



Department
for Environment
Food & Rural Affairs



Vehicle Seizure Process

Maidstone Borough Council

The Fly-tipping Issue

Maidstone Borough Council (MBC) is the largest municipal council in Kent and has a very large rural area. This makes the borough an attractive place for fly tipping. Increasingly, we are seeing large scale fly tips that are necessitating a full road closure as the waste is being tipped from vehicles whilst they are driving. This is both very dangerous and also takes a long time to clear, normally needing specialist equipment to do so.

These offences are predominantly being committed by flat bed 'Transit' style tipper vans and usually contain builders/construction waste that will comprise of mixed materials including wood, paints, plasterboard, or garden waste including, increasingly, asbestos roofing sheets from old sheds and garages.

Stage 1 – Vehicle Seizure

Identify the vehicle:

The vehicle will need to be carrying waste, or there will need to be evidence that the vehicle was carrying waste that has been fly tipped.

If the vehicle is carrying waste, authorised officers can speak to the driver to ascertain the following:

- Waste transfer note for the waste, or multiple transfer notes depending on load.
- Waste carrier licence to establish authority to carry waste

If the vehicle has been seen to tip waste, evidence will need to be collected to assist in proving the offence, this could come from:

- Council owned CCTV
- Video footage supplied by member of public

- Evidence provided by the Police in the course of an investigation, i.e. ANPR evidence package

Seize the vehicle:

This depends on the circumstances. If we are working with Kent Police on a prearranged operation (Op Assist is the name given to joint operations between Kent police and the Local Authorities), we may contact our approved contractor to put them on notice that we may seize a vehicle.

If the vehicle is road legal, we have agreement that we can drive the vehicle under our insurance policy.

We can either recover the vehicle to our secure depot, or can arrange for the vehicle to be collected and removed to the secure compound of our contractor – this does though come with significant costs.

Store Vehicle:

We currently use the same secure facility as Kent Police. There are no negatives to using this facility for storage, only the costs involved. We are looking to take our seized vehicles to our own depot which have full CCTV coverage and is secure, the limitation for using this site is space.

Determine the registered keeper:

Maidstone Borough Council like all local authorities in Kent are part of the Kent and Medway information sharing agreement. This includes Kent Police, Kent County Council, Medway Unitary Authority and the 12 Local Authorities. We have access to limited information regarding registered keeper checks, credit references and council tax information.

We are extremely restricted if no registered keeper details can be ascertained and would need to submit the information to Motor Insurance Bureau. This can however take several weeks for a result.

Stage 2– Prepare Documentation

Give notice of the seizure:

MBC have produced notices for each part of the relevant legislation.

- Vehicle Seizure Notice
- Vehicle Schedule of Property
- Notice of Determination of Entitlement
- Vehicle Seizure Notice of Return
- Vehicle Seizure Notice of Disposal
- Vehicle Seizure Notice of Sale

The Vehicle Seizure Notice is given to the driver at the scene at time of seizure, together with a fixed penalty notice of the relevant offence (if applicable). In accordance with Control of Pollution (Amendment) Act 1989, the notice is displayed at Maidstone House (MBC Offices) and online.

The chief officer of Kent police and the DVLA are informed.

Determine entitlement of vehicle:

In order to claim entitlement to the vehicle, Maidstone Borough Council require the following proof of entitlement:

- Valid photo driving licence / passport
- Two official documents showing the claimants name and address not less than three months old
- Vehicle registration document V5C
- Valid certificate of motor insurance

This is not subject to a PACE interview as this meeting is just to show proof of ownership/entitlement.

This must be done in accordance with the legislation and made within 15 working days from issue. If no entitlement is determined or the driver/owner fails to make a claim, MBC can sell dispose of the vehicle.

If entitlement is proved, a notice of return is issued.

Give notice of determination:

As above, in accordance with the legislation, MBC can dispose of the vehicle immediately if the vehicle is hazardous to the environment (carrying asbestos or other substances), or at the end of the notice period, in no claim is made or no person can prove entitlement.

If this is decided, the appropriate notices (Sale or Disposal) will be displayed and the Chief officer of Police and the DVLA will be notified. We have email addresses for this reporting.

Prepare documentation for court (if vehicle is retained):

We have our own shared services legal team, who determine the evidence for submission.

Stage 3 – Outcome

Release the vehicle:

The last vehicle was returned to the owner after entitlement was determined. The vehicle was stored at the contractor's secure storage, so authorised officers met with the owner at the unit and upon release of the vehicle (which included proof of insurance). The owner who signed the notice of return produced the notice and the vehicle was returned.

Sell the vehicle:

MBC have not sold a vehicle but the process would be the same as return. A notice would be placed at Maidstone House and on the website stating the vehicle is being sold Pursuant to: Regulation 23 (Notice of Sale) and in accordance with regulation 9 (1) (a) of The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015

We would though use the proceeds from any sale and invest back into enforcement

Sale price would be at market value and we would send to auction as we would with end of life fleet sales.

Dispose of the vehicle:

As above, MBC seized a 20 Tonne tipper lorry that had tipped asphalt into a wood and had been caught on camera. The owners of the vehicle could not be traced, the vehicle was not operating under an 'O' licence and had no insurance. No person came forward to collect the vehicle and the company that had originally owned it had changed ownership three times from the registered keeper details.

The vehicle was not road worthy and so was removed and sent for destruction. The chief officer of police and the DVLA were informed as required.

Feedback

If out with the police, it is always worth asking for them to do an insurance check. Most police forces will use their powers to seize a vehicle for no insurance. This will also have the desired effect of removing the vehicle from the road and depriving fly tippers of their assets

Seek a secure location perhaps under local authority ownership that can be used to store vehicles. Failing this, perhaps source a reliable company who can recover and store vehicles at a fixed fee.

Stakeholder Index

Team Name	Description
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Kent Police	Working with them as part of a joint operation (Op Assist) to target environmental offending. They police stopped the vehicle at our request whilst moving
Kent County Council	Conducted checks and supplied an intelligence package as a result of the information supplied to them
MBC Communications team	Uploaded the notices onto social media and then removed them at the end of the period
Maidstone Borough Council Digital Team	Uploaded the notices to the website and then removed them at the end of the period

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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