

8 July 2015

**Scoping Report: Light Touch Review of
Parking on Council Land**

Report of Lorraine O'Donnell, Assistant Chief Executive

Purpose

1. To provide Environment and Sustainable Communities Overview and Scrutiny members with a scoping document in advance of a mini review of Parking on Council Land including highway verges and council owned public open amenity space.

Background

2. At Council on 21 January 2015, Councillor Hopgood put forward a motion to council: *"This Council noting the recent agreement by it of a tree policy, agrees to investigate the creation of a policy for driving and parking on council owned grassed areas.*

This council recognises that many of these grassed areas are regularly used by residents and children for recreation and that inappropriate use by vehicles is causing significant danger as well as damage that is unsightly and expensive to repair.

This Council believes that the creation of a policy to address this issue would give council officers the power to have vehicles removed and enforce the non-vehicular access to our valuable green spaces."

3. The motion was withdrawn on the understanding that Overview and Scrutiny would investigate with the service grouping options available to members of the council to address this problem. The nature of the topic falls within the remit of Environment and Sustainable Communities Overview and Scrutiny Committee.

Types of Parking Problems

Highways

4. Parking on highway verge can cause a nuisance for pedestrians if they are unable to pass the vehicle with a wheelchair, pram or pushchair. Vehicles inconsiderately parked are very hazardous to pedestrians, causing problems crossing roads as sightlines are impeded, pedestrians with poor vision might not realise the vehicle is actually on the path which may cause them to damage themselves or the vehicle.

5. This type of parking problem causes a greater problem on older housing estates where the road is very narrow; there are very few areas to park outside the curtilage of the property and to park at the kerb would cause an obstruction. Also, we live in an age where car ownership is high with some families owning more than one car and the car is used even on the shortest trip all adding to the congestion on our roads and parking space.
6. However, if all vehicles parked at the kerbside this could obstruct the highway for other road users including public transport, delivery vehicles and most importantly emergency vehicles which would find it difficult to weave through parked vehicles.

Environmental

7. Former council housing estates have large areas of amenity open space which was designed to add to the aesthetic of the estate. The open space is often to the front aspect of the houses.
8. As previously mentioned in paragraph 6 many households own more than one vehicle and may want the vehicle within sight of the property hence parking on land adjacent to their property.
9. This can lead to significant damage to the land including erosion of the grass causing an unsightly muddy mess not suitable to be walked on.

Limitations of a Review

10. Local Authorities have limited options available to them to tackle pavement parking and parking on council owned land. Current legislation offers some opportunities which can be explored by the Review which include. Local Authorities and the police tackling pavement parking in various ways, such as under legislation governing obstruction and dangerous parking; designating limited areas of 'no pavement parking' through a Traffic Regulation Order (TRO); or establishing a special parking area. Separately, it is an offence to *drive onto the pavement*, whether with intention to park or not.¹
11. County Durham has a diverse geographical nature which means that one solution does not fit all problems in relation to parking on council land resulting in a variety of options needing to be considered. It would therefore be extremely difficult for a County wide policy to cover all aspects of parking on council land. Initial research suggests that Local Authorities do not introduce policies for parking on council owned land due to the complexities involved. However, as part of the light touch review members will receive detail of the approaches used by neighbouring authorities.
12. There are alternative options available to address parking on council land which will be considered by the light touch review including the introduction of hard standing. However this type of engineering works attracts a large cost and where there are significant problems members may wish to consider using their own neighbourhood budgets.

Terms of Reference

13. Rationale

The Chair of Overview and Scrutiny agreed that scrutiny would investigate parking on Council owned land and that as this fell under the remit of Environment and Sustainable Communities Overview and Scrutiny Committee they would lead the review.

14. Scope

The Light Touch Review will focus on identifying possible legislative and policy opportunities to tackle parking on council owned highway verges and open space amenity land.

15. Objectives

The aim of the review is to raise awareness to members of the council of the options available to address challenges and issues in relation to parking on Council land. The review will specifically address:

- What powers the Council has to prevent obstruction to footways from inconsiderate parking on highway verges and any challenges/issues?
- What options are available for dealing with parking on open space amenity land and any challenges/issues?

16. Expected Outcomes

It is expected that the following outcomes will be achieved:

- Members of the Council will be fully aware of the powers and options available in relation to parking on council land.
- All enforcement and educational remedies in relation to parking on council land will be discussed together with the relevant issues/challenges identified.
- Members will have the contact details of those DCC officers who can provide advice and support.

17. Membership

The membership of the review group will be all of the Environment and Sustainable Communities Overview and Scrutiny Committee with the addition of Councillor Hopgood who raised the issues with the original motion to Council.

18. Reporting

On completion of the evidence gathering and formulation of recommendations a report will be drafted and sent to Environment and Sustainable Communities Overview and Scrutiny Committee, Corporate Management Team, and shared with Cabinet.

19. Approach & Timescale

The Light Touch Review will commence in September 2015 and will consist of two meetings:

- Meeting One: 14th September – Evidence presentation in relation to legal powers, policy and practice from officers involved.
- Meeting Two: 1st October – Findings and Conclusions.
- A report detailing the key findings and recommendations of the Light Touch Review will be shared with Cabinet in November/December 2015.

Recommendations

20. Members of the Environment and Sustainable Communities Overview and Scrutiny Committee are requested to set up a review group with all members of the committee with the addition of the Chair and Vice Chair of Overview and Scrutiny Management Board and Councillor Hopgood.

Parking: Pavement and On Street; House of Commons' Library; SN1170; 171114

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Appendix 1: Implications

Finance – None

Staffing –None

Risk – None

Equality and Diversity / Public Sector Equality Duty – None

Accommodation – None

Crime and Disorder - none

Human Rights - None

Consultation – None

Procurement - None

Disability Issues – None

Legal Implications – None