



<b>Subject:</b>	<b>Motion: Private Car Parks – Response from DoJ</b>
<b>Date:</b>	3rd April, 2019
<b>Reporting Officer:</b>	Alistair Reid, Strategic Director of Place and Economy
<b>Contact Officer:</b>	Alistair Reid, Strategic Director of Place and Economy

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Sometime in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

<b>Call-in</b>	
<b>Is the decision eligible for Call-in?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	To consider a response which has been received from Mr. Peter May, Permanent Secretary, Department of Justice, in relation to a motion on Private Car Parks which was passed by the Committee on 9th January.
<b>2.0</b>	<b>Recommendation</b>
2.1	The Committee is asked to <ul style="list-style-type: none"><li>• note the response and take any such action as may be determined.</li></ul>

<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
3.1	<p>The Committee, at its meeting on 9th January, endorsed the following motion on Private Car Parks, which had been proposed by Councillor McReynolds:</p> <p>“This Council is concerned at the practice of private car park operators and their agents in Northern Ireland, is concerned at the lack of an effective and independent appeal mechanism to allow individuals to challenge penalty notices issued by or on behalf of such operators and agrees to write to the Department of Justice, calling for an independent Parking Ombudsman, similar to England and Wales, to be created at the earliest opportunity.”</p>
3.2	<p>A letter was forwarded subsequently to the Permanent Secretary, Department for Justice, in relation to the motion. His response is attached at Appendix 1.</p>
3.3	<p>The Permanent Secretary explains that the Department of Justice’s remit for private parking extends solely to the licensing of vehicle immobilisation operatives, through the Security Industry Authority, in order to ensure public safety, and that it has no responsibility for wider aspects of parking policy.</p>
3.4	<p>He points out that the regulation of parking in England and Wales is handled differently to Northern Ireland and refers to the Parking on Private Land Appeals (POPLA) process which was introduced in those countries by the Protection of Freedoms Act 2012. That legislation introduced also the concept of “keeper liability”, which allows companies which were members of an accredited trade association to obtain keeper details from the DVA to pursue the keeper of a vehicle for such charges. Keeper liability is, therefore, fundamental to the POPLA process.</p>
3.5	<p>The Permanent Secretary concludes by stating that the British Parking Association has been invited to extend POPLA to Northern Ireland, however, it would only consider doing so if keeper liability is introduced. The introduction of keeper liability is, he points out, not a matter for the Department of Justice.</p>
3.6	<p><b><u>Financial and Resource Implications</u></b></p> <p>None</p>
3.7	<p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p>

	None
<b>4.0</b>	<b>Document Attached</b>
	Appendix 1 - Response from Permanent Secretary, Department of Justice