

[REDACTED]
CJC Enforcement CfE

My response is anonymous

[REDACTED]
[REDACTED]
Role:
[REDACTED]

Are you responding on behalf of your organisation? No.

I respond as an independent consumer with expert knowledge of the aggressive and abusive way supposed 'enforcement' of private parking charges currently affects motorists.

My email address: [REDACTED]

Your experience and awareness of enforcement

1) Which enforcement methods do you have experience of, if any?

I have assisted consumer Defendants to fight unfair private parking charges for some 16 years and my response relates to the past decade, since wheelclamping was banned. Since 2014, court claims from private parking firms have increased so much that they now represent *over a third of ALL small claims annually*. My experience therefore relates to HCEO enforcement of county court CCJs (where a claim is >£600) and other post-CCJ 'enforcement' letters sent to consumers.

Questions 2 – 5 are not relevant to Defendants.

I will answer questions where I have relevant knowledge/experience.

6) Are there any enforcement mechanisms that you consider should be amended or varied to make them more appropriate for modern litigation from the perspective of either the creditor or the debtor?

From the perspective of the debtor with a county Court CCJ from a private parking firm there should be a variation requiring the Claimant/their bulk solicitor to FIRST have to prove, before being able to obtain a writ, that they served the Claim to a recently checked address just prior to litigation (a Credit Ref Agency 'soft trace' is mandatory in the MHCLG incoming Code of Practice). At the moment, parking firms and their bulk litigators are ignoring this and issuing claims months or years after obtaining DVLA data, which is notoriously unreliable and only a snapshot in time of where a vehicle was registered. It is not good for service. The DVLA do not sell data for litigation.

- 7) Do you consider that there should be further measures attached to any of the current enforcement mechanisms to ensure greater fairness and/or protections for debtors?

As above, the main issue with private parking firms and their bulk litigators is failing to carry out a soft trace before litigation, then sending the case for HCEO enforcement, forcing people to have to spend the enormous fee of £303 to set aside unfair parking CCJs that were never properly served.

Supply of information about potential judgment debtors

- 11) What steps, if any, do you consider the court could and should undertake to encourage greater engagement of potential judgment debtors (given the high number of default judgments)?

The default judgments in small claims is mostly caused by the race to court aim of the parking industry. Please consult with the MHCLG who will confirm their own knowledge of this. Remember that parking claims total at least 400,000 per year now (the MoJ struggled to give exact numbers to the then DLUHC) and when compared to the MoJ quarterly statistics, parking firm claims amount to well over a third, maybe close to HALF of all small claims. It must stop.

As well as parking firms/their legal firms being required to check addresses and not simply serve to an old DVLA address gleaned for £2.50 months or years earlier, there must also be a proper CTSI certificated ADR as part of the MHCLG's regulation of the parking industry.

This must be used INSTEAD of Mediation. Ideally make ADR (and a CRA 'soft trace') mandatory before court claims can be filed.

With parking claims it is not about 'settlement/how much can you pay, Mr Defendant?' which is all Mediation can offer and it is wholly inappropriate with an industry that the last Government identified as being 'in market failure' (due to abuse of motorists 'extorting money' said the DLUHC Minister in 2022).

These cases require early evaluation by a bespoke ADR. Not by a Judge. The courts should be spared.

- 12) Should the court require details of a defendant at the commencement of proceedings in order to ascertain whether a defendant could satisfy a potential judgment? (For example, by specific questions being included in the Directions Questionnaire, including details of any debts being enforced outside the courtsystem);

No, not in parking small claims cases. You are assuming there is a debt that is owed. In fact in most cases that are defended, the Defendant wins. Many parking claims are an abuse of the court system. The bulk litigation method used by the parking industry needs stopping, not enabling.

Support for debtors

2) Are you aware of any support or information provided to debtors following a judgment?

None at all. In parking cases, people caught out by CCJs to their old DVLA address are in sock and can only turn to online expert forums such as MoneySavingExpert:

<https://forums.moneysavingexpert.com/categories/parking-tickets-fines-parking>

I find it shocking that parking Claimants have been enabled by the court system.

I am extremely concerned by the fact that I know the bulk litigators/bailiff firms (often one and the same – e.g. DCB Group – have called for the right to use their own HCEOs for small claims UNDER £600. This is an appalling idea and it is high time the CJC, MoJ and MHCLG worked together to stop the race to court and certainly prevented the litigators from using old addresses to enrich themselves and their parking firm clients at the expense of debtors who have very often (due to an old address used throughout) never even seen a PCN, let alone the court claim itself.