

Report to the Cabinet

Report reference: C-003-2009/10.

Date of meeting: 8 June 2009



**Epping Forest
District Council**

Portfolio: Housing.

Subject: Parking Enforcement on Housing Estates.

Responsible Officer: Roger Wilson (01992 564419).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations:

(1) That in accordance with Option Four in the report, parking enforcement measures are undertaken on an ad hoc basis where problems are particularly bad, following consultation with local residents and Ward Members; and

(2) That the position be reviewed by the Housing Scrutiny Panel in 2010/11.

Executive Summary:

At its July 2008 meeting, at the request of the Cabinet, the Housing Scrutiny Panel considered a report on the increase in complaints from the public about unauthorised parking on housing estates; these include increased telephone calls, letters and occasionally petitions. The complaints are about two main issues. Firstly, residents are unhappy that more vehicles are being parked on grass verges causing damage to open green spaces. Secondly, in response, when enforcement action is taken by the Council, in the form of installing bollards, jockey rails or shrub planting, other residents complain about having nowhere to park, with cars being displaced into already heavily congested side streets. In addition, officers receive enquiries from Members. Some Members ask that enforcement action be taken to prevent vehicles from parking on grassed verges, with other Members asking officers not to take action as it will displace vehicles and cause problems in side streets.

The Housing Scrutiny Panel asked officers to draft a policy on the approach to be taken on unauthorised parking. The draft policy was considered by the Panel at its meeting on 9 October 2008, and its comments were incorporated. Both Area Housing Managers had concerns that the proposed policy may be difficult to enforce, but as the report had been considered by the Housing Scrutiny Panel and the Housing Portfolio Holder, it was agreed it should be submitted to the Cabinet on 15 December 2008 for consideration. However, prior to the Cabinet meeting, the Housing Portfolio Holder decided that the report should be deferred and referred back to the Housing Scrutiny Panel with officers being asked to consult with other enforcement officers within the Council to seek their views on the policy. The outcome is set out in the consultation section of the report.

The Housing Scrutiny Panel at their meeting on 23 March 2009, considered four options for future action including, fully enforcing unauthorised parking, postponing enforcement in identified priority areas, continuing with the parking enforcement policy or carrying out enforcement measures on an ad hoc basis. The Housing Scrutiny Panel and the Housing Portfolio Holder are recommending to the Cabinet that parking enforcement action (other than placing notices on vehicles or writing to residents) should be taken on an ad hoc basis following consultation with local residents and Ward Members, with the position being reviewed again in 2010/11.

Reasons for Proposed Decision:

Undertaking parking enforcement action on grass verges on housing estates on an ad hoc basis where problems are particularly bad, will ensure that the correct areas are targeted. It will also prevent severe congestion in side streets which would almost certainly occur if enforcement action was taken in all areas.

Other Options for Action:

To take enforcement action, installing shrubs or jockey rails on all grassed areas on housing estates throughout the District.

To apply the draft parking enforcement policy attached as an appendix to the report.

Report:

1. Due to concerns about increased parking problems on housing estates, the Cabinet originally asked the Housing Scrutiny Panel to consider the options for reducing congestion.

Vehicular Crossovers & Off-Street Parking Schemes

2. At its meeting on 1 September 2008 (Minute 60 refers) in order to reduce parking difficulties on housing estates, the Cabinet agreed the following recommendations of the Housing Scrutiny Panel:

(a) That the maximum amount of grassed verge to be removed in order to construct a vehicular crossover to allow residents to park their vehicle/s in their front garden be increased from 6 metres to 12 metres in length with Ward Members being consulted on any crossovers in excess of 6 metres; and

(b) That the additional £300,000 budget available in the Housing Revenue Account (HRA) Capital Programme from 2009/2010 be made available to fund further off-street parking schemes and match funded from the General Fund.

Parking enforcement on Housing Estates

3. At its July 2008 meeting, the Housing Scrutiny Panel considered a report on the increase in complaints from the public about unauthorised parking on housing estates; these include increased telephone calls, letters and occasionally petitions.

4. The complaints are about two main issues. Firstly, residents are unhappy that more vehicles are being parked on grass verges causing damage to the open green spaces, which are costly to repair and can be dangerous to pedestrians and children playing. When, in response, enforcement action is taken by the Council, in the form of installing bollards, jockey rails or shrub planting, other residents complain about having nowhere to park, with cars being displaced into already heavily congested side streets.

5. In addition to receiving complaints from the public, officers receive enquiries from Members. Some Members ask that enforcement action be taken to prevent vehicles from parking on the grassed verges, with other Members asking officers not to take action as it will displace vehicles and cause problems in side streets.

6. The Housing Scrutiny Panel therefore asked officers to draft a policy on the approach to be taken on unauthorised parking. The Draft Policy was considered by the Panel at its meeting on 9 October 2008. The policy was originally going to be submitted to the Cabinet at its December 2008 meeting. However, due to concerns about the policy being inconsistent and difficult to enforce, the Housing Portfolio Holder decided that the report should be deferred and referred back to the Panel and officers were asked to consult with other enforcement officers within the Council to seek their views on the policy. The Draft Policy

was reported back to the Panel on 23 March 2009, when it was re-considered along with the following other options.

Option One – Unauthorised parking is fully enforced

7. If all unauthorised parking on estates was fully enforced, a programme of works could be undertaken on housing-owned grass verges, either installing jockey rails, bollards or the planting of shrubs, which would be costly. Although this would solve the problems of damage being caused to the grassed areas, due to the large numbers of vehicles being parked on grass verges, this would cause further congestion when they are moved to side streets.

Option Two – Postponement of parking enforcement in identified priority areas

8. Any parking enforcement could be postponed in identified priority areas, where off-street parking schemes have been agreed, until the schemes have been constructed, or residents have had the opportunity to construct a new vehicular crossover (particularly under the new 12 metre rule). However, this would take some time and will not address parking problems in all areas. Members would also need to consider the action to be taken in areas which are of a less priority.

Option Three – Continue with the Parking Enforcement Policy

9. The Cabinet could agree the policy previously proposed by the Housing Scrutiny Panel attached as an appendix to the report. The policy was originally going to be submitted to the Cabinet at its December 2008 meeting. However, due to concerns about the policy being inconsistent and difficult to enforce, the Housing Portfolio Holder decided that the report should be deferred and officers were asked to consult with other enforcement officers within the Council to seek their views on the policy. The outcome is set out under the consultation section of the report. In addition, both Area Housing Managers have concerns that the proposed policy may be difficult to enforce for the reasons set out in the consultation section of the report.

Option Four – Carry out enforcement measures on an ad hoc basis

10. Carrying out enforcement measures on an ad hoc basis is the current practice of housing management. Jockey rails or shrubs are installed at sites where the problem is particularly bad and the most complaints are received, following a local consultation exercise.

11. The Housing Scrutiny Panel and the Housing Portfolio Holder recommend to the Cabinet that Option Four would be the most appropriate course of action. Although this is the current policy, it is recommended that in the future, in addition to local residents, Ward Members be consulted on any proposed enforcement action, (other than placing notices on vehicles or writing to residents). In addition, it is suggested that the Housing Scrutiny Panel reviews the position again in 2010/11.

Resource Implications:

Any enforcement action including the installation of jockey rails or shrubs will be from existing resources.

Legal and Governance Implications:

Housing Act 1985.

Safer, Cleaner and Greener Implications:

Parking enforcement in problem areas will improve the appearance of housing estates.

Consultation Undertaken:

The report has been considered and endorsed by the Housing Scrutiny Panel.

The Council's Enforcement Officers have been consulted on the draft parking enforcement policy, but they also see the difficulties with enforcing any policy. Indeed, the two Area Housing Managers responsible for housing management in the north and the south of the District have been consulted on the policy originally proposed and asked that the Housing Scrutiny Panel to consider their concerns which are as follows:

- Any enforcement policy will be difficult to apply, as it is always going to be unclear and difficult to interpret.
- An enforcement policy could be subjective in its application and difficult decisions will need to be made by officers which, as with the current arrangement, some will be in favour and others against.
- When a decision is made, the Council may have difficulty explaining to residents why it is allowed in one area and not another.
- The Council could not allow cars to cause an obstruction, damage grass verges, or cross pavements where kerbs have not been dropped.

The Tenants and Leaseholder's Federation was consulted on the policy at its meeting on 23 September 2008; by a majority of 5 in favour and 2 against they concluded that unauthorised parking on housing-owned grass verges should generally not be permitted across the District.

The Housing Portfolio Holder requested that other Councils be consulted on their approach to parking enforcement. A summary of the responses is attached as an appendix to the report.

Background Papers:

Cabinet Minute 60 1 September 2008.

Reports to the Housing Scrutiny Panel July 2008 & 1 October 2008.

Impact Assessments:

It is not considered that the recommendations would impact upon the Council's statutory duty to promote equality throughout the District. In addition, there appear to be no risk management issues which could result if the recommendations are agreed.

Summary of responses on the approach taken by other Council's on parking enforcement

Authority	Response
Harlow District Council	Do experience problems with parking on estate greens. Ad hoc approach taken some letters sent some vehicles stickered and jockey rails installed at some locations. No formal policy.
Brentwood Borough Council	Same approach as Harlow District Council.
Uttlesford District Council	Same approach as Harlow District Council, although no parking signs are installed and off street parking schemes have been constructed. They have a Corporate enforcement team who take action against residents who illegally park. No formal policy.
Welwyn and Hatfield District Council	Bollards and jockey rails are installed at some locations and they have a bye law which prohibits parking on Council land which is difficult to enforce. No formal policy.
Stevenage Borough Council	Have a parking strategy being trialed across half the Borough including a local traffic order prohibiting parking on Council greens which is enforced by parking attendants. Where there are major parking problems parking schemes are being constructed prior to traffic orders being put in place.