

SURREY COUNTY COUNCIL

LOCAL COMMITTEE (RUNNYMEDE)

DATE: 21 SEPTEMBER 2015

LEAD OFFICER: ANDREW MILNE – AREA HIGHWAYS MANAGER (NW)

SUBJECT: STAINES LANE – PETITION RESPONSE

DIVISION: CHERTSEY



SUMMARY OF ISSUE:

Residents of Staines Lane (Chertsey) have submitted a petition to Surrey County Council and Runnymede Borough Council requesting action is taken to move on a number of vehicles that have been parked in the road for a long period of time.

The residents have reported that the vehicles concerned are all owned by one person and that he has been living in one of them.

The petition also requests the introduction of parking restrictions to prevent vehicles from being parked in Staines Lane for long periods in future.

RECOMMENDATIONS:

The Local Committee (Runnymede) is asked to agree that:

- (i) No further action is taken.

REASONS FOR RECOMMENDATION:

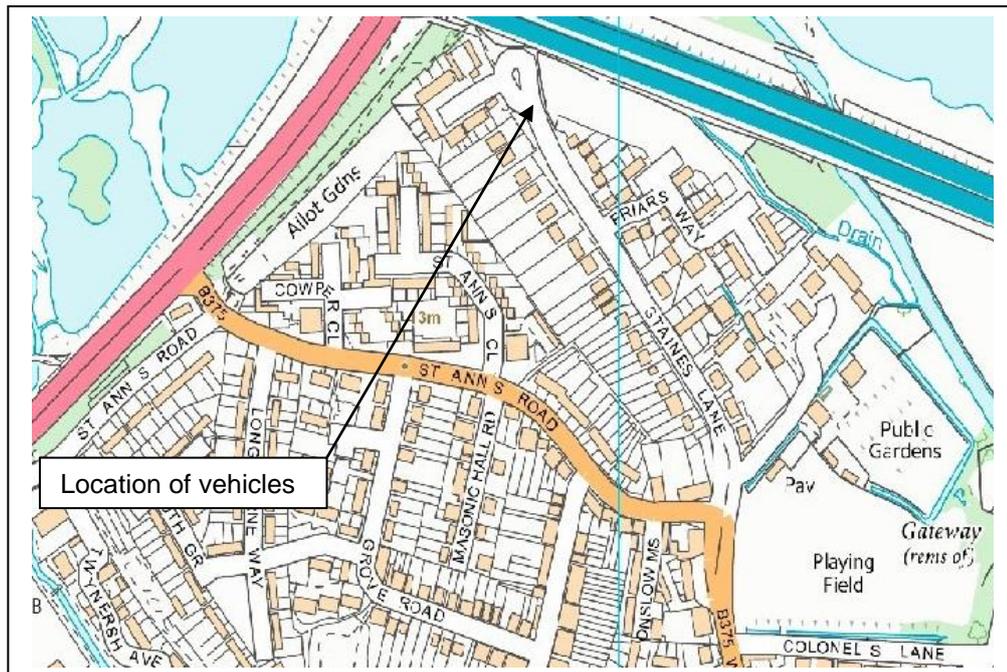
The parked vehicles are not contravening any parking restrictions and are not causing an obstruction or road safety hazard. In addition, they are taxed and roadworthy.

The Police and Borough Council have been unable to obtain evidence that the individual is living in any of the vehicles. However, the Borough Council's Corporate Management Committee has authorised the Borough Council to take enforcement action if this evidence is obtained.

The nature of Staines Lane means vehicles can be parked in the road without creating a road safety hazard or causing an obstruction. The need for parking restrictions to be introduced is therefore difficult to justify. Parking restrictions could also affect residents and their visitors as well as potentially displacing parking to locations where it would cause problems.

1. INTRODUCTION AND BACKGROUND:

- 1.1 In July 2015 the County Council (the local Highway Authority) received an enquiry from a resident of Staines Lane complaining that 4 vehicles (2 vans, a car and a motorbike) belonging to the same owner had been parked in Staines Lane for a long period of time. It was also reported that the owner was living in one of the vehicles (a van equipped as a motorhome).
- 1.2 The site was therefore inspected and the vehicles were observed parked in Staines Lane next to the area of open space at the northern end of the road. The location of the vehicles is indicated on the plan below.



- 1.3 Whilst the vehicles were parked on the public highway, there are no existing parking restrictions at the location and the vehicles were not parked in a manner that caused either danger or obstruction to highway users. In addition, the vehicles appeared to be roadworthy.
- 1.4 As such, there did not appear to be any reasons to take action. However, the issue was referred to the County Council's legal team who confirmed they also considered there were no grounds to justify the Highway Authority undertaking enforcement measures.
- 1.5 The same complaint was also raised with the Borough Council. As a result, discussions then took place between the Borough and County Council about the legal powers that could potentially be used to take action if the individual was found to be living in the vehicle and also about which authority should act if appropriate.
- 1.6 Residents then subsequently submitted a petition with 32 signatories to both the County Council and Borough Council at the beginning of August 2015.

- 1.7 The petition called for the vehicles to be permanently moved on from Staines Lane and for parking restrictions to be introduced to prevent vehicles from being parked in the road for long periods in future.

2. ANALYSIS:

Request for action to permanently move the vehicles from the location and to prevent the individual from living in one of the vehicles.

- 2.1 Surrey County Council, Runnymede Borough Council and Surrey Police have all considered whether it would be appropriate to take enforcement action in response to the complaint from residents. Outlined below are the respective positions of each authority.

Surrey County Council

- 2.2 In response to the original complaint, Surrey County Council's legal team assessed the circumstances and advised that they considered there were no grounds to take action under highway legislation. This is because the vehicles were neither contravening any restrictions nor causing an obstruction or road safety hazard for highway users.
- 2.3 The County Council's legal team has also considered whether it would be appropriate for the County Council to take action under the Criminal Justice and Public Order Act, 1994 (Section 77).
- 2.4 This legislation is generally used for taking enforcement action against unauthorised encampments and gives both the Borough Council and County Council powers to direct individuals to remove their vehicles and belongings from highway land (or any land occupied without the consent of the landowner, whether owned by the local authority itself or by any other public or private landowner).
- 2.5 Before commencing any action local authorities must undertake a welfare assessment of any unauthorised camper. Having considered the findings, a Direction can then be served on the unauthorised camper instructing them to leave on a particular date and time.
- 2.6 If they fail to move, or return to the same location within 3 months of the date of the Direction, then they are committing a criminal offence and may be arrested by the police. If prosecution is successful they may be given a custodial sentence of up to 3 months or be liable to a fine of up to £1000.
- 2.7 Alternatively application can be made to the magistrates' Court to grant an order for removal following a hearing where all the evidence is presented.
- 2.8 Whilst the County Council can serve a Direction under the 1994 Criminal Justice and Public Order Act (Section 77), its legal team has advised it does not consider there are grounds to do so because of the absence of any highway concerns.

Surrey Police

- 2.9 The Police have investigated the matter and confirm that the vehicles are all taxed and registered to a local residential address. They have spoken to the

ITEM 4

owner at this address on a number of occasions and he has denied living in the motorhome. However, even if he were found to be living in the vehicle the Police would be unable to take any further action since this is not a criminal offence.

Borough Council

- 2.10 The Borough Council's Corporate Management Committee considered the residents' petition when it met on 27 August 2015.
- 2.11 The Committee was advised that Borough Council Officers considered the County Council should lead on any enforcement action since the vehicles are parked on the public highway. In addition, they were provided with details of the reasons why the County Council's legal team has advised it does not consider there are grounds for the County Council to take action.
- 2.12 The Committee was also advised that despite continued visits by Officers from both Surrey Police and the Borough Council, it had not been possible to obtain independent evidence that the individual was currently living in the vehicle.
- 2.13 Having considered the information presented to it the Committee agreed, in summary, the following:
- that authority be granted for the Borough Council to serve a Direction (under section 77 of the Criminal Justice and Public Order Act, 1994) upon the individual requiring the removal of any vehicle being used for residential occupation subject to sufficient evidence being obtained that the vehicle is being lived in.
 - that if the Direction is not complied with, authority is granted for the Borough Council to seek either a prosecution against the individual or an order to authorise removal of the vehicles.
 - that the Borough Council continues to work with local residents to monitor the situation.
 - that the County Council should be asked to consider the residents' request for a review of parking restrictions in the area.

Request for Parking Restrictions

- 2.14 The residents' request for new parking restrictions is an issue for the County Council (as the local Highway Authority) to consider.
- 2.15 Requests for new parking restrictions or changes to existing restrictions are considered as part of parking reviews which are carried out in each borough or district every 12-18 months.
- 2.16 Each request is assessed taking into account a number of factors including road safety, accessibility, congestion and how many people support the request. Following completion of site visits and the assessment process, a report is then compiled recommending which of the requests have been assessed as a priority and should be taken further. The Local Committee for

the area then decides which of these recommendations should be advertised for introduction.

- 2.17 Vehicles are regularly parked on-street in Staines Lane. However, the road is a cul-de-sac and is relatively wide. As such, the parking does not generally cause any obstruction, congestion or road safety hazard. Staines Lane would therefore receive a low score when assessing it against the criteria used to determine whether parking restrictions should be recommended.
- 2.18 The introduction of parking restrictions in Staines Lane may also displace parking in to other roads where it could cause an obstruction or road safety hazard. Furthermore, parking restrictions would also potentially impact on residents and visitors who wish to park in the road.

3. OPTIONS:

- 3.1 It is recommended that no further action is taken.

4. CONSULTATIONS:

- 4.1 The County Council's legal team have been consulted and have provided advice.
- 4.2 Discussions have taken place with the Borough Council.

5. FINANCIAL AND VALUE FOR MONEY IMPLICATIONS:

- 5.1 There are no financial implications resulting from the recommendation of this report.

6. EQUALITIES AND DIVERSITY IMPLICATIONS:

- 6.1 The Highway Service is mindful of its needs within this area and attempts to treat all users of the public highway with equality and understanding.

7. LOCALISM:

- 7.1 This report responds to a petition from residents about an issue of local concern.

8. OTHER IMPLICATIONS:

Area assessed:	Direct Implications:
Crime and Disorder	No significant implications arising from this report
Sustainability (including Climate Change and Carbon Emissions)	No significant implications arising from this report
Corporate Parenting/Looked After Children	No significant implications arising from this report
Safeguarding responsibilities for vulnerable children and adults	No significant implications arising from this report
Public Health	No significant implications arising

	from this report
--	------------------

9. CONCLUSION AND RECOMMENDATIONS:

- 9.1 Residents have complained that a number of vehicles belonging to the same person have been parked in Staines Lane for a long period of time. They also report that the individual has been living in one of the vehicles.
- 9.2 Whilst the vehicles are parked on the public highway, there are no parking restrictions at the location and the vehicles are not causing an obstruction or danger to road users. Surrey Police have also confirmed that the vehicles are taxed and roadworthy.
- 9.3 Since the vehicles are not causing any highways concerns or contravening any restrictions, the County Council's legal team do not consider there are grounds for the County Council to take any enforcement action.
- 9.4 Officers from both Surrey Police and the Borough Council have made continued visits to the location but have been unable to gather evidence that the individual is currently living in one of the vehicles. However, the Borough Council's Corporate Management Committee has authorised the Borough Council to take enforcement action if this evidence is subsequently obtained.
- 9.5 Staines Lane is a cul-de-sac and is relatively wide. As such, vehicles can be parked in the road without causing any obstruction or road safety problems. The need for parking restrictions to be introduced is therefore difficult to justify. Furthermore, they would potentially impact on residents and their visitors and could result in parking being displaced to other locations where it could cause problems. It is therefore recommended that the introduction of parking restrictions is not considered further.

10. WHAT HAPPENS NEXT:

- 10.1 No further action is required.

Contact Officer:

Jason Gosden – 0300 200 1003

Consulted:

SCC Legal Team

Annexes:

None

Sources/background papers:

None
