



IPark Services Appeal Policy

Appeals Policy

The Code of Practice states that Operators must have a policy that identifies how they deal with appeals from motorists.

An appeal is where there is a challenge against the validity of a parking charge. An appeal is not where there is an issue with the organisation's conformity against the Code of Practice. This would be a complaint and should be dealt with by following the organisations complaints policy

Stage 1 – How can a motorist lodge an appeal

Motorists can appeal against the issue of a parking charge by following the guidance on the notice that they have received. Appeals can be accepted either in writing to the address provided in the notice or via the appeal portal on our website

www.iparkservices.co.uk

Appeals via email will not be an accepted method of challenging a parking charge.

Stage 2 – Who can appeal

The following table identifies who is being held liable for the parking charge and at that point can appeal against the parking charge.

Where the NTD is issued	Driver	Keeper	Hirer
NTD	✓	x	x
NTK	✓	✓*	x
NTH	✓	x	✓
Where the NTD is NOT issued			
NTK	✓	✓	x
NTH	✓	x	✓

x = not liable

✓ = liable

✓ * = Where the keeper fails to identify the driver (name and serviceable address) they will become liable after 28 days of the NTK. Unless the vehicle was stolen.





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Where a NTK has been sent to a hire/lease company, as they are being held liable they have the ability to appeal against the parking charge.

Stage 3 – Recording appeals

We will allow 28 days for a motorist to submit an appeal.

Appeals as received will be stored on our back-office provider. If appeals are received by post the appeal will be scanned and uploaded to the parking charge on the back-office system. This ensures that personal data is protected.

Our internal appeals process requires that the motorist provides a full name and address as well as the parking charge reference to be provided. If the correct information is not provided, we will inform the motorist of the information that is required.

Once an appeal has been registered, enforcement action will be halted.

Stage 4 – Appeals out of time

Occasionally we receive appeals outside the required period laid down in the Code of Practice. We may consider appeals which are received outside of the normal period where there are exceptional circumstances for the appeal not being lodged within the normal time frames.

Exceptional circumstances may include where the registered keeper can evidence that they were not the driver and evidence they were not aware that a parking charge had been issued. This includes the recipient being away or abroad, hospitalised as an inpatient, or delivered to the wrong address through no fault of the motorist.

Where the Registered Keeper has changed their address and has failed to inform the DVLA in accordance with Part IV (regulation 18) of the Road Vehicles Registration and Licensing Regulations 2002, this shall not be classed as exceptional on its own.





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Motorists may be required to sign a statement of truth confirming that they have not received any previous correspondence.

If we accept that exceptional circumstances have been established, then the parking charge shall revert back to the start of the 28 day period and any enforcement action will be paused.

Stage 5 – Investigating the appeal

Investigations will be completed by trained appeals handlers. Each appeal will be fully investigated. We will investigate all evidence which may include:

- Reviewing any evidence that has been supplied by the motorist
- Checking images captured
- Checking CCTV footage
- Reviewing witness statements from parking attendants
- Checking logs of pay and display machines to ensure that they were working correctly at the time of issue
- Checking logs of web-based payment providers to ensure that they were working correctly at the time of issue
- Checking for accidental keying errors
 - Where accidental keying errors are found the parking charge should be reduced to the reduced settlement charge of £20 if it is the first occasion
- Checking to see if the appellant has any exemptions in line with Annex F.1 & F.2 of the Code of Practice, that may warrant the cancelling of the parking charge
- Investigating any mitigating circumstances provided by the appellant in line with Annex F.3 of the Code of Practice, that may warrant either the cancellation of the parking charge, or the offer of a reduced settlement charge of £20
- Checking to see if reasonable adaptations have been made for motorists who reveal a disability

When investigating an appeal, it is acceptable that we may ask the appellant for additional information regarding their appeal in line with Annex F3.3 of the Code of Practice.





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For example:

Scenario	Evidence required
Major keying error	The greater the error the greater the need for evidence. For example, if someone claims to have input their spouses registration number by mistake then they would need to prove, with a copy of the V5 or similar document that they have access to the vehicle.
Breakdown or recovery vehicle attending an incident.	An activity log to demonstrate the date, time and location, the details of the vehicle that was being attended to.
Ambulance, police vehicle, fire services vehicle, or coast guard vehicle attending an emergency	The relevant service should provide a letter on headed paper confirming the vehicle was parked in the course of its duty while attending an emergency.
A hearse and/or other vehicle in use at the time as part of a funeral cortege	A letter from the funeral director and either the cemetery or crematorium confirming that there was a funeral at that time.
Presentation of a valid Blue Badge for a vehicle parked in an accessible bay	The motorist will need to provide a copy of a valid Blue Badge. They will need to identify whether it is their Blue Badge, or if not, what the circumstances were regarding the parking event and their relationship with the Blue Badge holder.
Failure to display a valid permit, where a valid permit is then provided during the appeal	The motorist will need to provide evidence of a valid permit for the time of the parking event.
Failure to display a valid pay and display ticket, where a valid pay and display ticket produced during the appeal	The motorist will need to provide a copy of the valid pay and display ticket for that parking session that they had purchased to validate their stay.
Failed to register their vehicle where required.	The evidence may vary depending on the scenario. However, it will need to show the driver was permitted to park at the time.

Stage 6 – Appeal decisions

Appeal decisions shall be made within 28 days of the appeal being lodged. In the event that a decision cannot be made within 28 days the motorist shall be provided with an acknowledgement that the appeal has been received and is being considered and be provided with a timeframe for concluding the appeal

If an appeal is accepted the parking charge shall be cancelled

If an appeal is rejected the appellant shall be afforded the opportunity to appeal to the Independent Appeals Service.





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Stage 7 – Responding to appeals

Appeals shall be responded to within 28 days.

The reduced rate of payment will be offered for a further 14 days from the date of rejection of the appeal where the original appeal is received within the timeframe for making payment at the reduced rate

Appeal responses shall:

- Not imply or cause the recipient to infer statutory authority where none exists
- Not use prohibited terminology as set out in Annex E of the Code of Practice.
- Not be threatening or misleading
- Not infer potential consequences that cannot be enforced
- Be clearly dated
- Include a contact address
- Include the amount of the debt
- Include date and time of the contravention for which the original PCN was issued
- Include the details of the contravention
- Include details of how the debt can be paid

Responses should also respond to all of the relevant points that the appellant has made in their correspondence.

Appeal rejection letters should inform the motorist that they have the opportunity to appeal to the Appeals Service. They should include the details for how to appeal to the Appeals Service and the fact that they have 28 days to submit their appeal.

Stage 8 – Independent Appeals Service

Where an appeal is allowed by the adjudicator this shall be binding on the operator. If an appeal is allowed then the parking charge shall be cancelled, and no further enforcement action shall occur.

Stage 9 – Corrective action

If the appeal is upheld, any corrective action required shall be recorded. Corrective action may include:

- Staff training
- Staff disciplinary





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- Amending processes
- Suspending enforcement on a site

Stage 10 – Recommencing enforcement action

Following the rejection of an internal appeal, enforcement action shall not recommence until the deadline for the motorist to appeal to the Independent Appeals Service has lapsed. Following the dismissal of an appeal by the Independent Appeals Service, enforcement action shall not be restarted until 28 days post the decision being made, this includes the addition of any additional fees.

Stage 12 – Record Keeping

Operators must retain the following information regarding appeals for 36 months:

- Parking Charge number
- Date of appeal
- Date appeal concluded
- Outcome of appeal
 - accepted
 - rejected
 - reduced in line with appeals charter
 - goodwill gesture
 - withdrawn
- Where an appeal has been accepted
 - any remedial action that may be required and has been taken by the parking operator to avoid a repeat of the circumstances leading to the issue of the parking charge
 - Reason for acceptance
 - based on mitigation
 - incorrectly issued
 - landowner request
 - exempt vehicle
 - in accordance with appeals charter
 - goodwill gesture
 - other,
- Location including postcode

