

SLOUGH BOROUGH COUNCIL

REPORT TO: Overview and Scrutiny Committee **DATE:** 2 September 2015

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PART I FOR INFORMATION

ABANDONED VEHICLES PROCEDURE

1 Purpose of Report

To outline the procedures to deal with abandoned and untaxed vehicles and identify the agencies responsible.

2 Recommendation(s)/Proposed Action

That the Abandoned Vehicles Procedure be noted.

3.1 Slough Joint Wellbeing Strategy Priorities

Priorities:

- *Economy and Skills*
- *Health and Wellbeing*
- *Regeneration and Environment*
- *Housing*
- *Safer Communities*

Slough Borough Council considers it to be a priority to remove vehicles which are abandoned and their appearance works against the creation of a safe, environmentally friendly and sustainable neighbourhood.

4 Other Implications

There are no financial implications of proposed action.

(a) Risk Management

Risk	Mitigating action	Opportunities
Legal	Ensuring that vehicles are removed lawfully	
Property	None	
Human Rights	None	
Health and Safety	None	
Employment Issues	None	
Equalities Issues	None	
Community Support	None	
Communications	None	

Community Safety	None	
Financial	None	
Timetable for delivery	None	
Project Capacity	None	
Other	None	

There has been no need identified for the completion of an EIA.

5 **Supporting Information**

- 5.1 The number of vehicles being abandoned in Slough has fluctuated over recent years but generally declined over the last decade. This is mainly due to the price of scrap metal being sufficiently high enough so that vehicles are more likely to be scrapped by owners as they will receive cash for scrapping their vehicle whereas previously, they may have been charged to have a vehicle removed. Local firms advertising for scrap cars has encouraged owners to scrap their vehicles rather than abandoning them on the scale that was seen approximately 11 years ago.
- 5.2 Many vehicles that are reported to the council are not actually abandoned and the officer must run through a checklist to ensure that the vehicle has indeed been abandoned before removal. The Council does not have the authority to remove vehicles that are not abandoned or that are untaxed rather than abandoned. Some of the vehicles that are reported to us are untaxed rather than abandoned. Officers will report any untaxed vehicles to the DVLA for their own action. Some are declared SORN and others will have a local registered keeper who has an active interest in the vehicle.
- 5.3 Unused vehicles that are on private driveways/ front gardens are not classed as abandoned unless the property is vacant. However, where the vehicle is in a condition that may be providing an attraction for vermin, for example if it was filled with waste, clothing, cardboard, etc, the council may take action for the waste to be cleared from the vehicle. If the vehicle itself is an eyesore, e.g. severe damage, missing parts, rusty condition, the Council may be able to take action using Planning legislation under S.215 of the Town & Country Planning Act once it has been assessed.
- 5.4 The procedure to deal with abandoned and untaxed vehicles is outlined in the attached Appendix A.

6 **Conclusion**

This report is intended to provide the panel with an overview of SBC's procedure to deal with abandoned and untaxed vehicles. It is also to clarify how the Council may deal with vehicles on front driveways/ gardens that are not mobile.

7 **Appendices**

'A' - Abandoned Vehicle Procedure

8 **Background Papers**

None.

ABANDONED VEHICLE PROCEDURE

Abandoned & Untaxed Vehicle Overview

Abandoned vehicles can be a blight on the neighbourhood as they can look unsightly, lead to crime, become vandalised and dangerous. Slough Borough Council has a duty to deal with such vehicles where the officer is satisfied they are abandoned.

Legislation

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 the highway.

Determining whether a Vehicle is abandoned

Many vehicles that are reported to the council are not actually abandoned and the officer must run through a checklist to ensure that the vehicle has indeed been abandoned before removal. The Council does not have the authority to remove vehicles that are not abandoned.

Checklist:

- Check with the police to determine whether the registered keeper is local or if it has been reported stolen
- The length of time the vehicle has been in situ
- Signs that the vehicle has been in situ for length of time, e.g. build up of dirt, debris around the tyres, mould growth
- Whether the vehicle is taxed (check done via the Gov.uk website)
- Whether the vehicle has any damage

If the officer is of the opinion that the vehicle is abandoned, arrangements will be made with a private contractor to remove the vehicle. Where the vehicle has been abandoned on private land, a 15 day notice must be served on the landowner before the vehicle can be removed. The vehicle can only then be removed once the notice has expired and if there have been no objections by the landowner

Untaxed Vehicles

If a vehicle is parked on the public highway with and has no current tax then the matter will be referred to the Driver and Vehicle Licensing Agency (DVLA) through their web access page. The Council can take no further action

If the untaxed vehicle is damaged and dangerous, the officer will make a decision as to whether to arrange removal to prevent the vehicle posing a risk to members of the public. When assessing whether the vehicle is dangerous, the officer will consider whether it has been fire damaged, has broken windows, has significant accidental damage, a missing petrol cap, whether

the vehicle is propped up or any other significant factor causing it to be dangerous.

SORN Vehicles

For vehicles that have been declared to the DVLA as off-road but are held on public roads, these are reported to the DVLA and the council can take no further action. For such vehicles on private land such as housing association car parks, the issue should be taken up with the landowner. The council are unable to deal with SORN vehicles. In summary, the council may only deal with vehicles that are clearly abandoned or are dangerous.