
REPORT TO:	Environmental and Development Service Committee	AGENDA ITEM: 10
DATE OF MEETING:	12th April 2012	CATEGORY: DELEGATED
REPORT FROM:	Mark Alflat – Director of Operations	OPEN
MEMBERS’ CONTACT POINT:	Matt Holford – Environmental Health Manager (ext. 5856)	DOC:
SUBJECT:	Nuisance from roadside sale of cars	REF:
WARD(S) AFFECTED:	All	TERMS OF REFERENCE: EDS14

1. Recommendations

- 1.1 That Members approve that the Chief Executive write to the Chief Executive of Derbyshire County Council in the strongest possible terms to seek assurances that the County will use their powers under the Highways Act 1980 to deal with cars advertised for sale parked on roadside verges.
- 1.2 That Members approve that officers of South Derbyshire District Council provide full support to the County Council to provide evidence of nuisance roadside sales, provide the County with monitoring reports and provide witness statements and other relevant support to enable the County Council to discharge its duties to best effect.

2. Purpose of Report

- 2.1 To advise Members of the extent of nuisance roadside car sales in South Derbyshire.
- 2.2 To inform Members of the existing statutory controls relating to nuisance roadside car sales.
- 2.3 To provide a summary of the potential means of action available to the Council.
- 2.4 To seek Member approval for the proposed action.

3. Detail

- 3.1 The Council has received complaints for some months about private vehicles that are being left on or near roadside verges on busy parts of the District’s road network whilst being advertised for private sale. The vehicles are often left for prolonged periods of time at highly visible locations along very busy stretches of the District’s road network. The vehicles are generally perceived to be causing disruption to the flow of traffic when potential purchasers park their own cars up to view the vehicles in question.
- 3.2 Statutory controls do exist to prevent vehicles being parked for sale on the road network. The principal statutory controls are summarised in Appendix 1 to this Committee item.

- 3.3 Recently, South Derbyshire has investigated complaints of nuisance parking which has been particularly prevalent at Cadley Island and at Rickmans corner on the A444 / Mount Pleasant junction. However other parts of the District are also affected, all be it to a lesser extent.
- 3.4 Investigations into these complaints have substantiated that the vehicles are not being parked in contravention of section 3 of the Clean Neighbourhoods and Environment Act. The District Council's own officers are therefore unable to pursue legal actions against the vehicle owners. In these instances reports, where relevant, are provided to DVLA (if the vehicles are untaxed) and Derbyshire County Council (if the vehicles are considered by officers to be contravening section 147A of the Highways Act 1980).
- 3.5 SDDC officers have sought to informally deal with these complaints, however these interventions have not been successful. It is our belief that the vehicles are being sold on a semi-commercial basis and positioned in a way that the vendors are able to maximise exposure to the vehicle without contravening the Cleaner Neighbourhoods and Environment Act.
- 3.6 We believe that a sustained regulatory effort to control this activity will change the behaviour of the vendors of these vehicles and will result in real improvements in South Derbyshire. This will only be possible if all of the regulatory authorities are fully committed to using their statutory powers.

4. Proposals

- 4.1 It is proposed to seek Committee approval for a resolution to write to the County Council in the strongest possible terms to exhort their officers to make use of the provisions of section 147A of the Highways Act to require vehicle owners to remove cars for sale from road verges where they are causing a danger on the road or a interruption to users of the road.
- 4.2 It is proposed to offer the maximum possible support to the County Council's officers to enable them to use their powers. Our own officers will provide County Council colleagues with evidence to support investigations and legal actions, including providing details of the locations where nuisance parking is occurring, details of the make, model and plate numbers of the vehicles involved, location plans and photographs of vehicles and witness statements to assist with any statutory actions.
- 4.3 It is proposed that this evidence could be obtained by the Safer Neighbourhood Wardens as part of their normal patrol duties and it would therefore have only minor resource implications for the District Council. We believe that this will provide a significant saving of County Council officer time in the delivery of the function.
- 4.4 It should be noted that the proposal would only be sought to be invoked for a relatively limited number of problem locations. We would not seek to act against private, non-commercial vendors where the vehicle is parked in a location which does not cause nuisance.

5. Financial Implications

- 5.1 None.

6. Corporate Implications

- 6.1 The proposals align with the "safe and secure" Corporate Plan Objective and the "safer neighbourhoods" initiative.

7. Community Implications

7.1 The proposals will improve existing services.

8. Conclusion

8.1 Nuisance parking is a cause of regular complaint by local members of the public. Council officers are currently unable to use statutory powers to address the public concerns and the proposed approach will demonstrate the Council's commitment to exploring all avenues to deliver customer needs.