

East Herts Council
Vehicle Removals Policy

Introduction

East Herts Council seeks to demonstrate a fair, transparent, equitable and proportionate approach all its parking enforcement activities. The Council will apply these principles to the removal of illegally parked vehicles. In support of this we will operate a removals policy which prioritises for attention vehicles that:

1. Are parked dangerously or obstructively.
2. Belong to motorists who have received a number of Penalty Charge Notices that have been neither paid nor challenged (persistent evaders).
3. Have received a Penalty Charge Notice that is unlikely to be unenforceable through other means.
4. Are disadvantaging other service users – for example blue badge holders, resident parking permit holders and users of limited waiting free parking bays.
5. Are parked in contravention in one of the Council's off-street car parks.

1. Dangerous or Obstructive Parking

Single and double yellow lines are the primary means of indicating to motorists where parking *may* be dangerous or obstructive. When in operation, single and double yellow lines have equal status. The essential difference is that double yellow lines operate 24hrs a day whilst single yellow lines operate for a shorter period.

*A vehicle parked in contravention on a double or single yellow line where a Penalty Charge Notice has been issued will be a **high priority** for removal as soon as the Notice has been served.*

Some yellow lines carry with them a ban on loading or unloading, denoted by the presence of kerb “blips”. Loading bans are typically imposed where it would be *particularly* unsafe for a vehicle to park.

*A vehicle parked in contravention on a double or single yellow line with a loading ban in operation and where a Penalty Charge has been issued will be a **high priority** for removal as soon as the Notice has been served.*

Zig-zag yellow lines in the vicinity of schools and white zig-zags leading up to pedestrian crossings are variants of the above.

*A vehicle parked on zig-zags which receives a Penalty Charge Notice will be a **high priority** for removal as soon as the Notice has been served.*

2. Persistent Evaders

Statutory Guidance issued by the Secretary of State for Transport defines a ‘persistent evader’ as a motorist who has incurred three or more recorded contraventions for their vehicle where the PCNs for these have not been paid, represented against or appealed against within the statutory time limits, or their representations and appeals have been rejected but they have still not been paid. Statutory Guidance also advises that when parked in contravention, a persistent evader’s vehicle should be subject to the strongest possible enforcement following the issue of the PCN.

*A vehicle belonging in the above category which receives a Penalty Charge Notice will be a **high priority** for removal no earlier than 15 minutes after the Notice has been served unless it falls into one of the categories detailed in (1) above.*

3. Otherwise Unenforceable PCNs

Motorists driving foreign registered vehicles have a high chance of evading liability for penalty charges they receive. The enforcement process is dependant on keeper information passed to the Council by the Driver and Vehicle Licensing Agency. Almost by definition foreign registered vehicles are not registered with the DVLA; therefore it is not possible to pursue payment. This is inequitable.

*Foreign registered vehicles that receive a Penalty Charge Notice will be a **medium priority** for removal unless they fall into one of the categories detailed in (1) above.*

4. Disadvantage to Other Road Users

A number of on-street parking bays are designated for the use of defined categories of motorist. Examples of these include bays designated for the use of blue badge holders and bays reserved for goods vehicles to load and unload. Additionally, a number of bus stops in East Herts restrict parking to allow bus services to pull in safely to the kerb – for the benefit of passengers and other road users.

*Vehicles parked in restricted bays or restricted bus stops and which receive a Penalty Charge Notice will be a **medium priority** for removal as soon as the Notice has been served.*

*Vehicles parked in limited waiting free bays and which receive a Penalty Charge Notice will be a **medium priority** for removal no earlier than 30 minutes after the Notice has been served.*

A number of streets in our towns are designated for resident permit parking only.

*A non permit bearing vehicle which receives a Penalty Charge Notice for being parked in a resident permit parking area will be a **medium priority** for removal no earlier than 30 minutes after the Notice has been served.*

5. Off-Street (Car Park) Contraventions

Vehicles parked in contravention in car parks are unlikely to be compromising road safety or impacting the expeditious movement of traffic to the same extent as vehicles parked in contravention on the highway.

*Vehicles parked in contravention in East Herts car parks which receive a Penalty Charge Notice will be a **low priority** for removal no earlier than 30 minutes after the Notice has been served, unless they fall into one of the high or medium categories above.*

PRIORITY FOR VEHICLE REMOVALS - SUMMARY

Priority	Manner of Parking	Comments
High	Where a vehicle with is parked on-street in apparent contravention of a single or double yellow line restriction.	The safety justification for this being a priority is clear and such enforcement has been accorded high priority by East Herts residents.
	Where a vehicle is parked on-street on a single or double yellow line where loading/unloading is prohibited.	Loading bans are typically imposed where it would be particularly unsafe for a vehicle to park.
	Where a vehicle is parked on-street in apparent contravention of school 'zig-zag' or zebra crossing 'zig-zag' restrictions.	The safety justification for this being a priority is clear and such enforcement has been accorded high priority by East Herts residents.
	Where a vehicle's owner is classed as a 'persistent evader' by virtue of the vehicle having three or more recorded contraventions where the PCNs have not been paid, represented against or appealed against within the statutory time limits or where representations/appeals have been rejected and the PCNs remain unpaid. (The PCN giving rise to the removal action with therefore be at least the fourth 'live' PCN issued to the vehicle in question).	Motorists sometimes fail to register their vehicle correctly with the DVLA in an attempt to avoid paying parking and other "fines". Removing the vehicle forces a motorist to identify him/her self to the Council.

Priority	Manner of Parking	Comments
Medium	Where a foreign registered vehicle parks in contravention.	The Council cannot pursue payment of Penalty Charge Notices issued to vehicles that are not registered with the DVLA. Removing the vehicle forces the motorist to identify him/her self to the Council
	Where a vehicle is parked on-street in an enforceable blue badge bay without displaying a valid blue badge.	Blue badge holders are particularly disadvantaged if their carefully sited parking bays are abused by non blue badge holders.
	Where a vehicle is parked on-street in an enforceable loading bay or bus stop.	Local businesses and public transport users are particularly disadvantaged if these bays are abused by non-eligible motorists.
	Where a vehicle is parked on-street in a limited waiting (free bay) Where a vehicle is parked on-street in a resident permit parking place without displaying a valid permit.	The economic well being of our towns depends in part on a healthy turnover of these limited waiting bays. Part of the annual cost to the resident of a parking permit is designed to fund the enforcement of resident permit parking zones.
Low	All off-street (car park) contraventions (unless the motorist falls into the category of 'Persistent Evader' as described above).	Vehicles parked in apparent contravention in car parks are low priority for removal on traffic management grounds.