



Introduction

AS has been established since 2003 and are the leading provider of Rail Penalty Fare Notices appeal management in the UK and therefore well placed to consider second stage Penalty Notice appeals, issued under the Railway Byelaws 2005 (the Byelaws), from motorists who feel that they should not have been charged a Penalty Notice and are not satisfied their first appeal has been considered appropriately, or have further evidence to support their appeal. This Code of Practice sets out the standard of service together with the process that AS will use in handling second stage Penalty Notice appeals.

AS are members of the British Parking Association.

Is the service independent?

Members of the British Parking Association are required to offer a second independent appeals process to its customers. In line with clarification by the Department for Transport that parking operators can hear appeals on Penalty Notices issued under Railway Byelaws, the Parking Operator has made the decision to use AS.

AS is completely independent of the Parking Operator, and Train Company who charge Penalty Notices when parking on their land. Its accounting procedures have been designed to allow independent auditing by the parking operator and the train companies, and its management structure does not report to the Parking Operator, or any Train Company. AS charges the relevant parking operator for its service. However, it does not gain financially by rejecting an appeal. AS charges the Parking Operator the same amount for each appeal regardless of whether the appeal is accepted or declined.

Is the service confidential?

AS is registered under the General Data Protection Regulations (registration number Z8097933). It will treat all personal information as private and

confidential. Neither the name nor the address of a motorist will be disclosed other than in exceptional cases permitted in law. More information can be found in our Privacy & Cookies statement on our website.

Is the service free to motorists?

AS is completely free for motorists. All appeals must be made in writing, either online or by post, within the time limit given on their first appeal response issued by the Parking Operator.

The process

The Parking Operator will consider the first stage of any appeal. If the appeal is rejected, the motorist will be issued with a letter explaining the reasons of the rejection and the courses of action open to them. The letter will contain a verification code that has to be used when making a second appeal to AS. Such appeal must be made within 28 days of the date of the letter.

Once AS receive the second appeal, the Parking Operator has 21 days in which to provide them with the 'evidence pack'. This pack contains all of the information relating to the case. If the Parking Operator fails to provide the evidence pack to AS in the 21 days then the appeal is automatically accepted by AS and notification sent to the motorist.

Once received from the Parking Operator, the 'evidence pack' is either uploaded to the motorist's online account, or posted to them. The motorist then has 14 days to supply and further information they wish to be considered.

At the expiration of 14 days the case is then assessed by AS and a response issued within 14 days.

What the Penalty Notice should contain

The Railway Byelaws 2005 (the Byelaws) regulate the use and parking of vehicles in station car parks. Schedule 4 of the Protection of Freedoms Act (POFA) 2012 does not apply on Railway Land. Whereas POFA provides specific information that should be contained in a notice, there is no equivalent in the Byelaws.

Below is a guide of what information we may expect to receive on a Penalty Notice:

- It should be called a Penalty Notice and not 'parking charge notice' or 'parking charge'
- Dated
- Time, date, site of alleged contravention
- Alleged contravention of the Byelaws that it has been issued
- Issued to the vehicle owner – the owner will be presumed to be the registered keeper unless proven otherwise
- The amount of the Penalty, how to pay and any discounts available
- State consequences of not paying, including possible prosecution
- State the appeals procedure

How are appeals investigated?

AS have extensive experience in the assessment of appeals, the interpretation of the Byelaws, investigating and using judgement and decision-making skills.

AS appeals assessors undertake a comprehensive training course that has been developed specifically to deal with Penalty Notices issued under the Byelaws. Additionally, there is an in-built continuous staff assessment process.

Assessors will fully consider the evidence provided by the motorist and the Parking Operator. If further information is required from either party this will be requested. To make sure there is consistency, AS use a set of specific criteria against which each appeal is assessed. For obvious reasons AS are unable to publish the specific criteria, as the information could be misused.

The appeal response is binding on the Parking Operator, however, not on the motorist, who may allow the case to proceed to Magistrates Court and defend their position there.

Audit

AS allows the Parking Operator to audit its accounts. The Parking Operators are aware of this and, if required, will exercise this right.