

**COMMUNITIES AND LOCAL SERVICES SCRUTINY COMMITTEE
17 FEBRUARY 2022**

MANAGEMENT OF GRASS VERGES – FINAL REPORT

SUMMARY REPORT

Purpose of the Report

1. To provide an update of the Management of Grass Verges Task and Finish Group, established by this Scrutiny Committee to assist the development of a new operational policy in relation to the management of grass verges; and to consider and endorse the adoption of a flow chart to address a range of issues associated with grass verges.

Summary

2. At a meeting of the Communities and Local Services Scrutiny Committee held on 25 February 2021, Members received a report which set out the current position adopted by the Council in relation to the management of grass verges.
3. Members of the Scrutiny Committee agreed that a Task and Finish Group be established to assist the development of a new operational policy in relation to the management of grass verges. All Members of the Scrutiny Committee were invited to participate.
4. An initial meeting of the Task and Finish Group was held on 9 April 2021 and a further meeting was held on 12 November 2021. The notes of the meeting are attached (**Appendix 1**).
5. It was agreed at the meeting held on 12 November 2021 that a flow chart, which would provide a toolkit of options to address a range of issues associated with grass verges, would assist Members. A draft flow chart has been developed by Officers and shared with all Councillors for comment.
6. The final draft of the flow chart is attached (**Appendix 2**).

Recommendation

7. It is recommended that the Communities and Local Services Scrutiny Committee considers and endorses the adoption of the flow chart attached at Appendix 2.

**Councillor Steven Tait
Chair of Management of Grass Verges Task and Finish Group**

Background Papers

None

Hannah Miller : Extension 5801

S17 Crime and Disorder	This report has no implications for Crime and Disorder
Health and Wellbeing	This report has implications on the Health and Wellbeing of residents of Darlington.
Carbon Impact and Climate Change	There are no issues which this report needs to address
Diversity	There are no issues relating to diversity which this report needs to address
Wards Affected	All wards
Groups Affected	The impact of the report on any individual Group is considered to be minimal
Budget and Policy Framework	This report does not represent a change to the budget and policy framework
Key Decision	Not a key decision
Urgent Decision	Not an urgent decision
Council Plan	This report contributes to the Council Plan through the involvement of Members in contributing to the development of operational policy.
Efficiency	The outcome of this report does not impact on the Council efficiency agenda
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

8. The Review Group held its initial meeting on 9 April, 2021 where Members agreed to undertake a table top exercise to trial the draft verge damage assessment form on a number of locations in their wards, covering various circumstances. It was also agreed that the task and finish group would be reconvened to review the results of this exercise and finalise the assessment process. This work was not progressed.
9. A progress report was submitted to the Communities and Local Services Scrutiny Committee on 21 October, where Members agreed to continue with the Task and Finish Group, adopting an Officer led approach with Member involvement.
10. A further meeting of the Review Group was held on 12 November 2021. Members were provided with details of a draft flow chart, which would provide a toolkit of options to address a range of issues associated with grass verges. Members were in agreement that the flow chart would be beneficial but required further development to ensure all possible issues were covered.
11. The flow chart has been developed by Officers and circulated to all Members on 14 January 2022 for comment. Comments have been incorporated where appropriate and the final version of the flow chart is attached at Appendix 2.
12. Members are requested to consider and endorse the adoption of the flow chart to assist with the management of grass verges.

MANAGEMENT OF GRASS VERGES – REVIEW GROUP

9 APRIL 2021

PRESENT – Councillors Renton (Chair), Bartch, Culley, Donoghue, Haszeldine, McCollom and Tait

APOLOGIES – Councillors Cossins and Durham

OFFICERS IN ATTENDANCE – Dave Winstanley (Assistant Director – Transport and Capital Projects), Steve Pryke (Head of Highways Asset Management), Andrew Casey (Head of Highways Network Management), Andrew Cruddace (Surveying and Street Works Manager), Anna Willey (Anti Social Behaviour and Civic Enforcement Manager), Melanie Emmerson (Highways Inspector) and Hannah Fay (Democratic Officer)

Following a query from a Member regarding enforcement and legal matters, reference was made to the summary note circulated to Members prior to the meeting which outlined the general highway legislation and traffic regulation orders, byelaws, community protection notices, PSPO and the highway code in relation to parking on grass verges.

A discussion ensued in respect of the options available to deter, prevent or accommodate parking and enforcement options:

- Members were in favour of a number of options to deter and prevent parking including the use of signs; planting of wildflowers, however as this was seasonal it would not address the issue in the winter months; the use of temporary markers, however these could be subjected to vandalism; and the use of fake parking tickets. Members felt that tree planting should be considered but noted that this was not suitable in many residential areas.
- It was highlighted that the use of planters was a good option as these would act as a direct deterrent to parking on verges. In rural areas residents often placed stones on grass verges however these could be replaced with planters. Members queried whether the Council would be required to install planters or whether residents could be provided with a list of approved planters that they could purchase and maintain. The Assistant Director, Transport and Capital Projects advised that the Council may need to provide the service; assessments would be required for each location identified; would require liaison with streetscene regarding maintenance; and further investigation into the legalities surrounding the purchase and maintenance of planters by residents. It was highlighted that planters would need to be heavy duty to ensure these could not be moved or vandalised and that planters were not a viable option in some streets.
- It was highlighted that residents would either take pride in their street or they wouldn't and it was suggested to offer free garden waste bins to those residents who agreed to maintain the grass verge outside their property.

- Members felt that verge hardening should be avoided where possible and that prevention and deterrent measures were preferred. Members were informed that Grasscrete blocks had been used in the past however these were very expensive.
- Members highlighted that many of the options discussed would only displace the issue of parking on verges however were assured that a robust assessment process should identify any impacts.
- Members also highlighted the need to consider residents with disabilities, some residents need to be able to park close to their property; and Members needed to be mindful of access to utilities that were held in grass verges.
- Members felt that there was a role for enforcement, however the layout of some residential streets meant that parking on the paths and verges was a necessity. If enforcement action was taken this may cause obstructions in these streets. It was felt that for streets where the majority of residents looked after their verges and a small minority of residents caused damage, then enforcement could be the way to go.
- In relation to the general byelaw that was in place, the maximum penalty for a breach was £20; due to the time and effort involved in bringing a prosecution it would not make commercial sense and would not be in the public interest to enforce this. Members noted that currently the enforcement around parking on verges was sporadic and undertaken as and when requested.
- The Anti Social Behaviour and Civic Enforcement Manager advised Members that other local authorities had used community protection notice (CPN) warnings and CPNs; the warnings gave residents the opportunity to change their behaviour before a fine was issued; and Stockton had used this approach with a 90 per cent success rate. Members were informed that this approach may have resource implications for the enforcement team.
- In relation to the budget for grass verge management Members noted that there was previously a small budget, however this was no longer available and repairs to verges were included in the reactive maintenance budget which was £400k.
- In terms of the scale of the problem Members noted that there was 17,000 km of footway, not all had verges but many residential streets had verges and trees; and complaints in respect of damage to verges were seasonal with more received in the Autumn/Winter time. Reference was made to a rough costing exercise undertaken a number of years ago in relation to verge hardening which identified the cost to be in the millions; however there were now a number of alternative options available for at least half of the streets in Darlington.

Discussion also ensued on the draft assessment process and Members reviewed the draft verge damage assessment form. Members agreed that the form was comprehensive and noted that this would be available as an online form once the assessment process had been agreed.

Members discussed the next steps and agreed to undertake a table top exercise to trial the draft verge damage assessment form on a number of locations in their wards, covering various circumstances. The task and finish group would be reconvened to review the results of this exercise and finalise the assessment process.

Future steps included a trial of the assessment process on a small number of pilot areas and Members were informed of a small pot of money available for this pilot.

Members held a discussion in respect of an assessment process to future proof housing estates and how this could be embedded in the planning process; a Briefing note would be circulated to Members to provide context in respect of planning policy and parking standards.

IT WAS AGREED – (a) That the draft verge damage assessment form be circulated to members, along with a list of options to deter, prevent or accommodate verge parking, to enable Members to undertake a table top exercise to trial the draft verge damage assessment form on a number of locations in their wards, covering various circumstances.

(b) That a further meeting be arranged in June for Members to review the results of the trial of the draft verge damage assessment form and to finalise the assessment process.

(c) That a briefing note in respect of planning policy and parking standards be circulated to members.

MANAGEMENT OF GRASS VERGES – REVIEW GROUP

12 NOVEMBER 2021

PRESENT – Councillors Tait (Chair), Allen, Culley and Willis

APOLOGIES – Councillor Donoghue

OFFICERS IN ATTENDANCE – Anthony Hewitt (Assistant Director – Transport and Capital Projects), Steve Pryke (Head of Highways Asset Management), Andrew Casey (Head of Highways Network Management) and Hannah Miller (Democratic Officer)

Reference was made to the comments submitted by a number of Councillors in respect of the Ward specific issues associated with grass verges. The Assistant Director, Transport and Capital Projects advised Members that these comments could be broadly separated into categories; and outlined the key comments relating to home deliveries, resident protection, environmental/wildlife benefit and enforcement.

Discussion ensued in respect of the option to develop a flow chart; the Assistant Director, Transport and Capital Projects gave details of a draft flow chart, which would provide a toolkit of options to address a range of issues associated with grass verges.

Following a question, Members were advised that it was an offence for residents to place objects on grass verges and any residents doing so would be informed of this.

Members were in agreement that that the flow chart would be useful for Members and should be developed further, and to ensure that the flow chart covered all possible issues, this should be shared with all Councillors to review, prior to sign off by the Communities and Local Services Scrutiny Committee.

IT WAS AGREED – (a) That the draft flow chart be further developed and shared with all Councillors for comment.

(b) That, following comment from all Councillors, the flow chart be considered at a future meeting of the Communities and Local Services Scrutiny Committee for approval.