

Our ref: HA 041/0067/00396
Your ref:

Gary Bacon
Federated House
London Road
Dorking RH4 1SZ

[Name removed under the Data Protection Act]

Direct Line:

24 April 2009

Dear [Name removed under the Data Protection Act]

NATIONAL VEHICLE RECOVERY MANAGER CONTRACT

Thank you for your request for information about National Vehicle Recovery Manager Contract. Your request was received on 24th March 2009.

In your request you asked for the following information:

'The new Highways Agency vehicle removal scheme for our Motorways. I would like to know what is the percentage of the statutory fee is being taken by the H.A. and what is the contract fee being paid to the Contractor F.M.G. for their call handling services.'

Following receipt of your request we sent an email on 9th April 2009 seeking clarification of the second part of your FOI request and you kindly replied by email on 10th April confirming that you were not interested in the amount being paid to FMG Support.

I am dealing with this request under the terms of the Freedom of Information Act 2000.

Statutory Charge Entitlement

The Highways Agency does not operate its contractual model on the basis of taking a percentage of the statutory charge applicable for vehicle removals authorised by traffic officers. The prime contractor, FMG Support is paid for every vehicle removal job they do that is authorised by a traffic officer under the commercial terms and conditions of the National Vehicle Recovery Manager contract regardless of whether a statutory charge is recovered or not. The contract arrangement between the prime contractor and its supply chain (eg. vehicle recovery operators) would be done so on the commercial terms offered for those that choose to enter a contract with FMG Support. However, the Highways Agency does ensure that pass-through terms and conditions are adhered to such as the Government's prompt payment initiative, and that there is no transfer of debt to the supply chain.

Our National Vehicle Recovery Manager, FMG Support, administers the collection of statutory charges relating to vehicle removals, storage, and if appropriate, disposals and

where recovered, these are passed in full to the Highways Agency acting on behalf of the Secretary of State for Transport.

The Road Traffic Regulation Act 1984 (RTRA) makes provision for an appropriate authority to recover such statutory charges in respect of removal, storage, and if necessary, disposal of vehicles. The statutory charges recoverable are those as prescribed in the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008 (SI No.2095) only. An appropriate authority under the RTRA is the chief officer of a police force, or a local authority, and more recently the Secretary of State following the Removal and Disposal of Vehicles (Traffic Officers) (England) Regulations 2008 (SI No.2367) which came into force on 1 October last year.

For additional information, the Highways Agency will include within its 2009/10 annual accounts report a statement on income received from statutory charges in respect of vehicle removals and costs paid under the National Vehicle Recovery Manager contract. The Highways Agency annual accounts report will be available to the public.

In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless exempt. We will, therefore, be simultaneously releasing to the public the information you requested, together with any related information that will provide a key to its wider context via our website:
<http://www.highways.gov.uk/>

The information supplied to you continues to be protected by the Copyright, Designs and Patents Act 1988. You are free to use it for your own purposes, including any non-commercial research you are doing and for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

If you are unhappy with the way we have handled your request, you may ask for an internal review. A leaflet detailing our internal review process is available. If you require a copy, please phone the Highways Agency Information Line on 08457 50 40 30; or e-mail ha_info@highways.gsi.gov.uk. You should contact me if you wish to complain.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely

Gary Bacon
NOC Service & Development Team