

EDGBASTON STRATEGIC PARTNERSHIP PARKING PROJECT

THE RIGHT TO PARK

With an ever increasing car ownership the illegal and inconsiderate parking on roads, footways, and grass verges is becoming a significant problem in Edgbaston, Birmingham and indeed the whole country, especially in urban areas where off street parking is limited.

Parked vehicles may cause an obstruction to pedestrians, impair visibility and damage grass verges, paving materials and underground services.

Firstly

There is no 'right' to park on a highway, even outside/near house/home and, the basic rule of Highway is 'The right to pass and repass'.

Interference of this may be an obstruction, and any presence on the highway for any other purpose goes beyond the right to pass and repass.

Prior to September 2001, the Police were responsible for the enforcement where there are parking restrictions (yellow lines) present throughout Birmingham. However, as the primary function of the police was to reduce crime, parking enforcement was not a police priority. Consequently the City Council, in an effort to improve matters, took over parking enforcement under decriminalized powers introduced in September 2001. This allowed areas that had previously not received adequate parking enforcement to be patrolled more effectively.

At the present time only the police can enforce parking where there are no parking restrictions (yellow lines) present.

Examples of these are:

- Section 137, Highways Act 1980, it is an offence to willfully obstruct the free passage along a highway.
- Section 131, Highways Act 1980, it is an offence to cause damage to grass verges
- West Midlands County Council Act, Section 6, it is an offence to drive over the verge.
- Section 184, Highways Act 1980, it is an offence to cross footways and verges to gain access to their premises.

Section 217 of the Highway Code also advises where not to park, some of which are covered by the above offences.