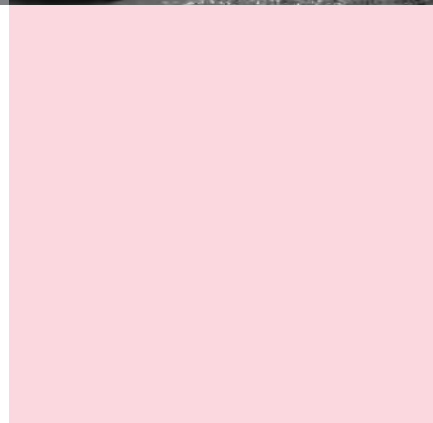
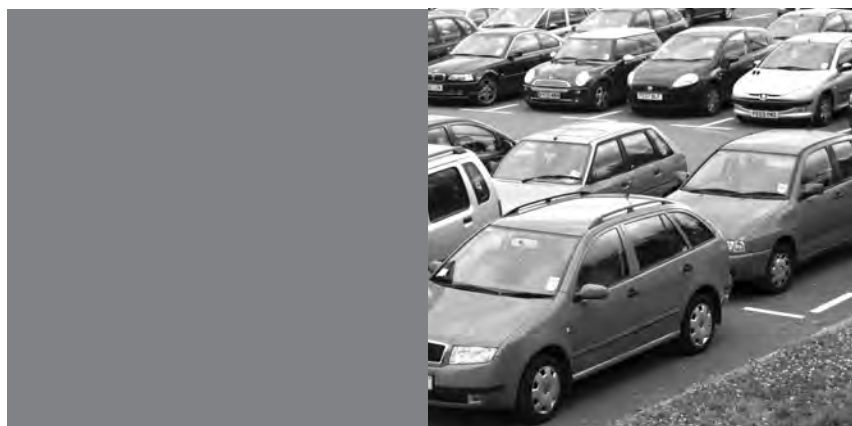


POPLA

PARKING ON PRIVATE
LAND APPEALS



ANNUAL REPORT OF THE LEAD ADJUDICATOR

2014



Foreword

What a difference a year makes.

Since my last Report, the number of cases being decided by Parking on Private Land Appeals, or POPLA, has grown substantially. We are now receiving up to 600 appeals, or even more, each week. This number is currently increasing and we are probably receiving as many appeals as, if not more than, all of the Road User Charging Appeals Tribunal, the England (outside London) and Wales Traffic Penalty Tribunal, the Scottish Parking Appeals Service and the Northern Ireland Traffic Penalty Tribunal, combined. Only the Parking and Traffic Appeals Service in London, where it all began, now considers more appeals than POPLA.

Against this background, I am pleased to present my second Annual Report; covering what has been both an exciting and a challenging first full year.

Henry Michael Greenslade

Lead Adjudicator

POPLA

Overview

POPLA, was established on 1 October 2012. At the time of my first Report, after only six months, the number of appeals we had decided was 1,969. In the twelve months ending 31 March 2014, 25,214 valid appeals were registered; a total of 23,500 appeals were decided, of which 10,661 (45.37%) were allowed and 12,839 (54.63%) were refused. The figure of appeals allowed includes some 2,263 cases 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.

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

This sudden growth brought its own challenges, to which I will refer in this Report. However, when looking at the total number of appeals, it is perhaps interesting to consider that in the financial year 2013/14, which is basically the period covered by the Report, the Driver and Vehicle Licensing Authority (DVLA) received some 10.2 million electronic requests for vehicle keeper details from local authorities, police, government departments and Transport for London. During the same period, the Agency received some 2.2 million electronic requests for vehicle keeper details from private parking operators. In addition, they received more than a third of a million paper requests from private companies, although not all of these were necessarily parking companies. Whatever the proportion is of all requests from private parking operators which actually result in the issue of a parking charge notice, the number of matters coming to appeal would appear very small in comparison to a figure of well over two million such requests.

Although POPLA may now be receiving far more appeals, it is also worth noting that we are probably more cost efficient than other tribunals, despite the fact we currently work on an entirely manual system. It is likely that POPLA will, in time, have a similar system to the planned completely refreshed one, shortly to be used by the two London based statutory tribunals.

Another important development this year has been the establishment of the Independent Scrutiny Board. The scrutiny in the title referring to their ensuring the independence of POPLA, rather than scrutinising the decisions themselves. The Board under its Chair Nicola Mullany, a retired Solicitor, has a membership comprising a wide cross-section of relevant interests. I look forward to working with the Board in the future.

Not only has the number of appeals increased dramatically, so too, the issues arising have changed. I will deal with some of those issues in this Report.

The DVLA currently holds some 45.8 million driver records. This figure includes provisional licence holders, non-licence holders with endorsements, drivers currently disqualified or revoked following convictions for traffic offences or as a result of medical conditions, and those who hold a licence but choose not to drive. However, the majority of these tens of millions of people probably will drive, even if infrequently. At some point it is likely that they will want to park. They do not want to get a parking ticket. Indeed, perhaps apart from the odd campaigner who deliberately sets out to get them, most people try hard to avoid a getting ticket and the overwhelming majority of motorists are successful in their attempts to do so.

Nevertheless, parking tickets are a political topic and becoming an increasingly party political one. By the time of the next Report there will just have been a UK general election in which parking generally, but its enforcement especially, may well have been a contentious issue. However, 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 set framework. It is certainly not a function of a tribunal head to campaign on behalf of either motorists or ticket issuers. There are others who do that.

It also has to be remembered that POPLA is not an ombudsman service and we can only determine issues within the context of an appeal in respect of a specific parking charge notice. Neither is POPLA the appropriate forum for wider complaints about parking issues in general.

At the core of the service are the Assessors who decide the appeals. We originally had two full time and two part time Assessors. However, as the workload increased, it was necessary to increase the panel rapidly. Therefore, following a further recruitment round, a number of new Assessors were appointed, some for a short fixed period. Other Assessors have since moved on to the next stage in their legal careers and I wish them all the very best for the future. Indeed, I would like to thank each of the Assessors who considered appeals during the period covered by this Report. They have, without exception, demonstrated their impartiality, despite occasional wholly misplaced and often completely inaccurate criticism.

I would especially like to acknowledge the Senior Assessor, Christopher Adamson, for his continuing help in the training and mentoring of Assessors, his 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.

Assessors are sometimes referred to, apparently disparagingly, by terms such as 'young graduates', as if to imply a lack of knowledge. Whilst doubtless flattered as any to be called young, it is of course true that, like all professionals, they have at some point graduated. Assessors come from a variety of legal backgrounds, including those already qualified as a solicitor or barrister but who await sufficient length of service, as defined under the Courts and Legal Services Act 1990, before being qualified for formal judicial appointments. As I said in my last Report, they all have a clear understanding of legal decision making. Indeed, recent developments in law may be even fresher in their minds than for some more seasoned practitioners.

We continue an early tradition as regards diversity. Of the 18 Assessors who have determined appeals in the period covered by this Report, 10 are women, 10 are from a BAME background and 1 identifies as LGBT.

I would again like thank Caroline Hamilton, the Chief Parking and Road Traffic Adjudicator, for agreeing to assist in the recruitment process, by kindly acting as the independent judicial member on the selection panel. I hope soon to be able to call on Miss Hamilton's expertise again in this regard.

As already noted, the workload has increased some twelvefold in the period covered by this Report and, under Richard Reeve the POPLA Service Manager, the administrative team have risen to the task, despite the fact that they are only a small group using a manual system.

The sharp rise in appeal numbers in the summer, with a consequent expansion in the numbers of queries from both appellants and operators, meant ever more work for Richard's staff of Team Leader Emma Groombridge, IT Lead Tristan Patey and administrative assistants Bobby Nelson and Richard Jones. All of them rose to the challenge. Tristan, who has skilfully managed the ever increasing workload on our database system, has compiled the figures in this Report, assisted by Fatmira Hoxha and Garry Hoy of London Councils. I thank each of them, as well as all the other staff in London Councils who have helped maintain the service.

I commend this Report and look forward to further challenges in the year ahead.

Henry Michael Greenslade

Lead Adjudicator

June 2014

Independence

A touchstone of Parking on Private Land Appeals must be that, not only it is clearly independent, but also manifestly seen to be so. It is properly an issue that much exercises some commentators on behalf of, on one side appellants and, on the other, operators.

POPLA is not, of course, a statutory tribunal. Some appellants are still confused about this and think that it was created by the Protection of Freedoms Act 2012. However, although established by the British Parking Association (BPA) and funded by the parking industry, POPLA is operated independently and administered on behalf of the BPA by London Councils, who already provide statutory tribunals for parking, traffic and other enforcement.

The agreement made between London Councils and the BPA to provide the appeals service ensures that the BPA has no involvement in the procedures, appointments or decisions made by POPLA. Assessors are neither appointed, reappointed nor paid on the basis of whether appeals are won by either the appellant or the operator.

When the first Annual Report was published last year, the BPA, having had an advance copy, displayed the Report online even before POPLA did. As soon as I was made aware of this, I asked the administrative team at London Councils to request the BPA to remove and simply have a link. This they did immediately.

Apart from what is submitted in appeals, Assessors have no contact with the BPA, operators or appellants. Any day-to-day issues that I need raising with any party are done through the Service Manager. Other than the quarterly Project Board, I do occasionally meet officers of the BPA, motorist groups, representative associations, transport bodies, motoring organisations, operators, civil servants from the UK and national governments, as well as politicians of all parties, at parking seminars and similar events that I am attending. It appears to me that most people clearly understand the importance of independence. At no time are individual cases discussed.

POPLA has not run workshops or seminars of any description, although that is not to say that it might never do at some point in the future. It hardly needs emphasising that, contrary to some media and internet forum suggestions, POPLA does not provide coaching sessions for parties to appeals, or anyone else.

It is common for judicial heads of tribunals to attend conferences and seminars, and occasionally to speak at them. Such events may be subject based or purely legal but will always relate to principles rather than any specific issues. I have

spoken at workshops and seminars since the inception of POPLA and expect to do so again.

As is also usual throughout the court and tribunal system, from time to time user groups may be attended by POPLA administrative staff to discuss and clarify processes, but these will never deal with individual cases.

The preferred format for the submission of evidence is the sort of issue that may be discussed at a user group. Most appellants will send in their appeal form and occasionally something else, such as a photograph/digital image or copy of a pay and display voucher. Appellants can submit whatever evidence they wish in, generally, whatever format they want. Operators will be submitting a whole case file, which may often be considerable, and include word processed and/or pdf documents, still pictures of various types, moving images, and even sound recordings. It is important that POPLA gives clear guidance as to size, format and so on for all this evidence. This is necessary in order to be able to manage the appeals service efficiently. It is for this reason that such guidance is likely to be more relevant to the party seeking the charge, and thus having more evidence, than for those appealing against liability for it.

The statutory tribunals, the Parking and Traffic Appeals Service (PATAS), the England (outside London) and Wales Traffic Penalty Tribunal (TPT) and the Road User Charging Appeals Tribunal (RUCAT) are well understood and respected. As explained in last year's Report, our procedures were based on theirs, although in a streamlined form. However POPLA, having no statutory backing, does not replace access to the county court for legal enforcement in the way that PATAS and TPT have replaced motorists' previous access to the magistrates' court for on-street parking enforcement, where an appeal is made. For this reason, the POPLA processes are simpler. They do not include provision for personal appeals and do not come within a statutory framework for publication of decisions. POPLA is an addition to statutory procedures, not an alternative.

London Councils provide the appeals service as, under various names, they have others since the inception of the then Parking Appeals Service more than twenty years ago. Whilst naturally the general running of the service is a legitimate area of concern, I have been an Adjudicator for the same length of time and have never known an instance where London Councils, or its predecessors in title, have attempted to interfere or influence a decision.

Published decisions

POPLA decisions are alternative dispute resolution and are thus confidential between the two parties concerned. Those parties are the person appealing and the operator who issued the parking charge notice.

However once an appeal is decided, it is a matter for the parties, subject to any statutory provisions, as to what use they make of the decision.

POPLA does not release appeal decisions to anyone else, including the BPA, motoring organisations, campaign groups or members of the public. Suggestions to the contrary are incorrect. Nevertheless, many decisions appear almost immediately on motoring and consumer internet forums and blogs.

The appeal I refer to later, regarding genuine pre-estimate of loss was, as is usual in such cases, much longer than is normal and sets out the background in greater detail.

The decision was sent to the parties in the usual course. It appears that this was one case where the appellant, unlike many others, did not send it for wider publication. However, it seems that the operator sent the decision to the BPA. POPLA definitely did not do so.

The BPA apparently then placed the decision on a restricted part of their website, available to their members. This is entirely a matter for them and I trust, but have no access to their site in order to find out, that all the appellant's details are redacted. It is to be expected that operators may share information with each other or through their trade association.

Unfortunately, in putting the decision on the part of the BPA website to which only operators had access, it appeared as though POPLA had supplied it to the BPA. As already explained, POPLA did not do so and does not provide decisions to third parties. In the circumstances, I therefore directed that whole decision should be put on our own website.

As far as I am aware, the BPA have never stated, as may have been suggested elsewhere, that the decision was some sort of instruction manual to operators on how to win their cases. I would most certainly have objected if they had.

In fact, the appellant won that appeal.

Nevertheless, I was concerned that there was a possibility that the perception of fairness and impartiality of POPLA may have been imperilled. Since its inception, one of my primary concerns has been that POPLA was not only completely

independent of all parties, but also seen to be so.

It is not uncommon in all tribunals for there to be, from time to time, 'guidance cases' on particular issues. In many, but not all cases, these decisions will then be available in the statutory register or in some other form accessible to all interested parties.

Because it is not governed by statutory regulation, POPLA does not have such a public register. It was for this reason that I directed that the whole decision, in redacted form (which means all information which would enable a party to be identified is removed), be placed on the POPLA website.

Guidance cases can assist both parties and obviate the need for unnecessary appeals.

Delays

In the middle of last year we had to announce that, due to the high number of appeals then being received at POPLA, unfortunate delays had arisen in the time decisions were taking to go before the Assessor.

We took urgent action to clear this, including temporarily extending the period before the scheduled hearing date for appeals and also appointing of a number of new Assessors, as mentioned above.

I am pleased that these short term actions proved very successful and that appeals were subsequently scheduled as normal, although we will take account of the seasonal holidays. Our aim is for all appeals now to be decided within the previously stated timescales.

Up to 600 appeals, and sometimes more, are now being received each week. Whilst, at any point in time, some cases may stand adjourned for various reasons, including late receipt of evidence, the measures above helped to clear the general backlog that had built up, so that cases are now generally decided on or soon after the notified date, as in the statutory tribunals.

POPLA does not charge motorist to appeal

POPLA does not make any charge to the motorist, at any time, for an appeal. No appeal decision will involve more than the amount of the parking charge. I am aware of recent reports that some operators may have sought to claim an additional sum of £27 if the matter has gone to the County Court, after a motorist has originally appealed to POPLA.

Once a decision is made by the Assessor, that is the end of the matter as far as POPLA is concerned. What may or may not be recoverable in the County Court will be for the Judge to determine in any particular case. However, it would appear to be contrary to the ethos of a free appeals service for an operator to seek to recover an additional cost, just because the motorist exercised their right to a free appeal. The BPA have acknowledged that it was one of the Government's five Principals for an independent appeals service that it should be free to the motorist. The current version of the BPA Code of Practice is silent on this situation but it may be a matter worthy of urgent consideration.

To be clear, POPLA does not charge the operator anything when there is an appeal. Any charge that is made by the BPA is entirely a matter for them. London Councils, who provide the appeals service, only receives monies from the BPA for its operating costs. As a public body, there is no question of any profit being involved.

Operator's rejection

Before any case can be determined by an Assessor at POPLA, it must, of course, have been considered and then rejected by the operator who issued the parking charge notice.

Whether described as a notice or letter, the operator's rejection of initial representations made to them in respect of a parking charge notice is important. It should set out the reasons for the rejection, dealing with all matters that have been raised. Experience shows that where rejections do so, it may well mean that an appeal to POPLA does not follow, so long as the recipient can see that all their points have been satisfactorily addressed.

Under no circumstances whatsoever is it appropriate for an operator to suggest in a rejection that an appeal to POPLA is 'unwise', 'unnecessary', 'bound to fail' or anything similar.

If an appeal comes before POPLA where it appears that the operator may have been, or even appears to have been, actively dissuading an appellant from making an appeal, then the matter may have to be referred to the BPA as a potential breach of their Code of Practice.

As previously stated, operators must be careful to ensure that the wording of any rejection does not, even inadvertently, appear to suggest that the charge might increase by making an appeal to POPLA. The Assessor will decide if the appellant is liable for the agreed parking charge and no other sum. Just as in the statutory schemes, there is occasionally confusion when some people mistakenly believe that the charge increases, when in reality all that has happened is that the period for payment of the reduced charge has passed. The parking charge is that agreed when the contract is made.

Confusion as to status of correspondence

Some appellants have been puzzled when operators have sent a letter/notice of rejection or even general correspondence signing themselves, for example, 'POPLA Team' or even using words such as 'the appeal has been considered by the senior independent appeals adjudicator.' The latter case was one I felt appropriate to report to the BPA.

Operators should be very careful to ensure that any communication from them could not be seen to imply that it is sent by or on behalf of POPLA. Furthermore, terms like 'appeal' when used in respect of representations to the operator only serve to cause confusion.

Discount of parking charge

Paragraph 19.7 of the BPA Code provides that if prompt payment is made (defined as 14 days from the issue of the parking charge notice) you must offer a reduced payment to reflect your reduced costs in collecting the charge. This reduction in cost should be by at least 40% of the full charge.

The discount should clearly be offered on the face of the parking charge notice as well as relevant signage at the location.

It is, of course, a matter for each individual operator whether to reoffer the discount, either generally or in specific cases, at the time of the rejection of representations. However, in the statutory schemes, many enforcement authorities have found that motorists do take advantage of such an offer, if the reason for the rejection has been fully and clearly explained. This obviously means that there is no appeal, to the advantage of both parties.

Entering into further correspondence

Delay and confusion can be caused 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.

Typically, a motorist may respond to the operator as to why they think that the rejection is wrong and, instead of immediately telling the motorist that they must appeal within the notified time limit, the operator will give a further explanation about the rejection. There may even be yet more exchanges. Meanwhile, time is running as regards the 28 days in which to appeal and thus, when it arrives at POPLA, the appeal may appear from the verification code to have been received out of time. The potential appellant is duly informed of this and then further time is expended whilst they have to explain what the operator has been doing. In some such cases it may only fair that the appeal is registered out of time.

Verification Code

The unique verification code must always be supplied with the operator's rejection of the motorist's original representations to them. It should not be necessary for the motorist to have to contact the operator for it. POPLA does from time to time receive requests for a verification code when it has not been supplied by the operator, even though a rejection has been issued.

Paragraph 22.12 of the 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. Rather than just a reference, the verification code should be clearly identifiable as such. It should be very obvious to the recipient of the rejection what the verification code is.

It is a breach of the BPA Code of Practice for an operator to withhold a verification code when rejecting representations.

Operators should naturally be aware that not everyone has access to the internet and may need, or simply choose, to submit a written appeal.

Requirements for an appeal

When an appeal is received at POPLA, it is copied to the relevant operator for them to submit their own case, including such evidence as is appropriate.

Since Schedule 4 of the Protection of Freedoms Act 2012 has specific provisions as to the content of notices, a copy of any such notice relied upon in a particular case must be produced, to ensure that it complies with the statutory requirements, where the Schedule applies. The original parking charge notice (or a true copy of it), the appellant's representations to the operator and the operator's rejection of those representations should also be included in the operator's case.

Whilst the statutory tribunals require these or similar items to be produced, and failure to do so may result in the appeal being allowed, this is not the case with an appeal to POPLA because there is no such statutory requirement. It appears that some appellants, perhaps taking incorrect advice from the internet, have misunderstood this. Nevertheless it is what we expect operators to produce.

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. Further, if the motorist, in making online representations to the operator, is required to tick a box or similar, to make any declaration such as 'I was/was not the driver at the time', then it is for the operator to produce this in their evidence. However, it is not correct that only the

driver can make representations to operator, or indeed appeal to POPLA.

Whatever facts the operator and appellant know and agree, the Assessor will only be aware of them if set out by the parties.

I have previously stated that it is appreciated that it may not be possible for some operators to produce a 'carbon' copy of a parking charge notice which is issued at the scene. I also noted that some ticketing systems will create a full printout but not every operator will have such software. The submitted details do not have to be in any prescribed format but must be clear and must contain everything that is on the original, including all details about payment and the discount.

Operators who usually produce at least a representation of the equivalent notice for enforcement authority evidence in the statutory tribunals, but do not do so for appeals to POPLA, may want to establish if there is any technical reason why they cannot.

As also explained on previous occasions, both sides of a parking charge notice should be produced (even if the reverse is a standard printed page) particularly if, for example, it contains payment details or explanations of codes used on the front. An example of a parking charge notice, submitted in evidence to show the format when the details are set out separately, should be blank or at least completely redacted. Assessors, perhaps surprisingly, have seen examples where a parking charge notice from a completely different event is submitted as an example. This obviously causes confusion to an appellant.

The operator should also produce everything that the motorist has sent to them, whether by post, email or via the operator's website including, for example, images. Appellants usually assume that the Assessor is aware of what has already been sent to the operator, even if they do not specifically refer to it in their appeal.

Appellants should set out their case clearly on the appeal form, whether written or done online. If it is handwritten, it is obviously important that it is clear and legible so the Assessor can understand everything that the appellant is saying.

There is no need to use formal or legalistic language. If an appellant cannot work out which ground of appeal to tick on the form, they should simply explain what their appeal is about and submit it, although remembering that the Assessor cannot allow an appeal because of mitigating circumstances.

Operators should set out their case clearly in the case summary. POPLA strongly

advise all operators to produce a clear case summary with every appeal they contest. In this, the operator can explain why the parking charge notice was issued and deal with each of the matters that have been raised by the appellant.

Evidence

Assessors at POPLA consider evidence produced by the parties to the appeal. Generally, it is a matter for each party to an appeal (that is the appellant and the operator) to decide what evidence they wish to produce in order to assist their case.

The Assessor will not contact witnesses on behalf of operators or appellants and will not consider evidence from a party who seeks to exclude that evidence from the other party.

If an appellant or operator believes that their case can be put on the basis of partially redacted evidence, then that is a matter for them but the other party should be aware that the Assessor will have no further details than have been supplied to them. Thus if, for example, a document is produced by an operator or appellant with a name blanked out, then that is exactly how the Assessor will consider the document.

However, just like every court, tribunal, ombudsman and arbitration service, in order to consider appeals effectively, POPLA requires certain basic information (referred to above) to be provided in every case by the operator, since they are the party seeking the parking charge.

Images

Parties submitting photographs/digital images should always consider whether their case is assisted in the particular circumstances by images being clearly stamped or marked with the true date and time. This the best practice in all circumstances.

Library images, captured before or after an alleged breach, are sometimes submitted by operators and/or appellants. These are often used to show the general layout of a location. However, it is equally important that the other party has a clear idea when such images were taken, particularly if, for example, they

show signs, or indeed the absence of signs, upon which a live issue may turn.

The correct date and time stamp should be clearly visible on the face of the images so it can easily be seen by the other party. This can be electronically generated by most devices. The Assessor is not an investigator and will not conduct any form of search into the image data, since this may not have been immediately available to the other party when the image was supplied.

Evidence must be seen by both parties

Instances have occurred when one party, usually but not always the operator, seeks to produce evidence to the Assessor on the basis that it will not be seen by the other party. This would not seem appropriate in any credible scheme. Whatever may happen in any other appeal service, the position in POPLA is absolutely clear; the Assessor will not consider such evidence.

Each party must have the opportunity to see all the evidence of the other. If a 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 that the other party can see 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. Paragraph 22.16 of the BPA Code requires operators to keep to the processes and other requirements of POPLA.

Disclosure

Parking appeals do not have a disclosure procedure whereby one party seeks information from the opposing party by means of formal requests; neither can they be used as ruse to obtain details about the other party's affairs. 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.

A parking appeal is not a fishing expedition for information by one party on another. 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.

Appellants sometimes indicate that they want to know what the financial terms of the contract between the landowner and the operator are. However, this is not generally an issue on which the appeal turns. If a party wants information that is not relevant to the appeal, they will have to make their own enquiries of the other party.

Who is the Appellant?

We continue to receive appeals where it is not clear who the appellant is, or whom the operator claims is liable for the parking charge.

The only person liable for a parking charge is the driver of the vehicle at the time of the event or, if the provisions of the 2012 Act have been followed, the keeper or occasionally the hirer, neither of whom may have been the driver of the vehicle at the time.

It is for the party seeking the parking charge (i.e. the operator) to show why they think a particular party is liable. The person who makes original representations to the operator may not always be either the driver or the keeper. Assessors have noted cases where someone other than the driver, for example a Blue Badge holding passenger or a resident who supplied the parking voucher to their visitor, helpfully suggests that they will themselves write in about a parking charge notice issued to the vehicle. The operator then treats that person as the 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

A driver who improperly parks their vehicle on private land can be in breach of contract or liable in tort but the keeper of the vehicle, as keeper, cannot be. They may, of course, be the same person.

Schedule 4 of the Protection of Freedoms Act 2012 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.

Schedule 4 also provides that the reference in the definition of 'parking charge' means, however described: (a) a sum in the nature of a fee or charge, where a relevant obligation arises under the terms of a relevant contract; (b) a sum in the nature of damages, where a relevant obligation arises as a result of a trespass or other tort. Where it is a sum in the nature of damages, it is a sum of which adequate notice was given to drivers of vehicles (when the vehicle was parked on the relevant land).

Further, 'keeper' means the person by whom the vehicle is kept at the time the vehicle was parked, which in the case of a registered vehicle is to be presumed, unless the contrary is proved, to be the registered keeper. 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'.

Therefore, if a keeper who was not the driver is pursued, it can only be within the provisions of Schedule 4 of the Protection of Freedoms Act 2012. Some operators do not yet appear to appreciate this and submit that they are pursuing an appellant who has not accepted being the driver, outside of the statutory provisions.

Agency

A feature of the online world in recent years has been the growth of websites that offer, for a charge, services which are otherwise freely available from official sites. The obtaining of important documents such as passports, driving licences and European health insurance cards certainly fall into this category. Colleagues in the Road User Charging Tribunal have found that websites purport to pay the congestion charge on behalf of the motorist but add an additional fee for doing so. Additionally, the user charge itself may not reach the Authority, certainly not in time, and thus a penalty charge notice is issued. Some may also offer to pay all or part of any penalty charge issued.

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

At POPLA, as in any fair appellate system, appellants can certainly get someone to act on their behalf. However, they must provide clear authority for them to do so and 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.

It would not seem appropriate for such an appeal making service to be offered by an operator who is at the same time a member of the BPA Approved Operator Scheme.

Matters for determination

As explained above, 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. 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.

Current issues

As I wrote the last Report, the main issues coming before Assessors were those involving tickets and vouchers that were invalid or somehow not properly displayed and also signage, whether unclear, missing or confusing. Such appeals are probably still in the majority but new issues have emerged over the past year.

One of these, but by no means the most common issue raised, is genuine pre-

estimate of loss. I refer to this below. However, there appears to be a great deal of misunderstanding about it. In the first place, it only amounts to a small percentage of cases that we decide. Secondly, the charge can amount to a pre-estimate of loss. Thirdly, the issue can only occur at all if the charge is by way of damages. Of course, whether the charge amounts to damages or consideration may be an issue that the Assessor has to determine. Both the operator and the appellant can make representations as to what they believe the signage refers to. All of this will be matters for the Assessor to consider when arriving at the preliminary decision of what the charge amounts to.

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.

Pre-estimate of loss

A proportion of appeals do indeed raise, sometimes amongst other things, the issue of whether the charge amounts to a genuine pre-estimate of loss. In the first place, as explained above, this can only arise where the charge represents a sum by way of damages rather than consideration. If the issue is raised, then it is for the operator to deal with it.

Although websites and blogs sometimes suggest detailed and formal text that should be submitted, this is not necessary. Assessors have always looked to see whether what was being said by an appellant, raised this issue. Whilst the Assessor will only consider matters raised by the parties, appellants are not expected to be lawyers and, as I have said previously, no formal language is required.

A detailed decision that I provided for the assistance of Assessors, and referred to earlier in this Report, appears on the POPLA website. It is common in tribunals and indeed courts for guidance cases to be issued, which set out the facts and the decision making progress in greater detail than in the majority of cases. I have determined such cases myself in other tribunals. It appears some people, perhaps unfamiliar with legal process, suggested that this practice amounted to a manual for one side, in this case car park operators, on how to win appeals. This is not true. The case put on the POPLA website was redacted solely because, as previously explained, decisions are between the two parties and are confidential to them.

Where the issue of pre-estimate of loss being genuine or reasonable is raised, the operator must address it. Since the decision and reasoning in the guidance case are set out in full on the website, there is perhaps no need to go through it here. Of course, there has to be some initial loss in the first place. This may be obvious. Clearly if someone has not paid or appears not to have paid to park, for example a required pay-and-display voucher is not visible, then the issue of initial loss may be obvious, although it is probably good practice for the operator to deal with this at the start of their submissions.

However, genuine pre-estimate of loss means just that. It is an estimate of the loss which might reasonably be suffered, made before the breach occurred, rather than a calculation of the actual loss suffered made afterwards.

Operators and appellants from time to time produce County Court judgments which they say proves their particular submission on this issue. Clearly, they cannot all be correct. As I write this I understand that the Trading Standards Institute has commissioned a report on the topic. We will obviously consider this when available.

The Protection of Freedoms Act 2012, outlawing the unauthorised immobilisation ('clamping'), moving ('towing-away') or restricting movement ('locking in' or 'blocking') of vehicles parked on private land, did not make any provision as to a reasonable parking charge. The law in this regard is therefore as it was immediately before the passing of the Act, although the higher courts may develop this over time.

Authority to issue PCN

From time to time one of the issues raised by appellants is whether the operator has the authority of the landowner to manage the site.

The case of *Vehicle Control Services Limited - and - The Commissioners for Her Majesty's Revenue and Customs [2012] UKUT 129 (TCC)* which was frequently mentioned last year, is now rarely cited by parties. The original decision was subsequently reversed by the Court of Appeal but the case actually concerned payment of value added tax. However, where the issue of authority is mentioned by an appellant then, like any other issue, it must obviously be addressed.

Contracts might, for example, give authority to issue parking charge notices for breaches of the terms but not to collect money as consideration for parking. In such cases the operator would obviously not have authority, from the terms of the contract, to issue a parking charge notice in respect of the latter.

Rather than the operator having to produce the whole contract, or even a redacted version, I have advised Assessors that, provided the correct information is submitted, they can accept a suitably detailed witness statement, so long as all relevant matters are clear for the appellant as well as the Assessor.

Witness statements

There are two model statements published on our website which cover both the position where the operator has a direct contract with the landowner and also the position where they do so with a managing agent, on behalf of the landowner.

These were drafted in the interests of efficiency. They were not created or provided by any party to proceedings or by the BPA. It is common practice in courts and tribunals for model forms to be produced. These forms are not obligatory but, if used, should include all the information set out, including the name of the party signing.

In many cases such forms will deal with the issues raised, without the necessity of the production of, in this case, contracts, which may be voluminous with much detail that is irrelevant to the issues to be decided.

POPLA does suggest the format in which evidence might appropriately be submitted. This applies to both parties but, in the main, it is operators who submit the most evidence and we need to control the format so as to enable the service to run efficiently. This is not a question of how anyone can best win their case, which is a decision for the Assessor, but rather how we deal with the administration of cases in the most efficient way.

Hospitals

Last year 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.

This year we have seen far more appeals from members of the public, either as patient or relative, often in very distressing circumstances. 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 got a different story from the hospital concerned.

ANPR

A number of operators issue parking charge notices on the basis of closed circuit television evidence with automatic number plate recognition (ANPR). This does of course mean that 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. Unlike the position with some penalty charge notices, there is no possibility of extension.

Typically an operator will 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. That in itself may be sufficient evidence. 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. Whilst this system is often used on-street, not every motorist will be familiar with it and thus the operator should address any question raised by an appellant.

If, as is sometimes the case, 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. Clearly, for example, the same vehicle receiving any sort of fine, penalty or charge for being elsewhere at the time or (as has happened) closed circuit television images from their employer's car park showing the vehicle parked there between the times of the two operator images, will be strong evidence in this regard. A mere assertion that 'I never stay more than one hour' may be less so.

Of course, as in the statutory schemes, a few motorists may deliberately obscure or even alter their registration mark, even by simply raising the vehicle boot so that the angle of the plate is such that the camera cannot read it, to avoid detection. Assessors have also 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.

Even without any deliberate attempt by any party, ANPR evidence in itself may not be conclusive. Whether showing vehicles exceeding speed limits, making prohibited manoeuvres or even stationary where not permitted, 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. 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.

Another difference from the statutory schemes is enforcement authorities will generally produce the moving images of the vehicle showing the context, rather than one or two still screen shots. This could help with the determination of other issues, such as why a vehicle remained longer than permitted when the overstay period is very short.

Therefore, as can never be repeated enough, each case turns on its own facts.

Change of Operator

We receive appeals where the issue is that the holder of a permit has not realised that the permit is no longer valid, due to a change of operator.

Typically this might be in a housing complex where the management company engage a new operator, who immediately issues their own permits when they commence operations. A resident may submit that there is nothing on their current permit to show that it has expired; indeed it may well show it is valid until some date in the future. The matter to be determined will therefore be whether it has clearly been brought to permit holders attention that a new permit is required.

If all the 'permit holder only' signs clearly warn of this, perhaps with a 'new permits in use' amendment, together with other information to permit holders, it

may well be shown that residents ought reasonably to have been aware of such change. However, one notice or flyer in a common area of the complex may not be sufficient notice. Often the Assessor has to determine an appeal where the position is somewhere in between these two scenarios.

If, as frequently happens, it is the operator's case that all permit holders have been written to explaining the change but the permit holder says that they were never informed, then obviously it is for the operator to show clearly exactly how it was brought to the permit holder's attention. For example, by explaining when the letter was sent, by what method and so forth.

An analogous situation arises where a pay by phone service changes but not every sign in the car park reflects this. The motorist calls or texts the number stated, either then getting a message to the effect that the service is not operating or simply no response at all. Assessors have noticed a number of such cases coming before them where this has occurred at different locations.

Disabled motorists

Most holders of a disabled person's parking permit are aware that the blue badge does not apply on private land, as the conditions of use clearly explain this. Sometimes the issue in an appeal is whether it was clear enough that the location was actually private land, which is of course a wider problem.

The Equality Act 2010 is a wide ranging piece of legislation which, amongst other things defines disability for the purpose of the Act and says that providers of services to the public must make 'reasonable adjustments' to remove barriers which may discriminate against disabled people. Operators should clearly be alive to its requirements.

Visually impaired appellants who are blue badge holders may be the driver/keeper but in practice are more likely to be a passenger, and thus not the appellant. However, many holders are drivers. Paragraph 16.2 of the BPA Code of Practice states that 'reasonable adjustments' to prevent discrimination are likely to include larger disabled parking spaces near to the entrance or amenities for disabled people whose mobility is impaired. It also could include lowered payment machines and other ways to pay if payment is required: for example, paying by phone. The Code also points out that some disabled people may take a long time to get to the payment machine.

Operators do have responsibilities under the Act, however, the Act itself specifically provides for resolution, in England and Wales, through the County Court.

Some two million disabled people hold blue badges across the country but there are different criteria as regards the issue of such disabled person's parking permits and any possible requirements under the 2010 Act. A landowner must obviously comply with the law but otherwise, can generally set what reasonable requirements they wish for parking. This could probably include the display of any particular badge or permit.

POPLA would certainly be bound by the Act as regards provision for appellants, in the same way that the Parking and Traffic Appeals Service, the Road User Charging Appeals Tribunal and the Traffic Penalty Tribunal are. They, of course, all have personal hearings and thus make the required provision for those, in terms of access and so on. POPLA does not have personal hearings and the majority of appeals are online but we are alert to issues that might arise in this area and London Councils, who provide the service, is clearly very experienced in this regard.

However, it is not for POPLA to enforce the requirements of the Act, when the Act itself clearly makes provision for this to be done elsewhere.

It is also the case that, although small, the number of blue badge fraud prosecutions has doubled over three years. However, as I have previously mentioned, although police officers, civil enforcement officers and some other local authority staff have the power to inspect the badge, this does not extend to employees of car park operators on private land.

'Multi-purpose' signs

Operators seeking a parking charge based on breach of contract typically base their claim on signage at the car park. I have referred elsewhere to the requirements of Paragraph 2 (2) of Schedule 4 and the requirement for adequate notice to have been given if the provisions of the Act are to be relied upon. This is defined as (a) the display of one or more notices in accordance with any applicable requirements prescribed in regulations; or (b) where no such requirements apply, the display of one or more notices which (i) specify the sum as the charge for unauthorised parking; and (ii) are adequate to bring the charge to the notice of drivers who park vehicles on the relevant land.

The usual contractual rules regarding notice, apply where the appellant is the driver rather than the keeper.

Assessors are still finding occasionally that the amount of the parking charge can be unclear either because, if present, it is simply not legible or because there are various different sums stated, rather than simply the charge and any discount. Further, whilst there is no reason why variations in sums cannot be amended by the use of overlays to the relevant part of the sign, rather than replacing the whole sign, these obviously have to be clear and physically well attached.

If the amount of the parking charge is not clear for any reason when the contract is entered into, the Assessor cannot find the motorist liable to pay some amount later stated to be the charge.

Signs must also be clear as to the conditions. Wording such as 'park in bays if marked' are sometimes found on standard signs used by an operator in all their car parks. Some of these car parks may have marked bays and some may not. However, depending on the circumstances, it might be difficult for an operator with such a sign to show that a vehicle was parked contrary to the conditions if it is not in a marked bay, even if that particular car park contains some such bays.

Use of POPLA logo

The POPLA logo is copyright and not to be used by any party except by POPLA.

Operators, appellants, bloggers, the BPA or anyone else should be aware that they have no right to display the logo. It should, for example, appear neither on car park signs nor websites offering appeal services to motorists issued with parking charge notices

Recently, a decided case was put on the BPA website. I had seen, once it was pointed out, that they had a large image of the POPLA logo with words that might be taken to imply that somehow we are part of the BPA or have, in particular, made the decision for them. The BPA appeared to understand my concerns immediately when raised and removed it.

Recommendations

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 is.

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'.

At the time of the first Annual Report, I recorded that there had been four such recommendations. In the period covered by this present Report, there have been thirty-nine such recommendations.

The details are set out in the Appendix.

If any pattern emerges it may be that operators became less willing to accept such recommendations over the course of the year.

Operators reported to the BPA

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

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.

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 2013/14

Lead Adjudicator

Henry Michael Greenslade

Senior Assessor

Christopher Adamson

Assessors

Farah Ahmad

Amber Ahmed

Harpreet Bansal

Sakib Chowdhury

Rahsanul Islam

Marina Kapour

Sheryar Majid

Aashna Musa

Shehla Pirwany

Aurela Qerimi

Raivi Shams Rahman

Izla Rhawi

Matthew Shaw

Jane Slattery

Nozir Uddin

Shona Watson

Matthew Westaby

Service Manager

Richard Reeve

Administration

Emma Groombridge – *Team Leader*

Tristan Patey – *IT Lead*

Bobby Nelson

Richard Jones

Alex Lambert

Recommendations by Assessor for exercise of discretion by operator

Parking Control Management (UK) Limited	April 2013	Refused
NCP Limited	April 2013	Accepted
UK Parking Control Limited	May 2013	Accepted
APCOA Parking (UK) Limited	May 2013	Refused
UK Parking Control Limited	May 2013	Refused
UK Parking Control Limited	May 2013	Refused
ParkingEye Limited	August 2013	Accepted
Total Parking Solutions Limited	August 2013	Accepted
UK Parking Control	August 2013	Refused
UK Parking Control Limited	September 2013	Refused
ParkingEye Limited	September 2013	Accepted
ParkingEye Limited	September 2013	Accepted
ParkingEye Limited	September 2013	Accepted
Ethics Group Limited	September 2013	Refused
APCOA Parking (UK) Limited	September 2013	Refused
ParkingEye Limited	September 2013	Accepted
UK Parking Control Limited	October 2013	Refused
ParkingEye Limited	October 2013	Accepted
UK Parking Control Limited	October 2013	Refused

UK Parking Control Limited	October 2013	Refused
Parking Control Management (UK) Limited	October 2013	Refused
ParkingEye Limited	October 2013	Accepted
APCOA Parking (UK) Limited	November 2013	Refused
UK Parking Control Limited	November 2013	Refused
Vinci Park Services UK Limited	November 2013	Refused
Vehicle Control Services Limited	November 2013	Accepted
Vehicle Control Services Limited	November 2013	Refused
ParkingEye Limited	December 2013	Refused
ParkingEye Limited	January 2014	Refused
APCOA Parking (UK) Limited	January 2014	Accepted
Liberty Printers (AR & RF Reddin) Limited	January 2014	Refused
Car Parking Partnership Limited	January 2014	Refused
Excel Parking Services Limited	February 2014	Refused
ParkingEye Limited	February 2014	Refused
Total Parking Solutions Limited	February 2014	Refused
Gemini Parking Solutions London Limited	February 2014	Refused
Gemini Parking Solutions London Limited	February 2014	Refused
ParkingEye Limited	March 2014	Refused
P4 Parking also t/as Nighthawk Parking	March 2014	Refused

Operators reported to the British Parking Association by the Lead Adjudicator

Operator	Potential breach	Date notified	BPA response
ParkingEye Limited	Stating that 'only in extenuating circumstances' will recipient of rejection be provided with details of the independent appeals service (POPLA) <i>Paragraph 22.12</i>	March 2013	BPA found that this was not standard wording for the operator's notice of rejection but it appeared that recipient was out of time to appeal although the wording used gave no apparent room for a valid reason to appeal Such wording is no longer used
ANPR Limited	Wording of rejection letters stating 'prudent not to process your claim any further' <i>Paragraph 22.12</i>	September 2013	Initial changes made <i>[BPA investigations continuing]</i>
ANPR Limited	Wording of rejection letters stating 'more prudent at this stage not to forward you claim to appeals' <i>Paragraph 22.12</i>	September 2013	Initial changes made <i>[BPA investigations continuing]</i>
Car Park Management Services	Operator using incorrect signage to the effect that vehicles may be immobilised <i>Appendix F</i>	January 2014	Operator subsequently resigned from the BPA with immediate effect
Sussex Security Solutions Limited trading as Parking Enforcement	Verification code stated within notice of rejection but no explanation as to what it was or how it could be used <i>Paragraph 22.12</i>	January 2014	Sussex Security Solutions Limited left the BPA in the November 2013 before complaint could be instigated
ParkingEye Limited	Upon receiving original representations Operator sought further information but when none received waited eight months before sending rejection as no further evidence had been received 'within the 14 days provided'. <i>Paragraph 22.8</i>	January 2014	Operator stated they no longer follow this process but they believed they took the best decision available to them by rejecting the appeal and providing a POPLA Code when they realised they had not received the additional information from motorist Operator assured BPA that their processes have changed and there are provisions in place to ensure this does not happen again

<p>ANPR Limited</p>	<p>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'</p> <p><i>Paragraph 22.12</i></p>	<p>January 2014</p>	<p>Initial changes made</p> <p>[BPA investigations continuing]</p>
<p>CPS (Midlands) Limited</p>	<p>Operator using incorrect signage to the effect that vehicles may be immobilised</p> <p><i>Appendix F</i></p>	<p>February 2014</p>	<p>Operator stated they used overlays for all signage to cover any reference to clamping but that overlay on this particular sign has been removed</p> <p>BPA found this a technical breach of the Code but the Operator took appropriate remedial action to ensure the references to clamping were covered up or removed within 14 days</p>
<p>Parking Control Management (UK) Limited</p>	<p>Operator using incorrect signage to the effect that vehicles may be immobilised</p> <p><i>Appendix F</i></p>	<p>March 2014</p>	<p>BPA confirmed that the sign in question which refers to clamping is not a sign that belongs to the operator but rather is owned by the landowner</p>
<p>ParkingEye Limited</p>	<p>Operator using signage to the effect that motorist may get a 'fine'</p> <p><i>Paragraph 14.2</i></p>	<p>March 2014</p>	<p>Parking Eye advised BPA that signage in question did not belong to them and was never erected by them. Operator contacted landowner and received confirmation that the sign had been removed</p>
<p>Civil Enforcement Limited</p>	<p>Operator website under FAQs, has the following question and answer:</p> <p>Can I still appeal if I make a payment?</p> <p>Yes and if your appeal is successful, you will get a full refund.</p> <p><i>Paragraph 22.9</i></p>	<p>March 2014</p>	<p>BPA did not find the operator to be suggesting the motorist should send payment with their appeal</p> <p>BPA believe the operator was simply advising the motorist that if they do decide to pay and then appeal later then the Operator will refund the sum if appeal successful</p> <p>BPA noted that wording does not state a payment must be sent with appeal</p> <p>BPA state that this question has now been removed by Operator</p>

Appeals registered with POPLA

From 1 April 2013 to 31 March 2014 by operator

Parking Operator	Number of appeals registered
AEJ Management Limited	108
AM Parking Services Limited	6
AMPCO Parking Solutions Limited	1
Anchor Security Services Limited t/as Care Parking	99
ANPR Limited	216
ANPR Parking Services Limited	13
APCOA Parking (UK) Limited	1218
Approved Parking Solutions Limited	53
Athena ANPR Limited	34
Aumberry Parking Management Limited	3
Autosecurity Limited trading as Autosec	7
Belfry Security Alliance Limited	1
Belmont Parking Services Limited	13
Bridge Security (CCTV) Limited trading as Bridge Property Asset Management	6
BSG Car Park Management Limited	44
Capital 2 Coast Security Limited	22
Capital Carpark Control	25
Car Park Management Services	38
Car Park Solutions Limited	41
Carpark Management Services (UK) Ltd trading as CMS (UK)	72
Civil Enforcement Limited also t/as Starpark & Creative Car Park & Parksolve & Versatile Parking	1082
Close Unit Protection Services Limited (CUP)	1
Cobalt Telephone Technologies Limited	4
Combined Parking Solutions Limited t/as Combined Parking Solutions	6
Conkai Security Limited	4
Controlled Parking Management Limited	4
Corporate Services (Hereford) Limited t/as Corporate Services (Parking Management)	68
County Parking Enforcement Agency Limited	134
CP Plus Limited	251
CPS (Midlands) Limited	27
CPS Enforcement (Northern) Limited	7
Dean Clough Limited	1
Defence Systems Limited t/a Park Watch	21

Devere Parking Services Limited	4
Diamond Premises Control Limited	7
District Enforcement Limited	52
East Kent Hospitals University NHS Foundation Trust	3
Elite Management (Midlands) Limited	145
Empark (UK) Limited	20
Ethical Group Limited t/as Ethical Parking Management Company	145
Euro Car Parks Limited	166
Excel Parking Services Limited	1176
First Parking LLP	12
G24 Limited	339
Gallan Parking Limited	23
GB Parking Solutions Limited	12
Gemini Parking Solutions London Limited	112
Gemini Parking Solutions Limited	1
Greater London Keyholding Limited	11
Highview Parking Limited	132
Homeguard Services Limited t/as 14 Services	12
Horizon Parking Limited	23
Inner Guard Security Limited	2
J.A.S. Parking Solutions Ltd also t/as J.A.S. Parking Solutions	102
JD Parking Consultants Limited	49
KBT Cornwall Limited t/as Armtrac Security Services	289
Kernow Parking Solutions (KPS)	38
KMG Car Park Management	34
LCP Parking Services Limited	59
LDK Security Group Limited	150
Legal Parking Enforcers (UK) Limited	2
Liberty Printers (AR & RF Reddin) Limited also T/A Liberty Services Limited and Car Parking Partnership Limited	801
Llawnroc Parking Services Limited	2
Local Parking Security Limited	83
London Parking Solutions Limited	116
LPP (Local Permit Parking) Limited	2
MET Parking Services Limited	962
Meteor Parking Limited (c/o Vinci Park)	135
MetroPark Limited	83
Millennium Door & Event Security Limited	20
Minster Baywatch Limited	121
Napier Parking Limited	97
NCP Limited	804
New Generation Parking Management Limited	222

New World Facilities East Essex Limited	1
Newlyn Debt Collection Limited	2
Norfolk Parking Enforcement Limited	59
Northamptonshire Parking Management Limited	13
Northern Europarks Limited also t/a Car Parking Management (Cumbria)	35
Northern Parking Services	24
Norwich Traffic Control Limited	45
NSGL Limited trading as NSGL Parking	43
NSL Limited	4
Observances Parking Consultancy Limited	55
OCS Group (UK) Limited t/as Legion Group	89
P4 Parking (UK) Limited also t/as Nighthawk Parking	377
Park Direct UK Limited	358
Parking & Enforcement Agency Limited	127
Parking Awareness Services Limited	13
Parking Control Management (UK) Limited	1389
Parking Control Solutions Ltd also t/as Y P Enforcement Services	2
Parking Enforcement & Security Services	57
Parking Solutions 24	24
Parking Ticketing Limited	232
ParkingEye Limited	6058
Parkshield Collection Limited t/as Private Car Parking Enforcement Agency	1
PCN (NW) Limited	48
Premier Park Limited	212
Premier Parking Solutions Limited	305
Private Parking Solution (London) Limited	19
RCP Parking Limited	7
S & K Car Park Management Limited t/as Secure Parking	12
Searchlight Security & Parking Solutions	11
Secure-a-Space	35
Securitas Security Services Limited	2
Select Engineering Projects Limited	1
Senator Security Services Limited	6
SIP Car Parks Limited	1
SIP Parking Limited t/as SIP Car Park (UK), ANPReye, Morgan Knightley & Co, SIP Car Parks & Simple Intelligent Parking	28
Smart Parking Limited	254
Spring Parking Limited	19
Sussex Security Solutions Limited t/as Parking Enforcement	15
T R Luckins Limited t/as UK Parking Solutions	3

Target Parking Limited	1
TESGB Ltd also trading as The Parking Ticketing Company	109
Ticketing Service Solutions Limited	7
Topher Limited	7
Total Car Park Management Limited	22
Total Car Parks Limited	16
Total Parking Solutions Limited	394
Total Security Partners Limited	47
TSR Parking Management UK t/a Top Security Rangers UK	10
UCS Parking Limited	19
UK Car Park Management Limited	222
UK Parking Control Limited	1871
UK Parking Limited	60
UK Parking Patrol Office	117
UKCPS Limited	367
UKPS (North West) Limited	30
University of Bradford	1
University of Kent	5
University of York	1
Vehicle Control Services Limited	1116
Vinci Park Services UK Limited	489
Wing Parking Limited	109
Workflow Dynamics Limited also t/as The Parking Shop	10
Total	25214

Appeals decided

From 1 April 2013 to 31 March 2014 by operator

Note: some operator's cases are handed by agents on their behalf. The figures are here shown under the name of the operator who issued to 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	Decisions			%	
	Allowed	Refused	Total	Allowed	Refused
AEJ Management Limited*	42	67	109	38.53	61.47
AM Parking Services Limited	1	3	4	25.00	75.00
AMPCO Parking Solutions Limited	3	0	3	100.00	0.00
Anchor Security Services Limited t/as Care Parking	75	36	111	67.57	32.43
ANPR Limited	145	87	232	62.50	37.50
ANPR Parking Services Limited	4	7	11	36.36	63.64
APCOA Parking (UK) Limited	627	486	1113	56.33	43.67
Approved Parking Solutions Limited	22	26	48	45.83	54.17
Athena ANPR Limited	22	8	30	73.33	26.67
Aumbery Parking Management Limited*	0	3	3	0.00	100.00
Autosecurity Limited trading as Autosec	4	1	5	80.00	20.00
Belfry Security Alliance Limited	1	0	1	100.00	0.00
Belmont Parking Services Limited	6	0	6	100.00	0.00
Bridge Security (CCTV) Limited trading as Bridge Property Asset Management	1	1	2	50.00	50.00
BSG Car Park Management Limited	15	30	45	33.33	66.67
Capital 2 Coast Security Limited	25	2	27	92.59	7.41
Capital Carpark Control	11	8	19	57.89	42.11
Car Park Management Services*	22	6	28	78.57	21.43
Car Park Solutions Limited*	57	13	70	81.43	18.57
Carpark Management Services (UK) Limited trading as CMS (UK)	42	49	91	46.15	53.85
Civil Enforcement Limited also t/as Starpark & Creative Car Park & Parksolve & Versatile Parking	612	253	865	70.75	29.25
Cobalt Telephone Technologies Limited	0	3	3	0.00	100.00
Combined Parking Solutions Limited t/as Combined Parking Solutions	0	6	6	0.00	100.00
Conkai Security Limited	1	0	1	100.00	0.00
Controlled Parking Management Limited	4	0	4	100.00	0.00
Corporate Services (Hereford) Limited t/as Corporate Services (Parking Management)	10	38	48	20.83	79.17
County Parking Enforcement Agency Limited	37	111	148	25.00	75.00

CP Plus Limited*	116	110	226	51.33	48.67
CPS (Midlands) Limited	19	8	27	70.37	29.63
CPS Enforcement (Northern) Limited	1	2	3	33.33	66.67
Dean Clough Limited	1	1	2	50.00	50.00
Defence Systems Limited t/a Park Watch	9	6	15	60.00	40.00
Devere Parking Services Limited	1	6	7	14.29	85.71
Diamond Premises Control Limited	1	6	7	14.29	85.71
District Enforcement Limited	31	23	54	57.41	42.59
Elite Management (Midlands) Limited*	52	91	143	36.36	63.64
Empark (UK) Limited	9	7	16	56.25	43.75
Ethical Group Limited t/as Ethical Parking Management Company	75	62	137	54.74	45.26
Euro Car Parks Limited	63	81	144	43.75	56.25
Excel Parking Services Limited	300	704	1004	29.88	70.12
First Parking LLP	9	0	9	100.00	0.00
G24 Limited	180	94	274	65.69	34.31
Gallan Parking Limited*	19	2	21	90.48	9.52
GB Parking Solutions Limited	7	3	10	70.00	30.00
Gemini Parking Solutions London Limited	41	63	104	39.42	60.58
Gemini Parking Solutions Limited	2	0	2	100.00	0.00
Greater London Keyholding Limited	4	6	10	40.00	60.00
Highview Parking Limited*	73	45	118	61.86	38.14
Homeguard Services Limited t/as 14 Services	4	8	12	33.33	66.67
Horizon Parking Limited	9	9	18	50.00	50.00
Inner Guard Security Limited	5	0	5	100.00	0.00
J.A.S. Parking Solutions Limited also t/as J.A.S. Parking Solutions	71	25	96	73.96	26.04
JD Parking Consultants Limited	12	34	46	26.09	73.91
KBT Cornwall Limited t/as Armtrac Security Services	107	172	279	38.35	61.65
Kernow Parking Solutions (KPS)	11	24	35	31.43	68.57
KMG Car Park Management*	9	25	34	26.47	73.53
LCP Parking Services Limited	18	39	57	31.58	68.42
LDK Security Group Limited*	78	93	171	45.61	54.39
Legal Parking Enforcers (UK) Limited	1	2	3	33.33	66.67
Liberty Printers (AR & RF Reddin) Limited also T/A Liberty Services Limited and Car Parking Partnership Limited	510	200	710	71.83	28.17
Llawnroc Parking Services Limited	2	0	2	100.00	0.00
Local Parking Security Limited	26	47	73	35.62	64.38
London Parking Solutions Limited*	51	43	94	54.26	45.74
LPP (Local Permit Parking) Limited	2		2	100.00	0.00


MET Parking Services Limited	623	255	878	70.96	29.04
Meteor Parking Limited (c/o Vinci Park)*	73	57	130	56.15	43.85
MetroPark Limited	40	34	74	54.05	45.95
Millennium Door & Event Security Limited	4	4	8	50.00	50.00
Minster Baywatch Limited	30	87	117	25.64	74.36
Napier Parking Limited	12	83	95	12.63	87.37
NCP Limited	374	345	719	52.02	47.98
New Generation Parking Management Limited	183	65	248	73.79	26.21
Newlyn Debt Collection Limited	2	0	2	100.00	0.00
Norfolk Parking Enforcement Limited	27	34	61	44.26	55.74
Northamptonshire Parking Management Limited	6	1	7	85.71	14.29
Northern Europarks Limited also t/a Car Parking Management (Cumbria)	18	22	40	45.00	55.00
Northern Parking Services*	22	0	22	100.00	0.00
Norwich Traffic Control Limited	33	7	40	82.50	17.50
NSGL Limited trading as NSGL Parking	26	14	40	65.00	35.00
NSL Limited	4	0	4	100.00	0.00
Observances Parking Consultancy Limited	12	38	50	24.00	76.00
OCS Group (UK) Limited t/as Legion Group	34	50	84	40.48	59.52
P4 Parking (UK) Limited also t/as Nighthawk Parking	153	200	353	43.34	56.66
Park Direct UK Limited	198	123	321	61.68	38.32
Parking & Enforcement Agency Limited*	92	33	125	73.60	26.40
Parking Awareness Services Limited*	8	7	15	53.33	46.67
Parking Control Management (UK) Limited	497	981	1478	33.63	66.37
Parking Control Solutions Ltd also t/as Y P Enforcement Services	1	1	2	50.00	50.00
Parking Enforcement & Security Services	17	35	52	32.69	67.31
Parking Solutions 24*	18	0	18	100.00	0.00
Parking Ticketing Limited*	57	162	219	26.03	73.97
ParkingEye Limited	2063	3379	5442	37.91	62.09
Parkshield Collection Limited t/as Private Car Parking Enforcement Agency	1	0	1	100.00	0.00
PCN (NW) Limited*	24	36	60	40.00	60.00
Premier Park Limited	69	115	184	37.50	62.50
Premier Parking Solutions Limited	45	240	285	15.79	84.21
Private Parking Solution (London) Limited	10	6	16	62.50	37.50
RCP Parking Limited	7	0	7	100.00	0.00
S & K Car Park Management Limited t/as Secure Parking*	4	5	9	44.44	55.56
Searchlight Security & Parking Solutions	8	3	11	72.73	27.27
Secure-a-Space	10	23	33	30.30	69.70

Securitas Security Services Limited	2	0	2	100.00	0.00
Select Engineering Projects Limited	2	0	2	100.00	0.00
Senator Security Services Limited	4	4	8	50.00	50.00
SIP Car Parks Limited	0	2	2	0.00	100.00
SIP Parking Limited t/as SIP Car Park (UK), ANPReye, Morgan Knightley & Co, SIP Car Parks & Simple Intelligent Parking	17	5	22	77.27	22.73
Smart Parking Limited	133	174	307	43.32	56.68
Spring Parking Limited*	4	5	9	44.44	55.56
Sussex Security Solutions Limited t/as Parking Enforcement	15	8	23	65.22	34.78
T R Luckins Limited t/as UK Parking Solutions	3	0	3	100.00	0.00
Target Parking Limited*	1	0	1	100.00	0.00
TESGB Limited also trading as The Parking Ticketing Company*	36	68	104	34.62	65.38
Ticketing Service Solutions Limited	3	0	3	100.00	0.00
Topher Limited*	4	1	5	80.00	20.00
Total Car Park Management Limited	7	16	23	30.43	69.57
Total Car Parks Limited	7	9	16	43.75	56.25
Total Parking Solutions Limited*	179	171	350	51.14	48.86
Total Security Partners Limited	21	33	54	38.89	61.11
TSR Parking Management UK t/a Top Security Rangers UK	7	3	10	70.00	30.00
UCS Parking Limited	4	13	17	23.53	76.47
UK Car Park Management Limited	69	124	193	35.75	64.25
UK Parking Control Limited*	781	1113	1894	41.24	58.76
UK Parking Limited*	20	27	47	42.55	57.45
UK Parking Patrol Office	45	63	108	41.67	58.33
UKCPS Limited	163	129	292	55.82	44.18
UKPS (North West) Limited	13	27	40	32.50	67.50
University of Bradford	2	1	3	66.67	33.33
University of Kent	2	4	6	33.33	66.67
Vehicle Control Services Limited	364	689	1053	34.57	65.43
Vinci Park Services UK Limited*	193	326	519	37.19	62.81
Wing Parking Limited	29	94	123	23.58	76.42
Workflow Dynamics Limited also t/as The Parking Shop	8	0	8	100.00	0.00
Total	10661	12839	23500		

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