



Appeals Procedure

General principles

The Appeals Procedure is applied in all cases in a non-discriminatory manner. Appeals are usually answered by trained and experienced staff and unless there are overriding statutory or regulatory procedures to follow, appeals are undertaken according to the wishes of the individual clients. The operating instructions of the clients are adhered to in all cases. No information regarding appeals is kept on individual workstation computers. All information is regarded as private and confidential and is not shared with anyone outside the Company except for relevant personnel of the respective clients or other recognized authorities or legal or debt recovery advisors. Information held by the Company relating to appeals or any aspect of the issue of a Parking Charge Notice is considered to be subject to the Data Protection Act.

Information Required in order to Appeal

Details of how to access the Appeal process are shown on the parking charge notices that are issued to drivers. Appeals are considered only where the following information is supplied:

- the parking notice reference number
- the vehicle registration number
- details of the person submitting the appeal
- the reasons for the appeal

Appeal submitted without this information will not be accepted for consideration and therefore the appellant risks running out of time to submit their appeal. It cannot be considered an appeal if we are unable to deal with it effectively.

Appeal Forms

When appealing by post, for convenience, a standard Appeal Form is available if required, completion of which ensures that all the necessary information we need is supplied. The Appeal Form can be downloaded from our website, or it is available by post. If appellants wish a copy posted to them they should telephone 01582 434500 between 09.00 hrs and 17.00 hrs, Monday to Friday, and request one. An Appeal Form will then be posted within 2 working days.

It is not compulsory for postal appeals to be submitted on an Appeal Form and any written appeal will be considered as long as it provides all the relevant information required.

Appeal Timescales

All appeals are dealt with in strict chronological order and online appeals do not receive any priority over posted appeals.

Appeals must be received by us within 28 days of the date of issue of the parking charge notice. Appeals received outside of that timescale will not be considered.

We aim to normally issue a reply within 28 days of receipt (14 days for London Borough of Islington cases) and a further 7 days should then be allowed for delivery in the event of an appeal made by post. Appellants should not enquire as to the status of their appeal until that stated timescale has passed.

If there are queries that require extra investigation and are likely to result in a longer than normal period before a reply is made, an acknowledgement is sent to confirm that an investigation is under way and the full response will follow in due course.

Although these timescales are intended to be met, they are not guaranteed and any failure to meet the advertised timescale will not affect the decision reached and it is not a reason to consider that an appeal should be upheld.

Appeal Replies

Appeals received online be replied to by email
Appeals received by post will be replied to by post.

Although customers may contact us by telephone to enquire about the status of an appeal, they will only be provided with basic information regarding the current status of their case. The contents of the case or the decision will not be discussed over the telephone.

Client Confidentiality

Where clients have requested that their contact information be confidential, their wishes will be upheld, and Wing Parking will carry out all stages of the Operators appeal process.

First Stage Appeal

1. All appeals are logged on the relevant computer system.
2. All information pertaining to the incident is reviewed – this may include inspection or contacting of one or more of the following: enforcement photographs, telephone call logs, emails from estate managers, enforcement operatives, log of temporary instructions (this is not a finite list and from time to time other reviews may be necessary).
3. Letters are prepared according to clients wishes.

4. Copies of all letters (incoming and outgoing) are kept as scanned computer files for a period of 2 years. Paper copies are not stored.
5. A copy of relevant enforcement photographs may be sent with replies if necessary but will not be done in all cases. No charge is made for photographs sent out with appeal replies however where customers request copies of photographs for their own purposes, a charge may be made according to the provisions of the Data Protection Act.
6. If appeals are received for clients who carry out their own appeal process, copies are not passed to the client, but the appellant is notified of the correct contact details, so they can submit the appeal themselves.
7. If a Stage 1 appeal is rejected and further appeal Stages are available, the information on how to do this will be included in the reply.

Second Stage Appeal

Stage 2 appeals may be carried out directly by the Client according to their own internal appeals/complaints procedures (with due allowance to any overriding statutory or regulatory procedures).

1. Any Stage 2 appeal must be received within 14 days of the date of rejection of the Stage 1 appeal.
2. All second stage appeals are logged on the relevant computer system.
3. Any new evidence is reviewed.
4. For complex appeals, either the Office Manager or a Director would be consulted.
5. Letters are prepared according to clients wishes.
6. Copies of all letters (incoming and outgoing) are kept as scanned computer files for a period of 2 years. Paper copies are not stored.
7. If a Stage 2 appeal is rejected and further appeal Stages are available, the information on how to do this will be included in the reply.
8. The Stage 2 appeal will be the final part of the Operators appeal process.

Third Stage Appeal - POPLA

Where applicable, after the Operators appeal process has been completed in full (and this may include Client stages), a further right of appeal to an Independent Appeals Service will apply. These appeals will be carried out by Parking On Private Land Appeals (POPLA).

Where the right of appeal to POPLA exists, information on how to appeal will be provided in writing at the final rejection Stage of the Operators appeal process.

Where information about how to submit an appeal to POPLA has been provided, we will not then enter into further correspondence regarding the appeal outside of the formal POPLA appeal process. Any such correspondence will not be acknowledged or replied to.

Any appeal to POPLA must be submitted to them within 28 days of the final Rejection letter which will contain all the relevant information on how to appeal to POPLA.

Payments, Discount Periods and Appeals

Please note that payment of the parking charge represents full acceptance of the charge and if the charge is accepted at any time, there can be no appeal. If a payment is received for a parking charge notice, the appeal process will immediately close at that time and no appeal will be accepted for consideration and if an appeal is already being processed, it will be closed, and no reply will be issued.

Provided that your Stage 1 appeal is made prior to the expiry of any applicable discount period, the charges will be frozen at the discounted amount and if your appeal is rejected, a further period of 14 days, commencing on the date of the rejection decision will be allowed before the discount period allowing reduced payment expires. If you do not appeal until after the expiry of the discount period, then that discount period will not be extended any further and if your appeal is rejected, the full charge will be due.

If a Stage 2 appeal is made, the charge will again remain frozen at the discounted amount and if your appeal is rejected, a further period of 14 days, commencing on the date of the rejection decision will be allowed before the discount period allowing reduced payment expires.

If a Stage 3 appeal is made to POPLA and that appeal is rejected, no further extension of the discount period will apply, and the full charge will be due within 28 days.

Non-Response

If an appellant does not receive a reply to their appeal, this must not be construed as confirmation that the appeal has been upheld. Appellants must not consider their appeal upheld unless they have specific written confirmation thereof.

All appeals are replied to and if no reply is received within the timescales detailed above, the appellant should contact us to obtain a copy of the reply. If the appellant does not contact us at that time, not only will the discount period not be extended any further, there is the chance that if the appeal has not been upheld and the parking charge notice remains unpaid, the case may be passed for debt collection or other legal action, incurring the appellant in further costs that will not be waived.

If the appellant has not received a reply, it is their responsibility to seek confirmation.

Grounds of Appeal

We will not uphold appeals for reasons such as:

- My permit fell off the windscreen
- I forgot to display my disabled badge
- I've only just got the car and haven't had time to get a permit
- I was only parked for five minutes
- My car had broken down
- I can't afford the fee
- My friend/neighbour said that I could park there
- I went to get some change for the machine
- I could not find anywhere else to park
- I didn't notice the enforcement signs
- I couldn't see the point of having a yellow line there
- My permit application is in the post
- I thought I was correctly parked, but I made a mistake

These reasons are considered to be "mitigating circumstances" and are not relevant reasons for submitting or upholding an appeal.

Alternative Dispute Resolution

As detailed above, all appeals are dealt with first through our own internal appeals procedure (which may include client stages) and then through POPLA.

By law we are also required to inform you that Ombudsman Services (www.ombudsman-services.org/) provides an alternative dispute resolution service that would be competent to deal with your appeal. However, we have not chosen to participate in their alternative dispute resolution service. As such should you wish to appeal then you must do so to POPLA, as detailed above.

Data Protection

All personal data collected in respect of parking charge notice appeals is subject to Data Protection regulations. Data will be retained and used in order to maintain the valid operation of the overall parking management scheme, including for the purposes of debt administration of unpaid parking charges notices. Data will also be shared with our clients.

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