**SUMMARY OF ADVISORY CODE OF PRACTICE**

This Advisory Code was developed by a working group comprised of industry representatives and consumer groups. This summary provides a brief description of each section presented in the Advisory Code of Practice and major points to note. Further definitions of terms and actions will be further explored in the final product, for instance defining what actually constitute the act of “parking”.

The legal precedents for much of the code are founded in Schedule 4 Protection of Freedoms Act 2012 (POFA), which largely banned wheel clamping established the principle of Keeper Liability.

These are high level principles for the Code of Practice. A full version of the Code of Practice will be developed in consultation with stakeholders after the Bill attains Royal Assent.

**Contents**

1. Purpose
   1. Through providing a clear set of standard terms and obligations for the management and restriction of the parking of motor vehicles on private land the Code will promote good quality service to consumers, provide clarity of the obligations and expectations of all parties, and to ensure that the obligations for enforcement and appeal processes are fair, consistent, and proportionate
2. Construction
   1. Outlines the principles that:
      1. to access the Driver and Vehicle Licensing Agency’s (DVLA) vehicle record that operators must be a member of an accredited parking association;
      2. that inability to follow this code will lead to the denial of the access to the DVLA vehicle record;
      3. That the Secretary of State will accredit parking associations only if satisfied that they have the capability to assess compliance with and enforce the code;
      4. That the parking associations and operators will, in turn, be audited to show they are compliant with the Code of Practice.
3. Accreditation of Parking Associations
   1. This section provides the process for accrediting future Accredited Parking Associations, currently referred to as Accredited Trade Associations. It also covers:
      1. the purpose of the Associations
         1. to monitor its members’ compliance with the Code, taking action as necessary to investigate alleged breaches of the Code and suspending or expelling members in the event of the Code being breached
      2. their wider obligations, for instance annual reporting on their activities.
4. Requirements for the conduct of private parking management
   1. This section provides for the various obligations for the operation and management of private car parks. This includes standards for:
      1. the equipment and technology used;
      2. clear signage and surface markings;
      3. clear and accessible displays of the terms and conditions;
      4. easy and accessible methods of payment;
      5. disabled access;
      6. duties for holding sub-contractors to the same standards;
      7. consideration periods to allow motorists sufficient time to decide whether they would like to park; and
      8. grace periods to allow motorists time to pay and leave the car park.
5. Parking Charges
   1. This covers the levels of charges allowed for breaches of the terms and conditions. This is distinct to the *tariff*, which is the rate paid to park.
6. The Parking Charge Notice
   1. Covers the formatting and content of the charge notice, including what a charge from a private parking company should be called. The notice must not be presented in a way so that it can be confused with a Local Authority parking notice, or use threatening or legalistic language. It must not be designed to appear as though it is from another organisation, including appearing to come from a solicitor.
   2. It provides a list of information that must be included in all notices issued. This could include:
      1. Contact details of the operator;
      2. information about the challenge and appeals processes;
      3. timescales for payment and for appeals;
      4. and the details of the breach of contract.
7. Recovery of Parking Charges
   1. This section sets out the overall process to operators wishing to recover parking charges, including reference to the appropriate processes for passing a ticket to a debt collection agency working on behalf of a private parking operator, which will are detailed in Section 10.
   2. This includes a timeline for issuing a Notice to Keeper and references to the various legal obligations under the Protection of Freedom Act 2012.
8. Dispute Resolution and Appeals
   1. Outlines the requirement for operators to provide an initial challenge process for motorists wishing to challenge a notice issued. This includes:
      1. allowing a minimum timescale to lodge a challenge;
      2. acknowledging receipt of the challenge within an appropriate timescale;
      3. considering mitigating circumstances;
      4. extension of the discounted payment period if a challenge is refused;
      5. and next steps after upholding or dismissing a challenge.
9. Independent Appeals Service
   1. Outlines the obligation on the Accredited Parking Associations to provide an independent adjudication for motorists wishing to appeal the decision made on their initial challenge to the parking operator. The appeals services must be open to audit by the Scrutiny and Standards Body.
   2. There would also be a requirement for the appeals services to publish annual reports detailing information on the number of appeals seen and the number upheld/refused etc.
   3. The section also provides a non-exhaustive list of plausible mitigating circumstances that should be taken into account by an appeals service (e.g. miss-typing vehicle registration or medical emergencies).
10. Debt and debt collection
    1. This section provides the principles for operators wishing to use debt collectors, sometimes called “Enforcement Agents” or “Bailiffs”.
    2. It explicitly states that operators can NOT sell parking debts to a third party as this is in breach of the DVLA’s data protection policies.
    3. It will be the operators’ responsibility to ensure the debt collectors acting on behalf of private parking operators act in accordance with the code. Aggressive or intimidating debt collection practices will not be tolerated.
    4. Operators should take reasonable steps to ensure that the Motorist’s details are still correct if some time has passed before they issue a Letter Before Claim.
11. Authority to operate on behalf of Landowners
    1. This outlines the need for operators to engage with the landowners of the car park, if they are not the landowners themselves, to get their explicit authorisation/input on the way the car park is managed. For context, a number of landowners wash their hands of responsibility for the conduct of the operators on their land.
12. Complaints handling
    1. This section outlines the process for parking operators and the Accredited Parking Associations for handling complaints, as opposed to specific appeals.
    2. There should be a requirement to issue an acknowledgement or full response to a complaint in a timely manner, and provide a clear response to any complaint within an appropriate timescale.
13. Audit of Accredited Parking Association members
    1. This outlines the obligations on Accredited Parking Associations to audit their members’ processes and code compliance; this is distinct from the auditing that the Scrutiny Body will conduct upon the Associations and operators. This will also work in tandem to the DVLA’s own auditing of data compliance which they are required to do as owners of data under data protection laws.
    2. An audit must be completed before an operator may join a Parking Association and compliance must be demonstrated. Parking Associations must also conduct adequate on-going monitoring of code compliance, including of technology.

1. Insurance
   1. This outlines the requirements on parking operators to have appropriate levels of insurance.

1. Sanctions and suspensions
   1. This covers the sanctions and suspension process Accredited Parking Associations will follow when disciplining their operators.
   2. There will be a sanction scheme which requires the Associations to liaise closely with the DVLA to ensure suspended operators are promptly denied access to DVLA data.
   3. As a result of the DVLA’s auditing of data protection, the DVLA may suspend an operator’s access to DVLA data pending confirmation that the requisite correction have been made.
2. Transfer/Termination of membership between Accredited Parking Associations
   1. There would be an obligation for Accredited Parking Associations to investigate and liaise with other Parking Associations when an operator wishes to transfer from one Association to another. This is to prevent an operator from being suspended and simply switching membership in order to avoid the sanctions. Parking Associations would also have to notify the DVLA and the Scrutiny and Standards Body.
3. Scrutiny Body
   1. This section outlines the duties and functions of the Scrutiny Body.
   2. The body will conduct the auditing of the Parking Associations and Parking Operators. It will report publically on its activities, to include an annual report on its actions, and how funding through the Levy is used.
4. Professional Standards
   1. The Parking Associations and Parking Operators must uphold a professional standard of behaviour. Standards include having parking attendants complete appropriate professional training which is regularly refreshed, and that attendants should wear an appropriate uniform and identification.
   2. The Code would also explicitly rule out the adoption of incentive schemes for volume of Private Parking Notices issued and the use of predatory or misleading tactics.
5. The Equality Act 2010
   1. Parking operators and landowners are obligated to make “reasonable adjustments” to prevent discrimination under the Equality Act 2010. It gives a non-exhaustive list of adjustments, including lowered payment machines and adopting the Blue Badge scheme.
6. Definitions
   1. Provide a list of definitions and terms
7. The Code of Practice will also provide templates and guidelines to operators that are meant to demonstrate the intent whilst not being prescriptive and constraining private industry.

Annex A Landowner notice template

Annex B Private Parking Notice (PPN) template

Annex C Standard parking space guidelines

Annex D Appeals and complaints flowcharts