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BRITISH PARKING ASSOCIATION

Guide to parking



**Where to park legally and safely
and what to do if you get a ticket**

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From the editor



Welcome to the Which? guide to parking, produced with the kind assistance of the British Parking Association.

This is just one of the many reports that we write each year – giving you a unique insight into the best products and services. Whether it's choosing a mortgage or pension, or buying a new mountain bike or car, Which? gives you the facts to make the best decision for you.

Neil Fowler

Neil Fowler
Editor

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Foreword from the British Parking Association

With an ever-increasing number of cars on Britain's roads, managing traffic and car-park spaces is about safety and ensuring fair treatment for pedestrians and drivers of all vehicles.

One of the British Parking Association's main aims is to raise standards across the parking industry. This commitment means helping to increase public awareness and understanding of the rules and regulations about parking, be it on a street or in a multi-storey car park.

This guide will take you through everything you need to know about parking and where the right place is to safely and legally park your car.

Why do we need parking management?

Up to a third of drivers in some city centres are looking for a parking space. Clearly, in situations like this, there needs to be a rapid turnover of cars in spaces, and a range of measures to keep traffic flowing and maximise road safety. Those with specific needs also need to park somewhere convenient, and emergency vehicles must be able to proceed without obstruction.

Places to park

There are three types of parking place, each with different rules.

● **On-street parking** includes those spaces that are not in car parks. In most towns and cities this is now managed by the local authority (see p9).

● **Public off-street parking** refers to car parks run by or operated on behalf of local authorities (see p9).

● **Private off-street parking** includes all privately-owned car parks available for public use and any piece of land that may be used for parking – for example a supermarket or office car park.

At any time, there are around 29 million parked vehicles in the UK – without parking management, our roads would quickly grind to a halt and be unsafe for pedestrians and other vehicles



! Different rules in different areas



Traditional parking enforcement

Conventionally, the police and traffic wardens took care of on-street parking. They issued fixed penalty notices (FPNs) to motorists who were illegally parked. In council-run car parks, attendants issued Excess Charge Notices (ECNs) to motorists who hadn't paid or had overstayed their parking time.

In both the above cases, if you didn't agree with the fine, you could appeal and you would then have a chance to argue your case in a magistrates' court.

This system is still in use in some areas of the UK, but, increasingly, towns and cities are adopting Civil Parking Enforcement.

Civil Parking Enforcement (CPE)

Most local authorities now use this system, which enables them to manage the streets and parking

places for which they are responsible in accordance with local needs and policies; this makes them more accountable locally and, importantly, frees up police resources.

Quite often, councils employ contractors for the street patrols and support services, such as payment office and ticket-processing centres. Civil Enforcement Officers (CEOs) – previously called Parking Attendants – can issue penalty charge notices (PCNs) to incorrectly parked vehicles.

Local authorities now operate a 'differential penalty' system, which means that, if you do receive a PCN, the penalty charge will depend on the situation. You will have to pay a higher rate penalty for more serious contraventions – such as parking on a double yellow line. The penalty

will be lower for less serious things, such as overstaying in your space or not paying when you should.

If you receive a PCN that you think has been given unfairly, there is an official appeal process. You can find more about this on p12.

Private off-street parking

These car parks are unregulated, and if you park in a private off-street area and don't adhere to any rules the operators have specified, you run the risk of receiving a ticket or in some cases, being clamped.

As there's no legislation, the level of charges specified on the ticket is decided by the operator, and can vary significantly. Unlike public regulated parking enforcement, there is no official appeals process (see p15).

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WHERE TO PARK

Signs and lines

Where can I park?

Follow the relevant parking rules and you'll avoid a parking ticket

The best places to park are bays marked on the road with white lines, or off-street parking areas such as multi-storey car parks.

In most cases you will need to pay for your parking – failing to pay or exceeding the period allowed means you may be issued with a ticket.



! Where not to park

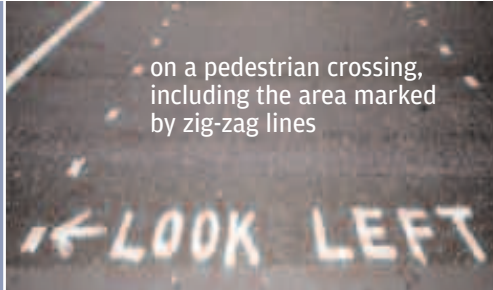
The Highway Code identifies some places where you must not park, and others where parking and loading/unloading is limited

Do not park

on the carriageway or the hard shoulder of a motorway, except in an emergency (such as a breakdown)



on a pedestrian crossing, including the area marked by zig-zag lines

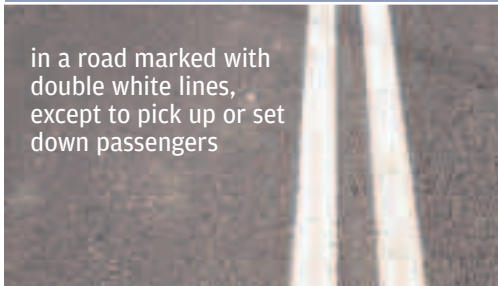


Restricted parking

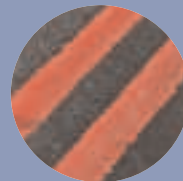
A single yellow line means that parking is restricted at certain times of the day. There will usually be a sign plate to explain when the restrictions apply



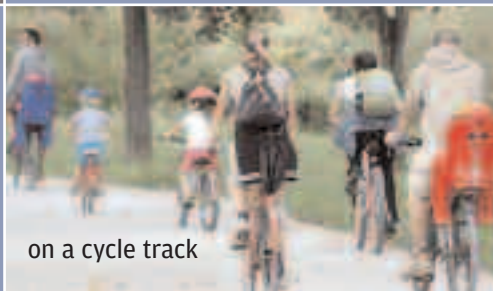
in a road marked with double white lines, except to pick up or set down passengers



where there are red lines on the road (a London red route). There are other areas where lines and signs limit parking and loading and unloading

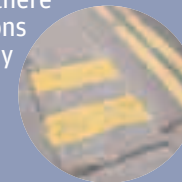


on a clearway - this is marked by a circular sign in red or blue - or an urban clearway during its hours of operation, except to set down or pick up someone

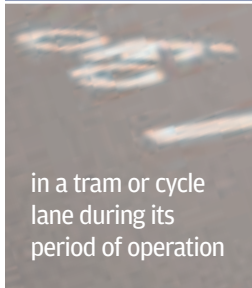


on a cycle track

Loading and unloading is usually allowed even where there are parking restrictions unless it is specifically banned - this is normally shown by yellow flashes on the kerb



in a tram or cycle lane during its period of operation



in a taxi rank



on double yellow lines at any time of day on any day of the week. However, in some areas, such as coastal resorts, restrictions may only apply at certain times of the year - there will be a sign to explain this



Blue Badge holders are usually exempt from some parking restrictions (see 'Blue Badge Scheme', p15). The rules are different in Scotland



Where you can park

Controlled Parking Zones (CPZs)

CPZs are areas within which all streets have some form of parking restriction, for example, residents' parking zones. All entry points will have signs informing motorists that they are entering a CPZ.

Restrictions include No Waiting (single yellow line), No Waiting At Any Time (double yellow line), Permit Holder only parking bays, Limited Waiting parking bays, Pay-and-Display parking bays, Disabled Badge parking bays and Loading Bays.

Temporary restrictions

In some cases, police and local authorities may suspend parking. This is usually to ease congestion for special local events or to allow site access for building or maintenance work. Look for temporary signs or 'No Waiting' cones.

Parking bays

There are lots of places to park legally, although most require a permit, voucher or pay-and-display ticket. When you park in an on-street space, make sure that you have some change for the machine before you get there. Some meters now have alternative methods of payment - such as by mobile phone, see p14.

Read the conditions that apply to the space in which you have parked:

- Is there a limit to how long you can stay?
- Are you allowed to leave and come back within a certain time?
- Is it a resident's bay or a Blue Badge space? Often these can be next to each other so read the signs carefully.
- If you have bought a ticket or are using a permit or voucher, make sure that it is clearly visible and can be read by anyone who needs to see it.



Receiving a ticket

New rules mean you can't just drive away

On 31 March 2008, new legislation changed the way parking tickets are issued.

Previously – in most, but not all, local authorities – a penalty charge notice had to be given to the driver or fixed to the car at the time the parking offence was committed.

Now, all local authorities are able to post a PCN to you if the offence is caught on CCTV or another suitable device, or if you

drive off before the CEO can stick the PCN on your windscreen. However they do have to follow rules.

- The CEO must have observed the contravention for several minutes (the time varies depending on the local authority). The software on the CEO's handheld computer prevents a PCN from being issued until the observation period has taken place.

- A CEO must also gather several pieces of

information to confirm the contravention has occurred (these may include the vehicle registration number, details from the tax disc and photographic evidence), before a PCN can be issued. This is to demonstrate that the CEO has actually attended and stood by the vehicle.

Drive-away PCNs

It is no longer possible to simply drive away to avoid a PCN. If the CEO has confirmed a contravention, gathered the evidence and created a PCN, it must be served.

The only way a PCN can be cancelled is on the CEO's return to their headquarters. At this point, a judgement will be made as to whether the notice should be cancelled – the circumstances reported by the CEO could be a factor in the decision, for example.

If it is decided to continue with the issue of a postal PCN, councils are allowed to obtain vehicle ownership details from DVLA.

Postal PCNs

Although postal PCNs can be used when a drive-away has occurred, or if a CEO has been threatened with violence, they are more likely to be used when enforcement has taken place using CCTV and remote enforcement.

This occurs where it may be dangerous for a CEO to be operating – for example in a bus lane or box junction, or other situations where traffic is moving.

Other notices

● Fixed Penalty Notice

The police and police traffic wardens enforce parking offences – such as vehicles likely to endanger road users – with FPNs. FPNs are also issued for a wider range of offences in areas that do not operate civil parking, such as



rural parts of Scotland. These tickets are enforced through the criminal justice system, which means the only official means of appeal is to choose to have your case heard in court and plead not guilty.

● Excess Charge Notice / Standard Charge Notice

Some local authorities issue these in their own car parks or in paid bays on the street. They are processed by the local council, and if there's a dispute, enforcement takes place in the local magistrates' court.

! Clamping and removal

Public on- and off-street car parks

Although they are legally entitled to clamp and tow, most local authorities choose not to use vehicle immobilisation or removal as a method of parking enforcement. However, removal of a vehicle is sometimes necessary – for example, when it is causing an obstruction or is a persistent evader.



Private land

In Scotland, wheel clamping is illegal, although you can be towed. In England and Wales, clamping can be undertaken by private companies who operate on private land. Anyone who wants to use clamping as a method of enforcement must be registered by the



Security Industry Authority (SIA). For further information, visit their website at www.the-sia.org.uk. As mentioned on p5, there is no legislation governing off-street private parking, so the price you pay to have the clamp removed can vary. Remember to make sure you are aware of any rules or conditions before you park your car on private land.



Challenging a ticket

All motorists issued with a parking ticket by a council or the police have the right to contest it – but the process varies depending on the type of ticket

If you've received an FPN, you can write to the Police Central Ticket Office at the address on the ticket to register your appeal. If your appeal is turned down, you can contest the ticket in a magistrates' Court.

For ECNs, you should appeal to the local authority that issued the ticket. If you're unsuccessful, again you can choose to argue the case in a magistrates' Court.

Penalty Charge Notices are not part of the criminal process. Instead, this system allows for complaint to the local council, and, if a satisfactory result is not received, to one of four independent parking adjudication services that serve parts of the UK.

Adjudication services are independent tribunals where lawyers consider appeals that have been formally rejected by councils.



The types of case that can be taken to adjudication include:

- 1 The penalty charge (or release or storage charge) exceeded the relevant amount.
- 2 The alleged parking contravention did not occur.
- 3 The Traffic Regulation Order was invalid.
- 4 You were not the owner of the vehicle when the alleged contravention occurred.
- 5 When the vehicle was parked it had been taken without your consent.
- 6 You are a hire company and have supplied the hirer's name and address.

New rules allow adjudicators to consider mitigating circumstances. While they cannot cancel tickets themselves, they can direct an authority to cancel a PCN or NTO and refund any money paid.

If you think your Penalty Charge Notice is incorrect, then do not be deterred from appealing. Mistakes can happen, and local authorities cancel around one in seven tickets on representation from motorists.

Also, although less than one per cent of drivers who have received a ticket take their appeal to the independent adjudicators, more than two thirds are successful at this stage.

! Challenging a ticket

1 Start your appeal informally by writing to the council explaining in detail why you disagree with the ticket and enclosing any evidence to support your case.

If you write within 14 days of receiving the notice, the early-payment discount period – another 14 days – may be reoffered when the reply is sent.

2 If your informal appeal is rejected, the owner of the vehicle will be sent a Notice to Owner (NTO), which officially orders the charge to be paid or further formal representations to be made to the council.

If you've received a postal parking ticket, this will also act as an NTO, so your appeal will start at this stage (except for enforcement in London bus lanes). You have 28 days from the date of the NTO to either pay or lodge a formal appeal. A postal PCN provides for payment at the discounted rate for 21 days from the date of service of the NTO.

3 If you are successful, the council will send you confirmation that the NTO is cancelled. If your appeal is unsuccessful, you will receive a 'Notice of Rejection of



Representations', and a 'Notice of Appeal' form.

4 You can either pay the charge or use this form to make your appeal within 28 days. There are four independent adjudication services for different parts of the UK, and the Notice of Appeal form will tell you which one to write to, and also has information about how to present your appeal.

You'll be able to opt for either a postal or a personal hearing; adjudication service staff will then send you formal acknowledgement that your appeal has been received and registered. In most cases, the council must also send you a copy of its evidence within 21 days.

5 If you've asked for a postal decision, you will be notified of the week in which your appeal is due to be decided. If you have asked for a personal appeal, you'll usually receive at least 21 days' notice of the date, time and location.

Park, pay & display

You can pay for parking by cash, credit card, prepaid token or voucher or mobile phone

The newest, and probably least familiar, method of parking payment is via mobile phone. At the moment this service isn't available everywhere, but it is becoming more common.

There is a variety of ways in which these systems work, but they all provide clear instructions and a secure method of payment.

All systems require you to register upfront and then call to notify the vendor that you are purchasing parking time. Some send warning texts when your time is nearly up.



! Want a safer car park?

The British Parking Association, in partnership with the Associations of Chief Police Officers, operates a scheme that awards safer parking status. The Park Mark® indicates parking facilities that have met the requirements of a risk assessment



conducted by the Police. This means the parking operator has put in place measures that help deter

criminal activity and anti-social behaviour, and is doing everything it can to prevent crime and reduce the fear of crime in their parking facility.

To find the nearest Park Mark car park to your destination, or to find out more about the scheme, visit www.parkmark.co.uk.

Private car parks

Unlike on-street parking, there is no legislation that covers off-street private parking. If you break the car-park terms, you may be given a ticket. There's no standard system of challenging privately issued tickets, but most companies have their own system of appeals, which should be detailed on the ticket or on signs at the car park. Most companies that operate off-street car parks are legitimate and honest, maintaining good standards and practices. However, as in any industry, there are a few less scrupulous operators. To distinguish themselves, a growing number of private off-street operators has joined the Approved Operator Scheme run by the British Parking Association (BPA). As a membership association, the BPA is not entitled to enforce legislation but it, along with the members of the scheme, strives to maintain high standards in the industry and ensure fair and reasonable treatment.

Blue badge scheme

The Blue Badge scheme provides parking dispensation for people with mobility problems and who, therefore, may have difficulty using public transport. The scheme operates throughout most of the UK, though there are some variations between England, Wales, Scotland and Northern Ireland.

There are a number of dispensations for Blue Badge holders, including free on-street parking in some areas and exemption from limits on parking times that may be imposed on others. They can also park on single and double yellow lines for up to three hours, as long as they are not causing an obstruction (except where there is a ban on loading or unloading or other restrictions).



Adjudicators' contact details

London – www.parkingandtrafficappeals.gov.uk
England and Wales (not including London) – www.trafficpenaltytribunal.gov.uk



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