

Environment & Sustainable Communities Overview & Scrutiny Committee

9 November 2015



Parking on Council Land

Report of Lorraine O'Donnell, Assistant Chief Executive

Purpose

1. To provide the Portfolio Holder for Neighbourhood Services with the findings, conclusions and recommendations of a light touch review carried out by the Environment and Sustainable Communities Overview and Scrutiny Committee which looked at parking on council land.

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 The motion was withdrawn on the understanding that Overview and Scrutiny would investigate with the service grouping options available to members of the council to address this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.
4. The Environment and Sustainable Communities Overview and Scrutiny agreed at its meeting on 8 July 2015 to refresh its work programme and to include a light touch review of parking on council land and agreed the terms of reference for the light touch review.
5. The aim of the review was to raise awareness of members regarding the options available to address challenges and issues in relation to parking on council owned land. The focus was parking on open amenity land and highway verges on former council owned residential estates.
6. The committee considered various pieces of legislation, approaches used in other local authorities and organisations, customer services data, highways

information and environmental information on the issues caused by parking on highway verge and open grassed areas.

7. As the request to carry out the review came from the Portfolio Holder for Neighbourhoods and Local Partnerships the committee have agreed that this report is sent to the portfolio holder.

Legislation

8. There are four major pieces of legislation that provide the council with the powers to address issues with parking on highway verge and open grassed areas. These are:-
 - **Highways Act 1980** – addresses obstruction of the highway
 - **Road Traffic Act 1988** – the use of Traffic Regulation Orders to regulate pavement parking
 - **Traffic Management Act 2004** – local authorities can designate Special Parking Areas
 - **Clean Neighbourhoods and Environment Act 2005** – gives powers to address cars for sale on the street.
9. All of the above identify a means to address a range of parking issues should the authority choose to use them.
10. In 2014 a new piece of legislation was introduced:
 - **Anti-Social Behaviour, Crime and Policing Act 2014**
Provides reform of anti-social behaviour powers; part two details the powers in relation to Public Spaces Protection Orders (PSPO). The purpose of these orders is to stop individuals or groups committing anti-social behaviour in public spaces. Local authorities could interpret inconsiderate parking as anti-social behaviour and use PSPO to address these issues, as they can restrict access to open spaces (including certain types of highway). PSPOs can be enforced by council officers, however before making a PSPO the local authority must formally consult with the local police and appropriate community representatives.
11. The Environment and Sustainable Communities Overview and Scrutiny Committee concluded that the Council has sufficient legal powers that could be used for enforcement should it choose to do so without the need for a separate policy to be developed. The committee also suggested that the service with assistance from legal services should monitor any new legislation that may be of relevance to the issue of parking on council land.

Approaches in Other Organisations

12. The committee were advised that there were very few local authorities with a policy for parking on council owned grassed land and highway verges on residential estates. This information was tested through two benchmarking exercises, the first was with neighbouring authorities who were asked about the number of complaints they receive and what actions were taken to address any issues.

13. The benchmarking information obtained from five neighbouring local authorities showed that they all deal with parking on highway verge on an ad hoc basis and do not have a policy to tackle such issues. The numbers of complaints received from the public appeared to be much more than the number received in County Durham. The service had also carried out a benchmarking exercise with the Association of Public Service Excellence (APSE) which indicated the use of Traffic Regulation Orders is the most common approach.
14. What became clear when conducting the research was that very few local authorities had a policy document to address the issue of parking on highway verge and open space amenity land. Durham County Council has parking policy in relation to car parks and street parking which is similar in other authorities.

Public & Customer Issues and Services in County Durham

15. The committee received data from Customer Services which indicated that the number of contacts and complaints received from members of the public in relation to parking on council grassed areas and obstructing footpaths is small. The presentation slides from the meeting on 14 September 2015 indicate that out of a total of 7424 customer contacts received via customer services during a time period of November 2014 to March 2015, 555 customer contacts related to parking. Most of these contacts did not relate to parking on grassed areas but related to parking fines, parking spaces in Durham City and DCC vehicles parked e.g., refuse collection lorries. Of these 555 customer contacts 24 were complaints about parking; three relating to parking on grass, eight obstructing paths, seven blocking access, four near schools and two relating to disabled bays.
16. Durham Constabulary provided information in relation to the number of customer contacts received during a period from 1st November 2014 to 31st March 2015 which contained the word parking. They had received 366 contacts but this relates not just to parking obstruction but any kind of parking issue such as double parking; parking on yellow lines; no parking zones or relate to parking queries raised at PACT meetings. Durham Constabulary operates in Darlington as well as County Durham therefore some of the 366 will also include the Darlington area.
17. Evidence indicates that there are hotspot areas within the county where there are customer contacts; this would suggest that more people in these areas are concerned about parking issues. Census data (2011) indicates that car ownership within County Durham is over one car per household and car ownership continues to increase with the number of vehicles that residents have access to increasing by 21.9% since the last census in 2001. The census data does not take into account other vehicles within the county such as visitors, commercial and emergency vehicles.
18. The information provided indicates that the issue of parking on council land is either of low priority to members of the public as the number of complaints about the issues is relatively small or that there is an understanding of the issue among members of the public that there are a great number of vehicles on the road and

only a limited number of parking spaces. However it is important that when members of the council or members of the public are reporting parking or any other issues they use the correct methods such as the Customer Relation Management System to ensure the contact is dealt with by the right person.

19. The Strategic Highways Manager provided information in relation to the types of parking issues on highway verges that occurred in County Durham. Parking on highway verge can cause a nuisance for pedestrians if they are unable to pass the vehicle, especially 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. Guide Dogs for the Blind have raised these issues nationally and lobby for national legislation to address these issues. Living Streets (a third sector organisation) had produced an aspirational document about reclaiming the footpaths for pedestrians and some district councils had used the document in producing policies in their areas. However they were small areas with similar issues. County Durham is a very large county with different issues in different areas and it would be very difficult to have a policy that would address all issues in all areas.
20. Where cars are parked on the highway verge highways enforcement officers can ask drivers to remove their vehicles but in most circumstances this is only moving the problem to another street or elsewhere for a couple of hours and then the vehicle is parked again on the verge or footway. There are insufficient parking spaces and considerably more enforcement officers would be required to police this type of infringement. Restricting all vehicles from parking on highway verges can create a greater challenge in itself, 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 on narrow roads.
21. From a highways perspective there are options for tackling parking issues involving either engineering works or enforcement, both attracting a cost. Members of the Council may wish to use their Neighbourhood budgets to address issues in their areas. However the fundamental issue is the number of vehicles on the roads.
22. Parking on open grassed areas as opposed to the highway verge is managed through the Neighbourhood Protection Team. Parking in these areas can damage land by churning up the grass which in damp weather changes an area of open grassed area to an unsightly muddy mess. The initial issue raised at Council related to residents or their visitors perpetually parking on grassed areas causing damage to the land. The Neighbourhood Protection Manager gave examples of similar issues across the county and provided evidence where fencing had been erected to deter drivers from pulling onto grassed areas. While in most cases this would deter drivers evidence was presented that in some cases more persistent drivers would find a way onto the land if that is where they wanted to park. Other options include installation of bollards or hard

verging. Some engineering interventions may involve additional cost where underground utilities have to be rerouted or reinforced.

23. Evidence indicates that enforcement is very difficult in these circumstances as it has to be proved that the vehicle found currently parked on the land is in fact the vehicle causing the damage, or whether the land was damaged before the vehicle was parked on the land. Whatever action is taken will incur a cost to the local authority whether in staff hours or physical materials and there is no guarantee it won't happen again similar to the verge parking.
24. All of the engineering options have resource implications including initial cost and maintenance costs. These costs could be increased if there are utility services located underground which require additional protection. Local authorities have to be smarter with their resources and look at less costly solutions such as educating the public to park considerately and to have a greater pride in their surroundings. Some members have used neighbourhood budgets and member initiative fund money to pay for bollards or fencing to be installed where there has been a persistent problem with individual pieces of land.
25. The issues that occur in one area of County Durham may be totally different in another area therefore it would be problematic to deliver a policy covering all aspects of parking issues. There are enforcement measures available under legislation outlined above. All enforcement activity will involve both financial and opportunity costs in terms of investigative and legal work required. However, this does not preclude using these powers where it is felt that it is necessary following complaints from residents.

Conclusions

26. Issues with parking on council owned highway verge and open amenity space are countywide, but every area has its own set of circumstances therefore there is no single solution to all issues encountered. Evidence indicated that parking on grassed areas and highway verges is low priority to the public in comparison to other environmental issues.
27. There are options available to alleviate parking issues but they will all incur a cost which in some circumstance is very high indeed, such as where engineering solutions are implemented requiring relocation or protection of underground utilities. The amount of vehicles on the roads is high and they will all need somewhere to park at some point. Tackling parking issues in one area could lead to greater issues in another area.
28. The light touch review has increased members' awareness of the issues and powers available which are limited. All actions require resources.
29. To ensure that issues are dealt with by the appropriate section in a timely manner, members of the council are encouraged to report any issues they or their constituents have via the Customer Records Management (CRM) system. Using this system guarantees that the query is forwarded to the correct team and a unique reference number is given for further enquiries.

30. It is possible that drivers are not aware they are causing issues for other road users and pedestrians when they park their vehicle on the highway verge or on a grassed area. Highlighting the need for all road users to be more considerate when driving and parking could be carried out in a cost effective way using Durham County News, social media and DCC website.

Recommendations

31. The Environment and Sustainable Communities Overview and Scrutiny Committee make four recommendations to the Portfolio Holder and ask that he provide a response to the committee in relation to the committee's findings, conclusions and recommendations:
- a) That Neighbourhood Services with assistance from Legal Services, investigate, monitor and review new legislation such as The Anti-Social Behaviour, Crime and Policing Act 2014 for any future options to address parking on council land issues.
 - b) To increase education/ awareness to highlight to drivers the need to park considerately for the safety of pedestrians and other road users using cost effective measures such as Durham County News; DCC website and through social media
 - c) That members of the Council use Customer Services as first point of contact to ensure the enquiry is allocated to the right team and members receive a unique reference number from the Customer Relationship Management system should they need to follow up their query.
 - d) That each case of parking on council owned land is looked at on an individual basis.

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