

# On Street Car Sales & Repairs

Chris Stopford

Environmental Services Manager

Kettering Borough Council

# On Street Car Sales

- Section 3 Clean Neighbourhoods & Environment Act 2005
  - A person is guilty of an offence if at any time he leaves two or more motor vehicles parking within 500 metres of each other on a road or roads where they are exposed or advertised for sale, or causes two or more motor vehicles to be so left.

# On Street Car Sales

- A person is not to be convicted of an offence if he proves to the satisfaction of the Court that he was not acting for the purposes of a business of selling motor vehicles

# On Street Car Sales

- Number of Complaints received by Kettering Borough Council
  - 2007 – 1
  - 2008 – 7
  - 2009 – 10
  - 2010 – 4
- For comparison, during 2009 we responded to 746 pest control enquires, 191 complaints of dog fouling, issued 295 fixed penalty notices

# On Street Car Sales

- The Problems
  - Proving that a person has displayed more than two vehicles – often unregistered vehicles, or different contact numbers
  - The vehicles must be on the road

# On Street Car Sales

- The Penalty
  - Fixed Penalty Notice of £100 issued by an authorised officer, who must be an employee of a local authority
  - Summary conviction in the Magistrates Court, fine not exceeding level 4 (currently £2500)

# On Street Car Sales

- Some Examples
  - Grassed area adjacent to Cleveland Avenue, Kettering = private land, not highway owned by Housing Developer
  - London Road, Kettering = no current keeper, different mobile phone numbers, not one person
  - Beech Crescent, Kettering = no current keeper, different mobile phone numbers, not one person

# On Street Car Sales

- Other Options
  - Local Government (Miscellaneous Provisions) Act 1976, Section 7(1) – power of the Highway Authority to create specify highways by control order to prohibit selling or offering or exposing anything for sale.
  - Highways Act 1980, Section 137(1) offence of wilfully obstructing free passage along a highway.



# On Street Repairs

- Section 4 Clean Neighbourhoods and Environment Act 2005
  - A person who carried out restricted works on a motor vehicle on a road is guilty of an offence. Restricted works means 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 / or works for the installation, replacement or renewal of any such part or accessory

# On Street Repairs

- A person is not to be convicted of an offence if he proves to the satisfaction of the Court that he was not acting for the purposes of a business of carrying out restricted works, or for gain or reward; this defence does not apply where the carrying out of the works gave reasonable cause for annoyance to persons in the vicinity.

# On Street Car Repairs

- A person is not to be convicted of an offence if he proves to the satisfaction of the Court that the works carried out were works of repair which arose from an accident or breakdown in circumstances where repairs on the spot or elsewhere on the road were necessary; and were carried out within 72 hours of the accident or breakdown or were within that period authorised to be carried out at a later time by the local authority for the area

# On Street Car Repairs

- Number of Complaints received by Kettering Borough Council
  - 2008 – 2
  - 2009 – 1
  - 2010 – 2
- For comparison, during 2009 we responded to 746 pest control enquires, 191 complaints of dog fouling, issued 295 fixed penalty notices

# On Street Car Repairs

- The Penalty
  - Fixed Penalty Notice of £100 issued by an authorised officer, who must be an employee of a local authority
  - Summary conviction in the Magistrates Court, fine not exceeding level 4 (currently £2500)

# On Street Car Repairs

- Other Options
  - Highways Act 1980, Section 149 – highway authority power to remove anything deposited on a highway so as to constitute a nuisance
  - Environmental Protection Act 1990 – noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in the street

# Summary

- All complaints of on street car sales and on street car repairs will be investigated by Kettering Borough Council, primarily by our team of Environmental Wardens .
- Enforcement action will be taken where possible, and in accordance with our Enforcement Policy.

# Summary

- Please report cases of on street car sales, or on street car repairs to the Environmental Wardens, through Kettering Borough Council Customer Services.