

Coventry City Council
Minutes of the Meeting of Cabinet Member for City Services held at 3.00 pm on
Monday, 6 February 2017

Present:

Members: Councillor J Innes (Cabinet Member)

By Invitation Councillor R Lakha (Deputy Cabinet Member)
Councillor G Ridley (Shadow Cabinet Member)

Other Members: Councillor R Bailey
Councillor Brown
Councillor J Mutton
Councillor J O'Boyle (for the matter in minute 41 below)

Employees (by Directorate):

Place C Archer, C Knight, M Wilkinson

Resources S McGinty, M Salmon

Apologies: There were no apologies

Public Business

39. Declarations of Interests

There were no disclosable pecuniary interests declared.

40. Minutes

The minutes of the meeting held on 12th December 2016 were agreed and signed as a true record. There were no matters arising.

41. Petition - Request to Outlaw the Parking of Motor Vehicles on the Pavements of Coventry

The Cabinet Member for City Services considered a petition bearing a total of 48 signatures (24 paper signatures and 24 e-signatures) which had been supported by Councillor O'Boyle, a St. Michael's Ward Councillor, who attended the meeting for the consideration of the item along with the Petition Organiser.

The petition advised "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”.

A petition raising similar issues, detailed in an Appendix to the report, was considered at the former Cabinet Member (Public Services) meeting on 26th February 2015 (minute 83/15 referred) and 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 is wrong to park on a footway without the specific permission of the local highway authority or Police

It was recommended that the proposals (ii) to (iv) above continued to be utilised to address pavement parking issues. The Pavement Parking Bill was withdrawn and did not progress through Parliament to become law.

The Cabinet Member invited Councillor O’Boyle to speak to the petition. Councillor O’Boyle acknowledged that street parking was a nationwide issue as residential areas had not been designed to accommodate the number of vehicles that were on the road today. He further acknowledged that it was not practical to ban all parking of vehicles on pavements but that a common sense approach was needed to ensure that parking was sensible and safe and gave consideration to pedestrians, particularly those with sight and mobility issues. He was aware that safety was compromised where pedestrians had to pass parked cars by walking in the road and that parking around schools was a particular problem. Where vehicles were parked on both sides along the length of a street it made access difficult for refuse vehicles, delivery lorries and emergency vehicles and also caused sight line issues for drivers.

Councillor O'Boyle requested that the Local Authority give the matter full consideration and explore the actions that could be taken, within the powers and resources available to them. He suggested that in future drivers issued with parking tickets could also be required to attend a Parking Awareness Course to alert them to the dangers of inconsiderate parking and advising on sensible parking. He also suggested that the Authority make contact with the Chief Constable and work with the Police on parking issues. Acknowledging that the Government also had a responsibility for this issue, both in terms of policy and funding, he requested that the Authority write to the relevant Government Minister outlining the very serious issues raised by members of the public and Elected Members at meeting and request that legislation to address this matter be explored.

The Cabinet Member invited the petition organiser, Mrs R Norman, to speak to the petition. Mrs Norman re-affirmed the details of the petition and the points made by Councillor O'Boyle and highlighted the problems encountered by those with sight problems and mobility issues. She also spoke of the cost of footway repairs and the dangers for children attending Stoke Primary School in Briton Road, due to the parking around the school.

A Traffic Management Officer in attendance at the meeting, clarified the Law regarding pavement parking and driving on the pavement; relating to driving on the pavement, drivers could be prosecuted for driving on a pavement only if they had been observed to do so. She confirmed that enforcement action could be undertaken by the City Council's Civil Enforcement Officers if a vehicle was parked where it was in contravention of a Traffic Regulation Order (TRO), any TRO on the road also applied to the pavement. Some roads in the City had specific Orders preventing parking on the verge and footway. She also confirmed that the Police could take enforcement action if obstruction was being caused, without the need for a TRO.

The Cabinet Member thanked Councillor O'Boyle and Mrs Norman for their contributions to the meeting and acknowledged the issues they had raised. She indicated that a pavement parking ban across the City would not be feasible, affordable or enforceable and would create further access problems for refuse and emergency vehicles. She encouraged the reporting of any parking issues of concern to the City Council, Ward Councillors, or the Authorities Enforcement Officers, to enable matters to be investigated and appropriate action taken. She acknowledged the benefit of 'ticketed' drivers attending parking awareness courses, with the full costs of any training borne by attendees. The Cabinet Member decided that the Authority would write to the Minister for Transport, the Chief Constable and the Police and Crime Commissioner, calling for relevant action to assist with the City's parking issues. She further decided that a 'Considerate Parking' Campaign in the City would be explored and that she would also meet with the Cabinet Member for Policing and Equalities to discuss Community Protection Notices. She confirmed that parking was an on-going problem in the City and that she would continue to monitor the issue.

RESOLVED that the Cabinet Member for City Services:

1) Notes the petitioners' request.

- 2) **Endorses that the recommendations (i to iv) set out in paragraph 1.3 of the report, approved by former 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) **Notes that the proposed Pavement Parking Bill did not progress through Parliament to be made law.**
- 4) **Agrees that Parking Awareness Training be explored as an additional penalty for parking fine recipients, with all costs associated with the training being borne by attendees.**
- 5) **Agrees that the Local Authority writes to the Minister for Transport, the Police Chief Constable and the Police and Crime Commissioner, highlighting the issues raised by Elected Members and members of the public at the meeting and calling for relevant action and/or legislation to assist with street parking issues.**
- 6) **Agrees that a Considerate Parking Campaign, calling on the people of Coventry to consider how they park and highlighting the dangers of inappropriate parking, be explored.**
- 7) **Agrees to meet the Cabinet Member for Policing and Equalities to discuss Community Protection Notices.**
- 8) **Agrees to continue to monitor pavement and inconsiderate parking in the City.**

42. **Petitions Determined by Letter and Petitions Deferred Pending Further Investigations**

The Cabinet Member for City Services considered a report of the Executive Director of Place that provided a summary of the recent petitions received that were to be determined by letter, or where decisions had been deferred pending further investigations and holding letters were being circulated. Details of the individual petitions were set out in an appendix attached to the report and included target dates for action. The report was submitted for monitoring and transparency purposes.

The report indicated that each petition had been dealt with on an individual basis, with the Cabinet Member considering advice from officers on appropriate action to respond to the petitioners' request. Attention was drawn to the fact that if it had been decided to respond to the petition without formal consideration at a Cabinet Member meeting, both the relevant Councillor/petition organiser could still request that their petition be the subject of a Cabinet Member report.

Members were informed that where holding letters were being sent, this was because further investigation work was required. Once matters had been investigated either a follow up letter would be sent or a report submitted to a future Cabinet Member meeting.

RESOLVED that the actions being taken by officers as detailed in the appendix to the report, in response to the petitions received, be endorsed.

43. Outstanding Issues

The Cabinet Member received a report of the Executive Director of Resources that contained a list of outstanding issues and summarised the current position in respect of each item.

RESOLVED that the Cabinet Member for City Services approves the dates for future consideration of matters relating to the outstanding issues listed in the report.

44. Any other items of Public Business

There were other items of public business.

(Meeting closed at 3.30 pm)