

# Draft Consultation response.

## Introductory Questions

### Question 1

For contact purposes only:

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### Question 2

Are you responding as:

- an individual?
- on behalf of an organisation?

As Shropshire Council

## Questions for individuals

### Question 3

Do you think vehicles being parked on the pavement is a problem in your area?

- Yes
- No

- Don't know

#### Question 4

Pavement parking causes you problems because:

- you have a sight impairment
- you have a mobility impairment
- you use a buggy or pram to transport children
- another issue

#### Question 5

Would you leave home more often if there was no pavement parking?

- Yes
- No

## Questions for all respondents

#### Question 6

Do you think vehicles parked on the pavement is a problem in your area?

- Yes – this has been raised as an ongoing issue in some of our towns and is the source of concern and complaint. An analysis of complaints, comments as logged via the Insight and Intelligence Team over the last two years, 1st October 2018 to 30th September 2020 has identified:
  - 15 formal customer complaints / comments raised on this issue
  - This generated 6 formal investigations from a complaint perspective into the issues raised.
  - Lack of ability to enforce via Police and no powers as CEO`s is a cause of frustration.
- No

- Don't know

#### Question 7

Do you prefer:

- option 1?
- option 2? Shropshire Council prefers option 2 with the current information available at this stage
- option 3?
- an alternative option? (please describe it)  
Shropshire Council

#### **Option 2 - to allow local authorities with CPE powers to enforce against 'Unnecessary obstruction of the pavement'**

#### Question 8

How would you define an 'unnecessary obstruction of the pavement'?

As issued in the DFT guidance, this is an issue that could be open to legal challenge, citing the exact example in the guidance, currently we feel further discussion, guidance and consultation to further refine and define this issue is required to provide clarity to our enforcement teams and public messaging, but also to prevent legal challenges being raised. Key would be a clear public message, however across town, rural and sparsely populated areas this would be a challenge.

#### Question 9

Do you think a warning notice should be given for first-time offences of causing an unnecessary obstruction by parking on the pavement?

- Yes – Yes, it is felt that this is an appropriate measure in any enforcement protocol.
- No
- Don't know

## Question 10

What do you think are the advantages and disadvantages associated with Option 2?

There are advantages in respect of not pursuing options 1 & 3 TRO`s and the necessary administration requirements to support this and or necessary signs and lines that would be required. The cost of implementing other options could be significant in respect of identifying or even creating new places to park and the allocation of them.

Hence option 2 is straight forward, however how “unnecessary obstruction” is defined and implemented operationally could leave to legal challenge for a local authority and significant work to develop and understand this will be required pre -implementation, and this issue could be problematic.

This option would enable Local Authorities to issue PCN notices without resorting to allowing pavement parking to be implemented. Guidance for DfT would be required but this approach would remove the need to undertake assessments and audits of where or issues where a TRO or Pavement parking would be appropriate and would “save” significant amounts of back office administrative work. Further issues such as signage and road markings would not be required to denote where pavement parking would or would not be applicable.

That said, the ability to be provided with these powers would require the necessary clarity on guidance for obstruction, procedures, development, staff training and process development to allow any enforcement to be undertaken but would allow this council to implement this option if supported by the DFT.

Then, would there be any additional revenue support from DFT to allow for the costs of increased staff even for a temporary basis, training, process development, public information.

Other options with a pavement prohibition, potentially could limit available parking especially in local events or markets, alternatively a prohibition may prevent overspill parking for the same events.

### Option 3 - England-wide pavement parking prohibition

#### Question 11

Do you think a national prohibition should apply?

- on no roads (since you are against the proposal)? – Shropshire Council would prefer on no roads mainly due to the issue of then the cost of implementation any identified parking and the necessary assessments and costs of implementing signs and lines and the necessary amendments for this to be implemented.
- on all public roads within the country?
- only on roads with speed limits up to 40mph (this includes roads in villages, towns and cities); or
- in an alternative way of your description? (please describe)

#### Question 12

Should a national **prohibition apply to?**

- **pavements only? –.**
- **pavements and verges?** Pavement and verges if applied and the issue of people working now more from home perhaps is a key factor to consider? if not applied to verges then the cost of repair and maintenance would be significant for verge reinstatement and the visual appearance of an area.

#### Question 13

What are your views on the impact this would have on the built and historic environment?

There could be significant issues in respect of maintenance of pavements where cars can be parked. There would be a significant cost in assessing and identifying areas to allow pavement parking and with the necessary local consultation. There would be future costs of installation of signs and lines and the necessary initial cost and ongoing future maintenance costs, plus identification of locations to provide additional parking and if any criteria apply.

For a county authority based upon market towns with a significant tourism, historical and visitor-based economy then this could detract,

issues have already been raised about maintenance and in some of our heritage zones and villages additional signs and lines could detract from the overall presentation of the village or town.

It would also be the case that any parking prohibition would remove cars from pavements, improve the aesthetics of any location.

#### Question 14

What do you think are or the advantages and disadvantages of Option 3?

- for rural areas including villages?
- for suburban areas?
- for town and city centres?
- overall?

The advantages of opting 3 are that there is a clear rule and the position is clear, and signs and markings would demonstrate where parking is allowed. Parking on some pavements assist with traffic flow, and it is recognised that some groups pavement parking causes difficulties.

This option would ensure clear enforcement due to segregated parking, with its necessary signs and lines.

This option would provide a clear message and ease of communication.

The disadvantages are in the significant cost of managing and accessing where pavement parking and the staff time to undertake this work, what type could be allowed, and how existing parked vehicles could park – displacement.

Especially in our fewer urban areas, where the redirection of cars to allowable pavement parking will cause an increased in signs in communities and new provision may have to be created.

The geographical basis of our towns could be an issue, often based on historical town layouts, with narrow roads, and or narrow footpaths or none, then issues of displacement parking could be problematic.

Further during events or festivals in our local towns, if pavement parking was fixed then the ability to allow fluctuations in parking to fixed parking points could be problematic.

Additional signs in heritage sensitive, areas such as historical towns or villages and impact upon the local aesthetic of the town.

### Question 15

Do you believe Option 2 or Option 3 would have an impact on the environment?

#### Option 2

- Yes – No
- No
- Don't know

#### Option 3

- Yes -Yes
- No
- Don't know

If answering “Yes” to an option, please explain the impact you think will occur and whether it is positive or negative.

As stated, there would be a requirement for additional signs and lines to denote payment parking areas, with people working from home of significant amounts of time and that vehicles could be static in certain areas this could change the “feel” or aesthetic of a local area.

In certain areas, it may be the case that additional parking provision is required to be constructed.

Additional approved pavement parking may raise issues of location of electric charging points in future development.

Further, there may be an issue of local front gardens been converted into hard standing parking, impacting on water run-off.

### Question 16

For both options 2 and 3, we propose exceptions for those vehicles listed in Annex B. (The final listed exception applies to option 3 only.)

- What, if any, other additional vehicles or services would you like to exempt and why?

Shropshire Council agrees with those vehicles listed in Appendix B as per below

The legislation for both London and Scotland also includes exceptions to the prohibition for certain vehicles including, for example, breakdown or emergency service vehicles; highway maintenance vehicles; utility maintenance vehicles; or where it can be proved that a vehicle had been used for loading and unloading goods (for up to 20 minutes, or longer if the authority permits it).

However, while it is considered necessary to include exemptions for emergencies, and to maintain free-flowing traffic and sustainability for delivery firms. It should be noted that the DFT do not propose to exempt Blue Badge holders, or any businesses not concerned with deliveries. The aim of the policy is to keep the pavement free of obstruction as far as possible, and we believe that other exemptions would defeat this objective.

## Questions on the equality duty

### Question 17

In respect of people who share any of the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion/belief
- sex
- sexual orientation

Please describe any negative impacts that the options in this document might have on these objectives:

- eliminating discrimination
- advancing equality of opportunity
- fostering good relations

Please clearly identify the specific consultation option, the protected characteristic affected, which objective is affected and the nature of any negative impact.

None identified in relation to the consultation option.

## **Final comments for all respondents**

Question 18

Do you have any other comments?

## **Questions for organisations (other than local authorities)**

Question 19

Your organisation's name is? –Question 20

Is your organisation a commercial business? -

- Yes
- No

Question 21

Does your organisation routinely make deliveries as part of its business?

- Yes
- No -

Question 22

Do you agree that 20 minutes of pavement parking would be adequate for a delivery?

- Yes
- No

If you answered “No”, why not?

Question 23

If you answered “No”, of all the daily deliveries that you may make, what percentage do you think will take longer than 20 minutes each to be completed?

Question 24

In your opinion, what types of delivery that you make would require greater than 20 minutes?

## **Questions for local authorities**

Question 25

Are you representing a council?

- Yes - **YES**
- No

### Question 26

Has your authority introduced a TRO, or TROs, to implement pavement parking restrictions?

- Yes
- Don't know
- No - **NO**

If you answered 'No', why not?

The use of TRO`s to support / prevent parking has not been pursued, the use of residential parking passes for on street or off-street parking has been the predominate tool utilised.

If you answered 'Yes': \* How many has your authority introduced in each of the last 10 years? \* Typically, how long does a TRO take for you to put into place (in weeks)? \* What was the average monetary cost (to the nearest £) of introducing a single TRO? (please breakdown costs e.g. administration, legal, advertising, traffic sign purchase / installation & road marking creation).

### Question 27

Could you please provide where possible, for each of the 5 years 2015-2019, figures or estimates (please specify which) for your local authority:

- the number of injury claims made to your local authority
- the number of injury claims made due to pavement parking
- the number of injuries claims for which compensation was paid
- the number of injury claims made due to pavement parking for which compensation was paid
- the total compensation paid for injury claims
- the total compensation paid due to pavement parking

Both data sets are actual figures and not estimates.

#### Injury Claims

Year	Number	Number paid	Compensation
2015	61	8	£94,601.92
2016	67	2	£11,249.25
2017	62	2	£13,665.00
2018	53	10	£76,592.89
2019	63	4	£8,485.62

#### Pavement Parking Injury Claims

Year	Number	Number paid	Compensation
2015	0	0	0
2016	0	0	0
2017	0	0	0
2018	0	0	0
2019	0	0	0

#### Question 28

What was the:

- total spend on pavement repairs for each of the 5 years 2015 to 2019?
- the percentage of this total spend due to pavement parking: for each of the 5 years 2015 to 2019? This figure is not available as footpath maintenance is undertaken.

This figure is not available as footpath maintenance is undertaken.

Year	Value
2015	£709,199.78*
2016	£474,262.72*
2017	£995,198.40*
2018	£404,552.63*
2019	£75,788.05
<b>Grand Total</b>	<b>£2,659,001.58</b>
	<b>*footpath schemes included as part of larger project.</b>

## Option 2

### Question 29

If your council has civil enforcement powers and was permitted to enforce the offence of 'unnecessary obstruction', would your council elect to do this?

- Yes, Contingent in respect of gaining further guidance, on this issue clarification or detail. For the reasons previous specified.
- No
- Don't know –Question 30

If you answered "Yes" or "Don't know", what number of staff, in your authority, would need to learn the new enforcement guidance? – approx. 20 / 25 staff

### Question 31

Can you foresee any additional, unfunded costs outside of the normal issuing and processing of PCNs?

- Yes
- No
- Don't know

With option 2, if there isn't clarity on definition or clear guidance on unnecessary obstruction, then legal challenges could apply, utilising the example in the consultation document provides a clear example of this.

### Question 32

What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

Aside from direct costs of staff training, development, procedures, and potentially new additional staff to undertake the initial assessments and or Enforcement. Any challenges to Penalty Notices could impact upon "back office staff", Legal colleagues. Presently these costs, although likely cant be determined with any certainty.

### **Option 3**

### Question 33

In your authority area, estimate based on your total road network, on how much road is pavement parking necessary to ensure free-flowing traffic is maintained? Give the amount:

- in kilometres
  - as a percentage of the total road length
- this calculation would have to undertake, and at present this information cannot be provided.

### Question 34

What do you expect an assessment of your road network, to identify exemptions, to cost overall and how do the costs break down individually (£)?

this calculation would have to undertake, and at present this information cannot be provided.

### Question 35

Would your authority need to provide more parking provision to implement option 3?

- Yes – Yes this would be required to facilitate any displaced parking
- No
- Don't know

Please provide any relevant evidence to support this view.

### Question 36

Please provide an estimate of the cost of implementing exemptions in your area, including:

- staff costs to undertake assessments and consultation
- training costs for staff
- process development and legal support
- Public communications
- traffic signing costs
- bay marking costs
- any new constructed parking provision
- Legal or order costs
- removal of traffic signing for previously implemented TROs restricting pavement parking in your area

An estimate of cost could be £400,000 est.

### Question 37

Can you foresee any additional, unfunded costs beyond the normal costs of issuing and processing PCNs?

- Yes- Yes this could be a requirement of additional CET staff to enforce and additional Traffic staff to undertake the necessary assessments and local consultation.
- No –
- Don't know

### Question 38

Give an explanation and breakdown of the number of additional:

- staff for your local authority? 6 fte equivalent - estimate
- salary costs for your local authority? Circa £200k p.a - estimate
- hiring costs for your local authority? N/a
- training costs for your local authority? 10K p.a – estimate

#### Question 39

What additional staff roles do you envisage? Certainty additional CET / and Traffic staff to undertake any additional enforcement and or initial easements and traffic order administration work.

#### Question 40

Do you expect any other, non-staff, costs to arise from a national pavement parking prohibition?

- Yes- possible additional work for other staff such as customer services and administration staff, to support and respond to enquiries, in effect a loss of opportunity cost.
- No
- Don't know-

#### Question 41

What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

Unsure at this stage.

#### Question 42

What potential benefits, if any, do you think there will be for your authority from a national pavement parking prohibition (such as existing costs being reduced)? Provide any monetary benefit where possible.

Benefits could be clarity of enforcement with designated and clear areas for parking, this would then allow for cars to be removed from pavements and free up the area in respect of access, exercise,

aesthetics. Where frequent pavement parking currently exists, this would reduce future maintenance costs.

#### Question 43

The government is looking to local authorities to introduce more cycle facilities to encourage active travel. Do you think this will cause issues for a national pavement parking prohibition?

- Yes
- No
- Don't know?

This would need to be considered, as any pavement prohibition in some areas would remove cars from pavements and then require alternative parking for those cars, in most of our towns where road widths are insufficient due to their historical nature, then how protected cycle lanes or perhaps the opportunity to implement is severely limited.

If you answered "Yes", please describe the issues.

## Final comments

#### Question 44

Do you have any other comments?

There is an issue in allow fines or PCN`s to be set based on recovering costs for issuing, and further discussion should be allowed to consider some of the differential costs of issuing PCN`s in a rural geographical large county with that of a more compact metropolitan local authority.

Also linking future national and local housing development in respect of ensuring enough parking (drives or communal parking) on new developments, especially with households on average having more cars than in previous generations and in response to COVID 19 people now more frequently working from home and perhaps cars more stationary in residential areas that was once the case.

Also, to reiterate that there should be further we cannot set number of fines and now the cost of enforcing is often not covered by the fine, we need to be able to set these fines locally as part of the process.

Further debate and guidance are required on defining guidance on unnecessary obstruction to local authorities to allow this to be implemented.

Consideration to how electric charging points and the need for charging of such vehicles will be managed following this consultation, where other government grants have been awarded to roll out electric charging provision in the county.

How Active Travel would be impacted if a national parking prohibition was implemented would require additional thought. Also, currently staff and management are dealing with the issues of COVID 19, social distancing and support for schools in social distancing so any immediate implementation could be problematic now.

DFT would need to provide some revenue support in respect of additional staff, and assessments if it chose to pursue a national prohibition on payment parking.

**END**