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Emailed to: [JusticeNo2.Bill@niassembly.gov.uk](mailto:JusticeNo2.Bill@niassembly.gov.uk)

Dear Ms Darrah

### **Justice (No.2) Bill**

The British Parking Association (BPA) welcomes your consultation regarding the 'Justice No.2 Bill'. As the largest professional parking association in Europe we represent around 700 organisations by promoting and influencing the best interests of these members and the parking and traffic management sector throughout the UK and Europe. These organisations are many and varied and include manufacturers, car park operators, local authorities, health authorities, universities and higher education facilities, airports, railway stations, shopping centres, theme parks, construction companies, learning providers and consultants. We have 144 members managing parking on private land where Alternative Dispute Resolution (ADR) is particularly relevant and 280 local authority members. The BPA has 7 members in Northern Ireland. For more information about the BPA please see the endnote<sup>1</sup>.

While we have not addressed every section of the consultation we have responded to the amendments to the bill regarding 'The Collection and Enforcement of Financial Penalties' which is most relevant to the operations of the parking and traffic management professions. Following our previous response to the consultation in 2014 regarding 'Fine Collection and Enforcement in Northern Ireland' we support the following amendments to the bill.

To ensure that parking enforcement follows the same legal protocols for other debts it is reasonable unpaid parking fines are recovered through the Court system, following consideration by the court if payment is continually refused money may be taken directly from a person's bank account following a court order, as there is a precedent in Northern Ireland for civil debt recovery, which we understand is called a 'Garnishee Order', that allows this.

We support court retention of the core independent role in the sentencing process, where by the court sets the collection order for collection officers to apply, as this will ensure the protection of vulnerable people. The BPA agree that if recovery of a debt through a person's

bank account is likely to cause hardship and prevent them from meeting day-to-day living expenses then it should be avoided by either providing them with extra time or instalments.

We generally support reasonable and fair means to recover unpaid debts including the seizure of vehicles for non-payment of fines and developing a power to allow monies to be withdrawn from a debtor's bank account. However, these activities need to be carefully managed and a set of rules and procedures put in place in order to protect vulnerable persons.

We believe that the seizure of vehicles for non-payment of fines is acceptable providing there is a set of regulations in place to maintain the integrity of the scheme. Clamping and removal operations are currently used for debt recovery purposes in Northern Ireland where parking tickets (PCNs) have not been paid, with specific regulations in place to manage operations. However, there is a need for safeguards to be in place to protect vulnerable people. The Taking Control of Goods Regulations 2013 that have been implemented in England and Wales set out the procedure enforcement agents must follow when taking control of goods and, if necessary, selling them to recover a debt. We believe that this is a good model to follow; our members have broadly welcomed these changes in bringing some clarity to the important role of civil enforcement agents and local authorities in collecting debt while reducing the opportunities for bad practice in this sector. It is currently going through a twelve month review, and the BPA has responded to the Ministry of Justice's consultation on the matter.

In relation to the collection officer informing the debtor of his intentions to seize a vehicle, we agree that it is important to notify a debtor of intentions to seize a vehicle. This transparency will ensure a high standard of behaviour is maintained and can prevent a high volume of complaints being reported from motorists by providing the debtor with an opportunity to pay the sum owing. Our members have also found it of benefit to apply a level 2 fine if the debtor having been informed of a possible application for a vehicle seizure attempts to hide or dispose of the vehicle.

These are aspects of the [Tribunals, Courts and Enforcement Act 2007](#) which has been in place since April 2014. The Act has brought significant changes to the way in which seizure of goods can be used to enforce judgments in England and Wales. We believe this is a good model to follow; the new regulations are clear, providing transparent enforcement, and ensure higher standards for enforcement agents, better protection for vulnerable customers, and fewer complaints are understood to be reported by members.

The proposals to move collection services to the private sector rather than remaining with the police has the potential to maintain the integrity of the fine collection and Default Hearing process as a deterrent to those who might seek to ignore the call back to court as training is maintained in the private sector to remain professional and up to date with the latest technologies and procedures. Removing the burden of collection from the police service would also allow police to focus their resources on other areas where they may be needed.

We understand this is in relation to all penalties imposed by the Courts. In terms of parking enforcement, it is a condition set out by DVLA and I believe DVA that companies requesting keeper data from the DVLA and DVA must be members of an accredited trade association (ATA) and therefore abiding by a code of practice based on fair treatment of the motorist and

high professional standards of conduct, this also includes debt collectors. There are currently two ATAs; the Approved Operators Scheme (AOS) provided by the BPA and the Accredited Operators Scheme provided by private company, the Independent Parking Committee (IPC).

Our members are audited annually to ensure compliance with the Code of Practice. Instances of non-compliance with the Code of Practice are enforced and monitored through a Scheme of Sanctions and are issued dependent upon the severity of the non-compliance. If an operator reaches 12 points in any twelve month period, the operator may receive disciplinary action which may result in suspension or termination of membership from the AOS and the BPA.

As it stands at the moment only courts can access income information in cases of non-co-operation via an order to obtain information. Documents are brought in by the debtor for the court to view and will have to answer questions under oath about their financial situation.

The BPA believes that people who delay or evade payment under any statutory debt repayment scheme intended to relieve the burden of consumer debt should be exempt from write off. Parking debt is not like consumer or utility debt since it is a vital part of traffic management contributing to public order and should therefore be treated differently.

We hope you will find these comments of interest the BPA is ready to work with the government to achieve these desired aims and we look forward to discussing with you how we can assist in taking these issues forward.

Yours sincerely



**Patrick Troy**  
**Chief Executive**

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

The BPA aims to increase public confidence in parking and parking management through the development of frameworks of excellence and raising standards through a Professionalism in Parking Accreditation (PiPA). We have helped to develop new qualifications for parking professionals and approved a full suite of new standards.

Our next big step is to finish developing the PiPA to ensure higher standards are achieved by organisations in all sectors of the parking profession. Alongside this, a range of audited charters will address unique, sector-specific commitments in parking services and

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encourage compliance. One of our objectives is to encourage our members to invest in their people enabling them to become professionally qualified and enhance their understanding of customer needs, stated in the BPA Master Plan for Parking 2014-15.

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