

## 1.0 INTRODUCTION

- 1.1 This Policy sets out the general principles for the efficient and equitable management and use of car parking/lock up facilities owned, either entirely by Glasgow West Housing Association (GWHA), or in common with others (Appendix 1).
- 1.2 Glasgow West Housing Association will ensure that staff responsibilities in relation to this car parking/ lock up policy are clear.
- 1.3 This policy outlines a plan for exploring Cycle Storage facility provision pending strategic review.

## 2.0 POLICY AIMS

- 2.1 To confirm general principles for the management, letting and use of car parking/lock up facilities.
- 2.2 To confirm roles and responsibilities.
- 2.3 To ensure compliance with legislation.
- 2.4 To mitigate risk.

## 3.0 CONTEXT

- 3.1 Currently there are a total of 263 car parking/lock up spaces wholly owned by GWHA across 16 developments<sup>1</sup> with a further 10 spaces in common ground. Access to the parking spaces within a number of developments is restricted by control mechanisms.
- 3.2 The Association currently has 93 Lock-ups, it inherited 37 lock-ups, located within the Hyndland area, in 2009. These lock-ups are currently rented by local residents. After the transfer of stock from Argyle LHO in 2011, an additional 55 lock-ups were inherited. Prior to these transfers, the Association had one lock up facility situated at Burnbank Lane.
- 3.3 A car parking/lock-up charge is applied where designated spaces/garages are provided to individuals, it is intended that such charges reflect the maintenance of the area/garage and the management of the facility, which can be particularly resource intensive.

## 4.0 DEFINITIONS

- 4.1 The term "GWHA facility" denotes a car parking/lock-up where the ground is wholly owned by the Association, and additionally includes the shared ownership, the developments at Academy Bank, Fitzroy Lane (Bollard Controlled Area) & leased parking area at Anthony Street. Where parking area ownership is shared with a number of private owners as well as GWHA the day to day management is wholly the task of GWHA, with Estate Management services provided through Property Factoring subsidiary Glasgow West Enterprises (GWEn).
- 4.2 The term Title/Deed of Conditions is relevant to individual developments and respectively will determine ownership and rights in respect of ground designated for car parking/lock up. Statutory approvals relevant to a development (e.g. planning permission) will also direct the allocation and/or use of parking spaces.

## 5.0 PRINCIPLES

- 5.1 This policy reflects GWHA's Equalities Strategy. GWHA recognises its pro-active role in valuing and promoting diversity, fairness, social justice and equality of opportunity by adopting and promoting fair policies and procedures.
- 5.2 This Policy is aligned to the promotion of GWHA Values and Corporate Strategy and its supporting objectives, particularly in relation to the "Robust Governance" perspective.
- 5.3 Arrears recovery under this policy shall comply with GWHA Rent and Debt Recovery Procedures.

## 6.0 ROLES AND RESPONSIBILITIES

- 6.1 Estates Services Officers and Concierge, as part of Estate management duties, will be responsible for the allocation, management and monitoring of car parking/ lock up facilities in accordance with the terms of the Policy. To ensure an in-depth understanding of the complexities, a designated member of staff will have day-to-day responsibility for policy implementation.

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<sup>1</sup> Including 6 spaces at 5 Royal Crescent

- 6.2 The Property Services Team, through Asset Management, will be responsible for ensuring car parking/lock up facilities are adequately maintained and that charges are sufficient to cover maintenance and replacement costs. Maintenance Agreements will be established where appropriate to ensure the efficient operation of bollards, gates, barriers & doors etc.
- 6.3 The Tenancy Services Team, will be responsible for monitoring lock up/car parking accounts for payments for customers, action refunds and administrate the termination of lock up's through our IT software, with quarterly case review with Estates Services.

## 7.0 COMMON GROUNDS

- 7.1 Where ground designated for parking is deemed to be common ground, the written agreement of all owners, (ideally in a formal amendment to the Title/Deeds) will be required prior to any variation from documented terms (e.g. changes in the way spaces are allocated). Amendments may not override statutory authorities (e.g. planning restrictions).
- 7.2 To minimise the risk of civil action by a car owner/driver, and in accordance with legal advice received, GWHA will not apply enforcement measures in any facility where the ground is common, unless the enforcement is in line with the terms of the Title/Deeds. This does not restrict ability to promote fair parking in line with policy principles.

## 8.0 GWHA FACILITIES

The following general principles apply to all GW facilities:

### 8.1 Introduction of Car parking / lock up Restrictions / charges

- 8.1.1 Where there are facilities abused by car owners/drivers, GWHA will give favourable consideration to the introduction of parking restrictions where there is clear support from residents for this measure.
- 8.1.2 The front-funding of such installations will be considered on the clear understanding that the cost must be recouped from residents (within a reasonable timeframe) via the Car parking/lock up Charge.
- 8.1.3 Where an existing Control Measure is deemed to be inadequate and a potential upgrading of restriction is required it will be the responsibility of the Estate Services Coordinator to investigate and recommend a suitable solution to the Divisional Director for approval.
- 8.1.4 Estates Services Coordinator will monitor for Local authority / national legislative changes in relation to implementation of statutory Car Parking Tax<sup>2</sup> and staff parking provision.

### 8.2 Application & Allocation Process

- 8.2.1 GWHA maintains a waiting list for car parking spaces / lock-ups that is open to applicants in line with points award allocation priorities outlined at 8.2.5.
- 8.2.2 Only applications using GWHA standard form will be considered.
- 8.2.3 Where applicant is GWHA tenant their rent account must be a minimum of one month in advance.
- 8.2.4 Applicants should provide:
- A copy of the vehicle registration document
  - A current MOT Certificate
  - Proof of current insurance.
  - A copy of their driving licence
  - one further proof of their principal address
  - one proof of identification.
  - "Blue Badge" (where appropriate)
- 8.2.5 Unless there are planning or other requirements on the allocation of spaces the following priority will apply:

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<sup>2</sup> <https://www.gov.uk/expenses-and-benefits-parking-spaces>

Priority	Conditions	Points
1	GWHA tenant/households who live in the development, are car owners, and are blue badge holder, with history of good tenancy and no arrears issues.	20
2	GWHA tenants living within the development and are car owners, priority in line with history of good tenancy and no arrears issues.	20
3	Factored owners <u>living within</u> the development and are car owners	10
4	Other GWHA tenants	5
5	Factored owners <u>living out-with</u> the development and are car owners	5
6	Commercial let – City Parking at Anthony Street Car Park (BWC)	5
7	GWHA tenant households living within the development, who are not currently car owners, but who have support arrangements in place.	0

### 8.3 Car parking/lock up Agreement

- 8.3.1 Where individual residents are allocated access to a designated GWHA facility, a Car parking/Lock up Agreement will be established, clearly outlining the rights and responsibilities attached to use of the facility.
- 8.3.2 To minimise misuse of facilities, all residents must clearly demonstrate ownership of a vehicle (e.g. Registration document), all applicants vehicles must have valid MOT, and Insurance, any variation from this must be authorised in advance by the Estate Services Coordinator. Valid documentation required at annual review.
- 8.3.3 Where relevant, a Parking Permit will be issued to authorised users for display in the car window, to aid monitoring of the facility by GWHA staff.
- 8.3.4 The onus will be on the resident to notify GWHA of any change of circumstances / vehicle, failure to notify may result in policy enforcement measures commencing and/or agreement termination.
- 8.3.5 The following not exhaustive list of circumstances will be viewed seriously and may result in termination of the agreement. Notice to this effect will be issued in accordance with the terms of the Agreement.
- Failure to maintain clear rent account and acceptable tenancy record.
  - Failure to maintain the vehicle in a roadworthy condition i.e. taxed and MOT'd
  - Failure to provide access for inspection of lock up.
  - Repeated failure to utilise lock up to store vehicle.
- 8.3.6 Where a number/majority of residents within a facility are permitting access to unauthorised users, GW will consider specific measures to curtail the access to such facilities.

### 8.4 Parking Charge / Deposit

- 8.4.1 An annual charge will be applied where dedicated spaces/lock-ups are allocated to residents (including spaces designated for use by wheelchair residents). The charge will cover the cost of maintenance and reasonable management. For auditing purposes the charge, and payments, for car parking spaces will be recorded against the rent account where agreement is with a GWHA tenant. A separate account will be created for lock-up agreements.
- 8.4.2 It will be necessary for the annual charge, which is not Housing Benefit eligible, to be paid monthly in advance, into the relevant account.
- 8.4.3 In the event of a shortfall in the monthly payment received to a resident's account, the car parking facilities may be withdrawn.
- 8.4.4 A deposit, payable in advance, will be required where access to a GWHA facility requires the use of a key or other control device (e.g. barrier or lockable bollard). The deposit, which will reflect the cost of the device, will be refundable on return of the device in good working order. This covers allocated lock ups too. In the event of arrears on the rent account at a termination of tenancy, the deposit will be credited towards this debt.
- 8.4.5 Receipt and return of the deposit will be managed by the Corporate Services Team with all refunds requiring the authorisation of the Estates Services Coordinator.

## 8.5 GW Facilities Management

8.5.1 In all GWA facilities, there will be clear signs/notices advising car owners/drivers of the restrictions in place, which will include provisions within the Fair Usage Statement. The presence and visibility of these signs is absolutely of the utmost importance for the proper implementation of the enforcement measures and this must therefore be checked and recorded on the Car Park Monitoring Sheet on all visits.

## 8.6 Monitoring and Policy Enforcement

- 8.6.1 Where the unauthorised or unacceptable use of a facility is detected, GWA will endeavour, in the first instance (and where the identity of the car owner/driver is known), to make an approach to the car owner/driver to request that Fair Usage Statement / Car Parking Agreement conditions are observed.
- 8.6.2 Where initial conversations not possible Fair Usage Posters will be adhered to rear driver side window, with request to contact Estates Service Team.
- 8.6.3 Escalation process will be proportionate reflecting the following stages:
- Enquiry, Query reason for being on site, clarification fair usage statement.
  - 1st Offence, Conversation (ie Challenge driver / resident follow up / fair use poster on car).
  - 2<sup>nd</sup> Offence, Formal letter.
  - 3<sup>rd</sup> Offence, Referral to Tenancy Sustainment.
- 8.6.4 Where the identity of the car owner/driver is unknown, and they a “repeat offender”, contact will be made with DVLA, in an attempt to obtain registration details.
- 8.6.5 Where the Minute of Agreement holder is not using the facility for the agreed purpose, GWA will take action in accordance with the terms of use.
- 8.6.6 Should a resident park non roadworthy vehicle within car park/lock up area, and fail to engage with the association the GWA will explore 3<sup>rd</sup> party vehicle removal, subject to terms of common area title deeds. See 7.2 above.

## 8.7 Enforcement Stickers / Notices

- 8.7.1 Whilst our car park areas are classified as private land by GCC Roads and Transport Department, DVLA and Police Scotland, with GW being solely responsible for management of area, the association may still be subject to civil court action in the event of any damage that occurs when placing sticker/warning notice on a vehicle Caution is thus required in the application of the sticker to minimise risk of damage to the vehicle (e.g. breaking the window) and to ensure the driver’s view is not, in a material sense, affected by its presence.
- 8.7.2 GWA reserve the right to apply a sticker approved by Divisional Director on the back-passenger driver’s window of vehicles belonging to car owners/drivers abusing the car parking/lock up facilities, to cause minor inconvenience, and to act as a deterrent against future parking in the area.
- 8.7.3 In any instance of unacceptable parking a copy of the Fair Usage Statement may be taped lightly to the back driver’s side window as per deterrent noted at 8.7.1.
- 8.7.4 Due to the complexities and risks associated with car park management, GWA will not issue parking stickers to, or authorise their use, by residents. Only designated staff members are permitted to sticker cars as outlined in the Risk Schedule.

## 8.8 Vehicle Clamping

8.8.1 On legal advice<sup>3</sup>, GWA will not, under any circumstances partake in the clamping of vehicles as this is deemed to be “extortion if money is demanded for the removal of the clamp, and theft if it is not removed from the vehicle on request”.

## 8.9 Inspections

8.9.1 GWA have authority to inspect a lockup facility by giving 24 hour notice should there be reason to believe the Agreement is not being adhered to. Routine inspections will be undertaken on an annual basis. Failure to provide access to the facility may result in termination of the agreement.

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<sup>3</sup> Naftalin Duncan

### **8.10 Abandoned Vehicles**

- 8.10.1 GWHA will investigate and consult with other relevant bodies with regard to abandoned vehicles, un-roadworthy vehicles and parking problems. See 8.6.6.
- 8.10.2 Whilst car park areas are classified as private land by GCC Roads and Transport Department, DVLA and Police Scotland, with GWHA being solely responsible for management of area, GWHA may be liable for a civil court action to be raised in the event of any damage to vehicles being removed from our parking areas. The appointment of any third party removal company will require the appointed contractor to assume liability for any damage or subsequent civil court claim actions.
- 8.10.3 If a vehicle appears to be abandoned on GWHA land, the Association will make every effort to contact the owner and persuade them to remove it. However, the Association will take account of the physical condition of the vehicle and if it is considered to pose a danger to local residents the Local Authority or other 3<sup>rd</sup> party service may be asked to remove the vehicle from site for disposal. In these circumstances photographic evidence of the condition of the vehicle will be taken and retained.
- 8.10.4 If a vehicle does not pose a danger to local residents, and represent a nuisance, or is parked out with the terms of the Fair Usage Statement a formal *Notice of Disposal Warning* will be placed on the vehicle and every effort will be made to contact the owner, including contacting DVLA for information. If, despite all these efforts, the vehicle is not removed within 28days, GWHA may arrange with the Local Authority or other 3<sup>rd</sup> party service for its removal and disposal.

### **9.0 COMMUNAL CYCLE PARKING**

- 9.1 This policy recognises the increasing demand and trend for resident cycle parking provision, and the conflicting considerations of statutory authority permissions, security, common area title deed restriction, cost, fire safety, and space within both the internal and common areas of buildings and back courts.
- 9.2 Acknowledging this growing operational need, and in support of promoting active travel behaviour a consultation and feasibility exercise will be carried out to evaluate viability of communal cycle storage parking facilities in context of statutory permissions; with findings reported to Management Committee.
- 9.3 Individual secure cycle storage facilities will not be installed / permitted in isolation prior to a strategic review to enable both operational detail and equitable access provision for residents to be explored.

### **10.0 STAFF CAR PARKING FACILITIES/ ALLOCATION PRIORITY**

- 10.1 GWHA has access to two chain enclosed spaces at the front of the office at 5 Royal Crescent. These are currently allocated for use by the Services Team (Tenancy and Property Services Officers), with each section being given one protected space each. Due to restricted parking surrounding GWHA central office, these spaces are in constant use. Local arrangements for staff rotas for using these or other spaces will be the responsibility of the Teams.
- 10.2 Use of these spaces is subject to employees having appropriate business insurance for their vehicle.
- 10.3 GWHA has four spaces to the rear of the office at 5 Royal Crescent which are dedicated for the use of the Executive Team, MC Members, and/or for wheelchair users attending the office. These spaces may be utilised by others only with the express in-advance consent of the relevant Executive Team member.

### **11.0 FEEDBACK AND COMPLAINTS**

#### **11.1 Feedback**

- 11.1.1 GWHA tenants and other customers may provide feedback about this document by emailing [admin@glasgowwestha.co.uk](mailto:admin@glasgowwestha.co.uk)

#### **11.2 Complaints**

- 11.2.1 Service users or others with a grievance arising from a Parking related incident associated with this policy and or the implementation of the detail therein will be considered in accordance with GWHA's Comments and Complaints Policy.
- 11.2.2 Once the Association's Comments & Complaints Policy is exhausted, there is a right of appeal to the Scottish Public Services Ombudsman (SPSO).

**12.0 REVIEW**

- 12.1 This Policy will be reviewed every 3 years, or sooner, subject to a change in legislation or circumstance.
- 12.2 Charges as identified will be reviewed on an annual basis.
- 12.3 In any case of conflict between the Policy and relevant legislation, legislation will always preside.

**13.0 DELEGATED AUTHORITY**

- 13.1 Delegated authority is granted by the Management Committee to the Chief Executive and Staff to implement this Policy and the associated procedures.