

# Parking Policy

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## 1. Introduction

- 1.1 This policy sets out our approach to parking management, enforcement and abandoned vehicles on our estates. It outlines how we provide a consistent, fair service, and involve residents in decisions around parking in their neighbourhood.
- 1.2 This policy has links to some of our other policies, and we've thought about these links when reviewing the policy. This policy should be read in conjunction with our Sub-Units Policy and Estate Management Policy. Other relevant documents include our:
  - Abandonment Policy
  - Antisocial Behaviour Policy
  - Rent Collection Policy
  - Complaints Policy and Procedure

## 2. Scope

- 2.1 This policy applies to all residents of the Peabody Group, except for Town and Country Housing.
- 2.2 This policy only applies where we manage parking, or a parking contractor is employed to undertake parking enforcement. If we do not manage parking, or we manage the estate in partnership with other landlords, we try to align the service with this policy as much as possible. Local authority planning consents, agreed measures (such as temporary restrictions) and parking bays owned as part of a lease may take precedence over this policy.
- 2.3 We aim to provide a sustainable, safe and attractive environment for our residents (tenants, freeholders and leaseholders) to live in by effectively managing parking on our land.

## 3. Key terms and definitions

- 3.1 **Parking control** refers to where we introduce measures to manage parking on our land, such as:
  - Permit schemes: Where vehicles parking without a permit are given a ticket.
  - Environmental improvements: Where we install gates and bollards or paint additional line markings.
- 3.2 A **TORTs notice** is a legal document which can served to the owner of an item left abandoned on private land. The Torts (interference with Goods) Act 1977 allows landlords to sell or dispose of goods, if reasonable efforts to trace the owner fail.
- 3.3 A **Statutory Off Road Notification (SORN)** is when you take a vehicle off the road and stop taxing and insuring it.

## 4. Our approach

### General Principles

- 4.1 We set appropriate conditions on the vehicles we permit to park on our land in order to provide safe and attractive neighbourhoods for our residents to live in.

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- 4.2 We do not permit non-roadworthy vehicles (e.g., boats), vehicles that are not suitable for our allocated bay sizes and sites, heavy goods vehicles (over 3.5 tonnes), trailers or caravans to park on our land. If we receive complaints about your vehicle, we reserve the right to review the suitability of usage for the bay and remove permissions.
- 4.3 We may allow company cars to park on our land with confirmation from the employer. Decisions about commercial vehicles are made on a case-by-case basis depending on the parking facilities, availability and the size of the vehicle.
- 4.4 We take appropriate action to deal with any abandoned, uninsured and untaxed vehicles on our land.
- 4.5 Private residents and leaseholders who own their bays or have a bay conveyed to them can, with our written consent, install a lockable bollard to prevent unauthorised usage. They are then responsible for maintaining and repairing the bollard.
- 4.6 We treat breaches of the conditions set out in this policy as antisocial behaviour and take the appropriate action to ensure residents abide by the rules. Actions such as restricting refuse vehicles to access bin stores and blocking access to emergency vehicles are dealt with in line with our Antisocial Behaviour Policy.
- 4.7 We try to deal with individuals causing parking related issues before introducing parking control in our neighbourhoods.

### Parking Control

- 4.8 We may introduce parking control to ensure our service meets the needs of both drivers and non-drivers. This may be triggered by resident requests and/or parking management issues, for example, non-resident use of resident parking, misuse of disabled parking bays and reoccurring vehicle related antisocial behaviour (ASB).
- 4.9 Where we decide to allocate parking bays, we do it in a fair and consistent manner which takes into consideration any contractual agreements, agreements with the local authority and locally agreed arrangements on the scheme.
- 4.10 We usually consult residents before introducing parking control in existing neighbourhoods in order to tailor it as far as possible to their needs and encourage them to take ownership of parking. This could involve discussions about parking management issues and how enforcement could resolve them. In neighbourhoods where parking is a recurring issue, we may introduce parking controls without a consultation, however we inform residents before this action is taken including the reasons for the decisions.
- 4.11 We usually only allocate one bay per household unless we have schemes with more available parking than demand. Where this is the case, we may use our discretion to either create disabled bays, visitor bays or allocate additional bays to households that request it. However, this does not mean that each household will automatically get an additional permit.
- 4.12 Where the number of parking spaces exceeds demand on a given estate, we may either rent these excess spaces out commercially, or in some cases convert them to other uses.
- 4.13 Where there is a mix of housing providers, we consult other landlords, private residents and shared owners who own the freeholds of their bays or have leases which require we consult them before introducing parking control.

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- 4.14 We only introduce parking control if they vote in favour by simple majority, but anyone who remains opposed to a permit scheme may opt out.
- 4.15 The decision to introduce parking enforcement and the type of enforcement implemented is made by us and approved by the relevant Head of Neighbourhoods. We inform residents when parking enforcement will take place on their estate.
- 4.16 We may carry out environmental improvements on an estate as a form of parking control on a case-by-case basis.

### Permit Schemes

- 4.17 Parking enforcement on our estates may be done through a permit-based system. We hire a parking contractor and install signs to display parking information where enforcement is in place.
- 4.18 Payment for a permit allows the permit holder to park in an allocated bay. There may be exceptions where residents with permits do not have an allocated bay as this approach to allocation is phased in from August 2020.
- 4.19 We do not permit any vehicles to be parked outside of designated parking spaces or garages.
- 4.20 We only issue permits to tenants if they:
- Provide adequate proof of residency.
  - Provide proof that they are the legal owner of the vehicle (log book), the car is registered at their Peabody property, a valid MOT certificate, the car has valid road tax, Vehicle Registration Document (V5 issued by the DVLA) and a valid vehicle insurance certificate.
- 4.21 We reserve the right to decline applications for parking spaces where the applicant has breached their tenancy agreement (e.g., through anti-social behaviour or rent arrears) or has outstanding possession orders. These are considered on a case-by-case basis.
- 4.22 We only grant permits to residents with arrears if they have stuck to their agreed payment plan for at least six months, or if they are waiting for housing benefit and have done everything possible to progress their application. We may end or not renew a resident's permit if they owe any monies to the association, for example arrears or former tenant arrears. We may also end or not renew a resident's permit if they fail to stick to any agreed arrears repayment plans.
- 4.23 We accept applications for parking permits from permanent adult household members. We accept applications from household members under the age of 18 years old for a licence agreement if their parent or legal guardian signs the licence agreement on their behalf and accepts responsibility for any unpaid charges.
- 4.24 All vehicles are required to follow the rules of parking enforcement on the site and park reasonably without causing a nuisance or inconvenience, otherwise they may be issued with a Penalty Charge Notice/Parking Charge Notice. What is considered as unreasonable parking may vary from site to site.
- 4.25 If a permit is not clearly displayed on the vehicle's dashboard or windscreen, or the appropriate virtual permit issued, the vehicle is issued with a Penalty Charge Notice/Parking Charge Notice.

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### Allocation

- 4.26 We allocate parking permits on a first come, first served basis. The permit is for the permit holder and specific vehicle that is registered at the Peabody property/estate. Permits cannot be transferred to another vehicle. When changing vehicles, we may issue a dispensation for up to 14 days, allowing the permit holder to continue parking on the estate.
- 4.27 We usually allocate specific bays to tenants on a one to one basis and convey bays to private residents and shared owners on our new developments. Where we do not believe that allocating specific bays is appropriate we issue residents with a right to park (allowing them to park where there is space in a specific zone). For leaseholders the right to park will usually apply for the entire length of the lease.
- 4.28 Waiting lists are managed locally by Neighbourhood Managers. In most instances, permits are allocated on a first come first serve basis and offers are made on the condition that there are no tenancy breaches at the time a parking space or sub unit becomes available.
- 4.29 Residents who provide us with a Blue Badge automatically go to the top of their scheme's waiting list.
- 4.30 We may allocate a parking bay to a full-time carer (where a space is available) and dispensation to a temporary carer. Other support services that our vulnerable residents are dependent on (e.g., meals on wheels) may receive a visitor permit or dispensation.
- 4.31 We may grant households additional permits where there is availability, no waiting list and the eligibility criteria have been met. The number of visitor permit booklets issued per household depends on the availability of parking on each estate and is decided accordingly.
- 4.32 Colleagues and contractors who are allocated a parking permit or dispensation for official business can park in visitor parking bays or non-designated bays where available.

### Parking Charges

- 4.33 Generally, we are guided by the costs and pricing in each individual local authority.
- 4.34 We set the cost of permits annually and only issue permits if the total yearly cost has been paid in advance, unless the cost is included in the service charge. More frequent payment options and refunds for those who want to surrender their permit may be available at our discretion, with approval from the regional Managing Director.

### Termination or Withdrawal of Parking Permission

- 4.35 We reserve the right to revoke parking permits where the applicant has breaches of tenancy e.g. anti-social behaviour or rent arrears. These are considered on a case-by-case basis and we give at least 1 months' notice of termination in these cases.
- 4.36 We may terminate additional parking bays allocated to residents and any bays allocated to non-residents when a waiting list develops. We give at least 1 months' notice of termination in these cases.
- 4.37 Exceptional circumstances may necessitate us to suspend parking. In these cases, we give reasonable notice to the resident(s) affected and explain why the decision has been taken.

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### Statutory Off Road Notices (SORNs)

- 4.38 We do not allow residents to store vehicles on our land with a SORN (Statutory Off Road Notification) declaration. This restriction does not apply if the resident has a private parking space (licenced or leased) provided the SORN vehicle is parked in that space.
- 4.39 If a resident parks a vehicle with a SORN on our land without written permission we consider it to be unlicensed and may seek to remove it or take legal action, such as serving an injunction for a breach of tenancy.

### Abandoned Vehicles

- 4.40 We identify and, where appropriate, work in partnership with the relevant authorities to arrange for the removal of any abandoned vehicles on our land. For more information, please see our Abandonment Policy.
- 4.41 To be eligible for removal, the vehicle must meet several of the following criteria:
- No valid road fund license and/or MOT
  - No valid insurance
  - Has obvious signs of abandonment e.g., broken windows, flat tyres, general poor conditions.
- 4.42 If the vehicle meets several of the above criteria, a 28-day torts notice will be attached to the vehicle. If no contact is received from the vehicle owner throughout the entire process, the vehicle will be disposed of upon expiration of the torts notice.
- 4.43 We reposition vehicles causing an obstruction to emergency entrances and exits to a safer location or we may instruct the Emergency Services to remove it.

### Complaints and Appeals

- 4.44 Complaints regarding Parking Charge Notices/Penalty Charge Notices should be made directly to the parking contractor.
- 4.45 If a resident is not satisfied with the appeal outcome from the parking contractor, we signpost them to appeal the parking contractor's decision through the Parking on Private Land Appeals (POPLA) online process ([www.popla.org.uk](http://www.popla.org.uk)). In some exceptional cases agreed by the regional Managing Director, we may review the case and respond to the resident.
- 4.46 If a representation is rejected by the contractor's appeals department, the Independent Appeals Service (IAS) provide an Alternate Dispute Resolution (ADR) scheme for disputes of this type. The IAS consists of an independent panel of trained solicitors and/or barristers who will consider the legalities of the charge. A decision made on a standard appeal is legally binding on the operator.
- 4.47 All other complaints are responded to in line with our Complaints Policy and Procedure.

## **5. Equality, Diversity and Inclusion**

- 5.1 When allocating parking permits or bays, we consider household circumstances for priority on the waiting list. Particularly for Blue Badge holders, families with disabled children who do not have a Blue Badge, and households with carers and support workers.

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5.2 This policy aligns with our wider Equality Diversity and Inclusion Strategy by supporting the vulnerable, creating places where people want to live and building resilience in people and communities.

### 6. Legislation and Regulation

6.1 This policy complies with the following pieces of legislation:

- Torts (Interference with Goods) Act 1977
- Protection of Freedoms Act 2012
- Parking (Code of Practice) Act 2019

6.2 We will revisit and update this policy when the new Private Parking Code of Practice is published by the Department for Levelling Up, Housing & Communities (DLUHC).

### 7. Responsibilities

7.1 Managing Directors and local service delivery teams have overall responsibility for the delivery of this policy.

### Approval

<b>Version number</b>	1
<b>Effective from</b>	1 April 2023
<b>Policy owner</b>	Managing Director North East London