



A STRATEGY TO TACKLE ILLEGAL PARKING ON PAVEMENTS

PROPOSALS FROM WIRRAL PEDESTRIANS ASSOCIATION OCTOBER 2012



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It might be reasonable to tolerate occasional minor illegal parking on pavements, but the situation on the Wirral has now become so bad that urgent and determined action is needed. Examples of problems caused are shown overleaf.

Wirral Pedestrians Association is putting forward the following 10-point strategy.

1. Merseyside Police officers should stop parking illegally on pavements (see Appendix 1).
2. Wirral Council officers and contractors should stop parking illegally on pavements (see Appendix 2).
3. Police officers should stop giving wrong information concerning the legality of parking on pavements (see Appendix 3).
4. Council officers should stop giving wrong information concerning the legality of parking on pavements (see Appendix 4).
5. A clear joint statement of what is legal and what is not should be agreed by Police and Council (see Appendix 5) and websites should be updated accordingly.
6. Police and Council officers should adopt a less complacent and more urgent attitude to the problem (see Appendix 6).
7. The areas around schools and accommodation for elderly and disabled people should be prioritised to be kept free of illegally parked vehicles by a combination of education and enforcement.
8. Companies involved in breaking the law should be advised of the legal situation by a joint (Council-Police) letter, and by other means (see Appendix 7).
9. An education programme (via posters, leaflets, windscreen stickers etc) should be started to advise drivers of the law and possible consequences.
10. Enforcement action should then be commenced where necessary to ensure compliance.

Our view is that these proposals should be discussed, and then implemented (after any necessary modifications) in the near future. We are inviting comments, which we would like to receive within the next 6 weeks (to wirralpedestrians@gmail.com). We plan to publish responses on our website, unless requested otherwise (anonymously if from an individual), and then decide on our recommendations.

Wirral Pedestrians Association

<http://www.wirralpedestrians.org.uk>

29 October 2012

Examples of problems caused by illegal parking on pavements



Appendix 1: Merseyside Police officers should stop parking illegally on pavements

Examples have recently become common (see below), and one made the front page news in the *Wirral News* in February 2012 (see over). All of these cases shown occurred during routine police journeys rather than during emergencies, and so were illegal. We feel that Merseyside Police officers should be setting the highest standards for others to follow. It is clear from the number of cases, and the involvement of several officers in some of the instances that it is a systemic problem within Merseyside Police, not just the actions of a few rogue officers.



Why urgent action is needed



WIRRAL NEWS

HESWALL, HOYLAK, WEST KIRBY & NESTON EDITION Wednesday, February 22, 2012 www.wirralnews.co.uk

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A CUPCAKE FIT FOR A DUCHESS

See
page
3

COPS PARK ON KERB..



● The snap of the police van parked outside the Greasby takeaway

Police say they are
not obstructing path

By HELEN HUNT

A PAIR of on-duty police officers were snapped leaving their van parked on a pavement while they ordered food from a takeaway in Greasby.

The passer-by who took the photograph has accused them of double standards.
● See page 8 for the full story

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Appendix 2: Council officers and contractors should stop parking illegally on pavements

Some examples are shown. It does not make sense that some council officers and contractors are spending time and money on combatting illegal parking on pavements and on repairing the damage caused, while others are parking illegally and setting a bad example.



Appendix 3: Police officers should stop giving wrong information concerning the legality of parking on pavements.

There have been many examples of police officers giving wrong information verbally. In the case reported in the *Wirral News*, the Superintendent who was asked to comment was reported as saying that "it is not illegal to park on the pavement - as long as it is not obstructing anyone" (see below), but this is not an accurate statement of the law (see Appendix 5).

HES

● WIRRAL NEWSline: 0151 239 5907

The Wirral News ● Wednesday, February 22, 2012

Hungry police caught on kerb

Passer-by captures them on pavement

By HELEN HUNT

TWO on duty police officers were caught leaving their van parked on a pavement while they ordered food inside a takeaway.

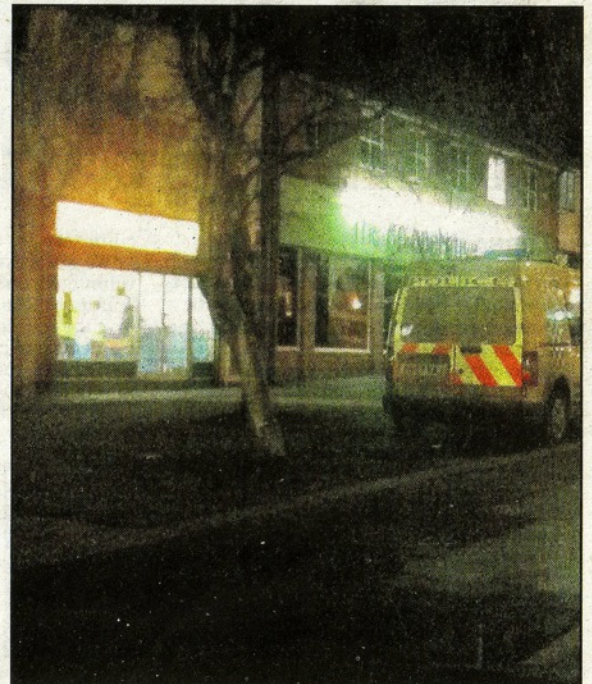
A disgruntled passer-by snapped the uniformed coppers who had stopped for some fast-food in Greasby, accusing them of double-standards.

Merseyside Police said the officers would be spoken to about the incident but said it is not illegal to park on the pavement – as long as it is not obstructing anyone.

Today the photographer who caught them off guard and on duty said: "There are parking spaces at the side of the shops and around the back so there was really no need for the police to mount the kerb, drive on to a pedestrianised area and park there while they went into the Chinese for their supper.

"As the rest of us are plagued by the spy car and have to obey the law when we park, why can the police arrogantly mount a kerb and park blatantly illegally whilst they buy their food?"

"I was under the impression the police were not above the law but are there to enforce it! It shows an arrogance that is not very productive and does not give one a good impression of the police nor does it make one respect the police."



● The police van outside the Greasby takeaway

The police officers, a man and a woman, were caught on camera on Friday, February 17, at around 7.30pm at the Golden Phoenix on Greasby Road in Greasby.

Superintendent Jon Roy, of Merseyside Police, said officers are actually encouraged to use local eateries to build relationships in the neighbourhoods in which they work and in this case were not parking illegally.

Supt Roy added: "While the

parking of this vehicle is not illegal, as it is not obstructing other road users or pedestrians, our officers ought to use the provided car parks.

"We encourage officers to go to local establishments to buy food during refreshment periods, especially neighbourhood staff, as in this case.

"The officers will be spoken to, with regards to using appropriate car parks in the area."

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Appendix 4: Council officers should stop giving wrong information concerning the legality of parking on pavements.

There are many examples of council officers giving wrong information. The email below was sent from a Wirral Council officer who did not give his name. There is no legal basis for the statement highlighted in red.

From: parking.engineer
Date: Tuesday, 1 May 2012
Subject: Grange Road Parking [REF:22137479950]
To: *****@gmail.com

Good Afternoon,

Thank you for your e-mail regarding a vehicle parking on the pavement whilst delivering. **I can confirm that generally a vehicle may mount partially onto the pavement to load/unload for a short period of time** unless the double yellow lines/singe yellow lines also contain a loading ban. We have asked our Civil Enforcement Officers to monitor this area and should a vehicle remain parked for a longer period a penalty charge notice maybe issued.

Kind regards

Parking Services

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

This footnote also confirms that this email message has been swept by MIMESweeper for the presence of computer viruses.

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Appendix 5: A clear joint statement of what is legal and what is not should be agreed by Police and Council and websites should be updated accordingly

There is a need for a clear agreement and understanding throughout Merseyside Police and Wirral Council about what is allowed by the law and what is not. A document summarising the law should be agreed by senior officers of Merseyside Police and Wirral Council, so that it can then be used as reference by members of both organisations. A suggested document is shown on the following page and should be adopted unless it can be improved in accuracy or wording. The Wirral Police Area Commander has already said that he does not doubt the accuracy of the document, but a decision is needed from Wirral Council.

The document overleaf refers to parking on the pavement being legalised on particular roads by Traffic Regulation Orders. Two examples of such legalised parking on pavements are shown below (from Oxford). Other councils have similar schemes.



William Street, Oxford



Ferry Road, Oxford

Parking on pavements is permitted where marked

Parking on the Pavement: The Law

Proposed Statement by Wirral Council and Merseyside Police

There are five laws or regulations that apply to parking on pavements outside London.

1. Driving on to a pavement to park is prohibited except in an emergency or where signs permit it (see item 3 below). The relevant section of the Highway Code is section 145 which states

"You **MUST NOT** drive on or over a pavement, footpath or bridleway except to gain lawful access to property, or in the case of an emergency".

The relevant laws are the Highway Act 1835 section 72 and the Road Traffic Act 1988 section 34. It is the act of driving on to the pavement that is against the law, and so it is the driver who is prosecuted by the police, and the act of driving on to the pavement has to be witnessed.

2. Obstruction of the pavement by parked vehicles is prohibited. The relevant section of the Highway Code is section 242, which states

"You **MUST NOT** leave your vehicle or trailer in a dangerous position or where it causes any unnecessary obstruction of the road".

The relevant laws are the Road Traffic Act 1988 section 22, and Road Vehicles (Construction & Use) Regulations 1986 section 103. It is the registered keeper of the vehicle who is prosecuted (by the police).

3. Councils can *permit* parking on pavements on particular roads via Traffic Regulation Orders. These require signs at regular intervals, and marks on the pavements. This is an alternative to physically widening the carriageway and is used by councils where

- (a) there are many vehicles owned by residents in a street
- (b) there is limited off-road parking e.g. where there is terraced housing
- (c) the pavements are wide and the carriageway is narrow.

4. Councils can *prohibit* parking on pavements on particular roads via Traffic Regulation Orders. These require signs at regular intervals. Enforcement is by the council's parking enforcement team.

5. Parking of large Heavy Goods Vehicles is prohibited. The relevant section of the Highway Code is section 242, which states

"Goods vehicles. Vehicles with a maximum laden weight of over 7.5 tonnes (including any trailer) **MUST NOT** be parked on a verge, pavement or any land situated between carriageways, without police permission. The only exception is when parking is essential for loading and unloading, in which case the vehicle **MUST NOT** be left unattended.",

The relevant law is the Road Traffic Act 1988 Section 19. Enforcement is by the council's parking enforcement team.

On the Wirral, a minority of streets are being considered for permitted parking on pavements under item 3. On these streets, driving on to the footway is still currently illegal under item 1. However, provided the mounting of the pavement is done safely, giving way to pedestrians, it would not normally be in the public interest for the police to prosecute the driver.

Outside this minority of streets, driving on to the pavement is not permitted, and Wirral Council and Merseyside Police are working together and with community groups to eradicate it.

Appendix 6: Police and Council officers should adopt a less complacent and more urgent attitude to the problem

There have been many cases of residents being told by both police and council officers that there is nothing that can be done about the problem. Residents have been told by police officers to complain to the council and by council officers to complain to the police. Even when the enquirer is someone with severe disabilities being seriously inconvenienced or put at risk, the attitude has too often been to avoid complaint from those breaking the law, rather than attend to the needs of the vulnerable road user.

The attitude is too often one of indifference and complacency similar to that of police and council officers prior to the Baby P and other tragedies. This attitude needs to change.

Why urgent action is needed



Appendix 7: Companies involved in breaking the law should be advised of the legal situation by a joint (Council-Police) letter, and by other means

Some of the many examples are shown. It seems unacceptable that major companies are routinely breaking the law in this way. A standard letter from Merseyside Police and Wirral Council should be drawn up pointing out that such behaviour is illegal. Copies should be sent to the regional offices of these companies, with the expectation of action by the companies concerned to prevent recurrences. Persistent offenders could be publicly named and shamed. Wirral Council is in contact with many companies e.g. via its Wirral Trader Scheme, and could use these contacts to promote legal driving.



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Acknowledgements with thanks:

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