

**Committee Name and Date of Committee Meeting**

Improving Places Select Commission – 05 March 2020

**Report Title**

Immobilisation / Removal of Persistent Evaders' Vehicles

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

No

**Strategic Director Approving Submission of the Report**

Paul Woodcock, Strategic Director of Regeneration and Environment

**Report Author(s)**

Martin Beard, Parking Services Manager  
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**Ward(s) Affected**

Borough-Wide

**Report Summary**

This report provides an update following a Cabinet decision taken in December 2018 to adopt a policy which facilitates the immobilisation of vehicles. Approval of the proposals allowed vehicles that are the subject of multiple unpaid parking penalty charge notices (PCNs) to be immobilised (clamped).

Improving Places Select Commission recommended that the number of outstanding PCNs for a vehicle to qualify for persistent evader status, be reduced from 6 to 4.. Subsequently, in April 2019, the Assistant Director for Community Safety and Street Scene took a delegated decision to reduce the number of outstanding penalty charge notices (PCNs) for a vehicle to qualify for persistent evader status, from 6 to 4.

The Commission requested an update on the situation following a reasonable period of time during which the procedures have become embedded.

**Recommendations**

1. That the Improving Places Select Commission notes the progress with this policy and the performance of the service.

**List of Appendices Included**

Appendix 1 PowerPoint presentation: "Immobilisation"

**Background Papers**

Cabinet Report, 17<sup>th</sup> December 2018: Immobilisation of vehicles - Persistent Evaders and Untaxed Vehicles

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

N/A

**Council Approval Required**

No

**Exempt from the Press and Public**

No

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### **1. Background**

- 1.1 The policy facilitated the immobilisation of vehicles and allowed untaxed vehicles and vehicles that are the subject of multiple unpaid parking penalty charge notices (PCNs) to be immobilised (clamped). This prevents them being driven away prior to removal. This has achieved a safer working environment for officers and contractors by preventing dangerous actions of some drivers.
- 1.2 The Cabinet decision was reviewed by the Improving Places Select Commission prior to implementation of the procedures. Improving Places Select Commission recommended that the number of outstanding PCNs for a vehicle to qualify for persistent evader status, be reduced from 6 to 4. Subsequently, in April 2019, the Assistant Director for Community Safety and Street Scene took a delegated decision to reduce the number of outstanding penalty charge notices (PCNs) for a vehicle to qualify for persistent evader status, from 6 to 4.
- 1.3 The Commission requested an update on progress with implementation following a reasonable period of time during which the procedures have become embedded.
- 1.4 Progress is summarised in the PowerPoint presentation included as Appendix 1.

### **2. Key Issues**

- 2.1 Prior to the change in approach, when vehicles of persistent evaders were observed by the Council's Civil Enforcement Officers (CEOs) whilst on duty, the vehicle was blocked in by the operational vehicles used by the Service until the removal contractor arrived and removed the vehicle.
- 2.2 There were several occasions when the driver returned to the vehicle and drove it away before it could be blocked in. There were also occasions when blocked in vehicles were manoeuvred in a dangerous manner, such as being driven away over the footway. One such occasion resulted in one of the CEOs being struck a glancing blow by a car.
- 2.3 In order to achieve a safer and more efficient process the following procedures were adopted:
  - The Parking Services Team now immobilises the vehicle and arranges removal where appropriate.
  - The number of outstanding Penalty Charge Notices (PCNs) to meet the criteria as a persistent evader was reduced from six to three with the vehicle being eligible for removal upon the issue of a fourth PCN.
  - Priority for removal is given to vehicles that are habitually parked in hazardous locations or in designated disabled bays.
- 2.4 Four outstanding PCNs are deemed to be the appropriate number to meet the criteria for impounding vehicles. The following table sets out the statistics with regard to the number of vehicles with outstanding PCNs as at 31/01/2020:

No. of outstanding PCNs	No of vehicles
3	104
4	48
5	24
6	16
7+	8

2.5 The above table indicates that the majority of drivers tend to pay their outstanding PCNs when three have been issued.

2.6 From September 2016 to January 2019 i.e. prior to the immobilisation procedure, the results were as follows:

No of vehicles impounded	Aborted impounds	Claimed after impound	Unclaimed	Total PCNs	PCNs paid	Costs £	Income £
32	3	9	23	307	39	2,810	2,871

2.7 Since implementation of the procedures, the results are as follows (as at 31/01/2020):

No of vehicles clamped	Claimed on site	Impounded	Claimed after impound	Unclaimed	Total PCNs	PCNs paid	Costs £	Income £
58	21	37	25	12	343	138	4,926	12,177

2.8 When vehicles are claimed on site, i.e. the driver returns prior to the arrival of the removal truck, full documentation is required to be produced prior to release of the vehicle.

2.9 In the event that documentation cannot be provided, the Council insist on full payment of all outstanding PCNs, rather than the minimum requirement of the Traffic Management Act 2004 which is payment for the PCN issued at the time of immobilisation plus the £105 release fee.

2.10 The above results clearly indicate that immobilisation is a more effective method of dealing with persistent evaders' vehicles.

### 3. Options considered and recommended proposal

3.1 That the Improving Places Select Commission notes the statistics and endorses continuation of the immobilisation procedures.

### 4. Consultation on proposal

4.1 No consultation has been necessary in terms of this report.

## **5. Timetable and Accountability for Implementing this Decision**

5.1 This is an update report and therefore no actions are currently being taken.

## **6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)**

6.1 The tables in section 2 above highlight the positive impact the change in policy has had on the payment of PCNs, with additional income being received by the Council. At the present time the income is exceeding the cost of the service, so is contributing to the cost of Parking Services as a whole.

## **7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)**

7.1 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”*

## **8. Human Resources Advice and Implications**

8.1 Whilst there are no direct HR implications arising from this report, continuation of the procedures will assist to maintain the positive outcomes of improving health, safety and wellbeing of staff/Civil Enforcement Officers.

## **9. Implications for Children and Young People and Vulnerable Adults**

9.1 There are no implications for Children and Young People or Vulnerable Adults

## **10. Equalities and Human Rights Advice and Implications**

10.1 There are no implications for Equalities and Human Rights Advice of this report.

## **11. Implications for Partners**

11.1 There are no implications for partners.

## **12. Risks and Mitigation**

12.1 At present no significant risks have been identified in terms of this approach.

**13. Accountable Officer(s)**

Colin Knight, Head of Highways  
Martin Beard, Parking Services Manager

Approvals obtained on behalf of:-

	<b>Named Officer</b>	<b>Date</b>
Strategic Director of Finance & Customer Services (S.151 Officer)	Jon Baggaley	21/02/20
Assistant Director of Legal Services (Monitoring Officer)	Stuart Fletcher	02/08/18
Assistant Director of Human Resources (if appropriate)		12/02/20
Head of Human Resources (if appropriate)	John Crutchley	12/02/20

*Report Author: Martin Beard, Parking Services Manager*

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