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# Highway Management

Traffic Management - parking services

## Drop Kerb Enforcement Policy 2022

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## Glossary

|      |                                       |
|------|---------------------------------------|
| CEO  | Civil Enforcement Officer             |
| PCN  | Penalty Charge Notice                 |
| SMBC | Solihull Metropolitan Borough Council |
| TMA  | Traffic Management Act 2004           |
| TRO  | Traffic Regulation Order              |

## Introduction

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 premises.

The Highway Code Rule 243 states “do not stop or park anywhere that would prevent access for Emergency Services, where the kerb has been lowered to help wheelchair users and powered mobility vehicles, or in front of an entrance to a property, except when forced to do so by stationary traffic.”

## Legislation

The TMA prohibits parking that obstructs dropped kerbs to assist pedestrian access or raised platform kerbs to assist passengers alighting from public transport.

### **86 Prohibition of parking at dropped footways etc.**

- 1) In a special enforcement area, a vehicle must not be parked on the carriageway adjacent to a footway, cycle track or verge where—
  - a) the footway, cycle track or verge has been lowered to meet the level of the carriageway for the purpose of—
    - i) assisting pedestrians crossing the carriageway,
    - ii) assisting cyclists entering or leaving the carriageway, or
    - iii) assisting vehicles entering or leaving the carriageway across the footway, cycle track or verge; or
  - b) the carriageway has, for a purpose within paragraph (a) (i) to (iii), been raised to meet the level of the footway, cycle track or verge.

This is subject to following exceptions.

- 2) The first exception is where the vehicle is parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised.
- 3) The second exception is where the vehicle is parked outside residential premises by or with the consent (but not consent given for reward) of the occupier of the premises.

This exception does not apply in the case of a shared driveway.

- 4) The third exception is where the vehicle is being used for
  - a) for fire brigade or police purposes, or
  - b) for ambulance purposes or for the purpose of providing a response to an emergency at the request of an NHS ambulance service.

## Civil Enforcement

Where a vehicle parks alongside or partially obstructs a dropped kerb, SMBCs policy is to issue a PCN to the contravening vehicle, subject to the exemptions listed under the governing legislation.

In addition to the legal exemptions under the TMA, enforcement will not be taken in against a motorist picking up and setting down passengers or goods.

Where a complaint is received regarding a single incident, the enforcement response will be within 2 working days.

Where there is a complaint (or series of complaints) regarding persistent and repeated offences, a patrol route may be modified on a temporary basis.

### **Dropped Kerb Driveway Access to Residential Premises**

Enforcement action against vehicles parked across a private driveway will only be undertaken where a complaint of a vehicle parked outside a single driveway has been received from the occupier of the effected premises.

In such instances the complainant is required to provide their name, address, contact details, and confirm that they are the occupier.

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

Some parking bays are marked continuously across driveways with dropped kerbs. Parking in a marked bay and obstructing a dropped kerb is not permitted unless a vehicle is parked with the permission of the homeowner.

A driveway is considered obstructed where more than 50% of the access is blocked.

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 PCN.

### **Blue Badge Holders**

Blue badge holders do not have any special dispensation when parking near dropped kerbs and are expected to park considerately without causing an obstruction to others. Doing so may result in the issuance of a PCN.

## Version History

| Revision date | Revision by  | Summary of changes                       | Version |
|---------------|--------------|--|---------|
| 23/02/2022    | Steve Halsey | Creation of drop kerb enforcement policy | 0.1     |
| 04/03/2022    | Krissy Coley | Amendments to civil enforcement section  | 0.2     |
| 07/03/2022    | Steve Halsey | Minor text and layout revisions          | 0.3     |
| 10/03/2022    | Paul Tovey   | Minor amendments                         | 0.4     |
| 24/03/2022    | Paul Tovey   | Sign off                                 | 1.0     |
|               |              |  |         |
|               |              |  |         |

