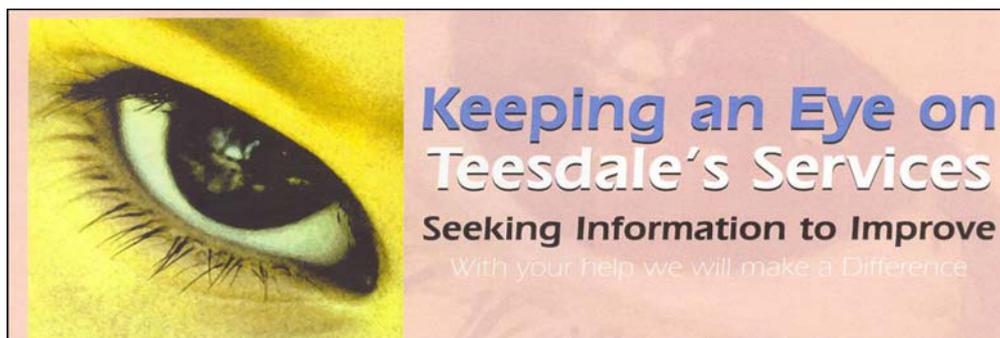




**UNAUTHORISED PARKING & OBSTRUCTION OF THE
PAVEMENTS, THE USE OF, PROVISION &
MAINTENANCE OF FOOTPATHS/PAVEMENTS**

**REPORT OF THE
OVERVIEW AND SCRUTINY
ENVIRONMENT PANEL**

NOVEMBER 2008



Foreword: Overview and Scrutiny

Scrutiny is one of the most challenging and exciting aspects of the new democratic agenda and it offers a new dimension to decision-making in local government. Under the provisions within the Local Government Act, 2000, all local authorities were required to set up Overview and Scrutiny Committees with the role of:

- reviewing policy and assisting in policy development
- scrutinising decisions and decision-making for any council function *except* regulatory functions such as planning or licensing
- investigating other matters of local concern
- Ensuring that the council fulfils its duties in respect of best value performance
- Ensuring procedures are in place for councillors to feed in community views to policy development and decision making.

Scrutiny, therefore, has a vital role in helping to achieve some of the key aims of the enabling legislation: greater efficiency, transparency, accountability, consistency, public involvement and responsiveness to the public. The Comprehensive Performance Assessment (CPA) process has further emphasised the importance of Overview and Scrutiny. Research for the Office of the Deputy Prime Minister (ODPM) (now the Communities and Local Government), by the Evaluating Local Government Team indicates that there is a correlation between excellent authorities and a strong scrutiny function. It is therefore appropriate that Teesdale District Council exercises the powers of scrutiny effectively and to the benefit of the whole community.

Councillor Newton Wood

Chairman, Overview and Scrutiny Committee

CONTENTS:

<u>TITLE</u>	<u>SECTION</u>	<u>PAGE</u>
Foreword		2
Overall Aim of the Scrutiny Review	1	4
Background	2	4
Panel Membership & Procedure	3	4 & 5
Inconsiderate Obstruction of Pavements (Unauthorised Parking)	4	5 & 6
Non-Vehicular Obstruction of Pavements	5	7
Provision, Use of & Maintenance of Public Footpaths/Pavements	6	8 - 10
Full List of all Recommendations	7	11
Distribution		12

1. OVERALL AIM OF THE SCRUTINY REVIEW :

- 1.1 The overall aim of the review was to try to create a safer use, better maintenance and accessibility of the highway pavements and footpaths for pedestrians. It was agreed that by publishing the review, the public would be more aware of the problems associated with unauthorised and inconsiderate parking of vehicles particularly in relation to the highway footpaths. Taking these factors into account it was felt that a partnership working with the police and the Council should be established to monitor the unauthorised parking problems on highway footpaths.

2. BACKGROUND:

- 2.1 Following the meeting of the Overview and Scrutiny Committee in June 2008 members discussed and agreed its work programme for each of the four Panels for the remaining duration of the District Council.
- 2.2 Prior to this meeting a press release had been placed in the local newspaper requesting members of the public to suggest any items or areas of concern that they would like the Overview & Scrutiny Committee to consider undertaking and as a result of this consultation the Committee agreed that the review of pavement obstruction and maintenance should be undertaken by the Environment Panel.
- 2.3 Panel Members undertook an initial investigation and identified the key issues and reasons for the review which are set out below:
- It was found that there were two forms of pavement obstruction which were giving concern i.e. vehicles inconsiderately parked on pavements and refuse "wheelie bins" and recycling boxes obstructing the walkway
 - Safety hazards relating to unauthorised parking of vehicles on public footpaths adjacent to the highway
 - Concern raised in residential areas of Teesdale regarding parking facilities and the misuse of footpaths (vehicles wholly parked on the highway footpaths) - if parking on footpaths on both sides of the road was allowed, it would cause severe 'bottle necking'
 - The blocking/restriction of footpaths on refuse collection day by careless repositioning of wheelie bins by refuse operatives, after emptying

Other related issues brought to the Panel's attention:

- Resident complaints to Ward Member regarding the neglected and unmaintained footpaths adjacent to highways
- The lack of public highway footpaths leading to and exiting from public rights of way (Ramblers are walking on the road where highway footpaths are not available)

3. PANEL MEMBERSHIP & PROCEDURE:

- 3.1 Membership of the Panel for the 2008/9 Municipal Year was as detailed below:

Councillors Tony Cooke (Chair), Mike English, Keith Watson, John Hinchcliffe and David Kinch (Co-opted Member and Vice Chair).

The Panel was supported by Anne Lambert, Scrutiny Support Officer

3.2 At the initial meeting of the Environment Panel on 28 August 2008, Members agreed to divide the review into three parts (listed below) and to request that relevant expert witnesses attend meetings to provide the panel with evidence for the review.

- 1. Inconsiderate Obstruction (Unauthorised Parking on Pavements/Footpaths) – Meeting with Police Representatives
- 2. Obstruction of Footpaths/Pavements – Meeting with the Assistant Director (Environmental Services) and the Street Care Manager
- 3. Maintenance of Public Footpaths/Pavements – Meeting with the Area Traffic Engineer from Durham County Council

3.3 The Chairman, Councillor Tony Cooke wishes to thank all those who presented evidence during the course of the project investigation and for the work which has been put into the project by the O&S Environment Panel members.

4. INCONSIDERATE OBSTRUCTION ON PAVEMENTS (Unauthorised Parking):



Staindrop

Toft Hill/Etherley

Oak's Bank Evenwood

4.1 Following concerns raised by the community the Overview and Scrutiny Committee requested that the Environment Panel undertake a review in relation to unauthorised parking on public pavements which were causing obstructions.

4.2 The Environment Panel initially investigated pavement obstruction and related issues in and around the areas of Teesdale.

4.3 The investigation highlighted that at times people could not move freely along public footpaths due to obstructions from vehicles being parked on them (all four wheels on the pavement). Members found, from the evidence they had gathered, that unauthorised parking on highway pavements is inappropriate and inconsiderate and in some areas this has resulted in people having to move on to the main roads to get past obstacles.

4.4 It was agreed that a meeting should be arranged to discuss those issues identified above, which would include the Environment Panel members, Paul Wilding (Interim Deputy Chief Executive), Chief Superintendent Carole Thompson (Area Commander, Durham Constabulary) and Inspector Kevin Tuck (Durham Constabulary - Rural District of Teesdale).

4.5 At this meeting on the 2 September, the Chair highlighted the panel's concerns that a possible fatality could take place as a result of this unauthorised and inconsiderate parking problem and he explained that pedestrians, in particular mothers with prams and walking children were having to walk on main roads to

get passed these vehicles or when attempting to cross a road, pedestrians were having to venture onto it to see if there were approaching cars.

- 4.6 It was observed that the disabled on scooters or in wheel chairs were unable to access dropped curbs to allow movement onto the road to cross it due to obstruction by vehicles.
- 4.7 The police acknowledged the concerns of the community and the problems of unauthorised parking within the District and agreed that the 18th Century roads were not designed for today's volume of traffic and parking and it needed bearing in mind that year on year, there was an increase in the number of cars. The police did state that they did not receive many complaints from the public regarding unauthorised parking on pavements.
- 4.8 Taking these considerations into account the police indicated that if enforcement was adopted on a district basis it would be too onerous for them because of capacity issues. However, short terms options were discussed such as using temporary barriers in order to restrict parking in places where there is real issues of concern. A long term option would be to provide permanent car parking facilities in affected areas. The Interim Deputy Chief Executive suggested that Teesdale District Council could "buy in" traffic wardens to control unauthorised parking and other associated parking problems. Naturally Members appreciated that all of these options would have cost implications.
- 4.9 It was also agreed that drivers needed to be made aware of the dangers of unauthorised and inconsiderate parking on highway pavements and that those people responsible for parking their cars on pavements, need to realise that their inconsiderate obstruction of the pavement was causing pedestrians to be put in danger.
- 4.10 In order for the police to tackle this problem it was suggested that an area identified as a problem location with pavement obstruction, such as Toft Hill could be targeted by the police who would take enforcement action on illegal parking. However it was acknowledged that this could possibly cause animosity amongst residents.
- 4.11 Discussion also centred around what Parish Councils could do to help reduce this inconsiderate parking and it was agreed that it would be difficult for a Parish Councillor to personally stop obstructive parking by challenging the offender. But what could be considered by a Parish Council, is to write to an offender to raise awareness of a vehicle obstructing pedestrians from using a pavement. If this problem persisted then the police could be requested to become involved.

RECOMMENDATIONS:

1. If persistent inconsiderate obstruction is identified by a Parish Council, it is suggested that they initiate a letter to notify the offender of the problem which they are creating by their inappropriate and irresponsible parking.
2. Should persistent inconsiderate obstruction of the pavement continue the Parish Council could request the involvement of the Police.
3. That Parish Councils are requested to work with the area Police Inspector's in charge and the relevant Police Community Support Officers (PCSOs), to tackle persistent inconsiderate obstruction.

4. That Durham County Council investigate a long term solution of providing permanent parking facilities for existing areas of concern and for new estates.

5.0 NON-VEHICULAR OBSTRUCTION OF PAVEMENTS:



At the time of complaint



Complaint rectified



Empty Recycling Boxes

- 5.1 Following concerns raised by the community the Overview and Scrutiny Committee requested that the Environment Panel undertake a review in relation to the obstruction of public footpaths/pavements by non-vehicular activity.
- 5.2 As part of the initial investigation carried out by the Panel Members in and around the areas of Barnard Castle; Startforth; Stainton Grove; Stainton Village; Whorlton; Evenwood; Cockfield; and Toft Hill. Observations highlighted the fact that refuse wheelie bins and recycling boxes had literally been left at random along the footpaths after the collection of refuse had taken place and this was causing a pedestrian obstruction of the pavements.
- 5.3 A meeting was arranged with the Assistant Director (Environmental Services) and the Street Care Manager to discuss how services in relation to the collection of waste could be improved throughout the district.
- 5.4 At the meeting the Assistant Director (Environment Services) confirmed that Teesdale District Council operate a kerbside collection and recognised that there could be a risk of obstruction from wheelie bins that were emptied and then pushed back out of position thus causing an obstruction to pedestrians who use the pavements/footpaths.
- 5.5 The refuse collection crews, having been informed by their line manager of the risks they were causing to the public, were making every effort to comply with the requests of placing the refuse bins back into non-obstructive positions. It was noted from the Chair and Vice Chair of the Environment Panel that they had observed vast improvements to the service and they were delighted with the standard of the improvement.
- 5.6 To assist the Assistant Director (Environment Services) further it was agreed that at the next meeting of the parish forum, Parish Councillors would be asked to report any incidents to the department immediately they were known to occur, in order for them to be rectified and ensure a good working relationship.
- 5.7 To continue and ensure that the services operated by Street Care were improved, the Assistant Director (Environment Services) agreed that a geographical sample would be identified to be monitored and this would also include refuse spillages from collection vehicles.

RECOMMENDATIONS:

1. That the services provided by Street Care should continue to improve.

2. That Street Care continues to monitor the delivery of their services on behalf of the residents of Teesdale.

6.0

PROVISION OF & MAINTENANCE OF PUBLIC FOOTPATHS/PAVEMENTS:



A688 Stainton Triangle



A688 Stainton Lay-by



Gordon Bank – Ramshaw

- 6.1 Following concerns raised by the community the Overview and Scrutiny Committee requested that the Environment Panel undertake a review in relation to the maintenance of public footpaths/pavements.
- 6.2 Part of the initial investigation carried out by Panel Members in and around Teesdale indicated that many footpaths/pavements were in poor condition and that some even started or finished on a road with no pavement on it.
- 6.3 The Area Traffic Engineer (ATE) from Durham County Council attended an Environment Panel meeting on the 16 September to discuss the maintenance of footpaths and associated matters. 8 questions were presented to ATE and both the questions and the answers are listed below:-

Q 1. *What action do you intend to take to reduce the breaking of and the replacement the broken flagstone trip hazards caused by vehicles (mainly lorries) parking on and damaging the public pavements/footpaths?*

This is a national problem but the County Council do have an inspection regime in place, for example, town centres are deemed a higher risk. From recollection, highways are inspected every three months and rural areas once per year. Immediate action is taken to repair trip hazards and the police can issue a ticket to vehicles that drive on a public pavements/footpath. It is noted that it is difficult to stop people parking on pavements.

When the ETA was asked about implementing loading restrictions the panel were informed that this must be linked to a traffic order, and that a consultation exercise would have to take place regarding putting lines on roads. The ATE confirmed that if there was a serious road safety need to prevent people parking on footpaths, the best way was to use strategically placed bollards, however the path would need a certain width to be maintained. A typical Traffic Order can cost upwards of £1,000 – a recent Traffic Order in Barnard Castle had cost approximately £12,000 just for the making the order and the advertising. If a business objected to the order on the grounds of being unable to load / unload then there could be a further cost of a public enquiry.

Q 2. *What action do you consider necessary to open up overgrown public footpaths (weed spraying only leaves dead vegetation and a root sod but does not reinstate the footpath back to its operational width)?*

Footpaths are inspected on a hierarchy basis for example town centres are deemed to be higher priority than rural areas due to footfall etc. DCC would

typically undertake weed spraying using its specialist contractor. Once the weeds are dead, reliance is placed upon the District Council and their mechanical sweepers to remove the remaining footpath vegetation. The ATE agreed that specific complaints would be looked at on an individual basis.

- Q 3. *Do you consider the weed control spraying programme you currently use is sufficient and a cost effective way to control the weed growth on a public footpath which has become totally overgrown, as stated in question 2 the spraying method still leaves the root sod and root cluster of the dead weed, drastically reducing the overall effective width of the footpath?***

The Chairman reported he had received complaints regarding overgrown public footpaths near to the junction at Stainton Village and Gordon Bank, Ramshaw and highlighted concerns over the County's budgetary cut backs.

The Area Traffic Engineer informed the panel that the department was doing its best and reiterated that local government reorganisation would bring a co-ordinated approach regarding maintaining footpaths. It was reported that the growth of weeds was a seasonal problem and the weeds grow more rapidly over the warmer months.

David Kinch suggested that there had to be a way of working with Parish Councils and it was agreed that this could be a way forward. The Area Traffic Engineer confirmed that it was a decision of members to agree the Councils budget and indicated that new legislation was trying to encourage parish responsibilities.

A Community Highway Worker is currently jointly funded in Weardale and this may be a way forward as DCC / Parish could split the cost between them.

The Chairman requested that if there was a complaint of serious path overgrowth, that it be looked at as soon as possible and the Area Traffic Engineer said the department would prioritise each case.

- Q 4. *Hedges and trees overhanging and obstructing public footpaths next to highways are a hazard to the walkers using them. Who is responsible for hedge/tree maintenance over these public footpaths and can you advise how this problem can be resolved?***

The County Council is generally responsible for the highway from hedge line (boundary) to hedge line (boundary) but is not responsible for the boundary itself. However if a tree from private land was overhanging the footpath causing problems to pedestrians then the responsibility rests with the landowner. The Area Traffic Engineer confirmed that the County could use its powers to remove overhanging branches and recharge the owner.

The ATE also confirmed he would look into the Chairman's concern of hedges and trees overhanging public footpaths between the two junctions leading from the A688 to Stainton Village.

- Q 5. *It was noted that many public rights of way footpaths run direct onto the highway and are not serviced by a public footpath running for a short distance parallel to the highway. Could you advise what is the situation regarding the provision of a metalled footpath joining to the highway at these points?***

The ATE confirmed that many public footpaths were developed historically as a means of getting people to where they work before the onset of the motorcar. It

was noted that this is a national problem and there is no funding to provide additional footpaths links on what are typically leisure routes leading from the public highway. When asked about byways it was confirmed this was the responsibility of the Rights of Way section.

- Q 6. *In the town areas of the district, provision has been made for rain drain down pipes to feed into a recessed gully which then leads the rain water to the highway kerb drain and away from people's feet. Many of these drains are badly choked with weeds and debris causing the water to flow down the public footpath. Are you responsible for these drains and if so is there a programme of maintenance to keep them clear and reduce flooding of the footpath?***

Confusion exists regarding responsibilities for steel channel drains. In certain areas, the County Council undertake this function whilst in others the District Council's Street care team undertake this work. Hopefully this is something that can be addressed through LGR. In the case of this specific complaint in Barnard Castle, DCC will undertake the work on this occasion when the jetting machine is next in the area.

The Chairman asked if cut backs meant that current usage couldn't be maintained what the possibility would be of closing some roads in Teesdale. The ATE confirmed that if a road was unusable or dangerous then this could be closed on the grounds of public safety. An example of Stanhope Ford was given. The Ford has deteriorated over the past year and has been closed until repairs can be undertaken.

- Q 7. *As stated some highway directional signs are dirty and obscured by overhanging trees/bushes. Who is responsible for the maintenance of these information signs and can you advise if there is a set programme to maintain their visibility to drivers?***

The County Traffic Office is responsible for the maintenance of signs and efforts are prioritised – higher prioritisation is offered for regulatory signs and less beyond their economic intended life and need replacing pending availability of budgets.

- Q 8. *Can you advise this panel who is responsible for the maintenance and upkeep of public rights of way footpaths and bridle paths crossing over farmers land?***

It was agreed that this question has already been answered in 6.6

RECOMMENDATIONS:

1. That the District Council and Durham County Council work in partnership to maintain footpaths, pavements and road signs in Teesdale.
3. On the demise of the District Council this will become the responsibility of Durham County Council

7.0 FULL LIST OF ALL RECOMMENDATIONS:

INCONSIDERATE OBSTRUCTION ON PAVEMENTS (Unauthorised Parking):

1. If persistent inconsiderate obstruction is identified by a Parish Council, it is suggested that they initiate a letter to notify the offender of the problem which they are creating by their inappropriate and irresponsible parking.
2. Should persistent inconsiderate obstruction of the pavement continue, the Parish Council could request the involvement of the Police.
3. That Parish Councils are requested to work with the area Police Inspector's in charge and the relevant Police Community Support Officers (PCSOs), to tackle persistent inconsiderate obstruction.
4. That Durham County Council investigate a long term solution of providing permanent parking facilities for existing areas of concern and for new estates.

NON-VEHICLULAR OBSTRUCTION OF PAVEMENTS:

5. That the services provided by Street Care should continue to improve.
6. That Street Care continues to monitor the delivery of their services on behalf of the residents of Teesdale.

PROVISION OF & MAINTENANCE OF PUBLIC FOOTPATHS/PAVEMENTS:

7. That the District Council and Durham County Council work in partnership to maintain footpaths, pavements and road signs in Teesdale.
8. On the demise of the District Council this will become the responsibility of Durham County Council.

Councillor Tony Cooke

Chair, Overview and Scrutiny Environment Panel

DISTRIBUTION

Teesdale District Council

All Members of the Council
Chief Executive
Members of Corporate Management Team
Gary Hutchinson (Assistant Director
(Environmental Services))
Hilary Fryer (Street Care Manager)

Durham Constabulary

Carole Thompson (Area Commander)
Inspector Kevin Tuck (Teesdale District)

Durham County Council

Head of Overview and Scrutiny
Area Traffic Engineer, DCC,
Etherley Lane Depot, Bishop Auckland
DL14 6UQ

Town and Parish Councils

Parish Clerks

Media

The Editor: The Northern Echo
The Editor: Teesdale Mercury