

Appendix B – Persistent Evaders and Dangerous / Obstructive Enforcement Policy

Motorists who receive a Penalty Charge Notice (PCN) for contravening parking or bus lane restrictions have opportunity to either pay or appeal the charge. The party liable to make payment is the owner of the vehicle and in accordance with relevant regulations enquiries are made with the DVLA to obtain details of the registered keeper (who is legally presumed to be the owner). The keeper would be sent three statutory documents at different stages of the PCN, each of which explains the options available, including how to pay and what will happen if the document is ignored. As a final resort a warrant is obtained for unpaid PCNs and referred to enforcement agents for collection. This can result in the keeper being traced but often warrants are returned at this stage as the keeper cannot be found.

The local authority incurs costs for pursuing unpaid PCNs including a court registration fee for each case that is registered as a debt at the Traffic Enforcement Centre (before a warrant may be issued).

For some vehicles the DVLA fail to return any current keeper information, for example if the previous keeper says they sold the vehicle but they do not know full details of the buyer and the new owner then fails to inform DVLA of their details.

Department for Transport statutory guidance defines a 'persistent evader' as having three or more unpaid PCNs per vehicle, which have not had appeals made against them within the timescales allowed by the regulations, or which following the rejection of an appeal have then remained unpaid. Checks will be made on outstanding parking, bus lane and moving traffic PCNs.

This guidance recommends that local authorities adopt strong enforcement policy against persistent evaders, with the removal of the vehicle as a beneficial option as the keeper of the vehicle then must provide evidence of where they live at the time of collection.

Sheffield City Council may make information available to the police to investigate vehicles that have a UK registration plate but that do not seem to be:

- registered with the DVLA, or
- are not correctly registered on the DVLA database - for example it seems the keeper has moved or never lived at the linked address)

Online checks may also be carried out to see if the vehicle has a current MOT (also reportable to the police), or the tax has expired (reportable to DVLA).

Sheffield City Council policy is to remove the vehicles of persistent evaders to prevent abuse of restrictions by drivers who may otherwise ignore these. The vehicles of persistent evaders who have committed a parking contravention in a designated parking place cannot be removed until at least 15 minutes have elapsed following the issue of a PCN.

In circumstances where a parking contravention has occurred outside of a designated parking place, the removal of the vehicle can take place immediately after the issue of a PCN. Sheffield City Council policy is to remove vehicles which are causing the most serious impact on traffic flow or road safety.

The priority for the removal of vehicles is as follows:

- a) Vehicles parked in contravention of a restrictive parking regulation (such as on a yellow line, zig zag lines for a school keep clear marking / a road crossing, or bus stop clearway) in a manner that is causing obstruction to traffic flow, or danger to other road users (including pedestrians, or in a restricted cycleway)
- b) Vehicles contravening a signed temporary Traffic Regulation Order (TTRO) preventing waiting and loading to enable works to take place on the highway or nearby
- c) Persistent evaders parked where parking is restricted
- d) Persistent evaders parked in a parking place in contravention of a restriction
- e) Non permitted vehicles parked in a disabled bay

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 would be relocated rather than removed. Diplomatic vehicles with an X plate may be removed if they are a persistent evader.

For special events where a signed TTRO has been implemented vehicles may be relocated rather than removed to the pound after a PCN has been issued.