

Parking charges investigated

Our research highlights the need for better regulation of private parking signs, fines and clamping – and reveals which councils have targets for tickets

Finding a parking ticket slapped on your car windscreen is depressing enough, but did you know that where you were parked can mean the difference between being hit with a £50 fine from a local authority or having to pay hundreds of pounds to a private firm?

While public-sector parking was reformed last year, parking on private land, such as retail parks, pub car parks and roads in industrial estates, remains unregulated. By parking on someone's land, you agree to abide by the terms of any signs. But as there are no national standards on what signs should look like or say, they're not always clear.

You may not even be aware that you will incur a penalty for parking. A Which? member found that a council car park in Bury was surrounded on three sides by a private one, although it appeared to be one space. Like many others, he bought a ticket for the wrong car park and received a penalty charge notice.

Confusion reigns

With no regulations about the clarity of private parking signs, drivers don't always know where they can park and when, and what the potential penalties are. When we took a snapshot of parking

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in an urban area (see 'Our research', p19), we found that most private parking signs were confusingly written. Two had defunct contact numbers, one was obscured by a tree and another was half rotted away.

In one private road we found a car in the process of being towed away and, next to it, another being clamped. Parking signs had been put up on one

building, but the building next door had no signs on it, which meant that car owners thought it was safe to park there. Even the clammer said the signs weren't clear and that regulation of the industry would make their job easier.

We found that charges across the whole research area varied from a flat fee of £100 for any contravention to £360 for being towed away.

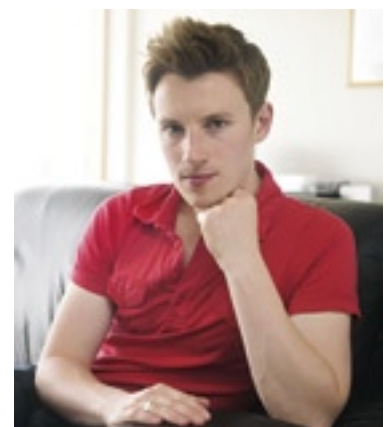
'I HOPED COMMON SENSE WOULD PREVAIL'

Ewan Santer 25, bank clerk

Ewan Santer rents a city centre flat in Leeds – and a parking space with it. He was amazed to find his car clamped one morning, as it was in his space as usual. His permit had slipped out of view.

When Ewan contacted the parking company, it told him he had to pay the fine. Ewan's letting agents, the flats' management company, Citizens Advice Bureau and the police all advised him to pay the £90 that the parking company was demanding.

Wary of potential court costs and threatened by a daily increase, Ewan paid up. He says that he 'hoped a little bit of common sense



might have prevailed. There should be someone you can explain the circumstances to and come to some sort of agreement.'



Private landowners are well within their rights to stop cars parking on their land, but it's not fair that they can extract such large amounts of money from people who may be confused about where and when they can park.

The British Parking Association represents the parking industry. Its director, Kelvin Reynolds, admitted to us that charges of £300 or more 'are unlikely to be fair', saying that the Association wants maximum fees to be introduced.

It seems odd that these restrictions aren't already in place, particularly as practically anyone can become a clammer. Individuals have to be licensed by the Security Industry Authority (SIA), but all you need is proof of identity and details of any convictions, cautions, warnings or charges awaiting trial in the past year. Once you've done that and completed a four-day course, you're licensed.

In Scotland, clamping was banned after a legal decision in 1992 ruled that it amounted to extortion. But a ban is extremely unlikely in England and Wales. Appealing against what has happened or taking the case to a small claims court are the only routes open to motorists who believe they've been unfairly charged for parking on private land. 63% of Which?

members have successfully appealed private parking fines.

The government is proposing to extend the SIA's remit to include clamping businesses, with a code of practice and standards for signs, penalties, evidence, complaints and appeals, but we don't think that goes far enough.

Which? says

You should be able to understand parking rules – whether you're on private land or in a public place. That's why we've responded to the Home Office consultation on vehicle immobilisation. We support the government's aim of greater regulation in the sector, but want it to cover tickets for parking on private land. We're calling for minimum standards on private parking signs and costs, rigorous monitoring of enforcement companies and an independent appeals process.

WHICH? LEGAL SERVICE

Got a parking fine? Our lawyers can provide you with unlimited telephone advice, tailored to your case, for less than £1 a week. Call Which? Legal Service on 01992 822828 for details.

Checklist

Three key points to consider when parking on private or local authority-controlled land

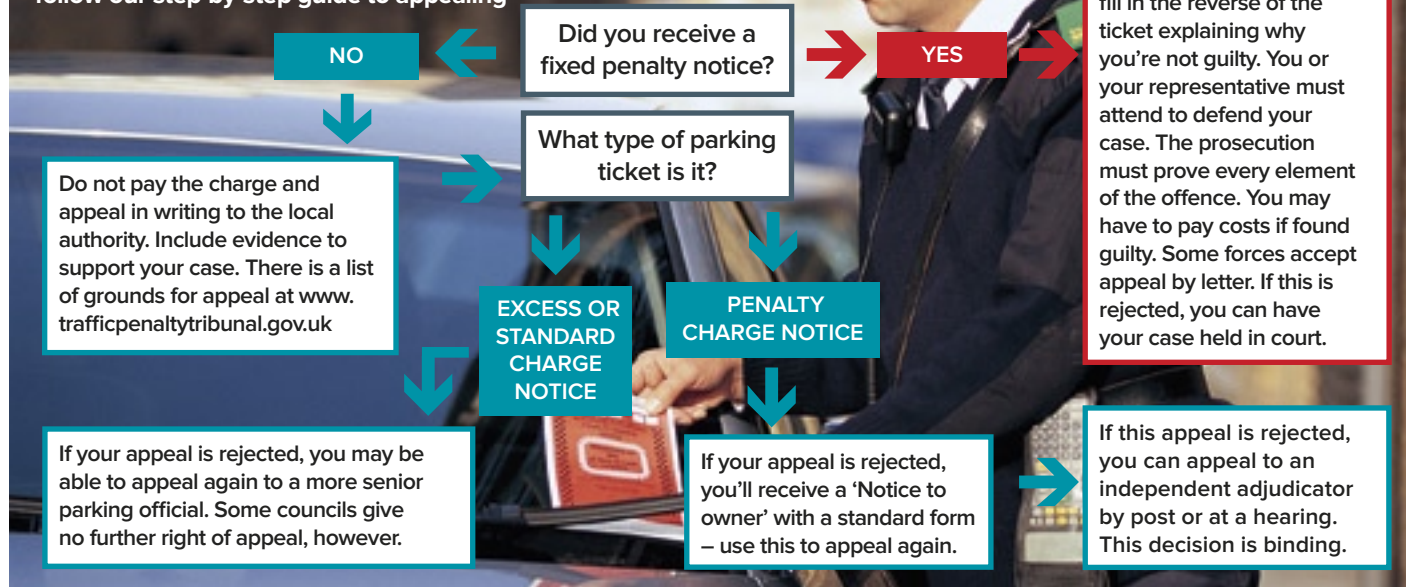


- Take note of the parking conditions. There is no standard for signs on private land, so look carefully for signs and check closely what they say.
- If you're in a local authority-controlled parking area, make sure that you have understood which conditions apply when: we were told of one

- parking area in Bromley, Kent, that has five different sets of rules applying in each 24-hour period.
- Parking companies often threaten the use of bailiffs. But unless they have a court order, bailiffs can't enter your home by force. They can, however, enter through open doors or windows.

Contesting a public sector parking ticket

If you think you've been unfairly ticketed, follow our step-by-step guide to appealing



Local authority parking tickets

60%

of appeals* were successful in 2007-08 in England and Wales

72%

of appeals* were successful in 2007-08 in London

60%

of appeals* were successful in 2008 in Scotland

13%

of appeals* were successful in 2008 in Northern Ireland**

* Appeals rejected by the local authority and taken to adjudication
 ** The Northern Ireland Roads Service said using a centralised processing team with a consistent approach led to fewer successful appeals

Our investigation reveals that some councils expect a certain number of tickets to be issued each year

The Department for Transport (DfT) recommends that councils should not regard parking as a means of raising revenue and should not set targets for the number of penalty charge notices they issue.

Our Freedom of Information Act (FOIA) requests (see 'Our research', below) showed that 94% of the 95 councils that responded do not have targets. However, we found that six councils – Basildon (in its contract for Essex County Council), Richmond upon Thames, Lewisham, Bromley, Shropshire and Carmarthenshire – do expect a certain number of penalty charge notices to be issued.

Appeals

If you receive a penalty charge notice and pay the fine within a

certain number of days, a 50% discount applies. DfT guidance says that councils should maintain the discount on a penalty charge notice even if the driver appeals and the appeal is rejected.

However, only 37% of councils that responded to our FOIA requests do this in every case. If they do not maintain the discount it could put you off lodging an appeal.

However, it's worth appealing if you think you've been unfairly penalised – as the statistics above show.

Some of these successes can be attributed to councils not bothering to contest appeals, which varies between boroughs. For example, Manchester challenged an average of 68% of its cases in the past five years, while Birmingham challenged only 34%.

OUR RESEARCH

In June 2009, we issued Freedom of Information Act requests to all councils with populations over 170,000 asking about their parking systems. In July 2009, we

surveyed parking conditions on all roads within 500m of a rail station in zone 4 of London, and 2,388 members of the Which? online panel completed our survey on parking experiences.

'I WON MY APPEAL'



Andrew Jones 49, IT manager

Andrew Jones thought he had paid and displayed correctly in Southampton when on a business trip. But when he came back from his meeting, he had a penalty charge notice.

On closer examination of his ticket, he realised he had taken the previous person's receipt from the machine rather than his ticket. As they are the same size and feature the same pre-printed details, he appealed to the council.

To his surprise, Southampton council saw his point, cancelling the ticket. Andrew told us: 'I didn't expect them to cancel. You have a perception that these things are very difficult to overturn.'