

Appendix 4 - Policy for the enforcement of vehicles projecting onto the public footway from a forecourt.

- 1 Action will be undertaken on a borough-wide basis. The highest priority areas will be based on the locations where there is greatest risk, such as:
 - the highest use footways (category 1 and 2, ie around shops and schools etc),
 - other key pedestrian routes;
 - local areas where the occurrence of vehicle overhangs appears to be a common problem;
 - locations that are brought to the attention of the Council as causing a major concern to residents.
- 2 In consideration of whether enforcement action will be pursued, account will be taken of the requirement to ensure the safe passage for users of the footway of all ages and mobility and, in particular, the needs of people in wheelchairs and mobility scooters, those with sight difficulties, and those with pushchairs etc. The degree of obstruction and extent of available footway width remaining will be taken into account. Consideration will also be given to the Council's statutory duties to inspect, clean and maintain the footway.
- 3 Where a vehicle is parked on private property and overhangs the public footway, in the first instance, the Council may write to the occupier advising them of the consequences of the vehicle projection and requesting them to prevent this from occurring. If the situation persists, the Council will consider whether an offence of obstruction of the highway is being committed under s137 of the Highways Act 1980. The Council may then take enforcement action which could include the issue of a Fixed Penalty Notice (FPN), prosecution and/or the removal of the obstruction.
- 4 Where a vehicle is parked in a private property and projects a considerable distance, such that one or more wheels are actually on the footway, the Council has the alternative option of issuing a Penalty Charge Notice (PCN) through its Parking Enforcement team.