

# Abandoned Vehicles Policy



**ASHFORD**  
BOROUGH COUNCIL

## Removing vehicles that appear to be abandoned within the Ashford borough

We have a duty to remove vehicles that have been abandoned without lawful authority. We will remove the vehicle from the highway or council owned land as quickly as appropriate within the law using the following process:

- When reports are received, we will look at the evidence provided and make a judgment on whether the vehicle is likely abandoned; this may include whether the vehicle is taxed and has a valid MOT, or the reported state of the vehicle. However, every report is judged on a case by case basis.
- If it is decided that the vehicle is likely abandoned, an inspection will be scheduled, 7 day notice attached to the window or windscreen, and photographs taken (including the VRM (number plate), VIN, any damage, the vehicle in situ from a distance (for the contractor) and any accessibility or height restriction issues). We endeavor to inspect abandoned vehicles within 1 working day of receiving a report, however, during busy periods this may not always be possible.
- After the inspection a DVLA check is undertaken, details printed out, and follow up letter sent to the registered keeper further notifying them of 7 days' notice of removal. If a notice was not served at the time of the inspection, a DVLA check will not be undertaken.
- A review of the vehicle is scheduled 7 days after the notice was served to confirm whether vehicle is still in situ and further photographs taken, before instructing our contractor to uplift.
- Foreign registered vehicles will have a 7 day removal notice attached to the window or windscreen.
- Following the expiry of this notice the vehicle becomes the property of Kent County Council (KCC) and will be removed.
- These vehicles are stored for 14 days (or until any Road Fund Licence expires) and then destroyed.

We have the right to remove vehicles immediately under certain circumstances, e.g. if the vehicle is a danger to the health and safety of the public, or if there is no registered keeper.

If the owner wants the vehicle returned, they must pay the appropriate fees and provide proof of ownership to KCC. The vehicle has to be returned to a legal location; off road if it is untaxed.

## Further information

Abandoned vehicle reports are logged onto the M3 Public Protection database. After 2 years worksheets will be deleted, in line with the DVLA's data retention guidelines.

DVLA WEE enquiries are also recorded on a separate spreadsheet.

If an enquiry is made on an incorrect VRM, details must be deleted from the database but an audit trail kept for 2 years; this is recorded on the spreadsheet.

Before performing DVLA checks, council employees must have read the guidance issued by the DVLA and understand the evidence that must be in place before making a request. In addition, all other avenues must be exhausted in trying to ascertain details of the registered keeper, e.g. if someone approaches the inspecting officer claiming to be the owner, details must be taken.

If an abandoned vehicle, not on private land, matches any of the following criteria, it will be removed as quickly as possible:

- broken windows; flat tyres
- contains materials of a dangerous nature
- excessive external or internal damage
- high risk of arson; open doors
- report by the police as dangerous
- burnt out or fire damaged



It is the responsibility of the police to move or remove vehicles that are on the highway and in a position to endanger other road users, i.e. obstruction.

Vehicles that have been involved in a road traffic collision become the responsibility of the owner's motor insurance company.

### **Minimum notice periods**

**Vehicle abandoned on the highway:** immediate removal or 7 day notice attached to the vehicle with a follow up letter to the registered keeper as appropriate.

**Private land:** 15 day notice attached to the vehicle with a follow up letter to the registered keeper as appropriate.

Under extreme circumstances vehicles can be removed and notice periods served elsewhere at the discretion of a council officer. This may be the case for locations such as children's play areas or sheltered housing accommodation, where 'risk' or 'fear of crime' are significant factors.

### **Private land owners**

Private land owners can have vehicles that do not belong to them removed from land within their control by making a written request to the Abandoned Vehicles Team.

This service will entail a 15 day notice being attached to window or windscreen, photographs taken (including the VRM (number plate), VIN, any damage, the vehicle in situ from a distance (for the contractor) and any accessibility or height restriction issues). We endeavor to inspect abandoned vehicles within 1 working day of receiving a request, however, during busy periods this may not always be possible. After the inspection a DVLA check is undertaken, details printed out, and follow up letter sent to the registered keeper further notifying them of 15 days' notice of removal. If a notice was not served at the time of the inspection, a DVLA check will not be undertaken. The vehicle will be removed 15 days from the date the notice was served. However, if there is no registered keeper removal can be immediate.

A review of the vehicle is scheduled 15 days after the notice was served to confirm whether vehicle is still in situ and further photographs taken, before instructing our contractor to uplift.

### **Reporting an abandoned vehicle**

If members of the public wish to report an abandoned vehicle, they can fill in our [online](#)

[form](#) or contact our [Customer Services](#).

They will be asked to provide the following information, if they have it:

- Vehicle registration
- Reported location
- Any other relevant information including make and colour of vehicle
- Upload a photograph

## **Frequently asked questions**

### **What happens when a vehicle is on private land?**

We can remove abandoned vehicles from private land using a fifteen-day notice, but only if the landowner does not object to the removal. The cost of removal can then be recovered from the landowner or registered keeper as appropriate.

In some circumstances the landowner may contact us to request the vehicle's removal. This is quite often the case in ex-local authority or private housing developments.

### **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. In the case of burnt out or unidentifiable vehicles, however, 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 7 days. A 7 day notice letter is sent to the registered keeper informing them of our intention to remove the vehicle and the charges for getting the vehicle back.

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

There may be a variety of reasons including the fact that the vehicle had not been abandoned but merely broken down, the owner had been on holiday, on private land, and covered by a SORN declaration.

### **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 currently £150 for removal, £20 a day storage and £75 for disposal. I.e. £505 per vehicle, because vehicles are stored for a minimum of 14 days.

### **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. 80 per cent of the total weight of the vehicle is recycled.

### **Can you remove untaxed vehicles?**

Only if they have been abandoned. If the vehicle has not been abandoned and has been seen being driven, it can be reported to the [DVLA](#).

### **A vehicle is blocking access to refuse collection vehicles; is it abandoned?**

If vehicles are blocking access to refuse collection vehicles, a DVLA check must only be performed after we have made several attempts to access the location (four consecutive weeks); each attempt must be logged. The log must be presented as evidence when audited.

## 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. 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. In these cases, unless the relevant landowner specifically forbids the parking of SORNed vehicles on their land, there is nothing we can do.

## Legislation

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

- Clean Neighbourhoods and Environment Act 2005
- Statutory Instrument 2002 No. 746 (Removal & Disposal of Vehicles)
- Statutory Instrument 2008 No. 2095 (Charges for Removal & Disposal of Vehicles)
- Refuse Disposal (Amenity) Act 1978

## Fines and charges

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.

**Note:** Making a false SORN declaration is an offence for which the maximum fine is £5,000 and imprisonment

Fixed penalty notices of £200 can be issued, but Ashford Borough Council does not do this.

Once the vehicle has been removed, it may only be released on proof of ownership and the payment of the following statutory charges:

**Initial removal: £150, Storage: £20 per day from the date of removal**