



Which? Shorts: investigating the rise of private parking fines

Hello and welcome to the Which? Shorts podcast, I'm Rob Lilley.

We're coming up to having a whole year's worth of weekly episodes for you to enjoy, so if you like what you're about to hear then why not go back and listen to some of our previous episodes.

This week we're hearing about the car sharks, investigating a rise in private parking fines, and explaining how to appeal if you get a ticket.

To read us this article, originally written by Hannah Downes, I'll hand you over this week's narrator, Callum Rowe...

Avoiding a fine when parking your car should be straightforward: you find a space, check the signage, pay if needed and leave before your time is up. But even if you follow the rules in good faith, you might still receive a dreaded penalty charge notice (PCN) in the post a few days later. All of a sudden, a short stay that should have cost you a couple of pounds has ballooned into a charge of up to £100, with the threat of legal action if you refuse to pay up.

Parking fines are one of the most blood-boiling consumer gripes – and they're on the rise. Parking firms requested 2.7m vehicle keeper records in order to issue fines between April and June 2022, according to data from the DVLA. This figure marks a rise of 53% year on year – although this may have been influenced by fewer people driving during the pandemic. It's also 25% higher than 2019, when a record number of fines was issued. Overall, 176 private parking companies purchased records from the DVLA, at a cost of £2.50 each.

Two firms dominated – ParkingEye made more than 500,000 requests (up 34% year on year), while Euro Car Parks made 300,000 (up 93%). But why are parking fines hitting record levels, and what are your chances of winning an appeal?

Look around the car park at your local supermarket, retail park or hospital, and you're likely to find surveillance cameras, pay-and-display machines and signs warning of PCNs. An ever-growing number of car parks are now being operated by private parking companies. ParkingEye told us it now manages 25% more sites than before the pandemic, which it says explains the rise in the number of fines it issued last year. The problem for drivers is that rules often vary from car park to car park, at best causing confusion – and at worst resulting in unexpected fines.

Paying can be a hassle. Old-school pay-and-display machines still exist, but you might now need to ring an automated phone number to register your payment. Some operators prefer you to download an app on your phone, but this relies on you having a smartphone with good signal – and involves you giving away your personal information to a third party. And when you load up the app in a different car park,

there's a good chance it won't be the one you need. Making sure you've properly understood the car park's T&Cs and have paid correctly can be a minefield – but with the number of fines rising, the onus is well and truly on drivers to ensure they adhere to the rules.

There are lots of reasons why you might end up with a parking fine. Some might be your fault – perhaps you were in a hurry and didn't see the sign on the way in. Others, however, might have nothing to do with you. Readers have reported fines being caused by faulty ticket machines, issues with apps and misleading signage. The vast majority of people stung with parking tickets think they've been unfairly charged. Some 78% of Which? members who'd received a fine from a private parking firm in the past two years felt the charge was unfair, with 28% telling us they didn't realise they had to pay for parking due to unclear signs. Despite feeling a sense of injustice, 40% of those who thought a fine was unfair didn't contest it. The most common reasons were a lack of confidence about winning an appeal, or that a discounted fee was available if they paid the fine within a certain timeframe. Private car park operators should offer a discount of 40% if you pay your fine within two weeks, meaning a £100 fine would be reduced to £60. If, however, you fight the fine and lose your appeal, you may then have to pay the full amount. Ultimately, this means some drivers may choose to pay the discounted rate rather than contest the charge, even if they think it's unfair. If you do proceed with an appeal, there's a reasonable chance that you'll be successful. In our survey, 38% of respondents had their charge overturned on appeal.

There are two levels to an appeal. First, you'll need to appeal to the car parking firm. The rules vary depending on which trade body the operator is a member of. If it's the British Parking Association -or BPA - the operator isn't required to extend the two-week window for a reduced fine if your appeal is unsuccessful, but the BPA told us that in most cases, the parking operator will honour the reduced rate. If the operator is a member of the International Parking Community - otherwise known as the IPC, you'll be afforded an additional two weeks at the reduced rate, as long as you submit your appeal within 14 days of receiving the fine.

If you're unhappy with the outcome of your appeal, you can escalate it to one of the car parking appeals bodies – the Parking on Private Land Appeals, or the Independent Appeals Service. Some 37% of appeals made to Popla in 2020-21 were successful. Half of these weren't contested by the parking operator. Meanwhile, 24% of appeals made to the IAS were successful. The IPC told Which? that it believes the current appeals process works well, as it allows drivers to provide context and mitigation that a parking attendant may not have been aware of when issuing the fine. It also claimed that repeat offenders were contributing to the rise in parking fines. It said that a third of fines were issued to drivers with at least three previous offences, and that since the abolition of clamping in 2012, there had been a huge increase in drivers deliberately flouting parking rules.

Using a hospital car park can be stressful enough – without the additional worry of being hit with a fine. Many of the biggest NHS hospital trusts in England use private firms to manage their car parks. We made Freedom of Information requests to the 10 biggest trusts, and our findings suggest it might be worth appealing if you receive a fine when visiting a hospital. At Barts Health NHS Trust, just 14% of drivers appealed their fines. Of those who did, however, 71% were successful. Mid and South Essex NHS Foundation Trust reported that 27% of fines were overturned on appeal. Manchester University said that it doesn't hold data on appeals, but confirmed that 16% of fines at its Oxford Road Campus were cancelled.

As we said earlier, private parking companies are registered with either the BPA or the IPC. Both of these trade bodies have codes of practice that members must adhere to. The codes offer some protection to drivers who make errors when paying for parking. The BPA's code states that minor keying errors on parking machines, where one character has been entered incorrectly, must be cancelled at the first stage of appeal. For major keying errors, such as entering the wrong registration, a maximum charge of £20 should apply if the driver can prove they paid for their parking. The IPC says it was the first

organisation to cancel charges if a driver had input a number 1 instead of the letter I, or a 0 instead of an O. The codes vary in terms of other protections. The BPA says you must be given a minimum of five minutes to consider the terms and conditions of a car park. You should also be given a 10-minute grace period at the end of your parking time before a charge can be issued. The IPC code says drivers should be allowed a 'sufficient consideration period' upon arriving at the car park. And the 10-minute grace period only applies if your stay is at least one hour.

Whatever protections are in place, it's unfair to expect drivers to understand the specifics of private car parking codes. Taking this into account, the government announced in February 2022 that it would introduce a Private Parking Code of Practice. The code was intended to make the system fairer – its aim was to punish rogue companies who exploit drivers, as well as motorists who deliberately park dangerously. The proposals involved capping fines at £50, half the current maximum. Fines of up to £100 would only remain in place for drivers wrongly parked in Blue Badge bays. Other measures included a compulsory 10-minute grace period at the end of a parking stay, a 50% discount for fines paid within two weeks, higher standards for signage and banning the use of aggressive language on parking slips.

An independent appeals service was proposed to make contesting fines more straightforward. If a parking company failed to follow the new code, it would be unable to access data from the DVLA, making it harder to enforce parking fines. However, these plans are yet to come to fruition. The code was temporarily withdrawn in June 2022 after some private parking companies issued legal proceedings against the proposals to change maximum fines and ban additional fees. The Department of Levelling Up, Housing and Communities was unable to confirm when the code would be reintroduced. It told us it recognises there have been unacceptable practices by a smaller number of companies and said it's determined to create a more level playing field for consumers. It said it is working with industry and consumer groups to reintroduce the new code as quickly as possible. The BPA and IPC both said they are working with the government to create consistent standards across the industry.

Thank you so much to Callum for taking us through that piece, and to Hannah Downes too, the author of that article which was originally written for the March issue of Which? magazine.

Remember you can find more articles you'll find useful every day on everything from money and technology to home and garden advice by signing up to one of our many free email newsletters at [which.co.uk/newsletters](https://www.which.co.uk/newsletters).

We'll be back next week for another episode of Which? Shorts. Thanks for listening.

Which? Shorts was produced by me, Rob Lilley, while the Exec Producer was Angus Farquhar

