Vehicle Removal Policy

January 2016
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1. Introduction to Policy

The Council, as the traffic authority, has a number of responsibilities and duties; it is responsible for managing the traffic network with the aim of maintaining traffic flow and safety. The Council also has a duty to remove abandoned vehicles that are genuinely abandoned in the borough. The Council does have delegated authority for enforcement action against untaxed vehicles¹ and the Policy explains the relationship between the Council and the Driver and Vehicle Licensing Agency (DVLA). For clarity this Policy also sets out the process associated with untaxed vehicles, which are often automatically thought of as an abandoned vehicle but rarely are.

1.1 Scope of the Policy

This Policy is designed to deal with vehicles that are: deemed to be abandoned by an appropriate Officer of the Council; untaxed or SORN on a public road; or that have been issued with a Penalty Charge Notice and deemed to be:
- Parked dangerously or causing an obstruction on the public highway;
- Displaying an invalid disabled blue badge;
- Vehicles which have outstanding Penalty Charge Notices; and/or
- Vehicles that are impeding Highways works or events.

This Policy sets out in a clear and transparent manner the Council’s approach to vehicle removal. It applies within the boundaries of Southend-on-Sea, including but not limited to the adopted public highway and any land owned by the Council which is subject to waiting or loading restrictions. This Policy shall be enforced from the date of its adoption, and shall remain in force until formally revoked or superseded. This Policy will be reviewed periodically to ensure that it is in line with current legislation.

1.2 Corporate Priorities

This Policy contributes to the Council’s aims and corporate priorities for a safe, clean, healthy and prosperous town by ensuring the removal of abandoned vehicles and the removal or relocation of vehicles contravening waiting restrictions, which can affect traffic flow and road safety, impede highways works or a special event.

1.3 Policy Definitions

1.3.1 Council
For the purposes of this Policy the “Council” shall mean Southend-on-Sea Borough Council and/or any of its agents acting on its behalf.

1.3.2 Road
For the purposes of this Policy, in most instances the meaning of “road” shall be the definition as contained in the Road Traffic Regulation Act 1984 and Traffic Management Act 2004. Where the vehicle is untaxed or SORN the meaning of “public road” shall be the definition as contained in the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997.

¹ Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 (as amended)
1.3.3 Vehicle
For the purposes of this Policy a “vehicle”\(^2\) is any of the following:
- Mechanically propelled vehicle(s) intended or adapted for use on roads whether or not it is in a fit state for such use
- Any trailer intended or adapted for use as an attachment to a vehicle
- Any chassis or body with or without wheels, appearing to have formed part of such a vehicle or trailer (e.g. vehicles with wheels removed)
- Anything attached to such a vehicle or trailer
- Motorcycles
- Caravans

1.3.4 Vehicle Owner
For the purposes of this Policy the “vehicle owner” is presumed to be the last registered keeper of the vehicle unless that person can provide evidence to the contrary.

1.3.5 Land Occupier
For the purposes of this Policy the “occupier” is deemed to be: the tenant or licensee; or anyone who has legal possession of and control over premises.

1.3.6 Obstruction
For the purposes of this Policy “obstruction” is deemed to be a situation whereby a vehicle is parked in such a way that is obstructive or dangerous to other road users and/or emergency service vehicles.

1.3.7 Councils Representative
For the purpose of this policy the “Councils Representative” shall mean a member of staff or any agent acting on behalf of Southend-on-Sea Borough Council.

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\(^2\) As defined in Section 99(5) of the Road Traffic Regulation Act 1984
2. Vehicles in Contravention of a Waiting Restriction or Prohibition

Parking contraventions are usually dealt with by the issue of a Penalty Charge Notice (PCN); however, in some circumstances the vehicle may also be impeding traffic flow, affecting the safety of road users or preventing highways repair works or a planned event from proceeding. In these circumstances it may also be necessary to arrange for the timely removal or relocation of the vehicle.

This Policy complies with the statutory provisions of the Traffic Management Act 2004 (as amended) and is in accordance with the Operational Guidance to Local Authorities: Parking Policy and Enforcement issued by the Department for Transport in March 2008 and revised in March 2015. The Policy has also been developed in conjunction with the following documents:
- The Civil Enforcement of Parking Contraventions (Representations and Appeals) (England) Regulations 2007 (SI 2007/3482)
- Statutory Guidance from the Department for Transport (DfT)
- The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (SI 2007/3487)
- The Removal and Disposal of Vehicle Regulations 1986 (as amended)

2.1 Circumstances for vehicle removal when in contravention

A Parking contravention involves the parking of a vehicle contrary to a prohibition or restriction. Where this occurs, a PCN will be issued in respect of that vehicle. The PCN has a relevant contravention code assigned to it when it is issued and specific definitions of Contraventions and nationally used codes are detailed in Table 3 (page 10).

Where the vehicle is in contravention of a waiting restriction or prohibition shown in Table 3 and is deemed to be causing a hazard or physical obstruction the Council will remove the vehicle to a secure compound. The vehicle will be liable for removal after 30 minutes from the issue of the PCN. The process for removal is set out in Table 1 (page 8) and a diagrammatical representation is shown as Diagram 1 (page 13).

The final decision to authorise the removal of a vehicle can only be taken with the authority of a senior member of the Council’s Parking Management Team. This includes Team Leader of Parking, Traffic Management and Road Safety or Group Manager, Traffic and Highways Network, and from time to time Senior Civil Enforcement Officers.

2.2 ‘Persistent Evader’

A ‘persistent evader’ is identified as a vehicle which:
- Has three or more recorded contraventions for which the PCN’s are not paid in full, represented or appealed against within the statutory time limits or any such
representation(s) and/or appeal(s) have been rejected but its owner(s) have not paid the penalty charge.

A persistent evader may also be a vehicle that has been issued with multiple PCN’s and the vehicle keeper’s details are found to be absent or incorrect or a Notice to Owner has been returned as not known at the registered keeper’s address.

Where a persistent evader is in contravention of any waiting restriction or prohibition and has been issued with a PCN the vehicle will be liable for removal after 15 minutes from the issue of the PCN. Even if the persistent evader is in a designated parking place, if a PCN is issued, the Traffic Management Act 2004 allows the enforcement authority to remove the vehicle after 15 minutes have elapsed from issue of the PCN.

2.3 Vehicles displaying an invalid Blue Badge

Vehicles that have had a PCN issued to them and are displaying an invalid disabled blue badge will be liable for immediate removal. Invalid disabled blue badges will include badges that:
- Are fraudulent or an unauthorised copy;
- Have had the badge details changed;
- Are no longer valid because the blue badge holder is deceased or is no longer authorised to use the blue disabled badge; or
- Have been reported as stolen blue badges.

<table>
<thead>
<tr>
<th>Table 1: Summary of process for removal of vehicles in contravention of a waiting restriction or prohibition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Issue of Penalty Charge Notice (PCN)</strong></td>
</tr>
<tr>
<td><strong>Allow time for vehicle to depart</strong></td>
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<tr>
<td><strong>CEO contacts supervisor</strong></td>
</tr>
<tr>
<td><strong>Council approval</strong></td>
</tr>
<tr>
<td><strong>Police informed</strong></td>
</tr>
<tr>
<td><strong>Remove to compound</strong></td>
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<tr>
<td><strong>Contact Keeper</strong></td>
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</tbody>
</table>
2.4 Circumstances for vehicle relocation when in contravention

Where a vehicle is in contravention of a temporary prohibition of waiting, loading and unloading which has been implemented to facilitate an event or works on the highway and the vehicle could impede or prevent the event or highways maintenance work taking place it will be necessary to urgently relocate the vehicle rather than removing it to a secure storage compound.

In these circumstances, any vehicle (including those displaying a valid disabled person badge) will be issued with a PCN and the vehicle will be relocated to the nearest available street after 5 minutes have elapsed from the issue of the PCN. No costs are charged for the relocation of a vehicle. The process for relocation is set out in Table 2 below and a diagrammatical representation is shown as Diagram 1 (page 13).

The decision to authorise the relocation of a vehicle can only be taken with the authority of a senior member of the Council’s Parking Management Team. This includes the Council’s Team Leader of Parking, Traffic Management and Road Safety or Group Manager, Traffic and Highways Network, and from time to time Senior Civil Enforcement Officers.

<table>
<thead>
<tr>
<th>Table 2: Summary of process for relocation of vehicles in contravention of a temporary waiting restriction or prohibition</th>
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<tbody>
<tr>
<td>Issue of Penalty Charge Notice (PCN)</td>
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<tr>
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<td>Police informed</td>
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<td>Relocation</td>
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2.5 Reclaiming vehicles removed to storage

In order to reclaim a vehicle that is removed due to a contravention of a waiting restriction or prohibition the following documents must be produced:

**Proof of ownership** – one of the following:
- Vehicle Registration document or
- a valid insurance document or
- formal proof of purchase, and

**Proof of identity** – one of the following:
- a current UK Driving Licence or
- a current tenancy agreement

Where one of the supplied documents does not contain the owner’s current name and address (or there is a different address on the two documents or no address on one document) then the following is also required:

**Supporting evidence** – one of the following:
- Utility Bill (must be dated within the last three months) or
- Bank Statement (must be dated within the last three months) or
- Telephone Bill (must be dated within the last three months) or
- Benefits letter (must be dated within the last three months)

Before release of the vehicle all costs associated with the removal and storage must be paid by the vehicle owner or keeper.

2.6 Associated costs for vehicles removed to storage

There are prescribed charges\(^3\) that apply to removal, storage (for each day or part of a day) and disposal of vehicles that are impounded due to a contravention of a waiting restriction or prohibition. The current charges applicable at the time that this Policy was produced are shown in Appendix 1.

2.7 Appealing the removal of vehicles in contravention

The owner or keeper of a vehicle that is removed after the issue of a Penalty Charge Notice (PCN) can appeal the decision taken to remove a vehicle. These appeals are to be treated the same as a PCN appeal. If an appeal is successful, all money paid in respect of the removal and storage of the vehicle will be reimbursed in full.

2.8 Disposal of vehicles

If the vehicle is not collected within 28 days from the date of removal, the Council will write to the vehicle owner (where the Registered Keeper is identifiable) to inform them that if the vehicle is not collected within 7 days the vehicle will be disposed of. The Council can only do this if the road fund licence has expired (i.e. it is untaxed)

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\(^3\) Section 9, Traffic Management Act 2004 and the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007
Diagram 1: Process for removal or relocation of vehicles in contravention of a waiting restriction or prohibition

- **Vehicle issued with Penalty Charge Notice (PCN) for relevant contravention**
- **Civil Enforcement Officer (CEO) contacts their Supervisor for progression. CEO photographs vehicle on all sides and notes condition, dents, scratches etc.**
- **Supervisor obtains authority from SBC for removal or relocation**
- **Owner returns prior to/during removal/relocation**
- **All wheels not on tow vehicle or 2 wheels not in rear drop cradle.**
- **Not a ‘persistent evader’**
- **Release vehicle to owner. PCN progressed as normal**
- **Continue vehicle removal**
- **Vehicle removed by owner**
- **Continue issuing PCN’s as necessary**

**Vehicle is also parked in a hazardous position or creating obstruction**
- **Vehicle remains for 30 minutes then requires removal**
- **Vehicle is also impeding an event/planned highways works (on suspended parking place or temporary prohibition)**
- **Vehicle is processed immediately**
- **Vehicle is also a ‘persistent evader’**
- **Vehicle remains for 15 minutes then requires removal**
- **Vehicle is not: parked in a hazardous position, displaying an invalid disabled badge, a persistent evader, creating an obstruction or impeding event or highways maintenance works**

**Vehicle is also a ‘persistent evader’**
- **Vehicle is processed immediately**
- **Proceed with removal of vehicle to storage compound (relocation will be in the immediate area but outside the area affected by the event or planned Highways works).**
- **All wheels on tow vehicle or 2 wheels are in rear drop cradle or a ‘persistent evader’**
- **Vehicle removed to compound. Owner may retrieve on payment of removal and storage fee and PCN. If no contact from owner within 28 days, vehicle may be scrapped or auctioned.**

- **Vehicle is also displaying an invalid disabled blue badge**
- **Vehicle is also impeding an event/planned highways works (on suspended parking place or temporary prohibition)**
- **Vehicle is also a ‘persistent evader’**
- **Vehicle remains for 5 minutes then requires relocation**
- **Vehicle remains for 30 minutes then requires removal**
- **All wheels on tow vehicle or 2 wheels are in rear drop cradle or a ‘persistent evader’**
- **Vehicle remains for 15 minutes then requires removal**
- **Continue issuing PCN’s as necessary**
Vehicles in contravention and causing an obstruction will be removed.

Dangerously abandoned vehicles will be removed within 24hrs.
3. Abandoned Vehicles

In practice very few vehicles that are reported are abandoned, they are more likely to be untaxed, causing minor obstructions, parked irresponsibly or have become the object of neighbour disputes.

Where it appears that a vehicle is abandoned it is the duty of the Council\(^4\) to remove the vehicle from any land in the open air or on any other land forming part of a highway (highway is defined as a way over which all members of the public have a legal right to pass and re-pass, including carriageways, footways, verges, footpaths, bridleways and cycle tracks). Failure to remove an abandoned vehicle would be a breach of the duty. This Policy complies with and has been developed in conjunction with the following legislation and documents:

- The Refuse Disposal (Amenity) Act 1978 (as amended)
- The Road Traffic Regulations Act 1984 (as amended)
- The Removal and Disposal of Vehicles Regulations 1986 (as amended)
- The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008
- The Clean Neighbourhoods and Environment Act 2005
- Nuisance Parking Offences and Abandoned Vehicles, Guidance on Nuisance Parking and Abandoned Vehicle Legislation, Defra, 2006

It is an offence\(^5\) to unlawfully abandon any vehicle in the open air, punishable by a fine of up to Level 4 on the standard scale (£2,500) and/or three months in prison, or on any other land forming part of a highway. As an alternative to prosecution the Council has the power to issue a fixed penalty of up to £200\(^6\) to the vehicle owner.

3.1 When is a vehicle ‘abandoned’?

There is no legal definition of “abandoned”, however, for the purposes of this Policy; the Council considers that any vehicle that has been left ‘without lawful authority’\(^7\) on any land in the open air or any land forming part of the highway is potentially abandoned.

Council Officers will form an opinion by reviewing information provided to them and/or gathered through inspection of the vehicle. The Council’s Officer will consider a number of factors during inspection that will help them determine whether to consider a vehicle ‘abandoned’. Put simply this means that a vehicle is only considered abandoned when the relevant Officer at the Council decides that it is abandoned.

Factors used to determine if a vehicle is abandoned include, but are not limited to:

- The vehicle being stationary for a significant length of time,
- The vehicles overall age, condition and appearance,
- The vehicle being significantly damaged, run down or being un-roadworthy (this can include vehicles with flat tyres, wheels removed or broken windows),

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\(^4\) Section 3(1) of the Refuse Disposal (Amenity) Act 1978, as amended by the Clean Neighbourhoods and Environment Act 2005
\(^5\) Refuse Disposal (Amenity) Act 1978
\(^7\) Refuse Disposal (Amenity) Act 1978
The vehicle being burnt out,
- The vehicle lacking one or more of the registration number plates,
- The vehicle containing waste materials,
- The vehicle not having a valid road fund licence (road tax),
- The vehicle having no current vehicle keeper on the DVLA record,
- The vehicle being unsecure or unlocked.

The following will be taken into consideration when looking at the factors listed above:

1. The inspected vehicle does not have to display the full list to be considered abandoned, but it should not be considered abandoned solely on the grounds that it is untaxed.8
2. The inspected vehicle can have an owner and still be considered abandoned - the owner may have decided that they no longer want the vehicle. However, the registered keeper has a legal responsibility to keep untaxed, SORN (Statutory Off Road Notification) or damaged or dangerous vehicles off of the public highway. In the event a vehicle is removed to storage the owner will be required to demonstrate that they have legal entitlement to the vehicle and to meet release costs before the vehicle may be re-claimed.
3. Taxed vehicles can be deemed abandoned by the inspecting Officer in certain circumstances, and providing the Council takes reasonable steps to find and inform the last registered keeper of it being deemed abandoned, can remove the abandoned vehicle after the notice period has expired.

### 3.2 Areas where abandoned vehicles can be removed

For clarity, in respect of abandoned vehicles, the areas that the Council will apply this Policy to will be:

- Roads (i.e. a highway or road to which the public has access. This includes adopted highways, footpaths, and estate access roads),
- Land in the open air (which means to which the public have access),
- Council owned land,
- Housing association land (where relevant checks have been undertaken and request received from the association),
- Land managed by South Essex Homes on behalf of the Council (where relevant checks have been undertaken and request received from South Essex Homes) – see Section 4 (page 25),
- Private land (where a vehicle is abandoned on land that is occupied, the Council will give the owner/occupier of the land a 15 day notice of intention to remove the vehicle).

### 3.3 Reporting abandoned vehicles

Abandoned vehicles can be reported to the Council in a number of ways including, by e-mail, by letter, by telephone and in person. Vehicles are deemed to be newly reported at the time they are received and entered into the Councils electronic recording system. Where possible the following information will be sought at the reporting stage:

- Make, Model and Colour,
- Registration number,
- Exact location of the vehicle,
- How long it has been at the location,
- Reasons for why the vehicle is believed to be abandoned (e.g. wheels missing, broken window etc.),
- Name and contact details of the reporter (personal information is held in the strictest confidence and is not passed to anybody).

Contact details for reporting abandoned vehicles to the Council are:

**Online Form:** [www.southend.gov.uk](http://www.southend.gov.uk) (go to “abandoned vehicles” page and “Online Forms – Report an Abandoned Vehicle”)

**E-mail:** council@southend.gov.uk

**Telephone:** 01702 215003

Where there is a failure to provide all of the requested information about a potentially abandoned vehicle this may affect the ability of the Council to investigate the report in a timely manner.

### 3.4 Vehicle categories

For the purposes of this Policy vehicles reported to the Council as “abandoned” will be categorised as either:

- Vehicles that are **immediately deemed to not be abandoned**,
- Vehicles that are **potentially abandoned** (and may be deemed abandoned after inspection and enquiries),
- Vehicles that are **immediately deemed to be dangerously abandoned**,
- Vehicles that may be **untaxed, causing minor obstructions, parked irresponsibly or are the object of neighbour disputes**.

### 3.5 Investigating a potentially abandoned vehicle

The Council reserves the right to make an initial judgment as to whether the vehicle is ‘potentially abandoned’ based on the information provided at the reporting stage. Vehicles believed to be untaxed for a period (currently 2 months and 1 day) and stationary on land that allows enforcement will be passed to the contractor dealing with untaxed vehicles, but they cannot be processed as abandoned vehicle reports without further supporting information that indicates they may be potentially abandoned.

Potentially abandoned vehicles that are reported to the Council will be inspected and investigated within 24 hours of receipt of the report.

The point at which the Council is legally entitled to remove the vehicle is the point that the Council deems the vehicle is ‘abandoned’, which will usually be at the conclusion of the enquiry period to establish whether or not the vehicle has been genuinely abandoned. The enquiry period will include any timescales for notices served or issued as part of the investigation process.
During inspection the Councils Representative will record the following information on the Inspection Form:

- Date and time,
- Exact location and type of land the vehicle is on,
- Make, model and colour,
- Registration number,
- Any obvious reason for the vehicle being parked at the location,
- Identification of reasons for why the vehicle may be abandoned (e.g. wheels missing, broken window etc.),
- Whether the vehicle is considered dangerously abandoned (and may need immediate removal) or just dangerous (in which case this may be passed to Police),
- Photographs taken of the vehicle showing evidence of why it is deemed ‘abandoned’, photo of registration number (if any), photo of any notice affixed, photo of road tax (if applicable),
- Whether a notice needs to be sent to the occupiers of the land (private land),
- Whether a notice is affixed to the vehicle,
- Any further information that may be used as support for the decision that the vehicle is deemed genuinely abandoned.

In the event a 7 day notice\(^9\) is affixed to the vehicle, a re-inspection will be undertaken as close to 8th day as feasible (but no later than 14 days after notice affixed) and further information will be recorded:

- Date and time of second visit,
- Whether the vehicle has moved or is still present,
- If the vehicle is deemed ‘abandoned’ and removal is now necessary.

In the event the Councils Representative is unable to conclusively deem whether the vehicle is ‘abandoned’ or ‘not abandoned’, a final judgment on abandonment - based on all the information available and the balance of probability - will be made by a senior member of the Councils Parking Management Team. This includes Team Leader of Parking, Traffic Management and Road Safety or the Group Manager, Traffic and Highways Network.

The process for vehicles abandoned in the open air or any land forming part of the highway is set out in **Table 4** (page 18) and a diagrammatical representation is shown as **Diagram 2** (page 24).

### 3.6 Vehicles considered to be ‘dangerously abandoned’

Vehicles which are ‘dangerously abandoned’ will be considered priority cases for inspection and immediate removal within 24 hours. Dangerously abandoned vehicles are such that the manner of their abandonment is deemed to present an immediate danger to the public. In this situation there is no responsibility to contact the owner or person responsible for the vehicle before the removal, however, checks will be undertaken with the Police in case it has been reported stolen or is a vehicle of interest. Once the vehicle is removed steps will be taken to trace the owner/person responsible and inform them of the vehicles removal.

\(^9\) Regulation 10 of the *Removal and Disposal of Vehicle Regulations 1986*
Examples of vehicles considered ‘dangerously abandoned’ will include:

- Burnt out vehicles,
- Vehicles balanced on bricks or other temporary supports,
- Vehicles that have a fuel, oil, coolant leak or fuel caps missing,
- Vehicles that have contents that have the potential to cause harm (e.g. Sharps, weapons etc.),
- Vehicles that are in a dangerous condition and/or position.

In the event a vehicle is judged by the Councils Representative to be simply dangerous, rather than ‘dangerously abandoned’, it will fall outside the scope of this Policy. The vehicle details will be passed to the Police to potentially arrange removal, but this would not be part of the Policy.

### Table 4: Summary of process for abandoned vehicles on any land in the open air or any land forming part of the Highway

<table>
<thead>
<tr>
<th>Report of potentially abandoned vehicle</th>
<th>Received and logged by the Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review report</td>
<td>Initial judgment on whether vehicle is potentially abandoned</td>
</tr>
<tr>
<td>Registration check</td>
<td>Check whether the vehicle is taxed and if the Police have any interest in the vehicle.</td>
</tr>
<tr>
<td>First inspection</td>
<td>Councils Representative (CR) will make initial inspection and begin enquiries, inspection form completed, photographs taken, and where suspected abandoned but not considered ‘dangerously abandoned’ a 7 day notice affixed to vehicle.</td>
</tr>
<tr>
<td>Second inspection</td>
<td>CR will revisit as close to 8th day as feasible (but no later than 14 days after notice affixed) and if still present and no contact from the owner further checks, including if there is any Police interest in the vehicle. The vehicle can then be deemed ‘abandoned’.</td>
</tr>
<tr>
<td>Vehicle considered ‘dangerously abandoned’</td>
<td>If the vehicle is considered ‘dangerously abandoned’ a 24 hour sticker will be applied for immediate removal. The Police will be contacted to check whether the vehicle is reported stolen or they have an interest in the vehicle.</td>
</tr>
<tr>
<td>Removal</td>
<td>Once deemed ‘abandoned’ it is removed to storage usually within 24 hours</td>
</tr>
<tr>
<td>Registered keeper contacted</td>
<td>Once the abandoned vehicle is removed the last registered keeper will be written to and advised that the vehicle will be destroyed unless collected within 14 days.</td>
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### 3.7 Vehicles that are not deemed abandoned

Vehicles that are not deemed abandoned will receive no further action as part of this Policy unless they are parked on the public road and untaxed or SORN, in which case they will be passed to the contractor dealing with enforcement, or the vehicle is in contravention of a parking prohibition or restriction. Vehicles inspected and not deemed abandoned will not
normally be considered for re-inspection unless 3 months have passed since the first inspection and the vehicle has remained in exactly the same position.

3.8 Abandoned vehicles that are not covered by the Policy

Abandoned vehicles that would not normally be covered by this Policy are:

- Vehicles inside private buildings and garages, and
- Vehicles on land that is located at such a distance from the carriageway that the cost of removal to the carriageway would be unreasonably high – in this situation the Council has the legal right to refuse to move any vehicle.

3.9 Abandoned vehicles on privately owned land

A vehicle can be deemed abandoned on land that is not in public ownership. The Council has powers of entry onto private land to investigate reports of abandoned vehicles\(^{10}\). Any person authorised by the Council may at any reasonable time enter land for the purpose of investigating the need to carry out their functions in relation to the removal and disposal of abandoned vehicles.

After inspection the Council will serve a 15 day notice\(^{11}\) of intention to remove the vehicle on the landowner or occupier if the vehicle is deemed abandoned\(^{12}\). Where it is not possible to serve the notice on the landowner or occupier the notice will be affixed to both the vehicle and the land.

If the landowner/occupier contacts the Council and objects to the removal of the vehicle after the 15 day notice has been served, this objection must be in writing to the Council, and within 15 days from the day when the notice is served\(^{13}\). In this event no further action can be taken\(^{14}\).

If there has been no response from the landowner or occupier after the 15 day notice served upon them has expired then the vehicle can be legally removed.

If an abandoned vehicle report is received directly from the landowner or occupier they must provide written consent for removal and complete any removal request process required by the Council. Where this is supplied the vehicle will be inspected as usual, if it is considered potentially abandoned the 15 day notice will not apply but a 7 day notice will be affixed to vehicle. This is in recognition that reports may be generated as a result of a neighbour dispute. The Council will usually seek confirmation that the landowner or occupier has enquired about the vehicle locally and has been unable to locate or identify the vehicle owner.

The processes for vehicles abandoned on private land are set out in Table 5 (page 20) and Table 6 (page 20), and a diagrammatical representation is shown as Diagram 2 (page 24).

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\(^{10}\) Section 8 of the *Refuse Disposal (Amenity) Act 1978*

\(^{11}\) Section 99(3) of the *Road Traffic Regulation Act 1984*

\(^{12}\) *Removal and Disposal of Vehicle Regulations 1986*

\(^{13}\) Manner and period are prescribed by Regulation 9 of the *Removal and Disposal of Vehicles Regulations 1986*

\(^{14}\) Section 99(3) of the *Road Traffic Regulation Act 1984*
### Table 5: Summary of process for abandoned vehicles on private land that are not reported by the land owner or occupier

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report of potentially abandoned vehicle</td>
<td>Received and logged by the Council</td>
</tr>
<tr>
<td>Review report</td>
<td>Initial judgment on whether vehicle is potentially abandoned</td>
</tr>
<tr>
<td>Registration check</td>
<td>Check on whether the vehicle is taxed and if the Police have any interest in the vehicle.</td>
</tr>
<tr>
<td>First inspection</td>
<td>Councils Representative (CR) will make initial inspection and begin enquiries, inspection form completed, photographs taken, and where suspected abandoned but not considered ‘dangerously abandoned’ a 15 day notice is issued to the land owner or occupier (or affixed to vehicle/land).</td>
</tr>
<tr>
<td>Second inspection</td>
<td>CR will revisit as close to 16th day as feasible (but no later than 21 days after notice affixed) and if still present and no contact from the owner, further checks, including if there is any Police interest in the vehicle. The vehicle can then be deemed ‘abandoned’.</td>
</tr>
<tr>
<td>Objection to removal</td>
<td>In the event the land owner or occupier objects in writing to the removal of the vehicle the process will cease and no further action can be taken by the Council</td>
</tr>
<tr>
<td>Agreement to removal</td>
<td>In the event the land owner or occupier gives permission in writing for the vehicle to be removed (i.e. the vehicle is on the land owner’s land without their permission) and have completed any removal request process required by the Council then the vehicle may be deemed abandoned.</td>
</tr>
<tr>
<td>Removal</td>
<td>Once deemed ‘abandoned’ it is removed to storage usually within 24 hours</td>
</tr>
<tr>
<td>Registered keeper contacted</td>
<td>Once the abandoned vehicle is removed the last registered keeper will be written to and advised that the vehicle will be destroyed unless collected within 14 days.</td>
</tr>
</tbody>
</table>

### Table 6: Summary of process for abandoned vehicles on private land that are reported by the land owner or occupier

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report of potentially abandoned vehicle from landowner</td>
<td>Received and logged by the Council. The landowner or occupier advised they must provide written consent for removal and complete the removal request process required by the Council.</td>
</tr>
<tr>
<td>Review report</td>
<td>Initial judgment on whether vehicle is potentially abandoned.</td>
</tr>
<tr>
<td>Registration check</td>
<td>Check on whether the vehicle is taxed and if the Police have any interest in the vehicle.</td>
</tr>
<tr>
<td>First inspection</td>
<td>Councils Representative (CR) will make initial inspection and begin enquiries after landowner provides written consent for removal and completes the removal request process required by the Council. CR will complete inspection form/take photographs and where suspected abandoned but not considered ‘dangerously abandoned’ a 7 day notice is affixed to vehicle.</td>
</tr>
</tbody>
</table>
Second inspection | CR will revisit as close to 8\textsuperscript{th} day as feasible (but no later than 14 days after notice affixed) and if still present and no contact from the owner, further checks, including if there is Police interest in the vehicle. The vehicle can then be deemed ‘abandoned’.

Removal | Once deemed ‘abandoned’ it is removed to storage usually within 24 hours.

Registered keeper contacted | Once the vehicle is removed the last registered keeper will be written to and advised that the vehicle will be destroyed unless collected within 14 days.

### 3.10 Vehicle disposal

For the purposes of this Policy disposal of abandoned vehicles (selling, breaking up or crushing) will usually be undertaken at any time after the Council has taken steps to find the person appearing to them to be the owner of the vehicle and either:

- The Council has failed to find such a person; or
- The Owner has failed to comply with a notice served on him by the Council requiring him to remove the vehicle within the prescribed period from their custody. This would usually mean disposal after 14 days of the owner being informed that the vehicle has been removed to a storage site. In the event the Council is advised that the vehicle has recently been sold additional time to reclaim the vehicle may be provided.

### 3.11 Re-claiming an abandoned vehicle

In order to reclaim a vehicle that is removed as ‘abandoned’ the following documents must be produced:

- **Proof of ownership** – one of the following:
  - Vehicle Registration document \textbf{or}
  - a valid insurance document \textbf{or}
  - formal proof of purchase, \textbf{and}

- **Proof of identity** – the following:
  - a current UK Driving Licence

Where one of the supplied documents \textbf{does not contain the owner’s current name and address} (or there is a different address on the two documents or no address on one document) then the following is also required:

- **Supporting evidence** – one of the following:
  - Utility Bill (must be dated within the last three months) \textbf{or}
  - Bank Statement (must be dated within the last three months) \textbf{or}
  - Telephone Bill (must be dated within the last three months) \textbf{or}
  - Benefits letter (must be dated within the last three months)

### 3.12 Associated costs for vehicles removed to storage

There are prescribed charges\textsuperscript{15} that apply to removal, storage (for each day or part of a day) and disposal of vehicles that are impounded as an abandoned vehicle. The current charges applicable at the time that this Policy was produced are shown in Appendix 1.

\textsuperscript{15} Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008 (as amended)
3.13 Surrender of unwanted vehicles

The Council will arrange for free removal of unwanted vehicles in the Borough. To qualify the vehicle must be accessible and must not contain waste. Details on surrendering a vehicle will be provided upon request.

3.14 Vehicles that are untaxed, causing minor obstructions, parked irresponsibly or are the object of a neighbour dispute

These types of vehicles may not be genuinely abandoned; untaxed vehicles cannot be considered ‘abandoned’ simply because they are untaxed.

The Council does have delegated authority to take enforcement action on behalf of the DVLA against vehicles that are not taxed. Vehicles can have their status checked at: www.gov.uk/check-vehicle-tax and, if found to be untaxed, they can be reported to: www.gov.uk/report-untaxed-vehicle but they cannot be processed as abandoned vehicles without further supporting information that indicates they are potentially abandoned. Enforcement action against vehicles that are untaxed and on the public road or public highway can only take place if the vehicle has been untaxed for a period of 2 months and 1 day after expiry of the tax. Enforcement action can be taken immediately against vehicles that have a SORN (Statutory Off Road Notification) and are on the public road or public highway as this is not permitted.

The Council is not responsible for mediation of neighbour disputes or parking disputes. Other parking or traffic offences cannot be processed as abandoned vehicles but may be in contravention of parking restrictions and therefore may be enforceable under this Policy.

3.15 Vehicles outside the scope of the Policy

This Policy deals with vehicles in contravention of a parking restriction, vehicles that are abandoned and vehicles that are untaxed. Vehicles that are broken down or causing an obstruction should be reported to the Police for removal. The Police have powers\(^\text{16}\) to remove any vehicle that is in breach of local traffic regulations, causing an obstruction, likely to cause a danger, broken down or abandoned without lawful authority. The Police can remove a vehicle that has had a notice affixed by the local authority that has deteriorated to a dangerous wreck immediately. The vehicle owner may be liable for costs incurred by the Police for the removal, storage and disposal of the vehicle.

3.16 Removal of non-motorised vehicles from the highway

On-street parking in many areas of the borough is at a premium and it is incumbent on the Council to maintain traffic flow and safety. The storage of non-motor vehicles and structures has an impact on the quantity of on-street parking available to residents and can interfere with traffic

\(^\text{16}\) Road Traffic Regulation Act 1988
flow. It is also an offence to store non-motor vehicles and structures such as caravans, trailers and boats on the public highway and the Council has powers to remove these. When the Council receives a report the non-motor vehicles or structures will be inspected. During inspection the impact on local on-street parking, on traffic flow and highway safety will be assessed.

The Council will endeavor to identify the owner and request that the non-motor vehicle or structure is removed from the public highway. The Council’s approach will be reasonable but if it is not possible to identify the owner or the owner refuses to comply with the legislation a legal notice will be placed on the offending property and sent to the address of the owner (if identified). The Notice will advise that it will be removed into storage if it is not removed from the highway within 28 days. If the property is removed to storage and is not claimed within 14 days of removal it will then be liable for disposal. If the owner seeks to reclaim items taken into storage then any charges associated with the removal and storage must be paid before the property can be released.

3.17 Appealing the removal of an abandoned vehicle

The owner of the vehicle that has been removed as abandoned can appeal the Council’s decision to remove the vehicle. The appeal must be in writing to the Traffic and Parking Team and must be sent immediately after the vehicle has been removed to storage to ensure the vehicle is not inadvertently destroyed.

Dangerously abandoned vehicles will be removed within 24 hours.
Non-motor vehicles or structures can be removed from the highway.

17 Highways Act 1980
Diagram 2: Abandoned vehicle process

Report of abandoned vehicle received

Initial judgment taken on whether vehicle is potentially abandoned (where vehicle is reported by landowner/occupier - written consent for removal and removal request form to be completed)

If potentially abandoned - Check registration – is vehicle taxed or any Police interest

1st inspection by Council

Vehicle not deemed abandoned but in contravention of a parking prohibition or restriction

Passed to untaxed contractor for investigation (untaxed process starts)

Vehicle is not deemed abandoned but untaxed

Vehicle is on land in the open air or land forming part of the highway

Vehicle deemed to be potentially abandoned

Vehicle is on land in the open air or part of the highway - 7 day notice affixed to vehicle

Vehicle is deemed to be potentially abandoned

Does the vehicle have any identification (e.g. number plate?)

No

Yes - Police check to see if any interest in vehicle

Remove and contact Owner

Written notice to vehicle owner (if checks identify the owner or there is contact from the owner) declaring vehicle has been removed and will disposed of within 14 days unless re-claimed

Vehicle Removal Policy
‘Persistent evader’ vehicles where repeat Penalty Charge Notices are issued – will be liable for removal

‘Persistent evader’ vehicles in public car parks – will be liable for removal
4. Vehicles on land managed by South Essex Homes

South Essex Homes is an Arm’s Length Management Organisation (ALMO) of the Council. The Council requires within its tenancy conditions that tenants must not park vehicles on any shared parking area if the vehicle does not have road tax, a MOT or insurance – even if the vehicle is declared SORN.

If a vehicle is believed to be abandoned, is untaxed or in a dangerous condition in a shared car parking area on land managed by the ALMO the process for dealing with the untaxed, potentially abandoned or dangerously abandoned vehicle is diagrammatically represented in Diagram 3 (page 26). In essence this diagram mirrors the processes for abandoned and untaxed or SORN vehicles explained within other sections of this Policy. However, for clarity and in recognition of the specific challenges that South Essex Homes face with nuisance vehicles, the process is set out in a separate diagram.

Initially vehicles parked within the shared car parking area of land managed by the ALMO will be identified by that organisation and in the first instance, where the vehicle is found to be owned by a tenant or member of the tenant’s household, compliance with tenancy conditions will always be sought. If written requests are not responded to or the tenant fails to take the required action the process set out in the Policy will be initiated.

Where evidence indicates that the vehicle is not owned by a tenant or a member of their household or it is not possible to identify the Registered Keeper the ALMO will still write to the last Registered Keeper and/or affix a notice on the vehicles windscreen. The priority is to encourage the vehicle owner to remove it from ALMO managed land as quickly as possible. Where the owner ignores requests for the vehicle to be removed the process set out in the Policy will be initiated.

Vehicles that are reported by the ALMO as being ‘dangerously abandoned’ on land in the open air, i.e. vehicles that the because of the manner of their abandonment are deemed to present an immediate danger to the public, will be processed as priority cases for inspection and removal within 24 hours. Whilst the ALMO will seek to contact the Registered Keeper of the vehicle prior to removal this may not be possible in some circumstances.
Diagram 3: Process for vehicles on land managed by South Essex Homes (ALMO)

Report of a nuisance vehicle parked on ALMO managed land is received by SBC

Vehicle is identified as SORN

Registered Keeper is tenant (or member of their h/hold)

Vehicle is on ‘land associated with a dwelling’

Unless SORN vehicle is on ‘public road’ - No further action

SEH removal letter to tenant (if identified) & SEH windscreen notice

Failure to remove – Tenancy action if tenant. If non-tenant – No further action

Can vehicle be considered an ‘abandoned vehicle’?

Written notice to vehicle owner (if checks have identify the owner or there is contact from the owner) declaring vehicle has been removed and will disposed of within 14 days unless re-claimed

Vehicle is identified as untaxed

Registered Keeper is tenant (or member of their h/hold)

Vehicle is on an ‘off road’ area (see section 5.3)

SEH removal letter to tenant & SEH windscreen notice

Failure to remove - vehicle is untaxed by 2 months & 1 day or more

1st inspection by Council

Vehicle not believed abandoned – No further action

7 day notice affixed to vehicle

2nd inspection by Council, if still present and deemed abandoned - remove

Vehicle is potentially abandoned

Registered Keeper is tenant (or member of their h/hold)

Registered Keeper is not identifiable

SEH removal letter to Registered Keeper & SEH windscreen notice

Failure to remove - vehicle is ‘dangerously abandoned’ by ALMO “on land in the open air”

Inspection by Council

Does vehicle have any identification (e.g. number plate?)

No

Yes – Police check to see if any interest in vehicle

Remove and contact Owner

Vehicle is reported as ‘dangerously abandoned’ by ALMO “on land in the open air”

Registered Keeper is not tenant (or member of their h/hold)

Vehicle is on land associated with a dwelling

Vehicle is untaxed

Registered Keeper is tenant (or member of their h/hold)

Pass to untaxed vehicle contractor

Can vehicle be considered an ‘abandoned vehicle’?

Vehicle not believed abandoned – No further action

7 day notice affixed to vehicle
5. Untaxed Vehicles

Untaxed vehicles are often reported as ‘abandoned vehicles’ or often confused for, or linked to abandoned vehicles. But a vehicle being untaxed does not necessarily mean that the vehicle is abandoned – likewise if a vehicle is taxed it does not automatically mean that it is not abandoned. However, a vehicle being untaxed will be considered a factor, which together with other factors at the point of inspection may result in the Council deeming the vehicle as genuinely abandoned, but a vehicle cannot be considered abandoned solely on the grounds that it untaxed. However, there is a separate enforcement process for untaxed vehicles that is included in this Policy for clarity.

5.1 Untaxed vehicles in Southend-on-Sea

The Council has delegated authority\textsuperscript{18} to take enforcement action against vehicles that are not taxed. This authority is through an agreement called a ‘Memorandum of Understanding’. The Memorandum of Understanding is accompanied by a ‘Code of Practice and Explanatory Guide for those authorised by the DVLA to action unlicensed vehicles’. The Code of Practice must be correctly applied in line with the agreement in order to apply the rules fairly within the underpinning legislation\textsuperscript{19}.

5.2 Checking on the status of a vehicle and reporting an untaxed vehicle

Paper road tax discs are no longer issued by the DVLA and vehicles can have their status checked at: www.gov.uk/check-vehicle-tax and, if parked on a public road and found to be untaxed for a period of two months and one day or longer, they can be reported to: www.gov.uk/report-untaxed-vehicle

5.3 Areas of untaxed vehicle enforcement

Areas where untaxed vehicles are the subject of enforcement action will generally be public roads and highways. However, in 2008 the original Regulations\textsuperscript{20} were amended to include untaxed vehicles kept off the public road, for example “off-road areas such as un-adopted roads, commons, public car parks and roads maintained by Housing Associations” where the keeper is seeking “to place themselves beyond the reach of the enforcement authorities”. Off-road areas where enforcement can be undertaken now include:

- Car parks – store/supermarket, works, and Council car parks, Public House car parks,
- Roads - Private and un-adopted roads, Housing Association and Trust roads,
- Other land – Housing Association and Trust Land that is not ‘associated with a dwelling’, waste ground, parks, common ground and open spaces.

5.4 Circumstances where untaxed vehicles cannot be removed

In certain circumstances it is not possible to remove a vehicle identified as untaxed or SORN. These include where:

\textsuperscript{18} Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 (as amended)
\textsuperscript{19} Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997
\textsuperscript{20} Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 (as amended)
- The vehicle’s tax has not elapsed sufficiently to allow enforcement to take place (currently two months and one day),
- The vehicle is parked on land ‘associated with a dwelling’, this can be a private driveway or garage, parking bays and parking areas (regardless of whether allocated to specific dwellings), and any land provided as parking for residencies (regardless of whether maintained by Council, Housing Associations/Trust or private),
- The vehicle is kept by a motor trader or vehicle tester at business premises (or land rented to trade from),
- The vehicle is being kept off-road with a valid Statutory off Road Notification (SORN) in force. However, if the SORN has been breached, i.e. the vehicle is stationary on a public road, the vehicle can be clamped or removed.

5.5 Untaxed vehicle process and enforcement

The process for untaxed vehicles is provided in Table 7 below and in a diagrammatical representation shown as Diagram 4 (page 30).

<table>
<thead>
<tr>
<th>Report or identification of vehicle</th>
<th>Stationary untaxed/SORN vehicles are identified on public roads21 or public highway.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Check vehicle status</td>
<td>Check with the DVLA that the vehicle has been untaxed for a period of 2 months and a day, or has an invalid Statutory Off Road Notification (SORN) in place.</td>
</tr>
<tr>
<td>Enforcement begins</td>
<td>Contractor may immobilise (clamp) or remove vehicle. Tax check and enforcement action should be within 30 minutes of each other.</td>
</tr>
<tr>
<td>Vehicle logged</td>
<td>Photographs are taken of the untaxed/SORN vehicle and a vehicle inspection report completed. Offence Reports are also completed and passed to the DVLA. (There is also a requirement on the contractor to notify the DVLA of any action on individual vehicles at the end of each working day).</td>
</tr>
<tr>
<td>Clamping</td>
<td>Where the vehicle is clamped, the Regulations22 state that the vehicle must be left in situ for a minimum of 24 hours before the vehicle can be removed to a storage pound. Where no fees are paid to release the vehicle it must be impounded within 48 hours of being clamped. Where a vehicle keeper wishes to pay prior to the vehicles removal, an immobilisation device must be fitted before a release fee can be charged. When fees are paid clamps must be removed within two working hours.</td>
</tr>
<tr>
<td>Removal</td>
<td>Vehicles may be removed to storage pounds immediately (the Regulations do allow for the instant removal of vehicles to storage pounds).</td>
</tr>
<tr>
<td>Storage</td>
<td>Vehicles of value23 (£500 or more) will be stored for a minimum of 14 days and vehicles of no economic value will be stored for a minimum of 7 days.</td>
</tr>
<tr>
<td>Registered</td>
<td>The DVLA will write to the registered keeper within 24 hours of notification</td>
</tr>
</tbody>
</table>

---

21 A public road is defined as a “road which is repairable at the public expense”
22 Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997
23 Section 10 of the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997
Release | If the relevant identification, payment and surety are provided the vehicle can be claimed or released.

Disposal | The stored vehicle can only be scrapped once the conditions outlined in the Regulations have been met.

5.6 Fees and charges applied to untaxed vehicles

There are prescribed charges laid out in the Regulation\textsuperscript{24} that apply to vehicle removal and to vehicle storage for each day or part of a day during which the vehicle is impounded. The current fees applicable at the time that this Policy was produced are shown in Appendix 1. In certain situations a surety (deposit) may be required if vehicle tax has not been acquired for the vehicle.

5.7 Appeals

As the enforcement authority Southend Borough Council must deal with complaints that relate to removal of untaxed vehicles. When dealing with complaints the Councils approach in the first instance will be to check whether the vehicle subjected to enforcement action was on the ‘public road’. The definition of a “public road” is “a road which is repairable at the public expense”\textsuperscript{25}. Importantly this can include \textit{verges, pavements, lay-bys} and \textit{parking bays} on the public road.

In the event the area is \textit{not} part of a public road the Council will consider if the vehicle was removed from land ‘associated with a dwelling’, i.e. explicitly allocated to dwellings to use as parking either collectively or allocated to specific properties. Where the land is part of the public road but is incidentally, but not exclusively, used as parking for local residences, i.e. it is available for parking use by others, it would not generally be considered to be land ‘associated with a dwelling’.

In the event the complainant is unsatisfied with the Councils response to the complaint the registered keeper of the vehicle may then appeal to the DVLA. However, the Regulations\textsuperscript{26} state that appeals may only be made against an enforcement action if the keeper:

- has paid the charges to recover a vehicle (either from clamp or from a pound) and
- claims that the vehicle was taxed when it was clamped, or that the Regulations\textsuperscript{27} were not met when the enforcement action was taken.

Unless the strict criterion set out above is met the appeal is unlikely to succeed.

\textsuperscript{24} Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997
\textsuperscript{25} Vehicle Excise and Registration Act 1994
\textsuperscript{26} Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997
\textsuperscript{27} Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997
Diagram 4: Untaxed vehicle process
(Code of Practice and Explanatory Guide for those authorised by DVLA to action unlicensed vehicles)

Vehicle reported or identified as being untaxed and has no valid blue disabled badge and is not ‘historic’ (registered before 1/1/1973)

Vehicle is stationary on land other than the ‘public road’ or ‘land associated with a dwelling’

Vehicle is stationary on the ‘public road’

Vehicle is stationary on ‘land associated with a dwelling’

Vehicle status will be checked with the DVLA (how long without tax or if SORN)

Vehicle is unclaimed by owner and either scrapped or re-sold

Vehicle keeper written to by DVLA

Vehicle is not on an ‘off road’ area (see section 5.3)

Vehicle is SORN

Vehicle is on an ‘off road’ area (see section 5.3)

Untaxed for less than 2 months and 1 day

Vehicle unclaimed by owner and either scrapped or re-sold

No further action unless deemed ‘abandoned’

Untaxed for more than 2 months and 1 day

Vehicle is untaxed or SORN (but not on a ‘public road’)

Vehicle is SORN on ‘public road’

No further action unless deemed ‘abandoned’

Complete the vehicle inspection report, photos etc.

Vehicle clamped or removed

Vehicle is stationary on the ‘public road’

Vehicle is stationary on ‘land associated with a dwelling’

Vehicle is untaxed or SORN (but not on a ‘public road’)

Vehicle is SORN

Vehicle is on an ‘off road’ area (see section 5.3)

Vehicle is not on an ‘off road’ area (see section 5.3)

Vehicle is SORN

Vehicle is not on an ‘off road’ area (see section 5.3)

Vehicle is not on an ‘off road’ area (see section 5.3)

Vehicle is SORN

Vehicle is on an ‘off road’ area (see section 5.3)

Vehicle is SORN

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Vehicle is not on an ‘off road’ area (see section 5.3)

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Appendix 1: Fees and Charges

Fees and charges are not set by the Council; they are statutory and set by the Government unless indicated otherwise.

Vehicles in contravention of waiting restrictions or prohibitions

| Charges in relation to the removal, storage and disposal of vehicles in contravention of waiting restrictions or prohibitions* |
|---|---|---|
| **Type of charge** | **Amount of charge** | **Notes** |
| Vehicle Immobilisation | £40 | Where vehicle is clamped and then removed to storage the clamp release fee cannot be charged to the driver |
| Vehicle removal | £105 | |
| Vehicle storage | £12 per day or part of day the vehicle is impounded | Storage charges not applied until midnight on the day following removal |
| Vehicle disposal | £50 | |

*Section 9, Traffic Management Act 2004 provides for the setting of levels of charges and the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 governs the charges that are currently set.

Abandoned Vehicles

| Charges in relation to the removal of abandoned vehicles* |
|---|---|---|---|---|
| **Type of charge** | **Amount of charge** | **Notes** |
| Vehicle position and condition | Vehicle equal to or less than 3.5 tonnes MAM | Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM | Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM | Vehicle exceeding 18 tonnes MAM |
| 1 | £150 | £200 | £350 | £350 |
| 2 | Vehicle upright and not substantially damaged or any 2 wheeled vehicle whatever its condition or position on or off road. | £150 | £200 | £350 | £350 |
| 3 | Vehicle, excluding a 2 | £250 | £650 | Unladen - £2000 | Unladen - £3000 |
| 4 | Vehicle, excluding a 2 wheeled vehicle, off road, upright and not substantially damaged. | £200 | £400 | Unladen - £1000 | Unladen - £1500 |
| 5 | Vehicle, excluding a 2 wheeled vehicle, off road but either not upright or substantially damaged or both | £300 | £850 | Unladen - £3000 | Unladen - £4500 |

*Laden - £1500 Laden - £2000
Laden - £4500 Laden - £6000

“MAM” means maximum authorised mass as defined in regulation 3(1) of the Motor Vehicles (Driving Licences) Regulations 1999

### Charges in relation to storage of abandoned vehicles*

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Two wheeled Vehicle</td>
<td>Vehicle, not including a 2 wheeled vehicle, equal to or less than 3.5 tonnes MAM</td>
<td>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes MAM</td>
<td>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM</td>
<td>Vehicle exceeding 18 tonnes MAM</td>
</tr>
<tr>
<td>2</td>
<td>£10</td>
<td>£20</td>
<td>£25</td>
<td>£30</td>
</tr>
</tbody>
</table>

“MAM” means maximum authorised mass as defined in regulation 3(1) of the Motor Vehicles (Driving Licences) Regulations 1999

### Charges in relation to the disposal of abandoned vehicles (RTRA removals only)*

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Two wheeled Vehicle</td>
<td>Vehicle, not including a 2 wheeled vehicle, exceeding 3.5 tonnes MAM but</td>
<td>Vehicle exceeding 7.5 tonnes MAM</td>
<td>Vehicle exceeding 18 tonnes MAM</td>
<td></td>
</tr>
</tbody>
</table>

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Southend-on-Sea Borough Council
Vehicle Removal Policy
equal to or less than 3.5 tonnes MAM

equal to or less than 7.5 tonnes MAM

but equal to or less than 18 MAM

<table>
<thead>
<tr>
<th></th>
<th>£50</th>
<th>£75</th>
<th>£100</th>
<th>£125</th>
<th>£150</th>
</tr>
</thead>
</table>

“MAM” means maximum authorised mass as defined in regulation 3(1) of the Motor Vehicles (Driving Licences) Regulations 1999

*The Road Traffic Regulation Act 1988 and Refuse Disposal (Amenity) Act 1978 allow charges to be prescribed for the removal, storage or disposal of vehicles that are illegally, dangerously or obstructively parked, or broken down, or abandoned. These powers are exercised through the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008.

Untitled Vehicles

### Charges in relation to Car Tax Enforcement*

<table>
<thead>
<tr>
<th>Release fee</th>
<th>Storage</th>
<th>Notes</th>
</tr>
</thead>
</table>
| Vehicle release **within** 24 hours | £100 | n/a If vehicle tax is not purchased and valid when the vehicle is collected a ‘surety’ (deposit) of £160 is required for a car or motorcycle. Other vehicle types will require a larger ‘surety’.

Vehicle release **after** 24 hours | £200 | £21 per day |
|                                    |       | If vehicle tax is not purchased and valid when the vehicle is collected a ‘surety’ (deposit) of £160 is required for a car or motorcycle. Other vehicle types will require a larger ‘surety’.

* Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997