

Slough Borough Council

Report To:	Cabinet
Date:	16 th December 2024
Subject:	Removal of vehicles from the public highway
Lead Member:	Cllr Paul Kelly -Highways, Housing and Transport.
Chief Officer:	Pat Hayes - Executive Director Regeneration, Housing and Environment
Contact Officer:	Mathew Hooper – Director Environment and Highways
Ward(s):	All
Key Decision:	YES
Exempt:	NO
Decision Subject To Call In:	YES
Appendices:	Appendix 1 – Vehicle Removal Policy – Parking Contraventions, Persistent Evaders and other associated services Appendix 2 – Equality Impact Assessment

1. Summary and Recommendations

1.1 This report requests approval for the authority to remove vehicles from the highway in specific circumstances to comply with its traffic management duties. The circumstances are:

- Where the vehicle is creating a hazard or obstruction on the highway
- Where the vehicle will obstruct or delay maintenance work/ planned events A non-motorised vehicle - trailers/caravans/ damaged vehicles
- Fraudulently using a disabled persons parking blue badge, or an article that purports to be a disabled blue badge
- An Abandoned vehicle (for which a service is already in place but will be included in the new contract proposed)
- Multiple unpaid penalty charge notices (persistent evaders)

Recommendations:

Cabinet is recommended to:

- (a) Adopt the new policy – Vehicle Removal Parking Contraventions and Persistent Evaders in Appendix 1

- (b) Delegate authority to the Director for Regeneration, Housing and Environment with consultation with the Lead Member for Highways, Housing and Transport and Lead Member for Finance and Procurement to commence procurement of a removal and disposal provider.
- (c) Note that a contract award report will be submitted to Cabinet for approval to appoint new suppliers by April 2025.

Reason:

1.2 The Council issues approximately 70,000 Parking and Bus Lane PCNs per annum as part of its duties in relation to traffic management under the Traffic Management Act 2004 and associated legislation. The Council has challenges in enforcing parking contraventions in circumstances where DVLA information is not up to date, vehicle owners or drivers are persistently evading detection and when vehicles are causing an obstruction.

Commissioner Review

No comments to add to the report.

2. Report

Introductory paragraph

- 2.1 The Council has a network management duty under the Traffic Management Act 2004 (TMA 04) to manage its network for expeditious movement of traffic across the network. Under part 6 of the TMA 04 Slough Borough Council has the powers to enforce parking regulations on the public highway.
- 2.2. The aim of parking enforcement is to enable all residents and visitors to the borough to use local roads unhindered by the dangerous or inconsiderate parking of others. In a busy, urban area like Slough - which has several arterial routes serving the business areas as well as part of the major route network, it is important to regulate parking so that movement of traffic and sustainable travel are maintained.
- 2.3 The removal of illegally parked vehicles from the highway will contribute to improvements in traffic flow, address access problems for emergency services, waste collection, encourage sustainable travel and address anti-social behaviour problems linked to inconsiderate parking.

Local Policies:

- **The Corporate Improvement and Recovery Plan. Corporate Plan 2023-27 (A fresh start)**
 - i. ***A town where residents can live healthier, safer and more independent lives:*** by actively discouraging inconsiderate parking that causes obstruction to other motorists, pedestrians, cyclists and people with disabilities. This improves air quality thereby encouraging more people to walk and cycle and ensure that the Borough remains accessible to all equally and safely.

- ii. ***A cleaner, healthier and more prosperous Slough;***
By clearing the highway of illegally parked vehicles that causes congestion, this helps to deliver safer passage to places of work, shopping areas, school, home, worship and entertainment.
- iii. ***A council that lives within our means, balances the budget, and delivers best value for taxpayers and service users;*** the proposals detailed in this report aim to provide the very best value for money options to provide this new service and aim to reduce the loss of income due to written off PCNs.

- **The Local Transport Plan 3**

This is the over-arching plan for the provision of transport services and infrastructure at a local level, across the borough. The current version (LTP3) is currently under review but will continue to focus on promoting sustainable travel, tackling road safety and improving the public realm.

Options considered: -

Option 1: Do nothing

The Do-Nothing option would result in the council not being able to use its full powers, including its removal of vehicles from the highway powers. Persistent evaders will continue to offend and avoid payment of PCNs. The number of illegally and dangerously parked vehicles will remain high causing congestion on the highway. The number of complaints from residents/ businesses will continue to increase. The existing resident-controlled parking zones will continue to be congested with persistent evader vehicles that do not have permits to park in the area. A percentage of parking and bus lane contraventions will not be dealt with effectively. **This option is not recommended.**

Option 2: Carry on with the implementation of Controlled Parking Zones in the Borough to address the parking issues.

The Council already has a controlled parking zone policy and is rolling out CPZs as a means of managing use of the highway. However, this does not deal with those who persistently evade parking controls or park dangerously. **This option is recommended and is being rolled out but will not deal with the issue of persistent evaders and dangerously parked vehicles.**

Option 3: Approve the vehicle removal powers and service.

Vehicles parked on the public highway/ footways can be removed if they are a persistent evader, dangerously parked or where there is abuse of the disabled blue badge parking scheme. Reduction of congestion on the highway by ensuring effective enforcement of parking contraventions allows a clear road network to vehicles, cyclists and public transport.

This is the recommended option.

Background

- 2.4 The parking enforcement process is governed by a statutory process. Motorists who contravene parking restrictions can be issued a PCN and have the opportunity to either pay the penalty or appeal the charge. The liable person is the registered

keeper of the vehicle and there is a statutory process to follow in relation to issuing notices. The life of a PCN for collection of payment could continue for up to 12/18 months end to end. At any time during this process the PCN can be cancelled or reverted to an earlier stage. The Council is reliant upon the DVLA providing keeper details; however, sometimes records are not up to date or accurate, resulting in the registered keeper no longer being in control of the vehicle. On occasions fraudulent documents have been used.

- 2.5 The number of vehicles that remain parked on the highway is putting pressure on the parking service and impacts on those who seek to use the highway lawfully. It can also lead to dangerous situations and prevent planned maintenance works continuing. The Department for Transport statutory guidance contained guidance on persistent evaders and recommends that local authorities adopt strong enforcement policies against such individuals, with removal of the vehicle considered appropriate as the keeper has to provide evidence that they are the registered keeper, details of their address and fund the cost of enforcement.
- 2.6 The introduction of a removal service will better enable the Network Management team to:
- prioritise parking for residents within the enforcement hours of operation.
 - reduce issues such as obstructive and inconsiderate parking especially at junctions, bends and on footways.
 - control the number of cars parking on the highway within CPZs
 - contribute to better neighbourhoods by reducing congestion on the highway and clearing the road network
- 2.7 The parking service already has cabinet approval to implement controlled parking zones (CPZs) in Slough to manage parking in the borough as part of its approach to addressing historic and on-going parking problems. However, a percentage of vehicles that park within CPZs do not purchase a resident parking permit and accumulate multiple PCN's issued to their vehicle and do not pay them, these are known as "persistent evaders". We receive complaints from residents living within residential parking zones on a weekly basis about persistent evader vehicles.
- 2.8 Officers have been in contact with several local authorities and have had discussions with the British Parking Authority (BPA) on how to tackle this problem. Officers have recently worked with Portsmouth City Council who have implemented policies to remedy this problem and several other local authorities, including neighbouring areas, RBWM have adopted similar policies.
- 2.9 The Council is also seeking to remove vehicles which do not belong to persistent evaders, but which are parked at locations where traffic flow is hindered, causing an obstruction or danger for other highway users or where the vehicle is parked on basis it has benefit of a disabled blue badge, but that this is being misused and therefore preventing legitimate use by another driver.
- 2.10 The evidence seen from Portsmouth indicates good compliance and improvements with traffic and parking management. This new policy recommends vehicles that have been the subject of multiple PCNs can be removed to a "Pound" in a suitable area in or around Slough. It is for the owners to then recover the vehicle following

payment. The location of the “Pound” may be 45 minutes to an hour away, but this will be subject to the procurement process and the tenders that are received.

- 2.11 The new policy also provides for the “disposal” of the vehicle if the owner does not recover the vehicle. In some circumstances the vehicle can be sold at auction subject to the market value. If there is no intrinsic value, then the vehicle will be sent to a yard for disposal. This service may require two separate contractors, one for removal and one for disposal depending on final submissions of bids when procuring the service.
- 2.12 It is important to note that this new policy is not about generating income but about improving the use of the highway and ensuring effective parking enforcement. This should make the public highway safer and restoring confidence for residents in the effectiveness of CPZs and Permit schemes.
- 2.13 Minor amendments to the policy may be required from time to time based on legislation updates and best practice. This service area will ensure that the policy remains updated at all times and is published on Slough Borough Council’s website to avoid any ambiguity for all parties involved.

The below tables show the number of Penalty Charge Notices (PCNs) issued in financial years 2022/2023 and 2023/2024 that have been written off due to the following reason:

- **Persistent Evader** – cases that have reached a stage where either a debt needs to be registered, has been registered or a warrant has been issued to the Enforcement Agents and the case is not recoverable due to the keepers name and address not being valid, the keeper not living at the address provided. The keeper has been issued multiple PCNs which all need to be written off at this stage.
- **DVLA no trace** – The vehicle has not been registered with the DVLA, no name and address available to be able to recover payment
- **Foreign vehicle** – foreign registered vehicle outside of the UK, unable to obtain the keepers name and address from the DVLA

2022/2023

	Cases written off	Value written off £
Persistent Evader cases	550 (outstanding tickets per persistent evader averages 10)	16,500
DVLA no trace	10,595	317,900
Foreign Vehicle	674	20,220
Total	11,819	354,620

2023/2024

	Cases written off	Value written off £
Persistent Evader cases	129 (outstanding tickets per persistent evader averages 10)	3,870
DVLA no trace	10,816	324,500
Foreign Vehicle	586	17,600
Total	11,531	345,970

The figures below show the number of PCNs that currently remain open on the system for persistent evader cases that we are trying to recover payment.

Open cases	Value outstanding £
11,257	337,700

Cases are always progressing so the figures above will always change.

3. Implications of the Recommendation

3.1. Financial implications

- 3.1.1. The Council will fund the cost of the removal service through the parking revenue budget. It is estimated that between 100-150 vehicles will be removed per financial year at an estimated initial cost to the Council of £150k. This will subsequently be recovered from removal, storage and disposal charges payable by the vehicle owners. It is estimated the scheme will generate an annual income of £165k generating a potential small surplus of £15k per year to cover administration costs. In addition, PCN charges will be payable directly to the Parking account.
- 3.1.2. In the procurement of a removal and disposal provider it will be important to ensure that the most cost-effective arrangements are in place for the removal and storage of the vehicles. Whilst the registered keeper should be responsible for the cost of recovery and storage, the terms of the contract may mean that these costs together with the cost of disposal fall to the Council if the vehicle is not reclaimed. It is improbable that the car can be reclaimed if fraudulent documents have been used and in these circumstances the Council will need to bear the costs and ensure that these are minimised by an effective disposal approach.
- 3.1.3. Parking income forms part of a ringfenced parking account and only used for prescribed circumstances. This includes the provision of off-street parking accommodation, public passenger transport services and highway or road improvement projects.

3.2. Legal implications

- 3.2.1. The Traffic Management Act 2004 (Section 16(1)) imposes a Network Management Duty to ensure that Slough Borough Council secures the expeditious movement of traffic on the authority's road network and facilitates the expeditious movement of traffic on road networks for which another authority is the traffic authority. Section 73 of the TMA 2004 contains offences which may be regarded as parking contraventions and subject to civil enforcement. These include circumstances where a vehicle is parked in contravention of a restriction on parking implemented by a traffic regulation order. Regulations govern the process of issuing PCNs where a parking contravention is observed. Section 122 of the Road Traffic Regulation Act 1984 requires a local authority to secure expeditious, convenient and safe movement of traffic.
- 3.2.2. The Council has separate powers under the Removal and Disposal of Vehicles Regulations 1986, which allow a vehicle to be removed in prescribed

circumstances, including where the time period has elapsed after a PCN was issued and the vehicle has not been removed, nor has the penalty been paid.

- 3.2.3. Section 87 of the TMA 2004 states a local authority must have regard to any statutory guidance when exercising its civil enforcement powers. The guidance has been referenced in this report and has been taken into account in formulating the recommended policy.
- 3.2.4. There are alternative powers under the Highways Act 1990 which can be relied upon to remove an obstruction, which can include a vehicle and non-motorised vehicle, where this is causing a danger, however notice must be given and an order obtained prior to removal unless the danger is imminent.
- 3.2.5. There are powers to remove abandoned vehicles from the highway under the Refuse Disposal (Amenity) Act 1978.

Removal, Storage and Disposal Charges

The charges for removals are prescribed by legislation as follows

1. Vehicle position and condition	2. Vehicle equal to or less than 3.5 tonnes maximum authorised mass (MAM)	3. Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes	4. Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM	5. Vehicle exceeding 18 tonnes MAM
2. Vehicle on road, upright and not substantially damaged or any 2 wheeled vehicle whatever its condition or position on or off the road	£192	£256	£448	£448
3. Vehicle, excluding a 2 wheeled vehicle, on road but either not upright or substantially damaged or both	£320	£832	Unladen - £2,561 Laden - £3,842	Unladen - £,3842 Laden - £5,763

4. Vehicle, excluding a 2 wheeled vehicle, off road, upright and not substantially damaged	£256	£512	Unladen - £1,281 Laden - £1,921	Unladen - £1,921 Laden - £2,561
5. Vehicle, excluding a 2 wheeled vehicle, off road but either not upright or substantially damaged or both	£384	£1089	Unladen - £3,842 Laden - £5,763	Unladen - £5,763 Laden - £7,684

Storage (for each period of 24 hours or part thereof)

The charges for storage can be found in regulation 5 and table 2 of the schedule in the new regulations.

1. Two wheeled vehicle	2. Vehicle, not including a 2 wheeled vehicle, equal to or less than 3.5 tonnes MAM	3. Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM	4. Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM	5. Vehicle exceeding 18 tonnes MAM
£13	£26	£32	£38	£45

Disposal

The charges for disposal can be found in table 3 of the schedule in the new regulations.

1. Two wheeled vehicle	2. Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM	3. Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM	4. Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM	5. Vehicle exceeding 18 tonnes MAM
£64	£96	£128	£160	£192

Procurement

The procurement of contractors to manage the removal process will be procured in accordance with the Public Contracts Regulations 2015 and Council Procedure rules in

conjunction with internal governance processes. A decision on award of contract will be brought back to Cabinet for approval.

3.3. Risk management implications

Description of risk	Risk/Threats/Opportunities	Current Controls	Proposed future controls
Community support	Unfavourable response from the public to the new initiative	No controls in place causing complaints	MEDIUM
No one bids for the contract if we go out to the market	Low Unlikely id national framework is used.	Negotiate with incumbent provider working with Neighbourhoods team to add this onto their contract	HIGH
Costs exceed estimated financial envelope	Low	Review contract costs after 12 months	MEDUIM
Procurement timetable cannot be met	Medium Delays caused by Cabinet approval and other governance requirements Delays caused by preferred supplier not able to meet deadlines	Mitigation plan to include contract extension and use of hire vehicles.	HIGH

3.4. *Environmental implications*

3.4.1 This service is expected to reduce congestion through improvements to the enforcement of parking and waiting restrictions.

3.4.2 With the improvement of enforcement of the CPZs this will help to instil people to cycle and walk for shorter journeys. The health benefits of active and sustainable travel choices are evident (NICE, guidance, active travel).

3.4.3 The parking and bus lane enforcement services intention is to reduce inequalities in mobility and to better cater for safe and equal access to key amenities for all users. Currently, there is an overreliance on the private car, with carriageways carrying high levels of traffic; subsequently, reducing the journey environment for pedestrians and cyclists. To address this, the Council recognises that vulnerable road users are at higher risk of danger and therefore prioritises pedestrians and cyclists, followed by public transport users and then motorists; the scheme would address this through redefined road-space, regulating driver behaviour and improving pedestrian and cycling facilities

3.5. *Equality implications*

- 3.5.1. An initial Equality Impact Assessment has been undertaken (Appendix 2)
This will be further developed as the procurement of the removal service commences to identify and mitigate against any potentially adverse equality impacts arising from this process. Regular monitoring and evaluation will help identify any inequalities that have not been captured in the EIA.

3.6. *Procurement implications*

- 3.6.1. A procurement exercise will need to be undertaken to select a competent removal service company to remove and store vehicles that has been authorised to be removed by the Council.

3.7. *Workforce implications*

- 3.7.1. A change to Civil Enforcement Officers current daily deployment pattern. This has been agreed with current parking enforcement contractors.

3.8. *Property implications*

- 3.8.1. This will be identified at tender stage, the location of where vehicles will be stored when removed from the highway.

4. **Background Papers**

None