

Parking Review 2018/19
Parking Review Scrutiny Panel

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2018/19

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Introduction and Methodology

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1.0 Introduction and Methodology

“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.”

Surrey County Council

- 1.1 This report presents the outcomes of the Scrutiny Review of Grass Verges appointed by the Operations and Place Shaping Board.
- 1.2 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.
- 1.3 The review examined the extent of the issues and measures that could be taken to reduce parking on pavements and verges.
- 1.4 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?
- 1.5 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

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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

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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)

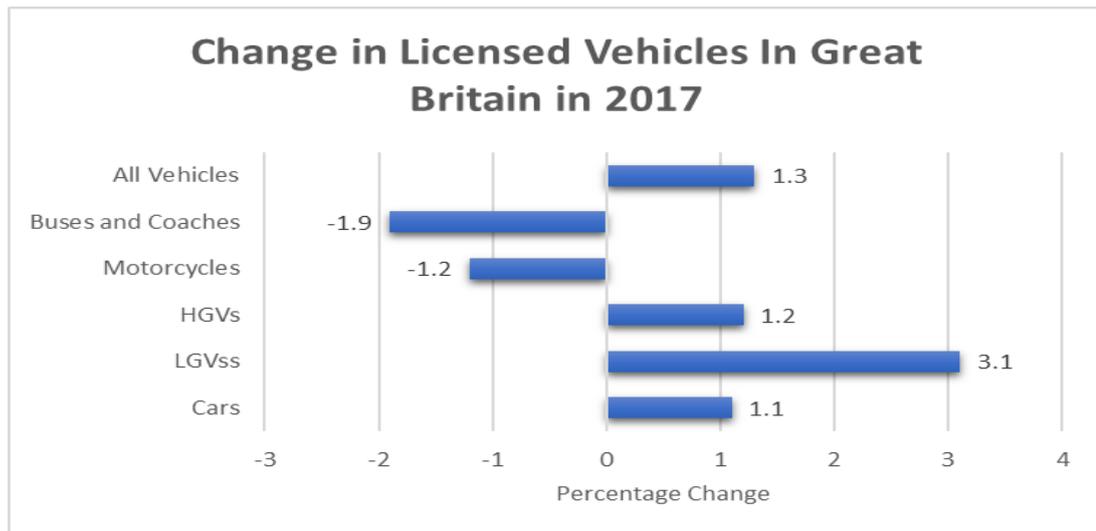
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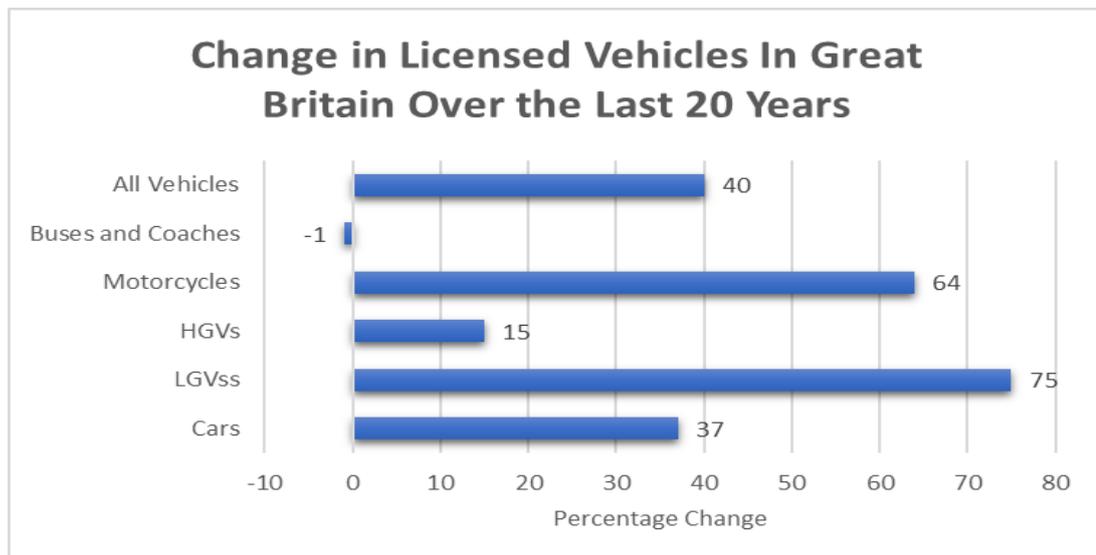
6.0 The National Picture¹

- 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)

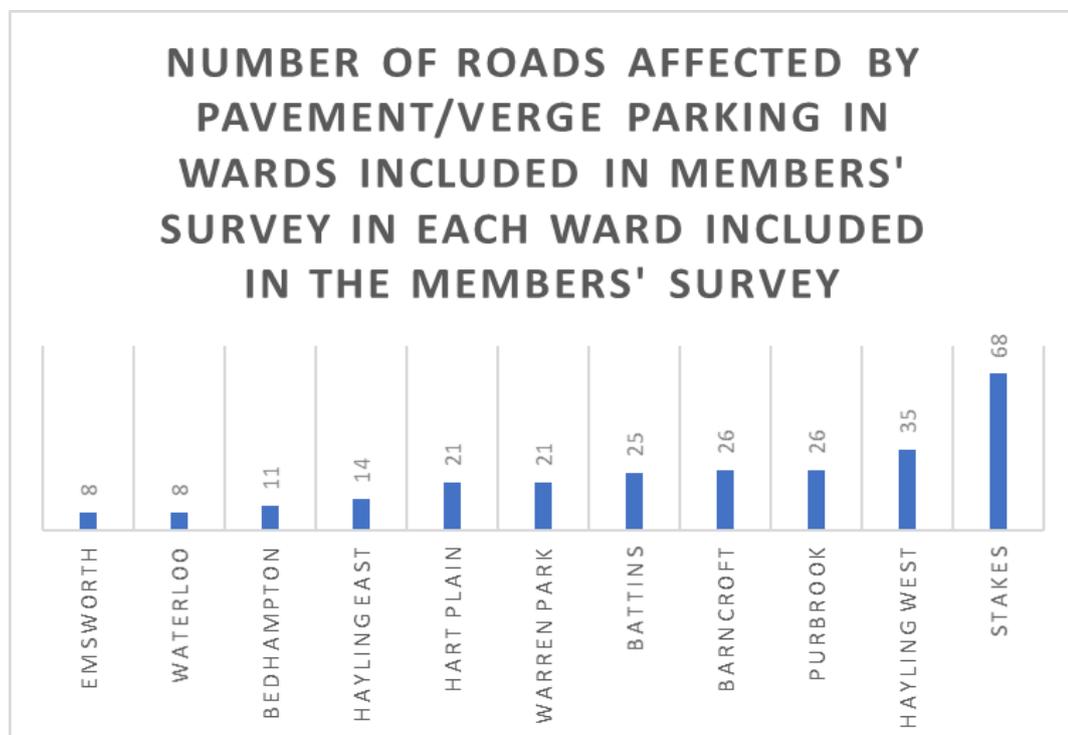
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7.0 The extent of the issue in the Borough

- 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.

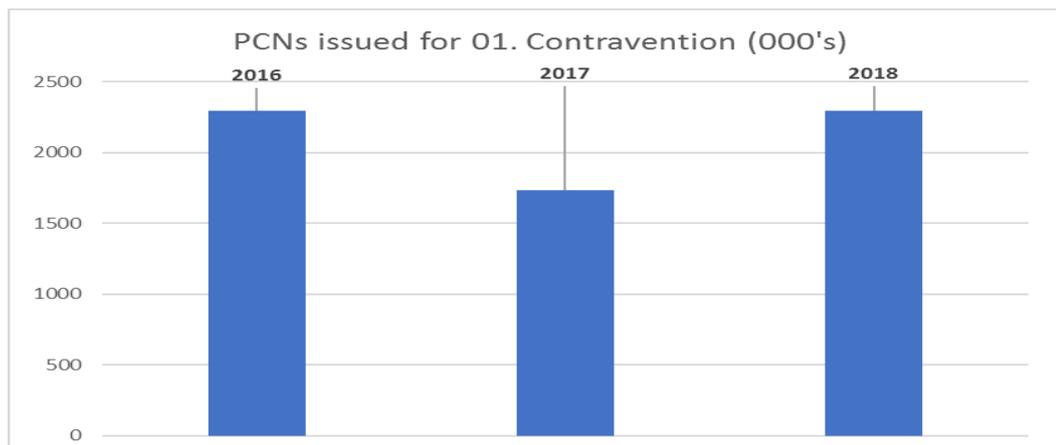


- 7.6 An increasing pattern that has emerged, is the number of vehicles that choose to park on the grass verge/footway, usually with two wheels on the grass/footway, even though the adjacent carriageway is wide enough to accommodate on-street parking without interrupting the free flow of traffic on the 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.

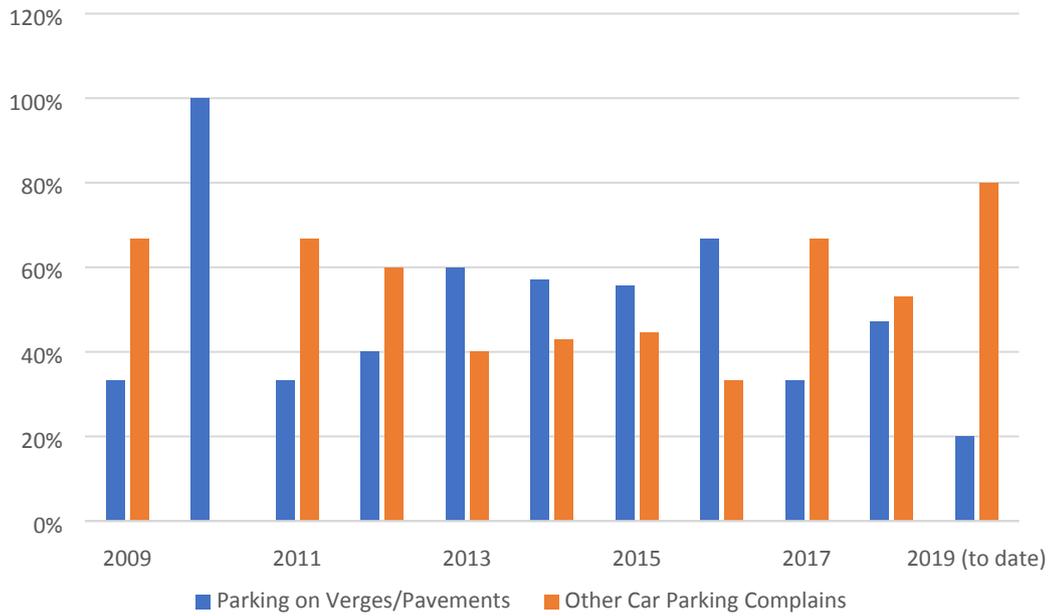


7.8 Although statistics relating to Penalty Charge Notices (PCNs) issued by the Council cannot be broken down to show how many offences relate specifically to pavement or verge parking, they do give an indication of the extent of the problem relating to parking offences. The chart below shows how many 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

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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

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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

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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>

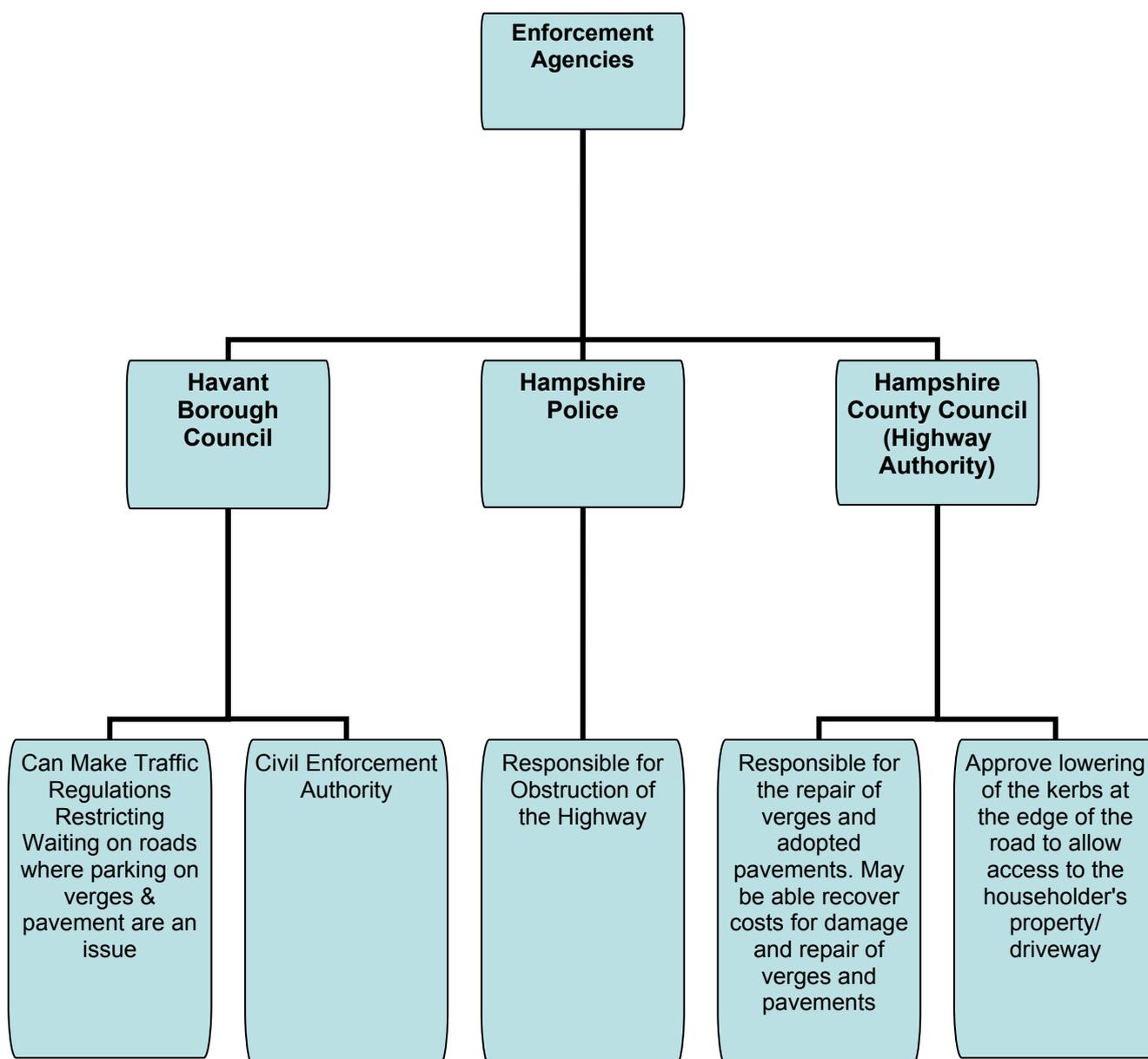
after a Penalty Charge Notice has been issued and remains unpaid for 28 days after issue, the DVLA are then contacted requesting the registered keeper's details.

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

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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 **Page 51** 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><u>Community Protection Notices (CPN) - Anti-Social Behaviour, Crime and Policing Act 2014</u></p> <p>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>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>May deter individuals from parking on verges and pavements in problem areas</p> <p>Reduces environmental damage</p> <p>Encourages offenders 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 move the problem to nearby streets</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 the demand for parking</p> <p>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.

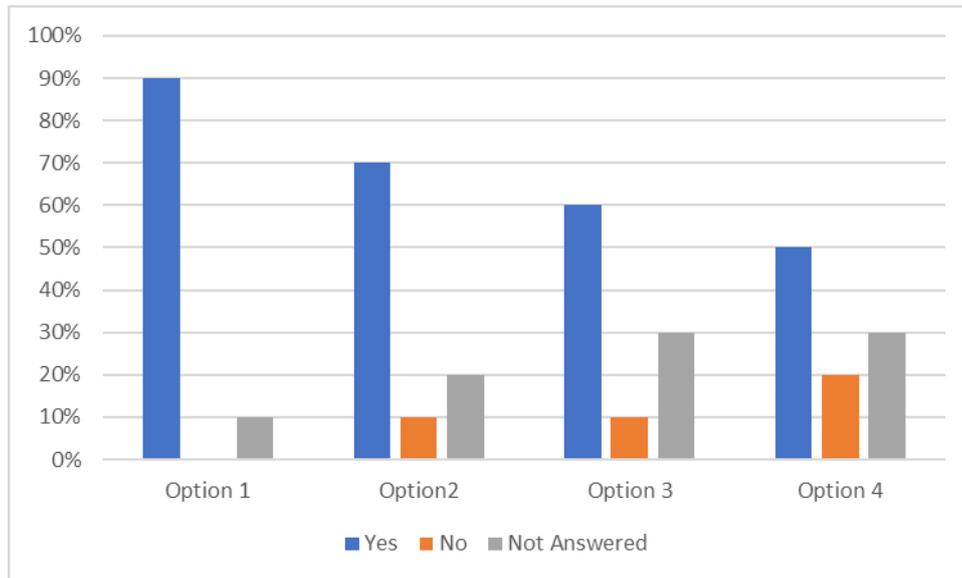
This action would require consultation, publicity and street signs. It is not proposed that streets where there is a genuine need for vehicles to be parked on the verge / pavement so as to allow at least one-way flow of traffic be included in such an order.

- (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)

Parking Review Scrutiny Panel

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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.

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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)

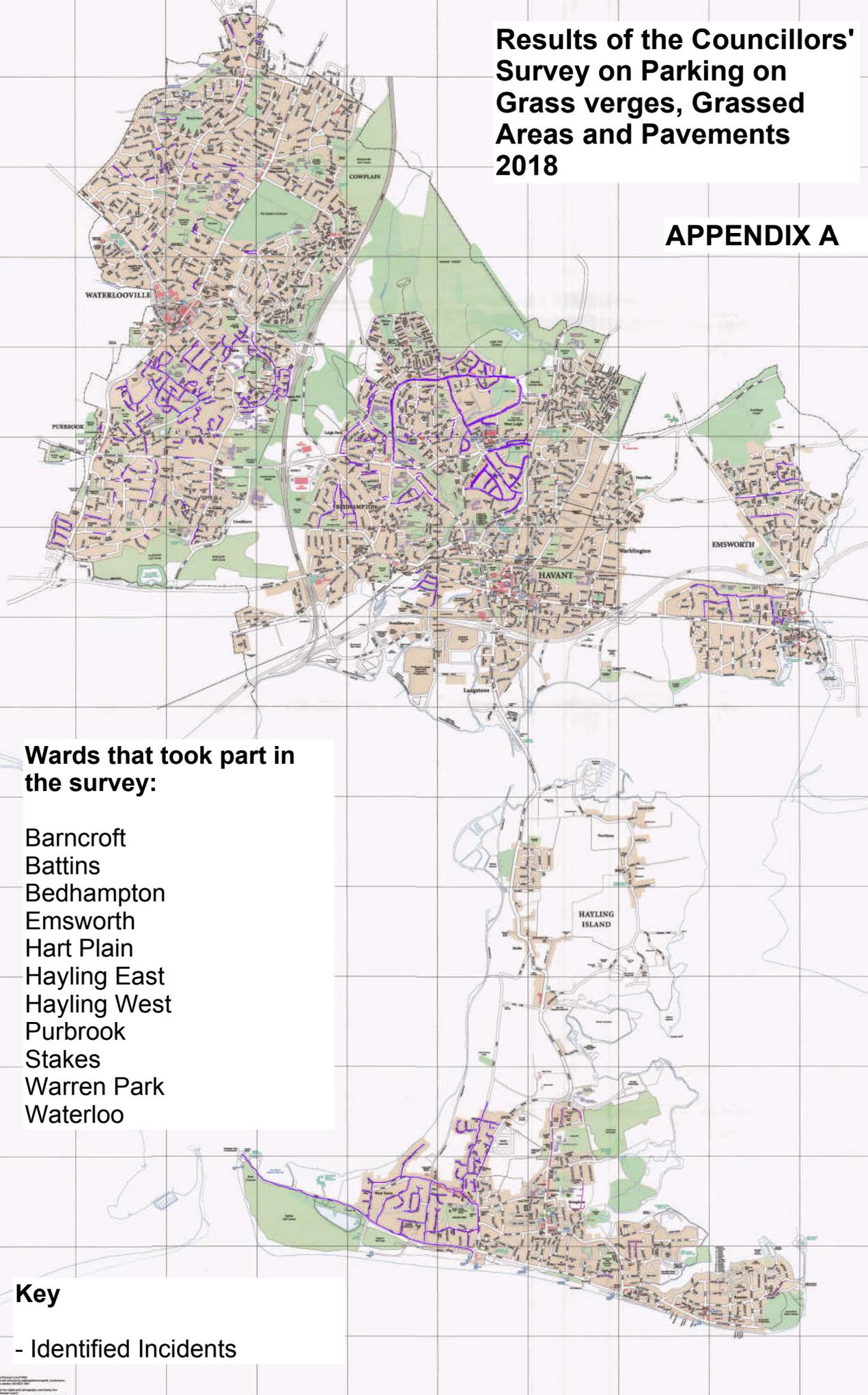
Parking Review Scrutiny Panel

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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