

Cabinet Member for City Services

8th November 2024

Name of Cabinet Member:

Cabinet Member for City Services – Councillor P Hetherton

Director approving submission of the report:

Director of City Services and Commercial

Ward(s) affected:

Wainbody

Title: Petition 37/23 - Finham Residents to be allowed to tender and look after grass verges outside homes

Is this a key decision?

No

Executive summary:

A petition bearing 9 signatures was received requesting that residents are allowed to place stones on grass verges to protect vehicles from parking.

In accordance with the City Council's procedure for dealing with petitions, those relating to highways maintenance are heard by the Cabinet Member for City Services. The Cabinet Member had considered the petition prior to this meeting and requested that the petition was dealt with by letter (determination letter) rather than a formal report being submitted to a meeting, to be able to deal with the matter more efficiently.

The determination letter advised that we will not allow objects, including stones to be placed on the public highway. Objects placed on the highway by residents cause hazards to the public who have a right to pass and repass the public highway freely and in a safe manner. Along with the verge protection programme of work, we will continue to explore options to protect grass verges from overriding.

On receipt of the determination letter, the petition organiser requested that they wanted the issue to be considered at a Cabinet Member for City Services meeting.

Recommendations:

1. Note the petitioners' concerns.
2. Endorse the actions confirmed by determination letter to the petition organiser as set out in paragraphs 2.1 & 2.2 of the report.

List of Appendices included:

Appendix A - Extract from the Verge Policy July 2011 showing tier 3 guidance

Appendix B - Photos showing the stones on the verge

Appendix C - Photos showing the current condition of the verge

Has it or will it be considered by Scrutiny?

No

Has it or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Petition 37/23 - Finham Residents to be allowed to tender and look after grass verges outside homes

1. Context (or background)

- 1.1. Stones, rocks and boulders have been placed on the public highway by residents to stop vehicles parking.
- 1.2. Under [Section 148](#) and [Section 149](#) of The Highways Act 1980 it is an offence if ‘a person deposits anything whatsoever on a highway to the interruption of any user of the highway without lawful authority or excuse or if the thing “constitutes a nuisance” ‘ or constitutes a “danger to users of the highway (including a danger caused by obstructing the view)” then they can remove it without delay and recover the cost of removal from the owner.
- 1.3. We have received complaints from members of the public about stones and rocks placed by others on the highway.
- 1.4. We are aware of several incidents causing damage because of stones and rocks on the public highway.
- 1.5. An officer of the City Council has assessed Green Lane on a regular basis since the stones and rocks have been removed and there has been no damage to the verges.
- 1.6. We have an annual verge protection programme with a limited budget, there are currently 78 requests for verge protection across the City.

2. Options considered and recommended proposal

- 2.1. Following recent condition assessments, it is proposed to continue to monitor Green Lane verges before considering any physical verge protection measures.
- 2.2. Look at other methods to protect verges from vehicle parking.

3. Results of consultation undertaken

- 3.1. There has been no consultation on this matter.

4. Timetable for implementing this decision.

- 4.1 Future capital highway maintenance programmes and the proposed treatment for verge protection are based on a tier system, as per the verge policy (extract in Appendix A). The decision for schemes to be included in next year’s programme will be taken to Cabinet in March 2025. It will also be dependent on the level of funding that is made available for Capital Highway Maintenance next year.

5. Comments from Director of Finance and Resources and Director of Law and Governance

5.1. Financial Implications

Removal of stones and rocks is a burden to the authority, however, we have seen an increase in the amount of objects being placed on verges, we believe this is because people see others placing objects and perhaps feel this is an acceptable practice, if we are able to keep on top of this unlawful activity, then it will stop it becoming widespread across the City which will increase our financial liability.

5.2. Legal Implications

The Highways Act 1980 places a duty on the authority to maintain safe passage on the public highway. If stones and other items placed on the public highway by others cause any injury to the public, the highway authority would be liable if we had not acted.

6. Other implications

6.1. How will this contribute to the One Coventry Plan?

<https://www.coventry.gov.uk/strategies-plans-policies/one-coventry-plan>

How is risk being managed?

We will continue to carryout safety inspections and repair verges as necessary.

6.2. What is the impact on the organisation?

None

6.3. Equalities / EIA?

No specific equalities impact assessment has been carried out.

6.4. Implications for (or impact on) climate change and the environment?

None

6.5. Implications for partner organisations?

None

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City Services and Commercial

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Service Area	Date doc sent out	Date response received or approved
Contributors:				
Caroline Taylor	Governance Services Officer	Law and Governance	26/09/24	27/09/24
Names of approvers for submission: (officers and members)				
Helen Williamson	Finance Manager	Finance	26/09/24	30/09/24
Rob Parkes	Team Manager, Legal Services	Law and Governance	26/09/2024	30/09/24
Mark Adams	Strategic Lead for Highway Operations & Delivery	Highways	26/09/2024	30/09/24
Councillor P Hetheron	Cabinet Member for City Services	-	26/09/2024	07/10/2024

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Appendix A - Extract from the Verge Policy July 2011 showing tier 3 guidance

TIER	APPROACH	OPTIONS	IMPACT	OTHER CONSIDERATIONS
3 – Local / Estate Roads (632 kms or 74% of road network)	Presumption that existing parking practices to be tolerated	<p>Existing Parking Practices</p> <p>1. Parking wholly on the verge</p> <p>2. Parking partially on the verge and partially on the road</p>	<p>1. Limited visual intrusion, reactive maintenance required</p> <p>2. Limited visual intrusion, reactive maintenance required, low traffic flows / speeds</p>	<p>Existing practices only tolerated where there are no road safety or traffic management concerns, and that street trees are not being damaged.</p> <p>Only otherwise considered for action where a clear case of community well-being is evidenced or there are significant ongoing maintenance issues. In these circumstances, the approach produced for the second-tier should be applied.</p>

Appendix B - Photos showing the stones on the verge



Appendix C - Photos showing the current condition of the verge

