

Clamping and Removals Policy

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Keeping Cardiff Moving



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Policies dedicated to creating a safe and vibrant city to keep Cardiff moving

Policy Outline

Introduction

The Council, as the traffic authority, has a number of responsibilities and duties to manage the highway and transport network to keep Cardiff moving. The Council also has a duty to remove abandoned vehicles which can be unsightly and often dangerous.

This policy aims to set out, in a clear and transparent manner, Cardiff Council's approach to vehicle clamping and removals. From time to time this policy will be reviewed to ensure it complies with current legislation and any changes in working practices so it may change. It remains applicable in its current version until it is replaced or revoked.

Enforcement of Penalty Charge Notices (PCNs)

The Council enforces certain parking, bus lane and moving traffic contraventions under the Traffic Management Act 2004 and will issue Penalty Charge Notices to any vehicle observed in contravention of Cardiff's parking and traffic restrictions. In some circumstances the issuing of a PCN is not sufficient to remove an obstruction or hazard, or a sufficient deterrent to persistent offenders or evaders or those who have not registered their vehicle with the DVLA.

When a Civil Enforcement Officer is of the opinion that it is appropriate to do so, regulations¹ in Wales permit the Council to clamp and/or remove illegally parked vehicles and vehicles that have three or more outstanding PCNs that have neither been paid nor appealed.

This policy sets out how we enforce against vehicles that are parked illegally and fall under certain criteria where traditional enforcement methods are not deemed an appropriate course of action.

Enforcement of Untaxed Vehicles

The Council can take enforcement action against vehicles that are untaxed in accordance with the Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 when

¹ The Civil Enforcement of Road Traffic Contraventions (General Provision) (Wales) Regulations 2013.

devolved powers have been granted by the Driver and Vehicle Licencing Agency. This policy aims to explain the relationship between the Council and the DVLA and how our joint efforts help to reduce instances of untaxed vehicles on the highway.

Removal of Abandoned Vehicles

Abandoned vehicles can be unsightly and are often dangerous to members of the public and other road users. As the highways authority the Council has a duty to remove any vehicle that has been abandoned in the open air or on any other land forming part of a highway.

Corporate Priorities

This policy contributes to the Council's aims to create a safe and vibrant city and to keep Cardiff moving by removing hazards and obstructions to the transport network. It further compliments the civil enforcement of road traffic contraventions and enforcement measures promoted by the DVLA against untaxed vehicle. For the purpose of this policy any reference to the "council" is to be taken to mean Cardiff Council.

Applicable legislation & guidance²

- The Traffic Management Act 2004
- The Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013
- The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (Wales) Regulations 2013
- The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) Removed Vehicles (Wales) 2013
- The Removal and Disposal of Vehicle Regulations 1986
- The Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997
- The Civil Enforcement of Road Traffic Contraventions: Parking, Bus Lane and Moving Traffic Enforcement Operational Guidance to Local Authorities December 2014

² Any reference to an act of Parliament, statutory provision, regulation or statutory instrument includes a reference to that act, provision, regulation or instrument as amended, extended or re-enacted.

- The Statutory Guidance to Local Authorities on the Civil Enforcement of Road Traffic Contraventions, July 2014
- DVLA: Code of Practice and Guidance notes for those authorised by the DVLA to deal with vehicles that are not taxed 2017
- The Road Traffic Regulation Act 1984

Clamping illegally parked vehicles

The Council only considers it appropriate to clamp (immobilise) an illegally parked vehicle in two circumstances; when the vehicle has been identified as belonging to a persistent evader or when the vehicle is not properly registered with the DVLA meaning traditional enforcement do not work. Where the vehicle is causing an obstruction or a hazard the vehicle will instead be instantly removed. This follows the advice provided by the Welsh Ministers in the Statutory Guidance released to Local Authorities.

The decision on whether to immobilize a vehicle requires an exercise of judgement and must only be taken by an appropriately trained Civil Enforcement Officer (CEO) in accordance with current legislation.

‘Persistent evaders’

Some people regularly or deliberately contravene parking and traffic regulations and fail to settle the debts they incur as a result. These are known as ‘persistent evaders’. A persistent evader is defined in the Statutory Guidance³ as a vehicle that has three or more outstanding PCNs which have neither been paid nor successfully challenged/appealed.

Non-registered vehicles

Vehicles are often not registered with the DVLA, or registered incorrectly meaning that normal enforcement methods against the registered keeper of a vehicle are not possible. Normally a Notice to Owner is sent to the registered keeper of a vehicle and then any enforcement action is taken against them. If the vehicle is not registered then a Notice to Owner cannot be sent and the vehicle user can ignore parking restrictions as they please. Where a vehicle appears to be registered in the UK, but the identity and address is not registered with the DVLA then we may consider informing the police who can, if appropriate, investigate any criminal offences that may have occurred.

³ The Statutory Guidance to Local Authorities on the Civil Enforcement of Road Traffic Contraventions: Parking July 2014

Where it has been identified that the vehicle is not properly registered then a CEO may authorise the clamping of a vehicle even if no other PCNs are outstanding.

Timeframes for clamping of vehicle

Regulations make it compulsory for a CEO to wait for 15 minutes before clamping a vehicle⁴ when the vehicle is within a permitted parking place. There is no minimum period a CEO has to wait before clamping a vehicle elsewhere; however the Council does not enforce against vehicles parked outside of a designated parking place or car park as doing so could only make any safety issues or obstructions worse. Instead the vehicle should be removed and impounded.

If the driver returns to the vehicle while immobilisation or removal is taking place, then unless they are a persistent evader, the officer halt the operation unless the clamp has been secured or all the wheels are aboard a tow truck. The PCN will still be enforced in these circumstances.

Clamping Process

Table 1. Summary of process for removal of illegally parked vehicle	
Illegally parked vehicle identified and Penalty Charge Notice (PCN) issued	A Civil Enforcement Officer (CEO) identifies an instance of illegal parking and issues a Penalty Charge Notice (PCN)
Vehicle identified as belonging to a persistent evader or is not registered	The CEO identifies that the vehicle has been reported as belonging to a persistent evader of either parking or traffic PCNs, or both or not registered correctly with the DVLA. A persistent evader is classed as a vehicle that has 3 or more PCNs outstanding that have neither been paid nor appealed.
Issuing officer contacts supervisor for approval to clamp	Only a CEO supervisor or manager of parking/traffic enforcement may authorise the clamping of a vehicle.
Allow time for vehicle to depart	Once authorisation has been granted a CEO should wait 15 minutes before attaching a clamp. A clamp should never be attached if the vehicle is parked dangerously or is causing an obstruction or if a valid blue badge is displayed.
Clamp attached	A Civil Enforcement Officer (CEO) or a person with the permission of a CEO attaches the wheel clamp to the driver side wheel. If they are unable to attach the clamp to the driver side wheel they should attach it to the driver side rear

⁴ Regulation 13 of the Civil Enforcement of Road Traffic Contraventions (General Provision) (Wales) Regulations 2013 & regulation 5C(3) of the Removal and Disposal of Vehicles Regulations 1986.

	wheel. A Notice of Immobilisation is affixed to the driver side windscreen of the vehicle.
Payment made	The person in charge of the vehicle makes payment of the £40 release fee and the outstanding penalty charge that has just been issued.
Clamp removed, or;	If full payment is made the clamp is removed within 2 hours of the payment having been confirmed as successful. When the clamp is removed the person removing the clamp must immediately inform the vehicle owner or person in charge of their vehicle about their right to make representations and their right to appeal.
Vehicle removed	If payment is not made to remove the clamp within 24 hours then the vehicle may be removed and impounded incurring further costs

Vehicles displaying a valid blue badge

A vehicle is not permitted to be clamped when a valid blue badge and, when applicable, time clock is clearly and correctly displayed.

Vehicles displaying an invalid blue badge

When a vehicle has had a PCN issued to it and is displaying a blue badge that is being fraudulently used, has had its details changed, is no longer valid because the holder is deceased or authorised to have a blue badge, or it has been reported as stolen, then the vehicle will be liable for clamping. However, on most occasions the vehicle will simply be removed and impounded instead. Further enforcement action may also be taken, which may include the prosecution of the offending party where it has been identified that an offence has occurred. Blue badge fraud is a serious offence and may lead to a fine of up to £1,000 and a criminal record.

How to have a clamp removed

When a clamp is attached there will be notice called a Notice of Immobilisation attached to the driver side front or side window. This will explain how to have the clamp removed and how to pay the release fee. A clamp will not be removed until successful payment has been fully

received. There will be a release fee £40 plus the penalty for parking incorrectly. This is set in legislation⁵. Cash payments are not accepted.

Appealing against the clamping of an illegally parked vehicle

Once the clamp has been removed the person in charge of the vehicle will immediately be notified of their right to appeal to the Council (make representations) against the clamping of the vehicle. There are only 6 grounds on which representations can be made:

- That the circumstances in which the vehicle had been permitted to remain at rest in a civil enforcement area were not circumstances in which a Penalty Charge was payable under regulation 4 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013
- That the vehicle had been permitted to remain at rest in the place where it was by a person who was in control of the vehicle without the consent of the owner: e.g. stolen
- That the place where the vehicle was at rest was not in a civil enforcement areas
- That, in accordance with regulation 13 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013 (limitations on the power to immobilise vehicles), there was in the circumstances of the case no power under those Regulations to immobilise the vehicle at the time at which it was immobilised or at all
- That there has been a procedural impropriety on the part of the enforcement authority

If representations meet one of the above criteria the Council must refund any sums that the person to whom the vehicle was released was required by law to pay. If the customer doesn't think any of the above grounds apply and they are of the opinion that there are other compelling reasons why the enforcement authority should refund some or all of the amount paid to secure the release of the vehicle, then they can make representations on the following ground:

- There are mitigating circumstances

If the Council accepts the mitigating circumstances then a refund will be issued only to the amount that the Council considers appropriate given those circumstances. If the Council rejects the representations then there is a further right of to an independent adjudicator from the Traffic Penalty Tribunal.

⁵ The Civil Enforcement of Road Traffic Contraventions (Guidelines on Levels of Charges) (Wales) Order 2013.

Removing illegally parked vehicles

The removal (impoundment) of an illegally parked vehicle is a serious action and the Council will therefore only take such action in exceptional cases.

The decision on whether to remove a vehicle requires an exercise of judgement and must only be taken by an appropriately trained Civil Enforcement Officer (CEO) in accordance with current legislation.

Obstructive or Hazardous Parking

Where a CEO is of the opinion that a vehicle has been parked where it would cause a potential hazard or danger to footway users or other road users, or where the parking is obstructive, then the CEO may authorise the removal of that vehicle.

Examples of hazardous parking include:

- Parking on pavements or verges when prohibited
- Parking on loading bans (shown by yellow kerb blips)
- Parking adjacent to a dropped tactile kerb where the pavement has been lowered to aid pedestrians to cross the road
- Parking on “no stopping” restrictions such as bus stops and zig zags

Examples of obstructive parking include:

- Parking in front of driveways
- Double parking
- Parked in a suspended parking bay or place
- Parked in a parking place designated for a certain type of vehicle (e.g. electric charging vehicle points or taxi ranks)
- Parking wholly or partly on a cycle track

‘Persistent evaders’

Some people regularly or deliberately contravene parking and traffic regulations and fail to settle the debts they incur as a result. These are known as ‘persistent evaders’. A persistent evader is defined in the Statutory Guidance as a vehicle that has three or more outstanding PCNs which have neither been paid nor successfully challenged/appealed.

The Welsh Ministers consider that the Council should “should take the strongest possible enforcement action following the issue of a PCN and confirmation of persistent evader status.”⁶ For this reason vehicles may be impounded rather than clamped if the persistent evader has 5 or more PCNs outstanding. This is at the discretion of the attending CEO and their supervisor so a vehicle may be removed if the vehicle has less than 5 outstanding PCNs but no less than 3 outstanding PCNs.

Non-registered vehicles

Vehicles are often not registered with the DVLA, or registered incorrectly meaning that normal enforcement methods against the registered keeper of a vehicle is not possible. Normally a Notice to Owner is sent to the registered keeper of a vehicle and then any enforcement action is taken against them. If the vehicle is not registered then a Notice to Owner cannot be sent and the vehicle user can ignore parking restrictions as they please. Where a vehicle appears to be registered in the UK, but the identity and address is not registered with the DVLA then the Council may consider informing the police who can, if appropriate, investigate any criminal offences that may have occurred.

Where it has been identified that the vehicle is not properly registered then a CEO may authorise the removal of a vehicle even if no other PCNs are outstanding.

Foreign registered vehicles

Vehicles that have foreign registration marks and are not registered with the DVLA as belonging to an owner who resides in the UK are to be treated for the purpose of this policy as if they were non-registered vehicles.

Removal of vehicles blocking driveways⁷

It is appreciated that vehicles parked in front of a driveway can be inconsiderate and obstructive, perhaps preventing access onto or off of a driveway completely. The Council will only remove a vehicle in such circumstances where it has been reported by the property owner of causing a

⁶ The Statutory Guidance to Local Authorities on the Civil Enforcement of Road Traffic Contraventions: Parking July 2014

⁷ Section 86 – The Traffic Management Act 2004

provable obstruction at the time of the contravention. Otherwise enforcement will be processed by the issuing of a Penalty Charge Notice. Vehicles can be confidentially reported on the Council's webpage www.cardiff.gov.uk or by calling 029 2087 2087 whereby a full description of the offending vehicle, including its exact location, vehicle registration mark (VRM) and make will need to be provided. The relationship to the driveway that the vehicle is obstructing will need to be established and the customer may need to provide legal proof that the driveway relates to their property.

It is not the role of the Council to become involved in neighbour disputes about parking matters so each instance of a removal of a vehicle blocking a driveway will be considered carefully upon its own merits. Even though a vehicle may be blocking a driveway, this does not automatically mean that the vehicle will be removed.

A customer may wish to apply to have an access protection marking "H-Bar" marking painted in front of the driveway to identify to motorists that they should not park their vehicle at that location. These can be applied for online at www.cardiff.gov.uk. Fees apply.

Timeframes for removal of vehicle

Regulations make it compulsory for a CEO to wait for 30 minutes before authorizing the removal of a vehicle when the vehicle is within a permitted parking place. This is reduced to 15 minutes whereby the vehicle is identified as belonging to a persistent evader. There is no minimum period a CEO has to wait before removing a vehicle elsewhere. Where a vehicle is causing an obvious obstruction or hazard then it will be removed immediately.

If the driver returns to the vehicle while immobilisation or removal is taking place, then unless they are a persistent evader, we will halt the operation unless the clamp has been secured or all the wheels are aboard a tow truck. The PCN will still be enforced in these circumstances.

Removal Process

Table 2. Summary of process for removal of illegally parked vehicle	
Vehicle identified as suitable for impoundment	The CEO identifies that the vehicle should be removed in accordance with this policy. Where a clamp has already been attached to the vehicle for a contravention and a period of 24 hours has elapsed, the vehicle will automatically be removed.
Issuing officer contacts supervisor for approval to remove	Only a CEO supervisor or manager of parking/traffic enforcement may authorise the removal of a vehicle.

Allow time for vehicle to depart	Once authorisation has been granted a CEO should wait 15 minutes before having the vehicle removed.
Vehicle removed	A contractor under the supervision of a CEO removes the vehicle to a designated pound. Police informed in case person in charge of the vehicle reports their vehicle as stolen.
Payment made	The person in charge of the vehicle makes payment of the £105 release fee and the outstanding penalty charge that has just been issued, and any other fees incurred associated with the storage of the vehicle.
Vehicle released or;	The registered owner of the vehicle has the vehicle released to them. They are immediately informed of their right to make representations or appeal against the removal of the vehicle and any other fees incurred as a result
Vehicle destroyed / sold	If payment is not made then the vehicle will either be destroyed or sold at auction depending on the value of the vehicle.

Vehicles displaying a valid blue badge

Blue badge holders are not statutorily exempt from having their vehicle removed, even if a valid blue badge is displayed. However, the Council realises that disabled people often rely heavily on the use of their vehicle and removal can cause a greater inconvenience that may otherwise be the case. However, in the following circumstances the Council believes that it will be still be necessary to remove a vehicle even if a blue badge is displayed:

- If the vehicle is causing a serious safety hazard by parking on zig-zags outside of a school or on a pedestrian crossing
- If the vehicle is parked in a suspended parking bay or place

Normal operating procedure is that the vehicle shall be moved rather than removed to the pound to a position where it is no longer causing a safety hazard or obstruction. Only in exceptional circumstances will a vehicle displaying a blue badge be impounded and this is at the sole discretion of the manager of the parking services enforcement team.

Vehicles displaying an invalid blue badge

When a vehicle has had a PCN issued to it and is displaying a blue badge that is being fraudulently used, has had its details changed, is no longer valid because the holder is deceased or authorised to have a blue badge, or it has been reported as stolen, then the vehicle will be liable for removal. Further enforcement action may also be taken, which may include the

prosecution of the offending party where it has been identified that an offence has occurred. Blue badge fraud is a serious offence and may lead to a fine of up to £1,000 and a criminal record.

How to have a removed vehicle released

If the person in charge of the vehicle believes that their vehicle has been removed for being illegally parked then they can contact the Council on 029 2087 2087 who can advise on the pound that the vehicle is being stored at and the process for recovering the vehicle.

When a vehicle is removed the Police will be notified so that they are aware. If the vehicle is reported as stolen, they will be able to inform the customer that their vehicle has been impounded and where to secure the release of that vehicle. 999 should not be called as this is for emergencies only.

To secure the release of the vehicle the appropriate fees⁸ will need to be paid, which are:

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

If the vehicle was initially clamped before being removed, then only the removal charges will apply.

Full fees must be paid before a vehicle is released.

A Vehicle Registration Certificate (V5C) and a valid form of ID, such as a current UK driver licence or passport, must be provided for the vehicle to be released. The address on the V5C must be the same as the address on the provided ID. If the addresses do not match then further supporting evidence will be needed such as a utility bill or bank statement dated within the last three months.

⁸ The Civil Enforcement of Road Traffic Contraventions (Guidelines on Levels of Charges) (Wales) Order 2013.

If a V5C cannot be provided then additional documentation must be provided to show ownership, such as a bill of sale or MOT certificate. The vehicle pound will provide an 'Application for a registration certificate (V62)' which must be filled in and the appropriate fees associated with this document must be paid. The vehicle pound will then send this application to the DVLA.

Without these conditions being met the vehicle will not be released under any circumstance.

If the vehicle is not claimed within 14 days then it will either be destroyed or sold at auction.

Appealing against the removal of an illegally parked vehicle

Once a vehicle has been returned, the owner will immediately be notified of their right to appeal to the Council (make representations) against the removal of their vehicle. There are only 8 grounds on which representations can be made:

- That the circumstances in which the vehicle had been permitted to remain at rest were not circumstances in which a Penalty Charge was payable under regulation 4 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013
- That a Civil Enforcement Officer had not, in accordance with regulation 9 of the General Provisions Regulations, fixed a penalty charge notice to the vehicle or handed such a notice to the person appearing to be in charge of the vehicle, before the vehicle was removed
- That at the time the vehicle was removed the power to remove the vehicle conferred by paragraph 5C of the Removal and Disposal of Vehicles Regulations 1986 was, by virtue of paragraph (3) of that regulation, not exercisable
- That the vehicle had been permitted to remain at rest in a place where it was by a person who was in control of the vehicle without the consent of the owner (e.g. stolen)
- That the place where the vehicle was at rest was not in a civil enforcement area
- That the penalty charge or other charge paid to secure the release of the vehicle exceeded the amount applicable in the circumstances of the case, or;
- That there has been a procedural impropriety by the Council

If representations meet one of the above criteria the Council must refund any sums that the person to whom the vehicle was released was required by law to pay.

If none of the above grounds apply and there are other compelling reasons why the Council should refund some or all of the amount paid to secure the release of the vehicle, then representations can be made on the following ground:

- There are mitigating circumstances

If the Council accepts the mitigating circumstances then a refund will be issued only to the amount that the Council considers appropriate given those circumstances.

If the Council rejects the representations then there is a further right of to an independent adjudicator from the Traffic Penalty Tribunal.

Clamping and Removing Untaxed Vehicles

A vehicle must by law⁹ be taxed if it is to be used or kept on the highway. Under the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997, the DVLA can authorise an organisation to take enforcement action against vehicles that are not taxed.

There is a public perception of the existence of a link between untaxed vehicles and crime or intended criminal activities. There are many benefits to the Council enforcing against untaxed vehicles; including the improvement of the local environment, reduced opportunity for anti-social behaviour and arson, disrupted criminality associated with the use of untaxed vehicle. It should also encourage people to re-licence their vehicles correctly.

Working with the DVLA

The evasion of paying for Vehicle Excise Duty (car tax) has risen from 0.6% to 1.8% since 2014¹⁰, which equates to a potential loss of £107 million to the Government.

Enforcement plays a key role in trying to address this to ensure that all vehicles are taxed correctly and lawfully. We work closely with the DVLA at all stages of the enforcement process in accordance with our statutory obligations and the Code of Practise and Guidance Notes for Those Authorised by DVLA to Deal with Vehicles that are Not Taxed 2017.

Reporting an untaxed vehicle

Anyone can visit www.gov.uk/check-vehicle-tax to check if a vehicle is correctly taxed or if it has been registered as off the road (SORN). Please note that these records can take up to 5 working days to be updated¹¹.

If a vehicle has been confirmed as untaxed then it may be reported to the Council either online at www.cardiff.gov.uk or by calling 029 2087 2087. The Council will then investigate further and if it is confirmed that the vehicle is not taxed correctly enforcement action may be instigated when

⁹ The Vehicle Excise and Registration Act 1994

¹⁰ Local Authorities and Devolved Powers, training seminar

¹¹ <https://www.gov.uk/check-vehicle-tax>

it is possible to do so. There may be times when enforcement may not be able to be taken, even when the vehicle is untaxed.

Vehicles that can be clamped and removed

Vehicles and areas that this policy applies to are;

- Vehicles on public roads¹² that have been untaxed for longer than 2 months and 1 day or are SORN
- Vehicles off-road (except in certain exempt circumstances as set out by this policy) that have been untaxed for longer than 2 months and 1 day

This policy does not apply to vehicles that are;

- Abandoned
- Being used under a valid trade licence
- Exempt from having to pay vehicle tax
- Public service vehicles being used for the carriage of passengers for fare or reward
- Being used by utility companies for legitimate statutory business needs; or,
- Being used by the Post Office in connection with the delivery or collection of postal packets and each side of the vehicle is clearly marked with the words "Post Office" or "Royal Mail"

Enforcement on private land

Any offending vehicle can be clamped and removed off-road except where the vehicle is kept at the business premises of a motor trader or vehicle tester or where the vehicle is parked off road on land associated with a dwelling

The Council will not clamp or remove untaxed vehicles off-road at the following locations:

- Hospital/airport/school premises
-

¹² A "road which is repairable at the public expense", VERA 1994 and includes verges, pavements, lay-bys and parking bays.

- College/University/Armed Forces premises, unless approval has been provided by the college/university or relevant branch of the armed forces beforehand

Clamping process

Table 3. Summary of process for clamping of untaxed or SORN vehicles	
Report of untaxed vehicle received	The vehicle status is checked to see if it has current tax and if enforcement action can take place
Vehicle immobilised (clamped)	If enforcement action can take place and the vehicle is untaxed, or is on the public road with a SORN, then the Council or appointed contractor may clamp the vehicle. The clamp should be attached within 1 hour of the check undertaken to identify that enforcement action is needed
Vehicle logged	Photographs are taken of the untaxed/SORN vehicle and a vehicle inspection report is completed. Offence reports are also completed and passed to the DVLA
Removal	If payment is not made within 24 hours from the clamp being attached then the vehicle may be removed to a storage pound.
DVLA notification	The Council will inform the DVLA of the removal and they will then write to the registered keeper within 24 hours informing them of the removal
Storage	Removed vehicles will be kept in storage for a minimum of 14 days if they are valued at over £500 or 7 days if they are valued under £500
Release, or;	If the relevant identification, payment and surety are provided the vehicle can be claimed and released
Disposal	If the vehicle is not claimed within the given timeframes then it may be scrapped or dismantled or auctioned according to its value

How to have a clamp removed

When a clamp is attached there will be notice attached to the driver side front or side window. This will explain how to have the clamp removed and how to pay the release fee. A clamp will not be removed until full and successful payment has been made.

Instant removal of vehicles process

In some circumstances it may be more appropriate to immediately remove the vehicle rather than initially clamp it, for example if the vehicle is dangerously parked.

Table 4. Summary of process for instant removal of untaxed or SORN vehicles	
Report of untaxed vehicle received	The vehicle status is checked to see if it has current tax and if enforcement action can take place
Vehicle logged	Photographs are taken of the untaxed/SORN vehicle and a vehicle inspection report is completed. Offence reports are also completed and passed to the DVLA
Removal	The vehicle is removed to a pound
DVLA notification	The Council will inform the DVLA of the removal and they will then write to the registered keeper within 24 hours informing them of the removal
Storage	Removed vehicles will be kept in storage for a minimum of 14 days if they are valued at over £500 or 7 days if they are valued under £500
Release, or;	If the relevant identification, payment and surety are provided the vehicle can be claimed and released
Disposal	If the vehicle is not claimed within the given timeframes then it may be scrapped or dismantled or auctioned according to its value

How to have a removed vehicle released

If the person in charge of the vehicle believes that their vehicle has been removed for being untaxed then they can contact the Council on 029 2087 2087 who can advise on the pound that the vehicle is being stored at and the process for recovering the vehicle.

The registered keeper of the vehicle will also receive a letter from the DVLA informing them of the location of the pound and advise on the next steps to take.

When a vehicle is removed the Police will also be notified so that they are aware. If the vehicle is reported as stolen, they will be able to inform the customer that their vehicle has been impounded and where to secure the release of that vehicle. 999 should not be called as this is for emergencies only.

To secure the release of a vehicle the appropriate fees¹³ will need to be paid, which are:

¹³ The Civil Enforcement of Road Traffic Contraventions (Guidelines on Levels of Charges) (Wales) Order 2013.

Clamping and Removing Untaxed Vehicles

Item		Release Fee	Surety Fee
1	Within 24 hours of offence	£100	£160 for motorcycles, light passenger and light goods vehicles
2	Release from pound 24 hours or more after offence	£200	£330 for buses, recovery, haulage and goods vehicles £700 for exceptional vehicles such as large lorries or coaches
3	Storage	£21 per complete day at the pound (if instantly removed the first 24hrs is not chargeable)	

Full fees must be paid before a vehicle is released.

A Vehicle Registration Certificate (V5C) and a valid form of ID, such as a current UK driver licence or passport, must be provided for the vehicle to be released. The address on the V5C must be the same as the address on the provided ID. If the addresses do not match then further supporting evidence will be needed such as a utility bill or bank statement dated within the last three months.

If a V5C cannot be provided then additional documentation must be provided to show ownership, such as a bill of sale or MOT certificate. The vehicle pound will provide an 'Application for a registration certificate (V62)' which must be filled in and the appropriate fees associated with this document must be paid. The vehicle pound will then send this application to the DVLA.

Without these conditions being met the vehicle will not be released under any circumstance.

Surety

Customers who pay a surety fee can claim it back from the Council by producing a valid tax receipt within 15 days of the vehicles lawful release. A surety refund is paid back to the payee only. Declaring a vehicle as SORN does not entitle a customer to a refund.

Disputes

As the enforcement authority Cardiff Council must respond to complaints that relate to the clamping or removal of untaxed vehicles. Disputes may only be made against an enforcement action if the owner has paid the charges to recover the vehicle and either claims that the vehicle was taxed when enforcement action commenced or the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 were not adhered to.

Unless the strict criteria as set out above are met in full, then any dispute is unlikely to be successful. Any dispute must be made in writing to Parking Services, PO Box 47, Cardiff, CF11 1QB.

Abandoned Vehicles

It is an offence¹⁴ to unlawfully abandon any vehicle in the open air or on the highway and this is punishable by a fine of up to level 4 on the standard scale (currently £2,500) and/or up to 3 months in prison. As an alternative to prosecution the Council may offer the person who the Council believes has committed the offence a Fixed Penalty Notice to discharge their liability to the offence.¹⁵

Where the Council is of the opinion that a vehicle has been abandoned it is duty bound to remove the vehicle if it is in the open air or on the highway. A highway is a section of land which all members of the public have a legal right to pass and re-pass without hindrance nor licence and this includes footways, verges, footpaths, bridleways and cycle tracks.

What is an abandoned vehicle?

While there is no legal definition of “abandoned”, for the purpose of this policy the Council considers that any vehicle that has been left without lawful authority in open air or on the highway as abandoned. Separate rules apply to private land which are detailed below.

It is the responsibility of Council officers to review all the information provided to them and/or gathered through physical inspections of the potentially abandoned vehicle. Council officers have the final say on deciding if a vehicle is abandoned or not.

A Council officer will consider:

- Whether the vehicle has been stationary for a significant amount of time
- Whether the vehicle has been significantly damaged, burnt out, vandalised, is run own or is un road-worthy
- What the overall age is of the vehicle and its condition and appearance
- If required vehicle parts, for example registration plates, are missing
- If the vehicle does not have a valid Vehicle Excise Licence and/or registered keeper.

¹⁴ The Refuse Disposal (Amenity) Act 1978 as amended by the Clean Neighbourhoods and Environment Act 2005

¹⁵ Clean Neighbourhoods and Environment Act 2005

Not all of these considerations will be required to be met before a vehicle can be considered abandoned.

Areas where an abandoned vehicle can be removed

Areas that this policy applies to are;

- Roads, including access roads
- The highway
- Council owned land
- Housing association land where relevant checks have been undertaken and a request received from the association
- Private land

How to report an abandoned vehicle

Abandoned vehicles can be reported by telephone on 029 2087 2087, by emailing abandonvehicles@cardiff.gov.uk or online at www.cardiff.gov.uk. Search for “report it”.

The following information should be provided where possible to that the correct vehicle can be identified;

- Exact location (e.g. opposite number 36, Smith Street)
- How long it has been at that location (if known)
- Vehicle registration number
- Make, model, colour
- Condition
- Land ownership (if known. Please see “areas where an abandoned vehicle can be removed” above.)

Where this information is not provided the Council may not be able to identify the correct vehicle and take the necessary action.

If a vehicle is unwanted the Council may arrange for it to be removed. Fees apply. Details on surrendering a vehicle will be provided on request as every situation is different and must be considered on its own merits.

Vehicles abandoned on private land

The Council has the powers to remove abandoned vehicles on land that is privately owned. The Council also has the powers to enter private land to investigate reports of abandoned vehicles.¹⁶ In such circumstances whereby the Council exercises its right to enter private land, Council officers must not be obstructed from doing so.

After inspection, if the Council is satisfied that the vehicle is abandoned the Council will serve a 15 day notice detailing its intention to remove the vehicle.¹⁷ Where it is not possible to serve a notice upon the land owner a notice will be attached to the vehicle.

If there has been no response after the 15 day notice has expired the vehicle may be removed. If the identified land owner objects to its removal no further action will be taken.

Abandoned vehicles process – private land

Land owner seeks vehicle owner	The landowner should make every reasonable attempt to locate the vehicle owner and request that they remove the vehicle. The Council will not consider the removal of a potentially abandoned vehicle without this step being taken, unless the vehicle is classed as dangerously abandoned.
Report of potentially abandoned vehicle	Received and logged by the Council. The landowner is advised that they must provide written consent for the removal of the vehicle and confirmation that they have not been able to contact the owner of the vehicle
Written consent received	Written consent is received from the land owner and the Council is authorised to proceed. Land ownership must be proved before the Council will take any further action. Land ownership proof must include the register view and title plan of the land.
Registration check	Where there is a vehicle registration mark provided the Council will check if the vehicle is taxed or if the police have any interest in the vehicle
Inspection	A Council officer will inspect the vehicle and confirm whether the Council considers abandoned

¹⁶ Section 8 of the Refuse Disposal Act 1978

¹⁷ Section 99 of the Road Traffic Regulation Act 1984

7 day notice affixed to vehicle if not dangerously abandoned	A notice of the Councils intent to remove the vehicle will be attached for 7 days if the Council has accepted that the vehicle is abandoned. This is due to the fact that the report may subject to a neighbour dispute or other dispute
Vehicle removed	If a response to the 7 day notice has not been received then the vehicle will be removed for a fee. Please see fees and charges.
Registered keeper contacted	Once the abandoned vehicle is removed the last registered keeper will be written to inform them that the vehicle will be destroyed unless collected within 14 days. If the Council is unable to ascertain who the last registered keeper is then the vehicle will be destroyed after 14 days without notification.

Table 6. Summary of process for removal of abandoned vehicles on private land when it has not been reported by the landowner	
Report of potentially abandoned vehicle	Received and logged by the Council. An initial judgement on whether the vehicle is potentially abandoned will then be undertaken by appropriate means
Registration check	Where there is a vehicle registration mark provided the Council will check if the vehicle is taxed or if the police have any interest in the vehicle
Inspection	The vehicle will be inspected to see if it classed as abandoned. If the landowner or other persons refuses entry the Council will exercise its powers to force entry
15 day notice	A 15 day notice is attached to the vehicle when it is not considered dangerously abandoned.
Removal objections	In the event of the land owner objecting in writing to the removal of the vehicle in accordance with the 15 day notice then no further action will be taken
No objection received	If the Council is satisfied that the vehicle is abandoned then the vehicle will be removed
Registered keeper contacted	Once the abandoned vehicle is removed the last registered keeper will be written to inform them that the vehicle will be destroyed unless collected within 14 days. If the Council is unable to ascertain who the last registered keeper is then the vehicle will be destroyed after 14 days without notification.

Dangerously abandoned vehicles

Where a vehicle has been abandoned in a way, or is in a state of repair, that could be considered by a Council officer as dangerous, the Council will attempt to remove it within 24 hours. A dangerously abandoned vehicle must pose a significant and present danger to the public or property. This could include vehicles that are burnt out, are in a dangerous condition such as have sharp edges or broken windows, are balanced on bricks or other temporary structures or that have fuel, oil or coolant leaks.

If a vehicle can be considered to be dangerously abandoned then it can be removed immediately as there is no legal responsibility to contact the registered owner, but once a vehicle is removed we will take steps to trace the owner where possible.

Abandoned vehicles process – open air or on the highway

Table 7. Summary of process for the removal of a vehicle on the highway or in open air	
Report of potentially abandoned vehicle	Received and logged by the Council. An initial judgement on whether the vehicle is potentially abandoned will then be undertaken by appropriate means
Registration check	Where there is a vehicle registration mark provided the Council will
Inspection	The vehicle will be inspected to see if it can be classed as abandoned
7 day notice	Where a vehicle has been identified as abandoned but not dangerously abandoned then a notice will be affixed to the vehicle informing that the vehicle may be removed if it is confirmed as abandoned
Removal	Once deemed abandoned then the vehicle will be removed
Registered keeper contacted	Unless it is dangerously abandoned then once the abandoned vehicle is removed the last registered keeper will be written to inform them that the vehicle will be destroyed unless collected within 14 days. If the Council is unable to ascertain who the last registered keeper is then the vehicle will be destroyed after 14 days without notification.

How to have a removed vehicle released

If the person in charge of the vehicle believes that their vehicle has been removed for being abandoned then they can contact the Council on 029 2087 2087 who can advise on the pound that the vehicle is being stored at and the process for recovering the vehicle.

The registered keeper of the vehicle will also receive a letter from the DVLA informing them of the location of the pound and advise on the next steps to take.

When a vehicle is removed the Police will also be notified so that they are aware. If the vehicle is reported as stolen, they will be able to inform the customer that their vehicle has been impounded and where to secure the release of that vehicle. 999 should not be called as this is for emergencies only.

To secure the release of the vehicle the appropriate fees¹⁸ will need to be paid, which are:

Removal fees					
Item	1	2	3	4	5
1	Vehicle position and condition	Vehicle equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM	Vehicle exceeding 18 tonnes MAM
2	Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off the road	£150	£200	£350	£350
3	Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£250	£650	Unladen - £2,000	Unladen - £3,000
				Laden - £3,000	Laden - £4,500
4	Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged	£200	£400	Unladen - £1,000	Unladen - £1,500
				Laden - £1,500	Laden - £2,000
5	Vehicle, excluding a two wheeled vehicle, off road but either not upright or substantially damaged or both	£300	£850	Unladen - £3,000	Unladen - £4,500
				Laden - £4,500	Laden - £6,000

Storage Fees					
Item	1	2	3	4	5
1	Two wheeled vehicle	<i>Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM</i>	<i>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM</i>	<i>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</i>	<i>Vehicle exceeding 18 tonnes MAM</i>
2	£10	£20	£25	£30	£35
MAM has the same meaning as regulation 3(1) of the Motor Vehicles (Driving Licences) Regulations 1999 – “Maximum Authorized Mass.”					

¹⁸ The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008

Full fees must be paid before a vehicle is released.

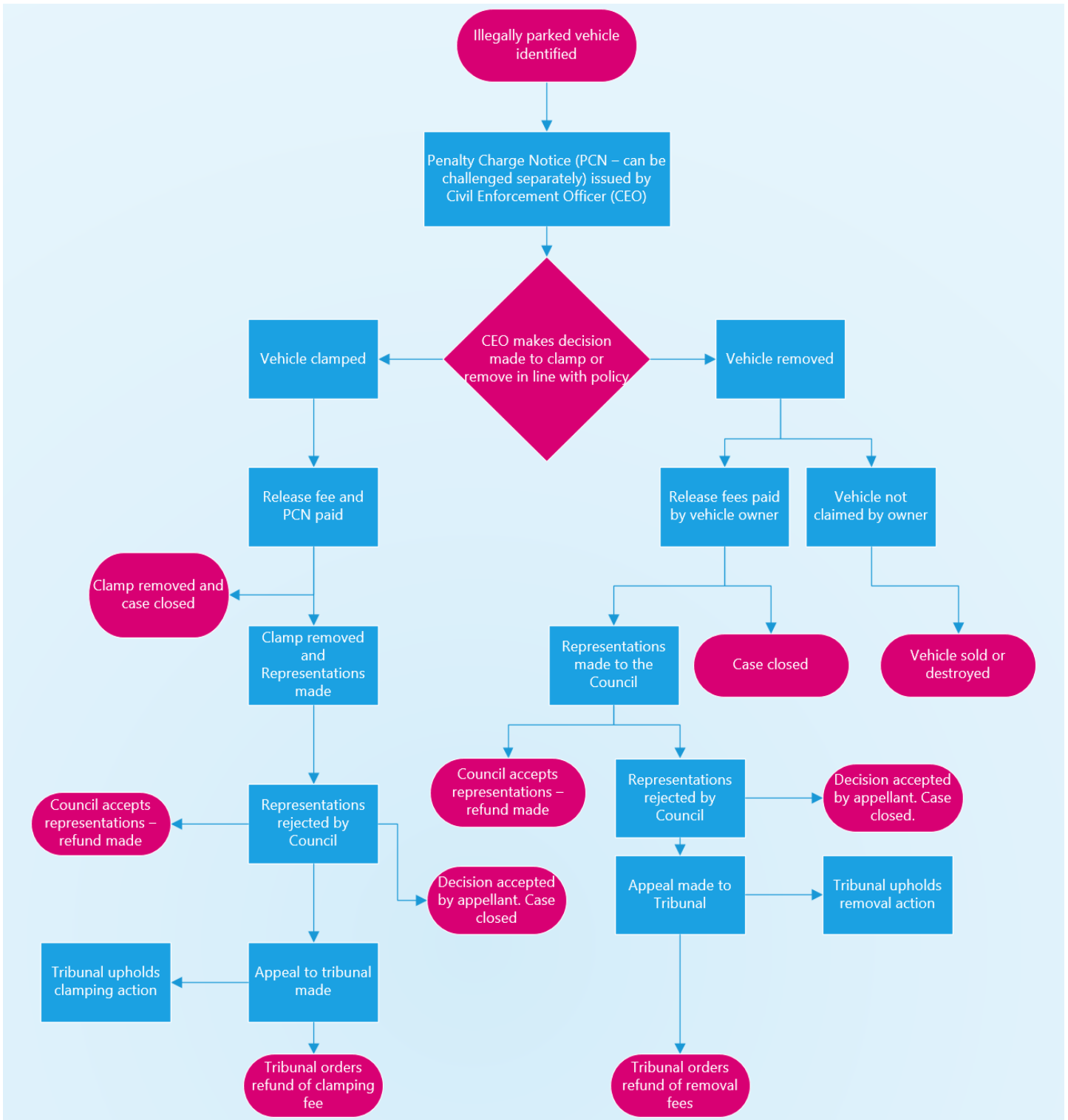
A Vehicle Registration Certificate (V5C) and a valid form of ID, such as a current UK driver licence or passport, must be provided for the vehicle to be released. The address on the V5C must be the same as the address on the provided ID. If the addresses do not match then further supporting evidence will be needed such as a utility bill or bank statement dated within the last three months.

If a V5C cannot be provided then additional documentation must be provided to show ownership, such as a bill of sale or MOT certificate. The vehicle pound will provide an 'Application for a registration certificate (V62)' which must be filled in and the appropriate fees associated with this document must be paid. The vehicle pound will then send this application to the DVLA.

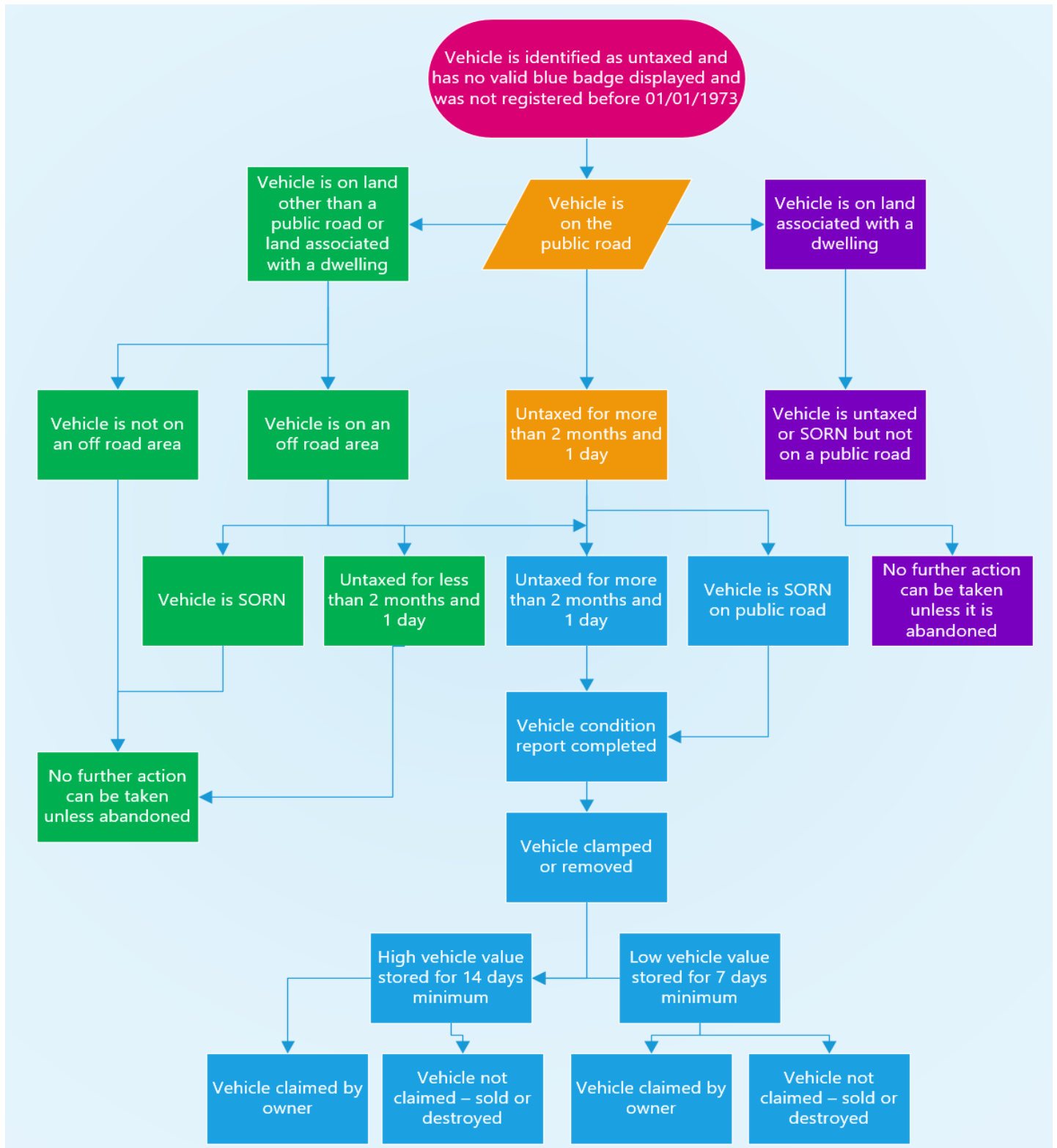
Without these conditions being met the vehicle will not be released under any circumstance.

If the vehicle is not claimed within 14 days then it will either be destroyed or sold at auction.

Appendix 1 – Illegally Parked Vehicles Process Map



Appendix 2 – Untaxed Vehicles Process Map



Appendix 3 – Abandoned Vehicles Process Map

