

[Applicant's name and address]

PCCS/00072/11

19 September 2011

Dear [Applicant]

Complaint about Tayside Police

I refer to your complaint about Tayside Police and write to advise you of my decision in your case.

You have asked me to review a complaint in connection with the removal of your vehicle from a road following an allegation that it was causing an obstruction. Specifically, you state that the removal of your vehicle was unauthorised and that you were not notified of the intention to remove it. You also complain that you were not notified about a previous occasion when the police attended a similar complaint about your car.

On 13 April 2011 an Inspector interviewed you about your complaint and thereafter conducted enquiries into the matter. The Inspector subsequently submitted a report and on 26 April 2011 you received a written response to your complaint from a Superintendent. The Superintendent stated the following:

"After carefully studying the report and a statement from the owner of the premises, outlining the persistent parking problems he encounters, I do not believe that the action of removing your vehicle was unlawful, hence I shall not be authorising any compensation to you. I do concede however that our staff at Force Control Centre could have left a message on the voicemail of your landline, if only to alert you to the vehicle being removed. I am of the opinion that, due to the voicemail welcome message not relating to you by name has caused the operator to doubt whether the telephone number was correct. This is the reason why no message was left and if such a message was left, I doubt if this would have speeded up the process for you to remove your vehicle.

I also note that you state your vehicle was damaged as a result of it being uplifted. I have a copy of a document signed by you when you retrieved your vehicle, and have been informed that you inspected same prior to driving off. In that respect I do not intend to take this matter further.

This decision of course does not preclude you raising any civil action against [named] Garage."

Having conducted a thorough review of the information made available to my office, I believe it would have been helpful if Tayside Police had informed you of the power which permits it to remove vehicles which are considered to be causing an obstruction. I have set out below my understanding of the powers given to Tayside Police and other police forces in this connection.

In terms of Regulation 4 of the Removal and Disposal of Vehicles Regulations 1986 the police may arrange for the removal of a vehicle in certain circumstances, including where it is causing an obstruction to other persons using the road. In his report the Inspector identified that the Constable dealing with the removal of your car was satisfied that this criterion had been established. An attempt was made to contact you (as the registered keeper) but this was unsuccessful. The officer was then given authority to remove the vehicle under the terms of Tayside Police's Vehicle Recovery Scheme. Essentially this means that the vehicle was removed by an authorised contractor acting on behalf of Tayside Police.

During the enquiry into your complaints the person who complained about the obstruction being caused by your vehicle said that he had spoken to you about this matter previously. This was reflected in the response you received from the Superintendent. You deny that this person spoke to you on a previous occasion and in your application to my office you complained that the police had not investigated this issue. It is clear from what has been presented to me that the Superintendent simply reflected the evidence established by the Inspector during his enquiry. In any event whether or not this person had spoken to you previously is not, in my view, relevant to the issue of whether your vehicle was causing an obstruction on 8 March 2011. For that reason I do not believe that there is anything to be gained by recommending any further enquiry relating to this matter.

For the reasons given, I consider that Tayside Police dealt with your complaint in a reasonable manner.

My involvement in your case is now at an end. In accordance with my normal practice, a copy of this letter will be published, fully anonymised, on my office's website. This will occur on 22 September 2011.

Yours sincerely

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

JOHN MCNEILL
Commissioner