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KINGSTON & SUTTON SHARED ENVIRONMENT SERVICE

REGULATORY SERVICES

ABANDONED VEHICLE POLICY

December 2017

1. Introduction

- 1.1. This Policy sets out the process that the Council undertakes to identify and remove abandoned vehicles from land in the Royal Borough of Kingston upon Thames and the London Borough of Sutton. The same process is operated in both Boroughs.
- 1.2. Local Authorities have a statutory duty to remove Abandoned Vehicles from the public highway and any other other land in the open air, such as car parks or private property.
- 1.3. The term 'vehicle' in the context of abandoned vehicles includes any mechanically propelled vehicle intended or adapted for use on a road. Also included in the definition are trailers, caravans and anything that has formed part of a motor vehicle.

2. Relevant legislation

- 2.1. It is an offence under section 2 of the Refuse Disposal Amenity Act 1978 to abandon on any land in the open air, or on any other land forming part of a highway, a motor vehicle or anything which formed part of a motor vehicle. The Act places a duty on a Local Authority to remove any vehicle that has been abandoned unless the cost of removal is unreasonably high e.g. specialist equipment is required to remove the vehicle from a ravine or inaccessible land. The Act makes provision for a Local Authority to recover the costs of removing a vehicle from the landowner or the owner of the vehicle.
- 2.2. Sections 99-103 of the Road Traffic Regulation Act 1984 under which the Removal and Disposal of Vehicles Regulations 1986 were made, make provisions for a local authority to dispose of vehicles that have been abandoned.
- 2.3. The Clean Neighbourhoods and Environment Act 2005 provides for Fixed Penalty Notices to be issued to any person found to have abandoned a vehicle.

3. Definition of 'Abandoned'

- 3.1. There is no legal definition of 'abandoned' in terms of vehicles and it falls to individual authorities to make such a determination.
- 3.2. Having considered guidance published by the Department for Environment, Food and Rural Affairs (DEFRA) the Shared Environment Service will consider one or more of the following criteria when making a decision on whether a vehicle has been abandoned:

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- It is untaxed when the details are checked using the DVLA vehicle enquiry service (<https://vehicleenquiry.service.gov.uk>)
- There is no current registered keeper on the DVLA record
- It has been stationary for a minimum of three weeks, or it is significantly damaged or appears unroadworthy
- It is burnt out
- The vehicle is missing one or more number plates
- The vehicle contains waste materials

4. Abandoned Vehicle Procedure**Initial Action**

- 4.1. On receipt of a report of an apparently abandoned vehicle, the vehicle details will be checked against the DVLA vehicle enquiry service to establish whether the vehicle is taxed. If at this point the vehicle is shown as taxed, it will not be deemed abandoned unless it meets other criteria around vehicle condition.

Further checks and vehicle inspection

- 4.2. If the reported vehicle is found to be untaxed or in poor condition and potentially a danger to the public, an inspection will be carried out. The vehicle will be inspected to confirm if the details of the vehicle are correct in order to enable a DVLA check to be carried out to identify any registered keeper.
- 4.3. The inspection will also identify evidence to support a claim of abandonment, including for example
- Condition and appearance
 - Is it properly parked
 - Is it locked
 - Are there any weeds, litter or other detritus collecting around the wheels
 - Does the vehicle contain items of waste
 - Is there evidence the vehicle has been in situ for three weeks or longer
- 4.4. Enquiries may be made in the locality to establish how long the vehicle has been at the location and whether anyone has witnessed it being moved or knows who is responsible for abandoning it.

Vehicles not considered abandoned

- 4.5. If after examination of the vehicle it is considered that it does not satisfy the criteria of abandoned, no further action will be taken.

Vehicles requiring immediate removal

- 4.6. If in the opinion of the inspecting officer the vehicle is in such a state as to present an immediate danger to the public, e.g. it has been the subject of a fire, or has had wheels removed or some other risk due to its location and insecurity, arrangements will be made to have the vehicle removed to storage immediately by the Council's contractor.
- 4.7. The registered keeper details will be obtained via the DVLA WEE link and the keeper notified in writing that the vehicle has been removed. If the vehicle is not claimed or collected after four weeks, the vehicle will be destroyed.

Notice Periods

- 4.8. If satisfied a vehicle meets the criteria of abandoned, but not for immediate removal, a Removal Notice will be placed on the vehicle for the notice period applicable to its location:
- 4.8.1. If the vehicle is located on public highway and has a value that appears to be less than £1000 the notice period is 24 hours*
 - 4.8.2. If the vehicle is located on public highway and has a value that appears to be in excess of £1000, the notice period is 7 days.
 - 4.8.3. Where a vehicle is found on land that is open to the public but privately owned or maintained, the notice period is 15 days.
- 4.9. The notice informs interested parties that, if the vehicle is not claimed within the time stated, it can be removed and disposed of with costs claimed from the owner.
- 4.10. The Notice will include details of the vehicle, date and time of issue and the address and telephone number through which any claimant of the vehicle may make contact.
- 4.11. A warning letter will be sent to the Registered Keeper giving notification of the intended removal. Notice periods set out at paragraph 4.8 above, are applied from the date that the letter can reasonably be expected to have been received by the Registered Keeper. (For example, a 24 hours notice period will have deemed to have started no sooner than 2 days after the letter was posted).

Claims

- 4.12. Where a vehicle is claimed by the owner prior to removal, steps will be taken to verify their claim of ownership and if all is in order no further action will be taken in relation to abandoned vehicle legislation.

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- 4.13. Failure to produce the relevant proof of ownership within 48 hours of the claim being made may lead to the vehicle being removed as abandoned.
- 4.14. Advice will be provided to the owner / keeper of the vehicle (if appropriate) around the condition and storage of the vehicle.
- 4.15. A report will be made to the DVLA if the vehicle is claimed but shown as not having a registered keeper or if it is untaxed.
- 4.16. If a vehicle on private property is claimed, the claimants details will be provided to the landowner, if appropriate. It is then the landowner's responsibility to arrange its removal through the appropriate civil process.

Vehicles involved in Road Traffic Accidents (RTA) on the highway

- 4.17. Vehicles involved in road traffic accidents are not necessarily abandoned, however an inspection will be carried out and a warning letter sent to the registered keeper and, if the details are known, the Insurance Company.
- 4.18. If the vehicle is in such condition that it is a danger to the public then it will be removed immediately under the procedure detailed at 4.6 above.

Vehicles not meeting the criteria

- 4.19. Details of untaxed vehicles parked on the highway that do not exhibit any other criteria for abandonment will be passed to the Driver and Vehicle Licensing Agency (DVLA) for their information and action.
- 4.20. Vehicles that are not abandoned, nuisance vehicles or vehicle's which are illegally or badly parked, causing obstruction, broken down or subject of residential parking disputes cannot be removed by the Authority. Where appropriate, complainants will be advised to contact the local parking authority or the Police who have powers that may be used in some situations.

Vehicles requiring removal

- 4.21. A revisit will take place at the expiry of the relevant notice period. If the vehicle remains in the location and is still deemed to be abandoned final checks will be undertaken to determine whether the vehicle is stolen or of interest to other parties through the HPI database. Where the vehicle is not of interest to any others, instruction will be given to the Council's contractor to arrange removal.

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- 4.22. If the vehicle has a value that appears to be less than £1,000 or in poor condition the contractor is issued with a destruction notice instructing removal within 24 hours for disposal at an approved and licensed waste disposal facility.
- 4.23. Where a vehicle is in good condition with a value which appears to be in excess of £1,000, the contractor will be notified that the vehicle is to be removed and placed into secure storage for four weeks. Further enquiries then will be made in an effort to trace an owner, however if a keeper cannot be traced / the vehicle is unclaimed by the end of the four week period, the vehicle will be destroyed.

Vehicles claimed after removal

- 4.24. Where the keeper of a vehicle makes a claim once a vehicle has been removed, if the vehicle has not been destroyed, the claimant must provide documentary evidence to substantiate the claim of ownership.
- 4.25. Destruction of the vehicle will be delayed for 48 hours, and if proof of ownership is produced within this period, the vehicle will be removed to storage for up to four weeks.
- 4.26. A fixed penalty notice (£200) will be issued to the claimant under the provisions provided for by the Clean Neighbourhoods and Environment Act 2005 in respect of the offence of abandonment of a vehicle.
- 4.27. Upon payment of the penalty notice charge, the claimant will be passed onto the Council's contractor to arrange return of the vehicle and payment to them of any storage fees. If the penalty notice is not paid, the vehicle will be destroyed after four weeks.
- 4.28. Where a vehicle has already been destroyed before a claim is made, no action will be taken other than a formal warning letter being sent to the claimant advising of the offence of abandoning a vehicle and the penalties for doing so in the event of the offence being repeated.

5. Caravans and Trailers

- 5.1. Abandoned caravans and trailers are included within the definition of 'vehicle' in the Refuse Disposal (Amenity) Act 1978 and the above removal procedures can be used to deal with and remove alleged abandoned trailers and caravans.
- 5.2. It should be noted that tracing owners or keepers of these vehicles can be difficult therefore in certain circumstances the usual notice period may be extended.

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- 5.3. Caravans or Trailers not deemed to be abandoned may also be dealt with under sections of the Highways Act 1980 relating to obstruction. However the Authority will only consider proceedings under this legislation where there are a significant number of complaints, a serious obstruction, or there is a notable detrimental effect to the environment or local community.

6. Complaints

- 6.1. Any person aggrieved by application of the Abandoned Vehicle policy may in the first instance register their complaint through the Council's corporate complaints process.

7. Contact details

- 7.1. Responsibility for dealing with abandoned vehicles rests with Regulatory Services and the Environmental Enforcement Team, who can be contacted as follows:

Royal Borough of Kingston	London Borough of Sutton
<p style="text-align: center;">Guildhall 2 High Street Kingston upon Thames KT1 1EU</p> <p style="text-align: center;">ehadmin@kingston.gov.uk</p> <p style="text-align: center;">020 8547 5002</p>	<p style="text-align: center;">24 Denmark Road Carshalton Surrey SM5 2JG</p> <p style="text-align: center;">brs@sutton.gov.uk</p> <p style="text-align: center;">020 8770 5000</p>

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