



House of Commons  
Transport Committee

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**Pavement parking:  
Government Response  
to the Committee's  
Thirteenth Report of  
Session 2017–19**

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**First Special Report of Session  
2019–21**

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## Transport Committee

The Transport Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Transport and its associated public bodies.

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The current staff of the Committee are Deborah Courtney (Senior Committee Assistant), Estelle Currie (Senior Media Officer), Nerys Davies (Committee Specialist), Marek Kubala (Committee Clerk), Michelle Owens, (Committee Assistant), Lewis Pickett (Committee Specialist), Robi Quigley (Second Clerk)

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# First Special Report

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The Transport Committee published its Thirteenth Report of Session 2017–19, [Pavement parking](#) on 9 September 2019. The Government’s response was received on 3 March 2020 and is appended to this report.

## Appendix One: Government Response

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### Introduction

In welcoming this Report, the Department for Transport would like to thank the Transport Select Committee for undertaking its inquiry into pavement parking, and acknowledges the thoroughness of its evidence gathering and stakeholder engagement in support of its conclusions.

The Government recognises that pavement parking can cause real problems for pedestrians, and particularly for people with mobility or visual impairments, as well as those with prams or pushchairs. However, it also acknowledges that in some streets pavement parking may, in practice, be inevitable to maintain the free passage of traffic.

It should be remembered that local authorities are best placed to assess the parking and traffic management needs of local roads. They already have the power to decide whether pavement parking should be allowed or restricted on any of the roads they manage. They need to consider all road users when making such decisions.

The Government’s Inclusive Transport Strategy: Achieving Equal Access for Disabled People was published in July 2018. Its ambition is to create a transport system that provides equal access for disabled people by 2030, with assistance if physical infrastructure remains a barrier. Disabled people will be able to travel confidently, easily and without extra cost. Steady progress continues to be made in delivering the commitments set out in the Strategy, including on pavement parking.

In the second half of 2018, the Department carried out a review of the issue of pavement parking, gathering evidence on the problems posed by vehicles parking on pavements, the effectiveness of the current legislative framework, and the case for potential reforms. That evidence gathering is now complete and informs this response to the Committee’s report.

In undertaking this work, the Department contacted a wide range of stakeholders to understand the impact of pavement parking. It heard that the current legislative framework may not be as clear or as effective as it could be. Disabled people have said that vehicles parking on pavements have a significant negative effect on their daily journeys. These are important concerns, and the Department is taking them seriously.

The Committee made a number of specific recommendations, the Government’s responses to which are addressed below:

**Recommendation 1—***We recommend that the Government commits to tackling pavement parking as part of its Loneliness Strategy. We recommend that the Government swiftly learns the lessons from the work being done in other areas of Great Britain. (Paragraph 32)* The Government accepts this recommendation. The Government

recognises that trying to navigate around vehicles parked on the pavement can cause very real difficulties for many pedestrians; in particular for people with mobility or sight impairments, or those with pushchairs or prams. It also understands that this experience can cause some people to be fearful of leaving their home, leaving them isolated from the daily activities they have a right to access.

By acting to tackle this problem, the Department will be helping to remove the factors that contribute to loneliness and social isolation, as enshrined in the Government's 'A connected society: A strategy for tackling loneliness—laying the foundations for change'.

The Department will be consulting on proposed changes to tackle this problem in the near future and the findings will be used to inform decisions on the appropriate way forward. We will look carefully at work being undertaken in other areas of Great Britain, most notably the Transport (Scotland) Act 2019, to see what can be learned.

**Recommendation 2—*We recommend that the Department for Transport plan, fund and deploy a national awareness campaign to highlight that driving onto the pavement is illegal, and to show the negative consequences of pavement parking for pedestrians including older people, disabled people and children. This campaign should highlight the physical dangers involved in pavement parking; how it can cause social isolation; and aim to reduce the instances of pavement parking. (Paragraph 37)***

The Government partially accepts this recommendation. The Department continues to prioritise marketing campaign activity on areas where we can achieve greatest impact by changing behaviour. This includes our long-standing, and industry-leading, Think! road safety campaign which focuses on drivers, especially young male drivers. The Department also recently launched the Inclusive Transport campaign that aims to improve the public transport experience for disabled people by creating a more considerate and supportive travel environment. The campaign will also highlight the pragmatic solutions and engineering improvements being made by operators and wider campaign partners. Initially, the Department will be seeking to focus its pavement parking activity on a public consultation, which will raise the profile of the issue nationally, and any targeted campaign will be considered as part of next steps following the consultation.

**Recommendation 3—*We recommend that the Government bring forward proposals to reform the TRO process—to make it cheaper and easier for local authorities to use—and bring forward any required secondary legislation, if necessary, by spring 2020. (Paragraph 44)***

The Government accepts the principle of this recommendation. Future of Transport Minister George Freeman announced on 26th August that the Department was launching a review of legislation associated with Traffic Regulation Orders. The first stage of this review involved the Department developing proposals for legislative change in partnership with a broad range of stakeholders. The legislative Alpha review drew on the findings of the TRO Discovery report that, among other recommendations, encouraged the Department to determine whether the legislation could be simplified. It made recommendations for reform on which there will be further consultation in 2020. The scope of legislative change and whether change will require primary and/or secondary legislation will require careful consideration in light of the consultation findings. Therefore, the recommendation that any required secondary legislation should be brought forward by spring 2020 is not achievable.

**Recommendation 4—***We recommend that the Government abolish the requirement to advertise TROs in a local newspaper. It should replace this with a requirement for the local authority to maximise the reach of its advertising to the largest number of people by whatever media would best achieve this. The Government should commit to achieving this by spring 2020: it should be delivered alongside the wider reforms to TROs recommended above. (Paragraph 45)*

The Government accepts that the right of people affected by a TRO to be informed of and consulted on proposals is an important part of the process. The Government also acknowledges that there have been significant changes in the way that citizens access information since the introduction of the relevant regulations in 1996. The Department will therefore be considering as part of the TRO legislative review referred to in the response to Recommendation 3 how best to inform people affected by TROs.

As we have explained above the Government is unable to commit to delivery of legislation by a specific date. The necessity and scope of any legislative change is unclear and will be subject to consultation.

**Recommendation 5—***Areas which have not had their parking enforcement decriminalised lack the resources to ensure adequate parking enforcement. This can blight communities and encourages anti-social parking behaviour, such as pavement parking. We saw numerous examples of this anti-social behaviour during our visit to Bexhill-on-Sea. The then Minister, Michael Ellis MP, assured us that the application from East Sussex would be considered with haste. The Department for Transport must not drag its feet, citing external or resourcing issues, and must act now to meet the requests of local authorities to decriminalise pavement parking enforcement. (Paragraph 49)*

The Government accepts the importance of civil parking enforcement (CPE). The Traffic Management Act 2004 and subordinate legislation made CPE possible and since then local authorities have been applying to the Secretary of State for the powers. This policy has been a great success—96% of authorities now have civil powers and the Department welcomes applications from the few remaining authorities. Applicant authorities undergo a robust process and must satisfy the Department that, among other requirements, they have sought the approval of a range of local stakeholders and have validated and updated or corrected, where necessary, all their Traffic Regulation Orders and traffic signs.

We are pleased to report that a statutory instrument was laid before Parliament on 9 January giving powers to three more authorities. A further SI is planned for later this year and will give powers to another group of authorities, including East Sussex. We will move with as much haste as possible.

**Recommendation 6—***We recommend that the Government undertake actions to ensure that local authorities and police forces have access to the correct information about who enforces which offences and they are clear about their responsibilities. They should also commit to publicise to the general public who enforces which offences as part of the public awareness campaign we recommended above. (Paragraph 53)*

The Government accepts this recommendation. The Department will take steps to promote a clear understanding of enforcement responsibilities through its existing engagement with the appropriate representative bodies, including the National Police Chiefs' Council,

the Local Government Association and the British Parking Association. The wider campaign activity under Recommendation 8 provide a further opportunity to promote understanding of enforcement responsibilities.

**Recommendation 7—***We recommend that the Government consult on a new offence of obstructive pavement parking, with a view to making such an offence subject to civil enforcement under the Traffic Management Act 2004 and introducing the relevant legislation by summer 2020. (Paragraph 58)*

The Government partially accepts this recommendation. The Department plans to test this proposal through public consultation later this year. We recognise that enabling civil enforcement of ‘unnecessary obstruction’ by local authorities could bring benefits in the shorter term. It could be achieved by secondary legislation and would enable local authorities to deal with the worst kinds of pavement parking whenever and wherever it is identified by on-street CEOs. It would avoid the time and cost to local authorities of undertaking activities that would be required if the London prohibition were extended, that is: surveying of entire road networks, removing any existing local restrictions and placing necessary traffic signs and bay markings where pavement parking still needs to be permitted.

However, it should be recognised that the obstruction offence involves challenges that would need to be tested through consultation, in particular, how to define ‘unnecessary obstruction’ sufficiently clearly in order to ensure clarity of understanding of the offence for both the motorist and enforcement authorities. If this was not achieved motorists would be confused about where they can park and the scenarios in which penalty charges were issued by CEOs may differ across the country.

The degree of decriminalisation would need to be considered too as there may be some circumstances where a particularly dangerous obstruction is more appropriately dealt with by the police as a criminal matter; dual enforcement would preserve the power for the police to step in where appropriate.

Whilst we would seek to undertake this work with some urgency it is a complex issue. In addition to a public consultation, if a decision was taken to proceed with secondary legislation we envisage a need to work with certain expert stakeholders to ensure a practicable solution before legislation could be drafted and laid. Consequently, the Department cannot commit to implementation by summer 2020.

**Recommendation 8—***We recommend that, in the long term, the Government legislate for a nationwide ban on pavement parking across England, outside London. The legislation should give the Secretary of State for Transport powers to make secondary legislation setting out exemptions that local authorities can make from a nationwide ban. We recommend that the Government include in the legislation a provision for a new exemption order process based on the London model. The specific nature of those exemptions should only be determined following public consultation and the full involvement of local authorities across England. It should include a full impact assessment to weigh the resource implications to local authorities of different options. The enforcement of this ban should lie with local authorities and not the police who do not have time to enforce parking offences. (Paragraph 61)*

***A public information campaign surrounding this work will help the public understand where they can park, the effects of pavement parking and where to report these offences. We recognise that this fundamental change cannot happen overnight, but the Government must commit to legislating on this issue before the end of this Parliament. In the meantime, we have set out some short- and medium-term options that could be delivered before a ban was in place. (Paragraph 62)***

The Government partially accepts this recommendation and welcomes the Committee's recognition that this may need to be a longer-term option. The Department plans to test this option through the same consultation proposed for Recommendation 7. This will be accompanied by an initial impact assessment that will be worked into a full impact assessment throughout the course of the consultation, informed by available local authority data, in order to support subsequent decisions by Government.

Public perception of a 'blanket ban' with no exceptions is likely to be contentious so we would need to emphasise that pavement parking would still be allowed where necessary. An advantage of this option would be motorists having a clear, easy to understand rule nationally, while benefitting from formal provision of pavement parking where it is needed, by way of traffic signs and bay markings to show drivers exactly what is permitted and where.

If a decision was taken to introduce a national prohibition it would require primary legislation. It would be necessary to determine the specific nature of general exceptions and the means of implementing permissions for pavement parking in narrow streets.

Local authorities would also need a considerable implementation period to audit their road networks to determine where pavement parking remains necessary and to install traffic signs and bay markings to indicate such exemptions from the default prohibition. However, it should be remembered that sign clutter can blight the landscape, waste taxpayers' money, cause information overload, create additional maintenance burdens and, of course, obstruct the pavement. Moreover, some authorities with denser housing and narrow streets are likely to need to exempt large areas from the prohibition. The likely significant cost, ultimately falling to the tax paying public, of implementing exemptions could also be contentious.

A greater understanding is also needed of the potential consequences of a blanket pavement parking prohibition in rural areas where the problem is less likely to be prevalent, but where any exemptions might nevertheless need to be signed and marked. Suburban areas may also have specific challenges. There could be options to restrict pavement parking in urban areas only. The public would also need to be made aware of any new rules.

The Department has committed (Recommendation 6) to ensuring that police and local authorities are aware of the current rules and enforcement responsibilities. The public consultation we have committed to in Recommendations 7 & 8 will begin to increase public awareness of the effects of pavement parking and the current rules (Recommendation 2). We also accept that any new legislation introduced to enable local authorities to better tackle instances of pavement parking would need to be accompanied by public facing information to ensure that pedestrians and motorists were aware of the new rules. However, we cannot pre-empt the outcome of our proposed consultation by committing now to legislation before hearing the views of experts and the public on specific, new, potentially controversial legislative proposals.