

GARAGE MANAGEMENT POLICY

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1.0 Scope

This Policy sets out the Council's general approach to the management of garages, including:

- Garage use
- Allocation and Lettings
- Repair and maintenance
- Rent and charges
- Terminating of licences
- Succession rights
- Insurance
- Demolition and development
- Disposal

The Policy applies to garages that are owned and let by Broxtowe Borough Council's Housing department but excludes homes with garages where the garage forms part of the property.

2.0 Purpose

The Policy outlines:

- The rights and responsibilities of garage licensees and the Council
- How garage allocations will be managed
- How garages will be repaired and maintained
- How garage licences will be administered
- How garage licences will be terminated

3.0 Aims and Objectives

The overall aim of this Policy is to ensure that Broxtowe Borough Council garages are allocated fairly and efficiently to maximise income, ensure garages remain occupied and void rates remain low.

4.0 Regulatory Code and Legal Framework

Housing Act 1985

Landlord and Tenant Act 1985

Human Rights Act 1998

Equality Act 2010

Law of Property Act 1925

Data Protection Act 2018

TORTS (Interference with Goods) Act 1977, Section 12 (1)

Regulatory Reform (Fire Safety) Order 2005

Section 41 of the Local Government (Miscellaneous Provisions) Act 1982

Dangerous Substances and Explosive Atmospheres Regulations 2002

5.0 Policy Outline

5.1 Garage Use

Council garages can be used for the following:

- Storage of motor vehicles, mobility scooter, small caravan, trailer, tent, boat, bicycle or any transportation method used for water sports.
- Storage of excess household or garden items including tools.

Council garages cannot be used for the following:

- Storage of any flammable gases, chemicals or liquids
- As a workshop
- Any criminal, illegal or immoral purposes

Garage licensees are not permitted to assign, sub-let or part with possession of the garage. Any breach in the Garage Licence may result in the licence being terminated by the Council.

The Council will not be held responsible for any loss or damage to any property or vehicle stored within the garage.

Untaxed vehicles must not be kept in the garage, unless a valid Statutory Off Road Vehicle Notification (SORN) has been made to the Driver and Vehicle Licensing Agency (DVLA).

5.2 Applying for a Garage

The Council operates an open register for garages and as a result, all residents aged over 18, irrespective of their place of residency, can join the register. There is no preference given to Broxtowe Borough Council tenants or leaseholders when applying to join the register.

When a garage is allocated, a shortlist will be created from the garage register. If there is more than one applicant wishing to be allocated a garage, then preference will be given to applicants who are resident in Broxtowe Borough. Priority will be given to those who have been on the garage register for longer, unless the applicant already has a garage, in which case the next applicant will be offered the garage.

Garages will normally be allocated in date order from the waiting list, but the Council reserves the right to give priority to anyone with limited walking ability and who is registered disabled.

If the applicant is a current or former tenant of Broxtowe Borough Council, a check of the rent account will be carried out. If the applicant has arrears or any other Housing related debts, then they will be given the opportunity to clear these. If they do not, they will be ineligible for a garage.

When the garage register has been exhausted, the Council will allocate the garage to an applicant who is not resident in Broxtowe Borough or an applicant who wishes to use the garage for business purposes.

If a former licence was breached, the Council has discretion over whether to grant a new licence over the next two years.

It is the responsibility of the licensee to notify the Council of any changes.

5.3 Low Demand Garages

In areas where garages are in low demand, the Council will consider allowing a garage to be rented by a business for storage purposes only.

Any application for business storage will only be considered if the garage register is exhausted and the garage has been empty for a period of 3 months. Any business storage letting will be approved by the Homeownership Manager and the standard garage licence will apply.

If a garage has been empty for a period of six months and there is no domestic or business interest, the garage may be offered to a charitable or community interest group at zero charge. This letting will be approved by the Assistant Director of Housing. The standard Garage Licence will apply and the arrangement is reviewable on an annual basis.

On occasion, there may be a requirement for internal departments to use a garage. In this scenario, the Homeownership Manager will identify a suitable low demand garage.

5.4 Reviews of the Garage Register

The Council will review the garage register every 12 months. Once notified of the review, applicants will be given 28 days to confirm any changes of circumstances and/or that they wish to remain on the garage register before being removed. There will then be a requirement to re-apply and the effective date will be from the date any new application is received.

5.5 Garage Offers

Garage licences will be allocated to sole applicants (aged 18 and over) and the Council will ensure that garages are let in a fair and consistent way in line with the process stated above.

In all cases, the applicant will be required to enter into a Garage Licence and must provide at least one form of identification along with proof of their current address.

Once the applicant has been notified and accepted the offer, they must attend the Council Offices to sign the Garage Licence and collect the keys. One months' rent will be required to be paid before the keys are released. The applicant will be provided with a copy of the signed licence.

Applicants will be asked to sign a Key Acceptance form at the sign-up appointment to confirm receipt of one set of keys. The Council will keep a spare set of keys for the garage at all times for emergency access. Licensees should request permission from the Council if they wish to install extra locking mechanisms.

The offer will be available for 14 days from the date of issue. The offer will be withdrawn after this time if not accepted, and will be offered to the next applicant on the garage register

5.6 Rent

Upon acceptance of the garage offer, the licensee will need to pay one months' rent in advance before the keys will be released. All subsequent payments are one month in advance and will be charged monthly over a 12-month period.

Garage arrears will be dealt with in line with the Garage Rent Arrears Procedure.

Non-Council tenants or leaseholders will be liable to pay the VAT on the garage licence fee. This is set by HM Revenues & Customs.

Garage licence fees will be reviewed on an annual basis. Periodic benchmarking reviews will take place to ensure that garage rents are competitive. Any rent increases must be approved by Cabinet.

5.7 Terminations

The Council will terminate a Garage Licence under the following circumstances:

- When the licensee agrees and wishes to terminate
- When there is a breach of licence conditions
- When the Council requires possession for redevelopment or demolition
- Where a licensee has died and the surviving family member declines the offer of the garage or fails to make contact with the Council for 28 days following notification of death

Licensees who wish to end their garage licence can do so in writing or by completing the online termination form on the Council's website. Terminations will not be accepted over the telephone. 14 days' notice is required to end a garage licence and will end on the following Sunday from the date the termination notice is received.

Keys must be returned to the Council Offices on the Monday stated in the termination acknowledgement the licensee receives. A key receipt must be obtained to ensure proof that the keys have been returned. The Council advises against sending keys via post, as the licensee will be subject to a lock change charge should they go missing.

The licensee will be liable for a gain entry and lock change charge if garage keys are lost or they do not return all the keys they have signed for at the start of their licence.

The garage must be left in a clean and tidy condition, with vacant possession.

Any items found left inside of the garage will be dealt with in conjunction with the Storage and Clearance of Goods Procedure.

As provided for under Section 41 of the Local Government (Miscellaneous Provisions Act) 1982, where the Council considers that the licence has come to an end, for example following eviction or abandonment, the Council will serve an appropriate Notice. Once the Notice expires, the Council can dispose of the items.

A garage rent account cannot be terminated until the garage keys are returned to the Council.

If there are any outstanding rent or recharges when the Garage Licence is terminated, then the former licensee should make arrangements to pay the outstanding debts. All debts following termination will be pursued and recovered.

5.8 Repairs and Maintenance

All repairs to garages are organised and carried out by the Housing Repairs team at the Council. The cost is covered by the Council with the exception of:

- Lock changes due to lost keys.
- Intentional damage caused to the garage.

These will be recharged in line with the Recharge Policy.

Garages are refurbished or replaced in accordance with a programme of works and the overall condition of the garage by the Capital Works team.

Garage licensees are responsible for:

- Regularly lubricating all mechanical parts of the garage doors, e.g. locks, springs, hinges etc.
- Giving employees or contractors working for the Council reasonable access in order to carry out repairs to the garage or neighbouring properties.

Repairs will be limited to garages that are licenced and void garages which have waiting applicants. All other repairs to void garages will only be undertaken when the repair would be required to limit any further deterioration of the garage or those adjoining it or where health and safety concerns arise.

In the event of serious damage, the Council will decide whether or not the garage should be repaired.

5.9 Decanting

The Decant Policy outlines when it may be necessary to facilitate a permanent or temporary move. Where possible, a garage in the same vicinity will be offered but cannot be guaranteed. If a transfer is arranged, there will be a grace period of one week to enable the licensee to move their items from one garage to another.

5.10 Voids

The Council aims to reduce the number of garage voids (empty garages) within their stock and maximise income.

Once a garage becomes void and the existing garage account has been finalised and terminated, the garage keys will be passed to the Homeownership team for re-allocation.

The garage will be inspected upon termination to ensure that all items have been removed by the previous licensee, and that the garage is fit for re-allocation.

The garage address will be checked to see if there is a valid asbestos survey. If so, the garage can be offered and the survey report provided with the offer. Otherwise, the Council will instruct an asbestos surveyor to complete a survey.

Any noticeable repairs e.g. lock changes or water leaks, will be addressed at the time of inspection providing that the garage can be re-let immediately.

If the offer is not accepted within 14 working days, the garage offer will be withdrawn.

A pre-licence inspection will be carried out if a period of six weeks has lapsed since the termination inspection to ensure that the garage is fit for purpose. Void garages are only inspected prior to allocation.

The Council aim to turnaround garages in high demand areas within 21 days following termination.

The Council will keep a key for the garage.

5.11 Garage Sale Requests

The Council will consider any sales of garage stock on a case by case basis, only in exceptional circumstances. Cabinet approval will be sought as required.

5.12 Death of a Licensee

Upon the death of a garage licensee, the Council must be notified and a copy of the death certificate provided.

The licence shall remain active until the garage keys are returned back to the Council. 14 days' notice will be required to terminate the licence.

Once the outcome of any wills/probate is known, the Council may accept an application for a garage licence to be transferred to a family member as a first (but not a second) garage, to a spouse or partner (subject to documented proof of an established relationship in the six-month period immediately proceeding the death of the garage licensee). If this application is accepted, then the new licensee will be

required to accept the Garage Licence conditions and sign a new licence. The Council will require proof that the new licensee is entitled to the contents of the garage.

If the licence is declined or after three months the garage has not been accepted by a surviving member of the household, the garage will be treated as a normal void.

5.13 Transfers

The garage licensee must have a clear garage account before a transfer can be granted, unless prior agreement has been given by the Council.

They will be given one week's grace period to transfer all belongings between garages. The licence fee will be charged for two garages if the licensee exceeds this limit.

Mutual exchanges do not apply to garages.

5.14 Insurance

The garage licensee is responsible for insuring the contents of their garage. Garages are not guaranteed to be 100% wind and weather tight, therefore it is the responsibility of the garage licensee to take out adequate insurance to cover their belongings.

The Council will not take responsibility for stolen or damaged items.

The garage licensee must take full responsibility for any loss or damage caused to property, persons or animals whilst the licence is held.

5.15 Demolition of Plots and Development

The Council may redevelop a garage site in order to change its use or in areas where there is low demand.

Demolition will be considered to entire blocks requiring extensive and costly repairs when the majority are void. Where possible, we will consider repurposing the area for resident parking unless the site is being demolished to provide additional land for development opportunities.

In these eventualities, garage licences will be terminated, and existing licensees will be provided with an alternative garage to rent where possible.

6.0 Related Policies, Procedures and Guidelines

This Policy should be read in conjunction with the:

Rent Arrears Policy
Rent Arrears Procedure
Garage Management Procedure
Storage and Clearance of Goods Procedure
Recharge Policy
Housing Strategy
Decant Policy
Repairs Policy
Asset Management Strategy

7.0 Review

This Policy should be reviewed every three years unless garage licences require to be changed, tenancy types change or because of significant changes in legislation.

8.0 Document History and Approval

Date	Version	Committee Name
09/06/2018	1.0	Housing Committee
09/02/2022	2.0	Housing Committee
01/07/2024	3.0	Cabinet