

**IMMOBILISATION AND REMOVAL OF
VEHICLE POLICY**

Plymouth Highways



PLYMOUTH
CITY COUNCIL

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I. Introduction to Policy

I.1. Scope of Policy

Plymouth City Council undertakes civil parking enforcement (CPE) within the city of Plymouth. This includes restrictions within any of the Plymouth City Council's off-street car parks and all on-street locations

In addition, the Council has a legal responsibility to deal with motor vehicles that have been abandoned on the road or on land in the open air within the City of Plymouth and powers to penalise anyone who commits the offence of abandoning a motor vehicle or anything which formed part of it.

This Policy is designed to deal with vehicles that:

- A. Are deemed to be abandoned by an authorised officer of the Council, or
- B. Have been issued with a Penalty Charge Notice and deemed to be:
 - Vehicles which have outstanding (3 or more) Penalty Charge Notices and/or
 - Parked dangerously or causing an obstruction on the public highway and/or
 - Vehicles that are parked in such a manner so as to impede Highways works or events and/or
 - Displaying an invalid Blue Badge

This Policy sets out the Council's approach to vehicle Immobilisation and removal. It applies within the boundaries of the City of Plymouth.

This Policy does not determine operational guidance to officers involving in making day to day decision on the use of these powers as this will be covered within operational documents.

I.2. Policy Definitions

Within this Policy the following terms will be defined as follows and where this refers to legislation will include any subsequent legislation that amends or replaces the legislation in question:

- "Abandoned" means given up by the owner with no intention to recover or accept responsibility for a vehicle". Abandoned vehicle" is, for the purpose of this Policy, one, which, in the opinion of the Council, appears to have been abandoned.
- "Authorised Officer" means an officer of the Council with delegated authority to undertake any functions relating to the Immobilisation or removal of vehicles.
- "CEO" means a Civil Enforcement Officer.
- "Enforcement Supervisor" means a Team Leader, or other Supervisor or Manager of a Civil Enforcement Officer.
- "Fixed Penalty Notice" means a legal notice given by an authorised officer of the Council to a person who has committed an offence of abandoning a motor vehicle (or anything which formed part of it) offering them the opportunity to avoid prosecution for the offence by paying a fixed penalty instead.

- “Higher level contraventions” is as defined in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007.
- “Highway” is defined in Section 328 of the Highways Act 1980. For the purposes of this Policy it is also to include a way over which all members of the public have a legal right to pass and re-pass, including carriageways, footways, verges, footpaths, bridleways, byways open to all traffic (BOATs) and cycle tracks.
- “Lower level contraventions” means any parking contravention that is not a “Higher level contravention”. When a vehicle is parked in contravention of parking restrictions and a Penalty Charge Notice is issued the level of the fine will either be a higher amount (currently £70 but reduced to £35 if paid within 14 days) or a lower amount (currently £50 but reduced to £25 if paid within 14 days) depending on the exact nature of the contravention. This is set down in law and means that contraventions that are considered to be a more serious breach of the rules will result in a higher fine than those that are considered to be a less serious breach of the rules.
- “Observation period” the time that a Civil Enforcement Officer has to wait before a Penalty Charge Notice can be issued
- “Obstruction” and “Hazard” mean any circumstances in which a vehicle has been left or caused or permitted to be left parked in such a manner that is considered in the reasonable opinion of an Authorised Officer of the Council to be causing an obstruction or a danger to traffic, pedestrians, emergency service vehicles or any other road user.
- “Off-Street” in respect of a parking place means a parking place not on the highway but incorporated in any of the Council’s Off-Street Parking Places Orders as may exist and have been provided and regulated in accordance with the Road Traffic Regulation Act 1984.
- “On-Street” in respect of a parking place means a designated parking place on the highway
- “Owner” in relation to a vehicle shall, unless proven otherwise, mean the registered keeper of the vehicle as recorded by the Driver and Vehicle Licensing Agency (DVLA).
- “Parking Place” is as defined in the Road Traffic Regulation Act 1984.
- “Penalty Charge Notice (PCN)” means a legal notice given by a Civil Enforcement Officer of the Council against a vehicle whose driver has committed a contravention of civil parking restrictions (i.e. a fine for breaking parking restrictions).
- “Road” is as defined in the Road Traffic Regulation Act 1984.
- “Trailer” is as defined in the Road Traffic Regulation Act 1984.
- “Vehicle” or “Motor Vehicle” means ‘motor vehicle’ as defined in the Road Traffic Regulation Act 1984 and includes any “Trailer” attached to it.
- “Vehicle only fit for destruction” is a description used in and affected by procedures specified under the Refuse Disposal (Amenities) Act 1978. It is for the Local Authority to define this description and this will be assessed on the fact and degree of the vehicles condition as identified in the definition of ‘abandoned vehicle’. The DVLA sets this limit as a vehicle worth less than £2,000. The Council defines these vehicles as having a trade value of less than £2,000 as defined in the Parkers Price Guide (using the ‘good/average’ category in the guide). means ‘motor vehicle’ as defined in the Road Traffic Regulation Act 1984 and includes any “Trailer” attached to it.

1.3. Relevant Legislation

In exercising immobilisation and removal functions, the Council will comply with the applicable legislation, which includes:

- The Road Traffic Regulation Act 1984
- The Traffic Management Act 2004
- The Removal and Disposal of Vehicles Regulations 1986
- The Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007
- The Civil Enforcement of Parking Contraventions (England) General Regulations 2007
- The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007
- The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007
- The Refuse Disposal (Amenity) Act 1978 (as amended)
- The Clean Neighbourhoods and Environment Act 2005
- Nuisance Parking Offences and Abandoned Vehicles, Guidance on Nuisance Parking and Abandoned Vehicle Legislation, Defra, 2006
- The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008
- Removal, Storage and Disposal of Vehicles Legislation (2008).

The Council will also have regard to the statutory guidance issued by the Department for Transport on behalf of the Secretary of State under the Traffic Management Act 2004.

2. Vehicle in Contravention of a waiting Restriction or Prohibition

1.1. 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. The principal specific definitions of Contraventions and nationally used codes that apply in respect of this Policy are detailed in Tables 1a, 1b, 1c and 1d.

Table 1a - On-Street higher-level contravention codes

Code	Definition	Observation Period	Exceptions / Comments	Exemptions
01	Parked in a restricted street during prescribed hours	5 minutes	If there is evidence of setting down/picking up passengers and luggage.	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	None	If there is evidence of setting down/picking up passengers and luggage.	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
12	Parked in a residents' or shared use parking place without clearly displaying either a permit or voucher or pay and display ticket issued for that place	None	If there is evidence of setting down/picking up passengers and luggage.	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
16	Parked in a permit space without displaying a valid permit	None	If there is evidence of setting down/picking up passengers and luggage.	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
21	Parked in a suspended bay or space or part of a bay or space	None	If there is evidence of setting down/picking up passengers and luggage.	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).

23	Parked in a parking place or area not designated for that class of vehicle	None	If there is evidence of setting down/picking up passengers and luggage.	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
25	Parked in a loading place during restricted hours without loading	5 minutes	If there is evidence of setting down/picking up passengers and luggage.	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
26	Parked in a special enforcement area more than 50cm from the edge of the carriageway and not within a designated parking place.	None	If there is evidence of loading/unloading, CEO to log for minimum of 5 minutes casual observation. If there is evidence of setting down/picking up passengers and luggage, then casual observation to be followed. Removal only to be considered where the vehicle is obstructing the highway.	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
27	Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway.	None	This can be a driveway or a pedestrian/cycle ramp for example, where any part of the dropped crossing is blocked, subject to a complaint from the owner or occupier of the property at the time.	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
40	Parking in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc). Blue badge holders provided blue badge is on display and if in a resident's allocated disabled bay then the blue badge or disabled bay permit is displayed.
42	Parked in a parking place designated for police vehicles	None	Police vehicles	Police vehicles
45	Parked on a taxi rank	None	Licensed hackney carriages	Licensed hackney carriages

46	Stopped where prohibited (on a red route or clearway)	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
47	Stopped on a restricted bus stop or stand	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
48	Stopped in a restricted area outside a school.	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
49	Parked wholly or partly on a cycle track	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
56	Parked in contravention of a commercial vehicle waiting restriction	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
62	Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
99	Stopped on a pedestrian crossing or crossing area marked by zigzags	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).

Table 1b - On-Street lower level contravention codes

Code	Definition	Observation Period	Exceptions Comments	Exemptions
05	Parked after the expiry of paid for time	10 minute grace period	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
06	Parked without clearly displaying a valid pay-and-display ticket or voucher	None	Where a valid electronic ticket or electronic season ticket is in use	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
11	Parked without payment of the parking charge	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
19	Parked in a residents' or shared use parking place or zone displaying an invalid permit, an invalid voucher or an invalid pay-and-display ticket	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
24	Not parked correctly within the markings of the bay or space	None	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).
30	Parking for longer than permitted	10 minute grace period	None	Emergency services vehicles (police, fire, ambulance etc); Vehicles carrying out statutory work (water, gas, electricity etc).

Table 1c - Off-Street higher-level contravention codes

Code	Definition	Observation Period	Exceptions/Comments	Exemptions
81	Parked in a restricted area within a car park	5 minutes	Usually denoted by yellow lines or hatchings	As on-street and also where IBC have permitted the vehicle to be so parked
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	None	None	As on-street and also where IBC have permitted the vehicle to be so parked
91	Parked in a car park or area not designated for that class of vehicle	None	None	As on-street and also where IBC have permitted the vehicle to be so parked
92	Parked causing an obstruction	None	None	As on-street and also where IBC have permitted the vehicle to be so parked

Table 1d - Off-Street lower level contravention codes

Code	Definition	Observation Period	Exceptions / Comments	Exemptions
73	Parked without payment of the parking charge	None	None	As on-street and also where IBC have permitted the vehicle to be so parked
80	Parked for longer than the maximum period permitted	10 minute grace period	None	As on-street and also where IBC have permitted the vehicle to be so parked
82	Parked after the expiry of paid for time	10 minute grace period	None	As on-street and also where IBC have permitted the vehicle to be so parked

83	Parked in a car park without clearly displaying a valid pay-and-display ticket or voucher or parking clock	None	Where a valid electronic ticket or electronic season ticket is in use	As on-street and also where IBC have permitted the vehicle to be so parked
86	Parked beyond the bay markings	None	Larger vehicles that are within the class of vehicle for the bay in question and a vehicle with a trailer attached may park across two bays if two tickets have been purchased and displayed	As on-street and also where IBC have permitted the vehicle to be so parked
93	Parked in a car park when closed	None	None	As on-street and also where IBC have permitted the vehicle to be so parked
95	Parked in a parking place for a purpose other than the designated purpose for the parking place	None	None	As on-street and also where IBC have permitted the vehicle to be so parked

1.2. Persistent Evaders

The statutory guidance provides a definition of a 'persistent evader', which can be summarised as someone who has 3 or more Penalty Charge Notices (PCNs) unpaid and unchallenged.

The process shown in Table 2a sets out that a vehicle owned by a persistent evader, which has been issued with a PCN, is liable, to be immobilised or removed no later than 15 minutes after the PCN is issued. The Council reserves the legal right to remove a vehicle immediately following the issue of a PCN in circumstances where an Authorised Officer of the Council deems it appropriate.

1.3. Hazards or obstructions

The Council has the powers to immobilise or remove a vehicle if it is causing a hazard or obstruction where a civil parking contravention has occurred and a PCN can be and has been issued. In certain circumstances' enforcement can only be by the police for the offences of causing an unnecessary obstruction of a road or of leaving a vehicle in a dangerous position i.e. where there are no yellow lines or signs prohibiting parking.

1.4. Preventing or restricting works or authorised events

Where a legal order has been made to temporarily prohibit parking in order to allow works to take place on the highway or for an authorised event to be held, the Council may issue a PCN to any vehicle parked in contravention of the restrictions and may also remove it to the compound.

In certain circumstances (i.e. where the vehicle is displaying a valid Blue Badge or where an event is taking place) the vehicle might be relocated in the immediate area as close to the original parking location as possible, but outside the area affected by the event or the planned Highways works. This does not affect the right of the Council to remove the vehicle to a storage compound in circumstances where an authorised officer of the Council considers that this is justified.

1.5. 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. An invalid disabled Blue Badge 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 Badge; or
- Have been reported as stolen

1.6. Process

The Council will ensure that the powers to immobilise or remove vehicles shall be applied in a fair and consistent manner. A summary of the processes is shown in Tables 2a, Table 2b (removal/relocation only) and Table 2c (invalid blue badges).

Where a vehicle is virtually immobilised then a notice will be attached to the vehicle or sent to the known last registered keeper by the council in accordance with legal requirements. This will explain how the owner of the vehicle can arrange for it to be released.

Where a vehicle is parked in a manner that prevents or restricts works taking place on the highway or the holding of authorised events, in either case where a legal order has been made closing the road or prohibiting parking, then the Council may, at its discretion, decide to relocate the vehicle to another location in the vicinity of where it has been parked rather than immobilising it or removing it to a storage compound. Where this is the case a summary of the process that shall be followed is as per Table 2c.

Table 2a - Summary of process for immobilisation and removal of vehicles in contravention of a waiting restriction or prohibition (Persistent Evader)

Process	Detail
Issue of Penalty Charge Notice (PCN)	Civil Enforcement Officer (CEO) issues PCN for contravention of waiting restriction or prohibition.
Allow time for vehicle to depart	Where vehicle is identified as a 'persistent evader' allows 15 minutes.
CEO contacts Enforcement Supervisor	If the vehicle is still present after the time has elapsed CEO will contact the Enforcement Supervisor and photograph the vehicle prior to virtual immobilisation.
Council approval	Enforcement Supervisor checks ICT system for appeal and/or payment if a Persistent Evader. If system verifies neither, authorisation given to immobilise.
Immobilisation period elapses	CEOs remains on site to check the immobilisation and updates Enforcement Supervisor.
Council approval	Enforcement Supervisor checks ICT system for appeal and/or payment. If system verifies neither, authorisation given to remove and call followed by email to contractor to request removal.
Remove to compound	Vehicle removed to secure storage compound. CEOs confirm vehicle removal including photographic evidence to Enforcement Supervisor.
Police informed	The Police will be advised that the vehicle has been removed in case the vehicle owner makes contact. Plymouth City Council will retain a record of the vehicle removal that can be retrieved by an officer if a vehicle owner enquires to PCC
Contact Keeper	Where the Registered Keeper is identifiable they will be contacted as soon as practicable after the vehicle is removed to storage and they will be liable for any costs incurred.
Storage of vehicle	Vehicle stored for 28 days, which commences after midnight of the day of removal.

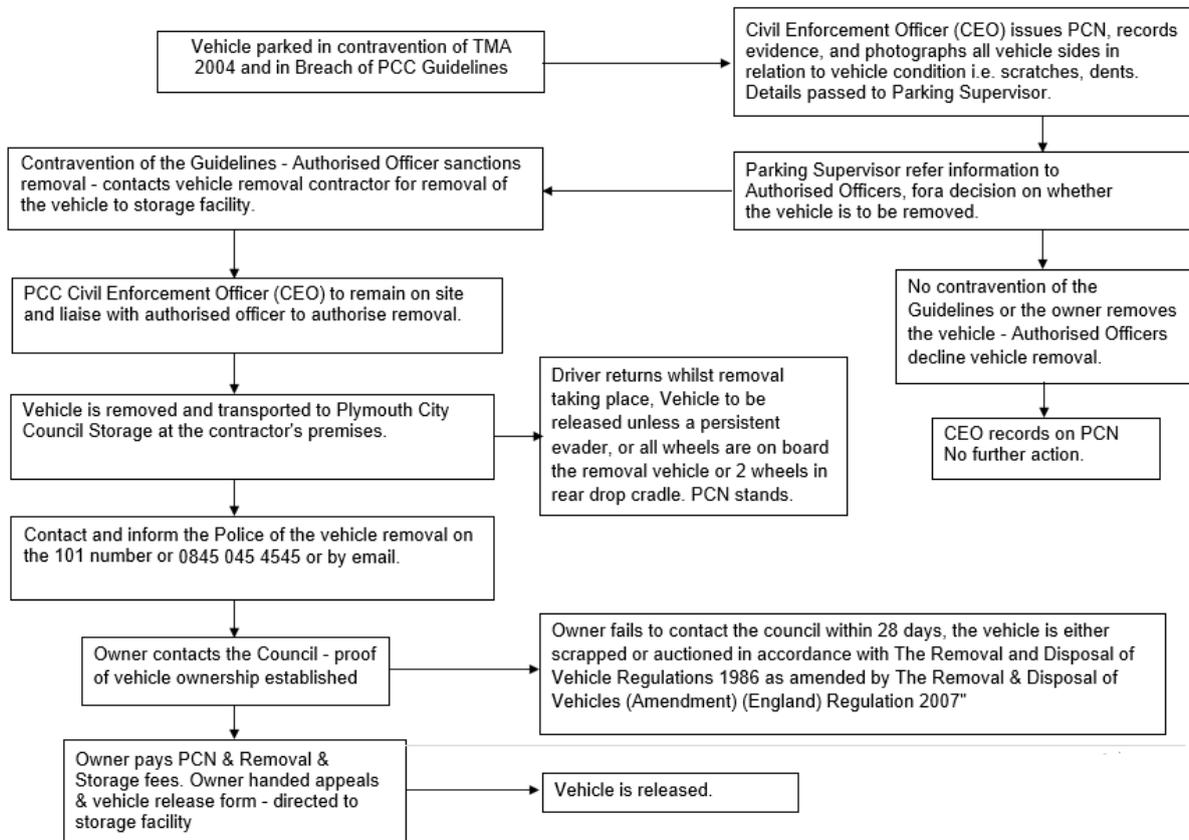
Table 2b- Summary of process for removal/relocation of vehicles in contravention of a temporary waiting restriction or prohibition (road works)

Process	Detail
Vehicle in contravention	Road works supervisors, calls Parking Supervisor, Civil Enforcement Officer (CEO) dispatched
Issue of Penalty Charge Notice (PCN)	CEO issues PCN for contravention of temporary prohibition.
Allow time for vehicle to depart	Where vehicle is impeding an event or highways maintenance work from being undertaken CEO allows 5 minutes.
CEO contacts Enforcement Supervisor	If the vehicle is still present after the time has elapsed CEO will contact the Enforcement Supervisor and photograph the vehicle prior to removal.
Council approval	Enforcement Supervisor checks if a Persistent Evader and if vehicle has Blue Badge and/or Dispensation*. Once records checked, call made to removal contractor authorisation given to remove.
Remove to compound	Vehicle removed to secure storage compound or nearest safe location as approved by Parking Supervisor. CEOs confirm vehicle removal including photographic evidence to Enforcement Supervisor.
Police informed	The Police will be advised that the vehicle has been removed in case the vehicle owner makes contact. Plymouth City Council will retain a record of the vehicle removal that can be retrieved by an officer if a vehicle owner enquires to PCC
Contact Keeper	Where the Registered Keeper is identifiable they will be contacted as soon as practicable after the vehicle is removed to storage and they will be liable for any costs incurred.
Storage of vehicle	Vehicle stored for 28 days, which commences after midnight of the day of removal.
<p>* In certain circumstances (i.e. where the vehicle is displaying a valid Blue Badge) the vehicle might be relocated in the immediate area as close to the original parking location as possible, but outside the area affected by the event or the planned Highways works</p> <p>There will be a £200 per lift charged to the highway contractor for any service provided.</p>	

Table 2c - Summary of process for removal of vehicles displaying an invalid disabled persons Blue Badge

Process	Detail
Investigate invalid Blue Badge	Civil Enforcement Officer (CEO) to liaise with Enforcement Supervisor to investigate with the Blue Badge issuer and Parking Services system. If Blue Badge confirmed as invalid, Enforcement Supervisor instructs for PCN to be issued.
Issue of Penalty Charge Notice (PCN)	CEO issues PCN for contravention.
CEO contacts Enforcement Supervisor	CEO contacts Enforcement Supervisor to advise PCN has been issued to vehicle
Council approval	Enforcement Supervisor checks and adheres to 'Workflow 1 - for wait times only section'. If none of the conditions in Workflow 1 apply, then immediate removal authorised. If one of the conditions does apply, then the appropriate wait time will be followed, and authorisation given to remove after time has elapsed.
Remove to compound	Vehicle removed to secure storage compound. CEOs confirm vehicle removal including photographic evidence to Enforcement Supervisor.
Police informed	The Police will be advised that the vehicle has been removed in case the vehicle owner makes contact. Plymouth City Council will retain a record of the vehicle removal that can be retrieved by an officer if a vehicle owner enquires to PCC
Contact Keeper	Where the Registered Keeper is identifiable they will be contacted as soon as practicable after the vehicle is removed to storage and they will be liable for any costs incurred.
Storage of vehicle	Vehicle stored for 28 days, which commences after midnight of the day of removal.

Vehicle Removal Workflow Process



1.7. Disposal of vehicles and recovery of proceeds

In accordance with the vehicle owners' legal rights, once the owner has made contact with Plymouth City Council and sufficient proof of ownership is supplied the vehicle will not be disposed of for a minimum period of 7 days, thereafter the owner may still claim it at any time before it is subsequently disposed of. If the 7 days exceeds the 28 days of storage, then the vehicle owner will also be charged for the additional storage days.

Where a vehicle that has been removed is subsequently disposed of, whether by sale or by being scrapped, the owner is entitled in law to the proceeds, less the outstanding charges for immobilisation, removal, storage, disposal and any PCN against which the vehicle was immobilised and/or removed, provided that they apply within 1 year of the date on which the vehicle was sold or scrapped.

3. Abandoned vehicles

2.1. 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' on any land in the open air or any land forming part of the highway is potentially abandoned.

Authorised Council Officers will form an opinion by reviewing information provided to them and/or gathered through inspection of the vehicle. The authorised officers will consider a number of factors during inspection that will help them determine whether to consider a vehicle 'abandoned'. The vehicle will be determined 'abandoned' when the relevant authorised officer decided that it is.

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)
- 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:

- A. The inspected vehicle does not have to display the full list to be considered abandoned, but it should not be considered solely on the grounds that it is untaxed
- B. 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 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 can be re-claimed.
- C. Taxed vehicles can be deemed abandoned by the inspecting authorised 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.

2.2. Land to which the Policy applies

The Council has a statutory duty to investigate reports of, and if satisfied they are abandoned, remove a vehicle from any location in the open air so long as the vehicle is easily accessible without excessive cost. (Refuse Disposal (Amenity) Act 1978, Removal & Disposal of Vehicle Regulations 1986.)

In practice, the power of the local authority applies to all roads, footways and open land adjacent to the highway including verges, public open spaces, parking bays, garage areas and car parks. The land upon which the vehicle has been abandoned does not have to be in public ownership, as the 'land open to the air on at least one side' definition will also apply to some land in private ownership.

The duty does not apply if the cost of removal from land would be unreasonably high.

The Council will only remove vehicles from private land with the written consent of the owner of the land, or on expiry of any Notice served upon the owner.

Where vehicles are parked or stationed inappropriately on other sites such as the highway, on private land or in any other circumstances not specified under the Council's statutory duties or role as landowner described above, the Council will work in partnership with the Police, the County Council and other relevant agencies to secure the removal of such vehicles. In respect of persistent activities deemed inappropriate or giving rise to complaint the Council may use additional legislation (i.e. Clean Neighbourhoods Act 2005) to control such activities (i.e. vehicles stationed on the highway or verge for sale, the carrying out of vehicle repairs or the operation of other similar or related business activity.)

2.3. Identification of owner

The Council will use its direct link to the DVLA database to identify the last registered keeper of any vehicle abandoned, which is carrying a GB registration mark.

The registration marks (if known) of all vehicles suspected of being involved in a crime (e.g. hotwired, smashed glass, burnt out etc..) will be passed to the police in order to secure any information that may lead to the identification of the owner and to ensure that the vehicle is not subject to criminal investigation or other legitimate activity.

For the purpose of enforcement, and in the absence of any other information to the contrary, the Council will consider the last registered keeper to be the owner or person responsible for the vehicle. It will be for that person to provide evidence to the contrary.

2.4. Vehicles abandoned on Council Land

The Council may grant or refuse permission for persons to park or store vehicles on its own land. This may include Council owned Car Parks, some verges and areas of open space, service areas to commercial precincts and industrial estates. On its own land, generally, the Council will require persons to provide proof of ownership of a vehicle if requested, and require that the vehicle:

- Has current road tax

- Be in a roadworthy condition
- Does not present a risk to public health, safety or the environment.

On land where the council acts as Landlord, abandoned vehicles may be referred for removal under the instruction of an authorised officer.

2.5. Vehicles abandoned on Private Land

Where vehicles have been abandoned on private land, the council is able to remove them, having served notice on the landowner of its intention to enter the land to remove the vehicle.

Where a landowner has reported that a vehicle has been abandoned on their land, the council will adopt the following procedure:

- The landowner is required to write to the council, giving authorisation for the council to enter the land for the purpose of removing the vehicle;
- S/he will state the details of the vehicle i.e. Registration number if known, make and description;

Where a member of the public/person who is not the landowner reports a vehicle, a 15-day notice will be attached to the vehicle, informing the landowner of the council's intention to enter his/her land to remove it. If a landowner can be traced, they will be contacted in writing to inform them that the Council has had a report that a vehicle may be situated on their land and request that they contact the Council to discuss the matter

If the landowner has no objections to the Council entering the land, the process for vehicle removal will be undertaken. If the landowner objects to the removal of the vehicle, no further action can be taken. If the landowner does not make contact with the Council and the Registered Keeper does not come forward and/or remove the vehicle, the vehicle will be removed after the expiry of the 15-day notice.

2.6. Dangerous Vehicles

Vehicles deemed to be dangerous by the council may be immediately removed from land where the council acts a landlord in order to meet its obligations under the Occupiers Liability Act. This applies only to land which the council owns. On all other land a 24-hour notice may be affixed. The Council will act under powers defined in section 2 of the Local Government Act 2000.

Vehicles may be deemed dangerous if they exhibit one or more of the following characteristics:

- Parked so as to cause a potential obstruction to emergency vehicles
- Parked on/near a junction
- Parked in an area known for vandalism/arson and in such a condition so that the council believes it may be a target
- Leaking fuel
- Smashed windows/glass
- Vehicle unlocked and inside wrecked
- Burnt out
- Badly damaged

The Registered Keeper will be informed in writing that the council have the vehicle in their custody and will be invited to claim the vehicle within 7 days. If unclaimed, the vehicle will be disposed of. The DVLA will be informed.

2.7. Fixed penalty notice

Under section 10 of The Clean Neighbourhoods and Environment Act 2005 and section 2 of the The Refuse Disposal (Amenity) Act 1978 (as amended) a Fixed Penalty Notice can be served on a person who has knowingly left a vehicle with no intention of looking after it. The sum is set at £200.

2.8. Process

On satisfying itself that the vehicle appears to be abandoned and having taken all reasonable steps to identify and notify the registered keeper of the vehicle, including expiry of any notices served, the vehicle will be deemed abandoned and be removed on behalf of the Council.

The vehicle will be stored for 7 days in order for the owner to make a claim. If unclaimed, the vehicle will be disposed of in accordance with this Policy. If the vehicle is claimed by the registered keeper, it will only be returned to its owner following payment of any fees and outstanding charges.

Vehicles which have no registered keeper with the DVLA or which do not display a registration mark may be destroyed immediately.

A Certificate of Destruction will be issued by the recycler and should be placed on file for 12 months.

The Council has the right to refuse to remove a vehicle if the costs are unreasonably high.

The Council will ensure that the duties and powers regarding abandoned vehicles shall be applied in a fair and consistent manner. A summary of the process is as shown in Table 3a (Summary of process on public land or any land forming part of the highway) and Table 3b (Summary of process on private land).

Table 3a - Summary of process for abandoned vehicles on public land in the open air or any land forming part of the Highway

Process	Detail
Report of potentially abandoned vehicle	Received and logged by the Council
First inspection	Authorised Officer will make initial inspection and begin enquiries, photographs taken, and where suspected abandoned but not considered 'dangerously abandoned' a 7-day notice affixed to vehicle.
DVLA check and letter to registered keeper	DVLA check undertaken to ascertain registered keeper. Where the registered keeper is traced, a letter will be sent requesting they claim the vehicle within 7 days.
Second inspection	Authorised Officer will revisit as close to 8th day as feasible, and if still present and no contact from the owner, the vehicle is deemed 'abandoned'.
Vehicle considered 'dangerously abandoned'	If the vehicle is considered 'dangerously abandoned' the process for immediate removal can be followed. The Police will be contacted to check whether the vehicle is reported stolen or they have an interest in the vehicle.
Removal	Once deemed 'abandoned' the vehicle will be removed to storage for 7 days.
Disposal	If no response or the registered keeper does not want the vehicle, the vehicle can be disposed of. A certificate of destruction will be issued and kept on file. The DVLA will be informed.

Table 3b - Summary reported by the process for abandoned vehicles on private land in the open air

Process	Detail
Report of potentially abandoned vehicle	Received and logged by the Council
First inspection	Authorised Officer will make initial inspection and begin enquiries, 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).
DVLA check and letter to registered keeper	DVLA check undertaken to ascertain registered keeper. Where the registered keeper is traced, a letter will be sent requesting they claim the vehicle within 7 days.
Second inspection	Authorised Officer will revisit as close to 16th day as feasible, and if still present and no contact from the owner, the vehicle is deemed 'abandoned'.
Objection to removal	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.
Agreement to removal	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.
Removal	Once deemed 'abandoned' the vehicle will be removed to storage for 7 days.
Disposal	If no response or the registered keeper does not want the vehicle, the vehicle can be disposed of. A certificate of destruction will be issued and kept on file. The DVLA will be informed.

2.9. Disposal of vehicles and recovery of proceeds

In accordance with the vehicle owners' legal rights, once the owner has made contact with Plymouth City Council and sufficient proof of ownership is supplied the vehicle will not be disposed of for a minimum period of 7 days, thereafter the owner may still claim it at any time before it is subsequently disposed of. If the 7 days exceeds the 7 days of storage, then the vehicle owner will also be charged for the additional storage days. All unroadworthy vehicles will not be permitted to be driven and the registered keeper will need to make arrangements for the vehicle to be hauled to their preferred destination.

Where a vehicle that has been removed is subsequently disposed of, whether by sale or by being scrapped, the owner is entitled in law to the proceeds, less the outstanding charges for removal, storage and disposal of the vehicle, provided that they apply within 1 year of the date on which the vehicle was sold or scrapped.

4. Authorised Officers

The final decision to authorise the immobilisation or removal of a vehicle can only be taken by Officers with specific delegated authority granted in accordance with Plymouth City Council's Constitution.

The removal of any vehicle will be carried out by an appointed contractor working on behalf of the Council and only in accordance with instructions issued by authorised officers to do so.

The sale or scrapping of a vehicle can only be authorised and arranged by the Council's Highway Managers

5. Requirements for claiming vehicles removed to a storage compound

Where a vehicle has been removed to a storage compound operated on behalf of the Council, the owner can retrieve the vehicle provided they pay any associated fees and charges, including any outstanding fixed or penalty charges, for which the vehicle was removed.

Proof of ownership of the vehicle and proof of identity and address for the owner must also be provided at the time of payment, and the Council will accept any the following as forms of proof:

For proof of vehicle ownership:

- Current Vehicle Registration document;
- Valid Certificate of Motor Insurance for the vehicle (in date and not cancelled); or
- Receipt of purchase for the vehicle

For proof of identity and address: (any two)

- Valid UK or recognised international Driving Licence;
 - Valid UK or recognised Passport combined with either:
 - Bank statement*
 - Utility bill*
 - Letter issued by the Department for Work and Pensions*
- *must be dated within the last 3 months

6. Appeals

The owner of the vehicle is entitled to appeal against a decision by the Council to immobilise or remove a vehicle following the issue of a PCN. The process for this will be set out on the documentation issued to the owner at the time. Where an appeal is successful the owner will be refunded all fees for the removal and storage of the vehicle in full.

The recipient of an FPN for abandoning a vehicle can make a representation against the FPN in writing. The process for this will be set out in the documentation issued to the owner

7. Schedule of Charges

There are prescribed charges that apply to the immobilisation, removal, storage and disposal of vehicles, these are:

("MAM" means maximum authorised mass as defined in regulation 3(1) of the Motor Vehicles)

Charges in relation to the immobilisation, removal, storage and disposal of vehicle in contravention of waiting restrictions or prohibitions*

Type of charge	Amount of charge	Notes
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 of Levels of Charges) (England) Order 2007* governs the charges that are currently set.

Charges in relation to the storage of abandoned vehicles

Two wheeled vehicle	Vehicle, not including a two wheeled 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
£50	£75	£100	£125	£150

The prescribed sum or prescribed scale in respect of storage, for the purposes of sections 101A(3), 101A(4) and 102(2)(b) of the 1984 Act and sections 4(5), 4(6) and 5(1)(b) of the 1978 Act, for each period of 24 hours or a part thereof during which the vehicle is in the custody of the chief officer of a police force or the local authority as the case may be

The Road Traffic Regulation Act 1984 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

Charges in relation to the disposal of abandoned vehicles

Two wheeled vehicle	Vehicle, not including a two wheeled 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
£50	£75	£100	£125	£150

The prescribed sum for determining the charges recoverable for the disposal of vehicles for the purpose of section 4(6) of the 1978 Act in respect of vehicles set out in row 1 of the above Table shall be the sum specified in relation to those vehicles in row 2 of that Table

The prescribed manner for determining the charges recoverable for the disposal of vehicles for the purposes of sections 102(2)(c) of the 1984 Act and 5(1)(c) of the 1978 Act in respect of vehicles set out in row 1 of the above Table shall be by reference to a single sum specified in relation to those vehicles in row 2 of that Table

The Road Traffic Regulation Act 1984 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

Charges in relation to the removal of abandoned vehicles*				
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	Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 MAM	Vehicle exceeding 18 tonnes MAM
Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off the road	£150	£200	£350	£350
Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£250	£650	Unladen - £2000	Unladen - £3000
			Laden - £3000	Laden - £4500
Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged	£200	£400	Unladen - £1000	Unladen - £1500
			Laden - £1500	Laden - £2000
Vehicle, excluding a two wheeled vehicle, off road but either not upright or substantially damaged or both	£300	£850	Unladen - £3000	Unladen - £4500
			Laden - £4500	Laden - £6000
<p>The prescribed sum in respect of removal, for the purposes of sections 101A(3), 101A(4) and 102(2)(a) of the 1984 Act and sections 4(5), 4(6) and 5(1)(a) of the 1978 Act, in respect of vehicles set out in column 1 of the above Table 1 shall be the sum specified in relation to those vehicles in columns 2 to 5 of that Table, the particular sum to be determined by reference to the MAM of the vehicle as described in row 1 of that Table and, for vehicles exceeding 7.5 tonnes MAM and not falling within row 2, whether the vehicle is laden or unladen.</p>				
<p>The Road Traffic Regulation Act 1984 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</p>				

