

**REPORT TO:** East Lothian Council

**MEETING DATE:** 23 June 2015

**BY:** Depute Chief Executive (Partnerships and Community Services)

**SUBJECT:** Charging Policy: Abandoned Vehicles – Recovery of Costs

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## **1 PURPOSE**

- 1.1 That Council considers approving the introduction of a policy of recovering costs incurred as a result of the uplift, storage and disposal of abandoned vehicles.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that Council authorises the recovery of costs associated with the uplift, storage and disposal of abandoned vehicles in accordance with section 5 of the Refuse Disposal (Amenity) Act 1978 and The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc.) (Scotland) Regulations 2011. The policy of recovering costs will take effect from 1 July 2015 and will be reviewed on an annual basis.

## **3 BACKGROUND**

- 3.1 Section 3 (1) of the Refuse Disposal (Amenity) Act 1978 (hereinafter referred to as “the 1978 Act”) places a duty on the local authority, where it appears to it that a motor vehicle in their area is abandoned without lawful authority on any land in the open air or any other land forming part of a highway, to remove the vehicle.
- 3.2 The Council investigated 189 complaints of abandoned vehicles during the financial year 2012/2013, 240 during 2013/2014 and 323 during 2014/2015. Since 1 April 2015 the council has investigated 61 such complaints. The council uplifted, stored and disposed of 12 vehicles during 2012/2013, 23 during 2013/2014 and 39 during 2014/2015. Since 1/4/15, the council has uplifted, stored and disposed of 3 motor vehicles.

The increase in the number of complaints about abandoned vehicles is attributed to the marked decline in the price of scrap metal; irresponsible vehicle owners are more likely to abandon their vehicles if scrap metal dealers charge for the uplift of same.

- 3.3 The majority of abandoned vehicles uplifted in East Lothian are cars, although the “the 1978 Act” allows for the uplift “any trailer intended or adapted to use as an attachment to such a vehicle”. Historically officers have uplifted a number of abandoned caravans and different types of trailers.
- 3.4 The problem of abandoned vehicles is not unique to any specific geographical area, with vehicles having been uplifted from a number of urban and rural sites.
- 3.5 The Council employs a contractor to uplift, store and dispose of abandoned vehicles. During the financial years 2012/2013, 2013/2014 and 2014/2015 the council paid its contractor £300, £2292 and £5454 respectively. No monies were recovered from any of the vehicle owners. Since 1 April 2015 the council has paid its contractor £6060. Contractor costs vary in accordance with the size of the vehicles uplifted and the length of time they are kept in storage. In addition to contractor costs, the council also has to bear the staff costs associated with investigating complaints of abandoned vehicles.
- 3.6 Schedule 1 of The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc.) (Scotland) Regulations 2011 sets out the prescribed charges that can be applied to the owners whose vehicles have been uplifted, retained and disposed of by the local authority. Charges are predicated upon type and weight. The majority of vehicles uplifted in East Lothian fall in to the category that would allow for the local authority to charge £150 for uplift, £25 per day for storage and £75 for disposal. The average storage period is seven days.
- 3.7 Cabinet approved a Charging Policy at its meeting of 13 January 2015. Customer Services, as part of its service planning and budget setting process, has identified charging for the uplift, storage and disposal of abandoned vehicles as a potential new income stream. Recovering costs is in line with the said policy in so much as it removes the scenario of council tax payers subsidising a service for those who irresponsibly abandon their vehicles.

#### **4 POLICY IMPLICATIONS**

- 4.1 None.

## **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – Generation of potentially £3000 in net income. This estimate is arrived at via a projection of the current year's figures for costs incurred as a result of uplift, storage and disposal of abandoned vehicles, combined with the likelihood of recovering monies due from vehicle owners. The amount of income generated will be reviewed on an annual basis to ensure cost effectiveness.
- 6.2 Personnel - None.
- 6.3 Other – None.

## **7 BACKGROUND PAPERS**

- 7.1 None.

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