

14 March 2017

Policy, Finance & Resources Committee

Grass Verge Bylaws

Report of: *Daniel Toohey, Head of Legal Services and Monitoring Officer*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 This report requests the approval of the Committee to enable officers to proceed with the introduction of prohibitions against parking on grass verges at locations within the Borough.
- 1.2 Section 6 (2) (a) and (5) (b) of the Essex Act 1987 allows Brentwood Borough Council, working in conjunction with Essex County Council, to prohibit either entirely or at specified times, the driving or leaving of vehicles on grass verges beside Borough roadways, in conformity with the requirements of the Road Traffic Regulation Act 1984.

2. Recommendation

- 2.1 **That officers further investigate and prepare a report on the application of restrictions relating to parking on grass verges within the borough , the authority under which any such restrictions can be applied and how any enforcement action can be taken. This report to be presented to the next PFR committee.**

3. Introduction and Background

- 3.1 Concerns have been raised by Borough residents and Members, that motorists have been parking vehicles on to verges at certain locations in the borough, which has in turn obstructed pedestrian or disabled access.

4. Issue, Options and Analysis of Options

- 4.1 Before a local authority may introduce a bylaw there is a required consultation notice period, as well as the seeking of approval from the appropriate Secretary of State. However a bylaw would not be considered appropriate if there is power under general legislation elsewhere.

- 4.2 In this case, Section 6 (2) (a) and (5) (b) of the Essex Act 1987 allows Brentwood Borough Council by notice to prohibit, either entirely or at specified times, the driving or leaving of vehicles on grass verges beside roadways.
- 4.3 Section (5) (b) of the Essex Act 1987 provides that where the notice of prohibition relates to a grass verge forming part of or adjoining a highway used by motor vehicles it must be in the form of a traffic sign and the erection and display of it shall conform with the requirements of the Road Traffic Regulation Act 1984. That Act sets out the procedure and requirements for this which includes directions as may be set out by the Secretary of State.

5. Reasons for Recommendation

- 5.1 To enable the Council to ensure the proper enjoyment and use of roadside verges for the benefit of the Council and its residents.

6. Consultation

- 6.1 No formal consultation has been undertaken at this stage however dependent on the option agreed there may be a legal need for a public consultation.

7. References to Corporate Plan

- 7.1 This proposal meets certain aspects of the corporate plan by providing advice, support, guidance and enforcement to the community and by helping to safe-guard public safety and enhance standards locally.

8. Implications

Financial Implications

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- 8.1 There are no immediate financial implications of this proposal but consideration would need to be given to the cost of implementing and the income from enforcement which may ensue. These issues will need to be considered within future budget setting processes.

Legal Implications

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- 8.2 The legal issues relating to this matter are contained in the body of this report.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.3 None

9. **Background Papers** (include their location and identify whether any are exempt or protected by copyright)
None.

10. **Appendices to this report**
None.

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