

## **Appendix B**

### **Implications of a new enforcement approach**

The removal of vehicles for those parked in contravention of Traffic Regulation Orders (TROs) does not need advertising or amending of any associated TROs as there is no requirement to prescribe how the County Council wishes to enforce so long as the method complies with all relevant legislation.

Overall, it is considered that a new enforcement approach consisting of vehicle removal and taking on devolved powers to enforce untaxed vehicles is justified and would provide a mechanism for addressing persistent evasion and disrupt drivers from preventing the enforcement process. Other specific advantages of such an approach include:

- Impounded vehicles would only be released if proof of insurance, tax and MOT was provided and so this would encourage motorists to relicence their vehicles.
- Vehicle removal could also deal with the issue of cloned/ringer vehicles, whereby impounded vehicles would not be released unless the log-book matched the VIN number.
- In cases where a log-book was provided in order to release an impounded vehicle, this could provide district/borough councils with the evidence they require to pursue any outstanding PCNs (i.e. where it might not have been possible to obtain the necessary details from the DVLA).
- Fraudulent use of Blue Badges and parking permits/tickets prevents law abiding motorists in genuine need from accessing on-street parking where they need it most and so the removal, rather than immobilisation of contravening vehicles could therefore free up valuable parking space for other road users.
- In many cases, existing PCN charges are too low to discourage motorists from parking at a particular location. Removing their vehicle and the subsequent recovery process (i.e. the charges and the inconvenience of having to travel to the car pound) could deter them from parking at such locations in the future.
- Vehicle removals and re-positioning would ensure that parking bay suspensions and/or road closures are adhered to, thereby improving access and safety and enabling events to proceed. In other cases, essential highways work such as resurfacing could be undertaken more easily without the risk of errant vehicles.
- Enabling local authorities to tackle VED evasion would help to maintain the accuracy of the DVLA's records which is vital for the DVLA and local authorities.

- Removing abandoned or untaxed vehicles would improve the quality of local environments by reducing the opportunities for anti-social behaviour, incidents of vehicle arson as well as disrupting criminality associated with the use of untaxed vehicles.
- Only local authorities with devolved powers can remove foreign registered vehicles
- In cases where a vehicle is immobilised (clamped), it can not be impounded for 24 hours. With removals, the vehicle can be impounded after a maximum of 30 minutes.
- Local authorities have an opportunity to cover costs and maybe raise income from fees and fines e.g. excess money from the sale of the vehicle if the owner is not contactable.
- Public satisfaction for effective action (whereas previously unable to act)
- The powers may be revoked at any time

Unfortunately, one of the downsides is that unless a vehicle is in contravention of a TRO, it cannot be removed. Therefore, in cases of highway obstruction where no restrictions are in place, the local authority would still be reliant upon the support of Sussex Police. In addition, motability vehicles used by blue badge holders who are persistent evaders or parked in a manner that is obstructive or dangerous to other road users, may be relocated but cannot be removed (in accordance with Secretary of State guidance)

There would also be a risk that a district or borough council might not recover the cost of the removal of a vehicle if, when it is sold, it is not worth as much as the total cost. This would be mitigated by the deterrent to other owners of their vehicles becoming persistent evaders by ignoring PCNs.

There is also a risk that a vehicle could be removed from a highway and an independent adjudicator allows an appeal against the issue of the original PCN. This would then require the district or borough council to reimburse any costs incurred by the third party. This can be mitigated by allowing appeals to be reviewed by the Appeals Team before the vehicle is removed and, again, before it is disposed of.

Any additional enforcement actions could of course lead to adverse publicity. However, safeguards would be included in the process to ensure only offending vehicles are removed. It may also be more appropriate for a policy to focus on particular actions, such as removal of persistent evaders.

If vehicle removal and DVLA powers were adopted, the district and borough councils would first need to source a supplier that would be able to immobilise and remove vehicles and deal with the administration. Whilst each borough and district

council could undertake their own procurement exercise, a more viable option would be for a county wide agreement.

The following options would be open to the district and borough councils:

- A. Engage NSL Services who already hold the national DVLA contract and who also have an existing CPE contract with Adur and Worthing Councils.
  - B. Engage with another provider who already undertakes this service for other local authorities e.g. Penham Excel.
  - C. Engage with the County Council's existing provider for removing abandoned vehicles to see if it could take on additional services.
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## **EQUALITY IMPACT ASSESSMENT**

### **Policy/Service Area Selected**

Parking Strategy Team, Transport and Network Operations

### **Lead Officer for this analysis**

Miles Davy, Parking Manager

### **Others consulted and involved in the analysis**

District and Borough Council Parking Managers within West Sussex

### **What function, policy, procedure or practice is being assessed?**

West Sussex County Council carries out civil parking enforcement (CPE) in accordance with the Traffic Management Act 2004 (TMA)

The TMA states there are offences which may be regarded as parking contraventions, which are subject to civil enforcement. The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 state that PCNs may be issued by civil enforcement officers where a parking contravention is observed. The Removal and Disposal of Vehicles Regulations 1986 ('the 1986 Regulations') further state that where a PCN has been issued the vehicle may be removed to either another position on the road it was found on, another road entirely, or to a place which is not a road (e.g. a depot) by a civil enforcement officer or a person acting under their direction.

The use of removal powers under the 1986 Regulations present an appropriate and proportionate response where a parking contravention has occurred; said powers are exercised pursuant to and in accordance with the duty under section 122 of the Road Traffic Regulation Act 1984 (to secure the expeditious, convenient and safe movement of traffic) as well as enabling the Council to fulfil

its network management duty under section 16 of the 2004 Act, which also states that the Council must manage its road network with a view to securing the expeditious movement of traffic. The function being assessed is to utilise the vehicle removal powers.

### **What are the aims and objectives of the function, policy, procedure or practice?**

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.

### **Who are the key stakeholders?**

County Councillors  
District and Borough Councils within West Sussex  
Transport operators  
General public  
Residents  
Businesses  
Visitors to the county

### **What is the scope of the equality impact assessment?**

The assessment provides an analysis of the impact of utilising the vehicle removal powers as part of West Sussex County Council's CPE operations

### **State the data considered for this assessment and any gaps in data identified**

Legislation, including: The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and The Removal and Disposal of Vehicles Regulations 1986

No gaps in data have been identified.

### **Assess the impact the process has on equality with reference to different groups or communities.**

Race Equality - Impact: low - No negative impacts identified

Disabled People - Impact: low - No negative impacts identified. Motability vehicles used by blue badge holders who are persistent evaders or parked in a manner that is obstructive or dangerous to other road users, may be relocated but cannot be removed (in accordance with Secretary of State guidance).

Gender - Impact: low - No negative issues identified

Older and Younger People - Impact: low - No negative issues identified  
People who are Socio-Economically Disadvantaged - Impact: low - No negative issues identified  
Religion or Belief - Impact: low - No negative issues identified  
Sexual Orientation - Impact: low - No negative issues identified  
Gender Reassignment - Impact: low - No negative issues identified  
Pregnant Women or Those on Maternity Leave - Impact: low - No negative issues identified  
Marriage or Civil Partnership - Impact: low - No negative issues identified

### **What are the main conclusions from this analysis?**

The analysis shows that the protected groups will not be impacted by the recommendations set out in the report.

### **Equality objectives and targets to address the unequal impact/unmet needs/barriers/low participation**

No issues identified

### **Suggested actions to meet those targets**

There is no evidence of adverse impact at present, as such a full Equality Impact Assessment is not required.

### **The consultation and inclusion methodology used**

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.

Further engagement on the draft Vehicle Removals Framework and the procurement process will take place with the key stakeholders before a final version of the Framework is submitted to the Director for Highways, Transport and Planning for approval.

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.