

PROCEDURE – Vehicle Release and Disposal

Number: H 0703

Date Published: 11 January 2019

Version 1 – January 2019

1.0 Summary of Changes

This is a new procedure. This procedure only covers the release and disposal of vehicles, there are now separate procedures covering other aspects of the Vehicle Recovery Scheme.

2.0 What this Procedure is about

This procedure explains how Essex Police undertakes the release and disposal of vehicles.

The release and disposal of any vehicle by police will be in line with appropriate legislation and the terms of the contract with Automobile Association Developments Limited (AADL) to deliver the Vehicle Recovery Scheme from here on referred to as 'the Scheme.'

The use of the ELVIS system is central to management of the scheme and is accessible by Police, AADL and their contractors.

Compliance with this procedure and its governing policy is mandatory.

3.0 Detail the Procedure

The Vehicle Recovery Liaison Officer (VRLO) is responsible for overseeing AADL in managing the Scheme.

3.1 Release of Vehicles

Vehicles are made available for release as soon as possible and will only be delayed for the reasons detailed in H 0702 Procedure – Vehicle Examination and Retention or a dispute of ownership.

Where timeframes for examination or communication with the Vehicle Recovery Unit (VRU) are exceeded the vehicle will be released based on the information available.

Except where detailed below once a vehicle is marked for release an appropriate notice letter is sent to the owner of the vehicle at the registered keepers address and/ or the address that the owner provides and can be verified by the police.

Finance Companies with a financial interest in a vehicle are treated as owners. In respect of releases under s165B Road Traffic Act 1988 as Essex Police subscribes to HPI Crushwatch which provides the necessary notification.

Where a vehicle is subject to an insurance claim it is the responsibility of the owner to provide the necessary information to the insurer. Essex Police subscribes to PADDs which notifies the insurer of a vehicle that it has been recovered by police.

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3.1.1 Owner Detained in Prison or Immigration Centre

Where it is apparent to staff within VRU that an owner may be remanded in prison, serving a custodial sentence or detained in an Immigration Centre a prison notice letter will be sent to the owner at the establishment where they are detained to provide a nominated person to collect on their behalf.

Where such a nomination is made a standard notice letter will be sent.

The Investigating Officer must notify the VRU in such circumstances.

3.1.2 Owner Detained in Hospital

Where it is apparent to staff within VRU that an owner may be detained in hospital or sectioned under the Mental Health Act. The Investigating Officer must notify the VRU of the next of kin details.

A standard notice letter will be sent to the next of kin in addition to the registered owner.

3.1.3 Dispute in Ownership under Police (Property) Act 1897

Any dispute as to the ownership of a vehicle that is in the possession of Essex Police or a recovery operator on its behalf will be managed by VRU prior to being handed over to the Legal Department if necessary. This is referred to as a PPA Process.

Where such a dispute between two or more interested parties is identified then the VRU should be informed. If the vehicle has already been returned to an individual and another interested party subsequently wishes to make a claim against that vehicle this is a civil matter between them and the person to whom the property has been returned.

Once notified by the investigating officer VRU will send a series of letters to the interested parties:

3.1.3.1 Initial Letter

Inviting those that have a potential claim to put it in writing and to supply any supporting documentation within 14 days.

3.1.3.2 Standard Letter

Providing information on making an application to the court where more than one interested party has confirmed their intentions in writing. It allows 28 days for an application to be made.

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3.1.3.3 Final Letter

Providing the decision on who the vehicle is to be released to and providing 14 days to any interested party to make application to the court.

Where there is either no response or a response from only one interested party, VRU will request additional information from the investigating officer which must be provided within 14 days. The VRLO will make a decision on which party to restore a vehicle to where no application is made.

Once an application is made VRU will provide full disclosure to the Legal Department.

At the conclusion of this process the relevant party will receive a standard notice letter.

3.1.4 No Registered Owner/ Keeper

Where no owner can be established from the following sources the vehicle will be disposed of without sending a standard notice letter:

- DVLA UK Register;
- HPI;
- Information provided by the seizing/ investigating officer
- And where appropriate:
 - Athena;
 - CRASH.

3.2 Collection of Vehicles

Authorised staff employed by a Vehicle Recovery Operator (VRO) are responsible for the checking of documentation and collection of payment required to secure the release of a vehicle.

The owner should arrange collection of their vehicle by first contacting the VRO, who will be able to confirm any relevant charges due and directions to their premises. Where there are concerns relating to the validity of documentation produced this further checks will be made with the VRU.

It is not appropriate for VROs to pass comment on the circumstances leading up to the seizure of the vehicle. Where concerns are raised the comments should be endorsed on ELVIS and the owner or driver should be asked to contact the VRU in writing.

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3.2.1 Release Documentation

The owner of a vehicle must produce the following documentation which will be checked and scanned by the VRO:

3.2.1.1 Proof of Ownership

Any of the following documents in the name of the owner will be accepted providing it is in date and valid:

- V5C (Vehicle Registration Document);
- Part 10 of the V5C (New Keeper's Supplement) completed without correction with the owner's name and address and dated within 2 months which is accompanied by a reputable bill of sale.

3.2.1.2 Photographic Identification

Any of the following documents clearly displaying a photograph which is a true likeness of the holder will be accepted providing it is in date and valid:

- Photographic Driving Licence;
- Passport;
- National Identity Card;
- Identity Card issued by a reputable body i.e., HMRC, Local Authority.

3.2.2 Additional Documentation for S165 Road Traffic Act Releases

Where a vehicle is being released under s165B Road Traffic Act 1988 the following additional documentation must be produced:

3.2.2.1 Driving Licence

A valid driving licence is required for whomever is driving the vehicle and where that person is a provisional licence holder the person supervising. Where the licence does not clearly display a photograph which is a true likeness of the holder it must be accompanied by a document at 3.2.1.1. The following licences will be accepted:

- Full UK/ EU driving licence;
- Provisional UK driving licence;
- A non-EU driving licence subject to the conditions set out in legislation.

3.2.2.2 Certificate of Insurance

A valid certificate of insurance is required. The certificate must cover whomever is driving the vehicle away from the VROs premises and must permit the removal from a police pound. All insurance certificates will be verified with the VRU.

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3.2.3 Additional Documentation for DVLA Releases

Where a vehicle has been taken using DVLA powers the release governed by separate agreement between the VRO and the DVLA. Additional documentation is required to be produced in relation to proof of taxing and registering vehicles.

3.3 Charges Related to Recovery/Seizure, Retention and Disposal

Legislation allows the police to remove, recover or seize vehicles for various reasons which incur significant costs but are important for road safety and crime reduction. Before owners can regain any vehicle so removed, they are required to pay charges prescribed in legislation. The charge for the removal of such vehicles varies according to their size and condition. Successive governments have taken the view that these costs should not fall on the public purse and therefore it is only right that those who own and keep vehicles are responsible for the associated costs.

It is important to understand that the aim of such charges is not to impose a penalty on vehicle drivers or owners. The need for removal of a vehicle does not always result entirely from a culpable action or neglect on the part of the owner or driver; where it does this is dealt with as a separate matter. These charges are collected by our VROs on behalf of the Chief Constable.

Essex Police follows a charging tariff set by legislation.

The only exception is where the sole reason for seizure or removal relates to a recovery reason set out in H 0701 Procedure – Vehicle Recovery & Seizure 3.2.6 PACE or 3.2.8 Police Vehicle.

Essex Police follows a charging tariff set by the Home Office in relation to recoveries and seizures. All other matters relating to charging are laid down in the Vehicle Recovery Contract.

In most cases the owner of a vehicle should expect to pay for the release of the vehicle. Only VROs and those within the VRU are permitted to discuss charges.

3.4 Vehicle Disposal

The VRU authorises the disposal of all vehicles once the release process has been exhausted. Vehicles are disposed of by one of the following methods determined by AADL's disposal contractor:

- Auction;
- Breaking;
- Crushing.

Where required by court order or upon consideration of the circumstances leading to disposal the VRLO can direct a vehicle to be destroyed.

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3.5 Transfer of Vehicles to another Police Force or Statutory Agency

In line with national agreement where a vehicle seized on behalf of another Police Force's investigation and is required for on-going investigation or there is a dispute in ownership under Police (Property) Act 1897 the vehicle will be transferred to that Force.

Where a vehicle in Essex Police's custody is legitimately required by another Police Force or Statutory Agency this will be facilitated.

Where a vehicle is to be transferred the vehicle will only be released free of charge where the recovery reason is PACE or Police Vehicle all other recovery reasons require the payment of recovery fees.

Any cost relating to the transfer must be met by the receiving Police Force or Statutory Agency.

3.6 PNC Reports

When a vehicle leaves the custody of Essex Police in a way described within this procedure ELVIS automatically informs the PNC Bureau.

PNC Bureau create and remove reports based on the information received.

4.0 Equality Impact Assessment

This procedure has been assessed with regard to an Equality Impact Assessment. As a result of this assessment it has been graded as having a low potential impact as the proposals in this procedure would have no potential or actual differential impact on grounds of age, sex, disability, race, religion or belief, marriage and civil partnership, sexual orientation, gender reassignment and pregnancy and maternity.

5.0 Risk Assessment

This document provides advice and guidance concerning the recovery, seizure, retention and disposal of motor vehicles. Police officers and staff will take no part in the activity of recovery or seizure of a motor vehicle. All actions will be undertaken by contracted companies who have undertaken their own assessment of the risk associated with such activity.

Officers and staff seeking guidance concerning the risks associated with the activity concerning the recovery or seizure of a motor vehicle are advised to consult the procedure dealing with that activity or the Health and Safety website.

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6.0 Consultation

The following have been consulted during the formulation of this document:

- Unison
- Police Federation
- Essex Diversity and Inclusion Manager
- Health & Safety
- Strategic Change Team
- PSD Superintendent
- Policy/Risk
- Superintendents Association
- Legal Department
- Customer Contact Manager
- PNC

7.0 Monitoring and Review

This procedure will be continuously monitored throughout its lifespan by the VRLO through regular contact with Police Personnel and VROs. This will ensure it remains accurate and compliant with both legislation and national or local drivers.

A review will be carried out every 2 years by any person authorised to perform the role of VRLO to ensure the procedure remains accurate and fit for purpose.

8.0 Governing Force policy. Related Force policies or related procedures

- H 0700 Policy – Vehicle Recovery
- H 0701 Procedure – Vehicle Recovery and Seizure
- H 0702 Procedure – Vehicle Examination and Retention

8.1 Data Security

Essex Police have measures in place to protect the security of your data in accordance with our Information Management Policy – W 1000 Policy – Information Management.

8.2 Retention & Disposal of Records

Essex Police will hold data in accordance with our Records Review, Retention & Disposal Policy – W 1012 Procedure/SOP - Records Review, Retention and Disposal.

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We will only hold data for as long as necessary for the purposes for which we collected. Victims/public should be reminded that Essex Police take the protection of personal data seriously as described in the privacy notice <https://www.essex.police.uk/hyg/fpnessex/privacy-notice/>.

9.0 Other source documents, e.g. legislation, Authorised Professional Practice (APP), Force forms, partnership agreements (if applicable)

- NPCC Vehicle Recovery Best Practice Guide 2016
- Road Traffic Regulation Act 1988
- The Removal and Disposal of Vehicles Regulations 1986
- Road Traffic Act 1988
- The Police (Property) Regulations 1997
- Police Reform Act 2002
- Police (Property) Act 1897
- Police Retention and Disposal of Motor Vehicles Regulations 2005
- Refuse Disposal and Amenities Act 1978
- Human Rights Act 1998
- Data Protection Act 2018
- Road Safety (Immobilisation, Removal and Disposal of Vehicles) Regulations 2009
- <http://www.dvla.gov.uk/>
- <https://www.mibpolice.org.uk/ess/>
- www.direct.gov.uk/motoring