



Appendix B

Vehicle Removal Guidelines

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Contents

1. Introduction	P1
2. City Council Priorities	P1
3. General Definitions	P2
4. Persistent Evaders	P2
5. Contravening the Blue Badge Scheme	P2
6. Fraudulent Parking Devices	P3
7. Hazard & Obstruction	P4
8. Other Vehicle Removals	P5
9. Scope of the Guidelines	P6
10. Legislation and Guidance	P6
11. Procedural Guidance	P7
12. Process	P8
13. Associated Cost	P9
14. Conditions of Guidelines	P9
15. Disclaimers	P10

1. Introduction

It is Portsmouth City 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 and off street parking restrictions to a secure vehicle storage facility.

These guidelines are designed to deal with vehicles that are parked in contravention 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 Portsmouth City 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.

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.

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 city council's Enforcement Policy for Parking contraventions ([link](#))

2. City Council Priorities

These guidelines contribute to the following Council Corporate Priorities, to:

- Reduce crime and fear of crime
- Regenerate the city
- Have a cleaner and greener city
- Protect and support our most vulnerable residents

3. General Definitions

3.1 Authorised Officers

Parking Section Senior Officers are authorised to instruct removal of vehicles in contravention of the Traffic Management Act 2004

3.2 Designated Parking Places

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

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 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 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 Counterfeit
- Expired or Expired / 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 whilst displaying a fraudulent parking device, 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
- 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

- 6.2** A vehicles 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

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.

7.1 Contravention 01

Description: Parked in a restricted street during prescribed hours

7.2 Contravention 02

Description: Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force

7.3 Contravention 21

Description: Parked in a suspended bay or space or part of a space

7.4 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.

7.5 Contravention 48

Description: Stopped in a restricted area outside a school when prohibited.

7.6 Contravention 47

Description: Stopped on a restricted bus stop or stand.

7.7 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. 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

Vehicles considered abandoned are removed under one of the following Acts-

- Refuse Disposal (Amenity) Act 1978
- Removal and Disposal of Vehicles Regulations 2008
- Road Traffic Regulation Act 1984
- Clean Neighbourhoods and Environment Act 2005

There are a number of stages related to abandoned vehicles, below is given a brief overview of this process-

- Report received.
- Visit vehicle, checking for clues on vehicle as to whether abandoned and photograph vehicle if suspect if appropriate.
- Checks made with the DVLA, Police National Computer and any other agencies as may be relevant.
- If considered abandoned after checks, a letter is sent to ascertain ownership interest- if vehicle is in poor condition and/or threat of arson or vandalism then the vehicle can be impounded immediately.
- After deadline set out in the letter expires - vehicle is revisited, photographed and if in situ and no owner interest then can be impounded.
- Letter sent to registered owner to inform them the vehicle has been impounded.
- If the vehicle is not claimed, then the vehicle can be disposed of as required.

8.2 Untaxed Vehicles

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

In dealing with untaxed vehicles the process is very similar to the abandoned vehicles are dealt with, the differences being that we inform the DVLA of vehicle impounding and the DVLA will inform the keeper that the vehicle has been removed. Vehicles are only disposed of when authorised by the DVLA.

9. Scope of the Guidelines

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 Portsmouth, including the adopted public highway and any land owned by the Council.

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.

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 vehicle removal contractor whose current opening hours are:

8:00 am to 5:00 pm	Monday to Friday
8:00 am to 12:30 pm	Saturday

10. Legislation & Guidance

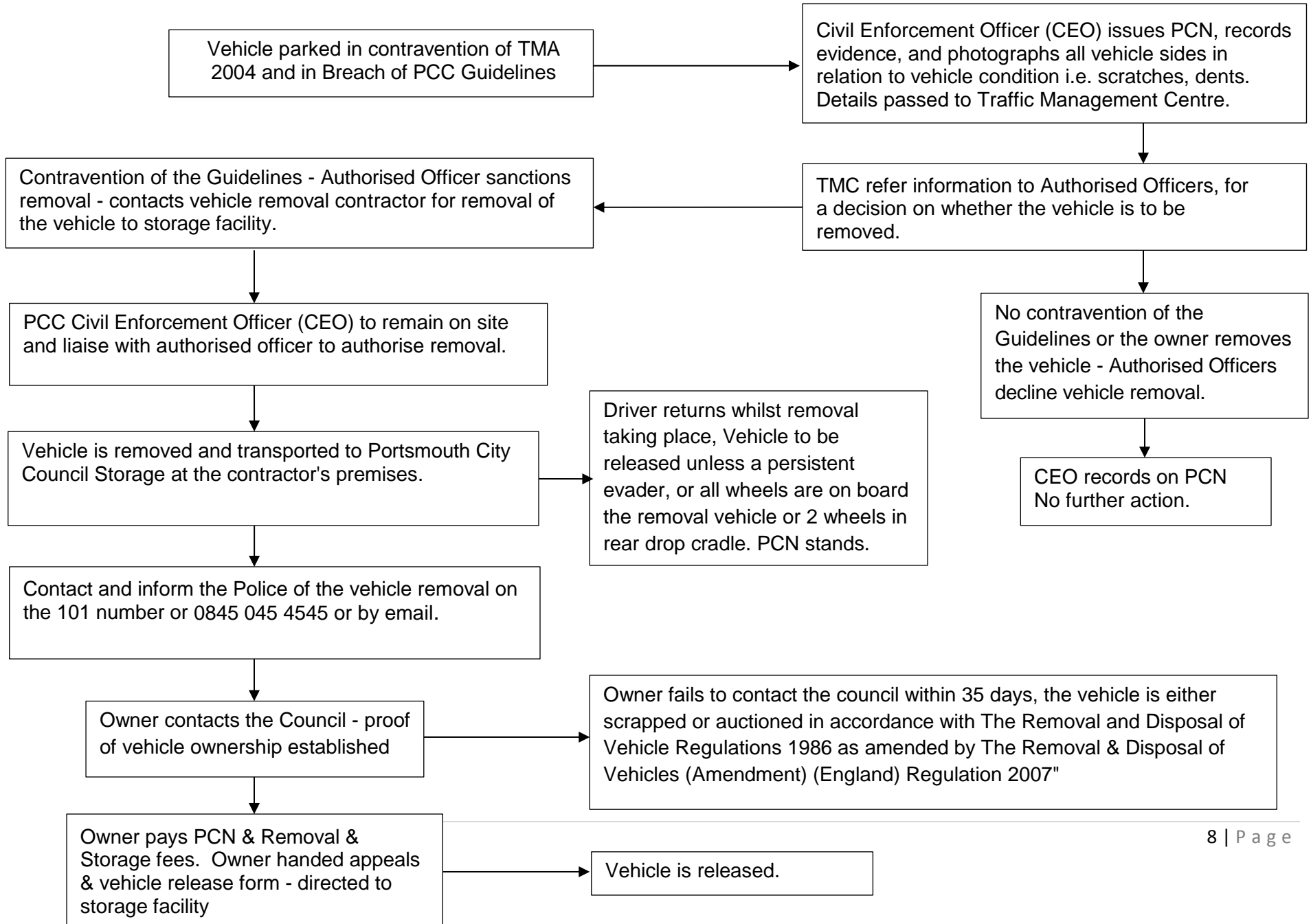
These Vehicle Removal Guidelines have been developed in line with the Secretary of State’s recommendations and in conjunction with the following documents:

- 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

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

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.

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

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:

- Parking Operations Manager
- Parking Office Manager or Parking Office Supervisor
- Parking Investigations Officer
- Enforcement Supervisors

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

15. Disclaimers

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.

The Guidelines shall be enforced from the date of its adoption, and shall 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