

Summary Sheet

Name of Committee and Date of Committee Meeting

Cabinet – 17 December 2018

Report Title

Immobilisation of Vehicles – Persistent Evaders and Untaxed Vehicles

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Acting Strategic Director of Regeneration and Environment

Report Author

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Ward(s) Affected

All

Executive Summary

A decision is sought in respect of the adoption of a policy which facilitates the immobilisation of vehicles. Approval of the proposals will allow untaxed vehicles and vehicles that are the subject of multiple unpaid parking penalty charge notices (PCNs) to be immobilised (clamped). This will prevent them being driven away prior to removal. This will achieve a safer working environment for officers and contractors by preventing dangerous actions of some drivers.

Recommendations

1. That approval be given to the operational implementation of the immobilisation of untaxed vehicles and vehicles of persistent evaders of Parking PCNs, on the public highway.

List of Appendices Included

None

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Immobilisation of Vehicles – Persistent Evaders and Untaxed Vehicles

1. Recommendations

- 1.1 That approval be given to the operational implementation of the immobilisation of untaxed vehicles and vehicles of persistent evaders of Parking PCNs, on the public highway.

2. Background

- 2.1 The Council currently removes vehicles from the public highway in the following circumstances:
- Where the Council is acting as an Agent for the Driver and Vehicle Licensing Agency (DVLA) in undertaking the enforcement of untaxed and abandoned vehicles; and
 - Where “persistent evaders” vehicles (those which are the subject of 6 or more unpaid PCNs) are observed to be parked in contravention of parking regulations.

Untaxed vehicles

- 2.2 Untaxed vehicles are identified in the following circumstances:

- Reports from members of the public;
- reports from the Police;
- via Automatic Number Plate Recognition (ANPR) system, from the Council’s mobile enforcement vehicle.

- 2.3 In the above circumstances the Council cannot undertake enforcement action until the DVLA’s web-based enquiry system has been interrogated. This is because a vehicle can be taxed on-line, and it is vital that data regarding a vehicle’s taxation status is live.

- 2.4 Once confirmation has been received that a vehicle has been untaxed for at least two months and one day, or is subject to a ‘Statutory Off Road Notification’ (SORN), arrangements are made for the vehicle to be removed from the highway, to the nominated contractor’s vehicle storage compound.

- 2.5 This process can vary in length, depending on the location of the vehicle in relation to the Council Contractor’s compound. This can result in unproductive periods of time for the officer who is authorising the removal of the vehicle, as they must remain in-situ until the vehicle has been removed.

- 2.6 This potential delay can also result in the vehicle being driven away, prior to the removal truck arriving on site. This results in abortive costs to the Council and a failure to robustly enforce legislation.

Persistent evader's vehicles

- 2.7 Persistent evaders' vehicles are observed by the Council's Civil Enforcement Officers (CEOs) whilst on duty. On such occasions the operational process is to block in the vehicle using the service's operational vehicles, until the removal contractor arrives and removes the vehicle.
- 2.8 There have been a number of occasions when the driver has returned to the vehicle and driven it away before it could be blocked in. There have also been other occasions when vehicles that are blocked in have been manoeuvred in a dangerous manner, such as being driven away over the footway.
- 2.9 In order to achieve a safer and more efficient process it is therefore proposed for a new operational procedure to be adopted.

3. Main Issues

Untaxed Vehicles – proposed approach

- 3.1 The Council's contract for untaxed vehicle removals includes a clause which facilitates an alternative method of working, namely:

- The Contractor accompanies the Council officer on patrols, where the ANPR system is deployed;
- In the event that an untaxed vehicle is identified, a check of the DVLA Web Enabled Enquiry system is immediately undertaken;
- If confirmation is received that the vehicle is untaxed for the appropriate length of time or SORN, the vehicle is clamped by the Contractor;
- The vehicle keeper may pay the fee and any outstanding tax to enable the release of the vehicle within 24 hours;
- If the relevant fees have not been paid after 24 hours the vehicle is removed to the Contractor's compound.

- 3.2 Deploying this method of working would realise the following benefits:

- Time would be saved through the vehicle being immobilised and the officer being able to move on to further patrols virtually immediately;
- It is anticipated that more vehicles would be identified due to the increase in the frequency and duration of patrols.

Persistent Evaders' Vehicles – proposed approach

- 3.3 In the event that a CEO observes a persistent evader's vehicle parked in contravention, he or she will contact the Parking Services Manager (or deputy) for verification of the status of the vehicle.

- 3.4 Upon receipt of the verification and instruction to proceed, the CEO will arrange for a colleague to join him or her, and to fix a clamp and relevant warning notice to the vehicle. A PCN will also be issued in line with Traffic Management Act regulations.
- 3.5 Whilst this is being undertaken the Parking Services Manager (or deputy) will prepare and print the appropriate documentation and attend site with the documentation.
- 3.6 In the event that the driver or keeper returns to the vehicle, the documentation will be handed to that person, explaining why the enforcement action is being taken and how to facilitate release of the vehicle.

4. Options considered and recommended proposal

- 4.1 **Option 1** – Maintain the current operational procedure in relation to untaxed and SORN vehicles, and the vehicles of persistent evaders. Maintaining the status quo would result in existing working practices being retained. This would mean that current issues relating to the potential risk of injury to Parking Enforcement Team employees and the potential costs to the Council in abortive contractor's expenses would remain.
- 4.2 **Preferred Option 2** - That the Parking Services Team implements a revised operational procedure to immobilise untaxed vehicles and vehicles of persistent evaders of Parking PCNs, on the public highway. This option would significantly reduce the risks associated with the enforcement of untaxed vehicles and persistent evaders, to Parking Services employees. This option also has the potential to generate additional income to the Council.

5. Consultation

- 5.1 None.

6. Timetable and Accountability for Implementing this Decision

- 6.1 The training for the fitting of clamps to vehicles has been completed so revised procedures can be implemented immediately following Cabinet approval of the recommendation.
- 6.2 The Parking Services Manager is accountable for implementing this decision.

7. Finance and Procurement Implications

- 7.1 The estimated cost of training is nominal i.e. in the low hundreds of pounds and will be managed within the existing approved revenue budget for the Service.
- 7.2 There is no additional cost associated with the contractor role. The service proposed is part of the price tendered.

7.3 It is proposed that 6 clamps be purchased, with an approximate total value of £1,200. The cost of this acquisition will be contained within existing revenue budgets and will be recovered over time as part of the fee charged.

7.4 There is no proposal to amend the current fees at present. These will be reviewed as part of the Council's annual Fees & Charges setting process.

8. Legal Implications

8.1 The Council is able to immobilise untaxed vehicles on behalf of the DVLA pursuant to the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997. Further the Council is able to immobilise vehicles of persistent evaders pursuant to the Traffic Management Act 2004. Guidance provided on the Government website states:

"It is an offence to clamp, tow, block in or otherwise immobilise a vehicle without 'lawful authority' in England and Wales. Examples of those with 'lawful authority' to immobilise or remove vehicles are:

- *local councils or police*
- *statutory authorities, like the Driver and Vehicle Licensing Agency*
- *certified bailiffs".*

9. Human Resource Implications

9.1 This report considers that the recommended option and revised procedure, if approved, would reduce the risks to the health and safety of Council employees which have been identified in the current procedures and practices (section 2.8).

10. Implications for Children and Young People and Vulnerable Adults

10.1 None

11. Equalities and Human Rights Implications

11.1 None

12. Implications for Partners and Other Directorates

12.1 None

13. Risks and Mitigation

13.1 None

14. Accountable Officer(s)

Colin Knight – Head of Service – Highways
Martin Beard – Parking Services Manager

Approvals obtained on behalf of:-

	Named Officer	Date
Strategic Director of Finance & Customer Services	Jon Baggaley	12/11/2018
Assistant Director of Legal Services	Stuart Fletcher	12/11/2018
Head of Procurement	Lorna Byne	12/11/2018
Assistant Director of Human Resources	John Crutchley	12/11/2018