

EAST HERTS COUNCIL

EXECUTIVE – 7 JUNE 2016

REPORT BY EXECUTIVE MEMBER FOR ECONOMIC
DEVELOPMENT

FOOTWAY AND GRASSED VERGE PARKING ENFORCEMENT

WARD(S) AFFECTED: ALL

Purpose/Summary of Report:

- To notify the Executive of the recommendations of the Council's Environment Scrutiny Committee.
- To agree the introduction of footway and grassed verge parking enforcement on an initial, trial basis.

RECOMMENDATIONS FOR EXECUTIVE That:

(A)	The recommendations of the Environment Scrutiny Committee of 23 February 2016, be noted;
(B)	The introduction of footway and grassed verge parking enforcement in East Herts be approved; and
(C)	The mechanism for the introduction and operation of this enforcement, be approved.

1.0 Background

- 1.1 A 'Link' based survey undertaken by the Council indicated the existence of resident support for the implementation of footway and grassed verge parking enforcement in East Herts.
- 1.2 A study and options appraisal completed in 2015 discussed several possible approaches to the management of footway and grassed verge parking in the district.
- 1.3 On 23 February 2016 the Council's Environment Scrutiny Committee supported the adoption of footway and grassed verge parking controls and recommended the approach to be taken.

2.0 Report

- 2.1 Parking on footways or grassed verges can be unacceptable for a number of reasons. At worst, footways can be obstructed, resulting in a hazard to pedestrians. Parked vehicles can damage footways and the services underneath them. Parking on grassed verges can reduce them to an unsightly mess in a short period of time.
- 2.2 Although footway and grassed verge parking is primarily a highways issue, with the cost of repairs borne primarily by the Highway Authority, Hertfordshire County Council has indicated it does not intend to implement controls on a county-wide basis, instead seeing the issue as a matter for district councils to progress.
- 2.3 The undesirability of allowing vehicles to park on footways has to be tempered by the fact that in some locations, especially narrow residential streets, vehicles parked wholly on the carriageway would obstruct other motorists. The challenge is to find a balance between the need to keep footways and grassed verges clear of parked vehicles where possible, whilst maintaining the safe passage of vehicles along the carriageway.

Recommendations of Environment Scrutiny Committee

- 2.4 On 23 February the Council's Environment Scrutiny Committee debated the options presented in the 2015 study for the implementation of footway and grassed verge parking controls in the district. The Committee supported the following proposals:
- Implementation of local, targeted bans.

The targeted ban approach is congruent with the views of East Herts residents as expressed through a 'Link' based survey. The alternative, a district-wide ban with local exemptions would be more costly and time consuming to implement.
 - District councillors to be invited to propose 'hot spot' locations in their ward for consideration for a ban, from which officers will make a final decision based on agreed criteria.

On this basis up to sixty defined areas (two per ward) would be included in an initial ban, which it is suggested would be a sufficient number for monitoring and evaluation purposes.

- Proposals to be assessed by officers against an agreed framework.

The evaluation criteria agreed by the Environment Scrutiny Committee on 23 February are as follows:

- Regularity of the offending parking acts.
 - Severity and extent to which the area is affected (e.g. visible damage to the verge or pavement surface)
 - Extent of the area that could reasonably be covered by a prohibition (e.g. is there a natural or readily definable boundary?).
 - Possibility that footway parking should be tolerated if the alternative would risk vehicles obstructing the carriageway.
 - Risk of displacement, with vehicles parking in a similar fashion outside the controlled area.
 - Records of public and Member complaints.
- Controls to be implemented under a number of Experimental Traffic Regulation Orders, allowing their effectiveness to be monitored for a period of up to eighteen months (see below).

Legal and Technical Process

- 2.5 For a footway and grassed verge parking ban to be enforceable it would be necessary to first promote a Traffic Regulation Order (TRO). Two types of Order are possible – permanent or experimental.
- 2.6 An experimental TRO obviates much of the initial requirement to consult which is a feature of the permanent TRO approach. An experimental TRO is typically used where a local authority wishes to trial a new control. It can operate for a maximum of eighteen months before the authority must seek either to make it permanent or revoke it. Failure to do either will cause the Order to lapse. Should the authority wish to make the Order permanent, the requirement to consult then arises.
- 2.7 Should the Council wish to incorporate an element of monitoring and review as part of this process, an experimental TRO may be

the appropriate route to take. This was the approach favoured by the Environment Scrutiny Committee on 23 February 2016.

Timescales

- 2.8 Subject to Council agreement, Officers would spend the autumn of 2016 evaluating candidate areas identified by Members. Capital and revenue bids would be made as part of the 2017/18 MTFP process. The requisite Traffic Regulation Orders would be promoted in spring 2017 with the erection of on-street signage and the recruitment of two additional Civil Enforcement Officers completed shortly after the start of the 2017/18 financial year.

Monitoring and Assessment

- 2.9 Officers would use the maximum eighteen month duration of the experimental Traffic Regulation Orders to monitor the trial along the following lines:
- Reduction in frequency of footway and grassed verge parking.
 - Possible displacement of footway and grassed verge parking to nearby areas.
 - Revenue costs of enforcement vs revenue from enforcement.
- 2.10 Any decision by the Council to continue and/or extend the eighteen month trial would have to be taken in early 2018 and the Council's requirements would then be specified in the new parking enforcement contract, due to commence in January 2019.

Financial Implications

- 2.11 The capital and revenue costs of implementing a targeted local ban are estimated as follows:

Capital Costs

- Surveys of candidate areas – approx. £12k
- Promotion of Traffic Regulation Orders – approx. £6k
- Erection of signs – approx. £48k

Revenue Costs

- Two additional on-street enforcement (CEOs) – approx. £55k
- Additional enforcement vehicle – approx. £7k

- Additional costs of signs and lines maintenance – approx. £5k

As with all aspects of Civil Parking Enforcement, the objective of a footway and grassed verge parking ban would be to secure compliance. There should be no assumption that penalty charge income would be generated, although this is likely. Should one enforceable Penalty Charge Notice be issued each week in each of the sixty trial locations, penalty charge income of around £85k might accrue although improving compliance may see the number of PCNs issued reduce over the duration of the trial.

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

Report to Environment Scrutiny Committee – 23 February 2016

<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=154&Mid=2692&Ver=4>

Minutes of Environment Scrutiny Committee - 23 February 2016

<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=154&Mid=2692&Ver=4>

Study into the Adoption of Footway and Grassed Verge Parking Controls in East Herts (2015)

<http://democracy.eastherts.gov.uk/documents/s32469/Footway%20and%20Grassed%20Verge%20Parking%20ERP%20B%20Study.pdf>

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