

WIRRAL COUNCIL

REGENERATION AND ENVIRONMENT POLICY AND PERFORMANCE COMMITTEE

27TH JANUARY 2014

| | |
|--------------------------------------|--|
| SUBJECT: | PAVEMENT & GRASS VERGE PARKING UPDATE REPORT |
| WARD/S AFFECTED: | ALL |
| REPORT OF: | MARK SMITH, HEAD OF ENVIRONMENT & REGULATION |
| RESPONSIBLE PORTFOLIO HOLDER: | COUNCILLOR HARRY SMITH, HIGHWAYS & TRANSPORTATION |
| KEY DECISION? | NO |

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides Members with an update on progress relating to pavement and grass verge parking since the last report in November 2012.
- 1.2 The report notes that the initiative to publicise the problems relating to pavement parking to the general public and issue warning notices in areas of particular concern is in its early stages but is having some positive effect.
- 1.3 The report recommends a continuation of the current initiative with further updates for Members in due course.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 This report provides an update on progress relating to pavement and grass verge parking issues since the report of the then Interim Director for Technical Services in November 2012 to the Sustainable Communities Overview and Scrutiny Committee.
- 2.2 In that report it was recognised that pavement parking can, in some circumstances, increase danger for road users as they negotiate such hazards. It can also lead to higher traffic speeds on some roads as vehicles need not slow to pass legitimately parked vehicles. The issue is particularly sensitive for the public and Members alike, and is the subject of many enquiries to Streetscene. This is not only a problem for the public of Wirral, it is also a problem nationally.
- 2.3 In residential areas, narrow roads result in drivers parking on pavements/verges in an effort to avoid obstructing the road for through traffic and, in particular, large vehicles such as refuse collection vehicles, removal/delivery vans, etc.
- 2.4 In these locations residential parkers are generally aware that they should not be parking on the pavement/verge but they persist for a variety of reasons. Pavement/verge parking is a major problem at peak times outside most of the school sites in the Borough. Those who pavement/verge park outside schools do so regularly.

- 2.5 Many areas were designed when car ownership was not high. Some older housing estates have a significant number of amenity areas and narrow access roads. Houses in these cases can front onto large grassed areas without direct road frontages. It would be relatively costly to introduce a widescale programme of capital investment to provide parking laybys in many of these locations. Officers estimate that even if such a programme was undertaken, demand for parking is still likely to outstrip provision.
- 2.6 Obstruction resulting from footway or verge parking is not enforceable by the Council's parking management provision – unless there is a specific signed Traffic Regulation Order (TRO) made within the remit of the Road Traffic Act 1984 in place. Enforcement is therefore only generally possible through the Police. Other TROs such as single or double yellow lines in place on a specific section of carriageway cover the whole width of the road including footways. In such cases prosecutions for infringement of the specific yellow line TRO can be undertaken by the Council.
- 2.7 Individual instances of parking on footways or verges can be considered by police officers to be obstructive or dangerous. Whilst these offences appear to clearly indicate parking on footways and verges is not permitted, officers within the police point out that unless there is evidence that a footway or carriageway is fully 'obstructed', there are no other definitions of what constitutes 'obstruction', 'wilful obstruction' or 'unnecessary obstruction' and in such cases they are less likely to secure a successful prosecution. Additionally, as Members may be aware the recent economic downturn has resulted in limitations in police resources, with such offences being seen as a lower priority than burglary, violence and other crime.
- 2.8 There have been 9 'pilot' verge & pavement parking TRO schemes introduced to date at a variety of locations across the Borough. These are reasonably well respected by motorists with good compliance in all locations and few prosecutions undertaken.
- 2.9 Following the report in 2012 and the suggestions made by Members of the Sustainable Communities Overview and Scrutiny Committee the leaflet designed by the Council to warn 'offending' drivers of their pavement parking was amended to include specific details of the incident.
- 2.10 These leaflets were finalised and following publicity in the local press and Wirral own website, the initiative was launched in July 2013. Since then over 100 individual warning notices have been issued to a variety of locations where either Members or the general public have informed my officers of particular problems.
- 2.11 During subsequent visits, officers have noted a general reduction in pavement parking, although the problem continues to persist in particular near schools at key start/finish times.
- 2.12 There are on average 2 – 3 occasions annually where reinstatement of badly rutted grass verges is necessary. The work typically involves rolling the grass surface with a heavy roller then making up the ground levels with top soil and grass seed. The total cost of this work is generally less than £500.

- 2.13 Whilst some damage does occur to grass verges over time when drivers choose to fully or partially mount them, though unsightly, this is in itself not normally a danger to pedestrians.
- 2.14 There are some difficulties in generating sufficient evidence to determine that the actual damage caused to a grassed verge has been done by an individual. In addition in many cases vehicle owners may have more than one authorised driver and proving that all of the damage was done by one individual is somewhat more difficult.
- 2.15 The report in November 2012 to the Sustainable Communities Overview and Scrutiny Committee identified a number of actions which are continuing to be progressed:
- 1) Undertake consultation with Area Forums, emergency services, WIRED and the Wirral Pedestrian Association regarding appropriate minimum widths, impingement upon which would be deemed obstruction, and report back to Members in due course.
Update – consultation with various groups ongoing, however a nominal width of 1.2 m is currently being used as guidance.
 - 2) Review and if found practical, prepare an invest-to-save proposal to address the consequences for highway maintenance and the defence of personal injury claims arising from pavement and grass verge parking.
Update – This proposal is still being investigated/pursued.
 - 3) If resources are available, conscious of the context described in 7.2 (of that report – *“The pursuit of the pavement and grass verge parking agenda is not currently a funded item and would require resources to be made available. As a “growth” item, careful consideration must be given to whether such resources could be identified considering the Councils financial position. It may be that Area Forums could decide to allocate some of their funds to this topic, but central funding is unlikely to be available.”*) - that:
 - i) in conjunction with the Police, undertake an information/publicity campaign using a variety of media strands to raise public awareness of the problems and the potential penalties that can be imposed.
Update – initial media launch undertaken. Information provided via a number of outlets including press and website. No additional funding available for further marketing at this time.
 - ii) issuing of specific warning leaflets for drivers together with a database of persistent ‘offenders’ in problem areas.
Update – over 100 warning leaflets have been issued relating to obstructive pavement parking to drivers with details captured.
 - iii) referral to the police for dangerous, damaging or persistent obstructive parking.
Update - No persistent offenders have yet been identified as requiring further police intervention.
 - iv) refer to Area Forums/known community groups for prioritisation of specific pavement /grass verge parking restrictions with subsequent enforcement action, as appropriate.
Update – A number of locations have been identified and referred to the new Constituency Forum Co-ordinators.

v) investigate the creation of a database of details of vehicles regularly parking on footways and grass verges causing obstruction and/or damage.

Update - completed

vi) undertake prosecutions of drivers causing damage to the highway infrastructure.

Update - not yet undertaken

4) Request that Senior Officers raise issues relating to obstruction and footway parking with all Council staff and its contractors.

Update – the Chief Executive has contacted all staff. Senior Officers have raised this issue with contractors.

2.16 Within the provisions of current legislation, where vehicles park partly or fully on a footway or verge, leaving sufficient room for free passage and parking so as not to cause a danger or cause identifiable damage, they would not normally be subject to further action.

2.17 If it can be proved that damage has been caused to the surface of a pavement/verge by a particular vehicle driver, 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.

2.18 A number of sites have been identified as having ongoing grass verge parking where officers consider that the introduction of a verge/pavement parking TRO could assist. Constituency Forum Co-ordinators have been informed of these to see if the new Forums wish to prioritise their introduction.

3.0 RELEVANT RISKS

3.1 Not taking action will result in continuing damage to footways and grass verges which will require repair, incurring additional costs.

3.2 Unsafe parking practices may result in increased risk of road accidents.

4.0 OTHER OPTIONS CONSIDERED

4.1 None.

5.0 CONSULTATION

5.1 None.

6.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

6.1 The introduction of further specific Traffic Regulation Orders will require formal advertising, processing and sealing.

6.2 The pursuit of the pavement and grass verge parking agenda is not currently a funded item and would require resources to be made available. As a “growth” item, careful consideration must be given to whether such resources could be identified considering the Councils financial position. It may be that Constituency Forums could decide to allocate some of their funds to this topic, but central funding is unlikely to be available.

6.3 If funding was available, there could be a prospect of extending the role of the Council’s parking enforcement contractor to cover this additional area of enforcement and for them to serve fixed penalty notices on all vehicles parked on the pavements in any of the roads where traffic regulation orders are introduced.

6.4 The creation/implementation of a database to record persistent 'offenders' will require IT support and will need to conform with the data protection act.

7.0 LEGAL IMPLICATIONS

7.1 Restricting pavement parking could reduce the Council's expenditure on pavement repairs and will maintain the reduction in public liability insurance claims arising from highway related tripping accidents.

8.0 EQUALITIES IMPLICATIONS

8.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because this is a progress report.

9.0 CARBON REDUCTION IMPLICATIONS

9.1 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.

10.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

10.1 Enforcing and controlling pavement parking will reduce potential hazards and dangers to users of the public highway.

11.0 RECOMMENDATIONS

11.1 Members are requested to note progress made in continuing to address pavement and verge parking issues.

12.0 REASONS FOR RECOMMENDATIONS

12.1 The parking of vehicles on pavements and grass verges is widespread across the Borough. Many motorists 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.

12.2 In terms of its impact on resources it is difficult to estimate exactly how much pavement parking costs the Council in terms of reactive maintenance/repairs but it is thought to be in excess of £40,000 annually with the majority of this cost related to damage done to flagged footways.

12.3 It is Council Policy to replace paving flags with tarmacadam in pavement locations where vehicle overriding is causing damage to the pavement and hazards for pedestrians.

12.4 Despite the benefits outlined in para 12.2, the Council's current financial position makes it difficult to identify resources to target this issue. It may be possible to adopt an invest-to-save model, but this would need further consideration.

| | | |
|----------------------------|---|--|
| REPORT AUTHORS: | Shaun Brady Highway Asset Manager telephone: (0151) 606 2098 email: shaunbrady@wirral.gov.uk | David Rees Road Safety Manager telephone: (0151) 606 2111 email: davidrees@wirral.gov.uk |
|----------------------------|---|--|

APPENDICES - Nil

SUBJECT HISTORY (last 3 years)

| Council Meeting | Date |
|--|--------------------------|
| Sustainable Communities Overview and Scrutiny Committee | 21 November 2012 |
| Sustainable Communities Overview and Scrutiny Committee | 26 September 2011 |