

Bath and North East Somerset Council

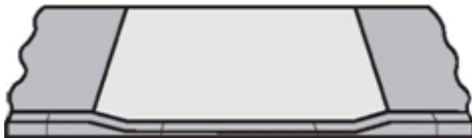
Enforcement Policy and Penalty Charge Issuing Criteria for Parking at Dropped Kerbs and Double Parking

1 Background Information

- 1.1 During 2008 the Department for Transport undertook a consultation exercise as to whether restrictions on parking at dropped kerbs and double parking should be indicated with traffic signs and road markings. The response to the consultation indicated clear overall support that traffic signs and road markings should not be required. As a result, regulations have been amended to allow enforcement authorities to enforce prohibitions of parking at dropped kerbs and double parking without the need for Traffic Regulation Orders, traffic signs and road markings to be provided.
- 1.2 Both contraventions are only enforceable within a Special Enforcement Area (SPA). Bath & North East Somerset is a Special Enforcement Area under the Traffic Management Act 2004 and therefore the powers granted can be used throughout the unitary authority area.

2 Parking at Dropped Kerbs

Contravention Code 27



- 2.1 The contravention of parking adjacent to a dropped kerb applies where a vehicle parks on the carriageway next to a place where the footway, cycle track or verge has been lowered to the level of the carriageway (or where the carriageway has been raised to the level of the footway, cycle track or verge) to assist:
- Pedestrians crossing the carriageway;
 - Cyclists entering or leaving the carriageway; or
 - Vehicles entering or leaving the carriageway across the footway, cycle track or verge (e.g. property driveways).
- Please note: The extent of the dropped kerb includes the transition kerb between the higher level and the lowered level of the footway, cycle track or verge.
- 2.2 Parking alongside a dropped kerb etc can cause considerable inconvenience and put vulnerable road users at severe risk. Parking adjacent to a dropped kerb at an access to premises can cause considerable nuisance to drivers trying to enter or leave the premises. Vehicles that are parked close to the dropped kerb but not physically preventing a vehicle from coming or going will not fall under the criteria of the contravention and a penalty will not be issued in such circumstances.
- 2.3 The Highway Code advises drivers “**DO NOT** stop or park... where the kerb has been lowered to help wheelchair users and powered mobility vehicles, in front of an entrance to a property, or where it would obstruct cyclists’ use of cycle facilities... **except** when forced to do so by stationary traffic”.

2.4 In instances where a vehicle parks alongside a dropped kerb the council's policy is to issue a penalty charge notice to the offending vehicle, subject to the exemptions listed below. Parking attendants will observe for such offences when patrolling their daily patrol route. When a complaint is received by the council regarding a single incident, response will be subject to best efforts, subject to staff availability and/or being mobile. Where there is a complaint (or series of complaints) regarding persistent and repeated offences, a patrol route may be modified on a temporary basis, again on a best efforts basis. In determining allocation of resources, particular attention will be paid to offences that impede the passage of those with disabilities.

It would not be the council's policy to issue charge notices to all vehicles parked at dropped kerbs in line with the Secretary of States guidance ***"The purpose of these powers is to help prevent inconsiderate or selfish parking causing congestion and road safety problems. To be effective enforcement action may need to be quite severe and so the power should always be used reasonably and with circumspection. Enforcement action should only be taken if the vehicle is causing or is likely to cause a road safety hazard or obstruction to other road users or pedestrians. Restrictions on situations in which the authority can use these powers mean that they may be more suitable for tackling persistent problems than occasional ones."*** The council will therefore restrict enforcement to those areas where it is believed such parking will cause a daily nuisance. This will mainly be in the town centres where kerbs have been dropped to allow easy wheelchair access.

Furthermore, Bath and North East Somerset Council will consider the location fully and, in line with the Guidance, only use this power where in its opinion that it is clear to the motorist the difference between a regular kerb and a dropped kerb (or a regular carriageway and a raised carriageway).

2.5 Exemptions to the Contravention of Parking at Dropped Kerbs

2.5.1 Exemptions to the contravention of parking at dropped kerbs are:

- alighting from a vehicle;
- vehicles used by the fire, ambulance or police services;
- where loading or unloading is taking place;
- vehicles used for waste collection, building works or road works;
- vehicles parked outside a driveway to residential premises with the occupier's consent (but see note below); and
- vehicles parked outside a shared driveway to residential premises by, or with the consent of, residents at those premises.

2.5.2 **Note:** it is illegal for the owner of a driveway to 'rent out' space on the public highway across the driveway entrance. Where there is evidence that the owner's consent to park across a driveway entrance is based on payment, the vehicle remains liable to the issue of a penalty charge notice.

2.6 Driveways to Residential Premises

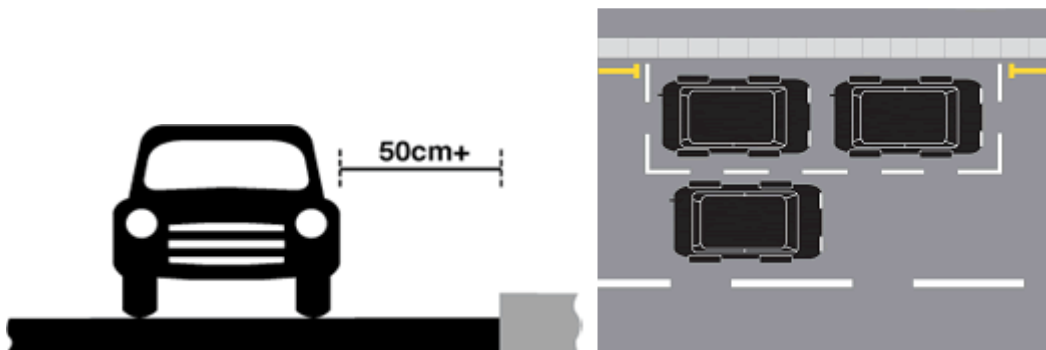
2.6.1 The council can only respond to a complaint of a vehicle parked outside a single driveway in instances where the complaint has been received from

the occupier of the affected premises. In such instances the council requires the complainant to provide relevant requested information (name, address, contact details), and confirm that they are the occupier.

3 Double Parking

Contravention Code 26

Vehicle parked more than 50cm from the kerb and not within a designated parking place.



- 3.1 The contravention of double parking applies when a vehicle parks on any part of the carriageway and no part of the vehicle is within 50cm of the edge of the carriageway.
- 3.2 Although parking more than 50cm from the edge of the carriageway may not cause problems for smaller vehicles to pass, the passage of ambulances, fire appliances, buses, waste collection vehicles and other essential vehicles could be obstructed.
- 3.3 In instances where obstruction is caused to passing vehicles the council's policy is to issue a penalty charge notice to the offending vehicle, subject to the exemptions listed below. Parking attendants will observe for such offences when patrolling their daily patrol route. When a complaint is received by the council regarding a single incident, response will be subject to best efforts, subject to staff availability and/or being mobile. Where there is a complaint (or series of complaints) regarding persistent and repeated offences, a patrol route may be modified on a temporary basis, again on a best efforts basis. In determining allocation of resources, particular attention will be paid to offences that impede the passage of those with disabilities.

3.4 Exemptions to the Contravention of Double Parking

3.4.1 The exemptions to the contravention of double parking are:

- Vehicles which are parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised;
- Vehicles used by the fire, ambulance or police services;
- Where loading or unloading is taking place; and
- Vehicles used for waste collection, building works or road works.

4 Blue Badge Holders

- 4.1 It should be noted that although valid Blue Badge holders may park for up to 3 hours on yellow line restrictions, where it is safe to do so and providing they are not causing an obstruction, they are not exempt from the prohibition of double parking or parking at dropped kerbs.

5 Specific Penalty Charge Notice Issuing Criteria

Code	Contravention Description	Enforcement Criteria
26	Parked more than 50cm from the edge of the carriageway and not within a designated parking place (Double Parking)	Enforcement only undertaken if obstruction is caused to passing vehicles (especially emergency and public transport vehicles) Observe for 5 minutes to ascertain if loading or unloading is taking place. Issue of a penalty charge notice after this period if none seen. If activity observed, allowed as long as reasonably necessary. Blue Badge holders not exempt.
27	Parked adjacent to a dropped footway (kerb)	Enforcement action against vehicles parked across a private driveway only to be undertaken if occupier of premises has asked council to do so. Name, contact details and confirmation of residency to be obtained before issue of a penalty charge notice. If picking up/setting down of passengers is observed, allowed as long as necessary for activity to take place. Observe for 5 minutes to ascertain if loading or unloading is taking place. Issue of a penalty charge notice after this period if none seen. If activity observed, allowed as long as reasonably necessary. Blue Badge holders not exempt.