



**03/17**

Purpose: For Decision

# Delegated decision report

## **DELEGATED MEMBER DECISION**

Date	<b>DECISION CANNOT BE TAKEN BEFORE 22 AUGUST 2017</b>
Title	<b>ABANDONED VEHICLES POLICY</b>
Report to	<b>CABINET MEMBER FOR INFRASTRUCTURE AND TRANSPORT</b>

### EXECUTIVE SUMMARY

1. This report seeks the adoption of the revised Abandoned Vehicles Policy (the “policy”), a copy of which is attached at Appendix 1 to this report.
2. The outcome will be that the council will have in place a published policy which reflects how the abandoned vehicle service is being delivered on the Island in partnership with our Highways PFI service provider, Island Roads. It provides clarity on the distinction between abandoned vehicles and nuisance vehicles.

### BACKGROUND

3. The council has a duty to deal with abandoned vehicles within its area. In making an assessment of what constitutes an abandoned vehicle consideration is given to how long the vehicle has been in situ and whether the vehicle demonstrates one or a combination of:
  - i. Whether the vehicle is untaxed.
  - ii. Are the vehicles tyres flat or have its wheels been removed?
  - iii. Is there litter or detritus under the vehicle suggesting that it has not been moved for some time?
  - iv. Whether there is mould on the inside or outside of the vehicle.
  - v. Does the vehicle contain items of waste, for example tyres, old newspapers, general rubbish?
  - vi. Are the windows or windscreen broken?
  - vii. Has the vehicle been vandalised, exterior vandalism might include dents or graffiti and interior vandalism may include seats having been slashed or removed?
  - viii. Whether the vehicle has been burnt out.
  - ix. Does the vehicle lack one or more of its number plates?

4. Since the commencement of the PFI contract this duty has been delivered through a partnership between the council and Island Roads. The process by which the council and Island Roads deal with reported abandoned vehicles has been reviewed and this revised policy updates and clarifies responsibilities and the process in respect of how the council will deal with abandoned vehicles.

## STRATEGIC CONTEXT

5. Abandoned vehicles can have a negative impact on the environment, look unsightly and can lower the quality of life in neighbourhoods. They can also be the result of or lead to crime, they take up valuable parking spaces and can become dangerous when vandalised or filled with hazardous waste. In such instances there is a potential risk of explosion or injury, they can leak dangerous fluids which can catch fire or run into the water stream and they can be burnt out which can endanger lives, property and the environment.
6. The implementation of the policy in respect of the removing and disposing of such vehicles supports priority one of the Corporate Plan 2015-17 – Supporting Growth in the Economy making the Island a better place and keeping it safe.

## CONSULTATION

7. Consultation on the policy has been undertaken. A copy of the policy was provided to a number of key persons within the council who manage and work in areas that abandoned vehicles may impact upon.
8. External consultation has also taken place with the Police, the DVLA and the council's highway contractor, Island Roads.
9. The outcome of the consultation was that feedback was received from a number of internal consultees and the police. All of the comments and queries that were received were considered against the draft policy. A number of amendments were made accommodating those changes which were considered to be appropriate including drafting amendments and additions that would provide further detail and clarification.

## FINANCIAL / BUDGET IMPLICATIONS

10. The review has resulted in a process which is much more efficient and will streamline the current process. The cost of management of the new abandoned vehicles policy is covered within the baseline Contract Management Team budget.
11. The cost associated with the investigation, management, removal and disposal of abandoned vehicles are dependent upon the location of the vehicle.
12. For vehicles which are located on the project network managed by Island Roads costs are included as part of the unitary charge paid by the council to Island Roads as part of the Highways PFI contract.
13. For vehicles which are located on land not forming part of the project network the council is able to recover costs associated with removal and disposal of vehicles from the registered keeper or landowner. Where this is not possible cost would fall to the

council, however analysis has indicated (from considering records) that the number that would require removal and disposal are not significant and that budget savings identified from reviewing the process are likely to offset these costs.

### LEGAL IMPLICATIONS

14. The council has a duty to remove abandoned vehicles from land in the open air and roads under the Refuse Disposal (Amenity) Act 1978 as amended by the Clean Neighbourhoods and Environment Act 2005.
15. The council have no duty to remove abandoned vehicles from private land if the cost of moving them to the nearest carriageway highway is unreasonably high (for example, if special machinery is needed).
16. Further guidance in respect of local authority responsibilities for abandoned vehicles is included within the background papers to this report.

### EQUALITY AND DIVERSITY

17. The council, as a public body, is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
18. In drafting the policy due regard has been given to the applicability of the policy to the nine protected characteristics. It is not considered that the policy has any particular effects either positive or negative on any of the nine protected characteristics. Consideration of the abandoned vehicle log which records enquiries and investigations in respect of potentially abandoned vehicles does not indicate that any of the protected characteristics are more or less affected by the presence of abandoned vehicles than any other characteristic or no characteristic at all. Where a person is included within one or more of the protected characteristics and that protected characteristic is considered to be relevant to the investigation then this will be assessed and will be given due consideration as part of the investigation.
19. An equality impact assessment has been undertaken in respect of the policy and is contained at Appendix 2 to this report.

### SECTION 17 CRIME AND DISORDER ACT 1998

20. Section 17 of the Crime and Disorder Act 1998 (as amended by Police and Justice Act 2006) provides that: *'...it shall be the duty of each authority ... to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent, crime, disorder, anti-social behaviour adversely affecting the environment, and substance misuse in its area'*.
21. It is not considered that there are any direct crime and disorder implications arising from the implementation of the policy. The council's duties in respect of abandoned

vehicles are not being reduced by the policy. It is considered that the presence of abandoned vehicles can be the result of or lead to crime and can become targets for vandalism and anti-social behaviour and that the efficient identification, investigation and removal of such vehicles will further assist the council in reducing anti-social behaviour.

## OPTIONS

22. Options have been considered in respect of this report as follows:

- Option 1 - To adopt the revised abandoned vehicles policy attached in Appendix 1 to this report.
- Option 2 - Not to adopt the revised abandoned vehicles policy attached in Appendix 1 to this report.

## RISK MANAGEMENT

23. The presence of abandoned vehicles can have a negative impact on the environment. Vehicles can become dangerous when vandalised or filled with hazardous waste. There is also a risk of explosion or injury and they can leak dangerous fluids which can catch fire or run into the water stream and they can be burnt out which can endanger lives, property and the environment.
24. It is considered that the implementation of the revised policy would aid the efficient investigation and removal of abandoned vehicles and can contribute to assisting in reducing the risk to lives, property and the environment. However, were the policy not to be adopted the duty to remove abandoned vehicles would remain with the council and therefore the risk involved with dealing with such vehicles would remain.

## EVALUATION

25. Option 1 will provide information and clarity to the general public as to the scope and extent of the responsibilities that the council and Island Roads have with respect to abandoned vehicles.
26. The policy provides further information to assist the general public in being able themselves to identify if a vehicle may potentially be considered to abandoned and also in distinguishing such vehicles from nuisance vehicles.
27. Option 2 does not in any way reduce the risks associated with the council's duties with regard to abandoned vehicles. The current abandoned vehicles policy is out of date and does not reflect arrangements with the council's Highways PFI service provider and therefore it would be likely that option 2 would result in an adhoc approach to dealing with abandoned vehicles which in turn will increase the risk that they present.

RECOMMENDATION

28. Option 1 - To adopt the revised abandoned vehicles policy attached in Appendix 1 to this report.

APPENDICES ATTACHED

29. [Appendix 1](#) – Abandoned Vehicles Policy  
[Appendix 2](#) – Equality Impact Assessment

BACKGROUND PAPERS

30. The current government guidance in respect of abandoned vehicles and local authorities' responsibilities in this area can be found by accessing the link below. <https://www.gov.uk/guidance/abandoned-vehicles-council-responsibilities>

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WENDY PERERA  
*Head of Place*

COUNCILLOR IAN WARD  
*Cabinet Member for  
Infrastructure and Transport*

Decision

Signed

Date

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