Local Members Interest
N/A

Staffordshire Parking Board – 26th JULY 2011

CIVIL PARKING ENFORCEMENT (CPE) – DEPARTMENT FOR TRANSPORT POWERS FOR ENFORCEMENT OF PAVEMENT PARKING AND MOVING TRAFFIC OFFENCES

Recommendations of Staffordshire County Council Cabinet Member (Highways and Transport):

1. Note the content of this report and request that Local Parking Committees consider the pavement parking powers when addressing problems in their areas.

2. Express disappointment that Moving Traffic Enforcement powers are not to be brought forward at this time and agree that representations to the secretary of State are made seeking early introduction of powers in Staffordshire.

Report of Director for Place and Deputy Chief Executive

PART A

Why is it coming here – what decisions are required

3. To inform members of content of Department for Transport guidance.

PART B

Background

Pavement Parking

4. The introduction of Part 6 (CPE) of the Traffic Management Act 2004 (TMA) in 2008 allowed local authorities outside London to issue Penalty Charge Notices (PCN's) to motorists who park in contravention of traffic regulation orders in a Special Enforcement Area (Staffordshire).

5. The CPE parking framework, introduced by the Department for Transport (DfT) indicated that additional powers would be brought forward in the future as appropriate; one of these additional powers already in place allows enforcement for motorists who park at dropped footways or double park without the need to seek individual Traffic Regulation Orders or sign the restriction.

6. The Secretary of State for Transport, Norman Baker, has recently issued guidance (appendix 2) in respect of current powers already available for CPE authorities to enforce pavement parking. This clarifies the situation for this wide spread and complex situation and confirms the County wide power to ticket HCV's parked on footways. It is emphasised that whilst enforcement of inappropriate car and HCV parking in narrow and congested streets is necessary, in some instances pavement parking can be acceptable and inevitable to maintain free passage of traffic whilst meeting the needs of local residents and business. For this reason Government have not chosen to take up the option of a blanket ban. Staffordshire local parking service continues to take a

measured approach to this type of enforcement balancing the problems generated against the consequences for rigorous enforcement. New approved signs have been released by DfT although in the majority of cases deployment is subject to a TRO being introduced.

Moving Traffic Enforcement

7. Recently Staffordshire has been made aware of a further announcement by the Secretary of State in respect to the with holding of additional moving traffic enforcement powers (appendix 3) Members will recall that they agreed that additional powers would be utilised in the future when the parking service was fully operational and operating efficiently. There has been a general expectation that these powers would be brought forward this year allowing, in Staffordshire, a measured approach to a limited number of 'hot spots' where arrangements were being drawn up with Stoke City Council for them to carry out targeted limited enforcement using vehicle based equipment, this initiative cannot now proceed although discussion will be held with the Police to explore other avenues to deliver alternative enforcement.

8. Officers will continue to press the Department of Transport for these powers and early discussion have been held with Stoke seeking for Staffordshire to join with them in offering to be a pilot area should the opportunity arise.

9. In any case it will be necessary to instigate a coordinated and comprehensive publicity campaign to inform Staffordshire residents of the circumstances in which action will be taken.

Appendix 1:Community Impact Assessment

Name of Policy/Project/Proposal: CPE 2010/11 ENFORCEMENT OF PAVEMENT PARKING AND MOVING TRAFFIC OFFENCES		
Responsible officer: Nick Miller		
Commencement date & expected duration: One Off		
	Impact Assessment	
	+ve/ neutral/ -ve	Degree of impact and signpost to where implications reflected
Outcomes plus		
Prosperity, knowledge, skills, aspirations	+ve	Transport, parking and highway operations support the planned economy; with parking enforcement improving traffic flows supporting businesses and communities; Improved public realm.
Living safely	+ve	Road safety: reductions in road casualties and antisocial use of vehicles.
Supporting vulnerable people	+ve	Poorly and inconsiderately parked vehicles can often obstruct pavements badly affecting the passage of wheelchair users.
Supporting healthier living	+ve	Sustainable transport / accessibility options; enhanced public realm.
Highways and transport networks	Neutral	
Learning, education and culture	Neutral	

Children and young people	+ve	Road safety: reductions in road casualties and antisocial use of vehicles.
Citizens & decision making/improved community involvement	Neutral	
Physical environment including climate change	Neutral	
Maximisation of use of community property portfolio	Neutral	.

Equalities impact: This report has been prepared in accordance with the County Council's policies on Equal Opportunities and in fact CPE strongly supports social inclusion as the needs of those with disabilities, vulnerable adults and children, as well as economic regeneration, as all are specifically met by a well-managed system of car parking provision and controls. Confirmation of existing pavement parking powers is specifically aimed at assisting those with mobility difficulties who use wheelchairs or motorised scoters.

The with holding of local moving traffic enforcement impacts on the management of congestion and in some instance safety, thus there is an inevitable detrimental element for those with mobility difficulties who use wheelchairs or motorised scoters and commuters.

Age	+ve	Improved transportation for those too young to drive: Walking, cycling and public transport delivery.
Disability	+ve	Provision of integrated transport infrastructure compliant with DDA requirements.
Ethnicity	Neutral	
Gender	Neutral	
Religion/Belief	Neutral	
Sexuality	Neutral	

	Impact/implications
Resource and Value for money In consultation with finance representative	There are no specific financial implications arising from this report at this time, although each District will need to balance the level of enforcement deployed to combat pavement parking problems against the overall needs of the service to ensure the effectiveness and performance of the services is not adversely affected.
Risks identified and mitigation offered	There are no specific risks arising from this report.
Legal imperative to change In consultation with legal representative	There are no specific legal implications arising from this report

Health Impact Assessment screening:

- In summary no significant negative impacts on public health have been identified in respect to the outcomes of this report.

Report author

Author's Name: Nick Miller Traffic Manager
Ext. No.: 01785 276726
Room No.: F39

List of background papers

1. Partnership Agreements
2. Financial Out Turn Report 2007/08 & 08/09
3. DfT Consultation/ SI 2009 No 1116
4. TMA Part 6 2004 & 8

Appendix 2

From the Parliamentary
Under Secretary of State

Department for
Transport

Great Minster House
76 Marsham Street
London SW1P 4DR

Tel: 020 7944 2566
Fax: 020 7944 4309
E-Mail: norman.baker@dft.gsi.gov.uk

Web site: www.dft.gov.uk

To the Council Leaders of all
English Traffic Authorities

cc: Relevant Local Authority
Chief Executives

Our Ref: NB/003120/11
Your Ref: MM7155

21 February 2011

Dear Leader

Tackling Pavement Parking Problems

I am writing to draw your attention to powers available to you to tackle pavement parking, and to advise you of further steps the Government are taking which may help you in this regard.

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.

I know from my own experience that pavement parking can be a widespread problem that some local authorities have found difficult to address. I also appreciate that in some streets pavement parking may in practice be inevitable to maintain free passage of traffic whilst meeting the needs of local residents and businesses. For that reason, we are not proposing a blanket ban on pavement parking (although such a ban does in fact apply in London) but would encourage you to consider using the options available in a way that meets local needs.

It is now easier for you to implement and sign local bans for all vehicles

Your traffic and parking teams are able to introduce local pavement parking bans, through a traffic regulation order (TRO), on a particular length of road or over a wider area. You will need to indicate the restrictions with the appropriate signs and we have designed new signs for area-wide bans. I am

today issuing every English traffic authority with the special authorisation necessary to use these signs. Your authority's authorisation is attached with this letter.

Heavy Goods Vehicles

Section 19 of the Road Traffic Act 1988 prohibits heavy goods vehicles from parking on the pavement. This is a national ban and does not require a TRO or any signs. Therefore, if your authority has civil parking enforcement powers, you can already enforce against HGV pavement parking throughout your enforcement area.

Other ways to tackle the problem

Other options include the use of physical measures such as high kerbs or bollards to prevent vehicles mounting the pavement. Such measures have the advantage that they are very largely self-enforcing.

If you want to find out more

The Department provides detailed advice on the management of pavement parking at:

http://www.dft.gov.uk/pgr/roads/tpm/tmaportal/tmafeatures/tmapart6/pavementparkingmanagementres1744/

Future Proposals through our Review of Traffic Signs Policy

Finally I would like to tell you about our traffic signs review. I have specifically asked for this work to consider further options for making it easier for local authorities to manage pavement parking in future. We aim to remove regulatory burdens and unnecessary bureaucratic procedures. Where appropriate, this could mean removing the need for a TRO altogether, so as to effectively provide restrictions and prohibitions through traffic signs alone. I will make further announcements following the completion of the review in May this year.

I would be grateful for your help in tackling inconsiderate parking.

Yours sincerely

NORMAN BAKER

Appendix 3

From the Parliamentary Under Secretary of State

Department for Transport

Great Minster House
76 Marsham Street
London SW1P 4DR

Tel: 020 7944 2566
Fax: 020 7944 4309
E-Mail: norman.baker@dft.gsi.gov.uk

Web site: www.dft.gov.uk

Our Ref: MC/1536

Ian Tamburello
Strategic Manager - Enforcement
Environmental Services
City of Stoke-on-Trent

Email: ian.tamburello@stoke.gov.uk

26 May 2011

Dear Mr Tamburello,

Thank you for your email of 18 April regarding the moving traffic provisions in Part 6 of the Traffic Management Act (TMA) 2004.

I wrote in December 2011 to leaders of 20 large English authorities – whom I thought would be among the first to use the moving traffic powers – seeking further evidence to establish whether such powers would provide a positive impact in local situations. Whilst some were clearly very enthusiastic about this, and able to make the capital investment that would be required, others were more muted in their support. Indeed, some did not respond to the letter.

The Department must, as I am sure you appreciate, make tough choices about priorities and where resources are targeted. We came to the conclusion that this was not an area where staff resources should be devoted at this moment in time.

I hope this reply helps to clarify the position.

Yours sincerely

NORMAN BAKER