Herefordshire Council

Directorate/Division: Corporate Support
Team: Information Governance
Please ask for: Claire Jacobs
Direct line:
Email: informationgovernance@herefordshire.gov.uk
Date: 24 March 2025

PRIVATE & CONFIDENTIAL

[redacted]
HR4 9TS

Dear Mr Bury,

Ref: Subject Access Request [redacted]

Full details and an explanation regarding the proposed towing of a vehicle parked on private property at [redacted] Hereford.

It has come to my attention that a large sticker was placed on this vehicle (states council / community protection aware) prior to [redacted] on 30 October 2024 though no formal notice was provided to the registered owner, nor has any further information been communicated.

Please provide:

- The reasons for the proposed towing and any specific regulations under which this case is being taken.

The council received a notification of a suspected abandoned vehicle through the FixMyStreet reporting form on the 21 October 2024. Initial vehicle checks on the DVLA site identified the vehicle didn't have a current document so the matter was passed to the area officer to investigate if it was an abandoned vehicle.

The specific legislation this matter was considered under was the Refuse Disposal (Amenity) Act 1978 – Abandoned Vehicle.

Further information is available on the Gov.uk web-page regarding local authorities legal duties to investigate abandoned vehicles:

https://www.gov.uk/guidance/abandoned-vehicles-council-responsibilities

Under the above legislation the council has a duty to remove vehicles from:

- Land in the open air (including private land)
- Roads (including private roads)

Where it **appears** to the local authority that a motor vehicle in their area is abandoned. In the legislation there is no one definitive factor that establishes that a vehicle has been abandoned (or not abandoned) it simply requires the vehicle to appear to be abandoned. Herefordshire Council would assess if it were likely to be abandoned if at least one of the following applies:

- It has no keeper on DVLA's database https://www.gov.uk/check-vehicle-tax
- It's stationary for a significant amount of time
- It's significantly damaged, run down or unroadworthy, for example has flat tyres, missing wheels or broken windows
- It's burned out
- A number plate is missing

The council can legally enter land (at a reasonable time) to investigate and remove abandoned vehicles.

Further information is also available on the council's website:

https://www.herefordshire.gov.uk/report-problem/abandoned-vehicles

In this case the 'Service Request Notes' (attached) states that the case officer, Mr D[redacted] P[redacted], inspected the area on 23 October 2024. The vehicle was found in poor condition suggesting it could be abandoned. A 'Council Awareness' notice was placed to inform the owner and the public that the local authority was aware of the vehicle. This notice indicated that the local authority is investigating the matter to address public concern about possible abandonment.

It is noted that you contacted the local authority on 6 November 2024, so identifying yourself as the owner of the vehicle. A follow-up visit was carried out by Mr P[redacted] to discuss the reason for the notice on the vehicle and to explain the abandoned vehicle investigation procedure. During this visit Mr P[redacted] confirmed with the new information it was no longer considered to be a potential abandoned vehicle issue and the case was closed.

- A copy of any official document authorising this action, including copies of any relevant photographs, reports, communications (internal and external)

Please see the officer's notes in the attached 'Service Request Notes'. The photograph image taken during the first visit was not downloaded and was deleted from the device on establishing that no further action was required. This is common practice as the photograph would only be required for further DVLA checks if no owner contact was established. No other reports or investigations regarding this matter are held by the council.

The records contain personal information on other people who also have rights regarding their personal data. On balance I have decided that some of this information can be released to you as it relates to you as the data subject. Any redacted information is where the information is third party data.

- Clarification on the required notice period and whether this notice period was fulfilled in accordance with the relevant regulations.

Herefordshire Council's procedure following reports of abandoned vehicles to the council is as follows:

The council will –

- Try to contact the owner
- Leave a notice on the vehicle for 7 days, warning that it will be removed if no one claims it
- After the above notice period has lapsed, the council will make further DVLA checks of ownership
- If no owner has been identified and 15 days or more of 'Council Awareness' notice, then a referral will be sent to a removal company who will collect the vehicle on Herefordshire Council's behalf.
- After a collection the vehicle will be stored for a period of 21 days, after which time it will be destroyed or if there is an owner they could request the vehicle back if costs recovered.

For the majority of the alleged abandoned vehicle enquiries the council is contacted by the vehicle owner when the 'Council Awareness' sticker is placed on the vehicle and no further action taken if established not to be abandoned, as was the case in this instance.

Information about how your personal data is processed and your rights regarding your personal data is available on the council web site at:
https://www.herefordshire.gov.uk/info/200148/your_council/15/access_to_information

If you are dissatisfied with the council's handling of your request, you can ask us to review our response. Requests for review should be submitted within 40 working days of receipt of this letter. Further details can be found in the Internal review procedure for SAR requests Please quote the above reference number in any correspondence.

Further information on requesting information about yourself is available from the Information Commissioner's Office at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 01625 545 745 Web Site: www.ico.org.uk

Yours sincerely

[redacted]

Claire Jacobs
Information Governance

Herefordshire Council
Service Request Sheet

Reference	[redacted]	**LA Ref**	[redacted]
Date Received	21 October 2024	**Date Closed**	18 November 2024

How Received	Info in Herefordshire	**First Response Date**	23/10/2024
Receiving Officer	[redacted]	**Investigating Officer**	D[redacted] P[redacted]
Category / Type	Abandoned Vehicle Abandoned Vehicles on public land/highway		

Name of Premises	Mr Chris Bury	**Premises Alarm?**	
Address of Premises	[redacted]		
Telephone number			

Complaint Details	Abandoned Vehicle
Case Text	Closed - owned by Mr C Bury on his property
Eh File no	

Case Actions

Action Details	Officer	Actual Date
1AU Enquiry Received *18/10/24 FixmyStreet notification* *Abandoned car* *Reported via mobile in the Abandoned vehicles category anonymously at 18:27, Fri 18 October 2024* *Sent to Herefordshire Council less than a minute later. FixMyStreet ref: [redacted]. [redacted]. Mot expired [redacted]. Vehicle has 3 flat tyres. Left next to path.*	[redacted]	18/10/2024
1AO Request Allocated *21/10/2024 11:25 HPA* *Did a check on vehicle.* [redacted] *? SORN* *Incorrect tax status?* *? MOT* *[redacted]red: 15 Aug[redacted]*	[redacted]	21/10/2024
1BI Visit (not enforcement) *23/10/2024 10:36 DPO* *Visited location, stickered vehicle and image taken*	D[redacted] P[redacted]	23/10/2024
1AN Contact Client/Consumer *6/11/24 Mr C bury [redacted] contact in response to vehicle notice.*	[redacted]	06/11/2024
1BI Visit (not enforcement) *18/11/2024 11:09 DPO* *Visited C and explained abandoned vehicle process in full and that the case is now closed.*	D[redacted] P[redacted]	18/11/2024
1DG Completed *18/11/24 Case closed.Image deleted as not required for DVLA purposes.*	D[redacted] P[redacted]	18/11/2024

REPORT ENDS