

OPERATION TAZ

TOW-AWAY-ZONE PROTOCOL FOR REMOVAL OF DANGEROUS VEHICLES & ARSON PREVENTION



WEST MIDLANDS FIRE SERVICE



Walsall Council



Phase 1

Blakenhall & Bloxwich

OPERATION TOW AWAY ZONE

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PROTOCOL FOR REMOVAL OF DANGEROUS VEHICLES & ARSON PREVENTION

PROTOCOL – [Operation TAZ]

1. Purpose

- 1.1 This Protocol sets out the rationale and operating procedures for the implementation and operation of a removal scheme for dangerous vehicles. Operation TAZ will run on a pilot basis for six weeks [**commencing 28th January 2008**] in a geographically defined area within Blakenhall and Bloxwich Local Neighbourhood Partnership area (LNP).

2. The Partner Agencies

- 2.1 Operation TAZ has been developed and will be implemented through key partners within the Walsall Community Intervention Group, including:
- West Midlands Fire Service
 - Walsall Borough Council
 - West Midlands Police Force
 - West Midlands Arson Task Force

3. About this Protocol

- 3.1 This protocol explains the Partners' response to an identified need to develop a fast and efficient process for the removal of dangerous vehicles using **section 99 of the Road Traffic Regulations Act 1984** powers [Section 99 powers], from the public highway and other areas, where the public/vehicles are put at risk of danger. The six week pilot will be restricted to a geographically defined risk area, determined through analysis of vehicle arson and vehicle interference data [Area shown in Figure 1].

4. General Principles

- 4.1 The partner agencies to this Protocol are committed to ensuring that any vehicle they have found necessary to remove will be moved in a prompt and professional manner using, where reasonably practicable, a 'same day' removal scheme.

- 4.2 Protecting and promoting community safety is the overriding principle of Operation TAZ.
- 4.3 Vehicle release arrangements will be in place to enable recovery of removed vehicles. Walsall Borough Council and/or West Midlands Police reserve the right to recover any fees and expenses that may be incurred in vehicle removal, storage and disposal. Additionally, depending upon the circumstances, registered keepers/owners may be liable to legal proceedings in relation to any vehicle related offences.

5. Primary Aim

- 5.1 The primary aim of Operation TAZ is to target vehicles within a defined area in order to reduce/eliminate the incidence of vehicle related arson [and/or incidents of other vehicle related crime]. The rationale for this protocol is to protect life, health and public safety, prevent crime and protect the rights and freedoms of others in accordance with Articles 2, 6, 8 and Article 1 of the First Protocol of the European Convention on Human Rights as provided for by the Human Rights Act 1998.

6. Partner Agency Objectives

- 6.1 The two critical objectives of this Protocol are to:
- Improve the quality of life in our communities
 - Reduce vehicle arson and/or other vehicle associated crime
- 6.2 The Partner Agencies acknowledge the link between abandoned vehicles, crime, arson and anti-social behaviour. This Protocol will be supported through sharing intelligence, expertise, resources and the integrated use of enforcement powers.
- 6.3 The detrimental impact of vehicle arson to local communities encompasses both 'visual amenity' and 'public safety' issues. Analysis shows that ~50% of vehicle arson is linked to abandoned vehicles. Additionally there is an association between abandoned and un-taxed vehicles and vehicle arson/interference/theft. The danger to the public and public authorities in each and every incident of vehicle arsons/interference is unacceptable and positive action, through this Protocol is designed to reduce the number of incidents.
- 6.4 This Protocol applies to the removal of dangerous vehicles. For the purposes of this Protocol a 'vehicle' is defined as any vehicle, whether or not it is in a fit state for use on roads and includes any chassis or body, with or without wheels, appearing to have formed part of such a vehicle and any load carried by, and anything attached to, such a vehicle.

- 6.5 Vehicles will be recovered under this Protocol if they are located on the highway and/or other Walsall Borough Council controlled land and they fall in either of the following categories:
- Partner Agency enquiries suggest the vehicle is abandoned.
 - The vehicle is abandoned and presents a danger to the public by way of its condition, position, location or other circumstances.
- 6.6 This Protocol will not apply to vehicles, which are left in private places unless the vehicle circumstances present a real and immediate danger to the public. In these circumstances all reasonable efforts will be made to identify and contact the landowner and/or registered vehicle keeper. ***This Protocol will apply to the highway and Borough Council controlled communal parking areas/land in the defined areas.***

7. Operation TAZ – Vehicle Removal Powers & Legal Provisions

- 7.1 The primary statute, legal provisions and case law supporting this Protocol include:
- Section 99 of the Road Traffic Regulations Act 1984 identifies the categories of vehicle, which the Police and Local Authority may use their powers to remove. Included are vehicles, which have been *abandoned in such position, condition or circumstances, as to be likely to cause danger to other road users.*
 - Sections 100, 101 and 102 of the Road Traffic Regulations Act 1984.
 - Sections 3 and 4 of the Refuse Disposal (Amenity) Act 1978.
 - Sections 3, 4, 5, 6 and 7 of the Removal, Storage and Disposal of Vehicles Regulations 1989.
 - Crime & Disorder Act 1998.
 - Case Law;
 - *Clarke v Chief Constable, West Midlands Police* (2001)
 - *Jolly v Sutton Borough Council* (1998).
- 7.2 In addition to the provisions set out within this Protocol, un-taxed vehicles identified on the highway within the pilot area may be subject to removal by the DVLA or West Midlands Police under the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 (as amended).

8. Rationale for Vehicle Removal Interventions – General Issues

- 8.1 The Protocol is founded on a Problem Orientated Policing (P.O.P.) report written in 2001, which outlines a strategy to support partnership working and the objectives of the Walsall Community Intervention Group. This P.O.P. report details the 'Car Clear Strategy', which identifies four priority themes:
- ❑ Community awareness
 - ❑ Targeting of offenders
 - ❑ Reducing the supply of un-roadworthy and vulnerable vehicles
 - ❑ Vehicle removal schemes
- 8.2 Responsibility for the implementation of this strategy is undertaken by the West Midlands Police, with support from Walsall City Council and West Midlands Fire Service.

9. Rationale for the Operation TAZ Vehicle Removal Scheme

- 9.1 Vehicle arson reduction.

An Arson Risk Vehicle is defined as:

Any vehicle deemed to be dangerous in terms of Section 99 Road Traffic Regulations Act 1984 (Outlined at Section 7)

- 9.2 Reduction in the use of and/or presence of Community/Pool Crime vehicles. These are vehicles being used to commit crime and then often abandoned, vandalised, and/or deliberately set alight. This Pilot uses the Avon & Somerset Police definition, which has remained unchallenged and thus will be adopted for the operation.

A Community / Pool Vehicle is defined as:

Any vehicle where the driver denies ownership, AND
The keeper details are 'previous keeper' details, OR
Registered keeper denies ownership, AND
There is an 'involved in crime' marker on the Police National Computer (PNC), AND
The vehicle is not displaying a valid excise licence.

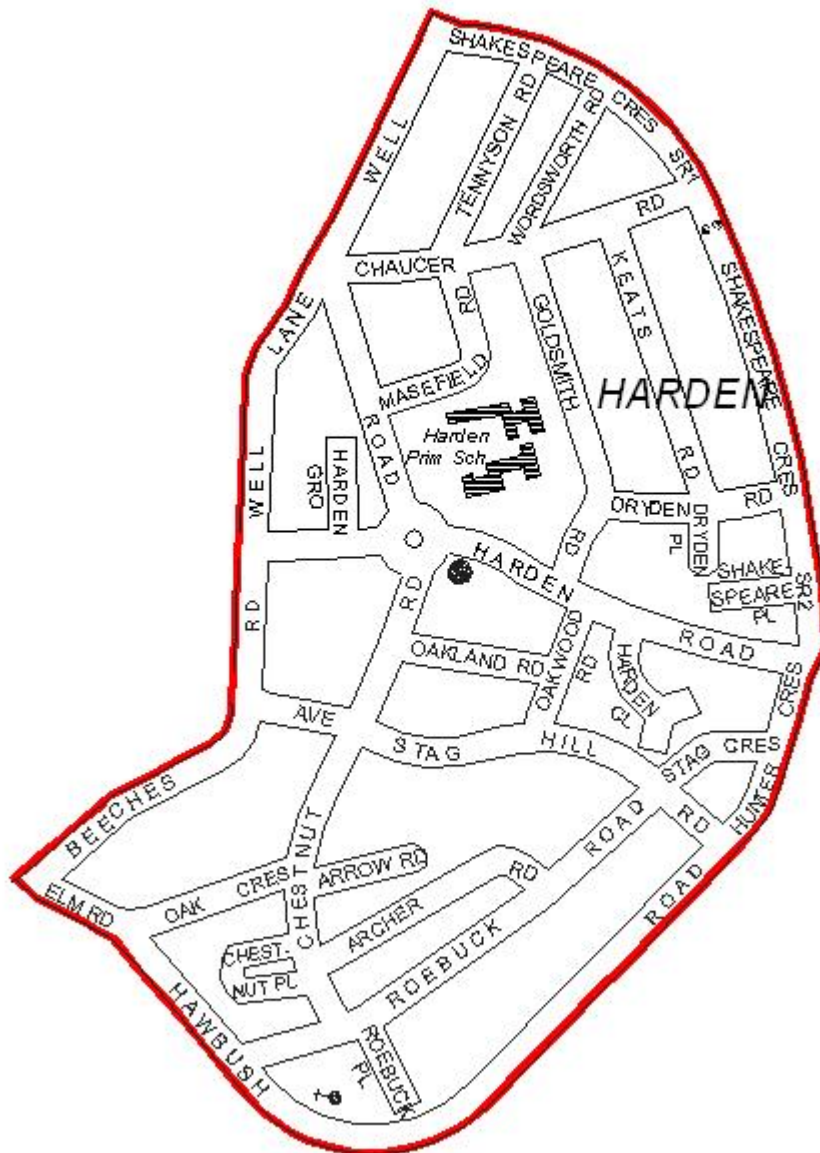
10. Vehicle Removal Procedure

- 10.1 The operational arrangements for authorising vehicle removal and release are outlined in **Appendix 1** with the key elements of the process are shown in **Appendix 2**.

11. Vehicle Removal – Pilot Area Designation

- 11.1 The pilot area comprises a defined area within the Blakenhall & Bloxwich LNP (H2 Operational Command Unit policing). The areas are shown in **Figure 1** and were established through data analysis* by the Partner agencies to this Protocol and agreed as zones where Section 99 powers to secure removal of vehicles is necessary, proportionate and appropriate.

Figure 1: Operation TAZ - Vehicle Removal Pilot Area



A. Vehicle Removal Procedure

- A1 'Target' vehicles within the defined area will be identified by police officers. The key elements of the process are shown in **Appendix 2** *.
*[The implementation and monitoring of Operation TAZ will be subject to an ongoing dynamic assessment and detailed operational arrangements may be subject to change].

B. Recovery of Vehicles by Owners or Registered Keepers

- B1 It is the responsibility of the vehicle owner/registered keeper to recover their vehicles. Any person wishing to recover a vehicle will be required to present themselves at the vehicle recovery agent's premises in accordance with the instructions issued by West Midlands Police Operations Centre.
- B2 For the duration of Operation TAZ, Walsall Borough Council & West Midlands Police will reserve the right to recover any fees and expenses that may be incurred in vehicle removal, storage and disposal. These are currently set at £105 recovery charge per vehicle plus £12 per day storage fees.

C. Vehicle Removal Contractor – Health & Safety Arrangements

- C1 Walsall Borough Council will make arrangements to support the nominated vehicle recovery agent in carrying out authorised vehicle removals.
- C2 A zero tolerance enforcement approach will be taken in relation to any interference with the lawful activities of the vehicle recovery agent, for example, in relation to any obstruction, threatening behaviour or assault directed at the contractor, or criminal damage to recovery vehicles.

D. Notification – Operation TAZ Pilot Area

D1 This Protocol will be supported by the provision of information to local communities in the operational area. This may include notification via leaflet drops, West Midlands Police/Bloxwich websites [www.west-midlands.police.uk/ or and street signage (Example of signage shown in **Appendix 3**).

**Comments and Complaints –
(General Public or Vehicle Keepers/Owners)**

Any person who has any comment or complaint in relation to this Protocol and/or they think that a City Council officer or Police officer has behaved incorrectly or unfairly, they should, in the first instance, contact the relevant agency:

West Midlands Police

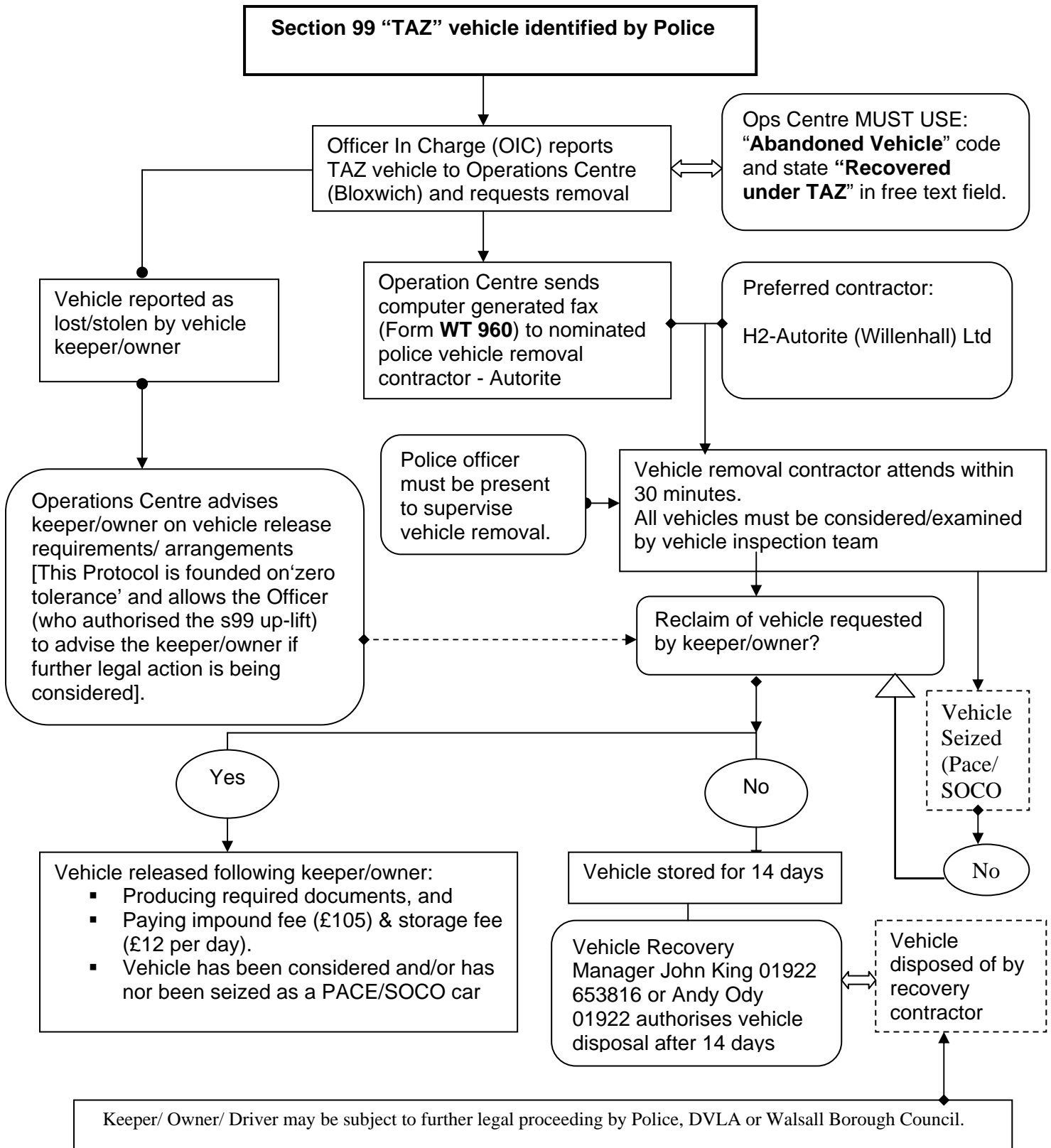
Phone: 0845113 5000
Visit: Bloxwich Police Station (H2 OCU)
or any other police station where a senior officer on duty will see you.
Further details can be seen at:
West Midlands Arson Task www.wmfs.net/arson/
West Midlands Police..... www.west-midlands.police.uk

Walsall Borough Council

Phone: 01922 653715
E-mail: Streetpride@walsall.gov.uk
Write to: Walsall Borough Council,
Street Pride
Policy and Performance Team
Public Works Depot
Norfolk Place
Walsall
WS2 7BA

OPERATION TAZ

REMOVAL OF DANGEROUS VEHICLES – KEY ELEMENTS



NOTE: [The implementation and monitoring of Operation TAZ will be subject to an ongoing dynamic assessment, a two week review meeting and detailed operational arrangements may change].

Appendix 3:

Example of Street Signage Used In Pilot Area



