



Llywodraeth Cymru  
Welsh Government

PUBLICATION

# The Welsh Government response to the recommendations made in the Addendum to the Welsh Pavement Parking Task Force Group Report July 2022

Our response to the Welsh pavement parking report

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# Foreword

I am pleased to respond to the further recommendations made by the Welsh Pavement Parking Task Force Group, which I have accepted and now propose to consult widely prior with a view to introducing the necessary legislation by the end of 2023.

I would again like to thank Phil Jones who chaired the Task Force Group, along with all those on the Group who have contributed and helped to produce this addendum to the original report.

Lee Waters

Deputy Minister for Climate Change

# Introduction

The previous strategy of introducing secondary legislation to allow the civil enforcement of the unnecessary obstruction of the pavement recommended by the Task Force Group in October 2020 depended on the amendment of the offence of obstruction of the road (which includes the pavement) by the UK Government's Secretary of State for Transport to expressly carve out the 'pavement' from 'road' in regulation 103 of the Road Vehicles (Construction and Use) Regulations 1986 - which makes unnecessary obstruction of the road an offence.

However, as Welsh Government wish to progress this matter, they instructed the Task Force Group to reconvene in April and July 2022 and consider an alternative approach which involves the Welsh Ministers amending legislation to add the offence of obstruction of the road, without amendment by the Secretary

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of State to carve out the pavement, to the list of parking contraventions that can be enforced by local authorities by way of civil enforcement.

## **Recommendation 1**

### **Task Force Group report recommendation (October 2020)**

The Senedd should pass subordinate legislation to add the existing offence under Regulation 103 of the Road Vehicles (Construction and Use) Regulations 1986, in so far as it applies to footways, to the list of enforceable contraventions to enable local authorities to carry out civil enforcement of pavement parking.

### **Our response (October 2020)**

Schedule 7 to the Traffic Management Act 2004 sets out the contraventions which are subject to civil enforcement. The Welsh Ministers have the power to make secondary legislation, subject to the negative procedure in the Senedd, to amend Schedule 7 to the TMA to add further offences in so far as they relate to stationary vehicles.

The Welsh Ministers accept this recommendation in principle but propose to work with stakeholders to further develop and refine this policy proposal.

In bringing forward regulations, they will consult with relevant representatives of chief officers of police and associations of local authorities, as appropriate.

### **Updated recommendation (July 2022)**

The Senedd should pass subordinate legislation to add the existing offence under Regulation 103 of the Road Vehicles (Construction and Use) Regulations

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1986, to the list of enforceable contraventions to enable local authorities to carry out civil enforcement of the unnecessary obstruction of the highway.

Paragraph 5 (1) of Part 1 of Schedule 7 of the TMA 2004 allows a national authority to add further parking offences to the list of those subject to civil enforcement. The power is restricted to stationary motor vehicles.

In accordance with this provision, the Welsh Government can add the following contravention to Paragraph 4 of Part 1 Schedule 7 of the TMA 2004, enabling local authorities to carry out civil enforcement against the unnecessary obstruction of the highway by motor vehicles.

Paragraph 5 (3) of Part 1 of Schedule 7 of the TMA 2004 states:

Before making regulations amending paragraph 4 the Welsh Government will consult with the emergency services, local authorities and other stakeholders.

### **Our updated response (January 2023)**

Schedule 7 to the Traffic Management Act 2004 sets out the contraventions which are subject to civil enforcement. The Welsh Ministers have the power to make secondary legislation to amend Schedule 7 to the Traffic Management Act 2004 to add further offences in so far as they relate to stationary vehicles.

The Welsh Ministers accept this recommendation in principle and will now consult on this proposal.

## Recommendation 2

### Task Force Group report recommendation (October 2020)

Local authorities should indicate those locations where pavement parking is permitted through Traffic Regulation Orders.

### Our response (October 2020)

The Welsh Ministers will assist local authorities with this process as set out in Recommendation 3.

### Updated recommendation (July 2022)

This recommendation is no longer appropriate. TROs may not be used for this purpose.

### Our updated response (January 2023)

NA

## Recommendation 3

### Task Force Group report recommendation (October 2020)

Welsh Government should undertake a review of the relevant legislation to identify how the Traffic Regulation Order process in Wales can be simplified.

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### **Our response (October 2020)**

The Welsh Government will review the impact of the temporary traffic regulation order procedures regulations, which were brought into force during the Coronavirus pandemic and remained in force until July 2021, with a view to determine whether any permanent changes to the process are required.

### **Updated recommendation (July 2022)**

This recommendation is no longer appropriate. TROs may not be used for this purpose.

### **Our updated response (January 2023)**

NA

## **Recommendation 4**

### **Task Force Group report recommendation (October 2020)**

Welsh Government should amend its existing Statutory and Operational guidance on Civil Parking Enforcement to advise local authorities how to operate their new powers of enforcement.

### **Our response (October 2020)**

The Welsh Government will work with the WLGA, Local Authorities, PATROL, (Parking and Traffic Regulations Outside London) Joint Committee, The Traffic

Penalty Tribunal, British Parking Association, and other interested parties to develop new guidance for Welsh local authorities.

### **Updated recommendation (July 2022)**

Working together with stakeholders the Task Force Group on Pavement Parking will finalise the Statutory and Operational Guidance on Civil Parking enforcement to advise local authorities how to operate their new powers of enforcement.

### **Our updated response (January 2023)**

The Welsh Government will continue to work with the WLGA, local authorities, PATROL, (Parking and Traffic Regulations Outside London) Joint Committee, The Traffic Penalty Tribunal, British Parking Association, and other interested parties to develop new guidance for Welsh local authorities.

## **Recommendation 5**

### **Task Force Group report recommendation (October 2020)**

Welsh Government should work with the Department for Transport to amend the Highway Code to inform road users that parking on the pavement in Wales is subject to civil enforcement.

### **Our response (October 2020)**

The Welsh Government will work with the Department for Transport regarding the Highway Code amendments as required.

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### **Updated recommendation (July 2022)**

The Welsh Government should work with the Department for Transport to amend the Highway Code to inform road users that the unnecessary obstruction of the road, is subject to civil enforcement.

### **Our updated response (January 2023)**

Work is ongoing with the Department for Transport to amend the Highway Code.

## **Recommendation 6**

### **Task Force Group report recommendation (October 2020)**

Welsh Government should design and conduct an effective communications and promotion strategy, in conjunction with local authorities, to inform the public that the enforcement of pavement parking is changing and to promote driver compliance.

### **Our response (October 2020)**

The advice prepared by the Communication and Behaviour change sub-group from the 20 mph Task Force Group will be drawn upon, to inform and support the development of an effective communication and marketing strategy for the change in enforcement regime with pavement parking.

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## **Updated recommendation (July 2022)**

A first phase of communication and marketing should concentrate on unnecessarily obstructive pavement parking as this is considered the most pressing problem. The other causes of obstruction of the highway could follow in a later phase. The Welsh Government should consider linking the communication with default 20mph and discuss the possibility of a promoting a common 'brand' of liveability of communities/shared places/shared streets.

## **Our updated response (January 2023)**

The Welsh Government will develop a new communication and marketing strategy to compliment the ongoing 20 mph Communications Campaign

# **Recommendation 7**

## **Task Force Group report recommendation (October 2020)**

Welsh Government should establish a monitoring and evaluation framework so that an assessment can be made of the impact and effectiveness of the new enforcement regime.

## **Our response (October 2020)**

The Welsh Government will establish a monitoring and evaluation framework to ensure the new enforcement regime is as effective as possible.

### **Updated recommendation (July 2022)**

The Welsh Government should establish a monitoring and evaluation framework to ensure the new enforcement regime is as effective as possible.

### **Our updated response (January 2023)**

The Welsh Government will establish a monitoring and evaluation framework to ensure the new enforcement regime is as effective as possible.

## **Recommendation 8**

### **Task Force Group report recommendation (October 2020)**

PATROL should gather data following the initial 12 months of the commencement of local authority enforcement to assess whether the any changes to legislation, guidance or operations are required.

### **Our response (October 2020)**

The Welsh Government will work with PARTOL to assess whether any changes to legislation, guidance or operations are required.

### **Updated recommendation (July 2022)**

PATROL should gather data following the initial 12 months of the commencement of local authority enforcement to assess whether the any changes to legislation guidance or operations are required.

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## **Our updated response (January 2023)**

The Welsh Government will work with PARTOL to assess whether any further changes to legislation, guidance or operations are required.

## **Recommendation 9**

### **Task Force Group report recommendation (October 2020)**

Welsh Government should achieve the following key milestones to enable the commencement of civil enforcement of pavement parking by July 2022:

- Publication of Task Force Report - October 2020
- Ministerial Statement giving the intention to proceed - October 2020
- Plenary Vote to proceed with legislation - October 2020
- Commencement of Statutory Instrument - July 2022

### **Our response (October 2020)**

The Welsh Government will endeavour to follow the recommended implementation programme set out in the report. An Oral Statement will be made in October 2020 to share with the Senedd the intention to legislate to seek to tackle pavement parking.

Subject to consultation, the passing and the commencement of the Statutory Instrument will follow the recommended dates.

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## **Updated recommendation (July 2022)**

There has been delay to the timetable originally laid out in the TFGR. Every effort to bring in the new powers as soon as possible should be taken, and legislation should come into force by autumn 2023.

- Publication of Addendum to Task Force Report – October 2022
- Ministerial Statement giving the intention to proceed - October 2022
- Statutory Instrument laid before Senedd – May/June 2023
- Commencement of Statutory Instrument - Autumn 2023

## **Our updated response (January 2023)**

The Welsh Government will endeavour to follow the recommended implementation programme set out in the report.

# **Recommendation 10**

## **Task Force Group report recommendation (October 2020)**

Welsh Government should establish a dedicated project team to lead and coordinate all the necessary tasks required to introduce the civil enforcement of pavement parking.

## **Our response (October 2020)**

The Welsh Government will establish a project team to take forward the Pavement Parking implementation programme so that enforcement can be undertaken by local authorities by 2022.

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## Updated recommendation (July 2022)

No change

## Our updated response (January 2023)

The Welsh Government will establish a Project Team to take forward the Pavement Parking implementation programme so that enforcement can be undertaken by local authorities by December 2023.

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