

	<h2>Environment Committee</h2> <h3>10 March 2015</h3>
<b>Title</b>	<b>Implementation of the Footway Parking Programme as detailed in the New Parking Policy</b>
<b>Report of</b>	<b>Environment Lead Commissioner</b>
<b>Wards</b>	<b>All</b>
<b>Status</b>	<b>Public</b>
<b>Enclosures</b>	Appendix 1 – Schedule of Roads where Footway Parking has been subject to an unofficial waiver Appendix 2 - Work Programme
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<h2>Summary</h2>
<p>In November 2014, this Committee agreed a new Parking Policy and authorised officers to develop a costed plan to implement it. The initial plan was submitted to the January Environment Committee meeting and a decision was taken to develop a more detailed schedule of works in relation to formalising the current footway parking arrangements. This report sets out the outcome of the initial review of the existing roads and identifies the extent of works required and the likely costs involved. It also sets out the proposed programme of activity, timeframes and costs for the implementation of this element of the new parking policy.</p>

## Recommendations

1. That the Environment Committee consider and approve the proposed plan in relation to the implementation of the first phase of footway parking works in order to meet this element of the new Parking Policy and agrees the allocation of funds as determined in paragraph 5.2.1 from the capital funding allocated for investment in roads and pavements over the next 5 years.
2. That the Environment Committee agree a further allocation of £1m per annum for on-going requests for footway parking from capital funding already allocated for investment in roads and pavements from 2016/17 to 2019/20.
3. That the Environment Committee agree the action plan and hence timescale for implementation of the first phase of works.

### 1. WHY THIS REPORT IS NEEDED

- 1.1 At the November 2014 meeting of this Committee, members agreed a new Parking Policy and this included a new process to be deployed to ensure that the way in which the Council deals with footway parking is in future in full compliance with legislation.
- 1.2 Formal consultation was presented at the November Committee which showed a large majority in favour of the footway parking policy. The results of the formal consultation shows that footway parking is the 4<sup>th</sup> most supported item in the Parking Policy. The combined responses of 922 respondents are shown in the table below:

<u>Footway Parking</u>	Agree	Disagree	Neither/ Don't know
<u>Where safe make available spaces on footways that are clearly marked</u>	82%	8%	10%

- 1.3 At the January 2015 meeting of this Committee, members requested that they be provided with more detailed proposals in respect to the footway parking proposals.
- 1.4 Members recognised that effective implementation will require a programme which prioritises necessary works as well as requiring a capital and revenue investment, however they did not feel that they had sufficient information in relation to the implementation of the footway parking element of the new Parking Policy.
- 1.5 The Committee requested officers to provide detail regarding the extent of proposed works, associated costs and timeframes for the implementation of the Footway Parking element of the policy and this information is contained in this report.

- 1.6 As members are aware, there are a number of streets in the borough where informal non-compliant footway parking is currently in operation. These need to be formally reviewed in accordance with the new policy. The reviews will determine whether the new Parking Policy criteria has been met and this will lead to appropriate actions being taken to either formalise or cease footway parking in these roads.
- 1.7 Due to the limited time available since the last Committee decision it has not been possible to carry out a review of all 71 sites, however we have conducted surveys on 28 of the 71 sites which equates to around 40% of the roads. These results, when extrapolated provides the Committee with a good indication of the extent of work and likely costs involved. Applying the percentage factor to the total would equate to a sum of around £2m and with the cost of signs and lines added would be around £2.3m.
- 1.8 The outcome of the roads that have been surveyed has been used to determine the likely extent of works for phase 1 of introducing compliant footway parking schemes via the introduction of appropriately strengthened footways with signs and lines to formalise designated footway parking bays to the roads on the initial schedule. The full schedule of roads surveyed and the likely costs associated with each are detailed in Appendix 1.
- 1.9 Following a full assessment of all 71 sites it may be that there will be further roads that will not meet the criteria within the parking policy and will therefore not be recommended to have formalised parking bays installed.
- 1.10 A process will need to be instigated to allow for any additional requests received in the interim and in the future to be reviewed and those that meet the criteria will be identified and subject to further funding being available will be designed and implemented in accordance with the Policy.
- 1.11 The estimated costs are identified in this report in Section 5; Use of resources.
- 1.12 In order to assist Members the following text in relation to footway parking has been extracted from the newly agreed Parking Policy:
  - 1.11.1 Footpaths must be kept safe for pedestrians to use. Unauthorised footway parking creates an obstruction hazard for pedestrians and can make it difficult for a pushchair or wheelchair to pass safely without needing to divert into the road. Vehicles parked on the footway, can also cause particular problems for blind, disabled and older people. Many complaints are received from pedestrians, wheelchair users and those using pushchairs about inconsiderate car drivers who are parked on our footways, causing them to use the carriageway to get past.

In 1974 it became an offence to park a vehicle with 'one or more wheels on any part of an urban road other than a carriageway' in London (i.e. footway, grass verge, garden, space or land). The offence subsequently became decriminalised under the Road Traffic Act 1991 when local authorities were given powers to enforce footway-parking contraventions.

- 1.11.2 Unauthorised footway parking also causes increased maintenance costs and additional risks to the public. Damage to paving and grass verges caused by parked vehicles costs the Council thousands of pounds each year and such damage can create trip hazards resulting in injury. It is therefore important that those vehicles which are parked on the footway are enforced appropriately through the issue of a PCN.
- 1.11.3 The Council have only provided a limited number of designated footway parking in certain roads. These should be clearly defined as bays and marked on the footway with white lines. It is usual in these situations for the footway to have been strengthened to ensure that no damage is caused by the weight of parked vehicles. However, there are other areas where the Council has allowed footway parking to take place but have not legalised this through the placing of signs and lines. Where vehicles are parked in marked bays they are considered to be parked compliantly. However, where vehicles are not parked properly within a marked bay, i.e. where one or more wheels outside of the bay markings this is considered to be non-compliant.
- 1.11.4 The Council have consulted on a change to its footway parking policy to incorporate objective criteria, which will ensure footway parking only happens where it can be undertaken safely. In addition, these proposals will ensure that parking places are properly signed and marked where necessary to ensure that cars do not park in such a way as to cause an obstruction. The consultation feedback showed strong support for this and as such it was included within the agreed Policy.
- 1.11.5 Appendix 2 provides the detailed process and criteria to be followed when reviewing roads as detailed in Appendix 13 of the new Parking Policy.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 In agreeing to the new parking policy at this Committee's meeting in November 2014, there is a need to ensure that the changes and commitments made within the new policy are now implemented in an effective manner and that there are adequate resources to do so.
- 2.2 Not formalising footway parking puts at risk the informal arrangements on these streets as we could now be challenged as the parking policy is approved and in the public domain.

2.3 The formal consultation shows us there is overwhelming public support for the footway parking policy.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

3.1 In relation to the Parking Policy, the alternative option is not to implement the new Parking Policy (or parts of it) for the borough but this would be at odds with approving the Policy in the first place, and would mean that the Council would continue to operate its footway parking policies on an adhoc basis without due regard for existing legislation.

3.2 Furthermore, the current process leads to confusion and frustration and in particular from vulnerable members of the community who believe that priority is being given to motorists to the detriment of public safety.

### **4. POST DECISION IMPLEMENTATION**

4.1 This report sets out an implementation plan for the work required to implement the footway parking element of the new Parking Policy.

4.2 If agreed, the first phase of work will be to review, against Policy criteria, the existing schedule of roads where footway parking has been allowed to take place.

4.3 Those that are determined as meeting the criteria will require a detailed design being undertaken and then instructions being issued to the councils highways contractor to carry out the works which will include lining and signing and where necessary strengthening of the public footway.

4.4 Once this first phase is completed it is intended to review the roads that were highlighted during the public consultation and there will also be a need to address on-going general requests and concerns as they arise. Each road will be reviewed in accordance with the agreed criteria and depending on available budgets works will be implemented for those that meet the criteria and where it is agreed that formal footway parking arrangements should be instigated.

### **5. IMPLICATIONS OF DECISION**

#### **5.1 Corporate Priorities and Performance**

5.1.1 Barnet Council will work with local partners to create the right environment to improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study.

5.1.2 The three priority outcomes set out in the 2013/16 Corporate Plan are:

- Promote responsible growth, development and success across the borough

- Support families and individuals that need it- promoting independence, learning and well-being
- Improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study

5.1.3 The effective implementation of the Parking Policy and in particular the footway parking element of the policy will help to achieve the above priority outcomes, particularly in respect of supporting the vulnerable and improving the satisfaction of residents through improved confidence in the Council's capacity to effectively manage and monitor the parking arrangements throughout the borough.

5.1.4 It will also serve to enhance the public perception that the Council are making sound and justified decisions and in so doing can demonstrate that clearly defined processes are in place which are transparent and ensures that robust criteria is being used to support decisions in relation to parking provision.

## **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 For the first phase of the Footway Parking Programme described above the capital investment is estimated to be around £2.3m. This is an estimated figure at this stage as the more detailed reviews will identify whether there is a need for utility services to be moved and/or drainage works to be undertaken.

5.2.2 It is proposed that the capital investment be funded from capital budget agreed for investment in roads and pavements between 2015/16 & 2019/20.

5.2.3 As this programme involves introducing new infrastructure in the form of signs and lines, there will be additional revenue costs to maintain this infrastructure of around £0.1m per annum. These costs will be contained within the revenue budget for Parking.

5.2.4 It is anticipated that there will be further on-going requests for footway parking to be considered in other borough roads. We are already aware of a number of such requests from the responses received as part of the Parking Policy consultation. It would therefore be prudent to allocate a further budget provision of £1m per annum from the capital budget agreed for investment in roads and pavements between 2016/17 & 2019/20. This is in order to address the future demand.

## **5.3 Legal and Constitutional References**

5.3.1 The Council's Constitution (Responsibly For Functions, Annex A) gives the Environment Committee certain responsibility related to the street scene including pavements and all classes of roads, parking provision and enforcement, and transport and traffic management including agreement of the London Transport Strategy Local Implementation Plan.

- 5.3.2 Under the Road Traffic Act 1991 the Council took over the enforcement of all parking places on the highway in 1994. In 1994 following a pilot where decriminalised enforcement covered three areas, the Council applied for an order to be made designating the whole borough a Special Parking Area which was duly done - with the exception of the current Transport for London Road Network and the M1 motorway. Consequently the Council is empowered to enforce the full range of "decriminalised" parking controls that it implements in any borough road.
- 5.3.3 Section 45 of the Road Traffic Regulation Act 1984 allows an authority to designate parking places on highways in their area for vehicles of any class and to charge (such amount as may be prescribed under section 46) for vehicles left in a designated parking place
- 5.3.4 In using the powers under the Road Traffic Regulation Act 1984, the authority has a duty, amongst other considerations, to secure the expeditious, convenient and safe movement of vehicular and other traffic and the provision of suitable and adequate parking facilities both on and off the highway. This is pursuant to section 122 of the Road Traffic Regulation Act 1984.
- 5.3.5 The Department for Transport issued in February 2008 "The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions" (the "Statutory Guidance"). The Statutory Guidance is published by the Secretary of State under section 87 of the Traffic Management Act 2004. Section 87 (2) requires local authorities to have regard to the Guidance in the delivery of Civil Enforcement of Parking Contraventions.
- 5.3.6 The Department for Transport issued in November 2010 to all local authorities a document entitled: "Operational Guidance to Local Authorities: Parking Policy and Enforcement – Traffic Management Act 2004" ("DfT Guidance"). The DfT Guidance sets out the policy framework within which the Government believes all local authorities should be setting their parking policies.
- 5.3.8 It has been a contravention to park on the footway within London since the introduction of the Greater London Councils (General Powers) Act 1974. The Council enforces footway contraventions under the London Local Authorities and Transport for London Act 2008, where a vehicle has been parked with one or more wheels on the footway, 24 hours a day, 7 days a week.
- 5.3.9 Section 8(1), (2)(a), (b) of the London Local Authorities and Transport for London Act 2008 states that any part of the public highway not set aside for vehicles is covered by a footway parking ban. This includes grass verges, central reservation, ramps linking private property to the road and pedestrian crossings.
- 5.3.10 The Highway Code 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.

## **5.4 Risk Management**

5.4.1 The aim of a Parking Policy is to provide the public with clear and understandable information that explains the processes and criteria being deployed and the purpose of the parking controls in place throughout the borough. Having such a document reduces the risks and is expected to improve the Council's reputation and increase residents' perception of the Council.

5.4.2 The introduction of specific new criteria to formalise footway parking will ensure that the statutory processes applicable to meeting parking legislation requirements can be fulfilled and once proper provisions are established will enhance the enforcement of parking provisions.

## **5.5 Equalities and Diversity**

5.5.1 The 2010 Equality Act outlines the provisions of the Public Sector Equality duty which requires public authorities to have due regard to the need to

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

5.5.2 The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent. A full Equalities Impact Assessment was carried out as part of the development of the Parking Policy. The overall feedback from this assessment did not indicate any adverse impacts to the protected groups or lead to any reassessment of the Policy. Their involvement and participation gave confidence that our proposals were appropriate to the needs of the diverse groups that this policy may impact.

## **5.6 Consultation and Engagement**

5.6.1 The council's new Parking Policy (and hence its proposals) was developed through a robust and extensive public consultation exercise, which was reported to the November 2014 meeting of this committee.

## **6 BACKGROUND PAPERS**

NONE