

## **EAST AYRSHIRE COUNCIL**

**SPECIAL COMMUNITY SERVICES COMMITTEE – 23<sup>RD</sup> FEBRUARY 2005**

### **ACCESS TO DVLA DATABASE**

#### **Report by Executive Director of Neighbourhood Services**

#### **1. PURPOSE OF REPORT**

- 1.1 To advise the Committee of a new facility for designated members of the Environmental Health Service to access the DVLA database to identify registered owners of vehicles and thereafter use this information to deal with a number of environmental issues. To seek approval for a charge of £100 plus VAT being levied on the Registered Keeper of any abandoned vehicle who fails to comply with a statutory notice requiring its removal.

#### **2. BACKGROUND**

- 2.1 Over the years the Committee has considered a number of reports concerning environmental issues including abandoned vehicles, fly tipping, dog fouling and noise nuisances etc.
- 2.2 Recent changes in Vehicle Taxation Legislation mean that the Registered Keeper of a vehicle at the time of any event is responsible for that vehicle and it is no longer a defence to state that the vehicle has been sold if DVLA has not been notified.
- 2.3 A facility has recently been established where the Environmental Health Service will be able to access the DVLA database in Swansea to identify the owner of any vehicle allegedly involved in any of the situations described in 2.1 above or indeed where the vehicle appears to be abandoned.
- 2.4 Access to the database may only be used for the above reasons by approved personnel and strict controls have to be put in place to ensure an adequate audit trail. For the purposes of this project, the Principal Officer Environmental Health, Licensing and Community Safety, the Team Leader Pollution Control and his four colleagues have been nominated as “approved personnel”.

#### **3. DISCUSSION**

- 3.1 At the present time the Council is dealing with approximately 650 abandoned vehicles each year and the current charge for uplift levied by the specialist contract is £35 plus VAT per vehicle. The increasing costs of providing this service have been met to some extent by the provision of external funding but there is no guarantee that such funding will continue indefinitely.

- 3.2 The facility to identify the registered keeper of a vehicle which has apparently been abandoned will allow the Environmental Health Service to serve Notice on that person intimating the intention to exercise the Council's powers to have the vehicle removed for destruction and thereafter levy a charge on that person. The Notice will give the person recorded as the registered keeper the option of removing the vehicle to private property before expiry of the Notice period. It is suggested that a charge of £100 plus VAT be introduced as required by the Registered Keeper of any vehicle found to be abandoned in a public place in East Ayrshire.
- 3.3 The facility to identify registered keepers of vehicles will also assist Protective Services staff in dealing with other Environmental issues as set out in paragraph 2.1 above.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The facility to recover the Council's costs associated with the removal of abandoned vehicles is welcome and should ensure ongoing provision of the current level of activity.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Refuse Disposal (Amenity) 1978.  
The Removal and Disposal of Vehicles Regulations 1986.  
The Removal and Disposal of Vehicles Amendment (Scotland) Regulations 2002.

#### **6. POLICY IMPLICATIONS**

- 6.1 The new approach is in accord with many of the Council's aspirations set out in the Community Plan: "Improving the Environment".

#### **7. CONCLUSION**

- 7.1 The Environmental Health Service now has the facility to access the DVLA database to identify registered keepers of vehicles allegedly abandoned, involved in fly tipping, noise nuisance, dog fouling, fly posting etc.
- 7.2 As a result of changes in the vehicle taxation laws, it will not be a defence for the registered keeper to state that he or she no longer owns the vehicle if DVLA has not been notified.
- 7.3 The facility (coupled with appropriate publicity) should prove a valuable tool for Protective Services to pursue a number of Environmental initiatives while at the same time offer the opportunity to recover some of the significant costs associated with the removal of abandoned vehicles.

#### **8. RECOMMENDATIONS**

- 8.1 The Committee is invited to:-

- (i) in terms of the Council's Scheme of Delegation, note that the Executive Director of Neighbourhood Services and the Head of Protective Services will be authorised to nominate designated Officers who will have access to the DVLA database.
- (ii) approve a charge of £100 plus VAT being the cost to be paid by the registered keeper of any vehicle found to be abandoned in a public place in East Ayrshire; and
- (iii) otherwise note the contents of this report.

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WS/JFC/RRS

31<sup>st</sup> January 2005

**LIST OF BACKGROUND PAPERS - Nil**

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