

Subject:	Elm Grove, Brighton- management of highway parking and obstructions		
Date of Meeting:	8 October 2013		
Report of:	Executive Director Environment, Development & Housing		
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Ward(s) affected:	Hanover & Elm Grove		

FOR GENERAL RELEASE.**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The purpose of the report is to note the results of the consultation into proposed improvements in Elm Grove, Brighton.
- 1.2 The strategic city wide parking review (the review) commissioned by the Cabinet Member for Environment in October 11 examined a wide range of parking issues raised by residents and other stakeholders including parking on verges and footways.
- 1.3 Parking on the footways is against the Highway Code, driving on footways is a road traffic offence. Footway parking may also constitute a highway obstruction, potentially also a criminal offence and impacts on vulnerable road users. It can cause damage to basement areas and underground utilities as the footways are not designed to carry motor vehicles. The council does not condone footway parking.
- 1.4 The final report on the review was approved by Transport Committee in January 13 and identified Elm Grove, Brighton for further consultation on proposals to manage historic unregulated parking on footways in that street.

2. RECOMMENDATIONS:

- 2.1 That Committee notes the outcome of the public consultation on a scheme for environmental improvements in Elm Grove and that it is not proposed to proceed with the scheme in view of the majority of residents who responded being opposed to the scheme.
- 2.2 That Committee authorises officers to organise a joint initiative with Sussex Police to co-ordinate enforcement of parking contraventions, obstructions and other nuisances on the public highway in Elm Grove later this year.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Although no official permission or regulation has been passed to allow cars to park on the footway or the hardened verge of Elm Grove this has been common practice for many years. However as car ownership increases, the volume of vehicles parked on the footway in this road has increased.
- 3.2 The parking issues include: cars driving on the footway, cars parking next to dropped kerbs and bus stops, cars parking on junctions reducing visibility for all road users. Elm Grove has a primary school, a large hospital, an ambulance station and several shops and businesses. It forms a significant pedestrian link to the Level and the North Laine area of the city centre.
- 3.3 Lack of enforcement on cars parked behind the double yellow lines makes it difficult to enforce other breaches in Elm Grove and adjoining streets. The lengths and locations of yellow lines were reviewed by officers several years ago and any lines thought unnecessary were shortened or removed.
- 3.4 Other issues include vehicles for sale on the highway, van dwellers, footway obstructions and access for street cleansing.
- 3.5 Proposals to introduce a controlled parking zone, which would have addressed unregulated parking, were consulted upon in May 2010 but residents were not in favour and the proposals were withdrawn.

Physical surveys & displacement

- 3.6 In 2010 highway inspectors carried out a survey and confirmed that the footways in Elm Grove were suitable for pedestrian use only and not for vehicular use. Vehicles using the footway would have either to bump up over kerbs, causing potential damage or access via pedestrian dropped crossings.
- 3.7 In May 2011 officers counted 210 vehicles parked on the carriageway and footway, including vehicles parked illegally behind yellow lines and bus stops. In February 2013 the report author carried out another count of vehicles giving a total of 288 of which 70 were parked behind yellow lines and bus stops. The remaining 218 vehicles were either parked legally on the carriageway or on the footway behind parked vehicles although not necessarily causing an obstruction. Observations were made of vehicles accessing and driving on the footways and of the difficulties in emerging from side roads. Photographs of obstructive parking can be seen on the consultation leaflet appendix A

- 3.8 It could be expected that following enforcement action up to 70 vehicles would be displaced. Some of these vehicles, particularly at the bottom end, may be commuters and could transfer to paid parking or to sustainable transport modes. At the northern end some vehicles may be staff and visitors of Brighton General hospital. This has recently increased its off street parking which could alleviate parking demand at the top end of the road. There is no off street parking for residents in Elm Grove but some vehicles would be able to use side streets as an alternative with more capacity available on the north (Hartington Road)side than in the south (Hanover area). (parking surveys undertaken in 2009). If controlled parking zones expand in adjacent areas the parking pressure could become more acute.

Road safety

- 3.9 In the three years up to May 2011 there were 20 recorded personal injury collisions in Elm Grove, 2 serious and 18 slight resulting in 23 casualties. This level of collisions is significant but needs to be taken in context with the volume of traffic and nature of this road. It is difficult to demonstrate a causal link between these accidents and footway parking but undoubtedly they can obstruct the view for road users, especially in the vicinity of a junction, increasing the risk of a collision occurring. As a comparator with a similar road, during the same period there were 9 recorded injury collisions in Nevill Road, Hove, 2 serious and 7 slight, resulting in 14 casualties. The average daily traffic flows in Elm Grove are around 11,500 and in Nevill Road around 17,000 (2008 figures)
- 3.7 Some physical measures such as bollards and other street furniture have been implemented e.g. around Elm Grove primary school but have had limited success due to the determination of drivers to avoid them, for example accessing the footway via pedestrian crossings and tactile paving. They have also had a negative impact on the appearance of the street.

Conclusions and recommended action

- 3.8 The proposed improvement scheme, consulted upon in February this year included designated free parking areas alongside other improvements such as reinstatement of verges to make Elm Grove a more people friendly environment. It was believed this could help relieve the issues around footway parking.
- 3.9 The majority of residents who responded were against the improvements and details of the consultation and results are given below.
- 3.10 It was explicitly stated in the questionnaire sent to residents that if there were not public support for the improvements then "Our intention will be to enforce against parking adjacent to double yellow lines either on the road or on the pavement" and that we would give notice before commencing any enforcement.
- 3.11 It is therefore proposed that enforcement against parking and other highway contraventions such as obstruction will commence within six to ten weeks and that officers coordinate joint action with Sussex Police..

- 3.12 Letters will be sent to local residents and businesses about two weeks prior warning that parking and other obstructions in Elm Grove will no longer be tolerated and council civil enforcement officers will append warning notices to offending vehicles.
- 3.13 There will then be a week of concentrated action including at least one day where Sussex Police and the council will mount a publicised day of action. The council will enforce against yellow lines, bus stop clearways and any other contraventions that can be enforced by Civil Enforcement Officers. It is intended that the police will enforce against driving on the footway, obstruction of the highway and any other relevant traffic or other offences.
- 3.14 Officers will also investigate unlicensed objects on the highway or footway, abandoned vehicles, commercial vehicle sellers and issues relating to vehicle dwellers.
- 3.15 It is proposed that road collisions will be monitored following enforcement to observe the impact of enforcement measures.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 A former ward councillor had several meetings in 2012 with local residents to look at improving access, safety and environmental issues caused by parked cars and other obstructions in Elm Grove.
- 4.2 These meetings informed proposals, developed by officers, to introduce some more formal parking areas and environmental improvements.
- 4.3 Information leaflets showing proposed plans, together with a questionnaire were sent to 798 addresses. These addresses included all properties on Elm Grove and 6-10 properties on side streets leading off Elm Grove (at the Elm Grove end of the street). The same information and questionnaire was also put online, on the council's consultation portal, with an additional question to ask respondents which street they live in. The consultation ran from 11 January to 11 February 2013.

Results

- 4.4 The question asked was "Please let us know if you support the proposals for Elm Grove?"
- 30% supported the improvements for Elm Grove
 - 67% did not support the improvements

Of those who lived on Elm Grove or side streets leading off Elm Grove (i.e. those directly affected by the proposals):

- 33% supported the improvements for Elm Grove
 - 63% did not support the improvements for Elm Grove
- 4.5 The major concern expressed by residents who were against the proposed scheme was "where are these vehicles going to park?"

- 4.6 The major reason to support the proposal given was “stopping footway parking/driving on footways.”
- 4.7 Support for better management of traffic and parking was expressed by the local bus company, Sussex Community NHS Trust, South East Coast Ambulance Service and Bricycles. Elm Grove primary school asked for stricter parking enforcement concentrating on stopping people parking on corners.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The cost of officer time in introducing and co-ordinating a joint initiative of enforcement will be funded from existing revenue budget within the Transport service.
- 5.2 Enforcement is expected to result in income being received from issuing Penalty Charge Notices. Income received from Penalty Charge Notices will firstly fund the cost of enforcement, with any surplus income arising from on street parking being used to defray qualifying expenditure. The level of income is hard to predict and the number of parking tickets issued would be expected to fall as enforcement is maintained.

Finance Officer Consulted: Steven Bedford

Date: 03/09/13

Legal Implications:

- 5.3 The Council has a duty under section 39 of the Road Traffic Act 1988 to carry out studies into accidents arising out of the use of vehicles on roads for which it is the highway authority and to use its powers to take measures to prevent or reduce the occurrence of such accidents.
- The Council has civil enforcement powers in relation to parking contraventions under the Traffic Management Act 2004 and regulations made under it. In carrying out consultation the Council is under a general duty to ensure that any consultation is fair. This means that it must be carried out when proposals are being formulated, that adequate time and information about proposals must be given to consultees to ensure that they can provide a proper response, and that any consultation responses must be properly considered in reaching the decision.
- Relevant Human Rights to which the Council should have regard are the right to respect for family and private life and the right to protection of property. These are qualified rights and there can be interference with them in appropriate circumstances.

Lawyer Consulted:

Carl Hearsom

Date: 03/09/13

Equalities Implications:

- 5.4 Improved management of parking will improve safe access for all users but in particular vulnerable pedestrians such as the disabled, deaf and visually impaired

and parents with small children, especially as users of the footway should not reasonably expect to compete with moving vehicles.

Sustainability Implications:

- 5.5 Effective parking management contributes to reducing congestion and improving safe access contributing to the promotion of sustainable transport usage and tackling climate change through reduction in carbon emissions.

Crime & Disorder Implications:

- 5.6 Parking and traffic enforcement is expected to reduce incidences of driving on the footway and various forms of criminal obstruction and nuisance on the road and footway.

Risk and Opportunity Management Implications:

- 5.7 Any risks have been identified and monitored as part of overall project management.

Public Health Implications:

- 5.8 Improved management of parking may help to reduce motor traffic in the area, and thereby the effect on public health of harmful pollutants and reduce injuries sustained in collisions.

Corporate / Citywide Implications:

- 5.9 The proposed management of parking will contribute to the following priorities in the Corporate Plan 2011-15; tackling inequality and creating a more sustainable city.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The main alternative is to do nothing but this is not recommended due to the strong evidence of safety and obstruction issues.
- 6.2 The alternative of regularising parking by creating off street parking areas has been rejected by residents and money that was allocated in last year's local transport fund is no longer available due to resource pressures elsewhere.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To note the results of the consultation
- 7.2 To make recommendations as to the future parking management and enforcement in Elm Grove.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A Elm Grove consultation leaflet
2. Appendix B Consultation questionnaire
3. Appendix C Consultation report

Documents in Members' Rooms

None

Background Documents

1. Transport Committee report 15 January 2013 Agenda item 53

