



Belper Town Council

Abandoned Vehicle Policy

INTRODUCTION

Belper Town Council is the land owner for the following car parks which are private land (known as land in the open air):

- The Coppice
- St John's Chapel
- Gibfield Lane

As a responsible landowner, the Council will arrange for the removal of any vehicle that is proved abandoned in accordance with the provisions of the following legislation:

- Refuse and Disposal Amenity Act (Amenity Act) 1978;
- Removal and Disposal of Vehicle (England) Regulations 2002 as amended.

POLICY

The Council seeks to implement this Policy by ensuring that all Councillors and staff:

- can understand their responsibilities;
- identify a potential abandoned vehicle;
- can understand, and act within, the laws applying to abandoned vehicles.

AIMS

The aims of this policy and procedures are to:

- maximise the number of parking spaces available to residents and visitors;
- maintain the appearance of the car parks;
- remove the risks presented by an abandoned vehicle in terms of vandalism and safety to the public.

SCOPE

The Policy is restricted to vehicles that are considered abandoned within the curtilage of the Council's car parks. It does not apply to those on land that forms part of a highway which are not the responsibility of the Council.

RESPONSIBILITIES

As the Borough Council responsible for waste disposal, Amber Valley has a duty to remove any vehicle on land in the open air (private land) and must have permission from the landowner (the Council) before a vehicle can be removed.



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DEFINITIONS

The Council will adopt Amber Valley Borough Council's advice for determining whether a vehicle can be considered abandoned, ie if a vehicle:

- has no current DVLA tax;
- has no known owner or keeper;
- has a number plate
- is badly damaged (dangerous conditioned);
- is wrecked or burnt out;
- has been left for a long period of time without moving (four weeks).

At least two of these criteria must apply for the vehicle to be considered abandoned. A vehicle which is subject to SORN and parked on private land without permission can also be considered abandoned.

INITIAL PROCEDURE

Any Councillor or member of staff who identifies a potentially abandoned vehicle should report it to the Clerk as soon as possible with the following information:

- vehicle make, model, colour and registration number;
- condition of the vehicle;
- location of the vehicle;
- how long it has been there
- photographs (where possible).

The Clerk will check the Tax/Sorn status of the vehicle www.gov.uk/check-vehicle-tax.

PROCEDURE FOR ABANDONED VEHICLE

If the vehicle can be considered abandoned, the Clerk will notify Amber Valley Borough Council by ringing the Community Support Unit on 01773 841335 or by completing the online reporting form accessed from AVBC's website www.ambervalley.gov.uk/roads-and-parking/abandoned-vehicles

An AVBC Community Officer will carry out checks to confirm if the vehicle is abandoned. If AVBC believes this to be the case, they will act in accordance with the Removal and Disposal of Vehicle (England) Regulations 2002 (as amended) by:

- placing a 'council aware' sticker on the vehicle asking the owner to contact the Council to establish if the vehicle is abandoned;
- obtaining details of the registered keeper from the DVLA;
- issuing a seven-day notice and attempting to contact the registered keeper/owner.



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If the Council has not received a response or the vehicle removed within the notice period, it will be removed and placed into storage prior to disposal. Once a vehicle has been removed, it may only be released to the registered keeper on proof of ownership, the payment of a fixed penalty notice and a release fee. Note that the Council has no powers to remove vehicles which are claimed by their owners, however, will make every effort to ensure that the vehicle is parked legally.

If no response is received, the Clerk will notify Amber Valley Borough Council via their website and follow any instructions given.

PROCEDURE FOR OTHER VEHICLES

In situations where a vehicle cannot be considered abandoned but has been left on the Council's land without permission, it may be possible to remove it under the abandoned vehicles procedure above. Before requesting removal, the Clerk will:

- place a 'council aware' sticker on the vehicle requesting the registered keeper/owner to remove the vehicle from private property
- photograph the sticker 'in situ';
- try to obtain details of the registered keeper by completing Form V888/2A www.gov.uk/request-information-from-dvla.
- where there is a registered keeper, write to check their intentions for the vehicle, give them seven days to remove the vehicle and advise them of the Council's intention to report the vehicle as abandoned if it remains in situ after this time;
- where there is no registered keeper, report the vehicle as abandoned under the procedure above;
- retain documentary evidence as proof that this policy has been followed.