

Environmental Health Abandoned Vehicle Guidance document

April 2025

Summary

Abandoned vehicles can be unsightly, dangerous and polluting to the environment.

Chesterfield Borough Council (the Council) has a legal duty to remove vehicles that are 'abandoned' within the borough boundary.

This guidance document aims to help residents, businesses and landowners understand the relevant legislation and how the Council will approach the investigation process.

The Council will undertake any enforcement action as necessary, in a reasonable, equitable and proportionate manner.

1. INTRODUCTION

The purpose of this document is to outline Chesterfield Borough Council's approach to dealing with complaints about abandoned and nuisance vehicles within the borough of Chesterfield.

2. SCOPE OF THE GUIDANCE DOCUMENT

One of the functions of the Council is to act as a regulator and an enforcement agency for a range of legal duties and powers applied by Acts of Parliament and the Regulations and Orders made under them (including various byelaws). This document sets out our roles and responsibilities with specific regard to abandoned vehicle legislation and outlines what residents and businesses can expect from us.

2.1 The Council's Vision and Corporate Priorities

Abandoned vehicles have a negative effect on the quality of the local environment as they can attract vandalism, be the result of crime, and can impact on the environment if they are leaking fluids.

By investigating complaints about abandoned and nuisance vehicles the Council is making a fundamental contribution to the improvement of public health, safety, quality of life and wellbeing of local communities. The Council's vision is *"putting our communities first"* and we aim to achieve this by our corporate priorities which are:

- ✓ To make Chesterfield a thriving borough.
- ✓ To improve the quality of life for local people.
- ✓ To provide value for money services.

The Council's ethos in everything we do is centred around the following core values:

- Customer focused – delivering great customer service, meeting customer needs.
- Can do – striving to make a difference by adopting a positive attitude.
- One council, one team –proud of what we do, working together for the greater good.
- Honesty and respect – embracing diversity and treating everyone fairly.

Priorities for our regulatory and enforcement services include protecting and promoting the health and well-being of our communities to ensure they remain safe from harm and able to live healthy life-styles.

The Environmental Protection team (part of the Leisure, Culture and Community Wellbeing Directorate) is responsible for investigating complaints of abandoned and nuisance vehicles. The main aims of this service are to:

- ✓ Meet our statutory obligations to investigate complaints and where necessary, remove abandoned vehicles.
- ✓ Help to protect residents and the environment from abandoned and nuisance vehicles.
- ✓ Help to protect the health of residents (mental health, stress and general wellbeing).
- ✓ Contribute to safer communities and reduce anti-social behaviour.

We work alongside colleagues in Community Safety, Planning and Housing as well as other authorities such as Derbyshire County Council, and other organisations such as Registered Social Landlords and the Police to investigate complaints.

3. LEGISLATION

3.1 What is an abandoned vehicle?

There is no legal definition of 'abandoned'. However, the following characteristics are generally common to abandoned vehicles and one or a combination of the following may be considered by the investigating officer when determining if a vehicle is 'abandoned':

- Untaxed.
- No current registered keeper.
- Stationary for a significant period of time.
- Significantly damaged, run down or unroadworthy (and can include vehicles with flat tyres, wheels removed or broken windows).
- Vehicle is 'burnt out'.
- Vehicle is missing one or more of its VRM plates
- Vehicle contains waste.

This is not an exhaustive list. **It should be noted that a vehicle should not be considered abandoned solely on the grounds that it is untaxed.**

Where it appears to Chesterfield Borough Council 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 the highway.

Section 2 of the Refuse Disposal Amenity Act 1978 makes it 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 the highway. It is also an offence to abandon anything else that has been brought on to land for the purpose of abandoning it.

The Clean Neighbourhoods and Environment Act 2005 amends the Refuse Disposal Amenity Act 1978, to allow an authorised officer of a local authority to issue a fixed penalty notice as an alternative to prosecution for the offence of abandoning a vehicle. The fixed penalty notice is set at a statutory maximum of £200. An authorised officer must be an employee of a local authority authorised in writing by that authority to issue fixed penalty notices in relation to abandoned vehicles.

Section 3 of the Refuse Disposal Amenity Act 1978, Section 99 of the Road Traffic Regulation Act 1984 and Part II of the Removal and Disposal of Vehicle Regulations 1986 all provide a legal framework for the removal and custody of abandoned vehicles.

Section 4 of the Refuse Disposal Amenity Act 1978 sections 100 and 101 of the Road Traffic Regulations Act 1984 and Part III of the Removal and Disposal of Vehicle Regulations 1986, (as amended), provide a legal framework to enable local authorities to trace the owner of a vehicle and arrange disposal of vehicles.

Charges (for lifting, storage etc.) are set out in the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 1989 (as amended).

The Road Traffic Regulation Act 1984 – can only be used by the Police and this covers the removal of vehicles which are illegally, obstructively, dangerously abandoned and/or broken down.

3.2 Definition of a ‘motor vehicle’

Under the Road Traffic Act 1998 ‘motor vehicle’ means

"a mechanically propelled vehicle intended or adapted for use on roads, whether or not it is in a fit state for such use, and includes any trailer intended or adapted for use as an attachment to such a vehicle, any chassis or body, with or without wheels, appearing to have formed part of such a vehicle or trailer and anything attached to such a vehicle or trailer" (note: this includes caravans).

3.3 Definition of ‘road’

Under the Road Traffic Regulation Act 1984 ‘road’ means

"any length of highway or of any road to which the public has access, and includes bridges over which a road passes".

This is a wide definition and includes public rights of way, roads through estates that are owned by organisations (such as housing associations) or by the residents that live there. It covers both the carriageway and the footpath. A carpark would not normally come within the definition of a road as its function is to enable people to leave their vehicle.

3.4 Definition of 'land' and 'occupied land'

'Land' – is any land in the open air or any other land forming part of a highway (including private roads).

'Occupied land' – is any land to which a person or a company has legal possession of and/or control of (other than the local authority).

4. OUR APPROACH TO INVESTIGATION

4.1 On receipt of a complaint

The complaint will be recorded and the complainant provided with a reference number. The investigating officer will visit the vehicle and determine whether or not the vehicle is 'abandoned', taking into consideration:

- Is there a valid MOT?
- Is the vehicle locked/unlocked?
- Is there evidence to suggest the vehicle has not moved for a significant period of time? (e.g. mold, vegetative growth around the tyres)
- Is the vehicle damaged, or tyres missing?
- Is the vehicle burnt out?
- Is there an accumulation of waste inside the vehicle?
- Does the vehicle appear drivable?
- Are the number plates visible or missing?

If the vehicle is not taxed, and does not meet any of the criteria above, a referral will be made to the DVLA (Driver and Vehicle Licensing Agency) via their website:

<https://www.gov.uk/report-untaxed-vehicle>

We will record instances of abandoned vehicles on the Council's secure case file system. We will make notes in 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 is required, and in accordance with the Council's data retention policy, or for 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.

4.2 Vehicles parked on the highway

In relation to vehicles on the highway (i.e. a public road), if the investigating officer determines that the vehicle is abandoned, the officer will affix a '7-day Notice' to the vehicle and send a letter to the registered keeper (if details are available from the DVLA).

The 7-day Notice, may be issued to give an opportunity for the vehicle to be removed prior to the Chesterfield Borough Council having to commit to removing that vehicle ('lifting') from the highway.

If a vehicle is deemed to be hazardous (e.g. burnt out/wreck) we can remove it *immediately* (within 24 hours) 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.

4.3 Vehicles parked on private land

In relation to vehicles on private land and that are deemed to be abandoned, the investigating officer must issue the landowner a 15-day Notice that they intend to remove the vehicle. The Council is not permitted to remove the vehicle if the landowner objects within that 15-day time period. The 15-day Notice is for the attention of the landowner and not the owner of the vehicle.

If the landowner gives written permission to the Council to remove the vehicle (i.e. the vehicle was abandoned on their land without their consent), the 15-day Notice lapses and the vehicle can be dealt with in the usual manner as outlined in section 4.2 above.

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

4.4. Disposal of an abandoned vehicle

If we remove/'lift' a vehicle from the highway (road) or from private land we can arrange for the disposal of it immediately if either of the following apply:

- it's only fit to be destroyed (i.e. written off/burnt out),
- it has no number plates or is untaxed.

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

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.

4.5 Foreign registered cars

Foreign or overseas registered vehicles may be subject to the same process as above. The difficulty with foreign or overseas registered vehicles is that the DVLA may 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.

4.6 Closure of a complaint file

After investigation of a complaint, the investigating officer will contact the complainant (by phone, email or letter) to explain the outcome of the investigation before closing the complaint file.

We will not contact the complainant in the following situations:

- The complaint is withdrawn.
- Informal action has resolved the issue and the vehicle owner has moved the vehicle.
- Complaint has been reported 'anonymously'.

5. ENFORCEMENT 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 'level 4 on the standard scale or imprisonment of up to 3 months'.

Alternatively, the Council may decide to issue a person a Fixed Penalty Notice (FPN) 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 Warning etc).

6. 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.

On satisfying Chesterfield Borough Council of ownership, the owner can remove the vehicle from its storage location after paying fees relating to the removal and storage owed to Chesterfield Borough Council.

The owner must be able to produce sufficient documentation before the vehicle is released. Documents required for proof of ownership are:

- Proof of identity: driving licence or passport.
- Proof of address: utility bill, council tax bill that must show current address.
- Proof of ownership: V5C insurance certificate, receipt of purchase.
- If more than one owner claims a vehicle that is in custody, or the proceeds of a sale of that vehicle; Chesterfield Borough Council shall choose one they 'think fit' and treat him/her as the owner for the purposes of enabling him to remove the vehicle from custody or to reclaim the costs of sale.

5. PARTNERSHIP WORKING

Officers from the Environmental Protection team work in close partnership with other teams within the Council for example, Housing Services, Planning Services, and Community Safety Partnership, as well as external agencies, to proactively investigate complaints about abandoned and nuisance vehicles.

Other partners include Derbyshire Police, Registered Social Landlords and Derbyshire County Council (Highways).

6. COMMENTS AND COMPLAINTS

6.1 Unreasonable complaints and unreasonably persistent complaints

The Council recognises that there are a small number of individuals who make unreasonable complaints or who are unreasonably persistent complainants. This is defined as *"those complainants who, because of the frequency or nature of their contacts with an authority, hinder the authority's consideration of their, or other people's complaints"*.

An unreasonable or unreasonably persistent complainant would normally be identified as a result of repeated and obsessive pursuit of either:

- Unreasonable complaints and/or unreasonable outcomes repeatedly requested; and or
- Reasonable complaints in an unreasonable manner, including abusive or threatening language and/or behaviour.

Those complaints classified as unreasonable or unreasonably persistent will be handled in accordance with the Council's policy and procedure on the management of unreasonable complaints or customers.

6.2 Dissatisfied complainant

Under the Equality Act 2010 and Human Rights Act 1998 the Council will have due regard to the equalities and human rights implications of their activities and decision making while investigating complaints. We will deal with all complaints impartially and will be fair to all parties. We will not gather evidence or information that is not relevant to the investigation.

We will not disclose personal information unless it is strictly necessary (i.e. with a partner agency) and only with informed permission from the person involved.

In all cases, the Council will attempt to resolve the complaint as quickly as possible, but complainants should be aware that complicated complaints might require a considerable amount of time to investigate. For this reason, a timescale for the completion of complaints is not specified.

Should you feel dissatisfied with the service you have received or with the conduct of officers should be made via Chesterfield Borough Council's [complaints procedure](#).

6.3 Complaints and appeals

All appeals in relation to enforcement action taken should be via the statutory appeals process outlined in the relevant legislation.

We value input from you to help us ensure our service is meeting your needs. We would like to hear from you whether your experience of us has been good or in need of improvement. This helps us to ensure we keep doing the right things and make changes where we need to. We are constantly looking for feedback on our services. We welcome any feedback that that will assist us in improving our services.

Whether you wish to make a comment, complaint or a compliment you are encouraged to do so by either: -

In person: Informing a member of our staff, Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield. S40 1LP

Telephone: 01246 345345

By post: Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield. S40 1LP

Online: www.chesterfield.gov.uk

Social media: Facebook, Twitter

We will seek to work with you in the most appropriate way to meet your individual needs. We can make information available in different formats and have access to translation and interpretation services.

7. SERVICE DELIVERY STANDARDS, QUALITY AND PERFORMANCE MONITORING

7.1 Skills, competencies and experience of regulatory officers

The Council will ensure that all authorised officers are equipped with the appropriate level of skills, competencies and experience commensurate with their role and responsibilities and the support necessary to undertake their job effectively and efficiently. Continuing Professional Development (CPD), qualifications, training and development to meet statutory codes of practice will always be offered.

Staff training and development will be maintained by using methods such as the Regulators Development Needs Analysis (RDNA) and Guide for Regulators Information Point (GRIP), CPD, development opportunities, appraisals, feedback, personal learning plan, mentoring/shadowing, secondment, peer review and challenge (both receiving and supporting).

7.2 Service and quality standards

Chesterfield Borough Council will always strive to meet the highest standards in undertaking enforcement action. The following service standards will be applied:

- ✓ officers will clearly identify themselves and carry the appropriate ID cards and any necessary authorisations.
- ✓ Officers will be professional, courteous and helpful in their conduct, during work on enforcement issues and will work with individuals, groups and businesses to promote compliance.
- ✓ Officers will provide assistance where appropriate and advice will be given to assist in compliance before formal action is instigated, except in those circumstances where the breach of legislation is sufficiently serious to warrant formal action or is punishable by the issuing of a fixed penalty notice.
- ✓ Fairness in appropriate cases – adequate opportunity will be given to rectify the non-compliance before formal proceedings are commenced.

- ✓ Matters relating to enforcement will be dealt with promptly.

8. OTHER SUPPORTING DOCUMENTS

This Policy links with other corporate documents and information available online, including

Corporate Enforcement Policy, a copy is available here:

<https://www.chesterfield.gov.uk/media/607926/corporate-enforcement-policy-2018.pdf>

Refuse Disposal (Amenity) Act 1978

<http://www.legislation.gov.uk/ukpga/1978/3>

Abandoned vehicles: local authority responsibilities

<https://www.gov.uk/guidance/abandoned-vehicles-council-responsibilities>

Road Traffic Regulation Act 1984

<http://www.legislation.gov.uk/ukpga/1984/27/contents>

The removal and disposal of vehicles regulations 1986

http://www.legislation.gov.uk/uksi/1986/183/pdfs/uksi_19860183_en.pdf

Clean Neighbourhoods and Environment Act 2005

<http://www.legislation.gov.uk/ukpga/2005/16/contents>

12. REVIEW OF THIS DOCUMENT

This document has regard to current legislation, centrally issued guidance and best working practice at the time of preparation.

This document will be reviewed every two years or in line with changes in relevant legislation, changes in centrally issued guidance or when working practices identifies working areas for procedural improvement.

13. POLICY DETAILS

Document:	Abandoned Vehicle guidance document
Owner:	Environmental Health/Environmental Protection
Author:	Esther Thelwell
Date:	April 2025
Version	Version 1
Status:	Final
Location on CBC website:	https://www.chesterfield.gov.uk/living-here/neighbourhoods/abandoned-vehicles/