



North Devon Council

Report Date: Monday, 2 September 2024

Topic: Abandoned Vehicles - DVLA, Devolved Power Partnership

Report by: Darren Hale, Lead Environmental Health Officer Environmental Protection

1. INTRODUCTION

1.1. Abandoned vehicles pose significant challenges for North Devon Council, impacting public safety, environmental health, and community aesthetics. This report aims to provide a detailed explanation of the powers, duties, and processes currently involved in dealing with abandoned vehicles within North Devon Council area. Additionally, it will address specific challenges encountered in the removal and disposal of abandoned vehicles in the North Devon area and propose collaborative solutions with the Driving, Vehicle and Licensing Agency (DVLA) as a devolved power partner.

2. RECOMMENDATIONS

2.1. To recommend to Full Council that North Devon Council enters into an agreement with the Driving, Vehicle and Licensing Agency (DVLA) as a devolved power partner.

2.2. To recommend an amendment to the general powers in para 5.18 of Annex 2 to Part 3 Constitution to say:

To authorise all duly appointed Authorised Officers, Authorised Persons, Enforcement Officers and Inspectors to carry out inspections and to exercise powers of entry and other powers necessary for the effective discharge of the Council's Environmental Health functions and Licensing functions as well as to remove abandoned vehicles (such term to include, without limitation, untaxed vehicles), on being satisfied on matters upon which the Council is obliged to be satisfied and that all statutory requirements are fulfilled.

3. REASONS FOR RECOMMENDATIONS

3.1. Entering into an agreement as a DVLA devolved power partner allows the Council to remove untaxed abandoned vehicles promptly and to confirm ownership details. Members are required to approve the adoption of powers from other organisation as part of the constitution.

4. REPORT

4.1. North Devon Council's powers and duties in handling abandoned vehicles are primarily governed by the Refuse Disposal (Amenity) Act 1978. This Act

provides a duty on the council, to remove vehicles deemed abandoned without lawful authority, on any land in the open air or any land forming part of a highway. The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008 provides for the Council to recover any removal costs from the owner, should they claim a vehicle and or otherwise dispose of the vehicle. The Clean Neighbourhoods and Environment Act 2005 additionally provides for the Council to levy a fixed penalty notice on the owner of £200, for unlawful disposal. If the owner of a vehicle objects or claims not abandoned, even if untaxed, and causing a determinant to the local amenity the Council cannot remove the vehicle, using its current powers, without significant evidence of abandonment.

- 4.2. North Devon Council already has powers under Regulation 9 of the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 to immobilise or remove untaxed vehicles. However this is only where an offence is committed under Section 29(1) of the Vehicle Excise and Registration Act 1994, in that the vehicle is untaxed. Given that electronic Excise Licences, having direct access to DVLA systems is essential to ensure that there is an offence under the above Act,
- 4.3. The council can gain leverage in a partnership arrangement with the DVLA to streamline the process of identifying and verifying ownership of abandoned vehicles, speed up the removal process and reduce the number of officer visits. By accessing the DVLA's live databases, North Devon Council can expedite ownership verification and notification procedures, enhancing the efficiency of our enforcement efforts.
- 4.4. This DVLA partnership allows the Council to remove a vehicle that does not have a current vehicle excise licence immediately, if the date of expiry is more than one month. This is particularly useful with unregistered vehicles or those in poor condition that are likely to attract vandalism or other environmental impacts, such as leaking oil into drainage systems and eventually to a watercourse. An abandoned vehicle in poor condition significantly detracts from the sense of place and likely to result in further environment decline.
- 4.5. To release a seized vehicle, the Council would require confirmation of ownership, the vehicle to be taxed and properly registered before releasing a vehicle. In addition to a payment for the removal cost and any storage fees. If the vehicle is not claimed and/or fees paid, the Council can otherwise dispose of the vehicle to scrap or force a resale, to ensure the full cost of removal is covered.

- 4.6. Dealing with abandoned vehicles in North Devon involves several procedural steps, including identification, notification, removal, and disposal. However, several challenges specific to the district may further impede this process.
- 4.7. As a rural environment the landscape and dispersed communities make it challenging to identify and locate abandoned vehicles, necessitating a detailed investigation and relying on community reporting. Collaborating with the DVLA can facilitate access to vehicle registration data, aiding in the identification of owners and abandoned vehicles in remote areas.
- 4.8. Establishing ownership of abandoned vehicles can be complex, particularly if vehicles lack registration or identification details. Leveraging the DVLA's resources, the council can expedite ownership verification processes, reducing administrative delays and improving the efficiency of removal and disposal operations.
- 4.9. Limited resources and manpower may hinder the council's ability to respond promptly to reports of abandoned vehicles and carry out removal and disposal procedures efficiently. Collaborating with the DVLA can enhance the council's capacity for data analysis and enforcement, enabling more strategic allocation of resources to address priority areas and mitigate the impact of abandoned vehicles on the community.
- 4.10. Educating residents and visitors about the consequences of abandoning vehicles and the proper procedures for disposal is essential to mitigate the problem effectively. By partnering with the DVLA and Devon and Cornwall Police, North Devon Council can implement targeted awareness campaigns and outreach initiatives to raise public awareness about the issue of abandoned vehicles and encourage compliance with regulations.
- 4.11. In taking advantage of the Devolved Power Partnership the DVLA provides free training for officers and removal contractors. The removal of vehicles is not mandatory and therefore the Council can take action it feels appropriate to address local needs, rather than a DVLA led programme.
- 4.12. The agreement is fully flexible, with the Council not required to carry out DVLA's work, as it is a partnership where the Council can decide the level and method of enforcement.
- 4.13. Research has shown that other Councils take a variety of approaches from large scale targeting of untaxed vehicles, hotspot targeting only and some have rarely used the DVLA powers. None of the authorities in the South West have yet taken up this opportunity, although some initial

discussions have been held with Plymouth, who have yet to move it forward. Similar sized Councils include South Gloucestershire and Bracknell Forest Council have adopted the powers on a similar scale to those proposed in this report.

Analysis of Problem

- 4.14. During 2023/24 there were an average of 2,734 untaxed vehicles each month throughout North Devon District Council area, according to the DVLA records. NDDC received 21 requests to deal with abandoned vehicles so far in July, 34 in June 2024 and 21 in May, with 26 in April.
- 4.15. The number reported each month varies considerably but averages around 25 per month. However, there are a number of external factors that affect truly abandoned vehicles. The current price of scrap is relatively low and vehicles resale prices dropping from their high, at the end of the pandemic. Other social economic factors also impact of vehicles being untaxed and then potentially abandoned, which include pressures on personal finances.
- 4.16. Residents are not able to tax a vehicle if they do not have a valid MOT and insurance. Therefore if a vehicle fails an MOT it may be driven for some time before the vehicle excise licence expires. The intention may be to repair a vehicle after an MOT failure or even breakdown but it is not uncommon for these to left unfinished, due to costs involved and or the feasibility of repair. These vehicles then end up as long-term projects that never gets completed and the vehicle continues to deteriorate. However, the price a scrap is still greater than removal, so residents could still dispose of unwanted vehicles without cost, or even with some additional income but many still just abandon them in car parks, on the road or open land.
- 4.17. The lack of correct registration, MOT and insurance are also a common factor in criminal activity. Whilst these matters are for the police, the swift removal of vehicles is likely to reduce these crimes and potential wider environmental impact. To reclaim a vehicle the owners are required to provide verifiable documents and register details with DVLA. A pool car may be used for criminal activity, anti-social behaviour or just not roadworthy.
- 4.18. Parking enforcement have advised there are currently 102 persistent evaders with 3 or more parking charge notices. Vehicles are often not taxed as they are not registered to the current owner. Therefore, unless the vehicle presents itself, the case is with the bailiffs and they are able to clamp the vehicle, it makes tracing the evaders challenging or almost impossible. These vehicles not only block parking spaces for others, they also avoid payment.

- 4.19. Certain areas of the district such as the Mullacott Cross Industrial Estate attract a relatively high number of apparent abandoned vehicles. This is a result of businesses abandoning their vehicles on the roads, pending possible repairs or long term projects. These businesses using the highway as an extension of their premises, which general undermines from the amenity of the area and reduces parking spaces for other businesses, employees and visitors. The look and feel of the area therefore lessens, which contributes to what is termed 'the broken windows' scenario, where people have less respect and other environmental crimes appear such as littering, fly tipping and the general up keep of premises.
- 4.20. There are no additional resources required in joining the DVLA scheme, which would be within existing budgets. The Council would however need to ensure that a contract is in place to ensure effective removal of vehicles and their storage. The current supplier has indicated a willingness to be involved in future schemes and offers a competitive rate.
- 4.21. The only staffing resource commitment is to attend the free training that is carried out at NDDC premises.

Recommendation

- 4.22. It is recommended that NDDC join the DVLA Power Partner Programme and undertake the free training and system access. It is proposed that NDDC use this initially to focus on reducing the time and resources in removing reported abandoned vehicles, to target problem hot spots and to evaluate the administrative cost and effectiveness of the scheme, compared with the current approach.

Conclusion

- 4.23. In conclusion, addressing the issue of abandoned vehicles in North Devon requires a collaborative and proactive approach, leveraging partnerships with agencies such as the DVLA, to enhance enforcement capabilities and streamline administrative processes. By working closely with the DVLA, North Devon Council can overcome the many of the challenges associated with identifying, verifying ownership, and removing abandoned vehicles, ultimately safeguarding the interests of its communities and preserving the district's environmental integrity.

5. RESOURCE IMPLICATIONS

5.1. The investigation and removal of abandoned vehicles is undertaken by the Environmental Protection Team as part of the neighbourhood duties, with each officer having a designated area of the district to cover. These averaged 42 per officer in the last 12 months. As well as the neighbourhood officers, the administrator and manager responding to certain requests where evidence indicates unlikely to be an abandoned vehicle, such as vehicle licence and MOT online checks.

5.2. No additional resources are required as part of the agreement. Improved processes in the removal of abandoned, untaxed vehicles will reduce officer time investigating reported abandoned vehicles.

6. EQUALITIES ASSESSMENT

6.1. There is no evidence that the adoption of the powers from DVLA would positively or adversely have an effect on any protected group.

7. ENVIRONMENTAL ASSESSMENT

7.1. Working more closely with the DVLA will enable the Council to meet a number of its environmental objectives, particularly preventing pollution and protecting the natural and built environment.

8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

The commercialisation agenda:

There is a minimal contribution to commercialisation but if successful could be considered to be offered as a wider service or consultancy for a fee to other neighbouring authorities in the future.

Improving customer focus is improved by providing a much faster response to environment crimes.

Regeneration or economic development would be enhanced by creating a positive sense of place, which are significantly impacted by environmental crimes, abandoned vehicles and poor built environment.

9. CONSTITUTIONAL CONTEXT

9.1. Save as provided in paragraph 9.2 below, the decision in respect of the recommendations in this report can be made by this Committee pursuant to delegated powers provided in Part 3 Annex 1 of the Constitution.



9.2. The decision in respect of the recommendations in this report is referred to Full Council pursuant to Article 4.5.1 of the Constitution.

10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Simon Fuller (Legal).....