

SWALE JOINT TRANSPORTATION BOARD

Meeting Date	Monday 7 th March 2016
Report Title	Verge and Footway Parking in Swale
Cabinet Member	Cllr David Simmons
SMT Lead	Dave Thomas
Head of Service	Dave Thomas
Lead Officer	Mike Knowles (SBC)
Classification	Open

Recommendations	Members are asked to re-consider their recommendation of December 2015, as per the Cabinet decision, in light of the additional information provided by Officers.
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1. Purpose of Report and Executive Summary

- 1.1 Having considered and discussed the December 2015 report, Members of the JTB resolved to recommend that “the byelaw restricting parking on grass verges be extended to include parking on footways”.
- 1.2 At the Cabinet Meeting on 3 February 2016 following the December 2015 JTB, it was resolved that in view of the significant implications of changing the current byelaw to include footway parking, the matter should be referred back to the JTB for further consideration.

2. Background

- 2.1 As the initial report to the JTB had not considered the potential recommendation, this report presents all options and relative implications.
- 2.2 The report to the JTB presented the current situation regarding inconsiderate parking on footways, emphasising that the police and the highway authority already have powers to deal with any vehicles parking in a manner to obstruct free passage along a highway. It was noted however that this is not generally regarded as a priority function by the delegated authorities.
- 2.3 The report also clarified what actions the Council may currently take where parking restrictions exist, including yellow lines adjacent to where vehicles are parking on grassed verges.

- 2.4 Members of the JTB made a proposal that Swale's current byelaw covering parking on grassed verges be extended to include footway parking. Despite concerns raised by some Members, the proposal was passed by 8 votes to 6.

3. Issue for Decision

- 3.1 There are significant concerns around the implications of this proposal should it be adopted:

Impact on Residents

- 3.2 A revision to the current byelaw will have a significant impact on residents in many areas of the Borough. With limited carriageway widths and high demand for parking on-street due to a lack of off-street parking facilities, in many roads residents are forced to park their vehicles on footways.
- 3.3 A borough-wide ban on footway parking will severely impact on these residents, where in most cases parking in adjoining streets is not an option as they are already saturated with parked vehicles.
- 3.4 The result will inevitably be an increase in the number of driveway entrances and pedestrian crossing points becoming obstructed, and inappropriate parking on junctions, as drivers struggle to find available parking spaces.
- 3.5 Where residents are forced to park vehicles on the carriageway as a result of a change to the byelaw, problems around traffic movement could increase, which may leave authorities no option but to install double yellow lines along one side of the road. This will exacerbate the issues for residents as on-street parking capacity will be significantly reduced, with local authorities unable to offer alternative parking arrangements.

Enforcement

- 3.6 The revised byelaw would need to be allocated appropriate additional resources for investigation and enforcement purposes. This resource allocation may be significant when considering the level of expectation of the public in terms of enforcing the revised byelaw.
- 3.7 The current byelaw is inefficient in terms of enforcement, and is only used where persistent offenders have damaged grassed verges by frequent parking. To use the byelaw, a case file needs to be produced for each offender and therefore it is not a simple case of issuing an enforcement notice. The matter will then be heard in a Magistrates Court.
- 3.8 As a result, enforcement of the byelaw is a slow and potentially expensive procedure, and one where additional legal resources may also be required should

the byelaw be amended to include footway parking, as previously recommended by the JTB.

Consistency

- 3.9 If the byelaw is amended to include footway parking, this would result in a Borough-wide prohibition of parking on all footways. There are many areas in the Borough where vehicles are being parked on footways because parking on the carriageway would cause an obstruction to the safe passage of other vehicles. In these areas it may be considered acceptable to park on the footway, particularly where footways are wide enough to accommodate the vehicles whilst maintaining adequate width for the safe passage of pedestrians.
- 3.10 A Borough-wide prohibition of parking on all footways will result in a significant demand on resources resulting in some areas with limited patrols. Leaving such areas unenforced may result in reputational damage and complaints of inconsistency, particularly if vigorous enforcement is carried out in other areas. There could also be issues where the Police would prefer to see vehicles parked on footways to prevent carriageway obstruction, or to serve as traffic calming measures.

Practicality

- 3.11 As detailed in 3.9, the amendment to the byelaw would impact on all footways in the Borough, irrespective of the circumstances.
- 3.12 It should be considered that verges and footways remain the responsibility of Kent County Council and therefore an alternative method to deter verge parking and footway obstruction should be sought in the first instance with the Highways Team.
- 3.13 Individual Traffic Regulation Orders may be introduced for “hot spots” which in themselves would be very resource intensive to administer and enforce. There are also costs associated with the preparation of the Traffic Regulation Order and required on-street signing and posts. Such Traffic Regulation Orders have been implemented in other districts, however evidence suggests that this displaces the problem into other roads and onto the carriageway resulting in reduced traffic flow and associated highway safety concerns.
- 3.14 Isolated areas of parking restrictions therefore require careful consideration, as the issue of displacement and more compacted parked vehicles into adjoining roads can produce more of a problem than the original issue that the restrictions were introduced to alleviate.
- 3.15 In many cases where isolated parking restrictions are proposed, residents in adjoining roads formally object to the Traffic Regulation Order on the grounds that the parking issues will merely be displaced into their streets.

Current legislation

- 3.16 As the Police and Highway Authority already have the power to act where vehicles are considered to be causing an obstruction using powers granted to them under the Highways Act 1980, the question needs to be asked as to whether any change to the existing byelaw, or introduction of specific Traffic Regulation Orders, is necessary to tackle the issue of footway parking.
- 3.17 Such an amendment would effectively transfer the responsibility for enforcement from the Police and Highway Authority to the District Council. This may cause confusion for residents where enforcement action has been requested to tackle footway parking.

4. Recommendation

Members are asked to re-consider their recommendation of December 2015, as per the Cabinet decision, in light of the additional information provided by Officers.

5. Consultation

- 5.1 Since the December JTB meeting, consultation has taken place with the Environment Response Team to establish the potential impact on the team's resources should the proposed change to the byelaw be implemented.
- 5.2 Engagement should take place with local residents where such an amendment may have significant impact upon their everyday lives.

6. Implications

Issue	Implications
Corporate Plan	A Borough to be Proud Of.
Financial, Resource and Property	Significant (albeit unquantified at this stage) resource issues in respect of Borough-wide enforcement of revised byelaw
Legal and Statutory	Revisions to the current parking on grass verges byelaw, and impact upon resources for taking each offence to court for action.
Crime and Disorder	None identified at this stage.
Sustainability	None identified at this stage.
Health and wellbeing	None identified at this stage.
Risk Management and Health and Safety	There may be no realistic and safe alternative location for some of these residents to park. This could displace the problem creating further risks, and damaging Swale BC's reputation.
Equality and Diversity	None identified at this stage.

7. Appendices

8.1 None

9. Background Papers

9.1 None