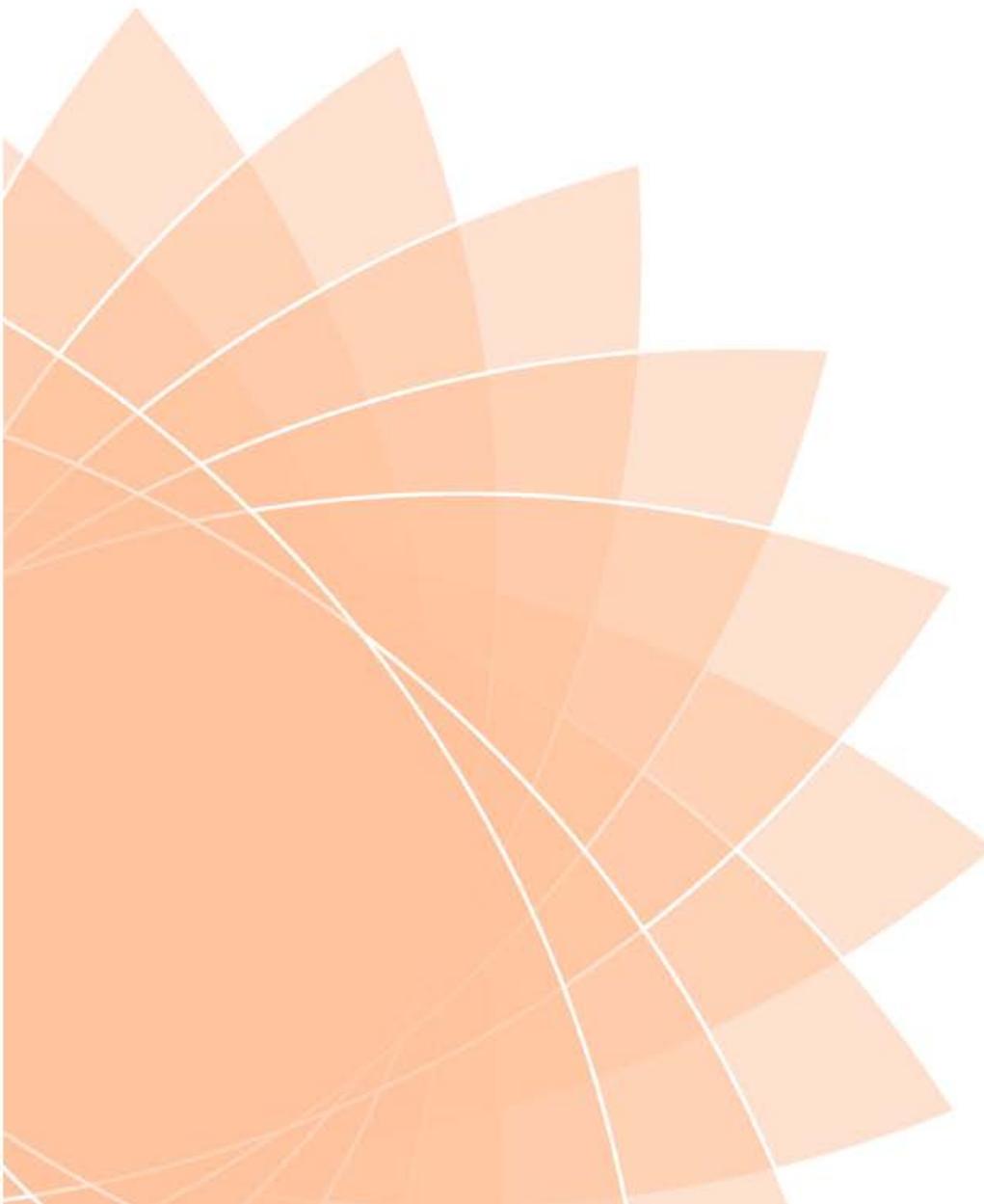


North Kesteven District Council Managing Vehicles on Council Estates June 2013



Managing Vehicles on Council Estates

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1 Introduction

- 1.1 This document sets out the Council's procedure on managing vehicles on the Housing Service's estates. It includes parking permits, car parks on council estates, and abandoned vehicles.
- 1.2 The Council's estates are generally mixed tenure, made up of Council tenants, leaseholders, private tenants and homeowners. For Council tenants this procedure should be read in conjunction with the Tenancy Agreement; leaseholders should refer to the covenants of their lease.

2 Definitions

- 2.1 By the term vehicle we mean: a car, caravan, motorcycle, minibus, trailer, trailer tent boat, transit van.
- 2.2 For any other vehicle above a Class A, such as a lorry, or a commercial van the Council's written permission is needed before they can be parked on Council land.

3 Managing Parking at Council Properties (Dwellings)

- 3.1 Tenants do not need permission to park at their own dwelling, as long as they comply with the tenancy agreement and ensure that the vehicle:-
 - a) Has a valid road tax disc;
 - b) Has a valid MOT certificate and a valid motor insurance certificate;
 - c) The vehicle will be parked in an appropriate place such as:-
 - o on a hard standing (either provided by the Council, or the tenant themselves – see Appendix 1 for the required standard of construction);
 - o in a garage;
 - o in a specific allocated space such as a disabled parking bay or;
 - o in a designated Council car park.
- 3.2 Permission is required for all vehicles on Council land that do not comply with a, b and c as above, including caravans and trailers. The Housing Officer (HO) should in the first instance speak with the tenant to ascertain why the vehicle is untaxed and advise that the Council does not allow vehicles to be stored on its land without permission.

Refer to relevant Tenancy agreement for conditions, although the following table summarises the main clause in relation to parking:-

<p>Secure Tenancy Agreement from April 2007</p>	<p><i>Section 6.16 You must not park, or allow to be parked, an illegal, untaxed or un-roadworthy vehicle on the land around your home, without our agreement in writing. We will not unreasonably withhold our permission.</i></p>
<p>All tenures from July 2012</p>	<p><i>Section 6.16 You must not park, or allow to be parked, an uninsured, illegal, untaxed or un-roadworthy vehicle on any land around your home, without our agreement in writing. This also includes vehicles for which you have made a SORN (Statutory Off Road Notification). We will not unreasonably withhold our permission.</i></p>
<p>Note - the additional clause has simply given more clarity to the Council's expectation – enforcement is possible using either the existing or modified clause.</p>	

3.3 When considering giving permission the HO should use the following criteria to guide agreement with the tenant (written confirmation should be sent):-

- Ownership of the vehicle and SORN certificate;
- Reason for request, i.e. repair, MOT failure, lack of funds to insure car;
- Time period requested;
- Condition of the vehicle;
- Is there a hard standing available;
- Is a garage available; and
- Is parking available elsewhere on the estate/street.

3.4 If permission is to be granted then the following conditions must be included:-

- How long the vehicle is to be stored and a review date;
- How will the vehicle be stored;
- Health and Safety Advice, e.g. if car has no wheels not to put on car jack;
- The vehicle is not to cause obstruction to the general public; and
- Permission to be granted for a specific vehicle only.

4 Council Estate Car Parking Areas and Parking Bays

4.1 Where there are car parking areas on Council estates, parking is on a 'first come, first served' basis. Anyone can use these car parks, regardless of whether they are a resident of the estate or not, although in practical terms only residents and their visitors use most parking areas. If there is no nuisance or problems caused by this, then it is entirely reasonable for the areas to continue to be used in that way.

- 4.2 The Housing team will take appropriate action to manage parking on Council land effectively, and will endeavour to find reasonable solutions to parking problems. If a tenant does not comply with the conditions set within this procedure, they will be in breach of their tenancy agreement and the appropriate enforcement action will be taken. Where a parking permit has been issued this may be withdrawn.
- 4.3 All vehicles must be taxed, insured and in a roadworthy condition. Vehicles that do not meet these criteria should not be parked without prior written consent.
- 4.4 The HOs undertake annual estate inspections on a patch basis, which include estate car parking areas.

5. Permit Holder Car Parking

- 5.1 Where the Council has a permit holder car parking scheme, one permit is issued free of charge for each household to use (including their visitors). However, if a resident has a registered carer they can request an additional permit free of charge. These permits are not for specific allocated spaces as parking is on a 'first come, first served' basis. The Council will also, in exceptional circumstances, consider the issue of additional permits where authorised by the Tenancy Services Manager.
- 5.2 The management of the Permit Holder Scheme incurs a cost to the Council and does not resolve issues relating to lack of supply of spaces. The tenancy agreement gives adequate scope to manage nuisance. As such, the Council will only consider sites for Permit Holder Schemes in exceptional circumstances and where there is clear evidence that residents are unable to park due to frequent high-volume use of the parking spaces by non-residents (typically in town/village centres e.g. near school drop-off points).

6 Abandoned Vehicles

- 6.1 For the purpose of this document the following characterises abandoned/unroadworthy vehicles and should be taken into account when deciding if a vehicle is abandoned:-
- Any vehicle parked on Council land, without prior written permission;
 - The length of time the vehicle has been in its current location, whether or not it is on a driveway or the highway;
 - The absence of a valid road licence (tax disc) and/or number plate;
 - Its overall condition, e.g. are windows/doors broken or missing, no wheels; and
 - A vehicle that is in an unroadworthy condition which is parked on Council land with or without a valid road tax disc as issued by the DVLA, with/without a valid MOT certificate, insurance and with or without the Council's written permission.
- 6.2 When a vehicle is first identified as possibly abandoned, the HO should make a judgement about whether to treat as abandoned or not using the above characteristics. Enquiries should be made by speaking with residents in the area to try and ascertain ownership of the vehicle. If unknown then the HO could contact the DVLA.

- 6.3 If the HO deems the vehicle to be abandoned following enquiries they must fill out the Abandoned Vehicle Form (ABV 1.7) available on the Intranet and send with a photograph to Environmental Services.

7 Procedure

- 7.1 If a request is made to keep an untaxed vehicle on Council land the HO should fill out the checklist form.
- 7.2 If the request is approved the HO to fill out EM10/LET1 confirming approval and conditions/timescales set.
- 7.3 If the request is to be refused then the Housing Officer to send out EM10/2LET2 confirming the reasons why the request has been refused. If the tenant disagrees with this decision, they can appeal in writing within 10 days to the Tenancy Services Manager who will review the decision.

Appendix 1

A hardstanding/driveway being constructed by Council tenants exercising their statutory right to carry out improvements must meet the following requirements:-

- a) The minimum requirement for a permanent surface is that the area for gravel should be excavated to allow for 4" of sound and compacted subbase (hardcore) and minimum of 2" gravel, with weed control membrane or geotextile underneath. The edgings to the gravelled area are to be installed to contain the installed gravel. Allow for protection of any services that may pass underground in location of proposed driveway including consulting with the statutory authorities for treatment of any exposed services. Minimum protection should be paving directly over the top. Ensure any manholes can take a car loading and the covers are to strength B125. Please consult the council if further protection requirements necessary.
 - b) The work shall be carried out entirely at the tenant's expense to the satisfaction of the Building Surveyor for your area.
 - c) *Double gates (where applicable) should be provided similar to the gates already erected in the area.*
 - d) Tenants shall indemnify the Council against Third Party Liability.
 - e) You must inform the Councils Planning Services of your request and they will advise you if planning permission is required. It is important that you do not proceed with any work until you have, received authority from the Head of Planning Services.
 - f) You will also require consent from the County Council Highways department, prior to carrying out any works.
- 1) The **TENANT** is responsible for the ongoing maintenance, repair and upkeep of the alteration following the initial 12 month period.
 - 2) The alteration is to be **LEFT IN SITU** on termination of the tenancy.

EM10/LET1

Contact: (Officer Name)
Email: customer_services@n-kestven.gov.uk

Name
add
add
add
add

Date:

Dear (name)

Tenancy of (insert address of property) xxx xxxxxxxxxxxxxxxxxxxxx, xxxxxxxx, xxxxxxxxxxxxxxx

Further to my visit to your property on the XX/XX/XX I am pleased to confirm that approval has been granted for you to store a vehicle at the above address.

The following details are what was agreed:

- **TYPE OF VEHICLE (INSERT MAKE & MODEL)**
- **LENGTH OF TIME TO BE STORED (INSERT TIMELENGTH)**
- **WHAT WORKS ARE TO BE CARRIED OUT TO THE VEHICLE (IF ANY)**
- **REVIEW DATE**
- **ANY OTHER CONDITIONS (INSERT IF NESCESSARY)**

You understood and accepted that you are responsible for the vehicle and ensuring that you comply with the conditions of tenancy. Failure to comply with these conditions will result in permission being withdrawn and we may take further legal action.

Yours sincerely,

Housing Officer
Housing, Partnerships and Communities

EM10/LET2

Contact: (Officer Name)
Email: customer services@n-kestven.gov.uk

Name
add
add
add
add

Date:

Dear (name)

Tenancy of xxx xxxxxxxxxxxxxxxxxxxxxx, xxxxxxxx, xxxxxxxxxxxxxx

I write further to our meeting on XX/XX/XXXX when you requested you be allowed to keep xxxxxxxxxxxxxxxxxxxxxx(insert vehicle make and model) for xxxxxxxxxxxxxxxxxxxxxx(insert length of time).

I explained to you that I could not agree to your request for the following reason/s xxxxxxxxxxxxxxxxxxxxxx (insert reason).

If you disagree with this decision you can appeal in writing within the next 10 days to the Tenancy Services Manager at the above address.

Yours sincerely,

Housing Officer

VEHICLE PERMISSION CHECKLIST

Tenants Name	
Joint Tenant Name	
Property Address	
Property type	
Tenure	

	Yes	No	Details
Has request been received in writing			
Length of time to be stored			Confirm, why requested and note down any works
Make and Model of Vehicle/s			Take details of vehicle , take photographs and see documents of ownership
Garage Rented/Driveway			If Yes – discuss vehicle to be housed in garage. If No agree timescale and discuss storing safely
To be reviewed?			If Yes, agree timescale and confirm in writing
Let 1 sent to confirm request			Date H/O Agreed
Let 2 sent refusing request			Date H/O Refused
Further Action required:			Detail