



## Statement

Leicestershire Police is required to remove vehicles for a variety of reasons using a range of powers under common and statute law. This is done by using the services of private recovery garages that have the necessary recovery vehicles, premises and supporting infrastructure required to remove all types of vehicles, store them and dispose of them in line with the legislation.

The recovery garages contracted to the Force are also required to remove and store large items of property other than vehicles.

## Aims

The aim of the policy is to have contracts in place with recovery garages to meet the operational requirements of the Force to remove, store and dispose of vehicles and large items of property taken using police powers. Operational requirements include:

- Round the clock coverage.
- Robust contact and call out arrangements,
- Agreed response times.
- Recovery vehicles to cope with all types of casualty vehicle and removal.
- The safe removal of vehicles in compliance with all relevant legislation.
- Secure storage including facilities for forensic examination.
- Properly trained and vetted staff.
- Suitable facilities for owners to collect vehicles.
- Administration of processes for the collection and disposal of vehicles.

## Scope

The policy applies to all vehicles removed using police powers in Leicestershire. There is also the facility for Leicestershire Police officers and staff to use the contracts to remove vehicles in other areas of the Country and bring them to Leicestershire for storage.

Where police patrols come into contact with motorists who have broken down the contracts can be used to call out a recovery garage at the owner's request. In these circumstances the call out is a private contract between the individual making the request and the recovery garage. Police officers and staff will only call out the garage contracted to that location, they must not make any recommendations about recovery garages and should encourage owners to contact more than one garage to compare the costs.

## Legal Basis

The police have powers under Common Law and Section 19 of the Police and Criminal Evidence Act to seize property that has been obtained in consequence of the commission of an offence or is evidence in relation to an offence. When these powers are used the cost of removal is paid by the police.

Other police powers to remove vehicles are provided by the various acts of Parliament, the legislation most frequently used is listed below:

- Section 99 of the Road Traffic Regulation Act 1984 – Abandoned vehicles and vehicles causing an obstruction or danger.

- Section 165 of the Road Traffic Act 1988 – Vehicles driven by unlicensed or uninsured drivers.
- Section 59 of the Police Reform Act 2002 – Vehicles causing alarm, distress or annoyance.
- Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 – Untaxed vehicles.

This list is not exclusive, less frequently used police powers are provided in legislation dealing with other matters including trespass on land, unlawful hunting and dangerous vehicles.

Most of the acts allow the relevant Secretary of State to pass secondary legislation in the form of regulations concerning the treatment of vehicles once they are seized or removed. The various regulations specify charges payable by vehicle owners or users for the removal, storage and disposal of vehicles.

The charges are collected by the recovery garages on behalf of Leicestershire Police. Police forces have a lien over vehicles seized using these powers and this is exercised through the contracted recovery garages. Therefore vehicles are not returned until the charges are paid.

The bulk of charges are retained by the recovery garages in payment for their services. However, where charges are contested, Leicestershire Police have the final say and will determine whether they should be waived or reduced.

## **Monitoring**

Day to day monitoring of the performance of recovery garages against the terms of the contracts is carried out from the Vehicle Removal Office situated in the Vehicle Fleet Department. This includes the collation of management information, inspection visits to garage premises, recording of complaints and auditing of records.

Performance is reported to the Finance Director through the management structure of the Vehicle Fleet Department. Problems with compliance with the contracts are dealt with in consultation with the Procurement Section of the Support Services Department.

The method of dealing with complaints relating to the removal of vehicles is dependant on the nature of the complaint and who it is made against. Complaints about the conduct of police officers or police staff or police policies and procedures are dealt with in accordance with the relevant policies. Complaints about recovery garages and their staff are usually investigated by the Vehicle Removal Officer, however in the event of any allegation of a criminal nature this is recorded as a crime and investigated by the police Area covering the location concerned.