

Report of Highway Asset Management

Report to Chief Officer (Highways and Transportation)

Date: 6 December 2016

Subject: Approval of Grass Verge Guidance Document

Capital scheme number:

Are specific electoral wards affected? If relevant, name(s) of ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. Increasing car ownership is putting many pressures on the environment. One challenge is the limited space available for car parking on residential streets and the impact this has where verges are being parked on and damaged.
2. This issue has for many years prompted requests for solutions to be found in many streets. All have been dealt with on their own merit. Since 2004 this has been on the basis that if major maintenance work was planned and a contribution to funding could be sourced from other departments such as Housing then changes to the verges could be considered as part of the maintenance visit, but creating parking facilities is not the only option.
3. The solutions available range from various forms of deterrent to altering the street to accommodate parking. There is need for a clear guidance in the various options available and how and where to apply them.
4. Improved management of the use of verges can contribute to the Best Council Plan by helping to enhance quality of our public realm and green spaces.

Recommendations

5. The Chief Officer (Highways and Transportation) is requested to note the contents of this report and approve for implementation the document "Guidance on Protecting Grass Verges."

1 Purpose of this report

1.1 This report is intended to introduce the document Guidance on Verge Management to be used in evaluating requests for changes to verges to deter or accommodate parking.

2 Background information

2.1 Increasing car ownership is putting many pressures on the environment. One challenge is the limited space available for car parking on residential streets. Where there is a grass verge in the street the outcome is all too common; the grass is parked on and in wet conditions, usually in the winter, this can lead to a lot of damage.

2.2 There are examples across the city where the verges have been removed, usually by replacing with tarmac. It has become clear in recent times that this has contributed to the increase speed of run-off time for rain which in turn, in times of heavy rain, can result in down-stream flooding.

2.3 If a verge is to be altered to accommodate parking then in recognition of the downstream flooding issue solutions need to be sustainable, this excludes the use of conventional tarmac in favour of treatments that are permeable; allowing rain water to soak through to the sub soil as with a grass verge. These solutions cost more than the tradition materials and affect the justification of the choice of solution.

2.4 Customers' request for dealing with on verge parking and the resulting damage vary in their approach and offer conflicting views. Depending on their own needs residents on the same street can want the verges protected and retained as an amenity, or removed and parking provision provided.

2.5 In deterring parking on grass verges there are a number of options from physical barriers such as fences or bollards to legal restrictions including Traffic Regulations Orders.

2.6 Under the provision of the 1984 Byelaws For the Good Rule and Government of the City of Leeds bye-law 10 is *Preservation of road margins etc.* This bye-law has never been used. To be enforceable any verge to be protected has to have a sign indicating that the byelaw applies. The prosecution of this byelaw is by Leeds City Council and is via the magistrates' court. A successful prosecution results in summary conviction; criminalising the offender. Advice from the legal services is that there would need to be a policy decision made to implement this byelaw. This would be a cross departmental policy involving City Development, Environment and Housing and Strategy and Resources.

3 Main issues

3.1 **Design proposals and full scheme description.**

3.2 **Programme** There is no proposed programme of work associated in this report.

4 Corporate considerations

4.1 Consultation and engagement

4.1.1 The Executive Member for Highways and Transportation has seen this guidance document and welcomed its approach.

4.2 Equality and diversity / cohesion and integration:-

4.2.1 A screening document has been prepared (Appendix A) an independent impact assessment is not required for the approvals requested.

4.3 Council policies and the best council plan

4.3.1 The use of this guidance to determine the appropriate solution in a particular location will provide a consistency of approach and help the council make better informed choices. This will contribute to the council's Best City Plan in enhancing the public realm and green spaces

4.4 Resources and value for money

4.4.1 The introduction of this guidance does not involve extra resources. It will be used by exiting staff. Any scheme that is promoted as a result of advice given in this guide will have to be funded as a result of an individual business case and justification

4.5 Legal implications, access to information and call-in

4.5.1 The legal framework that underpins this guidance will be the Highways Act 1980 and the Road Traffic Regulations Act 1984

4.6 Risk management

4.6.1 Risk management will need to be carried out at the time of individual assessments

5 Conclusions

5.1 The management of the use of grass verges need clear and objective guidance this document gives that guidance and should lead to a more consistent approach to this matter from all those who need to address this issue.

6 Recommendations¹

6.1 The Chief Officer (Highways and Transportation) is requested to note the contents of this report and approve for implementation the document "Guidance on Protecting Grass Verges.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Appendix A

Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: City Development	Service area: Highways & Transportation
Lead person: Andrew Bellamy	Contact number: 87317

1. Title: Guidance on the protection of Grass Verges

Is this a:

Strategy / Policy
 Service / Function
 Other

A guidance document to provide a consistent approach to assessing requests for dealing with on verge parking

2. Please provide a brief description of what you are screening

This is a document aimed at giving guidance on the choices to be made for the protection of verges as a result of car parking. It gives options on deterrent to parking or appropriate adaptation of verges to sustain parking.

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment,

residential location or family background and education or skills levels).		
Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?		x
Have there been or likely to be any public concerns about the policy or proposal?	Y	
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		x
Could the proposal affect our workforce or employment practices?		x
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 		x

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

<p>4. Considering the impact on equality, diversity, cohesion and integration</p>
<p>If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.</p> <p>Please provide specific details for all three areas below (use the prompts for guidance).</p> <ul style="list-style-type: none"> • How have you considered equality, diversity, cohesion and integration? (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected) <p>The document to be approved does not prescribe any one solution it provides the guidance to explore all options. There will be different equality outcomes when specific locations are assessed; at that stage the equality impact for the specific design should be assessed.</p>
<ul style="list-style-type: none"> • Key findings <p>(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)</p> <p>The screening highlights that any specific impacts on equality characteristics will need to be considered as part of the progression of individual schemes.</p>

- **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

As any proposed project proceeds the appropriate EDCI assessment procedure will then be invoked. It is anticipated that this will highlight that any specific impacts on equality characteristics will need to be looked at in-line with the specific areas identified for progression.

5. If you are not already considering the impact on equality, diversity, cohesion and integration you will need to carry out an impact assessment.

Date to scope and plan your impact assessment:	
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Date to complete your impact assessment	
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Lead person for your impact assessment (Include name and job title)	
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6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Andrew Bellamy	Principal Engineer Highways Asset management	29/11/2016

7. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

Please send a copy to the Equality Team for publishing

Date screening completed	
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Date sent to Equality Team	
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Date published (To be completed by the Equality Team)	
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