

Draft Vehicle Removals Policy Consultation

Full results summary

Data, Intelligence & Insight Team – March 2023

Introduction and Methodology

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- Background and proposals
- Resolving hazardous or obstructive parking
- Addressing vehicles belonging to persistent evaders
- Removing vehicles in which a blue badge has been fraudulently displayed
- Removing vehicles in which a fraudulent parking device has been displayed
- Removing non-motorised vehicles left in situ on the public highway for sustained periods
- Comments, impacts, suggestions or alternatives

Overall draft policy

- Overall draft policy
- Needing more information or understanding



Introduction and Methodology



Southampton City Council undertook public consultation on the Draft Vehicle Removals Policy.

- The consultation took place between **07/12/2022 – 28/02/2023**.
- The aim of this consultation was to:
 - Communicate clearly to residents and stakeholders the proposed Draft Vehicle Removals Policy.
 - Ensure any resident, business or stakeholder who wished to comment on the proposals had the opportunity to do so, enabling them to raise any impacts the proposals may have.
 - Allow participants to propose alternative suggestions for consideration which they feel could achieve the objective in a different way.
- This report summarises the aims, principles, methodology and results of the public consultation. It provides a summary of the consultation responses both for the consideration of decision makers and any interested individuals and stakeholders.
- It is important to be mindful that a consultation is not a vote, it is an opportunity for stakeholders to express their views, concerns and alternatives to a proposal. This report outlines in detail the representations made during the consultation period so that decision makers can consider what has been said alongside other information.



Southampton City Council is committed to consultations of the highest standard, which are meaningful and comply with *The Gunning Principles (considered to be the legal standard for consultations)*:

1. Proposals are still at a formative stage (a final decision has not yet been made)
2. There is sufficient information put forward in the proposals to allow 'intelligent consideration'
3. There is adequate time for consideration and response
4. Conscientious consideration must be given to the consultation responses before a decision is made



New Conversations 2.0
LGA guide to engagement



Rules: The Gunning Principles

They were coined by Stephen Sedley QC in a court case in 1985 relating to a school closure consultation (R v London Borough of Brent ex parte Gunning). Prior to this, very little consideration had been given to the laws of consultation. Sedley defined that a consultation is only legitimate when these four principles are met:

- 1. proposals are still at a formative stage**
A final decision has not yet been made, or predetermined, by the decision makers
- 2. there is sufficient information to give 'intelligent consideration'**
The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response
- 3. there is adequate time for consideration and response**
There must be sufficient opportunity for consultees to participate in the consultation. There is no set timeframe for consultation,¹ despite the widely accepted twelve-week consultation period, as the length of time given for consultee to respond can vary depending on the subject and extent of impact of the consultation
- 4. 'conscientious consideration' must be given to the consultation responses before a decision is made**
Decision-makers should be able to provide evidence that they took consultation responses into account

These principles were reinforced in 2001 in the 'Coughlan Case (R v North and East Devon Health Authority ex parte Coughlan²)', which involved a health authority closure and confirmed that they applied to all consultations, and then in a Supreme Court case in 2014 (R ex parte Moseley v LB Haringey³), which endorsed the legal standing of the four principles. Since then, the Gunning Principles have formed a strong legal foundation from which the legitimacy of public consultations is assessed, and are frequently referred to as a legal basis for judicial review decisions.⁴

¹ In some local authorities, their local voluntary Compact agreement with the third sector may specify the length of time they are required to consult for. However, in many cases, the Compact is either inactive or has been cancelled so the consultation timeframe is open to debate

² BAILII, [England and Wales Court of Appeal \(Civil Decision\) Decisions](#), Accessed: 13 December 2016.

³ BAILII, [United Kingdom Supreme Court](#), Accessed: 13 December 2016

⁴ The information used to produce this document has been taken from the Law of Consultation training course provided by The Consultation Institute



- The agreed approach for this consultation was to use an online questionnaire as the main route for feedback. Questionnaires enable an appropriate amount of explanatory and supporting information to be included in a structured questionnaire, helping to ensure respondents are aware of the background and detail of the proposals.
- Respondents could also write letters or emails to provide feedback on the proposals. Emails or letters from stakeholders that contained consultation feedback were collated and analysed as a part of the overall consultation.
- The consultation was promoted in the following ways by:
 - Press release
 - Sending emails to stakeholder networks
 - Southampton City Council website
 - Social media posts
 - Southampton City Council e-bulletins (including City News and Your City Your Say)
- All questionnaire results have been analysed and presented in graphs within this report. Respondents were given opportunities throughout the questionnaire to provide written feedback on the proposals. In addition anyone could provide feedback in letters and emails. All written responses and questionnaire comments have been read and then assigned to categories based upon similar sentiment or theme. We have also endeavoured to outline all the unique points and suggestions gathered as a part of the consultation and so there are tables of quotes or summaries of these for each theme of comment.

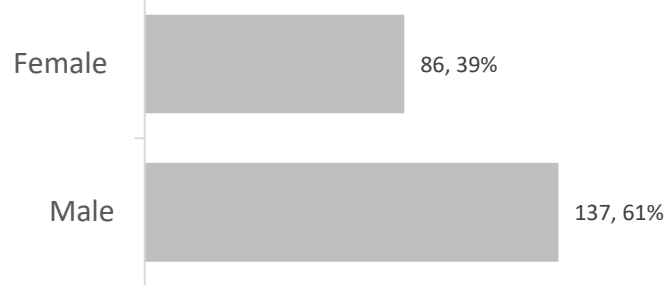


Who were the respondents?

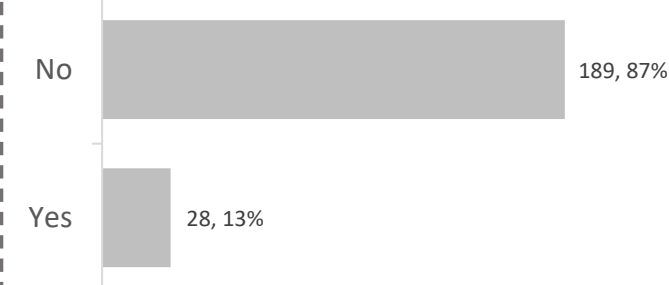
Total respondents: 249

	Total number of responses
Questionnaire	248
Emails / letters	1
Total	249

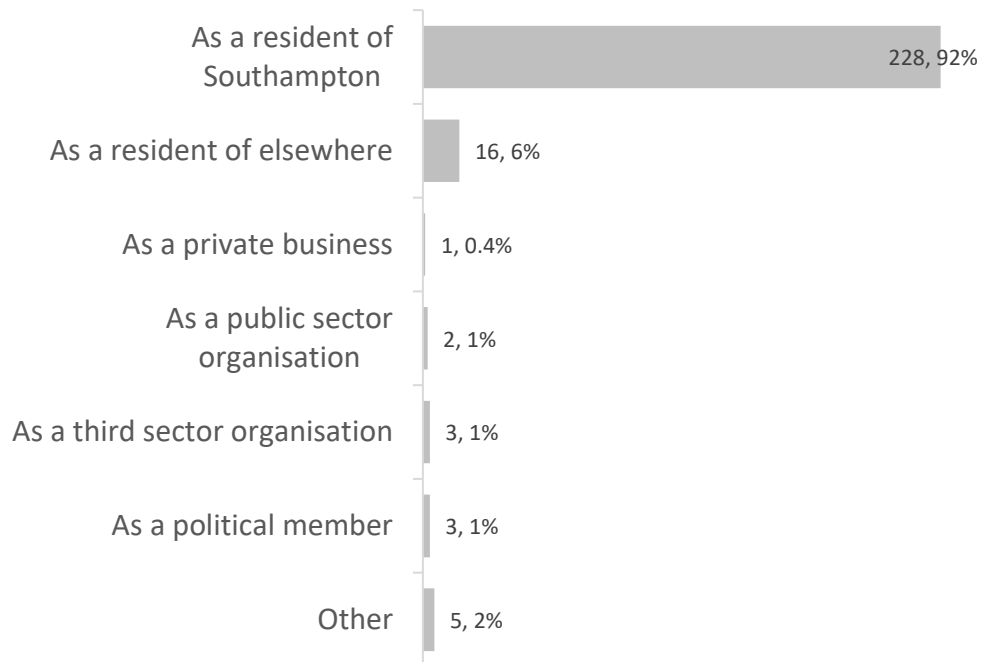
Sex:



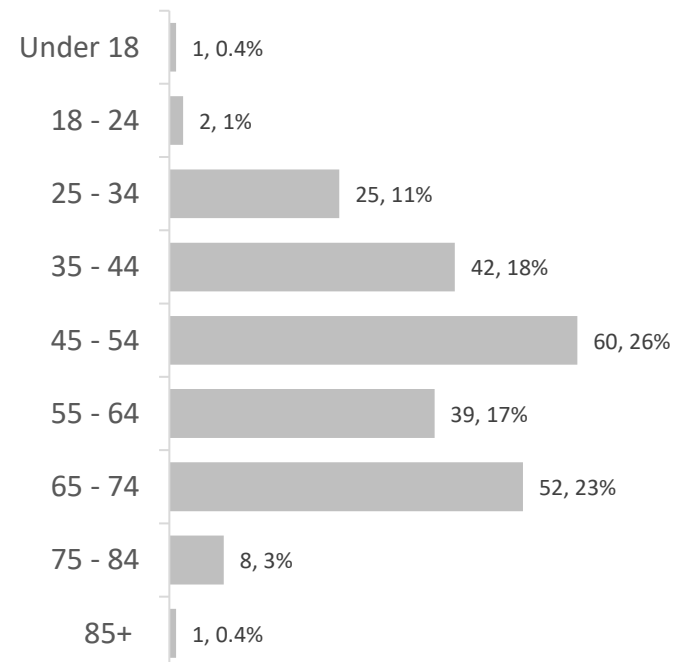
Disability:



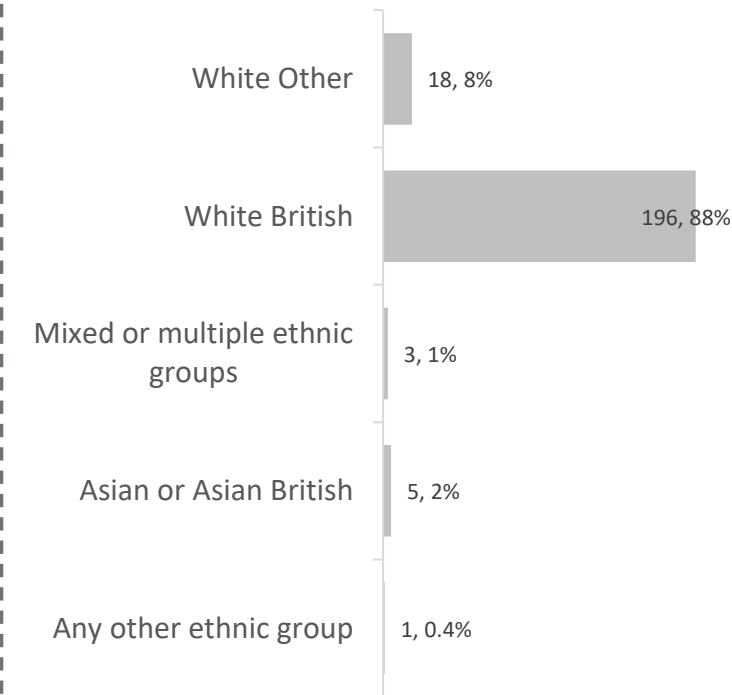
Reason for interest in consultation:



Age:



Ethnicity:





Proposed changes



The questionnaire outlined the following background information:

The way we currently deal with the removal of vehicles:

The Council currently removes vehicles left in a hazardous condition or which after investigation, are deemed to have been abandoned.

The Council also carries out vehicle removals from within the Stadium Tow Away Zone No Loading restrictions that are in place during Stadium Event Days (including football matches and concerts) to ensure that the roads around the Stadium are kept clear in the event of an emergency.

The additional proposed Vehicle Removal measures that the Council is seeking the public's view on are as follows;

- **Resolving Hazardous or Obstructive Parking – Removing vehicles parked in violation of a restriction for a sustained period, where this is causing a hazard and / or obstruction.**
- **Addressing Vehicles belonging to Persistent Evaders – Removing vehicles which have 3 or Penalty Charge Notices that are not paid, represented or appealed against within the statutory time limits or their representations and appeals have been rejected but they are still not paid; where subsequent violations of parking restrictions are then recorded.**
- **Removing Vehicles in which a Blue Badge has been fraudulently displayed**
- **Removing Vehicles in which a fraudulent parking device (e.g. Resident Parking Permit or Pay and Display ticket) has been displayed**
- **Removing Non-Motorised Vehicles left in situ on the Public Highway for sustained periods.**



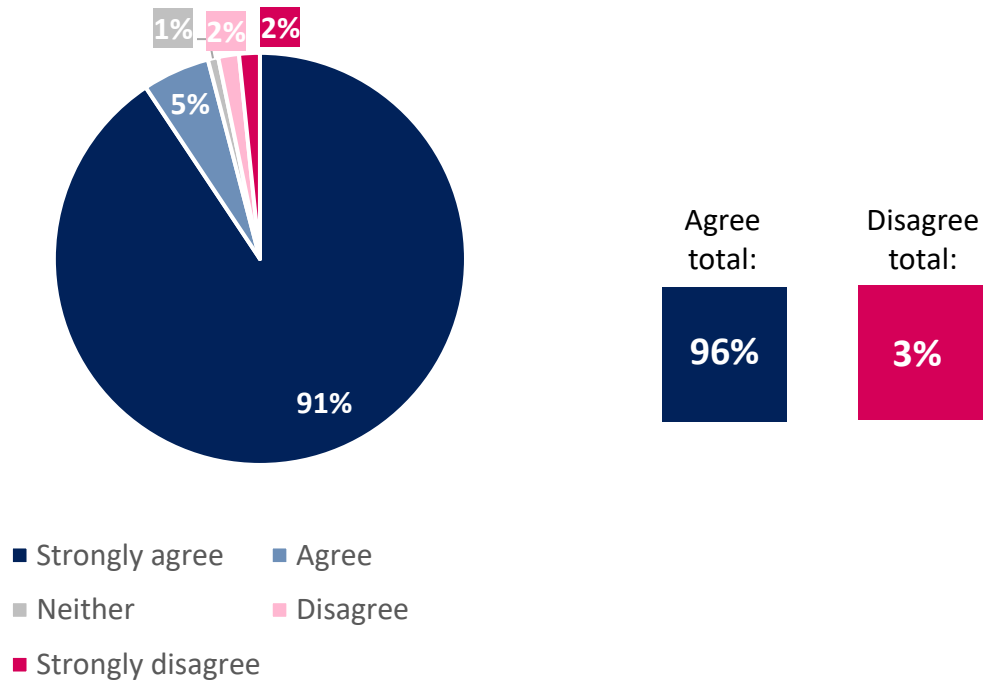
Resolving hazardous or obstructive parking

Key findings:

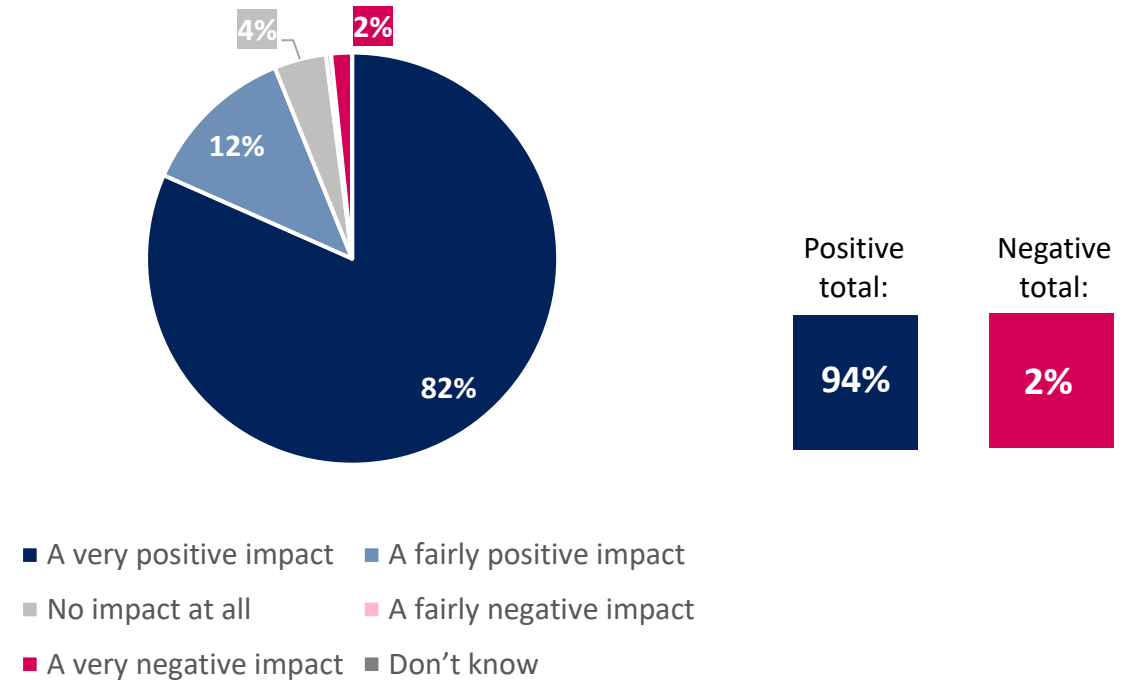
- The majority of respondents agree with the proposals to resolve hazardous or obstructive parking.
- The majority of respondents said that these proposals would have a positive impact on them.
- These proposals had the highest agreement levels and highest positive impact levels across the consultation.

The detail:

Agreement levels:



Impact levels that this may have:



Base respondents: 246

Base respondents: 245



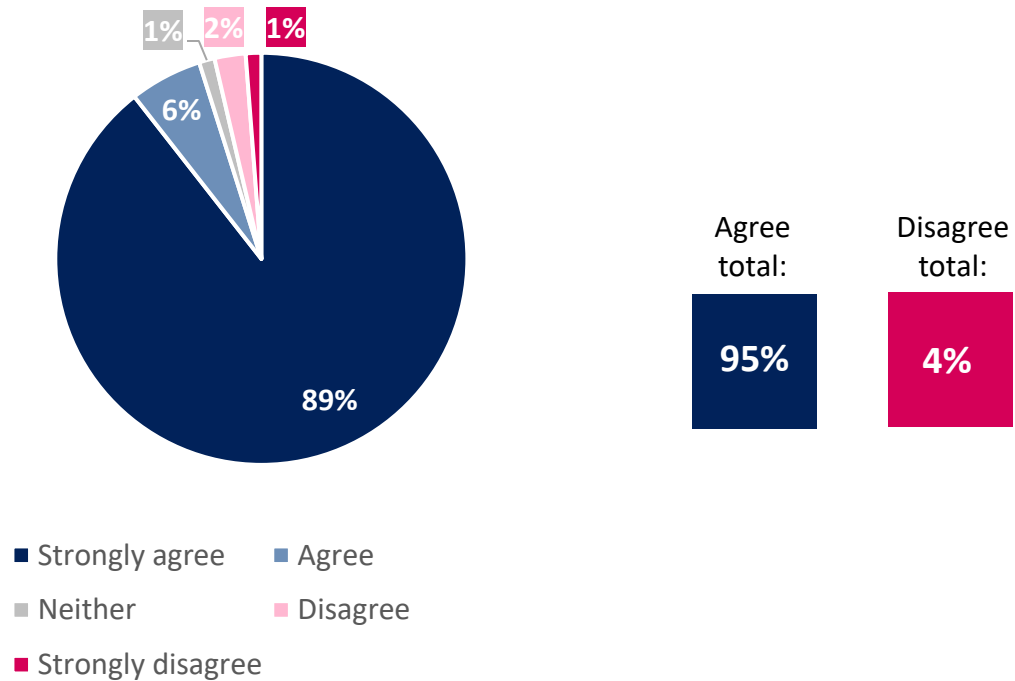
Addressing vehicles belonging to persistent evaders

Key findings:

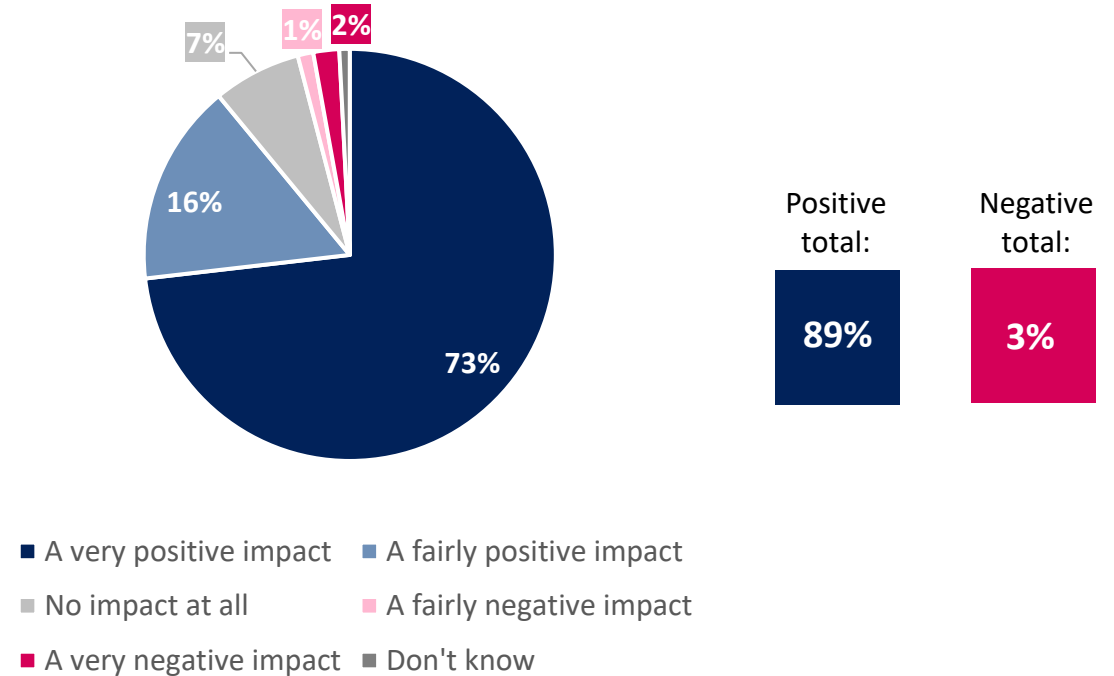
- The majority of respondents agree with the proposals to address vehicles belonging to persistent evaders.
- The majority of respondents said that these proposals would have a positive impact on them.

The detail:

Agreement levels:



Impact levels that this may have:



Base respondents: 246

Base respondents: 246



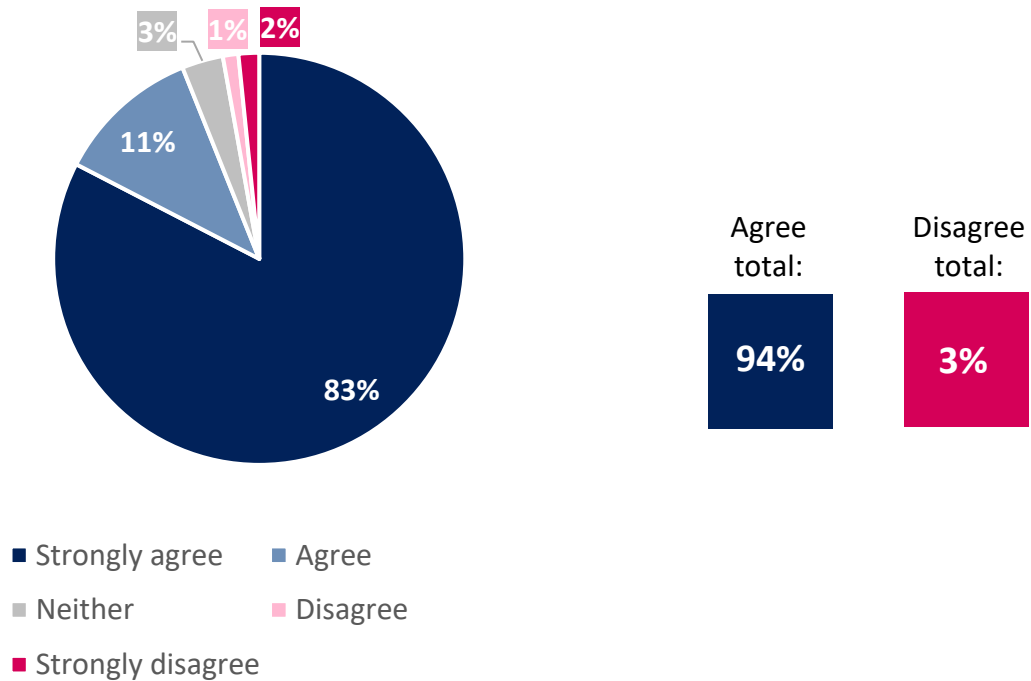
Removing vehicles in which a blue badge has been fraudulently displayed

Key findings:

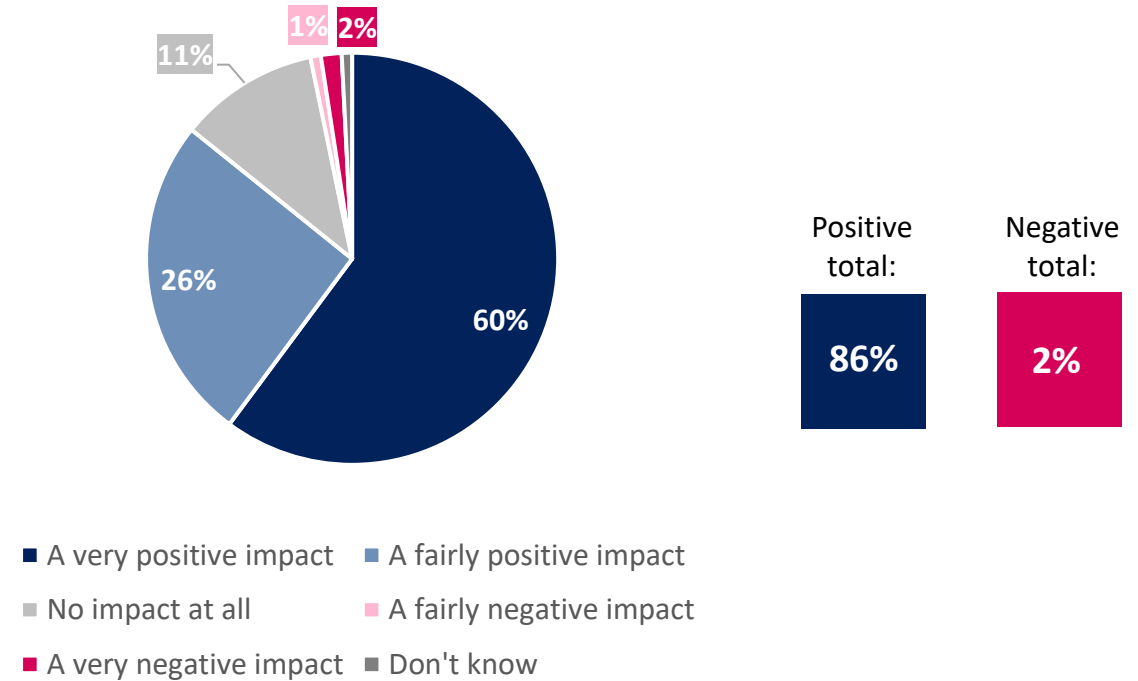
- The majority of respondents agree with the proposals to address vehicles belonging to persistent evaders.
- The majority of respondents said that these proposals would have a positive impact on them.

The detail:

Agreement levels:



Impact levels that this may have:



Base respondents: 247

Base respondents: 246

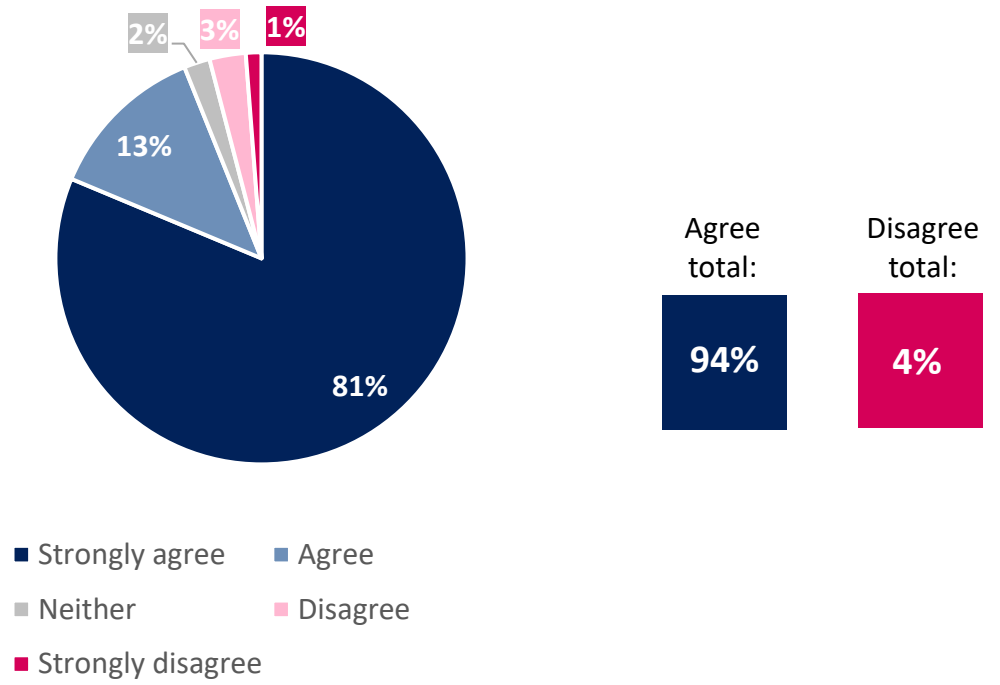


Key findings:

- The majority of respondents agree with the proposals to address vehicles belonging to persistent evaders.
- The majority of respondents said that these proposals would have a positive impact on them.

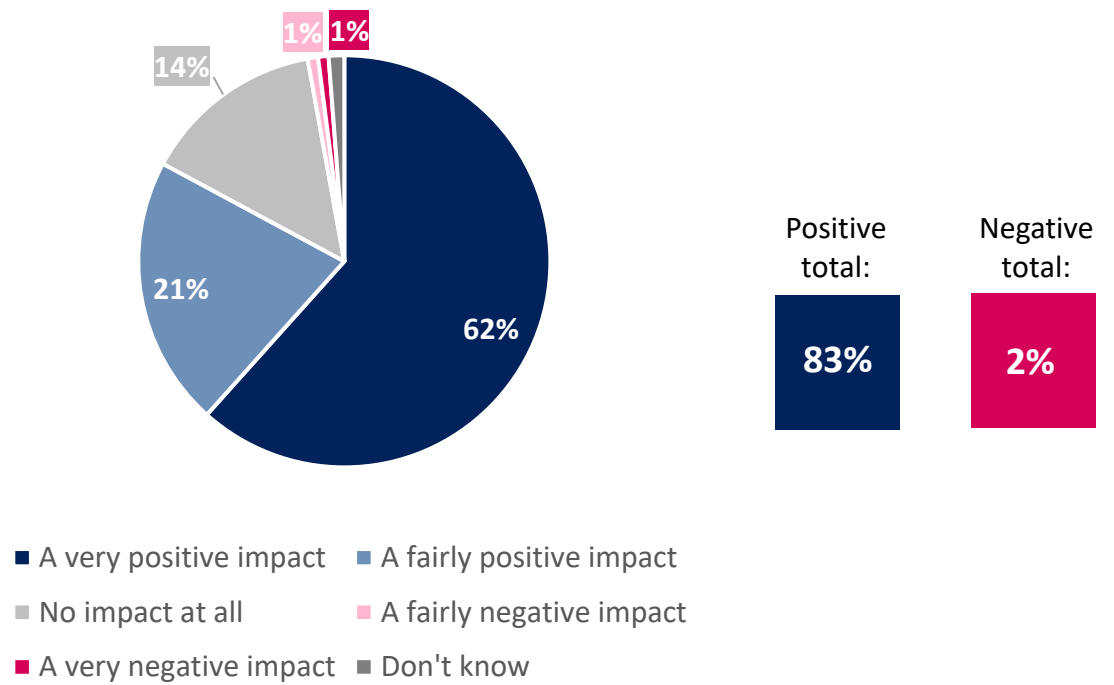
The detail:

Agreement levels:



Base respondents: 246

Impact levels that this may have:



Base respondents: 245

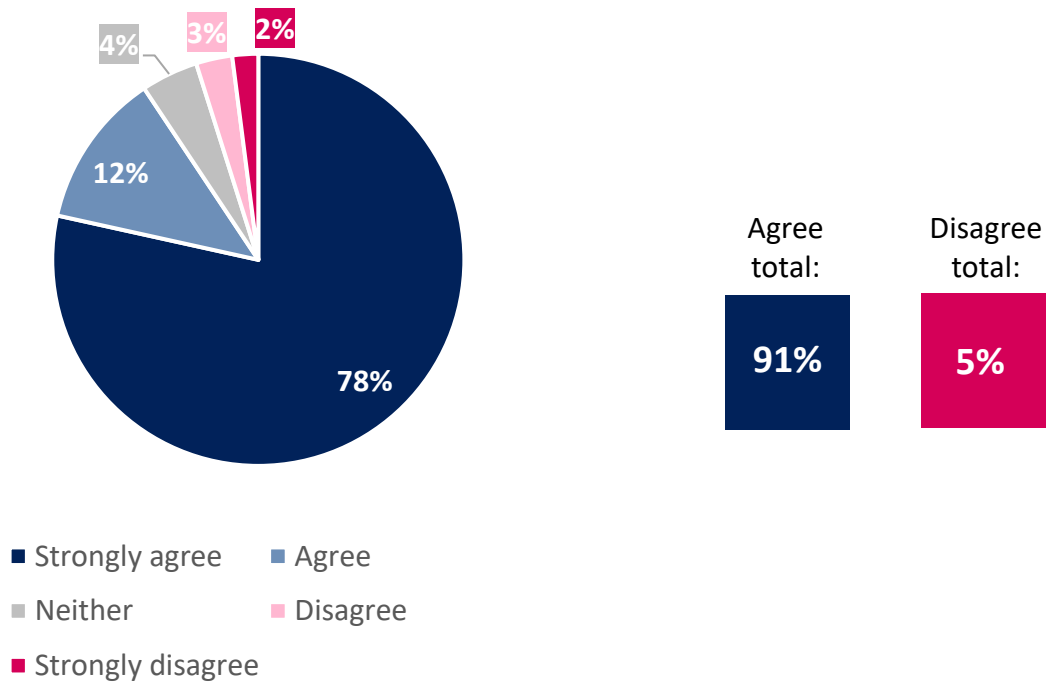


Key findings:

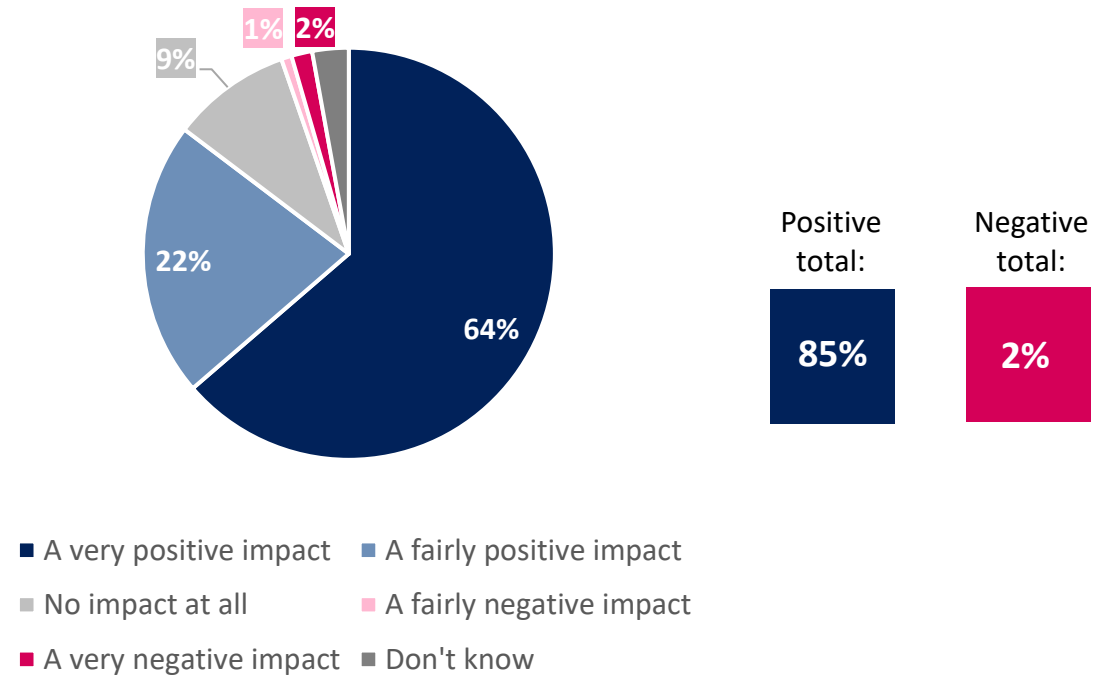
- The majority of respondents agree with the proposals to address vehicles belonging to persistent evaders.
- The majority of respondents said that these proposals would have a positive impact on them.
- This proposal had the lowest levels of agreement across the consultation.

The detail:

Agreement levels:



Impact levels that this may have:



Base respondents: 246

Base respondents: 245



Throughout the questionnaire, respondents were given the opportunity to provide their own free text comments.

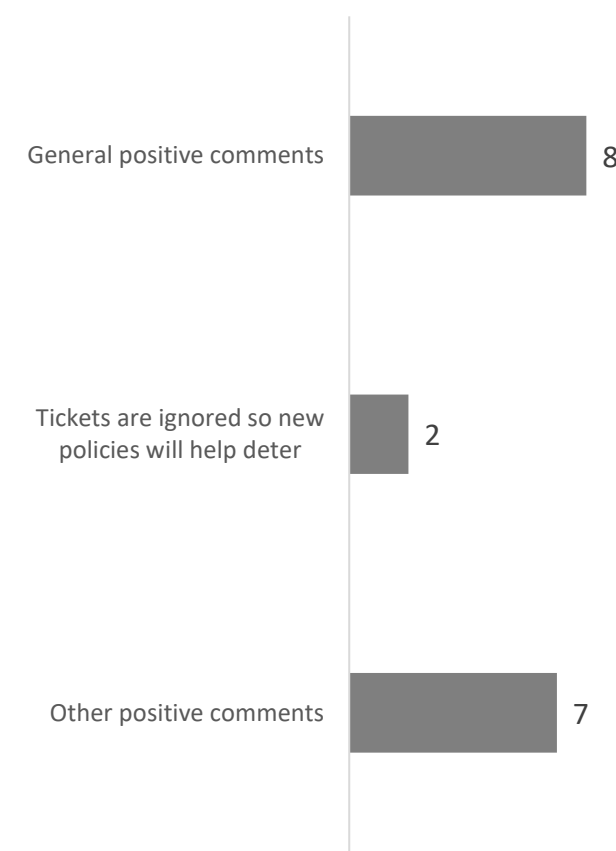
A total of **105** respondents provided a comment or email. This includes any comments, impacts, suggestions or alternatives. The following graphs show the total number of respondents by each theme of comment.

These graphs are in respondent count, rather than percentage.

Suggestions / concerns



Positive comments





Overall draft policy



Overall draft policy

Have you read the proposed draft policy?

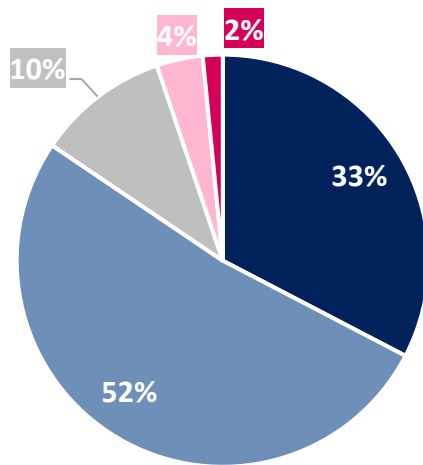
50% Yes, all of it

30% Yes, some of it

20% No

If you have read the proposed policy, to what extent do you agree or disagree with the following statements?

The draft policy provides sufficient information

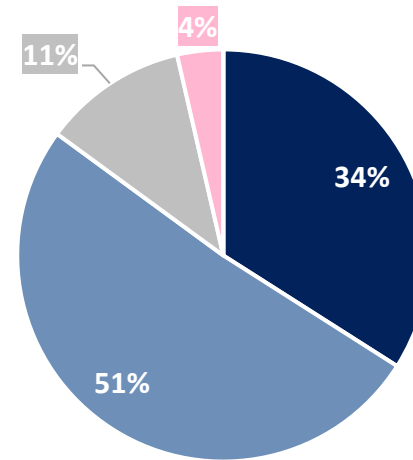


Agree total:
84%

Disagree total:
5%

- Strongly agree
- Agree
- Neither
- Disagree
- Strongly disagree

The draft policy is easy to understand



Agree total:
85%

Disagree total:
4%

- Strongly agree
- Agree
- Neither
- Disagree
- Strongly disagree



Respondents were asked if there were parts of the draft policy that they did not understand or felt needed more information.

These graphs are in respondent count, rather than percentage.

