

# **Consultation on Private Car Parking Enforcement**

*A voluntary Code of Practice*

**January 2002**

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# 1 Introduction

## Purpose

- 1.1. The Driver and Vehicle Licensing Agency (DVLA) has recently reviewed arrangements for disclosure of information to underpin parking enforcement on private land. We have concluded that the Agency and enquirers would receive mutual benefit from a voluntary Code of Practice. The code would establish various guidelines and ensure that the various legal obligations were satisfied.
- 1.2. The purpose of this document is to allow interested parties to comment on the draft Code of Practice which endeavours to address various issues and reassure the public that their information is being held responsibly, fairly and lawfully and will only be disclosed when there is 'reasonable cause'

## 2.1 Responses

- 1.3. Your views are important to the Agency and are welcomed. It would ease analysis if responses were made on the form at Annex A. Responses should reach DVLA by 10<sup>th</sup> May 2002. The address to which to respond is:

Mrs J O'Donovan  
PARKING ENFORCEMENT CONSULTATION  
Vehicle Policy Group  
DVLA  
Swansea  
SA6 7JL  
Tel (0870 240 0010)

- 1.4. Internet responses may be sent using the electronic version of this document available at:<http://www.dvla.gov.uk>
- 1.5. All responses to this document will be considered carefully, but they will not be acknowledged individually. Responses and the names of the respondents may be quoted and made available to the public. Please indicate if you do not wish this information to be made available, (question 1a).
- 1.6. This document complies with the 'Code of Practice on written consultation' issued by the Cabinet Office. If you consider that this document does not comply with the consultation criteria reproduced at Annex B, please write setting out the area where you feel the document departs from the criteria. The address to write to is:

Mrs Anne McAleer

Consultation Co-ordinator

DVLA

Swansea

SA6 &JL

## **2 Background/The Need For A Code**

- 2.1. This section explains the need for a Code of Practice and the reasons behind the proposals.
- 2.2. Legislation governing the disclosure of vehicle keeper information can be found in Regulation 15 of the Road Vehicles (Registration and Licensing) Regulations 1971. Currently, the law provides for the Agency to release the name and address of a vehicle keeper to the police and local authorities for the investigation and prosecution of offences and decriminalised parking contraventions. The law also provides for disclosure to others providing they can demonstrate 'reasonable cause' to require the information. The term 'reasonable cause' is not defined in the regulations and each case is determined on its merits taking into account the needs of those who require the information and the rights of those whose personal details the Agency holds for specific purposes.
- 2.3. Enquiries to enforce private car parking restrictions can meet the definition of 'reasonable cause'. Information must then be used solely for the purpose it was disclosed.
- 2.4. The draft Code of Practice endeavours to address the various issues about which concerns have been expressed particularly in the media. We hope it will help to reassure motorists that their personal information is being safeguarded.

## **3 Draft Code of Practice**

### **PREFACE**

- 3.1. This voluntary Code of Practice was produced by the Driver and Vehicle Licensing Agency (DVLA) in consultation with a limited number of organisations which request vehicle keeper information from DVLA to enforce parking contraventions on private property.
- 3.2. The Code sets out guidelines on, the use of information provided by the Agency under Regulations for the purpose of enforcing parking restrictions on private property.
- 3.3. The purpose of the Code is to set out standard procedures for administering the release of vehicle keeper information to enforce parking contraventions.

### **Background**

- 3.4. Regulation 15 (1) (c) of the Road Vehicles (Registration and Licensing) Regulations 1971, as amended, provides that the Secretary of State may make particulars contained in the vehicle register available for use on payment of a fee, by any person who can show to the particulars to be made available to him.
- 3.5. An enquirer requesting vehicle keeper information will if signed up to the Code would be agreeing to the following requirements.

### **Enquirer's Responsibilities**

- 3.6. Adequate signs should be displayed on all private property and car parks where enforcement action is to be taken. These should satisfy the criteria that it is 'reasonable cause' for a motorist to be aware of the potential consequences of his/her actions when parking the vehicle. It should be clear that parking is not allowed or restricted and that enforcement action will be taken in respect of any subsequent contravention.
- 3.7. Notices giving full details of the parking contravention and the proposed course of action to be taken by the enforcer should be placed in a prominent position on the 'offending' vehicle without causing it damage. Vehicle keepers must be made aware that their name and address will be requested from DVLA.
- 3.8. Company titles, documentation and notices issued in respect of parking violations should not create the impression that action is being taken on behalf of a public body. Company names must comply with the Business Names Act 1985. Windscreen notices should be cleared, in advance, with DVLA.
- 3.9. Vehicle keepers must be contacted by letter and should not be approached in their homes in respect of the enforcement of claims (other than for the service of notices and court papers) until a court judgement has been secured.

3.10. Enquiries must include details of the incident-giving rise to the claim, date, time and full vehicle details, to include registration mark, make/model and colour. Any other relevant evidence-including photographic details should also be included if available.

## **Terms of Supply**

3.11. Information will be disclosed on condition that it relates to, and will be used only in connection with, an enquiry relating to the identification of a vehicle keeper for a parking contravention/trespass on private property. **NO OTHER USE IS PERMITTED.**

3.12. The principles of the Data Protection Act 1998 must always be adhered to when such information is disclosed.

3.13. Nothing in this code shall be construed as being in any way binding by way of a contract or otherwise, to supply all or any data to the enquirer. Nonetheless, DVLA will not normally withhold data unless the enquirer fails to comply with the terms.

3.14. The information provided is the property of DVLA and must not be duplicated or held for longer than is necessary.

## **Duration of the Code of Practice**

3.15. This code shall commence upon signature hereto and will continue in force and have effect until such time as the Agency shall deem appropriate.

## **Use of Data**

3.16. The Enquirer must not disclose any data to a third party other than in respect of the institution of legal proceedings. However, if the enquirer intends to use a third party to process data on their behalf, these Terms will apply to the third party and the data may only be used for the aforementioned purposes. The enquirer will be held liable for any breach of these Terms by the third party. DVLA will not be held responsible for any problem arising between the enquirer and any such third party.

3.17. Copyright of the data is vested solely in the Crown.

## **Security of the Data**

3.18. The Agency shall be permitted access to the enquirer's operations area to check the methods of processing. The enquirer must agree to make available to the Agency's authorised personnel such files and records as may be required for them to be satisfied that the data is

being used in the manner agreed and to ensure security of storage and access so as to comply with the requirements of the Data Protection Act 1998.

- 3.19 The Agency may carry out audits of the enquirer's internal control system so far as they relate to DVLA enquiries- to ensure that they comply with best practice.
- 3.20 DVLA is registered under the Data Protection Act. Any misuse of the data or abuse of these conditions by an enquirer or his agent will result in withdrawal of the supply of information under the agreed terms.
- 3.21 It is an offence to unlawfully obtain personal data, contrary to Section 55 of the Data Protection Act 1998. Unlimited fines in the Crown Court (or a maximum of £5,000 in the Magistrates Court) exist as penalties in respect of these offences. All instances of suspected abuse that come to DVLA's attention will be referred to the Information Commissioner for further investigation.

## **Annex A: Response Form**

Please provide answers to the following questions on the details of the proposed scheme.

### **1 Your Details**

Name

Address

Postcode

**Please tick the boxes to indicate your preference**

#### **Question 1a**

Are you prepared to allow your response or name to be quoted, or made available to the public?

Yes

No

#### **Question 2a**

Do you consider it reasonable to safeguard motorists' interests in the ways described in the code?

Yes

No

#### **Question 3**

Do you already provide adequate notice/warning signs that parking restrictions are in place?

Yes

No

**Comments**

**Questions 4**

Does any part of the proposed code have an adverse effect on your business?

Yes

No

**Comments****Question 5**

Please describe and quantify any additional costs of complying with the draft code.

First year costs

Continuing costs

Please explain

**Question 6**

Would you be prepared to adhere to a Code of Practice?

Yes

No

**Comments****Question 7**

Do you have any other comments on the issues raised on this document?

## **Annex 8: The Consultation Criteria**

1. Timing of consultation should be built into the planning process for a policy (including legislation) or service from the start, so that it has the best prospect of improving the proposals concerned, and so that sufficient time is left for it at each stage.
2. It should be clear who is being consulted, about what questions, in what time scale and for what purpose.
3. A consultation document should be as simple and concise as possible. It should include a summary, two pages at the most, of the main questions it seeks views on. It should make it as easy as possible for readers to respond, make contact or complain.
4. Documents should be made widely available, with the fullest use of electronic means (although not to the exclusion of others), and effectively drawn to the attention of all interested groups and individuals.
5. Sufficient time should be allowed for considered responses from all groups with an interest. Twelve weeks should be the standard minimum period for consultation.
6. Responses should be carefully and open-mindedly analysed, and the results made widely available, with an account of the views expressed, and the reasons for decisions finally taken.
7. Departments should monitor and evaluate consultations, designating a consultation co-ordinator, who will ensure the lessons are disseminated.

## **ANNEX C: List of Consultees**

Agricultural Engineers Association  
Always Security Group

Apcoa Parking Ltd  
Arcade Traffic Management

Assistant Chief Constable, ACPOS

Association of British Insurers  
Association of Car Fleet Operators  
Automobile Association

Borough Parking Enforcement  
Britannia parking Ltd  
British Car Auctions Ltd

British Independent Motor Trade Association  
British Vehicle Salvage Federation  
Chauffeured Parking Service Ltd

Chief Executive, Department of Regional Development-Road Service  
Chief Executive, Driver and Vehicle Licensing Northern Ireland  
Court Service, South Side

Debt Managers Ltd

Euro Car Parks  
Excel Parking

Finance and Leasing Association  
Freight Transport Association

Head of Policy Research, Consumer Association

Local Government Association

Local Parking Security

Metro Parking Professionals  
Motorcycle Industry

National Car Parks Ltd  
National Farmers Union Technical Services Dept

Office of the Information Commissioner

Parking Control Removals  
Parking Control Services

Royal Automobile Club, Foundation

S J Parking Control  
Saturn Security (London) Ltd  
Schultz Parking 1998 Ltd  
Secretary of ACPO Traffic  
Society of Motor Manufacturers and Traders  
Sterling Controlled Parking  
Sureway Parking Services

The magistrates' Association  
Town and Country Parking Ltd

Vehicle and Builders and Repairers Association