

**NUISANCE VEHICLES
(Report by Public Health Manager)**

1. INTRODUCTION

- 1.1 The purpose of this report is to inform Members about the availability of devolved powers from DVLA to remove untaxed vehicles from the public highway, to explain how these powers could enhance our service for dealing with nuisance vehicles, to seek adoption of the devolved powers and delegated authority for authorised officers to use the powers in the manner described.
- 1.2 Huntingdonshire District Council has a good track record in dealing with abandoned vehicles and this devolved power would provide a useful additional tool for combating nuisance vehicles on the street in certain circumstances.

2. SUPPORTING/BACKGROUND INFORMATION

- 2.1 Devolved powers were introduced in 2002 and are available to local authorities and police forces wishing to act as agents of the Secretary of State within the regulations set out in the Vehicles Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 (as amended).
- 2.2 The DVLA has advised that there are currently 65 local authorities operating these powers and a further 41 are in discussion about adopting them.
- 2.3 If the powers are adopted by the Council they have to be operated in accordance with a code of practice drawn up by the DVLA and the Council has to sign up to that code which is attached as an annex to this report.

3. IMPLICATIONS

- 3.1 Untaxed vehicles on the highway are frequently unregistered and uninsured and can fall into the category of nuisance vehicles that blight communities and attract anti-social behaviour and vehicle crime. The removal of untaxed vehicles that fall into the category of nuisance vehicles will make a positive contribution to the maintenance of clean, safe environments in our communities.
- 3.2 It is not envisaged that the Council would necessarily act as agents for the DVLA in respect of every report of an untaxed vehicle on the public highway but there are occasions when, for instance, several vehicles are kept by a single householder and these generate complaints of nuisance from neighbours and from town and parish councils. As such vehicles are not abandoned they cannot be dealt with under the abandoned vehicles powers.

- 3.4 If the powers are adopted, the Council can retain all clamping, impounding and storage fees. If a vehicle is clamped, the motorist has 24 hours to claim the vehicle before it is removed to a vehicle pound. Payment at this point is £80 to de-clamp, plus evidence of a valid tax disc. If no disc is present, £120 surety fee must be paid. Once the vehicle is impounded the release fee becomes £160. If a vehicle is instantly removed, the release fee remains at £80 for the first 24 hours.
- 3.5 As the Council uses an independent contractor to remove abandoned vehicles it is envisaged that the same contractor could operate this scheme on behalf of the Council, once an authorised officer of the Council has carried out the necessary checks with DVLA online and issued the instructions to the contractor. In return for this service, the contractor would retain the fees.
- 3.6 By adopting devolved powers, the Council will not be entering into a contract with the DVLA. The powers can be used as and when the Council sees fit and there are no fixed targets. The only requirement is to comply with the DVLA code of practice. Later, if the powers are adopted, the Council could expand the use of the powers if dealing with untaxed nuisance vehicles became a local priority. In such circumstances a further report would be required as the resources presently available for dealing with abandoned and nuisance vehicles would be inadequate to serve an expanded service.
- 3.7 Although the legislation provides for the clamping of vehicles, immediate removal is an alternative. Immediate removal is the preferred alternative within Huntingdonshire for nuisance vehicles which, by definition, have been on the public highway for some time. Vehicles of value have to be stored for a minimum of 14 days and vehicles of no value have to be stored for a minimum of 8 days. No vehicle can be disposed of without authority from DVLA and if vehicles are authorised for disposal at auction the Council can only keep sufficient funds to cover reasonable expense, the balance being returned to the DVLA.
- 3.8 There will be no additional costs to the Council in adopting these powers which will be administered by the Abandoned Vehicles officer; neither would significant revenue be generated. The contractor will accept the fees in recompense for removing, storing, returning or disposing of nuisance vehicles as instructed. The Council will have no involvement in debt recovery.
- 3.9 The DVLA will undertake any prosecutions that are deemed necessary for offences under the regulations and appeals against the Council's actions are also handled by the DVLA; whose decision is final.

4. CONCLUSION

- 4.1 It is concluded that this scheme would be a useful addition to the existing powers available for dealing with abandoned and nuisance vehicles.

5. RECOMMENDATION(S)

It is RECOMMENDED that:

- 5.1 DVLA devolved powers for dealing with, clamping and removing untaxed vehicles from the public highway be adopted by the Council;
- 5.2 delegated authority is given to the Director of Operational Services to appoint authorised officers to enforce the provisions of the DVLA devolved powers;
- 5.3 the Head of Environmental Health Services be authorised to sign up to the DVLA code of practice on behalf of the District Council; and
- 5.4 the Head of Environmental Health Services be authorised to enter into an agreement with the existing abandoned vehicles contractor to collect, store, destroy, return, sell or otherwise dispose of untaxed nuisance vehicles in accordance with the DVLA code of practice in return for the fees set out in the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 (as amended).

BACKGROUND INFORMATION

The Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 (as amended)

DVLA Code of Practice/Agreement for Dealing with Untaxed Vehicles

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CODE OF PRACTICE / AGREEMENT TO PARTICIPATE IN THE WHEELCLAMPING OF UNLICENSED VEHICLES

1. The Council will act as partners with DVLA and will operate within the regulations set out in the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 (as amended).
2. The council officers will spot untaxed vehicles and use the online abandoned vehicles web link to authorise unlicensed vehicles 24 hours per day, as per the instructions in Annex B.
3. If the online link is not available, the Council can contact DVLA to seek authorisation to clamp. This information will be returned in the form of four messages:
 - a. Authorised to clamp or instantly lift
 - b. Not authorised to clamp but issue CLE2/6
 - c. Not authorised
 - d. Stolen Vehicle
4. In order for the offender to be prosecuted it is essential that the council official issues a CLE2/6 on the vehicle and sends a copy to DVLA's Local Office for prosecution action to be taken forward.
5. When authorisation to clamp is given, then the Council will immobilise or instantly lift the vehicle and issue a CLE2/6. An information leaflet and warning notices should be placed on the windscreen of the vehicle. Ideally, the authorisation of clamping and the actual clamping of a vehicle must take place as one action to reduce the risk of the owner returning to the vehicle and driving away.
6. DVLA should be informed of all actions taken on a vehicle at the end of the day. This information must be passed to DVLA in accordance with the instructions in Annex B.
7. If payment is made to release the vehicle, then the Council should undertake to de-clamp the vehicle within two hours.
8. When payment is made at the pound or via the telephone, the appropriate paperwork should be completed.
9. If payment is not made within 24 hours of clamping, the vehicle should be soft-lifted and removed to the pound within the next 24 hours.
10. The vehicle pound must be secure, well lit and reasonably accessible.

11. The Council should inform DVLA, Police and Trace-Line of the impounding of the vehicle.

12. When the vehicle is lifted, a detailed inspection of the vehicle should be undertaken and a vehicle inspection report completed and signed off when the vehicle is impounded.

13. Each vehicle will need to be evaluated and the information sent to DVLA to enable the vehicle to be categorised, ie of value or not. This information must be passed to DVLA wheel-clamping section in accordance with the instructions in Annex B.

14. Vehicles of value will need to be stored for a minimum of 14 days and vehicles of no value will need to be stored for a minimum 8 days.

15. A full pound inventory of vehicles stored must be provided to DVLA at the end of each week.

16. No vehicle can be disposed of without authorisation from DVLA. All vehicles disposed of by crushing should be disposed of within 7 days of the Council receiving the authorisation. Once disposal is completed, the Council should return the V876 that accompanies the authorisation of disposal to DVLA. This information updates the vehicle record.

17. All disposals via crushing should be completed on a licensed vehicle disposal site, and should reflect the current legislation.

18. Vehicles valued at over £5000 are to be disposed of at auction and when authorised for disposal must be submitted to a reputable auction house for auction.

19. The Council will provide a telephone number for the payment line and this should be manned from 8am – 6pm Monday to Friday.

20. Any problems or disputes will be resolved within 24 hours.

21. The Council will be responsible for any damage to a vehicle whilst it is lifted on to their removal vehicle and during transportation to the pound.

22. The Council will be responsible for all vehicles whilst in their custody in their vehicle pound.

23. The Council will be able to instantly soft lift all vehicles, ie remove the vehicle to the pound, within the first 24 hours after authorisation:

- On agreement with DVLA
- On police advice
- If the officers are in danger

- If the clamp has been previously stolen or there has been a high percentage of stolen clamps in a particular area.

24. The Council will retain all wheel clamping fees:

De-clamping	£80
Impounding	£160
Storage	£15 per day
Unclaimed	£120 surety fee

25. It will also retain all auction fees to the value of the Council's costs.

26. A surety payment of £120 is payable against getting a valid tax disc. This money is refundable if a tax disc is produced. Any unclaimed surety payments are retained by the council on the 15th day after the payment is made.

27. After a vehicle has been impounded for 24 hours, DVLA will write to the registered keeper giving notification of where the vehicle is held and instructions on how to obtain possession.

28. DVLA will inform the Associations ABI HPI and FLA of all vehicles impounded, and respond to their instruction on any interest by their members.

29. There will be occasions when the de-clamping or release of a vehicle will be made free of charge or when a refund is to be made to the keeper of a vehicle. Only the Agency will make these decisions and each case will be assessed on its merits.

30. All training will be provided by DVLA. On-site support will be available during the start of the scheme, and will continue thereafter by consultation via telephone and periodic visits by a member of DVLA staff.

31. DVLA will provide the authorisation to dispose of the vehicle after all actions have been taken.

32. All stationery will be provided by DVLA.

33. The regulations state that an appeal against wheel clamping can be made. All appeals will be dealt with by DVLA and its decision will be final.

34. All disputes over private land will be dealt with by DVLA. The Council will be expected to provide detailed maps of what land is maintained at public expense. Again DVLA's decision will be final.

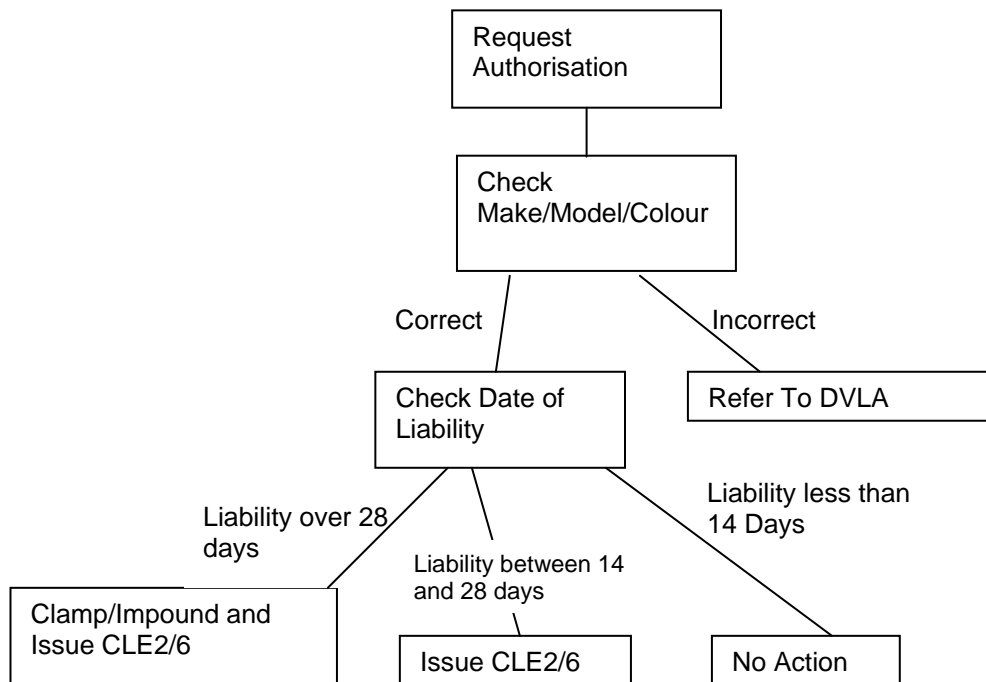
33. Any publicity entered into should be first agreed with the DVLA to ensure that a consistent message is being put forward.

ANNEX B

Before seeking authorisation check the following:

1. The vehicle is not displaying a valid tax disc.
2. There is no valid blue disabled badge displayed.
3. The vehicle is not historic – registered before 1/1/1973 (L suffix or older).
4. The vehicle is stationary on the public highway.
5. Complete wheel-clamping checklist.

Input Vehicle Registration Mark for an enquiry using “Unlicensed Vehicle” from the dropdown menu.



Where an unlicensed vehicle is clamped

- A daily log and download must be sent to DVLA on the day of clamping (Day 1). Where this is not possible, the fax/download must be sent by 9.30am the following morning.
- A fax must be sent on Day 2 advising what action has been taken in respect of each vehicle. This must include impounded vehicles, de-clamps and stolen clamps. Where the vehicle has been impounded a valuation must be included.

Where an unlicensed vehicle is impounded (Instant Lift)

- A daily log and download must be sent to DVLA on the day of impounding (Day 1). The daily log must include an evaluation for each vehicle. Again, where this is not possible, the fax and download must be sent by 9.30am the following morning.
- ❖ DVLA fax number is 01792 765151
- ❖ E-mail address is Wheelclamping.dvla@gtnet.gov.uk
- ❖ The Spreadsheet must be sent in the correct format and must not be amended. If you require instructions on completing the spreadsheet or a blank spreadsheet, please contact Steve Jones on 01792 765325.