



## 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 (PCN) is considered to be subject to the Data Protection Act and/or the GDPR.

### 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 Thursday, 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 is readable and provides all the relevant information required.

## **Appeal Submissions**

Any information you wish to provide regarding your appeal, or any supporting documentation, must be provided at the time you submit your appeal. We do not accept later submissions of new or different documentation, or a postal submission after an online appeal has been made. If you are appealing, you must send everything you need to support your appeal at that time. We will not re-open or reconsider appeals upon receipt of later documentation.

For obvious IT security reasons, we do not accept certain file formats. All files sent to us must be secure, non-editable documents. Files considered to be insecure will not be opened or considered. Likewise, we will not follow links in emails sent to us to direct us to external websites to download documents. Any documents you wish to be considered in your appeal must be sent to us, we will not seek to retrieve them from other sources.

## **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 and any requests for updates will not be replied to unless the 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 will 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.

## **Appeals by Drivers or Vehicle Keepers**

Appeals can only be made by the registered keeper of the vehicle or the vehicle driver. Any appeal submitted must detail whether it is being submitted by the vehicle driver or vehicle keeper.

If such information is not provided at the time of the appeal, the appeal will not be considered, and the period allowed for submitting an appeal may pass. Any appeal submitted without confirmation of whom it is being submitted by will not be considered to have been submitted until such time as such confirmation has been received from the owner or driver. Appeals submitted without such confirmation will not be “backdated” upon later receipt of confirmation.

## **Third Party Appeals**

Appeals can only be made by the registered keeper of the vehicle or the vehicle driver. If a third party wishes to submit an appeal on behalf of the owner or driver, for data protection purposes, they must include a signed letter of authorisation from the driver or keeper, confirming their name, address, whether they are the owner or driver, and their authorisation for us to deal with the third party on their behalf. If the appeal is being submitted online, a copy of that written authorisation must be uploaded at that time.

If such authorisation is not provided at the time of the appeal, the appeal will not be considered, and the period allowed for submitting an appeal may pass. Any appeal submitted by a third party will not be considered to have been submitted until such time as written authorisation has been received from the owner or driver. Appeals submitted without written authorization will not be “backdated” upon later receipt of authorisation.

## **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. 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.
6. 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 or 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. Stage 2 appeals will be reviewed by a different member of staff than that who dealt with the original Stage 1 appeal.
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 (This Stage will not apply for any PCN issued on or after 1 November 2020)**

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 at any time, 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 the 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 the 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 there is no appeal until after the expiry of the discount period, then that discount period will not be extended any further and if the 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 the 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. If the appellant has not received a reply, it is their responsibility to seek confirmation of the status of the case.

All appeals are replied to and if no reply is received within the timescales detailed above, the appellant should, upon expiry of the stated timescale, 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.

For online or emailed appeals, appellants should ensure that they check their spam or junk mail settings and folders in case our reply has been delivered but has been filed there. We are not responsible for the settings on appellants IT systems and if we have an email delivery receipt for our reply, it will be considered to have been correctly delivered to the appellant, irrespective of how their system has filed it.

## **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 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 (where applicable).

By law we are also required to inform you that Ombudsman Services ([www.ombudsman-services.org/](http://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 against a PCN issued on or before 31 October 2020, then you must do so to POPLA, as detailed above. For PCN issued on or after 1 November 2020, the right to appeal to POPLA will no longer apply and the Stage 2 appeal will be the final Stage in the appeal process.

## **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. Our full Privacy policy is available on our website: <http://www.wingparking.co.uk/pages/privacy.html>

## **Appeals Procedure**

Although we aim to adhere to this Appeals Procedure at all times, this cannot be guaranteed and any failure to do so will not affect the decision reached and it is not a reason to consider that an appeal should be upheld.