

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Abandoned Vehicles Process

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12 October 2021

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## What Is An Abandoned Vehicle, (ABV)?

- Not as simple to answer as it sounds! There are many slightly different definitions to work with
- **An Abandoned Vehicle, (ABV) is defined as:**
  - Having broken down on a road or on any land in the open air in the area of a local authority, appears to them to have been abandoned without lawful authority or
  - Has been permitted to remain at rest on a road or on any land in the open air in the area of a local authority in such a position or in such condition or in such circumstances as to appear to them to have been abandoned without lawful authority.
- **Examples of occupied and unoccupied land:**
  - Unoccupied Lane: The highway (including footpaths and verges), open land with no evidence of activity on it (not in use, derelict, overgrown).
  - Occupied land: Car Parks serving houses, flats and non-domestic premises. Land that is in use such as grounds to public, commercial or domestic premises.

## What Is An Abandoned Vehicle, (ABV)?

- DVLA also offers the below considerations as to what might help identify an ABV
  - The condition of the vehicle and e.g., accident damage, burnt out, vandalism, vehicle position.
  - Location of the vehicle i.e., Council or Private land
  - Any evidence of criminal activity e.g., blood, blood-stained clothing, weapons, firearms (Evidence of such activity is reported to the Police).
- **Officer discretion based on these criteria and considerations determines what response we have to a suspected ABV**

## Current Picture

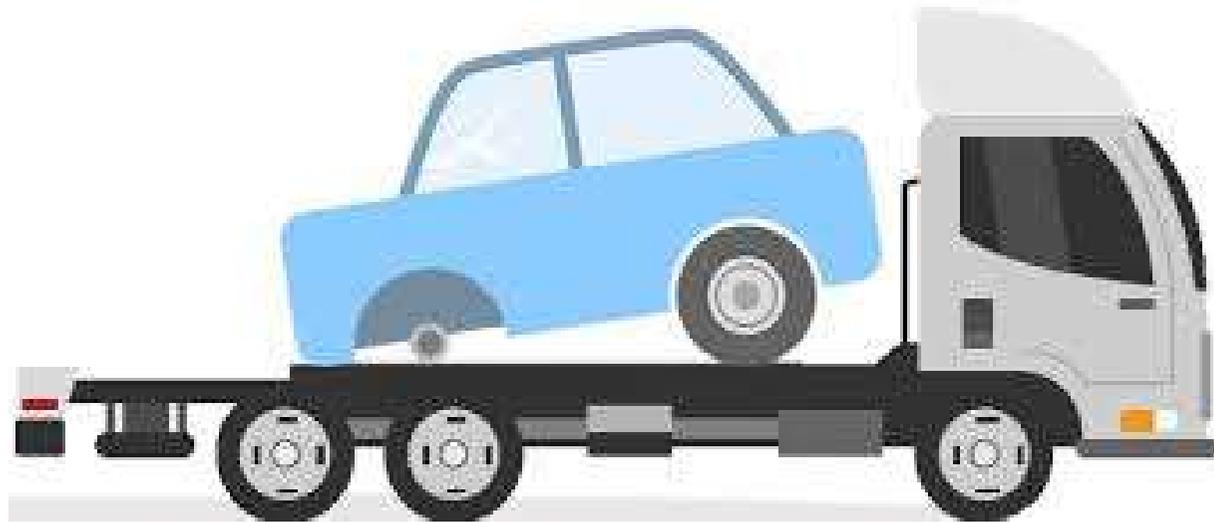
### **Abandoned Vehicle Enquires demand a huge resource dedicated to investigating the cases to the point of removal**

- Over a 1000 vehicles investigated annually.
- 58 vehicles removed from within Wolverhampton City boundary during year 2020/2021
- 15 cloned and/or stolen vehicles referred to Police
- Whilst there is a FPN available for the team to use, it is almost impossible to track an owner if they no longer live at the registered owners address. This however is an area that could be improved with better partnership working with the Police by sharing information and requesting insured parties information from the Motor Insurance Bureau.

## Service Challenges

- ABV cases are not straightforward – many suspected vehicles are investigated and are found not to be ABVs. However, each one of these needs the same investigatory resource to determine either way
- The volume of service requests that come in to be investigated all need to meet the DVLA evidence threshold for the officers to complete a search
- Investigations can take many weeks to resolve as we need to ensure we take into account notice periods, if the vehicle is not in a dangerous position
- These investigations are resource hungry as each reported case, can involve many different investigatory routes, stages and interactions with owners before the ultimate end of removal of the ABV
- Many of the suspected ABVs are removed by their owners as part of the notification process. This equates to a large percentage of those vehicles that have been reported as abandoned
- DVLA requires the officers to provide documented evidence on their findings before we can apply for vehicle registered keeper details. This includes specific photos of the vehicle in situ, showing front reg. plate and side of vehicle / rear reg. plate and other side of vehicle and a notice of possible abandonment attached to windscreen + photo.

## Example Case Study



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## **Current Process**

- Customer Services receive report and if the report meets all the initial criteria as a potential ABV it is sent to the Environmental Crime team to investigate further and determine if, in fact, then vehicle is abandoned.
- A Compliance Officer will check record for accuracy and then start the investitive process, which includes contacting the customer to review report and then triage for next steps, (eg position of the vehicle could cause harm). This will then be allocated to an officer who will visit the vehicle in the location specified.
- Notice put on vehicle photos taken of vehicle and notice.
- Door to door enquiries are made when needed

### **DVLA Search for owner identification**

- Once we have enough evidence to determine probably abandonment we apply to the DVLA on the Web Enabled Enquiry (WEE) system for last registered keepers details. This would not be possible without the dedicated stand alone computer situated in the Civic Centre which enables four trained and authorised officers a direct link to apply this [wolverhampton.gov.uk](http://wolverhampton.gov.uk) secure DVLA information.

## DVLA Evidence Threshold

- CWC is regularly audited to ensure that all the DVLA evidence thresholds have been met before our Officers use the Web Enabled Enquiry system (WEE) to look up information on an abandoned vehicle

### Abandoned Vehicles



An enquiry can be made when any motor vehicle is left without lawful authority on any road or other land.

An officer must visit the location to verify that the vehicle is or appears to be abandoned and take photographs of the vehicle in situ.

When the officer is satisfied that the vehicle is or appears to be abandoned an enquiry to get vehicle keeper details can be made.

An enquiry can be made to confirm vehicle keeper details on unwanted vehicles that are surrendered.

An enquiry can be made to get vehicle keeper details for abandoned caravans and trailers.

### Information we want from you when you make an enquiry

- There must be sufficient evidence in existence before you make a vehicle keeper enquiry. This evidence must be retained and made available for audit inspections.
- The location of where the vehicle is allegedly abandoned
- The enquiry must be recorded in the WEE System Enquiry Log. It must include the following details:
  - vehicle registration number
  - the date of enquiry
  - the time of enquiry
  - user ID/name
  - the original source of the enquiry
  - the electronic database case reference number (if applicable)
- An officer must visit the location where the vehicle is abandoned.
- The officer must take photographs of the vehicle in situ.
- Checks must be carried out to make sure that the make/model details given by DVLA match those of the allegedly abandoned vehicle. The vehicle keeper must not be contacted if they do not match.

### Evidence you will need to show us when you are audited

- A report or email that documents the incident. This must include:
  - the date
  - the time
  - the location
  - the make/model details
  - the vehicle registration number
- A formal report by the investigating officer, police officer or council employee after visiting the location to document a sighting of the vehicle.
- Photographic evidence of the vehicle abandoned with the notice attached.
- Correspondence to the vehicle keeper.

## DVLA Audit Process

The Government Internal Audit Agency (GIAA) will audit every organisation that makes an enquiry from the Vehicle Register. They will visit the premises where the WEE link is located.

They will take samples of your enquiries and will check that you can trace them with the reference number that you entered when you made the enquiry.

The auditors will discuss and check that your processes and procedures, data protection registration and physical and I.T. security are adequate for the personal data you hold.

You must have a full audit trail of evidence to support each data request and show that it meets our criteria for releasing information to ensure that the enquires do not breach the Data Protection Act 1998

All requests for information you make from DVLA must be easily and positively traceable. You must also support the reasons for your enquiry with documented evidence. This will help protect you from any possible claim that you requested the information for unauthorised purposes. It also provides evidence that DVLA has met the legislative requirements for the release of information.

If we don't comply with the above all future requests for information could be refused

## Legislation

- Refuse Disposal (amenity) Act 1978
  - Statutory duty to investigate ABV's due to potentially dangerous and hazardous chemicals escaping in to the environment
- Removal and Disposal of Vehicles Regulations 1986 (as amended 1994)
  - Gives Local Authorities the power to instruct the removal of a vehicle via a End of Life Vehicle Disposal facility
- Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc) Regulations 1989.
- Statutory duty to investigate ABV's due to potentially dangerous and hazardous chemicals escaping in to the environment
- Council procedure assisted by DEFRA guidance

## **Current Improvements/Future Developments**

### **Wolverhampton Homes, (WH) Joint Working**

- When Customer Services receives a report of a suspected abandoned vehicle on land under the control of Wolverhampton Homes the report is sent to them to carry out an initial investigation by putting a preliminary notices on the cars for us, which means that we will meet the DVLA evidence threshold, and frees up officer time to do the investigations. This has also reduced the amount of reports sent to us for investigation
- The service is looking to refresh this agreement with WH to ensure that we are working together collaboratively to assess ABVs and take the appropriate action on land WH are responsible for

### **Location Mapping**

Some asset layers on Geowulf are not accurate, resulting in Customer Services sending initial request to the wrong service can slow down the investigative process. This is being addressed as part of our review

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