

16 January 2013

## Note of actions from first DVLA Consumer Forum on private parking issues

### Date of meeting: 10 December 2012

#### Attendees:

Hugh Evans (Chair)	DVLA
Rob Toft	DVLA
Kevin Watts	DVLA
Alan Irving	DfT
Jo Abbott	RAC Foundation
Paul Watters	AA
Andy Foster	Trading Standards Institute
Susan Marks	Citizens Advice Bureau
Nev Metson	Independent
Martin Cutts	Independent

#### Apologies:

Richard Dilks            Which?

#### Declined invitation:

British Parking Association (BPA)  
Parking On Private Land Appeals (POPLA)

### **Welcome and introductions**

1. The Chairman thanked representatives for attending the first meeting of the DVLA Consumer Forum on issues with private parking. It was made clear that it was not the intention for the Forum to take an adversarial approach to the parking industry. The focus was to help provide a clear understanding of the key issues from the perspective of the consumer and to help raise standards and resolve problems. It would also aim to provide constructive advice to the parking sector, supported by evidence.

2. All members were asked to agree the Terms of Reference and to confirm they would adhere to its rules around conduct (document attached). A formal note of the agreements and actions from Forum meetings would be placed in the public domain through the DVLA website.

### **Membership of Forum**

3. There was a discussion about the makeup of the Forum and whether membership should include representation from independent consumers. The BPA had decided not to attend because of concerns about the involvement of some independent consumers. The meeting agreed that the knowledge and insight of some independent consumers would add value. The Chairman suggested that representation should be limited to one independent consumer and invited Members to write to him to provide their views on this proposal. Suggestions were also invited in terms of other organisations or bodies that could contribute.

4. The Forum understood the decision of POPLA not to participate in view of its status as an independent service, and the need for it to be seen to be acting independently. However, there was agreement that POPLA should be invited to the next Forum to present an overview of its role. The chairman would write to POPLA along these lines.

#### **Protection of Freedoms Act and its effects**

5. The meeting heard a presentation setting out the role of parking management companies, the issues that may arise, the measures in place to safeguard against them and the role of DVLA and the Consumer Forum. One of the sources of information discussed was that of POPLA, which has a commitment to provide BPA with regular anonymised data on the outcome of cases they adjudicate on, in order to identify trends. DVLA took an action to request sight of this data (from POPLA or BPA) to inform its audit activities and policies and relate back to the Forum.

6. It was explained that the BPA has been charged with establishing an independent trust to oversee POPLA, and that it intended to draw on various consumer groups to support its establishment. The Forum agreed that it would offer its services as appropriate to help to set up and provide continuing support to the trust.

#### **Signage**

7. There was a long discussion about signage. All present applauded the work being progressed by the BPA on mandatory entrance signs in accordance with standards set out in the annex to the BPA's Approved Operator Scheme (AOS) Code of Practice. However, it was queried why the lead time on the introduction of these signs was three years, and suggested that it would be reasonable for these standards to be in force within a year of the Code's introduction. The Forum took an action to make a request to BPA (through the Chair) the timescales could be reduced and whether the standards be made mandatory within one year of the annex's expected ratification in January 2013.

8. Concerns continued to be raised about the general quality of signage used by parking companies, and in particular the display height of signs, font and size of lettering, language used, accuracy, etc. Some members mentioned that they had suggested model signs during the BPA Code 2012 discussions, but at that stage the BPA was not in a position to insist upon this. Mr Cutts advised that he would be attending a simplification centre meeting in Manchester on 14 December which was looking at issues around providing clear messages, and agreed to feed back to the Forum.

#### **Regulation**

9. There was a discussion about the role of Trading Standards (TS) and the Consumer Protection Sector in regulating parking. The Forum was advised that, following the current reorganisation of the sector, the Office of Fair Trading (OFT) will be concentrating on competition issues primarily with parking issues primarily falling to TS. An action was taken for TS and DVLA to explore ways of improving links in order to be able to deal with non-compliant parking companies.

### **Code of Practice**

10. The issue of how to ensure the Code of Practice was fit-for-purpose was discussed, and in particular whether it was feasible to require the Code to have formal status. TS was intending to introduce a requirement that public Codes of Practice meet a set of criteria before being approved by the Trading Standards Board. DVLA agreed to explore the feasibility of making this a requirement for BPA's Code of Practice (and for any others submitted in support of applications for ATA status).

11. There was support for DVLA and BPA to have joint ownership of the Code of Practice for parking companies, in light of concerns about the influence of parking companies funding the AOS. A number of issues were identified, including the Government's preference for light touch and self-regulation of private business and the difficulty in extending the Department's remit beyond motoring matters and data management. DVLA agreed to explore the feasibility of joint ownership of the BPA Code of Practice.

### **Parking Charge Notices**

12. Concerns were raised about the wording and appearance of Parking Charge Notices (PCN's), and there was a specific request for the PCN to contain reference to the status of the charge (i.e. to declare that it is not a fine), the independent appeals process, and the fact that the charge may only be enforced by a court. Mr Cutts agreed to draft for consideration suggested wording for PCN's. The wording would need to make clear what the parking escalation rights are if the motorist refuses to comply and what the motorist's rights are in terms of disputing the allegation and the route for progressing this. Discussions would continue with the aim of agreeing wording that could be used across the sector.

### **Pre estimate of loss**

13. There was a discussion about reasonable pre-estimate of loss. Although there were some concerns about the discounts available for early payment and how this ties in with reasonable pre-estimate of loss, there was also acceptance that this also benefited some motorists who accepted liability. A number of the members had been involved in the BPA Code 2012 discussions on this subject, and ultimately what everyone wanted was for charges to be set at a fair level. It was acknowledged that POPLA would now be addressing charges imposed, and that this was expected to be a useful tool in ensuring fair charging levels going forward. Trading Standards agreed to look into this.

### **Notifications of enquiry made**

14. A suggestion was made for DVLA to explore the feasibility of notifying each data-subject when their data is disclosed (under reasonable cause provisions) to companies operating without formal regulation. Although this would incur further costs to DVLA, which would have to be recovered, it was recognised that this would give an opportunity for DVLA to advise motorists of their appeal rights. DVLA agreed to look into this.

### **On Line Complaints portal**

15. There was a further proposal for an on-line complaints portal. DVLA acknowledged that there may be benefits in a standard complaints form and accepted the success that such a facility has had in other sectors, although cautioned that the Agency's own experience

was mixed in terms of the quality of the information received through such a facility, the work and costs involved and the benefits realised. DVLA to explore.

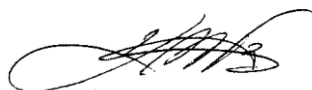
**Parking enforcement methods**

16. Concerns were raised about the practices employed by some parking companies when the landowners were offered free parking management with the parking company keeping monies received from the enforcement activities. There was concern that this encouraged predatory enforcement regimes.

17. Following two separate discussions, the forum to explore with BPA alternative methods of private parking enforcement. Two examples mentioned were the introduction of local enforcement orders, enabling private land to be managed on statutory lines; and whether there could be an encouragement of 'pay on foot' enforcement methods, perhaps used with ANPR technology to avoid the imposition of barriers where unsuitable. This to form the basis of a presentation at the next meeting of the forum.

**Any other business**

18. The next meeting is yet to be scheduled, but will take place around June 2013.



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