

## CABINET ITEM COVERING SHEET PROFORMA

### **AGENDA ITEM**

### **REPORT TO CABINET**

**14 MAY 2009**

### **REPORT OF REGENERATION & TRANSPORT SELECT COMMITTEE**

## **CABINET DECISION**

**Regeneration & Transport – Lead Cabinet Member – Councillor Bob Cook**

### **SCRUTINY REVIEW OF PAVEMENT PARKING**

#### 1. Summary

This report presents the findings of the Regeneration & Transport Select Committee following the review of Pavement Parking. During the course of the review the Committee considered a number of issues in relation to the problems caused by pavement parking including damage to pavements, kerbs and verges, and the views of the emergency services.

#### 2. Recommendations

1. Ward councillors and officers explore opportunities to use funding allocated under the Community Participation Budget scheme in conjunction with the Council's core budget for pavement repairs when considering applications to implement schemes to reduce damage and obstruction caused by parking on pavements and verges, ensuring funds are used effectively,
2. A priority rating system is devised to identify the residential areas worst affected by parking problems and assess what parking solutions are required in those areas.
3. The Head of Technical Services is requested to provide Members with details of the solutions currently available (including introducing or revoking Traffic Regulation Orders (TROs)), to address parking problems in areas where there is significant inconvenience to residents. In addition, request the Head of Technical Services to consider the effectiveness of existing TROs introduced in problem areas.
4. A briefing guide is produced for Members which provides details of the roles and powers of the Council's Enforcement Officers in relation to pavement parking, including statutory and discretionary powers, practical procedures and enforcement action available, and explains and clarifies the distinction between the roles of the Council's Neighbourhood and Civil Enforcement Officers
5. To further improve the safety of the Borough's footways for both pedestrians and road users, highways inspectors undertake sample inspections in known problem areas to determine the actual number of illegal footway crossings and assess damage to the highway. The results of the inspections to be presented to the Committee at a later date for further consideration and to look at providing potential solutions.

6. Incorporating into the Council's highways repairs policy, the current practice of replacing flagstone pavements with bituminous materials in cases where this is the most appropriate form of treatment.
7. Introducing a 'Think B4 U Park' campaign, to be promoted through Stockton News, public libraries, the Council's website, housing estate offices and other community outlets, to raise public awareness about the problems associated with pavement parking and damage to grassed areas, in particular:
  - the damage it causes to footways;
  - the cost of repairing damage;
  - the inconvenience and risk caused to pedestrians, especially to older residents, the visually impaired, those in wheelchairs or mobility scooters and those using prams or pushchairs; and
  - emphasising the fact that enforcement action will be taken against offenders, including drivers of heavy vehicles and those who park vehicles on grass verges or whose vehicles traverse over grassed areas, wherever this is possible and practicable.
8. Through the campaign identified in the above recommendation:
  - provide clear guidelines where people should and should not park
  - encourage drivers to park responsibly
  - pilot residential areas with suitable publicity that encourages residents to offer practical solutions
  - offer mediation in cases of dispute between parties requiring pavement parking in neighbourhood areas (e.g. in conjunction with UNITE, the mediation service)
  - educate people who think they may be helping other road users by parking on the pavement into making them more aware of the potential problems
  - encourage commercial vehicles (including Council vehicles where appropriate) to be left at business premises overnight rather than be brought home and parked on pavements in residential areas
  - the guidelines provided draw on best practice at other local authorities.
9. Through initial and ongoing training, drivers of Council vehicles are instructed not to park or manoeuvre vehicles on footways wherever possible.
10. Reviewing local planning discretion on governing the allocation of garage space and parking requirements when new developments are proposed by private developers.
11. The Annual Parking Report provides supplementary information on the problems associated with pavement parking across the Borough with details of subsequent follow up action taken as necessary. Details to be provided include particular problem areas, parking near schools, the number of official complaints made by the public and the nature and level of enforcement activity undertaken including official notices issued.
12. Providing suitable information so residents know who to contact if they are having problems with poorly parked vehicles (links to the recommendation at paragraph 1.45).
13. The Council supports Help the Aged's National Falls Awareness Day by displaying the official falls day poster in key Council receptions.
14. Highways inspectors and Council Enforcement Officers continue to assess the condition of road markings across the Borough relating to vehicle parking activity.

15. The Council continues to promote its 'own brand' scheme notification signage to publicise the improvements being made to highways and footways for the benefit of local residents and the general public.
16. Officers approach the Stockton Community Residents Group Association (SCRAGA) to obtain their views on issues related to pavement parking, with a view to advising local residents on possible solutions.

### 3. Reasons for the Recommendations/Decision(s)

The request to carry out this review, originally included within the scope of the Highway Network Management review, had first been suggested by Members in 2008 in determining the areas to be considered for scrutiny. As a result, the Executive Scrutiny Committee included this topic in its Scrutiny Work Programme for 2008/09. However, the scrutiny review of Pavement Parking was considered too large to include in the highways review and has been undertaken and reported separately here.

### 4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

**Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.**



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**RECOMMENDATIONS**

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## **DETAIL**

1. Pavement parking can cause inconvenience to pedestrians. It can create hazards for visually impaired, disabled and elderly people, wheelchair users or those with prams or pushchairs. It may also cause damage to the kerb, the pavement, or the services underneath. Repairing such damage can be expensive and local councils may face claims for compensation resulting from damaged and defective pavements.
2. Under current legislation and guidance there is no national prohibition on pavement parking except in relation to heavy commercial vehicles. Previous attempts by Government to ban pavement parking have not come to fruition. Regulation to put into effect the national ban were not brought forward because of the potentially enormous cost to local councils and police of securing proper policing and enforcement of such a blanket ban.
3. Local councils may act over parking on pavements under current legislation covering obstruction and dangerous parking. They can designate limited areas of no pavement parking through a Traffic Regulation Order or can establish designated Special Parking Areas under the Road Traffic Act 1991. In these areas local councils are responsible for parking and cars parked on the pavement could be ticketed as contravening the parking regulations (e.g. by parking on a yellow line) rather than causing an obstruction.
4. Following consideration of the recommendations by Cabinet an action plan will be submitted to the Select Committee setting out how approved recommendations will be implemented detailing officers responsible for action and timescales.

#### **FINANCIAL IMPLICATIONS**

5. There are no new financial implications emanating from this report.

#### **LEGAL IMPLICATIONS**

6. There are no specific legal implications emanating from the review.

#### **RISK ASSESSMENT**

7. This scrutiny report is categorised as low to medium risk.

#### **SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS**

8. This report and the issues contained within have relevance mainly to Key Improvement Priorities: Economic Regeneration and Transport, specifically 'Ensure our residents are safe'.

#### **EQUALITIES IMPACT ASSESSMENT**

9. When an Equality Impact Assessment is carried out, it will need to consider the suggested recommendations.

#### **CONSULTATION INCLUDING WARD/COUNCILLORS**

10. The Group received evidence from a range of sources including meeting with three focus groups. Senior officers within DNS, and the Cabinet Member responsible for Regeneration & Transport, were consulted on the scope of the review, and the findings and recommendations.

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Background Papers None

Ward(s) and Ward Councillors: Not Ward Specific

Property None