

ALG Transport and Environment Committee

TEC Report to the Secretary of State on the Parking and Traffic Appeals Service 2004/2005

Item no: 13

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Summary: The Committee has a statutory obligation to report to the Secretary of State on the work of the parking and traffic adjudicators. This report forms the draft for the period 1 April 2004 – 31 March 2005

Recommendations: That Members agree the report, as appended, subject to any amendments they may wish to make, as the Committee's report to the Secretary of State on the work of the Parking and Traffic Adjudicators for 2004-05

Report

Under the terms of the 1991 Road Traffic Act, the parking adjudicators are required to produce an annual report for the Committee on the performance by the adjudicators of their functions. In turn, the Committee is required to produce a report for the Secretary of State on the performance by the adjudicators of their functions.

Appendix 1 constitutes a draft report for the Committee to agree, with any amendments they wish to make, to form the Committee's report. This complements the Adjudicators' report, covered separately on the Committee agenda.

Financial Implications

There are no financial implications from this report.

Legal Implications

The Committee is obliged, under s.73 of the Road Traffic Act 1991, to make an annual report on the work of the Parking Adjudicators.

Equalities Implications

There are no specific equalities implications of this report.

Appendix

Draft Report

1 Parking and Traffic Appeals Service – Report 2004-5

ALG TEC, as a committee of London local authorities enforcing decriminalised parking and traffic restrictions, has a statutory duty to provide an administrative and hearing centre service for the Parking Adjudicators. The Parking Adjudicators constitute the independent tribunal established by the 1991 Road Traffic Act to consider appeals against liability for penalty charge notices issued by the enforcing authorities. ALG TEC fulfils its statutory function via the Parking and Traffic Appeals Service (PATAS).

ALG TEC also provides, via PATAS and on behalf of the Greater London Authority, an Adjudication service for motorists appealing to the Road User Charging Adjudicators against congestion charge penalties issued in central London. Parking and Road User Charging Adjudicators form separate tribunals with separate jurisdictions. Whilst PATAS endeavours to provide a seamless service to all tribunal users, due regard is paid to their separate entities and their separate sitting and case management requirements.

2 Report for the year 1 April 2004 – 31 March 2005

The main issues for PATAS over the reporting year were a significant increase in total workload, the introduction of new areas of work and the development of information gathered and published on the work of the service, as recommended in the Auditors report which formed the subject of a report to this Committee on 18 November 2004.

3 New areas of work

During 2004, ALG TEP began enforcing night-time and weekend lorry control on behalf of the London boroughs. Appeals against the penalty charges are made to the Parking Adjudicators. As predicted, the number of penalty charge notices issued and the number of appeals received has been very low. It has therefore been decided to administer the appeals manually using paper files and PATAS staff. A total of 152 such appeals were received during the reporting year and 107 were decided.

A number of local authorities began enforcing various moving traffic restrictions that were decriminalised in the London Local Authorities & Transport for London Act 2003. The Parking Adjudicators are statutorily responsible for considering any appeals arising from this enforcement. In the first instance it was decided to administer these appeals manually so that volumes and adjudicator requirements could be ascertained before committing to development of the automated adjudication system. During the reporting year a total of 365 such appeals were received and 239 were decided.

4 Case Volumes

In addition to these new areas of work, the number of parking and bus lane appeals submitted to the Adjudicators increased significantly. The number of parking appeals lodged increased from 44,280 in 2003-2004 to 54,526 in 2004-2005. The number of bus lane appeals lodged increased from 3,158 in 2003-2004 to 3,602 in 2004-2005. In total, therefore, the caseload of the Parking Adjudicators increased from 47,438 to 58,645: an increase of 11,207 or 23%. In response to the increased work load an additional 12 Parking Adjudicators were appointed in Autumn 2004 and committee agreed to a small increase in PATAS staff numbers from the start of the new financial year 2005-2006.

The number of appeals administered by PATAS on behalf on the Road User Charging Adjudicators dropped from 42,339 in 2003-2004 to 34,065 in 2004-2005. As a result of the large case backlogs which built up during 2003-2004 a further 21 Road User Charging Adjudicators were appointed during this reporting year. Therefore, whilst the workload has diminished slightly in this area, the focus of PATAS staff has been in assisting in the training of and providing high quality support services for a significantly larger tribunal panel.

5 Information provided (auditors report)

ALG's external auditors, Price Waterhouse Coopers (PWC), provided a review of PATAS as part of their audit plan for 2004-2005. Their report and its recommendations were reported to Committee on 18 November 2004. In summary, the recommendations were that performance measures and indicators should be developed and published on a regular basis (including trends over time and appeals upheld or rejected) and that boroughs should be consulted on what further information TEC could provide to assess their own processes in relation to penalty charge processing.

As a result of this report boroughs were consulted at a seminar given to appeals officers on 29 November 2004 and to Parking Managers on 28 January 2005 – suggestions were invited on further statistical information that PATAS could provide. Although the consensus was that PATAS provided sufficient information on appeals and in appropriate format, a number of enhancements to the statistical information provided have been put in place. The appeals statistics are published in a regular newsletter which is sent directly to all boroughs and published on the PATAS web site. These statistics now include details of the number of appeals and statutory declaration referrals received, the number of cases allowed, refused, withdrawn by appellants and not contested by authorities and the percentage of appeals allowed and not contested, broken down by borough. Two newsletters have been produced so far this financial year and these now include headline performance statistics on PATAS performance including the average time taken to deal with a case and the percentage of personal hearings begun within 15 minutes of the appointed time. These figures are also included in the Quarterly Performance Statistics provided to the Committee.

In addition to this statistical information two seminars have been held for local authority appeals staff: these have dealt with ancillary applications to the tribunal (for review, costs, witness attendance etc.), and evidential issues surrounding CCTV enforcement. A further seminar is planned for November 2005. PATAS staff have also been undertaking a round of visits to parking departments in individual authorities. Information on that borough's performance (over the previous year and the previous month so that trends can be identified) is taken to each meeting. Boroughs are given the opportunity to raise any issues particular to them. All boroughs visited have confirmed that these meetings are of value.

6 Adjudicators' annual report

The Parking Adjudicators' annual report for this period is presented separately to this Committee. They have made no recommendations this year. The Road User Charging Adjudicators are about to submit their annual report to the Secretary of State. Both reports will be published on the PATAS web site in the near future.

7 A Longer term view

In view of the fact that parking appeals have now been considered by adjudicators for 10 years – the first appeals were heard in October 1993, with 1994-95 the first full year of operations – it is appropriate to look back over that ten years to establish any broad trends. The number of

appeals considered has, of course, grown substantially over that time. From 227 in 1993-94 and 4,869 in 1994-95 to 56,283 (excluding bus lanes and moving traffic) in 2004-05. However, the period has shown big changes in other factors such as the number of PCNs issued and looked at as a percentage, the pattern is more consistent. For the first three years of operation, while the system settled down and motorists got to understand how decriminalisation worked, the percentage of PCNs resulting in an appeal was very low. However, by 1997-98, 0.9% of PCNs resulted in an appeal to the adjudicators, and, since then, that proportion has remained within the range of 0.8% -1.0% of PCNs issued, with peaks in 2000-01 and 2004-05 and troughs in 1999-2000, 2001-02 and 2003-04.

Outcomes from appeals have also remained broadly constant with between 57% and 64% of appeals being allowed (peaks in 1994-95 and 2000-01, troughs in 1996-97 and 1997-98).

The percentage of appeals not contested by local authorities has slowly increased from about 20% at the start of the period to about 30% now (with a peak in 2001-02) but has been fairly consistent (29% to 32%) since 2000-01. At the same time, the percentage of personal appeals has marginally declined from just under 30% at the start of the period to just over 20% towards the end (although there has been a jump back to just under 30% in 2003-04 and 2004-05).

Outcomes for individual authorities, clearly vary more widely over the period, but this is inevitable, particularly where appeal numbers from some authorities are very low.

Put together, the degree of consistency shown in this period shows a considerable degree of robustness in the appeals system and, by inference, with the parking enforcement system in London overall. As the Committee and its predecessors have consistently encouraged dissatisfied motorists to use their right to appeal by making access to the adjudicators as easy as possible, long term trends which showed an increase in the appeal rate or the proportion of appeals allowed, would have indicated causes for concern which, in practice, are not immediately apparent.

8 Appendices

PATAS statistics 2004-5

| MOVING TRAFFIC APPEALS - STATISTICS 2004-2005 | | | | | | | |
|--|--|---------------------------------|-------------------------------------|------------------------------------|---------------------------------|------------------------------------|--------------------------|
| <u>Local Authority</u> | <u>Appeals Received</u> | <u>Appeals Allowed</u> | <u>Of Which DNC</u> | <u>Appeals Refused</u> | <u>Of Which Withdrawn</u> | <u>Total Sealed</u> | <u>% Allowed Inc DNC</u> |
| Camden | 110 | 41 | 26 | 36 | 5 | 77 | 53.25 |
| Croydon | 28 | 11 | 8 | 7 | 1 | 18 | 61.11 |
| Ealing | 26 | 14 | 2 | 2 | 1 | 16 | 87.5 |
| Newham | 32 | 7 | 2 | 2 | 2 | 9 | 77.78 |
| TfL | 169 | 83 | 60 | 36 | 3 | 119 | 69.75 |
| Total | 365 | 156 | 98 | 83 | 12 | 239 | 65.27 |
| COSTS | | | | | | | |
| <u>Local Authority</u> | <u>Application from appellant allowed</u> | <u>Amount awarded</u> | <u>Application from app refused</u> | <u>Application from LA allowed</u> | <u>Amount awarded</u> | <u>Application from LA refused</u> | |
| Camden | one appellant application for costs scheduled for 22/7 to be decided | | | | | | |
| Croydon | 0 | 0 | 0 | 0 | 0 | 0 | |
| Ealing | 0 | 0 | 0 | 0 | 0 | 0 | |
| Newham | 0 | 0 | 0 | 0 | 0 | 0 | |
| TfL | 0 | 0 | 0 | 0 | 0 | 0 | |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | |
| REVIEWS | | | | | | | |
| <u>Local Authority</u> | <u>Appellant's app accepted</u> | <u>Appeal allowed on review</u> | <u>Appeal refused on review</u> | <u>LA app accepted</u> | <u>Appeal allowed on review</u> | <u>Appeal refused on review</u> | |
| Camden | 3 | 1 | 2 | 0 | 0 | 0 | |
| Croydon | 0 | 0 | 0 | 0 | 0 | 0 | |
| Ealing | 0 | 0 | 0 | 0 | 0 | 0 | |
| Newham | 0 | 0 | 0 | 0 | 0 | 0 | |
| TfL | 1 | 0 | 1 | 0 | 0 | 0 | |
| Total | 4 | 1 | 3 | 0 | 0 | 0 | |

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| LORRY CONTROL APPEAL STATISTICS 2004-5 | | | | | | | | | | |
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| LORRY CONTROL APPEALS | | | | | | | | | | |
| | | | | | | | | | | |
| | Appeals Received | Appeals Allowed | Of Which DNC | Appeals Refused | Of Which Withdrawn | Total Sealed | % Allowed Inc DNC | | | |
| ALG TEP | 152 | 102 | 49 | 5 | 1 | 107 | 95% | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | Appellant's app accepted | Appeal allowed on review | Appeal refused on review | LA app accepted | Appeal allowed on review | Appeal refused on review | | | | |
| Reviews | | | | | | | | | | |
| ALG TEP | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | Application from appellant allowed | Amount awarded | Application from app refused | Application from LA allowed | Amount awarded | Application from LA refused | | | | |
| Costs | | | | | | | | | | |
| ALG TEP | 0 | 0 | 9 | 0 | 0 | 0 | | | | |
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