

Published May 2015.

### Enforcement Policy for Parking at Dropped Kerbs

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).

Parking alongside a dropped kerb 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.

The Highway Code advises drivers “do not stop or park....where the kerb has been lowered to help wheelchair users and powered mobility vehicles, or where it would obstruct cyclists’ use of cycle facilities... except when forced to do so by stationary traffic”.

In instances where a vehicle parks alongside or partially obstructs a dropped kerb the Council’s policy is to issue a Penalty Charge Notice (PCN) to the contravening vehicle, subject to the exemptions listed below. Civil Enforcement Officers will normally enforce when patrolling their daily patrol route.

Where a complaint is received by the council regarding a single incident, the enforcement response will be subject to best efforts if there are staff available nearby.

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.

Enforcement action against vehicles parked across a private driveway is only to be undertaken if the occupier of the premises has asked the Council to do so. Name, contact details and confirmation of residency are to be obtained before attendance or the issue of a PCN. The measure of a blocked driveway is where more than 50% of the access is blocked.

If picking up/setting down of passengers is observed, this will be allowed for so long as is necessary for the activity to take place.

### No Signage for Dropped Kerbs

The provisions in the Act mean that an authority can introduce such a prohibition without a TRO, therefore traffic signs and road markings are not required.

As a result Regulations were amended to allow enforcement authorities to enforce prohibitions of parking dropped kerbs with out the need for Traffic Regulation Orders, traffic signs and road markings. Amended Regulations came into force on 1 June 2009, together with revisions to Operational Guidance, allowing enforcement authorities to enforce these parking restrictions from this date.

## Exemptions to the Contravention of Parking at Dropped Kerbs

The exemptions to the contravention of parking at a dropped kerb (subject to legislation) 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.

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 notice.

## Dropped Kerb Driveway Access to Residential Premises

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 effected 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.

Some parking bays are marked continuously across a dropped kerb of driveways but remember obstructing a dropped kerb is not permitted (unless a vehicle is parked in front of its own driveway)

## Pedestrian Dropped Kerbs

Pedestrian dropped kerbs help wheelchair users and people using mobility vehicles to cross the road. If you park across these crossings you will make it more difficult, and potentially dangerous, for people to cross the road.

There are no requirements for there to be any markings on the road to indicate a 'no parking' area in front of pedestrian dropped kerb crossing.

A pedestrian dropped kerb crossing is defined as -

"...the area of a pedestrian dropped kerb crossing is set by the tactile paving stones or by the portion of pavement that has been dropped to the level of the highway or by the portion of highway that has been raised the level of the pavement, but does not included the sloped areas of pavement or highway that form the transition from one level to the next."

## Blue Badge Holders

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, Blue Badge holders are not exempt from the prohibition parking at dropped kerbs.