

Committee:	Sustainable Communities Scrutiny Committee	Agenda Item No.:	6.
Date:	3 <sup>rd</sup> March 2011	Category	
Subject:	Patch Management Policies - Nuisance Vehicles Policy	Status	Open
Report by:	Environmental Health Commercial Manager		
Other Officers involved:	None		
Director	Director of Development		
Relevant Portfolio Holder	Dennis Kelly Cabinet Member for the Environment		

### **RELEVANT CORPORATE AIMS**

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

COMMUNITY SAFETY – Ensuring that communities are safe and secure by arranging for the investigation and removal of nuisance vehicles in accordance with the Council’s statutory duties.

CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services by responding promptly to all reports of nuisance vehicles.

ENVIRONMENT – Promoting and enhancing a clean and sustainable environment by undertaking environmental enforcement in respect of nuisance vehicles under the relevant statute.

### **TARGETS**

CUSTOMER FOCUSED SERVICES - Providing excellent customer focused services by responding promptly to all reports of nuisance vehicles:

Local Performance Indicator EH 218a - Percentage of new reports of abandoned vehicles investigated within 24 hrs of notification.

Local Performance Indicator EH 218b – Percentage of abandoned vehicles removed within 24hrs from the point at which the Authority is legally entitled to remove the vehicle.

### **VALUE FOR MONEY**

The District Council is able to recover the costs associated with some of the statutory functions associated with abandoned vehicles from the Derbyshire County Council

## **THE REPORT**

The Patch Management Working Group (PMWG) has previously identified a need for a Council Policy on the following subject and this has recently been reviewed;

Nuisance Vehicles Policy

A copy of the draft policy is attached to this report for consideration by Members.

Member's comments and or recommendations will be considered by the Patch Management Working Group on 11<sup>th</sup> March 2011 and included as issues for consideration in a report to Executive on 4<sup>th</sup> April 2011.

The draft report was submitted to the following groups for consideration and comment.

Equalities Services Development Group (ESDG) on 15<sup>th</sup> November 2010.

Senior Management Team (SMT) on 23<sup>rd</sup> December 2010.

The attached draft policy was approved by the Patch Management Group on 15<sup>th</sup> August 2010.

## **ISSUES FOR CONSIDERATION**

The ESDG made no recommendations

SMT recommended that the control sheet in the document be updated and this amendment has been implemented.

## **IMPLICATIONS**

Financial : None

Legal : The Council has statutory responsibilities to deal with nuisance vehicles in certain circumstances

Human Resources : None

## **RECOMMENDATIONS that;**

- 1. Scrutiny Committee supports the implementation of the Nuisance Vehicles Policy.**
- 2. This report be forwarded to Executive on 4<sup>th</sup> April 2011**

ATTACHMENT: Y

FILE REFERENCE: Available from the Environmental Health Commercial Manager in G78

SOURCE DOCUMENT:

- Clean Neighbourhoods and Environment Act 2005 (CNEA)
- Refuse Disposal (Amenity) Act 1978 (RDAA)
- Local Government (Miscellaneous Provisions) Act 1976 (LGMPA)
- The Highways Act 1980 (THA)
- Road Traffic Regulation Act 1984 (RTRA)
- Removal and Disposal of Vehicles Regulations 1986 (RDVR)

# BOLSOVER DISTRICT COUNCIL

## Nuisance Vehicles Policy

December 2006 (Approved)

October 2008 (reviewed)

August 2010 (Last reviewed)

**This Policy addresses the following Corporate Aims (show those which are appropriate to the policy only):**



COMMUNITY  
SAFETY



CHILDREN'S &  
YOUNG PEOPLE'S SERVICES



ENVIRONMENT



EDUCATION



SOCIAL INCLUSION



ECONOMIC REGENERATION  
(Economic Well-being)



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## CONTROL SHEET

Details of Document	Comments / Confirmation
Title	Nuisance Vehicles Policy
Document type – i.e. draft or final version	Draft review v2. 13 <sup>th</sup> August 2010
Location of Policy	Document1
Author of Policy	S Gillott, Environmental Health Commercial Manager
Member route for Approval & Cabinet Member concerned	Scrutiny; Executive; D. Kelly, Environment Portfolio
Date Risk Assessment completed	
Date Equality Impact Assessment approved	15/11/10
Partnership Involvement (if applicable)	N/A
Date added to the Forward Plan	N/A
Policy Approved by	
Date Approved	
Policy Review Date	August 2013
Date forwarded to CSPD (to include on Intranet and Internet if applicable to the public)	

## **CONTENTS**

## **PAGE**

<b>1. Introduction</b>	<b>5</b>
<b>2. Scope</b>	<b>5</b>
<b>3. Principles</b>	<b>6</b>
<b>4. Policy Statement</b>	<b>6</b>
<b>5. Responsibility</b>	<b>7</b>

## 1. Introduction

Motor vehicles can cause problems within an area for many reasons; there are a number of categories of vehicle that cause a nuisance, particularly to the local amenity.

For the purposes of this policy the definition of vehicle is the same as used in the Refuse Disposal (Amenity) Act 1978 (section 11(1)):

*'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.'*

A motor vehicle is the property of somebody, therefore someone has a legal entitlement to it, although who that person is may not be immediately apparent and in fact may be impossible to establish. A person may still retain liability notwithstanding that ownership is relinquished, e.g. abandoned vehicle.

Local authority officers and even police officers have no authority to remove vehicles from the highway or any other place except in accordance with their powers under the relevant legislation.

Relevant legislation for this policy will be;

- Clean Neighbourhoods and Environment Act 2005 (CNEA)
- Refuse Disposal (Amenity) Act 1978 (RDAA)
- Local Government (Miscellaneous Provisions) Act 1976 (LGMPA)
- The Highways Act 1980 (THA)
- Road Traffic Regulation Act 1984 (RTRA)
- Removal and Disposal of Vehicles Regulations 1986 (RDVR)

## 2. Scope

For the purpose of this policy nuisance vehicles will be categorised into six main groupings, these being;

- Abandoned Vehicles – as defined by the RDAA
- Burnt out vehicles – as defined by the RDAA
- End of Life/Scrap Vehicles – where they are a visual detriment to the locality.
- Untaxed – where they are on a highway.
- For Sale/Being Repaired - where they are a visual detriment to the locality or in breach of the CNEA.
- Pool vehicles – vehicles being shared and used for anti social behaviour.

The policy only covers the vehicles listed above which are located within the boundaries of Bolsover District Council.

### 3. Principles

The Council is committed to providing a Cleaner, Greener, Safer Environment and will use all available legislation to remove nuisance vehicles from the district.

### 4. Policy Statement

**Abandoned Vehicles** – Will be dealt with under the RDAA and CNEA, all reported abandoned vehicles will be inspected within 24 hours of being reported as abandoned and will be removed within 24 hours of the Council having the legal right to remove.

**Burnt out Vehicles** - Will be dealt with under the RDAA, all reported vehicles will be inspected within 24 hours of being reported as burnt out and will be removed within 24 hours of the Council having the legal right to remove. (Subject to approval from the Police Authority) Where they are on private property the appropriate land owner will be contacted prior to removal.

**End of Life/Scrap Vehicles** – Where they are reported to the Council as being detrimental to the locality they will be inspected within 24 hours. Where they are on Council property the relevant tenancy enforcement action will be taken to have the vehicle removed. Where they are on private property the appropriate planning regulations will be enforced where appropriate.

**Untaxed** – Where an untaxed or SORN vehicle is reported to the Council and is on a road, but has not been deemed to be abandoned, it will be inspected within 24 hours and the relevant information will be provided to the DVLA for prosecution. Where an untaxed or SORN vehicle is on Council property the relevant tenancy enforcement action will be taken to have the vehicle removed

**For Sale/Being Repaired** – These will be dealt with under the CNEA, all vehicles for sale/being repaired and reported to the Council as being detrimental to the locality will be inspected within 24 hours. Where they are on private property the appropriate planning regulations will be enforced where appropriate.

**Pool Vehicles** – All vehicles reported to the Council as being used for anti social behaviour will be inspected within 24 hours, where there is no registered keeper the car will be removed within 24 hours, where there is a registered keeper the vehicle will be reported to the police immediately.

NOTE: the 24 hours response referred to above allows for a response by the end of the following working day but does not include weekends, Bank Holidays, Good Friday, Christmas Day, Boxing Day and New Years Day



## 5. Responsibility

Abandoned Vehicles – Environmental Health Commercial Section

Burnt out Vehicles – Environmental Health Commercial Section

End of Life/Scrap Vehicles– Housing and/or Planning

Untaxed – Community Safety and/or Housing

For Sale/Being Repaired – Environmental Health Commercial Section and/or Planning

Pool Vehicles – Community Safety