

## **Overnight HGV Enforcement and Clamping**

**To: Joint Transportation Board**

**By: Community Safety & Wellbeing Service**

**Date: 8 December 2020**

**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 experimental HGV clamping trial operated between 30 October 2017 and 30 April 2019. It was extremely successful in reducing the number of HGVs parking in inappropriate locations within the Ashford District. During the 18 month trial 2754 HGVs were clamped. The number of HGVs parked in Ashford borough has reduced by 61% with little displacement to neighbouring districts. The trial allowed first time clamping of vehicles that contravene restrictions.

The permanent Traffic Regulation Order commenced in September 2019. This is part of a zonal parking ban which operates between 8pm and 7am and covered the A20 between Charing and Ashford and four industrial estates in the borough.

## **Background**

1. There was a growing problem with HGVs parking overnight in various locations in the borough for many years. This 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 piloted various enforcement initiatives to address this problem. These 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 detailed above had limited success. The Experimental Traffic Regulation Order (ETRO) and clamping trial was developed by working with the DfT so that it reflected 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. Throughout the trial the total number of HGV's clamped was 2754 of which 1449 was on the A20.
4. The Traffic Regulation Order (TRO) consultation took place between 15 April and 13 May 2019 to make the trial area permanent thereby allowing enforcement to continue. Following agreement at the Joint Transportation Board on 11 July the TRO was sealed by KCC and went live on the 15 July.
5. Currently legislation allows clamping after 3 or more outstanding Penalty Charge Notices with a maximum release fee of £40. Formal DfT approval was given 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 ABC finances. This is reflected in the wording of the TRO.

### **Current Position & Summary of the last year**

6. A new rota was put in place to ensure coverage for the night enforcement of HGV's without impacting on day time enforcement. This commenced week commencing 16 September 2019.
7. Up to the end of December 2019, 285 HGV's had been clamped across the five locations.
8. Due to covid-19 enforcement was suspended and did not take place from 13 March to 20 October 2020.
9. Following monitoring of the enforceable areas an increase number of HGV's were seen to park overnight, so enforcement was recommenced and has continued through the current lockdown.
10. To date, 23 November 2020, 359 HGV's have been clamped in 2020.
11. The Ashford Truck stop reports that they continue to have near to full capacity most nights.
12. Since September 2019 there have been 16 appeals against the penalty charge notices issued to HGV's in contravention. All appeals have been rejected. Three have been taken to the next stage, The Traffic Penalty

Tribunal (TPT). ABC have lost all these cases which has cost ABC refund fees and legal fees.

### **Future Enforcement**

13. We are currently working closely with KCC to plan for management of HGV's during the EU transition from 1 January 2021.

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*Reporting to Alison Oates, Community Safety & Wellbeing Manager*