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Humza Yousaf - Minister for Transport and the Islands  
The Road Policy Team  
Trunk Road and Bus Operations  
Transport Scotland  
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29 June 2017

Dear Mr Yousaf

## **Improving parking in Scotland**

The British Parking Association (BPA) welcomes your inquiry regarding air quality. As the largest professional parking association in Europe we represent around 700 organisations by promoting and influencing the best interests of these members and the parking and traffic management sector throughout the UK and Europe. These organisations are many and varied and include manufacturers, car park operators, local authorities, health authorities, universities and higher education facilities, airports, railway stations, shopping centres, theme parks, construction companies, learning providers and consultants.

For more information about the BPA please see the [endnote](#).

Parking services impact on everyone, for people who travel about, regardless of their mode of transport, few things impact on people's daily lives more so than parking services. Pedestrians, cyclists, lorries and buses can be affected by poorly parked vehicles, obstruction of footways, dropped kerbs road crossings and junctions and parking at bus stops can impede access to public transport services.

Proper and effective traffic management is absolutely essential and, without it, streets will become more congested and costs to local authorities will increase without significant economic benefits.

We have consulted with our members in Scotland to inform our response. Our response is detailed below and divided into the various areas in which we work.

## **Footway Parking**

We believe that parking on and obstruction of the footway is wrong and should be prevented to assist pedestrians, disabled pedestrians, the elderly and people with baby buggies. Road safety is an important issue and one that affects many communities.

Obstruction of dropped kerbs, access ramps and other areas used by pedestrians cause equal if not more difficulty for these people. These are just some of the reasons why proper and effective management of footway parking is so essential.

The demand for parking, especially from residents living in properties where there was little demand for parking facilities when the housing accommodation was originally built, has begun to create problems in some areas.

In some narrow streets it is not unusual to see vehicles parked partly on the pavement. This then restricts the safe passage of pedestrians especially those in wheelchairs, with sight disabilities and those in charge of young children. Parking on the pavement can also cause damage to the footway, adding costs for local authorities in repair bills.

We believe that providing and managing parking on street needs to be seen in the context of delivering a better and fairer service to the pedestrian, resident and motorist. The BPA is a supporter, along with Living Streets, Disabled Motoring UK, and Guide Dogs UK, of a Private Members Bill intending to provide powers for local authorities to properly manage and regulate parking on the footway. We have supported the proposals for a new law since it was first proposed by Ross Finnie MSP in 2010; and have supported the most recent Footway Parking Bill in Scotland.

The current procedures for creating TROs is outdated, fails to recognise modern communication and consultation techniques; is costly and moreover prevents authorities in delivering schemes to improve footway parking in a timely manner.

We will continue to work with Guide Dogs UK, Disabled Motoring UK, Living Streets, and other organisations to promote the development of common standards in the management and enforcement of parking on footways and areas used by pedestrians across the UK.

### **Local Authorities 'regulated' parking enforcement**

In Scotland, many towns and cities provide decriminalised parking enforcement under the Road Traffic Act 1991. Otherwise, using powers set out in the 1984 Road Traffic Regulation Act, Police and traffic warden services are empowered to undertake enforcement of restricted parking (yellow lines and loading restrictions), and local authorities manage permitted parking. Increasingly, Scottish local authorities are keen to have access to the Civil Enforcement provisions set out in the Traffic Management Act 2004 and available to local authorities in England and Wales, and which are fairer to motorists and more proportionate in their scale and scope than the 1991 Act.

We believe the best results are achieved where local authority parking providers work in partnership with local businesses and traders on a formal basis, enabling both sides to understand where the other stands. Consultation on quality and pricing in car parking often produces better results. The government could use this opportunity in our view to encourage such partnership working between public and private sectors.

### **Better regulation of private parking**

As the leading trade association for the parking sector, the British Parking Association has a good share of its membership managing parking on private land under contract law and other similar consumer protection laws.

As the industry representative, we are expected by the Scottish Government, members of the public and others to better regulate our members. However, we are unable to live up to people's expectations owing to competition law. For example, there is widespread opinion that

we should be regulating the charges imposed by our members. We can't, since it would be anti-competitive.

Where parking on private land relies on trust and /or payment of fees and charges, without specific access controls and the potential for enforcement, and the need to acquire keeper details from the DVLA arises, the BPA has developed an Approved Operator Scheme, (AOS).

In 2007 the BPA established its Approved Operator Scheme to ensure that its members managing parking on private land behaved responsibly and complied with a Code of Practice which was established in consultation with other stakeholders including motorists and consumer representatives.

Our members are audited annually to ensure compliance with the Code of Practice. Instances of non-compliance with the Code of Practice are enforced and monitored through a Scheme of Sanctions and are issued dependent upon the severity of the non-compliance. We have expelled seven members in recent times as a result of serious non-compliance.

We introduced an independent appeals service for parking tickets issued on private land in England and Wales in 2012; The Parking on Private Land Appeals Service (POPLA) is providing motorists in England and Wales with a fair and effective appeals service for parking tickets issued by BPA members. We'd like to do the same in Scotland.

We are actively engaged with Citizens Advice Scotland and the Scottish Government about how to deliver POPLA to motorists in Scotland in a fair and equitable way. Presently we believe this involves the introduction of keeper liability of a kind seen in the Protection of Freedoms Act in England and Wales. This would ensure regulation and management of parking is effective, with registered keepers being held accountable for the actions of drivers who are using their vehicles when that is necessary.

We believe that Contract Law does not work well for the purposes of managing parking on private land and we would like to see specific legislation, as has been achieved for parking on public land.

Local authorities provide parking on private land e.g. housing estates, leisure centres and so on and these are sometimes managed under contract law. Contract law is also used in the private sector to manage parking in retail centres, out-of-town stores, and a variety of other privately provided public parking. Contract law is also relevant for NHS and healthcare parking provision. The Railways Acts and Railway bylaws have provisions for controlling parking at railway stations, but increasingly contract law is also used in these situations.

I enclose a proposal for developing better regulation for the private parking sector in Scotland through a [single standard setting body](#)<sup>1</sup>. We believe these changes would provide clarity and deliver a consistent approach to managing and enforcing parking.

## **Communication with the Public**

We also believe in better communication with the public to ensure they understand parking regulations, why car parking often has to be charged for, how to appeal against parking tickets and also how to park considerately and sensibly. It is important to encourage consistency and parity between public and private parking operations to try and minimise confusion for motorists. The BPA has produced A Guide to Parking in conjunction with the consumer

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<sup>1</sup>[http://www.britishparking.co.uk/write/Documents/BPA/BPA\\_Regulation\\_of\\_private\\_parking\\_sector\\_in\\_Scotland.pdf](http://www.britishparking.co.uk/write/Documents/BPA/BPA_Regulation_of_private_parking_sector_in_Scotland.pdf)

association Which? In 2014 we launched our [Know Your Parking Rights<sup>2</sup>](#) information service and website at the House of Commons in London.

On private land the parking operators commonly use what is called a Parking Charge Notice to advise motorists who do not comply with the advertised terms and conditions for parking. There needs to be a significant difference between for example an all-day parking fee and the discounted parking charge if it is to encourage compliance and be an effective 'deterrent'. The UK Supreme Court in *Beavis v Parking Eye* acknowledged the need for an appropriate deterrent factor in these kinds of consumer contracts.

We set out in our [Code of Practice for parking on private land<sup>3</sup>](#) that a parking charge "must be proportionate and commercially justifiable and we would not expect this amount to be more than £100". If the charge is more than this, operators must be able to justify the amount in advance.

The UK Supreme Court decision in 2016 did help to clarify the law around parking charges when managing parking on private land, but we believe there now needs to be a broader review of the private parking sector. It is essential that the media and motorists better understand the need for effective parking management, in order to help support our call for all governments to better regulate parking on private land to reassure the public and to ensure that all parking control is fair, reasonable and properly managed for the benefit of everyone. Interestingly, everyone including Mr Beavis, the AA, the RAC Foundation, Citizens Advice Scotland and many more all support our call for a single standard setting body, with a Code of Practice and an Independent Appeals Service.

## **Accreditations**

Accrediting operators is a fundamental way in which the BPA work to raise standards in parking.

We would like to see Scottish Government support for the accreditations to ensure all parking operators work to raise the standards in their car parks and continue to meet customer needs, these include; Professionalism in Parking Accreditation or PiPA<sup>i</sup> (especially in the healthcare sector), the Disabled Parking Accreditation and Park Mark.

The BPA is currently developing the Professionalism in Parking Accreditation for individuals and organisations working in the parking profession. With access and equalities in mind PiPA reflects universal principles and individual sector requirements.

Services should consistently meet customer requirements and quality should consistently be improved. By improving access and improving facilities the accreditation works to improve the journey for all, it requires organisations and staff to understand the needs of every motorist.

The standards include enforcement of disabled bays and the monitoring of Blue Badge use to prevent misuse. Those misusing spaces are depriving spaces for those who actually need them. For disabled people, Blue Badges are a vital lifeline that help them get out and about to visit shops or family and friends, misuse of the badge is a criminal offence.

To improve parking for disabled people and reduce abuse of disabled spaces the [Disabled Parking Accreditation<sup>4</sup>](#) (DPA)<sup>ii</sup>, a national accreditation scheme, was launched by Disabled Motoring UK (DMUK) and which the BPA now manages on their behalf.

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<sup>2</sup> <http://www.knowyourparkingrights.org/>

<sup>3</sup> <http://www.britishparking.co.uk/Code-of-Practice-and-Compliance-Monitoring>

<sup>4</sup> <http://www.dpaccreditation.org.uk/>

Disabled motorists want to access car parking independently, and whilst increasing numbers of disabled people are now able to drive their own vehicles, being able to actually access a car park when they arrive at their destination is another matter entirely. The lack of step-free access of course is a prime concern, but other issues such as a lack of staff and general staff awareness can also create challenges.

This accreditation is often coupled with the Park Mark<sup>iii</sup>, an accreditation aimed at reducing crime and the fear of crime in parking facilities.

By improving access and reducing crime in parking facilities the operators are improving their car parks for all users; ensuring services continue to meet the needs of every motorist.

## **Conclusion**

More consistency and parity between public and private parking operations should be encouraged to minimise confusion amongst motorists.

The BPA and Parking Scotland members are always eager to work with the Scottish Government to develop car parking policy and the Association and members are at your disposal to assist with any further information, advice or support in relation to this very important area of public policy.

We hope you will find these comments of interest and look forward to working with the Scottish Government to deliver a legislative framework and better regulation for the management of parking in Scotland.

Please do not hesitate to contact my colleague Kathryn Shipman by emailing [consultations@britishparking.co.uk](mailto:consultations@britishparking.co.uk) or calling 01444 447 317 if you require any further information.

Yours faithfully



**Kelvin Reynolds**  
**Director of Corporate and Public Affairs**

## **Endnote**

### **About the British Parking Association:**

The British Parking Association (BPA) is the largest professional association in Europe, representing around 700 members in the parking and traffic management profession. We have 144 members managing parking on private land and 250 local authority members. We provide our members with knowledge and a range of benefits and resources that assist them in their day to day work.

As the recognised authority within the parking profession, we represent, promote and influence the best interests of the parking and traffic management profession throughout the UK and Europe. We also manage initiatives for the sector including the Safer Parking Scheme (on behalf of the Association of Chief Police Officers), the Approved Operator Scheme (for those managing parking on private, unregulated land) and our stakeholder engagement group, the Parking Forum.

We place the consumer at the heart of our thinking and as the recognised authority in parking we actively represent and promote the sector by advancing knowledge, raising standards and professionalism, and using our influence to deliver excellence for the benefit of all.

For more information regarding us here at the BPA, please click [here](#).

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### **i Professionalism in Parking Accreditation (PiPA)**

Initially, we have launched PiPA for the Healthcare and Higher Education parking sector and it is intended to drive standards higher in the hospital parking sector to encourage Health Trusts to provide an excellent service to their car park users. I enclose a PiPA [pack](#) which sets out some of the standards that we would now expect of any Trusts applying for PiPA.

The award comprises a single organisational audit, of both the internal and external practices, in two parts; Overarching, high-level principles applicable to all sectors (e.g. Healthcare) and innovative accreditation. The award will recognise achievement and boost reputation.

I am delighted that three Trusts have already been awarded PiPA and the first awards were presented at the House of Commons launch of the scheme at which MPs were present.

We worked closely with officials at the Department for Health during the development of PiPA, and in the revision of Parking Guidance issued by the Department in March 2015 to ensure that PiPA is directly relevant to the government's expectation of Trusts in relation to car parking and more generally in relation to the guidance given by the Department for Health to Trusts.

Two assessment standards organisations must prove they uphold to achieve PiPA; 'customer service and stakeholder relationships' and 'social responsibility and equality of service delivery' review the extent organisations uphold equality in the provision for employees and customers.

Organisations must describe their approach to equal opportunities, both in terms of employment to ensure inclusivity, and prevention of age, disability or gender discrimination, and in terms of service delivery.

We hope that PiPA will continue to gain traction within the Healthcare sector thus driving standards higher. Healthcare PiPA is a starting point for expanding PiPA across other car parking sectors; we are now exploring how to adapt PiPA to other sectors such as Meet and Greet or Local Authorities.

### **ii Disabled Parking Accreditation (DPA)**

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In order to qualify for the scheme, car parks are rigorously assessed to examine the physical aspects of the car park and check that the right management practices are in place. The criteria set by DMUK requires car park owners/operators to meet a number of [criteria](#).

The DPA in improving access aims to assist those who often find it hard to locate appropriate and accessible parking in their towns, cities and at other locations such as hospitals. This includes the elderly, people with baby buggies and those with disabilities.

### iii **Park Mark Award**

The BPA manages the Safer Parking Scheme and its registered trade mark Park Mark on behalf of the Association of Chief Police Officers CPI. The scheme is for public and private operators' car parks. Safer parking status, Park Mark, is awarded to parking facilities that have met the requirements of a risk assessment conducted by the Police. These requirements mean the parking operator has put in place measures that help to deter criminal activity and anti-social behaviour, thereby doing everything they can to prevent crime and reduce the fear of crime in their parking facility.

During the accreditation process, police assessors recommend changes that are known to deter offenders, such as perimeter fencing, surveillance and good lighting. If incidents do occur, operators and assessors together identify the causes and take appropriate action to recue or eliminate the risk of a recurrence.

Vehicle and vehicle related crime has been falling since its peak in the mid-1990s. The targeted approach that the Safer Parking Scheme employs ensures that incidents remain low to zero.