

Report to the Housing Scrutiny Panel

Date of meeting: 22 January 2014

Portfolio: Housing – Councillor D Stallan

Subject: Review of Parking Enforcement Measures on Housing Estates



Responsible Officer: Roger Wilson (01992–564419)

Democratic Services Officer: Mark Jenkins (01992–564067)

Recommendations:

1. That at the request of the Overview and Scrutiny Committee made at its meeting on 4 June 2013 (Minute 12 (b) refers), the Housing Scrutiny Standing Panel reviews the approach to parking enforcement to prevent unauthorised parking on Housing-owned grass verges, and considers any recommendations to be made to the Overview and Scrutiny Committee for onward reference to the Housing Portfolio Holder.

Report:

1. At its meeting on 4 June 2013, the Overview and Scrutiny Committee agreed, as part of its Work Programme, that the Housing Scrutiny Standing Panel reviews the approach to parking enforcement to prevent unauthorised parking on Housing-owned grass verges hence the need for this report. The Public Interest Justification raised by the Proposing and the two Supporting Councillors was as follows:

“Considerable damage to grass and the “green” concept on which many residential areas were designed is gradually disappearing. The damage caused could pose safety hazards for users of the highway (e.g. deep rutting which could pose a hazard to pedestrians).”

Background

2. At its meeting on 1 September 2008 (Minute 60 refers), in order to ease parking problems on housing estates, the Cabinet agreed 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. On the recommendation of the Housing Portfolio Holder, it was further agreed that, for any proposed crossover in excess of 6 metres, a consultation exercise involving local residents and Ward Members be undertaken prior to approval and construction.

3. The Cabinet also agreed at this meeting 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 be match funded from the General Fund. Progress made on off-street parking schemes since the Cabinet agreed additional funding in September 2008 is set out in the table attached at Appendix 1.

Parking enforcement on Housing Estates

4. The Housing Scrutiny Panel considered reports on options for parking enforcement at its meetings on 18 March 2008, 3 July 2008 and 23 March 2009. The reports were concerning the increase in complaints at that time from the public about unauthorised parking; these include increased telephone calls, letters and occasionally petitions.

5. The complaints were about two main issues. Firstly, residents were unhappy that more vehicles were 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.

6. In addition to receiving complaints from the public, officers were at that time receiving enquiries from Members. Some Members were asking 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.

7. On 18 March 2008, the Housing Scrutiny Panel and the Housing Portfolio Holder agreed that a Member Survey be undertaken on unauthorised parking on housing estates. The survey sought Members views on the amount of funding for off-street parking schemes, the extension of the 6 metre rule for vehicular crossovers and whether any enforcement measures should be put on-hold until off-street parking schemes are installed or the 6 metre rule is extended. Only 6 Members responded, the outcome of the Member Survey is attached at Appendix 2.

Draft policy

8. The Housing Scrutiny Panel asked officers in 2008 to draft a policy on the approach to be taken on unauthorised parking on housing-owned land. The draft policy is attached at Appendix 3. The draft policy was considered by the Panel. The Tenants and Leaseholders Federation and officers had concerns that the proposed policy may be difficult to enforce for the following reasons:

Tenants and Leaseholders views on the draft policy

- Any policy could prove to be inconsistent, and costly should any car owners be taken to Court for continually parking on grassed verges without permission.
- More clarification should be given within the policy on matters relating to safety, including sight lines, etc.
- Parking on grass verges should not be allowed where damage could be caused to underground utilities.
- Consideration could be given to parking permits.

9. The Tenants and Leaseholder's Association at that time (by a majority of 5 in favour and 2 against) concluded that unauthorised parking on housing-owned grass verges, should generally not be permitted across the District. The Tenants and Leaseholders Federation were consulted again at their meeting on 31 October 2013, their views are set out under the consultation section of the report.

Officers views on the draft policy

10. Officers responsible for housing management in the north and the south of the District were consulted on the draft enforcement policy in 2008. Although they were generally happy with policy itself they had the following concerns:

- 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, 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.
- Cannot allow cars to cause an obstruction, or damage verges which would result in high cost re-instatement works. Installing “grasscrete” on areas where enforcement action is not taken may not be the answer, it could imply that parking is encouraged.

11. The Housing Portfolio Holder requested in 2008 that other councils be contacted and asked about their policies. A summary of the responses given at that time is attached at Appendix 4.

12. Due to the concerns of the Housing Portfolio Holder, the Tenants and Leaseholders Federation and officers that the proposed policy may be difficult to enforce, it was considered not to be an option.

13. At its meeting on 23 March 2009, the Panel considered the following three options:

Option One – Unauthorised parking is fully enforced

14. 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 in side streets.

Option Two – Postponement of parking enforcement in identified priority areas

15. 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, Members would need to consider the action to be taken in areas which are of less priority.

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

16. 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. If this option was continued, all Ward Members are consulted prior to any enforcement measures being undertaken.

17. The Panel agreed in March 2009, that accordance with Option Three, enforcement measures be undertaken on an ad hoc basis where problems are particularly bad, following consultation with local residents and Ward Members. It was further agreed that the policy would be reviewed 2 years after operation. The Panel further reviewed the position in January 2011 as part of its Work Programme, and agreed that the policy should continue.

Ad hoc parking enforcement since March 2009

18. The Panel is asked to note that since 2009; very few enquiries have been received from Members on the matter, and no formal complaints regarding parking issues have been received under the Council’s Compliments and Complaints Procedure. Following consultation exercises, enforcement measures have been undertaken in the following areas with no further complaints or issues being raised since they were installed:

- Valley Hill Close, Loughton
- Shelly Close, Ongar.

- Hanson Green, Loughton
- Torrington Drive, Loughton
- Boxted Close, Buckhurst Hill
- Highwood Lane, Loughton

Parking enforcement by Essex County Council

19. Officers have contacted Essex County Council to enquire about any enforcement measures they undertake on County-owned grass verges. They advise that they do not have an enforcement policy as in their view it is not illegal and they do not have any enforcement powers. The County does not install any bollards etc. to prevent parking in such areas as they have limited resources. They would consider seeking an Injunction against any resident who may be causing any danger by parking a vehicle in a particular location.

20. The Housing Scrutiny Panel is asked by the Overview and Scrutiny Committee to review the approach to parking enforcement to prevent unauthorised parking on Housing-owned grass verges, and consider any recommendations to be made to the Overview and Scrutiny Committee for onward reference to the Housing Portfolio Holder.

Consultation

21. The Tenants and Leaseholders Federation considered the report at their meeting on 31 October 2013. They support the continuation of the existing policy whereby enforcement measures are undertaken on an ad hoc basis where problems are particularly bad, following consultation with local residents and Ward Members. In addition, the Federation encouraged the Council to provide more funding for off-street parking schemes in order to convert grass verges for parking, and would urge the Council to include additional parking as part of any future housing developments.

Resource implications:

Budget provision: Budget provision for additional parking enforcement may be required if such measures are agreed

Personnel: Additional staffing may be required if increased enforcement action is agreed

Land: Parking on land held under Housing Act powers

Community Plan/BVPP reference: N/A

Relevant statutory powers: Housing Act 1985

Background papers: Previous reports submitted to the Housing Scrutiny Panel on dates set out in the report.

Environmental/Human Rights Act/Crime and Disorder Act Implications: Affect of parking on housing-owned grass verges upon the environment.

Key Decision reference: (if required) Not a Key Decision

APPENDIX ONE

Progress with off-street parking schemes since September 2008

Location	No. of bays	Total cost (£)	Cost per bay (£)	Comments
Parndon House, Buckhurst Hill	11	30,011 <i>(estimate)</i>	Unknown	Phase 4 estimated start date 2014/15
Collard Green, Loughton	4	8,637	Unknown	Phase 4 estimated start date 2014/15
Harveyfields, Waltham Abbey	34	102,997 <i>(estimate)</i>	Unknown	Phase 4 estimated start date 2013/14
Centre Green, Epping	12	53,179 <i>(estimate)</i>	Unknown	Phase 4 estimated start date 2013/14
Avenue Road, Theydon Bois	7	33,431 <i>(estimate)</i>	4,775	On-site 7 October 2013
Barfields Gardens, Loughton	10	45,179 <i>(estimate)</i>	4,517	Completed 2013/14

APPENDIX ONE (Continued)

Location	No. of bays	Total cost (£)	Cost per bay	Comments
Audley Gardens, Loughton	18	47,314	2,628	Completed 2012/13
Harvey Gardens, Waltham Abbey	14	42,863	3,061	Completed 2012/13
Chester Close, Loughton	8	25,356	3,169	Completed 2012/13
School Lane, Abbess Roding	9	28,393	3,154	Completed 2011/12
Colebrook Gardens, Loughton	23	46,409	2,017	Completed 2011/12
Hillcroft, Loughton	38	73,778	1,941	Completed 2011/12
Gravel Close, Chigwell	N/A	N/A	N/A	Abandoned due to lack of land
Grosvenor Close, Loughton	N/A	N/A	N/A	Off street parking already available – abandoned due to lack of land

APPENDIX TWO

Unauthorised Parking on Housing Estates Results of Member Survey

Number of forms returned: 6

1. Do you agree that all the additional funding should be spent on off-street parking schemes on housing estates?

Yes 5 No 1

If no, would you agree to part of the additional funding being spent on off-street parking schemes on housing estates?

Yes 1 No Nil

If yes what proportion? 60%

2. Do you agree that the 6 metre rule should be extended?

Yes 5 No 1

If yes, what should the 6 metre rule be extended to?

12 metres 4

14 metres Nil

No restriction 1

3. Do you agree that enforcement should be put on hold until the off-street parking schemes are installed and the 6 metre rule is extended?

Yes 3

No 3

If yes, how long should enforcement action be put on hold?

4 months after policies in force 2

1 year 1

2 years Nil

3 years Nil

4 years Nil

5 years Nil

APPENDIX THREE

UNAUTHORISED PARKING ON HOUSING-OWNED GRASSED VERGES

DRAFT PARKING ENFORCEMENT POLICY

1. Generally, the Council will not allow any vehicles to be parked on Housing-owned grass verges or green spaces.

2. However, if the Area Housing Manager assesses that generally, residents in the area are unable to park within 5 minutes walk of their home, enforcement action will not be taken.

3. Where circumstances in paragraph 2 apply, enforcement action will only be taken if one of the following circumstances applies:

- Where the grassed area is considered to have particular important amenity value.
- Where non residents park their vehicles on grass verges.
- Where residents/non residents park heavy vehicles whose gross unladen weight is 2 tonnes or more.
- Where residents/non residents park caravans, boats or commercial vehicles.
- Where the Council has already constructed an off-street parking scheme.
- Where residents/non residents are parking vehicles on pedestrian footpaths.
- Where vehicles are overhanging footpaths, pavements or causing an obstruction.
- Where access is gained crossing a lay-by or where there is no dropped kerb.
- Where there is potential to cause damage to trees or shrubs.
- Where it is generally considered to be unsafe.

APPENDIX FOUR

Summary of responses on the approach taken by other Council's on parking enforcement received in March 2009.

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 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.

Officers contacted Harlow and Uttlesford District Councils and Brentwood Borough Council in October 2013, all of whom confirmed they take a similar approach to the Council on parking enforcement.