

**WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND 12 OCTOBER 2020.**

Draft PAS 232: Privately managed parking – Operation and management – Specification

**It is recommended that you read the cover letter for PAS 232 before you read the PAS.
Please download the cover letter from:**

<https://standardsdevelopment.bsigroup.com/projects/2020-00193#/section>

Please submit all comments on the PAS via the Standards Development Portal at:

<https://standardsdevelopment.bsigroup.com/projects/2020-00193#/section>

As of 31/8/2020, the government is running a parallel consultation on the enforcement of this PAS and the introduction of a single appeals service to manage appeals against private parking charges. To comment on the government consultation, visit:

<https://www.gov.uk/government/consultations/parking-code-enforcement-framework>

Draft 2.0 FOR PUBLIC CONSULTATION

THIS IS A WORKING DRAFT AND MUST NOT BE REGARDED OR USED AS A PAS

THIS DRAFT IS NOT CURRENT BEYOND 12/10/2020

This draft document is provided for discussion only. No representations, warranties or guarantees regarding its contents or as to its accuracy are made and no party involved in the creation of this draft accepts any responsibility for its contents or accuracy to any other party.

Any formatting in this draft is to aid readability and does not reflect the final format of PAS 232. No copying is allowed, in any form, without written permission from BSI except as permitted under the Copyright, Design and Patent Act 1988 or for circulation within a participating organization and/or its membership network for briefing purposes. Electronic circulation is limited to dissemination by email within such an organization and its members.

Please note that this is a draft and not a typeset document.

Editorial comments are welcome, but you are advised not to comment on detailed matters of typography and layout.

NO COPYING WITHOUT BSI PERMISSION EXCEPT AS PERMITTED BY COPYRIGHT LAW

**WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND 12 OCTOBER 2020.**

Contents

Foreword	3
0 Introduction	5
1 Scope	6
2 Normative references	6
3 Terms and definitions	6
4 Signs and surface markings	9
5 Accessible parking (including Blue Badge)	11
6 Duration of parking event	12
7 Payment of a parking tariff	13
8 Cameras and other technology	14
9 The parking charge	15
10 Escalation of costs	17
11 Enforcement action	17
12 Complaints handling	18
13 Insurance	19
14 Professional standards	19
15 Relationship with landowner	19
16 Self-ticketing/self-reporting and incentives	20
Annex A (normative) Consideration periods	22
Annex B (normative) Entrance signs	24
Annex C (informative) Appeals charter	27
Annex D (informative) Parking charge – example of standard text	27
Annex E (normative)	27
Terminology in parking operator/debt recovery agent correspondence and communication	27
Annex F (normative)	29
Parking charge levels	29
Annex G (normative)	30
Exempt vehicle cases and non-stopping zones	30
Annex H (informative) Sample land owner/operator notice	31
Bibliography	34

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

Foreword

Publishing information

This PAS was sponsored by the Ministry of Housing, Communities and Local Government (MHCLG). Its development was facilitated by BSI Standards Limited and it was published under licence from The British Standards Institution. It came into effect on XXXXXX.

Acknowledgement is given to [XXX], as the technical author, and the following organizations that were involved in the development of this PAS as members of the steering group:

- [SG member organization]
- [SG member organization]
- [SG member organization]

Acknowledgement is also given to the members of a wider review panel who were consulted in the development of this PAS.

The British Standards Institution retains ownership and copyright of this PAS. BSI Standards Limited as the publisher of the PAS reserves the right to withdraw or amend this PAS on receipt of authoritative advice that it is appropriate to do so. This PAS will be reviewed at intervals not exceeding two years.

This PAS is not to be regarded as a British Standard. It will be withdrawn upon publication of its content in, or as, a British Standard.

The PAS process enables a specification to be rapidly developed in order to fulfil an immediate need in industry. A PAS can be considered for further development as a British Standard, or constitute part of the UK input into the development of a European or International Standard.

Relationship with other publications

This element gives the following information as appropriate:

- the PAS's relationship to other standards publications;
- list of other parts of this PAS;
- reference to relevant international work.

Information about this document

Use of this document

Presentational conventions

The provisions of this PAS are presented in roman (i.e. upright) type. Its requirements are expressed in sentences in which the principal auxiliary verb is "shall".

Commentary, explanation and general informative material is presented in smaller italic type, and does not constitute a normative element.

Requirements in this PAS are drafted in accordance with *Rules for the structure and drafting of UK standards:2017*, subclause **G.1.1**, which states, "Requirements should be expressed using wording such as: 'When tested as described in Annex A, the product shall ...'". This means that only those products that are capable of passing the specified test will be deemed to conform to this PAS.

Where words have alternative spellings, the preferred spelling of the Shorter Oxford English Dictionary is used (e.g. "organization" rather than "organisation").

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

Contractual and legal considerations

This Publicly Available Specification does not purport to include all the necessary provisions of a contract. Users are responsible for its correct application.

This PAS is not to be regarded as a British Standard. It will be withdrawn upon publication of its content in, or as, a British Standard.

Attention is drawn to the following specific regulations:

- The Equality Act 2010 [1];
- The Parking (Code of Practice) Act 2019 [2];
- The Protection of Freedoms Act 2012 [3];
- The Traffic Management Act 2004 [5].
- The Data Protection Act 2018 [6]
- The Consumer Rights Act 2015 [7];
- The Consumer Protection from Unfair Trading Regulations 2008 [8]
- The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 [9]
- The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 [10]
- The Services, Public functions and Associations: Statutory Code of Practice, issued by the Equality and Human Rights Commission
- The Consumer Rights (Payment Surcharges) Regulations 2012
- The General Data Protection Regulation 2016 (GDPR)
- The Surveillance Camera Code of Practice

Compliance with a Publicly Available Specification cannot confer immunity from legal obligations.

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

0 Introduction

When on private land, the driver of a vehicle is responsible for:

- respecting such prohibitions on parking as may apply;
- complying with the terms and conditions governing permitted parking;
- paying the parking tariff (where applicable); and
- paying any parking charge legitimately issued.

Parking on private land covers many more situations than privately owned car parks, including residential parking areas, parking at commercial premises, privately owned roads e.g. on industrial estates, business parks and airports, restricted parking e.g. reserved for Blue Badge or other accessible parking, and land where no parking is permitted.

The introduction of Schedule 4 of the Protection of Freedoms Act 2012 created a legal basis to claim unpaid parking charges from vehicle keepers and hirers as though they were the driver.. This right may only be exercised where the conditions and procedures established by Schedule 4 have been met. Failure by the creditor to comply with the Schedule 4 conditions forfeits the right to make a claim against the keeper of the vehicle using the Protection of Freedoms Act powers. Parking charges to which the Schedule applies can arise from breach of the terms of a contract or as pre-estimated damages for an act of trespass.

Subsequently, the Parking (Code of Practice) Act 2019 was enacted. It sets out the requirements for:

- a) guidance that promotes good practice in the operation and management of private parking facilities; and
- b) guidance about appeals against parking charges imposed by, or on behalf of, persons providing private parking facilities.

This PAS has been created to specify requirements for the operation and management of parking by private companies in England, Wales and Scotland and as such will be adopted by the Secretary of State for Housing, Communities and Local Government (the Secretary of State) for the purposes of meeting their obligations under Section 1 of that Act.

It is the decision of the Secretary of State that requests for vehicle keeper data from the Driver and Vehicle Licensing Agency (DVLA) are to be granted to members of accredited parking associations, in recognition of those parking associations being accredited as conformity assessment bodies by the United Kingdom Accreditation Service (UKAS), the national accreditation body, for the purpose of certifying their members' ongoing conformity of operation in accordance with the requirements of this PAS, unless DVLA has information that shows release of this data would be inappropriate. To be accredited as conformity assessment bodies, the parking associations will need to satisfy UKAS that they are acting in accordance with a conformity scheme which specifies the relevant obligations their members must meet and the means by which their compliance will be assessed and monitored and instances of non-compliance identified and addressed.

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

1 Scope

This PAS specifies requirements for the operation and management of parking facilities by private companies, including parking charges and the resolution of disputes between parties. This PAS also covers the management of land that is not available for public parking, on which private companies are applying parking restrictions and/or charges under contract law.

While this PAS is for use by any private parking operator, it is of interest to private parking trade associations, consumer and motoring organizations and landowners.

This PAS does not apply to the management of on-street parking on public highways or where the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 apply. Nothing in this PAS overrules the provisions and enforcement of byelaws where they apply.

2 Normative references

The following documents are referred to in the text in such a way that some or all of their content constitutes provisions of this PAS. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

[TBC]

3 Terms and definitions

For the purposes of this PAS, the following apply:

3.1 accredited parking association

parking trade association whose accreditation as a conformity assessment body by UKAS is recognized by the Secretary of State for Housing, Communities and Local Government

3.2 appeals charter

TBC

3.3 authorized body

body designated by the Secretary of State for Housing, Communities and Local Government as having a legitimate right to be given access to information this PAS requires private parking operators to generate and hold

NOTE Authorized bodies include UKAS, accredited trade associations acting as conformity assessment bodies and such other bodies as the Secretary of State may identify or establish as having a role to play in the framework of parking control.

3.4 Automatic Number Plate Recognition (ANPR)

technology that uses specialist cameras, software and image processing to capture vehicle registration mark (VRM) images

NOTE ANPR is often used at the entry and exit points of parking premises to record the time at which a vehicle enters and exits the premises.

3.5 camera vehicles

vehicles which contain technology that monitors vehicle access to, movement around and departure from controlled land

3.6 consideration period

time taken for a motorist to enter the controlled land, read the terms and conditions applicable to the use of the controlled land and comply with any terms and conditions if appropriate (e.g. park within the white lines of a bay, pay, etc.), or exit if they choose not to accept

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

NOTE 1 The decision is to be regarded as having been taken at the time a payment is made for premises where pay on, or before, arrival is required, subject to the requirements of Annex A to this PAS.

NOTE 2 The parking period (see 3.23) is deemed to have commenced following the consideration period, when the motorist has parked, and not before then.

3.7 controlled land

land on which private companies manage the terms and conditions applying to the parking of vehicles, directly or under contract with the landowner, including relevant land (see **3.28**)

3.8 creditor

person who is entitled to recover unpaid parking charges from the driver, registered keeper or vehicle hire firm of the vehicle

[SOURCE: Schedule 4 of the Protection of Freedoms Act 2012, Paragraph 2, (1), modified]

3.9 current address (driver)

address at which the driver for the time being resides or can conveniently be contacted

[SOURCE: Schedule 4 of the Protection of Freedoms Act 2012, Paragraph 2, (1)]

3.10 current address (vehicle keeper)

address at which documents relating to civil proceedings could properly be served on the person concerned under Civil Procedure Rules or the keeper's registered address

[SOURCE: Schedule 4 of the Protection of Freedoms Act 2012, Paragraph 2, (1), modified]

3.11 driver

person(s) controlling a vehicle as defined in Schedule 4, 2(1) of the Protection of Freedoms Act 2012

3.12 grace period

length of time, not less than 10 minutes, in addition to a parking period within which time no parking charge shall apply (see **3.21**)

3.13 notice to driver

notice issued to the driver of a vehicle as defined in Schedule 4, 2(1) of the Protection of Freedoms Act 2012

NOTE 1 The Protection of Freedoms Act definition specifies the basic form and content of the notice.

NOTE 2 A notice to driver may be affixed to a vehicle, handed to the driver or addressed to the driver where their identity is known.

3.14 notice to keeper

notice issued to the registered vehicle keeper as defined in Schedule 4, 2(1) of the Protection of Freedoms Act 2012

NOTE The Protection of Freedoms Act definition specifies the basic form and content of the notice.

3.15 parking attendant

member of staff or agent of a parking operator undertaking duties on site on controlled land to manage compliance with the terms and conditions applying to parking at that location

3.16 parking bay

space defined by markings that indicate where a vehicle is permitted to be parked within parking premises

3.17 parking charge (contract law)

sum in the nature of a fee or charge

NOTE 1 For example, for provision of a parking facility.

NOTE 2 Attention is drawn to Schedule 4 of the Protection of Freedoms Act 2012.

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

3.18 parking charge (trespass or tort)

sum in the nature of damages, however the sum in question is described

NOTE 1 Attention is drawn to ParkingEye Limited v. Beavis [2015] UKSC 677, Paragraphs 97-99.

NOTE 2 Attention is drawn to Schedule 4 of the Protection of Freedoms Act 2012.

3.19 parking charge (document)

notice issued to a driver or a vehicle keeper that details the parking charge(s) deemed payable in respect of the parking of a vehicle on controlled land

NOTE Attention is drawn to Schedule 4 of the Protection of Freedoms Act 2012.

3.20 parking conditions

contractual terms, conditions, restrictions and tariffs that apply to parking a vehicle on controlled land

3.21 parking event

instance of a vehicle being parked by a driver, i.e. being stationary otherwise than in the course of driving

3.22 parking operator

entity responsible for managing parking on controlled land and applying the relevant contractual conditions as, or on behalf of, the landowner

3.23 parking period

length of time that a vehicle has been parked, i.e. left stationary otherwise than in the course of driving, which excludes consideration and grace periods, i.e. the duration of a parking event

3.24 parking tariff

schedule of charges and time periods to which they relate that is applied where parking on controlled land is permitted subject to payment of defined sums

3.25 registered address (vehicle keeper)

address of vehicle keeper as it appears on the DVLA vehicle keeper register or, if that person has ceased to be, the registered keeper as it last appeared on the register

[SOURCE: Schedule 4 of the Protection of Freedoms Act 2012, Paragraph 11, (3)]

3.26 registered keeper

person in whose name the vehicle is registered

[SOURCE: Schedule 4 of the Protection of Freedoms Act 2012, Paragraph 2, (1)]

3.27 registered vehicle

vehicle which is, for the time being, registered under the Vehicle Excise and Registration Act 1994

[SOURCE: Schedule 4 of the Protection of Freedoms Act 2012, Paragraph 2, (1)]

3.28 relevant contract

contract (including a contract arising only when the vehicle is parked on the controlled land) between the driver and a person who is:

- a) the owner or occupier of the land; or
- b) authorized, under or by virtue of arrangements made by the owner or occupier of the land, to enter into a contract with the driver requiring the payment of a parking charge in respect of the parking of the vehicle on the land

[SOURCE: Schedule 4 of the Protection of Freedoms Act 2012, Paragraph 2, (1)]

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

3.29 relevant land

privately owned land where parking is controlled by contract, as defined in Schedule 4, 2(1) of the Protection of Freedoms Act 2012

NOTE Relevant land may include land where parking is encouraged subject to terms and conditions, land where parking is limited to certain categories of driver and/or vehicle and land where parking is discouraged.

3.30 self-ticketing

process where a landowner or other person acting on behalf of the landowner or occupier issues a parking charge or records evidence of a parking event on behalf of a parking operator

3.31 sign

informative display notice comprising symbols and/or text that is displayed other than on the surface of parking premises

NOTE 1 For example, signs may be free-standing or affixed to the structure of the premises.

NOTE 2 Signs may contain static information or display a rolling cycle of messages (variable message signs).

3.32 single appeals service

body designated by the Secretary of State for Housing and Local Government to determine appeals against parking charges where an appeal to a parking operator has been made but not upheld

3.33 surface marking

lines, symbols and/or text applied to the surface of controlled land or created through the use of surfacing materials

3.34 vehicle

mechanically propelled vehicle or a vehicle designed or adapted for towing by a mechanically propelled vehicle

[SOURCE: Schedule 4 of the Protection of Freedoms Act 2012, Paragraph 2, (1), modified]

3.35 vehicle keeper

person by whom the vehicle is kept at the time the vehicle was parked, who in the case of a registered vehicle is to be presumed, unless the contrary is proved, to be the registered keeper

[SOURCE: Schedule 4 of the Protection of Freedoms Act 2012, Paragraph 2, (1), modified]

4 Signs and surface markings

COMMENTARY ON CLAUSE 4

Signs and surface markings used to provide information to drivers to indicate that they are entering relevant land, to display such terms and conditions as may apply and to direct traffic movements and delineate parking bays should be designed and applied in a way that is conspicuous, legible and comprehensible to drivers.

4.1 Signs

4.1.1 An entrance sign shall wherever practicable be displayed and maintained at the entrance to controlled land to inform drivers as appropriate whether parking is permitted subject to terms and conditions, including payment, or is prohibited, unless:

- a) the nature of the premises makes this unnecessary such that drivers would not reasonably assume parking was permissible; or

NOTE 1 For example a small shop forecourt or a private driveway fronting a residential property.

- b) local planning restrictions prohibit such signs.

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

NOTE 2 For example, for heritage reasons.

4.1.2 The entrance sign shall display:

- a) a blue rectangle with a 'P' symbol (unless public parking is not invited);
- b) the name of the parking operator;
- c) the logo of the accredited parking association to which the parking operator belongs;
- d) the fact that the site is private land and a warning that terms and conditions apply;
- e) where payment is required, whether on-site cash payment is available.

The entrance sign shall not imply an invitation to park where public parking is not permitted.

The size of the sign shall take into account the expected speed of vehicles approaching the entrance.

NOTE More detailed guidance on the design of entrance signs is given in Annex B.

4.1.3 Signs displaying the specific terms and conditions applying shall:

- a) be placed throughout the controlled land, such that drivers have the chance to read them at the time of parking or leaving their vehicle;
- b) be sufficiently large to be visible from a distance and legible on approach;

NOTE A minimum of 60 x 80 cm is regarded as best practice.

- c) display the logo, registered company number and contact details of the parking operator;
- d) display the logo of the accredited parking association which is responsible for maintaining the accreditation of the parking operator;
- e) be professionally made (not handwritten) using a highly legible typeface;
- f) use a font size appropriate for the location of the sign so as to be clearly readable by a driver, having regard to the likely position of the driver in relation to the sign;
- g) use colours such that the contrast between the background and the text makes the wording on the sign clearly legible;
- h) display the parking tariff or duration of permitted free parking as appropriate;
- i) be written in plain English avoiding jargon and legalese language and not use the words "penalty" or "fine";
- j) indicate whether and how ANPR or CCTV camera surveillance is being used;
- k) where the parking operator intends to use the keeper liability provisions in Schedule 4 of the Protection of Freedoms Act 2012, convey the requisite information to give the driver adequate notice of the parking charge as required by the Act; and
- l) where the parking operator is operating controlled land subject to byelaws, the requirements those byelaws impose in respect of parking and the sanctions that apply.

NOTE Where land is governed by byelaws, those byelaws cannot legally be set aside unless specific provision is made to do so, hence it is important that parking operators do not confuse the enforcement of byelaws with the contractual application of parking charges.

4.1.4 It is not necessary for the parking tariff to be displayed in full on the same sign as the terms and conditions, however, where they are displayed separately, the terms and conditions shall make clear that a tariff applies, and the signs displaying the tariff shall also make clear where information on payment options may be found.

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

NOTE Depending on the nature of the controlled land, it may be appropriate to display the tariff, where applicable, and instructions for making payment and the payment options available separately, e.g. the latter may be shown on or near on-site payment machines.

4.1.5 Signs shall be designed and installed so as to be conspicuous and legible in all lighting conditions during which the controlled land may legitimately be accessed, at a height that takes account of whether the signs are intended to be viewed from the vehicle or on foot.

NOTE 1 For example in car park premises open to the public in the hours of darkness, lighting of the premises and/or the signs may be necessary depending on the location of the signs.

NOTE 2 If there is more than one sign, all should be consistent with regards to typeface style, size and weight, colour and layout.

4.1.6 Signs shall be designed and maintained so as to withstand, and remain legible subject to, normal exposure to external conditions.

NOTE For example, the weather, bleaching by sunlight or accumulation of dirt, etc.

4.2 Signs and surface markings – adjoining parking premises

Where different terms and conditions apply to adjoining stretches of controlled land where there is no physical segregation, signs and/or surface markings shall be used by the parking operator to delineate clearly between these premises and alert drivers to the terms and conditions applying.

NOTE For example, there may be adjoining premises on business/industrial estates or multi-occupant premises with parking provision specifically earmarked for specific businesses and their clients. Parking operators should also have regard to confusion that might arise where a site is adjacent to a public highway with signs that could be taken to apply to the site.

4.3 Surface markings – delineated parking bays

Where parking conditions require drivers to park within delineated parking bays, surface markings shall be applied and maintained in such a manner as to be clearly visible to drivers.

NOTE Depending on the surface material, it is also good practice to use surface markings to display symbols indicating restricted uses, for example, parking bays reserved for parent and child parking, Blue Badge parking and parking for motorcycles or for recharging electric vehicles.

4.4 Material change – notices

Where there is any material change to any pre-existing terms and conditions that would not be immediately apparent to a driver entering controlled land that is open for public parking, the parking operator shall place additional (temporary) notices at the site entrance making it clear that new terms and conditions/charges apply, such that regular visitors who may be familiar with the old terms do not inadvertently incur parking charges.

5 Accessible parking (including Blue Badge)

COMMENTARY ON CLAUSE 5

Where parking is being provided as a service, parking operators need to have particular regard to the obligations placed upon them by the Equality Act and the EHRC statutory code, in particular to make reasonable adaptations to accommodate people with disabilities. Many parking operators and landowners choose to recognize the Blue Badge scheme and provide designated provision with specific bays which need to allow more space for opening vehicle doors, getting in and out of the vehicle, accessing a wheelchair etc. Adaptations are not purely physical – people with disabilities might reasonably need longer consideration period and grace periods, more time to access payment machinery, lowered payment machines and other ways to pay if payment is required: for example, paying by phone, and wheelchair accessibility to payment machinery and to enter/leave the premises.

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

5.1 The parking operator shall ensure that at least one sign containing the terms and conditions for parking can be viewed without the driver needing to leave the vehicle, in order for motorists with a disability to be able to make an informed decision on whether to park at the premises.

5.2 Where the Blue Badge scheme is recognized and display of a Blue Badge is required, signs displaying the parking conditions shall make this clear, including where the badge is to be displayed, such extra parking time as is being made available and what, if any, actions the driver needs to take to claim this time.

NOTE For example, telephone, text or email registrations.

5.3 Where designated bays are provided, the operator shall take such steps as are necessary to ensure that they are being used appropriately and not blocked by others.

NOTE This might require physical patrols or dedicated camera surveillance.

5.4 Where markings specified in the Transport Signs Regulations and General Directions are used within controlled land, the parking operator shall ensure that the meaning of the markings is clear.

NOTE There are allowances for Blue Badge holders to stop on yellow lines marked on the public highway which is assumed to apply unless operators take appropriate steps to indicate otherwise, through signs or other means.

6 Duration of parking event

COMMENTARY ON CLAUSE 6

As a matter of contract law, drivers need to be given an appropriate opportunity to understand and decide whether to accept the terms and conditions that apply should they choose to park a vehicle on controlled land. In pay-and-display premises, drivers need to have time to make the requisite payment before a parking event commences for the purpose of calculating the time a vehicle is parked in relation to the tariff payable. The amount of time needed varies according to the nature and size of the premises, and in car parks open to the public includes the time needed to find and access a vacant parking bay, or to leave the premises should the driver decide not to park, hence the need for a consideration period before the contract between the driver and the parking operator is made and the parking event occurs. It is also a requirement to allow a grace period at the end of the parking event where parking is permitted.

6.1 General

For the purposes of determining whether a parking event has exceeded a permitted free parking time limit, or exceeded the period for which a tariff has been paid at pay-and-display car parks or premises requiring pre-payment, the appropriate consideration and grace periods shall be taken into account by the parking operator.

6.2 Consideration period

It is for the parking operator to determine the duration of the consideration period, subject to the requirements set out at Annex A, taking the following factors into account:

a) the time required for a driver to identify and access a parking bay appropriate to their needs;

NOTE 1 For example, a driver seeking a Blue Badge parking bay or a parent and child parking bay, waiting for another vehicle to vacate a bay, returning to the vehicle to check the VRM, queuing at a payment machine, etc.

b) the time required for a driver to identify and read signs that display the parking terms and conditions, or the consequences of choosing to park where public parking is not invited;

c) the time required for a driver to identify and comply with requirements for payment;

NOTE 2 This is particularly important for controlled land where the requirement is to pay and display a permit using on-site machinery, make an exact payment in cash using specific coins, or pay-by-phone or on-line through a process that could take several minutes.

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

- d) the time required for a driver to leave the controlled land if they decide not to accept the terms and conditions;
- e) the impact of the layout of the controlled land on 6.2a) to 6.2d);
- f) the impact of the number of vehicles accessing the car park on a) to d); and
- g) the impact of the volume of traffic within the controlled land on a) to d).

6.3 Grace period

A grace period of no less than 10 minutes shall be allowed by the parking operator in addition to the duration of a parking event. This means that, before a parking charge can be issued by a parking operator, 10 minutes shall be added to the length of a time-limited period of permitted free parking or to the period for which pre-payment has been made where a tariff applies.

7 Payment of a parking tariff

7.1 On-site payment

7.1.1 Where on-site payment is required, clear information shall be displayed within the controlled land on the payment method(s) available in accordance with the provisions of Clause 4.

7.1.2 Where payment machines are installed within the controlled land, the following information shall be displayed on, or near (i.e., adjacent to), the payment machine:

- a) instructions for making the payment, including the tariff and the parking charge, the latter being in the largest font used to display the tariff;
- b) contact details of the organization responsible for responding to:
 - 1) queries about the making of the payment;
 - 2) queries about the use of on-site payment machinery;
 - 3) reports of malfunctioning pay machine equipment.
- c) the consequences of a machine being unavailable, i.e. whether alternative payment methods are available, the location of alternative machines and whether inability to pay due to machine failure absolves the driver from making payment or whether inability to pay means the driver is not permitted to park and is required to leave within the appropriate consideration period.

NOTE 1 If the information cannot be displayed on the payment machine, it should be displayed as close to it as is reasonably practicable.

NOTE 2 It is best practice for contact arrangements to include a staffed telephone line available during the hours the controlled land is open to the public, in addition to an email and website address.

NOTE 3 It is best practice for large parking premises requiring the use of on-site payment machines to provide multiple machines, e.g. on several floors of a multi-storey facility, and indicate on each where the next nearest machine is located.

NOTE 4 It is best practice on controlled land where a parking tariff is payable for the operator to provide alternative means of payment, e.g. cash or credit card, cash or pay-by-phone.

- d) Where ANPR or CCTV is used to manage parking, the information displayed shall include the name and contact details for the parking operator where different from the contacts listed for the issues at **7.1.2b**).

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

7.2 Pay-and-display premises

Where parking conditions require the parking tariff ticket to be displayed in the parked vehicle, in addition to the information at 7.1.2, the parking operator shall ensure the information provided includes clear instructions on where the tariff ticket is to be displayed. A thorough check through the windscreen and side windows of a parked vehicle shall be conducted before a parking charge is issued for non-display of a tariff ticket by a parking attendant. Where a parking charge is issued by post, it shall include a time-stamped image clearly showing the dashboard of the vehicle. A copy of the image shall be retained by the parking operator along with a record of how they have guaranteed the accuracy of the time stamp.

NOTE It is best practice to require that the tariff ticket be displayed on the dashboard of the vehicle, such that it should be clearly visible for inspection through the vehicle's windscreen, and for the tariff ticket to be made from appropriately robust materials so as not to be easily dislodged, e.g. by the closing of the vehicle doors. .

7.3 Keying errors

Where the terms and conditions require the driver to supply their vehicle registration mark at an on-site machine, by telephone or online, the parking operator shall have and follow a documented policy and procedure to avoid issuing or enforcing a parking charge in respect of accidental keying errors, in accordance with the appeals charter at Annex C.

8 Cameras and other technology

8.1 Use of cameras and other technology

No parking charge shall be pursued by a parking operator in respect of controlled land unless the cameras and/or other technologies they have adopted at the relevant location are fit for purpose and maintained to a good standard in accordance with the requirements of the accredited parking association to which the operator belongs, such that they are able to record accurately whether a parking charge is due, and are operated in accordance with the Surveillance Camera Code of Practice.

NOTE 1 Equipment might include on-site cameras, data transmission appliances, software, etc.

NOTE 2 Information about the design, security and maintenance of equipment and systems should be recorded and maintained for inspection by authorized bodies.

8.2 Camera vehicles

Camera vehicles used to monitor, and enforce, compliance with parking conditions shall clearly display the name of the parking operator.

NOTE It is best practice for camera vehicles to be clearly identifiable as such, hence they should also bear the logo and where applicable the livery of the parking operator, and not be used for covert surveillance.

8.3 Use of photographic evidence

Photographic evidence shall not be used by a parking operator as the basis for issuing a parking charge unless the images:

- a) capture the VRM of the vehicle to which the parking charge is deemed to apply;
- b) bear a time and date stamp applied at the point the picture was taken;
- c) show, where appropriate, the pay and display tariff ticket as displayed or not visible;
- d) have not been digitally altered other than to blur the VRM of other vehicles; and
- e) have been taken by a person who has been assessed by the parking operator as having the requisite skills and training.

**WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND 12 OCTOBER 2020.**

9 The parking charge

COMMENTARY ON 9

Guidance on appropriate text to include in a parking charge is given in Annex D.

9.1 Design and language

9.1.1 The parking operator shall not issue a parking charge or include material on its website which in its design and/or language:

- a) implies or would cause the recipient to infer statutory authority where none exists;
- b) deliberately resembles a public authority civil enforcement penalty charge notice;
- c) uses prohibited terminology as set out in Annex E.

9.1.2 The parking operator shall ensure that a parking charge informs the recipient:

- a) of the contact details of the parking operator (telephone number, email address, website, etc.) and of the address to which appeals should be made where different;
- b) of the process by which the recipient may appeal against the charge;
- c) that in the event of the recipient challenging the charge and that challenge being rejected, they have a right of appeal to the single appeals service;
- d) that if the recipient appeals within 28 days of receiving the parking charge, the right to pay at the rate applicable when the appeal was made shall stand for a further 14 days from the date they receive notification that their appeal has been rejected; and
- e) of the details of the operator's complaints procedure in accordance with Clause 12.

9.1.3 The parking operator shall ensure that the parking charge does not invite or require the recipient to provide a stamped addressed envelope as a prerequisite for their appeal.

NOTE Paragraphs 6-9 of Schedule 4 of the Protection of Freedoms Act 2012 specify the information to be included when a parking charge is being issued under its provisions, which should be adopted as best practice whether or not the Protection of Freedoms Act is the basis for levying a charge, unless the parking operator is operating under relevant byelaws in which case the requirements of the byelaws take precedence.

9.2 Parking charge – level

COMMENTARY ON 9.2

The level of the parking charge depends on a number of factors relating to the nature and location of the controlled land and the costs/damages borne by the parking operator and/or landowner where the level of tariff or parking charge is intended to discourage drivers from parking, or parking beyond a certain period.

The parking operator shall ensure that the level of a parking charge sought is proportionate to the location of the controlled land to which it applies and accords with the tiered approach set out in Annex F.

NOTE 1 Where the parking tariff exceeds the parking charge, the full payment of the tariff may be pursued.

NOTE 2 Operators seeking to recover a sum which does not represent a sum in the nature of damages should be able to demonstrate that, in the particular circumstances of the case, the charge serves a legitimate interest, as defined by the Supreme Court judgment, paras. [97-99, and paras 193, 198], in ParkingEye Limited v Beavis [2015] UKSC 677. Absent such justification, or if sums are added to the parking charge, the penalty rule is engaged, and the sum would not be recoverable.

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

9.3 Parking charge – discount

The parking charge shall offer a discount of no less than [40%-50%] of the parking charge sought where payment is made within 14 days of the receipt of the parking charge. **[[NOTE: MHCLG is consulting on the parking charge discount separately through the Code Enforcement Framework. You can comment on the Code Enforcement framework here: <https://www.gov.uk/government/consultations/parking-code-enforcement-framework>]]**

9.4 Process for appealing a parking charge

9.4.1 Parking operators shall provide a process for drivers, vehicle keepers and hirers/hire companies to appeal against their liability for payment of a parking charge, as detailed in the parking charge, which:

- a) allows that the parking charge may be challenged within 28 days of its delivery to the driver, vehicle keeper or hirer/hire company;
- b) requires the parking operator to respond to appeals within 28 days or, where a decision on the appeal is not concluded within 28 days, requires the parking operator to acknowledge the appeal and confirm the timeframe for concluding it, including the supply of additional information;
- c) requires the parking operator to consider appeals received outside of the normal 28 day period allowed for lodging an appeal where the appellant provides evidence of exceptional circumstances for the appeal not being lodged within the normal timeframes; and
- d) precludes the ability to appeal once the charge is paid.

9.4.2 In considering appeals, the parking operator's process shall provide for consideration of mitigating circumstances, with no presumption that these are to be accepted, in accordance with the criteria applied to appeals by the single appeals service.

NOTE Examples of instances where enforcement of a parking charge would be inappropriate are given in Annex G.

9.4.3 Where the parking operator rejects an appeal against a parking charge, they shall present the driver, keeper or hirer with the option to:

- a) pay the parking charge in full; or
- b) appeal the decision to the single appeals service.

9.4.4 Where option a) is chosen, the parking operator shall allow 28 days from when the driver, keeper or hirer receives notification that their appeal has been rejected for payment to be made.

9.4.5 Where option b) is chosen, enforcement proceedings and/or debt recovery shall not commence until the single appeals service determines the appeal.

9.4.6 Parking operators shall ensure that a statement indicating that free debt counselling and/or legal advice services are available shall be included in communications with drivers, vehicle keepers and hirers concerning parking tariffs or parking charges, including the fact that alternative dispute resolution remains an option for 12 months.

NOTE 1 Website details of organizations that offer free debt counselling and/or legal advice services should be provided in correspondence to drivers, keepers or hirers.

NOTE 2 See **Clause 10**.

NOTE 3 Attention is drawn to the *Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015* and the *Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015*.

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

9.4.7 Private parking operators shall retain and provide to authorized bodies upon request:

- a) the number of parking charges they have issued, by date and location, for the period requested by the authorized body;
- b) the number of appeals to parking charges received within the period requested by the authorized body, including
 - the date of each appeal;
 - the address of the controlled land for which the issue of a parking charge was appealed; and
 - whether each appeal was accepted;
- c) where an appeal has been accepted, such remedial action as the parking operator may have implemented to avoid a repeat of the circumstances leading to the issue of the parking charge.

10 Escalation of costs

The parking operator shall not levy additional costs over and above the level of a parking charge as originally issued.

NOTE This does not prevent an operator from instructing a separate company to recover an additional sum where payment of the parking charge has not been made. The additional sum is not to exceed the amount set by the APA.

11 Enforcement action

11.1 General

If a driver, keeper or hirer does not respond to a parking charge or subsequent correspondence, reasonable endeavours shall be undertaken by the parking operator to confirm that the correspondence details of the driver, keeper or hirer are correct before commencing enforcement action.

NOTE For example, reasonable endeavours might include contacting credit reference agencies.

11.2 Debt and debt collection

COMMENTARY ON 11.2.

Debt collection agencies may be contracted by a private parking operator to collect outstanding parking tariffs or parking charges.

11.2.1 Checks

Before employing or sub-contracting to a debt collection agency, the parking operator shall check that the debt collection agency is a full member of an accredited parking association, as well as being authorized by the Financial Conduct Authority and any other relevant bodies.

11.2.2 Vehicle keeper details

A vehicle keeper's details shall only be supplied to a debt collection agency by a parking operator where that agency has been employed or sub-contracted by that operator to pursue a claim specific to that vehicle keeper.

**WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND 12 OCTOBER 2020.**

12 Complaints handling

COMMENTARY ON 12

A complaint is a grievance about the conduct or process of a parking operator, its services or its employees, which may or may not relate to a specific parking charge, but does not of itself constitute an appeal.

12.1 The parking operator shall have and follow a documented policy and procedure to receive, evaluate, make and record its decision both on complaints and appeals in a non-discriminatory manner, in accordance with the requirements of the accredited parking association to which it belongs, published on its website, including the action a complainant may take where dissatisfied with the operator's determination of their grievance.

12.2 Where a complainant serves a complaint that challenges or leads to a challenge of the validity of a parking charge, it shall be handled and recorded as an appeal for the purposes of applying the timescales in Clause 9.4, unless and until it is clear that the complaint is not relevant to an appeal.

NOTE It may not be immediately apparent that a complaint served as such relates to one or more specific parking charges, possibly by way of a clarification that reveals that an appeal would be worthwhile, hence parking operators are advised to record and handle complaints as appeals until they are found conclusively not to be so or patently refer to matters not relevant to the validity of a parking charge.

12.3 If a complaint is made orally (e.g. by phone or via the landowner), the parking operator shall provide the complainant with the parking charge reference (if they do not already have it) and an explanation of how appeals may be made, by whom, and the deadline to do so. To avoid reducing the time available to appeal, this information shall be given immediately, if the complaint is made orally to the parking operator, or as soon as reasonably practicable, if conveyed via the landowner, even where the detail of the complaint requires longer to investigate.

12.4 A complaint shall be acknowledged by the parking operator within 7 days of its receipt.

12.5 A full response to a complaint shall be provided by the parking operator within 28 days of its receipt unless exceptional circumstances apply, in which case the complainant shall be kept informed by the operator.

12.6 When a complaint is received, the parking operator shall record and make available on request to authorized bodies:

- a) the date of complaint;
- b) the complainant;
- c) a copy of the complaint;
- d) a copy of all correspondence;
- e) the outcome;
- f) details of corrective action required and undertaken to ensure the situation does not recur (where the complaint has merit).

12.7 The parking operator shall maintain a register showing the last 24 months of complaints for review by authorized bodies.

NOTE It is best practice for parking operators routinely to review complaints for evidence of patterns or repeated concerns which might require a review of procedures, refreshing, rephrasing and clarification of guidance or retraining of staff.

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

13 Insurance

The parking operator shall obtain and maintain public liability and employers' liability insurance at the levels required by the accredited parking association of which the parking operator is a member.

The exception to this shall be where the parking operator is a public sector body that can demonstrate to its accredited parking association that it has sufficient resource to self-insure to the required levels.

14 Professional standards

COMMENTARY ON 14

It is the responsibility of the parking operator to ensure that staff, agents and sub-contractors used are competent to carry out the tasks they are employed to do and to ensure they act in compliance with this PAS.

14.1 Training

14.1.1 Parking operators shall define the minimum skill and knowledge required to fulfil each defined role in their management of controlled land, their methods for conducting initial evaluation and continued monitoring of personnel to assure their ongoing competence.

NOTE Training should include:

- a) *the procedures required for the issuance of parking charges; and*
- b) *other relevant legislative requirements including equality duties and data protection.*

14.1.2 Training records shall be created by parking operators and retained for no less than 3 years.

14.1.3 Training records shall be made available by parking operators to authorized bodies on request.

14.2 Identification for parking attendants

14.2.1 Parking attendants shall be provided by the parking operator for whom they are working with an ID card to a design approved by their accredited parking association which includes:

- the company name;
- the parking attendant's identification number;
- a photograph of the parking attendant.

14.2.2 Parking attendants shall be instructed by the parking operator to carry their identification card during working hours and to display it on request by a driver.

NOTE It is good practice for parking operators to provide a uniform for the parking attendants on their own staff which clearly shows that the individual is a parking attendant and the name of the company for whom they are acting.

15 Relationship with landowner

15.1 Where controlled land is being managed on behalf of a landowner(s), written confirmation shall be obtained by the parking operator from the landowner(s) that states they understand and accept:

- a) the terms and conditions that are to be applied by the parking operator, including the duration of free parking permitted, parking tariffs, and specific permissions and exemptions, e.g. for staff;

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

b) the means by which the parking conditions are to be applied;

NOTE For example, the use of cameras.

c) the obligations under which the parking operator is working, in compliance with this PAS and as a member of an accredited parking association; and

d) the parking operator's approach to the handling of appeals to parking charges.

15.2 The following factors shall also be secured in writing by parking operators from landowner(s) on whose behalf they are working:

1) a statement that defines the controlled land to be managed;

2) such conditions or restrictions the landowner wishes to apply to public access to the controlled land;

NOTE For example, on hours of operation and/or types of vehicles that may, or may not, be subject to parking control, etc.

3) clarity on whether the controlled land, in whole or part, is subject to byelaws governing the management of parking;

NOTE Where byelaws have been made, unless specific legal provision has been made to suspend them, they take precedence and therefore no alternative terms, conditions or contractual obligations can be made or enforced.

4) a statement of the respective responsibilities of the landowner and the private parking operator for creating, installing and maintaining signs and surface markings, and for maintenance of the fabric of premises including lighting and associated cameras and technology for managing parking activity; and

5) confirmation that the landowner agrees to provide a written statement detailing what is set out in **15.1 a) to 15.1 d)** and items **15.2 1)** through **15.2 3)** above on request from authorized bodies in respect of any parking premises it manages.

NOTE A template agreement is at Annex H.

15.3 The parking operator shall obtain a written, signed, binding contract with the landowner, including a boundary map of the land to be managed, before commencing enforcement action, such as issue of a parking charge.

NOTE In addition to the issues set out in 15.1 and 15.2, a contract is needed to establish the commercial terms under which the land is to be managed.

16 Self-ticketing/self-reporting and incentives

16.1 The processing of parking charges issued by third parties shall only be undertaken by parking operators where:

a) the third parties are registered with an accredited parking association;

b) written confirmation has been obtained from the third parties that they have read, and agree to abide by, the requirements in this PAS; and

c) the parking operator has conducted an audit on the practices of the third party for whom they supply, or intend to supply, a processing service, and inspected the site in question to check that signs have been installed and maintained in accordance with **Clause 4**.

16.2 A parking operator shall not issue a parking charge on the basis of photographic evidence supplied by a third party unless it can demonstrate that the individual has had the appropriate training (see **14.1** above) and can provide evidence to show that notification could not

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

reasonably have been given to the driver or affixed to the vehicle in accordance with Schedule 4 paragraph 7 of the Protection of Freedoms Act 2012.

16.3 A parking operator shall not offer or pay a financial incentive relating to the amount of a parking charge directly to any person not at the time an employee or contractor to the parking operator who gathers or supplies evidence for the issue of a parking charge.

16.4 A parking operator shall not offer or pay to its contractors or directly employed staff a financial incentive intended to increase the number of parking charges issued.

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020.**

Annex A (normative) **Consideration periods**

COMMENTARY ON **ANNEX A**

The purpose of this Annex is to distinguish between and set best practice and mandatory minima for the consideration periods that apply to the different circumstances where a parking charge may otherwise arise. Clearly there is a marked difference between:

- a) *the period appropriate for a driver entering a car park ostensibly welcoming public parking, potentially free of charge for a period, to decide whether or not to park subject to the applicable terms and conditions, since by parking or by paying on site at a pay-and-display location they will be deemed to have entered into a contract with the parking operator, and*
- b) *a driver mistakenly or mischievously*
 - *entering controlled land where public parking is restricted or unwelcome (e.g. residents' only parking at apartment blocks);*
 - *stopping in areas within car parks reserved for particular users or classes of user to park (e.g. staff parking or unloading bays); or*
 - *stopping on the carriageway of roads on private land where stopping is not permitted (e.g. on roads within airports).*

The significance of whether a parking event has taken place is that it means the driver has, by virtue of parking the vehicle, accepted the contractual terms attaching to the controlled land in question.

A.1 The minimum consideration periods and grace periods listed in Tables A.1 through A.5 shall apply.

A.2 Parking operators shall obtain the consent of the accredited parking association to which they belong to the consideration periods they intend to apply to individual sites before issuing a parking charge based upon them.

Table A.1

Type of Land:	Minimum Consideration Period (mins)	Parking Event	Grace Period (mins)	Entrance Sign to display
Open to the public				
Free for a period	10	Yes	10	Duration of free parking
Tariff for parking – no barrier, pay on arrival	10	Yes	10	Tariffs apply
Tariff for parking – no barrier, pay on exit	10	Yes	10	Tariffs apply
Tariff for parking – barrier controlled	10	Yes	10	Tariffs apply
Tied to an event	5	Yes	N/A	Specify permitted use

NOTE *It is important to stress that the consideration period is the amount of time a driver has to decide whether or not to park. Should the driver do so within the consideration period, e.g. by purchasing a pay-and-display tariff ticket in less than 10 minutes, the consideration period is deemed to have expired. Some parking facilities are only opened*

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020.**

to the public, or ticket holders, when specific events are running e.g. music festivals or sports events hence the consideration period would not be relevant if the gateway to the controlled land was staffed to check eligibility. But a busy multi-storey town centre car park might necessitate a longer period for the driver to find a parking bay, read the terms and conditions and decide whether to stay.

Table A.2

Table A.2

Type of Land	Minimum Consideration Period (mins)	Parking Event	Grace Period (mins)	Entrance Sign to display
Open to the public				
Dedicated bays, e.g. reserved for accessible parking, blue badge, electric vehicle recharging	none	Only for permitted vehicles	0	n/a
Prohibited areas e.g. for emergency vehicles or access to doorways	none	No	0	n/a

A.3 Where sections of a car park are restricted for certain users or for certain purposes, then no parking event, with associated grace period, shall apply to drivers ineligible to park.

NOTE The consideration period for entering, for example, a multi-storey car park stands, but not for entering or blocking a bay within a car park reserved for Blue Badge holders, parent and child parking, electric vehicle recharging or access to doorways, loading/unloading, etc., subject to these areas having been marked appropriately. Conversely where a dedicated bay is clearly defined by signs and markings both a longer consideration and grace period are likely to be appropriate to provide the reasonable adjustments required by the Equality Act e.g. for Blue Badge holders.

Table A.3

Table A.3

Type of Land	Minimum Consideration Period (mins)	Parking Event	Grace Period (mins)	Entrance Sign to display
Open to the public (customers)				
Customer Only	n/a	No	0	Specify permitted use

NOTE This refers to limited parking tied to particular premises e.g. a hairdresser or awaiting vehicle service/MoT testing. Generally these are small areas close to the business premises in question. Unauthorized parking cannot attract a grace period, and the length of the consideration period is dependent on the clarity of the signs and markings indicating who is and isn't welcome, and for how long. Non-customers should not enter space clearly defined by signs and markings as customer-only, but would need time to exit if they entered in error.

Table A.4

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020.**

Table A.4

Type of Land Permitted access only	Minimum Consideration Period (mins)	Parking Event	Grace Period (mins)	Entrance Sign to display
Permit only – business/staff	n/a	Only if permitted	0	Specify permitted use
Permit only – residential/visitor	n/a	Only if permitted	0	Specify permitted use

NOTE Car parking that is reserved for staff or residents needs to be clearly signed, and the consideration period need only be as long as is reasonable for a driver to understand that they are not permitted to park. Where parking is only for permitted vehicles but the land is not gated, drivers of non-permitted vehicles need time to exit if they reasonably entered in error.

Table A.5

Table A.5

Not Authorized	Minimum Consideration Period (mins)	Parking Event	Grace Period (mins)	Entrance Sign to display
Private land – land or premises	n/a	No	0	No Parking
Private land – roadway	n/a	No	0	No Parking

NOTE Where entry on to private land is prohibited, from residential driveways to farmer's fields, the consideration period need only be as long as is reasonable for a driver to understand that they are not permitted to park. Best practice is to ensure that access to the controlled land itself makes clear that public access is not welcome.

Annex B (normative) **Entrance signs**

B.1 General

COMMENTARY ON B.1

There is a clear difference between best practice on the content and presentation of signs at the entrance to premises that welcome public parking and those which do not.

B.1.1 Signs at the entrance to a parking area shall clearly show the type of parking available and if, when and how any payment is required to be made. If public parking is not welcomed, that shall be made clear. If public parking is welcomed, then the cost, including exposure to a parking charge, shall also be made clear.

B.1.2 If one of the standard wordings below applies, then the standard wording shall be used.

NOTE If none of the standard wordings apply, alternative wording may be used. Words in square brackets may be omitted.

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

B.1.3 There shall be at least one item from Group 1. However, no more than three items from Group 1 shall appear before, and more prominently than, text from Group 2. The sign shall state that terms and conditions apply and say where drivers can find more details (usually on other notices in the parking area).

B.1.4 If there are different payment terms for Blue Badge holders, such terms shall also be displayed. The words “Blue Badge holders” shall generally be replaced by the Blue Badge symbol (exactly as shown in the Traffic Signs Regulations Guidance Document, not a local version).

Table B.1

Group 1	Group 2
Pay and display [except/free for Blue Badge holders]	Charges apply [after this] [after x minutes/hours]
[x minutes/hours] free parking [for {business name} customers only]	Private land
Pay on exit	Terms and conditions apply
Pay [on foot/at machine] when leaving	See the notice[s] [in the car park] for details
Parking for [business name] customers only	
Permit holders only	

B.2 Text size

B.2.1 The capital height for Group 1 text depends on the approach speed of traffic. Group 2 text shall be at least 50% of the size of Group 1 text. All other text shall be smaller than 50% of the Group 1 text size.

NOTE The name of the car park or parking area, or a brief welcome message (if included), may be larger.

Table B.2

Situation	Typical approach speed (mph)	Minimum capital height for Group 1 text (mm)
Barrier control	under 10	50
Parking area entered immediately by turning off a 30 mph road	15	60
Car park entered from higher-speed road or using a length of access road	25	90
Service areas on motorways and dual carriageways	40	120

B.2.2 The sign shall be placed so that it is readable by drivers without their needing to look away from the road ahead.

NOTE Any text on the sign not intended to be read from a moving vehicle can be of a smaller size.

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

B.3 Contrast and illumination

B.3.1 There shall be enough colour contrast between the text and its background, each of which shall be a single solid colour.

NOTE The best way to achieve this is to have black text on a white background.

B.3.2 Signs shall be readable and understandable at all times, including during the hours of darkness or at dusk, if and when parking enforcement activity takes place at those times.

NOTE 1 This can be achieved in a variety of ways such as by direct lighting or by using the lighting for the parking area.

NOTE 2 If the sign itself is not directly or indirectly lit, best practice is that it should be made of a retro-reflective material similar to that used on public roads and described in the Traffic Signs Manual. Dark-coloured areas do not need to be reflective.

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

Annex C (informative)

Appeals charter

[Text TBC]

The Appeals Charter is the statement of how specific categories of appeal and supporting evidence, including mitigating evidence, are to be handled on appeal to the parking operator. This does not preclude the driver, vehicle keeper or hirer's right of appeal to the single appeals service should they reject the operator's determination of their appeal.

[[NOTE: MHCLG is consulting on the Appeals Charter separately through the Code Enforcement Framework. You can comment on the Code Enforcement framework here: <https://www.gov.uk/government/consultations/parking-code-enforcement-framework>]]

Annex D (informative)

Parking charge – example of standard text

This is a parking charge issued on private land.

Payment of this charge may be pursued by the operator through legal means, including the courts, which may result in you incurring additional costs if the charge is unpaid.

You can appeal against the charge by writing to the car-park operator. If you are not satisfied with the outcome, you can make a further appeal to the Single Appeals Service. Details are given elsewhere on the notice.

The car park operator is bound by the provisions of BSI PAS 232 which has been designated as the required Code of Practice for Private Parking by the Secretary of State for Housing, Communities and Local Government in accordance with the Parking (Code of Practice) Act 2018, and can be viewed here [...].

Free and independent advice is available from your local Citizens Advice Bureau or by calling the Citizens Advice Consumer Advice helpline on 0808 223 1133, or 0808 223 1144 to contact a Welsh-speaking adviser. There are also Textphone numbers if you need them.

<https://www.citizensadvice.org.uk/about-us/contact-us/contact-us/consumer-service/>.

Annex E (normative)

Terminology in parking operator/debt recovery agent correspondence and communication

E.1 General

The terminology used in a parking charge shall be clear, concisely conveying to the reader what they are being asked to pay, why, how to pay, the consequences of not paying, and how to appeal against the charge, but shall not misrepresent to the reader that the parking charge arises from the exercise of the statutory powers of the police or any other public authority. Therefore the parking charge notice shall not use terms which imply that parking is being managed, controlled and enforced under statutory authority, nor shall it pressurize the reader such that they do not consider all their options or make a decision that they might not otherwise have made.

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020.**

Where byelaws have been made in respect of controlled land, the parking operator shall make clear in all communication that this is so and shall follow the appropriate legal procedure for their enforcement.

NOTE It is not permissible in law to supplant or supplement active byelaws with contractual terms and conditions.

E.2 Wording used in operator notices

Operators shall not use the following terms:

NOTE This is not an exhaustive list.

- offence, offender, offending vehicle
- illegal parking
- crime
- violation
- (anything impersonating a council PCN)
- ‘Fixed’ charge or anything impersonating a ‘NIP’ (Police wording)
- fine or penalty
- contravention

Operators shall also not use terminology likely to be read as a Penalty Charge Notice (e.g. Notice to Owner, Charge Certificate, Order for Recovery) or a Notice of Intended Prosecution (e.g. fixed charge).

E.3 Wording used by debt recovery agents (DRA)

COMMENTARY ON E.3

The principle of engaging a DRA where the creditor and their customer are unable to achieve a satisfactory conclusion, especially when standard appeals/arbitration protocols have been exhausted, is widely used. Whilst DRAs strive to come to an arrangement, some cases may have to be settled at Court hence it is important that the customer (driver) is made aware of the implications of non-payment.

The DRAs shall not use terms which may cause a motorist to reach a decision that they might not otherwise have made – such terms include the list in **E.2** and the following:

NOTE This is not an exhaustive list.

- bailiff (in any pre-action letters)
- summons
- justice
- prosecution
- excessive use of “CCJ”
- calling round
- earnings attachment
- bankruptcy

E.4 Websites

Parking operators shall ensure that their websites comply with the guidance and restrictions above.

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020.**

Annex F (normative)
Parking charge levels

[[NOTE: MHCLG is consulting separately on the parking charge levels through the Code Enforcement Framework. You can comment on the Code Enforcement framework here: <https://www.gov.uk/government/consultations/parking-code-enforcement-framework>]]

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

Annex G (normative)

Exempt vehicle cases and non-stopping zones

G.1 Exempt vehicles

Parking charges shall not be pursued in relation to vehicles where evidence is provided that they are identified as:

- a) ambulance, fire brigade, police, or coastguard vehicles where their access to the controlled land is necessary to the exercise of their operational duties, e.g. in response to an emergency call;
- b) vehicles being used by a doctor or other health worker (e.g. midwife or district nurse) who is on an emergency call at the address under control, and the vehicle is displaying a BMA badge or authorized Health Emergency badge;
- c) a breakdown assistance or recovery vehicle in use for recovery of a vehicle on the premises that has broken down and cannot safely be driven out without repair;
- d) a vehicle that has been driven onto controlled land due to an instruction to the driver by a member of the emergency services, or an invitation or instruction from the landholder(s) or parking operator;
- e) a vehicle that has been driven onto controlled land due to an emergency which could not be avoided due to the exceptional nature of an incident outside of the control of the driver, e.g. illness or vehicle breakdown;
- f) a hearse and/or other vehicle in use at the time as part of a funeral cortege.

NOTE It is good practice for parking operators to encourage landowners or occupants where parking is restricted (e.g. staff only, residents only) to make provision for the turnover of staff, residents and permitted visitors, including maintaining an exempt list of vehicle registration marks, and arrangements to cover acquisition of and replacement of vehicles, and provide for notification of access granted to removals, delivery and trade vehicles, such that the issue of a parking charge and subsequent appeal can be avoided. It is also good practice, where possible (e.g. at hospitals or GP surgeries), to mark dedicated drop-off and/or loading areas with adjacent signs stating the maximum time allowed.

G.2 “No-stopping” zones

COMMENTARY ON G.2

The exemptions in G.1 also apply within “no stopping zones” (i.e. private roads clearly marked with lines and clear, obvious and repeated traffic-facing “no stopping” signs and barriers to deter trespass).

Parking operators shall not pursue parking charges in a no-stopping zone where the stop was:

- to avoid an accident
- to allow a person to get or give help in respect of an accident or emergency
- to give way to an emergency vehicle
- at a closed gate or barrier or at a zebra crossing, junction, etc.
- due to stationary or slow-queuing traffic preventing the vehicle from moving.

**WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND 12 OCTOBER 2020.**

**Annex H (informative)
Sample land owner/operator notice**

COMMENTARY ON H

This draft does not cover the management of land governed by byelaws, where specific provision would need to be made to cover their extent and the legal remedies available for their enforcement.

H.1 Purpose

Where an operator manages parking on privately owned land, it is important that the land owner is clear about the approach the operator takes, the terms and conditions they apply, the regulatory constraints within which the operator is working and the respective responsibilities of the land owner and the operator in respect of the management of the land.

Hence, the purpose of this document is:

- a) to confirm that the land owner has appointed the operator to manage the land;
- b) to confirm that the land owner has been informed and has properly considered the issues relating to management of the land when appointing the operator including all terms and conditions (e.g. restrictions, parking tariffs and parking charges, and exemptions) to be applied by the operator to third parties in managing the land;
- c) to confirm the identity of the land owner;
- d) to confirm that the land owner has been provided with a copy of the Code and is aware of the obligations of all parties under the Code;
- e) to confirm that all provisions relating to the terms and conditions (including restrictions, parking tariffs and parking charges, and exemptions) to be applied by the operator to third parties in managing the land are complete and accurately and consistently cover the operator's duties under the contract under which the operator is to manage the land.

This document is not intended to create any new legal relationship between the land owner and the operator outside the contract under which the operator is to manage the land.

This document may be disclosed to motorists on request and will form part of the checks undertaken by the Accredited Parking Association when accrediting the operator.

H.2 Definitions

"Land" means

Full Site Address:		
Contact details:	Email:	Telephone:
Site Map (clearly defining boundaries):		

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020.**

“Land owner” means

Name of landowner:	
--------------------	--

NOTE The land owner is deemed so if they are the legal occupier of the land.

“Operator” means

Name of operator:		
Address:		
Contact details:	Email:	Telephone:

“The Accredited Parking Association” means [insert the operator’s APA].

“The Code” means The Code of Practice made by the Secretary of State for Housing, Communities and Local Government in accordance with the Parking (Code of Practice) Act 2018.

“The conditions of parking” means the parking restrictions set out for the land as indicated by the signs located throughout the car park.

H.3 Appointment of the operator

The land owner confirms they appoint the operator to manage the land in accordance with the conditions of parking.

The land owner attests that they have been provided with a copy of the Code and understand the most recent version can be viewed at [insert link to Code].

The land owner confirms they understand the operator is required to act in accordance with the Code when managing the land.

The land owner understands the operator is the creditor for all parking charges issued and have discretion about how they are enforced, including proceeding cases through the County Court.

In consideration of the above, the land owner has directed the operator to manage the land.

The land owner confirms that they have considered with the operator:

- The needs of the users of the land.
- The hours/days on which the land may be occupied.
- The obligation of the operator to apply consideration and grace periods in accordance with the Code.
- Arrangements and exemptions for loading/unloading and deliveries.
- Any reputational issues that may arise for the land owner.
- The Equality Act 2010, including arrangements for motorists with disabilities and whether any concessions apply, including extended dwell times.
- The requirements of the Accredited Parking Association to which the operator belongs
- The statutory obligations applying to the operator.

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020**.

- The land owner's expected involvement and responsibilities e.g. for building maintenance, lighting display of information signs, etc.
- Site-specific appeals criteria to be applied by the operator.

[Insert operator name] is appointed to manage the land from [insert date contract begins].

Signed:

On behalf of landowner

Print name

Relationship to the land owner

WARNING. THIS IS A DRAFT AND MUST NOT BE REGARDED OR USED AS A PUBLISHED PAS.
THIS DRAFT IS NOT CURRENT BEYOND **12 OCTOBER 2020.**

Bibliography

Standards publications

For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

BS ISO 28564-2:2016, *Public information guidance systems – Part 2: Guidelines for the design and use of location signs and direction signs*

BS ISO 28564-3: 2019, *Public information guidance systems – Part 3: Guidelines for the design and use of information index signs*

Standards publications/Other publications/Further reading

[TBC]