



Cabinet Member for Policing and Equalities

Time and Date

2.00 pm on Thursday, 2nd December, 2021

Place

Diamond Rooms 1 and 2 - Council House

Please note that in line with current COVID regulations, there will be limited public access to the meeting to ensure social distancing. If you wish to attend in person, please contact the Governance Services Officers indicated at the end of the agenda.

Public Business

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 6)
 - (a) To agree the minutes of the meeting held on 9 October 2021
 - (b) Matters arising
4. **Annual Compliance Report 2021 - Regulatory & Investigatory Powers Act (RIPA) 2000** (Pages 7 - 14)

Report of the Director of Streetscene and Regulatory Services
5. **Adoption of Delegated Powers to Tow-away Vehicles** (Pages 15 - 24)

Report of the Director of Transportation and Highways
6. **Outstanding Issues**

There are no outstanding issues
7. **Any Other Business**

To consider any other items of business which the Cabinet Member decides to take as a matter of urgency because of the special circumstances involved.

Private Business

Nil

Julie Newman, Director of Law and Governance, Council House Coventry

Wednesday, 24 November 2021

Note: The person to contact about the agenda and documents for this meeting is Usha Patel Email: usha.patel@coventry.gov.uk

Membership: Councillors P Akhtar (Deputy Cabinet Member) and AS Khan (Cabinet Member)

By invitation Councillor J Lepoidevin (Shadow Cabinet Member)

Public Access

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<https://www.coventry.gov.uk/publicAttendanceMeetings>

Usha Patel

Email: usha.patel@coventry.gov.uk

Coventry City Council
Minutes of the Meeting of Cabinet Member for Policing and Equalities held at 2.00
pm on Tuesday, 19 October 2021

Present: Councillor AS Khan (Chair)
Members: Councillor J Lepoidevin (Shadow Cabinet Member)

Employees (by Directorate):

D Cahalin-Heath, Licensing and Regulation
R Masih, Licensing and Regulation
M Rose, Law and Governance
A Wright, Law and Governance

Apologies: Councillor P Akhtar

Public Business

7. Declarations of Interest

There were no declarations of interest.

8. Minutes

The minutes of the meeting held on 22nd July 2021 were agreed and signed as a true record. There were no matters arising.

9. Gambling Act 2005 - Revised Statement of Gambling Policy

The Cabinet Member considered a report of the Director of Streetscene and Regulatory Services which updated Members on the outcome of the 6 week consultation undertaken on the review of the Council's Statement of Gambling Policy for the Gambling Act 2005 and to recommend for approval, a revised policy for the period 2022 – 2025.

The Gambling Act required each licensing authority to prepare and publish a Statement of Gambling Policy. The policy statement sets out how the licensing authority intends to approach its licensing responsibilities and in particular how it intends to promote the three licensing objectives. The current Gambling Policy came into effect on 3rd January 2019, to cover a period up to 31st January 2022. This policy must be renewed every three years and be subject to a full consultation process. Cabinet Member (Policing and Equalities) on 22nd July 2021 and the Licensing and Regulatory Committee on 27th July 2021, considered a report on the draft revised Gambling Policy and authorised the Director of Streetscene and Regulatory Services to consult on its contents (minutes 4/21 and 11/21 respectively refer).

This report advised Members of the consultation that had taken place and outlined the comments received and amendments made to the Council's draft Gambling Policy. There were no major changes to the Policy except some minor wording amendments. The general principles of the Gambling Policy remained the same

and the document was still centred around the Gambling Act's three licensing objectives, namely:

- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime;
- Ensure gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Following public consultation, the revised draft Statement of Gambling Policy was now ready to be recommended for adoption to take effect from 31st January 2022 (Appendix A). The public consultation exercise finished on 13th September 2021, and included the following elements: -

- Mail shots to operators
- Notification to the responsible authorities
- Mail shots to trade organisations and religious organisations
- Wider public consultation through the city council's website

All statutory consultees had received a full copy of the draft Gambling Policy and notification of the draft policy was given to all Council Members and Parish Councils. The draft policy was also made available on the council's website from 2nd August 2021 to 13th September 2021 and was sent to all licensed businesses, Responsible Authorities, resident associations and other public consultees as set out in the policy inviting them to comment.

Three responses had been received to the consultation and these were summarised in Appendix B to the report. After considering these comments it was proposed that no further changes were required for the policy, and the reasoning for this was also outlined in Appendix B to the report. Therefore, the only proposed changes to the policy were minor wording amendments.

The revised Statement of Gambling Policy must be published by 3rd January 2022, allowing the Council to continue to carry out any function in respect of applications made under the authority of the Gambling Act 2005 after 31st January 2022.

The Cabinet Member and the Shadow Cabinet Member discussed with officers the consultation and responses noting that there were no major changes proposed.

RESOLVED that, the Cabinet Member for Policing and Equalities: -

- 1. Considering the results of the consultation, and the proposed changes on the revised Statement of Gambling Policy for the period 2022 – 2025 and any comments from the Licensing and Regulatory Committee and**
- 2. Recommend to Council that it adopts the revised Statement of Gambling Policy attached as Appendix A of the report.**

10. **Outstanding Issues**

There were no outstanding issues.

11. **Any Other Business**

There were no other items of business.

(Meeting closed at 2.06 pm)

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Audit and Procurement Committee
Cabinet Member for Policing and Equalities

29th November 2021
2nd December 2021

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor A S Khan

Director Approving Submission of the report:

Director of Streetscene and Regulatory Services

Ward(s) affected:

None

Title:

Annual Compliance Report 2021 - Regulatory & Investigatory Powers Act (RIPA) 2000

Is this a key decision?

No

Executive Summary:

The Regulation of Investigatory Powers Act 2000 (RIPA) governs the acquisition and disclosure of communications data and the use of covert surveillance by local authorities.

The Council uses powers under RIPA to support its core functions for the purpose of prevention and detection of crime where an offence may be punishable by a custodial sentence of 6 months or more or are related to the underage sale of alcohol and tobacco. There are three processes available to local authorities under RIPA: the acquisition and disclosure of communications data; directed surveillance; and covert human intelligence sources (“CHIS”).

The Act sets out the procedures that the Council must follow if it wishes to use directed surveillance techniques or acquire communications data in order to support core function activities (e.g. typically those undertaken by Business Compliance and Environmental Health). The information obtained as a result of such operations can later be relied upon in court proceedings providing RIPA is complied with.

The Home Office Code for Covert Surveillance and Property Interference recommends that elected members, whilst not involved in making decisions or specific authorisations for the local authority to use its powers under Part II of the Act, should review the Council’s use of the legislation and provide approval to its policies. The Council adopted this approach for oversight of the authority’s use of Parts I and II of the Act.

Recommendations:

The Audit and Procurement Committee is requested to:

- 1) Consider and note the Council's use and compliance with RIPA.
- 2) Forward any comments and/or recommendations to the Cabinet Member for Policing and Equalities.

The Cabinet Member for Policing and Equalities is requested to:

- 1) Consider any comments and/or recommendations provided by the Audit and Procurement Committee.
- 2) Approve the report as a formal record of the Council's use and compliance with RIPA.

List of Appendices included:

None

Other useful background papers:

None

Other useful background information:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

Yes – Audit and Procurement Committee 29th November 2021

Will this report go to Council?

No

Report title: **Annual Compliance Report - Regulatory & Investigatory Powers Act (RIPA) 2000**

1. Context (or background)

- 1.1 RIPA governs the acquisition and disclosure of communications data and the use of covert surveillance by local authorities. The Council can only use powers under RIPA to support its core functions for the purpose of prevention and detection of crime.
- 1.2 There are different thresholds that need to be met before any surveillance can be undertaken. In the case of Directed Surveillance or the use of Covert Human Intelligence Sources (CHIS) an offence has to be punishable by a custodial sentence of 6 months or more or the offence is related to the underage sale of alcohol and/or tobacco. In the case of Communications Data an offence has to be punishable by a custodial sentence of 12 months or more (e.g. offences relating to counterfeit goods which carry a maximum penalty of 10 years in prison).
- 1.3 Where the above criteria are met, local authorities can make an application for the acquisition and disclosure of communications data (such as telephone billing information or subscriber details) or directed surveillance (covert surveillance of individuals in public places); and the use of a CHIS (such as the deployment of undercover officers). The powers are most commonly used by Business Compliance. However, powers can also be used by other Council services if their offences meet the serious crime threshold, mentioned in 1.2 above.
- 1.4 RIPA and Codes of Practice set out the procedures that local authorities must follow when undertaking surveillance. These include approval by Authorised Council Officers for Directed Surveillance / CHIS applications to show that the proposed use of the powers is “necessary and proportionate”.
- 1.5 The Council is required to have a Senior Responsible Officer to maintain oversight of the RIPA arrangements, procedures and operations. The Council’s Monitoring Officer performs this function and is responsible for the integrity of the Council’s process for managing the requirements under RIPA.
- 1.6 Since 1st September 2017, the [Investigatory Powers Commissioner's Office](#) (IPCO) has been responsible for the judicial oversight of the use of covert surveillance by public authorities throughout the United Kingdom.
- 1.7 2019 saw the implementation of Part 3 of the Investigatory Powers Act 2016 (IPA). The introduction of this legislation has seen the most significant change to the acquisition of communications data in recent years. The IPA consolidates all existing powers available to law enforcement and other agencies. It radically overhauls the way these powers are authorised and overseen. The legislation also ensures that the powers conveyed are fit for the fast-moving digital age that we live in. The IPA has introduced the Office for Communications Data Authorisation (OCDA) which is now responsible for independently authorising all applications for communications data. This has removed the requirement for local authorities to seek judicial approval for communications data. In addition, the legislation has

broadened the range of communications data available including access to location data.

1.8 The acquisition of communications data is undertaken through the National Antifraud Network (NAFN). They act as the single point of contact for many local authorities and ensure the application is RIPA/ IPA compliant. It is NAFN that are audited by the commissioners.

1.9 Details of the applications that the Council has made are set out below:

1.9.1 Use of Directed Surveillance or Covert Human Intelligence Sources

For the Period 1 January 2020 – 31 December 2020

The number of applications made for a Directed Surveillance authorisation	0
The number of Directed Surveillance authorisations successfully granted	0
The number of Directed Surveillance authorisations that were cancelled	0
The number of Directed Surveillance authorisations extant at the end of the year	0

- Due to the pandemic and the need for officers to undertake duties related to legislation brought in during the pandemic the need for Directed Surveillance has not been required. An example would be the assistance of volunteer young people below the age of 18 to make test purchases of age restricted goods.
- If requests had been submitted, they would have related to core functions permitted by the Act and for the purpose of preventing and detecting crime.
- There were no reported instances of the Council having misused its powers under the Act.

1.9.2 Use of Acquisition & Disclosure of Communications Data

No applications for the disclosure of communications data were made during the period 1 January 2020 – 31 December 2020.

1.10 Statistical Data

The IPCO require annual statistical data each year. The [Annual Report of the Investigatory Powers Commissioner 2019](#) is published on the IPCO website. Part 14 provides the findings relating to local authorities.

1.11 RIPA Training

It is recommended good practice to provide RIPA training to all relevant officers periodically. A one day training session was delivered on 18 January 2017. Elected Members, and Council Officers from core function departments, Legal and those who play a key role in implementing and/or managing CCTV systems attended.

Refresher training will take place in January 2022 for Elected Members and Council Officers.

2. Options considered and recommended proposal

- 2.1 The Audit and Procurement Committee is recommended to consider and note the Annual Compliance Report, which sets out how the Council has used its powers during the reporting periods of the individual Commissioners. In addition, the Committee is recommended to forward any comments or recommendations to the Deputy Leader Policing and Equalities.
- 2.2 The Deputy Leader Policing and Equalities is recommended to consider any comments and/or recommendations from the Audit and Procurement Committee and approve the report as a formal record of the Council's use and compliance with RIPA.

3. Results of consultation undertaken

- 3.1 Not applicable

4. Timetable for implementing this decision

- 4.1 The report will be a formal record of the Council's use of RIPA in 2020 when approved by the Cabinet Member for Policing and Equalities.

5. Comments from the Director of Finance and the Director of Law and Governance

5.1 Financial implications

The Council has budget provision to cover the cost of the training, which will be delivered by an external trainer who specialises in RIPA legislation. There are no other direct financial implications arising from this report.

5.2 Legal implications

The powers of local authorities have remained largely unchanged following the introduction of the Investigatory Powers Act 2016. However, Officers will continue to monitor the operation of RIPA and ensure that any amendments are incorporated into the Council's policy and procedures as appropriate.

Consideration and endorsement by Members, ensures that appropriate scrutiny is in place. Consideration of RIPA activity as recommended by the OSC guidance ensures that such activity is subject to appropriate scrutiny and control.

6. Other implications

Whilst the requirement to obtain judicial / OCDA approval introduced an additional step into the process, given the Council's low use of its powers under RIPA, it has not resulted in any significant delays for planned operations. Routine patrols, ad-

hoc observations at trouble 'hot spots', immediate response to events and overt use of CCTV do not require RIPA authorisation.

6.1 How will this contribute to achievement of the Council's Plan?

As and when judicial / OCDA approval is sought to use these powers, it will help support the Council's core aims by preventing and detecting crime associated with enforcement activities such as: investigations relating to counterfeiting and fraudulent trading activity, or underage sales of alcohol or tobacco.

6.2 How is risk being managed?

The requirement for the Council to seek judicial / OCDA approval for any proposed use of its powers under the Regulation of Investigatory Powers Act 2000, as amended by the Protection of Freedoms Act 2012 and IPA, reduces the risk of the Council using such powers inappropriately or unlawfully. This will help ensure any evidence gained from such use will be admissible in a court of law.

6.3 What is the impact on the organisation?

There is no additional impact on the Council.

6.4 Equalities / EIA

When submitting a request for authorisation to use RIPA, consideration is given to any impact on equalities.

6.5 Implications for (or impact on) climate change and the environment?

There are no implications on the environment.

6.6 Implications for partner organisations?

There are no implications on partner organisations.

Report author(s):**Name and job title:**

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Service:

Streetscene and Regulatory Services

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Enquiries should be directed to the above.

Contributor/ approver name	Title	Service	Date doc sent out	Date response received or approved
Contributors:				
A Walster	Director of Streetscene and Regulatory Services	-	20/09/2021	20/09/2021
Davina Blackburn	Strategic Lead of Regulation	Streetscene and Regulatory Services	31/08/2021	6/9/2021
Debbie Cahalin-Heath	Licensing and Business Compliance Manager	Streetscene and Regulatory Services	31/08/2021	31/08/2021
Roy Hammond	Regulatory Lawyer, Legal Services	Law and Governance	20/09/2021	23/09/2021
Sharon Lock	Head of Information Governance and Records Management	Law and Governance	31/08/2021 20/09/2021 15/11/2021	15/11/2021
Michelle Salmon	Governance Services Officer	Law and Governance	20/09/2021	20/09/2021
Names of approvers for submission: (officers and members)				
Cath Crosby	Lead Accountant (Business Partnering)	Finance	20/09/2021	24/09/2021
Julie Newman	Director of Law and Governance and Monitoring Officer	-	20/09/2021	28/09/2021
Councillor A S Khan	Cabinet Member for Policing and Equalities	-	15/11/2021	15/11/2021

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Cabinet Member

2 December 2021

Name of Cabinet Member:

Cabinet Member for Policing and Equalities - Councillor AS Khan

Director Approving Submission of the report:

Director of Transportation and Highways

Ward(s) affected:

All

Title:

Adoption of Delegated Powers to Tow-away Vehicles

Is this a key decision?

No - although the proposals affect more than two electoral wards, the impact is not expected to be significant.

Executive Summary:

The Council is responsible for civil parking enforcement of parking contraventions in Coventry. Civil parking enforcement operates under the Traffic Management Act 2004 (TMA 2004).

Whilst most drivers comply with parking regulations and park considerately, and they correctly tax their vehicles, some drivers deliberately and persistently park in contravention of restrictions, or park where they are causing obstructions to traffic, or don't register the vehicle with the DVLA, in attempts to avoid paying the fines they incur and any tax due.

The regulations made under the TMA 2004 allow local authorities to clamp or remove vehicles (tow away) that belong to persistent evaders and vehicles that are parked where they are causing an obstruction / hazard to traffic. Legislation also makes provision for the DVLA to devolve enforcement powers to Local Authorities and the Police to help tackle the problem of untaxed vehicles by removing them to a storage compound.

To date the Council hasn't adopted these powers and this has impacted on the effectiveness of some parking enforcement functions.

This report seeks approval to adopt the necessary powers to commence the removal of vehicles (tow-away) that are:

- Persistent evaders
- Causing obstruction to traffic where there are traffic management benefit of removing them.
- Untaxed

Recommendations:

The Cabinet Member for Policing and Equalities is recommended to:

1. Approve the adoption of existing delegated powers to include the removal of persistent evaders.
2. Approve the adoption of existing delegated powers to remove vehicles that are parked illegally and where the vehicle is causing an obstruction or hazard to other traffic.
3. Approve the use of DVLA 'devolved powers' to identify and remove untaxed vehicles from public streets and public car parks, including in instances where the vehicle doesn't meet the Council's abandonment criteria.

List of Appendices included:

None

Background papers:

None

Other useful documents:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Adoption of Delegated Powers to Tow-away Vehicles

1. Context (or background)

- 1.1 In August 2012, the Cabinet Member (City Services) approved a report to allow the removal of vehicles that are parked and causing an obstruction to planned highway maintenance work.

The TMA 2004 also makes provision for the removal of vehicles in other situations including persistent evaders and vehicles that are parked where they are causing an obstruction to the free flow of traffic. Many local authorities have already adopted vehicle removal powers although to date, Coventry hasn't.

- 1.2 The Department for Transport's (DfT) Operational Guidance recommends that the removal of vehicles should only take place where it gives clear traffic management benefits.

Where the enforcement authority adopts the powers, the authority is required to publish clear policies and procedures for Civil Enforcement Officers (CEOs) on when it is appropriate to remove offending vehicles.

- 1.3 Most motorists park their vehicles lawfully. Where parking offences do occur and a Penalty Charge Notice (PCN) is issued by one of the Council's CEOs, the majority of these are paid without the Council having to take further enforcement action.

However, some motorists contravene parking regulations deliberately and often and do not pay the fines they incur. This is usually because the vehicle isn't registered with the DVLA. Consequently, the usual PCN recovery process is frustrated and the debt isn't normally recovered. Ultimately, this will result in the debt being written-off - at great expense to the Council.

The TMA 2004 defines a vehicle that has three or more PCNs that have not been paid, represented against or appealed within the statutory timescales as a 'persistent evader'.

- 1.3.1 **Persistent Evaders** - The TMA (2004) provides the powers to local authorities to clamp or remove persistent evaders.

- 1.3.2 When a persistent evader is parked in contravention, it should be subject to the strongest possible enforcement by removing the vehicle to a secure pound once a PCN has been issued to it. The benefit of removing it is that it requires proof of ownership and a registered address before the vehicle is released from the pound.

The TMA 2004 states that a persistent evader can be removed immediately after a PCN has been issued if it is parked where parking is prohibited, e.g. on double yellow or double red lines.

However, if the vehicle is parked in a designated parking place where parking is permitted, the TMA 2004 prohibits the removal until at least 15 minutes after a PCN has been issued.

- 1.3.3 During the period April to September 2021, 184 vehicles qualified as a Persistent Evader in Coventry.

The vehicle with the highest number of PCNs recorded against it received 27 PCNs during this period and the associated debt currently amounts to £3,020. As the vehicle details are not registered with the DVLA, the Council is currently unable to recover the debt through the normal channels and processes.

1.3.4 The table below shows the current number of persistent evaders in Coventry for the year 2021 / 2022 together with the number of PCNs that remain unrecovered and the amount owed. This debt will ultimately be written-off if the owners remain untraceable:

PCNs outstanding	Number of vehicles	Total PCNs outstanding	Amount owed
3 or more	184	875	£94,339
5 or more	64	476	£54,341
10 or more	11	150	£16,355

1.3.5 Adopting the powers to remove persistent evaders will deter drivers from parking with impunity in locations where parking isn't permitted and discourage them from not paying for parking where a payment is required. It will also ensure that the Council's PCN recovery processes are more effective.

1.3.6 The fees associated with the removal and storage of vehicles are prescribed by the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2008 (SI 2007/2095). These fees are payable by the vehicle owner when the vehicle is reclaimed. The fees cover the costs incurred by the removal contractor.

1.3.7 Like all PCNs, vehicle removals can attract an appeal from the owner of the vehicle and these appeals will be treated in the same way as any other. If the appeal is successful, all monies paid in respect of the removal and storage of the vehicle will be reimbursed in full.

1.3.8 The proposed procedure for the removal of persistent evaders will comprise the following:

- Each case will be considered on its own merit including the inconvenience that the removal of the vehicle will cause to the driver (e.g. vulnerability of the driver, whether any young children are present, mobility impairments, further traffic congestion that may ensue as a result of lifting and removing the offending vehicle).
- The Parking Manager or their appointed deputy will have delegated authority for making the decision as to whether the offending vehicle will be removed.
- The Council will take immediate action to have the vehicle removed once a PCN has been issued albeit that if it is parked in a permitted parking place it will not be towed away until a period of at least 15 minutes has elapsed.
- The CEO must remain on site throughout the process and liaise with the authorising officer regarding the vehicle removal.

The authorising officer will contact the removal contractor and the vehicle will subsequently be removed to the storage pound.

- Upon collection, the owner will be required to provide proof of ownership including their full name and address so that the Council's Parking Services can pursue any unpaid penalty notices through the normal process.
- The owner will be required to pay the penalty charge together with any storage and release fees in full before the vehicle is released and returned to the owner.

1.4 **Obstructive / hazardous parking** - Aside from persistent evaders, some vehicles park illegally on the public highway where they cause a hazard, obstruction or a serious traffic problem. Issuing a PCN to the vehicle doesn't remove the problem.

1.4.1 The Council has the powers to immobilise or remove a vehicle if it is causing a hazard or obstruction to traffic where a parking offence has occurred and a PCN has been issued.

There are certain circumstances where enforcement can only be by the police, e.g. for causing an unnecessary obstruction of a road or leaving a vehicle in a dangerous position where there are no yellow lines or signs prohibiting parking.

1.4.2 Where a vehicle is parked where parking is prohibited, e.g. on double red or double yellow lines, the local authority can remove it as soon as possible after a PCN has been issued in order to improve traffic flow and road safety.

However, if the vehicle is parked where parking is permitted, the TMA 2004 states that the vehicle must not be removed until at least 30 minutes have elapsed after the PCN is issued, [unless it is a persistent evader where the time limit is 15 minutes].

1.4.3 In the case of a vehicle that is parked where it is causing an obstruction and safety hazard to other traffic or could impede emergency vehicles, the recommended process will be:

- Each case will be considered on its merits including the inconvenience that the removal of the vehicle will cause to the driver (e.g. vulnerability of the driver, whether any young children are present, mobility impairments, further traffic congestion that may ensue as a result of lifting and removing the offending vehicle).
- The Parking Manager or their appointed deputy will have delegated authority (i.e. the authorising officer) for making the decision as to whether an offending vehicle will be removed. In reaching the decision the following factors will be considered:
 - If the vehicle is parked where it is prohibited from stopping (e.g. on the red route, pedestrian crossing, yellow zig-zags outside of schools, clearways etc.) during the times that the restriction is enforceable, then the vehicle will be removed as soon as it is practical to do so once a PCN has been issued.
 - If the vehicle is parked where parking is permitted but the vehicle is parked inconsiderately and causing a serious obstruction, then the vehicle will not be removed until a period of 30 minutes has elapsed following a PCN being issued to it.
- The CEO will remain on site throughout the process and liaise with the authorising officer regarding the removal of the vehicle.
- The authorising officer will contact the removal contractor and the vehicle will subsequently be removed to the storage pound at the contractor's premises.
- If the driver returns to the vehicle during the removal process, the process will be stopped unless the vehicle is a persistent evader.
- Upon collection, the owner will be required to provide proof of ownership including their full name and address.

- The owner will be required to pay in full the penalty charge together with any storage and release fee to the contractor before the vehicle is released and returned to the owner.

1.5 **Untaxed vehicles** - There are also occasions where it hasn't been possible to collect payment for parking penalties because the vehicle is not registered, or is not correctly registered, with the DVLA. This may be because the owner is confident that they can avoid paying any penalty charges.

1.5.1 It is against the law to own and use an untaxed vehicle unless it is officially declared permanently off the road and not being driven. To do this, the owner must fill out a Statutory Off-Road Notification (SORN) and send it to the DVLA.

1.5.2 The number of untaxed vehicles has increased dramatically since the tax disc was abolished in October 2014. The DVLA estimate that there are as many as 28,000 untaxed vehicles in Coventry. These vehicles are often uninsured or not roadworthy and are sometimes involved in serious crimes or other anti-social behaviour.

Issuing a PCN to an untaxed vehicle that is illegally parked isn't a deterrent as the owner will usually be untraceable through the usual systems. Consequently, any PCNs are ultimately written off.

1.5.3 The Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997, makes provision for the DVLA to devolve enforcement powers to Local Authorities and the Police to locate and remove any untaxed vehicles within the city.

1.5.4 The devolved powers will also assist the Council's Street Enforcement Team with their work around dealing with abandoned vehicles where a vehicle doesn't meet or trigger the criteria for abandonment but is showing as untaxed. Thereby, giving the Council the ability to have the vehicles removed from the highway by the contractor for non-payment of road tax.

1.5.5 Once the vehicle has been removed and impounded, the owner must provide proof of ownership and evidence that it has been taxed and MOT'd. They must also pay the cost of the PCN together with the release and storage fees before the vehicle is released. This information ensures that the Council has the correct details to pursue any other unpaid penalties.

If the owner fails to contact the Council within prescribed timescales following removal of the vehicle, it can be scrapped or disposed of at auction. The owner is entitled to any proceeds from the sale less the cost of any outstanding charges for removal, storage, disposal and the penalty charge on the proviso that they apply within one year of the date on which the vehicle was sold or scrapped.

The removal of vehicles is in accordance with instructions issued by the Council's authorising officers and is carried out by an appointed contractor working on behalf of the Council.

1.6 To date, the Council hasn't adopted the powers to remove vehicles where the vehicle is a persistent evader, or illegally parked and causing obstruction to traffic, or untaxed with the DVLA.

This report seeks the necessary approvals to adopt the powers and develop the operational procedures that will help to reduce the amount of nuisance vehicles on the streets.

This will have the added benefits of improving road safety in Coventry and the effectiveness of parking enforcement and PCN recovery.

2 Options considered and recommended proposal

The Cabinet Member for Policing and Equalities is recommended to:

- Approve the adoption of existing delegated powers to include the removal of persistent evaders.
- Approve the adoption of existing delegated powers to remove vehicles that are parked illegally and are causing an obstruction or hazard to other traffic.
- Approve the use of ‘devolved powers’ in conjunction with the DVLA to identify and remove untaxed vehicles from public streets and car parks, including in instances where the vehicle doesn’t meet the Council’s abandonment criteria.

The main alternative option would be to do nothing and continue ‘as is’ and not remove vehicles that meet either of the stipulated criteria.

By continuing to do nothing, there is a potential reputational risk that the Council is not fulfilling its duty under the TMA 2004 by ensuring the streets remain safe to use and that emergency vehicles are not prevented from attending sites in a timely manner.

Officers do not recommend this as it would mean that a small minority of motorists would continue to ignore parking restrictions with impunity, to the dissatisfaction of law-abiding motorists at a continuing cost to the Council.

3. Results of consultation undertaken

None

4. Timetable for implementing this decision

The timescales for implementation will be developed subject to approval of the recommendations within this report and the procurement and appointment of a suitable vehicle removal contractor.

5. Comments from Director of Finance and Director of Law and Governance

5.1 Financial implications

The table below shows the value of unpaid PCNs that were written off by the Council during the past three years due to vehicles not being correctly registered with the DVLA, including persistent evaders:

Year	Number of PCNs written off due to DVLA ‘no trace’	Value of PCNs written off
2020 – 2021	3,027	£93,518
2019 – 2020	6,987	£366,025
2018 – 2019	9,302	£427,767

It is expected that the adoption of powers to remove persistent evaders will significantly improve PCN collection rates as it will enable the Council / DVLA to obtain the correct address details of many existing persistent evaders. However, it is difficult to accurately predict how much additional income will be generated.

The fees relating to removal, storage and disposal will be paid directly by the driver when vehicles are released and there will be no cost implications to the Council.

5.2 Legal implications

The proposed adoption of the powers complies with the statutory provisions of the TMA 2004, which governs the enforcement of parking contraventions. It has also been developed in accordance with the Operational Guidance to Local Authorities: Parking Policy and Enforcement issued by the Department for Transport (DFT) in March 2008, revised November 2010 and March 2015.

The introduction of powers to remove vehicles for those parked in contravention of traffic orders does not need advertising or amendment of any associated Traffic Regulation Orders as there is no requirement to prescribe how the Council wishes to enforce so long as the method complies with all relevant legislation.

6 Other implications

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

The proposals to remove persistent evaders, untaxed vehicles and vehicles that are parked where they are causing an obstruction will support the Council's aim of ensuring that citizens, especially children and young people, are safe. It also supports the objective of reducing crime and the potential for anti-social behaviour.

6.2 How is risk being managed?

There are no significant risks associated with the adoption of the powers. The overall costs to the Council are negligible and any additional costs can be managed within the budget available.

6.3 What is the impact on the organisation?

None

6.4 Equality Impact Assessment / EIA

This report is solely about proposals to remove vehicles that have been parked in contravention of a parking restriction or are parked inconsiderately causing a hazard / obstruction to road users or are untaxed.

Operational procedures will be developed prior to the adoption of the powers. The procedures will require that each individual case is assessed and considered prior to the removal of the vehicle.

Vehicles displaying a Blue Badge will not be removed. In exceptional circumstances, for example, where a vehicle displaying a Blue Badge is causing a safety hazard, the vehicle should be relocated to a safe place nearby and where possible, within sight of the original location.

6.5 Implications for (or impact on) climate change and the environment

There are no notable or significant impacts on climate change or the environment as a result of the introduction of the proposals.

6.6 Implications for partner organisations?

No specific implications have been identified at this stage.

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