

Mr Edward Williams

Email to: request-482586-d9186718@whatdotheyknow.com

Complaints and Information

Town Hall
Mulberry Place
5 Clove Crescent
E14 2BG

Enquiries to Michael Tighe
Telephone: 020 7364 4161
www.towerhamlets.gov.uk

22 June 2018

Dear Mr Williams,

FOI Review: 12093368 Removal and Storage Charges Costs

I am writing to let you know that Michael Tighe, Complaints and Information Officer, has completed the review of your Freedom of Information (FOI) request.

Your initial request dated 10 May 2018 was:

This request relates to parking. I suggest it is forwarded to the Head of Parking Enforcement.

Under Section 102(2A) and 102(3) of the Road Traffic Regulation Act 1984, Tower Hamlets can issue legal proceedings to recover unpaid removal and storage charges after a vehicle has been removed for a civil parking contravention: -

"(2A) If the place from which the vehicle is removed is in an area that is a civil enforcement area for parking contraventions, the enforcement authority is entitled to recover from any person responsible such charges in respect of the removal, storage and disposal of the vehicle as they may require in accordance with Schedule 9 of the Traffic Management Act 2004.

(3) Any sum recoverable by virtue of this section shall, in England or Wales, be recoverable as a simple contract debt in any court of competent jurisdiction or, in the case of a sum not exceeding £20, summarily as a civil debt."

Since April 2008 (when the TMA 2004 came into force) how many times have you issued legal proceedings using section 102(2A) powers?

Provide the procedure/guidance etc. followed by you when the owner of an unabandoned, removed/impounded vehicle cannot pay the release fee?

Since April 2008 what was the biggest release fee paid to recover an unabandoned impounded vehicle?

The current removal fee is £200. State what was the average cost to you for each removal in 2017.

State the date that London Councils set the release fee at £200 and provide any record showing same such as committee resolution etc.

The Council initially responded on 23 May 2018, a copy of which is attached for your information.

You then requested a review on 25 May 2018 as follows:

I do not agree that an exemption claimed applies.

Having reviewed this matter the Council's findings are as follows:

In our initial response to your request regarding the average cost of removing vehicles that were found to be contravening the Road Traffic Management Act 2004 in 2017, the Council applied Section 43 (2) and explained that it is currently involved in a procurement exercise for vehicle removals and pound management.

Section 43 (2) of the Act provides an exemption from disclosure of information which would or would likely prejudice the commercial interests of any person (including the public authority holding it). This is a qualified exemption and is, therefore, subject to a public interest test. I apologise that in the response you received this was not carried out and I have reminded officers to be more mindful in the future.

Factors in favour of disclosure

- The Council recognises that the disclosure of the information you have asked for could assist in further understanding of how it spends public funds and would promote transparency

Factors against disclosure

- Disclosure at this time could pose a real and significant harm to the commercial interests of the Council and those that have submitted a tender for the contract as it could affect the Council achieving the best value for public funds.

Therefore, in weighing up the factors for and against disclosure, the Council believes that the public interest is best served in not disclosing the information at this time.

However, once the procurement process has been terminated the Council will be able to supply you with the information regarding the average cost to the Council for each removal in 2017. It is hoped that we will be in a position to supply this information by week ending 20 July 2018.

If you are still dissatisfied with the Council's response you have a right of appeal to the Information Commissioner. You can write to them at the Information Commissioner's

Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF Telephone: 01625
545 700 www.ico.org.uk

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Wingate', written in a cursive style.

Robert Wingate
Deputy Complaints and Information Manager

FOI: 12093368 Recovery of unpaid removal and storage charges following removal of a motor vehicle

Recovery of unpaid removal and storage charges following removal of a motor vehicle

This request relates to parking. I suggest it is forwarded to the head of parking enforcement.

Under section 102(2A) and 102(3) of the Road Traffic Regulation Act 1984 Tower Hamlets can issue legal proceedings to recover unpaid removal and storage charges after a vehicle has been removed for a civil parking contravention: -

"(2A) If the place from which the vehicle is removed is in an area that is a civil enforcement area for parking contraventions, the enforcement authority is entitled to recover from any person responsible such charges in respect of the removal, storage and disposal of the vehicle as they may require in accordance with Schedule 9 of the Traffic Management Act 2004.

(3) Any sum recoverable by virtue of this section shall, in England or Wales, be recoverable as a simple contract debt in any court of competent jurisdiction or, in the case of a sum not exceeding £20, summarily as a civil debt."

Requests:

Since April 2008 (when the TMA 2004 came into force) how many times have you issued legal proceedings using section 102(2A) powers?

The London Borough of Tower Hamlets has never issued such legal proceedings

Provide the procedure/guidance etc. followed by you when the owner of an unabandoned, removed/impounded vehicle cannot pay the release fee?

We have no specific procedure to deal with this; if the situation arose then it would be dealt with on a case-by-case basis.

Since April 2008 what was the biggest release fee paid to recover an unabandoned impounded vehicle?

Due to changes in the Council's PCN processing system we only have records for removals from 2014 onwards. The highest release fee paid since removals were recorded is £2,010.

The current removal fee is £200.

State what was the average cost to you for each removal in 2017.

The London Borough of Tower Hamlets is currently involved in a procurement exercise for vehicle removals and pound management. We therefore consider this information to be exempt under Section 43 of the Freedom of Information Act 2000 as its release would be likely to prejudice the commercial interests of the incumbent contractor.

State the date that London Councils set the release fee at £200 and provide any record showing same such as committee resolution etc.

We do not know the exact date on which the removal fee was set however we believe that it was in 2007. Such charges are set under Regulation 24 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 ("the General Regulations") by the London Councils Transport and Environment Committee ("LCTEC"), being the joint committee under Regulation 15 of General Regulations. As such those decisions do not need further ratification, such as committee resolutions, by individual London local authorities. We do not hold the decisions of the LCTEC as they are available on the London Councils website at <http://www.londoncouncils.gov.uk>.