

Transport Committee

Oral evidence: Pavement parking, HC 1982

Wednesday 3 July 2019

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Members present: Lilian Greenwood (Chair); Jack Brereton; Ruth Cadbury; Ronnie Cowan; Steve Double; Huw Merriman; Grahame Morris; Graham Stringer; Daniel Zeichner.

Questions 124 - 186

Witnesses

I: Michael Ellis MP, Minister of State, Department for Transport; and Anthony Ferguson, Deputy Director, Traffic and Technology, Department for Transport.

Written evidence from witnesses:

- Department for Transport ([PPA0233](#))

Examination of witnesses

Witnesses: Michael Ellis and Anthony Ferguson.

Q124 **Chair:** Welcome. Thank you for coming along today. Minister, it is particularly nice to welcome you to your first appearance in front of the Committee since joining the Department for Transport.

Michael Ellis: Thank you very much.

Q125 **Chair:** I will break protocol and say that we have in the public gallery a number of members of the Sri Lankan Parliament, who are here on a delegation with the Commonwealth Parliamentary Association, and members of staff from the Sri Lankan Parliament, who have come to see what happens in the UK Parliament's Select Committees. I welcome them as well.

Minister, as you know, we are looking at the issue of pavement parking. I appreciate that you are fairly new to your role. I am sorry—I have not allowed you and the other witness to introduce yourselves. Please introduce yourselves.

Anthony Ferguson: Good morning. I am Anthony Ferguson. I am a deputy director in the Department for Transport. I am head of the traffic and technology division, which looks after this area of policy.

Michael Ellis: Good morning. I am Michael Ellis. I am the Minister of State at the Department for Transport, with responsibility for roads.

Chair: Thank you. I was overexcited.

Michael Ellis: I am delighted to be here.

Q126 **Chair:** You are new to your role. How big an issue do you think pavement parking is? Has your view changed since you became a Minister and prepared for today's session?

Michael Ellis: Pavement parking is an important issue. It is one I was very conscious of in my role as a constituency MP in Northampton North, so it was not new to me when I came to Transport. For example, I had had approaches from the Guide Dogs association. Some years ago—probably five years ago or more—I was with them in Northampton when they fixed a blindfold to me and we walked down the street. That is something they have done with other constituency MPs. That was probably way back in 2014 or 2015.

It is something I have been conscious of. I have had constituency correspondence about it, but it is also true to say that, since I have come to the Department, I have learned a great deal more about it. The issues and complexities are now much more vivid to me.

To answer your question, Chair, it is a priority. For me, as Minister of State for roads, safety is the highest priority. Issues relating to safety,



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which includes the safety not just of pedestrians but of all road users, particularly vulnerable road users, are a very live priority.

A second priority for me is the issue of accessibility. My Department has been doing a great deal on that for some considerable time and is still doing a great deal on it. Just this week, for example, I made an announcement about acoustic vehicle alerting systems. The issue of accessibility is key.

Pavement parking touches on both those issues. Therefore, it is something I am very conscious of and the Department is also very aware of it.

Q127 Chair: Thank you for your initial comments. Before I explore those issues a little further, I note that we have received a lot of evidence suggesting that the rules around pavement parking are not well understood. That is probably enhanced by the things that I and, I imagine, others hear as constituency MPs. Do you think that people understand what they can and cannot do, and what may happen if they park on the pavement?

Michael Ellis: I think there is some doubt about that. Many people feel that it is something that they are allowed to do, or they are in some doubt about whether they are allowed to do it and think that the rules may not be enforced. I do not think that everyone who parks on a pavement is entirely impervious to the fact that there might be some doubt as to the position. To answer your question, my suspicion is that it is not clear to every road user where the parameters are and how they apply. That will not apply in every area. Clearly, where there are signs and other indications, there may be a different viewpoint, but, generally speaking, I think there is some doubt.

Q128 Chair: In your opening comments, you said that safety was a very high priority. You picked out the particular importance of safety for vulnerable road users and the interrelationship with accessibility. Quite right, too.

As someone coming into the Department in recent weeks, you will know that it has been three and a half years since the Department promised to do something about pavement parking. You say that safety and accessibility, particularly for vulnerable road users, are a high priority, but nothing has changed in relation to people's experience of pavement parking in those three and a half years, despite the Government saying that they were going to do something. Why not?

Michael Ellis: There has clearly been a great deal of work in this area. The Committee will be very familiar with the fact that Simon Hoare raised this as a Back-Bench Member of Parliament in 2015. On ministerial instruction, officials from my Department have undertaken a review, which carried on throughout the second half of 2018. This year, we have been conscious of the Committee's work on the matter.

To speak frankly, the fact is that the complexities of the issue have meant that it is an area where we need to decide which direction to take.



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If it were easy, it might be a different matter. Since London passed its prohibition in 1974, we have had 45 years when successive Governments have not followed the London example. There is a reason for that. The reason why that has not been followed over the past 45 years is that it is a complex matter—one rooted in considerable expense, potentially, one rooted in considerable bureaucracy and burdensome change, and one that would not necessarily find favour with large sections of stakeholder interests. It is complex and controversial. There is not, if I can put it colloquially, a silver bullet, in my view. I suspect that is the reason why, over 45 years, central Government have not followed the London example.

London in and of itself is very different, of course. The issues relating to London are different. An almost total prohibition applies in London, with exceptions specifically delineated. That may not be appropriate for areas outside London. The Department has prioritised a number of areas relating to safety, emissions and accessibility. Those are all very positive and good things. With the help of this Select Committee and its work, which we are anticipating, we will be looking at the issue, with me as Minister, in the coming months.

Q129 Chair: There was a lot in that answer, and much that we want to unpick. In particular, we want to understand some of the complexity and some of the Department's thinking around the barriers to action, which, I noted, are expense, bureaucracy, burdensome change and the fact that it would not find favour with parts of the population. Obviously, there is concern that vulnerable road users, who very often do not have a loud political voice, will have their safety and accessibility sacrificed for the benefit of others who do not want change.

One of the first things you mentioned was Simon Hoare's 2015 Bill. In responding to that, the Minister at the time undertook to convene a roundtable back in 2016 to discuss the issues, including the legal and financial ones. Turning the dial back to 2016, when that roundtable took place, what was the outcome? What specific conclusions did the Department draw at that stage, from the initial piece of work?

Michael Ellis: I have spoken to Simon Hoare about this, actually. I had a conversation with him yesterday. I believe that the roundtable was productive. A myriad of interested parties and organisations attended. Of course, some work had been done preliminary to the roundtable. As I said, the issue of accessibility was addressed, and, of course, my Department has been doing a great deal of work in the area. Officials who work in that area of the Department's business are also responsible for such things as the blue badge scheme, which, as Committee members know, has been undergoing considerable improvement and reform, and the comprehensive, landmark work that the Department has been doing on the cycling and walking strategy.

Q130 Chair: I am asking specifically about the roundtable in 2016. Can you tell us who was there and what conclusions came out of that roundtable?



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Were any actions agreed as a result of it?

Michael Ellis: The Department met Guide Dogs, the RNIB and Living Streets. It has met the Disabled Persons Transport Advisory Committee, local authority parking managers, the British Parking Association, the AA and the RAC. I could go on.

Q131 **Chair:** Those sound like exactly the people you would want in the room.

Michael Ellis: There is a list of stakeholders. I was not there myself, as you know. I think that some progress was made in assessing the issues around this important point.

You asked about action thereafter. The reason why I mentioned things like the blue badge scheme and the cycling and walking strategy was that clearly decisions were made that areas relating to safety and accessibility, as well as zero emissions and the wider issue of inclusion, would be dealt with by the Department, and have been dealt with by the Department, and, I venture to say, successfully dealt with. I say that without any degree of self-praise, because it was long before my involvement. The reality is that those decisions were made. On the issue of pavement parking, they remain to be made.

Q132 **Chair:** Is there any clarity about which issues were identified at that stage, from the roundtable, specifically on pavement parking?

Michael Ellis: Yes. The hot-button issue, if I can put it in that way, was that of TROs. At the roundtable, there was a focus on traffic regulation orders. There is no doubt that there are those who are concerned that TROs are expensive and administratively burdensome, and that disincentivises some local authorities from using them for certain orders.

That having been said, it is right to say that 37% of local authorities have used TROs to prohibit pavement parking in the two years to date—2016 to 2018. It can be done, and it is being done; 37% of local authorities around the country have done it in the last two years, so it is not impossible. It is very far from being impossible, but I accept that TROs, which, after all, date from 1984 legislation, need to be looked at, with a view to consideration of reform. My understanding is that the roundtable focused on the problem of TROs and how that might disincentivise some local authorities from using them on a regular basis.

Chair: We would like to explore that a little further.

Q133 **Ruth Cadbury:** There is the complexity of TROs, and there is also whether or not they are needed. I am a London MP. We do not need a TRO to allow pavement parking in a street because we have a blanket ban elsewhere. You said that it may be complex to implement, but the way the process works in London is not complex. In fact, it is much simpler than outside London.

I am trying to identify what work the Department has done so far to reform the TRO process. It was said that a survey would be launched in



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the summer of 2017 to gather evidence about the situation with TROs—the costs, the complexities and so on. Has that taken place? What else has been done?

Michael Ellis: First, on the subject you raised about London, I absolutely accept that London has a different legislative and procedural structure. Personally, I think we ought to look to London when we are looking at potential reform of TROs, to see whether there is something we could adapt and adopt. That is not to say necessarily that we will want to follow the London example, but we should certainly look at it.

The whole basis of TROs is a positive one, in that it should not be someone in Whitehall who imposes on a local authority street anywhere else in the country some regulation about a particular street. Local councillors and local authorities know their streets better than most. Therefore, the whole idea of a TRO is that it devolves that authority down. I do not think the premise is out of date. Whether the bureaucracy around it is out of date is certainly something that needs to be looked at, in my view; for example, it takes 14 weeks, on average, to pass a TRO.

In London, 41% of people do not have a car, whereas elsewhere in the country the average figure is 24%. Whereas in London only 29% commute to work in their own car, outside London the percentage of those who use a car to commute can be up to 75%. The availability of public transport and the smaller number of private cars on the roads in London make London a special case in so many ways.

Q134 **Ruth Cadbury:** My question was, what has the Department done, and has the survey been carried out? I appreciate that you were not in the Department at that time. If you cannot answer the question, Mr Ferguson may want to do so.

Michael Ellis: I think the survey was done in 2017.

Anthony Ferguson: It was absorbed into a different piece of work. That is what happened. It evolved into something different, which was a piece of work we did looking at TROs as part of a discovery project around what data is held by local authorities. TROs are potentially a very fertile source of data and information about the road environment.

The survey was picked up in that project, which ran for three months from the very end of 2017 to the beginning of 2018. That piece of work, which was a very extensive discovery project, led to the recent TRO discovery project that we launched at the end of last year and is just coming to a conclusion. That is what happened. It evolved into something slightly larger.

Q135 **Ruth Cadbury:** The specific survey on TROs has not yet happened or is under way.

Anthony Ferguson: No. It was overtaken by the discovery process. The data discovery involved surveying local authorities.



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Q136 **Ruth Cadbury:** You are getting feedback from stakeholders.

Anthony Ferguson: Yes.

Q137 **Ruth Cadbury:** When do you envisage that you will have concluded that work?

Anthony Ferguson: We are concluding it right now. In fact, we are writing it up right now. We are about to present the findings to the Minister.

Michael Ellis: I would like to put those findings together with the findings of this Committee on the subject. I am very interested to see what the Committee's conclusions are. We can marry those up with my officials' work in the area and the result of the survey work that has been done.

Q138 **Chair:** You said that the average amount of time that it takes to put a TRO in place is 14 weeks. Is that a piece of evidence that you have gleaned from the work you have been doing?

Michael Ellis: I can say that it is in my papers. We will have to get back to you on the source of that particular number. It is what I have been briefed. I am not sure whether it is an average. Is it an upper limit?

Anthony Ferguson: That is what we have gathered from talking to local authorities, as part of our various discovery processes in relation to TROs. We have been asking local authorities how long it takes, because it seems to vary from place to place.

Q139 **Chair:** In our previous session, we heard evidence from Norfolk County Council that it can take as long as nine to 12 months, in some cases, to put a TRO in place. If the average is something like 14 weeks, it would suggest that there must be some places that are able to do it very quickly and some places where, for some reason, it takes an inordinate length of time.

Michael Ellis: We can certainly look into that. I have also heard different figures for how much a TRO will cost per street. Much of this work is anecdotal, by the way. Some local authorities have talked about it costing perhaps £5,000 for a street.

Q140 **Chair:** Or more.

Michael Ellis: Or more. Others have talked about it costing £1,000. Local authorities have different procedures, and there will be different costs. For example, in some areas the advertising costs might be higher than in others, which may affect it. Erecting signs and painting lines also have a cost that might be added to the equation, although, actually, it should not be, because it should not be considered part of the cost of the TRO. If a local authority is adding the cost of putting up the signs and painting the lines to what it says is the cost of the TRO, that will skew the figures. Those are two different things.



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Q141 Huw Merriman: At our evidence session last week, one authority talked about the prohibitive cost. You have touched on that. We have also heard from Brighton that it has put in some TROs, which have helped, but that it cannot afford to put in more.

One of the key aspects is the perhaps somewhat antiquated requirement to advertise in a local paper. That is good news for the local paper, but it is hard to see that these days people would actually read it and think, "Oh, that is going to impact on me." One of the suggestions the local authority made was that it should just advertise on its website. Would you be willing to look at that in the round when considering changes? Without that, it is hard to think that TROs will be the route through this.

Michael Ellis: Clearly, the issue of advertising in a local paper is one that attracts some attention, because it can be quite expensive for some local authorities. You mentioned Brighton. Brighton and Hove City Council estimate that between 10% and 20% of their footway repair budget is spent on repairing pavements. We spoke to them, in particular, about TROs and pavement parking, and they gave us some useful information.

I want to support local newspapers, as my view is that they perform a public service, but it is not for the taxpayer to do so improperly. On the other hand, we have to bear in mind that not everyone will see a notice online. There are people who do not go online. I am not sure that we are yet at a place where we could do all of this advertising online, because I do not think that a wide enough range of people in all age ranges will see an online notice. There are other, concomitant problems with just advertising online, including reliability of data. People might be directed to an unofficial site. As we know, they are in some other areas.

We would have to look at that. I appreciate that it will increasingly become an issue, but my starting point is that I would want to continue to support the good work that I think local newspapers do. For that reason, we are not yet at a point where we should be looking at a blanket online advertising process.

Q142 Huw Merriman: Would you accept the contention that, unless we find ways of reducing the costs, in the current financial climate for local authorities we will not see more TROs, meaning that TROs will not be a solution to the problem?

Michael Ellis: You are right to raise that as a concern. To answer your point, I have seen figures that indicate that around 37% of the cost of a TRO is to do with advertising. There is no doubt about it; it is an issue. When it comes to a temporary TRO, 45% of the cost is for local advertising.

You are absolutely right to raise it. I think it needs to be looked at. It is part of the prohibitive nature of a TRO, as it is currently constituted, so we need to look at it. I accept that it is a problem. We want local authorities to be able to utilise TROs more regularly than they perhaps do



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at the moment, but it is also important that people know what councils are ordering. They need to be able to see it advertised properly.

Anthony Ferguson: Can I add a gloss on that? It is about the way we are addressing the issue. I referred to the discovery project, the outputs of which the Minister has not seen. The way the discovery process works is that the central focus is on user needs: what will satisfy user needs best? The findings of the discovery will present what the user needs are. The next steps we take, which are the thing the Minister will be doing next, will be to identify which solutions best meet user needs.

On the issue of advertising, clearly a core part of the TRO process is making sure that people know what is going on. The question will be, how best can you meet user needs? That is the way we will look at it. We will focus on the user. We will not tie ourselves down to what the current legislation says, because otherwise we will not allow ourselves to consider the best options and we will still be anchored in the Road Traffic Regulation Act. That is not the way we want to approach it.

Michael Ellis: A compromise might be possible. I would not want to be held to this, but, for example, one thing that strikes me is the possibility of looking at a smaller advert in a newspaper that pinpoints a website, because then you have the advantage of people reading the local newspaper and seeing it but being directed to the larger advert. That might reduce costs. That is one possibility.

As I have already said, local newspapers serve a very important purpose. It is not part of my function as Roads Minister to support local newspapers, but as a Member of Parliament, and simply as a society issue, we should support them. My main focus in making these decisions going forward will be: who and how many people will see the TRO notice? I would be concerned, without generalising, that people of certain age ranges and other profiles may not see something if it is just online. I want to make sure that we continue our duty of ensuring that, when TROs are passed by a local authority, they are seen by as wide a range of people as possible.

Q143 **Chair:** Mr Ferguson, you said you had not yet put the conclusions, the findings, of the discovery work in front of the Minister. Is that right?

Anthony Ferguson: That is correct.

Q144 **Chair:** Minister, obviously I would not expect you to be able to share that until you have seen it, but is it your intention to publish the results of the discovery work that is being done by the Department in order to facilitate a broader discussion, given that you know of the Committee's interest?

Michael Ellis: Possibly. Before undertaking whether or not to publish something I would need to see it. I cannot make a proper judgment about whether or not it would be appropriate to do so. My general principle is one of transparency in everything I do as a Minister of the Crown. That said, officials need to be able to do work for Ministers



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without being disincentivised from giving a full range of the pros and cons of various issues. The well-accepted principle is that Ministers need to see a whole range of options. I will look at the matter when I am given access to it and the work is completed, and will make a judgment as and when appropriate.

Q145 **Chair:** Unless I am mistaken, it sounds like the work is at a stage where it is more or less ready to go in front of the Minister. Would that be right?

Anthony Ferguson: It is pretty much at that stage.

Chair: We look forward to hearing whether we can perhaps share some of that information.

Q146 **Jack Brereton:** I want to touch on advertising. In many consultations where a TRO relates to a single street or a particular neighbourhood, the council writes to every single household in that area. In those circumstances, do you think it is entirely necessary also to have a notice in local newspapers?

Michael Ellis: We would have to look at the whole matter afresh in the light of current media, because when the provision was passed in the early 1980s the situation was very different. It is not necessarily just the people who live in an area who use a street. The street is a public street to which all members of the general public have unimpeded access. Therefore, it may not be sufficient to write just to some.

Q147 **Jack Brereton:** In some cases it could be.

Michael Ellis: I agree that in some cases it could be. I certainly agree that it is something we can look at when we come to review these matters, but there is also the wider requirement that the general public at large know what is happening in a particular street even if they do not live in it—for example if they use it on a regular basis.

Q148 **Jack Brereton:** Does the Department for Culture, Media and Sport have any view or role in this, as it is related to advertising?

Michael Ellis: I suspect that Government Departments, including DCMS, my former Department—I did not have ministerial responsibility for media, so I will not claim an interest—will have a view. As Committee Members know, the write-around process involves all Government Departments and we ask for their views. It may well be that DCMS will have a view on this, and we will of course listen to their views with respect.

Q149 **Jack Brereton:** You are confident of getting a decision to address this that could be acceptable across Government.

Michael Ellis: That is the usual result of cross-Government work, but at this stage I could not say that I would be confident, because I do not know what we will be proposing. Only when I know what we would be proposing would I be able to say whether or not it was likely to succeed,



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but the usual process means that, with a bit of work between Departments and addressing concerns and issues, an agreement can be reached. If the Department for Digital, Culture, Media and Sport has an input—I suspect they will—that is perfectly legitimate and their concerns should be listened to, and they will be listened to by me as the Minister and by my officials.

Q150 Ruth Cadbury: You touched earlier on your concern that taxpayers would not want to be seen as subsidising local papers merely for the sake of it. Living Streets said that the cost of advertising statutory notices in local papers is £17 million across the country. Local authority representatives who spoke to us told us that they use appropriate consultation for the circumstances: letters through doors; flyers under windscreen wipers, if it is commuter or shopping parking; and notices on lamp posts. They do not rely on just their local websites; they consult all relevant local stakeholders.

Local papers have less and less local coverage, and fewer and fewer people see them on a regular basis. It varies a lot from town to town, but certainly in west London we do not have good coverage by regular papers that everybody sees. Don't you think that this is a slight misuse, or inappropriate use, of very stretched local council money that could be better used to ensure that there are more TROs that reflect the needs of the local area?

Michael Ellis: I do not think it is an inappropriate use or misuse of funding. We would certainly want to see whether the process can be modernised from the early '80s model. For example, many local or regional newspapers around the country have an online presence as well as hard copy editions. My understanding—I am not an expert in the field—is that, if one pays for an advert in the hard copy, it can be replicated online, so the local authority is getting value for money in the sense that the readership of that journal, whether it be in hard copy or online, will see the advert.

I might be mistaken about that, or it might vary in individual cases, but I take the point that members of the Committee are raising that it is a high expense of TROs. For fear of repetition, I say only what I have already said, which is that as a starting point my concern would be that, if we took away the newspaper advertisements, we would be taking away from a large cohort of the population their opportunity to see what changes are envisaged by their local authority.

Chair: We would now like to turn to some of the other work that the Department has been doing in the period since 2015.

Q151 Grahame Morris: Some of the ground you have covered and some of the surveys have kind of merged. Mr Ferguson, you mentioned the work that had been undertaken on TROs in the survey conducted in 2017. You also mentioned project discovery, into which I believe the earlier work is merged. I do not know whether it is more appropriate for me to ask you



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this question, given that the Minister is new in post. Why was the broader piece of work that you called project discovery undertaken? Was there some thought that it would gather new evidence that was not already available? Precisely what did that broader piece of work involve, and did the Department lead it?

Anthony Ferguson: The thing I referred to was data discovery. It was actually about local transport data. Part of the emphasis is on looking to the future and, not dissimilar to the point we have just been discussing, how people get information. What information does a local authority have? What can it use? What does it need in order to manage its road networks? The broad objective of transport data discovery was to identify what was in there.

TROs are very much a central part of that because they are themselves data. The information that might sit in a drawer, with a map attached to it, is a legal order but it contains information about the road network. If you are a map maker trying to put information into a satnav in your car, you need up-to-date information about restrictions on speed, no right turns, no entries, one-way streets and that sort of thing. That was what we were looking at.

TROs became embedded as part of that bigger project, looking at the potential for local authorities to do more with the data they have and identify what is really valuable, particularly real-time information, because that is what users want. Users want to know what is happening on the road network right now that might affect their journey. That was the purpose of the project, and it spawned a number of different projects, including the TRO discovery itself, which was focused on just TROs. That was the broad piece—the starting point.

Q152 **Grahame Morris:** What Departments were involved in that—for example, CLG and so on?

Anthony Ferguson: All the way through we have worked very closely with Departments that have an interest. They have interests for all sorts of different reasons. DCMS has interests not just from the media angle but the digital angle as well, because what we are aspiring to do is to digitise all of this so that it becomes less a paper process and more a digital and data process. Obviously, CLG is involved as well because most of our interest in what we are talking about is local authorities managing their networks.

Q153 **Grahame Morris:** You mentioned that the Minister had not seen the report yet, but has it reached a conclusion?

Anthony Ferguson: It has reached a number of conclusions.

Q154 **Grahame Morris:** Which you are not at liberty to discuss with the Committee.



Anthony Ferguson: He would probably cuff me round the head if I did, so, no, I am afraid not. I go back to the point that it is about asking users what they want from the system. All the things you are talking about are things users have said to us in exactly the same way as they said them to you, so they are all well known and understood. The question is what you do about them.

Q155 **Chair:** Do you mind if I jump in, Grahame? I am a little confused about the broader piece of work on data. It sounds like a much bigger and broader piece of work than addressing the specific issue of pavement parking and TROs. Is that right?

Anthony Ferguson: The very broad piece of work—the data discovery at the beginning of last year—was what I was describing. That is a very broad-based look at all local transport data, of which TROs are one example, so we took the opportunity to pose questions about TROs. One of the recommendations of the data discovery was to do a further detailed discovery about TROs themselves. The work we are just finishing is focused on TROs and TROs only. It looks at them from a digital and data point of view, and from a legislative and policy point of view, so it is reaching recommendations about all of those things.

Q156 **Chair:** Back in October 2016, the Minister said he was considering how best to address the general improvement of the TRO process. In April 2017, the then Minister said he was planning “to launch a survey in Summer 2017 in order to gather evidence about the current situation, the costs and timescales for processing TROs, and information about options for change.” How does the work you were doing at the end of 2018 relate to the work that the then Minister told us about in 2016 and 2017? It almost sounds to me that it is either repetitive, or the earlier work did not produce the information we were told was being requested.

Anthony Ferguson: There is a continuum. The earlier work was more policy focused; it was more about understanding the process and trying to gather information. Essentially, because of priorities and the different focus of the Department around the future of mobility, the emphasis started to shift towards leading something that was bigger than the fairly narrow survey we had set out to do in the first place, which was going to be done only digitally and was not to be a write-around to local authorities; it was probably going to gather only fairly high-level information, so it became overtaken by the wider agenda on data.

Q157 **Chair:** Did the summer 2017 planned survey not happen? “Survey” suggests to me that someone was surveyed, not that it was just looking at the evidence.

Anthony Ferguson: To be absolutely honest, I would need to double-check. I think it was overtaken by events, so I am not sure it actually ever went out, but if it did it would have fed into what came next, because all these things are subject to constant evolution.

Chair: Grahame, I am sorry I interrupted.



Q158 Grahame Morris: It is all relevant to what I am asking. You mentioned that there was a common thread running through all this. Is there a dispute between the various Departments—CLG, Transport, DCMS and so on—about the way forward? It seems as if we are involved in very complicated reviews and surveys. Have you heard the expression “paralysis by analysis”? Having done a survey, as the Minister did, with a blindfold and so on, is the Committee able to look at examples? To resolve it is not rocket science, and we seem to be getting bogged down in endless reviews.

Michael Ellis: There are genuine complexities and there are also, frankly, departmental priorities. Over the years, a huge amount has been achieved in a wide array of different areas. We are seeking to make progress on the issue of pavement parking, but there have had to be policy decisions, as invariably there always have to be.

I do not think there has been an issue of analysis causing a form of delay, nor do I think it is a matter of dispute between Government Departments, certainly not at this stage. I am not suggesting that later other Departments might not have an input, which, using the usual recognised mechanisms, they would let us know about, because this is going to touch on a number of different interests. If we are to undertake reform of TROs, or if we take another measure that will have an effect in reducing, or trying to eliminate, pavement parking, it will invariably touch on a number of different areas. It is a perfectly legitimate part of the democratic process that other Departments let us know what concerns they might have, but we are not there yet, so we cannot anticipate what might happen in future.

Q159 Grahame Morris: I know you have not seen the report as yet, but experience suggests that one of the best ways of not doing anything and kicking the can down the road is to have a long drawn-out review process and extensive consultation. I hope that is not going to be used as a method of doing nothing, because something needs to be done quickly. It seems to me that the solutions are out there.

Michael Ellis: I would agree with you. I think I am right in saying, if I remember correctly what I have read, that in the TRO discovery process the Department has been doing there were over 300 responses from local authorities. That is to your point. There is a genuine interest and concern in the area and a public interest. There have been further surveys conducted exploring the issues. My officials have been talking to groups like Transport Focus to gather the views of road users. I think we have had over 3,000 responses, and 92 organisations have had interviews, group workshops and conferences. A lot of work is going on, but I accept your point that this is a matter of considerable public interest.

I do not think this Committee will allow us to kick the can down the road indefinitely, to use your phrase; it is not my intention as the Minister. Decisions on priorities have to be made. That is not the same as kicking something down the road. This is a difficult issue, and there is no point



saying otherwise. One of the options is to do nothing. That is not necessarily a bad option.

There is a reason why, as I said to the Chair at the beginning, for 45 years local authorities and central Government have not acted in this area, and that is because it is complex and difficult. It may well be that one option that should be considered is to do nothing because the other options may make the situation worse, but clearly there are other options. Total prohibition is one of them, looking again at civil enforcement is another, and reform of TROs is a third. There is no doubt that this is a live issue and is attracting considerable input from a wide range of organisations and entities.

Q160 **Daniel Zeichner:** I apologise for missing the start of the evidence. I was listening to the Minister just now when he talked about the democratic process within Government. I was elected in 2015. I am sure he would acknowledge that many MPs, cross-party, signed up to the excellent campaigns run by people like Guide Dogs saying that we would move to a ban.

In terms of the wider public and wider world, what kind of message does the Minister think it sends that, after all this time, we are still talking about it? It is deeply frustrating for people who feel that there is a gap in the democratic process, when you sign up to something four or five years ago and here we are still arguing about it.

Michael Ellis: Unfortunately, it is not always possible to find consensus. I accept that many Members of Parliament sign up to various proposals, but the Government are duty-bound to look at the picture in the round and see what best will operate in the interests of the country as a whole. That is not to say that it will not be looked at; it is to say that there are priorities.

We all know that, when it comes to pavement parking, it is not as simple as just activating a total prohibition. In many areas, footway parking is essential. There are many thousands of streets where, if footway parking were not allowed, access would not be possible for emergency vehicles or otherwise, and there would be nowhere for people to park their own cars. There is a genuine need, and it is not a question of imposing a blanket ban as an easy solution.

A blanket ban would also mean that TROs would apply the other way around, and the expense and bureaucracy of TROs would have to be used to exempt particular streets by local authorities from a blanket ban. That in itself would bring on board expense. Some local authorities have told us that up to 50% of their streets would have to be exempted from a blanket ban. That would cost them a very large sum of money in TROs alone, as well as signage, line painting and all the associated costs. There would have to be a very long implementation period—a period of years—for the same reasons. It is not easy, and, sadly, it is not just a question of a silver bullet solution. For that reason, it needs very careful analysis.



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Q161 **Chair:** Minister, we have heard evidence over a number of weeks. We appreciate that this is not easy, but you have said on a number of occasions today that safety is the highest priority, and you referred to accessibility and the needs of vulnerable road users. In response to a number of questions, you said that it was about departmental priorities.

Given the time that has elapsed, guide dog owners, people with mobility problems and mums going out with buggies and pushchairs might be at home watching or listening to this, and hearing that for this Department—your Government—they are not a priority; they do not matter, and the needs of others, such as drivers, local authorities and local newspapers, are a higher priority than that group of vulnerable road users. Do you understand the frustration and anger that they feel?

Michael Ellis: I do not accept the premise of the question. I do not accept that that is the assessment of this Department. Even in the few weeks I have been in role, the Department has been dealing with 10-year-old tyres and zero emissions. We have been encouraging cycling and dealing with the law on dangerous cycling. All of those issues relate to public safety. Those are just a handful of things off the top of my head in the past three or four weeks. The acoustic vehicle alert system has attracted a great deal of public support and attention.

I am very focused on issues of public safety, including and especially for vulnerable road users. I very much recognise that pavement parking is a danger to vulnerable road users, and in that sense it is more than just an inconvenience. It would be wrong to characterise it as any lack of concern in that area; the contrary is the case. But we also have to make sure that we act steadily and appropriately to resolve the issue, not in a haphazard or knee-jerk way that would produce undesired or unintended consequences.

Q162 **Chair:** I think we would accept all of that, but acting is the very thing that has not happened. Back in 2015, a promise was given to one of our colleagues that action would be taken, and three and a half years later there have been analyses, surveys and overtaken-by-events surveys. What there has not been is any action by the Department.

Michael Ellis: There has been action by the Department.

Q163 **Chair:** On this issue—pavement parking?

Michael Ellis: There has been action, because the action promised by my predecessors was to undertake surveys and consultations on the subject.

Q164 **Chair:** But no action that has made any difference for people who are concerned about pavement parking.

Michael Ellis: With respect, those actions have made a difference because they better inform the Department about appropriate mechanisms going forward, and we would want to act in a way that is appropriate and reasonable, and not in a haphazard way that produces



unintended consequences. We are told by local authorities that there would be considerable difficulty if, for example, a blanket prohibition was brought in. It would be irresponsible to ignore that, because where we were alleviating a problem in one area we would be creating new problems in other areas.

These things have not simply been shelved. As Mr Ferguson pointed out, a very wide range of stakeholders have been consulted, and interested parties have been and will continue to be party to those discussions. We are reaching the denouement, because the review is coming to its conclusion. I will be looking with interest at what the proposals are, together with the work of this Committee, and will use that to inform where we go from here on the subject.

Q165 Jack Brereton: You mentioned the number of potential exemptions that would have to be made by local authorities. Does the Department have any figures for how much that would cost, on average, across local authorities, or any figures for the cost of doing that, or the timescales involved to exempt all the streets that would be required?

Michael Ellis: Many local authorities have told us that they might need to exempt hundreds of roads from the prohibition, if there was one, because of the way roads are laid out and their narrowness. Each road would cost at least £1,000 to be exempted, and, given local resource pressures, it is also likely that a national prohibition would need an implementation period of two years.

It is also plausible—I think it is fair to say—that the costs of preparing a footway parking prohibition would fall disproportionately on authorities with denser populations, and potentially poorer communities, because of the nature of the streets and larger stocks of terraced housing, so I am conscious of that factor as well. The costs might be more for those communities. Many authorities say that they depend on footway parking to preserve traffic flow in terraced areas. It is also a factor that an amount of resources would have to be expended on new signs and road painting at a time when people want to declutter our streets of furniture.

To me, the financial aspect is secondary to the safety aspect, but it would be irresponsible not to consider the pressure on local authorities of having to exempt hundreds of streets in many cases. Any new law would generate considerable anxiety among communities where it was the only way for residents to park near their home. Previous media coverage of that has elicited an anxious reaction from many people outside London, so it is a factor.

Chair: We would like to look at some of the policy options. You are quite right that potentially a national ban brings pros and cons, and it is not the only option.

Q166 Ronnie Cowan: What are the pros and cons of an England-wide parking ban on pavements?



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Michael Ellis: We have been rehearsing the pros and cons. As far as the pros are concerned, it would be advantageous to have a clear rule that everyone knows applies to them. Answering the Chair's first question, I accepted that there is some ambiguity in people's minds about that. Having a national prohibition would make it clear in people's minds; they would know they were not allowed to do it.

It would make it clear that pedestrians have priority, and it would have a very salutary effect on people who currently park on pavements, thereby damaging those pavements, which is a cost to the public purse. The damage to footways is a cost not only because of the structural damage but because of the injuries that are likely to be caused and the civil claims that are made. It would alleviate civil claims against local authorities for personal injury caused as a result of the trip hazards of broken paving. It seems to me highly likely—I do not think there is any empirical evidence—that it would reduce accidents involving pedestrians.

The disadvantages, as we have been rehearsing, are that in many areas pavement parking is essential. That is not only because people living in those streets would have nowhere else to park, but because emergency vehicles or refuse vehicles would not be able to get through if in certain streets people were not able to park on the pavement.

The other factor is that every local authority would have to do an audit of its area. Many hundreds of roads would have to be audited, and it would then have to do TROs for any exemptions that ought to be made. That in itself would be a highly bureaucratic process, because many people would complain about their road being subject to a total prohibition and each of those complaints would have to be assessed. It would be expensive; there would be lengthy delays; it would be bureaucratic; and the cost could fall disproportionately on poorer industrial areas that might have more terraced housing.

Then there is the factor that more signs would go in, and people do not want the clutter of more signs. There is the issue of historic towns and villages and unsightly street furniture, as people would see it. There is a wide array of concerns about total prohibition. I accept that London is different in this regard, simply because fewer people use cars to commute.

Q167 **Ronnie Cowan:** What do you think about the approach being taken in London and in Scotland?

Michael Ellis: As I said, I think in London it is different, because far fewer people use their own car to commute to work. Only 29% of Londoners do that, whereas, in some parts of the north, for example, 75% use their own car to commute to work. In London, 41% of people do not have a car at all, whereas that figure is only 24% around the country.

The London public transport system offers people many more options than do public transport systems elsewhere. For a wide range of reasons,



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London is different. I know that Transport Scotland and the Scottish Government are looking at this area, and I shall look at that with considerable interest, because I suspect they will come across some of the same issues that we have been discussing. I understand that they are in the early stages of their work on the subject, but I shall look with considerable interest at what our Scottish friends are doing in the area.

Q168 **Ronnie Cowan:** The plan in Scotland is for a blanket ban, and it is fairly advanced.

Michael Ellis: I will look at that, but my understanding is that it has not yet reached drafting. When they look at how to draft it, they will have to address the issues that we have just been discussing. For example, there are many rural communities with quiet cul-de-sacs where people are used to parking on verges or footways, and everyone is quite happy with it in that particular area. To impose a blanket prohibition might be considered by some an unnecessary intrusion of the state on their lives, but I accept that there will be many other areas where it will be considered advantageous. As with many things, there has to be a balance, but we shall watch the Scottish proposals with considerable interest.

Q169 **Daniel Zeichner:** We are living in a time of digital transformation, with low emission zones, and electric vehicles coming along. It is a time of transformation, but I am not really hearing much vision from you. It sounds to me as if the Department is largely still in a paper map in the desk drawer age. Surely, we can use this, can't we, as an opportunity? At this rate, we will just about have sorted out pavement parking by the time we do not have cars any more.

Michael Ellis: I suppose that even autonomous vehicles will need somewhere to stop.

It is obviously not the case; in fact, the Department for Transport has been doing world-leading work in the area of advancing technologies. I gave one of my first speeches in this role at the Science Museum as regards autonomous vehicles. The legal complexities around that are also noteworthy. Our work in the areas of accessibility and advancing processes is, of course, driven by that which we can achieve, and we need to consult on making these changes. That is what we are doing and have been doing.

Actually, I think you will find that, around the world, many other western Governments look to the British transport model. For example, Road to Zero, which is about a year in—the zero emissions policy is reaching its year anniversary—is a world-leading policy from this Government and this Department, and I am very proud of it.

Q170 **Chair:** Can I ask a quick technical question before handing back to Ronnie? It is about the potential cost of a London-style system across the rest of the country, where you would have a ban except where there was



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an exemption. As I understand it, in London exemptions are done not by a TRO but by a traffic management order, which seems to be less costly and less burdensome than a TRO. In assessing the cost for other local authorities, if you move to that system, do you do it on the basis of the cost of a TRO or the London system, with its less costly TMO?

Michael Ellis: I will be corrected by my officials if I am wrong, but I think it was done on the basis of a TRO. As I said to Ms Cadbury, I would like to look at how London does it and, if it can do it more cheaply and in a less bureaucratically cumbersome way, we will clearly look at how London does it when we talk about reforms to the 1984 process.

Q171 **Ronnie Cowan:** We have heard that the police do not have time to enforce the offence of parking on pavements. Do we have an alternative? Is there some sort of technology we could use when the police do not have time to do that?

Michael Ellis: That brings us to one of the other possibilities, which is the issue of civil enforcement. Technology is used in enforcing certain provisions outside London. For example, bus lanes can be enforced by cameras, and there are one or two other areas, but, mostly, local authorities have not been given, and do not have, authority to use cameras to enforce traffic regulations.

Q172 **Ronnie Cowan:** Private car parks do. My local private car park does, on a regular basis.

Michael Ellis: Private car parks may well be different. Going forward, one of the bits of research the Department is looking at, as Mr Ferguson pointed out, is the data discovery process, which may bring up some mechanisms whereby we can look at digitising processes. Presumably, that would include the possibility of enforcement at some later date, but we are not there at the moment.

Anthony Ferguson: We can probably draw a distinction between managing parking, where there are endless opportunities for technology to be used to allow people to park and pay for parking, and for it to be enforced, and what we are talking about here. When we talk about the police, it is more in the realms of people breaking the law, and doing things they should not be doing. The technology we are talking about is cameras, or I am not sure what, at the moment.

It is about enforcement when people are pushing the boundaries of what the law allows them to do, so I am not sure that technology will necessarily be the solution. It is about deciding what is acceptable and then about the ability of someone to enforce it. A lot of the issues we are talking about are things that can be enforced today. It is not that the legislation prevents anybody from doing things; it is about priorities and choices about what gets enforced.

Michael Ellis: That's right. That is exactly the point I made. As I said earlier, 37% of local authorities in the last two years have applied TROs



to ban pavement parking in individual streets in their areas. It is not as though they do not have the power; they can do it right now. They can begin the process today.

If a local authority is listening to this and wants to ban pavement parking in one of their streets, there is nothing to stop them doing it. It may take several weeks and cost a couple of grand, but they can do it, and 37% of local authorities have done it in the last two years alone. What we are talking about is that, when there are calls to address an issue of pavement parking, it requires the political will to do it, and that is up to local authorities. They have that power now; they do not need to wait for any extra powers.

We want to look, and, as the Minister, I want to look, at ways we can possibly improve the system, but that does not mean to say that they have to wait for us to do that. They can do it now. We can talk, Chair, if you wish, about the issue of civil enforcement, because you alluded to police powers. We know that one of the other options being looked at is the possibility of civil enforcement. That is another possible option.

Chair: Yes, the decriminalisation of obstruction is one of the issues we want to turn to.

Q173 **Jack Brereton:** There were a number of calls in the evidence we heard in our last session to decriminalise obstruction. Do you think that is something that should be given serious consideration?

Michael Ellis: Yes, I think it should be given serious consideration. I have not pre-decided whether it should be the course of action that ultimately we should follow. We have been discussing priorities, and the police have told us—I think it is obvious—that they also have priorities. Clearly, parking violations of any sort are not a high priority for the police, it is fair to say. Local authorities already issue PCNs, penalty charge notices, to vehicles found causing an unnecessary obstruction. The police are the only ones who can issue fixed penalty notices, which can come with penalty points as well as fines, for various obstruction offences. Most local authorities around the country—93%, I am told—have civil enforcement powers.

It would not be taking powers away from the police, so it would not be decriminalising; we would be dualling the authority to penalise unnecessary obstruction. The challenge we would have is the definition of both those words. To give local authorities that permission, we would need to be able to say, "This is what amounts to obstruction and this is what amounts to unnecessary obstruction." That is a challenge, although I do not think it is unachievable.

Q174 **Jack Brereton:** I understand that there is a whole range of case law on the issue, so why could obstruction not be defined in law so that civil enforcement officers in local authorities could take action on those obstructions?



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Michael Ellis: There is a real likelihood that, given legal analysis by the experts, they would be able to sort out a definition. As you say, the area has been tested in law by the police use of their own powers in that regard. We also have an offence known to law of obstructing a police constable in the exercise of his or her lawful duty, which comes under the Police Act. That simply means, and has been taken to mean, that making a police officer's job harder amounts to the offence of obstructing a constable. The use of the words "obstructing" or "obstruction" is known to law, and, with work, no doubt we could come to an agreement about what amounts to obstruction.

A lot of cases would come through the system. People would test and appeal the process and say, "I wasn't obstructing because actually you could still walk past my car, even if you had to brush past a bush"—or whatever it was—"so it doesn't amount to obstruction." All that would have to be tested. The issue of "unnecessary" would also have to be tested, because people would then say that it was necessary for them to park on the pavement on that occasion because there was nowhere else for them to go, or because they were dropping off some medicine to their friend, for example. All of that would become a whole catalogue of court cases. It is not outside the scope of possibility to make that definition, but it would create some challenges. What amounts to obstruction for one person may not amount to obstruction for another. But that is what our legal system does, so we can work our way through that.

Q175 **Jack Brereton:** Do you think the public understand why it is a police responsibility? We heard from local authorities that the public think that it should be councils' responsibility, because they do parking. Like all MPs, I get cases that come in from constituents regularly, saying that they do not understand why the council cannot enforce these sorts of issues, which the police do not want to enforce. Do you think that the public really understand why the police are the only ones able to enforce these issues?

Michael Ellis: I cannot say with any degree of certainty what the public might understand on the issue. I think they would expect police to have those powers; they may also expect them to have the powers together with the local authority.

From what I understand and have read about the issue, it seems that the police do not use the powers very frequently, and it is only in extreme cases that they get involved, but sometimes they get involved with parking offences. We already have a situation where all but a couple of dozen local authorities have civil enforcement powers that Government have devolved to them over the last 25 years or so, which allow them to deal with these issues. The ambiguity of what constitutes an obstruction is an obstacle that we would have to consider in this process.

Q176 **Chair:** You said that in most cases there is civil parking enforcement for 93% of local authorities. How effective do you think that has been in tackling pavement parking?



Michael Ellis: Perhaps it has not been as effective as one might hope, but the reason for that is probably that local authorities accept that pavement parking in many areas is essential to the functioning of a street. It is difficult to say. I can understand why police services exercise careful judgment and discretion when enforcing parking offences, because they have many other things that they are doing.

Of course, the other concern from members of the public is that, if one gives local authorities carte blanche in these areas, they might act in an over-zealous fashion and start ticketing people who do not have other options. I hope that that would not happen in many, if any, cases, but I think it would be a concern of members of the public that there might be over-zealous application of a rule that allowed them to give tickets in that way.

On the issue of definitions, there is an example of a judge who was working on the issue of obscenity. He famously said, "It's a very difficult thing to define, but I know it when I see it." Obstruction may be a difficult thing to define, but most of us would recognise when a vehicle is parked in such a way that it obstructs lawful road users. I am very concerned that these obstructions cause a danger, particularly to vulnerable users.

The Guide Dogs association has shown me evidence that a very large percentage of their respondents said that it stopped them going out. It actually stopped them going out of their houses, because they were concerned about the danger of obstructions by pavement parking. An even higher number, over 90%, of people who use a wheelchair said that they often stopped going out of their own homes from fear of being blocked on the pavement. I am very concerned about that; I do not want that situation to continue. It is a question of how we address it, bearing in mind the problems that we have been discussing, and which the Committee is looking at.

Chair: I am going to come back to civil parking enforcement in a moment. Precisely for the reason that you gave, one way of tackling the issue might be awareness.

Q177 **Steve Double:** Minister, you acknowledged at the beginning that this was an area where there was a lack of awareness and understanding among the general public, in terms of both the legal position and the impact that pavement parking can have. With that in mind, when was the last time that the Department ran an awareness campaign about pavement parking?

Michael Ellis: I do not think the Department has run an awareness campaign about pavement parking, so the answer is never.

Q178 **Steve Double:** Would you consider that perhaps it is something that would be good for the Department to undertake in the light of these discussions?



Michael Ellis: It is something that we should consider. Obviously, it is a question of budget and balance. We have a very successful THINK! campaign, as you know. The priority for the money going to those campaigns has tended to be for things such as drink driving, seatbelt usage and so on. But I hear what you are saying, and I agree that it is something we should consider for possible future awareness campaigns about pavement parking.

There is something to be said for marketing the dangers to the public, because it is not always necessary to enforce change; one can encourage change, and it can have a very positive effect. I think the British people will respond to that encouragement. It is not always necessary to impose penalties. I would like to look at that, and we will see whether an awareness campaign might be appropriate for pavement parking.

Q179 **Steve Double:** Perhaps that is something you could come back to us on, having considered it. In the light of that, if it was decided to change the rules around pavement parking, how would the Department make sure that the public understood the new system? Are there any good comparators of a public awareness campaign on the necessary scale that we could look to?

Michael Ellis: The short answer is that I do not know, but it could probably be done relatively easily, in that pavement parking is quite a visual image. I would have thought that a marketing campaign would be able to address it in quite a straightforward way and, hopefully, facilitate change. We are seeking to do that right now.

In just the last couple of weeks, I have looked at marketing campaigns, or advertising campaigns as I should call them, to address other types of negative behaviour on the roads, including drink driving and so on. There are options, but we would engage professionals to look at how we best relay the message to people that pavement parking is dangerous. It causes damage, loss and injury, and we know that it can cause death, and we want to address those issues.

Q180 **Chair:** Given how difficult it has proved to find a legal route, does it surprise you that there has not been an awareness campaign? That seems to me one of the things that Government could have done in the last three and a half years.

Michael Ellis: I do not think that it is particularly surprising, because a lot of money goes on awareness campaigns of different sorts, and decisions have to be made. A decision has to be made as to whether to fund an advertising campaign about drink driving, failure to wear a seatbelt, or mobile phone use behind the wheel. The Department has spent a very large amount of money on advertising those dangers, so it has served a major public benefit in that.

Of course, budgets are finite and decisions have to be made. One has to look at where the most harm is being done and try to address those



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areas. I absolutely accept that it is something we should look at, and I would like to have a look at it. It is something that I think I have already mentioned to my officials, and we will look at awareness campaigns in future for pavement parking.

Q181 Chair: That is very welcome news. It is something that potentially could happen in the short term, whereas it sounds as if other action may take some time.

Minister, I am sure that you are aware that, as part of our preparations for this session, we visited Bexhill, where East Sussex County Council applied for civil parking enforcement powers in respect of the district of Rother. We were somewhat surprised to see what we described as the wild west of parking. They do not expect to have those civil parking enforcement powers until 2020. They are currently in the 7% of authorities that do not have civil parking enforcement. How straightforward is it for local authorities to apply to take on civil parking enforcement powers?

Michael Ellis: I think it is pretty straightforward, if I may say so, which is why we have a 93% acceptance rate. My understanding is that local authorities have been able to apply for those civil enforcement powers since about 1991, or the early 1990s anyway. The take-up is extremely high. There are only a couple of dozen, maybe fewer, local authorities that have not done so, and I understand that most of those that have not done so have actively chosen not to do so, because they do not think that it is relevant for their particular geography, or for some other localised reason.

A handful of local authorities, including the local authority that you just mentioned, Bexhill and Rother, wish to go ahead with those measures. The application process for them is quite straightforward, and officials in my Department are working with them to achieve what they now wish to achieve. It involves local authorities doing the groundwork, making their own decisions and then completing their application. On our part, I have a highly efficient team of officials who will work through the processes and do what we need to do as soon as is reasonably practicable.

Q182 Chair: What we saw in Bexhill was that, where parking restrictions were in place, there were loading bays or double yellow lines to protect corners. The only people able to enforce that at the moment are the police, so, largely, it went unenforced, and people have complete disregard for the restrictions that are meant to be in place.

Do you think it is right, given that 93% of local authorities already have civil enforcement, that local authorities have a choice about whether to apply those powers? Given the amount of time since local authorities have been able to take them up, should you be able to compel them to take up those powers, given that the police clearly do not have the resources to make parking enforcement a priority?



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Michael Ellis: My personal preference would not be to compel local authorities. My general principle is to try to act in consensus with local authorities, and with everyone else for that matter, rather than to compel or issue directions. My starting point would be that I would prefer not to have to compel. Currently, we do not have those powers, and I do not think that we have ever sought them.

Anthony Ferguson: We have the powers; there is a power of direction.

Michael Ellis: There is a power of direction that we do not use in regard to this, and we have not used it before. Presumably, it has not been used in the last 25 years. My personal preference would not be to direct those local authorities, but I would obviously look at it on a case-by-case basis. I am prepared to issue ministerial directions where it is necessary to do so. In my previous roles, I was prepared to do that.

The reality is that there may be perfectly proper and legitimate geographical and other local considerations why one of the few remaining local authorities does not want those powers. That seems to me to be up to them. I accept that a handful of local authorities now want those powers, urgently in some cases, and we shall try to facilitate expedition on our side once they have got themselves ready to make their application process.

Q183 **Chair:** Do you think there are arguments in favour of a uniform policy across the country?

Michael Ellis: I would prefer to leave local authorities to exercise their discretion where possible. That would be my starting point. Clearly, when one has 93% take-up of an option, it is a pretty persuasive statistic, which indicates that it is probably a good option for the remaining 7% to take up. I accept that there may be individual reasons why some local authorities feel that it is not necessary in their case; they do not have a problem, as Bexhill has.

I believe that a local authority in my own home county of Northamptonshire may wish to do that; Philip Hollobone may have mentioned it to me once or twice. I am aware of Kettering's interest in having those powers, and we will facilitate that from our point of view as quickly as we can. But it is up to the local authorities to get the agreements that are necessary for themselves and get their act together first. Then we will move as and when we can.

Q184 **Chair:** It sounds like reassuring news for the residents of Bexhill, who are very keen to see better parking enforcement, that they will have those powers sooner rather than later.

Michael Ellis: I hope so. I have not had the pleasure of visiting Bexhill myself, but I hope to have an opportunity to do so, and we will certainly be looking to act as quickly as possible, when we have their paperwork.

Q185 **Chair:** I am sure colleagues would commend it to you. Obviously, we



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suggest you go by train rather than driving. Do any members of the Committee have further questions?

Huw Merriman: I have one. I have the pleasure of being the MP for Bexhill and, indeed, Battle. It is a massive issue, and really impacting us, as the Committee saw. You talked about working with East Sussex County Council and Rother District Council to make it happen, and they told us when we met them that they were putting in the application; it may even be at the Department now.

It has been brought to my attention that the Suffolk authorities that are looking to take on civil parking enforcement were written to by the Department for Transport with the bad news that there would be a delay in complying, due to legislative business that is going on in another matter, no doubt relating to Brexit. Is it the case that Suffolk is still being held up for that reason? Was it held up, I should say, and is it still being held up, and does that mean that there will be a knock-on in terms of the timescales for East Sussex County Council?

Michael Ellis: I am told that there is no delay now; there may have been some brief delay earlier in the process. It is probably right to say that some human resources would have had to be directed to dealing with EU exit-related matters, but it is being processed now, Mr Ferguson informs me, so we anticipate progress in due course.

Q186 **Daniel Zeichner:** At a previous session on parking-related matters, the Minister's predecessor and I had a little exchange about some changes to mandatory cycle lane parking in 2016, which Cycling UK is very concerned about. I think that the Minister's predecessor said that it was under discussion. Do you have any further news for us?

Michael Ellis: I do not have any further news. I have seen a slight reference to that. I do not know whether Mr Ferguson can help.

Anthony Ferguson: As I understand the position, observations were made about the decision announced in the cycling and walking investment strategy, which would be to include mandatory cycle lanes in the CCTV rules, so local authorities would be able to use CCTV to enforce parking in mandatory cycle lanes. That is what we are working on. It was one of the commitments in the strategy, and one of the things that my team is responsible for. We are taking that forward now. Obviously, there are always going to be different views about things we do, and we are happy to talk to anybody about it, but we are progressing an SI that would make the change to allow that to happen.

Chair: That concludes our session. Thank you very much for appearing in front of us today.