

Abandoned Vehicle Policy

Glossary

TWBC = Tunbridge Wells Borough Council

DVLA = Driver and Vehicle Licensing Agency

Introduction

This policy sets out the TWBC Abandoned Vehicle procedure. TWBC has a statutory duty under the Refuse Disposal (Amenity) Act 1978 to remove abandoned vehicles. TWBC has powers under legislation and statutory guidance to deal with the problem of abandoned vehicles. The policy is to establish a standardised practice to be followed by all those with the authority to deal with suspected abandoned vehicles.

TWBC will take fair and proportionate action when assessing and dealing with suspected abandoned vehicles.

Reporting

Reports of abandoned vehicles are reported on the TWBC Website and are generated onto Firmstep.

Each report auto generates the Tax and Mot status of the vehicle being reported.

Vehicles that are taxed, have an MOT, and are insured will not normally be deemed as abandoned.

Inspection

A Street Scene Enforcement Officer will visit any vehicle that is suspected of abandonment. There is no statutory definition of an abandoned vehicle, but each vehicle will be assessed against the abandoned vehicle criteria which is listed on the TWBC website, and a decision will be made by an authorised officer as to whether the vehicle may be abandoned.

Removing an abandoned vehicle

Where it appears to TWBC that a vehicle in its area is abandoned, it will be its duty to remove the vehicle. This duty applies to all land in the open air or any land forming part of a highway. However, this does not cover vehicles abandoned on private land.

Where it appears to TWBC that the land on which a vehicle is abandoned is occupied by any person, the authority shall give notice that it proposes to remove the vehicle but shall not be entitled to remove it if the land owner objects to the proposal within 15 days of the notice being served.

In other cases, if the vehicle is considered abandoned, a notice will be affixed to the vehicle. This notice can be either a 24-hour notice if the vehicle is open and considered a danger to the public, a 7-day notice if the vehicle is in of poor condition and not a danger to the public and a 30-day notice for all other vehicles.

The notice is affixed to the vehicle to inform the registered keeper or owner that the vehicle has been reported as abandoned and to give them the chance to claim the vehicle before any removal action is taken.

Any vehicle that is not registered with the DVLA will automatically be deemed as abandoned and removed. If the vehicle is removed, any person claiming the vehicle will need to provide proof of ownership. Any costs involved will be payable by the person making the claim for the vehicle.

The notice contains a telephone claim line number 01892 554400, anyone calling this number to claim a vehicle that has had a notice affixed to it should leave their name, address, contact details, vehicle registration, make, model and location.

Once it has been confirmed that the vehicle has been legally claimed, it will be taken off the system.

When the vehicle notice has expired, a re visit will take place to check if the vehicle has moved or is still in situ.

Every effort will be made to contact the registered keeper of the vehicle.

Removal, Storage and Disposal

Vehicles with 24-hour notices considered in a dangerous condition may be removed before contact is made with the registered keeper or owner.

Any cost involved with removing a vehicle must be paid by the registered keeper or owner.

When the abandoned vehicle notice has expired and a re-visit has taken place, the Kent County Council Contractors will remove the vehicle.

When the Contractor has collected the vehicle, it will be stored for seven days after which it will be destroyed.

Any vehicle that has been deemed abandoned will have an evidence file to ensure that all legislation and procedures have been followed, this file will contain photographs of the vehicle, the Firmstep entry, emails relating to the vehicle, police checks, removal requests, and removal conformation.

Fixed Penalty Notices for Vehicle Abandonment

Evidence is gathered for each vehicle considered abandoned; a fixed penalty notice £200.00 may be issued to the last registered keeper unless proof of sale can be provided.