



## **BPA and DVLA Partnership Agreement**

### **Approved Operator Scheme and Accredited Trade Association Status**

#### ***Introduction***

This document represents a partnership agreement between the BPA and DVLA for the purposes of:

1. BPA maintaining Accredited Trade Association Status (ATA) with the DVLA
2. DVLA providing access to its vehicle and keeper data registers by Approved Operator Scheme (AOS) Members
3. DVLA and BPA working together to improve the performance of members in this activity and providing for dispute monitoring, investigation and escalation as appropriate and
4. Developing the relationship between BPA and DVLA on behalf of the parking sector in general
5. Ensuring that enforcement activity is carried out with due consideration for the motorist.

It is intended to use this document as a prescribed method of operation to ensure that both BPA and DVLA are aligned to an agreed process and that both parties follow a consistent process under its execution. It is intended that this represents a 'living' document that will undergo an annual review to ensure that it accurately reflects the law and current process and procedures agreed between the two parties.

This document records the parties' intentions in relation to its subject matter, but it is not intended to be legally binding or to confer any legal rights on either party or on any third party.

**Note** – The BPA and DVLA operate their own internal processes in support of this agreement and the following documents detail these proprietary processes;

- BPA Approved Operator Scheme Code of Practice - Unregulated Parking Enforcement.
- BPA Approved Operator Scheme Code of Practice – Operators Handbook
- DVLA Driver, Vehicle and Keeper Records Enquiry Procedures

#### ***Aim of agreement***

The AOS is a scheme to raise standards in the management and enforcement of parking on private land. It is the parking industry's response to provide self regulation where no laws exist.

The scheme has a Code of Practice and all members of the AOS have agreed to support and uphold the principles of the Code and confirm that they have systems and procedures in place to ensure that compliance with the Code is possible, ongoing, and within the culture of the organisation.



The BPA and DVLA will work together to ensure that members of the BPA's Approved Operator Scheme that undertake parking enforcement on private land operate professionally fairly, and responsibly.

The DVLA accepts that the BPA, as an Accredited Trade Association (ATA), should be free to manage the performance of its AOS members undertaking this activity, (through its Code of Practice, its Scheme of Sanctions and the BPA Disciplinary Procedures etc), agreed from time to time, with the DVLA role to oversee the BPA's work in accordance with this agreement. In effect the BPA monitors its members and the DVLA monitors the BPA in respect of this activity.

The BPA accepts that the DVLA has the right to take action against a member of the AOS where it is concerned about the use and possible misuse of data supplied from its data base. The DVLA accepts that any action it takes towards an AOS member and which restricts or limits access to its data registers should be considered only where appropriate and in the context of the individual circumstances of the case. DVLA will endeavour to consult with the BPA before any such action is taken

***Role of BPA as an ATA.***

The BPA will:

- Provide self regulation of its members within the private parking sector through the AOS
- Set and maintain standards of competence and behaviour
- Monitor the performance of members against the Code and ensure compliance and apply sanctions against them as set out in the prevailing Scheme of Sanctions
- Investigate a member organisation at the request of the DVLA
- Investigate complaints from members of the public for non-compliance with the code
- Represent parking industry concerns to DVLA / DfT and other Government Departments and Agencies

***BPA maintaining Accredited Trade Association Status (ATA) with the DVLA***

In order to maintain its ATA status the BPA will:

- Provide a current copy of the Code of Practice to DVLA
- Test operators to confirm that they have systems and procedures in place to ensure that substantial compliance with the Code is possible, ongoing and within the culture of the organisation.
- Ensure regular compliance checks are conducted of its members and take action where contraventions to the Code are reported
- Investigate all other instances where a specific breach of the Code of Practice has been reported and take the necessary action – advising DVLA where appropriate.
- Be fair and impartial
- Resolve any major issues that affect all members as a matter of urgency to ensure all members are compliant
- Ensure that its Scheme of Sanctions is maintained and will report to DVLA instances of contraventions of the code of practice which are identified and proven and which will incur sanctions at levels 4 and 5 of the Scheme of Sanction, or where an operator obtains 12 or more points.
- Advise DVLA if, during the course of an investigation, there is evidence to suggest that vehicle keeper data has been misused, or allegations are of a sufficiently serious nature



that suspension of access to data may be appropriate during the course of the investigation.

Note: It is an underlying principle that the BPA will use its best endeavours to ensure that AOS members are willing and able to comply with the Code of Practice and to this end the application of Sanctions is intended to encourage compliance rather than achieve expulsion of members from the AOS. It is preferred to work with members to achieve compliance in a timely manner. However, where this is not possible, BPA will instigate the disciplinary process and ultimately terminate membership.

#### ***Remit of DVLA in this agreement***

The DVLA will:

- Maintain BPA ATA status
- Monitor BPA's effectiveness and performance as an ATA.
- Not unduly influence or control BPA processes / procedures.
- Subject to its rules and procedures provide details of registered vehicle keepers to members of the AOS who can show 'Reasonable Cause' for having access to this data.
- Retain the right to restrict or limit access to its data registers by an AOS member but not do so without prior notification to the BPA.
- Confirm BPA's continuing ATA status on an annual basis.
- Refer complaints relating to a member's non compliance with BPA's code of practice to BPA for investigation.

#### ***BPA administration of its Approved Operator Scheme (AOS)***

- Operators apply for membership of BPA and Approved Operator Scheme;
- Operators provide Evidence of Compliance Statement and supporting Documents;
- Operators sign up to the Approved Operator Scheme Code of Practice;
- Probationary membership of the scheme is granted
- External Audit Officer conducts Code of Practice compliance audit visit including site visit(s);
- Following Audit and after 6 months probationary period BPA (Approved Operator Scheme) confirms or refuses upgrade to full membership, informing DVLA if full membership is refused
- External auditor/BPA Operations Manager (Approved Operator Scheme) or Regional Development Manager (Safer Parking Scheme) undertakes further AOS compliance audits as necessary in response to complaints and apply any sanctions required in accordance with the sanctions programme.
- Details of companies that receive sanctions at levels 4 and 5 or that receive 12 or more points are forwarded to DVLA
- AOS members provide annual Evidence of Compliance Statement and supporting documents.
- AOS members audited annually by external auditor

#### ***Release of information to AOS Members***

- On receipt of request DVLA checks that applicant is a member of the AOS
- DVLA check applications made manually by AOS members to ensure reasonable cause has been demonstrated and supporting evidence is present. If reasonable cause has not



been demonstrated or the supporting evidence is not included then the DVLA will reject the application.

- DVLA have a signed contract in place with AOS members for electronic access and reserve the right to suspend this access at any time. In such cases the DVLA will advise the BPA of its intentions with reasons prior to suspension.
- DVLA reserves the right to decide on whether information should be provided to companies even if they are compliant with the Code of Practice.
- When data is provided via manual channels, it is done so for use in accordance with the terms and conditions published at the time.
- Where DVLA withholds access to its database or removes a member of the AOS it will advise BPA of its intentions immediately
- DVLA will normally provide registered keeper details to operators within 3 weeks of receiving an application

#### ***DVLA and BPA dispute, complaint, investigation and escalation***

- A complaint is received against an individual or organisation.
- An assessment is made of the correspondence to determine if the complaint appears to be in contravention of the CoP or Approved Operator Scheme requirements.
- DVLA or BPA confirm that the dispute is against an AOS member.
- DVLA to advise BPA of any disputes/complaints it receives against members of BPA or AOS in accordance with the agreed dispute resolution process.
- BPA investigates the complaint to obtain a balanced view and to ensure there is a case to answer.
- The Member is required to take appropriate measures to restore compliance if a breach is identified and sanctions may be issued in accordance with the sanctions programme.
- Where a contravention at levels 4 or 5 is confirmed or where an individual operator receives 12 or more points the BPA will advise the DVLA immediately.
- Where an allegation is sufficiently serious and is likely to cause reputational harm to DVLA and / or BPA, or cause negative publicity, the party receiving the allegation will inform the other party immediately.
- Failure to restore Compliance within agreed timescales will result in the Member being reported to the BPA Director of Member Services for bringing the BPA and parking industry into disrepute.
- BPA Director of Member Services invokes the BPA Disciplinary Procedure.
- BPA Director of Operations and Technical Services advises DVLA of results of investigation and outcome
- DVLA Data Release Manager take any further appropriate action against individual or organisation with regards to access to data
- Both parties will aim to respond to all complaints within 8 working days except in instances where communication on a particular dispute has been received from the Minister of State's office. In these situations, both parties will endeavour to provide a response within timescales dictated by the Minister and the circumstances. BPA to maintain a log of all substantiated complaints and any resulting action.

#### ***Fee structure.***

- BPA will ensure that its fee structure is fair and reasonable
- The AOS is required to be self funding and the fee structure will reflect this.
- Any other financial requirements must consider fairness to companies of all sizes and comply with competition law requirements



### ***Communications between Parties***

- Regular meetings to be held between the parties at various levels as follows:
  - Chief Executive/Director level – matters of policy/strategy (at least once a year)
  - Operational staff – implementation/operational issues (at least three a year)
  - Ad Hoc meetings to be held as required

### ***Dispute escalation process between BPA and DVLA.***

- Initial points of contact for disputes/complaints to be at Operational level but where agreement is not reached on an issue or in the case of matters of policy/strategy these shall be reviewed and agreed at Chief Executive/Director level

### ***Complaints from members in relation to BPA treatment.***

- Members aggrieved at a decision of the BPA in respect of the AOS have the right of appeal as follows:
  1. Where the decision has been taken at Operations Manager level to the Head of Service
  2. Where at Head of Service level to a BPA Director
  3. Where at Director level to the Chief Executive
- Where suspension from the scheme and, therefore, removal from access to DVLA database is recommended the normal BPA disciplinary procedure will be applied which includes an appeal process

### ***A section about complaints from members in relation to DVLA treatment***

DVLA to set out their procedures for dealing with complaints from BPA members

### ***Liaison in relation to abuse of current position as the sole ATA in the industry.***

- The BPA will not seek to abuse its current position as sole ATA in the industry. As identified previously its purpose in setting up the AOS and seeking ATA status is to improve standards and the performance of the sector for the benefit of all.
- It does however seek assurances from the DVLA that any future ATA (and its members), are subject to the same rigorous processes as those applied to the BPA and that the Code of Practice and standards of performance generally are no less exacting as those applied to AOS members. This is to ensure a consistency and quality of performance throughout the sector.
- The BPA will advise DVLA of any major changes to its fee structure, or major changes to its operational procedures/processes and give the DVLA the opportunity to input.
- It is recognised that the DVLA is an 'Observer' member of its AOS Board and will through this be involved in all future developments of the scheme. However, decisions remain with the AOS Board.





- The DVLA to raise with the BPA any issues it becomes aware of relating to competition law/potential of abuse of the BPA's position.

By signing this document as a representative of their respective Organisations, the undersigned agree to adhere to the processes detailed in this document for the purposes stated in the introduction.

Signature
PATRICK TROY
Printed Name
CHIEF EXECUTIVE
Job Title
4 JANUARY 2011
Date

Signature
DAVID EVANS
Printed Name
CORPORATE AFFAIRS DIRECTOR
Job Title
11/1/11
Date

#### Appendix A - Contact List - Jan-11

BPA Head Office		British Parking Association Stuart House 41-43 Perrymount Road HAYWARDS HEATH West Sussex RH16 3BN
BPA Chief Executive	Patrick Troy	Email: <a href="mailto:patrick.t@britishparking.co.uk">patrick.t@britishparking.co.uk</a> Telephone: +44 (0)1444 447 306 Fax: +44 (0)1444 454 105
BPA Membership Services Director	Jane Hack	Email: <a href="mailto:jane.h@britishparking.co.uk">jane.h@britishparking.co.uk</a> Telephone: +44 (0)1444 447 303 Fax: +44 (0)1444 454 105
BPA Technical Services Director	Kelvin Reynolds	Email: <a href="mailto:kelvin.r@britishparking.co.uk">kelvin.r@britishparking.co.uk</a> Telephone: +44 (0)1444 447 300 Fax: +44 (0)1444 454 105
BPA Head of Approved Operator Scheme	Steve Clark	Email: <a href="mailto:steve.c@britishparking.co.uk">steve.c@britishparking.co.uk</a> Telephone: +44 (0)1444 447307 Fax: +44 (0)1444 454105
BPA Business Development Manager	Richard Hilton	Email: <a href="mailto:richard.h@britishparking.co.uk">richard.h@britishparking.co.uk</a> Telephone: +44 (0)1444 447 302 Fax: +44 (0)1444 454 105
DVLA		Driver and Vehicle Licensing Agency Policy Research and Development Policy and External Communications Directorate D 16 DVLA SA6 7JL
Policy Advisor		Email: Telephone: +44 (0) 1792





		Fax: +44 (0) 1792 384 565
Head of Data Sharing Policy	Rob Toft	Email: <a href="mailto:rob.toft@dvla.gsi.gov.uk">rob.toft@dvla.gsi.gov.uk</a> Telephone: +44 (0) 1792 783 966 Fax: +44 (0) 1792 384 565
DVLA – Executive Director	David L Evans	Email: <a href="mailto:david.l.evans@dvla.gsi.gov.uk">david.l.evans@dvla.gsi.gov.uk</a> Telephone: +44 (0) 1792 782 430 Fax: +44 (0) 1792 783 003

## Appendix B – Escalation List

### BPA Contacts and Escalation

Single point of contact	Richard Hilton	Business Development Manager (Approved Operator Scheme)
1 <sup>st</sup> Escalation	Steve Clark	Head of Operations
2 <sup>nd</sup> Escalation	Kelvin Reynolds	Director of Technical Services

### DVLA Contacts and Escalation

Single point of contact		Policy Advisor
1 <sup>st</sup> Escalation	Rob Toft	Head of DSPG
2 <sup>nd</sup> Escalation	David L Evans	Executive Director

