

PARKING MAD

TAKE ISSUE

Have you ever been unfairly ticketed?

Email your experiences of this or any other topic in *Which?* to letters@which.co.uk

We'll print some in the magazine and more online at www.which.co.uk/whicheextra

We investigate your parking problems and explain your rights if you think you've been unfairly fined

We all know the frustration of driving round in endless circles trying to find somewhere to park – our survey shows that 54 per cent of people struggled to find a space in the past year (see p12). But we've also found confusion about the rules, irritation about inconsistency and anger over cheating parking attendants. With car ownership forecast to grow by 45 per cent by 2030, these problems need to be dealt with.

OVER-ZEALOUS AND ILLEGAL TICKETING

Parking attendants have a difficult job. As Richard Hein, Parking Services Manager in Poole, Dorset, points out: 'If you don't have attendants on the streets, people will just park where they like. Our parking enforcement makes journey times more predictable by keeping roads clear, and can help reduce road deaths and injuries.' However, complaints about over-zealous attendants who seem to be more interested in issuing fines than helping traffic flowing keep cropping up.

Cliff Chamberlain, a pet-shop owner in Eccles, was unloading his van on a single yellow line when he noticed an attendant writing out a ticket. He drove round the corner to a pub car park before the ticket was issued and refused to accept it when the attendant had printed it out. So the attendant slapped the fine on to a rabbit hutch in the shop.

Barrie Segal of the website appealnow.com, which helps people appeal against tickets, says that some attendants will go even further: 'I've seen a case where attendants painted new yellow lines around a car and then issued a ticket.'

But the worst scam that Barrie's uncovered is the ghost ticket, where an attendant makes up a ticket and claims to have put it on the windscreen. The first the driver knows about it is through the post a month

13% of drivers in our survey received a parking fine in the past year

Over £300 million was raised from parking fines in the UK in 2003-2004

later. 'This makes it very difficult to know if the ticket was valid,' says Barrie. 'If you appeal, it's your word against theirs.'

Parking attendants should note down the unique code on the car's tax disc and this should be used as evidence at any appeal. This should prevent ghost tickets. But in one case that Barrie helped overturn, cheating attendants kept issuing tickets with the old code after the driver bought a new tax disc. The adjudicator cancelled all the fines.

In another case, an attendant's notebook recorded that it was raining heavily on the day a ticket was issued. But the pages had no rain marks, and the adjudicator ruled that the notes could not have been written at the time of the offence. 'This is forgery of legal documents – it's criminal behaviour,' says Barrie.

Two readers have also told us about very narrow parking bays. The recommended width for parking spaces is a minimum of 2.4 metres, but when Mark Wardman measured the bays at Leeds NCP station car park they were less than 2 metres wide. 'If you park between two other cars you can't open your door,' he explains. Paul Norris noted a similar problem at Audley End in Cambridgeshire: 'The only option is to park slightly forward so you can open the door. If you do this the car sticks out and you get fined.'

TICKETING TARGETS

Since 1991 many local councils have taken over responsibility for parking enforcement from the police and get to keep the revenue from tickets. According to Caroline Sheppard, Chief Parking Adjudicator at the National Parking Adjudication Service (NPAS), the scheme has been successful but there are problems: 'People think councils are in it for



Cliff Chamberlain's bunny got booked

OUR RESEARCH

In July 2005 we carried out an online survey, asking 13,950 Which? drivers about their parking experiences: 8,634 completed the survey – a response rate of 64 per cent.

We also surveyed 595 drivers from the general public in July 2005, and weighted them to make them representative of all drivers in Britain.

PARKING QUIZ

HOW MUCH DO YOU KNOW?

We asked 595 drivers whether the following statements about parking were true or false. See how you get on.

1) All parking attendants must have a minimum qualification before they can issue tickets.

TRUE ☐

FALSE ☐

2) Motorists who commit major parking offences are charged more than those who commit minor ones.

TRUE ☐

FALSE ☐

3) There's a parking regulator that monitors councils' parking restrictions.

TRUE ☐

FALSE ☐

4) You can appeal against clamping in all car parks.

TRUE ☐

FALSE ☐

Answers on p14 >>

the money, and local authorities have been very slow in dispelling this.'

Councils often use private contractors to enforce parking, setting targets for the number of tickets issued. As a result, contractors may encourage staff with perks and incentives to give out as many tickets as possible.

The British Parking Association (BPA), whose members include some local authorities, car park operators and enforcement companies, has drawn up a model contract where targets aren't based on the number of tickets issued. Its Chief Executive, Keith Banbury, wants to find other ways to establish that contractors are doing the job: 'We need to move away from just looking at numbers. Streets should be checked to see how many cars are parked illegally and how many have been correctly

**'This is forgery of legal documents:
it's criminal behaviour'**

Barrie Segal

ticketed. Contractors should also be judged on the quality and training of their attendants.'

Manchester City Council doesn't set numerical targets. Andy Vaughan, Head of Parking and Street Management, told us: 'Our approach is about keeping traffic moving, not penalising people. We no longer clamp vehicles, and remove cars only if they're causing an obstruction. Our attendants will often move people along instead of issuing a ticket.'

According to Paul Pearson of Ticketbusters.co.uk, another website that helps drivers appeal against tickets, the solution is simple: 'The government should take enforcement duties away from councils or take back the surplus income from fines to stop the incentives to issue tickets.' He's urging motorists to lobby their MPs to demand the change.



Pricey parking

We asked you to tell us about the priciest parking you've come across – and here are some of your nominations.

● Brian Dunsby of Harrogate told us about the express car park at Leeds/Bradford Airport, which charges an incredible 60p for ten minutes. It's £9.50 for 90 minutes and then £5 for every additional 30 minutes.

● John Holme found central London car parks that charge £1 for each 20 minutes – up to a maximum of £40 a day.

● Odile Churchward told us about an expensive park-and-ride system in Cambridge: 'I was flabbergasted. We paid £2.50 a person, ie £12.50 for our party! Had I parked right in the city centre, I would have paid £13 for up to five hours, which is exactly the time we spent in town. Next time I will go and park in town... stupid, isn't it?'

● Robert Peel thinks he's found the most expensive rural car park. The Rother District Council car park at Camber Sands, near Rye in Sussex, charges over £1 an hour in summer – and a full £10 if you stay for more than eight hours.

DEFENDING YOUR CASE

Quite clearly, some parking attendants are using underhand and, in some cases, criminal acts to raise their ticket quota. About 20 per cent of the 8.3 million tickets issued a year are overturned by councils even before they get to formal appeal. And 60 per cent of formal appeals are cancelled by adjudicators – more than 37,000 in the past year.

Which? reader Paul Sangster knows how poorly some councils can handle appeals. In December 2004, he was issued with a ticket which he disputed. After the council turned down his appeal he was finally given a formal adjudication date in August 2005. He booked time off work to attend, but just four days before the hearing the council said it would not be contesting the appeal. Paul complains: 'I feel the council ignored my earlier appeals to get me to pay the fine. This is obviously good revenue for it. The late cancellation of the hearing created problems for me at work and the council has no accountability.'

Caroline Sheppard of NPAS agrees that something is wrong with the way councils handle appeals: 'It must be a concern that councils are not contesting 35 per cent of the appeals sent to us. And many people don't know they can appeal and how the process works.' She believes that many of the problems are down to poor communication: 'It's only a parking fine – but the way it's handled upsets people more than the ticket itself. Where councils have customer service levels for other areas and promise, for example, to respond within ten days, the parking departments often don't.'

Manchester City Council has adopted a 'right first time' approach, which has reduced the number of appeals. Andy Vaughan explains: 'We have parking liaison officers based with the enforcement authority but who have a neutral role. They can cancel tickets if someone calls in and there's been a mistake or change in parking regulations.'

Even if you get as far as a formal appeal, it isn't always easy. 'Councils don't have to give you their evidence until three days before the appeal date,' Barrie Segal says. 'It's often in the attendant's shorthand, but attendants aren't required to be at the hearing, so you don't get a chance to quiz them.'

Caroline Sheppard agrees that last-minute evidence can be a problem, but says the NPAS is sympathetic: 'We don't want to prolong the process but we're receptive to people ringing to say, "I've just had this and I need more time to look into it".'

The Department for Transport is currently considering whether the appeals process should be tightened up. We'll be sending it our report. For advice on how to appeal, see opposite.

CONFUSION AND INCONSISTENCY

One of the other main reasons for people receiving parking fines is confusion. In our survey, 28 per cent of the public told us they'd been unsure about where they were allowed to park.

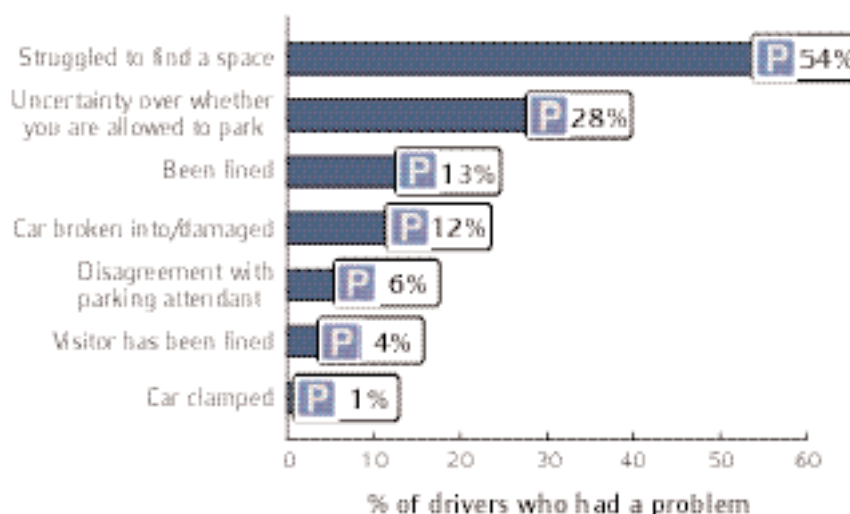
Take the experience of *Which?* reader Lyn Simmons. 'I checked at the nearest machine, which said that parking was free at that time of day,' she told us. 'But I got a £30 fine and called Norwich Council. It told me I should have looked at a machine further away from where I'd parked, which said I was in a residents' permit area.'

Brian Loftus from Dagenham successfully appealed against a similar fine: 'I bought a ticket from the nearest machine but was fined £80 because I should have bought one from a machine I couldn't even see from the parking space. So I videoed how long it would take to find the right machine and the adjudicator overturned the fine.'

These aren't one-off offences. In June this year an independent review of parking enforcement by Richard Childs, ex-Chief Constable of Lincolnshire police, pointed out: 'Some signs were at best

Parking problems experienced in last 12 months

We asked 595 drivers about the main parking problems they had experienced over the past 12 months – the graph below shows the results.



confusing or poorly sited and at worst inaccurate, did not conform to legislation, missing or simply so complicated they were virtually incomprehensible.'

Edmund King of the campaigning organisation the RAC Foundation agrees. He told us: 'Sometimes you need a PhD in parking to know if you can park somewhere. Often motorists are being penalised when they've simply misunderstood and haven't set out to defraud the system.'

Part of the problem is that local authorities are obliged to put signs only on entrance roads to controlled parking zones (CPZs) – areas where parking restrictions are in place. They don't have to put signs on all the roads that have restrictions, so once they're in a CPZ, drivers can easily miss signs. This is a particular problem in London, which is essentially a whole collection of different CPZs.

Keith Banbury of the BPA told us: 'I'd like to see regular checks on signage. It's in the council's

'Clampers now have accreditation to charge you £400 or £500'

Edmund King, RAC Foundation

interest to make sure the signs are clear, as it will reduce the number of cancelled tickets.'

Different authorities also enforce parking in different ways. For example, Westminster Council in London waits a full hour after a display ticket has expired before towing away a car, but next-door Camden can whisk it away after just 15 minutes.

Sometimes there are good reasons for different restrictions. The West End of London stays busy well into the evening, but other councils could probably end parking restrictions after 6pm without causing traffic chaos.

CLAMPING

Coming back to your car to find a ticket is galling; discovering you've been clamped is even worse. As with fines, you can appeal against clamping, but you have to pay the release fee and appeal later.

Local authority guidelines say that cars should be clamped only if they overstay by 15 minutes or more. But while visiting her daughter in Cambridge, Marjorie Clarke from Totnes was clamped in a council car park as she popped in to get a visitor's permit: 'The clampers refused to remove the clamp until I paid them £70. They ignored my complaint letter. But the council begrudgingly refunded £35.'

Clamping on private land is even more open to abuse. Here you have no right of appeal, and there are no rules on the level of release fees a clamber can charge. In Scotland, the courts have ruled that clamping was akin to extortion and banned it, but in England and Wales it's still legal.

Since May 2005 all clampers have to be licensed. But with no code of practice, experts agree that this was a missed opportunity. According to Edmund King of the RAC Foundation: 'The new system is to some extent a licence to print money because it seems that the clampers now have official accreditation to charge you £400 or £500.'

HOW TO APPEAL

In our survey, 40 per cent of *Which?* readers who'd appealed against a parking fine in the past year had been successful.

If you are clamped or towed away by a council contractor because of a parking offence on the street, you follow the same process but have to pay the release fee first. But this doesn't cover clamping or tickets on private land (see 'Clamping', left).

In some areas, including Northern Ireland, parking enforcement is still the responsibility of the police and traffic wardens. In these cases, if you wish to contest a ticket, you can opt to attend a magistrate's court.

1 You should get 14 days to pay a fine at a 50 per cent discounted rate. If you think the ticket was wrong or if you have mitigating circumstances (for example, you paid for a ticket at the wrong machine), you can appeal informally to the council, preferably in writing. This should stop the clock on your discount period, but some councils use the threat of losing a discount to stop you appealing.

2 If you need help with an appeal, you can try *Which?* Legal Service (see p15). There are also websites that can help. *Appealnow.com* charges £4.99 to generate an appeal letter. *Ticketbusters.co.uk* costs £9.99 for six months' unlimited access to tips on the website.

3 If the council rejects your informal appeal, you will receive a notice to owner (NTO), which tells you officially to pay the fine. It should also tell you how you can appeal and on what grounds. There are six statutory grounds for appealing (for example, the offence didn't occur, or your car was stolen at the time). You can also ask the authority to consider your circumstances in mitigation.

4 You have 28 days from the date of the NTO either to pay or to lodge a formal appeal. If you do neither, the council has the right to increase the fine by 50 per cent. If it's still not paid, the council can register it as a debt at the county court and send bailiffs to recover it.

5 If you appeal and the council rejects it, the case will be sent to adjudication.

6 There are three independent parking adjudication services:

- Parking and Traffic Appeals Service (London)
- National Parking Adjudication Service (rest of England and Wales)
- Scottish Parking Appeals Service (Scotland).

For contact details see p64. Adjudication is free, although costs can be awarded against you or the council if adjudicators think you have wasted time with a vexatious appeal. Most people we spoke to believe that the system works effectively.

Attitudes to parking issues

	% of people who agreed
You should always be able to appeal against clamping	92
You should always be able to appeal against parking tickets	91
Parking restrictions are necessary in built-up areas	91
There should be a parking regulatory body to monitor every local authority's parking restrictions	88
Motorists who commit major parking offences should get bigger fines than motorists who commit minor offences	82
All parking attendants should have a minimum qualification before they can issue tickets	79
Car park owners should be legally responsible for the security of the vehicles parked there	70
We asked 595 drivers whether they agreed with the statements above about parking enforcement	

QUIZ ANSWERS

1) False (48 per cent of people in our survey got this right). The British Parking Association wants to introduce exams for attendants and parking managers to raise standards and reduce staff turnover – which can be as high as 70 per cent.

2) False (42 per cent got this right). Councils can choose fines of £20, £30 or £40 (£60, £80 or £100 in London), which usually apply to all parking offences. But Paul Pearson of Ticketbusters.co.uk is exasperated: 'For overstaying a pay-and-display bay in London you can be fined £100. Yet shoplifting attracts a fixed fine of £40, and throwing an item at a train is an £80 fine.'

3) False (only 28 per cent got this right). Local authorities have to get approval from the Department for Transport for any restrictions they impose, and you can appeal against any council-issued parking fine to an adjudicator (or a magistrate's court if it's a police traffic warden). But no one oversees overall enforcement and restrictions.

4) False (38 per cent got this right). See 'Clamping', p13, for more details. You can appeal in some council-run car parks that are subject to a traffic regulation order – ask your local authority about this.

The foundation has collected some examples of clampers' appalling behaviour. Its cases include a clamper who forced a heavily pregnant woman to walk two miles to a cash point to get the release fee. In another example a motorist thought his car had been stolen until he received a call a month later from clampers, demanding £900 to release it.

PARKING FOR DISABLED DRIVERS

Disabled drivers face even worse parking problems. Although they can display a Blue Badge, which entitles them to certain parking concessions, 89 per cent of badgeholders in our survey of *Which?* drivers struggled to find a space in the past year.

In addition, many London boroughs have disabled parking bays reserved for local residents, who require a different coloured badge – green in Camden, white in Westminster, purple in Kensington and Chelsea. Toni Cutler of Sudbury got fined when she parked in a disabled bay in Camden, despite displaying a Blue Badge. Fortunately, Camden was sympathetic and cancelled the fine.

Local authorities have a duty to consider mitigating circumstances for appeals against fines, but this doesn't always happen. In June this year Marion Drabble from Yorkshire visited her 91-year-old aunt in Trafford and got ticketed, despite displaying a Blue Badge. Marion says: 'The parking official said we'd displayed the badge the wrong side up – showing the photo of my aunt. I explained

that neither of us knew about positioning the badge the other way up, but he told me to go away and save £3 a week to pay the fine.'

Douglas Campbell of the Disabled Drivers' Association says this is quite common: 'When the Blue Badge was introduced we campaigned to have it marked so that people would know which way it should be displayed, but it didn't happen.'

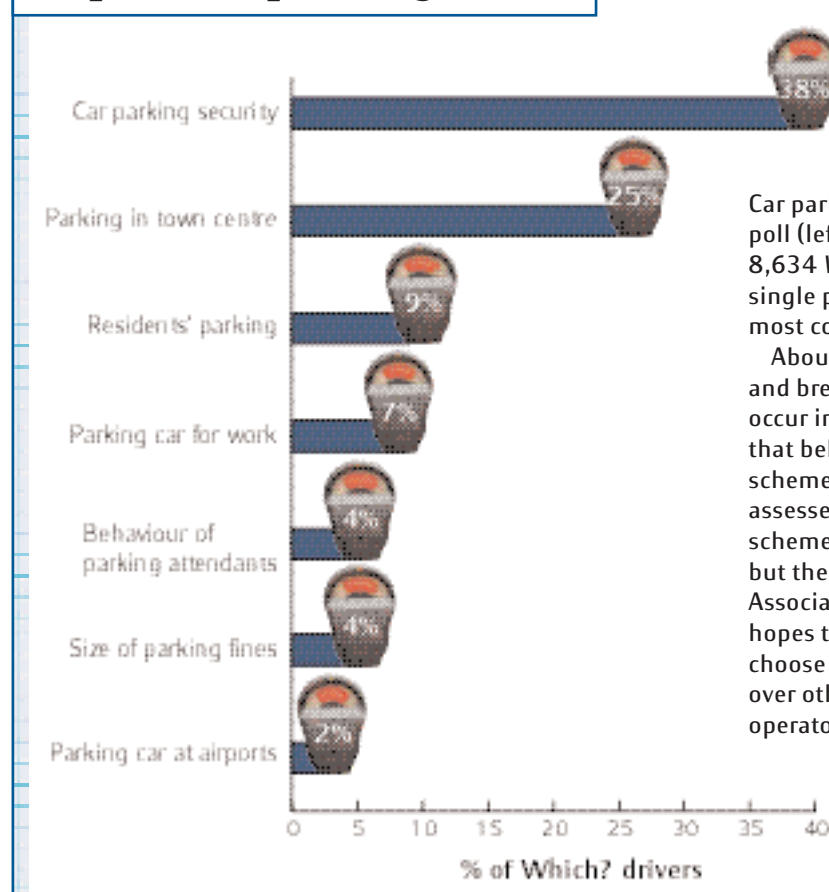
NEW TECHNOLOGY

Technological advances may help motorists find and pay for parking spaces – but they are also being used to target those breaking the rules.

Paul Pearson of Ticketbusters.co.uk says that new camera enforcement is particularly Draconian. Cameras watch over parking bays with restrictions and automatically issue tickets without a need for parking attendants. In one case in north London a driving instructor was sent a camera fine for illegally parking when his pupil stalled the car. The fine was later cancelled.

Nick Simpson was caught by the same camera when he unloaded his car outside his home at around midnight. The £100 fine was accompanied by a CCTV picture showing his car double-parked in the deserted street, with plenty of room for other cars to pass. Nick complains: 'I'd be all in favour of camera enforcement if it was about keeping traffic moving. This is just about raising money.' He's appealing against the fine.

Important parking issues



Car parking security topped the poll (left) when we asked 8,634 *Which?* drivers which single parking issue they were most concerned about.

About half of vehicle thefts and break-ins during the day occur in car parks. Car parks that belong to the Park Mark scheme have had their security assessed by the police. The scheme is only voluntary, but the British Parking Association, which runs it, hopes that motorists will choose Park Mark car parks over others to encourage more operators to join the scheme.

Residential parking schemes

In our survey of 8,634 *Which?* drivers, one in five who park in the street at home have to buy a resident's permit.

Such schemes arouse mixed feelings

– 45 per cent of those with or awaiting permits thought such schemes were unfair, while 39 per cent said they were reasonable. The graphs below show the reasons they gave.

Jon Crookston of Nottingham has successfully fought the extension of a residents' parking scheme in his area. Jon explains: 'The city's brought in dozens of residents' parking



Jon Crookston thinks residents' zones are 'an exercise in keeping administrators in work'

zones in recent years, and enforcement is very harsh and unforgiving – even with residents. It wanted a new scheme to stop commuters who use local trams from clogging nearby roads. But in our area there was no problem with parking – it just seemed to be an exercise in keeping the administrators in work.'

But if your driveway is regularly blocked by commuters who don't want to use the pricey station car park, residents' zones can bring relief. Residents in two roads in Paddock Wood, Kent, are desperately calling for a scheme after they found their streets jammed with commuters' cars. Problems began when parking restrictions were introduced near the station, leading commuters to park in adjacent roads instead.

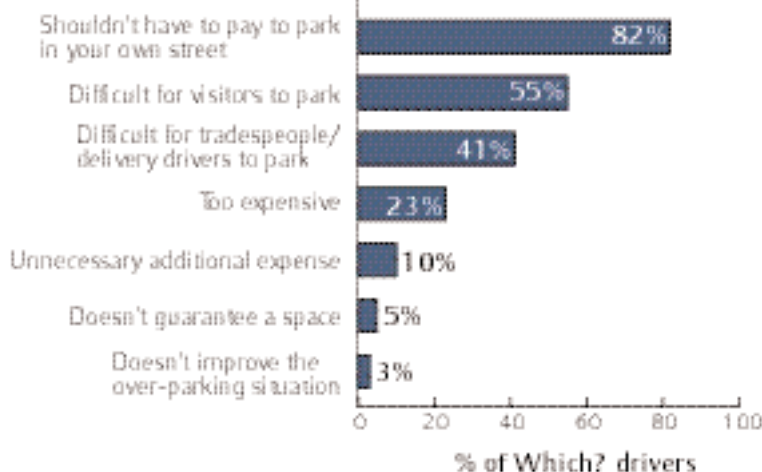
The residents say it's not just a problem of access but causes safety concerns for parents dropping children off at the local primary school.

The RAC Foundation says that in residents' areas there can be 40 per cent more permits than spaces. Edmund King believes that the demand for residents' parking spaces will only grow: 'Current planning guidance for new housing allows one-and-a-half parking spaces per residence as a maximum. Now, there might be some kind of utopian hope that people won't own cars, but to be quite frank, it's nonsense. We want to see more creative solutions to solve the problem longer term, such as underground parking spaces built into new developments.'

Why people supported a residential parking scheme



Why people were against a residential parking scheme



On the plus side, cashless parking is becoming a reality. Drivers in paid parking zones in Putney in London can ring up to inform a database that they've parked and it starts the clock running. On leaving, they call again, the clock stops and their account is debited. In another trial in Cardiff, drivers pay for their parking in advance by mobile phone. When time is running out, they can be alerted by text message so they can ring and top up their time without having to dash back to their vehicle.

Looking further ahead, the RAC Foundation suggests that eventually motorists could look up details of car parks and spaces online. As they near their destination, updates would be sent to the in-car guidance system or via electronic message boards confirming availability and giving directions.

Help with finding parking spaces is a boon. But consistent enforcement to keep traffic flowing and ensure that motorists are treated fairly needs action by government and councils, rather than technology.

which? says

On our crowded island, parking restrictions are necessary – 91 per cent of people in our survey agree. Effective enforcement can improve journey times and make roads safer. But enforcement must be seen to be fair.

Abolishing numerical targets for tickets would help with this. At the moment the target system is too open to abuse. The

rules for clampers must be tighter and they must be forced to sign up to an independent redress system.

Adjudication works well – if motorists are aware of it. Too often, they are given little information on how to appeal. The system must be monitored more closely.

We're passing our views to the Department for Transport.

WHICH? LEGAL SERVICE

Which? Legal Service can intervene on a member's behalf and help resolve disputes swiftly. We're currently offering Which? members an introductory offer of a six-month Which? Legal Service subscription for the price of three months, at only £9.75. For more details of this great offer, call 0800 252 100.