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Jeff Hughes
Head of Democratic and Legal Support Services

MEETING	:	ENVIRONMENT SCRUTINY COMMITTEE
VENUE	:	COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE	:	TUESDAY 23 FEBRUARY, 2016
TIME	:	7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor John Wyllie (Chairman)
Councillors P Ballam, K Brush, K Crofton, H Drake (Vice Chairman), M Freeman, B Harris-Quinney, T Page, P Phillips and S Reed

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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:

   - must not participate in any discussion of the matter at the meeting;
   - must not participate in any vote taken on the matter at the meeting;
   - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
   - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
   - must leave the room while any discussion or voting takes place.

2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.

3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

AGENDA

1. Apologies

   To receive apologies for absence.

2. Minutes (Pages 5 - 12)

   To confirm the Minutes of the meeting held on 10 November 2015

3. Chairman's Announcements

4. Declarations of Interest

   To receive any Member's Declarations of Interest and Party Whip arrangements.

5. Environment Scrutiny Healthcheck October to December 2015 (Pages 13 - 50)

6. Footway and Grassed Verge Parking Enforcement Policy (Pages 51 - 104)

7. Car Parking Fees and Charges 2016/17 (Pages 105 - 116)

8. Planning and Enforcement Review (Pages 117 - 140)

9. Waste and Street Cleansing Contract - Future Service Considerations (Pages 141 - 148)

10. Evaluation of Scrutiny and Work Programme for 2016/17 (Pages 149 - 160)

11. Urgent Business

    To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

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MINUTES OF A MEETING OF THE ENVIRONMENT SCRUTINY COMMITTEE HELD IN THE COUNCIL CHAMBER, WALLFIELDS, HERTFORD ON TUESDAY 10 NOVEMBER 2015, AT 7.00 PM

PRESENT: Councillor J Wyllie (Chairman)
Councillors K Brush, K Crofton, H Drake, M Freeman, T Page and S Reed.

ALSO PRESENT:

Councillors G McAndrew and P Ruffles.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	-	Democratic Services Officer
Cliff Cardoza	-	Head of Environmental Services
Karl Chui	-	Performance Monitoring Officer
Simon Drinkwater	-	Director of Neighbourhood Services
Marian Langley	-	Scrutiny Officer
David Thorogood	-	Environmental Co-Ordinator
Liz Watts	-	Chief Executive

381 APOLOGIES

Apologies for absence were submitted from Councillors P Ballam and P Phillips.

382 MINUTES - 8 SEPTEMBER 2015

RESOLVED – that the Minutes of the Meeting held on 8 September 2015 be confirmed as a correct record

and signed by the Chairman.

383 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the new Chief Executive, Liz Watts.

The Chairman drew Members' attention to a replacement Essential Reference Paper "B" in relation to agenda item 9 (Environment Scrutiny Healthcheck).

The Chairman requested that, with Members' consent, the order of the agenda be changed to bring forward the Service Plans and Healthcheck reports. This was supported.

384 2015/16 SERVICE PLANS AND KEY PROJECTS MONITORING

The Director of Finance and Support Services submitted an exception report which provided a mid-year summary of how the Council had performed against its priorities for 2015/16 and on key projects. The report also provided an update on the outstanding service plan actions from 2014/15, 2013/14 and 2011/12. The Performance Monitoring Officer provided a summary of the report.

In response to a query from Councillor K Crofton regarding the resources in place to implement the Castle Weir Hydro Scheme, the Head of Environmental Services explained that the issue was not about resources but reaching agreement with the Environment Agency (EA) on flood issues and their demands for further data modelling exercises to be carried out. The Environmental Strategy and Development Manager provided a summary of the Council's interaction with the Environment Agency adding that comparable schemes in other areas, usually took around five - six years to complete. The Head of Environmental Services explained that the EA's support was needed on the project otherwise the Council would not be able to apply for planning permission and the project would be suspended.

In response to a query from Councillor M Freeman, the Head of Environmental Services explained the difficulties in trying to

escalate the scheme, in terms of the EA's turnover of staff and the need to co-ordinate with different sections within the EA which had frustrated efforts to move the scheme on. He explained that the Council had the agreement of the EA on most points and just had to wait a little longer.

The Committee received the report.

RESOLVED – that the reported performance for the period April 2015 to September 2015 be received.

385 ENVIRONMENT SCRUTINY HEALTHCHECK JULY TO SEPTEMBER 2015

The Director of Finance and Support Services submitted a report on the performance of key indicators for Environment Scrutiny for the period July 2015 to September 2015.

The Performance Monitoring Officer summarised the report and explained that overall, 8 out of the 15 Environment Scrutiny Committee performance indicators were either on target or exceeding their targets as at September 2015, and one was "Amber". Additionally, in terms of the short term trend, six indicators out of 15 performance indicators had shown an improvement in performance compared to the previous period. One indicator had maintained the same level of performance and seven had declined. One indicator (EHPI 2.1e – Planning Enforcement: Service of Formal Notices) did not have any performance data to analyse as no notices had been served in September 2015. The Performance Monitoring Officer explained that, due to the fact that no clear pattern could be identified in relation to PI EHPI 204 (Planning appeals allowed), this indicator needed to be changed from monthly reporting to quarterly. This was supported

The Committee received the report.

RESOLVED – that (A) the reported performance for the period July 2015 to September 2015 be received; and

(B) Performance Indicator EHPI 204 (Planning appeals allowed) be reported quarterly.

386 CLIMATE CHANGE - REPORT ON PROGRESS

The Executive Member for Environment and Public Space submitted a report detailing the progress achieved in reducing carbon emissions following the first five years of implementing the East Herts Climate Change Action Plan. The Environmental Strategy and Development Manager provided a summary of the report.

Councillor P Brush commented that the report and supporting papers referred back to 2009 and believed that it was time to refresh the document and start over again with new initiatives. The Chairman explained that a Task and Finish Group had been established to provide guidance on setting objectives and that 2009 was taken as the baseline to benchmark actions against.

The Head of Environmental Services explained that the climate change strategy was a long term document with many actions taking longer than a year such as fuel saving measures from new collection vehicles delivered as part of the waste and cleansing services contract, the closure of Bishop's Stortford Offices, etc. and with carbon reduction being achieved over a significant time frame. He stated that many of the actions contained within the document had been successfully completed and if Members wanted to refresh the strategy and action plan this could be done.

In response to a query from Councillor K Crofton regarding carbon emissions and the savings achieved over time, the Environmental Strategy and Development Manager explained that according to the Department of Energy and Climate Change (DECC), fuel costs were increasing by 2% year on year.

The Committee noted and supported the continued and ongoing progress achieved in implementing the East Herts Climate Change Action Plan since its initial adoption by the Council in December 2009. Members also supported a suggestion to review, rationalise and refresh the climate change action plan and objectives via a Task and Finish

Group.

RESOLVED – that (A) the continued and ongoing progress achieved in implementing the East Herts Climate Change Action Plan, together with the continuing success in the reduction of carbon emissions arising from the Council's service provision, be supported; and

(B) the Climate Change Action Plan be rationalised and its objectives refreshed via a Task and Finish Group.

387 COMMUNITY ENERGY UPDATE

The Executive Member for Environment and Public Space submitted a report on the concept of community energy and of options for encouraging the development of community energy initiatives within the District and working closely with community groups. The Environmental Strategy and Development Manager gave a presentation on the background in relation to community energy initiatives and summarised the report drawing Members' attention to the range of opportunities listed in paragraph 5.0.

Councillor H Drake said that the Council should lead by example and suggested that it should initiate energy measures on the roofs of its own buildings and act as a facilitator in terms of information which could be provided to others. Councillor K Brush supported using the Council's own buildings to promote the initiative, but did not think there was a need to encourage others to do so as he felt that other individuals would take on whatever measures they felt necessary.

Councillor K Crofton explained that the district is on the brink of a massive housing building project and that the Council should be encouraging planners to incorporate viable energy schemes into housing developments over a certain size.

Councillor T Page agreed that there was an opportunity to ensure that renewable energy projects were taken up at the

planning stage, but that developers would argue that a housing development scheme would not be financially viable. He sought confirmation that Officers were discussing such matters with regard to the emerging District Plan. Councillor T Page referred to the energy project run by Hertfordshire County Council. The Environmental Strategy and Development Strategy Manager explained that he had had discussions with Officers on the emerging District Plan and that the HCC scheme was a fuel tariff switching scheme, whereas the community energy scheme was about generating power in the community and making carbon savings.

The Committee acknowledged the range of opportunities for supporting the development of community energy initiatives and recommended to the Executive, that:

- the Council should support a scheme of renewable energy in relation to its own estate and to act as a source of publicity, information and advice through appropriate media;

- planning officers be asked to raise the profile to promote community energy in the District Plan; and

- consideration be given to including community energy as a requirement within the District Plan.

RESOLVED – that the Executive be advised that Environment Scrutiny Committee:

(A) supports a scheme of renewable energy in relation to its own estate and to act as a source of publicity, information and advice through appropriate media;

(B) planning officers be asked to raise the profile to promote community energy in the District Plan; and

(C) consideration be given to including community energy as a requirement within the District Plan.

388 ENVIRONMENT WORK PROGRAMME (NOVEMBER 2015)

The Chairman submitted a report setting out the future work programme for Environment Scrutiny Committee for 2015/16.

The Scrutiny Officer asked Members to disregard recommendation “B”. She stated that a report on Fuel Poverty would be presented to Health and Wellbeing Scrutiny Committee on 8 December 2015. The Scrutiny Officer stated that the work programme needed to be amended to include a report on shared services in relation to Waste and Street Cleansing. The Head of Environmental Services explained that the timing of the report was not wholly within the control of East Herts. He anticipated that there would be a joint report to both Authorities Executives in March 2016 and there would be an opportunity to scrutinise the report in February 2016.

The Scrutiny Officer reminded Members that other reports would be submitted to Environment Scrutiny Committee as a result of the Climate Change review Task and Finish Group commissioned earlier in the meeting.

The Committee supported the recommendations as now detailed.

RESOLVED – that the work programme, as amended, be approved

The meeting closed at 8.25 pm

Chairman .....

Date .....

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EAST HERTS COUNCIL

ENVIRONMENT SCRUTINY COMMITTEE – 23 FEBRUARY 2016

REPORT BY THE DIRECTOR OF FINANCE AND SUPPORT SERVICES

ENVIRONMENT SCRUTINY HEALTHCHECK – OCTOBER 2015 TO DECEMBER 2015

WARD (S) AFFECTED: All

Purpose/Summary of Report:

- To set out a report on the performance of the key indicators that relate to Environment Scrutiny for the period October 2015 to December 2015.

- 10 out of the 15 Environment Scrutiny committee's basket of performance indicators are either on target or exceeding their targets as at December 2015/Quarter 3 for 2015. The remaining five performance indicators are trend only.

- For the short term trend six indicators out of the 15 performance indicators in Environment Scrutiny's basket are showing an improvement when performance is compared to the previous period. Two indicators have maintained the same level of performance, seven have declined.

RECOMMENDATION FOR ENVIRONMENT SCRUTINY:	
The Executive be advised that Environment Scrutiny Committee has considered:	
(A)	**the reported performance for the period October 2015 to December 2015.**
(B)	**the report be approved.**

1.0 Background

1.1 The council uses performance indicators and targets to help monitor progress against key objectives, understand how it is impacting upon

the lives of residents and help inform decisions about directing resources to areas of need. East Herts Council's performance management framework was reviewed by Members in 2013 to make it more streamlined and more closely aligned with the objectives and priorities set out in the Corporate Plan. In 2015/16 there are 73 performance indicators, of which 15 are monitored within the year by Environment Scrutiny Committee.

1.2 The report contains a breakdown of the following information by each service area:

- An overview of performance, in particular where there have been issues and remedial actions taken during the period.
- The indicators where data is collected monthly, with performance for December 2015 presented in detail (the most up to date available) with previous months summarised in a trend chart.
- The indicators where data is collected quarterly, with performance for Quarter 3 presented in detail (the most up to date available) with previous quarters summarised in a trend chart.

1.3 All councillors have access to Covalent (the council's performance management system), should they wish to interrogate the full range of performance indicators. The Performance Team are able to provide support and training on using the Covalent system if required.

1.4 **Essential Reference Paper 'B'** Shows the full set of performance indicators that are reported on a monthly or quarterly basis to this committee. Essential Reference Paper B has been sorted by status e.g. all performance indicators that are 'red' are listed first etc. **Essential Reference Paper 'C'** Provides guidance notes and definitions for the performance indicators relating to Environment Scrutiny Committee.

1.5 Please note a new performance management framework for East Herts, based on measuring progress against the new corporate strategic plan (being discussed at Joint Scrutiny 9th Feb) will be in place from 1 April 2016.

2.0 Performance analysis

2.1 SHORT TERM TREND ANALYSIS

Table one shows movement in performance when compared to the last reporting period for the measures where there is a RAG status. Five indicators are showing an improvement and one indicator has

stayed the same as the previous period. The remaining four indicators show a decline in performance.

Table One:

Performance Indicator Short Name	Performance Status (RAG)	Movement since last reported
EHPI 157a – Processing of planning applications: Major applications	**Green**	**Improved**
EHPI 157b – Processing of planning applications: Minor applications	**Green**	**Improved**
EHPI 157c – Processing of planning applications: Other applications	**Green**	**Improved**
EHPI 2.23 – Planning decisions delegated to officers	**Green**	**Improved**
EHPI 2.2 – Waste: missed collections per 100,000 collections of household	**Green**	**Improved**
EHPI 2.1e – Planning Enforcement: Service of formal Notices	**Green**	**Stayed the same**
EHPI 2.1d – Planning Enforcement: Initial Site Inspections	**Green**	**Declined**
EHPI 2.4 – Fly-tips: removal.	**Green**	**Declined**
EHPI 7.2 – Turnaround of PCN Challenges and Representations	**Green**	**Declined**
EHPI 7.3 – Percentage of appeals to the traffic penalty tribunal against the number of PCNs issued	**Green**	**Declined**

2.2 TREND ONLY PERFORMANCE INDICATORS

Table two shows movement in performance when compared to the last reporting period for the measures where no targets have been set, e.g. only trend data is analysed.

Table Two:

Indicator (Trend only)
There has been an increase in **EHPI 191** (Residual household waste per household) since October however this is expected as this is a cumulative indicator. The lower the performance the better, hence a declining short term trend for this quarter.
Household waste has remained the same for **EHPI 192** (Percentage of household waste sent for reuse, recycling and composting) since October.
There has been a decrease in **EHPI 2.5** (Total waste collected by the district (kg per household) since Quarter 2. Hence an improving short term trend for this quarter.
There has been a slight increase in **EHPI 2.6** (Percentage of residual waste (refuse) sent for disposal) since Quarter 2. Hence a declining short term trend for this quarter.
There were higher volumes of planning appeals in December but the number of appeals allowed has increased when compared to November for **EHPI 204** (Planning appeals allowed). Hence a declining short term trend for this quarter.

2.3 **Long term trend analysis (current value compared to the average performance for the last 12 months or last 4 quarters)**

Table Three:

Service and Indicator	Commentary
EHPI 2.5 – Total waste collected by the district (kg per household) **EHPI 2.6** – Percentage of residual waste (refuse) sent for disposal	This is a rolling quarter from September to November as data is reported one month in arrears. The reason for the declining long term trend is because more waste is being presented at the kerbside as the economy grows and dry recycling (paper) is reducing due to increase use of electronic media.

2.4 Members should note that some performance indicators showing a declining long term trend did not get included in the table above as they were either only performing marginally off/below the long term average or this was the first time the indicator was below the long term average.

3.0 Implications/Consultation

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

Background Papers:

- 2014/15 Estimates and Future Targets Report – Executive 3 March 2015.

Contact member:

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Contribution to the Council's Corporate Priorities/ Objectives*:*	**Place** – Safe and Clean *This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.* **Prosperity** – Improving the economic and social opportunities available to our communities *This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.*
Consultation:	Performance monitoring discussions have taken place between Directors and Heads of Service.
Legal:	There are no legal implications arising from this report.
Financial:	Financial discussions have taken place between Directors and Heads of Service and any implications have been highlighted in the report.
Human Resource:	There are no human resource implications arising from this report.
Risk Management:	By not having effective performance management arrangements in place puts the Council at risk of not being clear whether it's priorities and objectives are being met and if there are any service delivery issues, that could impact on their delivery. The Corporate Healthcheck report is one tool designed to help mitigate against this risk. Also effective performance management arrangements help to support transparency and increase local accountability.
Health and wellbeing – issues and impacts:	A number of the council's performance indicators do support/contribute to the health and wellbeing agenda. Any relevant indicators that are 'Red' rated are highlighted in the report and mitigating actions will be taken.

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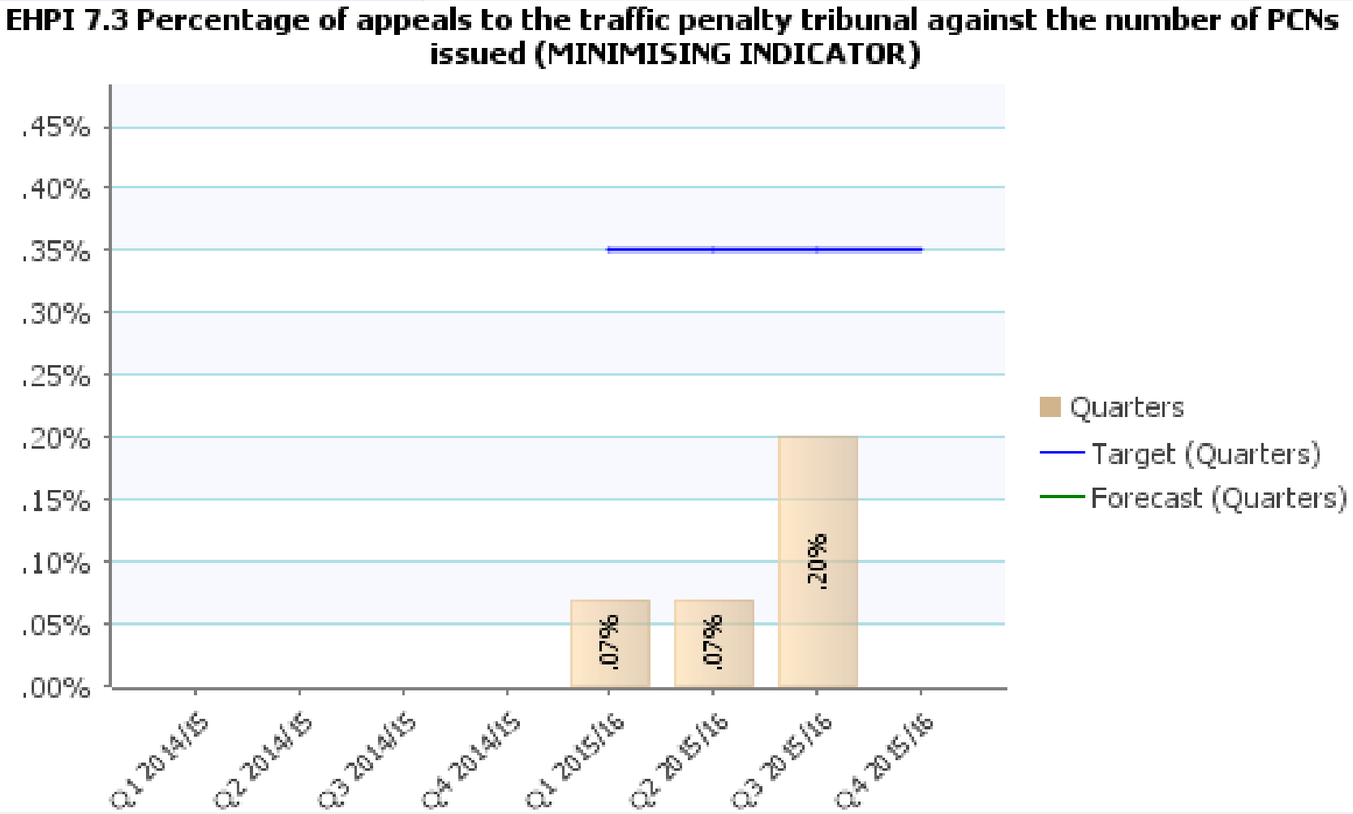
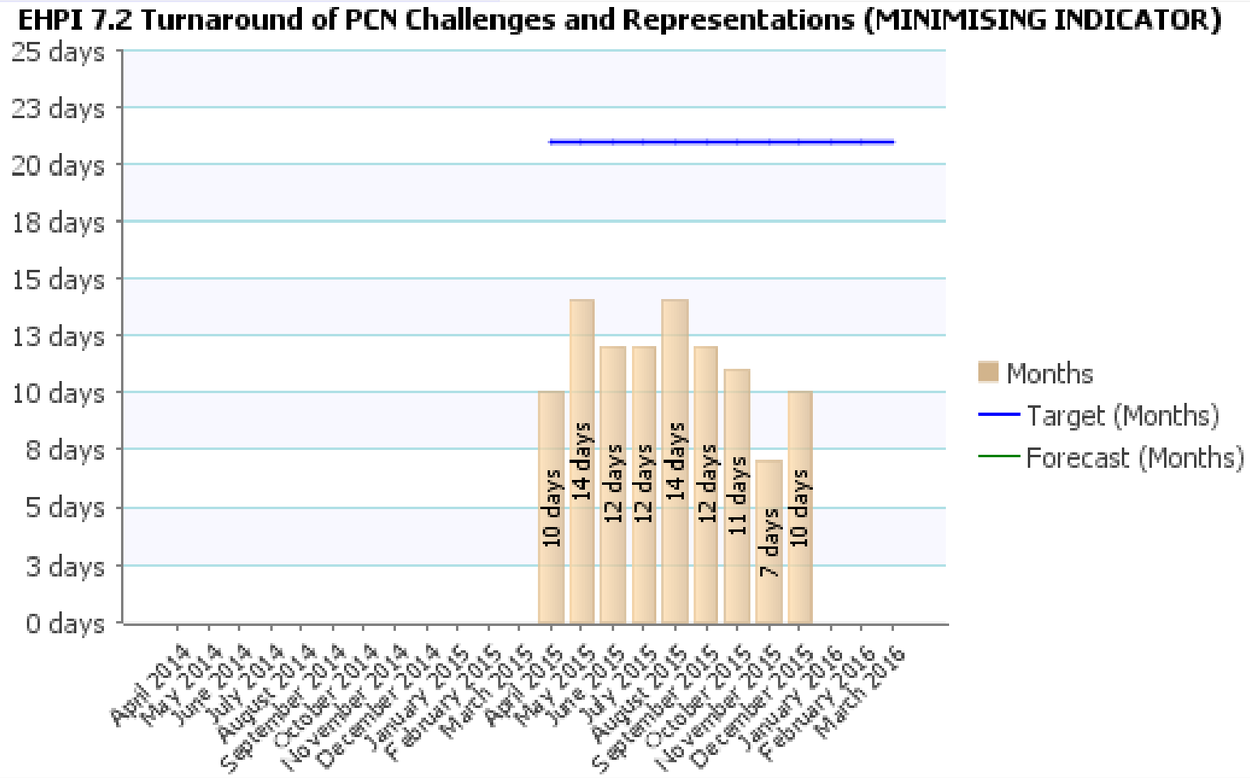
October to December Environment Scrutiny Healthcheck 2015/16

Directorate Customer and Community
Service Area Parking

PI Code & Short Name	EHPI 7.3 Percentage of appeals to the traffic penalty tribunal against the number of PCNs issued (MINIMISING INDICATOR)	Managed By	Andrew Pulham; Neil Sloper
		Short Term Trend Arrow	
		Long Term Trend Arrow	New indicator for 2015/16 therefore no long term trend can be analysed.
		Traffic Light Icon	
		Current Value	0.20%
		Current Target	0.35%
		Notes & History Latest Note	Performance exceeding target. 15 appeals received against a total of 6532 PCNs issued in the third quarter.
		Management Response / Action	No further management response required at this stage.



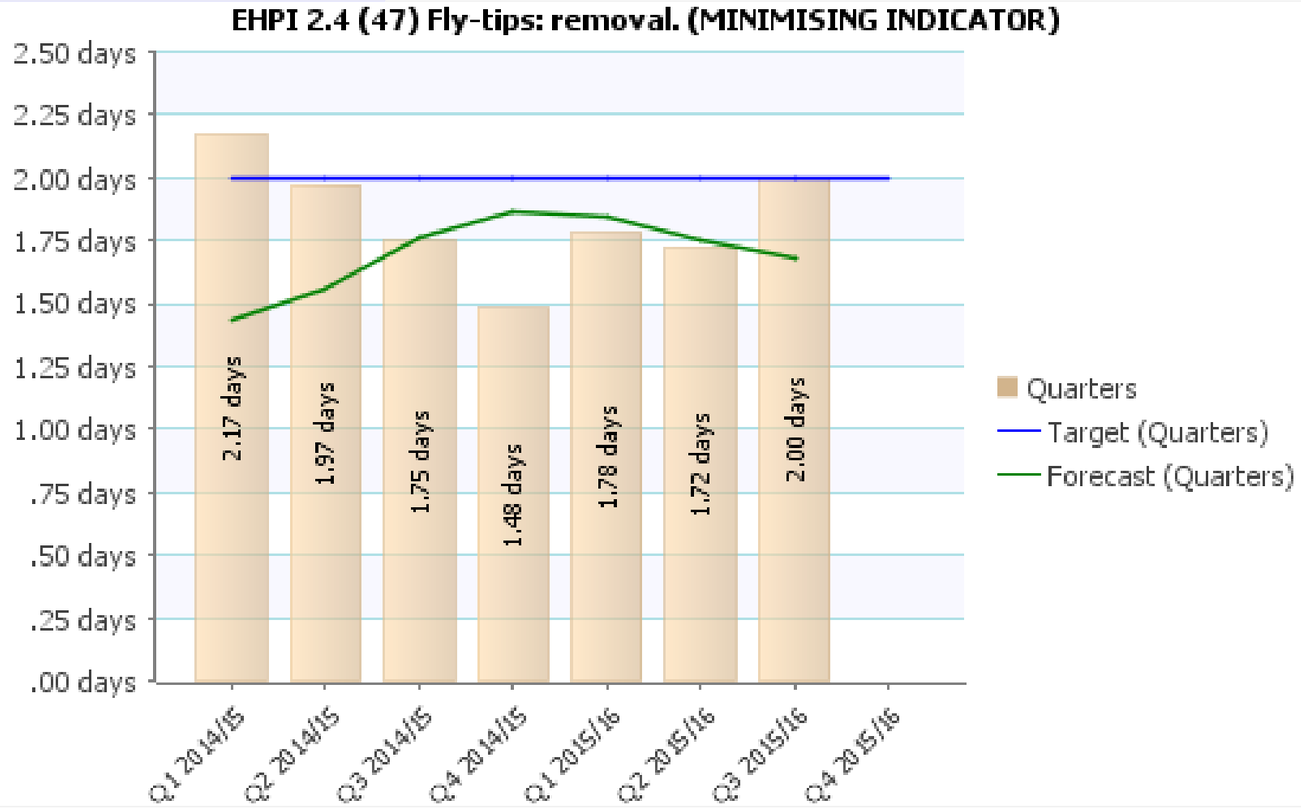
PI Code & Short Name	EHPI 7.2 Turnaround of PCN Challenges and Representations (MINIMISING INDICATOR)



Managed By	Andrew Pulham; Neil Sloper
Short Term Trend Arrow	
Long Term Trend Arrow	New indicator for 2015/16 therefore no long term trend can be analysed.
Traffic Light Icon	
Current Value	10 days
Current Target	21 days
Notes & History Latest Note	Performance exceeding target.
Management Response / Action	No further management response required at this stage.

Directorate Customer and Community Services
Service Area Environmental Services and Leisure

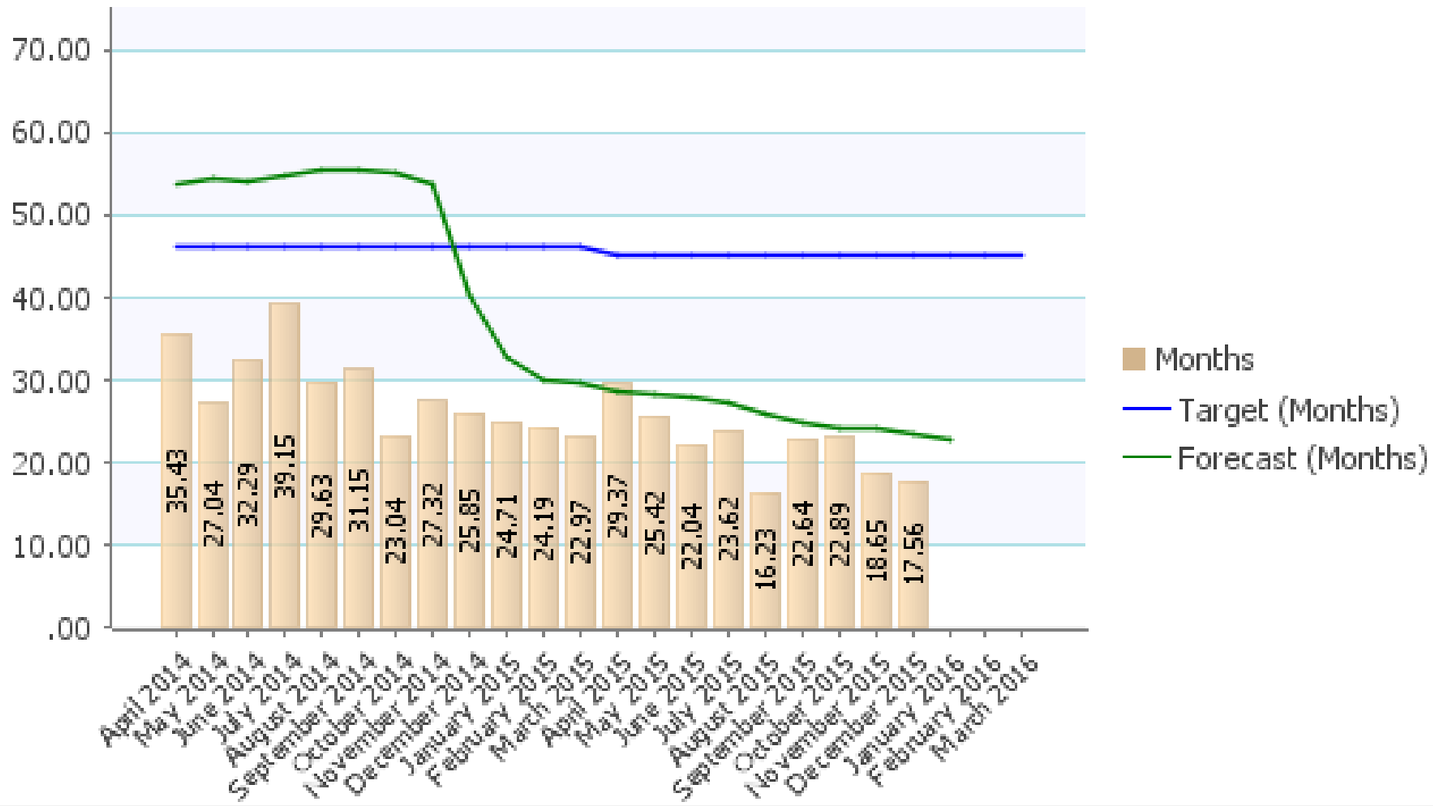
PI Code & Short Name	EHPI 2.4 (47) Fly-tips: removal. (MINIMISING INDICATOR)



Managed By	Cliff Cardoza; Karl Chui;
Short Term Trend Arrow	
Long Term Trend Arrow	
Traffic Light Icon	
Current Value	2.00 days
Current Target	2.00 days
Notes & History Latest Note	Performance is still on target of 2 days, although performance not quite as good as previous quarter due to an increased number of fly tips removed and some larger fly tips which required specialist contractors.
Management Response / Action	No further management response required at this stage.

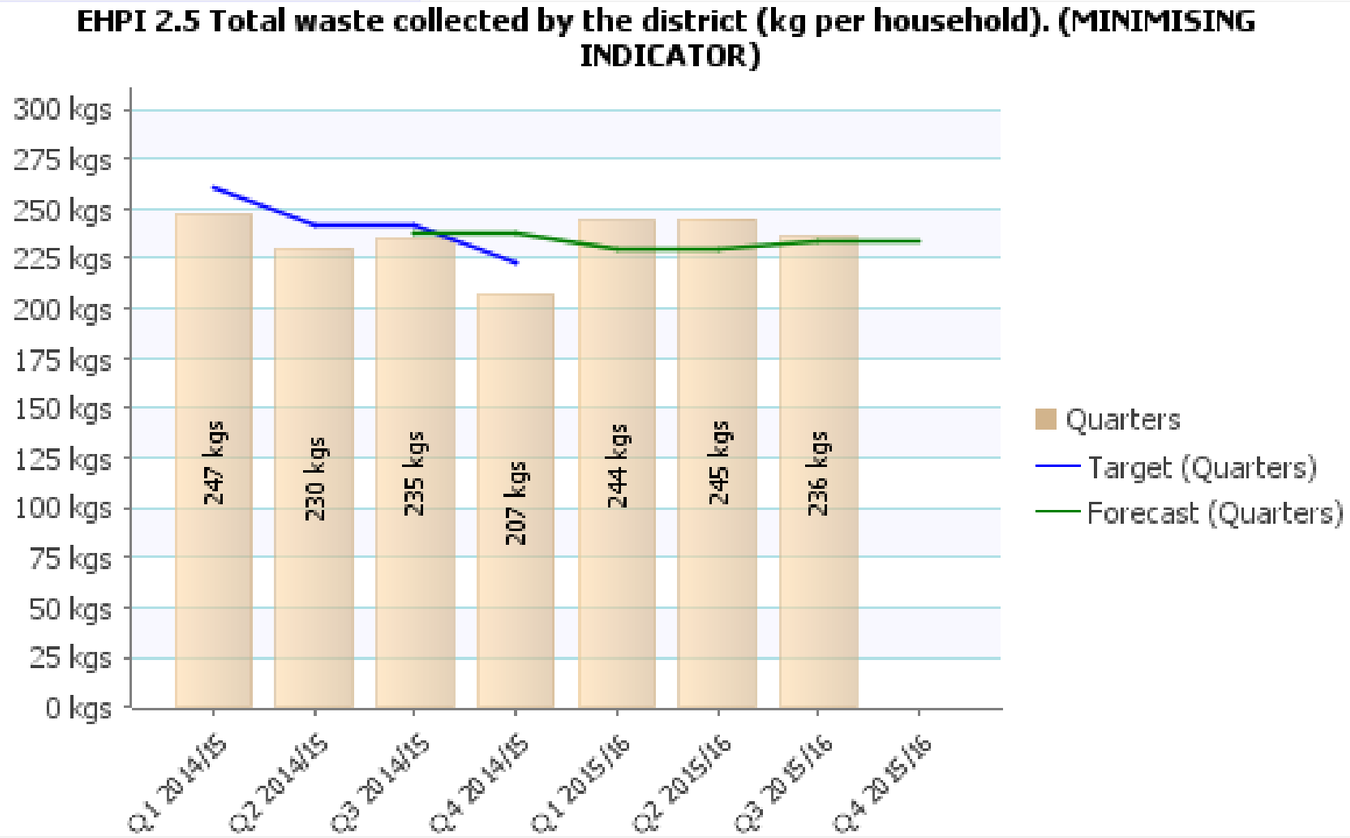
PI Code & Short Name	EHPI 2.2 Waste: missed collections per 100,000 collections of household. (MINIMISING INDICATOR)

EHPI 2.2 Waste: missed collections per 100,000 collections of household. (MINIMISING INDICATOR)



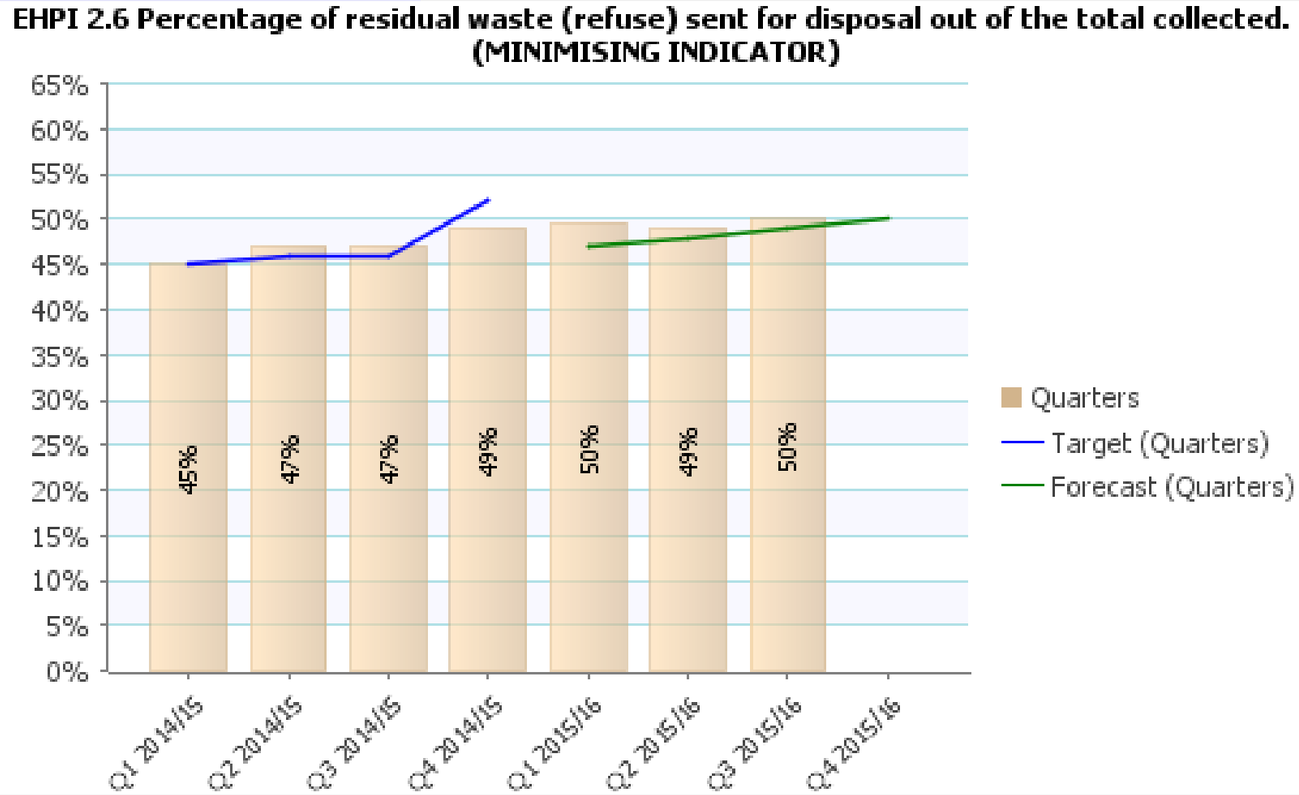
Managed By	Cliff Cardoza;
Short Term Trend Arrow	
Long Term Trend Arrow	
Traffic Light Icon	
Current Value	17.56
Current Target	45.00
Notes & History Latest Note	December generally sees missed collections fall. Well below target and also below the previous month. Anticipate an increase for January as a result of Christmas and adjusted collections.
Management Response / Action	No further management response required at this stage.

PI Code & Short Name	EHPI 2.5 Total waste collected by the district (kg per household). (MINIMISING INDICATOR)



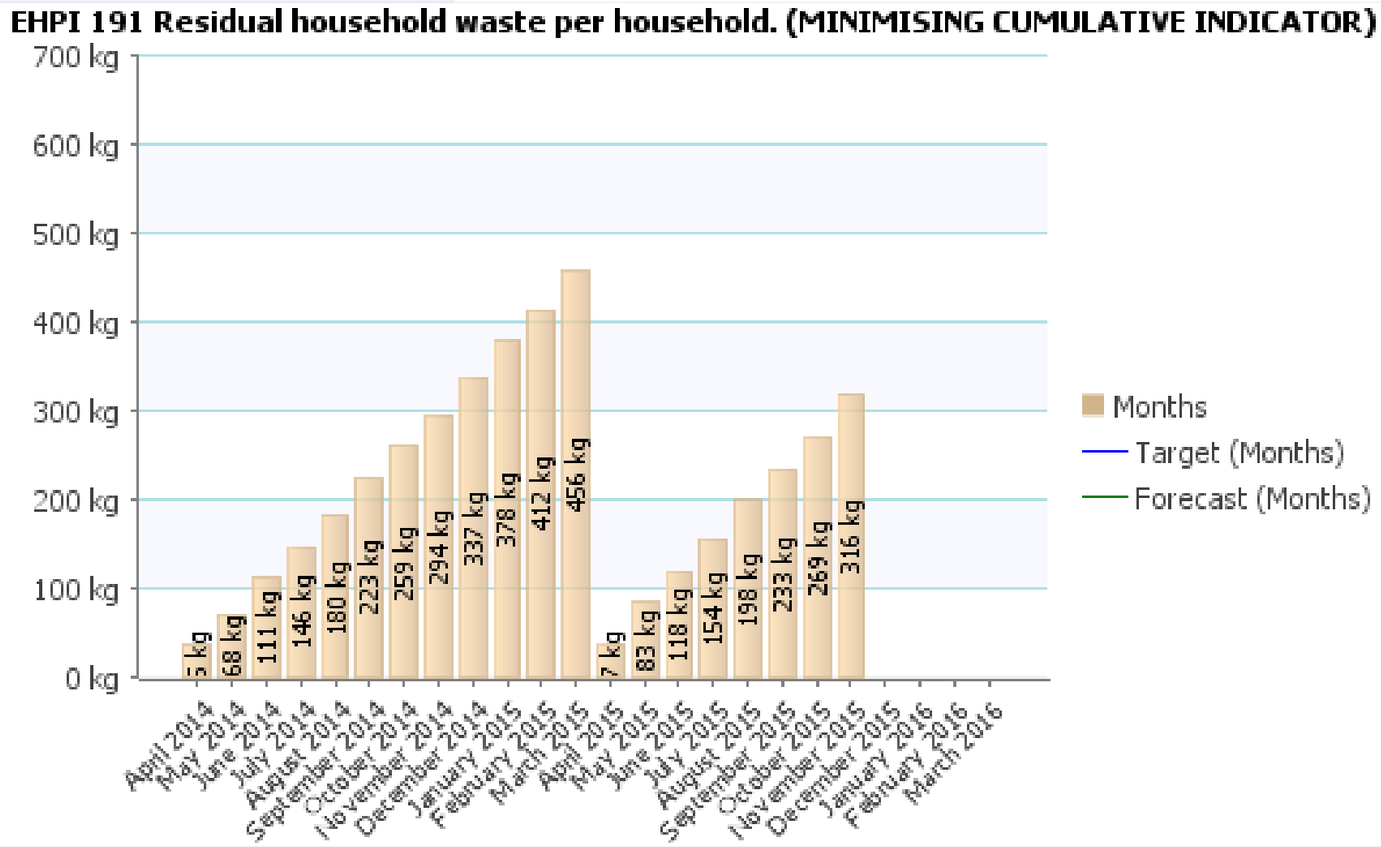
Managed By	Cliff Cardoza;
Short Term Trend Arrow	
Long Term Trend Arrow	
Traffic Light Icon	N/A - Trend only indicator
Current Value	236 kgs
Current Target	N/A - Trend only indicator
Notes & History Latest Note	This is a rolling quarter from September to November 2015 as data is reported one month in arrears. More waste is being presented at the kerbside as the economy grows.
Management Response / Action	No further management response required at this stage.

PI Code & Short Name	EHPI 2.6 Percentage of residual waste (refuse) sent for disposal out of the total collected. (MINIMISING INDICATOR)



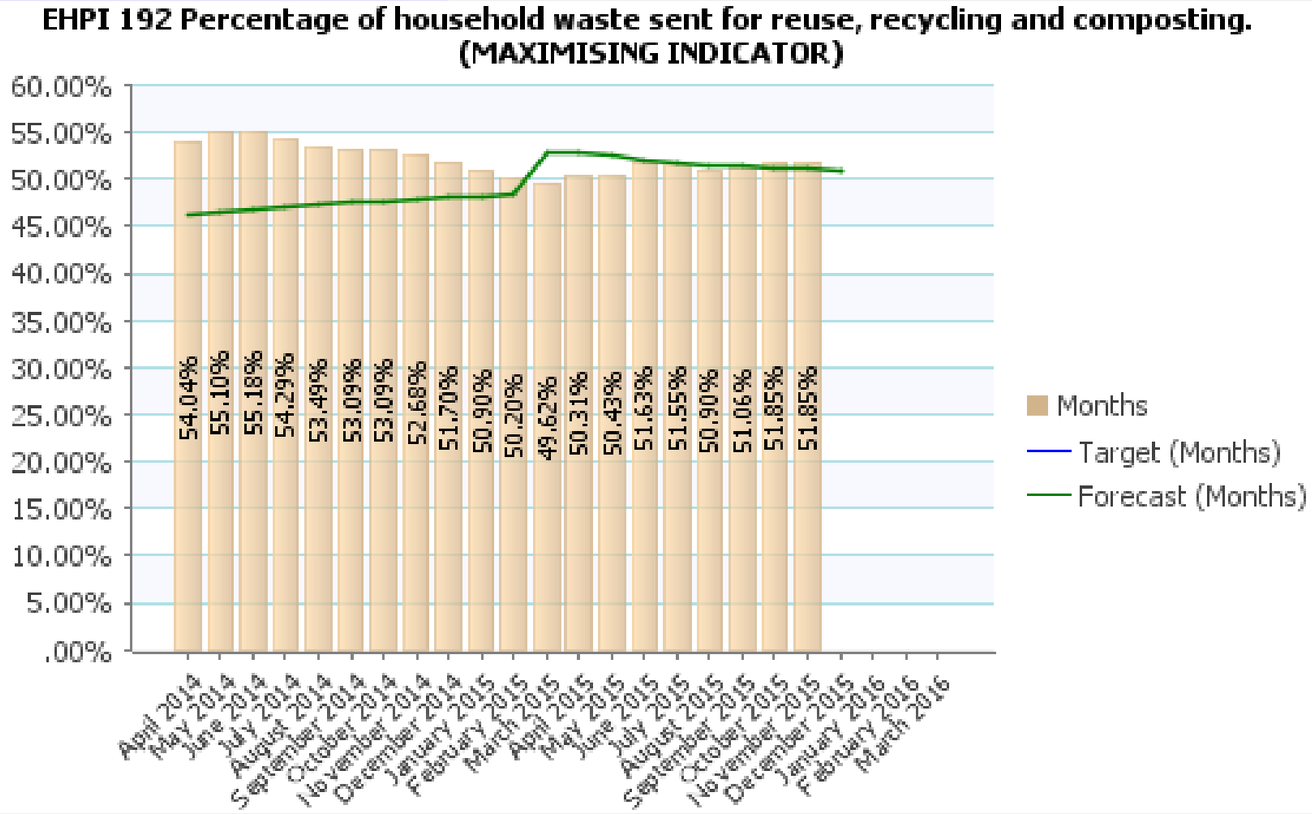
Managed By	Cliff Cardoza;
Short Term Trend Arrow	
Long Term Trend Arrow	
Traffic Light Icon	N/A - Trend only indicator
Current Value	49%
Current Target	N/A - Trend only indicator
Notes & History Latest Note	This is a rolling period from September to November 2015. Waste is growing as the economy improves and dry recycling (paper) is reducing due to increase use of electronic media.
Management Response / Action	No further management response required at this stage.

PI Code & Short Name	EHPI 191 Residual household waste per household. (MINIMISING CUMULATIVE INDICATOR)



Managed By	Cliff Cardoza;
Short Term Trend Arrow	
Long Term Trend Arrow	
Traffic Light Icon	N/A – Trend only indicator
Current Value	316 kg
Current Target	N/A – Trend only indicator
Notes & History Latest Note	This indicator is reported one month in arrears. As expected waste continues to be higher than the same period last year due to the improving economic climate and people spending more resulting in more waste being produced.
Management Response / Action	No further management response required at this stage.

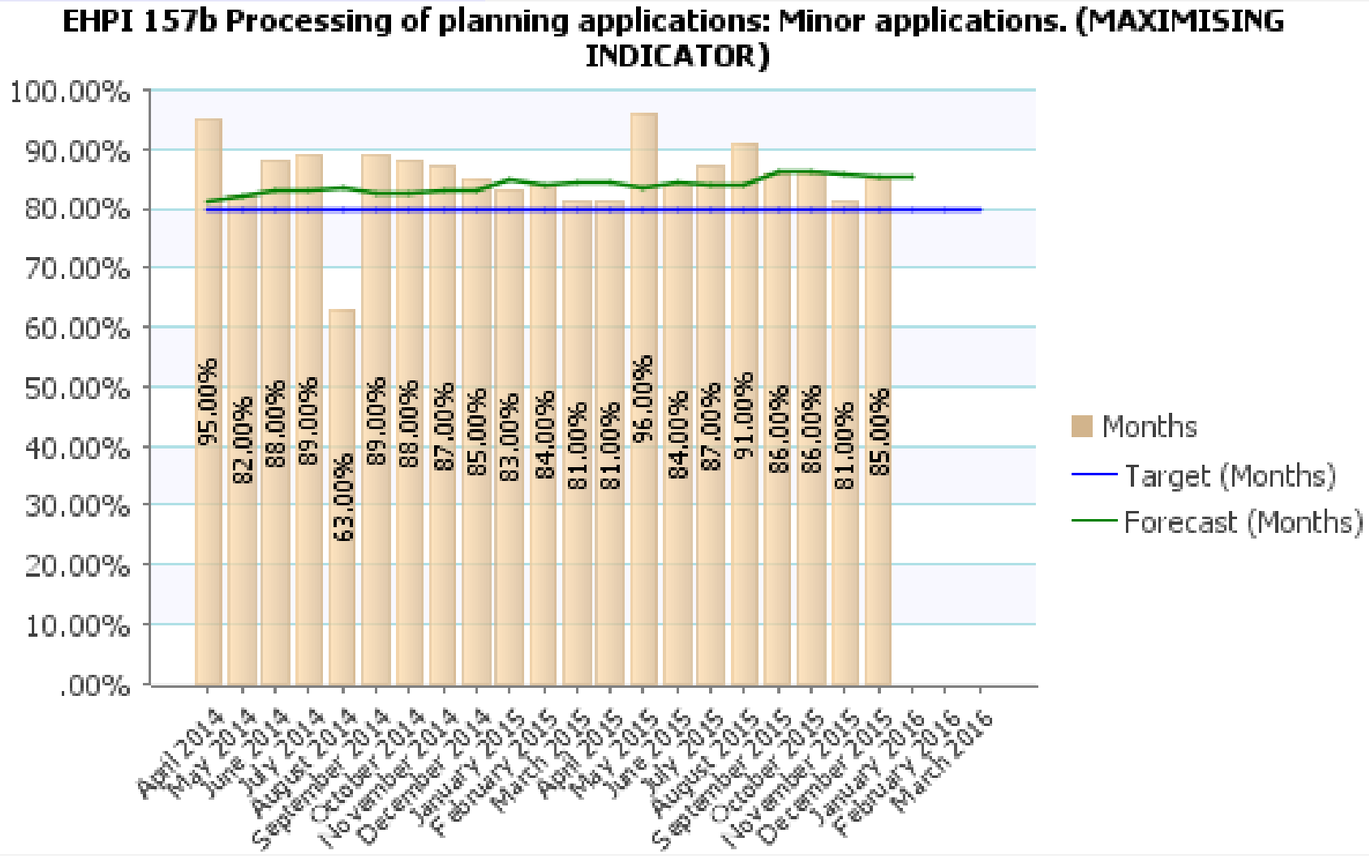
PI Code & Short Name	EHPI 192 Percentage of household waste sent for reuse, recycling and composting. (MAXIMISING INDICATOR)



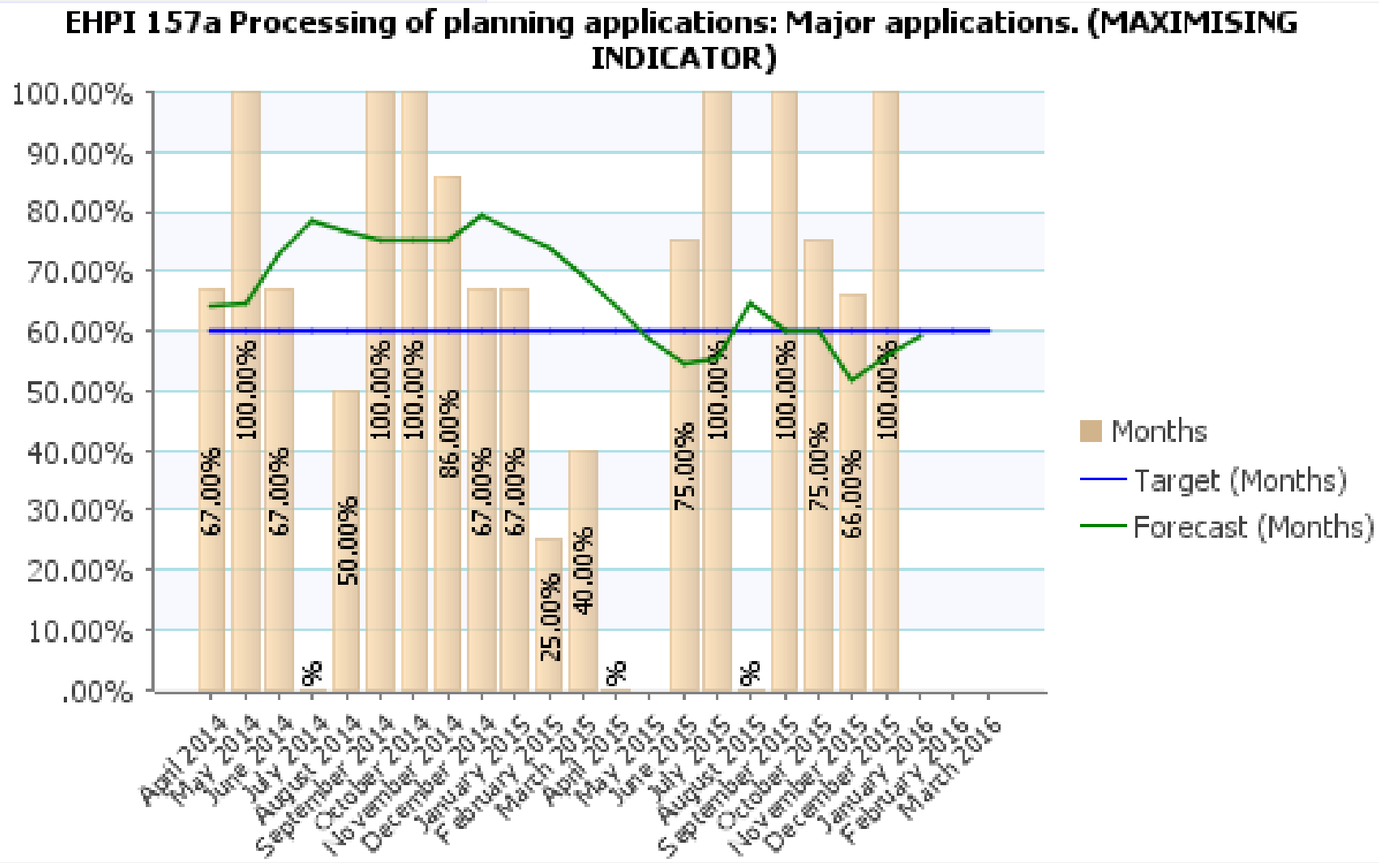
Managed By	Cliff Cardoza;
Short Term Trend Arrow	
Long Term Trend Arrow	
Traffic Light Icon	N/A – Trend only indicator
Current Value	51.85%
Current Target	N/A – Trend only indicator
Notes & History Latest Note	No status note has been added.
Management Response / Action	No further management response required at this stage.

Directorate Neighbourhood Services
Service Area Planning and Building Control

PI Code & Short Name	EHPI 157b Processing of planning applications: Minor applications. (MAXIMISING INDICATOR)	Managed By	Kevin Steptoe; Alison Young
		Short Term Trend Arrow	
		Long Term Trend Arrow	
		Traffic Light Icon	
		Current Value	85.00%
		Current Target	80.00%
		Notes & History Latest Note	Performance exceeding target with 28 out of 33 applications processed on time.
		Management Response / Action	Performance in December is only 0.42% off the against the long term trend, therefore no management response required at this stage.

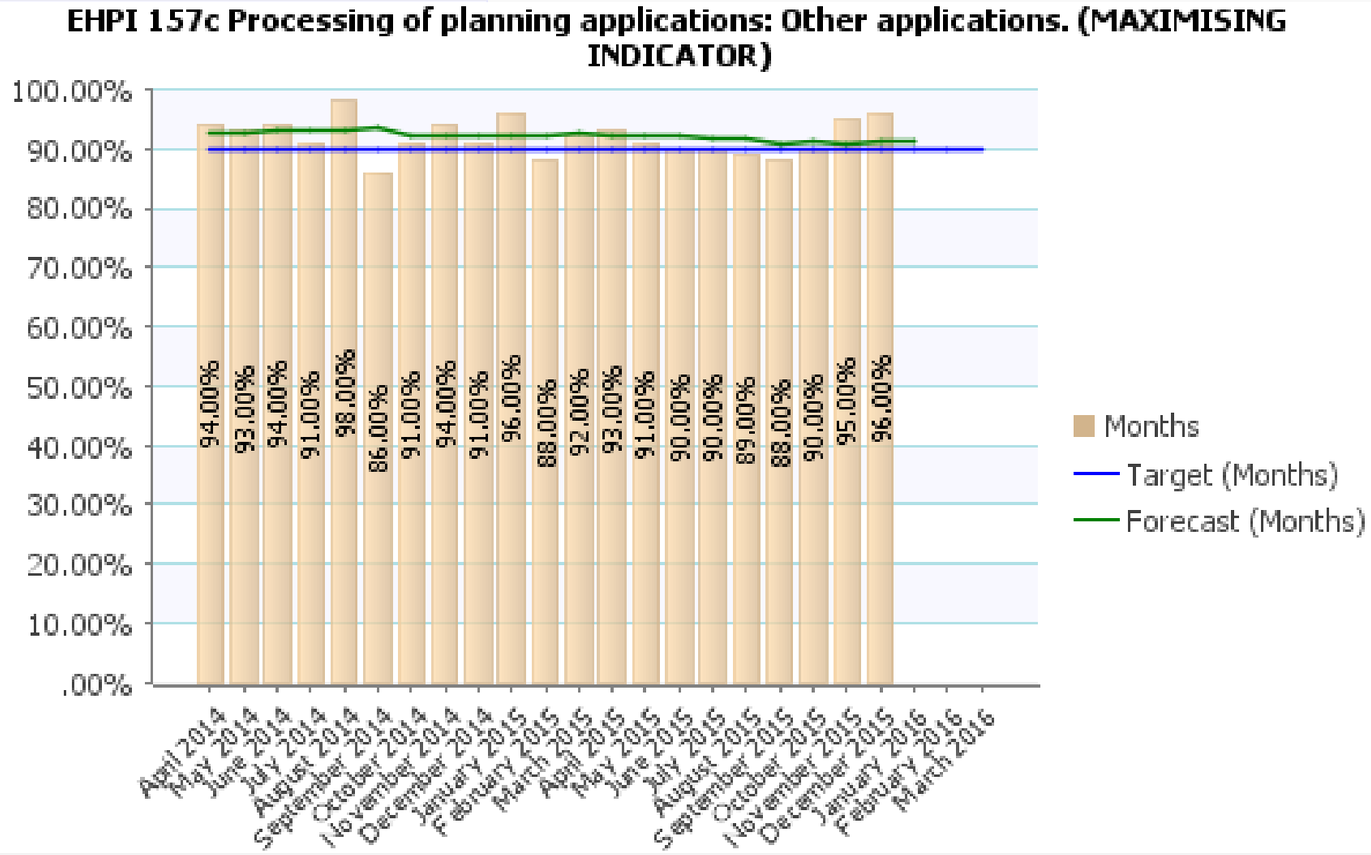


PI Code & Short Name	EHPI 157a Processing of planning applications: Major applications. (MAXIMISING INDICATOR)

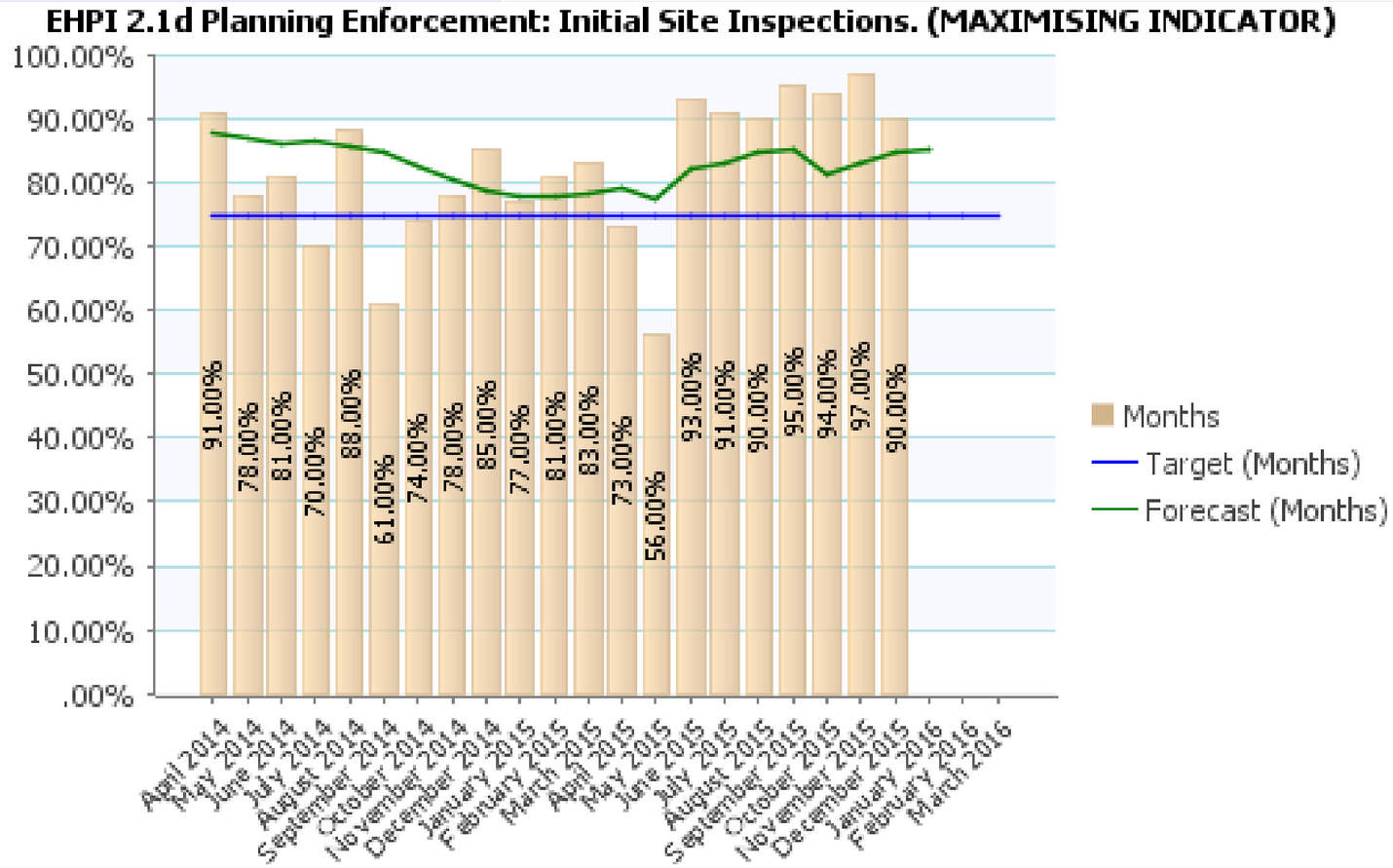


Managed By	Kevin Steptoe; Alison Young
Short Term Trend Arrow	
Long Term Trend Arrow	
Traffic Light Icon	
Current Value	100.00%
Current Target	60.00%
Notes & History Latest Note	Performance is exceeding target with 5 out of 5 applications processed on time.
Management Response / Action	No further management response required at this stage.

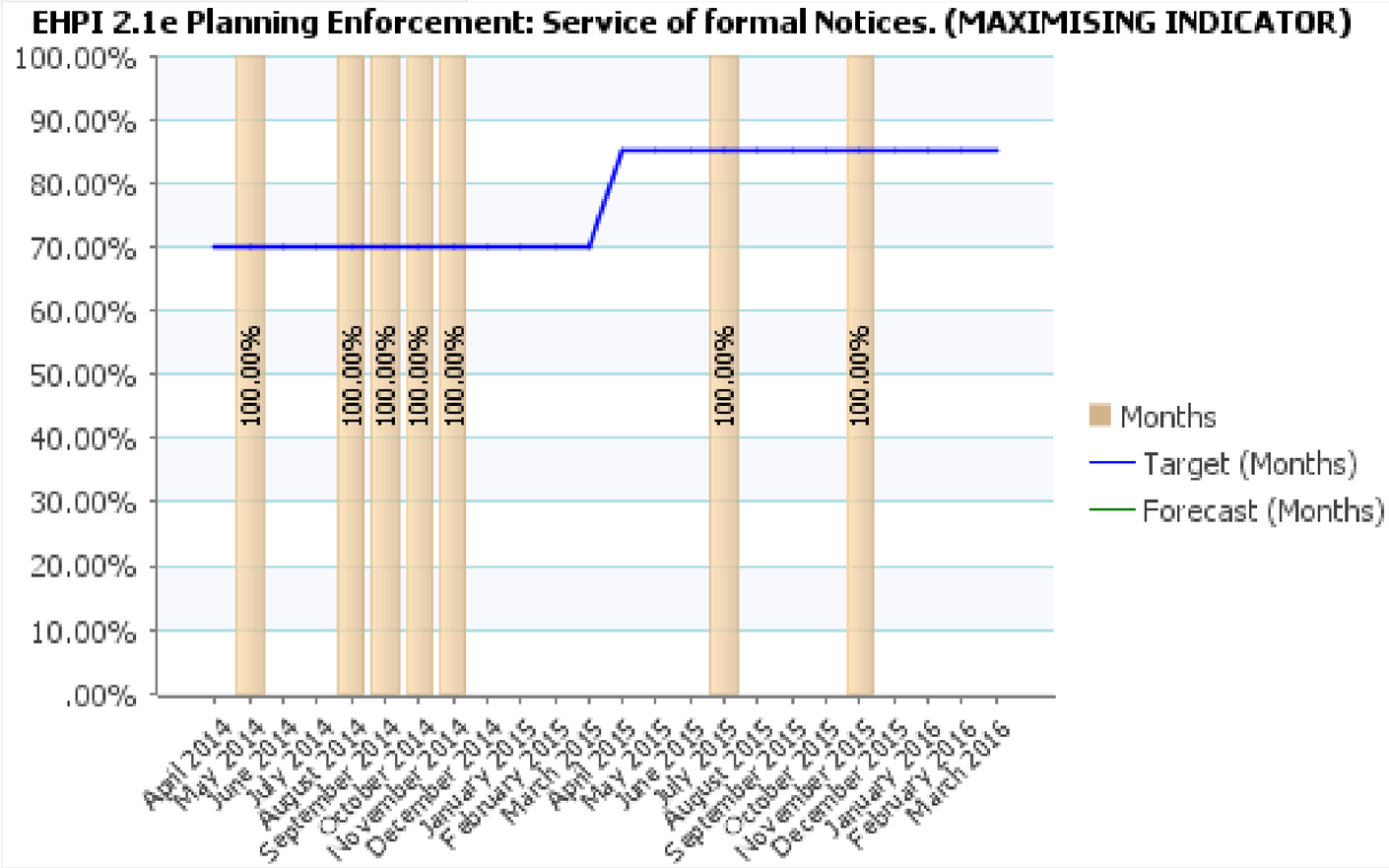
PI Code & Short Name	EHPI 157c Processing of planning applications: Other applications. (MAXIMISING INDICATOR)	Managed By	Kevin Steptoe; Alison Young
		Short Term Trend Arrow	
		Long Term Trend Arrow	
		Traffic Light Icon	
		Current Value	96.00%
		Current Target	90.00%
		Notes & History Latest Note	Performance is exceeding target with 129 out of 134 applications processed on time.
		Management Response / Action	No further management response required at this stage.



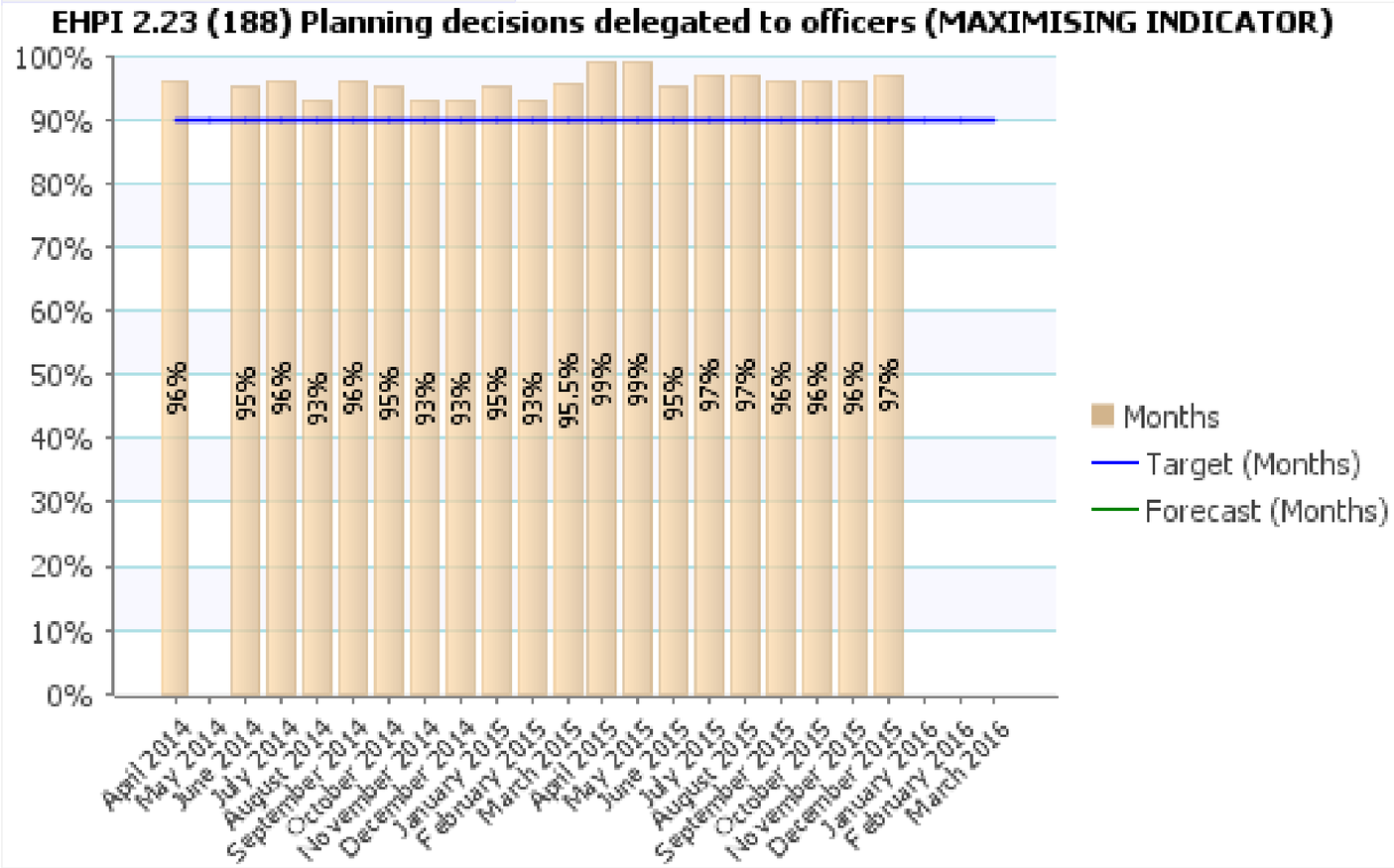
PI Code & Short Name	EHPI 2.1d Planning Enforcement: Initial Site Inspections. (MAXIMISING INDICATOR)	Managed By	Kevin Steptoe
		Short Term Trend Arrow	
		Long Term Trend Arrow	
		Traffic Light Icon	
		Current Value	90.00%
		Current Target	75.00%
		Notes & History Latest Note	Performance exceeding target.
		Management Response / Action	No further management response required at this stage.



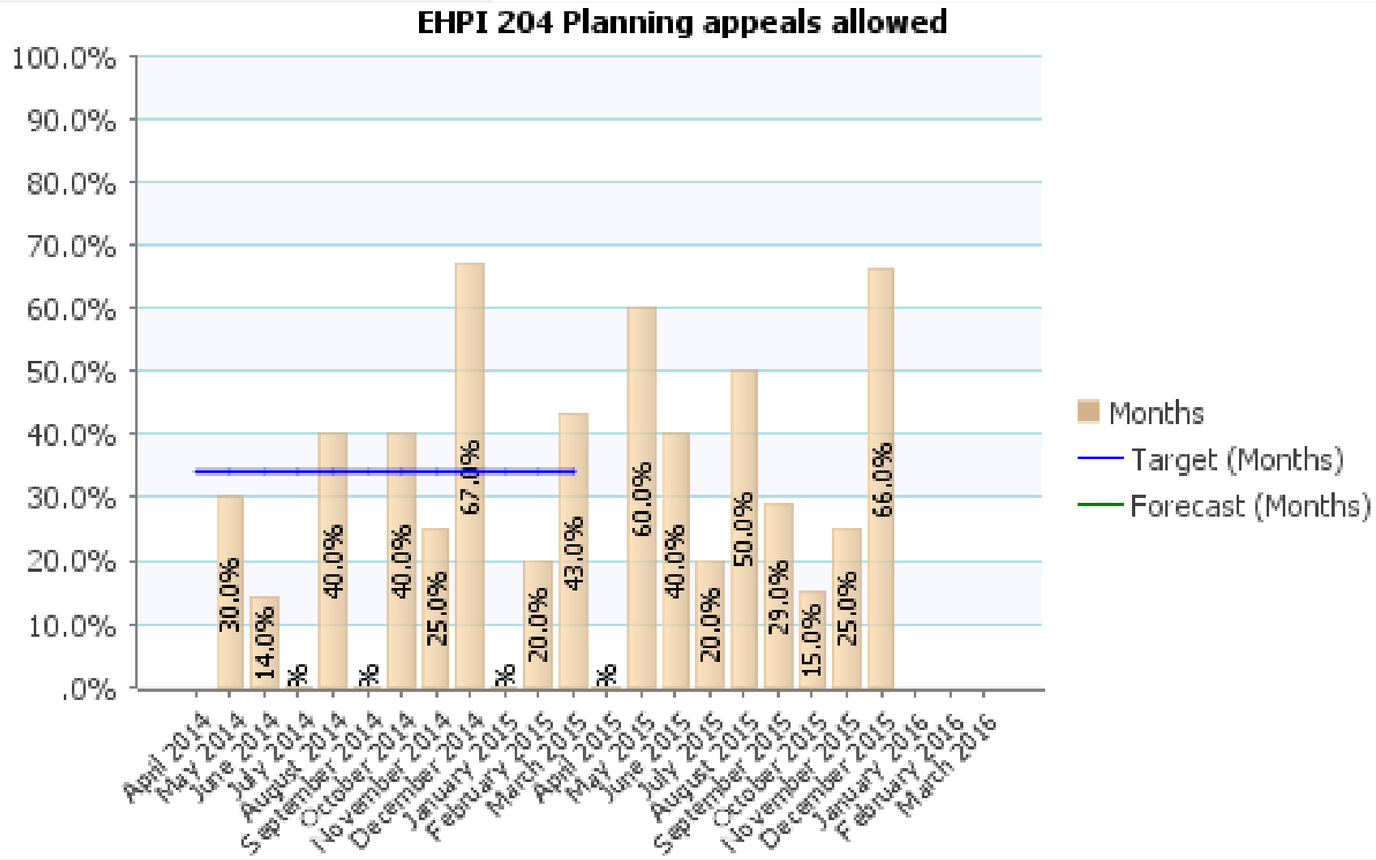
PI Code & Short Name	EHPI 2.1e Planning Enforcement: Service of formal Notices. (MAXIMISING INDICATOR)	Managed By	Kevin Steptoe
		Short Term Trend Arrow	
		Long Term Trend Arrow	
		Traffic Light Icon	
		Current Value	100.00%
		Current Target	85.00%
		Notes & History Latest Note	One notice served - within target timescale
		Management Response / Action	No further management response required at this stage.



PI Code & Short Name	EHPI 2.23 (188) Planning decisions delegated to officers (MAXIMISING INDICATOR)	Managed By	Kevin Steptoe; Alison Young
		Short Term Trend Arrow	
		Long Term Trend Arrow	
		Traffic Light Icon	
		Current Value	97%
		Current Target	90%
		Notes & History Latest Note	Performance exceeding target. 202 out of 208 decisions delegated.
		Management Response / Action	No further management response required at this stage.



PI Code & Short Name	EHPI 204 Planning appeals allowed



Managed By	Kevin Steptoe; Alison Young
Short Term Trend Arrow	
Long Term Trend Arrow	
Traffic Light Icon	N/A - Trend only indicator
Current Value	66.0%
Current Target	N/A - Trend only indicator
Notes & History Latest Note	4 out of 6 appeals allowed.
Management Response / Action	No further management response required at this stage.

PI Status	
	Alert
	Warning
	OK

Long Term Trends	
	Improving
	No Change
	Getting Worse

Short Term Trends	
	Improving
	No Change
	Getting Worse

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For information only: Performance indicator guidance

EHPI 157a - Processing of planning applications: Major applications
PI Definition
Percentage of planning applications by type determined in a timely manner. A timely manner is defined as • within 13 weeks for Major applications; • within 8 weeks for Minor and Other applications; and Good performance Good performance is typified by reaching or exceeding the target.
Data Source
Planning and Building Control

EHPI 157b - Processing of planning applications: Minor applications
PI Definition
Percentage of planning applications by type determined in a timely manner. A timely manner is defined as • within 13 weeks for Major applications; • within 8 weeks for Minor and Other applications; and Good performance Good performance is typified by reaching or exceeding the target.
Data Source
Planning and Building Control

EHPI 157c - Processing of planning applications: Other applications
PI Definition
Percentage of planning applications by type determined in a timely manner. A timely manner is defined as • within 13 weeks for Major applications; • within 8 weeks for Minor and Other applications; and Good performance Good performance is typified by reaching or exceeding the target.
Data Source
Planning and Building Control

EHPI 191 - Residual household waste per household
PI Definition
This indicator is the number of kilograms of residual household waste collected per household. The Numerator (X) for this indicator is total kilograms of household waste less any household waste arisings sent for reuse, sent for recycling, sent for composting, or sent for anaerobic digestion. The denominator (Y) is the number of households as given by the dwelling stock figures from the Council Taxbase. The number of dwellings in each band at the end of the financial year (March figures) to which the indicator pertains, as provided by the Valuation Office, will be used. These are available from Local government finance statistics council tax and national nondomestic rates, dwelling numbers on valuation list (external link). Residual waste is any collected household waste that is not sent for reuse, recycling or composting. Good performance Good performance is typified by a lower figure per household
Data Source
Environment Services

EHPI 192 - Percentage of household waste sent for reuse, recycling and composting
PI Definition
The percentage of household waste arisings which have been sent by the authority for reuse, recycling, composting or anaerobic digestion. The numerator is the total tonnage of household waste collected which is sent for reuse, recycling, composting or anaerobic digestion. The denominator is the total tonnage of household waste collected. Good performance Good performance is typified by a higher percentage
Data Source
Environment Services

EHPI 2.1d - Planning Enforcement: Initial Site Inspections
PI Definition
Sum of enforcement cases where working days elapsed between date of receipt of enforcement case to initial site inspection date is equal to/less than 15 divided by total number of initial site inspections undertaken
Other Guidance
Enforcement case: each individual potential breach of planning control brought to the attention of the service. Initial Site Inspection: the first visit to and inspection of the location of the enforcement case to establish relevant information.

EHPI 2.1e - Planning Enforcement: Service of formal Notices
PI Definition
Sum of Formal Notices where the Date of Service is within 30 working days of the date of the DC Committee by which its service is authorised
Other Guidance
Formal Notice: Planning Enforcement notices authorised to be served by the DC Committee (Does not include any other form of notice such as Listed Building of Advertisement) Date of Service: Date on which a Formal Notice is first served on any relevant party which has an interest in relation to it.

EHPI 2.2 (45) - Waste: missed collections per 100,000 collections of household waste
PI Definition
Number of properties served by refuse, recycling and composting collections multiplied by frequency of each collection type, divided by 100,000 then divided into nos. of missed collections.
Data Source
Environment Services

EHPI 2.23 (188) - Planning decisions delegated to officers
PI Definition
Number of applications decided by planning officers under a scheme of delegation and without referral to committee. APAS - Formula: PS2 (Total Decisions) minus GAFquery (total Committee Decisions) = No x 100 / Total Decisions = %
Data Source
Planning and Building Control

EHPI 2.4 (47) - Fly-tips: removal
PI Definition
This PI is measured by the total time taken to clear fly-tips divided by number of fly-tips recorded on Mayrise, plus those reported and cleared same day by MRS.
Data Source
Environmental Services

EHPI 7.2 - Turnaround of PCN Challenges and Representations.
PI Definition
Sum of days elapsed between receipt of correspondence to response
Data Source
Parking Services
Other Guidance
Data for this PI taken from ICPS which works in calendar days.

EHPI 7.3 - Percentage of appeals to the traffic penalty tribunal against the number of PCNs issued.
PI Definition
EHDC's rate of appeal vs. the national average rate of appeal as expressed in the most recently available Annual Report of the Traffic Penalty Tribunal. The rate of appeal is expressed as a percentage of the total number of PCNs issued by the Council in that period.
Data Source
Parking Services
Other Guidance
Appeal – an appeal by the motorist to the independent Traffic Penalty Tribunal, which can only take place once all avenues to challenge a Penalty Charge Notice with the issuing local authority have been exhausted.

Formula Guidance
PI code and description
EHPI 2.5 Total waste collected by the district (kg per household). (MINIMISING INDICATOR)
PI Definition
This indicator is the total waste collected by the district per household. The Numerator (X) for this indicator is total kilograms of household waste less any household wa sent for reuse, sent for recycling, sent for composting, or sent for anaerobic digestion. The denominator (Y) is the number of households as given by the dwelling stock figures from th Taxbase. The number of dwellings in each band at the end of the financial year (March figures) to which the ind pertains, as provided by the Valuation Office, will be used. These are available from Local government finance council tax and national nondomestic rates, dwelling numbers on valuation list (external link). Good performance Good performance is typified by a lower figure per household
Data Source
Environment Services

Formula Guidance
PI code and description
EHPI 2.6 Percentage of residual waste (refuse) sent for disposal. (MINIMISING INDICATOR)

PI Definition
The percentage of residual waste (refuse) which have been sent by the authority for disposal. The numerator is the total tonnage of household waste collected which is sent for reuse. The denominator is the total tonnage of household waste collected. Good performance Good performance is typified by a higher percentage
Data Source
Environment Services

Formula Guidance
PI code and description
EHPI 204 Planning appeals allowed
PI Definition
Definition This indicator is concerned only with planning applications where the local planning aut refused planning permission. It does not include planning appeals against conditions or non-deter The calculation also excludes all other applications types of appeal e.g. Advertisement Appeals, E Appeals, and Lawful Development Certificate appeals The indicator should include decisions where the date of decision falls within the year in question. indicator is based on data that is already available from the Planning Inspectorate (PINS). As with partially allowed appeal must be counted as an allowed appeal.

The denominator should include all planning appeals where the authority refused planning permis Appeals should only be counted if the date of the Planning Inspector or Secretary of State's decisi within the year in question, regardless of when the appeal was lodged. The numerator should con appeal decisions where the appeal against refusal was allowed. Good performance Good performance is typified by a lower planning appeals allowed against the authority's decision planning application.
Data Source
Planning and Building Control

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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.

RECOMMENDATIONS FOR ENVIRONMENT SCRUTINY: **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

Contact Member: Councillor Gary Jones – Executive Member for Economic Development
gary.jones@eastherts.gov.uk

Contact Officer: Neil Sloper – Head of Information, Customer and Parking Services
Contact Tel No ext. 1611
neil.sloper@eastherts.gov.uk

Report Author: Andrew Pulham – Parking Manager
andrew.pulham@eastherts.gov.uk

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives	**Place – Safe and Clean** This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.
Consultation:	• Resident consultation in 2011 has established an apparent mandate for the introduction of some form of footway and grassed verge parking ban. • Any proposal to implement a footway and grassed verge parking ban would require the promotion of a Traffic Regulation Order which would incorporate an act of consultation. • Ward Members will be given a prominent role to play in identifying candidates for the implementation of a ban.
Legal:	Successful promotion of a Traffic Regulation Order is a pre-requisite to the implementation of an enforceable footway and grassed verge parking ban.
Financial:	The capital and revenue costs of implementing a footway and grassed verge parking ban would depend on the area to be covered. Assuming two locations in each of the 30 wards in East Herts were identified as suited to a targeted ban and assuming this could be achieved through the promotion of three separate Traffic Regulation Orders (one each for Bishop's Stortford, Hertford and Ware and 'rural'), the likely capital cost might be as follows: • Initial surveys (consultant) £12k • Traffic Regulation Orders £6k • Signage £48k (based on four signs in each of the sixty locations) TOTAL CAPITAL COST £66k

	The likely annual revenue cost of operating a ban of this magnitude might be as follows: • Two additional Civil Enforcement Officers £52k (FTE) • One Notice Processing Officer £30k (FTE) • Additional signs and lines maintenance responsibilities £5k TOTAL REVENUE COST (ANNUAL) £87k Possible revenue based on 100 enforceable Penalty Charge Notices issued per annum in each of 60 locations might be in the region of £156,000 per annum, however the number of Penalty Charge Notices issued would be likely to reduce as compliance improved. A more realistic expectation over the longer term would be that revenue from penalty charges would be likely to at least cover the additional revenue costs identified above. Should the Council elect to implement and manage footway and grassed verge parking controls on a systematic basis, it might be cost-effective to employ a TRO officer at a cost of approx. £32k per annum rather than enlisting the assistance of consultants on each occasion. Such an appointment would engender savings in other areas such as the promotion of on-street resident permit parking zones Orders and off-street parking places Orders. It would also assist the Council to fulfil its obligation to the Highway Authority to inspect and maintain existing signs and lines – an obligation that would increase significantly should footway and grassed verge parking controls be implemented. It would be necessary to secure capital and revenue growth during the 2017/18 service planning cycle should the Council wish to embark on a systematic programme of footway and grassed verge parking controls.
Human Resource:	Officers recommend that, especially if footway and grassed verge parking bans were introduced in rural areas, up to two additional Civil Enforcement Officers would have to be recruited to ensure adequate coverage.

	Managing the additional Penalty Charge Notices issued would require the recruitment of another Notice Processing Officer in the Council's Parking Service to ensure statutory and local service standards are maintained.
Risk Management:	Active enforcement against footway and grassed verge parking might place additional strain on the Council's off-street car parks and might lead to displaced motorists parking in a similarly illegal fashion elsewhere.
Health and wellbeing – issues and impacts:	N/A

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Essential Reference Paper 'B'

STUDY INTO THE ADOPTION OF FOOTWAY AND GRASSED VERGE PARKING CONTROLS IN EAST HERTS

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2. Historic context……..

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(ii) Newer development and more recent planning policy…….

(iii) Planning policy guidance for future developments…….

3. Issues associated with footway/grassed verge parking……

4. National charity campaigns……

5. Public opinion in East Herts……

CHAPTER TWO: STATUTORY CONTEXT

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(ii) GLC (General Powers) Act 1974…….

(iii) Road Traffic Act 1991…….

(iv) Traffic Management Act 2004…….

(v) The Secretary of State's Statutory Guidance to Local Authorities…….

3. Government's current position……..

(i) Parliamentary Notes……

(ii) Highway Code…….

(iii) House of Commons Transport Committee 2006…….

(iv) Private Member's Bill (England and Wales)……..

4. Hertfordshire County Council's Position……..

5. Criminal law……..

(i) Criminal law against driving on the footway…….

(ii) Criminal law against obstruction…….

(iii) Public statement, Hertfordshire police…….

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CHAPTER THREE: CONSIDERING AVAILABLE OPTIONS

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2. Available Options……

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(ii) Local ban issued on a case-by-case basis…….

(iii) Experimental order in prioritised areas……

(iv) Alternatives to a ban……

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(b) Bollards……..

(c) High kerbs…….

(d) Landscaping…..…….

(e) Formalised on-street parking……

(v) No action…….

3. Signage options……..

(i) Individual locational signage approach…….

(ii) Zonal signage approach……..

4. Summary…….

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2. Survey results……

3. Overall results summary…….

CONCLUSION AND SUMMARY

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CHAPTER ONE: HISTORIC CONTEXT, ISSUES AND PUBLIC PERSPECTIVES

1. Introduction

This chapter will give a succinct backdrop to the issue of vehicles being parked on footways and grassed verges. It will start by setting out the context within which such parking occurs, by outlining the impact of historic development, street patterns and the growth in car use, before then going on to consider more recent developments and planning policy for the future.

Finally, it will explore briefly some of the issues associated with footway parking, concluding with a reflection on national charity campaigns and local public perspectives on the matter.

2. Historic Context

(i) Historic development and street patterns

East Herts is a largely rural district, comprised of five historic market towns and over 100 villages and hamlets. The district's architectural and infrastructural history largely precedes the invention of the motor vehicle, resulting in a development pattern that was not built with cars in mind.

High density housing developments and narrow road widths, many built in the Victorian era, have been put under strain following a growth in car ownership, which is said to have doubled globally between 1975 and 1995 due to:

> *"Rising levels of income and affluence, the dispersal of urban activities, and the growth in urban population…compounded by the low costs of using the car and the perceived advantages inherent in the car" (Banister, 2005).*

Indeed, it is estimated that there are over 28 million cars on our streets, and 90% of the time they will be parked (Living Streets, 2010). This rapid rise in car ownership has left many residents and visitors in East Herts with no other choice than to park on footways and grassed verges.

(ii) Newer developments and more recent planning policy

Although housing developments built in the 60s and 70s tended to be more mindful of the need to supply car parking spaces, these were often located in separate garages or drives away from properties. This may also have compounded the issue of pavement parking as many residents rejected remote spaces in favour of the convenience and surveillance benefits of parking on streets outside their homes.

Furthermore, many streets also offer free parking, in contrast to purpose-built car parks that can incur a fee. This may deter vehicle owners from parking in car parks when visiting towns, subsequently encouraging a greater incidence of on-street parking. Indeed, Shroup (2011) argues that free parking itself contributes to greater auto-independence and the development of urban areas that are fit more for cars than for people.

(iii) Planning policy guidance for future developments

Within the current Local Plan (2007), there are restrictions on the amount of parking spaces allocated per dwelling in any new development. These reflect Planning Policy Guidance (PPG) Note

13, put in place in March 2001, which introduced a maximum parking standard of 1.5 car parking spaces per dwelling across the district.

Justification for this restriction is outlined in a Local Plan Second Review 2007 Supplementary Planning Document (2008):

> *"Car parking is space-hungry, costly to provide and reduces development density. So reducing the amount of car parking in new development is essential, as part of the packet of measures, to promote sustainable transport choices." (Planning Policy Team, 2008: p6).*

Whilst encouraging greater sustainability, limiting car parking spaces also results in a greater incidence of on-street parking, thereby increasing the likelihood of parking on footways and grassed verges. Furthermore, the maximum parking standard is implemented according to a zonal system, which stipulates that town centres are not required to provide the full extent of this standard, thus further exacerbating the issue in urban areas.

Nevertheless, this national policy has since been superseded. As a result, when the District Plan is implemented, the maximum parking standard will be overridden. This will give greater flexibility to provide more parking spaces in future developments and deter car owners from parking on-street.

3. Issues associated with footway/grassed verge parking

Issues associated with cars parking on footways and grassed verges include:

- The obstruction of vulnerable pedestrians who use the verge or footway, in particular wheelchair users, mobility scooters or people pushing prams;
- Causing a hazard for any pedestrian who is forced to step into oncoming traffic to avoid the obstruction, or whose visibility is reduced at junctions, bends and/or narrow roads;
- The obstruction of other road users who wish to enter or leave properties accessed via the footway/verge;
- Causing congestion by parking on narrow streets that cannot accommodate it;
- Causing costly environmental damage to footways and grassed verges, which are not built to withstand the weight of heavy vehicles;
- Causing damage to underlying drainage and utility services networks beneath the footway/verge

4. National charity campaigns

A number of charities are running campaigns to tackle the issue of pavement parking. Two charities most prominent in this campaign are:

a) **Guide Dogs** – who argue that parking on pavements is risking the lives of people who are blind or partially sighted, as they are forced to step into the road without being able to see oncoming traffic. They are campaigning for the Greater London law, which prohibits parking on pavements in all areas except those markedly exempt, to be expanded to the rest of the country. They argue that this would reduce regional disparity, improve clarity, empower local authorities and properly tackle the problem of pavement parking.

For more information, visit: http://www.guidedogs.org.uk/supportus/campaigns/streets-ahead/pavement-parking/#.VakKhqRViko (Accessed 17/07/15)

b) **Living Streets** – who argue that it is essential to ensure that a legal and enforcement framework exists to prevent pedestrians from being marginalised or endangered by inconsiderate parking. As with Guide Dogs, they are seeking to make pavement parking illegal throughout the UK.

For more information, visit: http://www.livingstreets.org.uk/sites/default/files/content/library/Policy_briefings/PB0110Parking(2).pdf (Accessed 17/07/15)

For a further list of charities, websites and/or blogs campaigning against parking on footways and grassed verges, see the reference list at the end of this report.

5. Public opinion in East Herts

East Herts District Council distributed a parking and transport survey with an edition of the council magazine in 2011. One of the questions asked residents about whether or not they would be in favour of a pavement and grassed verge parking ban. Their response is displayed below:

Would you be in favour of East Herts Council introducing a pavement and grassed verge parking ban, enforceable by issuing Penalty Charge Notices?			
Top number is the count of respondents and the bottom number is the percent	**Yes**	**No**	**No opinion**
On a street by street basis as needed	289	171	48
	57%	34%	9%
Across the district with limited exemptions	198	248	60
	39%	49%	12%

The most popular response, chosen by 57% of respondents, was in favour of implementing a ban in targeted 'hotspots' on a case by case basis.

CHAPTER TWO: STATUTORY CONTEXT

1. Introduction

As stated, there are no national restrictions against parking on footways or grassed verges, except for heavy commercial vehicles. However, there are a number of ways by which local authorities or the police can enforce pavement parking restrictions.

Until the 1990s, parking violations were considered a criminal offence and thus police traffic wardens were responsible for punishing offenders for committing these crimes. Following the introduction of the Road Traffic Act 1991, certain parking offences were 'de-criminalised' and became the responsibility of individual local authorities to enforce in application.

East Herts Council enforces on-street parking on behalf of Herts County Council under an Agency Agreement. However, it is important that any regulation implemented has been informed by the national legislative landscape within which it will be operating. It is also useful to look at the statutory context in Greater London, which has enabled enforcement action against footway and grassed verge parking since 1974.

This report gives an overview of the general legal position regarding footway parking, by detailing:

- The historic context from which national legislation has derived;
- The government's current position regarding the issue (including a couple of Private Members' Bills being introduced in Parliament), and;
- The differing characteristics of enforcement under civil and criminal law.

2. Historic statutory context

(i) Road Traffic Act (RTA) 1974

Section 36 of the RTA 1972 was first subject to amendments regarding footway and grassed verge parking in 1973, when a clause to ban the parking of heavy commercial vehicles on verges and footways was introduced. These vehicles are defined as goods vehicles with an operating weight exceeding 7.5 tonnes.

The Road Traffic Act 1974 sought to extend this restriction to all vehicles on urban roads with the following clause:

> **7** (1) After section 36A of the 1972 Act (prohibition of parking of heavy commercial vehicles on verges and footways) there shall be inserted the following section:
>
> 36B (1) Subject to the provisions of this section, a person who parks a vehicle, other than a heavy commercial vehicle, within the meaning of section 36A of this Act, wholly or partly-
>
> (a) on the verge of an urban road, or
> (b) on any land which is situated between two carriageways of an urban road and which is not a footway, or
> (c) on a footway comprised in an urban road,
>
> shall be guilty of an offence.

See pages 11-13 of the link below for further details of the legislation listed under this section of the RTA 1974, which includes clarification regarding: the nature of the offence; any circumstantial exemptions; and definitions of terminology:
http://www.legislation.gov.uk/ukpga/1974/50/pdfs/ukpga_19740050_en.pdf

This clause, however, was never brought into operation. The government's response to queries regarding its delay in being enacted was that implementation was unable to commence before local authorities had undergone work to identify necessary exemptions. This proved to be an insurmountable barrier to nation-wide restrictions being enforced, and the non-operational clause was eventually repealed by the RTA 1991.

(ii) Greater London Council (GLC) (General Powers) Act 1974

Whilst the RTA 1974 failed to enable the footway parking ban nationally, 'Part III, Highways, Section 15' of the GLC Act 1974 successfully enabled local authorities to take enforcement action against footway and grassed verge parking in Greater London:

> **15** As to parking on footways, grass verges, etc.
>
> (1) Subject to subsections (3), (4), (7) and (11) of this section and without prejudice to the provisions of any other enactment, any person who, on or after the appointed day in or on any urban road in Greater London parks a vehicle so that one or more of its wheels is resting on—
>
> (a) any footway;
> (b) any land (not being a footway) which is situated between two carriageways in any such road; or
> (c) any grass verge, garden or space not falling within the foregoing paragraph (a) or (b);
>
> shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [F1level 1 on the standard scale].

See the link below for further details of the legislation listed under this section of the GLC Act, which includes clarification regarding:

- the nature of the offence and subsequently the appropriate means of prosecution;
- any exemptions (regarding individual cases/areas);
- issuing notice; and
- definitions of terminology

Link: http://www.legislation.gov.uk/ukla/1974/24/section/15

(iii) Road Traffic Act (RTA) 1991

The RTA 1991 'de-criminalised' certain parking violations and gave powers to enforce parking regulations to individual local authorities. Section 83 and Schedule 8 also repealed the clause on footway and grassed verge parking from the RTA 1974.

Under the 1991 Act, parking contraventions committed on the public highway were no longer dealt with by the police and criminal courts, but by local authorities and an independent traffic tribunal (to hear appeals), with debts registered in a County Court and recovery by certified bailiffs. The responsibility for enforcement was thereby removed from police traffic wardens and given to 'civil enforcement officers' working on behalf of either a local authority or private firm.

Local authorities were given the power to issue Penalty Charge Notices (PCNs) and retain the income generated from these to finance further parking enforcement. Endorsable offences (offences that result in points on a licence) and offences relating to obstruction remained, however, under the responsibility of the police (see section 4 below).

(iv) Traffic Management Act (TMA) 2004

The TMA 2004 updated and revised the RTA 1991, which involved extending the civil enforcement powers of local authorities to enforce against certain driving and parking contraventions.

Significant changes included a couple of additional parking contraventions, which are listed in full in schedule 7, part 1 of the TMA 2004. Nine parking contraventions are referred to directly, including the parking of heavy goods vehicles (exclusively) on verges, central reservations or footways. However, the "appropriate national authority" is granted power to decriminalise further offences on the condition they consult appropriate representatives of chief officers of police and local authorities.

For the full legislation, see: http://www.legislation.gov.uk/ukpga/2004/18/contents

(v) The Secretary of State's Statutory Guidance to Local Authorities

'The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions' is published by the Department for Transport under section 87 of the TMA 2004. Authorities *must have regard* to this Statutory Guidance when exercising their functions. It states:

(p6, 2.4) Enforcement authorities should design their parking policies with particular regard to:

- Managing the traffic network to ensure expeditious movement of traffic, (including pedestrians and cyclists), as required under the TMA Network Management Duty;
- Improving road safety;
- Improving the local environment;
- Improving the quality and accessibility of public transport;
- Meeting the needs of people with disabilities, some of whom will be unable to use public transport and depend entirely on the use of a car; and
- Managing and reconciling the competing demands for kerb space.

To see the full guidance document, see:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/421131/final-statutory-guidance.pdf

3. Government's current position

(i) Parliamentary Notes

Current legislation gives local authorities the power to ban parking on footways and grassed verges by introducing tailored parking measures and prohibitions based on local needs in their area.

A Parliamentary Note (dated 17 November 2014) sets out the current Governments' position on the topic:

> There is no national prohibition against on-street or 'pavement' parking except in relation to heavy commercial vehicles. Local authorities and the police may act to tackle pavement parking in various ways, such as under legislation governing obstruction and dangerous parking; designating limited areas of 'no pavement parking' through a Traffic Regulation Order (TRO); or establishing a special parking area.

For the full Note, see: http://www.parliament.uk/briefing-papers/SN01170/parking-pavement-and-onstreet

For a Parliamentary Note (dated 17 October 2014) that summarises the history of parking policy in England, see the following link: http://www.parliament.uk/briefing-papers/SN02235/parking-policy

Furthermore, it is worth noting that on February 21 2011, the Regional and Local Transport Minister, Norman Baker, wrote to councils to encourage them to use their powers to prevent parking on the pavement where it is a problem. At the same time, the Department for Transport gave councils permission to use signs to indicate a local pavement parking ban, without having to gain special signs authorisation from the government as previously expected. More information can be found at: https://www.gov.uk/government/news/freeing-pedestrians-from-pavement-parking-blight

(ii) Highway Code

The Highway Code (https://www.gov.uk/browse/driving/highway-code) states in Rule 244:

> "You MUST NOT park partially or wholly on the pavement in London, and should not do so elsewhere unless signs permit it. Parking on the pavement can obstruct and seriously inconvenience pedestrians, people in wheelchairs or with visual impairments and people with prams or pushchairs."

Additionally, in Rule 243 it states:

> "DO NOT stop or park where the kerb has been lowered to help wheelchair users and powered mobility vehicles."

NB: Use of the phrase "DO/SHOULD NOT" in the Highway Code does not relate to an illegal practice but instead acts as a note of caution. "MUST NOT", on the other hand, does indeed refer to specific offences in law.

(iii) House of Commons Transport Committee 2006

The House of Commons Transport Committee issued an inquiry on parking in 2006. Although now slightly outdated, it made the following comment in reference to footway parking:

> "The Government must grip the problem of pavement parking once and for all and ensure that it is outlawed throughout the country, and not just in London. Councils should have the option of an 'opt-out' of a national pavement parking ban where this is vital, rather than relying on the use of individual Traffic Regulation Orders on specific streets and local Acts to impose a ban. That such an initiative will

> initially require additional resources to enforce is no excuse for allowing some pavements to continue to be swamped by cars and made inaccessible to large numbers of pedestrians. (Paragraph 262)".

For the full inquiry, see:
http://www.publications.parliament.uk/pa/cm200506/cmselect/cmtran/1641/1641.pdf

(iv) Private Member's Bill (England and Wales)

There has recently been renewed interest in introducing a nationwide 'blanket ban' against footway parking, led by charities such as Living Streets and Guide Dogs for the Blind. This has led to two Private Member's Bills relating to the issue in the 2014/15 Parliamentary session:

1. Mark Lazarowicz MP – submitted a bill to devolve powers to introduce a pavement parking ban to the Scottish government. The bill was withdrawn following its second reading in the House of Commons in September 2014, due to confirmation from the government in Westminster that action would be taken to ensure the devolved Parliament in Holyrood had the necessary powers to progress a bill on this issue.

2. Martin Horwood MP – submitted a bill to introduce a blanket pavement parking ban in England and Wales. The bill has yet to receive second reading, and the upcoming election is likely to delay this further. The likelihood of its success is limited. To see the bill and follow its progress, see: http://services.parliament.uk/bills/2014-15/pavementparking.html

4. Hertfordshire County Council's Position

A meeting was held on Wednesday 22 April with Steve Chappell, Senior TRO Officer at Herts County Council, to determine their position on implementing a footway and grassed verge parking ban in East Herts.

Steve's response to the inquiry was that the County Council see it as a matter for Borough and District Councils to decide upon and implement, given that they hold the responsibility for enforcement.

5. Criminal law

Although the RTA 1991 de-criminalised most parking contraventions, some parking offences can still be enforced by the police and are subject to criminal proceedings that could lead to points on the offender's driving licence. For example, parked vehicles that cause safety hazards or are parked in the approach to a zebra crossing are endorsable offences that are dealt with by the police (although a local authority may also issue a civil law Penalty Charge Notice (PCN) for this act of parking).

(i) Criminal law against driving on the footway

Under section 72 of the Highways Act 1835, it is an offence to drive (or ride) onto a pavement or footway, regardless of the length of time spent driving on it:

> It is an offence to: "wilfully ride upon any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot-passengers or shall wilfully lead or drive any carriage of any description upon any such footpath or causeway."

Given that it is necessary to commit this offence in order to park on the footway, many argue that parking on footways should also be subject to fines. However, clarification may be required as to whether this should be a criminal offence or a civil parking contravention, only the latter of which is enforceable by East Herts Council.

(ii) Criminal law against obstruction

The police have the power to remove vehicles if they are causing an obstruction, illegally parked or have been abandoned (granted by sections 99-102 of the Road Traffic Regulation Act 1984, as amended, and by the Removal and Disposal of Vehicles Regulations 1986 (SI 1986/183), as amended, made under sections 99 and 101 of the 1984 Act).

There are a number of statutes and regulations in place against obstructing the highway, including:

- Highways Act 1980, section 137 (wilfully obstructing the free passage of a highway);
- Town Police Clauses Act 1847, section 28 (wilfully causing an obstruction in any public footpath or public thoroughfare); and
- Road Vehicles (Construction and Use) Regulations 1986 (SI 1986/1078), regulation 103 (causing or permitting a motor vehicle or trailer to stand on a road so as to cause any unnecessary obstruction of the road).

(iii) Public statement, Hertfordshire police

Hertfordshire police have issued a public statement on their website detailing their stance on illegal parking. The statement recognises that most parking restrictions are the responsibility of local authorities to enforce, however it also identifies that: "Hertfordshire Constabulary still has the power to act on obstruction offences, and where vehicles are parked on zig-zag approaches to pedestrian crossings."

When defining obstruction, they include a sentence on cars that have been parked across footways and are blocking free passage to pedestrians, particularly those using mobility scooters or with push chairs.

The statement also makes clear that borough/district councils are able to issue a PCN to vehicles that are obstructing a dropped kerb that serves a driveway, cycle track or pedestrian access – a power introduced in the TMA 2004.

Police also state that: "Inconsiderate parking alongside dropped kerbs can prevent residents, particularly people with disabilities and persons with pushchairs, from crossing the public highway in a safe manner, and also prevent the residents and businesses from getting their vehicles back on the road or in their driveway."

For full statement, see: https://www.herts.police.uk/advice/illegal_parking.aspx

6. Summary

There have been a few instances in recent legislative history whereby a national 'blanket' ban on footway and grassed verge parking has been proposed. Firstly, it was put forward as a clause on the RTA 1974, although this was never operationalised. More recently, Martin Horwood MP has

submitted a Private Members' Bill also advocating a national ban, but the likelihood of its success is uncertain.

Current legislation locates the power to ban parking on footways and grassed verges with local authorities, who are able to introduce tailored parking measures and prohibitions based on local needs in their area. This reflects the de-criminalisation of parking offences (now 'contraventions') following the RTA 1991. The police, however, are still responsible for certain related parking offences, such as driving on footways and obstruction.

CHAPTER THREE: CONSIDERING AVAILABLE OPTIONS

1. Introduction

This chapter outlines in greater detail five different ways of dealing with the issue of parking on footways or grassed verges. Each option is outlined and subject to an analysis regarding the pros, cons and resource implications that would ensue following implementation of the regime suggested.

Options considered include: a district-wide ban with local exemptions; a local ban issued on a case-by-case basis; an experimental order in prioritised areas; alternative options to a ban; and finally no action taken at all. Two different approaches to signage are then considered: an individual locational sign approach versus a zonal sign approach.

2. Available options

(i) District-wide ban with local exemptions

This option involves implementing a district-wide Traffic Regulation Order to ban parking on footways across the whole district. However, some areas – where parking on footways is essential to ensure the free-flow of traffic in the absence of alternative parking provision – will be made exempt from the ban. This approach has been adopted in London to prevent on-street parking.

Designating areas of exemption from the ban requires a robust methodology to ensure consistency in allocations across the district. A comprehensive set of criteria would be in operation for granting exemption status, so that narrow residential roads with a lack of off-street parking provision can be identified systematically.

Furthermore, in areas where an exemption has been formalised, it then becomes the responsibility of the council to identify and (where appropriate) protect any services running underneath the footway. An in-depth public consultation would also be required before action could be taken, through the promotion of a Traffic Regulation Order.

Areas that are identified for exemption would then need to be clearly marked, either through signage or by bays painted in white indicating where vehicles can park on the footway or grassed verge.

Pros	Cons	Resource Implications
Having a blanket ban on parking on footways and grassed verges across the district, except for areas chosen for exemption, would: • Enhance the uniformity of the ban in the district • Lead to pedestrians across the whole district having an equal, unrestricted access to footways from the outset of action, except where there is no alternative • Prevent damage to footways and the urban environment in all areas from the outset of action, regardless of road use • The need for in-depth consultation would enable more accurate predictions of residents' reactions	• A blanket ban would likely exceed organisational capacity – the Traffic Regulation Order would need to go live after all signage is in place and it would be difficult to estimate how long this would take • This option would require the largest, most arduous and most costly consultation effort of all the options – which would cover the entire district • It would result in a lengthy, time-consuming operation with a long lag-time between proposal and implementation – as well as taking up a high proportion of officer time	Costs involved in implementing this option include: • Public consultation and service survey costs • Commissioning Herts County Council to write the TRO • Highest signage costs than any other option (to cover all areas, including exemptions). See below for different signage options • Maintenance of signage every 2 years • Enforcement of the ban

(ii) Local ban issued on a case-by-case basis

This option would involve implementing small-scale, local Traffic Regulation Orders to ban parking on footways and/or grassed verges on a case-by-case basis. This approach has been adopted in areas such as East Sussex, Eastleigh, Shepway, Windsor and Maidenhead.

Again, a comprehensive set of criteria would need to be in operation for identifying which areas should be subject to the ban and which should not, including a survey to identify any services running underneath the footway or verge that would need to be protected in areas where footway/grassed verge parking is allowed.

There would also need to be a system of prioritisation in place with regards to *which* areas should be targeted *when*. This would involve considerable consultation with the public and with Members, as well as site visits to identify areas where damage and pedestrian obstruction are worst.

Once areas have been subject to a Traffic Regulation Order to ban footway/grassed verge parking in that particular locality, they must be clearly signed using one or both of the methods listed in section 3 below.

Pros	Cons	Resource Implications
• An approach that enables a system of prioritisation would mean that the most problematic areas can be targeted first • Both costs and staff resources will be required incrementally/ gradually to implement the ban, thereby reducing the impact of one 'big hit' • The need for fairly lengthy consultation would enable more accurate predictions of residents' reactions	• Producing and following a robust prioritisation framework to identify which sites would have the ban implemented first will be a long and laborious process • Although the consultation need for this project does not equal that of a district-wide ban, it will still require considerable resources	• Public consultation service survey costs • Commission Herts County Council to write the TRO • Signage costs for areas where ban is in operation. See below for different signage options • Maintenance of signage every 2 years • Enforcement of the ban

(iii) Experimental Order in prioritised areas

An experimental Order is, as suggested, a type of 'pilot' or 'trial' Traffic Regulation Order that can be implemented at chosen sites immediately and monitored/evaluated with regards to its cost and impact. It is not a means to avoid consultation, but acts as a means of consultation in itself.

An experimental Order can only take effect for a maximum of 18 months before it needs to be either revoked or made permanent. This approach has been adopted in Stevenage and Tunbridge Wells, both of which implemented experimental orders that have now been made permanent.

Again, a system of prioritisation would need to be in place to identify which area(s) the ban would be applied to. It would benefit from being an area, or areas, with demonstrable 'before' and 'after' implications. Similarly, it would be useful if the areas were representative of all three issues concerned: grassed verge damage; footway damage and obstruction issues.

Pros	Cons	Resource Implications
• An experimental Order can be put into action at chosen sites immediately, without need for lengthy/arduous consultation processes • The impact of the Order can be monitored and evaluated at a small scale before a decision is made	• Experimental Orders are more expensive than permanent orders • Although initial implementation will be quick at a small-scale, rolling out the ban further across the district will be a lengthier process than the	• Commission Herts County Council to write the TRO • Signage costs for areas where ban is in operation. See below for different signage options • Maintenance of signage every two years

about implementation across wider areas	other two options	• Enforcement of the ban

(iv) Alternatives to a ban

A variety of physical measures can be used to discourage residents from parking on the pavement, without the need for legislative measures. Government guidance is available to inform local authorities on these alternatives via the following link: http://webarchive.nationalarchives.gov.uk/20090505152230/http:/www.dft.gov.uk/adobepdf/165240/244921/244924/TAL_4-93

The document dates back to 1993, but is still relevant to the situation today. The guidance states that when determining which of these measures is most appropriate to context, the following considerations should be accounted for: Desired effect; location; funds available; safety factors; aesthetic considerations; access requirements; and need to consider requirements of disabled people and not cause obstacles to their movements. Key measures are summarised in the list below.

(a) Railings

There are three different types of railing to be considered: Guard rails are metal, fence-like structures that are erected on the edge of the footway. They are generally used for safety reasons to channel pedestrians to crossing points.

Amenity railings are open railings constructed from tubed structures 1.5m to 2.5m long, and around 1m high. Gaps (no wider than 1.5m) are provided between individual units to allow pedestrian movements.

Low railings are no more than 0.5m high, supported by posts 3m apart. They keep pedestrians away from the carriageway and deter cars from the footway.

(b) Bollards

Bollards can be erected on the edge of the footway with gaps no less than 1.2m between (to allow wheelchair users or people with double buggies to pass) and no greater than 1.5m (to prevent vehicles from mounting the pavement). The gap may need to be greater where pedestrians are intended to cross highways.

(c) High kerbs

The height and shape of double kerbs and trief kerbs can act as a preventative measure against footway parking. Double kerbs are characterised by a step-like structure, where a lower kerb is followed immediately by a higher kerb running alongside the pavement. Trief kerbs are specially-designed kerbs to enhance drivers' safety. They have a ramped 'toe' to provide a clear physical warning that prompts drivers to steer away and a concave recess to 'trap' the bulge in tyre sidewalls.

(d) Landscaping

Various landscaping approaches can be used to form an aesthetic and effective barrier to discourage vehicles from parking on footways and grassed verges. These include: fixed or movable 'raised planters'; textured surfaces (which take a variety of forms, such as large cobbles, specially designed paving, and brick on edge); and strategically positioned street furniture (with litter bins to reduce gaps).

Careful design is nevertheless required to ensure that: pedestrians can still see/be seen easily by oncoming traffic; people are discouraged from getting in and out of vehicles; and visually impaired pedestrians are not inconvenienced.

(e) Formalised on-street parking

In narrow streets where parking along the pavement is a necessity, special spaces can be marked out on one side of the carriageway. This will not solve the problem of pavement parking, but will make sure it is done in a safer and more controlled manner at minimal cost. It may also have the added benefit of slowing vehicle speeds.

Pros	Cons	Resource Implications
• Despite high initial set-up costs, these measures have the advantage of being self-policing and self-enforcing in the long run. • Many of the measures listed may also improve pedestrian safety by channelling them into safe crossing points	• Physical measures may cause further obstruction by limiting pedestrian access to footways. • Many of the options outlined above may also not be easily detected by visually impaired pedestrians. • High kerbs can make crossing roads and getting in or out of cars dangerous • Most of the options considered above would add clutter to the street scene, which would have significant aesthetic costs in East Herts' historic market towns. See reference below	• Costs vary according to the type, scale and extent of the measure used. • However, physical measures tend to have high initial set up costs followed by steady, low maintenance costs. • There are no signage or enforcement costs.

In addition to the note on street clutter – there has been a number of studies recently undertaken suggesting that de-cluttering streets and moving instead towards 'shared space' schemes can lead to better behaviour and safety for road users.

This idea, which is based around the notion that giving road users the responsibility for their own actions can improve safety by increasing perceived risk, has been introduced extensively in countries such as the Netherlands and, to a lesser extent, Germany and Denmark.

For a useful review of the simplified streetscape scheme idea, see:

Quimby, A. and Castle, J. (2006) *A Review of Simplified Streetscape Schemes*, Transport for London: Street Management Division [online] http://www.tfl.gov.uk/cdn/static/cms/documents/review-of-simplified-streetscape-schemes.pdf Accessed 13/05/2015

(v) No action

It is also important to consider the pros, cons, and resource implications of taking no action at all:

Pros	Cons	Resource Implications
Banning parking on pavements can create other problems, which would be avoided if no action were taken. These include: • Inhibiting the efficient movement of traffic and subsequently increasing the incidence of congestion • Loss of parking spaces and putting further pressure on other parking areas (eg. car parks, wider streets) • Creation of unsafe road uses for drivers and pedestrians • Restriction of access for emergency service and refuse/recycling vehicles • It may also be impractical to enforce in narrow residential roads with a lack of off-street parking provision	Cars will continue to park on footways as there would be no repercussions for doing so. This can lead to: • Pavement obstruction and potential loss of independence for vulnerable users, particularly those with visual/mobility impairments • Danger as pedestrians are forced on to the road and incoming traffic • Physical damage to the pavement, which has a negative impact on the aesthetic environment, may cause safety hazards and induces high maintenance costs • 'Clutter' on the street scene, which would have a negative aesthetic impact	• Increased maintenance costs to fix cracked or damaged pavements

3. Signage Options

(i) Individual locational signage approach

Individual signs, as displayed below, can be used to indicate an area where parking on footways and/or grassed verges is prohibited.

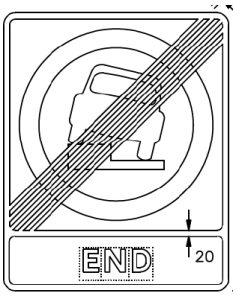
(Available online from the Department for Transport: https://www.gov.uk/traffic-sign-images)

Such signage is required every 30 metres within a restricted area, which can incur high costs and considerable maintenance work. Although it can be useful for isolated streets, it is not appropriate for larger areas.

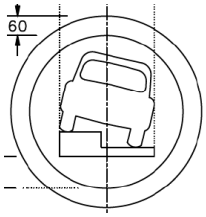
(ii) Zonal signage approach

A zonal signage approach involves the erection of 'entry' and 'exit' signs at the start and end of the restriction zone, with repeater signs in between:

Entry sign



Exit sign



Repeater sign

The zonal approach works better for larger areas, as it requires less signage than the individual locational signage approach, given that repeater signs are only required every 300 metres. This also makes it a cheaper option.

These signs are non-prescribed regulatory road signs, therefore they require authorisation from the Secretary of State for Transport. Hertfordshire County Council has been authorised to use these signs for roads for which it is the highway authority.

4. Summary

This chapter has put forward five different ways of dealing with the issue of parking on footways or grassed verges and outlined the pros, cons and resource implications for each. Where possible,

estimated cost figures have been provided using case study examples from other councils, to aid quantitative comparison between the different options.

CHAPTER FOUR: CASE STUDIES AND EXAMPLES FROM OTHER COUNCILS

1. Introduction

In order to get an idea about the type of approaches to footway/grassed verge parking management adopted in other councils across the country, a survey was sent out in July 2015 with eight open questions for relevant officers to complete and return. The questions were aimed at establishing: the type of approach taken and why; challenges faced; Members' roles; costs and impacts.

The survey was initially sent out to 25 local authorities, identified (through an online 'customer classification' site called Mosaic) as having the most similar demographic profile to East Herts and hosting a population within 10% of East Herts. A further five councils were contacted following search engine research work, which identified them as councils that had already implemented some sort of enforcement against footway/grassed verge parking.

Where such enforcement was beyond the remit of the councils contacted, the survey was forwarded on to the relevant authority. Two authorities responded to say that they do not operate under CPE and four authorities responded that whilst they do operate under CPE, they are not considering any enforcement against footway and grassed verge parking at this time.

Ten surveys were returned completed, the results of which are summarised below. In addition, whilst Elmbridge Borough Council and Abingdon-on-Thames Town Council did not complete the survey, they gave some useful details about alternative methods of enforcement that have been included within the first question responses.

Finally, a meeting was held with the former parking enforcement manager at Stevenage Borough Council, as he played a key role in implementing a relevant experimental TRO in the borough. His responses are included in the summary below.

2. Survey results

Each box below presents the answers to each of the eight questions asked, with words taken directly from the returned questionnaires.

Please note, West Sussex County Council's responses have been extracted from a report (dated August 2011) that they forwarded in response to the survey. The Borough of Poole also wanted to make clear that the officer's responses were his personal view, not the council's policy.

1. Please describe the approach you have taken (or are planning to take) regarding the management of footway and grassed verge parking (ie. a 'whole area' approach with local exemptions or targeted 'hot spot' bans)

East Sussex County Council:
All requests received were ranked according to various criteria. The streets ranking highest were progressed as part of an Experimental TRO. Full details are in the report available on our website https://democracy.eastsussex.gov.uk/Data/Lead%20Member%20for%20Transport%20and%20Environment/20141013/Agenda/LMTE131014item8parking.pdf

Eastleigh Borough Council:
Targeted but minimal

Colchester Borough Council:
For *verges*: We have a piece of legislation in Essex (the Essex Act – peculiar to Essex) which, in the county, globally prohibits parking on mown and ornamental verges (amongst a great many other things), and the offence was decriminalised, with a PCN code to use, so as long as a few formalities have been checked (check on who owns the land; a check on the right for a district to enter the highway and keep the verge in the correct condition; road signage) then we can enforce. Where the land is owned by a parish or district, then we do not need the highway consent – only the district/parish consent. I expect a similar mechanism could be set up with a wide-area TRO. The signage we use is the "no vehicles on mown verge". We have considered the TRO route for footways, if nothing comes of the private bill presently passing through parliament.

Bedford Borough Council:
Whole area approach that will be implemented if the local ward councillor is in agreement.

Royal Borough of Windsor and Maidenhead:
The council has adopted the approach of targeted hot spot bans.

Borough of Poole:
We have one small area where we have applied a "Footway Parking Clearway". We would not normally use this approach, we would normally apply waiting or loading restrictions, but the specific location is alongside pedestrian crossing zigzags, and a bus stop clearway and so the footway would not otherwise have been protected. We applied a "No Stopping" restriction so that we could enforce with the camera car, but we cannot use that to enforce this restriction now. We have not used TROs to protect grass verges, we have used bollards in the most critical areas.

Surrey County Council:
Currently there is only one verge / pavement parking ban in the entire county - this is located in the borough of Epsom and Ewell. The local committee was asked to suggest areas within that borough that might be suitable for this type of scheme, so the parking team could investigate whether or not it would be reasonable to implement or not. Two or three areas were suggested, but only one met the criteria. The committee were asked to suggest areas rather than individual locations.

Tunbridge Wells Borough Council:
Tunbridge Wells Borough Council undertake civil enforcement of parking on behalf of, and through agreement with, the local highway authority – Kent County Council. We implemented an experimental (now permanent) prohibition on footway/verge parking in a limited number of streets, commencing in 2013.To date, we have only implemented a ban in 6 specific streets. This was done, initially as an experimental restriction (now permanent) to determine the effects of such a

restriction. It mainly dealt with situations where there was little need to park on a footway or verge and drivers were being either inconsiderate or copying each other without thought.

West Sussex County Council:
Do not currently engage in any enforcement activities. However, in a report outlining considerations for action, they propose the following options:

- Use of byelaws. Members of parish councils could request the provision of warning signs and posts to deter verge parking at specified locations, supported by a byelaw prohibiting parking. But the reliance on a byelaw means that enforcement is very difficult - it involves the Police taking action and comes at some financial cost.

- A TRO is a more efficient form of enforcement. Where a TRO is in place on the carriageway of a road, adjacent to the area where verge or footway parking takes place, and if the order prohibits or restricts waiting in any way, then a penalty charge notice (PCN) can be issued against a vehicle parked on the adjacent verge or footway. This is because a TRO applies not just to the carriageway, but across the highway from the centreline of the road to the back of the footway.

Where a TRO is not in place, other than under a byelaw, it is not an offence to park a vehicle on a grass verge or footway unless it is a heavy goods vehicle as these are prohibited by law nationally from doing so (a blanket ban).

Shepway District Council:
We have targeted hot spots and made TROs for these areas.

Stevenage Borough Council:
Put in place an 'experimental TRO' in Pin Green area, as this had the most verge damage and largest amount of complaints. A consultation letter was sent out to each household and majority were in favour. There were some against, but benefit of doing an experimental order is that the order can be put in place straight away without having to listen to objections. (However, that does not mean that it's a way to avoid consultation. 18 months after this experimental order was put in place, the council made it permanent. TROs are now spreading out across the town. The new town is practically covered, but the old town is more difficult as the roads are very narrow here and residents are already angry about town centre parking.

Elmbridge Borough Council:
We currently enforce footways/pavements but only where there are single or double yellow line restrictions in place and we use these to enforce the pavements. We don't have a specific order preventing footway parking though.

Abingdon-on-Thames Town Council:
Roads and footpaths are administered by the County Council. Grassed verges are mainly under District Council rather than the Town Clerk's office. Issues are handled by individuals having a quiet word or involvement of PCSOs if there is a safety concern such as parking on a corner or on a footway.

SUMMARY

The majority of respondents have implemented targeted bans in local, 'hotspot' areas. Three councils used an experimental order and just one is considering a blanket ban with local exemptions. Alternative methods, such as bollards, yellow lines and PCSO involvement, were raised by three councils.

One council said they opted for a 'no stopping' as opposed to 'no parking' ban to make it an instant offence, resulting in easier enforcement.

2. What are your main drivers for choosing to manage footway and grassed verge parking? (eg. public pressure, Members, cost of footway/verge damage)

East Sussex County Council:
Complaints from members of public and local councillors that parked vehicles were causing obstruction and damage.

Eastleigh Borough Council:
Obstruction (safety)/verge damage – public complaints, but committee decisions for any action.

Colchester Borough Council:
The Essex Act has had provisions to prohibit verge parking for some time – the Act is in its second or third iteration and dates back to at least 1958 (they were quite forward-thinking!). The prohibitions are invoked mainly because of cars driving over and damaging verges. The approach is usually by local residents/groups, sometimes via Councillors. The Act had remained dormant, probably since the 1980's

Bedford Borough Council:
Public and political pressure.

Royal Borough of Windsor and Maidenhead:
The main reason for targeting hot spots is due to public pressure in relation to blocked footways.

Borough of Poole:
The Footway Clearway TRO was driven by resident complaints, grass verge bollards have been driven by cost of repair

Surrey County Council:
All of the above - in the case of the one scheme that we have implemented. It was considered that the particular area we chose had wide enough carriageways to be able to comfortably accommodate vehicles parking on it, without causing any obstructions to emergency vehicles or any other road users. The area in question has very wide verges with 'run ins' to driveways, both of which were being parked on by residents and visitors - the verges were being damaged, which in turn was costing SCC a lot of money in maintenance costs, and in places footways were being obstructed.

Tunbridge Wells Borough Council:
The main pressure had been coming from members concerned about damage to the many brick footways in Tunbridge Wells, the high cost of repair and inconvenience to pedestrians. Although we had also received comments and complaints from the public, they were not that frequent.

West Sussex County Council:
The parking of vehicles on grass verges can cause many problems, including:

- Obstructing vulnerable road users who use the verge or footway;
- Obstructing road users entering and leaving properties;
- Causing congestion by parking on narrow streets without suitable provision (i.e. half on the footway, half on the carriageway;
- Reducing visibility at junctions, bends and narrow roads;
- Parking on footways is unsightly and can cause environmental damage;
- Causing damage to underlying drainage and utility services networks;
- Parking prevention measures such as bollards require maintenance and add to street clutter.

Shepway District Council:
Public pressure, pavements being blocked by motorists.

Stevenage Borough Council:
Decided to implement the ban because they were receiving a lot of complaints and spending a fortune top-soiling and seeding to repair verges.

SUMMARY

The response to this question was fairly consistent, with the main drivers for action most commonly referred to being:

- **resident complaints;**
- **public/political pressure; and**
- **costly damage**

3. Please outline any challenges you faced (or expect to face) whilst researching, proposing and/or implementing the controls

East Sussex County Council:
There are no road markings for this type of restriction. It must be adequately signed and this will lead to a visual intrusion of the environment.

Eastleigh Borough Council:
Objections from residents

Colchester Borough Council:

Not many challenges actually enforcing, as it's the same as we do for yellow lines, etc. We have only to put up signs for the areas to become enforceable.

Bedford Borough Council:
As we will only implement where there is local support, we do not face any challenges.

Royal Borough of Windsor and Maidenhead:
The main challenge faced is due to the majority of footway parking being done by residents who do not have parking of their own.

Borough of Poole:

1. We do not have an intention to widen our controls on footway or verge parking – there is Councillor inertia on this
2. The DfT say that they have given powers to Councils to deal with footway parking but they haven't really. The BPA has been taken in by this and are not pressing for any further changes.
3. Norman Baker wrote to Local Authorities outside London, in February 2011, urging us to use our powers to prevent parking on footways where this is a problem, but:
    a) The Council still has to go through a lengthy (and relatively expensive) process to make a specific TRO – This Council only has funds to make a very limited number of TROs per year.
    b) The Council has to consult road users quite widely and to formally consider any objections that it receives. Surrey Road is an example of a location where Council Members would be reluctant to confirm a TRO in the face of strong opposition.
    c) The Council has to erect enough signs to make it clear to drivers that parking is prohibited on the particular stretch of footway concerned – Drivers might start to feel that it is acceptable to park on any footways that do not have these signs.
    d) While the recent authorisations mean that Councils don't have to go through a lengthy application process to get authorisation for the signs, the rest of the process is still far from straightforward.

Surrey County Council:
When we are asked to look at an area, we have to consider whether or not it will be beneficial to residents and road users alike. If a verge / pavement parking van was put in place in an area with narrow roads and houses have little or no off street parking, it may be more beneficial not to implement a scheme. In this case, the county councillor for the area canvassed his constituents to assess the need for such a scheme before SCC carried out all of the legal procedures and advertising before implementation. All residents in the area were also notified at the statutory advertising stage that there were some parking proposals in the area and the implementation of the scheme depended on positive feedback from the residents.

Tunbridge Wells Borough Council:
The biggest challenge in this area is in streets where off-street parking is not widely available, car ownership high and there are no alternative parking facilities nearby. Many streets have vehicles parking regularly partly on footways. To remove or control that parking is highly controversial. The

streets chosen for an experimental ban were not, therefore, those where the problems were worst. The next step, should members wish to take it, would be much harder because it would displace some residents from their 'own' street. Other problems we have had with enforcing the restrictions are that, initially, we used a cctv car for enforcement in areas where we did not normally patrol and/or where it would be difficult to safely enforce on foot. The adjudicators took a very dim view of this and allowed appeals consistently, saying that we should not be using CCTV for that purpose even though we felt that it was within the guidelines. Obviously, changes to national legislation have meant that we can no longer use the car anyway. Another issue, and one which was mentioned in some appeal decisions was that signing was not adequate, even though we had followed guidelines. Because there are no road markings and only signs, it can be difficult to get the message across properly.

West Sussex County Council:
Several authorities have indicated that they are not interested in applying the new powers. The reasons for this are various, the most common being:

- The amount of officer time required to prepare, advertise and consult on possibly many new TROs at a time when resources are already stretched;
- The cost of manufacturing and installing the required new signage;
- The cost of engineering high kerbs and/or bollards;
- The added street clutter created by the new signage &/or bollards;
- Continuing doubts about the legitimacy of the new powers;
- There are no obvious contravention codes under which a PCN may be issued.

Shepway District Council:
The regulations require TROs to be made and signs must be erected. This is costly and time consuming.

SUMMARY

Two councils reported experiencing no challenges at all. The rest highlighted variations of the following:

- **Lack of road markings results in unsightly, costly signage that is time-consuming to erect,**
- **Lack of alternative parking options,**
- **Public objection,**
- **TROs are lengthy and expensive to make and require considerable officer time,**
- **Requires time-consuming and resource-intensive consultation with the public,**
- **A targeted ban may displace the problem elsewhere,**
- **Adjudicators consistently allowing appeals.**

4. What role did/will Members have in the process? (eg. in setting the policy framework)

East Sussex County Council:
Lead Member for Transport and Environment approved the report and the installation of the scheme.

Eastleigh Borough Council:
Area Committees decide priorities for any action.

Bedford Borough Council:
The Members were involved in approving the approach and associated TRO.

Royal Borough of Windsor and Maidenhead:
Members are involved in the decision making process in individual Wards.

Borough of Poole:
Members will need to set the policy (they have no current plans to do that) and to approve any Traffic Orders

Surrey County Council:
Members were involved in the entire process, from initial letter drops, through to giving SCC permission to advertise the proposals at local committee meetings. They are also involved in helping officers to assess the feedback from advertising and with making decisions on how the scheme ultimately progresses.

Tunbridge Wells Borough Council:
We have no specific policy, although our emerging parking strategy will provide a degree of guidance. Members were, however, advised of intentions to advertise an experimental restriction and subsequently make it a permanent one through reports to the Joint Transportation Board, which brings together Borough and County members. The Board has no decision making powers, however, and can only recommend that action be taken.

Shepway District Council:
The decision to implement new restrictions is made by Cabinet members.

SUMMARY

For the majority of councils, Members have held the role of 'approval' within decision-making processes. One council reported very high levels of Member involvement, from initial letter drops, through to giving the council permission to advertise proposals at local committee meetings and assessing feedback from this.

5. Could you give us an idea of the costs (or projected costs) of your approach?

East Sussex County Council:
£15000. Full details are in the report.

Eastleigh Borough Council:
HCC (Highway Authority) meets costs of TROs/bollards. This Council's policy is not to provide additional residential parking.

Colchester Borough Council:
Given that the Act already existed, the main cost was in simply getting the permission (formalised) to keep the areas ornamentally mown; after that the only costs were minimal, concerning signage and patrols.

Bedford Borough Council:
Costs of implementing a scheme will depend on whether it is street or area based approach. Costs can therefore vary from a few hundred pounds for an individual road or up to £10,000 for large area.

Royal Borough of Windsor and Maidenhead:
As the majority of hot spots are small areas costs are kept to a minimum due to the need for only 2 or 3 signs per area.

Borough of Poole:
N/A

Surrey County Council:
These type of schemes are included within the annual parking reviews. The committee is asked to allocate funds for these reviews in the reports that are submitted to local committee meetings - some funding is also allocated by the parking team manager from the parking teams central budget. Being part of a wider review, we are able to keep advertising and implementation costs down.

Tunbridge Wells Borough Council:
Cost has been limited to the advertising associated with traffic regulation orders plus signing. The former was about £1500 and the latter about £1000

West Sussex County Council:
The cost and environmental impact of any additional street signage and the availability (and also cost) of officer time in preparing new TROs should be fully assessed before proceeding.

Shepway District Council:
Cost of advertising the TROs and posts/signs for 5 locations was about £2500.

Stevenage Borough Council:
Difficult to quantify. The consultation newsletter was expensive. Other costs include the cost of setting up a TRO, signage, enforcement.

SUMMARY

Costs of implementing a ban are entirely dependent on the size of the targeted area. General consensus amongst respondents was that costs can vary from a few hundred pounds for an individual road or up to £10,000 for a large area. These costs accrue from: advertising, street signage, officer time, enforcement, making a TRO and public consultation.

6. If you have already implemented controls:

a) Did you carry out a post-implementation review, such as a report to committee? If so, is it published on your website?

East Sussex County Council:
We are still within the initial six-month period of the Experimental TRO. After six months a report will be presented to Lead Member to decide whether to modify, abandon, or make the ETRO permanent.

Eastleigh Borough Council:
Not specifically

Bedford Borough Council:
No

Royal Borough of Windsor and Maidenhead:
No

Borough of Poole:
No

Surrey County Council:
Councillors carried out preliminary consultations - a report was submitted to committee, at which the committee decided to allow us to advertise the proposals. The report is available on line - item 32/13: http://mycouncil.surreycc.gov.uk/ieListDocuments.aspx?CId=197&MId=2974&Ver=4

Tunbridge Wells Borough Council:
Because the first order was experimental, we had to report back to members prior to making the order permanent. The report detailing this is viewable at - http://democracy.tunbridgewells.gov.uk/documents/g3204/Public%20reports%20pack%2021st-Jul-2014%2018.00%20Joint%20Transportation%20Board.pdf?T=10

Shepway District Council:
Yes we did. The proposals were made as a package and there were other restrictions included. Cabinet reports are usually published on the websites.

b) What are the key effects or impacts resulting from your enforcement activities?

East Sussex County Council:
Pavements in the affected areas are no longer obstructed, grass verges will grow again, and damage to the pavements and verges will be minimal.

Eastleigh Borough Council:

Residents now park in driveways

Colchester Borough Council:
In the most recent trial area the verge parking was completely ceased within a few days. 9 PCNs were issued and since then the area has been virtually self-policing (though probably partially because we still patrol it).

Bedford Borough Council:
We have gained compliance with the new restrictions and costs of repairing damaged areas are now minimal.

Royal Borough of Windsor and Maidenhead:
Footways that were once blocked for all pedestrians are now clear.

Borough of Poole:
Very little obvious difference, particularly as this cannot now be enforced with the camera car.

Surrey County Council:
Damage to verges has been greatly reduced, making the area look more pleasing and significantly reducing the councils costs of verge repair in the area.

Tunbridge Wells Borough Council:
Generally, as detailed, there is less of a problem with footway parking in the areas where a restriction was imposed, although it is noticeable that where it is school related, many still ignore the restriction despite there being perfectly adequate carriageway width. In two streets where a ban was implemented, we have had some complaints that this leaves too little space in between two rows of parked vehicles for through traffic. There isn't much hard evidence to support the claims though.

Shepway District Council:
Not much impact as the locations the restrictions were introduced are part of an area that CEOs patrol daily. No additional enforcement resources needed.

Stevenage Borough Council:
Within the 18 month period during which the experimental order was in place, the verges were transformed

SUMMARY

The majority of respondents reported a visible reduction in pavement parking, which has led to reduced instances of obstruction and reduced footway/verge damage - resulting in a more aesthetically pleasing environment and lower repair costs.

Two councils reported limited impacts and one argued that there was some benefits resulting from the ban, but also some instances where restrictions are ignored and where complaints were received from residents regarding restricted space for through traffic.

8. Have you any further comments and/or recommendations for a local authority considering the implementation of footway/grassed verge parking controls?

East Sussex County Council:
Make sure there is adequate notice and consultation.

Eastleigh Borough Council:
Consideration of any action needs to be localised, rather than a blanket approach and supported by committees.

Borough of Poole:
Yes – We should all be pressing the DfT to make the situation in London (where a PCN can be issued to any vehicle seen parking on a footway) apply to the rest of the country – I'm getting no support from anyone

Tunbridge Wells Borough Council:
From our own experiences, the issues to be particularly aware of are displaced parking and disgruntled residents, the need to sign heavily and possible problems with enforcement. We opted for no stopping as opposed to no parking to make it an instant offence. Because the offence is often caused by people picking up/setting down or popping into a shop, we wanted something that was easy to enforce – after all, once a driver is on a verge or footway, the damage is done.

3. Overall Results Summary

In summary, amongst the 13 councils consulted, the most popular approach towards managing footway and grassed verge parking was a targeted ban in local 'hotspot' areas. The main drivers for action tended to be resident complaints, costly damage and public/political pressure. Indeed, Member involvement tended to be high in the decision-making process for this matter.

Challenges that councils have faced when implementing bans against footway/grassed verge parking tend to revolve around the time-consuming and resource-intensive processes involved in set-up. Some also experienced public objection, particularly where there was a lack of alternative parking options or the problem was displaced elsewhere.

Costs have proved difficult to quantify, due to the unique nature of approaches in each area, particularly with regards to the size of the area covered. Nevertheless, the majority of councils did report an overall reduction in footway/verge parking as a result of the measures they implemented.

These results have also been summarised in the table below.

Name of council	Approach taken	Drivers	Challenges	Role of Members	Costs	Post-implementation review?	Impacts	Other
East Sussex County Council	Experimental TRO	Public and political pressure, obstruction, verge damage	Visual intrusion from signage	Approval of report and installation	£15,000	Report coming after initial 6 month period of experimental TRO	No more obstruction, grass re-grown, verge damage minimal	Make sure there is adequate notice and consultation
Eastleigh Borough Council	Targeted hotspots	Public complaints, verge damage, obstruction	Public objection	Committees decide priorities for action	County Council meets costs	No	No more pavement/ verge parking	Action needs to be localised
Colchester Borough Council	Essex Act – blanket ban on verges only	Verge damage	No challenges	-	Costs of permission, signage, patrols	No	No more pavement/verge parking	-
Bedford Borough Council	Whole area approach (proposed)	Public and political pressure	No challenges	Approval	Vary from few £100 for individual roads to £10,000 for large areas	No	Costs of repairing damage now minimal	-
Royal Borough of Windsor and Maidenhead	Targeted hotspots	Public pressure, obstruction	No alternative parking available	Decision-making process	Hot spots are small areas so signage (and costs) minimal	No	No more pavement/ verge parking. No more obstruction	-
Borough of Poole	Bollards, waiting/loading restrictions, one small area with 'footway parking clearway'	Public pressure, cost of repair	Lengthy, expensive TRO process, public objection, displacement of issue elsewhere	Set policy and approval of TRO	-	No	Little difference	Need to make the situation in London apply to the rest of the country

Surrey County Council	Targeted hotspots	Verge damage, cost of repair, obstruction	No alternative parking available	Letter drops, permission for advertisement, feedback analysis, decision-making process	Part of wider review, so advertisement and implementation costs kept down	Yes	Verge damage (and costs) reduced	-
Tunbridge Wells Borough Council	Experimental TRO	Political pressure, verge damage, public inconvenience	No alternative parking available, public objection, adjudicators allowing appeals	Recommend action	TRO advertising (£1500) and signing (£1000)	Yes	Reduced footway parking but some ignore, complaints about narrow road width (but no hard evidence)	Be aware of displaced parking, disgruntled residents and need to sign heavily. Opted for 'no stopping' – easier to enforce
West Sussex County Council	Not yet enforcing	Obstruction, congestion, safety hazard, unsightly, verge damage	Resource intensive, costly, street clutter	-	Cost of street signage and officer time considerable	-	-	-
Shepway District Council	Targeted hotspots	Public pressure, obstruction	Costly, time-consuming	Decision-making process	Cost of TRO advertising and signage was £2500	Yes	Little difference	-
Stevenage Borough Council	Experimental TRO	Public pressure, verge damage, cost of repair	-	-	Expensive. Costs included consultation, TRO, signage, enforcement	-	Verges transformed	-

CONCLUSION AND SUMMARY

This report has explored the issue of parking on footways and/or grassed verges, situating it both in the local and national context. It began by outlining the contextual drivers that have led to the prominence of the issue in the UK today, which include:

- The nature of historic development;
- Street patterns;
- The growth in car use; and
- Planning policy regarding parking spaces in new dwellings

Secondly, the statutory context was addressed. Current legislation locates the power to ban parking on footways and grassed verges with local authorities, who are able to introduce tailored parking measures and prohibitions based on local needs. This reflects the de-criminalisation of parking offences (now 'contraventions') following the RTA 1991. The police, however, are still responsible for certain related parking offences, such as driving on footways and obstruction.

There has been some public and political support for the introduction of a national 'blanket' ban on footway and grassed verge parking in recent years, to imitate the legislation in place in Greater London. It was put forward as a clause on the RTA 1974 (but was never operationalised) and has been the subject of a couple of as-yet unsuccessful Private Members' Bills. Various national charity campaigns, most notably led by Guide Dogs and Living Streets, are also advocating this option.

Thirdly, the report outlined five different ways of dealing with the issue of parking on footways and grassed verges, all of which were analysed regarding their pros, cons and resource implications:

- A district-wide ban with local exemptions;
- A local ban issued on a case-by-case basis;
- An experimental order in prioritised areas;
- Alternative options to a ban; and
- No action taken at all.

Two different approaches to signage were then considered: an individual locational sign approach versus a zonal sign approach.

Finally, research was carried out amongst a number of other councils, chosen either for their demographic similarity to East Herts or for their known engagement with the issue, to get an idea about how other local authorities have approached the issue.

Out of the 13 councils consulted, the most popular approach towards managing footway/verge parking was a targeted ban in local 'hotspot' areas. The main drivers for action tended to be resident complaints, costly damage and public/political pressure, although challenges outlined included the time-consuming and resource-intensive processes involved in set-up and public objection.

In summary, it would appear that implementing a ban on parking on footways and/or grassed verges would be a very costly and arduous task. However, the general opinion of other councils who have implemented bans tend to suggest that on the whole, measures do lead to a successful reduction in footway/verge parking.

REFERENCES

Baker, N. (2011) *Freeing pedestrians from pavement parking blight*, Department for Transport, Road Network and Traffic

Banister, D. (2005) *Unsustainable Transport: City Transport in the New Century*, Oxfordshire: Routledge

Department for Transport (1993) *Pavement Parking: Traffic Advisory 4/93*, [online] http://webarchive.nationalarchives.gov.uk/20090505152230/http:/www.dft.gov.uk/adobepdf/165240/244921/244924/TAL_4-93

Living Streets (2010) Policy Briefing 01/10, Parking and the pedestrian. [online] http://www.livingstreets.org.uk/sites/default/files/content/library/Policy_briefings/PB0110Parking(2).pdf Accessed 17/07/15

Planning Policy Team (2008) *Vehicle Parking Provision at New Development*, Local Plan Second Review 2007 Supplementary Planning Document, June 2008, produced in conjunction with East Herts Council by Harrison Webb

Quimby, A. and Castle, J. (2006) *A Review of Simplified Streetscape Schemes*, Transport for London: Street Management Division [online] http://www.tfl.gov.uk/cdn/static/cms/documents/review-of-simplified-streetscape-schemes.pdf Accessed 13/05/2015

Shroup, D. C. (2011) *The High Cost of Free Parking*, Planners Press, American Planning Association

Acts and Guidance (referred to in statutory context)

Section 36 of the Road Traffic Act 1974 (see p11-13): http://www.legislation.gov.uk/ukpga/1974/50/pdfs/ukpga_19740050_en.pdf

Part III, Highways, Section 15 of the GLC Act 1974: http://www.legislation.gov.uk/ukla/1974/24/section/15

Schedule 7, part 1 of the TMA 2004: http://www.legislation.gov.uk/ukpga/2004/18/contents

'The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions' is published by the Department for Transport under section 87 of the TMA 2004: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/421131/final-statutory-guidance.pdf

A Parliamentary Note (dated 17 November 2014) that summarises Government's position on pavement parking: http://www.parliament.uk/briefing-papers/SN01170/parking-pavement-and-onstreet

A Parliamentary Note (dated 17 October 2014) that summarises the history of parking policy in England: http://www.parliament.uk/briefing-papers/SN02235/parking-policy

Highway Code: https://www.gov.uk/browse/driving/highway-code

The House of Commons Transport Committee inquiry on parking, 2006: http://www.publications.parliament.uk/pa/cm200506/cmselect/cmtran/1641/1641.pdf

Progress of pavement parking bill: http://services.parliament.uk/bills/2014-15/pavementparking.html

Hertfordshire police statement: https://www.herts.police.uk/advice/illegal_parking.aspx

Traffic signage: https://www.gov.uk/traffic-sign-images

Charities/websites/blogs campaigning against parking on footways and grassed verges

- http://pedestrianliberation.org/
- http://www.disabledmotoring.org/news-and-features/news/post/64-pavement-parking-petition
- http://www.britishparking.co.uk/write/documents/bpa_response_to_tsc_report_-_dec_2013.pdf
- http://www.healthyplaces.org.uk/themes/enabling-active-travel/restricting-traffic/parking-restrictions/
- http://www.roadswerenotbuiltforcars.com/pavementparking/
- http://therantyhighwayman.blogspot.co.uk/2013/02/footway-parking-fail.html

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
District-wide ban with local exemptions	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. 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). High cost of initial research and surveys. High costs of on-street and back-office enforcement. Possible lower cost of signs and lines (depending on how many exempted areas need to be individually signed).
Local ban on a case by case basis	Opposite approach to the above, whereby footway parking is banned at specific locations. Controllable costs and manageable expansion subject to agreed policy framework. Each scheme would have individual set up costs which over time might exceed those of establishing a district wide ban with local exemptions. 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).

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

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 (county and district) could be invited to submit their 'top five' 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 three separate Traffic Regulation Orders (one each for Bishop's Stortford, Hertford and 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 £52k (FTE)
- Additional notice processing resource (back office) £30k (FTE)
- Additional signs and lines maintenance responsibilities £5k

TOTAL REVENUE COST – APPROX £87k

It would be necessary to seek capital and revenue growth during the 2016/17 service planning cycle should the Council elect to embark on a systematic programme of footway and grassed verge parking controls.

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 100 enforceable Penalty Charge Notices issued per annum in each of 60 'hot spot' locations might be in the region of £156k; 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 £87k 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 implement and retain 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.

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 implantation 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 the CEO 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.

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EAST HERTS COUNCIL

ENVIRONMENT SCRUTINY COMMITTEE – 23 FEBRUARY 2016

REPORT BY EXECUTIVE MEMBER FOR ECONOMIC DEVELOPMENT

CAR PARK FEES AND CHARGES TRIAL

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To assess the results of the two year trial of new car park charges that began in September 2014.

RECOMMENDATIONS FOR ENVIRONMENT SCRUTINY COMMITTEE: **That:**	
(A)	**the outcomes of the trial of new car park charges that began in September 2014 be noted; and**
(B)	**a proposal to make the trial permanent and continue with the current charges until the end of March 2017 be supported.**

1.0 Background

1.1 A two year trial of new car park 'pay and display' charges in Hertford, Bishop's Stortford and Ware began on 8 September 2014. The modified charges and charging structure set out to promote the economic wellbeing of the three towns. (Modified charging arrangements were put in place in Sawbridgeworth and Buntingford car parks and Stanstead Abbotts car park currently operates free of charge thanks to third party sponsorship).

1.2 The principal elements of the trial were:

- An initial 30 minutes free parking
- 50% additional parking time for the same charge on 'short stay' tariffs
- A flat rate parking charge of £1 between 1600 and 1830

2.0 Report

Outcome of Fees and Charges Trial

2.1 Officers have been monitoring the trial along three lines:

- Impact on the 'pay and display' revenue budget
- Impact on the overall number of car park visits
- Impact on the average duration of stay

2.2 The table below shows that 'pay and display' revenue has remained broadly the same as the budget, suggesting the reduction to individual tariffs has been offset by an increased number of individual parking acts.

Year	Budget £	Actual £	Variance £	Percentage of Budget
2010/11	3,113,800	2,979,000	134,800	96
2011/12	2,969,000	3,012,260	(43,260)	101
2012/13	2,962,450	3,057,027	(94,577)	103
2013/14	3,208,600	3,090,248	118,352	96
2014/15	3,048,600	3,026,275	22,325	99
2015/16	2,708,300	2,890,000	(181,700)	107

2015/16 'Actual' figure is estimated
2015/16 'Budget' figure includes Bircherley Green (£166,900)

2.3 **Essential Reference Paper 'B'** confirms the number of individual parking acts in East Herts car parks averaged around 170,000 a month in the year leading up to September 2014 and increased to an average of around 210,000 a month after that date. Evidence, albeit largely anecdotal at this stage, suggests this 23% increase in car parking acts in the three towns may lead to current capacity coming under strain with increasing regularity.

2.4 **Essential Reference Paper 'C'** shows the total number of parking hours purchased each month in each of the trial towns in 2014 and

2015 (excluding 'RingGo'). It shows growth in each town and demonstrates that the total parking hours purchased increased from around 460,000 a month before the September 2014 tariff change to approximately 500,000 a month the following year – an increase of around 10%.

2.6 When 'RingGo' transactions are included the total parking hours purchased in a typical month increased from around 510,000 in 2014 to around 580,000 in 2015 – an increase of around 13%.

2.7 It would appear the change in tariffs and tariff structures introduced in September 2014 has generated a step change in use of most East Herts car parks. This can be regarded as a positive proxy indicator for the success of the trial's primary objective – to promote the economic wellbeing of our main towns. There is however evidence that car park capacity in our main towns is coming under increasing strain. In respect of Bishop's Stortford this was confirmed in a report completed in 2015, which will be used to inform decisions on future developments in the town. Officers propose to commission similar studies in Hertford and Ware in the next two years.

Proposal to Make Trial Permanent

2.8 The two year trial is due to end on 7 September 2016. Given its apparent success the Committee is invited to support both making the new tariff structures permanent and the continuation of current charges until the end of March 2017.The latter would restore the connection with the Council's financial year. Fees and charges proposals for April 2017 onwards will be prepared as part of the Council's service planning cycle.

Background Papers	Interim Report on Car Park Fees and Charges Trial – Executive, 8 June 2015
Contact Member:	Councillor G Jones – Executive Member for Economic Development gary.jones@eastherts.gov.uk
Contact Officer:	Neil Sloper – Head of Information, Customer and Parking Services extn. 1611 neil.sloper@eastherts.gov.uk

Report Author: Andrew Pulham – Parking Manager
andrew.pulham@eastherts.gov.uk

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives	***Prosperity* – Improving the economic and social opportunities available to our communities**
Consultation:	N/A
Legal:	N/A
Financial:	The Council's 'pay and display' income has been sustained during the trial, with the effect of lower individual charges mitigated by higher levels of car park use.
Human Resource:	N/A
Risk Management:	N/A
Health and wellbeing – issues and impacts:	N/A

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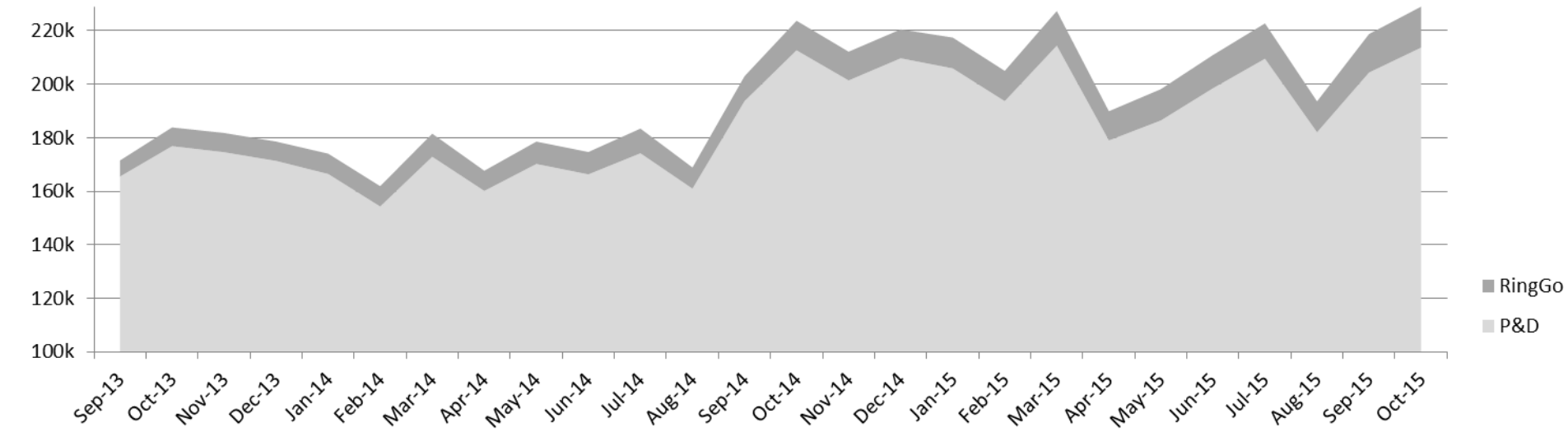
Total parking acts by type
2013 – 2015 (New tariffs implemented September 2014)



	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15
Total	172k	184k	182k	179k	174k	162k	182k	168k	179k	175k	183k	169k	203k	224k	212k	221k	217k	205k	227k	190k	198k	211k	223k	194k	219k	229k
RingGo	6k	7k	7k	7k	8k	8k	9k	8k	8k	8k	9k	8k	9k	11k	11k	11k	12k	11k	13k	11k	12k	12k	13k	12k	14k	15k
P&D	166k	177k	175k	171k	166k	154k	173k	160k	170k	166k	174k	161k	194k	213k	201k	210k	206k	194k	214k	179k	186k	199k	210k	182k	204k	214k

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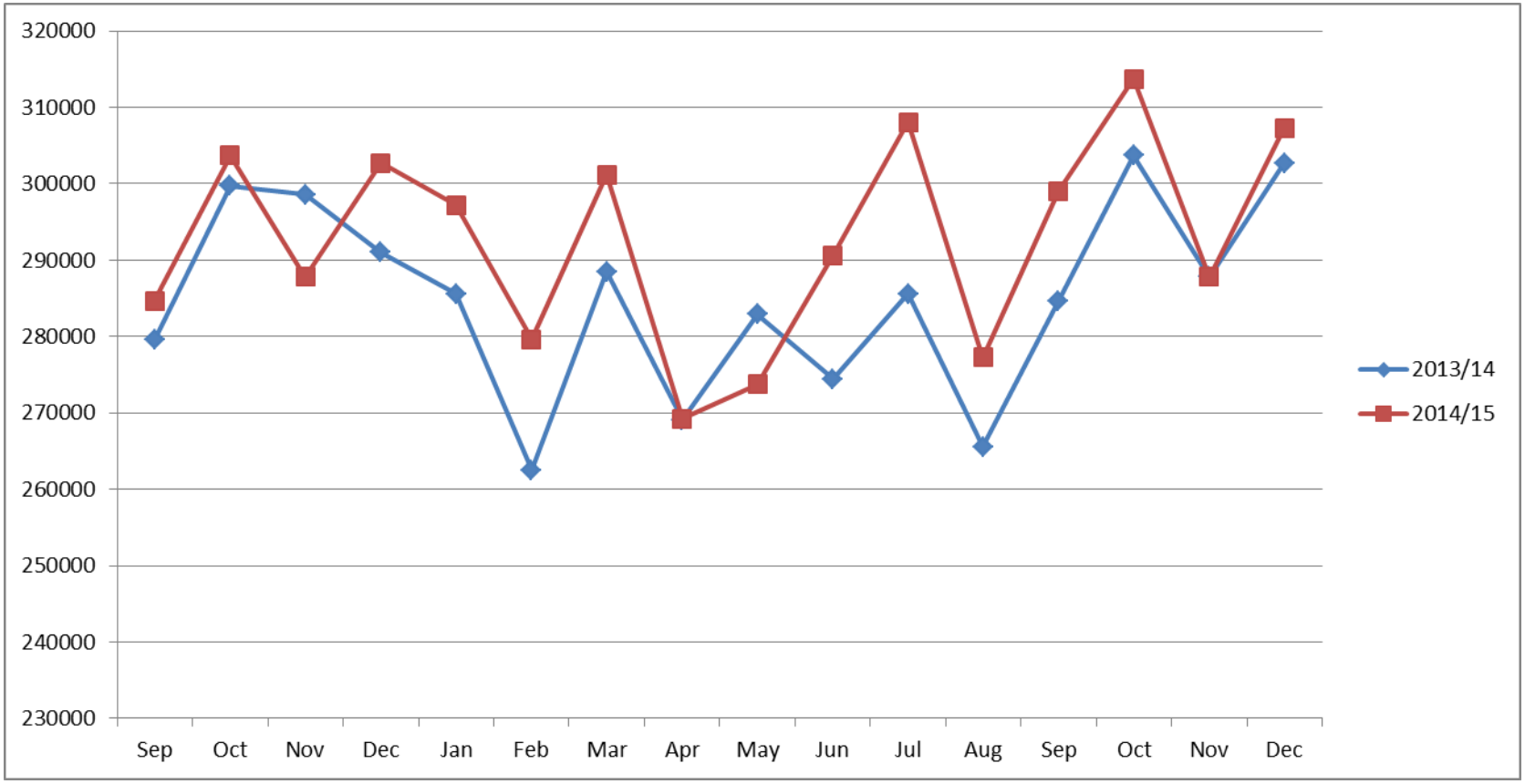
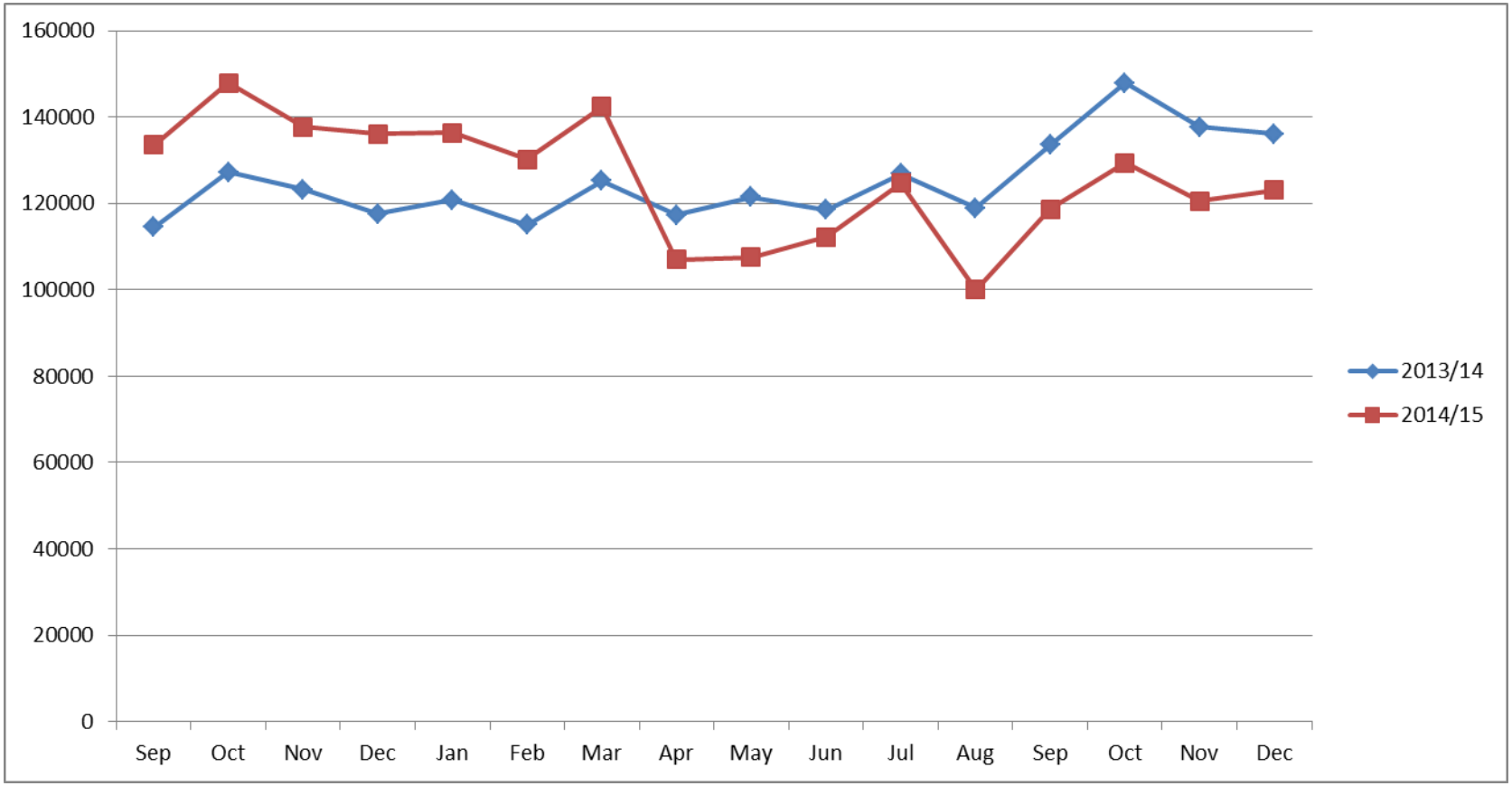
Total Parking Hours Purchased (Excluding 'RingGo') – Bishop's Stortford

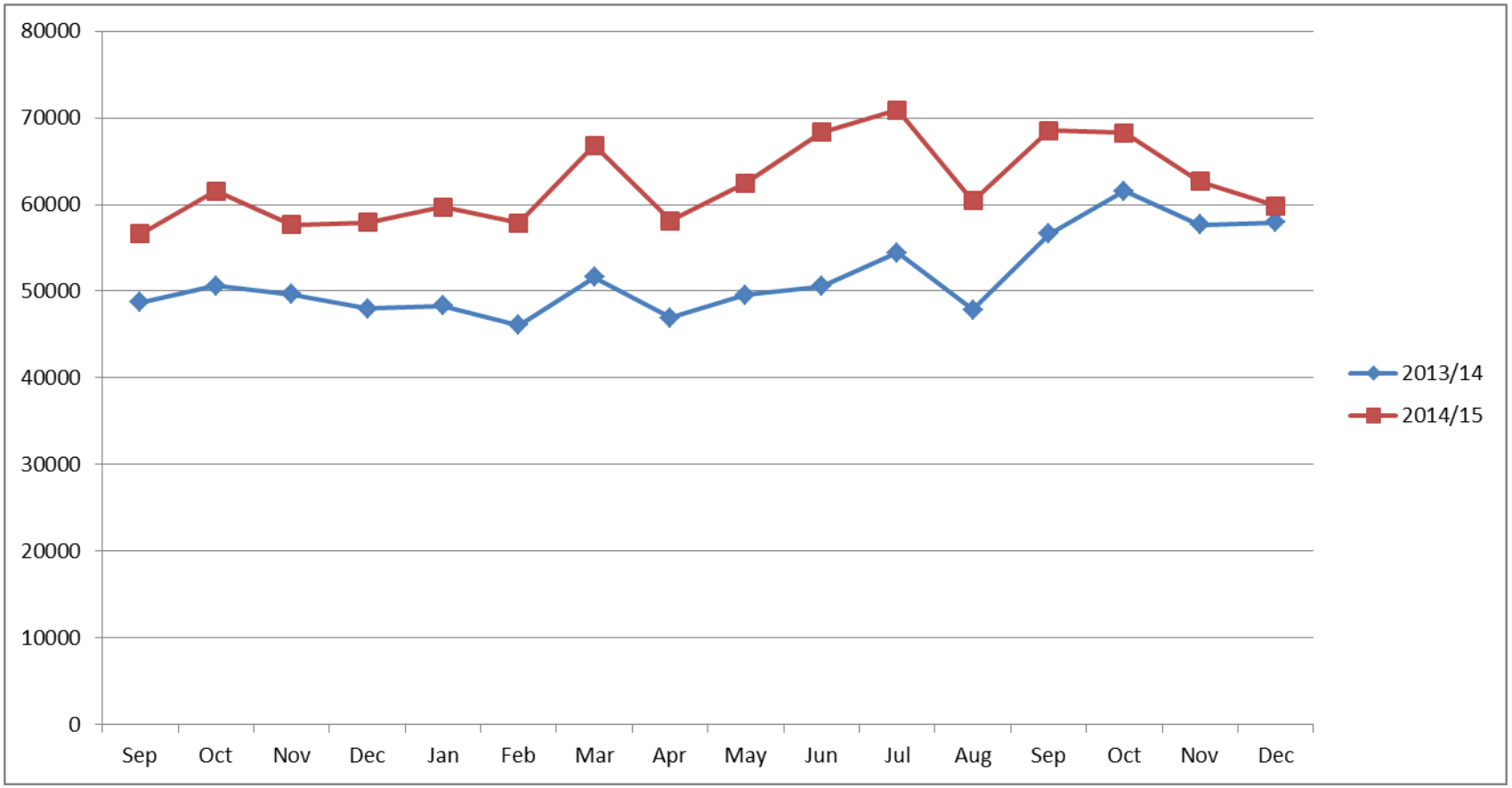


Total Parking Hours Purchased (Excluding 'RingGo') – Hertford



N.B. Bircherley Green MSCP Closed in April 2015 leading to a reduction in the number of parking hours purchased

Total Parking Hours Purchased (Excluding 'RingGo') – Ware



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EAST HERTS COUNCIL

ENVIRONMENT SCRUTINY COMMITTEE – 23 FEBRUARY 2016

REPORT BY THE CHAIRMAN OF THE PLANNING ENFORCEMENT REVIEW TASK AND FINISH GROUP

REVIEW OF PLANNING ENFORCEMENT

WARD(S) AFFECTED: All

Purpose/Summary of Report

- To report the outcome of the consideration of the Planning Enforcement Policy by a Task and Finish Group.

RECOMMENDATIONS: That Environment Scrutiny recommend to the Executive that:	
(A)	**the revised Planning Enforcement Plan be supported.**
(B)	**changes to the delegation to Officers in relation to the serving of Enforcement and related notices be made as set out in paragraph 2.5 of the report;**
(C)	**new Performance Indicators and targets be established for the service for the 2016/17 year onwards as set out in paragraphs 2.9 – 2.12 of the report;**
(D)	**a business case be made to the Executive to establish if further resources should be provided to enable the implementation of pro-active site monitoring**

1.0 Background

1.1 At its meeting of 9 July 2015 the Environment Scrutiny committee resolved that the Performance Indicators (PIs) associated with the delivery of the planning enforcement service, should be reviewed. Following further consideration, at the meeting of 8 September 2015, the committee agreed to widen out the review to the policy under pinning the delivery of the service.

1.2 A Task and Finish Group was set up with Councillor Tim Page as Chairman. The Group has met four times in the intervening period and has reviewed the under pinning planning enforcement policy (now to be identified as a planning enforcement plan), the PIs associated with the service and the resources to enable it to be delivered.

1.2 The National Planning Practice Guidance now advises the production of an Enforcement Plan. Such a Plan would cover the same matters as those covered in the Council's current Policy. It has been determined then that, on completion of this review process, the Policy will now be identified as the Councils Planning Enforcement Plan.

1.3 The Planning Enforcement Plan which has been drafted following the work of the Task and Finish Group is attached to this report as **Essential Reference Paper B.**

2.0 Report

2.1 **General policy matters:** The Task and Finish Group felt that the policy needed to be updated to reflect changes in legislation since it was last reviewed in 2010. In addition, it was considered that the existing policy contained a range of material which, whilst of interest, did not assist customers to easily understand the operation of the service.

2.2 This additional commentary material has been removed from the Plan. Where technical details are still considered to be of assistance, these are to be retained as an appendix to the Plan.

2.4 **Benchmarking:** The operation of the service was considered alongside statistics setting out the operation of the service in the planning authorities across Hertfordshire and the Local Government Association 'most similar group' of authorities. Comparison of policy content was also undertaken in relation to others nationally. No significant differences were identified with regard to the scope of the operation of the service – range and extent of activity. However, it was noted that, in many of the other authorities, there was a greater range of delegation to Officers of decisions in relation to formal action.

2.5 **Delegation:** Officers are currently delegated to issue Breach of Condition and Untidy site Notices. In urgent circumstances, they can issue Enforcement Notices and temporary Stop Notices, subject to subsequent reporting to the Development Management (DM) committee. Officers are also delegated to reach a decision with regard to the expediency of undertaking formal enforcement action. However, there is no general delegation with regard to the issue of Enforcement Notices in non-urgent cases and none at all in relation to Listed Building Enforcement Notices, and authority needs to be sought from the DM committee for their service.

2.6 The Task and Finish Group reached the view that, as reporting of these matters can result in a delay in the progress of an enforcement case, a general delegated authority should be granted to officers to serve all Enforcement and related notices. In order to maintain oversight, a report in relation to all notices served will be provided to the next meeting of the DM committee.

2.7 **Anonymous reporting:** The Task and Finish Group considered the issue of anonymous reporting of potential breaches of planning control. The service currently operates on the basis that the details of any party submitting a request anonymously to investigate a matter will not be made available. The Group considered the current safeguards in place should any party still remain sensitive to providing their details. It was concluded that the arrangements set out in the current Policy for dealing with anonymous submissions remain valid.

2.8 These arrangements are that, if a dialogue is possible with the party who wishes to raise a matter anonymously (for example they have contacted the Council in person or by phone) then they can be referred to either their local Ward Member or Parish/Town Council, to submit the matter on their behalf. Where a dialogue is not possible, for example an anonymous letter is received, then officers will refer the matter to the local Ward Member or Parish/Town Council. These arrangements will remain unchanged in the revised Plan.

2.9 **Performance Indicators (PIs).** The Group considered the current PIs. In relation to the PI dealing with initial site inspections, the Group felt that the matter did not accurately reflect the attention given to urgent cases (as defined in the Plan) and, in some instances did not support the timely initial inspection of sites.

2.10 To address this matter the Group has concluded that the existing PI should be replaced by two new ones. Both will continue to relate to the initial inspection of sites, but one will deal with urgent cases and the other with all other cases. With regard to PIs, it was proposed that the target for site inspections be set at 100% of all urgent cases within 2 working days and at least 90% of all other cases within 15 working days.

2.11 There is a current indicator in relation to the service of Enforcement Notices once they are authorised by the DM committee. It was considered that this provided little monitoring information and, given the suggested change to delegation, would not serve any useful purpose in the future. It is proposed that this PI be deleted.

2.12 Instead, it is proposed that a new PI be introduced. This will relate to the timescale within which a decision should be reached on whether it is expedient to undertake formal action in relation to any case (or to confirm that a decision cannot currently be reached). The target for the indicator would be set at 100% of all cases within 5 weeks of the date that the matter was first raised with the Council.

2.13 **Proactive site inspection Resources:** The Group considered the ability of the service to undertake the proactive monitoring of sites – rather than reacting only to matters when they are raised by members of the public and others. It considered that an improvement in the quality of the service could be achieved by proactive monitoring. It acknowledged that it would not be a good use of resources to monitor all sites but that further work was required to determine where resources might be deployed in this respect, if they were available.

2.14 In respect of this matter the Group were of the view that additional resources in the planning enforcement team were required to allow this enhanced element of service to be achieved and considered that an additional 0.5FTE Enforcement Officer would enable this. It concluded that further work, to comprise a business case, should be undertaken to establish what additional proactive work could be achieved if this additional resource was available.

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

Submissions to the Planning Enforcement review task and Finish Group

Contact Member: Cllr Tim Page, Chairman, Planning Enforcement review task and Finish Group
tim.page@eastherts.gov.uk

Contact Officer: Kevin Steptoe – Head of Planning and Building Control
Contact Tel No 1407
kevin.steptoe@eastherts.gov.uk

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IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives	***People* – Fair and accessible services for those that use them and opportunities for everyone to contribute** This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable. ***Place* – Safe and Clean** This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean. ***Prosperity* – Improving the economic and social opportunities available to our communities** This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.
Consultation:	*No external consultation has been undertaken through the review process*
Legal:	*None directly, although any enforcement actions the Council undertakes are subject to appropriate legal processes*
Financial:	*Current service provision will continue within the resources available. However, the Task and Finish Group has made a recommendation to increase resources if additional work is to be undertaken.*
Human Resource:	*This would be relevant if the recommendation for additional resources is agreed.*
Risk Management:	*The revised Plan seeks to strike an appropriate balance between ensuring that appropriate enforcement is undertaken and the quality and character of the environment in the district is maintained.*
Health and wellbeing – issues and	*None directly, although enforcement action and maintaining the quality of the environment have an impact in relation to this.*

impacts:	

Essential Reference Paper "B"

East Herts Council

Planning Enforcement Plan

Reviewed: Feb 2016

Introduction by Councillor Suzanne Rutland-Barsby, Executive

member for development management and Council Support:

"*The Council attaches significant importance to the planning enforcement function as a means to protect the built and natural environment in the district. It seeks to take appropriate and proportionate action when normal planning controls are breached. The Council acknowledges that some breaches are minor and inadvertent and, in line with national guidance, it will not undertake formal action where acceptable compromise solutions can be found. However, if those in breach are not willing to enter into a dialogue with the Council or the impact of the unauthorised development is significant and harmful, then the Council will proceed to take formal action without undue delay"*

Glossary

Breach of planning control	Any development or use of buildings and/or land which have taken place without a planning (or related) consent
Councillors	Members of the District Council who represent individual wards within East Herts
Delegated/ delegation	The process whereby Councillors set out which tasks Officers are able to undertake on their behalf. The details are set out in the Councils Constitution (which can be viewed on the Councils website)
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
Officers	Employees of the Council who undertake the majority of the day to day tasks in relation to the services it provides – including planning enforcement
Owner	Owner of land, or, in this Plan, a person who has control over it sufficient to rectify breaches in relation to the land, or who otherwise has a legal interest in the land
PD Rights	Permitted Development rights – these are a range of forms of development that can be undertaken without the need for planning permission. The most commonly undertaken are household PD rights which, subject to a range of restrictions, allow for extensions and other alterations to residential properties to be undertaken.

1.0 What is Planning Enforcement

1.1 Planning Enforcement is concerned with works which have taken place in breach of normal planning controls. This Plan sets out the approach that East Herts Council (the Council) will take when this situation occurs.

1.2 Generally, a breach of planning control happens when;
- building or engineering works are carried out without the grant of a relevant planning permission
- a material change of the use of land or buildings occurs without planning permission;
- there is a failure to comply with the conditions imposed on a planning permission or works which have been undertaken are not those for which permission has been granted

1.3 In some cases, undertaking work without the necessary permissions is a **criminal offence**. This is only the case when unauthorised works are undertaken to Listed Buildings or unauthorised adverts are displayed. In other cases, where work is unauthorised, undertaking it does not initially constitute a criminal offence. It does become one though if the Council requires action to be taken (in relation to the work) and this requirement is not complied with.

1.4 The legal basis for planning enforcement is set out in the Town and Country Planning Act 1990 (as amended). Further guidance and advice is set out in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG). These set out the discretionary basis of the provision of the service and provide further background and guidance in relation to the delivery of the service. The guidance in the NPPG sets out that a Planning Enforcement Plan, rather that a Policy, as previously, should be produced by the Council.

1.5 The planning enforcement service can only deal with matters which are covered by planning legislation. There are a range of other matters which can have an impact in relation to visual and environmental amenity but which the planning enforcement service cannot deal with. These include, for example, the impact of construction works on adjacent buildings, matters which are controlled by private covenants, land ownership and any alleged transgressions or violations in relation to that ownership.

2.0 East Herts Planning Enforcement Service

2.1 **The service is discretionary** – as indicated, the operation of the Planning Enforcement service discretionary – that is, the Council can decide if it wants to undertake planning enforcement action or not.

2.2 At East Herts, planning enforcement is seen as an important service to ensure that the amenity and character of the district is maintained. Every potential planning enforcement case that is reported to it will be subject to initial inspection and consideration. Information can be shared between the Planning Enforcement and Building Control services to assist this initial consideration. A decision will then be made as to whether further action should be taken. Officers are delegated to make these decisions on behalf of Councillors.

2.3 **Action to be taken is proportionate** - the action that can be taken as part of the service must be proportionate to the harm that is being caused by the breach of planning control. In some cases, whilst uses or works may be in breach of planning control, the impact of them may be very minor. In such cases, after investigation, the Council may decide to take no further action.

2.4 In all other cases, where some further action is warranted, this will be implemented taking into account the degree of harm caused by the unauthorised works or uses.

2.5 **How cases can be logged with the Council** - potential cases where planning enforcement action may be required can be reported to the Council in person, by phone, by e-mail or by using our on line reporting form. Contacts with the Council to investigate potential planning breaches are referred to in this Plan as ‘requests to investigate’.

2.6 Contact details are set out at the end of this document

2.7 **Anonymous matters** - the Council does not release the identity of those who have requested it to investigate a matter to those who are under investigation. Only in very advanced stages of an investigation, for example where court action is being pursued, would it potentially be of assistance if the person who had raised the matter with the Council be identified, for example to submit evidence on behalf of the Council. However, the Council will not make any persons identity known without their prior agreement.

2.8 As a result, any party who wishes to submit a request to investigate is encouraged to provide their name and contact details so that feedback can be provided, or further information sought.

2.9 If the party who wants to submit a request to investigate still wishes to remain anonymous, they will be asked to approach their local Ward Councillor or Parish/Town Council, to submit the matter on their behalf. If requests to investigate are received anonymously (for example and

unnamed/ unaddressed letter), Officers will refer the request to the local Ward Councillor and, if necessary, the Parish/ Town Council for their support as above.

2.10 In the absence of that support the matter will receive no further attention.

2.11 **Investigation Process.** All requests will be registered on the Council's recording system and the party who has raised it with us will receive an acknowledgement setting out the name of the Officer who is dealing with the matter and a reference to quote in future communication. That Officer may seek further information from the party who submitted the request in relation to the matter.

2.12 Officers will visit the location of the potential breach within the timescales set out below in relation to the priority of the case. The initial assessment of the priority to be assigned to a case will be made using the information supplied by the party requesting investigation.

2.13 At the same time, research into the planning history of the site will be undertaken. If it is determined that planning permission is in place, further checks will be undertaken to establish whether there is any reason to believe that work is not being undertaken in accordance with the permission.

2.14 Where no planning permission is in place, checks will be undertaken to establish whether permitted development (PD) rights are being exercised.

2.15 The site visit will seek to establish the nature and extent of the works or the use which may be taking place. Often, it may be that works are still in progress, so information will be sought as to the anticipated scale of the works when complete. Whilst action will be taken to ensure that an initial site visit takes place within the timescales set out below, it may be necessary to undertake further visits where access to the site or building cannot be achieved.

2.16 **Next Steps.** It is necessary for the Council to determine what action should be taken next – and whether formal action is expedient. The possible courses of action are as follows:

2.17 **Take no action**. If the works or use being undertaken are within the scope of a planning permission that has been granted, or fall within the scope of permitted development, then no further action will be taken.

2.18 It is likely that no further action would also be the outcome where the works or use fall outside the scope of a planning permission or permitted development rights, but the impact of them is very modest. Examples of

this could be:

- Fences, gates or boundary walls being erected which exceed the heights allowed under a planning permission of PD rights by a modest amount
- Very minor changes to the works that have been granted planning permission – which are likely to have very little impact beyond the application site.

2.19 **Seek regularisation through a planning application.** Where works have taken place or a use has been commenced which does have an impact, but which, provisionally are felt to be an acceptable one within the planning policies that are applicable, then a planning application to regularise these would be invited.

2.20 This should not be taken as indicating that the Council will simply approve any application without due scrutiny. The application process allows the works and/or use to be considered fully against relevant planning policies. The owner of the site will be permitted a limited amount of time to make such a submission and any person who has contacted the council in relation to the matter and has left appropriate contact details, will be consulted on the submission.

2.21 It can take 8 weeks to deal with a planning application. If an application is approved, Officers will continue to monitor the site to ensure that the works and/or use implemented are in accordance with the permission granted. If permission is refused, the land owner has a right of appeal against this decision. If, after the expiry of the timescale within which an appeal should be made has expired and none has been submitted, the Council will then make a decision about further action which would be appropriate.

2.22 The Council will continue to monitor the site during this time period. It may be that, if work continues to be undertaken, the appropriate course of action will change from seeking regularisation to other steps, set out below.

2.23 **Undertake formal action.** Where it appears to the Council that the impact of unauthorised works and/or use of a site is unacceptably harmful and it is not appropriate to seek a planning application, formal action will be taken. The range of formal steps available to the Council, the processes relevant to each, outcomes and timescales are set out in the Appendix to this document.

2.24 **Outcomes you can expect if you are the owner of a site under**

investigation. The Council will seek to ensure that all matters in relation to the enquiry are dealt with professionally, politely and efficiently. It will be necessary for Council Officers to attend the site. At all times Officer approach should be polite and respectful. It is often the case that Council Officers will visit without a pre-arrangement, however, they will make themselves known on arrival at a site if it possible to do so. If the time of the visit is not convenient to you, they will seek to arrange a mutually acceptable time to visit.

2.25 Officers will be able to advise on the purpose of the visit and what action the Council can take and what options are available to you as Owner. They can provide advice about the planning and enforcement process, but if you require specific planning advice, this should be sought independently.

2.26 The Council will endeavour to deal with your case quickly, ensuring that uncertainty is removed. However, we will need your co-operation and ask that, in all circumstances, you provide any information Officers request and answer questions they put to you.

3.0 Priorities and timescales

3.1 The Council adopts a prioritised approach to the consideration of potential enforcement matters. The identified priorities are:

Urgent Cases

- Unauthorised alterations to listed buildings;
- Unauthorised alteration to or demolition of buildings in Conservation Areas;
- Unauthorised developments having a severe and possibly irreversible impact on surroundings e.g. major unauthorised engineering works;
- Unauthorised traveller sites; felling of protected trees.
- Development causing danger to highway users.
- Activities requiring the service of an urgent Article 4 Direction (a direction removing specified “permitted development” rights.)
- Unauthorised developments which have the potential to become immune from enforcement action within a period of six months or less.

All Other Cases

3.2 All other unauthorised developments or changes in use of land and buildings.

Timescales

3.3 The following table sets out the timescale within which the Council endeavours to undertake the actions set out in this Plan. These are related to the date that the Council has received a request to Investigate. This date is identified as the 'start date' and is the first working day on which a request is received. In relation to the start date the timescales **(all of which refer to working days)** are set out as follows:

3.4 For **Urgent Cases**

Within the same or next working day	Undertake site visit in all cases. Acknowledge receipt of request to investigate.
Within 2 working days of start date	Reach a decision in relation to whether it is expedient to take action and, where necessary, commence formal action

3.5 For **All Other Cases**

Within 3 working days of start date	Acknowledge receipt of the request to investigate
Within 15 working days of start date	Undertake site visit in at least 90% of cases
Within 10 further working days	Reach a decision on the expediency of further action, or, if a decision cannot be reached, confirm the reason for not being able to.

Then, if an application is to be invited

Within 5 further working days	Request has been made to the Owner setting out the timescale within which it should be received by the Council

Or, if the impact is harmful and it is expedient to serve a Notice

Within 15 further working days	Enforcement Notice served

Or, if a decision in relation to expediency has not been reached

Every four weeks	Reconsideration of whether it is expedient to take further action at a period of no less than every further four weeks.

4.0 Maintaining contact with the Council

4.1 The Council undertakes to advise those who have requested an investigation at each stage in the timescales above where decisions are to be made. The Councils preference is to be able to contact parties by email. This makes the contact process traceable.

4.2 Resources are not available to maintain contact and provide updates in other circumstances. However, calls can be made to Officers at any time during normal office hours to enquire about progress in any particular case. If any party is unable to provide an email contact address, please contact the Enforcement service five weeks after the matter was first raised. It should be possible at that time to provide information on any action to be taken, if none is to be taken or if it has not been possible to reach a decision.

5.0 Performance Monitoring and reporting

5.1 The following targets are monitored with regard to the provision of the service. Performance in relation to these targets is reported to the Council's Environment Scrutiny committee.

Site visit undertaken in relation to urgent cases	100% within 2 working days
Site visit undertaken in relation to all other cases	90% within 15 working days
Decision made on whether it is	100% within five weeks

expedient to either undertake or not undertake formal action or it is determined that it is not possible to make a decision at this stage	

5.2 Oversight of the planning enforcement service also takes place by the Council's Development Management (DM) committee. This committee does not scrutinise the above performance indicators, but considers the general operation of the service with regard to the progression of cases and can seek further information in relation to any particular case.

5.3 Reports are submitted regularly to the DM committee and provide information in relation to the following issues:

- Number of cases received since last report
- Priority status of cases (urgent or other)
- Number of cases awaiting a site visit
- Current status of cases (awaiting site visit, awaiting decision on expediency of action, etc)
- Number of cases closed since the last report
- Number of cases on hand
- Age analysis - cases over 18 months

6.0 Complaints

6.1 If any party is dissatisfied with the service that has been received they should contact the Council and discuss it with officers first to attempt a resolution to the matter. The contact details are set out below. In that way we can seek to resolve the matter of concern.

6.2 If the concern cannot be resolved in this informal way and dissatisfaction remains, the Council has a formal complaints service. The details of this are set out in a separate customer note which is available from the Council's office receptions, on request by phone and letter or on the Council's website. Again all contact details are set out below.

6.3 From time to time the Council may approach users of the service with a post-closure customer survey, following the conclusion of a case, through which the operation of the Policy and the quality of the service provided will be monitored.

Contact Details

If you want to inform us about a potential breach of planning control that you want us to investigate, please contact us by:

Post:	Planning Enforcement Service East Herts Council Wallfields Pegs Lane HERTFORD SG13 8EQ
Phone:	01279 655261 (ask for the Planning Enforcement service)
e-mail	planning@eastherts.gov.uk
Via the reporting page on our website	www.eastherts.gov.uk

If you are unhappy with the service and want to discuss it informally or you want to lodge a complaint please use the number above and ask for the planning enforcement service.

Appendix

This appendix sets out further background to the planning enforcement service, the actions that can be undertaken and the procedures that the Council will follow, where appropriate.

Legal Framework

Paragraph 207 of the National Planning Policy Framework states that *"Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.".*

The ability of the Council to undertake planning enforcement action is set out in primary legislation. The government has also produced a wide range of secondary legislation, policy, guidance and good practice notes that support that primary legislation and the Council are also guided by case law.

This plan follows the principles of good enforcement that are established by the Government Enforcement Concordat 1998. These are that the service should:

- Be Open in dealing with businesses and others;
- Be Helpful, courteous and efficient enforcement officers;
- Have a publicised complaints procedures;
- Take enforcement decisions in a proportionate manner;
- Have high standards of consistency in enforcement action.
- Measure performance against agreed standards;

In considering planning enforcement action the Council will take into account all primary and secondary legislation as well as national planning policy and guidance including:-

Town and Country Planning Act 1990 (as amended);
Planning (Listed Buildings & Conservation Areas) Act 1991;
Planning & Compensation Act 1991;
Planning & Compulsory Purchase Act 2004;
Police and Criminal Evidence Act 1984 ('P.A.C.E.');
Criminal Procedure and Investigations Act 1996 ('C.P.I.A.');
Protection of Freedoms Act 2012

Human Rights Act 1998;
Localism Act 2011;
Caravan Sites and Control of Development Act, 1960;
Town and Country Planning (General Permitted Development) Orders;
Town and Country Planning (Control of Advertisements) Regulations;
The Town and Country Planning (Use Classes) Orders;
The National Planning Policy Framework;
Department of the Environment, Transport and the Regions Circular 10/97 (Enforcing Planning Control);
Department of the Environment, Transport and the Regions Enforcement Good Practice Guide

Enforcement Tools Available

In relation to planning, the Council has a number of planning enforcement "tools" available; examples include:

• notices to require the provision of information;

• planning enforcement notices;

• listed building notices;

• repairs notices;

• urgent works notices;

• stop and temporary stop notices;

• discontinuance notices;

• S106 planning obligations;

• injunctions;

• prosecution;

• direct action;

• planning enforcement orders.

RIPA/PACE

All work of the Council including investigations will be subject to prioritisation. Once started, investigations will be conducted in a timely manner, in accordance with the requirements of relevant legislation, including the Police

and Criminal Evidence Act 1984 (PACE), Regulation of Investigatory Powers Act 2000 (RIPA), Criminal Procedure and Investigation Act 1996, Human Rights Act 1998 and Protection of Freedoms Act 2012. Regard will also be had to the requirements of associated Codes of Practice and Guidance. Investigations will be brought to a timely conclusion where possible.

It may be necessary to undertake surveillance to assist with an investigation. Any surveillance covered by the definitions contained in RIPA will be conducted in accordance with that Act as amended by the Protection of Freedoms Act 2012, appropriate guidance, corporate policy and Codes of Practice. Covert Surveillance will only be undertaken:

- if it is in the interests of preventing crime
- if the use of covert surveillance is necessary and proportionate to the potential offence being investigated
- if it has been authorised by a Council authorising officer and the authorisation has been brought into effect by a magistrate.

It is sometime necessary to conduct an interview with a person (or duly authorised representative of a corporate body) suspected of committing an offence. These interviews will be conducted in accordance with the PACE Codes of Practice. Wherever possible, recorded interviews with persons will generally take place at the Council Offices. So called “interviews by letter may be undertaken”, but each case will be judged on its own merits.

Officer Identification

All officers wear a picture identification card at all times and authorised Officers have been provided with a Council Employee Identification Card, a warrant style card summarising the powers they are able to exercise with regards to the entry to land and buildings granted through the Planning Acts. These contain a picture of the officer. Upon request, or where statute demands, officers will produce appropriate and necessary identification.

Photography

As part of any investigation it may be necessary to take digital photographs to assist with the case. The authority will provide the equipment for this purpose and procedures are in place to ensure the evidential continuity of any images made.

Immunity

Breaches of planning control become immune from enforcement action, and lawful, if they have been in existence for a given length of time. The relevant time limits are:

- 4 years for operational development (physical development of the land such as buildings, extensions and fences);
- 4 years for changes of use of an existing building to a single dwellinghouse; and
- 10 years for any other breaches of planning control. These are mainly material changes of use of land and breaches of planning conditions.

However, Section 124 of the Localism Act 2011 has introduced a new power for local planning authorities which overrides the above time limits in certain circumstances. If the apparent breach of planning control , has (to any extent) been deliberately concealed by any person or persons the Council may apply to the local Magistrates for a planning enforcement order. Such an order gives the Council a further year (known as a 'the enforcement year') to issue and serve a planning enforcement notice irrespective of the time limits referred to above.

Freedom of Information

The personal details of any party who has requested an investigation and the files relating to each case are confidential. This situation has not been altered by publication of the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. However, depending upon individual circumstances, the Council or the Information Commissioner may decide that access to a file is appropriate.

Retrospective Applications

When it is considered that a breach of planning control may be acceptable or lawful, a planning application or an application for a certificate of lawful use or development may be invited to allow the local planning authority to fully consider the full detail of the case leading to a formal decision. However, this does not imply that planning permission will be granted as with any other application.

Permitted Development

The government has granted 'deemed 'planning permission for many developments, generally referred to as 'permitted development rights'. These range from building a small scale shed to the rear of the property to extending the main house. Advice on what may be permitted development is available on the government planning portal website located at http://www.planningportal.gov.uk/permission/ . The council will not be able to take any action against such authorised developments.

Prosecution/Direct Action

Following the service of an enforcement notice that requires works to be carried out to remedy or remove the breach and those works/actions have not been undertaken within the timeframe given via the notice, it is open to the authority to pursue a prosecution in the courts for the non-compliance of the notice.
If it is considered that prosecution would not satisfactory resolve the breach of planning control, it is open to the authority to take direct action by way of employing contractors to carry out the works required by the notice and seek payment for those works from the owner of the land/property or by placing a legal charge on the land/property.

Level of Delegation

This section to be completed once the full delegated powers are known.

EAST HERTS COUNCIL

ENVIRONMENT SCRUTINY COMMITTEE – 23 FEBRUARY 2016

REPORT BY EXECUTIVE MEMBER FOR ENVIRONMENT AND PUBLIC SPACE

WASTE AND STREET CLEANSING CONTRACT – FUTURE SERVICE DESIGN CONSIDERATIONS

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To invite the Committee to set up a Task and Finish Group to consider the future objectives and outcomes expected from the Waste and Street Cleansing Contract and to inform contract design.

RECOMMENDATION FOR ENVIRONMENT SCRUTINY COMMITTEE: That:	
(A)	**a Task and Finish Group be set up to consider the future objectives and strategic outcomes for the next waste and street cleansing contract.**

1.0 Background

1.1 The combined Refuse, Recycling and Street Cleansing contract was awarded to Veolia Environmental Services for a period of seven years, with a possible extension of up to seven years, in November 2010 and commenced on the 9 May 2011. The contract value is approximately £4m per annum.

1.2 The contract delivers the following functions:

- Domestic refuse, recycling and organic waste kerbside collection, totalling 4.7 million collections and 54,000 tonnes of waste per annum.

- Commercial waste collection services to over 700 customers generating over £600,000 gross income per annum.

- Clinical (healthcare) waste collections (domestic and commercial)

- Street cleansing of around 9,000 km roads and 5000km channels per annum.

- Public convenience cleaning (3 sites)

- Minor services e.g. graffiti removal; smaller fly tips; market stall erection; pavement washing; management of recyclable materials.

1.3 It should be noted that there are a number of other waste related in-house and external functions and contracts performed outside the main waste services contract, including customer services; contract and environmental inspection; environmental crime enforcement; promotion and media; recyclable material re-processing; bring site banks collection; abandoned vehicles removal; specialist fly tips and graffiti removal. These are performed either by in-house staff; through specialist or local contractors; or through Hertfordshire consortium contracts.

1.4 The initial seven year period of the contract comes to an end on 8th May 2018. It is usual for the Council to conduct a review of the service at the 5 year point in order to determine whether to extend or tender the contract and if the current objectives for the service should be retained or modified.

1.5 As Members will be aware this review is complicated by the fact that the Council has been developing a business case for a Shared Service with North Herts District Council. A high level 'strategic' case was agreed last July and a full 'Outline Business Case' is due to be presented to both authorities in May/June 2016.

1.6 Whether or not the two authorities agree to a shared service, there is still a requirement for East Herts Council to consider and set strategic objectives for the new contract which will inform the design of contract documentation and the procurement process.

1.7 North Herts District Council will also be undertaking a similar process this year and, if both authorities agree to proceed with a shared service, the objectives of the two councils will be brought together in the combined contract. As has previously been discussed, there is no requirement for East and North Herts services to residents to be exactly the same, but greater financial efficiencies will be derived from commonality through contractor economies of scale.

2.0 Report

2.1 The purpose of this report is to request that the Committee agrees to set up of a Task and Finish Group to review current service performance and recommend objectives that can be built into service design and contract documentation.

2.2 It is not the intention that the Task and Finish Group consider whether the Council should enter into a shared service at this stage. This will be carried out by both councils later in the year once the full business case has been completed and on that evidence base.

2.3 While the end of the current contract is over 2 years away, the timescales to develop and procure a waste collection contract are considerable due to the lead-in time for contractors to procure infrastructure (vehicles, plant and possibly land/sites). Extra time also has to be allowed for the decision making processes involved in agreeing a shared service, if that is the preferred route.

2.4 It is usual for the following areas to be considered as part of the process of reviewing a major contract.

- Objectives of the services and contract.
- Service scope (what is included in the current service and should this be the case in future).
- Current and past service performance.
- Contract standards (required performance of the contractor).
- Customer service standards (required performance of the client when dealing with residents and businesses).
- National and local waste legislation, current and future targets, future trends.
- Financial and economic environment (e.g. local and national pressures; international commodities markets and their impact on future income streams).
- Opportunities to deliver efficiencies and / or better services.
- Procurement options for the council (s) and associated risks.

2.5 Draft terms of reference for the project have been attached at **Essential Reference Paper B**. Subject to the views of the Committee, these would be considered and agreed by the Task and Finish Group at its first meeting.

2.6 It is anticipated that the work will need 4 to 5 meetings over a three month period and will be completed in May /June 2016. The work will conclude with consultation with North Herts Council to share views and integrate with NHDC Member processes, should a shared service be agreed.

2.7 The final report will be recommended to the Executive for approval and inform contract design.

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

Contact Member: Councillor Graham McAndrew – Executive Member for Environment and Open Spaces
Graham.mcandrew@eastherts.gov.uk

Contact Officer: Cliff Cardoza – Head of Environmental Services and Leisure
Contact Tel: No x1527
Cliff.cardoza@eastherts.gov.uk

Report Author: Cliff Cardoza – Head of Environmental Services and Leisure

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives *(delete as appropriate):*	***People* – Fair and accessible services for those that use them and opportunities for everyone to contribute** This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable. ***Place* – Safe and Clean** This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean. ***Prosperity* – Improving the economic and social opportunities available to our communities** This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.
Consultation:	N/A
Legal:	There are no legal implications for this report. Legal advice will be provided to the Task and Finish Group by the Head of Legal and Democratic Services, as required.
Financial:	The report proposes that a Task and Finish Group is set up to assist officers in the development of a Waste and Street Cleansing contract. There are considered to be no additional expenditure implications from this report. The Council has commission a specialist environmental contractor to assist with advice on the future design of services as part of the Waste Shared Services Project. This is funded jointly by East and North Herts and is within existing agreed budgets. The information produced will be used by both authorities to assist in service design and will be available to the Task and Finish Group.

Human Resource:	There are none for this report.
Risk Management:	Failure to undertake this work could result in delays in procurement or service and contract objectives not being aligned with corporate objectives.
Health and wellbeing – issues and impacts:	There are none for this report.

Essential Reference Paper B

Draft Terms of Reference

The suggested terms of reference for the Task and Finish Group are as follows:

a) Review the current objectives for waste and street cleansing operations. Consider and recommend whether these meet the long term objectives of the Council.

b) Review the performance of the current services and contract.

c) Consider changing trends; legislative ; service and financial pressures; partnership objectives and constraints and how this will affect service design and the need for flexibility to meet future needs.

d) Take evidence and examples of best practice in waste management.

e) Consider service design options for the Council and how these can be used to deliver objectives

f) Inform the development and design of the specification and tender options for the next contract.

Subject to the views of the Task and Finish Group once established an anticipated timescale for the review will be 3 months. A report will be submitted to the June meeting of the Environment Scrutiny Committee.

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EAST HERTS COUNCIL

ENVIRONMENT SCRUTINY COMMITTEE: 23 FEBRUARY 2016

REPORT BY CHAIRMAN OF ENVIRONMENT SCRUTINY

EVALUATION OF SCRUTINY 2015/16 AND WORK PROGRAMME PLANNING FOR 2016/17

WARD(S) AFFECTED: *none*

Purpose/Summary of Report

- To review 2015/16 and determine Environment Scrutiny Committee's future work programme

RECOMMENDATION FOR ENVIRONMENT SCRUTINY COMMITTEE **That:**	
(A)	the comments given as part of the evaluation exercise be collated and used to frame the draft 2015/16 Overview and Scrutiny Annual Report; and
(B)	the work programme shown in this report be agreed

1.0 Background

1.1 Items previously required, identified or suggested for the Community Scrutiny work programme are set out in **Essential Reference Paper "B"**.

2.0 Evaluation

2.1 During last year's scrutiny evaluation process, Members identified a number of areas of practice where they wanted to improve and these were included in the 2015/16 Action Plan. This document is included here as **Essential Reference Paper "C"**.

2.2 Reflecting back on the past year, Members are asked to:
- comment on progress against these actions
- describe specific examples of successful practice from the work of this scrutiny committee

- identify any challenges or barriers which they have met during this time.

2.3 Members are asked to recommend which (if any) of the actions should be carried forward to the 2016/17 Scrutiny Action Plan and what ideas they have to do scrutiny differently so it has more impact within the council and community.

2.4 As part of the wider evaluation discussion, Members are asked to identify what they are most pleased to have achieved through scrutiny during the past year and what has been the most interesting or useful thing they have learned during the year.

2.5 Evaluation feedback from all the scrutiny committees will be collated and used to frame the draft 2015/16 Overview and Scrutiny annual report. This draft will be reviewed and approved by the scrutiny chairmen and presented to Council on 27 July 2016.

2.6 Any suggestions on how the function of scrutiny might be changed or improved will be considered by the new (2016/17) scrutiny chairmen and officers at their first meeting of the new civic year.

3.0 Work Programme Planning

3.1 A draft work programme for 2016/17 meetings of Environment Scrutiny Committee is shown in **Essential Reference Paper "B"** (subject to confirmation). The timing of some items shown may have to change if they are dependent on publication of guidance or data from an external source (eg from central government).

3.2 Members are asked whether there is any additional topic they wish to put forward for consideration by scrutiny in 2016/17 (subject to confirmation by new committee at their first meeting in June 2016).

3.3 Members are asked whether they wish to extend an invitation to one or more of the Executive/portfolio holders to attend a particular meeting or for a specific agenda item listed in the draft work programme.

3.5 In suggesting topics, Members should have in mind the council's draft vision and corporate priorities 2016/17 – 2019/20 (shown below and subject to confirmation and ratification) and be able to identify what tangible outcome(s) and benefits they would want to achieve through undertaking this piece of work. Members are

cautioned to avoid topics where the council does not have any influence.

Vision – To preserve the unique character of East Herts and ensure it remains one of the best places to live and work	
Priority and outcomes we want to see:	
Priority 1 – Improve the health and wellbeing of our communities	Residents living active and healthy lives
	Support for our vulnerable families and individuals
	Communities engaged in local issues
Priority 2 – Enhance the quality of people's lives	Attractive places
	Future development best meets the need of the district and its residents
Priority 3 – Enable a flourishing local economy	Support for our businesses and the local economy
	Vibrant town centres
	Working with others, to have achieved the right infrastructure for our businesses and communities

3.6 **Once agreed**, more detailed information on the Council's new Corporate Strategic Plan will be posted on line at http://www.eastherts.gov.uk/index.jsp?articleid=11547 and details of the vision and priorities will be found at http://www.eastherts.gov.uk/index.jsp?articleid=11550

4.0 Implications/Consultations

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

Background Papers: - None

Contact Member: Cllr John Wyllie – Chairman Environment Scrutiny Committee
john.wyllie@eastherts.gov.uk

Contact Officer: Jeff Hughes – Head of Democratic and Legal Support Services
Extn 2170
jeff.hughes@eastherts.gov.uk

Report Author: Marian Langley – Scrutiny Officer
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IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives (2015/16 wording)	***People* – Fair and accessible services for those that use them and opportunities for everyone to contribute.** This priority focuses on enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable. ***Place* – Safe and Clean.** This priority focuses on the standards of the built environment and our neighbourhoods and ensuring our towns and villages are safe and clean. ***Prosperity* – Improving the economic and social opportunities available to our communities** This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities. Effective use of the scrutiny process contributes to the Council's ability to meet one or more of its corporate objectives.
Consultation:	Potential topics for scrutiny are always invited from the Executive and all Members and the public are asked through an annual item in the 'council tax' edition of LINK magazine which is delivered to every household. Members of each scrutiny committee are consulted at every meeting as their work programme is a standing item on the agenda.
Legal:	According to the Council's constitution, the scrutiny committees are responsible for the setting of their own work programme in consultation with the Executive and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council.
Financial:	Any additional meetings and every task and finish group has resource needs linked to officer support activity and time for officers from the services to make the required input.
Human Resource:	none
Risk Management:	Matters which may benefit from scrutiny may be overlooked. The selection of inappropriate topics for review would risk inefficient use of resources. Where this involved partners, it could risk damaging the reputation of the council and relations with partners.
Health and wellbeing – issues and impacts:	The broad remit of scrutiny is to review topics which are of concern to the public, many of which have an indirect impact on the general wellbeing of residents of East Herts. The Health and Wellbeing Scrutiny Committee is set up to specifically focus in on issues and topics which have a direct and

	immediate impact on the health and wellbeing of all those who live, work or study in the district.

Environment Scrutiny Committee work programme DRAFT 2016/17

2016/17	CIVIC YEAR			
meeting	**date**	**topic**	**Contact officer/lead**	**Next Exec**
1 in 2016/17	21 June 2016 TBC Report deadline 08 June	• Work Programme for 2016/17 – discussion with new committee	• Scrutiny Officer	19 July 2016 06 Sept 2016 TBC
		• Performance Reporting – Contract Performance 2015/16	• Head of Service	
		• ADDED Update on Waste Services Shared Service with North Herts DC	• Head of Service	
		• Service Plan monitoring – Oct 2015 to March 2016 (Environment only)	• Lead Officer – Corporate Planning	
		• Healthcheck through to March 2016 (which includes relevant 2015/16 Out turns and Targets)	• Lead Officer - Performance	
2 in 2016/17	13 Sept 2016 TBC Report deadline 31 Aug	• Review, rationalize and refresh Climate Change action plan – terms of reference for commissioning a T&F group	• Requested at ENV 10 Nov 2015 – Lead Officer with Head of Service	25 Oct 2016 TBC
		• Report from the Conservation Champion Reference Groups on progress and problems relating to Conservation Area management plans.	• Trial group agreed and has met. **Report rescheduled from Feb 2016**	
		• ADDED Update on Waste Services Shared Service with North Herts DC	• CLIFF	
		• Work Programme	• Scrutiny Officer	
		• Healthcheck through to June 2016	• Lead Officer - Performance	
3 in 2016/17	08 Nov 2016 TBC	• POSSIBLE: Parking Enforcement Contract (tender)	• Possibly to set up a T&F group to discuss specs for tender TBC	06 Dec 2016 07 Feb 2017 TBC

	Report deadline 26 Oct	• Report back from Climate Change action plan T&F group – **AND** report on progress against (old) action plan with data on savings from 2015/16 year	• Chair of T&F group, Lead Officer with Head of Service NOTE: – cannot report earlier as Gov does not release carbon data until August	
		• Work Programme	• Scrutiny Officer	
		• Service Plans monitoring Apr 2016 – Sept 2016 (Environment only)	• Lead Officer – Corporate Planning	
		• Healthcheck through to Sept 2016	• Lead Officer - Performance	
JOINT SCRUTINY	17 Jan 2017 TBC	• 2017/18 Budget items		
JOINT SCRUTINY	14 Feb 2017 TBC	• 2017/18 Service Plans • 2017/18 Future targets		
4 in 2016/17	07 Feb 2017 TBC Report deadline 22 Feb	• POSSIBLE: report back from Parking Enforcement Contract T&F group	• Would go onto April/May 2017 Exec meeting TBC	04 April 2017 TBC
		• ?	•	
		• ?	•	
		• Healthcheck through to Dec 2016	• Lead Officer - Performance	
		• Work Programme – planning for 2017/18	• Scrutiny Officer	

NOTE: subject to final agreement on the changes to performance reporting and monitoring across the authority – the Healthcheck agenda items will be deleted

The four principles of good public scrutiny:

- ***provides 'critical friend' challenge*** *to executive policy-makers and decision-makers*
- ***enables the voice and concerns of the public*** *and its communities*
- ***is carried out by 'independent-minded governors'*** *who lead and own the scrutiny role*
- ***drives improvement*** *in public services*

Environment Scrutiny	1. To develop policy options and to review and scrutinise the policies of the Council relating to planning policy, local development framework, Building Control, Planning Enforcement, Development Control, transport policy (concessionary fares and subsidised bus routes), Highways Partnership, parking and economic development, energy conservation, waste management, parks and open spaces, historic buildings, conservation – green agenda, Local Strategic Partnership and street scene. 2. To make recommendations to the Executive on matters within the remit of the Committee. 3. To take evidence from interested groups and individuals and make recommendations to the Executive and Council for policy change on matters within the remit of the Committee. 4. To consider issues referred by the Executive, or members of the Committee and where the views of outsiders may contribute, take evidence and report to the Executive and Council on matters within the remit of the Committee. 5. To consider any item referred to the Committee by any Member of the Council who is not a member of this Committee and decide whether that item should be pursued on matters within the remit of the Committee. 6. To appoint annually Standing Panels as may be determined which shall be given a brief to consider a specified service area relating to matters within the remit of the Committee and report back to the Committee on a regular basis as determined by the Committee. 7. To consider, should it choose to do so, any item within the remit of the Committee to be considered by the Executive (except items of urgent business). The relevant report to the Executive will be made available to the Scrutiny Committee. The Executive shall consider any report and recommendations on the item submitted by the Scrutiny Committee. 8. To consider matters referred to the Committee by the Executive/ Portfolio Holder on matters within the remit of the Committee and refer the matter to the Executive following consideration of the matter.

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WHAT WERE OUR PLANS FOR 2015/16?

What we wanted to do	How were we going to do it? – Our Action Plan for 2015/16
Actively look for ways to improve the level of community and public involvement in scrutiny	*Research and review how other (similar) authorities involve and engage the public in their scrutiny process.* *Continue to invite topic suggestions from residents and explore idea of getting issues raised through existing channels/agencies (including town/parish councils, youth councils, community groups, partnership meetings etc).*
Strengthen and highlight use of evidence from independent or outside sources.	*Scrutiny members (particularly Chairmen and ViceChairmen) to make it clear that they would expect to see some comparative evidence when they commission a report.* *Use cost effective and timely ways of bringing external evidence into any review where relevant or requested: through expert (external) witnesses – in person or in writing, visits, surveys/questionnaires, published documents/research and good practice examples from other (similar) authorities.*
Clearly identify the 'value added' which scrutiny can bring to a topic and ensure this is monitored and recognised	*Focus scrutiny reviews on topics where there is real scope for influencing change and where measurable benefits for residents can be seen.* *Continue to bring monitoring reports on progress/outcomes from reviews to the Chairmen and ViceChairmen meeting (3xyear).* *Identify outcomes which can be used in council publications to illustrate the positive impact of scrutiny to raise awareness (not just in the Overview and Scrutiny Annual Report).*
Continue to keep scrutiny members informed and offer opportunities to develop skills needed	*Following the elections in May 2015, offer comprehensive induction training and information to all newly elected members assigned to scrutiny and offer refresher and update training for returning members.* *Continue to publish the scrutiny e-Newsletter every 6 months and make use of weekly bulletin (MIB) to update councillors on significant issues/developments and scrutiny events.* *Send councillors 'pre briefing' material where relevant to widen knowledge on the context/background to topics and offer briefing/clinics before critical budget meetings.*
Strengthen scrutiny of external public bodies and partners	*Where relevant, move from 'scrutiny of' to 'scrutiny with' partners when reviewing local services offered to residents.* *Identify opportunities (jointly with other councils where possible for efficiency) to scrutinise aspects of the Local Strategic Partnership, Local Enterprise Partnership, Community Safety Partnership or any common issue.* *When invited, contribute (in person or in writing) to scrutiny reviews run by other authorities on issues which impact on this council's services and/or on East Herts residents.*

Taken from Section 9 of East Herts Overview and Scrutiny Annual Report 2014/15

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