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Department
for Transport

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From the Parliamentary
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Dear Karin,

Thank you for your letter of 21 March 2017 to Chris Grayling, enclosing correspondence from your constituent, Dr Suzanne Audrey of 31 Stevens Crescent, Totterdown, Bristol, BS3 4UH about parking on pavements. I am replying as the Minister responsible for this issue.

I fully understand Dr Audrey's concerns and appreciate that parking on the pavement can cause serious problems for pedestrians, particularly people in wheelchairs or with visual impairments, and those with prams or pushchairs. Indiscriminate pavement parking may also damage the footway, with the burden of repair costs normally falling on local authority maintenance budgets.

The Government recognises the importance of making the local environment convenient, safe and attractive to walk in, and of keeping pavements in good order. However, in some streets pavement parking may be inevitable to maintain free passage of traffic.

In London there is in general a ban on parking on the pavement, whilst in the rest of England there is no such prohibition. However, local authorities outside London have wide-ranging powers, under the Road Traffic Regulation Act 1984, to make Traffic Regulation Orders (TROs) to prohibit footway parking on designated lengths of highway or over a wide area. The DfT has issued guidance to local authorities about doing this.

Any ban needs to be appropriately signed so that motorists are aware that the restriction is in operation. We have also removed the requirement for individual sign authorisation for local authorities in such cases, making it simpler and easier for them to implement such bans. In many areas the local authority has obtained Civil Parking Enforcement powers which, in place of

criminal proceedings by the Police for their breach, enable Civil Enforcement Officers to enforce footway parking bans on designated highways by issuing Penalty Charge Notices. It is important that local authorities are able to decide on local parking restrictions themselves and they clearly need to consider all road users when taking such decisions.

I note Dr Audrey's comments about the application of the Equality Act 2010 for local authorities who do not institute a ban on pavement parking. I can advise that provisions in the Act require providers of services to take reasonable steps to ensure that disabled people are not substantially disadvantaged compared to non-disabled people, when accessing a service. The Act is subject to 'reasonableness', i.e. any alterations that need to be undertaken to enable disabled people to access their goods, facilities and services must be reasonably achievable. It would be for a Court to rule as to what is deemed "reasonable".

The DfT convened a roundtable meeting with external stakeholders, including some local authorities, in March 2016 following the withdrawal of Simon Hoare's Private Member's Bill, which sought to ban pavement parking nationally. A possible pavement parking ban in the rest of England outside London was discussed. However, it was identified at the roundtable that the major concerns affecting the enforcement of pavement parking were issues relating to the processing of TROs. Since then, we have been working on measures to make it easier for councils to take action to keep pavements clear, and we plan 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.

Yours,

Andrew

ANDREW JONES