

Overnight HGV Enforcement and Clamping

To: Joint Transportation Board

By: Community Safety & Wellbeing Service

Date: 10th September 2019

Classification: For information

Ward: Across the Borough – Various

Summary:

Kent suffers from major issues because of HGVs parking in unsuitable locations. This causes danger, distress to residents and results in environmental waste in many locations. The Ashford clamping trial was a joint initiative between Kent County Council (KCC), Ashford Borough Council (ABC) and the Department for Transport (DfT). The overnight clamping trial was part of a zonal parking ban which operated between 8pm and 7am and covered the A20 between Charing and Ashford and four industrial estates in the borough. The trial allowed first time clamping of vehicles that contravene restrictions and the Penalty Charge Notices (PCN) include a £150 clamp release fee.

The experimental HGV clamping trial has been extremely successful in reducing the number of HGVs parking in inappropriate locations in the Ashford District. During the 18 month trial 2754 HGVs have been clamped. The number of HGVs parked in Ashford borough has reduced by 61% with little displacement to neighbouring districts.

The clamping trial was introduced on 30 October 2017 and expired on 30 April 2019. This report explains the current position regarding the replacement of the experimental order with a permanent order commencing in September 2019.

Background

1. There has been a growing problem with HGVs parking overnight in various locations in the borough for many years. This has resulted in a number of restrictions being put in place to prohibit the parking of HGVs overnight. The first ban prohibiting the parking of HGVs between 20.00 and 07.00 the following day was put in place at the Orbital Park and Ashford Business Park Sevington in 2003. ABC has piloted various enforcement initiatives to address this growing problem. These have included the appointment of Trans European collection agents, various multi-agency enforcement operations and a trial in 2015 involving the clamping of persistent evading HGVs.

2. All enforcement initiatives to date have had limited success. This Experimental Traffic Regulation Order (ETRO) and clamping trial has been developed by working with the DfT so that it can reflect the unique issues faced in the county. The DfT agreed to change the current clamping policy for HGVs so that a clamp can be introduced for first time offences.
3. The Experimental Traffic Regulation Order was written and sealed by KCC and came into effect on 30th October 2017 for eighteen months, prohibiting the overnight parking of HGVs along the A20 between Charing and the Drivers Roundabout Ashford and included existing Industrial Estates where there was already an overnight waiting ban. The prohibition also extended for some distance along adjoining roads off of the A20 to prevent displacement into adjacent villages.
4. KCC placed the necessary signage at the entrance points to the restricted zone. Some repeater signs were also placed in known locations affected by inconsiderate and dangerous parking along the A20.
5. The trial was preceded by a significant period of education and advertising. Warning notices in multiple languages were issued by our Civil Enforcement Officers to HGV's parked in areas where enforcement would be taking place.
6. A Statutory Instrument that restricted local authorities outside of London to not charge any more than a £40 release fee for each clamp was amended for the duration of this trial only. The DfT in December 2017 agreed to allow the release fee to be increased to £150.00 in order to cover the costs being incurred by ABC to remove each clamp

Summary of the trial.

7. Our officers continued to patrol and enforce on a regular basis on the A20 and in the four existing locations where an HGV overnight ban is in place. Our officers have also continued to monitor possible displacement HGV parking on other Industrial Estates and nearby residential areas, this has continued to stay low and the trial had no impact on displacement to other areas.
8. The numbers of HGV's parking on the A20 and all other areas reduced significantly over the trial period.
9. Weekend parking in all locations continues to stay low and the increased uptake in parking at the Ashford Truck Stop especially at weekends continues.

10. We worked closely with the clamping company, London Parking Solutions. . The total number of HGV's clamped was 2754 of which 1449 was on the A20.
11. During the trial there was a total of 42 appeals against the penalty charge notices issued to HGV's in contravention. All appeals have been rejected except 3 where 2 HGV's had broken down and 1 provided medical evidence. 1 case was taken to the next stage of Tribunal on the point of lack of signage and the outcome was that the adjudicator agreed with ABC's decision and this case was dismissed.
12. KCC undertook overnight lorry parking surveys in September 2018. There had been a dramatic reduction in on-street parking in the Ashford Borough since the trial was introduced. The surveys showed a 61% decrease in inappropriate parking in the Ashford Borough between September 2017 and September 2018 with very little displacement to other areas (Maidstone and Folkestone and Hythe).
13. The Ashford Truck stop reported that they were at full capacity 25 out of 31 nights during January and the 6 remaining nights were near to full capacity. In April they increased by a further 200 spaces and have had spaces available every night since.

Since the trial

14. The Traffic Regulation Order (TRO) consultation took place between 15th April and 13th May 2019 to make the trial area permanent to continue enforcement. KCC received 17 responses, 16 positive and supporting with 1 formal objection from 1 of our statutory consultees the Road Haulage Association (RHA). Following recommendation at the Joint Transportation Board on 11th July the TRO was sealed by KCC and live on the 15th July. The TRO will only allow clamping based on current legislation which is after 3 or more outstanding Penalty Charge Notices and a maximum of a £40 clamp release fee.
15. During the trial the DfT gave permission to clamp on the first offence and charge a clamp release fee of £150.00. We have now sought formal DfT approval to continue first time clamping on vehicles that contravene restrictions and an increased clamp release fee to ensure costs can be covered with no additional impact on KCC & ABC finances.
16. A response was received from DfT on 12th June 2019 based on the evidence, the outcome of the trial, the commitment and holistic approach from ABC along with the now increased lorry parking provision they have provided legal notification and permission for clamping on the first offence; along with a maximum release fee of £150 to continue in the areas that were subject to the trial. In addition the DfT are aware that if

clamping removal fees increase at procurement then ABC will review the need to apply for a further increase in release fees

17. We have now arranged a contract to continue for one year with London Parking Solutions to attend when required to clamp vehicles after a PCN has been issued.

Next Steps

18. The Civil Enforcement Team are now prepared to continue with ongoing enforcement with arrangements made to start clamping HGV's from w/c 16th September 2019. A new rota has been put in place to ensure coverage for the night enforcement for the HGV's without impacting on day time enforcement.

Recommendations

19. To note the report and agree that in future the operation of the scheme be the subject of an annual monitoring report to the Board with intervening reports in the event that decisions are needed from the Board on the running of the scheme.

Catherine Darlington – Civil Enforcement Officer Team Leader

catherine.darlington@ashford.gov.uk

Reporting to Alison Oates, Community Safety & Wellbeing Manager

Neil Edwards, Traffic Manager, Kent County Council

neil.edwards@kent.gov.uk