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CABINET AGENDA

Membership: Councillor Wilson (Chairman)

Councillors Bains, Bowerman, Pike, Turner and Hughes

Meeting: Cabinet

Date: Wednesday 23 October 2019

Time: 2.00 pm

Venue: Hollybank Room, Public Service Plaza, Civic Centre Road,
Havant, Hants PO9 2AX

The business to be transacted is set out below:

David Brown
Monitoring Officer

15 October 2019

Contact Officer: James Harris 01730 234098
Email: DemocraticServices@havant.gov.uk

Page

PART 1 (Items open for public attendance)

1 Apologies for Absence

To receive and record any apologies for absence.

2 Minutes

1 - 4

To confirm the minutes of the last meeting held on 11 September 2019.

3 Declarations of Interests

To receive and record any declarations of interest.

4	Chairman's Report	
5	Cabinet Lead Delegated Decisions, Minutes from Meetings etc.	5 - 8
	RECOMMENDED that the following minutes be noted:	
	(1) Minutes of the meeting of the Portchester Crematorium Joint Management Committee held on 23 September 2019.	
6	Recommendations from the Scrutiny Board	9 - 104
	To consider the attached report and recommendations from the Operations and Place Shaping Scrutiny Board in respect of Parking issues in the Borough.	
Cabinet Lead for People and Communications (including Legal and Capita)		
7	Polling Station Review	105 - 124

GENERAL INFORMATION

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Internet

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Havant

BOROUGH COUNCIL

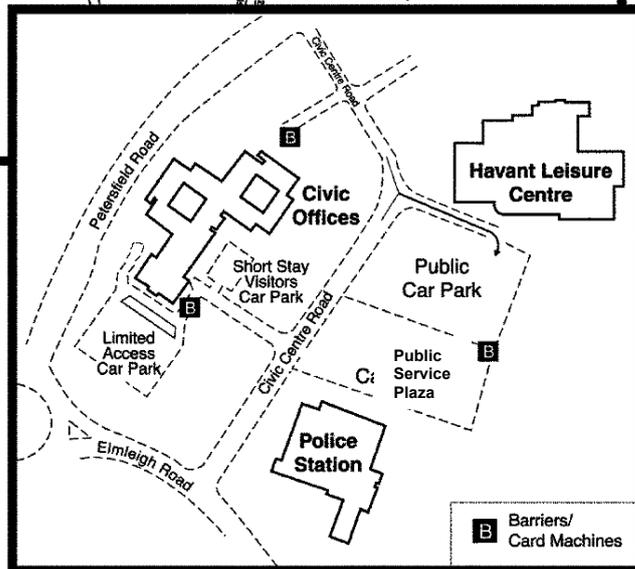
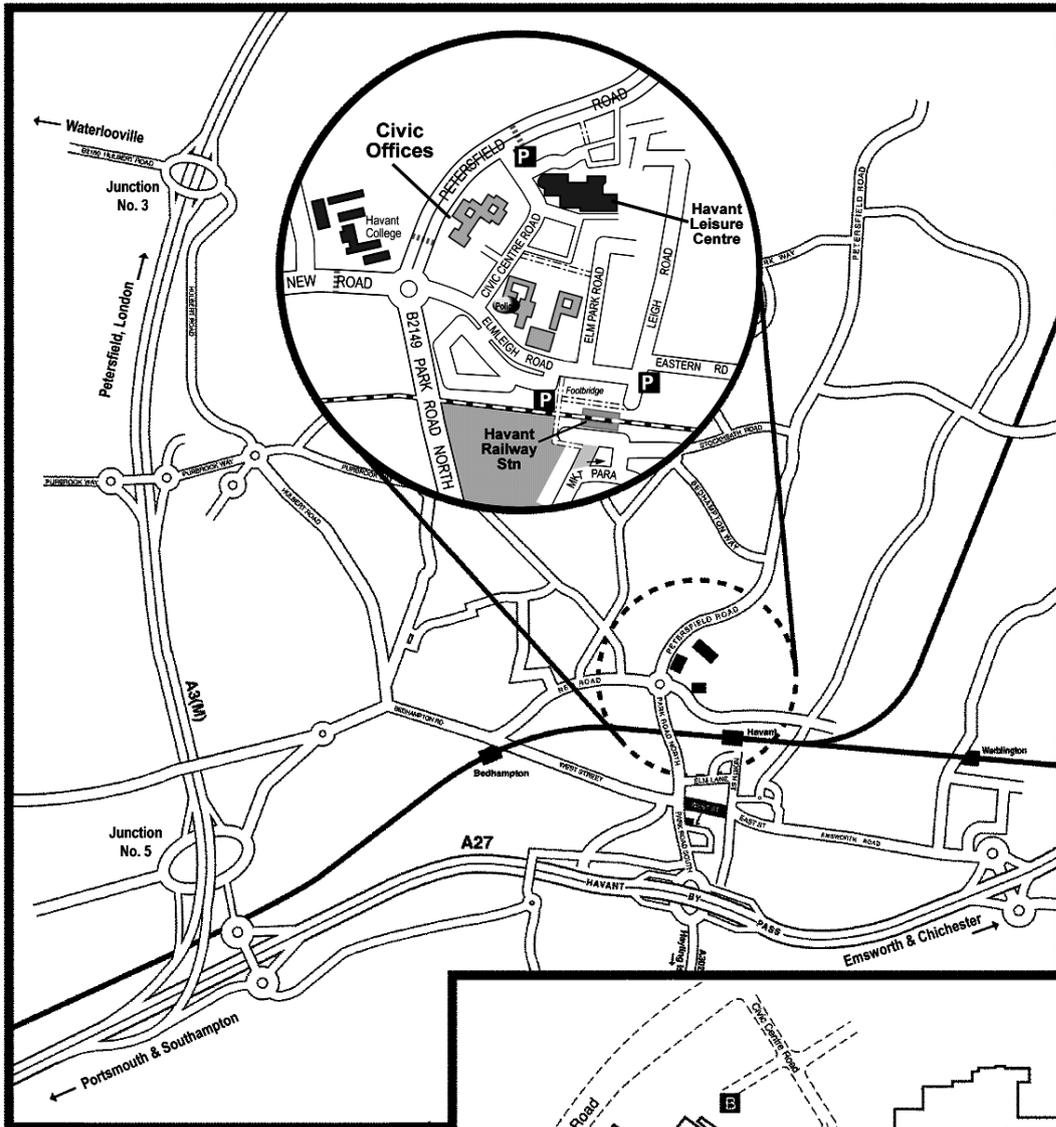
PROTOCOL AT MEETINGS – RULES OF DEBATE

Rules of Debate

- Councillors must always address each other as “Councillor ...” and must always address the meeting through the Chairman;
- A motion must relate to the business included on the agenda or accepted by the meeting as urgent business
- A motion must be proposed and seconded before it is debated until it is either accepted or rejected by a vote;
- An amendment can be proposed to the original motion and this must be seconded before it is debated;
- An amendment cannot be considered if it is inconsistent with an amendment previously adopted or repeats an amendment previously rejected;
- The mover of an original motion may, with the consent of the mover of an amendment, incorporate an amendment into the motion;
- Only one amendment may be moved at a time. No further amendments can be moved until the previous amendment has been dealt with;
- Each amendment must be voted on separately;
- If an amendment is carried, the amended motion becomes the substantive motion to which further amendments may be moved;
- If an amendment is lost, other amendments may be moved to the original motion.
- The mover may withdraw an amendment at any time
- After an amendment has been carried, the Chairman will read out the amended (substantive) motion, before accepting any further amendment, or if there are none, put it to the vote.

Voting

- Voting may be by a show of hands or by a ballot at the discretion of the Chairman;
- Councillors may not vote unless they are present for the full duration of the item;
- Where there is an equality of votes, the Chairman may exercise a second (casting) vote;
- Two Councillors may request, before a vote is taken, that the names of those voting be recorded in the minutes
- A recorded vote will always be taken in respect of approval of the Annual Budget
- Councillors may not vote unless they are in the meeting for the full debate on any particular item
- A Councillor may request that his/her vote be recorded in the minutes



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HAVANT BOROUGH COUNCIL

At a meeting of the Cabinet held on 11 September 2019

Present

Councillor Wilson (Chairman)

Councillors Bains, Bowerman, Pike and Hughes

19 Apologies for Absence

Apologies were received from Councillor Turner.

20 Minutes

RESOLVED that the minutes of the meeting of the Cabinet held on 29 July 2019 be approved as a correct record.

21 Declarations of Interests

There were no declarations of interest from any of the members present.

22 Chairman's Report

The Chairman reported on recent meetings he had attended with the leaders of Chichester District Council and Hampshire County Council to explore connections and shared interests between the authorities.

The Chairman also re-ordered the agenda so as to bring forward item 7 given the public interest in this matter.

23 Cabinet Lead Delegated Decisions, Minutes from Meetings etc.

RESOLVED that the following delegated decisions and minutes be noted:

- (1) Proposed Traffic Regulation Order – Charlesworth Drive;
- (2) Proposed Traffic Regulation Order – Middle Park Way;
- (3) Proposed Traffic Regulation Order - Oakshott Drive;
- (4) Proposed Traffic Regulation Order – Thruxton Road; and
- (5) Minutes of the meeting of the Portchester Crematorium Joint Management Committee held on 24 June 2019.

24 Parking Supplementary Planning Document: Targeted Review Regarding Parking Associated with New Development in Havant and Waterlooville Town Centres

Councillor Pike presented a report to Cabinet providing an update on the targeted review of the Parking Supplementary Planning Document (SPD) and the consultation responses received and seeking a recommendation to full Council for approval. Councillor Pike reported that the Operations and Place Shaping Scrutiny Board had reviewed and supported the proposals.

Cabinet members were minded to endorse the proposed approach to future parking standards in the Waterlooville and Havant Town Centres, in recognition of their very different characteristics in terms of accessibility to public transport. Cabinet members were mindful that new development in Waterlooville, in particular, would require a level of parking that would attract younger people to the area and suggested additional wording to paragraph 3.05 of the SPD as set out below for recommendation to Council.

RECOMMENDED to Full Council that it:

- (1) notes the responses received to the recent consultation on the Parking Supplementary Planning Document (Appendix A);
- (2) notes the need for a wider review of the Parking Supplementary Planning Document following the Examination of the Havant Borough Local Plan 2036;
- (3) adopts the Parking Supplementary Planning Document (at appendix C), subject to the additional wording to paragraph 3.05 of the SPD so as to read:

“ The level of parking to be provided must be based on the nature and scale of the development, *its target market in terms of demographics and professions*, access to shops and services together with public transport accessibility.” ; and
- (4) delegates authority to the Planning Policy Manager, in consultation with the Cabinet Lead for Planning, Regeneration and Communities, to make any necessary amendments to the documents listed above. These shall be limited to the inclusion of a contents page and page numbers, factual updates, correction of minor errors, typographical errors and other minor changes that do not change the meaning of the material.

25 Old Bedhampton Conservation Area Appraisal

Councillor Pike presented a report to Cabinet providing an update on the review of the Old Bedhampton Conservation Area and seeking a recommendation to Council to approve the Character Appraisal and Management Plan. Councillor Pike reported that the Operations and Place Shaping Scrutiny Board had reviewed the proposal, although had voted not to support the officer recommendations and make no positive recommendation to the Cabinet. It was also highlighted that members of the Cabinet had visited the area to see at first hand the issues that had been raised by local residents during the consultation process.

Cabinet received deputations from Councillor Gary Robinson, Mr Edward Rees and Mr Keith Mayor. Councillor Sarah Milne was invited to make a statement to Cabinet on behalf of the chairman of the Operations and Place Shaping Scrutiny Board. The text of these deputations and the statement are published on the Council's website alongside these minutes.

In presenting the report, Councillor Pike recognised that local residents held strong views and confirmed that the officers had taken on board all representations received and considered all the issues at length. The Council had a statutory duty follow national guidance and, in his view as Cabinet Lead, Councillor Pike was satisfied that the proposal now before the Cabinet provided the best means of protecting this special area within the Borough.

In supporting the proposals as set out in the report, and having viewed the area, Cabinet members were minded to endorse the view that the Manor Farm Buildings were of sufficient merit as to be included within the Conservation Area and this was accepted by Councillor Pike.

RECOMMENDED to full Council that it

- (a) Notes the responses to the recent consultation (included at Appendix 3 (summary) and Appendix 4 (redacted copies of original responses));
- (b) Adopts the Old Bedhampton Conservation Area Character Appraisal (Appendix 1), including a boundary which includes that area set out on pages 133 and 141 of the Cabinet agenda and a separate section to cover the Manor Farm Buildings located to the south of Lower Road;
- (c) Notes that on adoption, the Old Bedhampton Conservation Area Character Appraisal (Appendix 1) becomes a material consideration in development management decision making alongside the development plan and emerging Havant Borough Local Plan 2036;
- (d) Delegates authority to the Conservation Officer, in consultation with the Cabinet Lead for Planning and Regeneration and Communities, to make any resulting amendments following the Cabinet and Council meetings to the Old Bedhampton Conservation Area Appraisal and Management Plan (Appendix 1), including the boundary (Appendix 2)

- (e) Approves the implementation of an Article 4 (1) Direction and delegates authority to the Head of Planning, in consultation with the Cabinet Lead for Planning, Regeneration and Communities, to determine the draft form and content of the direction prior to this being publicised. (See sections 3.67-3.79 of the report). Officers to report back to Cabinet at a later date with the draft form and content.
- (f) Delegates authority to the Head of Planning, in consultation with the Cabinet Lead for Planning, Regeneration and Communities, to make any necessary amendments to the documents listed above. These shall be limited to grammatical, typographical, formatting and graphic design changes and shall not change the meaning of the material.

26 2018/19 Provisional Revenue and Capital Outturn

In the absence of the Cabinet Lead for Finance, the Chief Finance Officer presented the 2018/19 provisional revenue and capital outturn. The Chief Finance Officer was pleased to report a surplus at year end, in the context of a significant reduction on the Revenue Support Grant. Heads of Service had succeeded in meeting challenging targets in 2018/19 and, going forward, further work would be done to identify and address budget variances at an early stage.

RESOLVED that

- (1) the provisional outturn for 2018/19, including the transfers to and from Reserves and Balances actioned by the Chief Finance Officer be endorsed; and
- (2) the carry forward of underspends and grants actioned by the Chief Finance officer be endorsed.

The meeting commenced at 2.00 pm and concluded at 3.35 pm

.....
Chairman

Agenda Item 5

PORTCHESTER CREMATORIUM JOINT COMMITTEE

MINUTES OF THE MEETING of the Joint Committee held at Portchester Crematorium on Monday 23 September 2019 at 2.00 pm.

Present

Fareham Borough Council

Councillor Simon Martin

Gosport Borough Council

Councillor June Cully
Councillor Kathleen Jones

Havant Borough Council

Councillor Tim Pike (Chairman)

Portsmouth City Council

Councillor Lee Hunt

Joint Committee Membership & Introductions

Councillor Lee Hunt (Portsmouth CC) was welcomed to the meeting, replacing Councillor Jeanette Smith, who was no longer a member of Portsmouth's Executive.

Apologies for Absence (AI 1)

Councillor Steve Pitt (Portsmouth CC) on other council business, Councillor Leah Turner (Havant BC), and Councillor Keith Evans (Fareham BC).

833 Appointment of Vice-Chairman (AI 2)

RESOLVED that Councillor June Cully (Gosport BC), be appointed vice-chairman, for the municipal year 2019/20.

834 Declarations of Members' Interests (AI 3) – None

835 Minutes of the Meeting held on 24 June 2019 (AI 4)

RESOLVED that the minutes of the meeting held on the 24 June 2019 be signed as a correct record.

836 Matters Arising from the Minutes not specifically referred to on the Agenda (AI 5) - None

837 Clerk's Items (AI 6)

The Clerk to the Joint Committee reported that a grounds clearance was undertaken recently, following one month's advance notice during August. A considerable amount of memorial items and related material were removed and placed into store, to await collection by families. He reported receipt of correspondence from a Gosport resident complaining about the way in which the clearance had been undertaken and the way in which items had been stored.

The Manager and Registrar explained the procedure that was followed by staff in removing items from the grounds and placing them into large crates, which were then placed on shelves in a small store room, to await public collection. Anything not collected by the time of the next clearance was treated as abandoned and then disposed of. The recent clearance was the first for 12 months, and there had been a number of instances of staff being subjected to verbal abuse, both in person and by telephone.

Members discussed the issues arising and the long standing policy that no permanent memorials, plaques and other ornaments are permitted to be left in the grounds. This requirement was made clear on the forms signed by relatives at the time of booking a funeral. Signs to this effect were also displayed in the grounds.

Whilst members understood why some families wished to try and leave lasting tributes, there was concern at the appearance of such items and the effect upon the gardens. Arising from discussion it was agreed that the officers bring forward for consideration at a future meeting options for addressing the problems arising from the unauthorised deposit of memorials, plaques and similar items in the grounds of the crematorium.

RESOLVED that the Clerk to the Joint Committee, in consultation with the other officers, bring forward a report for consideration on options for addressing the problems arising from the unauthorised deposit of memorials, plaques and similar items in the grounds of the crematorium.

838 Risk Management (AI 7)

(TAKE IN REPORT OF THE TREASURER)

The Deputy Treasurer amplified the contents of the report and answered questions from members, including confirming that there were no new budgetary pressures as financial provision had already been made for any items that had been identified as requiring action.

The Clerk to the Joint Committee advised that a staffing report in respect of business continuity would be brought forward to the next meeting.

RESOLVED (1) that the Risk Management Strategic Framework and Policy as set out in Appendices A & B of the report be approved;

(2) that the Risk Management progress report set out in Appendix C be noted.

839 Building Works Programme (AI 8)

(TAKE IN REPORT OF THE PROPERTY MANAGER)

In presenting his report the Property Manager mentioned specifically the Book Room refurbishment and the Water Feature Feasibility study, and answered questions from members.

RESOLVED that the contents of the report be noted.

840 Manager and Registrar's Report (AI 9)

(a) General Statistical Report

(TAKE IN REPORT OF THE MANAGER AND REGISTRAR)

Arising from his report and questions, the Manager and Registrar commented generally on the statistical information.

RESOLVED that the report be received and noted.

(b) Any other items of topical interest – public comments register

(TAKE IN REPORT OF THE MANAGER AND REGISTRAR)

RESOLVED that the report be noted with interest.

(c) Any other matters –

Recycling of Metals Charitable Scheme - Nominations

RESOLVED (1) that in the current round Naomi House Children's Hospice be nominated for an award under the scheme;

(2) that in preparation for the next round the officers consider and check with the ICCM (Institute of Cemetery and Crematorium Management) whether a local suicide prevention charity could be nominated.

841 Horticultural Consultant's Report (AI 10)

(TAKE IN REPORT OF THE HORTICULTURAL CONSULTANT)

In submitting his report the Horticultural Consultant said that the South and South East In Bloom judging took place on Friday 28 June, and that the Crematorium had recently been advised that it had received a gold award. Members expressed appreciation to the Brighstone Horticultural Team and its on-site supervisor for the special efforts in preparation for and on the day of the judging.

RESOLVED that the report be received and approved, and the congratulations of the Joint Committee be recorded and passed to the Horticultural team and Brighstone Landscapes, the grounds contractor.

842 Date of Next Meeting (AI 11)

RESOLVED that the next meeting of the Joint Committee be held at 2pm on Monday 9 December 2019 at Portchester Crematorium.

The meeting concluded at 3 pm.

Chairman

JH/me
24 September 2019
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NON EXEMPT

HAVANT BOROUGH COUNCIL

Cabinet

23 October 2019

REVIEW OF PARKING ISSUES IN THE BOROUGH

Report by Operations and Place Making Board

FOR DECISION

Cabinet Lead: Councillor Bains

Key Decision: No

1.0 Purpose of the paper:

- 1.1 This report is submitted to seek approval of actions to be taken to tackle the issues of vehicles parking on grass verges, pavements, footways, grassed areas and footpaths, which constitute the highway (“grass verges”). The recommendations have arisen from a review undertaken by the Parking Review Scrutiny Panel (“the Panel”). A copy of the Panel’s report is attached as Appendix A.
-

2.0 Recommendations

2.1 Cabinet be recommended to:

2.1.1 issue a borough-wide communique on the matter;

2.1.2 agree to a pilot scheme, whereby Councillors issue a letter similar to the HCC letter set out in Appendix B of the attached Panel’s report in areas where vehicles park on grass verges, footpaths, pavements and grassed areas, that form part of the highway in the following five roads

- (a) Crookhorn Lane
- (b) Fir Copse Road
- (c) Parkhouse farm Way
- (d) Dunsbury Way
- (e) Sutton Road

The letters to be issued in response to a request from a member of the public or a Councillor and prioritised in accordance with Annex 1 of the Hampshire County Council's policy statement Parking On Grass Verges, Footpaths And Pavements (Appendix C of the attached Panel's report). The letters for the pilot scheme to contain the telephone number of a nominated councillor for that road.

- 2.1.3 request that officers approach Hampshire County Council and the Police with a view to using their logos on the letter referred to in 2.1.1 above;
- 2.1.4 note that the results of the pilot scheme referred to 2.1.1 above will be considered by the Operations and Place Shaping Board in six months from the date of the start of the pilot;
- 2.1.5 request Hampshire County Council to conduct a repair programme to grass verges and grassed areas in named streets in each ward forming the pilot scheme, if 2.1.1 above has resulted in the cessation of the parking which caused the damage. In the long term this repair programme to include all roads where action taken by the Council has been successful in stopping vehicles parking on verges and grassed areas and pavements/footpaths; and
- 2.1.6 request Hampshire County Council to undertake any necessary consultation prior to trialling different wildlife friendly verge maintenance options as part of 2.1.4 above. This is in an effort to encourage pollinators, in line with the Council's commitment to the environment, enhance street scenes and reduce costs by only needing to cut wild flowers verges twice a year.

3.0 Executive Summary

- 3.1 The overall aim of the review was to identify the measures that could be put in place to deter inappropriate parking and clarify the actions that could be taken against those who parked on grass verges, pavements, footways, grassed areas and footpaths, which constitute the highway ("grass verges").
- 3.2 The Panel considers that the extent of the problem of vehicles parking on grass verges in the Borough requires attention;
- 3.2 The current legal position can be summarised as follows:
 - There is no national legislation making it an offence for vehicles other than heavy Goods Vehicles to park on grass verges outside of London.
 - A Traffic Regulation Order (TRO) can be implemented to prohibit parking on verges at specific sites. If a vehicle is found parked on a verge (or footway) in such an area, the Council can issue the vehicle with a penalty, just as they would deal with a vehicle parked on a double-yellow line.
 - The Council can issue a Community Protection Notice (CPN) on an individual or body to stop a person or body parking on grass verges.

However, for an application to be successful, the Council would need to demonstrate that the parking caused distress and alarm.

- The Council can, in theory, apply a Public Space Protection Order (PSPO) to an area to prohibit parking on grass verges. However, it was unlikely that such an order could be justified.
- The Highway Authority can recover the repair costs of verges and footways from the registered keeper of a vehicle parked on them. However, to do this the Highway Authority must prove that the registered owner's vehicle caused the damage.
- It is a criminal offence to drive over a footway.
- The police may take action against a vehicle parking on a grass verge or pavement, which is causing an obstruction.

3.3 The Panel acknowledges that in the current financial climate the enforcement agencies cannot proactively enforce against obstruction of the highway or introduce Traffic Regulation Orders on all roads where parking on grass verges causes a problem.

3.4 The Panel also acknowledges that if the Council and other enforcement agencies adopted a zero-tolerance approach against parking on grass verges it is likely that this form of parking will be displaced from one area to another.

3.5 The Panel considered the options available to the enforcement agencies which are set out in Section 12 of the report together with the benefits, risks and disadvantages attached to each option. The Panel also considered which of these options are preferred by Councillors (Section 13 of the report) and the officers' comments on the preferred options (Section 14 of the report)

3.6 The Panel, with the agreement of the officers, considers the following options can be introduced without placing an unnecessary burden on this Council and Hampshire County Council:

- (a) letter to residents – with the intent to try and change unnecessary behaviours

Hampshire County Council (HCC) have issued letters to residents in the past, on request from a member of the public or a councillor. Please see Appendix B of the Panel's report ("Appendix B").

The Council could issue letters in their wards on the, along the same lines as that in Appendix B, but in HBC's name, ideally with HCC's and the Police's logos and a statement that all three authorities are working together on this matter. The County Council has already indicated that it is happy for the Council to issue its own letters. Evidence from using HCC's letters suggests that the issuing of these letters will give rise to complaints. To relieve the pressure on the Council officers and at the same time enable Councillors to engage with their residents, it is considered that the point of contact in the

letters for the pilot scheme should be a nominated councillor for that road. As an alternative the Panel considered the issuing of a leaflet rather than a letter. However, the Panel favoured the more official tone of a letter, to be issued following a borough-wide communication on the matter.

(b) Repair Programme for verges and Grassed Areas

Havant Borough Council (“HBC”) to request Hampshire County Council (“HCC”) to conduct a repair programme to grass verges and grassed areas in named streets in each ward, as identified by ward councillors, if the recommendations have proven to be a success and the damage-causing parking has ceased. In addition, HBC to request HCC to undertake any necessary consultation prior to trialling different wildlife friendly verge options on these grass verges and grassed areas.

4 Resource Implications

4.1 Resources: (finance, staffing, property etc)

There would be additional costs to generate the letters recommended in 2.1.2 above and field enquiries arising from these letters. It is recommended that a pilot scheme be introduced to enable the Council to identify the costs and effectiveness of the of such letters in solving the problem. It is recommended that Councillors be responsible for issuing and answering questions arising from the letters to reduce officer costs. It is understood that the costs of a pilot scheme can be met within existing budgets.

4.2 Legal:

The legal position is set out in 3.2 of this report. There are no legal implications arising from the recommendations.

4.3 Strategy:

The Council is committed to improving neighbourhoods, while also maximising opportunities through innovative partnership working.

4.4 Risks: The risks, benefits and disadvantages of the recommendations and other options considered by the Panel are set out in Section 12 of the Panel’s report

4.5 Communications: It is recommended that a Borough wide communique on the proposals be issued (see 2.1.1 of this report)

4.6 For the Community:

A reduction in parking on grass verges will:

- (a) make pavements and verges more accessible to pedestrians and mobility scooters;
- (b) improve the appearance of streets in the Borough; and
- (c) reduce the environmental damage caused by vehicles parking on grass verges.

4.7 The Integrated Impact Assessment (IIA):

N/A. However, the reduction of vehicles parked on grass verges would make pavements and verges more accessible for pedestrians and mobility scooters and improve the appearance of streets within the Borough.

4.8 Consultation:

The contributors to the review is set out in Section 5 of the Panel's report.

Appendices

Appendix A – Parking Review Scrutiny Panel Report

Agreed and Signed off by:

Monitoring Officer: 10.10.19

Section 151 Officer: 15.10.19

Contact: Councillor Dianne Lloyd

Post: Chairman of Operations and Place Making Board

Telephone: 02392325078

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Parking Review 2018/19
Parking Review Scrutiny Panel

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2018/19

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Introduction and Methodology

(Parking Review 2018/19)

Parking Review Scrutiny Panel

2019

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1.0 Introduction and Methodology

1.1 Havant Borough Council is not alone in trying to deal with the issue of parking on grass verges. A scrutiny review undertaken by Surrey County Council concluded that

“Parking on grass verges is a persistent problem as it can not only reduce the verge to an unsightly state, but it can also obstruct the highway and prevent pedestrians and wheel chair users from accessing roads and footways if there is no other pathway. Verge parking can also cause a hazard to other motorists especially if the vehicle is parked on a bend, narrow road or junction. We do not promote or support parking on grass verges.”

1.2 This report presents the outcomes of the Scrutiny Review of Grass Verges appointed by the Operations and Place Shaping Board.

1.3 The overall aim of the review was to identify the measures that could be put in place to deter inappropriate parking and clarify the actions that could be taken against those who inappropriately park on and damage grass verges.

1.4 The review examined the extent of the issues and measures that could be taken to reduce parking on pavements and verges.

1.5 The Panel explored the following key lines of enquiry:

- What powers Local Authorities have under current legislation?
- When, how and why does the Council enforce?
- Where do problems arise across the Borough?
- What fines can be imposed?
- What other measures can be put in place to deter inappropriate parking?
- Who is responsible for repairs?
- What approach do other Local Authorities take?

1.6 When conducting this review, the Panel:

- (a) recognised that it was imperative that this review promoted the Council’s policy priorities relating to financial and environmental sustainability; and
- (b) were concerned that any measures proposed by this review did not displace a problem from one area to another.

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Recommendations

(Parking Review 2018/19)

Parking Review Scrutiny Panel

2019

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2.0 RECOMMENDATIONS

2.1 The Operations and Place Shaping Board recommend Cabinet to:

2.1.1 issue a borough-wide communique on the matter;

2.1.2 agree to a pilot scheme, whereby Councillors issue a letter similar to the HCC letter set out in Appendix B of this report in areas where vehicles park on grass verges, footpaths, pavements and grassed areas, that form part of the highway in the following five roads

- (a) Crookhorn Lane
- (b) Fir Copse Road
- (c) Parkhouse farm Way
- (d) Dunsbury Way
- (e) Sutton Road

The letters to be issued in response to a request from a member of the public or a Councillor and prioritised in accordance with Annex 1 of the Hampshire County Council's policy statement Parking On Grass Verges, Footpaths And Pavements (Appendix C). The letters for the pilot scheme to contain the telephone number of a nominated councillor for that road.

2.1.3 request that officers approach Hampshire County Council and the Police with a view to using their logos on the letter referred to in 2.1.1 above;

2.1.4 note that the results of the pilot scheme referred to 2.1.1 above will be considered by the Operations and Place Shaping Board in six months from the date of the start of the pilot;

2.1.5 request Hampshire County Council to conduct a repair programme to grass verges and grassed areas in named streets in each ward forming the pilot scheme, if 2.1.1 above has resulted in the cessation of the parking which caused the damage. In the long term this repair programme to include all roads where action taken by the Council has been successful in stopping vehicles parking on verges and grassed areas and pavements/footpaths; and

2.1.5 request Hampshire County Council to undertake any necessary consultation prior to trialling different wildlife friendly verge maintenance options as part of 2.1.4 above. This is in an effort to encourage pollinators, in line with the Council's commitment to the environment, enhance street scenes and reduce costs by only needing to cut wild flowers verges twice a year.

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Summary and Conclusions

(Parking Review 2018/19)

Parking Review Scrutiny Panel

2019

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3.0 SUMMARY AND CONCLUSIONS

3.1 The extent of the problem of vehicles parking on grass verges, grassed areas, pavements, footways and footpaths, which constitute the highway (“grass verge”) in the Borough requires attention;

3.2 The current legal position can be summarised as follows:

- There is no national legislation making it an offence for vehicles other than heavy Goods Vehicles to park on grass verges outside of London.
- The Council can issue a PCN if a vehicle parks on a grass verge adjacent to a road covered by a TRO.
- The Highway Authority can recover the repair costs of verges and footways from the registered keeper of a vehicle parked on them. However, to do this the Highway Authority must prove that the registered owner’s vehicle caused the damage.
- It is a criminal offence to drive over a footway.
- The police may take action against a vehicle parking on a grass verge or pavement, which is causing an obstruction.

3.3 The Panel acknowledges that in the current financial climate the enforcement agencies cannot proactively enforce against obstruction of the highway or introduce Traffic Regulation Orders on all roads where parking on grass verges causes a problem.

3.4 The Panel also acknowledges that if the Council and other enforcement agencies adopted a zero-tolerance approach against parking on grass verges it is likely that this form of parking will be displaced from one area to another.

3.5 However, the Panel considers the following options can be introduced without placing an unnecessary burden on this Council and Hampshire County Council:

- (1) letter to residents – with the intent to try and change unnecessary behaviours

Hampshire County Council (HCC) have issued letters to residents in the past, on request from a member of the public or a councillor. Please see APPENDIX B.

The Councillor could issue letters in their wards on the, along the same lines as that in Appendix B, but in HBC’s name, ideally with HCC’s and the Police’s logos and a statement that all three authorities are working together on this matter. The County Council has already indicated that it is happy for the Council to issue its own letters. This would relieve the burden on the Council’s officers. Evidence from using HCC’s letters suggests that the issuing of these letters will give rise to complaints. To relieve the pressure on the Council officers and at the same time enable Councillors to engage with their residents, it was considered that the point of contact in the letters for the pilot scheme should be a nominated councillor for that road. As an alternative the panel considered the issuing of a leaflet rather than a letter. However, the panel favoured the more official tone of a letter, to be issued following a borough-wide communication on the matter.

(2) Repair Programme for verges and Grassed Areas

HBC to request HCC to conduct a repair programme to grass verges and grassed areas in named streets in each ward, as identified by ward councillors, if the recommendations have proven to be a success and the damage-causing parking has ceased. In addition, HBC to request HCC to undertake any necessary consultation prior to trialling different wildlife friendly verge options on these grass verges and grassed areas.

Panel Membership

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4 Parking Review Scrutiny Panel

Chairman:

Councillor Lloyd

Panel Members:

Councillors: Davis, Howard, Milne and Shimbart.

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List of Contributors

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Contributors to the Review

Who?	Contribution	When?
<i>Councillor Narinder Bains, Cabinet Lead for Neighbourhoods, Safety and Enforcement</i>	Provided advice on the Council's policies and service in relation to parking, PSPOs and CPNs. Also advised on the experience of Fareham Borough Council when it tried to tackle the problem of parking on verges/pavements.	Throughout the review
<i>Natalie Meagher, Service Director for Operations and Neighbourhood</i>	Provided advice on the Parking and Traffic Team's policies and service	2 July 2018 (Panel meeting)
<i>Sean Mackay, Parking Team Leader</i>	Provided advice on the Parking and Traffic Team's policies and service	Throughout the Review
<i>Andrew Wood, Area Principal Engineer, Hampshire Highways</i>	Provided advice on Hampshire County Council's policies on parking on grass verges	From January 2019
<i>Councillor Mrs Shimbart</i>	Attended and took part in a meeting of the Panel	2 July 2018 (Panel meeting)
<i>Sam Ings, Interim Head of Service (Environmental Health and Parking and Traffic Management)</i>	Provided advice on the Parking and Traffic Team's policies and service and on the proposed new Agency Agreement for parking enforcement.	From February 2019
<i>Alison Mills, Traffic Team Leader</i>	Provided advice on the Parking and Traffic Team's policies and service and on the proposed new Agency Agreement for parking enforcement.	Throughout the Review
<i>Kathy Fowler, Traffic and Parking Manager</i>	Provided advice on the Parking and Traffic Team's policies and service and on the proposed new Agency Agreement for parking enforcement.	From March 2019
<i>Martyn Hayden, Parking Support Officer/Democratic Services Support Assistant</i>	Provided advice on the Parking and Traffic Team's policies and service and on the proposed new Agency Agreement for parking enforcement.	Throughout the review
<i>Jackie Taylor, Senior Parking Officer</i>	Provided statistical information on PCNs issued	March 2019

***Tim Pointer, Interim
Head of Enforcement &
Neighbourhood Quality***

Provided Advice on PSPOs and CPNs From April 2019

National Picture

(Parking Review 2018/19)

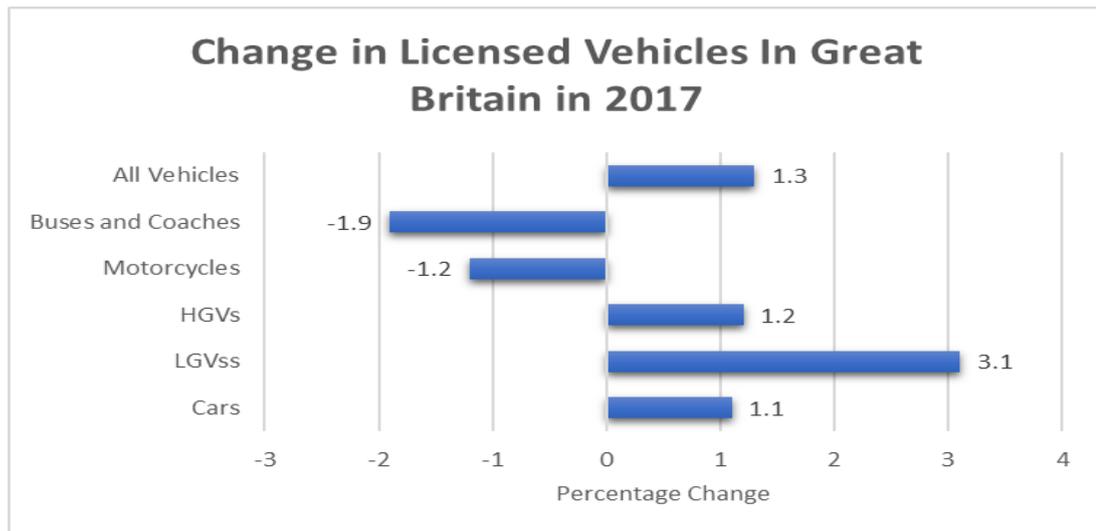
Parking Review Scrutiny Panel

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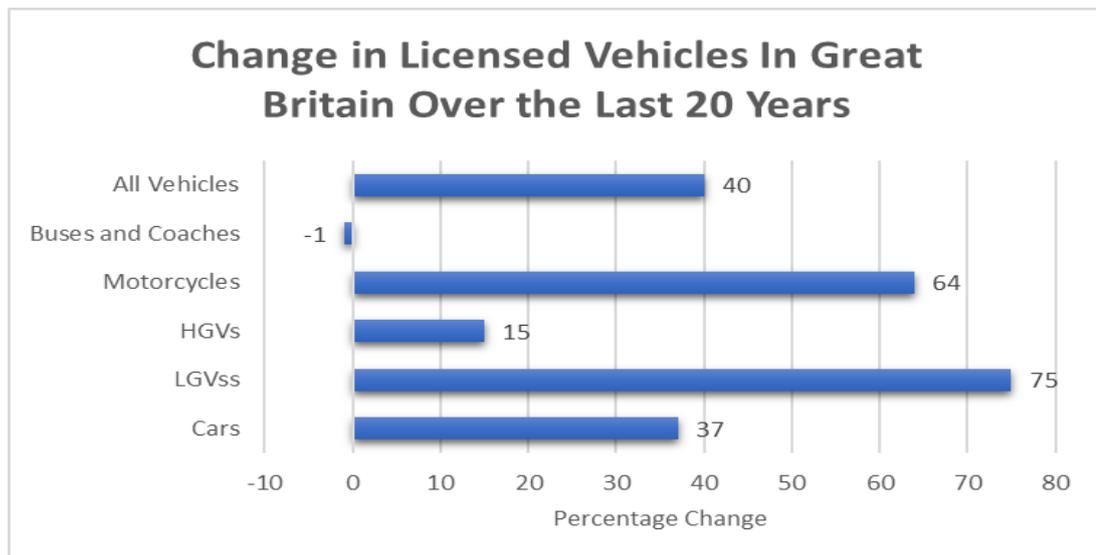
6.0 The National Picture¹

- 6.1 Far from being a local issue, parking on verges, pavements and green spaces is a nationwide issue. The problem in many instances stems from a lack of parking spaces. Numerous housing estates were constructed during the 1950's and 1970's when there were fewer cars on the road.
- 6.2 In the year ending December 2017, the national stock of licensed vehicles increased in Great Britain by 1.3%



Source Department of Transport – Vehicle Licensing Statistics: Annual 2017 (Revised)

- 6.3 Over the past 20 years, vehicle stock has increased by 40%



Source Department of Transport – Vehicle Licensing Statistics: Annual 2017 (Revised)

¹ All vehicle registration vehicles are sourced from Department of transport [Vehicle Licensing Statistics: Annual 2017 \(Revised\)](#)

- 6.4 From 1997 to 2007, the annual growth of licensed vehicles averaged 670 thousand per year although from mid 2000s it had begun to slow down. Following the recession of 2008-9, the growth rate slowed further, but did not stop, averaging 170,000 per year between 2007-12. Since 2012 the average growth has been 640 thousand a year but is beginning to slow.
- 6.5 Many factors have influenced increased car ownership over the years and it is not uncommon for a household to now have three or four vehicles. Where they exist, garages are typically used for storage or have been converted into accommodation, impacting on the original parking provision for the property.
- 6.6 A number of Councils have undertaken reviews to tackle parking on verges, most recently Peterborough City Council in 2017 and Stockton-on-Tees Borough Council in 2018.
- 6.7 The problem is difficult to address, if the main reason for verge parking is a lack of parking provision. Stipulating an increased parking standard on new dwellings is contrary to the aims of some councils to reduce dependency on motor vehicles and strong enforcement has the potential to move the problem from one area to another and/or anger residents, who may feel that they have no alternative but to park on verges.

Local Picture

(Parking Review 2018/19)

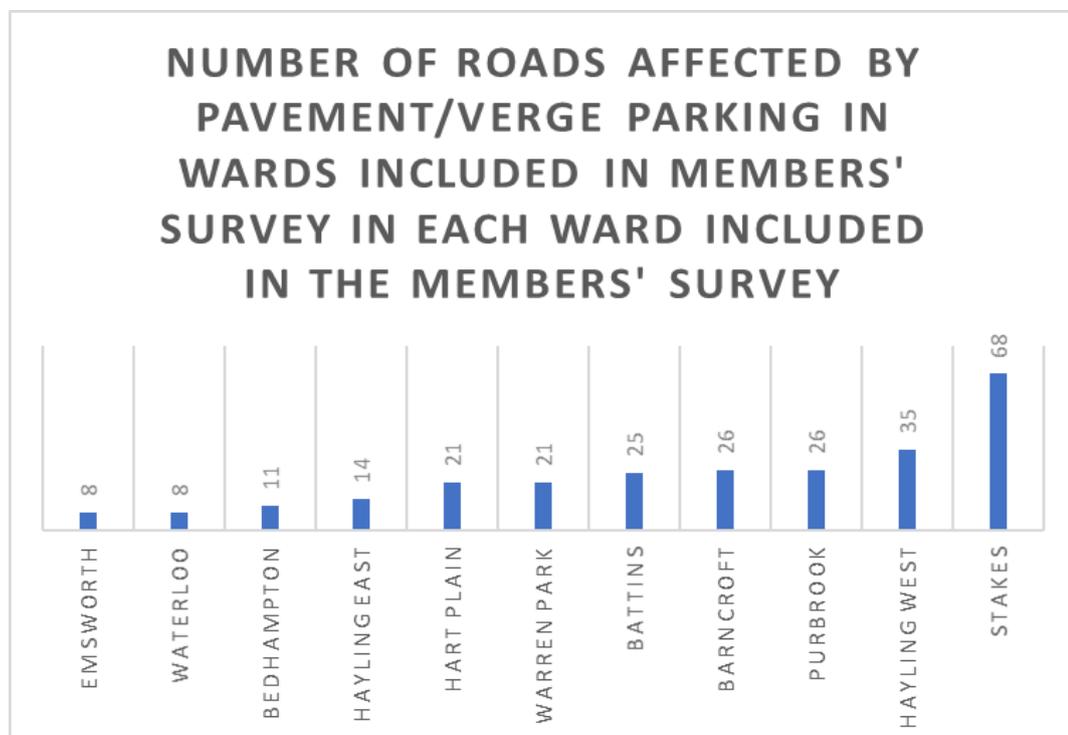
Parking Review Scrutiny Panel

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7.0 The extent of the issue in the Borough

- 7.1 As part of the review the panel conducted a survey of all Councillors to gauge the extent of the problem in the Borough and identify particular problem areas. The results of this survey are shown in Appendix A.
- 7.2 The survey indicates that parking on pavements and verges affects 7 out of the 11 wards included in the survey. These wards have been affected by this problem in many instances due to an increase in demand for on street parking which exceeds the number of available on-street parking spaces.
- 7.3 The increase in the demand for on-street parking may be due to several reasons ranging from:
- Households owning more than one vehicle
 - Householders bringing their work vehicles home
 - Businesses operating from residential addresses
 - Garages being used for storage or converted to living accommodation
- 7.4 The lack of supply of parking spaces in some of these wards is due to the fact that the housing estates were constructed during the 1950's and 1970's when there were fewer cars on the road e.g. the estates in Leigh Park¹, and Purbrook etc.



11 out of the 14 Wards (79%) contributed to the survey

¹ Barncroft, Battins, Bedhampton, Bondfields and Warren Park Wards

- 7.5 The issues within the Borough are predominantly caused by residents and occur mostly during evenings and weekends e.g. the following photographs show a vehicle which parked on a verge on Hayling Island over the weekend of 6th/7th April 2019.

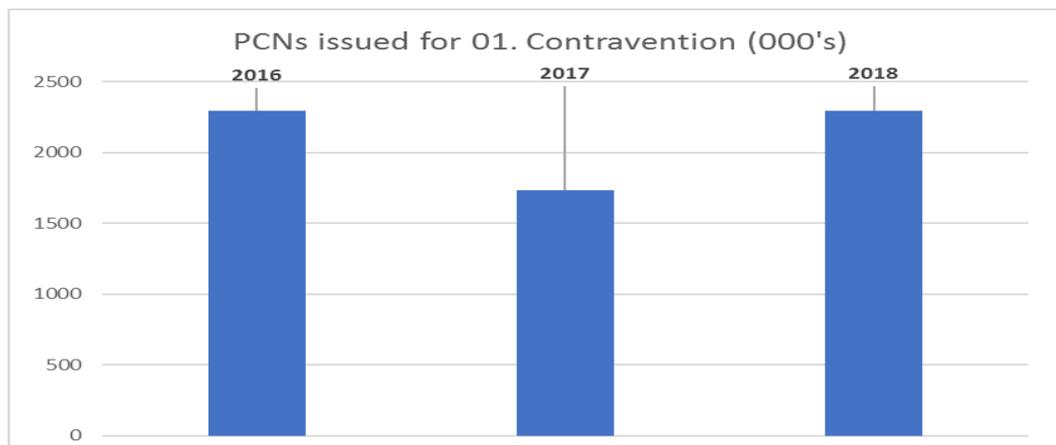


- 7.6 An increasing pattern that has emerged, is the number of vehicles that choose to park on the grass verge/footway, usually with two wheels on the grass/footway, even though the adjacent carriageway is wide enough to accommodate on-street parking without interrupting the free flow of traffic on the highway. This practice unnecessarily damages the verge/footway and creates a hazard for pedestrians and mobility scooters. In some cases, this practice also suggests to drivers that the carriageway can accommodate two-way traffic, where in fact this is not the case. Where on street parking would not cause an obstruction, it would be safer to all traffic if the vehicle was parked fully on the carriageway. The Panel considered that enforcement against parking half on the verge/footway where the carriageway could accommodate on-street parking would not give rise to displacement of the problem from one area to another.
- 7.7 The below photograph shows a section of Middle Park Way, in Battins Ward and illustrates the damage caused to grass verges where persistent verge parking takes place. 43 Penalty Charge Notices were issued on one day at this location in 2019, after the Parking Team received several complaints about dangerous/inconsiderate parking, with one mother stating her daughter was almost run over due to line of sight being obscured. It is worth noting that there is a privately-operated pay and display car park less than 100 metres from this location and although 43 PCNs were issued, holders of

valid Blue Badges would still be exempt for three hours, from the time of their arrival, to park within this restriction.

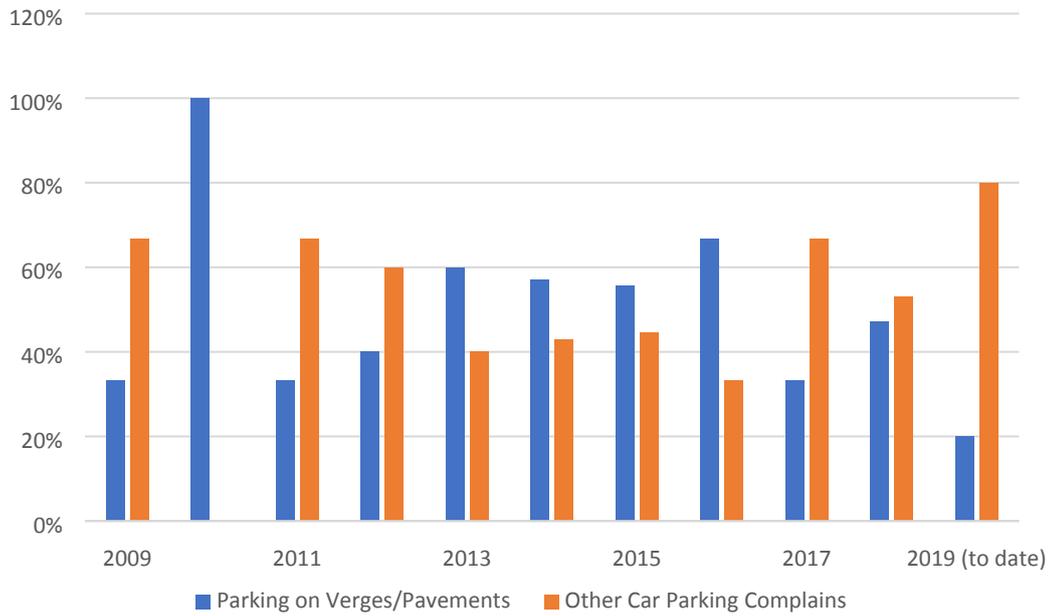


7.8 Although statistics relating to Penalty Charge Notices (PCNs) issued by the Council cannot be broken down to show how many offences relate specifically to pavement or verge parking, they do give an indication of the extent of the problem relating to parking offences. The chart below shows how many PCNs for '01 contraventions' (parked in a restricted street during prescribed hours), which may include offences relating to pavement and verge parking, have been issued since 2016.



7.9 Unfortunately, there does not seem to be a record of complaints received relating to car parking held by the Traffic Team. However, an indication on the impact of this form of parking has on residents can be found on the website "Fix My Street". The reports on this website demonstrate that between 2009 and 2018 at least 33% of the car parking complaints logged

relate to parking on dropped kerbs and verges/pavements in the Borough. A breakdown of these complaints is shown in following chart.



7.10 The location of the complaints recorded on Fix My Street is not too dissimilar to the areas identified in the Members' survey.

Legal Powers

(Parking Review 2018/19)

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8.0 Legal Powers

8.1 Local Authorities' Legislative Powers

(1) *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.”

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 Road Traffic Act 1991.

(2) Road Traffic Regulation Act 1984, as amended

A highway authority can ban or restrict parking in a specific area by way of a Traffic Regulation Order (TRO) made under this Act. It is an offence to park on a verge and/or pavement adjacent to a road covered by such a TRO. TRO's vary in cost dependant on complexity but generally fall between £3000 - £6000 per Order and take a minimum of six months from proposal to implementation. The cost of the TRO would need to be met from the limited HCC annual allocation, unless alternative funding could be found .

(3) 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 10 below).

(4) 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. The Act also enabled Local Authorities to enforce parking across dropped 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

(5) 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 that 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 Traffic Management Act 2004 Network Management Duty4;
- 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

(6) Local Government Act 1972 – Byelaws

Byelaws prohibiting vehicles parking on verges and pavements may be made by a Council under Section 235 of the Local Government Act 1972 provided that the Byelaw is for the good rule of government and for the prevention and suppression of nuisances. Each case is required to be taken to Court in order for a prosecution

to be made and a fine issued (this was set at £5 in 1966, the equivalent of £92 in 2018)

- (7) The Anti-Social Behaviour Crime and Policing Act 2014 - Public Space Protection Orders (PSPOs) (2014 Act)

PSPOs are one of the tools available under the 2014 Act. These are wide-ranging and flexible powers for local authorities and can be used to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. PSPOs differ from other tools introduced under the Act as they are council-led, and rather than targeting specific individuals or properties, they focus on the identified problem behaviour in a specific location.

[Guidance on PSBOs](#)

- (8) Anti-Social Behaviour, Crime and Policing Act 2014 – Community Protection Notices (CPNs)

CPNs are intended to deal with on-going problems of nuisance which have a negative effect on the community's quality of life. The notice will direct the individual, business or organisation responsible to stop causing the problem and it could also require the person responsible to take reasonable steps to ensure that it does not occur again

[Guidance on CPNs](#)

- (9) The Highways Act 1980

Section 41 places a duty on the local Highway Authority, to maintain the public highway network in a condition that is safe for users. The public highway network includes all adopted roads, footpaths and verges. It does not include un-adopted or privately-owned roads (e.g. Wade Court Road, Havant).

- (10) Private Member's Bill (England and Wales)

Martin Horwood MP submitted a Private Member's Bill to introduce a blanket pavement parking in England and Wales in the 2014/15 Parliamentary session. The bill did not receive the appropriate number of readings within the session so will progress no further its progress, see: <https://services.parliament.uk/bills/2014-15/pavementparking.html>

8.2 Criminal law

- 8.2.1 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).

- (1) 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, Wilkinson’s Road Traffic Offences warns that:

“Not all police forces take active steps to enforce [this law], but many more are now doing so in order to prevent subsequent parking on the pavement. Quere whether there is a common law right to divert onto the pavement in cases on necessity when the carriageway is blocked”

(2) 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:

- Road Traffic Act 1998, Section 22 (heavy vehicles in a dangerous position)
- Road Traffic Act 1988, Section 42 (Unnecessary obstruction)
- 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).

8.3 Highway Code

8.3.1 Although failure to comply with the other rules of the Code will not, in itself, cause a person to be prosecuted, The Highway Code may be used in evidence in any court proceedings under the Traffic Acts to establish liability. This includes rules which use advisory wording such as ‘should/should not’ or ‘do/do not’.

8.3.2 The Highway Code (<https://www.gov.uk/guidance/the-highway-code/waiting-and-parking-238-to-252>) states in Rule 243 it states:

“DO NOT stop or park:

- near a school entrance
- anywhere you would prevent access for Emergency Services
- at or near a bus or tram stop or taxi rank
- on the approach to a level crossing/tramway crossing

- opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space
- near the brow of a hill or hump bridge
- opposite a traffic island or (if this would cause an obstruction) another parked vehicle
- where you would force other traffic to enter a tram lane
- where the kerb has been lowered to help wheelchair users and powered mobility vehicles
- in front of an entrance to a property
- on a bend
- where you would obstruct cyclists' use of cycle facilities"

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.

8.4 Summary of Legal Powers

- There is no national legislation making it an offence for vehicles other than heavy Goods Vehicles to park on grass verges outside of London
- The Council can issue a PCN if a vehicle parks on a grass verge foot adjacent to a road covered by a TRO
- The Highway Authority can recover the repair costs of verges and footways from the registered keeper of a vehicle parked on them
- It is a criminal offence to drive over a footway
- The police may take action against a vehicle parking on a grass verge or pavement, which is causing an obstruction

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Government's Current Position

(Parking Review 2018/19)

Parking Review Scrutiny Panel

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9.0 Government's current position

9.1 The Government's position on the website is as follows:

"Pavement parking can be inconvenient for pedestrians and especially hazardous for disabled and elderly people, those who are visually impaired and people with pushchairs and double buggies. Consequently rule 218 of the Highway Code says:

"Do not park partially or wholly on the pavement unless signs permit it".

Under section 19 of the Road Traffic Act 1988, Heavy Goods Vehicles (HGVs) are banned from parking on the pavement, although section 19 is subject to a number of exemptions: in particular, an HGV may be parked on the pavement when loading/unloading is taking place.

In London, pavement parking is banned by the Greater London Council (General Powers) Act 1974, although within London there are some areas where exemptions are indicated with traffic signs. Pavement parking is also banned in other locations around the country including Exeter and Peterborough. Nationwide, the police are able to take action when a vehicle parked on the pavement is deemed to be causing an obstruction or is parked dangerously.

There is currently no national legislation banning the parking of all vehicles on the pavement, due to the wide range of circumstances and locations where pavement parking occurs. For example in some narrow residential roads with a lack of off-street parking provision, drivers have little option but to park on the pavement to avoid causing traffic hazards. The Government has no plans at present to introduce new legislation specifically aimed at banning pavement parking on a national scale.

As with most elements of traffic management, local authorities have the power under the Road Traffic Regulations Act 1984 to make Traffic Regulation Orders, allowing for specific parking regulations to be implemented in specific areas, according to the demands of local circumstances. Local authorities can for example introduce a Traffic Regulation Order in a single road banning the parking of vehicles on any part of the pavement (these bans must be indicated with traffic signs), whilst a range of other methods can be used to manage pavement parking, including the introduction of bollards and heightened kerbs"¹

9.2 However, Alan Mak, MP for Havant, has recently written to the Department of Transport (DfT) on this issue, after contact from a constituent. In response, Jesse Norman MP, Minister of State at the DfT is quoted as follows:

"The Department is aware that parking on the pavement can cause serious problems. The Department is currently gathering evidence on the effectiveness of current pavement parking laws, and will be looking at a range of issues beyond Traffic Regulation Orders. As part of this work, the Department is also considering the case for changing the law on pavement parking, and has been listening to the concerns by various organisations and members of the public."

¹

<https://webarchive.nationalarchives.gov.uk/+/http://www.dft.gov.uk/pgr/roads/tpm/tmaportal/tmafeatures/tmapart6/secparkingfactsheets/parkingonpavements>

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Enforcement Agencies' Current Position

(Parking Review 2018/19)

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10.0 Enforcement Agencies' Current Position

10.1 Hampshire County Council

- 10.1.1 Hampshire County Council ("the County Council"), as the Highways Authority, is responsible for maintaining the condition of grass verges adjacent to adopted highways and making Traffic Regulation Orders. Havant Borough Council implement Traffic Regulation Orders on behalf of the County Council.
- 10.1.2 In 2008 the County Council adopted a Policy Statement on Parking on Grass Verges, Footpaths and Pavements ([Report and Policy Statement](#)) which accepts a degree of parking on the highway where this is safe, does not cause an obstruction and does not damage the highway or any services buried within the highway. Nevertheless, the County Council prefers motorists to provide or to find off-street parking space wherever this is possible.
- 10.1.3 Hampshire County Council can seek to recover the repair costs of verges and footways from the registered keeper of a vehicle parked on them, however they can only do so if it can be proven that the vehicle caused the particular area of damage. Grass verges are not designed to carry the weight of vehicles and parking on them can cause damage to the pavement and kerb as well as to the grass and any underground utilities.
- 10.1.4 The County Council invites members of the public to report problems directly to its contact centre giving as much information as possible to describe the nature and extent of the problem, its location and its consequences. This information, along with any other information collected, will then help the County Council to analyse the cause of the problem and will inform the categorisation and prioritisation process required before problems can be addressed. The highest priority problems are those most likely to receive treatment.
- 10.1.5 The County Council has determined that the treatment of verge parking needs to take into consideration road safety, the expeditious movement of traffic, the effect on the street scene, and the available resources.
- 10.1.6 The County's view is that the introduction of legally enforceable parking controls to deal with verge, footpath and pavement parking problems will need to have the support of the Police (or civil parking enforcement authority, where applicable).
- 10.1.7 At a meeting held on 7 January 2019, Andrew Wood, Area Principal Engineer Hampshire Highways circulated a copy of the County's standard letter sent warning those who park on verges that repair costs may be recovered from them was discussed and it was explained that these letters were often sent to all residents in the vicinity as a deterrent. The Panel was advised that the County Council has no objection to this Council issuing a similar letter. At another meeting of the Panel held on 28 February 2019, Allison Mills, Traffic Team Leader, advised that the traffic team would be prepared to issue such letters on behalf of the Council.
- 10.1.8 The cost of converting some verged areas to either a layby or to hard standing was discussed with Andrew Wood. If a highways safety issue was caused Hampshire Highways had in some instances created a hardstanding on the verge. This was however quite costly, and the Panel is concerned that if this was to become commonplace it could have a negative effect on the street scene and lead to issues with surface water run-off.

10.2 Hampshire Police

- 10.2.1 A Bye-Law made in 1966 currently covers the Borough preventing parking on verges and remains current. A Bye-Law criminalises the offence, making it the responsibility of the Police to enforce. Each case is required to be taken to Court in order for a prosecution to be made and a fine issued (this was set at £5 in 1966, the equivalent of £92 in 2018). In view of the level of the fine this is not enforced.
- 10.2.2 Obstruction of the highway can only be enforced by the police. The police have discretion as to how they deal with any allegations of highway obstruction, although may not consider the matter as a high priority unless there is a danger to the public.
- 10.2.3 Hampshire police have issued advice on their website detailing their stance on illegal parking and advises that the first point of contact should be the Council; there is not mention of obstruction. However, the site does also suggest that in some cases the matter may be treated as anti-social behaviour and that it can be reported online.
- 10.2.4 Hampshire Police's 101 service will also, in some case, seek to contact the vehicle owner and persuade him or her to move if the caller gives the registration number and make/model of the vehicle
- 10.2.5 See: [Police Guidance](#)

10.3 Havant Borough Council

- 10.3.1 Under Agency Agreements with Hampshire Council, the Council makes Traffic Regulation Orders on behalf of the County Council and has taken over the responsibility for enforcement of on-street parking restrictions (residents parking bays, disabled bays, single and double yellow lines, etc.) through a process called Civil Parking Enforcement.
- 10.3.2 As evidenced in the survey undertaken, the problem areas in the Borough are primarily residential roads. A number of these already have Traffic Regulation Orders which allow Civil Enforcement Officers to issue a Penalty Charge Notice if a car is parked on a verge. The CEO's in the Borough patrol residential streets as follows

Summer – between 7.45 am and 6pm 6 days a week with Sundays 7.45am to 5pm

Winter – 7.45am to 6pm (not on Sundays)

It should be noted that occasional overnight enforcement is carried out within the Borough, if there is sufficient evidence of contraventions, with information based on numbers of reports received from residents. Information is not formally logged but is treated as anecdotal until the officer on the ground has investigated the report. Parking problems experienced by residents can be emotive and the parking team will always treat each report impartially. If a report is received citing a named person or an address, the Civil Enforcement Officer will only investigate the vehicle reported and then enforce accordingly. The decision whether a Penalty Charge Notice will be issued is always for the patrolling officer and it is not a function of the back office to instruct the officer on the ground.

- 10.3.3 Although the Council have reasonable grounds to request details of the registered owner of a vehicle parked illegally¹, the parking team only contact the DVLA for these details

¹ <https://www.gov.uk/request-information-from-dvla>

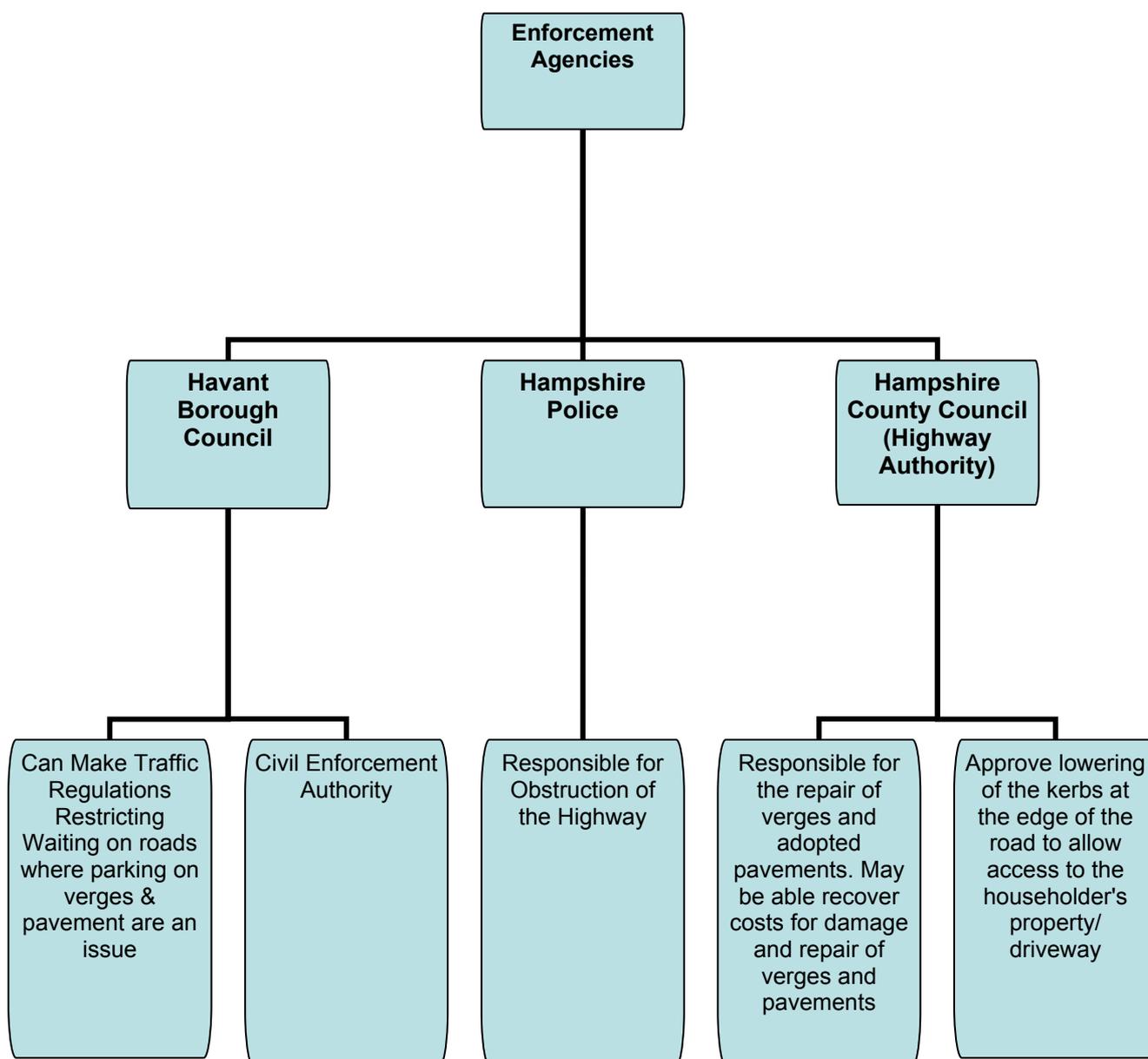
after a Penalty Charge Notice has been issued and remains unpaid for 28 days after issue, the DVLA are then contacted requesting the registered keeper's details.

10.3.4 However, a member of the public cannot report an incident so that it can be actioned outside of office hours, although online contact can be actioned on the next working day. Online contact assists in gathering an informal evidence base on which to base deploying limited resources to problem locations.

10.3.5 If a location is repeatedly 'flagged' as experiencing inconsiderate or illegal parking, the Senior Civil Enforcement Officer is requested to allocate resources and enforce appropriately, assuming a Traffic Regulation Order is in place. The traffic management team may also be advised that a location is experiencing more parking problems than would usually be expected and they then may undertake a further investigation to assess whether a Traffic Regulation Order is required to resolve the issue.

10.4 Summary of How the Enforcement Agencies Current Position

10.4.1 There are three enforcement agencies, who take action to control parking on verges and pavements. Taking into account the agency agreements with the County Council, the current position of these agencies may be summarised as follows:



- 10.4.2 Although the Police are responsible for obstruction they do not give it a high priority. The Police offer a service whereby they will try to contact and persuade the registered owner to move the obstructing vehicle. Online advice directs the public to Havant Borough Council
- 10.4.3 Hampshire Council (“the County Council”) send out warning letters to those who park on verges that repair costs may be recovered from them was discussed; these letters were often sent to all residents in the vicinity as a deterrent. The County could, if a highways safety issue was caused, create a hardstanding on the verge or plant trees to deter verge and pavement parking. This is however quite costly and could have a negative effect on the street scene and lead to issues with surface water run-off. The County Council could also permit householders to lower the kerb to allow vehicle access to their property, thereby reduce the demand for on street, verge and pavement parking.
- 10.4.4 Havant Borough Council, under an Agency Agreement with HCC can make traffic orders restricting waiting on roads or parts of roads where parking on verges/pavements are an issue. Where such an order is in place, the Council can issue a Penalty Charge Notice.
- 10.4.5 Havant Borough Council’s enforcement officers undertake winter and summer patrols including residential streets and it should be noted that occasional overnight enforcement is carried out, if there is sufficient evidence of contraventions being committed, with information being based on numbers of reports received from residents. However, a member of the public cannot report an incident so that it can be actioned outside of East Hampshire District Council’s office hours, although online contact can be actioned the next working day.

What Other Councils Have Done

(Parking Review 2018/19)

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11.0 What Have Other Councils Done?

11.1 Although not an exhaustive list, the following measures have taken by Councils to prevent verge and/or pavement parking:

Council	Verge/Pavement Control Traffic Regulation Order	<u>Gives advice on website</u>	<u>Action tailored after community consultation</u>	Adopted a policy for dealing with parking on verges and pavements	<u>Issue warning leaflets/letters</u>	Public Space Protection Order	Installs Preventive measures e.g. bollards	Provides templates for signs for use by residents, councillors and officers
Fareham Borough Council ¹	✓							
Peterborough City Council	✓	✓		✓	✓			
Stevenage Borough Council	✓	✓						
Bedford Borough Council		✓		✓				
Wigan Council		✓						✓
Wokingham Borough Council			✓					
Leeds City Council ²	✓	✓		✓			✓	
West Lindsley District Council (Hemswell Cliff)						✓		

¹ In view of the costs involved with verge parking restriction, Fareham Borough Council has no plans to introduce further verge parking orders but still enforces extant orders

² Please note that Leeds City Council publish their decision on how they deal with parking on verges cases.

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Options

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8 OPTIONS

8.1 Potential Enforcement Measures

Measure	Benefits	Risks	Disadvantages
<p><u>Traffic Regulation Orders</u></p> <p>The Council could introduce Traffic Regulation Orders in those areas where parking on verges and pavements is a continual problem</p>	<p>May deter parking on verges and pavements in problem areas</p> <p>Reduces environmental damage</p> <p>Encourages residents to provide off street parking where possible</p>	<p>Raise expectations of the public – the Council does not operate a 24 hour enforcement service so will not ordinarily affect people who break the order outside of office hours</p> <p>It may displace parking</p> <p>May restrict access to local services (letter/telephone box, cash machine or convenience store)</p>	<p>Additional costs to make the orders</p> <p>Additional work for the traffic team</p> <p>The income raised by fines may not be sufficient to cover these costs</p> <p>Does not satisfy demand for parking</p> <p>Unlikely to be a priority under HCC’s Traffic Management Policy.</p>
<p><u>Public Space Protection Orders (PSPOs) – Anti-Social Behaviour, Crime and Policing Act 2014</u></p> <p>The Council could make a PSPO for a defined area prohibiting the parking of vehicles on pavements and verges. A person who breaches a PSPO, may receive a Fixed Penalty Notice (FPN) up to £100</p>	<p>May deter parking on verges and pavements in problem areas</p> <p>Reduces environmental damage</p> <p>Encourages residents to provide off street parking where possible</p>	<p>Raise expectations of the public – the Council does not operate a 24 hour enforcement service so will not ordinarily affect people who break the order outside of office hours</p> <p>It may displace parking problem to another location</p> <p>May restrict access to local services (letter/telephone box, cash machine or convenience store)</p>	<p>Additional costs to make the orders</p> <p>Additional work for the traffic team</p> <p>The income raised by fines may not be sufficient to cover these costs</p> <p>Does not satisfy demand for parking</p> <p>Additional legal resource required</p> <p>Cost of associated signing.</p>

Measure	Benefits	Risks	Disadvantages
<p data-bbox="220 136 432 427"><u>Community Protection Notices (CPN) - Anti-Social Behaviour, Crime and Policing Act 2014</u></p> <p data-bbox="220 465 443 1599">The Council can issue a community protection notice to an individual or body requiring it to stop parking on verges or pavements. They can only be issued if the offender has been given a written warning that the notice will be issued if their conduct doesn't change and that they have been given enough time to have reasonably made those changes, and yet have chosen not to do so.</p> <p data-bbox="220 1637 432 2040">A person issued with a community protection notice who fails to comply with it may receive a Fixed Penalty Notice (FPN) up to £100.</p>	<p data-bbox="467 136 730 315">May deter individuals from parking on verges and pavements in problem areas</p> <p data-bbox="467 353 675 465">Reduces environmental damage</p> <p data-bbox="467 504 715 683">Encourages offenders to provide off street parking where possible</p>	<p data-bbox="770 136 1066 495">Raise expectations of the public – the Council does not operate a 24 hour enforcement service so will not ordinarily affect people who break the order outside of office hours</p> <p data-bbox="770 533 1034 645">It may move the problem to nearby streets</p> <p data-bbox="770 683 1042 795">It may displace parking problem to another location</p> <p data-bbox="770 833 1050 1048">May restrict access to local services (letter/telephone box, cash machine or convenience store)</p>	<p data-bbox="1098 136 1361 203">Additional costs to make the orders</p> <p data-bbox="1098 241 1425 309">Additional work for the traffic team</p> <p data-bbox="1098 347 1441 495">The income raised by fines may not be sufficient to cover these costs</p> <p data-bbox="1098 533 1385 607">Does not satisfy the demand for parking</p> <p data-bbox="1098 645 1361 719">Additional legal resource required</p>

Measure	Benefits	Risks	Disadvantages
Request the County Council to write to all householders in a street where there is proliferation of vehicles parking on verges and/or pavements	<p>May deter future offenders</p> <p>May encourage residents to provide off street parking where possible</p>	<p>May raise expectations of further enforcement.</p> <p>May displace parking problem to another location</p>	<p>Any work by the Council could be achieved within the existing budget.</p> <p>Additional costs to Hampshire County Council</p>
The Council create its own letter to be sent to householders in a street where there is a proliferation of verge and pavement parking	<p>May deter future offenders</p> <p>May encourage residents to provide off street parking where possible</p>	<p>May raise expectations of further enforcement.</p> <p>May displace parking problem to another location</p>	<p>Additional cost to generate the letter and to field enquires arising from the letters.</p>

8.2 Potential 'Non-Enforcement' Measures

Measure	Benefits	Risks	Disadvantages
Provide hard standings in problem areas	<p>Satisfies public demand for parking</p> <p>Controls the manner and location of parking</p> <p>Reduces environmental damage</p>	<p>May increase the demand for parking space, which is then never satisfied</p> <p>May require diversion of buried public utility services</p> <p>May discourage residents from providing off street parking</p> <p>May overload drainage system</p> <p>May be difficult to justify selection of one site against another</p>	<p>Additional costs to Hampshire County Council</p> <p>Reduces amount of open space</p> <p>Increase run off of surface water</p> <p>HCC will only do this on safety grounds</p>
Exclude verge pavement/ parking e.g. Bollards, trees	<p>Will prevent verge parking in problem areas</p> <p>Will reduce</p>	<p>May move the problem elsewhere</p> <p>May lead to complaints from</p>	<p>Additional costs to Hampshire County Council</p> <p>Causes difficulties for</p>

Measure	Benefits	Risks	Disadvantages
	<p>environmental damage</p> <p>Encourages residents to provide or use existing off street parking</p>	<p>residents e.g.</p> <p>Response to anti parking bollards in a street in Gosport</p> <p>Does not satisfy demand</p> <p>May restrict access to local services (letter/telephone boxes, cash machines)</p>	<p>verge maintenance operations</p>
<p>Provide grants to enable residents to provide dropped kerbs and park on their property</p>	<p>Will reduce the demand for verge parking for residents who take up the grant</p>	<p>May give easier access to verges for other vehicles</p> <p>May lead to vehicles blocking driveways</p>	<p>Additional costs to the Council</p>
<p>Increase public awareness of damage to the environment and dangers to pedestrians by verge and pavement parking and the current Byelaws</p>	<p>May deter some of the current offenders</p>	<p>May have no effect</p>	<p>Additional costs to the Council</p>
<p>If letters are sent to all householders in streets where there is a proliferation of verge and pavement parking as referred to above, ask the County Council to conduct a repair programme to grass verges and grassed areas in specified streets</p>	<p>Will improve the visual appearance of the street</p>		<p>County Council do not approve a programme</p> <p>Additional costs to the County Council</p>

Measure	Benefits	Risks	Disadvantages
Display notices required under the extant Byelaws in streets where there is a proliferation of verge and pavement parking	May deter some offenders		Costs to the Council

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Preferred Options

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13.0 PREFERRED OPTIONS

13.1 After considering all the options and their benefits and disbenefits, the Panel identified the following options as the most appropriate for the Borough:

- (1) Letter to residents – with the intent to try and change unnecessary behaviours

Hampshire County Council (HCC) have issued letters to residents in the past, on request from a member of the public or a councillor. Please see APPENDIX A.

- (2) Repair Programme for verges and Grassed Areas

HBC to request HCC to conduct a repair programme to grass verges and grassed areas in named streets in each ward, as identified by ward councillors, if Option 1 has been taken and the damage-causing parking has ceased. In addition, HBC to request HCC to undertake any necessary consultation prior to trialling different wildlife friendly verge options on these grass verges and grassed areas.

- (3) Public Space Protection Order (PSPO)

A PSPO can be applied by a local authority to an area which could include all pavements, grass verges and grassed areas that constitute the highway. Non-observance of the PSPO could result in a fine of £100 that would be enforced by HBC's enforcement team.

Details of the registered owner of a vehicle may be obtained by the Council from the DVLA at a cost of 15 pence per search. To obtain these details the Council would just have to provide reasonable grounds to the DVLA for obtaining this information. This would be the same process used to obtain details of vehicle owners who fail to pay PCNs.

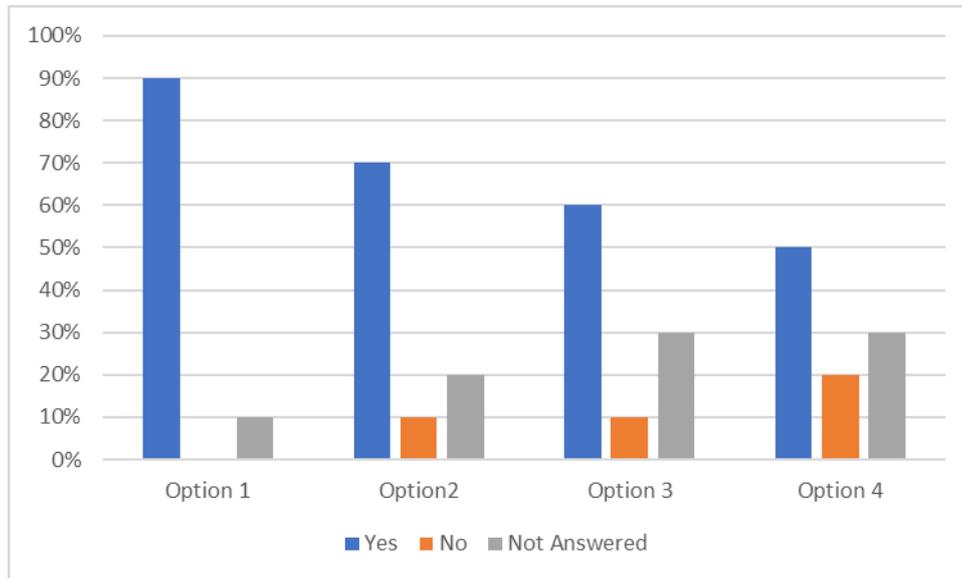
This action would require consultation, publicity and street signs. It is not proposed that streets where there is a genuine need for vehicles to be parked on the verge / pavement so as to allow at least one-way flow of traffic be included in such an order.

- (4) Community Protection Notice (CPN)

The Council can issue a CPN to an individual or body requiring it to stop parking on verges or pavements. They can only be issued if the offender has been given a written warning that the notice will be issued if their conduct doesn't change and that they have been given enough time to have reasonably made those changes, and yet have chosen not to do so. A person issued with a CPN who fails to comply with it may receive a Fixed Penalty Notice (FPN) up to £100.

Details of the registered owner of a vehicle may be obtained by the Council from the DVLA at a cost of 15 pence per search. To obtain these details the Council would just have to provide reasonable grounds to the DVLA for obtaining this information. This would be the same process used to obtain details of vehicle owners who fail to pay PCNs.

13.2 The original options were submitted to all Councillors with a request that they indicate their preferred course of action. Unfortunately, only 10 out of the current 36 Councillors (28%). The most option was Option 1 with Option 4 being the least popular. The results of the survey are shown on the chart below:



13.3 Members were also asked to recommended streets most affected in their wards that could be targeted as a pilot scheme for action. The streets have been nominated:

Road	Comments
Stakes Road WaterlooVille	
St Johns Avenue WaterlooVille	
Privett Road WaterlooVille	
Fir Copse Road WaterlooVille	
Crookhorn Lane WaterlooVille	
Park Avenue (between Park Road and Ladybridge Road) WaterlooVille	
Hart Plain Avenue WaterlooVille	
Sutton Road WaterlooVille	
Riders Lane, Leigh Park	“Riders Lane, where parking bays have been provided yet car owners cross the 25 yds of grass to park by their houses, leaving parking bays empty.”
Blendworth Crescent Leigh Park	Whole length of road (outside 119)
Collmore Square Leigh Park	On grassed square area

Road	Comments
Bedhampton Way Leigh Park	"Start of road from Park Parade end towards chicane outside No. 182"
1 Vine Coppice Waterlooville	
Park Farm Road Waterlooville	
Anne Crescent Waterlooville	
119 to 127 Elizabeth Road Waterlooville	
56 Elizabeth Road Waterlooville	
Montgomery Walk, Waterlooville	"Montgomery Walk – no grass verges but cars parked on pavements requiring pedestrians to walk on road to get by them."
Corbett Road, Waterlooville	"Corbett Road – parking on grass verges. Parking fully on pavements obscuring sight of oncoming vehicles."
Church Road, Hayling Island	"Particularly towards the northern part near the roundabout"
Manor Road Hayling Island	On south bound carriageway shortly before the Brights Lane turning to the right
Linkenholt Way Leigh Park	
Winchfield Crescent (38-58, 25-65) Leigh Park	
Parkhouse Farm Way Leigh Park	
475 – 481 Dunsbury Way Leigh Park	
41-43 Brokenhurst Avenue Leigh Park	

13.4 Comments¹ received with the questionnaire are as follows:

Option 1 - Letter to residents – with the intent to try and change unnecessary behaviours

"Parking on pavements is less of a problem than parking on verges (which should be primary focus). Fir Copse Road has parking on the verge (which I think is an attempt to improve sight lines for vehicles). Perhaps a technical assessment could be conducted to determine the efficacy of this approach."

"Prevention is better than cure (option 2). Vehicles found to cause damage should pay for costs."

¹ Please note that some words have been redacted where the respondent could be identified

“Select worst roads – have each Councillor hand deliver letters for maximum impact.”

“I think an informative letter of the type annexed to the questionnaire is most appropriate in the first instance. Once residents have been advised that it is unacceptable, I suspect that many culprits will stop, particularly as there would be damage to services underground. This is not something that would be the first thing to occur to most people and I suspect the possibility.”

“Most of the verges in the lower part of the ward have been replaced by hard standing. In the upper (more modern) part there are garages and parking areas. Mind you parking problems still happen.....”

“We also to get HCC’s and Police’s approval to put their logos & names on our letter”

“I would like to see the damage to our verges and grassed areas cease. However, being realistic, there are just too many cars, vans and commercial vehicles for on road parking. So, where would the residents park?”

What I do believe we should stop is residents driving across the verge to get into their garden. A letter should go out to those residents firing a warning shot over their bows and give them details of how to apply for a dropped kerb.

There is quite a substantial cost involved in this, not all residents are in a position to pay up front. We should encourage a scheme that helps residents achieve a drop kerb and spread the cost say by monthly direct debit, maybe this is something Hampshire County Council and HBC would consider.

If letters to residents is to be piloted, the following 4 houses could receive one as they are deliberately crossing the grass verge where they have hardened their front garden.”

Option 2 – Repair programme for Verges and Grassed Areas

“If verges were more attractive and well maintained it could help prevent the parking creeping back.”

“Only after it has been observed vehicles not new parking/damaging verges. Would need to observe over several weeks.”

“Only if Option 1 has been successful and the damage causing parking has ceased.

Since HCC has stopped funding of creating parking bays, could HBC not provide a £25K per year fund to do so in targeted areas of our Borough? i.e. Well Meadow, Warren Park.”

“I would also consider the installation of Dragon’s teeth

Charge the residents

Issue PSPOs – and enforce”

“We need to speak to HCC team who effect repairs to grassed areas inc. verges, to advise them of what we want to achieve (at this stage) and get them to engage with us on the pilot.”

Option 3 - Public Space Protection Order (PSPO)

“PSPOs should only be activated in areas where TROs are in place and have resulted in inconsiderate parking. Enforce, enforce, enforce!!”

“Agree with this”

“Yes – provided that displacement parking does not create a greater problem elsewhere. Given the large number of vehicles and lack of garages/driveways for householders to park in”

“Any and all measures to be taken with a view to enforcing as last resort to instil better behaviour of persistent offenders”

“Which prevents use by pedestrians – if no verge”

“I looked at this as a ***** and there is a reasonable cost to holding and maintain a licence to use the DVLA data and a responsibility so far as data protection is concerned. The paradox is that if a campaign was successful, the costs would not be recovered. A proper cost benefit analysis would be required and perhaps some evidence from other authorities of their experience in this area.”

“The Panel needs to know if the enforcement officers or back office have access to names and addresses of owners and vehicles. I’m assuming that this information can be accessed in order to follow up non-payment of parking fines for parking on-street where there are restrictions now! Would there need to be a change/addition to the reasons for the Fixed Penalty Notice i.e. parking in an area covered by a PSPO?”

Option 4 - Community Protection Order (CPN)

“I think that in the first instance that Option 1 would be good, but long-term option 4 would give the Council some teeth.”

As above there would have to be a clear understanding of the benefits of the cost and officer time in issuing PCNs. If there is insufficient parking in an area, particularly if it is a result of approved planning applications, we would have to decide whether we were acting reasonably.”

“Those who ruin the verges, etc. should be expected to meet the repair costs.”

“Need to make flexible and prosecute offenders who flout rules.”

“Yes – only if there is an alternative for them to park and does not cause; a blockage to traffic flow. Safety hazard: blocks the pavement for pedestrians.”

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Officer's Responses to the Preferred Options

(Parking Review 2018/19)

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14.0 OFFICERS' COMMENTS ON THE PREFERRED OPTIONS

14.1 The Officers responses to the preferred options and the Panel's revisions/comments in light of these responses are as follows

- (1) Letter to residents – with the intent to try and change unnecessary behaviours

Officer Comment

“..... we understand the benefit of sending letters so that the Council can demonstrate that we are doing something positive to try to resolve the issue. There is a concern however that with no other sanctions in place the letters would have no real consequence, therefore whilst there may be some improvement in the short term this is unlikely to be sustained. There is likely to be additional resource required to issue letters and take all associated calls/correspondence received as a result.

No problem following HCC Policy. As we act as their Agents in parking matters we would think that they would be pleased for us to follow their policy rather than having a different approach in Havant alone.

An impact assessment may also be required to gauge the possible displacement issue resulting from the council sending letters. We would also need to be prepared to provide affected residents with helpful information as to where would be a suitable place to park their car if/when they contact us as a result of receiving such a letter.

If this option is to be chosen, we would agree it would be appropriate to implement a small pilot scheme initially to give the council a better idea of the success rate and impact on resource.”

At a meeting held on 17 April 2019, the Panel discussed this option together with the comments submitted by the officers. The officers advised that on 13/14 April 2019 they had undertaken a survey of the roads identified by the officers between 11pm and 4am, which revealed that there was evidence of parking on the verges in these roads and that there were alternative spaces in which the vehicles could park in these roads. The officers suggested that that the following roads, which had the highest level of verge parking and could be included in the proposed pilot scheme:

- (a) Crookhorn Lane
- (b) Fir Copse Road
- (c) Parkhouse farm Way
- (d) Dunsbury Way
- (e) Sutton Road

The officers advised that it would undertake two further patrols to gain a greater understating of the extent of the issue in the Borough.

The Panel discussed in detail with the officers the best method to deliver the Council's message including whether to issue letters or leaflets. During a discussion with the officers on 24 June 2019, the Panel and officers agreed that the greatest impact would achieved by Councillors issuing letters prepared by the

officers. It was also felt that the point of contact in these letters should be local councillors to handle the complaints that were likely to arise from the letters.

Revised Option

The Panel agrees that there is a need for pilot schemes to enable the Council to identify the costs and effectiveness of such letters in solving an increasing problem in the Borough. It is understood from discussions with the County Council, who currently issue a letter, that this letter is used to persuade drivers not to park on grass verges etc. Unfortunately, there are no statistics to demonstrate their effectiveness. The Panel considered there is a need for the Council to take a lead on this matter to address this problem, which is of concern to residents of the Borough. The Panel considered that the most effective method would be issuing letters as opposed to leaflets. The effectiveness of these letters will be increased if the Police and Hampshire County agree to using their logos in these letters or agree to reference in the letter that the scheme is being undertaken in partnership with them. The roads to be included in the pilot scheme to be the 5 roads set out below, which were identified by an officer's survey as having the highest level of verge parking:

- (a) Crookhorn Lane
- (b) Fir Copse Road
- (c) Parkhouse farm Way
- (d) Dunsbury Way
- (e) Sutton Road

It is felt that asking Councillors to distribute the letters and to answer queries arising from these leaflets will encourage community engagement and reduce officer costs.

With regard to concerns about potential displacement, this issue should not arise in areas where: the carriageway is wide enough to accommodate on-street parking without interrupting the free flow of traffic; and where there are unused alternative off/on street parking place nearby e.g. laybys, driveways and garages.

- (2) Repair Programme for verges and Grassed Areas

Officers' Comments

"... we certainly can request Hampshire County Council to conduct a repair programme to grass verges and grassed areas in named streets where our chosen option has successfully resulted in the cessation of the parking that caused the damage, however there is no guarantee that this would take place. HCC will repair any verges that are deemed dangerous by deep rutting as it presents a risk to health and safety of the public, however aside from this we do not believe there is an ongoing programme to repair verges.

We would recommend that this measure is not publicised as it is outside of our control and may raise expectations."

"HCC own the verges and we cut them on their behalf, so any change in the specification would have to be instigated/agreed by them.

As long as there is not a great deal of verges taken out then this shouldn't affect NSE too much as it will only be a very small drop in resource requirement.

However, I would highlight that not all residents would like wild verges and we may get complaints, so hopefully some public consultation would take place prior to any changes, but this would have to be undertaken by HCC.”

Panel’s Response

The Panel acknowledges that there is no guarantee that the County Council will accede to this request.

- (3) Public Space Protection Order (PSPO)

Officers’ Comments

“With regard to Public Space Protection Orders (PSPO), there would be quite a lot of work involved in design and set up of such a measure, and public consultation would be required, however PSPOs if designed and implemented appropriately can be effective. Given the number of other issues that can be tackled with a PSPO, it may be wise for the council to collectively identify all of the things that we would like to see orders in place for, and then consult on them all in one go.

As above an impact assessment would be required and we would need to be prepared to provide affected residents with helpful information as to where would be a suitable place to park their car instead of the grass verge or pavement.

This option is highly likely to require additional resource. We would recommend a cost-benefit analysis be carried out prior to implementation.”

At a meeting held with the Officers on 17 April 2019, the officers acknowledged that the report’s evidence showing that the extant Byelaws did not work and the proposed pilot scheme could help support a PSPO. However, the Cabinet Lead warned that it was unlikely such an order would be made. If agreed, it was also suggested that the fixed penalty notice should be set at £100.

- (4) Community Protection Notice (CPN)

Officer Comment

At a meeting with the Panel held on 17 April the Panel was advised that the Council would need to be able to demonstrate that the parking caused distress and alarm for an application for a notice to be successful.

At a meeting with the Panel held on 17 April the Panel was advised that the Council would need to be able to demonstrate that the parking caused distress and alarm for an application for a notice to be successful.

Panel’s Response

The Panel noted the comments made by the Interim Head of Service Neighbourhood Quality and Enforcement and the Cabinet Lead that whilst a PSPO or CPN could be effective in some situations it would not be ideally suited to the majority of cases and would require additional resource. For these reasons the Panel would not be bringing these options forward in the recommendations as part of this review.

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Appendices

(Parking Review 2018/19)

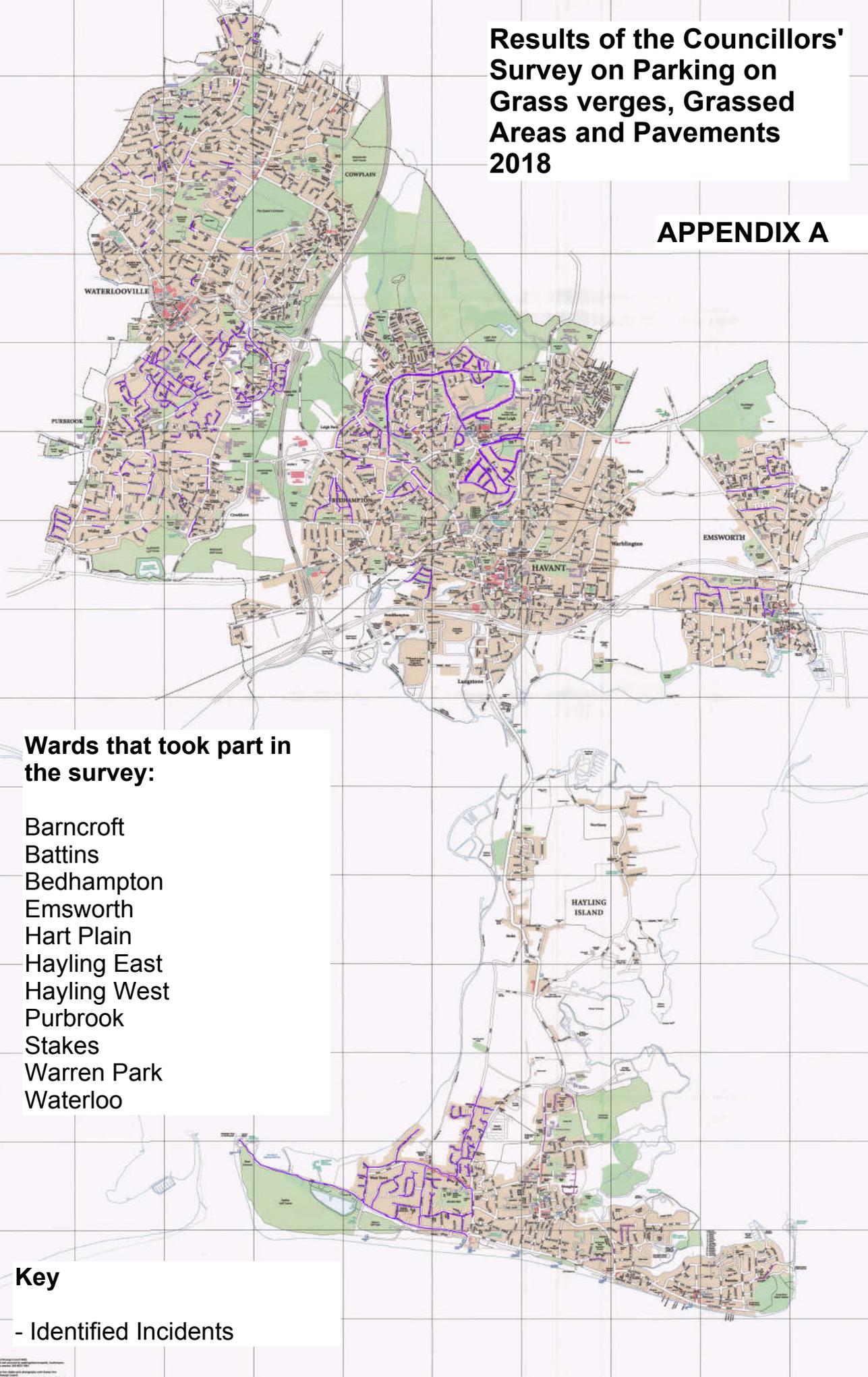
Parking Review Scrutiny Panel

2019

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Results of the Councillors' Survey on Parking on Grass verges, Grassed Areas and Pavements 2018

APPENDIX A



Wards that took part in the survey:

- Barncroft
- Battins
- Bedhampton
- Emsworth
- Hart Plain
- Hayling East
- Hayling West
- Purbrook
- Stakes
- Warren Park
- Waterloo

Key

- Identified Incidents

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Private and Confidential
The Owner/Occupient

Highways Operation Centre

APPENDIX B

Hampshire Highways

Trafalgar House North

Trafalgar Street

Winchester, Hampshire, SO23 9DH

Tel: 0300 555 1388 (Roads and Transport)
0300 555 1390 (Textphone)

Email: roads@hants.gov.uk

Web: www.hants.gov.uk

Enquiries
to

Highways Operations Centre

Date

Dear Sir/Madam

Parking on verges in <Road Name, Location>

It has been observed vehicles are parking on the Choose an item. at the above location and causing damage as a result. Choose an item. are not designed to carry the weight of vehicular traffic, so should not be used for this purpose.

We are writing to residents to inform them of this issue and requesting that all residents and visitors cease using the Choose an item. with immediate effect, in order to prevent further damage. Damage may cause a hazard for pedestrians, and can impair underground pipes and services resulting in service failures.

Furthermore, we may seek to recover the costs of making repairs to the footway/verges from any person or persons identified as being the cause of the damage.

If you are not responsible for parking on the verge/footway, please disregard this letter.

Yours sincerely,

Head of Highways (HQ)

Stuart Giddings IEng MCIHT

Director of Economy, Transport and Environment
Stuart Jarvis BSc DipTP FCIHT MRTPI

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PARKING ON GRASS VERGES, FOOTPATHS AND PAVEMENTS

POLICY STATEMENT

1. Verges, footpaths and pavements are, like roads, all part of the highway. It is the statutory duty of the County Council and its duly authorised agents to keep all highways clear and free from obstructions and to ensure safe and expeditious movement of traffic, including pedestrians. The public has a legal right of way to pass along such highways in travelling from place to place but has no legal right to park vehicles on the highway. The County Council does not have any responsibility to provide parking spaces and is committed to reducing dependency on motor vehicles and improving travel choices for the residents of, and visitors to, Hampshire. The primary responsibility for finding acceptable parking spaces rests with vehicle owners/keepers.

2. The County Council is aware that demand for parking space often exceeds availability of off-street facilities and believes that it is appropriate to accept a degree of parking on the highway where this is safe, does not cause an obstruction and does not damage the highway or any services buried within the highway. Nevertheless the County Council will always prefer motorists to provide or to find off-street parking space wherever this is possible.

3. The parking of vehicles on grass verges, footpaths and pavements is increasingly widespread and creates significant problems in many areas for residents, highway users and for the Council itself. The circumstances of each case vary widely and thus it is extremely difficult to identify a single solution that can be applied universally. The County Council therefore has adopted a flexible approach to the problem, with a view to addressing each complaint as it arises.

4. The County Council invites members of the public to report problems directly to its contact centre, Hantsdirect, giving as much information as possible to describe the nature and extent of the problem, its location and its consequences. This information, along with any other information collected, will then help the County Council to analyse the cause of the problem and will inform the categorisation and prioritisation (Annex 1) process required before problems can be addressed. The highest priority problems are those most likely to receive treatment.

5. The County Council has determined that the treatment of verge parking needs to take into consideration road safety, the expeditious movement of traffic, the effect on the street scene, and the available resources. Depending on the prevailing conditions and community views, the Environment Department will work with partners where necessary to determine the course of action, if any, to be taken from a raft of possible measures (Annex 2).

6. Solutions will be considered on a neighbourhood by neighbourhood basis focusing on areas of greatest need and will be dependent on a consensus of support from the local community and from partner agencies. The introduction of legally enforceable parking controls to deal with verge, footpath and pavement parking problems will need to have the support of the Police (or civil parking enforcement authority, where applicable).

7. Members of the public will have the opportunity to update themselves on the progress of each complaint through the Council's website. The length of time to resolution will be dependent on prevailing conditions, the action to be taken and the availability of funds.

PARKING ON GRASS VERGES, FOOTPATHS AND PAVEMENTS

CRITERIA FOR PRIORITISING COMPLAINTS

1. Safety - established casualty problem
2. Safety - potential casualty risk to vulnerable highway users (eg children, elderly, those with mobility impairment)
3. Safety - potential casualty risk to other highway users
4. Obstruction - to vehicular traffic used for passenger transport
5. Obstruction - to commercial traffic (including loading/unloading)
6. Obstruction - to other vehicular traffic
7. Obstruction - to highway users with mobility impairment
8. Damage* - to buried services
9. Obstruction - to pedestrians
10. Obstruction - to private accesses
11. Obstruction - to highway maintenance works (including street cleansing and verge maintenance)
12. Obstruction - to visibility (not included in safety above)
13. Damage* - to fabric of highway (footway or carriageway surface, drains, kerbs etc)
14. Damage* - to highway trees and tree roots
15. Damage* - to other highway planting
16. Damage* - to highway grass verges in conservation areas
17. Damage* - to other highway grass verges

* Either immediate or cumulative damage

PARKING ON GRASS VERGES, FOOTPATHS AND PAVEMENTS

TREATMENT OPTIONS

This annex outlines some of the options/treatments that are available to address the problem of parking on verges, footpaths and pavements. It also highlights the advantages, disadvantages and potential risks for each.

Provide additional parking spaces

Benefits

- _ Satisfies public demand for secure, convenient parking.
- _ Controls the location and manner of parking.
- _ Reduces environmental damage.

Disbenefits

- _ Reduces the 'green' environment.
- _ Reduces 'non-vehicular' public space.
- _ Increases run-off of surface water.
- _ Works are very expensive (costly to undertake if done properly; costly to maintain if not done properly).
- _ Does not promote County Council policy of reducing dependency on motor vehicles.

Risks

- _ May increase demand for parking space, which then is never satisfied.
- _ May lead to increase in vehicle maintenance activities.
- _ May require extensive diversion of buried utility services.
- _ May discourage residents from providing off-street parking.
- _ May overload existing drainage system.
- _ May be difficult to justify selection of limited number of high priority sites for treatment.

Prohibit verge parking

Benefits

- _ Controls the location and manner of parking.
- _ Reduces environmental damage.
- _ Encourages residents to provide off-street parking where possible.

Disbenefits

- _ Requires bye-law or traffic regulation order (TRO) to be made and enforced.
- _ Requires traffic signs and yellow lines.
- _ Does not satisfy demand for parking.

Risks

- _ May not be enforceable.
- _ May displace parking problem to other locations.
- _ May lead to obstruction of the carriageway or footways
- _ May restrict access to local services (eg letter/telephone box, cash machine or convenience store).

Exclude verge parking

Benefits

- _ Controls the location and manner of parking.
- _ Reduces environmental damage.
- _ Encourages residents to provide off-street parking where possible.

Disbenefits

- _ Requires extensive use of dragon's teeth, posts, railings or planting.
- _ Causes difficulties for verge maintenance operations.
- _ Does not satisfy demand for parking.

Risks

- _ May displace parking problem to other locations.

May lead to obstruction of the carriageway or footways.

May restrict access to local services (eg letter/telephone box, cash machine or convenience store).

Allow verge parking and strengthen verges

Benefits

Reduces environmental damage.

Disbenefits

Works are moderately expensive.

Does not control the location and manner of parking.

Does not promote County Council policy of reducing dependency on motor vehicles.

Risks

May require diversion of buried utility services.

May discourage residents from providing off-street parking.

Allow verge parking and undertake periodic repairs

Benefits

Inexpensive.

Easy to manage.

Disbenefits

Does not reduce environmental damage.

Does not control the location and manner of parking.

Does not promote County Council policy of reducing dependency on motor vehicles.

Risks

May discourage residents from providing off-street parking.

May lead to further abuse of highway land.

May appear to suggest a lack of care.

Roads to be Included in the Pilot Scheme

- Stakes Road
- St Johns Avenue
- Privett Road
- Fir Copse Road
- Crookhorn Lane
- Park Avenue (between Park Road and Ladybridge Road)
- Hart Plain Avenue
- Sutton Road
- Riders Lane
- Blendworth Crescent – whole length of road (outside 119)
- Collmore Square – on grassed square area
- Bedhampton Way – start of road from Park Parade end towards chicane outside No. 182
- 1 Vine Coppice
- Park Farm Road
- Anne Crescent
- 119 to 127 Elizabeth Road
- 56 Elizabeth Road
- Montgomery Walk
- Corbett Road
- Church Road, Hayling Island (particular part towards the northern part near the roundabout)
- Manor Road, Hayling Island (on south bound carriageway shortly before the Brights Lane turning to the right)
- Linkenholt Way
- Winchfield Crescent (38-58, 25-65)
- Parkhouse farm Way
- 475 – 481 Dunsbury Way
- 41-43 Brokenhurst Avenue

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NON EXEMPT

HAVANT BOROUGH COUNCIL

Cabinet

23 October 2019

Polling Review 2019 of Havant

Jayne Day – Electoral Services Manager

FOR DECISION

Portfolio: Cabinet Lead for People and Communications - Cllr Lulu Bowerman

Brian Wood, Head of Customer Services

Key Decision: No

1.0 Purpose of Report

- 1.1. Electoral Services has undertaken a review of Polling Districts, Polling Places and Polling Stations within the Havant Borough.
- 1.2. The purpose of the report is to highlight any changes and recommendations made by Electoral Services during the review period and agree the recommendations before it is taken to Council in December 2019.

2.0 Recommendation

2.1 Members are recommended to:

approve and recommend to Full Council on 13th November 2019, that the following changes to Polling Districts, Polling places and Polling stations within Havant are agreed: -

- Emsworth – Havant Road – No's 1 – 19, 33 – 41 odds, 12 – 16, and 30 evens – move from EC to EE
- Emsworth – Convent Lane – No's 1, 2, 3, 4, 7, 10 and 12 – move from EC to EE
- Emsworth – Hollybank Lane – move all properties to EB
- All other Polling districts and Polling places will remain the same as 2019 elections, please see appendix A, for a full list of polling stations.

3.0 Executive Summary

- 3.1. Consultation was held throughout August; we contacted Borough Councillors, disability groups and the public. See appendix A for responses.
- 3.2. The Electoral commission recommend that one polling station should not have more than 2500 electors, and therefore we have reviewed all our polling places and stations.
- 3.3. Under sections 18A to 18C of the Representation of the People Act 1983 the council is under a duty to:
 - Divide its area into polling districts for the purposes of parliamentary elections
 - Designate a polling place for each such polling district (unless the entire polling district is treated as the polling place), and
 - Keep such polling districts and polling places under review.
- 3.4. Councillors will wish to note that it is the function of the council, and not the Returning Officer, to designate and periodically review the polling districts and polling places in its area. It is, however, the responsibility of the Returning Officer to provide adequate polling stations within the polling district/ polling place so designated by the Council.

4.0 Additional Budgetary Implications

- 4.1. There are no additional financial costs.

5.0 Background and relationship to the Corporate Strategy and Directorate Business Plan/s

- 5.1. Supports Corporate Strategy – Organisation and Society.

6.0 Options considered and reasons for the recommendation

- 6.1. The polling review must be carried out between 1st October 2018 and January 2020. We have decided to conduct the review towards the end of that period to ensure we capture the recent growth of new dwellings within the borough.

7.0 Resource Implications

- 7.1. Financial Implications – There are no financial implications.
- 7.2. Human Resources Implications – There are no human resource implications
- 7.3. The core team consists of a part time Elections Manager and three part-time Electoral Service officers. Additional hours will be worked as in previous years ensure all changes are implemented and future elections run smoothly.

7.4. Other Resource Implication – There are no other resource implications

8.0 Legal Implications

8.1. Legal implications – Every relevant authority in the UK is responsible for dividing its area into polling districts

- The council is responsible for the review of Polling districts and places not the Returning Officer
- The Returning Officer is responsible for the allocation of polling stations
- The review applies to the Parliamentary Constituency not the Local Authority, but the local authority deals with the area that is contained within their area

8.2. Relevant authorities must:

- a) Seek to ensure that all the electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances;
- b) Seek to ensure that so far as is reasonable and practicable, the polling places they are responsible for are accessible to all electors, including those who are disabled, and when considering the designation of a polling place, must have regard to the accessibility needs of disabled persons

8.3. In addition, the polling place for a polling district must be within the area of the district unless special circumstances make it desirable to designate an area either wholly or partly outside of the polling district.

The polling place must also be small enough to indicate to electors in different parts of the polling district how they will be able to reach their designated polling station.

Should a relevant authority fail to designate a polling place, the entire polling district will be classed as the polling place for that district.

9.0 Risks

9.1. A risk register will be maintained for the Election Project, these are kept and reviewed regularly by the Electoral services core team.

9.2. A risk register is also held corporately which again is reviewed regularly.

10.0 Consultation

10.1. The Electoral Services team has completed a consultation exercise with Councillors, Disability groups and the electorate. See Appendix A for responses.

11.0 Communication

11.1. No additional communications are planned

12.0 Appendices:

12.1. Appendix A – a full list of polling stations showing results from the polling review consultation

13.0 Background Papers: None

Agreed and signed off by:

Monitoring Officer: (170919) David Brown
S151 Officer: (170919) Lydia Morrison
Director: (170919) David Brown
Portfolio Holder: (170919) Cllr Lulu Bowerman

Contact Officer: Jayne Day
Job Title: Electoral Services Manager
Telephone: 02392 446226
E-Mail: jayne.day@havant.gov.uk

**Havant Borough Council –
Representation of the People Act 1983 –
Review of Polling Districts and Polling Places**

Responses to the Review and Representations submitted by the Returning Officer

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Contained in this document are responses to the Review and representations made by the Returning Officer for proposed changes to the boundaries of certain polling districts and changes to certain polling places. The polling stations are those that are usually used at each election, subject to their availability.

Returning Officer

November 2019

Barncroft

Polling District	Current Polling Station	Responses to Consultation	Returning Officer's Comments	Proposed Action
JA, JB	The Original Place 136 Purbrook Way	No responses	None	No change
JC	Dickinson Centre Park Community School	No responses	None	No change

Battins

Polling District	Current Polling Station	Responses to Consultation	Returning Officer's Comments	Proposed Action
GA	Front Lawn Junior School Broadmere Avenue	No responses	None	No change
GB, GC	Leigh Park Community Centre Dunsbury Way	No responses	None	No change
GD	Trosnant Community Centre The Scout Hut	A submission stated that the station was too small and not fit for purpose. Larger, better facilities required in different location. No alternative suggested but that the polling station is not needed, and the polling district voters could use the Community Centre.	The polling station is quite adequate for the voters and comfortable to work in. It is not ideal to lose the polling station in that vicinity and combine with the Community Centre as there are already two polling districts assigned to that station and it would be further for people to go.	No change

Bedhampton

Polling District	Current Polling Station	Responses to Consultation	Returning Officer's Comments	Proposed Action
CA	St Andrews Church Hall (Farlington) Havant Road	No responses	None	No change
CB	Bedhampton Community Centre 21 Bedhampton Road	No responses	None	No change
CC	Bedhampton Community Centre 21 Bedhampton Road	No responses	None	No change
CD	Barncroft Infant School Barncroft Way	No responses	None	No change
CE	St Josephs Church Hall West Street	No responses	None	No change

Bondfields				
Polling District	Current Polling Station	Responses to Consultation	Returning Officer's Comments	Proposed Action
FA	Sharps Copse Primary School Prospect Lane	No responses	None	No change
FB	St Alban's Church Hall Bartons Road	No responses	None	No change

Cowplain

Polling District	Current Polling Station	Responses to Consultation	Returning Officer's Comments	Proposed Action
KA, KF	Westbrook Hall Grassmere Way	No responses	None	No change
KB	Cowplain Activities Centre Padnell Road	No responses	None	No change
KC	Cowplain Activities Centre Padnell Road	No responses	None	No change
KE	Cowplain Social Club London Road	No responses	None	No change
KF	Cowplain Social Club London Road	No responses	None	No change

Emsworth

Polling District	Current Polling Station	Responses to Consultation	Returning Officer's Comments	Proposed Action
EA	Sports Pavilion Hollybank Recreation Ground	Move properties in Hollybank Lane to EB so that complete road is in one polling district	Agreed	Move properties
EB	Scout Hut Conigar Road	No responses	None	No change
EC Page 115	Emsworth Primary School Victoria Road	Move 1-19, 33-41 (odds) and 12, 14, 16 and 30 Havant Road and 1, 2, 3, 4, 7, 10, and 12 Convent Lane to EE	Agreed	Move properties
ED	Brook Hall Baptist Church Hall	No responses	None	No change
EE	The Slipper Room Brookfield Hotel	No responses	None	No change

Hart Plain				
Polling District	Current Polling Station	Responses to Consultation	Returning Officer's Comments	Proposed Action
LA	Hart Plain Church Hart Plain Avenue	No responses	None	No change
LB, LE, LF	Hart Plain Church Hart Plain Avenue	No responses	None	Continue to seek agreement to return LE to Cowplain Community School.
LC	Woodcroft Primary School Woodcroft Lane	No responses	None	No change
LD	Wecock Community Assn The Kestrels	No responses	None	No change

Hayling East

Polling District	Current Polling Station	Responses to Consultation	Returning Officer's Comments	Proposed Action
AA	North Hayling Recreation Hall St Peters Road	No responses	None	No change
AB	Royal British Legion Hall Legion Road	No responses	None	No change
AC	St Andrews Church Hall Culver Drive	No responses	None	No change
AD	Community Centre Wheatlands Avenue	No responses	None	No change

Hayling West

Polling District	Current Polling Station	Responses to Consultation	Returning Officer's Comments	Proposed Action
BA	Portacabin 11/12 Island Close	No responses	None	Continue to seek alternative venue.
BB	United Reformed Church Hollow Lane	No responses	None	No change
BC	Community Centre Hayling Park	No responses	None	No change
B	Community Centre Hayling Park	No responses	None	No change

Purbrook

Polling District	Current Polling Station	Responses to Consultation	Returning Officer's Comments	Proposed Action
PA	Hampshire Rose 44 London Road	No responses	None	No change
PB	Hampshire Rose 44 London Road	No responses	None	No change
PC, PD	Phoenix Community Centre Crookhorn Lane	No responses	None	No change
PE	The Purbrook Centre Stakes Road	No responses	None	No change

St Faiths

Polling District	Current Polling Station	Responses to Consultation	Returning Officer's Comments	Proposed Action
DA, DB	Pallant Hall The Pallant Centre	No responses	None	No change
DB	Pallant Hall The Pallant Centre	No responses	None	No change
DC	HYSTS Building, The Ship Inn car park	No responses	None	No change
DD	Warblington School Southleigh Road	No responses	None	No change
DE	The Stride Centre Daffodil Way, Denvilles	No responses	None	No change

Stakes				
Polling District	Current Polling Station	Responses to Consultation	Returning Officer's Comments	Proposed Action
NA, NB	Springwood Community Building, Springwood Avenue	No responses	None	No change
NC	Windsor Court, Anne Crescent	No responses	None	No change
ND	Mill Hill Primary School Mill Road	No responses	None	No change
NE	Crookhorn College Stakes Hill Road	No responses	None	Alternative venue will continue to be sought.

Warren Park				
Polling District	Current Polling Station	Responses to Consultation	Returning Officer's Comments	Proposed Action
HA, HB	St Francis Church Hall Riders Lane	No responses	None	No change
HC	St Clare's Church Hall St Clare's Avenue	No responses	None	No change

Waterloo

Polling District	Current Polling Station	Responses to Consultation	Returning Officer's Comments	Proposed Action
MA	Queens Inclosure School Cornelius Drive	No responses	None	No change
MB, MC	Baptist Church Hall London Road	No responses	None	No change
MD, MF	St Georges Church Hall St Georges Walk	No responses	None	No change
ME	Anders Hall Jubilee Park	No responses	None	No change

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