

22 January 2014

Reference: 7910003001
always quote in any communication with POPLA

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)

The Operator issued parking charge notice number 910591 arising out of the presence at Oldham Road car park, on 6 September 2013, 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 purchase a valid pay and display ticket. The Operator submits that a parking charge is now due in accordance with the clearly displayed terms of parking which state that, "You MUST pay for your parking BEFORE leaving the car park. If Pay & Display system is out of order or is not available then please use an alternative method to pay for our parking".

The Appellant does not dispute that the terms of parking were clearly displayed, or that she failed to display a valid ticket.

It is the Appellant's case that she made many attempts to pay for parking but the machine took her £1 coins and she only had £3 left. The Appellant explains she tried to report the fault and that she had not luck with this. The Appellant then left a note on her windscreen to explain her situation.

The Operator submits that there was another, working machine at the site, and so the Appellant ought to have obtained a ticket if she could not use the pay and display machine mentioned and could not pay by phone.

Whilst I sympathise with the Appellant, 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. The Appellant does not dispute that a further, working, machine was present at the site.

Although I appreciate the Appellant's concern for the fact that the pay and display machine she tried to obtain a ticket from did not work and she could not pay by phone or report the fault after trying, it was still her responsibility to comply with the terms of parking by displaying a valid ticket or refraining from parking there.

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

