

Appendix 1 – Proposed North Tyneside Council response to the consultation

[Note. North Tyneside’s Cabinet Member delegated decision to submit a response to the consultation was taken on 17 November 2020. Since such decisions may be subject to a ‘call in’ process, this response should be treated formally as a draft until confirmation is received in due course.]

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

- implementation
of 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?

North Tyneside 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 in such a manner that it does not enable pedestrians (and cyclists, where applicable) to pass freely along the pavement i.e. not leaving a minimum of 1.5 metres between the parked vehicle and the back edge of the pavement

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 (Only applicable to the first month when the new legislation comes into operation)

No

Don't know?

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

Advantages:

- It will enable the Local Authority to issue penalty charge notices (PCNs) to vehicles which are deemed to be causing an unnecessary obstruction of the pavement.
- It would be less costly for the Local Authority compared with option 3 (which would involve a requirement to mark and sign every pavement where some level of partial pavement parking is allowed).

Disadvantages:

- Unnecessary obstruction is difficult to define and could be subjective. This could lead to conflict between the Authority and members of the public as to whether an offence is being committed.
- The option does not address maintenance issues associated with footway/kerb damage as a result of pavement parking or damage to grass verges.

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?

Any increase in signage and road markings is likely to result in complaints from individuals and stakeholders such as conservation groups. These objections may however be balanced against the positive impact of reducing indiscriminate parking on the pavement and reduced damage to grass verges and pavements.

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

for rural areas including villages?	<p>Advantages</p> <ul style="list-style-type: none"> • Easy to understand for the motorist. • The approach would foster active management of pavement space. • Improve accessibility to destinations for vulnerable groups. <p>Disadvantages</p> <ul style="list-style-type: none"> • Disruption to traffic flow particularly on narrow residential roads. • May be unpopular with residents if they are unable to park adjacent to their property when pedestrian activity is minimal.
for suburban areas ?	<p>Advantages</p> <ul style="list-style-type: none"> • Easy to understand for the motorist. • The approach would foster active management of pavement space. • Improve accessibility to destinations for vulnerable groups. <p>Disadvantages</p> <ul style="list-style-type: none"> • As above
for town and city centres?	<p>Advantages</p> <ul style="list-style-type: none"> • Easy to understand for the motorist. • The approach would foster active management of pavement space. • Improve accessibility to services for vulnerable groups. <p>Disadvantages</p> <ul style="list-style-type: none"> • As above • Could impact on deliveries to businesses if some partial parking concessions are not permitted (e.g. deliveries for businesses by private vehicle rather than liveried vehicle).
overall?	<p>Advantages</p> <ul style="list-style-type: none"> • Easier for the public to understand. • Improve accessibility to destinations and services for vulnerable groups. <p>Disadvantages</p> <ul style="list-style-type: none"> • May be difficult for the public to understand the rationale for the prohibition on certain roads, e.g. if there are low observed numbers of pedestrian movements.

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 2 would have a modest positive impact for decarbonisation and local air quality by contributing to reducing unnecessary obstruction of routes for walking and cycling, thereby facilitating increased walking and cycling in place of car use. It would also have a modest positive impact on the built environment as it would contribute to reducing visual nuisance from parked vehicles and damage to pavements. However, if the option did not prohibit vehicles from parking on verges, it would result in continued damage to grassed areas.

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?

Option 3 would have a positive impact for decarbonisation and local air quality by reducing unnecessary obstruction of routes for walking and cycling, thereby facilitating increased walking and cycling in place of car use. It would also have a positive impact on the built environment as it would contribute to reducing visual nuisance from parked vehicles and damage to pavements, which were not designed or constructed to accommodate vehicles. This will also reduce the maintenance liability of undertaking repairs, enabling Local Authorities to utilise the funds to undertake improvements to the street environment elsewhere on the network. However, if the option did not prohibit vehicles from parking on verges, it would result in continued damage to grassed areas.

The provision of additional signage/markings to highlight where partial pavement parking was permitted is however likely to be unpopular with individuals and stakeholders such as conservation groups who have concerns about the impact on the built environment of standard highway signage and markings. The Department for Transport should give consideration to ways to minimise the impact of such signage/markings, and should consider specifying alternative signage/markings arrangements for use in sensitive built environment settings such as conservation areas.

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?

Except the Emergency Services whilst on operational duty, the Authority would only support the above exemptions provided the vehicles were not causing an unnecessary obstruction. If the vehicles need to obstruct the footway then the Authority would request that they consult with the Authority's Streetworks team to either close the footway, using the appropriate legislation, or implement a temporary traffic management plan that maintained the free movement of pedestrians.

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:	No effect	Positively	Positively
disability, in respect of:	No effect	Positively	Positively
gender reassignment, in respect of:	No effect	No effect	No effect
pregnancy or maternity, in respect of:	No effect	Positively	Positively
race, in respect of:	No effect	No effect	No effect
religion or belief, in respect of:	No effect	No effect	No effect
sex, in respect of:	No effect	No effect	No effect
sexual orientation to:	No effect	No effect	No effect

Where you indicated negative impact, describe your reasons why?

Please note that the list of exemptions proposed in Annex B of the consultation document could serve to reduce the scale of the benefits, as they would give rise to a number of situations where pavement parking would continue.

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:	No effect	Positively	Positively
disability, in respect of:	No effect	Positively	Positively
gender reassignment, in respect of:	No effect	No effect	No effect

	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?)
pregnancy or maternity, in respect of:	No effect	Positively	Positively
race, in respect of:	No effect	No effect	No effect
religion or belief, in respect of:	No effect	No effect	No effect
sex, in respect of:	No effect	No effect	No effect
sexual orientation to:	No effect	No effect	No effect

Where you indicated negative impact, describe your reasons why?

Please note that the list of exemptions proposed in Annex B of the consultation document could serve to reduce the scale of the benefits, as they would give rise to a number of situations where pavement parking would continue.

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)

The introduction of specific Traffic Regulation Orders to combat the practice site by site is cost prohibitive for Local Authorities in the current financial climate and intrusive on the streetscape.

As pavement parking is currently widespread across the borough it would also be difficult to establish priorities for treatment amongst all the sites.

Pavement parking restrictions

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

2010?	None
2011?	None
2012?	None
2013?	None
2014?	None
2015?	None
2016?	None
2017?	None
2018?	None
2019?	None

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

12 weeks provided no objections are received to the statutory notices

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

overall?	Depends on the type of restriction
in administration cost?	£500
in legal cost?	£500
for advertising?	£1,200 (£600 per Notice)
for traffic sign or road marking creation and installation costs?	£200 per sign and £200 indicative cost for road marking

Injury claims

36. What was the:

	2019?	2018?	2017?	2016?	2015?
number of injury claims made to your council in:	141	87	99	98	178

number of injury claims made due to pavement parking in:	Unknown	Unknown	Unknown	Unknown	Unknown
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number of injury claims for which compensation was paid in:	16	7	15	14	17
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number of injury claims made due to pavement parking for which compensation was paid in:	Unknown	Unknown	Unknown	Unknown	Unknown
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total compensation paid for injury claims in:	£5,137.00 [*]	£40,917.63 [*]	£158,695.41	£122,651.80	Unknown
total compensation paid due to pavement parking in:	Unknown	Unknown	Unknown	Unknown	Unknown

[*] It is possible that these figures may include claims still to be determined.

Pavement repairs

37. What was the:

	2019?	2018?	2017?	2016?	2015?
total spend on pavement repairs in:	£1,415,850	£1,489,850	£1,617,850	£965,850	£936,850

the percentage of this total spend due to pavement parking:	Unknown	Unknown	Unknown	Unknown	Unknown
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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?

25

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?

3

salary costs for your council?

£60,000 per annum

hiring costs for your council?

£5,000

training costs for your council?

£5,000

48. What additional staff roles do you envisage?

2 Civil Enforcement Officers + 1 additional appeals officer

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)?

- a. Cost to undertake audit of the streets in the borough to determine where it would be appropriate to include provision for vehicles to park partially on the footway
- b. Cost of additional signage and markings to established permitted parking areas
- c. Cost of reinforcement of the pavement or hardening of grass verges where provision is introduced for vehicles to park partially on the footway/verge, and associated drainage costs.

It is not possible to provide a reasonable estimate of the likely cost without an audit of the borough having been undertaken.

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)?

Motorists would benefit from ease of understanding a consistent rule across the country.

Improved accessibility for many pedestrians (and cyclists, where applicable), e.g. people with mobility difficulties.

Reduction in maintenance costs as the Authority would not have to repair damaged pavements, kerbs and verges (subject to this option being extended to prohibit parking on verges) resulting from parked vehicles.

The moneys saved from undertaking avoidable repairs could be utilised to support other improvements to the street environment.

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?

Clarity is needed that a ban on pavement parking would also apply to segregated cycleways.

Final comments

54. Any other comments?

[Note. North Tyneside's Cabinet Member delegated decision to submit a response to the consultation was taken on 17 November 2020. Since such decisions may be subject to a 'call in' process, this response should be treated formally as a draft until confirmation is received in due course.]

Motor vehicles parking on the pavement can cause danger and obstruction to road users especially pedestrians (and cyclists, where applicable), including people with physical disabilities or visual impairment, older people and those with prams or pushchairs or people using cargo bikes, child cycle trailers or adapted cycles for people with disabilities. It can also cause environmental damage to kerb stones, grassed areas, pavements and to the services underneath the footway. Repairing such damage can be costly and there is potential for a Local Authority to be faced with claims for injuries received resulting from damaged or defective pavements.

An effective method of preventing indiscriminate parking on the footways and verges is essential to support accessibility for all road users and encourage the wider use of sustainable and active travel options, particularly for shorter journeys; it would also serve to reduce the maintenance burden for the Authority in avoidable repairs undertaken.

It is the view of North Tyneside Council that a national ban on pavement parking is the most effective option to address the issues.

(Re q8 it should be noted that, although they are not commercial businesses, Local Authorities provide a number of services which involve making deliveries. Please see response to q27 for observations in relation to the proposed exemptions.)