

# Crackdown on private car parking firms will eliminate unfair fines

- Communities Secretary launches crack down on rogue private parking firms
- New Appeals Charter will eliminate fines for motorists who make genuine errors or have mitigating circumstances
- Implementing a tiered system to differentiate between major and minor offences
- Increasing maximum fines for serious offences

Unfair private parking tickets will be eliminated through the introduction of new rules for private car parks, the Communities Secretary Rt Hon Robert Jenrick MP has announced today (31 August 2020).

The government has put forward proposals designed to crack down on rogue car parking firms that will form part of a new Parking Code of Practice and Framework.

The proposals include, a maximum cap for parking fines, a 10-minute grace period before a late fine can be issued and a requirement for parking firms to clearly display pricing and terms and conditions.

The new measures will be a major boost to millions of motorists in England, Scotland and Wales and will help to draw people back to their local high streets by eliminating the fear of being penalised with an unfair parking ticket.

Communities Secretary Rt Hon Robert Jenrick MP said:

These new measures are a victory for the millions of motorists across the country. They will put a stop once and for all to rogue parking firms using aggressive tactics and handing out unfair parking tickets with no right to appeal, while also boosting our high streets by making it easier for people to park near their local shops without being unfairly fined

Our proposals will restore common sense to the way parking fines are issued, while cracking down on the worst offenders who put other people in danger and hinder our emergency services from carrying out their duties.

Fresh measures proposed in the new Code and Framework include the creation of a mandatory single Appeals Service and Appeals Charter for motorists to turn to if they are unfairly fined. Under options set out in the Appeals Charter, motorists could be able to appeal their fine and see it reduced to a maximum of £20, or cancelled entirely if:

- they have a mitigating reason for overstaying their parking ticket such as their vehicle breaking down
- they have made a genuine innocent error, like keying in a digit in their number plate incorrectly
- they have a valid ticket, permit or Blue Badge but failed to display it correctly

The consultations also propose:

- A new, tiered approach to parking fines with a cap for less serious offences between £40 and £80 depending on the parking charge system chosen (but both lower than the current £100 cap), and a new, increased fine of up to £120 for drivers who wrongly park in disabled bays or ambulance bays
- A compulsory 10-minute grace periods before firms can issue a late fine
- A compulsory 5-minute cooling-off period in which a motorist can consider the terms and conditions and change their mind about parking
- A crackdown on parking firms using aggressive or pseudo-legal language to intimidate motorists into paying fines
- A requirement for parking firms to clearly display pricing and terms and conditions of parking, contact details and how to appeal a charge

High Streets Minister Simon Clarke MP said:

We want to get people back onto the high street to shop local and support small businesses, and these proposals mean motorists will be able to do so without having to worry about being landed with an unjust ticket and no way to appeal.

These measures will drive up standards in the parking industry by clamping down on rogue operators and offering a safety net so that responsible motorists who make an innocent mistake are not penalised unfairly for doing so.

Unlike existing voluntary codes set by industry, the new Code and Enforcement Framework will be mandatory and provide a single set of rules to follow. Rogue firms which break the Code could be barred from requesting Driver and Vehicle Licensing Agency (DVLA) data, making them unable to pursue motorists for their charges through the post.

Steve Gooding, Director of the RAC Foundation said:

The publication of the government's consultation document alongside the BSI's draft code of practice is a major milestone in bringing the provisions of Sir Greg Knight's Parking Act to life.

It is clearly important that we get the code of practice, and the framework within which it will sit, right, so I would encourage

everyone with an interest to respond with their views.

Scott Steedman, Director of Standards at BSI said:

In our role as the National Standards Body, BSI brought together industry experts and consumer groups to reach consensus on a new standard to support better parking practice in the operation and management of parking facilities on private land.

This new standard, called PAS 232 Privately managed parking – Operation and management, is available for public comment until 12 October 2020. Once all the comments have been reviewed by the steering group, we plan to publish the standard at the earliest opportunity.

Sir Greg Knight, Member of Parliament for East Yorkshire who piloted the Parking (Code of Practice) Bill through Parliament and onto the Statute Book said:

I am delighted that a new statutory Code of Practice on parking now moves a step closer to being introduced. This whole process is intended to stop unfair and dodgy practices arising. The new Code of Practice, when implemented, will, I believe, make the process of parking fairer and more transparent for all concerned.

The Parking (Code of Practice) Act became law in March 2019 and builds on action the government has already taken to tackle rogue private parking firms, including banning wheel clamping and towing and stopping over-zealous parking enforcement by councils.

The consultation for the new [Parking Code of Practice](#) will be published on the BSI website and will run until 12 October.

The consultation for the new [Parking Enforcement Framework](#) will be published on GOV.UK and will also run until 12 October.

The Parking (Code of Practice) Bill was a Private Members Bill introduced by Sir Greg Knight MP, supported by the government and received Royal Assent in March 2019. It covers England, Wales, and Scotland – creating consistency for motorists everywhere in Britain.

Currently there are 2 parking trade associations, the British Parking Association and the International Parking Community. Each has a Code of Practice that their members are required to abide by, but there is no single set of rules, so motorists are vulnerable to bad private parking practices such as deliberately poor signage and unfair parking fines.

The government is proposing that the New Appeals Charter will reduce parking

charges to between £0 and £20 for the issues below:

- Significant Evidence of mitigation or genuine, legitimate reason – fine cancelled
- Non-evidenced mitigation – if accepted, fine reduced to between £0 and £20 dependent upon the circumstances
- Evidenced vehicle breakdown – fine cancelled for motorist and recovery vehicle
- Failure to display permit/Blue Badge/pay and display ticket (copy then supplied) – fine reduced to between £0 and £20.
- Keying error at pay and display machine – Minor (one letter wrong, removed or swapped or numbers and letters in the wrong order but still recognisable) – fine cancelled
- Keying error at pay and display machine – Major (motorist enters their partner's registration, multiple keying errors or only partial number plate entered) – fine reduced to between £0 and £20

The government is also proposing a new tiered system for parking fines. There are 2 options for this, with 3 or 2 tiers proposed. The 3-tier system could operate as follows:

- Upper Level Breach up to a cap of £120 (discounted to £70 when paid within 14 days) for the most serious breaches which put motorists or others in danger or relate to anti-social behaviour with a direct impact on the vulnerable or business revenue, including:
  - Parking in an accessible bay (Blue Badge bay)
  - Parking where parking not permitted such as in an ambulance bay or outside fire escape.
  - Obstructive or dangerous parking to the detriment of others
  - Parking in service/loading areas and/or yellow box, hatched areas
- Middle Level Breach up to a cap of £100 (discounted to £60 when paid within 14 days) for breaches which, while not as serious as the upper level, still impact upon businesses, landowners, the environment and genuine customers or car park users:
  - Parking in a reserved bay (parent and toddler)
  - Parking on pavement where parking is not permitted
  - Parked in Staff Parking Only area
  - Overstay of maximum free period or paid-for tariff.
  - Vehicle exceeds maximum weight and/or height and/or length permitted in the area
  - Parking across multiple bays
- Lower Level Breach up to a cap of £80 (discounted to £50 when paid within 14 days) for poor parking or issues which cause inconvenience to other car park users:
  - Parking in bays for other classes of vehicles such as motorcycles or scooters, bicycles or taxis.

- Use of an expired permit
- Re-parking / returning within period prohibited
- Parking where parking not permitted such as grass verges or landscaped areas
- Parking with engine running where prohibited
- Permit displayed not valid for area occupied

Alternatively, it could result in a 2-tier system that would mirror that found in local authority parking regulation. This local authority system operates as follows outside of London:

- Upper level breach between £60 – 70 (discounted to £30 – 35), including:
  - Parked in a suspended bay/space or part of bay/space
  - Parked in a residents' or shared use parking place without clearly displaying either a
    - permit or voucher or pay and display ticket issued for that place
  - Parked in a restricted area in a car park
  - Parked in a designated disabled person's parking place without clearly displaying a
    - valid disabled person's badge
- Lower level breach between £40 – 50 (discounted to £20 – 25)
  - All other contraventions would fall into this penalty charge level.

For London, penalty charges are set by the London local authorities acting jointly and by Transport for London, with the approval of the Mayor (and provided that the Secretary of State does not object.) There are 2 tiers as set out below with a higher penalty charge level and different contraventions that fall into each level. Again, lower-tier councils can choose a slightly lower charge, as long as they apply it consistently:

- Upper level breach between £110 – 130 (discounted to £55 – 65)
- Lower level breach between £60 – 80 (discounted to £30 – 40)