

Escrick Parish Council

Parking guidance for residents

The Parish Council often receives complaints about inconsiderate parking and similar obstructions to roads/drives/pavements in the village.

This note is intended to provide a summary of relevant legislation and who is responsible for enforcing it. The table is intended to cover most typical scenarios, it is not detailed legal advice and exceptions will no doubt apply in some circumstances.

This note is specific to the context in Escrick, where Selby District Council have adopted Civil Enforcement of parking offences, and considering legislation as at 2019.

Internet searches may find contradictory advice, but this may be due to the area (e.g. London has additional restrictions on pavement parking) or it may be old advice preceding recent legislation.

How to take action

In general where the police are responsible for enforcement the incident can be reported via the 101 telephone service.

Where Selby District Council are responsible this can be contacted via the details on their website: <https://www.selby.gov.uk/contact-us>

Requests for new parking restrictions (e.g. new double yellow lines or H bar markings) are considered by the highways authority – North Yorkshire County Council : https://www.northyorks.gov.uk/request-highways-improvement#heading_zGWA2s58_4

The Parish Council welcomes being kept informed of ongoing issues, but has limited powers to act directly. The Parish Council does not have resources to respond to an immediate issue.

Scenario	Criminal or Civil Offence	Who enforces it
Parking – general on-street parking		
Parking on the road where it obstructs traffic along the road	An obstruction offence may be being committed in this case (Highways Act, section 137)	Police
Parking on the road where there are parking restrictions in force. E.g. double yellow lines, school keep clear markings, bus stop or similar (e.g. Main St).	Civil contravention (Traffic Management Act 2004) (see note 2)	Selby District Council
Parking on the road where there are double white centre lines (e.g. Carr Lane)	A Road Traffic Act offence (section 36) may be being committed in this case	Police
Parking close to a junction or in position that causes danger to other road users	A Road Traffic Act offence (section 22) may be being committed in this case	Police
Parking on the road and obstructing a driveway or other dropped kerb	Civil contravention (Traffic Management Act 2004) (see note 2 & 4)	Selby District Council
Parking on the road obstructing a shared private road / shared driveway (see note 3)	Civil contravention (Traffic Management Act 2004) (see note 2 & 4)	Selby District Council
Parking on the road obstructing entrance to an unadopted highway (see note 3)	An obstruction offence may be being committed in this case (Highways Act, section 137)	Police
Parking too far from the kerb	Civil contravention (Traffic Management Act 2004) (see note 2)	Selby District Council
Parking outside someone else's house	No offence or contravention (may still be covered by other offences – e.g. if causing an obstruction)	No enforcement action
Parking on the “wrong side” of the road (for example requiring vehicles to weave around parked cars).	No offence or contravention (may still be covered by other offences – e.g. if causing an obstruction)	No enforcement action

Scenario	Criminal or Civil Offence	Who enforces it
Parking on pavements		
Parking a vehicle on a pavement; where the remaining pavement is clearly wide enough for pedestrians to pass; the street is not subject to any parking restrictions	No offence or contravention (but see note 1 and note 5)	No enforcement action
Parking a vehicle on a pavement; where the pavement is clearly blocked and pedestrians are forced onto the carriageway; the street is not subject to any parking restrictions	An obstruction offence may be being committed in this case	Police
Parking a vehicle on a pavement; where the remaining pavement is clearly wide enough for pedestrians to use; the street is subject to parking restrictions (eg. yellow lines)	Civil contravention (contravention code 01 - parked where restricted during restricted hours) (also see note 2)	Selby District Council
Parking a car or motorbike on a pavement; where the pavement is entirely blocked and pedestrians are forced onto the carriageway; the street is subject to parking restrictions (eg. yellow lines)	Civil contravention (contravention code 01– parking where restricted during prescribed hours) (see note 2)	Police service for the obstruction offence; Selby District Council for the contravention of parking restrictions
Parking a vehicle on the footway and/or verge, where that street is subject to a prohibition of footway and/or verge parking (a TRO banning pavement parking)	This would be a civil contravention, regardless of the type of vehicle or whether a criminal obstruction is taking place (contravention code 62) (see note 2)	Not applicable – there is not a TRO in force in Escrick
Other obstructions of roads/pavements		
Leaving wheelie bins/recycling crates on the pavement causing an obstruction	A civil offence may be being committed – Environmental Protection Act 1990 section 46(1)	Selby District Council
Overgrown hedges / trees obstructing the pavement and/or road	Civil offence – Highways Act, section 154	North Yorkshire County Council
Obstruction of public footpath	Highways rules apply, as above	As above
Obstruction of a permissive footpath	No offence – the landowner is allowed to restrict access	Not applicable

Note 1: It is unlikely that an offence or contravention is occurring in these circumstances as a general rule of thumb, but some may argue that an obstruction offence is being committed; the Department for Transport understands that police services are generally likely to apply discretion towards obstruction offences and are unlikely to issue FPNs unless there is a clear and unambiguous obstruction, so any enforcement is likely to depend on the specifics of that particular case.

Note 2: Even where a civil contravention occurs, an obstruction offence may still be committed as these offences exist under separate legislation and are enforced only by police services. In practical terms, however, police services are unlikely to issue FPNs for low-level obstruction offences if the vehicle can be dealt with by the local authority as a routine parking contravention.

Note 3: In law there are effectively three types of road:

- Highway maintained at public expense: These are clearly defined and a register is maintained by the highways authority. Highways and Road Traffic regulations apply.
- Unadopted Highway / Highway privately maintained: These exist where the public has an absolute right to pass/repass along the route. Highways and Road Traffic regulations apply.
- Private road / shared driveway: These may be entirely private or have restrictions for access only. Highways and Road Traffic regulations generally do not apply.

The distinction between unadopted highway and private roads is not always clear, but is primarily focused around whether there is an absolute right for the public in general to use the route.

Note 4: In practice most local authorities only respond reactively to vehicles obstructing a dropped kerb when in receipt of a complaint from the resident(s) affected (to avoid targeting vehicles parked there with the permission of the householder).

Note 5: It is an offence to drive a vehicle on a pavement, but this offence is not usually used for parked vehicles.