

# Vehicle obstructions on the highway

22 February 2023

This is a simplified summary of some of the main provisions.

No action can be taken for so called inconsiderate parking. If the vehicle is legal and legally parked no action can be taken, this applies to multiple vehicles belonging to one household or long-term parking in one place. There is no right to park outside your house, on the road.

## Police responsibilities

- Obstruction of the highway (including parking on advisory 'keep clear' markings, parking across dropped kerbs, parking across vehicle access like driveways or garages and parking in advisory 'disabled' parking bays)
- Pedestrian crossings and white zig-zag markings (although Local Authorities can also carry out enforcement of white zig zag lines at crossings, police enforcement carries a higher tariff)
- Pavement parking where there are no waiting restrictions for the local authority parking attendants to enforce; although there is no specific offence of "pavement parking"
- School entrance markings where there are no 'time plates' identifying that a Traffic Regulation Order supports the restrictions.

You can call the police on 101.

## Council responsibilities

- [Abandoned Vehicles](#), where there is no owner
- Parking Offences where there are Yellow lines or other parking restrictions, for example:
  - Yellow lines (double and single lines and time limited areas); parking at loading bays and waiting restrictions, where these are supported by Traffic Regulation Orders.
  - [Report a parking problem | BETA - South Gloucestershire Council \(southglos.gov.uk\)](#)
- Street Trading

The Licensing Team can deal with car (cash) sales on the highway, however, only where sufficient evidence is provided. Licensing do not have the resource to mount investigations without physical evidence that articles are being offered for sale for the street trading provisions to apply; such as photographs of 'for sale' or price signs and confirmation of the name and address of those selling the vehicles. In addition, physical evidence that money has exchanged hands for each vehicle and the parties involved.

Street trading does not cover instances where the articles or vehicles are advertised and sold online / via social media platforms, even where the exchange of the vehicle may take place on the highway.

If you have evidence of cash sales on the highway (not via online methods) then please submit it to [licensing@southglos.gov.uk](mailto:licensing@southglos.gov.uk).

## In addition

Streetcare can deal with businesses selling motor vehicles on the highway. It is an offence to leave/cause to leave 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.

Evidence that the vehicles are being advertised for sale, such as photographs of 'for sale' or price signs, the seller/owner of the vehicles (minimum of name and address), vehicle details including location. This provision does not allow for the removal of the vehicles. As above, this provision does not cover instances where the articles or vehicles are advertised and sold online / via social media platforms, even where the exchange of the vehicle may take place on the highway.

To ensure the appropriate use of resources, allegations made without the required evidence cannot be considered for further investigation. Contact via - [waste.management@southglos.gov.uk](mailto:waste.management@southglos.gov.uk)

## Vehicle repairs on the highway

Need to demonstrate that it is causing a nuisance and there is some level of persistence and frequency. Contact via - [waste.management@southglos.gov.uk](mailto:waste.management@southglos.gov.uk)

## Trading Standards (TS)

TS have no powers to deal with problem vehicles on the highway. They can get involved if someone has lost out or been deceived over vehicle sales. In these instances, the person who bought the vehicle would need to contact Citizens Advice via - [Citizens Advice website](#). This includes comprehensive advice and guidance on a wide range of consumer matters. You can contact their helpline between 9am and 5pm, Monday to Friday, on 0808 223 1133.

Please note, South Gloucestershire Council Trading Standards do not provide consumer advice outside of this arrangement.

Complex cases or complaints that involve a possible breach of the criminal legislation TS enforce will be referred to TS by the Citizens Advice for further consideration and any appropriate action.

## Planning Enforcement (PE)

No powers in relation to the highway itself; PE can take action against a change of use of any private land/premises, so if activity occurs there as well, and amounts to a material change of use, then enforcement action may be possible.

The important thing to remember for PE is that it isn't automatically a planning breach to run a business from home - the business has to have significant impacts which change the character of the use of the land/premises to the extent that we can argue that a material change of use has occurred.

## ASB Team

A catalogue of evidence would be required to warrant enforcement action of this nature, in order to prove that the actions constitute anti-social behaviour.

Evidence that traffic legislation was enforced unsuccessfully by appropriate agencies would be needed. It would need to be successfully argued that the parking constitutes ASB.

A Short Term Public Spaces Protection Order (PSPO) can be completed by the ASB Team in a year or less, but for Longer term PSPO's it can take 1 to 3yrs, then they can only be applied for by the Environmental Enforcement Team.

## Assess and Decide Team, Street Care Design & Operations

Traffic orders, TROs, e.g. limited waiting orders, schemes would only follow on where serious obstruction is taking place, for instance where household waste or recycling vehicles have been unable to access a street on multiple occasions. We would always go to the Waste Management Team for evidence of missed collections.

Once there is evidence that waiting restrictions are required, put forward a waiting restriction scheme for inclusion in a future Capital Programme. No new waiting restriction schemes are being included in the Capital Programme in 2023/24. The TRO process is time consuming and is dependent on sufficient resources being available. It can take several years to implement.

Contact - [Requesting traffic management and road safety improvements | South Gloucestershire Council \(southglos.gov.uk\)](https://www.southglos.gov.uk/transport/road-safety-improvements)

## Further information

<https://www.gov.uk/government/consultations/managing-pavement-parking/pavement-parking-options-for-change#current-laws-on-parking>