

# **The Independent Appeals Service (IAS) Annual Report 2019-2020**

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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.

His Honour Bryn Holloway  
LEAD ADJUDICATOR | THE INDEPENDENT APPEALS SERVICE (IAS)



# Independent Appeals Service

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# Foreword by the Lead Adjudicator, His Honour Bryn Holloway

## Introduction

This is my fifth report as the Lead Adjudicator of the Independent Appeals Service (IAS).

I am pleased to start my report by noting how the IAS continues to consolidate its enviable reputation as being the UK private parking industry's only independent appeals service mandated by The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015<sup>1</sup> and by the Chartered Trading Standards Institute (CTSI).<sup>2</sup>

The IAS is a free appeals service for motorists who wish to initiate an appeal after receiving a parking charge from a parking operator. A motorist can initiate an appeal to the IAS 21 days after the parking charge was issued and only after having their appeal rejected by the parking operator's internal appeals service. Provided that a motorist appeals to the IAS within 21 days of having their appeal rejected by a parking operator, an appeal to the IAS will be offered free of charge via the Standard Appeals service.

While Standard Appeals account for the vast majority of appeals to the IAS; the prescribed timeframes, for both a parking operator's internal appeals service and IAS Standard Appeals, also provide a degree of flexibility where a motorist is able to demonstrate exceptional circumstances that led them to being unable to meet the prescribed timeframes.

The IAS also offers a Non-Standard Appeals service as a safeguard and procedural catchall where a motorist cannot meet the Standard Appeal's prescribed timeframe for reasons or circumstances that cannot be defined as exceptional. A detailed account of both IAS appeals pathways can be viewed later in this report.

## Single Appeals Service

In my last report, I welcomed the arrival of the Parking (Code of Practice) Act 2019 and the appointment of the British Standards Institution (BSI) by the Ministry of Housing, Communities & Local Government (MHCLG) to oversee the development of the Parking

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<sup>1</sup> In addition to its specialisation as an independent and free service for motorists seeking to appeal a Parking Charge Notice (PCN), the IAS is also competent to adjudicate on any dispute initiated by consumers against traders (C2B).

<sup>2</sup> <https://www.tradingstandards.uk/commercial-services/adr-approved-bodies/independent-appeals-service>

Act's Code of Practice. Even with the manifest distractions brought about by the coronavirus pandemic, the drafting of the Publicly Available Specification (PAS) 232 (which will form a large portion of the Parking Act's Code of Practice) has continued unabated.

We await with great interest the outcome of the recently concluded consultations curated by the BSI and the MHCLG where the public was invited to comment on the PAS and other issues; central of which is a consideration of whether there should be a single appeals service. Whether or not it is settled upon, the IAS would be happy to play a role within the regimen of a single appeals service superstructure and have its work overseen by a government appointed standards body.

However, the element of competition must be retained: let "iron sharpen iron." Placed within an appropriate context of statutory standard-setting, competition must be preserved as an impetus for external parking appeals bodies to pursue greater service efficiencies at a lower cost for the ultimate benefit of the motoring public. Indeed, while speaking in the House of Lords during the passage of the Parking (Code of Practice) Bill, Lord Lucas stated:

*The external system needs to be effective and cheap, which is difficult to achieve.*<sup>3</sup>

I concur with Lord Lucas on all but his final point. An "effective and cheap" external appeals service is not difficult to achieve provided that the element of competition is retained.

History has amply demonstrated that the appearance of the IAS, post-Protection of Freedoms Act 2012 (PoFA), has forced a raft of positive changes to the appellate apparatus serving the UK private parking industry. Most conspicuous, was the IAS offering an online appeals service and a jurisdictional reach that included the whole United Kingdom. This invariably forced our parking appeals counterpart, Parking on Private Land Appeals (POPLA), to follow the example of the IAS.

In the future, the Parking Act's Code of Practice will invariably yield commercial contours that can lead to further operational innovations and a lowering of costs for motorists. However, these potentialities will lie dormant and remain unfulfilled unless they are activated by the power of competition. As the saying goes, "Competition is

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<sup>3</sup> (HL) Deb. (18 January 2019), Volume 795, Column 487. Available at: <https://hansard.parliament.uk/Lords/2019-01-18/debates/172AA682-6541-4A30-824A-F8BE1C256B00/details#contribution-10D6075F-7E78-4EC2-81C0-9C814B5749D6>.

always a good thing. It forces us to do our best. A monopoly renders people complacent and satisfied with mediocrity.”<sup>4</sup>

## **The Rate of The Parking Charge**

The parking charge rate is another leading topic of discussion surrounding the future private parking industry unified under a single code of practice. While The IPC Code of Practice currently holds that a parking charge cannot exceed £100, with a 40% discount upon early payment, the question has always been whether a parking charge should match the rate of a *Penalty* Charge Notice (PCN) issued by an adjacent local authority? Additionally, whether lowering the private parking charge would ensure greater compliance?

Current research by The IPC suggests that the *status quo* does work.<sup>5</sup> In one study, the results showed that 80.7% of vehicles received only one parking charge. This strongly suggests that £100 is a sufficient deterrent to discourage recidivism, while the chance to settle for £60 was enough of an incentive to correct a motorist’s behaviour and enough of an inducement to engage with the parking operator early to obtain the 40% discount.

## **Repeat Offenders**

The issue of repeat offenders has also been a topic of lively discussion in parking circles. The IAS does not really experience the full impact of this issue since, by the very nature of the problem, the small minority of serious repeat offenders will probably never engage with the parking operator or the IAS anyway. As far as the IAS is concerned, repeat offenders are generally found in residential car parks when a motorist does not display a parking permit.

## **Telephone Hearings**

The use of telephone hearings was discussed as a potential option for the private parking industry appeals apparatus. This is already a feature of the Traffic Penalty Tribunal (TPT), the appellate body serving local authority parking disputes in England and Wales outside London.

In my view, telephone hearings do not offer any material or procedural benefit for the motorist. While they may be superficially attractive, telephone hearings would invariably come at an increased cost to the IAS, which would inevitably be passed on to the motorist via the parking operator.

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<sup>4</sup> Nancy Pearcey

<sup>5</sup> The IPC’s submission document pursuant to the 2020 public consultation process curated by the Ministry for Housing, Communities & Local Government (MHCLG), Annex 2

## **The Role of The IAS Within the Juridical Process**

Unlike the IAS, the TPT is the final stage of an appellant's journey in appealing against a *Penalty Charge Notice* (PCN) issued by a local authority outside London. While judicial review may still be an option, this would hardly seem feasible for an average motorist and is essentially theoretical in its real-world application.

On the other hand, the decisions of the IAS are binding on the parking operator but not on the motorist: a motorist can still seek redress in county court.

## **Mitigation**

The issue of mitigation is never far from discussions surrounding private parking appeals and is a topic I have discussed at length elsewhere.<sup>6</sup> However given the current climate of discussion surrounding the parking industry, some further elaboration is warranted.

The role of the IAS is to adjudicate whether a parking charge is lawful and compliant according to the canons of contract law. The IAS does not accept mitigation as this does little other than to promote unnecessary uncertainty and ambiguity. However, IAS adjudicators do have the ability to issue - via The International Parking Community (IPC) - guidance where a fact pattern might suggest procedural or operational issues that leads to a disproportionately high number appeals to the IAS.

If mitigation does have a role to play in a private parking appeals service, it must be within a parking operator's internal appeals service. Indeed, readers of this report will discover in the statistics, reproduced later,<sup>7</sup> the high proportion of appeals conceded by parking operators in favour of the motorist.

This figure does not include the number of appeals found in favour of the motorist during a parking operator's own internal appeals process through mitigation. It is only within a parking operator's internal appeals service and under the purview of customer relations that mitigation has a role to play in private parking appeals. Indeed, we already know that parking operators routinely cancel copious numbers of parking charges under the ambit of customer relations.

Furthermore, if the IAS were to accept mitigation it would potentially distort the lower levels of the judicial hierarchy in England and Wales. As the county court similarly does

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<sup>6</sup> *The Independent Appeals Service (IAS) Annual Report 2017-2018*, p.16-17

<sup>7</sup> p.19-20

not accept mitigation, any move by the IAS to admit mitigation as evidence would essentially usurp the power of the county court.

Another likely consequence of this would be that parking operators would be more inclined to take more cases straight to county court in search of judicial certainty, resulting in higher volumes of cases with accompanying litigation costs for motorists.

Accepting mitigation would also increase the average cost of an appeal to the IAS through the increased logistical challenges of storing evidence. It would also raise the spectre of having to hear live evidence which would also come at an increased cost.

### **Pre-Auditing Car Park Signage**

Mitigation is not the only parking issue that has the capacity to undermine core contractual values and principles. Given that parking on private land is based largely in contract law, the importance of clearly expressed contractual terms and conditions on parking signage is surely self-evident. If the Parking (Code of Practice) Act 2019 is to achieve its full potential by standardising “good practice”<sup>8</sup> across the industry, it must start with the standardisation, and pre-auditing, of car park signage.

Clearly expressed terms and conditions are the *sine qua non* of any contractual agreement: parking on private land is no exception. Since its inception in 2012, The IPC has always insisted on pre-auditing parking signage, the parking site and back office documentation before a parking charge can be administered.

It was against this backdrop that I observed with interest, the comments of my counterpart at Parking on Private Land Appeals (POPLA). Writing in their most recent annual report, Ombudsman Services’ Lead Adjudicator John Gallagher commented about unclear signage being behind many appeals to POPLA, and that POPLA will “commonly allow appeals because signage is unclear.”<sup>9</sup>

While it is encouraging to see POPLA’s fidelity to the contractual doctrine of *contra proferentum*, this is surely an example of how pre-auditing of signage can save a lot of time and unnecessary aggravation for motorists and parking operators alike.

A parking operator’s day-to-day operational demands are surely onerous enough without having to become a legal draftsman. This is where the vagaries of a parking operator’s drafting imprecision can be eliminated through pre-auditing for the benefit of the motorist. In the opinion of John Gallagher:

“.....it is within the Parking Operator’s gift to ensure that the signs are sufficiently clear.”<sup>10</sup>

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<sup>8</sup> Parking (Code of Practice) Act 2019, Section 1 (3)

<sup>9</sup> *Parking on Private Land Appeals Annual Report 2019* p.7

<sup>10</sup> *ibid*

Pace Mr Gallagher, leaving the drafting of parking signage to individual parking operators appears to contribute little to promote clarity, certainty and consistency for the benefit of motorists, and surely falls short of the Parking Act's definition of "good practice." Rather than to merely 're-gift' the "gift", the Parking Act's Code of Practice must mandate the pre-auditing of car park signage. If nothing else, this simple measure should reduce the total number of appeals, leading to cost savings for all parking stakeholders.

### **Anonymity of Adjudicators**

Lack of transparency is a perennial criticism levelled at the IAS, especially regarding the identity of adjudicators. While the IAS would be perfectly compliant with any request from a statutory standards board to divulge the identities of adjudicators, the IAS maintains that the identity of adjudicators should remain anonymous.

It is through anonymity that the adjudication process can proceed free from outside influence. We are pleased to note that the Chartered Trading Standards Institute (CTSI) also supports the IAS on this point.

### **Transparency**

In all other respects, the IAS is a proponent of greater transparency in the private parking industry and fully supports the sentiments of Lord Lucas in the House of Lords when he said:

*".....we need a good flow of information. Rather than push this through some bureaucratic mechanism, we should require information to be published. Anyone running a private car park should be required to publish on the website—which they must have to enable appeals and so on—information about how many people park there, how many fines they issue, what is going on in that car park which affects the motorist and how they should look at the consequences of parking there. Public indignation is the cheapest and best way to ensure that, in a very diverse and scattered industry, we get good performance."<sup>11</sup>*

### **Parking and the Rights of Private Landowners**

Following on from Lord Lucas's appeal for greater transparency, the release of membership statistics by The International Parking Community (IPC) provided an

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<sup>11</sup> (HL) Deb. (18 January 2019), Volume 795, Column 487.

interesting insight into the parking operations by members of The IPC's Accredited Operator Scheme (AOS).

Contrary to one's *a priori* assumptions, statistics reveal that less than 8%<sup>12</sup> of IPC AOS members manage facilities where parking is actively solicited - with the majority of members managing residential parking. This would appear to ratify concerns that the rights of private landowners have been neglected in parliamentary discourse regarding the Parking Act 2019.

## **Covid-19**

Like every sphere of human activity in 2020, the parking industry was forced to face its own challenges brought about by the coronavirus pandemic and associated lockdown restrictions. Considering these disruptions, the IAS made the decision to suspend appeals timeframes between the 25<sup>th</sup> of March 2020 and the 30<sup>th</sup> of May 2020.

This suspension provided some leeway for motorists and parking operators whose ability to comply with appeals timeframes might have been compromised by assorted lacunae created by the effects of the pandemic lockdown. However, if both parties were satisfied that they had submitted all their evidence to the IAS, the appeal could proceed to adjudication.

Obviously, the combination of suspending IAS timeframes and a reduction of traffic volumes, during the pandemic lockdown, almost certainly accounted for the 4% reduction in the total number of appeals submitted to the IAS during the *relevant period* compared with last year.<sup>13</sup>

While it was only right and fair for the IAS to suspend appeals timeframes, it was equally important to resume normal service as soon as it was practicable. Happily, the IAS was able to pick up where it left off.

I must acknowledge the positive response of parking operators to the unique challenges created by the pandemic lockdown and their willingness to accommodate motorists' mitigation stemming from coronavirus.

Regrettably, there were motorists who tried to use Covid-19 as grounds to appeal a parking charge - with a small handful of appellants attempting to use self-isolation as mitigation. However, in all instances no evidence was provided by these appellants.

It was pleasing to note that there were very few instances of multiple tickets during the lockdown. This illustrates that parking operators were willing to accommodate motorists who may have innocently parked in a location over successive days, not realising they

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<sup>12</sup> Parking Review, 13 November 2020. <https://www.transportxtra.com/publications/parking-review/news/67229/how-will-the-private-parking-sector-evolve->

<sup>13</sup> There were 17,158 appeals submitted to the IAS between 1/10/2018 and 30/09/19 compared with 16,520 appeals submitted between 01/10/2019 and 30/09/2020.

were in breach of terms and conditions. Such scenarios were a likely consequence given that such a high proportion of the UK workforce was either furloughed or working from home – no doubt leading to an increased pressure on residential parking.

Grace and consideration periods were another example where parking operators showed flexibility towards motorists during the first pandemic lockdown. With both periods, parking operators were prepared to extend the prescribed 10 minutes for up to 20 minutes to accommodate motorists' delays between the end of March and the start of July.

The private parking industry certainly played its part supporting NHS staff and care workers by offering free parking where they could. The IAS was not aware of any major issues surrounding NHS parking. Any initial fears regarding the potential for motorists abusing the NHS Staff Parking Permit were unfounded.

## **Afterword**

I am always looking for ways to improve the quality of service provided by the IAS to motorists and I would invite and actively encourage any interested party to contact me directly via my email: [leadadjudicator@theias.org.uk](mailto:leadadjudicator@theias.org.uk). While this channel of communication is not to be used to discuss specific cases, I would welcome ideas and input on how the IAS can further improve its service to the UK motoring public.

## **ADR Officials**

Appeals to the IAS are considered by independent adjudicators, known as ADR Officials. There are six ADR Officials who adjudicate appeals which are all overseen by a Lead Adjudicator whose role it is to maintain the integrity of the service.

All ADR Officials are qualified solicitors or barristers who are appointed under a contract of self-employment of open duration. Apart the Lead Adjudicator, the identities of IAS ADR Official are not disclosed to the public to uphold security, avoid undue influence, and maintain impartiality.

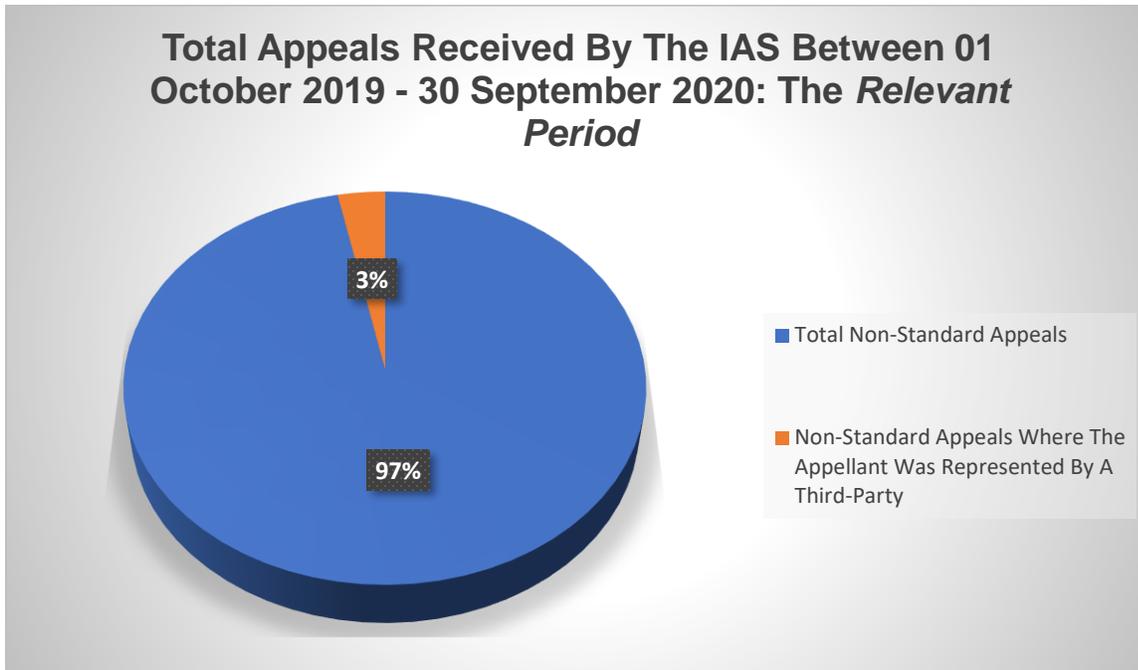
### **Lead Adjudicator**

There is one Lead Adjudicator: His Honour Bryn Holloway, Barrister. The role of the Lead Adjudicator is to oversee independence and to promote consistency.

### **Adjudicators**

There are currently six adjudicators.

## Total IAS Appeals Numbers



The IAS received a total of 16,520 appeals during the *relevant period* – between the 1<sup>st</sup> of October 2019 and the 30<sup>th</sup> of September 2020. A deeper examination reveals that of this number, there were 15,991 Standard Appeals (97%) and 529 Non-Standard Appeals (3%).

These numbers illustrate that the majority of motorists are able to engage with the IAS in a timely fashion and conform to the timeframes set out in the IAS Standard Appeal procedure. However, while the Non-Standard Appeal pathway is available, it is encouraging to see that so few motorists need to use it.

## **The Role of the IAS Within the Private Parking Sector**

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 Independent Appeals Service (IAS).

Since the 1<sup>st</sup> of October 2012, any parking operator who is a member of a DVLA Accredited Trade Association (ATA) must offer the motorist access to an independent free appeals service. For parking operators who are members of the IPC's Accredited Operator Scheme (AOS), this means access to the Independent Appeals Service (IAS).

The IAS is a free and complimentary appeals service to help consumers and IPC AOS members resolve PCN disputes expediently and inexpensively. 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 IAS's Legislative Mandate as an Alternative Dispute Resolution (ADR) Body**

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.

The IAS is also one of only 29 approved ADR bodies sanctioned by the CTSI in the UK. Other ADR bodies include: Ombudsmen Services-The Consumer Ombudsmen, the Federation of Master Builders (FMB) and The Royal Institution of Chartered Surveyors (RICS), to name just a few.

It is important to note that both sets of Alternative Dispute Resolution for Consumer Disputes Regulations are statutory instruments dedicated to the protection of consumer rights through ADR. The IAS is legally competent to adjudicate on any consumer dispute initiated by a consumer against a trader in the UK, not only within the confines of the parking industry.

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 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 EU 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.

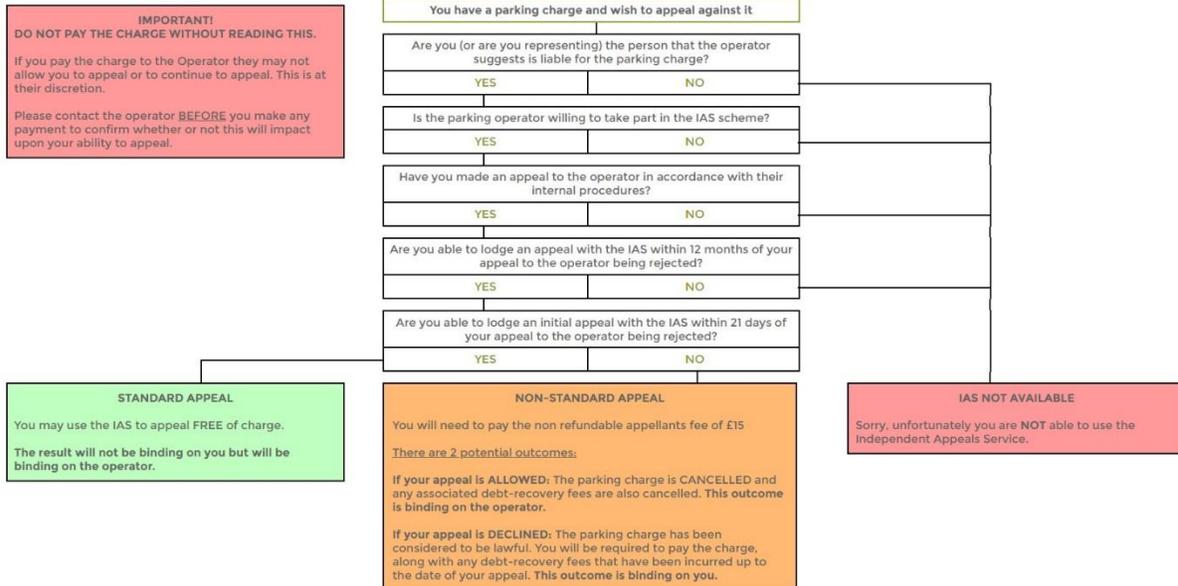
## The Non-Standard Appeals Procedure

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.

### The Terms of Reference of the Appeals procedure

Both Standard and Non-Standard Appeals apply the same considerations. The Adjudicators only role is to determine whether the charge is lawful or not. Adjudicators will only have regard to the legal principles that apply in any matter and *not* to any other feature.

Features that amount purely to mitigation (i.e. something that amounts to a reason for incurring the charge, but that does not remove your legal liability for it) cannot be considered as a ground to cancel a charge, nor can the simple fact that there has been a breach of a provision of the Code of Conduct that the parking operator may subscribe to.

Adjudicators will apply the civil standard of proof: the balance of probabilities. Otherwise the normal civil rules of evidence do not apply.

Once a motorist has registered an appeal with the IAS, it is for the parking operator to provide a prima facie case that the charge is payable by the motorist. This means that they must provide sufficient information or evidence to show that, on the face of it, the charge is lawful according to the canons of contract law in the UK.

Once a parking operator has uploaded their prima facie case, it is incumbent on the motorist to show that the PCN charge is not lawful by providing evidential proof.

Before a motorist can use the IAS, they must register their details. Once an appeal has been initiated, the motorist cannot withdraw from the process. If the motorist stops engaging with the process, then it will continue without the input that the motorist may otherwise have provided, and it is possible that if the evidence is insufficient the motorist would still have the charge cancelled.

## **Representation**

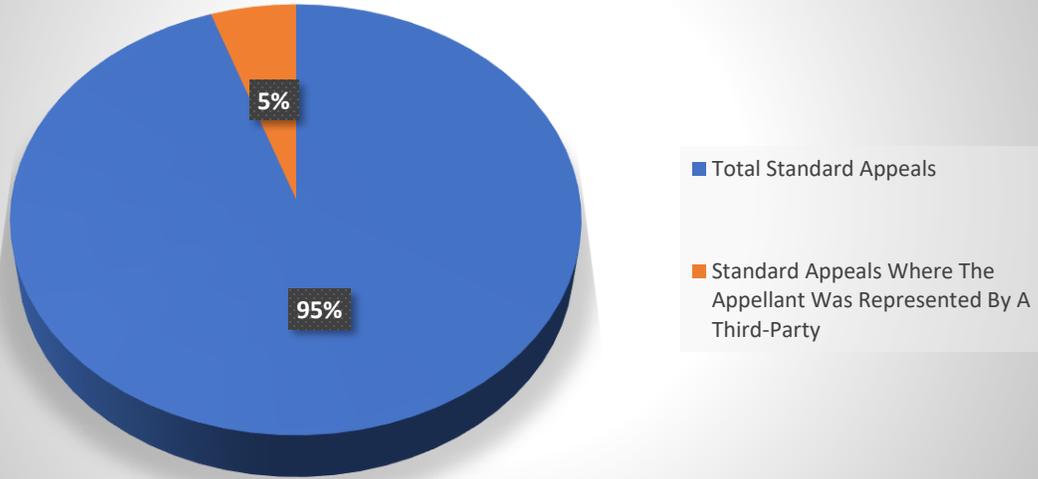
A motorist may appoint a third-party to assist them at any stage of an appeal to the IAS. Where a motorist elects to appoint a representative, the third-party must register their details as a representative, and provide evidence that the motorist has given their consent for them to act on their behalf.

The IAS is very proud to offer this facility to make sure that no one feels marginalised and has the opportunity to have their appeal heard by the IAS. We are extremely pleased that the option of third-party representation has been actively embraced by appellants.

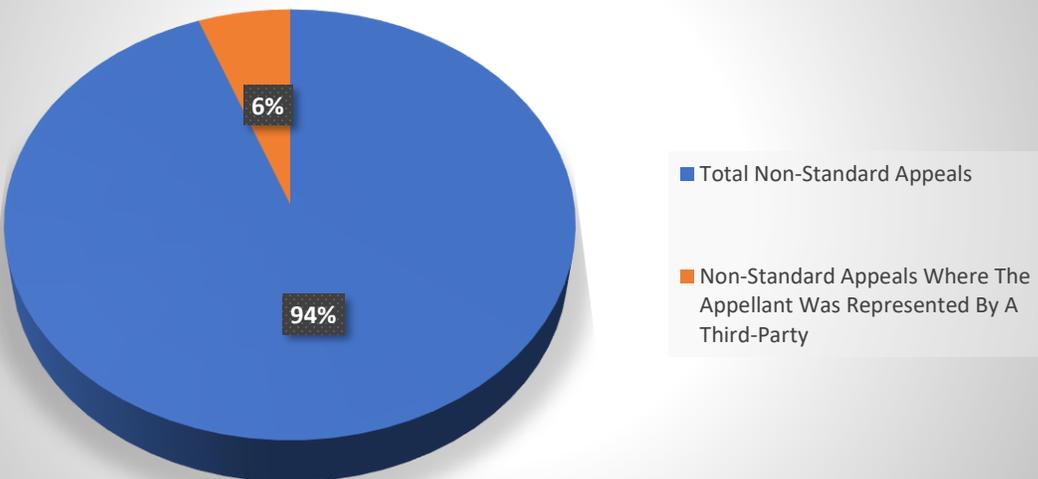
894 Standard Appeals (5%) and 32 Non-Standard Appeals (6%) were adjudicated by the IAS where appellants were represented by a third-party between the 1<sup>st</sup> of October 2019 and the 30<sup>th</sup> of September 2020 - the *relevant period*.

A statistical breakdown of the two different modes of representation are presented below.

### Standard Appeals Where The Appellant Was Represented By A Third-Party



### Non-Standard Appeals Where The Appellant Was Represented By A Third-Party



## Length of Procedure

Because the parties to an appeal are each given set periods of time within which to upload their case; the overall length of the ADR procedure contains some inherent delay to accommodate this. However, once all the parties to an appeal have submitted their evidence, the IAS endeavours to deal with all appeals within 21 days.

The total maximum time from an initial appeal is as follows:

1. 5 working days for the operator to upload prima facie case
2. 5 working days for the appellant to upload appeal
3. 5 working days for the operator to respond
4. Steps 2 and 3 above are repeated until all evidence has been submitted
5. 21 working days for adjudication

The average completion time for IAS appeals during the *relevant period* is laid out below:

Standard Appeals: 13 days

Non-Standard Appeals: 25 days

These results are extremely pleasing with a combined average falling well below the 21-day maximum since Standard Appeals account for 97% of all IAS appeals. Non-Standard Appeals account for only 3%.

## Adjudication Outcomes for Standard and Non-Standard Appeals

3,953 (25%) of all appeals to the IAS were found in favour of the motorist either because the adjudicator upheld the appeal, or because the operator conceded the appeal prior to adjudication.

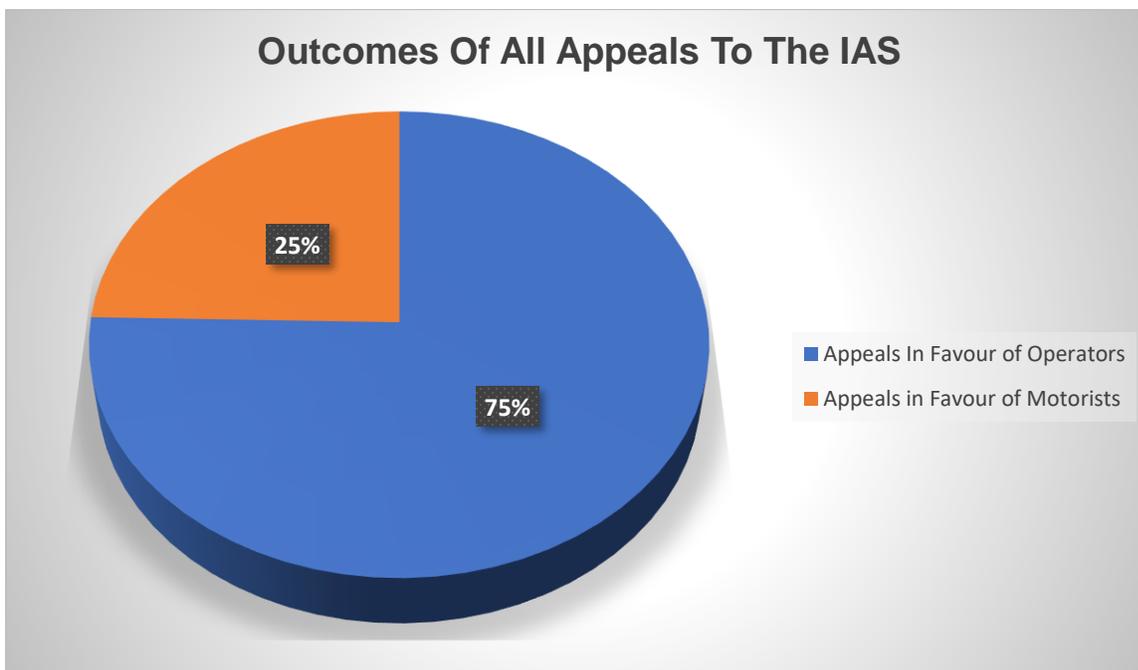
This figure does not include the many parking charges that were voided through the operator's internal appeals process. As mentioned earlier, it is for the operator, and not the IAS, to consider mitigating circumstances.

As mentioned earlier, mitigation is an issue pertaining to customer relations and not the lawfulness of a parking charge. Mitigation is considered by operators during their internal appeals process. However, it is fair to say that a large proportion of appeals lodged with the IAS are ultimately conceded at this stage because of mitigation.

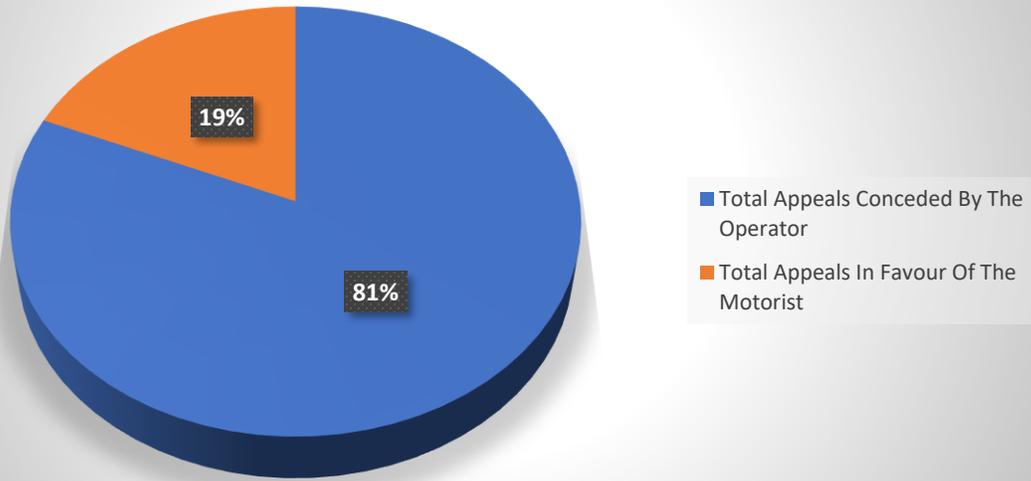
Closer analysis reveals that 3,219 (19.5%) of all appeals to the IAS were conceded by the parking operator. A total of 734 (4%) appeals that reached adjudication were found in favour of the motorist.

12,083 (72%) of all appeals to the IAS were found in favour of parking operators. This figure does not include the 462 appeals (3%) where the motorist elected to pay the parking charge before their appeal reached adjudication.

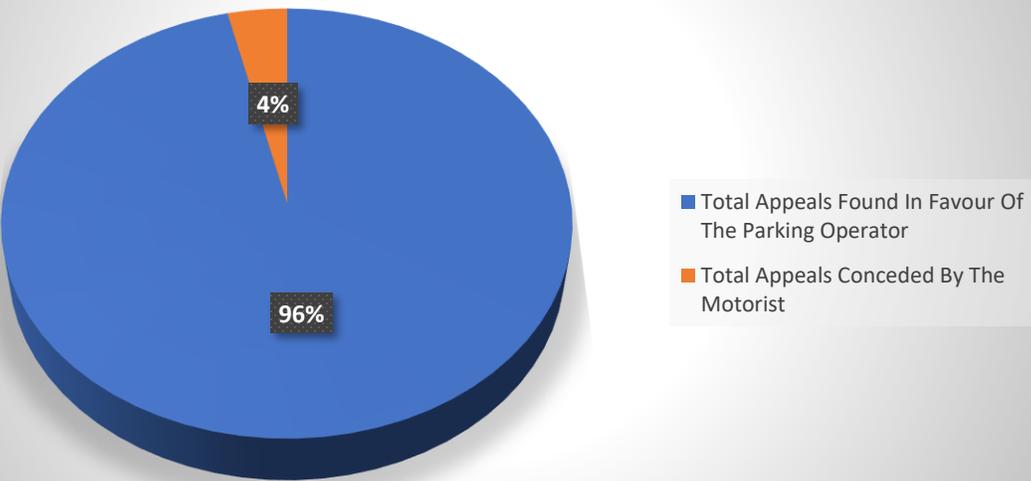
There were 10 Standard Appeals and no Non-Standard Appeals awaiting adjudication at the conclusion of the *relevant period*.



### Breakdown Of IAS Appeals In Favour Of The Motorist



### Breakdown Of IAS Appeals In Favour Of The Parking Operator



## **APPENDIX:**

### **The Independent Appeals Service (IAS) Annual Activity Report: 2019-20**

Statutory questions pursuant to Schedule 5 of the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 and covers the period from the 1<sup>st</sup> of October 2019 to the 30<sup>th</sup> of September 2020.

#### **A) The number of domestic disputes and cross-border disputes the ADR entity has received?**

16,520 disputes were received during the relevant period, all of which related to domestic disputes. A breakdown of this total reveals 15,991 Standard Appeals and 529 Non-Standard Appeals.

#### **B) The types of complaints to which the domestic disputes and cross-border disputes relate?**

All disputes dealt with related to the lawfulness or otherwise of the issue of a parking charge on private land and the liability of the Consumer to pay the same.

#### **C) A description of any systematic or significant problems that occur frequently and could lead to disputes between consumers and traders of which the ADR entity has become aware due to its operations as an ADR entity?**

There were no systematic or significant problems that occurred frequently and proved indicative of an ongoing trend leading to disputes between consumers and traders.

**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?**

There were no apparent systemic problems or issues indicative of any prevailing trends. Any issues encountered were resolved on a case-by-case basis.

**E) The number of disputes which the ADR entity has refused to deal with, and percentage share of the grounds set out in paragraph 13 of Schedule 3 on which the ADR entity has declined to consider such disputes?**

No complaints were declined to be considered during the relevant period according to the criteria articulated in paragraph 13 of Schedule 3.

**F) The percentage of alternative dispute resolution procedures which were discontinued for operational reasons and, if known, the reasons for the discontinuation?**

3,681 (22.3%) Standard Appeals and Non-Standard Appeals were discontinued during the *relevant period*. The main reasons why these appeals were discontinued was because either the motorist elected to pay the parking charge prior to adjudication, or because the parking operator conceded an appeal prior to adjudication.

**G) The average time taken to resolve domestic disputes and cross-border disputes?**

The average time taken to resolve disputes lodged with the IAS, during the *relevant period*, was 13 days for Standard Appeals and 25 days for Non-Standard Appeals. Enquiries to the IAS were resolved, on average, in 2 working days.

**H) The rate of compliance, if known, with the outcomes of the alternative dispute resolution procedures?**

Members of The IPC's Accredited Operator Scheme (AOS) know that failure to comply with a decision of the IAS will mean a breach of the IPC's Code of Practice and the subsequent activation of The IPC's sanctions scheme for the respective member/parking operator. Thus, there are no known instances of any parking operator failing to comply with the outcomes or decisions of the IAS.

It is not known how many consumers complied with the outcomes of disputes during the relevant period.

**I) The co-operation, if any, of the ADR entity within any network of ADR entities which facilitates the resolution of cross-border disputes?**

The IAS is not part of any network of ADR entities.