

London Borough of Merton footway (pavement) parking policy

Legislation

The Greater London (General powers) Act 1974 (amended by the London Local Authorities and Transport for London Act 2008) gives councils within London the authority to enforce the pavement parking regulations, except where parking regulations are already in place as existing restrictions supersede the London wide pavement parking restriction.

Exemptions to the above Act are emergency vehicles and vehicles parked on the pavement for unloading and loading reasons but cannot exceed 20 minutes in duration. A Civil Enforcement Officer (CEO) can enforce against vehicles that are not unloading or loading after the minimum 2 minute observation has been carried out by the CEO before the issue of a Penalty Charge Notice (PCN).

For the purposes of the Act grass verges are also classed as pavement.

Footway parking policy prior to 4 April 2016

Occasionally CEOs will be directed to attend locations (site visit) outside of a Controlled Parking Zone (CPZ) following a complaint. If the location is one that has not been visited or attended during the previous 28 days the CEO may, after discussion with a senior officer, issue warning notices to all vehicles in contravention.

If the CEO is advised to issue a PCN they will do so to all vehicles parked in contravention at that location, not just the vehicle subject to the complaint.

If a CEO has previously visited a location and issued warning notices or PCNs within the last 28 days and contravening vehicles are seen whilst on patrol, they may carry out enforcement as appropriate without the need for a further site visit request.

The CEO should not issue a PCN if by enforcing the contravention there would be insufficient room on the carriageway for emergency, refuse or public service vehicle access.

This policy does not apply in streets that have designated footway parking bays and signs indicating the start and end of permitted footway parking.

In a CPZ all parking on the highway outside of marked bays is prohibited therefore footway parking should be enforced without the need for complaints or warning notices.

Revised Footway parking policy from 4 April 2016

Background

Currently the borough has 685 unregulated roads (roads not in a CPZ), in 273 of that number parking on the pavement will not be allowed and enforcement action will be

taken by the issue of a PCN against vehicles parked in contravention of the parking regulations.

The list of the roads affected are available on Parking's pages of Merton's web site and are subject to change as new or expansion of existing Controlled Parking Zones are implemented.

Policy

We will enforce against vehicles that are parked on the pavement where there is sufficient room (width) on the carriageway to park and vehicles such as fire engines and refuse vehicles have enough room to pass, these roads are identified in appendices that form part of this policy document.

Where there is insufficient width on the carriageway to allow vehicles such as fire engines and refuse vehicles to pass, footway parking will be allowed on the pavement and those roads are identified in the appendices that form part of this policy document but with the following caveats:

- 1. Parking on the grass verges will not be allowed under any circumstances due to the cost to the council in repairing damaged verges**
- 2. When parking on the pavement is allowed a minimum gap of one metre must left on the pavement for wheel chair users and pedestrians to pass the vehicle.**

The council reserves to right to change (include or remove) the roads affected by this policy.

Failure to comply with above (1 and 2) will mean vehicles will be issued with a Penalty Charge Notice.

This policy will become live on the 4 April 2016, in the lead up to this date there will be a communications campaign advising motorists of the change. Enforcement will start from the 3 May 2016.

Whilst the council will take all reasonable and proportionate action to inform the public of the above policy, the council will not accept a lack of knowledge of "*The Greater London Council Act 1974 gives Councils within London the authority to enforce the pavement parking regulations*" London wide ban on pavement parking (except where allowed) as an acceptable reason for the cancellation of PCN for parking on the pavement where not allowed.

The list of roads affected, which forms part of this policy, is available on a separate document.