

# POPLA Newsletter

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Issue 1

August 2012

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Welcome to the first Newsletter of POPLA, the new independent appeal service for those who have received a parking charge notice in respect of parking on private land.

## **A new independent appeals service launched**

London Councils has been appointed by the British Parking Association to set up a new independent appeals service to cover England and Wales, to be known as Parking on Private Land Appeals or POPLA.

London Councils already provide the Parking and Traffic Appeals Service, which hears appeals against penalties issued for contraventions on public roads in the capital. This new scheme is being launched to coincide with the Protection of Freedoms Act 2012 which will prohibit clamping and removal of vehicles parked on private land without lawful authority from 1 October 2012.

The new law means the only parking enforcement allowed will be barriers at the entrances and exits of car parks and the issue of charges to vehicles which have infringed the rules for using the private land.

The Government has agreed that so long as there is an independent appeals service, parking charges can be enforced against the registered keeper of the vehicle rather than the driver, by organisations which manage parking on private land.

Motorists who want to appeal against a parking charge issued on private land must do so to the organisation which issued it. Only when the operator's appeals process has been completed, can the motorist take their case to POPLA. The decision of the independent service is binding on the organisation which issued the parking charge.

The scheme is funded by the organisations which enforce parking on private land through the BPA which agreed a three year contract with London Councils to run the scheme. It is estimated that there will be 2.3 million parking charge notices issued a year of which one per cent are appealed – the same proportion as on public roads.

## **An efficient service for a new era**

POPLA will be based in London and appeals will be handled by post or electronically. There will be no personal hearings. The lead Adjudicator will be Henry Michael Greenslade, who was called to the Bar of England and Wales in 1982 and to the Bar of Ireland in 1990. In 1994 he was appointed a Parking Adjudicator to what was then the Parking Appeals Service and subsequently, as Traffic Adjudicator, to the Parking and Traffic Appeals Service. He has also sat as Adjudicator on the Road User Charging Tribunal and for the National Parking Adjudication Service.

The lead Adjudicator will head a panel of trained Assessors, assisted by a dedicated administrative support team.

From the start, POPLA will be encouraging parties to communicate with the service electronically. This can be as simple as emailing the appeal form. However, it is hoped that the option of an entirely web based appeal submissions will be available in due course.

Appeals to POPLA will only be available to recipients of a Parking Charge Notice that has been issued by a member of the British Parking Association.

The POPLA administrative team will shortly complete preparing guidance for users, which will be available before the planned workshops for operators next month. This will include recommendations on the submission of evidence by operators. Similar helpful advice for appellants will be available on the POPLA website and will also accompany the appeal form sent to appellants by the operator.

## **The appeal process**

The whole appeal system is designed to be a simple, efficient and effective remedy for the parties to resolve issues arising when a parking charge notice is issued by an approved operator in respect of a vehicle being parked on private land.

The operator, if rejecting representations from the motorist following receipt of a parking charge notice, encloses the appeal form and accompanying notes, which will advise on the form completion, with the notice of rejection. The wording of this will also be finalised before the planned workshops for operators next month

The appeal form requires some basic information about the appellant as well as the parking charge notice and the reason for the appeal. The most important piece of information will be the verification code. This will be entered on the form by the operator when supplying it to the motorist and will be made of ten digits, comprising a unique code for the operator, the day of the year of the rejection, the year and the number of the rejection in the format CCCDDYNNN.

The motorist will send the completed form to POPLA, preferably electronically, together with any evidence that they wish to be considered. This will be copied to the operator, who will then submit their own evidence to both POPLA and the motorist, before the scheduled date of the appeal.

There is a period of 28 days for an appeal to be received at POPLA after rejection of representations to the operator, although there will be discretion to extend this in appropriate cases.

The appeal will be decided by an Assessor by making findings of fact on the basis of the evidence produced by the parties and applying the relevant law. The Assessor has no power to consider mitigating circumstances but may occasionally find compelling reasons to refer the matter back to the operator for consideration of the exercise of discretion.

The Adjudicator will include details of the number of such cases, and also the response of the operator, in his annual report.

The appeal decision will be sent to both the appellant and the operator at the same time.

The BPA have required operators to accept the decision of POPLA as regards appeals but enforcement will remain through the County Court system. Whilst the POPLA decision will not be binding on the County Court judge, he or she will doubtless have close regard to the determination of fact made by the Assessor.

## **The Code of Practice**

POPLA notes that the BPA are in the process of issuing a new Code of Practice for the Approved Operators Scheme, timed to coincide with the legislative changes taking place on 1 October next.

POPLA decisions will not be based on the BPA Code of Practice for the Approved Operators Scheme. However, the Adjudicator will inform the BPA of breaches of the Code found during the appeal process. Details of these will also be in the Adjudicator's annual report.

## **POPLA Workshops**

We are planning a couple of workshops for BPA Members on Monday 10th September which will take place at the Chartered Institute of Highways and Transportation. There will be a morning session

commencing at 10.00am and an afternoon session commencing at 1.30pm. Staff from POPLA and the BPA will be present to answer questions from operators. Information on how to reserve a place at one of these informative events will be dispatched shortly.

## **Further information**

Attached to this Newsletter are an explanation of the **verification code** together with an example of the **appeal form** and charts that explain the **full process flow** and the **POPLA process flow**.

# Verification Code

The verification code format will be generated as follows

A 10 digit number consisting of –

## 3 digit operator code

This number will be assigned to each operator by POPLA and notified to them by the BPA

## 3 digits representing the day of the year

This will be between 1 and 365 (or 366 in a leap year)

Thus 1 January is 001, 10 February is 041 and so on

## 1 number representing the year

This will simply be the last digit of the year

Therefore this current year will be '2'

## 3 digits generated by the operator

In its simplest form this might be the sequential number of the form issued that day, i.e. 001 to 999, 501 to 999 or whatever. The important thing to remember is that there cannot be two of identical numbers created on the same day.

Thus an example would be 1172052123

<b>117</b>	<b>205</b>	<b>2</b>	<b>123</b>
CarParks 'R' Us Ltd	8 August	2012	123

return this form by email to  
appeals@popla.org.uk

we would prefer to communicate with you electronically  
**alternatively you can post this form to**  
POPLA PO Box 1234 London N1A 2BC

you have received a parking charge notice  
the operator did not accept your representations  
you now want to appeal

<b>your name</b>
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<b>email</b>	<b>phone</b>
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<b>your address</b>
<b>postcode</b>

if you would rather receive communications by post please tick this box

<b>vehicle registration</b>							
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<b>pcn number</b>													
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<b>operator name</b>
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**why you are appealing** – please tick

I was not properly parked

the parking charge (ticket) exceeded the appropriate amount

the vehicle was stolen

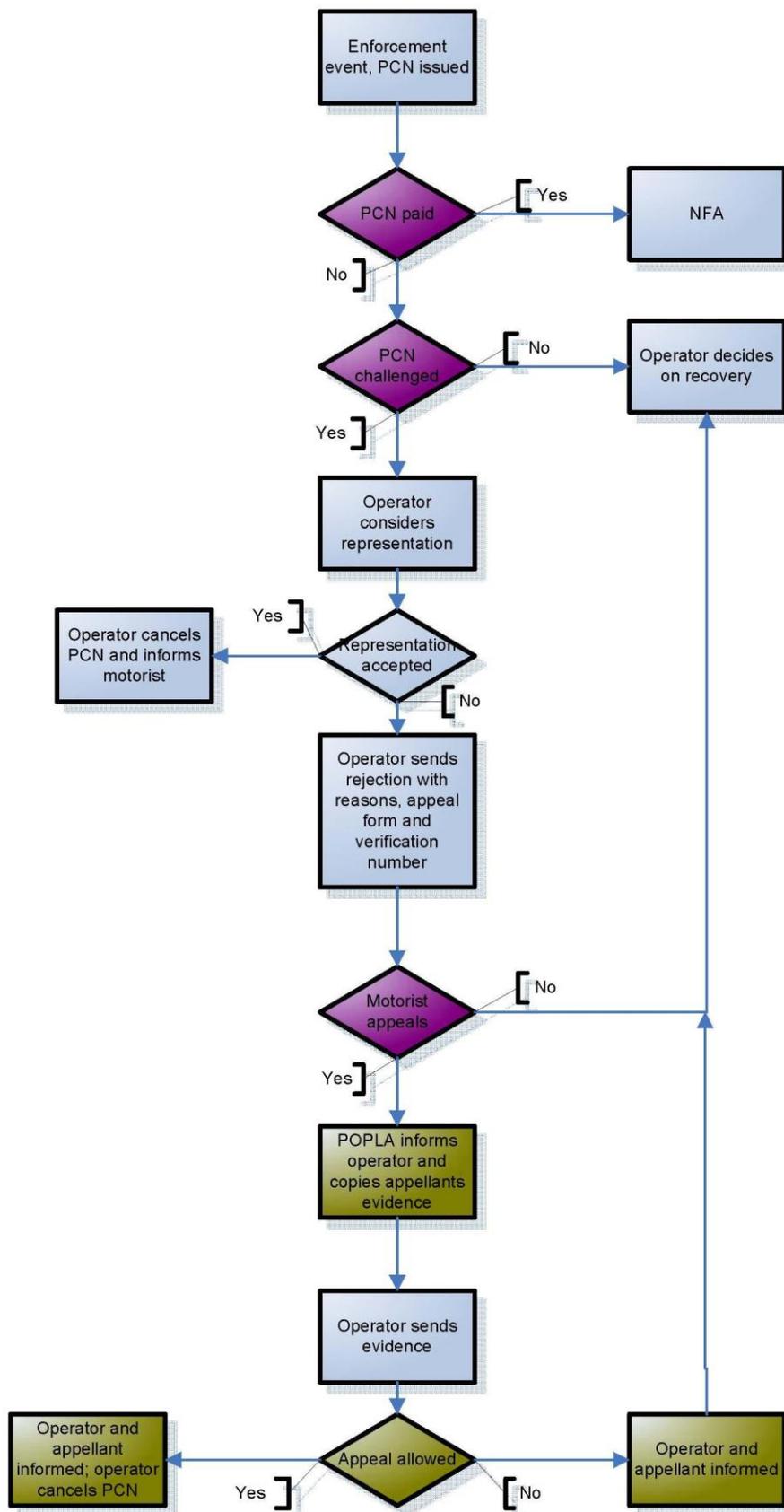
I am not liable for the parking charge

<b>tell us your reasons</b> – continue overleaf if necessary
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<b>sign here</b>	<b>date</b>
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<small>official use only</small>	<b>verification code</b>								
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# Full Process Flow Chart



# POPLA Process Flow Chart

