

09 April 2014

Reference: 7910004003 always quote in any  
communication with POPLA

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John Doe (Appellant)

-v-

SIP Parking Limited t/as SIP Car Park (UK), ANPReye, Morgan Knightley &  
Co, SIP Car Parks & Simple Intelligent Parking (Operator)

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The Operator issued parking charge notice number 911674 arising out  
of the presence at Charles street car park, on 10 February 2014, of a  
vehicle with registration mark XXXXXXXX.

The Appellant appealed against liability for the parking charge.

The Assessor considered the evidence of both parties and determined  
that the appeal be **refused**.

The Assessor's reasons are as set out.

In order to avoid any further action by the operator, payment of the  
£100 parking charge should be made within 14 days.

Details of how to pay will appear on previous correspondence from the  
operator.

## **Reasons for the Assessor's Determination**

It is the Operator's case that the parking charge notice was issued for failing to display a valid permit. The Operator submits that a parking charge is now due in accordance with the clearly displayed terms of parking.

The Appellant does not dispute that the terms of parking were clear, or that her ticket was not clearly displayed.

It is the Appellant's case that she purchased and displayed a valid ticket; however, the ticket must have fallen down from its position displayed.

Although I sympathise with the Appellant's frustration, and find no evidence of any dishonesty, I am not able to take into account mitigating circumstances. That an Appellant feels he or she had good reason for failing to comply with the terms of parking is not a reason for which I can allow an appeal. When parking on private land, a motorist freely enters into an agreement to abide by the conditions of parking in return for permission to park. It is the motorist's responsibility to ensure that he or she abides by any clearly displayed conditions of parking which includes ensuring the vehicle is parked correctly and not in breach before leaving it unattended. The Operator does not dispute that the Appellant was in possession of a valid ticket; however, the terms of parking are clear that any ticket must also be clearly displayed.

A requirement that a valid ticket be displayed includes a requirement that any information confirming its validity be made visible. This includes any dates, location or expiry time, and also any marks which show the ticket is an original. The parking operative is under no duty to search for a ticket inside the vehicle.

I find that, by failing to display a valid ticket, the Appellant became liable for a parking charge notice, in accordance with the terms of parking displayed.

Accordingly, I must refuse the appeal.

**Marina Kapour**  
Assessor