



Nuisance Parking and Abandoned Vehicles

A cleaner, safer neighbourhood. We all want it. We can all help to achieve it.

WHAT IS NUISANCE PARKING?

Some garages and businesses place cars for sale, for an extended period, on the street, and lay-bys. This can cause a significant nuisance to local residents and takes up valuable car parking spaces.

The same is true with vehicles that are repaired on the street, which can also look unsightly, can lead to damage of the local environment (for example when oil is spilled or leaked) and may also present a danger to passers by.

Parking on grass verges can obstruct pedestrians and traffic and cause the verged to become damaged and unsightly.

SELLING VEHICLES ON THE ROAD

The offence of selling vehicles on the road is intended to target those people who run a business selling motor vehicles and use the road as a mock showroom.

This behaviour is unfair to local residents and neighbouring businesses who are thereby deprived of using the road themselves to park vehicles and go about their daily lives.

It is not intended to target occasional individual private sellers of single vehicles.

This is why the offence may only be committed where there are two or more vehicles being offered for sale for the purposes of a business.

The offence of selling vehicles on the road:

A person commits an offence if he leaves two or more motor vehicles parked within 500 metres of each other on a road or roads where they are exposed or advertised for sale for the purposes of a business of selling motor vehicles.

A person guilty of an offence under this provision is liable on **summary conviction** to a fine not exceeding level 4 (currently **£2,500**) on the standard scale.

The Council may deal with the matter by issuing a **Fixed Penalty Notice** in lieu of prosecution. The current Fixed Penalty is **£80**. (£60 for early payment).

REPAIRING VEHICLES ON THE ROAD

The offence of repairing a vehicle is also aimed primarily at those that act irresponsibly as part of a business and which are attempting to use the road as a mock workshop.

It is not intended to target private individuals who are carrying out minor work to their vehicles (unless the repairs cause unreasonable annoyance to persons in the vicinity), or those who carry out necessary work to vehicles by the side of the road in order to get them moving again after a breakdown or accident (such as breakdown organisations and mobile mechanics), provided the work is completed within 72 hours.

The offence of repairing a vehicle on the road:

A person who carries out “**restricted works**” on a motor vehicle on a road for the purposes of a business of repairing motor vehicles is guilty of an offence.

“**Restricted works**” are defined as any works for the repair, maintenance, servicing, improvement or dismantling of a motor vehicle or of any part of or accessory to a motor vehicle and works for the installation, replacement or renewal of any such part or accessory.

Certain exceptions apply for repairs carried out in connection with breakdowns.

A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 (currently **£2,500**) on the standard scale.

The Council may deal with the matter by issuing a **Fixed Penalty Notice** in lieu of prosecution. The current Fixed Penalty is **£80**. (£60 for early payment).

PARKING ON VERGES

In most cases the margin or verge of a road forms part of the highway, and can therefore be regulated by the Police using powers under the Road Traffic Acts.

ABANDONED VEHICLES

It is illegal to abandon a vehicle.

The offence of abandoning a vehicle:

It is a criminal offence under section 2(1) of the Refuse Disposal (Amenity) Act 1978 to abandon a vehicle.

A person guilty of an offence under this provision is liable on **summary conviction** to a fine not exceeding level 4 (currently **£2,500**) on the standard scale **AND three months imprisonment**.

The Council may deal with the matter by issuing a **Fixed Penalty Notice** in lieu of prosecution. The current amount of a Fixed Penalty for this offence is **£300**

Local authorities are under a duty to remove a vehicle, which is abandoned in their area on any land in the open air or on any other land forming part of a highway.

The Clean Neighbourhoods and Environment Act enables local authorities

to immediately remove vehicles that are abandoned, without notice.

In cases where the vehicle is only fit for destruction, or the vehicle has no registered keeper and no tax disc displayed, the vehicle may be disposed of immediately.

HOW DO I REPORT A NUISANCE PARKING PROBLEM?

Parking on the margins or verges of the highway should be reported to the Police.

Repairs or sales on the roadside can be reported to the Council's Environment Support Officers by telephoning **(01502) 523192**.

We collect details of cars for sale and being repaired on the street and store these so that we can establish patterns of behaviour that may identify offences and offenders.

We will normally speak to the person responsible during our investigations to give them the chance to put matters right before we take legal action. If this does not work, we may issue a Fixed Penalty Notice.

We may decide to prosecute, in which case, we may also apply for an Anti-Social Behaviour Order to restrain individuals from repeating the offence.

We have a written "Enforcement Policy", which sets out how we decide what to do in each particular case.

HOW DO I REPORT AN ABANDONED VEHICLE?

Abandoned vehicles are dealt with by the Planning Department. If you wish to report an abandoned vehicle, telephone **(01502) 523072**.

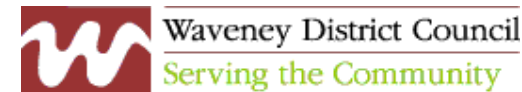
CONSULTATION

We would like to know what you think about nuisance parking and abandoned vehicles. If you would like to make a suggestion or a comment, please write to:

**Environmental Health
Waveney District Council
Town Hall, High Street
Lowestoft NR32 1HS**

Or visit our website at www.waveney.gov.uk and use the feedback form.

Supported by:



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