

Meeting of the Council, Thursday, 18 July 2019

Questions Under Standing Order A13

A member may only submit three questions for consideration at each Council Meeting. Each member will present their first question in turn, when all the first questions have been dealt with the second and third questions may be asked in turn. The time for member's questions will be limited to a total of 30 minutes.

<p>Question (1) by Councillor Chris Lewis to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>In recent months there has been an increase in 'Unlicensed Street Traders' placing cars for sale on the Highway.</p> <p>I understand other Councils have been stamping it out by imposing a simple set of by-laws where the car for sale has to be within a couple of hundred yards of the registered keepers home address.</p> <p>What action is being taken to stop 'Cars for Sale' on the Highway and will the portfolio holder for Highways please investigate and stop the action from taking place.</p>
<p><b>Councillor Morey</b></p>	<p><b>I am aware of this issue and share the community's and Councillor Lewis' concerns. The main applicable legislation is the Clean Neighbourhoods and Environment Act 2005 which outlaws exposing 2 or more vehicles for sale within 500m of each other on a public road (s3). In addition, it must be a business selling vehicles for the legislation to apply. Some Local Authorities have concluded that its provisions are not sufficient to deal with the nuisance and have enacted their own byelaws – Exeter City Council are an example : <a href="https://exeter.gov.uk/media/1132/display-of-vehicles-for-sale-on-highway-byelaw.pdf">https://exeter.gov.uk/media/1132/display-of-vehicles-for-sale-on-highway-byelaw.pdf</a>. Making new byelaws is a time consuming and resource heavy task that can take between 12 and 24 months to complete. Given the significant resource pressures being faced by the authority it is difficult to make the argument that this course of action should be seen as a Council priority at the present time.</b></p> <p><b>In addition, there will undoubtedly be enforcement challenges particularly around the identification of owners and whether a business is actually being conducted. Significant work in the past on this issue has resulted in it being very difficult to identify whether it was a business and also identifying whether two or more vehicles were involved, as it was believed the trade used separate phone numbers for the sales of different cars. Even obtaining this information on the telephone number requires a formal Regulatory Investigatory Powers Act application, due to the personal nature of the information.</b></p> <p><b>If sales of cars on the highway are conducted in the course of trade there is a potential for Trading Standards to inspect products for description and safety, although this is not a part of their programmed work for 2019-20 but they would be happy to consider either some limited partnership working this year against identified problem traders or potentially some wider partnership working for next year's work programme.</b></p>
<p>Question (2) by Councillor O'Dwyer to the Cabinet</p>	<p>Following the Notice of Motion brought forward by Cllrs M. and S. Darling and decision taken to instigate a Clear Streets Charter at the beginning of the year and along with the recent successful adoption by Exeter</p>

<p>Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>City Council of a charter. Could you please provide an update on any progress of our charter but also inform me as part of this or individually when roads like Higher Woodfield Road in Wellswood and Teignmouth Road, Torquay will again have pavements for residents, that are passable by pedestrian both able and disabled or also with pushchairs and wheelchairs.</p> <p>In these two cases the trees have grown too big and need replacing with smaller varieties or other arrangements made. The mature trees are so big the spaces remaining between them and the walls are less than 2 feet wide and people are having to, if capable step into the street or amongst parked cars or in other cases turn around as the kerb drop offs are too high to dismount, especially for wheelchair and motability users.</p> <p>Could you also provide numbers of enforcement actions against homeowners whose hedges and bushes make other pavements almost impassable and definitely dangerous through being unkempt and overgrown? I personally witnessed as I was driving a partially sighted person hit by a branch and nearly knocked into the roadway as they proceeded down Marldon Road, Paignton recently.</p>
<p>Councillor Morey</p>	<p><b>A Clean Streets Charter is being developed based upon the Exeter City example, but also taking account of best practice from other authorities. The Exeter example identifies a set of potential actions and commitments, including:</b></p> <ul style="list-style-type: none"> <li>• <b><i>Advertising boards</i></b> – working with local businesses to make them realise how these can be challenging for people with mobility issues.</li> <li>• <b><i>Street furniture</i></b> – carrying out regular audits to ensure this is safe and appropriately placed to allow safe navigation around.</li> <li>• <b><i>New developments</i></b> – proactive engagement on design and development with people who have mobility issues.</li> <li>• <b><i>Rubbish and recycling bins</i></b> – ensuring these are within the curtilage of the property, wherever possible.</li> </ul> <p><b>A draft is due to be considered at the next Transport Working Party (due to be held in October), and engagement with the Chamber of Commerce is still required.</b></p> <p><b>With regards to the second element of the question, the issue of large highway trees is a controversial issue and there are a number of roads in Torbay, which have restricted footway and carriageway widths due to mature trees. There is always a balance between the highway safety issues alongside the amenity value of the trees the removal can be extremely unpopular and the amount of cost involved should not be underestimated.</b></p> <p><b>In 2010 a report regarding trees on Lymington Road, Torquay was presented to the Transport Working Party and members recommended, at that time, that the risk should be accepted. Of course all locations are treated on their own merits and where trees are deemed to be diseased or deceased, then these are removed for safety reasons. The Working Party also recommended, at that time, that a pragmatic approach should be taken regarding trees on the public highway.</b></p>

**With respect to the overgrowth of private hedges into the highway, we are experiencing a significant growth period, due to a relatively wet spring followed by a warm early summer. This is not unusual, however we are also mindful that it is also nesting season for many birds and therefore there are limitations as to the amount of cutting back that can be done during this period. Where overgrowth presents a danger to the highway user, we will take action. Whilst we will serve notices, we will endeavour to simply contact the owners in the first instance to request action, following which a notice will be served if the initial request is ignored.**

**Please be aware, Highways Inspectors have served 228 private hedge notices during the 2019 calendar year to date, recorded 296 issues with hedges to be cut by the highway authority and 354 highways issues with private trees.**