

## REPORT TO CABINET

Title: **PERSISTENT EVADERS POLICY**

Date: 26 March 2009

Member Reporting: Councillor Rayner

Contact Officer(s): Neil Walter – Parking Manager Tel. 01628 796485

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Wards affected: All

### 1. SUMMARY

- 1.1 Following the implementation of Decriminalised Parking Enforcement (DPE) in January 2008, the Council has been undertaking the enforcement of parking restrictions across the Borough. During this period the Traffic Management Act 2004 (TMA 04) was introduced nationally. TMA 04 gave additional powers to Local Authorities that had DPE powers. These new powers included the ability to remove vehicles used by persistent evaders in order to recover outstanding monies from previous Penalty Charge Notices (PCN's).
- 1.2 Through the Parking Managers network we have obtained copies of current policies in operation in LA's throughout the country. A RBWM policy (Appendix A) has been written based on the policy currently in use in The City of Cambridge. The following Authorities are currently using the new powers, Cambridge, Oxford City, Rushmoor, Watford and Wirral.

### 2. RECOMMENDATION: That:

- i) **The Persistent Evaders Policy be approved and authority to progress be given.**
- ii) **Permission be given to seek interested parties for the supply of a persistent evader recovery and enforcement service.**

What will be different for residents as a result of this decision?
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The policy if implemented will assist in freeing up parking spaces throughout the borough and assist in preventing unregistered vehicles from regularly parking in contravention. It is also likely that currently unrecoverable income will be recovered.
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### 3. SUPPORTING INFORMATION

#### Background

- 3.1 The Royal Borough is committed to providing 'Safer & Fairer Parking for All' and providing residents, businesses and visitors with accessible and safe parking across the Borough. The implementation of DPE with effect from January 2008 was a major change in parking enforcement, with responsibility transferring from Thames Valley Police to RBWM. The result meant that parking offences became a civil offence and ceased to be a criminal offence.
- 3.2 There are currently 226 persistent evading vehicles on the Councils parking system that represent over 2100 Penalty Charge Notices with a value of over £105,000. The Department for Transport defines a persistent evader to be "A vehicle owner who has three or more recorded contraventions for the vehicle and the PCN's for those have not been paid, represented against or appealed against with the statutory time limits, or their representations or appeals have been rejected but they still have not paid". Usually this is because the vehicle keeper is not registered, or is not correctly registered on the DVLA database and by these means the owner is confident that they can avoid paying any penalty charges.
- 3.3 When parked in contravention, a persistent evaders vehicle should be subject to the strongest possible enforcement following the issuing of a PCN and the confirmation of persistent evader status. This is likely to involve the removal of the vehicle. The benefit of removal is that it requires proof of ownership and a registered address before release of the vehicle. This is a national problem, which also involves overseas registered vehicles whose details the Borough (along with other Councils) are unable to obtain as there is no international agreement between DVLA and its overseas equivalents. This procedure will formalise the arrangements to be followed in accordance with the guidance set out by the Department for Transport in compliance with our TROs.
- 3.4 There are a number of companies currently operating a removal policy for local authorities and it is envisaged that interested parties will be invited to tender for the Councils contract. It is likely that this contract will result in up to £30,000 of additional income in each of the first 3 years of operation. Further income is likely to diminish in subsequent years. The Parking Manager is investigating whether The Removal and Disposal of Vehicles Regulations 1986 can be used by the Council to sell any vehicles removed that have not be claimed by the owner.

### 4. OPTIONS AVAILABLE AND RISK ASSESSMENT

#### 4.1 Options

	Option	Comments	Financial Implications
1.	That Members note the report and agree and endorse the Recommendation.	The effective control of parking is essential to the ongoing management of the highway. This report seeks to continue to improve effective control of parking across RBWM.	The adoption of a persistent evader policy will assist in the turnover of existing parking spaces for legal use. It will also provide

	<b>Option</b>	<b>Comments</b>	<b>Financial Implications</b>
	<b>This is Recommended.</b>		additional income.
2.	That Members note the report and decide not to agree or endorse the recommendation and pursue an alternative approach.	Members could seek to adopt an alternative process to the one outlined. This process needs to be considered in relation to the resources required to deliver it.	The process seeks to balance the needs of the Borough in providing sufficient parking spaces for legal use.

#### 4.2 Risk assessment

By adopting the revised procedure outlined in the report and ensuring adequate controls are in place the risk will be minimised. However it is likely that a number of Borough residents are likely to be caught out by this new process.

### 5. CONSULTATIONS CARRIED OUT

- 5.1 No specific external consultation has been carried out, however, feedback has been received from a number Parking Managers throughout the country and in the main those that are pursuing persistent evaders find it advantageous and those that are not wish their Councils would give them authority to progress with a similar policy to that proposed.

### 6. COMMENTS FROM OVERVIEW AND SCRUTINY PANEL

6.1

### 7. IMPLICATIONS

The following implications have been addressed where indicated below.

<b>Financial</b>	<b>Legal</b>	<b>Human Rights Act</b>	<b>Planning</b>	<b>Sustainable Development</b>	<b>Diversity &amp; Equality</b>
√	√	√	N/A	N/A	N/A

Background Papers: None