

Appendix 1

Review Proposal

1. Introduction

- 1.1 The Cabinet Member for Business, Growth and Skills has asked this Committee to consider carrying out a piece of policy development work, looking at the Council's approach to parking on dropped kerbs and pavements.

There are several separate issues that affect different parts of the city differently – and doing this work would provide an opportunity to develop a consistent approach to regulation and enforcement.

This paper outlines the issue, and suggests an approach for the Scrutiny Committee to take in carrying out the work.

2. Background

2.1 Dropped Kerbs

The Traffic Management Act 2004 makes it an offence to park a vehicle adjacent to dropped kerbs, with certain specified exemptions. The main exemption being that it is not offence for a property owner to park in front of their own drive or access. The Act also makes the offence of obstructing a dropped kerb a civil offence i.e. one that can be enforced by the City Council's Civil Enforcement Officers. To date the option to enforce this offence has not been taken up by the City Council. This would require a formal decision by the Council.

2.2 Pavement Parking

Parliament provided for a national ban on pavement parking in urban areas in section 7 of the *Road Traffic Act 1974*. If implemented, this would have prohibited all parking on verges, central reservations and footways on 'urban roads'. The Secretary of State could have exempted certain classes of vehicles and individual local authorities could have made Orders within their own areas to exempt from the national ban certain streets at all times or during certain periods. However, full implementation required that the ban had to be brought in by Parliamentary Order and this never occurred. Successive transport ministers argued that there were difficulties for local authorities and the police in finding the resources to carry out the necessary policing and enforcement work. In 1979 the then government decided to defer implementation indefinitely.

2.3 Waiting Restrictions

Yellow lines cover the carriageway and adjacent pavements. Yellow lines can be used to prevent pavement parking but also have the effect of preventing parking on the carriageway which may not necessarily be a problem. TROs can be used to specifically prohibit pavement parking either at defined locations or by listing whole streets. Signs would be required to indicate exactly where ban applies.

2.4 Highway Code

Section 244 of the Highway Codes states:

“You MUST NOT park partially or wholly on the pavement in London, and should not do so elsewhere unless signs permit it. Parking on the pavement can obstruct and seriously inconvenience pedestrians, people in wheelchairs or with visual impairments and people with prams or pushchairs.”

3. Current Approach

3.1 Dropped Kerbs

At present the City Council does not take enforcement action against the obstruction of dropped kerbs, unless there are waiting restrictions in which case the yellow line is enforced.

The Police can deal with obstructing dropped kerbs if a parked vehicle is preventing access to or from a property. They have to be called out, when they have other duties to perform, and in many cases the offending vehicle will have moved on by the time they arrive.

In many locations dropped kerbs have been provided to help pedestrians, particularly those with mobility problems cross a road safely and without hindrance. When the dropped kerbs are obstructed then this can cause difficulties and may lead to pedestrians crossing between parked vehicles or in less safe locations. Wheelchair and mobility scooter users are particularly affected.

3.2 Pavement / Verge Parking

In Sheffield we have a by law which prohibits all parking on pavements and verges. To be enforceable there must be signs in place. We have signed several locations in response to complaints. Enforcement requires observation of the offence and contact with the driver at the time of the offence. Action is through the Magistrates Court. Very little enforcement has been undertaken to date, due to the difficulty of collecting evidence and gaining a conviction.

In addition to the above if there are yellow lines on the adjacent carriageway our CEOs can issue PCNs. If there are no yellow lines on the adjacent carriageway then it's for the Police to deal with and decide whether the pavement is being obstructed and take action as appropriate – fixed penalty notices, vehicle removal. This leads to patchy enforcement, varying from some to none.

4. Purpose of the review

- 4.1 The review would look at how the Council should take this forward, considering questions such as:
- Should it take up the dropped kerb enforcement powers?
 - Should it use yellow lines more to control dangerous / inconvenient parking?
 - Should we regulate pavement parking to ensure pavements and carriageways are kept free for pedestrians and motorists to pass safely?

5. What does this mean for the people of Sheffield?

- 5.1 We get complaints from the public, from all sides i.e. pedestrians, motorists, residents.

If steps were taken to deal with pavement parking it would help improve matters for pedestrians, particularly those with mobility problems and moving traffic including buses, emergency service vehicles and bin wagons.

It could also reduce the costs of maintaining pavements and reinstating damaged grass verges for the PFI Contractor.

It would severely affect many residents who have become accustomed to parking partly or fully on the pavement or verge.

6. How could Scrutiny approach this issue?

If the Scrutiny Committee wishes to put this on its work programme, there are two approaches that it could take.

- 6.1 Option 1
To set up a task and finish group to meet outside of the normal schedule of meetings. This could be comprised of all Members of the Committee, or a smaller working group.
This group would consider the issues in detail, undertake site visits and workshops with the aim of developing recommendations to put to Cabinet.
If the Committee chooses to use this approach, the Scrutiny Policy Officer, in conjunction with Officers from Transport and Highways will put together a programme of extra meetings.

6.2 Option 2

Request officers put together a paper outlining the key issues and available options to bring to a future meeting of the Committee for discussion.

7 Conclusion

The Committee is asked to consider whether it wishes to undertake this work, and if so, how it wishes to approach this.