The Highland Council

Agenda Item	**11**
Report No	**CP/33/26**

Committee: **Communities and Place**

Date: **5 November 2026**

Report Title: **Abandoned Vehicles Update**

Report By: **Assistant Chief Executive - Place**

1 Purpose/Executive Summary

1.1 Abandoned vehicles can have a negative impact on communities, public safety and the environment. The Council has a statutory duty under the Refuse Disposal (Amenity) Act 1978 to investigate and remove vehicles that are considered abandoned.

1.2 Following a detailed report to Committee in August on abandoned and nuisance vehicles, this report proposes the adoption of a revised formal Highland Council Abandoned Vehicles Policy to support consistent and proportionate enforcement.

1.3 During 2025/26, Environmental Health received 1,738 reports and following intervention 566 vehicles were removed, including 166 vehicles that required Environmental Health to arrange uplift and destruction. However, 37% of reports related to vehicles that did not meet the legal threshold to be deemed abandoned, highlighting the challenges associated with nuisance vehicles and the need for effective partnership working and public awareness.

1.4 Following Member discussion at the August 2026 Committee, officers reviewed the merits of introducing a six-week benchmark when considering whether a vehicle has remained stationary for a "significant period". National guidance does not prescribe a specific timeframe, and Scottish councils generally do not publish fixed periods. However, a review of practice elsewhere in the UK identified operational benchmarks ranging from approximately three to eight weeks. Officers concluded that a period of more than six weeks provides a reasonable indication of prolonged non-use while still allowing discretion to consider all relevant circumstances.

1.5 The proposed policy introduces a clear framework for determining whether a vehicle may be abandoned. Factors include lack of a registered keeper, the vehicle being stationary for more than six weeks, significant damage or unroadworthiness, being burnt out, missing number plates, or containing waste. The policy makes clear that these are indicators only, that the list is not exhaustive, and that the presence of one or more factors does not automatically mean a vehicle will be considered abandoned.

1.6 The report also updates Members on wider improvement work, including increased cost recovery from vehicle owners, development of a vehicle uplift and storage contract, identification of a vehicle pound, public awareness campaigns, engagement with the Scottish Government on legislative reform, and exploration of devolved powers for dealing with untaxed vehicles.

1.7 Overall, the report recommends approval of the proposed Abandoned Vehicles Policy and notes the continuing work to improve enforcement, cost recovery, public awareness and partnership working to ensure Highland Council can meet its statutory responsibilities in a lawful, proportionate and financially sustainable manner.

2 Recommendations

2.1 Members are asked to:-

i. **Note** the update from environmental health on abandoned vehicles including the data from 2026/27; and
ii. **Approve** the proposed Policy on Abandoned Vehicles.

3 Implications

3.1 **Resource** - The resources available to Environmental Health must be prioritised, focusing on areas of greatest public health significance. The team continually explores ways to delivering services more efficiently and within budget including reviewing associated income streams and seeking efficiencies in working practice and team structure. The report highlights the demand and resource challenges on abandoned vehicles.

Issues of abandoned and nuisance vehicles also impact on the Council's Parking and Roads teams and other land-owning services, particularly Housing on council estates.

Work is ongoing to investigate the provision of a contract for the uplift and storage of vehicles which would be used by both Environmental Health and Parking. There is no identified budget for the provision of such a service so this will need to be considered as part of a future budget setting process.

3.2 **Legal** – The Council has statutory duty under the Refuse Disposal (Amenity) Act 1978 to remove abandoned vehicles from land or roads within their area. The Refuse Disposal (Amenity) Act 1978 does not give Environmental Health powers to address nuisance vehicles.

For vehicles parked in car parks, the operator of the car park may be able to take action to remove nuisance vehicles as set out in the conditions of parking.

There are powers available to the Police to require vehicles causing an obstruction of the highway to be removed. The Police also have powers in relation to vehicles being driven without a valid MOT test.

The DVLA has powers to remove vehicles parked on the highway or on public land which are untaxed.

3.3 **Risk** – Failure to deliver statutory responsibilities for abandoned vehicles may impact on the safety of residents and visitors to the Highlands, impact on environmental quality and open the Council to reputational risks.

3.4 **Health and Safety (risks arising from changes to plant, equipment, process, or people)** – Failure to deliver statutory responsibilities for abandoned vehicles may impact on the safety of residents and visitors to the Highlands.

3.5 **Gaelic** – There are no Gaelic implications arising from this report.

4 Impacts

4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.

4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.

4.3 Integrated Impact Assessment - Summary

4.3.1 An Integrated Impact Assessment screening has been undertaken on 5 October 2026. The conclusions have been subject to the relevant Manager Review and Approval.

4.3.2 The Screening process has concluded that there are:-

- Positive poverty & socio-economic impacts as the removal of abandoned vehicles will have a positive impact on the quality of life in our neighbourhoods.
- Positive and perceived negative impacts on human rights – enforcement action to remove abandoned vehicles could be construed as depriving someone of their property. As action will only be taken to deal with vehicles which are abandoned by their owners this action is permitted as lawful and necessary for the public interest.
- Positive impact in relation to climate change as the removal and correct processing of vehicles will allow for materials to be re-used as well as preventing environmental pollution from abandoned vehicles as they degrade over time.

Members are asked to consider the summary in **Appendix 1** to support the decision-making process.

4.3.3

Impact Assessment Area	Conclusion of Screening
Equality	No impact
Socio-economic	Positive
Human Rights	Positive & Negative
Children's Rights and Wellbeing	No impact
Island and Mainland Rural	No impact
Climate Change	Positive
Data Rights	No impact

5. Background – Abandoned Vehicles

5.1 As members are aware abandoned vehicles are a blight on local communities and have a negative impact on the local environment for the following reasons:-

- They are potentially a danger (particularly children);
- There is a risk of serious injury from explosion or fire;
- They can become a beacon for crime and anti-social behaviour (vandalism, graffiti and fly-tipping);
- They can cause damage to the environment from leaks of fluids and fuels into the surrounding area;
- They lower the quality of life in our neighbourhoods; and
- They can take up valuable parking spaces, particularly in residential areas.

5.2 In the Highlands, the numbers of reported abandoned vehicles have been increasing in the last few years. The investigation of many of these reports find that the vehicles reported are not covered by abandoned vehicle legislation but would be described as nuisance vehicles with issues such as being untaxed, no MOT, illegally parked, or causing obstruction.

2023/24 = 936 reports
2024/25 = 1291 reports
2025/26 = 1738 reports
2026/27 = 1206 reports in Q1 & Q2 (681 in Q1, 525 in Q2)

5.3 The Council has a statutory duty under the Refuse Disposal (Amenity) Act 1978 to remove abandoned vehicles from land or roads within their area. The Act and its supporting Regulations provide powers for the Council to service notice to remove, if necessary, store, and dispose of abandoned vehicles. The local authority can prosecute a vehicle owner for the offence of abandoning a vehicle and the Act allows cost recovery of costs as detailed below.

5.4 **Definition of 'abandoned vehicle' -** There is no legal definition of 'abandoned vehicle' and there are differing views on how the term should be interpreted. Some common characteristics used by UK Government and Police Scotland that can be taken into account in deciding if a vehicle is abandoned include:-

- It has no keeper on DVLA's database and is untaxed.
- It is stationary for a significant amount of time.
- It is significantly damaged, run down or unroadworthy - for example, has flat tyres, missing wheels or broken windows.
- It is burned out.
- It is lacking one or more of its number plates.
- It contains waste.

This is not an exhaustive list, and a vehicle would not have to be displaying the full list to be considered abandoned.

Normally if a vehicle is taxed with a current MOT test certificate, it would not meet the legal definition of abandoned unless there are other aggravating factors.

6. Policy on Abandoned Vehicles

6.1 The Environmental Health team currently operate to agreed procedures. A policy on abandoned vehicles would assist with enforcement and send a clear message that abandoned vehicles are unacceptable in the Highlands.

6.2 At this Committee in August, Members agreed that consideration of the proposed Policy on Abandoned Vehicles be deferred to the next meeting of the Committee to allow officers to examine the advantages and disadvantages of a six-week timescale. The timescale related to discussions on the factors officers consider before determining if a vehicle is abandoned, specifically the factor ‘The vehicle has remained stationary for a significant period’.

6.3 Officers have reviewed the proposed Abandoned Vehicles Policy against current practice across a range of UK local authorities and national guidance. National guidance does not define what constitutes a "significant period" for the purposes of determining whether a vehicle has been abandoned, instead requiring local authorities to consider all relevant circumstances of each case. A review of published local authority policies identified examples of councils using indicative periods ranging from approximately three to eight weeks, including six-week thresholds adopted by Wigan Council and Conwy County Borough Council. No specific statutory timescale exists in Scotland. Published Scottish local authority guidance generally refers to a vehicle having remained stationary for a 'significant amount of time' without defining a fixed period.

6.4 Following the review of the approach of other Councils, a six-week guideline is considered to provide an appropriate balance between allowing sufficient time to demonstrate prolonged non-use and enabling the Council to respond to vehicles which may have been abandoned. The Council will continue to consider all relevant factors in each case, and a vehicle does not need to satisfy every criterion to be considered abandoned.

6.5 **Advantages of a six-week guideline**

- Provides a clear and transparent benchmark for officers, elected Members and the public.
- Promotes consistency in decision-making and investigation of reported vehicles.
- Reflects timescales adopted by a number of other local authorities.
- Helps demonstrate prolonged non-use when considered alongside other indicators of abandonment.
- Provides a balanced approach between responding promptly to concerns and recognising that vehicles may be legitimately left unused for shorter periods.

Disadvantages of a six-week guideline

- There is a risk that the six-week period could be interpreted as a fixed threshold despite national guidance requiring consideration of all relevant circumstances.
- A vehicle may be clearly abandoned before six weeks have elapsed due to its condition or other factors.
- Vehicle owners may seek to challenge enforcement action by focusing on whether the six-week period has been met.
- Members of the public may incorrectly assume that vehicles cannot be investigated before six weeks or must automatically be removed after six weeks.

6.6 On balance, a six-week guideline is considered a reasonable and proportionate operational benchmark. It will be treated as an indicator of potential abandonment rather than a definitive test, with officers continuing to consider all relevant circumstances when determining whether a vehicle has been abandoned. The proposed policy has been revised to reflect this as detailed in **Appendix 2**.

6.7 The proposed policy still retains common areas with the approaches of other councils including:-

- Recognition of the environmental, safety and community harms caused by abandoned vehicles, including risks to children, fire hazards, pollution, antisocial behaviour and loss of local amenity.
- Use of nationally recognised criteria to assess whether a vehicle is abandoned, consistent with GOV.UK guidance.
- A clear commitment to take reasonable steps to identify and contact vehicle owners before removal.
- Compliance with statutory notice, removal, storage and disposal procedures, including recovery of statutory charges where applicable.
- A proportionate enforcement approach that allows discretion, including consideration of prosecution where appropriate.
- Recognition of the legal position regarding vehicles on private land, including exemptions where removal costs would be unreasonably high.

6.8 Officers are reviewing the practical operational arrangements of abandoned vehicle investigations to ensure owners and communities are aware a vehicle has been reported as possibly abandoned and that the Council is progressing investigations. This review will include the format and type of current notices affixed to reported abandoned vehicles.

7 Areas of Improvement - update

7.1 As covered in the previous report, officers are progressing a number of improvement actions related to abandoned and nuisance vehicles. An update was provided to the Redesign Board in August. Progress has been made on the following actions:-

- **Cost recovery -** The team are seeking permitted cost recovery for all uplifted vehicles where a registered keeper has been identified. Data for Q1 & Q2 of 26/27 shows £21,380 costs recharged to owners (to 5/10/26).
- **Vehicle uplift for storage - contract –** A draft specification has been prepared and discussions ongoing with procurement on tender process, subject to a budget being identified and agreed with members.
- **Vehicle storage compound -** To enable uplift for storage and enforcement work, work is ongoing with the Council's estates team on identifying a vehicle pound in inner Moray Firth area. Further sites in Easter Ross have been reviewed and investigations are continuing in the Inverness area.
- **Communications & education** – The Council's corporate communications from mid-September have been issuing posts on Facebook, Instagram, X and BlueSky highlighting the impacts of abandoned vehicles and promoting correct approach to end-of-life vehicles. Corporate communications have confirmed the posts all performed well having more than 40k views. A post messaging the Council's ability to trace owners and recover costs had most interest to members of the public. The campaign will continue in October 2026.
- **Legislation changes –** The team have engaged with Scottish Government on the 2019 statutory fees for removal, storage and disposal of vehicles. The Scottish Government have confirmed a formal consultation will take place in November 2026 on revising the fees.
- **Legislation –** The team have discussed with the Scottish Government on the introduction of Fixed Penalty Notices (FPNs) for abandoned vehicles as available in England and Wales. The Scottish Government have indicated that there are no current proposals to introduce similar FPNs in Scotland. Officers are engaging with COSLA and other professional groups to seek similar powers in Scotland.
- **DVLA devolved powers** – The team are continuing to engage with DVLA on devolved powers for untaxed vehicles. The DVLA have provided examples of a number of Councils in England that have successfully gained the devolved powers. Officers are preparing a business case on this matter and will provide an update to this Committee early in 2027.

7.2 Officers are also progressing work including updating the Council website, a roadmap for members setting out appropriate contacts, and engagement with SEPA and Police Scotland. Further reports will be provided to the Committee and the Redesign Board on progress with actions to improve the issues with abandoned and nuisance vehicles.

Designation:	Assistant Chief Executive - Place
Date:	5 October 2026
Author:	Alan Yates, Strategic Lead - Environmental Health & Bereavement Services Barry Cumming, Senior EHO
Background Papers:	13 August 2026 Committee Report – Abandoned and Nuisance Vehicles update
Appendices:	Appendix 1 – Integrated Impact Assessment Appendix 2 – Proposed Policy on Abandoned Vehicles

Appendix 1

Integrated Impact Assessment Screening

High level summary of the proposal: This report provides an update to members on issues with abandoned and nuisance vehicles.

Who may be affected by the proposal? Highland Council residents & visitors

1. **Equality - Protected characteristics** - No impact

2. **Poverty and socio-economic**
   Prospects and opportunities: No impact
   Places: Positive
   Financial: No impact
   Poverty and socio-economic impact details:
   - Abandoned vehicles are a blight on local communities and have a negative impact on the local environment for the following reasons:
   - They are potentially a danger (particularly children);
   - There is a risk of serious injury from explosion or fire;
   - They can become a beacon for crime and anti-social behaviour (vandalism, graffiti and flytipping);
   - They can cause damage to the environment from leaks of fluids and fuels into the surrounding area;
   - They lower the quality of life in our neighbourhoods;
   - They can take up valuable parking spaces, particularly in residential areas.
   - The removal of abandoned vehicles can therefore clearly have a positive impact on communities.

3. **Human rights** – Positive & Negative
   Human rights impact details: Positive impact - Improve private and family life by improving the community as described in the poverty & socio economic impact details.
   Negative impact - This policy could result in personal property (vehicles) being removed and sold or destroyed. Checks are in place to ensure that only vehicles which are judged abandoned are subject to removal.

4. **Children's rights and wellbeing** - no impact

5. **Data protection** – no impact

6. **Island and mainland rural communities** – no impact

7. **Climate change**
   Does the proposal involve activities that could impact on greenhouse gas emissions (CO_2)? Yes
   Does the proposal have the potential to affect the environment, wildlife or biodiversity? Yes (positive)
   Does the proposal have the potential to influence resilience to extreme weather or changing climate? No

Provide information regarding your selection above: Abandoned vehicles have a negative impact on the local environment for the following reasons:

- There is a risk of serious injury from explosion or fire;
- They can cause damage to the environment from leaks of fluids and fuels into the surrounding area.

Appendix 2 Proposed Policy on Abandoned Vehicles

The Highland Council

Policy on Abandoned Vehicles

1. Purpose

This policy sets out how the Highland Council will carry out its statutory duties in relation to abandoned vehicles, using powers provided by:

a. Refuse Disposal (Amenity) Act 1978
b. Road Traffic Regulation Act 1984
c. Removal and Disposal of Vehicles Regulations 1986

2. Impact of Abandoned Vehicles

The Council recognises that abandoned vehicles are a blight on local communities and negatively affect the environment. In particular, abandoned vehicles:

a. Pose potential dangers, especially to children;
b. Create risks of serious injury through fire or explosion;
c. Attract crime and anti-social behaviour, including vandalism, graffiti and fly-tipping;
d. Can pollute land and water through leaks of fuel and other fluids;
e. Reduce the quality of life in neighbourhoods;
f. Occupy valuable parking spaces, particularly in residential areas.

3. Offences and Enforcement

Abandoning a vehicle is an offence under the Refuse Disposal (Amenity) Act 1978. The Council will consider prosecuting vehicle owners who abandon vehicles and will seek to recover all statutory costs where possible.

4. Principles for Dealing with Abandoned Vehicles

In dealing with abandoned vehicles, the Council will:

a. Take reasonable steps to identify and contact vehicle owners and allow them the opportunity to remove the vehicle;
b. Arrange removal in the most economical and safe manner possible;
c. Comply with the duty of care for waste and ensure contractors hold all required permissions, registrations and licences;
d. Follow all statutory procedures for the removal, storage and disposal of vehicles;
e. Recover statutory charges wherever possible;
f. Consider prosecution where appropriate.

5. Identifying an Abandoned Vehicle

In determining whether a vehicle is abandoned, the Council will consider the following factors:

- No registered keeper on the DVLA database and the vehicle is untaxed;
- The vehicle has remained stationary for a significant period (more than 6 weeks);
- The vehicle is substantially damaged, run-down or unroadworthy (e.g. flat tyres, missing wheels, broken windows);
- The vehicle is burnt out;
- One or more number plates are missing;
- The vehicle contains waste.

This list is not exhaustive. Note the presence of one or more factors does not automatically mean that a vehicle will be deemed abandoned. The Council will consider all relevant circumstances of each case before determining whether a vehicle has been abandoned.

The Council recognises that some vehicles may cause nuisance or inconvenience without meeting the legal tests for abandonment. Complainants will be advised of the appropriate enforcement body to report such nuisance vehicles to.

6. Vehicles on Private Land

Where an abandoned vehicle is located on private land, the Council notes that the duty to remove may not apply if the cost of relocating the vehicle to the nearest convenient carriageway is unreasonably high.

In such cases, decisions will be made on a case-by-case basis, taking account of relevant factors including the statutory charges set out in the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges etc.) (Scotland) Regulations 2019.