



Vehicle Removal Policy

Communities
Directorate

January 2021

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1. Introduction

It is Buckinghamshire Council's aim to undertake a fair and transparent approach to the removal of vehicles and this Policy outlines the removal of vehicles parked in contravention of on street parking restrictions to a secure vehicle storage facility.

This Policy is 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 Buckinghamshire Council permit, voucher, 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

This Policy complies 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.

Parking contraventions are dealt with by the issue of a Penalty Charge Notice (PCN) and, in appropriate circumstances, the removal of the vehicles.

2. Council Priorities

This Policy contribute to the following Council Corporate Priorities, to:

- Reduce crime and fear of crime.
- Regenerate the County of Buckinghamshire.
- Greater support for local residents, businesses, and visitors.
- An improved local environment, including reduced carbon emissions

3. General Definitions

Authorised Officers

The Head of Parking and the Parking Operations Manager are authorised to instruct removal of vehicles in contravention of the Traffic Management Act 2004.

Designated Parking Places

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

Parking Device

For the purposes of **this Policy**, the meaning of Parking Devices shall be the definition prescribed under section 51 of the Road Traffic Regulation Act (RTRA) 1984.

4 Persistent Evaders

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. For the purpose of this Policy Buckinghamshire Council deems five PCNs or more to be a persistent evader.

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).

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

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 displaying a disabled parking blue badge that is:

- Copied or is counterfeit.
- 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

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).

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)

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

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 or has been altered/duplicated.
- Reported lost or stolen.

- Cancelled by the issuing Authority.
- Parking device is 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

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).

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

This is defined as a vehicle that 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.

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

Exemptions: 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. Scope of the Policy

This Policy is 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 Policy applies within the boundaries of the Buckinghamshire County, including the adopted public highway and any land owned by the Council.

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.

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.

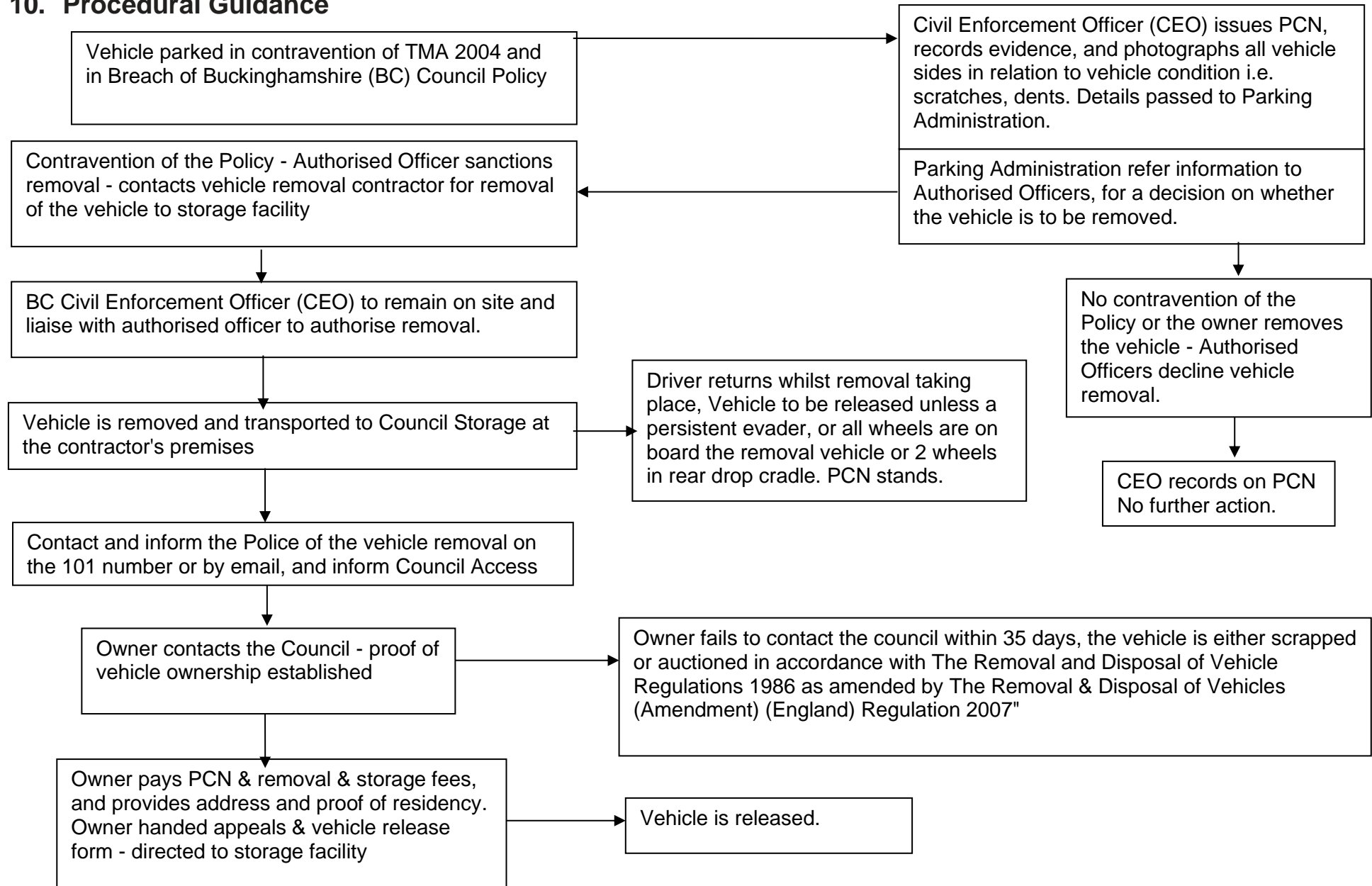
Vehicle compound hours are dictated by the vehicle removal contractor. The hours of operation can be found on the Council website <https://www.buckinghamshire.gov.uk/> under Parking.

9. Legislation & Guidance

This Vehicle Removal Policy has 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
- The Removal and Disposal of Vehicle Regulations 1986
- The Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007
- 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

10. Procedural Guidance



11. Process

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

12. Associated Costs

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.

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.

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. Conditions of Policy

The final decision to remove a vehicle parked in contravention of this Policy and the Traffic Management Act 2004 will be taken by the authorised officers. For the purpose of this Policy, Authorised Officer includes:

- Head of Parking
- Parking Operations Manager

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

14. Disclaimers

Provided the Policy 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.

The Policy shall be enforced from the date of adoption, and will remain in force until formally revoked or superseded. This Policy will be reviewed annually, or when legislation changes dictate or when elected members agree change to it.