



Department
for Environment
Food & Rural Affairs



Vehicle Seizure Process

Leeds City Council

The Fly-tipping Issue

Leeds has two main types of fly tipping:

- 1) Localised dumping / mis-presentation of bulky and general household waste.
- 2) Organised waste removal businesses who are regularly advertising waste removal or are waste carriers.

In response to this the council set up two teams. The Waste Crime Team deal with low level localised fly tipping and the Serious Environmental Crime Team, who deal with the larger scale/organised flytipping.

The council have found that there are many waste operators who are not licenced and actively advertise their waste removal services across social media and other advertising platforms. There has been an increase in such operators using public and private land to set up illegal waste transfer stations where waste was often dumped, stored and eventually burnt.

The council have a three-tier approach to prevent fly tipping. This includes, offering a free bulky / garden waste collection service, providing eight household waste sites and two commercial waste sites, working closely with the community such as volunteer litter-picking groups, running fly tipping campaigns and introducing an accredited waste carrier scheme (LAWCS). These work alongside a zero-tolerance enforcement approach to all environmental crime.

Stage 1 – Vehicle Seizure

Identify the vehicle:

Generally, the council would only seize a vehicle where it is proportionate and necessary, this includes all relatable offences such as duty of care, waste carriers and fly-tipping.

Fly tipping offences:

Reports are received through members of the public, external and internal partners and in some cases proactively through Officers and Street Cleansing Operatives finding the waste or through walkabouts by housing partners. There are three main ways that reports can be made; online using an E-Form, by telephone and by email. The council ask for basic information such as location, type of waste, land type and volume. There is also the function to add photographs to the report and any other details such as vehicle descriptions.

Where a report is received from a third party a statement will be taken by an Enforcement Officer within either the Serious Environmental Crime Team or Waste Crime Team. Similarly, where there is CCTV footage available, Enforcement Officers aim to seize this and obtain a witness statement as soon as possible. Once the statement is received then requests will be made to the DVLA for registered keeper and Motor Insurance Database (MIDB) for insured party details.

The Serious Environmental Crime Team also have access to a series of CCTV cameras that are used in hotspot locations to identify vehicles involved in fly tipping which allows the Enforcement Officer to obtain direct evidence.

The decision to seize vehicles for fly tipping offences is usually based on the volume and type of waste dumped. Further consideration is given to previous and the number of alleged offences and whether the person involved is involved in waste removal. Where a person is responsible for multiple offences, then the priority is to seize the vehicle as soon as possible to prevent more offences. For single offences, vehicle seizure may only be considered where there is a lack of co-operation.

For fly tipping offences, there has been occasions where the Police have intervened in response to calls that they have received. One incident was related to a fly tipping incident in progress on a farm and the Police Wildlife Officer attended. Once on site, they made some initial enquiries and seized the vehicle on the council's behalf using their removal contractors. Another case was related to a burglary report of loud noises coming from a neighbouring residential property and when the Police attended, they found a large amount of asbestos being dumped in the street in a Luton-style van. The officers attending who the council work with regularly, recognised the seriousness of the offence and due to the time of the offence (evening) knew the council could not attend, so seized the vehicle on the council's behalf.

Duty of Care & Waste Carriers:

The Serious Environmental Crime Team frequently conduct multi-agency stop and search roadside operations which are extremely useful for identifying regular waste carriers and preventing waste being carried and subsequently being fly tipped later.

When a waste carrier is stopped carrying waste but is unable to produce a waste carrier's licence but is co-operative, the council requires them to obtain a licence and produce it within 7 days. When a waste carrier is less co-operative and not necessarily being open about where the waste has come from or more importantly, being disposed of, the council may consider vehicle seizure immediately to prevent further offending. Similarly, where a report is received around regular waste carrying without a licence, depending on the circumstances, the council may consider vehicle seizure especially if the council have dealt with the waste carrier previously.

Seize the vehicle:

When a vehicle is seized during a stop and search there are police officers on site to deal with any aggressive behaviour or breach of the peace whilst the council wait for the removal contractor to attend.

In other situations, a risk assessment is completed as part of the planning phase of the seizure. Things to consider are, any previous contact with the individual, reports of aggressive behaviours, Police National Computer (PNC) markers, other residents within the household and location (is it likely to attract other parties etc). If it is deemed necessary to have police support, then contact is made with the local neighbourhood police team to agree a date where suitable resources are available. In the days leading up to the arranged time for seizure, visits by Enforcement Officers will be made to the address at varying times of the day in order to obtain a pattern of when the vehicle is present.

If the risk assessment results in a decision where no immediate police support is necessary, then a log number is placed on the police system to notify them of the intended action. Should matters escalate and police attendance is needed, a call can be made and the police are already aware of the situation and can provide the necessary resource quickly.

The Serious Environmental Crime Team (SECT) is small and consists of four officers, one manager and three enforcement officers. For all vehicle seizures there is a minimum of two officers present. All SECT officers use Bodycams at all times and are trained in de-escalation techniques and managing conflict.

There are no real internal costs involved but there is a cost for the use of the removal contractor, who is the same contractor used by the Police for their seizures and therefore is experienced in these potential volatile situations and responds very quickly.

A police log of the vehicle seizure is either created or updated in case anyone reports the vehicle as being stolen. The police can then signpost any potential claimants to our team.

Store Vehicle:

All seized vehicles are stored within a secure compound owned and managed by the council and therefore there are no storage facility costs. The recovery vehicle is escorted back to the compound and access given by the seizing officers. The compound is fenced off completely and has locked gates as well as electronic barriers that are controlled by ANPR cameras or an access card. The main issue with this compound is suitable space as it is shared by other Environmental Services teams and that once contact is made to claim the vehicle, the compound location is then known to the perpetrators.

Determine the registered keeper:

When determining the registered keeper the council use the DVLA database and complete requests through the completion of the VQ616E request form which can be emailed directly to the DVLA. This is a free service and responses usually take between 1-14 working days depending on available DVLA resource. To request a copy of this form please email VQ616@dvla.gov.uk. The council also complete MIDB checks to compliment the DVLA records.

In some cases, the Police will also provide information taken from their PNC database as part of an information sharing agreement.

Stage 2– Prepare Documentation

Give notice of the seizure:

Seizure Notices are served the next working day after the vehicle has been taken. Notices are sent to the property or person who was in control of the vehicle at the time as well as the registered keeper (if different). The notice is a template generated notice using the councils case management system.

Wherever possible, the seizure notice is served in person to allow the maximum amount of time for any interested parties to make a claim for the vehicle. In some cases, there is no real alternative than to post the notice. A copy of the seizure notice is also posted on the Councils webpage by the webmaster team.

Determine entitlement of vehicle:

In order to successfully make a claim for a seized vehicle, a person needs to provide:

1. Proof of I.D. – valid photo card driving license or passport
2. Proof of address (e.g. two utility bills in the applicant's name no older than 3 months)
3. Vehicle Registration document for seized property
4. Valid insurance

5. Written proof of authority to act as Agent **IF** acting in a representative capacity (e.g. valid power of attorney + items 3 – 4 above and proof of ID and address of Agent)
6. If transporting waste and / or collecting scrap metal, a valid waste carrier's license and a Leeds City Council scrap metal dealer's license.

If the vehicle is involved in fly tipping, before the vehicle is released, the council requires the person claiming the vehicle to attend a PACE interview. The council try to arrange this within 7 days of the claim. If there is no claim to the vehicle within the 15 working days, then a decision on how to dispose of the vehicle is made.

Give notice of determination:

If the relevant documentation is provided and agreed as being sufficient then a Determination Notice is issued as soon as possible to the person claiming the vehicle which then notifies them that they have claimed the vehicle successfully and what the councils intentions are with regards to the vehicle. The three available options on the notice are:

- The property must be collected by the applicant within 10 working days by the method identified under the 'release the vehicle' section.
- The property is to be retained in accordance with The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015 (for the purpose of criminal proceedings, vehicle is to be retained for the duration of the proceedings)
- The property is to be retained for 15 working days from the date of this notice **(INSERT DATE)** in accordance with regulation 16 (pending criminal investigation). The vehicle may be collected within 10 working days following the end of the period of retention **(INSERT DATE)** subject to regulation 17.

Where a claim is not satisfied a different determination notice is served on the person which states what further documentation is required for the claim to be reconsidered. This additional documentation must be provided within 2 working days.

On both the 'satisfied' and 'not satisfied' determinations notices, the council state the options available to them for either the selling, destroying or re-purposing of the vehicle should the claim not be successful.

Prepare documentation for court (if vehicle is retained):

Usually, the council will only retain a vehicle that has direct/robust evidence that it has been involved in fly tipping to support the investigation. If the vehicle is retained, the Enforcement Officer works closely with the legal officer to make sure that the evidence for prosecution is sufficient to be able to issue summons within the 15 workings days once a claim has been made. This includes ensuring that all witness statements are suitable and any other evidence such as CCTV or documentary evidence is readily available. The prosecution pack must be fully complete and sometimes several officers within the team are aware of the time sensitive nature of the case. It is essential that if you are looking at retaining the vehicle, that the legal officer is involved throughout the process once the decision is made as not doing this may cause delays which could mean not issuing proceedings within the 15-day deadline.

Stage 3 – Outcome

Release the vehicle:

An appointment is made for the registered keeper to attend the council's office and have the vehicle released back to them. If the vehicle has been seized for duty of care or waste carrier offences, then usually no conditions are set but some educational advice is given. If there were no waste carriers licence held at the time of seizure, the council would expect one to have been obtained but cannot insist. Where there is waste on the back of the vehicle, the council arranges for this to be disposed of to ensure no further offences are committed. This includes scrap metal which is then weighed in through the scrap metal contract with the proceeds being returned to the service. A fixed penalty notice for the fly-tipping offence may also be issued. In more serious cases, prosecution will be pursued.

A return receipt must be signed for before the keys are handed back along with any other possessions which should also be recorded and signed for. A notice of return is also served to the registered keeper.

Sell the vehicle:

At the time of writing, no vehicles have been sold as part of this process. as of yet.

Dispose of the vehicle:

If a claim is made but this is not successful, the vehicle is retained for a further 28 days. This allows anyone to potentially still claim the vehicle but also allows the Enforcement Officer time to make arrangements for either the waste on the back (if seized with waste on) to be disposed of and also arrange for a contractor to collect and dispose of the vehicle.

The council use their scrap metal partner who then disposes of the vehicle, but the proceeds are returned to the council. Once disposed, a notice of destruction is sent to the Chief Constable and the DVLA. The council also notify the local neighbourhood policing team so they can update the PNC where necessary.

The council do actively seek to raise awareness for vehicle seizures as well as successful prosecutions wherever possible. This runs alongside the fly-tipping campaign and LAWCS. Where there is no prosecution, the council do ensure that any identifying markings or registration of vehicles are blanked out on images used as part of the campaign.

Repurposing the vehicle:

Where a vehicle is in a good enough condition, the council would consider repurposing it for the removal of fly tipping across the authority area. In doing so, the council would advertise the fact that it was once used for fly tipping but is now used to clear fly-tipping, which is a powerful message to send.

Alternative options the council have considered is the repurposing of suitable vehicles to be used for relief type work or supply transportation in Ukraine where transit style vans are of a premium due to the ongoing conflict, this was after a request by the international affairs and refugee team. So far, none seized have been suitable for this use. All vehicles would need to be assessed and certified as being safe and serviceable through our fleet services before this option being considered.

Stakeholder Index

Team Name	Description
Police	Support the seizure and provide reassurance in case of aggression
DVLA / MIDB	To obtain registered / insured parties' details
Recovery contractor	To arrange recovery
Webmaster	To advertise the seizure
Internal Legal Colleagues	To ensure the process is followed, prepare any prosecution and ensure all evidence is sufficient to raise a summons

Contact Details

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

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