

CHELSEA HOUSE, 8-14 THE BROADWAY
HAYWARDS HEATH, WEST SUSSEX, RH16 3AP
TELEPHONE +44 (0) 1444 447300 FAX: +44 (0) 1444 454105
www.britishparking.co.uk info@britishparking.co.uk

3rd Floor, Post point 3.32
Ministry of Justice
102 Petty France
London
SW1H 9AJ

Emailed to: ccjreply@justice.gov.uk

21st February 2018

About the British Parking Association

We welcome your consultation '**Default County Court Judgments: A consultation on ensuring the process works fairly, for both creditors and debtors**'. We are the largest, most established and trusted professional association representing parking and traffic management in Europe, and the recognised authority within the parking profession. We represent the best interests of our members and the parking community and provide an extensive range of membership services to support parking professionals & organisations in their day-to-day work. Our diverse membership community of around 700 organisations includes technology developers & suppliers, equipment manufacturers, learning providers, consultants, structural & refurbishment experts, local authorities and parking on private land operators including retail parks, healthcare facilities, universities, airports and railways stations.

For more information regarding the BPA and our Blueprint for Parking please click [here](#).

Question 1: Are there any other key messages that would be valuable to consumers? If so, what are they? Our stakeholder events suggested that any new public information should:

- **explain and encourage responsible behaviours which will help protect personal financial wellbeing and prevent County Court judgment being issued where consumers may be unaware of the judgment;**
- **create an information resource with clear guidance for individuals; and**
- **provide a consistent message to consumers from a trusted source, with companies and stakeholders encouraged and expected to refer consumers to this source.**

We generally welcome the consultation and the government's commitment to improving communication around County Court Judgements (CCJ). Of interest for our members, would be a renewed campaign to promote the importance of consumers informing the DVLA of any changes to their address. Any such communication should include informing motorists that it is their responsibility to inform the DVLA, and the potential consequences of them failing to do so. In general, promoting greater consumer knowledge of the CCJ process can only benefit

consumers and reduce unnecessary claims. A further important way of reducing unnecessary litigation has been the deployment of the new Pre-Action Protocols from the Ministry of Justice, from the October 2017, which stipulates that a Letter before Action, be sent out that outlines what the responsibilities of the debtor are and what help is available.

Question 2: Are there any other aims or responsible behaviours the improved public information should include, and why? The Government will aim to improve public information by:

- **producing a clear, simple and comprehensive source of information, working with advice organisations and other stakeholders;**
- **promoting this advice through Government channels with signposting to the central government source;**
- **encouraging other organisations to communicate and support this advice and signpost people to the Government information; and**
- **engaging with other government departments to create a source of information and to enable cross referencing of the information.**

We would welcome all the suggestions that the Government has outlined.

Question 3: Are there any other actions the Government could take to improve public information that are not included in this paper? Please give details.

As previously stated in our answer above answers, we welcome the government's proposals. In particular we support the idea of promoting DVLA registration with the public but advise that the government go further. It is already required by law that drivers must provide the DVLA with any updated name or address details. The DVLA's has existing powers to enforce non-compliance, including prosecuting people based upon the Vehicle Registration Acts. These powers are rarely used. We have included this in our lobbying before, but to no avail. The resulting incorrect data often leads operators with no choice but to go to Court for a CCJ, because it is the only way to find the Keeper of the vehicle. If DVLA records were more accurate, it would reduce the need for that type of action. Our members also suggest some other measures which the DVLA could introduce to ease the process for verifying data:

- Having controls in place so that Companies must confirm their Company Registration No (not Trading Names or partial names which are not legal entities);
- Introducing 'subrogation' to enable the creditor to cease their claim but take on the DVLA powers to prosecute or claim damages to the value of the fine for failing to register. Although our members note, that there would be limitations on this due to the differences in the law in Scotland or Northern Ireland.

Question 4: How can the advice sector and claimant organisations ensure that the industry actively signposts consumers to a government source of information? The Government wants to make sure that information reaches vulnerable consumers, such as those who may have poor literacy, mental health issues and/or learning disabilities.

The simplest way for the advice to be signposted, is for a page to be created on a claimant's website which would summaries the Government advice and provide links to relevant pages on the Government's own website for more detailed information. Where a consumer's email address is known it may be possible to include in any correspondence, links to a government website.

Question 5: What options should be available to help people who are vulnerable or have difficulty accessing information get the guidance they need?

No Comment

Question 6: Do you agree with this proposal? If you do not, please explain your answer.

It should be easy to resolve if mail was sent to an inaccurate address. If someone can show that they only received a CCJ because of such an error, their credit record should be reset. However, there is still the issue of the outstanding charge which would still need to be paid. Many of our Approved Operators, currently make use of third party organisations to ensure that they are writing to the correct address, and therefore are mitigating this reason.

Question 7: How should a defendant satisfy the Court that they did not have prior knowledge of the County Court judgment?

The defendant would need to demonstrate, that they had moved from the current address a significant time before the offence, say 6 months, and that they had updated DVLA records of the change of address as is required under law.

Question 8: Does the current six-year period for County Court judgments remaining on the Register strike the right balance between, on the one hand, ensuring that people do not experience excessive detriment from past debts, while on the other ensuring that banks and other lenders have the information they need to decide who to lend to?

We would agree that the current six-year period for CCJ remaining on the register is reasonable. Particularly coupled with the existing provisions allowing debtors to settle within one month of receiving a CCJ of outstanding debts leading to the removal of the CCJ from the register. For those who end up on the register it could be reformed so that their length of time on the register be determined by the value of the CCJ i.e. under £500 for 3 years, £501-£1,500 for 4 years, £1,501-£3,000 for 5 years and 6 years for over £4,000.

Some of our members suggest that CCJs which are the result of a Parking Charge Notice (PCN) issued by a private parking operator, could be managed in the same way that Statutory Penalties (Penalty Charge Notices) are. Namely that they are registered with the Traffic Enforcement Centre (TEC) which enables a warrant to be issued by the local authority to a Civil Enforcement Agent to recover the Penalty. These TEC Registration of Penalties are importantly not counted as CCJ's and so do not affect anyone's Credit Score, nevertheless they are enforceable. Although this is far from the universal opinion amongst our members, some of whom consider the approach laid out above as heavy handed.

Finally, our members wish to raise is the rising costs of setting aside CCJ's. The cost has risen from £85 to £155 and increase again last year to £255. This is increasingly raising the cost for members of the public and know doubt contributing towards the rising number of CCJ's on the register.

Question 9: Should other steps be taken to alert a person that a default judgment has been entered against them? If so what are they, and who should take them?

Our members believe that there is greater scope for using modern communication particularly in the period before a CCJ has been issued, to notify people of outstanding debts and the potential for the debt to go to court. That technology could also be used once judgements have been entered against them, where of course the creditor or the Court has such data. However, an obstacle to this is the restrictiveness of the data protection laws regarding their use.

We would advise that data protection laws should be reviewed, to allow more details for the reason for contacting the potential debtor via a traced email address or phone number. Current legislation seems to allow only vague details of the reason for contact, which in many cases may lead the debtor to think the contact is spam. Allowing more detail to be added in the

email/text will encourage contact where perhaps it hasn't happened before, due to correspondence being sent to an incorrect postal address.

Finally, there needs to be greater clarification of when to use a traced address for issuing court proceedings. Where no contact from the motorist has been received should papers be issued to the address provided by the DVLA or a traced address which may not be 100% accurate?

Question 10: Do you have experience of, or information about, County Court judgments that have been entered against a debtor without their knowledge where claimants are deliberately using an old address? If you do, please give details

N/A

Question 11: How can this be avoided?

N/A

In Summary

We are always very willing to work with government to develop parking policy and are at your disposal to assist with any further information, advice or support in relation to this very important area of public policy. We hope you find these comments of interest. We are ready to work with government to achieve its desired aims and look forward to discussing with you how we can assist in taking these issues forward.

Please do not hesitate to contact my colleague Glenn Dives by emailing consultations@britishparking.co.uk or calling 01444 447 300 if you require any further information.

Yours faithfully



Kelvin Reynolds
Director of Corporate and Public Affairs