

Coventry City Council
Minutes of the Meeting of Cabinet Member for Policing and Equalities held at 2.00 pm on Thursday, 2 December 2021

Present	Councillor AS Khan (Cabinet Member)
Members:	Councillor P Akhtar (Deputy Cabinet Member) Councillor J Lepoidevin (Shadow Cabinet Member)
Other Members:	Councillor P Hetherton (Cabinet Member for City Services)
Employees (by Directorate):	
Streetscene and Regulatory Services	D Cahalin-Heath, A Tandy
Transportation and Highways	P Bowman
Law and Governance	M Rose

Public Business

12. Declarations of Interest

There were no declarations of interest.

13. Minutes

The minutes of the meeting held on 19th October, 2021 were agreed and signed as a true record.

There were no matters arising.

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

The Cabinet Member considered a report of Director of Streetscene and Regulatory Services which provided information about the Council's use and compliance with Regulatory & Investigatory Powers Act (RIPA) 2000. The Audit and Procurement Committee also considered the report on 29th November 2021 (their minute 41/21 refers).

The report noted that RIPA governed the acquisition and disclosure of communications data and the use of covert surveillance by local authorities. The Council used 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 were related to the underage sale of alcohol and tobacco. There were three processes available to local authorities

under RIPA: the acquisition and disclosure of communications data; directed surveillance; and covert human intelligence sources (“CHIS”).

The report detailed 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 could later be relied upon in court proceedings providing RIPA was complied with.

The Home Office Code for Covert Surveillance and Property Interference recommended 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.

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 or Covert Human Intelligence Sources had not been required for the Period 1 January 2020 – 31 December 2020. 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. There were also no applications for the disclosure of communications data made during the period 1 January 2020 – 31 December 2020.

Officers reported that the Audit and Procurement Committee requested online sales be explored further. Officers noted online sales were part of the Licensing Act and a system was in place for conditions and enforcement.

The Cabinet Member discussed the regulations with officers.

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

- 1) Notes the comments of the Audit and Procurement Committee regarding online sales.**
- 2) Approves the report as a formal record of the Council’s use and compliance with RIPA.**

15. Adoption of Delegated Powers to Tow-away Vehicles

The Cabinet Member considered a report of Director of Transportation and Highways which sought approval to adopt the necessary powers to commence the removal of vehicles that, were untaxed, persistently evaded parking restrictions, or caused obstruction to traffic (if there were traffic management benefits of removing them).

The report noted that the Council were responsible for civil parking enforcement of parking contraventions in Coventry, which operated under the Traffic Management Act 2004 (TMA 2004). Where parking offences occur a Penalty Charge Notice (PCN) could be issued by one of the Council's Civil Enforcement Officers (CEOs), the majority of these were paid without the Council having to take further enforcement action. Most drivers comply with parking regulations, park considerately and correctly tax their vehicles, some drivers appear to deliberately and persistently park in contravention of restrictions, or park where they cause obstructions to traffic. Some drivers don't register their vehicle with the DVLA, in attempts to avoid paying the fines they incur and any tax due. The debt isn't normally recovered and would be written-off at the expense of the Council.

The report recognised that it was against the law to own and use an untaxed vehicle unless it was 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. The number of untaxed vehicles had increased dramatically since the tax disc was abolished in October 2014. The DVLA estimated that there were as many as 28,000 untaxed vehicles in Coventry. These vehicles were often uninsured or not roadworthy and were sometimes involved in serious crimes or other anti-social behaviour. Issuing a PCN to an untaxed vehicle that was illegally parked wasn't a deterrent as the owner would usually be untraceable through the usual systems.

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

The TMA 2004 defined a vehicle that had three or more PCNs that had not been paid, represented against or appealed within the statutory timescales as a 'persistent evader'. When a persistent evader parked in contravention, it should be subject to the strongest possible enforcement by removing the vehicle to a secure pound once a PCN had been issued to it. The benefit of removing it was that it required proof of ownership and a registered address before the vehicle was released from the pound.

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 had received 27 PCNs during this period and the associated debt currently amounted to £3,020. The report detailed the current number of persistent evaders in Coventry for the year 2021 / 2022 together with the number of PCNs that remained unrecovered.

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

If the owner failed to contact the Council within prescribed timescales following removal of the vehicle, it could be scrapped or disposed of at auction. The owner was 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 was in accordance with instructions issued by the Council's authorising officers and was carried out by an appointed contractor working on behalf of the Council.

The fees associated with the removal and storage of vehicles were prescribed by the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2008 (SI 2007/2095). These fees were payable by the vehicle owner when the vehicle was reclaimed. The fees cover the costs incurred by the removal contractor. Like all PCNs, vehicle removals could attract an appeal from the owner of the vehicle and these appeals would be treated in the same way as any other. If the appeal was successful, all monies paid in respect of the removal and storage of the vehicle would be reimbursed in full.

Many local authorities had already adopted vehicle removal powers Coventry had not yet and this impacted on the effectiveness of some parking enforcement functions. Where the enforcement authority adopted the powers, the authority was required to publish clear policies and procedures for Civil Enforcement Officers (CEOs) on when it was appropriate to remove offending vehicles. The proposed procedure was detailed in the report.

The Cabinet Member for City Services welcomed the report and felt it would enable the Council to manage highway safety issues.

The Cabinet Member for Policing and Equalities and the Cabinet Member for City Services discussed the report with the Shadow Cabinet Member and officers. They discussed procedures, communication and technology to identify persistent offenders. They noted that the data would be monitored once systems were operational.

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

- 1. Approves the adoption of existing delegated powers to include the removal of persistent evaders.**
- 2. Approves 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. Approves 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.**

16. Outstanding Issues

There were no outstanding issues.

17. **Any Other Business**

There were no other items of business.

(Meeting closed at 2.26 pm)