

## **Cabinet – 18 July 2007**

### **Verge Parking Framework**

|                      |  |
|----------------------|--|
| <b>Portfolio:</b>    | Councillor Rachael Walker – Environment<br>Councillor Anthony Harris - Transport |
| <b>Service:</b>      | Environment & Neighbourhood Services   |
| <b>Wards:</b>        | All  |
| <b>Key decision:</b> | No   |
| <b>Forward plan:</b> | Yes  |

#### **Summary of report**

Indiscriminate use of verges and pavements for parking is a regular source of complaints from a wide cross section of the community. The problem is obviously not just restricted to Walsall but is generally endemic throughout the country and often:

- causes environmental damage
- affects the visual amenity of the street
- can damage underground apparatus and disperses mud on to the footway/ carriageway
- can cause neighbourly disputes
- can endanger pedestrians causing them in some cases to walk in the carriageway

Clearly there are many reasons associated with the practice of verge parking, however the most common reason relates to the lack of appropriate off street parking facilities resulting from the increased and rising trend of car ownership.

This report outlines the significant impact of verge parking and the financial implications of addressing residents' concerns. Whilst the report outlines a range of strategies for the future provision of off street parking facilities, it must be recognised that there will always be a need to prioritise requests within the framework of take no action, carry out enforcement or provide new parking facilities. We do not have the resources to meet the full demand of residents across the borough. This report is also intended to allow us to investigate the problem in more detail, consult with various stakeholders on the problem and possible solutions and to work with the community and our partners to improve our understanding of the issues across the borough and to explore local solutions in response to the local dynamics of verge parking.

#### **Recommendations**

- (1) That approval be given to consult with LNP's and other key stakeholders on a draft framework for assessing the most appropriate course of action to deal with verge and pavement parking problems.

- (2) That Cabinet note a strategic choices revenue growth bid of £100k is to be prepared and submitted for further evaluation.
- (3) That the LNP process is utilised for the prioritisation, distribution and management of any individual local parking improvement budgets that might be identified.
- (4) That approval be given to further investigate the cost to the council of providing subsidised vehicle crossings.
- (5) That approval be given to the abandonment of the existing residents parking scheme ranking criteria subject to the development of two revised criteria covering classified roads and estate roads.

### **Resource and legal considerations**

Historically a small budget was allocated for the construction of new off street parking facilities. However, this budget was withdrawn in 2001. A remnant of this budget is an old list of approximately 80 formal petitions for off street parking facilities, prioritised by an out of date ranking criteria, with old budget estimates of approximately £3m. This figure is likely to increase significantly following any detailed design process and inflation cost. In addition to this list, the council receives, almost daily, requests for the provision of off street parking facilities that fail to progress to a formal petition stage.

Walsall comprises neighbourhoods which are quite different in character in relation to the highway and properties; there are areas with terraced properties, social housing built from the 1930's to 1970's and private housing. A large number of these properties were built without vehicle provision and facilities, or within adequate provision and, with growing affluence, a greater number of properties now have one or more vehicles, so exacerbating the problem. Therefore it has to be appreciated that each location is unique and there is not one solution that can be applied to all situations.

For example, Caldmore is predominantly terraced housing and therefore dropped kerbs is not a solution, however Dudley Fields, which is a mixture of 1950's/60's social housing, dropped kerbs could be part of a solution.

Currently there is an expectation from the general public that the council should address their parking concerns irrespective of any evaluation or prioritisation process. Historically, evaluation and prioritisation of schemes was based upon a range of factors but heavily weighted to the ratio of cost against the number of properties benefiting from the scheme. This ranking system is no longer appropriate as there needs to be separate criteria developed for classified roads and estate roads with differing ranking criteria targeted to address the separate priorities of strategic traffic congestion management and local parking management.

There is also a dichotomy between what the public want and what the council should do to reduce congestion. As a council, we have a duty under the Traffic Management Act to reduce and control congestion on the highway we need to keep traffic moving. Therefore the roads we need to target to reduce parking problems are classified roads and Prime District Distributor Roads. The vast majority of petitions and complaints we receive are for parking facilities within housing estates.

Budget restrictions mean we are not in a position to fully solve all residents parking concerns and therefore need to prioritise limited resources. Given the number of complaints regarding verge and pavement parking, coupled with requests for the provision of new parking facilities, there is a need to create an evaluation framework along the lines detailed below.

1. Take no action

- No significant road safety concerns for vehicles or pedestrians
- No viable option to improve parking facilities due to land availability.

2. Enforce

- Serious road safety concerns for vehicles or pedestrians
- Adverse impact on peak period traffic congestion on classified roads
- Accident history as a result of inappropriate parking
- Alternative parking available

3. Introduce new physical measures

- Classified roads
  - A need for consistent enforcement to achieve significant improvement in road safety and traffic congestion.
- Estate Roads
  - The management of parking issues within estate roads needs to be a two stage process with Traffic Regulation Orders and restricted access measures being introduced through Neighbourhood Services where there is a need to address serious road safety or significant traffic congestion issues. For scheme requests assessed to have no significant road safety or traffic congestion implications, but having a detrimental impact on the quality of life of local residents, ranking of individual schemes should be managed through the LNP process to enable local decision making on local issues.

To understand the complexity of dealing with verge and pavement parking issues, an explanation of the different verge classification is necessary. From most residents' perspective, there is no difference between verges but the 'status' of a verge determines how the problem can be dealt with.

1. Highway Verges

These are verges which form part of the adopted public highway and are the responsibility of the Council to maintain under its highway maintenance budget. As 'highway land' they are subject to all the formal restrictions and conditions enshrined in Highway legislation.

2. WHG Verges

These are verges included in the transfer of the Council's housing stock to the WHG. They are controlled and administered by the Trust and do not form part of the public highway.

### 3. WATMOS Verges

These have a similar status to WHG verges but are administered by WATMOS.

### 4. Council Owned Verges (retained land)

These are verges vested in various departments of the Council and do not form part of the public highway but the public may well have general or restricted rights over them. They could typically be 'common' verges administered and controlled by Leisure & Community Services. Alternatively they could be verges which were previously controlled by the Council's Housing Services, not subsequently transferred over to the WHG and consequently do not have a budget attached to them. This classification of verge falls outside the scope of any highway legislation that could form the basis of subsequent enforcement action

### 5. Options

The issue of verge parking is very complex and has different dynamics in different communities. This means that there must be a variety of options to deal with the various problems and different types of grass verges.

The following measures are all considered possible subject to individual scheme evaluation:-

#### 1. Install bollards, trip fences, marker posts, pedestrian guard rail

- physically stops the practice but is costly.
- likely to merely displace the problem further along the highway and thereby encouraging increased requests for more bollards
- can be unsightly
- will usually create a maintenance problem to a lesser or greater extent for the grass cutting exercise and therefore creates financial and operational difficulties for the ground maintenance teams.
- the provision and erection of bollards cost between £60 and £150 per bollard dependent on the type and the provision and erection of trip fencing is approx. £30 per linear metre.

#### 2. Hard Surfacing Verges

In some locations, residents have come to rely on verge/pavement parking because of the reduced width of the road and lack of actual or potential off-street parking. In certain areas, particularly where there are wide footpaths the council has in the past, removed verges and replaced with a bituminous surface without officially condoning residents subsequently parking on these areas.

#### 3. Provision of more parking facilities both on and off-street

This is often the petitioners preferred choice, however it's also the most expensive option with typical schemes providing approximately 10 parking spaces being in the order of £50k. In the past, there was an allocated budget for this purpose and several car parks were constructed each year, but over recent years budget pressures have resulted in no further allocation.

#### 4. Council subsidy for vehicular crossings

Neighbouring authorities subsidise the cost of the construction of vehicle crossings to encourage more people to have this facility and thereby avoiding the need to park on verges. Sandwell, Wolverhampton, Dudley and South Staffs all charge a flat fee for each standard width crossing irrespective of the length involved. In addition to this Wolverhampton and Dudley provide crossings free of charge to disabled applicants subject to certain criteria. Walsall currently charge on an at cost basis for all applicants but could adopt similar policies to neighbouring authorities in order to encourage the use of private off street parking facilities. Further evaluation of the cost implications would have to be undertaken but it is anticipated that a cap on the annual subsidy budget would be necessary.

#### 5. Pursue a Traffic Regulation Order (Prohibition of Verge Parking)

- Numerous individual Traffic Regulation Orders would be required each one detailing specifically the roads and verges involved.
- Necessary signage would be considerable

This policy is recommended by the DfT and seems to be the preferred option for many other Local Authorities but only for those Authorities with decriminalised parking enforcement powers. Even with decriminalised parking powers it is apparent that most Council's are unable to cover all requests within existing resource levels.

#### 6. Pursue prosecution of offenders.

- it is not necessarily an offence in itself to park on a highway verge unless:
  - it causes a significant obstruction
  - it is covered by a Traffic Regulation Order
  - or a local by-law is in force
- Whilst there are existing by-laws, West Midlands County Council Act and the Good Rule & Government Byelaws for the County of Walsall, they are generally weak.
- Demand on resources would be considerable as enforcement action is against the individual not the vehicle.
- In order to secure a conviction under section 6 of the WMCC Act, appropriate signs have to be erected which, if subsequently contravened, would require the collection of evidence by way of photographs and witness statements. The Council's prosecutions team would then assess the quality and admissibility of the evidence and, if satisfied with the evidence would have to lay information (a summons) within 6 months of the alleged offence at the Magistrates Court where the bench would consider the imposition of a fine which the Act allows up to a **maximum of £50**. Recently £5500 has been allocated out of the Highways Maintenance budget for the provision of 70 new signs at selected sites but this is only part of the solution as resources are also necessary for pursuing subsequent legal action.

- Existing enforcement opportunities under The Good Rule & Government Byelaws for Walsall limit the penalty to a maximum of £20 therefore restricting the ability to proceed through the magistrate's court due to cost effectiveness other than in limited cases. Any change to maximum penalty would require the whole scale revision of a range of bylaws due to legislative requirements.
- The cost of providing and erecting each sign on a pole is currently approximately £75 and would have to be repeated at a maximum distance of 60 metre intervals. There has, over the years, been a significant proliferation of highway signage in respect of the various demands of Traffic Management; Traffic Calming; Temporary Road Works; and general Directional and Miscellaneous Information signs. Concerns have been expressed that there are now too many signs already which can detract motorists attention from those all important signs which are vitally necessary.

#### 7. Police Prosecution

- If damage has been caused to the verge and the offender either intended to cause the damage or was reckless as to whether or not damage was caused then he or she can be prosecuted for criminal damage but realistically these kinds of prosecution will rarely be pursued.

#### 8. Physically change the characteristics of the highway

- Introduce physical measures on the highway to allow parking. An example is, in an area of terraced housing, introduce a one way system to allow parking and remove the conflict of two way traffic.

#### 9. Take no action

- This approach may be unpopular but there may well be incidences where there is nothing that can be physically done or the cost is prohibitive.

Clearly, one or more of these options could be introduced to alleviate problems.

Currently there is an expectation from the general public that the council should address their parking concerns both on classified and estate roads. However, the emphasis and priority for the Council has to be the delivery of schemes that assist with managing traffic congestion and road safety on key transportation networks particularly in light of its Traffic Management Act responsibilities whilst recognising the concerns of local residents. This dichotomy can be addressed by a split of any funding on a percentage basis, and a ranking system devised for both situations i.e. classified roads and estate roads.

As stated earlier in the report, there is not a budget for this type of work since the withdrawal of funding in 2001.

The funding options identified are as follows:

1. For either situations

Strategic choice growth bid –

Given the borough wide nature of verge and pavement parking, a significant element of mainstream funding is required if we are to address the concerns of residents and deliver our statutory congestion management role. Previous strategic choices bids have been submitted but failed to gain approval for funding. Given the growing profile of this issue a further bid will be submitted through the normal process.

Section 74 –

Currently, over-recovery of income under section 74 of the Highways Act 1980 is used to fund a broad range of initiatives. Income should be used to cover the operational costs of the road works management team with any surplus being used for improvements in the highway transportation network. Funding for parking facilities that assist with the management of traffic congestion or improve road safety would be a legitimate use of section 74 income.

Decriminalised parking enforcement –

This is predicted to generate an ongoing revenue stream following recovery of the set up costs. As with section 74 income, any surplus can be used to fund improvements in the highway transportation network. However it is likely to be at least 3 years before any surplus is generated.

2. For Classified Roads

Local Transport Plan funding –

Limited funding may be possible from the Highway efficiency measures allocation of the local transport plan. This would have to be carefully used for schemes that assist with the delivery of specific congestion targets on key transportation routes and would have to be prioritised for funding allocation in conjunction with other demands for LTP funding.

Showcase and Red Route -

It is proposed that all existing and future schemes be reviewed in order to address where possible verge and pavement parking issues as part of the wider scheme. Again, as with the highway efficiency measures allocation, this would have to be carefully used for schemes that assist with the delivery of specific congestion targets on key transportation routes

3. For Estate Roads

Partner funding options –

The vast majority of current requests for additional parking facilities are from areas transferred to WHG. Further work needs to be undertaken with WHG in order to scope the possibilities for match funding, however as with the Council WHG funding is limited.

Subsidised vehicular crossing budget –

Should the option of subsidising dropped crossings be chosen it is proposed that the existing arrangements be revised and future subsidies of crossings be coordinated at the local LNP level through the creation and management of individual Local parking improvement budgets.

### Pavement Parking

Pavement parking is potentially a far greater problem than verge parking. Where there are verges adjacent to the carriageway there is usually a pavement as well which is the primary facility for pedestrians. Currently there is no national law that makes it an offence for cars to be parked on the pavement. Where vehicles are indiscriminately left on the pavement they can constitute a significant obstruction, forcing pedestrians on to the carriageway creating particular difficulties for the people with mobility problems, visual impairment or prams.

Furthermore it can cause damage to the kerb, pavement or the services underneath. Section 42 of the Road Traffic Act 1988 and Regulation 103 of the Road Vehicles (Construction & Use) Regulations 1986 makes it an offence to cause or permit a vehicle to stand on a road so as to cause any unnecessary obstruction of the road. These provisions allow the police to enforce obstruction offences but enforcement of pavement parking is a lower priority for the police given other competing priorities and particularly if there are no Waiting Restrictions or Prohibitions on the carriageway. Under Decriminalised Parking Enforcement the powers will be granted to the local authority to address HGV verge and pavement parking. However enforcement of obstruction offences for other vehicle classifications will remain with the police.

Various physical measures are used on a limited basis to deter pavement parking and like verge parking include: guard rails, bollards, trip rail fence, raised planters, high 'trief' kerbs, textured surface etc., but these are costly options which can only be utilised at specific locations. There may be locations where pavement parking could be acceptable, particularly where pavements are wide enough to segregate pedestrians and vehicles. In such circumstances detailed evaluation of the road safety implications would have to be carefully considered as part of the overall scheme evaluation process.

### **Citizen impact**

The council receives a significant number of requests or complaints regarding vehicles parked indiscriminately or causing problems. To improve the situation by introducing better measures for parking will enhance the quality of life of residents. By alleviating the parking problems on the classified roads the council will be addressing congestion issues and fulfilling our requirements on the Traffic Management Act (TMA).

The creation and management of local parking improvement budgets will allow citizens more control in the prioritisation and subsequent delivery of local improvements.



## **Community safety**

Indiscriminate vehicle parking can cause a number of safety issues. If the parking interferes with driver sight lines a major safety issue arises. Frequently parking on the pavement can endanger pedestrian and wheelchair users causing them to walk into the carriageway. There is also a danger caused by the possibility of a small child dashing between parked vehicles.

Utility services are buried beneath verges and these are not designed to carry the load of vehicles and therefore there is a danger of damage to these which could lead to a safety issue.

From a resident perspective, one of the primary concerns is the increased possibilities for minor damage and destruction to vehicles parked away from the normal residence and out of sight of the owner. The ability to provide parking facilities near to the normal residence could have a positive benefit on the rates of vehicle crime and importantly the fear of crime.

## **Environmental impact**

Parking of vehicles on verges causes a great environmental impact both as a visual impact and the dispensing of mud on the carriageway. Problems also arise from the operation of grassing cutting and street cleansing.

## **Performance and risk management issues**

Under the TMA we are under a duty to be more focused on the delivery of schemes that assist with managing traffic congestion and road safety on key transportation networks. The use of section 74 monies income should be used to cover the operational costs of the roadwork's management team with any surplus being used for improvements in the highway transportation network.

The current level of compliance with verge and pavement parking restrictions is variable and largely proportional to the control of and perceived level of enforcement. Clearly the options for enforcement are limited by the verge classification and associated legislation. In the majority of cases the powers for enforcement are held by the police and given their competing priorities enforcement action will always be a lower priority. The introduction of decriminalised parking enforcement in April 2008 will transfer certain powers from the police to the council allowing direct control of how and when enforcement action is taken particularly for contraventions of certain highway verge and pavement parking restrictions.

The introduction of Decriminalised Parking Enforcement in April 2008 will allow a greater degree of control in managing the enforcement of pavement parking. In instances where there is a Waiting Restrictions and Prohibitions Traffic Order enforcement can be carried out by the councils own parking enforcement staff. The parking enforcement staff will not have any powers unless there is a Waiting Restrictions and Prohibitions Traffic Order in place.

Future changes to legislation could make it easier to enforce pavement parking in the future particularly following the recommendations of the House Of Commons Transport Select Committee in July 2006 for the introduction of a national pavement parking ban.

If this was to take place, enforcement on all pavements could be carried out by the councils parking enforcement staff without the need for individual Waiting Restrictions and Prohibitions Traffic Orders.

## **Equality implications**

Parking problems are endemic across Walsall. It is proposed that any funding will address problems in a fair prioritised manner. The introduction of new parking facilities could assist residents with mobility difficulties; however the introduction of new parking restrictions or enforcement of existing restrictions could make it more difficult for residents with mobility difficulties.

## **Consultation**

It is proposed that the framework for reviewing the most appropriate course of action to address parking concerns be subject to wider consultation and particularly involving WHG and LNP's due to the high percentage of complaints and requests relating to estate roads.

For schemes that result from the framework review exercise, preliminary design consultations will be held with all residents businesses and key stakeholders affected by any proposals.

## **Vision 2008**

The approval of the recommendations fit into the following vision statements:

Vision 2 - Make it easier for people to get around

- The adoption of the proposed recommendations will have a positive impact upon traffic congestion and the ability to get around

Vision 5 - Make Walsall a healthy and caring place

- The reduction in congestion will reduce the amount of contaminants release by vehicles into the atomosphere and thereby improve the air quality

Vision 7 - Make it easier to access local services

- Reducing congestion will enable residents to access local services.

Vision 9 - Listen to what local people want

- The council receive a significant number of requests/complaints reagrding vehicle parking problems and by adopting the recommendations we will be listening to what people want.

## **Background papers**

None

## Author

Paul Leighton  
Group Leader

☎ 652458

✉ [leightonp@walsall.gov.uk](mailto:leightonp@walsall.gov.uk)



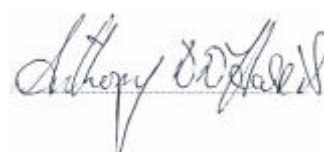
Jamie Morris  
Executive Director

10 July 2007



Councillor Rachel Walker  
Portfolio Holder

10 July 2007



Councillor Anthony Harris  
Portfolio Holder

10 July 2007