

# **Croydon Council Abandoned Vehicle Policy**

**Revised June 2022**

The purpose of this policy is to outline Croydon Council's approach to dealing with abandoned and nuisance vehicles in the Borough of Croydon. At the end of this document is a flow chart, broadly showing the process that we follow in relation to vehicles that have been reported, which was produced by Encams and DEFRA.

## **Legislation**

The legislation that allows us to deal with and remove abandoned vehicles is as follows:

- Clean Neighbourhoods and Environment Act 2005
- Refuse Disposal (Amenity) Act 1978
- The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008

## **Duty to remove abandoned vehicles**

Local Authorities must remove vehicles that are abandoned within their borough boundary.

## **Process:**

- Firstly, officers will assess the following factors to decide whether a vehicle is to be treated as abandoned under the Refuse Disposal (Amenity) Act 1978.
- It has no current keeper on DVLA's database and/or is untaxed
- It is unlocked
- It appears to have been stationary for a significant amount of time, for example where mould is forming on parts of the vehicle
- It has been significantly damaged - for example, has flat tyres, missing or damaged wheels/body panels or broken windows
- It has been burned out
- It has been 'hot-wired' (visible wires hanging down from the dashboard)
- There is an accumulation of assorted articles, including objects/materials that may be waste inside it
- It does not appear to be drivable for any other reason
- The number plate(s) is/are missing or not securely affixed to the vehicle
- Enquiries with neighbours indicate it has just appeared or been in situ without moving for a long time, and no-one in the locality claims ownership

It does not matter if the vehicle is *actually* abandoned or not, an Authorised officer only needs to *believe* that it has been abandoned in order to require it to be removed under the legislation and dealt with accordingly.

## **Private Land**

In law we are only obliged to use 15 day notices for vehicles on private land and these notices are for the attention of the private land owner/occupier (not the vehicle owner) to signal our intent to remove the vehicle(s). Vehicles abandoned on private land and subject to 15 day notices may not be removed by the Authority under the CoPAA if the land

owner/occupier objects within the 15 day period. 15 day notices do not apply to vehicles on Council owned, public land or land where the private land owner has requested us to attend and deal with abandoned vehicles on their behalf.

In instances where a land owner objects to us removing abandoned vehicles, we may insist vehicles are removed under other legislation (such as the ASB Crime and Policing Act 2014)

### **Vehicles on the highway / non-private land**

In relation to vehicles on the highway, Officers can decide to either remove a vehicle immediately if it is deemed to be abandoned or apply an informal 7 day notice to the vehicle.

A 7 day notice, may be issued to give an opportunity for the vehicle to be removed or claimed by the registered keeper prior to the Authority having to commit to further investigation. This often resolves the issue and saves the council time and money as opposed to removing all vehicles and having to subsequently return many of them.

If a vehicle is deemed to be hazardous we may elect to remove it immediately under s149 of the Highways Act 1980. If it appears to be legally parked on the road, not abandoned, but is otherwise causing a nuisance to the local community we may elect to use Community Protection powers under the Anti-Social Behaviour, Crime and Policing Act 2014 to resolve the issue.

### **Disposal of an abandoned vehicle**

At the beginning of the 7 or 15 day abandoned vehicle process, the Authority will make contact with the registered keeper where possible, remembering it is the registered keepers responsibility to inform DVLA of a change of address / details, to inform them of our intention to remove the vehicle from its location, and give them the opportunity to claim / move the vehicle.

If a vehicle has been left in situ and the Authority have placed a 7 or 15 day notice on it, and it is not claimed or moved by the date the informal notice expires, the Authority will instruct removal and immediate disposal of the vehicle.

If the Authority remove a vehicle immediately (without applying a 7 or 15 day notice and leaving it in situ) we can arrange of the disposal of it immediately if either of the following apply:

- It is only fit to be destroyed (i.e. written off/burnt out)
- It has no number plates or a Vehicle Identification Number (VIN)

In all cases, we will try to find the owner but this may not be possible if it is completely destroyed or has no identifying features.

If we can identify and locate the owner of an abandoned vehicle we have seized (and have not disposed of immediately), we will give them 7 days' written notice to collect the vehicle before we dispose of it. We will return a vehicle to its owner if they claim it, providing they pay the costs of removal and storage.

If we cannot identify or locate the owner, or the owner fails to comply with a notice to collect the vehicle, we can dispose of the vehicle.

We can dispose of an abandoned vehicle as we see fit. For example, we can sell it at auction or have it destroyed at an authorised facility.

If we sell it, the owner can claim the money raised from the sale up to a year later (minus our removal, storage and disposal costs). In the event that the costs of handling the car are higher than the actual value of it, we will not be liable to refund the claimant / owner.

### **When we can take legal action**

As a local authority we can take legal action against anyone who abandons a vehicle.

Under the Refuse Disposal (Amenity) Act 1978 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. A person found guilty of such an offence may be punished on summary conviction with a fine not exceeding £2500 or a term not exceeding three months in prison, or both.

Alternatively the authority may decide to issue a person a Fixed Penalty Notice (FPN) for the amount of £200 to discharge liability to be prosecuted for the offence above. If a person is issued with an FPN and pays it along with any fees and costs incurred they may avoid prosecution and claim their vehicle back. We may still stipulate release conditions and/or apply further warnings or sanctions (such as a Community Protection Notice Warning (CPNW) etc.)

In addition to the FPN, the costs shown in Annex B can be claimed back from the claimant, per vehicle. These are subject to change without notice.

### **Recording Abandoned Vehicles**

We will record instances of abandoned vehicles on secure computer systems. We will make notes either in written pocket books, statements, reports or digitally. We will take photographs of the vehicles for evidential purposes. We will save this information for as long as required for DVLA and civil litigation or criminal appeal purposes.

We will inform Police, DVLA and any other relevant partner agencies as we process abandoned vehicles when required to do so dependent on the situation.

### **Foreign registered vehicles**

Foreign or overseas registered vehicles may be subject to the same process as above and may be removed if they are abandoned or may have a 7 day removal notice attached to the vehicle. The difficulty with foreign or overseas registered vehicles is that the DVLA will not have registered keeper details of these vehicles. We will deal with these on a case by case basis. Foreign vehicles are not fully subject to UK regulations (such as registration and taxation) unless they have been here for a specified period.

### **Reporting Abandoned Vehicles**

Anyone who believes they have seen an Abandoned Vehicle can report it via MyAccount Croydon website pages or the Love Clean Streets app, available to download via Play Store.

## **Claiming vehicles**

In the event that a vehicle has been affixed with a notice, the registered keeper has been notified by letter, or received a FPN. The owner should follow the instructions on the notice, letter or FPN.

## **Claiming vehicles that have been removed**

If the vehicle has already been removed from its location, and you are claiming for its return. You must be able to produce sufficient documentation before the vehicle is released. Please see below what is required:

1. Proof of identity: driving licence or passport, and
2. Proof of address: utility bill, council tax bill that must show current address, and
3. Proof of ownership: VC5, insurance certificate, receipt of purchase

If your vehicle has been removed by the council's contractor, ring 020 8255 2718 or email [AVS.Parking@croydon.gov.uk](mailto:AVS.Parking@croydon.gov.uk) to obtain further information on how to recover your vehicle.

## **FAQs**

### **How quickly will a burnt out or damaged vehicle be removed?**

Damaged and obviously abandoned vehicles which have been left in a position where they are a risk or danger to the public will be removed as quickly as possible; usually within 24 hours, as appropriate.

If the vehicle has been in a collision and is not drivable, we would expect it to be removed by the Police or recovered by the relevant insurance company in the first instance. We would suggest reporting to the Police on 101 who should have details of the vehicle and may be able to provide an update or contact the relevant parties to speed up the removal.

In the case of burnt out or unidentifiable vehicles, we may need to consider whether or not the police may need to carry out a forensic investigation before the vehicle can be removed.

### **How quickly are other vehicles removed?**

Vehicles on the highway or verge that are reported abandoned, but pose no immediate risk to the amenity or local residents, are removed after the 7 or 15 day informal notice period has expired, in the event that they are not claimed or moved during that period.

### **Why wasn't the vehicle I reported moved?**

Vehicles are only removed if they are actually abandoned (or in extreme cases for other reasons such as hazardous/blocking a road/ in breach of other legislation). There may be a variety of reasons why a vehicle has not been removed after it is reported such as it not actually being abandoned, it being temporarily broken down, it not moving due to the owner being on holiday, it being on private land to name but a few. We endeavour to feedback to all complainants but this may not always be possible due to the high volume of reports we receive. Any example of a report that is frequently not actioned by the authority would be where a person has either mistakenly or maliciously reported a vehicle simply because they don't recognise it or if it is parked in their preferred parking space such as outside the complainants house - but it is actually fully road legal in all other respects. If you are

concerned and in doubt about the status of a report you are advised to call or email the AVS team to find out what the status of the vehicle is. We will not be able to disclose personal information about the keeper / owner however.

### **How much does it cost to remove an abandoned vehicle?**

The amount allowed by government for councils to recover from the keeper of a vehicle known to be abandoned is shown in Annex B. Other costs may be incurred if the removal is complicated or there are other factors to consider, or if there is excessive waste stored in the vehicle that needs to be disposed of.

### **What percentage of materials is recycled or reclaimed?**

The disposal of 'end of life' vehicles is very heavily controlled by the Environment Agency. As such, all fluids, batteries and other components containing dangerous substances are removed, tyres are sent for recycling and the remaining shell shredded. It is believed that 80 per cent of the total weight of the vehicle is potentially recycled.

### **What is a SORN?**

A SORN is a Statutory Off Road Notification which must be declared to the DVLA when a vehicle is not going to be used for a period of time and as a result will be untaxed. The vehicle must be kept away from the highway and on private land which the registered keeper owns or has permission from the owner to use for storage. For example, a driveway to a house, in a garage or on an allocated parking space. The SORN conditions are quite often misunderstood or flaunted, even though the penalties are severe (£5000 fine and/or imprisonment). Over half of vehicles reported as abandoned (especially in local authority or housing association residential parking areas) have a SORN.

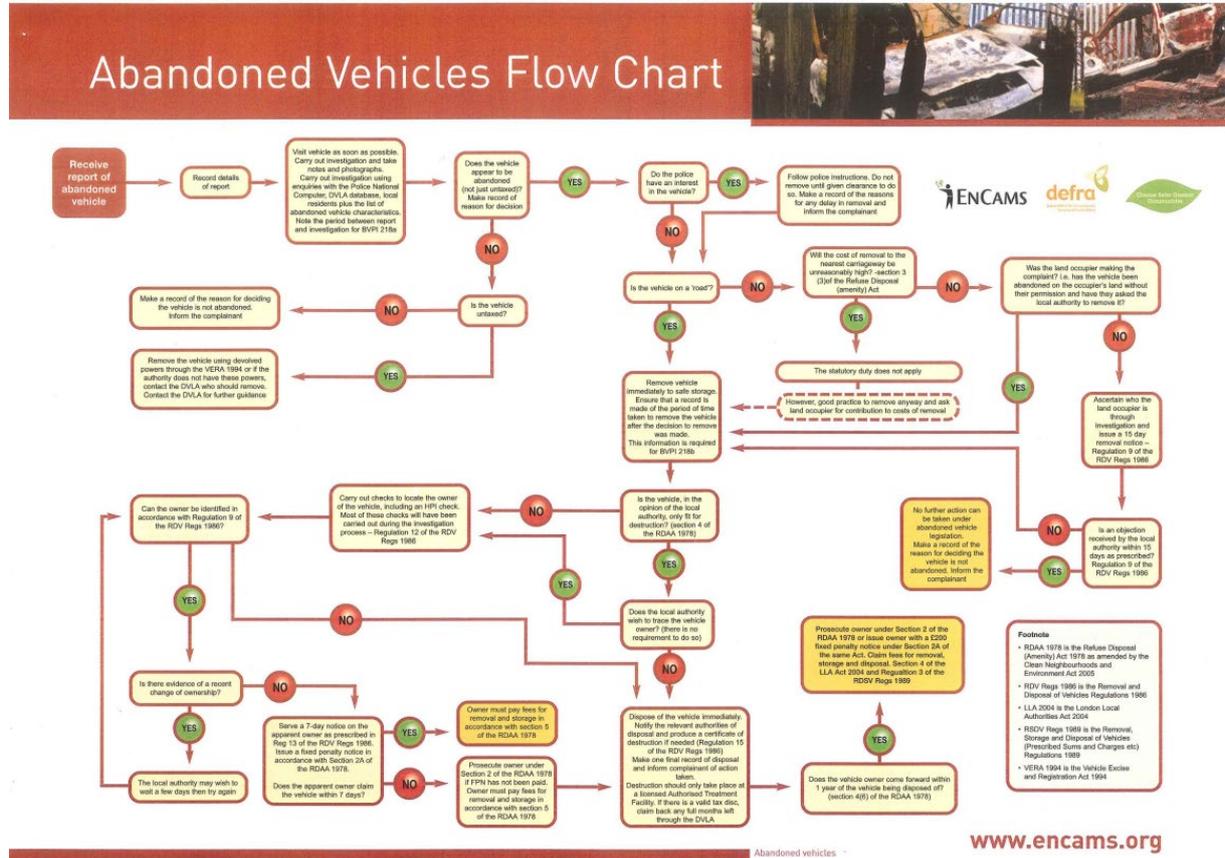
Having a SORN applied to a vehicle does not necessarily protect it from being considered as abandoned or from other lawful powers to require its removal.

### **Can the council remove uninsured vehicles or vehicles on the highway without MOT?**

Unfortunately, if the vehicles do not meet the criteria of an abandoned vehicle, the council have no policies in place to deal with vehicles on the public highway that have either no MOT or no insurance. If you believe a vehicle is being driven without a valid MOT or valid insurance, you should report the matter to the Police on 101.

# Annex A

Process Flow chart for how authorities deal with abandoned vehicles (Minus other action that can be taken under Highways Act powers, ASB Crime and Policing Powers etc.)



Abandoned vehicles

## Annex B

### The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008

The following table shows charges that we may apply to vehicles

#### Charges in relation to the removal of vehicles

#### Removal;

**Table 1 – Regulation 4**

	1	2	3	4	5
1	<i>Vehicle position and condition</i>	<i>Vehicle equal to or less than 3.5 tonnes MAM</i>	<i>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes</i>	<i>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</i>	<i>Vehicle exceeding 18 tonnes MAM</i>
2	Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off the road	£150	£200	£350	£350
3	Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£250	£650	<del>Unladen</del> –£2000 Laden–£3000	<del>Unladen</del> –£3000 Laden–£4500
4	Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged	£200	£400	<del>Unladen</del> –£1000 Laden–£1500	<del>Unladen</del> –£1500 Laden–£2000
5	Vehicle, excluding a two wheeled vehicle, off road but either not upright or substantially damaged or both	£300	£850	<del>Unladen</del> –£3000 Laden–£4500	<del>Unladen</del> –£4500 Laden–£6000

#### Storage;

**Table 2 – Regulation 5**

	1	2	3	4	5
1	<i>Two wheeled vehicle</i>	<i>Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM</i>	<i>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM</i>	<i>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</i>	<i>Vehicle exceeding 18 tonnes MAM</i>
2	£10	£20	£25	£30	£35

#### Disposal;

**Table 3 – Regulations 6**

	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
<i>1</i>	<i>Two wheeled vehicle</i>	<i>Vehicle, not including a two wheeled vehicle, equal to or less than 3.5 tonnes MAM</i>	<i>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM</i>	<i>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</i>	<i>Vehicle exceeding 18 tonnes MAM</i>
<i>2</i>	£50	£75	£100	£125	£150