

Living Streets is the national charity that stands up for pedestrians. With our supporters we work to create safe, attractive and enjoyable streets, where people want to walk.

Living Streets response to the Department for Transport consultation on local authority parking

Introduction

We are the national charity that stands up for pedestrians. With our supporters we work to create safe, attractive and enjoyable streets, where people want to walk. We work with communities, professionals and politicians to make sure every community can enjoy vibrant streets and public spaces.

We started life in 1929 as the Pedestrians Association and have been the national voice for pedestrians throughout our history. In the early years, our campaigning led to the introduction of the driving test, pedestrian crossings and 30 mph speed limits. Since then our ambition has grown. Today we influence decision makers nationally and locally, run successful projects to encourage people to walk and provide specialist consultancy services to help reduce congestion and carbon emissions, improve public health, and make sure every community can enjoy the benefits of walking.

Summary

The Government's concern for struggling local shops, town centres, high streets and parades is creditable, but its proposed changes to local authority parking management and enforcement will achieve little and cost more. It has latched on to the *perception* held by businesses (and some members of the public) that more parking spaces, lower parking charges or even better 'free' parking will halt this decline. However, as Living Streets' recent report 'The pedestrian pound: the business case for better streets and places' shows, there are many factors contributing to this decline.

The allegation has been made that some local authorities use parking charges to raise revenues. Where there is evidence of this illegal activity it should be dealt with appropriately. Good parking management is essential for all road users, especially the most vulnerable: pedestrians. The use of CCTV to enforce parking is particularly important to discourage inconsiderate and dangerous parking outside schools. It also makes it possible to prosecute people who park on and obstruct bus lanes. Local parking strategies and parking enforcement are local matters subject to approval by locally elected councillors. That same democratic process allows local residents and businesses raise issues of local concern. There is nothing to be gained by introducing duplicate powers requiring local authorities to review their parking provision. Similarly, why regulate 'grace periods' for parking when this is something that most local authorities do anyway?

We support the view held by parking professionals and local authorities that traffic adjudicators already have extensive powers. It is for the Government to decide whether or not to review the guidance to address concerns, such as exemptions in the case of emergencies and aggressive action by bailiffs recovering fines. Nevertheless, individual cases should be a matter of discussion between adjudicators and local authorities; this is localism in practice.

Living Streets is calling on the Government to tackle anti-social pavement parking. We want the Government to review of the current regulatory framework surrounding parking on the footway and to bring forward proposals for a nationwide pavement parking ban – along the lines of the Responsible Parking (Scotland) Bill in Scotland.

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Q1. Do you consider local authority parking enforcement is being applied fairly and reasonably in your area?

In October last year the Transport Committee noted in its summary that there is a “deeply rooted public **perception** that local authorities view parking enforcement as a cash cow”. However, good parking management is essential for the benefit of all road users, not least:

- to ensure footways free from obstruction and pavement damage for pedestrians,
- to ensure that pedestrian (and vehicle) sightlines are free from obstruction for safety at junctions or when crossing the road,
- to enable free access to the kerbside for buses and business servicing and deliveries, and
- for the free movement of vehicles.

Space in towns and cities is at a premium and the needs of drivers to park their vehicles must be weighed against the equally necessary freedom of movement of pedestrians – especially younger, older or disabled pedestrians to walk safely, for pedestrians to access public transport, and for businesses to operate effectively.

Local parking controls will have been approved by locally elected politicians on the advice of their council officers. It is in those authorities’ own interests to manage car parking in such a way that is both fair and reasonable, and supports the viability and activity of local shops, town centres, high streets and shopping parades. This benefits the majority of road users and penalises a minority.

We believe that authorities should provide clear parking guidance and advice, and be open and transparent about how the revenue is spent. Where there is **evidence** that parking charges have been set in order to raise revenue, then this illegal activity should be treated accordingly.

Q2. The Government intends to abolish the use of CCTV cameras for parking enforcement. Do you have any views or comments on this proposal?

We are against abolishing the use of CCTV cameras for parking enforcement. This would make it very difficult to enforce restrictions in some locations, for example, outside schools. Inconsiderate and illegal parking outside schools not only causes congestion, it is dangerous too. From our experience of working with schools and parents we know that this danger is, ironically, one of the key reasons why people drive their children to school! “No stopping” restrictions on the yellow zig-zags outside schools have little effect unless enforced – and without cameras they are almost impossible to enforce outside every school, at the same, peak times.

Similarly, in urban areas bus lanes allow for the efficient and speedy movement of people to and from their jobs or to shops in our town and city centres. Without CCTV how would it be possible to prosecute people who block bus routes through their inconsiderate parking? This behaviour not only affects bus journey time, but in some cases the safety and convenience of pedestrians wishing to board or alight from the bus.

As stated in the options (paragraph 4.2) in the consultation document, the Home Office produced guidance on the proper and effective use of surveillance cameras. If further clarification is needed on the use of CCTV to monitor on-street parking behaviour, then we suggest that this or revising DfT’s statutory guidance is the best place to address concerns over its use. Since you state that ‘many’ local authorities do not use CCTV to enforce parking and only ‘a number’ of those that do may be over using it, this approach would seem to be proportionate to the size of the problem.

Q3. Do you think the traffic adjudicators should have wider powers to allow appeals?

In the options (paragraph 4.9) the Government states its intention to discuss with adjudicators “what further regulatory changes may be needed to support motorists...” However, the Government must consider without prejudice the needs of the “many and varied road users” it identifies in the consultation document.

Parking professionals and local authority representatives are of the view that adjudicators already possess extensive powers; we support their experience in this matter. The guidance should be updated as the Government sees fit to address issues of concern, such as exemptions in the case of emergencies and aggressive action by bailiffs recovering fines. However, it is there as a *guide*. Individual cases should be a matter of discussion between adjudicators and local authorities; this is localism in practice.

Q4. Do you agree that guidance should be updated to make clear in what circumstances adjudicators may award costs? If so, what should those circumstances be?

We do not have a view on this matter.

Q5. Do you think motorists who lose an appeal at a parking tribunal should be offered a 25% discount for prompt payment?

Living Streets supports the British Parking Association’s statement on this matter:

“No, we do not agree; it completely misunderstands and undermines the purpose of the penalty charge in the first place. Additionally, it’s likely to be costly to implement and operate, and more importantly, result in confusion for everyone. Is the Government really advocating a 25% discount on the statutory parking penalty charge for parking illegally and losing an appeal?”

Q6. Do you think local residents and firms should be able to require councils to review yellow lines, parking provision, charges etc in their area? If so, what should the reviews cover and what should be the threshold for triggering a review?

Local residents and businesses are already able to require councils to review yellow lines, parking provision, parking charges or any other issue of local concern through existing democratic processes. For example, e-petitions requiring a minimum number of signatures enable a strong show of local support. Alternatively, individuals can contact council officers or their local councillors directly. It is unclear why parking should be prioritised over other local services or why the Government is seeking to create an additional, costly, bureaucratic burden for cash strapped councils.

The Government has stated that its proposals should help “local shops, town centres, high streets and parades... and [make] it easier for people who want to park responsibly”. While recognising the validity of Mary Portas’ statement that “cars are an intrinsic part of the way many people shop” and “the ease with which out-of-town retailing can be reached by car” (paragraph 4.17), successive Governments have systematically failed to halt the growth of extensive, car dependent, out of town developments which take business away from city and town centres. As identified in Living Streets’ recent report ‘The Pedestrian Pound’ there are many factors involved

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in the decline of our high streets, town and city centres – not least, out-of-town developments and now the move to online retail. Encouraging short-stay, fleeting visits to local shops pays lip service to businesses’ fears for the future, but is unlikely to ‘fuel’ their recovery.

Q7. Do you think that authorities should be required by regulation to allow a grace period at the end of paid for parking?

No we do not agree with this proposal. Why regulate something that most local authorities do anyway? Creating a mandatory grace period merely extends the ‘paid for’ parking time, creating more opportunities for motorists to chance their luck. Text alerts informing drivers that their parking is about to expire (already in use at APCOA railway station car parks, for example) are just as useful.

Q8. Do you think that a grace period should be offered more widely – for example a grace period for overstaying in free parking bays, at the start of pay and display parking and paid for parking bays, and in areas where there are parking restrictions (such as loading restrictions, or single yellow lines)?

No we do not agree with this proposal. Most local authorities already offer a grace period where it is appropriate to do so. Where there are parking restrictions in place, the introduction of a grace period is likely to undermine effective parking management and potentially cause an obstruction (for example, to businesses attempting deliveries) or be dangerous to other road users.

Q9. If allowed, how long do you think the grace period should be?

This should be a local matter.

Q10. Do you think the Government should be considering any further measures to tackle genuinely anti-social parking or driving? If so, what?

Living Streets is calling on the Government to review the current regulatory framework regarding parking on the footway and to bring forward proposals for a nationwide pavement parking ban along the lines of the Responsible Parking (Scotland) Bill in Scotland.

Poorly parked vehicles can force pedestrians into the road. They can inhibit the independence of many vulnerable people and be particularly dangerous for older people, for families with pushchairs and for those with visual or mobility impairments. Pavement parking is repeatedly highlighted as a major concern for our supporters and the general public. Research undertaken by Living Streets in 2011 revealed that 11% of respondents commented that pavements free of parked cars would make the biggest positive difference to their everyday life and cars parked on the pavement was the biggest issue (41%) when asked about clutter in the streets.

The Government has identified that “parking strategies must complement and enhance the attractiveness of our high streets and town centres.” Pavement parking is repeatedly highlighted as a major concern for our supporters and the general public. Since February 2013, over 1000 members of the public have written to their local authority calling on them to take action on pavement parking following the launch of our pavement parking campaign

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The current legal framework regarding pavement parking is confusing for all road users. Pavement parking is banned in a number of local authorities including Exeter and Worcester in England through various legislative vehicles. In London pavement parking is banned throughout the 32 London boroughs and the City of London under the Greater London (General Purposes) Act 1974. However, local authorities can make exemptions on a street by street basis. Outside of London, Exeter and Worcester parking enforcement regarding pavement parking is less clear.

It is illegal to drive on the pavement but not explicitly illegal to park on the pavement. Police have powers under section 137 of the Highways Act 1980 which makes it an offence to wilfully obstruct the free passage of the highway.

Local councils have powers under the Road Traffic Regulation Act 1984 to restrict or prohibit pavement parking on individual streets by the making of a Traffic Regulation Order (TRO). In the words of the Transport Select Committee in 2006 'The Government must grip the problem of pavement parking once and for all and ensure that it is outlawed throughout the country... rather than relying on the use of individual Traffic Regulation Orders on specific streets and local Acts to impose a ban.' Seven years on the situation remains the same.

More recently the Transport Select Committee report on parking enforcement by local authorities once again highlighted the confusion caused by the current regulatory framework around pavement parking. The report noted that 'we recognise that that parking restrictions should reflect local circumstance'. However, in areas such as pavement parking, where there is a confusing patchwork approach across the country, local authorities must ensure that they communicate clearly to motorists. The needs of pedestrians must be considered alongside other road users (paragraph 8). The Government's response commented on the current system of Traffic Regulation Orders which causes confusion for all road users. This consultation provides an opportunity to review the current regulatory framework.

Living Streets in Scotland has led the creation of the Responsible Parking (Scotland) Bill which is currently making its way through the Scottish Parliament with cross party support from 58 MSPs. The Bill will have a positive impact on equalities because it will enable people with mobility or visual impairments to have equal access to footways. The duties contained in the Equality Act 2010 should be taken seriously by local authorities when they consider this issue

There is support for a national pavement parking ban from a number of organisations. A proposed Private Member's Pavement Parking Bill was supported by a range of organisations including: Age UK, British Parking Association, Civic Voice, The GlassHouse Community Led Design, Guide Dogs, Keep Britain Tidy, Design Council Cobe, RNIB and Leonard Cheshire Disability.

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