

Car Parking Enforcement

Introduction

Parking restrictions and certain other traffic breaches (such as driving in bus lanes) are increasingly being enforced by councils. Under the provisions of legislation that councils follow, there are statutory rights of appeal/challenge to an independent adjudicator at the Traffic Penalty Tribunal.

What we can do

The circumstances where we might be able to look at your complaint are extremely restricted. However, there may be some limited aspects that we could take a look at:

- We may be able to look at a complaint about the actions of bailiffs instructed by the council to recover an unpaid parking fine, but this depends on the individual circumstances.

What we cannot do

We cannot investigate most complaints about parking enforcement. We cannot overturn a parking enforcement decision nor can we stop enforcement action from going ahead. As well as this, we cannot usually investigate complaints where there is a statutory right of appeal to an independent tribunal or to the courts:

- If the council issues a penalty charge notice due to a parking breach under the Traffic Management Act, you can appeal to the Traffic Penalty Tribunal and so we will not usually consider your complaint. If you have not used your right of appeal, we will look at whether there are any exceptional reasons why your complaint might be considered. However, since an appeal to the Tribunal is free and it was specifically set up to look at such appeals, we would expect you to appeal in most cases. If you have already appealed, we cannot look at the complaint at all.
- If the council issues a PCN under the Road Traffic Regulation Act, you can challenge it in the courts and so we will not usually look at your complaint. If you have not used this right, we will look at whether there are any exceptional reasons why your complaint might be considered. However, since a clear legal remedy exists, we would expect you to use it in most cases. If you have already been through the legal process, we cannot look at the complaint at all.

In addition:

- Many private companies issue the similar sounding Penalty Charge Notice when it comes to private land, for example at a supermarket car park. These are contractual notices and are not issued under the legislation used by councils. These are a private legal matter between you and the company that issued the notice, although some companies have signed up to an independent appeals process, administered by Parking On Private Land Appeals (POPLA). We cannot become involved in any way in these cases.

Further information

You may like to consider contacting the following organisations for advice or information:

The Traffic Penalty Tribunal deals with appeals against PCNs issued under the **Traffic Management Act**. You can contact them by phone on **0800 160 1999** or visit their website at: www.trafficpenaltytribunal.gov.uk/

The **Citizens Advice Bureau** provides free advice and assistance to members of the public and specific information about parking enforcement can be found on their website at: <https://www.citizensadvice.org.uk/law-and-courts/parking-tickets/>

POPLA considers appeals against notices issued by private companies who are members of the **Approved Operator Scheme (AOS)** administered by the British Parking Association (BPA). You can contact them by phone on **03301 596 126** or visit their website at: www.popla.org.uk/default.htm

Contact us

If you are not sure whether we would be able to look into your complaint, please [contact us](#) on 0300 790 0203 or ask@ombudsman.wales

Also available in Welsh.

Easy Read

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