

PARKING OBSTRUCTION ISSUES, SALE OF VEHICLES ON THE HIGHWAY, PLANNING BREACHES IN RESPECT OF CAR SALES AND VEHICLE EXCISE REGULATIONS

PLEASE NOTE THAT PARKING OBSTRUCTION ISSUES, THE SELLING OF CARS ON THE HIGHWAY, AND LACK OF EVIDENCE OF EXCISE DUTY ARE NOT PLANNING ISSUES SINCE PLANNING JURISDICTION ONLY APPLIES TO THE AREA COVERED BY THE PLANNING PERMISSION.

- **PARKING OF VEHICLES ON THE HIGHWAY CAUSING AN OBSTRUCTION** is generally an offence which should generally be reported to the Police for action.

Under the Highways Act Section 149 however a Highway Authority (SRBC may act as agents) are authorised to remove a vehicle which constitutes a 'danger' and this includes vehicles which cause an obstruction of view. Please bear in mind that due notice does normally require to be given to the offender to allow them time for removal before action can be taken by the Highways Authority. The decision as to whether the vehicle constitutes a danger is in the hands of the Authority who must therefore see the obstruction in order to make a decision. Reports can be made using Gateway telephone number 625625. A reference number can be obtained and details will then be passed to the appropriate dept of SRBC.

- **PARKING OF VEHICLES ON THE HIGHWAY WITHOUT A VALID TAX DISK DISPLAYED** is an offence which can be reported to the Police, SRBC or DVLA.

The Police can be informed however it is probably best reported direct to DVLA and this can be done by accessing the web site www.direct.gov.uk or by using their free phone telephone number 0800 0325 202) Please bear in mind however that reporting does not apply to car parks, driveways or other specific parking spaces. Full details of the location of and details of the vehicle are required with preferably the time and name and address of the owner if known. SRBC will also investigate however persons reporting such incidents to SRBC must bear in mind that action can only be taken if the offence is being perpetrated at the time of the visit of the SRBC officials. Please also note that if the vehicle carries 'trade plates' then no irregularity is taking place.

- **PARKING OF VEHICLES ON THE HIGHWAY 'FOR SALE'** is an offence in certain circumstances under the Clean Neighbourhood and Environment Act 2005 which can be reported to SRBC (telephone 625625) for enforcement.

Please note that it is only an 'offence' when two or more cars are exposed or advertised for sale in this way within a 500 metre distance.

The question of 'exposed or advertised for sale' is open to interpretation however most views are that where there is clear evidence that the vehicle is for sale then an offence is taking place. The removal of the 'for sale' sign in itself would not necessarily protect the offender if there were other clear evidence that the vehicle was available to be purchased.

- **PARKING OF VEHICLES ON PRIVATE LAND 'FOR SALE'** without the required Planning Permission is an offence and in this case only; enforcement is through SRBC Planning Enforcement Dept.

A good example would be a shop or restaurant owner who allowed vehicles to be sold from their private car park. The sale of vehicles would not be within their allocated planning permission usage and they would therefore be in contravention of planning regulations.

Please note that it is car park owner that is in breach of the regulations and NOT the seller of the vehicles. Enforcement would therefore be against the car park owner who should not have allowed the vehicle sales to take place.