

Report to the Cabinet

Report reference: C-074-2008/09
Date of meeting: 10 November 2008



**Epping Forest
District Council**

Portfolio: Environment

Subject: Devolved powers from DVLA for the removal from the highway of untaxed road vehicles and the appointment of a suitable contractor.

Responsible Officer: David Marsh (01992 564889).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1) That the Council adopts devolved powers under the Vehicle & Excise Duty (Immobilisation, Removal & Disposal of Vehicles) Regulations 1997 and works with the DVLA and Police to remove untaxed vehicles within the District in line with the relevant legislation; and

(2) Subject to recommendation (1) above, that the council operates the scheme with our current abandoned vehicles contractor, Redcorn Ltd

Executive Summary:

The Council currently only removes vehicles on the highway that are deemed to have been abandoned. Powers are available for adoption, which enable the Council, working closely with the Driver, Vehicle and Licensing Agency (DVLA) and the Police, to remove vehicles that are untaxed but are not necessarily in such a condition that they could be considered to be abandoned.

The activity, if the powers are adopted, will be provided by the Council's existing abandoned vehicle contractor, Redcorn Ltd, who is recognised by the DVLA as a contractor able to undertake this role.

This is a key decision

Council Plan 2006-10: "A Safe Community" – SC2
"Homes & Neighbourhoods" – HN6

Reasons for Proposed Decisions:

Untaxed vehicles, along with those which have been abandoned, are often associated with anti-social and criminal behaviour. In many cases such vehicles are also unroadworthy and uninsured, with 80% of impounded vehicles nationally being found to be without an MOT certificate or valid insurance. The DVLA are encouraging local authorities to adopt the necessary powers and assist them in the management of a growing problem. .

Other Options for Action:

The alternative options considered but rejected were:

(a) not to adopt the legislation;

- (b) to adopt the legislation but seek competitive tenders for the provision of the service; and
- (c) adopt the legislation and provide the service directly.

Option (a) is not recommended since this leaves the status quo, with untaxed vehicles only being dealt with on complaint to the Police or direct to the DLVA rather than the introduction of a pro-active regime.

Option (b) is not recommended, since although it would be technically possible to seek an alternative provider to our current abandoned vehicle contractor through a competitive exercise, this would involve additional costs which may not be recovered through any increase in income and may result in two contractors operating within the district undertaking very similar work (i.e. abandoned vehicles and untaxed vehicles). In order to ensure that the proposed income per vehicle remains reasonable it is proposed to undertake benchmarking from time to time with other councils to satisfy any value for money challenge.

Option (c) is not recommended since it requires the Council to equip with vehicles, staff and ANPR technology, as well as construct and man a holding compound for the storage of vehicles. The risks associated with this option are considerable, since the Council is unable to derive economies of scale, which benefit the existing contractor.

Report

1. The use of untaxed vehicles has frequently been linked with anti-social behaviour, criminal activity and road safety matters. Furthermore, untaxed vehicles are also often uninsured and have no valid M.O.T certificate.

2. The Council's waste management team already deals with the removal of abandoned vehicles, and those in such a condition as to pose a danger to the public, using powers under the Refuse Disposal Amenity Act 1978 (as amended) and working closely with both DVLA and Police. This service is provided by Redcorn Ltd, whose contract was renewed, following a competitive tendering exercise, in August 2008. However, this legislation and service does not extend to untaxed vehicles, unless they are classed as abandoned.

3. The DVLA has statutory powers to remove untaxed vehicles from roads and public spaces. Since 2003 the DVLA has encouraged local authorities to adopt these devolved powers to deal with untaxed vehicles due to resource pressures within the DVLA and in order to provide a more locally based and co-ordinated service. Many local authorities have adopted the powers.

4. The scheme operates through the use of Automatic Number Plate Recognition (ANPR) equipment in a vehicle which will patrol streets in the District. When an untaxed vehicle is found, authorisation from the DVLA is obtained to remove the vehicle from the public highway. The vehicle is first clamped and then removed to a secure compound and stored. Vehicle owners can either contact the police or the Council who will inform the owner of where the vehicle is being stored. The owners can retrieve the vehicle only after proving the vehicle is registered in their name and paying the required costs which are:

- vehicle claimed within 24 hours - £80 release fee plus £120 surety or a valid tax disc; or
- vehicle claimed after 24 hours - £160 release fee plus £120 surety or a valid tax disc with storage charged at £15 per day

5. The surety is forfeited if the vehicle is claimed and a valid tax disc is not produced within 2 weeks, alongside the risk of the vehicle being impounded again if it remains

untaxed. Unclaimed cars are destroyed after 7 days, or where the vehicle has a value, it can be sold at auction.

6. If Members are minded to adopt the legislation and introduce the scheme, it is suggested that the service is provided by Redcorn Ltd, the Council's current abandoned vehicles contractor, who are recognised by the DVLA as a contractor for this service as they have the appropriate facilities and experience. This has a number of advantages:

- Redcorn Ltd have been operating in the District for many years and know the area;
- it would provide a seamless service with the existing abandoned vehicles service;
- it could be seen as a 'bolt on' to the existing abandoned vehicles contract;
- Redcorn Ltd have offered to operate the scheme by employing all relevant staff, equipment and vehicles and finance this by retaining all clamping/removal fees, storage charges, auction income, etc with a payment of £20 per vehicle collected to the Council;
- in the event of a vehicle being wrongly removed and destroyed, there is no risk to the Council, since this would be a matter for the DVLA and the contractor only. This position will be confirmed in the Memorandum of Understanding which will be provided by the DVLA and will clarify responsibilities of the DVLA, Contractor and the Council; and
- the Council would benefit from some income at a rate of (say) £20.00 per vehicle, subject as set out above to regular benchmarking

7. It is very difficult to estimate how many untaxed vehicles might be found in the area. Data does exist on a national basis, with NCP, the company directly contracted to DVLA, stating that in the year to May 2008, some 150,000 vehicles were clamped and/or removed from the highway. This compares to 95,000 for the preceding 12 months.

Resource Implications:

Based on the recommendations as set out, the resource implications are as follows:

Staffing – nil, existing Waste Management officers, working in partnership with local police officers, will administer and operate devolved powers. The DVLA will provide training, necessary information and administrative support.

Revenue – no expenditure results from the adoption of the powers nor the provision of the service. Potential income of up to (say) £20.00 for each vehicle dealt with by the contractor.

Capital – nil, since the contractor will provide all required equipment.

Legal and Governance Implications:

The recommendations require the adoption of the relevant parts of Vehicle & Excise Duty (Immobilisation, Removal & Disposal of Vehicles) Regulations 1997. All issues around the interaction of the DVLA, contractor and the Council are dealt with by the memorandum of Understanding. The contractor will be responsible for the correct usage of the ANPR technology through their agreement with the DVLA.

There are no human rights issues arising from this report and its recommendations

Safer, Cleaner and Greener Implications:

The removal from the highway of untaxed vehicles, many of which will also be uninsured and without MOT certification clearly falls within the remit of the Safer, Cleaner, Greener initiative. These vehicles may well also be associated with crime or intended criminal

activity and the introduction of this service is supported by the Safer Communities Partnership

Consultation Undertaken:

Safer Communities Partnership – responses from the members of the Partnership have been supportive of the initiative.

Background Papers:

None.

Impact Assessments:

None.