

# MIDDLESBROUGH COUNCIL

## AGENDA ITEM 4

### ECONOMIC DEVELOPMENT, ENVIRONMENT AND INFRASTRUCTURE SCRUTINY PANEL

18 NOVEMBER 2020

#### VERGE PARKING

#### REPORT OF DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES: GEOFF FIELD

##### 1. PURPOSE OF THE REPORT

To set out the procedure used by the Council to respond to the demand for the provision or regulation of parking in residential areas, the current position in relation to the number of outstanding requests for action from the public and the powers available to the Council to address indiscriminate parking on grass verges.

##### 2. BACKGROUND

Parking on and vehicular damage to grass verges is a persistent problem throughout the town. As levels of car ownership have increased with many households now owning two or more vehicles, so have demands and competition for available parking space.

Many older housing estates have narrow access roads and a significant number of amenity areas, houses in these cases can front onto large grassed areas without direct road frontages.

Narrow roads can result in drivers parking on verges in an effort to avoid obstructing the road for through traffic and, in particular, emergency services vehicles, refuse collection vehicles and removal/delivery vans.

The presence of traffic calming features can often displace vehicles from the carriageway onto adjacent verges and footways.

##### 3. PROBLEMS

Parking on verges can cause both structural and environmental damage.

Where uncontrolled it can reduce the verge to an unsightly state, presenting a potential hazard to the public through deep rutting, making it difficult and more expensive to maintain, causing damage to trees, roots and to underground infrastructure such as cables.

It can cause a danger to pedestrians and other road users particularly at junctions or pedestrian crossing places blocking visibility and impede maintenance operations such as grass cutting and street cleansing. Conflict can arise between those residents who wish to park on the verges and those who would like to see the verges protected.

Residents are generally aware that they should not be parking on the verge but persist for various reasons:

- They desire front door access and will park as close to their property as physically possible
- They also fear that their vehicle will be vandalised if it parked too far away from their property
- They are concerned about damage to their wing mirrors and to their vehicle generally
- They lack the alternative facility of in curtilage parking coupled with the current rate of car ownership, the situation is worse in roads where there is more than one vehicle per household
- In some cases the vehicle owner can park on the road without causing obstruction or park on their drive but they choose to park on the grass verge because it is available and involves less effort

The Council receives many complaints from a variety of sources relating to obstruction, damage, access difficulties, road safety issues, neighbour disputes and general annoyance which can be categorised into two broad bands:

- **Residents** – where residents or their visitors are parking partly or fully on verges in their street
- **Non-residents** – where users of nearby facilities such as shops, schools, clinics or events park on adjacent streets and verges

Often these complaints are associated with requests for:

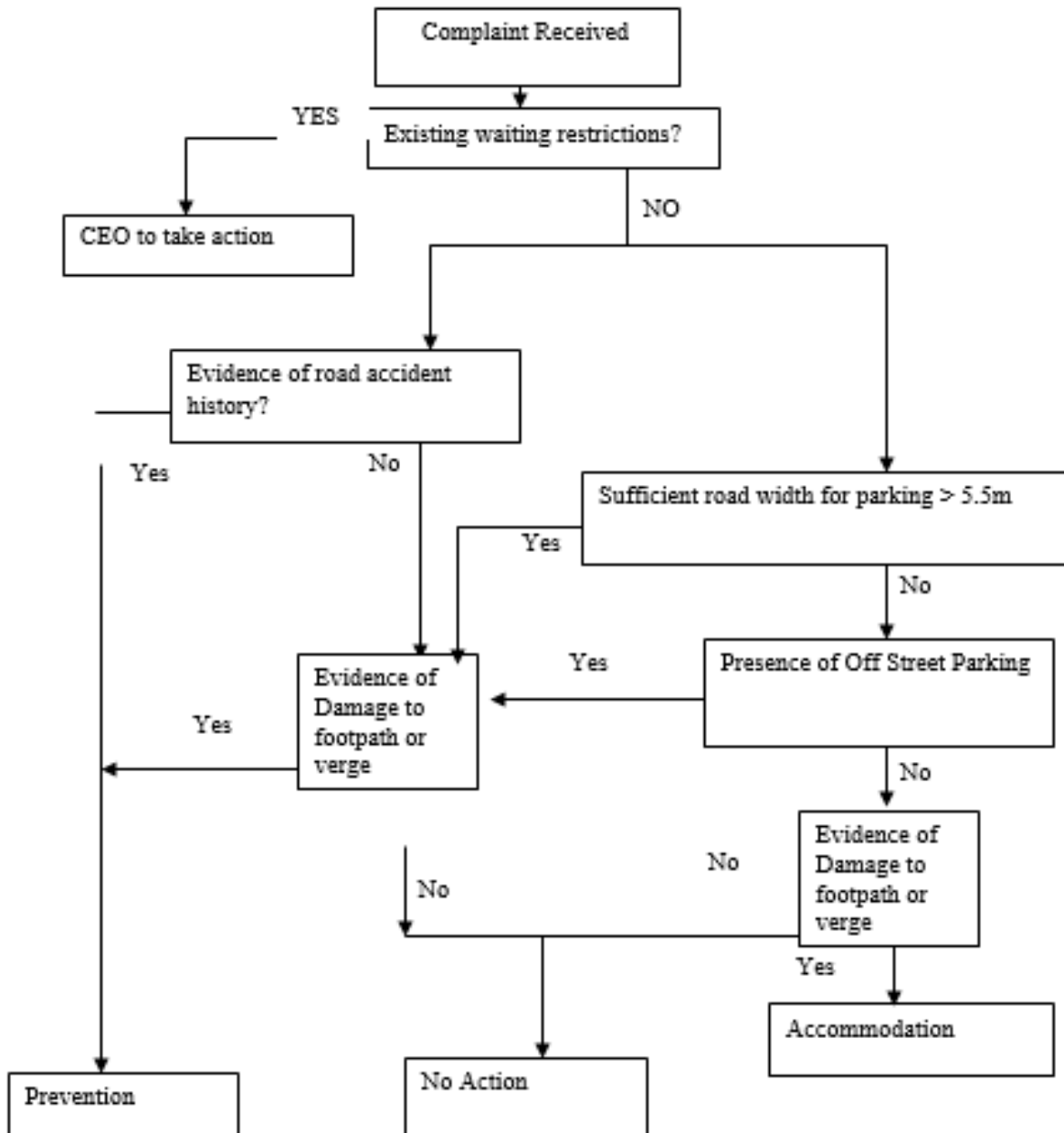
- verge hardening
- provision of new or additional parking facilities
- bollards or knee rail in the verge
- new or additional parking restrictions

#### 4. CURRENT PROCEDURE

In October 2012 the Council's Executive formally approved a methodology and systematic approach for dealing with requests for parking interventions and to address problems concerning road safety, accessibility for emergency services, buses and areas of damage to either grass verges or footways as a result of the regular occurrence of parked vehicles.

The decision tree below recommended one of three outcomes prevention, accommodation or no action:

## Decision Tree



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*Options for prevention include:*

- Introduce new waiting restrictions
- Report to local neighbourhood policing team
- Introduce local pavement parking ban
- Provide Pavement crossing
- Edge Treatment – bollards, knee rail, barriers, planting
- Advisory road markings
- Mediation

Consideration needs to be taken regarding the impact of any displaced parking and the level of resources available to effectively enforce any new regulations.

*Options for accommodation include:*

- Provision of parking bays
- Strengthen/pave/existing verge

As the volume of requests from the public far exceeds allocated budget a system was established to prioritise and categorise all requests.

The prioritisation procedure which uses a specific system and set of criteria results in a 'score' being allocated and determines whether a request falls into the low, medium or high priority category. The higher the priority, the higher the priority for intervention.

The scoring parameters being 0-44 low priority, 45-59 medium priority,  $\geq 60$  high priority,

Should a funding contribution be made towards the cost of implementing a scheme at any given location then the score is increased by the percentage of the external contribution made.

The scoring method for assessing requests for verge removal/verge protection/provision of new or additional parking facilities is based on weighted points covering the following areas:

- Road safety
- Accessibility(road width)
- Accessibility (reason for trespass occurring) applicable to verge protection requests only
- On street capacity
- Off street capacity
- Road hierarchy
- Degree of existing damage
- Proximity to Local Amenity (presence of school, shops etc)
- Sustainability of verge
- Serviceability of verge
- Record of complaints

Each request received is assessed in accordance with the approved procedure, utilising either the verge damage template see **Appendix 1** or the verge and footway protection template see **Appendix 2**

The location is inspected, the request 'scored', categorised and then added to an ever changing, ever increasing schedule of 'outstanding requests for action' on a ward by ward basis with an approximate cost of works.

An assessment previously recorded in the system can be reassessed to take into account any significant changes that may have occurred since the original assessment was undertaken.

Should an increase in the number of complaints be received and/or more extensive damage to the verge be reported then the existing 'score' is updated accordingly.

The revision of a score may result in a low priority request being raised up into the medium priority category or a medium priority request being raised up into the high priority range.

## 5. CURRENT POSITION

Table 1 below shows the current level of demand for action, details the number of outstanding requests recorded on the schedule by ward, priority and number of roads affected.

**TABLE 1**

WARD NAME	REQUESTS BY PRIORITY No.			TOTAL No.	No. OF ROADS SUBJECT TO REQUESTS
	<i>LOW</i>	<i>MEDIUM</i>	<i>HIGH</i>		
<b>Acklam</b>	<i>10</i>	<i>8</i>	<i>3</i>	<b>21</b>	<i>8</i>
<b>Ayresome</b>	<i>4</i>	<i>11</i>	<i>0</i>	<b>15</b>	<i>5</i>
<b>Berwick Hills and Pallister</b>	<i>10</i>	<i>27</i>	<i>9</i>	<b>46</b>	<i>24</i>
<b>Brambles and Thorntree</b>	<i>7</i>	<i>16</i>	<i>13</i>	<b>36</b>	<i>19</i>
<b>Central</b>	<i>1</i>	<i>1</i>	<i>0</i>	<b>2</b>	<i>2</i>
<b>Coulby Newham</b>	<i>2</i>	<i>4</i>	<i>0</i>	<b>6</b>	<i>4</i>
<b>Hemlington</b>	<i>11</i>	<i>3</i>	<i>1</i>	<b>15</b>	<i>13</i>
<b>Kader</b>	<i>10</i>	<i>9</i>	<i>0</i>	<b>19</b>	<i>8</i>
<b>Ladgate</b>	<i>6</i>	<i>14</i>	<i>2</i>	<b>22</b>	<i>12</i>
<b>Linthorpe</b>	<i>2</i>	<i>5</i>	<i>4</i>	<b>11</b>	<i>6</i>
<b>Longlands and Beechwood</b>	<i>16</i>	<i>16</i>	<i>4</i>	<b>36</b>	<i>22</i>
<b>Marton East</b>	<i>2</i>	<i>1</i>	<i>0</i>	<b>3</b>	<i>3</i>
<b>Marton West</b>	<i>3</i>	<i>0</i>	<i>0</i>	<b>3</b>	<i>2</i>
<b>Newport</b>	<i>1</i>	<i>0</i>	<i>0</i>	<b>1</b>	<i>1</i>
<b>Nunthorpe</b>	<i>6</i>	<i>0</i>	<i>0</i>	<b>6</b>	<i>5</i>
<b>Park</b>	<i>7</i>	<i>14</i>	<i>0</i>	<b>21</b>	<i>8</i>
<b>Park End and Beckfield</b>	<i>22</i>	<i>27</i>	<i>5</i>	<b>54</b>	<i>27</i>
<b>Stainton and Thornton</b>	<i>1</i>	<i>2</i>	<i>0</i>	<b>3</b>	<i>3</i>
<b>Trimdon</b>	<i>6</i>	<i>2</i>	<i>0</i>	<b>8</b>	<i>6</i>
<b>TOTALS</b>	<b>127 No.</b>	<b>160 No.</b>	<b>41 No.</b>	<b>328 No.</b>	<b>178 No.</b>

To date 328 outstanding requests for action are recorded on the schedule comprising 127 No. low priority, 160 medium priority and 41 high priority.

Residents in the Park End and Beckfield ward have submitted the most requests for action and residents in Newport ward the least.

The number of roads in the town subject to requests for action is 178.

Table 2 (see Appendix 3) shows the most requested treatment solution being verge hardening at 77% followed by verge protection at 13% and finally parking facilities at 10%.

Table 3 below shows that the approximate cost to accommodate all outstanding requests by ward is £4,412,600

**TABLE 3**

WARD	APPROX. COST OF WORKS £	WARD	APPROX. COST OF WORKS £
Acklam	380,000	Longlands & Beechwood	538,000
Ayresome	171,000	Marton East	10,000
Berwick Hills and Pallister	770,500	Marton West	31,000
Brambles and Thorntree	517,000	Newport	10,000
Central	13,000	Nunthorpe	21,000
Coulby Newham	30,000	Park	204,500
Hemlington	141,000	Park End and Beckfield	807,600
Kader	170,000	Stainton and Thornton	14,000
Ladgate	385,000	Trimdon	£90,000
Linthorpe	109,000	<b>GRAND TOTAL £ 4,412,600</b>	

## 6. FORWARD PROGRAMMING

The prioritisation process enables the formation of a prioritised list of locations and works for input into future forward programmes, allows the planning of phased works to facilitate a progressive improvement in local conditions for residents and ensures that available resources are put to best use.

Those locations assessed as being high priority for intervention, scoring 60 and above are put forward for consideration for inclusion in a 3 Year Forward Programme of Verge

Remedial Works. The number of locations able to be included being dependent on capital budget allocation currently set at £150k per annum.

There are sixteen number high priority locations recorded on the schedule at an approximated cost of £709,000. See Table 4 below.

**TABLE 4**

<b><u>WARD NAME</u></b>	<b><u>LOCATION</u></b>	<b><u>PROPOSED TREATMENT</u></b>	<b><u>APPROXIMATE COST £</u></b>
<b>ACKLAM</b>	Green Lane in the vicinity of Green Lane Primary Academy	Verge Protection	£30,000
<b>AYRESOME</b>	N/A	N/A	N/A
<b>BERWICK HILLS AND PALLISTER</b>	Bradhope Road Phase 3- various locations	Verge Hardening	£40,000
	Cranmore Road Phase 2 - various locations	Verge Hardening	£30,000
	Crossfell Road Phase 3 - various locations	Verge Hardening	£35,000
	Kentmere Road Phase 2 - various locations	Verge Hardening	£26,000
<b>BRAMBLES AND THORNTREE</b>	Barrington Crescent Phase 3 - various locations	Verge Hardening	£25,000
	Grantley Avenue - full length	Verge Hardening	£60,000
	The Greenway - various locations (phased)	Verge Hardening	£115,000
<b>CENTRAL</b>	N/A	N/A	N/A
<b>COULBY NEWHAM</b>	N/A	N/A	N/A
<b>HEMLINGTON</b>	Viewley Centre Road opposite the Huntsman Public House (heavy vehicle overrun)	Verge Hardening	£10,000
<b>KADER</b>	N/A	N/A	N/A
<b>LADGATE</b>	Broadwell Road Phase 2 - various locations	Verge Hardening	£20,000
<b>LINTHORPE</b>	Harrow Road	Verge Hardening	£58,000
<b>LONGLANDS AND BEECHWOOD</b>	Keith Road Phase 2 - various locations	Verge Hardening	£20,000
	Marton Burn Road - various locations	Verge Hardening	£30,000
<b>MARTON EAST</b>	N/A	N/A	N/A
<b>MARTON WEST</b>	N/A	N/A	N/A
<b>NEWPORT</b>	N/A	N/A	N/A
<b>NUNTHORPE</b>	N/A	N/A	N/A
<b>PARK</b>	N/A	N/A	N/A
<b>PARK END AND BECKFIELD</b>	Evesham Road (No's. 65-79)	Parking Facilities	£90,000
	Overdale Road Phase 3 - various locations	Verge Hardening	£60,000
	Wilstrop Green/Wibsey Avenue	Parking Facilities	£60,000
<b>STAINTON AND THORNTON</b>	N/A	N/A	N/A
<b>TRIMDON</b>	N/A	N/A	N/A
<b>GRAND TOTAL</b>			<b>£709,000</b>

A number of wards currently have no locations situated within the high priority range.

As the figure £709,000 exceeds allocated budget not all high priority locations can be accommodated in the programme, this being the case those locations situated at the upper end of the high priority range are targeted first.

Those locations falling at the lower end of the high priority range and unable to be included in the current forward programme will be carried forward for consideration for inclusion in the next 3 Year Forward Programme of works.

At some locations it may become necessary to implement works on a phased basis, this generally applies to longer stretches of road where a high proportion of residents have requested that the verge outside their home be removed. These roads tend to be bus routes and/or traffic calmed and to accommodate all requests as part of an individual scheme would significantly impact on available budget.

A programme of phased works allows scope for the implementation of schemes at several high priority locations during the course of a financial year, resulting in a continuing improvement in local surroundings on a number of roads, an approach which generally satisfies the majority of residents who can see that progress, albeit gradual is being made. Further phases of work are implemented as soon as funding allocation allows.

The installation of parking facilities can also have a major impact on available resources, especially at locations where houses are set back off a green area. These often entail major construction works by way of an access road which requires more detailed design consideration such as street lighting, drainage and possible diversion of underground cables which can ultimately prove cost prohibitive.

## **7. LEGAL POSITION**

Under current legislation and guidance there is no national prohibition on verge parking.

It is not an offence to park a motor vehicle, other than a Heavy Goods Vehicle (HGV) on a grass verge unless:

- it causes an obstruction
- a local byelaw is in force prohibiting it
- there are waiting restrictions on the road (which also apply to the highway verge)

## **8. POWERS AVAILABLE TO THE COUNCIL**

### ***Traffic Regulation Orders (TROs) (Traffic Management Act 2004)***

Where yellow line waiting restrictions are in force on the adjacent highway then the restrictions are deemed to apply from the centre line of the road to the back of the public footway. If someone parks on the verge/pavement in a location such as this then the Council's Civil Enforcement Officers (CEOs) can issue a £50 or £70 Penalty Charge Notice



(PCN) depending on the seriousness of the parking contravention. PCNs are dealt with outside of court and ultimately result in a referral to the bailiff if no payment is received.

### ***Heavy Commercial Vehicles (Section 19 Road Traffic Act 1988)***

Prohibits Heavy Goods Vehicles with an operating rate of more than 7.5t from parking on the verge/pavement and CEOs can issue PCNs to offending vehicles, although there are specific exceptions to the general prohibition include loading or unloading in specified circumstances and needing to park in an emergency. This is a national ban and does not require a TRO or signs.

### ***New Traffic Regulation Orders (TROs) (Road Traffic Act 1984)***

Traffic Regulation Orders (TROs) can be made to address road safety or traffic management issues caused by verge/pavement parking e.g. outside schools or close to main road junctions or bus stops. There are three types of TRO, permanent, experimental or temporary. While permanent TROs require a lengthy consultation/objection process, experimental orders, as precursors to permanent orders, can be implemented more easily and quickly.

This measure is generally not recommended for isolated locations in housing estates where regular enforcement will not be sustainable.

### ***Highways Act 1980 (Section 131)***

#### ***Damage to the Highway***

It is not an offence to park on a verge, however under Section 131 of the Highways Act 1980 it is an offence to damage the highway '*makes a ditch or excavation in a highway which consists of or comprises a carriageway*'.

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

There are difficulties in generating sufficient evidence to determine that the actual damage caused to a verge has been done by an individual if the incident is not witnessed by a Council Officer or caught on CCTV. If a vehicle is parked on a damaged verge, it cannot be assumed that the parked vehicle caused the damage; it could have been caused by any number of previous vehicles. In addition in many cases vehicle owners may have more than one authorised driver and proving that all the damage was done by one individual can be somewhat more difficult.

If a vehicle is continually being parked on a verge causing damage and we can **clearly** identify that an individual is causing the issue, then the Council currently take the following actions:

- obtain clear, dated photographic evidence showing number plates of the vehicle
- obtain details of the registered keeper from the Driver Vehicle Licensing Agency (DVLA)
- write a letter to the registered keeper with photographic evidence enclosed asking them to refrain from parking on the verge
- if reports are received that the verge parking is continuing or we are specifically requested to monitor the situation and one party is involved, a stronger worded letter is sent, with new photographic evidence and a bill for repairing the damage

done to the verge. The Council can only bill if there is clear evidence of damage to the highway by the same vehicle and there must be an audit trail to prove it

- a letter is sent billing for the repair works with a warning that a debtor's invoice will be issued if payment is not received
- repair costs are based on their schedule of rates based on normal repairs plus administration costs. Costs tend to range from between £80.00 to £180.00.

### ***Dangerous or Obstructive Parking***

In the absence of a TRO, an incident of verge or pavement parking may be considered dangerous or obstructive and may constitute an offence under one of the following pieces of legislation:

- ***Highways Act 1980 (Section 131)*** – Penalty for damaging Highway '*makes a ditch or excavation in a highway which consists of or comprises a carriageway*' – as mentioned above.
- ***Highways Act 1980 (Section 137)*** – makes it an offence to '*wilfully obstruct the free passage along a highway.*' These offences can only be enforced by a uniformed Police Officer who can issue a £50 Fixed Penalty Notice to the offending vehicle. Fixed penalty notices are issued as a way of discharging liability for a criminal offence. If no payment is made then a case can be put in front of a magistrates' court for prosecution for the offence. In extreme cases the Police also have the power to have the vehicle removed. The interpretation of what constitutes obstruction is at the discretion of the Police, most instances of verge parking would, however, be unlikely to cause an obstruction as the verge and pavement must be 'fully' obstructed, blocking free passage to pedestrians, in particular those using mobility scooters, wheelchairs or with pushchairs.

### ***Highways Act 1980 (Section 184)***

#### ***Vehicle crossings over footways and verges***

Under Section 184 of the Highways Act 1980 the Council has powers to construct a vehicle crossing on behalf of any resident who habitually crosses a grass verge to access or egress from their property and recharge its reasonable costs in doing so.

If after writing to the property owner/occupier to ask them to stop crossing the verge to gain access to their property or to request and construct a proper crossing point, no change has happened within a specified time, the Council can serve a notice under Section 184 of our intention to provide them with a properly constructed crossing point.

This would only address the issue of where a resident is crossing the verge to gain access/egress from their property (illegal crossing). It does not address the issue of those residents who drive/park on the verge outside their property.

There are no cost implications to the Council as the cost would be borne by the resident who benefited from the work. If no payment is forthcoming, a local land charge can be placed against the property, this will ensure that the Council eventually receives payment for the

works. This approach should not preclude recourse to legal action to recover costs, where this is considered appropriate.

A crossing is deemed to be illegal where it is either:

- Of unknown construction (constructed without our consent); or
- Not constructed (residents driving over existing verge/footway);

### **Road Traffic Act 1984 (Sections 64 and 65)**

#### **Local Pavement Parking Ban**

In February 2011 the Secretary of State for Transport issued new guidance to all English traffic authorities on pavement parking, including a special authorisation to use new signs prohibiting parking on verges and footways. With these new signs detailed below Councils can now introduce local pavement parking bans with a TRO.

#### *Individual locational signage approach*



These bans can be enforced by the Council's CEOs issuing PCNs to anyone parking on the footway or verge within the designated area. This measure is generally recommended for more rural areas and isolated streets.

Each road subject to the verge/pavement parking ban must be clearly signed with regular repeater signs (approximately every 30 metres) throughout the zone which can incur high costs and considerable maintenance works

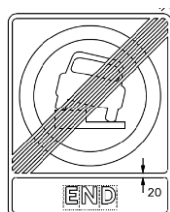
Careful consideration needs to be taken regarding the impact of any displaced parking leading to roads being obstructed by parked cars and the level of resources needed to effectively enforce any new regulations.

On roads that do not have waiting restrictions, but where it is desirable to prohibit parking on footway and verges, new zonal signing has been prescribed.

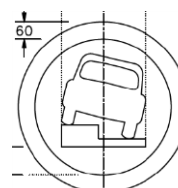
#### *Zonal signage approach*



Entry sign



Exit sign



Repeater sign

A zonal signage approach involves the erection of 'entry' and 'exit' signs at the start and end of the restriction zone, with repeater signs in between.

The order for the prohibition of parking on the verge or footway should cover both sides of the road. This is because a single entry sign is normally used to reduce environmental impact and there should not be any confusion as to whether it applies to one side or both sides of the road. The general principle is that the prohibition of verge and footway parking applies to the whole road.

The zonal approach works better for larger areas, as it requires less signage than the individual locational signage approach, given that repeater signs are only required every 300 metres. This also makes it a less expensive option.

Once again careful consideration needs to be taken regards the implications of any displaced parking and resources needed to effectively enforce the ban.

### ***Removal of vehicles on the highway***

#### ***Refuse Disposal Amenity Act 1978 (Section 3)***

##### ***Abandoned or nuisance vehicles***

There is no legal definition of what constitutes an abandoned vehicle, Council officers use their own judgement to decide whether a vehicle is abandoned or a nuisance, by taking into account whether or not the vehicle:

- is taxed
- has a registered owner
- is damaged, rundown or un-roadworthy
- has been burnt out
- is missing one or more number plates
- contains rubbish/waste
- has a Statutory Off Road Notification (SORN)
- is one of two or more vehicles for sale, parked on a road within 500m of each other, which are being sold as part of a business
- is being repaired on a road (exemptions apply)

The Council's Community Protection Enforcement Team have powers to remove:

- abandoned vehicles on the highway (this includes private roads and estates), if the vehicle is on private land the Council will serve a 15 day notice of removal on the owner/occupier.
- in all other cases a card is left on the vehicle advising the owner to contact the Council. If no contact is made, the Council attempt to contact the registered owner giving them the opportunity of moving the vehicle. Should no contact be made the Council have powers under this act to remove the vehicle.
- trailers with or without advertising boards and impound them
- caravans if they are causing an issue or have been abandoned

The Council's Community Protection Team have powers to:

- immediately dispose of abandoned vehicles of no value. If vehicles are considered to be of some value, the council will send a written notice of destruction to the owner. If at the end of this notice period the vehicle is unclaimed, the council can dispose of it.
- trace vehicle ownership and impose fines on those abandoning vehicles by working with the Driver and Vehicle Licensing Agency (DVLA)

### ***Untaxed vehicles***

The Council has also been given powers by the DVLA to remove and dispose of untaxed vehicles.

The Council's Community Protection Enforcement Team can remove:

- untaxed vehicles parked on the highway, the vehicle must be two months and one day out of tax. Vehicles meeting this criteria can be removed immediately and the registered keeper does not have to be contacted before action is taken. There is a cost incurred to the keeper if they choose to claim the vehicle back.
- remove Statutory Off Road Notification (SORN) vehicles parked on the highway. Vehicles can be removed immediately to the same details as mentioned above.

### ***Clean Neighbourhoods and Environment Act 2005***

#### ***Vehicles for sale on the Highway (Section 3)***

*A person is guilty of an offence if at any time;*

- *he leaves two or more motor vehicles parked within 500 metres of each other on a road or roads where they are exposed or advertised for sale;*  
*or*
- *he causes two or more motor vehicles to be so left*

Definition of road being 'any length of highway or of any other road to which the public has access'.

This offence is not intended to target individual private sellers of single vehicles, but the nuisance that is caused by the presence of numbers of vehicles being offered for sale by the same person or business. This is why the offence may only be committed where there are two or more vehicles being offered for sale.

It is recognised that a private individual may at one time or another have more than one car to sell and decide to offer them by parking them close together on a road, but it is anticipated that this will only happen on rare occasions.

If the vehicles are marked for sale and clearly attached to a particular business the Council's Community Protection Enforcement Team will make direct contact with the business and ask them to move the vehicles from the highway.

In the vast majority of cases this measure will result in the vehicles being removed.

Should the vehicles not be removed and/or they are not clearly marked for sale the Council has powers under abandonment legislation to remove them.

## 9. OTHER MEASURES THAT COULD BE CONSIDERED

### ***Community Protection Notices (CPN) - Contrary to Anti-social Behaviour, Crime and Policing Act 2014***

Whilst the primary legislation for highway issues in the Highways Act 1980, enforcement may be supplemented by the use of a Community Protection Notice (CPN).

The CPN is intended to deal with unreasonable, ongoing problems or nuisances which negatively affect the community's quality of life, it is **served on an individual** and there must be evidence to support its use.

Police officers, Local Councils and police community support officers can issue CPNs but before doing so they must consider two things:

- whether the conduct is having a detrimental effect on the community's quality of life
- whether the conduct is considered unreasonable.

The individual must be given a written warning beforehand stating that if the behavior doesn't cease, the CPN will be issued.

The notice can be appealed in the Magistrates Court within 21 days. Failure to comply is an offence and may result in a fixed penalty notice or fine.

Stockton Council have recently introduced a process that allows them to issue a CPN to tackle verge parking problems. The process initially involves issuing two warnings, firstly a removal notice posted on the vehicle, which is then followed up by a CPN warning. On the third occasion for repeat offenders a CPN is issued, should the offender have caused significant damage to the verge they are then recharged the cost of repair works.

To date Stockton Council have issued 261 removal notices, 20 CPN warnings and only 1 full CPN which suggests the process has been very successful in stopping repeat offenders.

### ***Public Space Protection Orders (PSPOs) – Contrary to Anti-social Behaviour, Crime and Policing Act 2014***

Public Space Protection Orders are another solution that could be considered for tackling inconsiderate verge parking **in a particular area** and have become a more popular approach than byelaws as they afford greater powers.

Orders can be introduced in a specific public area by the Council to target a range of different anti-social behaviour issues. PSPOs are intended to deal with a particular nuisance or problem in an area that negatively affects the local community's quality of life by imposing restrictions on certain types of behaviour.

PSPOs can only be introduced by the Council after necessary consultation, legal notification and adequate publicity and can last a maximum of three years, although they can be extended or varied during the course of their life.

PSPOs apply to everyone when they're in an area where a PSPO is in place, the Council can introduce a PSPO on any public space within its boundaries. The definition of a public

space is wide and includes any place where the public or any section of the public has access to, whether this is by payment, by right or by express or implied permission.

A PSPO is currently in place in all council owned cemeteries, Acklam crematorium and more recently in the TS1 area of the town.

PSPOs can be enforced by Police Officers, Police Community Support Officers or any Officer designated by the Council for example; Street Wardens. If you breach a PSPO, you could receive the following penalties:

- A £25 fine on the spot, known as a Fixed Penalty Notice
- A fine of up to £1,000 if the charge goes to court

The Home Office statutory guidance re-issued in December 2017 states that proposed restrictions should focus on specific behaviours and be proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.

## 10. THE FUTURE

### ***Department for Transport consultation on pavement parking***

The Government has launched a consultation into pavement parking in a bid to solve a problem that brings “inherent dangers for all pedestrians”, particularly those with disabilities.

It outlines three options:

- improving the TRO process under which Councils can already prohibit pavement parking
- a legislative change to allow Councils with civil parking enforcement powers to enforce against ‘unnecessary obstruction of the pavement’.
- a legislative change to introduce a London-style pavement parking prohibition throughout England (pavement parking has been prohibited in London since 1974 unless there is signage in place that specifically permits it.)

The proposals are designed to improve the lives of people with mobility or sight impairments, as well as parents with prams who may be forced into the road to get around parked cars.

The consultation period began on 31 August 2020 and runs until 22 November 2020.

### **Impact(s) of recommended decision(s)**

#### ***Legal***

N/A

#### ***Financial***

N/A

#### ***Policy Framework***

The report does not impact on the overall budget and policy framework

### ***Equality and Diversity***

N/A

### ***Risk***

N/A

### **Actions to be taken to implement the decision(s)**

Implement any decision of the Economic Development, Environment and Infrastructure Scrutiny Panel with regard to this report

### **Appendices**

Appendix 1 Damaged Verge Assessment Template

Appendix 2 Verge and Footway Protection Assessment Template

Appendix 3 Table 2 Requested Treatment Solution by Ward

### **Background papers**

Executive report and minutes Pavement and Verge Parking 9 October 2012

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