

# East Devon District Council

## Garage Management Policy

Version 1

Officer Responsible: Housing Services Manager

Authorised by the Housing Needs and Strategy Manager on 5<sup>th</sup> January 2020

### 1 Previous Policies/Strategies

[Click here](#) to add information on old polices/strategies being superseded.

### 2 Why has the council introduced this policy?

- 2.1 This policy statement outlines East Devon District Council's (EDDC), Housing Service approach to letting and managing garages. Residents are encouraged to take on garage licenses to free up congestion on roads, promote safer communities and prevent access problems on estates due to overcrowding of vehicles.

### 3 What is the council's policy?

- 3.1 This policy applies to how we manage garage allocations and terminations. This policy covers the following points and should be read in conjunction with the related documents as stated below:-

- Allocation of garages
- General use
- Repairs
- Rent
- Termination of licenses
- Insurance
- Demolition of plots and development
- Bereavement and succession rights

#### 3.2 Definitions

- 3.2.1 The following definitions apply to this policy:

- **Garage** includes the structural building and the garage forecourt area
- **Resident** includes EDDC tenants, freeholders, leaseholders and private tenants
- **Tenant** means anyone who holds a Council tenancy with EDDC
- **Vehicle** any car. Motorcycle, caravan, trailer, trailer tent, motorhome, van, lorry, horsebox, boat, motor scooter or similar

### **3.3 Allocations and lettings**

- 3.3.1 Waiting lists are open to all residents aged eighteen or over regardless of tenure, status, subject to meeting the relevant criteria.
- 3.3.2 Garage rent will be charged at a higher rate for private licensees, home owners, leaseholders and former tenants, compared to current tenants of a Council dwelling.
- 3.3.3 It is the responsibility of the licensee to notify us of any changes in writing.
- 3.3.4 Waiting lists will be established and maintained in date order.
- 3.3.5 A Council tenant who is in rent arrears or has other housing related debts will not be eligible for a garage.
- 3.3.6 In all cases the applicant will be required to enter into a garage agreement. Garage licenses are weekly agreements. Joint licenses are not offered.
- 3.3.7 If a former license was breached, we have discretion over whether to grant a new license.
- 3.3.8 A license will be revoked if it is found that applicant knowingly gives false or misleading information to obtain a tenancy.
- 3.3.9 A prospective licensee may view the garage prior to signing up for the license. However, they will be responsible for returning the keys that they signed for. If they do not return the keys or lose them, they will be recharged for the replacement of any locks or keys.

### **3.4 General use of garage**

- 3.4.1 We will not be responsible for any loss, deterioration or damage to a vehicle or any items stored in a garage.
- 3.4.2 Licensees must not keep an untaxed vehicle in the garage unless a valid Statutory Off Road Vehicle Notification (SORN) has been made to the Driver and Vehicle licensing Agency (DVLA).
- 3.4.3 Licensees must not park a vehicle that exceeds two tonnes un-laden weight on any Council land.
- 3.4.4 Licensees are not permitted to re-let, assign or sublet all or part of the garage.
- 3.4.5 Garages are not permitted to be used for the purpose of accommodation.
- 3.4.6 Licensees are expected not to continuously run the engine of vehicles whilst in the garage except when entering and leaving. They must not cause annoyance, nuisance, distress and harassment to neighbouring properties including garages.

- 3.4.7 Licensees are not permitted to carry out repairs to vehicles on Council land, except for topping up windscreen washer fluid, oil or water, changing one tyre, putting in a new sound system or changing windscreen wipers. It is not acceptable to change the oil. Precautions must be taken to minimise the possibility of an outbreak of fire, and materials must be disposed of correctly.
- 3.4.8 Licensees are not permitted to use power tools to undertake car maintenance. Cordless vacuum cleaners may be used.
- 3.4.9 Licensees must be able to close garage doors, and are also required to avoid causing obstruction to access routes to any other garage, roadway, footpaths, forecourts premises or sites.
- 3.4.10 Licensees must not make any structural alterations or additions to the garage.
- 3.4.11 The cost of any repairs, maintenance or replacement of a garage as a result of misuse or wilful damage by the licensee, or any other person connected with them, will be dealt with in line with the EDDC Recharge Policy.
- 3.4.12 EDDC have the right to carry inspections as required and these should not be restricted in any way.
- 3.4.13 Any garage under license is not allowed to be used for the purpose of anti-social behaviour or criminal activity.

### **3.5 Repairs**

- 3.5.1 Licensees are required to give employees or contractors working for the Council reasonable access in order to carry out repairs to the garage, or neighbouring properties.
- 3.5.2 If a licensee is unable to use a garage whilst repairs are being carried out and a suitable neighbouring garage is void, this will be offered to the licensee temporarily at the same rent as the existing garage license. If there is no suitable neighbouring void garage or the licensee declines the offer of one, the existing license will be temporarily terminated. In this case rent will not be charged for the garage requiring repairs providing the keys are returned to us. The license will resume when the repairs to the garage have been completed.
- 3.5.3 In the event that a garage license is terminated because the whole or a substantial part of the site needs to be redeveloped, we will try to offer the licensee a suitable alternative garage but cannot guarantee the location.

### **3.6 Rent**

- 3.6.1 The rent may be varied by giving the licensee of a garage one week's written notice before any changes take place. These charges may increase or decrease from time to time – usually once a year.

3.6.2 Garage rent is due weekly and in advance as specified in the license agreement

3.6.3 Garage arrears will be dealt with in line with the Housing Services Income Management Policy.

### 3.7 Terminations

3.7.1 We will not normally end a garage license without the licensee's agreement unless there is a breach of license conditions (or the licensee is deceased and there is no succession). As the license is not for a dwelling the licensee has no security of tenure. The license can be ended by serving one week's notice to quit on the licensee with a garage.

3.7.2 A licensee holding a garage license may terminate their license with one week's written notice ending on a Sunday.

3.7.3 Where items have been left in a garage the former licensee will be given every opportunity to remove the items. Rent will continue to be charged until the former licensee either removes the items or they give us written permission to dispose of them. In the event that the items are not removed within 4 weeks, we will remove and dispose of any items and the former tenant will be recharged for any costs incurred. This will be done by TORTS notice.

3.7.4 If there is any outstanding rent or recharges when the garage license is terminated then the former licensee must make arrangements to pay any outstanding debts.

3.7.5 When a garage license is terminated, vacant possession is required, with all rent paid up to date, any items removed and the property left in a clean and tidy condition. Keys are to be returned by 12 noon on the Monday following the license end date.

3.7.6 If the keys are not returned or they have been lost we will recharge the licensee for the replacement of any locks or keys.

### 3.8 Insurance

3.8.1 We will insure the structure of the garage. The licensee is responsible for insuring their own vehicle and personal possessions together with any property stored in the garage.

### **3.9 Demolition of lots and development**

3.9.1 The demolition of individual garages or blocks of garages will only be carried out where there is a requirement due to a health & safety risk or a business case is in place to demolish and redevelop the site.

### **3.10 Bereavement**

3.10.1 Where a licence has ended due to the licensee passing away, the license may be offered to a surviving member of the licensee's household. Proof of residency will be required before re-letting the garage.

3.10.2 If the license is declined or after 28 working days has not been accepted it will be treated as a normal void.

**4 Equality impact considerations** – the policy is high relevance to equality if it has a big impact on residents and users of the service  
Low

4.1 The Housing Service tailors its services to meet the diverse needs of individuals. We foster good relations with people when providing services to eliminate discrimination and to promote equal opportunities.

## **5 Data protection considerations**

**b) The collection and use of tenant's personal data will not exceed that agreed to in their tenancy agreement**

If selecting option c) – please provide a summary of additional personal data required and how this will be obtained and used below.

Click or tap here to enter text.

The [EDDC Data Protection Policy](#) provides further information on how we store and use personal information.

The following privacy notice(s) provide further information on how we will use tenant's personal data, how it is gathered, and how long we will retain this information, and what rights tenants have in relation to this.

Housing Services - Enforcing conditions of tenancy agreement

Choose an item.

All our privacy notices can be found on the EDDC website (<https://eastdevon.gov.uk/access-to-information/data-protection/privacy-notices/>)

## **6 Appendices and other relevant information**

### **7 Who authorised the policy/strategy and date of authorisation.**

7.1 This policy was authorised by the Housing Services Manager on 5<sup>th</sup> January 2020

## **8 Related Policies/Strategies, Procedures and Legislation**

- Garage License Agreement
- Income Management Policy
- Recharge Policy

## **9 Policy date for review and responsible officer**

- 9.1 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 2024 and every four years thereafter.