

**Written statement of a non-key decision**  
**Cabinet member transport and regulatory services**

<b>Title</b>	<b>Consideration of controls to restrict parking on grass verges and pathways</b>
Decision maker	Cabinet member transport and regulatory services Information about cabinet, including the names and contact details of the cabinet members, can be found here: <a href="http://councillors.herefordshire.gov.uk/mgCommitteeDetails.aspx?ID=251">http://councillors.herefordshire.gov.uk/mgCommitteeDetails.aspx?ID=251</a>
Date of decision	11 October 2018
Report exemption class	Open
Purpose	<p>On 13 July 2018 the council resolved that: the executive be asked to consider putting in place suitable controls to restrict parking on grass verges and pathways, including the introduction of by-laws.</p> <p>The purpose of this report is to determine the executive's response to the above resolution.</p> <p>Having considered the provision afforded by relevant legislation:</p> <ul style="list-style-type: none"> <li>• If the matter to be addressed relates to regular and sustained careless parking at particular locations, then the most appropriate means of control will be through the introduction of a Traffic Regulation Order (TRO), which can be enforced by the Council's Civil Enforcement officers.</li> <li>• If the matter relates to occasional damage by a particular individual, or individuals, at a particular location, then the use of the provisions in the Highways Act 1980 may be the most appropriate means of control.</li> <li>• Given the existence of the above provisions in law, it is considered unlikely that the Secretary of State will decide to take forward any application for a bylaw to address an issue with parking on verges and footways unless it can be demonstrated that such matters cannot be addressed through TROs or the existing</li> </ul>

	provisions under the Highways Act 1980 or any other relevant legislation.
<b>Decision</b>	<b>That: all members be advised of the existing provisions for the introduction of Traffic Regulation Orders for the control of parking at particular locations, which provide the most efficient and lawful means by which any sustained parking issue associated with careless parking can be considered.</b>
Reason for the decision	As set out in the report. Documents relating to this decision are available at <a href="http://councillors.herefordshire.gov.uk/mglIssueHistoryHome.aspx?IId=50027775">http://councillors.herefordshire.gov.uk/mglIssueHistoryHome.aspx?IId=50027775</a>
Options considered	<ol style="list-style-type: none"> <li>1. If the matter relates to occasional damage by a particular individual, or individuals, at a particular location, then the use of the provisions in the Highways Act 1980 may be the most appropriate means of control. Although the powers under the act remain open to the council use of them is not recommended because the penalties available when using these powers are insufficient to justify their use.</li> <li>2. A county-wide, bylaw could be taken forward. This is not recommended because given the existing provisions in law, it is considered unlikely that the Secretary of State would decide to take forward any application for a bylaw to address an issue with parking on verges and footways in Herefordshire.</li> <li>3. Bylaws could be taken forward for Hereford and/or each of the Market Towns. This is not recommended because given the existing provisions in law, it is considered unlikely that the Secretary of State would decide to take forward any application for a bylaw to address an issue with parking on verges and footways in Hereford or the Market Towns.</li> </ol>
Declarations of interest (see below)	
Call-in expiry date (decisions are not subject to call-in where special urgency provisions apply)	17 October 2018

Councillor: .....	Date 11 October 2018
Cabinet member transport and regulatory	

services  
(Councillor BA Durkin)

- a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision;
- and
- in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service.