



POPLA

Parking on Private Land Appeals

ANNUAL REPORT

2024

PARKING ON PRIVATE LAND APPEALS

YEARLY REVIEW

POPLA

Parking on Private Land Appeals

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POPLA 2023 OPERATIONAL OVERVIEW

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POPLA APPEALS DATA



WELCOME

In the year to October 2024, we helped 92,098 motorists with their parking appeals, very similar numbers to the previous year. This shows a steady and consistent need for our service from motorists who believe they received incorrect, or unfair parking charge notices often involving mitigating circumstances.

In last year's report we highlighted the inconsistency in how some parking operators handled appeals that involved circumstances beyond the control of the motorist. This is something that has a significant impact on the reputation of the industry and is often the subject of stories in the media.


We therefore welcome the introduction of the new single code of practice to cover all parking on private land from the British Parking Association (BPA) and the International Parking Community (IPC). The new Code provides increased protections for motorists – particularly when it comes to parking operators' treatment of mitigating circumstances.

We have now set ourselves up to assess motorists' appeals against the new standards, redesigned our training and taken our colleagues through a retraining programme.

We have continued to work with the BPA when we have identified potential problems with car parks and systems, identifying trends and repeated appeals. We have also taken part in BPA Live Road Shows, talking directly to parking operators about some of the issues that may confuse motorists and lead to parking charges.

We are proud that our work goes beyond helping the motorists that appeal to us, by working with the BPA and engaging with operators we can help improve industry standards.

Finally, we worked with the Department for Levelling Up Housing and Communities, as they explored shaping the appeals services of the future.

A portrait of Ed Dodman, a man with short brown hair and a light blue checkered shirt, looking slightly to the right with a neutral expression. The background is blurred with green and yellow lights.

“Overall, it has been a great year for POPLA, and I would like to thank the team for their considerable efforts”.

Ed Dodman
Business Unit Managing Director

POPLA

Parking on Private Land Appeals

OUR YEAR IN NUMBERS

Between 1 October 2023 and 30 September 2024, we...

Handled 17,011 inbound calls
with 96% of calls answered
within 30 seconds

Received **98,110 appeals**

Parking operators **decided not to contest 23,800 appeals** (resulting in the parking charges being cancelled)

Decided
64,808 Appeals

*Allowed
13,216 Appeals

**Refused
51,592 Appeals

92,098 Appeals completed the POPLA process

40% of appeals that completed the POPLA process **resulted in the appellant's parking charge being cancelled** (37,016 out of 92,098)

We also referred 707 appeals back to the operator to ask them to cancel the parking charge as goodwill gesture due to mitigating circumstances
- and they agreed to do this 429 times
(61% of appeals referred)

- *An allowed appeal is one where we found in the appellant's favour and allowed their appeal to stand - leading to the parking charge being cancelled.
- **A refused appeal is one where we didn't find in the appellant's favour - the parking charge stood.

COMMENTARY ON APPEAL NUMBERS

Over 37,000 motorists who brought their appeals to POPLA received the news they were hoping for – their parking charges were cancelled.

Motorists had their parking charges cancelled when:

- The parking operator had not demonstrated that the parking charge had been issued correctly; or
- The parking operator had not rebutted the motorist's reasons for appeal; or
- The parking operator decided not to contest the appeal

Parking operators decided not to contest the appeal in a quarter of the appeals that completed the process. They may decide not to contest appeals if they think, based on experience, that POPLA will allow the appeal. They might also decide not to contest an appeal as a goodwill gesture, or because the landowner has asked them to do so.

In **707 cases**, we identified that the parking charges had been issued correctly and were valid, but the motorist had presented mitigating circumstances that had prevented them from keeping to the parking conditions. We had no valid grounds to allow the appeals, but because the situations felt unfair due to the mitigating circumstance, we contacted the parking operators and asked if they would be willing to cancel the parking charges as a goodwill gesture – they agreed to do this **429 times**.

Our mitigating circumstances process relies on the goodwill of parking operators. With the new motorist protections that came into force on 1 October 2024, this process will be needed less often. More information on this can be found below.



APPEAL THEMES AND WORK WITH THE BRITISH PARKING ASSOCIATION (BPA)

As in previous years, most appeals fall into three broad categories:

- The motorist had a different understanding of the parking rules to the parking operator. For example because the signs were unclear
- The appellant believed the parking operator didn't follow the correct processes when issuing the ticket. For example, because they did not receive the parking charge notice in good time
- The motorist accepted that they didn't keep to the parking conditions but presented mitigating circumstances setting out why they thought the parking charge was unfair

It is important that parking operators make terms and conditions clear and unambiguous to motorists to avoid confusion. It is also important that parking operators follow correct procedures to communicate with motorists in a timely and clear manner, so they know what they are being accused of, and what their rights to appeal are. Where we find that this hasn't happened, it might result in allowed appeals. Where we identify parking operator practices or procedures that might impact more than just the motorist appealing, we will flag systemic issues to the BPA, who will work with operators to improve standards.

Appeals based on mitigating circumstances have been a challenge for some years. There is often a tension between whether the parking charge is valid, and circumstances beyond a motorist's control. For example, a car park might have very clear terms and conditions that the maximum stay for all motorists is two hours. If a motorist breaks their leg during those two hours and is unable to drive their car away from the car park – the parking charge will be technically valid, but the circumstances are unfair on the motorist.

CASE STUDIES:

Blue badge theft

Most private parking operators offer accessible spaces for Blue Badge holders, and the terms and conditions will require the display of a Blue Badge to ensure that these spaces are only used by motorists who need them.

A local council identified Blue Badge theft as a growing problem in the area. To address this problem, they introduced a scheme where motorists could apply for a companion badge, to be used in place of a Blue Badge. The badges are more discreet and don't look like traditional Blue Badges.

The companion badge scheme only applied in local authority car parks or parking areas. It did not apply on private land. However, the communications around this were not clear to all motorists – so we saw appeals from motorists who had used companion badges on private land and received parking charges.

This problem was caused by a disconnect of the parking systems in place. The local council was trying to help disabled motorists, but private car parking had not been involved in the formation or rollout of the scheme.

We raised this issue with the BPA, asking it to connect the local council to parking operators. We wanted to make sure the rules were clear for everyone, so parking operators could continue to ensure they protected Blue Badge bays for eligible motorists, without some receiving inadvertent parking charges. The BPA agreed to take this forward.



CASE STUDIES (CONTINUED):

Terms and conditions in Electric Vehicle (EV) spaces

We are seeing more appeals related to EV bays. Often, these bays will have separate terms and conditions – for example, that they are only to be used when charging an electric vehicle.

We have seen some inconsistencies between the main terms and conditions at sites and the conditions set out within EV bays. In particular, the language used in some EV bays is not right for parking on private land and appears to overstate the authority of private landowners.

Local authorities issue **penalty charges** for failure to keep to parking conditions in council car parks or on street parking. However, private landowners do not have the authority to issue penalties.

Parking on private land is normally managed by contract. A landowner (or a parking operator working on behalf of a landowner) will put up signs setting out the parking conditions and explaining that the motorist may be liable for a **parking charge** if they did not keep to the parking conditions. Enforcement is through the County Courts: if the parking operator persuades the court that a contract was entered and breached, the court may determine that the motorist is liable for the parking charge.

We have seen several sites where the general terms and conditions signs within a site will explain that a motorist may become liable for a **parking charge**, but the signs within EV bays says they are liable for a **penalty charge**. This can be the result of the EV provider putting up its own signs within these bays and not being aware of the intricate differences between public and private land parking.

It is important that motorists get clear messaging about the terms and conditions at a car park, and where this does not happen it can result in allowed appeals. We have raised this issue with the BPA so that it can work with operators to ensure consistent terms and conditions at their sites.

CASE STUDIES (CONTINUED):

Stay on site terms and conditions

Some car parks have terms and conditions allowing motorists to park if they stay on the site. For example, there might be free parking for motorists while using a retail park – but motorists are not allowed to park at the retail park and then go and use different facilities in the local area.

Monitoring whether a motorist has left a retail park is usually done by parking attendants observing motorists when they park and then leave the site.

Where a motorist claims they did not leave the site, we often receive a statement from the parking attendant regarding what they observed on the day. Parking operators tell us they don't take photographs because they don't want to be intrusive to motorists and because the safety of their staff is paramount. Attacks on parking attendants are a serious issue and parking operators do not want staff taking actions that could put them in danger.

When we are dealing with appeals, we are often dealing with one party's word against the others. The decision could come down to which party has the most compelling testimony.

Our advice to motorists is that if a car park requires you to stay on site while parked, try to retain some evidence that you stayed on site. Receipts or digital payment records covering the period of stay are often useful evidence.



CASE STUDIES (CONTINUED):

Payment machine confusion / lack of operator evidence

We identified a potential issue with a particular type of payment machine.

When a motorist went to pay for their parking, they were required to input their vehicle registration mark. The machine would then display pictures of their vehicle and entrance time on screen and ask the motorist to confirm that the details were correct. If the details were incorrect, the motorist had options to input details (such as the entry time) manually.

We received a series of appeals where the motorist claimed to have selected the picture of their vehicle from the screen and paid the amount requested by the machine but then received a parking charge for underpaying. The parking operator told us the motorist had used the machine in manual mode resulting in underpayment.

As we were not present when the motorist made the transactions, we are unable to confirm which version of events was correct. In most instances, the difference between the tariff the motorist paid and the tariff they should have paid was minimal – as little as 50p. We considered it unlikely that motorists would deliberately input incorrect details to make such a small saving.

We allowed these motorists' appeals and reported the trend to the BPA. The BPA investigated with the operator, which was able to provide some additional and persuasive evidence to demonstrate that the machines had been used in manual mode. The operator had not provided this evidence to POPLA.

The operator determined that there was not a systemic problem with the functioning of their machines. However, we are satisfied that we were correct to report this issue based on the information we had available.

This example underlines that the POPLA process is sensitive to the evidence provided by both parties. An allowed appeal doesn't necessarily mean that a parking charge was issued incorrectly – just that the parking operator hasn't demonstrated that it was issued correctly through the appeals process.

INDUSTRY AFFAIRS

Private Parking Code of Practice

The Private Parking Code of Practice was withdrawn prior to our previous annual report. There has been no further public consultation on the Code this year.

POPLA will respond to further consultation where we feel we have useful input to help raise standards for parking operators to the benefit of motorists.

British Parking Association and International Parking Community Code of Practice

In the absence of a Government Code of Practice, the BPA and IPC came together to introduce a joint industry Code of Practice. The new Code was published on 1 June 2024 with parking operators expected to comply with many of the new expectations from 1 October 2024. There is a transition period until December 2026 when all operators are required to comply in full, for example, by updating existing signage.

POPLA welcomes the new Code and its aims to improve standards for motorists. In particular, the expectations on how parking operators should deal with mitigating circumstance should mean fairer outcomes and an improved reputation for the industry.

We recognise that this is the first joint Code between the BPA and IPC, and we anticipate some inconsistency of application by parking operators. POPLA will continue to provide feedback to the BPA to help strengthen future versions of the Code.

Single appeals service

We have continued to support the Government in shaping a potential single appeals scheme – engaging in their discovery process and responding to two calls for input. We hope our support will mean a future appeals scheme that can continue to efficiently resolve individual appeals as well as improving standards and the consumer experience across the sector.



POPLA

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