

**e-mailed to devon CXs 6/10 PB/SLH/1.2/317**

## **SALE OF CARS ON THE PUBLIC HIGHWAY**

For sometime now the Council has received complaints about the relatively new practice employed by certain motor traders offering vehicles for sale from the public highway, often in residential areas. The sale price of the vehicle and the trader's telephone number is usually displayed in the vehicle. Complainants say that this causes a nuisance, increases congestion and adds to the parking problems in certain areas of the city. In addition the garish "for sale" signs are a detriment to the local amenity.

It would be very helpful if you could advise me whether you are experiencing this problem in your district and tell me what steps if any you are taking to eradicate it.

We have approached the ODPM with a view to making a local byelaw to prohibit this type of trading activity. Unfortunately they have recently responded stating that:

"we are doubtful that the present problem is a minor nuisance..... the penalty for breaching byelaws under Section 325 of the Local Government Act 1972 is only £500 and is therefore unlikely to be a sufficient deterrent. Also where a problem seems to be widespread and a number of authorities have either made similar byelaws or are planning to do so, we would normally accept provisions to be made in general legislation.

We are also aware that byelaws are unlikely to be effective against this nuisance and local authorities should consult the Department of Transport and the Home Office about steps they can take under those departments legislation to combat the problems they are currently experiencing.

We have decided that we should consult the Department for Transport and the Home Office for their comments on this matter before confirming further byelaws as it involves cross cutting issues".

Clearly it will take some time before any national legislation can be implemented to deal with this problem. Our Members wonder whether any other Devon authority might be prepared to join with us in:

- Lobbying for a local solution by way of byelaw.
- Contacting your Local MP to raise this matter in Parliament with a view to seeking national legislation.

Regards,

Philip