



## OFFICER DECISION RECORD

This form should be used to record Executive decisions taken by Officers

<b>Decision Ref. No:</b>			
<b>Service Area:</b>	<b>Growth and Infrastructure</b>	<b>Date:</b>	<b>17/07/2020</b>
<b>Contact Name:</b>	<b>Julian McLaughlin</b>	<b>Tel No:</b>	
<b>E-mail:</b>	<b>Julian.mclaughlin@bcpcouncil.gov.uk</b>		
<b>Subject:</b>	<b>BCP Council – Immobilisation and Removal of Vehicles Parked in Contravention of On-Street and Off-Street Parking Restrictions</b>		
<b>Decision taken:</b> <ol style="list-style-type: none"><li>1. To implement the recommended policy for immobilisation and removal of vehicles parked in contravention of on-street and off-street parking restrictions. A draft policy is attached as Appendix A.</li><li>2. To let a new temporary contract to two contractors for removal of vehicles parked in contravention until the end of October 2020.</li><li>3. The required resource (staff, training and equipment) to administer the proposed scheme approx. <b>£19k</b> plus new staff costs will be found within current budgets.</li></ol>			
<b>Reasons for the decision:</b> In recent weeks it has become apparent that many drivers are prepared to risk parking vehicles illegally and accepting that they will receive a Penalty Charge Notice (PCN). The scale of charge payable for PCN's is set in national legislation; officers continue to work via the British Parking Association to request the government increase the current charges. With a PCN not proving enough of a deterrent there are limited options available for Local Authorities to manage this type of behaviour.  It is possible, if BCP Council were to adopt a policy, to implement removal and/or immobilisation of vehicles parked in contravention of parking restrictions. This requires the formation of a new policy and contract - none of the preceding Councils were operating a vehicle immobilisation or removal scheme in relation to parked vehicles therefore this is no option to use an existing scheme.  BCP Council currently has a vehicle removal contract in relation to untaxed and abandoned vehicles, the contractor (W&S) has declined the opportunity to expand the contract to cover vehicles parked in contravention.  Officers have approached two further companies who currently provide a similar service to Dorset Police and have obtained quotes for the work to be carried out until the end of October 2020. It is recommended that this work is progressed using both companies who have provided quotes at the same rates.			

It is further recommended that a full contract is let in time for the beginning of the next high season; prior to March 2021.

It is of note that guidance has been updated very recently (June 2020) regarding immobilisation of vehicles and states that “*Very few authorities now use immobilisation. The Secretary of State is of the view that it should only be used in limited circumstances such as where the same vehicle repeatedly breaks parking restrictions, and it has not been possible to collect payment for penalties, primarily because the keeper is not registered, or is not properly registered, with the DVLA. Where a vehicle is causing a hazard or obstruction, the enforcement authority should remove rather than immobilise. Immobilisation/removal activity should only take place where it gives clear traffic management benefits.*”

It is therefore not recommended that immobilisation is used other than in very exceptional circumstances.

The draft policy attached as Appendix A sets out how this scheme may operate, with CEO's or Supervisors waiting with the vehicle until the arrival of a tow-truck to remove the vehicle if the circumstances warrant such action. All fee's payable are set out in national legislation and would be applied to this scheme.

The implementation of this policy will require resources including:

1. Training for staff to enable responding to challenges
2. Software module (addition to existing externally supplied package)
3. Staff to administer the scheme – initially approx. 2 no. fte at BCP Grade G (CEO Supervisors)
4. Signage required at key locations
5. New web pages to publicise the new policy

The date of implementation will rely on the speed external resources can be deployed. It is envisaged the service could be operational before the end of July 2020.

Currently Item 2 on the list above requires a 3-month lead in time; we cannot operate this system efficiently without this in place. BCP Council have a good relationship with the supplier and Officers are confident of securing a much faster turnaround. It is possible to begin these operations without this system in place but preferable not to begin until every aspect is ready.

**Background:**

The proposed policy complies with the statutory provisions of the Traffic Management Act 2004, which governs the enforcement of parking contraventions. It has also been developed in accordance with the Operational Guidance to Local Authorities: Parking Policy and Enforcement issued by the Department for Transport (DFT) in March 2008, revised November 2010 and March 2015.

Introduction of immobilisation and/or removal of vehicles for those parked in contravention of traffic orders does not need advertising or amending of any associated Traffic Regulation Orders as there is no requirement to prescribe how the Council wishes to enforce so long as the method complies with all relevant legislation. The proposal therefore does not define 'tow-away' zones but allows Officers to take dynamic decision based on the individual circumstances wherever they are in the BCP Council area. Warning signs will be erected at key locations to deter drivers from parking in contravention.

**Consultations undertaken:**

**Consultation:**

- CIMT (17/07/20)
- Cllr Vikki Slade (Leader)
- Cllr Andy Hadley (Cabinet Member for Transport and Infrastructure)
- Tanya Coulter (Legal)

**Note:** It is the responsibility of the 'Responsible Officer' – that is the Officer making the decision – to obtain the comments and signature of the Chief Finance Officer and Monitoring Officer **before** taking the decision and then send the completed record of the decision to Democratic Services for publication.

**Financial and Resourcing Implications:**

It is largely recognised that immobilisation and removal of vehicles is not a cost-effective way to manage parking contraventions. There are not many local authorities outside of London that carry out these activities for this reason. It is however likely that for the remainder of this Summer, whilst Covid-19 restrictions continue to apply, BCP Council are likely to see further influxes of traffic into the area on hot days as recently experienced (most recently on 24<sup>th</sup> and 25<sup>th</sup> June 2020). It is therefore recommended that this scheme is reviewed, and a full cost-benefit analysis undertaken after 4 months of operation.

The scheme should strive to not be run at the cost of the Council and aim to break-even.

The charges applied are in accordance with the table of charges dictated by the 'Secretary of States for Transport'

PCN (£35) if paid without challenge, within 14 days from date of the contravention)	£70 (Higher level penalty)
PCN (£25) if paid without challenge, within 14 days from date of the contravention)	£50 (Lower level penalty)
Clamping release fee	£40
Vehicle Removal release fee	£150
Vehicle storage fee for each period of 24 hrs or part thereof, the vehicle is impounded	£20
Disposal of unclaimed vehicles	£75

The estimated costs of setting up the scheme, excluding employment of new staff, is approximately **£19k**

<b>Set up costs</b>	
Item	Cost
Training for staff responding to challenges	£3000
Software module (addition to existing package)	£10000
Signage (including cones)	£6000
<b>Ongoing Costs</b>	
Staff to administer the scheme – approx. equivalent to 2 no. fte at BCP Grade G (CEO Supervisors) *	£54,000 (plus on-costs)
<b>Contract costs</b>	
Removal and Release of Vehicle	£150
Vehicle storage fee for each period of 24 hrs or part thereof, the vehicle is impounded	£20
Disposal of unclaimed vehicles	£75
Truck onsite for one day (8am-8pm) with staff	£950
Truck parked onsite for one day	£500

\*The staffing structure below tier 5 within Parking has not yet been re-organised, parking services are still operating as 3 teams across the preceding council areas and there is no available resource to direct to these new proposed activities hence the requirement for more staff to enable this. Once a restructure of these teams is permitted these activities can be absorbed into the new structure.

There is no relevant data to refer to, to enable an understanding of how many vehicles could be managed using the proposed scheme and the financial impact this would have. The contractor cost is equal to the legal highest amount chargeable and will be paid in full by the customer, therefore the scheme will run at nil cost to the Council.

However, it should be noted that

- there may be lost income due to CEO activity diverted to this purpose
- if a driver appeals the PCN and it is upheld all costs, including removal and storage costs will be repayable by the Council and not recoverable from the contractor
- if the Council chose to have a truck on site (staffed or not) this will be chargeable at the rates above

A full cost/benefit review will take place at the end of the temporary contract (October 2020) to establish the likely way forward for a permanent arrangement.

**Legal Implications:**

The recommended policy complies with all relevant legislation.

**Name:**

Approved by email  
See copy attached

**Date:**

**Signature (of Monitoring Officer):**

**Risk Assessment:**

The risks of not implementing this policy are that the Council is unable to fulfil its duty under the TMA 2004 and emergency vehicles are prevented from attending sites in a timely manner.

All activities within the policy will be risk assessed prior to commencement of work and will ensure safe parking practices.

**Name: Helen Taverner**

**Date: 17/07/2020**

**Signature (Officer Completing Assessment): Helen Taverner**

**Impact Assessments:**

The impacts of the recommended policy should enhance the ability for all, including those in protected groups, particularly the disabled, to safely use the footways and safely cross carriageways by immobilising or removing vehicles parked in contravention.

**Information for publication / not for publication**

There is no reason to not publish this information

**Background Papers**

Appendix A – Vehicle Removal and Immobilisation Draft Policy V5  
Appendix B – CIMT Vehicle Removal and Immobilisation Report V5

Any declaration of interest by the  
Officer responsible for the decision

Nature of Interest

Yes/No\*

**Note:** No Officer having a personal financial interest in any matter should take a decision on that matter. Other interests of a non-disqualifying matter should be recorded here.

Any conflict of  
interest declared  
by a Cabinet  
Member who is  
consulted by the

Name of  
Cabinet  
Member

Nature of  
interest

Details of any  
dispensation  
granted by the  
Monitoring Officer

Officer taking the decision			
Yes/No*			
<b>Decision taken by: (print name and designation)</b>			
<b>Julian McLaughlin – Service Director (Growth and Infrastructure)</b>			
<b>Signature:</b>			
Redacted			
<b>Date of Decision: 28<sup>th</sup> July 2020</b>			
<b>Date Decision Effective: 28<sup>th</sup> July 2020</b>			
<b>Date of Publication of record of decision: (to be inserted by Democratic Services)</b>			

**Note: A record of this decision should be kept by the Service Area within which the decision falls.**

---

**From:** Anne Brown <[anne.brown@bcpcouncil.gov.uk](mailto:anne.brown@bcpcouncil.gov.uk)>  
**Sent:** 23 July 2020 10:20  
**To:** Julian McLaughlin <[julian.mclaughlin@bcpcouncil.gov.uk](mailto:julian.mclaughlin@bcpcouncil.gov.uk)>  
**Cc:** Helen Taverner <[helen.taverner@bcpcouncil.gov.uk](mailto:helen.taverner@bcpcouncil.gov.uk)>  
**Subject:** RE: Towaway decision from CIMT

Sorry Julian  
This is fine by me .I have not checked but I am assuming £19 k is ok under procurement to go for quotes and you don`t need and exemption .Please accept this email as my signature for the decisions . Thanks Anne

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**From:** Nicola Webb <[nicola.webb@bcpcouncil.gov.uk](mailto:nicola.webb@bcpcouncil.gov.uk)>  
**Sent:** 28 July 2020 13:15  
**To:** Helen Taverner <[helen.taverner@bcpcouncil.gov.uk](mailto:helen.taverner@bcpcouncil.gov.uk)>; Richard Jones <[richard.jones@bcpcouncil.gov.uk](mailto:richard.jones@bcpcouncil.gov.uk)>  
**Cc:** Julian McLaughlin <[julian.mclaughlin@bcpcouncil.gov.uk](mailto:julian.mclaughlin@bcpcouncil.gov.uk)>; Richard Pincroft <[richard.pincroft@bcpcouncil.gov.uk](mailto:richard.pincroft@bcpcouncil.gov.uk)>; Adam Richens <[adam.richens@bcpcouncil.gov.uk](mailto:adam.richens@bcpcouncil.gov.uk)>; Paul Whittles <[paul.whittles@bcpcouncil.gov.uk](mailto:paul.whittles@bcpcouncil.gov.uk)>  
**Subject:** RE: Decision Records for tomorrow's CIMT

Hi Helen,

I have confirmed with Paul Whittles that the extra costs can be contained within the latest Directorate forecast budget position (June Cabinet) for 2020/21 and note that the position will be reviewed after a number of months of operating the policy.

The ODR can therefore be approved.



**Nicola Webb**  
**Assistant Chief Finance Officer**  
**Finance**

[nicola.webb@bcpcouncil.gov.uk](mailto:nicola.webb@bcpcouncil.gov.uk)  
[bcpcouncil.gov.uk](http://bcpcouncil.gov.uk)

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# Immobilisation and Removal of Vehicles Parked in Contravention of On-Street and Off-Street Parking Places

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## **1. Introduction**

It is Bournemouth, Christchurch and Poole Council's aim to undertake a fair and transparent approach to the immobilisation and removal of vehicles on its highways and car parks. These guidelines outline the policy used in relation to immobilisation and removal of vehicles parked in contravention of on and off-street parking restrictions to a secure vehicle storage facility.

These guidelines are designed to deal with vehicles that are parked in contravention in the following circumstances:

- Persistent evader vehicles found parked in contravention
- Fraudulent use of disabled persons parking blue badges or an article that purports to be a disabled blue badge.
- Parked in a disabled persons parking bay without displaying a disabled blue badge.
- Parked using a fraudulent Bournemouth, Christchurch and Poole Council permit, voucher, scratch card or pay and display parking ticket; inclusive of cashless parking sessions and virtual permits
- Parked in a manner that causes serious obstruction to emergency services and other road users.

These guidelines comply with the statutory provisions of the Traffic Management Act 2004, which governs the enforcement of parking contraventions. It has also been developed in accordance with the Operational Guidance to Local Authorities: Parking Policy and Enforcement issued by the Department for Transport (DFT) in March 2008, revised November 2010 and March 2015.

Parking contraventions are dealt with by the issue of a Penalty Charge Notice (PCN) and, in appropriate circumstances, the removal of the vehicles. The protocols and policies for parking enforcement are contained in Bournemouth, Christchurch and Poole Council's enforcement policies for parking contraventions.

## **2. Bournemouth, Christchurch and Poole Council Priorities**

These guidelines contribute to the following Council Corporate Priorities:

- Sustainable Environment
  - protect and enhance our outstanding natural environment
  - develop an eco-friendly and active transport network
  - maximise access to our high-quality parks and open spaces
- Dynamic Region
  - revitalise our high streets
  - develop sustainable infrastructure
  - support our businesses to operate more creatively
- Connected Communities
  - ensure our communities feel safe

### 3. General Definitions

#### 3.1 Authorised Officers

Parking Section Senior Officers as listed in Section 13 below are authorised to instruct immobilisation and removal of vehicles in contravention of the Traffic Management Act 2004.

#### 3.2 Designated Parking Places

For the purposes of these guidelines, the meaning of Designated Parking Places shall be the definition prescribed under section, 32 33, & 45 of the Road Traffic Regulation Act (RTRA) 1984.

#### 3.3 Parking Device

For the purposes of these guidelines, the meaning of Parking Devices shall be the definition prescribed under section 51 of the Road Traffic Regulation Act (RTRA) 1984

### 4 Persistent Evaders

4.1 A persistent evader is where a vehicle has three or more recorded contraventions for the vehicle and the PCN's are not paid, represented or appealed against within the statutory time limits; or their representations and appeals have been rejected but the penalty charge notices remain unpaid. A persistent evader's vehicle can be removed following the issue of a penalty charge notice when parked in contravention of the Traffic Management Act 2004.

4.2 The Traffic Management Act 2004, and regulations made under it, prohibit the Enforcement Authority from immobilising or removing a persistent evader vehicle until at least 15 minutes have elapsed following the issue of a penalty charge notice (PCN) parked in contravention **in a designated parking place**.

4.3 Persistent evader vehicles when parked in contravention on a road and **not in a designated parking place** may be liable for instant immobilisation or removal by the Enforcement Authority immediately following the issue of a penalty charge notice (PCN).

### 5 Contravening the Blue Badge Scheme

5.1 Vehicles that are parked and are displaying a disabled person's parking blue badge but not in accordance with the regulations.

This may include vehicles displaying a disabled parking blue badge that is:

- Copied or Counterfeit
- Expired or Expired / Altered
- The Badge Holder is deceased
- The Badge has been reported lost or stolen
- The Badge has been cancelled by the Issuing Authority

- Abuse of a valid badge has been clearly established
- In the case of an Organisational Badge - the Organisation ceases to exist

5.2 Vehicles parked in contravention and in breach of the regulations **in a designated parking place**, the Traffic Management Act 2004 and Regulations made under it, prohibit the Enforcement Authority from immobilising or removing the vehicle until at least 30 minutes have elapsed following the issue of a penalty charge notice (PCN).

5.3 For vehicles parked in contravention and in breach of the regulations on a road **not in a designated parking place** may be liable for instant immobilisation or removal by the Enforcement Authority immediately following the issue of a penalty charge notice (PCN)

5.4 A vehicle parked in a disabled persons' parking place, without displaying a valid disabled person's badge, may be subject to immobilisation or removal.

## 6 Fraudulent Use of Parking Devices

6.1 A vehicle is parked in contravention whilst displaying a fraudulent parking device, inclusive of cashless parking sessions, virtual permits, and or a parking device which is:

- Copied or Hybrid or Wholly Counterfeit
- Expired and or Expired / Altered
- Reported lost or stolen
- Cancelled by the Issuing Authority
- Parking device is not issued for that vehicle
- Abuse had been clearly established
- The holder is no longer authorised to use the parking device
- In the case of a Business Permit - The business ceases to exist

A vehicle parked in contravention whilst displaying a fraudulent parking device **in a designated parking place**. The Traffic Management Act 2004 and Regulations made under it prohibit the Enforcement Authority from immobilising or removing the vehicle until at least 30 minutes have elapsed following the issue of a penalty charge notice (PCN).

6.3 Vehicles parked in contravention whilst displaying a fraudulent parking device on a road **not in a designated parking place** may be liable for instant immobilisation or removal by the Enforcement Authority immediately following the issue of a penalty charge notice (PCN)

## 7 Hazard or Obstruction

A vehicle is parked in contravention, in a way that is dangerous to other road users; and/or emergency service vehicles. Vehicles parked in contravention but not exclusive of the restrictions listed below will be deemed to be causing Hazard or Physical Obstruction.

Contravention 01	
Description	Parked in a restricted street during prescribed hours

<b>Contravention 02</b>	
Description	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force
<b>Contravention 21</b>	
Description	Parked in a suspended bay or space or part of a space
<b>Contravention 26</b>	
Description	Parked in a special enforcement area more than 50cm from the edge of the carriageway and not within a designated parking place
<b>Contravention 47</b>	
Description	Stopped on a restricted bus stop or stand
<b>Contravention 48</b>	
Description	Stopped in a restricted area outside a school when prohibited.
<b>Contravention 99</b>	
Description	Stopped on a pedestrian crossing or crossing area marked by zigzags

### Exemptions:

- a) The Enforcement Authority will observe exemptions to the enforcement of the above parking contraventions for Emergency vehicles (Police, Fire, Ambulance Services); and or other vehicles carrying out emergency or statutory works.
- b) Vehicles displaying a valid Blue Badge must not be clamped and should not be removed. If such a vehicle is dangerously or obstructively parked, it should be repositioned nearby, preferably within view of its previous location.
- c) Diplomatic vehicles bearing a "D" or "X" vehicle registration mark or personalised registration plates with a "D" Vehicle Excise License. If such a vehicle is dangerously or obstructively parked, repositioning nearby is suggested. (Legal requirement - Diplomatic Privileges Act 1964).
- d) In the following circumstances after a PCN has been issued vehicles must not be clamped in situ. They could be removed, although in some circumstances re-positioning may be better:
  - i. When the vehicle is causing a major obstruction to traffic or a danger to pedestrians or other road users, or is parked on an operational bus lane, cycle lane, bus stop, or taxi rank. Consideration should also be given to the likely time lapse which will occur before a clamped vehicle is declamped and moved. If such time delay is likely to extend the presence of the vehicle to a time when it will become an obstruction, e.g. the vehicle is in a non-operational bus lane, which is due to commence in an hour or so, then the vehicle should be removed instead of being clamped. For cases of obstruction where or when no parking restriction is in force, no action can be taken, and it will be necessary to seek the assistance of the police.
  - ii. When a vehicle is parked adjacent to a fire exit, across an access used by emergency vehicles or leading to private premises.
  - iii. When a vehicle is parked in a specially designated reserved parking bay, e.g. disabled person, doctor, or diplomatic bay.
  - iv. When a vehicle is parked in a suspended parking place.
  - v. When a vehicle is parked adjacent to a dropped footway or raised

carriageway.

- vi. When a vehicle is parked on zig zag lines.

## **8. Other Vehicle Removals**

In addition to the reasons stated above, vehicles may also be immobilised or removed if they are considered abandoned or are untaxed. This is carried out under different legislation to the Traffic Management Act 2004 and is dealt with through Bournemouth, Christchurch and Poole's Highway Enforcement team.

## **9. Scope of the Guidelines**

These Guidelines are designed to deal with persistent evader vehicles, vehicles parked in breach of the Blue Badge Scheme Regulations, vehicles using fraudulent parking devices, and vehicles that are parking dangerously or causing an obstruction on the public highway. The guidelines apply within the boundaries of Bournemouth, Christchurch and Poole Council including the adopted public highway and any land owned by the Council.

For the purposes of these Guidelines, the meaning of "Road" shall be the definition as contained in the Road Traffic Regulation Act (RTRA) 1984 and Traffic Management Act (TMA) 2004.

All TMA 2004 removals can attract an appeal from the owner/keeper; these will be treated in the same manner as a PCN appeal. If successful in appeal, all money paid in respect of the removal and storage of the vehicle will be reimbursed.

Vehicle compound hours are dictated by vehicle removal contractor.

## **10. Legislation & Guidance**

These Vehicle Removal Guidelines have been developed in line with the Secretary of State's recommendations and in conjunction with the following documents:

- Traffic Management Act 2004
- Road Traffic Regulation Act 1984
- Refuse Disposal (Amenity) Act 1978
- The Removal and Disposal of Vehicle Regulations 2008
- Clean Neighbourhoods and Environment Act 2005
- The Vehicles Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1994 (as amended).
- General Regulations for Clamping and the Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007
- The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)
- The Civil Enforcement of Parking Contraventions (Representations and Appeals) (England) Regulations 2007 (SI 2007/3482)
- The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (SI 2007/3487)
- The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000
- Department for Transport (DFT) Operational Guidance Traffic Management Act

2004

- Department for Transport (DFT) The Blue Badge Scheme Local Authority Guidance
- Parking Enforcement Guidelines 2015

## 11. Process

On release of an immobilised vehicle or reclaiming a removed vehicle, the owner/keeper will be required to produce proof of identity, address, and vehicle ownership; pay the prescribed sums and charges for the vehicle removal and any incurred storage fees before the vehicle can be released.

Payment of the penalty charge notice issued prior to the vehicle removal remains payable under the standard procedures laid out on the notice.

## 12. Associated Costs

The associated costs for vehicle removal, storage and or disposal of vehicles removed for parking contraventions under Traffic Management Act 2004; are prescribed by the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2008 (SI 2007/2095):

- £40 for release of immobilised vehicle
- £150 for vehicle removal
- £20 per day vehicle storage or each day or part day during which the vehicle is impounded
- £75 vehicle disposal

In addition to the prescribed sums and charges, the owner/keeper will be required to pay the amount payable for the penalty charge notice issued to that vehicle on the date the vehicle was removed.

All vehicle immobilisations and removals can attract an appeal from the owner or keeper of the vehicle. These appeals are to be treated the same as a PCN appeal, SI 2007/3482. If an appeal is successful, all monies paid in respect of the immobilisation, removal and storage of the vehicle will be reimbursed in full.

Whilst there is a legal obligation only to pay the PCN, the removal charge and any associated storage charges, the owner should be encouraged to pay all the outstanding charges when collecting the vehicle. When obtaining the name and address of the vehicle's keeper, it will be established when they took ownership of the vehicle if the outstanding PCNs date back further than 3 months.

A system will be in place to allow for payment of all monies owing as expediently as possible, linked to the BCP Council Parking Administration back office system.

## 13. Conditions of Guidelines

The final decision to immobilise or remove a vehicle parked in contravention of this Policy & the Traffic Management Act 2004 will be taken by the Parking Operations Team senior authorised officers. For the purpose of this policy, *Authorised Officer* includes:

- Parking Manager
- Assistant Parking Manager

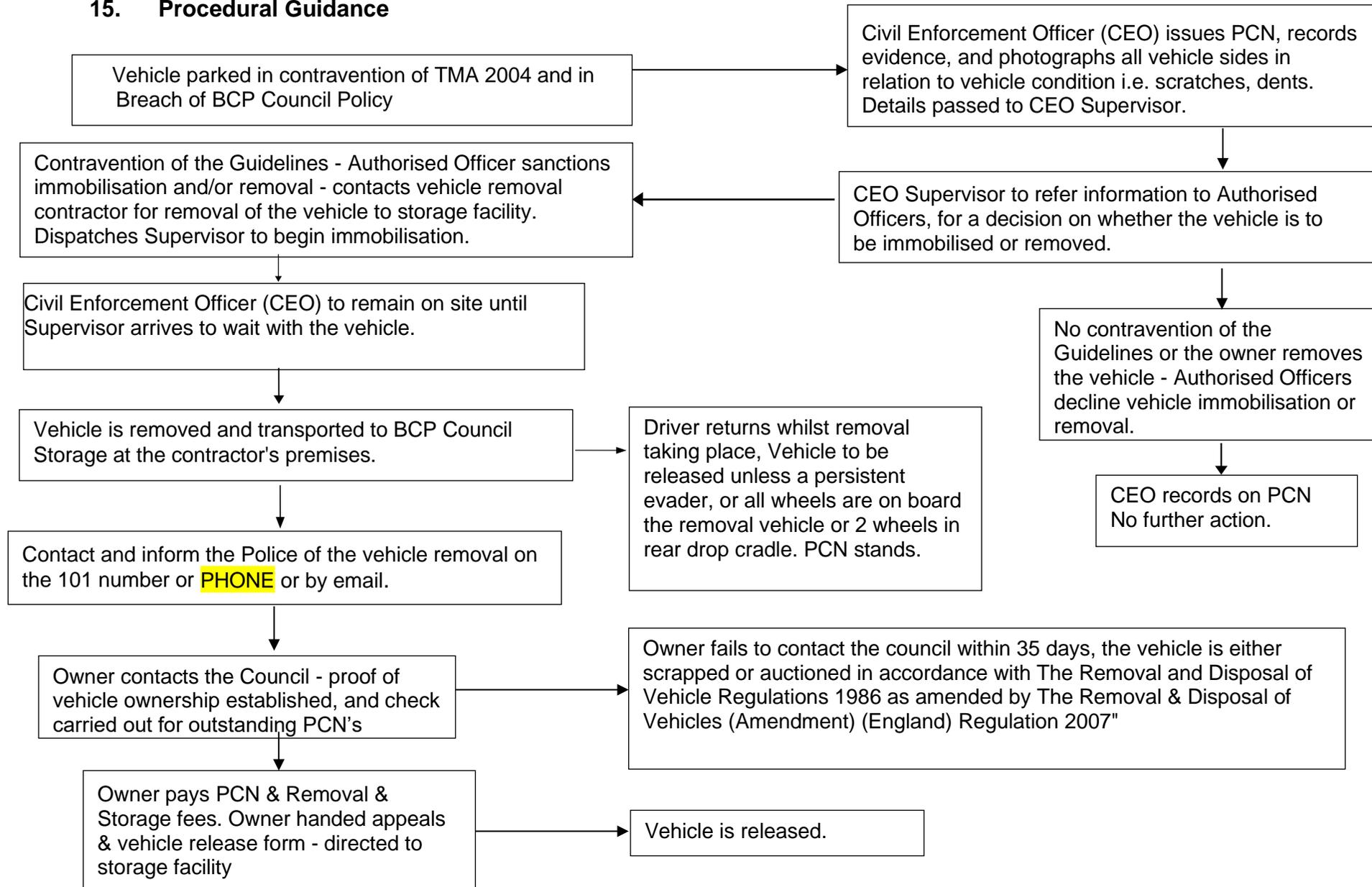
- Deputy Parking Manager
- Parking Operations Manager
- Parking Administration Team Leader

The above information is for guidance only. A senior authorised officer may immobilise or remove a vehicle without following this guidance if there are compelling grounds to do so.

#### **14. Disclaimers**

The Guidelines shall be enforced from the date of adoption and will remain in force until formally revoked or superseded. These Guidelines will be reviewed annually, or when legislation changes dictate.

## 15. Procedural Guidance





## COVID19 - CORPORATE INCIDENT MANAGEMENT TEAM

### DECISION RECORD

This form should be used to request decisions to be taken by CIMT

<b>Subject:</b>	<b>BCP Council – Immobilisation and Removal of Vehicles Parked in Contravention of On-Street and Off-Street Parking Restrictions</b>		
<b>Service Area:</b>	Growth and Infrastructure	<b>Date:</b>	14 July 2020
<b>Contact Name:</b>	Julian McLaughlin Helen Taverner	<b>Tel No:</b>	
<b>E-mail:</b>	<a href="mailto:Julian.mclaughlin@bcpcouncil.gov.uk">Julian.mclaughlin@bcpcouncil.gov.uk</a> <a href="mailto:helen.taverner@bcpcouncil.gov.uk">helen.taverner@bcpcouncil.gov.uk</a>		
<b>Portfolio Holders Consulted:</b> Cllr Andy Hadley (Cabinet Member for Transport and Infrastructure) Cllr Vikki Slade (Leader)			
<b>Decision:</b> <ol style="list-style-type: none"><li>1. To implement the recommended policy for immobilisation and removal of vehicles parked in contravention of on-street and off-street parking restrictions. A draft policy is attached as Appendix A.</li><li>2. To let a new temporary contract to two contractors for removal of vehicles parked in contravention until the end of October 2020.</li><li>3. The required resource (staff, training and equipment) to administer the proposed scheme approx. <b>£19k</b> plus new staff costs will be found within current budgets.</li></ol>			
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Officers have approached two further companies who currently provide a similar service to Dorset Police and have obtained quotes for the work to be carried out until the end of October 2020. It is recommended that this work is progressed using both companies who have provided quotes at the same rates.

It is further recommended that a full contract is let in time for the beginning of the next high season; prior to March 2021.

It is of note that guidance has been updated very recently (June 2020) with regard to immobilisation of vehicles and states that *“Very few authorities now use immobilisation. The Secretary of State is of the view that it should only be used in limited circumstances such as where the same vehicle repeatedly breaks parking restrictions, and it has not been possible to collect payment for penalties, primarily because the keeper is not registered, or is not properly registered, with the DVLA. Where a vehicle is causing a hazard or obstruction, the enforcement authority should remove rather than immobilise. Immobilisation/removal activity should only take place where it gives clear traffic management benefits.”*

It is therefore not recommended that immobilisation is used other than in very exceptional circumstances.

The draft policy attached as Appendix A sets out how this scheme may operate, with CEO's or Supervisors waiting with the vehicle until the arrival of a tow-truck to remove the vehicle if the circumstances warrant such action. All fee's payable are set out in national legislation and would be applied to this scheme.

The implementation of this policy will require resources including:

1. Training for staff to enable responding to challenges
2. Software module (addition to existing externally supplied package)
3. Staff to administer the scheme – initially approx. 2 no. fte at BCP Grade G (CEO Supervisors)
4. Signage required at key locations
5. New web pages to publicise the new policy

The date of implementation will rely on the speed external resources can be deployed. It is envisaged the service could be operational before the end of July 2020.

Currently Item 2 on the list above requires a 3-month lead in time; we cannot operate this system efficiently without this in place. BCP Council have a good relationship with the supplier and Officers are confident of securing a much faster turnaround. It is possible to begin these operations without this system in place but preferable not to begin until every aspect is ready.

**Background:**

The proposed policy complies with the statutory provisions of the Traffic Management Act 2004, which governs the enforcement of parking contraventions. It has also been developed in accordance with the Operational Guidance to Local Authorities: Parking Policy and Enforcement issued by the Department for Transport (DFT) in March 2008, revised November 2010 and March 2015.

Introduction of immobilisation and/or removal of vehicles for those parked in contravention of traffic orders does not need advertising or amending of any associated Traffic Regulation Orders as there is no requirement to prescribe how the Council wishes to enforce so long as the method complies with all relevant legislation. The proposal therefore does not define 'tow-away' zones but allows Officers to take dynamic decision based on the individual circumstances wherever they are in the BCP Council area. Warning signs will be erected at key locations to deter drivers from parking in contravention.

**Financial Implications:**

It is largely recognised that immobilisation and removal of vehicles is not a cost-effective way to manage parking contraventions. There are not many local authorities outside of London that carry out these activities for this reason. It is however likely that for the remainder of this Summer, whilst Covid-19 restrictions continue to apply, BCP Council are likely to see further influxes of traffic into the area on hot days as recently experienced (most recently on 24<sup>th</sup> and 25<sup>th</sup> June 2020). It is therefore recommended that this scheme is reviewed, and a full cost-benefit analysis undertaken after 4 months of operation.

The scheme should strive to not be run at the cost of the Council and aim to break-even.

The charges applied are in accordance with the table of charges dictated by the 'Secretary of States for Transport'

PCN (£35) if paid without challenge, within 14 days from date of the contravention)	£70 (Higher level penalty)
PCN (£25) if paid without challenge, within 14 days from date of the contravention)	£50 (Lower level penalty)
Clamping release fee	£40
Vehicle Removal release fee	£150
Vehicle storage fee for each period of 24 hrs or part thereof, the vehicle is impounded	£20
Disposal of unclaimed vehicles	£75

The estimated costs of setting up the scheme, excluding employment of new staff, is approximately **£19k**

<b>Set up costs</b>	
Item	Cost
Training for staff responding to challenges	£3000

Software module (addition to existing package)	£10000
Signage (including cones)	£6000
<b>Ongoing Costs</b>	
Staff to administer the scheme – approx. equivalent to 2 no. fte at BCP Grade G (CEO Supervisors) *	£54,000 (plus on-costs)
<b>Contract costs</b>	
Removal and Release of Vehicle	£150
Vehicle storage fee for each period of 24 hrs or part thereof, the vehicle is impounded	£20
Disposal of unclaimed vehicles	£75
Truck onsite for one day (8am-8pm)with staff	£950
Truck parked onsite for one day	£500

\*The staffing structure below tier 5 within Parking has not yet been re-organised, parking services are still operating as 3 teams across the preceding council areas and there is no available resource to direct to these new proposed activities hence the requirement for more staff to enable this. Once a restructure of these teams is permitted these activities can be absorbed into the new structure.

There is no relevant data to refer to, to enable an understanding of how many vehicles could be managed using the proposed scheme and the financial impact this would have. The contractor cost is equal to the legal highest amount chargeable and will be paid in full by the customer, therefore the scheme will run at nil cost to the Council.

However it should be noted that

- their may be lost income due to CEO activity diverted to this purpose
- if a driver appeals the PCN and it is upheld all costs, including removal and storage costs will be repayable by the Council and not recoverable from the contractor
- if the Council chose to have a truck on site (staffed or not) this will be chargeable at the rates above

A full cost/benefit review will take place at the end of the temporary contract (October 2020) to establish the likely way forward for a permanent arrangement.

**Equality Impacts:**

*Please lift the summary from the [EIA screening process](#) to determine if there are any positive or negative equality impacts for this decision*

The impacts of the recommended policy should enhance the ability for all, including those in protected groups, particularly the disabled, to safely use the footways and safely cross carriageways by removing vehicles parked in contravention.