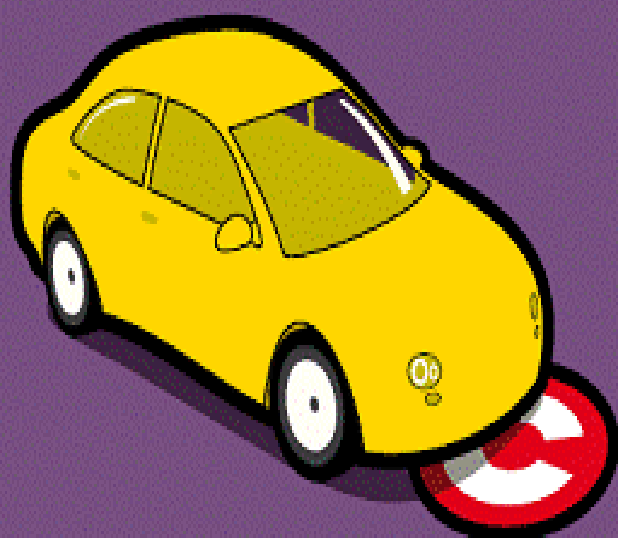


Road User Charging Adjudicators' Annual Report 2010-2011



Forget about remembering.

New Congestion Charging
Auto Pay is here.

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MAYOR OF LONDON

Transport for London



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 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 ethnic origin, gender, marital status, sexual orientation, political affiliation, religion, age or disability.
- To enhance the quality and integrity of the road user charging appeals process.



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Chief adjudicator's foreword

I am pleased to present to the Secretary of State the eighth report of the Road User Charging Adjudicators (RUCA) for the year 2010-11.

This year has seen a further decline in the number of appeals we received. Several adjudicators have accepted additional judicial appointments while others have accepted full time judicial posts. We wish them all success in their new roles and thank them for their contributions to RUCA.

This year also saw a radical shake up in the administrative staff at PATAS.

Charlotte Alexon, who had been with PATAS since its inception left in March 2011. Her role was restructured and Garry Hoy, formerly Proper Officer to RUCA is now Contracts Manager. Garry has been associated with RUCA since the beginning and the adjudicators thank him for his support for the last 9 years and wish him well in his new post.

Richard Reeve, who was Ms Axelson's deputy, takes over as the Tribunal manager of PATAS.

Also leaving us to join the offices of the London Councils was Mark Smith who for the past few years has been responsible for the technical production of the Annual Report.

A pilot scheme for remote home working has been conducted and initially appears workable and cost effective if required in the future.

The Statutory Register has been made available to the public on line and can now be accessed at www.patas.gov.uk

There has been no active training days this year as there has been no obvious need for training and the decision was taken that in the current economic climate it would not be a good use of public funds.

Finally I would like to thank all the staff at PATAS for another year where they have continued to provide an efficient service to myself and the adjudicators.

I would also like to thank all the adjudicators whose contribution has made this another successful year at the Angel.

Ingrid Persadsingh

Chief Road User Charging Adjudicator



Changes to Congestion Charge Scheme

From 4th January 2011, a number of scheme changes were implemented, following the public consultation period.

- Removal of the Western Extension
- Charge increase
- Congestion Charging Auto Pay
- Greener Vehicle Discount
- Extending the 100 per cent discount for Electric Vehicles to include Plug in Hybrid Electric Vehicles (PHEVs)
- Implementing a £10 registration and annual charge for 9+ seat 100 per cent discount

Removal of the Western Extension

The Western Extension was removed from the charging zone, and customers no longer have to pay the charge if they drive in this area. Customers who live in the Western Extension Zone are no longer eligible for the residents' discount and need to purchase the full daily charge if they wish to drive within the congestion charging zone, during charging hours.

Extensive publicity campaigns and targeted communications actively took place in advance and for a significant period after 4th January 2011. This included the reimbursement of advance charges paid by registered residents of the Western Extension Zone, as the discount value was no longer applicable.

Charge Increase

The daily congestion charge rose on 4 January to:

- £10 if paid in advance or on the day of travel
- £12 if paid by midnight the charging day after travel
- £9 if registered for Congestion Charging Auto Pay

Residents registered with TFL for the 90 per cent discount

If registered for CC Auto Pay:

- 90p daily charge

If paying by other methods:

- £5 weekly (5 consecutive charging days)
- £20 monthly (20 consecutive charging days)
- £252 annual (252 consecutive charging days)

Fleet Operators

The minimum number of vehicles a fleet can register for Fleet Auto Pay has been reduced from 10 to 6.

If registered for Fleet Auto Pay:


- £9 daily charge

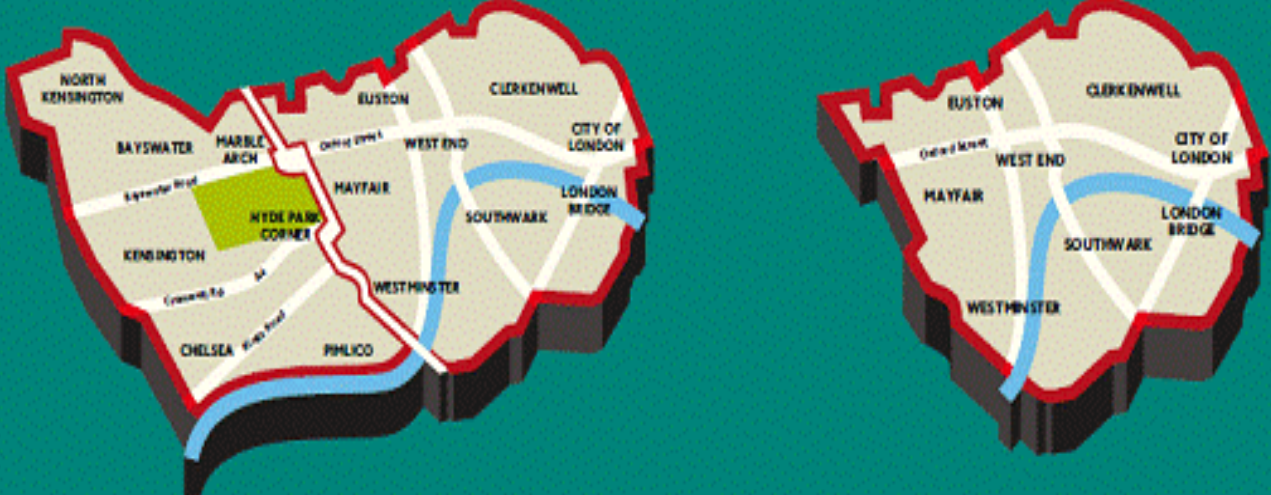
If paying by other methods:

- £10 daily charge

Removal of monthly and annual discounted charges


You can't buy discounted monthly and annual charges anymore. With CC Auto Pay, you only pay for the days that you drive within the charging zone.

The Congestion  charging zone ... is now smaller.



Visit cclondon.com

MAYOR OF LONDON

Transport for London 

Congestion Charging Auto Pay

Transport for London launched CC Auto Pay accounts on 4 January 2011, with pre-registration available from November 2010. Since then over 3.5 million payments have been processed for over 218,000 vehicles registered to the 155,000 accounts now set up for CC Auto Pay.

Congestion Charging Auto Pay is an automated payment system. TFL will automatically record the number of charging days a vehicle travels within the charging zone each month and bill the customers debit or credit card each month.

Customers may register up to five vehicles for Auto Pay.

Benefits

- Never having to remember to pay the charge again
- A reduced daily charge (£9)
- Protection from receiving Penalty Charge Notices as long as your vehicle is registered and your CC Auto Pay account is active
- Register up to five vehicles for CC Auto Pay

Customers must be over 18 to register. Once registered, they can manage their account on line and select to receive statements online or by post and can change vehicle and payment details at anytime. There is a £10.00 annual registration charge for each vehicle on the account. Motorists can register for a CC Auto Pay account at www.cclondon.com

Residents' 90 per cent discount

Customers registered for the residents' 90 per cent discount, living within the current charging area, can also register for CC Auto Pay. This means they can pay the charge daily at 90p, via the Auto pay process, rather than only weekly, monthly or annually in advance through other payment methods.



The Alternative Fuel Discount (AFD)

Customers can no longer register for the AFD discount as this closed to new applications on 24 December 2010.

Any customer who had an AFD discount in place on 24 December 2010 will continue to receive the 100 per cent discount until December 2012.

Electric and plug-in hybrid electric vehicles 100 per cent discount

Plug in electric hybrid vehicles are now eligible for the electric vehicle 100 per cent discount. Customers must register with TFL to apply for the discount and pay £10 a year per vehicle.

9+ seat 100 per cent discount

In order to receive the 100 per cent discount, owners of vehicles with nine or more seats must now make an annual £10 payment per vehicle.



Low Emission Zone 2012

Tougher Low Emission Zone standards next year

The London Low Emission Zone (LEZ) was introduced in February 2008. It is the largest environmental zone in the world and operates 24 hours a day, every day of the year, across most of the Greater London area. Its aim is to deliver improvements to air quality in London by encouraging the most individually polluting vehicles to clean up their emissions by reducing the amount of particulate matter (PM) pollution. This is the very fine particles of soot emitted from exhaust pipes.

It is known that poor air quality has a major impact on health, affecting people with asthma, chest and heart conditions with the poorest, the old, the very young and the sick suffering the most. In 2008 the GLA reported that poor air quality contributed to over 4,000 deaths in London.

While there have been great improvements, London's air quality does remain a concern, with potential fines against the Government from the EU estimated at hundreds of millions of pounds threatened further steps are needed to meet legally required air quality standards.

That is why from 3rd January 2012 the LEZ scheme is changing. The changes are limited to the 'types' of vehicles affected by the scheme and the emission standard specific types of vehicle needs to achieve. There are no changes to any other aspect of the LEZ scheme, such as its boundary and its hours of operation.

There are 2 changes, the first impacts vehicles already affected by the scheme and the second change means a new group of vehicle types become subject to the scheme. TfL have estimated that some 75,000 HGVs, buses and coaches and 72,000 larger vans and minibuses will be affected by these changes.

For vehicles already affected by the LEZ - Lorries (over 3.5 tonnes), buses and coaches (over 5 tonnes with more than 8 passenger seats), and other specialist heavy vehicles, [vehicle types N2, N3 and M3] they face tougher standards and will be required to meet a Euro IV standard for particulate matter to be able to drive within the LEZ without paying a daily charge and to avoid being issued a Penalty Charge Notice. This change was included in the original LEZ Scheme Order.

TfL outline that Lorries, buses and coaches registered as new on or after 1 October 2006 will be compliant as they already meet the LEZ standards from 2012 as EU directives required vehicle manufacturers to fit engines that achieved the Euro 4 standard for this type of vehicle from this date.

For the first time a LEZ standard will apply to larger vans and minibuses, [vehicle types M2, NI class II and III]. Larger vans (those between 1.205 - 3.5 tonnes), minibuses (under 5 tonnes with more than 8 passenger seats) and other specialist vehicles including those such as 4x4 utility vehicles will have to meet a Euro III standard for particulate matter in order to drive within the LEZ without paying a daily charge and to avoid being issued a Penalty Charge Notice.

This change was originally set out in the original LEZ Scheme Order to commence from 4 October 2010. However the Mayor recognised that meeting the LEZ requirements meant additional costs for some operators at a time of great financial uncertainty. Therefore after a public consultation exercise in 2010, the LEZ Scheme Order was varied. This meant that the introduction of the LEZ standard for vans and minibuses was delayed by fifteen months to give people more time to prepare. This delay to the introduction of the LEZ standard for vans and minibuses was aligned to the same date as the

introduction of the tighter emissions standards for Lorries (over 3.5 tonnes), buses and coaches (over 5 tonnes with more than 8 passenger seats), and other specialist heavy vehicles - the 3 January 2012.

TfL outline that vans and minibuses registered as new on or after 1 January 2002 will already meet the LEZ standards as EU directives required vehicle manufacturers to fit engines that achieved the Euro 3 standard for this type of vehicle from this date.

The Compliance options are the same for both sets of vehicles. They are

- fitting an approved filter to existing vehicles. This may be the most cost effective solution particularly for the operators of larger, heavier vehicles or anyone with a specially adapted or heavily customised vehicle.
- re-organising a fleet so that only vehicles which meet the emissions standards are used within the zone.
- replacing older vehicles with new or newer models that meet the relevant emissions standards.
- renting a compliant vehicle for short term use for very infrequent visits
- converting vehicles to run on pure gas with a spark ignition
- paying the daily charge

When choosing to fit an approved filter or new gas engine the vehicle must be inspected every year by the Vehicle Operator Services Agency (VOSA) who will then issue an annual certificate. This process confirms that the vehicle continues to meet the LEZ standards. VOSA pass the test result information to TfL automatically to update their database. It should be noted it is important to fit only an approved filter, otherwise VOSA will not be able to test the vehicle and issue the certificate.

TfL have engaged in a public information programme to try to get everyone to take action to make sure their vehicles meet LEZ standards. TfL have indicated that compliance with the scheme is preferred rather than pay a daily charge as this actually contributes to air quality improvement in London.

For any vehicle that does not meet the LEZ standards, a LEZ daily charge can be purchased for each day of travel in the LEZ. The amount depends upon the type of vehicle. This can be paid up to midnight of the next working day. A charging day runs from midnight to midnight.

For lorries, buses and coaches the charge is £200 per day, with a penalty of £1000 per day (reduced to £500 if paid within 14 days) if the charge is not paid.

For larger vans, minibuses and other specialist light vehicles, the charge is £100 per day, with a penalty charge of £500 per day (reduced to £250 if paid within 14 days) if the charge is not paid.

For more information on the LEZ, to check if a vehicle is affected, and to find out more about the available compliance options visit the LEZ website www.tfl.gov.uk/lezlondon or contact TfL on 0845 607 0009.

Recommendations

On the 25th October 2007 Transport for London (TfL) announced that IBM would be taking over responsibility for the operation of the Congestion Charging and Low Emission Zone schemes from November 2009, including the technology that would underpin payments and all customer contact channels.

Unfortunately, since this change in service provider, there have been questions by the Adjudicators regarding the quality of the printed images that has come before this tribunal from TfL. This is due to the ongoing development of the electronic interface. The content of the evidence itself cannot be questioned, and it is clear that staff are working to the same high standard that they have always done. However, the high definition of text and images experienced through the electronic submission of TfLs evidence has not yet been matched by IBM, who have had to send evidence to the tribunal by more traditional postal means since they took over.

It is our recommendation that all parties take steps to ensure that the electronic provision of evidence is developed and reinstated as soon as possible, with a view to returning to their previous high standards of evidence submission.

THE ROAD USER CHARGING ADJUDICATORS

at 1 April 2011

Mercy Akman
Jane Anderson
Ian Coutts
Gordon Cropper
Jane Cryer
Leslie Cuthbert
Fiona Dickie
Joanna Dickens
George Dodd
Anthony Edie
Gillian Ekins
Anthony Engel
Andrew Harman
Angela Black Hedegard
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
Fiona Ryans
Timothy Smith
Alison Spicer
Jan Verman
Anwen Walker
Christopher Woolley

Useful information

The structure of the Road User Charging Adjudicators' Tribunal

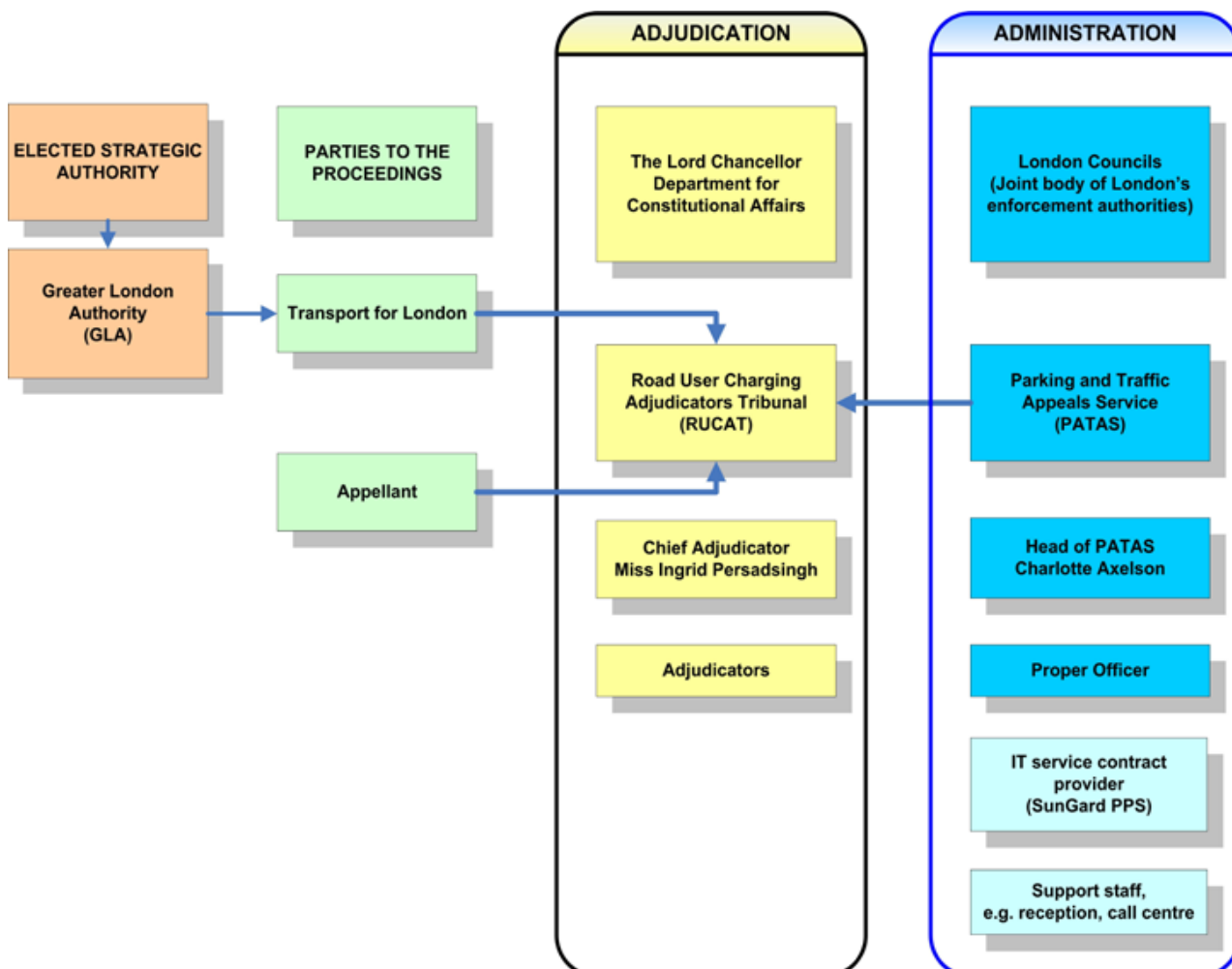
What is 'RUCAT'?

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

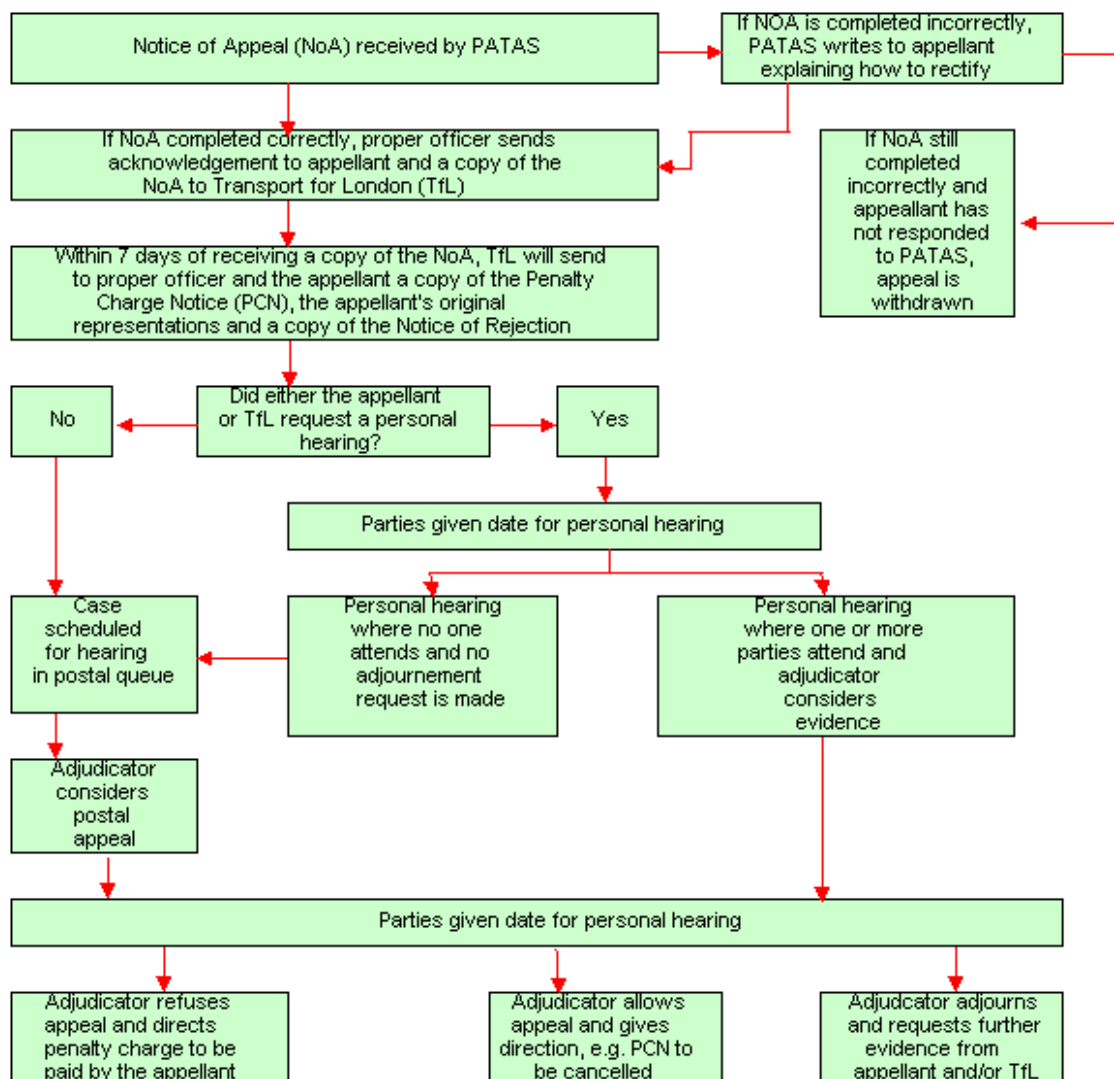
If Transport for London serves a Penalty Charge Notice arising from an alleged Congestion Charge or Low Emission Zone contravention, the registered keeper of the vehicle is entitled to contest the penalty charge by making written representations to Transport for London.

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 produce 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:

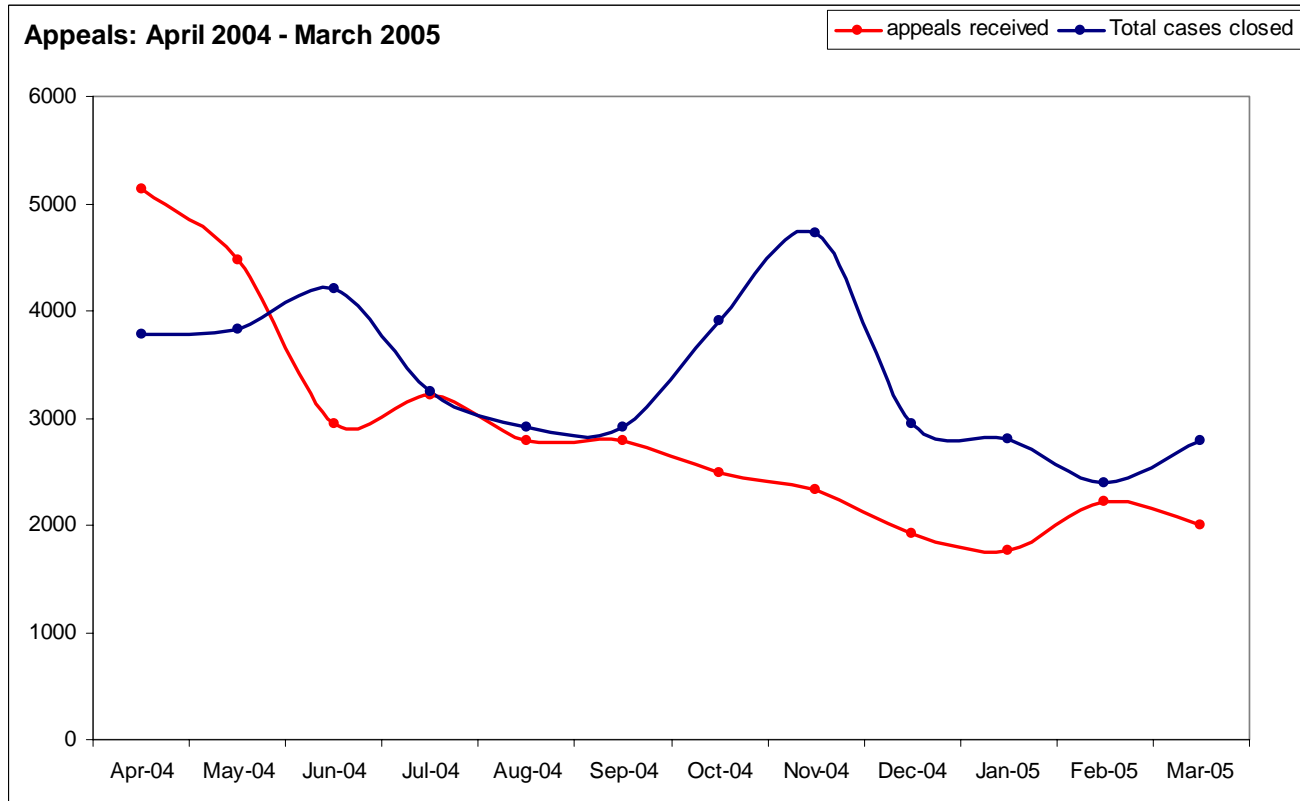
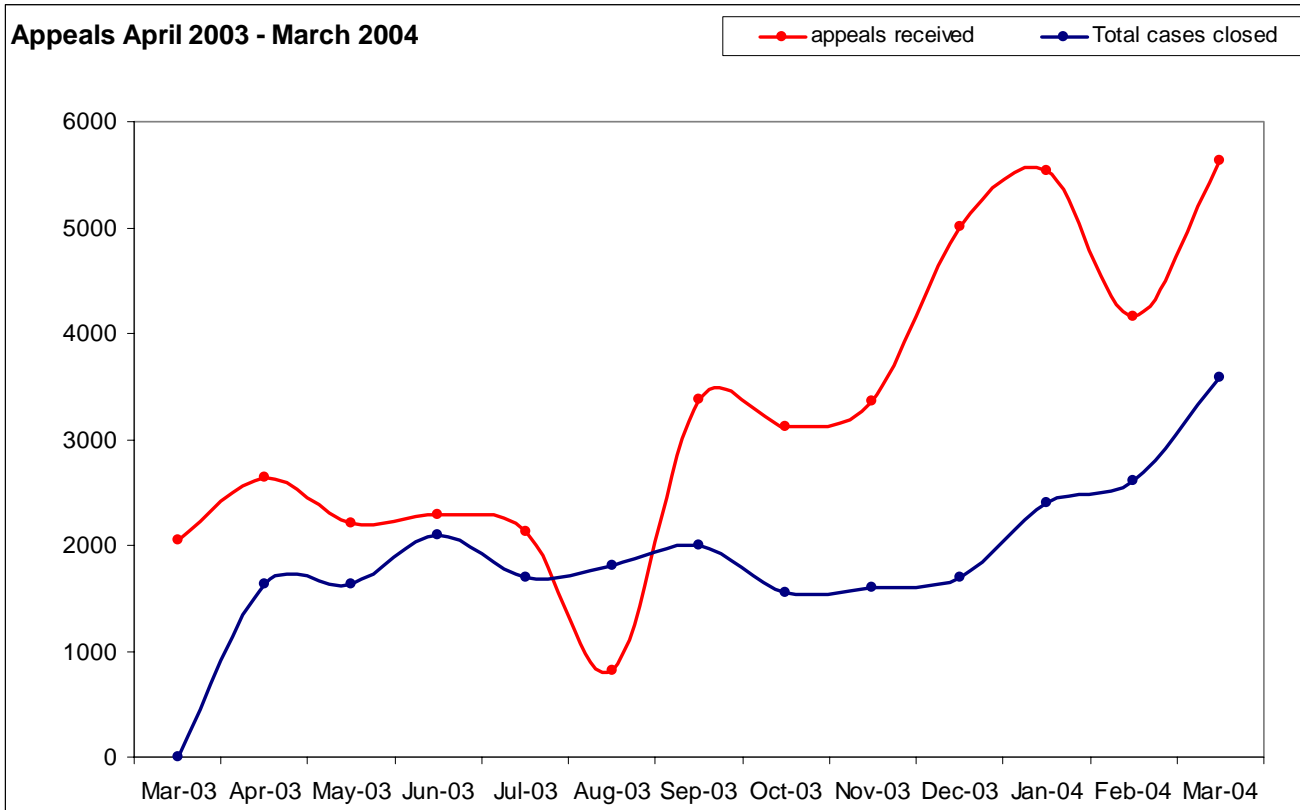
- (a) that the recipient -
 - (i) never was the registered keeper in relation to the vehicle in question; or
 - (ii) had ceased to be the person liable before the date on which the vehicle was used or kept on a road in a charging area; or
 - (iii) became the person liable after that date.
- (b) that 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 Court of Appeal.

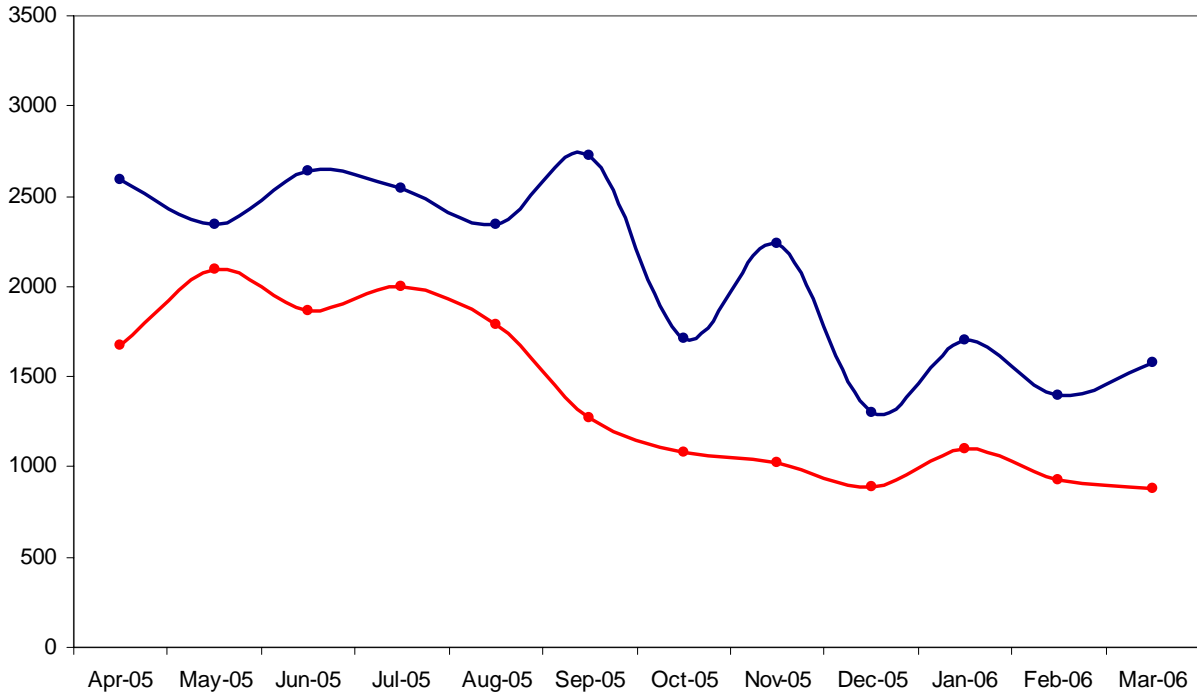
ANNEX ONE

Appeals April 2003 - March 2010



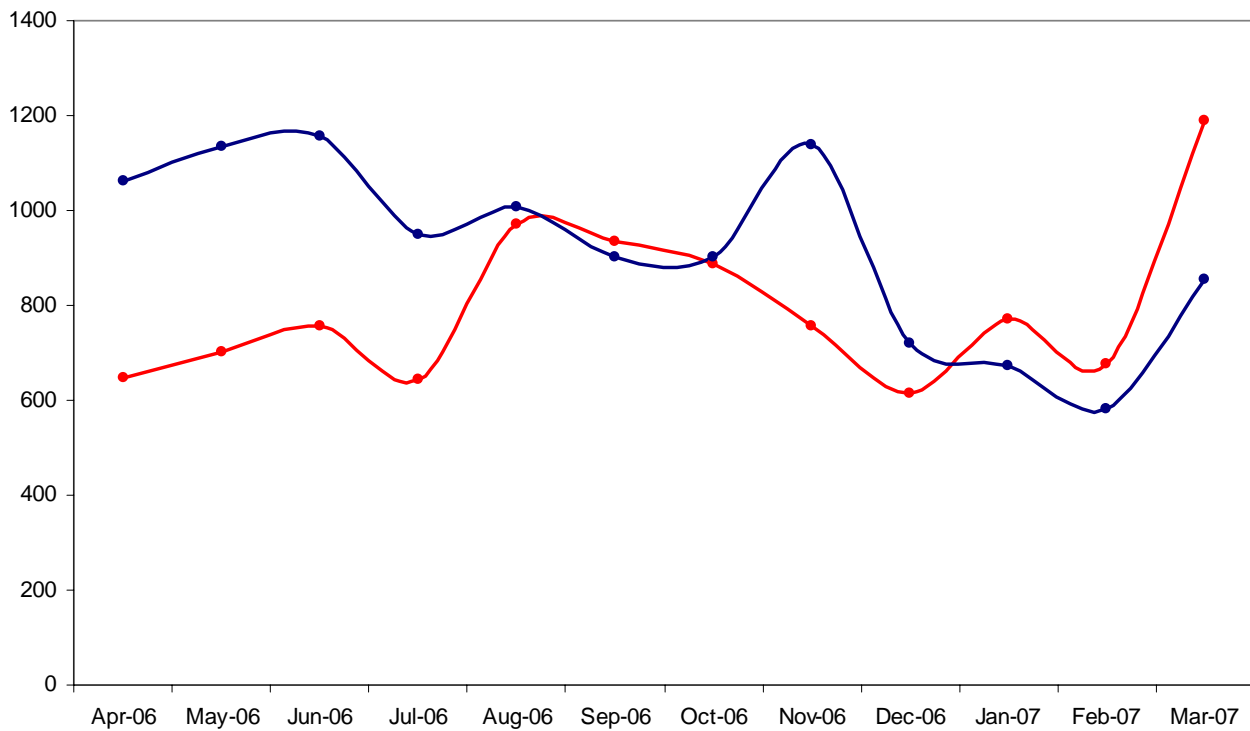
Appeals: April 2005 - March 2006

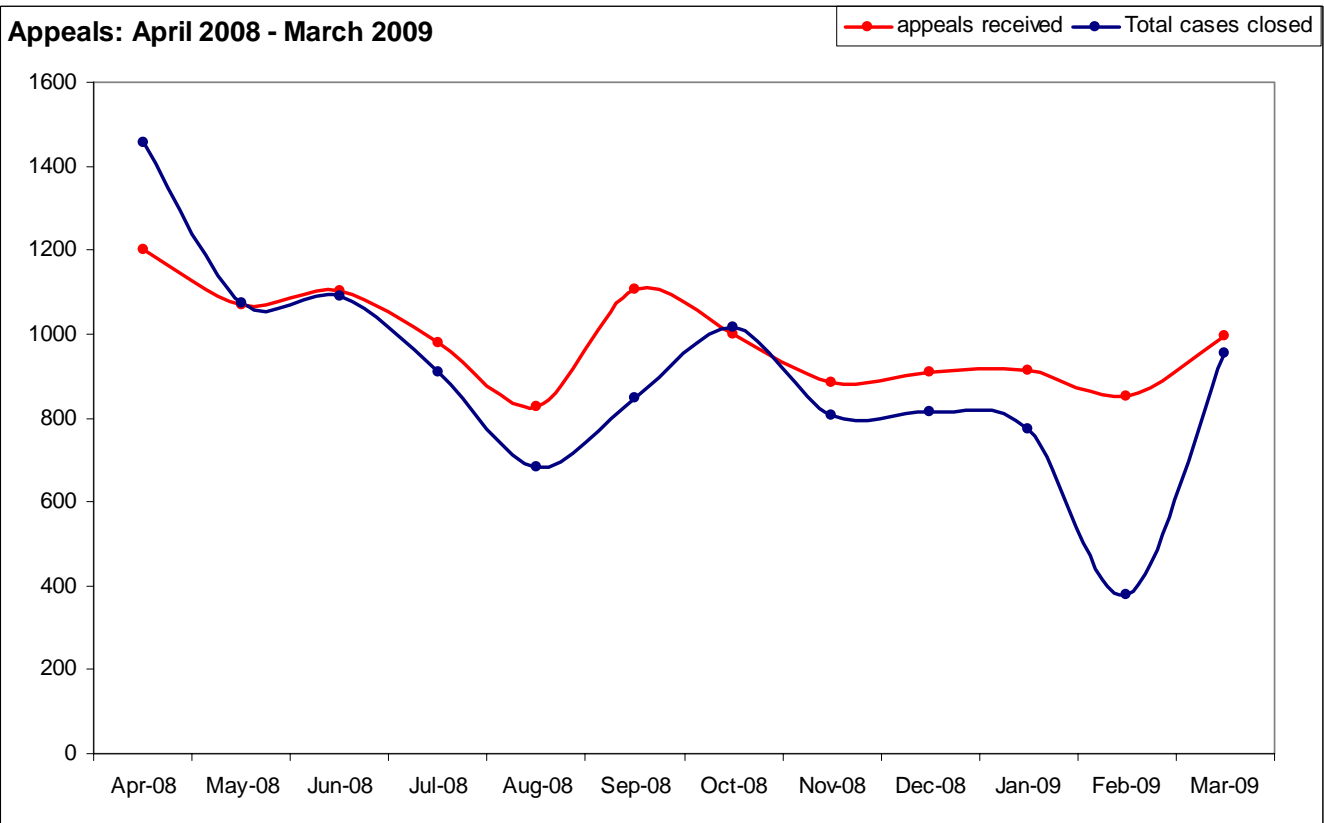
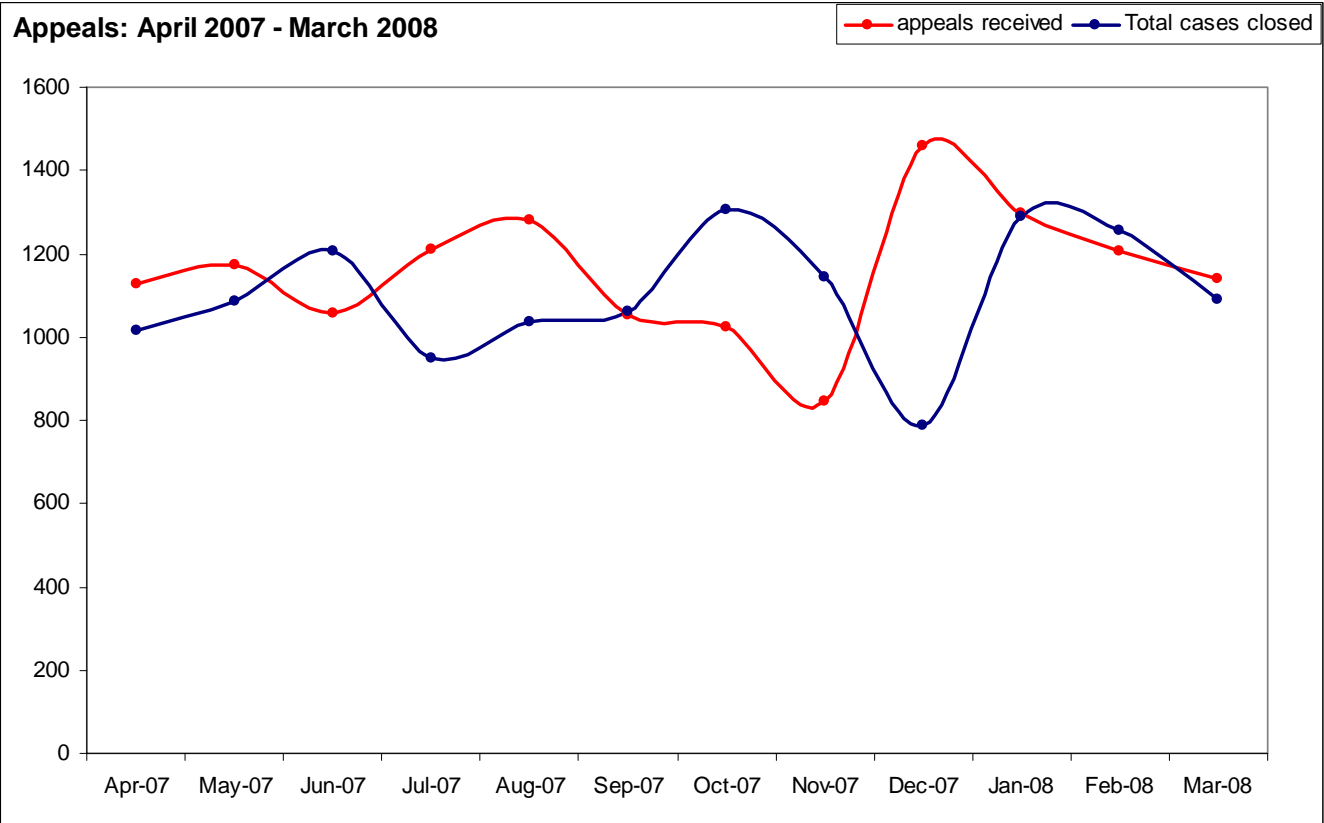
—●— appeals received —●— Total cases closed

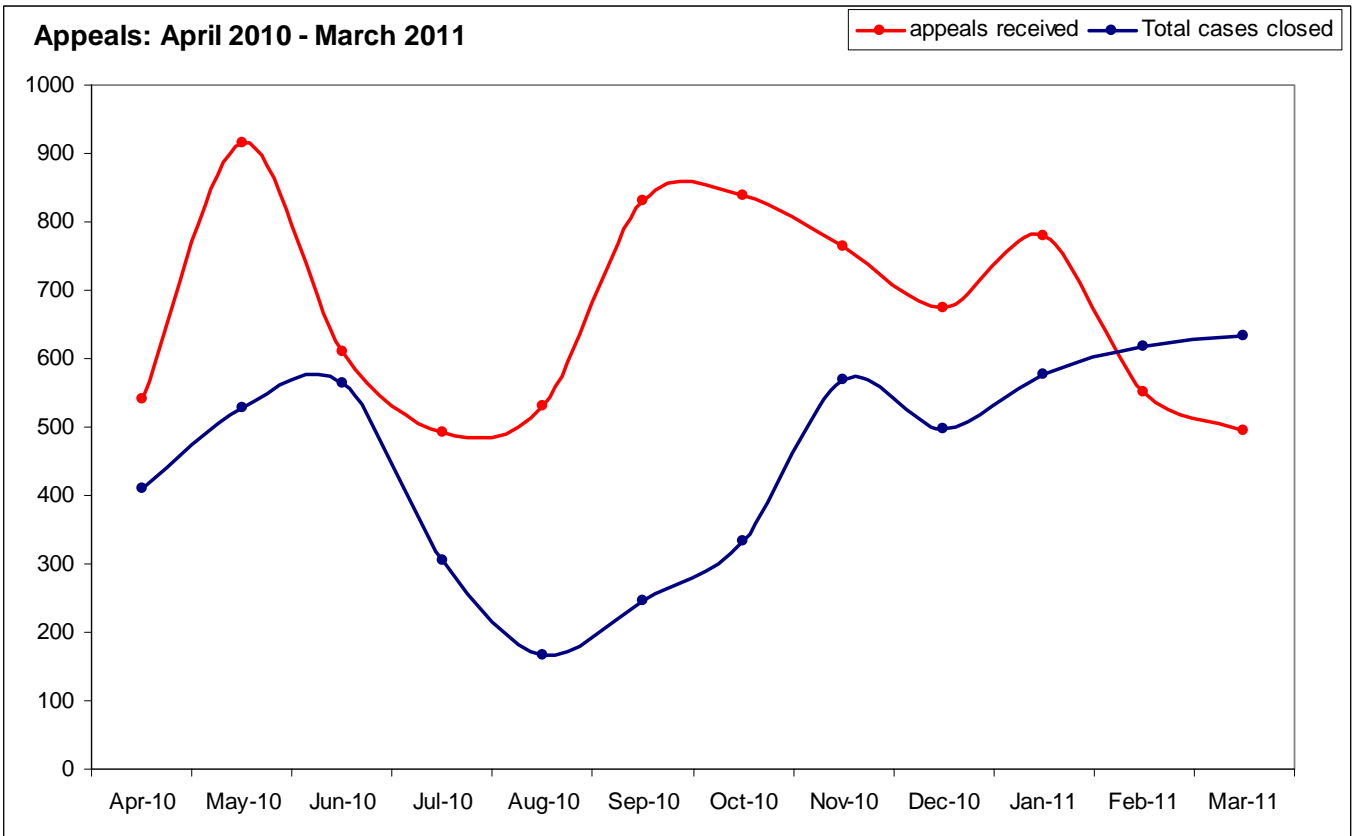
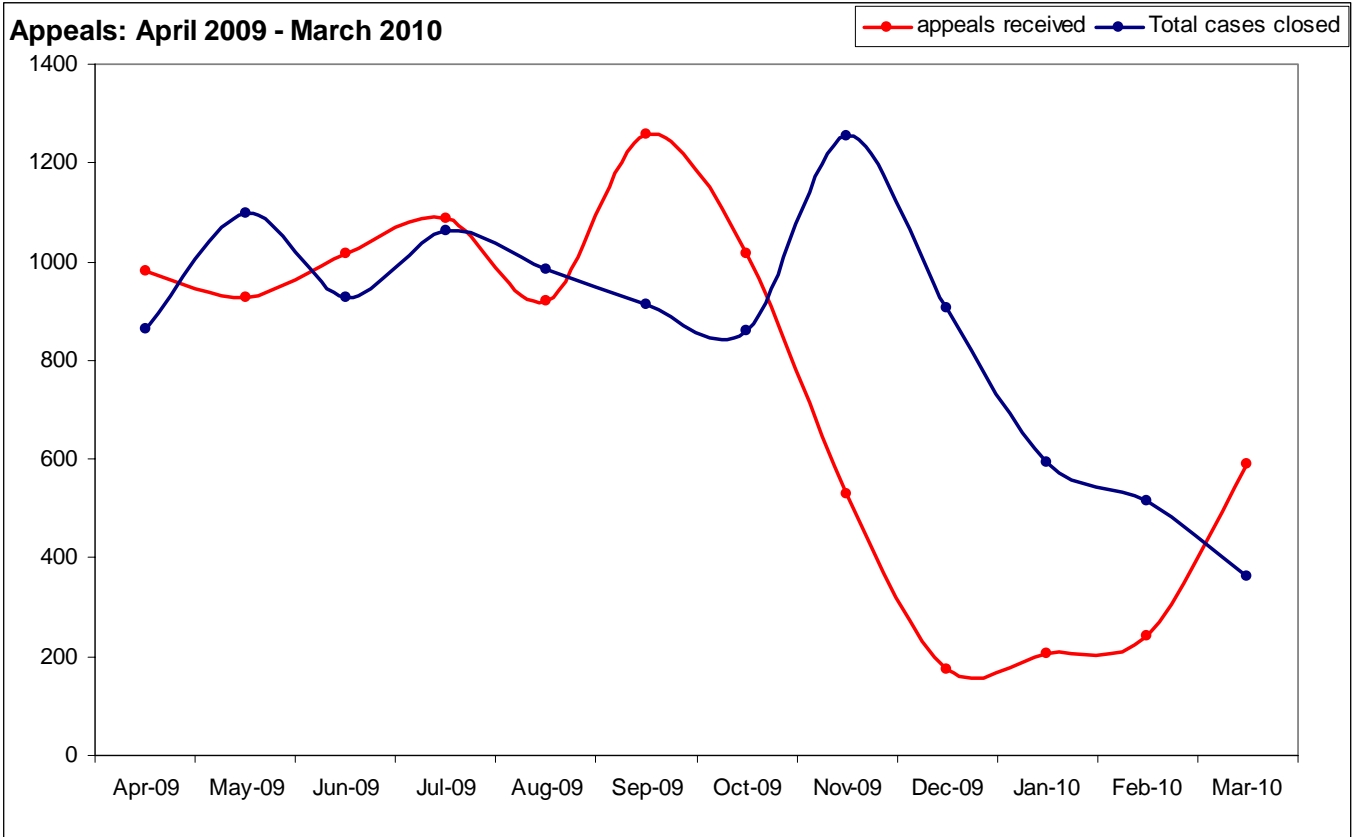


Appeals: April 2006 - March 2007

—●— appeals received —●— Total cases closed







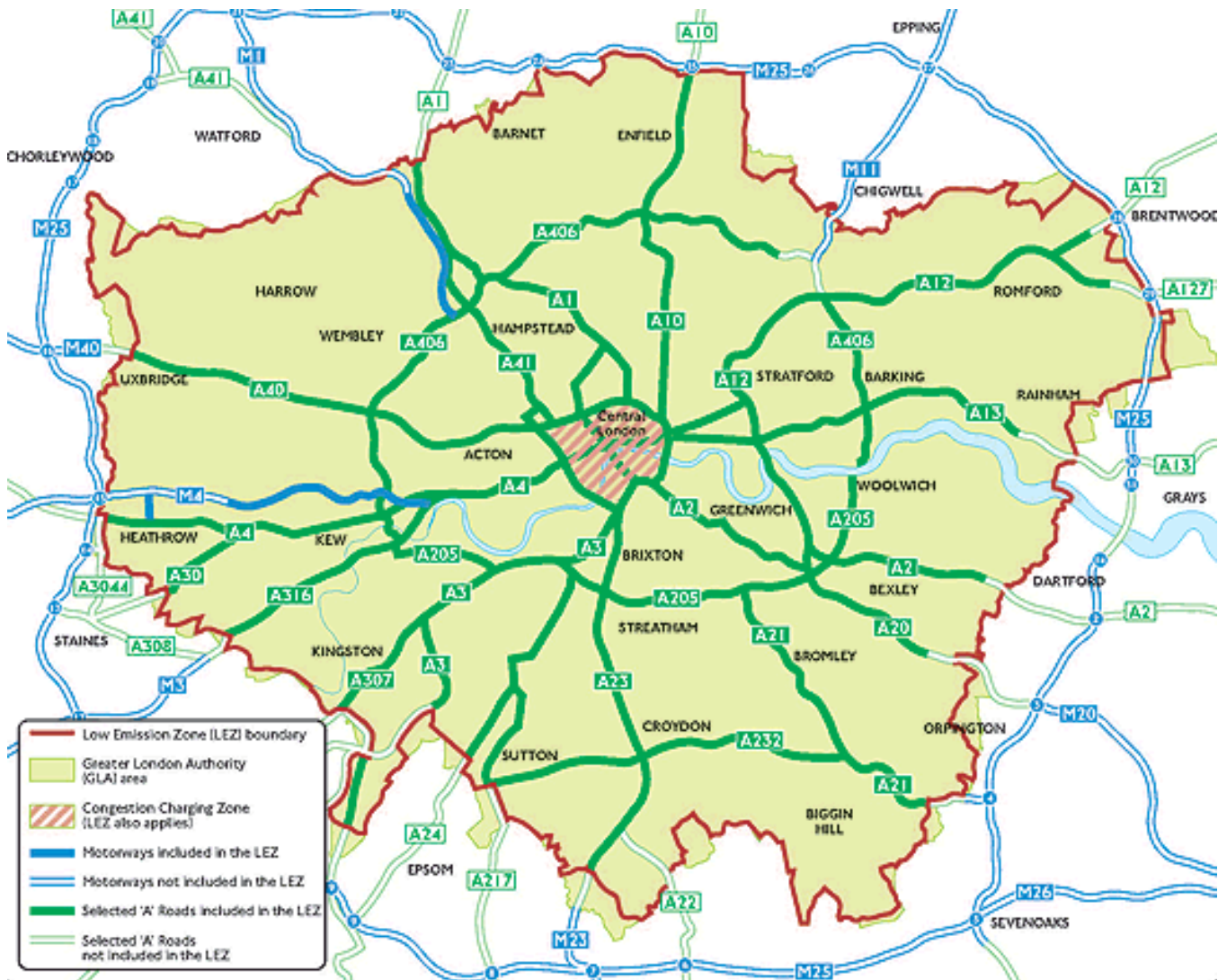
ANNEX TWO

Congestion Charging Appeals April 2003 – March 2011

	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11
Appeals received	16583	9547	13879	11835	8949	8024
Total cases closed	25115	10985	13227	10802	10345	5453
Appeals withdrawn by appellants	420	138	123	100	130	113
Appeals not contested by TfL	5084	2883	5571	4854	3963	2481
Appeals refused postal	13870	6179	5832	4605	5279	2236
Appeals allowed postal	7121	3200	4584	4096	3302	1936
Appeals refused personal	1436	505	758	663	526	444
Appeals allowed personal	2522	1060	2034	1436	1237	837
Closed administratively	166	41	19	2	1	0
Appeals adjourned	3399	1608	836	706	636	225
Review decisions	743	181	136	113	1643	49
Costs decisions	153	12	17	15	347	18
Postal cases ready for adjudication at end of year	2004	306	340	306	38	889
Personal hearings scheduled	4282	1614	1836	1453	1130	895
% withdrawn by appellants	1.75%	1.14%	0.93%	0.93%	1.26%	2.07%
%not contested by TfL	20.13%	27.28%	42.12%	44.94%	38.31%	45.50%
% refused postal	55.31%	54.95%	44.09%	42.63%	51.03%	41.00%
%allowed postal	27.38%	30.01%	34.66%	37.92%	31.92%	35.50%
%refused personal	5.51%	4.50%	5.73%	6.14%	5.08%	8.14%
%allowed personal	9.65%	10.24%	15.38%	13.29%	11.96%	15.35%
% closed administratively	0.64%	0.36%	0.14%	0.02%	0.01%	0.00%
% of cases allowed	57.16%	40.25%	50.03%	51.21%	43.88%	50.85%
Average postal hearing (mins)	35.96	43.79	53.91	51.75	43.2	33.79
Average personal hearing (mins)	50.72	60.13	77.86	65.96	61.72	49.98
% of cases 1st considered within 56 days	34.47%	49.36%	84.43%	61.81%	43.99%	58.91%
Average days delay	205	80	55.5*	n/a	n/a	n/a
% hearings within 15 mins	69.13%	76.42%	74.83%	76.27%	69.75%	72%
summary of decisions by ground of appeal (allowed)	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11
Appellant not registered keeper	307	131	96	59	70	30
Charge has already been paid	1194	387	328	146	135	43
No charge is payable under the scheme	1472	518	487	356	317	163
Vehicle hire firm	1026	174	71	124	43	24
Penalty exceeded relevant amount	374	180	52	34	39	33
Vehicle used without appellant's consent	48	56	40	30	28	11
summary of decisions by ground of appeal (refused)	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11
Appellant not registered keeper	405	389	409	292	232	140
Charge has already been paid	2036	1148	1229	990	1045	295
No charge is payable under the scheme	3679	2354	2609	2105	2493	1051
Vehicle hire firm	9326	1899	1202	850	897	621
Penalty exceeded relevant amount	1062	1064	1163	804	987	444
Vehicle used without appellant's consent	193	113	176	97	128	54

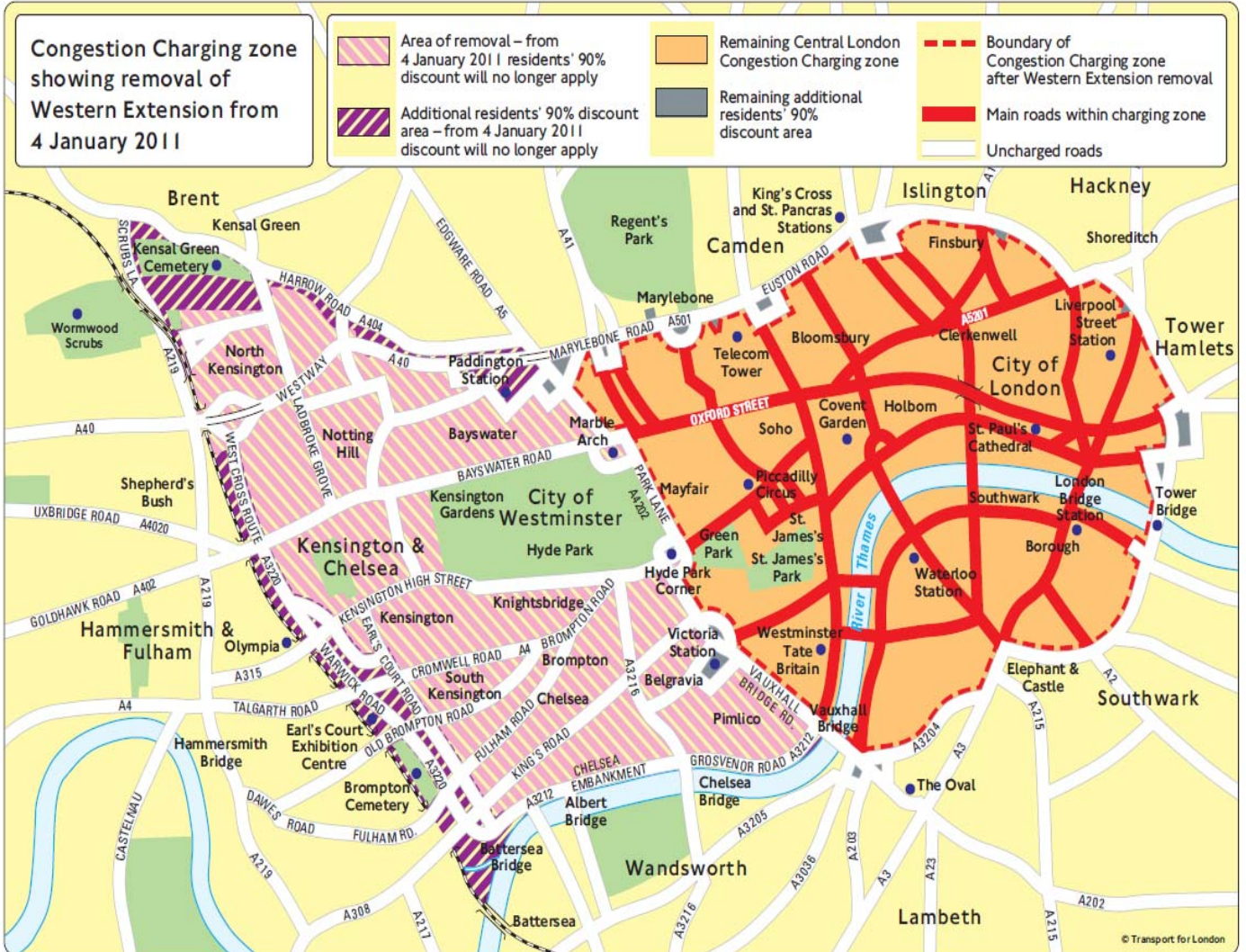
ANNEX THREE

Low Emission Zone



ANNEX THREE

Congestion Charging Area



Annual Report 2010-11

Road User Charging Adjudicators

**Parking and Traffic Appeals Service
Upper Ground Floor
Block 2
Angel Square
London
EC1V 1NY**

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Minicom: 020 7520 7205
DX: DX 155080 Chertsey 7
Website: www.patas.gov.uk**