

BPA Approved Operator Scheme Code of Practice

Control and enforcement of parking on private land
and unregulated public car parks



FOREWORD

The issue of parking on private land has never attracted so much controversy and debate as it does today.

All users of car parking services deserve high standards of care, and should be treated fairly and proportionately. They should also be encouraged always to comply with parking rules.

This is why the BPA launched its Approved Operators Scheme in 2007. With the scheme came a Code of Practice that was updated in 2009, and now continues to be updated through continuous feedback from within and outside of the industry. The Code drives up standards for companies managing car parks and using a variety of enforcement actions.

We want to see fair and proportionate control of parking on private land. Everyone recognises the rights of landowners to control parking on their land. If drivers trespass on private land there must be recourse for the landowner, but this must be done fairly and take account of the needs of the user and what they might reasonably expect if they break the terms and conditions for using those car parking areas. In this way motorists will better understand and respect those rules and be more likely to comply with them.

There is still much to be done. We want to see an independent appeals service similar to that for people who contravene on the public roads, and Government has challenged us to set this up. An independent appeals process should deliver a fairer outcome for people who are unhappy at decisions made by operators who manage private land. We are also improving our compliance and auditing by employing an Independent Auditor to provide a truly unbiased assessment of our members' functions to ensure that they comply with this Code.

An enormous amount of work has gone into getting this Code right, and we will continue with that work. We will also take action against members who breach it, and we will investigate and take any necessary steps against those who have been found to have breached the Code through the administration of our Scheme of Sanctions.

The Government's proposal to ban clamping on private land has certainly raised the stakes in the industry. Whilst

we have always lobbied Government to introduce regulation for wheelclamping and removals on private land, we do oppose an outright ban. We believe that the industry, and landowners' and motorists' interests would be best served by regulation of the industry, thereby forcing those rogue operators that damage this industry's public reputation, out of business. In the long run, we want Government to introduce laws that will regulate this industry in a more transparent and fairer way for the benefit of everyone: landowners, operators and consumers.

The Approved Operators Scheme is designed to continue to drive up standards until these policy changes can become a reality. We very much hope that by setting the standard in the private car parking sector that we can map the way for any future government legislation.

Having an 'unworkable' Code serves no purpose. So finally, I am very grateful to members of the profession who through their continued and sustained input to the AOS Standards Advisory Panel continue to ensure that this Code is both fair and practical.

We welcome the support that we have received from the DVLA in producing this Code and also from the RAC Foundation, Institute of Advanced Motorists, Freight Transport Association, Disabled Motoring UK and the British Vehicle Rental and Leasing Association through the AOS Board.

This Code is a guide to better practice, designed to raise standards in a sector which has in the past suffered so much from rogue traders and has, as a result, a poor public image. Private landowners have a right to enjoy their land. If people abuse a service or park where they have no right to be, then the owner should be able to take reasonable steps to protect their interests. This Code ensures that those rights can be delivered fairly and proportionately and I commend it to you.

Paul Necus
President of the BPA

GENERAL CONDITIONS

1 Introduction

- 1.1 The aim of the Approved Operator Scheme Code of Practice ('the Code') is to describe 'best practice' for people and organisations that carry out parking control and enforcement on private land. This includes vehicle immobilisation, ticketing and removal. All members of the Approved Operator Scheme (AOS) have agreed to support and uphold the principles of the Code. To become a member, parking operators must confirm that they have systems and procedures in place to ensure that substantial compliance with the Code is possible, likely, and is embedded within the culture of the organisation.
- 1.2 The Code, and its appendices, covers the immobilisation, removal and relocation of vehicles on private land. It also deals with the issue of parking tickets and other kinds of parking control and enforcement. It sets out the standards of behaviour expected of operators.
- 1.3 In this Code, 'you' means the operator – a person or organisation carrying out vehicle immobilisation or parking control and enforcement on private land; 'we' means the BPA.
- 1.4 The Private Security Industry Act 2001 regulates vehicle immobilisation and the removal of vehicles on private land and in private car parks accessible to the public. Under the Act, operators have to apply for and gain a licence. It is a criminal offence to work in vehicle immobilisation or removal without a licence. This work is regulated by the Security Industry Authority (SIA). For more details go to the SIA's website: <http://www.the-sia.org.uk/>.
- 1.5 The Code does not cover on-street or off-street car parking control and enforcement led by local authorities and regulated by the Road Traffic Regulation Act 1984, the Road Traffic Act 1991 and the Traffic Management Act 2004. These are covered by detailed statutory control and regulation which can include:
- the use of immobilisation
 - removal of vehicles
- and
- the issue of Penalty Charge Notices (PCNs) and Excess Charge Notices (ECNs).

2 Objectives

- 2.1 The main objective of the Code is to make sure that operators act responsibly, effectively and efficiently when they:
- enforce the terms and conditions of parking in private car parks
- or
- are deterring illegal or unauthorised parking on private land.
- In particular, the Code is intended to make sure that operators carrying out enforcement action treat drivers fairly. This means that:
- any charges drivers have to pay will be reasonable
 - the service they receive will be of good quality and will not damage their vehicles
- and
- operators will act promptly, using efficient and appropriate administrative procedures.
- 2.2 By creating the Code, the parking industry has set out the minimum standards by which you will be judged by anyone coming into professional contact with you. Members of the public should be able to expect that you will keep to the law and act in a professional, reasonable and diligent way.
- 2.3 You must keep to the Code if you are to be eligible for membership of the BPA and our Approved Operators Scheme (AOS). The Code also aims to promote the use of 'best practice' in the management of parking on private land – this goes beyond the minimum standards of behaviour set by the Code.
- 2.4 The Code works on the understanding that operators and drivers will deal with each other in a respectful way. This means that drivers will:
- accept that a landowner has the right to set out the terms on which drivers can enter their land
 - accept that an authorised operator has the right to manage the parking on a landowner's behalf
 - take reasonable steps to read the signs at a site
 - drive safely and act responsibly whilst using the parking facilities
 - act responsibly towards the staff managing the parking facilities
 - give the operator the opportunity to answer any queries
 - use any appeals service provided by the operator in an honest and fair way.

3 Conditions

- 3.1 When you apply for BPA membership you must sign a declaration and agree to keep to the Code and its principles. To stay a member of the BPA you must keep to the conditions of the Code. If you do not keep to the conditions of the Code the BPA may take disciplinary action against you.
- 3.2 Under the Code you must keep to all the requirements laid down by law. This includes keeping to any requirements of the SIA covering the licensing and monitoring of vehicle immobilisation and removal work.
- 3.3 It is also a condition of the Code that, if you receive and process vehicle or registered keeper data, you must:
- a be registered with the Information Commissioner as a data controller under the Data Protection Act 1998
 - b keep to the Data Protection Act 1998
 - c keep to DVLA requirements covering the data.

4 Warranty and disclaimers

- 4.1 The BPA has, and will do its best to keep, Accredited Trade Association status with the DVLA.
- 4.2 A BPA member must tell us if it applies to the DVLA for Approved Conditional Access to its Data Registers, and uses its membership of the BPA and compliance with the Code as evidence of its intention to keep to DVLA procedures. It must also indemnify us against all claims that might arise from its obtaining data falsely or illegally, or misusing data.
- 4.3 We will not be liable for any direct or consequential losses that you, or any third party, incur because of:
- complying with the Code
 - not complying with the Code
- or
- being denied Approved Conditional Access, or any access, to the DVLA Registers for any reason.
- 4.4 The Code reflects our interpretation of the law at the date of publication. However, you are responsible for familiarising yourself with the law on any activities covered by the Code.
- 4.5 If there is any conflict between the law and the Code, the law will prevail.

5 Compliance monitoring and Code breaches

- 5.1 You must confirm that you have systems and procedures

in place to ensure that substantial compliance with the Code is possible, likely, and is embedded within the culture of your organisation.

Before you are allowed to claim that you are keeping to the Code, you must lodge an Evidence of Compliance Statement with us. If you are a company, this must be signed by a director. When new members apply to join the AOS we will tell them what the contents of the evidence statement should be. We will do this through our normal communications channels, including our web site and by using email.

- 5.2 We will visit you once a year to check you are keeping to the Code. If we find any non-compliance issues you must put them right within an agreed time.
- 5.3 We will record any complaints we receive about our members. Also, if the DVLA asks us, we will investigate any complaints about alleged breaches of the Code of Practice. However, we are not set up to deal with parking or control related disputes from the general public. Nor are we a regulatory body. Therefore the Code does not provide a way for drivers to challenge how a landowner or operator has applied parking control and enforcement on private land. Any challenge or appeal is a matter for the landowner's or operator's procedure. We will not get involved in the arbitration of a dispute between an operator and an individual.
- 5.4 Breaches of the Code and non-compliance with the Code will be enforced and monitored through a Scheme of Sanctions. Sanctions will be given dependent upon the severity of the breach. If you reach twelve points on your 'membership licence' in any twelve month period, you may be referred to BPA Council for disciplinary action which may result in suspension or termination of membership from the AOS and the BPA.
- 5.5 If there have been breaches of the Code, either as the result of a complaint investigation or a compliance audit, you must make appropriate changes to your business operation to bring it into compliance within a reasonable time. These changes must be put in place promptly and in any case within the stipulated timescale of our making a formal written request to make the changes.
- 5.6 If you do not make the alterations we ask for by the date given in the formal written request, we will issue an appropriate sanction to your membership licence. If your licence reaches 12 points, we may suspend your membership of the AOS, and of the BPA.
- 5.7 If there is a serious breach of the Code by a member of the AOS we may immediately suspend or expel them from the BPA. We would then start the disciplinary processes set out in the BPA Code of Professional Conduct. A serious breach is any breach of the Code which, in the opinion of the Board of the BPA, brings the BPA and its membership into disrepute.
- 5.8 If a member is suspended or expelled from membership,

or if there is found to be a serious breach of the Code, we will inform the DVLA of this.

6 Written authorisation of landowner needed

- 6.1 Under the Code, you must have the written authorisation of the landowner (or his appointed agent) before you can carry out parking control and enforcement work on the land in question. The authorisation must say that the landowner requires you to keep to the Code of Practice. It must also set out:
- the definition of the land on which you may operate, so that the boundaries of the land can be clearly defined
 - any conditions or restrictions on parking control and enforcement operations, including any restrictions on hours of operation
 - any conditions or restrictions on the types of vehicles that may, or may not, be subject to parking control and enforcement
 - who has the responsibility for putting up and maintaining signs
 - the definition of the services provided by each party to the agreement
 - whether or not the landowner authorises you to take legal action to recover charges due from drivers charged for unauthorised parking.
- 6.2 The BPA's compliance team are responsible for making sure operators follow the Code. If the team give you reasonable notice, you must allow our appointed manager to inspect the landowner's written authorisation.

7 Keeping and disclosing information

- 7.1 So that we can carry out our duties to operate the Code effectively, and to make sure operators keep to the Code, you must keep complete and accurate records of all your operational sites and pounds. If our appointed manager asks, you must show them details of any particular site. We would normally only ask to see the information if there was a complaint or disciplinary action against an operator for an alleged breach of the Code, or for audit purposes. An operator who does not provide the information within 10 days will be in breach of the Code.
- 7.2 Unless paragraph 7.3 applies, we will keep any information confidential which is provided in confidence to us by our members. Only BPA staff involved in compliance monitoring will have access to the confidential information, and then only with the approval of a BPA Director.
- 7.3 Information will not be treated as confidential if:
- it was already in the public domain before it was provided to us

or

- it entered the public domain after this, but not through any action of ours.

We may also disclose information:

- if we are required to by a court order

or

- if, in the opinion of the Chief Executive of the BPA, not doing so might jeopardise our status as an Accredited Trade Association.

8 Vehicles

- 8.1 Any vehicles you use to undertake enforcement must be marked clearly with your livery (identification mark) or with your business name. In exceptional circumstances, if there is a serious risk of personal injury to your staff through being in charge of a liveried vehicle, you may temporarily remove vehicle livery. But you must replace it as soon as possible. All vehicles must be fully taxed and insured and should be kept clean and tidy.
- 8.2 The use of 'decoy' vehicles is unacceptable under any circumstances. (Decoy vehicles are ones that are parked by the operator or site owner to trap people into using the site in a way that breaks the terms and conditions that apply.) Behaviour by an operator which deliberately encourages people to break the parking terms and conditions will be treated as a breach of the Code.

9 Skills, learning and qualifications

- 9.1 You must make sure your staff and agents are competent to do the tasks they carry out. You must also provide adequate development opportunities to all staff for the general, job-specific and legal (for example, health and safety) elements of their roles. You must keep learning and development records for your staff and agents, and we may ask to inspect these records. Demonstrating individuals' commitment to continuous professional development through active membership of the IPP is the preferred approach.
- 9.2 SIA-licensed operatives must achieve the level-2 BTEC for Vehicle Immobilisers. (This is the qualification that operatives need before applying for a licence to practise.) They must maintain their competence by keeping up to date with changes to requirements.
- 9.3 We suggest that you use the level-2 NVQ in Controlling Parking Areas to consolidate learning once an operative is established in post. This qualification offers operational staff a choice of five 'occupational pathways':
- parking control
 - barrier and pay station control
 - vehicle immobilisation

- vehicle removal
- CCTV enforcement.

You will need to choose the units most relevant to each member of staff.

- 9.4 Notice processing personnel should achieve the City & Guilds Level-3 Award for Notice Processors (Parking). There is one mandatory unit which covers the core generic information required by the notice processor and a second unit which has been developed specifically for those processing in accordance with the AOS CoP. Once a processor is established in post we suggest the level 3 business administration NVQ is undertaken and that the optional unit: administer parking and traffic challenges representations and civil parking appeals is selected.

10 Insurance

- 10.1 Unless you are a public-sector organisation, you must have enough public liability insurance (at least £5M) to meet reasonable claims for damage or expenses. You must also carry full employers' liability insurance (at least £10M). You must allow us to inspect your current certificates of insurance, to show that you are meeting this requirement.
- 10.2 If you are a public-sector organisation, you must be able to provide an equivalent level of cover as in paragraph 10.1, in case there is a claim. You must be able to show, if we ask, how you are able to provide an equivalent level of cover.

11 Licensing and monitoring

- 11.1 Every person or organisation carrying out vehicle immobilisation or removal must be licensed in the way the law requires (by the SIA or its successor) and must keep to the terms and conditions of their licence.

12 Parking control and enforcement staff

- 12.1 All front-line operational staff must be smartly dressed and carry an SIA identity card (if the SIA requires this) or another appropriate identity card. You must keep a record of all staff working for you, which contains the same information as that shown on staff identity cards.

The identity card must include:

- a photograph of the holder
- the unique identification number of the holder
- the name, address and phone number of the operating company
- details of SIA registration if required by law.

- 12.2 You must allow us to inspect your current staff records, if we ask, to show that you are meeting this requirement.

- 12.3 Parking control and enforcement staff must allow drivers to inspect their identification cards if they ask.

13 Getting registered keeper details

- 13.1 Under the Code, you must be a member of the AOS if you are involved in:
- vehicle immobilisation or removal
 - issuing parking tickets
- or
- other methods to manage parking on private land.

If you are an AOS member and you want to get the names and addresses of the registered keepers of vehicles, you may apply to the DVLA for Approved Conditional Access to its UK vehicle register.

- 13.2 When you apply to the DVLA you must confirm that you are a member of the BPA and the AOS (quoting your BPA membership number). You must also confirm that you will keep to the Code of Practice, the Data Protection Act and any other applicable legislation. To keep to the Data Protection Act you must register with the Information Commissioner as a data controller.
- 13.3 You must use the data you get from the DVLA registers only to carry out the parking control and enforcement activity for which you requested the data. You must not act as an agent to get data from the DVLA on behalf of a third party (for example a landowner or agent), unless that third party also becomes a member of the AOS and satisfies all compliance conditions.
- 13.4 It is entirely up to the DVLA whether they allow anyone electronic access (or any access) to the DVLA registers. Also, the DVLA apply terms and conditions to that access, and these may change. We will not get involved in any dispute over access to the DVLA registers, except when we are acting in our general role as the recognised authority representing the parking industry as a whole.

14 Challenges and appeals

- 14.1 Under the Code you must have procedures for dealing fairly, efficiently and promptly with complaints, challenges or appeals. The procedures must give keepers and drivers the chance to challenge:
- having their vehicle immobilised (clamped)
 - having their vehicle removed
 - having received a parking ticket.
- 14.2 If a driver challenges having their vehicle immobilised or having their vehicle removed, you must explain before or at the time of release why it was done. This explanation should include any information that applies including:

- in what way their parking had been unauthorised
 - where the relevant warning signs had been
- and
- how to challenge having their vehicle immobilised or removed.
- 14.3 If the driver continues to challenge having their vehicle immobilised or removed, you should invite them to send in a written challenge or appeal. Staff working on immobilising or removing vehicles must have a leaflet ready to give to a driver which explains how to challenge or appeal the decision to immobilise or remove a vehicle.
- 14.4 If a driver makes a written challenge or appeal, following their vehicle being immobilised or removed, you or your representative must acknowledge the challenge or appeal within 14 days of receiving it. If you only acknowledged the challenge or appeal you must accept or reject the challenge or appeal in writing within 35 days of receiving it. If the challenge or appeal is accepted and the driver is due a refund of any fees you must include that payment, or written confirmation that you have made the payment, with your reply.
- 14.5 If a driver challenges a parking charge you must review the case and decide whether to:
- cancel the charge and take no further management action other than informing the driver
- or
- uphold the parking charge and explain why it was issued and should therefore be paid.
- We may require you to demonstrate that you are keeping to the target times set out above.
- If the driver is due a refund of any fees you must include that payment, or written confirmation that you have made the payment, with your reply.
- 14.6 If you receive a challenge or appeal about the issue of a parking charge, you must stop work on processing the charge immediately until you have answered the challenge. You must acknowledge or reply to the challenge within 14 days of receiving it. If you only acknowledged the challenge or appeal you must accept or reject the challenge or appeal in writing within 35 days of receiving it. We may require you to demonstrate that you are keeping to these targets.
- 14.7 A parking charge may be challenged on the grounds that the vehicle was on hire or lease at the time the unauthorised parking took place. If the rental or lease customer's details have been provided to you by the hire or lease company, you should pursue your claim instead with the rental or lease customer.
- 14.8 If you reject a challenge to the issue of a parking charge you must give the driver a reasonable time to pay the charge before restarting the collection process. The Code recommends that you allow at least 14 days from the date you rejected the challenge.
- 14.9 You must keep evidence of all challenges you receive

and the action you take to resolve them. You must keep a full audit trail of all actions, which can be manual or generated by a processing system. You must allow us access to this when we are investigating a complaint. You must keep documents (or scanned copies) for at least two years from the date of the challenge.

15 Misrepresentation of authority

- 15.1 You must not misrepresent to the public that the parking control and enforcement work you are doing is carried out under the statutory powers of the police or some other public authority.
- 15.2 You must give clear information to the public about what parking activities are allowed and what is unauthorised. However, you must not mislead the public into believing that the rules you are enforcing are based upon the powers of an agency regulated by Statute.
- 15.3 Operators who suggest to the public that they are providing parking enforcement under statutory authority will be acting in breach of the Code.
- 15.4 You must not use terms which imply that you are acting under statutory authority; this will include terms such as 'fine', 'penalty' or 'penalty charge notice'.

16 Use of third party sub-contractors and 'self-ticketing'

- 16.1 You may use a sub-contractor to carry out individual tasks to help you with your parking control and enforcement responsibilities. However, if you do so you are responsible for making sure the sub-contractor complies with the Code as if you were carrying out the tasks yourself. If your sub-contractor breaks the Code while carrying out the tasks you have delegated to them we will treat this breach of the Code as a breach by you.
- 16.2 If you provide a service to a customer which enables them to issue tickets themselves ('self-ticketing services') and you process the tickets, it is your responsibility to ensure they are acting in line with the Code. You must also provide the customer with a copy of the Code and get their signed confirmation that they have read the Code and agree to comply with it. You must tell us if you are providing self-ticketing services, and if we ask to see it you must show us the evidence that your customer has agreed to comply with the Code.
- 16.2.1 You must tell us if you are providing self-ticketing services, and if we ask to see it you must show us the evidence that your customer has agreed to comply with the Code.
- 16.3 You must not act as an agent to get data from the DVLA and pass it to a third party (for example a landowner or agent), unless that third party also becomes a member of the AOS and satisfies all compliance conditions.

APPENDICES

LIST OF APPENDICES:

APPENDIX A VEHICLE IMMOBILISATION AND REMOVAL

APPENDIX B PARKING TICKETS

APPENDIX C DEFINITIONS

APPENDIX A

VEHICLE IMMOBILISATION AND REMOVAL

A1 Immobilisation and removal – general principles

- A1.1 Vehicle immobilisation on private land is legal in England and Wales, but not in Scotland. Only operators licensed by the Security Industry Authority (SIA) can lawfully immobilise (clamp), remove or block in vehicles in exchange for a fee. The SIA attaches conditions to the licences it issues, and if there is any conflict between those conditions and any of the conditions in the Code, the SIA rules take precedence. However, the SIA does not regulate release fees, release times or the adequacy of signs, and it is to these areas in particular that the Code is relevant.
- A1.2 Immobilising and removing vehicles is an accepted deterrent when parking on private land is restricted or forbidden. Vehicles that park where they are forbidden to park, or are parked in breach of the conditions for using the land, may be immobilised, relocated within the land or removed.
- A1.3 You must put up signs saying that vehicles may be immobilised or removed, so that a driver is given enough warning and willingly accepts the risk of immobilisation or removal.
- A1.4 If a vehicle is immobilised or removed in error you must immediately release or return the vehicle without payment. If it is agreed, after payment has been made, that an error has taken place you must make a full refund as soon as possible and at the latest within two working days. If it is practicable, refunds should be given immediately. In every case you should aim to put the error right promptly.

A2 When immobilisation or removal must not be used

- A2.1 The following vehicles must not be immobilised or removed:
- liveried vehicles being used for operational fire, police or ambulance purposes
 - vehicles that have had an immobilisation device removed less than 30 minutes before and which are in the same position
 - vehicles being used by a doctor or other health worker (such as a midwife or district nurse) who is on an emergency call at the address under control and the vehicle is displaying a BMA badge or authorised Health Emergency badge.

d vehicles that are displaying a valid disabled (blue) badge if doing so would be breaking the SIA VI licensing conditions.

A2.2 Vehicles whose drivers have paid legitimately for parking but have overstayed the 'paid-for' time, and are not committing any other breach of the regulations, may not be immobilised unless they have stayed beyond a reasonable 'grace period'. The grace period should be at least 15 minutes beyond the time their permitted parking period expired.

A2.2.1 Drivers of vehicles displaying a disabled persons (blue) badge, issued by a local authority or other government body, are not automatically entitled to concessions when parking on private land. It is important that valid disabled blue badge holders comply fully with the government's Blue Badge Scheme advisory leaflet 'Parking concessions for disabled and blind people' produced by the DfT.

A3 Removing vehicles

- A3.1 Vehicles breaching private land or car park conditions may be removed to a pound without the owner's consent. However, you must first have considered whether immobilisation would be more appropriate in the circumstances. Examples of such consideration can be found in A3.2 below.
- A3.2 Removal of the vehicle may be appropriate if one of the following applies:
- The vehicle driver has on three or more occasions parked without authority at that location
 - The landowner has instructed the operator in writing to remove unauthorised vehicles
 - The safety of the public, or of other authorised users of the site, is at risk because of the unauthorised parking; for example, because the vehicle is causing an obstruction or is a safety hazard, or is blocking a fire exit or an access used by emergency vehicles
 - There is no opportunity to relocate or move the vehicle to somewhere else on the site
- A3.3 If a landowner requires you to remove vehicles because parking at that location is forbidden, you must make sure this requirement is included clearly in your written contract with them.

A4 Types of immobilisation device

A4.1 You should use immobilisation devices of a type approved by the Home Office or another government department or agency. All immobilisation devices used must be fit for purpose and be designed to minimise the risk of damage to the vehicle.

A5 Vehicle pounds and storage areas

A5.1 You may use a remote pound or storage area for the safekeeping of vehicles which have been removed. Vehicle pounds must be secure. You may not remove vehicles to locations which are not secure, such as the public highway, or to car parks which members of the public have general access to.

A5.2 You may only remove a vehicle to a pound that is within a reasonable distance and journey time from the land that the vehicle was removed from. In selecting a particular pound for storing a vehicle, you must take into account the needs of drivers to recover their vehicles without undue inconvenience. We recommend that you do not remove vehicles to pounds more than one hour away by car, in normal traffic conditions, from the location of the removal.

A6 Repositioning within the site

A6.1 If a vehicle, including a vehicle displaying a valid disabled (blue) badge, has been:

- left so that it is causing an obstruction or is a safety hazard, or
- parked so that it is obstructing a fire exit or access used by emergency vehicles, or
- parked in a specially reserved bay (for example, a disabled badge holder bay) without displaying an appropriate permit

the vehicle may be repositioned within the site rather than removed from the site.

A6.2 You must use appropriate care and skill when repositioning a vehicle, so as not to cause damage, and must use equipment that is designed for the purpose. Repositioning should be to the nearest safe parking space within the site.

A6.3 If a repositioned vehicle is later immobilised you must keep to all the requirements in the Code that cover immobilisation. You may not reposition a vehicle to a place where parking is restricted or forbidden, and then immobilise it because it is now parked in an unauthorised location.

A6.4 If a vehicle appears to be abandoned, you should tell the landowner or agent and advise them to take appropriate action. Dealing with abandoned vehicles is outside the scope of the Code.

A7 Release times

A7.1 Drivers whose vehicles have been immobilised or removed must be able to recover their vehicles at all reasonable times. Operators should aim to make an immobilised vehicle available to the owner as soon as they have paid. The target time for this is within one hour of payment, and no more than two hours of payment, unless the vehicle is in a car park or car pound that is closed.

A7.2 If a pound is run by, or for, a local authority as part of its statutory civil parking enforcement duties, and the pound is also used by the authority for vehicles removed from its private land, then the statutory rules covering the availability of that pound and payment services will override the Code in those respects.

A7.3 If circumstances dictate that operatives who remove the clamp from a vehicle also receive the release fee on site, they should attend the clamped vehicle to accept the fee, give a receipt, and de-clamp the vehicle within two hours of the motorist stating their intent to pay.

If the motorist is a vulnerable person, for example a single woman, an elderly or disabled person or a parent with a young child, they should be given priority for releasing – especially during the hours of darkness.

A7.3.1 If services to release a vehicle are not available 24 hours a day, this must be clearly stated at the time of parking on the warning signs.

A8 Signs and information

A8.1 You may immobilise and remove vehicles only where there are visible, clear, and legible signs and you must keep a record of where all the site's signs are.

- Do not allow signs to be blocked from view.
- You must clean and maintain signs regularly.
- Signs must be easy to see and read, which may mean you must take extra care to ensure that they are conspicuous during the hours of darkness if enforcement activity takes place after dark.

A8.2 Signs must be in plain and intelligible language, and:

- a tell drivers that unauthorised parking is not permitted
- b say what the conditions are to use the site
- c give the circumstances under which vehicles will be immobilised or removed
- d give the times during which vehicles will be immobilised or removed
- e be placed at the entrance to the site, and there must be enough signs placed in other locations throughout the site so that drivers are given the chance to be

aware of the risk involved at the time of parking or leaving the vehicle

- f be at least 450mm x 450mm in size
- g say that the land is private property and is managed by the operator
- h say how to retrieve a vehicle or get it released
- i give the fee for release, retrieval or storage
- j give a phone number (premium-rate lines should not be used) where enquiries may be made
- k give the registered company name and number of the operator and, if the operator is using a trading name other than its registered company name, a geographical address where documents can be served.

To help motorists understand signs it is strongly advised that you use pictograms or symbols, for example images of a wheel clamp, a removal truck, camera and so on.

- A8.3 If the site can be closed with gates, information signs must also be visible from outside the site.
- A8.4 If you immobilise a vehicle, you must put immobilisation warnings and advice notices on the vehicle without causing damage to it.
 - A8.4.1 The notices should be of a size that is easily visible and give clear and unambiguous guidance showing:
 - a) that the vehicle has been immobilised, and that the driver should not try to move the vehicle before the immobilisation device is released
 - b) the vehicle registration mark of the vehicle, and the place, time and date of immobilisation
 - c) why the vehicle was immobilised
 - d) how to get the vehicle released
 - e) the fee to get the vehicle released and how to pay this
 - f) the SIA licence number of the person who has immobilised the vehicle
 - g) a phone number for enquiries about getting the vehicle released
 - h) that the immobilisation device must not be removed except by an authorised person
 - i) the address of the payment centre, if the driver must pay the release fee away from the site
 - j) the registered company name and number of the operator and, if the operator is using a trading name other than its registered company name, a geographical address where documents can be served
 - k) the AOS logo or name, or both
 - l) how to challenge or appeal against the vehicle's being immobilised.

You may give a mobile phone number on the notice for drivers to use to get their vehicle released. But your signs

must give a landline telephone number for enquiries. Non-geographic numbers such as those starting 0845 and 0870 are acceptable but premium rate numbers such as those starting 09 are not recommended.

You may also need to give other information on signs and notices under companies and consumer legislation.

A9 Photographs

- A9.1 You must have a system in place to take photographs of vehicles to be immobilised or removed that shows an electronic reference of the date and time of the event. If you do not have a system to photograph vehicles this will be a breach of the Code.
- A9.2 We strongly recommend that you photograph all vehicles that are to be immobilised and you must do so for vehicles that are to be removed. The photographs should show the vehicle's position relative to the sign(s) warning drivers their vehicles may be immobilised or removed. The photographs must relate to and confirm the specific unauthorised parking event and should include a correct date and time stamp.
 - A9.2.1 Do not alter digital photographs with the intent to defraud. If you want to enhance a photograph, you must keep a copy of the original.
- A9.3 If photographs were taken and a driver of an immobilised or removed vehicle asks to see them, you must provide a copy of the photographs within 14 days.

A10 Charges

- A10.1 The fees charged for removing an immobilisation device, retrieving a removed vehicle or storing a vehicle must be reasonable and not excessive.
- A10.2 We recommend that the following fees should not be exceeded (these fees will be reviewed every April by the AOS Board):
 - Release fee following immobilisation.
 - £125 (private cars or private light-goods vehicles)
 - £180 (medium-goods vehicles)
 - £250 (HGV/PCV)
 - Vehicle removal: £250
 - Vehicle storage: £35 a day.
- A10.2.1 If you immobilise a vehicle and then within three hours remove it to a pound you should not charge more than the fee for removal plus the fee for storage. We believe you would be acting unreasonably if you were also to charge an immobilisation fee in these circumstances.

A10.3 All fees advertised on signs and literature must include VAT if appropriate. They must also show any extra charge for paying by credit or debit card.

All Payments

A11.1 You must accept payments in any reasonable form offered, including:

- a credit/debit card
- b cash or postal order
- c cheque, if supported by a suitable cheque guarantee card

The use and acceptance of cash is discouraged and should be used as a method of 'last resort' and after all other payment options have been considered.

You may accept cheques if you want to, and if so these should be accompanied by a cheque guarantee card valid for the amount being collected.

It is recommended that the operative removing the clamp does not also collect payment. However, there may be occasions when they have to accept cash or cheques. In these cases, they must give the motorist an auditable receipt which complies with the requirements set out in this Code.

For reasons of personal safety and security, and for simplicity of processing, the preferred method of payment for clamping release is by credit or debit card taken by phone. This will allow the driver to remain in or with the vehicle until it is released.

A11.2 If a vehicle is removed and held in a pound, you should provide a payment facility at the pound. If this is impractical you must make other reasonable arrangements to accept payments for the release of vehicles.

A11.3 As an alternative to A11.3 you may return the vehicle to the driver and receive the payment on handing over the vehicle. You cannot charge extra for this service, unless the signs at the site and your other literature say you will and the driver agrees at the time of payment.

A11.4 You must give receipts for payments.

A11.4.1 The receipts should include the following information:

- a) the registered company name and number of the operator and, if the operator is using a trading name other than its registered company name, a geographical address where documents can be served
- b) the landline telephone number of the operator
- c) the vehicle registration mark (VRM) of the vehicle immobilised

- d) the name of the person the receipt is given to
- e) the name, SIA number and signature of the operative issuing the receipt
- f) the full amount paid and the method of payment (for example, cash, cheque, credit card and so on)
- g) the operator's VAT number, if the operator is registered for VAT
- h) the date and time of the payment
- i) how to challenge or appeal against the vehicle's being immobilised or removed. You should at least provide an e-mail and postal address for this purpose.
- j) the place where the vehicle was immobilised or removed from
- k) a serial or reference number unique to that receipt.

You may also need to give other information on receipts under the Companies Act 2006 and other legislation.

A11.5 If payment is made by phone or online, you must provide a receipt within seven days or hand it to the driver when releasing the vehicle. This may be in an electronic form such as email.

APPENDIX B

PARKING TICKETS

B1 Authorised parking in private car parks

B1.1 In the Code 'authorised parking' is parking which is permitted by the landowner, or by the parking operator acting on behalf of the landowner:

'Unauthorised parking' includes:

- parking on private land where parking is forbidden. These vehicles are trespassing and are liable to parking control and enforcement action to deter this happening again
- parking where permission to park was initially given but has since been withdrawn or has expired, and where there is no contract between the driver and the landowner or operator giving the driver the right to park. These vehicles become trespassers once the permission to park has been withdrawn or has expired
- parking as part of a contract between the driver of the vehicle and the landowner or operator, but when the driver acts in breach of the contractual terms and conditions. An example of this is when the driver does not pay the standard parking fee.

The point when the parking of a vehicle is unauthorised, or becomes unauthorised, is described in the Code as an 'unauthorised parking event'.

B1.2 After an unauthorised parking event, an operator may issue a notice which requests payment of a charge. The Code refers to these notices as 'parking tickets' and the charges as 'parking charges'. The Code makes a distinction between these charges and the standard parking fees for authorised parking.

B1.3 If you offer parking services where a standard parking fee is payable, you must do so in a way which allows drivers to know and understand the terms and conditions on which the offer is being made. The driver must have the opportunity to know and understand these terms before being contractually committed, and therefore before they are liable to pay the fee.

B2 When parking tickets must not be used

B2.1 The following vehicles must not be issued with a parking ticket:

- a liveried vehicles being used for operational fire, police or ambulance purposes

- b vehicles that have had an immobilisation device removed less than 30 minutes before and which are in the same position
- c vehicles being used by a doctor or other health worker (such as a midwife or district nurse) who is on an emergency call at the address under control and the vehicle is displaying a BMA badge or authorised Health Emergency badge
- d vehicles displaying a valid disabled (blue) badge when the landowner provides a concession for disabled people
- e vehicles that have paid for parking and visibly display a payment ticket but have overstayed the 'paid-for' time displayed on the ticket by less than 5 minutes – unless they are committing some other breach of the regulations. You may only issue parking tickets after the 5-minute 'grace' period has run out.

B2.2 If any vehicle described in B2.1 is issued with a parking ticket, the ticket must be cancelled without payment being required as soon as the operator is aware of the situation, and sees written confirmation or evidence of the circumstances.

B2.3 In deciding whether a payment ticket has been visibly displayed on a vehicle you must do a thorough external visual check including the dashboard and windscreen.

B3 Disabled badge holders

B3.1 Drivers of vehicles displaying a disabled persons (blue) badge, issued by a local authority or other government body, are not automatically entitled to concessions when parking on private land. It is important that valid disabled (blue) badge holders comply fully with the government's Blue Badge Scheme advisory leaflet 'Parking concessions for disabled and blind people' produced by the DfT.

B3.2 However, landowners and operators who run private parking areas accessible to the public are encouraged to provide facilities for people with disabilities or mobility difficulties.

B4 Signs and information

B4.1 If vehicles are parked under a contract, you may take parking control and enforcement action only when the contract entitles you to. This includes issuing parking tickets. The contract terms must be included on a sign

at each entry point to the site, and on other signs visible throughout the area concerned.

B4.1.1 If you own or manage a site where entrance to the site is made at speed (for example a Motorway Service Station) you may consider a simpler sign that states the following:

- a) that the land is private property
- b) that parking terms and conditions apply
- c) that the Terms and Conditions may be found on signage in the car park
- d) that enforcement may take place at any time or during the hours shown
- e) the registered company name and number of the operator and, if the operator is using a trading name other than its registered company name, a geographical address where documents can be served.

Your signs must be at least 450mm x 450mm in size.

To help motorists to understand signs it is strongly recommended that you use pictogram symbols.

Note: This type of sign should only be used at a site where entrance to the site is made at speed, and the decision to park at the site cannot be safely made by consultation of a detailed sign at the entrance, or that the decision to park cannot be influenced by such a sign. Adequate time should be given to allow the motorist to leave the site once they have observed the Terms and Conditions on the site.

B4.2 Signs must show, in plain and intelligible language, all the terms on which an operator may wish to rely. Signs must be placed at the entrance to the site, and there must be enough signs placed in other locations throughout the site so that drivers are given the chance to be aware of the risk involved at the time of parking or leaving the vehicle. They must include the following information (except where you are using a sign as detailed in B4.1.1):

- a) that the land is private property and is managed by the operator
- b) that if a vehicle is parked without authorisation, or has breached any parking conditions that apply, parking control and enforcement action may take place at any time or during the hours shown
- c) the types of parking control that may be used – for example, immobilisation, removal, the issue of a parking ticket, automatic number plate recognition technology
- d) the standard fees for parking payable for each day or part-day
- e) the parking charges that will apply if the driver is in breach of their parking contract
- f) any particular terms or conditions that are unusual and a driver should be aware of

- g) information about whether there are any concessions for disabled persons (blue) badge holders
- h) that if a parking ticket is not paid, vehicle keeper details will be requested from the DVLA
- i) the registered company name and number of the operator and, if the operator is using a trading name other than its registered company name, a geographical address where documents can be served
- j) a landline number for general enquiries. Non-geographic numbers such as those starting 0845 and 0870 are acceptable but premium-rate numbers such as those starting 09 are not recommended.

Your signs must be at least 450mm x 450mm in size.

To help motorists understand signs it is strongly advised that you use pictograms or symbols, for example images of a wheel clamp, removal truck, camera and so on.

You may also have to give other information on signs and notices under the companies and consumer legislation. This will depend on things such as the relationship between the operator and the landowner.

- B4.3 Members of the BPA are encouraged to display the BPA and AOS logos on all sites and in all literature. This will help the public to identify the legitimacy of all licensed contractors, and show that the site is run properly.
- B4.4 If the site can be closed with gates, information signs must also be visible from outside the site.
- B4.5 You may ticket vehicles only where there are visible, clear, and legible signs and you must keep a record of where all the site's signs are.
- Do not allow signs to be blocked from view.
 - You must clean and maintain signs regularly.
 - Signs must be easy to see and read, which may mean you must take extra care to ensure that they are conspicuous.

B5 Issuing parking tickets

- B5.1 The parking ticket must contain at least the following information regardless of the method of enforcement, or the media through which it is sent or delivered:
- a) a unique parking ticket reference number or serial number, so that an individual parking ticket can be recognised quickly and accurately for dealing with payments and disputes
 - b) the vehicle registration mark (VRM) of the vehicle
 - c) the make of the vehicle (if this information is available)
 - d) the time and date when the vehicle was first seen (if

this is relevant for the alleged breach)

- e) the time and date the parking ticket was issued
- f) why the parking ticket was issued
- g) the detailed location of the vehicle, such as a car park name or a description – for example, 'outside house number ...' or 'next to [building number or name]' or 'in car park [name]'
- h) the 'identifier' of the person who has issued the parking ticket – for example, an ID number
- i) the operator's registered company name and number; registered company number and, if the operator is using a trading name other than its registered company name, a geographical address where documents can be served
- j) the amount of the charge payable
- k) the time allowed for payment
- l) the amount of any discounted charge and any time limit for paying at the discount rate
- m) all the payment methods that are available and the times that payments may be accepted for these payment methods
- n) all the methods by which drivers may challenge the parking ticket, including at least an e-mail and a postal address. Operators are encouraged to also provide an email or website address that can be used.
- o) what you will do next to enforce payment of the parking ticket if no payment or challenge is received within the time allowed. You must include a statement saying that you will ask the DVLA for details of the registered keeper
- p) any excess charges the driver may have to pay if no payment or challenge is received within the time allowed, and how those charges will be worked out.

You may also need to give other information on signs, notices and documents you issue, under companies and consumer legislation.

- B5.2 When a vehicle is issued with a parking ticket this must be placed on the vehicle in a way that is secure but which does not cause damage to the vehicle. The parking ticket must be waterproof or put in a waterproof envelope, and say on it that the ticket must not be removed from the vehicle by an unauthorised person. Tickets sent by post should be sent with due haste, referring to the requirements of Clause B9 'Serving Parking Tickets by Post'.

B6 Automatic number plate recognition (ANPR)

- B6.1 Automatic number plate recognition (ANPR) camera technology may be used for parking control and enforcement. Operators using ANPR must do so in a reasonable, consistent and transparent manner. Signage at the entrance must tell drivers that you are using this

technology. Your signs must make it clear what you will use the data captured by ANPR cameras for:

- B6.2 If you provide parking facilities to the general public for a fee, your system must allow drivers who have not paid the fee to leave a site within a reasonable period that accommodates conditions and environments specific to that parking site. This grace period should be sufficient to enable motorists to leave without having their vehicle registration mark processed for a parking charge.
- B6.2.1 You should be prepared to disclose the specific grace period in a site if any BPA employee or their agents requests it.

B7 Photographs

- B7.1 You may use photographs as evidence that a vehicle was parked in an unauthorised way. The photographs must refer to and confirm the incident which you claim was unauthorised. A date and time stamp should be included on the photograph. All photographs used for evidence should be clear and legible and must not be retouched or altered digitally.

B8 Vehicles driven away (VDA)

- B8.1 A parking ticket may be served by post if the enforcement staff had begun to issue it, but the vehicle was driven away before they had time to finish or serve the ticket. They must have completed their observations and either started to write information on the ticket to be issued or put the data into the HHC, and would, in other circumstances, have to cancel the ticket. Arrangements for the issue of such tickets are set out under ANPR in clause B9.

- B8.2 Unless you have ANPR equipment in a car park, you must keep records of any vehicles driven away before a ticket can be attached. This will allow a complete audit trail of all ticket numbers to be kept, and reported upon when needed.

B9 Serving parking tickets by post

- B9.1 If you use ANPR and/or camera equipment to monitor the use of the parking facility, you may serve parking tickets generated by the equipment. You will need to apply first to the DVLA for the keeper details of the vehicle.
- B9.2 To give drivers early notice of your claim, you should apply to the DVLA for the keeper details promptly. The target time to apply to the DVLA for keeper details is no more than 14 days after the unauthorised parking event. You must apply no more than 28 days after the unauthorised parking event.

B9.3 You must post the parking ticket to the keeper as soon as possible. Your target is to send the parking ticket to the keeper of the vehicle no more than 14 days after receiving the keeper data from DVLA, and no more than 35 days after the unauthorised parking event. The maximum permitted time you have to notify the keeper is no more than 28 days after receiving the keeper data from DVLA and no more than six months after the unauthorised parking event. Your letter to the keeper should point out the details of the unauthorised parking event and ask the driver for payment.

B9.3.1 Your letter to the keeper should point out the details of the unauthorised parking event and ask for payment.

B9.4 It is the driver's obligation to pay the parking ticket. If you receive information from the keeper which identifies the driver, and the driver is someone else, you have an extra 21 days after receiving the information to serve the parking ticket by post on the driver.

B9.5 Parking tickets served by post must offer the same payment discount arrangements as tickets placed on vehicles, while allowing extra time for the postal service.

B9.6 If you serve parking tickets by post, you must include information telling the keeper the 'reasonable cause' for asking the DVLA for their details. You must also tell them about the complaints procedure keepers can use to notify the Information Commissioner and the DVLA if they believe their data has been used inappropriately. You should also include the challenge or appeals procedure in case the driver wants to dispute the ticket. You may provide this as a separate leaflet or on the ticket itself.

B10 Parking charges

B10.1 A driver who is invited to park on private land and pay a fee does so under a contract with the car park operator. Any transaction between the driver and the operator comes under the laws of contract.

B10.2 The parking contract sets out the terms that apply to the parking service, including the price. The contract may also say what the extra charges are that the driver will have to pay if they break the contract terms – for example, by parking longer than the time paid for. In the Code these are called 'parking charges'.

B10.3 Parking charges must be fair, reasonable and not disproportionately high. We may ask you to show us evidence to support the level of your parking charges.

B10.4 You must give drivers advance notice of all parking charges before they enter into the contract for parking services.

B10.5 You must not try to impose a 'penalty'. You must not call a parking charge a 'penalty charge' on any document (electronic or paper) that refers to parking charges, or on any signs in your car parks.

B10.6 Setting parking charges for breach of contract is a matter for operators. These charges will be reviewed every April by the AOS Board.

In our opinion:

The standard parking charge should not exceed £75 including any discount for early payment. The maximum Parking Charge or face value of the ticket must not exceed £150.

B10.7 If you apply to the County Court for payment of unpaid parking charges, you will incur extra court costs. You may also recover these costs from the driver, if the court agrees. You do not have to give drivers advance notice of what these extra court costs will be.

B11 Discounts and incentives for early payment

B11.1 We recommend that you offer a discount for early payment. The discounts should be available for at least seven days from the date of issue of the parking ticket.

B11.2 All charges advertised on signs and literature must include VAT if appropriate. They must also say what any extra charges are for paying by credit or debit card.

B11.3 If a vehicle is first issued with a parking ticket, then immobilised and then removed, you may charge:

- *the parking charge, and either:*

- a) *the release fee following immobilisation, or*

- b) *the removal fee plus any storage charges.*

B11.4 You must wait at least two hours before fixing an immobilisation device to a vehicle that has already been issued with a parking ticket. These vehicles may be removed immediately, however, if they are causing an obstruction, are a danger to the public or are recorded as 'persistent evader vehicles'.

B12 Payments

B12.1 You must wait until 35 days after the parking ticket was issued before starting any court action.

B12.2 You must accept payments by any reasonable means, including:

- a remote payment by phone

- b payment by post to an address in the UK that is shown in full on the parking ticket.

B12.3 You may provide other ways to pay, for example through the internet or in person at a payment centre.

B12.4 You must accept payments in any reasonable form, including:

- a credit card
- b debit card
- c cash
- d cheque, if supported by a suitable cheque guarantee card

B12.5 You must give a receipt whenever a payment is made in person, and when one is requested for a postal payment.

B12.6 Receipts must include the following information:

- a the registered company name of the operator and, if the operator is using a trading name other than its registered company name, a geographical address where documents can be served
- b the landline telephone number of the operator
- c the vehicle registration mark (VRM) of the affected vehicle
- d the number of the parking ticket the receipt applies to
- e the name or ID number, or both, of the operative issuing the receipt
- f the full amount paid and method of payment – for example, cash, cheque, credit card and so on
- g the VAT number, if the operator is registered for VAT
- h the date of payment
- i The unique serial or reference number of the parking ticket.
- j) How to challenge or appeal against the parking charge. You should at least provide an e-mail and a postal address for this purpose.

You may also have to give other information under the Companies Act 2006, and other legislation.

B12.7 You may wish to consider any reasonable request from the driver about payment options, such as paying by instalments.

B13 Process for recovering money due from unpaid parking tickets

B13.1 If a parking ticket, however it was served, has not been paid or challenged within the time allowed, you may take further management action to get payment of the amount due. All management action you take must keep to the Code. The stages of management action, and the requirements for each stage, are:

a Notice to Keeper/Owner (NTO)

You may send a NTO to the registered keeper at the address provided by the DVLA, no later than 28 days after receiving the vehicle keeper data. If the driver was not the registered keeper you are allowed an extra 14 days to serve a NTO on the driver from the date you received notification. When writing you must include the following information:

- that the NTO is addressed to the registered keeper as the person responsible for the vehicle and is asking for payment of an outstanding parking charge incurred by the driver. The registered keeper must be given an opportunity to tell you that they have sold, hired or were not driving the vehicle, and if they were not driving it, who was
- that a parking ticket was fixed to the vehicle, or issued by post, and has not been paid
- that it is too late to pay a discounted amount
- that payment of the amount owing must be made, or the ticket challenged, within 14 days or you may take further action
- the details of the unauthorised parking event including the place, date and time
- the vehicle's registration mark, and preferably its make and colour

You must also include information telling keepers of the 'reasonable cause' for asking for their data from the DVLA. You must tell them about the complaints procedure they can use to notify the Information Commissioner and the DVLA if they believe their data has been used inappropriately. You must also tell them how you deal with disputes, in case they want to challenge the ticket.

b Reminder letter (optional)

You may send an additional reminder letter before you send a final reminder. This letter should say that the time allowed for paying the charge has run out, and that the driver should pay the amount due within a set time.

c Final reminder

If you do not receive a challenge or appeal, and the parking charge is unpaid, you may send a final reminder. You must wait until at least 14 days after you sent the Notice to Owner. The final reminder does not have to follow a specific format but should confirm that the amount remains due and should be paid.

You should make it clear in the final reminder:

- how to make the payment
- and
- what you will do next if payment is not received.

When you have sent the final reminder, you must wait at least 14 days (allowing for postal delays) before taking further action.

d Charge recovery and court action

If you do not receive a payment following the final reminder, you may instruct a debt collector to recover the charge or apply to the Small Claims Courts Service to recover any money due. If the Small Claims Court issues a judgment in your favour, the Court will serve this judgment by post or in person. However, we recommend that you take a co-operative approach to collecting outstanding money and avoid court action when possible. The courts expect parties in civil actions to be co-operative, and to try to resolve disputes without court proceedings. The courts do not look favourably upon operators who try to demand money within short timescales and by using threats, and will award costs against them.

Likewise, the courts do not look favourably on motorists or consumers who try to withhold information from operators when it has been asked for with genuine, reasonable and proper cause.

Note: Whatever the detailed requirements in the Code, the underlying philosophy is that operators should act responsibly when dealing with members of the public who have breached private land/property or car parking terms and conditions and should try to resolve any complaints quickly and amicably. We may use this principle when judging complaints we receive about operators.

It should also be said that motorists and consumers should act responsibly and honestly when dealing with BPA AOS members about breached private land/property or car park regulations and should try to resolve matters quickly and amicably.

APPENDIX C

DEFINITIONS

For the sake of clarity the following definitions apply in the Code:

Additional charges

The recouping of extra costs that operators incur in recovering unpaid parking charges. These may include County Court Fees or further administration costs.

Approved conditional access

Access to the registers held by the DVLA under the terms and conditions set by the DVLA.

BPA

British Parking Association.

Contractor

Any individual, company or organisation that is employed to enforce parking on private land under a contract, agreement or licence with the landowner.

DVLA

Driver and Vehicle Licensing Agency for England, Wales and Scotland, or the Driver and Vehicle Licensing Agency for Northern Ireland.

Landowner

The owner or lawful occupier of any piece of private land, or their agent, who wishes to undertake parking enforcement directly using their own employees or by employing a contractor.

Maximum parking charge

This is the charge for a parking ticket when the ticket is not paid before any further action for non-payment. The cost is worked out as the face value of the ticket plus any additional charge applied for non-payment.

Operator

Any landowner, or any contractor employed by a landowner, who undertakes parking enforcement directly.

Parking enforcement

Any activity carried out by an operator to control or manage the parking of vehicles.

Parking charges

Fees payable by a motorist in payment of a parking ticket.

Parking ticket

Any form of parking ticket or 'Notice' issued under the Law of Trespass and/or Contract Law, which requires the payment of a fee or other charge relating to the parking of a vehicle without authority, and in connection with some enforcement activity.

Note: outside of this document 'parking ticket' may be used to describe a ticket that car owners purchase in order to comply with specific parking regulations, for example buying a 'pay and display' ticket. For the purpose of this Code, 'parking ticket' does not have this meaning.

Relocation

The transferring of a vehicle to another location in the same parking place, including lifting or using trolleys, by a third party without the owner's express consent.

Removal

Includes the towing away or taking away (for example, by lifting) of a vehicle by a third party without the owner's express consent.

Standard parking charge

This is the charge for a parking ticket where the ticket is paid before any further action for non-payment. The cost is worked out as the face value of the ticket minus any discount amounts.

Vehicle

This has the same meaning as the term 'vehicle' in the Road Traffic Regulation Act 1984 (as amended).

Wheel clamping or vehicle immobilisation

The immobilising of a motor vehicle by attaching a clamp to it or by restricting its movement by some other method.





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