

EIR Request (received 09 February 2019) - Reference: DFI/2019-0054

May I request the following information under freedom of information?

1. Are the double yellow lines painted on the road on Old Kenlis Street and Kenlis Street in Banbridge officially sanctioned, and do normal parking restrictions apply?
2. Does a local taxi company have a derogation to park on these double yellow lines, and can members of the public avail of such a derogation?
3. How much does such a derogation cost and who receives the payment?
4. If there is no such derogation then why when blatant and repeated (daily) breaches of parking restrictions are pointed out to parking enforcement officers (wardens) who are in attendance, they walk away without taking action, yet fully enforce the parking time limits for shoppers on adjacent Newry Street?
5. Is the Permanent Secretary content that road safety and the law are being flouted on a daily, all day, basis without any consequence for those in clear breach?

Response (issued 08 March 2019)

Thank you for your request to the Department above dated 09 February 2019 regarding double yellow lines parking restrictions in Old Kenlis Street and Kenlis Street in Banbridge.

In considering your request on behalf of the Department I have determined that the information requested falls under the aegis of the Environmental Information Regulations 2004 (EIR), as opposed to Freedom of Information Act 2000. Your request is for information that relates to activities, policies or plans that affect the environment. Section 39 of the Freedom of Information Act specifically excludes from consideration under that Act requests for what is deemed to be environmental information.

A guide explaining the Environmental Information Regulations can be found at:

<https://ico.org.uk/for-organisations/guide-to-the-environmental-information-regulations/what-are-the-eir/>.

The Environmental Information Regulations established general public rights of access to environmental information held by public authorities, similar to the general rights established under FOI, information provided in response to a request is considered to have been placed in the public domain. There is no provision for privileged access to information, it may either be released to the World at large, or it must be withheld. Any information provided in

response to an information request (either FOI or EIR) is considered to have been placed in the public domain.

In response to your request, I can advise that:

- The double yellow lines in question are fully legislated and are therefore officially sanctioned meaning normal parking restrictions apply;
- There are no derogations for taxi drivers on these double yellow lines;
- Two NSL Traffic Attendants (TAs) carry out routine patrols in Banbridge from Monday to Saturday between 8.00am and 6.00pm. This includes the area in question which is usually patrolled approximately 3 times per day. A 5 minute (10 for commercial vehicles) observation time is required at double and single yellow lines to establish if loading / unloading is taking place or if passengers are getting in / out. This means that TAs are unable to issue a Penalty Charge Notice until an automated countdown observation time has elapsed and, even then, they must always approach a driver in their car to give them the opportunity to move. The difficulty with taxis is, that by their nature, the driver remains in the vehicle – who simply drives away as soon as a TA approaches. This is a repeating pattern not unique to Banbridge, which is as frustrating to TAs and us as it is to other road users affected by this problem;
- TAs are trained to randomise their patrol patterns. They can never linger at any single location for prolonged periods of time as they must continue to other parts of the town and are expected to deal with any vehicle parked in contravention they encounter en-route. It is therefore no surprise that some of the more opportune-mischievous drivers often park illegally when they think TAs are not present.

I have nonetheless alerted NSL to the situation and to be extra vigilant when in the area. I have also made particular reference to the suggestion that TAs have been noted walking past offending vehicles and instructed at the very least, no matter how futile they feel the situation is, they must endeavour to enforce properly wherever possible.

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