

The Independent Appeals Service

(IAS) Annual Report
2023 - 2024



Independent
Appeals
Service

His Honour Bryn Holloway

LEAD ADJUDICATOR | THE INDEPENDENT APPEALS SERVICE (IAS)



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A REPORT PREPARED PURSUANT TO SCHEDULE 5 OF
THE ALTERNATIVE DISPUTE RESOLUTION FOR
CONSUMER DISPUTES (COMPETENT AUTHORITIES
AND INFORMATION) REGULATIONS 2015.

Foreword by the Lead Adjudicator, His Honour Bryn Holloway

This is my ninth report as the Lead Adjudicator of The Independent Appeals Service (IAS) and covers the activity of The IAS between the 1st October 2023 and the 30th September 2024, the relevant period.

After some years of stagnation the industry had finally been able to deliver change with the launch of The Sector Single Code of Practice. The new code is due to come into force from the 1st October 2024. The International Parking Community (IPC) and The British Parking Association (BPA) have created a code that raises standards, protects motorists and landowners, and importantly enables parking operators to provide the vital service that is parking management to protect parking for those who have need and right to use it.

Included within the code is a requirement for parking operators to allow motorists 28 days to submit their appeal against a parking charge. The IAS has also increased its time frames accordingly so that a motorist who is unsuccessful with their internal appeal to the operator has 28 days to submit their appeal for independent adjudication. The code also includes an appeals charter that creates clear parameters for motorists to appeal against a parking charge.

I am once again pleased to see the IAS maintain its position as the only private parking appeals service that is a Chartered Trading Standards Institute (CTSI) Alternative Dispute Resolution (ADR) Approved Body, and therefore the only appeals service within the private parking industry that offers motorists a non standard appeal route where they may have an opportunity to submit and appeal up to 12 months after the issue of the parking charge.



The Role of the Independent Appeals Service Within the Private Parking Sector

The Independent Appeals Service (IAS) is an Alternative Dispute Resolution (ADR) body approved by Government under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015. The IAS is legally competent to adjudicate on disputes between parking operators and motorists within the UK parking services industry. The IAS is the UK parking industry's only parking appeals service approved under The Regulations.

Parking operators who are members of the IPC's Accredited Operator Scheme (AOS) are required to give the motorist the opportunity to contest a PCN. This is mandated by The IPC's Code of Practice. If the motorist feels that the PCN has not been resolved to their satisfaction, the parking operator needs to provide access to a free and independent appeals process – this role is carried out by the (IAS).

Parking operators, who are members of The International Parking Community's Accredited Operator Scheme (AOS), are compelled to engage with the IAS in disputes pertaining to Parking Charge Notices (PCNs), and as AOS members, are bound by any decision handed down by the IAS.

The IAS is a free and complimentary appeals service for the benefit of motorists and IPC AOS members respectively to resolve disputes regarding the administration of a parking charge quickly and cheaply. When a parking operator is not a member of an ATA, and a motorist is unable to resolve a PCN informally, the only further appellate stage is to take the matter to court with the associated financial costs.

When a motorist receives a PCN from an IPC AOS member, they have 21 days to make any representations if they wish to appeal the PCN, otherwise the outstanding charge may be escalated to debt recovery or taken to court. Any PCN issued by an IPC AOS member must fully inform the motorist about how to appeal and what procedure to follow.

The consumer is not automatically bound by any decision of the IAS and is still at liberty to seek redress in court if they see fit. The one exception to this is with a Non - Standard Appeal where a motorist elects to relinquish their rights of redress through the court system.

Oversight of the IAS is provided by the CTSI through the IAS's adherence to the CTSI Code of Conduct. Any malfeasance by the IAS will come under scrutiny from the CTSI's Professional Conduct Committee. The CTSI's Professional Conduct Committee, along with a mandate firmly established by UK legislation, constitutes a more than adequate level of oversight on the operations of the IAS.

The IAS entry on the CTSI website can be accessed here:

<https://www.tradingstandards.uk/commercial-services/adr-approved-bodies/independent-appeals-service>

The IAS Appeals Process

The Standard Appeals Procedure

A motorist may use the Standard Appeals procedure *free of charge* and the result will *not* be binding on the motorist if:

1. the motorist appeals to the parking operator that issued the parking charge in accordance with the operator's own internal appeals procedure
2. the motorist registers their appeal to the IAS within 21 days of that appeal being rejected by them

NB: where the motorist appeals to the parking operator, or the IAS, outside of the normal time frame, and where there are exceptional circumstances for doing so, they are still able to use the Standard Appeal procedure.

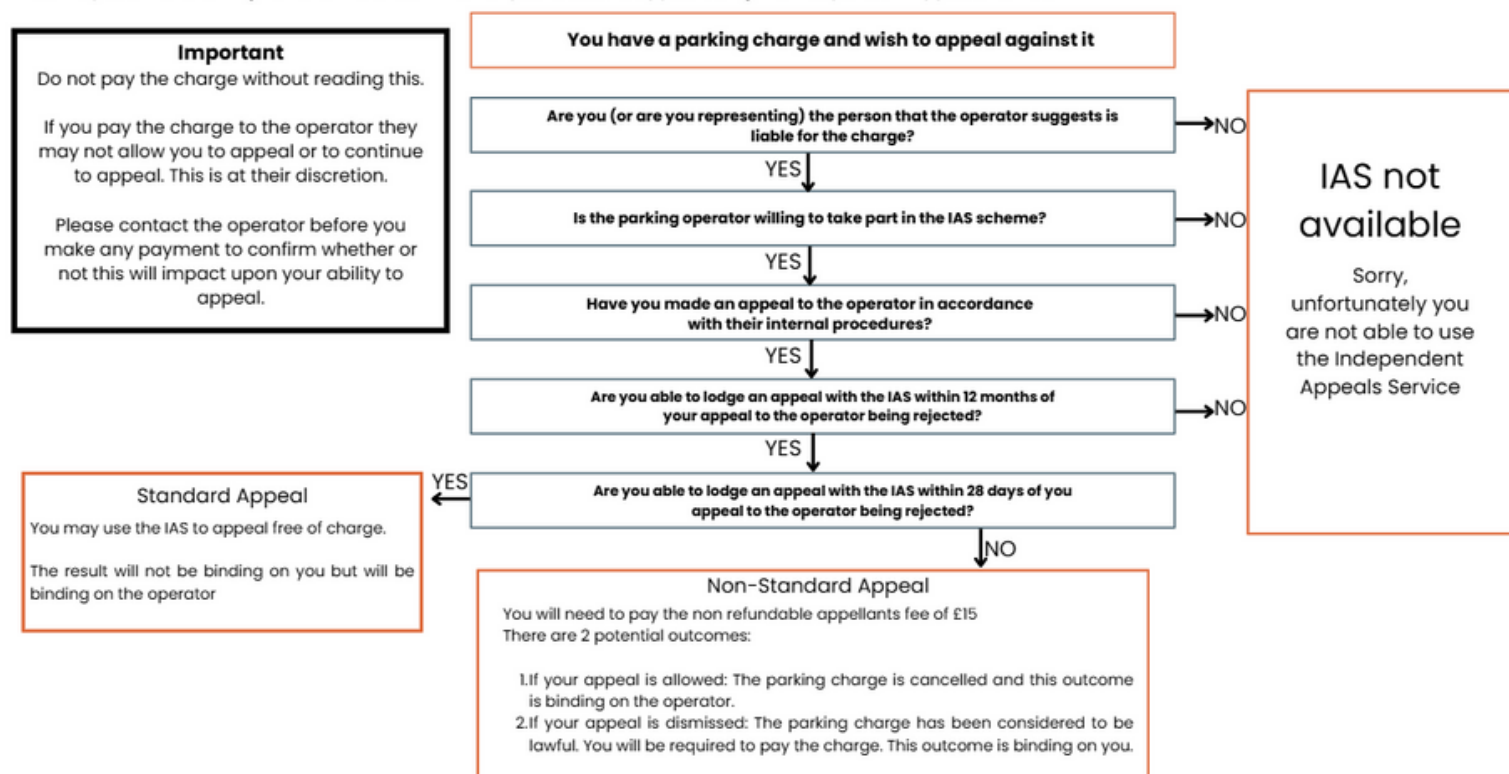
The Non-Standard Appeals Procedure

The motorist may use the Non-Standard Appeals procedure if:

1. they have not, and are not able to, use the Standard Appeals procedure
2. the operator has advised the motorist that they will engage with the Non-Standard Appeals procedure
3. the motorist pays a nominal charge of £15 towards the cost of the appeal, which is non-refundable whether the appeal is successful or not, and
4. the motorist agrees to be bound by the decision of the IAS

Can I appeal flow chart

You may use the following flowchart to check whether you're able to appeal using the Independent Appeals Service



The IAS will not consider appeals in the following circumstances:

1. Where the motorist has not attempted to resolve the dispute directly with the Parking Operator
2. Where another ADR entity or a court has already begun to deal with the matter
3. Where an appeal is viewed as vexatious
4. Where dealing with such a type of dispute would seriously impair the effective operation of the IAS

Appeals (at all stages) will only be conducted in writing and in the English language.

Appendix 1

Schedule 5

The Independent Appeals Service (IAS)

1st October 2023 – 30th September 2024

(a) the number of domestic disputes the ADR entity has received;

No. enquiries received (domestic)	No. enquiries received (cross-border)	No. disputes received (domestic)	No. disputes received (cross-border)	No. disputes accepted (continued to case) (domestic)	No. disputes accepted (continued to case) (domestic)
5414	Nil/Na	30875	Nil/Na	23279	Nil/Na

(b) the types of complaints to which the domestic disputes and cross-border disputes relate

All disputes received relate to Parking Charges issued on private land where the motorist disagrees with the issuance of the charge.

(c) a description of any systematic or significant problems that occur frequently and lead to disputes between consumers and traders of which the ADR entity has become aware due to its operations as an ADR entity;

The IAS did not encounter any "systematic or significant" problems between motorists and parking operators

(d) any recommendations the ADR entity may have as to how the problems referred to in paragraph (c) could be avoided or resolved in future, in order to raise traders' standards and to facilitate the exchange of information and best practices;

While The IAS did not encounter any issues that could be defined as "systemic or significant", The IAS has an online enquiry function which allows members of the public to contact us should they encounter any problems.

(e) the number of disputes which the ADR entity has refused to deal with, and the percentage share of the grounds set in paragraph 13 of Schedule 3 on which the ADR entity has declined to consider such disputes;

Total no. of disputes rejected	0
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Reason	No. rejected	Percentage of rejected
a) the consumer has not attempted to contact the trader first	Anecdotal evidence suggests this does occur occasionally, but data is not available.	
b) the dispute was frivolous or vexatious	0	
c) the dispute had been previously considered by another ADR body or the court	0	
d) the value fell below the monetary value	Not applicable as the IAS is free for motorists	
e) the consumer did not submit the disputes within the time period specified	0	
f) dealing with the dispute would have impaired the operation of the ADR body	0	
g) other (enquired too early, not yet complained to trader, trader not member, advice call etc...	Not applicable	

(f) the percentage of alternative dispute resolution procedures which were discontinued for operational reasons and, if known, the reasons for discontinuation;

	No. discontinued	Percentage of discontinued
Discontinued for operational reasons	6069	19.65%

Reasons for discontinuation:

5228 appeals to the IAS were conceded prior to adjudication by the parking operator and 841 appeals were conceded by motorists during the Relevant Period. In the latter instance, a conceded appeal by a motorist may mean that they have decided to pay the parking charge

(g) the average time taken to resolve domestic disputes and cross-border disputes;

	Domestic	Cross-border
Average time taken to resolve disputes (from receipt of complaint)	18.1 days	Not applicable
Average time taken to resolve disputes (from 'complete complaint file')	8.4 days	Not applicable
Total average time taken to resolve disputes	13.25 days	

(h) the rate of compliance, if known, with the outcomes the alternative dispute resolution procedures (amongst your members, or those you provide ADR for)

Parking operators must agree to be bound by decisions of the IAS as a condition of their membership to The IPC's Accredited Operator Scheme (AOS). It is unknown how many disputes are continued in the court system after a motorist's appeal to the IAS is unsuccessful, and still refuse to pay the parking charge. The one exception to this is with a Non-Standard Appeal where a motorist elects to relinquish their rights of redress through the court system, however we still do not hold this data.



IAS Adjudication Outcomes

Decisions by the IAS are only binding on the parking operator and not the motorist who is still able to obtain redress in the courts if their appeal to the IAS is unsuccessful.

In considering the adjudication outcomes of all IAS appeals based on whose favour they are decided, consideration must be given to the stage of the IAS appeals process this is assessed. Specifically, whether the motorist or parking operator chooses to concede the appeal prior to adjudication as well as considering the adjudication outcomes themselves.

This does not consider the number of appeals found to be in the motorist's favour as part of a parking operator's internal appeals process. While these numbers are outside the remit of the current report, anecdotal evidence suggests that this number is significant. It is also worth remembering that it is only at this stage that mitigation can be considered as the IAS only adjudicates whether the parking charge was lawful along with the veracity of evidence.