

# Road User Charging Adjudicators' Annual Report 2013-14



## **Table of contents** *(click to go to section)*

**Page**

1. <u>Aims and objectives of the Road User Charging Adjudicators</u>	3
2. <u>Role of the Road User Charging Adjudicators</u>	3
3. <u>The Road User Charging Adjudicators</u>	4
4. <u>Chief Adjudicator's foreword</u>	5
5. <u>Recommendations</u>	6
6. <u>Annual training day</u>	7
7. <u>The Ultra Low Emission Zone</u>	7
8. <u>Current and future developments in the Congestion Charging Scheme in 2014/15</u>	8
9. <u>Current issues before the tribunal</u>	8
10. <u>Useful information</u>	13
- <u>Structure of the Road User Charging Adjudicators' Tribunal</u>	13
- <u>The appeal process</u>	14
- <u>Grounds of appeal</u>	15
- <u>PATAS web site</u>	16
- <u>Statutory Register</u>	16
- <u>Previous years annual reports</u>	16
<u>Appendix One: Appeals and Fees charged 2003 – 2014</u>	17
<u>Appendix Two: Congestion Charging Statistics 2003 – 2014</u>	18
<u>Appendix Three: Maps of the Congestion Charging Zone and the Low Emission Zone</u>	19
<u>Contact details and back cover</u>	20

## 1. Aims and objectives of the Road User Charging Adjudicators

- ⇒ To provide all parties to road user charging appeals with independent, impartial and well-considered decisions based on clear findings of fact and proper application of law.
- ⇒ To have the appropriate knowledge, skills and integrity to make those decisions.
- ⇒ To ensure that all parties to road user charging appeals are treated equally and fairly regardless of age, ethnic origin, gender, marital status, sexual orientation, political affiliation, religion or disability.
- ⇒ To enhance the quality and integrity of the road user charging appeals process.

## 2. The Role of the Road User Charging Adjudicators

- ⇒ Adjudicators are appointed in accordance with Regulation 3 of *The Road User Charging (Enforcement and Adjudication) (London) Regulations 2001*, as amended.
- ⇒ Their role is set out by Regulations 11(2) and 16(2) of the same Regulations which states that an Adjudicator “shall consider the representations in question and any additional representations which are made by the appellant on any of the grounds mentioned in regulation 10(3) or regulation 13(3)”.
- ⇒ The Court of Appeal has made it clear, in the case of *R (on the application of Joan Margaret Walmsley) v Transport for London* [2005] EWHC 896 (Admin), that it is not part of an Adjudicator’s role to consider factors which fall outside of the grounds mentioned in regulations 10(3) or 13(3) and accordingly what might be described as ‘mitigating factors’ are matters for the Enforcing Authority to consider and are not matters for Road User Charging Adjudicators.

### 3. The Road User Charging Adjudicators

Mercy Akman  
Jane Anderson  
Angela Black  
Ian Coutts  
Gordon Cropper  
Jane Cryer  
Leslie Cuthbert  
Joanna Dickens  
Fiona Dickie  
George Dodd  
Anthony Edie  
Gillian Ekins  
Andrew Harman  
Fiona Henderson  
Anitra Hussein  
Ian Keates  
Graham Keating  
Maggie Kennedy  
Sanjay Lal  
John Lane  
Francis Lloyd  
Maura Lynch  
Isaac Maka

David Malone  
Paul Middleton-Roy  
Ian Mohabir  
Michael Nathan  
Belinda Pearce  
Martin Penrose  
Ingrid Persadsingh  
Annabel Pilling  
Luthfur Rahman  
Christopher Rayner  
Anita Reece  
Timothy Smith  
Alison Spicer  
Jan Verman  
Anwen Walker  
Christopher Woolley





#### **4. Chief Adjudicator's foreword**

I am pleased to present to the Secretary of State this joint report of the Road User (Congestion) Charging Adjudicators for the year 2013/14.

This year has seen a number of changes and developments and I thank the adjudicators and staff for adapting to these changes in a positive way. The administrative staff have continued to provide an excellent service to the tribunal and all the adjudicators would like to thank them.

In the current year a full days training session was held in February 2014. The topics that were covered included:

- ⇒ Presentation by Professor Jeremy Cooper on decision writing;
- ⇒ Training on system and administrative matters; and
- ⇒ Presentation by the Policy Division of Her Majesty's Courts and Tribunals Service on developments in the Tribunals system.

All of these areas of law and practice are fast moving and adjudicators have to keep up to date with the various schemes and regulations.

More information is given about this in Section 6 of this report.

Over the year the number of appeals received for hearing has remained steady (averaging 650 a month) and represents a slight increase over the previous two years. The structure of the tribunal is flexible enough to cater for variations in the volume of work.

Appeals vary greatly in their complexity and adjudicators are expected to devote proportionate time to an appeal depending on this.

It is pleasing that the average resolution time of appeals has dropped significantly in recent years: it now takes 25 minutes on average to resolve a postal appeal (down from 35 minutes in 2011/12) and 34 minutes to resolve a personal appeal (down from 50 minutes in 2011/12). 80% of hearings are now held within 15 minutes of their scheduled time.

Over the course of this year we have had to face several developments in the Congestion Charge Scheme. For instance we have adapted to the reform of the Green Vehicle discount scheme, the growing maturity of the Low Emission Zone Scheme and the issue of repeated Statutory Declarations.

Although the maximum penalty charge we are dealing with is currently set at £130, it remains the case that many appellants become highly involved in these appeals. The opportunity for appellants to have a personal hearing face to face with an impartial adjudicator continues to be a most important safeguard for them and demonstrates the value of the tribunal to the public.

The lease on the current hearing centre in Angel, Islington comes to an end in March 2015 and the landlords have indicated that they will not be renewing the lease. The tribunal will therefore have to move to other premises in the course of 2015. There is no indication as this report went to press where the new premises will be. Among the requirements for the location of the new hearing centre are that it should be accessible to the public and be near local transport links.

**Ingrid Persadsingh**  
**Chief Road User Charging Adjudicator**



## 5. Recommendations

The tribunal now has over ten years of experience in handling appeals and has made many recommendations to Transport for London to improve the system and the service to congestion charge users. This year we make recommendations about current issues before the tribunal. We also invite Transport for London, in conjunction with the sponsoring department, to review the relevant Regulations in the light of ten years of practice.

### Recommendation 1

#### The Road User Charging (Charges and Penalty Charges) (London) Regulations 2001

These regulations were last amended in 2003. Since that time Transport for London has introduced many new practices such as Autopay, the Fleet Transport Scheme and the Low Emission Zone. **We recommend** that the regulations be reviewed to ensure that they provide an adequate framework for all of the developments since 2003.



### Recommendation 2

#### The Road User Charging (Enforcement and Adjudication) (London) Regulations 2001

These Regulations were last amended in 2003. Since then the working environment faced by both Transport for London and adjudicators has changed considerably. **We recommend** that the Regulations be reviewed to ensure they provide the proper framework for Transport for London and the Tribunal to operate effectively.

### Recommendation 3

There has been a concern since the Scheme began about the abuse of the Statutory Declaration procedure. While the regulations could be strengthened to deter abuse (in the context of any review, as suggested in Recommendation 2 above), there is much that Transport for London could do within the existing framework to deter the inappropriate use of this procedure.

For instance, Transport for London frequently refer in their case summaries to declarants who inappropriately use the Statutory Declaration Procedure as potentially having committed a criminal offence, but it does not appear to the Tribunal that Transport for London have ever followed up on this threat to prosecute offenders.

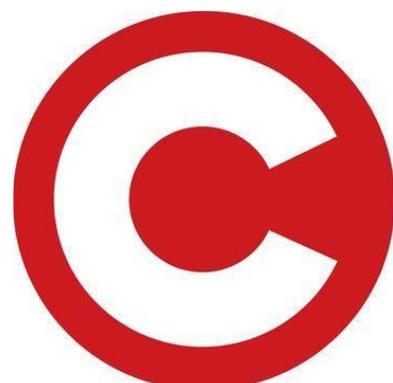
**We recommend** that Transport for London consider steps to tackle this issue of repeated inappropriate Statutory Declarations.

### Recommendation 4

Many appellants who live outside the United Kingdom are now appealing against Penalty Charge Notices. They often submit representations and appeal notices in languages other than English.

**We recommend** that Transport for London, when dealing with foreign drivers, should make it clear that neither Transport for London nor the tribunal are obliged to take account of any representations submitted in a foreign language, and that the expected language is English.

This could be done by amending the appeals form to include a statement that all appeals must be submitted in English with a warning of the possible implications if they are submitted in a foreign language.



## 6. The Annual Training day

The Tribunal held its annual training day on 14th February 2014. This was a valuable opportunity for adjudicators to keep their skills up to date.

One of the greatest skills needed by an adjudicator is the ability to explain, in a written form, why appellants have won or lost their appeal. This is because of the requirement to produce written “Reasons” at the conclusion of an appeal.

This year Professor Jeremy Cooper (Director of Training for Tribunals, Judicial College) led the main session on “Reason Writing”.

The main themes of this training were as follows:

- ⇒ Reasons should always indicate the outcome clearly, in a language which appellants can understand;
- ⇒ Reasons should always give the evidential and legal basis for the decision;
- ⇒ Reasons should avoid unnecessary jargon and complexity;
- ⇒ Where there is a conflict of evidence between the appellant and Transport for London, Reasons should explain why the adjudicator has preferred the evidence of one party against the other;
- ⇒ Reasons should be carefully checked, rechecked and proof read before they are delivered to the parties;
- ⇒ Reasons should be issued as soon as possible after the hearing; and
- ⇒ Reasons should be no longer than is necessary to fulfil their purpose.

Dylan Foulcher and Paula Waldron from The Tribunals Policy team, HM Courts and Tribunals Service, gave a presentation on the steps which the Policy team are taking to improve the performance of all tribunals, including the ones (such as this tribunal) which are not administered by them.

The remainder of the day was occupied by adjudicators learning of developments in the Congestion Charge Scheme, and discussing legal issues arising in Congestion Charging appeals.

## 7. The Ultra Low Emission Zone (ULEZ)

To tackle poor air quality, the Mayor for London and Transport for London (TfL) have developed proposals for an Ultra Low Emission Zone (‘ULEZ’) in the area of central London covered by the Congestion Charge Zone, where air pollution is particularly bad and where it can be tackled most effectively.

It is proposed the ULEZ can be achieved by making changes to the London Low Emission Zone Scheme Order—LEZ; there would be some consideration to complementary changes to the Central London Congestion Scheme Order—CCZ, all having the objective of encouraging the take up of vehicles with better emissions performance by road users.

The proposed scheme is being considered for introduction in 2020.

TfL is required, by law, to consult the public and stakeholders about the proposals to implement the ULEZ vehicle charging scheme. It has powers under the Greater London Authority Act 1999 to make and amend road user charging schemes. The proposed changes affect the LEZ, which exists for the purpose of improving London’s air quality.

This would be modified through a ‘Variation Order’ to create the ‘ULEZ area’, establishing the vehicles affected, emissions standards for vehicles and to set the level of the ULEZ charges and penalty charge levels.

The operation of the ULEZ would not affect the Congestion Charge which will continue as usual.

Any vehicle that does not meet the relevant Euro emissions standards must pay a daily ‘ULEZ charge’ to drive within the ULEZ area to avoid the issue of a Penalty Charge Notice. Any vehicle which meets the relevant Euro emissions standards will be able to drive within the ULEZ area without paying the ULEZ charge.

Currently the LEZ applies to a range of diesel fuelled commercial vehicles, such as Heavy Goods Vehicles, buses, coaches, minibuses, vans and other specialist vehicles.

The ULEZ proposals would mean those vehicles would be affected by the ULEZ, as well as diesel and petrol fuelled cars, vans and motorcycles.

## 8. Current and future developments in the Congestion Charging Scheme in 2014/5

From 16th June 2014 the daily congestion charge increased from £10 to £11.50 (or £10.50 if paid using Autopay or £14 if paid the next charging day). This is the first charge increase since 2011.

In 2015 the following improvements to the Congestion Charge will be introduced:

- ⇒ CC Autopay users will be able to pay by direct debit;
- ⇒ Blue Badge holders and other customers eligible for discounts will be able to apply for discounts online;
- ⇒ Some journeys undertaken by NHS staff and patients will now be reimbursed even if the charge is paid by Autopay'; and
- ⇒ Customers who have paid the congestion charge in advance but who can no longer travel on the pre-paid date can amend the date for a small fee of £2.50.

Some long standing features of the Congestion Charge scheme have changed or disappeared.

For instance, the option to pay the Congestion Charge in shops and petrol stations was removed from 26th July 2013 as a result of fewer people paying by this method.

The Green Vehicle discount scheme was closed to new discount registrations on 28th June 2013 and was replaced by the Ultra Low Emission discount. To qualify for this new discount, vehicles must either be electric or be cars or vans that emit 75g/km or less of CO<sub>2</sub> and meet the Euro V emission standard.

Transport for London has worked with colleagues in the Taxi and Private Hire Office (TPHO) to address one specific issue arising in private hire vehicle cases.

Where the driver of such a vehicle has changed the Vehicle Registration Mark (VRM) of their vehicle, Transport for London had previously indicated that such drivers had to contact the TPHO, in accordance with their licence, within 14 days of the date of approval of change of VRM from the DVLA.

In fact the TPHO licence states that the driver must notify the London Taxi and Private Hire Office within 14 days only if there is a change of name, address or ownership of the vehicle and there is no time limit prescribed in relation to a change of VRM. This conflict has now been rectified.



## 9. Current issues before the tribunal

This section is designed to show the range of issues faced by adjudicators on a daily basis.

After the summary an individual case study is given, with the facts drawn from an actual appeal decided in the tribunal.

These examples focus on appeals which have been refused. It should always be remembered however that many appeals are allowed.

If an adjudicator finds, on the balance of probabilities, that one of the six statutory grounds has been established (for these, see Section 10 'Useful Information') then the appeal will be allowed. In 2013/14 1,850 appeals were allowed out of a total of 7,826 appeals, meaning around 26% of all appeals were allowed.

Amongst the successful appeals were cases where appellants showed that they were not the registered keepers on the relevant day, where appellants showed that they had relied on incorrect advice being given to them by Transport for London leading them to incur a Penalty Charge Notice, or where they could show that they had been forced into the zone by a police diversion.

In addition, TfL does not contest a large number of appeals when they see the evidence produced by the appellant (1,589 such cases were not contested in 2013/14, representing 22% of all appeals).

## Multiple Statutory Declarations and costs

The Statutory Declaration procedure allows for a Charge Certificate to be cancelled on certain grounds.

Where an appellant issues multiple repeated Statutory Declarations in relation to the same case and the adjudicator considers that there is no merit in them, the adjudicator has the power to award costs against the appellant under paragraph 13 of the *Schedule to the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001*. This allows an adjudicator to award costs against a party “if he is of the opinion that that party has acted frivolously or vexatiously or that his conduct in making, pursuing or resisting an appeal was wholly unreasonable”.

This power has been used by adjudicators to award costs against appellants who have misused the Statutory Declaration scheme

Case study – An appellant submitted 4 Statutory Declarations in respect of the same case, and has had costs awarded against him. He has more than 10 other similar cases where costs are likely to be awarded should he continue to make Statutory Declarations.



## Multiple Penalty Charge Notices

An issue we reported on in last year’s annual report has still arisen in recent cases involving multiple Penalty Charge Notice cases, most notably in auto pay appeals.

It seems that Appellants have been receiving batches of Penalty Charge Notices (PCNs) for various contravention dates, but the PCNs have been posted all together ‘en-bloc’.

Appellants have complained that they have not had the opportunity to correct the matter because the first PCN was not sent out immediately after the first contravention.

Our recommendation was that Transport for London considers the totality of the penalty in such cases.

Transport for London requires that all Penalty Charge Notices should be issued within two days of the contravention and have achieved 99.8% accuracy against this target.

Difficulties may occur where the customer has not updated the DVLA, or through the representation process, where a hire company or the seller of the vehicle makes a multiple representation transferring liability and Transport for London re-issue all the Penalty Charge Notices at the same time.

**Case study** – An appellant had registered for Autopay but her debit card expired and the monthly payment was therefore not taken. She continued to use her vehicle within the zone.

She received a total of 7 Penalty Charge Notices (PCNs) in one batch, but there was a delay of over a month between the first contravention and the receipt of the PCNs, in the course of which she had gone on to commit the other 6 contraventions.

In this appeal Transport for London conceded that there had been some unfairness and reduced the amount due to reflect this.



## Appellant adding other PCNs to the appeal form

If an appellant is in receipt of multiple Penalty Charge Notices (PCNs), but is appealing them individually, he or she often refers to the other PCNs in the appeal form. An adjudicator faced with this will have to advise the appellant that they can only deal with the PCN under appeal, as Transport for London may not have gone through the process of considering the appellant's representations and issuing a Notice of Rejection.

## Fleet Auto Pay

Organisations with six or more vehicles can apply for Fleet Auto Pay. The process is still being misunderstood by some fleet operators who believed that all they needed to do was to register for an Organisation account.

That however is only half of the process, since they must then add the fleet vehicles to their Fleet Auto Pay account.

**Case study** - An appellant had opened an account with Transport for London but did not realise that this was only the first stage in the process and that he had to register the individual vehicles in his fleet for them to be covered by Auto Pay. He complained that the website did not explain this satisfactorily. As a consequence one of his vehicles accrued a large number of Penalty Charge Notices.

The adjudicator did not accept the appellant's account as a ground of appeal as the Auto Pay conditions are quite clear that a vehicle must be registered on the Fleet Auto Pay account for it to benefit under the Auto Pay scheme.



## Foreign Language Appeals

As Transport for London now has access to an international database of registered keeper details, there are a number of instances where Appellants who live outside the United Kingdom are now appealing against Penalty Charge Notices. Often these appellants do not have English as a first language and correspondence is being received in another language. We highlight in the recommendations that there is no provision for foreign language appeals in the Regulations and we have made suggestions as to how these can be approached.

**Case study** – The tribunal received an appeal where representations were made in German. The adjudicator had to use Google translate to identify whether or not it was an appeal.

The adjudicator then had to indicate to the appellant and Transport for London that they needed to arrange for translation of the documentation for the adjudicator to consider it.

## Ignorance of the congestion charge zone

Despite the congestion charge now being 10 years old, there are still a significant number of appeals where appellants put forward their ignorance of the Congestion Charge Scheme as the ground of appeal.

Such appellants generally live a good distance from London and may not have driven in London for many years.

Such a claim can only ever amount to mitigation and is not a ground on which the appeal can be allowed.

**Case study** - A man living in Essex had come down to London for the first time in 25 years. He was expecting toll booths similar to the Dartford Tunnel, or an automated number plate recognition scheme whereby he would be later billed for his use of the congestion zone. He did not pay the congestion charge.

The adjudicator accepted that he was unfamiliar with the zone, but this could only amount to mitigation and the appeal was refused.

## Low Emission Zone - previous warning letter

The Low Emission Zone covers nearly the whole of Greater London and so is a much larger area than the Congestion Zone. Transport for London has indicated that their primary purpose in enforcing the Low Emission Zone is to ensure compliance with the scheme. Transport for London will issue a warning notice to the registered keeper once only. If the vehicle is later transferred to a new registered keeper, Transport for London will not write to the new keeper.

Case study – A newly formed company operated a vehicle of over 12 tonnes weight which had been registered to a previous keeper. Transport for London had issued a warning



letter in respect of the vehicle to that earlier keeper. The new keeper appealed saying that Transport for London should have written to him as well. The adjudicator refused the appeal holding that under the scheme Transport for London was not obliged to write to every new

keeper of a vehicle.

## Payments via unofficial selling websites

There are a number of companies which offer to pay the congestion charge on behalf of customers. It is clear in many cases that the customer has paid the money over.

The question has arisen in some appeals as to the position when the third party has not actually bought the congestion charge for the customer.

Transport for London does not regard these companies as agents and has stated that it is not responsible if the third party does not for any reason pay a congestion charge correctly or at all.

Transport for London maintains its own website for a customer to pay a congestion charge and regards a payment as having been made only when it is received by them. Transport for London enforces Penalty Charge Notices where the third party has not paid the congestion charge on behalf of the customer. Transport for London has provided a guide to the misleading claims made by some of these companies on its website.

Case study - A company director from the Midlands asked his PA to arrange for the congestion charge to be paid as he was going to use his company vehicle in London all week.

His PA contacted a firm offering to pay the congestion charge for customers and paid them the money needed to pay the week's charge. The firm failed however to pay the congestion charge and Penalty Charge Notices were served on the company.

The adjudicator found that the company had indeed paid the correct money over to the firm for them to pay the congestion charge but that the firm had not done so.

The company was nevertheless liable for the Penalty Charges as their vehicle had been used within the zone without a congestion charge being purchased.

## Driving for a short time within the zone

Even if a vehicle is driven by mistake for a short time within the zone and without any intention to drive within the zone (where for instance the driver mistakes his turn or is "forced" into the zone by heavy traffic), then a congestion charge still needs to be paid as it has been used within the charging zone.

Case study – a motorist came to the Bricklayers Arms roundabout at the southern edge of the congestion charge zone. He missed his turning and was being followed closely by a van. He went into the zone for about 30 metres and then reversed and came back out onto the roundabout.

The adjudicator considered that he had used his vehicle within the zone and that his explanation could only amount to mitigation, and refused the appeal.



## Time Period 7am – 6 pm



The congestion charging zone operates between 7 am and 6 pm. Inevitably many drivers seek to use their vehicle within the zone outside of these core hours, relying on an in-car clock that may not represent the correct time.

Transport for London ('TfL') nevertheless seeks to enforce Penalty Charge Notices in these circumstances.

Case study - the appellant said that the clock in her vehicle showed 6.04 pm and in reliance on this she drove into the zone and did not pay the congestion charge.

TfL produced a photograph of the vehicle within the zone timed at 17.56 pm, and proved this timing by reference to the National Atomic clock.

The adjudicator preferred the evidence from TfL in finding that this timing was the correct one and refused the appeal.

## Renewal of residents' and blue badge discount

Holders of residents' or blue badge discounts sometimes forget that the vehicle has to be registered with Transport for London to enable the discount to operate. Adjudicators are sometimes faced with appellants who have failed to do this and have unwittingly incurred Penalty Charge Notices.

Case study – a carer for his disabled sister believed that she had renewed her blue badge. In fact she had forgotten to do this.

He drove his vehicle to take her for treatment inside the zone and received a Penalty Charge Notice. Despite the mitigating circumstances his appeal was refused.



## Pay next day

A registered keeper is able to pay for the use of the vehicle within the congestion zone up until midnight on the day after that of travel. Many appellants do not appreciate this and attempt to pay after this time.

While the website may accept their £12 charge what they in fact have paid for is the day before that of payment. Transport for London will not refund the £12 charge as they have no way of knowing if the vehicle had been used on that day.

Case study – a registered keeper travelled into the congestion zone on 24th April. He was not able to pay on the day but on the 26th April he paid for what he believed to be the 24th April. In fact he had paid a congestion charge for the 25th April.

His appeal was refused.



## Adjournments

Many appellants request that their appeal is adjourned, for instance for them to obtain more evidence or to allow them to appear at a personal hearing.

The tribunal will generally agree to an adjournment where the application has merit, but where an application appears to have no merit will often refuse it.

Case study: an appellant had applied to adjourn his appeal on four occasions. The first three applications were granted.

However, on the fourth application the adjudicator was not convinced that the adjournment request was genuine and refused it.

## 10. Useful Information

### The structure of the Road User Charging Adjudicators' Tribunal

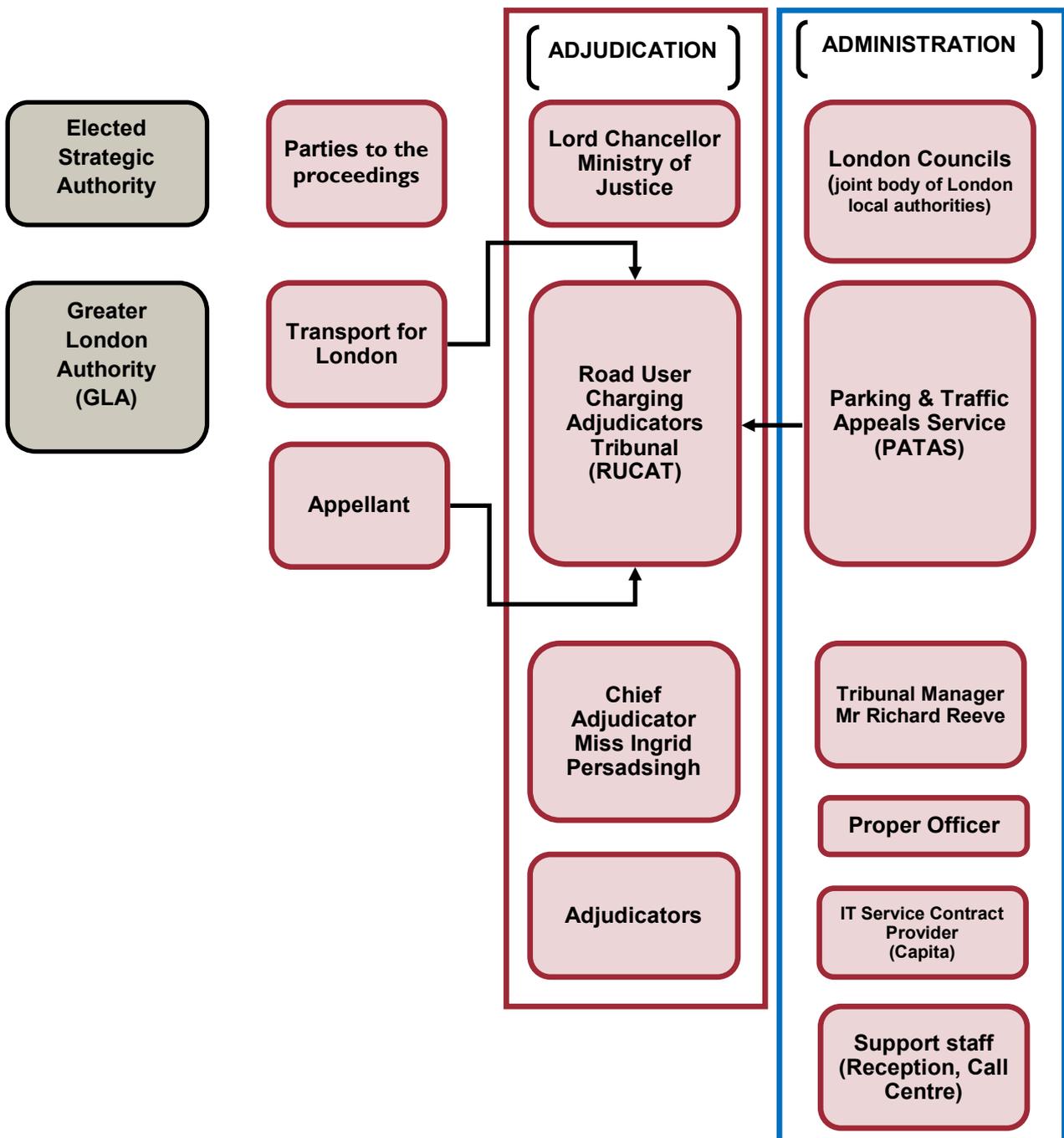
#### What is 'RUCAT'?

RUCAT is the 'Road User Charging Adjudicators Tribunal. It is an independent tribunal which decides appeals against Congestion Charge and Low Emission Zone penalties in London.

#### What is PATAS?

PATAS is the Parking and Traffic Appeals Service and provides administrative support to the Road User Charging Adjudicators. Under the Road Traffic Act 1991 and the Traffic Management Act 2004, London Councils is required to provide this service to the Parking and Traffic Adjudicators and provides the same service for the Road User Charging Adjudicators under contract to the GLA.

The following diagram explains the structure of RUCAT and PATAS:



## The appeal process

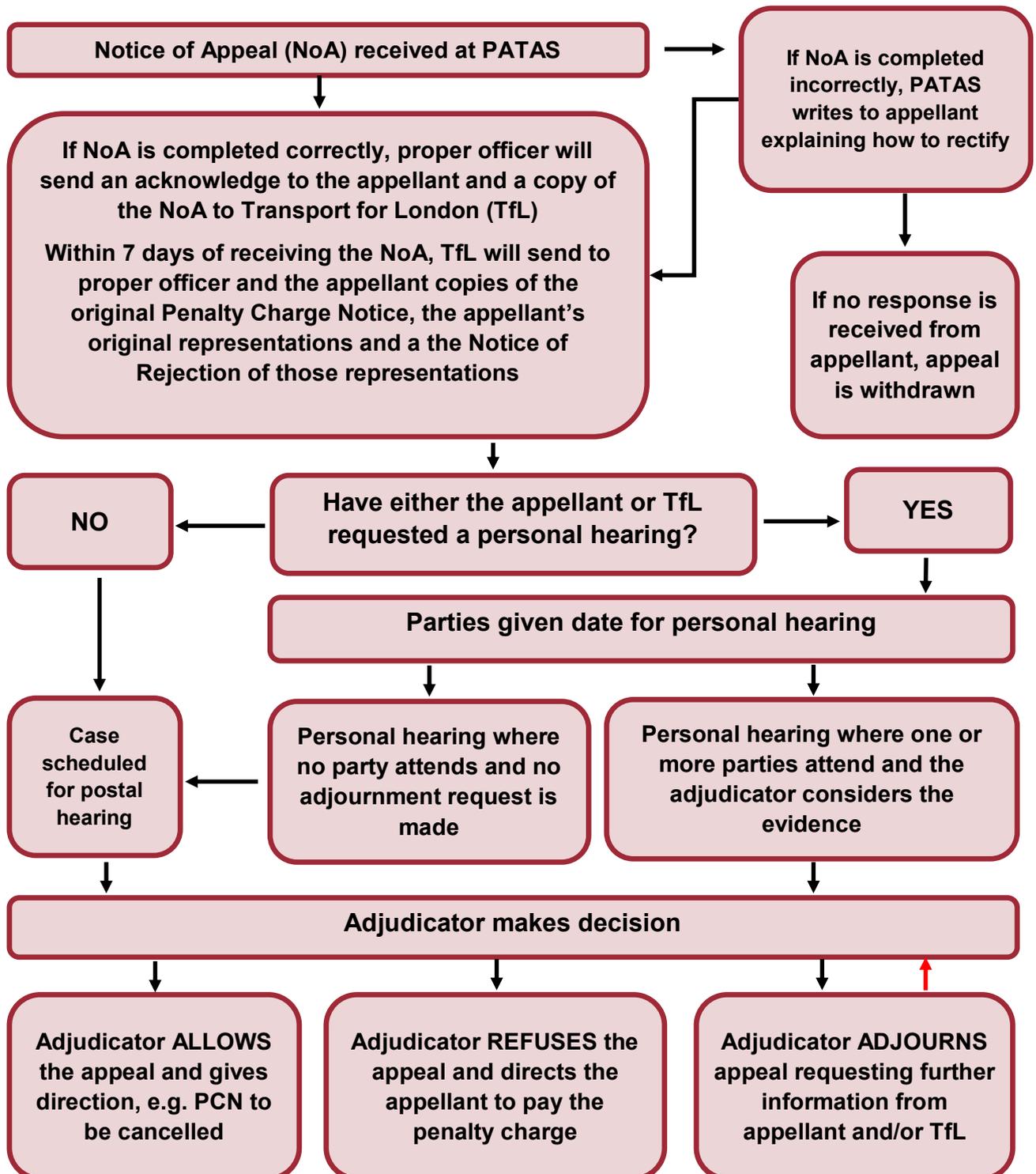
If Transport for London serves a Penalty Charge Notice arising from an alleged Congestion Charge or Low Emission Zone contravention, the registered keeper of the vehicle is entitled to contest the penalty charge by making written representations to Transport for London.

If Transport for London accepts those representations, then the PCN will be cancelled.

If Transport for London rejects the representations, the registered keeper of the vehicle may APPEAL to the Road User Charging Adjudicator.

The APPEAL is an appeal against Transport for London's decision to reject the written representations.

The following diagram explains the process of an appeal after it is received by PATAS.



## Grounds of appeal

Initially the responsibility is on Transport for London to demonstrate that a contravention has occurred.

This means that Transport for London must produce evidence to the Adjudicator to prove that:

- 1) A relevant vehicle;
- 2) was used or kept within the congestion charge area or low emission zone;
- 3) during the designated hours of a particular date; and
- 4) that the appellant is the registered keeper of the vehicle; and
- 5) that the correct payment for that vehicle for that date has not been received by Transport for London or that the vehicle was not subject to an exemption.

If Transport for London produces this evidence, the onus will shift to the appellant to satisfy the Adjudicator that, on the balance of probabilities, one or more of the six statutory grounds of appeal applies.

These grounds are:

(a) that the recipient -

(i) never was the registered keeper in relation to the vehicle in question; or

(ii) had ceased to be the person liable before the date on which the vehicle was used or kept on a road in a charging area;

or

(iii) became the person liable after that date.

(b) that the charge payable for the use or keeping of the vehicle on a road on the occasion in question was paid at the time and in the manner required by the charging scheme.

(c) that no penalty charge is payable under the charging scheme.

(d) that the vehicle had been used or kept, or permitted to be used or kept on a road by a person who was in control of the vehicle without the consent of the registered keeper.

(e) that the penalty charge exceeded the amount applicable in the circumstances of the case.

(f) that the recipient is a vehicle hire-firm and;

(i) the vehicle in question was at the material time hired from that firm under a hiring agreement; and

(ii) the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge notice imposed in relation to the vehicle during the currency of the hiring agreement.

Please note:

These grounds apply to both alleged congestion charge and low emission zone contraventions.

The Adjudicator CANNOT consider mitigating factors. This has been upheld by the High Court.

## PATAS website



The Parking and Traffic Appeals Service maintains a website ([www.patras.gov.uk](http://www.patras.gov.uk)) with the aim of providing information, guidance and assistance to anyone intending to appeal to the tribunal.

The daily lists of each day's cases before the tribunal can be viewed, as well as maps and travel advice on getting to the hearing centre.

The website offers a useful guide to each stage of the enforcement process, explaining the options available to the appellant at each stage.

The Statutory Register (see right) can also be accessed through this website.

## Statutory Register



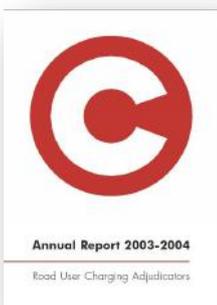
This is the official register of cases at the Road User Charging Tribunal, kept under Section 21 of the Schedule to the Road User Charging (Enforcement and Adjudication) (London) Regulations 2011.

It is a register of all appeals and the decisions made on them.

The Register can be viewed online and can be browsed for one day of appeals at a time, or a more specific search (looking, for instance, at the appellant's name) can be made.

The Register can also be examined at the hearing centre.

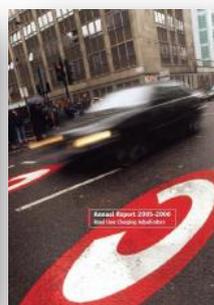
## Previous annual reports (click on image to open report)



2003-04



2004-05



2005-06



2006-07



2007-08



2008-09



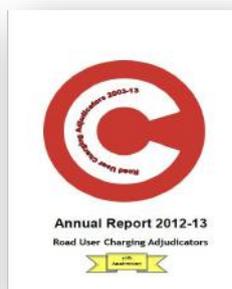
2009-10



2010-11



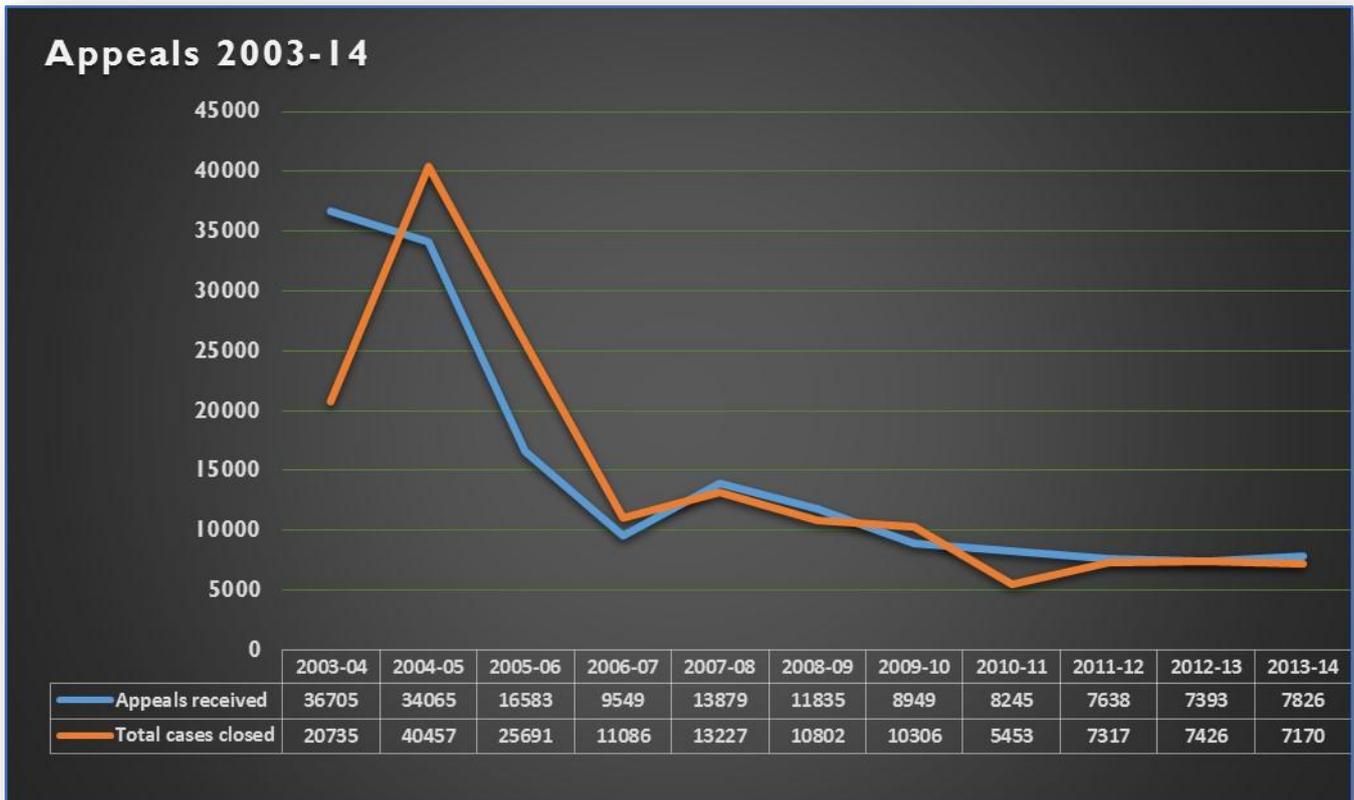
2011-12



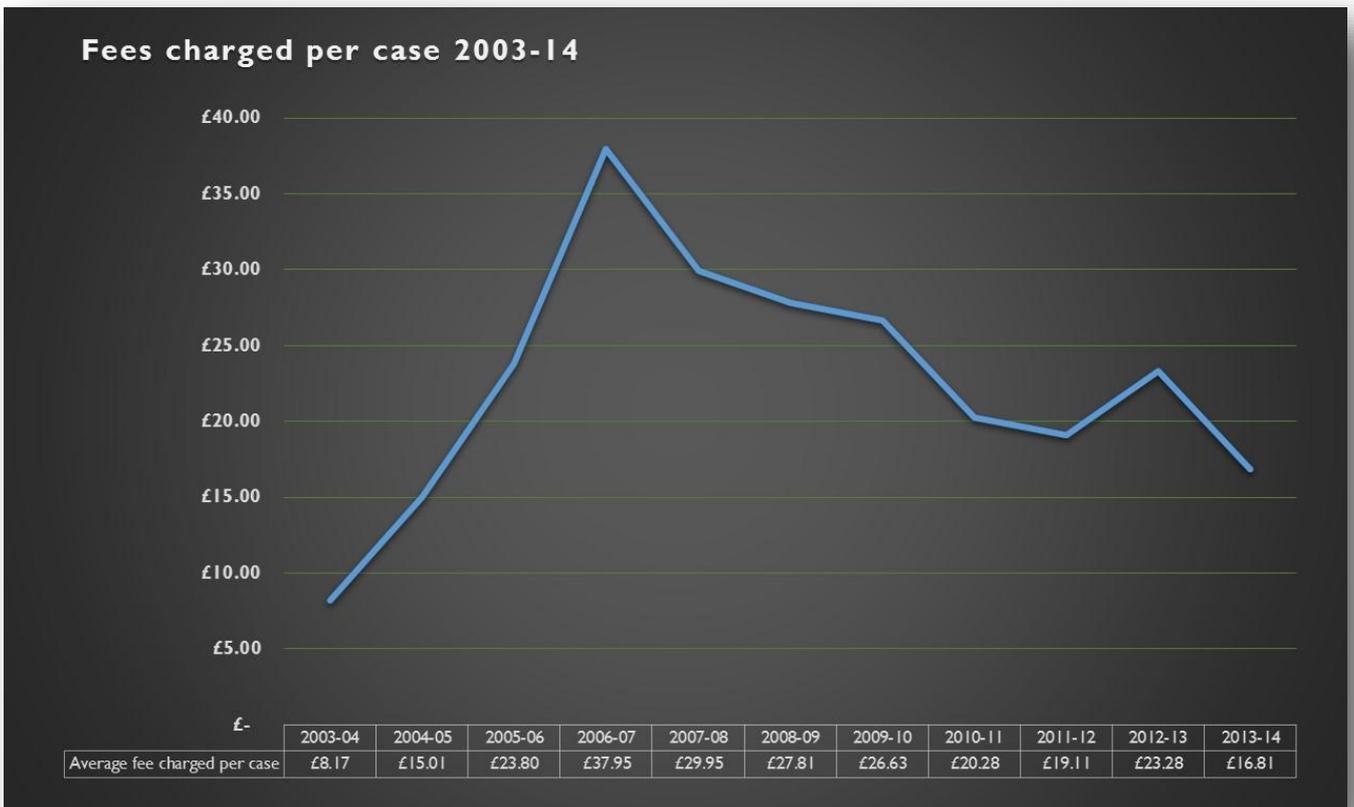
2012-13

## Appendix One—Appeals and fees charged 2003—2014

### Appeals 2003-14



### Fees charged per case 2003-14



## Appendix Two—Congestion Charging Statistics 2003 – 2014

	2003/4 Total	2004/5 Total	2005/6 Total	2006/7 Total	2007/8 Total	2008/9 Total	2009/10 Total	2010/11 Total	2011/12 Total	2012/13 Total	2013/14 Total
Appeals received	42339	34065	16583	9547	13879	11835	8949	8245	7536	7393	7826
Total cases closed	24314	40457	25115	10985	13227	10802	10345	5453	7317	7426	7170
appeals withdrawn by appellants	287	268	420	138	123	100	130	113	108	103	248
appeals not contested by TfL	13033	13160	5084	2883	5571	4854	3963	2481	1568	1313	1589
appeals refused postal**	4770	17838	13870	6179	5832	4605	5279	2236	4869	4311	3873
appeals allowed postal*	2806	5443	7121	3200	4584	4096	3302	1936	1321	1141	1195
appeals refused personal**	643	1408	1436	505	758	663	526	444	547	1174	1447
appeals allowed personal*	2116	2012	2522	1060	2034	1436	1237	837	580	797	655
closed administratively	659	328	166	41	19	2	1	0	0	3	0
appeals adjourned	1518	6085	3399	1608	836	706	636	225	407	299	92
review decisions	121	349	743	181	136	113	70	49	83	64	93
costs decisions	10	140	153	12	17	15	14	18	4	10	33
postal cases ready for adjudication at end of year	9383	7528	2004	306	340	306	38	889	568	229	351
personal hearings scheduled	5657	6989	4282	1614	1836	1453	1130	895	871	1170	1133

	2003/4 Avg	2004/5 Avg	2005/6 Avg	2006/7 Avg	2007/8 Avg	2008/9 Avg	2009/10 Avg	2010/11 Total	2011/12 Total	2012/13 Total	2013/14 Total
% withdrawn by appellants	1.20%	0.69%	1.75%	1.14%	0.93%	0.93%	1.26%	2.07%	1.48%	1.39%	3.46%
%not contested by TfL	52.65%	32.30%	20.13%	27.28%	42.12%	44.94%	38.31%	45.50%	21.43%	17.68%	22.16%
% refused postal	20.36%	44.13%	55.31%	54.95%	44.09%	42.63%	51.03%	41.00%	66.54%	58.05%	54.02%
%allowed postal	12.06%	13.55%	27.38%	30.01%	34.66%	37.92%	31.92%	35.50%	18.05%	15.36%	16.67%
%refused personal	2.57%	3.57%	5.51%	4.50%	5.73%	6.14%	5.08%	8.14%	7.48%	15.81%	20.18%
%allowed personal	8.78%	4.93%	9.65%	10.24%	15.38%	13.29%	11.96%	15.35%	7.93%	10.73%	9.14%
% closed administratively	2.37%	0.82%	0.64%	0.36%	0.14%	0.02%	0.01%	0.00%	0.00%	0.04%	0.00%
% of cases allowed	73.49%	50.78%	57.16%	40.25%	50.03%	51.21%	43.88%	50.85%	25.98%	26.10%	25.80%

	2003/4 Avg	2004/5 Avg	2005/6 Avg	2006/7 Avg	2007/8 Avg	2008/9 Avg	2009/10 Avg	2010/11 Total	2011/12 Total	2012/13 Total	2013/14 Total
average postal hearing (mins)	20.30	22.66	35.96	43.79	53.91	51.75	43.20	33.79	35.18	27.22	24.67
average personal hearing (mins)	22.99	35.15	50.72	60.13	77.86	65.96	61.72	49.98	49.95	43.98	34.08
% of cases 1st considered within 56 days	24.37%	34.88%	34.47%	49.36%	84.43%	61.81%	43.99%	58.91%	26.78%	34.32%	41.92%
average days delay***	88	212	205	80	55.5 <sup>^</sup>	n/a	n/a	n/a	n/a	n/a	n/a
% hearings within 15 mins	75.92%	84.17%	69.13%	76.42%	74.83%	76.27%	69.75%	72.00%	71.83%	83.08%	80.97%

<b>Summary of decisions by ground of appeal (allowed)</b>	2003/4 Total	2004/5 Total	2005/6 Total	2006/7 Total	2007/8 Total	2008/9 Total	2009/10 Total	2010/11 Total	2011/12 Total	2012/13 Total	2013/14 Total
appellant not registered keeper	440	995	307	131	96	59	70	30	65	23	40
charge has already been paid	1902	3014	1194	387	328	146	135	43	44	147	25
no charge is payable under the scheme	2284	2359	1472	518	487	356	317	163	162	378	245
vehicle hire firm	255	798	1026	174	71	124	43	24	29	37	11
penalty exceeded relevant amount	175	520	374	180	52	34	39	33	40	36	29
vehicle used without appellant's consent	28	42	48	56	40	30	28	11	20	4	15

<b>Summary of decisions by ground of appeal (refused)</b>	2003/4 Total	2004/5 Total	2005/6 Total	2006/7 Total	2007/8 Total	2008/9 Total	2009/10 Total	2010/11 Total	2011/12 Total	2012/13 Total	2013/14 Total
appellant not registered keeper	346	1421	405	389	409	292	232	140	243	196	206
charge has already been paid	1495	4463	2036	1148	1229	990	1045	295	660	585	548
no charge is payable under the scheme	1787	5288	3679	2354	2609	2105	2493	1051	2844	3030	2956
vehicle hire firm	1619	6840	9326	1899	1202	850	897	621	830	859	642
penalty exceeded relevant amount	415	1270	1062	1064	1163	804	987	444	793	753	645
vehicle used without appellant's consent	42	159	193	113	176	97	128	54	80	81	62

\* 2003/4 and 2004/5 figures exclude DNCs. 2005/6 figures include DNCs

\*\* 2003/4 and 2004/5 figures exclude Withdrawals. 2005/6 figures include Withdrawals

\*\*\* The way in which this figure is calculated changed in October 2006.

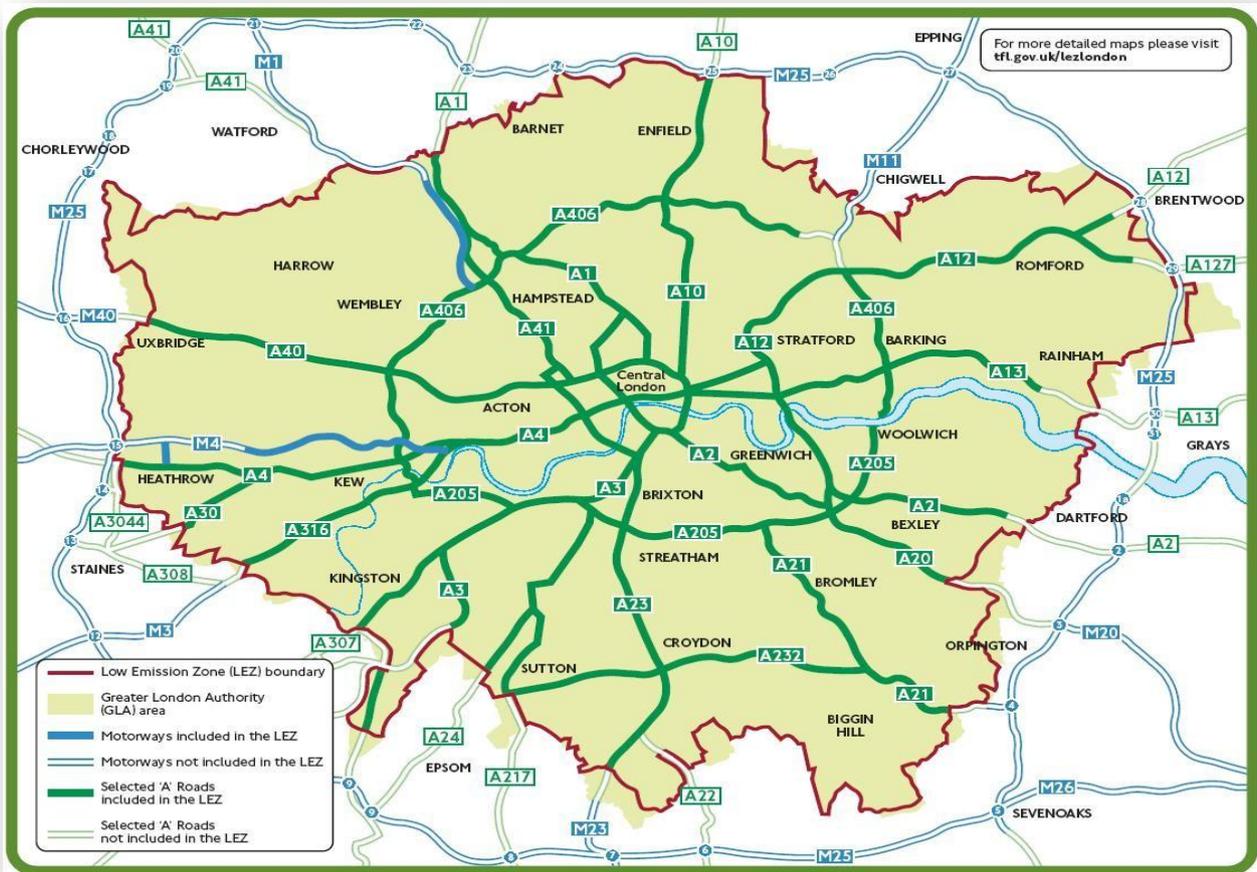
<sup>^</sup> Only recorded up until July 2007

# Appendix Three—Maps

## Central London congestion charging zone



## Low Emission Zone





**Road User Charging Adjudicators  
Parking and Traffic Appeals Service  
Upper Ground Floor  
Block 2  
Angel Square  
London  
EC1 1NY**

**Telephone: 020 7520 7200  
Fax: 01932 578493  
Minicom: 020 7520 7205  
DX: DX 155080 Chertsey 7  
Web site: [www.patas.gov.uk](http://www.patas.gov.uk)**