

EAST HERTS COUNCIL

ENVIRONMENT SCRUTINY COMMITTEE – 23 FEBRUARY 2016

REPORT BY EXECUTIVE MEMBER FOR ECONOMIC
DEVELOPMENT

FOOTWAY AND GRASSED VERGE PARKING MANAGEMENT

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To seek the Committee's view on recommendations to the Executive on the possible implementation and enforcement of a footway and grassed verge parking ban in East Herts.

| <u>RECOMMENDATIONS FOR ENVIRONMENT SCRUTINY:</u> | |
|---|--|
| That: | |
| (A) | Members recommend their preferred approach for the implementation of footway and grassed verge parking controls from the options detailed in paragraph 2.4. |
| (B) | The proposed criteria for the evaluation of requests for footway and grassed verge controls as detailed in paragraph 2.8 be supported. |
| (C) | Members indicate their preferred approach as detailed in paragraph 2.9 – 2.12 if the implementation of footway and grassed verge parking is supported. |
| (D) | Members' recommendations and comments be forwarded to the Executive. |

1.0 Background

1.1 Consultation undertaken in 2011 to inform the development of East Herts' Parking and Transport Strategy confirmed resident

support for the implementation of footway and grassed verge parking controls in East Herts.

- 1.2 Parking on the footway or grassed verge is unacceptable for a number of reasons. At its worst, footways can be obstructed by parked vehicles causing a hazard to pedestrians – particularly those with impaired mobility or with pushchairs. The presence for extended periods of parked vehicles can also damage the footway and services running under its surface. Parking on grassed verges can reduce them swiftly to an unsightly mess.
- 1.3 Footway and grassed verge parking is primarily a highways issue with the cost of repairing damage borne by the Highway Authority; however Hertfordshire County Council advises it does not intend to implement controls on a county-wide basis, seeing it instead as a matter for individual district councils to progress.

2.0 Report

- 2.1 The undesirability of allowing motor vehicles to park on footways and grassed verges has to be tempered by the fact that in some areas of East Herts, especially in narrow, high density residential streets, vehicles parked wholly on the carriageway would obstruct the free and safe movement of other vehicles. The challenge faced by East Herts is to find the correct balance between these conflicting positions, for the benefit of our communities.
- 2.2 Residents' views on footway and grassed verge parking enforcement were canvassed in 2011 during the Council's preparation of its Parking and Transport Strategy. The relevant question from that survey is reproduced below.

| Would you be in favour of East Herts Council introducing a pavement and grassed verge parking ban, enforceable by issuing Penalty Charge Notices? | | | |
|---|-----|-----|------------|
| | Yes | No | No opinion |
| On a street by street basis as needed | 57% | 34% | 9% |
| Across the district with limited exemptions | 39% | 49% | 12% |

As can be seen, the approach most favoured by East Herts residents involves targeted controls on a street by street basis.

Options for Control

- 2.3 Should this authority wish to implement footway and grassed verge parking controls it will need to identify which approach it prefers. Options are discussed in a study undertaken in 2015 which is offered as **Essential Reference Paper 'B'**. A summary version of this study is offered as **Essential Reference Paper 'C'**.
- 2.4 The three options for the management of footway and grassed verge parking are:
- i) Targeted local bans
 - ii) A district-wide ban with local exemptions
 - iii) Use of physical means to prevent footway and grassed verge parking.

The pros and cons of each approach are discussed in some detail in the study.

- 2.5 Officers suggest the most cost-effective, proportionate and manageable approach would be to implement targeted local bans, protecting areas identified as being the worst affected by parking of this nature. This approach would have the added benefit of being the one most favoured by local residents.

Identifying Priorities

- 2.6 The council's parking service receives telephone calls on a frequent basis requesting enforcement against vehicles parked on footways and grassed verges. Members also complain regularly about this problem. It follows that, should the Council make public its intention to implement controls there will be immense public and Member interest in having locations of concern to them included. It would be important to establish a framework against which requests could be assessed, to arrive at a priority list and to limit the growth in on-street controls so as not to disproportionately impact motorists.
- 2.8 Issues that should be addressed in the preparation of a framework should include:
- The regularity of the parking act(s)
 - The severity and extent to which local amenity is affected (e.g. damage to the grassed verge or pavement surface)

- The extent of the area that could reasonably be covered by a prohibition (it would be more cost effective to cover a larger area)
- The possibility that some degree of footway parking should be at least tolerated if the alternative would mean that parked vehicles would obstruct the highway.
- The risk of vehicles simply being displaced and parking in a similar fashion outside the newly-controlled area.
- Records of public and Member requests for enforcement

This Committee is invited to offer its views on these and any other criteria they might wish officers to use when weighing requests for a footway and grassed verge parking ban.

Legal and Technical Process

Permanent and Experimental Traffic Regulation Orders

- 2.9 For a ban to be enforceable it would be necessary to first promote a Traffic Regulation Order. The Council has two options. One or more permanent Orders could be promoted or the Council could proceed on the basis of experimental Orders.
- 2.10 The principal difference between a permanent Order and an experimental Order is that the latter obviates much of the initial requirement to consult. As the name suggests, an experimental Order is typically used when a local authority wishes to trial a new control. An experimental Order can operate for a maximum of eighteen months before an authority must make it permanent, revoke it or allow it to lapse. Should the authority elect to make it permanent a requirement to consult then arises.
- 2.11 Should the Council wish to incorporate a strong element of review as part of the process, an experimental Order approach might be the preferred option. This Committee is invited to offer its views on whether bans should be implemented on the basis of permanent Orders or by means of one or more experimental Orders.
- 2.12 Assuming the Council proceeds on the basis of targeted local bans, once the Order had become operative it would be necessary for the Council to erect signage to notify motorists of the ban in place. Signs would have to be erected at no more than intervals of sixty yards and an example of the requisite sign is offered in the study in **Essential Reference Paper 'B'**.

- 2.13 Enforcement of the ban would take place using Traffic Management Act 2004 powers, leading to the issue of a Penalty Charge Notice to vehicles believed to have parked in contravention.

Financial Implications

- 2.14 As with all aspects of Civil Parking Enforcement, the objective of operating a footway and grassed verge parking ban would be to secure compliance, rather than to issue Penalty Charge Notices. There should be no assumption that penalty charge income would be generated, although this is likely. The cost implications of implementing a ban could be considerable. The primary areas of cost arising from a 'targeted local ban' approach would be as follows:

- Surveys of candidate areas
- Promotion of Traffic Regulation Orders
- Erection of signs on-street
- Additional costs of on-street enforcement
- Additional costs of notice processing
- Additional costs of signs and lines maintenance

Precise costs would of course depend on the number and extent of areas to be covered by a ban, how well their implementation was coordinated and the effect enforcement by means of Penalty Charge Notices would have on the notice processing function in the back office. The above cost issues are developed in **Essential Reference Paper 'A'** and in the summary document in **Essential Reference Paper 'C'**.

Should the Council elect to proceed with a ban, officers would bring forward capital and revenue growth bids within the service planning cycle, with a view to progressing controls during 2017/18. Based on a review of the potential costs and income resulting from penalty charge income it is anticipated that following the initial set up year a grass verge and pavement parking ban would be cost neutral.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers - none

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