

Private Parking 2025 Consultation
Ministry of Housing, Communities and Local Government
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London
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Consultation Response

Which? response to the Ministry of Housing, Communities and Local Government's consultation on a Private Parking Code of Practice

Submission date: 5th September 2025

Response submitted using an online form.

Summary

Which? welcomes the opportunity to respond to this consultation. We fully support the intention to introduce a new government Code of Practice and a robust compliance framework for parking operators that will help to ensure consumers can have trust in the system and are treated fairly.

Which? frequently hears from people who have been treated unfairly by private parking operators and who also suffer a great deal of distress trying to seek redress when they are treated unfairly.

It is clear that the industry code of practice does not go far enough. We therefore support a stronger government code of practice and specifically:

- We agree that parking fines should be capped but consider that £50, as set out in the government's withdrawn Code, seems a fairer level - and it should be transparent to motorists that an early payment discount of 40% applies. The cap needs to be set at a level that is fair that acts as a deterrent, but is not aimed at generating excess profit.
- We are concerned that debt recovery fees are currently misused and can lead to motorists being treated unfairly and therefore do not think that there should be an automatic entitlement for them to be claimed. .
- It is crucial that the Code addresses clarity and prominence of signage. We do not agree that a specified minimum size is no longer needed, although recognise that the nature of the signage needs to reflect the particular circumstances so that it is clearly visible to motorists.
- We strongly agree that a parking charge should not be issued to a motorist who makes a full payment before leaving a carpark which uses ANPR.

- If the mitigating circumstances included in the Code apply, the parking charge should be cancelled (not just reduced).
- We strongly support an independent, single appeals body to replace the two existing second stage appeals processes.
- We strongly agree that where an appeal outside of the normal 28 day appeal period is considered (where the appellant provides evidence of exceptional circumstances for the appeal not being lodged within the normal timeframes), the 28 day period should restart and that any enforcement action should be paused, or where the enforcement action is court proceedings the parking operator should be required to apply for a stay in those proceedings,
- We strongly agree that if a parking charge notice is served but not responded to, the keeper may still identify the driver and that liability of the keeper falls in favour of that of the driver who may still then exercise their right of appeal.
- The Code should mandate that trade associations should collect data from their parking operator members and share it with the government and Scrutiny and Oversight Board to enable an understanding of compliance.
- We agree that the Scrutiny and Oversight Board should be comprised of people who can act independently and in the public interest. The governance of the process should also ensure full transparency so that it is clear that members do not have any conflicts and that if they should arise, they are appropriately managed.
- Parking operators should be required to provide a link to government guidance on all correspondence with motorists so that they have access to independent advice on their rights.

Full response

Introduction

The Parking (Code of Practice) Act was passed in 2019, but in 2025 no Code is in place and Which? continues to regularly hear stories of people who have suffered a great deal of emotional as well as financial harm at the hands of this sector. We therefore welcome the government's intention to make swift progress on introducing a Code of Practice, as specified in the Act, and this consultation on its detail, with the intention of raising standards across the private parking industry.

We agree that the industry's development of its own industry code of practice does not go far enough to address the issues consumers experience in this sector. We support the intention to introduce a new government code of practice and a robust compliance framework for parking operators that will help to ensure consumers can have trust in the system and are treated fairly.

The legislation specifies that the Code must contain, among other things, guidance that promotes good practice in the operation and management of private parking facilities and guidance about appeals against parking charges imposed by, or on behalf of, persons providing private parking facilities.

The consultation document explains that the government continues to receive reports about poor parking operator behaviour since the introduction of the Industry Code and this is certainly Which?'s experience. We agree that the existing system of industry self-regulation is not transparent or independent enough to be trusted to consistently hold operators to account.

Some of the issues we have heard about are set out in a Which? magazine article from May 2025. But we also regularly hear from our members and supporters about issues with private parking. These align with the issues highlighted in the consultation paper and include:

- **Disproportionate and unfair fines** - Many motorists feel that private parking fines are wildly disproportionate and simply unfair. A significant majority (78%) of Which? members who received a private parking fine felt it was unfair. Fines can accumulate rapidly, Mistakes, even honest ones like accidentally entering the wrong registration plate on an app, can lead to disproportionate fines. Drivers can be fined even if they have paid, requiring them to provide evidence such as bank statements to overturn charges. Consumers can find it very difficult to defend themselves when a fine is issued as a result of mistakes made by the parking operator.
- **Confusing and inconsistent rules and signage** - Signs can be obscured or not face the direction of traffic, leading drivers to miss important information. Rules vary significantly from car park to car park depending on the operator's trade body, leading to confusion over grace periods, keying errors, and appeal processes. Drivers often don't realise they have to pay for parking due to unclear signs. Car parks can change their rules and do not highlight or flag updates to repeat users of car parks. Drivers can accidentally input the wrong code for a car park where there are a number of similar car parks in close proximity.
- **Problematic payment methods** - Inconsistent payment methods are a common issue, with many operators preferring payment via mobile apps, which relies on drivers having a smartphone and good phone signal. Delays in payment due to issues like searching for non-existent meters, struggling with apps, or finding phone reception have led to fines.
- **Challenges with the appeals process** - Many drivers who feel a fine is unfair do not contest it, either due to a lack of confidence in winning or to take advantage of a discounted payment offer. Depending on the operator's trade body, appealing a fine might mean losing the opportunity to pay at the discounted rate if the appeal is unsuccessful.

Consultation questions

Caps on parking charges

Question 7(a): Do you agree that the Government should include the current industry cap of £100 in the proposed new Government Code?

Disagree

Question 7(b): Please explain your answer.

It is important that fines are not set at a level that is unfair or exorbitant. We think that the cap at £50 within the withdrawn government Code is a fairer level. The current problem in this sector is, however, that far too many fines are issued unfairly. It is crucial that the other measures set out below to strengthen the code of practice and ensure a fair appeals process are implemented. A £100 fee for overstaying by a few minutes or a minor keying error is disproportionately high and punitive. A £50 charge is a more proportionate reflection of the damages incurred by the operator, such as the loss of a potential customer.

A higher cap could incentivise unfair practices. The higher the cap, the greater the incentive for private parking companies to issue charges, even for minor or debatable infractions. A lower cap would reduce the profit motive and encourage operators to focus on legitimate parking management rather than aggressive enforcement tactics.

Question 7 (c): If you do not agree with the £100 figure, what figure do you consider would be appropriate, and what would the benefits be?

We consider that £50 is a fairer level for the reasons and benefits outlined in our response to 7(b).

Question 7 (d) If the Government were to introduce a lower cap, or different caps in different areas (e.g. higher in London but lower elsewhere), what would the benefits and costs be? Please provide any relevant evidence.

If different caps are set for different areas, this should be clearly communicated to consumers so that they understand the consequences may be different if they are parking in an area that is less familiar to them. £50 should be the maximum for any area.

Question 8(a): Do you think there should be a 40% discount on parking charges for early payment (within 14 days of receiving the parking charge)?

Agree

Question 8(b): Please explain your answer

We agree that there should be a 40% discount - but crucially, it should also be set out very clearly to consumers when they receive a charge that this is the case. We consider this to be fair as some fines are as a result of a genuine mistake.

Question 9: What factors do you think the Scrutiny and Oversight Board should take into account when considering whether to recommend changes to the parking charge cap?

The cap should be set at a level that is fair that acts as a deterrent to avoiding paying the parking charge, but that is not aimed at generating excess profit.

Debt recovery fees

Question 10(a): Are you in favour of, or against, the current industry cap on debt recovery fees of £70?

Not applicable

Question 10(b) Please explain your answer

We do not think that there should be an automatic entitlement for debt recovery fees to be claimed. We are concerned more generally that debt recovery fees are currently misused and can lead to motorists being treated unfairly. There may be genuine reasons why a parking fine is overdue - for example, if the fine was issued while the motorist was on holiday. Civil Procedure Rule 27.14 in relation to small claims (which any parking fine will fall under) precludes the cost of any legal representation (save limited solicitor fixed costs for issuing a claim), so debt recovery fees incurred by a debt recovery agency would be precluded if the matter were to reach a court hearing as the agency would be doing the same job as a solicitor acting pre-action whose fees are deemed irrecoverable.

Question 11(a): Do you agree that it is reasonable for motorists to be charged an additional sum to cover the costs relating to recovering unpaid invoices, also known as debt recovery fees?

Disagree

Question 11(b): Please explain your answer

Please see 10(b). These costs would not be permitted to be claimed in any small claims case so it seems unfair that parking companies should automatically be entitled to claim them.

Question 12(a): If you agree that there should be a charge, which of the following cap levels do you think is reasonable for debt recovery fees:

- £1-£19
- £20-£39
- £40-£59
- £60-£79
- £80-£99
- £100+

Not applicable

Question 12(b): Please explain your answer

See 11 (b).

Question 13(a): Do you have any data or evidence relating to the number of private parking cases being taken to County Court in England and Wales, or the Sheriff Court in Scotland?

Don't know

Question 13(b): If yes, please explain your answer and feel free to provide information on why private parking cases are ending up in the courts.

Not applicable

Question 14(a): Do you have any data and evidence relating to the impact of debt recovery fees on industry and consumers?

Yes - on consumers

Question 14(b)

Yes - on consumers

If yes, please provide this information.

We have found that people who have contacted us about parking charges aren't made aware of these fees. They are typically given a single fine and then informed if they pay

within a shortened timeframe they can have a reduced fine to pay. One person who contacted us told us that she can't understand how the fine amounted to £170. She told us she felt stonewalled by the parking company and that the charges were unethical. Her fine was issued for entering a private road for 4 minutes in the wrong direction, she was not aware of the breach and her four minute stay was used to adjust her sat nav after collecting a friend.

Signage

Question 15(a): Do you agree that the Government Code should drop the reference to 60cm x 80cm signage size representing best practice, noting the proposed requirement that signs be sufficiently large to be visible from a distance and legible on approach?

Disagree

Question 15(b): Please explain your answer

We have concerns that moving this more specific requirement could have a negative impact for motorists. We agree that the particular circumstances also need to be taken into account, but still think that a minimum size is useful and avoids parking operators unnecessarily reducing the size of signage because they have greater flexibility.

Pay before exit in car parks using ANPR

Question 16(a): Do you agree that a parking charge should not be issued to a motorist who makes a full payment before leaving a carpark which uses ANPR?

Strongly Agree

Question 16(b): Please explain your answer

If the motorist has made the full payment, it is completely unreasonable that they should receive a parking charge. Some people may also take longer than 5 minutes to pay because of problems such as a poor connection or disabilities for example.

Question 17(a): Do you believe the details set out in Table B.1 remain appropriate for use in the proposed new Government Code?

Yes

Reduced charge for certain mitigating circumstances

Question 18(a): Do you think that the Code should include a reduced charge for a parking charge that meets one or more of the mitigating circumstances listed in paragraph 4.26 above or do you think that the parking charge should be cancelled?

Cancellation of charge

Question 18(b): Please explain your answer

If the mitigating circumstances apply, the charge should be cancelled. It is completely unreasonable to argue that even if these mitigating circumstances apply, the motorist should have to cover the cost for a charge being wrongly issued.

Question 19(a): If there is to be a reduced charge, do you think that it should be the £20 as currently implemented in the Industry Code?

Not applicable/ disagree

Question 19(b): Please explain your answer

We do not think that there should be a reduced charge. It should be cancelled.

Question 20(a): How is the first charge provision applied in practice?

Not applicable

Question 20(b): Bearing in mind your understanding of how the provision is applied in practice - what arguments do you think support the reduced charge applying to only the first parking charge?

Not applicable

Additional mitigation for the Appeals Charter

Question 21(a): Do you agree that an appeal decision should be made in favour of the motorist when a motorist can provide reasonable evidence that they had no choice but to breach the terms and conditions of a private car park?

Strongly Agree

Question 21(b): If you agree, please give examples of situations where you think this protection should apply.

A non-exhaustive list of circumstances could include problems with the app or parking machine, the signage being obscured, exit being blocked, health or other emergency, inability to move the car as a result of theft, malfunctioning or other circumstances.

An example from someone who contacted Which? was where the payment machine allowed payment without a Reg Number, but the Reg number was required for parking. Mark paid £2.10 for his 1 hour 46 minute stay in a Parking Eye car park and was shocked to receive a fine of £20 for his 'Major keying error'. He appealed to Parking Eye to explain that he believed he followed the instructions to pay as the machine instructed him to 'Pay by card' without a registration, so he did. He later found he needed to 'confirm' the payment which would then instruct him to enter his registration. Parking Eye rejected his appeal, as did POPLA and he then paid £100 to settle the fine including 'debt recovery' fees.

Process for appealing parking charges

Question 22 (a). Do you agree that where an appeal outside of the normal 28 day appeal period is considered (where the appellant provides evidence of exceptional circumstances for the appeal not being lodged within the normal timeframes), the 28 day period should restart and that any enforcement action should be paused, or where the enforcement action is court proceedings the parking operator should be required to apply for a stay in those proceedings?

Strongly Agree

Question 22(b). Please explain your answer.

If the appellant can provide evidence of exceptional circumstances it is only fair that the 28 day period should restart and any enforcement action be paused.

Question 23 (a). Do you agree that a motorist should be allowed to appeal after the parking charge has been paid where:

i) the parking charge had to be paid in order to release a vehicle e.g. on site to release a barrier?

Strongly Agree

and/or

ii) Evidence subsequently identified suggests wrongdoing by the parking operator in respect of the issue of the notice?

Strongly Agree

Question 23(b). Please explain your answer

In the interests of fairness, where these circumstances which are outside the motorist's control apply, they should be entitled to appeal.

Question 24(a). Do you agree that:

If a parking charge notice is served but not responded to, the keeper may still identify the driver and that liability of the keeper falls in favour of that of the driver who may still then exercise their right of appeal?

Strongly Agree

If a notice to keeper is sent and any appeal is rejected, the keeper may still identify the driver and that liability of the keeper falls in favour of that of the driver who may still then exercise their right of appeal?

Strongly Agree

Question 24(b): Please explain your answer.

The driver should be held responsible, rather than the keeper, who will not necessarily know of the circumstances relating to the parking charge.

Where parking tariff exceeds the parking charge

Question 25 (a): Do you agree with the proposal to clarify that where the parking tariff exceeds the parking charge, the full payment of the tariff may be pursued alongside payment of the parking charge?

Agree (with a caveat)

Question 25(b): Please explain your answer

We agree, but think that this should only apply in circumstances where either the motorist has not paid that parking fee at all, or where in the case that some payment was made the element of the underpaid fee exceeds the penalty.

Our rationale is that if the parking fee exceeds the penalty, then motorists will not pay for parking and just pay the reduced penalty sum. However, it needs to be clearly worded that this only applies where no parking fee has been paid, or the underpayment value exceeds the penalty sum, otherwise we could envisage the parking companies pursuing the parking charge fee and penalty in all circumstances, e.g. in the case where a motorist paid the full parking fee but overstayed a few minutes beyond the grace period to exit, they should not be required to pay double for the parking and the penalty, just the standard penalty.

Question 26: For industry – What is the reasoning for the additional provision in the Industry Code that that an additional £60 may be added to the unpaid tariff and that where a parking charge is issued in accordance with this, clause 8.2.2 of the Industry Code is not applicable?

Not applicable

Data

Question 27(a): Do you agree with the proposal that a Government Code of Practice will mandate that the trade associations should collect data (summarised in paragraphs 4.39 and 4.40 above) from their private parking operators members and share it with Government and the Scrutiny and Oversight Board?

Strongly Agree

Question 27(b): Please explain your answer

This is important information to help the government to understand how this sector is functioning and the extent to which motorists are experiencing problems. It will also be important to monitor level of compliance by different operators with the Code and any particularly problematic areas.

Compliance framework

Certification Scheme

Question 28(a): Do you agree that the Scrutiny and Oversight Board should be made up of people not associated with the private parking industry, motorist groups or government officials, so that they can independently review data on the Code's efficacy?

Agree

Question 28(b): Please explain your answer

It is essential that the Board is comprised of people who are able to act in the public interest and are independent of the industry's interests. While we do not think that the same issue is necessary raised if the Board were to include representatives of the public interest, we agree that independence and being seen to be independent will be critical. The governance of the process should also ensure full transparency so that it is clear that members do not have any conflicts and that if they should arise, they are appropriately managed.

Question 29(a): Do you agree that government should publish clear and easily understandable non-statutory guidance for motorists alongside the Government Code?

Strongly Agree

Question 29(b): Please explain your answer.

It is important that consumers understand their rights and what to expect from parking operators as well as how to seek redress when treated unfairly. The guidance should not, however, be in any way a substitute for ensuring that the operators fulfill their obligations and treat people fairly.

Question 30(a): Do you agree that parking operators should be required to provide a link to Government guidance on all correspondence with motorists from the point of receiving a parking charge?

Strongly Agree

Question 30(b): Please explain your answer

It is important that motorists have access to independent government advice on their rights and options.

Appeals

Question 31: Please describe the factors which are driving the negative perception held by motorists for the current second stage appeals services?

We have found that although the vast majority of people who have received a fine think that it was unfair, many people do not go on to contest it. This can be because of a lack of confidence in winning the appeal or opting to pay the discounted fee for quick payment, even if they believe the fine was unjust. We have found that in a significant number of parking fines that are either litigated or where there is the threat of litigation/ a letter of claim, people feel forced into a settlement as they do not want to waste time and effort on contesting the fine for 6-12 months through the court.

Andrew's experience is one example of how people find the process challenging: "We realised my wife had chosen the wrong registration plate, which was the default one at the top of the app," explained Andrew. "We appealed the fine and explained we'd made an honest mistake – but they were having none of it." The car park operator, GXS, rejected their appeal and, not wanting the hassle of contesting the fine to the Independent Appeals Service, they reluctantly paid up instead. "In the end, my wife just paid the £60 on top of what we'd actually paid to park there,"

Which? Legal Service regularly advises our members when they have been issued with a charge and feel that it has been issued unfairly. This has helped us conclude that the current appeals process is not fit for purpose. For example, in almost 6 years of advising in relation to parking fines, our advisers are only aware of one appeal to have been successful (where an RAC report confirmed the vehicle broke down and could not be moved). The remainder of cases that we have advised on have all been rejected, even where the claim proceeded to court and was later discontinued or the motorist was successful at the final hearing. This has even been the case where there has been a "keying error" that the current code of practice states should warrant cancellation of the parking charge notice (PCN).

Even when appeals are made, the lack of explanation about why they have not been successful adds to the negative perception of the appeals service. One driver our Legal Service advised, regularly visits her mother at a nursing home. The parking requirement is to scan a QR code which she does on every occasion. She has evidence of this in the 'history' on her phone. The driver received a PCN, which she appealed. She also made a complaint to the nursing home. This continued to happen on 3 separate occasions. The parking operator said they had cancelled the PCN but as the driver had gone through the appeals process, they continued to pursue her. The driver made a formal appeal to POPLA but this was rejected. She also complained to the BPA, but her complaint was not upheld. It is not clear why her formal appeal and complaint were unsuccessful.

There is also a lack of consistency between the two second stage appeals services. Our Legal Service advised a driver who had stayed at a hotel for two nights. They input their car details into the hotel car registration device for both days. The driver got two PCNs which went to their junk email and a letter saying they had failed to answer. The driver appealed the PCN for day one to POPLA. This appeal was upheld as it was found that the operator (Smart Parking) had not proved the machine was working and had not established why the ticket had been issued. The appeal for the PCN on day two was to IAS, as Smart Parking had changed their appeal body. IAS declined the appeal stating that the driver had failed to

input their details. The driver had input their details on the next day but it had been slightly after midnight. Our Legal Service advised that the driver should be able to expect consistency with the appeals service providers where the facts were similar. Even if POPLA had decided on a technicality that Smart Parking had not given sufficient evidence, there had still been no breach of contract on day two, as there were no signs to say details must be entered within x mins of parking and the driver was staying for two days. Smart Parking stated that the driver had entered their details four times in error on the machine and were only saying that two of the entries were not working, which was incorrect according to the driver. In addition to the consistency point, this is a good example of the need for parking companies to provide evidence to the appeal bodies to substantiate their claims, not for their claims to be simply accepted without any evidence.

On numerous occasions our advisers have had experience of appeals being declined where service of the notice was not made within the prescribed time frame and an alternative driver of the vehicle was named, with parking companies stating "we do not operate under the Protection of Freedoms Act 2012". Such external appeals have also failed with the current "independent" appeals services.

We are also concerned that we have seen parking companies demonstrating an aggressive commercial practice where valid grounds of appeal are rejected and proceedings then commenced simply for the proceedings to later be discontinued, the hearing fee not to be paid by the parking company or no representation being sent to the final hearing to advance a case. It suggests that in these circumstances it would seem the parking company knew the appeal was valid, and that the litigation would fail, but tried to exploit fears and extort payment from motorists.

We have also seen car parking companies regularly seem not to reply to drivers' 1st stage appeal or they may reply by email when all previous communication has been by post, which leads to the car parking company's email being overlooked as the driver assumes that the matter has been resolved in their favour, only later to be contacted by debt recovery agents (with fees added on).

Question 32: Please describe what attributes an appeals service would need to be independent.

We strongly support a truly independent, single appeals body to replace the two existing second stage appeals processes. A streamlined, government appointed body should simplify the process, and it is important that transparency (as well as clear rules and guidelines) is prioritised given the current concerns regarding the independence of the current system in place. This body needs to be fit for purpose and understand the relevant guidance and legislation underpinning the basis of appeals. A useful example where this is the case is the Appeal Service used for train penalty fares.¹ The panel members for that service are

¹ <https://appealservice.co.uk/IndependentAppealsPanel/Index>

completely independent of the industry participants involved. A service based on the same principles and processes would go a long way to improving the perception of transparency and independence.

We suggest that an independent appeals body be authorised to be able to award a nominal sum in compensation (akin to awards that can be made by the various Ombudsman services) to motorists who have been forced to appeal where a rule by a parking operator was clearly disregarded (as opposed to an issue of ambiguity being referred to that body). The risk of compensation being awarded to the motorist for the parking company clearly disregarding a rule would hopefully avoid parking operators aggressively refusing appeals under their own internal process in the first instance.

Additional comments

Question 33: Do you have any other comments in relation to the proposals and matters set out in this consultation or in the Options Assessment published alongside the consultation?

We believe the Code should contain clear requirements that a lease/tenancy agreement overrides any parking terms and conditions. This aligns with court decisions on the issue. We often hear from leaseholders and tenants that have been granted an unfettered right by their landlord to park at the property, but later a management company engages a parking company to introduce parking restrictions, usually by the issuing of permits. Either the tenancy or lease does not allow for restrictions to be applied, or if it does, the tenants or leaseholders often struggle to get the management company to issue them with a permit, meaning they have a right to park but keep getting a parking charge notice for failure to display a permit.

Often, the parking company issues notices because the permit is allegedly not "clearly" on display. In our view the code should provide for a ground for appeal to overturn a charge if the owner can be shown to either have the right to park under their tenancy/lease or has a permit or right to a permit for that vehicle. Courts have upheld this right, the internal and "independent" appeals services have not.

In our experience often the keeper does not receive the paperwork, leading to loss of chance of appeal or the chance to pay the reduced sum. The only "evidence" the parking company offers in respect of service is that their system says a letter was generated. In such circumstances we would suggest the burden of proof should fall to the parking company to prove service was affected eg. with tracked delivery of the initial notice/appeal outcome or a certificate of service.

About Which?



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Which? is the UK's consumer champion, here to make life simpler, fairer and safer for everyone. Our research gets to the heart of consumer issues, our advice is impartial, and our rigorous product tests lead to expert recommendations. We're the independent consumer voice that works with politicians and lawmakers, investigates, holds businesses to account and makes change happen. As an organisation we're not for profit and all for making consumers more powerful.

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September 2025