

**AGENDA MANAGEMENT SHEET**

**Name of Committee** Environment Overview and Scrutiny Committee

**Date of Committee** 28th June 2007

**Report Title** Review of Parking Policies

**Summary** At its meeting on 26th April, the Environment Overview and Scrutiny Committee considered a report on possible changes to the County Council's parking policies. The Committee requested that the draft policies be submitted to Area Committees and other consultees for comment. This report includes the comments which have been received and suggestions for some minor revisions to the draft policies. It recommends that they be submitted to Cabinet with a recommendation that the policies be adopted.

**For further information please contact** Roger Bennett  
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**Would the recommended decision be contrary to the Budget and Policy Framework?** Yes/No

**Background Papers** Various letters and emails.

**CONSULTATION ALREADY UNDERTAKEN:-** *Details to be specified*

- Other Committees  Environment Overview and Scrutiny - 26th April 2007.  
All Area Committees – May 2007.
- Local Member(s)  .....  
(With brief comments, if appropriate)
- Other Elected Members  Councillor J Appleton  
Councillor K Browne } for information  
Councillor Mrs E Goode }
- Cabinet Member  Councillor M Heatley – for information  
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)

- Chief Executive  .....
- Legal  I Marriott – comments incorporated.
- Finance  .....
- Other Chief Officers  County Fire Officer.  
County Ambulance Officer.
- District Councils  All District and Borough Councils – comments received incorporated.
- Health Authority  .....
- Police  No response received to date.
- Other Bodies/Individuals  Town Councils  
Parish Council  
Various other consultees } comments received incorporated in **Appendices B and C.**

**FINAL DECISION**                      **YES/NO**      (*If 'No' complete Suggested Next Steps*)

**SUGGESTED NEXT STEPS :**

*Details to be specified*

- Further consideration by this Committee  .....
- To Council  .....
- To Cabinet  19th July 2007 - for adoption of policies.
- To an O & S Committee  .....
- To an Area Committee  .....
- Further Consultation  .....

**Environment Overview and Scrutiny Committee –  
28th June 2007**

**Review of Parking Policies**

**Report of the Strategic Director for  
Environment and Economy**

**Recommendation**

That the draft policies be submitted to Cabinet with a recommendation that they be adopted.

**1. Introduction**

- 1.1 At its meeting on 26th April, the Environment Overview and Scrutiny Committee considered a report on possible changes to the County Council's parking policies. For convenience the report is attached as **Appendix A**.
- 1.2 The Committee requested that the draft policies be submitted to Area Committees and other consultees for comment. A summary of the comments which have been received to date are included as **Appendix B**. A detailed response has been received from the pedestrian organisation, Living Streets Leamington, and this is reproduced in full in **Appendix C**.

**2. Proposed Revisions**

- 2.1 In the light of the comments and suggestions received the draft policies have been reviewed and some proposed revisions have been made. These are discussed below. The revised draft policies are included as **Appendix D**.
- 2.2 **Waiting Restrictions** – There appears to be general support for this policy and no revisions are proposed.
- 2.3 **Residents' Parking Scheme** – The main issues relating to this policy that have been raised are in relation to the issue of permits. The revised policy suggests that :-
- (i) Apart from residents' permits other exemption permits be considered subject to it being demonstrated that this would not compromise the main objectives of the scheme.

- (ii) Eligibility for a visitors' permit be extended to the owners of Holiday homes.
  - (iii) In the case of houses of multiple occupation or bed sits eligibility for residents permits be restricted to one per letting room.
  - (iv) A variation to the definition of "Resident" so as to exclude residents of premises subject to a particular type of planning condition.
- 2.4 **Disabled Persons' Parking Places** – Although there were concerns expressed about the cost of providing formal disabled persons' parking places in residential areas being met by the applicant there was general support for this change of policy.
- 2.5 **Footway Parking** - There were mixed views on this policy. Some Members and consultees supported a total prohibition. However, it was generally accepted that there may be certain circumstances in residential areas where it may be necessary to formalise the arrangement provided that sufficient space remains available for pedestrians.

### 3. Conclusion

- 3.1 The Committee is asked to recommend to Cabinet that it formally adopts the policies in **Appendix D**.
- 3.2 Any changes to existing arrangements as a result of the adoption of these policies would require a variation to the relevant Traffic Regulation Orders in force in each District or Borough. These will be dealt with on a priority basis having regard to the workload at the time. Any variations would need to be the subject of a formal consultation and public advertisement and any objections received will have to be determined by the appropriate Area Committee.

JOHN DEEGAN  
Strategic Director for Environment and Economy  
Shire Hall  
Warwick

14th June 2007

**Environment Overview and Scrutiny Committee –  
28th June 2007**

**Review of Parking Policies**

**Agenda No**

**AGENDA MANAGEMENT SHEET**

<b>Name of Committee</b>	<b>Environment Overview and Scrutiny Committee</b>
<b>Date of Committee</b>	<b>26th April 2007</b>
<b>Report Title</b>	<b>Review of Parking Policies</b>
<b>Summary</b>	A review has been carried out of the County Council's parking policies. This report discusses possible changes together with a new policy on footway parking. It recommends that the draft policies be submitted to the five Area Committees and other consultees for comment and that a revised draft, taking into account the views expressed, be considered by this Committee prior to its ultimate submission to Cabinet.
<b>For further information please contact</b>	Roger Bennett Team Leader - Strategic Projects Traffic Projects Group  Tel. 01926 412648 rogerbennett@warwickshire.gov.uk
<b>Would the recommended decision be contrary to the Budget and Policy Framework?</b>	Yes/No
<b>Background Papers</b>	Existing policy documents

**CONSULTATION ALREADY UNDERTAKEN:-**

*Details to be specified*

Other Committees

.....

- Local Member(s)  .....  
(With brief comments, if appropriate)
- Other Elected Members  Councillor K Browne }  
Councillor Mrs E Goode } for information  
Councillor Mrs J Lea }
- Cabinet Member  Councillor M Heatley – for information  
(Reports to The Cabinet, to be cleared with  
appropriate Cabinet Member)
- Chief Executive  .....
- Legal  I Marriott } Comments  
S Cammish } incorporated.
- Finance  .....
- Other Chief Officers  .....
- District Councils  .....
- Health Authority  .....
- Police  .....
- Other Bodies/Individuals  Warwickshire Disability Forum – comments  
incorporated

**FINAL DECISION**                      **YES/NO**      (If 'No' complete Suggested Next Steps)

**SUGGESTED NEXT STEPS :**

- Further consideration by this Committee  Following consideration by each Area Committee – 28th June 2007  
*Details to be specified*
- To Council  .....
- To Cabinet  After further consideration by this Committee – 19th July 2007
- To an O & S Committee  .....
- To an Area Committee  All Area Committees during May for comment
- Further Consultation  With stakeholders

**Environment Overview and Scrutiny Committee -  
26th April 2007**

**Review of Parking Policies**

**Report of the Strategic Director for  
Environment and Economy**

**Recommendation**

That the draft policy be submitted to the five Area Committees and other consultees for comment and that a revised draft, taking into account the views expressed, be considered by this Committee prior to its ultimate submission to Cabinet.

**1. Introduction**

- 1.1 A number of issues have arisen following the introduction of decriminalised parking enforcement (DPE) in Rugby Borough and during the consultations on DPE in Warwick District. These include requests to formalise footway parking in a number of residential streets in Rugby, concerns about the removal of informal disabled persons parking places in streets forming part of a residents parking scheme (RPS) and requests for various exemption parking permits.
- 1.2 In considering the appropriate way to deal with these issues officers have carried out a review of the County Council's parking policies. This report discusses the existing policies and the need for additional policies and recommends that the draft policy included as **Appendix E** be submitted to the five Area Committees for comment and that a revised draft, taking into account the views expressed, be considered by this Committee prior to its ultimate submission to Cabinet.
- 1.3 It is anticipated that when the provisions of the Traffic Management Act are implemented next year the Government will expect all local authorities to regularly review and produce annual reports on parking policies. In addition, since December 2006 all public authorities have been under a general duty to carry out their functions with regard to the need to promote the interests of disabled people in several respects, including the need to take steps to take account of disabilities even where that involves treating disabled persons more favourably than other persons. In order to give practical effect to these duties, the County Council adopted a Disability Equality Action Plan in December which includes a requirement to impact assess all new policies for disability (and other) equality.

## 2. Existing Parking Policies

2.1 The County Council's Local Transport Plan (LTP) incorporates a section on an overall parking strategy for Warwickshire. This is a high level document which does not include any detailed intervention strategies. These are contained in the following policies which are reproduced in the Appendices:-

- (i) Policy on Waiting Restrictions - Approved by Transportation Committee, June 1989 – **Appendix A.**
- (ii) Residents Parking Policy – Approved by Environment Committee, October 1993 - **Appendix B.**
- (iii) Parking Bays for Disabled People Policy – Approved by Environment Committee, May 1995 - **Appendix C.**

2.2 These policies have been reviewed and the results of the review are discussed below.

## 3. Policy on Waiting Restrictions

3.1 This policy was established at a time when there had been a considerable number of requests across the County to consider new waiting restrictions and the police were starting to allocate a lower priority to enforcement. It was designed to ensure that action would normally only be taken on important traffic routes or where there was a serious road safety issue.

3.2 Officers consider that in spite of the introduction of DPE resulting in more effective enforcement the policy guidelines are still broadly relevant and this is reflected in the revised draft policy.

## 4. Residents Parking

4.1 This policy was established in response to the growing number of requests for RPSs. These have been introduced generally in accordance with the guidelines in most of the major towns in the County except Nuneaton and Bedworth. Again officers consider that the existing guidelines are still broadly relevant. However, there have been requests for a number of additional exemption permits to be considered. These include permits for charity workers, staff of businesses in residential areas, vehicles required to carry out a business and customers of established garage businesses.

4.2 There are many competing demands for parking in residential areas. The RPS in Warwickshire recognises this and attempts to give a degree of priority to residents. For this reason the existing policy is that permits will only be available to domestic residents and that no business permits will be issued. Although it is accepted that the introduction of a RPS can have a detrimental affect on some people it is felt that the issue of a significant number of further categories of exemption permits will be counter to the scheme's objectives. However, it is felt that there is some merit in allowing a form of "Customer Permit" for established garage businesses. There have been several requests for this to be considered



from garage businesses which have insufficient off-street parking available and where there are, or where there are proposed to be, time limited waiting restrictions. The practice has been for customers to park in the street at the start of the day and for the vehicle to be returned to the street to await collection when it has been repaired or serviced. A permit for use in these circumstances would allow this practice to continue.

- 4.3 The existing guidelines have not been followed in those areas where DPE has been, or is about to be, introduced in respect of "Visitors Permits". The arrangement is that a permit is now available to any eligible household irrespective of the age of the applicant or other permits having been issued. In addition permits are now available for registered guest houses and carers.

## **5. Residential Disabled Persons Parking Places**

- 5.1 The policy agreed by the Environment Committee in 1995 established the principle that official disabled parking bays [i.e. those backed up and enforceable by a Traffic Regulation Order (TRO)] should not be provided at the home of a particular disabled person. Unofficial bays (in the form of a St Andrew's Cross in a box) have been used but not on lengths of road where other waiting restrictions are in force as they would invalidate the official restrictions and make them unenforceable. For this reason they have been removed from those streets in Rugby which are now part of a RPS and, unless there is a change in the policy, will need to be removed from the new RPS areas in Warwick District. At its meeting in January 2007 Warwick Area Committee Members unanimously agreed that everything possible should be done to avoid this.
- 5.2 The process for introducing an official disabled persons parking bay is the same as for any TRO. This involves advertising the proposal in a local newspaper, considering representations, making the order and advertising that the order has been made. The costs of advertising can often be quite high and, in addition, a sign indicating that the bay is restricted to Blue Badge holders has to be erected. The cost of providing a sign and post is over £100. If the disabled person were to move residence, consideration would need to be given to revoking the order and re-instating the original waiting restrictions. This would involve the same process as that outlined above. It is estimated that the current costs of providing an official bay and subsequently removing it if necessary, including an allowance for the administration costs, would be between £250 and £500. It would not be possible to ensure that a bay could only be made available for a particular disabled person.
- 5.3 This matter was discussed at the meeting of the Warwickshire Disability Forum in March. The Forum's view was that a new policy was needed that would give disabled residents the choice to pay for an official parking space should they require one, whatever the cost. However, the Forum agreed that this should not be at the general taxpayers expense. It was suggested that there may be funding available from a number of sources for those applicants unable to afford the full costs.

- 5.4 DPE in Warwick District is programmed for August this year. This will include the introduction or extension of the RPS in various areas. If a change of policy is agreed it is recommended that a TRO be processed in respect of all existing informal spaces in those areas affected subject to the continuing need for the facility being demonstrated. The full costs should be met by the County Council as part of the set up costs of DPE.

## 6. Footway Parking

- 6.1 As a result of the growth in vehicle ownership there is increasing pressure on the amount of on-street parking available. This is especially the case in some residential areas where a practice has developed of parking either wholly or partly on footways. As a general principle footways are for pedestrians. Where footways are obstructed by parked vehicles pedestrians, particularly wheelchair/push chair users, the blind/partially sighted and the elderly, are often forced to walk into the road. In addition vehicles parked on the footway can cause damage to kerbs, grass verges, pavements and underground utilities. Paving slabs can also be broken or dislodged which can create tripping hazards for pedestrians.
- 6.2 A summary of the legal position with regard to parking on footways is attached as **Appendix D**. There are some examples of TROs formalising footway or part footway parking in the County. They are all in locations where the footway parking does not significantly interfere with pedestrian movements. However, as there is a growing demand for similar action it is felt that there is a need for policy guidance to support this.
- 6.3 When DPE was introduced in Rugby Borough in October 2006 the opportunity was taken to extend the RPS and, in a number of streets, to prevent evening, overnight and weekend parking on footways by replacing single yellow lines with double yellow lines. As a result of representations from residents affected by this there is now strong Member support in Rugby to re-instate this facility. On the other hand there have been requests for action to ban all footway parking. This was broadly the view expressed by the Warwickshire Disability Forum at its meeting in March. There was also a comment that where there is sufficient width to accommodate both pedestrians and parked vehicles the carriageway should be widened rather than allowing vehicles to park on any part of the footway.
- 6.4 In London parking on footways and verges is prohibited across all the Boroughs. However, Councils have the power to exempt certain streets from the regulations to enable drivers to park either partially or fully on the footway to maintain the safe flow of traffic. In other parts of the country there are various approaches taken. These range from formalising parking on footways to

providing hard surfacing verges or creating lay-bys. Although the criteria is often different in all cases the need to maintain sufficient width of unobstructed footway is paramount. Officers have reviewed the various criteria and the draft policy recommended in **Appendix E** reflects the best practice adopted.

JOHN DEEGAN  
Strategic Director for Environment and Economy  
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Warwick

17th April 2007

## Appendix A of Agenda No

### Environment Overview and Scrutiny Committee - 26th April 2007

#### Review of Parking Policies

#### Policy on Waiting Restrictions

(Approved by Transportation Committee 22nd June 1989)

1. The objectives of the Council's Traffic Management activities are:-
  - (a) To make the most effective use of the existing road network having regard to the competing demands placed upon it.
  - (b) To reduce injury accidents.
  - (c) To minimise delays and congestion on the main road network.
  - (d) To reduce the intrusive effects of traffic on the environment
2. The control of on street parking by the use of waiting restrictions is one method of seeking to achieve these overall objectives.
3. Most types of traffic management measures require the introduction of a legal Traffic Regulation Order (TRO). These TROs are enforced by the Police and Traffic Wardens, whose resources are limited. The abuse of TROs brings the whole of Traffic Management into disrepute and prejudices the attainment of the Council's objectives. Therefore, great care must be taken to ensure that the TROs which are introduced are compatible with these objectives, will be regarded as reasonable by the "average road user" and be largely self enforcing.

4. Proposals for new waiting restrictions should be considered against the following policy guidelines:-
  - (a) Where injury accidents at actual problem sites can be reduced.
  - (b) Where congestion on important traffic routes can be reduced.
  - (c) Where parking control is essential in association with other measures (e.g. with traffic signals, pedestrian crossings, pedestrian refuges).
  - (d) Where serious disruption of commerce or industry is caused by parked vehicles.
  - (e) Where the route to obvious high fire risk premises (e.g. a hospital or school) would be obstructed.
  - (f) Where major problems in residential areas during the working day are created by commuter/shopper parking but a residents parking scheme does not apply.
5. Waiting Restrictions will also be introduced as an integral part of an approved Residents Parking Scheme.

## **Appendix B of Agenda No**

### **Environment Overview and Scrutiny Committee - 26th April 2007**

#### **Review of Parking Policies**

##### **Traffic Management Policy Residents Parking Schemes**

(Approved by Environment Committee 17th December 1992)

#### **1. Purpose**

- 1.1 The problems caused by commuter or shopper parking in residential streets adjacent to town centres and other locations, such as railway stations, have long been recognised both nationally and locally. Various measures have been used in the County to attempt to resolve the situation, including a variety of waiting restrictions, but none has been really effective. This has been due mainly to enforcement difficulties and the adverse effects on the residents themselves.

## 2. Policy

- 2.1 The streets shall be located in or adjacent to a town centre or other major commuter/shopper attraction.
- 2.2 The street included shall be predominantly residential in nature.
- 2.3 The streets shall form a group in an identifiable area rather than individual street in isolation.
- 2.4 It should be demonstrated that at least 85% of the available kerbside parking space is regularly occupied by non-residential parkers and also that at least 50% of the properties do not have parking space within the curtilage.
- 2.5 The schemes shall be a “shared scheme” with the streets controlled by an on-street parking order with limited waiting for the general public (the duration of which will be determined by the particular site circumstances relating to the street or area concerned) and unrestricted waiting for vehicles displaying a permit.
- 2.6 Permits will only be available to domestic residents of the street or area and no business permits will be issued.
- 2.7 One “Visitors Permit” may be issued to each household where a member of the household is aged over 60 years and no member of the household has a residents permit.
- 2.8 Issue of permits will be restricted to residents of the streets in which the parking places are located unless it can be shown that the scheme would not be overloaded by the issue of permits in adjacent streets, when justified.
- 2.9 The issue of permits shall be restricted to the keepers of vehicles categorised as cars, light vans or motor cycles.
- 2.10 The number of permit issued per household shall be determined separately for each scheme by considering the conditions applying in the streets concerned.
- 2.11 A charge will be levied for each permit issued to help towards administrative costs. Currently this charge is set at £10 per year but it is intended that it shall be increased as and when required.
- 2.12 The hours of operation of the Residents Parking Scheme will be determined by considering the hours of operation of other limited waiting in the area, if any.
- 2.13 In view of the number of traffic regulation orders which are required for road safety purposes or road improvement schemes, Residents Parking Schemes will of necessity be accorded a low priority but more than on new scheme may be started in any one financial year.  
(Environment Committee 14th October 1993)

**Environment Overview and Scrutiny Committee -  
26th April 2007**

**Review of Parking Policies**

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**Environment Committee 11th May, 1995**

**Report of the Chairman and Party Spokesperson - Parking Bays For  
Disabled Persons**

(Recommendation approved by Environment Committee 11th May 1995)

**Consideration of this matter was deferred at the Committee's 13th April meeting.**

**Local County Councillors**

Not applicable

**Summary**

Report from a meeting between the Chairman, Deputy Chairman and the Party Spokespersons relating to an examination of the Council's policy on parking for disabled persons.

- 1.1 At its meeting on the 7th July 1994, the Committee considered the report attached as Appendix 1\* and approved the recommendation set out at the end of the report. Subsequently, on 18th August the Committee resolved that the Chairman, Deputy Chairman and the Party Spokespersons or their representatives examine the Council's policy in relation to parking for disabled persons and report back to a future meeting. (\*Appendix not attached).
- 1.2 The group has met and has reviewed the general policy and the specific request from the resident in Leamington Spa referred to in paragraph 3 of the report that was considered by the Committee in July.

**The General Policy**

- 2.1 The following general provisions apply to orange badge holders:-
  - (1) They may park where waiting is prohibited (i.e. where there are double or single yellow lines) for up to 3 hours.

- (2) Where there is a limited waiting they may park for any length of time.
  - (3) Where there is a residents parking scheme they may again park for any length of time without the need for a permit.
- 2.2 In addition to the above, disabled persons may park for any length of time in a disabled parking bay. These are bays provided for exclusive use of orange badge holders. It is the policy of the Council to provide bays where there is a demand for reserved parking for orange badge holders in general such as post offices, libraries and town centres. We have made enquiries of the six adjoining counties. All adopt the same policy in this respect.
- 2.3 In addition to formal parking bays, a practice has evolved in providing an unofficial parking bay for the use by a disabled person outside his/her residence in those streets where there is no other Traffic Regulation Order in force. These bays are distinguished by a white "St Andrews Cross" on the carriageway. They have no legal force but experience shows that they are generally respected.
- 2.4 There is generally no difficulty where there are no existing orders in force. The problem arises where there are existing orders imposing waiting restrictions. The road markings have to be made in accordance with the order. In order to provide a disabled persons parking bay a specific order would have to be made and the existing order amended. This involves advertising the proposal, considering representations, making the order and advertising that the order has been made. If an order is made it would be difficult to ensure that it could only be made available for a particular disabled person. If the disabled person were to move residence, consideration would need to be given to revoking the order and re-instating the original waiting restrictions. This would involve the same process as that outlined above.
- 2.5 We have considered the possibility of stipulating in future orders that the Council may provide one bay anywhere in the length of street affected by the order at its discretion but have been advised that this is not legally possible.
- 2.6 As stated above, we have made enquiries of the six adjoining counties. The results of these enquiries are shown at Appendix 2\* It will be seen that, three counties do not provide bays at all (other than in those locations mentioned in paragraph 2.2 above), although one of these is considering a trial scheme for unofficial bays similar to the practice adopted in Warwickshire. In the remaining three counties unofficial bays are provided in the same way as Warwickshire but at a charge. To the extent that Warwickshire does not make a charge for unofficial bays the practice in Warwickshire would appear to be more beneficial than in the other counties.
- 2.7 It will be observed from Appendix 2\* that in only one case (Gloucestershire) is a bay provided where there is an existing order in force. There is however a three year waiting list. This is probably the result of the need for observing the procedures outlined in paragraph 2.4 above. It will be seen that the bays that are provided are not available for the exclusive use of a particular orange badge holder. (\*Appendix not attached).

- 2.8 In the report that was considered by the committee in July it was mentioned that new Traffic Signs Regulations were expected. These have been made but they do not alter the situation.
- 2.9 Having examined the matter we have reluctantly come to the conclusion that we should not recommend any change in our existing policy.

### 3. The Specific Request

We have examined the specific request from the resident in Leamington Spa against the background of the general policy and considered whether the circumstances would justify an exception to that policy. We have borne in mind the fact that there are over 10,000 individual orange badge holders in the county. Whilst many will not live in streets affected by waiting restrictions or may have their own off-street parking facilities, there will be a proportion who are affected by existing waiting restrictions. In the case of the Leamington resident there is a length of road within a residents parking scheme where waiting is restricted for non-residents for two hours (no return in 4 hours) between Monday and Saturday (9am to 5pm). As an orange badge holder the resident is entitled to park at any time in this length without the usual annual payment of £10 for a permit. In the remainder of the street, waiting is prohibited at any time. An orange badge holder is entitled to wait on these lengths for up to three hours. We recognise that this is not an ideal provision but we have concluded that an exception should not be made to the general policy if that policy is re-affirmed by the committee as we recommend.

#### WE RECOMMEND:-

1. That the Committee re-affirms its policy of not providing official disabled parking bays at the home of a particular disabled person but continues to provide them for the use of orange badge holders generally as indicated in paragraph 2.2 of our report.
2. That the Council continues to provide unofficial bays in the circumstances outlined in paragraph 2.3.
3. That the resident referred to in the above report be informed that her request for a parking bay has been reviewed but that it has been reluctantly concluded that it would not be appropriate for the Council to depart from its general policy.



**Environment Overview and Scrutiny Committee -  
26th April 2007**

**Review of Parking Policies**

**Footway Parking – Legal Position**

**1. Position where no Double or Single Yellow Lines have been placed along the Edge of the Carriageway.**

- 1.1 In these circumstances parking on the footway is not an offence, unless the vehicle is a heavy goods vehicle (S19 Road Traffic Act 1988).
- 1.2 It is an offence to drive on a footway but enforcement remains the responsibility of the police.
- 1.3 To ban footway parking – a Traffic Regulation Order (TRO) is required (see below).
- 1.4 To permit footway parking – as parking on the footway is not an offence, a parking order permitting footway parking where there are no yellow lines on the carriageway is only necessary where there is a need to control this, i.e. parking permitted at specified times only or by resident permit holders or for a fee etc.

**2. Position where Double or Single Yellow Lines have been placed along the Edge of the Carriageway**

- 2.1 Yellow lines apply to the carriageway from the kerb to the centre of the road, the footway and any verge.
- 2.2. Where a double yellow line has been placed along the edge of the carriageway in accordance with a TRO, parking on the footway is an offence.
- 2.3. Where a single yellow line has been placed along the edge of the carriageway in accordance with a TRO, parking on the footway is an offence but only if the TRO is breached, i.e. if the vehicle is parked for longer than the permitted waiting period or outside of the permitted waiting hours etc.
- 2.4 Contravention of a TRO is an offence. Where this contravention occurs in an area which has decriminalised parking, this is dealt with by the parking attendants. Where the contravention occurs in an area which has not yet been decriminalised, the responsibility for enforcement lies with the police.

### **3. Banning Footway Parking**

3.1 It is possible to introduce a ban on footway parking by making a Traffic Regulation Order prohibiting this under S1 Road Traffic Regulation Act 1984. There are numerous grounds which may apply including:-

- (a) Avoiding danger to persons or traffic using the road.
- (b) Preventing damage to the road.
- (c) Facilitating the passage of other vehicles/pedestrians on the road.

(N.B “road” is defined in the Road Traffic Regulation Act 1984 as any length of highway in England and Wales or any other road to which the public has access)

3.2. Contravention of a TRO is an offence – this would be enforceable by the police in areas where parking has not yet been decriminalised and enforceable by parking attendants in areas where parking has been decriminalised.

### **4. Permitting Footway Parking**

4.1 Where a TRO has been made banning all footway parking – an exemption to the TRO would be needed to be included in order to permit footway parking in certain locations.

4.2 Where a TRO has been made restricting or prohibiting waiting (double or single yellow lines) – an exemption to the TRO would again be needed to allow vehicles to park legally on the adjacent footway.

4.3 In all circumstances, where footway parking needs to be controlled – i.e. by time limitations, permit schemes, charges etc - a parking order would be needed to cover this.

4.4 In all other circumstances – no order specifically permitting footway parking appears necessary.

### **5. Summary of Enforcement**

5.1 In a Decriminalised Parking Area:-

- (i) Heavy commercial vehicles parked on the footway – enforceable by parking attendants.
- (ii) Parking on footway by other vehicles where no TRO – not enforceable by parking attendants but could be enforced by police (or possibly WCC) if the parking constitutes an obstruction.
- (iii) Contravention of a of TRO banning footway parking – enforceable by parking attendants.

- (iv) Contravention of a TRO imposing waiting restrictions – enforceable by parking attendants.
- (v) Driving on a footway – enforceable by police.

5.2. In a Non-Decriminalised Parking Area:-

- (i) All enforcement is carried out by the police.

**Appendix E of Agenda No**

**Environment Overview and Scrutiny Committee -  
26th April 2007**

**Review of Parking Policies**

**Draft Parking Policies**

The following policies set out the general approach of the County Council. However, each case will be considered according to its particular circumstances to see if an exception is required.

**1. Waiting Restrictions**

1.1 The control of on-street parking by the use of waiting restrictions is one method of seeking to achieve the following objectives:-

- (i) Making the most effective use of the existing road network having regard to the competing demands placed upon it.
- (ii) The reduction of road accident casualties.
- (iii) Minimising delays and congestion on the main road network.
- (iv) Reducing the intrusive effects of traffic on the environment.

1.2 Proposals for new waiting restrictions should be considered against the following policy objectives:-

- (i) Where injury collisions at actual problem sites can be reduced,
- (ii) Where congestion on important traffic routes can be reduced.
- (iii) Where parking control is essential in association with other measures (e.g. with traffic signals, pedestrian crossings, pedestrian refuges).

- (iv) Where serious disruption of commerce or industry is caused by parked vehicles.
- (v) Where time limited restrictions are necessary to support the economic viability of an area.
- (vi) Where the route to obvious high fire risk premises (e.g. a hospital or school) would be obstructed.
- (vii) Where they are an integral part of an approved Residents Parking Scheme.
- (viii) Where major problems in residential areas during the working day are created by commuter/shopper parking but a residents parking scheme does not apply.

## **2. Residents Parking Schemes**

2.1 Residents Parking Schemes are intended to deal with the problems caused by commuter or shopper parking in residential streets adjacent to town centres and other locations, such as railway stations.

2.2 Proposals for new residents parking schemes should be considered against the following policy guidelines:-

- (i) The streets should be located in or adjacent to a town centre or other major commuter/shopper attraction.
- (ii) The streets included shall be predominantly residential in nature.
- (iii) The streets shall form a group in an identifiable area rather than individual streets in isolation.
- (iv) It should generally be demonstrated that the majority of the available kerbside parking space is regularly occupied by non-residential parkers and also that a significant number of the properties do not have parking space within the curtilage.
- (v) The schemes shall be a “shared scheme” in which permits allow parking anywhere within the group of streets forming part of the scheme.
- (vi) The streets shall be controlled by an on-street parking order with limited waiting for the general public (the duration of which will be determined by the particular site circumstances relating to the street or area concerned) and unrestricted waiting for vehicles displaying a permit.
- (vii) The hours of operation of the Residents Parking Scheme will be determined by considering the hours of operation of other limited waiting in the area, if any.

2.3. The issue of residents permits will be subject to the following principles:-

- (i) Permits shall be restricted to the keepers of vehicles categorised as cars, light vans or motor cycles.
- (ii) Permits will be available to domestic residents of the street or area.
- (iii) The number of permits issued per household shall be determined separately for each scheme by considering the conditions applying in the streets concerned.
- (iv) A "Visitors Permit" may be issued to each household.
- (v) The issue of permits will be restricted to residents of the streets in which the parking places are located unless it can be shown that the scheme would not be overloaded by the issue of permits to residents in nearby streets, when justified.
- (vi) A charge will be levied for each permit. The amount will be based on the costs or anticipated costs of administering the scheme and may be varied as required.

2.4. Permits may be issued in other circumstances as follows:-

- (i) Registered Guest Houses
- (ii) Carers
- (iii) For the customers of established garage businesses

### **3. Parking Bays for Disabled People**

3.1 Formal parking bays for disabled people, with time limited waiting if required, will be provided where there is a demand for reserved parking for blue badge holders in general such as post offices, libraries and other public buildings and in town centres.

3.2. Formal parking bays for blue badge holders in residential areas subject to waiting restrictions will be provided subject to a demonstrated need, the normal process for a Traffic Regulation Order and that the costs of providing the facility including the estimated cost of removing a bay are met by the applicant.

3.3. Informal parking bays will continue to be provided for the use of a disabled person outside his/her residence where there is no TRO in force and at a cost to the applicant. The current charge is £80 and is based on the estimated administration and works cost. This charge may be reviewed and amended to reflect changes in cost by the Strategic Director for Environment and Economy.

## 4. Footway Parking

- 4.1 The County Council will, whenever possible and within existing budgets, take action to prevent or discourage the parking of motor vehicles on footways.
- 4.2. No requests to formalise parking either wholly or partly on a footway will be considered:-
- (i) On roads in shopping and other busy pedestrian areas.
  - (ii) Outside schools, play areas, libraries, hospitals, health centres and residential homes for the elderly or other places of public assembly.
  - (iii) Any road where vehicles would have to park on a grass verge.
  - (iv) On any footway which is paved with materials likely to be damaged by vehicles or where the height of kerbs is greater than 80mm.
  - (v) Where there is sufficient carriageway parking in a residential area to meet the normal demand or where residents can provide off-street parking but have chosen not to do so, or do not use existing off-street parking places for a variety of reasons not considered acceptable on highway, traffic or amenity grounds.
- 4.3. Requests to formalise parking either partly or wholly on a footway in a residential area will be considered against the following policy guidelines:-
- (i) The footway parking is necessary to provide sufficient parking spaces to make a residents parking scheme viable and footway parking is already taking place.
  - (ii) The parking of vehicles wholly within the carriageway would compromise the carriageway width available for emergency services or refuse collection vehicles or other regular users of the road.
  - (iii) A minimum footway width of 1.5 metres must generally be available for pedestrians. However, this could be reduced to 1.2 metres at some pinch points.

**Environment Overview and Scrutiny Committee –  
28th June 2007**

**Review of Parking Policies**

**Consultation Responses**

**1. General Comments**

- 1.1 Policies should be linked to other WCC policies e.g. Safer Routes to School and public transport to provide a co-ordinated approach to parking issues (NWAC - North Warwickshire Area Committee).
- 1.2 Enforcement regime must be robust but be capable of taking into consideration local circumstances where parking difficulties exist (NWAC).
- 1.3 Policies must link with the policies of the Borough Council in respect of off-street parking to ensure that joined up approach is taken and to ensure that the mix of off-street and on-street parking is correct (NWAC).
- 1.4 Enforcement of all regulations needs to be consistent and equitable (Rugby Disability Forum).

**2. Waiting Restrictions**

- 2.1 No adverse comments received.
- 2.2 Main issues raised at PACT meetings was parking on double yellow lines and on street corners. (NBAC - Nuneaton and Bedworth Area Committee).

**3. Residents' Parking Scheme**

- 3.1 Suggestion that there is spare capacity in the residents parking areas and established businesses in these areas should be entitled to permits on the same basis as residents (RBC – Rugby Borough Council).
- 3.2 Some support for other types of exemption permit provided that residents are protected.
- 3.3 Policy not to allow business permits is welcomed (ROCK Residents of Central Kenilworth).
- 3.4 Some merit in allowing “customers permits” for garages. Should be at the same cost as visitor permits. If agreed we should also allow other business to have permits (Rugby Borough Council).
- 3.5 Should not include permits for charities etc (NBAC).

- 3.6 Consideration should be given to the introduction of residents permit parking in the older areas of Atherstone. (Atherstone Town Council).
- 3.7 Concerns about uncontrolled residential roads becoming obstructed (ROCK).
- 3.8 NWAC would welcome investigation of trial residents parking schemes in their area.
- 3.9 Consideration may be given at the planning applications stage for new developments/house conversions in resident parking areas to restricting eligibility for permits if the existing take up of permits is high in relation to the parking capacity (WDC).
- 3.10 Registered "Houses of Multi Occupation" should have a limit of 1 permit per letting room.

#### **4. Disabled Persons Parking Places**

- 4.1 General concerns about the charges falling on the applicants. Seek reintroduction of all the bays removed when the residents' parking scheme was introduced at the same time which would significantly reduce the individual cost (RAC - Rugby Area Committee).
- 4.2 Unofficial bays should not be allowed anywhere because they are not recognised markings covered by the regulations and cannot be enforced (RBC).
- 4.3 Support for formal bays but a fixed cost should be advised in advance (RBC).
- 4.4 Rugby Disability Forum supports the view of the Warwickshire Disability Forum that formal spaces be provided at a cost to the applicant.

#### **5. Footway Parking**

- 5.1 Members aware of the increasing problems County wide. Fraught with controversy and difficulties and can not easily be overcome without sufficient funding. Potentially dangerous for pedestrians Proposals do not do anything to resolve the long-standing issues DPE might help (NBAC).
- 5.2 Mixed messages about the legality of parking on the pavement and about police enforcement (NBAC).
- 5.3 General feeling that footway parking should not generally be permitted but that there may be some locations where this may be acceptable.
- 5.4 Main issue was around inconsiderate parking that forced people with pushchairs, in wheelchairs or using disabled vehicles off the path into the carriageway or caused damage to flagstones (Warwick Area Committee).
- 5.5 Sufficient space should be left to enable free passage by these users. Each street should be assessed individually (NBAC).



- 5.6 Footway/verge parking must be considered against local circumstances of safety, access and the flow of traffic (NWAC).
- 5.7 4.2 (iv) - The inclusion of 75-80mm kerb height is too restrictive. The policy clauses at 4.3 will be more effective at restricting pavement parking to the most suited roads (RBC).
- 5.8 Footway parking is a cause of concern to many people. Enforcement is the real issue (ROCK).
- 5.9 Concern about cycling on footpaths (ROCK).
- 5.10 Rugby Disability Forum supports the view of the Warwickshire Disability Forum that there should be no parking on pavements and where there is sufficient width to accommodate both parked vehicles and pedestrians then the carriageway should be widened rather than allowing vehicles to park on the footway.
- 5.11 Proposals supported on the basis that there is provision to treat particular cases as exceptions according to the circumstances that existed (RAC).
- 5.12 No account has been taken of wheelie bins on pavements (Rugby Disability Forum).
- 5.13 If footway parking is allowed in some areas it will become the norm every where. We have seen it with shared footpaths for cycleway where cyclists think they can now cycle on all footpaths and become abusive when challenged (Rugby Disability Forum).
- 5.14 Detailed report (attached as **Appendix C**) from Living Streets Leamington recommends:-
- A principle should be established that the footways are not appropriate places for parked vehicles. Parking on footways should be prohibited except where specifically permitted.
  - Footway space should be formally converted to parking space only where the unencumbered space remaining for pedestrians is at least 3.3 metres wide and can be made available for emergency service access.
  - In these circumstances the footway space and the parking space should be separated by a physical barrier permeable to pedestrians but not to vehicles so that the footway space available does not vary with the level of enforcement.

**Environment Overview and Scrutiny Committee –  
28th June 2007**

**Review of Parking Policies**

**Consultation Response from Living Streets, Leamington Spa**

From a pedestrian perspective, the proposal to provide for footway parking as outlined in Appendix E of the report presented to the Environmental Overview and Scrutiny Committee is not desirable.

**In Principle**

It would legitimate an existing culture of footway parking and promote further vehicle invasion of footways beyond the scheme.

It continues a process of operating the footways primary as a service to motorists, cyclists and others with pedestrian access to them being subordinated to the convenience of these other claimants.

It works against the higher level policies of the Council in that it would tend to further discourage walking and facilitate increased vehicle use.

**In Practice**

The dimensions proposed would cause difficulties for young families with double pushchairs and other children: people walking in the opposite direction to such families would also be squeezed. Two families with wide pushchairs would not be able to pass in the allocated space. Other pedestrians such as blind people with dogs would also experience difficulty.

Pedestrians would not get access to the full width even at these meagre dimensions. The pedestrian space is normally intruded upon by household refuse awaiting collection, overgrown vegetation, parked cycles and motorcycles, and temporary traffic signs. It is not unusual to find such signs on footways behind parked vehicles. Where businesses are present pedestrians would also face advertising boards and possibly large commercial wheelie bins occupying much of the space.

Where there was retention of water and significant ponding, pedestrians would not have the width available to avoid it; they would have to paddle through the water. In winter, if retained water froze, pedestrians would have to skate across it as they would not have space to go round it. Elderly and mobility – impaired people would be at risk of falling.

The scheme would create narrow channels for pedestrians bounded on one side by fences and hedges and on the other by parked vehicles. Where the vehicles park parallel to the footway, wing mirrors would intrude into the pedestrian space. In the case of vans, mirrors can be large and robust and are often at adult face level.

Pedestrians and any cyclists on the footway would be at risk from vehicle doors being recklessly opened. Very young children and cyclists would be particularly at risk. Most car doors are about a metre long with some being even larger. Opened at right angles to the vehicle they would not allow much room for people to pass.

A cyclist faced with such an open door would barely have the space to avoid it, and if they did so, they might well collide with pedestrians. There are reports from other areas of pedestrians on the footway being killed by collisions with cyclists. These arrangements would increase the probability of that happening locally.

The 1.5 metre space proposed for pedestrians is wide enough to attract some cyclists but insufficiently wide to accommodate them safely alongside pedestrians. This is particularly so where the space is bounded by closely parked vehicles. Young families, elderly and disabled people would be particularly at risk. The footway space needs to be either narrow enough to discourage cyclists, with the possibility also of discouraging pedestrians, or wide enough to accommodate both.

In the current cultural climate, a pedestrian space marked only by painted lines would not be respected unless it was continuously and vigorously enforced. Outside of enforcement hours, or if enforcement was subsequently weakened, the narrow space originally proposed for pedestrians would not be made available to them.

## **Broader Issues**

We may need to accept that some urban streets are inadequate for the volume of parked vehicles they are required to accommodate. This might involve hardship for some householders with, perhaps, a reduction in property values. But the alternative, of making walking in residential areas more difficult and possibly more dangerous for young families, elderly and disabled people is even less acceptable. The pedestrians disadvantaged by these measures would not only be those living in the relevant streets but others living further out who must pass through these streets to gain access to desired facilities.

These measures would increase vehicle domination. They also run the risk of contributing to the further alienation of more – economically disadvantaged people and of reinforcing any sense that they may have that their welfare is of little concern to the authorities.

If the aim is to constrain vehicle domination of residential areas, then every effort should be made to encourage the perception that urban walking is a desirable, honoured, and valued activity. The provision of walking space, therefore, should be generous rather than minimal.

In recent years in Warwickshire numerous measures have been adopted which have had the effect of signalling to pedestrians their low status and low priority in relation to other footway claimants. These proposals would continue that trend.

Allowing parking on footways, among other measures, reinforces the relative low importance of walking. Attitudes and behaviour are shaped by perceptions which may

not correspond with the original reasoning or intention with which the measures were conceived but that, nonetheless, warrant consideration.

What makes pedestrians feel important and valued is a wide, smooth, unencumbered footway. They feel unimportant when they have to struggle through narrow footway spaces left when the demands of householders and vehicle users have been granted priority over them.

Possibly the best solution would be to grant permission for footway parking only where space allows for the creation of a pedestrian / emergency access path adjacent to the properties and having a minimum unencumbered width of 3.3 metres.

This would have two effects: it would provide pedestrians with a safe and generous path that would help to encourage walking and it would allow the emergency services to gain access to the front of a property rather than providing their services through the gaps in a line of parked vehicles. This would probably be of most significance to the ambulance service or where the parking space is wide enough for chevron parking.

Such provision would only serve its purposes, however, if effective measures were taken to prevent the path being parked upon by unauthorized vehicles. These preventative measures would need to be in force overnight, at weekends and during bank holidays as well as during normal enforcement hours.

Refuse collection should be serviced from the carriageway with residents encouraged to place their refuse at the edge of the carriageway rather than in the pedestrian path.

Although cycling would be tolerated on such a path, nothing should be done to encourage it. The path should not be divided into pedestrian and cycle lanes.

### **In the Longer Term**

Allowing parking on footways will not solve the long term problems of vehicle use and, indeed, will exacerbate them. Adding further structural discouragement to walking can only reduce it further with a corresponding increase in vehicle use and domination. Pollution, and the wider issues of global warming that are beginning to feature significantly in the concerns of thoughtful people, will not be helped by these measures.

### **Recommendations**

A principle should be established that the footways are not appropriate places for parked vehicles. Parking on footways should be prohibited except where specifically permitted.

Footway space should be formally converted to parking space only where the unencumbered space remaining for pedestrians is at least 3.3 metres wide and can be made available for emergency service access.

In these circumstances the footway space and the parking space should be separated by a physical barrier permeable to pedestrians but not to vehicles so that the footway space available does not vary with the level of enforcement.

**Environment Overview and Scrutiny Committee –  
28th June 2007**

**Review of Parking Policies**

**Revised Draft Parking Policies**

The following policies set out the general approach of the County Council. However, each case will be considered according to its particular circumstances to see if an exception is required.

**1. Waiting Restrictions**

1.1 The control of on-street parking by the use of waiting restrictions is one method of seeking to achieve the following objectives:-

- (i) Making the most effective use of the existing road network having regard to the competing demands placed upon it.
- (ii) The reduction of road accident casualties.
- (iii) Minimising delays and congestion on the main road network.
- (iv) Reducing the intrusive effects of traffic on the environment.

1.2 Proposals for new waiting restrictions will be considered in the following circumstances:-

- (i) Where injury collisions at actual problem sites can be reduced.
- (ii) Where congestion on important traffic routes can be reduced.
- (iii) Where parking control is essential in association with traffic management measures in accordance with the County Council's Local Transport Plan objectives.
- (iv) Where serious disruption of commerce or industry is caused by parked vehicles.
- (v) Where time limited restrictions are necessary to support the economic viability of an area.
- (vi) Where the route to obvious high fire risk premises (e.g. a hospital or school) would be obstructed.
- (vii) Where they are an integral part of an approved Residents Parking Scheme.

- (viii) where major problems in residential areas during the working day are created by commuter/shopper parking but a residents parking scheme does not apply.

## **2. Residents Parking Schemes**

2.1 Residents Parking Schemes are intended to deal with the problems caused by commuter or shopper parking in residential streets adjacent to town centres and other locations, such as railway stations.

2.2 Proposals for new residents parking schemes should be considered against the following policy guidelines:-

- (i) The streets should be located in or adjacent to a town centre or other major commuter/shopper attraction.
- (ii) The streets included shall be predominantly residential in nature.
- (iii) The streets shall form a group in an identifiable area rather than individual streets in isolation.
- (iv) It should generally be demonstrated that the majority of the available kerbside parking space is regularly occupied by non-residential parkers and also that a significant number of the properties do not have parking space within the curtilage.
- (v) The schemes shall be a “shared scheme” with the streets controlled by an on-street parking order with limited waiting for the general public (the duration of which will be determined by the particular site circumstances relating to the street or area concerned) and unrestricted waiting for vehicles displaying a permit.
- (vi) The hours of operation of the Residents Parking Scheme will be determined with regard to the hours of operation of other limited waiting in the area, if any.

2.3 The issue of residents permits will be subject to the following principles:-

- (i) Permits shall be restricted to the keepers of vehicles categorised as cars, light vans or motor cycles.
- (ii) Permits will be available to domestic residents of the street or area.
- (iii) In the case of properties which are established as “Bedsits” or are registered as Houses of Multiple Occupation the general rule will be that permits will be limited to one per letting room. Otherwise the number of permits issued per household shall be determined separately for each scheme by considering the conditions applying in the streets concerned and subject to any particular planning conditions relating to parking permit eligibility which may in place.

- (iv) A "Visitors Permit" may be issued to each household and to the owner of any holiday home registered with the Heart of England Tourist Board.
- (v) The issue of permits will be restricted to residents of the streets in which the parking places are located unless it can be shown that the scheme would not be overloaded by the issue of permits in adjacent streets, when justified.
- (vi) A charge will be levied for each permit. The amount will be based on the costs or anticipated costs of administering the scheme and may be varied as required.

2.4 Permits will also be available as follows:-

- (i) Registered Guest Houses.
- (ii) Carers.
- (iii) For the customers of established garage businesses.

2.5 Other "Exemption" permits will be considered if it is demonstrated that this would not compromise the main objectives of the scheme.

### **3. Parking Bays for Disabled People**

3.1 Formal parking bays for disabled people, with time limited waiting if appropriate, will be provided where there is a demand for reserved parking for blue badge holders in general such as at post offices, libraries and other public buildings and in town centres.

3.2 Formal parking bays for blue badge holders in residential areas will be provided subject to a demonstrated need, the normal process for a Traffic Regulation Order (TRO) and the costs of providing the facility being met by the applicant.

3.3 Informal parking bays will continue to be provided for the use of a disabled person outside his/her residence where there is no TRO in force and at a cost to the applicant (currently £80).

### **4. Footway Parking**

4.1 The County Council will, whenever possible and within existing budgets, take action to prevent or discourage the parking of motor vehicles on footways.

4.2 No requests to formalise parking either wholly or partly on a footway will be considered:-

- (i) On roads in shopping and other busy pedestrian areas.
- (ii) Outside schools, play areas, libraries, hospitals, health centres and residential homes for the elderly or places of public assembly.

- (iii) Any road where vehicles would have to park on a grass verge.
- (iv) On any footway which is paved or where the height of kerbs is greater than 75-80 mm.
- (v) Where there is sufficient carriageway parking in a residential area to meet the normal demand or where residents can provide off-street parking but have chosen not to do so, or do not use existing off-street parking places for a variety of reasons not considered acceptable on highway, traffic or amenity grounds.

4.3 Requests to formalise parking either partly or wholly on a footway in a residential area will only be considered in the following circumstances:-

- (i) The footway parking is necessary to provide sufficient parking spaces to make a residents parking scheme viable and footway parking is already taking place.
- (ii) The parking of vehicles wholly within the carriageway would compromise the carriageway width available for emergency services or refuse collection vehicles or other regular users of the road.
- (iii) A minimum footway width of 1.5 metres must generally be available for pedestrians. However, this could be reduced to 1.2 metres at some pinch points.