

# **BOLSOVER DISTRICT COUNCIL**

## **Nuisance Vehicles Policy**

December 2006

October 2008 (reviewed)

August 2010 (reviewed)

May 2014 (reviewed)

January 2016 (Last reviewed)



**We speak your language**

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**Polish**

**Mówimy Twoim językiem**

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**Slovak**

**Rozprávame Vaším jazykom**

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**Chinese**

**我们会说你的语言**

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## 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

This Policy supports the Council's Corporate Plan aims of supporting our communities to be healthier, safer, cleaner and greener (July 2015) and the Council will use all available legislation to remove nuisance vehicles from the district. The following priorities of the Council sit under this aim:

- Ensuring a high standard of environmental maintenance and cleanliness
- Working with partners to reduce crime and anti social behaviour
- Developing attractive neighbourhoods

Nuisance vehicles are anti social, tackling them helps people feel safer and secure.

This Policy gives clear understanding to customers, Councillors and employees on the Council's responsibilities and what actions it will take in dealing with nuisance vehicles.

Nuisance vehicles reduce the quality and enjoyment of the environment and it can begin a spiral of decline in local environmental quality. They can cause serious pollution of the environment.

### 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 for Implementing

Abandoned Vehicles – Joint Environmental Health Service

Burnt out Vehicles – Joint Environmental Health Service

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

Untaxed – Community Safety and/or Housing

For Sale/Being Repaired – Joint Environmental Health Service and/or Planning

Pool Vehicles – Community Safety