

**Mid Devon District Council**

**Car Park Management Policy**

Policy Number: HSG v3.8

**March 2020**

## Version Control Sheet

*Title:* Car Park Management Policy

*Purpose:* To review the Car Park Management Policy in accordance with good practice and relevant legislative requirements.

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*Review Frequency:* **Every 10 years or sooner if required and in accordance with changes in good practice and legislation**

*Next review date:* **March 2030**

*Consultation* **This document was sent out for consultation to the following:**

Cabinet Member

Staff

Leadership Team

Homes Policy Development Group

## Document History

This document obtained the following approvals.

<b>Title</b>	<b>Date</b>	<b>Version Approved</b>
Cabinet Member	13/02/2020	
Leadership Team	03/03/2020	
Homes Policy Development Group	17/03/2020	
Cabinet	23/04/2020	3.8

## 1. Introduction

This policy statement outlines Mid Devon District Council's (MDDC), Housing Services approach to dealing with car parking in and around neighbourhoods. This includes housing amenity, residential and permit holder car parks. We recognise that tenants and residents in some areas have no or limited means of transport and rely on a car. Many of our estates were built when levels of car ownership were not so high. Tenants and residents are encouraged to use Council car parks to reduce congestion on roads, to reduce parking issues and to promote safer communities.

## 2. Scope

This policy explains how the Housing Service will manage car parking on Council land which belongs to the Housing Revenue Account and which is utilised by a range of users, such as Council tenants, leaseholders, owner occupiers, tenants of Registered Providers and private landlords. This policy covers the following points and should be read in conjunction with the related documents highlighted below.

- Parking responsibilities
- Amenity/residential/permit holder car parking
- Inconsiderate parking
- Liability for theft, damage and vandalism to vehicles
- Maintenance of housing estate car parks

## 3. Related Documents

- a. Tenancy Agreement
- b. Property Deeds or Lease
- c. Policy relating to tenancy changes
- d. Anti-social behaviour Policy and Procedures
- e. Recharge Policy

## 4. Definitions

The following definitions apply to this policy:

- **Resident** – any Council tenant, registered provider or private tenant, lodger, leaseholder, owner-occupier or business user
- **Tenant** – means anyone who holds a Council tenancy or is a leaseholder with MDDC
- **Vehicle** – any car, motorcycle, caravan, trailer, trailer tent, motorhome, van, lorry, horsebox, boat, motor scooter or similar
- **Council owned land** – is land owned by MDDC, including all estates or amenity, residential and permit holder car parks
- **Council property** – a MDDC home including gardens or shared communal areas
- **Abandoned vehicle** - any vehicle which the owner no longer wants that has been left on Council land. The vehicle may be in poor condition, unmoved for some time or have no valid insurance or tax

- **Non-roadworthy vehicle** - any vehicle that is not fit to be driven on the open road, vandalised or parked on Council land and could potentially be a danger to others.

## 5. Our parking responsibilities

5.1 Increased car ownership can lead to congestion on our housing estates and escalate parking issues. As part of our day to day car park management we will:-

- Implement car parking controls;
- Take appropriate action to manage car parks efficiently and effectively;
- Reserve the right to charge for unauthorised parking or withdraw a permit;
- Take appropriate action to resolve issues, for example unauthorised and inconsiderate parking or nuisance;
- Remove offensive graffiti within one working day of being notified;
- Act swiftly to contact the owner of a vehicle where an unauthorised or abandoned vehicle is parked on Council land before arranging the vehicle's removal and disposal. However where this has failed, we may give due notice to remove the vehicle before arranging for its removal and disposal;
- Take other appropriate enforcement action, where required;
- Enforce vehicle repair activity. This will be in accordance with the Tenancy Agreement.

## 6. Resident parking responsibilities

6.1 We manage parking using the resources available and ask that tenants and residents take responsibility for parking. In order to do this we ask those who park on Council land or live on our estates including members of their household or visitors to their home, to:-

- Only park in the designated parking space that has been allocated, where applicable;
- Ask visitors not to park in designated parking spaces which do not belong to the tenant or resident;
- Not leave untaxed, SORN, non-roadworthy or abandoned vehicles on Council land;
- Not park commercial lorries, trailers, horseboxes, camper vans or caravans on Council land except with prior written consent from us;
- Not park any vehicle that exceeds two tonnes unladen weight on any Council land;
- Not park or leave any vehicle on Council land other than in areas set aside for parking;
- Park vehicles considerately for neighbours;
- Avoid obstructing access to other properties, vehicles or access points;
- Allow accessibility for Emergency Services and Council vehicles;
- Avoid causing noise nuisance to neighbours or driving at an inappropriate speed around Council land;
- Only carry out vehicle repairs in accordance with the Tenancy Agreement;
- Precautions must be taken to minimise the possibility of an outbreak of fire, and any vehicle materials must be disposed of correctly;

- Not use power tools to undertake car maintenance. Cordless vacuum cleaners may be used;
- Avoid playing loud music from vehicles parked on Council land;
- Not park any vehicle where it will churn up the grass verge;
- Display permits prominently in vehicles, either on the dashboard or windscreen;
- Not sell or exchange a permit with another person;
- Not use Council land for the purpose of accommodation, such as camping;
- Avoid rigging up any cables from a property to a vehicle parked on Council land;
- Not chain or tie any animal to a vehicle to graze on Council land or property;
- Avoid leaving any person or animal in a vehicle on Council land or property for a prolonged period which will have a detrimental effect on their wellbeing;
- Prevent doing anything which interferes with or is likely to interfere with the security or safety of any Council land or cause damage, deface, or apply graffiti to any property or structure we own;
- Not use any Council land for criminal activity or immoral purposes;
- Not use Council land for the purpose of running a business without prior consent;
- Not block access to drop kerbs; and
- Prevent doing anything that may put someone at risk. Any health and safety issues should be reported to us immediately.

## **7. Amenity/residential/permit holder car parking**

- 7.1** Tenants and residents are responsible for the actions of members of their household and visitors to their home. Where a tenant or resident abuses the use of Council land, we will take enforcement action.
- 7.2** All tenants and residents are expected to follow the terms of parking conditions as stated on their parking permits (if applicable), displayed on boards at designated car parks or conditions attached to written consent issued by us.
- 7.3** Tenants and leaseholders of this Council or owner occupiers of ex MDDC Council properties have to comply with the parking conditions set in their tenancy agreement, lease or deeds.
- 7.4** The parking of any vehicle other than a car, a motorcycle or light van, is not allowed on Council land or property unless prior written consent from us has been granted.
- 7.5** We do not permit vehicles with a Statutory Off Road Notification (SORN) to park on Council land. However, we may grant consent to park a SORN vehicle at a Council property with an approved hard standing or garage.
- 7.6** Parking is on a first come, first served basis at amenity and residential car parks.
- 7.7** Anyone can use Council amenity car parks or park on our estates, regardless of their tenure status or whether they are resident on that estate or not.

- 7.8** We will issue one virtual permit free of charge to each leaseholder (where this is a condition of their lease) and tenant household. This will be for residential and permit holder only car parks, where applicable.
- 7.9** At residential car parks, only vehicles issued with a virtual permit for that specific car park will be allowed to use the non-designated spaces. If there is ample parking for tenants or residents, we may decide to allocate spaces for visitors.
- 7.10** Virtual permits issued for permit holder car parks are allocated for designated spaces. Where we have more spaces than households or a tenant/resident requests an additional parking space, a permit will be offered for an annual fee (at the current rate for the financial year as determined by Councillors). Vehicles must not be parked in any space other than where the permit allows.
- 7.11** In permit holder car parks, where demand outstrips the supply of parking spaces, an applicant can be added to a waiting list. If a space becomes available, priority will be given to a tenant who lives on the estate followed by a tenant who lives elsewhere. If there are still spaces available, a non-Council tenant will then be offered the permit.
- 7.12** We will not offer an additional virtual permit where the tenant or resident has an outstanding debt with the Council. Once the debt is cleared, we will consider the request.
- 7.13** It is the responsibility of the permit holder to change their vehicle details on their virtual permit if they change their vehicle details.
- 7.14** Permits are allocated to households, not vehicles and they are transferable to individual users within that household. Visitors including carers may also use a resident's permit, however the permit owner must update the vehicle details on their virtual permit. Any vehicle parked where a virtual permit is required is liable to enforcement action.
- 7.15** Duplicate permits can be requested, however, only one vehicle with a virtual permit is allowed to park at any one given time. There will be a charge for non-Council tenants for this service.
- 7.16** A tenant or resident can terminate their permit in writing to us at any time. If a tenant has a permit and they move to another property which is not on the current estate, they are no longer eligible to hold that permit. They will be required to surrender the permit when they vacate their property.
- 7.17** Disabled spaces are for use by drivers and/or passengers with mobility difficulties. These spaces are not for specific users and can be used by any vehicle displaying a blue badge on a first come, first served basis. We expect tenants and residents not to abuse the use of a space.
- 7.18** We reserve the right to recharge the tenant or resident for any costs incurred from the misuse of Council land caused by them, members of their household or visitors

to their home. All recharges will be dealt with in accordance with the Housing Services Recharge Policy.

## **8. Inconsiderate parking**

- 8.1** We will work with tenants and residents to find reasonable solutions to parking problems. However, we are unable to take any enforcement action where the problem occurs on the highway or private land.
- 8.2** Where the Council does not own the land, our powers to manage parking problems are limited; this will include parking on pavements, or in front of dropped kerbs. We will offer advice to a tenant or resident when they raise concerns.
- 8.3** We are unable to limit the number of vehicles a household owns. However, we may offer solutions to resolve parking issues, for example, grant permission for a hard standing or offer a garage to rent, where the relevant criteria is met.
- 8.4** The Housing Service will make any necessary enquiries to ascertain who owns any vehicles which appear to have been abandoned on our land. In some cases, this may involve checking on the DVLA database to see if vehicles are taxed and have the appropriate MOT certificate.
- 8.5** In addition, our Officers may investigate further in order to ascertain the name and address of the registered keeper.

## **9. Off-Street Parking**

- 9.1** Where a parking space is included within the Council's Off-Street Parking Places Order, the Housing Service will liaise with district officers in the Street Scene team to ensure that appropriate enforcement activity takes place.

## **10. Liability for theft, damage and vandalism to vehicles**

- 10.1** We are not responsible for vehicles parked on Council land or property including liability for damage, theft or vandalism.

## **11. Maintenance of housing estate car parks**

- 11.1** Neighbourhood Officers carry out six monthly neighbourhood walkabouts and monthly communal inspections, which include inspecting our car parks. They will inspect car parks routinely, report any repairs and address any health and safety risks.

## **13. References**

- The Road Traffic Act 1991

## **14. Equality and Diversity**

- 14.1** The Housing Service will tailor its services to meet the diverse needs of individuals. The aim will be to foster good relations with people when providing services to

eliminate discrimination and to promote opportunity of equality. All action taken by us will be in accordance with the requirements of current legislation.

**15. Review**

- 15.1** This Policy has been written in line with current relevant legislation. The policy will be reviewed and revised to reflect any legislation requirements and/or other guidance or good practice. The next review of this Policy is due January 2030 and every ten years thereafter.