

The Independent Appeals Service (IAS) is there to provide the motorist with an opportunity to appeal against a parking charge that has been issued on land owned or managed by an accredited operator of the Independent Parking Committee (IPC). The service is provided free of charge to the motorist. **If the operator was not an Accredited Operator of the IPC at the time that the parking charge that you wish to appeal against was issued then you cannot use this appeals service.**

Appeals procedure

The form has been provided by the IPC and if you would like to appeal then you must follow this procedure;

1. Appeal to the operator in accordance with their internal appeals procedures. Appeals will only be allowed to the IAS when you have followed the process of appealing to the operator and they have rejected your appeal. Most operators permit you 21 days to appeal the charge from the issue of the Notice to Driver or the Notice to Keeper whichever is appropriate. **If you do not follow their internal process then you cannot appeal to the IAS.**
2. If you have had your appeal rejected by the operator they will provide you with your unique IAS number. You will need this to lodge an appeal to the IAS as any appeal without the correct IAS number will not be able to be considered.
3. Appeal by completing this form and sending it to the address below with ALL of the evidence you want the independent adjudicator to consider. You must include everything with the submitted form as documents submitted subsequently will not be accepted.
4. The completed and signed appeal form and all the evidence must be received by the IAS within 21 days of the rejection of your appeal by the operator. Appeals outside the 21 days will only be allowed when there are exceptional circumstances and evidence of those circumstances are provided as soon as is reasonably practicable after the 21 days.

After you submit your appeal

Once your signed and completed appeal form is received by the IAS, it will be provided to the operator for their response. The operator will then provide their response with all the evidence they would like the independent adjudicator to consider when making a decision on your appeal.

The appeal is then sent to an independent lawyer who will consider the merits of your appeal and make a decision on it. They will record their decision and return the papers to the IPC who will report the decision of the independent adjudicator to you and to the operator.

If your appeal is allowed then the operator will cancel the charge. If the appeal is not allowed then the independent adjudicator has concluded that the charge issued is lawful and the charge should be paid. The operator will not take any further action against you for 14 days. After 14 days the operator may decide to take further action against you which may include issuing proceedings in the County Court.

The IAS aims to provide the motorist and the operator with a decision within 28 days of receiving the appeal from you.

Frequently asked questions

- 1. What evidence do I need to send to the IAS?** You should send all the documents, photographs and comments that you intend to rely on. If you make a statement in your appeal then you should provide any evidence that you have to support it. Typical evidence could be

- a. A crime reference number
- b. Photographs
- c. Pay and display voucher
- d. Signed witness statements
- e. Video footage on DVD

Evidence will not be returned to you. Please provide the IAS with clear copies of the evidence you rely on.

- 2. Will further enquiries be made when I submit my appeal form?** Only by the operator who will provide their own evidence in reply to your appeal. The adjudicator will not look beyond the evidence that they receive from you and the operator and will not follow up the appeal by contacting witnesses. The onus is on you and the operator to be clear, transparent and honest in your approach to the appeal. Where there is evidence of dishonesty by either the operator or by you then this may be taken into account by the adjudicator and the matter may be reported to the police.
- 3. What happens if I do not appeal to the operator first?** The IAS will only consider appeals where the operator's internal appeals processes have been exhausted.
- 4. Can I appeal outside the 21 day time limit?** Only in exceptional circumstances. To do this you must provide evidence that there are exceptional reasons for appealing after the 21 days has passed since the operator rejected your appeal. For example, If you were out of the country for the entire 21 days then this may be a reason but you will need provide evidence that you were out of the country for that period. A copy of holiday tickets or date stamped passport would normally be sufficient.
- 5. Do I have to pay for the appeal?** No. The appeal is provided free of charge to the motorist.
- 6. Will my parking charge increase if I appeal and lose?** No. The charge will remain at what it was when it was first issued. However, it is likely that the operator will not permit you to pay the reduced rate as the time for making payment at the reduced rate will have passed.
- 7. How do I know the independent adjudicator is actually independent?** None of the adjudicators are employed by the IPC. They are all self-employed barristers or solicitors who are appointed simply to make a decision on the law. They do not receive any additional payments for finding in favour of the operator and they cannot be swayed by anyone at the IPC. They are the closest thing to having a District Judge deal with the matter in the County Court. Barristers and solicitors have a professional duty to act independently and to uphold the rule of law.

- 8. How does the independent adjudicator make their decision?** The adjudicator will look at all of the evidence. They will make a decision about what has occurred based on the evidence they have before them. The independent adjudicator will then decide what they believe occurred and decide, on the balance of probabilities; whether they feel the charge issued is lawful or not. They will not make decisions based on mitigation.
- 9. Should I pay my charge before I appeal?** No. If you are appealing then you are claiming the charge is unlawful and you do not owe the money. If you pay the charge then you cannot appeal.
- 10. On what grounds can I appeal?** The independent adjudicator is only allowed to consider the lawfulness of the charge. They cannot consider mitigation. The following grounds can be argued:

If you were the driver of the vehicle at the material time;

- a. The vehicle was not parked in such a way as to attract a charge – e.g. if the vehicle was not parked as described on the parking charge notice; the vehicle was parked only for the time paid for; the voucher/permit was displayed or conditions were not properly signed.
- b. The charge exceeds the appropriate amount – e.g. the wrong amount is being claimed by the operator or that you have previously paid the charge.
- c. The charge has been paid in full.
- d. You are not liable for the parking charge

If you were not the driver of the vehicle at the material time;

- a. The vehicle was stolen – If the vehicle was stolen at the time it was parked improperly (This is not the same as allowing someone else to drive your vehicle who has parked improperly contrary to your instructions).
- b. The charge has been paid in full.

Vehicle Registration	
Date of Issue	___ / ___ / ____
Date operator rejected your appeal to them	___ / ___ / ____

Unique IAS Number	
Parking Charge Number (PCN)	
Operator's Name	

Were you the driver at relevant time?	Yes/No
Are you the registered keeper?	Yes/No
Were you the registered keeper at the time the parking charge was issued?	Yes/No

Mr/Ms/Mrs/Dr etc...		Tick this box if you would prefer to receive communication by post. Otherwise we will email results to you.	☐
First name -			
Surname -			
Date of Birth -			
Telephone number -			
Email -			
Address Line 1 -			
Address Line 2 -			
Town / City -			
County -			
Postcode -			

Appealing as the Driver	
<i>Mark X by the reason(s) you are appealing</i>	
The vehicle was not parked in such a way as to attract a charge	
The parking charge exceeds the appropriate amount.	
The charge has been paid in full.	
You are not liable for the parking charge	

Appealing as the Registered Keeper	
please note: this is only available in the limited circumstances detailed below.	
<i>Mark X by the reason(s) you are appealing</i>	
My Vehicle was stolen at the time of the parking charge	
The charge has been paid in full	

Why do you say the parking charge is not payable by you? (The adjudicator will only consider the appeal based on the legality of the charge and is not able to consider mitigating circumstances)

Continue on separate sheet where necessary

The information contained in this appeal form, and any attached evidence, is true to the best of my knowledge and belief and I provide the information knowing that if it is tendered into evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature

Date

Print Name

Please send the form and **all** evidence you want to be considered to –

The Independent Appeals Service
4 The Stables
Red Cow Yard
Knutsford
Cheshire
WA16 6DG