

# P-05-935: Ban Pavement Parking – Pavement Promise

Y Pwyllgor Deisebau | 4 Chwefror 2020  
Petitions Committee | 4 February 2020

Reference: RS19/11321/2

**Petition Number:** P-05-935

**Petition title:** Ban Pavement Parking – Pavement Promise

**Text of petition:** I call for the National Assembly of Wales to urge the Welsh Government to impose a ban on pavement parking.

I am campaigning to end pavement parking. It is an increasing issue that impacts on myself and so many others in Wales daily risking their safety. It is a massive issue for those with a disability and those with pushchairs. This is especially difficult when vehicles park on the drop kerbs or tactile paving.

On many occasions the vehicle that is parked on the pavement causes the view of the road to become restricted. This causes the situation to become dangerous for anyone who has to enter the road to pass the vehicle. There is a much higher risk for those who have a visual impairment or wheelchair users to move into the unknown dangers.

Everyone should have the right to independence. However when vehicles park on the pavement this restricts those that are unable to drive and rely on the pavement to travel around their community. This can also lead to isolation and anxiety.

This should be dealt with now so that future generations have the equal chance of independence and safety for all in our communities.

Myself and my son are visually impaired. This issue makes it very difficult for us to access our community safely. I have spoken to many people who also struggle.

Myself and my son created a campaign called Pavement Promise. We want everyone to promise not to park on the pavement.

I feel there should be a specific team to work on this issue. Maybe an online / interactive way for people to pass on information.

I want my son to have as much independence as he can in his future safely. Please help me to keep our communities safe.

## BACKGROUND

### Legislation

Parking on a pavement is not currently a specific offence in England and Wales outside London other than for heavy commercial vehicles. While there are a number of criminal offences which can be used to address pavement parking, the application of these offences depends on circumstances for example whether the vehicle is considered to be causing an obstruction.



The Minister for Economy and Transport, Ken Skates AM, outlined the legal position on parking in Wales, particularly pavement parking, in an April 2018 [letter to the Chair](#) of the Economy, Infrastructure and Skills (EIS) Committee. In particular he indicated that unlike Scotland and Northern Ireland, street parking control in Wales is reserved to the UK Government so the Assembly does not have competence to enact primary legislation in these areas. This is as a consequence of the fact that, under the [Government of Wales Act 2006](#), road traffic offences and the regulation of motor vehicles on roads are reserved matters.

However, in setting out the relevant law the Minister highlighted that “the Welsh Ministers do have powers to designate certain road traffic offences as civil contraventions that may be enforced by a local authority”. He also noted that local authorities have powers under section 1 of the [Road Traffic Regulation Act 1984](#) to make Traffic Regulation Orders (TROs) which can be used to prohibit, restrict or regulate the use of specific roads, which include pavements. He said:

The restrictions can be applied for various reasons and could cover particular hotspots or larger areas. They can have effect at all times or during specific periods, and certain classes of traffic may be exempt from the TRO.

### **Transport (Scotland) Act 2019**

Part 6 of the [Transport \(Scotland\) Act 2019](#) provides for the prohibition of pavement parking, defined as where the vehicle is stationary and one or more of its wheels (or any part of them) is on any part of the pavement. A stationary vehicle is parked whether or not the driver is in attendance and the engine is running.

The local authorities in Scotland may make an exemption order to provide that the pavement parking prohibition does not apply to a certain pavement within its area. The exemption must apply at all times of the day and to all vehicles and there must be traffic signs in place to notify of the exemption order. There are also a number of exceptions to the pavement parking prohibition. This includes, for example, emergency vehicles and the collection of waste or postal services.

### **The House of Commons Transport Committee**

In September 2019 the House of Commons Transport Committee published its report following an [inquiry into pavement parking](#). The [Committee criticised the Department for Transport](#) “for failing to take action on pavement parking, which MPs were told has a detrimental effect on people’s lives and can lead to social isolation”. The Committee called for a ban on pavement parking across England and also set out recommendations on how it can be tackled while legislation is being prepared. The recommendations included a national awareness campaign to highlight the negative consequences of pavement parking, and reform of the TRO process to make it easier for local authorities to use. At the time of writing the UK Government has not responded to the Committee’s report.

### **WELSH GOVERNMENT ACTION**

At an Active Travel conference in July 2019, the Deputy Minister for Economy and Transport, [Lee Waters AM](#), [announced](#) that the Welsh Government would be “putting together an expert group to explore ways of clamping down more widely on illegal parking, as well as pavement parkers, across Wales”.

The “everyday walking” charity [Living Streets](#) published a report ‘[A step towards a pavement parking ban in Wales](#)’ (PDF 8,940KB) in October 2019. In the foreword the Deputy Minister said that:

Cars that block pavements stop many people from leaving the house because they feel it can be too dangerous to navigate the streets. We know that this especially affects those with mobility and sight impairments, as well as families with young children.

Later that month [the Deputy Minister said](#) that the “special taskforce group has been set up...its remit also includes reviewing the use of current legislation available, which is a complex mix of criminal and civil sanctions”. He also said that the group will report on its findings in June 2020.

Later in November the Deputy Minister wrote [to Adam Price AM](#) (PDF 476KB) providing the Project Initiation Document for the taskforce group. The document says that “for the purpose of the project ‘pavement parking’ is defined as when one or more wheels of a vehicle are on the footpath”. The taskforce group also:

...assumes that it is the intention to have a national ban on pavement parking throughout Wales, without introducing primary legislation...[and] there is political will to support the implementation of the proposed outcomes across the Country. s

### **NATIONAL ASSEMBLY FOR WALES ACTION**

In 2018 the Assembly’s EIS Committee completed [an inquiry into post-legislative scrutiny of the Active Travel \(Wales\) Act 2013](#). Its report recommended that:

The Welsh Government should work regionally with police and local authorities to agree innovative ways to tackle pavement parking, including raising awareness of its impact to change driver behaviour.

The Committee heard from the Minister for Economy and Transport that:

There is no doubt that parking on pavements inhibits the ability, particularly of disabled people, to be able to travel safely, but also in terms of cycling, it can be incredibly dangerous to have cars and lorries parked in inappropriate areas.

The issue has been discussed in the Assembly. In Plenary on 22 January 2020, in response to a question from Hefin David AM, the Deputy Minister said that Phil Jones is leading the taskforce groups on both pavement parking and 20mph speed limits. He went on to say that:

...we need to see this as part of a broader suite of measures we have, alongside 20mph speed limits, to start bringing about modal shift and addressing the dominance the car has in our society, but that'll only work if we give people alternatives as well.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.