

Report to	<b>Lead Cabinet Member for Transport and Environment</b>
Date	<b>22 February 2010</b>
Report By	<b>Director of Transport and Environment</b>
Title of Report	<b>Dropped Kerb Parking Enforcement</b>
Purpose of Report	<b>To give an overview of the new power to enforce dropped kerb and double parking contraventions and agree a policy for enforcement</b>

**RECOMMENDATION: To approve the Enforcement Policy, appended at Appendix B, in relation to dropped kerb and double parking contraventions.**

## **1. Financial Appraisal**

1.1 A change in the enforcement policy to reflect these new powers will be minimal. The current level of staff, materials and equipment would remain the same. The changes would be advertised on the Council's website and through the issue of warning notices, except vehicles causing a serious obstruction.

## **2. Supporting Information**

2.1 A revision to Part 6 of the Traffic Management Act 2004 (TMA) has been made to introduce the enforcement of dropped kerb and double parking prohibitions. This amendment came into force on the 1 June 2009. The Operational Guidance issued is set out in Appendix A to the report and outlines the new power to enforce dropped kerb and double parking contraventions. There is a brief description of these contraventions below.

2.2 This is a welcome revision to the TMA because there has previously been demand to enforce these types of parking contraventions prior to this amendment. A revision to the County Council's parking policy has been put together to address these new powers and is set out in Appendix B. To begin enforcing these contraventions we must agree a parking enforcement policy. The Statutory instrument is shown in Appendix C.

### Parking on a dropped kerb

2.3 The contravention of parking adjacent to a dropped footway applies where a vehicle parks on the highway next to a place where the footway has been lowered to assist:

- Pedestrians crossing the road;
- Cyclists entering or leaving the highway; or
- Vehicles entering or leaving the highway across the footway.

2.4 The contravention does not apply to exemptions, such as the emergency services, alighting, unloading, building works and road works, nor does it apply where a vehicle is parked outside residential premises with the occupier's consent or where the driveway is shared. These exceptions suggest that enforcement action should not be taken where a vehicle is parked outside residential premises, unless the occupier has asked the enforcement authority to do so. The Authority will need to check that the individual making such a request is entitled to do so.

### Double Parking

2.5 Parking more than 50cm from the edge of the kerb can obstruct the passage of ambulances, fire engines, buses, waste collection services and other essential vehicles. The contravention of double parking applies when no part of the vehicle is within 50 cm of the edge of the kerb.

2.6 The use of these new powers will apply throughout the County where Civil Parking Enforcement (CPE) schemes are operated (Hastings Borough, Eastbourne Borough and Lewes District). We can begin enforcing these contraventions with immediate effect. Warning notices will be issued for a two week period coinciding with notification of the newly adopted powers on the respective Council's websites.

### **3. Conclusion and Reason for Recommendation**

3.1 The adoption and enforcement of these new powers will promote improved access for the disabled, provide a real deterrent for inconsiderate parking across driveways and improve safety on the roads of East Sussex.

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#### **BACKGROUND DOCUMENTS**

None