

Garages sites (formerly owned by First Wessex) – Parking Charge Notices

What brought this issue to the fore were the highly questionable activities of the private-parking operator at Tices Meadow, Aldershot Park Ward, after the sale of the garage-block sites. That all blew up three months ago when residents there started getting Parking charge notices (PCNs).

Faced with the difficulties caused by private-parking operators across the borough as sales of these sites went on, I launched an online survey on 10 February 2018 (*Appendix 1 – Survey form*).

The online survey obtained some 273 responses containing many hundreds of descriptions of unfairness, abuse and bullying of residents by private-parking operators – 17 of which related to the garage-block sites. There were also posts on social media, emails and correspondence. I am focussing this report on the issues relating to these former garage-block sites.

Charging for parking at garage sites in Tices Meadow, Aldershot, began suddenly after residents received a letter on 30 November from Courtman & Co acting on behalf of Hampshire Garages Investments warning that there would be charges for parking on their private land (*Appendix 2 – Courtman & Co letters*).

On 17 November 2016, the Community Policy & Review Panel of Rushmoor Borough Council recommended to the Cabinet that the transfer of the garage stock to Hampshire Garages Investment Ltd (*Appendix 3 - FW Garage Sites, Minutes, Community P&R Panel, 17-11-16*) and the Cabinet approved that recommendation on 13 December 2016 (*Appendix 4 - FW Garage Sites, Report, Cabinet, 13-12-16*).

At the Cabinet meeting on 13 December 2016, First Wessex confirmed that no consultation had been undertaken with existing tenants, as they proposed to do this after the Council had given its consent. In the event, First Wessex did no consultation with residents.

Appendix 5 - FW Garages Policy - April 2017 comprises the Garage Allocation and Management Policy that First Wessex. On use of garage sites for parking, it included an Options Appraisal that promised “Consultation with residents, particularly those renting garages or living

close by, both initially and before a final decision is made.” In the event, no such consultation took place.

Data analysis

I analysed 273 responses to the five open-ended questions that gave the respondents the opportunity to give their views on different aspects of the systems and how private-parking companies treated them.

Appendix 6 - FW Garages Data comprises 59 comments in response to Questions 7 to 11

Question 7. Please would you give your reasons as to why the parking charge notice was not justified – 17 comments.

The main reasons were the lack of opportunity for residents to buy their own parking spaces outside their properties, where they had parked or gained access for years, the lack of consultation over the sale of the garages sites, and the speed and ruthlessness with which Park Direct UK Ltd implemented the new parking system.

“I live on Tices Meadow in Aldershot, and when I bought my house, the deeds stated that I was on a public road (Romsey Close) owned by the council, but, when you look at the map with the deeds, it show the road that provides access to my house actually stops a few metres away, and the land immediately adjoining is not owned by the council.

On November 30 2017, I got a letter from a company called Courtman & Co, stating they were acting on behalf of a private company that had bought the land adjoining my back gate, that my neighbours and I had always believed was part of the public road - then within 1 single working day (Friday, December 1) they put signs up and started implementing parking fines for anyone who kept a vehicle near their house. I rang Hampshire Highways, and they said "they can't do that Romsey Close is owned by the council" - then they rang back and said "most of Romsey Close is owned by the council, but the bit you are on is not.

The deeds to my house state that whoever owns the adjoining land should adhere to certain obligations in the same way that the council would, e.g., fixing drains, and that the owners are obliged to give 28 days' written notice to any changes of easements, rights of ways etc. (although there is no explicit mention of parking), but I want to sell it

because I don't want to live on property which depends on road access on companies that behave in the way that Courtman & Co have been instructed to do (Land Registry shows the land owners as Hampshire Garages Investments Ltd, but that company is now listed as dormant and has been taken over by Quest Investments, although the letter sent by C&C state that the company is called Conhurst Investments, but I don't want to live anywhere near land owned by them).

But, in order to sell my house, will I need to get the deeds changed? They state that the property owner has a number of rights, that my emails to Land Registry, the council planning department, our MP Leo Doherty, Trading Standards (Laura Haydock) etc., all say are meaningless, and that it is perfectly legal for 'the-company-which-does-not-want-to-be-named' to give Courtman & Co the rights to implement parking fines with no ground markings and only 1 working day's notice to some of the residents affected, and to give no information regarding whether or not it is legal to park near the kerb (some have been fined, others haven't), access for emergency services or delivery vehicles, parking for visitors, etc.

I would be grateful if you could advise regarding what I should do over my house deeds before selling. Is it something that, like the fines, the council considers to be my responsibility to pay for the changes implemented?"

"I have parked opposite my gate for the past 10 years. On Thursday, 30 November, I got a letter stating that the part of the road I live on was private land and I would be charged for parking there, but there was no date given for implementation, so I kept the letter resolving to telephone to clarify what was happening the following week.

Friday evening, I drove to London, because my 87-year-old mother had recently been discharged from hospital and needed looking after. I arrived back late, in the dark and rain on Sunday, 3 December, parking where I usually do, where there were no road markings and I genuinely did not notice the signs at either end of the garage walls (which for the past 10 years had never had any signs on, so I did not think to look), and, on Monday morning, Park Direct patrols photographed my car and issued a fine.

I appealed, and they rejected my appeal saying the signs were clear and I must have seen them.

I wrote a letter to the IPC, which they responded to by sending me a long form and stating that they charged £15 to make an appeal, so I did not persevere.

Since then I have received a number of threatening letters."

Question 8. Please would you set out any complaint about signage, notices or road markings used by a private parking company? – 15 comments.

There were several different reasons for complaining about signage, notices or road markings.

“There were no road markings on Romsey Close until the 18 December. My fine was issued on the 4 December.

The deeds of my property state that the owners of the adjacent land need to give a minimum of 28 days’ notice to any change of easements or rights of way.

Although parking is not specifically mentioned, this change to access and parking should have given more warning to be reasonable – they were obviously trying to catch people out and make money out of people who can't afford a property with a driveway.

Many of my neighbours are in social housing, so they really are preying on the poorest sector of society, and the Council think that is perfectly allowable, and ... that, since they sold the land to a private company ..., it is nothing to do with them.”

“I am completing this form on behalf of my elderly father who lives at the above post code (GU11 3RW). For over 30 years, my father has had off-road parking at the rear of his property, which is accessed via the land now belonging to the private parking company who have purchased the land from VIVID (when First Wessex).

There was little or no warning of the changes that were taking place with the parking restrictions (he is not a housing association tenant and owns his own property), and, although I understand that there may have been some consultation with VIVID tenants, there was none with private residents.

Just over a week ago, without notice, the private-parking company came and put bollards up in front of the two spaces that lie across the access to my father's driveway.

Fortunately, he was in at the time. I dread to think what would have happened if he wasn't – would they have just put the bollards up anyway and we would have to lift his car out of the drive?!

I would suggest that this is intimidation, as they have not put bollards in any of the other parking spaces.”

“They have put bollards in front of the residents' houses, so they cannot park on their own driveways. They have put double yellow lines all round outside people's garages and have put a certain amount of parking spots that are numbered, and you have to have a permit, but there are not enough spaces to allocate one for each household.”

Question 9. Please would you set out any complaint about the process for appealing against a parking charge notice? – 9 comments.

Residents who received PCNs in the first two months already have several types of complaint.

“I don't think people who have been fined illegally should have to pay to appeal against the fine, and I don't see why the ICP are incapable of reading a perfectly clear letter outlining what happened and containing photos and evidence, etc., keeping those pieces of evidence and insisting on using their form, and asking for evidence that has already been sent and not returned.”

“Even though my car was parked on the road, not at their land, I was still issued with a fine and you can't even ring and talk to anyone – so irritating that you have to write to them.”

“Nothing really on the sign – just you will be fined – probably why it's always empty and people starting to dump stuff.”

Question 10. Please would you set out any complaint about letters warning you about what will happen if you do not pay a parking charge notice? – 5 comments.

The complainants have found letters threatening and rude.

“I have tried to complain to the parking company, but they are very rude!!

I have also sent emails to local councillors and they looked into the matter but haven't been able to come to any decisions on how to act upon the situation.”

“As per my neighbours, it's very threatening. I'm yet to hear about my fine.”

“The letter rejecting my claim Insisted that my headlights MUST have picked out the signs on the wall (they didn't, the place I parked did not have signs very near) and stated that the only way I could have not seen them was by driving illegally without headlights.

The fact that there had never been any reason to look at either end of the garage walls before is not referred to.

That letter also stated that the company had been 'courteous' enough to allow 4 days' 'grace' before implementing fines, which is a downright lie, because most of my neighbours woke up on Saturday morning to find parking tickets on their cars (apparently the signs were put up on Friday afternoon/evening – I had not noticed in my rush to get to my mother's in London).

I was only away for 3 days – but, had it been another time of year, I may have left my car there for up to a month while being abroad on holiday.

4 days' notice for changing the status of a public road to private land where you are fined for parking is NOT adequate, and I am selling my house and leaving Rushmoor as a direct result of this happening.”

Question 11. Please would you set out any other comments about the way that a private parking company has treated you? – 13 comments.

Mostly, the comments were about how brutal it was for this community to be subjected to parking charges without warning.

“The letters have been bullying and unreasonable, but the issue is not just with the parking company, it is with the sale of land, which has been used as a road for the past 50 years and provides access to peoples' homes, so emergency services or deliveries are now at risk.

There is no allowance for visitors coming by car, the parking bays are allocated to whoever buys them, regardless of whether they live near or not, regardless of need or whether there are disabled people living nearby and are valid for 365 days a year.

Otherwise, you park in the ever more crowded part of Romsey Close, which is owned by the Council, which, due to the heavier parking, larger vehicles – such as rubbish removal trucks and vans – are unable to access the end of the road (where I live).

Houses that were sold for similar values, a few doors down from each other either can park freely and have no access problems or are liable to be fined for parking for more than 2 minutes.

In addition, the parking ticket person told residents that, if they parked next to the kerb on Romsey Close, next to my gate, they would not be fined, but my neighbour then was fined for parking there. So again, very poor, confusing communications.”

“This permit parking is an absolute nonsense. Prior to this, there was no problem with parking. All neighbours could park in the vicinity of their property and there was no inconsiderate parking. Now it is a free for all.

I feel unable to visit my father, who is elderly and needs my support and care, as there is no parking, not even metered parking that I can pay for.

My father is also a registered Blue Badge holder, who now needs to park his car in the next road, which is for him a 5-minute walk. This is unacceptable for a 78-year-old man with a heart condition.”

“They have forced me into paying to park outside my own home. It's awful – we have to now pay £32.50 every 3 months. They also made us pay £137 two weeks before Christmas, otherwise we wouldn't have got a parking space.”

Summary

All the evidence from this survey, posts on social media, emails and meetings with residents is that the introduction of this new parking-charge regime was overnight and with little or no consultation with them.

There is a covenant that Rushmoor Borough Council has in place so that such garage land can only be developed for social housing with the Council being entitled to 100% nomination rights from such development. Any disposal for any other reason required the Council's consent. The purpose of the covenant was to allow the Council to benefit where garage land is redeveloped for a use other than social housing.

Unfortunately, in this covenant, the Council did not seek to protect residents from being exploited from the introduction of parking charges – which is a use other than social housing

Also, unfortunately, First Wessex Housing Association (since merged with Sentinel to form VIVID) did not consult with residents as they told the Cabinet they would or as required by their own Garages Policy.

Trading Standards at Hampshire County Council have received two complaints about Park Direct UK's activities, which they investigated, but they were satisfied that there were no trading standard issues. In their opinion, the signage is clear and bays are well marked. They will not be taking any action against Park Direct UK Ltd on these complaints, as there does not appear to have been a breach of *The Consumer Protection from Unfair Trading Regulations 2008*.

Recommendations

Scrutiny should invite evidence about whether the Council bears any responsibility for the current difficulties being experienced by residents near to sites in the borough acquired by Hampshire Garages Investments from First Wessex.

Scrutiny should also invite evidence as to whether First Wessex has responsibility for failing to honour residents' rights and to carry out adequate consultation with residents over the sale of these garage sites to Hampshire Garage Investments.

Finally, the Council and VIVID should ensure that residents near to any other garage sites that are yet to be sold should have their rights honoured and should be fully consulted about any proposed sales.

Councillor Alex Crawford JP

5 March 2018