



# WOKINGHAM BOROUGH COUNCIL

A Meeting of an **INDIVIDUAL MEMBER DECISION** will be held in Civic Offices, Shute End, Wokingham, RG40 1BN, Shute End, Wokingham RG40 1BN on **Tuesday 8 September 2015 at 10.00 am**

A handwritten signature in black ink, appearing to read 'Andy Couldrick', written in a cursive style.

Andy Couldrick  
Chief Executive  
Published on 28 August 2015

This meeting will be filmed for inclusion on the Council's website.

Please note that other people may film, record, tweet or blog from this meeting. The use of these images or recordings is not under the Council's control.

## **Our Vision**

***A great place to live, an even better place to do business***

### ***Our Priorities***

**Improve educational attainment and focus on every child achieving their potential**

**Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth**

**Ensure strong sustainable communities that are vibrant and supported by well designed development**

**Tackle traffic congestion in specific areas of the Borough**

**Improve the customer experience when accessing Council services**

### ***The Underpinning Principles***

**Offer excellent value for your Council Tax**

**Provide affordable homes**

**Look after the vulnerable**

**Improve health, wellbeing and quality of life**

**Maintain and improve the waste collection, recycling and fuel efficiency**

**Deliver quality in all that we do**

**For consideration by**

John Kaiser

Executive Member for Planning and Highways

<b>IMD NO 2015.</b>	<b>WARD</b>	<b>SUBJECT</b>	<b>PAGE NO.</b>
<b>IMD28</b>	None Specific	<b>PARKING ON VERGES, FOOTWAYS AND FOOTPATHS</b> To consider a report on the above.	<b>5 - 20</b>

A decision sheet will be available for inspection at the Council's offices (in Democratic Services and the General Office) and on the web site no later than two working days after the meeting.

**CONTACT OFFICER**

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# Agenda Item IMD28

## NOTICE OF INDIVIDUAL EXECUTIVE MEMBER DECISION

<b>ITEM NO.</b>	<b>IMD 2015-28</b>
<b>TITLE</b>	<b>Parking on Verges, Footways and Footpaths</b>
<b>DECISION TO BE MADE BY</b>	Councillor John Kaiser, Executive Member for Planning and Highways
<b>DATE AND TIME OF DECISION</b>	Tuesday 8 September 2015 at 10.00 am
<b>VENUE</b>	WSP Room, 2nd floor, Council Offices, Shute End
<b>REPORT TO BE PUBLISHED ON</b>	Friday 28 August 2015

**INDIVIDUAL EXECUTIVE MEMBER DECISION  
REFERENCE IMD: 2015/28**

<b>TITLE</b>	<b>Parking on Verges, Footways and Footpaths</b>
<b>FOR CONSIDERATION BY</b>	Cllr. John Kaiser, Executive Member for Highways and Planning
<b>ON</b>	Tuesday 8 September 2015
<b>TIME</b>	10.00 am
<b>WARD</b>	All Wards
<b>DIRECTOR</b>	Heather Thwaites

**OUTCOME / BENEFITS TO THE COMMUNITY**

The document will provide the public with a clearer understanding of what they can expect should they contact the council regarding Parking on Verges, Footways and Footpaths and Council officers will have a clear process for dealing with such issues.

**RECOMMENDATION**

That the Executive Member for Highways and Strategic Planning:

1. approve the amendments to the consultation draft of the Parking on Verges, Footways and Footpaths document as set out in the change log (see Appendix B);
2. adopt the attached document on Parking on Verges, Footways and Footpaths.

**SUMMARY OF REPORT**

This report introduces a revised version of a document that relates to Parking on Verges, Footways and Footpaths following a period of consultation. Appendix A provides details of all the comments received with associated responses from officers and Appendix B provides a log of changes to the document following the consultation.

## Background

The Council receives complaints each year from residents regarding parking on footways and grass verges. These parked vehicles cause or could cause a number of issues:

- If the parking interferes with driver sight lines a major safety issue can arise
- Utility services are buried beneath verges and these are not designed to carry the load of vehicles and therefore there is a danger of damage to these which could lead to a safety issue
- Nuisance to pedestrians, particularly those with mobility difficulties or visual impairments,
- Damage to the structures of the footway or grass verge, and
- Unsightly environmental damage.

There are many reasons associated with the practice of verge parking, however the most common reason relates to the lack of appropriate off street parking facilities resulting from the increased and rising trend of car ownership.

To deal with these issues a document has been prepared that will give officers a clear process to help assess any complaints received. It also proposes to introduce a process as part of any future planned highways/footway maintenance that will in time remove the majority of issues relating to parking on verges altogether. The document will also provide the public with a clearer understanding of what they can expect should they contact the council regarding these issues.

## Analysis of Issues

The draft Parking on Verges, Footways and Footpaths document was the subject of a 2 week consultation between 29 May 2014 and 11th June 2014. 15 representations were received and are included in Appendix A along with officer responses.

As a result of comments received a number of amendments have been identified to the document. The changes made to the document are recorded section by section in Appendix B attached.

## FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0		
Next Financial Year (Year 2)			
Following Financial Year (Year 3)			

**Other financial information relevant to the Recommendation/Decision**

There are no direct financial implications as a result of this document; however there would be a potential increase in scheme costs when Highway Refurbishment works identify a need to address footway/verge parking issues. Funding for this will come from existing capital budgets. Additional works identified through community engagement would only be delivered once appropriate funding has been identified. Possible source of funding could be from S106 contributions.

**Cross-Council Implications** (how does this decision impact on other Council services and priorities?)

It is the statutory duty of Wokingham Borough Council and Thames Valley Police to keep all highways clear and free from obstructions and to ensure safe and expeditious movement of traffic, including pedestrians. This document will assist the council to exercise this duty.

Indiscriminate vehicle parking can cause a number of safety issues and have a detrimental impact on highway capacity and can cause localised congestion issues. This document has a direct relationship with the councils priority on tackling traffic congestion in specific areas of the Borough

**SUMMARY OF CONSULTATION RESPONSES**

<b>Strategic Director - Resources</b>	No response
<b>Monitoring Officer</b>	No response
<b>Leader of the Council</b>	<p>Apart from the importance of highway safety issues which I believe are adequately covered within the document I would like to see the issue of local community concern given a little more prominence. Page six of the report first paragraph "Should the assessment of the issue not meet any of the three criteria above then it will be assumed that the issue is a local community concern as opposed to a road safety issue" could add onto this sentence, "...a road safety issue <b>such as continued damage to grass verges by inappropriate parking</b>"</p> <p>I would also suggest under page six section "Highway Structural Maintenance" first bullet needs adding to end of sentence "...into the footway <b>should this be the community preferred solution</b>" reason being that in many areas residents maintain and respect the grass verge and would not wish to see it "automatically" (as stated) simply removed</p>
<b>Thames Valley Police</b>	We have no objection to this proposal.
<b>Town and Parish Councils</b>	See Appendix A
<b>Local Ward Members</b>	See Appendix A



<b>List of Background Papers</b>
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'Parking on Verges, Footways and Footpaths' (attached) Appendix A - Parking on Verges, Footways and Footpaths Consultation Responses (attached) Appendix B - Parking on Verges, Footways and Footpaths Change Log (attached)
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<b>Contact</b> Matt Gould	<b>Service</b> Highways and Transport
<b>Telephone No</b> 0118 974 6460	<b>Email</b> matthew.gould@wokingham.gov.uk
<b>Date</b> 10 <sup>th</sup> July 2014	<b>Version No.</b> 1
<b>Date</b> 28 <sup>th</sup> July 2015	<b>Version No.</b> 2

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**WOKINGHAM  
BOROUGH COUNCIL**

# **Process for managing parking on verges, footways and footpaths**

Author: MG/NR

Highways and Transport  
Environment Department

Date: 28 July 2015  
Version: 2.0

# PARKING ON VERGES, FOOTWAYS AND FOOTPATHS

## Introduction

Verges, footways and footpaths are, like roads, all part of the highway. It is the statutory duty of Wokingham Borough Council and Thames Valley Police to keep all highways clear and free from obstructions and to ensure safe and expeditious movement of traffic, including pedestrians. The public has a legal right of way to pass along such highways in travelling from place to place but has no legal right to park vehicles on the highway.

## Policy Statement

Wokingham Borough Council is aware that demand for parking space often exceeds availability of off-street facilities and believes that it is appropriate to accept a degree of parking on the highway where this is safe and does not cause an obstruction and does not damage the highway or any services buried within the highway. However the Council will always prefer motorists to provide or to find off-street parking space wherever this is possible.

## Background

The parking of vehicles on grass verges, footways and footpaths is increasingly widespread and can create significant problems in some areas of the borough for residents, highway users and for the Council itself. The circumstances of each case vary widely and thus it is extremely difficult to identify a single method that can be applied universally to stop this.

Footway parking is potentially a far greater problem than verge parking. Where there are verges adjacent to the carriageway there is usually a footway as well which is the main route for pedestrians. Currently there is no national law that makes it an offence for cars to be parked on the footway. Where vehicles are indiscriminately left on the footway they can constitute a significant obstruction, forcing pedestrians on to the carriageway creating particular difficulties for people with mobility problems, visual impairment or pushchairs.

Indiscriminate vehicle parking can cause a number of safety issues. If the parking interferes with driver sight lines a major safety issue can arise. Utility services are buried beneath verges and these are not designed to carry the load of vehicles and therefore there is a danger of damage to these which could lead to a safety issue.

Various physical measures can be used to deter footway and verge parking including: guard rails, bollards, trip rail fence, raised planters, small trees, high safety kerbs, etc., but these can be costly options which should only be utilised at specific locations. There may be locations where verge and footway parking could be acceptable, particularly where footways or verges are wide enough to segregate pedestrians and vehicles. In such circumstances detailed evaluation of the road safety implications would have to be carefully considered as part of the overall scheme evaluation process.

Wokingham Borough Council has determined that the treatment of verge and footway parking needs to take into consideration road safety, the expeditious movement of traffic, the effect on the street scene, and the available resources. Depending on the prevailing conditions and community views, the Highways and Transport team will work with residents and local organisations where necessary to determine the appropriate course of action, if any, to be taken.

Solutions will be considered on a neighbourhood by neighbourhood basis focusing on areas of greatest need and will be dependent on a consensus of support from the local community and from partner agencies; usually 75% or more of the affected area showing positive support for a solution would be required to demonstrate a consensus. The introduction of legally enforceable parking controls to deal with verge, footpath and footway parking problems will need to have the support of the Police.

## LEGISLATION & LOCAL BYELAW

### Parking Legislation

Within Wokingham Borough, the enforcement of parking offences on footways and grass verges is the responsibility of Thames Valley Police. In some neighbouring areas such as Reading and Bracknell this responsibility has been passed to the local authority to enforce, but this is not currently the case within Wokingham Borough.

The following are some key facts for people to remember:

There is no legal right for anyone to park on a public road or outside their property.

It is not an offence to park a motor vehicle (other than a Heavy Goods Vehicle (HGV)) on a grass verge or footway unless:

- it causes an obstruction
- a local byelaw is in force prohibiting it, or
- there are waiting restrictions on the road (which also apply to the highway verge)

There is no blanket legislative prohibition on parking on verges. However, a particular incident of verge parking may be considered dangerous, obstructive or causing damage and may constitute a criminal offence when:

- wilfully causing an obstruction to any public footpath or public thoroughfare.
- vehicles are causing unnecessary obstruction of the road (including verge).
- leaving vehicles in a dangerous position on the road (including verge).
- wilfully obstructing the free passage along a highway.
- driving on any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot passengers.
- depositing anything whatsoever on a highway so it would damage the highway

Driving on a footway is illegal unless:

- accessing/exiting properties via a dropped kerb;
- specifically signed bays are provided; or
- specific signs allow it.

Allegations concerning any of the above possible offences would be a matter for the police to investigate and enforce, rather than the Council.

It is also an offence to:

- advertise for sale two or more motor vehicles on the highway (including the footway & verges); and
- abandon a motor vehicle on any land forming part of the highway.

Both of these offences are dealt with by the Council. Should you need to report a concern regarding vehicles for sale then you should contact the Councils Trading Standards Team. Contact details are available on the Councils web site. With regard to abandoned vehicles details

regarding the council's policy and how to report an abandoned vehicle are available via at following internet address <http://www.wokingham.gov.uk/transport/reportit/abandonedvehicle/>

## **BYELAW**

Under a local byelaw, verge parking in Wokingham Borough is an offence and offenders are liable to prosecution through the Magistrates court.

In order to secure a conviction under the byelaw, appropriate signs have to be erected which, if subsequently contravened, would require the collection of evidence by way of photographs and witness statements. This means that no action can be taken if the driver has not been seen to commit the offence.

In each case the Council will assess the quality and admissibility of the evidence and, if satisfied with the evidence would have to issue a summons within 6 months of the alleged offence at the Magistrates Court. The byelaw allows a fine of up to a maximum of £50. In deciding whether to issue a summons the Council will also assess the cost effectiveness of this approach to remedy a parking offence.

This byelaw was introduced at a time when vehicles parked on verges were a rarity. Due to its current levels, the council will not prosecute under this bylaw as it is not practicable to do so and is not an effective or efficient solution.

## **PROCESS FOR DEALING WITH PARKING ON VERGES**

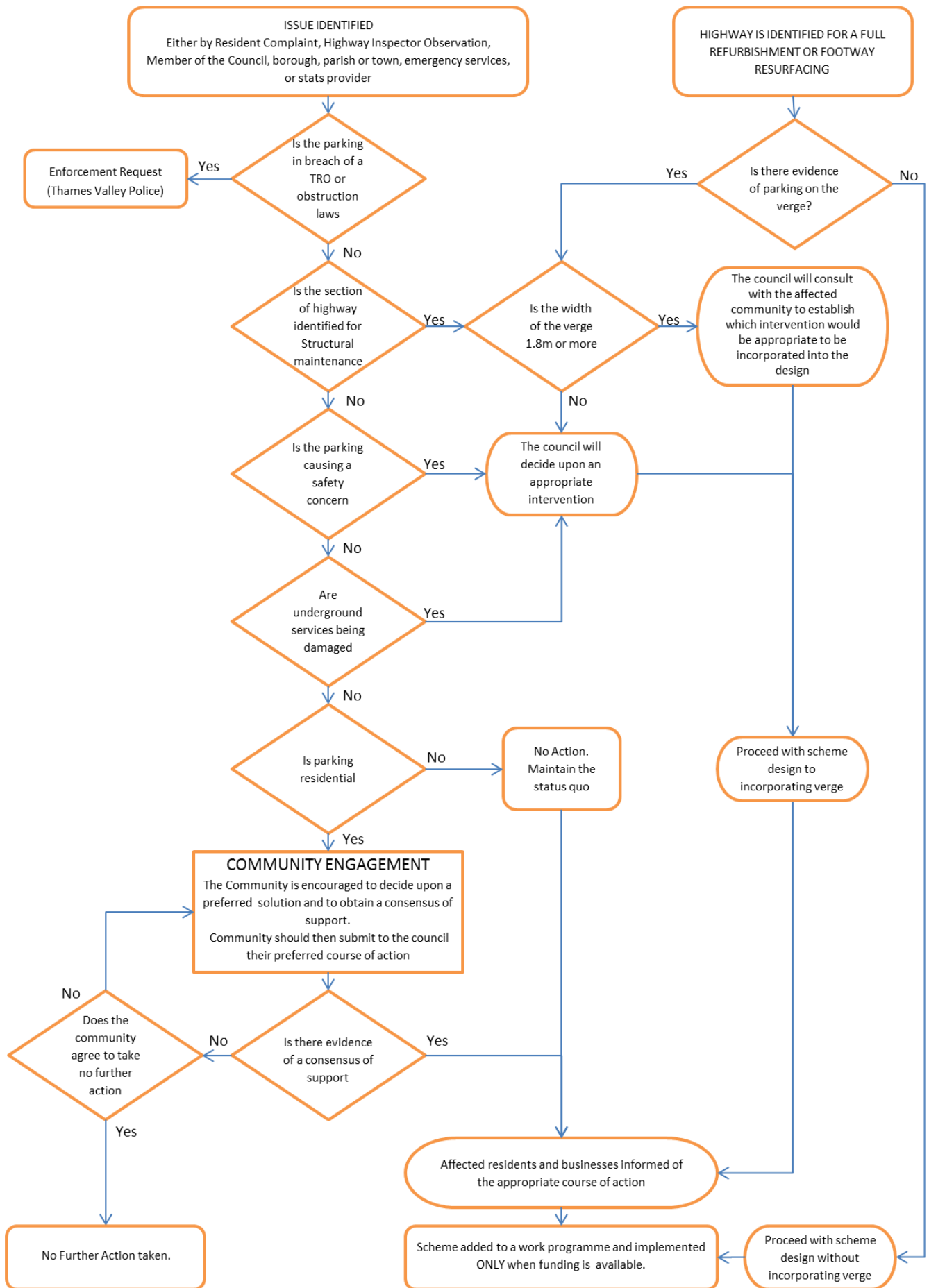
### **Criteria for Prioritising Complaints**

The process for dealing with parking issues on verges, footways and footpaths is shown in the diagram on the following page.

Any parking on verge or footway issues identified to the council will be investigated and direct action will only be taken by the council should one or more of the following criteria be met.

- are there any laws being broken? Is there any parking restriction on the carriageway adjacent to the area of verge/footway parking?
- is there a safety issue for the council to address? Either by way of demonstrable evidence of a real safety problem i.e. are there any recorded injury accident, or have the emergency services or police made representation on an issue that should be addressed.
- are there any underground services being damaged as a result of verge or footway parking?

# Process for dealing with parking issues on verges, footways and footpaths



Should the assessment of the issue not meet any of the three criteria above then it will be assumed that the issue is a local community concern.

In this situation the Council will ask that the community work together to identify a preferred solution. The community is also encouraged to assist with the control of this type of inconsiderate parking through positive engagement and dialogue with potential offenders. This will be supported by the Council, if required, through the issuing of correspondence to all households within a selected area advising of the inappropriateness of verge or footway parking and the council's intention to follow up by taking action against damage caused in the worst cases.

In common with other authorities the Council encourages residents to create off-street parking areas in their own property. This can either be through the creation of a parking space in the front garden or rear garden via a rear access road. Any hard standing created should use permeable materials. In this instance it is for the resident to meet the cost of the works required, including those in the highway to form any access. This practice should continue since it is the most effective way of increasing the parking stock. It is important to note that where off street parking is provided this is exclusive to the resident if it's on their property. If verges are hardened then these will be available for general parking as they cannot be reserved for a particular person.

An application form for a dropped kerb can be found on the Council website at the following web address <http://www.wokingham.gov.uk/planning/services/kerb/>

Grass verges will not be hardened to provide parking areas if off-street parking can be provided within residents curtilage.

Grass verges will not be hardened where this will encourage people to park in contravention of a Traffic Regulation Order or where it will encourage people to park in such a manner as to obstruct either vehicles or pedestrians.

## Highway Structural Maintenance

Where the Council are undertaking a full refurbishment of the highway or the footway is due for resurfacing and there is evidence that the verge/footway/footpath is being used for parking the Council will where possible incorporate it within the scheme;

- grass verges less than 1.8m wide will automatically be considered for incorporation into the footway
- for verges of 1.8m or more the Council will consider all potential options and will consult with residents affected on the preferred option

Schemes will only be implemented when sufficient budget is available.

It is recognised that soft landscaping within an area can have significant visual benefits for the community therefore any proposals to reduce or remove grass verges will be considered carefully in relation to the existing street-scape and consultation will be had with the planning authority before any decision is made.



## APPENDIX A

### Parking on Verges, Footways and Footpaths – COMMENTS & OBJECTIONS SUMMARY

Letter/Email from	Comment/Objection	Officer Comment
Cllr. Ken Miall	<p>I think this Policy is looking good. I have attached 1 change (highlighted in red) I would like to have removed. "Wokingham Borough Council does not have any responsibility to provide parking spaces and is committed to reducing dependency on motor vehicles and improving travel choices for the residents of, and visitors to, the Borough. The primary responsibility for finding acceptable parking spaces rests with vehicle owners and keepers.</p> <p>The reason being this Policy is aimed at drivers and the wording is unnecessary, many drivers think they are unfairly targeted by many highway policies and left unchanged it places the wrong emphasis on this policy.</p>	AGREED. Paragraph will be removed from the document.
Page 17 Cllr. Parry Batth	<p>The document is well written. Parking on pavements is also a big issue in my ward, particularly in Shinfield Park and Ducketts Mead areas. Local policing has helped unruly/unsafe parking but the problems do not go away, primarily because of the design fault (Prescott era of discouraging use of cars) not allowing enough parking spaces. Hence the chaos as there too many cars and not enough spaces to park. Parking enforcement may help but will force car owners to break the rules. Some blue sky thinking is clearly needed.</p>	Comments noted. NO CHANGES
Cllr. Gary Cowan	<p>I support the concept but its implementation has no financial implications for the council and this is a must when the byelaw allows only a fine of up to a maximum of £50. No policy should ever be approved without financial implications to WBC in it.</p> <ul style="list-style-type: none"> <li>• Wokingham Borough Council does not have any responsibility to provide parking spaces and is committed to reducing dependency on motor vehicles and improving travel choices for the residents of, and visitors to, the Borough. The primary responsibility for finding acceptable parking spaces rests with vehicle owners and keepers. What has reducing dependency on motor vehicles got to do with this policy? Nothing remove it</li> <li>• In this situation the Council will ask that the community work together to identify a preferred solution. The community is also encouraged to assist with the control of this type of inconsiderate parking through positive engagement and dialogue with potential</li> </ul>	<p>First comment noted.</p> <p>CHANGE - Paragraph relating to reducing dependency will be removed.</p> <p>The community relates to the immediate area where the parking issue exists. It may be area wide or it may be a specific street. It is envisaged that the community/residents will work with the local NAG, town/parish Council or local councillor to address these very local community issues. Council officers will provide assistance if requested</p> <p>The information relating to car sales is included as one of many pieces of legislation that relate to vehicles parked on the highway. For further information and policy on car sales on the highway the reader is advised to contact the Councils Trading Standards Team. This</p>

	<p>offenders. This will be supported by the Council, if required, through the issuing of correspondence to all households within a selected area advising of the inappropriateness of verge or footway parking and the council's intention to follow up by taking action against damage caused in the worst cases.</p> <ul style="list-style-type: none"> <li>• How is this going to work? Who is the community it is being dumped on? It has no chance without more teeth in it. Sadly as written sounds great but a complete waste of time sadly.</li> <li>• It would be better to have a policy on car sales on highway land not a vague bit on two but not one car.</li> </ul>	<p>document signposts the reading to the appropriate location for further information – car sales is not the focus of this document and a policy on it would not sit well in it.</p>
<p>Cllr. Pauline Jorgensen</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 18</p>	<p>We have some large grass verges in older areas Earley in Davids ward where residents park because they have no frontage on to the road (car ownership was not an issue when the houses were built) and the residents are unable to pull their cars up on to their own property and therefore park on a very wide verge. They are unable to agree on the provision of off street parking if we could create some on the wide green verge (about 2 cars length) ...what would happen in this case?</p> <p>Malcolm that sounds good. I have already responded about the tone of this paper which I think is too anti car and unrealistic in places and the wording you suggest helps.</p> <p>I would also reflect on why people in newer areas park partly on footways, its often because, due to planning guidelines at the time the houses were built they have inadequate parking and the roads are too narrow to allow on road parking and other vehicles to pass. The new parking standards we have are much better but for the developments built between the 90s and when those standards were brought in there will continue to be a problem which is caused not by antisocial residents but largely by poor design, in my area at least.</p>	<p>If we follow the flow chart in the policy the following two scenarios may occur.</p> <ol style="list-style-type: none"> <li>1. If the road is part of the structural maintenance programme, there is a grass verge of 1.8m or more and there is a known parking problem then the council will consider an appropriate change to the verge. If following consultation there is majority support from the residents for the change then it will be included in the overall scheme delivery</li> <li>2. The road isn't part of a structure maintenance programme but there is an identified need to make changes then the council would consult with the residents on a preferred option and deliver it should there be majority support from the residents.</li> </ol> <p>In both cases the delivery of the changes would be dependent on resources and funding being available. There is a higher chance of schemes identified as part of the structural maintenance programme being delivered.</p> <p>Comments are noted with regard to past planning constraints. These issues are much harder to resolve but can to some extent be minimised if we can reduce the reliance of private cars to travel short distances.</p> <p><b>NO CHANGES</b></p>
<p>Cllr. Pauline Helliard Symons</p>	<p>I agree broadly with Gary's points - please can we remove the bit about it being Council policy to discourage people from using cars. Also can we ban ALL sale of vehicles from the highway and grass verges; even one causes problems for other residents and is an eyesore.</p>	<p><b>CHANGE</b> - Paragraph relating to reducing dependency will be removed.</p> <p>The sale of vehicles on the highway is not the subject of this document but was included for completeness with regard to legislation.</p>
<p>Cllr. Angus Ross</p>	<p>I wish to place on record my views.</p>	<p>The process chart includes consultation with the community. No areas of grassed verges will be removed with majority support from the</p>

	<p>Whilst I support in full the principle that we take what powers we can to minimise the impact of such parking, 'hardening' over grass areas is very controversial; as we found over just this problem in Greenwood Road, Crowthorne recently. I would plea that the procedures contain the need for some local resident consultation where 'hardening' over a grass areas is being considered.</p> <p>I do appreciate the benefits of reducing the areas needing to be mown but grass strips do 'soften' an area.</p>	<p>community.</p> <p>In the final paragraph of the document it states that it is recognised that soft landscaping within an area can have significant visual benefits for the community therefore any proposals to reduce or remove grass verges will be consider carefully in relation to the existing street scape and consultation will be had with the planning authority before any decision is made.</p> <p>NO CHANGES</p>
<p>Cllr. David Lee</p>	<p>Apart from the importance of highway safety issues which I believe are adequately covered within the document I would like to see the issue of local community concern given a little more prominence. Page six of the report first paragraph "Should the assessment of the issue not meet any of the three criteria above then it will be assumed that the issue is a local community concern as opposed to a road safety issue" could add onto this sentence, "...a road safety issue <b>such as continued damage to grass verges by inappropriate parking</b>"</p> <p>I would also suggest under page six section "Highway Structural Maintenance" first bullet needs adding to end of sentence "...into the footway <b>should this be the community preferred solution</b>" reason being that in many areas residents maintain and respect the grass verge and would not wish to see it "automatically" (as stated) simply removed</p>	<p>The damage to the grass verges is not a road safety issue and would therefore not be appropriate to add. However to add prominence to the statement we would proposed to CHANGE the text to read – <b>"Should the assessment of the issue not meet any of the three criteria above then it will be assumed that the issue is a local community concern."</b></p> <p>For grass verges of less than 1.8m the council will automatically <b>consider</b> its incorporation into the highway scheme regardless of whether there is a parking problem or not. At this point in the process there is no presumption that the verge removed. The process still requires the council to inform residents and if there is significant objection to any proposal then the council may reconsider.</p>
<p>Cllr. Malcolm Richards</p>	<p>Overall the document makes very valid points about pavement and verge parking and I have no real dispute with the wording - EXCEPT THAT –</p> <p>On page 1 of the 'Parking on Verges' document, Introduction, para 1: .... ..... the words at the end of the paragraph say there is no legal right to park vehicles on the highway". I am not comfortable with that clause as a valid statement because –</p> <p>It does not specifically say that in the Highway Code, nor in several other road safety documents, nor on several of the websites I have checked, including legal advice sites - but it is suggested as a sentence in pedestrian friendly websites that I have read (pressure group doc?). However, I think we should use legally valid clauses rather than a pressure group claim.</p>	<p>Your comments are all correct and valid should the document have said it was illegal to park on the highway. However, the sentence reads, "The public has a legal right of way to pass along such highways in travelling from place to place but has no legal right to park vehicles on the highway" and does not not imply that it is illegal to park on the highway.</p> <p>As long as the vehicle is taxed and the drivers are not contravening any other traffic laws, vehicles can be park anywhere on a public highway where it is legal to do so.</p> <p>It's an unwritten 'rule' that people will generally tend to park outside their own home but it's important to note that no one has an automatic right to do so.</p> <p>NO CHANGE</p>

	<p>Also, from research elsewhere, I understand that vehicle parking on a highway is indeed perfectly legal <u>except</u> where it specifically excludes it by legally authorised notices such as traffic/highway signs, parking notices, road-markings, yellow lines, motorways/dual-carriageways, pedestrian zones, police or parking/traffic officers instructions, local authority by-laws, private property, or where it would cause obstruction or danger to do so. Of course, a parking space outside one's own house or other preferred place is certainly not guaranteed.</p> <p>The document is meant to be about issues of parking on pavements and verges etc, not limiting the motorist against parking legally. That last clause sounds rather anti-motorist, and we need their support, not alienation.</p> <p>So, to avoid a plethora of residents and bar-room lawyers complaining about that one point, I think it would be wise to remove it completely - unless it is changed to say something like .....</p> <p>"Parking on a highway is legal, but <u>only</u> where it is permissible and does not contravene legally authorised restrictions and does not cause obstruction or danger to other road users. It is the duty of the motorist/driver to ensure that parking is done safely and in accordance with the law and local restrictions."</p> <p>Optionally you could also add "In addition, motorists must avoid parking on areas where it causes inconvenience, danger, damage or expense to other users of the road or walkways."</p> <p>I leave it to you to chose whether to exclude the last clause of that paragraph or to use something akin to my suggested wording. I have no other comments on the document</p>	
<p>Cllr. Rob Stanton</p>	<p>It is not a normal practice of mine to write to all points e-mails but I have a concern here.</p> <p>I can tell you that parking on pavements is a big issue in Finchampstead North and a constant complaint in the local NAG and while it is not illegal is a very unsocial thing to do when it means that children and people in wheelchairs etc cannot get past a parked car on the pavement.</p>	<p>Comment noted. Council officers are satisfied that the policy will help address this issue.</p>

	Are you comfortable that this issue is acknowledged as best you can in the proposals as we should not miss an opportunity to help residents who find this an area of concern - as do I.	
Arborfield Parish Council	Thank you for giving us the opportunity to comment on the above document, the content of which we have noted. We have just one observation which is that we are constantly plagued by cars for sale on Langley Common Road roundabout at the entrance to Penrose Park. Once one person did it, it seemed to pave the way for a constant stream of vehicles but always just one at a time. I usually contact our PCSO who calls up the owner and asks them to remove their vehicle. We have also put an article in the Arborfield News before now saying it isn't the right place to be selling cars. With the document stating 2 or more cars for sale it doesn't help us with our constant supply of just one at a time.	Issues relating to the sale of cars of the highway should be directed to the Councils Trading Standards Team. The document hasn't been written to directly address these issues but includes the information for completeness and signposts the reader to the Councils Trading Standards Team.
Lib Dem Group	<p>The Lib Dem Group wishes to see a policy on parking on verges, footways and footpaths. However, we are very disappointed with both the policy proposed and its presentation in this document, for the reasons below.</p> <ol style="list-style-type: none"> <li>1 One of the main causes of parking on verges is the narrowness of roads and lack of off-road parking capacity. In some existing roads where they have no other option, residents park partly on the pavement in order to create space for emergency vehicles and other road users. The council must avoid creating more such problems in new development, and should reference that issue properly in this document.</li> <li>2 The document uses highways terminology, for example, in the section on Highways Structural Maintenance, a term which has a specific meaning which is unlikely to be fully understood by the general public.</li> <li>3 The style of the document is narrative and does not have a clear structure, which means the presentation is muddled.</li> <li>4 In terms of the policy itself, what is proposed is mainly procedural, not policy. No costs are included. There are no metrics. Questions that remain unanswered are: <ul style="list-style-type: none"> <li>- how many reports of this sort of parking there are each year, how</li> </ul> </li> </ol>	<ol style="list-style-type: none"> <li>1. This document is designed to deal with the existing problem of parking on verges and is not intended to address the issues relating to parking as part of new developments. Statements relating to avoid creating "more such problems" should be dealt with within planning policy.</li> <li>2. The sentence following the heading "Highways Structural Maintenance" clearly defines what this is referring too, i.e. a full refurbishment of the highway or the footway is due for resurfacing. No further explanation is felt necessary.</li> <li>3. The document has been extensively reviewed internally including those who are non-engineers and changed as required. The final document was approved for release and no other respondee has commented on the style or structure of the document.</li> <li>4. The document has been prepared in such a way that it is procedure. It is not meant to be "policy" but more a code of practice. The title of the document has excluded the word policy specifically because it is not meant to be policy.</li> </ol> <p>Answers to Questions that remain unanswered are;</p> <ul style="list-style-type: none"> <li>- The answers to the first set of questions is not readily available however the do not have any relevance to the contents of this document which is not policy.</li> <li>- In terms of funding there is not specific budget available to address these issues. As stated in the document the implementation of any action would be dependence on having suitable budget. The amount of budget required will depend on</li> </ul>

- many of them have led to action by the council in the past, how much it cost, how many remain problems with repeated reports, and what impact this policy would have on that
- how much money is available for addressing this issue and what it is likely to cover
- who can feed in concerns about this type of parking, how they can feed it in, and what they should expect to happen in the way of direct response
- how the decision is made, who makes it, how it is consulted on and with whom, how long it should take to reach, what is taken into consideration in reaching the decision, and how it is communicated
- how long it should take from the decision to carry out a scheme to its implementation
- who "the community" is that the council expects to be working together to solve issues
- who will arbitrate between members of "the community" with differing views
- what mechanisms there are to ensure that a community's "preferred solution" is practical and what resources there are to implement and support it

5 The policy proposed excludes damage to the verge or footway itself from the criteria the council will use to decide whether to take action. We think that there are some circumstances where damage to the verge or footway (not just the services under it) could justify measures being taken to prevent it. Therefore, as well as being unhappy with the presentation of the document, we do not agree with the policy itself.

Finally, it appears that this policy, when implemented, will not greatly reduce problem parking on verges and footways, as the council will not take action itself in the vast majority of cases, and "the community" will have no power to force change. What then is the impact of this policy intended to be? How will its success or failure be measured, monitored and reported?

- the action being promoted.
  - Issues relating to parking can be feed into the system via the normal routes of communication i.e. via letter, email or phone call to the council, via police liaison, thought a petition, or from councilors, town/parish councils or local NAGs. The document clearly defines the process of assessment and details what the expectations are in terms of possible outcomes.
  - The assessment process will, as with all potential schemes be undertaken by officers of the council. Consultation will be undertaken in the same way as with all consultations and as detailed in the constitution. The length of time taken to assess the issue will depend on the nature of the problem. Final decision will following the normal process as defined in the constitution.
  - Time to deliver the scheme will depend on the availability of funding.
  - The community relates to the immediate area where the parking issue exists. It may be area wide or it may be a specific street. It is envisaged that the community/residents will work with the local NAG, town/parish Council or local councillor to address these very local community issues. Council officers will provide assistance if requested
  - Council officers would provide suggestions to the community that would be appropriate for each case. There is no one size fits all solution to parking issues. Implementation would be dependent on resources and funding being available.
5. This Document is not policy but should be considered a code of practice. With regard to damage to the verge or footway, this would clearly be evidence that there is an issue regarding parking but unless any of the three criteria are meet the council will not take direct action, unless the road is being considered as part of the Highways Structural Maintenance programme and then this evidence will be used to consider the appropriate course of action.

Should the council take appropriate action as part of the proposals under the Highways Structural Maintenance programme then over time all roads in the borough that have grass verges and existing parking problems will be considered and parking issue will be addressed. It should be noted this is not policy but a code of that will give officers a clear process to help assess any complaints received and will also provide the public with an clearer understanding of what they can expect should they contact the council regarding these issues.

		NO CHANGES
	We have no significant comments to make on the policy, but welcome any initiative which will prevent obstructions to footways and improve road safety. We also support the retention of grass verges / soft landscaping where feasible, rather than hardening these areas for parking.	Comments noted
Woodley Town Council	<ul style="list-style-type: none"> <li>The cycle way must not be allowed to become a parking area</li> <li>Enforcement of the regulations should be the responsibility of the Borough Council</li> </ul>	<p>Highway Code rule 240 includes the following ; You <b>MUST NOT</b> stop or park on:</p> <ul style="list-style-type: none"> <li>a tram or cycle lane during its period of operation</li> <li>a cycle track</li> </ul> <p>Any driver doing so could face enforcement by the police.</p> <p>Currently illegal parking in Wokingham Borough is a criminal offence and can only be enforced by the police. For the council to assume responsibility for parking enforcement the council must apply to the Dft to decriminalise parking. This is a lengthy and very costly exercise and isn't something that we are currently perusing.</p> <p>NO CHANGE</p>
Charvil Parish Council	The situation could be helped if developers were required to provide two proper parking spaces (excluding garages) for each home.	Comment noted. This is an issue for the planning to consider at planning application stage. Recent changes to the parking standards for new developments will help to relieve this issue to some extent in future developments but will not completely remove the issue as car ownership levels continuing to raise irrespective of the number of spaces available to park.
Earley Town Council	<p>Councillors were of the view that the information contained within the report was incorrect and that cars could legally park on the highway. Furthermore, within the report, mention was made of the difficulty of access for visually impaired pedestrians and parents with pushchairs, but no mention was made of the physically disabled using motorised buggies and it was considered that these should be included.</p> <p>With regard to the definition of parking on verges, it was considered that this should also include open spaces, such as the grass area between the A4 and the London Road, which was currently being used for parking.</p>	<p>There is no statement in the document that states it is illegal for cars to be parked on the highway.</p> <p>As long as the vehicle is taxed and the drivers are not contravening any other traffic laws, vehicles can be park anywhere on a public highway where it is legal to do so.</p> <p>The document states "Where vehicles are indiscriminately left on the footway they can constitute a significant obstruction, forcing pedestrians on to the carriageway creating particular difficulties for people with mobility problems, visual impairment or pushchairs."</p> <p>People who are physically disabled that use motorised buggies are included in the "people with mobility problems". There is no need to specifically make reference to the use of motorised buggies.</p>

		<p>If an area of “open space” such as that between the A4 and London Road is within the highway boundary then it will be considered as part of this policy. However if it is not part of the highway then the issue of parking on it will fall to the parks and open space team and will not be an issue for highways to address.</p>
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## Parking on Verges Footways and Footpaths Log of Changes

After consultation a number of amendments have been identified. Changes have been made to the document and are recorded section by section below.

### Document Title

- Title of document changed to better reflect its purpose i.e. a documented process for addressing issues of verge parking.

### Introduction

- Unchanged

### Policy Statement

- Paragraph 2 removed *“Wokingham Borough Council does not have any responsibility to provide parking spaces and is committed to reducing dependency on motor vehicles and improving travel choices for the residents of, and visitors to, the Borough. The primary responsibility for finding acceptable parking spaces rests with vehicle owners and keepers.”*

### Background

- Small changes to text in first paragraph; *“... and creates significant problems in many areas for residents”* changed to *“... and can create significant problems in some areas of the borough for residents”*
- In the final paragraph the text has been added to define how a consensus would be determined; *“; usually 75% of more of the affected area showing positive support for a solution would be required to demonstrate a consensus.”*

### Legislation & Local Byelaw

- Spelling correction to the two occurrences of the word wilfully
- Added text to clarify the council position with regard to enforcing the bylaw. The original text *“... enforcement under the bylaw is often not practicable as an effective and efficient solution.”* changed to say *“... the council will not prosecute under this bylaw as it is not practicable to do so and is not an effective or efficient solution.”*

### Process For Dealing With Parking On Verges

- Remove “as opposed to a road safety issue” from the sentence starting “Should the assessment of the issue not meet...”

### Highway Structural Maintenance

- Spelling correction – considered
- Street scape changed to street-scape
- Text added to say *“Schemes will only be implemented when sufficient budget is available”*

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