

**OPERATION TOW AWAY ZONE
(Wolverhampton)**

-

**PROTOCOL FOR REMOVAL OF DANGEROUS VEHICLES &
ARSON PREVENTION**



WEST MIDLANDS FIRE SERVICE



Wolverhampton
City Council



Environmental Services



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 2 months (commencing 3 November 2008) in a geographically defined area within Low Hill and Scotlands Local Neighbourhood Partnership area (LNP).

2. The Partner Agencies

- 2.1 Operation TAZ has been developed and will be implemented through key partners within this area with equal commitment, including
- West Midlands Fire Service
 - Wolverhampton City Council
 - West Midlands Police Service
 - West Midlands Arson Task Force
 - Wolverhampton Homes
 - Local Neighbourhood Partnership

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 2 month long 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. Wolverhampton City 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 incidents 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 and abandoned 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 Wolverhampton City Council controlled land and they fall into 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 City 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 and 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. 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 Wolverhampton City Council and West Midlands Fire Service.

9. Rationale for the Operation TAZ Vehicle Removal Scheme 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 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.

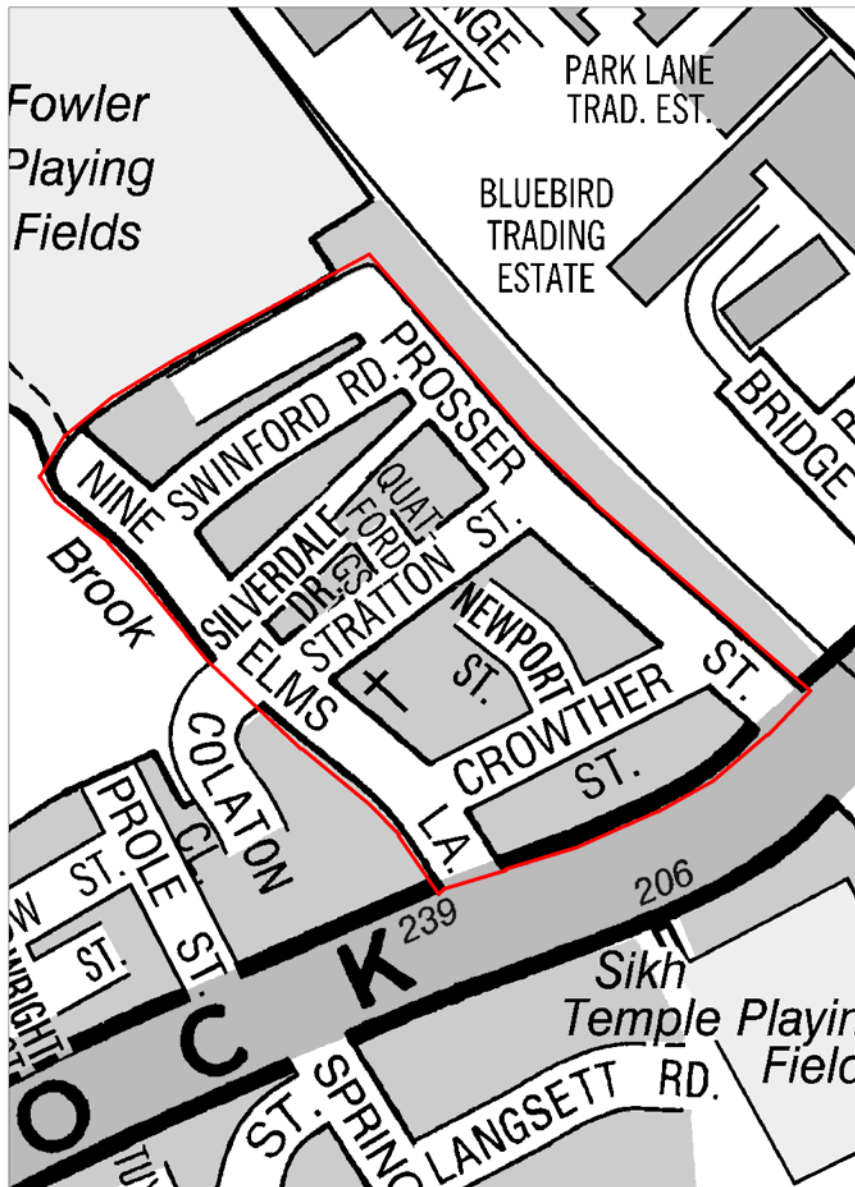
10. Vehicle Removal Procedure

10.1 The operational arrangements for authorising vehicle removal and release are outlined in **Appendix 1**

11. Vehicle Removal – Pilot Area Designation

11.1 The pilot area comprises a defined area within the Low Hill and Scotlands LNP (G2 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 Registered Owners or Registered Keepers

- B1 It is the responsibility of the vehicle owner/registered keeper to recover their vehicles. It is a criminal offence to abandon a vehicle for which the owner/registered keeper can get a fixed penalty notice in the amount of £200 or on conviction at magistrate's court to a fine not exceeding level 4 (£2,500) on the standard scale or imprisonment for a term not exceeding three months or both. Any person wishing to recover a vehicle will be required to prove that they are the owner of the vehicle by producing a vehicle registration document or purchase invoice to the Public Protection Department, Desk 14, Civic Centre, St. Peter's Square, Wolverhampton. When they have proved that they are the owners of the vehicle they will be given the collection and storage charges which shall be paid before the authorisation is given for the vehicle to be released.
- B2 For the duration of Operation TAZ, Wolverhampton City Council and 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 and Safety Arrangements

- C1 Wolverhampton City 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 Arson Task Force
web site www.wmarsontaskforce.gov.uk

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: 08451135000
Visit: Low Hill Police Station (G2 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 Force
<http://www.wmarsontaskforce.gov.uk/tow-away-zone>
West Midlands Police.....www.west-midlands.police.uk

Wolverhampton City Council

Phone: 01902 551155 (General enquiries)
Write to: Wolverhampton City Council
St Peters Square
Wolverhampton
WV1 1SH

West Midlands Arson Task Force

Phone 0121 380 6733
Write to: WMATF
Moss Grove
Kingswinford
Dudley
DY6 9HU

Updated November 2009..

APPENIX 1

Operational Requirements

During the TAZ initiative, all officers requesting the immediate removal of a dangerously abandoned vehicle within the agreed target area will phone TS Russell directly and also put a notice on the Police National Computer (PNC) of the vehicles position and removal.

The officer will then remain with the vehicle if policing requirements allow, until its removal. TS Russell will remove all vehicles within 45 minutes of being notified, and contact the police if they are going to be unavoidably delayed, to allow the officer waiting to make appropriate decisions as too staying with the vehicle.