

From: DFT Ministers

Sent: 14 February 2020 09:29

To: [REDACTED]

Subject:FW: DVLA data sharing - private parking management companies - Ranil Jayawardena MP

Mc please

[REDACTED] | Correspondence Manager, , Department for Transport

5/11 | [REDACTED]

Post to: Great Minster Hse, 33 Horseferry Rd, London, SW1P 4DR

From: [REDACTED]

Sent: 13 February 2020 12:23

To: DFT Ministers <DFT.Ministers@dft.gov.uk>

Subject: DVLA data sharing - private parking management companies - Ranil Jayawardena MP

Dear Minister,

Mr. Jayawardena has asked me to write to you on his behalf, as he has been contacted by one of his constituents, [REDACTED], concerning DVLA's processes for suspending access to vehicle keepers' personal data.

While we have previously written to MHCLG with regards to the aspects concerning private parking management companies and unauthorised signage, [REDACTED] has further concerns about the DVLA providing data to companies displaying unauthorised parking signs.

In order that he can respond to his constituents more fully, Mr. Jayawardena would be grateful for your response to his concerns, with the key sections reproduced below, in particular if you were able to address his main question.

“The KADOE Service Contract between the DVLA and each of nearly every parking operator expressly requires compliance of the operator with all relevant law as a condition of accessing vehicle keeper information. It also requires compliance with its trade association's code of practice – belt and braces.

“An unauthorised advertisement is one that is illegally displayed without required consent. MHCLG, that is responsible for all planning matters, knows this.

“The display of unauthorised advertisements has been a strict liability criminal offence for 30 years (Town and Country Planning Act 1990 as amended, section 224).

“What procedure is in place to ensure that any breach of law by a private parking company that is material to its parking management activities, and be thereby in breach of its KADOE Service Contract with the DVLA, will, upon being made known to the DVLA, assuredly result in prompt suspension of that company’s access to vehicle keepers’ personal data.”

Yours sincerely,

A black rectangular box redacting the signature of the researcher.

Researcher

THE OFFICE OF RANIL JAYAWARDENA, M.P.

Member of Parliament for North East Hampshire

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the sender. (Election Imprint: Promoted by D E Moss, on behalf of R M Jayawardena and the  
Conservative Party, all at The

Mount, Bounty Road, Basingstoke, Hampshire, RG21 3DD.)

From: [REDACTED]

Sent: 30 January 2020 07:22

To: JAYAWARDENA, Ranil <[ranil.jayawardena.mp@parliament.uk](mailto:ranil.jayawardena.mp@parliament.uk)>; The Office of Ranil Jayawardena  
MP

<[email@ranil.uk](mailto:email@ranil.uk)>

Subject: Response of Minister Luke Hall - JT 20208

Dear Ranil

Re- Your letter of 24th January JT 20208

This is to acknowledge with thanks the letter to you from Minister Luke Hall that eventuated from my information to you in December requesting a Parliamentary Question that (for its content) you were unable to make.

Luke Hall's letter, compiled of course by officers, serves no useful purpose whatsoever. I have long been aware of all its content and more.

Two comments on his letter are worth making for your information and understanding.

1. He says that if I "feel" that a parking operator has breached its trade association's code of practice I "should" contact the relevant trade association, being the BPA or the IPC. That would be utterly futile!

When these trade associations have been informed with irrefutable evidence of operator gross and fatal breaches of their codes they have not only done nothing to remedy the misconduct but have mischievously contrived to defend and contain it! This advice is little different from suggesting that an oppressed New Yorker should report an extortionist's criminal misconduct to the Mafia HQ.

Mr Hall lives in a dream world; it is this incompetent and disturbingly perverse misconduct of the two utterly ineffectual parking operators' trade associations that has given rise to the statutory code of practice now in preparation !! It is the utter madness of (non-existent) self regulation of the parking industry that is the cause of the years of motorists' misery and time-wasting of MPs too long endured and continuing.

2. He also refers inaccurately to "parking signs allegedly erected without planning

permission”; there is no such thing. Advertisements are not subject to planning permission, they are subject to the different and more stringent rules relating to consent to display advertisements. In any case, the issue has never been about advertisements “alleged” to be illegally display but always about signage factually-established to be illegally displayed.

Ranil, since you have helpfully pursued this as best you were able, and without any useful outcome, it would be helpful and should be very profitable if you will be good enough follow up Luke Hall’s response very briefly on the following lines.

I suggest a note to him asking him to clarify – for your information – two things:

First: Will he please confirm that the display of unauthorised parking advertisements in public places is a criminal offence in breach of planning legislation.

Secondly: Will he please confirm that if a parking operator is proven to be illegally displaying unauthorised parking sign advertisements it will inevitably be in breach of a contract or a code of practice that requires parking operators to comply with all relevant law.

For your information and understanding:

- \* The answer to both questions is and can only be ‘yes’ but we need to hear that from a Minister and without evasion.
- \* An unauthorised advertisement is one that is illegally displayed without required consent. MHCLG, that is responsible for all planning matters, knows this.
- \* The display of unauthorised advertisements has been a strict liability criminal offence for 30 years (Town and Country Planning Act 1990 as amended, section 224).
- \* MHCLG knows full well that both trade associations’ codes of practice have always required parking operator compliance with all law relevant to their operations (if not, they shouldn’t now be involving themselves in these codes of

practice).

\* The KADOE Service Contract between the DVLA and each of nearly every parking operator expressly requires compliance of the operator with all relevant law as a condition of accessing vehicle keeper information. It also requires compliance with its trade association's code of practice – belt and braces.

Best regards



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