

Local Authority agreed its processes were inadequate when it removed vehicle from public street

Legislation	Ombudsmen Act 1975, Local Government Act 1974
Agency	Local authority
Ombudsman	Sir Brian Elwood
Case number(s)	C3807
Date	1998

Vehicle removed by Local Authority in street—car had no registration sticker, was removed in accordance with ss 356(2) and (5) of the Local Government Act 1974 and stripped and crushed at a local tip—complainant claimed unfair process and investigation indicated a dispute of facts between the two parties about the time the car had been parked—Ombudsman found Authority’s records of actions inadequate—due process not followed—Authority accepted opinion—agreed to compensate for loss of the vehicle, apologise and to improve clarity of guidelines and procedures for record keeping

This investigation concerned the removal by a Local Authority of the complainant’s car from a public street on the grounds that the car had been abandoned. The car was taken to the local tip where it was stripped and crushed.

The complainant had parked his car near his place of work and when he returned some time later his car was missing. Upon inquiry at the local Police Station he was told that the Local Authority had decided his car had been abandoned and it had been taken to the local tip. The complainant immediately tried to recover his car and some of its contents, but without success. When he approached the Local Authority about the matter, he was told that the car had been parked illegally and that the Police had asked that it be removed.

There was a lack of basic information held by the Local Authority and conflicting versions of events were given by the complainant, the local Police and the Local Authority. The Local Authority reported that it had received a verbal complaint from a member of the public who said that the car had been parked in the street for several days and asked for it to be removed

because it was dangerously parked. The car had been inspected and its registration checked. It was registered, but there was nobody at the address given for the registered owner so a note was left on the door and a notice was placed on the car.

In addition, the Police had contacted the Local Authority about a number of abandoned cars, including the complainant's. The car was inspected again and, pursuant to section 356(5) of the *Local Government Act 1974*, the vehicle, which had registration plates but no current registration sticker, was deemed to be a Category B vehicle. The Local Authority officer involved considered that the car had no value and should be disposed of pursuant to section 356(2)(d) and (e) of the Act.

The Local Authority advised that its procedures for dealing with abandoned vehicles are to have them removed and placed in a secure holding area. Appropriate steps are taken to locate the registered owner. Category A and B vehicles are apparently held for at least 10 days in a secure area after which the Local Authority advertises its intention to dispose of them. If the vehicle is claimed, the costs of storage and advertising may be recovered from the owner. If the vehicle is not claimed, the vehicle may be sold by tender or agreement in order to defray costs. This seemed a fair and reasonable system.

In the case under investigation, there were grounds for removing the vehicle, although it could not be established precisely how long it had been parked at the particular location. There was a lack of reliable records to show whether the procedures described above had been followed after the car had been removed.

Given the unsatisfactory nature of the evidence which the Local Authority was able to produce in respect of the removal and disposal of the complainant's vehicle, it was clear that it had not discharged its responsibilities with due care. As a consequence, the Local Authority was asked and it agreed to recompense the complainant for the loss of his vehicle and offer him an apology for the manner in which the matter had been handled.

The Local Authority was asked to ensure that it developed clear policies and procedures relating to the removal and disposal of abandoned cars in accordance with the requirements of the *Local Government Act*. These should include comprehensive records of each vehicle deemed to have been abandoned, including details of its disposal. Consideration should be given to keeping photographic or video records which would provide an accurate description of the vehicle and the location where it had been abandoned. The records should also show whether it was registered and had a current warrant of fitness; the steps taken to locate the registered owner; details of the formal notices issued; and any costs incurred by the Local Authority. Such records would enable the Local Authority to respond promptly and fully to any challenges to its actions. The Local Authority advised that it would put appropriate guidelines in place.

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