



Abandoned Vehicles Duties and Procedure Policy

Author: Environmental Enforcement Team Environmental & Community Protection
Version: 2.0
Updates: Amended abandoned vehicle procedural policy
Associated documents: Previous procedure

Introduction

This policy details how Dacorum Borough Council (DBC) complies with the statutory duty under Section 3 of the Refuse Disposal (Amenity) Act 1978 as amended by the Clean Neighbourhoods and Environment Act 2005.

This policy is designed to provide an overview of the councils procedure in relation to the investigation, removal and disposal of abandoned vehicles (AVs).

Legal Duties

Local Authorities have a duty under Section 3 of the Refuse Disposal (Amenity) Act 1978 as amended by the Clean Neighbourhoods and Environment Act 2005, to remove a vehicle which is abandoned in their area, on any land in the open air, or on any other land forming part of a highway or is in such a condition that it ought to be destroyed.

The Environmental Enforcement Team are the only council officers authorised and responsible for dealing with reports of abandoned vehicles within the borough, including the investigation and potential removal and disposal of AVs.

Purpose

This policy is designed to provide an overview of the councils legal and statutory duties in relation to abandoned vehicles which is to be adopted and implemented by the Environmental Enforcement Team. A policy that ensures fairness, clarity and consistency in the investigation and removal of abandoned vehicles within the Borough and at the same time give owners of such vehicles a reasonable period of time to make claim in the prescribed manner and therefore minimise the potential for complaints or reputational risk.

Scope

This policy applies Borough wide, DBC has a statutory duty under Section 3 of the Refuse Disposal (Amenity) Act 1978 as amended by the Clean Neighbourhoods and Environment Act 2005, to remove a vehicle which is abandoned in their area, on any land in the open air, or on any other land forming part of a highway or is in such a condition that it ought to be destroyed. This is to include the highway or any other road to which the public has access, footpaths, bridges, car parks and private land.

A “motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, whether or not it is in a fit state for such use, and includes any trailer intended or adapted for use as an attachment to such a vehicle, any chassis or body, with or without wheels, appearing to have formed part of such a vehicle or trailer and anything attached to such a vehicle or trailer and to include caravans.

It is a criminal offence to abandon a motor vehicle or anything that has formed part of a motor vehicle on any land in the open air or on any other land forming part of a highway'.The offence

is punishable at court by a maximum fine of £2,500 and/or three months in prison or the issuance of a fixed penalty notice for £200 to the owner.

An abandoned vehicle, once it has reached the end of its useful life, can also be classified as 'hazardous waste', therefore also making the action of abandoning such a vehicle an offence under Section 33 of the Environmental Protection Act 1990. This offence is punishable (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding £40,000 or both, (b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine or both or the issuance of a fixed penalty notice for £400 to the owner.

Procedure

An officer will attend within 3 working days of a report being received, unless the vehicle concerned is burnt out or reported to be in a dangerous condition. If the vehicle report is urgent (burnt out/dangerous), the officer will attend within 24 working hours and assess. If in the opinion of the officer, the vehicle requires immediate removal, then the officer attending will affix a 24hour notice and evidence before arranging for the vehicle to be removed as soon as possible and carry out all follow up action to include letter to RVK if known. If keeper is known, storage is required for 3 days or whatever seems reasonable in the circumstances. To be authorised by Team Leader/Manager.

When a non-urgent report is received, the officer will carry out background checks (tax/mot/insured etc) and attend and assess the vehicle. If the officer forms the opinion that the vehicle has likely been abandoned, the officer will affix a 7 or 14 day removal notice (7 if no keeper & 14 if RVK known), evidence and then obtain the registered keeper details (if available) from the Force Communications Room at Herts Police, using their accredited powers. A letter will then be sent to the registered keeper if known, stating that their vehicle has been reported as abandoned and they have until the expiry date on the notice/letter to make contact or remove the vehicle from the location.

If no contact is received the officer will revisit and if the vehicle is still in situ then they will evidence and arrange removal/destruction. In special circumstances vehicles can be stored (i.e taxed/high value) with the agreement of the Team Leader or Group Manager of Environmental and Community Protection.

At this point it is proposed that following sufficient evidence gathering, FPN service is considered provided the crown code for prosecutions evidential and public interest tests are met.

If the vehicle is on "private land" the officer will affix/send a 15 day notice to the landowner/occupier advising that it is the intention of DBC to remove the vehicle after this time as abandoned. This applies to both untaxed or SORN vehicles. If they do not wish the vehicle to be removed they are required to make contact in the prescribed manner within the 15 days to advise of this and the report will then be closed as 'on private land'. If contact is received and we have no objections from landowner/occupier the vehicle will be removed after the notice expires. If the land is unregistered, a laminated notice will be placed near to where the vehicle

is located to enable any interested party to claim the vehicle within the 15 days. If the Vehicle is on DBC land, has a SORN and has been claimed by the owner then we will notify Property Services to consider removal under alternative provisions. (For procedural flow chart see appendix 1)

Claims made after removal for stored vehicles

If a registered keeper comes forward after the vehicle has been removed and has not been destroyed but is being stored. Officers have the discretion with the approval of a line manager to give permission for that RVK to collect the vehicle from the contractor. If there are any storage costs (any storage due after 7 free days) then the RVK must pay these along with any other associated charges to DBC prior to release. Once this is made, enforcement will notify the contractor of the RVK details and collection request. When they collect the vehicle, the RVK will need to take proof of ID; proof of ownership and the receipt for the fee paid. The contractor will repatriate a vehicle for a fee of £1.00 per mile for all vehicles. This charge would be passed onto the owner.