

OVERVIEW AND SCRUTINY BOARD

19th SEPTEMBER 2006

ENVIRONMENT SCRUTINY PANEL FINAL REPORT: PARKING ON AND PROTECTING GRASS VERGES

PURPOSE OF THE REPORT

1. To present the findings of the Environment Scrutiny Panel's review of issues relating to parking on and protecting grass verges in residential areas.

BACKGROUND/AIMS

2. The Council, as Highways Authority, is responsible for maintaining grass verges adjacent to highways. As traffic levels and car ownership have increased, so have issues relating to the repair and maintenance of verges in residential areas caused by vehicles being driven and parked on the verges. This is particularly the case during the wet winter months when verges can be, at best, unsightly due to vehicle damage and, at worst, completely destroyed.
3. The aims of the scrutiny review were to investigate the problems associated with these issues, together with solutions to address them.

TERMS OF REFERENCE

4. The terms of reference for the scrutiny investigation were as follows:
 - *To examine how verge schemes are identified and prioritised.*
 - *To consider costs of the various solutions and to determine which solutions offer the most cost-effective return on investment.*
 - *To examine options for enforcement and to determine the effectiveness of existing arrangements.*
 - *To assess links with Erimus Housing and to consider whether a joint programme of works could be developed in the future.*
 - *To consider what steps are taken to effectively engage with communities in terms of identifying preferred solutions to verge problems*

METHODS OF INVESTIGATION

5. The Scrutiny Panel undertook a short but in-depth review and met formally on three occasions between 26th June and 18th August 2006. Members also visited various locations in Middlesbrough to see examples of verge problems and solutions first hand. A Scrutiny Support Officer from Performance and Policy co-ordinated and arranged the submission of written and oral evidence and arranged witnesses for the review. Meetings administration, including preparation of agenda and minutes, was undertaken by a Governance Officer from Legal and Democratic Services.
6. A detailed record of the topics discussed at Panel meetings, including agenda, minutes and reports, is available from the Council's Committee Management System (COMMIS), which can be accessed via the Council's website at www.middlesbrough.gov.uk.
7. This report has been compiled on the basis of information, which was gathered via detailed officer presentations and the submission of written evidence.

MEMBERSHIP OF THE PANEL

8. The membership of the Scrutiny Panel was as follows:

Councillor J Cole (Chair); and Councillors G Rogers (Vice-Chair), G Clark, M Heath, JA Jones, E Lancaster, J McPartland and J McTigue.

THE PANEL'S FINDINGS

9. The scrutiny panel's findings in respect of each of the terms of reference are set out below.

**TERM OF REFERENCE: “*To examine how verge schemes are identified and prioritised.*”
and
*“To consider costs of the various solutions and to determine which solutions offer the most cost-effective return on investment.”***

10. As it was found that the above two terms of reference contained areas of overlap, the issues raised and investigated are dealt with together in the following paragraphs. In examining these terms of reference the scrutiny panel considered information on:

- the causes of damage to grass verges
- the scale of the problem
- existing funding arrangements
- how problems are addressed

Causes of the problem:

11. Middlesbrough, like every other town and city in the UK, has seen a continuous rise in levels of car ownership. This has led to the situation where parking in a number of neighbourhoods in the borough is very difficult. Housing estates that were planned over 40 years ago were not designed to cope with existing volumes of parked cars, with narrow roads on some estates exacerbating problems. Many older estates were designed without any parking consideration for individual dwellings. Today, households with two cars are virtually the norm and it is not uncommon for some families to have three or more vehicles, all of which they expect to park within close proximity to their home.

12. The effect of this is that, in areas where there is little parking provision, both occupants and visitors park on grass verges. This often results in significant damage being caused to verges, particularly during periods of prolonged wet weather. The position is that, especially during the winter months, verges can be extremely unsightly with scarcely any sign of grass, which is replaced by mud and deep, water-filled ruts. Even in dry weather there are numerous examples of verges which are parked/driven on so continuously that the surface becomes nothing more than a bare, hardstanding parking area, again with no sign of the former grass cover.
13. Although the main problems are as identified above, further issues were identified by the scrutiny panel as follows:
- Vehicle trespass across verges and areas of green space: In some cases residents drive across green areas to park vehicles outside their properties, causing major damage to verges and to the green space while doing so.
 - The creation of unofficial (and illegal) verge and pavement crossovers by residents in order to park outside their property as above.
 - Damage caused by commercial vehicles trespassing on verges.
 - Damage caused to services such as water or gas pipes or electrical cables running underneath verges by vehicle parking.
14. The first three issues above were explored in more detail when the scrutiny panel considered the term of reference relating to enforcement action. (See paragraph 42 onwards.)
15. Although the scrutiny panel was not specifically examining parking problems, it was noted that there is a close link between the topic under investigation and that issue in general. It is recognised that enforcement action against badly parked vehicles which obstruct bus routes and emergency vehicle access is an issue for the police. However, these issues can partly be resolved (in some cases) with appropriate verge schemes.

The scale of the problem in Middlesbrough

16. The Council maintains a regularly updated database of outstanding verge works in conjunction with Erimus Housing. The list of works contained on the database is prepared following requests or complaints from the public, from Council Members and also from reports from the Council's highways inspectors. The database also highlights schemes which have been identified as priorities.
17. The scrutiny panel was provided with the current list of verge repair schemes which showed that, at that time, works costing a total of £1.6m had been identified. This sum included areas which had been identified for action by Erimus Housing but did not include specific schemes to address issues of inadequate parking. Inclusion of parking schemes would increase this figure to well over £2m. As existing resources (see also paragraph 26) are insufficient to meet this sum the list effectively represents a "wish list", with works being done as and when funds become available.
18. Verge problems are known to be most significant in old council estates, primarily due to their design, but can also be found in practically every other residential area of Middlesbrough which has grass verges adjacent to highways. However, as criteria for verges requiring attention have never been drawn up - and there is no policy to identify all outstanding works - it is difficult to determine a wholly accurate picture at any point in time. The full extent of the verges problem is therefore not known.

How problems are addressed:

19. In rectifying damage caused to verges by vehicles, the primary issue is to determine the most effective and/or cost-effective solution from those available, namely:
- removal of the verge
 - replacing verges with parking bays/laybys
 - defending the verge
 - enforcement.
20. Removal of verges involves replacing the grass with a more robust material. Tarmac is a relatively cheap and cost-effective solution which is very hard wearing. However, while this solves the problem of grass damage, tarmac can be viewed as a more unsightly alternative to grass. This can be overcome through the use of products such as “Grasscrete”, which maintain the appearance of grass by allowing it to grow through a re-inforced base but also provide a more durable area which can withstand vehicle pressure. This is, however, a more costly alternative than tarmac in that the use of Grasscrete involves higher initial cost and maintenance.
21. As neither of these solutions fully addresses the parking problem on estates, the provision of parking bays/laybys is a realistic option which has been successfully adopted in a number of areas of Middlesbrough. This generally proves to be popular with residents although issues have been identified where - owing to fear of vehicle crime - residents wish to park immediately adjacent to their homes or wish to be able to see their vehicle from their property.
22. In the past, in some areas where estate layout meant it was not possible to provide laybys, in-curtilage parking was provided at some local authority housing properties. Since the transfer of the Council’s housing stock to Erimus Housing, that organisation is now responsible for such solutions.
23. Defending verges involves installing bollards, knee rails or possibly bevelled kerbstones which prevent vehicles driving onto the verge. Although this has worked well in some areas, the fact that vehicles are discouraged from parking on the verge can result in congested roadsides and problems of vehicle access to the streets concerned. An alternative verge defence method that has been employed on bus routes is to block-pave the first metre of verge. Cars can then park partly on the verge, which is reinforced to prevent damage, and buses and other vehicles can pass the parked cars safely.
24. In addition to the above measures, in some areas where problems have been caused by vehicles being driven across verges and areas of open space, bollards have been installed to prevent such trespass.
25. The issue of enforcement is covered by a separate term of reference from paragraph 42 onwards.

Existing funding arrangements

26. The scrutiny panel learnt that there is no dedicated budget for verge repairs or reinstatement works. Schemes from the Council’s list of outstanding works are undertaken on an ad-hoc basis as and when funding becomes available, with priorities being determined by Council Officers on grounds of safety or engineering needs.

27. Priorities are considered to be areas that have been identified as being dangerous or where there is a possibility of a litigation threat. Priority repairs are currently funded from the highways maintenance budget, with approximately £60,000 per annum being spent on verge repairs.
28. The possibility of Erimus Housing contributing funding towards a joint programme of improvements has been explored by officers and is the subject of the next term of reference.
29. The costs of providing parking bays are significantly higher than those associated with removing verges and replacing them with other materials or of providing verge defences.
30. Approximate costs associated with the various solutions are as follows:
- Tarmac - £50 per square metre
 - Grasscrete - £63 per square metre
 - Plastic “Geoblock” (which is now preferred to grasscrete) - £60 per square metre
 - Block paving - £72 per square metre
 - In-curtilage parking - £2,500 per parking space
 - Provision of parking bay for five cars - £20,000
31. In considering the budget position, the scrutiny panel learned that towards the end of its investigation (15th August 2006) the Council’s Executive had allocated a one-off sum of £380,000 (from Council reserves and balances) to fund verge schemes. This sum would go some way to addressing the priority schemes on the database of outstanding verge works.

TERM OF REFERENCE: “*To assess links with Erimus Housing and to consider whether a joint programme of verge/environmental works could be developed in the future.*”

32. The scrutiny panel met two representatives of Erimus Housing to explore this term of reference and to determine whether any works are currently undertaken in liaison with the Council.
33. The panel was informed that green areas/verges, including associated parking problems, had been identified as issues requiring a joint approach during the process of transferring the Council’s housing stock to Erimus. Following the transfer, excellent working relationships have been established and a single joint database, shared by both organisations, of outstanding verge works has been developed. (See also paragraph 16.)
34. Erimus has identified the sum of £6.5m to be spent over the next five years as part of its Environmental Programme, which is aimed at improving the environment of its housing estates. This will include schemes developed in conjunction with the Council that are aimed at resolving parking and verges issues. Although Erimus supports the principle of removing cars from estate roads by providing in-curtilage parking, it acknowledges that this is not necessarily the most cost-effective solution as it usually means providing parking for only one car. Layby schemes developed in partnership with the Council would generally provide a better return on any funding investment.

35. It was confirmed that Erimus welcomes the opportunity to work with the Council in terms of maximising investment on, and the impact of, environmental improvement programmes and that there is a possibility that the organisation will “match fund” any financial contribution made by the local authority. Erimus acknowledges the benefits of a joint approach and of liaising with the Council to ensure that schemes to improve grass verges can be co-ordinated with Erimus’s programmed housing improvement works.
36. Although the position with regard to joint funding arrangements and joint working is still to be agreed, this is supported in principle by both organisations and it is envisaged that a consultative group comprising representatives of the Council and Erimus will be established to take this issue forward.
37. Erimus has consulted widely with its tenants in terms of drawing up schemes for inclusion on the joint database. This point was covered in more detail in the scrutiny panel’s exploration of the term of reference which follows at paragraph 38 onwards.

TERM OF REFERENCE: “*To consider what steps are taken to effectively engage with communities in terms of identifying preferred solutions to verge problems.*”

38. The scrutiny panel sought to determine the extent to which householders/communities are consulted about verge schemes which affect them/their properties. Members heard from both Council Officers and Erimus Housing in relation to this issue.
39. The panel was advised by both organisations that a key issue in relation to any improvement scheme is ensuring that any solution that is implemented is appropriate to local needs. As solutions can vary, every effort is made to engage and involve affected households, particularly where consultation has shown that different households favour different solutions. In such cases, attempts are made to reach a consensus view.
40. Erimus Housing confirmed its commitment to engaging and involving its tenants in all housing matters, including parking/verge issues and provided an outline of how it seeks to achieve this. Information is provided to tenants via:
- a quarterly newsletter to all households
 - a letter to inform affected households of any improvement schemes
 - a second letter to provide details of the appointed contractor and the timescale
 - regular area meetings/public consultation involving estate managers
41. Council officers also confirmed that consultation is undertaken with residents in respect of any verge schemes undertaken as part of planned highways maintenance. Depending on the nature of the problem up to three solutions are offered and comments are sought from affected households before any decision is made on which option will be implemented. Again, every effort is made to reach a consensus view in the case of any differences of opinion. Consultation is not extended beyond those householders directly affected by a scheme, which usually means that households consulted are those immediately adjacent or overlooking the area affected.

TERM OF REFERENCE: “To examine options for enforcement and to determine the effectiveness of existing arrangements.”

42. As highways authority, the Council is responsible for enforcement action where a vehicle crosses a verge illegally. This is usually when a vehicle accesses the curtilage of a property where there is no authorised vehicle crossover point - for example, by a householder installing a drive or parking area and then driving a car across a verge to park it at the property.
43. In such cases the Council, which can be liable for paving that is poorly installed by a third party, always takes rigorous enforcement action. This involves writing to the householder twice (at four to six week intervals) to inform them of the requirements of the Highways Act and the need for an authorised crossover to be installed at the occupier's expense, at an average cost of £1000. Final action is taken by the Council's legal department, notice is served on the occupier and a crossover is installed by the local authority. If necessary, outstanding monies are recovered through the Council's debtors processes.
44. The scrutiny panel heard that the Council can also take enforcement action where verges are damaged by vehicles - for example where deep ruts are caused by continuous vehicle trespass to park near to a property. It was found, however, that enforcement action in this area is more problematic. This is because successful legal action is dependent on proving that damage was caused by a particular vehicle or individual.
45. The panel also questioned officers in relation to verge damage caused by commercial vehicles, such as delivery trucks, negotiating narrow estate roads - for example in delivering to local shops - or by parking on verges. It was confirmed that action is also taken in this area where such problems are drawn to the Council's attention. Vehicle operators are contacted by letter, which, in the majority of cases, rectifies the problem.

Other Information

46. Arrangements were made for the scrutiny panel to visit various locations in Middlesbrough to see first hand the problems associated with this scrutiny topic. The panel found as follows:
- On the whole, east Middlesbrough is worst affected by damage to grass verges, particularly in wet weather/winter months:
 - Brambles Farm is well catered for in respect of parking, with secure parking provided to the rear of properties.
 - Thorntree provides very little in-curtilage parking. However, hardstandings are provided for car parking in some streets.
 - Problems occur predominantly on the estates where there are narrow roads - particularly where no garages or rear parking has been provided.
 - Where parking bays have been provided, problems still exist as provision is often inadequate as car ownership continues to grow.
 - Bollards have been erected in some places on larger grassed areas to prevent vehicles being driven across or parking on the grass.
 - Kerbs are often damaged as well as verges. These have to be reinstated by Streetscene.

CONCLUSIONS

47. Based on the evidence gathered throughout the scrutiny investigation the panel concluded that:

- 1) The issue of damage to verges is widespread across Middlesbrough. Despite ongoing remedial works, the general level of damage is constant as car ownership levels continue to rise.
- 2) Costs are a major issue. There is no dedicated annual budget and the estimated total cost of outstanding verge schemes is over one million pounds. Outstanding works are currently prioritised and undertaken as funding permits.
- 3) In view of the number of outstanding schemes, the fact that new schemes are constantly being identified and the level of resources required, it is unlikely that this issue can ever be resolved entirely. As resources become available they are utilised in the most cost-effective manner.
- 4) The one-off funding sum of £380,000 from the Council's reserves and balances, approved by the Council's Executive in August 2006 for outstanding verge schemes, will have an immediate impact on the list of outstanding schemes.
- 5) The costs of most solutions used are broadly similar, with the exception of the provision of parking bays/laybys, which is the most expensive solution. The most cost-effective solution is used in each case, depending on the specific nature of a problem.
- 6) There is a need to strike a balance between parking provision and maintaining a pleasant environment, while also ensuring that any solution implemented is that which is most appropriate to local needs.
- 7) Existing consultation and information methods ensure that local residents and affected households are consulted and advised of verge schemes which may affect them.
- 8) Enforcement action against vehicle trespass is taken where appropriate and is an effective means of addressing some parking related problems.
- 9) Excellent working links have been formed with Erimus Housing and a joint database of outstanding verges schemes has been developed. There is a possibility of Erimus providing future funding for verge schemes as part of its environment programme.

RECOMMENDATIONS

48. Following the submitted evidence, and based on the conclusions above, the scrutiny panel's recommendations for consideration by the Overview and Scrutiny board and the Executive are as follows:

- 1) That the sum of £380,000 recently provided to Streetscene Services from Council reserves and balances to fund verge repairs be utilised immediately to undertake priority works from the current list of outstanding schemes.
- 2) That current joint working arrangements with Erimus Housing be continued and further developed with a view to:
 - a) Erimus providing future funding for verge schemes which are mutually beneficial to it and to the Council.
 - b) Maximising Council investment on verge schemes by undertaking these, where possible, in conjunction with Erimus's environmental improvement works and housing improvement schemes.
- 3) That discussions be undertaken with Erimus Housing with a view to ascertaining its policy on enforcement in relation to damage to verges and to determine whether the Council and Erimus can take a joint approach in this area.
- 4) That the issue of vehicle damage to verges - including costs - is publicised, in conjunction with Erimus Housing in areas where this is appropriate, together with the fact that enforcement action will be taken against offenders.

ACKNOWLEDGMENTS

49. The Panel is grateful to all those who have presented evidence during the course of its investigation and who have assisted in its work. We would like to place on record our thanks for the willingness and co-operation of the following:

Councillor Bob Kerr - Executive Member for Environment
Mike Wood - Head of Streetscene, Environment Service Group
Ron Dawson - Group Engineer, Environment Service Group
Dave Dixon - Erimus Housing
Brian Trodden - Erimus Housing

COUNCILLOR JOHN COLE CHAIR OF THE ENVIRONMENT SCRUTINY PANEL

11th September 2006

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BACKGROUND PAPERS

The following background papers were consulted or referred to in preparing this report:

Minutes of Environment Scrutiny Panel Meetings - 26th June, 25th July and 18th August 2006.
Report to Environment Scrutiny Panel - 26th June 2006 - "Parking on and Protecting Grass Verges: Overview".
Report to Executive - 15th August 2006 - "Reserves and Balances".