

EAST HERTS COUNCIL

ENVIRONMENT SCRUTINY COMMITTEE – 13 NOVEMBER 2012

EXECUTIVE – 4 DECEMBER 2012

REPORT BY EXECUTIVE MEMBER FOR ECONOMIC DEVELOPMENT

VEHICLE REMOVALS (TRAFFIC MANAGEMENT ACT 2004)

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To confirm the policy framework and priorities for the operation of a vehicle removal service in East Herts.
- To confirm the mechanism by which the associated charges will be set.

RECOMMENDATION FOR ENVIRONMENT SCRUTINY COMMITTEE:

That:

(A)	The policy framework and priorities for operation of the East Herts vehicle removal service as set out in ERP 'B' are supported and recommended to the Executive for adoption.
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RECOMMENDATIONS FOR EXECUTIVE: That:

(A)	Executive adopts the policy framework and priorities for the operation of the East Herts vehicle removal service as set out in ERP 'B'
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(B)	Executive agrees the inclusion of the proposed removal, storage and disposal charges within the Council's forthcoming Fees and Charges report.
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1.0 Background

1.1 By virtue of decisions made at the Executive on 7 February 2012 and full Council on 22 February 2012 East Herts Council has

extended its Civil Parking Enforcement (CPE) powers to permit the removal of vehicles parked in apparent contravention. It is necessary to set the policy framework and priorities to underpin the delivery of this new service and to set the associated charges.

2.0 Report

2.1 Statutory Guidance issued by the Secretary of State for Transport emphasises the traffic management purposes of CPE. In respect of vehicle removals the following extracts from Statutory Guidance are pertinent:

- “Where an authority has to immobilise or remove a vehicle outside London, the charges **must** accord with guidelines set by the Secretary of State....The charges should be set no higher than required to meet the reasonable costs of the immobilisation/removals procedure. They should not generate a surplus.” (Paragraph 23).

- “An enforcement authority should formulate and publish clear guidelines for Civil Enforcement Officers on when it will be appropriate to immobilise or remove. The guidelines should cover the order of priority in which vehicles should be dealt with, based on the nature of the contravention.” (Paragraph 52).

- “When parked in contravention, a persistent evader’s vehicle should be subject to the strongest possible enforcement... This is likely to involve immobilisation or removal.” (Paragraph 66).

2.2 When letting its current enforcement contract in 2011, East Herts Council invited tenderers to propose how a vehicle removals service might operate in East Herts. The most economically advantageous tender, from NSL, contained a proposal based on the Council leasing a removals vehicle on an occasional basis together and the use of an existing NSL car pound in Edmonton. The cost to the Council would be approximately £440 a day for the vehicle with the provision of five storage spaces at NSL’s pound costing approximately £35 a day.

2.3 Funding of £20,000 for the introduction of a removal capability was agreed from 2012/13 through the MTFP process; however implementation did not take place in 2012/13 due to a requirement to spend longer than might have been anticipated on ‘bedding in’ the new enforcement contract.

- 2.4 The mixture of removal and storage days this £20,000 might fund would depend on how long vehicles were stored before they were claimed or destroyed; however officers are working on the assumption that a maximum of three removal days a month could be funded.
- 2.5 Revenue will accrue from motorists' payment of the recovery and ancillary charges; however this is a new service and the Council will not be in a position to identify the true (i.e. net) cost of the service until up to a full year of operation has elapsed. Officers therefore recommend adoption of the maximum permitted charges at the outset to maximise the likelihood of the service achieving cost neutral status. These charges, as currently permitted by the Secretary of State are £105 for retrieval of a vehicle, £12 a day for storage and £50 for disposal. The cost of the removal service would be reviewed annually, just as the Council's other parking fees and charges are reviewed. These financial considerations are summarised in '**Essential Reference Paper 'A'**'.
- 2.6 The Council is required to adopt formally the charges proposed in (2.5) above. It is recommended that this is done as part of the Council's forthcoming annual Fees and Charges setting exercise.
- 2.7 To ensure compliance with Paragraph 52 of Statutory Guidance, it is important to set policies against which the vehicle removal service will operate. Members are asked to agree and adopt these priorities for the use of this service as proposed in **Essential Reference Paper 'B'**.
- 2.8 A fast track statutory representations and appeals process exists for motorists whose vehicles have been removed and who wish to challenge the Council's actions.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

- i) Traffic Management Act 2004 (Part 6)

- ii) The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions (2008)
- iii) The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (SI 2007 No. 3487)
- iv) The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007 No. 3483)
- v) The Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007 (SI 2007 No. 3484)

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