

## ESSENTIAL REFERENCE PAPER 'C'

### REPORT ON APPROACHES TO FOOTWAY AND GRASSED VERGE PARKING MANAGEMENT

#### SUMMARY PAPER

**JANUARY 2016**

---

Options for the management of footway and grassed verge parking in East Herts will be debated by the Council's Environment Scrutiny Committee on 23 February 2016 and by the Executive on 7 June 2016.

This document summarises the key issues addressed in a study undertaken in 2015 into the public policy, legal and operational perspectives of implementing footway and grassed verge parking controls and outlines the options available.

#### **Drivers for Change**

The local authority case studies included in the main study illustrate the existence of common drivers for the adoption of controls, including:

- Public and political pressure
- Unsightliness of damage to footways and grassed verges and costs of repair
- Impact of obstruction to other road users

Complaints along the above lines are received by East Herts Council on a frequent basis, although the service does not currently keep a formal record of them.

A 2010 survey of East Herts residents undertaken during the Council's preparation of its Parking and Transport Strategy sought the views of residents on approaches to footway and grassed verge parking management in East Herts. The relevant question is set out 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%

Although footway and grassed verge parking could be regarded as primarily a highways issue, Hertfordshire County Council confirms it will not take the lead in implementing any form of footway and grassed verge parking ban as it sees it as a matter for individual district/borough councils to progress.

With the exception of heavy goods vehicles, which are already dealt with in legislation, a local authority must promote a Traffic Regulation Order before it may implement an enforceable footway and grassed verge parking ban.

### **Options for Change**

The study identifies a number of approaches, ranging from the implementation of a district-wide ban to no action. The benefits and dis-benefits of the three principal options are summarised below and detailed more fully in the study.

Options for Managing Footway and Grassed Verge Parking	Comments
<p><b>District-wide ban with local exemptions</b></p>	<p>Implementation of a district-wide ban, whilst accepting there are areas where footway parking – ideally on a managed basis - might be essential (or at least desirable) on traffic management grounds.</p> <p>Entry signs on all vehicle routes into the affected area communicate the existence of the ban. Locations where footway parking is permitted confirmed through local signage (and sometimes highway markings).</p> <p>High cost of initial research and surveys.</p> <p>High costs of on-street and back-office enforcement.</p> <p>Possible lower cost of signs and lines (depending on how many exempted areas need to be individually signed).</p>
<p><b>Local ban on a case by case basis</b></p>	<p>Opposite approach to the above, whereby footway parking is banned at specific locations.</p> <p>Controllable costs and manageable expansion subject to agreed policy framework.</p> <p>Each scheme would have individual set up costs which over time might exceed those of establishing a district wide ban with local exemptions.</p> <p>Suitable for local hotspots enabling other areas to benefit from maximised local amenity of parking (in some areas there is little or no alternative for our residents).</p>

<p><b>Physical obstructions</b></p>	<p>Using physical obstructions such as bollards or fencing to discourage parking on footways and verges.</p> <p>Localised solutions, high cost for control but no enforcement costs. Maintenance and risk management processes required.</p>
-------------------------------------	--

Should the Council wish to take action, the ‘local ban’ approach is recommended as a proportionate, cost-effective and manageable option and this is in line with our residents’ stated preference.

**Resource Implications**

The legal and operational process of implementing a footway and grassed verge parking ban is analogous to that of implementing a resident permit parking scheme. The resource implications will be significant and long-lasting. These are summarised in the committee report and below.

**Process**

A robust and manageable process would have to be instituted to gather, evaluate and prioritise requests for a footway and grassed verge parking ban. The process could be analogous to that now in place in respect of RPZ requests.

- Members should be asked to agree a framework for the prioritisation of requests, based on criteria such as the severity, impact and frequency of the problem at each location
- Members could be invited to submit their top problem areas in their wards, which could then be assessed against the pre-agreed criteria
- Requests from members of the public could be logged and assessed against the agreed criteria
- Full local member support (county and district) would be required before a local ban was implemented

## **Capital and Revenue Costs**

The capital and revenue costs of implementing a footway and grassed verge parking ban would depend on the approach taken and the number of areas to be covered.

Assuming two locations in each of the 30 wards in East Herts were identified initially as suited to a targeted local ban and assuming this could be achieved through the promotion of four separate Traffic Regulation Orders (one each for Bishop's Stortford, Hertford, Ware and rural areas), the capital cost might be as follows:

- Initial surveys (consultant) £12k
- Traffic Regulation Orders (consultant) £6k
- Signage £48k (based on four signs in each of the sixty identified locations)

### **TOTAL CAPITAL COST – APPROX £66k**

The revenue cost of operating such a targeted ban might be as follows:

- Two additional Civil Enforcement Officers £55k (FTE)
- Additional vehicle £7k
- Additional signs and lines maintenance responsibilities £5k

### **TOTAL REVENUE COST – APPROX £67k**

Should the trial be made permanent it would be necessary to seek additional capital and revenue growth during the 2018/19 service planning cycle.

## **Revenue Implications**

Although the purpose of introducing footway and grassed verge parking controls would be to engender compliance rather than generate revenue, the *theoretical* revenue from 52 enforceable Penalty Charge Notices issued per annum in each of 60 'hot spot' locations might be in the region of £85k; however an initially high number of Penalty Charge Notices would reduce over time as awareness and compliance improved.

A more realistic expectation would be that over the longer term penalty charge revenue would probably cover the £57k annual revenue costs identified above.

## **TRO Officer**

Each year the Parking Service promotes a number of Traffic Regulation Orders relating to the council's off-street car parks and to on-street matters such as resident permit parking schemes. Additionally, the Parking Service is responsible for the maintenance of

on and off-street signs and lines implemented by virtue of TROs promoted by East Herts Council and Hertfordshire County Council.

A large amount of TRO survey, design and promotion work is currently outsourced to consultants. Should the Council elect to retain and possibly expand footway and grassed verge parking controls consideration should be given to employing a TRO Officer within the Parking Service, thus reducing the service's reliance on consultants and to assist with the significant task of maintaining signs and lines across the district.

The estimated cost of employing a full time TRO Officer at Grade 6 would be in the region of £32k. This would be the subject of a funding bid in the relevant financial year.

### **Experimental Traffic Regulation Orders**

An alternative to promoting full Traffic Regulation Orders would be to promote one or more *experimental* TROs. An experimental Order would remove much of the initial requirement to consult. The maximum eighteen month period during which the experimental Order would be in force would be used to monitor and assess the effectiveness of the controls implemented under the Order.

By the end of eighteen months from the implementation of the experimental Order the Council would have the option of:

- Letting the Order lapse, thus removing the controls.
- Amending the Order and making it permanent – in which case the obligation to consult would arise at that point.
- Make the Order permanent 'as is' – in which case the obligation to consult would arise at that point.

In summary, the primary justification for using an experimental Order approach arises should the Council commit to implementing controls on a trial basis and to monitoring their effectiveness in the expectation of committing to a course of action by the end of the eighteen month trial period. The Highway Authority, Hertfordshire County Council, has confirmed its 'in principle' agreement to an experimental Order approach being used.

Whichever approach is adopted Hertfordshire County Council approval would be required before the implementation of the new controls.

## **Risks**

- The Council is likely to be inundated with requests for new controls. Without a robust mechanism in place to filter and prioritise requests there would be a danger of the Council failing to meet public (and Member) expectations.
- Once a restriction had been put in place there would be a legitimate expectation that it would be enforced on a regular basis. This would place additional strain on Civil Enforcement Officer resource (and potentially on back office staff) unless growth along the lines identified above was secured.
- Footway and grassed verge parking might simply be displaced to other, unrestricted areas.

## **Benefits**

Some benefits of a footway/grassed verge parking ban cannot be costed – e.g. improved visual amenity and the ability of pedestrians to move freely along the footway.

The greatest financial benefit of a ban would be to reduce damage to footways and grassed verges; however in most cases responsibility for their maintenance lies with the Highway Authority. It is unlikely the County Council would make any form of financial contribution to East Herts Council towards the implementation and operation of a ban in recognition of the likely reduction in damage to footways and grassed verges.

## **Summary**

The adoption and implementation of footway and grassed verge parking controls in East Herts would carry with it significant capital, revenue and wider resource implications. Whilst it appears such a move would be popular with the majority of residents, the case studies show that they can provoke controversy similar to that stimulated by RPZ proposals.

Committed member support at district and county level would be vital from the start and a strong policy and operational framework would be essential to govern the process.

A proportionate and cautious entry into this area might be the implementation of a 'targeted ban' approach in a few 'hot spot' areas, perhaps facilitated through the promotion of an experimental TRO, enabling the success or otherwise of the trial to be properly monitored and reported on, prior to the possible adoption of a final, district-wide policy.