Perth and Kinross Council

Garage Sites and Lock-up Policy
<table>
<thead>
<tr>
<th>Contents</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>3</td>
</tr>
<tr>
<td>Principles, aims and objectives</td>
<td>3</td>
</tr>
<tr>
<td>Equal opportunities statement</td>
<td>3</td>
</tr>
<tr>
<td>Legal framework</td>
<td>4</td>
</tr>
<tr>
<td>What is a lock-up and garage site?</td>
<td>4</td>
</tr>
<tr>
<td>Applying for a Garage Site and Lock-up</td>
<td>4</td>
</tr>
<tr>
<td>Letting a Garage Site or Lock-up</td>
<td>4</td>
</tr>
<tr>
<td>Tenancy agreement and conditions of use</td>
<td>5</td>
</tr>
<tr>
<td>Rents</td>
<td>6</td>
</tr>
<tr>
<td>Arrears</td>
<td>6</td>
</tr>
<tr>
<td>Ending the tenancy</td>
<td>6</td>
</tr>
<tr>
<td>Void inspections</td>
<td>7</td>
</tr>
<tr>
<td>Abandonment</td>
<td>7</td>
</tr>
<tr>
<td>Succession, Assignation and Sub-letting</td>
<td>7</td>
</tr>
<tr>
<td>Mutual Exchange</td>
<td>8</td>
</tr>
<tr>
<td>Policy reviews/consultation</td>
<td>8</td>
</tr>
<tr>
<td>Customer service/complaints</td>
<td>8</td>
</tr>
<tr>
<td>Performance Monitoring</td>
<td>8</td>
</tr>
<tr>
<td>Publicity</td>
<td>9</td>
</tr>
</tbody>
</table>
Introduction

Perth and Kinross Council owns and manages garage sites and lock ups in various locations. This policy sets out our approach to allocating and managing garage sites and lock ups. It should be read in conjunction with the Neighbourhood Services Strategy, Current and Former Arrears Policy, Rechargeable Repairs Policy and Rents and Service Charging Policy.

Principles, aims and objectives

This policy has been designed to ensure the efficient and equitable letting of garage sites and lock ups by making best use of our available stock. It sets out the measures we will use to prevent or recover arrears fairly and to avoid, wherever possible, action to recover possession of garage sites and lock ups from the tenant. It also sets out procedures for recovering abandoned garage sites and lock ups.

The aims of this policy are to:

- Set out a transparent process for the allocation of garage sites and lock-ups
- Ensure that rents are collected in a timely and efficient manner
- Ensure that garage sites and lock-ups are maintained to a high standard
- Encourage the take-up of garage sites and lock ups
- Ensure that tenants comply with the terms and conditions of the tenancy agreements for garage sites and lock-ups

Equal opportunities statement

Perth and Kinross Council is committed to providing fair and equal treatment for all its stakeholders and will not discriminate against anyone on the grounds of race, colour, ethnic or national origin, language, religion, belief, age, gender, sex, sexual orientation, marital status, family circumstances, employment status, physical ability and mental health. We will endeavour to achieve fair outcomes for all.

This policy complies with the Council’s Equal Opportunities Policy. We recognise our active role in valuing and promoting diversity, fairness, social justice and equality of opportunity by adopting and promoting fair policies and procedures. We carry out equality impact assessments to ensure that our policies and procedures meet the needs of equalities groups and take appropriate action to address inequalities likely to result or resulting from the implementation of the policy and procedures.

Under this policy we allow any Perth and Kinross resident aged over 17 years to apply for a garage site or lock-up. We will give residents who are disabled (have a disability), and have a ‘blue badge’, priority on our waiting lists.
Legal framework

This policy complies with the following legislation:

- Sheriff Courts (Scotland) Act 1907 Section 38 governs the removal of property let to tenants for less than a year and requires 28 days notice to be given before its removal
- Debt Arrangement (Scotland) Regulations 2003
- Data Protection Act 1998
- Equality Act 2010

What is a garage site and a lock-up?

A **garage site** is a plot comprising a uniform sized hard surface plinth upon which a garage may be built/ erected. There are usually a number of individual plots on each garage site.

Lock-ups and garages built on sites are designed for parking a motor vehicle and can also provide suitable storage for ordinary domestic, household and garden items.

A **lock-up** is a purpose built permanent garage structure. Lock-ups are generally built in terraced blocks and concentrated on single sites.

Applying for a garage site or lock-up

We have a number of garage sites and lock-ups in various locations across Perth and Kinross that are available to let.

Each applicant aged 17 years or over who is resident in Perth and Kinross should provide:

- A copy of their vehicle registration document
- One additional proof of their address
- One proof of their identification

Disabled applicants shall provide proof of their eligibility (e.g. a blue badge).

Tenants and residents can apply for more than one garage site or lock up subject to availability.

Letting a garage site or lock-up

Area Housing Offices maintain waiting lists for the garage sites and lock-ups in their area. We will allocate garage sites and lock-ups to applicants in order of priority as follows:
• Disabled applicants (or where a member of the household is disabled) from any form of tenure who live in the area in which the garage site or lock up is situated
• Council tenants who live in the area in which the garage site or lock up is situated
• Other residents (owner occupiers, private renters) who live in the area
• Council tenants and other residents who live elsewhere

The date of application will determine the applicant’s position on the waiting list within each category.

We will carry out an annual review of our waiting lists.

Tenancy agreement and conditions of use

1) Lock-ups

Each applicant who is allocated a lock-up shall sign the Lock-up Tenancy Agreement thereby agreeing to the following conditions of use:

• The lock-up shall be used for storing a motor vehicle and/or normal household goods and/or garden furniture and equipment;
• The lock-up shall not be used to store dangerous, volatile or flammable liquids such as petrol, diesel or bottled gas, other than petrol mower fuel which must be stored in legal container as specified in the tenancy agreement.;
• The lock-up shall not be used for illegal or immoral purposes, such as storing stolen goods;
• The lock-up shall not be used for any business or commercial purpose or to store any items in connection with a business;
• The tenant shall not do anything, or allow anything to be done, in the lock-up or vicinity which could reasonably cause nuisance or annoyance to other people, or which amounts to harassment of other people;
• The tenant shall not make any structural alterations to the lock-up;
• Council officers shall be entitled to enter the lock-up at all reasonable times to inspect it and carry out any works considered necessary;
• The tenant shall inform the Council if they change address.

2) Garage sites

Each applicant who is allocated a garage site shall sign the Garage Site Tenancy Agreement and, in addition to the conditions of use which are the same as for a lock-up, shall also agree to erect a garage which meets the Council’s standard specification which is annexed to the lease agreement.
Rents

Garage site and lock up tenants shall pay rent weekly in advance. We will send an invoice to garage site tenants every quarter.

Council tenants who rent a lock-up won’t have to pay VAT. Other residents will have to pay VAT.

VAT is not charged on garage site rents.

We will increase the rents for garage sites and lock-ups every April in accordance with our Rent and Service Charge Policy. Table 1 shows the rents our tenants will pay in 2014/15:

Table 1 – Weekly rents for lock-ups and garages

<table>
<thead>
<tr>
<th>Description</th>
<th>Lock Up</th>
<th>Garage Site</th>
</tr>
</thead>
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<tr>
<td>Council Tenant</td>
<td>£8.01</td>
<td>£0.52 to £1.75</td>
</tr>
<tr>
<td>Other Resident</td>
<td>£9.61 (including VAT)</td>
<td>£0.52 to £1.75</td>
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Arrears

The Council will manage garage site and lock up accounts efficiently and effectively and try to prevent or minimise arrears. If a tenant’s account falls into arrears, we will invoke Clause 11 their tenancy agreement which says that arrears will constitute grounds for recovery of the tenancy. In the event that arrears arise and are not cleared, we will progress ‘notices to quit’, raise court action where necessary and seek the legal expenses of these from the tenant.

Ending the tenancy

The tenancy may be ended in any one of the following ways:

- By the tenant, giving 28 days’ notice
- By written mutual agreement by the tenant and ourselves
- By the tenant’s death
- By abandonment of the garage site or lock up
- By a court order authorising us to recover possession

Before moving out of a lock-up, the tenant must:

- Leave it clean and tidy
- Remove its contents
- Lock the door and handing the keys to the Area Office;
- Remove any unauthorised fixtures and fittings
- Reinstate to the original and put right any damage caused
- Pay any outstanding sums due
- Give a forwarding address

For a garage site, the tenant must clear the garage of its contents and dismantle and remove the structure completely.

**Void inspections**

The Council’s Property Inspectors will carry out a pre-termination inspection and inform the tenant what they need to do to end the tenancy satisfactorily. If no pre-termination inspection has been done, the inspector will carry out an inspection of an empty lock-up one working day following the keys being returned or the lock-up repossessed. If any costs for either clearing contents or repairs caused by negligence arise, we will recover these from the tenant.

The purpose of the inspection is to:

- Make sure the lock-up has been cleared and is unoccupied
- Make arrangements to secure the lock-up if needed
- Assess any repairs required
- Assess any rechargeable repairs
- Arrange to clear the lock-up where needed and inform the Area Office of the recharge

The Council’s property inspectors will also check to ensure that a garage has been removed from a garage site at the end of the tenancy and arrange for its removal and raise a recharge where appropriate.

**Abandonment**

Council staff will try to contact tenants who have failed to give 28 days’ notice or otherwise appear to have abandoned their garage site or lock up. If we are unable to contact the tenant and are satisfied they have abandoned the garage site or lock-up, we will repossess it, make an inventory and store any motor vehicle or other goods of value. We will dispose of any goods which do not cover the cost of clearing the garage site or lock-up without delay.

**Succession, Assignation and Sub-letting**

Succession, assignation and sub-letting rights do not apply to garage sites and lock-ups. If the tenant dies, the tenancy shall end and we will re-let the garage site or lock-up. However, where there is a joint tenancy, the surviving tenant may continue to rent the garage site or lock-up if he/she wants to do so. If not, the tenancy will end.
**Mutual Exchange**

Tenants of lock-ups can apply to carry out a mutual exchange with another lock up tenant.

**Policy reviews/consultation**

This policy will be reviewed, initially after a year and, thereafter, every three years or sooner where this is required. Reviews will cover performance standards and good practice.

It has been developed this policy in consultation with tenants, registered tenant organisations and other service users, taking account of their comments and contributions. We will regularly consult our tenants and other services and agencies in order to continually develop good practice in our management of garage sites and lock-ups.

The policy will be published on the Council’s website and will be available in other formats and languages on request.

**Customer Service/ Complaints**

The Council will make sure that we provide a high quality customer focused service with an emphasis on ‘getting it right first time’. However, customers may use the Council’s complaints procedure where they are dissatisfied with this policy, its application or any other issue about garage sites and lock-ups. Details of the complaints procedure are detailed in the Council’s ‘Complaints Procedure’ leaflet that is available from any Council office or the website:

[http://www.pkc.gov.uk/articles/5731/Complaints](http://www.pkc.gov.uk/articles/5731/Complaints)

Complaints will be used to monitor and improve the service.

Information given by our customers (in relation to this policy) will be treated confidentially and will not be discussed with third parties without the customer’s permission. We comply with the Data Protection Act 1998 on this.

**Performance Monitoring**

There are no statutory performance indicators for garage sites and lock-ups, but through the Neighbourhood Services Performance Management Framework we will monitor the following areas:

- Void re-let times
- Void Rent Loss
- Difficult-to-let garage sites and lock-ups
- Arrears
- Abandonments and lost contacts
• Waiting list demand

**Publicity**

Information on garage sites and lock-ups will be published on the Council’s website including any vacancies where there is low demand.