

Review Report on the Council's Abandoned Vehicle Process

Overview & Scrutiny Panel	18 February 2021
Report Author	Jasmin Vickers, Acting Director of Environment
Portfolio Holder	Cllr Steve Albon
Status	For Information
Classification:	Unrestricted
Key Decision	No
Ward:	All

Executive Summary:

Overview and Scrutiny Panel have requested a review report on the following street scene related topic: How can TDC speed up time taken to clear abandoned vehicles?

The Process for dealing with abandoned vehicles in our district is outlined in this report.

Recommendation(s):

1. That this report is noted;
2. Communications could be strengthened on the council's process to inform residents of the procedures and timescales we are confined to under the legislation.

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no financial implications.
Legal	<i>The process for abandoned vehicles is set out in legislation under the Refuse Disposal (Amenity) Act 1978.</i>
Corporate	<i>Communications could be strengthened on this process to better inform the public and avoid frustration leading to complaints.</i>
Equality Act 2010 & Public Sector Equality Duty	Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

	Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.	
	Please indicate which aim is relevant to the report.	
	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	
	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	
	Foster good relations between people who share a protected characteristic and people who do not share it.	

CORPORATE PRIORITIES (tick those relevant) ✓	
Growth	
Environment	✓
Communities	✓

1.0 Introduction and Background

- 1.1 Overview and Scrutiny Panel have requested a review report on the following street scene related topic: How can TDC speed up time taken to clear abandoned vehicles?
- 1.2 Abandoned vehicles often get confused with nuisance vehicles. An abandoned vehicle is always a nuisance, but a nuisance vehicle is not always abandoned. A nuisance vehicle could be any of the following:
- Poorly parked;
 - Causing an obstruction;
 - Involved in residential parking disputes;
 - Broken down;
 - Untaxed.

Abandoned vehicles are expensive to remove, have a negative impact on the environment, look unsightly and can lower the quality of life in neighbourhoods. They can be the result of, or lead to crime, they take up valuable parking spaces and can quickly become dangerous when vandalised or filled with hazardous waste (they are often used as skips). There is a risk of explosion or injury, they can leak dangerous fluids, which can catch fire or run into the water stream and they are often burnt out, which can endanger lives, property and the environment.

By removing abandoned vehicles, our streets look less neglected and are less likely to attract other anti-social behaviour.

2.0 Abandoned vehicles and the law

2.1 Local authorities are under a duty under Section 3 of the Refuse Disposal (Amenity) Act 1978, to remove a vehicle which is abandoned in their area, on any land in the open air, or on any other land forming part of a highway. However, this does not cover vehicles abandoned on private land. Under this Act, abandoning a vehicle is a criminal offence, carrying a maximum penalty of a fine of £2,500 or three months' imprisonment, or both. The matter can also be dealt with by issuing a fixed penalty notice for payment of £200.

2.2 When a vehicle is reported as abandoned the vehicle needs to meet criteria:

- Vehicle is not taxed and;
- Vehicle has been in situ for over 2 weeks and;
- Does not have a known owner

2.3 There are 3 types of Notice periods:

24hr Notice - used only when a vehicle is deemed as dangerous such as burnt out and/or smashed windows ect

7 Day Notice - Used on all vehicles that have been reported to TDC as abandoned on the highway/TDC land

15 Day Notice - Used on vehicles that have been reported to TDC as abandoned on private land - Authorisation is needed from the land owner

The removal notice period is set by legislation and cannot be changed.

2.4 TDC look to find the owner of the vehicle, and the process is as follows -

- A report is made online by members of the public. 7 days after the report an officer will attend and place a notice onto the vehicle to give notice of the intent of removal if the vehicle is not claimed.
- A DVLA request for the Registered Keeper is made which may take 24 hours. If the vehicle has a registered keeper TDC will write to advise for the intent to remove the vehicle due to abandonment. This gives the owner 7 days to claim the vehicle.
- After the 7 days have elapsed an officer will visit the vehicle for a 2nd time to ensure the vehicle is still in situ, once confirmed, a removal report is sent to the contractor to remove.
- If the contractor cannot come out immediately this may cause delay, however this will entirely depend on their workload at the time of us booking with them.
- If a vehicle is claimed during the process TDC takes no further action as the vehicle is no longer classed as abandoned.

- 2.5 The police have powers under the Removal and Disposal of Vehicle Regulations 1986 to remove any vehicle that is in breach of local traffic regulations, causing an obstruction, likely to cause a danger, broken down or abandoned without lawful authority. The police can remove a vehicle to which a notice has been affixed by the local authority that has deteriorated to a dangerous wreck immediately
- 2.6 TDC is bound by the timescales as set out under Section 3 of the Refuse Disposal (Amenity) Act 1978. In summary there is no way to speed up the process for dealing with abandoned vehicles currently. There may be some benefit to updating our webpages with more information on the process, what information we require from the public at the time of reporting, and the difference between nuisance and abandoned vehicles.

3.0 Recommendations

- That this report is presented to OSP as requested, and noted.
- We update our website with information on abandoned vehicles and utilise the document that Dover and other Councils publish from Encams with useful information.

Contact Officer:	Jasmin Vickers, Acting Director of Environment
Reporting to:	Gavin Waite, Corporate Director

Background Papers

Title	Details of where to access copy
Encams guide to nuisance and abandoned vehicles	www.encams.org

Corporate Consultation

Finance	Chris Blundell, Director of Finance
Legal	Estelle Culligan, Director of Legal