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Dirprwy Weinidog yr Economi a Thrafnidiaeth
Deputy Minister for Economy and Transport



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref WAQ79008

Adam Price AM

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21 November 2019

Dear Adam

I am writing to you following your recent WAQ 'Further to WAQ78898, will the First Minister confirm the membership and terms of reference of the task force set up to investigate the issues around pavement parking? WAQ79008'

I have attached the latest version of Project Initiation Document (PID) which sets out the Terms of Reference. I have also attached the invitees to the group.

Yours sincerely

Lee Waters AC/AM
Dirprwy Weinidog yr Economi a Thrafnidiaeth
Deputy Minister for Economy and Transport

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

PROJECT INITIATION DOCUMENT (PID)

Project Name: Pavement Parking Review

Date / Version: 15 July 2019 / Version 1.1

Author: Ian Bradfield

Project Manager:

Title of Project Board: WLGA / WG Pavement Parking Group Board.

Document History

Document maintenance: This document is to be updated following each Task Force Group meeting.

Revision history: This document is next due for revision on XX 2019

Revision date	Summary of Changes	Changes marked
	Text changes made to various paragraphs in the whole document by Project Board.	N

Approval history

Version	Approval status	Date	Approved by
1.1	Draft	12/07/19	Dewi Rowlands

Distribution

This document will be distributed to Members of the Project Board and Task Force Group when it is revised.

1. Purpose

The Deputy Minister for Economy and Transport announcement at the Active Travel Conference in Cardiff in July 2019, that a Taskforce Group was to be set up. This PID sets out how it will consider all the issues around “Pavement Parking” and to decide how best to implement a solution to this problem in Wales.

2. Background

For the purpose of this project ‘Pavement Parking’ is defined as when one or more wheels of a vehicle are on the footpath. Pavement parking causes an obstruction to pedestrians, particularly wheelchair users, people with baby buggies and the visually impaired. It also damages the footway, which unlike road surfaces are not generally designed to take the weight of cars or other motor vehicles. Repairing cracked and broken footways is very expensive for local authorities and tripping on damaged footways also causes pedestrian injuries.

A mix of criminal and civil sanctions are available to police and local councils to enforce restrictions on pavement parking, on private or commercial drivers. Parking on footways or pavements was banned in London in 1974, and is currently prohibited for large goods vehicles across England and Wales.

It was therefore decided to set up a Taskforce to see what could be done in Wales using the legislation currently available. The taskforce will investigate, but is not limited to the following issues:

1. The current legal powers available to enforce a prohibition of Pavement Parking in Wales, and examine what regulatory and legislative changes can be made so that civil enforcement could be used by local authorities.

1.1 These are the offences that are currently on the statute book that have the effect of preventing parking on pavements:

- a) Section 19 Road Traffic Act 1988 makes it an offence for a HGV to park on a pavement, other than in prescribed circumstances, such as, that the vehicle was parked on the verge of a road or on a footway for the purpose of loading or unloading or that that it was parked in accordance with permission given by a constable in uniform.
- b) Section 137 Highways Act 1980 makes it an offence to wilfully obstruct the highway. For the purposes of this offence, ‘highway’ includes pavement.
- c) Section 72 Highways Act 1835 makes it an offence to drive on a pavement. Although a question of fact, and one that a court must ultimately determine, there would be a reasonable inference that a person parking on a pavement will have to have driven on that pavement to reach the parked position.

- d) Section 22 Road Traffic Act 1988 makes it an offence to leave a vehicle in a dangerous position.
- e) Regulation 103 Road Vehicles (Construction and Use) Regulations 1986 makes it an offence to cause an unnecessary obstruction on a road, which includes a pavement.

1.2. The Traffic Management Act 2004 (“the TMA 2004”) allows local authorities to enforce parking contraventions via a civil enforcement regime. They do this by employing civil enforcement officers who have the power to issue Penalty Charge Notices (PCNs). Unpaid parking penalties are enforced as debts through the County Courts.

1.3. Schedule 7 to the TMA 2004 contains a list of criminal parking offences that may be enforced via the civil enforcement regime. For example, the offence of parking in a taxi bay may be enforced via the civil enforcement regime, as well as the offence of parking a HGV on a pavement (see paragraph 2(a) above).

1.4. Paragraph 5(1) of Schedule 7 to the TMA 2004 contains a regulation making power that enables the Welsh Ministers to add existing offences, so far as they relate to stationary vehicles, to the list of parking contraventions that may be enforced through the civil regime. This power could be used by the Welsh Ministers to make regulations that add further offences to the list of offences that may be enforced via the civil enforcement regime.

1.5. Before making such regulations, the Welsh Ministers are under a duty to consult with relevant local authorities and chief officers of police.

1.6. The traffic authority for a road can also regulate parking by way of a Traffic Regulation Order (TRO) made under Parts I and IV of the Road Traffic Regulation Act 1984 (“RTRA 1984”). Section 2 of the RTRA 1984 sets out what TROs may be used for and the purposes are very broad and include prohibiting, restricting or regulating the use of a road by traffic or pedestrians.

- 2. In addition whether a ban should also include any part of the public highway not set aside for vehicles and whether this should include the extent of prohibition - footpaths, grass verges, central reservations, dropped kerbs linking private property to the road and pedestrian crossing points,.
- 3. What exemptions local authorities should make for vehicles parked on streets or in specific places, loading or unloading and what other exemptions should be for emergency and highway maintenance vehicles, and whether there should be an exemption made for holders of disabled badges

4. It will gather evidence from stakeholders/user groups and use all available evidence to determine its outcomes.
5. It will make recommendations as to the best course of action along with the milestones/timeframe to achieving the changes required.

The Deputy Minister for Economy and Transport, together with the Welsh Local Government Association, is now taking forward work to identify the practical actions needed to implement such a default 20 mph speed limit across Wales in built up areas. As part of this work the Deputy Minister requested that this work was extended to investigate the issue of Pavement Parking, by setting up another Taskforce Group to work with the 20 mph Group. It will explore potential regulatory and secondary legislative changes that could be made, and determine whether civil enforcement can be used to provide a mechanism to issue fixed penalty notices for obstructing the pavement.

This policy aligns with the Welsh Government's objectives in many areas, and includes, but is not limited to:

- Well-being of Future Generations (Wales) Act
- Active Travel (Wales) Act
- Commissioner for Older People (Wales) Act
- Children's Commissioner for Wales Act
- Equality and Human Rights Act
- Road Safety Framework for Wales
- Sustainable Transport
- Public Health
- Community Cohesion

The case to prevent pavement parking is currently being reviewed by The [Transport Select Committee](#) in England and from the evidence gathered so far it appears to have general support, with differences of opinion regarding the details of enforcement. How it is currently implemented in [London](#), the only current location where there is a ban on parking in England and Wales, it appears to be working well

In June this year, the Transport (Scotland) Bill introduced which included a ban on pavement parking and double parking, in a bid to make pavements more accessible to pedestrians. Under the new rules, offenders will be fined by local councils.

Key provisions included:

- Providing local authorities with powers to enforce the national ban
- The ability for local authorities to promote exemptions from the national ban, but they will be required to meet strict criteria
- The Bill provided exceptions to certain vehicles if they are involved in emergencies or delivering goods
- Detailed standards and guidance are to be produced for local authorities to deliver a consistent approach in how they enforce the new parking restrictions
- Providing local authorities with powers to share services with other councils to enforce the new restrictions
- Requiring local authorities to keep accounts in relation to the money they receive from the enforcement of the new restrictions

Further information can be found from the [Improving Parking in Scotland consultation](#) and the [data analysis](#).

3. Defined Method of Approach and Timeline

The TFG will undertake a review of the evidence and implications for a ban on pavement parking and obstructions to the footway in Wales. It will report its findings at agreed key milestones to the Project Board, who will in turn will keep the Minister for Economy and Transport and the Deputy Minister informed. It is proposed the final report will go to the Minister and the Deputy Minister in June 2020.

4. Assumptions

This project assumes that:

- It is the intention to have a national ban on pavement parking throughout Wales, without introducing primary legislation.
- All partner organisations will readily supply any required data in a timely and comprehensive way.
- Capacity exists by all representatives to support the TFG in developing the proposals.
- The WLGA and Local Authority Regional Representatives present the views of local authorities in progressing the proposals.
- There is political will to support the implementation of the proposed outcomes across the Country.

5. Project Scope

5.1 Extent of the Problem

The part of the highway not set aside for vehicles that should be covered by a pavement parking ban.

Investigate other obstructions to footways caused by vehicles, other obstructions from such objects as street furniture, electric vehicle charging points and advertising boards are to be investigated, but may be determined out of scope and not necessarily form part of the outcomes.

Evidence in from stakeholders/user groups in Wales is to be gathered along with analysis of data, reports, or findings from other enquires used to determine outcomes and make recommendations.

5.2 Legislation

In Wales the current legislation to enforce a prohibition of Pavement Parking is set out in Section 2. 1.1

Investigation of civil enforcement legislation and to confirm and recommend any changes to the legal framework for implementation if required, and if this can be linked to legislation for 20 mph zones.

The signs and lines required to implement pavement, or if any other interventions can be used instead, whether a pavement parking ban could be included as part of an existing CPZ (Controlled parking Zone).

5.3 Enforcement & Road Safety

To what extent enforcement is a key element in the public perception of whether pavement parking is acceptable.

Road safety promotion can be very influential in public acceptance of pavement parking, the TFG should investigate how this should be taken forward in conjunction with the promotion of the other social benefits, and if this can be linked to 20mph.

The role that community or other organisations can play in increasing the public acceptance not to park on pavements or other areas designated for non-motorised users.

5.4 The impact on Existing and New Developments

How this would impact on new housing estate developments being put up for adoption, with any changes in current design standards and planning guidance.

How existing developments would have to be marked out or modified to accommodate parking, perhaps on part of the pavement.

5.5 Behavioural Change

Draw together and summarise the evidence how pavement parking is being used, not just to provide protection to vulnerable road users, but the wider societal and health benefits, by extending to active travel encouragement, reducing traffic fear, and strengthening communities through increased social interaction and community cohesion.

How will behaviour change be achieved when a national parking ban is established, so experience of behavioural change programs should be investigated?

The requirements for drivers to be made aware of the parking ban is in operation.

A review other successful pavement parking bans, elsewhere in the UK, particularly in London.

To determine what high-profile media campaign or promotional material is required for national engagement.

5.6 Costs

The costs for implementing civil enforcement for a national pavement ban can this be self-funding taking into consideration:

- The savings from reduced highway maintenance cost,
- The revenue from fines,
- The set up costs signs, traffic orders, and extra civil enforcement offices
- Any expansion of the appeals system currently used for existing parking contraventions.

The cost of a high-profile media campaign for national engagement.
Changes to the cost of transport journey times to the economy, and public transport, if vehicles have to be rerouted

5.7 Out of Scope

Other obstructions to footways e.g. electric vehicle charging points on pavements, street furniture, A-boards outside shops and cafes, as this is currently addressed by local authorities.

The use of Primary legislation in Wales, as used in Scotland under the Transport (Scotland) Bill, or in England under The Traffic Management Act.

6 Project Management Deliverables

1. A detailed project plan that provides clarity over the outcomes to be achieved and the timescales within which they will be delivered.
2. Clear understanding to be set by the TFG, of the roles of the individuals.
3. The identification of adequate resources to ensure the project can be undertaken successfully.
4. Effective reporting of progress to the Minister and the Project Board
5. Clear recommendations for the agreed approach and the development of an implementation plan that will see progress to completion, within the time frames set.
6. An effective communication strategy to address the issues raised to the TFG, and PB deliver the final and any interim reports.

7 Risk Management

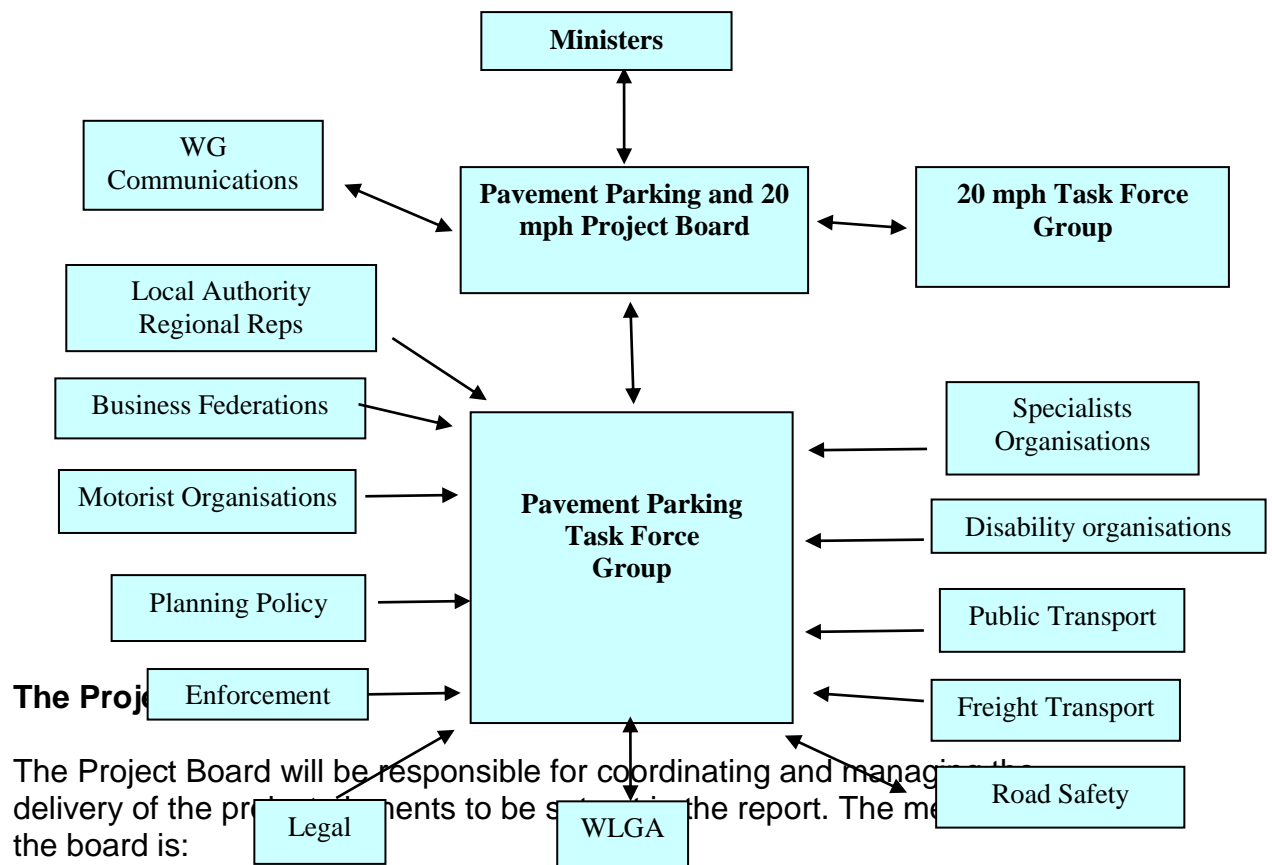
- Risk identification, assessment, mitigation measures, and ongoing risk management, monitoring and reporting will be undertaken by the TFG, and reported to the PB.
- Scope and format (e.g. Risk Register in tabular format) to assist with the above to be proportionate and agreed at the Project Inception, Meeting of the TFG, and will be kept under the review throughout the project.

8 Constraints

The constraints for the Project have been identified as follows:

- Capacity to achieve the workload in the timescales identified
- Political commitment to deliver the agreed outcomes
- The availability of accurate data and financial information to support the development of the report.
- The need to ensure the bureaucracy does not become complex and delay the delivery of the project

9 Project Organisation and Governance



The Taskforce Group (TFG)

The TFG will develop each Project Group and manage it. A detailed chart showing their structure will be included and updated.

The stakeholders to be included in the TFG have been identified as, but not limited to the following:

- A representative of the four police forces in Wales.
- A representative from the Walking & Cycling Alliance.
- A representative British Parking Association.
- A representative from CPT (Confederation of Public Transport).
- A representative from the Federation of Small Businesses.
- A representative from Disability Wales (including Guide Dogs for the Blind).
- A representative from the CHIT or IHE
- The four Regional Representatives from the 22 local authorities, or other appointed nominees by the local authorities.
- A representative from PATROL.
- A representative from motoring organisation.
- A representative from WG Road Safety Team.
- A representative from WG Planning Policy team.
- A representative from the Road Transport Association.
- A representative from Academia on Pavement Parking.
- A representative from Road Haulage Association.

The TFG can amend the stakeholders as required to meet the requirements of the reporting any change back to the Project Board.

10 Communication Plan

To be developed and approved by the TFG once the overall aims and objectives of the PID have been agreed. All press releases are to be via PB to WG Communications Team.

11 Project Tolerances

- If any PG's work stream falls more than four weeks behind schedule, a report will be made by the TFG for evaluation and consideration.
- If any work stream is more than eight weeks behind schedule, an exception report will be prepared for the Project Board.

12 Project Controls

- The project will be judged on the basis of whether the deliverables of the individual work streams meet the project objectives.
- The project approach will be judged as acceptable only if involvement and consultation with stakeholders is central to the process.
- In line with project management methodology, there will be a staged process for the Project Board at agreed milestones, to examine the progress of the overall project and decide whether there is justification for proceeding to the next stage.

List of Invitees to the Pavement Parking Taskforce Group

South Wales Police

SUSTRANS

Confederation of Passenger Transport Operations

Federation of Small Businesses

Guide dogs UK

Living Streets

Fright Transport Association

PATROL (Parking and Traffic Regulations outside London) Joint Committee, which represents all local authorities in Wales

WLGA.

Disability Wales

Flintshire CC

Powys CC

Rhonda Cynon Taff

Gwynedd Council

Road Haulage Association

Mid Wales Fire and Rescue

British Parking Association

Federation of Master Builders

Home builders Federation

Public Health Wales

RAC Foundation

The AA

Traffic Penalty Tribunal

Phil Jones (Phil Jones Associates) Chair

WG Officials