

# **North Tyneside Council Report to Cabinet Member for Environment and Transport Date: 17 November 2020**

**Title:** Consultation response – pavement parking: options for change

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**Portfolio(s):** Environment and Transport

**Cabinet Member(s):** Councillor C Johnson

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**Report from Service Area:** Environment, Housing and Leisure

**Responsible Officer:** Phil Scott, Head of Environment, Housing and Leisure (Tel: 0191 643 7295)

**Wards affected:** All

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## **PART 1**

### **1.1 Executive Summary:**

This report seeks the approval of the Cabinet Member for Environment and Transport to submit a response, attached as Appendix 1, to the Government's public consultation on whether a change of existing pavement parking legislation should occur.

### **1.2 Recommendation(s):**

It is recommended that the Cabinet Member for Environment and Transport:

- (1) notes the contents of the report;
- (2) agrees that the Authority should respond to the consultation; and
- (3) approves the draft response attached as Appendix 1 and, in consultation with the Head of Environment, Housing and Leisure and makes any final amendments to the draft response before the submission of the final response to the consultation.

### **1.3 Forward Plan:**

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 4 September 2020.

## 1.4 Council Plan and Policy Framework

The proposals in this report relate to the following priorities in Our North Tyneside, the Council Plan 2020 to 2024:

- Our places will:
  - Provide a clean, green, healthy, attractive and safe environment.
  - Have an effective transport and physical infrastructure – including our roads, pavements, street lighting, drainage and public transport

## 1.5 Information:

### 1.5.1 Background

The North Tyneside Local Plan seeks to ensure that the borough has a network of safe, convenient, direct and accessible routes for walking and cycling (policy S7.3). The North Tyneside Transport Strategy sets out the Authority's commitments to improve safety for all road users while improving the street network to support increased cycling and walking; ensure the highway network is well maintained, including footways and cycle routes; and, working with partners, to seek to reduce pavement parking.

In London, parking on pavements and verges was banned in 1974, except where specifically authorised by local authorities, under the Greater London (General Purposes) Act 1974. In the rest of England, however, there has been no specific ban on parking on pavements or verges, while more general enforcement against obstruction of the roadway or footway can be carried out only by the Police.

Unlike road surfaces, pavements and verges are not designed to take the weight of motor vehicles: pavement parking causes substantial damage to footways and cycleways, and trips on damaged footways can cause pedestrian injuries. Vehicles parked on footways can make life difficult and dangerous for pedestrians, in particular for wheelchair users, people with visual impairments or those pushing prams or buggies, while parking on cycleways or shared use paths can impede movements particularly for people using cargo bikes, child cycle trailers or adapted cycles for people with disabilities.

### 1.5.2 The House of Commons Transport Committee inquiry

The House of Commons Transport Committee launched an inquiry into pavement parking in April 2019 and published its report in September 2019. The committee received evidence from people with both visual and mobility impairments and those who care for others, including for children, about how they were affected by pavement parking, and noted in its report that pavement parking can have a considerable impact on people's lives and their ability to safely leave their homes.

In its report the committee made a number of recommendations, including that the Government should:

- i. simplify the procedure by which local authorities can introduce Traffic Regulation Orders (TRO) to manage parking;
- ii. consult on allowing local authorities to enforce against obstructive pavement parking; and

- iii. legislate to prohibit pavement parking across England, enforceable by local authorities, and enable local authorities to make exemptions in order to allow pavement parking in defined locations, as is the case in London.

### 1.5.3 The Government consultation

In its response to the call for evidence and safety review of the Cycling and Walking Investment Strategy (CWIS), published in November 2018, the Department for Transport recognised that pavement parking can cause serious problems for vulnerable road users.

The Government's Inclusive Transport Strategy, updated in July 2019, recognised that irresponsible parking on the pavement can have a negative effect, and in particular can cause problems for people in wheelchairs, guide dog owners or those who are partially sighted or blind, and who may be forced into the road to get around cars parked on pavements.

On 31 August 2020, the Government commenced a public consultation asking whether a change of existing pavement parking legislation should occur. The consultation is based on three options:

- Option 1 – Improving the TRO process, under which local authorities can already prohibit pavement parking
- Option 2 – A legislative change to allow local authorities with civil parking enforcement powers to enforce against 'unnecessary obstruction of the pavement'
- Option 3 – A legislative change to introduce a London-style pavement parking prohibition throughout England

### 1.6 **Decision options:**

The following decision options are available for consideration by the Cabinet Member for Environment and Transport:

#### Option 1

Decide that a response to the consultation be submitted and approve the proposed course of action set out at 1.2 to allow the response to be submitted.

#### Option 2

Decide not to submit a response to the consultation.

Option 1 is the recommended option.

### 1.7 **Reasons for recommended option:**

Option 1 is recommended as this will allow the Authority to contribute to the Government's public consultation on whether a change of existing pavement parking legislation should occur.

### 1.8 **Appendices:**

Appendix 1 Proposed North Tyneside Council response to the consultation

## 1.9 Contact officers:

Colin MacDonald, Senior Manager Technical and Regulatory Services, 0191 643 6620  
Andrew Flynn, Integrated Transport Manager, 0191 643 6083  
John Cram, Integrated Transport Officer, 0191 643 6122  
Garry Hoyle, Parking and Regulation Manager (Capita), 0191 643 6599  
Cathy Davison, Principal Accountant Investment (Capital) and Revenue, 0191 643 5727

## 1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- 1) Government [consultation page](#) 'Pavement parking: options for change'
- 2) House of Commons Transport Committee: [Pavement parking](#) – Thirteenth Report of Session 2017-19
- 3) Department for Transport (DfT) [The Inclusive Transport Strategy: achieving equal access for disabled people](#)
- 4) DfT [Cycling and Walking Investment Strategy \(CWIS\) safety review](#)
- 5) [North Tyneside Transport Strategy](#)

## PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

### 2.1 Finance and other resources

There are no financial implications directly arising from this report in terms of responding to the consultation. There may be financial implications arising in the future from measures relating to the options set out in the Government's consultation (for the management of pavement parking) being implemented in North Tyneside and if so these will be reported to Council / Cabinet, as appropriate, at the time, for a decision before any expenditure is incurred.

### 2.2 Legal

There are no legal implications directly arising from this report. This report relates to a public consultation in which the Government seeks views on a number of options. These options include simplifying the process under the Road Traffic Regulation Act 1984 by which local authorities may set restrictions or exemptions relating to parking within specific areas via the use of Traffic Regulation Orders (TROs), and changes to primary legislation which would prohibit pavement parking by default, except at locations where local authorities decide to allow it.

### 2.3 Consultation/community engagement

#### 2.3.1 Internal consultation

Internal consultation has taken place involving the Cabinet Member for Environment and Transport and the Head of Environment, Housing and Leisure.

### **2.3.2 Community engagement**

Any person may respond to the Government consultation.

### **2.4 Human rights**

The proposals within this report do not have direct implications in respect of the Human Rights Act 1998.

### **2.5 Equalities and diversity**

Although there are no adverse equalities and diversity implications from approving this report, the options being consulted on by the Government, by updating processes for managing pavement parking, have the potential to support improved accessibility, e.g. for people with physical disabilities including wheelchair users, people with visual impairments and those pushing prams or buggies and, on cycleways or shared use paths, for people using cargo bikes, child cycle trailers or adapted cycles for people with disabilities.

### **2.6 Risk management**

There are no risk management implications directly arising from this report.

### **2.7 Crime and disorder**

There are no crime and disorder implications directly arising from this report.

### **2.8 Environment and sustainability**

Although there are no direct environment and sustainability implications from approving this report, the options being consulted on by the Government, by updating processes for managing pavement parking, have the potential to support the environment and sustainability by facilitating walking and cycling in preference to car use for local journeys.

## **PART 3 - SIGN OFF**

- Chief Executive

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- Head of Service

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- Mayor/Cabinet Member(s)

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- Chief Finance Officer

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- Monitoring Officer

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- Head of Corporate Strategy and Customer Service

