

Abandoned Vehicle Policy

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1.0 Introduction

1.1 Local authorities have a duty under the Refuse Disposal (Amenity) Act 1978 to remove a vehicle which is abandoned on land in the open air, on any other land forming part of the highway subject to certain conditions. For business premises Teignbridge District Council (Council) will only consider action following extensive enquiries on car park enforcement regulations, landlord responsibilities and business genre (e.g., car repair garage, vehicle service workshop or commercial premises).

1.2 The 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 high.

1.3 The Clean Neighbourhoods and Environment Act 2005 provides Fixed Penalty Notices to be issued to any person found to have abandoned a vehicle.

1.4 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
- Clean Neighbourhood and Environment Act 2005

2.0 Reports

2.1 The Council will upon receiving an abandoned vehicle report respond within 10 working days to establish whether further action should be taken.

2.2 The following circumstances will be considered but not limited to, when assessing whether a vehicle has been abandoned, for the purpose of the Councils' statutory duty:

- If the vehicle is untaxed or SORN (subject to a 14-day grace period as per DVLA guidelines)
- stationary for a significant amount of time
- burnt out
- it is significantly damaged, run down or unroadworthy, for example has flat tyres, missing wheels, or broken windows.
- Taxed vehicles may be deemed abandoned by the inspecting authorised officer in certain circumstances, such as but not limited to; stationary for a significant time; significantly damaged. Providing the Council takes all reasonable steps to find and inform the last registered keeper of it being deemed abandoned

3.0 Process

3.1 The Council will establish whether an abandoned vehicle report is viable and will follow up with an investigation by an authorised officer if required.

On public land the Council will commence an inspection on site to determine whether the vehicle is abandoned. A seven-day notice may be served on the vehicle, giving the opportunity for the vehicle to be removed, or claimed by the registered keeper, prior to the Council taking custody of the vehicle.

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 can contact the Council.

On private land the Council will establish land ownership to determine appropriate action, according to private land legislation. A Disclaimer may be issued to the landowner, and a fifteen-day notice may be served on the vehicle.

If a vehicle is deemed by the authorised officer to be dangerous the Council may issue an immediate removal notice.

Where vehicles are parked or stationed inappropriately, the Council will work in partnership with the Police and the County Council and other relevant agencies to secure removal of such vehicles.

3.2 The Council will make keeper detail enquiries to the DVLA as appropriate.

3.3 If a registered keeper at the date of the offence is established via DVLA enquiries, a letter will be sent to the named keeper at the address provided by the DVLA (as good practice).

- 3.4 If the Council cannot establish the registered keeper or owner, or if the recipient of a seven or fifteen-day notice fails to comply, the Council will remove the vehicle and store for seven days.
- 3.5 If an abandoned vehicle is in such a condition that it ought to be destroyed, the Council can dispose of the vehicle after its removal without any notice to the owner.
- 3.6 If the vehicle owner comes forward after the vehicle has been removed and placed in storage, they must provide documentary evidence to prove ownership. The destruction of the vehicle may be delayed for a reasonable period to establish and substantiate the claim of ownership. In addition, a Fixed Penalty Notice may be considered in appropriate circumstances.
- 3.7 If the Council removes the vehicle and has it scrapped or placed in storage, all costs will be passed onto the current keeper in accordance with the national statutory prescribed charges. The Council is not permitted to recover any costs from an occupier of land upon which a vehicle has been abandoned.
- 3.8 Caravans and Trailers - Abandoned caravans and trailers and any other chassis or body, with or without wheels are included within the definition of 'motor 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. 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.

4.0 Financial Implications

- 4.1 The Council currently has a contract for removal and disposal of vehicles, caravans, and trailers. The contract is tendered through the procurement process to obtain best value. This is funded by the Teignbridge District Council budget setting process.

5.0 Data Security

- 5.1 Abandoned vehicle reports are logged online via the Council website, and all information is stored on the Case viewer database, with restricted access. All cases over two years are deleted in line with DVLA retention guidelines (unless they are subject to a legal challenge.)
- 5.2 DVLA registered keeper details are uploaded to a secure letter database and retained in line with the Council's data retention schedule.
- 5.3 DVLA registered keeper detail printouts are stored in accordance with DVLA audit regulations.
- 5.4 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 two years; this is recorded in the log.

- 5.5 Before performing a DVLA check, the Council's authorised abandoned vehicle officers must have read the guidance issued by the DVLA and understand the evidence that must be in place before making a request.

6.0 Complaints

- 6.1 If an informant does not agree with a decision made by the council regarding an abandoned vehicle, refer them to our complaints process page
<https://www.teignbridge.gov.uk/help-and-accessibility/contact-us/comments-compliments-and-complaints/the-complaints-process/>
- 6.2 If a customer claims to own a vehicle that we have destroyed following our abandoned vehicle process and does not agree with our decision, refer them to our complaints process page <https://www.teignbridge.gov.uk/help-and-accessibility/contact-us/comments-compliments-and-complaints/the-complaints-process/>