



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 general information available [here](#).

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 the Ombudsman can do

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

- The Ombudsman 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 the Ombudsman cannot do

The Ombudsman cannot investigate the vast majority of complaints about parking enforcement. He cannot overturn a parking enforcement decision nor can he stop enforcement action from proceeding. In addition, he 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 the Ombudsman will not usually consider your complaint. If you have not used your right of appeal, the Ombudsman 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 the Ombudsman will not usually consider your complaint. If you have not used this right, the Ombudsman 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). The Ombudsman cannot become involved in any way in these cases.

Issues to bear in mind

- You do not need to make your complaint to the Ombudsman using a solicitor or any other advocate; his 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 the Ombudsman has looked at can be found on our website. Please see www.ombudsman.wales.

Contact us

If you are unsure whether the Ombudsman would be able to look into your complaint, please [contact us](#).

Also available in Welsh.

Easy Read

Car Parking Enforcement

 [Download](#)

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

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