

Appendix 1 – Letter from Councillor Dave Thompson to Chief Executive of Warrington and Halton Hospitals NHS Foundation Trust: 20.6.15



Mel Pickup
Chief Executive
Warrington & Halton Hospitals
NHS Foundation Trust,
Lovely Lane,
Warrington, WA5 1QG

Our Ref

**If you telephone
please ask for** Councillor
Dave Thompson

Your ref

Date 20th June 2015

E-mail address dave.thompson@halton.gov.uk

Dear Ms Pickup

The unfairness of parking charge penalties Halton and Warrington Hospitals

I am a Councillor for the electoral ward in which Halton Hospital is located and it is evidentially clear that in the last year patients and other visitors here and at the Warrington Hospital site are unfairly subjected to an unjust and aggressive parking charge regime.

In 2014 your Trust entered into an agreement with Highview Parking Limited to undertake the control and enforcement of your car parks and the consequences of this have been extremely negative and upsetting for people visiting your hospitals.

To recap, any driver that overstays in your car parks will be met with a £75 penalty, reduced to £40 if paid within 14 days. Fixed penalty notices are routinely issued to people for accidentally entering car registration numbers wrongly into your parking payment machines and for any other slight transgression of the rules. This in turn results in distress and upset to patients and visitors and the potential (if fixed penalty notices are not paid) of parking enforcement through debt recovery action and the threat of proceedings in court.

By complete contrast, the maximum penalty charged at Whiston and St Helens Hospitals is just £6 and at the Countess of Chester Hospital the highest possible penalty is £7 (or £30 for wrongly parked in disabled spaces or other official parking areas). That's correct, even for a lost parking ticket or for any other means of breaking parking rules St Helens & Whiston Hospitals NHS Trust charge a maximum penalty is just £6 whilst your maximum penalty is a shocking £75. On top of this travesty if visitors to your hospitals don't pay that demand there is the added threat of administration and court costs against hospital visitors, something which Highview Parking are renown for doing and this is well documented in simple internet searches. Highview Parking Limited is further alleged in web postings to also use the debt collection agency Debt Recovery Plus Limited when pursuing motorists for parking charges. Is this really something you foresee as

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51 Canal Street, Runcorn, Cheshire WA7 1SA

Tel: 01928 500484

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appropriate treatment for hospital patients and their families when someone's car overstays at your hospitals? Treatment unheard of at Whiston or St Helens or Chester.

Of course, because you have got your approach to parking management so badly wrong, you will doubtless write to remind me that hospital visitors issued with parking charge notices have the right to appeal against hiked up penalties firstly to Highview Parking and then on appeal to the adjudication organisation POPLA (Parking on Private Land Appeals). This is true. All of this takes time, effort and considerable amount of distress to your visitors, some of whom are on very low incomes or vulnerable adults. On your website you state 'Highview are a leading national provider' (of car park management) and 'work to an Approved Code of Practice' but what you neglect to mention is that in POPLAs 2014 Annual Report its Lead Adjudicator reported that 62% of the parking appeals motorists brought to them after Highview had rejected drivers complaints were actually ruled against Highview Parking Limited.

Your Trust entered into a contractual agreement with this company to use ANPR to persue patients and visitors with little regard for the consequences. Interestingly you did so just before the Department of Health published its own parking guidance to NHS Trusts (2014) entitled 'NHS patient, visitor and staff car parking principles'.

Your aggressive parking regime is hardly within the spirit of the guidance and I would draw attention to the following matters:

- Guidance states charges should be reasonable for the area but as I have detailed your penalties are far in excess of what other hospitals within the wider sub-region are imposing for minor parking transgressions.
- Guidance states Trusts should consider installing 'pay on exit' so that drivers pay only for the time that they have used but you prefer to turn a blind eye to harsh penalties being imposed on your visitors when many other Trusts simply get payment in full before a barrier allows their cars to leave hospital premises.
- Guidance states fines should only be imposed where reasonable, for example, when car parks are being wrongly abused by commuters or by those who knowingly block entrances and infringe the safety of the hospital or its visitors, yet your Trust is happy to operate far beyond that with a system whereby people receive threats of legal action for being shortly overtime.
- Guidance states trusts should publish its parking policy yet your website pages are entirely misleading. For example, it states vehicles not displaying an' appropriate pay and display ticket may be liable to a car parking charge notice which carries a £75 fee, reduced to £40 if paid within 14 days' yet in the car parks themselves you

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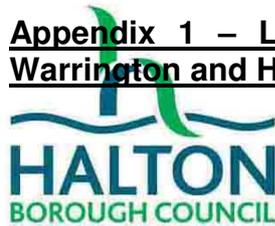
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have notices up stating that 'there is no longer and requirement to display a ticket in your vehicle.'

- Guidance states there should be 'reasonable' fining practice that might include 'a period of grace' before a fine is issued yet this does not happen. Frail, ill or immobile drivers can take time to physically move about or find parking. Yet you make no direct concession for this with your aggressive parking charge regime. I would point out that last year in a ruling at Altrincham County Court (case 3JD08399) the case brought by a private parking company was dismissed when District Judge Hayes ruled being 'on-site' is not parking, and it is perfectly conceivable that a driver could be looking for and driving to and from parking spaces. Yet a case was recently reported to me of a Runcorn man who received a penalty of £75 for overstaying by just 13 minutes. That is a shocking cost of £5.76 per minute for overstayed time, when you can park all day at St Helens or Whiston for £6.00.

The extent to which innocent hospital visitors are being exploited truly baggers belief. Let me offer these observations on what I have noted at Halton Hospital.

- You continue to sign and display wheel-clamping signs on posts at the Urgent Care Centre at Halton Hospital. Private wheel-clamping became a criminal offence with effect from 1st October 2012 under sections 54 of the Protection of Freedoms Act 2012. These signs are not enforceable and wrongly give an impression of powers that neither the Trust nor Highview Parking actually holds.
- The BPA *Approved Operator Scheme, Code of Practice Control and enforcement of parking on private land and unregulated public car parks* states that terms and condition signs 'should be readable and understandable at all times'. The Trust has taped laminated signs over several main signboards which obscure and covers over sections of terms and conditions and details on charges. In effect you are preventing Highview Parking Limited from forming a legal contract with hospital visitors to which in my view hospital visitors can be thought to be legally bound. There have been countless occasions where private parking companies have failed to win POPLA appeals or action in the courts because the appellants have been able to show obscured, incomplete signs failed to adequately bond drivers to a contract.
- Over this last year worsening problems have developed with off-site parking owing to your on-site parking regime. Halton Council have needed to extend the use of traffic orders close to the Ambulance Station and cars are now parked all day long on roadways leading into Hallwood Park.

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As far as I am concerned Warrington and Halton hospital patients and visitors are wrongly being targeted for an exploitive 'sick tax' and I call upon you to respond to this situation by urgently and publically reviewing your parking arrangements, ceasing the practice of penalising patients and their families.

Yours sincerely

Dave Thompson

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