



Meeting	AOS Board Action Points
Date	25 th January 2013
Time	10:00 – 4.00
Location	Institution of Highways & Transportation, 119 Britannia Walk, London, N1 7JE D
Chair/Facilitator:	[REDACTED]
Minute Taker:	[REDACTED]
Attendees:	[REDACTED]
Apologies:	[REDACTED]

MINUTES

		Action
1.	Welcome & Apologies	
	The Chair welcomed all to the meeting and read out the apologies. It was noted that [REDACTED] was present in place of [REDACTED] that [REDACTED] and [REDACTED] would be present for part of the meeting, KWo and ED of the PR Office were in attendance after lunch, and that [REDACTED] of POPLA would be speaking after lunch in relation to POPLA progress.	
2.	Matters Arising from previous minutes	
2.1	<p>Item 2:</p> <p>5.1 [REDACTED] confirmed that APCOA have now agreed to contribute towards bonds.</p> <p>7.2 It was not known whether [REDACTED] had now started to receive communications – she would be joining the meeting at 11am.</p> <p>11.3 With regard to definition of the word "engage", [REDACTED] reported that this was not dealt with at the last ASAP meeting but would be next time.</p> <p>Item 3:</p> <ul style="list-style-type: none"> [REDACTED] has reported that direct debit paperwork should now be with members but to let him know if this is not the case. A meeting has taken place between [REDACTED] and [REDACTED] in relation to staff costs (further costs details are in the Budget report) <p>Item 5: This matter is on today's agenda. Postponement has been communicated to members.</p> <p>Item 6: This matter is on today's agenda. All [REDACTED] action points re Sanctions have been completed.</p> <p>Item 7: The proposal for an additional [REDACTED] has been approved by Executive Board</p> <p>Item 8.2: Stakeholder session has been arranged for 1st February, chaired by [REDACTED] [REDACTED] as [REDACTED] is unable to attend. [REDACTED] asked Board members to advise him if they have not yet received an invitation.</p> <p>Item 9: In relation to the final paragraph, [REDACTED] reported that he does not recall this being covered at ASAP. It was agreed that this should be included on the next ASAP agenda.</p>	[REDACTED]

Item 10: A paper is due to be presented to the Executive Board in relation to extending legal services to the whole of BPA membership. A discussion took place regarding whether or not this service should in fact be specifically for AOS members. [REDACTED] explained that, following Executive Board, the paper would be brought back to the AOS Board for consideration of the options available.

Item 12: This continues to be work in progress, with a tender document ready hopefully within the next couple of months. [REDACTED] warned that the selection process should not automatically hand the contract to the lowest bidder.

Item 14.2: [REDACTED] stated that progress has been made, that AOS Board members' comments have been taken into account, and that the BPA will continue to look at different ways of communicating with members.

Item 14.3: A meeting has taken place with VP Parking and the matter is now with the Professional Conduct Committee.

3. Open Forum

3.1 [REDACTED] asked whether Appendix B of the Code of Practice would be discussed. [REDACTED] confirmed that it is an agenda item for today's meeting.

3.2 [REDACTED] raised the matter of issuing notice to keeper documents within the PoFA timescales. [REDACTED] stated that when manual requests are made to DVLA, it is regularly the case that it takes 3 weeks for the details to be provided, making it almost impossible to issue the notices within the prescribed 56 day period. [REDACTED] asked if the matter could be raised at high level by the BPA with the DVLA. [REDACTED] stated that the DVLA must operate within the law, but delays in releasing data are a separate concern. He has a meeting with senior DfT officials next week and would be raising issues with them. [REDACTED] felt it would be wise to press the DVLA with regard to delays in data release, but that also evidence should be compiled to take to the DfT.

[REDACTED] also pointed out that if a motorist appeals to POPLA, it could be many days into the process before the operator is able to request keeper details. [REDACTED] stated that schedule 4 could be deficient in that regard and that it may be an idea to "test" the law through appealing to the Adjudicator. [REDACTED] stated that on occasions operators fall foul of legislation through no fault of their own, and that when a motorist makes an appeal to POPLA they are admitting that they were the driver and could then be pursued under contract law.

3.3 [REDACTED] raised the issue of tickets issued against lease/hire vehicles. She has been in discussion with the BPA regarding the need to communicate electronically with rental/lease companies and for everyone to work together to improve the process. An interim solution has been proposed for a Memorandum of Understanding between BPA and BVRLA, and this is still in discussion.

[REDACTED] stated that he felt the outcome of the first meeting was very positive and was therefore disappointed that a second meeting was not set up in a timely fashion. Despite the positives, Lex have now lodged a complaint with DVLA regarding Excel in relation to their requests for information so the matter needs to be resolved. [REDACTED] stated that some lease companies are being very helpful and understand the operators' requirements, but nothing further has been heard from Lex and there is a need for at least one meeting per quarter to discuss and deal with the issues.

It was noted that responsibility for setting up the meetings rests with [REDACTED] and [REDACTED] and that a further meeting must be organised quickly. *Post Meeting Note: A meeting is arranged for 21st March 2013.*

[REDACTED] stated that he has received a number of negative comments from operators in relation to fees increases and quality of service provided by POPLA. Some members feel they are receiving little or no support but are being asked to pay more. [REDACTED] and [REDACTED]

<p>3.4</p>	<p>pointed out that the various fees options were discussed, agreed and approved at the last Board meeting. stated that there has been no increase in income and the banding changes have resulted in more 'winners' than 'losers'.</p> <p>felt that the fee increase had not been communicated well from a marketing perspective. stated that there was no easy way of doing this, and it was agreed some further, follow-up information in relation to costs/benefits should be sent to members. also felt that perhaps it has not been communicated clearly enough how many members are now in fact in a lower fee band. In addition, members are frustrated by the changes they have had to go through, as well as the additional costs that they have had to absorb in relation to signage etc.</p> <p>suggested that should collate the comments received in order for the Board/BPA to see what the issues are. asked to redact names from the emails he has received and provide the information to the BPA.</p> <p>stated that it was important to be kept advised of when important meetings are due to take place (such as meeting the DFT). stated that this information is included in the e-zine/on the website, although she fully appreciates that many people are experiencing an 'information overload' and simply do not always have the time to read what they have been sent.</p> <p>asked whether Board papers could be sent out two weeks prior to the meetings rather than one week, in order to allow members time to thoroughly review the papers that will be discussed. stated that this would not be realistic as much of the information would then be out of date by the time the meeting took place</p>	
<p>3.5</p>	<p>suggested that documents such as the Code of Practice and Handbook could probably be sent to the Board earlier than the rest of the papers.</p> <p>agreed that these suggestions would be taken on board.</p>	
<p>4.</p>	<p>Financial Report</p>	
<p>4.1</p>	<p>presented the paper which had been put together by and and includes the budget for next year. Explanations of variances are contained within the report.</p> <p>asked how the Management Fee has been calculated for period 8. stated that it was based on staff numbers and is the calculated cost to the BPA of providing a ringfenced service. explained that the overheads (office costs, utilities etc) were spread across three budgets (BPA, AOS and SPS).</p> <p>noted that no breakdown had been provided confirmed that a breakdown of the management costs would be provided. She also pointed out that the cost increase for the coming budget year is due to the appointment of a new Area Manager</p>	
<p>5.</p>	<p>BPA Council Update</p>	
<p>5.1</p>	<p>AOS Fees Review:</p> <p>stated that Council had approved the AOS fees review. One issue that had arisen was how the AOS can be made more attractive to prospective members, and was in attendance at the meeting to discuss this issue.</p>	
<p>5.2</p>	<p>Discussion with</p>	

explained that he felt there is a need to broaden the scope of attracting prospective members, who may want membership but without the rigours of audits, fees etc., and one idea is to establish an 'Associate' membership. An increase in membership could also lower costs for all other AOS members.

asked what the benefits of Associate membership would be. stated that this would be along the lines of the Park Mark scheme, i.e. a certain set of standards, but one defining issue is that they would not have access to DVLA data unless they became a full AOS member.

There was some discussion as to the possibility of people/organisations who provide a service perhaps wanting to join as associate members in order to gain access to the wider membership and sell their services, such as solicitors, accountants, surveyors etc. However, this would be entirely different to an 'approved supplier' arrangement.

stated that it should be the BPA membership which would apply to such organisations, not AOS. stated that BPA members are a prospect to other firms, and as such we should encourage organisations to become BPA members.

thanked the Board for their comments and stated that the suggestions of new sectors would be considered by the BPA team in their general membership recruitment drives.

Implications of PoFA to Local Authorities:

5.3

asked the Board to note the Appendix which had been drawn up by which sets out the scenarios where local authorities own private land and are managing it outside of the Traffic Management Act, and should therefore be AOS members.

The purpose of the paper was to ask whether AOS membership should be a requirement in such circumstances, in relation to accessing DVLA data etc. stated that there are two issues: (1) where land is provided for parking purposes, and (2) where trespass occurs (i.e. in a place not intended for parking). In the case of the latter, Schedule 4 does apply and the only way to ensure the same standards are adopted is to require membership of the AOS and use of POPLA.

asked whether the Board was happy to support the principle that the local authorities in these circumstances should be subject to a code of practice. The recommendation in the report was agreed.

There was then some discussion concerning railway land and potential conflicts with other appeals services. stated that this particular issue should be discussed offline.

6. POPLA Progress

6.1 Update on the first few months of the Service:

handed over to from POPLA to give an update.

reported that the system went live on 29th November 2012. The service was closed for two weeks during the Xmas break. Since it began, the service has to date received 650 appeals with 60% upheld and 40% refused. During the early days the refusal percentage was slightly higher, but it is anticipated that the rate will hover around the 50/50 mark. IT problems were experienced before Xmas, which, along with the 2 week break, contributed to a backlog of approximately 840 cases (500 being email cases).

So far as the make-up of the service is concerned, a team of legally-qualified assessors (2 full-time, 2 part-time) work under the supervision of the Adjudicator (a barrister with 20 years' adjudication experience). The assessors are employed on short-term contracts and the part-time staff currently work 1 day per week. This can be expanded to additional days if necessary, and a

capacity review is due to be held at the end of March.

asked why delays were being experienced. stated that postal appeals received last week are currently being dealt with, but that delays are being experienced with email appeals (mainly due to invalid or missing verification codes). POPLA has agreed with the BPA to phase out the email appeal facility and use a portal instead, which will provide more structure and hopefully avoid the current problems.

The backlog will still take a few weeks to clear. The standard turnaround time for appeals should be about a week, but this is still being negotiated. explained that a full suite of KPIs were being finalised, which would then form part of London Councils' contract with the BPA and be applicable from 1 April.

stated that he has been told POPLA is giving a poor service, including delays, accepting appeals after the 35 day deadline, upholding appeals where evidence has not matched with the case, and asked what is being done to resolve these issues. stated that he felt it was an administrative issue rather than a problem with the assessment process. Two temporary staff have been drafted in to assist, which has enabled cases and evidence to be matched up more effectively, and so new cases can be separated from the backlog. Some Board members expressed concern at whether there are enough assessors to clear all the cases in a timely fashion. It was acknowledged that there was a peak in appeals received following the Xmas break because of the office closure.

stated that he had little confidence in the administrative side of things and so would not be completing the direct debit paperwork until this is sorted out, due to the fact that he is currently only made aware that an appeal has been submitted when he receives an invoice. said that there has been an issue with time lags in acknowledgments being sent, but that the email addresses POPLA use are those supplied by the BPA. made the point that the service is working well judicially but that the problems are on the administrative side, however these issues are all capable of being resolved as it is still early days.

asked whether there was any mechanism for recording cases that had been taken to Court following rejection by POPLA, however pointed out that POPLA would not have this information and it is something the operators would be able to provide. stated that in the case of Excel, 70% of motorists whose appeals have failed have subsequently paid without further action being taken.

raised the issue of problems with evidence packs being matched to cases, and that in some circumstances appeals have been upheld before the evidence pack has been received from the operator. suggested that in these situations the matter should be referred back to the Adjudicator, who can re-open the case if necessary. POPLA is currently looking at setting up an automatic response/receipt when evidence is sent through. In addition, they will be monitoring inboxes more closely and increasing the capacity in view of the size of the evidence pack files. In any event, POPLA holds a weekly conference call with and issues can be raised at that time.

There was some discussion concerning the reputation of POPLA in instances where mistakes had been made, and whether cases should automatically be reopened in those circumstances and/or a letter sent to the motorist to explain the mistake. pointed out that anything which may damage POPLA's credibility could damage the public's view of the service.

With regard to the capacity/backlog issue, pointed out that the cost of any increase in resources would ultimately be borne by AOS members. stated again that there is a plan in place to tackle the backlog, with more experienced staff working on the more complex cases, however he was unable to say how long this is likely to take at this stage. agreed that he would establish the situation over the next few

days and report back to the BPA within the next week. BPA will then circulate this information to members as soon as it is received.

It was agreed that it is currently too early to be able to forecast the likely volume of appeals.

█████ stated that there are currently 4 reasons for appeal listed on the website, but asked what is the procedure if the reason is other than those shown? █████ replied that the appeal can still be considered if there is evidence, but that the aim is simply to try to focus the motorist's mind.

6.2 **Discussion on the proposal for the POPLA Scrutiny Board**

█████ introduced the paper which he had drawn up in his capacity as a consultant, and confirmed that the Board is being asked to comment on/agree the recommended structure and budget.

There were some queries and concerns expressed in relation to the structure diagram.

█████ stated that the Board requires credibility, and suggested that perhaps the Chair should have a legal background. She also suggested that it would be very useful if this matter could be discussed at the meeting at PATAS on 1st February, as from the outside it does not appear quite as independent as perhaps it does from the inside.

█████ clarified that Council has already made a decision on this and has delegated matters of detail to the AOS Board. █████ stated that if the details cannot be agreed at today's meeting the paper will need to be re-drafted following the stakeholder meeting, then brought back to the next AOS Board meeting in April for further consideration.

█████ asked whether the issue of cost has been taken into account. █████ stated that the AOS Board needs to recognise who is funding this (i.e. the operators) as the Government will not be contributing any money. This goes to the matter of credibility again, and the fact that a larger budget may be required in order to achieve it.

█████ stated that he has unofficially spoken to the DfT on the subject, and they have been supportive of the proposed structure.

█████ felt that the Board should be a Board of Governors. █████ pointed out that Council has agreed that it is to be a Scrutiny Board. There was then some discussion as to terminology and the definition of 'scrutiny' and it was agreed that the name of the Board needed further thought as "scrutiny" was perhaps misleading.

█████ felt that the paper was missing more detail on how independence would be achieved, where/how to recruit members to the Board, voting rights etc. and that perhaps more detail would satisfy the Minister.

█████ reminded the Board again that it was the principles set out in the paper which they were being asked to agree, that the wording in the recommendation could be altered and the details refined to address the key issues of independence and terms of reference. █████ suggested that more detail could be circulated offline following the stakeholder meeting, with the matter brought back to the AOS Board meeting in April. This was agreed.

7. **Items for Decision from the December ASAP Meeting**

7.1 Appendix B of the Code

█ stated that the panel was reconstituted last year, and had clarified the terms of reference and reviewed the Operator Handbook, Code of Practice and sanctions details. █ clarified that all the items were discussed and agreed at ASAP.

A revised Appendix B was handed out to the Board members, which clarified and expanded upon the exemptions from entrance signage requirements. There was some discussion as to the signage design and the position of the AOS logo. █ commented that she felt it would be clearer to use the Highway Code style of writing, as in "you must" or "you may" as opposed to "it is highly recommended".

█ expressed concern that the longer this issue is debated, Government will simply press ahead and prescribe the wording itself. It was agreed that the wording in the explanatory box concerning the Blue Rectangle and 'P' symbol should be changed to read: *"This Blue Rectangle with the 'P' symbol may be omitted but the AOS roundel must ALWAYS be shown on the sign"*.

Clause 22.8

7.2

█ stated that █ from Parking Eye has proposed an amendment to the wording as follows (changes shown in red):

"You must acknowledge or reply to the challenge within 14 days of receiving it. If at first you only acknowledge the challenge or your reply does not fully resolve the challenge, normally we would expect you to seek the additional information you require from the motorist to resolve the challenge and accept or reject the challenge in writing not more than 35 days after the information required to resolve it has been received from the motorist. It is acknowledged that in exceptional circumstances, an investigation into a challenge may take longer than 35 days after such information has been received and in these instances the motorist must be advised accordingly and given a date by which they can expect a resolution. If this date cannot be achieved then the motorist must be written to again and a revised resolution date agreed. We may require you to demonstrate that you are keeping to these times."

All agreed they were happy with this amended wording.

Operator Handbook

7.3

There was a discussion regarding the Learning and Development section of the Handbook, and some members expressed concern at the wording of the document and the potential for it to find its way into the public domain. █ clarified that the wording regarding City & Guilds is not now applicable anyway and will be amended. █ stated that whilst there was certainly no intention for the document, or any part of it, to end up in the public's hands, there was no way to guarantee that this could be prevented.

█ stated that there would not be enough time to go through the document and make substantial revisions. Instead, if Board members have concerns or comments, they should forward these in writing to the BPA and █. These will be referred back to ASAP for revision and then brought to the next AOS Board meeting.

Sanctions Document

7.4

Unfortunately no report had been produced for this section. A number of changes had been agreed at the last Board meeting, but three further issues were taken to ASAP. The Board was being asked today to support the changes in principle, then take these offline for final sign-off.

1. It had been agreed to define what would constitute "Minor" (does not materially affect the parking contract) and "Major" (would materially affect the parking contract).

	<p>2. It was agreed to remove Sanction 5.14 – Failure to abide by the requirements of the DVLA as it was agreed that the DVLA are far better equipped to deal with this sort of matter.</p> <p>3. It was agreed that Sanction 5.5 – Major failure to maintain a fair and professional operation, Sanction 6.3 A conviction under the Consumer Protection from Unfair Trading Regulations Act 2008 and other consumer protection Law and Sanction 6.5 A conviction under the Equalities Legislation, should stay in the Sanctions Scheme but should be rewritten down to Level 4 Sanctions</p> <p>The Board agreed to support these changes in principle.</p>	
8.	PR Update	
8.1	<p>█████ and █████ ran through the PR report and gave an overview of recent media activity. █████ confirmed that the PR Office will be holding a meeting with the BPA on 7th February and would be discussing both reactive and proactive communications. There was some discussion with regard to the PR Office providing a direct service to AOS members but as this is not currently part of the contract, █████ and █████ suggested that this should perhaps be taken offline for further discussion.</p>	
9.	Status Report	
9.1	No questions in relation to the Status Report had been notified.	
10.	AOB	
10.1	█████ stated that the Private Parking Sector SIG (formerly known as the AOS Forum) plans to hold two meetings in the coming year.	
10.2	<p>Court Representation – National Cover</p> <p>█████ suggested the possibility of developing a consortium of solicitors around the country for use when Court representation is required. Excel is currently using a firm and will forward their contact details to the Board. █████ confirmed that he is due to meet with the firm next week and felt that the BPA should drive this issue forward. . █████ will keep the BPA updated on progress</p> <p>█████ stated that he has recently met with the Ministry of Justice in order to try to raise awareness of POPLA amongst District Judges. He confirmed that the MoJ are briefing the Association of District Judges, and the BPA is currently putting together some standard wording which could potentially be used to submit to the Courts in contested cases.</p>	
10.3	<p>█████ stated that he felt that the AOS Board meetings are not held frequently enough, and should in fact be held bi-monthly rather than every quarter. There was some discussion as to costs and resources issues in relation to any increase in frequency of the meetings, and it was felt that this would not be workable. █████ stated that on occasions too much time is taken up with discussing the finer details of topics on the agenda, which should in fact be the remit of other groups/meetings, rather than agreeing decisions in principle and moving things along, which is the remit of the Board.</p>	
11.	Next meeting	
	Thursday, 25 th April 2013 at the CIHT, London	