



Department for
Communities and
Local Government

Parking reform: tackling unfair practices

Discussion paper and call for evidence



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Introduction

In March 2015, the responsibility for policy relating to off-street parking transferred within Government, from the Department for Transport to the Department for Communities and Local Government.

This change reflects the strong commitment of Coalition Government Ministers to address issues relating to off-street parking which have an impact on communities, including on town centres and high streets; it also fits well with DCLG's responsibility for land use planning.

This discussion paper invites individuals, companies, councils and groups to let us know what policy areas should be a priority for the Department, and how the Government might take this forward in the next Parliament.

Background

One of the aims of parking, whether on public or private land, should be to support viable communities, including high streets and tourist destinations, and provide people with the facilities they need to go about their daily lives.

Effective parking management is essential for businesses to survive and grow. The management of parking by local authorities is subject to the legislative framework provided by the Traffic Management Act and other legislation. For parking on private land not covered by this legislation, appropriate parking control is vital to ensure that parking facilities remain accessible and provide value for money, both for the landowners providing access to their property, and for the drivers accessing the land.

It is Government's responsibility to strike the right balance between protecting the right of land owners to control the use of their land and benefit fairly from it, and protecting drivers and shoppers from unscrupulous practices.

What We Have Done

Since 2010, the Coalition Government has taken forward a range of measures relating to the management of parking; we have addressed enforcement both by local authorities on public land, and by land owners and their agents on private land.

In relation to parking on private land, there have been some key developments.

In 2012, the Government introduced the Protection of Freedoms Act which:

- Banned all forms of immobilisation without lawful authority, to protect drivers from the worst excesses of 'rogue' clampers.

- Introduced ‘keeper liability’ (in England and Wales), allowing the landowner or their parking management company to pursue the registered keeper of a vehicle if a named driver cannot be traced or denies liability.
- Required that companies requesting keeper data from the DVLA must be members of an accredited trade association, and therefore abiding by a code of practice based on fair treatment of the motorist and high professional standards of conduct. There are currently two accredited trade associations; the British Parking Association and the Independent Parking Committee.

The Government also required the industry to put in place an independent appeals service, funded by the industry. The British Parking Association service is known as Parking on Private Land Appeals, and the Independent Parking Committee service is known as the Independent Appeals Service. A landowner or company that issues a parking charge on private land must supply details of how to refer an appeal to the relevant appeal service.

Also in 2012, the Government brought into force the provisions in Part 3 of the Tribunals, Courts and Enforcement Act 2007. This created a new system of taking control of goods in order to enforce judgments and abolished a number of ancient common law writs and remedies. The changes included mandatory training and certification requirements, simplification of the fees that bailiffs are allowed to charge for their services, and new rules on how and when bailiffs can pursue debts.

The Coalition Government has also introduced a package of measures in relation to on-street and off-street parking, including curtailing the use of CCTV for parking fines, introducing new grace periods, bringing in a new right to review parking policies, reforming the rules around parking rules and discouraging aggressive use of bailiffs. These legal measures will come into effect in April 2015.

Private Off-Street Parking

The transfer of policy responsibility provides an opportunity to review whether there is more that Government should do in this area. There has been anecdotal evidence and coverage in the media of issues relating to parking on private land and on land owned by public authorities (e.g. NHS hospital parking), including:

- Practices which could be in breach of consumer protection laws, such as companies setting excessive parking charges, or levying excessive penalties for overstaying which are dressed up as official “parking fines”.
- Practices that undermine the principle underlying the formation of a contract, including unclear or missing signage, or a lack of transparency on charges and/or fines.
- Failure to treat drivers fairly when they have incurred a penalty, including the failure to provide information, consider appeals fairly and the aggressive use of bailiffs.

Some have called for specific action, including the introduction of a binding code of practice; for mandatory membership of an accredited trade association; or a rethink of whether the rules about access to the DVLA database are robust enough.

More recently, arguments have been made for extending the mandatory 10 minute grace period being introduced for parking on-street and in local authority owned car parks.

These examples are offered to prompt thought and discussion. We want to hear what you think, and what evidence you can offer to support action, or lack of action, in particular areas.

This document is therefore opening the floor to you to tell us:

- 1. Do you think there are problems with how parking on private or public land is regulated, or the behaviour of private parking companies?**
- 2. If you answered Yes to Question 1, what problems do you think there are with parking on private land, or the practices of parking control companies managing parking on private or public land?**
- 3. If you answered Yes to Question 1, what steps do you think the Government should take to rectify these problems?**
- 4. Are you able to offer any evidence to support a case for change, or examples of best practice?**
- 5. Do you think there are other steps the Government could take to ensure that parking supports local shops and high streets?**
- 6. If you answered Yes to Q5, what steps do you think the Government should take to help support local shops and high streets, for example by encouraging the provision of free and competitively priced parking spaces?**

Municipal Parking: Cash facilities

Public concern has also been raised recently at the increasing practice of local authorities withdrawing the ability to pay for parking charges by cash. This can prevent people from being able to pay if they do not have a working mobile phone and cause difficulties for those who find electronic payments confusing to operate.

- 7. Should there be an obligation for local authorities to offer the ability to pay for parking by cash within a reasonable distance of where they have parking (for example via ticket machines or via local shops)?**
- 8. Do you have any examples demonstrating best practice approaches in the UK or abroad?**
- 9. Do you have any best practice suggestions for councils to follow?**

Responses

We are asking for all responses to be submitted by 27 May 2015.

Responses can be submitted via our online form [here](#)

Or you can also respond via email or post to:

Email: ParkingQueries@communities.gsi.gov.uk

Post: Parking reform – Call for Evidence
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