



Cyngor Bwrdeisdref Sirol

Blaenau Gwent

County Borough Council

Environmental Protection Team
Policy and Procedures Document

Abandoned Vehicles

Ver.3 September 2019

**Regeneration and Community
Services Directorate
Public Protection Division
Environmental Health Section**

POLICY

To carry out the statutory duty to remove motor vehicles unlawfully abandoned on any land in the open air or on any other land forming part of a highway to ensure that residents of Blaenau Gwent have a safe and healthy environment.

Purpose

This document sets out how the Authority will utilise the powers contained within the Refuse Disposal (Amenity) Act 1978 ss 3-5 (as amended by the Clean Neighbourhoods and Environment Act 2005) to control apparently abandoned vehicles.

Scope

This procedure applies to all officers within the Environmental Protection Team who will deal with service requests in relation to abandoned or amnesty vehicles.

Legislation

- ◆ Refuse Disposal (Amenity) Act 1978
- ◆ Removal and Disposal of Vehicles Regulations 1986 (as amended)
- ◆ Removal, Storage and Disposal of vehicles (Prescribed Sums and Charges etc.) Regulations 2008
- ◆ The Removal and Disposal of Vehicles (Amendment) Regulations 1993
- ◆ Clean Neighbourhoods and Environment Act 2005
- ◆ Removal and Disposal of Vehicles (Amendment) (Wales) Regulations 2005

PROCEDURES

1. Receiving and allocating the complaint

The initial complaint will be received, via e-mail, from the contact centre or by the business support section. The business support officers will be responsible to ensure that the complaint is entered onto the complaint database as soon as is possible after the complaint is received. Once the complaint has been entered onto the FLARE database, an email will be sent to the

Environmental Protection inbox along with the FLARE reference number. This will be completed within one working day of receipt of the complaint.

2. Identification of registered keeper of vehicle in question

If sufficient evidence exists to suspect the vehicle is abandoned the investigating officer will, if appropriate, use the computer link to the DVLA database to establish the last registered keeper of the vehicle. The current status with regard to road tax / SORN declaration will also be obtained. This information will be treated as strictly confidential at all times.

Using this information the investigating officer will establish whether it is necessary to visit the vehicle. Most cases will involve a visit but, it may be that the vehicle can be classed as not abandoned using the information supplied by the DVLA.

3. Initial Site Visit

The investigating officer will visit the location to attempt to locate the vehicle that has been reported as abandoned. If, once all reasonable efforts have been made to locate the vehicle (including contacting the complainant by telephone), the vehicle cannot be found the investigating officer will consider that the vehicle is no longer present. The complaint will then be closed and classified as no further action required.

If the vehicle is still present the investigating officer will then make a decision as to whether or not he/she considers the vehicle to be abandoned. The authority, in agreement with the local police, has agreed that an abandoned vehicle is one that “the owner has left completely and finally with no intention to retrieve it.” Each decision will be made on its merits at the time of the visit.

This document does not seek to create a definitive definition but the following will be considered:

- Untaxed, with
- No current keeper on the DVLA's records;
- Stationary for a significant amount of time;
- Significantly damaged, run-down or unroadworthy;
- Burned out;
- Lacking one or more of it's number plates;
- Containing waste.
- Never to return to.

However, a vehicle will not be considered abandoned solely on the grounds that it is not taxed or has been in situ for a period of time. Contrary to this a vehicle may be considered abandoned if it does have current tax but, one or more of the other conditions above are fulfilled.

The investigating officer will then proceed following two distinct procedures as outlined. A flow chart is included in appendix 2 for reference.

4. Vehicles on Unoccupied Land or the Highway

If the vehicle is found to be abandoned after completing the relevant checks and is located on unoccupied land or the highway (“any length of highway or of any other road to which the public have access, and includes bridges over which a road passes”) then the investigating officer will arrange for the appropriate contactor to remove the said vehicle without delay. Instructions will be issued with that vehicle on the nature of the removal, as follows:

Once the officer has decided that the vehicle is abandoned he/she will follow the procedure set out in flow chart Appendix 2. The officer will make a decision as to whether the vehicle is a **RUNNER** or a **WRECK**. A vehicle would be defined as a wreck if it is in such a state of mechanical disrepair that it has little monetary value.

If the vehicle is classed as a **runner** by the officer he will draft notice **AV006** and present it to the appropriate scrap dealer. This requires the scrap dealer to remove the vehicle to his yard, following the protocol agreed with the authority, and retain it in a secure area for 21 days. A photograph of the vehicle will be taken before the scrap metal dealer removes it and a pocket book entry is to be made.

If the owner of the vehicle comes forward within the twelve months following the disposal of the vehicle once he/she has proved ownership he/she can claim back the value of that vehicle minus the costs for removal, disposal and storage incurred by the authority.

If the vehicle is judged to be a **wreck** then the officer will draft notice **AV007**. This requires the scrap dealer to remove and destroy the vehicle.

Each time a vehicle is destroyed or sold on at auction the Police, DVLA and Equifax HPI will be informed using forms *AV002/003/004* respectively.

A vehicle that is fit for destruction can be removed by use of a grab claw or similar device. Any other vehicles (those that are of some value) must be removed using a suitable vehicle hoist. No further damage must be caused to this second category of vehicles.

A photograph of each vehicle will be taken before the vehicle is removed and pocket book entries to be made.

Each category vehicle will then be removed to the contactors compound.

5. Vehicles on Occupied Land

If a vehicle is on occupied land the procedure in the flow chart in Appendix 2 is followed. The first stage is to try and ascertain the owner of the land on which the vehicle is located and speak with them to see if the vehicle has permission to be there. This can be carried out informally (Local Enquires) or via HM Land Registry in Swansea. Secondly checks with DVLA to see if the vehicle has a registered current keeper, this is done via the DVLA web based enquire system by an authorised officer on the DVLA standalone laptop. The procedure then falls into two separate categories.

If the vehicle is classed as a Runner by the officer i.e. it has some value, and it does not have permission to be there then a notice of intention to remove is served on the occupier of the land (AV009). If no objection is made within the 15 day time period after the 15th day a notice is given to the scrap metal dealer requiring him/her to remove the vehicle to his yard and to then retain it for 21 days (AV006 Notice). Simultaneously the Authority must also make all reasonable attempts to trace the last registered keeper before removing the vehicle. This is done by commencing a DVLA Web Check on the DVLA standalone laptop by an authorised officer. If the DVLA data base shows the vehicle to have a current keeper the investigating officer will take all reasonable steps to speak with the vehicle owner to establish ownership status. If the registered owner states he/she is still the owner of the vehicle and it has not been abandoned the authority will not take any further action. If the owner cannot be found or the keeper states he is no longer responsible for the vehicle the Authority will move forward with the AV009 notice and remove the vehicle after the 15 days and finally dispose of the vehicle after the expiry of the 21 day retention period. If the owner is found after the vehicle has been removed then the Authority must serve a notice on them informing them that their vehicle is in the possession of the Authority and that we

intend to dispose of it in 21 days. If an objection is made the vehicle is returned to the person demonstrating ownership after all fee's for storage, removal etc. have been paid.

If the officer classifies the vehicle as a Wreck, the same steps will be followed as above however after the 15 day period the scrap metal dealer will be instructed to remove the vehicle and destroy it. (*AV007 Notice*).

Again photographs of both Runners and Wrecks will be taken before the scrap metal dealer removes them and pocket book entries are to be made.

As with the procedure for vehicles on unoccupied land when a vehicle is disposed of the DVLA , Police and Equifax HPI are informed.

(See flow chart in Appendix 2)

If the owner of the land gives their permission to remove the vehicle before the 15-day period has expired and an owner for the vehicle cannot be found then the vehicle will be removed before the 15-days have expired (whenever possible)

If no permission or refusal is forthcoming the investigating officer will not remove the vehicle.

6. Storage and Disposal of Vehicles

Once at the contactors compound the contractor is responsible to ensure that all regulations pertaining to the storage and disposal of end of life vehicles are complied with.

All vehicles that are deemed by the investigating officer to be fit for destruction will immediately become the property of the contractor. The contactor will arrange for their decontamination and destruction.

All vehicles that the investigating officer has described as having value and are capable of being identified will be put into secure storage at the contractor's compound. These vehicles will be stored for a minimum of seven days. During this time the investigating officer will use the information obtained from the DVLA database to trace the registered keeper of the vehicle. The registered keeper will be informed, in writing, that their vehicle is in the possession of Blaenau

Gwent CBC and that if they do not claim the vehicle within seven days from the date on the notice, it will be disposed of or destroyed.

If the registered keeper claims the vehicle then in order for it to be returned to them they will have to follow the steps below:

- (a) provide the current logbook for the vehicle as proof of ownership;
- (b) pay the current fee outstanding for the removal and storage of the vehicle;
- (c) take the release form to the contactors yard to claim their vehicle.

The current fees are listed in appendix 1.

If the registered keeper does not claim the vehicle within the seven days or if no keeper can be traced then the vehicle becomes the property of Blaenau Gwent CBC. Vehicles with a value of less than £1000 will then be released to the contractor for disposal as he sees fit.

Vehicles with a value of greater than £1000 will be sold at auction.

No vehicles, whether the property of the contactor or BGCBC will be sold locally.

Any registered keeper is entitled to reclaim any profit made during the sale of a vehicle (after fees for removal and storage have been deducted) up to one year after the disposal of the vehicle. This profit will only be returned if proof of ownership at the time of disposal can be produced.

7. Offences

It is an offence under section 2 of the Refuse Disposal (Amenity) Act 1978 to abandon a vehicle. If a person is thought to be guilty of the offence a Fixed Penalty Notice for £200 will be issued to the registered keeper. If payment is not made within the prescribed period the Authority will, if appropriate, prosecute for the original offence.

8. Vehicles abandoned in remote locations

Every effort will be made to remove all vehicles that are abandoned. However, occasionally there will be circumstances when vehicles are abandoned in very remote locations. The investigating officer, in conjunction with the contractor, will establish the cost to remove the vehicle. In conjunction with a Senior EHO the investigating officer will decide whether this cost is excessive or not. If the cost is excessive the vehicle will not be removed.

The details will be kept on record and if circumstances change the vehicle will be removed at the first opportunity.

APPENDIX 1

Fees and Charges

REMOVAL £150

STORAGE £20 per day – up to a maximum of seven days

DISPOSAL £75

Appendix 2

