

4 July 2013

Agenda Item:

REPORT OF SERVICE DIRECTOR, HIGHWAYS

CIVIL PARKING ENFORCEMENT – REMOVAL OF VEHICLES

Purpose of the Report

1. The purpose of this report is to approve the use of powers to remove vehicles which in exceptional circumstances contravene waiting restrictions and are obstructing works or events and to enter into arrangements with Nottingham City Council for their removal.

Information and Advice

2. From time to time, despite the presence of a waiting restriction and, in the case of temporary restrictions, associated publicity and advance signing, vehicles are left parked at locations creating an obstruction and causing operational difficulties for those undertaking works or managing events.
3. In recent years a small number of cars have remained parked alongside Trent Bridge cricket ground for several days during the pre-match preparations for major events causing considerable disruption to those preparations and to a lesser extent raising concerns about ground safety and security.
4. These vehicles have been located within areas in which large traffic signs have been clearly displayed for two weeks or more prior to the introduction of a waiting prohibition and about which the cricket club have delivered publicity materials to local premises, in addition to on-street legal notices and newspaper advertising.
5. It has been possible to contact some drivers with assistance from the police but in 2012 and 2013 drivers could not be located and vehicles had to be removed by making use of ad-hoc resources that could be obtained at the time.
6. This approach has not only resulted in delays to the removal of the vehicles but also added considerable pressure to those undertaking preparations. It has also demonstrated that the appropriate specialist equipment is not readily available (which increases the risk of damage to vehicles).
7. The General Safety Certificates for major sports grounds (issued by the County Council) require clubs to take appropriate measures to ensure the safety of spectators. This will always include measures to maintain access to and egress

from their stadium. Accordingly, clubs may need to ensure that roads in the immediate vicinity of the stadium are clear of parked vehicles during fixtures. Whilst this is a requirement placed on the club, it is only the traffic authority which can fulfil the requirement. Although it has not been necessary to remove vehicles for this purpose to date, establishing a method of removal will remove the risk to the condition that currently exists.

8. It is also not uncommon for County Council highway works to be affected by parked vehicles. Whilst the impact may be relatively small for routine maintenance such as localised access to an individual gully, the costs can be significant in some circumstances for example if road surfacing cannot be undertaken and a repeat visit is necessary.
9. Occasionally the police also request that waiting restrictions are implemented and/or enforced including the removal of vehicles. Whilst there is potential for the police to undertake the removal where security is the objective it is evident that their contractor also lacks appropriate equipment.
10. It is proposed that removal of vehicles will be undertaken only when there are specific operational reasons authorised by a designated authorising officer in addition to the requirements of the relevant regulations which specify that a Penalty Charge Notice must have been issued and the removal be directed by a Civil Enforcement Officer.
11. It is proposed that a designated authorising officer shall be the Traffic Manager, Parking and Enforcement Manager or a District Council Parking Manager.
12. Removed vehicles will usually be relocated onto the same street or a nearby street but in exceptional circumstances they may need to be removed to a secure location.
13. Experience has shown that this operation requires specialist equipment which is not widely available. It is therefore proposed that this work is undertaken by Nottingham City Council and would include provision of a 'pound' for storage of vehicles if necessary. Appropriate quotations are being obtained.
14. Regulations specify the charges that can be levied for the removal of vehicles and for the vast majority of vehicles this is set at £150.
15. It is not proposed to use these powers to remove vehicles as part of the routine civil parking enforcement.

Other Options Considered

16. Use of private sector contractors has demonstrated that the necessary equipment is not readily available whilst the City Council has both the appropriate equipment and considerable expertise in its use.

Reason/s for Recommendation/s

17. To reduce impact on events and works due to vehicles causing obstruction.

Statutory and Policy Implications

18. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for Service Users

19. Providing a clear position on the removal of vehicles will benefit both event organisers and works promoters. It should be noted that the relevant regulations require that vehicles displaying a disabled persons badge should only be removed from the street when relocation cannot be accommodated. It is intended that this approach will be adopted for all vehicles.

Financial Implications

20. The timely removal of obstructing vehicles will minimise lost time and abortive work and thereby reduce the risk of additional costs to event organisers or those undertaking work. Where practical the removal costs can be recovered from the vehicle owner but it is estimated that when the cost is borne by the organiser/promoter the savings will outweigh those costs.

RECOMMENDATION/S

- 1) That the use of powers to remove vehicles be approved
- 2) That vehicle removal shall be subject to specific authorisation by an authorised officer
- 3) That arrangements shall be made with Nottingham City Council for the provision of removal services.

Andrew Warrington
Service Director (Highways)

For any enquiries about this report please contact:
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Constitutional Comments (SHB 18/06/13)

21. Committee have the power to decide the Recommendation.

Financial Comments (TMR 17/06/13)

22. The financial implications are set out in paragraph 20 of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

The Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007 - (SI 2007 No. 3484)

The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008 – (SI 2008 No. 2095)

Electoral Division(s) and Member(s) Affected

All