

## **Scrutiny (Policy and Performance) Committee**

**13<sup>th</sup> September 2016**

### **Update report on LGV parking in Dover District.**

#### **Introduction**

On Tuesday 5<sup>th</sup> July 2016 the Scrutiny (Policy and Performance) Committee held a meeting to discuss the issue of lorry parking in Dover.

At the conclusion, the Committee recommended that:

- (i) That the Director of Environment and Corporate Assets be requested to investigate the feasibility of introducing a range of parking restrictions in the Dover District to tackle the problem of unsafe, illegal and anti-social HGV parking in residential areas and that a report be submitted to the 13 September 2016 meeting of the Scrutiny (Policy and Performance) Committee on the options available to the Council.
  
- (ii) That as part of the report the following matters be considered:
  - (1) That a survey of the district be undertaken to identify areas where HGV parking was a problem and investigate potential solutions including signage, traffic restrictions and clamping.
  
  - (2) That as part of the process of identifying problem areas parish council's be contacted. In addition, the Committee identified particular problems in Coombe Valley as well as issues in Lydden Hill and Sandwich.
  
  - (3) That as part of investigating the feasibility of clamping for HGV's found to be parked in contravention of parking regulations, the option of clamping on a first occurrence be considered as opposed to on the fourth occurrence as trialled in Ashford.
  
  - (4) That the Council investigate the feasibility of using the Automatic Number Plate Recognition system at the Port of Dover as a method of identifying foreign HGV's that have outstanding Penalty Charge Notices in the district.

#### **Current Actions: Hawkesbury Street and Poulton Close, Dover**

Parking Services has been maintaining a log over the past few months of where Large Goods Vehicles (LGV) park across the district. Using that, and complaints from the public as the justification for action, a report was taken to the Dover Joint Transportation Board (JTB) on 9<sup>th</sup> June 2016 seeking consent for a proposal to prohibit lorry parking along appropriate sections of Hawkesbury Street and Poulton Close, Dover, and to formally advertise the proposals.

Double yellow line parking restrictions already exist in parts at both locations already, with such restrictions banning all vehicles 24/7. However, other parts of these roads are not restricted and so LGVs park here to the detriment of residents and other motorists. The JTB supported the proposals

and asked Parking Services to draw up plans to introduce these restrictions with the results of the consultation to be presented to a future meeting of the Board to make its recommendation.

These proposals have been published in the local press on 1<sup>st</sup> September 2016, and the consultation will end on 26<sup>th</sup> September 2016. Following that, a further report will be taken to the JTB with recommendations.

### **District surveys**

As mentioned earlier, a survey has been taking place for some time, with Civil Enforcement Officers recording where LGVs are parking and in what numbers. They also record whether or not any enforcement action has been taken. This information has been used in determining where the experimental LGV ban should be imposed and will be taken into account when considering any other action that might be taken.

Arrangements will also be made for contacting Town and Parish Councils to ascertain any issues they also experience by inconsiderate or illegal LGV parking, and information provided by them will be taken into account when determining future action.

This could lead to action being taken such as that outlined above in Hawkesbury Street and Poulton Close, but is a more measured approach than that taken by Shepway District Council, who introduced an overnight and weekend parking ban for HGVs in some 19 roads across the District in November 2015. The impact of this initiative is being monitored but one concern of such an approach is that it simply displaces the problems caused by HGV parking from one area to another.

### **Legislative Powers**

The civil enforcement of parking regulations is governed by extensive legislation and guidance issued by Central Government.

The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions (2016 version) refers to immobilisation and the fact that this method is not often used by Local Authorities nowadays. Where it is used, it should only be in limited circumstances such as the same vehicle repeatedly breaking parking regulations and where it has not been possible to collect payment for penalties (e.g. vehicle not registered with DVLA).

Local Authorities seeking to immobilise vehicles will need to formulate and publish clear guidelines, and a decision to immobilise may only be made by a properly trained Civil Enforcement Officer.

This statutory guidance refers to circumstances where authorities must not immobilise a vehicle in the first 30 minutes following the issue of a PCN (or the first 15 minutes in the case of a persistent evader). Those circumstances generally relate to pay and display parking spaces.

The Statutory Guidance describes a "Persistent Evader" as having three or more recorded contraventions for the vehicle and these have not been paid, represented against, or appealed against within the statutory time limits, or representations and appeals have been rejected but they have still not paid.

The power to immobilise vehicles is granted by Sections 12 to 14 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007, which states that where a penalty charge notice has been served in accordance with regulations, a Civil Enforcement Officer may fix an immobilisation device to the vehicle. Section 13 prescribes the limitations on this power, referred to earlier, which relate to paid for parking spaces. Apart from the limitations detailed in Section 13, it appears that there are no other restrictions preventing a vehicle parked in contravention of the regulations from being immobilised whether or not it is a persistent offender.

Within Kent, until recently, Ashford was the only borough actively enforcing rules specifically relating to HGV parking on the Highway. Kent County Council (who are the Highway Authority) and Ashford Borough Council had been working closely together since 2014 to try and address the growing problem of HGV parking and agreed to conduct a 6 month clamping trial starting on 1 April 2015. The trial was carried out in the three areas of the borough that had been identified as having the biggest problem and where the Ashford Borough Council Civil Enforcement team has been regularly enforcing for several years but failed to achieve compliance with the Overnight HGV parking ban, double parking and No Waiting restrictions. The Ashford policy states that HGVs of 5 Tonnes (gross weight) and over that have **at least three unpaid Parking Penalty Charge Notices** may be clamped, if found to be parked in contravention of a parking restriction and issued a fourth Penalty Charge Notice by a Civil Enforcement Officer.

This approach derives from The Department for Transport publication Traffic Management Act 2004 Operational Guidance to Local Authorities: Parking Policy and Enforcement, within which paragraphs 8.96 and 8.97 explain the policy approach:

#### ***Immobilisation/removal***

***8.96 Very few authorities now use immobilisation. The Secretary of State is of the view that it should only be used in limited circumstances such as where the same vehicle repeatedly breaks parking restrictions and it has not been possible to collect payment for penalties, primarily because the keeper is not registered, or is not properly registered, with the DVLA. Where a vehicle is causing a hazard or obstruction the enforcement authority should remove rather than immobilise. Immobilisation/removal activity should only take place where it gives clear traffic management benefits.***

***8.97 An enforcement authority should formulate and publish clear guidelines for CEOs on when it will be appropriate to immobilise or remove. The guidelines should cover the order of priority in which vehicles should be dealt with, based on the nature of the contravention. Powers should not be used randomly and authorities should draw up guidelines in consultation with the police. Immobilisation and removal guidelines should consider the:***

- inconvenience that immobilisation causes drivers;***
- potential obstruction or loss of parking space that results; and***
- effect of immobilisation and removal on public perception and acceptance of CPE.***

Should immobilisation be introduced, there will be clear financial implications as the charges will be far greater than any income generated. Section 4 of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges)(England) Order 2007 states that the charge payable for the release of a vehicle from an immobilisation device must be £40. If the driver of any immobilised vehicle additionally pays the PCN charge at the time, the maximum amount charged would be £35 (Higher level PCN charge is £70, with a 50% discount if paid within 14 days) making a maximum charge collected of £75. If the driver contests the charge, there is no requirement to pay at the time. The current cost of immobilising a vehicle, using an external contractor with the necessary equipment and skills, is £150. Therefore, every time a vehicle is immobilised a minimum cost at today's charges of £75 would be incurred.

#### **ANPR/CCTV**

The utilisation of an ANPR system is a complex area and will take some time to fully explore. Ultimately, it is highly likely that a change in legislation will be required. The types of issues involved in this will include a process for placing information on a database, who will operate/be responsible for the database, what information will be contained (PCNs only? Other motoring offences?), who will be able to place information on the database (Local Authorities from Kent or countrywide? Other law enforcement agencies without the current ability to utilise the existing police systems? Enforcement Agents?), how will motorists be stopped and what powers will be available to detain them pending payment of any outstanding fines, will the type of load being carried have to be taken into account?

Christopher Allen,  
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***2<sup>nd</sup> September 2016***