

Transport Committee

Oral evidence: [Pavement parking](#), HC 1982

Wednesday 19 June 2019

Ordered by the House of Commons to be published on 19 June 2019.

[Watch the meeting](#)

Members present: Lilian Greenwood (Chair); Jack Brereton; Ruth Cadbury; Steve Double; Paul Girvan; Huw Merriman; Daniel Zeichner.

Questions 1 - 123

Witnesses

I: Dr Rachel Lee, Policy and Research Co-ordinator, Living Streets; Ian Taylor, Director, Alliance of British Drivers; and Chris Theobald, Public Affairs Manager, Guide Dogs.

II: Simon Botterill, Transport and Traffic, Design and Delivery Manager, Sheffield City Council; Louise Hutchinson, Director, PATROL; Spencer Palmer, Director, Transport and Mobility, London Councils; and Tim Young, Project Engineer (Policy and Performance), Norfolk County Council.

Written evidence from witnesses:

- Guide Dogs ([PPA0350](#))
- Living Streets ([PPA0399](#))
- Alliance of British Drivers ([PPA0185](#))
- London Councils ([PPA0427](#))
- Sheffield City Council ([PPA0349](#))
- PATROL ([PPA0334](#))
- Norfolk County Council ([PPA0353](#))

Examination of witnesses

Witnesses: Dr Rachel Lee, Ian Taylor and Chris Theobald.

Q1 Chair: Good morning and welcome. This is our first evidence session looking into the issue of pavement parking. For the benefit of the record, would you introduce yourselves?

Chris Theobald: Good morning. I am Chris Theobald, the public affairs manager at the charity Guide Dogs.

Dr Lee: I am Rachel Lee. I am policy and research co-ordinator at the charity Living Streets.

Ian Taylor: I am Ian Taylor, a director of the Alliance of British Drivers.

Q2 Chair: Thanks very much. The first question is a pretty straightforward one. Do you think that the general public understand the rules around parking on the pavement? Who wants to have a bash at that?

Chris Theobald: The rules are inherently confusing. For example, it is prohibited to drive on the pavement, but it is not prohibited in most circumstances outside London to park on the pavement. There is a degree of confusion. A 2017 YouGov survey that Guide Dogs commissioned found that 55% of drivers had considered the impact that pavement parking had on visually impaired people, but had done it regardless. We think there is a degree of confusion about the rules. Nevertheless, people understand that they can get away with it in most circumstances.

Q3 Chair: That is an interesting stat: 55% of people knew that it would cause a nuisance for guide dog users.

Chris Theobald: Yes, for people with a visual impairment. That is what we found in a 2017 YouGov survey.

Q4 Chair: What was the mental process they were going through?

Chris Theobald: The questions did not drill down into that. There is also the argument that some people may be reticent to admit that they do not understand the law. I suppose that could have had an impact. Nevertheless, many guide dog owners say that, when they have discussions with neighbours and people in the street, often people do not realise the impact, but sometimes they find that people go ahead with pavement parking regardless.

Q5 Chair: We will come to what the impact is in a bit. Rachel, do you think people understand the rules?

Dr Lee: Even if they perhaps have an inkling, they have a sense of entitlement to park on the pavement. We did an action in advance of the inquiry. We asked people to give comments on their experience of pavement parking. I have been through them, quite roughly, looking at key words. The sense of entitlement is one of the key themes that comes



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up. People say things like, "It's my right." Some people think that the verge is part of the property they live in, that it is private property, or assume that it is part of normal parking practice.

A whole load of things come out. Some question whether or not it is allowed. For example, delivery drivers might say, "Actually, we've got our 20 minutes, so we can do it. We've got to park somewhere." A whole load of reasons are given for doing it, irrespective of whether or not they should be doing it. It is not enforced, so it becomes self-perpetuating. It becomes a habit. It becomes the norm.

Q6 **Chair:** Whether people understand the rules or not, they know that there are not really any consequences if you park on the pavement.

Dr Lee: Yes. That is basically what I am trying to say.

Q7 **Chair:** Ian, you are a representative of drivers. What do the people you represent say? Do they understand the rules? Are they not bothered, or do they genuinely think, "I need somewhere to park"? Obviously, many of our streets were not designed for a time when there are as many cars as there are now.

Ian Taylor: That is true. In the case of our full-time members, most probably understand. In the case of the greater public at large, the only answer is that some do and some do not. It varies from area to area. For instance, the law in London is different from the rest of the country. There are some differences between what is done in each individual local council.

As regards practice, and what people think they can get away with, because there has not been much actual enforcement where it is not allowed, people tend to do it. As always, there is a minority of people who are so selfish that they do not care.

Q8 **Chair:** Before I ask you what the attitudes of people blocking the pavement are, can I ask you a question, Chris? Some motorists would think, "It's okay to be on the pavement a bit, as long as someone can get past." What is the experience for someone who is visually impaired, whether they have a guide dog or not, when they encounter a car or a vehicle parked across the pavement?

Chris Theobald: It can be hugely problematic, even if the pavement is not entirely obstructed. If you are in a position where you are with your guide dog and the pavement is obstructed to a degree that the guide dog is unable to pass, you may have to go on to the road, potentially between other parked cars. That in itself is very dangerous if you have a visual impairment, because you are advised to use controlled crossings or crossing points. Then you could be faced with a situation where you are going into the road, where there could be oncoming traffic. That is a terrifying experience for many people. Time and again, we hear that from guide dog owners and other people with a visual impairment we work with.



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There are 2 million people with some form of sight loss in the UK, and 360,000 people who are registered blind or partially sighted. They find that this puts them off going out independently altogether. When you train these incredible dogs, with the support of the British public, to give people independence and the confidence to live their lives the way they choose, but they find that they cannot do that because of parking on the street, it is incredibly frustrating. It affects not just guide dog owners, but a whole range of people.

Q9 Chair: Would the people you represent make a distinction between someone blocking the pavement leaving insufficient space for someone to get past with a double buggy or with their guide dog, and someone parking with a couple of wheels on the pavement, but where there is still space to get past?

Chris Theobald: We appreciate that in some circumstances and some areas—for example, in some London boroughs—there are streets in which a degree of pavement parking is permitted, as long as people can pass. The pavement does not have to be completely obstructed for the guide dog to believe that it is unsafe to proceed. You have to remember that street pavements are not designed for the weight of cars. In areas where the streets have not been designed for two wheels on the pavement, that can cause cracked and broken pavements, which in themselves are a hazard for people with sight loss and all pedestrians.

Q10 Chair: Rachel, what is the view of Living Streets on pavement parking and the problems it causes for pedestrians?

Dr Lee: One of the comments that we had from members of the public was from someone who had actually seen a man with a guide dog walk straight into the wing mirror of a van parked on the pavement. Even where there is enough space and the dog has clearance, the accompanying human may not.

In our view, the law needs to be consistent. There needs to be a culture change around the acceptability of pavement parking. That can be done only by sending a clear message that you should not presume that you can do it. There should be a presumption that you cannot do it, unless you are told that you can. Essentially, as in London, you do not do it unless there are signs saying that you can. It is not an outright ban, because obviously there will be places where it may be necessary, but it has to be safe. That could be for two people to walk side by side. We heard from many elderly people that they need to walk supported. There should be room for a person and a guide dog or for a buggy and an accompanying child. Quite often, young children hold on to the buggy, with mum pushing another child.

There should be room for two adults side by side, so that one can walk aided, and room for a mobility scooter, for that matter. We heard about people who have been wedged between a car and a wall, and then panic. One of the chaps who responded with comments said that he had to help



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someone get out of that situation. Someone else's wife is too scared to go out because she got stuck and did not feel confident reversing on her mobility scooter. Other people are housebound, effectively. They cannot get out, because there is no room to walk with someone to help them or they cannot get their wheelchair by.

The view is that pavements have to be a safe place, and an accessible place, for pedestrians. Where else are they supposed to be safe? It is not just the parking; it is cars driving up on to the pavement. A number of people have commented on near misses. These are able-bodied people as well—someone walking their dog or someone jogging. There is a lack of visibility around parked cars. If someone is coming in from behind or in front of another parked car on the pavement, they may not see that there is a pedestrian. There is one story about a child who was hit in the side of the head by a passenger door opening outside the front of a school. Fortunately, the child was wearing a cycle helmet, otherwise he might not have been so lucky. He ended up in hospital, with a dent in the helmet and a dent in his face.

All of these things have an impact. Vehicles are big, heavy objects. You cannot just get by them. You have to go into the road, which is very dangerous. There are speeding vehicles as well. Going into the carriageway is a particular issue if you have young children. You can have sight loss or mobility problems, and you could be carrying a young child. You will be at the mercy of a speeding vehicle at 20 mph, 30 mph or more. Let's face it: people drive too fast. We are supposed to be law-abiding drivers, but many drivers—myself included—drive too fast sometimes. It is too dangerous to take chances with, essentially. That is why we need, finally, to sort this problem out.

There were a number of pleas in the comments: "Please sort it out. Please do something about it." It is time we did. It has been a long-standing problem. I hope this Committee can help. I know you looked at it in 2006. You looked at it in 2014. Here we are again. I hope the Government will actually do something this time, with your prompting.

Q11 Chair: There is no doubt that we have received hundreds of pieces of evidence—more than for any other recent inquiry, by a long way. Of course, the reason for holding the inquiry is to do something about it.

Ian, going back to the issue of motorists, you said that there is a small number of people who are completely selfish and do not really care. Do you think that the general public and motorists generally understand the potential impact they are having when they park on the pavement?

Ian Taylor: Most reasonable people do. Let's face it: I am a motorist, but the minute I park my car, I become a pedestrian, using the footpath as well. I do not want people blocking me from it.

Having said that, we have mentioned whether it should be presumed forbidden except where you are told that you can, or whether it should be



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the other way round. We do not like the idea of blanket or near-blanket bans. It is the principle of one size fits all. Roads and pavements are so vastly different that we do not think that one size does fit all. It should be largely up to local decision, depending on the road and the situation. Therefore, we like the present system, whereby you can do it unless there is something or someone there to tell you that you cannot. It should be made clearer where you cannot, certainly. When people selfishly ignore that, there is a good case for making it easier for action to be taken against them.

I was quite interested in the point about people who are virtually housebound because they cannot get access. Anyone who is in that situation probably has people who need to call on them, be they carers or delivery drivers, who can only do their job if they can park their vehicle within a reasonable distance of where they are calling. That is something that needs to be taken into account, too. If you imposed a blanket ban, you might need seriously to consider exceptions. The emergency services are obviously the first that come to mind.

That is why we recommend that, as long as no obstruction is caused, it should be allowed, where it can be allowed responsibly. We have our own ideas on that. I consulted one of my members, who is a retired highways engineer. He said that in one London borough where the law is a bit the other way—Havering, actually—they tried forcing people always to leave a minimum limit of 1.2 metres. He said that seems to work. There seems to be a little bit of evidence in favour of that. That is therefore what we would recommend.

Q12 **Chair:** That is an interesting width, isn't it? If you had a double buggy and a small toddler, 1.2 metres probably would not cover it, would it?

Ian Taylor: I think it would. We originally said 1 metre, but then we received advice that that might not cover it. It would be too tight. We took technical advice and upped it to 1.2, which should be sufficient for two adults, a double buggy, a mobility scooter or a wheelchair, and most other things you can think of.

Q13 **Chair:** At the moment, motorists make a judgment about what they think is a reasonable gap, I guess. Would that be fair?

Ian Taylor: They may need some guidelines. They need a yardstick, if you like—or a metre-stick, if you really like.

Q14 **Chair:** Chris, you look like you have a view on that.

Chris Theobald: The Department for Transport's "Inclusive Mobility" guidance, which is in the process of being updated, suggests that you need to leave 3 metres for pedestrians to pass safely. In limited circumstances, it can be 1.5 metres, but it does not go as low as 1.2.

I echo Rachel's comments. I understand that people with wheelchairs, mobility scooters and, as you say, double buggies would struggle with 1.2



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metres, potentially. I believe that is insufficient space to enable pedestrians to pass by safely.

- Q15 **Chair:** I want to be clear that we have all the issues out there. It is about space to get past for different sorts of pedestrians, whether they are pushing a pram, walking and aiding someone, or in a mobility scooter. There is the issue around people who are driving and need places to park, and sometimes need places to park that are relatively close to their destination. There is concern about the damage caused to pavements by vehicles parked on them. Does that cover the key issues? Is there anything else on those key issues?

Dr Lee: We have touched on the wider safety issue of putting pedestrians in the carriageway, but there can be wider safety issues for other road users as well. A cyclist submitted evidence that he has to cycle past a car that is parked on the pavement coming up to a junction. He comes into the middle of the road to turn right at the junction, but the cars behind him think that he is just going into the middle of the road to overtake the parked car, when in fact he wants to turn right. Things like that not only create problems in terms of visibility but can create misunderstandings on the carriageway between other road users and affect their safety.

If you have someone walking in the carriageway, they may get abuse from other drivers. One person who was walking in the road to get past a parked car faced a barrage from a driver going the other way, who said, "Stupid, what are you doing in the road?" There are wider safety issues, including for children who want to cross the road but cannot see past parked vehicles. They have to go into the road to be able to see what is coming. Safety would be an overriding issue as well.

- Q16 **Chair:** That sounds like a slightly wider issue.

Dr Lee: Yes.

- Q17 **Chair:** The issues you mention would apply to on-street parking as well as pavement parking, wouldn't they?

Dr Lee: They could, but if you are in a residential area near a school, you do not want to exacerbate them through parking that should not be there in the first place. There may be zig-zag lines or double yellows, but people are still parking there. Because it is not enforced, that situation arises.

Chair: Let us move on a bit.

- Q18 **Daniel Zeichner:** Good morning. My questions are to get a sense of where and when the problems are most acute. Is there any evidence on that? We have had lots of written evidence. Is it outside schools? Is it residential parking? Is it shops? Is it delivery vans? What do you all think?

Dr Lee: Do you want me to start?



Daniel Zeichner: Sure.

Dr Lee: I have been through this. Schools featured heavily, because of the children and because parents are so intent on dropping off their children as close as possible. Residential areas featured, as did new residential areas. We are actually designing in the problem with new housing estates with narrow streets. They are designed for low speeds, but they do not provide enough parking for the number of cars per household. If you have level-surface streets and paving, people can be parking on what is designated a footway. Essentially, people are then walking in the street.

You asked about times of day. There is school time, obviously, but it can be any time and anywhere. That is what came out. Yes, it is around places like fast food restaurants or around people going shopping and parking down a nearby street. Workmen and delivery drivers are an issue. One chap, who is in a wheelchair, lives opposite a police station. He said that he has even been pulled out of his wheelchair before now by an abusive driver. That happened opposite a police station, where pavement parking is the norm. He said, "If it's happening here, what can I do?" While there are going to be hotspots, it is so prevalent that it could be anywhere and at any time.

Chris Theobald: We do not have specific data on the frequency of pavement parking, although, as Rachel said, anecdotally it tends to be at points around schools.

One of the problems we found is that the existing regulations are so unclear. Outside London, if you park on the footway when there is a double yellow line on the carriageway, that is prohibited. However, in the case of zig-zag lines—white zig-zag lines at a crossing or yellow zig-zag lines at a school—it is not prohibited to park on the pavement. We discovered that it is also not prohibited to park on the pavement at a bus stop in many circumstances, because of the confusion in the law as it stands.

I echo Rachel's point that there is sometimes randomness. For example, a visually impaired person might know that there are other hazards as well. You know that a particular street has A boards, or that the bins go out on a Tuesday and some people are not very diligent about taking their wheelie-bins back. To a degree, you can manage that, but pavement parking could crop up anywhere, essentially. That can really add to people's nervousness about stepping out independently.

Q19 **Daniel Zeichner:** Ian, an area I am particularly interested in, because it has come up in the debate before, is the extent to which it is local people knowingly doing it, because it is what people do, and the extent to which it is people from outside the area, who are just confused. What is your sense of that?



Ian Taylor: It can happen both ways. I agree that most public concern probably arises from things like parking around schools. They have the added protection of the zig-zags. In many cases, it may be a problem only at the times when schools come in and out. I hope that would take care of it.

Regarding other obstructions, I think sometimes we get a bit too concerned about exactly where all the wheels are, rather than whether or not an obstruction is being caused. People parking is not the only thing. All sorts of things obstruct pavements, be they lampposts, signposts, bus stops or even overgrown hedges—you name it. All sorts of things do it, and people have to contend with them as well.

Wheelie-bins were mentioned just now. I have always thought that there is a bit of an irony, in that we are told to put out our wheelie-bins by councils, which also put a lot of those other things on the pavements, and they might be the same authorities that are enforcing bans on pavement parking. That means that you risk getting into the territory of "Do as I say, not as I do," which is not a good way to get compliance.

I do not want you to get the wrong impression. I definitely do not approve of people who cause obstruction, whether it be in the highway or on the pavement. The pavement is a highway, too, don't forget. It is just a matter of proportionality all round.

In that respect, some of the London boroughs that have this power specifically provide a certain amount of pavement parking—marked-out parking. It seems to work. In fact, a few other places do it, too. I have seen pictures from Bristol. Actually, a member wrote to me about it. I think he mentioned Hemel Hempstead, or somewhere like that. Anyway, it happens. I personally have seen it quite a lot in my travels all around Europe. I have seen it in Latvia, in Düsseldorf, in Frankfurt and in a little place in southern Germany called Passau. I am sure that there are many other places where, as long as the pavements are wide enough, the local authorities actually mark out parking bays. They are half in the road and half on the pavement. I therefore regard it as a proven system. It works. The motorists are happy. The pedestrians are happy. It is win-win.

Q20 **Daniel Zeichner:** I get that, but given that we have two different systems—London and the rest—my sense is that London seems to work okay and that we have fewer problems. Is that correct? I am looking at Rachel and Chris. Do we have any evidence on that?

Dr Lee: There are some problems in London as well. It is all down to enforcement. I am pleased to hear Ian talk about regulated pavement parking. Essentially, what we are talking about in having a change in the law is an opt-in system. You would opt in to park on the pavement, where it is safe and necessary to do so. It requires a certain amount of up-front investment, because local authorities would have to go around and vet the streets to check that they were suitable and wide enough.



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That is what we have in London. Why shouldn't the rest of the country enjoy the same?

Chris Theobald: In London, where it is enforced, there is a degree of variation in the level of enforcement between London boroughs, and we have positive reports from guide dog owners. We welcome the fact that in Scotland, the Transport (Scotland) Bill includes provisions on pavement parking that, with some minor differences, would bring Scotland broadly into line with the model we already have in London. We are very supportive of that and are pleased that it is taking place now.

Daniel Zeichner: We will come to how we do it later.

Chair: We want to explore a bit further the question of enforcement.

Q21 **Steve Double:** Could each of you give me a definition of what you believe constitutes obstructive pavement parking?

Ian Taylor: It is where people using the pavement risk getting wedged in or are forced into the road. That is obstruction, and I am as much against that as anyone here. If it can be done in the right circumstances, responsibly, without causing obstruction, let it be.

The big question is whether the presumption should be that you can do it unless you are told not to, or vice versa. A lot of the enforcement of that comes down to how individual councils, which, I presume, would be the enforcement authority in most cases, would carry it out. I know that a lot of people who are drivers fear that. To put it bluntly, they do not trust their council not just to impose a ban, to send out their wardens on a ticketing spree and to penalise them right, left and sideways.

I would not go so far as to say that most councils would do that, but it is a perception. Therefore, it might be best to do it the other way round. Councils have the power to have traffic orders and impose pavement parking bans locally, where they think it necessary, as it is. I would have no objection to its being made a bit simpler for them to do that, in the right circumstances.

Q22 **Steve Double:** Rachel?

Dr Lee: Obstructive pavement parking is parking that impedes the free movement of pedestrians.

Chris Theobald: I echo Rachel exactly on that point.

Q23 **Steve Double:** What would make an outright ban on pavement parking effective? What would need to happen to make a ban effective in addressing the issues?

Chris Theobald: We believe that there is real importance in having public education concerning the issue. As with the introduction of any law, it would be about developing public understanding. The Greater London Council (General Powers) Act 1974, which sets out the law in



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London, sets out exemptions for responses by emergency vehicles and so on.

To make it work, we would like a clear, regulated system that gave understanding not just to the public, but to the people doing the enforcement. At the moment, the question of what is an obstruction is something that is left to the discretion of police officers in most areas. That is quite a controversial area in case law. It is not clear in itself. Clarifying those points in law, to have a clearly regulated system, would be the way to make a law on pavement parking effective.

Dr Lee: There should be clear law, setting out the presumption that you should not do it unless you are allowed to. There should most definitely be awareness raising, because we are talking about changing a culture of permissiveness that has been going on for decades. Enforcement is absolutely crucial, because at the moment people get away with it with impunity. Unless you show that there are consequences of inconsiderate behaviour towards other road users, why should people amend their behaviour?

Q24 **Steve Double:** Do you have anything to add, Ian?

Ian Taylor: I do not necessarily disagree too wholeheartedly with a lot of what has been said. We just want to do things the opposite way round possibly, up to a point.

One of the things that causes this behaviour is, quite simply, narrow roads and lack of parking generally. If you do it in such a way that it takes away the opportunity to park over wide areas, that is going to make life very difficult for a lot of people; they will not want to comply. My suggestion is that, although I would rather not see the blanket ban unless excepted come in, if it did I would like to see it go hand in hand with a statutory obligation placed on local authorities to provide regulated pavement parking where it could be done.

Q25 **Steve Double:** Do you think there is a risk that a ban would simply displace the problem to other areas, and, if so, how do you think we should tackle that?

Chris Theobald: What we are seeing at the moment is local authorities trying to use physical obstructions and street design to manage pavement parking. Taking the example of traffic regulation orders, you can see a degree of displacement, because people take their vehicle from one limited area where they are no longer allowed to park on the pavement to an area nearby where perhaps they can, whereas the strength of a national law—a more consistent law—is that it would not simply move it necessarily from one street to another. Local authorities would have to look at where a degree of pavement parking might be necessary, or what modifications would need to be made in order to accommodate a reasonable degree of parking there.



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One of the reasons why we see strength in a national law is that displacement is less of an issue. We see areas where some local authorities are trying to tackle it and are struggling. I know that in the next session you are going to talk about TROs in more detail, but we have had feedback from guide dog owners who say that it may have been done in two or three boroughs in the centre of town, but it has just moved the issue outside the main area.

Dr Lee: One should also look at people's behaviour. It is not to say that people cannot change behaviour. The fact that people expect to be able to park outside their front door does not mean they should not perhaps park a five-minute walk away. If they can walk for five minutes, what is the problem? At the moment, too many people are suffering hardship because of other people's convenience. Whose convenience is most important? When you are talking about pedestrians, the impacts can be really severe, and it is always the most vulnerable: older people, disabled people and mums with children. We need to weigh it up. If it means a little less convenience for the driver, so be it. At least then everyone can use the highway.

Q26 **Steve Double:** Ian, have you anything to say about displacing the problem?

Ian Taylor: Any sort of ban runs the risk of displacement. The danger with this is that, if there is displacement, you extend the ban and it goes on and on. That is why, once again, I have to say that banning, if it comes in, should be restricted to areas where it is absolutely necessary and required.

Q27 **Steve Double:** Do you think there are solutions to addressing the problem other than a ban?

Ian Taylor: Roads not unnecessarily narrowed, very often in combination with wider pavements, which almost begs someone to park partly on them, but it does mean there is room there.

Q28 **Steve Double:** A lot of us would like to see it going forward, but we are where we are, aren't we?

Ian Taylor: I am aware that there are a lot of older roads that are narrow and have narrow pavements where you cannot have parking of any sort, but there are others where the road is narrow enough not to want parking on the street but the pavements are wide enough for maybe half a little vehicle. It is a matter of fitting the rules to the situation rather than one size fits all. I am afraid I go back to that again.

Dr Lee: What we are talking about—a colleague in Living Streets put this very well—is the storage of private property on the public highway. One of the novel solutions that came up in the comments was to have a council tax charge for more than two cars, for example. Some households have three, four, maybe five cars. It does happen, doesn't it?



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Q29 **Steve Double:** I admit that my household at one point had six cars.

Dr Lee: If half of those cars are spilling over on to the public highway, why should there not be an associated cost? If you have a two-bedroom house and three or four cars, maybe there should be an extra cost. It is just an idea, but there is an acceptance that it is perfectly okay to store your private car on public space. You would not stick a massive container there and expect to leave it unattended for weeks on end, but you can have a licensed vehicle taking up that space on the highway.

As my friend Kelvin from the British Parking Association would tell you, cars spend 90% of their time stationary, and most often are plonked in public spaces; they are generally not in private car parks where you are paying a charge. We have to think about who pays. Whose freedoms are affected? Who is paying the bill for these private vehicles to be parked somewhere?

Chris Theobald: I completely agree with Rachel on that point. Going back to what I was saying earlier, the situation at the moment is that local authorities in some cases try to tackle pavement parking. If we take the idea that we can focus on areas and do it street by street and prohibit parking, the way TROs operate and the resources of the police to deal with obstruction show that that situation is simply not working.

We have 100 guide dog owners coming to Parliament this afternoon, to Westminster Hall, to talk about their experiences of access, but they are equally happy to talk about their experiences of pavement parking and the frustration it causes. I am thinking of comments made by Simon from Ipswich, who will be here later. Sometimes he wonders whether it is even worth having a guide dog because pavement parking is so bad in his area. He thinks, "What's the point? I'm not going to be able to go out independently." I feel that the law as it stands is not working.

Q30 **Jack Brereton:** As a number of you have indicated, a number of streets will potentially have to be exempt if there is a ban. Do you know what proportion of streets across England might have to be exempt if a ban on pavement parking were to be introduced?

Chris Theobald: No.

Dr Lee: No.

Ian Taylor: I don't know either. I suspect it might vary widely from area to area.

Chris Theobald: We have made efforts to obtain data on that, but unfortunately the Department for Transport does not collate the information. We tried to speak to local authorities about it, but it is something on which we do not have data. If one considers the length of all the highways in England, outside London, where a degree of pavement parking may be necessary, compared with where it is not, it is clear that



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the presumption is the wrong way round at the moment. That is our view.

- Q31 **Jack Brereton:** Ian, you mentioned streets where you suggested it could be done. What do you think are the solutions in streets where it cannot be done and there is no alternative? We have lots of very narrow Victorian terraced streets outside London in many towns and cities in the north and midlands. What is the solution in areas where there is no alternative for people who live in those streets to park?

Dr Lee: There are many streets in our towns and cities that are very narrow. Quite a few of those will already have restrictions on parking in them—for example, if they are one-way streets. It is not as though there are not streets where parking is not allowed but people live along them. It is possible to have a street where you are not allowed to park and not have people up in arms.

As I said before, what is to stop people parking a little bit further away? It is about considering where they could park. For example, if there is a neighbouring publicly owned car park, you could have a scheme where you offer residents a reduced rate to park in that car park and they walk to their home. Where I live, that happens in a neighbouring town. It is about exploring those sorts of solutions and challenging the presumption that you should be able to park in front of your front door, just because you can.

At the end of the day, the pavement is part of the highway; it is where people are expected to walk safely. We should not be building in that kind of obstruction to foot traffic, especially when we are trying to encourage more walking and cycling in our towns and cities.

Ian Taylor: There will be some streets, as there are now, where you just cannot park, and people who move into them presumably should know that and accept it. My whole point is about the cases where the situation is different, and the only way to help them is to provide more parking spaces nearby. I am not saying it should be in the same road. None of us has the right to a parking space outside our house; otherwise, it would be very difficult to visit people, wouldn't it?

As regards the number of cars per household, that is largely down to the number of people in the household and how many of them might need a car to get to work or something like that. I would not want to pick on people for that reason, because it depends on how many people are in the household and how necessary those cars are.

Chair: There are interesting issues about who it would impact if you disincentivised it. When there are more adults in a house, they might have more cars than if they could each afford their own house.

- Q32 **Huw Merriman:** I want to pick up Jack's point that, if we bring in a rule that prohibits pavement parking outside London, there should be



exemptions. In reality, isn't it an all or nothing situation? At the moment, there is nothing to stop anyone parking on the pavement unless local authorities have brought in some form of order to stop it, in which case they will not do that; it will be too expensive and it will not happen.

Conversely, if a blanket ban is put in place but local authorities can have exemptions, they are not going to make exemptions because it is too expensive and too bureaucratic for them to do so. Some of the evidence has pointed to that. We know the pressures on local authorities. As a Committee, don't we need to be realistic and not think we can have the perfect situation, unless the Department for Transport is a bit easier on regulation and makes it much easier for councils to be flexible?

Chris Theobald: We would not imagine that exemptions are not the norm. In the case of London, exemptions are made via council resolutions rather than TROs. It is a less costly and involved process. There is an argument for reforming TROs. It does not relate just to pavement parking. We believe that exemption-making powers could be made easier by the Department for Transport. You have almost two types of exemption: a degree of pavement parking may be necessary because the street is so narrow, but there are also emergency response vehicles and so on. There are almost two types of exemption.

I go back to the London model because it is what we have. Each London borough publishes, or should publish, a parking policy that stipulates where it is permitted. In some cases, particularly in the inner-London boroughs, there are none or very few; in outer-London boroughs, which share more of the characteristics of the neighbouring suburbs, there might be a degree more latitude, but they use those powers. It is about empowering local authorities to take those decisions, because at the moment they do not have the power to tackle the problem.

Q33 **Daniel Zeichner:** I have a quick follow-up to Chris's point about the chap from Ipswich I might be able to speak to later. I still cannot get quite clear in my mind whether the main problem is historic cities and places like Stoke—I have similar terraces in Cambridge—where there is always parking, in which case it is not a great surprise to people because that is the nature of the area, or whether it is random examples of people behaving badly. I envisage that in Ipswich there would be streets and streets where people always park on the pavement. Can you clarify where the issue really is?

Chris Theobald: The comments we have come from people around the country; they are not from specific areas. Referring to some of the points made earlier, it is a significant problem, particularly on some new estates. Where there are level or shared surfaces—another area that guide dogs have significant issues with—pavement parking is particularly prominent. I do not think it is unique to a specific type of area. We hear comments from guide dog owners all over the country about where it takes place.



Q34 Daniel Zeichner: But, in those new developments, deliberate policy decisions have been made to try to dissuade people from having more cars. It seems to be a slightly different issue from the difficulties we have with old Victorian terraces.

Dr Lee: But it is not accompanied by improvements in public transport, for example.

Daniel Zeichner: Precisely.

Dr Lee: In all places, we are looking at how people move around, essentially. In our towns and cities, there is an awful lot of vehicular traffic, but this is not just a problem in towns and cities; it is a problem in villages as well. It is a problem where you have wide pavements as well as where there are narrow ones. People might complain about verges being churned up. There, obviously, you have enough room to walk past and it is not such an issue.

The biggest obstacle is the acceptability and culture of doing it. We have not really talked about the impact on pedestrians. Some people fear having to go out to deal with the impact of it—the aggression they face on a daily basis because of people driving on to the pavement and parking and assuming it is fine for them to do it. The aggression and abuse that a lot of people receive is one of the recurring themes. For those who are affected, it is a daily battle; it is wearing when you think they have had to put up with it for years and years and no one wants to do anything about it. That is the other issue.

We are talking about a system that is broken at the moment. The council may not have the power or inclination to do something; the police most certainly do not want to do anything about pavement parking. Quite often, it is batted between the two. Some local authorities have not decriminalised parking. I live in south Cambridgeshire, which is one of the 6% that have not, and it is a major issue there. Those affected are knocking their heads on a brick wall—not literally.

Chair: Maybe sometimes.

Dr Lee: Yes. They are the ones who are pleading for something to be done. Someone commented that it is common sense. The trouble is that common sense is entirely relative. Some people's common sense is completely different from someone else's, and there are enough people out there who do not care and have no sense of empathy whatsoever for the impact they have on pedestrians.

Chair: Thank you, Rachel. You have made a powerful point, and it came over very strongly in much of the written evidence we received. Lots of it is from individuals whose daily lives are affected by pavement parking. I am very conscious that we are running a bit short of time and we want to look a little further at enforcement.

Q35 Ruth Cadbury: Thinking about better enforcement, do you think it



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matters who enforces a ban on pavement parking and who has the resources to do so?

Chris Theobald: At the moment, when we speak with police forces they simply do not have the resources. Most areas have civil parking enforcement. If a law was introduced and civil parking enforcement officers already on the ground were able to enforce it, in our view that would seem to be a logical extension of their role.

Ian Taylor: On enforcement, the police do not want to do it. They will say they do not have the manpower to do it. Although I do not say this without reservation, inevitably it will come down to the local authorities that have the power to implement bans or otherwise anyway. It does not matter at the end of the day who you give that power; almost inevitably they will come back to you and shout, "We need more money to do it." If you are going to do something that needs resources, those resources have to be made available.

People mentioned exemptions earlier. To add one last quick point on that, councils would have to look into exemptions, either way, simply through public demand. In some roads, people would clamour to have pavement parking banned; in other places, they might clamour for the exact opposite. That is why there needs to be some duty to take that into account.

Nobody has mentioned the fact that some problem areas arise because the houses are such that, no matter how much people want it, they cannot have their own off-road parking space or garage. There is nowhere for them. A lot of the taking away of road space has come about from a desire to stop people driving so much.

I would ask you to bear in mind one thing overall, without going off subject too much. Reasonable traffic management is fine; if it steps over the line into what I would call wider social engineering, I am less happy.

Q36 **Ruth Cadbury:** Do you think there are ways of enforcing pavement parking that are less resource intensive?

Dr Lee: Automatic number plate recognition systems are used in some places—for instance, outside schools. They are certainly used in private car parks. That would be one way.

Chris Theobald: Building on that point, the Deregulation Act 2015 limited some local authority powers to use CCTV parking enforcement in certain circumstances, so that may need to be revisited.

Q37 **Chair:** Are there any other comments on the idea of less resource-intensive methods? Ian, would you be happy for new technology to be used to enforce, rather than an individual traffic officer, for example?

Ian Taylor: As long as there is no risk of people being penalised willy-nilly. For instance, if you automate too much, you are liable to go



after the poor person who is suffering a genuine breakdown and has had to pull over. With a few caveats, I have no overall objection.

Chris Theobald: When we talk about resources, we have to remember that the system as it is costs local authorities in damage to pavements and in opportunities. Thirty-five per cent of people with vision impairment who completed our survey this year said that they encountered pavement parking on a daily basis that forced them to change their route; a further 35% said it occurred on a weekly basis. You have to think about the loss in terms of people's ability to work, travel independently, shop, attend medical appointments and access their community. You have to weigh up those costs as well.

Chair: These are the hidden costs that perhaps we do not necessarily recognise.

Thank you very much. That concludes our questions to the first panel of witnesses today.

Examination of witnesses

Witnesses: Simon Botterill, Louise Hutchinson, Spencer Palmer and Tim Young.

Q38 **Chair:** Welcome, and thank you for coming along today. For our record, please can you introduce yourselves?

Spencer Palmer: I am Spencer Palmer, director of transport and mobility at London Councils. We are the organisation that represents the 33 London authorities.

Louise Hutchinson: I am Louise Hutchinson, director of PATROL, which stands for Parking and Traffic Regulations Outside London, a joint committee of over 300 local authorities in England outside London and Wales.

Tim Young: I am Tim Young from Norfolk County Council. I am the project engineer, policy and performance, and I cover things like traffic regulation orders and civil parking enforcement.

Simon Botterill: I am Simon Botterill from Sheffield City Council. I am the transport and design manager. My role is in scheme design and traffic regulations, but not parking services, the enforcement side.

Q39 **Chair:** Thank you very much. We have heard traffic regulation orders—TROs—mentioned already this morning. Louise, could you describe how a council would use a TRO in relation to pavement parking?

Louise Hutchinson: The local authorities that comprise our members have used traffic regulation orders in a few circumstances to introduce pavement parking bans. They tend to be in quite small areas; for example, Derby City Council introduced a city-wide ban in quite a restricted area. Basically, it is a statutory instrument that has to follow a



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particular process. It is quite resource intensive. I am sure colleagues here will be able to provide the detail, but the law sets down the process for consulting on the introduction of traffic regulation orders, advertising those orders in the local press, dealing with any objections and then making the order. Typically, they can take up to nine months to implement, and that can be for just one small area.

Q40 **Chair:** Briefly, how easy is the process for introducing and making a TRO?

Tim Young: It can be quite straightforward, provided there are no objections. If you get into dialogue with local residents or stakeholder groups, it becomes very resource intensive for a local authority. We are required to advertise in the press, and that has a financial implication for us.

Q41 **Chair:** Can you give us a typical cost for a TRO? Is there a typical cost, or is it very variable?

Tim Young: I am afraid it varies from authority to authority.

Q42 **Chair:** Give us a specific for Norfolk, or an average.

Tim Young: It could cost us between £5,000 and £8,000. A fair chunk of that will be advertising, and the rest is made up of officer time.

Q43 **Chair:** How long would it take?

Tim Young: As Louise said, anything from nine to 12 months.

Q44 **Chair:** Is the guidance very specific on how you should advertise and where? Tell me what that is, briefly.

Simon Botterill: Traffic regulation is a legal process. Each order you make is normally an amendment order to a single order. When you change something on the street, or amend the original order, effectively, it becomes a layer that sits on top. The advertising will have the amendment order, the roads affected and "in pursuance of" the legal bits below.

We are obliged to advertise in a local paper with significant circulation, which is the *Sheffield Star* or the *Sheffield Telegraph*. The cost of an advert is probably of the order of £1,000 to £1,500. We moved from the *Star* because it was edging up to £2,000 an advert. To try to offset that, we have started putting more and more bits of orders into an advert, and it gets long. We recently advertised a tariff change for the central area and the cost of the advert was £3,000.

Q45 **Chair:** Spencer, is there anything different from a London Councils perspective about the ease, cost or time of making a TRO?

Spencer Palmer: As we have heard, with the London-wide ban on footway parking, we do not need to make a traffic order to implement the exemptions to the London ban. However, London local authorities have to



process traffic orders for lots of other restrictions, and quite commonly footway parking exemptions are included within controlled parking zones, perhaps around busy commuter areas where priority is given to residents with parking controls. In those areas, footway parking exemptions would be included in the designated bays marked out for the controlled zones.

With the formal traffic order process, under the traffic orders procedure regulations, there is a two-stage process as well: you have to advertise at the point you propose the order and at the point of making it, and then you have the formal objection period. For exemptions to the footway parking ban in London, there is a more informal process. There has to be a resolution of the council, which effectively could be made by the relevant cabinet member or committee, or delegated to officers, but there will be a more informal consultation process to propose a series of exemptions in a particular street or streets and seek residents' views.

It is important to find out, for instance, issues around their access or particular needs that you might not know if you did not consult, but also to get them on board, to get residential buy-in. That is important when you are processing exemptions. That is done, but it would still go back to a cabinet member, committee or officer to make a decision and consider the consultation results, but because it is not a formal process there is greater flexibility and it is perhaps a bit quicker and less costly.

Q46 Chair: We might come back to you on the London exemptions process in a moment. If you did nothing but make the TRO process easier, how could it be improved? What are the key things you would want?

Simon Botterill: It is very difficult, because the order process is archaic—I think that is a reasonable way of putting it. It is based on very strong legal precedents and substance. Any order that we write is checked off by our legal department to make sure we have included everything and we have not got anything wrong before it goes to advert, because ultimately, if you are going to enforce a restriction on a street, you need to have it secure and not open to challenge. Clearly, there are challenges, but we like to make sure that that is not appropriate. We have a very dense legal system. In this day and age, we ought to be able to move more quickly on these processes and update our data faster and publish it. With the processes we have, it is very difficult to move into the modern world.

Q47 Chair: Is it easy for you to define it? If you changed the process, started again or whatever, what would it look like? What would be different from how you do it now?

Tim Young: From my point of view, it would be the requirement to advertise in print media. We are moving into a more digital age. Often, residents do not read print media any longer, so being able to communicate with them electronically would be much more useful for me.



Louise Hutchinson: We have mentioned technology. The other issue is the introduction of autonomous vehicles. Maybe traffic regulation orders and the legal processes need to move with the times. The regulations were set up in 1984 and 1996, which is quite a long time ago, so bringing them up to date for that would be useful.

Q48 **Chair:** The key thing I have so far is that you would not have to advertise it in the local paper; you could use the council website, email or whatever. Is there anything else that is key in how you can make the process easier, cheaper or faster?

Simon Botterill: That is a question that ought to be directed to the legal side of the order process. When we look at the articles and schedules we have for types of parking, there are 20-odd schedules and different sorts of parking—double yellow lines and single yellow lines—and there are different sets of orders for moving traffic offences, banned turns, speed limits and weight limits. They all have different lots of paper, and above that are what are called the articles.

The articles have all the exemptions—for example, “except an officer in uniform” or “except for work on the highway.” To get into those and change them and make sure that you are not leaving loopholes is quite a tricky business. Making sure that you do not create problems there is a very specialist job. There is no easy method of rationalising it. It tends to grow; you add something and add something, and it becomes a bulky document. There needs to be a mechanism whereby we can move it down, make it an easy process and keep it slim.

You cannot publish exemptions. Lots of bus lanes do not operate on Christmas day, but you will never see a sign that says, “Bus lane, except Christmas day.” Traffic signs are regulated, and you cannot add more to them; they would be too big to read. Making it somehow more transparent is a bit difficult.

Chair: We now want to look in a little more detail at what Spencer started to touch on, which is the London experience.

Q49 **Jack Brereton:** As has been suggested, in London there has been a ban on pavement parking since 1974. How well has that ban worked, and have you come up against challenges?

Spencer Palmer: Generally speaking, after so long, it is well established and it works well. When I say it works well, it certainly helps to keep the footways clear; it helps prevent obstruction to pedestrians and those with particular needs we heard about earlier. It also helps to protect the footway infrastructure, which can be damaged by people driving and parking on the pavement. It works and is well accepted in London, and I think it is well understood in London.

No doubt a national ban would help compliance in London, because having two different systems evidently leads to some confusion and ambiguity. Although I said that generally it works and is popular in



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London, local authorities still issue PCNs on a very regular basis to people who park on the footway in contravention. We still have problems, and local authorities experience complaints of obstructive pavement parking in certain areas.

- Q50 **Jack Brereton:** In terms of exemptions, you have touched on the fact that it is not as complex as the TRO process. Has that become simpler over time? Has the process for exemptions evolved to make it easier to put exemptions in place when you want them to happen?

Spencer Palmer: Through experience and knowledge, it has become perhaps more routine. Most authorities in London have completed their reviews of the main areas they needed to review to implement footway parking exemptions. However, it is an ongoing process, as parking demand increases in certain areas and new estates come on line with issues. Housing density in certain areas can create greater car ownership, which leads to problems, so occasionally exemptions are still considered for certain streets.

I think it has become quite routine, and there is an accepted process in most authorities that is fairly consistent. Because exactly what you should do is not set out in statute, the sharing of good practice and a fairly consistent approach has been established across London for designing, promoting and considering footway parking exemptions.

- Q51 **Jack Brereton:** We have heard about the cost of TROs. What would the cost be of putting in place an exemption on a particular street?

Spencer Palmer: It is hard to put a fixed cost on it, but the process of reviewing streets and implementing footway parking exemptions is expensive and takes a long time. I had personal experience when working as a traffic and parking officer in a London local authority back in the '90s and early 2000s when we were doing these reviews.

- Q52 **Jack Brereton:** How long would it take?

Spencer Palmer: We had a full-time member of staff employed for several years doing the reviews of streets in the area. There is the employment cost of the necessary resource that you need to do it, and there is the consultation cost. Although you are not obligated to advertise in a local paper, as you do for other traffic orders, typically you would write to every resident, business and premises in the street concerned. You might want to put up street notices as well, to pick up people who use the street but do not necessarily live or work there, so you have the added cost of consultation associated with that. You have to consider the results of consultation. Prior to that, there is significant time and resource involved in measuring the street in detail, so there are surveying costs. There is also the cost of checking the structural integrity of the verges and footways. There might be a strengthening cost as well.

- Q53 **Jack Brereton:** There might be a physical cost.



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Spencer Palmer: Exactly. Where footway parking is allowed, or you turn a blind eye when it happens, that is quite different from saying, "Yes, you can do it here." That is the key thing. If a local authority says, "You can park here," you have to make sure that the footway is strong enough for it to happen. It is not just damage to the footway; it could lead to damage of utility equipment below the footway as well, so there is a need to review the strength of the footway and strengthen it. There is quite a lot involved in the review process and there are significant costs associated with it.

Having said that, most local authorities would cover that cost. In London, generally there is surplus income from parking enforcement, on-street charges and charges within London. That money is well reinvested to fund essential services such as parking management. Generally speaking, most footway parking reviews in local authorities have been funded directly from their parking account.

Q54 **Jack Brereton:** That would not necessarily be the case outside London. Are there some specific improvements that you would like to see made to the process?

Spencer Palmer: In London, I am not aware of any particular improvement that would be needed in the exemption-making process. Perhaps there could be more clarity around minimum widths, which were discussed earlier. When is an obstruction an obstruction, and what is the clear width you need?

Generally speaking, the system we have in London has worked well. The key thing is engagement and consultation with the local community, to make sure that what you are doing not only meets the regulations and standards, but serves the needs of local people. There will be some conflict. Let's face it: when there is a free-for-all and footway parking is occurring without any controls, there will always be more parking than when you put in designated bays, because inevitably you will not be able to allow parking to occur everywhere it happened beforehand. There will usually be a net reduction in parking when footway parking exemptions are put in place, if footway parking is already occurring in the street.

Q55 **Jack Brereton:** What other thoughts are there? Would you like to see a ban, given the quite wide variation of circumstances that we have across the country?

Louise Hutchinson: You hit the nail on the head. As a joint committee, we represent local authorities from Bournemouth to Barnsley that may have very different needs and communities. I completely respect the views given in the earlier session about people affected by pavement parking, but it is about whole communities as well. It is fair to say that local authorities outside London that want to be able to enforce against pavement parking recognise the difficulties of the current TRO process. The traffic penalty tribunal has 20,000 traffic regulation orders in its



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library, and pavement parking is only one pressure on the TRO department; there is a whole range more.

Our members, together with the adjudicators of the traffic penalty tribunal, have been looking at whether there is a way of doing this without having to resort to traffic regulation orders. You asked earlier about the likely cost. A number of authorities reported in their submissions the cost that would be incurred. In our case study, we gave the example of £600,000 if 10% of streets in a local authority area were affected. There is also the timescale. Going through the consultation and advertising process could take up to two years, and, clearly, everybody wants something done very quickly.

The suggestion that has been made as part of the joint committee's submission does not involve a TRO process but would involve introducing obstruction as a civil contravention, not just one that can actually be enforced by the police. That would allow local authorities to take targeted action in a proportionate way, recognising the needs of individual communities, whether it is about building density, or historic towns and so on, and taking the action that is required.

It would think about it from the driver's perspective. Everybody has talked this morning about communication. It is important to have local campaigns about local authority policy and national campaigns to say that it is not generally acceptable to park on the pavement, but it is also important that, at the point of issuing a penalty, the first step is to issue a warning letter to the driver to say, "This is why you have been issued with this warning notice, and the next time you do it there will be a penalty." Education and behavioural change are what it is all about, rather than simply issuing penalties.

Q56 Jack Brereton: Tim and Simon, do you have views about a ban outside London and how it would impact in your local authorities?

Tim Young: I echo those sentiments, in that to my understanding some changes to primary legislation in the Traffic Management Act would move obstructive parking into the civil arena quite neatly and allow us to use circumspect powers, where we are asked to do so. We could do targeted enforcement and benefit the people who are affected, rather than having to take a scattergun approach everywhere.

Simon Botterill: The scale of the challenge of a blanket ban approach should not be underestimated. In London, it happened many years ago when car ownership was considerably less than it is now across the country. There was probably road space available at that point in time, and you could choose whether you needed a car or could use public transport. That is very obvious, because of the level of public transport you have here and the level of car ownership.

In Sheffield, that has not happened. We have a lot more cars per household, perhaps. I have no figures for that, but it feels like we have



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more cars per household. Banning pavement parking would create overnight a huge volume of vehicles that have nowhere to go. I would find it very difficult to implement a blanket ban, even in a decent-sized area, unless we had also done all the exemptions and the permitted footway parking. We are years away from being able to do that.

Q57 Jack Brereton: How long would it take your authority to do all the exemptions you would need?

Simon Botterill: I would not like to make a guess. With current resources, probably 10 or more years. It needs a stream of income to reinvest in the process, which is another reason why we would prefer the civil enforcement option of obstruction, where you can start to build on it. You could start in a prioritised area where you get the worst offences, around schools and district centres.

Q58 Jack Brereton: Do you think that, if we could reform the TRO system and make it simpler and easier, that would be a much better solution?

Simon Botterill: I would like to see the option of a TRO system. A civil offence of obstruction is a much more agile tool, and one that allows an authority to put in education to get public debate going, rather than just turning up and being the big bad authority implementing pavement parking.

Q59 Jack Brereton: Tim, in Norfolk, how long would it take and how much cost would it incur to do all the exemptions across the whole county?

Tim Young: Without being definite, it would be years, purely because we have a very dense city, with Victorian housing, going out into '50s and '60s housing estates and new houses. They would all have to be surveyed, covered and assessed. Similarly, we have a lot of rural market towns that suffer the same thing, so it is not just one nucleus area; we would have to look across the whole county. For me, it would take years to go through a rolling process to do that.

Q60 Jack Brereton: Louise, you suggested two years. We have heard conflicting information. Some local authorities suggest that it would take much, much longer than that. Do you think seriously that it is going to take two years?

Louise Hutchinson: It depends on the local authority area. Tim mentioned a much longer period. It might be a small local authority. It depends on the resources in the department; it depends on other pressures for traffic regulation orders.

From our members' perspective, they want to be able to enforce quickly. If there is a change in primary legislation, which a national ban would require, it will take a long time. Then you have the further exemptions process, whereby introducing a civil contravention of obstruction would not take it away from the police—they could still deal with it—but would give local authorities the power, and it could be implemented through a



simple statutory instrument. That would give time for a more robust impact assessment in some communities of what would be involved in introducing the exemptions.

Q61 Jack Brereton: Have you made any estimates of how much it would cost across the whole country for all local authorities to carry out that process?

Louise Hutchinson: We have examples of case studies. The one I referred to is a north of England council, with 3,700 streets, that estimated that 10% of those might need permitted footway parking. It estimated that that would cost in the region of £1,800 per street and £666,000 overall. That was done on the basis of one TRO for the whole lot, but if it was done on a piecemeal basis, it would add another £150,000 to the process. I think that chimes with what is being said here.

The scale may vary because, as we said, outside London represents a whole range of different situations, for seaside towns, market towns and historic towns. It is for each individual authority to understand what it will mean for their communities. The key to that would be the consultation you referred to, because some people will be very pro pavement parking, but equally there will be people affected who are not. Maybe introducing a timely solution would mean that action was taken to address the points raised by the earlier panel, and would give time for consideration of what would work and what would be the best local solutions that are responsive to local communities. At the same time, it would enable virtually immediate action to be taken.

Q62 Jack Brereton: Spencer, in terms of London authorities, when this was first introduced, how long did it take to get all the process in place and get local authorities to a stage where all the exemptions were in place?

Spencer Palmer: It differed authority by authority. To add to the points that have been made, not all of them introduced the exemptions straightaway after 1974; most did their detailed reviews when they got civil parking enforcement introduced in the '90s, because then expectations were raised among the public that the local authority would enforce the footway parking ban.

Some adopted a different approach. There needs to be an element of prioritisation. You need to prioritise the streets that perhaps have the worst problems, or the biggest issues, and review them first. Where they knew there was a dependency on footway parking, some implemented what they called a temporary exemption and simply put up signs at the end of streets that effectively exempted the whole street for either full or part-footway parking. Later, they carried out a more detailed review that led to the marking of bays and designated spaces where people could park. Others just prioritised the enforcement activity.

When a local authority is responsible for enforcement, it is up to them what they patrol and enforce. Certainly, in a street that they had not yet



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reviewed, unless they had particular complaints about obstructive footway parking, they would not carry out regular patrols and enforcement in that area. What I am saying is that you do not have to do it all overnight; you can phase in the exemptions.

Q63 Jack Brereton: It is a more flexible approach to enforcement; some areas do not see any enforcement.

Spencer Palmer: Some areas would have less enforcement than others, but there is an element of reactive enforcement, because all local authorities in London will react to complaints and concerns raised with them about a particular location.

Q64 Huw Merriman: Louise, I want to ask a very direct question that is similar to the one I asked earlier and picks up on the challenges in Norfolk that Tim talked about. Given what you said, and absent a sea change in the way the Department for Transport's regulatory process forces local authorities to climb over many obstacles, isn't it the case that, if we prohibit outside London, in reality we are likely to see very few exemptions brought in, unless there is radical change in devolving powers to local authorities?

Louise Hutchinson: It would be a very long, drawn-out process if that was adopted with the current TRO process. We are clear from the evidence we have had from our member authorities that in some areas there would need to be a lot of exemptions, so we would take a long period of time. As I said before, waiting for that to happen and waiting for the primary legislation is actually frustrating to member authorities who would like to take targeted action as soon as possible.

For example, Devon County Council operates a web-based reporting system. They receive comments from about 120 of their communities. They have to say to them, "We are really sorry but that is a police matter." They just want to be able to take enforcement action now. The pragmatic approach is to ask whether that could be introduced. A national authority has the ability to introduce new offences in civil contraventions. Maybe it is time to review that so that action can be taken against offenders and then take a view of the traffic regulation order process because that will take a lot longer, given the feedback from colleagues here.

Q65 Huw Merriman: For those of us who support change and actually want to see the rest of the country have the same provision as London, if we wanted not just one size fits all, we would need to make recommendations in our report that the Department for Transport gives much more devolution to allow local authorities the flexibility to pick and choose where to use it.

Louise Hutchinson: Yes.

Q66 Chair: I have two quick questions. Louise, from what you said, if you decriminalised obstruction so that local authorities could enforce it,



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effectively you are accepting that pavement parking will continue. Don't you then need to define what obstruction is? As we heard from the earlier panel, there is a difference in view between someone who thinks 1.2 metres is sufficient space to leave and someone who thinks that perhaps as much as 2 or 3 metres is necessary. Do you have a view?

Louise Hutchinson: That would have to be defined in statutory guidance. That is what local authorities look to in how they enforce against any contravention. There would need to be guidelines for local authorities, but taking into account what is a common-sense, reasonable approach—taking on board the views this morning—it would need to be set down.

Q67 **Chair:** Is it about a physical amount of space? Is that how you define obstruction? Is it that you are not leaving 2 metres?

Louise Hutchinson: What you would not want is civil enforcement officers walking out with metre rules. You would hope that it could be a little bit more reasonable than that. With the power of technology, if there was any suggestion that a civil enforcement officer was unsure about whether a vehicle was obstructing the footway, they could simply send a photograph back to their management team and say, "Look, this is what I am seeing. Should I be issuing a penalty?"

Going back to what I said before, a warning notice for first-time contraventions would be important as well, in terms of education.

Q68 **Chair:** Do you think the offence should include parking in front of dropped kerbs?

Louise Hutchinson: Yes.

Q69 **Chair:** This is the second point I want to ask about. All of you talked about the difficulties, the expense and the complexity of introducing a TRO, particularly the requirement to advertise in a local newspaper. Have you lobbied the Ministry of Housing, Communities and Local Government on that point? If so, what have they said?

Simon Botterill: I believe there was a consultation a few years ago on that very matter. The outcome was not to take it any further at the time. There was a degree of pressure raised by the press about the revenue that they got from it being seen as maybe fundamental to their business.

Q70 **Chair:** The importance of local press in lots of ways is declining in terms of readership. Many more people are getting their news online. Is that something that has been raised by local authorities or through the LGA, or through PATROL more recently?

Louise Hutchinson: We raised it with the Department for Transport on a number of occasions when we talked about traffic regulation orders, but there has not been any change indicated or any intention to consult on it again of which we are aware.



Simon Botterill: Spencer made the point that it is important to communicate with locals, residents and communities. You do that by street notices and letters. Sheffield does exactly that because it does not believe that the press offers that level of distribution of information to people.

Q71 **Chair:** You have to do more at local level because you do not think that the requirement is enough.

Simon Botterill: We do more than the statutory requirement, yes.

Q72 **Ruth Cadbury:** What happens where there is no local paper that covers the district or the local area? Is there a way around that? I know in London there is the *London Gazette*, which nobody reads.

Spencer Palmer: And there is a certain free paper that is circulated, or a couple of free papers. That was the point I was going to make. For central London authorities, often their only option is to use a very expensive publication that exists in London. We would welcome change in the rules on advertising in the local press and constantly raise the issue.

Q73 **Chair:** Albeit that you do not need to do that for pavement parking exemptions.

Spencer Palmer: Not for parking, but for other restrictions it is an issue for London authorities.

Chair: We want to look a bit further at enforcement.

Q74 **Ruth Cadbury:** Spencer, how easy is it to enforce the London pavement parking ban? Is it more difficult at specific times of day or in certain types of area?

Spencer Palmer: Generally speaking, it is very straightforward to enforce when there is a contravention by the issue of a PCN. What happens is that because there is such widespread enforcement across the whole of London—most local authorities in London have lots of controls across most of their streets of one type or another—footway parking is patrolled as part of the other restrictions that exist. Generally speaking, there is no dedicated resource just for footway parking enforcement. The civil enforcement officers patrolling a busy town centre area, for example, or a particular controlled parking zone within a certain time, or any other restrictions around schools, would pick up footway parking contraventions and issue PCNs to those vehicles at the same time. Generally speaking, it is quite straightforward to enforce.

However, I would make a little plea at this point. There are areas, particularly out of hours, that are difficult to enforce—for example, outside schools where people are picking up and dropping off and causing a problem for a short space of time. It would be great to have the effective tool of CCTV to enforce in those areas. We lost that power to enforce using CCTV with the Deregulation Bill, as has already been mentioned. It is very unusual for an effective enforcement tool to be



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taken away, but that is what happened in 2015. Because of that, it has affected our ability to enforce in certain areas at certain times.

Q75 Ruth Cadbury: That withdrew the ability for static traffic offences, or was it all traffic offences?

Spencer Palmer: In London, we still use cameras for moving traffic contraventions. It removed the ability to use CCTV to enforce parking, effectively, apart from on school zig-zags, red routes and zig-zags at crossings and things like that. As I say, it removed an effective enforcement tool that was used for footway parking as well as for other parking contraventions.

Q76 Ruth Cadbury: How is enforcement in London funded? Does enforcement income from penalties bring in more or less than the cost of running the enforcement system?

Spencer Palmer: In London, it differs greatly. The amount of income generated through parking enforcement and the charges that people pay to park in London varies greatly from borough to borough. I think in every authority it pays for itself, and any surplus income is reinvested in other valuable transport services and, particularly in London, helps fund the Freedom pass, which is our concessionary travel scheme that London local authorities pay for. A large part of that is paid for from surplus parking income.

Q77 Huw Merriman: I want to ask about the responsibility for enforcement. We worked from the scenario, which is not altogether the case, that the police are responsible for enforcing penalties related to pavement parking and councils are responsible for on-street parking. I say it is not always the case because my two district councils, Rother and Wealden, are two of the 15 that still have police responsible for on-street parking.

We received a lot of evidence highlighting confusion over who is responsible for enforcement with regard to pavement parking offences. Would one or two of you be able to define the enforcement roles that you have versus those of the police and what the difference is between local authority and police powers?

Tim Young: For us, when there is a TRO in place, civil enforcement can occur because that TRO effectively works from the middle of the carriageway to the back of the highway verge. If you are parked on the footway where there is the TRO, civil enforcement can occur. Where there is no TRO, it is the responsibility of the police. That is a foot in both camps.

Q78 Huw Merriman: Using your county as an example, and I know it is very difficult, can you give us a rough idea of what is you and what is the police because of the lack of a TRO?

Tim Young: Norwich, being a large urban centre, and a lot of our large market towns are covered by civil enforcement. Out in the villages and the smaller market towns, where there are not that many traffic



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regulation orders in place to control parking, it would be the responsibility of the police; but obviously the situation of pavement parking still occurs.

Q79 **Huw Merriman:** Simon, can I ask you for a larger city perspective?

Simon Botterill: The police area is not Sheffield; it is a much wider area. I think it is South Yorkshire and beyond. There are very few traffic officers in the police force. Probably 95% of all enforcement related to TROs and parking is undertaken by the council, and the remainder is the police. That would just be the obstructive footway parking.

Q80 **Huw Merriman:** Following on from that, is it clear in terms of your authority and the police who covers what?

Simon Botterill: We are clear.

Q81 **Huw Merriman:** In your experience, are the police clear?

Simon Botterill: I believe they know their responsibilities, but they struggle with their resources to be able to match them. That leads them to direct it back to the council. If somebody is parked on the footway, they say, "Well, the answer is to put some yellow lines down, isn't it?"

Q82 **Huw Merriman:** I will come back to the memorandum of understanding, but perhaps I should ask, what helps or hinders effective enforcement of the existing rules?

Simon Botterill: We work with the police on enforcement, and they support us on parking and enforcing traffic orders in certain locations where there is a lot of endemic and habitual parking. As has been pointed out, drivers feel they have a right to park on a footway rather than on the road, and are oblivious of the obstruction and damage it can cause. We need the police there to help out, just to keep law and order because people seem to be less courteous than they used to be. There is relatively little co-operation and co-ordination between the police and the enforcement side.

Q83 **Huw Merriman:** I may as well ask you this now. Does Sheffield have a memorandum of understanding with the police?

Simon Botterill: No.

Q84 **Huw Merriman:** Out of interest, why don't you? Is it just because you never have?

Simon Botterill: We never have. We say that we work in partnership.

Q85 **Huw Merriman:** Tim, I may as well start with the same question. Do you have one?

Tim Young: We do indeed, yes. We have a memorandum of understanding with the police that sets out roles and responsibilities. We have determined in that when the pavement is obstructed by parking. It is based on guidance in "Inclusive Mobility", which is a DFT publication, but that is quite long in the tooth now and needs some updating. To be



fair, the memorandum of understanding probably needs looking at again because it was signed a few years ago.

Q86 Huw Merriman: In terms of what helps or hinders effective enforcement of the existing rules, do you have some views on either of those?

Tim Young: What I have found quite useful is that we can enforce dropped kerbs through the Traffic Management Act. We do that on the basis that, if the resident whose dropped kerb access is affected by someone parking in front of it, we take representation from them and get written permission from them to enforce. In that way, our enforcement is equal for everyone who parks there, whether it is the homeowner or someone else. We then do targeted enforcement based on that, because we know we have a record that we have to go there and have a look.

Q87 Huw Merriman: Louise, what do you say on the help or hindrance point?

Louise Hutchinson: Civil enforcement officers have experience of enforcing against that. It is done without signage. Obviously, if we are introducing traffic regulation orders for footway parking bans, that brings all the street signage, and potentially clutter, that has been referred to. We have civil enforcement officers with the ability to be proportionate and to target their enforcement in a proportionate way.

Spencer Palmer: In London, we have CCTV enforcement powers. The obstruction powers and the possibility of those would be welcomed in London as well, even though we would not necessarily need them for footway parking. Clearly obstruction is not just obstructing the footway for pedestrians; it is obstructing properties, driveways, junctions and the street generally.

That is something that potentially would be welcomed by London authorities, because it might mean that they could enforce effectively against issues that are regularly raised with them but which they currently have to pass on to the police and are perhaps a low priority for the police; or they have to consider putting in weight and loading restrictions, with yellow lines and signs, just to deal with something that the police could otherwise deal with if it was a high priority for them. It would be worth exploring for London as well.

Louise Hutchinson: Some of our authorities have said that the police are supportive of civil authorities having obstruction as part of their contraventions as well. Obviously, the police would have to contribute their views, but they seem to be supportive.

Q88 Huw Merriman: Would any of you take a different approach to the working relationship with the police if you had more powers, or are you quite happy with how things are right now?

Tim Young: We have quite a good working relationship. We have an officer working group that involves all the stakeholders, including the police, who send a traffic management officer. We explain our difficulties



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to them and they explain their difficulties in terms of resource and priority to us. We achieve quite a good balance that way.

Simon Botterill: We are comfortable with the relationship we have. There is probably a difference between a largely urban area and the mixture of urban and rural in Norfolk. The majority of problem areas already have TROs and waiting restrictions in place, which enables us to make a lot of enforcement. We currently do not get many contacts about obstructive parking. The spectre of a blanket ban, or even civil enforcement for obstruction, will raise the game a little bit. You will see an awful lot more people both reporting and saying, "Where am I going to park?" There will be challenges, and that sort of thing.

Q89 **Huw Merriman:** I was going to ask you whether there would be barriers if you wanted to alter the ratio, but I'll change it and put it differently. Do you feel that the police are looking for local authorities to do more because it is not the business of what police do any more? Is that an undercurrent?

Simon Botterill: Their core business is criminal activity, and they do not see traffic offences as criminal in the same way. It is the no victim view, you might argue.

Huw Merriman: I was going to ask others about recommending memorandums, but I have already asked Simon about that.

Chair: Daniel will pick it up from there.

Q90 **Daniel Zeichner:** You have been quite careful in your answers about what the police have the resources to do. In reality, are they enforcing? What numbers are we talking about?

Simon Botterill: We would not know whether they enforce—that is the simple answer to that. There are a few locations where something has happened in the vicinity that has caused on-street parking to occur and has prevented access or movement of traffic. A local business, for instance, has got the local neighbourhood police involved and by persistence has had them out doing enforcement.

Q91 **Daniel Zeichner:** But it is hardly a run-of-the-mill, daily occurrence.

Simon Botterill: It is not a traffic order; it is obstruction, because it is preventing large vehicles getting into an industrial estate.

Q92 **Daniel Zeichner:** It is the really extreme end. What about Norfolk? Are the police there regularly issuing penalty charge notices?

Tim Young: It happens as part of their patrol work, but I could not give you figures on how many traffic offence reports they issue. I know that they tend to target schools. They are quite big on school enforcement, but that varies across the geographic area.

Q93 **Daniel Zeichner:** That brings me to the frustration that has been expressed in some of the evidence we have had from the public, in the



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sense that they do not know what to do. How do you give advice when someone phones with a complaint?

Tim Young: With there only being one of me, I try to deal with them as best I can, but it is looking at the location practically and seeing what we can do, and then signposting the resident to the right port of call.

Q94 **Daniel Zeichner:** Would that be someone else in the council?

Tim Young: If it is a civil enforcement matter, they would be signposted to report it to the operations team to do some targeted enforcement. If it is purely a police obstructive matter, I would pass it on to the police traffic management and say, "This has been brought to my attention. Can you please have someone take a look?"

Q95 **Daniel Zeichner:** What is PATROL's experience across the country with this?

Louise Hutchinson: As I mentioned before, Devon has quite a sophisticated recording system of the complaints it receives, just to demonstrate the scale of the issue. Again, when it is in relation to pavement parking, it is a matter for the police, so people need to be referred to the police, which is when people feel that maybe local authorities are not responding, whereas they can respond on other matters that are raised. That is one that actually does have to be passed over.

Simon Botterill: As you say, people do not understand what the police force is there for, or they believe they understand what the police force is there for and it is not dealing with parking, which is clearly a council matter. I think that is where it comes from. The police are out to catch criminals, so it has to be the council: "The council cut the grass; the council do the street lighting; they empty the bins; why don't they deal with the parking issues?"

Q96 **Daniel Zeichner:** Given that there is already some confusion, someone suggested that it would be useful to encourage the public to report more breaches—a bit like reporting potholes in the street. I am not sure, from what I am hearing, that you have the capacity to deal with more and more people raising complaints, or would you welcome that?

Simon Botterill: There is always a point in people raising complaints. If nothing else, if you have a pile of complaints that high about one location, and not another one, that is where you would target your enforcement. You need evidence and intelligence coming in to target where you can do the most good.

Q97 **Daniel Zeichner:** But would you have the staff resources at the moment to cope with your inbox filling up on a daily basis?

Tim Young: If we had a move in legislation that put obstructive parking into the civil arena, we would have to put a tool in place to allow the



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public to report it to us, and therefore catalogue it and weight it, as Simon said. That would be part of the process of legislation change.

Q98 **Daniel Zeichner:** Would you need extra resources to do that, or not?

Tim Young: Yes and no. We would need some resource to put a tool in place to allow a public interface to be developed, a web reporting form or something like that.

Simon Botterill: Sheffield already has a central customer service shopfront, where everybody is directed for all inquiries, and people who are trained for that have scripts so that they can move things to the right department. The scalability of that is relatively easy, and it allows people to report by phone, email or online form. You can add pictures or locations. In fact, the tool we have has a map behind it, so you can pinpoint the area. There might be improvements we could do in terms of how easy it is to get to the reporting side, but it is scalability. It is already there.

Chair: There are a couple more questions about the enforcement issue.

Q99 **Steve Double:** I am thinking about the role of civil enforcement officers. Generally, what hours do they operate, and are you able to provide patrols during evenings and weekends?

Simon Botterill: Yes, currently the CEOs start at a quarter past 7 in the morning and finish at 23.00 hours. That is Monday to Saturday. They also work on a Sunday from 8 o'clock in the morning until 1 o'clock in the afternoon, predominantly on offences against traffic regulation orders. They have set beats and they already have targeted areas where there are known breaches. That can be varied and they undertake specific targeted enforcement. When we put new restrictions in, or where a problem occurs, they can target that and change the flexibility of their routes.

Q100 **Steve Double:** Tim?

Tim Young: We are very similar. Predominantly, it is a daytime service, but we have coverage for the night-time economy, evenings and weekends. In certain circumstances, we are required to enforce market town marketplaces on market day to ensure that the marketplace is free of parked vehicles. They go very early in the morning to do that, at 5 or 6 o'clock in the morning.

Q101 **Steve Double:** Do you have anything to add, Louise?

Louise Hutchinson: One of the main roles of the PATROL joint committee is to make provision for independent adjudication, which it does through the traffic penalty tribunal. I am sure that the adjudicators would say to you that they receive appeals against penalties issued at 8 o'clock in the morning, or later at night for the main local authorities. There is a range of timings.



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Q102 **Steve Double:** Do you think that is generally across all local authority areas, or only local authorities that operate an office hours patrol service?

Louise Hutchinson: It is probably related to the demands of the local area. Picking up on what Spencer said, it is the actual efficiency of the enforcement and the resources they have. Looking at other tools that might be available, such as reviewing the use of camera car enforcement, would increase that efficiency.

Q103 **Steve Double:** Spencer, do you have anything to add?

Spencer Palmer: Most London authorities probably have enforcement officers available around the clock because there will be some restrictions that need enforcement around the clock. Obviously, there will be fewer officers available, but most have a reactive service as well to a certain extent. They enforce, where they have issues to enforce, at all times of the day.

Q104 **Steve Double:** Have you put any mitigating actions in place to reduce incidents of pavement parking? Have you leafleted cars or put extra street furniture in place, and how effective has that been in reducing pavement parking?

Tim Young: Yes, we have. We have put in TROs in quite limited numbers to prevent footway and verge parking. We have also put in street furniture—bollards and similar—to prevent parking. But putting furniture on the highway becomes a hazard in itself anyway, so it is a difficult balance.

Simon Botterill: We have strategically put in a bollard or two if it prevents access to an area of parking that we do not want. From my experience of designing projects for many years, in all sizes of streets, when we consult people the biggest question is, "Where am I going to park? You are affecting the parking." It is always in our mindset, when we design a scheme, to design out poor parking behaviour. Yes, we put in double-height kerbs and we put in planters and benches. We design them in at the time rather than trying to retrofit things. Drivers will go where we cannot even think they would go; they are very clever.

Q105 **Steve Double:** How do you deal with displacement, meaning just moving the problem somewhere else?

Simon Botterill: I thought about that when we were talking about temporary exemptions for streets. I thought, "That street is temporarily exempted but that one isn't." You are actually doubling the problem on the exempted streets. We have suffered from them when we have done controlled parking zones. To try to manage demand and keep commuter traffic further from the city centre, we put in controlled permit zones. It is very difficult to judge how far you have to move the boundary out so that you do not get movement of parking to the outside. It is very difficult to deal with. The answer is to go back and review them. You have to



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constantly go back, see what is happening, review it and listen to people. It is a never-ending job.

Q106 **Steve Double:** Do you want to add anything on displacement, Tim?

Tim Young: If you are required to consult on a TRO, as an officer you look to where the parking might be displaced. You then include that in your consultation. Your scheme might start in one or two roads, but it ends up being three or four. People on the outer streets do not necessarily have an issue at the minute, so you have to explain to them that they will get an issue because you are introducing a restriction on another road. The thing snowballs a little bit.

Q107 **Steve Double:** Do you want to add anything, Spencer?

Spencer Palmer: It occurred to me that there seems to be a presumption in most of the discussion that we need to provide as much parking as possible. Don't forget that parking restrictions and restricting the amount of parking available in areas, as new developments are doing in many areas, is a good demand management tool. It is a transforming, planning and traffic management tool.

To a certain extent, if you reduce the amount of parking that is currently available in a certain area, there will be an immediate displacement effect, but potentially, over time, you will hopefully see a reduction in car ownership and car use. Again, I know that in London we benefit from an excellent public transport system on the whole, so we have alternatives available. Walking and cycling is on the up massively in London. In central London streets, on-street parking is very rare and at a premium. In those areas, people often favour walking and cycling. I would endorse the fact that you can get around in some areas without the use of a car.

Q108 **Steve Double:** I represent a constituency in Cornwall—I imagine Norfolk has similar things—where that is not the case.

Spencer Palmer: I appreciate that.

Q109 **Steve Double:** There isn't a public transport system that works, and cycling and walking are not safe.

Spencer Palmer: Outer London authorities are more similar to authorities outside London.

Louise Hutchinson: In terms of comparisons between London and outside London, the 2017 statistics from the Department for Transport show that about 75% of community journeys were taken by car outside London compared with 29% in London. If you look at that, and the availability of public transport, and then layer on top of that the fact that maybe more younger people are staying at home longer, bringing in additional car ownership, there may be a slightly more complex tapestry of issues outside London in different areas. It needs some proper assessment to understand the impact that would have if there were a national ban.



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Q110 Ruth Cadbury: This is another inner-London and non-London question. In response to my other question, Spencer said the income from enforcement paid for itself. I do not know if that is true in outer London. Given that in other authority areas you have a mix of urban pressure and less pressure outside, would the London system of civil enforcement funding the enforcement system work?

Tim Young: It does to a certain extent already in Norfolk. The areas where we have on-street charging for pay and display parking generate a revenue for us that allows us to run the enforcement service. It does not generate surplus, and we have a large area to cover, so it can be prohibitively expensive to get to the really rural areas.

Q111 Ruth Cadbury: But there is less of a problem of pavement parking in rural areas.

Tim Young: Yes.

Simon Botterill: Sheffield's enforcement service runs at a slight loss. The enforcement income does not quite match the expenditure. We would look to try to reinvest any additional income that came from enforcement of pavement parking. We would consider additional pavement parking exemptions or other things like promoting cycling and walking. It goes hand in hand. Pavement parking and improving walking is a joint project.

Q112 Chair: If you were given those extra powers, and they produced penalties, do you think it is important that they could only be spent on specific things? Is it going to help public trust that you are not deliberately penalising people in order to raise revenue if they know it has to be specifically invested in city space?

Simon Botterill: Yes. It helps an authority's reputation. With the austerity we have all faced, there is a lot of background noise about us only trying to get money in so that we can deliver services. Having income ring-fenced in certain areas would be very positive.

Q113 Chair: Does everybody agree with that?

Louise Hutchinson: There is already some ring-fencing for on-street penalties.

Q114 Chair: There is some parking enforcement.

Louise Hutchinson: It is important to recognise that outside London there is a mixed picture. There will be larger cities that are making a surplus. There will be some that are breaking even and some that are making a slight loss. It is a slightly different situation from London. In terms of perceptions of revenue raising and penalties, I go back to the point I raised before about the warning notice with the threat of a penalty. That should encourage public trust that it is about educating and changing behaviour rather than simply making money, but having the ability to issue a penalty if behaviour is not changed.



Q115 Chair: I have three quick questions. The first is about the resources to enforce. You could give local authorities the ability, for example, to enforce obstruction and say, "We've already got civil enforcement officers working long hours, but they would be in different places." If I think about my city, I see lots of civil enforcement officers in the central city area or in places where there are existing parking restrictions, because obviously they are required to do that, but a lot of the problems with pavement parking come in residential areas where at the moment there won't be any civil enforcement officers because there is nothing to enforce. If you were really to start enforcing this in residential areas, where it impacts on pedestrians, you would either need more civil enforcement officers or you would have to redirect where they were. Am I right?

Louise Hutchinson: It is also about taking targeted action and being responsive to people complaining about pavement parking, and going back to what other tools local authorities have. Currently, for instance, they are not able to send a civil enforcement officer out in a vehicle to use camera enforcement. They have limited tools, so it is about targeting them, as has been said, on areas where it is causing a problem.

Simon Botterill: We have areas that we only actively enforce on occasions because they are remote from the areas where there are most offences. They are on the edge of the urban area. What you might do is give more opportunity for people, funding trips out to more outlying areas because there is more to do. I believe that more officers would be needed. I do not think you can get away from that.

Q116 Chair: And penalties might help pay for it.

Simon Botterill: It needs to be a self-financing thing. You would get better enforcement of existing regulations as well. On the warning side, we already do warnings for first-time offences: "I didn't understand the regulations. I'm a visitor. I missed the sign." That is what we do. It is not about penalties.

Q117 Chair: My second question is about a suggestion that came from you, Louise. In the first instance, a quick win would be to say that you can have civil enforcement of obstruction. If you start to enforce obstruction, does that imply that pavement parking, to some degree, is fine?

Louise Hutchinson: It has to be combined with a public information campaign, whether or not that is at local level. The benefit of our joint committee of 300 local authorities is that it has economies of scale and brings resources together. It is very committed to promoting public information. We believe that a national campaign with the key message that it is not acceptable generally to park on pavements is important so that people do not see it as something that is okay. Local authorities would then issue their local policies to say, "This is where we are targeting our enforcement and this is what we want to see." It is communication as well as penalties.



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Q118 **Chair:** If you say, "Look, pavement parking causes a real problem, particularly for vulnerable road users. Don't do it," isn't there a danger that people know they will only get into trouble if they obstruct, whatever the definition of obstruction is? Effectively, whatever your public information says, the fact that they are only going to get enforced if they are so far on to the pavement that they are only leaving this much gap will give people the mixed message that it is okay because nothing happens.

Louise Hutchinson: The fact that in that communication you are saying, "You will receive a penalty if you are causing an obstruction," is the threat.

Q119 **Chair:** But it is only obstruction that is a problem; it is not parking on the pavement that is a problem.

Louise Hutchinson: But that is about the message and how you tell it.

Q120 **Chair:** I am suggesting that there will be a mismatch between what you are telling people and what you are enforcing.

Louise Hutchinson: But at the moment there are not really any messages going out at all. It has to be an improvement on where we are now.

Q121 **Chair:** Do you see it as potentially a stepping stone to having the London model of "It's banned unless"?

Louise Hutchinson: Our members say that they want to be able to respond to the problem as it applies locally in a way that is locally based, rather than having the imposition of one national ban. What we are saying is that there is an easy step to take to allow local authorities to address pavement parking and look at what needs to be done beyond that, whether it is the TRO process, so that more local authorities can bring in bans based on TROs, and making that simpler, or, ultimately, if the decision was taken to have a national ban, to understand what that would mean for individual communities around the country because of the nature of their built environment.

Q122 **Chair:** I have a very specific question for Spencer about how you implement the exemptions. My understanding is that there is a requirement in section 59 of the 1974 Act for London Councils to publicise resolutions to make an exemption from the parking ban in a London-wide newspaper. Is there that requirement? How onerous is it, and how much does it cost?

Spencer Palmer: I cannot say specifically. The cost will be authority by authority, and the cost of publication, as we discussed earlier. They need to publish a list of where the exemptions exist, and they would typically use the opportunity when they were reviewing other orders to publish changes to that list. I am afraid I cannot give you detailed information on the authority-by-authority costs of doing so. Any relaxation of the need



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to publish in the local press, as we discussed earlier, would benefit London authorities.

Q123 **Chair:** Do they have to publicise the resolutions, and do they do that on the back of something else, in terms of exemptions?

Spencer Palmer: Yes. To my knowledge, the publishing of resolutions can be dealt with locally. I am not aware that it needs to be done in the same way as it is done for TROs. I understood that it was more relaxed, but unfortunately I cannot confirm that.

Chair: Perhaps you could write to us and confirm the specific circumstances.

Thank you very much for giving evidence to us today. That concludes the session.