



# PS 132 DVLA Devolved Powers Policy (Operation Cubit)

**October 2014**

**Version 1.1**

## **Statement of legislative compliance**

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.

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## Aims and objectives of the policy

The Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 provide the powers for the removal of untaxed vehicles from the public highway. A memorandum of understanding exists between Nottinghamshire Police, Mansfield District Council and DVLA Swansea giving Nottinghamshire Police devolved powers to remove untaxed vehicles under this legislation.

Nottinghamshire Police and Mansfield District Council exercise these powers with a view to removing untaxed vehicles from the roads and thereby promoting road safety.

This policy explains how Nottinghamshire Police will apply their powers granted by DVLA Swansea for the enforcement of untaxed motor vehicles.

The purpose of exercising the powers contained within this legislation is to reduce the unlawful use of untaxed vehicles. Anecdotal evidence shows that untaxed vehicles also have other linked offences including no insurance and no test certificate, so enforcement of these powers assists to curb the committing of driving offences and encourage responsible driving. The aim is to improve the quality of life of those living in the communities we serve as well as improving road safety in the Force.

## Policy statement

### 1.0 Police Powers

1.1 The powers granted will be used in the following circumstances namely:

- Only authorised persons, namely Police Constables, Police Community Support Officers and Mansfield District Council Neighbourhood Wardens can authorise seizure and recovery.
- The said authorised person MUST be present at the time of seizure AND recovery.
- The vehicle to be seized must have been found in circumstances where it is being used or kept
  - on a public road.

Where vehicles are declared SORN (Statutory Off Road Notice) and there is evidence of use then they can be recovered from the following places;

- on road owned by a housing association
- Supermarket car park
- Retail car park
- Company car park
- Council owned car park
- Public house car park
- On waste ground, park or other public open space
- On or in an unadopted road or alleyway

1.2 In these circumstances, Nottinghamshire Police will recover the vehicle utilising the Force Vehicle Recovery Scheme.

1.3 Vehicles that are parked on land associated with a dwelling or motor trader cannot be recovered, e.g. parked in a residents parking bay even if the owner is not the resident

1.4 The sole reason for seizure will be the use of DVLA powers.

1.5 No persons other than the owner of the vehicle are permitted to enter the vehicle for any reason or to remove property from it.

## **2.0 Police Actions**

2.1 All authorised persons will have been suitably trained and authorised by their divisional commander to exercise these powers.

2.2 When an authorised person comes across a vehicle being used or kept on a public road that they suspect is not taxed, the vehicle details will be checked with the DVLA and the Police National Computer (PNC).

2.3 If the PNC check indicates that there is a Statutory Off Road Notice (SORN) in force then no DVLA excise check is required and the vehicle will be authorised for removal.

2.4 If there is no SORN marker on PNC, then the vehicle will be checked on the approved DVLA web site and the following will apply:

- Less than 2 months and a day from date of liability - authorised person will issue a form CLE 2/6 notifying DVLA but the vehicle will NOT be seized.
- More than 2 months and a day from date of liability - authorised person will issue a CLE 2/6 and vehicle will be seized and recovered.

2.5 On arrival of the police duty garage, the vehicle owner will be given the option of paying an 'on the spot fine' together with a surety fee. The duty garage operative will have all the relevant DVLA paperwork with them to facilitate this.

2.6 Once a vehicle has been seized, that will be the end of any Nottinghamshire Police involvement, and DVLA will assume responsibility for the retention and disposal of the vehicle.

## **3.0 Administration**

3.1 The Memorandum of Understanding is renewable on a bi-annual basis and is signed by the Chief Constable of Nottinghamshire Police, the Chief Executive of Mansfield District Council, and a representative of each of the Nottingham Police duty garages contracted on the DVLA scheme.

3.2 The Vehicle Recovery Administrator is responsible for:

- Ensuring the requirements of the DVLA Powers are complied with.
- Maintaining an audit of all surety fees paid to the duty garages.
- Conducting an annual review of the duty garage facilities to ensure that they comply with the DVLA scheme.

## Related documents and Appendices

### Administration

<b><i>Version Control</i></b>	
<b>Section changed</b>	<b>Details of change</b>
1.1 & 2.4	Legislative changes 12.09.2014

<b><i>Monitoring and review</i></b>	
<b>Measure</b>	<b>Date/period and process of review</b>

<b><i>Registered Owner</i></b>	
<b>Owner</b>	<b>Author</b>
CM	Tim Trevor