

# HUTTON PARISH COUNCIL

HUTTON PARISH COUNCIL CLERK'S REPORT (Information only) as at 30<sup>th</sup> June 2008

## LENGTHSMAN WORKS

- The half barrel planters have been received and planted out.
- The new notice board has been erected.

## GREENACRES

A further meeting with SRBC Planning and Progress Housing concerning the criteria in respect of housing allocation on this development has been arranged for Tuesday 1<sup>st</sup> July 2008.

## VILLAGE HALL GROUND IMPROVEMENTS

The drains around the village hall have been flushed and it has been identified that there may still be a partial blockage which might marginally restrict water flow. Copies of the drain plans have been provided and handed to the village hall committee and it now remains a case of whether this flushing has cleared the problem and consideration can be given to the improvements around the village hall as previously envisaged. The village hall committee have been asked for their views. Should the flushing not have succeeded then a camera will need to be put down to establish the precise location of the blockage with a view to it then being dealt with.

## PLANNING APPLICATION 2007/0940 - 23 FENSWAY HUTTON

This application for dormers to front and rear of the property was refused by SRBC (This Parish Council made representation against the works). The application has now been referred to the Secretary of State under the appeals procedure.

## FIRE SAFETY TALK

This has been arranged for the meeting scheduled for the 8<sup>th</sup> September 2008

## VEGETATION NUISANCE

At this time of year there are often complaints about overgrown hedges which impinge and obstruct the pavement. As members will be aware issues of this nature can be reported to LCC who are the Highways Authority and who are able to take action all be it the process can be fairly long due to the need to give notice to the landowner and then to follow this up with a further notice before cutting back can be undertaken by LCC themselves. A number of parishes adopt a more local stance in that they simply advise the landowner themselves enclosing a leaflet produced by LCC concerning 'Vegetation Nuisance'. The letter sent is a friendly reminder and request that the landowner takes action to remove the nuisance vegetation. This more often than not has the desired effect. Where it does not then formal procedures can still be undertaken by LCC by invoking the powers as outlined above under the Highways Act 1980. Copies of the leaflets will be available at the next meeting.

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

As resolved at the last meeting the Clerk has now confirmed various procedures with regard to the above issues which occur from time to time. These procedures have been confirmed by the local Environmental Crime Officer and are now to be published in the next Hutton News and also on the web site. Members are asked to note that these procedures should be adopted where nuisance situations arise and should be considered in the light of the level and regularity of the actual nuisance taking place and not necessarily invoked for the odd one off incident.

*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](http://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.

W V McEnerney-Whittle (Clerk & RFO)