

Isle of Wight Council Abandoned Vehicles Policy

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Abandoned Vehicles Policy

Introduction

The Isle of Wight Council (the 'council') has a duty to remove abandoned vehicles under the Refuse Disposal (Amenity) Act 1978 as amended by the Clean Neighbourhoods and Environment Act 2005. The council have contracted out to its Highways PFI contractor, Island Roads Services Limited ("Island Roads") many of its duties and responsibilities in respect of the investigation and removal of abandoned vehicles. Island Roads undertakes investigations to ascertain whether a vehicle is abandoned or not, making that assessment in accordance with the criteria set down by the council in this policy, and issues removal notices to registered keepers/land owners after the council deems that a vehicle is abandoned.

The aims and objectives of abandoned vehicles policy and procedures are to: -

- Operate within the statutory, regulatory and legal framework
- Improve the kerbside environment reducing the number of nuisance vehicles through partnership working which can also assist in the health and wellbeing of the community and assist in reducing crime and anti-social behaviour

Definition of a vehicle

The term "vehicle" can mean: any motor vehicle or trailer, or anything which forms part of a motor vehicle, including any item contained within it and this will include

- Mechanically propelled vehicles intended or adapted for use on roads, whether or not it is in a fit state for such use
- Any trailer intended or adapted for use as an attachment to such vehicle
- Any chassis or body with or without wheels, appearing to form part of such a vehicle or trailer (e.g. vehicles with flat tyres, wheels removed or broken windows)
- Anything attached to such a vehicle or trailer
- Caravans

Definition of an abandoned vehicle

There is no sole definition currently used to define an "abandoned vehicle". The Refuse Disposal (Amenity) Act 1978 states that a vehicle is abandoned only,

"where it appears to a local authority that a motor vehicle in their area is abandoned without lawful authority..."

The following characteristics are generally common to abandoned vehicles and one or a combination of the following will be taken into account when deciding whether a vehicle is abandoned.

- The vehicle is untaxed
- The vehicles tyres are flat and/or its wheels have been removed
- There is litter or detritus under the vehicle suggesting that it has not been moved for some time – vehicles parked for a period of less than 21 days, unless considered a danger, would not be considered abandoned
- There is mould on the inside or the outside of the vehicle
- The vehicle contains items of waste, for example tyres, old newspapers, general rubbish
- The windows or windscreen are broken
- The vehicle has been vandalised, exterior vandalism may include dents or graffiti, interior vandalism may include seats having been slashed or removed
- The vehicle has been burnt out
- The vehicle is lacking one or more of its number plates

The council must have reason to believe that the registered keeper or the legal owner is **NOT** likely to return to the vehicle, before classing it as abandoned.

A **Nuisance Vehicle** is often not abandoned and the council has no legal duty to remove them.

A nuisance vehicle may be: -

- Poorly parked
- Causing an obstruction
- Involved in a residential parking dispute
- In need of repair
- Temporarily broken down
- Untaxed
- Registered as SORN
- Parked for a long period of time

Where a nuisance vehicle is untaxed or registered SORN it can be reported to the Driver and Vehicle Licensing Agency (DVLA) online at: <https://www.gov.uk/report-untaxed-vehicle> by telephone on: 0300 7906802 or by writing to the DVLA at: Vehicle Registration and Tax Enquiries, DVLA, Swansea, SA99 1AR.

Alternatively, the council will report the vehicle to the DVLA when it is made aware of it. The DVLA have the powers to prosecute the registered keeper of the vehicle.

Please note that there is no obligation to display a tax disc on a vehicle. If members of the public do suspect that a vehicle may be untaxed then this can be checked anonymously on the DVLA's website at <http://www.vehicleenquiry.service.gov.uk/> to see if the vehicle is taxed.

Where a nuisance vehicle does not have a current MOT or is causing an immediate and serious obstruction of the road or is a danger to traffic it should be reported to the Police by calling 101

Where does the council have a duty to remove abandoned vehicles?

The council has a duty under the Refuse Disposal (Amenity) Act 1978 as amended by the Clean Neighbourhoods and Environment Act 2005 to remove vehicles abandoned without lawful authority from both:

- Land in the open air, and
- Roads (including private roads)

Where a vehicle appears abandoned on private land then the council will give the occupier of that land notice of their intention to remove the vehicle but cannot do so if the occupier objects within the prescribed period. The council reserve the right to charge the landowner or agent for the removal of the vehicle from its land. Vehicles not considered to be abandoned must be dealt with by the landowner or agent. The council has no powers to remove vehicles from private land which are claimed by their owners.

Where a vehicle is abandoned on a private road (which is defined by section 142 Road Traffic Regulation Act 1984 as a length of highway or of any other road to which the public has access) the council does not have to serve notice on the landowner seeking permission from the landowner to remove the vehicle and therefore will deal with the vehicle as it would for a vehicle on highway.

The council is not under a duty to remove any vehicle if it appears to the council that the cost of its removal to the nearest convenient carriageway would be unreasonably high.

Reporting an abandoned vehicle

Anyone can report a suspected abandoned vehicle by providing the following information to the Island Roads: -

- The make and model of the vehicle
- The colour of the vehicle
- The vehicle registration number (if this can be identified)
- The condition of the vehicle
- The location of the vehicle (reports should be as specific as possible and if it is considered that the vehicle has been left at a location that may cause an obstruction or danger to pedestrians or other motorists this should be highlighted)
- How long has the vehicle been stationary in its current location
- Why it is believed to be abandoned

Reports of abandoned vehicles should be submitted to Island Roads by the following means:

Online to: <http://www.islandroads.com/23-report-it-online.html>
Email to: info@islandroads.com
Telephone on: 01983 822440

Please note that members of the public will be required to provide their name, address and contact details as anonymous reports will not be investigated.

Abandoned Vehicle Investigation process

The Council aim to remove vehicles which are assessed as being abandoned following investigation from site within 6 weeks of them being reported, this timeframe is however dependent on the depth and nature of the investigation required.

Inspection

Once a report of a potentially abandoned vehicle has been received, an initial inspection will be carried out by Island Roads as soon as is reasonably practical where the vehicles condition and location will be recorded. Island Roads will undertake an assessment of the vehicle to decide whether the vehicle appears to be abandoned in accordance with the criteria set down in this policy. If upon inspection the vehicle is considered to be abandoned steps will be taken to identify and contact the registered keeper of the vehicle (please see below). Where the vehicle is not considered to be abandoned upon inspection then no further action will be taken unless the vehicle is parked on the highway and is untaxed or registered SORN when the offence can be reported to the DVLA.

Contacting the registered keeper of the vehicle

Where the vehicle is considered to be abandoned the council will take steps to identify the registered keeper of the vehicle by checking with the DVLA. If the registered keeper can be identified an investigation letter* will be sent to the registered keeper who shall be advised that the vehicle has been reported as abandoned and that it is intended that a removal notice will be affixed to the vehicle if no contact is received from them.

*In the event that the condition of the vehicle is considered to pose a danger to public safety the vehicle shall either be removed as soon as possible as is permitted by sub-section 11(3) Clean Neighbourhoods and Environment Act 2005 or alternatively a **24 hour** removal notice shall be affixed to the vehicle whichever is considered appropriate and without issue of the investigation letter.

If the registered keeper of a vehicle that had appeared to be abandoned contacts the council to claim the vehicle, then the vehicle shall not be considered abandoned and **will not** be removed. However, if the vehicle is untaxed or has no MOT and is parked on the highway, the council can report the vehicle to the DVLA or the Hampshire Constabulary.

Affixing removal notices to the vehicle

If the vehicle is considered to be abandoned and the registered keeper fails to contact the council to claim ownership of the vehicle (or in the event that no investigation letter has been issued because the condition of the vehicle is considered to pose a danger to public safety) Island Roads will be instructed to affix a removal notice to the vehicle. The removal notice will indicate that the vehicle has been classified as abandoned and that it will be removed once the notice period has expired. The length of the notice period will depend on the vehicles location and on the condition of the vehicle.

- Where a vehicle is abandoned on a highway or road a **7 day** removal notice will generally be affixed to the vehicle.
- Where the vehicle is abandoned on private land a **15 day** removal notice will be generally be affixed to the vehicle.
- However, where the condition of the vehicle is considered to pose a danger to public safety the vehicle shall either be removed as soon as possible or a 24 hour removal notice may be affixed to the vehicle.

Vehicles identified as being abandoned

Once a removal notice has been affixed to the vehicle Island Roads will send a letter to the registered keeper where known to advise them of this and to inform them that the vehicle will be removed once the notice period has expired. If the registered keeper contacts Island Roads to claim the vehicle during the notice period the vehicle is not considered abandoned and therefore will not be removed. However, if the vehicle is untaxed or has no MOT and is parked on the highway, Island Roads can report the vehicle to the DVLA or the Hampshire Constabulary.

Retrieving an abandoned vehicle after it has been removed

Where a vehicle is removed by Island Roads the registered keeper can contact Island Roads to collect the vehicle. However, generally vehicles are only held for **7 days** before being disposed of. The registered keeper of the vehicle is liable for the removal and storage charges (as indicated below) and payment will be required before the registered keeper can collect the vehicle.

Charges for the removal, storage and disposal of abandoned vehicles

The charges prescribed in The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008 are the charges that will be applied to any abandoned vehicles which are removed, stored or disposed of under this policy. The charges vary depending on the type of vehicle that has been removed and also where the vehicle is being removed from. The standard charges for removing a vehicle from the highway can be found here: -

<http://www.legislation.gov.uk/uksi/2008/2095/regulation/4/made>

The registered keeper is liable for costs of the removal storage and disposal of the vehicle.

Governing Legislation

The legislation that permits local authorities to inspect, remove and dispose of abandoned vehicles is:

- Refuse Disposal (Amenity) Act 1978
- Road Traffic Regulation Act 1984
- Removal and Disposal of Vehicles Regulations 1986
- Clean Neighbourhoods and Environment Act 2005
- The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008

Process Flowchart

