

Car Parking Enforcement Factsheet

Introduction

This Factsheet is about Car Parking Enforcement and is primarily for people who have concerns about a penalty charge notice (PCN) issued by a council in relation to a parking contravention. It should be read together with our [‘How to Complain’](#) webpage, available on the ‘Making A Complaint’ tab.

Parking restrictions and certain other traffic contraventions (such as driving in bus lanes) are increasingly being enforced by councils. The relevant pieces of legislation which give the council these powers are the Traffic Management Act (2004) and the Road Traffic Regulation Act (1984). Under the provisions of this legislation, there are statutory rights of appeal/challenge to an independent adjudicator at the Traffic Penalty Tribunal and the magistrate’s court respectively.

What we can do

The circumstances in which we might be able to consider your complaint are extremely restricted. However, there may be some limited aspects that we could consider:

- We may be able to consider 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 the vast majority of complaints about parking enforcement. We cannot overturn a parking enforcement decision nor can we stop enforcement action from proceeding. In addition, 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 PCN 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 consider 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 consider such appeals, we would expect you to appeal in the overwhelming majority of cases. If you have already appealed, we cannot consider 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 consider your complaint. If you have not used this right, we will consider 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 the overwhelming majority of cases. If you have already been through the legal process, we cannot consider the complaint at all.

In addition:

- Many private companies issue the similar sounding Parking Charge Notice in relation 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.

Issues to bear in mind

- You do not need to make your complaint to us using a solicitor or any other advocate; our service is free and impartial and we aim to make the process as easy to follow for complainants as possible.

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

Examples of cases that we have looked at can be found on our website, under the 'Publications' tab on the '[Our Findings](#)' page.

Contact us

If you are unsure 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.

This document is available in Welsh and English. You can write to us in Welsh and we will reply in Welsh. This will not lead to a delay in responding.

ask@ombudsman.wales

0300 790 0203 Our phone line is open 10am-12:30pm and 1:30pm-4pm Monday – Friday