

Brighton & Hove City Council

Environment, Transport & Sustainability Committee

Agenda Item 50

Subject: Elm Grove Pavement Parking Ban

Date of meeting: 15th November 2022

Report of: Executive Director of Economy, Environment & Culture

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Ward(s) affected: Hanover & Elm Grove

1. Purpose of the report and policy context

- 1.1 This report has been brought forward following a statement during chairs communications and in response to a deputation made by residents at this Committee on 21st June 2022. It was outlined that the Council are looking into ways to remove pavement parking on Elm Grove either via new Government legislation or through a Traffic Regulation Order.
- 1.2 As the anticipated legislation has not been forthcoming the Council is now proposing to take this forward through a Traffic Regulation Order. This report outlines how this work will fit into the existing parking scheme priority work programme and recommendations for how it will be taken forward.

2. Recommendations

- 2.1 That Committee agrees to proceed directly to the advertisement of a Traffic Regulation Order.
- 2.2 That Committee agrees that the Elm Grove Pavement Parking Ban replaces the Roedean area in the Parking Scheme Priority Timetable as highlighted in Appendix A.

3. Context and background information

- 3.1 Councillors have continued to receive complaints about pavement parking on Elm Grove. Therefore, during chairs communications at ETS Committee on 21st June it was requested that officers look to take forward proposals if no pavement parking legislation was forthcoming from Central Government.
- 3.2 At the same Committee meeting in June a deputation from residents in Elm Grove requested that “a Local Traffic Order will be put in place on Elm Grove by September if legislation on pavement parking has not been passed, making parking on Elm Grove residents only, and only in marked bays”. The chair responded that “Tackling pavement parking is one of our number one priorities and despite continued lobbying of the government, we still await a clear announcement about if or how it will give local authorities

the necessary powers to effectively deal with it. Its consultation asking whether a change of existing pavement parking legislation should occur finished in November 2020, so if we don't hear anything soon, then we will need to seriously consider a separate Traffic Regulation Order to deal with the unnecessary obstruction and danger that this anti-social behaviour can cause in the local street". As there has been no update on this legislation this report outlines the way forward to tackle the pavement parking issue on Elm Grove.

- 3.3 Therefore, it is proposed that the Council takes forward pavement ban proposals similar to those introduced in Portland Road, Craven Vale and Carden Avenue. This would mean zone entry signage at all entry points and repeater signage to allow Civil Enforcement Officers (CEO's) to enforce the restrictions linked to vehicles parked on the pavement. The restriction would be along the whole stretch of Elm Grove from the junction with Lewes Road to the junction with Tenantry Down Road. It may also need to include small stretches of the side roads leading into Elm Grove.
- 3.4 Due to the recent Committee decision not to go ahead with a parking scheme in the Roedean area there is space in the parking scheme priority timetable to allow for staff resources to be allocated to this project. Therefore, it is proposed that the Elm Grove pavement parking ban replaces this on the timetable and this is highlighted in Appendix A. The original parking scheme priority timetable was agreed at this Committee in November 2021 and will be reviewed in 2023 with an update report to this Committee in late 2023.
- 3.5 It's important to note that this would involve a large amount of signage implemented on Elm Grove. Therefore, there will be a significant signage cost to this proposal of an estimated £25,000 and the funding required for the infrastructure for this project would be from the Hanover & Tarner Local Traffic Neighbourhood scheme.

4. Analysis and consideration of alternative options

- 4.1 The other alternative is not proceeding with this work, however, it is recommended by officers to proceed with this work due to the reasons outlined in the report.

5. Community engagement and consultation

- 5.1 The proposal would be taken forward by preparing a Traffic Regulation Order that would be advertised as soon as possible. This would be for the following statement of reasons;
 - to prevent obstruction to pedestrians. Cars and other vehicles parked on footways or at pedestrian crossings can make life difficult and dangerous for pedestrians, in particular for wheelchair users, people with pushchairs and the visually impaired. Vehicles parked in front of driveways block access to and from the premises.

- to prevent damage to the footway. Unlike road surfaces, footways are not designed to take the weight of cars or other motor vehicles. Much of the damage to footways (cracked or sunken paving slabs etc) is caused by vehicles parking illegally on the footway. Repairs cost significant amounts each year, and tripping on damaged footways is the cause of many pedestrian injuries
 - to maintain footways as an amenity. The presence of cars and other vehicles parked on footways, verges and other pedestrian areas is detrimental to the urban environment.
 - Driving onto and off the footway is a danger to all pedestrians, especially the young, elderly and vulnerable.
- 5.2 Notices would be put up on street to allow comments to be made during the 21 day consultation period and if significant objections were received (6 or more) then the proposals would be brought to this Committee early next year to agree the way forward. Otherwise it would progress directly to the implementation stage.

6. Conclusion

- 6.1 It is recommended that this proposal is taken forward by a Traffic Regulation Order process due to the reasons outlined in this report.

7. Financial implications

- 7.1 The funding required for the infrastructure for this project would be from the Hanover & Tarner Local Traffic Neighbourhood scheme as the Elm Grove pavement ban is linked to the scheme. This is estimated to be in the region of £0.025m.
- 7.2 The Traffic Regulation Order will be funded from the existing Parking Design & Implementation budget. Ongoing maintenance costs associated with the scheme will also be met from existing budgets.
- 7.3 Future Penalty Charge Notices (PCN's) issued would fund the enforcement costs associated with enforcing this restriction. Enforcement income will also need to fund any maintenance costs.
- 7.4 Use of surplus income from parking charges and penalty charges is governed by section 55 of the Road Traffic Act 1984. Once the direct costs of traffic management have been met, the use of surplus is legally ringfenced to the provision of public transport services and to road, air quality and environmental improvements.
- 7.5 Parking charges are subject to the Council's Fees and Charges Policy. As a minimum, charges will be reviewed annually as part of the budget and service planning process.

Name of finance officer consulted: John Lack Date consulted: 24/10/22

8. Legal implications

- 8.1 The Council's powers and duties under the Traffic Management Act 2004 and the Road Traffic Act 1984 must be exercised to ensure the expeditious, convenient and safe movement of all types of traffic.
- 8.2 The recommendations contained in this report demonstrate that the Council is exercising its powers in order to comply with its statutory duties.
- 8.3 Before making Traffic Orders the Council must consider all duly made unwithdrawn objections. The Council can decide to make a Traffic Order unchanged, to make it with modifications or not to proceed with it. Proposed orders can usually be modified provided any amendments do not increase the effects of the advertised order.

Name of lawyer consulted: Alice Rowland Date consulted: 23/10/22

9. Equalities implications

- 9.1 The Pavement Parking Ban will help support the community by provision of unobstructed and safer access to their homes, services and premises by removing vehicles obstructing the pavement.

10. Sustainability implications

- 10.1 No sustainability implications identified.

Supporting Documentation

1. Appendix A – Parking scheme Priority timetable.