

# WIRRAL COUNCIL

## SUSTAINABLE COMMUNITIES OVERVIEW & SCRUTINY

### COMMITTEE - 26 SEPTEMBER 2011

<b>SUBJECT:</b>	<b>PAVEMENT/VERGE PARKING.</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF TECHNICAL SERVICES</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>COUNCILLOR HARRY SMITH, STREETSCENE AND TRANSPORT SERVICES</b>
<b>KEY DECISION?</b>	NO

#### 1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to advise Members of the current situation regarding pavement/verge parking in Wirral and to update Members on the progress of the introduction of the second phase of the pilot scheme restrictions. The report also contains the outcome of discussions with Merseyside Police and Pedestrian Forums on proposals to deal with pavement obstruction caused by inconsiderate parking.

#### 2.0 RECOMMENDATION/S

- 2.1 Members are requested to note the contents of this report and also to endorse that the initial list of roads approved at the meeting of this Committee on 14 March 2007 be reviewed and new locations be considered based on the proposals contained within this report and subject to future funding.
- 2.2 Members are also requested to note the proposals for dealing with pavement obstruction.
- 2.3 Members will be updated at a future meeting on both the review of new restriction locations and the outcome of the advisory notice initiative.

#### 3.0 REASON/S FOR RECOMMENDATION/S

- 3.1 The parking of vehicles on pavements and grass verges is now widespread across the Borough and many motorists regard parking on the pavement/verge as their right. They are either ignorant or unconcerned of the impact that their actions can have on the condition of the pavement surface or the obstruction that they cause to pedestrians, the elderly and the less able by forcing them to walk around the vehicle and onto the road. The damage it causes can also be unsightly and has a detrimental effect on the appearance and condition of the street scene, specifically where vehicles have parked on grass verges during the Autumn/Winter months or during periods of heavy rain. On former Council owned housing estates where some of the estate roads are narrow there are many amenity grassed areas located between the estate roads and the houses. To avoid obstructing these narrow roads, the amenity areas are often used as off-street parking areas by residents which usually results in considerable damage to the grass and surrounding paved areas. Although the housing stock is no longer in Council ownership, the grass and the paving flags are, and the consequential damage and reinstatement costs are still borne by the Council.

3.2 Pavement/verge parking can also cause damage to underground services and drainage systems. It can also block access to services such as fire hydrants, which can be vital in an emergency.

#### 4.0 BACKGROUND AND KEY ISSUES

4.1 The roads selected for inclusion in the initial pilot scheme in March 2007 were among those identified by Members, the public and Council highway inspection staff as roads where pavement parking was a problem but in all cases was unnecessary because the width of the road is sufficiently wide to allow vehicles to park fully on the road without causing an obstruction to passing traffic. The selected roads in all cases have facilities for off-street parking, i.e. private drives, and are also locations where the pavement construction is predominantly paving flags which are liable to cracking and displacement because of vehicle overriding; leaving the Council exposed to potential public liability insurance (tripping) claims. A number of the locations also have grass verges within the limits of the pavement and the verges are also used for unnecessary parking and overriding which causes damage and makes them unsightly and impassable at certain time of the year.

4.2 At a meeting of this Committee on 18 November 2009 [minute 31 refers], Members were advised that the roads shown below that had been approved for the introduction of pilot restrictions had been divided into three manageable phases for legal and administrative purposes.

<b>ROAD</b>	<b>FROM</b>	<b>TO</b>
Townfield Lane, Oxton	Bidston Road	Shavington Avenue
Holm Lane, Oxton	Talbot Road	Oulton Close
Woodchurch Road, Prenton	Storeton Road	Palmwood Close
Noctorum Way, Oxton	Townfield Lane	Wethersfield Road
Storeton Road, Oxton	Ingestre Road	Waterpark Road, Prenton
Barnston Road, Thingwall/Heswall	Telegraph Road	Arrowe Park Road
Pensby Road, Thingwall/Heswall	Thingwall Road East	Telegraph Road
Frankby Road, Frankby	Greasby Road	Black Horse Hill
Greasby Road, Greasby/Frankby	Upton By Pass	Frankby Road
Upton Road, Moreton	Moreton Road	Hoylake Road
Leasowe Road, Moreton/Wallasey Village	Wallasey Village	Pasture Road
Warren Drive, New Brighton	Grove Road	Victoria Road
Bayswater Road, Wallasey Village	Harrison Drive	North Wallasey Approach
Kings Road, Bebington	Borough Road	Teehey Lane

Teehey Lane, Bebington	Kings Road	Heath Road
Higher Bebington Road, Bebington	Teehey Lane	Pulford Road
Kings Lane, Bebington	Kings Road	Old Chester Road

- 4.3 The first phase of pilot restrictions were introduced in December 2008 in the following roads and these restrictions have been operating successfully for almost 3 years:

Kings Lane, Bebington	(Kings Road to Old Chester Road)
Teehey Lane, Bebington	(Higher Bebington Road to Kings Road)
Kings Road, Bebington	(Borough Road to Kings Lane)
Holm Lane, Oxton	(Talbot Road to Oulton Close)
Bayswater Road, Wallasey	(Newport Avenue to Greenleas Road )
Woodchurch Road Prenton	(Holmlands Drive to Osmaston Road)

- 4.4 Feedback from Members and local residents has been positive and the restrictions have generally been accepted as an improvement to the immediate streetscene.

- 4.5 The second phase of pilot restrictions were proposed for the following locations:

Townfield Lane, Oxton	(Bidston Road to Shavington Avenue)
Storeton Road, Oxton	(Woodchurch Road to Ingestre Road)
Frankby Road, Frankby	(Blackhorse Hill to Newton Park Road)
Greasby Road, Greasby	(Upton By Pass to Frankby Road)
Leasowe Road, Leasowe	(Heyes Drive to Reeds Lane – south side only)
Pensby Road, Pensby	(Gills Lane to Whitfield Lane)

A summary of the outcome of the consultation process and compliance to date in each of the roads where restrictions were introduced is referred to in sections 7 and 10 of this report.

## 5.0 RELEVANT RISKS

- 5.1 The Council has a legal responsibility to keep the roads and pavements safe for public use. The practice of parking vehicles either partly or wholly on a pavement or grass verge affects the Council's ability to comply with this obligation.
- 5.2 The pavement construction in a number of the approved locations is paving flags which are liable to cracking and displacement because of vehicle overloading leaving the Council exposed to potential public liability insurance (tripping) claims as well as the repair costs.

## 6.0 OTHER OPTIONS CONSIDERED

- 6.1 There are various prevention measures available to deter pavement/verge parking including the installation of bollards, guard rails, high kerbs and raised planters. A number of these measures have been used in exceptional cases in the Borough; however, installation costs and their visual effect on the Streetscene rule them out as a general solution.

## **7.0 CONSULTATION**

- 7.1 For both phases of the pilot scheme the consultation exercise with residents, emergency services, Merseyside Police and Merseytravel involved letters being sent out advising of the nature of the restrictions and the reasons for implementing them on a pilot basis. In each of the roads listed below it was decided not to proceed with the pilot restrictions because of the issues identified. The second phase therefore was reduced from 6 schemes to 3.
- 7.2 In response to the Council's consultation with residents for the second phase in February/March 2010, a number of letters and telephone enquiries were received objecting to and supporting the restrictions but with the exception of Storeton Road, Oxtan, Greasby Road, Greasby and Leasowe Road, Leasowe, the majority of residents supported the parking restriction proposals.
- 7.3 In Storeton Road, residents explained in their responses that pavement parking was at its worst when Tranmere Rovers were playing at home; when supporters parked their vehicles half on the road and half on the pavement. If restrictions were introduced supporters and residents would be required to park fully on the road and would obstruct the effective width of the road to through traffic and cause serious congestion problems for emergency vehicles and through traffic on a principal route. It was observed following the consultation that a small number of residents do on occasions park half on/half off the pavement but the scale of the problem is not of a significant proportion to justify the introduction of restrictions.
- 7.4 In Greasby Road, the parking problems that were observed when it was initially surveyed and identified for restrictions have now diminished and again the scale of the current verge parking activities does not now necessitate restricting parking.
- 7.5 In Leasowe Road, it was proposed to introduce verge parking restrictions because there is considerable damage being caused to the grass verge on the south side of the road because of extensive verge parking and overriding. However, residents have advised that if they park their vehicle fully on the road Merseyside Police will issue them with a Fixed Penalty Notice for parking on a dual carriageway without lights.
- 7.6 Following discussions with Merseyside Police, they have confirmed that they will continue to issue Fixed Penalty Notices because it is an offence under Regulation 24 Road Vehicles Lighting Regulations 1989 to park a vehicle at night without lights on a road with a speed limit in excess of 30 m.p.h.

## **8.0 PROPOSALS FOR DEALING WITH VEHICLES OBSTRUCTING PAVEMENTS**

- 8.1 In many locations across Wirral even on roads that do not satisfy the criteria for introducing parking restrictions, pavement parking is still causing an obstruction problem for users of the pavement.
- 8.2 In roads where parking a vehicle half on the road and half on the pavement is generally acceptable because of limited off street parking provision there is no intention by Merseyside Police or the Council to restrict this practice. In certain locations where the pavements are of a suitable width and construction to sustain the weight of a vehicle and unobstructed access can be maintained for both pedestrians and road users, this unofficial parking arrangement works well. However there are still many vehicle owners/users in similar roads to that described in paragraph 8.2 who choose to park their vehicles fully on the

pavement without any consideration for the potential inconvenience they are causing.

- 8.3 In situations such as this, and in response to enquiries and complaints from the public, elected Members, pedestrian forums and walking groups, it has been suggested by members of some of these groups that the owners/users of these vehicles should be made aware of the problems they are causing and be advised accordingly.
- 8.4 To raise their awareness an advisory notice such as the one shown in Appendix A will be placed on the vehicle by staff from the Council's Technical Services Department and officers from Merseyside Police in a similar way to the Penalty Charge Notices (PCN) issued by the Council's Decriminalised Parking Enforcement Contractor. The notices will request the owner /user to park responsibly in the future and with consideration for pavement users. They will also be advised of the implications of their actions if they continue to park irresponsibly.
- 8.5 For vehicle owners that choose to ignore the notice, Merseyside Police will serve a Fixed Penalty Notice for obstruction on the owner of the vehicle and in the case where the practice persists and a number of owners within the same road continue to park wholly on the pavement, the Council will consider introducing measures to restrict parking to "half on/half off" and then enforce the restrictions through the Council's Decriminalised Parking Enforcement Contractor.

## **9.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 9.1 There are no implications under this heading.

## **10.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

- 10.1 In terms of its impact on resources, it is difficult to estimate exactly how much pavement and verge parking costs the Council in terms of reactive maintenance/repairs but it is thought to be in excess of £40,000 annually. Add this to the administrative/staffing costs incurred in investigating and defending personal injury claims arising from damage caused by pavement parking, then the costs are in excess of £100,000. The pain and suffering caused to people who may trip as a result of damage caused by pavement parking should not be underestimated. The elderly and less able are particularly vulnerable in this respect.
- 10.2 Consultation with residents, the emergency services, Merseyside Police, Merseytravel and elected Members together with the processing and drafting of the Orders for the second pilot scheme and the preparation of signing schedules and plans has been carried out by existing staff as part of their normal duties.
- 10.3 Consultation on the proposals to affix notices to vehicles has been carried out with Merseyside Police and representatives from the Pedestrian Forum.
- 10.4 The cost of erecting the necessary signs in all three locations chosen in the second pilot scheme was £17,000, however the costs of enforcing the restrictions were negligible because, in all the locations selected, the Council's Decriminalised Parking Enforcement contractor was enforcing existing parking restrictions in the immediate area so there have been no additional costs for the Penalty Charge Notices issued.

10.5 In terms of enforcement, to date nine Penalty Charge Notices have been issued and paid; three in each location; with the most recent issued being on 16 April 2011 in Frankby Road.

## **11.0 LEGAL IMPLICATIONS**

11.1 Section 41 of the Highways Act 1980 imposes a duty on the Council, as Highway Authority, to maintain highways at the public expense.

11.2 The existing legislation dealing with the enforcement of pavement parking is spread across a number of Acts and those who park their vehicles on pavements/verges are possibly committing a number of offences which are enforceable either by Merseyside Police or the Council.

11.3 The actual offence of driving on/along a pavement and causing an obstruction to pedestrians is enforceable by Merseyside Police.

11.4 If it can be proved that damage has been caused to the surface of a pavement/verge by a particular vehicle owner, then the Council can take action to recover the costs of the repairs through the Magistrates Court and if the person is found guilty, they are liable to a fine.

11.5 If there is an existing traffic regulation order in a particular road in the form of, for example, double yellow lines, then this restriction extends beyond the limits of the road and includes the pavement/verge. In this instance, pavement/verge parking can be enforced by the Council's Decriminalised Parking Enforcement contractor.

## **12.0 EQUALITIES IMPLICATIONS**

12.1 Pavement and verge parking restrictions and enforcement have favourable equalities implications because parking on pavements and verges can cause obstruction and difficulties for pedestrians and vulnerable road users.

12.2 A further benefit of the proposals is that in those roads where the restrictions have been introduced, vehicles parked fully on the road have acted as a traffic calming measure causing approaching vehicles to slow down before passing.

## **13.0 CARBON REDUCTION IMPLICATIONS**

13.1 Effective control of on-street parking will have positive effects on quality of life issues such as access to property and visual amenity of the environment. It also supports sustainable goals in encouraging use of public transport and may lead to a saving in resource use where fewer repairs to pavements and verges are required.

13.2 In those roads where the grass verges were in poor condition due to vehicle damage prior to the introduction of the restrictions those verges have now improved and recovered in terms of grass coverage. This is due partly to the reduction in vehicle overrunning and also to the repairs instigated by the Council in repairing the verges with topsoil and grass seed in the more overridden and damaged locations.

## **14.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

14.1 Enforcing and controlling pavement parking will reduce potential hazards and dangers to users of the highway. A further benefit of the proposals is that in those roads where the restrictions have been introduced vehicles parked fully

on the road have acted as a traffic calming measure causing approaching vehicles to slow down before passing. There are no planning implications arising from this report.

- 14.2 Road safety implications arising from pavement parking are hard to quantify due to very few recorded casualties. However pedestrians and other pavement users with prams and wheelchairs are particularly vulnerable in some locations where they are forced in to the road to walk around vehicles parked wholly on the pavement and completely obstructing the through route along the pavement.
- 14.3 In those roads where the grass verges were in poor condition due to vehicle damage prior to the introduction of the restrictions, those verges have now improved and recovered in terms of grass coverage. This is due partly to the reduction in vehicle overrunning and also to the repairs instigated by the Council in repairing the verges with topsoil and grass seed in the more overrun and damaged locations.
- 14.4 In a number of pavement locations where the restrictions have reduced the potential for further overrunning damage to existing paving flags, the damaged areas of pavement have now been reinstated with new paving flags to improve the condition of the pavement surface and the appearance of the local streetscene.

**REPORT AUTHOR:**     **Shaun Brady**  
                                  **Highway Asset Manager**  
                                  0151 606 2098  
                                  shaunbrady@wirral.gov.uk

## **APPENDICES**

Appendix A – Example of Advisory Parking Notice.

## **REFERENCE MATERIAL**

*(Include background information referred to or relied upon when drafting this report, together with details of where the information can be found. There is no need to refer to publicly available material: e.g. Acts of Parliament or Government guidance.)*

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Sustainable Communities Overview and Scrutiny Committee.</b>	<b>18 November 2009</b>