



**The Independent Appeals Service  
Alternative Dispute Resolution (ADR)  
Annual Activity Report 2015/2016**

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This report is pursuant to schedule 5 of The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015. The figures herein relate to the period 1<sup>st</sup> October 2015 to 30<sup>th</sup> September 2016 inclusive (the 'relevant period').

**Foreword by the Lead Adjudicator, Bryn Holloway (Barrister)**

This is my first report following my appointment last year as the Lead Adjudicator of this service which deals with Appeals from motorists issued with parking charge notices for parking on private land.

The IAS operates two separate types of appeal, the Standard Appeal process and the Non-Standard Appeal process. In every case where the Non-Standard service is made available to the consumer, they have already had the opportunity to use a free service but have failed to avail themselves of it. Around 98% of the disputes considered during the relevant period were under the Standard service and were therefore completely free to the consumer.

The Appeals are adjudicated on by qualified and practising solicitors and barristers who are wholly independent. The Appeals process is provided to all parties electronically and is a simple, straight forward system that is easy to follow. For those who are unable to use the online facility for whatever reason, the IAS offers the ability to engage with it by post.

The Adjudicators are based in various parts of the country and after their initial training they are provided with all the backup they need by the very efficient and highly motivated support staff at our head office. I am available to be contacted by the Adjudicators and IAS staff if any issues arise and considerable use is made of the internet to continue the educational process and keep Adjudicators up to date with any changes in the law and procedure that may occur from time to time. The recent decision by the Supreme Court in the case of Beavis has provided considerable assistance to both Adjudicators and the parties involved in the Appeals process and has resulted in greater clarity for all concerned on a number of issues which may well result in fewer cases coming before us once that Judgment becomes more widely considered by those involved.

In view of my background I have drafted and provided to all Adjudicators various specimen directions that deal with many of the issues that regularly arise during the Appeals we have to consider. This is a somewhat similar process to the way in which Judges in the Crown Court were assisted in my day by the Judicial Studies Board so as to assist them in directing Juries in relation to issues such as intent in wounding cases or consent in sexual cases or lies told by Defendants in the course of Police interviews. The purpose of such directions is to provide guidance and assistance as well as to promote consistency of approach to problems whilst remembering that almost all Appeals will turn on their own individual facts.

I understand that we have received 14,010 Appeals this year of which Parking Operators have conceded 2,634 prior to them reaching us thus saving time, expense and anxiety for those involved in this sort of process for the first time and hopefully for the only time. The time taken to turn around Appeals is now 16 days but that is only as a result of us introducing a 7-day delay period between the final file being created and the matter being put before an adjudicator as we had found

that Appeals were being allocated to Adjudicators and dealt with so quickly that some parties had not fully submitted all the material that they wanted the Adjudicator to consider. This in-built delay allows for any such mistakes to be remedied where appropriate.

The parties must always appreciate that in most cases the Adjudicator is not familiar with any of the parking sites that feature in these Appeals unless it involves Airports or the like which they from time to time may use. In view of that lack of familiarity it is essential that Parking Operators provide clear and in-focus photographs that are timed and dated to illustrate the condition of the site when the parking charge notice was issued. They should normally provide photographs of the entrance to the site and the signage there as well as on the route in to the area in which the motorist parked. They should also provide maps or overheads of the site showing the positioning of the signs and clear photographs setting out the terms and conditions that regulate parking at the location. That information is likely of vital importance for the Adjudicator who needs to be able to quickly grasp the issues. In addition, if there are several different signs on site a photograph of each type should be provided and an indication as to where each type is positioned. We should all appreciate that most motorists will not usually be lawyers and will not be familiar with the process of preparing an Appeal and Parking Operators should endeavour to respond to all material points raised by motorists in their submissions and counter-submissions and be aware that the burden is on them to establish a prima facie case against the motorist. The fundamental decision that an Adjudicator has to make is as to whether or not the parking charge notice was lawfully issued in accordance with the evidence that the parties choose to put before him or her. Although it is sometimes tempting to do otherwise, if the evidence is compelling we have to leave matters of mitigation to the Parking Operator to resolve and deal with as it is outside of the Adjudicator's remit.

I have dealt with about 800 Appeals since I was appointed so that I can familiarise myself with some of the problems that arise for Adjudicators and be better able to give advice and guidance where necessary. In dealing with them it becomes ever clearer that the Adjudicators are hard-working and dedicated and they are supported by an equally dedicated group of support staff in a system that is straightforward for everyone to use and strikes the correct balance between efficiency and effectiveness.

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

14,010 disputes were received during the relevant period, all of which related to domestic disputes.

**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 lead to disputes between consumers and traders of which the ADR entity has become aware due to its operations as an ADR entity.**

No systematic or significant problems have been identified during the relevant period.

**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.**

No recommendations are suggested.

**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.

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

2634 disputes were discontinued by traders during the relevant period resulting in a positive outcome for the Consumer. The reasons for discontinuation are not known.

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

The average time taken to settle disputes during the relevant period was 16 days

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

It is not known how many consumers complied with the outcomes of disputes during the relevant period. There are, however, no reports of any Trader failing to comply with the outcomes.

**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.