
**Meeting of Executive Members for City
Strategy and Advisory Panel**

6 June 2007

Report of the Director of City Strategy

**PETITION FROM RESIDENTS IN THE HEWORTH AREA TO STOP
VEHICLES PARKING ON GRASS VERGES**

Summary

1. This report advises Members of the receipt of a petition from a total of 102 properties in the Heworth area.
2. The residents call on the Council to work with residents to stop cars parking on grass verges and to make good those verges that are already churned up and muddy by reseeding or returfing them as soon as possible.
3. Members are asked to consider the proposals outlined in the report and to approve the recommendations.

Background

4. A copy of the petition is attached as Annex 1.
5. Members may recall that a damaged grass verge policy was approved by the Director of Environment and Development Services in consultation with the Executive Member for Planning, Transport and the Environment on 7 December 2000.
6. The damaged grass verge policy details a number of options from making safe the damaged verges with stone and topsoil to removing the verges altogether. The options are detailed in Annex 2 of this report.
7. A copy of the whole damaged grass verge policy is included in the background papers and a copy will be available at the meeting.
8. Members will be aware that officers undertake an annual inspection of all the roads, footways and grass verges to rate their condition.
9. Details obtained from the last 2 years surveys in 2005 and 2006 indicated between 3.5% and 4% of the total length of verges in the urban area to be in a poor condition. This equates to approximately 12 km in length.

10. It should be noted that these surveys are undertaken usually in June when the ground is generally hard and more likely to support the weight of a vehicle without causing serious problems.
11. It is an offence under Section 131 of The Highways Act 1980 to cause damage to the highway but to obtain a successful prosecution it must be shown to the satisfaction of the courts that there was no pre-existing damage and that the vehicle actually seen parked on the verge had caused the damage.
12. Where vehicles are driving across a grass verge or footway to gain access to a property without a properly constructed vehicular crossing, then the owners are committing an offence under Section 184 of The Highways Act 1980.
13. North Yorkshire Police do have powers under Section 103 of The Road Vehicles (Construction and Use) Regulations 1986 to prosecute for “unreasonable obstruction of a road”.
14. In the context of this legislation a road also includes a footpath and a grass verge. (Worth v Brooks (1959)).
15. In the financial year 2006/07 a total of 83 orders were raised for repairs to grass verges, totalling an inclusive cost of £9,842.

Consultation

Police

16. North Yorkshire Police will not take any action over vehicles parking on grass verges unless a serious obstruction is caused to either pedestrians or the free flowing of vehicles on the carriageway.
17. To obtain a successful prosecution under Section 103 of The Road Vehicles (Construction and Use) Regulations 1986 it would need to be shown to the satisfaction of the Courts that the obstruction was unreasonable.
18. The North Yorkshire Police indicate that they feel it is unlikely any action under Section 103 of The Road Vehicles (Construction and Use) Regulations, which only involves vehicles parking on verges, would ever get to Court.

Street Environment Service

19. The street environment officers and the Ward Committees may consider funding some improvements within the locality to improve the appearance of the environment.

Councillors

20. The petition was promoted by the Ward members of Heworth.

Options & Analysis

21. To re-affirm the details included in the damaged grass verge policy adopted in December 2000.
22. The Highway Inspectors will continue to record where damage is evident and where they have seen vehicles on the verges and instigate recovery of costs, wherever possible.
23. The Highway inspectors will carry out a survey of all the grass verges in the Heworth area and carry out essential repairs where safety is an issue in accordance with the approved policy.
24. Where vehicle parking on verges is witnessed the inspectors will arrange for letters to be sent to the appropriate property owners and will instigate recovery of repair costs wherever possible.

Corporate Priorities

25. Maintenance of the public highway has a direct impact on several of the Council's corporate aims and priorities:

26. Corporate Aim 1: (Environment)

Take pride in the City by improving quality and sustainability, creating a clean and safe environment.

Specific priorities:

- 1.1 Increase resident satisfaction and pride with their local neighbourhoods.
- 1.2 Protect and enhance the built and green environment that makes York unique.
- 1.3 Make getting around York easier, more reliable and less damaging to the environment.

27. Corporate Aim 3: (Economy)

Strengthen and diversify York's economy and improve employment opportunities for residents.

Not directly relevant to any of the specific priorities, but good quality highway infrastructure is vital to the local economy.

28. Corporate Aim 4: (Safer City)

Create a safe City through transparent partnership working with other agencies and the local community.

Specific priority:

4.7 Make York's roads safer for all types of user.

29. Corporate Aim 8: (Corporate Health)

Transform City of York Council into an excellent customer-focused "can do" authority.

Specific priority:

8.9 Manage the Council's property, IT and other assets on behalf of York residents

Implications

Financial

30. Repairs to grass verges, where recovery of costs cannot be obtained, will need to be financed from within the day-to-day footway revenue maintenance budget.

Human Resources (HR)

31. There are no human resources implications.

Equalities

32. There are no equalities implications.

Legal

33. The City of York Council, as highway authority, have a statutory duty to maintain the Highway under Section 41 of The Highways Act 1980.

Crime and Disorder

34. There are no crime and disorder implications.

Information Technology (IT)

35. There are no information technology implications.

Property

36. There are no property implications.

Risk Management

37. In compliance with the Council's Risk Management Strategy, the main risks that have been identified in this report are risks arising from hazards to assets and people (physical), those which could lead to financial loss (financial), and non compliance with legislation (legal and regulatory).

38. Measured in terms of impact and likelihood, the risk score for all of the above has been assessed at less than 16. This means that at this point the risks need only to be monitored, as they do not provide a real threat to the achievement of the objectives of the report.

Recommendations

39. That the Advisory Panel advise the Executive Member to:

- (a) Note the receipt of the petition.
- (b) Approve the proposals outlined in paragraphs 21, 22, 23 and 24.

Reason : To ensure, as far as possible, the verges are maintained in a satisfactory condition.

Contact Details

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Report Approved **Date** 24/05/07

Specialist Implications Officer : Report Author

Wards Affected: Heworth

For further information please contact the author of the report

Background Papers:

Damaged Grass Verge Policy.

Annexes

Annex 1 – Residents' petition
Annex 2 – Damaged Grass Verge Policy Decision Making Process
RKS/PT/GE
16 May 2007