



COTSWOLD
DISTRICT COUNCIL

Storage of Non-Motor Vehicles and Structures on the Public Highway Policy

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I. Introduction

- 1.1 This policy focuses on the issues surrounding the use of the public highway as a storage facility for non-motor vehicles and structures (NMVS) such as caravans and trailers for example.
- 1.2 The storage of NMVS for unlimited periods of time on the public highway prevents its use by others motor vehicles and causes inconvenience and frustration to Cotswold residents.
- 1.3 Opportunities for parking are reduced for residents' vehicles, which are subject to road fund licence, insurance, and MOT costs. NMVS such as caravans and trailers are not subject to these legal requirements, and therefore it is unreasonable for them to have the same rights to use the public highway as motor vehicles. Therefore, storage of non-motor vehicles is deemed by the Council to be an unreasonable use of the public highway.
- 1.4 The Council currently assesses abandoned non-motor vehicles and structures under the Refuse Disposal (Amenity) Act 1978 and carries out removals when necessary. However, once an owner has come forward to claim his or her property that legislation is no longer applicable. This policy seeks to address the issue of NMVS stored indefinitely on the public highway, and which have identified owners, therefore not falling into the category of being abandoned.
- 1.5 NMVS can attract unwanted attention and vandalism. This in turn affects the streets aesthetically and the perception of Cotswolds as a result. Rubbish can build up around non-motor vehicles and structures as road sweepers are unable to reach the road surface to cleanse. In extreme cases, the storage of these structures in the residential streets could attract disease and vermin. Residents who report non-motorised vehicles and structures in place for long periods of time often express feelings of intimidation, particularly when groups congregate around caravans, trailers, etc. at night.

2. Definitions

The Council – means Cotswold District Council.

Policy – means the Storage of Non-Motor Vehicles on the Public Highway (Caravans, Trailers, Boats etc. Policy and Procedures) of May 2024.

Motor vehicle - defined in section 185(1) of the Road Traffic Act 1988 and section 136(1) of the Road Traffic Regulation Act 1984 as a *mechanically propelled vehicle intended or adapted for use on roads*.

Non-motor vehicles and structures (NMVS) – means caravans, trailers, boats, horseboxes and any other vehicles and structures that are not defined under the Road Traffic Act 1988 as a motor vehicle. A vehicle or structure that cannot move by independent means.

Public Highway and Road - has the same meaning as Section 192(1) of the Road Traffic Act 1988: any highway and any other road to which the public has access and includes bridges over which a road passes.

Caravan - as defined in section 66(7) of the LGFA 1988 by reference to Part I of the Caravan Sites and Control of Development Act 1960. That Act, as amended, by S.13 of The Caravan Sites Act 1968:

Caravan means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include: -

- 1) any railway rolling stock which is for the time being on rails forming part of a railway system, or
- 2) any tent, or
- 3) a structure designed or adapted for human habitation which:
 - a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps, or other devices: and
 - b) when assembled, is physically capable of being moved by road from one place to another (whether by being towed or by being transported on a motor vehicle or trailer), if its dimensions when assembled exceed any of the prescribed limits.

Trailer - means every vehicle without motive power designed to be drawn by another vehicle. Trailer includes, but is not limited to, the following types of trailers:

- Balance trailers.
- Bus trailers.
- Commercial bus trailers.
- Farm trailers.
- Pole trailers.
- Semitrailers.
- Travel trailers.
- Truck trailers.
- Self-supporting trailers.
- Special use trailers.

Notice – an official notice attached to a NMVS requiring its removal within 28 days and containing necessary information for the owner.

Owner – relates to the owner of a NMVS.

3. Scope of the Policy

- 3.1 The Policy is designed to deal with non-motor vehicles and structures being stored on the public highway. It applies to the boundaries within the Cotswold District including the adopted public highway and any land owned by the Council.
- 3.2 The Policy recommends that Section of the Refuse Disposal (Amenity) Act 1978 be used to facilitate the issue of a Notice of Removal and take subsequent enforcement action.
- 3.3 The Policy shall be enforced from the date of its adoption and shall remain in force until formally revoked or superseded.

4. Legislation – Refuse Disposal (Amenity) Act 1978

4.1 Section 2: Penalty for unauthorised dumping

(1) Any person who, without lawful authority,

(a) abandons on any land in the open air, or on any other land forming part of a highway, a motor vehicle or anything which formed part of a motor vehicle and was removed from it in the course of dismantling the vehicle on the land; or

(b) abandons on any such land anything other than a motor vehicle, being a thing which he has brought to the land for the purpose of abandoning it there,

shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding level 4 on the standard scale (£2500) or imprisonment for a term not exceeding three months or both.

(2) For the purposes of subsection (1) above, a person who leaves anything on any land in such circumstances or for such a period that he may reasonably be assumed to have abandoned it or to have brought it to the land for the purpose of abandoning it there shall be deemed to have abandoned it there or, as the case may be, to have brought it to the land for that purpose unless the contrary is shown.

Case Law

In *R v Welwyn Hatfield DC Ex p. Brinkley (1982) 80 L.G.R 727*, it was held on the true construction of this section that a caravan was capable of being a structure and of causing an obstruction. The setting up of a structure depended on the degree of permanence involved.

- 4.2 **Fixed Penalty Notices** As an alternative to prosecution, offences under section 2 (1) (a) may also be dealt with by fine of £200. For NMVS, such offences would be classed as Fly-tips and the Council has the authority to issue FPNs of up to £1,000 for such offences.

4.3 Section 6: Removal and disposal etc. of other refuse.

(1) Where it appears to a local authority that anything in their area, other than a motor vehicle, is abandoned without lawful authority on any land in the open air or on any other land forming part of a highway, the authority may if they think fit, subject to subsection (2) below, remove the thing.

(2) A local authority shall not be entitled to exercise their powers under subsection (1) above as respects a thing situated on land appearing to the authority to be occupied by any person unless the authority has given him notice that they propose to remove the thing and he has failed to object to the proposal within the prescribed period.

(3) Section 76 of the Public Health Act 1936 (which relates to the deposit and disposal of refuse) shall, with the exception of subsection (3)(a) of that section, apply to any thing removed in pursuance of subsection (1) above as it applies to other refuse.

(4) Subject to subsection (5) below, a local authority by whom anything is removed in pursuance of subsection (1) above shall be entitled to recover the cost of removing and disposing of it from—

(a) any person by whom it was put in the place from which it was so removed, or

(b) any person convicted of an offence under section 2(1) above in consequence of the putting of the thing in that place.

5. Conditions of the Policy

5.1 Under Section 6 of the Refuse Disposal (Amenity) Act 1978, the Council has authority to give notice to a NMVS in contravention of the Policy, requiring removal of the NMVS.

5.2 The Council has authority under Section 6 of the Refuse Disposal (Amenity) Act 1978 to remove the NMVS on expiration of the Notice when the owner or responsible person fails to comply with the requirements of the notice.

5.3 In respect of the above, the policy holds the following conditions:

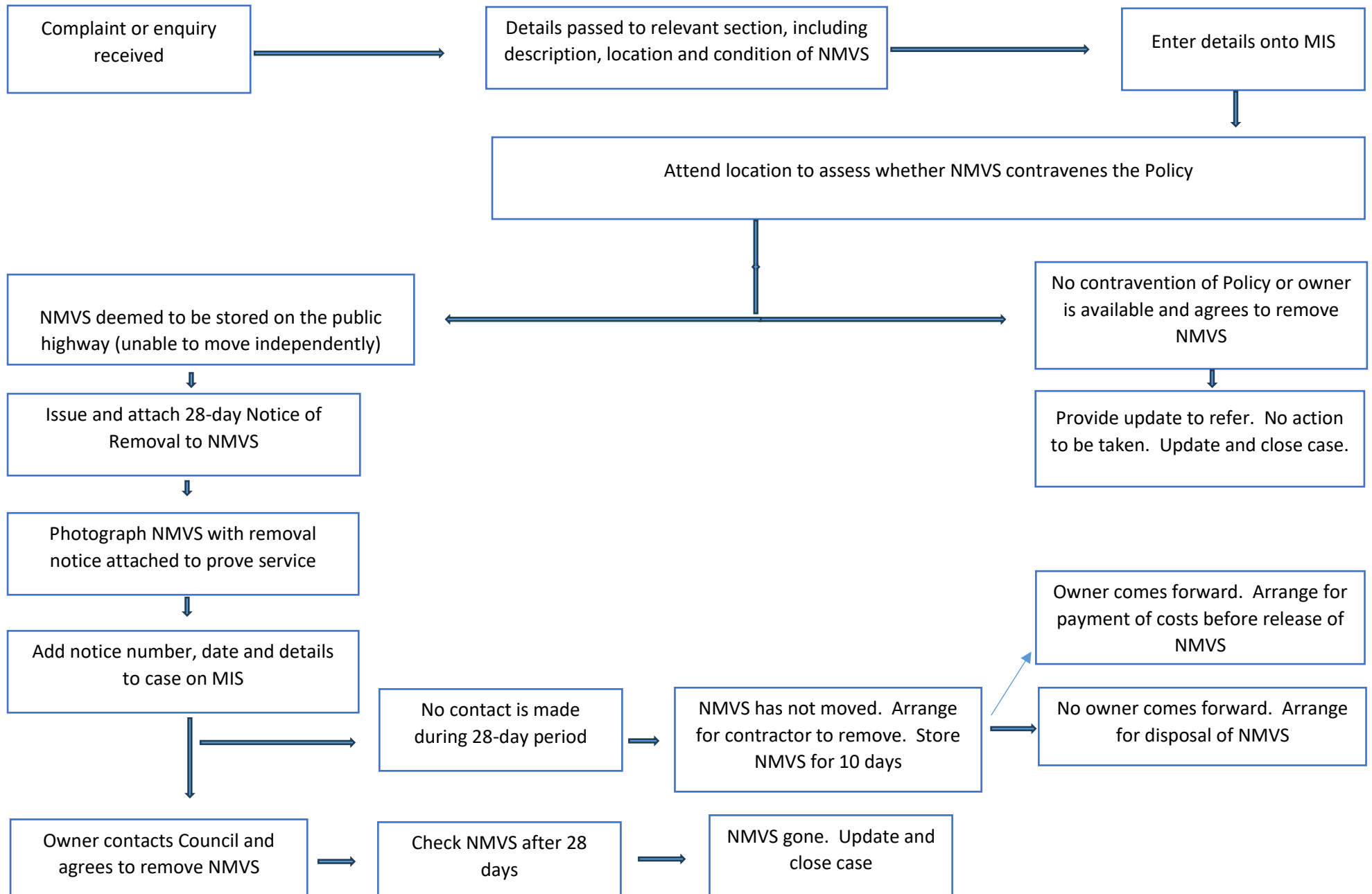
- i. Persons must provide evidence of ownership before a NMVS will be returned. This can be in the form of:
 - Caravan Registration & Identification Scheme (CRiS) document
 - Insurance document
 - Purchase invoice or receipt
 - Any other official form of ownership that links the NMVS to the person claiming to be the owner.

5.4 After 10 days' storage of a removed NMVS and either (a) no contact from the owner and/or (b) failure to reimburse the Council for removal and storage costs, the Council has no further obligation to store the NVMS. The NVMS may then be destroyed.

5.5 A NMVS can be required to be removed from the public highway notwithstanding that it is attached to a motorised vehicle.

6 Disclaimer

6.1 Provided the policy and procedures have been followed correctly, the Council shall not be responsible for compensating any person or persons following the destruction of a NMVS and its contents.



Example of Non-Motor vehicle or structure (NVMS) which can be removed from the highway

