

# **Vehicle Removal Policy Parking Contraventions Persistent Evaders and other associated services**

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## 1. Introduction

- 1.1 Slough Borough Council aim to undertake a fair and transparent approach to the removal of vehicles. This policy outlines the process for removal of vehicles parked in contravention of on street parking restrictions, and persistent evader vehicles to a secure vehicle storage facility.
- 1.2 The guidelines are made in accordance with the statutory provisions of the Traffic Management Act 2004, which governs the enforcement of parking contraventions; and developed in accordance with the Operational Guidance to Local Authorities issued by the Department for Transport (DFT). <https://www.gov.uk/government/publications/civil-enforcement-of-parking-contraventions/guidance-for-local-authorities-on-enforcing-parking-restrictions#on-street-activities>
- 1.3 Parking contraventions are dealt with by the issue of a Penalty Charge Notice (PCN) and, in appropriate circumstances, the removal of the vehicles. The protocols and policies for parking enforcement are contained in the Council's Enforcement Policy for Parking Contraventions. [Parking enforcement policy – Slough Borough Council](#)
- 1.4 The Council's Parking Enforcement is being undermined by a growing number of motorists who continue to park in contravention of the traffic regulations, causing an obstruction to the flow of traffic and occupying parking places reserved for residents, disabled blue badge holders and other permit holders.
- 1.5 The majority of these persistent evaders do so knowing that we cannot trace them, as the DVLA is unable to supply the name and address of the registered keeper. Obtaining the registered keepers details to release a vehicle and make payment for the most recent Penalty Charge Notice served enables us to collect these details **and** to start the process of reclaiming any further outstanding Penalty Charge Notices.

## Slough Borough Council Priorities

These guidelines contribute to the following Slough Borough Council Corporate Priorities.

- **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 indiscriminate 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 aims to reduce the loss of income due to written off PCN cases

- **The Local Transport Plan 3**

This is the over-arching plan for the provision of transport services and infrastructure at 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.

## **2. General Definitions**

- 2.1 **Approval Officers** - Parking Section - Client Management Team (CMT), authorised to sanction Civil Enforcement Officer's instruction to remove a persistent evader vehicle and vehicles parked in contravention of the Traffic Management Act 2004.
- 2.2 **Authorised Officers** - Civil Enforcement Officers authorised to instruct removal of vehicles in contravention of the Traffic Management Act 2004.
- 2.3 **The Enforcement Authority** - Slough Borough Council
- 2.4 **CEO** - Civil Enforcement Officer.
- 2.5 **Contravention** - a vehicle parked in breach of the roadside parking restrictions
- 2.6 **Designated Parking Places** - shall be the definition prescribed under section, 32 & 45 of the Road Traffic Regulation Act (RTRA) 1984.
- 2.7 **Parking Device** - For the purposes of these guidelines, the meaning of Parking Devices shall be the definition prescribed under section 51 of the Road Traffic Regulation Act (RTRA) 1984.
- 2.8 **PCN** - Penalty Charge Notice.
- 2.9 **Persistent Evader** - a vehicle that has three or more recorded parking contraventions for the vehicle and the PCN's are not paid, represented, or appealed against within the statutory time limits; or their representations and appeals have been rejected but the penalty charge notices remain unpaid.
- 2.10 **FRV - Foreign Registered Vehicles** - Foreign vehicles meeting the condition 2,8 above will also be classified persistent evaders and subject to removal enforcement.
- 2.11 **ROAD** - For the purposes of this Policy, the meaning of "Road" shall be the definition as contained in the Road Traffic Regulation Act (RTRA) 1984 and Traffic Management Act (TMA) 2004

### **3. Scope of the Policy**

3.1 The guidelines will be used to outline the legal framework and facilitate removal enforcement actions against vehicles on street that are parked in contravention in the following circumstances:

- Persistent evader vehicles found parked in contravention
- Parked in contravention in a manner that causes serious obstruction to emergency services and other road users.
- Fraudulent use of disabled persons parking blue badges, or an article that purports to be a disabled blue badge.

3.2 Furthermore, this will allow the Authority to deal with the following:

- To deal effectively with traffic obstruction and congestion, and to maintain network management duties.
- Obtaining owners details enables the Authority to commence process of reclaiming any additional outstanding Penalty Charge Notices served to that vehicle.
- Will benefit residents whose resident bays are continually parked in by non-resident permit holders who are aware that we will be unable to trace them through the DVLA and we are therefore unable to claim payment.
- Inform Police of vehicles removed, and subsequently collected, that do not appear on the DVLA database, have no Tax or insurance documents / evidence.

### **4 Persistent Evaders**

4.1 A persistent evader is where a vehicle has three or more recorded contraventions for the vehicle and the PCN's are not paid, represented, or appealed against within the statutory time limits; or their representations and appeals have been rejected but the penalty charge notices remain unpaid. A persistent evader's vehicle can be removed following the issue of a penalty charge notice when parked in contravention of the Traffic Management Act 2004.

4.2 Persistent evader vehicles parked in contravention in an on street designated parking place. The Traffic Management Act 2004, and regulations made under it, prohibit the Enforcement Authority from removing the vehicle following the issue of a penalty charge notice (PCN) until at least 30 minutes have elapsed, reduced to 15 minutes where the vehicle status is a Persistent Evader

4.3 Persistent evader vehicles parked in contravention on a road, not in a designated parking places are liable for immediate removal by the Enforcement Authority following the issue of a penalty charge notice (PCN).

## 5 Contravening the Blue Badge Scheme

- 5.1 Enforcement of vehicles that are parked and are displaying a disabled person's parking blue badge but not in accordance with the regulations.

This may include vehicles displaying a disabled persons parking blue badge that is being misused, not limited for the following reasons:

- The Badge Holder is deceased
- The Badge has been reported lost or stolen
- The Badge has been cancelled by the Issuing Authority
- Abuse of a valid badge has been clearly established
- In the case of an Organisational Badge - the Organisation ceases to exist

This will also include vehicles displaying a disabled badge purporting to be a legitimate disabled persons parking blue badge that is:

- A Counterfeit Disabled Badge
- A Copy of Legitimate Disabled Badge
- An Expired / Expired Altered Disabled badge

- 5.2 Vehicles parked in contravention and in breach of the regulations **in an on street designated parking place**. The Traffic Management Act 2004 and Regulations made under it, prohibit the Enforcement Authority from removing the vehicle following the issue of a penalty charge notice (PCN) until at least 30 minutes have elapsed, reduced to 15 minutes where the vehicle status is a Persistent Evader
- 5.3 Vehicles parked in contravention and in breach of the regulations on a road **not in a designated parking place**. The Traffic Management Act 2004 and Regulations made under it, permit the immediate removal by the Enforcement Authority following the issue of a penalty charge notice (PCN).

## 6 Hazard or Obstruction

- 6.1 Vehicles parked in contravention, in a manner that is causing an obstruction or is dangerous to other road users: and/or preventing access to emergency service vehicles. Vehicles parked in contravention but not exclusive of the contraventions listed below will be deemed to be causing Hazard or Physical Obstruction.

Contravention 01	
Description	Parked in a restricted street during prescribed hours
Contravention 02	
Description	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force
Contravention 21	
Description	Parked in a suspended bay or space or part of a space

<b>Contravention 26</b>	
Description	Parked in a special enforcement area more than 50cm from the edge of the carriageway and not within a designated parking place
<b>Contravention 47</b>	
Description	Stopped on a restricted bus stop or stand
<b>Contravention 48</b>	
Description	Stopped in a restricted area outside a school when prohibited.
<b>Contravention 99</b>	
Description	Stopped on a pedestrian crossing or crossing area marked by zigzags`

## 7. On Street Removal Process

All removals will be witnessed by a member of the Parking Management Team. The Senior Member of the Council or Contractor Team is responsible for undertaking the following duties:

- Verify the PCN was served correctly to the vehicle
- Take sufficient photographs as additional evidence including date and times stamps. Photographs must include the following:
  - The vehicle (including the Penalty Charge Notice fixed to the windscreen/handed to the owner)
  - The vehicle in context with its surroundings (including lines and signs in location)
  - All 4 sides of the vehicle (including wheels) to establish any damage prior to removal
- Deal with any immediate challenge to the removal from member(s) of public
- Decide, if necessary, to release the vehicle if the owner of the vehicle is on site or returns prior to the removal commencing.

It is the responsibility of the Council Officer to notify the following to ensure that when the vehicle driver returns to where he/she parked their vehicle, the relevant departments are aware vehicle has been removed and taken to the secure pound:

- Thames Valley Police

If a vehicle authorised for removal is parked within an on-street parking bay, they will not usually be removed within the first 15 minutes following the issue of the relevant Penalty Charge Notice. However, if the vehicle is causing a hazard or is parked where parking is always prohibited then the vehicle can be removed as soon as the relevant Penalty Charge Notice has been served.

### 7.1 Guidance of Removal

One of the responsibilities of the Senior Council/Contractor Officer is to deal effectively with any subsequent enquiry from any member of the public.

In the event that the driver is on site/returns to the vehicle and contests the PCN served, the Senior Officer will consider the facts and decide whether to halt the removal process. Whilst there may be circumstances to halt the removal, the PCN will not be cancelled on site. The owner must still contact Parking administration to appeal the PCN through the normal channels.

Once the removal has begun it will normally continue until completed. The start of the removal will be considered to be when all the wheels of the vehicle have left the ground.

There may be occasions when the owner or driver of the vehicle will ask for the removal to be stopped. Mitigating circumstances will be considered but normally disregarded and will be recorded by the Council Officer. Advice should be sought by the Council Officer if ever unsure whether to proceed with a removal.

Guidance provided by the Department of Transport identifies a number of valid reasons when consideration should be given to halt the removal process. These are:

- Doctor on call
- Pregnant Lady/parent with disabled/special needs children
- Police officer/fireman/nurse reporting for duty
- Members of public attending a funeral
- Request from a police officer

## **7.2 Approved Removal Contractor**

The Council will appoint an authorised removal contractor responsible for the safe custody of the vehicle from the place of contravention to the pound and whilst the vehicle remains within the pound

The approved contractor will arrive at the location and complete an independent vehicle condition checklist prior to removal. The recovery contractor will also complete an additional vehicle checklist once the vehicle has arrived safely at the pound. A copy of the required form is included within this document for reference.

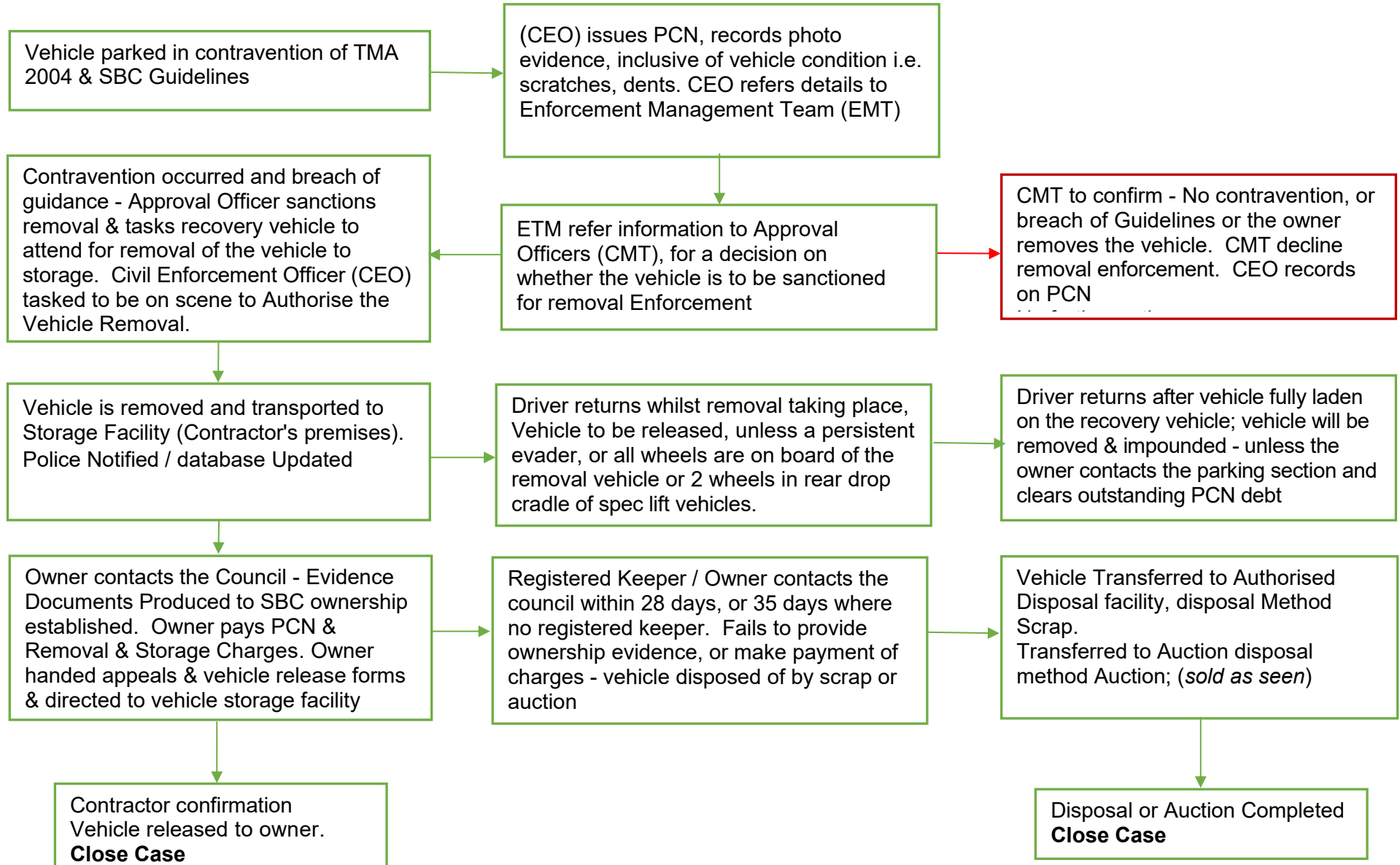
Any claims relating to damage caused during the removal process will be forwarded to the contractor with the customer informed of such action.

The Parking Management Team must keep a record of any claims made against the recovery contractors.

The Contractors will undertake a complete investigation into any claim of damaged caused at the time of removal or whilst at the pound.



### 7.3 Enforcement Removal Procedure



## 8. Vehicle Release Procedure

- 8.1 The owner of the vehicle will attend the approved contractors secure pound to reclaim the vehicle.

When releasing a vehicle to a member of the public the contractor must first establish that the person requesting the release is the rightful driver of the vehicle or has clear authority to collect it on behalf of the owner (if different).

The owner of an impounded vehicle must produce the following evidence in order meet data protection rules and satisfy the Authority that there is an entitlement to the vehicle; vehicles **will not** be released until the evidential standards are satisfied.

- Proof of Identity - Photo I.D -Driving License or Passport
  - Proof of Address - Current Utility Bill (dated within last 3 months)
  - V5 - Vehicle registration Document (Logbook)
  - Motor Traders - Will also need to provide Trade Insurance showing vehicle listed on the trade insurance documents.
  - V62 - (Owners / Traders) unable to produce a V5 registration document will be required attend at the post office complete a V62 application and produce the proof of payment.
- 8.2 Owners of impounded vehicles contacting the Authority will be provided with an email address to send documentation to. Owners without internet access will be allocated an appointment time to attend and produce the evidence documents at the Council Offices.
- 8.3 Vehicle owners and Traders will be required to pay the penalty charge notice issued prior to the vehicle removal, and the prescribed sums and charges for the vehicle removal and any incurred storage fees before the vehicle can be released. Where, by virtue that any sum below is recoverable in respect of an impounded vehicle, The Council shall be entitled to retain custody of the vehicle until that sum is paid; or where non-payment has occurred until its disposal.
- 8.4 Impounded vehicles will be held in storage for a period of 28 days - extended to 35 days if there is no registered keeper on the DVLA register. Vehicles unclaimed after the storage period has elapsed shall be disposed of by Scrap or Auction.
- 8.5 **ENTERING VEHICLES TO COLLECT PROOF OF OWNERSHIP**  
If the owner states that the proof of ownership is within the vehicle **TWO** officers may accompany the owner to the vehicle to collect the documentation only. All items removed from the vehicle must be recorded on the vehicle release form.

## 8.6 ENTERING VEHICLES TO COLLECT PERSONAL BELONGINGS

### Proof of Ownership Required

No unauthorised, unaccompanied access to the vehicle is permitted to collect personal belongings. If the owner requires access under medical grounds (to collect medication/ wheelchair) **TWO** members of staff must accompany the owner. All items removed from the vehicle must be recorded on the vehicle release form.

## 9. Prescribed Sums & Charges

- 9.1 The associated costs for vehicle removal, storage and or disposal of vehicles removed for parking contraventions under the Traffic Management Act 2004 are prescribed charges under <https://www.legislation.gov.uk/uksi/2023/331/made>
- 9.2 In addition to the prescribed sums and charges, the owner/keeper will be Required to pay the amount payable for the penalty charge notice issued to that vehicle on the date the vehicle was removed.
- 9.3 All vehicle removals can attract an appeal from the owner or keeper of the vehicle. These appeals are to be treated the same as a PCN appeal SI 2022/576. If an appeal is successful, all monies paid in respect of the removal and storage of the vehicle will be reimbursed in full.
- 9.4 Vehicle Secure Pound Facility (opening hours to be confirmed). The directions and location for the storage facility are only disclosed once the evidence requirements (9.1) above, and payment of the prescribed sums and charges are satisfied. Payment must be made at the pound where the appropriate charges can be calculated.

## 10. Disclaiming Vehicle

- 10.1 Owners can submit a request to the Authority to disclaim an impounded vehicle, (Hand the vehicle over for disposal) the owner must first satisfy the evidence of ownership set out in section 9.1 of these guidelines; complete a vehicle disclaim form and surrender the vehicle keys and vehicle registration certificate (V5 - Log Book).
- 10.2 Owners wanting to collect belongings from a disclaimed will be issued a content's only collection form. The owner will then be provided access to collect their personal items from a disclaimed vehicle. Contents means loose items only documents and valuables. Dismantling of vehicles or removal of fixed items **will not** be permitted.
- 10.3 Owners of disclaimed vehicles will not be requested to pay the prescribed sums and charges for the vehicle removal, storage. **Note:** - disclaiming the vehicle **does not** absolve the registered keeper of their liability of the penalty charge notice

issued on the date of removal of the vehicle; and in the case of persistent evaders the accrued outstanding penalty charge notice debt.

- 10.4 Should a vehicle registered keeper come forward after a vehicle disposal, once the conditions below are satisfied; the registered keeper may (up to 12 months from the date of disposal) claim any excess income derived from the vehicle disposal less for the deducted prescribed sums and charges specified in section (10.1 above).

The conditions are that—

- a) The claimant must satisfy the Council (see section 9.1 above) that he/she was the owner of the vehicle at the time it was removed & disposed of.
- b) The claim is submitted within 12 months from of the vehicle disposal date.
- c) The sum payable shall be any remaining income from the proceeds of scrap or sale of the vehicle less for the amount deducted for the prescribed sums and charges for removal, storage and disposal of the vehicle.

## **11. Disposal of Goods**

- 11.1 Should a vehicle registered keeper/owner fail to come forward after a vehicle has been impounded, once the storage period has elapsed a disposal inspection will be completed prior to disposing of the vehicle. Low value items and general waste contained in the vehicle will be disposed of with the vehicle.
- 11.2 Documents or Valuables considered to have an intrinsic value (Individual loose items considered to be of more than £100) The Authority become retain said goods as an "Involuntary Bailee". The Goods will be recorded, retained, and removed to the Authority secure store.
- 11.3 The Authority pursuant to sections 12(1) & 12(3) of the Torts Interference of goods Act 1977 will send a 28 - day notice to the last registered keeper imposing obligation to collect the goods retained and give further notice in of intention to sell or otherwise dispose of the retained goods if they remain uncollected. Where there is no registered keeper on the DVLA record, and an owner cannot be found the retained goods will be retained for a period of 2 Months; The uncollected goods shall then be sold or otherwise disposed of.

## **12. Conditions of the Guidelines**

- 12.1 The guidelines are specific to the vehicle removal enforcement of parking contraventions and persistent evader vehicles, parked in contravention of on street parking restrictions within the enforcement area boundaries of the Council.

The Council conducts other types of vehicle removal enforcement underpinned by different legislation and regulations. For other vehicle removal categories please refer to the vehicle removal guidelines listed below

- 12.2 The final decision to sanction removal of a vehicle parked in contravention and in breach of the Traffic Management Act 2004 and these guidelines will be taken by

the Parking Client Management Team. (Approval Officers). For the purpose of these guidelines Approval Officer means:

- Council Senior Parking Officers

- 12.3 The Council, "The Enforcement Authority" will observe exemptions to the enforcement of the above parking contraventions for Emergency vehicles (Police, Fire, Ambulance Services); and or other vehicles carrying out emergency or statutory works and on duty.

### **13. Legislation**

- 13.1 This policy is underpinned by statute and developed in line with the Secretary of State's recommendations and in conjunction with the following documents:

- Traffic Management Act 2004
- Road Traffic Regulation Act 1984
- The Removal and Disposal of Vehicle Regulations 1986 (As amended)
- The Removal, Storage and Disposal of Motor Vehicles (Prescribed Sums and Charges) Regulations 2008 (Amendment 2023)
- The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (SI 2022/71)
- The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 (SI 2022/576)
- TORTS - Interference of Goods Act 1997
- The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000
- Department for Transport (DFT) Blue Badge scheme local authority guidance (England) May 2022.

### **14. Disclaimers**

- 14.1 Provided the Guidelines and Procedures outlined have been followed, the Council shall bear no liability or responsible for compensating any person or persons following the removal and or disposal of a vehicle and or its contents.
- 14.2 These guidelines shall be enforced from the date of adoption and will remain in force until formally revoked or superseded. These Guidelines will be reviewed

annually, and or amended when legislation changes dictate or when best practice in line with service changes.