



Report to:	Environment & Neighbourhoods Committee	Date:	23 November 2017
Report title:	Policy on Abandoned Vehicles		
Report from:	Mary Morrissey - Strategic Director Environment Housing and Regeneration		
Ward/Areas affected:	Borough Wide		
Chair of Committee/Lead Member:	Councillor Jill Whitehead		
Author(s)/Contact Number(s):	David Kingstone, Licenising & Environmental Compliance Team Leader 020 8770 5162 / 020 8547 5537		
Corporate Plan Priorities:	<ul style="list-style-type: none"> • An Open Council • A Fair Council 		
Open/Exempt:	Open		
Signed:	 Mary Morrissey	Date:	Tuesday 7 November 2017

1. Summary

- 1.1 This report introduces a Policy on Abandoned Vehicles for approval. The Policy sets out how Regulatory Services process and deal with reports of vehicles abandoned in public open spaces, and will apply across the Shared Service between Sutton and Kingston.

2. Recommendations

The Environment and Neighbourhoods Committee is recommended to:

- 2.1 Adopt the Policy on Abandoned Vehicles for implementation on 1 December 2017.

3. Background

- 3.1 Regulatory Services, part of the Shared Environment Service, is responsible for discharging the Council's duty under the Refuse Disposal (Amenity) Act 1978 to remove vehicles that appear to be abandoned.
- 3.2 The number of vehicles being reported as abandoned is increasing across Kingston and Sutton, with an average of 150 reports received each month in the Shared Service, including those proactively identified by Environmental Enforcement Officers. Around 20% of those reports leads to the removal and destruction of a vehicle.
- 3.3 Whilst the statutory duty and the powers to deal with vehicles is well set out in legislation, there is no legal definition of 'abandoned' in terms of vehicles, however Authorities are entitled to determine their own process for determining what they would consider to be an abandoned vehicle.



- 3.4 Legal advice has recently highlighted that a policy outlining the factors considered when deciding if a vehicle is abandoned, together with the process taken to deal with those that are abandoned, will be useful in the event of challenge or dispute. Member approval of the process through agreement of Policy is sought to add weight to decisions made under the policy.
- 3.5 The policy has been developed having regard to guidance issued by the Secretary of State under the the Refuse Disposal (Amenity) Act 1974.

4. Issues

- 4.1 Whilst the statutory duty and the powers to deal with vehicles is well set out in legislation, there is no legal definition of 'abandoned' in terms of vehicles, however Authorities are entitled to determine their own process for determining what they would consider to be an abandoned vehicle.
- 4.2 Legal advice has recently highlighted that a policy outlining the factors considered when deciding if a vehicle is abandoned, together with the process taken to deal with those that are abandoned, will be useful in the event of challenge or dispute. Member approval of the process through agreement of Policy is sought to add weight to decisions made under the policy.
- 4.3 The policy has been developed having regard to guidance issued by the Secretary of State under the the Refuse Disposal (Amenity) Act 1974.

5. Options Considered

- 5.1 The process of dealing with reports of Abandoned Vehicles was managed slightly differently in each Borough prior to the Shared Service, and in order to streamline and resource a service standard, Regulatory Services developed a standardised process for dealing with this work.
- 5.2 Once approved, the Abandoned Vehicle Policy will be applied across both Sutton and Kingston, and it includes a definition of what we will consider when assessing whether or not a vehicle is abandoned. The criteria considered is listed at paragraph 3.2, of the Policy.
- 5.3 A copy of the draft Abandoned Vehicle Policy is attached at Appendix A.
- 5.4 It is recommended that the Committee approves the Abandoned Vehicle Policy set out at Appendix A.

6. Impacts and Implications

Financial

- 6.1 The resources and costs of providing the service are met through existing budgets.



- 6.2 Recognising the prices of scrap metal is sufficient to cover the cost of recovery of abandoned vehicles, the Shared Services intends to move towards a no-cost contract for the collection and disposal of Abandoned Vehicles which will lead to further savings.

Legal

- 6.3 Section 3 of the Refuse Disposal (Amenity) Act 1978 places a statutory duty on the local authority to remove motor vehicles which appear to be abandoned in their Area.
- 6.4 Having an approved and published policy will assist the local authority in case of any disputes.

Equalities Impact Assessment

- 6.5 An Equalities Impact Assessment Relevance Test identified that there should be no detrimental impact upon any of the protected characteristic groups.

6.6 Road Network Implications

- 6.7 Removal of abandoned vehicles frees up space for parking and, in some cases, improves the flow of traffic.

6.8 Environmental Implications

- 6.9 The disposal of abandoned vehicles at licensed scrap metal dealers ensures that a high proportion (in excess of 90%) of each vehicle is recycled, helping to ensure that end of life vehicles are properly disposed of.
- 6.10 Generally, abandoned vehicles tend to be older less fuel efficient vehicles with higher exhaust emissions meaning that disposal of these removes them from the road network, aiding in the improvement of air quality.

7. Appendices and Background Documents

Appendix letter	Title
A	Abandoned Vehicle Policy

Background documents
Nuisance Parking Offences and Abandoned Vehicles (Defra, unknown date)

Audit Trail		
Version	Final	Date: 7 November 2017
Consultation with other officers		
Finance	No	N/A
Legal	Yes 30 August 2017	Chris Warner SLLP
Equality Impact Assessment required?	No	N/A