

Cabinet Member for City Services

6th February 2017

Name of Cabinet Member:

Cabinet Member for City Services – Councillor J Innes

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

All

Title:

Petition – Request to Outlaw the Parking of Motor Vehicles on the Pavements of Coventry

Is this a key decision?

No

Executive Summary:

A paper petition of 24 signatures and an e-petition of 24 signatures have been received requesting that the City Council outlaw the parking of motor vehicles on pavements in Coventry.

In accordance with the City Council's procedure for dealing with petitions, those relating to requests for parking restrictions are heard by the Cabinet Member for City Services

The cost of introducing parking restrictions are funded from the Highways Maintenance and Investment Capital Programme budget through the Local Transport Plan

Recommendations:

Cabinet Member for City Services is recommended to:

1. Note the petitioner's request.
2. Endorse that the recommendations (i to iv) approved by Cabinet Member (Public Services) on 26th February 2015 in response to the Petition - Stop Pavement Parking in Coventry, continue to be used to address pavement parking issues.
3. Note that the proposed Pavement Parking Bill did not progress through Parliament to be made law.

List of Appendices included:

Appendix A – Issues raised in petition considered 26th February 2015

Background Papers

None

Other useful documents:

Report – Stop Pavement Parking in Coventry (26 February 2015)

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title:

Report - Request to Outlaw the Parking of Motor Vehicles on the Pavements of Coventry

1. Context (or background)

1.1 A paper petition of 24 signatures and an e-petition of 24 signatures have been received requesting that the City Council outlaw the parking of motor vehicles on pavements in Coventry. The petition is supported by Councillor O'Boyle.

1.2 The petition advises

'It is the aim of this petition to outlaw the parking of motor vehicles on pavements in Coventry City, such that enforcement may be carried out against those who park on pavements thereby allowing the intended users of pavements to enjoy their unhindered usage.

Pavement parking in addition to being socially inconsiderate and unacceptable nuisance, the parking of motor vehicles on pavements presents a hazard and inconvenience to pedestrians and other legitimate users especially those who are disabled, and require access such as emergency services, currently it seems that parking on pavements is not prohibited on a national basis.

It is not illegal in Coventry to park on the pavement as long as it is not a danger or obstruction, however it is illegal to drive on a pavement, in order to park you have to drive onto the pavement, make from that what you will.

Vehicles do leak oil and diesel, and after rain can cause a greater problem than access, that is slip hazard caused by oil, total ignorance.

The Highway Code itself is not law, the Highways Act 1980, which states that an offence has been committed if a person deposits anything whatsoever on a highway to the interruption of any user, of the highway, S148.

If anything is so deposited on the highway as to constitute a nuisance including A-boards, the Highway Authority Coventry City Council, by notice require the person who deposited it there to remove it forthwith S149.

Personally, I believe that pavement parking often interrupts other users of the highway and often can be shown to cause a nuisance, if that is the case, why is this clause not used by Coventry City Council'

1.3 A petition raising similar issues was considered at the Cabinet Member (Public Services) meeting on 26th February 2015. Appendix A details the issues that were raised in the previous petition. After consideration of the effects of pavement parking and the action that can be taken, the following recommendations were approved.

- i) Note the petitioners' request.
- ii) To the extent that resources permit The Council continues to work with the Police to deal with obstruction of pavement issues using the powers available.
- iii) Within the resources made available from the Council's capital programme continue to implement physical measures to remove parking that obstructs a footway as part of the verge parking programme.
- iv) That where a petition is received requesting a Traffic Regulation Order for a footway or verge parking ban on a specific road the Council will investigate the problem and if action is required the scheduling of any works being based on the priority of the scheme and the funds available.

- v) That the Council gives its endorsement to the proposed Pavement Parking Bill to overcome the inconsistency of the law within England and Wales so that it is clear to all motorists that it is wrong to park on a footway without the specific permission of the local highway authority or Police

1.4 The Pavement Parking Bill referred to in item v) was withdrawn and did not progress through Parliament to become law.

2. Options considered and recommended proposal

2.1 The issues and options in regard to pavement parking were considered previously at the Cabinet Member (Public Services) meeting of 26th February 2015.

2.2 It is recommended that the proposals (ii) to (iv), as detailed in 1.3 continue to be utilised to address pavement parking issues.

3. Results of consultation undertaken

3.1 No consultation has been undertaken. However, should any schemes be implemented as a result of recommendations (ii) & (iii) consultation will be undertaken for each scheme.

4. Timetable for implementing this decision

4.1 The proposal is to continue with previously approved recommendations; therefore the implementation of the recommendation is on-going.

5. Comments from Executive Director of Resources

5.1 Financial implications

If it is considered that waiting restrictions are required to address a pavement parking issue, a Traffic Regulation Order (TRO) is required. Introducing TROs, is funded from the Highways Maintenance and Investment Capital Programme budget through the Local Transport Plan

5.2 Legal implications

The Road Traffic Regulation Act 1984 allows the Council to make a Traffic Order on various grounds e.g. improving safety, improving traffic flow and preserving or improving the amenities of an area provided it has given due consideration to the effect of such an order.

In accordance with Section 122 of the Road Traffic Regulation Act 1984, when considering whether it would be expedient to make a traffic order the Council is under a duty to have regard to and balance various potentially conflicting factors e.g. the convenient and safe movement of traffic (including pedestrians), adequate parking, improving or preserving local amenity, air quality and/or public transport provision.

There is an obligation under the Road Traffic Regulation Act 1984 to advertise our intention to make Traffic Orders and to inform various stakeholders, including the Police and the public. The Authority is obliged to consider any representations received. If representations are received these are considered by the Cabinet Member for City Services. Regulations allow for an advertised order to be modified (in response to objections or otherwise) before a final version of the order is made.

The 1984 Act provides that once a Traffic Order has been made it may only be challenged further via the High Court on a point of law (i.e. that the Order does not comply with the Act for some reason).

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The introduction of waiting restrictions, contribute to the City Council's aims of ensuring that citizens, especially children and young people, are safe and the objective of working for better pavements, streets and roads.

6.2 How is risk being managed?

None

6.3 What is the impact on the organisation?

None

6.4 Equalities / EIA

No specific equalities impact assessment has been carried out. However, the recommendations in this report will have a positive impact on residents, especially young people and the elderly who will feel safer as pedestrians using the roads.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

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Place

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Karen Seager	Head of Traffic and Network Management	Place	11.01.2017	12.01.2017
Helen Joyce	Senior Human Resources Manager	Resources	11.01.2017	17.01.2017
Liz Knight/ Michelle Salmon	Governance Services Officer	Resources	11.01.2017	17.01.2017
Names of approvers: (officers and Members)				
Graham Clark	Lead Accountant	Resources	11.01.2017	12.01.2017
Sam McGinty	Place Team Leader	Resources	11.01.2017	16.01.2017
Councillor J Innes	Cabinet Member for City Services	-	11.01.2017	16.01.2017

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Appendix A – Details of petition heard 26th February 2015

“It is the aim of this petition to outlaw the parking of motor vehicles on pavements in Coventry city, such that enforcement may be carried out against those who park on pavements thereby allowing the intended users of pavements to enjoy their unhindered usage.

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Personally, I believe that pavement parking often interrupts other users of the highway and often can be shown to cause a nuisance, if that is the case then, why is this clause not used? by Coventry City Council.

Possibly I am missing something, or possibly no one in Coventry City Council, has dared to use it yet?

Pedestrians with disabilities are obstructed and severely inconvenienced by pavement parking, the Discrimination Act, amended 2005/ now Equality Act 2010, it means that public bodies must have due regard of the need to take account of disabled persons, enforcement services provided by Coventry City Council, where pavement parking has not yet been banned, do not have any provision for the restriction of pavement parking.

I will argue and submit that by doing this, Coventry City Council, are failing to meet their disability equality duties now equality act 2010.

If you cannot park safely with all four wheels on the road you should not be parking there, the pavements is not the road, it is very easy to understand, that rules out virtually every suburban street.

Parking on pavements is endemic in the UK, yet highways -in the widest sense-are not just for cars there's a blanket ban on cycling on the pavement but there's a confusing mish-mash of conflicting laws which means there's no equivalent national blanket ban on parking a car

on the pavement, this is ludicrous situation and one that Transport Ministers keep failing to tackle, while the local authority parking enforcement in Coventry, inquiry is, by definition, local.

Perhaps reference can be made to a problem that can only be effectively tackled nationally, in partnership with local authorities like Coventry City Council?"