

# **LBBB Enforcement Policy Annex 4**

## **Vehicle Removal**

## Contents

## Page

	Parking enforcement and vehicle removal Summary	3
	Persistent Evaders	4
	Vehicle Clamping	5
1	Introduction	5
2	Definition	5
3	Warning Notice	5
4	Vehicle Removals	5
5	Vehicles Exempt from Removals	6
6	Appeals Procedure	6
7	Repeated Disregard of Traffic and Parking rules by Staff	7
8	Training and Awareness	7
9	Equality	7
10	Privacy Policy	7
11	Freedom of Information	8
12	Records Management	8
13	Review	8
14	Monitoring	8
15	Discipline	8

## **Parking enforcement and vehicle removal Summary**

Parking management helps us deliver better network management, resulting in reduced road danger, less motor traffic, improved conditions for walking, cycling and public transport use, improved / better traffic flow and less congestion, all of which helps reduce the negative impacts of transport on people and the environment.

In many instances it is illegal to park vehicles on yellow lines, bus stops, pedestrian crossings, grass verges and the footway. It is also illegal to park in permit bays without displaying the correct permit and in pay and display bays without paying the appropriate charge.

Parking Services are responsible for enforcing the parking restrictions in Barking and Dagenham, and we do this by employing and managing a contractor to carry out removal duties on our behalf.

Within the London Borough of Barking and Dagenham removal will generally only be used in the following instance:

- Persistent evaders
- Blue Badge Fraudsters
- Illegally parked vehicles in Parks and Car Parks
- Vehicles causing obstruction

In most instances we will not remove a vehicle if it is parked in an authorised parking space. However there are a number of exceptions including:

- Parking in a Disabled bay without a valid Blue badge or Companion badge
- Footway Parking (dropped kerbs and pavement)
- Parking on single or double yellow lines during set hours
- Where the parked vehicle is obstructing traffic
- Persistent evaders of Parking fines
- Long-term illegal parking in parking bays

Vehicles that have three or more penalty charge notices that have not been paid or going through the appeals process will be removed on the issuing of the fourth PCN and will face additional charges.

We only use authorised contractors and registered car pounds. Information regarding our current contractor and the details of where to recover your vehicle from can be found on our website.

You can report vehicles contravening the parking restrictions by calling the Parking Enforcement on 020 8227 3015 between 8am and 8pm every day, except Bank Holidays.

## **Vehicle removal**

A Penalty Charge Notice (PCN) may be issued immediately to a vehicle parked in some on-street contraventions. However, a period of at least 30 minutes must elapse after the PCN has been issued before a vehicle may be removed.

In the case of other types of contravention, the vehicle may be removed immediately.

Vehicles will be stored for 14 days or until 14 days after the tax expires, whichever is the later unless otherwise instructed by the parking manager.

Vehicles in store will only be released following authorisation from the authorised parking officer and the relevant documents and fees paid by the keeper. The authorised parking officer will issue the keeper with a letter to confirm the parking fines have been paid this relevant document must be presented to the contractor.

## **Persistent Evaders**

We define persistent evaders as individuals with three or more PCNs, none of which are either subject to an appeal or at a stage where an appeal can be made.

Should a persistent evader continue to contravene parking restrictions, they will be issued a penalty charge notice in proportion to the contravention and the vehicle will be removed immediately.

Under these circumstances any permit relating to the vehicle can be cancelled and a new permit will not be issued.

All vehicles that have been removed within Barking and Dagenham are removed by an authorised contractor to the pound for storage.

The charge for removals is not set by the Council, but by a London-wide body called London Councils. This ensures that charges are consistent throughout London.

As set by London Councils, the charge for vehicle removal is £200. If the vehicle is not collected within 24 hours of the time of removal, the owner will incur storage charges of £50 per day (excluding Sundays and public holidays). *These figures are subject to change year on year.*

If your vehicle is removed and you feel it should not have been, you can make representations against the PCN and removal only after you have paid the release fees. Details on how to do this will also be given to you at the vehicle pound. You must make a representation within 28 days of collecting your vehicle.

When you come to collect your vehicle, you must bring three pieces of identification with you, including your driving licence, the vehicle registration document and a utility bill.

## Vehicle Clamping

**Barking and Dagenham Council no longer clamps vehicles.** However, contractors for the Driver and Vehicle Licensing Authority (DVLA) clamp untaxed vehicles and also bailiff companies who are contracted by the Council.

### 1. INTRODUCTION

This policy applies to all car parking users within Barking and Dagenham including staff, members, visitors, residents and contractors. It has been prepared in order to define and clarify practices and guidelines for the removal of vehicles

This service will be managed by Parking and any appeals against decisions will be forwarded to the Parking Manager.

### 2. DEFINITION

For the purpose of clarity the following definitions apply in this guideline:

- Removal – means “the relocation of the vehicle”

### 3. WARNING NOTICES

Where a vehicle is found to be parked in breach of the London Borough of Barking and Dagenham’s Traffic and Parking Regulations as listed in the Enforcement Policy, a warning Notice may be issued at the discretion of the Parking Manager.

### 4. VEHICLE REMOVALS

Vehicles may be removed without warning where the vehicle:

#### 4.1 Is causing a serious obstruction:

- Causing a serious obstruction or likely to cause danger to include being parked at restricted areas or controlled zones. (Every effort will be made to contact the driver of the vehicle; alternatively a supervised attempt maybe made to re-locate the vehicle to a safe location).
- Causing a serious obstruction for access required for emergency vehicles

#### 4.2 Is not causing a serious obstruction:

- Parked in a specially reserved parking bay (e.g. for disabled people) without displaying an appropriate disabled badge
- When a valid parking permit issued by the Council is not displayed
- Not displaying a valid Pay and Display ticket
- Parking on double yellow lines
- Parking in designated loading bays

- Causing any obstruction

#### **4.3 In the event of a vehicle being removed:**

- The vehicle will be photographed appropriately before and after to show the contravention
- Record details of the event including vehicle make and registration, the exact location where the vehicle was removed from and taken to, date and time of incident

In deciding to remove a vehicle consideration must be given to the safety of other road users and the Civil Enforcement Officers.

### **5. VEHICLES EXEMPT FROM REMOVAL**

The following vehicles shall not be removed under any circumstances:

- Vehicles that have paid legitimately for parking and have overstayed the paid for time by less than 30 minutes and are not committing any other breach of the Barking and Dagenham's Traffic and Parking Regulations as listed in Section 4
- Marked vehicles used by the ambulance, fire, coast guard, police or any other emergency service
- Vehicles displaying a valid disabled badge

### **6. APPEALS PROCEDURE**

Where a driver disputes the removal of a vehicle, the Enforcement Service Manager / Parking Manager should explain immediately why the instruction to remove was approved. Where the driver continues to challenge the removal, s/he will be invited to send in a written appeal against the decision.

Our appeals process requires that the complainant:

- Firstly pays for the release of the vehicle
- Telephone Barking and Dagenham Direct on 020 8215 3005 and speak to one of their Customer Service Officers. We aim to resolve your complaint at this stage either on the spot or within 5 working days.
- Should the appeal be successful, any monies paid will be refunded
- If the complainant is not happy with the outcome of the appeal, they can be referred to the next stage of the complaints procedure through to Local Government Ombudsman.
- A record of all appeals received must be retained for a minimum of two years

## **7. REPEATED DISREGARD OF TRAFFIC & PARKING RULES BY STAFF**

Where staff persistently disregards the traffic and parking rules they will be reported to their Divisional Director and the Disciplinary Procedure may be invoked.

## **8. TRAINING AND AWARENESS**

All staff will be made aware of this policy upon commencement. Copies can also be viewed on the Councils web site or obtained via the Parking Services. Training of such policies may also be provided at HR training sessions which all staff will be informed of via their line manager in advance.

## **9. EQUALITY**

The London Borough of Barking and Dagenham recognise the diversity of the local community and those in its employ. Our aim is to provide a safe environment free from discrimination where all individuals are treated fairly, with dignity and in a manner appropriate to their need.

The London Borough of Barking and Dagenham recognise that equality impacts on all aspects of its day to day operations and has produced an Equality Policy Statement to reflect this. All policies and procedures are assessed in accordance with the Equality Impact Assessment, the results for which are monitored centrally.

## **10. PRIVACY POLICY**

When you supply any personal information to us (for example when applying for something, or adding your details to an online information service) we have legal obligations towards you in the way we deal with that data.

We must collect the information fairly (see the notices on particular web pages that let you know why you are providing the information); we must let you know how we will use it; and we must tell you in advance if it becomes necessary to pass the information on to anyone else.

We will hold your personal information on our systems for as long as it is needed for the service you have requested, and remove it if the purpose has been met, or, in the case of an online information service you no longer wish to continue your listing. We will ensure that all personal information supplied is held securely, in accordance with the Data Protection Act 1998.

## **11. FREEDOM OF INFORMATION ACT 2000**

Any information that belongs to the London Borough of Barking and Dagenham may be subject to disclosure under the Freedom of Information Act 2000. From the 1 January 2005, the Freedom of Information Act 2000 allows anyone, anywhere to ask for information held by the Council to be disclosed (subject to limited exemptions).

Further information is available in the Freedom of Information Act 2000 Policy:  
<http://www.lbbd.gov.uk/CouncilandDemocracy/foi/Pages/Home.aspx>

## **12. RECORDS MANAGEMENT**

Records are created or received in the conduct of the business activities of the Council and provide evidence and information about these activities. All records are also corporate assets as they hold the corporate knowledge about the Council and its customers. The Council has a Records Management Strategic Framework and a Records Management Policy for dealing with records management that are consistent with:

- a) WHC (2000) 71 – For the Record: Managing records within Local Authorities
- b) The Lord Chancellor’s Code of Practice on the Management of Records under Section 46 of the Freedom of Information Act 2000 (November 2002)

Compliance with and the application of this policy will ensure that the Council’s records are complete, accurate and provide evidence of and information about the customers activities for as long as is required.

## **13. REVIEW**

This policy will be reviewed regularly and updated as required. Earlier review may be required in response to exceptional circumstances, organisational change or relevant changes in legislation or guidance.

## **14. MONITORING**

Details of all grievances received in respect of the application of this policy will be recorded and reported on periodically to the Parking Board.

## **15. DISCIPLINE**

Breaches of this policy will be investigated and may result in the matter being treated as a disciplinary offence under the Council’s disciplinary procedure.