

**REPLY BY THE PRESIDENT OF THE COMMITTEE FOR THE
ENVIRONMENT & INFRASTRUCTURE
TO QUESTIONS ASKED PURSUANT TO RULE 14 OF THE
RULES OF PROCEDURE BY DEPUTY MATT FALLAIZE**

In 2011, 2012 and 2013 I exchanged correspondence with the Environment Department and others in relation to the problem of cars being left in coastal car parks sometimes for quite long periods of time and with 'for sale' signs in their windows.

In the first quarter of 2013 I was advised by your predecessor but one that the Department had "*prioritised this for action and full investigations into the options etc. will take place, probably resulting in a [policy letter] to be filed towards the end of the year.*" More than three years later there appears to have been no material progress.

Question 1

Did your predecessors finalise their "full investigations into the options etc." to address the problem of cars being left in coastal car parks and sometimes for quite long periods of time and with 'for sale' signs in their windows, and if not when will they be finalised?

Answer

The issue of 'nuisance parking' is much broader than the problem of cars being left in coastal car parks with 'for sale' signs in their windows but it is fair to say that this particular practice is the most prevalent and has the highest profile. Other examples include vehicles driven or abandoned on beaches and headlands, vehicles blocking entrances to properties or obstructing sight lines, vehicles being used as a workshop and left parked in unregulated roads for weeks and months on end or commercial vehicles parking overnight in coastal car parks and other uncontrolled areas.

It is with this in mind that the former Environment Department undertook a much broader review of the issue of 'nuisance parking'. The fact that 'nuisance parking' occurs on land that is controlled by several different pieces of legislation has further complicated matters as has the fact that these laws already have a range of enforcement powers but these are not always easy to apply. It has been necessary to seek legal advice in respect of these matters and pressure on resources has led to much slower progress on this matter than had originally been envisaged.

Initially it was decided to look at the possibility of introducing specific legislation designed to tackle the issue afresh and to consider making breaches of such legislation a 'civil' offence punishable by issuing of a fixed penalty ticket. A draft policy letter was produced on this basis and discussed with the Law Officers. During these discussions it was acknowledged that the existing legislative provisions allowed for enforcement but perhaps did not always make it easy for enforcement measures to be carried out. Accordingly, it was recognised that an alternative

approach might be to heighten and / or simplify existing enforcement powers by adapting current fixed penalty legislation to include a greater range of parking offences.

Given the fact that active enforcement is a crucial element in any effective solution, it is important that the right solution is found and that any required 'buy-in' for an enforcement solution is agreed and justified as part of the process. Accordingly, it will be necessary to further discuss any proposed solution and enforcement requirements with the Police. The pros and cons of each solution will need to be considered in due course with a view to taking forward the most practical solution.

In the meantime, various measures have been introduced to try and control the specific problem of cars being left for sale, primarily in coastal car parks, by targeting enforcement action in conjunction with the Police in areas where an existing problem is known to exist and by introducing or amending existing disc and approved parking zones to make the enforcement process easier. This has had some limited success but a problem solved often just manifests itself somewhere else or returns to the place in question once any heightened enforcement action has abated.

Question 2

Will your Committee commit to submitting a policy letter on this matter, and if so when will it be submitted?

Answer

The Committee *for the* Environment and Infrastructure is committed to bringing this matter to a conclusion but is also mindful of the complexities involved and the reliance on an effective enforcement presence to make any meaningful difference to the existing level of 'nuisance' being caused. It is also acknowledged that any resource implications relating to the proposals will need to be balanced against the perceived community benefits to be derived from any such actions.

The matter will also need to be prioritised against the Committee's many other priorities and other projects requiring the time of our legal advisors and this is something which the new Committee has not yet had an opportunity to consider.

Accordingly, and until such time as the aforementioned issues have been resolved, I cannot give a firm commitment at this stage as to when a policy letter or perhaps a consultation document will be issued in relation to the issue of 'nuisance parking'.

Date of Receipt of the Question: 17th June 2016

Date of Reply: 8th July 2016