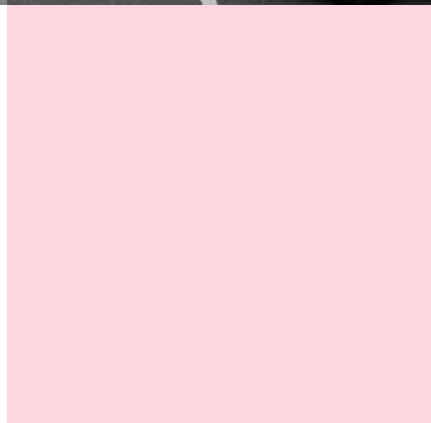


# POPLA

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PARKING ON PRIVATE  
LAND APPEALS



## ANNUAL REPORT OF THE LEAD ADJUDICATOR

2015





## Foreword

Parking in one form or another is rarely out of the news and the past year has proved no exception.

We have seen a substantial increase in the number of appeals being registered. Additionally, coming towards the end of the period covered by this Report, there were two major events for POPLA.

First, it was announced that the contract to provide the service would change, with effect from 1 October 2015. Second, the Court of Appeal considered a case concerning a parking charge for parking on private land.

Against this background, I am pleased to present my third Annual Report; covering what has been another exciting and challenging year.

**Henry Michael Greenslade**

Lead Adjudicator

POPLA

## Overview

Another year has brought a further increase in the POPLA workload. Last year, in the twelve months ending 31 March 2014, 25,214 valid appeals were registered; a total of 23,500 appeals were decided.

This year, in the twelve months ending 31 March 2015, 33,495 appeals were registered; a total of 31,456 appeals were decided, of which 16,563 (52.65%) were allowed and 14,893 (47.35%) were refused. We are now receiving some 3,000 appeals per month. This represents an increase of more than one third in the number of appeals being registered over the past year.

The full figures, broken down by operator, are set out in the Appendix.

As previously, the figure of appeals allowed includes some 2,006 cases (approximately 7% of appeals registered) where the operator indicated, at some point after the case was registered, but before it was decided, that they no longer sought to contest the matter.

Earlier this year, the case of ParkingEye Limited -v- Beavis was heard by the Court of Appeal. Although the decision itself was handed down just after the period covered by this Report, it will be important for the future and I will deal with it separately. In any event, the issue is now to be considered by the Supreme Court.

Parking and parking tickets of all types remain a political topic. When writing my last Report I remarked that by the time of this one there would have just been a UK general election in which parking generally, but its enforcement especially, may well have been a contentious issue. In fact, just before the election, the Prime Minister made a machinery of Government change in that responsibility for off-street parking transferred from the Department for Transport to the Department for Communities and Local Government. This included Schedule 4 of the Protection of Freedoms Act 2012, in respect of the recovery of unpaid parking charges. This change was effective immediately. Responsibility for those aspects of the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 which relate to off-street parking, also moved to the Department for Communities and Local Government.

There were two new statutory instruments relevant to parking issued at this time. The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015 introduced a ten minute grace period before a penalty charge notice can be served, where a vehicle is stationary beyond the permitted parking period in an off street or on street permitted parking place.

The Civil Enforcement of Parking Contraventions (England) General (Amendment No. 2) Regulations 2015 curtailed the use of closed circuit television for the issuing of penalty charge notices, except for enforcing restrictions in bus lanes, at bus stops or bus stand clearways and on marked no stopping areas outside schools.

Whilst both of these Regulations relate only to contraventions of statutory provisions, they may have future implications for parking on private land. Assessors are already seeing reference in appeals to the ten minute grace period. Some operators do give a grace period but are not at present legally required to do so. This is another matter I deal with separately below.

The use of closed circuit television remains a live issue in private parking. Many operators use it and some do not issue any 'traditional' tickets fixed to vehicles. I will also deal with this specifically later in the Report.

The Department for Communities and Local Government also published a discussion paper entitled *Parking reform: tackling unfair practices*. They invited individuals, companies, councils and groups to let the Department know what policy areas should be a priority and how the Government might take this forward in this Parliament.

It may well be that the new Government will look closely at private parking in the coming year. However, as I have said before, the role of a tribunal or appeals service is not to get involved in political debates but rather to decide the issues between the parties within the framework set.

There has been further confusion by some as to the myth of 'targets' for the number of appeals allowed and refused both in POPLA and all the statutory traffic tribunals. I need also to deal with this briefly later.

At the core of POPLA remain the legally qualified Assessors who decide the appeals. Following a further recruitment round, a number of new Assessors were appointed during the period covered by this Report. All the Assessors continue to provide clear and well-reasoned decisions, which benefit all parties. POPLA itself continues to expand its enviable body of experience and expertise.

I would especially like to acknowledge the Senior Assessors, Shehla Pirwany and Christopher Adamson, for their continuing help in the training and mentoring of Assessors, their invaluable assistance to me with the functions that fall to the judicial leader of an appeals service, as well as for deputising so efficiently in my absence.

Over the past year we have maintained an early tradition as regards diversity. Of the thirteen Assessors who have determined appeals in the period since my last Report, six are women, six are from a BAME background, two identify as LGBT and one has a declared disability within the meaning of the Disability Discrimination Act 1995.

I would again 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.

As already noted, the workload has continued to increase and the administrative team have again risen to the task, despite the fact that they remain only a small group using a manual system.

The continuing rise in appeal numbers, with a consequent expansion in the numbers of queries from both appellants and operators, meant even more work for Service Manager Richard Reeve, Team Leader Emma Groombridge (now Emma Kyte), IT Lead Tristan Patey, and administrative assistants Bobby Nelson and Richard Jones. As some of the team move on to other opportunities, we have recently been joined by Mwansa Tembo, Sophie Dodd and David Reece. Tristan, who continues skilfully to manage the ever increasing workload on our database system, has compiled the figures in this Report, assisted by Fatmira Hoxha of London Councils. I thank each of them, as well as all the other staff in London Councils who have helped maintain the service for the past three years.

I would also like to acknowledge the continuing support and professional work of the Independent Scrutiny Board for Parking Appeals on Private Land (ISPA) under its chair Nicola Mullany. They have recently carried out an audit of decisions, upon which they will report in due course. Users of POPLA can therefore be assured that it is an open service, subject to the scrutiny that all such services should be.

I intend to publish a short Report at the time of the transfer of the service contract later this year. In the meantime, I am pleased to commend this Report.

**Henry Michael Greenslade**

Lead Adjudicator

June 2015

## Current issues

As I wrote the last Report, the main issues coming before Assessors were those involving signage, whether unclear, missing or confusing, as well as tickets and vouchers that were invalid or somehow not properly displayed. The latter are now less common than issues about signage, which remain a constant theme.

Although apparently the source of some confusion for both parties, the issue of genuine pre-estimate of loss does not arise where the charge sought is by way of consideration, rather than damages. In fact, it is not even the major issue in the majority of current appeals. However, since it might be seen as something of a main event for the past year, I will deal with this first.

## ParkingEye Limited -v- Beavis

Exactly what a parking charge is, or represents, is generally discernible from the sign at the location which states the terms and conditions. It may be a charge by way of consideration for parking but, for various reasons which may include the requirements of value added tax, the sum sought is more often by way of damages for breach of the parking contract.

If it is damages, then it cannot be a penalty (in the contractual sense) and must be a genuine pre-estimate of loss which, it has more recently been submitted, might include commercial justification. Whether it is the charge for actually parking the vehicle or is by way of damages for breach of the conditions, the sum sought might be referred to as a term of the contract.

The decision of the Court of Appeal in the case of ParkingEye Limited -v- Beavis<sup>1</sup> appears in full on the POPLA website. Following handing down of judgment, the Court gave permission to the appellant to appeal to the Supreme Court of the United Kingdom. Subsequently, such an appeal was filed with the Supreme Court<sup>2</sup>. At the time of writing the hearing of the matter has been expedited and it is expected that it will be linked to another case<sup>3</sup> concerning penalty clauses in contract, the hearing of which is listed to commence on 21 July 2015. In that other case issues include whether the rule against penalties applies to 'commercial contracts between sophisticated parties'. On the face of it there would, therefore, appear to be substantial differences with a typical parking contract.

<sup>1</sup> [2015] EWCA Civ 402

<sup>2</sup> UKSC 2015/0116

<sup>3</sup> Cavendish Square Holding BV -v- Talal El Makdessi [2013] EWCA Civ 1539 UKSC 2013/0280

In any event, it perhaps now otiose to comment in detail on the Court of Appeal decision at this stage, although it is important to be clear as to what the appeal was about and, just as importantly, what was not considered.

In what has often been referred to as the 'Cambridge Case', His Honour Judge Moloney QC found in favour of ParkingEye Limited, against the appellant Mr Barry Beavis, on the operator's claim to recover a charge of £85 for overstaying the permitted period of free parking in a car park at a Chelmsford retail park. The appeal was against that order.

What the Court of Appeal had to consider was (a) whether the charge was unenforceable at common law because it was a penalty; and (b) whether it was unfair and therefore unenforceable by virtue of the Unfair Terms in Consumer Contracts Regulations 1999.

Where no fee has been charged, for example where two hours free parking is permitted, it would appear from the decision that a parking charge is not to be regarded as a penalty, which would mean it was unenforceable, if it is not extravagant or unconscionable. The Court approved the approach of the Judge in the lower court that the principal object of the charge was to deter overstaying, which might have been seen as departing from the accepted principle. It was neither improper in its purpose nor manifestly excessive in amount, having regard to the level of charges imposed by local authorities and others for overstaying in public car parks.

If the charge is thus justifiable, the issue as to whether it amounts to a genuine pre-estimate of loss would seemingly not arise. The charge was also not unenforceable under the terms of the Unfair Terms in Consumer Contracts Regulations 1999.

However is not clear that the Court of Appeal decision actually gave the clarity that has been widely reported, particularly in situations where some payment is required to park. It is arguable that the decision does not apply in such circumstances and it is possible this could be the course followed in the County Court in future cases.

Pending the outcome of the Court of Appeal decision, where a party sought adjournment of a POPLA appeal on grounds of its relevance to issues in the case, this was granted. The number of such applications was not vast and they were from operators. However, once the case was being heard, if the Assessor determined that the only live issue touched upon the subject matter of the



appeal, and the appellant's case was not likely to be allowed on any other ground, then the Assessor adjourned the matter of their own motion pending handing down of the Court of Appeal decision.

The courts had previously been staying proceedings pending any filing of this matter for consideration by the Supreme Court. It is also worth noting that in the main statutory traffic tribunal, thousands of appeals have stood adjourned for some years whilst an issue was referred to the European Court of Justice. However, in the present situation any delay in a decision of the Supreme Court will be months rather than years, although it is also the case that car park operators are not enforcement authorities, indeed some are comparatively small companies.

Nevertheless, once it was clear that the matter was to be considered by the Supreme Court, in the interests of consistency POPLA are following the practice of the courts in the present matter, and indeed other tribunals in similar situations, and granting applications to adjourn a POPLA appeal until the decision of the Supreme Court is handed down or the matter otherwise finally disposed of. Assessors will also follow the course they adopted whilst the matter was at the Court of Appeal and thus, where they find that there is no other issue on which the appeal could be determined, they will adjourn the matter of their own motion.

Although this will mean that a growing number of cases standing adjourned will grow, it is worth noting that the issues in *ParkingEye Limited -v- Beavis* do not arise in all cases.

Once the decision of the Supreme Court is handed down, parties will naturally have an opportunity to make further representations before the matter is finally determined. Accordingly, all affected POPLA cases are currently being adjourned to a provisional date after the start of the new legal year this Autumn.

In the meantime, it is worth remembering that no enforcement action can proceed once a case is registered at POPLA, before the POPLA appeal is determined. Further, there is absolutely no requirement to pay any sort of 'administration charge' to the operator, in order for the case to be taken out of the list.

The only party that can withdraw an appeal at POPLA is the appellant who registered it in the first place.

## Service of notices

A notice to keeper issued on the basis of evidence obtained using automatic number plate recognition (ANPR) should arrive on or before the fourteenth day after the parking event.

Where a parking charge notice is fixed to the vehicle or handed to the driver, a traditional 'parking ticket', then a notice to keeper issued following that, should arrive between the twenty eighth and the fifty sixth day after the parking event.

If these timescales are not complied with then keeper liability does not generally pass under Schedule 4.

## Agency

In my last Report I referred to websites that, for a fee, now offer to make an appeal and even original representations to the operator, in respect of parking charge notices. It should be remembered that, as I refer to elsewhere, POPLA does not charge the motorist to appeal but the service offered by such websites may also include payment or part payment, should the parking charge notice be upheld.

Whilst at POPLA, as in any fair appellate system, appellants can certainly get someone to act on their behalf, they must provide clear authority for them to do so. Importantly, the motorist should always remember that it is ultimately their responsibility to ensure a charge due is paid. Any liability in law would remain with the appellant, rather than the provider of such a service.

Appellants must be aware that if such a website, or a company behind it, ceases operations, then it may well be the motorist who loses out. A new company springing up may take no responsibility and if appeals have not been lodged with POPLA, they may be well out of time before the motorist realises anything is wrong. These websites have absolutely no connection with POPLA and we are certainly not responsible for any monies paid to them. Users should therefore be clearly aware of the risk.

Where Solicitors on the Roll state that they are instructed by the appellant, this will be accepted on its face in the usual course. This is because Solicitors are subject to statutory regulation. In every other case, whether is it a friend, employer, appeal making service, or anyone else, they must in every case provide written authority to conduct the appeal.

## Notice of rejection

When a motorist makes their original representations, confusion is still caused when operators do not make completely clear that the recipient of a notice of rejection has the right to appeal and also, just as importantly, that there is a time limit.

There is no exact prescribed form of words but all relevant information should be included. In particular, it should be very obvious to the recipient of the rejection what the verification code is. It must never be necessary for the motorist to have to contact the operator for the verification code. This must always be supplied with the operator's rejection of the motorist's original representations to them.

POPLA still continues to receive requests for a verification code when it has not been supplied by the operator, even though a rejection has been issued. A suitable formula for a notice/letter of rejection might be, for example:

If you wish, you can appeal our decision to an independent appeals service, Parking on Private Land Appeals (POPLA). You can do this [using the enclosed form or] online at [www.popla.org.uk](http://www.popla.org.uk), where you can find more information about appealing. The verification code you will need to appeal this matter to POPLA is **1234567890**. Your appeal must be received by POPLA within 28 days of the date of this letter.

Operators must continue to be aware that not everyone has access to the internet and may need, or simply choose, to submit a written appeal. An appeal form with the accompanying notes should always be provided if requested. However, for online appeals the full POPLA website address must be given, it is never appropriate to direct the recipient of a notice of rejection only to the operator's own web site in order to start the appeal process.

Whilst not incorrect, it would seem somewhat pointless, and clearly out of date, for operators still to be sending notices of rejection which, when referring to appeals to POPLA, begin 'if your parking charge notice was issued after 1 October 2012'.

Paragraph 22.12 of the current BPA Code of Practice makes clear that if even if the verification code is automatically printed on an enclosed appeal form, it must still be in the dated rejection notice/letter. The above text makes it even clearer.

## Delay in sending rejection

Operators should send the notice of rejection to the appellant, whether by post or electronically, on the same day as it is dated and the same day indicated within the verification code.

POPLA has noted instances where there appears to have been a delay in sending such notices. This may not be deliberate. If there was evidence to suggest that it was deliberate, I would report the operator to the BPA. However, if there are logistical difficulties in sending out rejections then the date on the letter and the verification code must be adjusted accordingly.

Some operators even include a line 'date of posting:...' in their rejections. This can be helpful but where the appellant produces a metered mail envelope in which the notice/letter of rejection was sent, with a date beyond the date of the verification code, the operator will have to provide a clear explanation.

## Post rejection correspondence

As I have noted in the past, delay and confusion can be caused in cases when an operator rejects initial representations, issues an appeal form and verification code but then subsequently enters into further correspondence with the party whose representations they have rejected, rather than referring them to POPLA.

If a motorist responds to the operator after the notice of rejection, time is running as regards the 28 days in which to appeal. If an appeal is subsequently sent to POPLA, the appeal may appear from the verification code to have been received out of time.

In such cases, the potential appellant is duly informed that their appeal is out of time and then a further period is expended whilst the appellant has to explain what the operator has been doing.

In some such cases it may only be fair that the appeal is registered out of time.

In all cases, it is an unnecessary delay. Operators can obviously consider further evidence, particularly if it is likely to cause them to reconsider a rejection but the appellant must have 28 days to appeal from the operator's final decision.

If the operator is not going to consider the matter further, they should inform the appellant immediately and remind them of the time limit for appealing to POPLA.

## Confusion as to status of correspondence

In my last Annual Report I noted that some appellants have been puzzled when operators have sent a letter/notice of rejection, or even general correspondence, which is signed off, for example, 'POPLA Team'. Whilst it may be clear to the operator that this is the section of their staff that deal with representations, it is simply confusing to motorists who get a letter signed that way.

Operators should also be careful to ensure that no letter or email from them could be seen to imply that it is sent by or on behalf of POPLA. There should be no doubt for the recipient of a notice of rejection that this is coming solely from the operator and, at that point, POPLA has not considered anything concerning that particular parking charge notice. Letters signed with designations such as 'appeals assessor' or 'adjudicator' are equally not acceptable. Terms like 'appeal' when used in respect of the motorist's representations to the operator only serve to cause confusion.

In one instance I had to request an operator refrain from styling one of its employees 'Lead Adjudicator', which could only cause confusion for the motorist. I am pleased that the operator agreed to do this immediately when I brought it to their attention.

## Who is the appellant?

Although it may seem obvious, we continue to receive appeals where it is not clear who the appellant is, or who the operator claims is liable for the parking charge.

As I will expand on in the next section, the only person liable for a parking charge is the driver of the vehicle at the time of the event unless specific provision to pass that liability has been fully complied with. It is for the party seeking the parking charge (i.e. the operator) to show why they think a particular party is liable.

It can sometimes be the case that the person who makes original representations to the operator is neither the driver nor the keeper. For example, a resident who has issued a guest with a visitor voucher, but for some reason the guest's vehicle is then issued with a parking charge notice, says that they will take care of the matter as they know visitors can park in that bay, or a Blue Badge holding

passenger who helpfully suggests that they will themselves write in about a parking charge notice issued to the vehicle they were being carried in. Sometimes a parent or employer may write in to the operator on behalf of the driver but it seems that the operator does not read the representations carefully enough to appreciate this.

It appears that sometimes an operator may treat whoever makes original representations as the being driver. By the time the matter comes to appeal it may be unclear who the driver was and then be too late to pursue the keeper.

## Keeper liability

The person who may be liable for a charge arising out of the presence of a vehicle on private land is the person who last caused the vehicle to be at rest in that position, that is the 'driver', although he or she may no longer be physically in the vehicle when a parking charge notice is issued to it, or the event is recorded. The only presumption that anyone else is liable for such a charge is under Schedule 4 of the Protection of Freedoms Act 2012. This provides that, in certain prescribed circumstances, the creditor (in practice the operator) has the right to recover any unpaid parking charge from the keeper of the vehicle. There is separate provision for hirers of vehicles, although Assessors find that such cases rarely come before them.

The Driver and Vehicle Licensing Authority (DVLA) may provide details of registered keepers for what they term 'reasonable cause'. They state that this can include such things as finding out who was responsible for an accident or tracing people responsible for driving off without paying for goods and services, as well as tracing the owner of an abandoned vehicle.

However, the DVLA say that private car parking management companies can only request information from them if they are members of the British Parking Association or the Independent Parking Committee. If an operator is a member of the BPA Approved Operator Scheme, they should only act in accordance with the BPA Code of Practice.

Nevertheless, there appears to be continuing misunderstanding about Schedule 4. Provided certain conditions are strictly complied with, it provides for recovery of unpaid parking charges from the keeper of the vehicle. Whether or not the

keeper is the owner is not relevant. Unlike the statutory schemes, under Schedule 4 there is no concept of 'owner liability'. The word 'keeper' means the person by whom the vehicle is kept at the material time, which, in the case of a registered vehicle is to be presumed, unless the contrary is proved, to be the person in whose name the vehicle is registered, that is the registered keeper. Presumption is just that, it is something that can be rebutted and may be an issue for the Assessor to determine.

The release of keeper details by the DVLA may be another matter of public controversy and even legal action. The matter has recently been the subject of a case in the High Court<sup>4</sup> involving the Secretary of State for Transport, on whose behalf the DVLA holds the keeper records. In that case, the claimant submitted that he should not be subject to a requirement to join an accredited trade association (ATA) if he wished to be able to access large amounts of data from the register, in order that he could recover sums of money from the keepers or drivers of vehicles which have trespassed on his clients' land. The Secretary of State took a different view and the Court found that the decision was not irrational and that there was no arguable basis for quashing it.

However keeper information is obtained, there is no 'reasonable presumption' in law that the registered keeper of a vehicle is the driver. Operators should never suggest anything of the sort. Further, a failure by the recipient of a notice issued under Schedule 4 to name the driver, does not of itself mean that the recipient has accepted that they were the driver at the material time. Unlike, for example, a Notice of Intended Prosecution where details of the driver of a vehicle must be supplied when requested by the police, pursuant to Section 172 of the Road Traffic Act 1988, a keeper sent a Schedule 4 notice has no legal obligation to name the driver. Any evidence in this regard may therefore be highly relevant.

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<sup>4</sup> The Queen (on the application of Duff) -v- Secretary of State for Transport [2015] EWHC 1605 (Admin)

## Out of time appeals

An appeal is out of time where an appeal is received beyond the period of 28 days from the issue of the operator's notice of rejection.

Where such appeals are received, each will be considered on its own facts. In practice, the delays are usually not excessive, and can easily be resolved. For example, if there's been a delay or confusion by the operator in providing the verification code then that is obviously not the fault of the appellant, who should not be prejudiced.

As I refer to above, confusion can be caused when, after receiving a notice of rejection, an appellant, instead of appealing to POPLA, effectively makes further representations to the operator and the operator, instead of them directing the motorist to POPLA, engages in further correspondence.

## Late evidence

In any fair appeals service, it is obvious that each party must have the opportunity to see all the evidence of the other. If one party delays submitting original or additional evidence to POPLA until just before the scheduled date of determination, the Assessor may have to adjourn the matter for a short period in order for the other party can see the evidence and, should they wish, comment upon it.

Operators should therefore ensure that their evidence is sent to POPLA and to the appellant in good time.

Many operators now send their evidence to POPLA and the appellant simultaneously by email. This provides clear evidence as to the date it was sent, should any issue arise.

The evidence checklist, correctly completed, must always be included with the operator's evidence pack. The date stated on it, as to when evidence was sent to the appellant, should accurately reflect this fact. It is good practice for all operators to include the checklist with the evidence sent to the appellant. This ensures that exactly the same pack is before the appellant as is before the Assessor. It also means that the appellant can confirm that the stated number of pages have been received.

Paragraph 22.16 of the BPA Code requires operators to keep to the processes and other requirements of POPLA.



## Disclosure

POPLA has occasionally had requests for 'discovery' in an appeal. This is a United States legal term. In England and Wales, there is a process called 'disclosure' which is used in civil litigation. Parking appeals do not have a formal procedure in which one party seeks information from the opposing party by means of formal requests; neither, as I have said before, can parking appeals be used as a ruse to obtain details about the other party's affairs.

However, it is certainly a basic principle of a fair appeals service that each party is given the opportunity to see the other party's case and to comment upon it. This is the position at POPLA. Appellants should obviously receive the operator's evidence in its entirety. A party may challenge the contents of a particular document and this will be carefully considered but, in the absence of evidence to the contrary, what is produced might in all the circumstances contain some or all of the information required to determine a relevant issue.

In determining an appeal, the Assessor only needs such evidence as will enable a finding on the relevant issues to be made. If an appellant says that, for example, they will not accept a redacted copy of a contract or an operator says that they need further personal details of the appellant, that does not of itself mean that the case cannot be decided.

If a party wants information that is not relevant to the appeal, they will have to make their own enquiries of the other party.

## Mitigation

This still appears to be an often misunderstood subject.

Assessors decide appeals by making findings of fact based on evidence produced by the parties and application of relevant law. Mitigating circumstances are not a ground of appeal. This is exactly the same position as in all the statutory parking and traffic tribunals. It brings certainty to the parties.

Mitigation, in this sense, might be described as circumstances or events tending to lessen or explain the reason for the breach. For example, in a case concerning a sign detailing the condition in a car park, it might be a ground of appeal that the sign was illegible but only mitigation that it could not be read because the driver had forgotten their spectacles. It might be a ground of appeal that the vehicle was parking in the wrong bay if the bay was not correctly marked but only mitigation that there was nowhere else to park. In practice there may well be much stronger reasons, such as in hospital car parks as I will mention later, but the principle is the same.

The operator should have considered mitigation at the original representations stage but the Assessor can refer appropriate cases back to the operator if he or she considers there are compelling reasons for doing so.

## Publication of appeal decisions

The ISPA have indicated that they would like to see POPLA decisions published in some form, as they consider this to be best practice. I certainly agree with this in principle. However, at present the cost of publishing decisions, including the requirement to redact personal information, is simply prohibitive.

It may well be that with the advent of a more automated system, this may become more realistic. It should be remembered that for the statutory tribunals, not only were their systems specifically designed from the beginning to be able to automatically extract information to be placed on their respective statutory registers but there is also a legal requirement for those details to be publically available. As appeals to POPLA are alternative dispute resolution, they are confidential between the two parties concerned. Those parties are the person appealing and the operator who issued the parking charge notice. Thus, not only is there no requirement to publish decisions, but there is a positive requirement not to publish personal information.

However, once an appeal is decided, it is obviously a matter for the parties,

subject to any statutory provisions, as to what use they make of the decision.

The ISPA asked me to consider undertaking a study of one single day's decisions in order to assess more precisely how much it would cost to implement such a change. I agreed to look into it. However, it became clear that this was too labour intensive at present and we simply did not have the resources to attempt it. Besides requiring decisions to be put on the website each day, it would also mean going through each one manually, to redact it as necessary. Our small administrative team have many other duties that make this currently impossible.

With the Parking and Traffic Appeals Service and the Road User Charging Appeals Tribunal this is all done automatically to their statutory registers. For POPLA, as I have said, this may change with a more automated system in the future.

IPSA also suggested that POPLA itself might consider sending the evidence cover sheet, the checklist, to the motorist with each decision, as this states the number of pages in each evidence section and could be used by the motorist to check they have received the same evidence as POPLA. Unfortunately, since the system was never designed to do this, it is again simply too labour intensive to trial. We have only four administrative team members at full strength.

However, there is no reason why the operator should not automatically send this with their evidence to the appellant, when sending it to POPLA.

## Matters for determination

As explained on previous occasions, Assessors at POPLA will generally only consider issues raised by one or both of the parties.

However, some matters are clearly fundamental in that, for example, the Assessor cannot make a finding of liability against a party when it is unclear who that party is. This may seem obvious.

Equally, the Assessor cannot make such a finding if the amount of the parking charge is not clear. This can certainly happen where, for example, evidence submitted by an operator is very limited.

Where it arises, compliance with the strict provisions of Schedule 4 is also clearly fundamental.

## Grace periods and reasonable time

A breach may sometimes occur immediately when a vehicle is parked, for example if it is in an unauthorised bay. Alternatively it may occur at some later period, for example, when it is left in the parking place for longer than permitted. The operator may issue a parking charge notice at that point. However, even in these cases many operators, very properly, do allow a grace period before either issuing the notice or deeming the breach to have occurred.

The new statutory provisions about grace periods that I referred to in my Overview do not apply to parking on private land. At least they do not do so at present but this may of course change in due course.

Just as there may appropriately be a grace period at the end of the parking session there must also be a reasonable period before it is deemed to commence.

It is worth remembering that Paragraph 13 of the BPA Code of Practice provides:

13.1 Your approach to parking management must allow a driver who enters your car park but decides not to park, to leave the car park within a reasonable period without having their vehicle issued with a parking charge notice.

13.2 You should allow the driver a reasonable 'grace period' in which to decide if they are going to stay or go. If the driver is on your land without permission you should still allow them a grace period to read your signs and leave before you take enforcement action.

13.3 You should be prepared to tell us the specific grace period at a site if our compliance team or our agents ask what it is.

13.4 You should allow the driver a reasonable period to leave the private car park after the parking contract has ended, before you take enforcement action.

It is therefore clear that this is not simply a question that arises when a vehicle is parked a minute or two over the paid or permitted time.

It would seem obvious that a reasonable period must be allowed on arrival for the motorist to actually purchase a pay and display voucher and to register the vehicle or do whatever is required in order to permit parking. Exactly how long this period is, will obviously depend on the circumstances, certainly of the car park and possibly of the driver. It may not take long for the average motorist in a small car park to find a space, go to the pay and display machine, consult the displayed conditions and then accept or reject them. If the conditions are accepted then there must be time to purchase a voucher, return to the vehicle and display it. If the motorist does not wish to accept the conditions they must be given time to leave the car park. However, in a large shopping centre car park with thousands of spaces, it may take some minutes even to find a space. Equally, other than in barrier controlled car parks, the driver could find that there is no space actually available or no working machine.

As regards time to leave a car park, it must be borne in mind that there can be a delay in a vehicle physically getting out of a car park due to heavy traffic. This is not such an uncommon event as might be imagined.

## Hospitals

Charges for parking in hospitals in England may be another lively political issue but appeals at POPLA continue to be decided on the facts and the law as it stands at the time of the event.

In my first Report, I noted that we had few appeals arising out of parking charge notices issued to vehicles parked in hospital car parks and that they were, in the main, from staff rather than patients. I commented that this appeared to suggest a commendably proper approach by operators.

The following year we saw far more appeals from members of the public, either as patient or relative, often in very distressing circumstances. This position has continued. If the breach has occurred and all other requirements are met, all the Assessor can do is to refer the matter back to the operator.

Some operators have implied that hospitals want car park restrictions rigorously enforced and yet appellants may say that they have received a different story from the hospital concerned.

I will refer later to recommendations made by Assessors for the exercise of discretion but hospital cases, probably more than most, do require that operators step back from the bald facts and consider the whole picture. Here are some examples where the event occurred at a hospital car park and discretion was not exercised.

In one instance the appellant's case was that he was suffering heart attack symptoms and drove to the emergency clinic but, being afraid of a possible collapse, he parked in the nearest parking bay which was a disabled bay and rushed to the clinic. The appellant was apparently kept overnight at the hospital and said he was wired to the monitoring machines and thus unable to move the vehicle and not discharged until the next morning. The appellant had provided a discharge letter from the hospital to support his case.

The Assessor referred the matter back to the operator, who rejected the appellant's representations because, they said, by parking in a marked disabled bay without displaying a blue badge, the appellant had breached the terms and conditions of the parking contract and that by not being a blue badge holder, the appellant was not entitled to occupy a free charge blue-badge space. Furthermore, the operator added, the appellant had driven himself to hospital, and presumably considered himself capable of driving safely and so, in their view, the appellant was therefore capable of parking in the paid car park directly adjacent to the free disabled bays.

In another appeal it was the appellant's case that, as an obstetrician and gynaecologist he was attending a medical emergency at the hospital in the labour ward where the patient was bleeding very heavily after giving birth. It was, explained the appellant, crucial that he went back in urgently to save the woman's life, having been called out of the Labour ward by the senior midwife when he saw that a patient from the Mental Health Unit was lying on top of his vehicle. Security officers were called who led the patient back to the Mental Health Unit.

The parking charge notice was apparently not received by the appellant as the patient may have taken it from the vehicle. Photographic evidence submitted also showed that a man was lying on top of the appellant's vehicle with what appears to resemble a parking charge notice in his hand. After the individual was removed from the appellant's vehicle it was moved into a designated parking bay. Further, on the same day, the appellant visited the operator's office and was informed that no parking charge notice had been issued.

The operator declined to exercise discretion and said that the appellant's vehicle was not parked correctly within a designated parking bay, that photographic evidence supported their contention that there was signage at the site to inform motorists of parking terms and conditions and that there was also photographic evidence to support that the appellant's vehicle was not parked correctly within a designated parking bay.

Finally, in another hospital case the parking charge notice was issued because the vehicle was parked in an area designated for police only. The appellant explained he was helping with the return of a vulnerable patient who had 'escaped' from the emergency department of hospital. The appellant was instructed by the police to leave his vehicle in the police vehicle area and accompany the patient, as the appellant was able to calm the patient. Of course, in the statutory schemes acting at the direction of a police constable would amount to a complete ground of appeal. However, although it appears that strictly the alleged breach occurred, the Assessor accepted the appellant's evidence and found it consistent throughout. The Appellant had provided the name and number of the officer as well as the incident number. The Assessor found compelling reasons why, in the particular circumstances of the case, the parking charge notice might properly be cancelled. Nevertheless, the operator responded indicating that it was not willing to cancel the charge, saying that the appellant had failed to provide sufficient evidence to convince the operator that the appellant's story was true. The operator said that they would not consider cancelling the parking charge notice unless sufficient evidence 'preferably directly from the police' was produced.

## ANPR

Notices issued on the basis of closed circuit television evidence with automatic number plate recognition (ANPR) have been much in the news. As far as penalty charge notices issued by statutory authorities are concerned, I have referred previously to the new Regulations.

A number of operators issue parking charge notices in this way. The new Regulations obviously do not apply to these but the notice to keeper must be sent within the strict provisions of Schedule 4, which is within 14 days for this particular type of notice. Again, unlike the position with some penalty charge notices, there is no possibility of extension.

Evidence produced by cameras on-street, in order to record moving traffic contraventions or, previously, parking ones, would show the vehicle for example, turning where it should not, stopping where it should not, or even parked where it should not. However, for appeals to POPLA, an operator will generally produce evidence of a vehicle entering a car park at a specific time and leaving at some specific time later. There may be evidence that no payment was recorded, or else it is simply submitted that the vehicle remained longer than permitted.

I have previously mentioned that sometimes two cameras are used at the same time and thus two images are produced, one showing the vehicle and the other a close focus image of the registration plate. However, whilst this may be common with on-street contraventions, operators should not assume it is readily understood. It is not at all uncommon for an Assessor to have before them an appeal in which the appellant says that although there is a picture of the number plate, the registration mark cannot be seen in the image showing the whole vehicle at the location. In these cases the burden is on the operator to explain how this has come about.

Again, another issue still arising in ANPR cases is where the appellant accepts that they entered and left as alleged by the operator but claims also to have left and returned between the two times, the Assessor will have to determine this particular issue, like others, on the evidence produced.

Like all issues, the Assessor decides this on a balance of probabilities.

Sometimes contradictory evidence will be very strong, for example, the closed circuit television images of an employer's car park showing the same vehicle parked there between the times of the two operator images. An assertion that 'I



never stay for more than 30 minutes at a time in this car park' may be less so. Then again, receiving any sort of fine, penalty or charge for being elsewhere at the time may be strong evidence in this regard. All of these situations have arisen in appeals to POPLA.

In fact, it is by no means always clear cut. In a previous Report I referred to a situation where, in the early days of POPLA, Assessors had appeals from at least one motorist who was shown to be reversing into a car park on several occasions, apparently in an attempt to confuse the ANPR system.

Where the breach is stopping where not permitted then closed circuit television with ANPR may be very strong in itself. However, even in these cases images may on occasion not show a recognisable registration plate due to the position of the camera, the closeness of another vehicle, passing pedestrians or other reasons.

For the same reasons, a vehicle's registration mark could therefore conceivably be filmed as the vehicle entered a car park but not as it left. The suggestion in some appeals is that the registration mark first was, then was not, then was not again and then finally was again filmed on the same day, in that order.

Although moving images are often produced in cases where the alleged breach is stopping, where stopping is prohibited, this is not the case in the usual parking scenario. The vehicle is never shown, stationary or otherwise in the car park itself. Obtaining such evidence may involve considerable expense on the part of the operator but a first step, whilst the use of closed circuit television in private car parks is not subject to the same regulation as in enforcement authority ones, would be to show a wider angle shot of the vehicle on entry and exit. This might help address some of the issues raised, for example about the exit being blocked by other traffic.

Once again, it is worth reminding all parties that in any appeal, each case turns on its own facts.

## The 50/50 myth

There continues to be some sort of myth that POPLA has targets to meet, in that 50% of appeals must be allowed and 50% refused. This is has even been suggested by local authority officers in respect of appeals to the statutory tribunals.

Let me categorically state that this is simply not true. POPLA has no such targets whatsoever. Since I meet frequently with the Chiefs of the three statutory traffic tribunals in England and Wales, and indeed have myself sat in each of those tribunals, I know it to be equally untrue as regards all of them. Anything else would be unlawful. I also have no doubt that the same goes for the tribunals in Scotland and Northern Ireland.

Whist it may naturally be disappointing for any party to lose an appeal, the overwhelming majority of parties do not then suggest that the system itself is somehow wrong. Perhaps surprisingly, the greatest criticism has come, not from disappointed appellants, but rather a very small minority of enforcement authority officers and private car park operators.

The ISPA have oversight of POPLA and have never expressed any concerns in this regard nor, I should add, has the BPA itself ever said this but perpetuation of an untrue myth does nothing to inspire confidence in others who may be considering making an appeal.

I might also add, that whatever may happen in any other non-statutory appeals service, no party (appellant or operator) pays a fee to POPLA for an appeal, thus there can be no question of different charges depending on the outcome.

## Data Protection Act 1998

During the period covered by this Report, the Assessors and administrative staff received updated training in respect of the above Act.

Initially it was thought that there would be a difference between electronic data and hard copy, in terms of the amount of time it was stored. This has now been clarified so that, in line with other tribunals, all paper-based and electronic data will be securely destroyed/erased after six months from the date of the last action on the case. This is made clear in notification to the parties and on the POPLA website.

In the other tribunals, where there are requirements for a statutory register to be maintained, the decisions in each case are effectively a part of that. In POPLA we have no statutory register and, at the moment, decisions are not generally published, even in redacted form.

The question arose as to whether POPLA should retain the decisions themselves, which also contain personal data. I have indicated that, for the moment, this was the one thing that I thought should be exempted from the general destruction protocol.

In light of the contract transferring to the Ombudsman Services Limited, we will maintain this exemption from destruction as regards the actual decisions, so that the matter can be settled by the new service provider in due course.

The POPLA website and notepaper make it clear that calls both to, as well as from, POPLA may be recorded for verification and other purposes.

## Scotland and Northern Ireland

At present POPLA does not consider appeals where the parking event occurred in either Scotland or Northern Ireland, although this may change within the foreseeable future.

Towards the end of last year I was contacted by the Department for Regional Development in Northern Ireland with a concern they had regarding both parking charge notices and notices to keeper issued by an operator in that jurisdiction.

Although not a formal complaint as referred to below, I did inform the BPA about this, as I assumed they would want to draw the operator's immediate attention to the concern and perhaps also remind all other operators who also issue parking charge notices beyond England and Wales.

Basically, the notices referred to the possibility of an appeal to POPLA when, of course, there is currently no such appeal for PCNs issued in Northern Ireland.

The BPA responded that they had raised the matter with the operator concerned, who had advised they now use a new template for parking charge notices to ensure it is made clear that POPLA is not available for notices issued in Scotland or Northern Ireland.

The BPA also said that they had issued a reminder to all their members of their responsibility to have the correct information on their documentation.

Ideally, operators should use separate stock forms, appropriately printed for the country of issue. Alternatively, if using the same ones, it should be made very clear that an appeal to POPLA would only lie where the notice was issued for a parking event in England or Wales. I am aware that some operators do have notices with wording of this nature.

## Advice

It is worth mentioning, even though it may seem obvious, that POPLA is not a general advice service for appellants, operators, members of the public or anyone else.

Factual information on how to appeal, how to submit evidence, and so forth will be readily given but POPLA has to remain neutral. Obviously POPLA cannot explain to either party how to win an appeal, provide any legal advice or consider complaints about wider aspects of parking.

Almost everything parties need to know about appealing appears on the POPLA website.

## Recommendations

As has previously been explained, in appropriate cases Assessors can make recommendations to the operator that the parking charge notice should be cancelled or at least that liability for the charge itself be cancelled.

At the time of the last Annual Report, I recorded that there had been thirty-nine such recommendations. This year, by chance, there were also thirty-nine.

The details are set out in the Appendix.

The criteria that we have used for such recommendations is the same as exists for some penalty charge notices in the statutory schemes, in other words where there are 'compelling reasons'.

Earlier in this Report I have set out briefly some of the types of cases that are referred back to operators for them to consider exercising their discretion. It obviously remains a matter for them but the small number referred shows that Assessors only make such recommendations where there are compelling reasons to do so.

## Operators reported to the BPA

I have reported some operators to the BPA for potential breaches of the Code of Practice.

There were fewer operators reported this year than last, which I take as an encouraging sign.

However, in one case, I reported sixty specimen instances of one operator where there was what appeared to be a wholly unreasonable delay in issuing a notice of rejection. However, it should be said that this particular operator almost invariably gives the motorist a further 14 days to produce any further evidence. Nevertheless, it should be obvious soon after that time that there may be no such further evidence produced.

Once the matter is reported to the BPA it is then a matter for them and their procedures but the BPA have notified their resulting actions to me in this regard, to the extent that they are completed.

The brief details of these cases are set out in the Appendix.

Because complaints naturally take time to investigate, they may well run between two reporting periods.

As previously explained, POPLA will consider a valid appeal if the operator was a member of the BPA Approved Operator Scheme at the date of the disputed parking event. To do otherwise would leave an appellant with no recourse. However, since it may be several weeks before a matter comes to be determined at POPLA, should the operator have for any reason left the BPA in the meantime, the BPA may have no effective sanction.

# Parking on Private Land Appeals 2014/15

## **Lead Adjudicator**

Henry Michael Greenslade

## **Senior Assessors**

Christopher Adamson

Shehla Pirwany

## **Assessors**

Farah Ahmad

Amber Ahmed

Sakib Chowdhury

Marina Kapour

Nadesh Karunairetnam

Christopher Monk

Ricky Powell

Aurela Qerimi

Raivi Shams Rahman

Amy Riley

Matthew Shaw

Nozir Uddin

## **Service Manager**

Richard Reeve

## **Administrative Team**

Emma Kyte – *Team Leader*

Tristan Patey – *IT Lead*

Bobby Nelson

Richard Jones

Mwansa Tembo

Sophie Dodd

David Reece

## Recommendations by Assessor for exercise of discretion by operator

ParkingEye Limited	April 2014	Accepted
ParkingEye Limited	April 2014	Refused
UK Parking Control Limited	May 2014	Accepted
UK Parking Control Limited	May 2014	Accepted
ParkingEye Limited	May 2014	Accepted
UK Parking Control Limited	May 2014	Accepted
Car Park Management Services	May 2014	Accepted
UK Parking Control Limited	May 2014	Refused
Parking and Enforcement Agency Limited	May 2014	Refused
UK Parking Control Limited	May 2014	Refused
NCP Limited	June 2014	Accepted
ParkingEye Limited	August 2014	Accepted
UK Parking Control Limited	September 2014	Accepted
Vehicle Control Services Limited	September 2014	Refused
ParkingEye Limited	September 2014	Accepted
Civil Enforcement Limited	September 2014	Accepted
ParkingEye Limited	September 2014	Accepted
ParkingEye Limited	September 2014	Accepted



APCOA Parking (UK) Limited	October 2014	Accepted
APCOA Parking (UK) Limited	October 2014	Accepted
ParkingEye Limited	October 2014	Accepted
APCOA Parking (UK) Limited	October 2014	Accepted
ParkingEye Limited	October 2014	Accepted
ParkingEye Limited	October 2014	Accepted
Wing Parking Limited	November 2014	Refused
UKPC	November 2014	Accepted
Excel Parking Services Limited	November 2014	Refused
Park Direct UK Limited	November 2014	Accepted
Park Direct UK Limited	November 2014	Refused
Park Direct UK Limited	November 2014	Refused
APCOA Parking (UK) Ltd	January 2015	Accepted
Excel Parking Services Limited	January 2015	Refused
ParkingEye Limited	February 2015	Accepted
APCOA Parking (UK) Limited	March 2015	Accepted
ParkingEye Limited	March 2015	Accepted
ParkingEye Limited	March 2015	Accepted
East Kent Hospitals University NHS Foundation Trust	March 2015	Refused
ParkingEye Limited	March 2015	Accepted
APCOA Parking (UK) Limited	March 2015	Refused

## Operators reported to the British Parking Association by the Lead Adjudicator

Operator	Potential breach	Date notified	BPA response
ANPR Limited	Wording of rejection letters stating 'more prudent at this stage not to forward you claim to appeals'  Paragraph 22.12	September 2013	Following initial changes referred to in the last Annual Report, the BPA reviewed amended copies of ANPR Limited's then rejection letters and stated that they no longer dissuade motorists from appealing to POPLA.
	Wording of rejection stating 'prudent ... not to forward your claim to appeals as this would only nullify any discounts that remain and (should you lose) incur further costs'  Paragraph 22.12	and  January 2014	The BPA also stated that rejections no longer advise that motorists should send their POPLA appeal via ANPR Limited.  <i>[In April 2015 the BPA terminated the membership of ANPR Limited with immediate effect]</i>
T R Luckins Limited t/a UK Parking Solutions	Wording of rejection stating any appeal to POPLA was a 'somewhat foregone conclusion' thus dissuading such appeal. Stating in same letter that 'payment is required by return'.  Paragraph 22.12	August 2014	The BPA investigated and confirmed that wording had been amended as regards first issue.  As to what else was written within the rejection letter, the BPA stated that this had been amended by the operator, checked by the BPA and now compliant with the Code of Practice.
T R Luckins Limited t/a UK Parking Solutions	Wording of rejection stating any appeal to POPLA was a 'somewhat foregone conclusion' thus dissuading such appeal.  Suggesting that the charge represents the operator's costs rather than any loss.  Further stating that the charge represents self-employed operative's invoice for issuing the notice.	January 2015	The BPA stated that the operator advised they were subsequently a new template for dealing with the issue of genuine pre-estimate of loss to ensure it is clear what is being claimed from the motorist.  The new template being used was to take effect immediately.  The BPA also stated that the operator had also removed all reference to self-employed ticket issuers.

<p>ParkingEye Limited</p>	<p>Some sixty representative cases where there had been excessive delay of many months in a notice of rejection being issued by the operator following original representations by the motorist</p> <p><i>Paragraph 22.8</i></p>	<p>March 2015</p>	<p>The BPA acknowledge in their Code that it may not be possible to resolve initial representations within the specified 35 days and therefore advise that their members can ask for additional evidence to help them decide whether to reject or accept the representations.</p> <p>The BPA said that in many cases motorists had not provided Parking Eye with the required information and therefore the ticket has been frozen until they do. This led to many cases being left frozen for a considerable amount of time, which the BPA acknowledged as being obviously unacceptable and something Parking Eye needed to address.</p> <p>The BPA said a process has now been agreed and if Parking Eye believes they require further evidence to decide on the representations, this will be requested from the motorist. The motorist will then have a deadline to provide this additional evidence. If the evidence is not received by Parking Eye, they will automatically send a letter either accepting the appeal or rejecting the representations and providing a POPLA code.</p>
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# Appeals registered with POPLA

From 1 April 2014 to 31 March 2015 by operator

Parking Operator	Number of appeals registered
AEJ Management Ltd	39
Anchor Security Services Ltd t/as Care Parking	320
ANPR Limited	447
ANPR Parking Services Ltd	26
APCOA Parking (UK) Ltd	1801
Athena ANPR Limited	208
Athens Security Services Ltd T/A AS Parking	1
Atlas Enforcement Limited	1
Britannia Parking Holdings Limited	4
Brooks Auto Services t/as B.A.S. Parking Services	0
Autosecurity Limited trading as Autosec	3
Business Watch Guarding Limited	3
Capital Carpark Control	33
Car Park Management Services	104
Civil Enforcement Limited also t/as Starpark & Creative Car Park & Parksolve & Versatile Parking	1575
Cobalt Telephone Technologies Ltd	3
Conkai Security Ltd	20
Combined Parking Solutions Ltd t/as Combined Parking Solutions	1
Corporate Services (Hereford) Limited	166
UK Parking Limited	106
County Parking Enforcement Agency Ltd	94
CP Plus Limited	386
CPS (Midlands) Limited	28
Devere Parking Services Ltd	3
District Enforcement Limited	6
East Kent Hospitals University NHS Foundation Trust	9
Elite Management (Midlands) Limited	180
Empark (UK) Limited	11
Ethical Group Limited t/as Ethical Parking Management Company	266
Euro Car Parks Limited	518
Euro Parking Collection Plc	1
Everything Parking Limited	13

Excel Parking Services Limited	1534
First Parking LLP	103
G24 Limited	419
Gallan Parking Limited	51
Highview Parking Limited	561
Impact Security Solutions Ltd	2
Imperial Civil Enforcement Solutions	4
JAS Parking Solutions	254
JD Parking Consultants Limited	50
KBT Cornwall Limited t/as Armtrac Security Services & MBC Parking Services	375
Defence Systems Limited	136
LCP Parking Services Limited	60
LDK Security Group Ltd	144
Liberty Printers (AR & RF Reddin) Ltd also T/A Liberty Services Ltd and Car Parking Partnership Ltd	558
Llawnroc Parking Services Limited	9
Local Parking Security Limited	219
London Parking Solutions Limited	19
Horizon Parking Limited	138
MET Parking Services Ltd	1489
Meteor Parking Limited (c/o Vinci Park)	250
MetroPark Ltd	92
Millennium Door & Event Security Ltd	70
Minster Baywatch Ltd	151
Gemini Parking Solutions London Ltd	187
Napier Parking Limited	144
Cascade Financial Ltd t/as National Parking Control	23
NCP Limited	1398
New Generation Parking Management Ltd	365
Norfolk Parking Enforcement Ltd	50
Northamptonshire Parking Management Ltd	160
Dean Clough Limited	1
Northern Parking Services	0
GB Parking Solutions Ltd	26
NSGL Ltd	31
NSL Limited	7
Observances Parking Consultancy Ltd	77
OCS Group (UK) Limited t/as Legion Group Plc	57
Kernow Parking Solutions (KPS)	63
Knightshield Security Ltd t/as National Parking Enforcement	1
P4 Parking also t/as Nighthawk Parking	406

AM Parking Services Ltd	42
CPS Enforcement (Northern) Limited	27
Park Direct UK Limited	601
Parking & Enforcement Agency Limited	93
KMG Car Park Management	4
Private Parking Solution (London) Limited	84
Bridge Security (CCTV) Ltd trading as Bridge Property Asset Management	3
Parking Control Management (UK) Limited	67
Parking Solutions 24	46
Parking Ticketing Ltd	227
ParkingEye Ltd	7847
Premier Park Ltd	524
Premier Parking Solutions Ltd	406
Q-Park Limited	1
RCP Parking Ltd	1
S & K Car Park Management Limited t/as Secure Parking	108
Secure-a-Space	113
Roxburghe (UK) Limited	1
Sagoss Limited t/as ParkFair	1
Salisbury NHS Foundation Trust	8
Searchlight Security & Parking Solutions	13
Shield Security Services (Yorkshire) Ltd	22
SIP Parking Limited t/as SIP Car Parks (UK) Ltd, ANPR, Morgan Knightley & Co, SIP Car Parks & Simple Intelligent Parking	9
Spring Parking Limited	69
T R Luckins Limited t/as UK Parking Solutions	221
Ticketing Service Solutions Limited	32
Topher Limited	20
Total Car Park Management Limited	17
Total Car Parks Limited	14
Total Parking Solutions Ltd	433
Smart Parking Limited also trading as Town & City Parking	697
TSR Parking Management UK t/a Top Security Rangers U.K. Ltd	7
UCS Parking Limited	20
UK Parking Control Limited	2429
UK Parking Patrol Office Ltd	102
UKCPS Limited	189
University of Bradford	3
University of Kent	5
University of York	5

Vehicle Control Services Limited	1375
Vehicle Control Solutions Ltd t/as Flashpark Ltd	4
Vinci Park Services UK Ltd	222
Wing Parking Ltd	102
Workflow Dynamics Limited	17
WY Parking Enforcement Limited	18
Y P Enforcement Services Ltd	4
Greater London Keyholding Limited	6
Parking Enforcement & Security Services	60
BSG Car Park Management Limited	14
UK Car Park Management Limited	816
TESGB Ltd also trading as The Parking Ticketing Company	9
UKPS (NW) Limited	1
Norwich Traffic Control Limited	44
Approved Parking Solutions Limited	15
Belmont Parking Services Ltd	12
Diamond Premises Control Limited	32
Adaptis Solutions Limited	42
All Parking Services UK Limited	40
Carflow Limited	5
Close Unit Protection Services Ltd (CUP)	24
New World Facilities East Essex Limited	31
South West London and St George's Mental Health NHS Trust	5
Clean Event Group	5
Westway Security Limited	3
Southgate Car Park Management Ltd t/as Southgate Parking	2
Liberty Printers (AR &RF Reddin) Ltd T/A Liberty Services and Car Parking Partnership	16
<b>Total</b>	<b>33,495</b>

Note: In less than 0.2% of appeals registered, the operator could not identify the appeal and therefore the case had to be processed for withdrawal by the appellant.

# Appeals decided

## From 1 April 2014 to 31 March 2015 by operator

Note: Some operators' cases are handled by agents on their behalf. The figures are here shown under the name of the operator who issued the parking charge notice. Where we are aware that figures include such cases, they are marked with an asterisk against the operator's name.

Parking operator name	Decisions			%	
	Allowed	Refused	Total	Allowed	Refused
AEJ Management Ltd	32	17	49	65.31%	34.69%
Anchor Security Services Ltd t/as Care Parking	246	35	281	87.54%	12.46%
ANPR Limited	305	73	378	80.69%	19.31%
ANPR Parking Services Ltd	4	14	18	22.22%	77.78%
APCOA Parking (UK) Ltd	964	819	1783	54.07%	45.93%
Athena ANPR Limited	173	12	185	93.51%	6.49%
Athens Security Services Ltd T/A AS Parking	1	0	1	100.00%	0.00%
Atlas Enforcement Limited	1	0	1	100.00%	0.00%
Britannia Parking Holdings Limited	0	0	0	0.00%	0.00%
Brooks Auto Services t/as B.A.S. Parking Services	1	0	1	100.00%	0.00%
Autosecurity Limited trading as Autosec	3	0	3	100.00%	0.00%
Business Watch Guarding Limited	2	1	3	66.67%	33.33%
Capital Carpark Control	25	13	38	65.79%	34.21%
Car Park Management Services	66	29	95	69.47%	30.53%
Civil Enforcement Limited also t/as Starpark & Creative Car Park & Parksolve & Versatile Parking	613	770	1383	44.32%	55.68%
Cobalt Telephone Technologies Ltd	0	2	2	0.00%	100.00%
Conkai Security Ltd	12	11	23	52.17%	47.83%
Combined Parking Solutions Ltd t/as Combined Parking Solutions	0	0	0	0.00%	0.00%
Corporate Services (Hereford) Limited	83	83	166	50.00%	50.00%
UK Parking Limited	51	54	105	48.57%	51.43%
County Parking Enforcement Agency Ltd	45	43	88	51.14%	48.86%
CP Plus Limited	206	143	349	59.03%	40.97%
CPS (Midlands) Limited	12	10	22	54.55%	45.45%
Devere Parking Services Ltd	3	1	4	75.00%	25.00%
District Enforcement Limited	5	3	8	62.50%	37.50%



East Kent Hospitals University NHS Foundation Trust	7	4	11	63.64%	36.36%
Elite Management (Midlands) Limited	60	117	177	33.90%	66.10%
Empark (UK) Limited	7	7	14	50.00%	50.00%
Ethical Group Limited t/as Ethical Parking Management Company	151	105	256	58.98%	41.02%
Euro Car Parks Limited	273	166	439	62.19%	37.81%
Euro Parking Collection Plc	0	0	0	0.00%	0.00%
Everything Parking Limited	8	4	12	66.67%	33.33%
Excel Parking Services Limited	731	929	1660	44.04%	55.96%
First Parking LLP	78	5	83	93.98%	6.02%
G24 Limited	309	170	479	64.51%	35.49%
Gallan Parking Limited	44	0	44	100.00%	0.00%
Highview Parking Limited	325	148	473	68.71%	31.29%
Impact Security Solutions Ltd	1	0	1	100.00%	0.00%
Imperial Civil Enforcement Solutions	0	0	0	0.00%	0.00%
JAS Parking Solutions	182	39	221	82.35%	17.65%
JD Parking Consultants Limited	13	22	35	37.14%	62.86%
KBT Cornwall Limited t/as Armtrac Security Services & MBC Parking Services	158	171	329	48.02%	51.98%
Defence Systems Limited	59	62	121	48.76%	51.24%
LCP Parking Services Limited	21	32	53	39.62%	60.38%
LDK Security Group Ltd	66	53	119	55.46%	44.54%
Liberty Printers (AR & RF Reddin) Ltd also T/A Liberty Services Ltd and Car Parking Partnership Ltd	366	307	673	54.38%	45.62%
Llawnroc Parking Services Limited	4	4	8	50.00%	50.00%
Local Parking Security Limited	90	100	190	47.37%	52.63%
London Parking Solutions Limited	18	24	42	42.86%	57.14%
Horizon Parking Limited	56	67	123	45.53%	54.47%
MET Parking Services Ltd	1029	432	1461	70.43%	29.57%
Meteor Parking Limited (c/o Vinci Park)	144	75	219	65.75%	34.25%
MetroPark Ltd	40	68	108	37.04%	62.96%
Millennium Door & Event Security Ltd	35	33	68	51.47%	48.53%
Minster Baywatch Ltd	50	100	150	33.33%	66.67%
Gemini Parking Solutions London Ltd	95	62	157	60.51%	39.49%
Napier Parking Limited	12	107	119	10.08%	89.92%
Cascade Financial Ltd t/as National Parking Control	16	2	18	88.89%	11.11%
NCP Limited	629	709	1338	47.01%	52.99%
New Generation Parking Management Ltd	275	28	303	90.76%	9.24%
Norfolk Parking Enforcement Ltd	22	21	43	51.16%	48.84%
Northamptonshire Parking Management Ltd	66	71	137	48.18%	51.82%
Dean Clough Limited	0	2	2	0.00%	100.00%

Northern Parking Services	2	0	2	100.00%	0.00%
GB Parking Solutions Ltd	26	2	28	92.86%	7.14%
NSGL Ltd	12	20	32	37.50%	62.50%
NSL Limited	7	0	7	100.00%	0.00%
Observices Parking Consultancy Ltd	43	27	70	61.43%	38.57%
OCS Group (UK) Limited t/as Legion Group Plc	33	21	54	61.11%	38.89%
Kernow Parking Solutions (KPS)	32	25	57	56.14%	43.86%
Knightshield Security Ltd t/as National Parking Enforcement	1	1	2	50.00%	50.00%
P4 Parking also t/as Nighthawk Parking	173	215	388	44.59%	55.41%
AM Parking Services Ltd	20	19	39	51.28%	48.72%
CPS Enforcement (Northern) Limited	14	11	25	56.00%	44.00%
Park Direct UK Limited	302	306	608	49.67%	50.33%
Parking & Enforcement Agency Limited	34	37	71	47.89%	52.11%
KMG Car Park Management	1	3	4	25.00%	75.00%
Private Parking Solution (London) Limited	43	30	73	58.90%	41.10%
Bridge Security (CCTV) Ltd trading as Bridge Property Asset Management	4	1	5	80.00%	20.00%
Parking Control Management (UK) Limited	58	126	184	31.52%	68.48%
Parking Solutions 24	41	6	47	87.23%	12.77%
Parking Ticketing Ltd	58	159	217	26.73%	73.27%
ParkingEye Ltd	3352	3810	7162	46.80%	53.20%
Premier Park Ltd	222	250	472	47.03%	52.97%
Premier Parking Solutions Ltd	69	297	366	18.85%	81.15%
Q-Park Limited	1	0	1	100.00%	0.00%
RCP Parking Ltd	1	0	1	100.00%	0.00%
S & K Car Park Management Limited t/as Secure Parking	78	19	97	80.41%	19.59%
Secure-a-Space	31	59	90	34.44%	65.56%
Roxburghe (UK) Limited	1	0	1	100.00%	0.00%
Sagoss Limited t/as ParkFair	0	0	0	0.00%	0.00%
Salisbury NHS Foundation Trust	1	7	8	12.50%	87.50%
Searchlight Security & Parking Solutions	2	10	12	16.67%	83.33%
Shield Security Services (Yorkshire) Ltd	12	6	18	66.67%	33.33%
SIP Parking Limited t/as SIP Car Parks (UK) Ltd, ANPReye, Morgan Knightley & Co, SIP Car Parks & Simple Intelligent Parking	5	10	15	33.33%	66.67%
Spring Parking Limited	47	19	66	71.21%	28.79%
T R Luckins Limited t/as UK Parking Solutions	149	46	195	76.41%	23.59%
Ticketing Service Solutions Limited	16	15	31	51.61%	48.39%
Topher Limited	18	1	19	94.74%	5.26%
Total Car Park Management Limited	11	7	18	61.11%	38.89%
Total Car Parks Limited	5	6	11	45.45%	54.55%

Total Parking Solutions Ltd	290	138	428	67.76%	32.24%
Smart Parking Limited also trading as Town & City Parking	292	178	470	62.13%	37.87%
TSR Parking Management UK t/a Top Security Rangers U.K. Ltd	1	6	7	14.29%	85.71%
UCS Parking Limited	6	14	20	30.00%	70.00%
UK Parking Control Limited	832	1281	2113	39.38%	60.62%
UK Parking Patrol Office Ltd	40	59	99	40.40%	59.60%
UKCPS Limited	178	103	281	63.35%	36.65%
University of Bradford	2	0	2	100.00%	0.00%
University of Kent	0	5	5	0.00%	100.00%
University of York	4	1	5	80.00%	20.00%
Vehicle Control Services Limited	789	712	1501	52.56%	47.44%
Vehicle Control Solutions Ltd t/as Flashpark Ltd	2	1	3	66.67%	33.33%
Vinci Park Services UK Ltd	149	64	213	69.95%	30.05%
Wing Parking Ltd	24	81	105	22.86%	77.14%
Workflow Dynamics Limited	14	4	18	77.78%	22.22%
WY Parking Enforcement Limited	3	10	13	23.08%	76.92%
Y P Enforcement Services Ltd	3	1	4	75.00%	25.00%
Greater London Keyholding Limited	0	3	3	0.00%	100.00%
Parking Enforcement & Security Services	14	42	56	25.00%	75.00%
BSG Car Park Management Limited	11	6	17	64.71%	35.29%
UK Car Park Management Limited	538	154	692	77.75%	22.25%
TESGB Ltd also trading as The Parking Ticketing Company	7	12	19	36.84%	63.16%
UKPS (NW) Limited	2	0	2	100.00%	0.00%
Norwich Traffic Control Limited	51	1	52	98.08%	1.92%
Approved Parking Solutions Limited	8	6	14	57.14%	42.86%
Belmont Parking Services Ltd	16	2	18	88.89%	11.11%
Diamond Premises Control Limited	12	18	30	40.00%	60.00%
Adaptis Solutions Limited	1	0	1	100.00%	0.00%
All Parking Services UK Limited	22	7	29	75.86%	24.14%
Carflow Limited	2	2	4	50.00%	50.00%
Close Unit Protection Services Ltd (CUP)	1	14	15	6.67%	93.33%
New World Facilities East Essex Limited	13	13	26	50.00%	50.00%
South West London and St George's Mental Health NHS Trust	3	2	5	60.00%	40.00%
Clean Event Group	4	1	5	80.00%	20.00%
Westway Security Limited	2	1	3	66.67%	33.33%
Southgate Car Park Management Ltd t/as Southgate Parking	2	0	2	100.00%	0.00%
Liberty Printers (AR &RF Reddin) Ltd T/A Liberty Services and Car Parking Partnership	7	1	8	87.50%	12.50%
<b>Totals</b>	<b>16,563</b>	<b>14,893</b>	<b>31,456</b>		

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