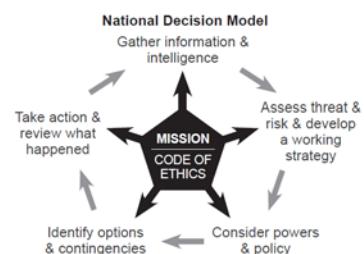




## Untaxed & Uninsured Vehicle Report

<b>Required for:</b>	PCC Performance Meeting May 2019
<b>Security Classification:</b>	Official
<b>Handling information if required:</b>	
<b>Suitable for publication:</b>	Yes
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<b>ACPO / Strategic Lead:</b>	ACC Nev Kemp
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### What are the Policing Principles?

Accountability	<input checked="" type="checkbox"/>	Fairness	<input checked="" type="checkbox"/>	Honesty	<input checked="" type="checkbox"/>
Integrity	<input checked="" type="checkbox"/>	Leadership	<input checked="" type="checkbox"/>	Objectivity	<input checked="" type="checkbox"/>
Openness	<input checked="" type="checkbox"/>	Respect	<input checked="" type="checkbox"/>	Selflessness	<input checked="" type="checkbox"/>

## **1. Background**

### **1.1 Untaxed & Uninsured vehicles**

At the end of 2018 there were an estimated 34.4 million licensed vehicles in England & Wales<sup>1</sup>.

It is suspected that 2% of vehicles are incorrectly taxed, equating to nearly 700,000 vehicles<sup>2</sup>, there are nearly 3 million cars registered as SORN in the United Kingdom<sup>3</sup> and it is estimated that approximately 1 million uninsured vehicles on the roads<sup>4</sup>.

DVLA run campaigns highlighting the implications of having no road tax. In its most recent campaign 9,000 vehicles were clamped in the space of 2 months.

Police have DVLA devolved powers to deal with untaxed vehicles and legislative powers to deal with uninsured vehicles/drivers.

DVLA take primacy for the management and prosecution of untaxed vehicles.

## **2. Content**

### **2.1. Powers to deal with Vehicles Offences**

Police have various options when dealing with these specific vehicle offences. These options include obtaining details of the driver/keeper and passing them to DVLA for prosecution, issuing a fixed penalty notice (no MOT), report for summons or TOR<sup>5</sup> (no insurance) and seizing the vehicle (no insurance or untaxed). The options available to police, and the circumstances for action being taken, are displayed in [Appendix A](#).

Police can check vehicle information from data that the DVLA and the Motor Insurers Bureau (MIB) have made available to the Police National Computer (PNC) and public facing websites (such as the Vehicle Enquiry found at gov.uk). Officers can verify insurance data at the roadside by contacting the Motor Insurers Bureau (MIB).

#### *Police National Computer (PNC):*

A vehicle check can be conducted through PNC where the vehicle is subject to a Moving Vehicle, Stop Check, Abandoned, Subject to Investigation, Administration and Road Traffic Collision. This provides a greater level of information about the vehicle whilst also included DVLA held data.

In carrying out any check on PNC it has to be for a policing purpose. As such the use of PNC to check vehicles in a particular street or location without a policing purpose would be unlawful.

#### *Public Facing Websites:*

The police can access accurate timely information regarding the tax status or MOT status of a vehicle from the Vehicle Enquiry website provided by gov.uk.

Police use the data from this website when considering a seizure of a vehicle for no tax or SORN. This is a devolved power that DVLA have given police forces. If this is regularly administered incorrectly there is a risk that the DVLA will rescind this power<sup>6</sup>. This option to seize is presently only available to Roads Policing officers (RPU) in Surrey & Sussex who have had the necessary training and have access to the paper forms that DVLA require.

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<sup>1</sup> DVLA Vehicle Licensing Statistics: Annual 2018 released 11 April 2019 <https://www.gov.uk/government/statistics/vehicle-licensing-statistics-2018>

<sup>2</sup> DVLA information reported on in Daily Express 23 October 2018 <https://www.express.co.uk/life-style/cars/1035255/DVLA-car-tax-clamped-fine-UK>

<sup>3</sup> DVLA Statistical Data Cars (VEH02) updated 11 April 2019  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/794466/veh0221.ods](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/794466/veh0221.ods)

<sup>4</sup> Supt Paul Keasey in 2016 <https://www.mib.org.uk/media-centre/news/2016/july/police-seize-the-uk-s-15-millionth-uninsured-vehicle-as-drivers-continue-to-flout-insurance-laws/>

<sup>5</sup> TOR is a Traffic Offence Report and is reviewed by a specific department to determine most appropriate disposal.

<sup>6</sup> DVLA have taken this action in one police force.

### **Motor Insurers Bureau (MIB)**

The police can verify information obtained from PNC with the MIB who, in many cases, verify with the facts with the insurer. If the insurer advised police, via the MIB, that the driver is uninsured police will take enforcement action.

### **2.2. Vehicle Offences- ANPR**

DVLA provide a database fortnightly detailing vehicles with no tax and/or no registered keeper. This data is available to mobile ANPR units allowing intervention and action where the opportunity is present, once additional checks are made to ensure the offence has been committed. In the case of untaxed vehicle the main intervention is the submission of the form CLE 2/6 to DVLA. Surrey Police do no hold data regarding the number of CLE 2/6 submissions made to DVLA nor the number of persons being prosecuted for these offences<sup>7</sup>.

Uninsured vehicle data is uploaded to the mobile and static ANPR systems weekly from the Motor Insurers Database (MID).

### **2.3. Vehicle Offences- Unauthorised Encampments**

Surrey Police often receive reports from the public of Surrey regarding vehicles which are untaxed or have no test certificate (MOT) at Unauthorised Encampments. These are predominantly where vehicles have accessed open spaces such as greens or recreation grounds. In a few reports there is no evidence to support this allegation, however in other reports members of the public have accessed the DVLA Vehicle Enquiry website to carry out a check on a vehicle. In these cases the data is accurate. Data showing any correlation between road traffic related offences and encampments (or any other activity) is not recorded in a retrievable way.

As such Surrey Police have updated its current Unauthorised Encampment procedure to include the following:

*4.12 ...Officers and staff should, as a minimum, complete a DVLA Vehicle Enquiry check on each vehicle there via link [Link to DVLA website for Vehicle Enquiries].*

Officers can only carry out a PNC insurance check where there is a policing purpose to and one of the reasons highlighted in 2.1 is met. The procedure reflects this in point 4.12, "...If PNC checks are conducted on any vehicle this must be lawful and for a policing purpose..."

### **2.4. What is happening in Surrey?**

- Officers continue to issue CLE 2/6 where untaxed vehicles have been identified through checks, intelligence or information from the public.
- Officers continue to use their powers to seize uninsured vehicles from the road under Section 165A of the Road Traffic Act 1988.
- Roads Policing Officers continue to use the DVLA devolved power of seizure for untaxed vehicles that meets the set DVLA guidelines. 153 UK registered vehicles & 37 foreign registered vehicles seized last financial year.
- Operation Tutelage: mirroring a pilot operation in TVP, Surrey Police are contacting uninsured drivers after MIB have sent their Insurance Advisory Letter (IAL). MIB report that 30% of drivers insure their vehicle after receiving an IAL and that 80% of drivers insure their vehicle after receiving a follow up police letter. Vehicles that are not insured after this are added to a specific ANPR hotlist for proactive targeting.

### **3. Conclusion**

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<sup>7</sup> DVLA hold this data. The form submitted is paper and no record is kept by Surrey Police regarding the number of submissions made.

### **3.1. Risks / Equalities / Human Rights implications**

Surrey Police has to ensure that it is acting lawfully when conducting checks to obtain vehicle information from the Police National Computer (PNC). Officers should ensure that they are not targeting a specific group or individual unless intelligence or information presents a policing purpose for carrying out such checks.

Any officer, or member of the public, can access tax and MOT status of a vehicle from the DVLA data available through the public facing website. This data does not display personal information, only information relating to a vehicle.

### **3.2. What could be done better?**

- Educating the public. Untaxed vehicles should not be seen as a priority for the police. The public must understand that the vehicle must be seen on the road and that police powers are limited to set circumstances. The public should be advised that they can report untaxed vehicles direct to DVLA via their [website](#) and should be encouraged to do this.
- Surrey Police have the opportunity to increase the number of officers who have the devolved seizure power from the DVLA, however the risk of having this rescinded increases as the number of officers using the power increases. To mitigate this risk, training is being reviewed and the opportunity to create a digital form on the mobile data Pronto app is being discussed at the Niche & Mobile Governance Board.
- The current method, and powers available, for dealing with uninsured vehicles are sufficient and available to all officers.

## **4. Decision[s] Required**

- 4.1. None, this paper is for information only.

## Appendix A

Offence	Location		Options
No Insurance  All types (revoked, expired, etc.) <sup>8</sup>	On a road	Driving/Seen Driving S143 RTA 1988	<ul style="list-style-type: none"> <li>Confirm definition of road is met</li> <li>Section 165 Seizure (once no insurance is confirmed by driver and/or Motor Insurance Bureau)</li> <li>TOR or Report for Summons Driver</li> </ul>
		Being Kept S144A RTA 1988	<ul style="list-style-type: none"> <li>Driver not present: Report for Summons as Unknown Driver</li> </ul>
	Public Place	Driving/Seen Driving S143 RTA 1988	<ul style="list-style-type: none"> <li>FPN/Driver Referral/Summons for Driver</li> </ul>
		Being Kept S144A RTA 1988	<ul style="list-style-type: none"> <li>Driver not present: Report for Summons as Unknown Driver</li> </ul>
No Driver's Licence  All types (revoked, expired, etc.) <sup>8</sup>	On a road	Driving/Seen Driving S87 RTA 1988	<ul style="list-style-type: none"> <li>Confirm definition of road is met</li> <li>Section 165 Seizure</li> <li>TOR for Driver</li> </ul>
	Public Place		No offence, consider avenues of evidence to prove use on a road.
No MOT	On a public road	Driving/Seen Driving S47 RTA 1988	FPN for Driver (£100 fine)
		Stationary	No offence, consider avenues of evidence to prove use on a road.
	Public Place	Driving/Seen Driving	No offence
		Stationary	No offence
No VEL/Tax	On a public road	Driving/Seen Driving	Report to DVLA (issue CLE 2/6) RPU can seize if VEL expired for more than 2 months and 1 day or vehicle subject to SORN.
		Stationary	Report to DVLA via CLE2/6
	Public Place	Driving/Seen Driving	No offence
		Stationary	No offence

<sup>8</sup> See the 'Driver Licence' document in Quick Links for all driving licence related advice