

PATRICK TROY, CEO BPA SPEECH

IRISH PARKING ASSOCIATION
CHAIRMAN'S LUNCH
DUBLIN 4TH NOVEMBER 2010

Patrick Troy:

THANK YOU FOR INVITING ME TO YOUR LUNCH TODAY. MY BACKGROUND IS IN THE PUBLIC SECTOR IN THE UK WHERE I WORKED FOR SOME 20 ODD YEARS IN PARKING MANAGEMENT.

I'VE BEEN IN THIS POST FOR COMING UP TO 2 YEARS AND WHILST WHEN I BECAME CHIEF EXECUTIVE IN 2008 I KNEW AN AWFUL LOT ABOUT HOW THE LOCAL AUTHORITIES MANAGE PARKING BOTH ON AND OFF STREET, I KNEW VERY LITTLE ABOUT THE PRIVATE PARKING SECTOR.

IT HAS BEEN A VERY STEEP LEARNING CURVE BECAUSE THE PRIVATE PARKING SECTOR IN THE UK IS VERY COMPLEX. I WILL TELL YOU MORE ABOUT THIS IN A MOMENT...

GRAHAM RIGHTLY SAID THAT OUR PRIME OBJECTIVE IS TO RAISE STANDARDS IN THE PARKING SECTOR AND THE KEY MEANS OF ACHIEVING THAT IS TO BE ABLE TO INFLUENCE AND WORK WITH GOVERNMENT TO ACHIEVE CHANGE AND AT THE SAME TIME PLACE THE CUSTOMER AT THE HEART OF OUR DECISION MAKING.

WE HAVE THEREFORE DEVELOPED WHAT WE CALL OUR MASTER PLAN FOR PARKING AND WE HAVE ONE FOR THE UK AND INDIVIDUAL ONE'S FOR THE CONSTITUENT PARTS OF THE UK INCLUDING SCOTLAND AND WALES AND WE HAVE JUST STARTED WORK ON ONE FOR NORTHERN IRELAND. COPIES ARE AVAILABLE.

THE MASTER PLAN MAJORS ON THE ISSUE OF PRIVATE PARKING AND I AM GOING TO FOCUS MAINLY ON THAT THIS AFTERNOON BECAUSE I THINK IT WILL PERHAPS BE OF MOST INTERESTING TO THOSE PRESENT.

IN THE UK THE PRIVATE PARKING SECTOR IS ENTIRELY UNREGULATED AND WHEN YOU HAVE UNREGULATED PARKING OR INDEED ANY ACTIVITY UNREGULATED YOU HAVE THE ROGUES INVOLVING THEMSELVES IN THAT AREA.

THE ROGUE COMPANIES CARRYING OUT CLAMPING AND TICKETING ON PRIVATE LAND HAVE BROUGHT A VERY POOR REPUTATION TO THIS SECTOR AND CREATED SIGNIFICANT PUBLIC DISTRUST. IT'S BECAUSE OF THIS THAT THE BPA ESTABLISHED IN 2007 IT'S APPROVED OPERATOR SCHEME.

THE SCHEME, VERY SIMPLY, REQUIRES ITS MEMBERS TO COMPLY WITH A CODE OF PRACTICE AND THIS SETS OUT SUCH THINGS AS A RECOMMENDED LEVEL OF CHARGE FOR A PARKING TICKET OR RELEASE OF A CLAMP OR THE SIZE AND TYPE OF SIGNAGE THAT SHOULD EXIST IN CAR PARKS. IT COVERS A WHOLE RANGE OF DIFFERENT ISSUES ALL DESIGNED TO ENSURE THAT SOME FAIRNESS AND PROPORTIONALITY IS APPLIED IN PRIVATE CAR PARKS. CRUCIALLY, IN ESTABLISHING THE AOS WE WERE ABLE TO PERSUADE THE DVLA TO GIVE US ACCREDITED TRADE ASSOCIATION STATUS MEANING THAT ONLY MEMBERS OF AN ATA CAN OBTAIN KEEPER DETAILS. WE ARE THE ONLY ATA TO DATE AND THIS MEANS THAT IN ORDER TO OBTAIN KEEPER DETAILS TO BE PURSUED YOU HAVE TO BE A MEMBER OF THE BPA.

HOWEVER, THE PRIVATE PARKING SECTOR COMPRISES BOTH CLAMPERS AND TICKET ISSUERS. WE RECKON THAT ABOUT 80,000 CLAMPS ARE APPLIED EACH YEAR IN PRIVATE CAR PARKS AND ABOUT 4 MILLION TICKETS ARE ISSUED.

THE ROGUE CLAMPER IN PARTICULAR AND TO SOME EXTENT THE ROGUE TICKETER STILL EXISTS THOUGH AND WE THEREFORE LOBBIED GOVERNMENT HARD LAST YEAR TO ENCOURAGE SOME REGULATION OF THE SECTOR.

I AM PLEASED TO SAY THAT THE LAST GOVERNMENT WAS PERSUADED TO INTRODUCE SOME REGULATION OF THE CLAMPING SECTOR AND INCLUDED IN ITS CRIME & SECURITY ACT A PROPOSAL TO LICENSE CLAMPERS AND REQUIRE THEM AS PART OF THEIR LICENSE CONDITION TO COMPLY WITH A CODE OF PRACTICE SIMILAR TO THE ONE I'VE JUST DESCRIBED.

WE ALSO MANAGED TO PERSUADE THEM TO INCLUDE IN THE BILL, WHICH BECAME AN ACT, AN INDEPENDENT APPEALS SERVICE FOR MOTORISTS TO GET REDRESS WHERE THEY ARE UNHAPPY ABOUT A CLAMPING ACTION THAT HAD TAKEN PLACE.

WE HAD WANTED THE ACT TO APPLY TO THE WHOLE OF THE PRIVATE PARKING SECTOR INCLUDING TICKETING AND ALTHOUGH THIS WASN'T ACHIEVED WHAT WAS ACHIEVED WAS CLEARLY A STEPPING STONE IN THAT DIRECTION.

THE BIG PROBLEM WAS THAT THIS ACT BECAME LAW THE DAY BEFORE PARLIAMENT WAS DISSOLVED IN APRIL THIS YEAR FOR THE GENERAL ELECTION AND THE ELECTION RETURNED A DIFFERENT GOVERNMENT AS MANY OF YOU KNOW, A COALITION GOVERNMENT BETWEEN THE CONSERVATIVES AND LIBERAL DEMOCRATS REPLACING A LABOUR GOVERNMENT.

THE COALITION MINISTERS DIDN'T WANT TO IMPLEMENT THE LEGISLATION OF THE LAST GOVERNMENT SO HAS INDICATED THAT THEY WILL SCRAP THOSE PROVISIONS IN THE CRIME & SECURITY ACT AND INSTEAD WILL INTRODUCE THEIR OWN SOLUTION.

NEVERTHELESS, IT CAME AS QUITE A SHOCK WHEN THE NEW HOME OFFICE MINISTER, LYNN FEATHERSTONE, WALKED OUT ONTO WESTMINSTER GREEN ON 17TH AUGUST AND ANNOUNCED THAT THE GOVERNMENT PROPOSED TO BAN ALL CLAMPING AND REMOVALS ON PRIVATE LAND.

IT CAUSED THE BPA TO CONSIDER ITS POSITION ON THIS PROPOSAL AND WE WERE QUICK TO DECIDE THAT WE SHOULD BE OPPOSED TO A TOTAL BAN ON CLAMPING. WE BELIEVE IN REGULATION WHICH WOULD HAVE DEALT WITH THE ROGUE CLAMPER BUT TO BAN CLAMPING AND REMOVAL COMPLETELY SEEMED TO US TO DENY LANDOWNERS THE RIGHT TO PROTECT THEIR LAND AND CERTAINLY TO USE CLAMPING AND REMOVAL AS A LAST RESORT WHERE TICKETING FAILED. WE HAVE LOBBIED HARD SINCE THEN TO PERSUADE GOVERNMENT TO CHANGE ITS MIND AND I REGULARLY MEET WITH CIVIL SERVANTS TO TALK ABOUT HOW THIS MAY BE DONE AND I ALSO MET WITH LYNN FEATHERSTONE TO MAKE OUR POSITION CLEAR.

SO AS I STAND HERE TODAY THE PROPOSAL IS STILL VERY MUCH THE GOVERNMENTS INTENTION AND THEY INTEND TO PUT IT IN A BILL BEING PRESENTED TO PARLIAMENT NEXT MONTH. HOWEVER, BECAUSE OF OUR LOBBYING IT DOES LOOK LIKE THE WILL MAKE SOME CONCESSIONS IN THE BILL AND ALLOW CLAMPING AND REMOVAL TO TAKE PLACE BUT THE PRECISE DETAILS OF THAT IS NOT YET KNOWN.

SO THE WHOLE ISSUE OF THE REGULATING PRIVATE LAND IS VERY MUCH UP IN THE AIR AT THE MOMENT. YOU CAN IMAGINE THAT WE WILL WANT TO USE THE OPPORTUNITY TO ENSURE THAT PARKING ON PRIVATE LAND IS REGULATED, ESPECIALLY IF THE GOVERNMENT IS INTENT ON PROCEEDING WITH ITS PROPOSALS TO BAN CLAMPING. WE HAVE SAID TO THEM THAT THEY MUST COME UP WITH A SOLUTION FOR TICKETING TO ENSURE THAT LANDOWNERS CAN MANAGE THEIR LAND EFFECTIVELY. WATCH THIS SPACE.

MEANWHILE WE HAVE IMPROVED THE APPROVED OPERATOR SCHEME SIGNIFICANTLY SINCE ITS EARLY DAYS INTRODUCING A THIRD PARTY AUDIT OF OUR MEMBERS, A SANCTIONS SCHEME DESIGNED TO PENALISE OPERATORS WHO DO NOT COMPLY WITH OUR CODE OF PRACTICE AND WE ARE ALSO PILOTING AN INDEPENDENT APPEALS SERVICE BASED LOOSELY ON THE ONE THAT ALREADY EXISTS UNDER LEGISLATION FOR THE MANAGEMENT OF THE PUBLIC HIGHWAY.

IT'S EARLY DAYS YET BUT WE BELIEVE THAT THE APPEALS SERVICE WILL BE SUCCESSFUL AND WILL FORM A MODEL WHICH THE GOVERNMENT COULD ADOPT IN DUE COURSE.

OUR DEMANDS FOR CHANGES TO THE WAY PRIVATE PARKING IS MANAGED ARE INCLUDED IN OUR MASTER PLAN AND YOU CAN SEE THAT SET OUT IN THE DOCUMENTS I HAVE BROUGHT WITH ME TODAY. THE DEMANDS INCLUDE THE INTRODUCTION OF AN INDEPENDENT APPEALS SERVICE, OWNER LIABILITY ON PRIVATE LAND AND FULL REGULATION TO FOLLOW.

SO MUCH FOR THE ISSUE OF MANAGING PRIVATE LAND.

THERE ARE OTHER ISSUES IN THE MASTER PLAN AS WELL. ONE OF THE PRINCIPLE ONES IS THE MANAGEMENT OF HOSPITAL PARKING. IN THE UK THIS HAS BEEN QUITE A BATTLE GROUND AND BECAUSE POWER IS DEVOLVED TO THE SCOTTISH PARLIAMENT IN SCOTLAND THE WELSH ASSEMBLY IN WALES IN RESPECT OF HEALTHCARE FACILITIES, THOSE COUNTRIES HAVE MADE THEIR OWN DECISIONS AND DECIDED TO SCRAP CHARGING IN HOSPITAL CAR PARKS IN THOSE COUNTRIES. RECENTLY THE HEALTH MINISTER TOLD THE HOUSE OF COMMONS THAT AS FAR AS ENGLAND WAS CONCERNED HE WOULD NOT BE REQUIRING HOSPITALS TO SCRAP CHARGES IN THEIR CAR PARKS AND THEREFORE WE HAVE THE BIZARRE SITUATION WHERE ENGLAND WILL CONTINUE TO CHARGE AND SCOTLAND AND WALES WON'T.

THE BPA AGAIN HAS TAKEN A VERY CLEAR VIEW ON THIS AND HAS SAID THAT THE MOST IMPORTANT THING IS TO RAISE STANDARDS IN CAR PARKS ATTACHED TO HOSPITALS. SUCH CAR PARKS ARE PROBABLY THE ONLY TYPE OF CAR PARK WHERE USERS HAVE TO USE THE FACILITY TO USE THE HOSPITAL OR VISIT A PATIENT IN THE HOSPITAL AND IT IS ALL THE MORE IMPORTANT THEREFORE THAT STANDARDS ARE MAINTAINED. WE'VE ARGUED THAT YOU CANNOT DO THIS BY SCRAPPING CHARGES AS APART FROM THE FACT THAT CHARGES DELIVER SOME VALUE TO ANY PRODUCT OR SERVICE, OFTEN CHARGES CAN BE USED AS A MEANS OF RATIONING CAR PARK SPACES AND PREVENTING NON-USERS, PARTICULARLY LONG TERM PARKERS, WHO ARE USING THE CAR PARK BUT NOT USING THE HOSPITAL.

IT IS ALSO IMPORTANT THAT CHARGES RAISE REVENUE FOR THE CAR PARK AND THAT REVENUE USED TO RAISE THE STANDARDS STILL HIGHER. ALL THESE ISSUES WE'VE INCLUDED IN OUR HOSPITAL PARKING CHARTER WHICH WE LAUNCHED IN MARCH THIS YEAR AND WHICH IS DESIGNED TO SET OUT THE CASE NOT JUST FOR RETAINING CHARGES IN HOSPITAL CAR PARKS BUT TO ENSURE THAT STANDARDS CONTINUE TO BE RAISED.

THERE ARE OTHER ITEMS INCLUDED IN THE MASTER PLAN WHICH I WON'T GO INTO IN GREAT DETAIL. THERE IS AN ITEM THERE ABOUT THE PROTECTION OF CIVIL ENFORCEMENT OFFICER - THESE ARE THE PEOPLE WHO CARRY OUT ENFORCEMENT ON THE PUBLIC HIGHWAY AND WHO ARE ON THE FRONT LINE OF PARKING PROFESSION - AND WE THINK IT IMPORTANT THAT THEY ARE PROTECTED BY THE LAW IN ORDER TO DETER PHYSICAL AND VERBAL ABUSE.

WE HAVE ALSO INCLUDED A PARAGRAPH ABOUT THE NEED TO PROFESSIONALISE THE SECTOR THROUGH IMPROVED QUALIFICATIONS. WE ALREADY HAVE A SUITE OF QUALIFICATIONS FOR MOSTLY FRONT-LINE PARKING STAFF BUT WE THINK THIS NEEDS TO GO FURTHER AND WE ARE SEEKING FUNDING FROM BOTH THE UK AND EU FOR FURTHER PROFESSIONAL QUALIFICATIONS, LEARNING AND DEVELOPMENT.

SO OUR LONGER TERM PLAN AT THE BPA IS TO BUILD ON WHAT WE HAVE DONE TO CREATE A PROFESSION AND WE BELIEVE THAT WE SHOULD DO THAT BY WORKING WITH GOVERNMENT AN OTHER LIKEMINDED STAKEHOLDERS. IT'S OUR COMMITMENT TO OUR MEMBERSHIP TO ACHIEVE THAT BUT IT ALLOWS US ALSO TO PUT THE CONSUMER AT THE HEART OF OUR THINKING TO DELIVERY A BETTER PARKING SERVICE FOR ALL.

THANK YOU FOR YOUR TIME AND AGAIN FOR YOUR INVITATION TODAY.