

Response to Request for Information

Reference FOI 002223
Date 27 April 2018

Pavement Parking

Request:

Pavement Parking FOI questions:

1. Have members of the public written to your local authority to complain about pavement parking? (yes/no). **Yes**
2. In the last two years have reports been brought forward to the council on making pavement parking an offence in certain areas? (yes/no). **No**
3. In the last two years has your local authority used Traffic Regulation Order(s) to control pavement parking? (yes/no). **City of Wolverhampton Council have Pavement Parking Orders in place at several locations across the city, where the locality meets the necessary criteria for introduction of such an order. This includes: properties having access to off street parking and sufficient road width to allow vehicles to park without impeding traffic movements. In locations that would not meet the criteria, City of Wolverhampton Council do use general waiting and loading restrictions to prevent parking within the overall highway envelope, which may include footways and verges, if this is a problem.**
4. If the answer to question 3 is 'yes':
 - a. What type of TROs are being used? (number of experimental, temporary or permanent TROs). **TRO's of this nature are usually permanent**
 - b. Do the TROs apply to a street(s) or a wider area (e.g. a ward)? (number of streets and/or number of areas). **Varies depending on particular circumstances.**
 - c. Do the TROs permit parking on the footways in marked bays? (yes/no). **N/A**
 - d. How much has it cost to install signs for the purpose of indicating that footway parking is not permitted? (for one or more TROs). **Pavement parking orders were introduced some years ago, so this information is not available as no new pavement parking schemes / orders have been made in recent years.**
 - e. Have you instructed Civil Enforcement Officers to issue tickets for pavement parking (PCN code 62)? (yes/no). **Yes**

Wolverhampton City Council

**OPEN EXECUTIVE
DECISION ITEM (AMBER)**

Resources Cabinet Panel	<u>CABINET (RESOURCES) PANEL</u>	Date	23 NOVEMBER 2010
Portfolio(s)	<u>REGENERATION & ENTERPRISE</u>		
Originating Service Group(s)	<u>REGENERATION & ENVIRONMENT</u>		
Contact Officer(s)/	<u>DENISE</u>	<u>BOB</u>	<u>STEVE</u>
Telephone Number(s)	<u>ECCLESTON</u>	<u>WILLIS</u>	<u>WOODWARD</u>
	<u>EXT 0301</u>	<u>EXT 5790</u>	<u>EXT 4260</u>
			KEY DECISION YES IN FORWARD PLAN YES
Title	<u>PROHIBITION AND ENFORCEMENT OF FOOTWAY PARKING IN CONTROLLED PARKING ZONES (CPZ)</u>		

Recommendation

1. To approve the proposal to introduce a footway parking management scheme that will prohibit parking on pavements and verges at:
 - Darlaston Lane, (Bilston)
 - Dovedale Road, (Bilston)
 - Park Road East and West, (Tettenhall)
 - Warstones Road, (Penn)
 - Oxbarn Avenue, (Penn)
2. To approve subject to there being no unresolved objections, the introduction of a "Prohibition of Verge and Footway Parking Order"
3. To receive a further report after 12 months in order to review the scheme and if appropriate give consideration to additional locations.
4. To note the plans in Appendix A which identify the locations of the proposed Controlled Parking Zones (CPZ).

1. PURPOSE OF REPORT

- 1.1 To seek approval for the introduction of a “prohibition of verge and footway parking order” This report will identify locations that are recorded as having severe problems with pavement and verge parking and meet the set criteria (as in 3.1) for a Controlled Parking Zone.

2. BACKGROUND

- 2.1 Vehicles parking on pavements and verges can cause damage, danger and obstruction to road users and especially to pedestrians, including the disabled, the visually impaired, the elderly and those with prams or pushchairs. Environmental damage is caused to kerb stones, grassed areas, to the fabric of the pavement and to the services underneath the footway.
- 2.2 The main concerns with parking on pavements and grass verges are:
- Vehicles obstructing the safe passage of pedestrians;
 - Damage to the structure of the pavement or verge creating trip hazards;
 - Unsightly environmental damage;
 - The expense of repair and maintenance;
 - Third party claims.
- 2.3 Enforcement powers do exist under Bylaws however, such action is rarely successful by authorities as it can be subjective, complex and does not have immediacy.
- 2.4 The Highway Code Rule 218 states “DO NOT park partially or wholly on the Pavement”. However, when a Traffic Regulation Order is not in place and there are no waiting restrictions on the highway the Police can take action only if they believe that the vehicle is causing an obstruction. In practice, the Police do not have the resources to respond to all but the most serious of cases.
- 2.5 There is already an efficient form of enforcement in place if a Traffic Regulation Order applies. If vehicles are parked on a pavement or verge where there are waiting restrictions (yellow lines) on the adjacent highway, a Penalty Charge Notice can be served as the restriction applies to the carriageway pavement and any verge.

3. REPORT DETAIL

- 3.1 The criteria used to identify locations for Footway and Verge Parking Management and Enforcement are:
- There is recorded evidence of a problem, such as a number of complaints and/or damage to footways or verges;
 - Permitted on-street parking must not negatively impact on the highway;
 - The introduction of the scheme will not displace parked vehicles to surrounding streets;
 - The road width should not be less than 7.4 metres;
 - The problem cannot be solved by cost effective physical measures;
 - Locations fall within current existing Civil Enforcement areas.

3.2 It is identified that the following locations meet the criteria for the introduction of a footway parking ban:

3.2.1 **Darlaston Lane:** This location has been the subject of numerous complaints from residents about parking on the verge where the damage is being caused by parents /guardians at St.Thomas More School. Evidence of residents parking on the verge and footway has also been observed. The vast majority of houses along this road have off-street parking. Numerous complaints regarding verge parking have been received from numbers 64, 66 and 69 Darlaston Lane. To prevent verge parking at this location timber bollards have been installed outside numbers 64 and 66 however the residents complain that they have not prevented parking on the verge.

3.2.2 **Dovedale Road:** The houses along this road have off-street parking provision. The flats towards the southern end of the road have parking bays provided. Complaints have been received concerning parking on the verge and investigation of the issue identifies that verges have been damaged by inconsiderate parking.

3.2.3 **Oxbarn Avenue:** This is a wide road at 9.4m with each property having the provision for off-street parking. The main areas of damage on this road are near to the shops. Complaints have been received concerning the damage caused by inconsiderate parking at this location.

3.2.4 **Park Road East and Park Road West:** These two roads circle the West Park. Whilst parking at this location is provided, there is limited availability due to heavy demand created by its close proximity to the City Centre, nearby hospital, businesses and parking on match days. The high parking demand has led to people driving onto the pavement and parking on the verges. Complaints have been received concerning the damage caused by inconsiderate parking at this location.

3.2.5 **Warstones Road:** This is a wide road at typically 9.4m with a number of verges being observed parked on by residents. The majority of properties along this road have off-street parking, a small number of properties do not have off-street parking provision but adequate on-street parking is available. Complaints have been received concerning the damage caused by inconsiderate parking at this location

3.3 Table 1 below outlines the damage recorded on the above sites and the number of complaints received:

Table 1: Summary of Incidents of Damage and Complaints Received by Site

Road name	Sample road widths	Damage hotspots	Recent complaints
Darlaston Lane	7.55 - 7.8m	11	2
Dovedale Road	7.4 - 7.4m	6	2
Park Road East and West	8.3 - 8.4m	7	2
Warstones Road	9.4 -9.5m	22	1
Oxbarn Avenue	9.35 -9.4m	11	1

3.4 The introduction of a “prohibition of verge and footway parking order” would mean that any vehicle parked on any part of the pavement or verge in the location specified is liable to be served with a Penalty Charge Notice.

3.5 The impact of the scheme will be monitored and the data presented monthly to the Transportation and Highways Management Board.

3. FINANCIAL IMPLICATIONS

4.1 The cost for the implementation of this Order and the required signage is approximately £15,000. This can be funded from the provision for miscellaneous Traffic Regulation Orders, which is included in the current year's approved budget for Minor Traffic Management Improvements.

4.2 It is expected that there may be some additional income from enforcement but it should be noted that the objective of the scheme is to achieve compliance and to address the concerns of residents about the damage being caused to their neighbourhoods. [AK/28102010/F]

5. LEGAL IMPLICATIONS

5.1 Section 122(1) of the Road Traffic Regulation Act 1984 states that:

- (1) It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in sub-section (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

Section 1(1) of the Road Traffic Regulation Act 1984 provides that the traffic authority for a road outside Greater London may make a traffic regulation order "where it appears to the Authority making the Order that it is expedient to make it -

- (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising; or
- (b) for preventing damage to the road or to any building on or near the road; or
- (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians); or
- (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property; or
- (e) without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot; or
- (f) for preserving or improving the amenities of the area through which the road runs; or
- (g) for any of the purposes specified in paragraphs (a) to (c) of sub-section (1) of section 87 of the Environment Act 1995 (air quality)."

The procedure for making a Traffic Regulation Order under the Road Traffic Regulation Act 1984 is contained in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (SI 1996/2489). This procedure will be followed in this scheme.

There are consultation requirements before an Order can be made. The procedure for dealing with any objections received during the consultation period is laid down in the 1996 Regulations and having determined any objections received the Traffic Regulation Order may be brought into force.

- 5.2 Parking Contraventions in Wolverhampton are enforced under the Traffic Management Act 2004 s78. [JH/21092010/C]

6. ENVIRONMENTAL IMPLICATIONS

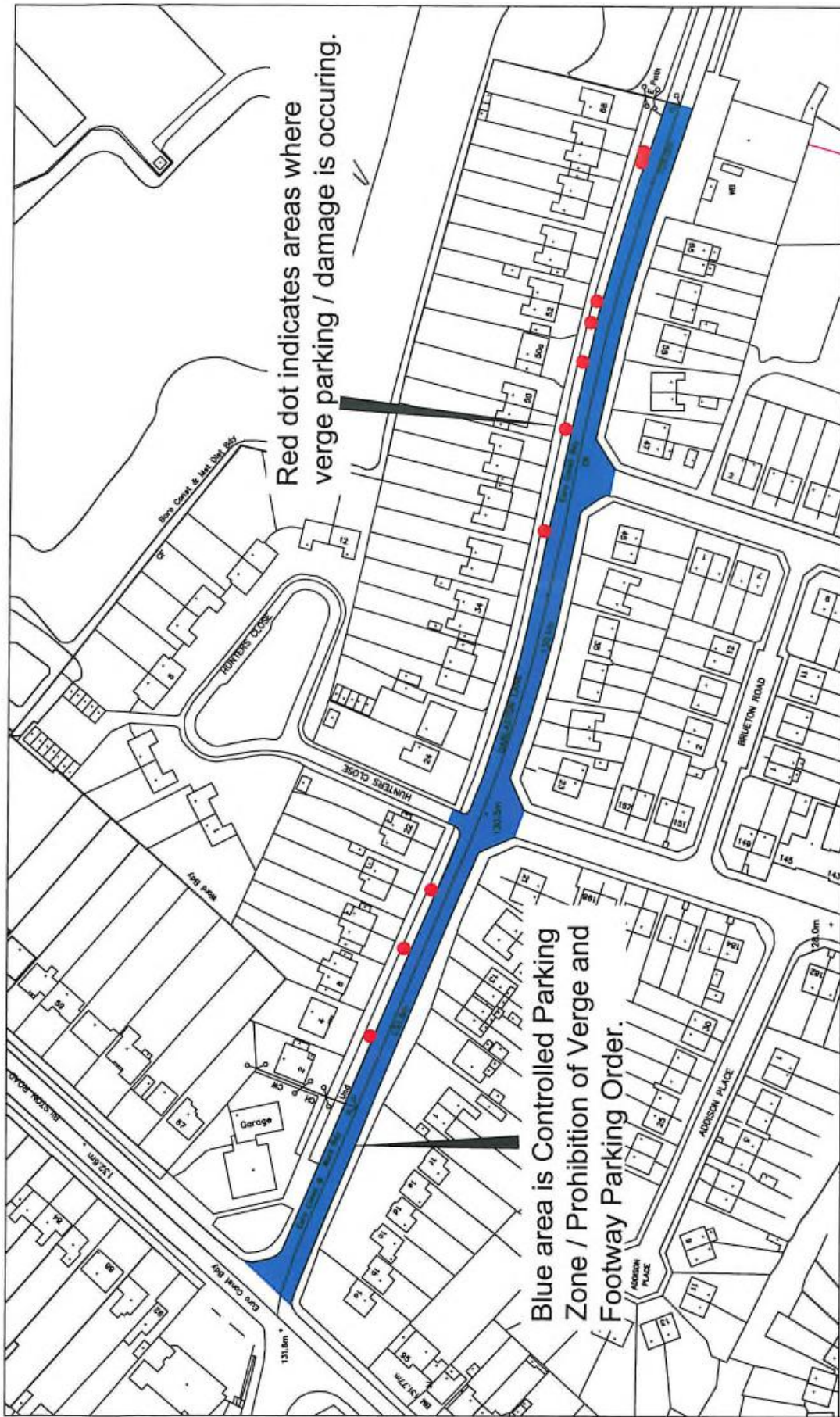
- 6.1 Parking Policy is a key element of the Council's overall Transportation Strategy for which environmental considerations are an integral element.

7. EQUAL OPPORTUNITY IMPLICATIONS

- 7.1 This report has implications for the Council's Equal Opportunities policies in that appropriate, considerate and safe parking assists access generally, but especially for the mobility or visually impaired.

8. BACKGROUND PAPERS

- 8.1 Resources panel - Traffic Management Act 2004 - Further Implications, 26th February 2008.



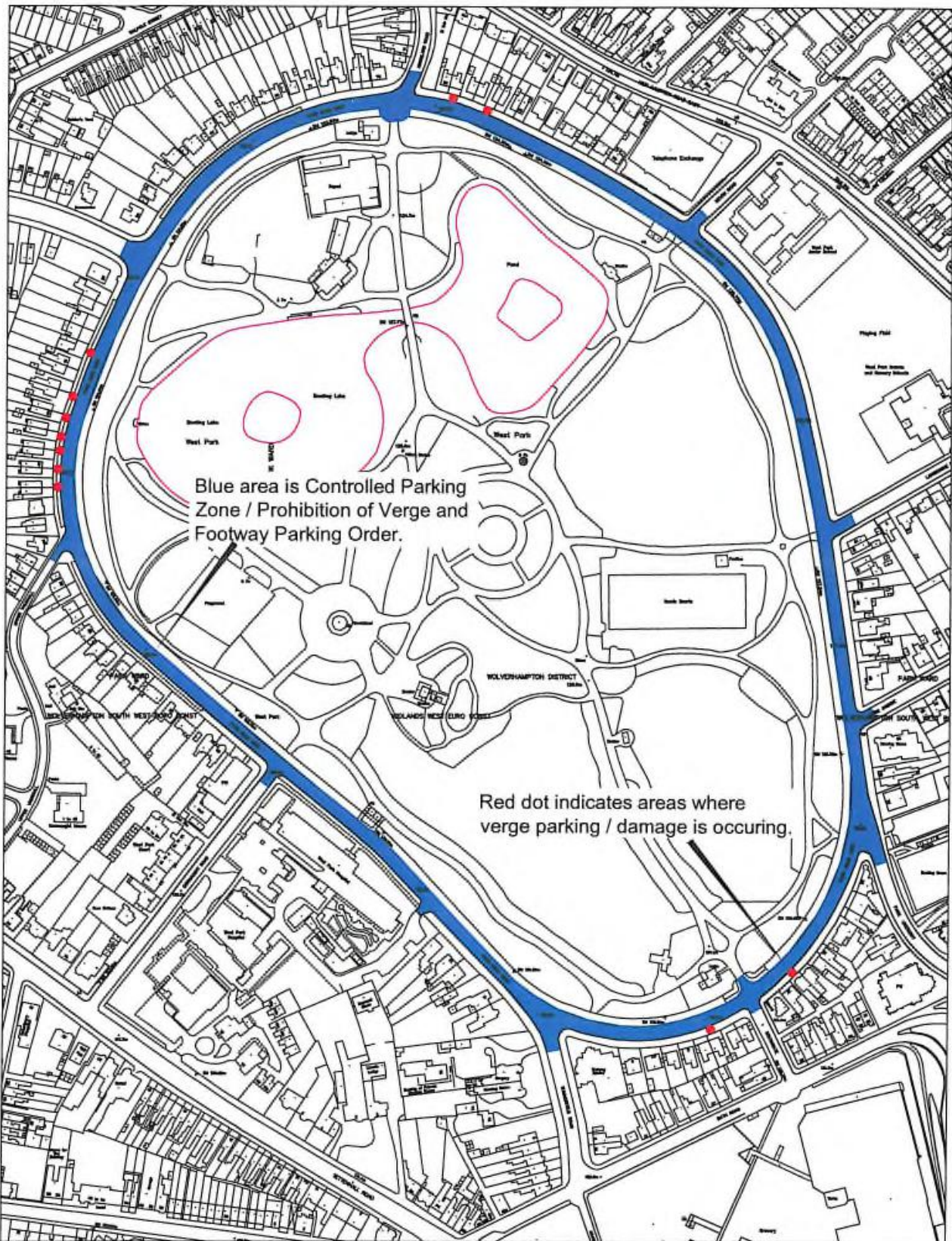
Red dot indicates areas where verge parking / damage is occurring.

Blue area is Controlled Parking Zone / Prohibition of Verge and Footway Parking Order.

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 Wolverhampton WV3 0SQ.

Darlaston Lane Prohibition and Enforcement of Footway Parking in controlled parking zones

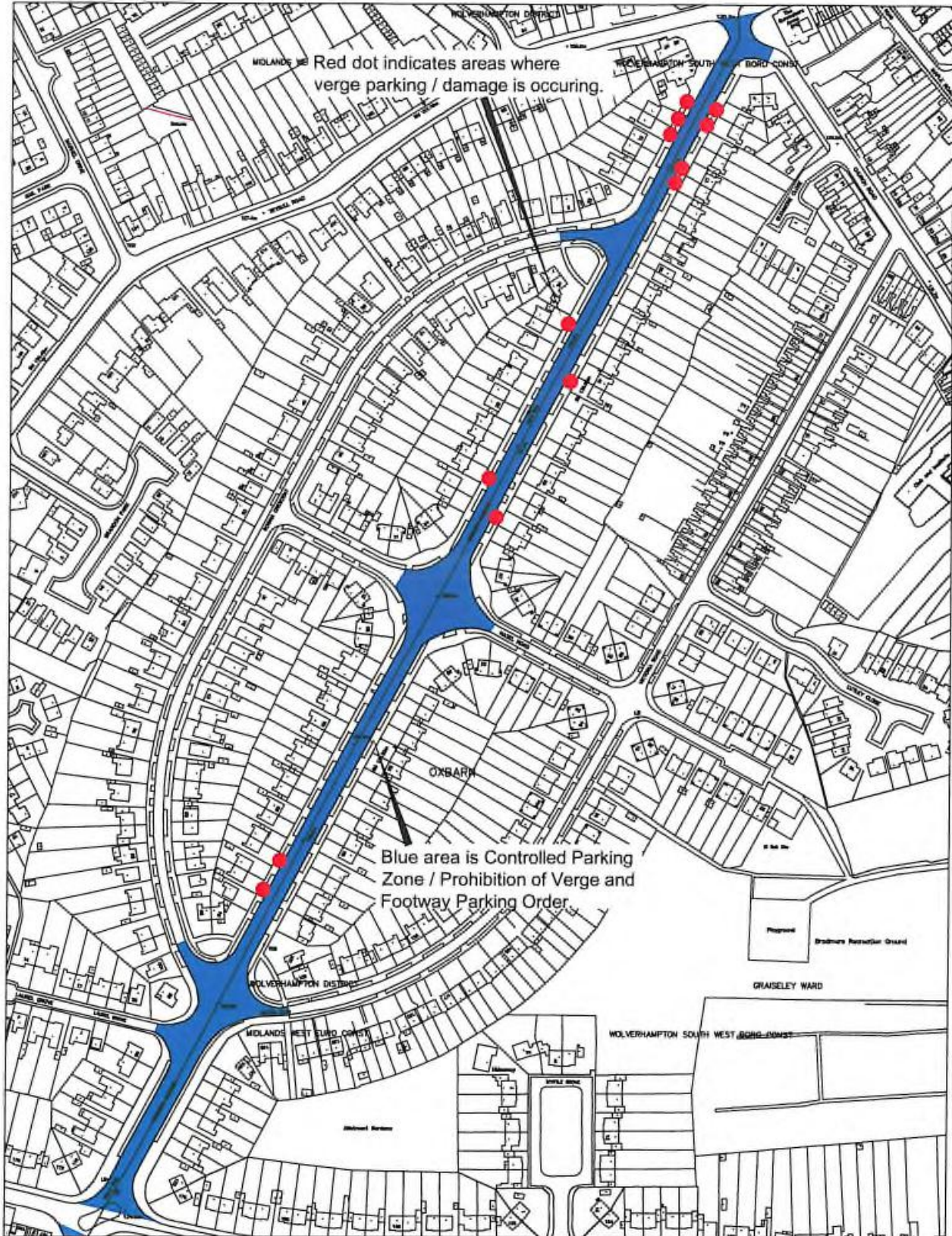
Date 07/09/10
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Park Road East/West - Prohibition and Enforcement of Footway Parking in controlled parking zones

Date 07/09/10
 Scale NTS (SC)
 Drwg. No. Appendix A



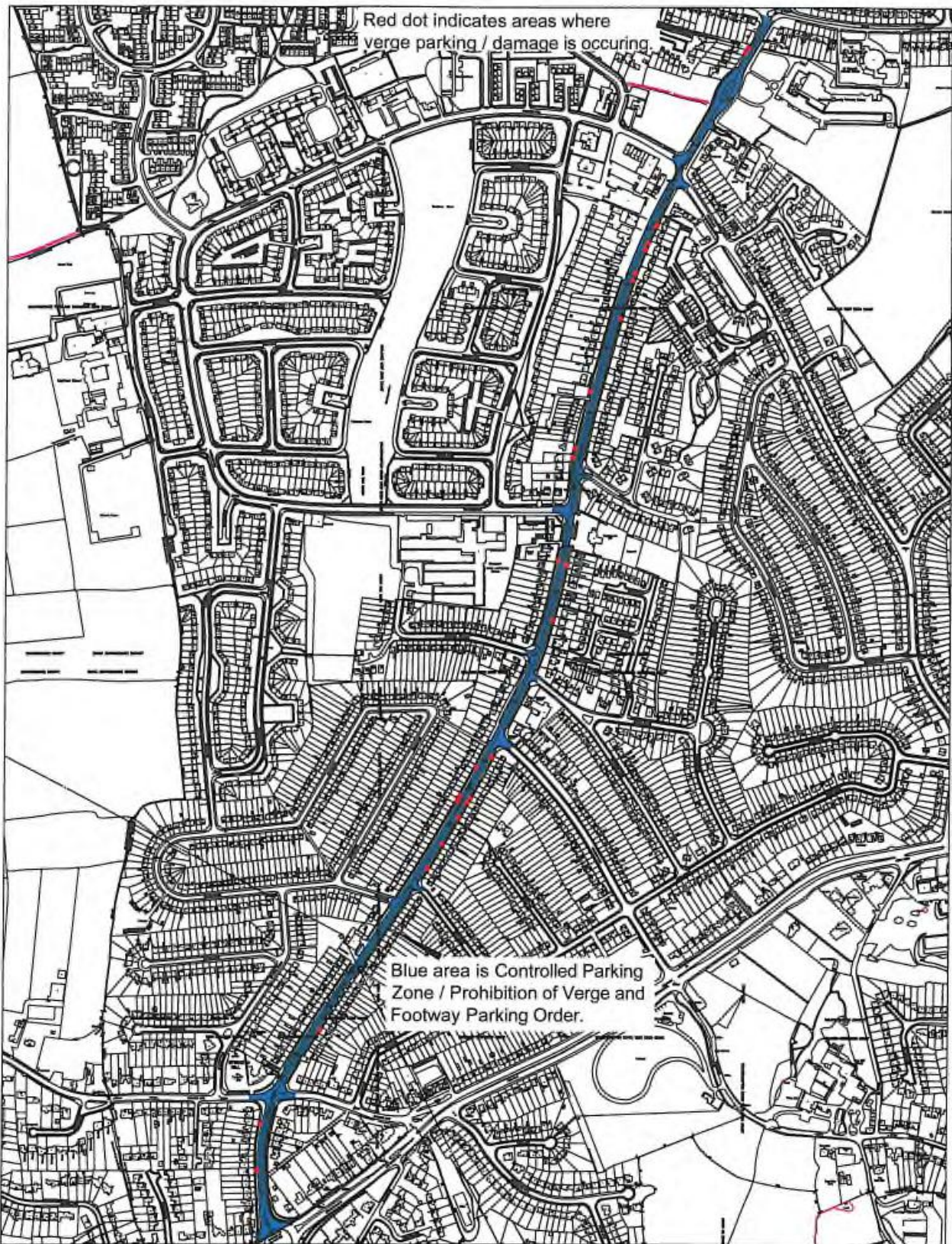
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Oxbarn Avenue - Prohibition and Enforcement of Footway Parking in controlled parking zones

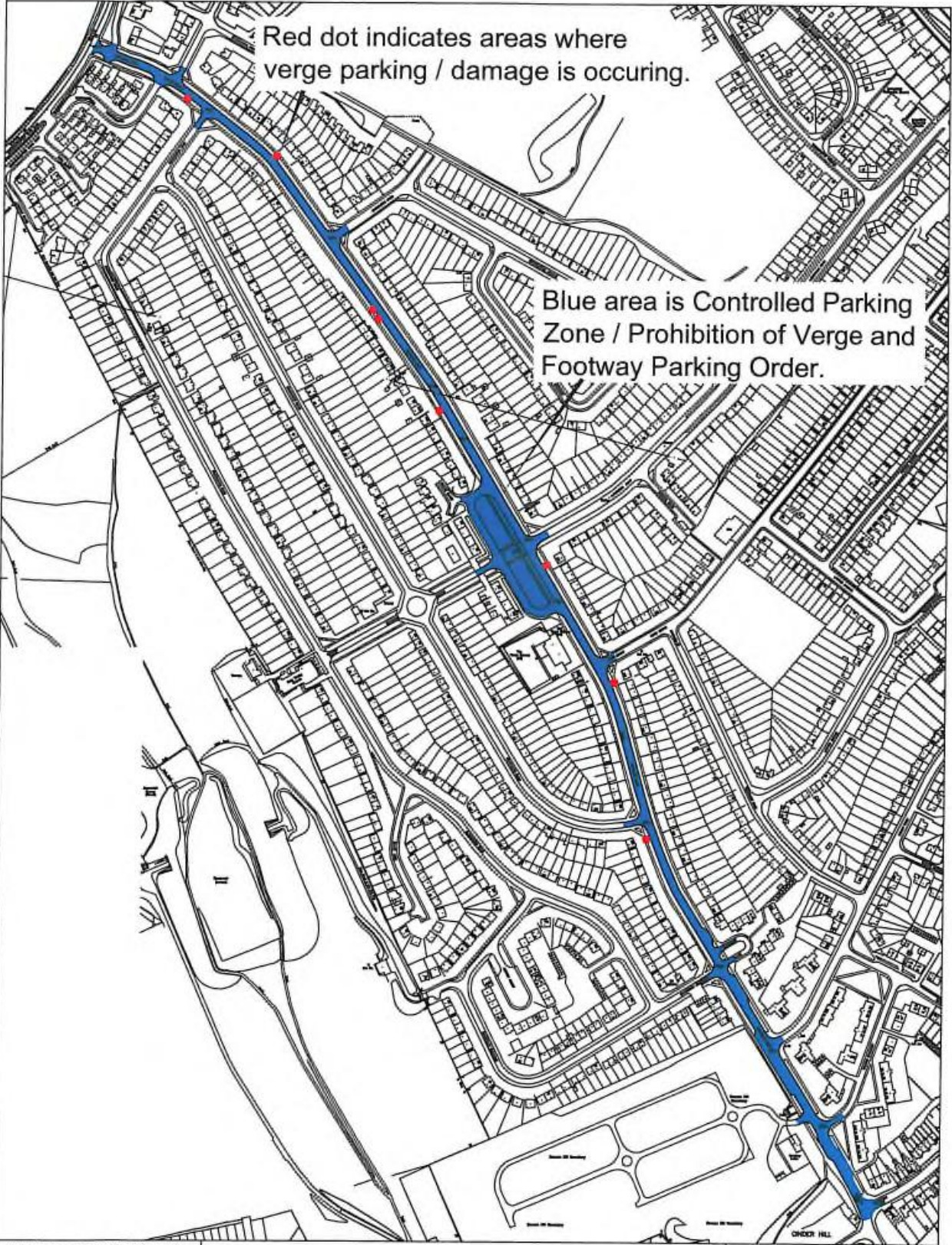
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Warstones Road - Prohibition and Enforcement of Footway Parking in controlled parking zones

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Dovedale Road - Prohibition and Enforcement of Footway Parking in controlled parking zones

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 Drwg. No. Appendix A