

**SCRUTINY COMMITTEE**  
**6 March 2006**  
**DECISIONS TAKEN BY PORTFOLIO MEMBERS**

<b>Portfolio Member</b>	<b>Nature of Decision</b>	<b>Date</b>
Councillor Wynn	Application received from Ms Stefanie Michelson of 87 Cook Avenue, Bearpark to purchase an area of Council land adjacent to 87 Cook Avenue, Bearparth for use as off-street parking and additional domestic garden. Recommend that application be approved subject to the applicant fulfilling certain conditions	16.1.06
Councillor Southwell & Councillor Wynn	Application received in respect of a Home Loss payment as a result of the Council compulsorily displacing the applicant from her home (Ref 290). The applicant currently has outstanding rent arrears of £26.79 and is asking for the sum of £3,400. Recommend payment of £,3400 but deduction of rent arrears to be made first	18.1.06
Councillor Southwell	Application received in respect of a Disturbance payment as a result of the Council compulsorily displacing the applicant from her home (Ref 290). The applicant has asked for the fixed payment of £1,000 as she was displaced from a One Bedroom Bungalow Recommend that the payment of £1,000 be made to the applicant.	9.1.06
Councillor Woods	To approve the granting of a further grazing licence to a Mr Mortimer of 110 Parkhouse Gardens, Sherburn Village subject to a slight increase in the annual licence fee. Recommended to approve the licence.	16.1.06
Councillor Rae	SRB6 Improving the heart of the villages grants approved for Esh Winning Cricket Club - £1380 St Pauls Methodist Church Kelloe - £3,230	1.12.05
Councillor Wynn	Application received from Mr Box of 82 Taylor Avenue Bearpark enquiring if the council would consider leasing to him land to the rear of his property for use as additional garden land. Recommended that the application be approved subject to conditions.	26.1.06
Councillor Holland	Application for a Durham City Enterprise Grant of £500 received from Allan Flowers T/A Allan's Bar Catering Supplies (ABCS)	27.1.06
Councillor Holland	Application for a Durham City Enterprise Grant of £1,000 divided as follows:- David Burke T/A DAB Courier Services - £500 Mark Allen T/A Chekus - £500	27.1.06
Councillor Reynolds	Application received from Durham County Council requesting the granting of Licence to carry out works at Carrside/Finchale Road, Framwellgate Moor for widening footways at the loction. Recommend application approval subject to conditions	2.2.06
Councillor Reynolds	Application received from Mr Barras of 1 Hillside View,	2.2.06

	<p>Sherburn Village enquiring if the Council would sell to him land adjacent to his property for use as private off-street parking and garden use.</p> <p>Recommend that subject to certain conditions a proportion of the land be sold to applicant</p>	
Councillor Rae	<p>Application for SRB Improving the Heart of the Villages grant in respect of</p> <p>Esh Winning Cricket Club - £1,380.00</p> <p>St Pauls Methodist Church, Kelloe - £3,230.00</p> <p>Recommend approval of grants</p>	1.12.05
Councillor Southwell	<p>Application received in respect of a Disturbance Payment as a result of the Council compulsorily displacing the applicants from their home (Ref 291). The applicants have asked for the fixed payment of £1,000 as they were displaced from a One Bedroom Bungalow.</p> <p>Recommend that a payment of £1,000 be made to the applicants.</p>	31.1.06
Councillor Southwell	<p>Application received in respect of a Home Loss payment as a result of the Council compulsorily displacing the applicants from their home (Ref 291). The applicants have asked for a payment of £3,400.</p> <p>Recommend a payment of £3,400 be made to the applicants.</p>	31.1.06
Councillor Holland	<p>Application for a Durham City Enterprise Grant of £500 as follows:</p> <p>Craig Jordan &amp; Paul Haddon T/A J H Partners Consulting Engineers Ltd. - £500</p>	8.2.06
Councillor Wynn	<p>Application to waive Contract Procedure Rules under Contract Procedure Rule 5.1g to allow the purchase of new equipment and supplies to permit the re-issue of bus passes by 1.4.06 as a matter of urgency.</p> <p>Recommend the waiving of Contract Procedure Rules and procure goods to a value of £23,00 from a single supplier recommended by Durham County Council</p>	14.2.06
Councillor Wynn	<p>Application for financial assistant from Free the Way, a non-profitable organisation, established in Seaham, helping families and carers of young people suffering the effects of drug abuse.</p> <p>Recommend that the application be refused because it does not appear to directly benefit residents within the local area.</p>	17.1.06
Councillor Woods	<p>Application has been received from the Secretary of the Regatta Committee requesting the closure of the riverside footpaths for the Regatta which will be held on Saturday, 10 June and Sunday 11 June 2006. The temporary closure would be from Friday, 9 June until Monday 12 June to allow for the erection and dismantling of a Commentary Box and transporting of Pay-Boxes.</p> <p>Recommend the closures be approved and Council gives usual assistance</p>	7.2.06

**REPORT OF THE ENVIRONMENT SCRUTINY PANEL**  
**SCRUTINY OF UNAUTHORISED PARKING ON COUNCIL OWNED LAND**

The Panel was tasked with reviewing the Council's approach to tackling the problem of Unauthorised Parking on Council Owned Land.

**1. BACKGROUND**

The subject was allocated from the Scrutiny Committee to the Environment Panel, the initial proposal for the topic coming from the Chairman of the Environment Scrutiny Panel, with the reason for the suggestion being there was an apparent lack of formal policy or procedure when tackling the dual issues involved with the subject. These are namely enforcement where vehicles are parked without authorisation, and the provision of additional parking to try to alleviate and prevent such parking problems.

**2. AIMS**

It was the remit of the Panel to consider the problems associated with nuisance and unauthorised parking on Council owned sites.

The Panel wished to find out if there were specific sites that were particularly affected and what could be done in respect of the two key associated areas of enforcement and the provision of additional parking:-

- 2.1 How can the City Council help?**
- 2.2 How can the County Council help?**
- 2.3 How can the Police Help?**
- 2.4 What level of enforcement is required, who can carry it out and how?**
- 2.5 How can the provision of additional provision of parking be managed?**

**3. ACTIONS**

From the various panel meetings and submissions from the relevant Officers and Organisations the abovementioned five points were discussed and information obtained as follows:-

**3.1 *How can the City Council help?***

**Enforcement**

Current procedure:-

- Upon knowledge of a vehicle being parked on Council land, Neighbourhood Wardens attend the site and if possible speak to the owner as regards removing the vehicle.
- If the owner cannot easily be identified it is possible to liaise with the Police and DVLA to ascertain ownership and subsequently a letter can be issued or visit can be arranged with Council Officers (with Police if required) to ask the owner to remove any vehicle and desist. Abandoned vehicles are dealt with separately; they can be removed by the Police acting as agents for the Council.
- In some cases the details will be passed onto the Police or the Police Community Support Officers (PCSOs) and that if the problem parking persists, they can then issue a £30 fixed penalty notice, but this would be at the discretion of the visiting Officer.
- If a vehicle is causing an obstruction then the Wardens can liaise direct with the Police due to an investment made in the "Airwaves" radio system, as used by the Police.
- If there is still no resolution, the Legal Department are then requested to take any appropriate action (most commonly a case of Trespass against a vehicle owner) to protect the Council's interests and recoup any costs incurred regarding reinstatement taken.
- Prevention is often better than cure and funds may be available for fencing, landscaping or signage to secure a site.

#### Provision of additional parking

Currently there is no formal system of sorting bids for funding for parking provision schemes. Such schemes are instigated, usually by local Ward Members within an area and funding typically comprises of a combination of Councillor's Allowance and some money from relevant City of Durham budgets.

### **3.2 How can the County Council help?**

#### Enforcement

The County Council would obviously not be responsible for areas of City of Durham land, but their own enforcement procedure was attached to Agenda of the Environment Scrutiny Panel dated 16 November 2005, Agenda Item No.3 - Section 3 for reference.

#### Provision of additional parking

The County Council welcomes schemes to provide additional parking but notes that a degree of common sense is required as regards feasibility and the securing of funds. Within the County Council's Budget as Highways Authority, the top priority is of course the actual highways themselves.

Joint schemes have been undertaken between Easington and Derwentside Districts and the County Council with some notable success (see Agenda Item No.4 of the Environment Scrutiny Panel meeting dated 16 November 2005). One example of this within the City of Durham area can be seen at East and West View, Meadowfield, where funds have been secured from both the City and County Councillors' Allowance Schemes to provide an additional 30 parking spaces at a cost effective £12,000 (the normal cost per space being approximately £1,000).

### **3.3 How can the Police Help?**

#### Enforcement

- There are no district guidelines regarding parking on areas of land, whether Council or privately owned.
- The Police have a joint approach to the problems of unauthorised parking on Council land, working with Neighbourhood Wardens and Housing Officers.
- When vehicles are parked “half-on, half-off” the footpath, discretion is used by Police Officers as any obstruction of the footpath must be balanced against any obstruction of the carriageway, i.e. emergency vehicles access along the highway, and the “double-buggy” rule for the footpath, i.e. enough room for a double-pushchair. This must be looked at sensibly for an individual location as each situation is unique, a general policy would not be necessarily the best approach.
- In the case of abandoned vehicles, the Police have the power to seize / remove them, acting as agents for the City Council.
- Where HGV’s are involved it may be possible to use conditions within the Operator’s Licence to stop the parking.
- Double Yellow Lines are always enforced where resources allow but “keep clear” markings are purely advisory. There can be trouble with enforcement where areas have not been correctly or adequately signed / marked out.
- A possible joint approach with City of Durham Officers could be to write to the owners of vehicles and then have “action days” where areas are targeted and enforcement actively pursued on those days.

#### Provision of additional parking

Obviously the provision of additional parking is beyond the scope of the Police and not an area for which they are responsible.

### **3.4 What level of enforcement is required, who can carry it out and how?**

There are various levels of enforcement that can be taken by the City Council and these would be dependant upon each situation. The current methods are set out above within section 3.1, other methods that could be investigated further at set out at section 4.1.

### **3.5 How can the provision of additional provision of parking be managed?**

It should be possible to set up a joint Schedule of Works with the County Council, with an Officer with the relevant experience from the City Council being utilised to coordinate funds and put in place the requisite procedures within the City of Durham.

## **4. OUTCOMES**

The Panel discussed the information gathered on the topic and noted the following:-

### **4.1 How can the City Council help?**

#### **Enforcement**

- In the case where the land is adjacent or adjoining to a Council owned property, and it is the Tenant who is parking on the land, it may be possible with sufficient proof to seek possession under breach of the Tenancy Agreement. Usually though it would be a suspended possession that is granted, effectively a “slap on the wrist” for the Tenant.
- It could be possible to utilise the “Well Being Powers” from the Local Government Act 2000 to create relevant by-laws so that the City Council may seek to prosecute via such by-laws. The by-laws would need to be drafted, checked over by the ODPM, then if accepted, placed on deposit and advertised within the area they would be in force. If there is no subsequently upheld challenge to the draft by-laws they can be confirmed. It would be necessary to have suitable Officers in place to enforce any such by-laws. Subsequent pursuit of a conviction would require similar levels of evidence as Trespass cases and consequently, this could prove difficult to secure a conviction.
- It may be possible to use vehicle clamping, either via internal City of Durham staff or by installation of an external agency, as a method of enforcing the trespass law (a Common Law) and to serve as a deterrent. Again appropriate signage would be required, but this initial cost would be off-set by the money generated by release fees. Additionally, all persons undertaking vehicle clamping now have to be registered through the Secure Industry Authority (SIA), which for the City of Durham area is based in Newcastle.

#### **Provision of additional parking**

- It would be preferable to formalise the prioritisation used when scheduling proposed works and this should be done prior to budget setting to help secure joint funding from all relevant parties so that the maximum number of schemes can be undertaken and completed within a financial year.
- Also it was felt that a number of current parking areas were underutilised and that it may be that “persuading” residents of an area to use these existing facilities may be more cost-effective than the construction of additional parking.
- It may be in certain cases the City of Durham could sell off or lease sites to persons parking on Council land (in the case where the land is adjoining or adjacent their property) which could alleviate the problems and generate income for the Council.
- Problems areas which are to be maintained as amenity open space could be protected by investment in fencing or landscaping to negate vehicle access to the site. There would be a need to maintain sufficient access for grounds maintenance, though in certain cases it may be an opportunity to have a “Biodiversity Site” created with all the associated benefits.

#### **4.2 How can the County Council help?**

##### Enforcement

The County Council cannot actively help as regards enforcement where land is in the ownership of the City of Durham. Any road marking, i.e. sectioning of verge and part of the highway into bays, could help in providing the "signage" that is needed when attempting to secure convictions at a later date.

##### Provision of additional parking

The Northern Area Engineer from the County Council indicated the willingness of the Highways Authority to set up joint schemes of works to help with parking provision where possible.

#### **4.3 How can the Police Help?**

Panel Members agreed that within the restrictions of their own resources, the Police were providing all the assistance that they could on this subject.

#### **4.4 What level of enforcement is required, who can carry it out and how?**

Again the Panel is conscious that enforcement is a tool that should be wielded with a light touch and that often it is better to approach a given situation with a degree of common sense rather than to use the more extreme powers within the City's remit. This is not to say that in cases where substantial time and cost has been incurred that the Council would not consider utilising any of the methods available to achieve a satisfactory outcome.

#### **4.5 How can the provision of additional provision of parking be managed?**

It was acknowledged that it would be necessary for any such procedure that was set up to encompass aspects of feasibility, costs, priority areas, funding sources, to help ascertain the value of such works through consultation and to ensure the balance of amenity open space against additional provision of parking facilities.

### **5. RECOMMENDATIONS**

The Panel agrees that the subject of Unauthorised Parking of Council Owned Land is complex and that it requires a joint approach, not only regarding enforcement, but also with the provision of additional parking.

Therefore the following recommendations are made:-

##### Enforcement

1. That the current approach to enforcement is sufficient in the majority of cases, and seems to be the most practical approach given budgetary and workload constraints. It is noted however, that local Members should be contacted as a matter of course prior to any situations escalating beyond a certain level, i.e. letters to whole streets / estates, as this has led to difficulties in the past.
2. That as regards the minority of cases that cannot be resolved easily, the Legal department should look into the possibility of other means by which to bring resolution. This could include methods of increasing the ability to gather

quality evidence for prosecutions, the creation of suitable by-laws (and the necessary signage and enforcement methods) and, as a final option, the creation of clamping zones, serviced either by City of Durham staff, or by “contracting out” to an external company. The cost of the necessary signage and initial set-up being set-off against revenue generated from the release fees to produce a cost-neutral scheme.

3. That through an increased public awareness of what constitutes unauthorised or nuisance parking (from a City, County and Police point of view) the problems with such parking could be reduced and to this end, press releases, notices and articles within the Durham City News publication may aid in having a positive impact on the general public.

#### Provision of additional parking

1. The provision of additional parking needs to be prioritised, co-ordinated and funded jointly between all of the interested parties. These would include the City of Durham, the County Council (in their capacity as Highways Authority), Parish Councils, local City and County Members and all Officers that may have funds available within their budgets. This must be undertaken in plenty of time to allow for funds to be allocated within annual budgets of all the relevant parties and regular joint meetings would be of great value and benefit. The City of Durham would be best represented, in such joint initiatives in this respect, by an Officer from the Council's Property Services Department. The seemingly appropriate Officer would be the City's Senior Engineer, John Westgarth. The Panel recognises that this is, of course, subject to workloads and other duties carried out within this Department, but that ultimately such a joint approach and procedure could allow for forward planning of such works creating a more transparent, workable system. In addition, Neighbourhood Wardens have drawn up a list of sites that they have identified as having problems with unauthorised and nuisance parking. Some of these would require additional parking provision others may simply require more active enforcement, this would need to be determined. The list can be found at Appendix A.
2. That a budget of £50,000 be set aside specifically to aid such works, with the mind that such an investment could help secure a similar sum from the Highways Authority. This £50,000 to be divided into £5,000 “blocks” so that more schemes can be instigated, though multiple “blocks” could be accessed for larger schemes. This should ensure a fairer distribution of funds and should have a greater positive impact than ad-hoc allocations from various pots of money that are currently available, though these could still be utilised in conjunction with this specific allocation (see Appendix B).



## Appendix A

Neighbourhood Wardens have identified the following sites as having problems with Unauthorised Parking on Council Owned Land – this is not a definitive list of sites, rather a starting list that can be used in addition with sites identified by Members.

- Finchale Road, Framwellgate Moor - along length
- Woodland View, West Rainton - all fronts
- Hillside View, Sherburn Village - all fronts
- Mary Terrace, Bowburn - adjacent Nos. 1 - 11
- Redwood, Brandon - cul-de-sac Nos. 18 - 32
- Grove Road, Brandon - along length  
(shop located at end, see circled)
- Deerness Heights, Brandon - adjacent Nos. 86 - 89, 94, 46 -  
51
- Poplar Lea, Brandon - adjacent Nos. 20 - 24
- Pine Lea, Brandon - adjacent Nos. 12 - 20
- Pear Lea, Brandon - adjacent Nos. 10 - 14
- Stockton Road, Durham - in front of High Wood Terrace &  
Union Place (does not appear to be  
Council owned land)
- Heaviside Place, Gilesgate - adjacent Nos. 16/18
- Churchill Avenue, Gilesgate - along length Nos. 1 - 29  
(*scheme presently underway*)
- Sharp Crescent, Gilesgate - adjacent No. 16
- Aldridge Court, Ushaw Moor - cul-de-sac Nos. 23 - 34

- Holly Park, Ushaw Moor - adjacent Nos. 2, 3, 19
- Pine Park, Ushaw Moor - adjacent Nos. 18 - 24
- Oakridge Road, Ushaw Moor - adjacent Nos. 59 – 69

**Consideration of Prioritisation of Potential Schemes**

- Any procedure or policy to be adopted in conjunction with prioritising a list of potential schemes of works to provide additional parking would need to have in place a system of selection which is fair and transparent.
- There should be an assessment of the degree of benefit.
- The weighting of each criterion would be decided at a later stage.
- All schemes will be added to a list for consideration. However, in any one year, only a manageable number of possible schemes would be selected from this list.
- It would be critical that consideration is given in relation to the staff resources required to manage the process to ensure that the work is completed in line with expectation.

Set out below is a diagram showing a draft procedure to following to allow fair prioritisation of proposed schemes.





# Procedure for Parking Provision

Scheme for up to £5,000 of funding:-

