

Agenda Item No. 4(a)

**DERBYSHIRE COUNTY COUNCIL**

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND  
INFRASTRUCTURE**

**29 September 2015**

Report of the Strategic Director – Economy, Transport and Environment

**PETITION – STOP MOTORISTS PART PARKING ON PAVEMENTS IN  
CHESTERFIELD**

(1) **Purpose of Report** To inform the Cabinet Member of a petition received requesting that the County Council works with the Police to keep pavements unobstructed by parked vehicles in Chesterfield and to note its contents.

(2) **Information and Analysis**

**Background**

At the meeting on 28 July 2015, the Cabinet Member acknowledged receipt of a petition (Minute No. 97/15 refers). It contained 16 signatures requesting that the County Council works with the Police to stop motorists part parking on pavements in Chesterfield.

**Officer Comment**

Parking on footways and other paved areas is a commonplace issue throughout the whole of the County. To try to combat the problem, the County Council, together with the Police, when resources permit, launch poster campaigns. The aim is to highlight the problems that inconsiderate parking causes to families with young children in prams and pushchairs, to disabled people and to the visually impaired.

It is an offence for a vehicle to be driven elsewhere than on a roadway. Drivers may also be held liable for the damage caused to verges or footpaths, or to underground services. However, because of resources available to the Police or for the County Council, there is very limited opportunity to pursue motorists to any significant extent. The only physical solution is to erect bollards but they merely transfer the problems elsewhere and it is not possible, nor practical, for the Highway Authority to erect bollards where such problems exist.

For the enforcement of obstruction of the highway, it is necessary for the Police to demonstrate the following in order for prosecution to succeed:

- a) That an actual, as opposed to a potential, obstruction occurred.
- b) That a driver's action in parking on the pavement was unreasonable having regard to the duration, position and purpose of the parking.

Therefore, a driver who places two wheels on the pavement with the intention of allowing sufficient room for the free movement of traffic on the road cannot necessarily be said to be acting 'unreasonably'. The ability of the Police to take action will depend very much on individual circumstances.

The Authority's Civil Parking Enforcement Team can issue fixed penalty notices if motorists are obstructing dropped kerbs, which includes pedestrian dropped crossings as well as vehicle accesses. An Officer has to be present for the motorist to be prosecuted.

The Police and Crime Commissioner has recently revised the parking leaflet which aims to educate motorists into good parking practices. It advises motorists not to park selfishly and to park legally, safely and with due care for other road users. When calls are made to the Police regarding parking on footways, Police Officers often leaflet drop parked vehicles with the new leaflet if they are causing an obstruction.

In some areas of the County, where terraced housing occurs on both sides of narrow streets, it is accepted that some pavement parking occurs and residents know to leave sufficient width to allow for a wheel chair or pram.

The County Council will continue to work closely with the Police and educate motorists on poor parking practice, within the limited resources available.

(3) **Financial Considerations** There are no financial considerations associated with this report.

### **Other Considerations**

In preparing this report the relevance of the following factors has been considered: legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(4) **Key Decision** No.

(5) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(6) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – Bridget Gould, extension 38579.

(7) **OFFICER'S RECOMMENDATIONS** That the Cabinet Member:

7.1 Notes the contents of the report.

7.2 Informs the lead petitioner and Chief Constable accordingly.

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Environment**