

The following is PC Lay's personal view relating to parking issues following his attendance at Nympsfield Parish Council meeting - and are not necessarily considered the view of Gloucestershire Constabulary.

"Generally speaking the Highway Code is made up of 'Rules'. There are two types of 'Rule': the 'DO NOT' and the 'MUST NOT'. Only the 'MUST NOT' is normally enforceable under the Road Traffic Act / Highways Act and therefore perceived as 'illegal'.

The parking on this specific junction and the impact this has on traffic flow and the likely danger of injury to other persons determines whether it is likely to contravene Highway Code Rule 242 which states:

*You MUST NOT leave your vehicle or trailer in a dangerous position or where it causes any **unnecessary** obstruction of the road.*

Please note that under the Road Traffic Act, the road or highway includes the full width of any pavement which runs in parallel with the road. Therefore, an obstruction of the pavement to pedestrian pavement users, by a vehicle parked with two wheels or more on the pavement, amounts to the same offence as a vehicle wilfully or recklessly being parked and blocking the highway. Generally we consider that if a wheelchair user or a double width infant pram cannot progress along a pavement due to a vehicle partly or fully parked on the pavement, then the offence of obstruction is complete.

Rule 242 is underwritten by Road Traffic Act 1988, Section 22

'If a person in charge of a vehicle causes or permits the vehicle or a trailer drawn by it to remain at rest on a road in such a position or in such condition or in such circumstances as to involve a danger of injury to other persons using the road, he is guilty of an offence.'

*I am advised that the parking on this junction is such that the thresholds are not met in relation to Rule 242 since the likely danger of injury is not made out and the road is not completely obstructed and therefore does not prevent any movement of traffic. The **necessity** for parents and carers to park on it is apparent due to the high level of vehicles accessing the drop off site within a tight window and there being no other alternative parking / waiting provision or infrastructure.*

I have also considered Rule 243 which states:

DO NOT stop or park:

- near a school entrance*
- anywhere you would prevent access for Emergency Services*
- at or near a bus or tram stop or taxi rank*
- on the approach to a level crossing/tramway crossing*
- opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space*
- near the brow of a hill or hump bridge*
- opposite a traffic island or (if this would cause an obstruction) another parked vehicle*
- where you would force other traffic to enter a tram lane*
- where the kerb has been lowered to help wheelchair users and powered mobility vehicles*
- in front of an entrance to a property*

Parking Issues

- on a bend
- where you would obstruct cyclists' use of cycle facilities

Unfortunately this is a DO NOT, nothing more than advisory, and therefore not enforceable. Further information is available via this link

<https://www.gov.uk/guidance/the-highway-code/waiting-and-parking-238-252>

I have also considered Rule 238 (in relation to parking on the school 'Keep Clear' yellow markings) which states:

"You MUST NOT wait or park on yellow lines during the times of operation shown on nearby time plates (or zone entry signs if in a Controlled Parking Zone) – see 'Traffic signs' and 'Road markings'. Double yellow lines indicate a prohibition of waiting at any time even if there are no upright signs. You MUST NOT wait or park, or stop to set down and pick up passengers, on school entrance markings (see 'Road markings') when upright signs indicate a prohibition of stopping."

Rule 238 is underwritten by Road Traffic Regulation Act 1984, Section 5

A person who contravenes a traffic regulation order, or who uses a vehicle, or causes or permits a vehicle to be used in contravention of a traffic regulation order, shall be guilty of an offence.

Unfortunately, no upright sign is in place to indicate a prohibition of stopping and therefore this is not enforceable.

In terms of enforcement, for say double yellow line parking infringement, Decriminalised Parking Enforcement (DPE) has been in place for many years in Gloucestershire. The local traffic authority assumes responsibility for enforcing many parking contraventions in place of the police.

My considered advice is that your issues should be directed to the appropriate authority, which in this case is Gloucestershire Highways Department. They may be able to suggest some additional on street parking restrictions. You could suggest that you would be happy to assist with the cost this – it might help.

I appreciate that there is some inconsiderate parking in this area, aggravated by the volume of commuter traffic using Tinkley Lane in the morning run, but I am wondering if the school could sustain itself without the support of parents from outside the parish and whether this is a price the village must tolerate for the long term good of the school?

I have spoken to the school head who assures me she has undertaken reasonable efforts via school newsletters etc to encourage parents to be more respectful and considerate. I have offered to personally intervene should there be a parent who persistently blocks a driveway for example, or who engages using abusive language towards local residents.

For your information I have already given words of advise to one parent (November 2019) who persistently was using a residents driveway without their permission or consent to complete a U turn outside the school and then proceeded to park on the pavement directly opposite the school gates, blocking the pavement. I was a little disappointed by the parent's attitude (they felt "picked on" and "singled out" and clearly felt this was a petty matter because they were only there for 10 mins each

Parking Issues

school day); that I felt it necessary to draw the matter to the deputy head teacher. I was only able to intervene in this way because I was provided with both video and picture evidence of the offending vehicle.

The parishioner contacted me following an article they had read in a recent parish newsletter.”