

**1.0 ABANDONED VEHICLE PROCEDURES**

- 1.0.1 The removal of any property infringes The Human Rights Act 1998. Article 1 of the First Protocol states that “Every natural or legal person is entitled to the peaceful enjoyment of his possessions. Therefore no person shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law.”
- 1.0.2 Slough Borough Council considers it a priority to remove vehicles which are abandoned and their appearance works against the creation safe, environmentally friendly and sustainable neighbourhood.
- 1.0.3 On occasions claims of unlawful removal etc. will be made. Therefore, it is essential that an accurate account of how each case has been dealt with is available. Should the person propose action against the Council relevant the Team Leader must prepare a report for the Legal Section and the Council’s insurance officer.

**1.1 Legislation**

- 1.1.1 The Refuse Disposal (Amenity) Act 1978 (as amended), imposes a statutory duty on the local authority to remove abandoned vehicles where that vehicle has been abandoned, without lawful authority, on any land in the open air or on any other land forming part of a highway.
- 1.1.2 Where the land upon which a vehicle is abandoned is occupied a notice is served on the occupier proposing to remove the vehicle but the Council are not entitled to remove it if the occupier objects to the proposal.
- 1.1.3 The Council is not required to remove a vehicle if it appears to them that the cost of its removal to the nearest convenient carriageway would be unreasonably high.
- 1.1.4 The Removal and Disposal of Vehicles Regulations 1986 (as amended) states that the Police should be informed of the complaint and it be requested that they make such enquiries, based on information they have, to trace the owner.

**1.2 Complaint Details**

- 1.2.1 Complaints are taken from the general public and other partner agencies or may be discovered during the course of another investigation. In each case the following information shall be obtained about the vehicle
- i. Registration,
  - ii. Make, model, and colour,
  - iii. Details of the Road Fund Licence (Tax Disk),
  - iv. Location of the vehicle,
  - v. Length of time it had been left,
  - vi. Condition of the vehicle (significant damage, missing parts etc),
  - vii. Signs of vehicle having been in the same location for some time e.g. build-up of dirt on it, accumulation of litter and refuse, etc.
  - viii. Is the vehicle in a position from which removal would be difficult,

## DRAFT OPERATIONAL POLICY

1.2.2 If the vehicle is legally parked, has no visible damage, and has a current Tax Disk then the Council will take no action and the complainant shall be notified.

1.2.3 The status of a vehicle's Tax Disk can be checked through the Directgov web portal.

*<https://www.taxdisc.direct.gov.uk/EvIPortalApp/app/enquiry?execution=e1s1>*

1.2.4 If the vehicle is considered to be parked in a dangerous position or is causing an obstruction then the complaint shall be passed to Thames Valley Police (TVP).

1.2.5 If the vehicle is parked on double yellow lines or contravening similar parking controls then the complaint shall be passed to the Council's Parking Enforcement section.

### **1.3 A Vehicle is Untaxed on a Public Road but Undamaged**

1.3.1 If a vehicle is parked on the public highway with an out of date Tax Disk then the matter will be referred to the Driver and Vehicle Licensing Agency (DVLA) through their web access page.

*<https://www.gov.uk/report-untaxed-vehicle>*

1.3.2 The complainant will be informed.

### **1.4 A Vehicle is on a Public Road but Damaged**

1.4.1 The Officer is required to make a decision regarding the condition of the vehicle and it's safety/roadworthy condition. This is not a technical examination simply a visual inspection to determine if the condition of the vehicle is such that it ought to be removed and/or destroyed.

1.4.2 The Officer should record any visible damage together with representative photographs. Whether the vehicle is in a dangerous condition shall be based on one or more of the following factors;

- i. Fire damage,
- ii. Significant damage e.g. accidental or by vandalism,
- iii. Absence of major parts e.g. large body parts, most of engine, wheels, most windows,
- iv. The vehicle is jacked or propped-up,
- v. Missing petrol cap,
- vi. Broken window glass in or around the vehicle
- vii. Any other factor considered relevant.

1.4.3 Where a vehicle is damaged, but not to the extent that it should be removed or destroyed, then the decision to take action will revert to whether the vehicle has a current Tax Disk as above.

1.4.4 Where a vehicle is damaged to such an extent that it is considered that it should be removed or is fit for destruction, the Officer should report this fact to the relevant team leader and with their agreement instruct our Salvage

## **DRAFT OPERATIONAL POLICY**

Contractor (SC)\* to remove it as soon as possible and preferably within 24hrs.

\* the current Salvage Contractor is – M V Grogan & Sons, The Workshop, Farlows Lake, Ford Lane, Iver, SL0 9LL.

1.4.5 If the vehicle is not considered fit for destruction then it should be stored for 21 days pending enquiries to find the vehicle owner. Should the vehicle have a current tax disk then this storage period must be the 21 day period or 14 days after the Tax Disk has expired, whichever is the longer.

1.4.6 If the condition of the vehicle is such that it should be destroyed then that fact should be recorded and authorisation given to SC.

### **1.5 After the vehicle has been removed by our contractors**

1.5.1 The Officer will contact the DVLA and request the details of the registered keeper. This should be in writing using the Department's Data Protection Registration Number.

1.5.2 The registered keeper of a vehicle will be written to (Flare M84) advising them that they will be liable for the council's costs of removing, storing and eventual destruction after 14 days.

1.5.3 In such circumstances when a vehicle owner has been contacted the case officer will prepare a witness statement and prepare a Fixed Penalty Notice (£200 or £120 if paid within 10 days) for signing by the relevant Team Leader

1.5.4 Should anyone wish to reclaim the vehicle they must produce the vehicle's registration document (Form V5), their Driver's Licence or other suitable I.D. and pay in full the costs incurred for which a receipt will be issued at the time.

1.5.5 If the vehicle is not claimed at the end of the period then written authorisation (an email is acceptable) will be given to SC for the destruction of the vehicle.

### **1.6 A Vehicle is Abandoned on Private Land**

1.6.1 Nothing in this section shall interfere with the rights of the owner or occupier of any land to remove the vehicle and they should be advised to seek appropriate legal advice should they wish to do so.

1.6.2 If the vehicle has a current Tax Disk and is in an undamaged state then the Council will take no action and the complainant will be informed.

1.6.3 If a vehicle has been abandoned on private land then the Council can serve a notice (Flare Notice N81) upon the occupier to remove the vehicle within 15 days (15 Day notice).

1.6.4 The occupier must confirm in writing that they have no knowledge of the vehicle nor its owner, and indemnify the Council against any claims.

1.6.5 If the occupier objects to the 15 Day notice, the Council can take no further action. This objection should be in writing.

## **DRAFT OPERATIONAL POLICY**

- 1.6.6 If the vehicle is not in a dangerous condition then a copy of the 15 Day notice will be attached to it in a prominent position. A copy of the notice shall also be left with the occupier.
- 1.6.6 The Officer shall request details of the Registered Keeper from the DVLA and they will be written to with a copy of the notice. This will not prevent the Council removing the vehicle
- 1.6.7 The occupier can give authority, in writing, for the Council to act immediately and waive the 15 day period. The occupier must request this in writing and they must confirm that they have no knowledge of the vehicle nor it's owner.
- 1.6.8 If the vehicle remains in situ when the 15 Day notice expires then the Officer shall arrange for the vehicle to be collected by the SC

### **1.7 Alternative Powers**

- 1.7.1 If a car is considered to be in a dangerous condition e.g. a burnt out wreck, windows smashed-in, petrol cap missing, jacked-up, missing wheels, missing body parts etc. the vehicle can be authorised for immediate removal under a strategic partnership with Thames Valley Police to reduce crime in accordance with s17 Crime and Disorder Act 1998.
- 1.7.2 If the vehicle is in a dangerous condition, its immediate removal can be obtained using Local Government Act 2000 s2 – Power of Wellbeing to secure an environmental improvement. In such cases, where the vehicle has a registered keeper a letter must be sent explaining the reasons for the lift and setting out the reclaim procedures.

### **1.8 Special Circumstances**

- 1.8.1 If it is believed that the value of any vehicle is excessive in spite of it's condition (i.e. a vintage car, or a luxury marque) then the relevant Team Leader must be informed and if necessary expert advice sort.
- 1.8.2 If a vehicle is subject to
  - i. multiple complaints from separate members of the public
  - ii. is from any Elected Member on behalf of a number of constituents
  - iii. is from the Police
  - iv. or is from any other partner agency

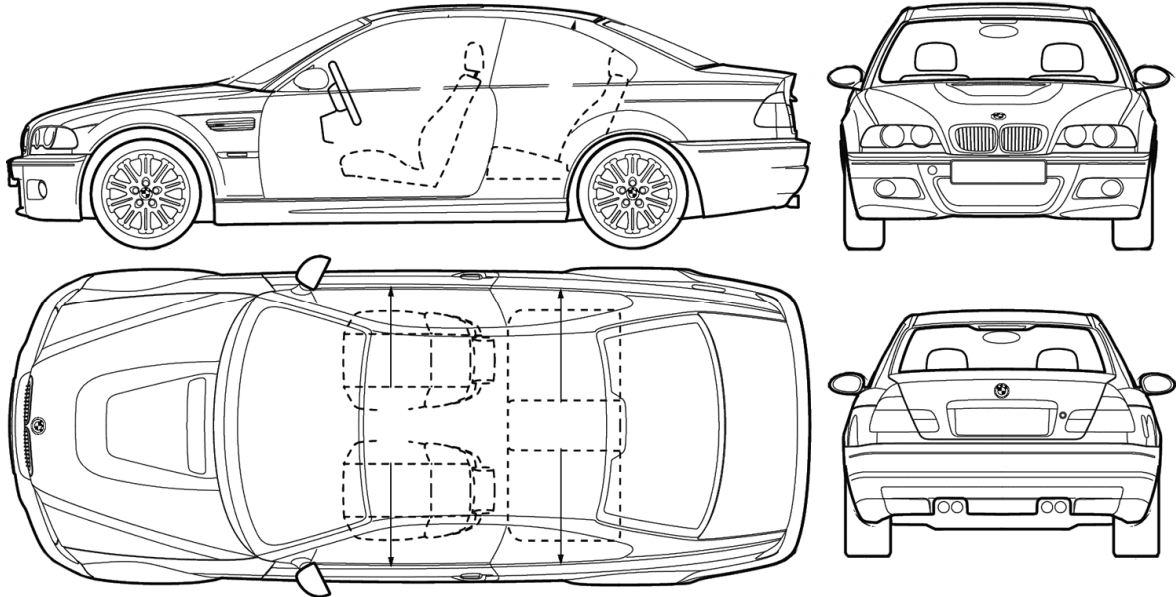
then the Council can serve the 15 Day notice on any vehicle that has been defined as abandoned but is on the public highway with a current Tax Disk, excepting that there will be person to indemnify the Council.

Note: A vehicle is abandoned on Housing land  
(untaxed, unlicensed, r/o not from the area)

15 day notice served, if not heard arrange removal, (usully 30 days storage)  
After the removal call the Police on 101 to report the removal. Update Flare with URN number given.

SLOUGH BOROUGH COUNCIL

ABANDONED VEHICLE CONDITION REPORT



Make

Model

Registration

Colour

Wheels

Tyres

Drivers Side

Passenger Side

Front Lights

Rear Lights

Interior

Photographed in situ

Yes No

Location Marked

Yes No

Mileage (if readable)

\_\_\_\_\_

Date

\_\_\_\_\_

Signed

\_\_\_\_\_

Officer

\_\_\_\_\_

Designation

\_\_\_\_\_