

DVLA Consumer Forum on Private Parking Issues – 27 June 2013: Note of actions

Present:

Hugh Evans (Chair)	Driver and Vehicle Licensing Agency (DVLA)
Robert Toft	Driver and Vehicle Licensing Agency (DVLA)
Claire Morgan	Driver and Vehicle Licensing Agency (DVLA)
Paul Watters	Automobile Association (AA)
Jo Abbott	Royal Automobile Club Foundation (RAC Foundation)
Kelvin Reynolds	British Parking Association (BPA)
Philip Somarakis	Association of Car Fleet Operators (ACFO)
Sue Edwards	Citizens Advice Bureau (CAB)
Andy Foster	Trading Standards Institute (TSI)
Tony Boucher	Department for Transport (DfT)
Nick Lester	Parking On Private Land Appeals (POPLA)
Will Hurley	Independent Parking Committee (IPC)

Apologies:

Martin Cutts	Independent Consumer Representative
Nev Metson	Independent Consumer Representative
Alan Irving	Department for Transport (DfT)

Welcome and introductions

1. The Chairman welcomed representatives to the second meeting of the DVLA Consumer Forum on private parking issues. All present were reminded of the Terms of Reference.

Membership

2. The meeting was attended for the first time by representatives from the BPA and IPC.
3. The chair also welcomed Susan Edwards, who had taken over Susan Marks' role in Citizens Advice Bureau and would be the representative at future meetings. Also in attendance for the first time was Philip Somarakis from ACFO, Nick Lester from POPLA and Tony Boucher from DfT. Nick Lester advised that he would like to attend future meetings in an observer capacity.
4. Apologies had been received from Mr Cutts and Mr Irving. Mr Metson had advised the DVLA that he would not be attending the meeting of the 27 June because of issues over whether both he and Mr Cutts could attend Forum meetings.

Minutes of the Previous Meeting

5. The minutes of the previous meeting held on 10 December 2012 were agreed. A summary of actions appears at Annex A.

6. A query had been raised by local authority stakeholders over whether the DVLA's remit and influence was being extended too far by the scope and nature of the issues under discussion at the forum. The chairman explained that the DVLA was taking a proactive role in this area, given the significant scope for criticism of the Agency's role in releasing data to private parking companies. He invited Mr Lester to write to explain the nature of any concerns if needed.

ACTION: Nick Lester to provide details of the issues that have been raised as needed.

New Accredited Trade Association for the parking Industry

7. The Independent Parking Committee (IPC) had been newly accredited as an ATA for the parking sector. IPC's application for ATA status had received Ministerial approval on 24 June 2013, subject to demonstration that the ATA functions could be fulfilled in practice. Once up and running, IPC would undergo a six-month probationary period.
8. Concern was raised by some forum members that there had been no consultation with stakeholders before the decision was taken. It was explained that DVLA had received several applications over recent years from prospective new ATAs for the parking sector. Decisions to accredit ATAs were not taken lightly and previous applications had not provided the necessary assurances. IPC's application had been thoroughly evaluated and had received Ministerial approval only a few days earlier, meaning that more formal notification to forum members had not been possible in advance of the meeting. Mr Evans offered to write to forum members with further details of the accreditation process.

ACTION: HE to provide forum members with further details on the accreditation of the new ATA.

9. There was general agreement on the need for common standards to be in place for all ATAs, including their Independent Appeals Services (IAS) in order to ensure that there were consistent standards and decision making across the industry.

Overview of the role of POPLA

10. Nick Lester provided the forum with a helpful overview of the role of POPLA and shared the key issues and statistics emerging from its early months of operation. The key points included :
 - A Lead adjudicator and 4 assessors had been appointed;
 - Appeals were arriving at about 300-400 per week;
 - Out of 4,051 appeals received up until 31 March, 1,969 had been decided and 54% allowed;

Driver and Vehicle Licensing Agency

- There were encouraging signs that operators were taking heed of the outcome of the appeals and amending their processes accordingly.

Independent Trust to oversee POPLA

11. It was explained that an independent trust was being developed to oversee POPLA's work. BPA had advertised for a chair of the Board and by 1 October it was envisaged that BPA would have transferred the governance of POPLA to the independent trust.
12. The IPC representative was invited to consider how it would demonstrate the independence of its appeals process.

Signage

13. Concerns were raised about the lead time of three years for the introduction of mandatory entrance signs. This timescale was seen to present a risk that motorists would be misled and in turn the companies in question could have their access to DVLA data suspended.
14. BPA advised that it requests a programme of work from companies to show how they intend to achieve the necessary changes within the three year period. The vast majority of companies would have updated their signs well within this period. BPA also made the point that longer lead times for parking sign changes were observed by the public sector.

ACTION: The BPA was invited to share the programme/s of work with DVLA

Parking Enforcement Methods

15. Concerns were raised about instances where landowners are offered free parking management with the parking management company keeping the income received from the parking charge notices. There was concern that this model encourages predatory parking enforcement practices as it is incentivised by collection of parking charges. It was acknowledged that parking management companies and landowners were free to operate various business models according to their needs, provided they were not unfair or unlawful. Without seeking to regulate business practices, DVLA was keen to explore what action might be taken to curb over-zealous parking enforcement practices and would work with relevant areas to consider the options.

ACTION: DVLA to take the view of TSI, CAB and BIS

DVLA and Trading Standards

16. DVLA was keen to develop a stronger relationship with TSI and CAB with the aim of sharing intelligence on complaints about parking companies and their enforcement practices. TSI had suggested a number of options that could help with the sharing of

intelligence and to improve Trading Standards officers' understanding of the relationship between DVLA, ATAs and access to data.

ACTION: DVLA to set up a meeting with TSI and CAB to progress this further

17. Trading Standards had taken on the national accreditation role for self-regulatory Codes of Practice. It intends to introduce a requirement that public Codes of Practice meet a set of criteria before being approved by the Trading Standards Board. TSI would be approving Codes of Practice to ensure consistency of standards, dispute resolution and fairness.

ACTION: DVLA and TSI to work together to ensure consistency between DVLA's criteria for ATA accreditation and TSI Code of Practice approval

Parking Charge Notice Wording

18. In the first meeting of the forum, concerns were raised about the wording and appearance of parking charge notices. Suggested wording for an agreed "health warning" to appear on parking charge notices had been submitted by Mr Cutts. This provided a good starting point and had generated a number of suggestions from other forum members. BPA felt that it would be difficult for such health warnings to be imposed on parking companies. Unless this was introduced as a legal requirement it could be perceived as a restrictive practice. The effect of the introduction of POFA in England and Wales for communication with drivers and keepers would need to be borne in mind.
19. DVLA would take on board the views expressed. A modified form of wording would be circulated to forum members for further comment. Nick Lester also agreed to seek the view of POPLA's lead adjudicator.

ACTION: DVLA to discuss with and take the views of TSI and CAB

ACTION: POPLA to seek the views of the lead adjudicator on the suggested wording

Notification of Enquiries Made

20. It was suggested at the first meeting of the consumer forum that DVLA should explore the feasibility of notifying each vehicle keeper when their data was disclosed. Forum members were advised that DVLA had examined the proposal and found that it would be very costly and impractical to advise data subjects of in this way. The costs would be in excess of £1million and, as mail is sent out via second class post, the notification from DVLA might well arrive after the parking charge notice. This would cause confusion and could generate large volumes of enquiries to the Agency and consumer bodies.

Online Complaints Portal

21. It was suggested at the previous meeting that DVLA explore the feasibility of an on-line complaints portal and the Agency had investigated this suggestion. It was explained that there was an existing service for motorists wishing to submit complaints or queries via the direct.gov website, but that there was no subject heading relating to data release or private parking enforcement.
22. The collation of all government websites onto Gov.uk had introduced a freeze on development and this had delayed progress on this action. However, DVLA would soon be progressing this work to make the necessary changes. Information regarding independent appeals processes would also be included in the information available on-line.

ACTION: DVLA to introduce a facility for complaints about release of data for parking enforcement and to update the website

Protection of Freedoms Act (PoFA) timescales

23. DVLA reported receiving an increasing amount of correspondence from the public around Schedule 4 of PoFA. Where ANPR was used, the ticket needed to be provided to the motorist within 14 days and there were concerns that companies might be implying keeper liability outside of these timescales. DVLA had written to BPA asking them to advise their members that such disregard for this legislative requirement could lead to their suspension from receiving keeper information.
24. BPA raised an issue with the DVLA turnaround times for manual enquiries and DVLA advised that this was something that was being looked into. Initial findings suggested that some companies were stockpiling requests but more detailed work was needed. The point was made that delays in receiving the data from DVLA could not be used to justify reliance on keeper liability provisions outside of the timescales set out in POFA.

ACTION: DVLA to work with the BPA to deal with any possible misrepresentation by operators, and to work separately to resolve issues around turnaround times

Any Other Business

- **Representation of Approved Operators**

25. It was suggested that a representative from the Approved Operator Scheme should be present at forum meetings. The general consensus from forum members was that there was sufficient representation and that the ATAs should be representing their members.

Date of Next meeting

26. The next meeting would take place in around six months time.

Reference: (Date & Para)	Subject	Action Required	Owner/s	Progress	Status/Timing
27/06/2013-06	DVLA Remit	Concerns about the scope of the Terms of Reference. Delegate to write as needed.	Nick Lester		Open
27/06/2013-15	Parking Enforcement Methods	DVLA to explore what action might be possible to promote less "predatory" business models.	Rob Toft	Difficulty with restriction of business practices and lawful contracts discussed with TSI and CAB. DVLA considering possibilities further.	Update at next meeting
27/06/2013-17	Code of Practice	DVLA and TSI to work together to ensure there is consistency between DVLA's criteria for ATA accreditation and TSI Code of Practice approval	Rob Toft Andy Foster	DVLA exploring possibility of TSI accreditation of ATAs and their codes.	Update at next meeting
10/12/2012-12	Parking charge notice wording	DVLA to develop further the parking charge notice health warning, take views of TS and CAB and circulate to forum members	Rob Toft Andy Foster Sue Edwards	Draft wording tested with DVLA customer panels. Findings to be discussed with TSI and CAB and referred to next forum for consideration.	Update at next meeting
10/12/2012-15	Online Complaints	DVLA would explore how an on-line complaints portal might be introduced	Hugh Evans	The 'freeze' to migrate all government websites to Gov.uk is lifted and work is progressing with Cabinet Office	Update at next meeting
10/12/2012-13	Pre estimate of loss	Trading Standards Institute to consider position regarding level of parking charges	Andy Foster Rob Toft	Joint work continuing between TSI and DVLA to develop more formal advice to the sector	Update at next meeting
27/06/2013-14	Signage	Concerns over the 3 year time limit for entrance signage. BPA invited to share programme of work with DVLA	Kelvin Reynolds		Open
27/06/2013-16	DVLA and Trading Standards	DVLA, TSI and CAB to work together to develop stronger working links and progress consideration of a range of parking related matters.	Rob Toft Andy Foster	Meetings held in September and October. Agreement reached to progress intelligence sharing pilot, improved information and education to TS and CAB	Complete

				personnel and development of more formal guidance on genuine pre-estimate of loss.	
27/06/2013-24	Protection of Freedoms Act (PoFA) timescales	DVLA reported an increase in complaints over compliance with Schedule 4 of POFA. DVLA to work with the BPA to address concerns.	Hugh Evans	DVLA met with BPA – action taken to remind AOS members of rules on keeper liability and POFA timescales and of the consequences	Complete
27/06/2013-08	New ATA	Further details to be provided on the accreditation of a further ATA.	Hugh Evans	Chairman wrote to forum members on 8 August.	Complete
10/12/2012-04	POPLA	POPLA to be invited to attend next meeting and provide overview	Hugh Evans	POPLA to attend meeting of 27/6/13	Complete
10/12/2012-05	POPLA	DVLA to ask POPLA to report on the outcome of appeals	Hugh Evans	Report received. Copy of first annual report published	Complete
10/12/2012-06	POPLA	Forum to offer its services as appropriate with independent trust to oversee POPLA	Hugh Evans	Government bodies should not exceed observer status.	Complete
10/12/2012-07	Signage Lead times	To ask BPA if timescales could be reduced and standards be made mandatory within one year	Hugh Evans	Reasons for 3 year time scale provided by BPA.	Complete
10/12/2012-11	Code of Practice	DVLA/DfT to consider joint DVLA/BPA ownership of BPA's CoP	Hugh Evans	Joint ownership would be inconsistent with policy of self-regulation.	Complete
10/12/2012-12	Parking charge notice wording	Mr Cutts to suggest wording of a "health warning" for consideration.	Mr Cutts	Wording provided and circulated for comment.	Complete
10/12/2012-14	Notification of enquiries	It was suggested that data subjects be notified when their data is disclosed.	Hugh Evans	Cost and complexity would outweigh benefit. Discussed at meeting	Complete
10/12/2012-17	Parking enforcement methods	DVLA to seek industry views over alternative methods of private parking enforcement	Hugh Evans	DVLA sought BPA views.	Complete