

Place Select Committee

Grass Verges (Task and Finish) Scrutiny Review



Final Report
December 2018

DRAFT

Place Select Committee
Stockton-on-Tees Borough Council
Municipal Buildings
Church Road
Stockton-on-Tees
TS18 1LD

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Task and Finish Group - Membership

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Councillor Maurice Perry
Councillor Paul Weston
Councillor Bill Woodhead MBE

Acknowledgements

The Committee would like to thank the following people for contributing to its work:

Jamie Stephenson, Senior Car Parking Engineer, Transport Strategy and Road Safety
John Angus, Project Officer, Economic Growth and Development Services
Ward Councillors who provided photographic evidence for the review
Middlesbrough Council
Redcar and Cleveland Council
Hartlepool Council
Brighton and Hove City Council
Peterborough Council
Stevenage Council
Welwyn Hatfield Council
North Lincolnshire Council

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Foreword

Parking on grass verges is an issue regularly raised by residents across the borough. We have been inundated with photographic evidence from councillors of the damage this activity causes, far too many to publish. However, the few we have chosen to illustrate the report are good indications of the scale of the problem. It has been frustrating that historically we have appeared to lack solutions.

A small group of cross-party councillors, formed into a Task and Finish group, have worked with dedicated council officers, to come up with a blue print which we believe will make a significant difference. We have been keen to take evidence from other councils around the country, looking for their ideas and discovering what works for them. It is especially pleasing that the best ideas have come from our neighbours in Middlesbrough.

We commend the report to you, and in particular the innovative flow-chart which brings our thinking neatly together. In future when this issue is identified, we will have a clear process to follow.

Council staff have worked long and hard to support the task and finish group and we would like to extend our heartfelt thanks to them.



Cllr Louise Baldock
Chair, Task and Finish Group

Original Brief

Which of our strategic corporate objectives does this topic address?

Reduce levels of inconsiderate and inappropriate parking on grass verges.

What are the main issues and overall aim of this review?

Parking on grass verges and the damage and resulting mess it causes is a regular source of complaints from local residents.

The review will identify the measures that can be put in place to deter inappropriate parking and clarify the actions that can be taken against those who inappropriately park on grass verges.

The review will examine the cost of repairs, the extent to which preventative measures could reduce these costs and whether there is scope for generating income from fines etc.

The Committee will undertake the following key lines of enquiry:

- What powers Local Authorities have under current legislation?
- When, how and why does the Council enforce?
- Where do problems arise across the Borough?
- What has been the value and effectiveness of repairs?
- What fines can be imposed?
- What other measures can be put in place to deter inappropriate parking?
- Who is responsible for repairs?
- What approach do other Local Authorities take?
- What can developers be asked to do?

Who will the Committee be trying to influence as part of its work?

Cabinet, Motorists

What information do we need?

Existing information (background information, existing reports, legislation, central government documents, etc.):

Statutory Powers
Incidence of recorded offences

New information:
Approach taken in other Local Authority areas
Feedback from Members' ward work
Consideration of examples and case studies

Who can provide us with further relevant evidence? (Cabinet Member, officer, service user, general public, expert witness, etc.)

John Angus/ Jamie Stephenson

What specific areas do we want them to cover when they give evidence?

Background and Context, Legislative Framework, Other Council practice, Costs of hardstanding/ bollards from CPBs, Records of requests for verge repairs/improvement mapped out across the Borough

1.0 Introduction

1.1 This report presents Cabinet with the outcomes of the Task and Finish Scrutiny Review of Grass Verges appointed by the Place Select Committee.

1.2 The overall aim of the review was to identify the measures that could be put in place to deter inappropriate parking and clarify the actions that could be taken against those who inappropriately parked on and damaged grass verges.

1.3 The review examined the cost of repairs, the extent to which preventative measures could reduce these costs and whether there was scope for generating income from fines etc. The Task and Finish Group explored the following key lines of enquiry:

- What powers Local Authorities have under current legislation?
- When, how and why does the Council enforce?
- Where do problems arise across the Borough?
- What has been the value and effectiveness of repairs?
- What fines can be imposed?
- What other measures can be put in place to deter inappropriate parking?
- Who is responsible for repairs?
- What approach do other Local Authorities take?
- What can developers be asked to do?

1.4 In addition, recognising the increasing pressure on the Council's finances, it is imperative that in depth scrutiny reviews promote the Council's policy priorities and where possible seek to identify efficiencies and reduce demand for services.

2.0 Evidence

Impact of Verge Parking

2.1 In order understand the scale and nature of the problem of verge parking, all Councillors were asked to provide photographic evidence of verge parking/ damage within their wards. The photographs supplied revealed that this was a Borough-wide problem and verge parking occurred in various different locations and a result of various factors (including proximity to schools). The problems occurred in established residential areas but also on new developments where there was inadequate visitor parking.

2.2 A selection of the photographs provided is attached at **Appendix 2**.

What powers does the Council currently utilise to tackle grass verge parking?

2.3 Under current legislation and guidance there is no national prohibition on pavement parking except in relation to heavy commercial vehicles.

Traffic Regulation Orders (TROs)

2.4 Traffic Regulation Orders (TROs) are put in place around the Borough in specific areas.

2.5 Civic Enforcement Officers can issue a Penalty Charge Notice (PCN) on the street for parking on a pavement or verge if there is a TRO in place (e.g. a yellow

line). A penalty charge of £50 or £70 can be issued depending on the seriousness of the parking contravention.

2.6 Requests for TROs are placed on a matrix to determine if the Order should be investigated further. Each point is scored on a 1 to 5 scale and the final figure is then placed within the matrix to consider when funding becomes available.

2.7 Councillors sometimes choose to fund a TRO via Ward Member Community Participation Budgets (CPBs) if they feel this would benefit the community. The cost of the TRO is in the region of £2,500 depending on what signage is required. The costs are made up of officer time, advertisement costs, street furniture and cost to put the lines in place. The restrictions which are put in place cover from the highway and up until the boundary edge of where the adopted land ends which could cover the verge.

2.8 Statutory procedures have to be followed prior to implementation including consultation and publication of proposals and consideration of objectives.

Highways Act 1980

Damage to a Grass Verge

2.9 Under Section 131 Highways Act 1980, action can be taken for the offence of damaging a grass verge but it ultimately comes down to the evidence.

2.10 The maximum fine on conviction for the offence (damage to a verge) is level 3 on the standard scale (£1,000.00). This fine is a court imposed sanction following a successful prosecution and not issued on the street by an Enforcement Officer.

2.11 However, it can be difficult to prove if the incident which allegedly causes damage is not witnessed by someone or caught on CCTV. If a vehicle is parked on a highway verge that is damaged, it cannot be assumed that the parked vehicle caused the damage; it could have been caused by any number of previous vehicles.

Dangerous or Obstructive Parking

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

- Section 131 Highways Act 1980 – Penalty for damaging Highway makes a ditch or excavation in a highway which consists of or comprises a carriageway – as mentioned above.
- Section 137 of the Highways Act 1980 – which makes it an offence to wilfully obstruct the free passage along a highway.

2.13 Most instances of verge parking would, however, be unlikely to cause an obstruction or constitute a risk.

2.14 Dangerous or obstructive parking is a criminal offence and can be actioned by Civic Enforcement Officers using powers which are delegated by Council, conferred by the relevant statute.

2.15 Again, the maximum fine on conviction for the offence (dangerous or obstructive parking) is level 3 on the standard scale (£1,000.00). This fine is a court imposed sanction following a successful prosecution and not issued on the street by an Enforcement Officer.

2.16 The Civic Enforcement Service is also empowered to remove a vehicle if it is causing an obstruction or posing a danger. Unless the vehicle has been abandoned, there isn't a fixed penalty notice or penalty charge notice associated to the removal of the vehicle, however, the costs of recovery are significant and can be up to £500. If the vehicle is not reclaimed, it can be destroyed.

Removal Notices

2.17 If a vehicle is parked on the grass verge, a Civic Enforcement Officer can serve a removal notice which states that the vehicle must be removed from the verge with a time period stipulated on the notice. Removal Notices can be served for a variety of reasons and depending on the circumstances of each case, one of the following notices can be issued:

- Immediate
- 24 hour
- 7 days
- 15 days

2.18 Where Removal Notices are issued, no fines or penalties can be imposed. If the notice is complied with then there is no further action. Copies of the Removal Notices are attached at **Appendix 3**.

2.19 It is rare that enforcement officers encounter repeat offenders after the issue of a Removal Notice.

How does the Council enforce?

2.20 The Council adopts a pragmatic approach to enforcing grass verges parking via the Civic Enforcement Service. Whilst officers attend and review each service request, it may be that a Notice is not issued every time as the vehicle may cause more an issue if parked wholly on the road.

2.21 During April 2017 to April 2018 a summary of service requests and action taken was as follows:

Number of Service requests	301
Number which were proactively actioned	151
Action Taken	214
No evidence on arrival	73
Request made by phone call	110
Request made by email	34
24 hour removal	92
NFA	87
Immediate Removal Notice x1	76
Vehicle removed by owner	14
Evidence – unable to move	6

Referral to CfYA - Damage	4
Verbal Warning given	4
Immediate Removal Notice x2	4
Immediate Removal Notice x3	3
Evidence – photo taken	2
Evidence – photo taken – verbal warning	2
Private Land	2
Verbal Warning given x2	1
Vehicle removed by contractor	1
Thirteen land	1
7 day removal notice	1
School Parking	1

2.22 Detailed breakdowns by month and ward are attached at **Appendix 4**. It should be noted that since the above incidents were recorded, there have been changes to the reporting tool resulting in more consistent and accurate recording of incidents.

2.23 Where there had been peaks in incidents, further analysis revealed that targeted enforcement activity had been highly effective in addressing the problem.

Fines

2.24 It is important to note the difference between a Penalty Charge Notice and a Fixed Penalty Notice. In 2005, parking enforcement was decriminalised and therefore penalty charge notices are now served rather than fixed penalty notices for parking on a contravention. The key difference is that 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. However, penalty charge notices are dealt with outside of court and ultimately result in a referral to the bailiff if no payment is received.

Other measures that the Council could consider

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

2.25 The Community Protection Notice (CPN) is designed to be a broad ranging tool to deal with nuisance behaviour. It is **served on an individual** and gives Local Authorities freedom to tackle all behaviour that is detrimental to the local community's quality of life. Other preventative measures will be made to resolve the problem before proceeding down the CPN route in order to justify the use of a CPN, which must meet three tests:

- Having, or likely to have, a detrimental effect on the quality of life in the locality
- Persistent or continuing in nature, and
- Unreasonable

2.26 This means there must be evidence to support the use of a CPN.

2.27 Police officers, Local Authorities and PCPOs can issue CPNs but before doing so they must consider whether the conduct is having a detrimental effect on the community's quality of life and also whether conduct is considered unreasonable.

2.28 A CPN can be issued when:

- A written warning has been given that the formal notice will be issued unless the conduct ceases to be detrimental
- The officer is satisfied that despite having had a reasonable amount of time to stop the behaviour, the conduct is still having an effect on the quality of life of those in the locality

2.29 If the notice is not complied with then the officer can either choose to issue a fixed penalty notice to the offender, to the value of £100, or prosecute the offender, where they are liable, for a fine up to Level 3 on the standard scale which is currently £1000.

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

2.30 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.

2.31 Public Spaces Protection Orders are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure that the law abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

2.32 Given that these orders can restrict what people can do and how they behave in public spaces, it is important that the restrictions imposed are focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.

2.33 Local Councils are responsible for making PSPOs and behaviour being restricted has to be:

- having, or likely to have, a detrimental effect on the quality of life in the locality
- persistent or continuing in nature, and
- unreasonable

2.34 Before making a PSPO, the Council must consult with the Police and other stakeholders. The maximum duration of a PSPO is three years and through this time, it must be demonstrated that the PSPO is being policed. After the three years, the Council can choose to extend the PSPO as long as the problem is still existing and/or the PSPO is having a positive impact on the quality of life of those in the locality.

2.35 For breach of a PSPO, the legislation permits Local Authorities to set a maximum fixed penalty of £100 with a lower amount for payment within 14 days.

Are residents permitted to take action to address verge parking?

2.36 Across the Borough, in some locations, residents have taken steps to either protect the verges from trespass by siting rocks on the verges or replacing the grass by filling in hollows created by vehicles with gravel.

2.37 The Group noted that it is illegal to obstruct a road, verge or pavement without a license and that the siting of rocks would be deemed to be an obstruction and therefore an offence under the Highways Act 1980. However, they acknowledged that the use of physical deterrents such as boulders could be an appropriate solution in some locations.

2.38 The Group were advised that an officer led piece of work was about to commence into this issue. The Group asked that their report and comments be taken into account and that Members be made aware of the outcome of the work in due course.

What approach do neighbouring Local Authorities take?

Middlesbrough Council

2.39 Middlesbrough only take enforcement in locations where there is a restriction in place adjacent to the verge and they are not currently looking to introduce TROs for verge parking. 14 service requests in respect of verge parking (where enforcement action could be taken) were received during April 2017 to April 2018.

2.40 For verges where there is no restriction in place, service requests are directed to Highway Inspectors for them to inspect the damage and potentially take action under the powers they have to recharge residents for repairs to the verge if they can prove who has caused the damage.

2.41 In addition, there is an annual cycle of inspections/monitoring carried out by Highway Inspectors and anyone knowingly and continually damaging the grass verge are recharged for any repair costs incurred.

2.42 If through service request or inspection, it is apparent that a resident is continually crossing a verge to park on the drive of the property, damaging the grass verge, then a letter is sent to inform them that they have an illegal crossing under Highways Act 1980, Section 184 and they can either apply to have one installed at their own expense or stop crossing the verge.

2.43 If vehicles are parking continually on the verge causing damage, under the Highways Act 1980 from Sections 131 onwards, the policy, in all cases, is to have clear, dated photographic evidence with number plates to enable DVLA checks.

2.44 In over 80% of cases, the checks reveal that the driver parking does not live where the damage is occurring. In these cases, the usual approach is to send a letter. The first letter includes a photograph and asks the driver to stop parking on the verge. During the last financial year approximately 100 (first stage) letters were issued.

2.45 If the verge parking continues, after 14 days a stronger letter is issued with new photographic evidence and a bill for repair work. Approximately 10 (second stage) letters were issued during the last financial year.

2.46 At the third stage, 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. Two (third stage) letters were issued in the last financial year.

2.47 Repair costs are based on their schedule of rates based on normal repairs plus administration costs. Costs tend to range from £80 to £180.

Redcar and Cleveland Council

2.48 Redcar and Cleveland Council also advised that they were not currently looking to introduce any TROs to address this issue although there have been problems in recent years due to wet winters. Damaged verges are made good / reinstated. During the last financial year, 43 service requests were received.

Hartlepool Council

2.49 Hartlepool Council advised that they had never introduced TROs specifically to tackle verge parking although they are considered during evaluation of solutions.

2.50 On receiving a service request from a resident, details are entered onto a spreadsheet for further investigation. Where a site warrants a scheme, plans and costs are prepared and a shortlist is drawn up with a timescale for works. The number of service requests (including requests for grass repair, tarmac resurfacing and enforcement) was 101 during the last financial year. The costs of schemes for the 17/18 financial year £89,200 (which included some Thirteen Group contribution).

What approach do other Local Authorities take?

Brighton & Hove City Council

2.51 Brighton & Hove undertook a city-wide parking review which identified two areas of the city as having some of the worst problems with parking on verges and footways. In 2013 a Prohibition of Stopping and Waiting on Verges and Footways Order was made to enable the issue of a Penalty Charge Notice if drivers parked on the verges or footways in these areas. The areas are signed on the entry/exit to the areas and there are repeater signs. 294 PCN's have been issued and additional street have been added to the prohibition area.

Peterborough Council

2.52 Peterborough publish a set of criteria on their website to be considered when deciding on the importance of establishing grass verge parking prevention measures. These are:

- If there is adequate alternative parking available nearby, there must not be a worse problem caused by displacing parking
- Roads which are bus routes or busy roads will be given higher priority
- The cost of the proposed solution
- The level of risk to highway users

2.53 Options considered include TROs, installing bollards or hardstanding.

Stevenage Council

2.54 Under a local byelaw, verge parking in Stevenage is an offence, with any offender being liable for prosecution through the Magistrates Court. However, due to financial restrictions they are unable to enforce via this. They now have three TROs for verge and footway parking across priority areas.

2.55 Physical measures are introduced to protect verges from parking where parking would be considered a hazard and any verge parking in areas that do not

meet the priority criteria are deferred to the Ward Councillors for them to consider funding.

Welwyn Hatfield Council

2.56 Welwyn Hatfield Council are looking to introduce a Verge Protection Order in the Longcroft Lane area of Welwyn Garden City following consultation with residents as part of a wider parking zone project in the area (restrictions, residents parking zones etc.)

North Lincolnshire

2.57 North Lincolnshire introduced a village ban through a TRO. The cost of introducing the TRO and associated signage was £2,000 – £3,000. Civic Enforcement Officers police the ban and serve Penalty Charge Notices for breach of the TRO.

What other measures can be put in place to deter inappropriate parking?

2.58 Physical measures to address verge parking can include the installation of hardstanding to facilitate it or the installation of bollards or other features to prevent it.

2.59 Measures to facilitate verge parking include:

- Creating a hardstanding in place of the verge either using permeable block paving or tarmacadam
- Removing the grass verge and creating a parking lay-by or bays
- Grass reinforcement (only installed in areas where parking is temporary – not suitable for residential areas)

2.60 Measures to prevent verge parking include:

- Installation of bollards
- Planting of trees (subject to verge size and lack of underground utility apparatus) – would likely require bollards to be installed as well, due to spacing of tree planting

2.61 Whilst the introduction of bollards on a grass verge prevents vehicles from driving on the area, it can have the effect of displacing the issue to the nearby verges which are not protected. The installation of bollards in a large number of verges in an area could have a detrimental effect on the street scene; an over proliferation of bollards in an area could be considered to be street clutter.

2.62 Typically bollards are only recommended at locations where the grass verge trespass is not associated with residential parking issues as the installation of bollards would not address the issue of a lack of parking provision in an area.

2.63 Physical improvements can be funded from Ward Member Community Participation Budgets. However, in many residential streets the number of grass verges often means that it is not possible for the available ward budget to fund a scheme for the whole street and this can lead to conflict between residents in the same or adjoining streets.

2.64 The Task and Finish Group acknowledged that although verge parking was a Borough-wide issue, there are any more pressing priorities in some wards for CPB spend (e.g. CCTV). The Group felt that although it was entirely appropriate for CPB budgets to be spent on parking improvements, there should be central provision for significant issues. **Appendix 5** sets out the number of service requests by ward as a result of grass verge parking and ward spending through Community Participation Budgets.

2.65 The analysis does not reveal any direct link between CPB spending and complaints, however, it is impossible to draw firm conclusions from the analysis as it does not take into account spend in previous years.

Advisory Signs

2.66 Use of advisory signs were avoided as they were not enforceable and added to street clutter.

2.67 However, the Task and Finish Group discussed whether there was an argument for using advisory signs to deter verge parking as a last resort where no other measures were achievable.

What can developers be asked to do?

2.68 As part of a new residential estate, developers can consider the layout to minimise the opportunities for verge parking, with the inclusion of street trees and visitor parking.

2.69 Developers are required to provide in-curtilage parking in accordance with SPD3: Parking Provision for Developments 2011. The parking requirement is based on the number of bedrooms a property will have and is as follows:

- 2 / 3 bed – 2 spaces
- 4 bed – 3 spaces
- 5 bed and over – 4 spaces

2.70 There is no standard for visitor parking with the current SPD. Some developers have recognised that verge parking affects the saleability of their development and have advised that they are looking in the options for future estate layouts.

2.71 More detailed guidance on the provision of adequate visitor parking for new developments could be introduced through Supplementary Planning Guidance.

2.72 Several years ago, following the planning changes regarding the permitted development rights for the creation of driveways, the decision was taken to create parking hardstanding areas in place of grass verges using permeable materials to avoid any localised flooding issues which may occur as the removal of grass and trees would absorb a large proportion of water.

Who is responsible for repairs?

2.73 Care for Your Area (CfYA) undertake repairs where the damage to a grass verge is considered a hazard i.e. a deep rut which could be a tripping hazard or where mud has been pulled onto the carriageway.

2.74 There have also been occasions where contractors have been asked to make repairs to damaged verges following construction works.

Public Awareness Raising

2.75 Raising public awareness of the issue and encouraging considerate parking is another important way to address the problem.

2.76 Awareness raising campaigns have been run in the past by the Council and information is included on the Council's website including a resident's guide to parking on pavements.

2.77 During the review, Members explored the ease of reporting incidences of pavement/verge parking and felt that it was not clear how to do this through My Stockton.

2.78 The Police and Crime Commissioner and Cleveland Police ran a "Think Pedestrian" Campaign. The Task and Finish Group were impressed by the publicity posters which highlighted the dangers of pavement/ verge parking. A copies of one of these posters is attached at **Appendix 6**.

3.0 Key Findings and Conclusions

3.1 Key Findings:

- Verge parking is a particular problem in some wards but it is a Borough Wide issue
- Verge parking occurs in a variety of situations and on new developments as well as established residential areas
- The Council's Civic Enforcement Service take action, where appropriate, when there is a TRO in place through the issue of a Penalty Charge Notice
- An analysis of incidents reveals that targeted enforcement activity has been highly effective in dealing with issues
- Criminal proceedings can be pursued under the Highways Act 1980 for damaging a verge. However, it is difficult to prove a case in court so this approach is not favoured
- The Civic Enforcement Service is empowered to remove a vehicle causing an obstruction or posing a danger. However, most instances, verge parking does not fall into these categories
- Other enforcement measures not currently used by the Council could be considered in the future including the issue of Community Protection Notices to individuals or the introduction of Public Space Protection Orders in specific areas. These new approaches are being used in other Local Authority areas successfully
- Middlesbrough Council have introduced a process where offending drivers are sent letters asking them to refrain from verge parking and recouping repair costs if the verge parking continues. Inconsiderate parking usually desists after the first stage letter
- Physical measures to address verge parking can include the installation of hardstanding to facilitate it or the installation of bollards or other features to prevent it
- Care for Your Area proactively repair damaged verges in the winter months whilst carrying out grass verge encroachment works to reduce the impact of the adverse weather conditions

- In some wards there any more pressing priorities for spending under CPB allocations or insufficient CPB to deal with the verge parking issues in other wards
- More detailed guidance on the provision of adequate visitor parking for new housing developments could be introduced through Supplementary Planning Guidance
- Raising public awareness of the issue and encouraging considerate parking is another important way to address the problems

Conclusion

3.2 Parking on grass verges is an ongoing source of complaints to ward Councillors and results in unsightly damage and repair costs. This review has found that targeted enforcement activity, in certain circumstances, and physical improvements / deterrents can have a significant impact. The Task and Finish Group also found that new powers and approaches have been adopted by other Councils which could also be introduced as part of the range of measures to tackle the problem in Stockton.

3.3 As part of the review, a flow chart was developed to clarify the process to be followed when a service request in respect of verge parking is received.

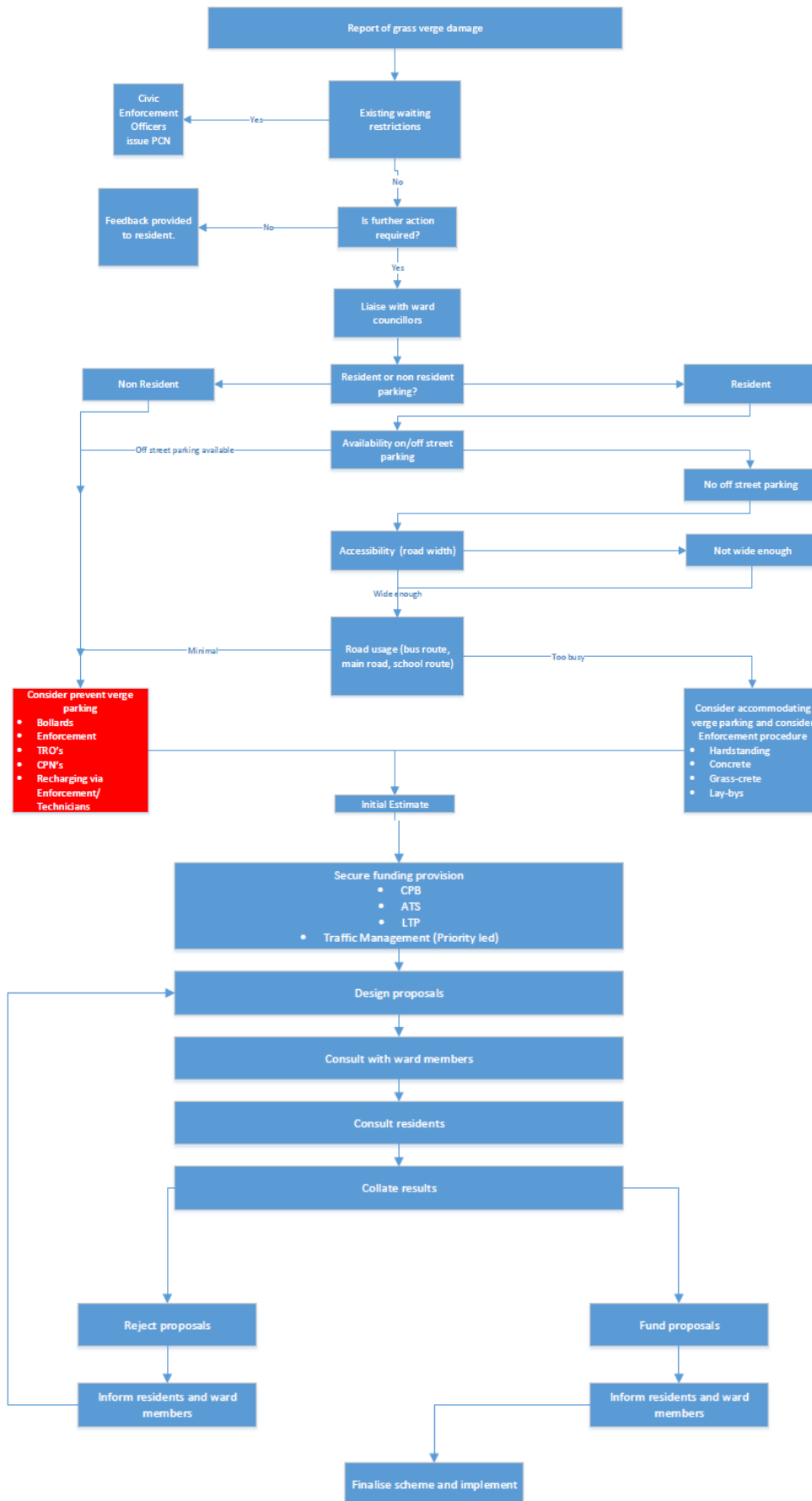
3.0 Recommendations

- (1) That the flowchart (Appendix 1) setting out the steps to be followed when a service request in respect of verge parking is received be endorsed.
- (2) That the Enforcement Service investigate the feasibility of introducing, where appropriate, the approach adopted by Middlesbrough Council where persistent offenders are sent letters asking them to refrain from verge parking and recouping the repair costs if the verge parking continues.
- (3) That the use of Community Protection Notices, Public Space Protection Orders and Traffic Regulation Orders are in future considered as part of a range of measures to prevent verge parking.
- (4) That Supplementary Planning Documents incorporate detailed guidance and standards on visitor parking for new housing developments.
- (5) That funding of the measures to address verge parking issues be considered in the context of the overall financial position, particularly noting that the Ward Member Community Participation Budgets are included in the Medium Term Financial Plan until 2019/20.
- (6) That a publicity and awareness raising campaign is established highlighting the damage caused by verge parking and that Place Select Committee are consulted as part of the development of the campaign and all Members supplied with appropriate text and images/leaflets for them to raise awareness within their wards.

GLOSSARY

TRO	Traffic Regulation Order
PCN	Penalty Charge Notice
NFA	No further action
CPN	Community Protection Notice
PSPO	Public Space Protection Order
DVLA	Driver and Vehicle Licensing Agency
FPN	Fixed Penalty Notice
CPB	Community Participation Budget
SPD	Supplementary Planning Documents
CfYA	Care for Your Area

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Examples of verge parking supplied by Councillors





Removal Notices

Refuse Disposal Amenity Act 1978
 The Highway act 1980 Sections 137 & 149
 Removal & Disposal of Vehicle Regulations 1986
 Road Traffic Regulation Act 1984
 Clean Neighbourhood & Environment Act 2005
 Theft Act 1968

3323

IMMEDIATE REMOVAL NOTICE
 NOTICE TO OWNER TO REMOVE IMMEDIATELY OR CONFIRMATION
 THAT THE VEHICLE HAS BEEN REMOVED TO SECURE STORAGE

Date:
 To the owner of motor vehicle/caravan/trailer/component/identifying mark or registration:

Or skip/container/object described as:

Location:

- The vehicle is dangerous and/or causing an obstruction.
- The vehicle is obstructing passage and considered abandoned.
- The vehicle/object constitutes a deposit on the highway and a nuisance.
- The vehicle/object has been illegally placed on a verge without permission, contrary to the above legislation and its presence will cause damage to the verge. The vehicle/object must be removed in accordance with this notice and must not return, the authority reserves the right to recover it to storage and recover all costs associated with recovery and the reinstatement/repair to the verge. Damaging the verge constitutes a criminal offence.
- The vehicle is obstructing passage and preventing regular maintenance and cleaning of the highway. The vehicle/skip/container/object constitutes a deposit on the highway and a nuisance; we have reasonable grounds to suspect that no appropriate license or permission exists in regulation to its placement.
- The object constitutes a risk and poses a danger to public health and safety and has the capacity to attract anti social behaviour and contributes to the detriment of the area.
- We must advise you that it is an offence to abandon a vehicle on the highway and you are liable to a fine of up to £2,500. Depositing waste or fly tipping attracts a fine of up to £50,000 and up to 5 years in prison and is an arrestable offence.
- The vehicle/object has been removed as failure to remove this vehicle/object could render it likely to further loss or damage. Stockton Borough Council reserves the right to remove this vehicle at any time after this notice has been issued.

Please contact the Enforcement section as soon as possible on 01642 528439

Officer Name:Number:

Signed:Date/Time:

Office Use Only			
Date Checked	Time Checked	X Code	Officer



Community Safety

Big plans for keeping our communities safe

01642010



Refuse Disposal Amenity Act 1978
 The Highway act 1980 Sections 131, 137, 148 & 149
 Removal & Disposal of Vehicle Regulations 1986
 Road Traffic Regulation Act 1984
 Clean Neighbourhood & Environment Act 2005
 Theft Act 1968

6568

24-HOUR REMOVAL NOTICE

To the owner of motor vehicle/caravan/trailer/component/identifying mark or registration:

Or skip/container/object described as:

Location:

- The vehicle is under observation as a possible abandoned vehicle.
- Caravans are only permitted on the Public Highway in Stockton-on-Tees for 24 hours, to clean or load/unload. The Caravan has to be parked attached to the tow vehicle bearing the correct registration in a safe manner.
- The vehicle is obstructing passage and preventing regular maintenance and cleaning of the highway. The vehicle/skip/container/object constitutes a deposit on the highway and a nuisance; we have reasonable grounds to suspect that no appropriate license or permission exists in regulation to its placement.
- The vehicle/object has been illegally placed on a verge without permission, contrary to the above legislation and its presence will cause damage to the verge. The vehicle/object must be removed in accordance with this notice and must not return, the authority reserves the right to recover it to storage and recover all costs associated with recovery and the reinstatement/repair to the verge. Damaging the verge constitutes a criminal offence.
- The object constitutes a risk and poses a danger to public health and safety and has the capacity to attract anti-social behaviour and contributes to the detriment of the area.
- We must advise you that it is an offence to abandon a vehicle on the highway and you are liable to a fine of up to £2,500. Depositing waste or fly tipping attracts a fine of up to £50,000 and up to 5 years in prison and is an arrestable offence.
- If it is not claimed (by contacting 01642 528439) and removed within 24 hours of the date of this notice, it will be removed and destroyed and any associated costs of removal will be recharged to the owner.

Please contact the Enforcement section as soon as possible on 01642 528439

Officer Name:Number:

Signed:Date/Time:

Office use only			
Date checked	Time checked	X Code	Officer

7 DAY REMOVAL NOTICE

To the owner of motor vehicle/caravan/trailer/component/identifying mark or registration:

Or skip/container/object described as:

Location:

- The vehicle is under observation as possibly abandoned
- The vehicle/object has been illegally placed on a verge without permission, contrary to the above legislation and its presence will cause damage to the verge. The vehicle/object must be removed in accordance with this notice and must not return, the authority reserves the right to recover it to storage and recover all costs associated with recovery and the reinstatement/repair to the verge. Damaging the verge constitutes a criminal offence.
- The vehicle is obstructing passage and preventing regular maintenance and cleaning of the highway. The vehicle/skip/container/object constitutes a deposit on the highway and a nuisance; we have reasonable grounds to suspect that no appropriate license or permission exists in regulation to its placement.
- The object constitutes a risk and poses a danger to public health and contributes to the detriment of the area.
- We must advise you that it is an offence to abandon a vehicle on the highway and you are liable to a fine of up to £2,500. Depositing waste or fly tipping attracts a fine of up to £50,000 and up to 5 years in prison and is an arrestable offence
- If it is not claimed (by contacting 01642 528439) and removed within 7 days of the date of this notice, it will be removed and destroyed and any associated costs of removal will be recharged to the owner.

Officer Name: Number:

Signed: Date/Time:

Civic Enforcement Service
The Security Centre
The Square
Stockton on Tees
TS18 1TE
Tel: (01642) 607943
Fax: (01642) 527606
Email: Civic.Enforcement@stockton.gov.uk
www.stockton.gov.uk

15 DAY REMOVAL NOTICE

NOTICE PURSUANT TO REFUSE DISPOSAL AMENITY ACT 1978 AND CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

Date: _____

Under the provisions of the Refuse Disposal (Amenity) Act 1978 Stockton on Tees Borough Council has a duty to remove any vehicle that is considered to be abandoned and can require the removal of any such vehicle.

Stockton on Tees Borough Council, satisfied that the land described in paragraph 2 of this Notice has been used to abandon a vehicle in contravention to Section 3(2) Refuse Disposal (Amenity) Act 1978, and is considered to be detrimental to the amenity of the locality, hereby requires by way of this Notice that:

Owner/Occupier of the land: _____

Address: _____

Vehicle(s) considered abandoned: _____

1. Removes the vehicle(s) from the land within 15 days from the date of this notice no later than 15 days from the date of this notice. No later than **<<16 DAYS FROM DATE OF ISSUE>>**
2. The land in relation to which this Notice applies is that land in the area of Stockton Borough Council which -
 - i. is delineated and shown high lighted in yellow on the map forming part of this Notice, and
 - ii. is briefly described in the Schedule to this Notice.
3. If a person on whom a requirement imposed under paragraph (1) above fails, without reasonable Excuse, to comply with the requirement he shall be liable to the cost of removal and all associated costs of the storage and destruction of the vehicle(s)

Please contact the Enforcement Section as soon as possible on: 01642 607943

Count of refno month	year		Grand Total
	2017	2018	
Jan		18	18
Feb		21	21
Mar		15	15
Apr	35	13	48
May	19		19
Jun	13		13
Jul	6		6
Aug	13		13
Sep	40		40
Oct	20		20
Nov	59		59
Dec	29		29
Grand Total	234	67	301

Count of refno	year		month		2017 Total												2018				Grand Total								
	2017	2018	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr														
Billingham Central	10								1	1										3	15				6	4	2	12	27
Billingham East	1			1		1			3	3											9	18	3		4	1		8	26
Billingham North			1	1				1													1	5	1		1	1	1	4	9
Billingham South	1									1												2			1			1	3
Billingham West				1				1	4	1											1	8	1		2	1	2	6	14
Bishopsgarth and Elm Tree											1											1			1			1	2
Eaglescliffe	1	5						1		1	2											10	1				1	2	12
Fairfield										2												3	1				1	2	5
Grangefield			1	1	1				1	4	3	2										13	1	1	1			3	16
Hardwick and Salters Lane			1					2	5	1	1	1										11					2	2	13
Hartburn									2													2	1					1	3
Ingleby Barwick East	5	2						2	1	1	4											15				1		1	16
Ingleby Barwick West	2					1			1		1	5										10		1	1	1	1	3	13
Mandale and Victoria	6			3	1																	25		1	1	1	1	3	28
Newtown			2	1																		4	2					2	6
Norton North	1			2				2														9							9
Norton West										1												1							1
Parkfield and Oxbridge			1						2	1	8											12	1	1				2	14
Roseworth				2	1	1		1		1	5	7										17	3	1			1	5	22
Stainsby Hill	4	2										3										9			1		1	1	10
Stockton Town Centre	1	1						1	1			4										8	1	1	1	1	1	4	12
Village	1					1		2	1	1												7	2		1			3	10
Yarm	2	3	1						18	1	3	1										29			1		1	1	30
Grand Total	35	19	13	6	13	40	20	59	29	234	18	21	15	13	67	301													

Appendix 5

	Enforcement Requests													Total CPB spend since 2007/08		
	2017									2018					Parking Provision	Parking Pre-vention
Ward	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	Total		
Billingham Central	10	0	0	0	0	1	1	0	3	0	6	4	2	27	£14,821	£0
Billingham East	1	0	1	1	0	3	3	9	0	3	4	1	0	26	£73,175	£1,825
Billingham North	0	1	1	0	1	0	0	1	1	1	1	1	1	9	£22,069	£0
Billingham South	1	0	0	0	0	0	1	0	0	0	1	0	0	3	£44,293	£5,994
Billingham West	0	0	1	0	1	4	1	0	1	1	2	1	2	14	£40,576	£5,487
Bishopsgarth & Elm Tree	0	0	0	0	0	0	0	1	0	0	1	0	0	2	£17,230	£4,122
Eaglescliffe	1	5	0	0	1	0	1	2	0	1	0	0	1	12	£13,057	£9,240
Fairfield	0	0	0	0	0	0	2	0	1	1	0	0	1	5	£50,778	£12,724
Grangefield	0	1	1	1	0	1	4	3	2	1	1	1	0	16	£33,689	£2,827
Hardwick	0	1	0	0	2	5	1	1	1	0	0	0	2	13	£69,573	£8,989
Hartburn	0	0	0	0	0	2	0	0	0	1	0	0	0	3	£99,097	£5,575
Ingleby Barwick East	5	2	0	0	2	1	1	4	0	0	0	1	0	16	£21,099	£1,690
Ingleby Barwick West	2	0	0	1	0	1	0	1	5	0	1	1	1	13	£32,531	£27,052
Mandale & Victoria	6	0	3	1	0	0	0	15	0	0	1	1	1	28	£61,291	£2,560
Newtown	0	2	1	0	0	0	0	1	0	2	0	0	0	6	£102,959	£596
Northern Parishes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	£1,000	£0
Norton North	1	0	2	0	2	0	0	1	3	0	0	0	0	9	£54,010	£1,823
Norton South	0	0	0	0	0	0	0	0	0	0	0	0	0	0	£134,974	£2,906
Norton West	0	0	0	0	0	0	1	0	0	0	0	0	0	1	£25,376	£8,403
Parkfield & Oxbridge	0	1	0	0	0	2	1	8	0	1	1	0	0	14	£13,182	£4,386
Roseworth	0	0	2	1	1	0	1	5	7	3	1	0	1	22	£113,607	£0
Stainsby Hill	4	2	0	0	0	0	0	0	3	0	0	1	0	10	£81,373	£3,369

Stockton Town Centre	1	1	0	0	1	1	0	4	0	1	1	1	1	12	£10,000	£396
Village	1	0	0	1	2	1	1	0	1	2	0	1	0	10	£29,639	£0
Western Parishes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	£3,669	£0
Yarm	2	3	1	0	0	18	1	3	1	0	0	1	0	30	£9,959	£0
Total	35	19	13	6	13	40	20	59	29	18	21	15	13	301	£1,173,025	£109,965

DRAFT

YOU CAN'T SEE THE PROBLEM?



YOU MAY THINK PARKING ON THE PAVEMENT IS HELPFUL TO OTHER DRIVERS. BUT WHAT ABOUT PEDESTRIANS? IF SOMEONE WALKS ON THE ROAD TO GET ROUND A CAR, THEY COULD GET INTO A SERIOUS ACCIDENT. YOU DON'T WANT THAT ON YOUR HANDS.

**think
pedestrian**

