

Appendix A

NCC Response to the Pavement Parking: Options for Change Consultation

(Note that some questions have been omitted as they are targeted at individuals and other organisations rather than local authorities)

Q6: Do you think vehicles parked on the pavement is a problem in your area?

- Yes
- No
- Don't know

NCC Response: Yes

Q7: Do you prefer:

- option 1?
- option 2?
- option 3?
- an alternative option? (please describe it)

NCC Response: option 2

Option 2 - to allow local authorities with CPE powers to enforce against 'Unnecessary obstruction of the pavement'

Q8: How would you define an 'unnecessary obstruction of the pavement'?

NCC Response: As indicated in the consultation proposals, a precise definition of 'unnecessary obstruction' is very difficult to achieve. It is hoped that national guidance will be available to assist local authorities with this. A scenario-based guidance document would particularly helpful. There is a substantial body of existing case law regarding the definition of 'obstruction' already. This not only provides a ready resource of a definition for enforcement for obstruction but also indicates that a new qualified term such as 'unnecessary obstruction' could be the subject of considerable legal challenge before a definition which can robustly be used for enforcement is identified.

Q9: Do you think a warning notice should be given for first-time offences of causing an unnecessary obstruction by parking on the pavement?

- Yes
- No
- Don't know

NCC Response: Yes

Q10: What do you think are the advantages and disadvantages associated with Option 2?

NCC Response:

Advantages

- Would be relatively simple the authority to implement
- Hopefully, it would have little economic impact on local authorities
- Allows the local authority the flexibility to penalise individual cases of pavement parking where the pavement has clearly been blocked without having to implement a blanket ban

Disadvantages

- The term 'unnecessary obstruction' is open to interpretation. This could result in widescale challenges of penalty charges issued by the authority.
- Possible inconsistency in the interpretation of the enforcement powers across different local authorities.

Option 3 - England-wide pavement parking prohibition

Q11: Do you think a national prohibition should apply:

- on no roads (since you are against the proposal)?
- on all public roads within the country?
- only on roads with speed limits up to 40mph (this includes roads in villages, towns and cities); or
- in an alternative way of your description? (please describe)

NCC Response: on no roads (since we are against the proposal)

Q12: Should a national prohibition apply to:

- pavements only?
- pavements and verges?

NCC Response: pavements and verges

Q13: What are your views on the impact this would have on the built and historic environment?

NCC Response: Overall, we consider that the implementation of Option 3 would have a negative impact on the built and historic environment. This is because;

- Streets to be exempt from pavement parking restrictions would need to be identified with signs and markings. This would introduce additional street clutter (something we are trying to reduce)

Q14: What do you think are the advantages and disadvantages of Option 3:

- for rural areas including villages?
- for suburban areas?
- for town and city centres?
- overall?

NCC Response:

Advantages

- Implementation of this option would be successful in freeing up pavement space and so would benefit pedestrians - particularly people with mobility issues, visual impairments and those using prams and pushchairs. These benefits would stretch across many locations but would be particularly helpful within suburban areas and towns & cities.

Disadvantages

- Would require a huge amount of additional work for the authority to implement. This would include a survey of our entire road network to determine areas where pavement parking will be permitted.
- Unless additional funding was made available, the potential cost of implementation would put a strain on existing budgets.
- Installing additional traffic signs (to show areas exempt from the national parking prohibition) would contribute to additional street clutter in urban areas.
- Implementation on rural roads would be particularly onerous and disproportionate to the parking issues we currently experience in many of these areas.

Q:15 Do you believe Option 2 or Option 3 would have an impact on the environment?

Option 2

- Yes
- No
- Don't know

Option 3

- Yes
- No
- Don't know

If answering "Yes" to an option, please explain the impact you think will occur and whether it is positive or negative.

NCC Response:

Option 2: No

Option 3: No

Q16: For both options 2 and 3, we propose exceptions for those vehicles listed in Annex B. (The final listed exception applies to option 3 only.)

- What, if any, other additional vehicles or services would you like to exempt and why?

NCC Response: None

Questions on the equality duty

Q17: In respect of people who share any of the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion/belief
- sex
- sexual orientation

Please describe any negative impacts that the options in this document might have on these objectives:

- eliminating discrimination
- advancing equality of opportunity
- fostering good relations

Please clearly identify the specific consultation option, the protected characteristic affected, which objective is affected and the nature of any negative impact.

NCC Response:

- Options 2 and 3 may negatively impact people with disabilities (blue badge holders). This group may be reliant on pavement parking and, in some circumstances, will be disproportionately affected by restrictions to pavement parking in certain areas. It is noted that blue badge holders will not be exempt from the restrictions. It is anticipated that Option 3 would have a more severe impact on this group than Option 2.

Q25: Are you representing a council?

- Yes
- No

NCC Response: Yes

Q26: Has your authority introduced a TRO, or TROs, to implement pavement parking restrictions?

- Yes
- Don't know
- No

If you answered 'No', why not?

If you answered 'Yes': * How many has your authority introduced in each of the last 10 years? * Typically, how long does a TRO take for you to put into place (in weeks)? * What was the average monetary cost (to the nearest £) of introducing a single TRO? (please breakdown costs e.g. administration, legal, advertising, traffic sign purchase / installation & road marking creation).

NCC Response: No. This is because;

- They would be costly and time consuming to implement
- They could prove to be controversial
- In many instances existing parking restrictions (e.g. double yellow lines) already apply to the footway (pavement) as well as the carriageway.

Q27: Could you please provide where possible, for each of the 5 years 2015-2019, figures or estimates (please specify which) for your local authority:

- the number of injury claims made to your local authority
- the number of injury claims made due to pavement parking
- the number of injury claims for which compensation was paid
- the number of injury claims made due to pavement parking for which compensation was paid
- the total compensation paid for injury claims

- the total compensation paid due to pavement parking

NCC Response:

- the number of injury claims made: 672
- the number of injury claims made due to pavement parking: no data available
- the number of injury claims for which compensation was paid: 118
- the number of injury claims made due to pavement parking for which compensation was paid: no data available
- the total compensation paid for injury claims: £1,024,644
- the total compensation paid due to pavement parking: no data available

Q28: What was the:

- total spend on pavement repairs for each of the 5 years 2015 to 2019?
- the percentage of this total spend due to pavement parking: for each of the 5 years 2015 to 2019?

NCC Response:

- total spend on pavement repairs for each of the 5 years 2015 to 2019:

Year	Actuals Inc. Fees	Data Source
2015/16	£827,528	NCC APSE Figure
2016/17	£918,118	NCC APSE Figure
2017/18	£915,582	NCC APSE Figure
2018/19	£1,379,206	NCC Figure
2019/20	£1,086,534	Via Figure

- We have no data available on the percentage of this total spend due to pavement parking

Option 2

Q29: If your council has civil enforcement powers and was permitted to enforce the offence of ‘unnecessary obstruction’, would your council elect to do this?

- Yes
- No
- Don’t know

NCC Response: Yes

Q30: If you answered “Yes” or “Don’t know”, what number of staff, in your authority, would need to learn the new enforcement guidance?

NCC Response: Approximately 50

Q31: Can you foresee any additional, unfunded costs outside of the normal issuing and processing of PCNs?

- Yes
- No
- Don't know

NCC Response: Yes. The issuing of PCNs for pavement parking will potentially be contentious as we attempt to address parking issues that are long-established. Consequently, a process of awareness through publicity, local consultation and warning notices would be recommended. This will incur a cost above the normal issuing and processing of PCNs that are largely met by PCN income.

Q32: What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

NCC Response: The costs will be predominantly in staff time and, because of the number of variants, it is not possible to provide a meaningful estimate at this stage. As a unit cost, it is estimated that a 'warning' PCN (i.e. issued with zero charge) costs the Authority approximately £10 in administrative costs.

Option 3

Q33: In your authority area, estimate based on your total road network, on how much road is pavement parking necessary to ensure free-flowing traffic is maintained? Give the amount:

- in kilometres
- as a percentage of the total road length

NCC Response: We have no data available to answer this question.

Q34: What do you expect an assessment of your road network, to identify exemptions, to cost overall and how do the costs break down individually (£)?

NCC Response: We have no data available to answer this question.

Q35: Would your authority need to provide more parking provision to implement option 3?

- Yes
- No
- Don't know

NCC Response: Don't know

Q36: Please provide an estimate of the cost of implementing exemptions in your area, including:

- staff costs
- traffic signing costs
- bay marking costs
- removal of traffic signing for previously implemented TROs restricting pavement parking in your area

NCC Response: We do not have data available that will allow us to estimate the extents of required exemptions across the county. However, we expect the cost to the authority would be in excess of £1million.

Q37: Can you foresee any additional, unfunded costs beyond the normal costs of issuing and processing PCNs?

- Yes
- No
- Don't know
- **NCC Response:** Yes

Q38: Give an explanation and breakdown of the number of additional:

- staff for your local authority?
- salary costs for your local authority?
- hiring costs for your local authority?
- training costs for your local authority?

NCC Response: The costs will be predominantly in staff time and, because of the number of variants, it is not possible to provide a meaningful estimate at this stage. As a unit cost, it is estimated that a 'warning' PCN (i.e. issued with zero charge) costs the Authority approximately £10 in administrative costs. It is though unlikely that any additional staff will be required; the existing Civil Enforcement Officers would simply add the extra contravention into their hand-held computers and be trained to recognise a contravention. NCC does not expect that in either Option 2 or 3 that many actual PCNs will need to be issued.

Q39: What additional staff roles do you envisage?

NCC Response: None beyond the existing CEOs and supporting back office.

Q40: Do you expect any other, non-staff, costs to arise from a national pavement parking prohibition?

- Yes
- No
- Don't know

NCC Response: Don't know

Q41: What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

NCC Response: N/A

Q42: What potential benefits, if any, do you think there will be for your authority from a national pavement parking prohibition (such as existing costs being reduced)? Provide any monetary benefit where possible.

NCC Response: We recognise that pavement parking can create significant problems for those with mobility issues so any improvement to this should benefit these users. However, with our diverse and extensive road network we feel that Option 2 provides those potential benefits without the significant problems that Option 3 would introduce.

Q43: The government is looking to local authorities to introduce more cycle facilities to encourage active travel. Do you think this will cause issues for a national pavement parking prohibition?

- Yes
- No
- Don't know?

If you answered "Yes", please describe the issues.

NCC Response: Yes. The impact on cycle facilities is dependent on the design of the cycle route. We have shared surface routes and segregated routes that do suffer from pavement parking and would therefore benefit from its removal. We also have on-carriageway cycle strips that could be adversely impacted if more vehicles park wholly in the carriageway.

Q44: Do you have any other comments?

NCC Response: NCC fully recognises the problems that pavement parking can create for many highway users and welcomes this consultation and it hopes will lead to legislative change. It does favour Option 2 which it firmly believes will provide all the advantages of improved enforcement without the disadvantages of having to quickly introduce administrative orders to exempt those streets where currently essential carriageway parking would hinder the emergency services and refuse wagons. It also welcomes the intention to introduce national guidance along with Option 2 to ensure consistency between Local Authorities.