

POPLA

PARKING ON PRIVATE
LAND APPEALS



ANNUAL REPORT OF THE LEAD ADJUDICATOR

2013



Foreword

Everyone has a parking story. They are a staple feature for local newspapers and a regular item on television consumer programmes. Indeed, receipt of a parking ticket may be the only time that most people have occasion to engage in any sort of appeal process.

Parking was first decriminalised in London some twenty years ago and a sophisticated tribunal system exists to resolve disputes arising out of tickets that have been issued on public roads. The scheme was later extended to out of London. However, the one thing that had been missing up until now was any form of independent dispute resolution in respect of tickets issued for vehicles parked on private land.

Parking on Private Land Appeals, or POPLA, was thus established on 1 October 2012.

I am pleased now to present the first annual report of POPLA, covering our initial six months of operation.

Henry Michael Greenslade

Lead Adjudicator

POPLA

Establishing POPLA

Although different from the existing tribunals, Parking on Private Land Appeals, or POPLA, covers the whole of England and Wales and seeks to put in place the last piece of the parking appeal jigsaw.

The creation of POPLA coincided with the Protection of Freedoms Act 2012 (PoFA) which, in Section 54, outlawed certain immobilisation ('wheel clamping') or the moving or removal ('towing-away') of vehicles without lawful authority. This applies, in most cases, to any vehicle parked on private land. However, the Act itself did not create an appeals service.

POPLA came into existence on 1 October 2012 to consider appeals in respect of parking charge notices issued on or after that date. One of the requirements of the Transport Minister was that the Lead Adjudicator should prepare an annual report. In fact, this first report comes less than one year since the inception of POPLA, but six months is a good starting point to see how the service has been working and what issues have arisen so far. The reports will run in twelve month cycles in the future.

Besides the provisions to outlaw clamping and removal, and in recognition of the fact that some kinds of parking enforcement needed to continue on private land, the Act also provided for a form of keeper liability. The Government made implementation of this provision dependent upon the creation of an independent appeals process for drivers parked on private land.

POPLA is not, therefore, a statutory tribunal, as it is not created by the PoFA or any other legislative provision. It was established by the British Parking Association (BPA) at the request of the Government and is wholly funded by the private parking industry.

Nevertheless, although established by the BPA and funded by industry, POPLA is operated independently. The BPA approached both London Councils and PATROL, in their roles as supporting the two statutory tribunals for parking enforcement in England and Wales, with a view to establishing a new appeals service based on the well understood and recognised models that already existed.

An agreement has been made with London Councils to operate POPLA for three years, based on the need for a clearly independent body. While the BPA funds

POPLA (and private parking companies finance the BPA's activities in this respect) the agreement between London Councils and BPA ensures that the BPA has no involvement in either the procedures, appointments or decisions made by POPLA.

The statutory tribunals, the Parking and Traffic Appeals Service (PATAS) and the Traffic Penalty Tribunal (TPT) are indeed well understood and respected. Our procedures are based on theirs. However POPLA, having no statutory backing, does not replace access to the County Courts for legal enforcement in the way that PATAS and TPT have replaced motorists' previous access to the Magistrates' Courts for on-street parking enforcement, where an appeal is made. For this reason the POPLA processes are simpler. They do not include provision for personal appeals and do not come within a statutory framework for publication of decisions. POPLA is an addition to statutory procedures, not an alternative.

Processes

I set out the appeal route in full below but, in summary, the appellant has 28 days to appeal to POPLA from an operator's rejection of their representations. Once the appeal is lodged the operator has 28 days to submit evidence they allege proves the breach.

From the launch of the service until 31 March 2013, 4,051 appeals had been registered at POPLA.

The first appeals were determined on 28 November 2012 and from then until 31 March 2013, 1,969 appeals have been decided, of which 1,058, or 54%, have been determined in favour of the motorist (i.e. allowed) and 911, or 46%, in favour of the operator (i.e. refused). It remains to be seen as to whether there will be any further significant change in this balance as the service becomes more established.

In a, so far small, number of cases, Assessors have referred the matter back to the operator for their reconsideration of mitigating circumstances. I deal with this procedure more fully elsewhere in my report. It is a fact that motorists very often feel that they have very strong mitigation, however Assessors have referred back only four cases in this initial period. Of these, the operator accepted the recommendation in two cases but declined to do so (or failed to respond) in the other two cases.

Operators may be reported to the British Parking Association by the Lead Adjudicator for an apparent breach by an operator of the BPA Code of Practice. I also deal with this elsewhere but, as of 31 March 2013, which is the first six months of POPLA, I have made one such reference. However, as this is currently under investigation by the British Parking Association it would not be appropriate to go into further detail at this stage. It will have to await my next report.

There had undoubtedly long existed a need for the motorist to be able to appeal to an independent body in respect of tickets issued to vehicles parked on private land. However, even before POPLA was set up, it had critics. It might even have appeared from internet forums and blogs that some people wanted it to fail without even giving it an opportunity to demonstrate its independence and efficiency. In fact, POPLA has many advantages for both the motorist and the operator.

The figure on page 29 sets out the appeals process in diagrammatic form.

It is worth emphasising again at this stage that POPLA provides a service completely independent of both parties. POPLA is not run by trade organisations or by motorist lobby groups. I am neither the 'motorist's champion' nor the 'operator's advocate'. We have no targets to meet as regards the percentage of appeals that are either allowed or refused. Assessors determine each appeal by making findings of fact on the basis of the evidence produced by the parties, considering the BPA Code of Practice and applying the relevant law.

Under the scheme, once a parking charge notice is issued by being physically put on the vehicle or handed to the driver, the motorist has 28 days to pay the parking charge. If it is paid within 14 days, the motorist will have the opportunity to pay a reduced charge. If the motorist wishes to appeal the parking charge notice, he or she must make representations to the operator within 28 days of its issue. The parking charge notice itself must include details of how to make such representations.

If no payment is made to, or representations received by, the operator after 28 days, then paragraph 4(1) of Schedule 4 to the Protection of Freedoms Act 2012 provides that, in certain circumstances, the operator has a right to recover any parking charges from the keeper of the vehicle. This is generally referred to as 'keeper liability'. The keeper is defined in the Schedule as the person by whom the vehicle is kept at the time the vehicle is parked, but in the case of the registered vehicle is to be presumed, unless the contrary is proved, to be the registered keeper. The operator may apply to the Driver and Vehicle Licensing Agency (DVLA) for the registered keeper details and send the notice to the keeper within 14 days of the alleged liability arising, typically after 28 days from the date of the parking charge notice being issued and no payment or representations from the driver being received.

Where the ticket is issued following remote detection, for example by closed circuit television using automatic number plate recognition (ANPR), then the operator can obtain details of the registered keeper from the DVLA immediately and send a notice directly to the keeper, again within 14 days of the alleged event.

The effect of Schedule 4 is that where a notice is sent to the keeper, the keeper has the choice either of naming the person who was the driver at the material time; paying the parking charge; or making representations to the operator. If the keeper provides the name and current address of the driver, it will be then be for the operator to pursue the driver for the parking charge, if they so wish.

The BPA Code of Practice provides that if prompt payment is made, the operator must offer a reduced payment, which should be by at least 40% of the full charge. 'Prompt payment' is defined as 14 days from the date the driver or the keeper received the notice.

If representations are made to the operator in respect of the parking charge notice and are accepted, then the parking charge notice will be cancelled. If the representations are not accepted the operator must send the rejection notice to the motorist with the reasons for the rejection. They should also include an appeal form, as well as the verification code, allowing the motorist to appeal to POPLA. In the case of online representations, the appeal form can be replaced by a link to the POPLA website but must always include the verification code. Operators should not need to be asked for this by the motorist.

There is also provision in Schedule 4 for the situation where the keeper proves that the vehicle had been stolen at the time of the event, in which case the keeper will not be liable.

If the keeper is a vehicle hire company and can show that the vehicle was hired at the material time, then they also will not be liable for the parking charge.

Motorists must have the valid verification code, issued by the operator, before appealing to POPLA. This code ensures that only those who have had their representations considered by the operator can progress to an appeal at POPLA. The verification code also becomes the unique appeal number to identify the case once registered at POPLA.

Each appeal, with its own verification code, should refer only to one parking charge notice. It does appear that there was some confusion by parties about this in the initial stages but the problem now seems to have been resolved.

Upon receipt of the appeal, the administrative team at POPLA ensure that it can be registered, for example checking the verification code and establishing that the appeal is in time. An acknowledgement is then sent to the appellant. The operator is sent a copy of the appeal. The parties are informed as to when the appeal will be decided, which will be a date at least 28 days after it is received. This is to give the operator time to submit their evidence to POPLA and also for the motorist to submit any further evidence. By the time the Assessor comes to determine the case, both parties have had the opportunity to make

representations and to have seen each other's evidence. If any operator were to delay sending their evidence until the very last minute, it could mean that the Assessor would have to adjourn the matter so as to give the appellant time to address any substantial new issue raised.

The decision of the Assessor will be binding on the operator but not on the motorist. However, if the appeal is refused, the operator will allow 14 days for payment of the parking charge before taking any further action.

For the motorist, POPLA provides a simple, free service for the arbitration of disputes arising out of tickets issued in respect of vehicles on private land. An impartial Assessor, independent of the operator, will determine the case and provide a reasoned decision. If they win the appeal, the motorist knows that the ticket will be cancelled and that is the end of the matter. If they lose their appeal, they will still have the opportunity to pay no more than the full parking charge before the operator will seek to take any further action.

For the operator, it is equally the case that an impartial Assessor, independent of the appellant, will determine the case and provide a reasoned decision. Operators may find that once the motorist feels they have had a 'fair hearing' they are more likely to accept a decision that is not in their favour, than they might be merely on the operator's rejection alone. This is even more the case if they feel the operator has not actually addressed the issues they raised when rejecting their initial representations.

Even when the motorist does not win their appeal, the Assessor's decision does not say that the motorist must pay but rather that they should pay the parking charge in order to avoid any further action by the operator. There being no legal requirement for the motorist to accept the decision, ultimately parking charges will still only be recoverable through the County Court. A motorist should not, however, be misled by this because of the position in the past, when court processes may not have been widely used by operators. The concept of 'keeper liability' introduced by Schedule 4 of the Protection of Freedoms Act 2012, as well as the existence of the appeals service itself may well change this. In such cases, the operator is likely to rely on the finding of the Assessor in evidence. Obviously, the County Court Judge is not bound by the Assessor's decision as to the facts, but he or she will doubtless give it such weight as they consider appropriate.

Outcomes

Launching on 1 October 2012, we did, inevitably, have some problems at the start. Whilst perhaps not wholly unexpected with a brand new service covering the whole country, there have been some technical issues which POPLA has had to face.

Overall, the service has generally operated well. However, the initial problems did lead to delays in registering some appeals and in sending out some decisions, which problems I regret. We apologised on the website for this at the time. I should stress that this was not the fault of the hard working administrative team, which indeed grew whilst POPLA developed and who now provide tight and focused support for the Assessors. These teething problems have now largely been resolved, with cases being determined much nearer to the scheduled date and decisions then being sent to the parties within two working days.

Unlike the London based statutory tribunals, POPLA does not have a bespoke computerised system. This was a sensible starting point as we had no idea how much use would be made of a new independent appeal service. However, it having proved as popular as it has, a far greater use of information technology in this regard is already under review.

As a brand new service, we at first offered the opportunity of email appeals because we thought that this might be a valuable development. In fact, although initially welcomed, it turned out that this method was less useful and far more of a problem than we originally anticipated. We are therefore withdrawing this method in favour of online appeals. These are proving to be much more convenient, as evidence can be directly uploaded to the website at the same time. Even now, online appeals are not offered universally by the statutory tribunals.

We do, of course, retain postal appeals for those who do not have access to, or would prefer not to use, the internet.

Looking at the type of appeals that Assessors have so far considered, a pattern emerges that is perhaps not too unlike the statutory tribunals. Whilst a few appeals have raised matters such as the status of the operator in issuing a parking charge notice or whether or not the parking charge is a genuine pre-estimate of loss, appeals relating to signage and to the proper display of permits and vouchers form the overwhelming majority of cases.

Issues concerning signage, the lack of it, or its clarity and even meaning, have

long been the subject of parking appeals. The BPA Code of Practice does not provide detailed prescription for signage but, in the section dealing with it, starts by clearly stating that operators must use signs to make it easy for the motorist to find out what the terms and conditions are. At 18.6 it also states that operators should try to use plain and intelligible language in all their signs and information. Assessors have found that it is not only a sign itself, and what is on it, that may be in issue but, very often, the position of the sign. Where this is raised by an appellant, then the operator should address it specifically, rather than merely stating their general practice.

A particular problem that Assessors have noted occurs where a car park may be shared. For example, part of it is controlled by a local authority and the other part by an operator. There may be no physical barrier between the two sections and the only distinction may be the colour of the bay markings. The pay and display machines may also be very similar in shape and design. The difference may not be obvious to the motorist and must therefore be made very clear by the signage.

It is not uncommon nowadays for a motorist returning to their vehicle and finding any sort of ticket has been issued, immediately to get out their mobile phone and take a number of images of the vehicle and location. Operators also produce with their evidence, photographs/digital images either taken by the operative at the time of issue of the parking charge notice or library shots of the location, or indeed both. The Assessor will often have to consider these when each party submits that their own images show, for example, that there was, or equally that there was not, a particular sign at a specific place. Timed and dated images, from whatever source, may obviously assist the Assessor in this regard.

Vouchers falling down, turning over or slipping partially out of sight when the vehicle door is closed, are a familiar story. It is as true off-street as it is on-street that the motorist should always check carefully before finally leaving their vehicle, in order to ensure that it is properly parked and that anything required to be displayed is clearly visible from outside.

It is perhaps too early to say whether the type of issues we are seeing at the moment will change over time and new areas of dispute appear as the service develops. Whatever issue or issues are raised by an appellant are, of course, those which the operator should address.

Unlike the position nearly twenty years ago, when the then Parking Appeals

Service started, the growth of the Internet has meant a vast amount of information is now readily available to the motorist seeking to appeal. Much of this can be very interesting and a lot of it may be useful. Unfortunately, not all of it is helpful and some of it is, quite frankly, wrong.

Websites often suggest a motorist put forward complicated and supposedly 'legal' reasons for an appeal, which may or may not have much relevance to the case, when a simple statement of the facts surrounding the vehicle's presence or the issue of the parking charge notice may well form valid grounds of appeal. Experience from elsewhere shows that whilst those seeking to appeal can obviously get all the help they want from any source, motorists should be alert to the possibility of having their straightforward case effectively 'hijacked' by campaigners seeking to make their own political points.

Sitting in the statutory tribunals as I did for many years, I used to believe few people really set out deliberately to get a ticket just for the sake of it. Certainly nobody said that when they came to appeal. Most appellants believed that the parking ticket should not have been issued in the first place and that they had a very good reason why they should win their case. Whether this is wholly the position or not, certainly even whilst POPLA was being set up, we were being contacted by people who said that they were intending to get lots of tickets issued to their vehicles so as to "prove" the whole scheme was unworkable. That is as may be but each case which actually comes to appeal at POPLA will be carefully considered on its own facts.

Conclusions

So what can be drawn from the appeals so far? For the appellant, they can put forward such evidence as they feel helps their case and can refer to such principles of law as they wish, but they should not lose sight of, or be distracted from, simply and clearly setting out exactly what their case is. For the operator, they should always deal with the issues actually raised by the appellant.

It was perhaps unsurprising that operators who currently issue penalty charge notices on behalf of local authorities were more familiar with an appeals system than those who do not, for whom the concept was completely new.

Although much mooted and discussed often, in the end POPLA was actually set up with commendable speed. Many people played a part in this but I would particularly like to thank Nick Lester, Stephen Benton, Elaine Hughes and Garry Hoy at London Councils for their ceaseless efforts to have the service up and running by 1 October 2012. Stephen will be retiring from London Councils shortly and I wish him all the very best for the future.

Recruitment of the Assessors was an illuminating experience, not least in showing what is already well known. That is, sadly, how so many graduates currently have no alternative but to be engaged in work for which they are manifestly over-qualified. We were therefore presented with a considerable pool of academic talent from which to choose those whom we considered would be best able to put theory into practice. I am pleased that we have been proved right in our selection.

I would like to thank Caroline Hamilton, the Chief Parking and Road Traffic Adjudicator, for agreeing to assist in the recruitment process, by kindly acting as the independent judicial member on the selection panel. I may well have to call on Miss Hamilton's expertise in this regard again soon. As I write this, the volume of cases now coming into POPLA will mean that the number of Assessors will need to be increased in the very near future.

We originally appointed two full-time Assessors and three part-time; although in the end one of the latter effectively withdrew on the day he was to take up his post.

The Assessors all have a legal background, including one barrister. They are all graduates and already have, or are now completing, post-graduate qualifications in law. They thus have a clear understanding of legal decision making. Indeed, recent developments in law may be even fresher in their minds

than for some more seasoned practitioners. Their time as Assessors, acting in a quasi-judicial capacity, will provide invaluable experience for the outstanding legal careers that I have no doubt await them.

As for diversity, of the current four Assessors, two are women, one is from a BAME background and one identifies as LGBT, i.e. 50%, 25% and 25% respectively.

On the administrative side, I would especially like to thank Service Manager Richard Reeve. Richard is assisted by Emma Groombridge, who has now risen to become team leader, as well as Bobby Nelson, Tristan Patey and also Alex Lambert, who recently joined us. Richard and his staff have done a magnificent job. In a very short space of time they got the new service running smoothly, whilst at the same time dealing efficiently with constant enquiries from all parties.

Finally, I am pleased to acknowledge Luke Dawson for his work as Project Officer in the setting up of POPLA and in dealing with some of the technical aspects of the service at the very early stages.

I commend this report and look forward to an exciting and expanding year ahead.

Henry Michael Greenslade

Lead Adjudicator

April 2013

No charge for appealing

There is no charge to the motorist for appealing to POPLA. However, Assessors are finding that occasionally operators are wording their notices of rejection in such a way that it may at first appear that there is.

For example, if the parking charge is £XX and the reduced charge is £YY, the operator should not state in their Notice of Rejection phrases such as 'please be advised that if you opt to appeal your case to POPLA, the parking charge notice will increase to £XX.' In this case the parking charge has not increased; it is merely that the discount is no longer available. This is the correct position. However, the recipient may get the impression that there is an increase and thus possibly be reluctant to appeal.

Of course, were the Notice of Rejection to suggest an actual increase in the parking charge for appealing, this would likely breach the BPA Code of Practice.

Grounds of appeal

There are four grounds of appeal set out on the appeal form:

1. The vehicle was not improperly parked.
2. The parking charge (ticket) exceeded the appropriate amount.
3. The vehicle was stolen.
4. I am not liable for the parking charge.

An appellant should select the one that is most appropriate to their reasons for appealing. However, the grounds of appeal are neither exclusive nor mandatory. They are, nevertheless, a useful guide for the motorist to direct their submissions but if an appellant indicates more than one ground, none at all or one that does not appear to relate to the reasons put forward, this will not in itself invalidate the appeal. The operator should address the points actually raised in the body of the appeal.

Under the first ground the motorist might appeal if, for example, their case is the vehicle was not parked where stated on the parking charge notice; or that they think there was still time paid for when the parking charge notice was issued; or that the voucher was clearly displayed in the vehicle as required; or that the conditions of parking were not properly signed.

Under the second ground the motorist might appeal if they believe they are

being asked to pay the wrong amount as regards the parking charge or that the parking charge has already been paid, for example at the reduced rate within the time allowed for this.

The ground of the vehicle being stolen is self-explanatory. However, the fact that someone else, such as a family member, friend or colleague, was driving the motorist's vehicle, would not in itself be grounds for appeal, nor would the fact that the driver was told they could only use the vehicle on the condition that they did not get any parking tickets.

The fourth ground would include situations where the motorist sold the vehicle before, or bought it after, the alleged improper parking, or that they were never the keeper of the vehicle.

Appellants are not expected to be lawyers. Indeed the whole purpose of the scheme is to provide any easy resolution to these issues. Thus, if an appellant makes clear what their case is but has perhaps ticked the wrong box as regards the ground, the operator should not submit merely that the appeal must be allowed for that reason.

The appeal form notes and the website suggests situations which might fall within particular grounds but we, and the Department for Transport, were aware that too many suggestions as to what is not within a particular ground, may have the unintended consequence of perhaps putting off a motorist with a genuine case.

Parking charge notice (PCN)

The operator should always produce a copy of the parking charge notice. It is appreciated that not all ticket issuing systems produce a 'carbon' copy and computer generated reproductions are acceptable. However, these must be true copies and must show all relevant details including the amount of the parking charge, the discounted amount and payment periods.

The details on the parking charge notice cannot be changed once issued. If the operative makes a mistake before issuing it, for example by entering an incorrect vehicle registration mark, then the parking charge notice should be voided and a new one issued.

Schedule 4 of the Protection of Freedoms Act 2012 provides certain statutory

requirements for notices that are issued under the keeper liability provisions. These must be strictly adhered to and a failure to provide all the required information will render the notice invalid, whether or not there has been any disadvantage caused to the recipient.

There is no express provision in Schedule 4 for the parking charge notices issued to the vehicle at the time and, unlike the position for Scotland and Northern Ireland, the BPA Code of Practice does not prescribe the requirements for such parking charge notices in England and Wales. However, Schedule 4 could be seen as a good guide and since it is the parking charge notice itself that will be cancelled should the appeal be allowed, then clearly it must have the relevant information on it. It is not correct, as has been suggested, that information on the parking charge is not important and can even be changed later.

Parking charge not clear on PCN

Assessors have noticed cases where the actual amount of the parking charge is by no means easy to determine on the parking charge notice.

For example, it might be that the reduced penalty is on the front of the notice, together with details of how and when to pay and then, in a box at the bottom of the back, there are two sums. One of which is likely to be the full parking charge, but this not is necessarily clear to the motorist.

The full parking charge and the reduced parking charge must always be clearly stated as such, together with details of all time limits. This information should generally be on the front of the parking charge notice. The motorist should immediately be able to determine these details from looking at it. Instructions as to how and where to pay the parking charge can, of course, appropriately be on the back of the notice.

Evidence

Evidence is the means by which any alleged matter of fact, the truth of which is submitted to investigation, is established or disproved.

A primary example of evidence relevant to a parking appeal will be the parking charge notice itself, or a true copy of it, as mentioned above.

Evidence might also include photographs, where the operator claims signage was clear or where the motorist claims it was not; an image, sketch or plan of a car park for similar reasons; a pay and display voucher or parking permit where the motorist says it was displayed and unexpired; a pay and display machine maintenance record, to refute a submission that it was out of order at the time; a payment log, where the operator disputes a claim that payment was made by phone; a witness statement of a person who can give relevant information; a copy of a vehicle registration document ('log book') when an operator claims that the appellant is liable as keeper and the appellant submits that they were not the keeper at the relevant time.

It is for the parties to produce such evidence as they believe will assist their case before the Assessor who makes findings of fact. If an appellant produces evidence of a relevant fact, for example lack of signage, which the operator does not agree with, then it is for the operator to produce evidence to disprove it.

Assessors are considering appeals where the appellant refers to a case called Vehicle Control Services Limited - and - The Commissioners for Her Majesty's Revenue and Customs [2012] UKUT 129 (TCC) as if the mere mention of it means that they must automatically win their appeal. I deal with this case separately but each appeal, as always, will turn on its own facts. However, as with any issue, if the point is specially raised by an appellant in an appeal, then the operator should address it by producing such evidence as they believe refutes a submission that they have no authority.

In the same way, a motorist may say in their appeal that when they entered X car park on Y date they saw that what may have been a sign was wholly defaced and could not be read, or was even missing. If the operator simply responds by saying something like "all our car parks are fully and correctly signed", the Assessor may find that the submission has not been addressed.

If the Appellant says that they used a pay by phone system to pay to park on a particular occasion, then a mere assertion by an operator that 'there is no record of it' is not evidence. However, what might be produced is a proper printout showing that, by reference to the vehicle registration mark, and maybe the phone number provided, on the material date no parking for the vehicle was paid for. This may be very good evidence.

Nevertheless, a parking appeal is not an opportunity for a 'fishing expedition' to explore wider issues about parking operators. The evidence required is that to deal with the issues raised that are relevant to matters that have to be determined, and no more. Thus, if a contract as to the status of the operator as regards the landowner is in issue, it does not of itself mean that the amount of any financial consideration involved in that contract is.

Images

Assessors are finding that it is not at all uncommon for a party to produce photographs/digital images in support of their case. These can often be extremely helpful in determining the live issues. Many operators take pictures of the parking charge notice on the vehicle immediately after issue and also wider images of the location, including any relevant signs or pay and display machines. Appellants may also produce images of their vehicle and of the location, often to show that there are no signs, at least not near to where they parked.

When parking charge notices are issued at night time, an appellant may say that they could not see any signs near the vehicle. The operator then sends images that were taken during daylight hours and submit that as the signs are reflective so cannot be seen when taken with flash. This may be something of a training issue, as Adjudicators in the statutory tribunals are regularly presented with images taken during the hours of darkness with flash, where in fact the sign may be even clearer than it would be during the day.

The BPA Code of Practice, at paragraph 20.5, deals with photographs which may be used by an operator as evidence that a vehicle was parked in an unauthorised way. The photographs must refer to and confirm the incident which the operator claims was unauthorised. A date and time stamp should be included on the image and that they should always be clear, legible and not retouched or digitally altered.

As mentioned above, Motorists do sometimes take photographs or even mobile phone images when they return to their vehicle to find a parking charge notice has been issued to it. Again, these may or may not be of assistance in determination of the actual issues to be decided.

Breach of the BPA Code of Practice

Members of the British Parking Association Approved Operator Scheme must abide by the BPA Code of Practice.

This Code, as regards England and Wales, naturally covers a number of matters. However it appears, at least to the extent that we see it in appeals, that operators are generally adhering to it.

In each Annual Report, the Lead Adjudicator will state how many cases have been referred to the British Parking Association for an apparent breach of the Code of Practice by an operator. Issues that might arise in this regard include sections of the Code that deal with misrepresentation of authority; parking charge notices; other notices; operator procedures and signs.

Apparent breaches seem to be rare, apart from the one matter I have already referred to. Operators seem to appreciate the importance of abiding strictly by the code.

Assessors have noted that a number of signs at car parks after 1 October 2012 still refer to wheel clamping. However, operators had until 1 April 2013 to correct signage that, for example, indicated such immobilisation of vehicles could take place. Appendix F (Transition Arrangements) of the Code provides specific dates when various changes must be made. I will deal separately below with one specific point of Appendix F, which appears to have caused some confusion. Otherwise, it appears to be working well.

It is worth noting that the saving provisions of the Traffic Signs Regulations and General Directions 2002, like its predecessors, often contain a much longer period for updating signs and lines.

Possible ambiguity re Schedule F of BPA Code

Paragraph 19.5 of the BPA Code of Practice provides:

If the parking charge that the driver is being asked to pay is for a breach of contract or act of trespass, this charge must be based on the genuine pre-estimate of loss that you suffer. We would not expect this amount to be more than £100. If the charge is more than this, operators must be able to justify the amount in advance.

Point 4 of Appendix F states:

Where your sign advertises a parking charge that is higher than the charge recommended in the Code 2012, you should reduce your charges and amend the sign by 1 July 2013 unless you can justify the higher charge as specified in the Code.

There seems to be some confusion about this by some operators. Does it mean that parking charges should be reduced now, in order to comply with 19.5, and then the signs amended by 1 July 2013, or does it mean that the charge can remain contrary to 19.5 until signs are changed on or before 30 June 2013?

In the usual way, the Appendix would generally add to what is provided for in the Code of Practice. This would appear to be the BPA's own position as regards their advice to operators, in that any sum over £100 must be justified, as per paragraph 19.5, and that Appendix F relates solely to signage.

Nevertheless, operators should be clear the starting point is that the contract is made at the time of parking and that the motorist will usually know only about any conditions of parking from what is displayed on signs at the location.

Although the relevance of this particular provision will cease within weeks, whether the whole sign needs to be changed at some future point, the amount of the parking charge shown must reflect the actual charge at the material time. This can often be achieved simply by use of a small sticker over the amount and is how it is often dealt with in other situations.

VCS v HMRC

Reference has been made in a number of appeals, surprisingly frequently, to a decision of the Upper Tribunal (Tax and Chancery Chamber) in the case of Vehicle Control Services Limited - and - The Commissioners for Her Majesty's Revenue and Customs [2012] UKUT 129 (TCC), often referred to as VCS v HMRC.

This was a case concerning payment of value added tax but its extent appears to have been misunderstood by some offering advice on the internet. However, in paragraph 46 of the decision it stated:

VCS is permitted under the contract [with the landowner] to collect and retain all fees and charges from parking enforcement action.

In any event, this case has now been considered by the Court of Appeal ([2013] EWCA Civ 186) where, in allowing the appeal of VCS, the Court held:

In the present case the contract between VCS and the landowner gives VCS the right to eject trespassers. That is plain from the fact that it is entitled to tow away vehicles that infringe the terms of parking. The contract between VCS and the motorist gives VCS the same right. Given that the motorist has accepted a permit on terms that if the conditions are broken his car is liable to be towed away, I do not consider that it would be open to a motorist to deny that VCS has the right to do that which the contract says it can. In order to vindicate those rights, it is necessary for VCS to have the right to sue in trespass. If, instead of towing away a vehicle, VCS imposes a parking charge I see no impediment to regarding that as damages for trespass.

The material events occurred before the coming into force of Section 54 of the Protection of Freedoms Act 2012, outlawing the removal of vehicles. Nevertheless, it is clear from the decision of the Court of Appeal that, subject to the terms of the contract between the landowner and the operator, the latter may issue a parking charge notice to a vehicle for a breach of conditions of parking.

Membership of the BPA Approved Operator Scheme does require the parking company to have clear authorisation from the landowner, if itself is not the landowner, as to their role in relation to the parking control and enforcement. This is set out in the BPA Code of Practice.

However in this, as with any issue, if the point is specially raised by an appellant in an appeal, then the operator should address it by producing such evidence as they believe refutes a submission that they have no authority.

Mitigation

Whatever the facts of the actual case, many people believe that they have strong mitigation as to why they should not have to pay the parking charge. However, reasons such as “I forgot to pay”, “I had to rush to my appointment” or “I was longer than I planned” are not grounds for appeal and unlikely to be considered as particularly strong mitigation in themselves.

Within the statutory schemes, Regulation 7(4) of the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007, provides that for certain types of penalty charge notice, if an Adjudicator is satisfied that there are compelling reasons why, in the particular circumstances of the case, the penalty charge notice should be cancelled, he or she may make such a recommendation to the enforcement authority. However, the appeal is first refused and it is then for the authority to reconsider the matter with a specified period. Before the 2007 Regulations, and currently for other types of penalty charge notice, Adjudicators refer the matter back before coming to a final decision.

The latter is the practice we adopt when the Assessor is satisfied that there are compelling reasons why the parking charge notice should be cancelled. By their nature, such situations are unlikely to be frequent. However, when cases are referred, the operator should deal with them promptly and ideally have procedure that such matters are referred to a nominated person or group.

The Assessor's reasons in such cases will state the fact of the referral to the operator and also the operator's decision one way or the other, or alternatively, and hopefully rarely, their lack of response.

Hospitals

When dealing with the issue of mitigation, I had originally thought that one of the most difficult areas for consideration would be where parking charge notices were issued to vehicles parked in hospital car parks, with submissions made about gravely ill relatives and so forth. I also thought that this might be common. In fact, we have had surprisingly few appeals in respect of hospital car parks and nearly all have involved staff, rather than patients or their relatives.

Whilst undoubtedly parking charge notices are being issued in such circumstances, I must assume that the reason for so few appeals is that operators are taking a commendably sensible view in these cases and accepting the mitigation put forward.

Blue Badges

The disabled person's parking scheme applies through the United Kingdom, with some variations in the constituent countries. The display of a valid Blue Badge provides major dispensations from parking controls and holders may, for example, even be exempt from payment of tolls at certain bridge and river crossings. It also provides reciprocal arrangements allowing the holder to take advantage of the parking concessions available in all other European Union countries and, in some cases, even beyond.

In England and Wales, outside central London, it can be used on public roads where there are single or double yellow lines, provided there are no kerb marks indicating a loading prohibition. It generally allows parking up to three hours. A valid badge and a correctly set clock must be clearly displayed. Special Blue Badge bays are also designated for use by holders, some with a maximum stay. The Blue Badge also provides exemption without limit of time in most on-street pay and display bays, meter bays, shared use bays and some (but by no means all) resident bays. It does not provide any exemption in most other specific bays, for example, doctor bays, trader bays, diplomatic bays etc.

However, the Blue Badge provides no automatic right to park as regards private land. This is made clear in the conditions of use accompanying the badge, which specifically states 'Off-street car parks, such as those provided in local authority, hospital or supermarket car parks are governed by separate rules.'

It is a matter for the owner of the land as to whether or not they offer any concessions for the holders of Blue Badges. In private car parks, issues may arise in respect of vehicles parked in particular bays designated for Blue Badge holders. In all cases, just as on public roads, any exemption is dependent upon the clear display of a valid Badge. The Badge must, of course, be valid in the sense that it is in date. However, the reason that a Blue Badge was issued to the holder would not be a relevant consideration in this regard.

In fact, parking spaces frequently are provided on private land for Blue Badge holders, for example in retail parks and shopping centres. Such provision is in itself perfectly reasonable and may be one of the conditions of parking. If a bay is reserved for vehicles displaying a valid Blue Badge, then only such vehicles should park there, provided the restriction is clear to the motorist.

The operative issuing a parking charge notice will record details of a vehicle parked in such a bay and note anything that is displayed, or not displayed, and may often photograph the vehicle windscreen.

There is undoubtedly a considerable amount of fraud concerning the use of Blue Badges. They have recently been redesigned and the Government is considering the use of a machine readable chip at some time in the future. However, although police officers, traffic wardens and civil enforcement officers have the power to inspect the badge, this does not extend to employees of car park operators on private land. That fact alone is likely to alleviate one possible source of friction when a parking charge notice issued.

The Blue Badge conditions of use also specifically state 'You are not entitled to park on yellow lines in off-street car parks.' However, problems can arise when it is not clear as to whether the yellow lines are actually in the car park or on an adjoining road. For example, it may or may not be obvious whether, what appears to be a slip road leading from a main road to the car park, is or is not private land. It will therefore be a matter of fact to be determined. The signage must be adequate, in terms of position and wording, to make it clear.

As on a public road, the fact that a motorist, or even a passenger, is disabled does not automatically mean that they can park in a disabled bay. It is the Blue Badge that permits the parking. Some appellants in appeals to POPLA submit that if a private land owner, for example at a store car park, has bays set aside for holders of Blue Badges, they are then discriminating against disabled people.

Assessors have noted some appellants quoting the "Equalities Act". Usually it is no more specific than that, as though it somehow means that there should be limitless parking for people with disabilities and that, if there is not, then no parking charge notice should be issued. Under the Equality Act 2010, providers of services to the public must make 'reasonable adjustments' to remove barriers which may discriminate against disabled people.

The BPA Code of Conduct deals with this and provides that reasonable adjustments to prevent discrimination are likely to include larger 'disabled' parking spaces near to the entrance or amenities for disabled people whose mobility is impaired. It also points out the need to realise that some disabled people may take a long time to get to the payment machine.

If parking in a particular bay requires that a Blue Badge be displayed in the vehicle, then the motorist should not assume that they can park there without one, just because they or their passenger are physically challenged. They could not do so on-street. Whilst on a public road display of a Blue Badge may give statutory rights, in a car park its display may be part of the contractual terms.

One other possible source of confusion is excise licences showing 'disabled' exemption. A vehicle does not need such a licence for a Blue Badge to be validly displayed by the driver or by a passenger.

One issue that has already arisen, although not in any great number, is the use of substitute Blue Badges. These are often called something like a 'companion badge' and may be issued to Blue Badge holders, often in inner city areas, where the risk of the vehicle being broken into and the Badge removed is great. The companion badge is usually no more than a piece of card, similar to a resident permit and is vehicle specific. It can allow parking wherever the Blue Badge can be used but only within the area of the issuing authority and sometimes only within a specific zone within that area. The companion badge has no application outside the issuing authority's own area and no application on private land, even within the issuing authority's area.

Finally, as with the statutory schemes, enforcement by camera and the use of automatic number plate recognition (ANPR) technology is unlikely ever to provide satisfactory evidence as regards whether a vehicle was clearly displaying a Blue Badge, where it is required to be displayed by the conditions of parking.

Reserved bays

In the same way that bays are reserved for Blue Badge holders, others may be reserved for other specific users. This may be based on the type of vehicle, e.g. goods vehicles only, or on the use to be made of the bay e.g. loading only or picking up/setting down only. Whether the bay was being correctly used or not on any particular occasion will be a question of fact to be determined on the evidence in each case.

Another type of bay, often found, for example, in supermarket car parks, is one which is reserved for 'parent with child' or similar. We have so far only had a few of these types of case and thus it is hard to establish any definite issues arising in the determination of them. However, it is not hard to foresee some. For example, what is a child? Is it someone who is legally a juvenile? How does the motorist know? How is age determined? This may or may not be made clear by signage.

An operative may record that all occupants who got into or out of the vehicle "looked over seventeen years" but in their appeal the appellants maintain that his or her children who were present at the time are all under the age of 13, or

that the baby was taken out first by the other parent, "who went on ahead". Do the parent and the child have both to arrive and leave together in the vehicle? How is this made clear to the motorist?

Yet another type of bay is one that is marked for the use of 'patrons only'. A parking charge notice may be issued for 'non patron'. For example, in an outdoor shopping centre or precinct the operative may record that the driver was seen to cross the road to another shop outside the precinct, whilst the appellant then produces a receipt from one of the centre's own shops, showing that he or she 'patronised' it. Unless the sign says something like 'motorists may not leave the precinct whilst parked', does the driver cease to be a patron at the point they left the centre, however briefly?

As always, clear and unambiguous signage is essential, but it may be that these type of bays will turn out to be the hardest to enforce, or at least the hardest in terms of showing in any appeal that a breach of the conditions of parking in it has occurred.

Appellant's 'own' bay

Appeals have been received where the appellant's case is that the bay in which their vehicle was parked at the time 'belongs' to them, or even that they 'own' it, for example under the terms of the lease of their apartment. Such motorists may submit that they can thus park there without any permit needing to be displayed. Some appellants have even sent in copies of their lease.

If the operator's reason for issuing the parking charge notice is that resident has a permit which contains conditions as to its display, provision for visitors and so forth, this will only be known to the Assessor if the operator explains it and produces such evidence as supports their case. This is equally the case if the car park is signed to this effect.

As with other types of situation, a mere assertion that 'all residents should be aware of the requirements', is not evidence. However, a copy of a letter or booklet containing the terms and conditions of parking at the location and sent with the permit to the named resident, may be.

No stopping zones

An area where Assessors are beginning to see issues arise in appeals is one where there is a prohibition on vehicles stopping. Whilst this does not usually occur in car parks, it can do, for example, on approach roads to airports.

Typically the motorist may have stopped on a double yellow line to allow passengers to board or alight the vehicle. Of course, on the public highway this is generally permitted, although not on a red route where there is a clear red line. It is therefore very important that any prohibition is clearly marked; bearing in mind that such signage has to be positioned, and be of such a size, as to be read by a motorist without having to stop to look at it. Signs on red routes, unlike those indicating most parking restrictions, are generally positioned to face oncoming traffic, rather than parallel to it. As always, each case will turn on its own facts and will be determined on the evidence produced by the parties.

Reasonable time

The BPA Code of Practice provides that a driver who enters a car park but decides not to park, must be allowed a reasonable period to leave the car park without having their vehicle issued with a parking charge notice. Equally, a reasonable period to leave the private car park, after the parking contract has ended, should be allowed.

Further, even if the driver is on the land without permission, a grace period to read the signs and leave should still be allowed.

Naturally, time must also be allowed for the motorist to go to a pay and display machine and obtain any voucher required. How long this period is will obviously depend on the circumstances. A situation where a vehicle is parked right next to a pay and display machine in an empty car park will usually require less time for the motorist to obtain a voucher than where such machine is some distance away in a large and busy car park or where the driver faces mobility challenges.

The operative issuing the parking charge notice should thus be trained to provide a clear note as to when the vehicle was first observed, as well as any other relevant factors in this regard.

Driver / keeper

Whether the driver or the keeper of the vehicle, appellants may get someone else to appeal on their behalf, this may typically be a parent, spouse or employer/employee. In such cases it is usually clear as to whom the party liable for the parking charge might be.

However, we have received some appeals where it is not clear who the driver or the keeper of the vehicle is. These seem, so far, to involve mainly delivery vehicles. Typically, an initial representation to the operator may say something like 'our driver is liable'. The operator then deals with the sender as though they (the sender) have accepted liability. They may not have any liability at all. The driver may or may not be the keeper. The owner of the vehicle may not be the keeper.

By the time the matter comes to appeal, the operator cannot name the party they claim is liable for the parking charge. The operator is certainly unable to show that the particular appellant is liable.

Operators must therefore ensure that they establish clearly the basis for maintaining that party appealing is liable, rather than some nameless driver or keeper.

Standard wording in the operator's rejection

A common reason that many motorists may appeal, is that they simply do not think that the operator has given proper consideration to their original representations.

For example, if the motorist says that the pay and display machine was not working, then the operator should address this point and refer to any other conditions that there may be, such as a requirement to pay by phone when the machine was not working. A clear explanation at this stage may mean that the motorist then fully understands what happened and might not then seek to appeal.

Just as with evidence submitted to POPLA, merely rejecting the initial representations with phrases such as 'the motorist must always pay to park' is

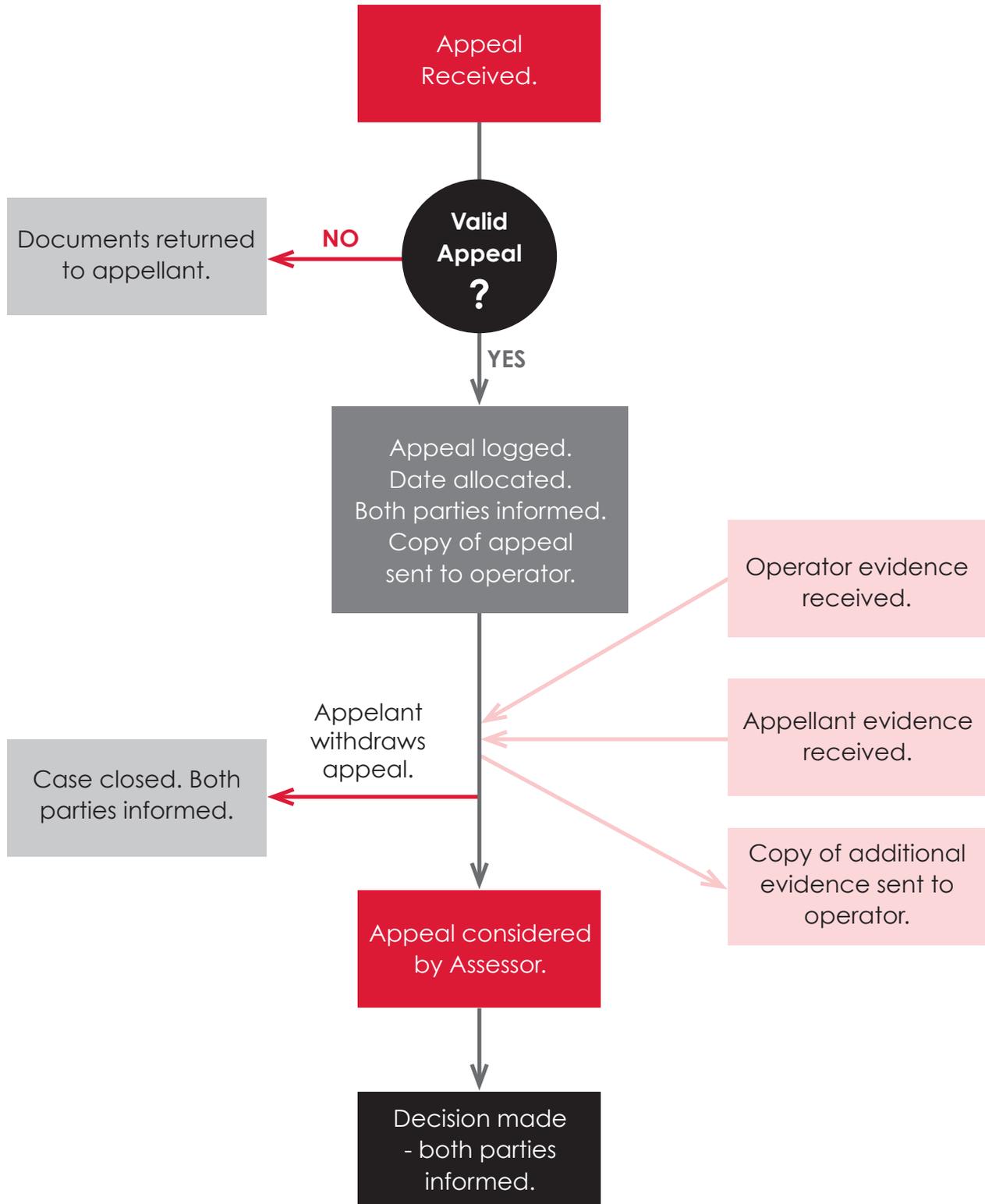
likely to leave the recipient feeling that they have not had their representations properly addressed. This is especially the case if the letter then continues with three or four paragraphs about where and when to pay, methods of payment accepted etc. When looking at such a letter the recipient may feel that payment of the parking charge is all it is about.

Assessors have also noted that some operators may send two or three separate letters to a motorist who is challenging a parking charge notice but in none do they actually deal with the specific issue raised. Rather, the operator appears to address other issues that have not even been mentioned by the motorist. A recipient of such letters may also understandably feel that their case has not been properly considered and thus be more likely to appeal than if their actual representations had been clearly dealt with by the operator in the first place.

Recommendations for exercise of discretion by operator

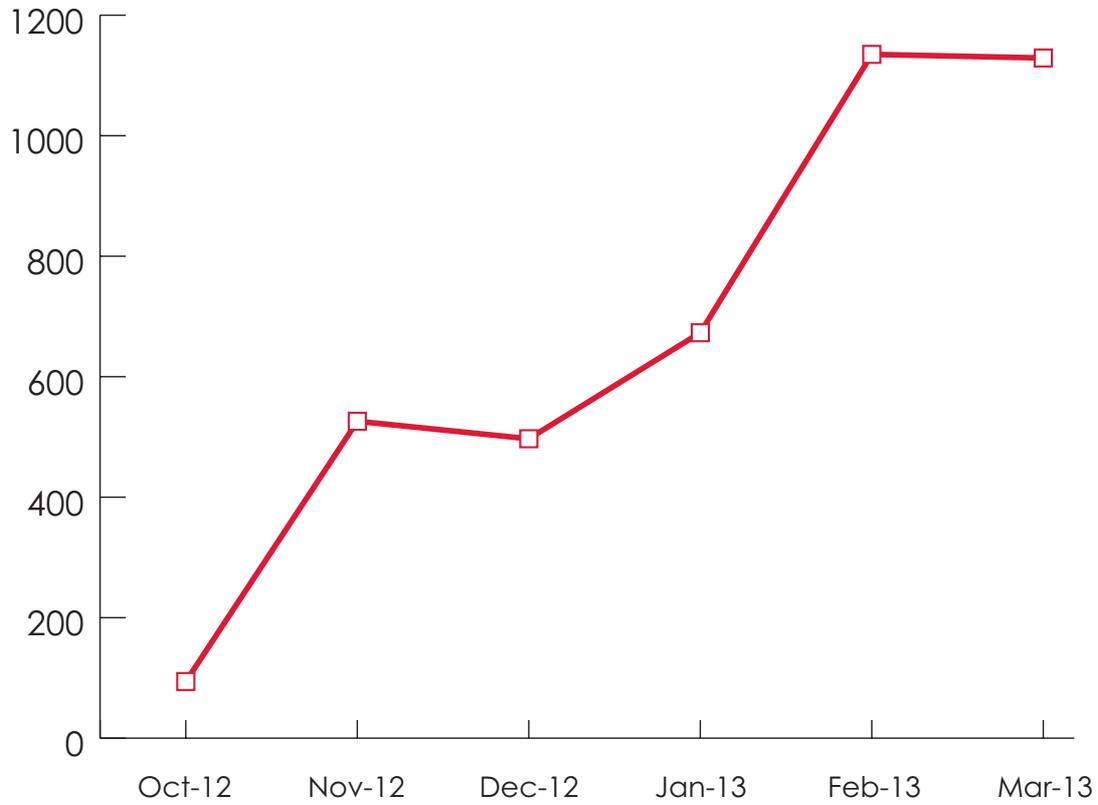
Operator	Date of recommendation	Decision
NCP Ltd	March 2013	Accepted
WY Parking Enforcement	March 2013	Refused
Vehicle Control Services Ltd	March 2013	Refused
OCS Group (UK) Ltd t/a Legion Group plc	March 2013	Accepted

The Appeals process: How it works



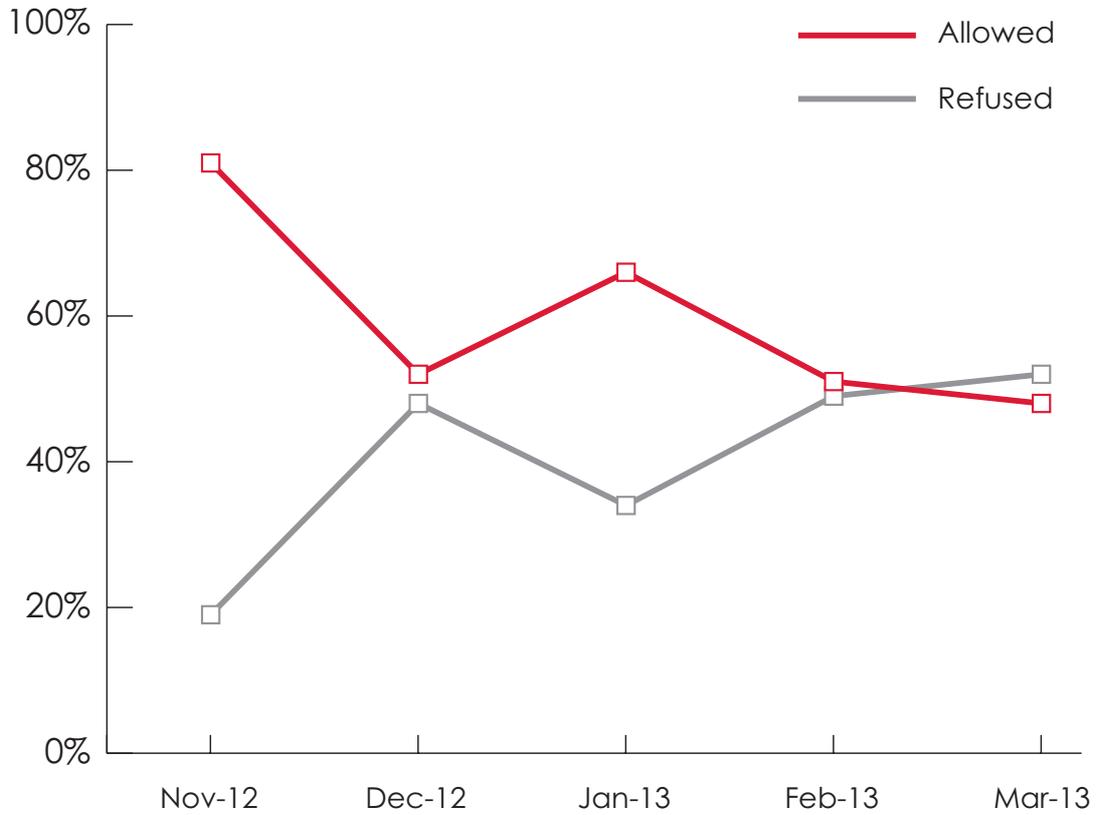
Appeals registered

Oct 2012 to March 2013



Appeal decisions

Nov 2012 to March 2013



Appeals registered with POPLA

Since inception to end March 2013 by operator

Parking Operator	Number of Appeals Registered
AEJ Management Ltd	18
AMPCO Parking Solutions	3
Anchor Security Services Ltd t/as Care Parking	56
ANPR Ltd	101
APCOA Parking (UK) Ltd	141
Athena ANPR Limited	8
BSG Carpark Management LTD	4
C.M.S. (UK) Ltd	57
Canterbury Christ Church University	1
Capital 2 Coast Security Ltd	14
Capital Carpark Control	3
Car Park Solutions Ltd	33
Combined Parking Solutions	2
County Parking Enforcement Agency Ltd	63
CP Plus Ltd	26
CPS (Midlands) Ltd	10
Dean Clough Limited	2
Devere Parking Services Ltd	4
District Enforcement Ltd	11
Elite Management (Midlands) Ltd	58
Ethical Group	38
Euro Car Parks Limited	4
Excel Parking Services Ltd	72
G24 Limited	1
Gemini Parking Solutions Ltd	19
Gemini Parking Solutions London Ltd	12
Highview Parking Ltd	12
Homeguard Services Ltd t/a 14 Services	4
Inner Guard Security Ltd	10
JD Parking Consultancy Ltd	1
KBT Cornwall t/as Armtrac Security Services	64
LCP Parking Services Ltd	15
LDK Security Group Ltd	95
Legal Parking Enforcers (UK) Ltd	2
Liberty Printers (AR & RF Reddin) Ltd also T/A Liberty Services Ltd and Car Parking Partnership Ltd	176
Local Parking Security Ltd	2
MET Parking Services Ltd	85
Meteor Parking Ltd c/o Vinci Park	28
MetroPark Ltd	19
Minster Baywatch Ltd	32
Minster Baywatch Ltd	9
Napier Parking Ltd	27
NCP Ltd	219
New Generation Parking Management Ltd	71
Norfolk Parking Enforcement	11
Northern Europarks Ltd T/As Car Parking Management (Cumbria)	15
Norwich Traffic Control	5

Parking Operator	Number of Appeals Registered
NSGL Ltd	6
NSL Services Ltd	1
Observances Parking Consultancy Ltd	17
OCS Group (UK) Ltd t/a Legion Group Plc	24
Owens Health & Fitness t/as Evolution Training Centre	2
P4Parking	60
Park Direct UK Ltd	60
Parking & Enforcement & Security Services	4
Parking and Enforcement Agency Ltd	24
Parking Awareness Ltd	2
Parking Control Management (UK) Ltd	540
Parking Ticketing Ltd	28
ParkingEye Ltd	240
Parkshield.com Ltd t/a Private Car Parking Enforcement Agency	2
PCN (NW) Ltd	27
Premier Park Ltd	48
Premier Parking Solutions Ltd t/a Valley Enforcement	76
Ranger on behalf of CP Plus	30
Ranger on behalf of Highview	14
Ranger Services on behalf of Spring Parking	1
Ranger Services on behalf of Total Parking Solutions	4
Ranger Services on behalf of UK Parking Control	13
Salisbury NHS Trust	1
Secure-a-Space	3
Select Engineering Projects Ltd	1
Senator Security Services Ltd	7
SIP Car Parks Ltd	3
Spring Parking Ltd	5
Sussex Security Solutions Ltd	19
T&S Parking Services Ltd	1
Target Parking Ltd	1
TESGB Ltd	8
TNC Collections - Parking Services Division	1
Topher Ltd	2
Total Car Park Management Ltd	8
Total Car Parks Ltd	6
Total Parking Solutions Ltd	49
Total Security Partners Ltd	31
Town & City Parking Ltd	100
TSR Parking Management UK t/a Top Security Rangers U.K. Ltd	1
UCS Parking Ltd	11
UK Car Park Management Ltd	3
UK Car Park Mgt	5
UK Parking Control Limited	510
UK Parking Patrol Office Ltd	7
UKCPS Limited	55
UKPS (NW) Ltd	14
University of Bradford	4
University of Kent	4
Vehicle Control Services Limited	168
Vinci Park Services UK Ltd	73
Wing Parking	46
WY Parking Enforcement	18
Grand Total	4051

Appeal decisions

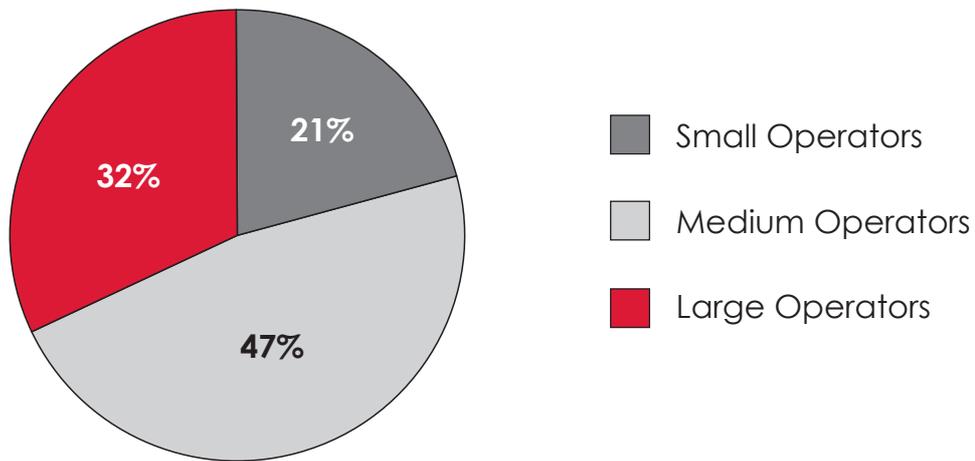
Oct 2012 to March 2013 (By Operator)

Parking Operator	Appeals Allowed	Appeals Refused	Total	% allowed	% refused
• AEJ Management Ltd	3	8	11	27%	73%
• AMPCO Parking Solutions Limited	1	0	1	100%	0%
• Anchor Security Services Ltd t/as Care Parking	8	18	26	31%	69%
• ANPR Limited	38	10	48	79%	21%
• APCOA Parking (UK) Ltd	30	2	32	94%	6%
• Athena ANPR Limited	6	1	7	86%	14%
• BSG Car Park Management Limited	1	0	1	100%	0%
• Capital 2 Coast Security Limited	8	0	8	100%	0%
• Capital Carpark Control	2	0	2	100%	0%
• Car Park Management Services UK	13	25	38	34%	66%
• Combined Parking Solutions Ltd t/as Combined Parking Solutions	1	0	1	100%	0%
• County Parking Enforcement Agency Ltd	17	14	31	55%	45%
• CP Plus Limited	20	7	27	74%	26%
• CPS (Midlands) Limited	7	0	7	100%	0%
• District Enforcement Limited	3	2	5	60%	40%
• Elite Management (Midlands) Limited	11	38	49	22%	78%
• Ethical Group Limited t/as Ethical Parking Management Company	13	4	17	76%	24%
• Euro Car Parks Limited	0	2	2	0%	100%
• Excel Parking Services Limited	14	21	35	40%	60%
• G24 Limited	1	0	1	100%	0%
• Gemini Parking Solutions London Ltd	8	4	12	67%	33%
• Highview Parking Limited	3	5	8	38%	62%
• Homeguard Services Ltd t/as 14 Services	2	2	4	50%	50%
• Impact Security Solutions Ltd	1	0	1	100%	0%
• Inner Guard Security Limited	5	0	5	100%	0%
• KBT Cornwall Limited t/as Armtrac Security Services & MBC Parking Services	29	13	42	69%	31%
• LCP Parking Services Limited	9	1	10	90%	10%
• LDK Security Group Ltd	52	10	62	84%	16%
• Legal Parking Enforcers (UK) Limited	0	1	1	0%	100%
• Liberty Printers (AR & RF Reddin) Ltd also T/A Liberty Services Ltd and Car Parking Partnership Ltd	112	10	122	92%	8%
• MET Parking Services Ltd	5	35	40	13%	87%
• Meteor Parking Limited (c/o Vinci Park)	12	5	17	71%	29%
• MetroPark Ltd	2	0	2	100%	0%
• Minster Baywatch Ltd	3	24	27	11%	89%
• Napier Parking Limited	4	13	17	24%	76%
• NCP Limited	83	55	138	60%	40%
• New Generation Parking Management Ltd	14	12	26	54%	46%
• Norfolk Parking Enforcement Ltd	4	1	5	80%	20%
• Northern Europarks Limited also t/a Car Parking Management (Cumbria)	4	5	9	44%	56%
• Norwich Traffic Control	4	1	5	80%	20%

Parking Operator	Appeals Allowed	Appeals Refused	Total	% allowed	% refused
• NSGL Ltd	2	0	2	100%	0%
• NSL Services Limited	1	0	1	100%	0%
• Observices Parking Consultancy Ltd	2	10	12	17%	83%
• OCS Group (UK) Limited t/as Legion Group Plc	8	6	14	57%	43%
• P4 Parking also t/as Nighthawk Parking	16	0	16	100%	0%
• Park Direct UK Limited	12	6	18	67%	33%
• Parking & Enforcement Agency Limited	16	2	18	89%	11%
• Parking Control Management (UK) Limited	106	181	287	37%	63%
• Parking Ticketing Ltd	3	8	11	27%	73%
• ParkingEye Ltd	31	76	107	29%	71%
• Parkshield Collection Ltd	0	1	1	0%	100%
• PCN (NW) Limited	4	11	15	27%	73%
• Premier Park Ltd	15	18	33	45%	55%
• Premier Parking Solutions Ltd	9	40	49	18%	82%
• Senator Security Services Ltd	1	2	3	33%	67%
• SIP Car Parks Limited	1	1	2	50%	50%
• Smart Parking Limited also trading as Town & City Parking	10	7	17	59%	41%
• Spring Parking Limited	2	3	5	40%	60%
• Sussex Security Solutions Limited t/as Parking Enforcement	7	3	10	70%	30%
• T R Luckins Limited t/as UK Parking Solutions	1	0	1	100%	0%
• Target Parking Limited	0	1	1	0%	100%
• TESGB Limited	5	6	11	45%	55%
• Topher Ltd	1	0	1	100%	0%
• Total Car Park Management Limited	6	2	8	75%	25%
• Total Car Parks Limited	2	0	2	100%	0%
• Total Parking Solutions Ltd	21	10	31	68%	32%
• Total Security Partners Limited	8	13	21	38%	62%
• TSR Parking Management UK t/a Top Security Rangers U.K. Ltd	1	0	1	100%	0%
• UCS Parking Limited	0	8	8	0%	100%
• UK Car Park Management Limited	1	0	1	100%	0%
• UK Parking Control Limited	147	71	218	67%	33%
• UK Parking Patrol Office Ltd	2	1	3	67%	33%
• UKCPS Limited	23	9	32	72%	28%
• UKPS (NW) Limited	4	3	7	57%	43%
• University of Bradford	1	0	1	100%	0%
• Vehicle Control Services Limited	22	35	57	39%	61%
• Vinci Park Services UK Ltd	12	15	27	44%	56%
• Wing Parking Ltd	10	12	22	45%	55%
Total	806	731	1537	52%	46%

- Small Operators
- Medium Operators
- Large Operators

Number of appeals by operator size



Parking on Private Land Appeals 2013

Lead Adjudicator
Henry Michael Greenslade

Assessors
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Aashna Musa
Matthew Shaw
Shona Watson

Administrative Team
Richard Reeve - Service Manager
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