



Executive
22 April 2014

**Report from the
Strategic Director of Environment and
Neighbourhoods**

For Action

Wards Affected: ALL

Event Day Parking and Vehicle Removals

1.0 SUMMARY

- 1.1 This report responds to concerns that the Council's practice in respect of the removal to the car pound of illegally parked vehicles results in the unnecessary removal of a number of vehicles for which a Penalty Charge Notice (PCN) would be sufficient and appropriate. It proposes a pilot in which removals would not take place for less serious parking offences whilst impacts on compliance are monitored to inform a longer term policy on removals
- 1.2 Concerns have also been expressed that the Council's existing enforcement of the controls within the Wembley Stadium Protective Parking Zone (Event Day Zone) starts too early in the day which unnecessarily inconveniences residents. A trial of later start times to enforcement is proposed.

2.0 RECOMMENDATIONS

- 2.1 That the Executive notes the analysis of vehicle removals in Brent in comparison to other London Boroughs set out in paragraphs 3.5 to 3.10 and the financial implications in paragraphs 4.1 to 4.8.
- 2.2 That the Executive agrees to a pilot of an alternative policy regarding the removal of illegally parked vehicles for a period from 1 May 2014 up to the end of October 2014 as described in paragraphs 3.12 to 3.16 and Appendix A to this report.
- 2.3 That the Executive delegates to the Operational Director, Environment & Protection authority to amend the policy and arrangements being piloted through the life of the pilot in consultation with the Lead Member for Highways and Transportation.

- 2.4 That the Executive instructs officers to bring a report on the conclusions reached from the pilot regarding the removals of illegally parked vehicles to a future Highways Committee and Executive meeting.
- 2.5 That the Executive agrees to a trial of the revised arrangements for the start and finish times of Event Day enforcement described in paragraph 3.20 for the remainder of 2014 and that a further report be brought to the Highways Committee and Executive on the conclusions of the trial before the first Stadium Event of 2015.

3.0 DETAILS

Vehicle Removals

- 3.1 Vehicles which are illegally parked can be issued with a PCN. In addition to this penalty the Council has the power to remove such vehicles to a car pound. Drivers recovering such vehicles pay the Penalty Charge and a further charge of £200 (set by statute) before their vehicle is returned to them. A further charge of £40 (also set by statute) is made for storage of the vehicle for each day after the first.
- 3.2 Brent's approach to vehicle removals has been broadly unchanged since the introduction of the Traffic Management Act in 2004. The level of deployment of removal vehicles is set by the Council. Usual levels are described in the next paragraph. Discretion to authorise the removal of individual vehicles rests with the Civil Enforcement Officer (CEO) on the removal vehicle. Whilst it is widely accepted that removal is appropriate for inconsiderate, obstructive and dangerous parking, removal can legally take place for a much wider range of offences. The Council has no formal policy in place to guide CEOs as to the use of the power to remove vehicles. The current minimum criteria for removal are set out for each offence in Appendix A.
- 3.3 The council operates a removal arrangement seven days a week between 8am and 8pm, typically using two removal trucks six days a week, and just one truck on Sunday and Bank Holidays. No removals take place on Christmas Day. Officers use discretion to deploy at different levels as events demand. This typically involves three removal vehicles on event days and Notting Hill Carnival, which both have high levels of inconsiderate parking
- 3.4 The service operates from a base provided by the parking contractor in Park Royal. This facility is shared by Brent and Hounslow. The removal vehicles and drivers are hired on an hourly rate by the parking contractor from a sub-contractor.
- 3.5 The number of removals has been broadly consistent at around 4,000 removals per year over recent years. Around 15-20% of removals take place on Wembley Stadium Event Days. Event Days constitute around 10% of days in the year so between 50% and 100% more vehicles are removed on an average Event Day than on a non-Event Day. This reflects both the higher levels of non-compliance and the higher deployment of removal vehicles on Event Days.

Year	Vehicles removed
2010/2011	3,889
2011/2012	4,272
2012/2013	4,084
July 13 to Feb 14	1885

3.6 Vehicles must be in receipt of a PCN before they can be removed. PCNs are categorised into to broad groups. The 'High' category of PCNs are more serious offences and attract a higher financial penalty. Concerns were expressed last year when Which Magazine published a survey which was reported more widely which concluded that Brent removed a disproportionately large number of vehicles for less serious offences compared to other authorities.

3.7 Analysis of the vehicles that have been removed since the commencement of the new parking contract in July 2013 has not substantiated this conclusion. It shows that removal is overwhelmingly focussed on more serious offences. The results of this analysis are shown in the table below.

Category	% PCNs	% Removals
High	54.1	94.4
Low	45.9	5.6%

3.8 Furthermore, the small number of removals in the lower category is very likely to represent persistent evaders, namely vehicles that are parked illegally, that have three or more previously issued and unpaid or unchallenged PCNs. Persistent evaders are removed in circumstances that would not warrant removal for other drivers.

3.9 2012-13 is the most recent year for which comparative data is available. In that year, of the 33 London Boroughs, 18 had a removal arrangement in place, with the other 15 having no removals. Of the 18 boroughs undertaking removals, Brent removes more vehicles than all except Kensington and Chelsea, Lambeth and Newham. The average number of vehicles removed each year for the 18 boroughs was just over 2,500 compared to Brent's 4,000.

3.10 It is not unreasonable for Brent to be more active in removing vehicles than other London Boroughs by virtue of our role as host for the National Stadium. However, the higher level of activity on Event Days only accounts for at most 400 of the excess. Other factors must account for the rest of the higher level of activity than the average of other London Boroughs with a removal service

3.11 The aim of vehicle removals must be to tackle dangerous parking which puts the safety of other road or footway users at risk, obstructive parking which prevents the free flow of traffic or people or impedes buses, and inconsiderate parking which prevents access to dropped kerbs at junctions, authorised driveways, disabled parking bays, dedicated bays for other classes of vehicles or obstructs footways. In addition, removals have a role to play in tackling repeat offenders who do not pay their PCNs. Removals are also necessary to ensure that suspended parking bays are available to those that have asked and paid for the suspension.

- 3.12 Officers consider it appropriate to undertake a pilot in which removals are concentrated on the categories of offences set out in Appendix A to this report. The pilot will be to establish the impact of a more focused approach to the use of vehicle removals on compliance, volumes of removals and the impact on residents and other road users and, following evaluation of the pilot a policy on future use of the removal power will be developed and brought to the Highways Committee and the Executive.
- 3.13 Officers have undertaken a review of our approach to each specific type of parking offence. In this regard, we have used the categories of offence determined by London Councils and used by all London Boroughs.
- 3.14 Appendix A sets out each contravention type, our longstanding approach and the approach proposed to be taken during the forthcoming pilot. It can be seen that the pilot seeks to take a stronger approach in respect of persistent parking offenders and against those offences that are the most dangerous or inconsiderate. It does this by relaxing removal criteria, initially in 13 of the contravention types.
- 3.15 The impact of these changes is uncertain, hence the need to pilot them. We do not know whether the present levels of enforcement in the serious categories represents the full extent of non compliance or whether the removal of vehicles for less serious offences is using capacity which could be tackling the serious cases. We cannot be clear about the impact of more enforcement against the serious cases and whether it will reduce levels of non-compliance.
- 3.16 It is proposed that the pilot runs for up to six months from 1 May 2014 up to the end of October 2014 and it is recommended that officers be allowed to vary the criteria initially proposed for the pilot. This may be necessary for a number of reasons: to allow unanticipated problems to be dealt with in a flexible way; to take account of learning as the pilot progresses; or to seek efficiencies in the contractor's operation through, for example, harmonising removals practices with Ealing and Hounslow, our partners in the contract.. For example, should the impact on available residents' parking near the stadium on Event Days cause significant problems it may be appropriate to amend the criteria during the pilot. Following the pilot a report will be brought to a future Highways Committee and Executive recommending consultation over a formal policy.

Removal customer experience

- 3.17 Vehicle removals are potentially stressful, worrying and confusing for drivers. It is intended that the pilot seeks to explore options for making arrangements more straightforward. Improvements are planned in three areas:
- ◆ providing clearer information for drivers on how to get to the pound;
 - ◆ explore whether information held on file for some vehicles could be used to inform vehicle keepers by text message or email that the vehicle has been removed;
 - ◆ reducing where possible the longstanding requirement that three forms of identification are required before vehicle release especially for drivers that live some way away. The longstanding requirement is a driving licence, vehicle registration document and a utility bill.

Event Day Parking

- 3.18 Event day enforcement operates from 8am until midnight. This has recently been raised as an issue for local people as the profile of events has changed. Traditionally sporting events commenced at 3pm and finished at 5 or 6 pm with the area clear within a couple of hours. Recently start times for some sporting events have been moved to later in the day at 4 or 5pm with some as late as 7.45pm. Many Stadium concerts have late starts. It is likely that with the transition of Wembley Park from a venue location to a more mixed venue, retail and entertainment destination that visitor behaviour will change further.
- 3.19 In this environment event day enforcement starting at 8am for events that start in the early evening can be unnecessarily disruptive for local people. However, it is not practical to change the framework of approved event day enforcement times on an event to event basis. To do so would mean changing the signs and Traffic Management Orders, which would entail a statutory public consultation for each event. This would be both expensive to the Council, and inconvenient for residents.
- 3.20 It is therefore proposed to run a trial of a different approach. We would retain the event day controls from 8am and midnight, but would adjust the time at which we deploy enforcement resources according to the start and finish time of events and Police and public transport provider advice. Our initial plan is to not start enforcement until 3 hours before the event start and to end it 3 hours after the event. We would publicise this on the website, social media, Variable Message Signs and local press. It is possible that this approach will be adjusted as experience from the trial is accumulated.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The removals service is provided by the parking contractor using a variable cost based on deployed hours. The contractor receives no payment variable upon PCNs issued or vehicles removed. All income goes directly to the Council.
- 4.2 The Council has budgeted for 7,524 deployed truck hours per annum. Based upon existing removal criteria, and deployment volumes, the Council has a budgeted revenue expectation of £839,000 p.a. (made up of removal and storage charges). The statutory fee for removals is set for the whole of London at £200 and this income expectation is largely driven by the numbers of removals multiplied by that fee.
- 4.3 The costs of the service comprise the costs for a vehicle, driver and 'on-board' Civil Enforcement Officer: built into an hourly rate, the costs of provision of the vehicle pound and its staffing, management costs and overheads. Together these amount to approximately £600k per annum of which around a third are fixed costs.
- 4.4 More than 90% of removals at present fall within offence codes where some relaxation is proposed. The reduction in removals under the proposed criteria is impossible to predict. Even where criteria are relaxed there will continue to be removals for these offence codes. An important element of the proposed pilot will be to understand the extent to which serious offences are presently not being enforced against because of the use of the removal vehicles in dealing with less serious offences.

- 4.5 Loss of revenue could be significant. If the number of removals reduces to the London average (2,600) the loss would be £320k. If the number halves to 2,100 the loss would be £420k in a full year.
- 4.6 The reduction in income will require discussions with the Council's Contractor, Serco, on how levels of expenditure may be reduced. Assuming productivity levels can be maintained, reducing the deployed hours could mitigate a little less than half this loss. So if the number of removals halved the net cost could be £240k in a full year or £120k during the life of the pilot. These costs will need to be contained within the parking account cash limit. This is only illustrative. The actual reduction in removals could be less than half or substantially more so these losses can be expected to vary from this figure.
- 4.7 Reducing the fixed costs of the operation is not likely to be possible in the short term, but if the pilot concludes that these relaxations should be made permanent, discussions over reductions in these costs will be needed.
- 4.8 The pilot will give us important data about the levels of serious non-compliance and the long term need for vehicle removals. This will allow evaluation of the effectiveness of removals in securing compliance, and allow the development of a cost effective model for ensuring compliance in future.

5.0 LEGAL IMPLICATIONS

- 5.1 The details of a local authority's power to remove illegally parked vehicles is set out in the following legislation:

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 Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007 (SI 2007/3484);

The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (SI 2007/3487);

Traffic Management Act 2004.

- 5.2 Consideration also needs to be given to the Statutory Guidance from the Department for Transport which addresses the issue of the removal of vehicles by local authorities to enhance and improve the enforcement of parking regulations and the Penalty Charge Notice system, to assist payment of Penalty Charge Notices and to reinforce existing transport policies (for example, by targeting vehicle removal operations in bus lanes).

6.0 DIVERSITY IMPLICATIONS

- 6.1 The pilot in relation to the removal of illegally parked vehicles makes no change in respect of parking contraventions that adversely impact disabled people, or people whose health is partially dependant upon parking by Doctors and other health professionals.

- 6.2 The pilot in relation to Event Day parking widens the range of occasions for which residents may have a concession to park a larger number of visiting vehicles. This could be expected to better meet the needs of a wider section of the community, but may adversely impact on other residents.
- 6.3 The period of both pilots will be used to gather data about the impact of these changes and a full Equality Analysis will accompany further reports to the Executive recommending any permanent change in policy.

7.0 STAFFING / ACCOMMODATION IMPLICATIONS (IF APPROPRIATE)

7.1 None

BACKGROUND PAPERS

None

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Appendix A - Longstanding approach for each contravention type

Code	Description	Higher / lower penalty	PCN observation period (minutes)	Long-standing approach	Removals since July 2013	Pilot approach	Change?
1	Parked in a restricted street during prescribed hours (single/double yellow lines)	Higher	0	Remove instantly	499	Do not remove until a minimum of 15 minutes has expired for double yellow lines, or 60 minutes has expired for single yellow lines. Instant removal for persistent offender.	Relaxation
2	Parked in a restricted street where waiting/loading restrictions are in force (single / double yellow lines)	Higher	0	Remove instantly	76	Remove instantly	-
5	(P&D Bay) Parked after expiry of paid for time	Lower	5 (after expiry of paid-for time)	Do not remove until a minimum period of 30 minutes has expired and if: 2 or less spaces are available in the street; more than 1 PCN has been issued; or after 1 hour of illegal parking	4	No removal, unless persistent offender. Instant removal for persistent offender.	Relaxation
6	(P/D Bay) Parked without clearly displaying a valid P&D ticket	Lower	0	Do not remove until a minimum period of 30 minutes has expired and if: 2 or less spaces are available in the street; more than 1 PCN has been issued; or after 1 hour of illegal parking	6	No removal, unless persistent offender. Instant removal for persistent offender.	Relaxation
12	Parked in a residents or dual use parking place without displaying permit or voucher or P&D ticket	Higher	0	Do not remove until a minimum period of 30 minutes has expired and if: 2 or less spaces are available in the street; more than 1 PCN has been issued; or after 1 hour of illegal parking	629	No removal, unless persistent offender. Instant removal for persistent offender.	Relaxation
14	Parked in electric vehicles' charging place during restricted hours without charging	Lower	30			Remove after 30 minutes. Instant removal for persistent offender.	-

Code	Description	Higher / lower penalty	PCN observation period (minutes)	Long-standing approach	Removals since July 2013	Pilot approach	Change?
16	Parked in a permit space without displaying a valid permit (Doctors' and business permit bays)	Higher	0	Do not remove until a minimum of 30 minutes has expired, or Remove instantly if the vehicle is parked in a disabled bay	11	Do not remove until a minimum of 30 minutes has expired, or Remove instantly if the vehicle is parked in a disabled bay. Instant removal for persistent offender.	-
19	Parked in a residents or dual use parking place displaying an invalid permit, voucher or P&D ticket	Lower	0	Do not remove until a minimum period of 30 minutes has expired and if: 2 or less spaces are available in the street; more than 1 PCN has been issued; or after 1 hour of illegal parking	102	No removal, unless persistent offender. Instant removal for persistent offender.	Relaxation
21	Parked in a suspended bay	Lower	0	Remove instantly when required, but do not remove if no work is taking place or has ceased before 18:30	31	Instantly upon request of the suspension applicant relocate Brent permit holders, remove others. Instant removal for persistent offender.	Relaxation
22	Re-parked in the same place or zone within one hour after leaving	Lower	0	-	0	No removal, unless persistent offender. Instant removal for persistent offender.	-
23	Parked in a parking place not designated for that class of vehicle (Applies to motorcycle & coach bays only)	Higher	0	Remove instantly	0	Remove instantly	-
25	Parked in a loading space during restricted hours without loading (loading bay)	Higher	5	Remove instantly	3	Remove instantly	-
26	Vehicle parked more than 50cm from the edge of the carriage way (double parked)	Higher	0	Remove instantly	4	Remove instantly	-
27	Parked in front of a dropped kerb obstructing access	Higher	0	Remove instantly where the kerb has been dropped for pedestrian access, or remove when requested on access to private driveways	301	Remove instantly where the kerb has been dropped for pedestrian access. For authorised cross-overs remove instantly if blocking a vehicle in (but not if blocking a vehicle out). No removal for unauthorised cross-overs.	Relaxation

Code	Description	Higher / lower penalty	PCN observation period (minutes)	Long-standing approach	Removals since July 2013	Pilot approach	Change?
28	Parked in a special enforcement area on part of the carriageway raised to meet the level of a footway, cycle track or verge	Higher	0	Remove instantly	0	Remove instantly	-
30	Parked for longer than permitted	Lower	0	Do not remove until a minimum period of 30 minutes has expired or Remove instantly where there is free parking	1	No removal, unless persistent offender. Instant removal for persistent offender.	Relaxation
40	Parked in a designated disabled person's bay without displaying a valid disabled person's badge	Higher	0	Remove instantly	49	Remove instantly	-
43	Stopped on a cycle docking station parking place	Lower	0	Remove instantly	0	Remove instantly	-
45	Parked on a taxi rank	Lower	0	Remove instantly	0	Remove instantly	-
47	Stopped on a restricted bus stop/stand	Higher	0	Remove instantly	6	Remove instantly	-
48	Stopped in a restricted area outside of a school, hospital, fire, police or ambulance station	Higher	0	Remove instantly	0	Remove instantly	-
55	A commercial vehicle parked in a restricted street in contravention of the overnight waiting ban	Lower	0	Remove instantly	0	Remove instantly	-
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	Lower	0	Remove instantly	0	Remove instantly	-

Code	Description	Higher / lower penalty	PCN observation period (minutes)	Long-standing approach	Removals since July 2013	Pilot approach	Change?
62	Parked with one or more wheels on any part of an urban road other than a carriage way (footway parking)	Higher	0	Remove instantly	97	Do not remove unless,; large vehicles such as vans, lorries, buses, coaches and minibuses; car leaving less than 1.2m footway clearance for wheelchair or buggy users; footway subject to high pedestrian flow such as Wembley Event Days or at busy retail location.	Relaxation
82	(Off-Street) parked after expiry of paid for time	Lower	5 (after expiry of paid-for time)	Do not remove until a minimum period of 30 minutes has expired and if: 2 or less spaces are available in the street; more than 1 PCN has been issued; or after 1 hour of illegal parking	0	No removal, unless persistent offender. Instant removal for persistent offender.	Relaxation
83	(Off-Street) Parked without clearly displaying a valid P&D ticket	Lower	0	Do not remove until a minimum period of 30 minutes has expired and if: 2 or less spaces are available in the street; more than 1 PCN has been issued; or after 1 hour of illegal parking	2	No removal, unless persistent offender. Instant removal for persistent offender.	Relaxation
85	(Off-street) Parked in a permit space without displaying a valid permit	Lower	0	Do not remove until a minimum period of 30 minutes has expired and if: 2 or less spaces are available in the street; more than 1 PCN has been issued; or after 1 hour of illegal parking	0	No removal, unless persistent offender. Instant removal for persistent offender.	Relaxation
86	(Off-Street) Parked beyond the bay markings	Lower	0	Do not remove until a minimum period of 30 minutes and only if vehicle straddles two bays	0	No removal, unless persistent offender. Instant removal for persistent offender.	Relaxation
87	(Off-Street) Parked in a designated disabled person's bay without displaying a valid disabled person's badge	Lower	0	Remove instantly	0	Remove instantly	-
99	Stopped on a pedestrian crossing and/or crossing area marked by zig-zags	Higher	0	Remove instantly	5	Remove instantly	-