



**DRAFT PORTFOLIO HOLDER DECISION NOTICE**

**PROPOSED INDIVIDUAL DECISION BY THE PORTFOLIO HOLDER FOR ENVIRONMENT**

**TOPIC – ABANDONED BIKES**

**PROCEDURAL INFORMATION**

The Access to Information Procedure Rules – Part 4, Section 22 of the Council's Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the Legal Services Manager, the Chief Executive and the Strategic Director: Resources are consulted together with Chairman and Vice Chairman of The Overview and Scrutiny Committee and any other relevant overview and scrutiny committee. In addition, all Members are notified. If five or more Members from those informed so request, the Leader may require the matter to be referred to Cabinet for determination.

**If you wish to make representation on this proposed Decision please contact the relevant Portfolio Holder and the following Democratic Services Officer by 5.00pm on Wednesday 4 July 2018.**

**Contact Officers:**

**Case Officer:** Sara Davies –Transport Planner & Engineer Tel: 01962 848241.  
Email: sdavies@winchester.gov.uk

**Democratic Services Officer:** Nancy Graham. Senior Democratic Services Officer.  
Tel: 01962 848235. Email: ngraham@winchester.gov.uk

**SUMMARY**

- It is not uncommon for bikes to be abandoned in various locations across the city and in other parts of the District. The Council therefore introduced a policy to deal with the issue in 2015. At that time, it was decided that the abandoned bikes could be stored at the WCC Depot for 3 months, to provide an opportunity for their owners to reclaim them, before being disposed of. Due to limited space at the depot it is proposed to revise the policy and reduce the period of storage to 1 month and to take this opportunity to refresh the policy more generally. ,
- The Council regularly receives reports of abandoned bikes and has therefore developed a policy to deal with the issue which is attached at Appendix 1 albeit the number of cycles involved is small (approximately one per month)

- Bicycles which have been abandoned can become unsightly, damaged and take up valuable cycle parking hence there is a need to deal with them in a systematic way and to this end a policy which sets out how this issue will be handled moving forward is attached at Appendix 1 and is a refresh of the policy first adopted in 2015.
- The policy reflects the powers granted to the Council to remove abandoned bicycles under the provisions of the Refuse Disposal Amenity Act 1978 (section 6) which allows the Council to dispose of any item other than a car left on open land.
- Under the existing policy City Council officers have followed a procedure where by reported abandoned bicycles are labelled with a notice. The owner is given a minimum of 2 weeks to claim the bicycle before action is taken. If the bicycle is still in situ, it is removed and stored in the City Council depot for three months and if unclaimed it is either given to charities or scrapped depending upon the condition of the cycle in question.
- The Policy, as revised, at Appendix 1 continues this approach but would allow only 7 days for owners to claim their bike before it is taken away and stored. After one month, instead of three currently, the cycle would be disposed of, if unclaimed. . This policy has generally worked effectively to date but officers consider it appropriate to amend this procedure to deal more expeditiously with this issue and to take the opportunity to up-date some legal and procedural matters.
- Bikes which are in a reasonable condition will continue to be offered to local charities or failing this, national charities, for reconditioning and selling on, after the period for claiming them from the Council's depot (1 month) has expired. Bikes which are in a poor state of repair will be scrapped as is the existing practice under the current policy.
- The legislation relies on the fact that the item is abandoned, the policy will apply if a Bike is obviously broken or in disrepair and is disposed off. However where a Bike is in good condition the owner may not be in time to reclaim their property and as such there is a risk that any Bike that has been disposed off may subsequently be claimed. This risk is mitigated by the 1 month storage period before the Bike is disposed off and leaving a notice where appropriate telling the owner how to claim the Bike.

### **PROPOSED DECISION**

That the 2017 updated version of the Policy and Procedure for Dealing with Abandoned Bikes in Winchester District be adopted, allowing Special Maintenance to store abandoned bikes for 1 month.

**REASON FOR THE PROPOSED DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

Special Maintenance no longer has much storage space for abandoned bicycles.

**RESOURCE IMPLICATIONS:**

No additional resourced implications.

**CONSULTATION UNDERTAKEN ON THE PROPOSED DECISION**

This portfolio holder's decision notice is merely amending a previous Policy on abandoned bikes which was agreed in 2015.

**FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION NOTICE**

N/A

**DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR OFFICER CONSULTED**

N/A

**DISPENSATION GRANTED BY THE STANDARDS COMMITTEE**

N/A

Approved by: (signature)

Date of Decision

Councillor Warwick – Portfolio Holder for Environment

**APPENDICES:**

Abandoned Bike Policy 2017

# Policy and Procedure for Dealing with Abandoned Bikes in Winchester District

2018

## **1. Aim**

To standardise the procedure for dealing with abandoned bicycles around the Winchester District which are recovered by the Council and to allow charitable organisations based in Winchester District, or failing that, national charities to receive and sell these items.

Abandoned bicycles are reported to the City Council in very small numbers; approximately one a month. Bicycles which have been abandoned can become unsightly, damaged and take up valuable cycle parking. The City Council can remove any abandoned bicycles under the Refuse Disposal (Amenity) Act 1978 section 6.

## **2. Procedure**

- 2.1 The Council has developed a procedure for dealing with bikes which have been abandoned in the District and this is set out below.
- 2.2 Community Safety & Neighbourhoods Services will deal with abandoned bicycles which members of the team observe during the course of performing their duties as well as any reports received via Customer Services or from other Council teams
- 2.3 Where it appears that a bicycle has been abandoned Neighbourhood Services (NS) Officer labels the bike with an 'abandoned bike' notice (appendix 1).
- 2.4 The Notice gives the bike owner 7 days to remove the bike.
- 2.5 On expiry of the notice, the NS Officer will check if the bike is still in the same location. If the bicycle is in-situ, the officer will report it to the Special Maintenance Team and arrangements will be made to remove it for storage as soon as possible.
  - 2.5.1 A report including images and description of the bicycle will be sent to the Police to ascertain if the bike is reported stolen.
- 2.6 Assuming the bike is not reported stolen then Special Maintenance will hold the bike for 1 month at the Council's depot or other suitable premises. A label will be attached to the bike displaying the 1 month date. Where possible a notice

will be left advising any potential owners of who to contact to reclaim the bicycle. It will include a proviso that any cost of removal and storage can be reclaimed from them.

- 2.7 If the bike is not claimed the NS Officer or Special Maintenance operative will make a judgement on the condition of the bike after the 1 month in storage period has expired. If the bike is found to be non-salvageable i.e. very rusty, badly damaged etc... , it should be placed in the metal recycling bin.
- 2.8 If the bike is found to be in a reasonable condition, then Special Maintenance will make arrangements for it to be delivered or collected by a Winchester District based charity, or failing that, a national charity for reconditioning and re-selling making clear that the Council has no liability for the bike post disposal
- 2.9 The Community Safety and Neighbourhoods Team will hold a record (central database) of all bikes subject of this procedure and will record the locations and condition of the bike including photographs when first investigated, the date the notice was issued and attached to the bike, notice expiry period, the date the bike was re-inspected if still in-situ with further photographs to be taken prior to removal. Special Maintenance Team will upon request from the Community Safety and Neighbourhoods Team collect the bike and will photograph it at the time of removal and up-date the record accordingly. The Special Maintenance Team will then up-date the record to show the start and expiry date of the 1 month storage period and subsequently the date that the bike was disposed of either by means of being passed to a charity or scrapped.

#### Appendix 1: Abandoned Bike Notice

## Appendix 1



### **REMOVAL OF BICYCLE NOTICE**

To Bicycle Owner,

Your bicycle is suspected of being abandoned and will be removed by the City Council under the Refuse Disposal (Amenity) Act 1978 Chapter 6, unless it is collected and moved by .....

**For Enquiries, please contact:**

Neighbourhood Services  
Colebrook Street  
Winchester  
Hampshire  
SO23 9LJ  
**Tel:** 01962 840222

**Email:** [neighbourhoodservices@winchester.gov.uk](mailto:neighbourhoodservices@winchester.gov.uk)

**Website:** [www.winchester.gov.uk](http://www.winchester.gov.uk)

