



**Parking Code Enforcement Framework consultation & PAS 232,
Privately managed parking – Operation and management**

Response from:

British Vehicle Rental and Leasing Association

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Bona-fides**BVRLA, the industry and its members**

- Established in 1967, the British Vehicle Rental & Leasing Association (BVRLA) is the UK trade body for companies engaged in vehicle rental and leasing.
- BVRLA membership provides customers with the reassurance that the company they are dealing with adheres to the highest standards of professionalism and fairness.
- The association achieves this by maintaining industry standards and regulatory compliance via its mandatory codes of conduct, inspection programme and conciliation service. To support this work, the BVRLA shares information and promotes best practice through its extensive range of training and events.
- On behalf of its 1000 members, the BVRLA works with governments, public sector agencies, industry associations and key business influencers across a wide range of road transport, environmental, taxation, technology and finance-related issues.
- BVRLA members are responsible for a combined fleet of over five million cars, vans and trucks, supporting around 465,000 jobs and contributing £49bn to the economy each year. For more information, please visit www.bvrla.co.uk.

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Introduction

The British Vehicle Rental and Leasing Association (BVRLA) represents over 1000 members in the vehicle rental and leasing sector. BVRLA members own and operate a combined fleet of over five million cars, vans and trucks. It purchases around 50% of all new vehicles sold in the UK, including an estimated 80% of new battery electric vehicles (BEVs).

As the registered owners of one in eight cars on the UK's roads, our members are inundated with various fines, penalties and Parking Charge Notices (PCNs) which need to get passed on to the driver in a quick and efficient way.

The ability for PCNs to be transferred to the customer and/or the driver of these vehicles is absolutely imperative so that there is a fair outcome for the motorist and that the objectives of this consultation are achieved.

Transfer of Liability

The process for transferring PCNs under the Protection of Freedoms Act 2012 is currently unworkable. When a PCN is received by a rental or leasing company they then provide the customer/driver details to the private parking company who transfer the parking charge notice to the customer. However, there are issues regarding what evidence is required to transfer liability and the definition of a hire agreement does not allow all motorists to appeal against a PCN as is their right.

To address this, in 2013 the BVRLA worked with the British Parking Association (BPA) and in 2016 with the International Parking Community (IPC), to draw up Memorandums of Understanding which helped to resolve some of the issues our members were encountering when it came to PCN management, however, there are still many flaws to this way of working and a more concrete and defined code would be welcome.

We would recommend that the Code of Practice clearly sets out a simple electronic process which allows rental and leasing companies to transfer the PCN to the customer/driver. Furthermore, the PCN should not revert back to the rental or leasing company if the customer/driver does not pay.

Parking charge model

We endorse a 3-tier model as we believe this would ensure greater transparency and provide a fairer process. A tiered system would recognise honest mistakes such as keying in the wrong registration details whilst also ensuring that those clearly in the wrong are charged proportionately.

We don't believe that parking charges should be aligned with the statutory penalty charges. We also believe that the statutory penalty charges need to be reviewed to ensure it is appropriate and achieves its purpose.

To ensure greater consistency and a level playing field we do believe that the Parking Code of Practice should be applied to all private parking including railway stations and NHS car parks.

Appeals Charter

We would recommend that as part of the appeals charter the Government include a sentence which states: “Where a vehicle which is hired or leased incurs a PCN it should be possible to transfer this PCN to the customer with no requirement for evidence from the hire or lease company and once the PCN has been transferred the registered keeper will not be liable for the charge, regardless of whether or not the transferee pays the PCN”

Supporting the transfer of liability process through an appeals process would help overcome issues where our members representations are rejected. This can be extremely expensive and is not ultimately penalising the driver who committed the offence and therefore limiting the opportunity to change this behaviour and prevent further offences.

This would also hopefully resolve issues where our members don’t receive any form of acceptance or rejection only to be confronted month’s down the line by debt recovery agents who demand settlement costs 200% of the original fine cost.

This is a particular issue with private parking companies where we do not have an MOU in place and again places a significant cost on our members

Members have reported that around 40% of all representations to private parking companies are unsuccessful in some shape or form. This is both an inconvenience to our members but also to their customers, as well as a significant financial burden for both.

The PAS standard

We welcome the work that has been done on the PAS standard, however, we would like to see reference to the transfer of liability process. There is also currently no reference to how parking companies will handle appeals and representations which we see as a major omission.

Our recommendation would be that there is an additional section added which refers to the need for a process for rental and leasing companies to transfer liability akin with the current MOU with the BPA and IPC. This section should also advocate electronic communication between private parking companies and rental/lease companies and removes the burden of evidence from rental and leasing companies.

The process of members having to produce physical copies of rental and leasing agreements is extremely time consuming. Having an electronic process would significantly improve efficiency and consequently enable our members to provide improved levels of customer experience for their customers.

There are a number of private parking operators who refuse to accept rental/leasing agreements based on technicalities around the wording. This wouldn’t be an issue moving forward if members could make representations via email.

We welcome the opportunity to respond to the consultation and to the PAS and would be happy to have a further conversation on any of the points raised within this response.