



accidents don't have to happen

Pavement Parking Inquiry

RoSPA's Response to the Transport Committee's
Call for Evidence

Date: May 2019



Response to Transport Committee's Call for Evidence, Pavement Parking Inquiry

Introduction

The Transport Committee have launched an inquiry to explore the problems of pavement parking in England and consider possible solutions. As pavement parking is devolved, the focus is on England only.

Pavement parking is when one or more wheels of a vehicle are on the footpath. As well as creating obstacles for people wanting to use footpaths, Councils face additional costs to repair damage to surfaces which are not designed to take the weight of motor vehicles.

Lack of progress in tackling pavement parking has led many groups to campaign on the issue and although it is regularly raised with MPs by their constituents, the Government has not taken any action on this issue in recent years.

This is the response of the Royal Society for the Prevention of Accidents (RoSPA) to the Transport Committee's call for evidence on pavement parking. It has been produced following consultation with RoSPA's National Road Safety Committee.

RoSPA have no objection to this response being reproduced or attributed.



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The current situation

In London, pavement parking is prohibited unless there is a sign there that specifically permits it. London boroughs and the City of London can issue parking tickets to any vehicles parked on pavements, under the Greater London (General Purposes) Act 1974. The maximum fine for this offence is £100.

However, it is a defence if one can prove that a vehicle was parked:

- In accordance with permission given by a constable in uniform
- For the purpose of saving life or extinguishing a fire or meeting any other emergency
- For the purpose of assisting at the scene of an accident or breakdown involving one or more vehicles, and such assistance could not have been rendered if the vehicle has not been so parked and the vehicle was not left unattended at any time while it was so parked
- For the purpose of loading or unloading goods, and the loading or unloading of the vehicle could not have been performed satisfactorily if it had not been so parked; and the vehicle was not left unattended at any time while it was so parked.

Since 1991, parking on pavements has been a decriminalised offence in many parts of the UK and is essentially the responsibility of individual local authorities. In England, outside of London, local authorities have some limited powers to address pavement parking under a number of Acts:

- The Town Police Clauses Act 1847 can give police the authority to prosecute for driving on the pavement and obstruction of the pavement.
- The Highways Act 1980 gives local authorities power to prosecute over damage to the pavements. However, this damage has to be witnessed by local authority enforcement officers at the time the damage first occurs. Somebody driving onto an already damaged pavement would therefore successfully claim that they had not caused the original damage.
- The Road Traffic Regulation Act 1984 allows prosecution by local authority parking attendants at locations where waiting restrictions are in place adjacent to the pavement or where a Traffic Regulation Order has been issued banning pavement parking in a specific area. In 2011 the Transport Minister wrote to English local authorities giving them the freedom to implement Traffic Regulation Order (TRO) powers without specifically seeking the permission of the Department for Transport.
- The Road Traffic Act 1988 prohibits heavy goods vehicles from parking on pavements, and can be enforced by local authority parking attendants. However, the majority of pavement parking is carried out by cars and vans, which are not covered by the Act¹.

Local authorities have powers under the Road Traffic Regulation Act 1984 to make TROs to restrict or prohibit, parking at a specified street or road or part of a street or road. The local authority must set out the reasons and the likely effect of the proposed TRO, advertise the proposal in the local press and on its website and make the draft order available for inspection at various local authority offices. The public has 21 days in which to lodge a

¹ Parliament, Local Authority Parking Enforcement, Written Evidence from the Guide Dogs, <https://publications.parliament.uk/pa/cm201314/cmselect/cmtran/writev/parking/m32.htm>, 2013.



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formal objection. All objections must be considered by the relevant local authority. If the TRO needs to be modified further consultation may be required. The whole process can take up to two years and the advertising and legal fees can be substantial. After considering any objections, authorisation can be given for the TRO to be granted. However, a TRO may displace the problem of pavement parking to surrounding roads.

Once parking on pavements is banned on a particular street, civil enforcement officers are able to enforce it by issuing a parking control notice. In April 2017, the government committed to undertake a review of traffic regulation orders. If the process of making traffic regulation orders was less onerous it would make banning pavement parking easier.

It is an offence to drive onto the pavement, whether with intention to park or not. This begs the question of how vehicles manage to park on the pavement in the first place. Because this is a criminal offence, it is enforceable by the police, rather than the local authority. There have long been concerns about the extent to which this is enforced. Almost all other parking offences are now civil ones.

In April 2019, the Scottish Parliament agreed in principle that a new law be passed to implement a nationwide pavement parking ban.

However, the Highway Code already makes it clear that drivers should not park on pavements. Rule 244 states:

“You **MUST NOT** park partially or wholly on the pavement in London, and should not do so elsewhere unless signs permit it. Parking on the pavement can obstruct and seriously inconvenience pedestrians, people in wheelchairs or with visual impairments and people with prams or pushchairs.”

Despite this, there is a substantial level of parking by drivers that disregards this advice. Giving the advice the weight of the law will make the situation clear to all concerned, and may discourage selfish parking. Therefore, RoSPA would certainly support the development of new legislation to help address the challenges inconsiderate drivers and parked vehicles pose to the more vulnerable road users, such as parents with children in prams and buggies, pedestrians with zimmer frames and wheelchairs or mobility aids. However, the cost and practicality of such legislation needs to be considered as it is important that it does not become an onerous administrative burden as this may deter authorities from prosecuting offending motorists, causing widespread disregard and flouting of the law.

The impact of pavement parking

Parking on a pavement obviously obstructs the footway, causing inconvenience and risk to pedestrians, those with mobility issues and people pushing prams, who may be forced to walk into the road to get past the parked vehicle. This could result in the person being hit by a passing vehicle, resulting in injury or even death.

Vehicles parked on the pavement cause particular problems for people with visual impairments, people in wheelchairs or with other mobility difficulties and for parents pushing children in prams and pushchairs. They can also block sightlines, especially near junctions and driveways, making it more difficult for pedestrians to see traffic on the road and for drivers to see pedestrians waiting to cross. This is a particular risk for children, who are smaller and so more easily hidden by parked vehicles.

It may also present an obstruction to active travel, where shared cycle and pedestrian space is on a pavement.



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Vehicles that are parked on a pavement also have to drive on and off the pavement, creating a risk of hitting a pedestrian, especially as the pedestrian quite reasonably might not be expecting the vehicle to mount the pavement. The danger of this practice was demonstrated when a 4 year old girl who was scooting on the pavement with her mother was tragically killed by a reversing van.

Driving onto and parking on the pavement also damages the pavement over time, which can create tripping hazards for pedestrians when the vehicle is not there. A Guide Dogs' report found that local authorities paid over £1bn on repairing kerbs, pavements and walkways between 2006 and 2010. £106million was paid in compensation claims due to people tripping and falling on broken pavements during the same five year period².

RoSPA believe that pavement parking is a common practice. A YouGov survey (2018) commissioned by Guide Dogs found that 65% of drivers have previously parked on the pavement and 43% of drivers have parked on the pavement in the last six months.

A Living Streets Freedom of Information request in 2018 also found that 93% of local authorities in England and 87% of local authorities in Wales had received complaints from members of the public about pavement parking³.

Research commissioned for Guide Dogs for the Blind in 2014 found that of 407 local councillors in England and Wales questioned also found:

- 89% agreed that pavement parking creates safety risks for pedestrians
- 61% said that pavement parking was a problem in their area
- 48% did not think that existing measures available to local authorities were sufficient to prevent pavement parking⁴.

What should happen next?

There is a case for a complete civil ban on pavement parking, making it enforceable by local authorities. However, there are potentially large costs to local authorities and police of securing proper policing and enforcement of the ban.

RoSPA believes that there would indeed be benefits to some groups of road users to having legislation to help keep clear pavements. They would be able to use pavements without fear of having to risk going on the road to avoid vehicles parked on the pavements or indeed to having to abandon the journey. It would also reduce the level of damage to pavements and kerbs caused by vehicles, and so reduce the risk of pedestrians tripping and falling.

² The Guide Dogs for the Blind Association, Cracking Under Pressure Report, 2011

³ Living Streets, Pavement Parking, <https://www.livingstreets.org.uk/policy-and-resources/our-policy/pavement-parking#faq>.

⁴ Guide Dogs for the Blind, Guide Dogs Survey of Councillors, February 2014.



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To reduce regional disparity, improve clarity under the law, and properly tackle the growing problem of pavement parking, one option would be to call for a nationwide ban similar to that in place in London. Parking on pavements throughout London is prohibited, unless signs specifically permit it, under the Greater London Council (General Powers) Act 1974. Local authorities could use existing powers such as Traffic Regulation Orders (TROs) to introduce bans where practical.

However, the right balance must be struck. In some cases, drivers may be forced to park up a kerb so they are not restricting or blocking traffic flow on narrower roads. If a nationwide ban is not introduced, it should be clear that pavement parking is only acceptable where drivers need to do it so not to block traffic flow on the road nor pavement access for vulnerable users and pedestrians.

RoSPA would also argue that any new regulations and TROs are only effective in deterring pavement parking if it is enforced and well publicised. A survey found that only 5% of drivers know fully about all aspects of the law on pavement parking, meaning campaigns for public awareness would be required⁵. Enforcement is also key. It is only likely to be effective if drivers perceive that they will indeed be subject to a fixed penalty notice if they choose to park in places where they should not park.

RoSPA have no further comments to make on the consultation process, other than to thank the Transport Committee for the opportunity to comment on the inquiry. We have no objection to our response being reproduced or attributed.

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⁵ Living Streets, Pavement Parking,

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