



Llywodraeth Cymru
Welsh Government

REPORT

Welsh Government response to the recommendations made in the Pavement Parking Task Force report

Our response to the Welsh pavement parking report.

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Foreword

I am pleased to respond to the recommendations made by the Welsh Pavement Parking Task Force Group, whose remit was to investigate the problem and to find a practical solution that can be implemented as soon as possible.

Pavements are fundamentally meant for people to use in safety and are not intended as a place to park vehicles. Pavement parking can be a danger to pedestrians, parents with pushchairs, and those with mobility problems. It can even lead to social isolation for some people, with a fear of leaving home, because it feels unsafe. As well as making it difficult for people to use their streets, parking on pavements can also cause substantial damage, which costs local authorities in Wales thousands of pounds to repair each year.

The Welsh Government places a high priority on enabling and encouraging more people to make everyday journeys on foot. However, this can only happen if the parking of vehicles on pavements is adequately controlled. This is why it is my intention to investigate regulatory changes that would allow local authorities to take action.

Legislating to address concerns around pavement parking forms part of a suite of transport measures to assist the creation of public spaces, which promote people's health and well-being.

The Welsh Ministers are committed to ensuring communities across Wales are

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able manage and improve their environment for both current and future generations.

I am grateful to Phil Jones who chaired the Task Force Group, along with all those on the Group who have contributed and helped to produce this Report.

Lee Waters MS, Deputy Minister for Economy and Transport.

Introduction

The Deputy Minister for Economy and Transport announced at the Active Travel Conference in Cardiff in July 2019, the setting up of a Taskforce Group (TFG) to investigate the problems associated with pavement parking and put forward recommendations to find a solution.

Currently it is not an offence to park on pavements in Wales, however, the Police can enforce the existing criminal offence of causing or permitting a motor vehicle or trailer to stand on a road so as to cause any unnecessary obstruction of the road but this offence is rarely enforced.

The TFG considered recommending prohibiting parking by way of primary legislation, however, reflecting on the experience in Scotland it was found to be a lengthy and complex process. The TFG concluded it was more efficient and quicker to introduce subordinate legislation, which would add the offence of obstruction in respect of the pavement to the list of parking contraventions in the Traffic Management Act 2004. This will enable local authorities to use civil enforcement powers in regard to obstruction of the pavement, which can currently only be enforced by the police.

It is appreciated that there will still have to be some parking on pavements on narrow streets with no alternative parking.

A group will be set up with local government representatives and other stakeholders to develop new enforcement guidance for local authorities, which will also help to ensure a consistent approach is taken across Wales. Any changes that are required to be made to UK guidance documents, such as the

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Highway Code, will be undertaken in consultation with the Department for Transport.

Subject to further policy development and consultation, the intention is to commence civil enforcement of unnecessary obstructions of the pavement by July 2022, and a communications plan and promotion strategy will be developed to ensure the public are made aware that enforcement is being stepped up from this date. The operation of the new enforcement regime will be closely monitored and evaluated to ensure success and identify any further changes that may be needed.

A wide range of public, private and third-sector organisations, with an interest in pavement parking, were represented on the TFG, which gives credibility to the outcomes and recommendations from their report. They concluded that pavement parking is a serious problem across Wales and that the Welsh Government should take steps to address it. It is now proposed to achieve this by changing driver behaviour, through raising awareness that pavements are for pedestrians and not for parking vehicles, and backing it up with the deterrent of effective enforcement.

Welsh Government response to the recommendations

The Welsh Government accepts all the TFG recommendations in principle and the following table below sets out the response to each of the recommendations made by the TFG and how they will be progressed by Welsh Government.

Recommendation no.	Task Force Group report recommendation	Welsh Government response
1.	The Senedd should pass subordinate legislation to add the	Schedule 7 to the Traffic Management Act 2004 sets out the contraventions

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existing offence under Regulation 103 of the Road Vehicles (Construction and Use) Regulations 1986, in so far as it applies to footways, to the list of enforceable contraventions to enable local authorities to carry out civil enforcement of pavement parking.

which are subject to civil enforcement. The Welsh Ministers have the power to make secondary legislation, subject to the negative procedure in the Senedd, to amend Schedule 7 to the TMA to add further offences in so far as they relate to stationary vehicles.

The Welsh Ministers accept this recommendation in principle, but propose to work with stakeholders to further develop and refine this policy proposal.

In bringing forward regulations, they will consult with relevant representatives of chief officers of police and associations of local authorities, as appropriate.

2. Local authorities should indicate those locations where pavement parking is permitted through Traffic Regulation Orders.

The Welsh Ministers will assist local authorities with this process as set out in Recommendation 3.

3. Welsh Government should undertake a review of the relevant legislation to identify how the Traffic Regulation Order process in Wales can be simplified.

The Welsh Government will review the impact of the temporary traffic regulation order procedures regulations, which have come into effect during the Coronavirus epidemic, with a view to determine whether any permanent changes to the process are required.

4. Welsh Government should amend its existing Statutory and

The Welsh Government will work with the WLGA, Local Authorities,

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Operational guidance on Civil Parking Enforcement to advise local authorities how to operate their new powers of enforcement.

PATROL, (Parking and Traffic Regulations Outside London) Joint Committee, The Traffic Penalty Tribunal, British Parking Association, and other interested parties to develop new guidance for Welsh local authorities.

5. Welsh Government should work with the Department for Transport to amend the Highway Code to inform road users that parking on the pavement in Wales is subject to civil enforcement.

The Welsh Government will work with the Department for Transport regarding the Highway Code amendments as required.

6. Welsh Government should design and conduct an effective communications and promotion strategy, in conjunction with local authorities, to inform the public that the enforcement of pavement parking is changing and to promote driver compliance.

The advice prepared by the Communication and Behaviour change sub- group from the 20 mph Task Force Group will be drawn upon, to inform and support the development of an effective communication and marketing strategy for the change in enforcement regime with pavement parking.

7. Welsh Government should establish a monitoring and evaluation framework so that an assessment can be made of the impact and effectiveness of the new enforcement regime.

The Welsh Government will establish a monitoring and evaluation framework to ensure the new enforcement regime is as effective as possible.

8. PATROL should gather data following the initial 12 months of the

The Welsh Government will work with PARTOL to assess whether any

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commencement of local authority enforcement to assess whether the any changes to legislation, guidance or operations are required.

changes to legislation, guidance or operations are required.

9. Welsh Government should achieve the following key milestones to enable the commencement of civil enforcement of pavement parking by July 2022:

The Welsh Government will endeavour to follow the recommended implementation programme set out in the report. An Oral Statement will be made in October 2020 to share with the Senedd the intention to legislate to seek to tackle pavement parking.

Publication of Task Force Report - October 2020

Subject to consultation, the passing and the commencement of the Statutory Instrument will follow the recommended dates.

Ministerial Statement giving the intention to proceed - October 2020

Plenary Vote to proceed with legislation - October 2020

Commencement of Statutory Instrument - July 2022

10. Welsh Government should establish a dedicated project team to lead and coordinate all the necessary tasks required to introduce the civil enforcement of pavement parking.

The Welsh Government will establish a Project Team to take forward the Pavement Parking implementation programme so that enforcement can be undertaken by local authorities by July 2022.

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