**Standard Appeal Template for private parking tickets**

Please note that this template is for use when disputing private Parking Charge Notices issued on private land. It does not apply to Penalty Charge Notices issued by local councils and transport for London nor the Police.

You may wish to include some of the following grounds in your appeal both initially to the parking company and subsequently to the private parking adjudicator (P.O.P.L.A.) if you believe they apply to you and the parking charge notice that you have received. You should not use any of the following grounds if they do not apply to your situation or if you are not sure whether they apply. Remember to alter the numbering when you take out paragraphs.

You appeal at your own risk and there are no guarantees that using any of the grounds below will result in an appeal being upheld or the parking company conceding defeat. You may also lose any discount offered if you decide to appeal and lose. There may be some grounds below that only partly apply in which case you will need to adjust them accordingly. We have seen recent cases where the parking company simply concedes when adequately challenged.

You should also look at the section “how to appeal a private parking ticket” as there are other potential grounds of appeal there as well which you could add including time limits etc. There is also a lot more detail there on issues such as signage which are too many to include in this template. There may be other grounds of appeal that you would like to use in addition to the following including mitigating circumstances.

**LETTER TO THE PARKING COMPANY OR PRIVATE APPEALS SERVICE**

Dear Sir/Madam

Re Registration number/parking charge number/any other reference number.

I am challenging your parking charge notice dated xxxx on the following grounds. Please respond to each individual point that I state.

1. The large sum demanded amounts to a penalty and/or is not an accurate reflection of any loss suffered so it is not a reasonable charge. Your monetary claim is disproportionate, punitive and unjustifiable in total. It may also be an unfair term and therefore in breach of Schedule 2 of the Consumer Contracts Regulations 1999. Please provide a breakdown of how your demanded charge is calculated so that I can consider further whether it amounts to a penalty.
2. The contractual breach can have caused no financial loss whatever to you or to the land owner but if you believe it has please set out the details clearly in your response. If you believe I have committed a trespass please substantiate your consequential actual loss. There were, for example, unoccupied places available for others to park so my presence did not prevent the parking of other cars and their making of payments.
3. I saw no signage in the place where I parked or at the entrance to the area where I parked. The requirements are that clear signage must be erected at each entrance and additional signage installed throughout the area. Therefore I have not entered into a contract with you.
4. Having since re-visited the site and researched the rules I now understand why the signage was not clear to me at the time of my visit. DELETE THE FOLLOWING ITEMS THAT DO NOT APPLY

There is not clear signage at every entrance to the car park/ land stating the restrictions in force.

There are not sufficient additional signs placed around the area stating the restrictions that are in force.

The letters on the entrance signs do not meet the minimum height of 50mm necessary for adequate driver information.

The parking signs around the site are smaller than the minimum necessary size of 450mm x 450mm.

The BPA and APS logos are not clearly displayed on the signage despite it being a specific requirement for compliant signage.

You are using ANPR camera systems but this is not clearly advertised on the signage.

1. Your Civil Parking Notice constitutes an invoice for payment. Accordingly your invoiced charge must include an element of VAT. However, your civil parking notice does not state either a VAT registration number or an invoice reference number and so cannot constitute a lawfully valid demand for payment.
2. Having examined your parking charge notice I believe it is a non compliant demand for payment for the following reasons: DELETE THE FOLLOWING ITEMS THAT DO NOT APPLY

Valid private parking notices issued after October 2012 must be called "Parking Charge Notices" This notice is wrongly stated to be a "civil parking notice"

Your notice refers to a “contravention” which is misleading for implying it to have been issued by a statutory authority. The term "contravention" which is usable only in penalty charge notices issued by local authorities is neither correct nor appropriate terminology for a civil parking notice.

Your notice refers in the text to being a PCN/ penalty charge notice, this term being attributed to a penalty charge notice issued by a local authority. It is therefore easily confused with a statutory penalty charge notice. The BPA is clear in its rules that such abbreviations and terms are not permissible.

Your notice wrongly requires payment to be made “within” 28 days which is contrary to statutory requirement that provides a period of 28 days from the date of receipt.

1. I understand that, as a legal minimum, the Parking Charge Notice must include a prescribed set of information. The following is not shown on your notice and therefore it is invalid. DELETE THE FOLLOWING ITEMS WHICH DO NOT APPLY

When and how the parking offence took place;

The time and date when the notice was issued;

How much is due;

The amount of any discount for prompt payment of the charge;

How, when and to whom payment may be made;

The arrangements provided for the resolution of disputes or complaints – both for your own internal arrangements and for an independent appeals process.

1. I understand that a Parking Charge Notice must also include the following which is absent from the notice you have provided and therefore it may be invalid.DELETE THE FOLLOWING ITEMS WHICH DO NOT APPLY

A unique reference number

The vehicle registration number

The make of the vehicle

Why the ticket was issued

A detailed location of the vehicle

An identifier number of the warden who issued the ticket

The operator’s company registration number

Details of available methods of payment, and where and how challenges can be sent

A statement that you will enquire from the DVLA details of the registered keeper

Any additional charges which may be levied.

The B.P.A and A.O.S. logos

1. The rules of the BPA require you to allow a grace period either to allow a motorist to read the signs and make payment or decide whether parking is permitted, and at the end of a period of paid for time or maximum stay to allow for discrepancies in the time shown on different devices. A reasonable grace period would be 5 minutes but it may be that the owners of this site have instructed you to offer a different grace period. Please advise the actual grace period in operation so that I can assess whether you have acted reasonably.
2. If this challenge / appeal is rejected, to enable me to prepare a formal appeal to P.O.P.L.A please provide the following documentation:

Please delete any items which you do not require.

A copy of your contract with the land owner which authorises you to act on their behalf in the management of this car parking area.

A copy of the contract which you allege I entered in to when I parked.

Photographic evidence of the actual signs in situ, together with identification of the locations around the site where these signs are currently placed. Please also confirm the date when the photographs were taken (if not evident from the photographs themselves) and whether you have made any alterations to the signage since the photograph was taken.

A copy of the full terms and conditions for use of the land where I was allegedly parked wrongly.

A copy of your certificate of membership of the BPA

A copy of your protocol which your enforcement and CCTV operators are required to follow.

A copy of your standard appeal procedure and confirm whether or not it complies with the Arbitration Act 1996.

Full details of the owner of the parking area (if it is not already stated in the copy contract above) as I wish to send them a copy of my letter to you.

A copy of all of the images that you have of my vehicle. I understand that the Data Protection Act entitles me to all of this information.

A copy of your protocol for handling personal data such as images of my vehicle. I assume that such data is not disclosed to any third party (other than POPLA in the event of an appeal) but please confirm this.

Please provide this information within 35 days of receipt. If you are unable to provide any of the requested documents please provide a reason for each omission.

I look forward to hearing from you.

Yours faithfully,