

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 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, whereby it is the driver of the car, not the registered keeper, who 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

You should not ignore PCNs that you receive. Some companies clamp vehicles that have numerous outstanding PCNs. If you get clamped, you will have to pay £125 to have the clamp released and the vehicle could be clamped again if the outstanding charges are not paid.

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 length 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.
- 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 length 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.

- These machines do not take debit/credit cards so you will need cash to use them.
- Always keep your ticket just in case you receive a parking charge notice.
- Most parking companies have apps that you can download onto your mobile so you can pay for your parking by card and save a payment method for future bookings. If you have access to more than one car, remember to add all the car registrations on to the app and choose the correct one when preparing your parking session.

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.
- Make sure your permit is placed in your windscreen with the details clearly visible and facing outwards.

Disabled Parking Bays

- Only park in a disabled bay if you have a blue badge.
- Make sure your blue badge is clearly displayed in your windscreen with the information visible.

Retail Park Employees

- If you are employed by a retailer within a privately managed car park/site, you may be exempt from paying parking charges if there is a parking scheme in place. Speak to your employer for further advice and to provide your registration details.
- If you change your car, remember to update your car registration details with your employer to ensure that your new car is added to the exemption list.

What to do if you receive a PCN

What are my options if I receive a PCN?

If you have received a PCN from a private parking company there are a number of options you can take, depending on your individual circumstances.

Taking action as soon as you receive the PCN will increase the options available to you, as appeals are only accepted by some companies within 28 days of you receiving the PCN. It is at the parking operator's discretion whether they choose to accept appeals received after 28 days.

If you choose to pay the PCN you cannot also appeal it - it is one or the other.

Grounds for appeal

Unlike England and Wales, the Protection of Freedoms Act (PoFA) does not apply in

Northern Ireland. This means that the driver, rather than the registered keeper of the vehicle, is liable for any private parking charges issued. The onus is on the parking operator to issue the PCN letter to the driver of the vehicle. As the registered keeper of the vehicle, you can appeal the PCN by asking the parking operator to provide evidence that you were driving on the date of the alleged breach, if no evidence exists, the PCN can be cancelled.

Also, if you feel there are extenuating circumstances involved in your case or that the PCN has been issued incorrectly, you can appeal the PCN. Valid grounds for appeals include signage being inadequate on site, errors with ANPR cameras, getting a PCN for parking in a disabled bay despite having a valid blue badge or if you are an employee within the grounds of the car park.

Can I ignore a PCN?

Ignoring a PCN is an option that some people choose to take but it is important that you understand and are prepared for the implications of what will/may happen if you choose to ignore it.

- If you ignore a PCN you may risk not being able to appeal it at a later date.
- You will miss out on the reduced rate which is offered if paid within the first 2 weeks and the PCN will increase to £170.
- If the PCN is ignored the parking company will pass it to a debt recovery agency who will send you letters threatening legal action.
- If the parking operator is confident that they are pursuing the correct person for the PCN, they may choose to take legal action via Small Claims Court.
- If you have received a number of PCNs from the same parking operator you run the risk of having your vehicle clamped, as clamping is still legal in Northern Ireland.
- Ignoring a PCN will only affect your credit rating if the parking operator takes the case to court, the judge rules in favour of the parking operator and you still choose not to pay the charge.

What if I have already contacted the parking operator and my appeal has been unsuccessful?

If you have appealed the PCN yourself and it has been rejected by the parking company, your next step is to escalate your appeal to POPLA (the 'Parking On Private Land Appeals' service) or depending on your circumstances, we may be able to contact the operator or landowner on your behalf.

POPLA

You have 28 days from the date on the rejection letter to raise an appeal with

POPLA. If you fail to appeal to POPLA within 28 days, you will lose your right to further appeal.

You will be given a 10-digit verification code in the rejection letter sent by the parking company and you must provide this verification code when raising an appeal via POPLA. This can be done via its website or by downloading the relevant forms and submitting them via post.

For more information on how to appeal, visit: www.popla.co.uk.

Once you raise an appeal with POPLA, the private parking company will cease any further action on the PCN. If the appeal is accepted by POPLA, the PCN will be waived and no further action will be taken. If, however, the appeal is rejected, then the parking company can 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.

The contact details for POPLA are as follows:

To submit an appeal online: www.popla.co.uk/start-an-appeal

Telephone: 0330 1596 126

Submit an appeal in writing: POPLA, PO Box 1270, Warrington WA4 9RL

Can the Consumer Council help me with appealing a PCN?

The Consumer Council can only directly appeal a PCN on behalf of a consumer if there are extraordinary or mitigating circumstances that allow the PCN to be challenged. Examples of mitigating circumstances are as follows:

- ANPR Camera issues: either the positioning of the camera is wrong, or the camera has picked up the car entering and leaving the car park on different occasions in one day and issued a PCN in error.
- PCN letters not issued correctly: you should receive a letter offering the charge at £60, then if not appealed or paid, another letter is sent with the charge at £100 and if the PCN isn't appealed or unpaid, it gets escalated to Debt Recovery and is charged at £170. You must receive the letters in this order.
- Blue badge or permit has fallen off the dashboard.
- You are an employee at the carpark site.
- Signage issues not properly explaining the terms and conditions of the car park.

- You input the incorrect car registration into the payment machine but have proof that you paid for the time parked.

- Mitigating circumstances such as your car broke down or had a flat tyre in the car park or you became ill.

You may also be vulnerable due to your age, or if you have a disability (physical or mental) or just need additional support in dealing with third parties.

If you meet any of the criteria above, you can contact us, and we can appeal the PCN on your behalf.

Simply send us a clear copy of the PCN letter along with a brief summary of your circumstances that led to the PCN being issued to contact@consumercouncil.org.uk and we will review the details and let you know if we can assist.

What if I 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.