

CABINET MEMBER MEETING

Agenda Item 28

Brighton & Hove City Council

Subject: Double parking and dropped footway enforcement
Date of Meeting: 30 July 2009
Report of: Director of Environment
Contact Officer: Name: Paul Nicholls Tel: 29-3287
E-mail: paul.nicholls@brighton-hove.gov.uk
Key Decision: No
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Traffic Management Act 2004 introduced new parking contraventions of 'double parking' and 'parking adjacent to a dropped footway' for Local Authorities outside London. Environment Committee agreed on 24 January 2008 not to enforce these new contraventions until the issue of signage had been resolved by Government. Parliament has now passed a Statutory Instrument which allows Local Authorities to enforce the contraventions of 'double parking' and 'parking adjacent to a dropped footway' without the need for signage or a Traffic Regulation Order.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Environment approves the commencement of enforcement of the contraventions of 'double parking' and being 'parked adjacent to a dropped footway' under the provisions of the Traffic Management Act 2004.
- 2.2 That the Cabinet Member for Environment approves additionally that the contravention of being 'parked in an electric vehicles' charging place during restricted hours without charging' is to be enforced at a later date, should it be required, under the provisions of the Traffic Management Act 2004.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Traffic Management Act 2004 was successfully implemented on 31 March 2008 and included a number of optional new contraventions which Local Authorities could enforce. In the case of 'double parking' and parking 'adjacent to a dropped footway' it has only previously been possible to enforce these contraventions if the particular street or location was subject to a Traffic Regulation Order specifically prohibiting parking in this manner and signage had been installed to advise motorists that they could not double park or park alongside a dropped footway.

- 3.2 The cost of signage and the drafting of Traffic Regulation Orders would have been very expensive and added to street clutter. The decision was taken by Environment Committee on 24 January 2008 not to enforce these contraventions until the issue of required signage had been decided by Parliament following Department for Transport consultation.
- 3.3 The Local Authorities' Traffic Orders (Procedure) (England and Wales) (Amendment) (England) Regulations 2009 came into force on 1st June 2009 and removed the requirement for the prohibition of double parking and parking adjacent to a dropped footway to be signed or be the subject of a Traffic Regulation Order.
- 3.4 There are a number of exceptions to enforcement of these contraventions these are principally:
- vehicles parked wholly within a designated parking place or other part of the carriageway where parking is specifically authorised
 - vehicles used by the fire ambulance or police services
 - loading and unloading; and
 - vehicles used for waste collection, building works or road works
- 3.5 The contravention of parked adjacent to a dropped footway does not apply to vehicles being parked outside residential properties with the owner's consent. In practice this means that in the case of residential driveways a Civil Enforcement Officer will only issue a Penalty Charge Notice in response to a complaint from a resident about a vehicle blocking their driveway.
- 3.6 The contravention of parking adjacent to dropped footways applies where a vehicle parks next to a place where the footway, cycle track or verge has been lowered or raised to the level of the carriageway to assist:
- pedestrians crossing the carriageway
 - cyclists entering or leaving the carriageway
 - vehicles entering or leaving the carriageway across the footway, cycle track or verge
- 3.7 The contravention of double parking applies to vehicles causing an obstruction by parking more than 50cm away from the edge of the carriageway.
- 3.8 The contravention of being 'parked in an electric vehicles' charging place during restricted hours without charging' does not apply at present as no such bays currently exist within Brighton and Hove. The ability to enforce is being requested so that parking services can respond promptly to any possible future developments agreed at cabinet.
- 3.9 In line with operational guidance, should the report be approved, Parking Services will raise public awareness of the new contraventions through a Public Notice, press releases and information on the council's website. Warning notices would also initially be issued to vehicles in contravention for the first week of enforcement.

4. CONSULTATION

- 4.1 The Department for Transport has consulted widely on the issues of signage for double parking and being parked adjacent to a dropped footway. The results of which are published on the Department for Transport website.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Whilst we are aware that double parking is a significant problem in a number of streets particularly outside the Controlled Parking Zone it is expected that within these streets compliance will quickly improve as a result of enforcement. We would therefore expect a slight short term increase in the number of PCNs issued after which overall number of Penalty Charge Notices will remain broadly the same as compliance with the parking regulations continues to improve year on year.
- 5.2 No additional resources are required to enforce these new contraventions and any surplus income will be paid into the Civil Parking Enforcement surplus account which must by law be spent on transport related projects.

Finance Officer Consulted: Patrick Rice

Date: 04/06/09

Legal Implications:

- 5.3 Although a Traffic Regulation Order is not required before enforcing these provisions, the council is required to advertise its intentions and to explain the circumstances in which they will or will not take action. No human rights issues have been identified but if they are then they will be made the subject of a separate report.

Lawyer Consulted: Stephen Dryden

Date: 04/06/09

Equalities Implications:

- 5.4 Vehicles parked adjacent to dropped footways can be particularly hazardous for the visually impaired, wheelchair users and other disabled groups when attempting to cross the road. Enforcement of these contravention aims to improve compliance with the regulations and assist in making the city more accessible to the disabled. The exemption to park on yellow lines for Blue Badge holders does not apply to parking adjacent to a dropped footway as this would cause an obstruction.

Sustainability Implications:

- 5.5 None identified.

Crime & Disorder Implications:

- 5.6 None identified.

Risk and Opportunity Management Implications:

5.7 None identified.

Corporate / Citywide Implications:

5.8 None identified.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 None considered.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 The enforcement of these contraventions should help reduce inconsiderate parking which causes congestion and help improve road traffic safety throughout Brighton and Hove.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents In Members' Rooms

None

Background Documents

None