

**Report to Councillor Joy Dennis, Cabinet Member for Highways and Transport
August 2021**

West Sussex County Council Vehicle Removals Framework

Report by Director of Highways, Transport and Planning

All Electoral Divisions

Summary

As part of the implementation of Civil Parking Enforcement (CPE) between 2006 and 2010, the County Council secured the powers to remove, store and dispose of vehicles in contravention of parking restrictions. However, it was agreed that the actual use of these powers would be subject to further approval from the Cabinet Member for Highways and Transport. With CPE now more established and generally accepted in West Sussex, it is considered that vehicle removal is a more appropriate tool in dealing with particular vehicles parked in contravention and the time is right to enact those powers as well as to seek approval from the Driver and Vehicle Licensing Agency (DVLA) to devolve its powers to deal with untaxed vehicles.

Recommendations

That the Cabinet Member for Highways and Transport:

1. Approves the recommendation to enact the powers to remove, store and dispose of vehicles in contravention under one or more of the following circumstances:
 - Where the owner of that vehicle is classified as a persistent evader
 - Where fraudulent use of a Blue Badge has been established
 - Where fraudulent use of a permit or Pay & Display ticket has been established
 - Where a vehicle has been identified as unlicensed
 - Where the vehicle is deemed to be causing a hazard or obstruction i.e. contravening a Traffic Regulation Order made under the Road Traffic Regulation Act 1984
2. Authorises the Director of Highways, Transport and Planning to approve the Vehicle Removals Framework and make further operational amendments if required, in consultation with the Cabinet Member for Highways and Transport.
3. Authorises the Director of Highways, Transport and Planning to seek DVLA approval to devolve its powers to deal with untaxed vehicles and if approved, to enact those powers at the earliest opportunity.
4. Authorises the Director of Highways, Transport and Planning to move and relocate vehicles which are contravening a temporary Traffic Regulation Order

and preventing essential highways engineering or maintenance works from being undertaken.

Proposal

1 Background and context

- 1.1 Under CPE West Sussex is divided into seven Civil Enforcement Areas (CEAs), which are contiguous with the District and Borough Council boundaries. The County Council is the Enforcement Authority for the enforcement of all decriminalised on-street parking regulations within the CEAs.
- 1.2 The District and Borough Councils are the Enforcement Authorities for off-street car parks and parking areas that they operate or control. Through the use of Agency Agreements, they have also been delegated the responsibility for the on-street enforcement service and provision of a Controlled Parking Zone (CPZ) management service.
- 1.3 The primary aim of CPE in West Sussex is to achieve the following:
 - A high level of compliance by motorists with the parking controls and waiting and loading restrictions.
 - Integration of traffic management policies with effective on-street enforcement.
 - The equitable distribution and management of the availability of parking space.
 - Responsiveness to changing priorities, local factors and demand.
 - Provision of parking permits, exemptions, dispensations and waivers for residents and businesses, the disabled, and others as appropriate.
- 1.4 Although officers are confident that the County Council's CPE service is currently being delivered fairly and transparently, and in accordance with the legislative requirements and industry standards, they are equally keen to identify areas for improvement where necessary, particularly in relation to on and off-street parking compliance.
- 1.5 Feedback from the District and Borough Councils indicates that there are currently a number of circumstances where it is not possible for them to take enforcement action against a particular vehicle or where action can be taken, such as the issue of a Penalty Charge Notice (PCN), it is not considered a sufficient deterrent to prevent that parking activity from continuing.
- 1.6 The scale of charges payable for PCNs is set in national legislation and may not be altered locally. With a PCN not proving enough of a deterrent there are limited other options available for the District and Borough Councils and so they have asked that the County Council considers a new enforcement approach, namely using the powers to remove, store and dispose of particular vehicles.
- 1.7 As part of the process of designating the seven CEAs in West Sussex, the County Council has already secured the powers to remove, store and dispose of vehicles in contravention of parking restrictions. However, it was agreed that the actual use of these powers would be subject to further approval from the Cabinet Member for Highways and Transport. In relation to untaxed vehicles, the Secretary of State has already sanctioned the devolvement of the DVLA

enforcement powers to local authorities to help tackle Vehicle Excise Duty (VED) evasion.

- 1.8 With CPE now more established and generally accepted in West Sussex, it is considered that vehicle removal could be a more appropriate tool in dealing with particular vehicles parked in contravention and the time is right to enact those powers as well as to seek DVLA approval to devolve its powers to deal with untaxed vehicles.

2 Proposal details

- 2.1 Appendix A outlines examples where District and Borough Councils consider their current enforcement approach is constrained and a change to vehicle removals is therefore needed. It also outlines a case for removing vehicles which are deemed to be causing a hazard/obstruction and/or contravening a temporary Traffic Regulation Order (TRO) and preventing essential local authority works, such as highway maintenance, from taking place.
- 2.2 Appendix B outlines some wider implications of a new enforcement approach and also includes an impact assessment.
- 2.3 Appendix C outlines how a Vehicle Removals Framework for West Sussex might be comprised, including under what circumstances vehicles could be removed. It should be noted that this is still a working draft and could be subject to change depending on various factors, such as the procurement process.
- 2.4 As this is a framework, it is proposed that certain 'critical' elements, such as persistent evaders and untaxed vehicles be actioned as soon as possible while other elements remain on hold until such time as the removals process is more established.

3 Other options considered (and reasons for not proposing)

A higher PCN charge might serve to deter some, but not all, of the parking contraventions outlined in Appendix A (as drivers could still use loopholes in the DVLA vehicle registration system to avoid payment of PCNs) and therefore is not considered a stand-alone solution. A review of the scale of charges payable for PCNs is currently being sought via other means, namely direct engagement with the Department for Transport, via the British Parking Association.

4 Consultation and engagement

- 4.1 County Council officers meet regularly with each of the District and Borough Councils to monitor the operation of the on-street parking service and to discuss any issues that arise, such as the potential for vehicle removals. There is also frequent dialogue between officers and other stakeholders that identify specific parking related issues.
- 4.2 Further engagement on the draft Vehicle Removals Framework and the procurement process will take place with the District and Borough Councils as well as the County Council's Highways, Waste and Procurement Services before a final version of the Framework is submitted to the Director for Highways, Transport and Planning for approval.

- 4.3 Further operational amendments to the Framework may be made and/or other enforcement elements introduced, subject to consultation with the Director for Highways, Transport and Planning and Cabinet Member for Highways and Transport.

5 Finance

- 5.1 The proposal seeks to be self-financing and therefore will be delivered within existing resources, however this proposal should be viewed in terms of its contribution towards parking compliance and the wider aims and objectives of the Integrated Parking Strategy. It is proposed that a full cost/benefit review will be undertaken after the first year of operation.
- 5.2 Set-up costs will include staff training, addition of a new software module and signage and on-going costs will include staffing resource to administer the removals process as well as contract costs
- 5.3 The charges applied are in accordance with the table of charges dictated by the 'Secretary of States for Transport' The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 as well as the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008:
- Higher Rate PCN - £70 (£35 if paid without challenge, within 14 days from date of the contravention)
 - Lower Rate PCN - £50 (£25 if paid without challenge, within 14 days from date of the contravention)
 - Vehicle Removal release fee - £105
 - Vehicle storage fee for each period of 24 hrs or part thereof, the vehicle is impounded - £12
 - Disposal of unclaimed vehicles - £50
- 5.4 It is recognised that the removal of vehicles is not a cost-effective way to manage parking contraventions and so it is only proposed to carry this out in exceptional circumstances, as outlined in Appendix A. There is no relevant data to refer to which will enable an understanding of how many vehicles could be removed in West Sussex on an annual basis and levels may be affected due to:
- CEO activity being diverted to this purpose
 - PCNs being appealed and upheld. In these cases, all costs including removal and storage costs would be repayable by the Council and not recoverable from the contractor
 - the relevant council choosing to have a truck on site (staffed or not) as this will be chargeable

6 Risk implications and mitigations

Appendix B outlines some wider implications of a new enforcement approach and also includes an impact assessment.

Risk	Mitigating Action (in place or planned)
The risks of not implementing this policy are that the County Council is unable to fulfil its parking management duties under the Traffic Management Act 2004	All activities within the framework will be risk assessed prior to commencement of work and will ensure safe parking practices.

7 Policy alignment and other matters taken into account

- 7.1 The recommended policy complies with all relevant legislation.
- 7.2 The impacts of the recommended policy should enhance the ability for all, including those with protected characteristics, particularly the disabled, to safely use the highway by removing vehicles parked in contravention and/or causing a hazard or obstruction.
- 7.3 There are no other equality, human rights, climate change, crime and disorder, public health or social value implications.

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Appendices

- Appendix A – Examples where the current enforcement approach is limited
- Appendix B – Implications of a new enforcement approach
- Appendix C – Outline Vehicle Removals Framework