

Reference: 7910003003 always quote in any  
communication with POPLA

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John Doe (Appellant)

-v-

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

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The Operator issued parking charge notice number 311151 arising out  
of the presence at Arundel Street Car Park, on 11 October 2013, of a  
vehicle with registration mark XXXXXXX.

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**

The operator issued parking charge notice number 311151 arising out of the presence at Arundel Street Car Park, on 11 October 2013, of a vehicle with registration mark MA06YLC. The operator recorded that the vehicle was parked without purchasing the appropriate parking tariff.

I note that the appellant has listed various breaches of the BPA Code of Practice. Although breaches of the Code are not a ground of appeal; I am referring the matter to the Lead Adjudicator to take up with the BPA. I am therefore dealing with this appeal on its facts.

The operator's case is that the pay and display machine was not working on the date of the alleged breach and that there was clear signage displayed at the site advising motorists to pay by phone. The operator submits that their records show that the appellant did not try to contact them on the night of the alleged breach to report any issues that they were having at the site. The operator further submits that the appellant did not register or attempt to register their vehicle with the pay by phone service on the night of the alleged breach. The operator states that they have confirmed that there were no issues with the pay by phone service.

The appellant's case is that the pay and display machine was out of order and that other payment options are frequently unavailable.

Considering carefully, all the evidence before me, I find that by parking at the site without purchasing the appropriate parking tariff, the appellant breached the terms and conditions of using the site.

Accordingly, this appeal must be refused.

**Amber Ahmed**  
Assessor