

**Wards Affected:**

All Wards

**ITEM 11****CABINET****9 NOVEMBER 2015****ADOPTION OF DEVOLVED POWERS FROM DVLA FOR REMOVAL OF UNTAXED VEHICLES**

Responsible Cabinet Member: Councillor Legg, Cabinet member for Public Realm

Report Sponsor: Andy Hudson, Head of Environment and Waste

Author: Olan Babarinde, Project Manager, Tel: 01908 254407

**Executive Summary:**

This report provides a review of Milton Keynes Council's intention to enter into a Public Service Agreement for the use of Driver Vehicle and Licensing Agency (DVLA) devolved powers with regard to enforcement activity against untaxed vehicles.

It is clearly in the public interest for untaxed vehicles to be reported to DVLA. The Council currently does this by notifying DVLA using form CLE2/6LA. Adopting the DVLA powers will enable the Council to remove untaxed Vehicles from the public highway in order to improve highway and community safety. The principle of adopting this power has been agreed in the approved budget for the current financial year but this referred to power from police rather than DVLA.

**1. Recommendation(s)**

- 1.1 That the Driver and Vehicle Licensing Agency devolved powers under the Vehicles & Excise Duty (Immobilisation, Removal & Disposal of Vehicles) regulations 1997, be adopted.
- 1.2 Subject to the recommendation above, the untaxed vehicle scheme be operated through a contractor in conjunction with the Abandoned Vehicles service.

**2. Issues**

- 2.1 There is a public perception of the existence of a link between untaxed vehicles, crime in particular and anti-social behaviour in general. There is always a synergy in undertaking proactive enforcement against untaxed vehicles. Untaxed vehicles can also cause safety issues for highway users.
- 2.2 The DVLA representatives have been contacted to discuss the practicality of adopting the powers
- 2.3 The adoption of devolved powers from DVLA will allow the Council to take action on vehicles that are untaxed as well as abandoned and nuisance vehicles where the Council uses its own powers.
- 2.4 The adoption of devolved powers involves the Council signing a Public Service Agreement with the DVLA and enforcement will be in accordance with the regulations set out in the Vehicles & Excise Duty (Immobilisation, Removal &

Disposal of Vehicles) Regulations 1997 (as amended). A code of practice produced by DVLA defines the responsibilities of both parties

### 3. **Options**

3.1 Not to adopt DVLA powers: This option is not recommended, since this leaves the status quo, with the untaxed vehicles only being dealt with on complaint basis to DVLA. The DVLA has statutory powers to remove untaxed vehicles from roads and public spaces. However since 2003 the DVLA has encouraged local authorities to adopt these devolved powers to deal with untaxed vehicles due to resource pressures within DVLA and in order to provide a more locally based and co-ordinated service. Many local authorities have adopted the powers

3.2 To adopt the DVLA devolved powers:

By having the DVLA devolved powers, the Council is able to remove untaxed vehicles from the public highway. It is anticipated that the powers will help to reduce the number of abandoned vehicles, incidents of crime, vandalism and uninsured drivers and improve highway and community safety

There are cases of reported vehicles by residents which are untaxed rather than abandoned. Under existing powers the Council cannot action those.

In getting DVLA powers devolved, the Council will be able to deal with both abandoned vehicles and untaxed vehicles thereby able to deal with a lot of complaints from residents about vehicles in a unified service.

Investigations in other local authorities who have adopted the devolved powers have witnessed reduction in vehicle licence evasion and a reduction in number of vehicles that were reported as abandoned but that turn out to be untaxed.

### 4. **Implications**

4.1 Policy

This pro-active approach supports Cleaner, greener, Safer and Healthier MK

4.2 Resources and Risk

It is important to note that there will be no cost to the Council in taking on the devolved powers and in fact there is potential income to the council from adopting the powers. The contractor deals wholly with the untaxed vehicles and provides income to the Council. The Milton Keynes Council's contract administration, checks and enquiries still remains same as under the current arrangement.

The key opportunity secured by adopting these devolved powers is to provide effective public services in respect to nuisance vehicles within Milton Keynes. It is assessed that the use of the devolved powers will secure the opportunity with a high positive public safety and perception impact.

The key threat has been assessed as the Council's contractor for the services not operating properly the devolved powers on behalf of the Council. To mitigate this risk, the DVLA Code of Practice will form part of the specification

and the contract. Also an induction course will be provided by DVLA before commencement of the use of the powers

N	Capital	Y	Revenue	N	Accommodation
N	IT	N	Medium Term Plan	N	Asset Management

#### 4.3 Carbon and Energy Management

None

#### 4.4 Legal

The Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 (the Regulations) provide the powers for the removal of untaxed vehicles from the public highway. The powers under the Regulations are currently carried out by the by the central government by the Driver and Vehicle Licensing Agency (DVLA) save in cases where they have been devolved to other authorised persons. The Regulations provide that the secretary of state may authorise an organisation or persons to exercise the powers under the Regulations. Regulation 3(2) provides that a local authority may be an authorised person. The regulations also provide for the powers to be further exercisable by a person acting under the directions of an authorised person. Therefore, under the Regulations, the DVLA can devolve its powers under the Regulations to the Council and the Council can exercise such powers through a contractor who must act under the direction of the Council.

The recommendations require the adoption of the relevant parts of Vehicles & Excise Duty Regulations 1997(as amended). Issues around the interaction of the DVLA, contractor and the Council are dealt with by the DVLA Memorandum of Understanding which is to be signed by the DVLA, Council and the contractor. The basis of the Memorandum of understanding is that all parties would abide by the Code of Practice and guidance by the DVLA for those authorised to deal with untaxed vehicles. The Council will also develop a specification for the services as part of the contract with the Contractor to ensure compliance with the requirements.

#### 4.5 Other Implications

The untaxed vehicles may well also be associated with crime or intended criminal activities and the introduction of this service will curb such occurrences. The calls from residents reporting vehicles which could not be dealt with as they were untaxed rather than abandoned could be actioned.

N	Equalities/Diversity	N	Sustainability	N	Human Rights
N	E-Government	Y	Stakeholders	Y	Crime and Disorder

Background Papers

Vehicles & Excise Duty (Immobilisation, Removal & Disposal of Vehicles) regulations 1997.