

EXECUTIVE SCRUTINY COMMITTEE (TASK AND FINISH GROUP)

CYCLING ON PAVEMENTS



2011

Task and Finish Group – Membership

Councillor Woodhead (Chair)

Councillor Cockerill
Councillor Leckonby
Councillor Womphrey

ACKNOWLEDGEMENTS

The Task and Finish Group thank the following contributors to this review:

Mike Batty, Head of Community Protection
Jonathon Kibble, Sustainable Travel Officer
PC Graeme Smiles, Cleveland Police
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Executive Scrutiny Committee
(Task and Finish Group)
Stockton-on-Tees Borough Council
Municipal Buildings
Church Road
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TS18 1LD

SELECT COMMITTEE WORK PROGRAMME 2010/11 PRO FORMA

<p>Summary of issue you wish to be scrutinised, including key concerns and outcome for scrutinising the topic?</p> <p><u>Cycling on Pavements</u></p> <p>A member of the public has requested that Scrutiny addresses the problem of people (and not only children) riding bicycles through Thornaby Town Centre which is a pedestrian-only area</p> <p>Nuisance and safety concerns have arisen in other Forums by members of the public and Councillors, in particular in the Town Centres across the Borough. Concerns were raised at the Housing & Community Safety Select Committee's Overview meeting regarding the issue and it had previously been suggested as a review topic for the 2009/10 work programme by Cllr Steve Nelson, but was not determined as a priority at that time.</p>	
<p>Public interest justification:</p> <p>The issue was suggested as a review topic by a member of the public.</p> <p>A petition was handed in at a Police Consultation Event in September 2008.</p>	
<p>Impact on the social, economic and environmental well-being of the area:</p> <p>The problem has an adverse impact on the safety of residents and the environmental well being of the area.</p>	
<p>Council performance and efficiency in this area (including organisation development) if known:</p> <p>N/A</p>	
<p>Keep in Context (are other reviews taking place in this area?):</p> <p>During 2010 (August to October) the Authority will be carrying out the 3 yearly consultation programme for Community Safety priorities for the next 3 years (2011-14), and will be putting Cycling on Pavements as an item on the consultation 'menu'.</p> <p>If members are minded to conduct a scrutiny review on this issue, this could be scheduled for early 2011.</p>	
<p>Signed: Member of the Public</p>	<p>Date: 18 July 2009</p>

1.0 Executive Summary and Recommendations

- 1.1 The Task and Finish Group ('the Committee' henceforth) met on the 18th February and 9th March to examine the issue of cycling on pavements which was raised by a member of the public and submitted to Stockton Borough Council's Scrutiny Team. The Committee took particular interest in Stockton Town Centre although it is recognised as a problem in various wards as evidenced when consulting with councillors.
- 1.2 Over the past five years there have been 2 fatal pedal cycle casualties, 43 serious injuries and 154 slight injuries recorded. Only 1 pedestrian was recorded as being seriously injured during the same period.

Legislation

- 1.3 It is important to note that most legislation relating to 'cycling on footpaths' actually relates to the riding of cycles on a 'footway set aside for the use of pedestrians' which runs alongside a road.
- 1.4 Police Community Safety Officers (PCSOs) have the power to issue fixed penalty notices when they believe that an offence of cycling on the pavement has been committed. Failing to stop a cycle when required to do so is an offence under the Road Traffic Act 1988 and is liable to a fixed penalty notice of £30. The Head of Community Protection added that CCTV operators would be able to supply footage of people riding on pavements if this would be used by the police.

Consultation

- 1.5 Of the 20 priority issues under consultation for the Safer Stockton Partnership during 2011-14 cycling on pavements was the lowest ranked issue overall and will not be a key priority.
- 1.6 The police have had discussions with Stockton town centre trades people and as a result of these discussions, nuisance cyclists will be targeted as one of the town centre ward priorities from April 1st 2011.
- 1.7 An e-mail was sent to all councillors on 1 February 2011 to gather evidence of complaints/issues that have been identified or submitted. Details can be seen on pages 7 and 8.

Benchmarking

- 1.8 Middlesbrough Borough Council's 'crack down' on cycling in pedestrian zones, whilst gaining local press coverage, issued non-valid tickets as the police were enforcing in a 'pedestrianised area', not a footway. The pedestrianised area had no byelaw that dealt with cycling. This was the concern the Sustainable Travel Officer had for the police issuing tickets in Stockton High Street which may not be valid if it is classed as a pedestrianised area.
- 1.9 In Darlington a Code of Conduct has been developed and consultation has taken place with both the Anti Social Behaviour team and the Town Centre Police Beat team on the appropriateness of the guidance within it. The Code of Conduct is available throughout the town centre and displayed at entrances

to the pedestrianised area. It highlights the issues that disabled people had about how cyclists should behave. It was distributed as part of the Bikeability cycle training courses that take part in primary and secondary schools throughout the Borough and publicised in the Town Crier and local press.

RECOMMENDATIONS

- 1.10 The Committee approached its recommendations considering how they could be implemented to provide the best response to the nuisance of inconsiderate cyclists on pavements. Accordingly the recommendations should follow the sequence in which they are presented below.

The Committee recommend:

- R1 The Sustainable Travel Officer develop a Code of Conduct to be introduced in Stockton Town Centre to determine acceptable cycling behaviour in pedestrianised areas. This will be subject to a review after 12 months when it will be determined whether to extend it throughout the borough or further legislation be investigated.
- R2 Stockton Borough Council's Police Authority Representative make representation to the Chief Constable to confirm the powers of Police Community Support Officers. Consideration should then be given to ensure that PCSOs have adequate powers to deal with cyclists who ride dangerously, carelessly, ignore traffic signs or signals, or cycle on the footway.
- R3 That the installation of increased signage is investigated, in line with Council planning policies, to address key/problem areas in the borough in order to better inform cyclists of where cycling is prohibited.
- R4 That a high visibility campaign is organised by Cleveland Police and SBC to target the problem of cycling without due care and attention on pavements in Stockton Town Centre.
- R5 That any action taken by Cleveland Police in relation to dangerous cycling on pavements is fully supported by the Council, including by the provision of CCTV evidence where appropriate.

2.0 Introduction

- 2.1 The Task and Finish Group ('the Committee' henceforth) met on the 18th February and 9th March to examine the issue which was raised by a member of the public and submitted to Stockton Borough Council's Scrutiny Team.
- 2.2 The Committee was also under the impression that there had been many incidents where pedestrians and cyclists had collided or had near misses due to some cyclists riding on pavements without due care and attention, particularly in Stockton Town Centre. However, the majority of cyclists were considered to be responsible and considerate riders.

3.0 Background

- 3.1 Many cyclists are afraid of vehicular traffic so cycle on footpaths and whilst this might be understandable, it is against the law. However it can be confusing for cyclists and pedestrians because many local authorities allow cycle access to what look like footpaths.
- 3.2 Stockton Borough Council provides Bikeability national standard cycle training to year 5 and 6 primary school pupils and offers free adult cycle training to all Stockton residents giving them the skills and confidence to cycle on roads amongst traffic.
- 3.3 In Stockton Borough the pedal cycle casualties including slight injuries between January 2006 and December 2010 were as follows:

ACCIDENT RECORD: JANUARY 2006 TO DECEMBER 2010						
YEAR	06	07	08	09	10	TOTAL
FATAL	0	2	0	0	0	2
SERIOUS	11	9	9	9	5	43
SLIGHT	31	32	29	31	31	154
TOTAL	42	43	38	40	36	199

- 3.4 In this period only 1 pedestrian was recorded as being seriously injured in the 4 pedal cycle accidents which occurred on a footpath / pavement whilst 4 cyclists sustained injuries of varying degrees.
- 3.5 For a pictorial representation of the pedal cycle casualties in Stockton Borough see appendix 1.

4.0 Evidence and Findings

LEGISLATION

- 4.1 It is important to note that most legislation relating to 'cycling on footpaths' actually relates to the riding of cycles on a 'footway set aside for the use of pedestrians' which runs alongside a road.
- 4.2 The primary legislation which makes cycling on a footway an offence is *Section 72 of the 1835 Highways Act*. On 1st August 1999, new legislation came into force to allow a fixed penalty notice to be served on anyone who is guilty of cycling on a footway. It should only be used where a cyclist is riding in a manner that may endanger others. This is punishable by a fixed penalty

notice of £30 under *Section 51 and Schedule 3 of the Road Traffic Offenders Act 1988*. The maximum fine for cycling on the pavement from the courts is £500.

- 4.3 The law applies to all but the police can show discretion to younger children cycling on the pavement for whom cycling on the road would not be a safe option. The age of criminal responsibility is 10 so, technically, only children below this age can cycle on pavements without fear of redress.
- 4.4 Cycle lanes can be found on footways, with signage and markings telling cyclists and pedestrians the route is for 'shared use'. Cyclists must not assume this means they have right of way on the cycle 'half' of the shared-use facility and they should keep to the side intended for cyclists. According to this Code of Conduct from the Department of Transport, cyclists should "always respect pedestrians even if they stray onto the cycling side (if there is one); they are entitled to do so."
- 4.5 The Police Reform Act 2002 created the civilian role of community support officer. A community support officer is a uniformed police authority employee under the direction and control of a chief officer of police.
- 4.6 They were given the power to issue fixed penalty notices for cycling on the pavement. The Police Reform Act 2002 was amended by the Anti-Social Behaviour Act 2003, Section 89, Subsections (3) and (6) which added to the powers that can be conferred on community support officers and accredited persons. The amendment made it easier to issue fixed penalty notices by conferring the power to stop cyclists. It only applies when the community support officer or accredited person believes that an offence of cycling on the pavement has been committed. Failing to stop a cycle when required to do so is an offence under the Road Traffic Act 1988 and is liable to a fixed penalty notice of £30.
- 4.7 The added powers are at the discretion of the Chief Constable. In Cleveland, Police Community Support Officers (PCSOs) do have a power to stop cyclists, but only for the offence of cycling on the pavement. The Committee was interested to determine whether increased powers of PCSOs would help reduce the incidents of cyclists who ride dangerously, carelessly, ignore traffic signs or signals, or cycle on the footway. Members suggested that Stockton Borough Council's Police Authority Representative could make representation to the Chief Constable to investigate increasing the powers of PCSOs.
- 4.8 The Head of Community Protection informed the Committee that CCTV operators would be able to supply footage of people riding on pavements if this would be used by the police. Members were additionally interested in body mounted cameras worn by the police but were told that the quality was not of an adequate standard and therefore would not assist any prosecution.

Consultation

Community Safety

- 4.9 In the Tackling Crime and Disorder Audit consultation that took place over the summer 2010 cycling on pavements was chosen by 446 out of 5,222 respondents (9%) chose cycling on pavements as a priority compared with 2,869 (55%) who stated that this should not be a priority. Cycling on

pavements was the lowest ranked issue overall, of the 20 on the consultation list, and will not be a key priority for the Safer Stockton Partnership during 2011-14.

- 4.10 Grangefield, Stockton Town Centre, Eaglescliffe and Parkfield and Oxbridge were the wards where most respondents who thought that cycling on pavements should be a priority lived. However, Grangefield and Eaglescliffe wards are both heavily influenced by the under 16 year age groups due to consultation in schools in these areas. When looking at the older age categories in isolation Stockton Town Centre wards still comes out top, but this is closely followed by the wards of Hartburn, Fairfield, Yarm and Norton West.

Cleveland Police

- 4.11 The police have discussions with Stockton town centre trades people which assist the determination of ward priorities. Members were told that, as a result of these discussions, nuisance cyclists will be targeted as one of the town centre ward priorities from April 1st 2011. The practical benefits of this include it being monitored and actioned by a wider range of resources, such as dog and mounted officers, the special constabulary and road traffic departments. It also means that the neighbourhood officers will be allowed more time to devote to this issue.

Councillors

- 4.12 An e-mail was sent to all councillors on 1 February 2011 to gather evidence of complaints/issues that have been identified or submitted. The table below is the compilation of responses in the order that they were received for consideration during the task and finish review.

Councillor	Ward	Comments
Aggio (BIA)	Billingham North	I would like to make a comment on cyclists in Billingham Town Centre. It seems to make no difference what-so-ever that notices have been placed at many strategic places into the Town Centre, and yet adults/children are still seen riding around at anytime. They come out of John Whitehead Park, cross the main road into the Town Centre, with out stopping or putting their foot to the ground, and seemingly oblivious to pedestrians. This indicates they are also riding their cycles in the Park. I have actually told people, on occasions, and pointed to the sign, but usually, you are verbally abused, and ignored – an interfering ‘old woman’. It is not strictly in our Ward, but infuriates me.
Mrs Walmsley (TIA)	Stainsby Hill	Lots of problems in Thornaby Town Centre, despite signage. Also problems generally throughout the ward - partly caused by bikes these days not having bells, so if they are coming up behind you, you are not aware of them until they wizz past!
Beall (Lab)	Roseworth	The problems in Roseworth are caused by the motorised 2 wheelers!

Lupton (Con)	Hartburn	<p>I believe that safety is the key issue and we must not disregard the safety of children using cycles in a responsible manner when using pavements to travel to school.</p> <p>There may be an opportunity to identify where it would be safe practice and where it would be necessary to ban cycling. In general cycling on pavements on housing estates may be acceptable but there should be some control in Town Centres and shopping locations where there is heavy pedestrian traffic.</p>
Nelson (Lab)	Norton South	<p>Aggressive cycling a particular problem in Norton Village area where bikes appear at speed. Not just village of course. An elderly constituent of mine was knocked down and had broken bones on Billingham Road. Perpetrator was man in his 40s. Just drove off. Police told resident a " council matter"; which is wrong.</p> <p>I speak regularly with ward police re this matter and they have done some presentations at North Shore school.</p>
Cains (Lab)	Norton West	<p>It might be interesting to obtain the statistics of :-</p> <ol style="list-style-type: none"> 1) The number of cyclists that have been killed/seriously injured on the Borough's roads 2) The number of pedestrians that have been killed/seriously injured by cyclists <p>I can tell you that one of our (Ward) keen cyclist was killed on Wolviston Back Lane and coincidentally, his son was so badly injured in a separate cycling accident in our Ward that there was a danger the he was going to lose his leg. Many years ago a night school colleague was cycling down Tanners Bank in Norton and killed himself when he ran into the rear of a stationary bus.</p> <p>It would be useful to investigate the provision of cycle lanes. I got rid if my cycle years ago – a case of cold feet. One of our many Community Police Officers told us some time ago that he would ignore children riding on the pavement but would wave adults back on the road. He did explain that pedal cycles do not have registration plates. I kept my Magistrates' Bench Handbook and can see no mention of cycling offenses therein, I guess cycling on pavements is no longer a traffic offence, along with having no lights.</p> <p>Our only Ward problem has been small children riding motorised scooters on the pavement.</p>
<p>Councillor Fletcher (Lib Dem – Eaglescliffe) had received correspondence from a constituent who had written of their concern about 'grown ups' cycling on the pavement in the Sycamore Road area.</p>		

BENCHMARKING

- 4.13 The Sustainable Travel Officer provided information of how the issue of cycling on pavements had been dealt with by the Council's neighbouring local authorities.

- 4.14 Middlesbrough Borough Council's 'crack down' on cycling in pedestrian zones, whilst gaining local press coverage, issued non-valid tickets as the police were enforcing in a 'pedestrianised area', not a footway. The pedestrianised area had no byelaw that dealt with cycling. This was the concern the Sustainable Travel Officer had for the police issuing tickets in Stockton High Street which may not be valid if it is classed as a pedestrianised area.
- 4.15 The Committee did think that increased signage may still act as a deterrent even if at a later date it was found to be classed as a pedestrianised area. If no local bye-law signage is apparent, the local authority may (or may not) explicitly allow cycling in pedestrian zones. A key message from the Department for Transport's Code of Conduct Notice for Cyclists suggests that "In pedestrianised areas, only ride your cycle if there aren't too many pedestrians about; otherwise dismount and push it."
- 4.16 In 2005 Darlington was selected by Cycling England to be one of six cycling demonstration towns in England. The award brought funding, spread over three years, of £1.5 million which has been used to improve facilities and infrastructure for cyclists in Darlington.
- 4.17 In 2009 Darlington Borough Council's Cabinet agreed the following after the completion of the extended cycling trial period:
- Cycling be allowed at all times in those parts of the town centre defined by the Traffic Regulation Orders;
 - A Code of Conduct on Cycling in the Town Centre, incorporating the issues raised by the Disability Impact Assessment, be produced and widely publicised;
 - A shared database be implemented, so that the Police and Antisocial Behaviour Team can share information on cyclists behaving inappropriately and enforce as appropriate;
 - An education programme for 'safe cycling';
 - Economy and Environment Scrutiny Committee be requested to monitor incidents and behaviour involving cyclists and levels of cycling through the town centre.
- 4.18 The Code of Conduct has been developed and consultation has taken place with both the Anti Social Behaviour team and the Town Centre Police Beat team on the appropriateness of the guidance within it. After further consultation with the Economy and Environment Scrutiny Committee the Code of Conduct was made available throughout the town centre and displayed at entrances to the pedestrianised area. The Code of Conduct highlights the issues that disabled people had about how cyclists should behave. The Code of Conduct was distributed as part of the Bikeability cycle training courses that take part in primary and secondary schools throughout the Borough and publicised in the Town Crier and local press.

RECOMMENDATIONS

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The Committee recommend:

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- R5 That any action taken by Cleveland Police in relation to dangerous cycling on pavements is fully supported by the Council, including by the provision of CCTV evidence where appropriate.

5.0 Conclusion

- 5.1 This short review provided an opportunity for officers from Stockton Borough Council and Cleveland Police to discuss with councillors the problems faced by residents when encountering cyclists on pavements.
- 5.2 The Committee recognised that education is important to provide cyclists with their legal responsibilities as well as what is acceptable behaviour but it is apparent that a minority will ignore such messages and as a result cause a nuisance or danger in their behaviour.
- 5.3 The Committee therefore support the education programme being delivered by the Council but believe that this needs the support of actions taken by the police and PCSOs to deal with transgressors in a consistent manner to reduce incidences of dangerous or careless riding or cycling on a footway.
- 5.4 Members wish to thank the officers that gave evidence in this review and offer their support to tackle this issue.



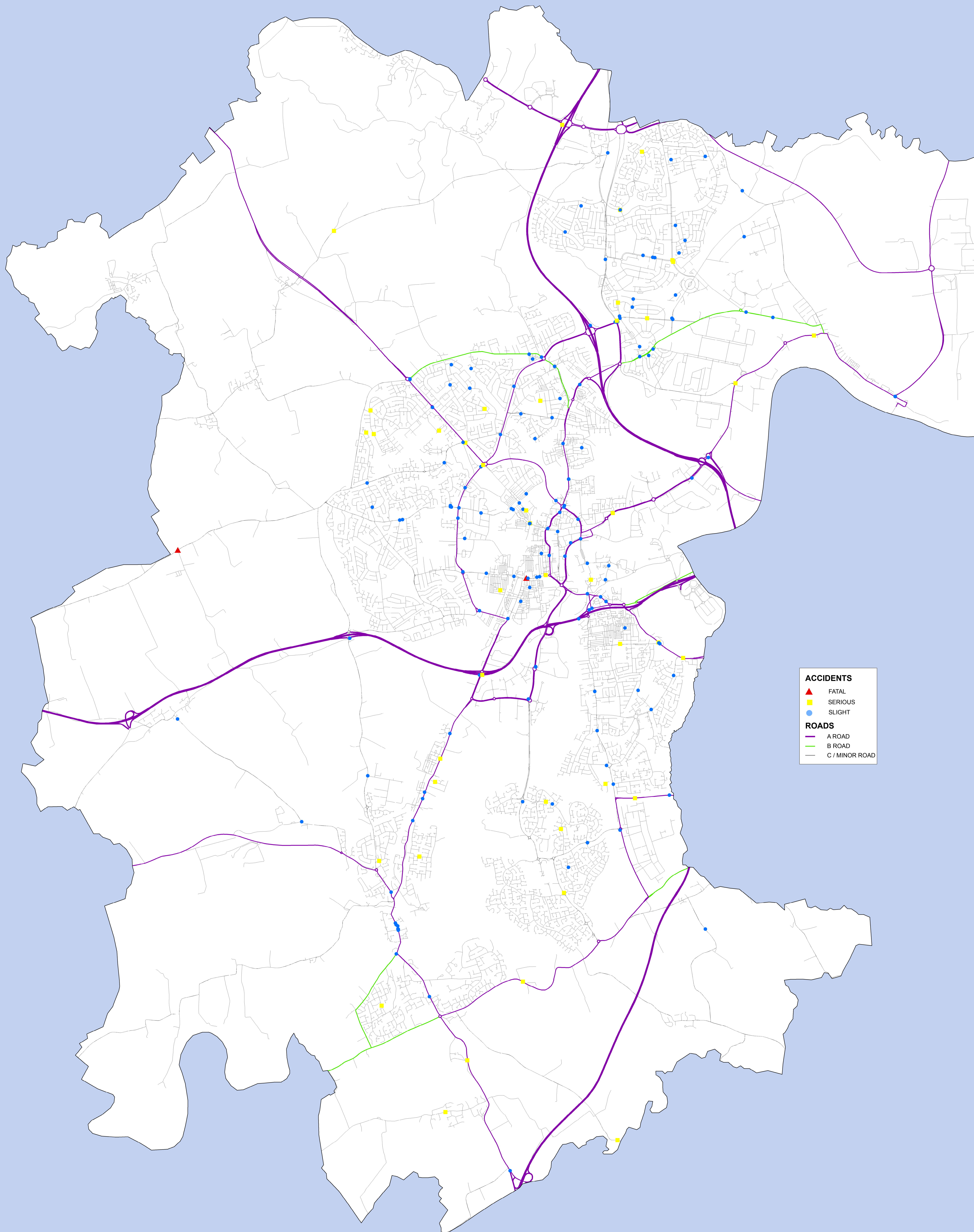

Stockton-on-Tees
 BOROUGH COUNCIL

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Title	PEDAL CYCLE ACCIDENTS	Date	JAN 2006 to DEC 2010	Scale	1:3,000
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N.B. More than one casualty at some locations




ACCIDENTS

- ▲ FATAL
- SERIOUS
- SLIGHT

ROADS

- A ROAD
- B ROAD
- C / MINOR ROAD

 <p>Stockton-on-Tees BOROUGH COUNCIL</p>	<p>Development & Neighbourhood Services Corporate Director: Paul Dobson</p> <p>Technical Services Division Head of Service: Richard McGuckin PO Box 229, Kingsway House Billingham, TS23 2YL Telephone: (01642) 393939</p>	<p>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Stockton-on-Tees Borough Council 100023297 2011</p>
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N.B. More than one casualty at some locations