

WITHAM LOCAL COMMITTEE 26th FEBRUARY 2008
TRIAL OF ENFORCING 'NO PARKING' ON GRASS VERGES

Agenda Item 2.2

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Background Papers:- Public Consultation documents first published June 2005
Briefing note to Group Leaders' Meeting: 4th February 2008
Financial Implications:- Locally Determined Highways Budget
Equalities Implications:- None
Legal Implications:- None
Options: See report
Risks: See report

EXECUTIVE SUMMARY

An update is given on the potential for introducing and enforcing 'no parking on the grass verge' restrictions.

The report gives a brief background statement and then discusses developments in the legislation that should enable the Council to introduce a bye-law in the near future, allowing effective verge enforcement in designated areas through a combination of fixed penalty notices and Magistrates Court prosecutions.

The report then goes on to ask Members to use their local knowledge to suggest hot-spot areas where it would appropriate to introduce such a bye-law for an initial trial period, should this be the route down which the enforcement process develops.

DECISION

That Members recommend a number of initial hot-spots to influence the work towards a trial of the new bye-law when it is ready to be implemented.

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1. Background.

The joint BDC/ECC scheme to introduce a trial of enforcing 'NO PARKING' across 14 areas in the Braintree District using Highway Traffic Regulation Orders proved onerous and difficult to implement for a number of reasons. These included:-

- The trial would not demonstrate a uniform and consistent approach in addressing this issue across the District.
- The process was both time consuming and unrealistic in terms of both costs and resources required to carry out the installation of traffic signs and the enforcement process.
- The high number of objections received by residents as part of the statutory consultation process and subsequent decisions of the then Area Committees to defer implementation subject to alternative options being considered.
- 14 areas were selected to be included in the trial, but a subsequent period of monitoring established that the problem was not as prevalent in some of these areas as was first thought.

There is no doubt that parking on grass verges is a nuisance, not least because it causes damage, detracts from the aesthetics of an area and hampers the work of grounds maintenance staff. The adverse effect on the appearance of an area can often contribute to neglect and the occurrence of anti-social behaviour.

2. Options for the way forward.

There are now two options identified for tackling parking on grass verges:-

Option 1

The Essex Act 1987 requires the erection of signage at regular intervals in designated areas and any offence committed would be prosecuted through the Magistrates Court.

It is not clear whether any roads were designated by the Council for enforcement under the Act when it was first introduced, but a scheme could be introduced fairly quickly where roads are already covered by the Act.

This is not necessarily the most cost effective option, given the requirement for signage and the fact that it can be a lengthy and costly process to secure a successful prosecution. This is the main factor for not having pursued this option in the past.

Option 2

Some local authorities have successfully addressed this issue by way of introducing a bye-law under the Local Government Act 1972 (Good Rule and Government) as amended by the Local Government and Public Involvement in Health Act 2007 (provision not yet in force). There is a model that can be used for public highways, but under the current system it would need to be confirmed by the Secretary of State which can take some time to achieve.

The 2007 Act aims to simplify the process in two ways; by removing the requirement to obtain Secretary of State confirmation, thus speeding up the process and by the introduction of a fixed penalty notice, which if paid will negate the need to prosecute through the Magistrates Court. The Government has indicated that these new powers will come into force in April this year, although the exact timescale has yet to be confirmed by the Department for Communities and Local Government.

This option is being actively considered by the Heads of Operations and Law and Governance, as it is seen as a far more efficient and cost-effective way of dealing with the problem. It will also provide greater flexibility in targeting our enforcement activities where the problem is most prevalent.

However, there is a question as to whether a bye-law can be introduced in an area which is already covered by The Essex Act 1987 and clarification is being sought on this point. If this proves to be the case, it may mean operating a dual system of control or excluding certain areas from the scheme altogether.

The extent of the areas to be covered by the bye-law has yet to be determined: it could be restricted solely to the high profile strategic routes, to known 'hot-spot' areas or to the District as a whole. This report seeks the views of Members to help shape and influence this as part of the formal consultation process that will be required to be undertaken prior to any new bye-law being introduced.

3. Recommendation.

That Members note the above and nominate a number of initial hot-spots to influence the work towards a trial of the new bye-law when it is ready to be implemented.