

Impact Assessment

Version 2015

Assessment of:	Persistent Evaders of Civil Parking Enforcement Policy
Service:	Highways, Infrastructure Development & Waste

Head of Service:	Meg Booth (approved by M Scriven)
Date of sign off by Head Of Service/version:	5/03/2018
Assessment carried out by (incl. job title):	Keith Hardacre (Parking Appeals Team Manager),

Section 1 - Background

Description:	Adopting a Persistent Evaders of Civil Parking Enforcement Policy
Reason for change and options appraisal:	<p>The service has been monitoring the number of vehicles with a pattern of repeat contraventions, DVLA returns of no known keeper, and foreign vehicle registrations; identifiable as persistent evaders over the past four years.</p> <p>DCC currently retains the services of debt enforcement companies to recover outstanding parking fine debts.</p> <p>Some debtors avoid engaging with current enforcement agents, and some activity evade any engagement by not maintaining or falsifying DVLA records. The vehicle owner/keeper often continuing to park in contravention of</p>

	<p>parking restrictions, blocking genuine residents or customer of local businesses accessing much needed parking.</p> <p>There is no current mechanism to take meaningful action such individuals other than to share the data with the Police, which the Council does on a monthly basis. However, whilst information is not provided on any subsequent Police action, many vehicles continue to accrue further parking fines.</p> <p>Our Persistent Evaders policy seeks to address these behaviours. By taking a more proactive stance to remove persistent evaders from the road network, this should prevent a single vehicle owner/keeper from amassing large numbers of parking fines which largely will go unpaid, and act as deterrent to other vehicle owners/keepers from also disregarding their responsibilities.</p> <p>It is proposed that this policy is adopted and delivered using an appointed contractor who will recover and store any vehicle that is in accord with the Secretary of State's Statutory Guidance and our persistent evaders policy. The introduction of policy to tackle persistent evaders and offenders may also improve compliance with restrictions and reduce the amount of unrecoverable income that has to be written off.</p>
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Section 2 - Key impacts and recommendations

Social/equality impacts:	<p>The issue of parking fines is an emotive subject not address evading behaviour creates an inequality between those who follow the rules, challenge or pay their PCNs, and those who ignore them and evade enforcement agents recovering the debt. The public expect that where rules are applied, they apply to everyone.</p> <p>Any contractor undertaking this service must be aware of and act in accord with the Equality Act 2010 Public Sector Equality Duty.</p> <p>Vehicles will not be removed:</p> <ul style="list-style-type: none"> • Where the vehicle is displaying a valid disabled person parking badge. • Where the vehicle is on diplomatic plates
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	<ul style="list-style-type: none"> • Where the vehicle is known to be being used by a vulnerable adult. • When the vehicle is a tool of the person's trade, e.g taxi or tradesperson's van. • Provided under a recognised mobility scheme. <p>Vehicles will not generally be removed:</p> <ul style="list-style-type: none"> • if it will cause disproportionate inconvenience and potential danger to other road users or pedestrians. • Where exceptionally, having regard to all the circumstances, the Traffic Management Team Manager, Processing Team Manager or Team Leader considers it would not be appropriate to remove the vehicle due to the known individual circumstances or vulnerability of the vehicle owner/keeper. <p>No vehicle will removed without the approval of either the Chief Officer Highways Infrastructure Development & Waste or the County's designated Traffic Manager</p>
Environmental impacts:	<p>Removing a vehicle will require a special vehicle that is capable of lifting and placing the offending vehicle on it, or another flat-bed lorry, before being driven to a storage compound. This will impact negatively on CO2 emissions temporarily.</p> <p>However, the wider impact of removing evading vehicles will have a positive environmental impact, easing congestion to minimise emissions by either removing vehicles from a location that impedes movement of traffic (i.e. a double yellow line), or making parking available by removing vehicles from legitimate parking facilities.</p> <p>Any storage compound(s) will need to be accessible should an owner/keeper wish to recover their vehicle at a reasonable time of day, this wouldn't necessitate a 24hr service but would likely require extended hours of opening. Geography of the County and available public transport facilities will be a deciding factor in the locations of any compound(s) used for this service.</p>
Economic impacts:	<p>Adopting a persistent evader policy is not designed to generate additional income as only the PCN issued on the day the vehicle is removed (plus removal and storage costs) can be used in order to secure the release of the vehicle.</p>

	<p>However, by engaging with persistent evaders behaviour should be altered and there is an increase probability of recovering outstanding parking fine's which maximises the amount of parking revenue brought in.</p> <p>The service is intended to be self sustaining, or run at a minimal cost, there will be minimal impact on the "On Street Parking" account.</p>
Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):	<p>Once vehicles are removed the owner/keeper may believe it has been stolen, therefore, the Police would need to be advised of any removal and provided with details of where the lifted car will be stored. Likewise, upon removal details will also be shared with our Customer Service Centre team who may also receive contact from owners/keepers once the vehicle has been removed and should be able to advise on the next steps.</p> <p>There is a reputational risk for any Authority in how they deal with parking debts, debt recovery or removing vehicles may be seen as contentious, however it is felt that pursuing debts, and removing persistently evading vehicles, is responsible and proper. It is felt that there is acceptance by the majority of residents that this activity is essential and should be carried out.</p> <p>By adhering to the DfT's Operational Guidance to Local Authorities and the Traffic Management Act 2004, all cases issued are considered equitably and fairly.</p>
How will impacts and actions be monitored?	<p>Regular contract meetings will be held to monitor progress and discuss complaints or issues arising from the service being provided. It is anticipated that initially a 12 month trial would be procured, at which point it will be reviewed, with options to adjust how it is delivered, or whether the service should cease.</p>

Section 3 - Profile and views of stakeholders and people directly affected

People affected:	<p>Suppliers awarded the contract and their recovery staff or enforcement agents</p> <p>Evaders, Debtors and their families</p>
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	DCC Parking Enforcement / Highways staff involved with the collection of outstanding debts
Diversity profile and needs assessment of affected people:	<p>Those who have payments outstanding to DCC do not fit any specific profile, based on information available</p> <p>The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions and the DfT's Operational Guidance offers little instruction on how removals should be managed at a local level.</p> <p>However, it would be appropriate to mirror similar considerations imposed on bailiffs when it comes to their considerations of taking enforcement action to remove a vehicle under the following circumstances:</p> <ul style="list-style-type: none"> • religion and culture : carefully consideration is required as to the appropriateness of undertaking any recovery action on any day of religious or cultural observance or during any major religious or cultural festival. <p>A link to the Interfaith website http://www.interfaith.org.uk/resources/2017-religious-festivals</p> <ul style="list-style-type: none"> • Vulnerability : DCC has stated that where known, it's staff and contractors must have due regard for all issues of vulnerability to include but not limited to the following circumstances: <ul style="list-style-type: none"> - Debtors with communication or learning difficulties - Elderly Debtors - Debtors with physical or mental difficulties - Pregnant Debtors - Debtors who have recently been bereaved - Debtors with serious illness/long term sickness - Debtors in severe financial difficulties - Debtors who do not understand English
Other stakeholders:	Other stakeholders include the customer service centre, and Police.
Consultation process:	Key stakeholders will be engaged as procedures are developed to apply any persistent evader policy.

<p>Research and information used:</p>	<p>CIVEA 'Code of Conduct and Good Practice Guide', Ministry of Justice 'National Standards for Enforcement Agents', Traffic Management Act 2004, Road Traffic Regulation Act 1984, Removal of Vehicles Regulations 1986.</p> <p>Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (Statutory Instrument (SI) 2007/ 3487) defines the charges which will apply.</p> <p>Civil Enforcement of Parking Contravention (England) Representations & Appeals Regulations Order 2007 (Statutory Instrument (SI) 2007/ 3482): defines the appeals process.</p> <p>DfT's Operational Guidance to Local Authorities Civil Enforcement of Parking Contraventions, British Parking Association community and PATROL.</p>
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Background Analysis

This section describes how relevant questions and issues have been explored during the options appraisal.

Section 4a - Social Impacts

Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief.

This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

- Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
- Proportionate (negative impacts are proportionate to the aims of the policy decision)
- Fair
- Necessary
- Reasonable, and
- Those affected have been adequately consulted.

Characteristics	Describe any actual or potential negative consequences (e.g. disadvantage or community tensions) for the groups listed. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes for the groups listed. (Consider how to advance equality/reduce inequalities as far as possible).
All residents (in general):	The only persons affected are the debtor and their immediate family. Appropriate consideration will be made upon the agents assessment of the debtor, with specific consideration to vulnerability and ability to pay	By pursuing outstanding monies the effectiveness of enforcement is increased, thus improving compliance to serve overarching traffic management aims; safe movement of traffic, minimising congestion and ensuring effective management of parking stock.
Age (from young to old):	None	By pursuing outstanding monies the effectiveness of enforcement is increase, thus improving compliance to serve overarching traffic management aims; safe

		movement of traffic, minimising congestion and ensuring effective management of parking stock.
Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:	None - Additional discretion in accordance with legislation and policy is applied to these groups.	By pursuing outstanding monies the effectiveness of enforcement is increased, thus improving compliance to serve overarching traffic management aims; safe movement of traffic, minimising congestion and ensuring effective management of parking stock.
Culture/ethnicity: nationality, skin colour, religion and belief:	None - Additional discretion in accordance with legislation and policy is applied to these groups.	By pursuing outstanding monies the effectiveness of enforcement is increased, thus improving compliance to serve overarching traffic management aims; safe movement of traffic, minimising congestion and ensuring effective management of parking stock.
Sex, gender and gender identity (including Transgender & pregnancy/maternity):	None - Additional discretion in accordance with legislation and policy is applied to these groups.	By pursuing outstanding monies the effectiveness of enforcement is increased, thus improving compliance to serve overarching traffic management aims; safe movement of traffic, minimising congestion and ensuring effective management of parking stock.
Sexual orientation:	None - Additional discretion in accordance with legislation and policy is applied to these groups	By pursuing outstanding monies the effectiveness of enforcement is increased, thus improving compliance to serve overarching traffic management aims; safe movement of traffic, minimising congestion and ensuring effective management of parking stock.
Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability,	None - Additional discretion in accordance with legislation and policy is applied to these groups	By pursuing outstanding monies the effectiveness of enforcement is increased, thus improving compliance to serve overarching traffic management aims; safe

education, reading/writing skills, 'digital exclusion' and rural isolation.	Specific regard is given to the financial situation of individuals, the use of "payment plans" is encouraged wherever appropriate.	movement of traffic, minimising congestion and ensuring effective management of parking stock.
Human rights considerations:	None - Additional discretion in accordance with legislation and policy is applied to these groups	By pursuing outstanding monies the effectiveness of enforcement is increased, thus improving compliance to serve overarching traffic management aims; safe movement of traffic, minimising congestion and ensuring effective management of parking stock.

Section 4b - Environmental impacts

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties.

The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please select from the table below and proceed to the 4c, otherwise complete the environmental analysis table):

	Devon County Council's Environmental Review Process for permitted development highway schemes.
	Planning Permission under the Town and Country Planning Act (1990).
	Strategic Environmental Assessment under European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment".

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
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Reduce waste, and send less waste to landfill:	N/A	N/A
Conserve and enhance biodiversity (the variety of living species):	N/A	N/A
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:	N/A	N/A
Conserve and enhance the quality and character of our built environment and public spaces:	N/A	<p>By pursuing outstanding fines the effectiveness of enforcement is increased, thus improving compliance to serve overarching traffic management aims; safe movement of traffic, minimising congestion and ensuring effective management of parking stock.</p> <p>In some instances, vehicles will be removed from a location where its presence had previously caused issue, for example, it was not road worthy, or it was parked inconsiderately / illegally.</p>
Conserve and enhance Devon's cultural and historic heritage:	N/A	N/A
Minimise greenhouse gas emissions:		

	Removing a vehicle will require a special vehicle that is capable of lifting and placing the offending vehicle on it, or another flat-bed lorry, before being driven to a storage compound. This will impact negatively on CO2 emissions temporarily.	The nett impact of removing evading vehicles will have a positive environmental impact, easing congestion to minimise emissions by either removing vehicles from a location that impedes movement of traffic (i.e. a double yellow line), or making parking available by removing vehicles from legitimate parking facilities.
Minimise pollution (including air, land, water, light and noise):	N/A	N/A
Contribute to reducing water consumption:	N/A	N/A
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):	N/A	N/A
Other (please state below):	N/A	N/A

Section 4c - Economic impacts

	Describe any actual or potential negative consequences.	Describe any actual or potential neutral or positive outcomes.
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	(Consider how to mitigate against these).	(Consider how to improve as far as possible).
Impact on knowledge and skills:	N/A	All Enforcement Agents must be fully trained and certified in accordance with the 'Certification of Enforcement Agents Regulations 2016' so there will be a minimum level of knowledge and skills required to operate on this contract.
Impact on employment levels:	N/A	There will be a small positive impact on employment as a additional tier of the parking service is let to a third party supplier.
Impact on local business:	N/A	N/A

Section 4d -Combined Impacts

Linkages or conflicts between social, environmental and economic impacts:	The Council does not see any combined conflicts arising from adopting a persistent evaders Policy.
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Section 5 - 'Social Value' of planned commissioned/procured services:

How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?	This is a service that we do not consider could be effectively delivered in-house at this time, given the specialist nature of the service and associated infrastructure required, for example vehicle compound(s).
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	<p>By pursuing outstanding monies the effectiveness of enforcement is increased, thus improving compliance to serve overarching traffic management aims; safe movement of traffic, minimising congestion and ensuring effective management of parking stock. Therefore, Devon County Council's parking services are enhanced by the adoption of this policy and award of any contract to deliver it. Overall there is likely to be a positive impact on the wider parking service reducing the amount of outstanding revenue from being written off due to persistent evaders, ensuring the service is sustainable.</p> <p>The tender process allows best value and best quality to be achieved, managing reputational risk by ensuring responsible recovery of monies.</p>
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