

# Private Parking Charges Factsheet

## Background

Landowners such as shopping centres and supermarkets often sub-contract their parking facilities to private parking companies, who can charge for parking.

**If you use a private parking place you need to follow the rules of the car park and if you have broken the rules you should pay the charge.**

However, if you believe you have mitigating circumstances or that the charge has been issued incorrectly, you can challenge this payment.

## Transport NI/Department for Infrastructure/Council/PSNI Fines

Parking tickets issued by Transport NI, The Department for Infrastructure or Council are called a “Penalty Charge Notice (PCN)” or “Excess Charge Notice”. Tickets issued by the PSNI are called a “Fixed Penalty Notice”. These are official public parking tickets, which you should not ignore.

These tickets will contain information on how they should be paid and also provide guidance on how they can be appealed.

## Private Parking Charges

Parking charges issued on private land are technically not 'fines'. Private parking companies have no official right to fine people. However, they can issue a ticket called a ‘Parking Charge Notice (PCN)’, which is technically an invoice, for what they deem to be a breach of their parking contract.

Typically, the types of car parks that issue Parking Charge Notices are found at airports, railway stations, supermarkets, fast food restaurants, out of town retail outlets - but can also be found in other places such as private car parks close to coastlines.



In England and Wales, under the Protection of Freedoms Act (PoFA), the registered keeper is liable for any private parking charges the vehicle may incur. **However, the law is different in Northern Ireland and Scotland whereby it is the driver of the car, not the registered keeper, whom is liable.**

The PCN will be sent to the registered keeper of the vehicle and these details will have been obtained from DVLA. However, it is the responsibility of the private parking company to prove that the registered keeper of the vehicle was driving the vehicle on the date the contravention occurred

## How are Parking Charge Notices issued?

Car parks that are managed by a private parking company may have an Automatic Number Plate Recognition (ANPR) camera at the entrance and exit of the car park to monitor the facility. This camera will photograph your car entering and exiting the car park to calculate the period of time you have parked. If you parked for longer than the time advertised then you will receive a PCN.

Some companies will issue a PCN on the spot and this will be fixed to your windscreen. Others that have ANPR cameras will issue you the charge via post.

## How to avoid getting a Parking Charge Notice

### Read the signs

- When you park your vehicle, be sure to always look for signage of terms and conditions. These signs will be displayed near the entrances/exits of car parks, as well as being displayed on poles throughout the car park.
- The signs displayed will confirm the amount of time you are allowed to stay in the car park.





- Take note of the time you are allowed to park, when you parked, and whether you are required to pay to use the car park. Where possible, we recommend setting a timer on your phone/watch to remind yourself when you are due back.

### **Park correctly**

- Make sure your vehicle is parked within the bays – operators are known to ticket motorists who have parked over the lines.
- Do not park in disabled parking bays unless you have a blue badge.
- Private parking companies have been known to issue a parking charge notice even if you are only a few minutes late. Some operators who are British Parking Association (BPA) approved offer a 10 minute grace period. This applies to all motorists who use the car park.

### **Pay and Display**

- Some car parks are not free to use and you will have to pay for your parking up front. In these car parks, you must input your car registration into the machine and pay for the amount of time you intend to spend in the car park.
- Make sure you enter the correct car registration as failure to do so will lead to a parking charge notice being issued despite you having paid.
- Always keep your ticket just in case you receive a parking charge notice.

### **Permit Holders**

- Do not park in car parks that are for permit holders only. Failure to display a permit will result in a PCN being issued and your car is also at risk of being clamped.





## Challenging a Parking Charge Notice (PCN)

If you have received a Parking Charge Notice from a private parking company you should:

### 1. Contact The Consumer Council immediately

If you have received a PCN contact The Consumer Council as soon as possible. Some companies will refuse to consider an appeal if it is not received prior to the charge being passed to a debt recovery company.

We can offer advice and guidance on the options available to you as the registered keeper of the vehicle.

As the Protection of Freedoms Act (PoFA) is not applicable in Northern Ireland, meaning that the driver of the vehicle is liable for any parking charges not the registered keeper, The Consumer Council will liaise with the private parking company on behalf of the registered keeper, to ask them to provide the necessary evidence to confirm that the PCN has been issued to the driver of the vehicle on the date of the alleged contravention.

If they are unable to do this, we will request that the charge is cancelled. You can contact The Consumer Council on **0800 121 6022** or email: **contact@consumercouncil.org.uk**.

### 2. If You Have Been Clamped

In Northern Ireland, private companies can clamp you on private land. Therefore, ask for the clampers Security Industry Authority (SIA) licence number. In Northern Ireland, all clampers must have a 16-digit licence number, and you can check the authenticity of this number on the SIA website: **www.sia.homeoffice.gov.uk**. Do not try to remove the clamp yourself, as any damage to the clamp could be a criminal offence.

### 3. If You Have Already Contacted The Parking Company and your appeal has been unsuccessful

Depending on the circumstances of your appeal, The Consumer Council may still be able to help you. All private parking companies must issue





The Consumer Council



PCN's in line with the British Parking Association's Code of Practice, therefore, we can check that the PCN has been issued appropriately and if not, we can challenge the PCN on this basis.

If The Consumer Council's intervention proves unsuccessful, the private parking company can ultimately choose, as with any unpaid invoice, to take you to court to request payment. It will then be a court decision as to whether the private parking company has acted unfairly.

For more information and advice please contact The Consumer Council on freephone **0800 121 6022** or via email at **[contact@consumercouncil.org.uk](mailto:contact@consumercouncil.org.uk)**.

