

The Independent Appeals Service

(IAS) Annual Report
2022 - 2023



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 eighth report as the Lead Adjudicator of the Independent Appeals Service (IAS) and covers the activity of the IAS between the 1st of October 2022 and the 31st of September 2023, the *Relevant Period*.

The landscape of the private parking industry is largely dominated by the Private Parking Code of Practice and the extended framework that it will bring with it, including a Single Appeals Service. The Private Parking Code of Practice was originally published on 7th February 2022, however, due to industry concerns it was subsequently withdrawn on 7th June 2022, pending a review of parking charge levels and additional fees.

On 30th July 2023 a Call for Evidence on the Private Parking Code of Practice was released alongside a draft Impact Assessment. The government was seeking to gather evidence to inform their review of the parking charge and debt recovery fees in the private parking industry and ran until 8th October 2023.

Whilst there has been some movement on this aspect there haven't been any significant updates on the wider framework of the Private Parking Code of Practice and therefore the Single Appeals Service.

At the time of writing this, the outcomes from the Call for Evidence are still unknown but hopefully we are now moving towards a place of completion, one that is hopefully acceptable to both Government and the Industry.

I am also 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.

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.

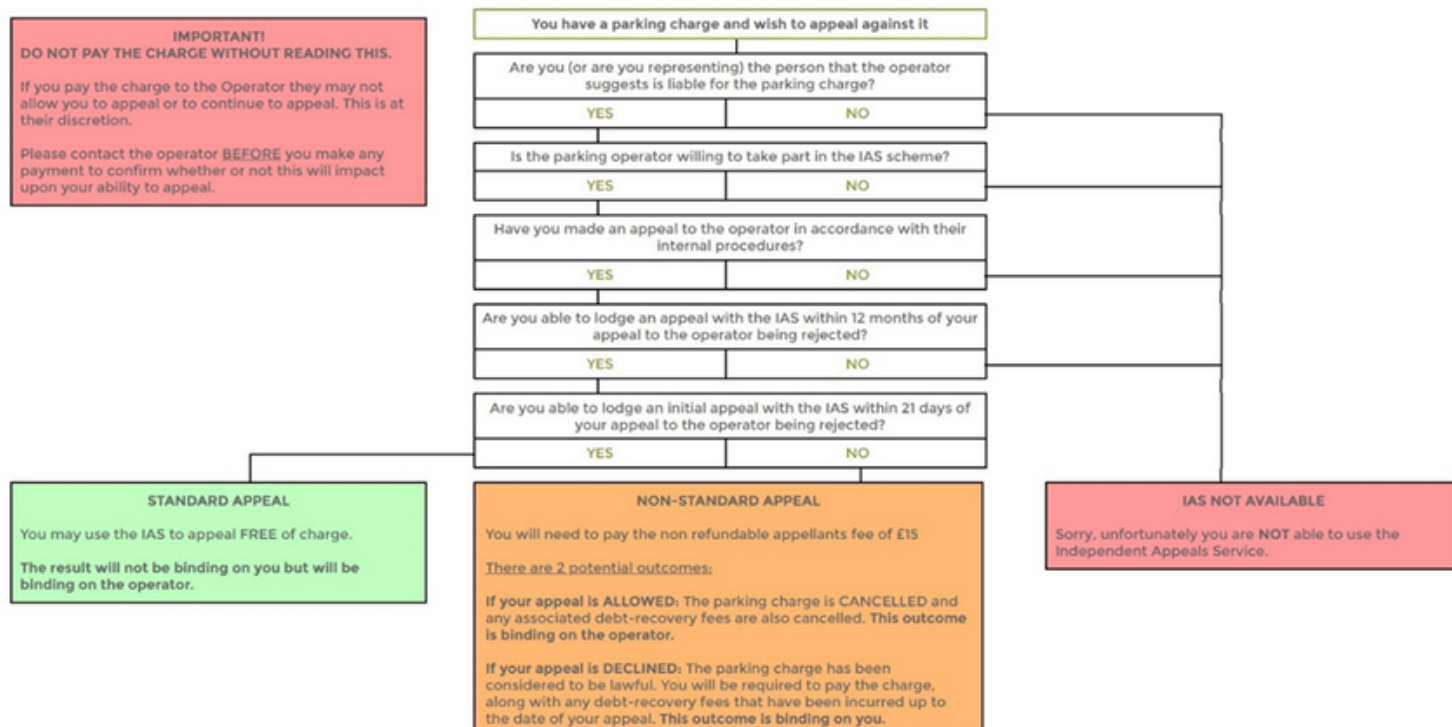
The Non-Standard Appeals Procedure

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 2022 – 30th September 2023

(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)
5052	Nil/Na	25849	Nil/Na	19752	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	6097	23.58%

Reasons for discontinuation:

5359 appeals to the IAS were conceded prior to adjudication by the parking operator and 738 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)	10.2 days	Not applicable
Average time taken to resolve disputes (from 'complete complaint file')	17 days	Not applicable
Total average time taken to resolve disputes	13.6 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.

Schedule 6 <<The IAS>> - <<1st October 2021 - 30th September 2023>>

Information which an ADR entity must communicate to relevant competent authority every two years

1. the number of disputes received by the ADR entity and the types of complaints to which the disputes relate;

No. enquiries received (domestic)	No. enquiries received (cross-border)	No. disputes received (domestic)	No. disputes received (cross-border)	No. disputes accepted (domestic)	No. disputes accepted (cross-border)
9667	NA	35582	NA	24781	NA

Types of disputes:

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

2. the percentage share of alternative dispute resolution procedures which were discontinued before an outcome was reached;

Reason	No. disputes discontinued	Percentage discontinued
Rejected for operational reasons	0	
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	
Case withdrawn by consumer	1432	4.02%
Case withdrawn by trader	9369	26.33%
Solution reached without ADR	0	
The trader was not a member of the ADR scheme (if this is a requirement)	0	



3. the average time taken to resolve the disputes which the ADR entity has received;

	Domestic	Cross-border
Average time taken to resolve disputes (from receipt of complaint)	10.92 days	NA
Average time taken to resolve disputes (from 'complete complaint file')	17.47 days	NA
Total average time taken to resolve disputes	14.19 days	

4. the rate of compliance, if known, with the outcomes of its alternative dispute resolution procedures;

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.

5. any recommendations the ADR entity may have as to how any systematic or significant problems that occur frequently and lead to disputes between consumers and traders could be avoided or resolved in future;

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.



(f) This point has been removed in amendments on 1 January 2021

1. where the ADR entity provided training to its ADR officials, details of the training it provides;

All IAS adjudicators are qualified barristers or solicitors.

All adjudicators must provide their current practicing certificate which contains their SRA registration number.

IAS adjudicators meet 4 times per year to discuss topics that have arisen pertaining to adjudication, highlight any discernible trends and receive industry updates including all applicable legislative changes and any new relevant new case law.

All discussions are recorded and have a set agenda

2. an assessment the effectiveness of an alternative dispute resolution procedure offered by the ADR entity and of possible ways of improving its performance.

It is our believe that the IAS service is very effective. We do appreciate that the same is not the opinion held by many consumer organisation and we would like to work with them to improve this opinion

Please add any additional information or data you think might be useful or interesting at the bottom of this report. (any extra data provided is useful)