



The Langstane Group

Motor Vehicle Parking Policy

Leadership team approval	17 June 2024
Board / Committee	Delegated to Leadership Team
Approval date	17 June 2024
Implementation date	August 2024
Review date	June 2027
Version	V4

Policy Version	Date of Approval	Changes made to Policy
V1	28 October 2011	New policy
V2	14 October 2016	Full re-write
V3	01 July 2020	Update
V4	17 June 2024	Full re-write

1. Introduction

Langstane Housing Association owns and manages property located across the North East of Scotland. The location of the housing developments and the variety of accommodation provided has a direct impact on the provision of parking facilities.

Motor vehicle parking provision impacts on the quality of life for tenants, other residents, and the desirability of an area. Whilst the Association recognises a motor vehicle owning tenant's wish to have parking facilities, the demand for such spaces far exceeds availability and as a result there is no guarantee all tenants will be able to use the Association's parking facilities.

This policy covers issues relating to the management and use of Association parking areas.

For the avoidance of doubt the term 'motor vehicle' is 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".

An authorised user is the driver or registered keeper of a vehicle noted in section 6 of this policy including an emergency vehicle attending an emergency on the scheme.

2. Policy Statement

The aim of this policy is to set out the requirements for parking motor vehicles on land owned by the Association and which is designated for parking. This will ensure that all matters relating to parking are dealt with consistently and fairly.

3. Objectives

- To make tenants and other authorised users aware of their responsibilities as users of the motor vehicle parking facilities provided by the Association.
- To set out the requirement for motor vehicle parking spaces for use by disabled persons on each of the Association's schemes' where parking facilities are provided.
- To discourage, as far as practicable, the unauthorised use of the Association's parking facilities.
- To ensure that the management of the Association's parking areas is applied with a consistent and equitable approach.

Tenant's rights and responsibilities in relation to parking facilities will be included in leaflets, on the website and publicised regularly via the tenant newsletter.

4. Links to other policies

The Association's Motor Vehicle Parking Policy is linked to a number of corporate documents and policies in particular, but not solely:

- The Business Plan
- Estate Management Policy
- Customer Care Policy
- Anti Social Behaviour Policy
- Complaints Policy

5. Parking Facilities

The Association provides the following facilities for tenants' motor vehicles at some schemes. It should be noted that the Tenancy Agreement does not give any tenant an entitlement to a space or oblige the Association to provide a tenant with a parking space. Where a specific space is used by a tenant (outwith a designated parking area attached to a property) then the Association reserves the right to charge for its use and review those charges on an annual basis.

Scheme parking areas – On some schemes, parking areas are provided by the Association for the use of tenants living in the scheme and other authorised users as detailed in section 6. These facilities are for the parking of cars, small and medium sized vans and motorcycles only.

The parking of trailers, caravans, boats, horseboxes, buses, large vans, lorries, large campervans or recreational vehicles and any other similar objects is not permitted due to the limited availability of spaces.

Parking in driveways – For those tenants living in houses with their own designated parking areas, the parking of cars, vans, motorcycles, trailers and caravans is permitted. The parking of boats, horseboxes, buses, lorries, large campervans or recreational vehicles is prohibited due to the lack of sufficient space for this type of vehicle. If there are any restrictions on parking imposed by the Deeds of Conditions for specific schemes, this information will be provided to the tenants as appropriate. Wherever possible if a tenant has their own designated parking area this should be used for their own vehicle.

Misuse of Parking Facilities - The parking of authorised vehicles is allowed only if the car park is used in such a way that it does not cause alarm, distress, nuisance or annoyance to others, and it does not cause any risk to the health and safety of other people in the area. Any inappropriate parking that poses a health and safety risk will be acted upon immediately.

Where a tenant or authorised user persistently misuses the car park or other parking area, and where there is sufficient evidence, then permission to use the car park will be withdrawn. Further action will be taken against the tenant as breach of their Tenancy Agreement.

Under no circumstances should any motor vehicle be parked wholly or partially on a footpath or other pedestrian area, nor should any motor vehicle obstruct any entrance or exit at any time.

Adopted schemes – Where all or part of the parking facilities have been adopted by the local authority, the local authority is responsible for enforcement action.

6. Authorised Vehicles

A vehicle is authorised if it meets one of the following criteria -

- The vehicle is used by the tenant or joint tenant of a Langstane Housing Association property.
- Where a tenant of the Association does not have a vehicle, one member of their household is authorised to have a vehicle that they own and insure in the parking area.
- The vehicle is provided for the purpose of employment and where there are no other vehicles owned and parked in the parking facilities. This does not include vehicles that may be expressly banned by title deeds for properties.
- The vehicle belongs to a visitor of a tenant, where the purpose for parking is purely to visit the tenant.
- The vehicle belongs to a carer of any tenant in the scheme whilst undertaking their caring role.
- The vehicle belongs to any employee or contractor of the Association undertaking work for the Association on the scheme that the facilities are provided for.
- The vehicle is a Royal Mail or other delivery vehicle, as part of their work-related activities undertaking work on the scheme.

All authorised vehicles must be in a roadworthy condition, not been stationary for a significant amount of time, be insured, have a valid MOT test certificate and vehicle tax. Where a vehicle does not meet these conditions then the Association will consider the vehicle to be abandoned and can take steps to have the vehicle removed from the parking area and any costs involved in doing so can be recovered from the registered keeper or vehicle owner.

It will be at the discretion of the Association as to what constitutes a vehicle in roadworthy condition or having been stationary for a significant amount of time but reference will be given to the DVLA's definition of an abandoned vehicle (section 9). Any dispute on what constitutes an authorised vehicle will be treated as a complaint under the Association's Complaints Procedure

Tenants are advised to park only one authorised vehicle within schemes. Any additional vehicles, including those used for employment, should be parked elsewhere.

The Association strives to be as fair as possible in its approach to parking permission. Due to the fact that there are not enough spaces available for every tenant in the parking areas, the only fair approach is that parking is on a first-come-first-served basis. This does not apply to drivers who are charged by the Association for a specific space.

Where questions have arisen as to the ownership of a vehicle, evidence will be requested to support the claim that it is owned by a tenant of the Association.

Permission is granted by issuing parking permits. Where required permits may be reviewed. Where there is a barrier in place, all tenants who have a permit will also receive a key or code for the padlock. There may be a charge for a key. Where a key or code for a barrier is received, all tenants, residents and visitors agree to ensure that the barrier is closed behind them when entering and exiting the parking area. The tenant will also agree not to let any unauthorised person use their key or code, either for free or for a charge. If a tenant persistently does not close the barrier or lets any unauthorised user use the parking facilities then they will be asked to return their key and/or permission to use the parking area will be withdrawn.

If a tenant requires a replacement key there will be a charge for this service. It will be necessary to change the lock or code on the barrier from time to time, dependant on the level of reported misuse of the barrier by unauthorised drivers. This may be done at short notice.

7. Unauthorised Vehicles

Where any vehicle parked in Association car parking facilities does not meet the criteria as outlined in section 6 it will be classed as an unauthorised vehicle.

The Association car parking facilities are classed as private land. Therefore, any actions that are undertaken will be civil, as opposed to criminal, proceedings. Where a parking facility has been adopted by the local authority, it will be the local authority undertaking the action.

As landowner, the Association will request vehicle details from the DVLA and write to the owner of an unauthorised vehicle.

The Association uses an escalating approach to dealing with issues. Initially, informal contact will be made to owners or registered keeper to request their co-operation, with the final stage in the process being an application for an interdict to prevent the owner or registered keeper parking the vehicle. Action will also be taken under the terms of the tenancy agreement. Throughout this process, all intervention actions are recorded so that a clear record is available in the event of court action.

The process will reflect arrangements with local authorities and their approach to dealing with parking issues. This process will therefore differ between local authority areas.

Visitors and carers are permitted to park in scheme parking areas when visiting tenants. In schemes where residents have difficulty parking due to lack of space, tenants will be asked to encourage their visitors not to park in the car park. Under the tenancy agreement tenants will remain responsible for the behaviour of their visitors whilst they use any parking facility. Requests for barrier keys or codes for carers will not be unreasonably withheld; this is to ensure that vital caring services are delivered. Failure to allow this will result in a breach of equalities legislation.

8. Parking for Disabled Drivers

Any driver who has a blue badge will be entitled to use a designated space within the scheme, as long as there is space available to do so. The space will be marked as for disabled users only and any unauthorised usage will be handled in line with any other unauthorised use of parking facilities.

9. Abandoned vehicles

Abandoned vehicles can be unsightly, dangerous to others, and take up valuable space in the parking areas.

The Police (Retention and Disposal of Motor Vehicles) (Scotland) Regulations 2005 relates to abandoned vehicles and for the purpose of this Regulation a “motor vehicle” means any mechanically propelled vehicle, whether or not it is intended or adapted for use on roads.

The Association will take steps to remove abandoned vehicles from parking areas. The DVLA defines an abandoned vehicle as having at least one of the following characteristics:

- It has no keeper on DVLA’s database and is untaxed
- It’s stationary for a significant amount of time
- It’s significantly damaged, run down or unroadworthy, for example has flat tyres, missing wheels or broken windows
- It’s burned out
- A number plate is missing

It will be at the discretion of the Association what constitutes a significant amount of time, damage, run down or unroadworthy condition and owners will be expected to provide evidence to the contrary if they dispute this view. Any dispute will be treated as a complaint under the Association’s Complaints Procedure

10. Statutory Off-Road Notification (SORN)

Permission must be sought in advance if a tenant wishes to keep a vehicle with a SORN on the Association's parking facilities. It is at the Association’s discretion whether a vehicle with a SORN will be allowed to be stored and will depend on a number of factors such as pressure on parking spaces and the condition of the vehicle. If permission is granted then this will be for an absolute maximum of three months. Thereafter the vehicle must be stored elsewhere.

If a vehicle is not removed within agreed timescales action will be taken by the Association to have the vehicle removed. Any costs involved in taking action against the tenant or owner or removing the vehicle will be re-charged.

11. Health and Safety in Scheme Car Parks

It is important that the use of parking facilities does not create a risk to the health and safety of others in area. Examples include:

- Improper parking – tenants or other authorised users should not park outside of the designated parking areas. It is not acceptable for drivers to park close to exits or junctions, on grassed areas, pavements or in a way which causes nuisance or annoyance to others
- Vehicles which are in an unsafe condition – it is not permitted to have a vehicle in the car park in a condition which will result in an accident or injury or damage to property. Where a vehicle is in an unsafe condition it may be removed immediately.
- Vehicle maintenance – tenants and other residents are permitted to carry out basic maintenance on their own vehicles on condition that it does not present a health and safety risk to others, does not cause nuisance or annoyance to other tenants and is only for a short period of time. Basic maintenance is work that the owner or registered keeper would be expected to do to keep the vehicle in a roadworthy condition such as cleaning, topping up fluids, changing a bulb or wiper blade etc. Under no circumstances will the Association give permission for any vehicle repair business to operate from a tenancy. If it appears to the Association that a vehicle is in a state of disrepair and there has been no noticeable work over a prolonged period of time then it will be dealt with under provisions for abandoned vehicles.
- Tenants should not use Association schemes to undertake maintenance work on vehicles other than their own. At no time will permission be granted for paid work to be undertaken from the car park.

Where a vehicle in a scheme parking facility is deemed to be posing a health and safety risk, immediate action will be taken to try and rectify the situation. Any costs incurred by the Association in removing the vehicle will be recharged in full to the registered keeper or owner of the vehicle.

12. Staff Resources

This Policy is implemented by the Housing Services team.

13. Monitoring & Review

Motor Vehicle Parking processes and issues will be monitored by the Housing Services Team and will include:

- The number and nature of complaints received
- The number of unauthorised cars using the Association's car parks
- Action taken in relation to breaches of the Motor Vehicle Parking Policy
- Regular reviews of parking in schemes, including consultation with the tenants in order to find out what they want for the car park in their scheme.

Right to Complain

In the event you are not satisfied with the service you have received, please contact the Association for a copy of our Complaints Policy, which can also be viewed on our website – www.langstane-ha.co.uk

Equality and Diversity

The Association is committed to promoting equality and diversity across all areas of its work, and discrimination or harassment of any kind is not tolerated.

If you would like this document sent to you in large print, please contact Customer Services on 01224 423000