

Report for:	Overview and Scrutiny Committee
Date of meeting:	15th June 2021
Part:	1
If Part II, reason:	

Title of report:	Abandoned vehicles policy
Contact:	Cllr Julie Banks - Portfolio Holder for Community & Regulatory Services Emma Walker – Group Manager ECP Dawn Rhoden – Team Leader Operations Ben Stevens – Lead Officer Environmental Enforcement Author/Responsible Officer
Purpose of report:	1. The purpose of this report is to give members a general summary of the work carried out by the Environmental Enforcement Team in relation to reports of abandoned vehicles. 2. The purpose of this report is to obtain formal agreement to an abandoned vehicle procedural policy.
Recommendations	Provided to committee, who are invited to consider ratifying the proposed procedure. Any comments should be passed to the Portfolio holder for Community & Regulatory Services
Corporate objectives:	A clean, safe and enjoyable environment Ensuring efficient, effective and modern service delivery
Implications: 'Value for money' implications	Environmental Enforcement Team supports the Council in achieving Value for Money for its citizens.
Risk implications	Risks associated with Council enforcement officers who will be tasked with enforcing the procedure. Individual Health and Safety risk assessments completed for the enforcement activity to minimise any safety risk. Reputational risks in terms of the Council being perceived as enforcing against removal and destruction of property.
Community Impact Assessment	Completed
Health and safety Implications	Aware of H&S implications that may arise from the enforcement of the procedure which is incorporated within individual service risk assessments for authorised enforcing officers.

Consultees:	None
Background papers:	None
Historical background <i>(please give a brief background to this report to enable it to be considered in the right context).</i>	To give members a general summary of the work carried out in relation to dealing with abandoned vehicles and provide a recommended procedure to be formally agreed.
Glossary of acronyms and any other abbreviations used in this report:	EEO – Environmental Enforcement Officer ECP – Environmental & Community Protection AV – Abandoned Vehicle RVK – Registered Vehicle Keeper LA – Local authority ASM – Vehicle contractor

1. Purpose of Report

1.1. To give members a background of the legislation and statutory duties in relation to abandoned vehicles and to put forward a formal procedural policy for consideration of being formally ratified by members and thereafter adopted by the Environmental Enforcement Team. A policy that will ensure fairness, clarity and consistency in the investigation and removal of abandoned vehicles within the Borough and at the same time give owners of such vehicles a reasonable period of time to make claim in the prescribed manner and therefore minimise the potential for complaints.

2. Background

2.1 Abandoned vehicles have a negative effect on the quality of the local environment as they:

- Attract vandalism and rubbish
- Can be the result of crime
- Can be the means to commit a crime
- Can produce a risk of danger and injury

There are a number of common causes as to why people abandon vehicles, such as the following:

- Vehicles no longer have the same scrap value as in the past, so owners must pay to have them taken away and scrapped
- The fine for unlicensed and untaxed vehicles is often greater than their value, and so drivers simply abandon them

- Vehicles used for crime are often abandoned once the crime has been committed

2.2 The Environmental Enforcement Team are the only officers authorised and responsible for dealing with reports of abandoned vehicles within the borough, including the investigation and potential removal and disposal of AVs.

2.3 This report sets out the process that the council currently undertakes to identify and remove abandoned vehicles from land in the Borough of Dacorum, the processes neighbouring authorities use to the same end and a proposed amended procedure for dealing with AV's. Local Authorities have a statutory duty to remove abandoned vehicles from the public highway and any other land in the open air including car parks or private property.

3 Legislation and Statutory Duty;

- 3.1 Local Authorities have a duty under Section 3 of the Refuse Disposal (Amenity) Act 1978 as amended by the Clean Neighbourhoods and Environment Act 2005, 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 or is in such a condition that it ought to be destroyed.
- 3.2 A road is defined as 'any length of highway or of any other road to which the public has access, and includes bridges over which a road passes.' It covers both the carriageway and the footpath, a car park would not normally come within the definition of a road as its function is to enable people to leave their vehicle off road. If there is no clear public access, this would be dealt with as private.
- 3.3 It is a criminal offence to abandon a motor vehicle or anything that has formed part of a motor vehicle on any land in the open air or on any other land forming part of a highway'.
- 3.4 The offence is punishable at court by a maximum fine of £2,500 and/or three months in prison. If proved, the owner of an abandoned vehicle that is removed, stored and or destroyed by the local authority, is liable for the storage or disposal costs. The local authority, instead of prosecuting can issue a fixed penalty notice for £200 to the owner. An abandoned vehicle, once it has reached the end of its useful life, can also be classified as 'hazardous waste', therefore also making the action of abandoning such a vehicle an offence under Section 33 of the Environmental Protection Act 1990.
- 3.5 A "motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads, whether or not it is in a fit state for such use, and includes any trailer intended or adapted for use as an attachment to such a vehicle, any chassis or body, with or without wheels, appearing to have formed part of such a vehicle or trailer and anything attached to such a vehicle or trailer to include caravans.
- 3.6 The occupier of private land can be served with a 15 day notice of removal of an abandoned vehicle, however, if the occupier gives the local authority permission to remove the vehicle (e.g. if the vehicle was

abandoned without their consent), the 15-day notice automatically lapses and the vehicle can be removed immediately.

- 3.7 EEO's are required to attend all reports of abandoned vehicles within 3 working days or 24 hours for dangerous vehicles' which are removed immediately.
- 3.8 There is no legal definition of an abandoned vehicle. Authorised officers use various indicators and their discretion to determine whether in their opinion a vehicle has been abandoned anywhere in the open air.
- 3.9 Officers will investigate/carry out further checks and actions (affixing a notice/writing to Registered Vehicle Keeper /contacting police/land registry searches) to determine whether a vehicle has, in their opinion been abandoned. When an officer is satisfied that a vehicle has been abandoned they will arrange for its removal and destruction. Storage will be considered in certain circumstances.

Recent abandoned vehicle figures/actions;

In 2019 – 2020 the enforcement team investigated 1391 reports of abandoned and/or dangerous vehicles that were made to the council. This figure is a slight decrease on reports made in the previous fiscal year (1431).

Of the 1391 reports, 46 vehicles were removed and destroyed after investigation (3.31% of the total)

In 2020 - 2021, the enforcement team investigated 1337 AV reports and removed and destroyed 51 vehicles (3.81%).

The Hertfordshire County Consortium procured a new vehicle removal contractor (ASM Autos Ltd) in December 2019. This has seen a much improved level of service in terms of vehicle collection performance targets and communication between councils and contractor. ASM contractually do not charge for collection and destruction of cars, vans or trailers but charge for the following;

Motorbikes/mopeds - £20

Caravans - £150

Aborted collections - £50

Storage - £5 per day after 7 free days (Excludes Motorbikes/mopeds)

Release fee - None, ASM would charge if there is any storage due after 7 free days.

Repatriation - £1 per mile

4 Neighbouring LA's

4.1 Enquiries were made to 3 neighbouring local authorities regarding their own abandoned vehicle procedures and summaries of the responses given are found in the table below. All are similar to our current procedure with slight variations in order of process and notably WBC serve a 7 day notice if a non-urgent vehicle has no register keeper.

Local Authority	Non urgent AV's	Urgent AV's	Private land
Watford BC	Background checks & site visit carried out immediately. No keeper send 7 day notice/known keeper 15 day notice. NFA if claimed. Unclaimed remove/destroy 7 to 15 day removal	Immediate removal and destruction if no keeper/ immediate removal and 7 day storage if keeper known (letter to RVK sent). FCR notified of destruction Immediate removal	Written consent from LO/Occupier. 15 day notice served if not. If land owner objects to removal case closed. No claimant, destroy vehicle. FCR notified of destruction 15 day removal
Three Rivers	1 st inspection & background checks within 24hrs. Revisit in 7 days. If still there, DVLA check and write 7 day letter if taxed or untaxed to RVK. Recheck in 14 days and if still present issue 24hr notice. Arrange removal after 24hrs. If at all claimed during process close case. 15 day removal	Immediate removal to safe storage if taxed (manager authorisation). If fit for destruction and untaxed arrange disposal. If of value notify keeper. Immediate removal	Written consent from LO/Occupier. 15 day notice served if not. If land owner objects to removal case closed. 15 day removal
St Albans	Desk side checks first. Also call complainant and establish full details. If secure attach 7 day notice. If still there post 7 days, send 7 day letter to RVK. If unclaimed remove and destroy. Store if of value/taxed. 14 day removal	If insecure/dangerous affix 24hr notice and remove. Store if not value/taxed and write to keeper if RVK details. Immediate removal	Not specified.
Dacorum BC	Background checks & site visit carried out 3 days. 7 or 14 day notice served officer discretion. NFA if claimed. Unclaimed remove/destroy 7 to 14 day removal	Immediate removal and destruction if no keeper/ immediate removal and 7 day storage if keeper known (letter to RVK sent). FCR notified of destruction Immediate removal	Written consent from LO/Occupier. 15 day notice served if not. If land owner objects to removal case closed. No claimant, destroy vehicle. FCR notified of destruction 15 day removal

5. Proposal for formally adopted AV procedure;

5.1 An officer will attend within 3 working days of a report being received, unless the vehicle concerned is burnt out or reported to be in a dangerous condition. If the vehicle report is urgent (burnt out/dangerous), the officer will

attend within 24 working hours and assess. If in the opinion of the officer, the vehicle requires immediate removal, then the officer attending will affix a 24hour notice and evidence before arranging for the vehicle to be removed as soon as possible and carry out all follow up action to include letter to Registered Vehicle Keeper (RVK) if known. If keeper is known, storage is required for 3 days or whatever seems reasonable in the circumstances. To be authorised by Team Leader/Manager.

5.2 When a non-urgent report is received, the officer will carry out background checks (tax/mot/insured etc.) and attend and assess the vehicle. If the officer forms the opinion that the vehicle has likely been abandoned, the officer will affix a 7 or 14 day removal notice (7 if no keeper & 14 if RVK known), evidence and then obtain the registered keeper details (if available) from the Force Communications Room at Herts Police, using their accredited powers. A letter will then be sent to the registered keeper if known, stating that their vehicle has been reported as abandoned and they have until the expiry date on the notice/letter to make contact or remove the vehicle from the location.

5.3 If no contact is received the officer will revisit and if the vehicle is still in situ then they will evidence and arrange removal/destruction. In special circumstances vehicles can be stored (i.e taxed/high value) with the agreement of the Team Leader or Group Manager of Environmental and Community Protection.

At this point it is proposed that following sufficient evidence gathering, FPN service is considered provided the crown code for prosecutions evidential and public interest tests are met.

5.4 If the vehicle is on "private land" the EEO will affix/send a 15 day notice to the landowner/occupier advising that it is the intention of DBC to remove the vehicle after this time as abandoned. This applies to both untaxed or SORN vehicles. If they do not wish the vehicle to be removed they are required to make contact in the prescribed manner within the 15 days to advise of this and the report will then be closed as 'on private land'. If contact is received and we have no objections from landowner/occupier the vehicle will be removed after the notice expires. If the land is unregistered, a laminated notice will be placed near to where the vehicle is located to enable any interested party to claim the vehicle within the 15 days. If the Vehicle is on DBC land, has a SORN and has been claimed by the owner then we will notify Property Services to consider removal under alternative provisions.

Main changes from the current procedure is that Fixed Penalty Notices are not currently used in these circumstances at DBC and a 7 day notice for no keeper and 14 if keeper known rather than just officer discretion. Although this procedure has not previously been documented in policy. (For procedural flow chart see appendix 1)

Claims made after removal for stored vehicles;

If a registered keeper comes forward after the vehicle has been removed and has not been destroyed but is being stored. Officers have the discretion with the approval of a line manager to give permission for that RVK to collect the vehicle from the contractor. If there are any storage costs (any storage due after 7 free days) then the RVK must pay these along with any other associated charges to DBC prior to release. Once this is made, enforcement will notify the contractor of the RVK details and collection request. When they collect the vehicle, the RVK will need to take proof of ID; proof of ownership and the receipt for the fee paid. The contractor will repatriate a vehicle for a fee of £1.00 per mile for all vehicles. This charge would be passed onto the owner.

Recommendations for next steps:-

1. Respectful request that the above policy is considered by members with a view to the approval and adoption of this policy.
2. Comments received from Overview and Scrutiny Committee will be put before the Portfolio Holder for Decision.

Appendix 1;

