

**Vehicle Removal Policy**

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## **1. Introduction**

- 1.1 It is the Isle of Wight Council's aim to undertake a fair and transparent approach to the removal of vehicles and these guidelines outline the removal of vehicles parked in contravention of on street parking restrictions to a secure vehicle storage facility.
- 1.2 These guidelines are designed to deal with vehicles that are parked in contravention of on street parking restrictions in the following circumstances:
- Persistent evader vehicles found parked in contravention
  - Fraudulent use of disabled persons parking blue badges or an article that purports to be a disabled blue badge
  - Parked in a disabled persons parking bay without displaying a disabled blue badge
  - Parked using a fraudulent Isle of Wight Council permit, voucher, scratch card or pay and display parking ticket; inclusive of cashless parking sessions and virtual permits
  - Parked in a manner that causes serious obstruction to emergency services and other road users
- 1.3 These guidelines comply with the statutory provisions of the Traffic Management Act 2004, which governs the enforcement of parking contraventions. It has also been developed in accordance with the Operational Guidance to Local Authorities: Parking Policy and Enforcement issued by the Department for Transport (DFT) in March 2008, revised November 2010 and March 2015.
- 1.4 Parking contraventions are dealt with by the issue of a Penalty Charge Notice (PCN) and, in appropriate circumstances, the removal of the vehicles.
- 1.5 As at October 2018 there are no specific legislative powers that exist to remove persistent evaders from off-street parking areas.

## **2. Council Priorities**

- 2.1 These guidelines contribute to the following Council Corporate Priorities, to:
- Greater support for local residents and visitors
  - An improved local environment, including reduced carbon emissions

## **3. General Definitions**

### **3.1 Authorised Officers**

- 3.1.1 The Parking Operations Manager and senior officers within Commercial Services are authorised to instruct removal of vehicles in contravention of the Traffic Management Act 2004.

### **3.2 Designated Parking Places**

- 3.2.1 For the purposes of these guidelines, the meaning of Designated Parking Places shall be the definition prescribed under section, 32 33, & 45 of the Road Traffic Regulation Act (RTRA) 1984.

### **3.3 Parking Device**

- 3.3.1 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.

## **4 Persistent Evaders**

- 4.1 A persistent evader is where the registered keeper of 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 a designated parking place. The Traffic Management Act 2004, and regulations made under it, prohibit the Enforcement Authority from removing the vehicle until at least 15 minutes have elapsed following the issue of a penalty charge notice (PCN).
- 4.3 Persistent evader vehicles when parked in contravention on a road and not in a designated parking place may be liable for instant removal by the Enforcement Authority immediately following the issue of a penalty charge notice (PCN).

## **5 Contravening the Blue Badge Scheme**

- 5.1 Contravention of the Blue Badge Scheme is where 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 where:

- The blue badge has been copied or is counterfeit
- The blue badge has expired or has been altered
- 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

- 5.2 Vehicles parked in contravention and in breach of the regulations **in a designated parking place**, the Traffic Management Act 2004 and Regulations made under it, prohibit the Enforcement Authority from removing the vehicle until at least 30 minutes have elapsed following the issue of a penalty charge notice (PCN).
- 5.3 For vehicles parked in contravention and in breach of the regulations on a road **not in a designated parking place** may be liable for instant removal by the Enforcement Authority immediately following the issue of a penalty charge notice (PCN)
- 5.4 A vehicle parked in a disabled persons' parking place, without displaying a valid disabled person's badge, may be subject to removal.

## **6 Fraudulent Use of Parking Devices**

- 6.1 A vehicle is parked in contravention if displaying a fraudulent parking device, this is inclusive of cashless parking sessions, virtual permits, and or a parking device which is:
- Copied or hybrid or wholly counterfeit
  - Expired and or expired /altered
  - Reported lost or stolen
  - Cancelled by the issuing Authority
  - Not issued for that vehicle
  - Abuse had been clearly established
  - The holder is no longer authorised to use the parking device
  - In the case of a Business Permit, the business ceases to exist
- 6.2 For a vehicle parked in contravention whilst displaying a fraudulent parking device in a designated parking place the Traffic Management Act 2004 (and Regulations made under it) prohibit the Enforcement Authority from removing the vehicle until at least 30 minutes have elapsed following the issue of a penalty charge notice (PCN).
- 6.3 Vehicles parked in contravention whilst displaying a fraudulent parking device on a road not in a designated parking place may be liable for instant removal by the Enforcement Authority immediately following the issue of a penalty charge notice (PCN)

## **7 Hazard or Obstruction**

7.1 This can be defined as where a vehicle is parked in contravention, in a way that is dangerous to other road users; and/or emergency service vehicles. Vehicles parked in contravention but not exclusive of the restrictions listed below will be deemed to be causing Hazard or Physical Obstruction.

<b>Contravention 01</b>	
Description	Parked in a restricted street during prescribed hours
<b>Contravention 02</b>	
Description	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force
<b>Contravention 21</b>	
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

7.2 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.

## **8. Other Vehicle Removals**

In addition to the reasons stated above, vehicles may also be removed if they are considered abandoned or are untaxed. This is carried out under different legislation to the Traffic Management Act 2004.

### **8.1 Abandoned Vehicles**

8.1.1 Vehicles considered abandoned are removed by Island Roads and as such are not part of the remit of these guidelines.

### **8.2 Untaxed Vehicles**

8.2.1 Untaxed vehicles are dealt with under The Vehicles Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1994 (as amended).

8.2.2 Untaxed cars that are not abandoned should be reported to the DVLA on their free phone number 0800 325 202.

## **9. Scope of the Guidelines**

9.1 These Guidelines are designed to deal with persistent evader vehicles, vehicles parked in breach of the Blue Badge Scheme Regulations, vehicles using fraudulent parking devices, and vehicles that are parking dangerously or causing an obstruction on the public highway. The guidelines apply within the boundaries of the Isle of Wight, including the adopted public highway and any land owned by the Council.

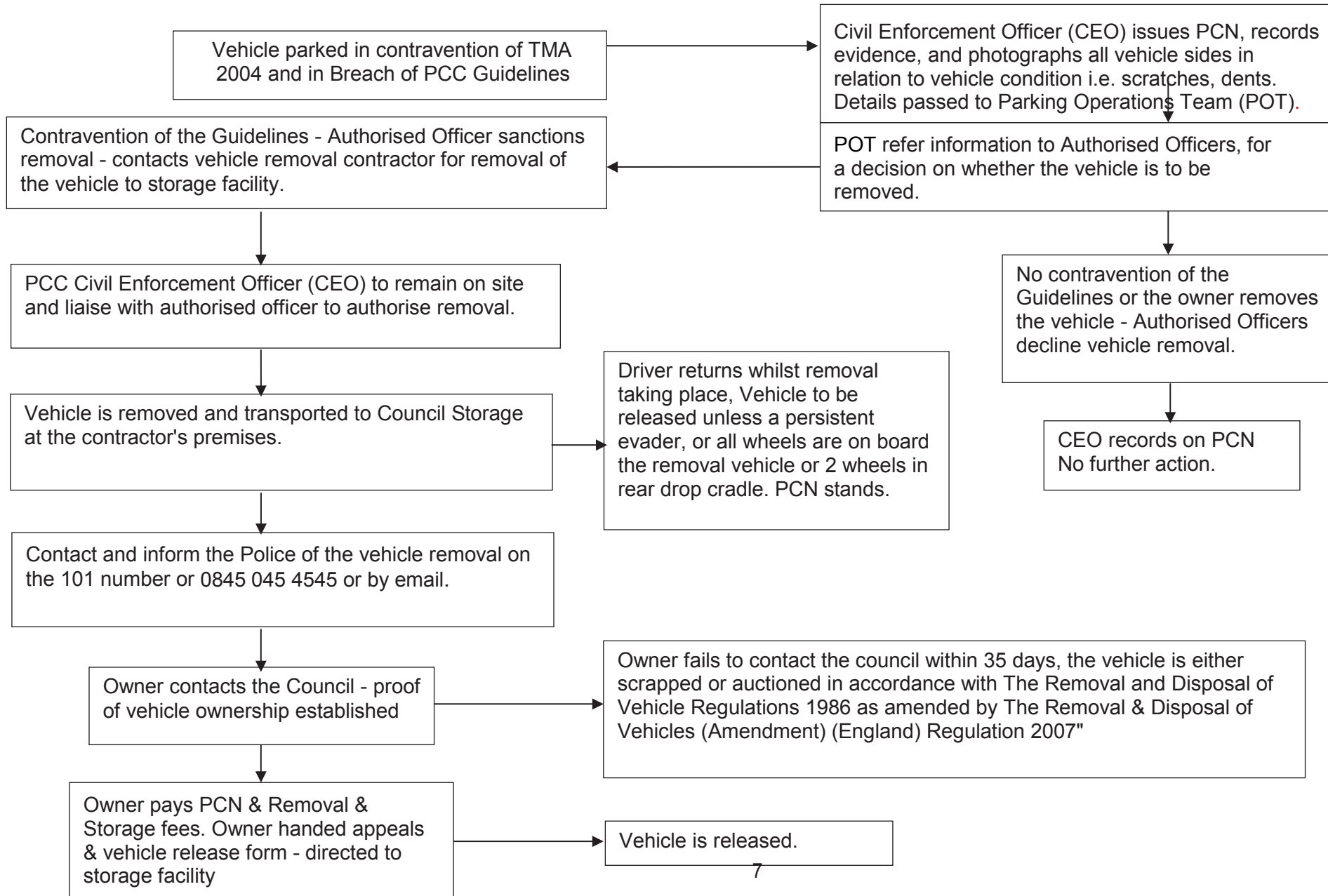
- 9.2 For the purposes of these Guidelines, the meaning of “Road” shall be the definition as contained in the Road Traffic Regulation Act (RTRA) 1984 and Traffic Management Act (TMA) 2004.
- 9.3 All TMA 2004 removals can attract an appeal from the owner/keeper; these will be treated in the same manner as a PCN appeal. If successful in appeal, all money paid in respect of the removal and storage of the vehicle will be reimbursed.
- 9.4 Vehicle compound hours are dictated by vehicle removal contractor whose current opening hours are:
- Monday to Friday 9:00 am to 5:00pm
  - Saturday/Sunday By agreed appointment only

## **10. Legislation & Guidance**

10.1 These Vehicle Removal Guidelines have been 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
- Refuse Disposal (Amenity) Act 1978
- The Removal and Disposal of Vehicle Regulations 2008
- Clean Neighbourhoods and Environment Act 2005
- The Vehicles Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1994 (as amended).
- The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)
- The Civil Enforcement of Parking Contraventions (Representations and Appeals) (England) Regulations 2007 (SI 2007/3482)
- The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (SI 2007/3487)
- The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000
- Department for Transport (DFT) Operational Guidance Traffic Management Act 2004
- Department for Transport (DFT) The Blue Badge Scheme Local Authority Guidance  
Parking Enforcement Guidelines 2015

## 11. Procedural Guidance



## **12. Process**

- 12.1 On reclaiming a removed vehicle, the owner/keeper will be required to produce proof of identity, address, and vehicle ownership; 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.

## **13. Associated Costs**

- 13.1 The associated costs for vehicle removal, storage and or disposal of vehicles removed for parking contraventions under Traffic Management Act 2004; are prescribed by the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (SI 2007/3487).

- £105 for vehicle removal
- £12 per day vehicle storage or each day or part day during which the vehicle is impounded
- £50 vehicle disposal

- 13.2 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.

- 13.3 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 2007/3482. If an appeal is successful, all monies paid in respect of the removal and storage of the vehicle will be reimbursed in full.

- 13.4 Vehicles dealt with as abandoned or untaxed attract a different pricing structure to those above, details of which can be gained through contacting our Vehicle Recovery Officer.

## **14. Conditions of Guidelines**

- 14.1 The final decision to remove a vehicle parked in contravention of this Policy & the Traffic Management Act 2004 will be taken by the Parking Operations Team senior authorised officers. For the purpose of this policy, *Authorised Officer* includes:

- Head of Commercial Services
- Commercial Services Manager
- Parking Operations Manager

- 14.2 The above information is for guidance only. A senior Isle of Wight Council authorised officer may remove a vehicle without following this guidance if there are compelling grounds to do so.

## **15. Disclaimers**

- 15.1 Provided the guidelines and procedures have been followed correctly, the Council shall not be responsible for compensating any person or persons following the removal of a vehicle or its contents.

- 15.2 The 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, or when legislation changes dictate or when elected members agree change to it.