

DURHAM COUNTY COUNCIL

At a Special Meeting of **Environment and Sustainable Communities Overview and Scrutiny Committee** held in Committee Room 1B, County Hall, Durham on **Monday 14 September 2015 at 10.00 am**

Present:

Councillor B Graham (Chairman)

Members of the Committee:

Councillors E Adam, J Armstrong, D Bell, J Clare, J Gray, D Hall, G Holland, I Jewell, P May, O Milburn and P Stradling

Co-opted Members:

Mr T Bolton

Also Present:

Councillor A Hopgood

1 Apologies

Apologies for absence had been received from Councillors C Clark, K Hopper, S Morrison, L Taylor and Mrs P Spurrell.

2 Substitute Members

There were no substitute members.

3 Declarations of Interest

There were no declarations of interest.

4 Any items from Co-opted Members or Interested Parties

There were no items from Co-opted Members or Interested Parties.

5 Light Touch Review of Parking on Council Land

Members considered the report of the Assistant Chief Executive which provided members with the background and issues of parking on council land and to explore possible solutions to the problems this caused residents (for copy of report see file of minutes).

Mary Readman, Customer Relations, Policy and Performance Manager; Brian Buckley, Strategic Highways Manager; Ian Hault, Neighbourhood Protection Manager and Clare

Pattinson, Legal Manager – Governance and Elections provided members with a powerpoint presentation on parking on council owned land (for copy of slides see file of minutes).

Mary Readman advised members that during November 2014 and March 2015, that out of a total of 7424 of customer contacts, 555 had been received in relation to parking, and of these 105 related to parking on grass while 405 were other parking related service requests that related to parking fines, parking spaces and parked Durham County Council vehicles. Members were provided with a map which showed the hot spots for customer contact in relation to parking on grassed areas which showed that the largest issues were at Wheatley Hill, Shotton and Peterlee areas in the east of the county and Shildon area in the south of the county. Mary Readman also provided Members with a breakdown of the parking related complaints in the same period and of the 555 contacts 24 progressed to parking complaints, 3 on grassed areas, 2 in disabled bays, 8 obstructing footpaths, 7 blocking access and 4 outside or near schools.

Brian Buckley provided members with statistics based around 2011 census information which showed that county Durham has an estimated population of 513,200, with no of households 223,800, an estimated population over 18 356,000, average cars per household 2, with an estimated number of cars in the county as 450,000 and length of Highway 3,780 kms. He showed members examples of the types of parking issues his officers encounter which included parking on footways and highway verge. Members were advised that the most common parking incidence was two wheels on the road and two wheels off the road.

The possible solutions were to do nothing, enforcement using the Highway Act 1980 and other legislation, education and cooperation, provision of more parking spaces, verge hardening, bollards, vehicle crossings and a combination of all. Members were advised that the resources required to tackle such a widespread problem is enormous and beyond the scope of the existing staff at this time and in some cases the solution creates more problems than the original problem itself.

Members were provided with examples of various parking issues and the enforcement which could be used to deal with it. Problems arise when drivers do not allow sufficient room for pedestrians to pass especially those with pushchairs or wheelchairs. In those incidences where it is dangerous for pedestrians immediate action is taken and if necessary legal action is considered using section 137 of the Highways Act 1980. The next example of parking issues showed cars parked on highway verge with enough room for pedestrians to pass safely but close to a roundabout, this causes little damage to the kerb or footway but is antisocial and can be dealt with under section 161 of the Highways Act 1980 however it is difficult to prove. Members were advised that in some instances where drivers had completely parked on the verge, which was antisocial but there was no damage to the verge or footway. Enforcement could have been taken under section 161 of the Highways Act 1980 but would be difficult to prove because to park the vehicle on the highway could have caused traffic disruption on a busy road and dangerous to other road users.

Photographs were also shown of vehicle overrun which was caused by parking on the footpath which leads to an increase in highway claims which was a drain on council

finances and was expensive to rectify. In order to take to court they would need to prove that their vehicle caused the damage which was almost impossible to prove.

He advised members that a parking policy was produced in February 2010 by living streets and they may be some merit in revisiting this policy. Leaflet drops could also be done or an article placed in Durham County News or Localised campaigns to educate and ask for cooperation.

In the past, provision had been made for parking spaces in areas with significant parking issues so that vehicles did not need to park on the road. The cost of construction and maintenance of creating additional parking areas and the availability of land makes it not a viable option in the current financial climate and now there was very little or no areas provided when social housing was considered. All land was used for property purposes and not parking.

Verge hardening solutions such as grasscrete on grassed areas had been used on some social housing estates but some residents still insisted on parking on the grassed areas rather than using the harder surface. Currently there was no funding or land available to alleviate parking on estates and this would require future maintenance which would be an additional cost implication

Photographs of Langley Moor Front Street were shown to members where bollards had been installed due to extensive damage that had been caused to the flagged footpath which led to an increase in claims. The bollards had stopped all antisocial parking in the area but they had significant extra maintenance costs. Bollards would not be used in residential areas and were not the answer in most cases.

In relation to Vehicle Crossings members were advised in many instances the public did not apply for a vehicular crossing licence and bumped over the kerb or constructed a crossing which was not fit for purpose such as using flagstones, tarmac or timber. A vehicular crossing licence is required to cross the footway to ensure crossings are constructed to the required standard to cause the least amount of damage to the footway. Members of the public requiring a vehicular access crossing licence are required to apply to highways for a licence at a cost of £130 which was broken down into £37 licence fee and £93 inspection fee. Following the construction, works would be inspected and the crossing would be adopted by the authority. The approximate cost for the construction of a crossing was currently in the region of £600 to £700. The service currently received approximately 1000 enquiries per year and 500 take up. The officer advised members that there were lots of unlicensed crossings in county Durham and it would take additional staff resources to address this issue.

Ian Hault, provided members with examples of parking on open space amenity areas, the first referred to the old pit site at Wingate where they had problems with off road vehicles driving on to the old pit site to go and feed horses which cut up the ground. To solve this problem they had erected a fence to stop vehicles gaining access. While this measure had stopped access in this location the problem moved to another access to the site.

The second example referred to Gray Avenue, Sherburn Village where there was extensive damage to open space areas outside of properties. The road was a bus route so residents parked on the grassed areas outside of their properties which helped to reduce congestion

as the road was so narrow you couldn't get a bus down if everyone parked on both sides of the road.

The final example showed a photograph of cars parked on open space at Bek Road, Newton Hall which was another bus route. One of the photographs indicated significant damage to the land but it was extremely difficult to prove that the extensive damage to the land was caused by that vehicle.

Members were informed that the Neighbourhood Wardens' current approach was to engage with communities and educate members of the public in relation to environmental crimes using methods such as letter drops. Neighbourhood Wardens had used enforcement action where the vehicle had been abandoned. There was no enforcement for parking on open space as this requires evidence and proportionality. It was proposed that enforcement could include the new legislation by way of ASB, Crime and Policing Act 2014, using Public Space Protection Orders but it has to be demonstrated that the quality of life would be improved by this action and would require a community consultation of affect areas.

Members were provided with an APSE benchmarking of parking on grassed areas that indicated that very few authorities had policies to control parking on council land and that most made use of Traffic Regulation Orders (TROs).

Clare Pattinson, advised members on the legislation and indicated that there was no national prohibition against on-street or 'pavement' parking except in relation to heavy commercial vehicles.

She went on to talk about tackling problem parking issues, when a vehicle was causing an obstruction or was dangerously parked i.e. people double parked or when emergency vehicles can't get through then enforcement was swift and immediate. Designating limited areas of 'no pavement parking' through a Traffic Regulation Order (TRO) was an option but this was not a high priority and where did you start and stop. It would also attract an additional cost with back up enforcement needed. Establish special parking areas, which some members had used their Members Initiative Fund to finance. Enforcing the offence of driving onto the pavement, whether with intention to park or not, they could spend hours enforcing but where were the vehicles going to park was this appropriate use of scarce Durham County Council resources. Physical discouragement such as tree planting, bollards and guardrails and respond to area rather than policy this would only address specific problems and consultation exercises were required. The solicitor advised members that parking issues could be addressed in one area but would then re-emerge in another and it was only moving the problem elsewhere. The fundamental issue is the number of vehicles on the road.

Local Authorities and the Police had the power to remove vehicles which were parked illegally, causing an obstruction or abandoned. A vehicle could only be illegally parked if there were parking restrictions operating in the area, in other cases one would have to show a vehicle was causing an obstruction. The police can remove vehicles which were causing an obstruction.

Peter Ollivere, advised members that previous national planning policy had restricted parking on new residential estates to a ratio of one space per dwelling but these standards

had now been relaxed to minimum standards instead of maximum standards. This means that new residential estates should have ample car parking spaces for home owners and visitor's.

In summary, there were the following issues with parking problems:-

- Access (pedestrians/service vehicles)
- Damage (paths/verge/grass)
- Aesthetics
- Associated remedial cost
- Neighbourhood Disputes
- Ability to enforce
- Priorities

Issues with tackling parking were as follows:-

- Cost
 - Target hardening (fencer/bollard)
 - Additional parking
 - Enforcement (TRO's, legal cost, proportionality)
- Displacement
 - Impact on access
 - Service vehicle access (fire/police/ambulance/bus)
 - Residents/businesses
 - Move to other areas
- Priorities

The Chairman thanked officers for their very informative presentation and asked members for questions.

Councillor May commented that no one had one and a half cars and two cars were better. He had issues in his area and they had carried out some grass hardening which had relieved some of the problems but there was no budget. Members budgets did not go very far as 100 metres of hard standing cost £20,000 and that depends on what services they found when they dig up the area. Funding needed to be from another source.

Brian Buckley responded that they looked at each one on its own merits and they kept verges where they could. They currently had a back log with highway maintenance, they maintained the current network, A-roads were kept to a good standard; B and C roads were kept to an acceptable standard but unclassified roads were the lowest priority and starting to deteriorate. They received requests for verge maintenance/hardening and if there was any damage they would replace with tarmac.

Councillor Hopgood advised members that she had asked for this issue to be considered by scrutiny. She indicated that thousands of pounds had been spent on parking spaces in the Bek road area of her ward but they were not used as residents drove over them to park outside of their property, however some of the grassed areas had covenants which

prevented cars from being parked. The continual parking on some of the grassed areas had caused significant damage to the land to which the Member had alerted Neighbourhood Wardens and they had sent letters but there was nothing the council could do. The Councillor was concerned if someone fell in the ruts; especially children who played in the area who would be responsible and estimates indicated that it would cost £20,000 to provide parking bays in half a small cul-de-sac. There were parking bays to the front of properties and parking to the rear but residents wanted to be outside their properties. This also created a problem with grounds maintenance as grass could not be cut properly because of the ruts and the Member suggested that council needed a policy to protect the grassed areas and asked if the council could charge residents to reinstate the land.

Clare Pattinson responded that a Public Space Protection Order or a Traffic Regulation Order was required but the council needed to show that there was a detriment to the quality of life. The legislation for Public space protection orders only came in last year but it would be a criminal offence if breached. The council could bring a claim towards the person responsible, provided there was evidence but would this be an effective use of resources and officers time and there was no guarantee that this would be upheld by the magistrates or that if it was the perpetrator would not appeal the decision This is new legislation and has not been tested in these circumstances.

Councillor Hopgood responded that she had been told that because Durham County Council do not have a policy they cannot carry out enforcement measures and was advised that if there was sufficient evidence Durham County Council could bring a claim to which Ian Hault indicated that there was very little done because of the lack of funding and evidence was difficult to gather and prove that one person caused the damage which is why they did not do any enforcement as they have no evidence.

Councillor Armstrong indicated that the council needed some kind of policy but there was no budget so very little could be done. He suggested that the way forward was to erect fencing on council land as a barrier. Councillor Hopgood responded that the fencing was not maintained so looked unsightly.

Councillor Jewell indicated that complaints in relation to parking on council land were not high so it was not high profile. In his area they were advised to remove double yellow lines to alleviate problems so they needed to look at the whole picture. People converted their garages into rooms and in his ward an area of land had to be reinforced to take the weight of a vehicle. How many unofficial car crossings were they and how many were up to standard. The Member asked for clarification as to how 1.5 parking spaces were determined.

Brian Buckley responded that they don't proactively look for unofficial car crossings. They received on average 1000 enquires for vehicle crossings and they usually had a take up of around 500 which were built and adopted. There was a problem in particular on council estates where residents were knocking down garden walls and creating a hardstanding, they could enforce for driving over the highway. He suggested he could have two officers working full time on enforcement and recovery for parking but does not have the resources or the capacity for this currently.

Peter Ollivere advised members that planning permission was required for a hardstanding as this had an impact on the drainage system but conversion of garages did not need planning permission and garages tended to be used for storage rather than vehicles. It was clarified that it was one and a half spaces per dwelling and the applications they received from developers related to more than one dwelling so for 10 houses there would be 15 parking spaces.

Brian Buckley commented that converting grass verges also impacted on the drainage system, which could potentially lead to flooding.

Tom Bolton referred to the hot spots and indicated that orders were appropriate in some areas but what were the costs involved, as you have to place an advert in a newspaper.

Brian Buckley responded that traffic regulation orders cost £2,000, which was cheaper than engineering works and maintenance.

Councillor Clare asked if somebody parked a vehicle on his front lawn he would ask them to remove it, this is the same principle as it is council land. Could parish councils look at neighbourhood plans and see what could be done to stop parking on council land i.e. village green areas. Fixed penalty notices are issued for dog fouling, could notices be issued for parking on council land.

Clare Pattinson responded that if a Public Space Protection Order or a Traffic Regulation Order was issued then it would turn into a criminal offence and a penalty notice could be issued. To remove vehicles from our land would require the council going to court for an injunction which is costly and breaches would add to this cost. If members wanted this to be treated as an issue then something else would have to be stopped to free up officers time, members need to prioritise issues. She suggested that maybe they looked at hot spots first.

Ian Hoult indicated that the level of complaints for this issue were low in comparison to other issues. If the council went looking for issues they would find them in every estate. If the council did enforcement, where would the vehicles park and would this impact on traffic congestion and traffic flows. There would be a cost element as consultation would be required as well as signage and someone to enforce, and then take to court.

Mary Readman commented that if there was a big campaign this would impact on customer contact centres too.

Councillor Milburn referred to cars parked on council land which were up for sale which were not individuals they were from a trader and if there was any legislation to deal with this or was it a police matter.

Clare Pattinson responded that there were a number of potential offences and could be the council or police. In the past they had issued some notices where it had been reported but again it was hard to collect the evidence and the process was slow.

Councillor Clare indicated that the vast majority of people were law abiding citizens and that harming the environment was unintentional, could an advert not be placed in the

Durham County News to give advice about parking. Clare Pattinson agreed that an article in the Durham County News was a way forward.

Councillor Hall asked if people who were trespassing could be asked to move off the council's land. Clare Pattinson responded that the response was normally 'make me', which would require going to court, which would have a cost implication.

Councillor Adam referred to the neighbourhood plans and that some estates were owned by Livin or other association and that the committee would also need to look at partners.

Peter Ollivere advised that no matter what green space was designated via Neighbourhood Plans or Village Green allocations, the fundamental problem was there were too many cars and not enough spaces to park them. Therefore, people choose to park on green spaces. Some of the County's worst problems regarding this issue have occurred in areas that were planned to include as surplus of green amenity space, for example, in the new towns of Peterlee and Newton Aycliffe.

The Chairman concluded the meeting and commented that she had issues in her own area and that she could see the problem with resources but did they want to stop enforcement of fly tipping.

6 Next Steps

The Scrutiny Officer advised members that the next meeting would be held on 1 October 2015, which would look at the key findings and conclusions.

A report detailing the key findings and recommendation of the Light Touch Review would be shared with Cabinet in November/December 2015.