

# Bath & North East Somerset Council

DECISION MAKER:	<b>Cllr Joel Hirst, Cabinet Member for Sustainable Transport Strategy</b>		
DECISION DATE	<b>On or after 8 November 2025</b>	EXECUTIVE FORWARD PLAN REFERENCE:	
		<b>E</b>	<b>3654</b>
TITLE:	<b>Removal of vehicles parked on the public highway or in council car parks</b>		
WARD:	All		
<b>AN OPEN PUBLIC ITEM</b>			
<b>List of attachments to this report:</b>			
Appendix 1 - E1692 – Introduction of Clamping and Removal of Illegally Parked Vehicles.			
Appendix 2 – Equalities Impact Assessment.			

## 1 THE ISSUE

- 1.1 This report sets out an updated approach to the removal of vehicles parked in contravention of parking restrictions on the highway, or where they impact the safe and efficient movement of vehicles on the network, to ensure full alignment with statutory provisions and updates to the council's Traffic Regulation Orders (TRO), including the Anti-Terrorism Traffic Regulation Order (ATTRO).

## 2 RECOMMENDATION

**The Cabinet Member for Sustainable Transport Delivery Strategy is asked to;**

- 2.1 Support the broad use of statutory vehicle removal powers for vehicles parked in contravention on the highway where the vehicle remains a risk to public safety or the movement of traffic.**

## 3 THE REPORT

- 3.1 The council operates an internal team of Civil Enforcement Officers (CEO) which has the regulatory powers to carry out the civil enforcement of parking contraventions on the highway by issuing Penalty Charge Notices (PCNs) and approving the removal of vehicles to which a PCN has been issued.
- 3.2 All motorists who receive a PCN have an opportunity to pay or appeal the Penalty Charge to the council. If those that appeal are not successful, they may also appeal to an independent adjudicator at the Traffic Penalty Tribunal.

- 3.3 Where a motorist chooses not to pay or appeal the council may serve further statutory notices to the liable party, the registered owner/keeper as recorded at the Driver and Vehicle Licencing Agency (DVLA). A case may ultimately progress through this statutory process and be passed to Enforcement Agents for recovery following the issue of a warrant. This process may be obstructed or impacted where the data held by the DVLA data is missing or inaccurate, which itself is an offence and may result in a fine of up to £1,000.
- 3.4 In 2007/08 the council adopted a limited policy (see Appendix 1) for the clamping and removal of illegally parked vehicles that comprised:
- (1) Persistent evaders – those whose vehicles have been issued with PCN for illegal parking and have failed to either pay the charge or appeal against the issue of it or failed to register the vehicle with the DVLA preventing enforcement action from commencing.
  - (2) Those whose vehicles are parked in defiance of a temporary TRO imposing restrictions prior to a special event such as the Bath Half Marathon.
  - (3) Those whose vehicles are parked in defiance of a temporary TRO and obstructing essential road maintenance schemes.
- 3.5 The value of the Penalty Charge is set by the Traffic Management Act 2004 (the 2004 Act) and is reduced by 50% if paid promptly (within 14 or 21 days). Whilst the charge in Scotland and London has risen to £100 and £110 respectively, in England the equivalent charge remains at £50 and has not increased in line with inflation or any other mechanism. This static charge significantly reduces the deterrent effect of the PCN itself as a measure to encourage compliance and evidence indicates some motorists view a PCN as a charge for convenience, which they are only liable to pay if their contravention is observed by a CEO and a PCN issued.
- (1) The Council is working with other Local Authorities, the British Parking Association, the Local Government Association and the England and Wales local government joint committee PATROL (Parking and Traffic Regulations Outside London) to seek a review of the Penalty Charge by the Department for Transport (DfT).
  - (2) For the period of August 2025, Bournemouth, Christchurch and Poole Council (BCP) were selected to participate in a unique trial approved by The Secretary of State for Transport and DfT which involved an increased rate for PCNs and associated charges within a specified defined area of the BCP region. The primary objective of this trial is to evaluate whether higher PCN rates can lead to improved compliance with parking regulations and encourage more responsible driver behaviour. The findings from this initiative will be reviewed by the DfT and may contribute to shaping future national policy. It is important to note that the outcome of the trial will not be determined by BCP.
- 3.6 The introduction of legislation and the subsequent implementation of the Council's ATTRO, along with the reducing deterrent effect of the Penalty Charge, requires the council to review its approach to vehicle removals.
- 3.7 The objective of this review is to ensure that proportionate action can be taken to address vehicles parked in contravention that may additionally represent either:
- (1) a security risk;

- (2) a danger to other road users;
  - (3) or prevent the free movement of vehicles including emergency vehicles and public transport can be appropriately managed.
- 3.8 The objective set out in paragraph 3.7 above includes vehicles that cause a hazard on the network or other land, including those that remain parked inside sensitive locations covered by the council's ATTRO. If neither 1), 2) or 3) of paragraph 3.4 or 1), 2) or 3) of paragraph 3.7 apply then the only action taken will be to issue a PCN to the vehicle, which will remain in situ.
- 3.9 This review identified a gap in the limited policy adopted by the council in 2007/08 and the recommendations made by this report will ensure that all services across the Place Management Directorate are aligned to the existing statutory powers available for vehicle removals as outlined in section 4.
- 3.10 The Council's approach to vehicle removal is also a key component of the wider city centre security strategy. In collaboration with Avon & Somerset Police and the Council's CCTV and Emergency Planning teams, the use of ATTRO powers enables a proactive response to vehicles that may pose a security threat—particularly in high-footfall areas or during major events. The ability to remove vehicles swiftly from sensitive locations supports counter-terrorism objectives and ensures that the public realm remains safe, accessible, and resilient. This joint working approach is essential to maintaining public confidence and operational readiness in the face of evolving security risks.
- 3.11 Vehicles will only be removed on a case-by-case basis considering the risks set out in paragraph 3.7 associated with each parked vehicle.
- 3.12 Vehicles removed under this policy, giving regard to paragraph 3.13, will be taken to a secure compound on the council's behalf where the PCN, removal fee and storage fees (set out in paragraph 5.1), will be payable by the motorist upon collection and with presentation of relevant documentation.
- 3.13 In accordance with statutory guidance vehicles displaying a valid Blue Badge or diplomatic vehicles with a registration plate that is personalised or marked with a 'D' may be relocated to a safe spot nearby rather than removed. Diplomatic vehicles with an X plate may be removed if they are a persistent evader.
- 3.14 An awareness amongst motorists that frequently park in contravention for their own convenience in unsafe locations; impact vulnerable people; or the delivery of events and highways works of the risk that their vehicle may be removed will act as a deterrent to such parking practices.

## **4 STATUTORY CONSIDERATIONS**

- 4.1 The use of removal powers under the Road Traffic Regulation Act 1984 (the 1984 Act) presents an appropriate and proportionate response where a parking contravention has also occurred.
- 4.2 These powers are exercised pursuant to and in accordance with the duty under s122 of the 1984 Act (to secure the expeditious, convenient and safe movement of traffic) as well as enabling the council to fulfil its network management duty under section 16 of the 2004 Act, which also states that the council must

manage its road network with a view to securing the expeditious movement of traffic and may take any action they consider will contribute to securing (a) more efficient use of that network, or (b) the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network.

4.3 The powers to remove vehicles are contained within the following legislation:

- (1) Traffic Management Act 2004
- (2) Road Traffic Regulation Act 1984
- (3) The Removal and Disposal of Vehicle Regulations 1986 (SI1986/183)
- (4) Removal, Storage, and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008 (SI2008/2095)
- (5) The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions (England) Regulations 2022 (SI2022/71)
- (6) Statutory guidance for local authorities in England on civil enforcement of parking contraventions

4.4 Section 22C of the Road Traffic Regulation Act 1984 provides for ATTROs, under which vehicle or pedestrian traffic can be restricted for the purposes of “avoiding or reducing, or reducing the likelihood of, danger connected with terrorism” or “preventing or reducing damage connected with terrorism”.

## **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

5.1 The charges for vehicle removal and storage to a secure location are to be paid by the registered owner/keeper of the vehicle. These are prescribed by The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 as follows:

- (1) Vehicle removal charge £105
- (2) Vehicle storage charge £12 for each day, or part of day, during which the vehicle is impounded
- (3) Vehicle disposal charge £50

5.2 At all times the liability and responsibility for the payment or appeal of any PCN issued to a vehicle remains with the registered owner/keeper of the vehicle in accordance with the statutory process set out in the 2004 Act.

5.3 Vehicles removed from sensitive locations included within the ATTRO will be stored at a suitable and local location. Where this storage is within a publicly accessible council managed site, no storage charges will apply, and the council will be responsible for removal charges. Vehicles displaying a valid Blue Badge will be relocated to a safe spot nearby, where possible within sight of its original location.

5.4 During major events, and in collaboration with Avon & Somerset Police, the council may be required to prioritise the removal of vehicles from sensitive

locations included within the ATTRO that are assessed to be a security risk, and therefore a threat to public safety. This may require removal equipment to be on standby, particularly during peak times, at an anticipated cost of £165 per hour (net of VAT) to be funded by the event organiser.

- 5.5 As vehicle removal powers have historically been applied in limited circumstances, no data exists to assess the impact that the more robust approach proposed by this review will have on removal activity and the numbers of vehicles to be removed. It should be noted that this impact will also be dependent on local intelligence, and the national threat level. However, as set out in paragraph 3.5, the Penalty Charge level is no longer an effective financial deterrent, and council officers have anecdotally observed an increase in vehicles regularly seen parking in contravention for their driver's convenience. Vehicle removal frequency and location will be regularly monitored.
- 5.6 The council currently works with local suppliers for vehicle removal services, with costs for this service funded by event organisers or the vehicle owner/keeper. The council will monitor expenditure incurred from the removal of vehicles not taken to a secure facility (as described in paragraphs 3.13, 5.3 and 5.4) through regular budget monitoring, and review requirements annually as part of the formal budget setting process. Procurement advice will be sought as appropriate to ensure the provision of services remains within procurement guidelines.

## **6 RISK MANAGEMENT**

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.
- 6.2 The registered owner/keeper of a vehicle, as the liable party, has a legal right of appeal against a decision by the Council to immobilise or remove a vehicle following the issue of a PCN. The process for this is set on the PCN and on documentation provide at the time of collection from the storage facility, if relevant. Where an appeal against immobilisation or removal is successful the council will refund sums paid to release the vehicle, except to the extent (if any) to which those sums were properly paid.
- 6.3 Vehicles will only be removed from the secure area upon the direction of the Police following their assessment and if it is deemed safe to do so.

## **7 EQUALITIES**

- 7.1 A EQIA has been completed and is included as Appendix 2.
- 7.2 Adverse impacts were identified for Blue Badge holders recovering their vehicles and their Blue Badge. The council will ensure that where a valid Blue Badge is displayed in a vehicle that requires removal it will be moved to a safe spot nearby, where possible within sight of its original location, and the Police advised of the new location.

## **8 CLIMATE CHANGE**

- 8.1 Vehicles illegally parked and causing an obstruction may impact the flow of vehicles on the network creating congestion and increased vehicles emissions.

Being able to respond to these issues may therefore have a beneficial impact by minimising the release of emissions that contribute to climate change.

8.2 Protecting the flow of vehicles on the network will support the use of sustainable public transport, helping to encourage people to transition away from private vehicles.

## 9 OTHER OPTIONS CONSIDERED

9.1 Not to progress with the review and to continue with the existing application of vehicle removal powers.

- (1) This option was discounted due to the reduced deterrent of the Penalty Charge as detailed in paragraph 3.5 and the security risks that may be posed by unauthorised vehicles within sensitive locations covered by the ATTRO.

## 10 CONSULTATION

10.1 This review has been undertaken in collaboration with Avon and Somerset Police and the Directorate of Place Management.

<b>Contact person</b>	Andrew Dunn, 01225 395415
<b>Background papers</b>	None
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