

REDDITCH BOROUGH COUNCIL

ABANDONED VEHICLE PROCEDURE

The Act under which the Council removes vehicles is the Refuse Disposal (Amenity) Act 1978.

What is considered an abandoned vehicle

The Waste Management Officer must be satisfied that a vehicle is abandoned. The Officer should consider all the following matters in deciding whether or not a vehicle is abandoned. As a general guide, if a vehicle falls within points 1 and 2 and at least one other point, it is likely to be abandoned.

- 1) Untaxed
- 2) Poor condition generally
- 3) Detritus forming round the vehicle (as evidence that the vehicle has not moved for some time).
- 4) Badly parked -
e.g. - taking up 2 parking bays
at an angle
on pavement
- 5) Evidence from witnesses that the vehicle has not moved for at least a minimum of 4 weeks.

If the vehicle is considered by the Waste Management Officer to be dangerous, there is no need to decide whether or not the vehicle has been abandoned. Instructions to remove should be issued immediately in order to meet its obligations under the Occupiers Liability Act - for the Council.

- 6) Dangerous - including
 - Broken windows
 - On bricks
 - Fuel leak
 - Position e.g. on a bend/near a junction
 - Burnt out

Class A Vehicles

- 1) Estimated value of less than £500 (guide to be supplied to the Waste Management Officer at New Year and six months).
- 2) Vehicle in poor condition, e.g. rust, dull paint work, cracked windows, algae or moss, detritus on or around the vehicle, rubbish inside vehicle.
- 3) Untaxed.

Class B Vehicles

- 1) Estimated value over £500
- 2) Vehicle in better condition but satisfies at least 2 others of the definition of an abandoned vehicle.
- 3) Untaxed.

Class A Vehicles

- 1) Waste Management Officer visits site. If vehicle not at location record on request sheet RBU - Removed By Unknown.
- 2) Waste Management Officer inspects vehicle, assesses its value at less than £500.
- 3) Fix 7 day notice of destruction to the vehicle. Vehicle details to be completed first, ensuring exact location of vehicle is entered at 'location'.
- 4) Take a photograph to show notice, registration number and where possible tax disc.
- 5) Complete location sheet for those vehicles stickered on return to office.
- 6) (a) either owner phones to claim the vehicle, in which case the vehicle is no longer abandoned. However the owner should be informed that although the Council will take no further action with

regard to the notice, we will be informing the DVLA that the vehicle is untaxed. (Standard form to be sought from DVLA).

or

(b) Owner phones to say that they no longer want the vehicle. Take name and address and inform of disposal charge. Issue notice to pick up and destroy to contractor.

- 7) If no-one claims vehicle, re-inspect vehicle on 8th day (or as close to as is feasible but a maximum of 2 weeks).
- 8) On inspection if the vehicle has gone, no further action. Complete location Sheet again. Pass details to Technical Assistant or appropriate officer on return to work.

or

- 9) Vehicle still at location check it is still untaxed. If so, arrange for contractor to remove vehicle as soon as possible and immediately destroy. Complete location sheet again. This again to be carried out by Technical Assistant or appropriate officer. Any items of no or little value within the vehicle can be removed by the contractor.
- 10) Contractor removing vehicle to notify DVLA of its destruction.

Class B Vehicles

- 1) Waste Management Officer visits site. If vehicle not at location record on request sheet RBU - Removed By Unknown.
- 2) Waste Management Officer inspects vehicle, assesses its value at more than £500.
- 3) Fix 7 day notice to remove and store that the Council considers the vehicle to be abandoned, and requesting that the registered keeper contact the Council or remove the vehicle within 7 days.
- 4) Take a photograph to show notice, registration number and where possible tax disc.
- 5) Complete location sheet on return to office for those vehicles stickered.

- 6) Check for registered keeper of vehicle. Again this will be carried out by the Technical Assistant or appropriate officer.
- 7) (a) either owner phones to claim the vehicle, in which case the vehicle is no longer abandoned. However the owner should be informed that although the council will take no further action with regard to the notice, we will be informing the DVLA that the vehicle is untaxed.

or

- (b) Owner phones to say that they no longer want the vehicle. Take name and address and inform of disposal charge. Take name and address, request owner gives written permission to destroy, including vehicle details. Technical Assistant or appropriate officer requests DVLA confirmation of owner. Upon receipt of both, if owner name and address matches, instructions to destroy issued.
- 8) If no-one claims the vehicle, re-inspect vehicle on 8th day (or as close to as is feasible but a maximum of 2 weeks)
- 9) On inspection if the vehicle has gone, no further action. Pass details to Technical Assistant or appropriate officer on return to work.

or

- 10) Vehicle still at location check it is still untaxed. If so, arrange for contractor to remove and store the vehicle as soon as possible. Any items of value stored within the vehicle must be removed before destruction only upon the instruction of an authorised officer of the Council.

Care must be taken by the contractor not to damage the vehicle when removing from site and placing in storage.

The remainder of the instructions to remove and store vehicles will be carried out by the Technical Assistant or appropriate officer but still form part of the procedure as follows.

- 11) Send 21 day notice to registered keeper - if known.
- 12) If owner phones to claim vehicle, then inform of charges to release and arrange an appointment with the Technical Officer or appropriate officer. The owner must bring with them proof of ownership, proof of

identity and the appropriate fee to the Town Hall when the release letter will be completed.

- 13) If no owner comes forward within the 21 day notice period, then on the 22nd day issue notice to contractor to sell or destroy vehicle.
- 14) If the registered keeper comes forward within 21 days and states that they sold the vehicle to someone else:
 - a) if they give a name and address (in writing) then a 14 day notice should be issued to the new unregistered owner.

or

 - b) if they cannot give a name and address e.g. sold to man/woman in the pub, then can issue notice to sell/destroy after 21 day period.
- 15) If the new unregistered keeper comes forward during the 14 day notice period, then inform of charges to release and arrange appointment for unregistered keeper to bring appropriate documentation and fee to Town Hall and issue letter of release - as in (12) above.
- 16) If no owner comes forward within 14 day notice period, then on 15th day issue notice to contractor to sell or destroy the vehicle.
- 17) If there is no record of a registered keeper or there is no licence plate, then the vehicle should be stored for 21 days, then follow procedure (13) above.

Abandoned Vehicles on private Land

This would also include Housing Association land and any charities e.g. YMCA

1. **If request received from a member of the public or any person other than the land owner -**

Waste Management Officer visits the site to ascertain that the vehicle is still there and to assess if it is an abandoned vehicle and if it is on the highway or on land in the open - which means to which the public have access

If unsure about land ownership, then check on the GIS system or with Estates on return to office. Land registry search may be necessary to determine the land ownership.

Once land ownership has been established, then serve a 15 day notice on the owner/occupier of the land **and inform them of the costs that will be incurred.**

If no objections to entering the property, then follow the procedure for Class 'A' or Class 'B' procedures listed above.

2. If complaint received from the owner/occupier of the land.

Inform owner/occupier of costs for removal of vehicle/s and serve a 15 day notice.

Ask owner/occupier to write in giving authorisation to enter his land for the purposes of removing abandoned vehicles and stating the details of the vehicle/s. Costs must be agreed before removal and the agreed sum stated in the letter.

Follow the procedure above for Class 'A' or Class 'B' depending on vehicle

Dangerous Vehicles

Please note that dangerous vehicles on the Council's land are removed to enable the Council to meet its obligations under the Occupiers Liability Act. This only applies to land the Council owns. The Council does not have occupiers liability for the whole town.

- 1) Waste Management Officer visits vehicle and considers it to be dangerous. Vehicle deemed dangerous if: -

- it is causing an obstruction
- fuel leak
- smashed windows/glass
- vehicle open and inside wrecked
- burnt out
- body badly damaged

- 2) Waste Management Officer to take a photograph showing the registration number and the damage to the vehicle. Phone Waste Management Team and request that the Council's contractor be

instructed to pick up the vehicle as soon as possible which is to be ***within 4 hours***. Please note do not apply a sticker.

- 3) Record reasons on paperwork for considering vehicle to be dangerous.
- 4) Designated Officer within the Waste Management Team to carry out check for registered keeper by sending a DVLA check to the Police.
- 5) Designated Officer to send out 21 day notice if over £500 value or 7 day notice if under £500 value. Then follow procedure for Class B 21 day notice.
- 6) **If the vehicle is potentially hazardous - for example if parked near a junction, partly vandalised and in an area known for vandalism, blocking a private drive or road so as to stop access for emergency vehicles - affix a 24 hour notice, take a photograph and record your reasons for affixing a 24 hour notice.**
- 7) On return to office, pass to appropriate officer to carry out DVLA checks by contacting the police, as above.
- 8) **Waste Management Officer to check vehicle the next day if 24 hour notice used. If still at location follow details above for Class A vehicles. If vehicle has a value of over £500 and it is considered to be a potential hazard the vehicle can be removed immediately and stored without any notice being placed on it. If this is the case, follow procedure above for Class B vehicles.**

Please note if the vehicle is reported by the public as being dangerous, then the Waste Management Officer/designated officer should respond within 2 hours.

Taxed Vehicles

- 1) Abandoned taxed vehicle is reported. Officer carries out a site visit to ascertain how long the vehicle has been in its current position.
- 2) Waste Management Officer makes a judgement on how long we will monitor the vehicle before considering it as abandoned.
- 3) Waste Management Officer will need to consider length of tax left, position of vehicle, condition of vehicle and any other potential hazard. These to be noted on the inspection sheet.

- 4) At the end of the agreed period, Officer revisits the site -
 - a) if vehicle has gone no further action
 - b) if vehicle is still there, then attach Class B notice to say vehicle will be removed and stored after 7 days and take a photo.
- 5) If vehicle still at location on the 8th day appropriate officer to issue instructions to remove and store (same procedure as for Class B but the vehicle must be stored until 2 weeks after the road fund tax has expired).

Amnesty

When running -

- 1) Owner contact Waste Management Office to say he/she has a car he wishes to dispose of.
- 2) Details to be taken over the phone and DVLA check to be carried out by the Technical Assistant or appropriate officer.
- 3) Owner makes an appointment with appropriate officer to call into the Town Hall with written authorisation to remove the vehicle. Car type/make and registration number will need to be included within the written authorisation. The written authorisation will need to state car type/make/registration number/ within the body of the letter. The owner will need to prove ownership by producing a log book and some form of identification.
- 4) If calling in on behalf of owner of vehicle, they will need written authorisation from the owner to collect the vehicle.
- 5) Owner and appropriate officer completes authorisation.
- 6) Appropriate officer issues instructions to the contractor to remove and destroy the vehicle.

Caravans/HGVs/Motorbikes

- 1) Caravans

Follow procedure for Class B vehicles except if caravan removed to storage, store for 7 days only (and not 21 days), before issuing instructions to destroy.

2) HGVs

Follow procedure for Class B vehicles.

3) Motorbikes

If a motorbike is dangerous, follow procedure for dangerous vehicles above. If not in a dangerous condition, tie a laminated 7 day notice to the motorbike - Class A or B depending upon the value - and follow appropriate procedure.

Out of Hours Procedure

If a vehicle requires emergency removal outside of normal working hours -

- 1) Out of hours emergency number would be phoned. Out of hours operative to visit site and assess and then to contact a relevant contractor to undertake the work.
- 2) Out of hours operative will remain on site until Contractor arrives and completes the work.