



Department
for Environment,
Food & Rural Affairs

Vehicle Seizure Powers – Local Authority Guidance

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1. Introduction

It is an offence under section 33 of the Environmental Protection Act (EPA) 1990 to:

- deposit controlled waste or to knowingly cause or permit controlled waste to be deposited without a permit
- dispose of controlled waste in a manner likely to cause pollution to the environment or harm to human health.

This includes fly-tipping.

Local authorities have powers to take enforcement action against offenders. Anyone caught fly-tipping may be prosecuted which can lead to a significant fine, a community sentence or even imprisonment. Instead of prosecuting, local authorities can choose to issue a fixed penalty notice (on-the-spot fine) of up to £1,000 to fly-tippers and £600 to householders who pass their waste to an unlicensed waste carrier. Councils also have powers to search and seize vehicles of suspected fly-tippers.

This document aims to support local authorities when carrying out the power to seize vehicles suspected of being involved in waste crime. **It is intended to provide practical advice only and does not constitute or replace statutory documentation. Local authorities remain responsible for complying with all relevant legislation and guidance and should seek legal advice when carrying out fly-tipping enforcement.**

The document outlines considerations before adopting a vehicle seizure policy (section 2), and key steps before, during and after an operation (sections 3 – 5). It also outlines the benefits of partnership working (section 6).

When a vehicle can be seized

A local authority is entitled to seize and search a vehicle when an authorised officer, such as an enforcement officer, **reasonably believes** that the vehicle has been used, is being used or will be used for the following offences:

- An offence under section 33 of the [Environmental Protection Act 1990](#) (this includes fly-tipping)
- A permitting offence for failing to have the correct permit for the disposal, treatment or deposit of waste as specified in regulation 38(1) or (2) of [The Environmental Permitting \(England and Wales\) Regulations 2016](#)
- The carrying of controlled waste by someone who does not have a waste carrier license as specified in section 5 of the [Control of Pollution \(Amendment\) Act 1989](#)

These offences will be referred to as **relevant offences** throughout this guidance.

Local authorities must also be satisfied that proceedings, such as prosecution, have not been brought against the person responsible for the offence before the vehicle is seized.

Local authorities should consider use of these powers as part of their regular enforcement activities. It is intended that the seizing of vehicles supports the investigatory functions available to local authorities in tackling waste crime. **As such, vehicle seizure does not need to be considered a last resort option once all other enforcement options have been exhausted and should instead be considered at any stage to aid the investigatory process.**

Definition of a vehicle

Section 34B(11) EPA 1990 defines “vehicle” to mean any motor vehicle or trailer within the meaning of the Road Traffic Regulation Act 1984. The Road Traffic Regulation Act 1984 defines “vehicle” to mean any motor vehicle or a trailer that is drawn by a motor vehicle. Local authorities are thereby able to seize both the vehicle and its trailer if suspected of being used for waste crime.

2. What to consider before adopting a vehicle seizure policy

Prior to adopting a vehicle seizure policy, local authorities should ensure that they have as a minimum:

- a suitable contractor in place who is available to lift the vehicle being seized
- an appropriate storage compound where the vehicle can be kept until it is either released, disposed of or sold
- Sufficient budget to cover the seizure operation, subsequent ongoing storage and potential legal fees, if applicable

Local authorities should also consider developing a relationship with local police to support vehicle seizure operations and wider fly-tipping enforcement activities.

Vehicle contractor

Vehicle contractors are responsible for assessing the vehicle to be seized and safely removing it from the site. Local authorities should consider the local options available and assess contractors based on the following criteria:

- Cost
- Average response time for planned and unplanned operations
- Robust health and safety protocols to seize vehicles (particularly when dealing with volatile offenders)
- Capability to store waste (from the vehicle) on site, if applicable
- Relevant data protection protocols in place

Some contractors will be able to provide a full service of storage and potential disposal should this option be later pursued. Local authorities will need to determine the most cost-effective method. If possible, the use of an unmarked vehicle to lift the vehicle may be preferable to reduce the likelihood of the vehicle owner contacting the contractor to determine its location.

Storage

It is the responsibility of the local authority to ensure that they store the vehicle in a location where it will remain safe and secure to an evidential standard in case of later challenge. It is therefore essential that local authorities assess the suitability of their own or third-party storage compounds carefully to ensure they fulfil their responsibilities as a relevant authority.

In order to manage the costs associated with the storage of the vehicle, local authorities may choose to share their storage compounds. This will require an agreement between the neighbouring authorities to ensure both councils allocate the necessary budget to cover this. Waste partnerships can be beneficial in facilitating conversations regarding the sharing of resources, such as compounds, between local authorities. Further information on how to establish a waste partnership can be found at section 6.

Budget

Local authorities are responsible for covering all costs associated with the seizure of the vehicle. In addition to the associated administration costs, this also includes the cost of seizing, storing and disposing of the vehicle. However, if the local authority is permitted to keep the vehicle and it is subsequently sold, the local authority can use the proceeds from the sale to cover the costs of any activity involved in seizure of vehicles. See [regulation 25](#) of The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015 for full details on how proceeds can be spent.

Local authorities are also able to issue fixed penalty notices (FPNs) under section 33ZA of up to £1000 to a fly-tipping offender and £300 for a waste carrier who fails to provide an adequate waste carrier license as specified under section 5B in the Control of Pollution (Amendment) Act 1989. FPNs can be issued in addition to the vehicle seizure activity and income generated by these penalties is retained by the local authority and must be spent in accordance with the relevant legislation. Local authorities are also able to apply for compensation through the courts to have the vehicle seizure expenses covered.

Local authorities should be aware that if prosecution action is taken, the local authority will be required to pay for the ongoing storage of the vehicle until it is released or until a forfeiture order is issued by the court. The average wait time from an offence being reported to the case being completed can be found [here](#), though this will vary across magistrates' courts.

Police support

Local authorities have powers to search and seize a stationary vehicle on a road or at a premise, without the presence of a uniformed officer. However, having police in attendance can be helpful to provide support to the lead officer and prevent or deal with any disorder. Local authorities also do not have the power to stop a moving vehicle on the road and would require the involvement of police officers to assist in this function.

If councils wish to implement a successful strategy to increase their vehicle seizure usage, establishing positive working relationships with local police should be considered as a first step to determine their capabilities for vehicle seizure operations. Seizing vehicles for waste crime can also present local police with the opportunity to undertake checks for other criminal activity.

Relationships with the police can be established and maintained through informal engagement or through coordinated efforts such as local authority partnership meetings which can be used to discuss local issues such as environmental crime. Multi-agency Intelligence Network (MAIN) meetings to discuss environmental crime cases, often chaired by the police, can also be beneficial to obtain additional intelligence from other agencies such as the Environment Agency. Further details on partnership working can be found in section 6 of this document.

3. Key steps before seizing a vehicle

Obtaining evidence

Local authorities need to **reasonably believe** that the vehicle has been used, is being used or will be used for a relevant offence. This is generally interpreted to mean that there must be enough evidence for the enforcement officer to take action, but not necessarily enough to charge the alleged offender with the offence.

If the decision is taken to proceed with prosecution, the local authority should ensure they have sufficient evidence which can be used in subsequent court proceedings to prove the offender's guilt **beyond reasonable doubt**. This list should not be considered exhaustive but should instead serve as an example of the available forms of evidence that could be used to demonstrate vehicle involvement in a relevant offence.

Section 9 (witness) statement with photo evidence of the vehicle involved in fly-tipping

A witness statement must be signed by the individual who made it and should include the required text and other information laid out in section 9 of the Criminal Justice Act 1967. Consult your legal teams for advice on using a witness statement.

Automatic Number Plate Recognition (ANPR) data

Evidence that a vehicle was within the vicinity of a fly-tip through analysis of ANPR data held by local police forces may be considered a valid form of supporting evidence. You may be able to make a request to access this data through contacting your local police. An Information Sharing Agreement (ISA) with the police may facilitate this (see section 6).

Camera footage evidencing the vehicle was used in a relevant offence

Camera footage should show the suspected vehicle involved in a fly-tipping incident. Footage showing a visible registration plate or other clear identifiers will best build the case against a suspect. Identifiers could include areas of damage as well as the make, model and colour of the vehicle.

Overt and covert surveillance

Local authorities should have a Senior Responsible Officer (SRO) who is responsible for ensuring that the local authority has a bespoke policy in place to manage surveillance activities.

Overt Surveillance

Section 33 (1) of the Protection of Freedoms Act 2012 (PFA 2012) states that a relevant authority as specified in section 33(5) of the [Protection of Freedoms Act 2012](#) **must have regard to the [Surveillance Camera Code of Practice](#)** when exercising any functions to which the code relates.

The code of practice is intended to support relevant authorities, such as local authorities, to use **overt** surveillance technology in public places so that it is effective, lawful and proportionate. The code outlines guiding principles which local authorities should have regard to when carrying out overt surveillance.

System operators should adopt the following principles:

1. Use of a surveillance camera system must always be for **a specified purpose** and is in pursuit of a legitimate aim and necessary to meet an identified pressing need/s.
2. The use of a surveillance camera system must **take into account its effect on individuals and their privacy** and be regularly reviewed to ensure it remains justified.
3. There must be **transparency** in the use of a surveillance camera system, including a published contact point for access to information and complaints.
4. There must be **clear responsibility and accountability** for all surveillance camera system activities, including images and information collected, held and used.
5. **Clear rules, policies and procedures** must be in place before a surveillance camera system is used and these must be communicated to all who need to comply with them.

6. **No more images and information should be stored than what is necessary for the stated purpose** and should be deleted once the purpose is discharged.
7. **Access to retained images and information should be restricted** and there must be clear rules on who can gain access and for what purpose. The disclosure of information should only take place when it is necessary for a defined purpose or for law enforcement.
8. Surveillance camera system operators **should consider any approved operational, technical and competency standards** relevant to a system and work to maintain those standards.
9. Surveillance camera system **images and information should be subject to appropriate security measures** to safeguard against unauthorised access and use.
10. There should be **effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with** in practice and regular reports should be published.
11. When the **surveillance camera system** is in pursuit of a legitimate aim and there is a pressing need for its use, it **should be used in the most effective ways to support public safety and law enforcement** with the aim of processing images and information of evidential value.
12. Any **information used to support a surveillance camera system** which compared against a reference database for matching purposes **should be accurate and kept up to date.**

Local authorities should refer to the full code of practice when conducting any surveillance activities.

If a local authority fails to act in accordance with any provision in the surveillance camera code, a court may take this into account at any point throughout the proceedings and it could undermine a prosecution. It is therefore important that local authorities demonstrate regard to the code of practice to support the credibility of any case brought against a suspect.

Covert Surveillance

Direct surveillance can be authorised by the local authority if it is used to *prevent or detect criminal offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months imprisonment*. Directed surveillance of this kind would therefore be permitted for a vehicle seizure operation as fly-tipping offences are punishable by up to 5 years in prison.

Directed surveillance is defined as covert surveillance (surveillance intended to capture evidence without the knowledge of the individual being monitored) but which is not intrusive (covert surveillance taking place in a residential premise or other private property). Local authorities are not able to carry out *intrusive* surveillance under any circumstances.

As a baseline principle local authorities must ensure that directed surveillance activity is justified under the Regulation of Information Powers Act 2000 (RIPA 2000). The [Covert surveillance and property interference code of practice](#) provides guidance to local authorities and other public authorities on the use of directed surveillance.

Surveillance is directed surveillance if the following are all true:

- it is covert, but not intrusive surveillance. This means the surveillance is intended to capture evidence without the knowledge of the subject of the surveillance
- it is conducted for the purposes of a specific investigation or operation
- it is likely to result in the obtaining of private information about a person (whether or not specifically identified for the purposes of the investigation or operation)
- it is conducted otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under Part II of the 2000 Act to be sought

Local authorities must ensure that they are clear that the form of surveillance being used is necessary for the prevention of crime, proportionate to the aim of preventing crime and signed off by senior officers. Local authorities should also seek RIPA authorisations from the magistrate prior to any directed surveillance. Information related to each of these areas should be clearly articulated and documented.

Proportionality

Article 8 of the European Convention on Human Rights (ECHR) protects the right to a private life. To prevent local authorities from undertaking action which contravenes this right, local authorities must ensure that the surveillance being carried out is proportionate to the offence. A way of distinguishing proportionality would be to consider if there is a less intrusive way of obtaining the desired evidence for the offence. If a local authority is unable to identify a less obtrusive way of obtaining this evidence, then this may be considered proportionate.

The Senior Responsible Officer (SRO) in the local authority must also ensure that they have satisfied the four areas which demonstrate proportionality to the crime. These are articulated in 4.7 of the Covert Surveillance and Property Interference Code of Practice. A summary is included below:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or harm
- explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the information sought
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented, or have been implemented unsuccessfully

Collateral intrusion

The authorising officer should take into account the risk of obtaining private information about individuals who are not the intended subject of the surveillance activity. Local authorities should take measures to minimise unnecessary intrusion and consider whether retention of data is necessary for the aim of the surveillance activity. It is important that all measures to minimise collateral intrusion and the purpose for retaining data obtained through collateral intrusion are documented.

Authorisations for directed surveillance

Local authorities will need to obtain approvals from officers with the appropriate level of authority, such as a senior officer who must be provided with the full scope of the anticipated surveillance or interference. They must also be satisfied that the surveillance is necessary to prevent crime, that it is proportionate and that collateral intrusion has been considered and minimised.

Local authorities should seek judicial approval from the magistrates' court before using directed surveillance. This is valid for 3 months from the date of approval and can be renewed for a further 3 months, so long as there is continued justification and the application to renew was made within the initial approved period. Local authorities must cancel the approval as soon as it is no longer necessary. Councils must also ensure they keep a record of any authorisations, renewals and cancellations which can be reviewed by the Investigatory Powers Commissions Office who are responsible for inspecting local authorities use of covert surveillance.

The information that must be included in the application to conduct surveillance relevant to a fly-tipping offence should include:

- the reasons why the authorisation is necessary in the particular case and on which statutory ground(s)
- the nature of the surveillance
- the identities, where known, of those to be the subject of the surveillance
- a summary of the intelligence case and appropriate unique intelligence references where applicable
- an explanation of the information sought to be obtained as a result of the surveillance.
- the details of any potential collateral intrusion and why the intrusion is justified
- the details of any confidential or privileged information that is likely to be obtained as a consequence of the surveillance
- where the purpose, or one of the purposes, of the authorisation is to obtain information subject to legal privilege an assessment of why there are exceptional and compelling circumstances that make this necessary
- the reasons why the surveillance is considered proportionate to what it seeks to achieve
- the level of authorisation required (or recommended where that is different) for the surveillance

Record keeping

Local authorities must also ensure they keep accurate and comprehensive records to ensure transparency, accountability and compliance. Local authorities must ensure that they include and record:

- The type of authorisation, the date it was given, the name and rank of the authorising officer
- The unique reference number for the investigation operation
- The title of the investigation or operation
- Whether urgent provisions were used and why
- Details of each court attendance, which includes the date, the determining magistrate, the decision of the court and the date and time of that decision
- The dates of any reviews, renewals and cancellations of authorisations, which includes the name and rank of the officer who granted it
- Whether the authorised activity was likely to result in obtaining confidential or privileged information
- Whether the authorisation was granted by an individual directly involved in the investigation
- The grounds for any application refusals by the issuing authority or judicial commissioner and any subsequent appeals to the Investigatory Powers Commissioner
- The grounds for refusal given by the Investigatory Powers Commissioner if an appeal is made

This information must be stored for at least 3 years from the end date of each authorisation.

The following documents should also be retrievable for at least 3 years from the ending of each authorisation:

- A copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the authorising officer
- A record of the period over which the surveillance has taken place
- The frequency of any reviews prescribed by the authorising officer
- A record of the result of each review of the authorisation
- A copy of any renewal of an authorisation, together with supporting documentation submitted when the renewal was requested
- The date and time when any instruction to cease surveillance was given
- The date and time when any instruction was given by the supporting officer
- A copy of the order approving or otherwise the grant or renewal of an authorisation from a Justice of the Peace

It is essential that local authorities refer to the [Covert Surveillance and Property Interference Code of Practice](#) when carrying out covert surveillance activities.

Accessing the Magistrates for RIPA approvals

Local authorities will be required to include information on the officers who hold positions relevant to the magistrates application process. These include:

- Applying Officer - usually the Investigating Officer
- Authorising Officer – possibly a head of service
- Senior Responsible Officer – this could be a solicitor

All officers involved in the internal process must have had a sufficient level of training in RIPA requirements to complete each section of the form.

If authorised internally and by the magistrates' court, local authorities would need to contact the court and pay the required admin fee. Local authorities should then receive an appointment time. The evidence and application form would need to be provided to the court, with an outline of the case and that the surveillance meets the threshold for approval.

- All available forms can be found through this link: [RIPA forms - GOV.UK](#)
- Advice on RIPA can be found [here](#).

The use of CCTV, drones and other forms of camera operated software

Local authorities should ensure compliance with relevant requirements for both overt and covert surveillance, this is regardless of the specific system used to capture evidence. Relevant authorities will be required to comply with the Surveillance Camera Code of Practice when using drones.

The UK Civil Aviation Authority (CAA) provides a range of documentation detailing the regulations that should be followed when using drones. Access to the webpage, which includes contact information for the CAA can be accessed [here](#).

Staff safety

If the lead officer or any enforcement officers become aware of intelligence relating to the potential volatility of the individual whose vehicle is to be seized, this must be passed to all individuals involved in the operation. It is important that the potential health and safety issues are assessed and measures put in place to minimise the potential risk. Local authorities should also ensure that these assessments and mitigations are documented for auditing purposes. If sharing information with third parties, local authorities should not share what is more than strictly relevant to the specific operation and no specific details of the case, unless a relevant Information Sharing Agreement (ISA) is in place.

What is an Information Sharing Agreement?

An Information Sharing Agreement (ISA) is a formal, written arrangement that sets out the lawful basis, purpose, scope, and conditions under which information—particularly personal

data—is shared between two or more public sector organisations, and defines the roles, responsibilities, and safeguards each party must apply to ensure the information is used lawfully, fairly, securely, and proportionately. The terms of such an agreement will determine what is acceptable to share with third parties.

Once an ISA has been established, local authorities may be able to request a background check from their local police force on the individual and vehicle to support investigations, specifically prior to seizing the vehicle, to ensure all necessary steps are in place to ensure staff safety. This could also include requesting police presence to seize the vehicle in order to prevent a breach of the peace or other offences.

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.

Leeds City Council

4. Key steps during a seizure

When conducting a vehicle seizure, the local authority should coordinate effectively with all relevant partners bodies to ensure a lawful and effective operation. Upon identifying a vehicle for seizure, the LA should notify the police to provide on-scene support where necessary, particularly if obstruction or public order issues are anticipated. The LA should also instruct the contracted vehicle removal operator to attend the location promptly with appropriate recovery equipment and ideally, an unmarked vehicle. The removal contractor should be briefed on any specific handling requirements and directed to transport the vehicle to a designated secure storage facility Throughout this process, the LA should maintain clear communication channels between all parties and ensure they document the time and place of the seizure and the power under which the vehicle was seized.

Searching the vehicle

Section 34B Powers

Under section 34B of the EPA 1990, a local authority is entitled to search and seize a vehicle when an authorised officer, such as an enforcement officer, reasonably believes that the vehicle has been used, is being used or will be used for relevant offences (see introduction). The search of the vehicle can happen either before or after the seizure and additionally, an enforcement officer can search a vehicle under section 33B but decide not to seize it.

5. Key steps following a vehicle seizure

The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015 establishes the procedures which local authorities must follow once they have seized a vehicle under section 34B of the EPA 1990 because of suspected involvement in waste crime. The regulations sets out what local authorities must do to ensure the safe custody and determine the rightful owner of any seized vehicle. It also sets out the circumstances in which the authority must return the property (in this case the vehicle) to its owner and the circumstances in which it can sell, destroy or otherwise dispose of the vehicle.

Local authorities should refer to these regulations in full to ensure they comply with the relevant requirements. Some of these requirements are summarised below and further explained in Appendix A.

Determine the registered keeper

Local authorities are responsible for taking all 'reasonable steps' to identify the registered keeper of the vehicle. If not already obtained, local authorities must, by the first working day after the date of seizure, request information as to the registered keeper of the vehicle from the DVLA¹. If the vehicle displays a foreign registration mark, local authorities should contact the relevant authority in the country where the vehicle is registered. If the vehicle is a hire car, the local authority should take appropriate steps to identify the individual who was entitled to possession of the vehicle. They must also take reasonable steps to identify whether the vehicle is subject to a hire-purchase agreement and, if so, to identify the person entitled to possession of the vehicle under that agreement.

¹Regulation 6 of The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015

Other available methods for identifying the registered keeper include requesting information from the local police force (who will have access to the police national computer) and Motor Insurance Database (MID).

In the event that the local authority identifies that there is no registered keeper or the vehicle is registered under fake plates, this should be documented. Local authorities should still hold the vehicle until the relevant 15-day period is over before taking further steps with the vehicle (see further information on this below).

Access to the DVLA Database

Local authorities can request registered keeper information from DVLA's Vehicle Register. They will need robust evidence of the vehicle being involved in an offence or suspicion that the person connected to the vehicle is involved in an offence before requesting registered keeper details. A contract agreement must be signed between the local authority and DVLA. It is also important that local authorities use the correct reason code(s) as outlined in their contract for the offence when requesting this information and follow all relevant audit protocols.

Keeper At Date of Event (KADOE)

Local authorities can request vehicle keeper information by using DVLA's KADOE Application Programming Interface (API) service. Enquiries made through the KADOE system will have associated costs which local authorities will need to be aware of when considering budgets.

Local authorities can set up their own KADOE API link by interpreting the KADOE API software. The coding instructions are freely available and can be found [here](#).

Alternatively, local authorities can also use a link provider who can act as the interface between the council and the DVLA. An available list of possible link providers can be provided by the DVLA upon request. Local authorities should be aware that there will be an additional cost associated with this option, which will vary dependent on the link provider used.

It is important to note that many local authorities already use KADOE for other local authority functions, such as for parking offences. A directory of local authorities already using KADOE is available [here](#). Local authorities may use the existing KADOE link, without having to pay for the additional costs to set up a new API. However, local authorities would need to apply to DVLA to have any additional permitted purposes added to their KADOE contract before commencing using the service for any additional reasons.

There are limitations on the number of queries that can be made to KADOE before the monthly service charge is increased, the bandings are laid out in the table below.

Number of Enquiries	Monthly Charge *
Up to 9999	£156 (+ VAT)
10000 – 14,999	£208 (+ VAT)
15,000 – 19,999	£312 (+ VAT)
20,000 – 29,999	£416 (+ VAT)

**information true as of financial year 2025/26*

For volumes of enquiries over 30,000, the price will increase £100.00 per 10,000 enquiries. For example, up to 39,999 enquiries will cost £516.00 (+VAT) and 49,999 enquiries will cost £616.00 (+VAT).

This is in addition to a fixed element of £52 (plus VAT) per invoicing period which will need to be paid quarterly. However, local authorities will need to check any updated associated costs before proceeding.

If a local authority is interested in finding out more about the KADOE service, applying for access or wanting to add on a new permitted purpose to an existing KADOE link they should email kadoe-interest@dvla.gov.uk.

Postal and email queries - VQ616

Local authorities are also able to freely request information about the vehicle and vehicle keeper via the DVLA's email and postal service. Local authorities are required to complete a VQ616E which can be accessed by emailing VQ616@dvla.gov.uk. A completed form should then be returned to the same email address. However, local authorities should note that there is no minimum response time for the DVLA to return queries. The council should therefore consider any possible implications to investigations if using this manual option.

National Anti Fraud Network (NAFN)

The National Anti Fraud Network Data and Intelligence Service is a public sector organisation. Local authorities can become members and submit requests for vehicle keeper data through NAFN who are entitled to make enquiries to request this information from DVLA records. Local authorities can access information about NAFN and contact them for membership information, including costs, through their website [here](#).

On the day of seizure, the registered keeper details held by the DVLA for the vehicle were requested through the National Anti-Fraud Network (NAFN). The drawback of NAFN is that a registered keeper check takes 24 hours, however they were still returned within the timescale required.

A vehicle finance check of the vehicle was undertaken to confirm if the vehicle was subject to a lease hire agreement or if there are additional parties that might have a claim on the vehicle. This can be done via Experian but the council have the option to obtain this information through NAFN which is cheaper.

Cornwall Council

Making a vehicle keeper request using the Web Enabled Enquiry (WEE) system

Local authorities are currently able to request vehicle keeper registration information through the WEE system. Any requests for information to the DVLA must be done so within 84 days from the date of offence.

The DVLA have been advised that their third-party suppliers aim to close their Integrated Services Digital Network (ISDN) lines by December 2025. The DVLA advised affected users in April 2025 that their ISDN provider will begin a rolling programme of decommissioning. It is therefore possible that the DVLA's third party supplier could issue a 30-day notice on the local exchange, leading to an increased risk that the WEE service could be terminated at very short notice.

Local authorities should note that the WEE system is therefore due to be decommissioned by January 2026. Councils will need to consider alternatives to requesting vehicle keeper information, which are outlined below.

Police National Computer

The Police National Computer (PNC) is a database used by police forces across the UK to access real-time information on individuals, such as name and address of vehicles registered keeper. To obtain this information local authorities may need to have an information sharing agreement (ISA) in place with their local police force. Local authorities may be able to make a request for information to support the vehicle seizure process by emailing their designated local force with the vehicle registration number and description of the offence. Information on how to set up an ISA can be found in section 6. ISAs with the police may also allow local authorities to receive Automatic Number Plate Recognition (ANPR) data, which could be useful to identify the vehicle's location, corroborate vehicle

movements in line with the offence and in some cases provide images to support cases for prosecution.

Motor Insurers Bureau

The Motor Insurers' Bureau (MIB) manages the Motor Insurance Database (MID) which is the central record of vehicles in the UK that are covered by a motor insurance policy. Local authorities can request information, including who is insured on the vehicle at the time and date of the offence, to support prosecution cases. This may be beneficial in circumstances where there is no or false registered keeper details.

Local authorities will need to complete a Data Protection Act (DPA) Enquiry Form which can be requested from and returned to **dataprotectionforms@mib.org.uk**. MIB require one form per vehicle. Please be aware the form should be signed with a wet signature.

For MIB to assist with an enquiry, local authorities must provide a vehicle registration number and a specific link between the subjects of the investigation, the vehicle and the crime. They also need specific details of what information is required, why the date period is relevant to the enquiry and how the information would support the investigation and/or prosecution case.

Notice of seizure

Local authorities must give notice of the seizure of a vehicle by displaying a notice at their office for 15 working days following the first working day after the seizure and publishing such notice on either their website or in a local newspaper². A seizure notice must include the following information:

- A description of the seized vehicle and its vehicle registration mark
- The time and place of where it was seized
- The power under which it was seized
- The name, contact details and address of the local authority who had seized the vehicle
- The address and contact details of where to claim entitlement to the vehicle (if this is different to the local authority address)
- The claim period
- An explanation of the evidence the claimant will need to provide to the seizure authority to establish entitlement to the seized vehicle i.e. relevant V5 document and valid identification

² Regulations 7 and 8 of The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015

- An explanation that the seized vehicle can be sold and disposed of if it is not claimed within the claim period or if a claimant who brought a claim within the period is not determined to be entitled

If a seizure notice is published in a newspaper, it must be a local newspaper. If published on the local authority's website, it must be the only website of that local authority unless the website is used solely or mainly to publicise matters relating to waste. The seizure notice must be published on the website for 15 working days following the first working day after the seizure.

A copy of the seizure notice must be served on the chief officer of police for the police area in which the vehicle was seized, the registered keeper of the vehicle and the person entitled to possession (if subject hire-purchase agreement)³.

Chief officer of the police is defined in section 101(1) of the Police Act 1996 as the chief constable for local authorities outside of London, the Commissioner of Police of the Metropolis in the metropolitan police force and the Commissioner of Police for the City of London if it is in an area covered by the City of London. Information relating to the chief officer of police should be held on the website of your local police force.

The copy of the seizure notice must be served on the chief officer of police and the registered keeper within 5 working days of the notice of seizure. The copy of the seizure notice must be served on the person entitled to possession, in the case of a hire-purchase agreement, within 5 working days of that person being identified.

Handling a claim for the vehicle

A person can make a claim of entitlement to a seized vehicle, so long as they provide valid evidence within 15 working days of the date of the seizure notice⁴. A claimant must provide evidence which includes:

- Their name, address and proof of identity
- If an agent acts on the behalf of the claimant, they must provide proof of authority to act as the agent for the claimant in addition to the information above
- If the seized vehicle has a registration mark, the registration document

If a claimant does not provide information to satisfy these requirements, local authorities must make a request for further information by the next working day. Councils should inform the claimant that they must provide this information within two further working days.

³ Regulation 9 of The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015

⁴ Regulations 10 and 11 of The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations

If the local authority is satisfied the claimant has provided the required evidence specified, the local authority must determine entitlement. If the claimant is entitled, they must then determine if the duty to retain the vehicle arises if either of the following are true:

- the local authority has commenced court proceedings for the offence the vehicle was seized, it is a forfeiture offence, and the council is of the opinion that it is necessary to retain the vehicle in respect of such proceedings
- The local authority is investigating an offence in respect of which the vehicle was seized and the council believes that it is necessary to retain the vehicle in order to investigate the offence⁵

In the event that the local authority considers it necessary to return the vehicle (because no duty to retain arises), they must determine the collection period. This begins with the date of the determination notice and ends 10 working days after this date. A determination notice must be given within three working days of a claim or, where further information was requested, within three working days of that information being provided.

Where a duty to retain arises, the local authority must return the seized vehicle to the entitled person when the authority is no longer of the opinion that it is necessary to retain it, or court proceedings have ended⁶. Once this is the case, a notice of return must be given by the next working day and must state that the seized vehicle may be collected within 10 working days; and that it may be sold, destroyed or otherwise disposed of if it is not collected within that period.

Keeping, selling or disposing of the vehicle

There are circumstances in which local authorities are permitted to keep, sell or dispose of seized property⁷, under which vehicles fall under. These conditions are laid out below:

- where a seizure notice has been displayed and published and served on the relevant people, and
 - The claim period has ended and no claim was made,
 - A claim was made within the claim period but the seizure authority did not determine that the claimant was entitled, or
 - A duty to return arose but has ceased because the court made an order for forfeiture of the seized property or the entitled person has not collected the seized property in the relevant period.

⁵ Regulation 12 of The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations

⁶ Regulation 18 of The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations

⁷ Part 4 of The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015

Local authorities must give notice of a sale within 10 working days of the sale to the DVLA (should the vehicle be a Great Britain or Northern Ireland registration mark) and the chief officer of the local police.

When the vehicle has been sold, local authorities are entitled to use the proceeds of that sale towards meeting expenses incurred in exercising their powers under section 34B or 34C of the EPA 1990 (searching and seizing vehicles).

Local authorities should consider the value of the vehicle before selling as this will need to be balanced alongside the cost of storing the vehicle until it is sold, as well as the associated administration costs.

Local authorities are required to pay the net proceeds of the sale of any seized property to any person who, within 3 months of the sale, can demonstrate that they were entitled to the property at the time of sale. The net proceeds of sale are defined as the net proceeds once the total sum of expense for the seizure, retention and sale of that property has been deducted.

Councils are required to inform the chief officer of police of the vehicle's destruction or disposal. This notice must be given within 10 working days of the destruction or disposal.

Taking cases to court

Authorised officers of local authorities are required to *reasonably believe* that a vehicle has been used in a fly-tipping offence in order to seize it. However, to secure a conviction in court, evidence will be needed to be provided to prove guilt *beyond reasonable doubt*. Following successful prosecution, the court can order that ownership rights of the vehicle used in the offence be granted to the authority that brought forward the proceedings.

Local authorities will need to provide evidence that the vehicle has been used in an offence and subsequently identify the individual who has committed the offence.

Local authorities should also undertake a two-stage test, known as The Full Code Test. The Full Code Test should be applied when:

- All reasonable lines of inquiry have been pursued: or
- Prior to the investigation being completed, if the prosecutor is satisfied that any further evidence or material is unlikely to affect the application of the Full Code Test, whether in favour of or against a prosecution

The first stage is an **evidentiary test**, which assesses whether there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge. Local authorities should be aware that prosecutors are advised to ask the below questions to determine whether there is sufficient evidence to prosecute:

- Can the evidence be used in court?
- Is the evidence reliable?

- Is the evidence credible?
- Is there any other material that might affect the sufficiency of evidence?

The investigating officer and team leader reviewed the evidence linking the alleged offender to multiple fly-tips. They concluded that there was sufficient evidence to meet the evidential test and threshold to warrant legal action. The investigating officer and team leader were also of the opinion that the alleged offender was a persistent fly-tipper and was unlikely to stop unless their vehicle was seized.

Cornwall Council

Local authorities would then be required to complete a **public interest test**, which assesses whether it is appropriate to try that individual. Prosecutors will consider the below questions when determining whether a case meets the public interest test:

- How serious is the offence committed?
- What is the level of culpability of the suspect?
- What are the circumstances of and the harm caused to the victim?
- What was the suspect's age and maturity at the time of the offence?
- What is the impact on the community?
- Is prosecution a proportionate response?
- Do sources of information require protecting?

Local authorities should refer to [The Code for Crown Prosecutors](#) for further information.

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 working 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.

Leeds City Council

If the prosecutor is satisfied, they can issue requisition to prosecute the suspect. Local authorities should be aware that if the suspect does not show up for court, they are not able to proceed with the prosecution as it is a triable either way offence. Local authorities would need to issue a warrant for the arrest of a fly-tipper through the police.

If preferred, local authorities can choose to return the vehicle and still pursue prosecution action for the offence which led to the initial vehicle seizure. Councils will need to have a case hearing date, a statement and an expedited file in order to book a court slot. An expedited file containing a single charge would be sufficient to lodge a hearing.

Should you identify any evidence that could be used in the case between the seizure date and the court hearing date, you would need to provide this evidence to the defence barrister.

Local authorities should be aware of the sentencing guidelines which magistrates must adhere to when considering evidence to present. Guidance on these and how to present robust cases to court can be found [here](#).

Making use of communication channels and social media

Social media and other forms of communication can be a helpful tool to raise awareness of the action the council are taking to tackle fly-tipping. The seizure of vehicles sends a clear message that the local authority are taking a no-tolerance approach to fly-tipping. This can serve as a deterrent to both active fly-tippers and potential would-be fly-tippers. Social media posts should include:

- Details of the fly-tip offence, including the type of waste dumped
- The date of the fly-tipping offence
- A summary of the powers which permit local authorities to seize vehicles
- Details of the vehicle that has been seized
- Image of the vehicle being crushed by the operator (if applicable)

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.

Leeds City Council

6. Partnership working

Partnerships can help bring together organisations involved in tackling fly-tipping locally and across the region. Partnerships provide an opportunity for members to highlight how their organisation is affected by fly-tipping and the regular challenges experienced in tackling it. This should enable members to identify opportunities to support, whether through the provision of resources, equipment or by sharing experience which might identify alternative ways of working that might better address issues associated with fly-tipping.

Waste criminals often operate across boundary lines. Partnerships can present members with an opportunity to promote shared awareness of persistent fly-tippers. This can help build a narrative of criminal behaviour, which can support local decisions to pursue vehicle seizure action.

It may be helpful to expand the central problem around which members gather to include related issues, such as littering or waste crime more broadly. However, the group should define the common aims of the group, to ensure it remains focused on achieving its common objectives. It is also important that partnerships include members with as broad a range of knowledge and skills as possible. This can support the development of a culture of peer-to-peer learning which can enhance knowledge and skills to better tackle fly-tipping.

Partnerships can vary in their levels of formality. However, a commitment to working together through the exchange of information and experience should be a central tenet of any group. The National Fly-Tipping Prevention Group has produced a guidance document for establishing a partnership to help tackle fly-tipping [here](#).

Roadside Operations

In addition to supporting vehicle seizure activity through sharing of intelligence, evidence and resources, partnerships can also support proactive roadside operations. These often involve working with the police and other authorities to stop vehicles carrying waste and conducting appropriate checks, such as for waste carriers' licences. This can help disrupt illegal waste activity.

Prior to the operation a meeting should be arranged in advance with relevant organisations (see below for examples) to set objectives, clarify expectations of each agency and decide on a location and date that is suitable for all attending agencies. When deciding a location, it is important to consider a stopping/parking area that will not cause obstruction to the road traffic. As well as attending a briefing prior to the operation, it is good practice to complete a briefing pack in the standard [IIMARCH format](#), this covers the operational timeline, officer duties and risk assessment.

On the day of the operation make sure each agency is aware of their responsibilities, have individual risk assessments completed and the appropriate personal protective equipment

(PPE) available. For example, a local authority may consider PPE such as appropriate uniform/clothing, high visibility jackets, body worn video cameras and gloves for inspecting waste.

Local authorities are permitted to seize a vehicle following a proactive roadside operation if an enforcement officer **reasonably believes** that the vehicle has been used, is being used or will be used for a relevant offence. For example, the lack of a waste carriers' licence may indicate such activity.

These operations frequently involve a coordinated effort between multiple agencies, which can include:

Local authorities: If a waste carrier cannot present the required documents and licence, the local authority can issue an FPN. They may also take this into account in considering whether the vehicle has been used, is being used or will be used for a relevant offence.

Police: The police have the powers to stop the vehicles and can check driving licence, insurance, MOT and whether the vehicle has been involved in other criminal activity.

Environment Agency (EA): The EA have the powers to seize vehicles suspected of waste crime, operating without a waste carriers' licence or breaching environmental permits.

His Majesty's Revenue and Customs (HMRC): HMRC can take a dip sample and have powers to seize the vehicle, under the Vehicle Excise and Registration Act 1994, if it is found to be using red diesel.

Driver and Vehicle Standards Agency (DVSA): DVSA can inspect the vehicle and have powers to seize the vehicle if it is found to be in a dangerous condition and used illegally such as without tax and/or insurance.

Some points to consider when planning your roadside operation:

- Navigation Apps could be used to 'pin' your location which will alert other drivers that police are active at that location. This may impact your operation with drivers avoiding that route or changing direction. A solution to this would be to consider having a natural bottle neck into the stopping area so drivers cannot actively avoid it.
- Consider having a police vehicle that can be deployed to stop anybody seen actively trying to avoid the checkpoint or refusing to stop.
- It is worth identifying two stopping sites that organisations can move between during the day.
- If you are targeting a road that is part of the [strategic road network](#), it is good practice to inform National Highways ahead of the operation to see if they can assist or have any objections.

Some examples of successful roadside operations:

- [Operation Clean Sweep – Lincolnshire](#)
- [Operation Flycatcher – Cheshire](#)
- [Operation Wolf – Hampshire](#)
- [Operation Barley – West Sussex](#)

Other beneficiaries

It is worth considering notifying these other organisations that may also benefit from the information obtained during the vehicle seizure process and support subsequent investigations.

Gangmasters and Labour Abuse Authority - the Gangmasters and Labour Abuse Authority works in partnership to protect vulnerable and exploited workers.

Department of Work and Pensions – operations can include checks on whether an offender is claiming benefits, whilst receiving payments through fly-tipping activities.

National Trading Standards (NTS)- NTS tackles rogue operators and waste crime by working with various partners to disrupt illegal activities and support legitimate businesses. They can gather intelligence on illegal trading practices and share it with local authorities and other agencies to help them tackle issues in their areas.

Information Sharing Agreements (ISA)

Information sharing agreements can be helpful in signifying that you are meeting your accountability obligations under the UK General Data Protection Regulations (GDPR) framework. An ISA should clearly set out roles and responsibilities; the intended purpose of the data being shared; explain how the data is used at each stage of the process; and set standards for the use of this data.

You should consider an ISA as a common set of rules that all signatories agree to and which should demonstrate adherence to the potential compliance issues associated with the sharing of information. Although it should be noted that having an ISA in place does not automatically protect against any breaches of the law when sharing data between parties.

Additional information about ISAs, including considerations around the processing of sensitive data and governance, can be found through the Information Commissioners Office.

There are a range of different ISA templates available. Additionally, local authorities can email flytipping@defra.gov.uk to access an Information Sharing Agreement template that was designed by the National Fly-Tipping Prevention Group.

Appendix A – handling a seized vehicle claim

Seizure and Property Return Process Flow

