



Independent Appeal Service - Guidance for Motorists and Frequently Asked Questions.

What is the Independent Appeal Service (IAS)?

The IAS is adjudicated upon by panel of lawyers who consider appeals by motorists that have previously had their appeals rejected by a parking operator's internal appeals processes. The IAS is administered by the IPC. We receive the documents from the motorist wishing to appeal and then provide the documents to the operator who is required to respond within an agreed timescale.

Once the IPC has received the appeal bundles from the motorist and the operator they are then lodged with an independent lawyer who will make a decision on the lawfulness of the parking charge based on the evidence before them. They will make a decision only on the lawfulness of the charge and not on any mitigating circumstances or any other factors.

The adjudicator then provides their decision to the IPC who will report to the motorist and operator. If the appeal is allowed and the motorist is therefore successful then that is an end to the matter as the operator has agreed to abide by the decision of the IAS. However, if the appeal fails and therefore the IAS adjudicator was of the opinion that based on the evidence before them the charge is enforceable then the operator may choose to take the matter to the civil courts to recover the unpaid parking charge if it remains unpaid.

Transparency

The purpose of the IAS is to ensure that those charges which are unlawfully imposed are not enforced against the motorist. The IAS provides the motorist with a very effective way of challenging incorrectly issued parking charges. However, the only way an adjudicator can properly assess the merits of an appeal is if both the appealing motorist and the operator are honest and transparent in their approach to an appeal. An appealing motorist is given an opportunity to complete an appeal form and submit supporting documentation. It is important that all grounds of appeal are provided along with the appeal form as evidence received subsequently will not be put before the adjudicator.

How independent is the IAS?

It is always difficult to show that decisions are independent. However, we have put together a panel of practicing barristers and solicitors that are completely independent of the IPC. All lawyers who consider appeals are expressly required under the terms of their engagement to make their decision based on the evidence before them and without any other influence from the parking operator, the motorist or indeed the IPC. Whilst the amount that parking operators pay for appeals is different depending on whether an appeal is upheld or rejected, the amount that the adjudicator receives in either case is exactly the same and they receive no incentives which could prejudice the decision making process. It is made clear that appeals must be considered on the merits of the evidence before them as they would do if they were sitting as a judge in the county courts.

Any such service needs to be administered by someone and it is the IPC that facilitates the collating of the evidence from the motorist and operator in order that the process is as efficient as it can be. The important part is the decision making process and that is the part that neither the motorist, the

operator nor the IPC can have any sway in. The adjudicator looks at the evidence and makes a genuine assessment of the case. By administering the IAS, the IPC have the ability to view the decisions made by the adjudicator and where there have been inappropriate actions taken by the operator they will be spotted and the appropriate action can be taken. Everything at the IPC is designed to ensure that operators act within the law and the IAS is no different. When operators act within the law, motorists are given the fairness they deserve.

How do I Appeal?

It is important that you extinguish all internal avenues of appeal with the operator first. The IPC encourages genuine motorists who feel the charge issued against them is unlawful to appeal directly to the operator. No appeal to the IAS will be allowed where the motorist has not first appealed to the operator. We spend a lot of time and effort to ensure that all our operators are acting in accordance with the law. We train and guide our members on when tickets would be unlawful. Therefore we expect that our members will deal with appeals in a robust manner and accept any appeals from motorists where evidence is produced to show the charge is not enforceable.

If you have appealed to an operator and they have rejected your appeal they should give you details of how to appeal against their decision. You should be provided with a unique appeal reference number, which starts with their operator number followed by a sequence of numbers. Download the form and complete all the necessary sections. Then send the form to:

The Independent Appeals Service

4 The Stables

Red Cow Yard

Knutsford

Cheshire

WA16 6DG

Make sure that you provide all of the information that is requested of you along with your contact details and ALL of the evidence you would like to rely on.

Alternatively you can lodge your appeal by downloading the appeal form, completing it, and emailing it, with all your evidence to contact@theipc.info.

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.

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.

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.

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.

Do I have to pay for the appeal? No. The appeal is provided free of charge to the motorist.

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.

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.

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.

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.

Who Can Appeal? Only the person who is being pursued for a parking charge can appeal. You will know if it is you that is being appealed as the Parking Operator will have written to you previously and you will have exhausted their own internal appeals process.

Do I have to name the Driver? No. You do not have to name the driver but you should be aware that the Parking Operator can pursue you for a charge on the assumption that you were the driver and/or that you are responsible for the charge because you are the keeper of the vehicle. You will have to consider both of these scenarios when completing this form.

On what grounds can I appeal? The Independent Adjudicator is only allowed to consider the lawfulness of the charge. They cannot consider mitigation. You may appeal on any ground which undermines the lawfulness of the charge or which otherwise affects the suggestion that you are liable for it.

Who can complete the Appeal Form? The person who is appealing against the charge should normally complete the form so as to ensure that the information that is provided is complete and accurate. If your personal circumstances are such that you are unable to complete the form then you can seek the assistance of somebody else. However, the declaration that must be completed in order to submit the form must be completed by you confirming that the information that is provided therein is true.