VHA Policy Document

Abandoned Vehicles or Items (Tort Notice) Policy

Reviewed: July 2024

Next Review Due: July 2027

VECTIS HOUSING ASSOCIATION LIMITED

Abandoned Vehicles or Items (Tort Notice) Policy

1. Introduction

This policy outlines the procedures to be followed by the Vectis Housing Association in the event of issuing a tort notice related to abandoned vehicles and items on the association's property. The policy applies to all land managed by Vectis Housing Association and included but not limited to estate roads, paths, parking bays, internal communal corridors and large open areas. A tort notice is a legal notice informing the owner of the abandoned vehicle or item that it will be removed from the area and that they could be liable for damages or removal costs.

2. Identification of Abandoned Vehicles and Items

Vectis Housing Association shall regularly inspect its properties to identify any vehicles or items that appear to be abandoned or are a health and safety risk. Signs of abandonment may include vehicles with flat tyres or other damages (unroadworthy), no tax/MOT, missing licence plates, items left unattended for an extended period or in non-compliant areas that pose a health and safety risk. Vectis Housing Association shall document the condition of the vehicle or item, its location, and any identifying information for future reference by photographic evidence.

3. Issuance of Tort Notice

Upon identifying an abandoned vehicle or item, Vectis Housing Association shall make reasonable efforts to determine the owner through any available means, such as checking registration details via the DVLA website, any labels, or any identifying information. A tort notice shall be issued and placed onto the vehicle or item and then letters sent to the owner if known or to all residents within that estate or block of flats, either in person, by post, or by email, depending on the urgency of the removal of the associated vehicle/item.

4. Content of Tort Notice

The tort notice shall include the following information:

- Date of inspection
- Time of inspection
- Offence
- Location of the items
- Contact details for Vectis Housing Association
- Legislation details
- Timeframe for removal
- Consequences if not removed.

5. Time Frame for Response

The owner of the abandoned vehicle or item shall be given a reasonable time frame to respond to the tort notice and remove the vehicle or item from the property/area. This time frame shall be determined based on the type of Tort Notice needed for example vehicle (30 days), noncompliant/abandoned item (21 days) or items posing health and safety risk (24 hours). These times are reasonable for the risk associated with the items and the fairness of the timeframe for removal by the owner.

6. Legal Compliance

Vectis Housing Association shall ensure that the tort notice complies with all relevant laws and regulations governing the removal and disposal of abandoned vehicles and items in the UK. The notice shall be drafted in clear and concise language to inform the owner of their responsibilities and rights. The main legislations that will be complied with is the.

- Tort (Interference with Goods) Act 1977
- Clean Neighbourhoods and Environment Act 2005.

7. Removal of Abandoned Vehicles and Items

If the owner fails to respond to the tort notice or refuses to remove the abandoned vehicle or item within the specified time frame, Vectis Housing Association will take steps to have the vehicle or item removed by a contractor. If it is an item that has been removed, it will then be stored at the association office or storage facility for 30 days. If it is a vehicle a vehicle disposal company will be used to remove the vehicle after the 30 days' notice Tort has expired and it will be removed for immediate disposal. The costs of removal and storage shall be borne by the owner of the vehicle or items, and Vectis Housing Association shall make reasonable efforts to recover these costs. This can be taken from any fees of any eventual sale of the vehicle or items.

8. Disposal of Abandoned Vehicles and Items

After the 30-day time frame has elapsed of storage, and if the owner has not claimed the abandoned item, Vectis Housing Association may dispose of it in accordance with the relevant laws and regulations. This may include selling the item at auction or donating it to charity. For a vehicle, after the 30 days tort notice has expired the car will be scrapped or sold. Vectis Housing Association shall keep records of the disposal process for future reference. Any fees received by the association will be kept for 2 years in a separate fund in case of the owner reclaiming for the item or the vehicle. If the funds are retrieved by the resident, they will be minus the cost to the association, in carrying out the removals and disposal of the vehicle or item.

9. Communication

Vectis Housing Association shall maintain open and transparent communication with the owner of the abandoned vehicle or item throughout the process, if known. If not known every effort will be made to identify who the owner is or to communicate with all possible owners if unknown. Regular

updates shall be provided on the status of the vehicle or item, any actions taken by the association, and the consequences of failing to comply with the tort notice. Communications will be sent at the time of tort notice being applied and halfway through the timescale of the tort notice.

10. Documentation and Record-keeping

Vectis Housing Association shall maintain detailed records of all communications, notices, and actions taken regarding abandoned vehicles and items. This documentation shall include copies of the tort notice, any responses received, details of removal and disposal efforts, and records of any costs incurred. These records shall be retained for a specified period in accordance with data protection laws and regulations.

11. Review and Evaluation

Vectis Housing Association shall periodically review and evaluate its procedures for handling abandoned vehicles and items to ensure compliance with legal requirements and best practices. Any necessary updates or changes to the policy shall be implemented promptly to improve efficiency and effectiveness in managing abandoned vehicles and items on the association's property. A full review of the policy will be undertaken every 3 years.