



Abandoned Vehicle Policy

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1.0 Introduction

- 1.1 This Policy sets out the process that the Council undertakes to identify and remove abandoned vehicles from land in the Mid Devon District.
- 1.2 Local Authorities have a statutory duty to remove abandoned vehicles from the public highway and any 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.

2.0 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. This duty does not apply where a vehicle is abandoned on private land and the Council considers 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.

3.0 Process

- 3.1 Mid Devon District Council will inspect each vehicle that has been reported as abandoned to confirm that it should be considered as abandoned.
- 3.2 Having considered guidance published by the Department for Environment, Food and Rural Affairs (DEFRA) the environment and enforcement team will consider one or more of the following criteria when making a decision on whether a vehicle has been abandoned:
 - 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

4.0 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.
- 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.
- 4.5 Where a vehicle is located on a road or highway the Council as part of the process to establish if a vehicle is abandoned may apply an informal notice ("Removal Notice") to the vehicle, giving an opportunity for the vehicle to be removed or claimed by the registered keeper prior to the Authority taking custody of the vehicle. If a vehicle is deemed to be hazardous the Council may elect to remove it immediately if it is considered abandoned without applying the Removal Notice to the vehicle. The registered keeper details will be obtained via the DVLA WEE link and the keeper notified in writing that the vehicle has been removed
- 4.6 Where an abandoned vehicle is located on occupied private land the Council must give the occupier 15 days' notice that it intends to remove the abandoned vehicle. If the occupier objects within the 15 days then the Council cannot remove the vehicle. At the same time as giving the occupier However, as soon as the occupier gives the Council permission to remove the vehicle it can be removed immediately without waiting for 15 days to lapse.

5.0 Vehicles not considered abandoned

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

6.0 Removal of Vehicles

- 6.1 The Removal Notice will be placed on the vehicle for the notice period applicable to its location:
- 6.2 If a vehicle appears to be in such a condition that it ought to be destroyed, a 24hr notice will be affixed.
- 6.3 If the vehicle is located on public highway, the notice period is 7 days.
- 6.4 The notice informs interested parties that, if the vehicle is not removed or claimed within the time stated, it can be removed and disposed of with costs claimed from the owner.
- 6.5 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.
- 6.6 A warning letter will also be sent to the Registered Keeper giving notification of the intended removal. Notice periods as set out 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). Proof of service of the warning letter and removal notice will be kept.

7.0 Claims

- 7.1 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.
- 7.2 Failure to produce the relevant proof of ownership may lead to the vehicle being removed as abandoned.
- 7.3 Advice will be provided to the owner / keeper of the vehicle (if appropriate) around the condition and storage of the vehicle.
- 7.4 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.
- 7.5 If a vehicle on private property is claimed, the claimant's details will be provided to the landowner, if appropriate. .

7.6 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.

7.7 If an abandoned vehicle is in such condition that it is a danger to the public then it will be removed immediately without a Removal Notice being applied to the vehicle.

8.0 Vehicles not meeting the criteria

8.1 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.

8.2 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.

9.0 Vehicles requiring removal

9.1 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. Where the vehicle is not of interest to any others, instruction will be given to the Council's contractor to arrange removal.

9.2 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.

9.3 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. Further enquiries then will be made in an effort to trace an owner under the regulations as set out in Annex C, however if a keeper cannot be traced, the vehicle will be destroyed. If Owner can be traced then the Council must give the owner of the vehicle a statutory seven days' written notice that it intends to dispose of the vehicle if it is not collected within this time. If the notice was given by post the seven days' notice period will be deemed to have started no sooner than 2 days after the letter was posted. Proof of service of this notice will be kept

9.4 Valuation of the vehicle will be carried out by officers who are trained to undertake such valuations.

10.0 Vehicles claimed after removal

- 10.1 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.
- 10.2 Destruction of the vehicle will be delayed for a reasonable period to allow for proof of ownership to be produced and the vehicle will be removed to storage..
- 10.3 A fixed penalty notice (£200) may 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.
- 10.4 Upon payment of the prescribed amounts (see Annex B) in respect of removal and storage fees the arrangements will be made for the return of the vehicle.
- 10.5 If before the expiration of the period of one year beginning with the date on which a vehicle is sold by a Council any person satisfies the authority that at the time of its sale he was the owner of the vehicle, the Council shall pay over to him any sum by which the proceeds of sale exceed the aggregate of such sums in respect of the removal, storage and disposal of the vehicle.

11.0 Caravans and Trailers

- 11.1 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.
- 11.2 It should be noted that tracing owners or keepers of these vehicles could be difficult therefore; in certain circumstances, the usual notice period may be extended.

12.0 Financial Implications

- 12.1 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 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.
- 12.2 The exception to this is trailers and caravans, which have no scrap value. There is a cost for collection and disposal of these, currently £200.

13.0 Data Security and additional information

- 13.1 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.
- 13.2 DVLA check printouts are stored in a locked cabinet and destroyed after a period as specified by the DVLA. In addition, all enquiries are recorded in a separate log to act as an audit trail, and are kept in a locked cabinet.
- 13.3 If an enquiry is made by the 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.
- 13.4 Before performing a DVLA check, the Council's authorised officer must have read the guidance issued by the DVLA and understand the evidence that must be in place before making a request.
- 13.5 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.

Annex A - Operational Policy – Schedule of steps

Abandoned vehicle procedure

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>
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.
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.
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 to request removal. The location, make, model and registration details must be given.
11. After the 7th 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 to request 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.

Annex B - Prescribed sums and charges for removal

Table 1

1	2	3	4	5
1 Vehicle position and condition	Vehicle equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 tonnes MAM	Vehicle exceeding 18 tonnes MAM
2 Vehicle on road, upright, and not substantially damaged, or any two wheeled vehicle whatever its condition or position on or off road	£192	£256	£448	£448
3 Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£320	£832	Unladen - £2561	Unladen - £3842
			Laden - £3842	Laden - £5763
4 Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged	£256	£512	Unladen - £1281	Unladen - £1921
			Laden - £1921	Laden - £2561
5 Vehicle, excluding a two wheeled vehicle, off road but either not upright or substantially damaged or both	£384	£1089	Unladen - £3842	Unladen - £5763
			Laden - £5763	Laden - £7684

Charges in relation to the storage of vehicles

For each period of 24 hours or a part thereof during which the vehicle is in the custody of the Council

Table 2

1	2	3	4	5
1 Two wheeled vehicle	Vehicle, not including two wheeled vehicle, equal to or less than 3.5 tonnes MAM	Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 tonnes MAM	Vehicle exceeding 18 tonnes MAM
2 £13	£26	£32	£38	£45

Annex C - Removal and Disposal of Vehicles Regulations 1986/183

11. Interpretation of Part III

In this Part of these Regulations, unless the contrary intention appears, the following expressions have the meaning hereby assigned to them respectively, that is to say—

“description of the place of abandonment” , in relation to a vehicle, means a description of the place at which that vehicle appears or appeared to be abandoned which will be sufficient to enable that place to be identified after the vehicle has been removed therefrom;

“H.P. Information Ltd.” means Hire Purchase Information Limited, being a company incorporated under the Companies Act 1948;

“owner”, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, includes the person entitled to possession of the vehicle under the agreement;

“G.B. registration mark” means a registration mark issued in relation to a vehicle under the Vehicles (Excise) Act 1971;

“specified information” , in relation to a vehicle, means such of the following information as can be or could have been ascertained from an inspection of the vehicle, or has been ascertained from any other source, that is to say—

(a) in the case of a vehicle which carried a G.B. registration mark, or a mark indicating registration in a country outside Great Britain, particulars of such mark; and

(b) the make of the vehicle.

“GB. registration mark” means a registration mark issued in relation to a vehicle under the Vehicles (Excise) Act 1971;

“Specified information” , in relation to a vehicle, means the registration mark and the make of the vehicle as well information whether it is a GB registration or another’s country’s registration

12. Steps to be taken to find the owners of certain vehicles

(1) For the purposes of section 4(1)(c) of the 1978 Act and section 101(3)(c) of the 1984 Act, the steps to be taken by an authority to find a person appearing to them to be the owner of the vehicle in a case to which either of those paragraphs applies shall be such of the following steps as are applicable to the vehicle:—

(a) if the vehicle carried a G.B. registration mark—

(i) the authority shall ascertain from the records maintained by the Secretary of State in connection with any functions exercisable by him by virtue of the Vehicles (Excise) Act 1971 the name and address of the person by whom the vehicle is kept and used;

(ii) the authority shall, where they have found the name and address of a person who may be the owner of the vehicle from the records maintained by the Secretary of State as aforesaid, send a notice to that person in the manner prescribed by the next following regulation giving the specified information, stating whether the vehicle has been removed from the place at which it appeared to have been abandoned, and if so to what place, stating that if he is the owner of the vehicle they require him to remove the vehicle from their custody on or before a specified date, being the date when the relevant period prescribed by regulation 14 of these Regulations will expire, and stating that unless it is removed by him on or before that date they intend to dispose of it; and

(iii) the authority shall give the specified information and a description of the place of abandonment to the chief officer of the police force in whose area is the place at which the vehicle appeared to have been abandoned (unless the authority is that officer) and the specified information to H.P. Information Ltd., and shall enquire of each person to whom the information is given whether that person can make any enquiries to find the owner of the vehicle;

(b) if the vehicle does not carry a G.B. registration mark but carries a mark indicating registration in Northern Ireland the authority shall give the specified information and a description of the place of abandonment to the chief officer of the police force in whose area is the place at which the vehicle appeared to have been abandoned (unless the authority is that officer) and to the Secretary of State for Transport and the specified information to H.P. Information Ltd., and shall enquire of each person to whom the information is given whether that person can make any enquiries to find the owner of the vehicle;

(c) if the vehicle does not carry a G.B. registration mark but carries a mark indicating registration in the Republic of Ireland, the authority shall give the specified information and a description of the place of abandonment to the Secretary of State for Transport, and to the chief officer of the police force in whose area is the place at which the vehicle appeared to have been abandoned (unless the authority is that officer), and shall enquire of each person to whom the information is given whether that person can make any enquiries to find the owner of the vehicle;

(d) if the vehicle does not carry a G.B. registration mark but carries a mark indicating registration in the Channel Islands, the Isle of Man, or any country not mentioned in the foregoing sub-paragraphs of this paragraph, the authority shall give the specified information and a description of the place of abandonment to the chief officer of the police force in whose area is the place at which the vehicle appeared to have been

abandoned (unless the authority is that officer), and the specified information to H.P. Information Ltd., and shall enquire of each person to whom the information is given whether that person can make any enquiries to find the owner of the vehicle;

(e) if the vehicle does not carry a G.B. registration mark or any other registration mark, then—

(i) if the authority is the chief officer of the police force in whose area is the place at which the vehicle appeared to have been abandoned, that officer shall apply to the local authority in whose area is that place, giving the specified information and enquiring whether that authority has any information as to who is the owner of the vehicle; or

(ii) if the authority is the local authority in whose area is the place at which the vehicle appeared to have been abandoned, the authority shall apply to the chief officer of the police force in whose area is that place, giving the specified information and enquiring whether that officer has any information as to who is the owner of the vehicle.

For the purposes of this sub-paragraph “local authority” means —

(aa) in relation to England, the council of a county, a metropolitan district or a London borough, or the Common Council of the City of London or an authority established under section 10 of the Local Government Act 1985;