



Written Evidence

Local authority parking enforcement

Response from:

British Vehicle Rental and Leasing Association

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1. Overview of response

- 1.1. This memorandum is submitted by the British Vehicle Rental and Leasing Association on behalf of its members and their customers, the BVRLA represents the interests of more than two million business car drivers and the millions of people who use a rental vehicle each year.
- 1.2. Key recommendations for the committee to consider:
- **Strengthen Right of Representation** – simplify and harmonise the way local councils enforce parking fines to help secure natural justice for all motorists who incur a parking fine when using a car club, rental or leased vehicle and to protect their right to make a representation.
 - **Make it easier to make a representation** – To modernise the way local councils manage parking fine enforcement to allow all businesses and motorists to make representation through a national parking portal.
 - **Encourage motorist to make representations** - Remove the double jeopardy element of the parking appeal service. Businesses and motorists should be encouraged to make timely representation against unfair or illegal parking fines without losing their right to pay at the reduced fine rate should they lose their appeal.

2. Who we are and what we do

- 2.1. The BVRLA is the trade body for companies engaged in the leasing and rental of cars and commercial vehicles. Its members provide rental, leasing and fleet management services to corporate users and consumers. They operate a combined fleet of 2.75 million cars, vans and trucks, buying nearly half of all new vehicles sold in the UK.
- 2.2. As well as lobbying the Government on key issues affecting the sector, the BVRLA regulates the industry through a mandatory code of conduct. www.bvrla.co.uk

3. Harmonising Parking laws

- 3.1. It may be helpful to explain that our members are legal owners of the vehicle and responsible for taxing the vehicle and are therefore recorded as the registered keeper with the DVLA. Customers renting or leasing a vehicle will agree to operate the vehicle legally and be held responsible for any road traffic offences during the duration of the lease or rental agreement.

- 3.2. As parking fines are issued to the registered keeper, we estimate that our members receive 1 in every 10 parking fines issued across the UK. As a consequence the management of a total of 800,000 parking fines each year, which are sent through the post, is both costly and time consuming and as we explain below creates injustice depending on the legal framework operated by the local council.
- 3.3. Depending on the legislative framework being used to enforce the parking fine, our members can either:-
- a) Make a representation – in essence this means our members will be able to legally transfer liability onto the customer. Our members will provide details of the customer to the local council, supported by evidence that the vehicle was subject to a valid hire or lease agreement when the alleged parking offence took place. If satisfied, the local council will then re-issue the parking fine to the nominated customer – who then has a right to either pay or challenge the fine.
 - b) Pay the fine – If our members do not have legal right to transfer liability then they will have no option but to pay the fine. In doing so, our members will not only have to recover the debt from the customer, but critically the customer will lose their right to appeal the fine.
- 3.4. Members and their customers incur unnecessary costs due to the inconsistencies with the approach of the various councils. We would therefore encourage the committee to support our call for the Department for Transport to take leadership to ensure that the existing legislation is both modernised and harmonised to ensure there is consistency of approach and application across the UK. We note that The Traffic Management Act 2004 was introduced specifically for this purpose, however, this legislative framework has not been adopted by all local councils, most notably in London.
- 3.5. If the Department for Transport was able to revise and simplify its legislation in this area, we believe this would bring about a positive impact on businesses, jobs and growth. We estimate that the cost savings for our members, in just simplifying processes and procedures, would be an estimated £6 million each year.

Road traffic offence	Legislation	Change required	Cost savings
Bus lanes in London	London Local Authorities Act 1996 (as amended)	Amendment to allow vehicle hire companies to transfer liability to their customer where the agreement is less than six months in duration	£2.1 million per annum

London congestion charging scheme	Road User Charging (Charges and Penalty Charges) (London) Regulations 2003	Amendment to allow vehicle leasing companies to transfer liability to their customers where the agreement is more than six months in duration	£4 million per annum
Parking on private land	Protection of Freedoms Act	Amendment to reduce the evidence burden on rental and leasing companies when providing customers to details to a private parking company.	Too early to say

4. Electronic notifications

- 4.1. We also believe that it is time for the Department for Transport to develop a clear vision to modernise the way local councils issue and enforce parking fines. We believe motorists should be able to make representations through a number of channels including via email, even where supporting evidence is required.
- 4.2. Being able to make a representation electronically via a national parking portal, where supporting evidence can be attached, would, not only help ordinary motorists, but help rental and leasing companies make representation efficiently through a harmonised means. We estimate that introducing such a system would reduce our members' costs of £6 million per annum by half.
- 4.3. Further details are summarised below on how savings and benefits for businesses and councils could be delivered are below:

Cost reductions	Benefits
Postage costs for councils and businesses	Quicker access to the motorist who committed the offence
Time spent photocopying agreements	Improved cash flow as offences will be paid quicker
Cheque raising	No scope for correspondence getting lost in the post

5. Make it simpler and easy to appeal

- 5.1. We understand that as many as 8 million parking tickets are issued annually in the UK. Only a fraction of these are contested. However, there is strong evidence many more motorists would be more likely to contest a fine they feel has been incorrectly issued, but fail to do so, as they lack confidence in the appeal process and feel they would be better off paying the fine at a reduced rate within 14 days of the fine being issued.
- 5.2. It would seem that many motorists are reluctant to risk having to pay the higher amount for the fine if the appeal is unsuccessful and therefore feel they are forced into paying the parking fine. We do not believe motorists should be penalised for an independent review of the issuance of the fine and that this choice should be made without any such fear of a financial repercussion. We therefore urge the Transport Select Committee to encourage the DfT to consider making amendments to legislation to allow a motorist to make a timely appeal and benefit from paying the reduced fee if they are unsuccessful.

6. Specific questions

1. *How should councils use their revenue from penalty charges, metered parking, car parks and residents' parking? Should there be more local discretion over how income is used?*
- 6.1. We believe that all revenue from parking fines should be re-invested back into the local road network improvements so that motorists and road transport users benefit directly from parking fines. We believe this is a far more equitable way to use the revenues generated from parking fines and would help instil greater accountability. It would remove the concern that local councils are simply using motorists as a cash cow to help support other revenue shortfalls. In addition, such an approach is fairer as it will help support and tackle local congestion problems and help local councils maintain local roads.
- 6.2. Recent figures from Halfords Autocentres have revealed that potholes and poorly maintained road surfaces are currently costing fleets in the UK more than £215 million¹ in vehicle repairs over the past year to rectify damage.
- 6.3. In light of our comments, we would encourage the committee to look at options and incentives which would help to encourage local councils to use revenue generated from parking charges and fines to directly benefit all local road users.

¹ <http://www.fleetnews.co.uk/news/2013/3/4/potholes-costing-fleets-millions/46357/>

- 6.4. We question whether the parking fines are set at a fair level across the UK. For example, a motorist caught speeding will be asked to pay a £60 fine, yet a motorist caught overstaying in a parking meter by 10 minutes is fined £120 in central London. We believe that this not only sends a confusing message to the motorists, but leads to concerns that local councils are being opportunistic in unfairly penalising motorists to help support cash-strapped local authorities.
- 6.5. As we have mentioned we believe that without a robust enforcement budget to help ensure a high level of compliance the scheme will not be successful. VOSA will need additional budget to fund resources to enforce the HGV road user charge.
2. *How effective are the Traffic Penalty Tribunal for England and Wales (TPT) and the Parking and Traffic Appeals Service for London (PATAS)? (The Committee will not be considering individual cases and appeals.)*
- 6.6. Overall we believe that TPT and PATAS offer a good service and maintain an independence from motorists and councils. We believe they are effective in offering an independent appeals service. However, we would recommend that both appeal services consider offering businesses that have several appeals on the same point the ability for a single hearing covering multiple fines. This would help maintain an efficient service for both businesses and the adjudication service.
- 6.7. We have reviewed the annual reports published by TPT and PATAS and believe that it would be helpful if more information was published on the reasons motorists are appealing. This is, for example, available in the annual report from PATAS for the London congestion charging scheme but the other reports do not seem to cover this. This information would help better inform and educate motorists and local councils on the areas where common mistakes are occurring.
3. *Should parking policy in London be subject to separate provisions and guidance, given, in particular, its large parking revenue surpluses, its more integrated public transport network and the number of foreign-registered vehicles in the city?*
- 6.8. No, as we have stated in our opening comments, we strongly believe that legislation should be the same to help ensure that motorists know where they stand when they receive a fine.
- 6.9. For our members, this approach would ensure they have one approach for all road traffic offences rather than different procedures depending on the jurisdiction and geographic location of the authority who issued the fine.
- 6.10. As we indicated, the current approach costs our members in excess of £6 million per year, an amount which would be reduced significantly if the same approach could be taken with all fines.

- 6.11. From a policy perspective, we recognise the unique nature of London and believe that guidance should be available from central Government which helps to harmonise the experience across London so that all motorists are clear on the rules around parking in Greater London.
4. *What role does the Workplace Parking Levy have? Would people be more inclined to use park and ride services if there were a charge to park at work?*
- 6.12. The BVRLA strongly disagrees with the principle of Workplace Parking Levy (WPL). It is simply another tax on business and there is no evidence to demonstrate that the imposition of this tax will actually help to improve traffic congestion. It is in fact nothing other than a money raising initiative aimed at businesses and employees.
- 6.13. It is worthwhile pointing out that employers have been increasingly looking at ways to promote and implement the most sustainable mode of transport for their employees commuting to work as well as business travel. It must be stressed that the car is, in the main, used out of necessity where there is no alternative cost effective or reliable mode of transport to travel to and from work.
- 6.14. For example, a recent report published by the UK passenger watchdog highlighted that rail passengers in the UK pay one of the highest maximum fares per kilometre when compared with other countries. Given that this is the case, rail is increasingly an unaffordable option for a commuter.
- 6.15. Outside of London there is not a reliable and cost effective public transport system for employees who work shifts or live in areas without adequate public transport so they have no choice but to drive. A WPL will therefore place an unfair burden on people just trying to go about their daily lives.
- 6.16. We note that some estimates put the cost of WPL on business to be in the region of £3.4 billion a year. We however believe that the financial and economic impact of WPL will be far greater than this figure. The last thing that employees, and indeed employers, want is a tax on work in the current financial and economic climate.
- 6.17. We don't believe that there is evidence available to show that a WPL would improve the use of park and ride facilities by commuters. As far as we are aware there would need to be significant infrastructure investment in park and ride facilities to encourage commuters to use them as a solution. There is also a real risk that towns and cities will see companies refusing to invest in areas where WPL is introduced and ultimately looking at relocating the business premises outside the catchment area where WPL is applicable.
- 6.18. We remain concerned with the impact a WPL will have financially on local and small businesses which could in the extreme be catastrophic for the local economy. It is

vitally important that the government has the right infrastructure in place to encourage employees out of their cars and onto public transport. This isn't a risk worth taking for a scheme which has no proven track record of reducing traffic congestion.

7. Closing Comments

- 7.1. We trust our comments add value to the committee inquiry into the adequacy of current arrangements for parking enforcement and the likely consequences of Government policy in this area.