



University of Essex



Appeals Policy

Travel & Transport

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1.How can a motorist lodge an appeal

If you wish to dispute liability for a Parking Charge you may appeal either

- a) directly via the [Parksmart app](#)
- b) In writing to:
Estates & Facilities Helpdesk -Travel & Transport
University of Essex
Wivenhoe Park
Colchester
Essex
CO4 3SQ
- c) or email Travel & Transport: ems-helpdesk@essex.ac.uk

2.Recording appeals

Depending on how the appeal has been registered depends on how it is processed – either by our parking software provider or internal process. When an appeal has been registered, enforcement action shall be paused.

2.1 Appeals must be received within 28 days beginning with the day after that on which this notice is given.

2.2 You must provide your full name and address, the vehicle registration number and the Parking Reference at the top of the Parking Charge Notice and your full reasons for contesting liability otherwise your appeal will not be processed.

2.3 Appeal decisions should be provided within 28 days of submission.

2.4 In the event that your appeal is unsuccessful then we will provide you with the appropriate details enabling you to lodge a further appeal to the Independent Appeals Service. Details of the appeals procedure can be found at www.theIAS.org . The Independent Appeals Service (www.theIAS.org) provides an Alternative Dispute Resolution scheme for disputes of this type.

2.5 We will engage with the IAS Standard Appeals Service providing you comply with our internal appeals procedure as detailed herein and that thereafter you lodge an appeal to the IAS within 28 days of rejection.

2.6 If you do appeal and do not hear from us within 28 days then please contact us, do not assume that your appeal has been successful.

3.Appeals out of time

We will only consider appeals that fall out of the deadline time in exceptional circumstances.

3.1 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.

3.2 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.

3.3 Organisations may require the motorist to sign a statement of truth confirming that they have not received any previous correspondence.

If 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.

4. Investigating the appeal

When investigating an appeal, the following shall be considered

4.1 Reviewing any evidence that has been supplied by the motorist.

4.2 Checking images captured

4.3 Checking CCTV footage

4.4 Reviewing witness statements from parking attendants

4.5 Checking logs of web-based payment providers to ensure that they were working correctly at the time of issue.

4.6 Checking for accidental keying errors

* Where accidental keying errors are found the parking charge should be cancelled if it is the first occasion.

4.7 Checking to see if the appellant has any exemptions that may warrant the cancelling of the parking charge.

4.8 Investigating any mitigating circumstances provided by the appellant.

4.9 Checking to see if reasonable adaptations have been made for motorists who reveal a disability.

When investigating an appeal additional information may have to be requested from the motorist to appropriately consider the circumstances.

4.10 Where a vehicle has been parked in an accessible bay and the motorist had forgotten to display the valid Blue Badge required for the vehicle to be permitted to park in that 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.

- 4.11 Where a parking charge has been issued to an emergency services vehicle, the emergency service in question can provide a letter on headed paper confirming the vehicle was parked in the course of its duty while attending an emergency.
- 4.12 Where a vehicle has been driven on to controlled land due to instruction from a member of the emergency services the motorist would need to have evidence from the emergency service that there had been an issue which resulted in the request for the vehicle to enter the controlled land.
- 4.13 Where a breakdown or recovery vehicle was attending an incident, the company or organisation must provide an activity log to demonstrate the date, time and location, the details of the vehicle that was being attended to and the nature of what the issue was and what the resolution was.
- 4.14 Where the vehicle was used by a Doctor attending an emergency call, the Doctor must provide details of their registration with the General Medical Council (GMC) and provide details of the emergency they were attending. They do not need to disclose details of the patient as this would be breaching GDPR.
- 4.15 Where the vehicle would have been permitted to park in the location, but the driver failed to enter the registration number into the terminal. For example a member of a gym who would be permitted to park and has parked in accordance with all the other terms and conditions, but upon entry to the gym they forgot to enter their registration correctly on the terminal the motorist would need to produce confirmation on company headed paper from the organisation that they visited that their vehicle was permitted to be parked at the time of issue

5. Appeal decisions

5.1 Appeal decisions shall be made within 28 days of the appeal being lodged.

5.2 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

5.4 If an appeal is accepted the parking charge shall be cancelled

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

5.5 The decision of the appeals service is binding on the organisation

5.6 The action of appeal raises a complaint

6. Responding to appeals

6.1 Appeals shall be responded to within 28 days.

6.2 The reduced rate of payment should 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.

6.3 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

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

6.5 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.

7 Independent Appeals Service

Decisions made by the [Independent Appeals Service](#) are binding. If an appeal is allowed then the parking charge shall be cancelled, and no further enforcement action shall occur.

8. Further challenges

If a keeper has appealed the parking charge, and the appeal has been heard and rejected, the keeper may still then identify the driver if they were not the driver themselves, and the driver may still exercise their right of appeal. In this case the appeal process shall revert to stage 1 - investigating the appeal.

9 Corrective action

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

- Staff training
- Staff disciplinary
- Amending processes
- Suspending enforcement on a site
- 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.

If a charge is paid this precludes the ability to appeal (if you don't allow an appeal following the payment of a charge, then this needs to be stated).