



Untaxed Vehicles Policy

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Keeping Cardiff Moving



Cardiff Council

www.cardiff.gov.uk

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Policies dedicated to creating a safe and vibrant city to keep Cardiff moving

Policy Outline

Introduction

The Council, as the traffic authority, has a number of responsibilities and duties to manage the highway and transport network to keep Cardiff moving.

This policy aims to set out, in a clear and transparent manner, Cardiff Council's approach to the clamping and removals of untaxed vehicles. From time to time this policy will be reviewed to ensure it complies with current legislation and any changes in working practices so it may change. It remains applicable in its current version until it is replaced or revoked.

Enforcement of Untaxed Vehicles

The Council can take enforcement action against vehicles that are untaxed in accordance with the Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 when devolved powers have been granted by the Driver and Vehicle Licensing Agency. This policy aims to explain the relationship between the Council and the DVLA and how our joint efforts help to reduce instances of untaxed vehicles on the highway.

Corporate Priorities

This policy contributes to the Council's aims to create a safe and vibrant city and to keep Cardiff moving by removing hazards and obstructions to the transport network. It further compliments the civil enforcement of road traffic contraventions and enforcement measures promoted by the DVLA against untaxed vehicle. For the purpose of this policy any reference to the "council" is to be taken to mean Cardiff Council.

Applicable legislation & guidance¹

- The Removal and Disposal of Vehicle Regulations 1986
- The Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997

¹ Any reference to an act of Parliament, statutory provision, regulation or statutory instrument includes a reference to that act, provision, regulation or instrument as amended, extended or re-enacted.

- DVLA: Code of Practice and Guidance notes for those authorised by the DVLA to deal with vehicles that are not taxed 2017
- The Road Traffic Regulation Act 1984

Clamping and Removing Untaxed Vehicles

Unless it is exempt, a vehicle must by law² be taxed if it is to be used or kept on the highway. Under the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997, the DVLA can authorise an organisation to take enforcement action against vehicles that are not taxed.

There is a public perception of the existence of a link between untaxed vehicles and crime or intended criminal activities. There are many benefits to the Council enforcing against untaxed vehicles; including the improvement of the local environment, reduced opportunity for anti-social behaviour and arson, disrupted criminality associated with the use of untaxed vehicle. It should also encourage people to re-licence their vehicles correctly.

Working with the DVLA

The evasion of paying for Vehicle Excise Duty (car tax) has risen from 0.6% to 1.8% since 2014³, which equates to a potential loss of £107 million to the Government.

Enforcement plays a key role in trying to address this to ensure that all vehicles are taxed correctly and lawfully. We work closely with the DVLA at all stages of the enforcement process in accordance with our statutory obligations and the Code of Practise and Guidance Notes for Those Authorised by DVLA to Deal with Vehicles that are Not Taxed 2017.

Reporting an untaxed vehicle

Anyone can visit www.gov.uk/check-vehicle-tax to check if a vehicle is correctly taxed or if it has been registered as off the road (SORN). Please note that these records can take up to 5 working days to be updated⁴.

If a vehicle has been confirmed as untaxed then it may be reported to the Council online at www.cardiff.gov.uk. The Council will then investigate further and if it is confirmed that the vehicle

² The Vehicle Excise and Registration Act 1994

³ Local Authorities and Devolved Powers, training seminar

⁴ <https://www.gov.uk/check-vehicle-tax>

is not taxed correctly enforcement action may be instigated when it is possible to do so. There may be times when enforcement may not be able to be taken, even when the vehicle is untaxed.

Vehicles that can be clamped and removed

Vehicles and areas that this policy applies to are;

- Vehicles on public roads⁵ that are untaxed or are SORN
- Vehicles off-road (except in certain exempt circumstances as set out by this policy) that are untaxed

This policy does not apply to vehicles that are;

- Abandoned
- Being used by the emergency services for whatever reason
- Being used under a valid trade licence
- Exempt from having to have vehicle tax
- Public service vehicles being used for the carriage of passengers for fare or reward
- Being used by utility companies for legitimate statutory business needs; or,
- Being used by the Post Office in connection with the delivery or collection of postal packets and each side of the vehicle is clearly marked with the words "Post Office" or "Royal Mail"

Enforcement on private land

Any offending vehicle can be clamped and removed off-road except where the vehicle is kept at the business premises of a motor trader or vehicle tester or where the vehicle is parked off road on land associated with a dwelling

The Council will not clamp or remove untaxed vehicles off-road at the following locations:

- Hospital/airport/school premises
-

⁵ A "road which is repairable at the public expense", VERA 1994 and includes verges, pavements, lay-bys and parking bays.

- College/University/Armed Forces premises, unless approval has been provided by the college/university or relevant branch of the armed forces beforehand

Clamping process

Table 3. Summary of process for clamping of untaxed or SORN vehicles	
Report of untaxed vehicle received or vehicle observed by ANPR	The vehicle status is checked to see if it has current tax and if enforcement action can take place
Vehicle immobilised (clamped)	If enforcement action can take place and the vehicle is untaxed, or is on the public road with a SORN, then the Council or appointed contractor may clamp the vehicle. The clamp should be attached within 1 hour of the check undertaken to identify that enforcement action is needed
Vehicle logged	Photographs are taken of the untaxed/SORN vehicle and a vehicle inspection report is completed. Offence reports are also completed and passed to the DVLA
Removal	If payment is not made within 24 hours from the clamp being attached then the vehicle may be removed to a storage pound.
DVLA notification	The Council will inform the DVLA of the removal and they will then write to the registered keeper within 24 hours informing them of the removal
Storage	Removed vehicles will be kept in storage for a minimum of 14 days if they are valued at over £500 or 7 days if they are valued under £500
Release, or;	If the relevant identification, payment and surety are provided the vehicle can be claimed and released
Disposal	If the vehicle is not claimed within the given timeframes then it may be scrapped or dismantled or auctioned according to its value

How to have a clamp removed

When a clamp is attached there will be notice attached to the driver side front or side window. This will explain how to have the clamp removed and how to pay the release fee. A clamp will not be removed until full and successful payment has been made.

Instant removal of vehicles process

In some circumstances it may be more appropriate to immediately remove the vehicle rather than initially clamp it, for example if the vehicle is dangerously parked.

Table 4. Summary of process for instant removal of untaxed or SORN vehicles	
Report of untaxed vehicle received or vehicle observed by ANPR	The vehicle status is checked to see if it has current tax and if enforcement action can take place
Vehicle logged	Photographs are taken of the untaxed/SORN vehicle and a vehicle inspection report is completed. Offence reports are also completed and passed to the DVLA
Removal	The vehicle is removed to a pound
DVLA notification	The Council will inform the DVLA of the removal and they will then write to the registered keeper within 24 hours informing them of the removal
Storage	Removed vehicles will be kept in storage for a minimum of 14 days if they are valued at over £500 or 7 days if they are valued under £500
Release, or;	If the relevant identification, payment and surety are provided the vehicle can be claimed and released
Disposal	If the vehicle is not claimed within the given timeframes then it may be scrapped or dismantled or auctioned according to its value

How to have a removed vehicle released

If the person in charge of the vehicle believes that their vehicle has been removed for being untaxed then they can contact the Council who can advise on the pound that the vehicle is being stored at and the process for recovering the vehicle. There are two pounds in Cardiff. They are located at:

Ipswich Road Depot

Ipswich Road, Cardiff CF23 9AQ.

Penarth Road Depot

Unit 14, Llandough Trading Estate, Cardiff, CF11 8RR

The registered keeper of the vehicle will also receive a letter from the DVLA informing them of the location of the pound and advise on the next steps to take.

When a vehicle is removed the Police will also be notified so that they are aware. If the vehicle is reported as stolen, they will be able to inform the customer that their vehicle has been impounded and where to secure the release of that vehicle. 999 should not be called as this is for emergencies only.

Clamping and Removing Untaxed Vehicles

To secure the release of a vehicle the appropriate fees⁶ will need to be paid, which are:

Item		Release Fee	Surety Fee
1	Within 24 hours of offence	£100	£160 for motorcycles, light passenger and light goods vehicles
2	Release from pound 24 hours or more after offence	£200	£330 for buses, recovery, haulage and goods vehicles £700 for exceptional vehicles such as large lorries or coaches
3	Storage	£21 per complete day at the pound (if instantly removed the first 24hrs is not chargeable)	

Full fees must be paid before a vehicle is released.

A Vehicle Registration Certificate (V5C) and a valid form of ID, such as a current UK driver licence or passport, must be provided for the vehicle to be released. The address on the V5C must be the same as the address on the provided ID. If the addresses do not match then further supporting evidence will be needed such as a utility bill or bank statement dated within the last three months.

If a V5C cannot be provided then additional documentation must be provided to show ownership, such as a bill of sale or MOT certificate. The vehicle pound will provide an 'Application for a registration certificate (V62)' which must be filled in and the appropriate fees associated with this document must be paid. The vehicle pound will then send this application to the DVLA.

Without these conditions being met the vehicle will not be released under any circumstance.

Surety

Customers who pay a surety fee can claim it back from the Council by producing a valid tax receipt within 15 days of the vehicles lawful release. A surety refund is paid back to the payee only. Declaring a vehicle as SORN does not entitle a customer to a refund.

⁶ The Civil Enforcement of Road Traffic Contraventions (Guidelines on Levels of Charges) (Wales) Order 2013.

Possessions left in a vehicle

If possessions are left in the vehicle, they can be collected by the owner within **28** days from impoundment of the vehicle. They will need to be collected from the relevant pound. If your possessions are not collected within this timeframe they will be securely destroyed.

Disputes

As the enforcement authority Cardiff Council must respond to complaints that relate to the clamping or removal of untaxed vehicles. Disputes may only be made against an enforcement action if:

- 1) The owner has paid the charges to recover the vehicle and claims that the vehicle was taxed when enforcement action commenced, or;
- 2) The owner has paid the charges to recover the vehicle and claims that the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 were not adhered to.

Unless the strict criteria as set out above are met in full, then any dispute is unlikely to be successful. Any dispute must be made in writing to:

Cardiff Council
Untaxed Vehicles
Room 301
County Hall
Cardiff
CF10 4UW.