



# Leigh-on-Sea Town Council

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Chairman: Cllr. Pat Holden  
Vice Chairman: Cllr. Carole Mulrone  
Town Clerk: Paul Beckerson

**Q**  
QUALITY  
TOWN  
COUNCIL

MINUTES OF THE MEETING OF THE TRANSPORT AND HIGHWAYS COMMITTEE  
HELD AT 8.00PM ON WEDNESDAY 21<sup>st</sup> JULY 2010 AT THE COUNCIL OFFICES,  
67 ELM ROAD, LEIGH-ON-SEA

Present: Cllrs Caroline Parker (Chairman), Bill Abbott, Margaret Cotgrove, Hilary Davison, Donald Fraser, Pat Holden, Carole Mulrone, Mrs Jean Rowswell and John Wren

In Attendance: Paul Beckerson, Town Clerk, Paul Lawrence

***The meeting opened at 8.03pm***

17. CHAIRMAN'S OPENING REMARKS

The Chairman welcomed members to the meeting.

18. APOLOGIES FOR ABSENCE

None

19. MINUTES OF THE MEETING HELD ON THE 16<sup>th</sup> JUNE 2010

The minutes of the 16<sup>th</sup> June 2010 were approved and signed by the Chairman.

20. DECLARATION OF MEMBERS INTERESTS

None

21. STREET FURNITURE WORKING PARTY MEETING OF THE 16<sup>th</sup> JUNE 2010  
Seats in Highlands Boulevard

It was AGREED that SBC be approached to see if they would be willing to provide a seat close to the roundabout/junction. Cllr Donald Fraser would indicate the exact position on a map so this information can be forwarded to SBC.

22. ITEMS FOR DISCUSSION

a) Leigh-on-Sea Boundary Sign

The Chairman reported she had met with Mike Mabb (SBC) and agreed the exact position of the new sign near Tattersall Gardens on the north side of London Road, on the grass verge just past a seat. The Chairman had also spoken to the manufacturers who suggested that a colour crest would attract more attention.

The committee **RESOLVED: that the crest should remain in black and white.**

b) Parking Enforcement in Central Leigh

It was reported that the enforcement in the area was not being applied universally with some vehicles parking for prolonged periods with little or no action being taken.

The committee **RESOLVED: to approach SBC to see if this issue could be addressed.**

c) Bus Shelters – Report 1769/CP

The committee considered the report from SBC on the condition of the Bus Shelters. It had been suggested that SBC may be willing to replace the Town Council owned bus shelters on a rolling programme. The Town Clerk was still awaiting written confirmation of this and will report to the committee when he has received the information.

The committee **RESOLVED: to note the report and refer it to the Street Furniture WP for consideration.**

d) Car Sales Parking in London Road

***The Committee adjourned to allow Paul Lawrence to speak on the issue.***

The committee was concerned about the continued use of pavements and lay-bys for the sale of vehicles by businesses situated on the London Road. This constituted a danger to the public by restricting the width of the pavements as well as at times making vehicles Double Park to access facilities.

The parking of these vehicles contravenes legislation namely:

**The Clean Neighbourhoods and Environment Act 2005 (c.16)**

Part 2 Vehicles – Nuisance parking offences

**3 Exposing vehicles for sale on a road**

(1) A person is guilty of an offence if at any time—

- (a) he leaves 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,
- or

(b) he causes two or more motor vehicles to be so left.

**The Highways Act 1980 (c.66) Section 137 & 263** (Note these sections are used by Norfolk County Council)

**Obstruction of highways and streets - Penalty for willful obstruction**

**137.** (1) If a person, without lawful authority or excuse, in any way willfully obstructs the free passage along a highway, he is guilty of an offence and liable to a fine not exceeding £1000.

(2) A constable may arrest without warrant any person whom he sees committing an offence against this section.

**Vesting of highways etc.** *Gives ownership of Highway to the authority*

**263.** (1) Subject to the provisions of this section, every highway maintainable at the public expense, together with the materials and scrapings of it, vests in the authority who are for the time being the highway authority for the highway.

(2) Subsection (1) above does not apply-

- (a) to a highway with respect to the vesting of which, on its becoming or ceasing to be a trunk road, provision is made by section 265 below, or
  - (b) to a part of a trunk road with respect to the vesting of which provision is made by section 266 below, or
  - (c) to a part of a special road with respect to the vesting of which provision is made by section 267 below.
- (3) Where a scheme submitted to the Minister jointly by two or more local highway authorities under section 16 above determines which of those authorities are to be the special road authority for the special road or any part of it (" the designated authority ") and the designated authority are not the highway authority for the road or that part of it, the road or that part of it vests in the designated authority.
- (4) Where-
- (a) the responsibility for the maintenance of a bridge or other part of a highway is transferred to a highway authority by means of an order under section 93 above, but the property in it is not so transferred, or
  - (b) the responsibility for the maintenance of a part of a highway is transferred to a highway authority in pursuance of an agreement made under section 94 above, but the property in that part is not so transferred, the part of the highway in question does not by virtue of subsection (1) above vest in that highway authority.
- (5) Notwithstanding anything in subsection (1) above, any such material as is referred to in that subsection which is removed from a highway by a district council in exercise of their powers under section 42, 50 or 230(7) above vests in the district council and not in the highway authority.

**The Highways Act 1980 (c.66) as amended by The Local Government (Miscellaneous Provisions) Act 1982 (c.30) Section 23**

**23.** The following section shall be inserted after section 147 of the Highways Act 1980 c. 66.

**Road-side sales**

**147A.**-(1) Subject to subsection (4) below, no person shall, for the purpose of selling anything, or offering or exposing anything for sale, use any stall or similar structure or any container or vehicle, kept or placed on-

- (a) the verge of a trunk road or a principal road ;

- (b) a lay-by on any such road ; or
  - (c) unenclosed land within 15 metres of any part of any such road, where its presence or its use for that purpose causes or is likely to cause danger on the road or interrupts or is likely to interrupt any user of the road.
- (2) Any person who contravenes this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.
- (3) It shall be a defence for a person charged with an offence under this section to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
- (4) This section does not apply-
- (a) to the sale or offer or exposure for sale of things from or on a vehicle which is used only for the purposes of itinerant trading with the occupiers of premises, or is used only for that purpose and for purposes other than trading ;
  - (b) to the sale or offer or exposure for sale of newspapers ;
  - (c) to anything done at a market in respect of which tolls, stallages or rents are payable ; or
  - (d) to the sale or offer or exposure for sale of anything by way of street trading which has been authorised under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 or under any local enactment which makes provision similar to that made by that Schedule, either by the person so authorised or by a person acting as assistant to the person so authorised."

The Town Clerk undertook to obtain information on this problem from Arun District Council who have had much the same sort of problem. The issue needed to be pursued with SBC as they had a duty to enforce legislation.

It was AGREED that evidence should be collected by way of photographs and a written diary kept to illustrate the extent of the problem.

The committee **RESOLVED: to contact SBC and the Police once further information was available.**

e) Provision of Litter Bins in the High Street

This item has been referred to the committee by the Old Town Community Group. The Convenor reported that there was a need for two bins in the street and had identified a position for one of them.

On examining the budget and after general discussion it was **RECOMMENDED: to fund one bin to be placed outside Sarah's Tea Garden at a cost of £450 with SBC taking over the maintenance and emptying once installed.**

## 23. OUTSTANDING ISSUES

### a) Tables and Chairs

A general discussion took place about the egress of commercial materials and furniture deposited on the pavement and to whether these activities are licensed. The committee was conscious that businesses needed to attract customers especially in these uncertain economic times. There was a need to strike a balance between customer enjoyment and issues of public safety.

The committee **RESOLVED: to establish:-**

- 1. The areas that had been granted licences to place furniture on the pavement.**
- 2. The ownership of forecourts demarcation lines etc.**
- 3. SBC's policy on the use of 'A' boards.**

***The meeting closed at 9.15pm***