



1. **Introduction** – in recent years it’s become increasingly difficult for Weymede Residents to find a parking space. In the circumstances, it’s been endorsed by vote at both an SGM and an AGM that the storage of un-roadworthy vehicles in any of the communally owned parking areas for any length of time will not be permitted on the grounds that it’s unreasonable and inconsiderate, and causes considerable inconvenience and annoyance to others. In the case of repeated infringements then the Committee will, after giving due notice, have vehicles removed from Weymede and disposed of. Appropriate action will be taken to recover any costs (including legal) from the householder concerned.
  
2. **General Policy Statement** – It is the legal obligation of the WRS Management Committee to prevent “*detriment to amenity*”, to safeguard the investment of all shareholders and to protect residents from actions that cause inconvenience or annoyance to others. As such, all vehicles parked in the communal grounds owned and managed by the Weymede Residents’ Society must **be roadworthy, taxed, insured, have a valid MOT and be in regular use**. The basis for this is taken from the original covenants as follows:
  - a) *“Nothing shall be done or omitted to be done anywhere on the estate that may cause inconvenience or annoyance to any resident...or detriment to amenity...”* and *“No vehicle shall remain in a car park for longer than is reasonable having regard to the requirements of other persons...”*.
  - b) The Society shall *“Keep the Society and each of its members insured against all liability arising out of any claim made in respect of injury to persons or property (whether on the estate or adjacent land) resulting from the condition of anything forming part of the estate at any material time...or from the negligence of any person employed by the Society”*.
  - c) The Owner shall *“Keep the Society and Owner fully insured in respect of the premises with a company approved by the Society against loss or damage by fire and all other risks normally coverable under property owner’s comprehensive insurance policy.”*

This means that whilst Weymede Residents’ Society Ltd is obliged to ensure that there is adequate insurance to cover all communal areas, it is the Owners responsibility (enforceable by the WRS under the covenants) to ensure that their own property is fully insured. The WRS has no remit to insure un-roadworthy private vehicles on behalf of individual residents when they are stored in communally owned and managed areas. As such, the Society has a duty to remove uninsured goods and vehicles from such areas and **any costs for removal of vehicles (including legal) will be recoverable from the resident concerned**.

3. **Management Procedures agreed by SGM on 22.02.07 and endorsed at the AGM on 29.11.07 -**
  - i) All vehicles parked on WRS land must be taxed, insured, hold a valid MOT and be in regular use. Residents are obliged to supply the WRS Committee with evidence of the above on request or the vehicle can be removed.
  - ii) The regulation stating that *“No vehicle standing higher at any point than 5 feet 6 inches above ground...shall be parked on the estate...”* was clearly intended for commercial vehicles and will not, therefore, be applied to domestic vehicles (such as people carriers and 4 x 4s) provided they have both side and rear windows and seating throughout for a maximum of 8 people.  
  
However, the Committee must be satisfied that such vehicles are not being used for commercial purposes on a regular basis and under no circumstances will exceptions be granted in cases where vehicles bear any signs or advertisements. In cases of uncertainty then the committees’ decision will be final.
  - iii) **Statutory Off Road Notice (SORN)** – Where a vehicle has been legally declared ‘Off Road’ via the completion of a DVLA ‘Statutory Off Road Notice’, this authorises the vehicle to be stored off the public highway, un-used and is exempt from requiring a road fund licence (tax disc).

However, it is still necessary to seek the permission of the landowner prior to storing the vehicle on their property. For all the reasons stated in this memo, Weymede Residents’ Society Ltd, on behalf or the shareholders, does not give permission for un-roadworthy and/or uninsured vehicles to be stored on land owned and managed by them. Residents may, of course, park such vehicles in a privately owned garage but not on the communally owned forecourts.