

From: Simon Abrahams [<mailto:simon.abrahams@itv.com>]
Sent: 29 January 2016 09:14
To: Mark Collins <mcollins@phonepayplus.org.uk>
Cc: Ann Cook <ann.cook@itv.com>; Peter Mossman <Peter.Mossman@ITV.com>
Subject: Consultation on Part 4 of 14th Code of Practice

Dear Mark

In response to the above consultation, ITV is responding only to Question 8, as set out below.

Kind regards

Simon

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Q8 – Do you agree with our proposal to remove the current Independent Appeals Body hearing, on the grounds set out above?

ITV believes that there should be an avenue of appeal against findings of the Tribunal so that providers are not forced to commence potentially unnecessary and expensive judicial review proceedings in order to have a finding reviewed. It is entirely possible for the Tribunal to make a mistake or for new evidence to come to light, and it is entirely proper for a regulator to cater for that eventuality (and having a fit-for-purpose appeals mechanism does not imply any lack of faith in the original Tribunal).

In the consultation document PhonepayPlus accepts that having an appeal route offers a cost effective opportunity to challenge the process which preceded it. The fact that the existing IAB route has not been used since 2011 does not support the view that there should be no avenue of appeal; it simply suggests that the IAB was not the ideal form for the appeals process to take. Replacing the IAB with an alternative appeals route which has cross-industry support strikes us as the obvious course of action.

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