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<b>REPORT TO:</b>	<b>COMMUNITY SCRUTINY COMMITTEE</b>	<b>AGENDA ITEM:</b>
<b>DATE OF MEETING:</b>	<b>4<sup>th</sup> March 2002</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>ENVIRONMENTAL HEALTH MANAGER</b>	<b>OPEN PARAGRAPH NO:N/A</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>Carl Jacobs 595717</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>ABANDONED VEHICLE REPORT</b>	<b>REF: c:\myfiles\scrutiny/aban doned vehicles2</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

- 1.1 That Committee approve the government proposals for dealing with abandoned vehicles in the future.

## **2.0 Purpose of Report**

- 2.1 To describe the legislative provisions, costs and future Government proposals for dealing with abandoned vehicles.

## **3.0 Detail**

- 3.1 SDDC and the Derbyshire County Council have respective duties under the various legislative provisions to deal with abandoned vehicles. Both the police and the Highway Authority are charged with the power to arrange the immediate removal of dangerously or illegally parked vehicles.
- 3.2 Abandoning Vehicles is a criminal offence under the Refuse Disposal (Amenity) Act 1978, carrying the maximum penalty of a fine of £2500 or three months' imprisonment or both. In practice, the difficulties in tracing the person currently in possession of the vehicle mean that the numbers of prosecutions throughout the country are negligible.
- 3.3 Present Powers and responsibilities to remove Vehicles  
SDDC has a statutory duty under the Removal and Disposal of Vehicles Regulations 1986, made under the Refuse Disposal (Amenity) Act 1978 and the Road Traffic Regulations Act 1984 to remove vehicles abandoned in the open air. Local Authorities are obliged to notify the owner of the vehicle either by attaching the notice to the vehicle or sending it to the address of the last known keeper. They must allow the following notice periods to expire before the vehicle can be removed:
- 15 days if the vehicle has been abandoned on private land
  - 7 days if vehicle abandoned on the highway and is such a state that it has no value

Vehicles with some value that have been abandoned on the highway may be removed immediately by the local authority who then send a 21 day notice to the address of the last registered keeper.

- 3.4 However Section 101 of the Road Traffic Regulations Act 1984 gives powers to competent authorities ( LA's and Police) to dispose of vehicles that have been abandoned. Where a local authority is of the opinion that a vehicle is in a condition in which it ought to be destroyed, and it does not have a current licence displayed the vehicle can be destroyed immediately. Where the vehicle is not in a poor condition, a local authority has to take steps to find the owner of the vehicle.
- 3.5 Under the Removal and Disposal of Vehicles Regulations 1986, made under Section 99 of the Road Traffic Regulations Act 1994, the police have powers to move a vehicle where it is dangerous or a hazard to traffic.

### **SHORT TERM GOVERNMENT PROPOSALS**

- 3.6 The Government believes that Local Authorities are best placed to deal with local concerns and respond to local circumstances in dealing with abandoned vehicles. In the short term the Government intend to enhance the powers of the Local Authorities To remove abandoned vehicles more quickly. It proposes to do this by:-
- 3.7 Reducing the notice period on highways and private land after which it is possible for L.A's to remove vehicles.
- 1) In the case where the vehicle has no value ie *it is such a condition that it should be destroyed* the notice period be reduced from 7 days to 24 Hrs.
  - 2) For vehicles abandoned on the highway but with some value it is proposed to reduce the notice period from 21 days to between 7 and 14 days.
  - 3) The government further proposes to bring in line the removal of vehicles from private land to the same time periods as 1 and 2 immediately above.
- 3.8 It is also proposing to empower local Authorities to act as contractors to remove vehicles which are unlicensed, by, clamping them and impounding them. The time periods for destruction of these vehicles will also be reduced and charges for the release of vehicles from clamping or impounding will be levied.
- 3.9 The government will make it easier and faster for local authorities to access DVLA records for vehicle ownership prior to service of notices

### **LONGER TERM GOVERNMENT PROPOSALS**

- 3.10 The Government believes that stringent measures are needed to ensure that all vehicles can be associated with a registered keeper who has clear responsibility for ensuring that the vehicle is operated legally and disposed of correctly. The key element in such an approach would be the continued fiscal responsibility of the former keeper. The keeper will maintain that responsibility unless they can demonstrate that they have notified DVLA of the transfer or destruction of the vehicle. Under the current system it has been relatively easy for the keeper to disown responsibility for the vehicle , claiming he no longer has the vehicle in his possession.
- 3.11 The united kingdom should move to a system of continuous registration.

## RISE IN NUMBERS OF ABANDONED VEHICLES

- 3.12 The number of abandoned vehicles reported and dealt with has risen month on month from 2000/2001 to 2001/2002. Environmental Health Licensing section took over the abandoned vehicle function in September 2000 and records were kept in the format as attached in annex 1 .
- 3.13 for Sept/Oct/Nov/Dec 2000 some 77 removals was undertaken by the Authority in the same period for 2001 we removed 104 abandoned vehicles an increase of 48% on the 2000 figure.

### 4.0 Financial Implications

- 4.1 At present the Derbyshire County Council pays South Derbyshire District Council a proportion of the costs for dealing with abandoned vehicles. The following are the cost received from the County and the costs that are incurred by SDDC for the disposal of vehicles.

Payment from DCC to SDDC	
Administration fee	£25 for each vehicle
Collection / Disposal fee	£35 for each vehicle
Total paid by DCC	<u>£60</u>

Cost to SDDC for disposal approximately £35 per vehicle  
(Total cost of disposal £71.10), if vehicle already removed by owner £46.10).

Therefore if the number of vehicles increase by 100 per year it would be an increase of £3500 for SDDC but administration charge would also increase by £2500. Therefore the net cost would be £1000. These are approximate costs.

### 9.0 Background Papers

- 9.1 Environmental Health – Licensing Section Abandoned Vehicle Report

