

## **Parking on Verges – Proposed Scrutiny Topic Feasibility Report**

### **Summary**

1. Unfortunately verge parking occurs in some localised areas across the city and can cause a number of problems such as obstruction to the highway and damage to the verge. The issue is enforced by a variety of different bodies including the Council (e.g. Highway Maintenance, Network Management) and the Police.
2. However there does not appear to be an easy solution to the problem without considerable additional resources being applied to enforcement, the provision of alternative parking spaces or installation of physical prevention measures.
3. Additional funding and resources would need to be identified against other Council priorities if a significant reduction in verge parking was required to be made.
4. Officers would be able to advise on alternative scrutiny topics in line with current Council priorities if required by members.

### **Background**

5. Obstruction of the highway can only be enforced by the police unless parking restrictions are in place when the Council may be able to enforce. The police have full discretion as to how they would chose to deal with any allegation and parking on verges. However, enforcement may not be a high priority for police, unless an actual or obvious real danger was being caused, at the time, to the travelling public.
6. Verge parking may be considered dangerous or obstructive or cause damage and may constitute a criminal offence under one or other of the following statutory provisions:
  - Section 28 Town Police Clauses Act 1847 – wilfully causing an obstruction to any public footpath or public thoroughfare.
  - Regulation 103 Road Vehicles regulation 1986 – vehicle causing unnecessary obstruction of the road (including verge)
  - Section 72 Highways Act 1835 – driving on any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot passengers.

7. Damage to verges can be recharged to the owner of a particular vehicle but only if it can be proved that the vehicle caused the particular area of damage. This can be difficult to confirm. The Council has an enforcement process in place using the highway inspectors but success has been limited in the past. Where parking has caused road safety or traffic capacity concerns or impacts on bus services capital funding may be used to resolve the issue at isolated locations.

### **Current Council Process**

8. When an inspector visits a site following a complaint or a routine inspection determines that damage to the grass verge is being caused by parked vehicles a letter is sent to the occupier of the property adjacent to the verge. The letter brings to their attention the damage and states it is against the law to do so and the Council may claim cost associated with repairing the verge.
9. If the damage persists and on a second visit the inspector identifies a vehicle parked on the verge, their registration number is recorded and a request is made to the DVLA to ascertain the owner of the vehicle. The council have the rights to ask the DVLA for details of vehicle owners that damage the highway and to make a claim for repair against them. If the records show that the owner of the vehicle is indeed the property owner the same letter is sent in person directly to emphasise the issue.
10. If there is no action on the third visit then a second letter is sent indicating that a prosecution will be considered and that an approved vehicular crossing where appropriate should be considered and that action may be considered under the Highways Act to construct a crossing on their behalf and charge for the works. This letter is very rarely sent and we would need evidence of persistent damage occurring.