

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

E-Mail: dianne.lloyd@havant.gov.uk