

A response to the “Private parking code of practice” consultation Summer 2025

<https://www.gov.uk/government/consultations/private-parking-code-of-practice>

About you questions

We are responding to this consultation because car use is a frequent part of a journey involving a train, this is to get between the railway station and the ultimate start/end point. So far as car parks are concerned, this usually involves one of these scenarios:

1. Parking at Railway stations on land owned by the railway but operated by a private parking operator
2. Parking at another nearby car park
3. Drop off / Pick up by another driver using a car park.

Question 1: What is your full name or the name of the organisation on behalf of which you are responding?

Railfuture Limited

Question 2: I am responding primarily as a: [tick just one box]

- other (please specify)

Rail user representative organisation

For parking operator respondents - Questions 3 to 6

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?

Agree

Question 7(b): Please explain your answer.

It is essential that there is a cap on the amount that can be recovered to protect rail users from paying excessive prices.

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 do not have any evidence to be able to recommend a different figure, but any chosen figure should be cost based, on the basis of effective and efficient operation.

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

We have no evidence. When ANPR is in use, we suspect that costs in London may be similar to elsewhere as a single administration centre is quite likely.

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

As outlined earlier we believe charges should be cost centric, not “as much as the market will bear” and costs will be substantially lower if all the operator needs to action is collating and despatching an invoice and noting payment.

It may that 40% is not a sufficient discount, but we have no evidence to offer.

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?

As outlined above, the key factors to consider are costs incurred by an efficient operator.

Debt recovery fees

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

In favour

Question 10(b) Please explain your answer

We are in favour of a cap in the fees, but not in a position to judge if £70 is reasonable – the cap needs to be cost based.

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?

Agree

Question 11(b): Please explain your answer

In the context of car parks at rail stations, it seems inappropriate for these costs to be paid by rail passengers in general. If the parking operator was not allowed to recover these costs, management costs to the rail operator would increase, decreasing revenue to the industry, so implicitly a charge is appropriate.

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+

No choice – see question 12b.

Question 12(b): Please explain your answer

We do not know; the fee should be based on costs of managing the cost of recovering unpaid invoices, rather than for “profit”

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?

No

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.

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

No

Question 14(b): If yes, please provide this information.

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?

Agree

Question 15(b): Please explain your answer

Rail car parks are often long and thin and also use all available land, so are not a simple rectangle, and so users may have considerable distances to walk and signs may not be visible from all parts of the car park. It is therefore important that “. including text size, legibility in all light conditions, and location of signs” allows for car park shapes other than approximately square. The legibility requirements should be on the basis of first visit to the car park, not a regular who already knows where to go to find the sign.

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

Use of railway car parks is usually linked to very imminent rail travel, with said travel either involving travel on a pre-paid specific train and/or seeking to be on a lowest fare train (eg immediately before the start of evening peak fares). And missing the next train may mean a long wait. Thus a passenger has less opportunity to find an alternative car park and return to the station in time for their train.

Our experience of most rail carparks is that online payment is often the only option; sometimes a machine may offer card payment and intermittently cash may be accepted. Online payment is not an option for all rail travellers and so offering an extended payment possibility is important.

Sometimes a rail traveller may be able to ask a friend or family member to pay on their behalf, but this will not always be possible.

So, in addition to payment before departure from the car park, we believe that payment by the following midnight should also be an option.

Consideration and Grace Periods

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

No

Question 17(b): If no, please explain your answer.

Grace periods have special characteristics in rail station car parks. A typical arrangement is that over and above the Consideration and Grace periods outlined above there is a short period allowed for collecting passengers from arriving trains. Typically this is around 20 minutes. However, it is quite possible for this period to be exceeded if the train is late. Often, the driver will be aware of near real time progress of the train and can delay departure from (typically) home, so still being in the car park for less than the allowed period. But there are many reasons why this might not be the case, including failures in train progress reporting and the delay occurring whilst the driver is on route. Given (sensible) restrictions on phone use whilst driving, the driver may not discover the lateness of train running until after they arrive in the car park.

It is therefore important to recognise that extended grace periods are necessary, perhaps dynamic, in that they are automatically extended when there is a late running service.

Being expected to pay a penalty when using a rail owned car park because of a late running train is particularly galling as the owner of the car park has caused the underlying reason for the delay in the first place.

Station car parks also have another characteristic which can cause delay, which is that there isn't a constant flow of departing cars – instead, a train arrives, there are many near concurrent departures and then it is quiet again. This can be addressed by extending the grace period. A local Facebook Group had this comment today “Has anyone had a [parking operator] letter for illegal parking at the Railway Station? I have contested mine as it shows me on the

slip road towards exit on double yellow lines waiting with others for the traffic lights to change! Have contested it.”

Whilst we raise this issue specifically relating to railway station car parks, the principle can be the same elsewhere – the car park is owned by a company providing a bigger service to a customer and their error / delay results in an extended time in the car park.

It seems to us that the Grace Period of 5 minutes is far too short at most car parks. Consider a typical sequence: Arrive > Park car > Walk to notice / machine > Determine that cannot pay (there are other reasons not to stay) > Return to car > Drive out of car park. We do not think it credible that that this can be consistently achieved by all drivers, particularly the less mobile.

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 or do you think that the parking charge should be cancelled?

Not sure

Question 18(b): Please explain your answer

We refer to our answer to 17b, and more generally consider that there are three types of mitigating circumstance:

1. Where the car park owner / operator has fallen short – eg on failing to provide enough operational payment methods. In these circumstances we believe the charge should be cancelled. This inability to collect monies will incentivise prompt repairs etc.
2. Where the motorist has fallen short – eg significant mis-keying of the number plate – in these circumstances, we think a reduced charge is appropriate. However, it is reasonable to expect a car park operator to automatically process slight mismatches (eg zero or letter O) and link the payment and the presence of the car (via ANPR) plate and accept this discrepancy as a valid booking (ie not initiating the nonpayment process in the first place).
3. Due to happenstance – eg falling ill. We think cancellation is reasonable. As such evidence would be needed, and the costs to the operator defrayed as part of site costs.

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?

Agree

Question 19(b): Please explain your answer

We have no evidence to suggest a particular charge, but £20 intuitively seems about right, avoidance of it being an incentive for the motorist to be “right first time” and an allowance for some cost increase by the operator.

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

We have no evidence on this topic.

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?

No comment.

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. [Free text]

The situations should cover both ones specific to the individual non-payment and the characteristics of the individual.

1. The motorist had planned to be in the car park for less than the free period, but circumstances changed – see Q17 – a Rail specific example is late arrival of the train carrying an individual who was being picked up.
2. The individual is not a smart phone user, and the only available payment option was online.
3. Payment before the end of the day was allowed and the motorist intended to catch a train that would give them time to get home and pay, but the train was delayed or cancelled and so the motorist was late home.
4. The motorist intended to pay between arrival and train departure, but disruption on the day meant that the only option to get to their destination in time was to get an earlier train running late – and there was then insufficient time to purchase a parking ticket.

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.

Once an “exceptional circumstance” is accepted, by implication all aspects should be restarted, including pausing enforcement action.

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

(i) needs to recognise the need for the motorist to be able to use their car immediately and (ii) is surely “fair practice”.

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?

Don't know

- 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?

Don't know

Question 24(b): Please explain your answer.

We have no evidence to support either choice.

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?

(we are not 'Industry')

Question 25(b): Please explain your answer

(we are not 'Industry')

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?

(we are not 'Industry')

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 from their private parking operators members and share it with Government and the Scrutiny and Oversight Board?

Agree

Question 27(b): Please explain your answer

Sensible oversight is only possible if it is based on complete and reliable data.

The Scrutiny and Oversight Board

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?

Strongly Agree

Question 28(b): Please explain your answer

An oversight process that is demonstrably independent will have much more credibility. Car Park Owners should also been in the "not associated" group, and we would also exclude organisations such as ourselves, where car park use is a key ancillary element.

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.

Non-statutory guidance can be changed more quickly and can inherently be made more understandable.

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.

Once issued, making it visible is essential.

Appeals

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

From the perspective of rail users and their use of car parks, it is that the industry has "let them down" – eg their train service is late returning to their car parking station and now they

have to appeal / complete paperwork and similar to deal with something that was not their fault

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

We do not feel able to comment on this question.

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?

No

Question 34(a). Do you agree with the minor amendments, outlined in Annex A, that we intend to make to the Code?

Don't know

Question 34(b) If no, please outline your reasoning [Free text].

Public sector equality duty

Question 35(a): Do you have any views or comments on any implications that the proposals in this consultation may have on groups defined by reference to protected characteristics?

Yes

Question 35(b): If Yes, please explain who would be impacted and how, as well as how the impact could be mitigated (if at all).

The protected characteristic disability can make it more difficult and more time consuming to read signs (due to the extra time needed to be in a position to easily read a sign and could make using a smart device to pay be more time consuming. Durations (eg the grace period) should allow for this.

The more elderly are less likely to be confident smart phone users, including making online payments, so solutions that do not require this are essential.

Environmental principles policy statement

Question 36 (a): Do you have any views or comments on any potential environmental implications resulting from the proposals outlined in this consultation?

No

Question 36 (b): Please explain why.