Brighton & Hove City Council

Notice of Seizure

The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015

Seizure Authority: Brighton and Hove City Council

Property Seized: Make / Model: **White Ford Transit 190 LWB**
Vehicle Registration number: **R968 VLM**

Brief description: On 14th July 2020 at 0630 hrs the above mentioned vehicle was seized having believed to be involved in the commission of two offences, namely depositing controlled waste, or knowingly cause or knowingly permit controlled waste to be deposited in or on any land in breach of s33 of the Environmental Protection Act 1990 namely on land not knowingly belonging to you.

This is a matter under investigation by Brighton and Hove City Council and Sussex Police.

Additional property: The vehicle contained a range of properties; waste removal consisting of wood, metal, builder's bags containing building materials and other miscellaneous properties.

Date/Time of seizure: 14th July 2020 at 0630 hours

Place of Seizure: Balfour Road junction with Bates Road, Brighton, East Sussex.

Legislation enabling seizure – Section 34B of the Environmental Protection Act 1990

This notice will be displayed at our office and on our website https://new.brighton-hove.gov.uk until 29th July 2020 in accordance with Regulations 7(1)(a) and 8(b) of the Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015.

Under Section 33(5)/34 of the Environmental Protection Act 1990, where controlled waste is carried in and deposited from a motor vehicle, the person who controls or is in a position to control the use of the vehicle shall, be treated as knowingly causing the waste to be deposited whether or not they gave any instructions for this to be done. Therefore as registered keeper you may be prosecuted for this offence.

Please find details of defences to this offence overleaf.

Address and contact details to claim entitlement to seized property Brighton & Hove City Council Depot, Upper Hollingdean Road, Brighton, BN1 7GA. Monday to Friday 9am to 5pm

Please call 01273 295063 or email EnvironmentalEnforcement@brighton-hove.gov.uk before attending our offices quoting reference: SOV/VLM/140720

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Claim period

A valid claim, fully supported by the evidence/documentation set out below, for the above mentioned property must be made before 29th July 2020.

Documents required for a valid claim of entitlement

1) Proof of I.D. – valid photo card driving licence or passport
2) Proof of address (e.g. two different utility bills in the applicant's name no older than 3 months)
3) Vehicle Registration or other proof of ownership documents for seized property
4) Valid insurance and drivers licence to be able to remove the vehicle.
5) Written proof of authority to act as Agent. If acting in a representative capacity (e.g. valid power of attorney + items 3 – 4 above and proof of ID and address of Agent).
6) Valid Waste Carrier Licence.

UNCLAIMED PROPERTY

In the event of the following and in accordance with the regulations:
1) The claim period ending on 29th July 2020 expires and no claim is made,
2) A claim made on or before 29th July 2020 is not successful or
3) The property is no longer required to be retained
4) Proceedings in relation to which the property is seized are discontinued or have ended, Brighton & Hove City Council may immediately sell, destroy or dispose of seized property.

It will be a defence to a s.33(5)/ s.34 Environmental Protection Act 1990 offence to prove that you:

- took all reasonable precautions and exercised all due diligence to avoid the commission of the offence
- acted under instruction from an employer and had no reason to suppose that an offence was being committed acted in an emergency in order to avoid danger to human health and took all reasonably practicable steps to minimise pollution and harm to human health
- Reported any acts taken in an emergency to the relevant authority as soon as possible after the event.
- Have a valid Waste Carrier Licence when transporting waste.