**University of Glasgow**

**Parking Enforcement Appeals Policy**

An appeal is where there is a challenge against the validity of a parking charge.

**Who can appeal**

Where there is a Notice to Driver issued, the person who will be held liable is the driver of the vehicle. They can appeal against the parking charge.

If a Notice to Keeper is issued, the keeper of the vehicle is liable and can appeal against the parking charge issued.

Where a notice to keeper has been sent to a hire/lease company, as they are being held liable they have the ability to appeal against the parking charge.

**Recording Appeals**

All appeals will be acknowledged by email when received. You are permitted up to 28 days to make an appeal. All appeals will be recorded and documented and data kept in accordance with the University’s GDPR policy.

Appeals and all data associated are held for a period of 36 months. See Record Keeping section for type of data held. Thereafter all data is purged and deleted from the system.

If an appeal also raises a complaint this will be processed via our complaints policy.

When an appeal has been received, enforcement action is halted.

**How to appeal a Parking Charge Notice (PCN)**

If you receive a Parking Charge Notice (PCN), please **DO NOT ignore it**. If you are unsure about what to do next, please contact the car parking team at carparking@glasgow.ac.uk

If you wish to dispute liability for this Parking Charge Notice (PCN) then **you can by emailing**

parking-enforcement@glasgow.ac.uk

Appeals MUST be received within 28 days of the date on the PCN.

You must provide the following information in your appeal:

1. Full name and address;
2. Vehicle Registration Number;
3. Parking Charge Reference Number (located at the top of the parking charge notice);
4. Full reasons for contesting liability.

**Appeals received after 28 days**

If appeals are received out with the normal period usually allowed for lodging an appeal, then depending on the circumstances of the delay, we have the right to either accept or decline the appeal.

Exceptional circumstances may include where the registered keeper can evidence that they were not the driver and evidence that they were not aware that a parking charge had been issued. This includes the recipient being away or abroad, hospitalised as an inpatient or delivered to the wrong address through no fault of the motorist.

Where the Registered Keeper has changed their address and has failed to inform the DVLA in accordance with Part IV (regulation 18) of the Road Vehicles Registration and Licensing Regulations 2002, this shall not be classed exceptional on its own.

We may require the motorist to sign a statement of truth confirming that they have not received any previous correspondence.

If exceptional circumstances have been established, then the parking charge shall revert back to the start of the 28 day period and any enforcement action must be paused.

**Investigating an Appeal**

Investigations shall be completed by trained appeals handlers. Each appeal shall be fully investigated and may include

* Reviewing any evidence that has been supplied by the motorist
* Checking images captured
* Checking CCTV footage
* Reviewing witness statements from parking attendants
* Checking logs of pay and display machines to ensure that they were working correctly at the time of issue
* Checking logs of web-based payment providers to ensure that they were working correctly at the time of issue
* Checking for accidental keying errors, where accidental keying errors are found the parking charge should be cancelled
* Checking to see if the appellant has any exemptions in line with Annex F.1 & F.2 of the Code of Practice, that may warrant the cancelling of the parking charge
* Investigating any mitigating circumstances provided by the appellant in line with Annex F.3 of the Code of Practice, that may warrant either the cancellation of the parking charge, or the offer of a reduced settlement charge of £20
* Checking to see if reasonable adaptations have been made for motorists who reveal a disability

When investigating an appeal, it is acceptable to ask the appellant for additional information regarding their appeal in line with Annex F3.3 of the Code of Practice.

**Appeal Decisions**

Appeal decisions shall be made within 28 days of the appeal being lodged. If a decision cannot be made within 28 days the motorist shall be provided with an acknowledgement that the appeal has been received and is being considered and be provided with a timeframe for concluding the appeal.

If an appeal is accepted the parking charge shall be cancelled.

If your appeal is unsuccessful, our Campus Parking team will provide you with the appropriate details to enable you to lodge an appeal to the Appeals Service.

Details of their appeals procedure can be found at [www.theIAS.org](http://www.theias.org/). **Please only use this link if you wish to lodge an appeal with IAS after your initial written appeal was unsuccessful**.

The Independent Appeals Service provides an Alternative Dispute Resolution scheme for disputes of this type. We will engage with the IAS Standard Appeals Service providing you comply with our internal appeals procedure as detailed herein, and that thereafter you lodge an appeal to the IAS within 28 days of rejection.

**Responding to Appeals**

Appeals shall be responded to within 28 days.

The reduced rate of payment should be offered for a further 14 days from the date of rejection of the appeal where the original appeal is received within the timeframe for making payment at the reduced rate

Appeal responses shall:

* + Not imply or cause the recipient to infer statutory authority where none exists
	+ Not use prohibited terminology as set out in Annex E of the Code of Practice.
	+ Not be threatening or misleading
	+ Not infer potential consequences that cannot be enforced
	+ Be clearly dated
	+ Include a contact address
	+ Include the amount of the debt
	+ Include date and time of the contravention for which the original PCN was issued
	+ Include the details of the contravention
	+ Include details of how the debt can be paid
	1. Responses should also respond to all the relevant points that the appellant has made in their correspondence.

Where an appeal is allowed by the adjudicator this shall be binding on the operator. If an appeal is allowed then the parking charge shall be cancelled, and no further enforcement action shall occur.

**Corrective Action**

If the appeal is upheld, any corrective action requires shall be recorded. Corrective action may include

* Staff training
* Staff disciplinary
* Amending processes
* Suspending enforcement on a site

**Recommending enforcement action**

Following the rejection of an internal appeal, enforcement action shall not recommence until the deadline for the motorist to appeal to the Independent Appeals Service has lapsed. Following the dismissal of an appeal by the Independent Appeals Service, enforcement action shall not be restarted until 28 days post the decision being made, this includes the addition of any additional fees.

**Record Keeping**

Operators must retain the following information regarding appeals for 36 months:

* Parking Charge number
* Date of appeal
* Date appeal concluded
	+ Outcome of appeal accepted
	+ rejected
	+ reduced in line with appeals charter
	+ goodwill gesture
	+ withdrawn
	+ Where an appeal has been accepted any remedial action that may be required and has been taken by the parking operator to avoid a repeat of the circumstances leading to the issue of the parking charge
	+ Reason for acceptance ▪ based on mitigation
	+ incorrectly issued
	+ landowner request
	+ exempt vehicle
	+ in accordance with appeals charter
	+ goodwill gesture
	+ other,
	+ Location including postcode