



# **Southampton City Council Vehicle Removals Policy**

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## **1. Introduction**

This policy sets out Southampton City Council's processes for the removal of vehicles and the circumstances in which it will take such action. The policy applies to the removal of vehicles that are either:

- Parked in contravention of a restriction causing a hazard or obstruction
- Parked within the Stadium Tow Away Zone on a Stadium Event Day
- A persistent evader vehicle parked in contravention of a restriction
- Parked using a fraudulent/altered/wholly imitation or invalid disabled badge
- Parked using a fraudulent/altered/wholly imitation or invalid permit, visitor scratch card or pay and display ticket

This policy complies with the statutory provisions of the Traffic Management Act 2004 which governs the enforcement of parking contraventions. It has also been developed in accordance with The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions. Parking contraventions are dealt with by the issue of a Penalty Charge Notice and, in appropriate circumstances, by the towing away of the vehicle. The protocols and policies for parking enforcement are contained in the Council's Civil Parking Enforcement and Cancellation Policy.

For the avoidance of doubt the removal of vehicles categorised as abandoned are covered by the Council's separate abandoned vehicles policy.

## **2. Southampton City Council Priorities**

This Policy contributes to the following Southampton City Council Corporate Priorities to be:

- A Proud and Resilient City;
- A Prosperous City; and
- A Successful Sustainable Organisation.

### **3. Vehicles in Contravention**

#### **3.1 Hazard or Obstruction**

A vehicle may be removed if it is parked causing a hazard and/or obstruction and is parked in contravention of a restriction or prohibition. A table of on-street contraventions which would constitute a hazard and/or obstruction is given below alongside the minimum period from the point at which the contravention was recorded before the Council will consider removal of the vehicle.

Regardless of whether the vehicle is removed, it would still be subject to standard enforcement practices i.e. the issuing of a Penalty Charge Notice for contravening a restriction or prohibition.

| <b>Contravention Code</b>   | <b>Period before decision taken on whether to remove vehicle</b> |
|---|--|
| 01 - Parked in a restricted street during prescribed hours  | 24 hours*  |
| 02 - Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force                         | Immediate  |
| 14 - Parked in an electric vehicles' charging place during restricted hours without charging  | 24 hours   |
| 21 - Parked wholly or partly in a suspended bay or space  | 24 hours   |
| 23 - Parked in a parking place or area not designated for that class of vehicle   | 24 hours   |
| 24 - Not parked correctly within the markings of the bay or space   | 24 hours*  |
| 25 - Parked in a loading place or bay during restricted hours without loading   | 24 hours   |
| 26 - Parked in a special enforcement area more than 50 centimetres from the edge of the carriageway and not within a designated parking place | 24 hours*  |
| 27 - Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway            | 24 hours*  |
| 28 - Parked in a special enforcement area on part of the carriageway raised to meet the level of a footway, cycle track or verge              | 24 hours*  |
| 40 - Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner       | 24 hours   |
| 45 - Stopped on a taxi rank   | 24 hours*  |
| 47 - Stopped on a restricted bus stop or stand  | 24 hours*  |
| 48 - Stopped in a restricted area outside a school, a hospital or a fire, police or ambulance station when prohibited                         | Immediate  |
| 49 - Parked wholly or partly on a cycle track or lane   | 24 hours*  |
| 61 - A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways                                  | 24 hours   |
| 99 - Stopped on a pedestrian crossing or crossing area marked by zigzags  | Immediate  |

\*If deemed to cause a significant hazard or obstruction, then removal may be immediate

A vehicle displaying a valid Blue Badge will not be removed unless it is causing a safety hazard. In these cases, the vehicle will be relocated to the nearest available location where it can be parked safely and if possible, in sight of the original parking location.

Vehicles parked in contravention of off-street parking restrictions will generally not be considered for removal, but the Council reserves the right to remove a vehicle from its off-street facilities within 24 hours, if the vehicle is parked in such a way that is deemed to cause an obstruction or a hazard.

### **3.2 Persistent Evader**

A persistent evader is where the registered keeper of a vehicle has three or more recorded contraventions for the vehicle and the Penalty Charge Notices are not paid, represented or appealed against within the statutory time limits; or their representations and appeals have been rejected but the penalty charge notices remain unpaid.

A persistent evader's vehicle can be moved following the issue of a further Penalty Charge Notice when parked in contravention of a parking restriction under the Traffic Management Act 2004.

If a vehicle of a persistent evader is parked in contravention in a designated parking place, the Traffic Management Act 2004 and regulations made under it prohibit an enforcement authority from immobilising or removing the vehicle until at least 15 minutes have elapsed following the issue of a Penalty Charge Notice.

If a persistent evader is parked in contravention on a road and not in a designated parking place the vehicle may be removed immediately after the Penalty Charge Notice is issued.

Where vehicles are removed under this section of the policy, payment must be made for the Penalty Charge Notice in respect of the contravention for which the vehicle has been in breach (together with any removal and storage fees) before the vehicle is released.

### **3.3 Contravening the Blue Badge Scheme**

If a vehicle is displaying an invalid disabled Blue Badge whilst parked in a designated parking place, the vehicle is liable for removal. This can include a Blue Badge which is:

- Fraudulent/copy;
- Badge details have been changed/altered;
- Abuse of a valid badge has been established;
- The Blue Badge holder has deceased or no longer is authorised to use the Blue Badge;
- Reported lost/stolen Blue Badge; or
- In the case of an Organisational Badge - the organisation ceases to exist.

### **3.4 Fraudulent Use of Parking Devices**

A vehicle will be liable for removal where it is parked in contravention of a restriction or prohibition by being parked in a designated parking place whilst displaying a fraudulent parking device, which:

- Is copied or part or wholly counterfeit;
- Has been altered;
- Has been reported lost or stolen;
- Has been cancelled by the Issuing Authority;
- Was not issued for that vehicle;

- Abuse had been clearly established;
- The holder is no longer authorised to use the parking device; or
- In the case of a Business Permit - the business ceases to exist.

### **3.5 Period of Time to Elapse Before Vehicles are Removed**

In relation to vehicles contravening the Blue Badge Scheme or fraudulently using a parking device, the Traffic Management Act 2004 and Regulations made under it prohibit the Enforcement Authority from removing the vehicle from a designated parking place until at least 15 minutes have elapsed following the issue of a Penalty Charge Notice.

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#### **4. Stadium Tow Away Zone**

Specific attention is given to the Stadium Tow Away Zone (as shown in blue on Figure 1 below) on Stadium Event Days. The adopted practice is that this is implemented for events taking place at St Mary's Stadium with an attendance in excess of 10,000 people. The implementation of the Stadium Tow Away Zone for any particular event is at the Council's discretion.

The Stadium Tow Away Zone is a Controlled Zone and is defined by Entry Plates in line with guidance set out in the Traffic Signs Regulations and General Directions 2016 which are located at each point where it would be possible to access the restricted roads within the Stadium Tow Away Zone via the public highway. The date and times when the Stadium Tow Away Zone is in operation in relation to a particular Stadium Event Day is specified by a variable plate which is installed prior to each event taking place.

Some roads within the Stadium Tow Away Zone are subject to road closures under a Traffic Regulation Order to ensure safe pedestrian movements. This is managed by the Stadium itself in partnership with Hampshire Constabulary.

Vehicles displaying a valid Blue Badge that are in contravention of No Loading restrictions are removed to a nearby location.

The Council will have a tow vehicle in place on Stadium Event Days as a matter of procedure and any vehicle parked on the No Loading & No Waiting restrictions within the Stadium Tow Away Zone will be subject to immediate removal.

The purpose of this is to keep the area around the Stadium clear in the event of an incident that prompts an evacuation of the Stadium and the attendance of emergency services, while also facilitating vehicle access for operations that support the management of the Tow Away Zone.

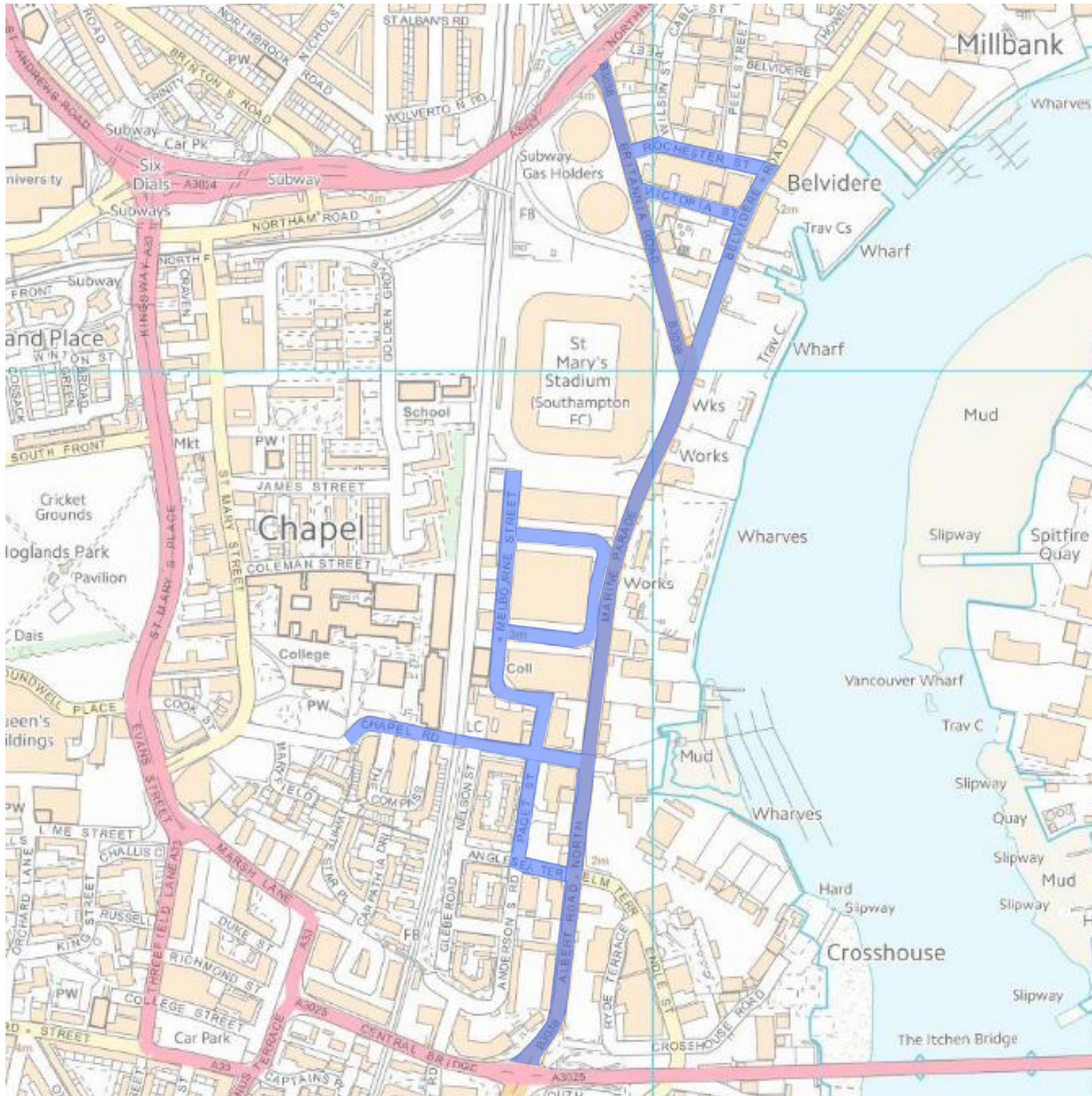


Figure 1 – Stadium Tow Away Zone (affected roads shown in blue)



## **5. Non-Motorised Vehicles**

The Council also has powers to remove wheeled structures such as caravans, trailers and boats stored on the public highway (for example under section 143 Highways Act 1980). When the Council receives a report, the wheeled structures will be inspected. During the inspection the impact on local on-street parking, on traffic flow and highway safety will be assessed.

The Council will endeavour to identify the owner and request that the wheeled structure is removed from the public highway. The Council's approach will be reasonable but if it is not possible to identify the owner or the owner refuses to comply with the legislation a legal notice will be placed on the offending property and sent to the address of the owner (if identified). The Notice will advise that it will be removed into storage if it is not removed from the public highway within 1 month. If the property is removed to storage and is not claimed within 14 days of removal it will then be liable for disposal. If the owner seeks to reclaim items taken into storage then they must prove ownership in addition to paying any charges associated with the removal and storage prior to the property being released.

## **6. Scope of the Policy**

This Policy is designed to deal with vehicles that are parked dangerously or causing an obstruction on the public highway, persistent evaders, vehicles parked in breach of the Blue Badge Scheme Regulations, vehicles parked displaying invalid permits and vehicles parked in breach of Stadium Tow Away Zone. It applies within the boundaries of the City of Southampton including the adopted public highway and any land owned by the Council.

For the purposes of this policy, the meaning of "road" shall be the definition as contained in the Road Traffic Regulation Act 1984 and Traffic Management Act 2004.

All removals can attract an appeal from the owner/keeper; these will be treated in the same manner as a Penalty Charge Notice appeal. If an appeal is successful, all money paid in respect of the removal and storage of the vehicle will be reimbursed.

This Policy shall be enforced from the date of its adoption and shall remain in force until formally revoked or superseded. This Policy will be reviewed annually, or when legislation changes.

## **7. Legislation**

This Vehicle Removals Policy has been developed in line with the following legislation, amendments thereof and any other new legislation that comes into force:

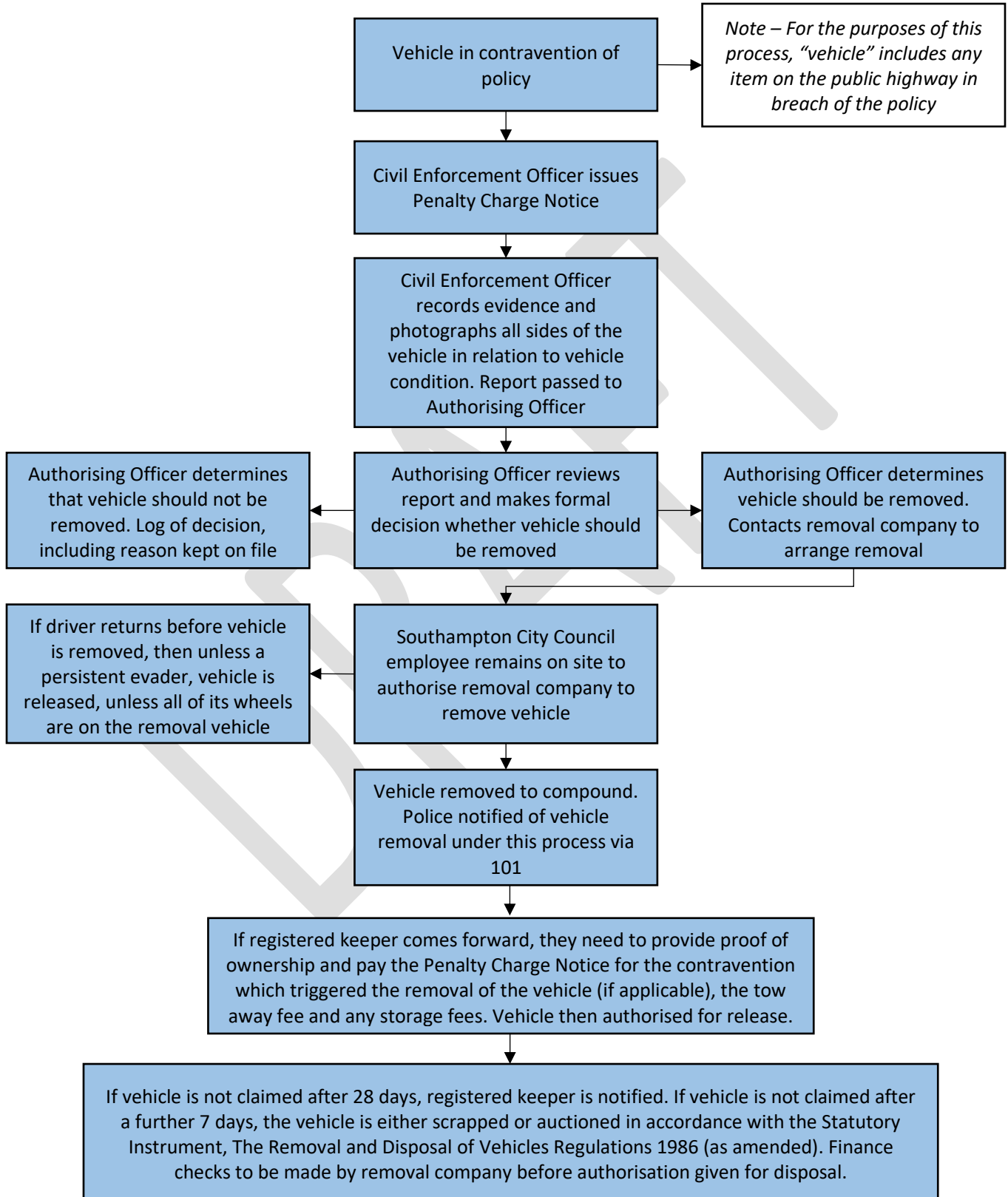
- Traffic Management Act 2004
- Road Traffic Regulation Act 1984
- The Removal and Disposal of Vehicle Regulations 1986 (SI 1986/183)
- Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008 (SI 2008/2095)

- The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (SI 2022/71)
- Statutory Guidance for local authorities in England on civil enforcement of parking contraventions

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## 8. Procedural Guidance

The removal / relocation of a vehicle is carried out in line with the procedural guidance as outlined below:



## **9. Authorisation of vehicle removal and vehicle release**

A vehicle removal can be authorised by the Head of Service for Consumer Protection and Environmental Services, the Service Manager for Parking and Itchen Bridge or a Civil Enforcement Supervisor.

Vehicle removals associated with the Stadium Tow Away Zone (See Section 4) can also be authorised by the Civil Enforcement Officers attending that operation.

Vehicle removals associated with the Abandoned Vehicles process can also be authorised by the Abandoned Vehicles Officer, the Senior Representations Officer or the Representations Team Supervisor.

On reclaiming the vehicle, proof of ownership has to be produced before the vehicle can be released. It is possible for a third party to produce these documents providing there is prior written consent from the keeper. The owner/keeper will need to pay for the removal and storage fees prior to releasing the vehicle.

Documentation:

Proof of vehicle ownership - V5 or V62

Proof of Identity - Current Driving Licence or Passport

Proof of Current Address – utility bill

Vehicle compound hours are dictated by the Council's vehicle removal contractor. The Council accepts no responsibility or liability for any inconvenience arising from an individual being unable to collect their vehicle due to the contractor's office/compound being closed.

If the vehicle is not collected within 28 days from the date of removal, the Council will write to the vehicle owner (where the Registered Keeper is identifiable) to inform them that if the vehicle is not collected within 7 days the vehicle will be disposed of.

## **10. Associated Costs**

There are prescribed guideline charges set for the removal and storage of vehicles (other than abandoned vehicles) in Southampton under the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (SI 2022/71). These are set as:

- £105 for vehicle removal.
- £12 for vehicle storage for each day or part of a day during which the vehicle is impounded.
- £50 for vehicle disposal charge

All vehicle removals can attract an appeal from the owner or keeper of the vehicle. These appeals are to be treated the same as a Penalty Charge Notice appeal under the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 (SI

2022/576). If an appeal is successful, all money paid in respect of the removal and storage of the vehicle will be reimbursed in full.

### **11. Disclaimer**

Provided the policy and procedures have been followed correctly, the Council shall not be responsible for compensating any person or persons following the removal of a vehicle and its contents.

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