



# **Abandoned Vehicle Policy**

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## **1.0 Introduction**

1.1 Local authorities have a duty under Section 3 of the Refuse Disposal (Amenity) Act 1978 to remove a vehicle which is abandoned on a road (including private roads) or land in the open air, subject to certain conditions.

1.2.1 Mid Devon District Council is not required to remove an abandoned vehicle situated on open air land if the cost of removing it to the nearest highway is unreasonably<sup>1</sup> high.

1.3 Relevant legislation:

- Refuse Disposal (Amenity) Act 1978
- The Removal and Disposal of Vehicles Regulations 1986
- The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008
- Criminal Justice Act 1982

## **2.0 Process**

2.1 Mid Devon District Council will inspect each vehicle that has been reported as abandoned within the time scale specified in the procedure to confirm that it should be considered as abandoned.

2.2 The following circumstances may be taken into account when assessing whether a vehicle has been abandoned for the purpose of the Council's statutory duty:

- If the vehicle is taxed and in an abandoned state or untaxed.
- If it has been stationary for a significant<sup>2</sup> amount of time.
- If it is damaged, burnt out, run down, un-roadworthy.
- If it is missing one or more vehicle registration plates.
- If it is on any land in the open air or any land forming part of a Highway/Road.

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<sup>1</sup> clearly inappropriate, excessive

<sup>2</sup> An amount of time which is large enough to be important or affect a situation to a noticeable degree, vehicle has been in situ for 2 months or more.

### **3.0 Removal, Storage and Disposal**

- 3.1 If a vehicle is abandoned<sup>3</sup> then the vehicle will be dealt with according to the standard procedure set out in Annex A.
- 3.2 If a vehicle is on land open to air Mid Devon District Council may make enquiries to determine the status of the land. If the land is occupied<sup>4</sup>, Mid Devon District Council may serve a 15 day notice on the occupier of the land stating its intent to remove the vehicle. If the occupier objects, Mid Devon District Council cannot remove the vehicle from the land. If the occupier does not object, Mid Devon District Council must remove the vehicle after the 15 day notice period.
- 3.3 If Mid Devon District Council is satisfied that the land is not occupied, the Council may remove an abandoned vehicle in accordance with steps set out below, as appropriate.
- 3.4 If a vehicle is taxed and displays a valid registration plate but is in an abandoned state the Council will contact DVLA to establish the registered keeper of the vehicle. The Council will then serve a 7 day notice on the registered keeper to remove the vehicle from the land.
- 3.5 If a vehicle is not taxed, or it does not have a valid registration plate or visible VIN number, the Council may remove the vehicle without any notice to the registered keeper / owner.
- 3.6 If Mid Devon District Council is not able to establish the registered keeper or owner, or if the recipient of a 7 day notice fails to comply, Mid Devon District Council may dispose of the vehicle.
- 3.7 If an abandoned vehicle is in such a condition that it ought to be destroyed, Mid Devon District Council can dispose of the vehicle after its removal without any notice to the owner.
- 3.8 Mid Devon District Council will dispose of a vehicle as it sees fit, i.e. by sale, auction or destruction. Any recovered vehicle that may be of significant value should be brought to the attention of the Group Manager of the service for a decision on disposal/sale.
- 3.9 Where Mid Devon District Council has been notified of an abandoned vehicle by a third party, that party will be notified of the outcome to any case.
- 3.10 Mid Devon District Council may recover any cost of removal, storage or disposal from the registered keeper for abandoning their vehicle. Mid Devon

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<sup>3</sup> Definition of abandoned. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.

<sup>4</sup> Definition of occupied. Possession; control; tenure; use. In its usual sense "occupation" is where a person exercises physical control over land.

District Council is not permitted to recover any costs from an occupier of land upon which a vehicle has been abandoned. Initial removal: £150, Storage: £20 per day from the date of removal. These prices may change to reflect inflation.

#### **4 Prosecution**

- 4.1 In appropriate cases Mid Devon District Council may prosecute the offender of an abandoned vehicle. The offence of abandoning a vehicle on conviction is a summary offence. If found guilty an individual or business may be liable to pay a fine not exceeding level 4 on the standard scale shown in appendix B (currently £2,500, but subject to changes in legislation), or imprisonment for a term not exceeding three months, or both. <sup>5</sup>

#### **5 Enforcement**

- 5.1 Where possible, Mid Devon District Council may seek to recover any costs of removing/storing vehicles from the Registered Keeper(s). If the above is not possible, costs may be charged against the Street Scene and Open Spaces budget.
- 5.2 In accordance with The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008 the Council may serve a fixed penalty notice on a registered keeper / owner of an abandoned vehicle, requiring payment of £150.00 within 14 days from the date of the notice.
- 5.3 If the registered keeper / owner fails to pay the fixed penalty notice before the notice period expires, the Council may prosecute the offender.

#### **6 Financial Implications**

- 6.1 The cost to Mid Devon District Council of dealing with abandoned vehicles is currently offset by the nominal scrap value of the vehicle. The contractor used by Mid Devon District Council waives their fee for works undertaken removing vehicles as they retain the scrap value. Any changes to this arrangement would require a review of this policy as Mid Devon District Council does not budget to meet this statutory function.

#### **7 Data Security and additional information**

- 7.1 Abandoned vehicle reports are logged on the Driver Vehicle Licensing Authority (DVLA) Waste and Electronic Equipment electronic database. After 2 years worksheets will be deleted in line with the DVLA data retention guidelines.

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<sup>5</sup> Refer to the Operations Directorate Enforcement Policy

- 7.2 DVLA check printouts are stored in a locked cabinet and destroyed after a period of time as specified by the DVLA. In addition, all enquiries are recorded in a separate log to act as an audit trail, and are also kept in a locked cabinet.
- 7.3 If an enquiry is made by Mid Devon District Council on an incorrect Vehicle Registration Mark, details of the enquiry must be deleted from all internal systems but an audit trail must be kept for 2 years; this is recorded in the log.
- 7.3 Before performing a DVLA check, the Council's authorised Street Scene business support employee must have read the guidance issued by the DVLA and understand the evidence that must be in place before making a request.
- 7.4 It is the responsibility of the police to move or remove vehicles that are on the highway and in a position to endanger other road users, i.e. obstruction.
- 7.5 Vehicles that have been involved in a road traffic collision are the responsibility of the register keepers / owner's insurance company.
- 7.6 A SORN is a Statutory Off-Road Notification which must be declared to the DVLA when a vehicle is not going to be used for a period of time. The vehicle must be kept away from the highway and on private land which the registered keeper owns or has permission from the owner to use for storage. For example, a driveway to a house, in a garage or on an allocated parking space.

**Abandoned vehicle procedure**

- 1 Working day {
  - 1) Vehicle reported as abandoned by customer
  - 2) IDOX record created validations checks carried out.
  - 3) Check Tax status on vehicle using <https://www.gov.uk/check-vehicle-tax>
    - 3.1 If the vehicle has valid tax, close case and inform customer.
    - 3.2 No valid tax allocate to District Officer.
  
- 2 Working days {
  - 4) Allocated District Officer attends site
    - 4.1 District Officer must take photos of the vehicle
    - 4.2 Documents the vehicle is abandoned
    - 4.3 Check tax status again
    - 4.4 Record the time, date, location, make, model and registration number.
  
  - 5) District Officer sends photos and details of exact location of the abandoned vehicle back to admin staff. Admin staff check that the details reported by the customer and the District Officer match.
  
- 7 Working days {
  - 6) Authorised admin staff make DVLA enquiry Ensure the DVLA guidance is read before making any enquiry.
    - 6.1 The make and model details of the vehicle match the ones on the abandoned vehicle.
    - 6.2 The date of event entered is the date in which the District Officer attends site and carries out checks to the vehicle.
    - 6.3 The enquiry must be made within 7 days of the date the vehicle was first sighted by the District Officer, not the date reported by the customer.
    - 6.4 The correct registration number is entered before submitting the request.
    - 6.5 The Vehicle registration number is submitted in the correct field.
  
  - 7) If a registered keeper is identified refer the case back to the District Officer and request the 7 day notice to be applied. Request they take photos of the notice attached to the vehicle.
  
  - 8) If no registered keeper is identified refer the case back to the District Officer and request the 24 hour notice to be applied. Request they take photos of the notice attached to the vehicle.
  
- 8 Working days {
  - 9) Once the notice has been attached to the vehicle and the photos have been taken, send the 7 day notice letter to the registered keeper; get another member of the team

to check the letter and ensure the dates correspond and car details are correct before sending to the keeper.

10) If no registered keeper is identified after 24 hours the District Officer attends the location again to ensure the vehicle is still on site, if so a request is made to the scrap metal hauliers for removal. The location, make, model and registration details must be given.

11) After the 7<sup>th</sup> day if no response from the registered keeper the District Officer attends the location again to ensure the vehicle is still on site, once the second site visit has been carried out a second DVLA enquiry must be made to ensure the details of the registered keeper are the same as the enquiry previously made. If these are the same, a request is made to the scrap metal hauliers for removal. The location, make, model and registration details must be given.

12) If the registered keeper contacts Mid Devon District Council and advises the vehicle is not abandoned, the case is closed. NO further DVLA checks are carried out. Report untaxed vehicle to the DVLA, advise the customer the vehicle needs to be taxed or SORN on private land.

13) Update the IDOX case ensuring all details are recorded. Ensure letters are saved including the certificate of destruction which is provided by the scrap metal hauliers.

14) Close the IDOX case and refer to legal services for cost recovery.

14  
Working  
days

15  
Working  
days

**Appendix B  
TO ADANDONED VEHICLE POLICY  
DATED NOV 19**

1	<i>Vehicle position and condition</i>	<i>Vehicle equal to or less than 3.5 tonnes MAM</i>	<i>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes</i>	<i>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</i>	<i>Vehicle exceeding 18 tonnes MAM</i>
2	Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off the road	£150	£200	£350	£350
3	Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£250	£650	Unladen—£2000	Unladen—£3000
				Laden—£3000	Laden—£4500
4	Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged	£200	£400	Unladen—£1000	Unladen—£1500
				Laden—£1500	Laden—£2000
5	Vehicle, excluding a two wheeled vehicle, off road but either not upright or substantially damaged or both	£300	£850	Unladen—£3000	Unladen—£4500
				Laden—£4500	Laden—£6000

The prescribed sum in respect of removal, for the purposes of sections 101A(3), 101A(4) and 102(2)(a) of the 1984 Act and sections 4(5) , 4(6) and 5(1)(a) of the 1978 Act, in respect of vehicles set out in column 1 of Table 1 shall be the sum specified in relation to those vehicles in columns 2 to 5 of that Table, the particular sum to be determined by reference to the MAM of the vehicle as described in row 1 of that Table and, for vehicles exceeding 7.5 tonnes MAM and not falling within row 2, whether the vehicle is laden or unladen.