



Solihull
METROPOLITAN
BOROUGH COUNCIL

Highway Management

Traffic Management - parking services

Abandoned Vehicle Policy 2022

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Glossary

SMBC	Solihull Metropolitan Borough Council
DVLA	Driver and Vehicle Licensing Agency
KADOE	Keeper at Date of Event

Introduction

Public perception of abandoned or nuisance vehicles can be considered to be a sign of deprivation and neglect, which can reflect poorly on a local authority.

Their presence can be a signal of crime and disorder and encourage anti-social behaviour such as fly tipping, graffiti and even arson.

The principal points of concern from the perspective of parking services are that abandoned, and nuisance vehicles are usually untaxed, unregistered with the DVLA and not roadworthy.

This can cause several difficulties for residents and the local authority, some examples of which are listed below.

- They occupy valuable off street or kerb side space that residents and visitors are unable to use
- Associated crime and disorder can deter people from using car parks and on street resident or pay and display parking places
- Any Penalty Charge Notices issued remain unpaid
- Removed vehicles are often expensive to store if left for long periods
- Their value is usually too low to be considered for auction and results in unrecoverable costs to a local authority for disposal

Parking Services are responsible for managing the abandoned vehicle process for SMBC in partnership contracted key stakeholders.

Suspected abandoned vehicles should be reported through the council website: [Report an abandoned vehicle | solihull.gov.uk](https://www.solihull.gov.uk)

Abandoned and Nuisance Vehicle Definition

A vehicle is likely to be abandoned if at least one of the following applies:

- It has no registered keeper on DVLA's database and is untaxed
- Is stationary for a significant amount of time
- Is significantly damaged, run down or unroadworthy, for example has flat tyres, missing wheels, or broken windows
- Is burned out
- A number plate is missing

An abandoned vehicle is always a nuisance, but a nuisance vehicle is not always abandoned. A nuisance vehicle could be any of the following examples:

- Inconsiderately parked
- Causing an obstruction
- Broken down
- Untaxed
- Involved in residential parking disputes

Any vehicle parked dangerously will be reported to the Police.

Legislation

SMBC has a statutory duty under the Refuse Disposal (Amenity) Act 1978 where it appears to a local authority 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.

Public open space, parks and council owned land managed by Solihull community housing is considered 'open air'.

Where it appears to a local authority that the land on which a motor vehicle is abandoned is occupied by any person, the authority shall give notice that they propose 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.

A local authority is not required to remove a vehicle if it appears to them that the cost of its removal to the nearest convenient carriageway would be unreasonably high.

Abandoning a vehicle is a criminal offence under section 2 of the Refuse Disposal (Amenity) Act 1978, with a maximum penalty on conviction of £2,500, or 3 months imprisonment, or both.

A Fixed Penalty Notice for £200 to the owner may be issued instead of prosecuting in addition to storage and disposal costs.

Reporting and Inspection

All reports of abandoned vehicles are submitted through the council website and processed by the Parking Services team, who record the information captured on the Icloud Customer Enquiry Management System.

This approach ensures demand for the service is captured accurately and any personal information is managed in accordance with GDPR principles.

Individual electronic case files are then created and used by the team to manage the process of responding to reports of a suspected abandoned vehicle.

These files are closed upon completion or until any on-going insurance or criminal investigation has been concluded. Personal data is not retained for longer than is necessary and deleted from Council records once the case is closed.

DVLA database

SMBC has a legal KADOE agreement with the DVLA permitting access to the vehicle registration database to support the efficient processing of enquiries.

Only after a period of 7 days from serving a statutory notice will the DVLA database be accessed to obtain the registered keeper's details.

Access is restricted to SMBC authorised officers and is subject to regular DVLA audits. A clear detailed audit trail is documented for each enquiry case on an encrypted spreadsheet only accessible by SMBC employees.

Inspections

Reports of suspected abandoned vehicles are inspected within 5 working days. Officers will however prioritise response times depending on the level of demand for the service and the information shared, including the vehicle location, type, and condition.

Vehicles suspected of actually being abandoned and having been served with the appropriate statutory 14-day notice of removal are known as "Actionable" cases.

The case file will include a copy of the statutory notice and a condition report together with photographic evidence.

The vehicle is inspected again on or around the 7th day after the notice has been served. The majority of cases are closed at this stage due to the owner taking appropriate action.

On or shortly after the 15th day of serving the notice, the vehicle is inspected again to determine if the vehicle has been removed or whether further action is required.

Should the vehicle not be removed, a DVLA check will be completed, and the registered keeper will be informed of the intended action.

Untaxed Vehicles

In the absence of any sign of abandonment, the case will be referred to the DVLA for investigation.

The DVLA will clamp and remove an untaxed vehicle if it is:

- on a public road, even if it has a Statutory Off Road Notification (SORN)
- not on a public road and doesn't have a SORN

Wheelclamping is subject to these mandatory fees:

- £100 clamp release fee (payable within the first 24 hours of wheelclamping or removal of the vehicle)
- £200 impound release fee (payable once the vehicle is removed to a vehicle pound)
- £21 per day storage fee (beginning once the vehicle has been removed to the vehicle pound)
- £25 fee if V62 supplied for new keeper

Burnt-out vehicles

Reports of burnt-out vehicles are given a higher priority than other abandoned vehicles on the grounds of health and safety.

A site visit will be made to assess the vehicles condition and obtain either the vehicle registration mark or vehicle identity number.

If either identification mark is found, the DVLA database is accessed to find the registered keeper's details.

Attempts will be made to contact the registered keeper and request its removal within 5 working days.

Should it not be removed, or no keeper information is available, the Council will remove the vehicle and take it to the nearest treatment centre for destruction within 5 working days.

Statutory charges will be applied where owner's details are identified.

Removal, Storage and Disposal

Vehicle Removal

Removal of an abandoned vehicle is conducted by an approved contractor only and overseen by an authorised officer.

The vehicle will be removed to the Council's secure storage area only after expiry of a 14 day notice.

Vehicle Storage

Vehicles brought into storage will incur the statutory charges for a maximum period of 21 days. At the Council's discretion vehicles may be stored for longer to facilitate efficient methods of disposal and the current demand on the service for space at the storage facility.

Whilst in storage the vehicle owner, if one is recorded, will be sent a further letter advising them of the opportunity to collect vehicle and details of the associated statutory costs.

The compound is subject to monthly audits to verify vehicle storage records.

Contents of vehicles

Property found inside an abandoned vehicle is considered to be part of that vehicle. Officers will not attempt to catalogue or interfere with the contents of any vehicle.

Detailed condition reports and photographs from outside the vehicle shall be taken at the time of removal then again as they are taken into storage.

Disposal

It is perceived that some vehicles should be sold to recoup costs. However, the process is onerous and time consuming. The following points are considered before deciding whether or not a vehicle is viable for auction.

- The requirement to obtain log book from DVLA with associated costs.
- Vehicles may outwardly look in good condition but be mechanically unsound.
- Vehicles have to be sent to a specialist auction with unknown charges / fees.
- Vehicle auctions of this nature focus on quick sales "sold as seen" and realise minimal returns.
- The potential for negative publicity due to a dangerous vehicle originating from the authority is an unwarranted and unnecessary risk.

On this basis, only in exceptional cases where a vehicles value is estimated to be more than £2,500 will an independent valuation be obtained to advise of the vehicle's potential value versus costs.

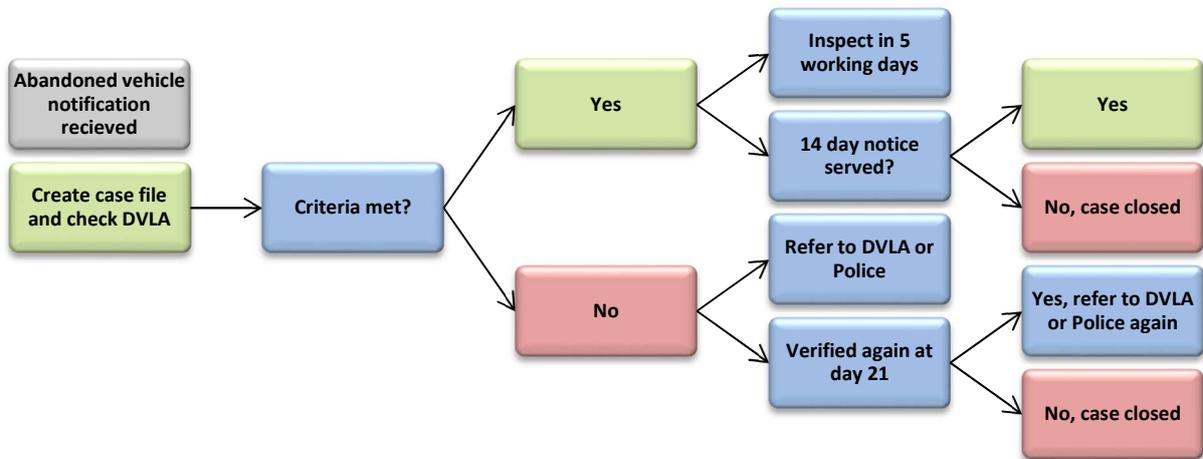
A report will be prepared and sent to the Head of Highway Management to determine the appropriate course of action.

In the event that the owner does not collect the vehicle and pay all necessary charges, vehicles under an estimated value of £2,500 will be taken to an authorised treatment centre and destroyed. A certificate of destruction will be obtained.

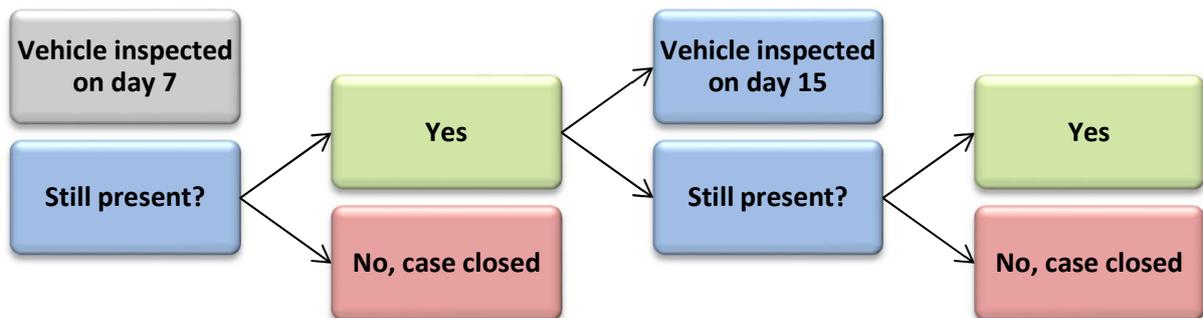
The DVLA are notified automatically.

Inspection Process Flow Chart

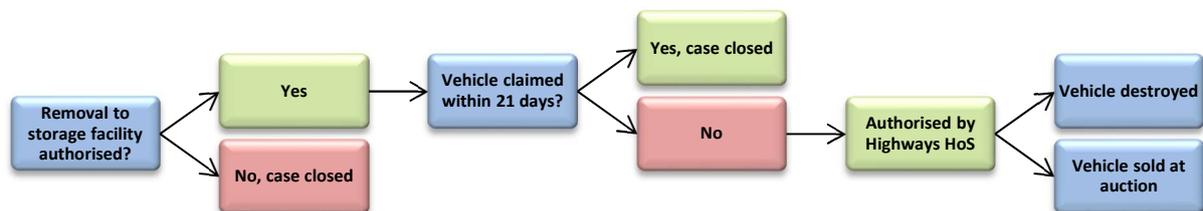
Step 1 – Notification



Step 2 – Inspection

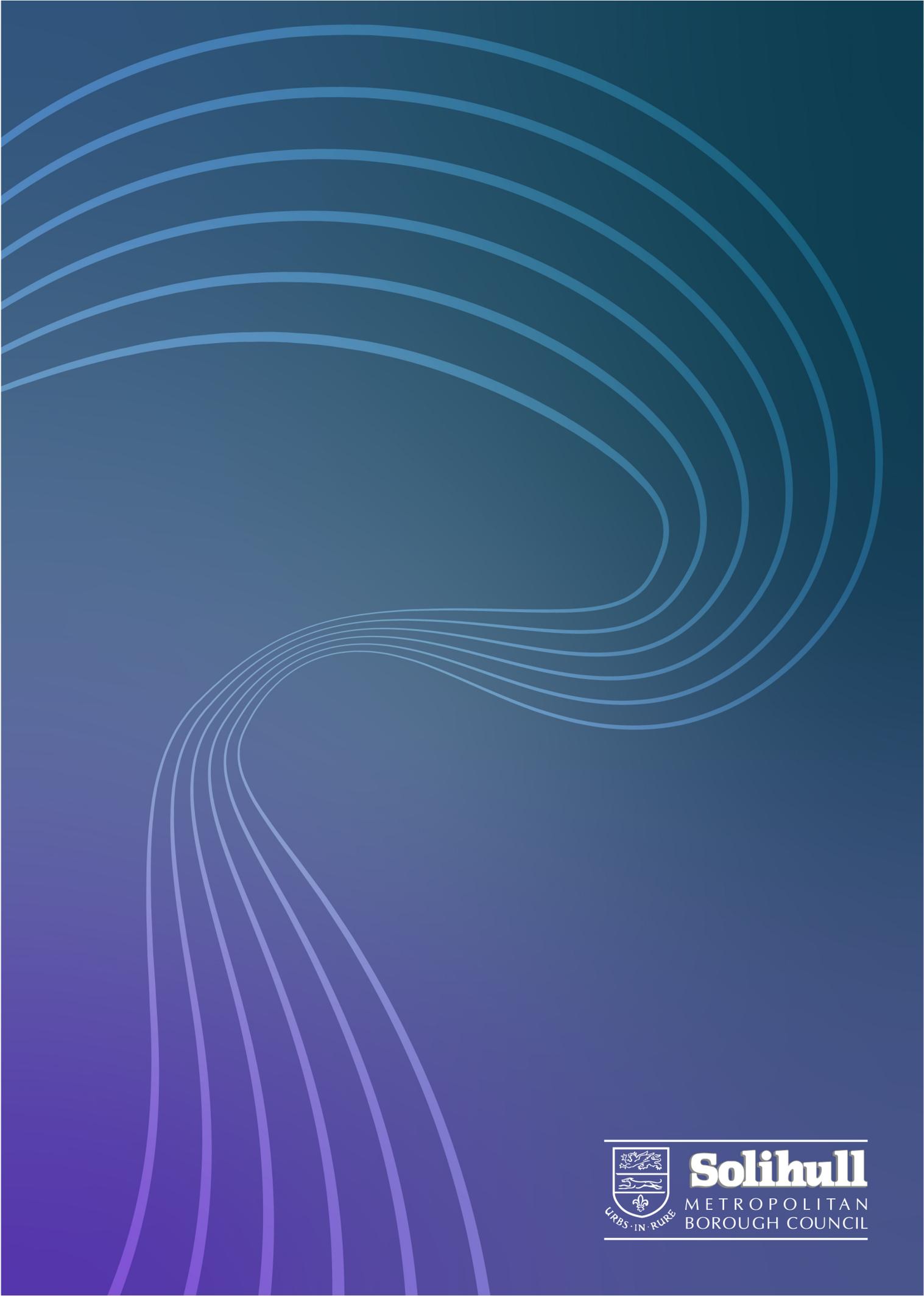


Step 3 – Removal



Version History

Revision date	Revision by	Summary of changes	Version
22/02/2022	Steve Halsey	Creation of abandoned vehicle policy	0.1
28/02/2022	Steve Halsey	Amendment to legal definitions	0.2
07/03/2022	Steve Halsey	Removal of leal definitions	0.3
10/03/2022	Paul Tovey	Open air definition added	0.4
24/03/2022	Paul Tovey	Sign off	1.0



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