

# Item 10

## SEDGEFIELD BOROUGH COUNCIL OVERVIEW & SCRUTINY COMMITTEE 3

Conference Room 1,  
Council Offices,  
Spennymoor

Tuesday, 12 July 2005

Time: 10.00 a.m.

**Present:** Councillor V. Crosby (Chairman) and

Councillors D.R. Brown, Mrs. B.A. Clare, G.C. Gray, Mrs. J. Gray, M.T.B. Jones  
J.P. Moran, B.M. Ord, Mrs. C. Potts, A. Smith and Mrs. C. Sproat

**In Attendance:**

Councillors W.M. Blenkinsopp, A. Gray, B. Hall, D.M. Hancock, J.G. Huntington  
B. Meek, G. Morgan, Mrs. E.M. Paylor and J. Wayman J.P

**Apologies:** Councillors B.F. Avery J.P and Mrs. L. Smith

**OSC(3)1/05 DECLARATIONS OF INTEREST**

No declarations of interest were received.

**OSC(3)2/05 MINUTES**

The Minutes of the meeting held on 26<sup>th</sup> April, 2005 were confirmed as a correct record and signed by the Chairman.

**OSC(3)3/05 CARS PARKED ON OPEN SPACES**

It was explained that Ian Bestford, Environmental Protection Assistant – Vehicle Action Co-ordinator, was present at the meeting to give a presentation outlining the current situation in relation to the above issue and to answer queries.

He explained that there had been a substantial increase in the number of vehicles on roads during recent years. Many of the estates, particularly in areas of older housing, had not been designed to accommodate the increased number of vehicles. The lack of adequate parking facilities on estates was an issue.

The lack of parking facilities had resulted in an increase in the number of vehicles parking on open spaces and particularly on verges and pavements including on areas of Council-owned land. The issues involved in vehicles parking on those areas included damage to the grass verges, pavements etc., spillage of oil and petrol effecting the environment, the obstruction of the highways to vehicle access and pedestrians, an increase in the number of cars etc being advertised for sale on the highway and also trespass.

Members were informed that a number of legislative controls existed to deal with the issues including powers under the Town and Country Planning Act, 1990, the Highways Act 1980 and Clean Neighbourhoods and Environment Act 2005.

With regard to cars parked on Council-owned land the Council had powers to place notices on abandoned and illegally parked cars informing offenders that if the vehicle was not removed within 24 hours the Council would have the vehicle removed and a charge would be made to the owner for the return of the vehicle. If the vehicle was not claimed within seven days, the Council had powers to dispose of the vehicle.

Enforcement action in relation to abandoned vehicles could be taken under the Town and Country Planning Act 1990 which specified that notices must be served on all interested parties. These powers were however difficult to use on Council-owned land as the Council was itself an interested party.

With respect to damage etc., caused to Council-owned land by vehicles and the recovery of costs this involved taking civil action. It was, however, often difficult to prove the cause of the damage and the responsible person.

In respect of obstruction of the highway under the Highways Act 1980 it was an offence to cause an obstruction on the highway and contravention of that Act carried a maximum fine of £1,000. Most highways were, however, adopted by Durham County Council and it was therefore that authority's responsibility to take legal action.

The Committee was informed that the issue of trespass was a civil matter which involved an injunction being served on offenders.

In conclusion it was explained that there were a number of enforcement actions which could be taken to deal with the issues. However, they did not address the issue of lack of suitable parking facilities on estates.

Reference was made by Members to the ability of Police to deal with the extent of the situation bearing in mind lack of resources etc.. In response it was explained that Durham County Council was the first port of call for dealing with issues in relation to parking on the highways and that Council was given the opportunity to deal with offenders without Police intervention.

Members of the Committee queried the County Council's strategy for dealing with the issues. It was suggested that, as that Authority was responsible for dealing with vehicles on the highway, officers and the relevant Cabinet Member from Durham County Council, a representative from the Police Authority and other appropriate agencies be invited to a meeting of Overview and Scrutiny Committee to discuss the issues.

Discussion was also held regarding car repairs and restoration being carried out from private premises and then being advertised for sale on the highway. Members were informed that if this issue was occurring on private land then there was no action which could be taken. However, if the situation was occurring on the highway then this was a matter for the Highway Authority.

*AGREED : That officers and the relevant Portfolio holder from Durham County Council and the Police be invited to attend a meeting of Overview and Scrutiny Committee 3 to discuss the issues.*

**OSC(3)4/05 PREPARATION OF THE ANNUAL OVERVIEW AND SCRUTINY REPORT**

Consideration was given to a report of the Chief Executive Officer (for copy see file of Minutes) and also a presentation which was given in relation to the preparation of the Annual Overview and Scrutiny report.

The Committee reviewed the work undertaken, considered a suggested Action Plan for the overview and scrutiny function and also reviewed working methods in order to improve the Overview and Scrutiny function.

Members were reminded that in accordance with the Council's Constitution a combined Annual Overview and Scrutiny report covering all three Overview and Scrutiny Committees would be submitted to Council on 30<sup>th</sup> September 2005 .

The achievements which the Committee had progressed were outlined in the report. It was explained that no key decisions of Cabinet had been called in during the past year. However, Members had raised queries about the number of issues which had resulted in the appropriate Cabinet Member being invited to attend meetings and respond to concerns.

Two Review Groups had been established to undertake in-depth studies of the Regeneration of Neighbourhoods with Older Private Sector Housing and the Street Safe Initiative. Those Groups were in their final stages of completing their studies and would submit final reports to the Committee in due course.

The work of external organisations had also been scrutinised by the Committee including Durham Constabulary's Business Plan for the South Area as it related to Sedgefield Borough and also a proposal from Durham Fire and Rescue Service relating to a private finance initiative to develop a community Fire Station and Life Skills Centre within the Borough. In each case the Committee had forwarded comments to the organisation concerned.

The Committee had reviewed its work programme at each meeting during the previous year and identified issues which Members wished to consider. In addition a range of Performance Indicators would be presented to Members which would enable Members to identify areas for consideration.

In relation to the Overview and Scrutiny function it had been intended to review and republish the Council's Overview and Scrutiny Guide and develop a website to encourage public participation. However, it had not been possible to complete those projects.

An evaluation of the Overview and Scrutiny function needed to take place in order that the effectiveness of the function was assessed and further improvements in working practices etc could be made. Once this had been completed it would be possible to update the Council's Guide taking into account any changes in working practices identified by the assessment. The Guide would provide Members, Officers and members of the public with a clear understanding of the aims and objectives of overview and scrutiny. Following the introduction of that Guide, training would be provided for Members and officers.

*AGREED : That the Annual Report as outlined be submitted to Council.*

**OSC(3)5/05 WORK PROGRAMME**

Consideration was given to the Committees work programme (for copy see file of Minutes).

In relation to the Street Safe Initiative the Review's conclusions had been drawn up, and a report was being drafted which would be submitted to the next meeting of the Review Group.

In relation to the Regeneration of Neighbourhoods with Older Private Sector Housing, a meeting was to be held on 18<sup>th</sup> July, 2005 to consider the final draft report.

In relation to items to be included on future agendas it was agreed that appropriate representatives from Durham County Council be invited to attend a future meeting to consider the issue of parking of cars on open spaces.

*AGREED : That the Committee's work programme be approved.*

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**ACCESS TO INFORMATION**

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Liz North 01388 816166 ext 4237