

# Briefing Note

**Title:** Update on Grass Verge Parking**Date:** December 2022**Prepared by:** Claire Walters/Clive Betts/Deborah Binder**Job Title:** Environmental Place Based Development Manager/Interim Highways Service Manager/Service Lead Parking Services and Enforcement**Intended Audience:** Internal  Partner organisation  Public  Confidential 

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## Purpose

The purpose of this briefing note is to update the Scrutiny Committee around the issue of grass verge parking across the city, and what our options are in trying to address the problem when it happens.

## Current Position

Unfortunately, we have many locations throughout the City where we have persistent problems with parking/ motorists driving on verges/grass areas. Environmental Services, who maintain grass verges, are not prepared to undertake repairs to damaged verge/grass areas where the underlying problem of vehicles damaging the locations still exists, this is because any repairs we undertake will be destroyed almost immediately wasting money and resources.

Verge areas are not regarded as places where people are expected to walk so they are not required to be maintained to the same standard as footways in terms of trip hazards, potholes, etc.

Currently, where there is an obstruction of the verge (not vehicles), Public Protection can intervene and write to the resident, but as an authority we have limited powers. Where we have reports of verge parking this is logged through our CEP system. Where there are multiple reports we will investigate accordingly where we can.

## Legislation

There are two pieces of legislation that could, in theory, be used. These are the Good Rule and Government Bylaws and the Anti-Social Behaviour Crime and Policing Act 2014, (please see Appendix C for an example how we use this bylaw in Parks). However, both have their pitfalls and require actual perpetrator to be identified beyond all reasonable doubt. As neither offence allows the use of covert surveillance in accordance with RIPA, we are reliant on reliable witnesses willing to testify. To date we have had very few residents willing to come forward, effectively therefore, we are unlikely to be able to enforce verge parking.

In addition, to the above the maximum fine under the bylaws is £500 and the Fixed Penalty Notice under the 'Anti-Social Behaviour Act' is £80, (please see Appendix D for advice from Legal Services). Unfortunately, neither of these are particularly effective deterrents. Breach of a Community Protection Notice is a level 4 fine and carries a £2500 penalty.

### **Use of Enforcement**

There are difficulties in dealing with verge parking across the City particularly the enforcement side however there may be the option of a CPW, where a statement is provided however we would need to be sure that damage to a verge has been caused by the reported motorist beyond reasonable doubt.

We have consulted colleagues in other authorities and also taken internal and external legal advice – unfortunately neither avenue has helped identify an enforcement approach that could work. In view of these limitations, enforcement has been ruled out as a potential solution.

### **National Position**

The Local Government Association has called upon the Government to act, supported by several charities including Royal National Institute of Blind People (RNIB), Guide Dogs for the Blind Association and Living Streets. Pavement parking is already illegal in London, except in streets where the highway authority specifically allows it, and there was a call for this to be widened elsewhere.

National consultation on pavement parking and an evidential review, in addition to strengthening traffic regulation orders, identified 2 main options for possible legislative change, should this be considered necessary.

- to enable local authorities to enforce against an offence of 'causing an unnecessary obstruction of the pavement', as deemed by the CEO; or
- to introduce a national prohibition on pavement parking, except at locations where local authorities choose to allow it

If these measures are implemented via legislation, it will give the authority clear tools and powers to act.

An initiative in Birmingham over several years has been double kerb protection measures of verges which prevents over run. This has resulted in some success but it is expensive for the results it gets.

### **Local Authority Position**

In relation to verge parking / cars parked on the verge, there is currently no offence for parking on the verge, unless it is dangerous or causes an obstruction or we can prove it is causing damage to the Highway (which includes the verge). It will then be a matter for the Police. The only action we could take as a Local Authority relates to damage to the verge, and in order to do this we would need to prove the offence for each vehicle present, which needs to be proved beyond reasonable doubt. As you can appreciate this is extremely difficult to do for a single occurrence even more so if there was existing damage already present. This offence carries a penalty of a level 3 fine if it is successful at court, which would be a maximum of £1000.

In light of the above, we must be realistic in relation to what we will be able to do. The difficulty arises in relation to obtaining evidence if we do not have a willing witness who can positively identify the culprit. Owing to the nature of the offence we cannot undertake surveillance to prove who did the damage (knowledge of the vehicle keeper is insufficient) as we would be required to do at Court. Having said that we will certainly contact the occupier of properties whereby parking is causing damage to verges and advise them of their responsibilities.

Very wet winter weather does make matters worse and verge encroachment by even small vehicles will churn up grass areas this because the ground is saturated, however with drier weather the verge areas will start to recover.

### **Parking Services Perspective**

Under the Traffic Management Act 2004, Parking Enforcement do have the powers to enforce against vehicles who park on grass verges. That said, only if the area in question forms part of the adopted highway and there is an appropriate Traffic Regulation Order (TRO) in place, which covers to the highway boundary which can include the grass verge area. A TRO is a legal order which is only enforceable if supported by clear and correct road markings, kerb markings and the applicable kerb signage.

Yellow lines and kerb markings can be used to restrict parking on the highway, pavement and grass verges. These restrictions are applicable to all motorists, including residents. Dependant on the applicable road markings and signage, restrictions can prevent parking, loading and unloading 24 hours a day, seven days a week. Or single yellow lines and kerb markings will apply during the times shown on the kerb side signage. In most instances yellow lines and signs would not be appropriate to use solely to combat inconsiderate verge parking.

In November 2010 a proposal was submitted to introduce a "Prohibition of Verge and Footway Parking Order" in the following locations:

- Darlaston Lane, (Bilston)
- Dovedale Road, (Bilston)
- Park Road East and West, (Tettenhall)
- Warstones Road, (Penn)
- Oxbarn Avenue, (Penn)

These locations were selected as they met the required criteria which is as follows:

- There is recorded evidence of a problem, such as a number of complaints and/or damage to footways or verges;
- Permitted on-street parking must not negatively impact on the highway;
- The introduction of the scheme will not displace parked vehicles to surrounding streets;
- The road width should not be less than 7.4 metres;
- The problem cannot be solved by cost effective physical measures;
- Locations fall within current existing Civil Enforcement areas.

Numerous objections were raised by residents, as such the order for Park Road East and West was not implemented. Regarding Warstones Road, Oxbarn Avenue, Darlaston Lane and Dovedale Road further adjustments were made, allowing motorists to park on the dropped paved or

hardened area. However, motorists are still not allowed to park on the grass verges or pedestrian pavement areas, (see Appendix E)

Parking enforcement for these streets have continued, between 01/11/2021 and 31/10/2022 enforcement action resulted in several Penalty Charge Notices (PCN's) being issued. See table below. Despite PCN's being issued to vehicles in these locations there is still evidence of vehicles parking on the verges.

<b>Location</b>	<b>Visits</b>	<b>Obs Count</b>	<b>Notices Issued</b>
<b>Darlaston Lane, Bliston</b>	32	9	9
<b>Dovedale Road, Bilston</b>	37	7	6
<b>Warstones Road, Penn</b>	128	33	31
<b>Oxbarn Avenue, Penn</b>	48	4	4

The frequency of enforcement visits, undertaken by a Civil Enforcement Officer, will depend on the resources available and other demands or events taking place within the city.

Unfortunately, the width of many roads in the city is insufficient for us to consider a verge and pavement parking order. And introducing any other form of restrictions will remove the on-street parking for residents, which is likely to be very unpopular.

### **Options for Alternatives to Grass Verges**

When grass verges become unsightly due to continued damage from parking, Highways have been asked to look for alternatives. Whilst this may seem like the obvious solution, there are many cost and environmental considerations that need to be taken into account.

In order to complete this conversion it requires lowering of the existing verge to carriageway level. This may not only involve the construction of carriageway surfacing but also may require relocation of underground services as often these run along the verges for obvious reasons. It is therefore difficult to provide any kind of cost associated with such works as there are many unknowns. However, as an example, a recent enquiry asked for the cost to convert grass verges on Thornton Road in East Park to alleviate school gate parking issues. The scheme would have converted verges into 13 longitudinal parking bays. This came in at an approximate cost of £80,000. It was only this low as when investigating no underground services needed to be relocated. This is unusual. Costs of relocating services can run into hundreds of thousands to relocate fibre optics.

Converting verges into black top/footway is simpler in most cases but requires a "sea" of bollards, tightly spaces (generally less than 1.8 metre centres) to prevent vehicular access. This leads to aesthetic issues, long term maintenance issues and higher costs of implementation.

## Appendix A

24th May 2021

WV14

Dear xxxxxx

### **Highways Act 1980 Section 148 and 149 Obstruction of the Highway**

This department has been made aware that items have been placed upon the grass verge outside of your property. Whilst I appreciate that placing items on the verge prevents cars parking and causing damage, such items do become a nuisance.

They form a potential trip hazard to pedestrians (particularly at night and during winter when the items are covered in snow) and also prevent council staff from mowing the verge effectively.

You may not be aware that it is an offence under section 148 of the Highways Act 1980 to place items on the grass verge as it forms part of the public highway. Moreover, the council may prosecute any person who places items on the highway which are deemed to cause an obstruction or a nuisance. The maximum fine if found guilty of this offence is currently £1,000.

The council have powers to remove items causing obstruction or nuisance and where the council decides to act under this power, the items cannot be re-claimed and reasonable charges may be levied by the council for their removal.

**In summary, I would be grateful if you would arrange for removal of the items placed on the grass verge within 14 days from the date of this letter to avoid the need for further action. Should you wish to discuss the matter further please do not hesitate to contact me on the below-mentioned telephone number.**

**Joe Bloggs**

Environmental Protection

Direct: 01902 55&&&&

Email: [joe.bloggs@wolverhampton.gov.uk](mailto:joe.bloggs@wolverhampton.gov.uk)

## **Extract from Sections 148 and 149 Highways Act 1980**

### **148 Penalty for depositing things or pitching booths etc on highway**

If, without lawful authority or excuse—

- (a) a person deposits on a made-up carriageway any dung, compost or other material for dressing land, or any rubbish, or
- (b) a person deposits on any highway that consists of or comprises a made-up carriageway any dung, compost or other material for dressing land, or any rubbish, within 15 feet from the centre of that carriageway, or
- (c) a person deposits anything whatsoever on a highway to the interruption of any user of the highway, or
- (d) a hawker or other itinerant trader pitches a booth, stall or stand, or encamps, on a highway,

he is guilty of an offence and liable to a fine not exceeding [level 3 on the standard scale.

### **149 Removal of things so deposited on highways as to be a nuisance etc**

(1) If any thing is so deposited on a highway as to constitute a nuisance, the highway authority for the highway may by notice require the person who deposited it there to remove it forthwith and if he fails to comply with the notice the authority may make a complaint to a magistrates' court for a removal and disposal order under this section.

(2) If the highway authority for any highway have reasonable grounds for considering—

(a) that anything unlawfully deposited on the highway constitutes a danger (including a danger caused by obstructing the view) to users of the highway, and

(b) that the thing in question ought to be removed without the delay involved in giving notice or obtaining a removal and disposal order from a magistrates' court under this section,

the authority may remove the thing forthwith.

(3) The highway authority by whom a thing is removed in pursuance of subsection (2) above may either—

(a) recover from the person by whom it was deposited on the highway, or from any person claiming to be entitled to it, any expenses reasonably incurred by the authority in removing it, or

(b) make a complaint to a magistrates' court for a disposal order under this section.

(4) A magistrates' court may, on a complaint made under this section, make an order authorising the complainant authority—

(a) either to remove the thing in question and dispose of it or, as the case may be, to dispose of the thing in question, and

(b) after payment out of any proceeds arising from the disposal of the expenses incurred in the removal and disposal, to apply the balance, if any, of the proceeds to the maintenance of highways maintainable at the public expense by them.

(5) If the thing in question is not of sufficient value to defray the expenses of removing it, the complainant authority may recover from the person who deposited it on the highway the expenses, or the balance of the expenses, reasonably incurred by them in removing it.

(6) A magistrates' court composed of a single justice may hear a complaint under this section.

## Appendix B

Agenda Item:

Wolverhampton City Council

### OPEN EXECUTIVE DECISION ITEM (AMBER)

CABINET (RESOURCES) PANEL

Date 23 NOVEMBER  
2010

Resources Cabinet Panel

Portfolio(s)

**REGENERATION & ENTERPRISE**

Originating Service Group(s)

**REGENERATION & ENVIRONMENT**

Contact Officer(s)/

**DENISE**      **BOB**      **STEVE**  
**ECCLESTON**   **WILLIS**   **WOODWARD**  
**EXT 0301**      **EXT 5790**      **EXT 4260**

KEY DECISION      YES

Telephone Number(s)

IN FORWARD PLAN      YES

Title

**PROHIBITION AND ENFORCEMENT OF FOOTWAY PARKING  
IN CONTROLLED PARKING ZONES (CPZ)**

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### **Recommendation**

1. To approve the proposal to introduce a footway parking management scheme that will prohibit parking on pavements and verges at:
  - Darlaston Lane, (Bilston)
  - Dovedale Road, (Bilston)
  - Park Road East and West, (Tettenhall)
  - Warstones Road, (Penn)
  - Oxbarn Avenue, (Penn)
2. To approve subject to there being no unresolved objections, the introduction of a "Prohibition of Verge and Footway Parking Order"
3. To receive a further report after 12 months in order to review the scheme and if appropriate give consideration to additional locations.

4. To note the plans in Appendix A which identify the locations of the proposed Controlled Parking Zones (CPZ).

## **1. PURPOSE OF REPORT**

- 1.1 To seek approval for the introduction of a “prohibition of verge and footway parking order”  
This report will identify locations that are recorded as having severe problems with pavement and verge parking and meet the set criteria (as in 3.1) for a Controlled Parking Zone.

## **2. BACKGROUND**

- 2.1 Vehicles parking on pavements and verges can cause damage, danger and obstruction to road users and especially to pedestrians, including the disabled, the visually impaired, the elderly and those with prams or pushchairs. Environmental damage is caused to kerb stones, grassed areas, to the fabric of the pavement and to the services underneath the footway.
- 2.2 The main concerns with parking on pavements and grass verges are:
  - Vehicles obstructing the safe passage of pedestrians;
  - Damage to the structure of the pavement or verge creating trip hazards;
  - Unseen environmental damage;
  - The expense of repair and maintenance;
  - Third party claims.
- 2.3 Enforcement powers do exist under Bylaws however, such action is rarely successful by authorities as it can be subjective, complex and does not have immediacy.
- 2.4 The Highway Code Rule 218 states “DO NOT park partially or wholly on the Pavement”. However, when a Traffic Regulation Order is not in place and there are no waiting restrictions on the highway the Police can take action only if they believe that the vehicle is causing an obstruction. In practice, the Police do not have the resources to respond to all but the most serious of cases.
- 2.5 There is already an efficient form of enforcement in place if a Traffic Regulation Order applies. If vehicles are parked on a pavement or verge where there are waiting restrictions (yellow lines) on the adjacent highway, a Penalty Charge Notice can be served as the restriction applies to the carriageway pavement and any verge.

### 3. REPORT DETAIL

#### 3.1 The criteria used to identify locations for Footway and Verge Parking Management and Enforcement are:

- There is recorded evidence of a problem, such as a number of complaints and/or damage to footways or verges;
- Permitted on-street parking must not negatively impact on the highway;
- The introduction of the scheme will not displace parked vehicles to surrounding streets;
- The road width should not be less than 7.4 metres;
- The problem cannot be solved by cost effective physical measures;
- Locations fall within current existing Civil Enforcement areas.

#### 3.2 It is identified that the following locations meet the criteria for the introduction of a footway parking ban:

3.2.1 **Darlaston Lane:** This location has been the subject of numerous complaints from residents about parking on the verge where the damage is being caused by parents /guardians at St.Thomas More School. Evidence of residents parking on the verge and footway has also been observed. The vast majority of houses along this road have off-street parking. Numerous complaints regarding verge parking have been received from numbers 64, 66 and 69 Darlaston Lane. To prevent verge parking at this location timber bollards have been installed outside numbers 64 and 66 however the residents complain that they have not prevented parking on the verge.

3.2.2 **Dovedale Road:** The houses along this road have off-street parking provision. The flats towards the southern end of the road have parking bays provided. Complaints have been received concerning parking on the verge and investigation of the issue identifies that verges have been damaged by inconsiderate parking.

3.2.3 **Oxbarn Avenue:** This is a wide road at 9.4m with each property having the provision for off-street parking. The main areas of damage on this road are near to the shops. Complaints have been received concerning the damage caused by inconsiderate parking at this location.

3.2.4 **Park Road East and Park Road West:** These two roads circle the West Park. Whilst parking at this location is provided, there is limited availability due to heavy demand created by its close proximity to the City Centre, nearby hospital, businesses and parking on match days. The high parking demand has led to people driving onto the pavement and parking on the verges. Complaints have been received concerning the damage caused by inconsiderate parking at this location.

3.2.5 **Warstones Road:** This is a wide road at typically 9.4m with a number of verges being observed parked on by residents. The majority of

properties along this road have off-street parking, a small number of properties do not have off-street parking provision but adequate on-street parking is available. Complaints have been received concerning the damage caused by inconsiderate parking at this location

- 3.3 Table 1 below outlines the damage recorded on the above sites and the number of complaints received:

Table 1: Summary of Incidents of Damage and Complaints Received by Site

Road name	Sample road widths	Damage hotspots	Recent complaints
Darlaston Lane	7.55 - 7.8m	11	2
Dovedale Road	7.4 - 7.4m	6	2
Park Road East and West	8.3 - 8.4m	7	2
Warstones Road	9.4 - 9.5m	22	1
Oxbarn Avenue	9.35 - 9.4m	11	1

- 3.4 The introduction of a “prohibition of verge and footway parking order” would mean that any vehicle parked on any part of the pavement or verge in the location specified is Liable to be served with a Penalty Charge Notice.
- 3.5 The impact of the scheme will be monitored and the data presented monthly to the Transportation and Highways Management Board.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The cost for the implementation of this Order and the required signage is approximately £15,000. This can be funded from the provision for miscellaneous Traffic Regulation Orders, which is included in the current year's approved budget for Minor Traffic Management Improvements.
- 4.2 It is expected that there may be some additional income from enforcement but it should be noted that the objective of the scheme is to achieve compliance and to address the concerns of residents about the damage being caused to their neighbourhoods. [AK/28102010/F]

#### **5. LEGAL IMPLICATIONS**

- 5.1 Section 122(1) of the Road Traffic Regulation Act 1984 states that:
- (1) It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in sub-section (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including

pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

Section 1(1) of the Road Traffic Regulation Act 1984 provides that the traffic authority for a road outside Greater London may make a traffic regulation order “where it appears to the Authority making the Order that it is expedient to make it -

- (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising; or
- (b) for preventing damage to the road or to any building on or near the road; or
- (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians); or
- (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property; or
- (e) without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot; or
- (f) for preserving or improving the amenities of the area through which the road runs; or
- (g) for any of the purposes specified in paragraphs (a) to (c) of sub-section (1) of section 87 of the Environment Act 1995 (air quality).”

The procedure for making a Traffic Regulation Order under the Road Traffic Regulation Act 1984 is contained in the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996 (SI 1996/2489). This procedure will be followed in this scheme.

There are consultation requirements before an Order can be made. The procedure for dealing with any objections received during the consultation period is laid down in the 1996 Regulations and having determined any objections received the Traffic Regulation Order may be brought into force.

## 5.2 Parking Contraventions in Wolverhampton are enforced under the Traffic Management Act 2004 s78. [JH/21092010/C]

**6. ENVIRONMENTAL IMPLICATIONS**

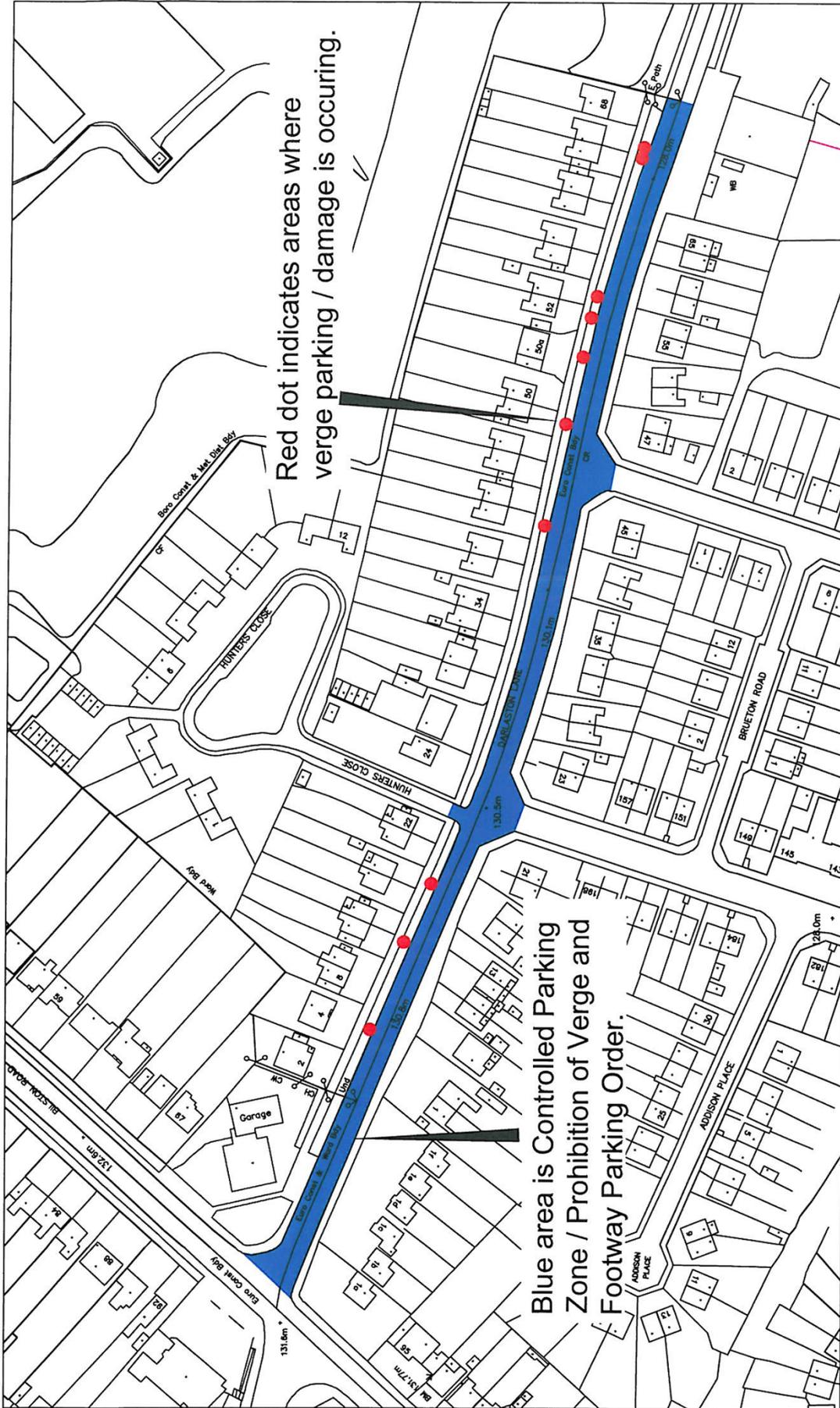
- 6.1 Parking Policy is a key element of the Council's overall Transportation Strategy for which environmental considerations are an integral element.

**7. EQUAL OPPORTUNITY IMPLICATIONS**

- 7.1 This report has implications for the Council's Equal Opportunities policies in that appropriate, considerate and safe parking assists access generally, but especially for the mobility or visually impaired.

**8. BACKGROUND PAPERS**

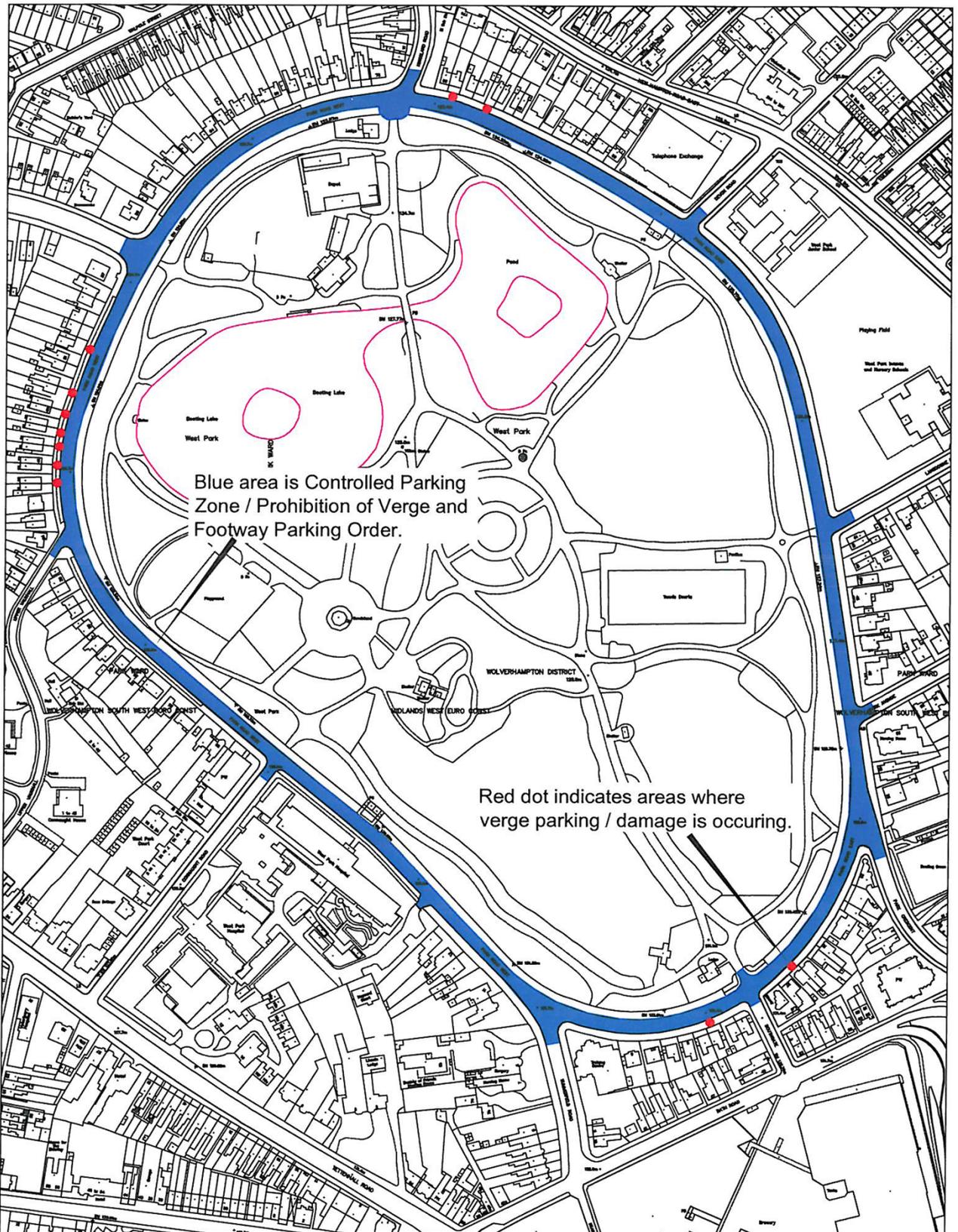
- 8.1 Resources panel - Traffic Management Act 2004 - Further Implications, 26<sup>th</sup> February 2008.



Red dot indicates areas where verge parking / damage is occurring.

Blue area is Controlled Parking Zone / Prohibition of Verge and Footway Parking Order.

<p>Wolverhampton City Council          Regeneration &amp; Environment,          Transportation Services,          Heartlun House,          Salop Street,          Wolverhampton WV3 0SQ</p>	<h2 style="text-align: center;">Darlaston Lane</h2> <h3 style="text-align: center;">Prohibition and Enforcement of Footway Parking          in controlled parking zones</h3>	<p>Date 07/09/10          Scale NTS          Drwg. No. Appendix A (SC)</p>
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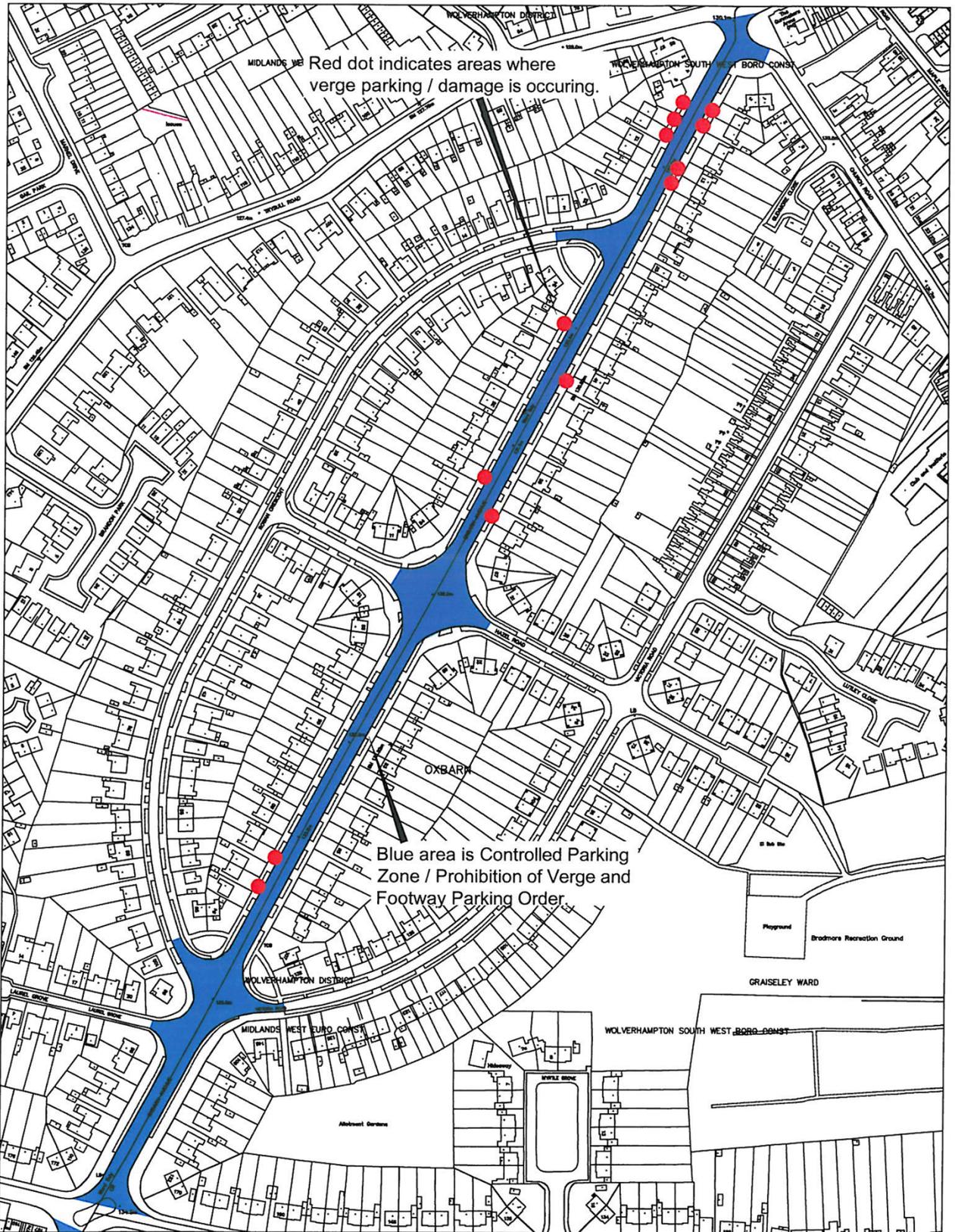
Blue area is Controlled Parking Zone / Prohibition of Verge and Footway Parking Order.

Red dot indicates areas where verge parking / damage is occurring.

Wolverhampton City Council  
 Regeneration & Environment,  
 Transportation Services,  
 Heantun House,  
 Salop Street,  
 Wolverhampton WV3 0SQ.

## Park Road East/West - Prohibition and Enforcement of Footway Parking in controlled parking zones

Date 07/09/10  
 Scale NTS (SC)  
 Drwg. No. Appendix A



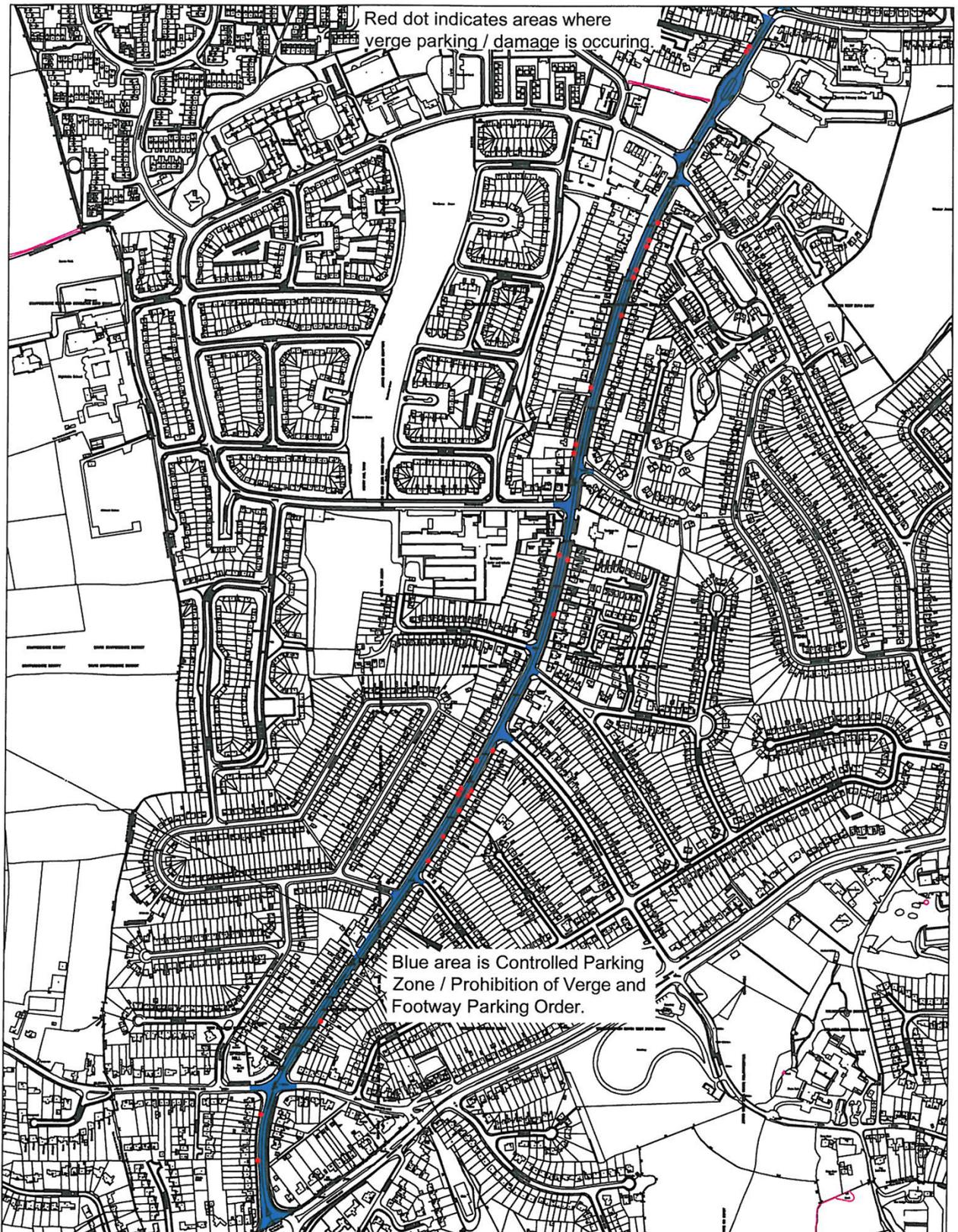
Red dot indicates areas where verge parking / damage is occurring.

Blue area is Controlled Parking Zone / Prohibition of Verge and Footway Parking Order.

Wolverhampton City Council  
 Regeneration & Environment,  
 Transportation Services,  
 Heantun House,  
 Salop Street,  
 Wolverhampton WV3 0SQ.

# Oxbarn Avenue - Prohibition and Enforcement of Footway Parking in controlled parking zones

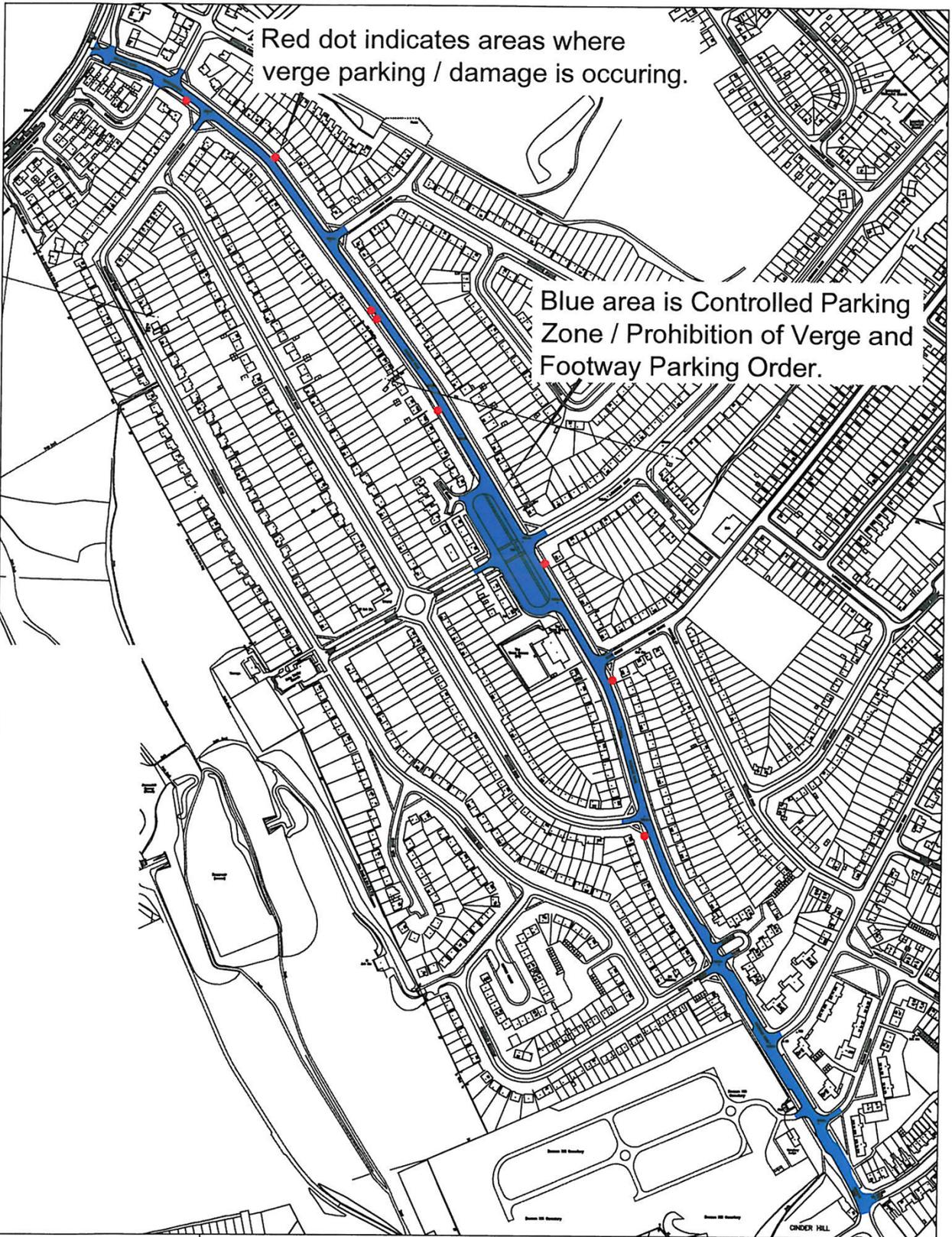
Date 10/09/10  
 Scale NTS (SC)  
 Drwg. No. Appendix A



Wolverhampton City Council  
 Regeneration & Environment,  
 Transportation Services,  
 Heantun House,  
 Salop Street,  
 Wolverhampton WV3 0SQ.

## Warstones Road - Prohibition and Enforcement of Footway Parking in controlled parking zones

Date 10/09/10  
 Scale NTS (SC)  
 Drwg. No. Appendix A



Wolverhampton City Council  
 Regeneration & Environment,  
 Transportation Services,  
 Heantun House,  
 Salop Street,  
 Wolverhampton WV3 0SQ.

## Dovedale Road - Prohibition and Enforcement of Footway Parking in controlled parking zones

Date 07/09/10  
 Scale NTS (SC)  
 Drwg. No. Appendix A

# Appendix C – Example of Use of Bylaw

Wolverhampton City Council  
Lifelong Learning - Leisure Services  
Parks & Contracts Section

## TETTENHALL GREEN

The Council of the City of Wolverhampton

**BYELAWS**  
PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES  
Byelaws made by the Council of the City of Wolverhampton under Section 164 of the Public Health Act 1937, Section 15 of the Open Spaces Act 1906 and Sections 12 and 15 of the Open Spaces Act 1906 with respect to pleasure grounds, public walks and open spaces.

**INTERPRETATION**  
1. In these byelaws:  
"the Council" means The Council of the City of Wolverhampton.

**VEHICLES**  
2. (1)(i) No person shall, without reasonable excuse, bring or cause to be brought into the ground a motor cycle, motor vehicle, trailer or any other mechanically propelled vehicle (other than a cycle), except in any part of the ground where there is a right of way for that class of vehicle.  
(1)(ii) No person shall, without reasonable excuse, ride a cycle, except in any part of the ground where there is a right of way for cycles, or along such routes as may be fixed by the Council and indicated by signs placed in conspicuous positions in the ground.  
(2) If the Council has set apart a space in the ground for use by vehicles of any class, paragraph (1)(i) and (1)(ii) of these byelaws shall not prevent the riding, bringing or causing to be brought on of those vehicles in the space so set apart, or on a route, indicated by signs placed in conspicuous positions, between it and the entrance to the ground.  
(3) This byelaw shall not extend to invalid carriages.  
(4) In these byelaws:  
"cycle" means a unicycle, bicycle, a tricycle, or a cycle having four or more wheels, not being in any case a motor cycle or motor vehicle;  
"invalid carriage" means a vehicle, whether mechanically propelled or not, the unladen weight of which does not exceed 150 kilograms, the width of which does not exceed 0.85 metres and which has been constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability and is used solely by such a person;  
"motor cycle" means a mechanically propelled vehicle, whether or not intended or adapted for use on roads, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms;  
"motor vehicle" means a mechanically propelled vehicle, whether or not intended or adapted for use on roads, not being an invalid carriage;  
"trailer" means a vehicle drawn by a motor vehicle, and includes a caravan.

**OVERNIGHT PARKING**  
3. No person shall, without the consent of the Council, leave or cause or permit to be left any vehicle in the ground between the hours of 12 midnight and 6 am.

**HORSES**  
4. (a) No person shall except in the exercise of any lawful right or privilege, ride a horse on the ground.  
(b) In any part of the ground where by any lawful right or privilege horse riding is permitted, no person shall intentionally or negligently ride a horse, to the danger of any other person using the ground.

**CLIMBING**  
5. No person shall, without reasonable excuse, climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

**REMOVAL OF STRUCTURES**  
6. No person shall, without reasonable excuse, remove from or displace in the ground any barrier, railing, post or seat or any part of any structure or ornament, or any implement provided for use in the laying out or maintenance of the ground.

**ERECTION OF STRUCTURES**  
7. No person shall in the ground, without the consent of the Council, erect any post, rail, fence, pole, tent, booth, stand, building or other structure.

**CAMPING**  
8. No person shall in the ground, without the consent of the Council, erect a tent or use any vehicle, including a caravan, or any other structure for the purpose of camping, except in any area which may be set apart and indicated by notice as a place where camping is permitted.

**FIRES**  
9. (1) No person shall in the ground intentionally light a fire, or place, throw or let fall a lighted match or any other thing so as to be likely to cause a fire.  
(2) This byelaw shall not apply to any event held with the consent of the Council.  
(3) This byelaw shall not prevent the lighting or use of a properly constructed camping stove or cooker or barbecue in any area set aside for the purpose, in such a manner as not to cause danger of or damage by fire.

**TRADING**  
13. No person shall in the ground, without the consent of the Council sell or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article, or provide or offer to provide any service for which a charge is made.

**GRAZING**  
14. No person shall, without the consent of the Council, turn out or permit any animal to graze in the ground.

**PROTECTION OF FLOWER BEDS, TREES, GRASS, ETC**  
15. No person who brings or causes to be brought into the ground a vehicle shall wheel or park it over or upon:  
(a) any flower bed, shrub or plant, or any ground in the course of preparation as a flower bed, or for the growth of any tree, shrub or plant; or  
(b) any part of the ground where the Council, by a notice placed in a conspicuous position in the ground, prohibits it being wheeled or parked.  
16. No person shall in the ground enter upon:  
(a) any flower bed, shrub or plant, or any ground in the course of preparation as a flower bed, or for the growth of any tree, shrub or plant; or  
(b) any part of the ground set aside for the renovation of grass or turf, where adequate notice to keep off such grass or turf is exhibited.

**REMOVAL OF SUBSTANCES**  
17. No person shall remove from or displace in the ground any stone, soil or turf, or the whole or any part of any plant, shrub or tree.

**ARCHERY**  
18. No person shall in the ground, except in connection with an event organised by or held with the consent of the Council, engage in the sport of archery.

**FIELD SPORTS**  
19. No person shall in the ground, except in connection with an event organised by or held with the consent of the Council, engage in the sport of javelin or discus or hammer throwing or shot-putting.

**GOLF**  
20. No person shall in the ground drive, chip or pitch a hard golf ball except on land set aside by the Council for use as a golf course, golf driving range, golf practice area or putting course.

**MISSILES**  
21. No person shall in the ground, to the danger or annoyance of any other person in the ground, throw or discharge any missile.

**ICE SKATING**  
22. No person shall in the ground go or remain upon any ice or frozen body of water.

**INTERFERENCE WITH LIFE-SAVING EQUIPMENT**  
23. No person shall except in case of emergency remove from or displace in the ground or otherwise tamper with any life-saving appliance provided by the Council.

**AIRCRAFT**  
24. No person shall, except in case of emergency or with the consent of the Council, take off from or land in the ground in an aircraft, helicopter, hang-glider or hot air balloon.

**METAL DETECTORS**  
25. No person shall on the land without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.

**FISHING AND PROTECTION OF WILDLIFE**  
26. (1) No person shall in the ground intentionally kill, injure, take or disturb any animal, fish or amphibian or engage in hunting, shooting or fishing, or the setting of traps or nets or the laying of snares.  
(2) This byelaw shall not prohibit any fishing which may be authorised by the Council.

**NOISE**  
27. (1) No person shall in the ground, after being requested to desist by an officer of the Council, or by any person annoyed or disturbed, or by any person acting on his behalf:  
(a) by shouting or singing;  
(b) by playing on a musical instrument; or  
(c) by operating or permitting to be operated any radio, gramophone, amplifier, tape recorder or similar instrument;  
cause or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground.  
(2) This byelaw shall not apply to any person holding or taking part in any entertainment held with the consent of the Council.

**PUBLIC SHOWS AND PERFORMANCES**  
28. No person shall in the ground, without the consent of the Council, hold or take part in any public show or performance.

**EXHIBITIONS AND STRUCTURES**  
29. No person shall in the ground, without the consent of the Council, place or take part in any exhibition, or set up any swing, roundabout or other like thing.

**GATES**  
30. Where the Council indicates by a notice conspicuously exhibited on or alongside any gate in the ground that leaving that gate open is prohibited, no person having opened that gate or caused it to be opened, shall leave it open.

**OBSTRUCTION**  
31. No person shall in the ground:  
(a) intentionally obstruct any officer of the Council in the proper execution of his duties;  
(b) intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council; or  
(c) intentionally obstruct any other person in the proper use of the ground, or behave so as to give reasonable grounds for annoyance to other persons in the ground.

**SAVINGS**  
32. (1) An act necessary to the proper execution of his duty in the ground by an officer of the Council, or any act which is necessary to the proper execution of any contract with the Council, shall not be an offence under these byelaws.  
(2) Nothing in or done under any of the provisions of these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting legally by virtue of some estate, right or interest in, over or affecting the ground or any part thereof.

**REMOVAL OF OFFENDERS**  
33. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

**PENALTY**  
34. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

**Wolverhampton**  
City Council

For further details please contact the Director of Law,  
Wolverhampton City Council, Civic Centre, Wolverhampton WV1 1SJ

## **Appendix D – Advice on Bylaws**

This byelaw was made pursuant to Section 164 Public Health Act 1975 and Sections 12 and 15 Open Spaces Act 1906.

Section 183 of the 1875 Act provides that the court, on summary conviction, may impose a penalty not exceeding level 2 on the standard scale i.e £500.00 for each breach of the byelaw.

Section 237A of the Local Government Act 1975 allows the Council to issue a FPN for breach of the byelaw, which can be specified by the Council, or if it is not specified, £75 (Section 237B)

In terms of delegations, function 7 of “Delegations to the Director of City Housing and Environment” (page 156 of the Constitution), provides the standard paragraph permitting him (or anyone sub-delegated under him) from instigating legal proceedings in respect of the Public Health Act 1875.

Appendix E

Mobile	Steven Callow
Direct Line	01902 550243
Cell Mobile	01902 555796
Email	<a href="mailto:steven.callow@wolverhampton.gov.uk">steven.callow@wolverhampton.gov.uk</a>

The Occupier  
Dovedale Road  
Wolverhampton  
WV

Wolverhampton  
City Council



Nick Edwards  
Assistant Director  
Regeneration

Heantun House Salop Street  
Wolverhampton WV3 0SQ  
Main Switchboard (01902) 556556  
Website [www.wolverhampton.gov.uk](http://www.wolverhampton.gov.uk)

My Ref. TS/SC/UTC-4C

25<sup>th</sup> March 2014

Dear Sir/Madam,

**Obstructive parking on the Footway – 93 Dovedale Road**

As you are aware a Controlled Parking Zone prohibiting Parking on the Verge and Footway Traffic Regulation Order at Dovedale Road was introduced last year.

At the time of introducing this Traffic Regulation Order residents were advised that a vehicle may be parked on the paved or hardened area, which has been lowered to form the authorised vehicle access to properties, provided no part of the vehicle overhangs the footway or carriageway. Residents were also advised that if they have a shared access to their property, the vehicle must not overhang or obstruct their neighbour's access to their driveway.

Observations following the implementation of the Controlled Parking Zone have been undertaken and it has been found that obstruction of a shared area is occurring outside your address therefore if you are parking in this manner I would be grateful you could park in a manner that does not obstruct access to your neighbour's property. If any visitors or members of your family are parking in this manner, I would be most grateful if you could bring this letter to their attention with a view to terminating the practice forthwith.

It is proposed to monitor this location and if obstruction of the public highway continues to occur enforcement action may be taken by West Midlands Police if required.

I look forward to your assistance in this matter in the near future and should you require any further information please do not hesitate to contact me or my colleague Steven Callow on the above number.

Yours faithfully

  
Keith Bradshaw  
Network Co-ordination Manager  
Transportation

Please Ask For **R J Whitehouse**  
Direct Line **01902 555727**  
Facsimile **01902 555796**  
E mail **robin.whitehouse@wolverhampton.gov.uk**  
Nikon

Owner / Occupier  
Dovedale Road

**Wolverhampton**  
City Council



**Nick Edwards**  
Assistant Director  
Prosperity

**Heantun House Salop Street**  
**Wolverhampton WV3 0SQ**  
Main Switchboard (01902) 556556  
Website [www.wolverhampton.gov.uk](http://www.wolverhampton.gov.uk)

Your Ref.

My Ref. **TS/RJW/UTC4-C**

**4 February 2013**

Dear Sir / Madam

**Prohibition of Parking on Verge and Footway – Dovedale Road**

Following the advertising of the Order prohibiting Parking on Verge and Footway along Dovedale Road I am writing to advise you that this Order is due to become operational. The reason why this has been necessary is because of the environmental damage is caused to kerb stones, grass areas, to the fabric of the pavement and to services underneath the footway. Also because vehicles are parking on the verge and footway it is causing damage, danger and obstruction to road users and especially pedestrians, including the disabled, the visually impaired, the elderly and those with prams or pushchairs.

Within the next week or two, signs will be erected to advise all motorists that motor vehicles should not park, partially or wholly, on the verge and footway. Consequently, after the signs have been erected it will be an offence and if vehicles are found parking in contravention a Penalty Charge Notice will be issued. However, I wish to advise you that a vehicle may be parked on the paved or hardened area, which has been lowered to form the authorised vehicle access to properties, providing no part of the vehicle overhangs the footway or carriageway. If you have a shared access to properties, the vehicle must not overhang or obstructs your neighbours access to their driveway.

Yours faithfully

Robin Whitehouse  
Network Coordination  
Transportation Services

Please Ask For **R J Whitehouse**  
Direct Line **01902 555727**  
Facsimile **01902 555796**  
E-mail **robin.whitehouse@wolverhampton.gov.uk**  
Minicom

Residents along  
Darlaston Lane;  
Dovedale Road;  
Oxbarn Avenue;  
Warstones Road

**Wolverhampton**  
City Council



**Nick Edwards**  
Assistant Director  
Regeneration

Heantun House Salop Street  
Wolverhampton WV3 0SQ  
Main Switchboard (01902) 556556  
Website [www.wolverhampton.gov.uk](http://www.wolverhampton.gov.uk)

Your Ref.

My Ref. **TS/RJW/UTC-4d nsd**

27 February 2012

Dear Sir/Madam

**Prohibition of Verge and Footway Parking Order**

Further to my previous letter advising you of the proposals to prohibit parking on verges and footpaths I wish to advise you that the Traffic Regulation Order giving legal authorisation to the proposals is currently being advertised. A copy of the draft Order and Statement of Reasons can be inspected at the offices of:

**Legal Services**  
**Civic Centre**  
**St Peter's Square**  
**Wolverhampton**

If you have any objections to these proposals which you would wish the Council to consider, you should send your reasons in writing to **Susan Kembrey, Solicitor to Wolverhampton City Council and Assistant Director Governance, Civic Centre, St Peter's Square, Wolverhampton WV1 1RG** so as to be received not later than 21 March 2012.

Yours faithfully

Robin Whitehouse  
Network Management  
Transportation Services

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*Please Ask For* **R J Whitehouse**  
*Direct Line* **01902 555727**  
*Facsimile* **01902 555796**  
*E-mail* **robin.whitehouse@wolverhampton.gov.uk**  
*Minicom*

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**Owner / Occupier  
Warstones Road**



**Nick Edwards  
Assistant Director  
Prosperity**

**Heantun House Salop Street  
Wolverhampton WV3 0SQ  
Main Switchboard (01902) 556556  
Website [www.wolverhampton.gov.uk](http://www.wolverhampton.gov.uk)**

---

Your Ref.

My Ref. **TS/RJW/UTC4-C**

**4 February 2013**

Dear Sir / Madam

**Prohibition of Parking on Verge and Footway – Warstones Road**

Following the advertising of the Order prohibiting Parking on Verge and Footway along Warstones Road I am writing to advise you that this Order is due to become operational. The reason why this has been necessary is because of the environmental damage is caused to kerb stones, grass areas, to the fabric of the pavement and to services underneath the footway. Also because vehicles are parking on the verge and footway it is causing damage, danger and obstruction to road users and especially pedestrians, including the disabled, the visually impaired, the elderly and those with prams or pushchairs.

Within the next week or two, signs will be erected to advise all motorists that motor vehicles should not park, partially or wholly, on the verge and footway. Consequently, after the signs have been erected it will be an offence and if vehicles are found parking in contravention a Penalty Charge Notice will be issued. However, I wish to advise you that a vehicle may be parked on the paved or hardened area, which has been lowered to form the authorised vehicle access to properties, providing no part of the vehicle overhangs the footway or carriageway. If you have a shared access to properties, the vehicle must not overhang or obstructs your neighbours access to their driveway.

Yours faithfully

**Robin Whitehouse  
Network Coordination  
Transportation Services**