on a pavement that leaves less than 1.5m clear width of pavement for pedestrians and other pavement users should be capable of triggering a penalty charge notice. In addition we feel that it should be made clear that parking a vehicle such as a car or van entirely on the pavement is unacceptable in all circumstances – regardless of whether or

not 1.5m is left for pedestrians and other pavement users. In other words, parking on the pavement should involve no more than 2 wheels of a car or van being on the pavement. This is a simple test that can be easily explained to drivers and easily enforced by councils.

We also feel it important that the scenarios in the guidance should include “overhanging”. This is where the front or rear of a vehicle, which may be parked on land owned by a householder or business with perhaps none of its wheels being on the pavement, nevertheless projects over the pavement in such a way that less than 1.5m width is available for pedestrians and other pavement users.

We do not think that there should be warning notices for the first offence (question 9). While there would be a significant change in regime, clear national communication from the Government of the date of change and simple guidance about scenarios where pavement parking is or is not permissible would suffice in advising drivers that they need to modify their behaviour. As far as we know, the introduction of 20mph speed limits in many urban areas was not accompanied by warnings for first offences, and we do not accept the principle that such an approach is necessary for this change. It is incumbent on the Government to keep the system simple, in particular the legal position and what the guidance says.

We support the suggested 20-minute exception, for business vehicles, allowing them to park on the pavement in order to load or unload goods when no other choice exists, in places such as narrow streets; and support the proposed standard exceptions for emergency service and utility vehicles, including council vehicles for the purposes set out in Annex B of the consultation paper (question 16).

We cannot predict how many district councils would choose to take up the enforcement powers if they became available under Option 2 (question 29). We seek confirmation that, in line with the existing arrangements for civil enforcement of parking offences, all fine income would be retained by the enforcing council, which would be district councils in the vast majority of shire counties. We understand that this would be subject to the current rules on how such income must be used. Option 2 may see districts requiring additional enforcement capacity, and in the context of current resources and spending pressures, districts will have to weigh this up against expected income from fines. This speaks to the need for a sustainable financial settlement for districts that allows them scope to respond to local residents’ priorities such as pavement parking.

We are grateful for the Department’s interest in understanding what costs might be associated with the process of implementing change (questions 30 to 32). We feel that the costs would tend to be modest and could in any event be set against income from PCNs. In most districts, civil enforcement officers number between about 6 and 10 and they would require training on the new offence and its associated guidance – this process could be kept short and simple if the Department keeps the guidance simple. There will also be costs in dealing with appeals, which would likewise be set against income from PCNs. We assume that the existing mechanism for dealing with appeals about PCNs would be applied.

We would welcome involvement in the preparation of guidance if the Government proceeds with proposals for change (whether Option 2 or 3) because district councils will be responsible for enforcement in the vast majority of shire county areas.

