



# [take issue]

Our November report on parking produced a flood of responses. Here's a selection from the many letters and emails we received

## YOUR PARKING EXPERIENCES: WHAT YOU TOLD US

### Blue Badges

Several disabled drivers had run into difficulties with their Blue Badge.

My husband's car was correctly parked in a car park, with his Blue Badge clearly visible on the passenger sun visor. When we got back, we found a parking ticket. Even though the car was correctly parked, and a current Blue Badge was displayed, we were told the date at the top of it wasn't clearly visible because it was partly obscured by the anti-glare strip at the top of our windscreen. When I explained that all the attendant had to do was to bend down and put their hand over the screen to cut the glare, I was told I couldn't expect operatives to bend down and that our appeal would fail – which it did.

PA Bryan  
Stoke-on-Trent

John Parfitt, of Bristol, wrote to pass on vital information.

On the side bearing my photograph, it says: 'When in use, the card is to be displayed at the front of the vehicle in such a way that the front of the card is clearly visible for checking purposes'. But though the Department for Transport leaflet says



Philip Tunney got a ticket when he parked for five minutes to help someone

that the side with the wheelchair symbol is the front, there is nothing on the badge itself to remind drivers which side should be shown.

### No warning

One member's car was towed away when parking in her street was suspended – overnight.

At about 9am, I witnessed my car being towed. I ran from my house to see what was happening and was informed that work on the roads needed to take place sooner and so new notices suspending parking for that day had been attached at midnight the night before!

Fiona Taylor  
Islington, London

**Our comment** Parking can be suspended for reasons other than

between local authorities. This lack of consistency is something we'd like to see changed.

### Fined for helping

And then there was the member who received a ticket as a reward for going to help someone.

I was heading home when I noticed an elderly man stumble as he crossed the road and the contents of his carrier bag spread across the pavement. I parked and ran to his aid. He thanked me and said he was OK, that he was just going to the barber shop. I opened the door for him and saw him seated. As I crossed the road to where my car was parked, I saw

proceeded to print the ticket. The circumstances that led to the issue of the ticket have left me with no doubt that this type of policing should be exposed and controlled.

Philip Tunney  
Winslow

### Not guilty

We also heard from members who had received tickets when they didn't even own the offending vehicle.

A blue Peugeot was parked on a double yellow line in London and received a parking ticket. The perpetrator ignored the penalty notice. Unfortunately for me, the registration number recorded was

## Used tax discs can be used as proof you didn't commit an offence

a parking attendant entering details into his handheld computer. I began to explain why I had stopped in the first place but he checked his clock and told me that I had now been parked for five minutes and

that of my silver Peugeot in Cumbria. I was told that the only way I could avoid paying the fine was to send a copy of the tax disc my vehicle had been displaying. However, my vehicle had been retaxed since then and I had discarded the expired disc. I had to write to the DVLA and pay a fee to obtain evidence of the expired tax disc number. The final trauma was when I received a computer-generated communication to the effect that I now owed £150 and had 14 days to pay, otherwise they



The front of the Blue Badge is the one showing the wheelchair symbol



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

would send in the bailiffs. Your readers should be advised never to discard their expired tax discs.

*Don Norwood  
Windermere*

**Our comment** If you receive a fine for, or notification of, offences you haven't committed, it may be due to the fact that your registration number has been used to 'clone' that of another vehicle – an increasingly widespread practice.

Return the fine or letters to the issuing authority, with any documentary evidence to prove your case. Tax discs are good: they're difficult to forge and carry a unique number, which the parking attendant should have recorded. So Don's right: hang on to your used discs once you've retaxed your vehicle.

The DVLA also recommends you contact the police, as they have the authority to trace and prosecute the culprit.

## OK on pavements

Some of you criticised the apparent double standards.

Parking attendants give tickets for parking on yellow lines, overstaying and so on. But they ignore cars parked wholly on the pavement, saying that this offence of obstructing the footpath can be dealt with only by the police.

*G Woods  
Manchester*

## The industry's response

Parking affects almost all of us every day so I was delighted to be involved in your report. But while it highlighted the concerns about the problems, I feel that it didn't really address what is being done to resolve the issues.

Richard Childs' independent study into the whole area of parking enforcement, which we commissioned, concluded that enforcement by local authorities must be legitimate (that is, undertaken for the right reason – to control traffic rather than as a local authority income generator) and transparent, with full disclosure of the number of tickets issued, income generated and so on. We very much support this and believe that most people will accept the need for regulation provided that it is undertaken correctly, fairly and for the right reasons.

The Department for Transport, which approves the powers granted to local authorities to undertake enforcement of decriminalised parking, is studying the report and has set up a review group (of which we are a member) to help develop new statutory guidance for parking control. This is due to be completed this spring.

To help with this, we are planning to develop a 'consumers' guide to parking', to coincide with publication of the new statutory guidance. Greater understanding and greater fairness will, over time, help reduce the poor perception of parking and, I hope, take some of the heat out of the current situation.

*Keith Banbury  
Chief Executive  
British Parking Association*

## Not quite fair

A few of you thought we'd got it wrong.

Your article of course raised important issues, but I felt that the tone was disappointingly biased in favour of those who park illegally. There was also the implication that raising so much money ('over £300 million') is to be challenged. This

money is being used to enhance public services. What's more, many better-off motorists don't consider the level of fine a deterrent. However, if they felt there was a high probability their car would be clamped or towed away, illegal parking would virtually disappear overnight.

*John Widger  
Altrincham*

## YOUR RIGHTS

Legal  
Service

which  
?

Which? Legal Service gives this advice about some of your parking rights. For how to deal with a penalty charge notice, see our November report.

### Private property

You are trespassing if you park on any form of private ground without permission.

There's no law governing the issuing of tickets on private ground but there are guidelines set out in the DVLA Code of Practice for Private Car Parking Enforcement. You cannot appeal a ticket in the same way as you can council-issued tickets (see p13 of our report). In cases of dispute, you have to go through the county court.

If you're clamped, you have to pay.

- Never attempt to remove the clamp.
- When the release fee is collected, you will get a receipt. Check it

has a licence number. Also check the clasper is wearing a licence (claspers must be licensed by the Security Industry Authority). Contact the police if not.

● You have no right of appeal; to challenge private clamping, you have to go through the county court.

### Council car parks

You may receive an excess charge notice. You can appeal to the council concerned. You can be forced to pay by a magistrates' court.

### Traffic wardens

In some areas, parking enforcement is still a matter for police and traffic wardens. You will get a fixed penalty notice; to challenge it, contact the local police. If you fail, you'll have to go to a magistrates' court. If you don't pay, the fine goes up; you get no reduction for paying early.

## CORRECTION

The amounts that councils can charge motorists for parking offences other than in London (see the answer to question 2 of our quiz, p14) are £40, £50 and £60.

## contact us

Our regular 'Take issue' feature returns next month, so please keep sending us your comments.

[letters@which.co.uk](mailto:letters@which.co.uk)

Letters, PO Box 44, Hertford X SG14 1SH

## ESTATE AGENTS: WE BRING YOU UP TO DATE

### Blow for bill

We're bitterly disappointed that the government has passed up the chance to do something about tackling the widespread problems with estate agents, by failing to support a private member's bill for a compulsory complaints scheme for all estate agents.

Members of both the main opposition parties are in favour of Lord Dubs' bill and are demanding that the government backs it. But although the government may agree with the bill in principle, it won't set aside time in parliament for it to be made law.

Lord Dubs' bill might well be the best chance to put things right before home information packs are introduced in June 2007. We will not be moved from our resolve to get it through.

### Ombudsman complaints

In our report in May, we said that we thought that estate agents who broke the law shouldn't get their commission – but that the estate agents' ombudsman, Stephen Carr-Smith, disagreed. Mr Carr-Smith has pointed out that this could imply he condones this situation; he does not – but he has no power to intervene legally to deny an agent his commission. We're happy to clarify this and to note that, in at least one case in the last year, Mr Carr-Smith has set the compensation award to a complainant at a level equal to that of the £2,600 commission fee – effectively ensuring that the agent didn't benefit financially from a case where it had broken the Ombudsman for Estate Agents' (OEA) code of practice in several ways.

In the article, we also reported the experience of a *Which?* member who was awarded £1,000 compensation by the ombudsman but who was 'not impressed' with the length of time the investigation took. We are pleased to confirm that he was unhappy with the total length of time it took to resolve his complaint with the agent, and that the time the ombudsman spent

adjudicating on the case was only one part of that and in the particular circumstances was not in itself unreasonable. We are also happy to add that the member accepted the award without taking up the option to appeal against the ruling.

In our various reports on this issue, we used the term 'the ombudsman' to refer to both the OEA organisation and to the complaints adjudicator function within the OEA's scheme – a role currently held by Mr Carr-Smith. We wish to take this opportunity to clarify that no personal criticism of Mr Carr-Smith has been intended and we wish to apologise for any distress and hurt that may have been caused to Mr Carr-Smith.

There are aspects of the OEA scheme that concern us where we believe it falls short of the level of protection consumers deserve. We do, however, recommend that consumers use agents who are members of the scheme as it does offer a level of protection unavailable elsewhere. We agree with the OEA that an independent redress scheme should apply to the whole industry and will work with the OEA and others to achieve this.

### roundup

#### ● Credit card cheques – a partial success

The government is at last looking into the information consumers receive with credit card cheques. This is a step forward – but it's a pity it didn't ban the practice of sending out credit card cheques unless specifically requested.

#### ● Stores act on artificial trans fats

Marks & Spencer and Tesco plan to dump hydrogenated fats from their ready meals. The move marks another victory in our campaign to get rid of artificial trans fats, a type of fat which clogs arteries.

#### ● Hygiene results

South Cambridgeshire Council is to publish hygiene inspection results on its website, so people can check the hygiene of local restaurants. South Cambridgeshire is the fifth council to do this. We're campaigning for all local authorities to do likewise.

## LEGAL HELP ACROSS EUROPE

Anyone who loses out when a timeshare or holiday club package in Europe falls though could find it easier and cheaper to claim compensation, under an EU proposal.

The European small claims procedure would give consumers across Europe access to an online process for resolving uncomplicated disputes. Other areas to be covered by the

scheme include flights and accommodation not linked to package travel, online auctions and prize draw and lottery scams.

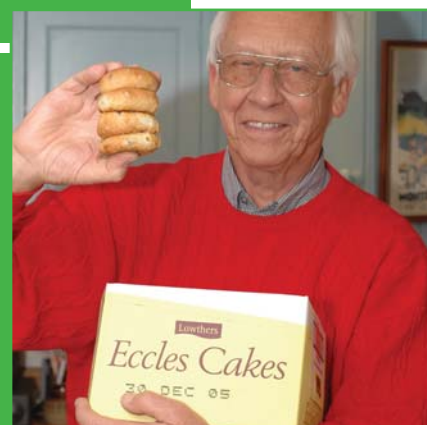
The scheme, which has our wholehearted support, is expected to be implemented in 2007.



## CAMPAIGNING BY YOU

Lorne Bell, of Gloucestershire, successfully campaigned for the removal of hydrogenated vegetable oil from Lowthers Eccles Cakes. Hydrogenated oil can form artificial trans fats, a major cause of heart disease. The makers, Martins Foods, at first told Lorne that the recipe couldn't be changed, but later wrote to say it had managed to do so. Lorne told us: 'This restores my confidence in the UK food industry, which seemed to be lagging behind in taking the trans-fat issue into account.'

Ban Trans Fats campaigns for trans fats in all food products to be reduced or eliminated. To find out more, go to [www.bantransfats.com/british.html](http://www.bantransfats.com/british.html)



### contact us

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