



Department
for Environment
Food & Rural Affairs



Havering
LONDON BOROUGH

Vehicle Seizure Process

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The Fly-tipping Issue

At the London Borough of Croydon, over a four-year period from 2015 (when the regulations were updated), the Enforcement Team seized approximately 50 vehicles for a variety of environmental offences.

Of the vehicles seized, it was observed that around 90% of them were Ford Transit vans. Initially, tipper vans were far more prevalent, but as time went on it was noticed that illegal waste carriers started using panel vans more to conceal carried waste.

The most common waste deposited was household waste which was deliberately or negligently placed by householders or fly-tipped by illegal waste carriers. It was often unclear to the council how the waste was transported from point A (producer location) to point B (deposit location) especially if found away from the producer's address.

The options available to council officers when dealing with fly-tippers who use vehicles are:

- Write to the alleged offender/keeper, point out the offence and invite them in for a Police and Criminal Evidence Act (PACE) interview to discuss the offence
- Complete a PACE-via-post interview questionnaire. This option would be considered instead of an in-person PACE interview, if for example, the suspect lives miles away from the authority and if the legal questions and potential answers are likely to be straight forward. This is not an ideal option but is available if needed.
- Write to the offender, point out the offence, offer some limited disclosure, for example a still photo, and issue a formal notice requiring information. You may follow this up with a Fixed Penalty Notice (FPN) where an admission is received to an offence, or where a formal notice is ignored
- Seize the vehicle involved at any part of this process.

The most common forms of fly-tipping are:

- Householder presenting waste improperly (wrong dates/times/mixed waste)
- Householder fly-tipping (bulky items that would not be collected under standard kerbside waste schemes) sometimes using vehicles to drive waste to another location
- Breach of Householder Waste Duty of Care - paying an unlicensed waste carrier to remove waste in a vehicle
- Breach of Commercial Waste Duty of Care – businesses failing to secure waste or allow it to escape or be transferred to unlicensed operator
- Commercial Fly-tipping – criminals operating as legitimate waste carriers, taking payment from residents and businesses (sometimes advertising on platforms such as Facebook, Gumtree etc)

Case Study – LB Croydon vs George Smith

The most high profile case where these powers were utilised successfully were in the case of L.B Croydon vs George Smith.

Smith was suspected of committing a number of offences across the London and Surrey area. After a protracted investigation he was eventually prosecuted by LB Croydon and sentenced to a total of 52 weeks' imprisonment for multiple fly-tipping offences. During the investigation, Croydon seized three vehicles from Smith.

The court imposed:

- 52 Weeks imprisonment, which consisted of;
- 26 weeks' custody for the three South Croydon offences
- 26 weeks' custody (consecutive) for the Thornton Heath offence
- He was also convicted of failing to hold a waste carrier's licence and failing to attend an interview when required (no further penalty)
- The court ordered the destruction of two seized vehicles used in the offences
- A third vehicle was destroyed during the investigation as Smith couldn't not produce documents to prove ownership

The case became widely known because shocking CCTV footage of one of the fly-tipping incidents was subsequently shared nationally as part of the press release.

Smith's MO (Modus Operandi) was to drive around and to look for recent accumulations of waste in front gardens or building sites and then stop and offer his waste clearance and disposal services.

He would give a price and if agreed, he would collect the waste there and then or provide his mobile telephone number to the interested party to arrange a subsequent collection.

It was also discovered during the investigation that Smiths' phone number was also passed around via word of mouth between traders which generated further work for him.

One of the main things connecting all the cases heard at court was Smith's phone number.

During the investigation, Smith was positively identified in an ID Parade at Lewisham Police Station by one of the witnesses which further linked him to one of the cases. This emphasises the level of detail the investigators went to when gathering all the pieces of the puzzle.

Stage 1 – Vehicle Seizure

Identify the vehicle

The minimum threshold for identifying a vehicle is '*reasonable grounds to suspect*'. This is a relatively low threshold and does not require the existence of proof '*beyond reasonable doubt*', but there should be a basic level of evidence of an offence. Evidence can include, but is not limited to:

- CCTV showing the vehicle committing an offence
- An officer eyewitness account of a waste offence (such as waste carrying or fly-tipping as part of a roadside stop or by witnessing an offence)
- An independent witness statement relating to a waste transfer or fly-tipping offence (aka MG11 witness statement)
- A documentary paper trail with chain of custody linking the vehicle or person to the waste transfer or offence

Seize the vehicle

To seize a vehicle effectively the manager should establish the following officers and resources:

- **Appoint a lead Officer in Charge (OIC)** who is authorised and prepared to seize the vehicle. This can be a police or council officer. The OIC should have a clear strategy for the seizure and will hold the evidence to distribute to interested parties.
- **Trusted vehicle contractor** to be present or on standby when needed. A good working relationship with a contractor who can attend at short notice, work outside normal hours, and act proactively is essential.
- **Suitable storage compound** identified for medium to long-term vehicle storage (for example a gated council or police compound or private yard) to cover the possibility of the vehicle being held until court proceedings conclude.
- **Police attendance** where the council is the lead agency, to prevent breach of the peace and to ensure council officers are not obstructed.
- **Senior council officers** should develop strategic relationships with police colleagues to improve collaboration. Educating partners on links between waste crime, organised

crime, community impact and potential financial recovery (Proceeds Of Crime Act) will support better partnership working.

To prepare for the seizure the OIC should consider the following actions:

- **Pre-seizure briefing** with all parties to confirm date, time, location, rendezvous point and individual responsibilities.
- **Briefing pack prepared** and shared in advance containing: summary of the offence (day, date, time, place, vehicle details), description and images of potential suspect, legislative powers to be used, and a rough plan including intended storage location.
- **Notify digital/comms** teams of the seizure date so they can publish the notice on the council website and display it in the town hall.
- **Notify the legal team** of the intention to seize, particularly if the vehicle will be held for court, so information can be prepared for any later claim.
- **Build flexibility** and contingencies because the vehicle may not be at the registered keeper's address, plan alternate locations and responses.
- **Locate the vehicle** using ANPR records from police where available, or by conducting a drive-by the night before or early on the planned seizure date to confirm location.

Storage of Vehicle

The OIC should ensure the contractor understands the vehicle type and size in advance, so the correct towing equipment is deployed. When the contractor will tow the vehicle, council and/or police officers should be present to prevent interference.

Where appropriate and if keys are available, police or council officers may drive the vehicle to the compound. The OIC should confirm insurance cover before council officers drive seized vehicles

The compound should be secure, gated, well-lit and CCTV-monitored to prevent unauthorised access. Consideration should be given to using a discreet depot not associated with usual council business if there is a risk of organised crime groups attempting to recover the vehicle.

Sharing a storage compound and associated costs with a neighbouring authority can be an effective option where the council lacks its own secure storage; using a compound outside the borough may also protect its location.

Upon seizure, a full search and contents audit should be carried out and photographed, ideally using body worn cameras, to account for contents and to evidence vehicle condition for protection against later loss or damage claims.

Determine the registered keeper

To determine the Registered Keeper (R/K) the OIC should use the vehicle registration number to request information from appropriate systems:

- **Police National Computer (PNC)** where a data/information sharing agreement exists, to obtain keeper details, check for insurance and retrieve any computer aided dispatch (CAD) or intelligence reports held by police
- **Data Protection Act request (DPA)** these can be submitted on a case-by-case basis where a data sharing agreement (DSA) is not in place under law enforcement purposes. Timelines depend on local police policy and relationship with the authority.
- **Council DVLA WEE link or WEE via [National Anti-Fraud Network \(NAFN\)](#)** to obtain R/K details in line with the DVLA WEE User Policy. NAFN can perform checks on behalf of the council. WEE searches yield keeper details only and do not provide insurance or police intelligence reports; additional checks with law enforcement are recommended.
- **If the vehicle has no registered keeper**, it is unlikely anyone will claim it, and the council will make an official determination and proceed to dispose of the vehicle. However, if someone does present a claim for an unregistered vehicle, a successful claim will require production of a full and correct V5 document which should obviously be interrogated carefully.

Stage 2 – Prepare Documentation

Give notice of the seizure

To prepare the notices for the seizure it is good practice to utilise templates that are published on most council websites and the [Mallard website](#) in the members area. Councils may wish to run the templates via their own legal teams for assurance before using but the legislation does not define what should be included on these forms.

A copy of the seizure notice should be given to anybody who claims to be the R/K. If nobody claims the vehicle, a copy should be sent to the R/K address. In all cases, a copy of the seizure notice must be posted on the council website and in a prominent place such as the town hall

A CAD message should be created with the local police force logged against the vehicle, outlining that it has been seized listing contact details for the OIC. This will prevent the vehicle from being reported as stolen later and avoids associated confusion. It will also signify the seriousness of the matter to the claimant and signpost them towards the correct OIC.

Determine entitlement of vehicle

The required documents to be produced are written in law and should be listed clearly on the seizure notice. Documents produced should be clear, legible and provided in full, (for example, only a full V5 document should be accepted, not just the new keeper tear-off slip). The insurance certificate needs to be in the name of the driver making a claim.

The OIC should check the documents, and it should be either very apparent that all documents are visible, or what the missing documents are. Documents must be produced in line with the legislation (and within 15 working days plus extension period for

clarification where needed). Failure to produce documents in this timeframe can allow a seizing authority to determine that a vehicle is 'unclaimed'

It is practical to try and coincide the PACE interview with the vehicle claim process, as this can also ensure attendance at the interview. **Whilst the vehicle seizure and investigation into the fly-tipping offence processes run alongside each other, it should be stressed that the seizure process should always be managed as an independent process to the investigation because ownership of a vehicle and the claim process does not affect the outcome of any investigation.**

Obtaining formal statements from witnesses will help to prepare an effective PACE interview, for example if you have numerous allegations as well as circumstantial evidence, such as CCTV, your case is stronger. Preparing an interview plan will help cover the points to ask in the interview. If there is information/evidence missing, you can also serve notices (S34 EPA 1990 and S108) requesting information. Failure to abide by these notices would potentially result in further offences and additional charges.

Give notice of determination

When considering the council's determination following a vehicle seizure, the OIC should first confirm whether the claimant has produced the necessary, lawful documents to make a successful claim.

- **If no correct legal claim has been made**, the OIC should complete and issue a determination notice stating that the claim is unsuccessful. Once issued, the council may proceed to the next steps, for example disposal of the vehicle.
- **If a successful claim is made** and correct ownership is confirmed to the OIC's satisfaction, the OIC should decide whether to return the vehicle or retain it.

Retention and return:

The vehicle may only be **retained** where the council is prosecuting the person for the offence of fly-tipping (not for breach of duty of care or waste licence offences). A date for the first hearing should be known before issuing a determination notice that records retention.

If the R/K claim on the vehicle is successful but the council does not intend to prosecute, the OIC should **return** the vehicle to the claimant. Depending on the scale of the fly-tip and the background of the offence, it may be appropriate for the council to issue a fixed penalty notice; this should be decided on a case-by-case basis.

Notifications and record keeping:

The determination notice is principally for the benefit of the registered keeper and the OIC. The OIC should also notify the police so that the vehicle's history is visible during future stops (update the original CAD or ask for a new intelligence report to be created). This visibility can assist officers in future who encounter the vehicle carrying waste or after a

formal request for documentation and it may also prompt further checks or monitoring of the vehicle's movements.

Prepare documentation for court (if vehicle is to be retained)

Evidence retention:

All evidence relating to the offence and the vehicle seizure must be preserved for court. The OIC should ensure a chain of custody is recorded and that all original materials, photographs, digital files and logs are stored securely.

Initial court filing:

To secure a hearing the OIC should provide:

- a case hearing date (when available)
- a witness statement supporting the charge
- an expedited file outlining the single charge to book a court slot

An expedited file that sets out the proposed charge is usually sufficient for prosecutors to lodge a hearing. The council's legal or prosecution contact will normally have a route to secure a court date.

Ongoing evidence gathering and disclosure:

While awaiting the hearing the OIC should continue to gather evidence but must comply with disclosure obligations. Recommended interim evidence and enquiries:

- Check for further ANPR triggers to identify cloned plates & movement patterns
- Social media checks for links between the alleged offender and new commercial activity (being mindful of incursions into RIPA territory)
- Review of items recovered from other fly-tip investigations for links to the vehicle or offender
- Obtain any outstanding witness statements and secure existing witness contact details
- Preserve and log CCTV footage, body worn camera recordings and photographs

File preparation and presentation:

The OIC should collate a prosecution file that includes:

- Chronology of events and seizure log.
- Witness statements and contact details.
- Photographic and video evidence with timestamps.
- Copies of all notices served and any correspondence with the registered keeper.
- Copies of any DVLA, ANPR and Police checks.

The file should be organised, indexed and made available to the prosecuting lawyer in line with local prosecution procedures.

Practical considerations:

- Ensure all physical and digital evidence is labelled with who collected it, when and where, and how it has been stored.
- Confirm the preferred point of contact within the prosecution team and the route for lodging the expedited file.
- Plan for timely disclosure. Build a simple disclosure log to track what has been provided to the defence and when.

Stage 3 – Outcome

Release the vehicle

When releasing the vehicle to the R/K the OIC may wish to consider returning the vehicle directly to the home address if they want to keep the location of the compound confidential.

The OIC may also decide that the return of the vehicle can coincide with a decision on the case disposal options, for example if it is suitable to issue an FPN. Payment of the FPN can be arranged to be made simultaneously and tracked, and restoration of the vehicle can be aligned.

It is important to remember that releasing the vehicle should only happen if the claimant has **produced all necessary documents** and;

- You **are not** prosecuting for any matter or;
- You **are** prosecuting for Duty Of Care/Waste Licence Offences and therefore cannot retain or;
- You **are** prosecuting for fly-tipping but **do not wish to retain the vehicle**

Sell the vehicle

Considerations before sale:

The OIC should assess whether selling a retained vehicle is financially and operationally sensible. Most seized vehicles are worth only scrap value once storage, auction and administrative costs are considered. The OIC should record estimated sale income and all foreseeable costs (storage, contractor removal, auction fees, administration) before approving disposal by sale.

The OIC should also assess safety and crime-prevention risks. Selling a vehicle, especially vans or vehicles easily repurposed for waste offending, can enable re-circulation into the crime market if purchased cheaply by criminals. The OIC should document these risks and factor them into the decision to sell.

Process for sale:

If the decision to sell is made, the OIC should ensure the following steps are completed:

- Confirm legal authority and document the decision to sell in the case file.
- Obtain at least one independent valuation or use a recognised auction or scrap contractor valuation to set a realistic reserve/expectation.
- Choose a transparent disposal route (scrap merchant, sealed bid, or licensed auction) and record the rationale for that choice.
- Prepare the vehicle for sale in line with the chosen route (secure transport to auction yard or scrap facility; condition report; photos).
- Retain full records of the sale process, receipts and accounting for proceeds.

Notifications and record keeping

The OIC should notify relevant agencies promptly:

- Notify the Police and DVLA as soon as practicable that the vehicle has been sold and provide sale details for their records.
- Update the case file with proof of notification, the disposal decision, sale receipts and how sale proceeds were applied or recorded.
- Maintain a disposal audit trail to defend against later claims of improper disposal or loss.

Mitigations to reduce re-circulation risk:

To reduce the risk of the vehicle re-entering the waste-crime market, the OIC should consider practicable mitigations, such as:

- Preferentially using scrap disposal where the vehicle will be dismantled rather than re-sold whole.
- Using auction houses that require buyer identification and vetting.
- Applying conditions of sale where lawful (for example advising purchasers that the vehicle was seized for criminal investigation history).
- Where reasonable concern exists that sale will facilitate further offending, retain the vehicle until an alternative lawful disposal route can be agreed.

Dispose of the vehicle

In my experience I have found that disposal is often the best option. You need to ensure that the council, or your contractor, use a licenced scrap yard and a certificate of disposal should be obtained and retained. The police and DVLA will need to be notified of the disposal, the scrap yard or contractor should do this, but it would be good practice to follow this up and check it has been done correctly.

Something to consider would be to obtain images of the activity (vehicle crushing) as these are usually very well received and extremely valuable in press releases and posts on social media to highlight the council's response to waste crime. For example:

<https://youtu.be/4wBBeMZuRbE?si=Lc9WqblH5UuEyNco>.

Feedback

Seizing a vehicle involved in waste crime is an excellent tool to use especially at the early stages of the investigation. It encourages suspects to engage with the investigation and requires them to provide a robust account if they want to claim their vehicle back. It also disrupts potential future offending by taking the means/vehicle away from the offender.

Fly-tipping routinely ranks among the top three complaints reported by residents to the council. The council should treat proactive enforcement against waste criminals as a positive and visible response. Where possible the OIC should obtain images of enforcement activity and publish outcomes of successful prosecutions to demonstrate impact, reassure residents and deter repeat offending.

Other supplementary legislation to consider when seizing a vehicle is:

- Crime and Disorder Act 1998
- Abandoned Vehicle Legislation (Refuse Disposal Amenity Act)
- Vehicle construction and Use (Police and DVSA inspectors) - a vehicle can be prohibited from being driver if it is in dangerous conditions
- Vehicle Excise Legislation (Red Diesel) - HMRC can seize any vehicle found to be using red diesel illegally
- Gangmasters and Labour Abuse Authority (GLAA) and Home Office (HM Immigration)- some organised crime gangs use trafficked workers in illegal conditions. Councils can organise a briefing from GLAA to understand what to look out for and what to do in the scenario.
- DWP Revenue & Benefits – proactive roadside operations can include checks on benefits, as many illegal waste carriers use cash in hand transactions

As part of this case study, I have produced a recent cross border vehicle seizure example (**Annex A**) and **I am happy to pass on an in-person or virtual briefing to anybody wishing to start this activity to guide them through the process.** My contact details can be found below.

Stakeholder Index

| Team Name | Description |
|-----------|-------------|
|-----------|-------------|

| | |
|---|---|
| Environmental Enforcement Team | <ul style="list-style-type: none"> • The subject matter experts on this topic in any given Local Authority |
| Local Police | <ul style="list-style-type: none"> • Can supply up to date intelligence on the vehicle and alleged offender • Can supply insurance/ licence status and can check for disqualification, bail conditions etc • Can support with operations and encourage compliance and prevent a breach of the peace • Can also utilise the same the powers open to council Enforcement Officers |
| Corporate Fraud Team | <ul style="list-style-type: none"> • Internal systems have access to data such as benefits, disability allowances, tax status, outstanding debts and current home address. |
| Comms Team | <ul style="list-style-type: none"> • Help post the Seizure Notice in the appropriate place • Help promote awareness to residents of the correct procedures to follow and consumer protection advice • Promote any outcomes from the case i.e legal case outcome |
| Vehicle contractor | <ul style="list-style-type: none"> • Crucial role to play in safe seizure and storage of vehicle. • May also support officers with local knowledge and being extra proactive. |
| HMRC | <ul style="list-style-type: none"> • Support operations by looking for red diesel and other tax avoided contraband (tobacco etc) |
| DVSA (Driver and Vehicle Standards Agency) or Traffic Police | <ul style="list-style-type: none"> • Can check for vehicle roadworthiness and prohibit dangerous vehicles from being used. |
| Wider Peer Network | <ul style="list-style-type: none"> • Can offer advice and guidance and provide a 'sense check' to a given case to ensure no gaps or elements missed. • May also be able to provide evidence for cross border offending. |

NAFN (National Anti-Fraud Network)

- Can carry out intelligence checks on a person/address including financial checks which may help with linked financial orders and penalties (Court fines, POCA etc)

Contact Details

I am happy for other local authorities to get in touch to discuss this process and share best practice.

Name & Position – Chris McAvoy – Head of Environmental Enforcement and Community Safety

Email – chris.mcavoy@havering.gov.uk

Annex A

Case Study: Cross Border case with Council A and Council B

Suspect lived in Council A's district and was advertising waste collection services on Facebook marketplace across multiple areas and was responding to community page requests for waste removal from other residents. The suspect was collecting waste at numerous addresses and taking cash-in-hand payments (between £100-400 per collection) from several collections per day. The suspect was then driving through country lanes into neighbouring Council B district and fly-tipping this waste onto sides of roads, laybys etc.

On four occasions the vehicle was spotted on ANPR and on two occasion the vehicle was captured fly-tipping on CCTV. No attempt was made to seize the vehicle initially by Council B, but enquiries were made to try and trace the offender. A PACE interview invite letter was sent by Council B to the alleged offender, this was ignored and the offender did not attend. The fly-tipping continued.

The four fly-tips that were witnessed, discovered and link to the suspect took place over a period of 12 months. It is strongly suspected that other fly-tips took place but could not be evidenced. There had been multiple fly-tips found at the same locations along the country lanes during that period but due to the particular methods used by the alleged offender it was difficult to link. The area in question is also stretched over several miles so is difficult to monitor.

Council B reached out to Council A to ask for help with locating the vehicle and offender. The matter was discussed at the Council A Joint Enforcement Tasking (JET) group and assigned to the local council funded police team, known as Council A Joint Task Force

(JTF). The JTF carried out research on the offender and quickly located them. The police officers carried out a Police National Computer (PNC) check and realised the suspect was residing at a bail address which was different from the registered address. The suspect was also showing as 'wanted' on the PNC.

Subsequently the police attended the bail address and arrested the suspect. The police informed the council officers during the arrest that the vehicle was at the location, and the decision was made by Council A Enforcement Officers to instruct the vehicle to be seized on behalf of Council B. As a result, the police took the keys from the suspect and drove the vehicle back to a local police station. Council B arranged to come and take the vehicle back to their depot.

Council A provided a copy of the seizure notice to Council B to cover the seizure. The suspect attended court the next day and was dealt with by the court for the outstanding matter, they were then released and directed to contact Council B to reclaim the vehicle. Council B had already started legal proceedings against the suspect having previously not been able to contact them or get them to attend a PACE interview.

The suspect claimed the vehicle correctly and within the set time-period. Council B determined that the suspect was entitled to claim the vehicle but also advised that they were retaining the vehicle for court due to fly-tipping offences. The initial court date took place soon after this and the suspect pleaded not guilty to the fly-tipping offences. The matter has been adjourned to February 2026 for a trial at the Magistrates Court and Council B will continue to retain the vehicle until the court gate.

Council A advised Council B to continue to check ANPR cameras for the numberplate of the vehicle seized, this is to ensure there are no cloned plates in circulation which could be used as a later defence in court by the suspect.